



Woollahra Local Planning Panel (Public Meeting)

Thursday 18 April 2024
1.00pm

Agenda

Woollahra Local Planning Panel (Public Meetings):

Woollahra Council will be holding Woollahra Local Planning Panel (WLPP) meetings remotely using conferencing technology. The Chair of the panel, members of the Panel and staff will be participating in meetings in person and members of the public may attend via audio-visual link.

In response to the Directive issued by the Minister for Planning & Public Spaces on 30 June 2020, the Woollahra Local Planning Panel was required to change the way applications are considered from 1 August 2020.

In this regard, the applications listed on this Agenda will be considered at a public meeting by the Panel.

Members of the public are invited to listen to Public meetings using conferencing technology. Public participation by phone will be managed in accordance with meeting procedures.

Instructions on how to join the meeting will be forwarded to person who have pre-registered to listen or make a submission to the panel.

This information will be forwarded on the day of the meeting via email.

Late correspondence may be submitted for consideration by the Panel. All late correspondence must be received by **12 noon on the day before the meeting**. Late correspondence is to be emailed to records@woollahra.nsw.gov.au

The Woollahra Local Planning Panel (Public Agenda), including the assessment report on the development application, will be publically available on Council's website six (6) days prior to the meeting at: www.woollahra.nsw.gov.au/council/meetings_and_committees/agendas_and_minutes

Minutes of the Woollahra Local Planning Panel (Electronic Meeting) will be posted to Council's website once finalised.

If you are experiencing any issues in joining the meeting please call Council's Governance department on (02) 9391 7001.

A audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

Outline of Meeting Protocol & Procedure (COVID-19):

- The Chair will call the Meeting to order and ask the Panel/Staff to present apologies and/or late correspondence.
- The Chair will commence the Order of Business as shown in the Index to the Agenda.
- To listen to the meeting, please register by sending your name, phone number, email address and item you are interested in to records@woollahra.nsw.gov.au by **12 noon on the day before the meeting**.
- To register to speak at the meeting, you should register using the appropriate 'Register to address the Panel Application Form' as available on Council's website at: www.woollahra.nsw.gov.au by **12 noon on the day before the meeting**.
- Members of the Public who have pre-registered to listen or speak at a meeting will be sent an email with the audio-visual link prior to the meeting. Please **do not** share the audio-visual link with any third party/ies.
- Members of the Public who have pre-registered to speak will be allowed three (3) minutes in which to address the Panel, one (1) warning bell will be rung at the conclusion of two (2) minutes and two (2) warning bells rung at the conclusion of three (3) minutes. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (e.g. applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allocated three (3) minutes, the speaker takes no further part in the debate unless specifically called to do so by the Chair.
- If there is more than one (1) person wishing to address the Panel from the same side of the debate, the Chair will request that where possible a spokesperson be nominated to represent the parties.
- After considering any submissions the Panel will debate the matter (if necessary) in closed session, and arrive at a resolution.
- Minutes of the Woollahra Local Planning Panel (Public Meeting) will be posted to Council's website once finalised.

Disclaimer:

By speaking at the Woollahra Local Planning Panel (WLPP) Meeting members of the public consent to their voice and personal information (including name and address) being recorded and publicly available on Council's website. Accordingly, please ensure your address to Council is respectful and that you use appropriate language and refrain from making any defamatory statements or discriminatory comments.

Woollahra Council does not accept any liability for statements, comments or actions taken by individuals during a Council meeting.

Any part of the meeting that is held in closed session will not be recorded.

People connecting to this meeting by conferencing technology are reminded that under the *Local Government Act 1993*, the recording of meetings by a member of the public using any electronic recording device including a mobile phone or video camera is not permitted. Any person found recording without the permission of Council may be expelled from the meeting.

The recording of each meeting will be retained on Council's website for a minimum period of 6 months. After that period has passed, recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

For further information please visit www.woollahra.nsw.gov.au

Woollahra Local Planning Panel Membership:

1 Chair, 2 Experts and 1 Community Representative

Quorum:

3 Panel members

Woollahra Municipal Council

Notice of Meeting

10 April 2024

To: Woollahra Local Planning Panel Members
Chair
Experts
Community Representative

Dear Panel Members,

Woollahra Local Planning Panel (Public Meeting) – 18 April 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Woollahra Local Planning Panel (Public Meeting)** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Thursday 18 April 2024 at 1.00pm.**

Members of the Public may:

- Register to address the meeting by **no later than 12 noon on the day before the meeting** using the following Register to Speak Form
https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/woollahra_local_planning_panel_wlpp/wlpp_register_to_speak.
- Submit late correspondence for consideration by the Panel by emailing records@woollahra.nsw.gov.au by **no later than 12 noon on the day before the meeting.**

Watch and listen to the meeting live via Council's website **from 1.00pm on the day of the meeting:**

https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/woollahra_local_planning_panel_wlpp/wlpp_agendas_audio_recordings_and_minutes

An audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

If you have any difficulties accessing the meeting please contact (02) 9391 7001.

Regards,

Craig Swift-McNair
General Manager

Woollahra Local Planning Panel (Public Meeting)

Agenda

| Item | Subject | Page |
|------|--|------|
| 1 | Opening | |
| 2 | Acknowledgement of Country (Gadigal People and Birrabirragal People) | |
| 3 | Leave of Absence and Apologies | |
| 4 | Disclosures of Interest | |

Items to be Decided by the Panel

| | |
|----|--|
| D1 | Planning Proposal to list two school buildings in Rose Bay - 24/463286 |
| D2 | DA2023/372/1 - 365 Edgecliff Road EDGECLIFF - 24/61032277 *See Recommendation Page 327 |

| | |
|---------------------------------------|--|
| Item No: | D1 |
| Subject: | PLANNING PROPOSAL TO LIST TWO SCHOOL BUILDINGS IN ROSE BAY |
| Authors: | Eleanor Banaag, Senior Strategic Heritage Officer Kristy Wellfare, Team Leader Heritage |
| Approver: | Anne White, Manager Strategic Planning & Place |
| File No: | 24/46328 |
| Purpose of the Report: | To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal to list one building in Rose Bay Public School and one building in McAuley Catholic Primary School in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014. |
| Alignment to Delivery Program: | Strategy 4.2: Conserving our rich and diverse heritage. |

ADVICE TO COUNCIL:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to list the following two local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014:

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

Executive Summary:

This report seeks the advice of the Woollahra Local Planning Panel (Woollahra LPP) regarding the proposed local heritage listing of the following two items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014):

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

Following a Heritage Study of the school grounds, the two individual school buildings (one at each school) were found to have local heritage significance. Heritage listing will allow for the recognition and protection of this significance. We recommend that the Woollahra LPP provides advice to Council to proceed with the planning proposal at **Attachment 1**.

Discussion:

Reason for report to the Woollahra Local Planning Panel

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

- *A Council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:*
 - a) *the correction of an obvious error in a local environmental plan*
 - b) *matters that are of a consequential, transitional, machinery or other minor nature, or*
 - c) *matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*
- *When a planning proposal is referred to the panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed*
- *A proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 (the EP&A Act).*

In this case, the planning proposal is required to be referred to the Woollahra LPP because the General Manager has not made a determination in regard to items 1 (a), (b) or (c), above.

Reason for the Planning Proposal

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

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

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

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

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

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

Old School Hall, Rose Bay Public School, Albemarle Ave, Rose Bay

Rose Bay Public School was established in July 1891 and moved to its current site in the early 1900s, whereupon the old school building, currently existing on site, was built.

McAuley Catholic School and outbuildings, 8 Carlisle Street, Rose Bay

This is formerly the site of the Christian Brothers College, Rose Bay, which was established in 1935. The college was closed down in 1966 and the site is now used as a Catholic primary school by McAuley Catholic Primary School (previously McAuley Preparatory School).

Draft Heritage Study, Artefact Heritage

In June 2023, Council staff commissioned consultants *Artefact Heritage* to investigate the heritage significance of the Rose Bay Public School and McAuley Catholic Primary Schools as part of the *Rose Bay Public School and McAuley Catholic Primary School Heritage Assessments* (the Draft Study). The Draft Study is provided at **Attachment 2**, and heritage inventory sheets for each school provided at **Attachment 3**.

The purpose of the Draft Study was to provide information regarding the historic values of each site, and identify if any of the sites contained significant cultural heritage values to warrant listing at either the local or state level. The draft study included the following:

- a comprehensive historical analysis of both school sites;
- internal and external site inspections of all buildings on each site;
- a robust comparative analysis of other relevant school examples.

The assessment of heritage significance was undertaken in accordance with the Environment and Heritage Group and Department of Planning and Environment publications *Assessing heritage significance* (2023) and *Investigating heritage significance* (2021). There are seven significance criteria used in the process of assessing heritage significance:

Table 1: NSW Heritage assessment criteria summary

| Criteria | | |
|----------|---|--|
| (a) | Historic significance | <i>A place or object is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).</i> |
| (b) | Historical association | <i>A place or object has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).</i> |
| (c) | Aesthetic/creative/technical achievement | <i>A place or object is important in demonstrating aesthetic characteristics and/or high degree of creative or technical achievement in NSW (or the local area).</i> |
| (d) | Social, cultural and spiritual significance | <i>A place or object has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.</i> |
| (e) | Research potential | <i>A place or object has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).</i> |
| (f) | Rare | <i>A place or object has potential to yield information that will contribute to an understanding of NSW's cultural or natural (or the cultural or natural history of the local area).</i> |
| (g) | Representativeness | <i>A place or object is important in demonstrating the principal characteristics of NSW's</i> <ul style="list-style-type: none"> • <i>cultural or natural places; or</i> • <i>cultural or natural environments.(or a class of the local area's cultural or natural places; or cultural or natural environments.)</i> |

Each criterion has significance indicators which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance.

Having assessed each of the items against the Heritage NSW guidelines, the assessment concluded that the following items meet the threshold for listing as items of local heritage significance;

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

Accordingly, the Draft Study recommends that these items are listed in Schedule 5 Part 1 of the Woollahra LEP 2014, and identified on the associated Heritage Map. A summary of each Heritage NSW criteria, and how these were met by each item is summarised below in **Table 2**.

Table 2: NSW Heritage criteria assessment summary

| Property | (a) historic | (b) historical association | (c) aesthetic/ creative/ technical | (d) social/ cultural/ spiritual | (e) research potential | (f) rarity | (g) representative |
|---|--------------|----------------------------|------------------------------------|---------------------------------|------------------------|------------|--------------------|
| Rose Bay Public School – Building E, including interiors | ✓ | ✓ | ✓ | ✓ | ✗ | ✓ | ✓ |
| McAuley Catholic Primary School – former Christian Brothers College building, including interiors | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

The Items

The two proposed heritage items subject to this report and planning proposal are summarised below:

‘Rose Bay Public School – Building E, including interiors’

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



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

Building E of the Rose Bay Public School is positioned on the north-eastern side of the school, facing Wilberforce Avenue. The north-eastern corner of Building E incorporates the first building erected on the school premises in 1907 (see **Figure 3** below). The original, small, single-storey school building was constructed in warm-coloured face brick with a slate roof and a T-shaped plan with gabled facades facing east, west and south.

The south facing façade was a blank wall without windows or buttresses, suggesting that an extension of the building in this direction was expected (and in fact soon occurred, within four years).

The original building was expanded upon in 1911, 1916, 1920, 1929 and during the 1970s. The earlier modifications were designed and constructed in materials, form and detailing to match the original building. Later additions were more simple in detail, however the building maintains many historic features and elements typical of good quality early-to-mid 20th century buildings, including high ceilings lined with timber boards, cornices, timber-panelled sections of walls, plastered walls with picture rails, built-in timber furniture, four-panelled timber doors.



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



Figure 3: 1909 Photo of the original building at Rose Bay Public School, now the north eastern corner of Building E. (Source: State Records FL1441588)



Figure 4: Original 1907 north-eastern corner of Building E facing Wilberforce Avenue, with original windows and buttresses. (Artefact Heritage, 2023)



Figure 5: Photo of Building E at Rose Bay Public School facing the playground, with original 1907 section of the building pictured at left. (Artefact Heritage, 2023)

'McAuley Catholic Primary School – former Christian Brothers College building, including interiors'

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

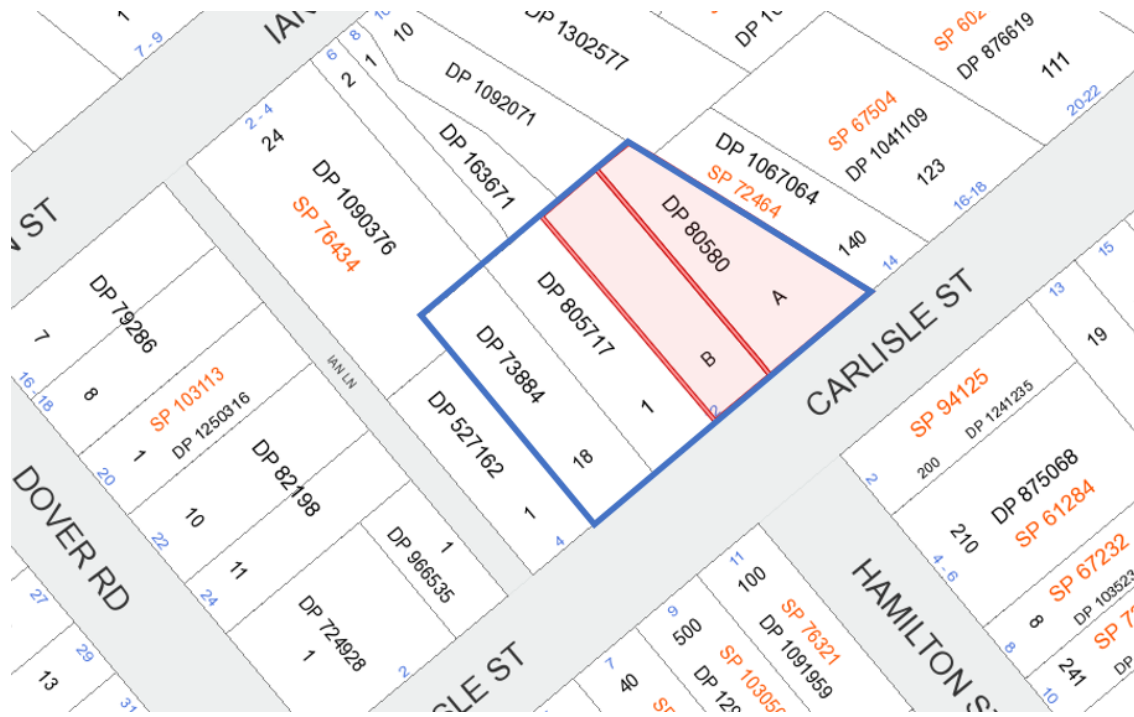


Figure 6: Cadastral map of McAuley Catholic Primary School (outlined in blue) with the allotments containing the former Christian Brothers College building in red.
(Source: Woollahra Council GIS Maps)

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

The former Christian Brothers College building, dating from 1935, fronts onto Carlisle Street and is the focal point of the school as the oldest, largest and most distinctive building on the McAuley Catholic Primary School campus. It is a three-storey building with a rectangular plan and reserved, dignified architectural detailing. It is constructed in brown face brick and has a roof finished with rounded terracotta tiles. The street façade and two side facades are more decorative than the rear façade. The street façade has ten window bays symmetrically arranged around a central gable feature presenting the name 'Christian Brothers College' and surmounted by a cross. The high quality brickwork features pilasters, window sills and a decorative texture above the second storey windows. The two side facades match, each presenting three tall, narrow window bays under three Romanesque arches topped by gabled parapets constructed in decorative brick-work. The rear façade has eight sets of window bays on two levels, positioned within plainer brickwork although still symmetrically arranged. The interiors retain the original layout and are in good condition throughout.



**Figure 7: Aerial photograph of the northeast half of the McAuley Catholic Primary School, with the former Christian Brothers College building outlined in green.
(Source: Nearmap accessed by Woollahra Council Maps)**

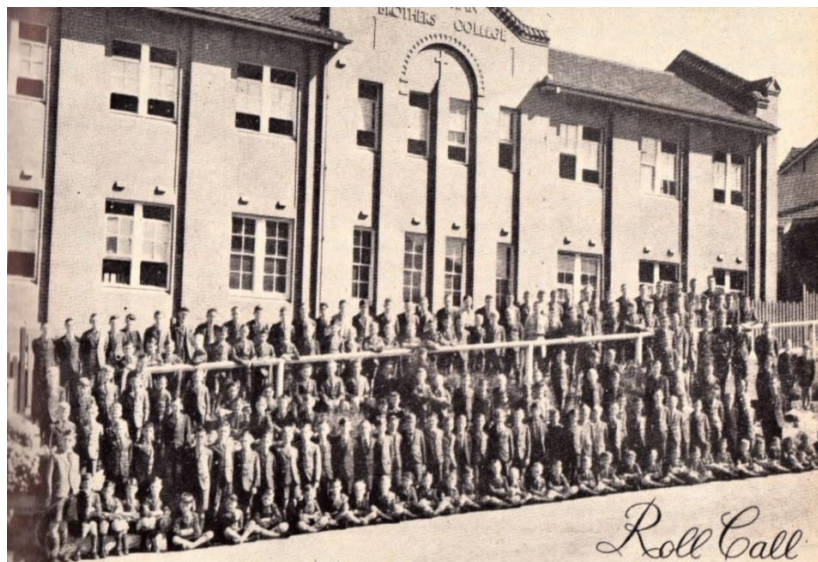


Figure 8: School students positioned in front of the main former Christian Brothers College building in 1942, facing Carlisle Street. (Source: Christian Brothers, 1959)



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



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

Planning Proposal

Consistent with the recommendations of the draft study, a planning proposal has been prepared to list the following in Schedule 5 and on the Heritage Map of the Woollahra LEP 2014:

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

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

The planning proposal satisfies the requirements of section 3.33 of the EP&A Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

The objective of the planning proposal is to recognise the heritage significance of the above listed buildings as local heritage items and provide them with statutory heritage protection. Heritage listing aims to provide the items with ongoing protection and recognition of the heritage significance of the items.

Relationship to the strategic planning framework

The planning proposal has strategic and site specific merit. The planning proposal is consistent with the relevant objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the actions of the *Eastern City District Plan* (2018). The planning proposal is consistent with the Council's Community Strategic Plan titled *Our Woollahra 2030: Our community, our place, our plan*. Notably, the planning proposal meets the following strategy within Goal 4 (Well-planned neighbourhood) under the theme Quality places and spaces:

- *4.3 Protect local heritage, including significant architecture and the natural environment.*

The planning proposal is also consistent with the Woollahra Local Strategic Planning Statement (approved by Council on 24 February 2020). In particular, the planning proposal is consistent with Planning Priority 5 under the theme of Liveability:

- *Planning Priority 5 Conserving our rich and diverse heritage.*

The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State environmental planning policies and applicable section 9.1 directions.

Options:

As a consequence of this report, the Woollahra LPP may advise Council to proceed with a planning proposal to list the two school buildings. Alternatively, the Woollahra LPP may advise Council not to support the planning proposal, or recommend that staff make amendments to the planning proposal.

Community Engagement and / or Internal Consultation:

Site inspections

Artefact Heritage were engaged in June 2023. Following preliminary research, Artefact undertook site inspections of the two schools between August and September 2023, which included internal and external inspections of buildings and the whole school grounds.

Circulating the Draft Heritage Study for owner pre-engagement

Following the site inspections, Council staff distributed the Draft Study to the school's administration team in February 2024, to facilitate comment and feedback. It is understood that this Draft Study was then circulated to the relevant Stage agencies i.e. Catholic Schools and Schools Infrastructure NSW.

The purpose of this "pre-engagement" was to make the affected owners aware of the recommendations of the study, and Council staff's intention to apply a heritage status to the buildings. It also allowed an opportunity for owners to provide feedback and commentary that will inform the draft heritage study and/or the planning proposal. The schools were given until 4 March 2024 to provide submissions.

At the time of preparing this report, one submission has been received from Schools Infrastructure NSW, and this submission has informed the contents of the relevant Heritage Inventory Sheet. The submission has been attached at **Attachment 4**, and is summarised in **Table 3** below.

Based on the feedback received during pre-engagement with regard the Rose Bay Public School, Council staff support the administrative suggestion in the submission and have made the name of the proposed heritage item to be "Rose Bay Public School – Building E" consistent throughout all reports and inventory sheets.

Policy Implications:

Should Council resolve to progress a planning proposal (having considered the advice of the Woollahra LPP), and should the planning proposal progress to finalisation, there will be policy implications by amending the Woollahra LEP 2014 and associated mapping.

Table 3: Summary of issues raised in submissions

| Property | Name | Nature of submission |
|--|--|--|
| Rose Bay Public School – Building E | Duncan Jones, Heritage Manager on behalf of Lincoln Lawler, Director, Statutory Planning and Heritage, School Infrastructure NSW | The Department of Education (DoE) acknowledge the heritage assessment prepared by Woollahra Council and confirms that they have no objections to the technical assessment of Building E as possessing local heritage significance. They have requested, for the purpose of consistency with other DoE heritage listings, that the gazettal name of the heritage listing be described as “Rose Bay Public School – Building E”. This is also to ensure that the heritage values specific to this building are protected. |
| McAuley Catholic Primary School – former Christian Brothers College building | - | No submission received. |

Financial Implications:

As the study was prepared by an independent external consultant, there are financial implications. However, these are considered appropriate considering the work required, and this was budgeted for in the 2023/2024 and 2024/2025 financial year.

Resourcing Implications:





Should Council resolve to progress a planning proposal, staff resources will be associated with progressing the matter including managing future reports to Council meetings, and managing the public exhibition process.

Conclusion:

This report seeks the advice of the Woollahra LPP on a planning proposal to list two local heritage items in the Woollahra LEP 2014. Council staff have considered the issue raised in the pre-engagement submission and support the amendment recommended.

Council staff recommend that the Woollahra LPP provides advice to Council to proceed with the planning proposal at **Attachment 1** to list the ‘Rose Bay Public School – Building E, including interiors’ and the ‘McAuley Catholic Primary School – former Christian Brothers College building, including interiors’ as local heritage items in the Woollahra LEP 2014.

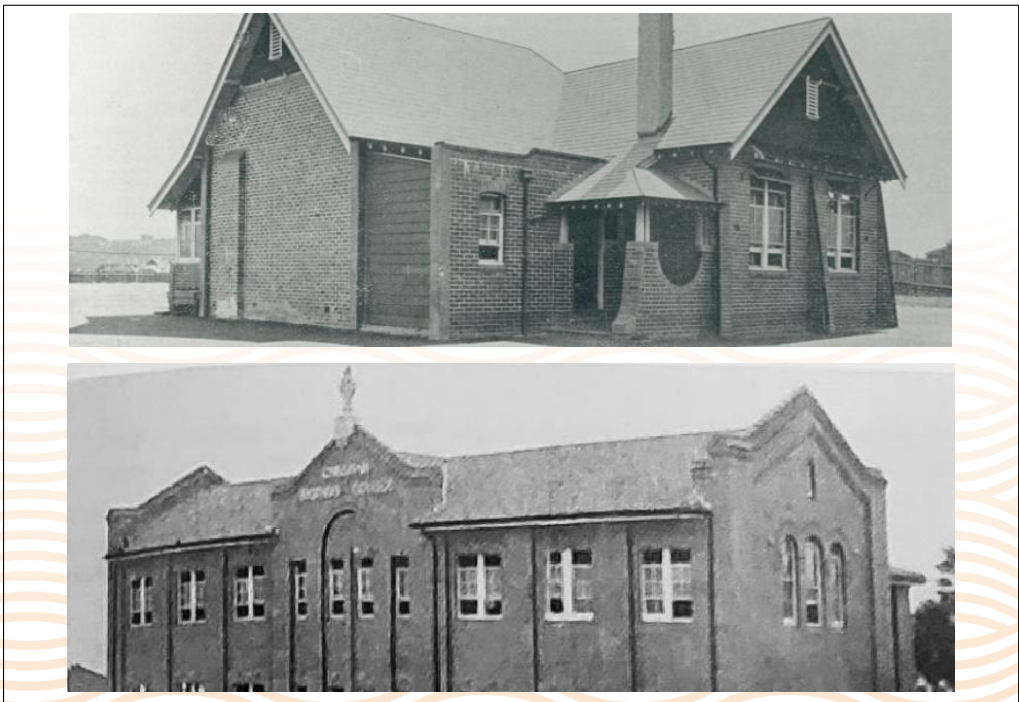
Attachments

1. Rose Bay PS and McAuley School Heritage Study - Planning Proposal (April 2024) [↓](#) 
2. Rose Bay PS and McAuley School Draft Heritage Study (December 2023) [↓](#) 
3. Rose Bay PS and McAuley School Heritage Study - Inventory Sheets (March 2024) [↓](#) 
4. Rose Bay PS and McAuley School Heritage Study - Submission (redacted) [↓](#) 

Planning Proposal



Local Heritage Listing: Rose Bay Schools



| | |
|-----------------------|--|
| Version Date: | April 2024 |
| Division/Department: | Strategic Planning |
| Responsible Officer: | Eleanor Banaag – Senior Strategic Heritage Officer |
| HPE CM Record Number: | 24/45977 |

Acknowledgement of Country

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

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

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Supporting documents (circulated separately)

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

1. Introduction

1.1. Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.2. Description of this planning proposal

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

Table 1: Subject sites to which the planning proposal applies

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

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

1.3. Assessment of Heritage Significance

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

The assessment of heritage significance was undertaken in accordance with Environment and Heritage Group, Department of Planning and Environment publications *Assessing heritage significance* (2023) and *Investigating heritage significance* (2021). There are seven criteria used in the process of assessing heritage significance:

Criterion (a) – Historical significance

An item is important in the course, or pattern of NSW’s cultural or natural history (or the cultural or natural history of the local area).

Criterion (b) – Historical Association

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW’s cultural or natural history (or the cultural or natural history of the local area).

Criterion (c) – Aesthetic/creative/technical achievement

An item is important in demonstrating aesthetic characteristics and/or high degree of creative or technical achievement in NSW (or the local area).

Criterion (d) – Social, cultural and spiritual significance

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Criterion (e) – Research potential

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (f) – Rare

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural (or the cultural or natural history of the local area).

Criterion (g) – Representative

An item is important in demonstrating the principal characteristics of NSW's

- cultural or natural places; or*
- cultural or natural environments.(or a class of the local area's cultural or natural places; or cultural or natural environments.)*

Each criterion has inclusion and exclusion guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance.

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

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

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

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

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

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

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

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

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

Planning Proposal – Rose Bay Schools, local heritage listing

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

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

1.4. Statement of Heritage Significance

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

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

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

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

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

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

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

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

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

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

2. Existing sites and surrounding context

2.1. Rose Bay Public School – Building E

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

Extensions to the building took place in 1911, 1916, 1920, 1929 and during the 1970s. The early extensions in 1911 and 1916 were sympathetic to the original design and appear to have been constructed to match the original materials, form and detailing. The 1970s extensions to the Wilberforce Avenue façade had simpler, modern detailing. The early sections of the building built in 1907, 1911 and 1916 retain decorative brick buttresses positioned between windows and diagonally placed at the corners of the building.

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

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



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



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



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



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



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

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

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

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

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

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

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

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

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

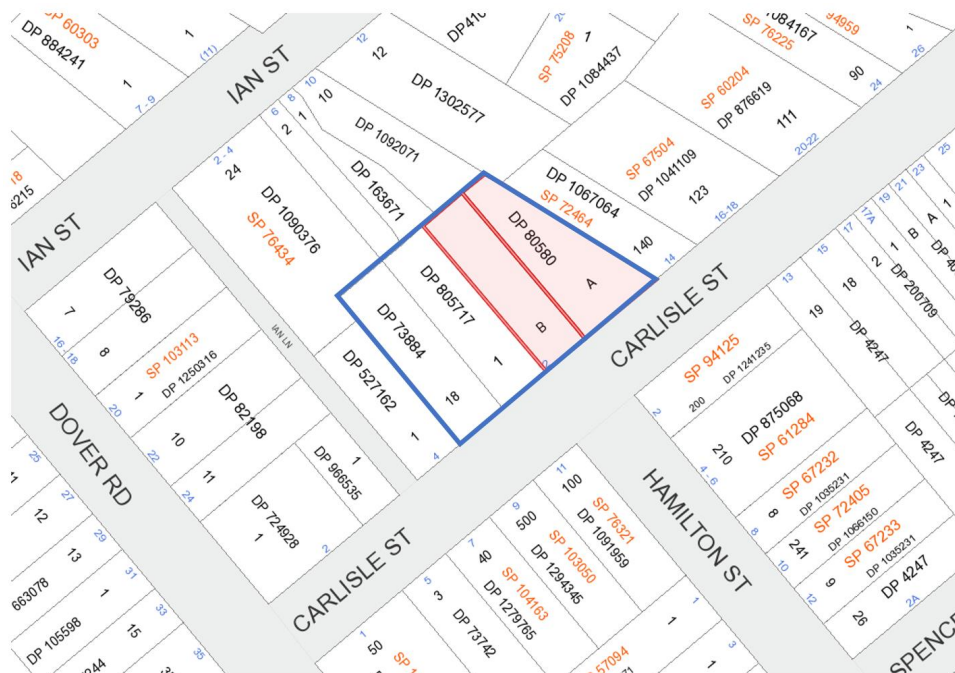


Figure 6: Cadastral map of McAuley Catholic Primary School (outlined in blue) with the allotments containing the former Christian Brothers College building in red. (Source: Woollahra Council GIS Maps)

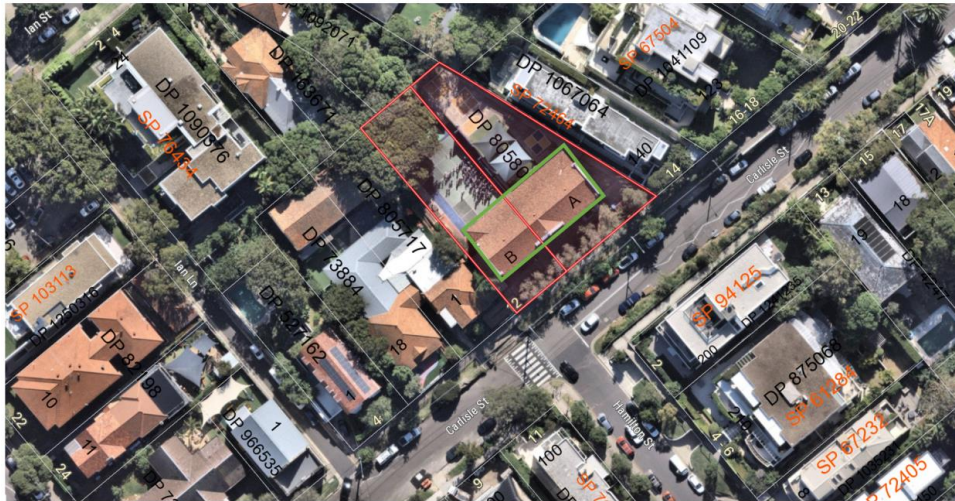


Figure 7: Aerial photograph of the northeast half of the McAuley Catholic Primary School, with the former Christian Brothers College building outlined in green. (Source: Nearmap accessed by Woollahra Council Maps)

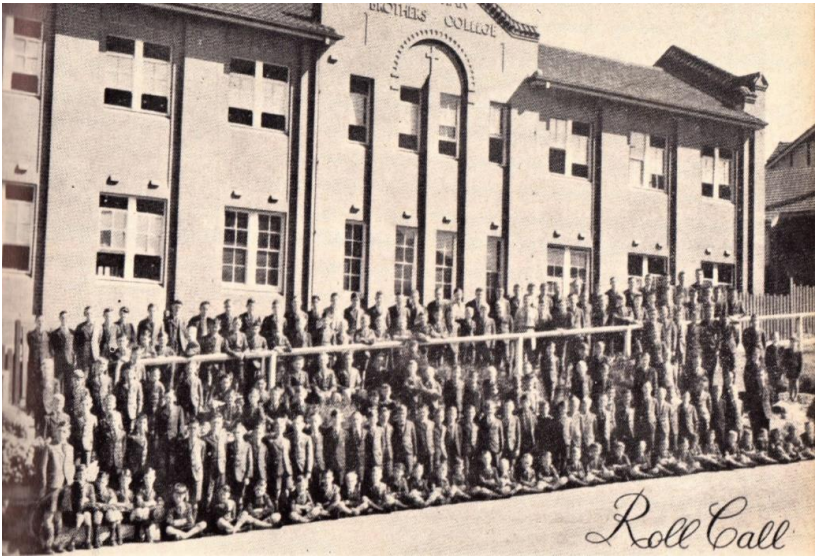


Figure 8: School students positioned in front of the main former Christian Brothers College building in 1942, facing Carlisle Street. (Source: Christian Brothers, 1959)



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



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

3. Existing planning controls

3.1. Woollahra Local Environmental Plan 2014

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

No changes are proposed to these under this planning proposal.

Table 2: Summary of current development standards

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

3.1.1. Zoning Objectives

The objectives of the SP2 zone are as follows:

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

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

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

3.1.2. Other LEP provisions

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

3.2. Woollahra Development Control Plan 2015

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

4. Objectives of planning proposal

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

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

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

5. Explanation of provisions

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

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

6. Justification

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

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

These matters are further discussed below in part 6.1 to 6.3.

6.1. Need for planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

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

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

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

Other options, such as adding site-specific objectives and controls to Woollahra DCP 2015, or including heritage conservation conditions to a potential development consent, will not provide the same level of heritage protection and recognition.

6.2. Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant planning priorities and actions of the *Eastern City District Plan* (2018), as discussed below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The planning proposal is consistent with the directions and objectives of *Greater Sydney Regional Plan: A Metropolis of Three Cities*, particularly Objective 13: "Environmental heritage is identified, conserved and enhanced".

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

Eastern City District Plan

The planning proposal is generally consistent with the directions, priorities and objectives of the *Eastern City District Plan*, particularly Planning Priority E6 and Action 20:

Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage

Objective 13 'Environmental heritage is identified, conserved and enhanced'

Action 20 'Identifying, conserving and enhancing the environmental heritage of the local area' through:

- a. engaging with the community early to understand heritage values
- b. applying adaptive re-use and interpreting heritage to foster distinctive local places managing and monitoring the cumulative impact of development on the heritage values and character of places

Heritage listing of these sites will provide ongoing protection and recognition of the heritage significance of these items.

4. Will the planning proposal give effect to a Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Woollahra Local Strategic Planning Statement

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

Planning Priority 5 Conserving our rich and diverse heritage

In particular Actions 28 and 30 of this planning priority seek to ensure that heritage is conserved and that the LEP and DCP reflect the evolving nature of heritage:

28. Continue to proactively conserve and monitor heritage in the Municipality including:

- *reviewing and updating provisions in Woollahra Local Environmental Plan 2014 and Woollahra Development Control Plan 2015*
- *sustainably managing visitation to our heritage conservation areas and destinations*

- *promoting a high standard of urban design in both the public and private domain that respects and communicates with heritage and our heritage conservation areas*
- *supporting implementation of legislation for Aboriginal Heritage.*

30. *Undertake further theme-based Municipality-wide studies, with consideration for the fact that heritage is constantly evolving.*

Community Strategic Plan, Woollahra 2032

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

4.2 Conserving our rich and diverse heritage

Heritage listing of the subject sites will provide ongoing protection and recognition of the heritage significance of these items, consistent with these local strategies.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes. The planning proposal is not in-consistent with other relevant State or regional study or strategy.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (SEPPs).

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

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

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

7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2**).

6.3. Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no likely environmental effects that would arise as a result of the planning proposal. Protection of the items will be required when development is proposed, or if there is development proposed in its vicinity. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process.

10. Has the planning proposal adequately addressed any social and economic effects?

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

The assessment found that these sites meet a number of heritage criteria at a local level. While the planning proposal does not have any direct economic effect, it has some social impact for the local community that appreciates and enjoys local heritage in the Woollahra LGA.

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

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

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

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

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

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

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

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

6.4. State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal involves the local heritage listing of the subject sites and does not involve amendments to the planning controls that will facilitate intensified development.

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

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the subject site is suitable for the proposal of a local heritage listing in a residential zone.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Should the planning proposal proceed to public exhibition, consultation with the relevant public authorities will be carried out. These authorities will include, but are not limited to:

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

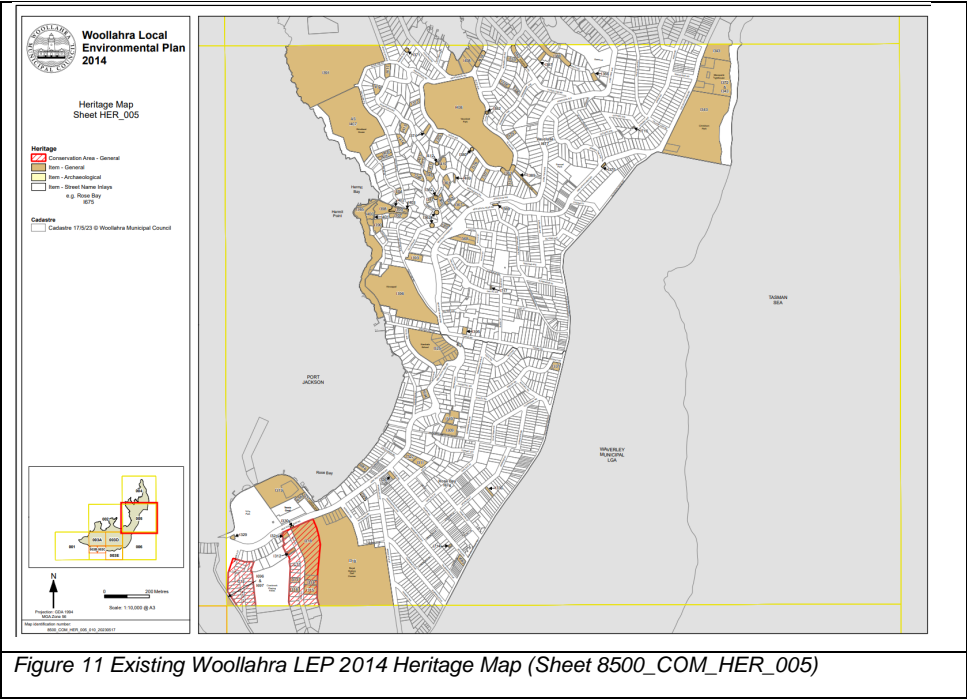
Further consultation will take place with any other authorities identified by the Gateway Determination.

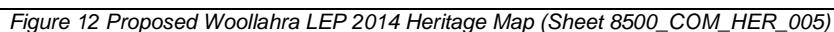
7. Mapping

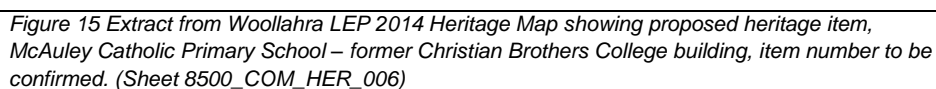
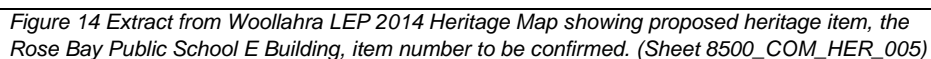
The planning proposal seeks to amend the Woollahra LEP 2014 Heritage Map (8500_COM_HER_005) by applying an "Item-General" classification to the following sites.

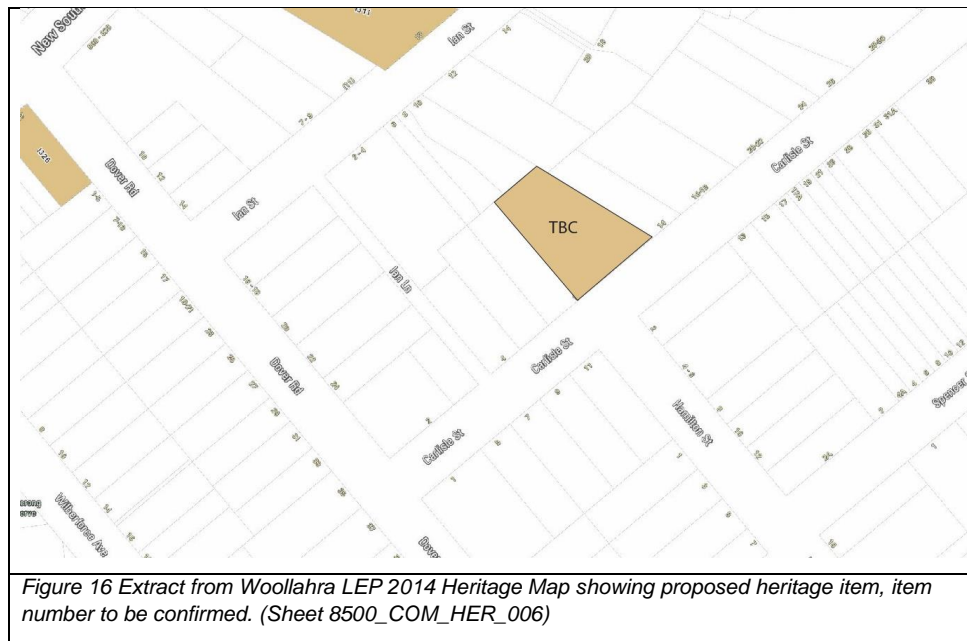
| | Item | Address | Lot/DP | LEP Heritage Map Sheet No. |
|---|--|---------------------------------|-----------------------|----------------------------|
| 1 | <i>Rose Bay Public School – Building E, including interiors</i> | 21 Wilberforce Avenue, Rose Bay | Lots 49 – 53, DP 4567 | 8500_COM_HER_005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

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









8. Community consultation

8.1. Stakeholder pre-engagement

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

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

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

8.2. Public Exhibition

Public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2021*. It will also have regard to the other relevant plans and guidelines including the *Woollahra Community Participation Plan* (2019), the *Local Environmental Plan Making Guideline* (2021) and any conditions of the Gateway Determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period,
- a notice on Council's website
- a letter to land owners in the vicinity of the subject site

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- the planning proposal, in the form approved by the gateway determination
- the Gateway determination
- information relied upon by the planning proposal (such as relevant Council reports and the heritage significance assessment)
- Woollahra LEP 2014
- Section 9.1 Directions.

9. Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

| Plan-making step | Estimated completion |
|--|----------------------------------|
| Woollahra Local Planning Meeting | 4 April 2024 |
| Environmental Planning Committee recommends proceeding | 6 May 2024 |
| Council resolution to proceed | 13 May 2024 |
| Gateway determination | July 2024 |
| Completion of technical assessment | Usually none required |
| Government agency consultation | August 2024 |
| Public exhibition period | Same time as agency consultation |
| Submissions assessment | October 2024 |
| Council assessment of planning proposal post exhibition | December 2024 |
| Council decision to make the LEP amendment | January 2025 |
| Council to liaise with Parliamentary Counsel to prepare LEP amendment | February 2025 |
| Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification | April 2025 |
| Notification of the approved LEP | May 2025 |

Schedules

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

| State environmental planning policy | Comment on consistency |
|--|---|
| SEPP (Biodiversity and Conservation) 2021 | Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. |
| SEPP (Building Sustainability Index: BASIX) 2004 | Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. |
| SEPP (Exempt and Complying Development Codes) 2008 | Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. It is noted that where a property is locally heritage listed (or is a draft item) on the Woollahra LEP 2014 Schedule 5, there are implications in terms of the extent of works that can be considered as exempt and complying development. |
| SEPP (Housing) 2021 | Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. |
| SEPP (Industry and Employment) 2021 | Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. |
| SEPP No.65 – Design Quality of Residential Apartment Development | Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. |
| SEPP (Planning Systems) 2021 | Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. |

| State environmental planning policy | Comment on consistency |
|---|---|
| SEPP (Precincts – Central River City) 2021 | Not applicable. |
| SEPP (Precincts – Eastern Harbour City) 2021 | Applicable There are currently no identified state significant precincts located in the Woollahra LGA. |
| SEPP (Precincts – Regional) 2021 | Not applicable. |
| SEPP (Precincts – Western Parkland City) 2021 | Not applicable. |
| SEPP (Primary Production) 2021 | Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. |
| SEPP (Resilience and Hazards) 2021 | Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. |
| SEPP (Resources and Energy) 2021 | Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. |
| SEPP (Transport and Infrastructure) 2021 | Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. |

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

| Planning proposal – Compliance with section 9.1 directions | | |
|---|---|---|
| Direction | | Applicable/comment |
| 1 | Planning systems | |
| 1.1 | Implementation of Regional Plans | Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> , particularly Objective 13: Environmental Heritage is identified, conserved and enhanced. The heritage listing of this property will provide ongoing protection of the heritage significance of these items. |
| 1.2 | Development of Aboriginal Land Council land | Not applicable. This planning proposal does not affect Aboriginal Land Council land. |
| 1.3 | Approval and referral requirements | The planning proposal seeks to heritage list one property in the Woollahra Local Government Area. This is not expected to require any additional approval or referral requirements. The planning proposal is consistent with this direction. |
| 1.4 | Site specific provisions | The planning proposal does not contain any unnecessarily restrictive site specific planning controls. The planning proposal is consistent with the direction |
| 1 | Planning systems – place based | |
| 1.5 – 1.20 | Implementation Plans | Not applicable. These plans do not apply to the Woollahra LGA. |
| 2 | Design and place | |
| 3 | Biodiversity and conservation | |
| 3.1 | Conservation zones | Applicable and consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land. |
| 3.2 | Heritage conservation | Applicable and consistent. The planning proposal will not affect the significance of places with environmental heritage. The proposed Heritage listing of the property in the Woollahra LGA will provide ongoing protection and recognition of the heritage significance of this property. |

| Planning proposal – Compliance with section 9.1 directions | | |
|---|---|---|
| Direction | | Applicable/comment |
| 3.3 | Sydney drinking water catchments | Not applicable. This direction does not apply to the Woollahra LGA. |
| 3.4 | Application of C2 and C3 zones and environmental overlays in Far North Coast LEPs | Not applicable. This direction does not apply to the Woollahra LGA. |
| 3.5 | Recreation vehicle areas | Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area. |
| 3.6 | Strategic Conservation Planning | Not applicable. The planning proposal does not apply to land identified as avoided land or a strategic conservation area under the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> . |
| 4 | Resilience and hazards | |
| 4.1 | Flooding | Not applicable. The planning proposal will not affect flood liable land. |
| 4.2 | Coastal management | Not applicable. The planning proposal will not affect land in a coastal zone. |
| 4.3 | Planning for bushfire protection | Not applicable. The planning proposal will not affect bushfire prone land. |
| 4.4 | Remediation of contaminated land | Applicable. Consistent. The planning proposal does not contain a provision which is contrary to this direction. |
| 4.5 | Acid sulfate soils | Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal. |
| 4.6 | Mine subsidence and unstable land | Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable. |
| 5 | Transport and infrastructure | |
| 5.1 | Integrating land use and transport | Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of: <ul style="list-style-type: none"> <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). |

| Planning proposal – Compliance with section 9.1 directions | | |
|---|--|---|
| Direction | | Applicable/comment |
| 5.2 | Reserving land for public purposes | The planning proposal does not amend reservations of land for public purposes. The planning proposal is consistent with the direction. |
| 5.3 | Development near regulated airport and defence airfields | Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction. |
| 5.4 | Shooting ranges | Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range. |
| 6 | Housing | |
| 6.1 | Residential zones | Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction. |
| 6.2 | Caravan parks and manufactured home estates | The planning proposal will not affect any caravan parks or manufactured housing estates. |
| 7 | Industry and employment | |
| 7.1 | Business and industrial zones | Not applicable. The direction does not apply where sites are zoned for business or industry. |
| 7.2 | Reduction in non-hosted short-term rental accommodation period | Not applicable. This direction does not apply to the Woollahra LGA. |
| 7.3 | Commercial and retail development along the Pacific Highway, North Coast | Not applicable. This direction does not apply to the Woollahra LGA. |
| 8 | Resources and energy | |
| 8.1 | Mining, petroleum production and extractive industries | Not applicable. This planning proposal will not affect any of the nominated activities. |
| 9 | Primary production | |
| 9.1 | Rural zones | Not applicable. This planning proposal will not affect any rural zones. |
| 9.2 | Rural lands | Not applicable. This planning proposal will not affect any rural lands. |
| 9.3 | Oyster aquaculture | Not applicable. This planning proposal will not affect any Priority Oyster Aquaculture Areas. |

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| Planning proposal – Compliance with section 9.1 directions | | |
|---|--|---|
| Direction | | Applicable/comment |
| 9.4 | Farmland of state and regional significance on the NSW Far North Coast | Not applicable. This direction does not apply to the Woollahra LGA. |

Rose Bay Public School & McAuley Catholic Primary School - Heritage Assessments

Report to Woollahra Council
November 2023



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Heritage Assessments for Woollahra Council
Rose Bay Public School & McAuley Catholic Primary School 2023

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Heritage Assessments for Woollahra Council
Rose Bay Public School & McAuley Catholic Primary School 2023

EXECUTIVE SUMMARY

Artefact Heritage Services Pty Ltd (Artefact Heritage) have been engaged by Woollahra Council to prepare an initial assessment of cultural heritage significance of elements of two schools in Rose Bay. Buildings at the two schools were identified in 2019 as potentially worthy of inclusion on the Woollahra LEP as items of local heritage significance:

- Old school hall, Rose Bay Public School, 21 Wilberforce Avenue, Rose Bay 2029; and
- McAuley Catholic Primary School and outbuildings, 8-12 Carlisle Street, Rose Bay 2029.

This first stage of the project is focused on assessing the heritage significance of historic elements at each school, including building style analysis. Recommendations for the appropriate level of heritage listing for each built element are given, along with initial advice for future management of the identified heritage values. This stage of heritage assessment also offers an initial indication of potential archaeological values, both in relation to Aboriginal heritage and historical archaeological potential.

The second stage of the proposal, if required, will involve finalising the heritage assessments, incorporating feedback from Council, the schools' management and other stakeholders, and preparing a heritage inventory sheet for each significant building or element, using the Heritage NSW template. A nomination for State Heritage Register listing will be prepared for any building or element deemed appropriate. All assessments for proposed statutory listing will be presented to Council and to Council's Local Planning Panel.

Overview of findings

Built heritage assessment

Artefact defined the study area as that land enclosed by the property boundaries of both schools. There are no heritage listings associated with either Rose Bay Public School or McAuley Catholic Primary School, or adjacent to them. Having briefly researched the history of both schools and visited them both, including inspecting most of the historic interiors, and then analysing the physical presentation of historic fabric at both schools, Artefact has prepared five survey and significance assessment sheets—for two historic buildings at Rose Bay Public School (E Block, Appendix 3; and B, C & D Blocks, Appendix 4) and three historic buildings at McAuley Catholic Primary School (former Christian Brothers College building, Appendix 5; Magdalene Hall, Appendix 6; and two Federation bungalows at former 6 and 8 Carlisle Street, Appendix 7).

Artefact concludes that two of the five built elements analysed at both schools should be considered for heritage listing on the Woollahra Local Environmental Plan:

- 'E Block' building, Rose Bay Public School, dating from 1907; and
- Former Christian Brothers College building, McAuley Catholic Primary School, 1935.

Aboriginal heritage assessment

The Aboriginal heritage assessment report comprise a due diligence and cultural values report.

The Due Diligence found that there were no Aboriginal Heritage Information Management System (AHIMS) sites registered within the study area. A visual survey and background research established that the study area is located within a dune system, which while subject to historical disturbance, retains potential to contain Aboriginal objects below the surface. No further archaeological

Heritage Assessments for Woollahra Council
Rose Bay Public School & McAuley Catholic Primary School 2023

investigations are required at this stage as there are no ground impacts proposed at the present time. However, if future proposals include ground disturbing works, the due diligence recommends that a full archaeological investigation and cultural assessment be undertaken in compliance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010).

The Cultural Values Report comprised desktop research including information on cultural values provided by Coast (2021). The latter report established that the schools are located within an area of Potential Aboriginal Heritage Sensitivity and hold cultural, social and historical significance for Aboriginal community members. The cultural values of the area were established by Coast through consultation with the La Perouse Local Aboriginal Land Council (LALC) and Aboriginal stakeholders. In the event of future redevelopment, it is strongly recommended that consultation with Aboriginal people through a process of engagement and dialogue is undertaken to address the intangible values of the area.

Historical archaeology assessment

The historical archaeological assessment (HAA) provided a preliminary assessment of the historical archaeological potential and significance within the study area. The report does not fulfill the requirements for an historical archaeological baseline assessment.

At Rose Bay Public School, the HAA found that there is nil-low potential to encounter archaeological remains associated with Phase 1 (1788-1830) occupation which may reach the threshold of local significance. Low potential to encounter remains associated with Phase 2 (1831-c.1906) occupation and high potential to encounter remains associated with Phase 3 (c.1906- present) development which are unlikely to reach the threshold of local significance.

At McAuley Catholic Primary School there is nil-low potential to encounter archaeological remains associated with Phase 1 (1788-1830) occupation that may reach the threshold of local significance. There is moderate potential to contain historical archaeological 'works' and low potential for archaeological 'relics' associated with Phase 2 (1831-c.1906) which may reach the threshold of local significance if considerably intact. There is high potential for remains associated with Phase 3 development (c.1906- present) which are unlikely to reach the threshold of local significance.

Recommendations

Built heritage recommendations

More detailed built heritage recommendations are presented in Section 6.2.1. In short, Artefact recommends that:

- Woollahra Council should consider listing the 'E Block' building at Rose Bay Public School and the former Christian Brothers College building at McAuley Catholic Primary School each as an item of local heritage significance on the Woollahra LEP.
- The NSW Department of Education should be requested to consider listing the 'E Block' building at Rose Bay Public School on its Section 170 Heritage & Conservation Register.
- That any works to the two buildings proposed for heritage listing should be implemented under *Burra Charter* principles (for example, 'to do as much a necessary, as little as possible').

Heritage Assessments for Woollahra Council
Rose Bay Public School & McAuley Catholic Primary School 2023

- That further research be undertaken by Woollahra Council and/ or the owner/ managers of each school to establish the history and heritage significance of several identified potential moveable heritage and/ or landscape heritage items associated with each school.
- That interpretation should be developed and implemented at both schools.
- Although Artefact does not consider the no.8 Carlisle Street Federation bungalow at McAuley Catholic Primary School to reach the threshold of local heritage significance, Artefact recommends that the owner continue to care for and conserve the many intact historic elements of significance such as mantelpieces and timber doors and window frames.

Aboriginal heritage recommendations

If future proposals include ground disturbing works, the due diligence recommends that a full archaeological investigation and cultural assessment be undertaken in compliance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010).

If redevelopment is proposed it is strongly recommended that consultation with Aboriginal people is undertaken to establish the social, cultural and historical significance of the study area through a process of engagement and dialogue that addresses the intangible values of the area.

Historical archaeology recommendations

A baseline archaeological assessment should be commissioned for any proposed works at either school, since this high-level report does not include enough detail to meet the requirements of HAA reporting. Although no archaeological potential was identified at Rose Bay Public School, this would include a smaller scope for the baseline report, rather than no baseline report.

Heritage Assessments for Woollahra Council
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LIST OF ABBREVIATIONS

| | |
|----------------------|--|
| Artefact | Artefact Heritage Services Pty Ltd |
| <i>Burra Charter</i> | <i>Burra Charter: The Australian ICOMOS Charter for Places of Cultural Significance</i> (2013) guide to caring for heritage places in Australia, available online from Australia ICOMOS |
| CMP | Conservation Management Plan |
| DCP | Development Control Plan (a Council guideline for development which accompanies and elaborates on the Council's Local Environmental Plan) |
| DP | Deposited Plan |
| ha | hectare |
| Heritage NSW | Heritage New South Wales (Office of the Heritage Council of New South Wales, previously also known as the NSW Heritage office, the Heritage Branch, the Heritage Division of the Office of Environment and Heritage—OEH) |
| ICOMOS | International Council of Monuments and Sites |
| km | Kilometre |
| LALC | Local Aboriginal Land Council |
| LGA | Local Government Area |
| LEP | Local Environmental Plan (made by local government Councils) |
| NSW | New South Wales |
| S170 | Section 170 of the NSW <i>Heritage Act 1977</i> which requires government agencies to keep a Heritage & Conservation Register of the heritage places they own and manage |
| SHI | State Heritage Inventory (Heritage NSW's response to requirement to keep a publicly accessible list of all statutory-listed heritage places under <i>NSW Heritage Act 1977</i>) |
| SHR | State Heritage Register |
| SOHI | Statement of Heritage Impact |
| SSD | State Significant Development (under the NSW <i>Environmental and Planning Development Act 1979</i>) |

Heritage Assessments for Woollahra Council
Rose Bay Public School & McAuley Catholic Primary School 2023

1.0 INTRODUCTION

1.1 Project background

Artefact Heritage Services Pty Ltd (Artefact Heritage) have been engaged by Woollahra Council to prepare an initial assessment of cultural heritage significance in relation to two schools in Rose Bay. Both were identified by Woollahra councillors in 2019 as possibly worthy of inclusion on the Woollahra LEP as items of local heritage significance¹:

- Old school hall, Rose Bay Public School, 21 Wilberforce Avenue, Rose Bay 2029; and
- McAuley Catholic Primary School and outbuildings, 8-12 Carlisle Street, Rose Bay 2029

This first stage of the project is focused on assessing the heritage values of potentially significant built elements at each school, including comparative analysis and building style analysis of the buildings with most potential significance. This stage of the project also provides some initial assessments of likely Aboriginal archaeological potential and historical archaeological potential at each school. Recommendations for the appropriate level of heritage listing for each built element are given, along with general advice for future management of the identified heritage values (to follow *Burra Charter* principles²). This stage of heritage assessment also offers an initial indication of potential archaeological values, in relation to both Aboriginal and historical archaeological potential.

The second stage of the proposal, if required, will involve finalising the heritage assessments, incorporating feedback from Council, the schools' management and other stakeholders, and finalising a heritage inventory sheet for each significant building or element, using the Heritage NSW template. A nomination for State Heritage Register listing would be prepared for any building or element deemed appropriate. Assessments for proposed statutory listing will be presented to Council and to Council's Local Planning Panel.

1.2 Study area

The study area addresses two schools located about 200m apart within the suburb of Rose Bay: Rose Bay Public School and McAuley Catholic Primary School (Figure 1). The entire property on which each school stands has been included in the study area, although the brief requests examination only of the 'Old School Hall' at Rose Bay Public School.

Rose Bay Public School is bordered by three roads, Wilberforce Avenue, Albemarle Lane and Albemarle Avenue, with the remaining side of the school grounds backing onto residential housing. McAuley Catholic Primary School faces Carlisle Street and its three remaining sides back onto residential properties (Figure 1). The two sites fall within the Woollahra Local Government Area.

¹ Woollahra Council, 8 April 2019. "Item 11.2. Notice of Motion – Proposed Heritage Listing – St Andrews Scots Presbyterian Church, Old School Hall Rose Bay Public School and McAuley Catholic Primary School & outbuildings, Rose Bay – 19/46122", Agenda, Ordinary Council, online.

² Australia ICOMOS, 2013. *The Burra Charter*.

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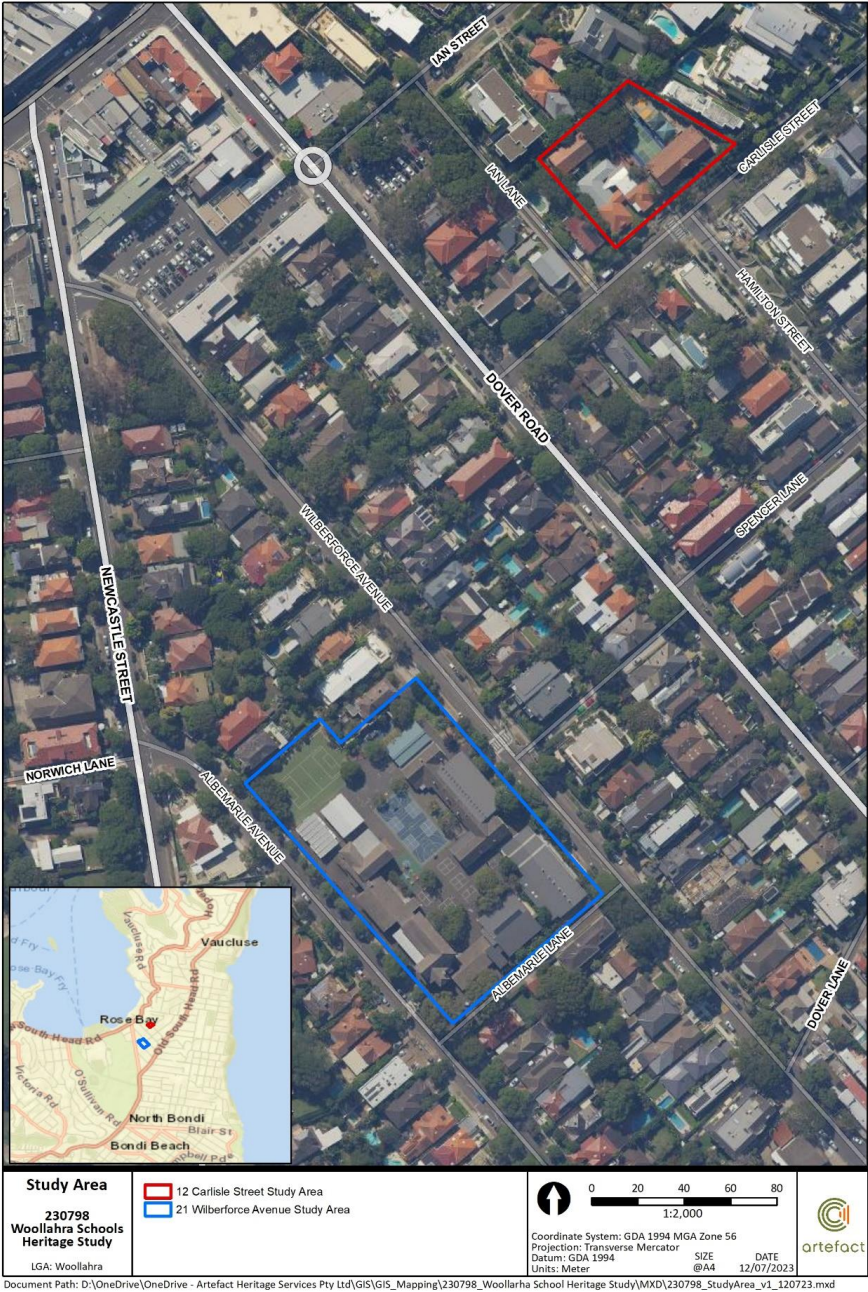


Figure 1: Location of study area boundaries: Rose Bay Public School (Blue) & McAuley Catholic Primary School (Red) Source: Artefact, 2023

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1.3 Methodology

This report provides an assessment of the heritage significance of the two subject schools in Rose Bay. It includes a summary history and description of the locality and each place, and provides a detailed analysis of the heritage significance of two historic building complexes at Rose Bay Public School and three historic buildings at McAuley Catholic Primary School. It has been prepared in accordance with the following guidance documents:

- *The Burra Charter*, Australia ICOMOS, 2013.
- *Assessing Heritage Significance*, Heritage NSW, 2023A.

1.4 Limitations

This report was informed by desktop research, as well as by local history materials obtained through Woollahra Library and access to Woollahra Council's building archives. Artefact representatives made a brief physical inspection of Rose Bay Public School on 17 August 2023, and of McAuley Catholic Primary School on 19 September 2023, including most of the historical interiors.

1.5 Authorship

The Built Environment section of this report has been prepared by Artefact's Bronwyn Hanna (Senior Heritage Consultant) and Jordan Wilson-Aarsen (Heritage Consultant). The Aboriginal heritage section (Appendix 1) was prepared by Elizabeth Bonshek (Senior Heritage Consultant) and Michael Lever (Heritage Consultant) with overview by Ryan Taddeucci (Team Leader) and historical input by Stephen Gapps (Historian). The Historical Archaeological section (Appendix 2) was prepared by Johnny Sokalik (Senior Heritage Consultant) and Emma Jones (Heritage Consultant). Bronwyn Hanna prepared the survey sheets and was project manager of the project overall.

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2.0 LEGISLATIVE CONTEXT

2.1 Identification of heritage listings relevant to the study area

Several aspects of the NSW statutory framework are relevant when assessing whether these places are worthy of statutory heritage listing.

Table 1: Results of heritage register searches for the Study Area and nearby places (within 200m of either school)

| Statutory Listed Places | Study Area listed name & no. | Nearby places listed names & nos |
|---|------------------------------|---|
| World Heritage List | N/A | N/A |
| National Heritage List | N/A | N/A |
| Commonwealth Heritage List | N/A | N/A |
| State Heritage Register (SHR) | N/A | Ficus superba (#578) |
| NSW Government agencies Section 170 Registers | N/A | N/A |
| Woollahra Council LEP 2014 | N/A | See below for list of nearby LEP listed items |

| Non-Statutory Listed Places | Study Area listed name & no. | Nearby places listed names & nos |
|---|------------------------------|----------------------------------|
| Register of the National Estate (RNE) (Non-Statutory) | N/A | See two places listed below |
| National Trust of Australia (NT) NSW Register (Non-Statutory) | N/A | See two places listed below |

2.1.1 Heritage listings for the two schools

Both of the subject schools in Rose Bay have **no heritage listings**, either statutory or non-statutory.

2.1.2 State Heritage Register (SHR) listings nearby

The following Port Hacking fig tree is located within 200 metres of **McAuley Catholic Primary School** and is listed on the SHR:

- 'Ficus superba var. henneana' 3 Fernleigh Gardens / 20 Rawson Road (SHR #578)

2.1.3 Woollahra Council LEP listings nearby

The following **3 places** are located within 200 metres of **Rose Bay Public School** and are listed on Schedule 5 of the Woollahra LEP 2014:

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- 'Royal Sydney Golf Club—Clubhouse and interiors, grove of approx. 20 broad-leaved paperbarks along Norwich Road', Kent Road (LEP #I318)
- 'Rose Bay Uniting Church and Wesley Hall group of buildings—Wesley Hall and interiors, church and interiors', 518A Old South Head Road (LEP #I683)
- 'Electrical Substation No. 94', 73A Dover Road (LEP #I714)

The following **7 items** are located within 200 metres of **McAuley Catholic Primary School** and are listed on Schedule 5 of the Woollahra LEP 2014:

- 'Fernleigh Castle—main building and interiors', 5 Fernleigh Gardens (LEP #I309)
- '*Ficus superba* var. *henniana*' 3 Fernleigh Gardens / 20 Rawson Road (LEP #I310) (SHR #578)
- 'House and interiors 13 Ian Street' (LEP #I311)
- 'Rose Bay Hotel and interiors', 807 New South Head Road (LEP #I326)
- 'Mary Magdalene Catholic Church – church and interiors', 835 New South Head Road (LEP #I327)
- 'House, interiors and grounds', 23 Spencer Street (LEP #I336)
- 'Sewage Pumping Station No.46', 13 Collins Avenue (LEP #I686)

2.1.4 Potential S170 listings nearby

- 'Electrical Substation No. 94', 73A Dover Road (LEP #I714). This was listed by Woollahra Council in late 2022, but has not yet been added to Ausgrid's s170 Register.
- 'Sewage Pumping Station No.46', 13 Collins Avenue (LEP #I686). This was listed by Woollahra Council after 2019, but has not yet been added to Sydney Water's s170 Register.

2.1.5 AHIMS search

A search of the AHIMS database (Client ID 807119) was completed on 7 August 2023. It found there are no registered Aboriginal sites within the study area. Further details are available in Appendix 1.

2.1.6 Non-Statutory listings nearby

2.1.6.1 Register of the National Estate

The RNE is no longer a statutory list and no longer imposes statutory obligations, however, it remains valuable as an archive of heritage research and an indication of community esteem. The following two items are located within 200 metres of McAuley Catholic Primary School and are listed on the Register of the National Trust Estate:

- 'Houses & interiors 13 & 15 Ian Street', Rose Bay (RNE #102371)
- Fernleigh Castle, 5 Fernleigh Gardens, Rose Bay (RNE #2495)

2.1.6.2 National Trust of Australia (NSW)

Listing on the National Trust Heritage Register does not impose statutory obligations but is valuable as an archive of heritage research and an indication of community esteem. The following two items

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are located within 200 metres of McAuley Catholic Primary School and are listed on the National Trust of Australia:

- 'Houses & interiors 13 & 15 Ian Street', Rose Bay
- Fernleigh Castle, 5 Fernleigh Gardens, Rose Bay

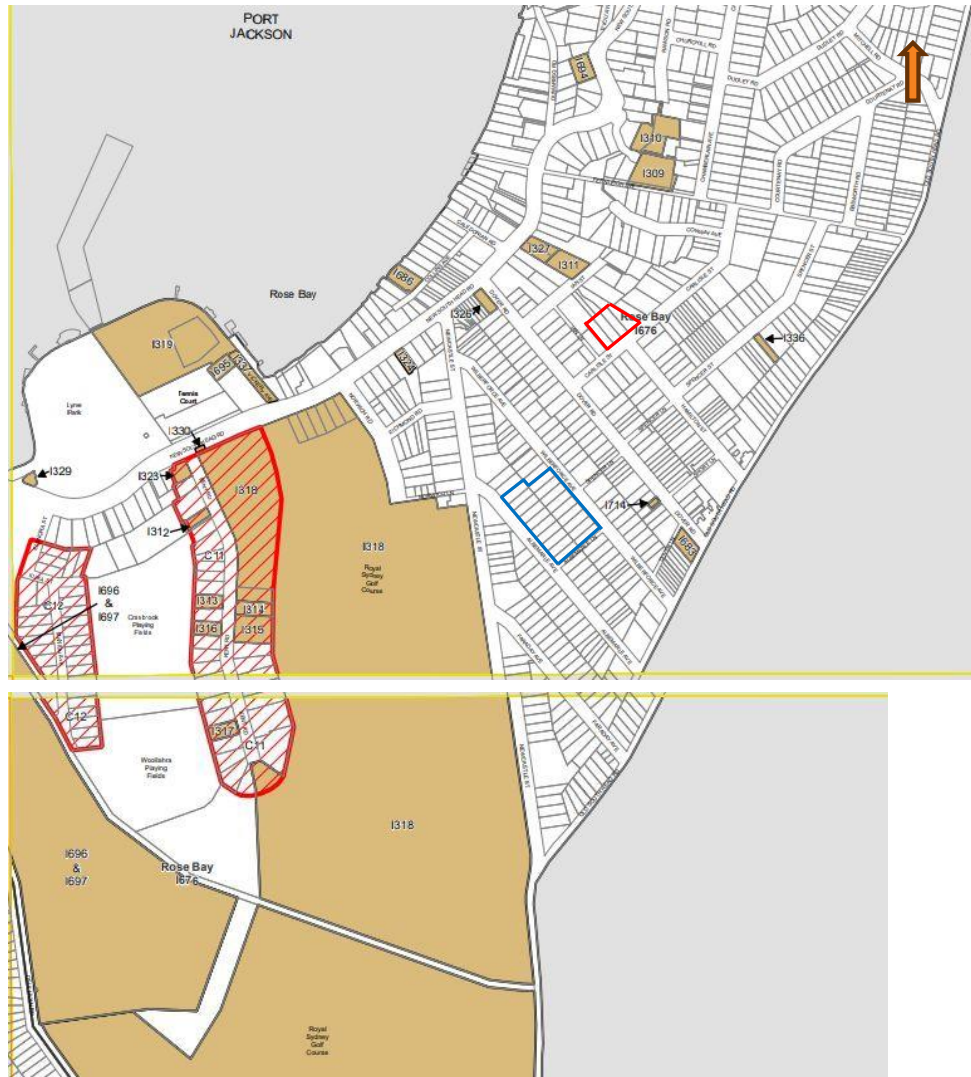


Figure 2: Local heritage items located in the vicinity of the study area: Rose Bay Public School (blue) & McAuley Catholic Primary School (red) (Source: Artefact, 2023 annotation on Woollahra LEP 2014 heritage maps HER005, above and HER006, below)

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3.0 HISTORICAL BACKGROUND

3.1 Aboriginal presence in Woollahra and Rose Bay³

The traditional owners of the study area are the Gadigal people. The study area is located within the La Perouse Local Aboriginal Land Council area⁴.

Many Aboriginal people, like other Indigenous or First Nations people around the world, say they have been living on Country since 'time immemorial'—that they have always been here and their origins lie in the creation of the land and animals.

Over the last few decades, archaeologists' knowledge of deep human time in Australia has expanded from just a few thousand years in the 1950s, to 25,000 years in the 1960s, then 40,000 years, to now around 60,000 years or more.⁵ Archaeological evidence of Aboriginal people living in the western Sydney region at Cranebrook Terrace, near Penrith in Western Sydney, has been dated to 41,700 years. There is growing consensus among archaeologists and historians that people have lived across the Sydney region from around 50,000 years ago.⁶

More ancient sites may lie off the coast and in drowned river valleys, now deep under water. Before the major sea level rise event at the end of the last ice age around 17,000 years ago, Aboriginal people living along the Parramatta River could have walked downstream along the riverbanks to the sea about 30 kilometres beyond the current day coastline. Over generations they would have watched and told stories about the gradual change as the sea rose to fill the 'drowned river valley' of what is now Sydney Harbour until it reached present levels around 6,000 years ago⁷.

Given the devastating impact of violent dispossession and disease upon Aboriginal people in the Sydney region after British colonization commenced with the arrival of the penal First Fleet in 1788, the precise identification of language groups and historical traditional lands or Country for a given area is often difficult today. Early colonial observer Watkin Tench believed there was at the least coastal and inland dialects of the same language and, while this is challenged by some historians who prefer less distinction between the 'canoe cultures' around Sydney's coast and waterways, there seems to have been alignments of inland economies of the rivers, creeks and open forests of the Cumberland Plain, and of coastal 'saltwater' focused groups.⁸

³ This Aboriginal history is derived from Stephen Gapps' short Aboriginal histories of Sydney prepared for Artefact, and Coast History & Heritage, 2021, *Woollahra Local Government Area Aboriginal Heritage Study*, commissioned by Woollahra Municipal Council.

⁴ Woollahra Municipal Council Library, 2023. 'A brief history of Woollahra – Indigenous heritage', online, viewed 27 September 2023.

⁵ Griffith, 2018, p.112. As Elder Auntie Jenny Munro expresses in Currie, 2008, p. 4, '...from time immemorial, we believe as Aboriginal people, Australia has been here from the first sunrise, our people have been here along with the continent, with the first sunrise. We know our land was given to us by Baiami, we have a sacred duty to protect that land.'

⁶ Attenbrow, 2010, pp 18-20; Nanson, Young & Stockton, 1987, p. 77; Williams, et al., 2017, pp 100-109; Jo McDonald Cultural Heritage Management, 2005, pp 4, 87-94; Attenbrow, 2012, notes that questions have been raised about the 40,000 years BP radiocarbon age for stone artefacts from the Cranebrook Terrace and the date of 30,000 years BP at Parramatta. See Williams et al., 2012, for comparison of site ages along Dyarubbin. Karskens, Burnett & Ross (2017, p. 4) are confident that "Aboriginal people were living on Dyarubbin/the Nepean River as long as 50,000 years ago."

⁷ There are now at least 21 identified oral stories around Australia that describe ancient sea-level rise. See Nunn & Reid, 2016, p. 11; Attenbrow, 2010, pp 154-155; Birch, 2007, pp 217-219

⁸ A frequently used indication of Country is language identity. However, far more complex factors are known to have often taken precedence over language in determining Aboriginal people's definition of Country. For an excellent overview of one area of Sydney see Aboriginal Heritage Office, 2015. See also Stanner, 1965, pp 1-26. There is debate on the extent and name for the language itself, some preferring to use 'The Sydney Language.' The main language spoken across what is now the Greater Sydney Region has been known as Darug (with various alternative historical spellings Dharruk/ Dharug/Dharook) after it was first used in written records in 1900

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By the early 1800s Aboriginal people had been forced away from the growing township but they continued to visit the locality of the study area. The coves and creeks around today's eastern suburbs were still very much undeveloped bushland, offering fishing and other resources. In many ways, this part of Sydney remained an Aboriginal place for a long time during the 19th century.

During the 1830s to 1860s Aboriginal people frequented Sydney, whether paddling their nawi (bark canoes) in Sydney Harbour, guiding foreign visitors, selling fish to colonists and travelling the roads and tracks. According to Obed West, recalling Sydney as he experienced it in the 1830s and 1840s, the land running down to Rushcutters Bay was 'a great camping place for the blacks'. West remembered watching 'them in their canoes in the bay, the gins fishing with the line while their sable lords used their spears to get the fish that swam beneath them'⁹.

Some, such as Bungaree, a Garigal man from Broken Bay, early became a mediator between the colonists and Aboriginal people, often working as a guide with various colonial expeditions. In 1815, Governor Macquarie made Bungaree 'Chief of the Broken Bay Tribe' and set aside land for his clan at Mosman on the north side of Sydney Harbour where Bungaree and his family were allocated huts, farming equipment and a boat for fishing. A formal settlement for Aboriginal people was also established at Elizabeth Bay in the early 1820s. Governor Macquarie had huts built and provided a fishing boat and tackle for 42 'settlers' at the 'Native Village'¹⁰.

Other camps were informal, such as the one at Point Piper. Captain John Piper's estate near Rose Bay bordered a small creek where, from at least 1819, a group of Aboriginal people were camped for several years. In 1822 Piper supported them by writing a petition to the new Governor Sir Thomas Brisbane.

At Double Bay, in 1845 a French missionary described a 'tribe' of around 20 Aboriginal men, women and children 'in their camp under a rock'. Several images were painted of this group, with Henry Campbell's scene the most well-known¹¹ (Figure 3).

Rose Bay became an important location. In 1829 the Sydney Gazette reported: 'Several tribes of black natives, consisting of about one hundred men, women, and children, have formed an encampment on the South Head-road, contiguous to the house of Mr. Robert Cooper.'¹² A man nicknamed 'Ricketty Dick', apparently crippled by arthritis, camped in front of Cooper's house, asking travellers on the South Head Road for a 'toll' of sixpence, one shilling or some tobacco. A man known as Freddy made engravings at Point Piper.

On the grounds of Woollahra House, the visiting English writer Anthony Trollope was shown a place where, he was told, 'the blacks in the old days, when they were happy and undisturbed, used to collect themselves for festive, political and warlike purposes'¹³.

Coast (2021) consider that Aboriginal people in the Rose Bay area were able to stay on their own terms and that they did so 'by cultivating strategic relationships with key Europeans in the area.'¹⁴

by Matthews & Everitt (1900: 265). Attenbrow (2010: 34) believes the Dharug language extended from Appin in the south to the Dyarubbin-Hawkesbury River in the north, west of the Georges River, to Parramatta and the Lane Cove River however others have taken it further, following the whole Cumberland Plain region. This historical overview does not seek to contest traditional or current definitions of affiliation with Country and acknowledges that multiple interpretations of such identity may exist. Trench (1793 [2004]: 122) observed that though the coastal and inland men he met conversed and understood each other, many words for common things bore no similarity while other words were only slightly different. For discussion of 'canoe cultures,' see Goodall and Cadzow, 2009, pp 38-39.

⁹ Sydney Morning Herald, 12 October 1882, p. 9.

¹⁰ Vincent Smith, Keith, 2011. 'Aboriginal life around Port Jackson after 1822', *Dictionary of Sydney*.

¹¹ Vincent Smith, 2011, 'Aboriginal life'.

¹² Sydney Gazette, 27 November 1830, p. 3; Sydney Gazette, 26 September 1829, p. 2.

¹³ Trollope, Anthony, 1876, *Australia and New Zealand*, London., p. 228; Vincent Smith, 2011, 'Aboriginal life'.

¹⁴ Coast, 2021, p. 59.

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People were not just camped in the area but still conducting ceremonies, combats and making rock engravings, fishing and trapping in the river, right up to the 1870s.

On the death of Bungaree in November 1830 the Sydney Gazette wrote that he was 'in the midst of his own tribe and that of Darling Harbour, by all of whom he was greatly beloved'. He was buried in a wooden coffin at Rose Bay, near the present-day Rose Bay Police Station¹⁵.

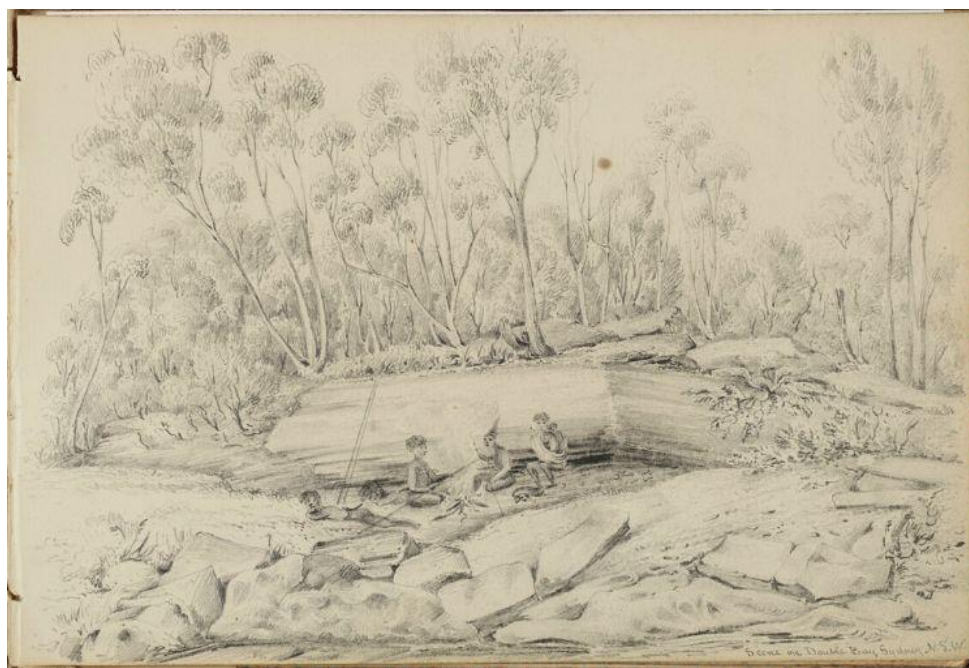


Figure 3: Henry Campbell, 'Scene on Double Bay Sydney N.S.W. 1840-1842', pencil sketch, 18.4 x 26.5 cm, SLNSW, PXC 291.

Other people who had survived the first 50 years of British occupation were less celebrated – indeed pressure was growing for them to be removed from Sydney altogether. In October 1836, two Aboriginal men 'Warro and Yarro' were charged with being drunk and 'annoying the public'. At this time, the use of the stocks for punishment was still in use. The two men were offered a fine of five shillings or an hour in the stocks. The two men chose the stocks and were apparently 'highly amused at their situation'¹⁶.

From the 1850s Woollahra became more heavily populated as more of the land was subdivided. The name for Seven Shillings Bay has been attributed to the story where an Aboriginal couple, Gurray and Nancy were given seven shillings by the unsympathetic owner of Redleaf House at Double Bay to remove themselves from the area. They moved a slight distance away, but returned as soon as the new owners moved in. This event is recognised as an 'unsuccessful attempt to dislodge Aboriginal connections with a few coins'¹⁷.

The parliamentarian George Thornton was instrumental in a shift in approach towards Aboriginal people in the area. By 1870 he had formed the view that Aboriginal people should be discouraged from visiting the area. By the end of 1881 he had been appointed Protector of Aborigines with powers

¹⁵ *Sydney Gazette*, 27 November 1830 p. 3.

¹⁶ *Sydney Monitor*, 10 October 1836, p. 2.

¹⁷ *Coast*, 2021, p. 57.

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to distribute assistance to Aboriginal people. By 1883 the Aborigines Protection Board was created, with Richard Hill of Vacluse appointed Chair. The Board concentrated assistance to Aboriginal people at their fishing village in La Perouse while closely monitoring Aboriginal camps elsewhere and sending in police in response to any complaints by others. The combination of surveillance and targeted assistance drew people into La Perouse. The relocation was aided by the evangelical Christian Endeavour movement which established a mission at La Perouse by the mid-1890s. Soon there were few remaining Aboriginal camps in Woollahra¹⁸.

Although unable to camp with their own people in the area, Aboriginal women worked as domestic servants for householders in Woollahra. During the 19th century apprenticeships were organised through Ormond House in Paddington. In the 20th century the Aborigines Protection Board removed children from their parents to train them, including for domestic service. By the 1920s hundreds of Aboriginal girls were working as domestic servants across Sydney.¹⁹

Coast described the contemporary situation in 2021:

'As of the 2016 census, [Woollahra Municipal Council] was home to around 54,000 residents, including 160 Aboriginal and Torres Strait Islander people (though many more live in surrounding suburbs) . . . Woollahra has a relatively small number of residents who identify as Aboriginal or Torres Strait Islander . . . This is not an accident, but is one of many tragic consequences of past government policies . . . As a consequence, while some Aboriginal people live in virtually every suburb across coastal Sydney, the main Aboriginal population centres continue to be clustered around the established Aboriginal communities in the La Perouse/ Matraville/ Botany area and the Redfern/ Waterloo area . . . while Woollahra does not have a large resident population, there are still many people who consider it part of their traditional homeland.'²⁰

3.2 Brief European history of the locality

Both schools in the study area are located within the former Point Piper Estate, later known as Cooper Estate, which was amalgamated by John Piper between 1813 and 1825. Rose Bay Public School is located within a 50 acre (20 ha) grant originally given to W. Jenkins, while McAuley Catholic Primary School is within a 50 acre (20 ha) adjoining grant to William Piper.²¹ These early grants were probably made around 1809 by the interim military government which ruled briefly after the Rum Rebellion, and whose grants were often annulled by Governor Macquarie²²—probably making the affected land cheaper but leaving it in an uncertain legal position.

Piper's eastern suburbs' holdings eventually spanned 1665 acres (674 ha). However his extravagant lifestyle sent him into financial difficulties, resulting in the sale of much of his Point Piper Estate in 1826 to two former convicts, turned businessmen, Daniel Cooper and Solomon Levey.²³ In 1830, a new grant was issued, formalising Cooper and Levey's ownership of the land²⁴. Levey died in London three years later and Cooper had assumed sole ownership of the estate by 1847, when the area was

¹⁸ Coast, 2021, pp 6, 61.

¹⁹ Coast, 2021, p. 62.

²⁰ Coast, 2021, pp7, 24-25.

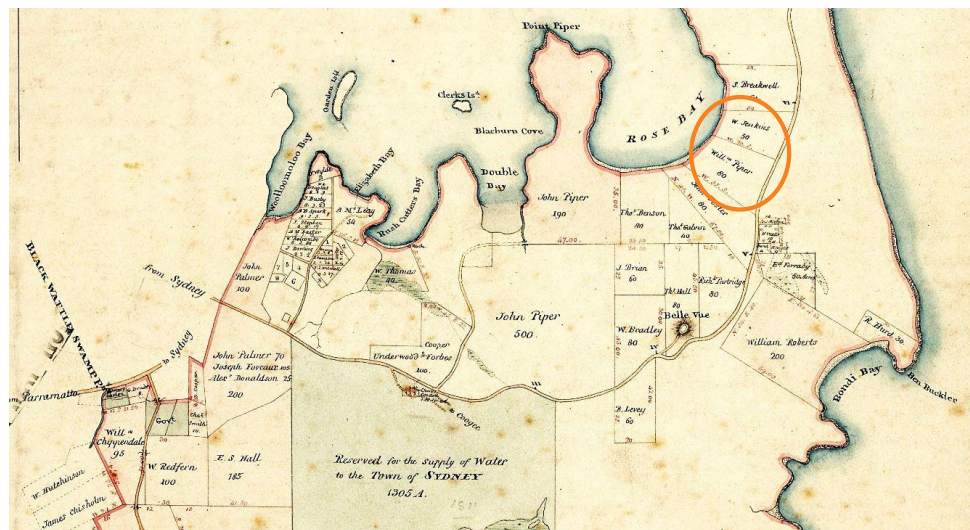
²¹ Rosemary Broomham, 2002, *Rose Bay Thematic History*, commissioned by Woollahra Municipal Council; HLRV map A0 185.

²² N. D. McLachlan, 1967. 'Macquarie, Lachlan (1762-1824)', *Australian Dictionary of Biography*, Australian National University. Online since 2006. Viewed 30 September 2023.

²³ Woollahra Municipal Council. 'Captain John Piper'. Accessed at: [https://www.woollahra.nsw.gov.au/library/local_history/woollahra_plaque_scheme/plaques/captain_john_piper\(12/03/2020\)](https://www.woollahra.nsw.gov.au/library/local_history/woollahra_plaque_scheme/plaques/captain_john_piper(12/03/2020))

²⁴ All the land title documents ignore the earlier transactions and refer to this grant made on 22 March 1830, for example the title documents accessed for both McAuley Catholic Primary School (including NSW Lands records for Lot 1 DP 805717 and Lot 18 DP 73884, PA 30580, PA 62250) and Rose Bay Public (including DP 4567 map, CT Vol. 1631 F.207, PA 12436).

becoming known as the Cooper Estate. During much of the 19th century Rose Bay remained largely bushland, although some was in use for farming and grazing in the later decades. While the land in the vicinity of the study area began to be sub-divided for residential development following the construction of New South Head Road in 1831, it wasn't until the introduction of a public tram service in the early years of the 20th century that suburban allotments became popular²⁵.



3.3 History of two Rose Bay schools

In 1891, in response to local appeals, the NSW Government established a public school for the primary education of children in Rose Bay. It was commenced in a rented house on Old South Head Road, near the current premises. In 1897 this early version of the school was relocated nearby along Old South Head Road to a 'commodious building' in an ostrich farm. The school's assistant teacher, Alice Stanford, was acting in the 'unheard of position of female principal' for two years before the school relocated to its permanent premises in 1907.²⁶

Following residential subdivision of the land between Wilberforce and Albemarle Avenues in Rose Bay around 1900, the NSW Government resumed approximately 0.8 hectares owned by the Intercolonial Investment Land & Building Co. Ltd for £1575.²⁷ The first school building constructed on the current premises of Rose Bay Public School came into use on 8 April 1907.²⁸ The building plus toilet block, weather-sheds and fences were erected by George Kidney of Woollahra for £975²⁹. It was a small brick building—which is still existing in the north-eastern corner of 'E Block', facing Wilberforce Street (see Figure 5 for a 1909 photo of the building).

²⁵ Jervis, 1960. *The History of Woollahra*; Broomham, 2002, *Rose Bay Thematic History*.
²⁶ RBPS, 1991. *Rose Bay Public School 1891-1991 Celebrating a Century of Education*, Rose Bay, p.9.
²⁷ RBPS, 1991. *Celebrating a Century*, p. 10.
²⁸ Jervis, 1960. *The History of Woollahra*, p. 100.
²⁹ RBPS, 1991. *Celebrating a Century*, p. 10.

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The architect responsible for the design of the building was probably James Sven Wigram, who was in charge of public school design within the Department of Public Works between 1904 and his retirement in 1908. This was a period of 'revolutionary' change in the design of pedagogy and school architecture following a commission of inquiry into the public education system by the NSW Legislative Council. Few new school buildings were constructed during this period when the department's efforts were focused on adapting its huge existing portfolio of school buildings to the new requirements, including smaller classrooms, and more light and ventilation.³⁰



Figure 5: 1909 photo of the original school building at Rose Bay Public School, stating the school had 139 students enrolled (Source: State Records, FL1441588)

³⁰ Tonkin, 1975. 'School buildings 1848-1930', B.Arch (Hons) thesis, University of Sydney, pp 195, 204; The Commissioners, 1903-1905, NSW Legislative Council.

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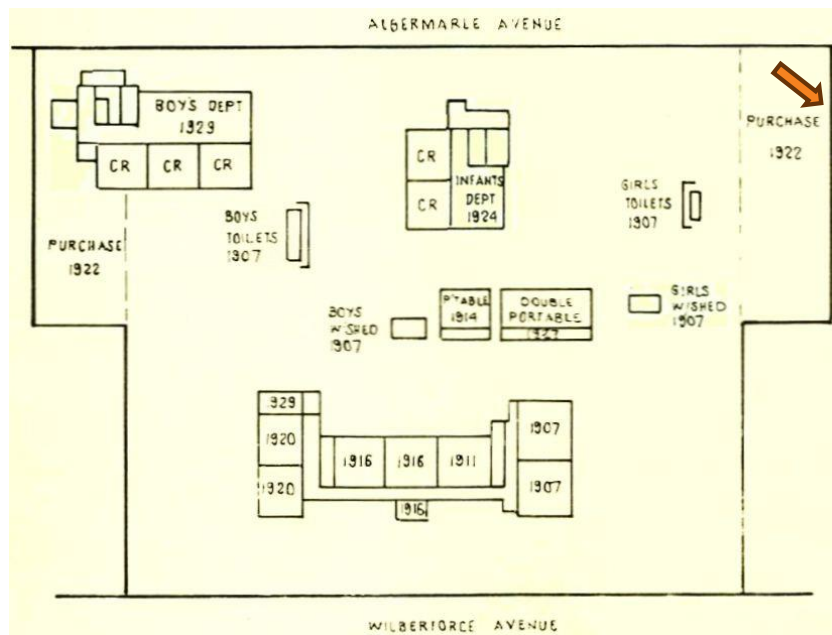


Figure 6: Diagram showing date of construction of early parts of each historic building in Rose Bay Public School (Source: RBPS, 1991, p. 16)

The Rose Bay Public School's centennial history, published in 1991, describes a long history of new buildings, building additions, alterations and demolitions as the school adjusted to increasing enrolments and changing requirements for facilities and maintenance³¹. Enrolments grew from 130 children in 1909³² to 160 children in 1911 and 220 children in 1913. In 1922, with enrolments at 475 students, two new lots facing Albemarle Ave were resumed to expand the school, costing £396 and £450. By 1927 the enrolment was up to 800 students³³ and in 1930 the school's enrolment peaked at 1000 students³⁴.

Extensions to the original building (E Block) took place in 1911, 1916, 1920, 1929 and also during the 1970s.³⁵ During the 1920s further land was resumed. The building which would become known as D Block began in 1924 as the Infants' Department. It was positioned across the school grounds from the original building, facing Albemarle Ave and was completed at a cost of £4,443³⁶. Electric lighting was installed for the first time in the ground floor classrooms at the special request of the P&C³⁷. The building which would become known as B Block began in 1929 as the Boys' Department. It was also positioned facing Albemarle Ave³⁸.

During the 1970s the building linking B and D Blocks was constructed, now known as C Block. Since 2005, several small buildings in the north-western corner of the grounds have been removed and

³¹ RBPS, 1991. *Celebrating a Century*.

³² State Records, FL1441588 referring to photo from 1909—see photo and its caption in Figure 5.

³³ RBPS, 1991. *Celebrating a Century*, pp 12-15.

³⁴ RBPS, 1991. *Celebrating a Century*, p17.

³⁵ RBPS, 1991. *Celebrating a Century*, p. 16 diagram; Artefact analysis of historical aerial imagery.

³⁶ Jervis, 1960. *The History of Woollahra*, p. 100)

³⁷ RBPS, 1991. *Celebrating a Century*, p15.

³⁸ RBPS, 1991. *Celebrating a Century*, diagram on p.16.

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replaced with a sporting field. Two large new administration buildings known as A Block and J Block has been constructed in the south-east corner of the school³⁹.

In 2022 Rose Bay Public School had an enrolment of 469 students⁴⁰.

3.3.2 McAuley Catholic Primary School brief building history

McAuley Catholic Primary School is positioned across four suburban allotments which were developed and inhabited for about 30 years before being acquired by the Christian Brothers. One of the Federation-era houses and its garden in the adjoining lot was demolished to make way for the main college building in 1935. Two more neighbouring Federation-era houses were soon incorporated into the school premises.

The four lots, originally called Lots 18, 19, 20 and 21 of the Carlisle Estate (later called 6, 8, 10 and 12 Carlisle Street) appear to have been subdivided around 1901 and sold soon afterwards. The two lots at 10-12 Carlisle Street were purchased in 1902 by Frederick J. Barker, 'commercial traveller', who had constructed a house at 12 Carlisle Street by 1904, and apparently kept the land at 10 Carlisle Street for his garden⁴¹. Around 1908 the house on Lot 18 at no. 6 Carlisle Street was constructed for John G. Lee, and leased by R.A. Shaw. Also, by 1908, the house on Lot 19 at no.8 Carlisle Street was constructed and inhabited by Guy Gallop.⁴²

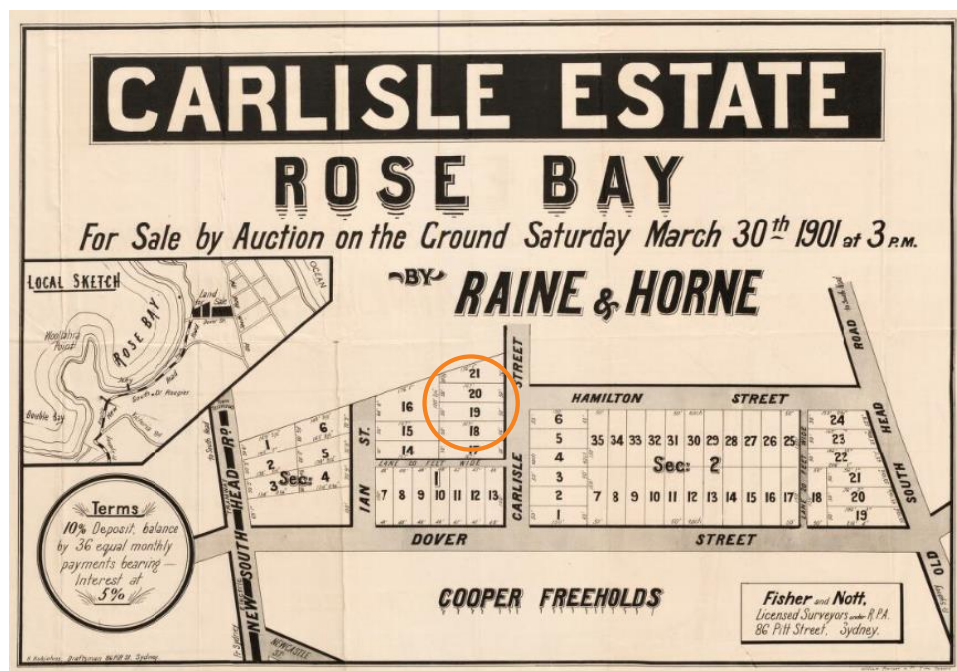


Figure 7: 1901 advertisement of sale of land in Carlisle Street Rose Bay including the subject lots (18, 19, 20, 21) (NLA MAP LFSP 2410, Folder 151)

³⁹ Artefact analysis of historical aerial imagery, RBPS, 1991. *Celebrating a Century*, p. 30

⁴⁰ RBPS, 2022. *Annual Report*.

⁴¹ NSW Lands PA 30580, Old System Title Bk 720 No. 940 and Bk 890 No. 458. The Old System records state that he paid £100 for each lot in 1902.

⁴² Woollahra rates books (online) and *Sands Directory*.

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'The man to whom belongs the title 'Father of Education in Rose Bay' the Right Rev. Monsignor Richard Joseph O'Regan was appointed Parish Priest in June, 1917'⁴³. Three years later, in 1920, the Mary Magdalene Catholic Church was built on New South Head Road in Rose Bay⁴⁴. The Christian Brothers school would soon be built on the hill above the church, with which it would have many close associations.

In 1926, Frederick Barker sold his two lots at 10-12 Carlisle Street to John Vaughan, 'gentleman', who sold both lots to Michael Benignus Hanrahan, John De Sales Tevlin and Patrick Jerome Barron, 'teachers' (representing the Christian Brothers) in 1934⁴⁵, who paid £2400⁴⁶.

'The choice of the site was excellent in many ways, midway between the two South Head Roads in a quiet street, parallel to both, with its facade turned towards Dover Heights and the ocean and with its northern balconies overlooking the bay. The College building has a situation combining charm, quiet and convenience of access'⁴⁷

At the commencement of the school year on 27 January 1935, the new Christian Brothers College Rose Bay (CBCRB) was ready to receive students. The college building was designed by John Hennessey, whose firm had been designing major buildings for the Catholic Church since the 1880s, including many Christian Brothers school buildings across Sydney. There were 74 boys enrolled in the first year. A kindergarten was added in 1939 and by 1940 there were 240 enrolled. During World War II, 'The invasion panic of 1941 was reflected in the evacuation of 70 pupils' but numbers had more than recovered to 287 by 1946⁴⁸. 'Its roll call did not ever exceed 320 and unlike probably any other school in Australia at the time (1939), it conducted classes from Kindergarten to the Leaving Certificate'⁴⁹.

⁴³ J. Cosgrove & J. Finnane, c.1989. *Rose Bay Parish, the story of seventy-five years (1914-1989)*, p. 52.

⁴⁴ Woollahra Library history "fast facts" online. Its tower was added in 1932 and additions designed by Leslie Wilkinson in 1938.

⁴⁵ NSW Lands CT Vol. 4464 F. 22.

⁴⁶ Cosgrove, 1989. *Rose Bay Parish*, p. 31.

⁴⁷ Cosgrove, 1989. *Rose Bay Parish*, p. 44.

⁴⁸ Christian Brothers, 1959. *Christian Brothers Annual, Christian Brothers College Rose Bay 1935-1959*, copy held in PDF file collated by Woollahra Local Studies Centre, p. 5.

⁴⁹ Cosgrove, 1989. *Rose Bay Parish*, p. 44.

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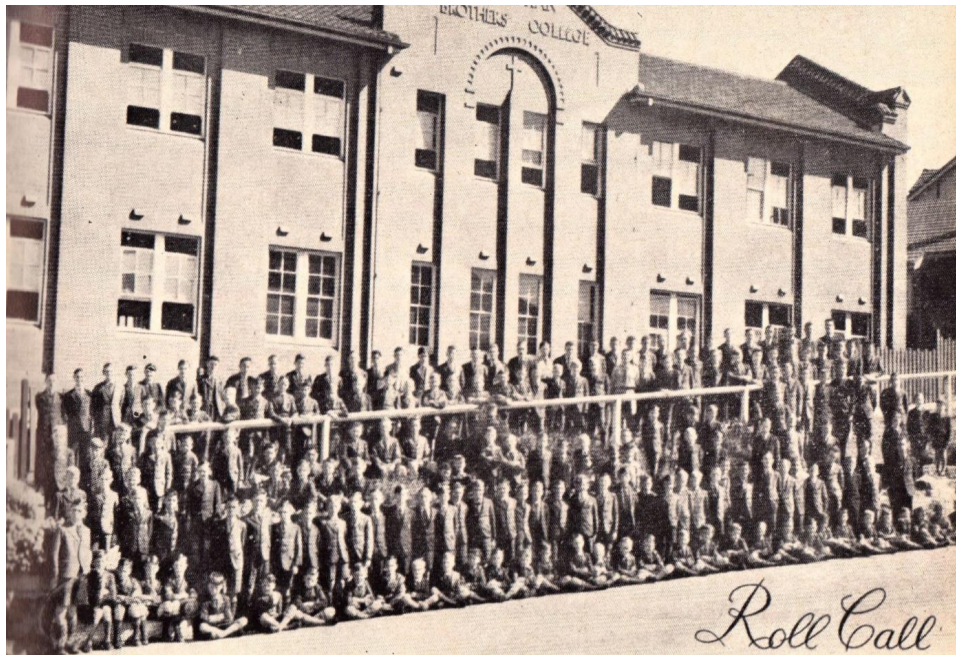


Figure 8: 1942 photo of CBCRB student cohort arranged in front of the main college building facing Carlisle Street (Source: Christian Brothers, 1959, *Jubilee*, p. 9)

Neither of the nearby Federation Bungalow houses at 6 and 8 Carlisle Street were part of the original school premises. However in 1937, the property at 8 Carlisle Street was purchased by Christian Brothers representatives and in 1949, the property at 6 Carlisle Street was acquired by the Christian Brothers⁵⁰. In 1953 the school celebrated the opening of 'Fatima Hall', built across the rear of both these lots at 6-8 Carlisle Street. It was an assembly hall with an additional classroom on the lower ground floor. Since then, the name of the assembly hall has been changed from 'Fatima Hall' to 'Magdalene Hall'.

In 1967, the rationalisation of the administration of various Catholic schools in the locality resulted in Christian Brothers College Rose Bay closing down and the school re-opening as 'McAuley Preparatory School'. Since 1967 it has been a coeducational school, catering to both boys' and girls' primary school education within the Catholic school system. It was named after Sister Catherine McAuley who founded the Sisters of Mercy in Ireland in 1831. The new school's founding principal was Sister M. Mildred Price, and it was run by the Sisters of Mercy from 1967 until 1980⁵¹. It has been run by lay principals since 1980⁵².

In 1985, a physical linking wing was constructed between the two houses at 6 and 8 Carlisle Street and adjustments made to windows and doorways of both houses⁵³. In 1990 the main college building was modified with most timber windows being replaced by metal-framed windows, the installation of suspended ceilings, the removal of a wall between two classrooms on the first floor, and the introduction of a small library and toilets facing the playground at ground floor level⁵⁴. After 1985, there was major reconstruction of the interiors of the house at 6 Carlisle Street, including removal of

⁵⁰ NSW Lands, PA 23884.

⁵¹ Cosgrove, 1989, *Rose Bay Parish*, pp 48-49.

⁵² McAuley Catholic Primary School website, 'About us', viewed 27 September 2023.

⁵³ Woollahra Council archived records for the property.

⁵⁴ Woollahra Council archived records for the property.

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interior walls to make a large classroom in the front section of the building. Since 2005 a substantial addition in light-weight materials has been made to the rear of 6 Carlisle Street to create a new large classroom⁵⁵.

In 2022 McAuley Catholic Primary School had an enrolment of 185 students⁵⁶.



Figure 9: Installing the painting 'Fatima' executed and presented to the College on the opening of 'Fatima Hall' in 1953 (Source: Christian Brothers, 1959, *Jubilee*, p.7)

⁵⁵ Artefact analysis of historical aerial photographs of the place.

⁵⁶ McAuley Catholic Primary School, 2022. Annual Report, p. 6 (online).

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4.0 PHYSICAL CONTEXT

4.1 Site Inspection

A site inspection to Rose Bay Public School and the exteriors of McAuley Catholic Primary School was conducted on 17 August 2023 by Bronwyn Hanna (Senior Heritage Consultant) and Johnny Sokalik (Senior Heritage Consultant); the site inspection to see the interiors of the buildings and school grounds at McAuley was conducted on 19 September 2023 by Bronwyn Hanna (Senior Heritage Consultant) and Jordan Wilson-Aarsen (Heritage Consultant), all of Artefact Heritage. The aim of the site inspections was to inspect both places for potential heritage significance and inform a preliminary assessment of archaeological potential. The inspection was undertaken on foot and a photographic record was made.

4.2 Description of Rose Bay Public School context and campus

The cadastral description of Rose Bay Public School comprises Lots 111 and 112 DP 1076937, and Lots 13-20 & Lots 46-54 DP 4567, Parish of Alexandria, County of Cumberland

Rose Bay Public School is located approximately 6 km east of the Sydney Central Business District, in the Eastern Suburb's South Head peninsular, in Woollahra Municipal Council. This LGA is one of the wealthiest local government areas in Australia.

The school is positioned on an area of flat land near the Royal Sydney Golf Club, approximately 400 metres south-east of the harbour at Rose Bay and 1.2 km west of the cliffs facing the ocean at Dover Heights, and about mid-way between New South Head Road and Old South Head Road.

No freshwater resources are currently mapped within 200m of Rose Bay Public School. The closest such resource is the canalised Rose Bay Creek / Rose Bay Side Drain, which flows 650m to the south-west through Woollahra Park. Soil mapping provides approximate guidance to local soil deposits. Information available to this report indicates that Rose Bay Public School is located on Tuggerah (Aeolian) Soils, the landscape of which is described as 'gently undulating to rolling coastal dunefields... Quaternary (Holocene and Pleistocene) wind-blown, fine to medium grained, well sorted marine quartz sand'. These are chiefly located on Hawkesbury Sandstone⁵⁷.

The school is located within a residential area. It is bordered by public roads on three sides (Wilberforce Ave, Albemarle Ave, Albemarle Lane) and by residential housing on the south-eastern end. The school grounds are located approximately 1-2 metres above the surrounding street levels, implying that the place has significantly been built up over time. Much of the ground surface is bituminised and level. There are tennis courts in the northwest corner of the and an open lawn in the north-eastern corner. There are substantial street trees on the boundary of the school property along Wilberforce Avenue and Albemarle Lane and a mature Canary Island Date Palm tree positioned near the historic, north-eastern corner of E Block (which appears in aerials of the school since 1970 at least, and possibly since 1955).

There are six main buildings, referred to as A Block, B Block, C Block, D Block, E Block and J Block, which accommodate a current enrolment of around 469 students⁵⁸ with classrooms, playing grounds, sporting areas, staff rooms, offices and storage areas. The north-eastern corner of E Block, facing Wilberforce Avenue, was the original building constructed on these grounds by the NSW Department of Education in 1907. A number of additions were made to it before D Block was built in 1924 and B Block in 1929, both facing Albemarle Avenue. During the 1970s, B Block and D Block were linked

⁵⁷ eSpade, 2023. <https://www.environment.nsw.gov.au/eSpade2Webapp/> - accessed 8 August 2023.

⁵⁸ RBPS, 2022. *Annual Report*.

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together into one building with the construction of C Block adjoining them both. Two modern additions were made to E Block around this time. Since 2005 a large new administration building has been constructed in the south-eastern corner of the school. There are also several light-weight 'temporary' buildings.

The historic buildings at Rose Bay Public School were well-constructed in brick and timber, and have been generally well-maintained by the NSW Department of Education. Detailed discussion and analysis of the two potential heritage buildings—E Block, and the B, C and D Block conglomerate building—is contained in the Survey Sheets in Appendices 3 and 4.



Figure 10: Contemporary map diagram of Rose Bay Public School buildings and their identified names (Source: Rose Bay Public School).



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Figure 11: Façade of E Block facing inwards towards the playground with the original part of the building on the left, and 1911 and 1916 additions in the centre and 1970s addition at right (Source: Artefact, 2023)



Figure 12: Original north eastern corner of E Block dating from 1907 (Source: Artefact, 2023)



Figure 13: Interior of historic classroom in E Block (Source: Artefact, 2023)

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Figure 14: Façade of B Block facing Albemarle Avenue (Source: Artefact, 2023)

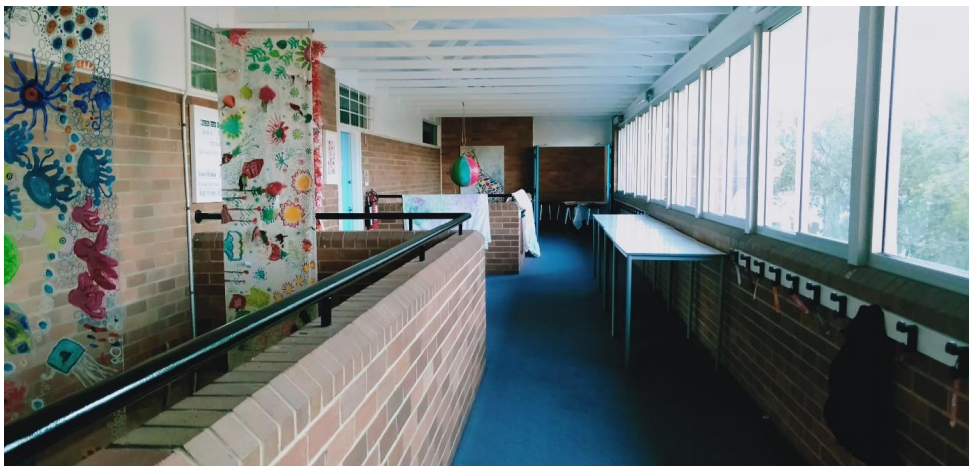


Figure 15: Interior corridor in C Block (Source: Artefact, 2023)



Figure 16: Façade of D Block facing playground with historic school bell on display (Source: Artefact, 2023)

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Figure 17: Interior of 1920s built classroom in D Block (Source: Artefact, 2023)



Figure 18: Central playground at Rose Bay Public School with E Block on the right and B, C and D Blocks on the left (Source: Artefact, 2023)

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Figure 19: Historic school bell in playground outside D Block (Source: Artefact, 2023)



Figure 20: Canary Island Date Palm tree near original section of E Block, facing Wilberforce Avenue (Source: Artefact, 2023)

4.3 Description of McAuley Catholic Primary School context and campus

The McAuley Catholic Primary School premises occupy the lots previously numbered 6-12 Carlisle Street Rose Bay. Its cadastral description comprises Lots A and B DP 80580, Lot 1 DP 805717 and Lot 18 DP 73884 within the Parish of Alexandria, County of Cumberland.

The McAuley Catholic School is located approximately 6km east of the Sydney Central Business District, in the Eastern Suburb's South Head peninsular, within Woollahra Municipal Council. This LGA is one of the wealthiest local government areas in Australia. Most of the older houses in the neighbourhood have been replaced with large, recently constructed mansions.

The school is positioned on a hillside approximately 300 metres east of the harbour at Rose Bay and 1km west of the cliffs facing the ocean at Dover Heights, and about mid-way between New South Head Road and Old South Head Road. It is on a slope falling steeply to the south and to the west, and the grounds are terraced throughout with retaining walls, often constructed in sandstone. Much of the school playground is capped by concrete. There are harbour glimpses from the top floor of the former college building. A tree was planted near the entrance to Magdalene Hall during the 1970s⁵⁹,

⁵⁹ Artefact analysis of historical aerial photographs of the place, Artefact site visit, 2023. The tree species has not been identified.

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which has grown into a distinctive feature of the school grounds, although not visible from the public domain. It frames the Magdalene Hall and providing welcome shade to much of the playground.

The school is located in the interface between the Tuggerah Soils to the south-west, and Newport (Aeolian) Soils to the north east. The Newport Soil landscape is described as 'gently undulating plains to rolling rises of Holocene sands... shallow windblown sands of the Newport Soil landscape'⁶⁰. The geological substrate is Hawkesbury Sandstone. Although there are no currently mapped waterways within 200m of McCauley Catholic School it is likely that water was once locally available through springs and seepage, such as is found 500m to the north at the permanently flowing Emma's Well.

Three of the school's four buildings face Carlisle Street: the original Christian Brothers College building dating from 1935, and the two Federation bungalows formerly known as 6 and 8 Carlisle Street dating from 1908. The other three sides of the school grounds are bordered by residential properties. The fourth building, Magdalene Hall, dating from 1953, is positioned at the rear of the school, in the north-west corner of the site, across the former two back yards of numbers 6 and 8 Carlisle Street.

There are two statues on the school grounds: a plaster cast, life-sized statue of St Joseph positioned on the first floor within the main college building overlooking the playground (Figure 26). There is also a half-sized statue of a woman saint positioned in the school grounds near the entrance to the Magdalene Hall. This appears to be carved in sandstone and may depict Mary Magdalene (Figure 27). There are other moveable heritage items associated with the school, mentioned in the school histories.

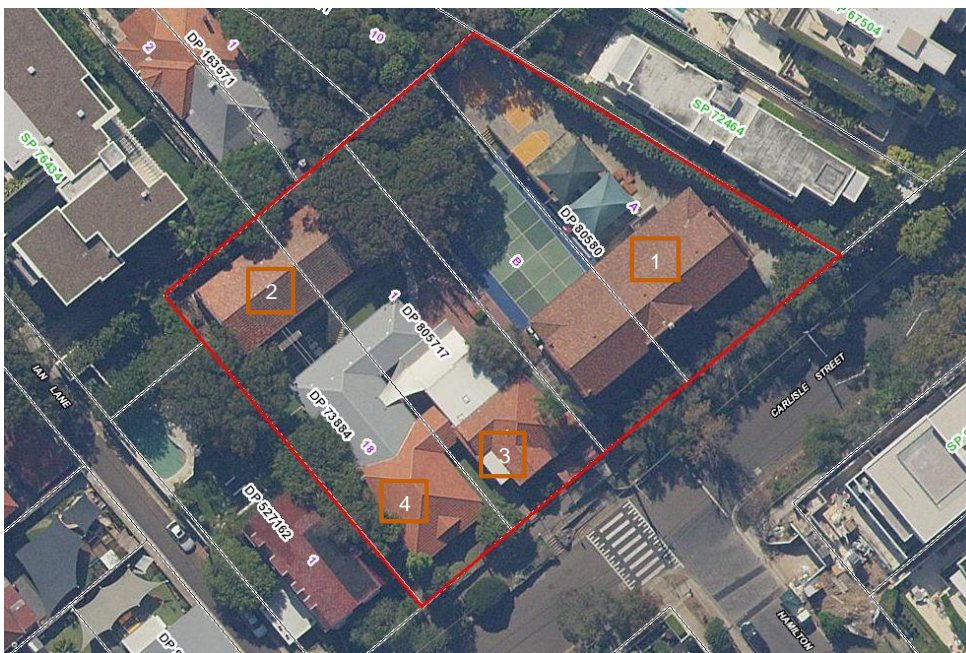


Figure 21: Aerial cadastral view of McAuley Catholic Primary School showing the boundary of the school premises in red and four main buildings: 1) Former Christian Brothers College main building 2) Magdalene Hall 3) Federation bungalow at former 8 Carlisle Street and 4) Federation bungalow at former 6 Carlisle Street (Source: SIX maps annotated by Artefact, 2023)

⁶⁰ eSpade, 2023.

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Figure 22: View of the two Federation bungalows and the main former College building facing Carlisle Street (Source: Google Maps Streetview, 2023)

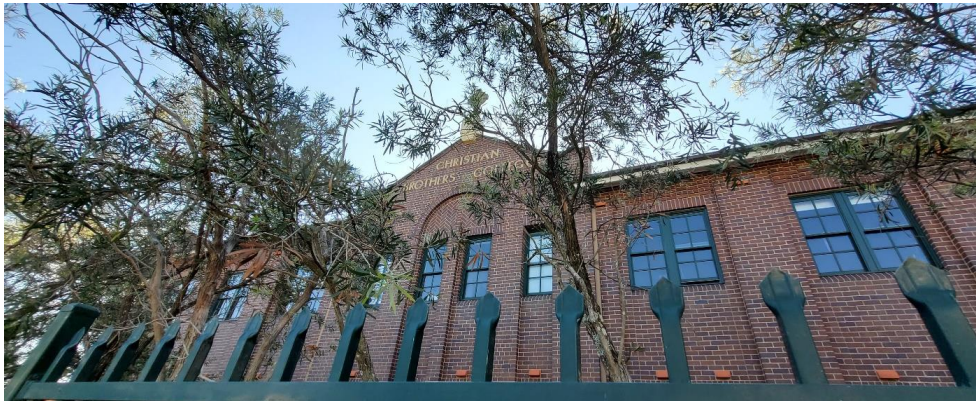


Figure 23: View of the street façade of the college building from the footpath (Source: Artefact)



Figure 24: View of the back façade of the college building from the playground (Source: Artefact)

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Figure 25: Interior of classroom on the top floor (Source: Artefact, 2023)



Figure 26: Plaster cast statue of St Joseph overlooking the playground from the main college building (Source: Artefact, 2023)



Figure 27: Statue in school grounds near the Magdalene Hall (Source: McAuley Catholic Primary School website)

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Figure 28: Magdalene Hall viewed from the playground near its main entrance (Source: Artefact, 2023)



Figure 29: Interior of Magdalene Hall (Source: Artefact, 2023)



Figure 30: Unidentified large tree planted near the main entrance to Magdalene Hall during the 1980s (Source: Artefact, 2023)

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Figure 31: Façade of former 6 Carlisle Street (Source: Artefact, 2023)



Figure 32: Façade of former 8 Carlisle Street (Source: Artefact, 2023)

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5.0 SIGNIFICANCE ASSESSMENT

5.1 Methodology

Determining the significance of heritage items is undertaken by utilising a system of assessment centred on the *Burra Charter* (Australia ICOMOS 2013).

If an item meets one of the seven heritage criteria at the local or state level, as outlined by the Heritage Council of NSW, it can be considered to have heritage significance (see **Table 2**). If it meets two criteria at the 'state level' it may be considered for listing on the SHR.

'State heritage significance'—'A State Heritage Register listing recognises a place or object as significant for all of NSW. The listing is assessed and recommended by the Heritage Council of NSW and made under the Heritage Act 1977 by the NSW Minister'.⁶¹

'Local heritage significance'—'A local heritage listing recognises the place has significance to a local area and/or community. The listing is included in a local environmental plan or state environmental planning policy and made under the Environmental Planning and Assessment Act 1979'.⁶²

Table 2. NSW Heritage Council's heritage assessment criteria

| Criteria | Description |
|--|--|
| A – Historical Significance | An item is important in the course or pattern of the local area's cultural or natural history. |
| B – Associative Significance | An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history. |
| C – Aesthetic or Technical Significance | An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area. |
| D – Social Significance | An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons. |
| E – Research Potential | An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history. |
| F – Rarity | An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history. |
| G - Representativeness | An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places of cultural or natural environments (or the cultural or natural history of the local area). |

Five levels of cultural significance have been used in the assessment of the two places. These categories have been developed based on *Assessing Heritage Significance*,⁶³ prepared by Heritage NSW, and the categories provide a framework for conservation policies, interpretation and recommended treatment of the fabric.

⁶¹ Heritage NSW, 2023A. *Assessing Heritage Significance*.

⁶² Heritage NSW, 2023A. *Assessing Heritage Significance*.

⁶³ Heritage NSW, 2023A. *Assessing Heritage Significance*.

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Table 3: Gradings of cultural significance

| Level | Justification | Status |
|-----------------------|---|---|
| Exceptional | Where an individual . . . element . . . is assessed as making a rare or outstanding contribution to the overall significance of the place . . . [and exhibits] a high degree of intactness and quality. Minor alterations or degradation may be evident, but does not detract from the overall significance of the place. Demolition/removal of the element would diminish the heritage significance of the place. | Fulfil criteria for local or state listings. |
| High | Where an individual . . . element . . . is assessed as making considerable contribution to the overall significance of the place . . . and exhibits] a considerable degree of intactness and [was] originally of substantial quality. Considerable alteration may have been undertaken, which may alter the presentation and completeness, but does not detract substantially from the overall significance of the place. Demolition/removal of the element would diminish the heritage significance of the place. | Fulfil criteria for local or state listings. |
| Moderate | Where an individual . . . element . . . is assessed as making a moderate contribution to the overall significance of the place . . . [and exhibits] considerable alteration and/or degradation which detracts from the overall significance of the place. . . . Elements . . . which were of some intrinsic quality, but are relatively intact may be included. Elements with little heritage value but contribute to the overall cumulative significance of the place may also be included. New elements of high-quality design and aesthetic value may be considered to contribute to the significance of the place. Demolition/removal of the element may diminish the heritage significance of the place. Elements or spaces can be altered or adaptively reused. | Fulfil criteria for local or state listings. |
| Little / Minor | Where an individual . . . element . . . is assessed as making a minor contribution to the overall significance of the place, particularly compared with other elements . . . [and exhibits] extensive alterations or degradations which impact their significance and ability to interpret. New elements of little intrinsic quality or aesthetic value may be considered in this category. Demolition/removal of the element would not diminish the heritage significance of the place. Elements or spaces can be altered or adaptively reused. | Does not fulfil criteria for local or state listings. |
| Intrusive | Where an individual . . . element . . . is assessed as detracting from the appreciation and overall significance of a place. The element may be adversely affecting or obscuring other significant areas, elements or items. Demolition/removal of the element is recommended. | Does not fulfil criteria for local or state listings. |

Table 4 Relevant historical themes

| Australian theme | NSW theme | Local theme |
|---|-----------------------------|--|
| 4. Building settlements, towns and cities | Towns, suburbs and villages | Activities associated with creating and maintaining educational institutions |
| 7. Educating | Education | Provision of local educational opportunities |
| 8. Developing Australia's cultural life | Creative endeavour | Exemplars of an architectural style, or work by known architects |

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5.2 Rose Bay Public School analyses of significance

The project proposal requested heritage assessment of the 'Old School Hall' at Rose Bay Public School. Artefact's site visit on 17 August 2023 established there is no building known as the 'Old School Hall', there are two historic buildings on the school premises which appear worthy of heritage analysis and assessment: E Block stretching from the north eastern corner of the school grounds facing Wilberforce Avenue, which includes the school's oldest building remnant dating from 1907; and the B, C & D Block buildings facing Albemarle Avenue, which have been combined together and include building elements dating from the 1920s. The site visit also established the presence of an old school bell on display in the playground, and an historic palm tree positioned near the north-eastern corner of E Block. The rest of the school grounds were considered to be of more recent build and although in sound condition they were considered unlikely to meet to meet NSW Heritage Council criteria for heritage listing.

The E Block and the conglomerate of the B, C and D Block buildings at the Rose Bay Public School have been assessed and a level of significance has been applied. This detailed assessment is provided to help inform decisions about the future conservation and development of these two building complexes. See detailed survey sheets for the two assessed buildings in Appendix 3 and Appendix 4.

5.2.1 Rose Bay Public School summary statement of significance for E Block

The E Block building at Rose Bay Public School has moderate local heritage significance under historical, associational, aesthetic, social, rarity and representative criteria.

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

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

The E Block building and its extensions were the first known structures built on this land so there is low potential for historical archaeological remains. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity.

5.2.1 Rose Bay Public School summary statement of significance for B, C and D Block

The B, C and D Block conglomerate of buildings at Rose Bay Public School has little local heritage significance under historical, associational, aesthetic, social, rarity and representative criteria.

The D Block building dating from 1924 and the B Block building dating from 1929 demonstrate some of the early expansion of Rose Bay Public School to facilitate increasing student enrolments between

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the wars. The 1970s addition of the C Block building linking the two older buildings is evidence of another phase of the school's evolution but detrimentally impacted the original design of both earlier buildings. Collectively the three buildings demonstrate good quality government-built educational buildings constructed, maintained and adaptively reused throughout the 20th century but as a conglomerate they have little aesthetic, historic, rarity or representative significance. The E Block building at the school is earlier and more aesthetically distinctive, as well as less impacted by modern additions. The B, C & D Block buildings at Rose Bay Public School is likely to have social significance for school children, alumni, teachers and others who have used the building when attending or working at the school but further consultation with the local community may be required to establish whether there is local social significance.

The conglomerate of B, C & D Block buildings at Rose Bay Public School were the first known buildings constructed on their part of the property so there is low potential for historical archaeological remains. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity (Coast Heritage, 2021).

5.2.2 Rose Bay Public School grading of other potential significant elements

Table 5: Grading of Significance of other historic elements at Rose Bay Public School

| Component | Description | Grading |
|--|---|--|
| Historic school bell beside Block D (Figure 19) | An historic metal bell positioned on top of a tall metal post is displayed in the playground of the school next to D Block. There is no interpretive signage and no documentation about it has been found in the course of this project research. If the bell can be evidenced as having been in historic use at the school, it may be considered significant and included in any heritage listing as moveable heritage. | <i>Potential Moderate:</i> The displayed school bell may have significance as an historic remnant of school technology. Its age is unknown but it is relatively intact. Further research is required to establish its authenticity through provenance, date of manufacture, and comparative analysis with other remnant school bells in NSW. |
| Palm tree near E Block (Figure 20) | A mature palm tree is positioned close to the most historic north-eastern corner of E Block. Artefact's analysis of aerial imagery suggests it has been there at least since 1970, and possibly since 1955. It was not in this position in 1943 (suggesting it was not part of the original landscaping for the original school building but that it is aged between 50 and 90 years). It appears to be a Canary Island Date Palm tree. | <i>Moderate:</i> The mature palm tree has significance as an historic landscape element of the school, which has been positioned in close proximity to the oldest built element of the school – the north-eastern corner of E Block for more than 50 years. Further research may establish its species, age and consider its contribution to the landscaping and presentation of the school. |

5.3 McAuley Catholic Primary School analyses of significance

The four main buildings at McAuley Catholic School have been assessed and a level of significance has been applied to each analysis. This detailed assessment of the former Christian Brothers College building, the Magdalene Hall and the two Federation bungalows is provided to help inform decisions

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about the future conservation and development of the place. See survey sheets in Appendix 5, Appendix 6 and Appendix 7.

Note: During the site inspection of the premises on 19 September 2023, accompanied by the principal, Ms Nicole Jones, Artefact inquired about two objects recorded in the 1959 Christian Brothers history of the place. The Christian Brother's *Jubilee* publication mentions the college being given 'a small metal reliquary containing the most precious of all relics, some of the dust of St Teresa's body taken from the coffin. With it was a sealed document attesting the authenticity of the relic'⁶⁴. The publication also mentions 'the unveiling by His Eminence of the painting "Fatima"' executed and presented to the College by Mr. John Coburn⁶⁵ (Figure 9). These two items of potential moveable heritage significance were unknown to Ms Jones. They may have been removed when the administration of the Christian Brothers College was replaced by the Sisters of Mercy for the new McAuley Catholic Primary School in 1967.

5.3.1 McAuley Catholic Primary School summary statement of significance for the former Christian Brothers College building

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

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

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

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

The former Christian Brothers College building is understood to be the second building to be constructed on the property formerly known as 12 Carlisle Street, which had a Federation era residence constructed there in c.1904. As such it has moderate-to-high potential for historical archaeological remains of local significance. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the study area. The study area falls within an area of Potential Aboriginal Heritage Sensitivity.

⁶⁴ Christian Brothers, 1959, *Christian Brothers Annual*, p. 6.

⁶⁵ Cosgrove, 1989, Rose Bay Parish, p. 46; Christian Brothers, 1959.

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5.3.1 McAuley Catholic Primary School summary statement of significance for Magdalene Hall

The Magdalene Hall within the McAuley Catholic Primary School is assessed as having little heritage significance.

The Magdalene Hall, originally named Fatima Hall, dates from 1953 and is a well built and maintained but modest school hall typical of its era. It has a moderate historical association with the Christian Brothers College Rose Bay and the McAuley Catholic Primary School as a locally significant educational and religious institution.

The hall has minor aesthetic value for the respectful way in which it alludes to the nearby, grander, Hennessey-designed Christian Brothers College building in its form, orientation and materials. It has been modified with the replacement of original window frames and doors but otherwise maintains much of its original fabric and integrity. It is not readily visible from the public domain. It has little importance for demonstrating aesthetic characteristics or creative or technical achievement. It has little rarity or representative significance and little capacity to demonstrate the principal characteristics of its genre.

The Magdalene Hall may have social significance for school children, alumni, teachers and others who used the hall for assemblies and other community activities when attending McAuley Catholic Primary School. Such associations may not be considered strong enough to meet the threshold for local social significance.

The Magdalene Hall is understood to be the first building constructed here so there is low potential for historical archaeological remains of local significance. A recent AHIMS search found no sites registered within the study area. The study area falls within an area of Potential Aboriginal Heritage Sensitivity (Coast Heritage, 2021).

5.3.2 McAuley Catholic Primary School summary statement of significance for the two Federation bungalows

The two Federation Bungalows within the McAuley Catholic Primary School, formerly known as 6 and 8 Carlisle Street, are assessed as having little heritage significance. They make a minor aesthetic contribution to the streetscape and have some minor remnants of fine historic interior details (at the former no.8 bungalow).

Both houses, dating from 1908, are typical Federation Bungalow style residences of their era which have been greatly modified by their extensions and adaptive re-use as school classrooms. They have had little importance in the course of the locality's history and no known associations with important local individuals. Number 8 house was adjacent to and purchased by the Christian Brothers in 1937 while number 6 house was purchased by them in 1949, both for incorporation into the Christian Brothers College Rose Bay. They were both included in the premises of the succeeding McAuley Catholic Primary School which opened on the site in 1967. They are likely to have social significance for school children and their families who have had classes in no.6 or visited the school offices in no.8 when attending McAuley Catholic Primary School, but further consultation with the local community may be required to establish a local level of social significance.

Both houses are understood to be the first buildings constructed on their lots so there is low potential for historical archaeological remains. A recent search found no AHIMS sites registered within the study area. The study area falls within an area of Potential Aboriginal Heritage Sensitivity.

Both Federation Bungalows are constructed as modest Federation Bungalow-style residences, typical of their era, and both have been considerably modified by their adaptive reuse as school classrooms,

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offices and staff rooms. Neither have a high level of aesthetic presentation or creative achievement and neither are considered rare or representative. They both make a minor contribution to the streetscape of Carlisle Street by retaining their original facades and appearance as historic residences constructed in traditional materials.

5.3.3 McAuley Catholic Primary School grading of other potential significant elements

Table 6: Grading of Significance of other historic elements at McAuley Catholic Primary School

| Component | Description | Grading |
|---|---|---|
| Large tree near Magdalene Hall (Figure 30) | A large tree, of unknown species, is planted near the entrance to Magdalene Hall in the lower school playground. Artefact's analysis of historic aerial imagery of the school dates it as having been planted in the 1980s. It provides a pleasant backdrop to Magdalene Hall and welcome shade to the playground. | <i>Little:</i> The tree has amenity value but is recently planted and of uncertain species, and is not visible from the public domain. It is not considered to be a heritage element of the school. |
| Statue of St Joseph (Figure 26) | A life-sized plaster cast statue of St Joseph is positioned on the first floor of the college building overlooking the school playground. There is no interpretive signage and its provenance, sculptor and age are unknown. | <i>Moderate:</i> Although this statue is not aesthetically distinctive, its evident age and positioning suggests it forms part of the social and spiritual experience of attending the school. Further research may establish its provenance and some of the meanings it holds for the school community. It may be considered a moveable heritage element associated with the college building. |
| Statue of a saint (Figure 27) | Artefact representatives did not see this statue on the school site visit and this comment is based on a photo of it found on the school website. A half-sized sculpture of a woman saint is positioned in the lower playground near the entrance to Magdalene Hall. There is no interpretive signage and its provenance, sculptor and age are unknown. It appears to be carved from sandstone and, being positioned near Magdalene Hall, it may depict Mary Magdalene. | <i>Little:</i> Further research is required to establish its provenance and some of the meanings it holds for the school community. |

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6.0 CONCLUSION AND RECOMMENDATIONS

6.1 Conclusions

6.1.1 Built heritage significance assessment summary

There are no statutory heritage listings currently associated with either Rose Bay Public School or McAuley Catholic Primary School, or adjacent to them. Having briefly researched the history of both schools and visited them both, including inspecting most of the historic interiors, and having briefly analysed the physical presentation of historic fabric at both schools, Artefact has prepared survey sheets for two historic buildings at Rose Bay Public School (E Block, Appendix 3; and B, C & D Blocks, Appendix 4) and three historic buildings at McAuley Catholic Primary School (former Christian Brothers College building, Appendix 5; Magdalene Hall, Appendix 6; and two Federation bungalows at former 6 and 8 Carlisle Street, Appendix 7).

Artefact concludes that two of the five building complexes analysed are of local heritage significance:

- E Block, Rose Bay Public School, first section constructed in 1907; and
- Former Christian Brothers College building, McAuley Catholic Primary School, constructed 1935.

6.1.1 Aboriginal heritage assessment summary

The Aboriginal Heritage Assessment Report comprise a due diligence and cultural values report.

The Due Diligence found that there were no Aboriginal Heritage Information Management System (AHIMS) sites registered within the study area. A visual survey and background research established that the study area is located within a dune system, which while subject to historical disturbance, retains potential to contain Aboriginal objects below the surface. No further archaeological investigations are required at this stage as there are no ground impacts proposed at the present time. However, if future proposals include ground disturbing works, the due diligence recommends that a full archaeological investigation and cultural assessment be undertaken in compliance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010).

The Cultural Values Report comprise desktop research including information on cultural values provided by Coast (2021). The latter report established that the schools are located within an area of Potential Aboriginal Heritage Sensitivity and hold cultural, social and historical significance for Aboriginal community members. The cultural values of the area were established by Coast through consultation with the La Perouse Local Aboriginal Land Council (LALC) and Aboriginal stakeholders. In the event of future redevelopment, it is strongly recommended that consultation with Aboriginal people through a process of engagement and dialogue is undertaken to address the intangible values of the area.

6.1.2 Historical archaeology assessment summary (HAA)

The HAA provides a preliminary assessment of the historical archaeological potential and significance within the study area. The report does not fulfill the requirements for an historical archaeological baseline assessment.

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The HAA found that there is nil-low potential to encounter archaeological remains associated with Phase 1 (1788-1830) occupation at Rose Bay Public School which may reach the threshold of local significance. Low potential to encounter remains associated with Phase 2 (1831-c.1906) occupation and high potential to encounter remains associated with Phase 3 (c.1906- present) development which are unlikely to reach the threshold of local significance.

At McAuley Catholic Primary School there is nil-low potential to encounter archaeological remains associated with Phase 1 (1788-1830) occupation that may reach the threshold of local significance. There is moderate potential to contain historical archaeological 'works' and low potential for archaeological 'relics' associated with Phase 2 (1831-c.1906) which may reach the threshold of local significance if considerably intact. There is high potential for remains associated with Phase 3 development (c.1906- present) which are unlikely to reach the threshold of local significance.

6.2 Recommendations and management advice

6.2.1 Built heritage advice

6.2.1.1 Rose Bay Public School

- That Woollahra Council should consider heritage listing the 'E Block' building at Rose Bay Public School (Figures 5, 11-13) as an item of local heritage significance on its LEP.
- That The NSW Department of Education should be requested to consider listing the 'E Block' building at Rose Bay Public School as an item of local heritage significance on its Section 170 Heritage and Conservation Register.
- That further research should be undertaken by Woollahra Council and / or the Department of Education to establish the history and significance of the school bell near D Block (Figure 19) and the mature palm tree near E block (Figure 20), in order to determine whether they are of local heritage significance; if appropriate they should be included in any statutory heritage listing as associated moveable heritage/ landscape elements.
- During the heritage listing process, consideration should be given to developing and implementing interpretation measures for explaining the history and significance of the place.
- That all works to heritage places should follow the Australia ICOMOS *Burra Charter* approach to heritage conservation: minimising impacts to the heritage significance of the place by doing 'as much as necessary and as little as possible', under the advice of experienced heritage professionals.

6.2.1.2 McAuley Catholic Primary School

- That Woollahra Municipal Council should consider heritage listing the former Christian Brothers College building at McAuley Catholic Primary School (Figures 8, 22-25) as an item of local heritage significance on its LEP.
- That further research should be undertaken by Woollahra Council and / or McAuley Catholic School owners to establish the history, significance and (if appropriate) whereabouts of potential moveable heritage elements associated with the school including: the full-size plaster cast statue of St Joseph within the college building (Figure 26); the half-size statue of a woman saint near the entrance to Magdalene Hall (Figure 27); the painting of 'Fatima' presented to the school by John Coburn in 1953 (Figure 9) and the reliquary with St Teresa's

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ashes presented to the college in 1959. If appropriate they should be included in any statutory heritage listing as associated moveable heritage/ landscape elements.

- During the heritage listing process, consideration should be given to developing interpretation measures for explaining the heritage significance of the place.
- That all works to heritage places should follow the Australia ICOMOS *Burra Charter* approach to heritage conservation: minimising impacts to the heritage significance of the place by doing 'as much as necessary and as little as possible', under the advice of experienced heritage professionals.
- Although Artefact does not consider the no.8 Carlisle Street Federation bungalow at McAuley Catholic Primary School to reach the threshold of local heritage significance, Artefact recommends that the owner continue to care for and conserve the many intact historic elements of significance such as mantelpieces and timber doors and window frames.

6.2.2 Aboriginal heritage advice

If future proposals include ground disturbing works, the due diligence recommends that a full archaeological investigation and cultural assessment be undertaken in compliance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010).

If redevelopment is proposed it is strongly recommended that consultation with Aboriginal people is undertaken to establish the social, cultural and historical significance of the study area through a process of engagement and dialogue that addresses the intangible values of the area.

6.2.1 Historical archaeology advice (HAA)

A baseline archaeological assessment should be commissioned for any proposed works at either school, since this high-level report does not include enough detail to meet the requirements of HAA reporting. Although no archaeological potential was identified at Rose Bay Public School, this would include a smaller scope for the baseline report, rather than no baseline report.

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8.0 APPENDICES

Appendix 1: Aboriginal Heritage Due Diligence Report

Appendix 2: Preliminary Historical Archaeological Review

Appendix 3: Heritage survey sheet for 'E Block', Rose Bay Public School

Appendix 4: Heritage survey sheet for 'B, C and D Block', Rose Bay Public School

Appendix 5: Heritage survey sheet for the former Christian Brothers College building, McAuley Catholic Primary School

Appendix 6: Heritage survey sheet for Magdalene Hall, McAuley Catholic Primary School

Appendix 7: Heritage survey sheet for the two Federation bungalows formerly 6 and 8 Carlisle Street, McAuley Catholic Primary School





artefact

29 September 2023

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Attention: Eleanor Banaag

Senior Strategic Heritage Officer
e: Eleanor.Banaag@woollahra.nsw.gov.au
t: 9391 7084

Dear Anne and Eleanor,

Re: Aboriginal Heritage Due Diligence Report – for Old School Hall at Rose Bay Public School and McAuley Catholic School and outbuildings

Artefact Heritage Services Pty Ltd (Artefact Heritage) have been engaged by the Woollahra Municipal Council (Council) to prepare an Aboriginal Due Diligence Report (Due Diligence) for the properties at:

- Old School Hall at Rose Bay Public School, Albemarle Ave, Rose Bay
- McAuley Catholic School and outbuildings, Carlisle Street, Rose Bay

This report has not been commissioned in response to proposed ground disturbing activities such as would usually trigger a Due Diligence. Rather this report provides information on potential Aboriginal heritage values that may assist Council in future scoping of activities at these properties.

This report outlines the results of an Aboriginal Heritage Due Diligence which meets the requirements of the Department of Environment, Climate Change and Water (DECCW) Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (Due Diligence Code of Practice 2010a) and includes recommendations as to whether further archaeological investigation may be required.

This report has been prepared by Michael Lever (Heritage Consultant, Artefact Heritage) with management input and review provided by Ryan Taddeucci (Team Leader, Aboriginal Heritage, Artefact Heritage). If you have any queries regarding this due diligence, please do not hesitate to contact me.

Yours Sincerely

Michael Lever
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Old School Hall at Rose Bay Public School & McAuley Catholic School and outbuildings
Aboriginal Heritage Due Diligence Report

Report summary

This Due Diligence and Aboriginal Heritage Values report has been prepared as part of an assessment of the significance of Old School Hall at Rose Bay Public School, Albemarle Ave and McAuley Catholic School and outbuildings, Carlisle Street, Rose Bay. This report may be of assistance if further assessment and approvals are required for future developments at the schools.

The purpose of Due Diligence is to provide a legal defence against harm to Aboriginal objects where they are not known to be present and is focused upon investigation of the landscape, while the provision of Aboriginal heritage values contributes to greater understanding of the cultural environment of the study area and surrounds which focuses on intangible values.

Therefore, these two aspects (Due Diligence and Cultural Values report) have been presented separately. Further, it is best practice to engage with Aboriginal community members to identify contemporary cultural values through direct dialogue. Such engagement with Aboriginal people was not within the scope of this report. This Cultural Values report therefore draws upon the previous cultural heritage study undertaken by Coast (2021), which did undertake consultation with the La Perouse LALC.

The Due Diligence found that there were no Aboriginal Heritage Information Management System (AHIMS) sites registered within the study area. However, the study area is located within a dune system, which while subject to historical disturbance, retains potential to contain Aboriginal objects. The proposal does not include ground disturbing activities and, therefore, no further archaeological investigation is recommended at this stage.

However, should future development proposals involve impact to the ground surface, full archaeological and cultural assessment would be required which complies with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010), and the Woollahra Local Government Area Aboriginal Heritage Study (Coast 2021). If Aboriginal objects or potential archaeological deposits were identified through such studies, changes in the proposed design to avoid harm should be considered. Where avoidance of harm to Aboriginal objects is not possible, further steps such as archaeological excavation and application for an Aboriginal Heritage Impact Permit (AHIP) may be required.

Woollahra Council Aboriginal Heritage Sensitivity Mapping

Criteria

Coast (2021) provides sensitivity mapping for the Woollahra LGA, in which land is divided into three categories of archaeological potential. These are:

- Areas of Aboriginal Heritage Sensitivity
- Areas of Potential Aboriginal Heritage Sensitivity
- Areas of No Sensitivity.

Actions required to assess potential Aboriginal heritage associated with each of these categories are:

- For an Area of Aboriginal Heritage Sensitivity, an Aboriginal Heritage Impact Assessment is required unless all proposed works, access and materials storage are to occur within an existing dwelling/structure.

Old School Hall at Rose Bay Public School & McAuley Catholic School and outbuildings
Aboriginal Heritage Due Diligence Report

- For an Area of Potential Aboriginal Heritage Sensitivity, further information is needed to determine if an Aboriginal Heritage Impact Assessment is required.
- For an Area of No Sensitivity, no further assessment is required by Council.

Assessment

Online mapping provided by Woollahra Council (Woollahra Maps 2023) indicates the following archaeological ratings:

- Old School Hall at Rose Bay Public School – Potential Aboriginal Heritage Sensitivity
- McAuley Catholic School and outbuildings, Carlisle Street, Rose Bay - Potential Aboriginal Heritage Sensitivity

Old School Hall at Rose Bay Public School & McAuley Catholic School and outbuildings
Aboriginal Heritage Due Diligence Report

1.0 ABORIGINAL HERITAGE DUE DILIGENCE

1.1 Purpose

Due Diligence for this project has been undertaken accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (Department of Environment, Climate Change & Water [DECCW] 2010a; hereafter the Due Diligence Code of Practice). The Due Diligence Code of Practice sets out the matters which are to be addressed when assessing whether an activity will harm, or has a likelihood of harming, Aboriginal objects. Activities that would or are likely to harm Aboriginal objects require an Aboriginal Heritage Impact Permit (AHIP), which would need to be supported by additional Aboriginal cultural heritage assessment actions.

The Due Diligence Code of Practice sets out reasonable and practicable steps which must be followed in order to:

- Identify whether Aboriginal objects are, or are likely to be, present in an area
- Determine whether proposed activities are likely to harm Aboriginal objects, if they are present
- Determine whether an AHIP must be in place prior to the commencement of activities.

Consultation with the Aboriginal community is not a formal requirement of the Due Diligence process, however, consideration of undertaking some form of consultation should occur, particularly if it will assist in informing any decision-making. If an AHIP will be required, consultation must be undertaken in accordance with the requirements of Section 60 of the *National Parks and Wildlife Regulation 2019*, as described in the Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010b).

Council has requested that this report identifies Aboriginal heritage values. Such values are not considered within a Due Diligence, but have been included in this report, as limited to the results of desktop research. Given the distinct nature of a Due Diligence as purely a legal defence, and on the other hand provision of Aboriginal heritage values as contributing to greater understanding of cultural landscape, the Due Diligence and Aboriginal heritage values sections in this report have been kept separate as far as practical.

1.2 What is due diligence

The *National Parks and Wildlife Act 1974* (NPW Act) establishes the strict liability offence of harming Aboriginal objects where they were not known to be present. The Due Diligence process was established to provide a defence to this offence. Therefore, Due Diligence is a legal defence against prosecution where Aboriginal objects are harmed when it was reasonably considered that they would not be present. In effect, following a due diligence process amounts to taking reasonable and practicable steps to protect Aboriginal objects.

The determination of whether Aboriginal objects are present or are likely to be present can be made by following the Due Diligence Code of Practice, in situations where it is appropriate and applicable to do so. Undertaking Due Diligence will allow the identification of where Aboriginal objects are, or are likely to be, whether the proposed activity is likely to harm those objects and determine whether an AHIP is required prior to the commencement of that activity.

Undertaking Due Diligence does not constitute consent to harm Aboriginal objects, nor are they a 'site clearance' mechanism to allow activities to occur in an area where Aboriginal objects are likely or known to be present. If it is known or considered likely that Aboriginal objects are present, a full assessment must be undertaken and an AHIP granted prior to the activity taking place.

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1.3 Appropriate use of due diligence

It is recommended that it will be appropriate to undertake a Due Diligence for these proposed works by following the flowchart on Page 1 of the Due Diligence Code of Practice (DECCW 2010), as shown in Table 1. Although there are no currently proposed ground disturbing works such as are assessed in a Due Diligence, nevertheless this Due Diligence has been prepared to inform future works that may involve ground disturbance. Responses (answers) in Table 1 relate to assumed future ground disturbing proposals.

Table 1: Determination of the suitability of employing a Due Diligence process for this activity

| Item | Question | Answer |
|------|---|--------|
| 1. | Is the activity considered a Major Project under Part 4, Division 4.7 or Part 5, Division 5.2 of the EP&A Act? | No |
| 2. | Is the activity exempt from the <i>National Parks and Wildlife Act 1974</i> or <i>National Parks and Wildlife Regulation 2019</i> ? | No |
| 3. | Will the activity involve harm that is trivial or negligible | No |
| 4. | Is the activity in an Aboriginal Place or there are known Aboriginal objects in the project area | No |
| 5. | Is the activity a low impact activity in accordance with the National Parks and Wildlife Regulation 2019? | No |
| 6. | Do you want to follow an industry specific Code of Practice | No |
| 7. | Follow the Due Diligence Code of Practice | Yes |

1.4 The study area

The study area is represented in Figure 1 and consists of two separate locations in Rose Bay, approximately 200 metres apart

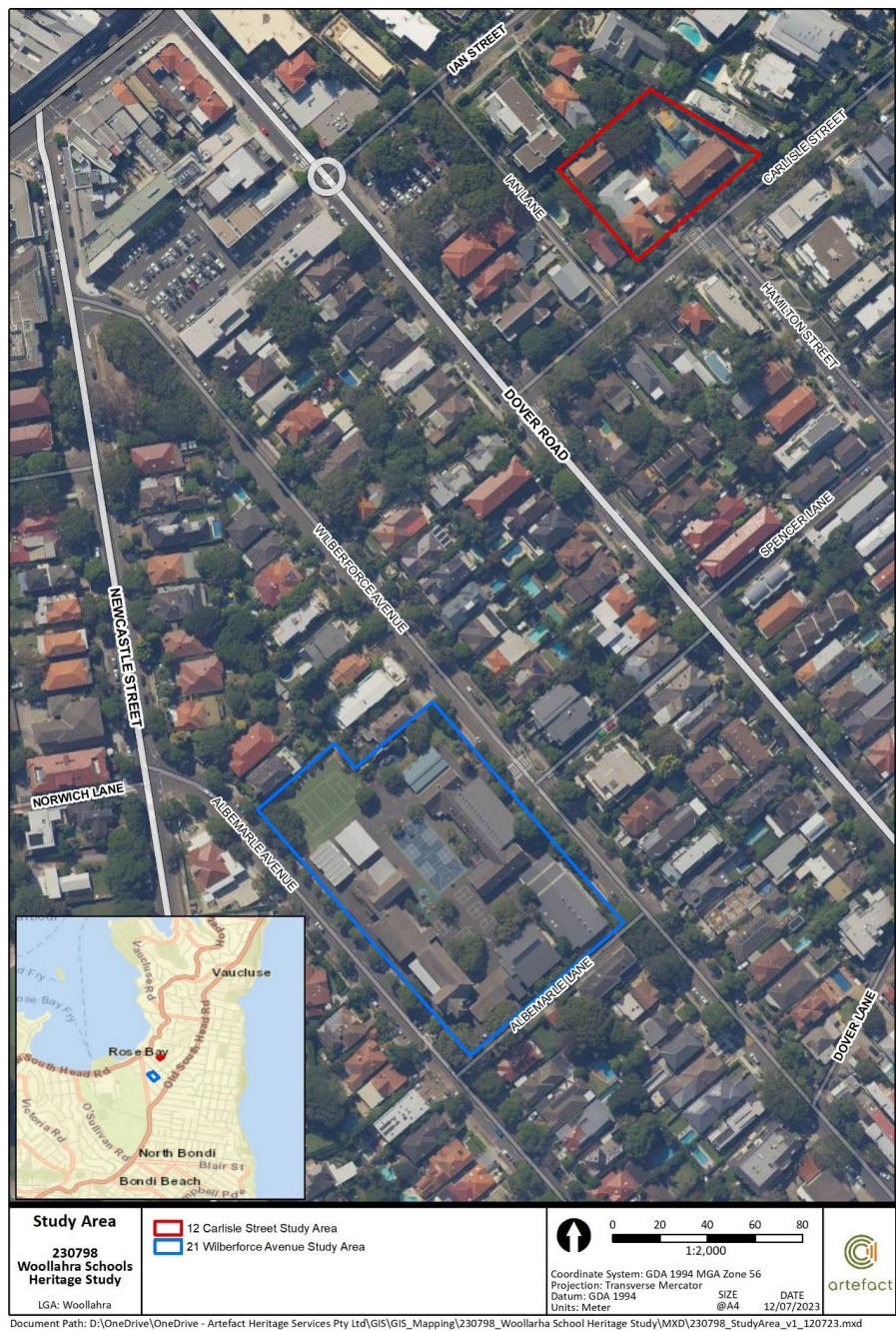
- Old School Hall, Rose Bay Public School at 21 Wilberforce Avenue, Rose Bay 2029 and comprises:
 - Lot 13-20, 46-54, 111-112, Section B, DP 4567
- McCauley Catholic School and outbuildings at 8-12 Carlisle Street, Rose Bay 2029 comprising:
 - Lot A, B, DP 80580; Lot 1, DP 805717; Lot 18, DP 73884

The study area lies within the Woollahra Municipal Council Local Government Area (LGA) and is within the lands of the La Perouse Local Aboriginal Land Council (LALC).

No works are currently proposed in the study area.

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Figure 1: The study area



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2.0 LEGISLATIVE CONTEXT

2.1 National Parks and Wildlife Act 1974

The *National Parks & Wildlife Act 1974* (the NPW Act) provides statutory protection for all Aboriginal 'objects' and 'Aboriginal Places' in NSW. The NPW Act defines an Aboriginal 'object' as:

any deposit, object or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation before or concurrent with the occupation of that area by persons of non-Aboriginal European extraction, and includes Aboriginal remains.

An 'Aboriginal place' is a place gazetted by the Minister, under the Section 84 of the NPW Act:

The Minister may, by order published in the Gazette, declare any place specified or described in the order, being a place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act.

Aboriginal objects and places are afforded statutory protection in NSW whereby it is an offence to damage, deface or destroy Aboriginal objects or places without the prior consent of the Director-General of the National Parks and Wildlife Service (now Heritage NSW). Section 87(1) of the NPW Act provides that it is a defence to these provisions if the harm is authorised by an AHIP. Section 87(2) of the NPW Act provides that

It is a defence to a prosecution for an offence under section 86 (2) if the defendant shows that the defendant exercised due diligence to determine whether the act or omission constituting the alleged offence would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed.

Due Diligence does not provide a defence to the offence of knowingly harming an Aboriginal object.

2.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) regulates environmental planning and assessment for NSW. Land use planning requires that environmental impacts are considered as part of the environmental approval assessment for any development. This includes impacts or likely impacts to Aboriginal cultural heritage.

There are several development approval mechanisms under the EP&A Act. Major Projects are those that are described as State Significant Development (SSD), considered under Part 4, Division 4.1 of the EP&A Act and State Significant Infrastructure (SSI), considered under Part 5.1 of the EP&A Act. The Department of Planning and Environment (DPE) is the determining authority for these projects. Both SSD and SSI were created as a result of the repeal of Part 3A of the EP&A Act in September 2011, however, many of the same conditions apply to these types of projects as did to Part 3A. In relation to the regulation of Aboriginal cultural heritage, for SSD and SSI projects, there is no requirement to obtain an AHIP for activities that will harm Aboriginal objects. The Due Diligence

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Code of Practice also specifies that it is not appropriate to undertake a Due Diligence process for Major Projects.

The other approval mechanisms are considered under Part 4, Division 4.3 and Part 5, Division 5.1 of the EP&A Act. Under these approval pathways, the local authority or a Joint Regional Planning Panel (JRPP) is the determining authority. In addition, certain NSW state agencies are self-determining authorities for their own projects. Under these approval mechanisms, the requirements of AHIP are applicable. It is appropriate to undertake a Due Diligence process for projects that are approved under these provisions.

2.2.1 Local Environmental Plan (LEP)

Local Government Areas (LGA) are required to prepare Local Environment Plans (LEPs) in accordance with the EP&A Act.

LEPs are an environmental planning instrument which controls development and sets out how land is to be used in an LGA. They are a form of delegated legislation. They apply either to all or part of a local government area and guide planning decisions for local government areas. They do this by allocating 'zones' to different parcels of land, such as rural, residential, industrial, public recreational, environmental conservation, and business zones. Each zone has a number of objectives, which indicate the principal purpose of the land, such as agriculture, residential or industry. Each zone also lists which developments are permitted with consent, permitted without consent, or prohibited. All land, whether privately owned, leased or publicly owned, is subject to the controls set out in the LEP. LEPs determine the form and location of new development and provide for the protection of open space and environmentally sensitive areas. LEPs typically have high level controls, like zoning, maximum height and floor space ratios.

The proposed project is within the Woollahra Municipal Council LGA. The LEP for the area is the Woollahra LEP 2014 (2015 EPI 20) In this LEP, Aboriginal heritage is protected under Schedule 5 – Environmental Heritage.

2.2.2 Development Control Plan (DCP)

A DCP is a document that provides detailed planning and design guidance to support the planning controls in an LEP. It is prepared by the relevant local authority and must be consistent with the provisions and objectives of an LEP.

A proposed project in the study area must comply with the Woollahra DCP 2015. The relevant provisions of the DCP with regard to Aboriginal cultural heritage is section C3.1.4.

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3.0 BACKGROUND

3.1 Environmental Setting

The study areas are located towards the base of the southern peninsula that terminates in the north at South Head and the entry to Port Jackson.

Rose Bay Public School is situated 400m south east of Rose Bay. It is located towards the base of a mild slope which levels some 100m to the east within the Royal Sydney Golf Club, the Woollahra Golf Course and various other sporting fields. No freshwater resources are currently mapped within 200m of Rose Bay Public School. The closest such resource is the canalised Rose Bay Creek / Rose Bay Side Drain, which flows 650m to the south west through Woollahra Park.

Although no current watercourses are mapped in proximity to the study area, the extent of former local swamps appear to have been large, and have been described as (Woollahra Municipal Council 2001):

Rose Bay Side Drain 'was, and still is, the largest watercourse in the Municipality, extending to Dover Heights, Bondi and a large part of Bellevue Hill. For most part (sic) it was reed swamp (present day West Bondi, Royal Sydney Golf Club and Woollahra Links) later drained for market gardens and encompassed both sides of South Head Old Road (sic) which ran along a sand ridge dividing the two swamp areas.

Soil mapping provides only approximate guidance to local soil deposits. Information available to this report indicates that The Old School Hall, Rose Bay Public School is located on Tuggerah (Aeolian) Soils, the landscape of which is described as 'gently undulating to rolling coastal dunefields... Quaternary (Holocene and Pleistocene) wind-blown, fine to medium grained, well sorted marine quartz sand'. These are chiefly located on Hawkesbury Sandstone (e-Spade 2023).

The McCauley Catholic School and outbuildings is situated approximately 300m south west of Rose Bay. It is located on the southern face of an at-times steep slope northwards, and is within the interface between the Tuggerah Soils listed above to the south west, and Newport (Aeolian) Soils to the north east. The Newport Soil landscape is described as 'gently undulating plains to rolling rises of Holocene sands... shallow windblown sands of the Newport Soil landscape' (e-Spade 2023). The geological substrate here too is also Hawkesbury Sandstone, and although there are no currently mapped waterways within 200m of McCauley Catholic School it is likely that water was once locally available through springs and seepage such as is found 500m to the north at the permanently flowing Emma's Well.

Vegetation in the study area would once have largely comprised Eastern Suburbs Banksia Scrub. This includes subcommunities such as Coastal sand mantle heath, where sands have been blown onto cliffs, and predominated by growth of large woody shrubs, including coast tea-tree (*Leptospermum laevigatum*), wallum banksia (*Banksia aemula*), scrub she-oak (*Allocasuarina distyla*) and heath-leaved banksia (*Banksia ericifolia*). Where sands are deeper, Coastal sandplain heath occurs, being a community of woody shrubs or trees such as stunted old-man banksia (*Banksia serrata*) and scrub she-oak (*Allocasuarina distyla*), Woody plants such as tea-trees, grevilleas, peas and wattles form a dense shrub layer and the ground layer is made up of sedges and herbs (NSW Department of Planning and Environment 2023).

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3.1 Aboriginal Heritage Information Management System (AHIMS) search

NOTE: The location of Aboriginal sites is considered culturally sensitive information. It is advised that this information, including the AHIMS data appearing on the heritage map for the proposal be removed from this report if it is to enter the public domain.

A search of the AHIMS database (Client ID 807119) was completed on 7 August 2023 for a search area measuring approximately 4 kilometres (km) x 4km surrounding a central point located between the two schools (Figure 2). The parameters of this search were:

| | |
|-----------------|--|
| GDA 1994 MGA 56 | 338120 – 342120 m E 6248719 – 6252719 m N |
| Buffer | 0 m |
| Number of sites | 56 |

The AHIMS search determined that there are 56 registered Aboriginal sites within the search area (Figure 2 Figure 3). There were no registered Aboriginal sites within the study area. The AHIMS database records sites using a list of twenty standard site types (OEH, 2012), of which ten were found within the extensive search summarised in Table 2. The distribution of recorded sites within the AHIMS extensive search area is shown in Figure 2. The closest AHIMS site identified in the search is an area of Potential Archaeological Deposit (PAD) (AHIMS ID 45-6-3745) located approximately 100m south west of Rose Bay Public School. Twenty-nine (52%) of the sites in the search results were 'Closed sites' denoting sites within rock shelters or caves.

Table 2: Frequency of site features in AHIMS search results

| Site types | Frequency | Percentage |
|---|-----------|------------|
| Potential Deposit (PAD) | 23 | 50 |
| Art (Pigment or Engraved) | 14 | 25 |
| Shell, Artefact | 9 | 16 |
| Artefact | 3 | 5.3 |
| Shell, Artefact, Art (Pigment or Engraved) | 2 | 3.6 |
| Art (Pigment or Engraved); Grinding Groove | 1 | 1.8 |
| Art (Pigment or Engraved); Potential Archaeological Deposit (PAD) | 1 | 1.8 |
| Shell, Artefact, Burial, Art (Pigment or Engraved) | 1 | 1.8 |
| Water Hole | 1 | 1.8 |
| Restricted site (destroyed) | 1 | 1.8 |

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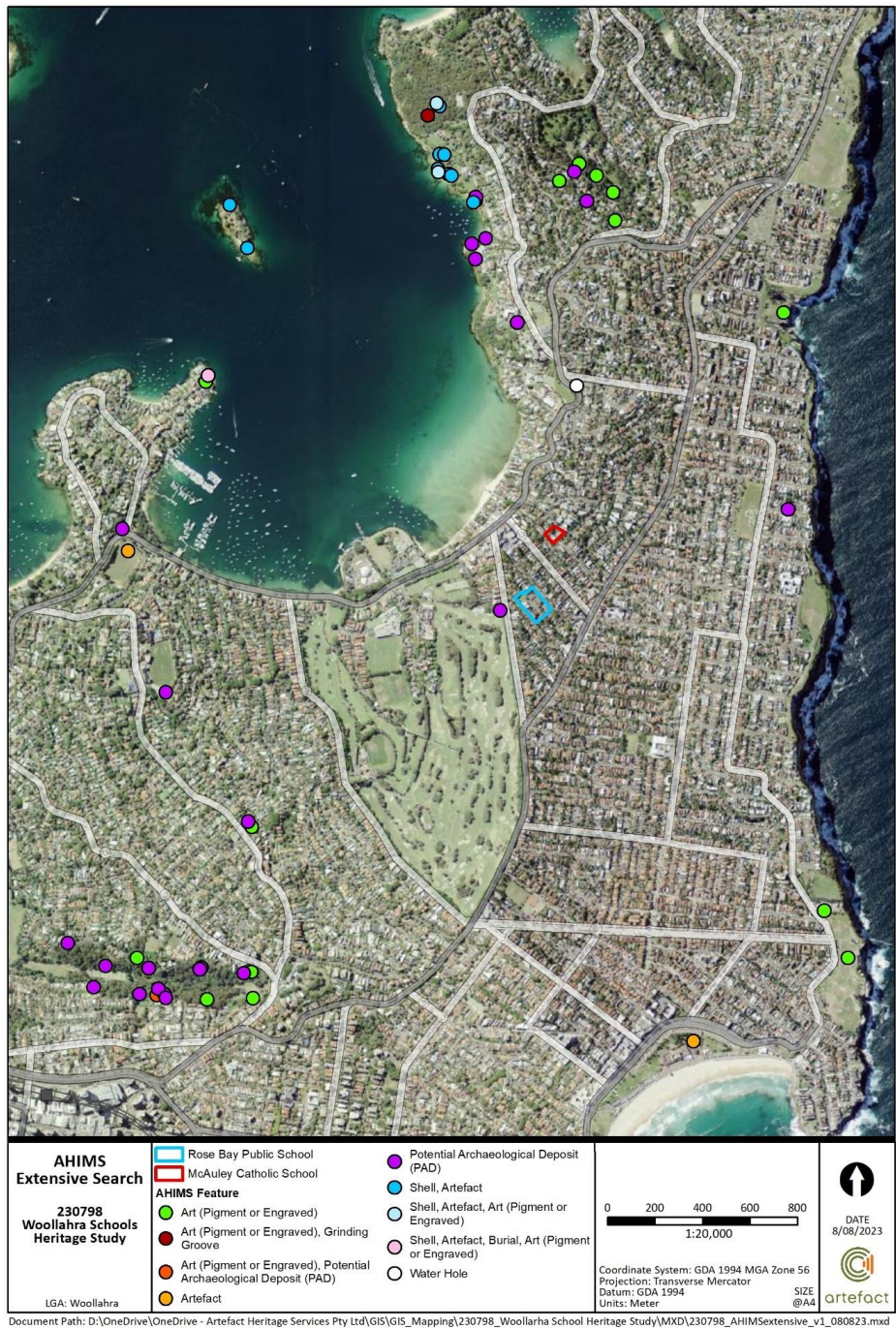
| Site types | Frequency | Percentage |
|------------|-----------|------------|
| Total | 56 | 100% |

The nature and location of the registered sites reflects the past Aboriginal inhabitation from which they derive, but is also influenced by historical land-use, and the nature and extent of previous archaeological investigations. Certain site types, such as culturally modified trees, are particularly vulnerable to destruction through historical occupation, while others, such as stone artefacts, are more resilient.

Registered Aboriginal sites in the search area can be generally characterised as occurring in locations that have been subject to protection from impact due to specific historical factors. Such is the case for the 15 AHIMS sites in Cooper Park, located at nearest 1.8km from the study area and which include two art sites on rock and 13 potential rock shelters. Cooper Park is a steeply walled gully not conducive for development. Similar site density concentrations including middens are located along the foreshore such as at the public reserves of Neilsen Park and Strickland House which are at closest 1.4km from the study area. Locations of PAD are distributed more widely across the search area and have been identified in areas such as open parkland that have apparently not been subject to ground disturbance. The geological nature of the search area is one in which sandstone outcroppings frequently occur, and as a result shelters, artwork or grooves on such outcroppings may occur in any point in the landscape, such as is the case for AHIMS ID 45-6-3984, which is a rock shelter in a residential yard, or AHIMS ID 45-6-0691 which is a rock art site in the adjoining residence.

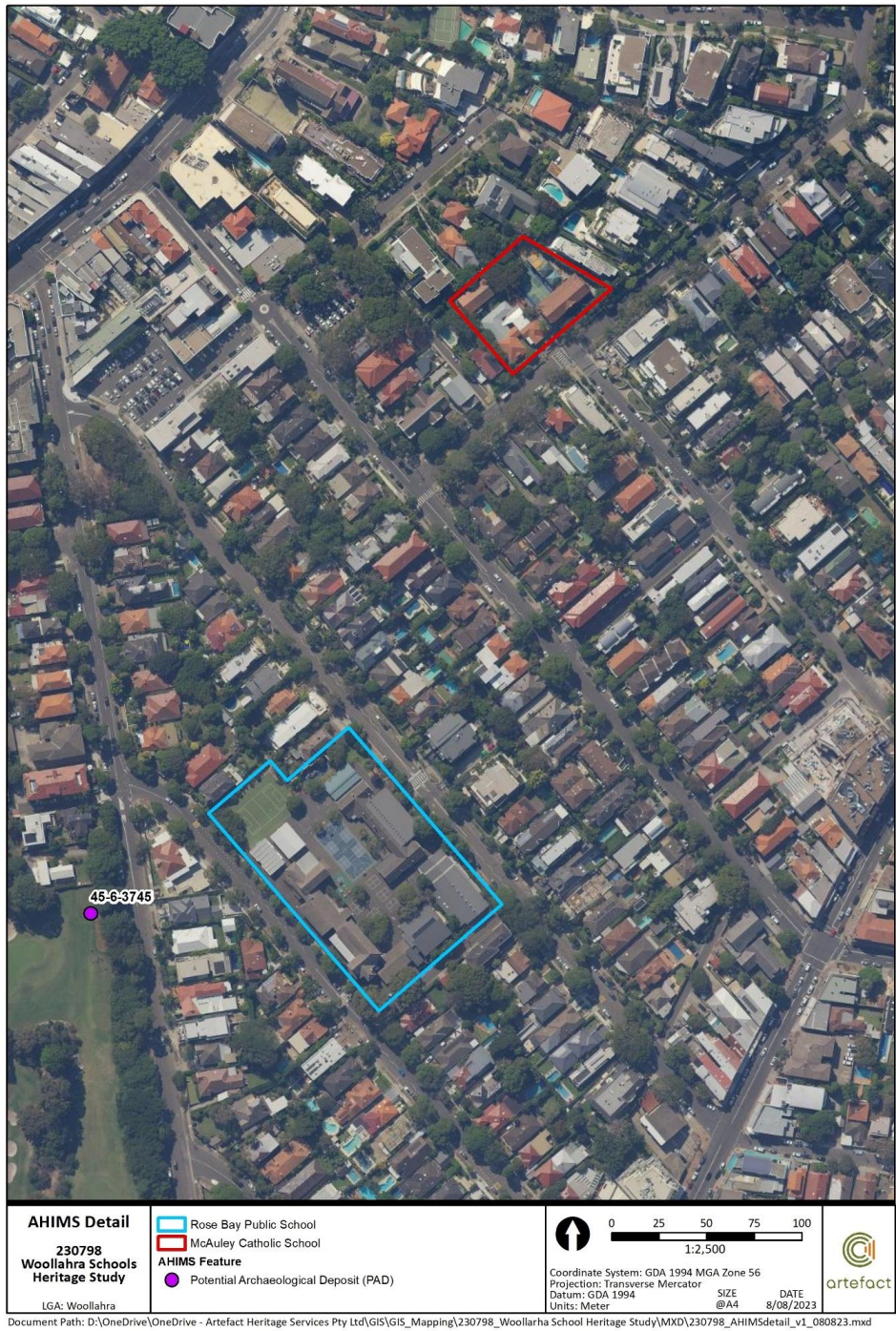
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Figure 2: AHIMS extensive search



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Figure 3: AHIMS sites near the study area



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3.2 Previous archaeological reporting

Coast History & Heritage (Coast) (2021) Woollahra Local Government Area Aboriginal Heritage Study. Report prepared for Woollahra Municipal Council.

Coast (2021) carried out a wide-ranging study of Aboriginal heritage values for the Woollahra LGA. Of most relevance to this study was the production of an Aboriginal heritage sensitivity map that divided the LGA into areas of Aboriginal Heritage Sensitivity, Potential Aboriginal Heritage Sensitivity and No Sensitivity (Coast 2021, p. 84). The study area is within an area of Potential Aboriginal Heritage Sensitivity (see Figure 18).

JMCHM (2009) Archaeological Subsurface Investigations at the Royal Sydney Golf Club Rose Bay. Report for the Royal Sydney Golf Club.

This report studied a combined area of 70m x 15m at the northern lawn and bowling green of the Royal Sydney Golf Club (RSGC) located between 400m and 600m southwest of the study area. During monitoring of mechanical excavation at the northern lawn, at least two sets of human remains were identified. These were confirmed to be Aboriginal ancestral remains.

In addition to ancestral remains, over 5,000 stone artefacts were recovered from hand excavated test pits on the northern lawn. The highest density of artefacts was within the dark grey sand that had once constituted the dune surface, but which had since been redeposited. Artefacts were found throughout the soil profile and to 1m depth. The most prevalent material in the assemblage was quartz, with other materials including silcrete, tuff, petrified wood and basalt. The high proportion of quartz in the assemblage may indicate a relatively recent time of deposition – from the mid-late Holocene (5,000 BP) onwards (McDonald, 2008, pp. 36-38). The presence of European grave goods and dental caries in one of the burials indicated that the individual had lived after 1788, and likely before 1830 (JMCHM, 2009).

The findings of the JMCHM (2009) indicate that Aboriginal archaeological sites may be present within disturbed sands of the local soil landscape.

Artefact Heritage (2013) Due Diligence Aboriginal heritage assessment for the proposed commercial and residential re-development of 11-13 Hall Street, Bondi.

This assessment was carried out for an already intensely developed piece of land on dune sands approximately 1.7km to 1.9km south of the study area (Artefact Heritage, 2013). The report recommended that further archaeological investigation was required prior to the works proceeding.

Unearthed Archaeology (2019) Report to Cranbrook School and the Department of Planning and Environment.

The report by Unearthed Archaeology (2019) was carried out in response to a proposal for the construction of a large underground carpark, a gym and associated above ground structures on the site of the Cranbrook school oval, situated between 1.7km and 1.9km west of the study area.. Recommendations were made for a two-stage program of archaeological test and salvage excavation.

Extent Heritage (2019) The Scots College, Bellevue Hill, NSW – Aboriginal Heritage Due Diligence Assessment. Report to The Scots College, Bellevue Hill

The playing fields assessed by Extent (2019) at Scots College are located between 1.5km and 1.7km southwest of the study area. Extent found that although the playing fields had clearly been subject to significant ground disturbance, including the bulk excavation of soils, nevertheless these soils had been locally redeposited on parts of the playing fields and therefore the location should still

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be considered sensitive for Aboriginal archaeological material and ancestral remains. Extent (2019) recommended that an ACHAR be undertaken, including archaeological test excavation to formally test the archaeological potential of the playing fields.

Conclusions

The studies cited above, frequently based on findings of JMCHM (2009), find that the surrounds of the study area are of Aboriginal heritage sensitivity. This has been incorporated formally into Coast (2021) which maps the study area as within a zone of Potential Aboriginal Heritage Sensitivity (Figure 18). This sensitivity is considered by these reports to continue even when local soils have been subject to disturbance. Subject to findings of the degree of soil disturbance within the study area, the study area is considered to be an area of Aboriginal heritage sensitivity.

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4.0 VISUAL INSPECTION

4.1 Old School Hall Rose Bay Public School

The Old School Hall Rose Bay Public School was inspected on 17 August 2023 by John Sokalik (Senior Heritage Advisor, Artefact Heritage). The study area was extensively developed through construction of buildings ranging from substantial brick structures to light 'temporary' classrooms of timber, metal and cladding. Much of the ground surface in the study area was tarmacked and level (Figure 4 and Figure 5) with potential for such paving surfaces to overlie and cap relatively undisturbed natural soils. This is also the case for the tennis courts in the north west corner of the study area. In the northeast of the study area an open lawn is present (Figure 6). Here too, the potential exists for the presence of undisturbed natural soils.

The study area has in parts been subject to varying levels of ground disturbance through the construction of substantial brick infrastructure. However, the construction of lightweight 'temporary' classrooms, of playground and tennis surfaces, and an open lawn may not have entailed significant ground disturbance to an extent that would remove Aboriginal archaeological objects.

Figure 4: Brick structures, view north west over playground



Figure 5: Lightweight classrooms. View south west



Figure 6: Open lawn in north east of study area. View north east



4.2 McCauley Catholic School and outbuildings

The McCauley Catholic School was inspected on 17 August 2023 by John Sokalik (Senior Heritage Advisor, Artefact Heritage). The school sits on a rolling dune formation, descending here to the southwest (Figure 7 and Figure 8). The adjacent street (Carlisle Street) cuts into the undulating dune

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landform on which the school sits (Figure 9). This may imply the potential that preserved dune soil surfaces are present beneath the less disturbed elements of the school soils. Much of the school has been subject to varying levels of ground disturbance as evidenced by the substantial brick buildings, however the school playground is capped by concrete which may have acted to preserve underlying natural soils (Figure 10). Isolated grassed garden areas are present around the perimeter of the school (Figure 11 and Figure 12) and these display little evidence of ground disturbance. Although some evidence of ground disturbance is apparent in a planting area adjacent to a driveway (Figure 13), the extent of this disturbance (as for the grassed and concreted areas) is difficult to gauge without archaeological investigation.

Figure 7: View of school on dune slope, view north east



Figure 8: View south west down dune slope



Figure 9: View of streetside retaining wall height



Figure 10: View of paved playground surfaces

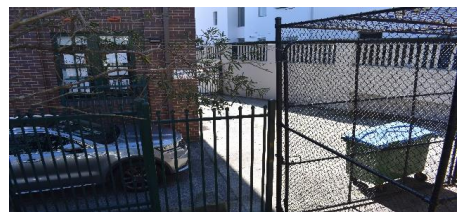


Figure 11: Grassed garden areas



Figure 12: Grassed garden areas



Figure 13: Planting area on sandy soils



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5.0 ABORIGINAL ARCHAEOLOGICAL POTENTIAL OF THE STUDY AREA

Archaeological potential is closely related to levels of ground disturbance. However, other factors are also taken into account when assessing archaeological potential, such as whether the area is within a sensitive landform unit.

5.1 Archaeological sensitive landforms

Particular landforms in NSW are known to have been favoured locations for repeated or long-term occupation and, hence, more likely to retain archaeological evidence of past Aboriginal use. The Due Diligence Code of Practice identifies five landscape features that indicate the likely existence of Aboriginal objects these include:

-
- *Within 200m of water, or*
 - *Located within a sand dune system, or*
 - *Located on a ridge top, ridge line, or headland, or*
 - *Located within 200m below of a cliff face, or*
 - *Within 20m of or in a cave, rock shelter, or cave mouth (Environment 2010)*
-
- The study area is not within 200m of currently mapped waterways (however, prior to development of the area, streams and swamps are likely to have existed in the locality).
 - Soil mapping provides only approximate guidance to local soil deposits. Information available to this report indicates that both parts of the study area have potential to be is located within a sand dune system (e-SPADE 2023).
 - The Old School Hall, Rose Bay Public School, 21 Wilberforce Avenue, is located on Tuggerah (Aeolian) Soils, the landscape of which is described as 'gently undulating to rolling coastal dunefields... Quaternary (Holocene and Pleistocene) wind-blown, fine to medium grained, well sorted marine quartz sand' (e-Spade 2023).
 - The McCauley Catholic School and outbuildings, 8-12 Carlisle Street, is situated at the interface between the Tuggerah Soils listed above to the south west and Newport (Aeolian) Soils to the north east. Newport Soil landscape is described as 'gently undulating plains to rolling rises of Holocene sands... shallow windblown sands of the Newport Soil landscape' (e-Spade 2023).
 - Based on topographic mapping the study area is not located on a ridge top, ridge line, or headland
 - Based on topographic mapping the study area is not located within 200m below of a cliff face
 - The study area is not within 20m of or in a cave, rock shelter, or cave mouth

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5.2 Ground disturbance

Archaeological potential is closely related to levels of ground disturbance. However, other factors are also taken into account when assessing archaeological potential, such as whether artefacts were located on the surface, and whether the area is within a sensitive landform unit according to the predictive statements. The Due Diligence Code of Practice defines disturbed land:

Sec 7.5 (4) For the purposes of this clause, land is disturbed if it has been the subject of human activity that has changed the lands surface, being changes that remain clear and observable.

This includes disturbed land via:

(a) soil ploughing

(b) construction of rural infrastructure

(c) clearing of vegetation
(e) construction of buildings and the erection of other structures

(f) construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure)

The study area has been subject to ground disturbance, however given the results of Aboriginal heritage sensitivity modelling (Coast 2021) and findings of archaeological test and salvage excavation between 400m to 600m to the west (JMCHM 2009), the possibility exists for Aboriginal archaeological objects and remains to be present within study area either in deeper undisturbed dune soils, or within redeposited soils.

The high number of rock-based AHIMS sites such as engravings in the search area must be taken into account, as such sites may survive beneath disturbed and redeposited soils or current built infrastructure.

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6.0 THE DUE DILIGENCE PROCESS

The Due Diligence Code of Practice provides a series of questions that must be answered to determine the outcome of the due diligence process. These questions are addressed in Table 3.

Table 3: Due Diligence questions and responses

| Question | Answer | Comment |
|--|-------------------|---|
| Will the activity disturb the ground surface or any culturally modified trees | N | No current ground disturbing works are proposed. This report has been produced to inform potential constraints on future scope of activities in the study area. |
| Are there any: <ul style="list-style-type: none">Confirmed AHIMS recordsOther sources of informationLandscape features | Y | <ul style="list-style-type: none">Coast (2021) rates the study area as of Potential Aboriginal Heritage Sensitivity.JMCHM (2009) found significant levels of Aboriginal archaeological sites including burials and artefactual objects within a study area 400m to 600m to the south west.The study area is located on a sand dune system (Tuggerah and Newport Soils). |
| Can harm to Aboriginal objects be avoided | Y | No current ground impacting activities are proposed that would harm Aboriginal objects |
| Does a desktop assessment and visual inspection confirm the presence of Aboriginal objects, or that they are likely to be there | Y | Given desktop assessment and visual inspection of the study area, it is likely that Aboriginal objects will be present in the study area |
| Is further assessment required | Not at this stage | <p>There is no current proposed development that would trigger further assessment of the study area.</p> <p>In the event of future development proposal/s entailing ground disturbance, further assessment of the study area would be required.</p> |

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7.0 CONCLUSIONS OF DUE DILIGENCE

The following conclusions and recommendations regarding Aboriginal heritage are based on consideration of:

- Statutory requirements under the *National Parks and Wildlife Act 1974*
- DECCW Due Diligence Code of Practice
- The results of the AHIMS search and visual inspection
- Analysis of previous archaeological reporting
- The likely impacts of the proposed development

It was found that:

- No registered AHIMS sites are located within the study area
- The study area is within a sand dune system, a landscape feature identified by the Due Diligence Code of Practice as one that indicates the likely existence of Aboriginal objects
- The study area has been subject to generalised ground disturbance, however, despite such disturbance, the study area demonstrates Aboriginal archaeological potential

As no impacts are proposed at this stage, no further archaeological investigations are necessary. However, if future development proposal/s in the study area are proposed, the following recommendations must apply:

- There is a likelihood that Aboriginal objects are located within the study area. A full archaeological and cultural assessment must be undertaken to identify if Aboriginal objects are located within the study area and if they will be harmed by the proposed development.
- Such assessment will identify the requirement for archaeological test excavation.
- That assessment must comply with the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010) by completing:
 - Review of existing knowledge: Review of previous archaeological works completed within the local and regional area.
 - Review of the landscape context: Desktop assessment of the archaeological implications of the landscape features (soil landscapes, historic land use, geomorphic character, and natural resources) relevant to the study area.
 - Summary and discussion of the local and regional archaeological character of Aboriginal land use and its material traces based on the finds of the previous two steps.
 - Development of a predictive model for the nature and distribution of archaeological evidence of Aboriginal land use based on the previous three steps.
 - Archaeological survey to test the prediction developed in the previous step. Survey of the study area would include the involvement of a site officer representing the La

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- Perouse Local Aboriginal Land Council (LALC). It is anticipated that the La Perouse LALC will prepare a brief report to be appended to and summarised within the report.
- Discussion of the results of the archaeological survey and re-evaluation of the regional and local archaeological character.
 - Assessment of likely impacts to Aboriginal objects and Potential Archaeological Deposits (PADs) based on the current design plans.
 - Assess likely impacts and provide recommendations for any practical measures that may be required to protect and conserve identified Aboriginal objects and places identified within the study area.
- If the proposed project cannot avoid harming Aboriginal objects, an AHIP must be in place before any works proceed. All works must comply with the conditions of any AHIP issued.
 - Assessment of likely impacts to Aboriginal objects and Potential Archaeological Deposits (PADs) based on the current design plans.
 - Assess likely impacts and provide recommendations for any practical measures that may be required to protect and conserve identified Aboriginal objects and places identified within the study area.
 - If the proposed project cannot avoid harming Aboriginal objects, an AHIP must be in place before any works proceed. All works must comply with the conditions of any AHIP issued.

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8.0 CULTURAL VALUES AND ABORIGINAL PRESENCE IN THE AREA

A number of quotes used in this report come from documents written in the nineteenth and twentieth centuries by European observers. They have been included because they provide information on the lives of Aboriginal people in the region, through the language used and views expressed by these writers can be offensive and distressing.

It is best practice to engage with Aboriginal community members to identify contemporary values as by speaking directly to Aboriginal people so that their views can be presented. As direct engagement with Aboriginal people is beyond the scope of this report, historical information and the previous cultural heritage study undertaken by Coast (2021), which did undertake consultation with the La Perouse LALC has been utilised.

This section addresses the history of Aboriginal presence in Rose Bay and Woollahra before setting out a definition of cultural values and the identification of cultural values (as drawn from a desktop analysis) in the Rose Bay area.

8.1 Aboriginal presence in Rose Bay and Woollahra

By the early 1800s Aboriginal people had been forced away from the growing township of Sydney but they still continued to visit and camp for periods. Some, such as Bungaree (Boongarie) a Garigal man from Broken Bay, became a mediator between the colonists and Aboriginal people, often working as a guide with various colonial expeditions including Matthew Flinders circumnavigation of the continent in 1803. Bungaree came to live in Sydney in the 1810s when he married Matora, whose family appears to have been from Port Jackson. In 1815, Governor Macquarie made Bun'aree 'Chief of the Broken Bay Tribe' and set aside land at Georges Head (Mosman) on the north side of Sydney Harbour. He allocated Bungaree and his family huts, farming equipment and a boat for fishing.

Other camps were informal, such as the one at Point Piper. Captain John Piper's estate bordered a small creek where, from at least 1819, a group of Aboriginal people were camped. In 1822 Piper supported them by writing a petition to the new Governor Sir Thomas Brisbane:

Petition of the Natives at Point Piper

To Governor Brisbane &c. &c.

*Point Piper
from John Piper, July 1822*

To His Excellency Sir Thomas Brisbane etc. The Humble Petition of the under mentioned Black Natives of New South Wales, Humbly Sheweth, that Petitioners have no other residence but their natural woods near Sydney, and at this ... season of the year are almost in a state of nudity, suffering Cold and hunger in the extreme.— In order to supplicate your Excellency for relief They solicited a White Man to put their unfortunate situation in writing for your Excellency's humane consideration, and as your Excellency has extended your benevolence to several of their suffering brethren, they humbly hope your Excellency will allow them some sort of covering from His Majestys store. and Petitioner will ever pray.

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Harry, Balmain, Kran^kie (1st), Kran^kie (2nd), Punch, Maria, Peggy (Colonial Secretary Reel 6095; State Records New South Wales, 4/1753:159).

The camp seems to have lasted for several years.

Yarranabbe Road, Darling Point and Yarranabbe Park at Rushcutters Bay commemorate another group led by a Burramattagal (Parramatta) man Yerinibe (or Yeranabe) who was noted as the 'King' of the Darling 'oint 'tribe' in the 1830s.

Another formal settlement for Aboriginal people living in Sydney was established at Elizabeth Bay in the early 1820s. Governor Macquarie had huts built and provided a fishing boat and tackle for 42 'settlers' at the 'Native Village' (Vincent Smith 2011a). And according to Obed West, recalling Sydney in the 1880s, the land running down to Rushcutters Bay (Barcom Glen) was 'a great camping place for the blacks' and West recalled in the 1830s and 1840s watching 'them in their canoes in the bay, the gins fishing with the line while their sable lords used their spears to get the fish that swam beneath them' (Sydney Morning Herald, 12 October 1882, p. 9).

At Double Bay, in 1845 a French missionary described a 'tribe' of around 20 Aboriginal men, women and children led by a man named Tamara 'in their camp under a rock'. Several images were painted of this group, with George French Angas' portrait of Tamara and Henry Campbell's scene (Figure 14) the most well-known. Angas noted that Tamara 'was honoured by blacks and whites alike for his skill in shaping returning boom'rangs' (Vincent Smith 2011a). In one portrait a man was named as 'Bele of the tribe of 'amara'. Tamara probably came from the south coast of New South Wales. In 1827 he was registered in Sydney as Thomas Tamara, father of 'Gertrude Tamara,' whose mother was 'Narney' or Nanny Nelolla. Others mentioned at Double Bay were 'Old Wingle' (from Port Stephens), his wife Kitty, a man known as 'Bondi Charley' and Jack Harris (Vincent Smith 2011a).

Figure 14. Henry Campbell, 'Scene on Double Bay Sydney N.S.W. 1840-1842', SLNSW, PXC 291.34



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In many ways, Sydney was still very much an Aboriginal place for a long period during the 19th century. During the 1830s to 1860s with a number of camps around Sydney Harbour and in the broader area, hundreds of Aboriginal people were a regular sight paddling their nawi (bark canoes), guiding foreign visitors, selling fish to people and travelling the roads and tracks. The coves and creeks around the more rugged areas of today's eastern suburbs were still very much undeveloped bushland, offering fishing and other resources.

Rose Bay became an important location for the Sydney people – in 1829 the Sydney Gazette reported:

'Several tribes of black natives, consisting of about one hundred men, women, and children, have formed an encampment on the South Head-road, contiguous to the house of Mr. Robert Cooper.'

(Sydney Gazette, 27 November 1830, p. 3; Sydney Gazette, 26 September 1829, p. 2)

On the death of Bungaree in November 1830 the Sydney Gazette wrote that he was 'in the midst of his own tribe and that of Darling Harbour, by all of whom he was greatly beloved'. He was buried 'beside his dead Queen' (Matora) in a wooden coffin at Rose Bay, near the present day Rose Bay Police Station (once a gatehouse for Cooper's mansion 'Woollahra House').

Figure 15. 'The mendicant Blackfellow of Rose Bay, Sydney', in 'Views in Victoria, New South Wales and Tasmania', 1853 by John W. Hardwick, SLNSW PXA 6925.3. Identified as William Warrell of Rose Bay settlement (1853) by Coast (2021: 59).



A man nicknamed 'Ricketty Dick', apparently crippled by arthritis, camped in front of the paling fence (Figure 15) in front of Cooper's house, asking travellers on the South Head Road for a 'toll' of sixpence, one shilling or some tobacco. William Worrell (also Bill or Billy Warrall) was from the

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Illawarra area. Only a few names of the 100 people at Rose Bay are known. Others identified with the 'Sydney tribe' were Cora Gooseberry and Bowen Bungaree.

People were not just camped in the area but still conducting ceremonies, combats and making rock engravings, right up to the 1870s. A man known as Freddy (apparently the son of 'Krankie') made engravings at Point Piper. By the 1870s this family had moved away from the growing eastern suburbs to Bellevue Hill opposite Robert Town's property 'Cranbrook' where 'King Pankey' ('Krankie or Cranky) and his 'Queen Rachael' lived. On the grounds of Woollahra House (built on the site of John Piper's Henrietta Villa) the visiting English writer Anthony Trollope was shown a place where, according to Trollope, 'the blacks in the old days, when they were happy and undisturbed, used to collect themselves for festive, political and warlike purposes' (Trollope 1876, p. 228; Vincent Smith 2011a).

Figure 16. 'Piper (The native who accompanied Major Mitchell in his expedition to the interior)', lithograph by William Fernyhough, 1836 Mitchel Library, State Library NSW, ML F83/24 <https://collection.sl.nsw.gov.au/record/74VvNvQXayg>



While many people had moved to camps on the edges of the harbour, the burgeoning metropolis also offered opportunity. There was a diverse presence of Aboriginal people in the heart of Sydney during the mid-nineteenth century. One 'well-known native' was Piper, who 'accompanied Major

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Mitchell in his expedition into the interior' in 1836. On the return of Mitchell's expedition to Sydney, Piper was 'to be seen strutting about Sydney with his red coat and cocked hat with long white feathers'. According to the artist William Fernyhough, Piper 'rendered himself notorious from having shot dead the chief, who with his tribe followed the Major's party for a very considerable distance - watching, it is supposed, a proper opportunity for plunder and murder' (The Sydney Times, 13 January 1838: 3; Sydney Gazette, 20 December 1836: 2).

Perhaps it was Piper who attended the 'great concourse of persons' at the signing of a proclamation of fealty to 'the High and Mighty Princess Alexandrina Victoria' at Government House in October 1837;

Shortly after eleven o'clock on Friday, the civil officers, and other inhabitants of Sydney, began to assemble at Government House, and the 50th regiment, with detachments of the 4th and 80th regiments, were drawn up on the lawn. The Royal standard was hoisted half-mast high in the front of Government House and at Dawes' Battery.

According to the *Sydney Herald*, the proclamation was signed in a huge display of colonial pomp and ceremony by 'the Governor, the judges, and other officers and gentlemen, and among them by a native black' (Sydney Herald, 30 October 1837: 2).

Or perhaps it was 'Bowen', or Bowen Bungaree, the son of the well-known Sydney identity Bungaree. Like his father, Bowen was an outstanding figure in colonial Sydney. Bowen (Boin, Bowen Toura, 'Black Bowen') was a Garigal man from Broken Bay, born around 1804, the eldest son of Bungaree and his first wife Matora.

Bowen is attributed to be the first documented Aboriginal artist on paper with the sketch 'Representation of a woman by a native of NSW', in 1823. The image is in Surveyor General John Oxley's note books from November 1823, when he was in Moreton Bay (Queensland). Bowen had taken up a similar role to his father Bungaree and sailed from Sydney with Oxley on the cutter HMS *Mermaid*. Bowen has been noted as a 'fisherman, sailor, interpreter, guide, go-between and tracker' (Vincent Smith 2011b; SLNSW, -PO 1 - 13890).

Bowen was well-known in the Pittwater region, tracking escaped convicts and bushrangers. A report in the *Sydney Mail* in 1861 noted that in about 1829 Bowen had shot and killed a bushranger named Casey. Bowen, who had apparently 'been given a rifle by the Governor, was very proud of this and took it with him everywhere'. Like his father, who often wore a military jacket and cocked hat, Bowen liked to wear European clothing, especially a dress coat with a swallow tail, but wore his 'hair knotted up behind, and three feathers stuck in it' (Sydney Mail, 10 August 1861: 2).

Bowen and his wife Maria often spent time in the Sydney area. They had two children baptised as Mark and Theela (Theeda) at St. Mary's, Sydney. In 1834 members of Bowen's 'tribe' were listed as Maria, Jane, Bob, Yama, Tobin (Toby, Bowen's brother) and Dinah. As one news report wrote, Toby was known as 'Toby, the Prince of Broken Bay' and had 'five other aliases'. In 1837, when he was sentenced for public drunkenness, Tobin could not pay the 5 shillings and was sentenced to an hour in the stocks.

In another instance in 1837, Bowen Bungaree was charged with 'creating an uproar in George Street'. This time the newspaper listed 'Bungarry, Tommy, Joey, Harry, and Gooseberry, Maria, Tomboy, and Mary, four gentlemen and ladies of the aboriginal tribe'. According to the *Gazette*, 'through the instrumentality of Mrs. Gooseberry, they all pleaded guilty to the charge of drunkenness and were each ordered to take a turn in the stocks, and at the same time informed that if they continued such a course of conduct, they would be sent to the Tread Mill'. The *Sydney Herald*

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reported that 'Colonel Wilson desired the constables to take the men to C'ters' Barracks to look at the treadmill and told them that if they committed any more disorders in the streets, he would sentence them to be worked on the treadmill for a month.' In another report, it was noted that a party of constables had 'stood by laughing and joking at their tricks, instead of taking them into custody' (Sydney Gazette, 10 June 1837: 3; Sydney Gazette, 6 July 1837: 3; Sydney Herald, 6 July 1837: 2; Bent's News and Tasmanian Three-Penny Register, 27 May 1837: 2).

While prominent for their public 'disorder', the 'Broken Bay tribe' was also well-known for giving exhibitions of boomerang throwing in Hyde Park and often camped in the Domain. Bowen died in 1853 at the reputed age of 56. In 1861, an 'old timer' Nat Farrell claimed that Bowen had been ambushed, shot and killed by bushrangers in the Pittwater area while sitting at a campfire (Sydney Mail, 10 August 1861: 2; Vincent Smith 2011b).

Cora Gooseberry outlived Bungaree for 20 years. Her Aboriginal name was recorded as 'Carra or Kaaroo' and Europeanised to 'Cora'. She was known as 'Queen of Sydney and Botany' and 'Queen of Sydney to South Head'. She was often seen wrapped in a government issued blanket, her head covered with a scarf and a clay pipe in her mouth, as depicted in portraits by Charles Rodius and W H Fernyhough in the 1830s. Cora found a sympathetic hotel owner Edward Borton and with her family and other Aboriginal people often camped on the footpath outside the 'Cricketer's Arms' on the corner of Pitt and Market Streets. Borton later owned the 'Sydney Arms' Hotel in Castlereagh Street where he allowed Cora to sleep at nights, and where she was eventually found dead at the age of 75. Borton paid for a gravestone and her burial in the Presbyterian section of the Devonshire Street Cemetery (now covered by Central Railway). Her gravestone was transferred to the Pioneers Cemetery at Botany (Vincent Smith 2005).

Figure 17. Pencil sketch by Charles Rodius of Cora Goosberry in April 1844 (Mitchell Library, State Library o– NSW - PXA 1005)



However other people who had survived the first 50 years of British occupation were far less celebrated – indeed pressure was growing for them to be removed from Sydney altogether. In October 1836, two Aboriginal men 'Warro and Yarro' were charged with being drunk and 'annoying the public'. At this time, the use of what was a punishment more familiar to Medieval Europe than colonial Sydney was still in use – the stocks. The two men were offered a fine of 5 shillings or an

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hour in the stocks. The two men chose the stocks and were apparently 'highly amused at their situation' (Sydney Monitor, 10 October 1836: 2).

In late 1836, among the 'number of blacks at the King's Wharf' were reported 'Tommy' and 'Jack the Waterman'. Tommy and 'Jackey' as he was called in another news report, were with 'twenty or thirty' other Aboriginal people at Grose's wharf at Cockle Bay in Darling Harbour. Other reports at the time named 'Doctor Whitford', 'Ugly Jack', 'Toby', and 'Black Billy' as well as Morgan Potter, Tobin and Cora Gooseberry. These instances of disorderly conduct gave the newspapers reason to suggest to the authorities this group of people who were still trying to remain in and around the centre of Sydney, should be banned from entering the town' (Sydney Monitor, 14 November 1836: 2; The Sydney Herald, 14 November 1836, p. 2; Sydney Gazette, 19 November 1836: 3; *Tobin and Cora Gooseberry were brought before a magistrate in December 1836* – Sydney Gazette, 17 December 1836: 2; Sydney Monitor, 19 December 1836: 2; Sydney Gazette, 18 April 1837: 3; Australian, 28 March 1837, p. 2).

The *Sydney Gazette* worried about the 'impropriety of allowing these natives to prowl about the streets when in a drunken state' and noted a favourite 'corner' to congregate was at the intersection of Clarence and Market streets. Another was the 'junction of Pitt and King streets', according to the newspaper 'a favourite resort of the aborigines when they honor [sic] Sydney with a visit.' *The Sydney Monitor* called them 'very troublesome' and suggested they were trading goods to obtain alcoholic spirits. Apparently, they were offering colonists 'fish, wild flowers, birds' etc.' in exchange for rum (Sydney Gazette, 1 December 1836: 2; Sydney Gazette, 18 April 1837: 2; Sydney Monitor, 25 November 1836: 2).

In fact, many Aboriginal people came into Sydney from other areas. One report from 1838 noted 'sundry' Aboriginal people performing a corroboree in George Street. Bridget Riley was charged and 'ordered to betake herself' to Broken Bay, where she said she came from. In March, a group of people from the Illawarra arrived in Sydney, apparently 'to fight the Broken Bay tribe'. The Sydney Monitor newspaper suggested 'their fights are now practiced as much to please the whites as the blacks' and the paper called 'the attention of the Police to the subject', who were widely criticised for the 'sufferance which is given to the aboriginals'. The Sydney Gazette newspaper suggested they should be 'thrown back upon their native wilds' (Sydney Gazette, 13 January 1838: 3; Sydney Gazette, 2 February 1837: 2; Sydney Monitor, 6 February 1837: 2; Sydney Monitor, 3 March 1837: 2; Sydney Gazette, 4 March 1837: 2; Sydney Gazette, 14 March 1837: 3; The Sydney Herald, 14 December 1837, p. 2).

South Australia passed a law against providing alcohol to Aboriginal people and the cry went up in the Sydney newspapers to do the same. They were reported to be 'infesting the streets of Sydney' and congregating 'at the lower end of George Street', drinking rum and 'quarrelling with waddles, spears, etc.' It was also noted how the 'abandoned portion of the population' were encouraging them with the 'most infamous language'. A more considered account appeared in the Sydney Gazette in March 1838 – it noted that the placing of three Aboriginal men in the stocks for drinking 'bull' or rum was a 'variety to the troop of white blackguards who regularly grace the drunken list at the Police Office' (The Australian, 7 March 1837, p. 2; The Sydney Gazette, 2 March 1837, p. 3; The Sydney Gazette 14 March 1837, p. 3; The Sydney Herald, 14 December 1837: 2).

Other Aboriginal people were working in the city. In early 1838, *The Sydney Monitor* noted that 'a dray loaded with wool was seen proceeding the other day, down George street, in charge of a black native, who appeared to understand his business equally as well as the best European driver, and smacked his whip with as becoming a grace' (The Sydney Monitor, 26 January 1838: 2).

While Cora had lived at Camp Cove in 1845 (Coast 2021: 55) and people remained there in the 1870s and 1880s people were camped at Ben Buckler, Bondi Beach. James Friday and Johnny Baswick and others were noted fishing off the rocks there in 1873. Around 1874, 'Bankie (obviously

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Krankie/Cranky) and Rachael were recalled in 1924 as camped at Ben Buckler and 'enjoying the ocean waves'. Along with Krankie and Rachael were their children 'Sandfy, Tilly and others' (Sydney Morning Herald, 16 December 1873: 6)¹ People living in this area engaged in commercial fishing to supplement their subsistence resources. Numerous burials in the vicinity suggest the area was used for generations (Coast 2021: 55).

From the 1850s Woollahra become more heavily populated and the land was subdivided. Several versions of the original of Seven Shillings Bay were told to Coast (2021: 57). In short, an Aboriginal couple, Gurray and Nancy were given seven shillings by the unsympathetic owner of Redleaf House, at Double Bay to remove themselves from the area. They moved a slight distance away, but returned as soon as the new owners moved in. This event is viewed now as an 'unsuccessful attempt to dislodge Aboriginal connections with a few coins' (Coast 2021: 57).

While there were altercations between Europeans and Aboriginal people during the second half of the nineteenth century, it was not until the 1890s that moves for relocate Aboriginal people occurred. Camps were recorded in a number of places: Rushcutters Bay, around Edgecliffe, Rushcutters Creek in Paddington. The latter area was still densely forested in the 1870s and Aboriginal people used the area for camping and ceremonies (Coast 2021: 58).

The Rose Bay settlement included Kate Sims between 1850s to 1930 whose descendants live in the La Perouse community today. The Rose Bay community remained until the end of the nineteenth century.

Coast (2021) argue that Aboriginal people in the Rose Bay settlement were able to stay there on their own terms and that:

They did so by cultivating strategic relationships with key Europeans in the area. William Warrell for example was well known to the Cooper family at Rose Bay, and the Wentworths and Hills at Vacluse and Point Piper. Other Aboriginal people worked for, and traded with the Wentworths at Vacluse House, and visited other residents like Richard Hill at Greycliffe House in Vacluse, Edward Smith Hill at the Woollahra House Stables building at Point Piper and William Bede Dalley at Clairvaux in Vacluse. (Coast 2021: 59)

They continued their traditional practices, fishing and trapping in the river.

The parliamentarian George Thornton was instrumental in a shift in approach by settlers towards Aboriginal people in the area. By 1870 he had formed the view that there were no Aboriginal people local to the area, and that they should be discouraged from the visiting the area. Further, any government assistance should be dispensed from 'home districts' (Coast 2021: 6). By the end of 1881 he had been appointed Protector of Aborigines with powers to distribute assistance to Aboriginal people. By 1883 the Aborigines Protection Board was created, with Richard Hill of Vacluse appointed Chair. The Board concentrated assistance to Aboriginal people at their fishing

¹ Also, RJ Stone, quoted in B Dowd, The Centenary of the Municipality of Waverly: 1859—1959, Council of the Municipality of Waverley, 1959: 138. In an unsourced reference, Smith notes an amateur stone tool collector [Archibald Liversidge](#), told a meeting of the [Royal Society of New South Wales](#) in 1894 that 'most of the implements from [Sans Souci](#) and Bondi were obtained by me from the few blacks who, some twenty years ago, used to camp at these places.' It is unclear whether these were being made in the 1870s or were found and given to the collector. Smith, http://dictionaryofsydney.org/entry/aboriginal_life_around_port_jackson_after_1822

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village in La Perouse. In the following years the Board monitored Aboriginal camps in the broader area and sent in police in response to any complaints by the settler residents. The combination of surveillance and targeted assistance (available at La Perouse only) drew people to La Perouse. The relocation was aided by the evangelical Christian Endeavour movement which established a mission at La Perouse by the mid-1890s. By this time there were few remaining Aboriginal camps in Woollahra (Coast 2021: 61).

It became less common to see Aboriginal people in the area, just at the time when interest was growing among Europeans in rock engravings and other traces of the Aboriginal past. The increasing dislocation of Aboriginal people from traditional Country and places of significance such as rock engravings, allowed a view to develop that Aboriginal culture was a thing of the past with no living continuity, and that this past could be interpreted by non-Aboriginal 'experts' (Coast 2021: 61 citing Byrne 1996: pp 88-93). We are still dealing with the legacy of this today, and this study has tried to redress that imbalance (Coast 2021:61).

The area was built over and evidence of Aboriginal peoples lives there were hidden. While Aboriginal people continued to visit this was no longer documented. When the Sydney Harbour Bridge opened in 1932 Aboriginal people set up a 'traditional camp' at Vacluse House as part of the celebrations and created replicas of the bridge, covered in shells. According to Coast (2021)

...dozens of Aboriginal people from La Perouse, probably among them descendants of others who have lived their [sic] in the past, were able to camp for several days on the property. (Coast 2021: 62 citing Irish & Ingrey 2011: 40-46).

While unable to live in the area, Aboriginal people, especially women, worked as domestic servants for householders in Woollahra (Coast 2021: 62). During the nineteenth century apprenticeships were organised through Ormond House in Paddington; but in the twentieth the Aborigines Protection Board removed children from their parents to train them, including for domestic service. Hundreds of Aboriginal girls worked as domestic servants across Sydney by the 1920s, but at least one, Lena Burgery (c1907-1968) was connected to the La Perouse community.

She worked for the Stephens family at Jersey Road in Paddington and was visited there by elders. This connection remains remembered and recognised (Michael Ingrey, pers comm 5/8/2015 cited in Coast 2021: 63).

Over recent decades, coastal Sydney descendants from the La Perouse community have re-engaged with the Woollahra area, researching its history and holding community events at places like Vacluse House and running tours at South Head. The Aboriginal heritage study has also provided an opportunity for some coastal Sydney people to walk the area, looking for Aboriginal heritage places and thinking about the past connections that continue to resonate across Woollahra (Coast 2021: 63).

8.2 Cultural Values in the Aboriginal Heritage Study (Coast 2021)

Rose Bay is included in the Woollahra Aboriginal Heritage Study undertaken by Coast (2021) which included close community consultation with La Perouse Local Aboriginal Land Council (LALC) and

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the Gujaga Foundation, a leading organisation focused on language, culture and research within the La Perouse community. In addition to community consultation extensive archival research was undertaken including museum collections and libraries.

While Woollahra LGA is located on the lands of the Gadigal and Birrabirragal, very few residents of the LGA identify as Aboriginal or Torres Strait Islander. With the development of the Aborigines Protection Board in the 1880s Aboriginal people left their shoreline camps and resettled (or were resettled) on the La Perouse Aboriginal reserve and mission. Segregation in country areas resulted in many Aboriginal moving into the city with communities forming in Redfern and surrounds by the early twentieth century. As a result, despite Aboriginal people living in other suburbs of Sydney, many have strong connections to the Woollahra area. (Coast 2021: 24).

Aboriginal families were made up of clans of between 25-60 people, tracing descent through the male line but connected by intermarriage as well as their place of birth and shared totems. People travelled extensively to maintain social and spiritual connections including trade networks. These clans and families were impacted by the smallpox epidemic which followed European arrival. While many people died, and the survivors came together in new grouping and it is these grouping which were then described by Europeans as 'The Sydney Tribe' or 'The Botany Tribe' (Coast 2012: 25). Today, many people with connections to the area live away from it, many in the La Perouse community and the landscape has been transformed. From the 1900s areas of Woollahra were subdivided for residential housing, and Rose Bay which had been market gardens and sand dunes was turned into a public golf course, and public parks including foreshore reclamation (Coast 2021: 42 and 45).

The significance of the area for these groups was recounted to Coast (2021: 25-26) as follows:

- Places of cultural significance - The traditional punishment ground at Rose Bay, with burials located there. The area was used to resolve disputes (referred to by contemporary information and described by David Collins in 1796:

we heard that a large party of natives belonging to different tribes, being assembled at Pan-nerrong (or, as it is named with us, Rose Bay), the spot which they had often chosen for shedding blood, after dancing and feasting over-night, early in the morning, Mo-roo-ber-ra, the brother, and Cole-be, another relation of Bone-da, seized upon a lad named Tar-ra-bil-long, and with a club each gave him a wound in his head, which laid the skull bare. Dar-ring-ha, the sister of Boneda, had her share in the bloody rite, and pushed at the unoffending boy with a doo-ull or short spear. (Collins 1798[1975], pp. 489-90 cited in Coast 2021: 77)

- All Aboriginal sites (including AHIMS), which need protection from further development
- Historical camps of ancestors in bays along the harbour
- Pathways (now often roads) which connect
- Places which retain Aboriginal names – with language revival (Dharawal Language Program) people are researching names to establish their meaning.
- People – for example: Kate Sims who lived at Rose Bay, Double Bay and Rushcutters Bay in late nineteenth century (and who is Chris Ingreys's great-great-grandmother).

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8.3 Identified Aboriginal cultural heritage values

As noted in Section 3.2 Coast (2021) identifies areas in the Woollahra LGA which were identified as having Aboriginal Heritage Sensitivity (depicted in pink Figure 18) and areas of Potential Aboriginal Heritage Sensitivity (depicted in green in Figure 18). These areas were mapped using Aboriginal sites information (compare see 3.1); a review of previous heritage investigations across Woollahra; review of historical lands use; current zonings and land use; predictive modelling; geological and geotechnical information.

Figure 18. Areas of Aboriginal Sensitivity according to Coast 2021.

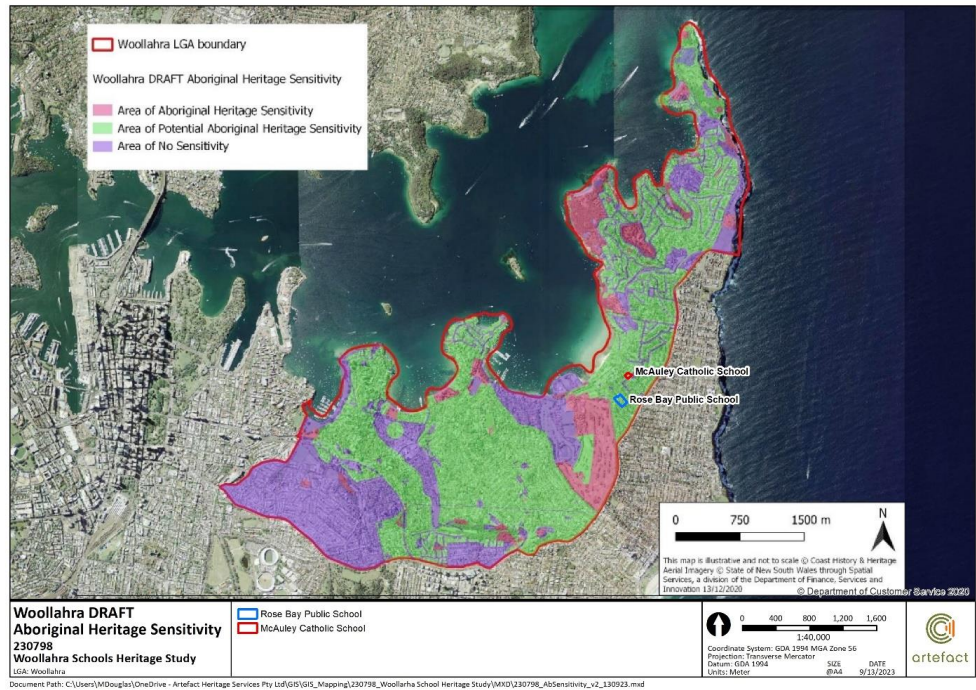


Table 4 provides a summary of the Aboriginal cultural heritage values associated with the Rose Bay and surrounding area as developed by Coast (2021: Appendix B).

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Table 4: Aboriginal Heritage Place list, not included in AHIMS.

| Cultural heritage value | Place Name | Comment on location | Comment on presence on Sensitivity map | Source |
|-----------------------------------|--------------------------------------|---|--|-----------------------|
| Living place (historical camp) | Seven Shillings Beach, Double Bay | | | |
| | Camp Cove | | | |
| | Paddington, Rushcutters Bay | | | |
| | Rose Bay Camp, William W'rell's Camp | Documented historical Aboriginal place but precise location not known | Noted Aboriginal Heritage Sensitivity mapping for the surrounding area | Coast 2021 Appendix B |
| | Double Bay Camp, Quamby | | | |
| | Rona, Double Bay | | | |
| | 'amara's Camp | | | |
| | Vaocluse House | | | |
| | Gibsons Beach | | | |
| Living place (historical camp) | Darling Point | | | |
| | Mona Road Houses | Precise location not known and surviving physical remains considered unlikely | Not included on Aboriginal Heritage Sensitivity mapping | Coast 2021 Appendix B |
| Living place (historical camp) | Parsley Bay | Insufficient information about place and/or location to allow mapping | Not included on Aboriginal Heritage Sensitivity mapping | Coast 2021 Appendix B |
| | Collins Hut | | | |
| Living place (historical camp) | Woollahra House Stables | Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area. | Documented historical Aboriginal place | Coast 2021 Appendix B |

Old School Hall at Rose Bay Public School & McAuley Catholic School and outbuildings
Aboriginal Heritage Due Diligence Report

| Cultural heritage value | Place Name | Comment on location | Comment on presence on Sensitivity map | Source |
|------------------------------------|-----------------------------------|--|--|-----------------------|
| Living place (possibly shelter) | The Grotto Rockshelter | Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site | Historically documented Aboriginal site but precise location not known | Coast 2021 Appendix B |
| | Wiston Gardens shelter | | | |
| | Kendall St Shelter | | | |
| Living place (historical campsite) | Nielsen Park | | General reference to Aboriginal occupation in existing heritage listing. | Coast 2021 Appendix B |
| | Strickland House | | | |
| | Milk Beach | | | |
| Resource Place | 'ophia's Spring, Vaucluse Heights | Not included on Aboriginal Heritage Sensitivity mapping | Insufficient information about place and/or location to allow mapping | Coast 2021 Appendix B |
| | Rose Bay Weir | | | |
| Burial Place | Camp Cove burial 1 | Documented historical Aboriginal place but precise location not known | Noted Aboriginal Heritage Sensitivity mapping for the surrounding area | Coast 2021 Appendix B |
| | Camp Cove burial 2 | | | |
| | Camp Cove burial ground | | | |
| | Rose Bay burial'Nancy's Burial | | | |
| Burial Place | Bu'garee's Grave | General location only | Noted Aboriginal Heritage Sensitivity mapping for the surrounding area | Coast 2021 Appendix B |
| | 'atora's Grave | | | |
| Burial Place | Rose Bay beach burial | Insufficient information about place and/or location to allow mapping | Not included on Aboriginal Heritage Sensitivity mapping | Coast 2021 Appendix B |

Old School Hall at Rose Bay Public School & McAuley Catholic School and outbuildings
Aboriginal Heritage Due Diligence Report

| Cultural heritage value | Place Name | Comment on location | Comment on presence on Sensitivity map | Source |
|----------------------------|---|---|---|-----------------------|
| Ceremonial ground | Pannerong, Rose Bay Ceremonial Ground | Documented historical Aboriginal place but precise location not known | Noted Aboriginal Heritage Sensitivity mapping for the surrounding area | Coast 2021 Appendix B |
| Visited Place (historical) | Greenwich Pier Hotel, Dunbar House Woollahra House Clovelly, Watsons Bay Leura | Documented historical Aboriginal place but precise location not known | Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area | Coast 2021 Appendix B |
| Visited Place (historical) | Mr 'alley's House, Clairvaux | Precise location not known and surviving physical remains considered unlikely | Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area | Coast 2021 Appendix B |
| Art site (engraving) | Vaucluse Engravings Hopetoun Ave Shelter | Historically documented Aboriginal site but precise location not known | Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area | Coast 2021 Appendix B |
| Material culture | Vaucluse, Sydney Harbour NP | Stone artefacts collected by amateur archaeologist from location not detailed on museum record. | Australian Museum | Coast 2021 Appendix B |
| Material culture | Cooper Park, Bellevue Hill | Water-worn pebble collected by amateur archaeologist from dredged material in Cooper Park. Examination by Coast | Australian Museum | Coast 2021 Appendix B |

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| Cultural heritage value | Place Name | Comment on location | Comment on presence on Sensitivity map | Source |
|-------------------------|----------------------------|---|--|-----------------------|
| | | Archaeologist Rebecca Bryant suggests could be a stone artefact with flake scars but more detailed examination would be required to confirm | | |
| Material culture | Steel Point Cave, Vaucluse | Four stone artefacts collected by amateur archaeologist from rockshelter within Nielsen Park | Australian Museum | Coast 2021 Appendix B |

The themes of the cultural heritage values identified by Coast include the following:

- Living place (historical camp)
- Living place (possibly shelter)
- Resource Place
- Burial Place
- Ceremonial ground
- Visited Place (historical)
- Art site (engraving)
- Material culture

'Material Culture' is not an item of intangible heritage. However, the objects included under this heading connect contemporary Aboriginal communities to their ancestors through the artefacts that the latter handled and made. This connection is part of Aboriginal people's intangible heritage. Also, connection by descent to persons who lived in the area should be added to the list. The latter is part of the importance of the living places, resources places, and visiting places. The Art Sites and Ceremonial ground are both connections to people which used and made the artworks but also to the traditional knowledge these places manifest.

Old School Hall at Rose Bay Public School & McAuley Catholic School and outbuildings
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9.0 References

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Sydney Gazette, 1836, 17 December

Sydney Gazette, 1836, 20 December

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Sydney Gazette, 1837, 18 April

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Sydney Gazette, 1837, 6 July

Sydney Gazette, 1838, 13 January

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Sydney Monitor, 1836, 19 December

Sydney Monitor, 1837, 6 February

Sydney Monitor, 1837, 3 March

Sydney Monitor, 1838, 26 January

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Sydney Gazette, 1837, 14 March

Sydney Morning Herald, 1882, 12 October

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APPENDIX 8.1A: AHIMS EXTENSIVE SEARCH

Old School Hall at Rose Bay Public School & McAuley Catholic School and outbuildings
Aboriginal Heritage Due Diligence Report



AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 230798

Client Service ID : 807119

| SiteID | SiteName | Datum | Zone | Easting | Northing | Context | Site Status ** | SiteFeatures | SiteTypes | Reports |
|----------------|--|------------------|------|---|----------|-------------|----------------|---|--|-------------------------|
| 45-6-2151 | Point Piper | GDA | 56 | 338710 | 6251545 | Closed site | Valid | Shell : -, Artefact : -, Burial : -, Art (Pigment or Engraved) : - | Burial/s,Shelter with Midden | 1809,1911,104 834 |
| Contact | | Recorders | | Val Attenbrow,W Thorpe | | | | | | |
| 45-6-0688 | Rose Bay | GDA | 56 | 338700 | 6251520 | Open site | Valid | Art (Pigment or Engraved) : - | Rock Engraving | 104834 |
| Contact | | Recorders | | Unknown Author | | | | | | |
| 45-6-0690 | Cooper Park,Bellevue Hill; | GDA | 56 | 338900 | 6248920 | Open site | Valid | Art (Pigment or Engraved) : - | Rock Engraving | |
| Contact | | Recorders | | Unknown Author | | | | | | |
| 45-6-0691 | Woollahra,Bellevue Hill; | GDA | 56 | 338894 | 6249642 | Open site | Valid | Art (Pigment or Engraved) : - | Rock Engraving | |
| Contact | | Recorders | | Unknown Author | | | | | | |
| 45-6-0001 | Cabarita Park 1;Vaucluse,Milk Beach; | GDA | 56 | 339681 | 6252402 | Open site | Valid | Shell : -, Artefact : -, Art (Pigment or Engraved) : - | Midden,Rock Engraving | |
| Contact | | Recorders | | Elizabeth Rich,Michael Guider,W Newell | | | | | | |
| 45-6-1469 | Vaucluse Park | GDA | 56 | 340416 | 6252317 | Closed site | Valid | Art (Pigment or Engraved) : - | Shelter with Art | |
| Contact | | Recorders | | Michael Guider,Mr.Paul Irish | | | | | | |
| 45-6-1405 | Bellevue Hill;Cooper Park; | GDA | 56 | 338705 | 6248915 | Closed site | Valid | Art (Pigment or Engraved) : - | Shelter with Art | |
| Contact | | Recorders | | W Newell | | | | | | |
| 45-6-2089 | Mt Trefle 2; | GDA | 56 | 339685 | 6252680 | Closed site | Valid | Shell : -, Artefact : - | Shelter with Midden | 1809 |
| Contact | | Recorders | | Michael Guider | | | | | | |
| 45-6-0560 | Mt. Trefle Nelson Park Point 1 Mt. Trefle Midden Mt. Trefle Cave | GDA | 56 | 339674 | 6252694 | Closed site | Valid | Shell : -, Artefact : -, Art (Pigment or Engraved) : - | Shelter with Art,Shelter with Midden | 1910,1911,229 3,2864 |
| Contact | | Recorders | | Val Attenbrow,Michael Guider,W Newell,W Stanley | | | | | | |
| 45-6-2169 | Bondi Beach; | AGD | 56 | 340650 | 6248550 | Open site | Valid | Artefact : - | Open Camp Site | 187 |
| Contact | | Recorders | | Michael Guider | | | | | | |
| 45-6-2178 | Shark Island 2; | GDA | 56 | 338802 | 6252265 | Open site | Valid | Shell : -, Artefact : - | Shelter with Midden | 4646,4968 |
| Contact | | Recorders | | Michael Guider,GML Heritage Pty Ltd - Surry Hills,Doctor.Tim Owen | | | | | | |
| 45-6-2179 | Shark Island 1; | GDA | 56 | 338876 | 6252082 | Open site | Valid | Shell : -, Artefact : - | Midden | |
| Contact | | Recorders | | Michael Guider,GML Heritage Pty Ltd - Surry Hills,Doctor.Tim Owen | | | | | | |
| 45-6-1330 | Vaucluse Vaucluse House | GDA | 56 | 340272 | 6252438 | Open site | Valid | Art (Pigment or Engraved) : - | Rock Engraving | |
| Contact | | Recorders | | Unknown Author,Mr.Paul Irish | | | | | | |


Report generated by AHIMS Web Service on 07/08/2023 for Michael Lever for the following area at Datum :GDA, Zone : 56, Eastings : 338120.0 - 342120.0, Northings : 6248719.0 - 6252719.0 with a Buffer of 0 meters. Number of Aboriginal sites and Aboriginal objects found is 56

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| <div>  <div> AHIMS Web Services (AWS) Extensive search - Site list report </div> <div> Your Ref/PO Number : 230798 Client Service ID : 807119 </div> </div> | | | | | | | | | | |
|---|---------------------------------|------------------|----------------|---------|----------|-------------|----------------|--|------------------------------------|---------|
| SiteID | SiteName | Datum | Zone | Easting | Northing | Context | Site Status ** | SiteFeatures | SiteTypes | Reports |
| 45-6-0718 | Bondi-Hugh Bamford Park; | AGD | 56 | 341200 | 6249100 | Open site | Valid | Art (Pigment or Engraved) :- | Rock Engraving | |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-0719 | Bondi Golf Links;North Bondi; | AGD | 56 | 341300 | 6248900 | Open site | Valid | Art (Pigment or Engraved) :- | Rock Engraving | |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-0734 | Bellevue Hill;Cooper Park,; | GDA | 56 | 338893 | 6249031 | Open site | Valid | Art (Pigment or Engraved) :- | Rock Engraving | |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-1761 | Hermit Bay; | GDA | 56 | 339828 | 6252276 | Open site | Valid | Shell :-, Artefact :- | Midden | |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-1621 | Vauchuse;Hermitage Reserve,; | GDA | 56 | 339636 | 6252641 | Open site | Valid | Art (Pigment or Engraved) :-, Grinding Groove :- | Axe Grinding Groove,Rock Engraving | 768 |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-1626 | Milk Beach 3; | GDA | 56 | 339679 | 6252416 | Open site | Valid | Shell :-, Artefact :- | Midden | 768 |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-1627 | Milk Beach 2; | GDA | 56 | 339723 | 6252394 | Open site | Valid | Shell :-, Artefact :- | Midden | 768 |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-1628 | Milk Beach 1; | GDA | 56 | 339838 | 6252286 | Closed site | Valid | Artefact :- | Shelter with Deposit | 768 |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-1629 | Vauchuse;Hermitage Reserve; | GDA | 56 | 339735 | 6252388 | Open site | Valid | Shell :-, Artefact :- | Midden | |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-1515 | Diamond Bay (Vauchuse South) | AGD | 56 | 341030 | 6251620 | Open site | Valid | Art (Pigment or Engraved) :- | Rock Engraving | 97439 |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-1651 | Milk Beach 5;Hermitage Reserve; | GDA | 56 | 339685 | 6252479 | Closed site | Valid | Shell :-, Artefact :- | Shelter with Midden | |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-1652 | Milk Beach 4 | GDA | 56 | 339705 | 6252477 | Open site | Valid | Shell :-, Artefact :- | Midden | 1888 |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-0903 | Vauchliffe; Radcliffe Residence | GDA | 56 | 340190 | 6252365 | Open site | Valid | Art (Pigment or Engraved) :- | Rock Engraving | |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-1588 | 31 Oloia Ave | GDA | 56 | 340425 | 6252200 | Closed site | Valid | Art (Pigment or Engraved) :- | Shelter with Art | |
| | Contact | Recorders | Permits | | | | | | | |
| 45-6-2650 | Emmas Well | GDA | 56 | 340262 | 6251501 | Open site | Valid | Water Hole :- | | |
| | Contact | Recorders | Permits | | | | | | | |

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| <div>  <div> AHIMS Web Services (AWS) Extensive search - Site list report </div> <div> Your Ref/PO Number : 230798 Client Service ID : 807119 </div> </div> | | | | | | | | | | |
|---|--|------------------|------|--|----------|-------------|----------------|---|--------------------------|---------|
| SiteID | SiteName | Datum | Zone | Easting | Northing | Context | Site Status ** | SiteFeatures | SiteTypes | Reports |
| 45-6-2665 | Restriction applied. Please contact ahims@environment.nsw.gov.au. <u>Contact</u> | | | | | Open site | Destroyed | | | 102152 |
| 45-6-2797 | 28 Carrara Road Archaeological Deposit (formerly PAD) <u>Contact</u> | <u>Recorders</u> | AGD | Brad Welsh, Mr. David Ingrey 56 339733 | 6252108 | Open site | Destroyed | Potential Archaeological Deposit (PAD) :- <u>Permits</u> | 1731,3167,3192,3202,4814 | |
| 45-6-2895 | Dover Heights PAD <u>Contact</u> | <u>Recorders</u> | GDA | Austral Archaeology 56 341152 | 6250980 | Open site | Valid | Potential Archaeological Deposit (PAD) :- <u>Permits</u> | 2479,2601 | |
| 45-6-3624 | The Wanderers Cave <u>Contact</u> | <u>Recorders</u> | GDA | Kate Sullivan & Associates Pty Ltd 56 340305 | 6252280 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- <u>Permits</u> | | |
| 45-6-3745 | RSGC Area of Sensitivity <u>Contact</u> | <u>Recorders</u> | GDA | Mr. Paul Irish, Coast History & Heritage 56 339940 | 6250555 | Open site | Valid | Potential Archaeological Deposit (PAD) :- <u>Permits</u> | | |
| 45-6-3754 | KRRI Rockshelter <u>Contact</u> | <u>Recorders</u> | GDA | Mr. Paul Irish, Coast History & Heritage 56 340012 | 6251770 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- <u>Permits</u> | 4591,5104 | |
| 45-6-3763 | Scots College PAD <u>Contact</u> | <u>Recorders</u> | GDA | Ms. Fenella Atkinson, Coast History & Heritage 56 338533 | 6250211 | Open site | Valid | Potential Archaeological Deposit (PAD) :- <u>Permits</u> | | 104342 |
| 45-6-3825 | Cranbrook Oval <u>Contact</u> | <u>Recorders</u> | GDA | Extent Heritage Pty Ltd - Pyrmont - Individual users, Ms. Georgia Burnett 56 338374 | 6250807 | Open site | Valid | Artefact :- <u>Permits</u> | | 104834 |
| 45-6-3948 | Woollahra Possible Shelter WAH128 <u>Contact</u> | <u>Recorders</u> | GDA | Ms. Tory Stening 56 338682 | 6249049 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- <u>Permits</u> | | |
| 45-6-3949 | Woollahra Possible Shelter WAH127 <u>Contact</u> | <u>Recorders</u> | GDA | Mr. Paul Irish, Coast History & Heritage 56 338674 | 6249042 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- <u>Permits</u> | | |
| 45-6-3950 | Woollahra Possible Shelter WAH126 <u>Contact</u> | <u>Recorders</u> | GDA | Mr. Paul Irish, Coast History & Heritage 56 338861 | 6249025 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- <u>Permits</u> | | |
| | <u>Contact</u> | <u>Recorders</u> | | Mr. Paul Irish, Coast History & Heritage | | | | <u>Permits</u> | | |

Report generated by AHIMS Web Service on 07/08/2023 for Michael Lever for the following area at Datum : GDA, Zone : 56, Eastings : 338120.0 - 342120.0, Northings : 6248719.0 - 6252719.0 with a Buffer of 0 meters. Number of Aboriginal sites and Aboriginal objects found is 56
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Aboriginal Heritage Due Diligence Report

| <div>  <div> AHIMS Web Services (AWS) Extensive search - Site list report </div> <div> Your Ref/PO Number : 230798 Client Service ID : 807119 </div> </div> | | | | | | | | | | |
|---|-----------------------------------|-------|------|------------------|--|-------------|----------------|---|-----------|---------|
| SiteID | SiteName | Datum | Zone | Easting | Northing | Context | Site Status ** | SiteFeatures | SiteTypes | Reports |
| 45-6-3952 | Woollahra Possible Shelter WAH117 | GDA | 56 | 339836 | 6252036 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | <u>Contact</u> | | | <u>Recorders</u> | Mr.Paul Irish,Coast History & Heritage | | | <u>Permits</u> | | |
| 45-6-3953 | Woollahra Possible Shelter WAH118 | GDA | 56 | 339820 | 6252101 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | <u>Contact</u> | | | <u>Recorders</u> | Mr.Paul Irish,Coast History & Heritage | | | <u>Permits</u> | | |
| 45-6-3962 | Woollahra Possible Shelter WAH136 | GDA | 56 | 338525 | 6248937 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | <u>Contact</u> | | | <u>Recorders</u> | Mr.Paul Irish,Coast History & Heritage | | | <u>Permits</u> | | |
| 45-6-3963 | Woollahra Possible Shelter WAH132 | GDA | 56 | 338468 | 6249048 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | <u>Contact</u> | | | <u>Recorders</u> | Mr.Paul Irish,Coast History & Heritage | | | <u>Permits</u> | | |
| 45-6-3964 | Woollahra Possible Shelter WAH124 | GDA | 56 | 340345 | 6252389 | Closed site | Valid | Art (Pigment or Engraved) :- | | |
| | <u>Contact</u> | | | <u>Recorders</u> | Mr.Paul Irish,Coast History & Heritage | | | <u>Permits</u> | | |
| 45-6-3968 | Woollahra Possible Shelter WAH120 | GDA | 56 | 340253 | 6252404 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | <u>Contact</u> | | | <u>Recorders</u> | Mr.Paul Irish,Coast History & Heritage | | | <u>Permits</u> | | |
| 45-6-3969 | Woollahra Possible Shelter WAH119 | GDA | 56 | 339880 | 6252123 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | <u>Contact</u> | | | <u>Recorders</u> | Mr.Paul Irish,Coast History & Heritage | | | <u>Permits</u> | | |
| 45-6-3970 | Cooper Park North Shelter WAH142 | GDA | 56 | 338410 | 6249090 | Closed site | Valid | Art (Pigment or Engraved) :- | | |
| | <u>Contact</u> | | | <u>Recorders</u> | Mr.Paul Irish,Coast History & Heritage | | | <u>Permits</u> | | |
| 45-6-3972 | Woollahra Possible Shelter WAH135 | GDA | 56 | 338500 | 6248960 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | <u>Contact</u> | | | <u>Recorders</u> | Mr.Paul Irish,Coast History & Heritage | | | <u>Permits</u> | | |
| 45-6-3973 | Woollahra Possible Shelter WAH134 | GDA | 56 | 338421 | 6248937 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | <u>Contact</u> | | | <u>Recorders</u> | Mr.Paul Irish,Coast History & Heritage | | | <u>Permits</u> | | |
| 45-6-3974 | Woollahra Possible Shelter WAH133 | GDA | 56 | 338228 | 6248966 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | <u>Contact</u> | | | <u>Recorders</u> | Mr.Paul Irish,Coast History & Heritage | | | <u>Permits</u> | | |

Report generated by AHIMS Web Service on 07/08/2023 for Michael Lever for the following area at Datum :GDA, Zone : 56, Eastings : 338120.0 - 342120.0, Northings : 6248719.0 - 6252719.0 with a Buffer of 0 meters. Number of Aboriginal sites and Aboriginal objects found is 56

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Old School Hall at Rose Bay Public School & McAuley Catholic School and outbuildings
Aboriginal Heritage Due Diligence Report

| <div>  <div> AHIMS Web Services (AWS) Extensive search - Site list report </div> <div> Your Ref/PO Number : 230798 Client Service ID : 807119 </div> </div> | | | | | | | | | | |
|---|-----------------------------------|-------|------|---------|----------|-------------|----------------|--|-----------|---------|
| SiteID | SiteName | Datum | Zone | Easting | Northing | Context | Site Status ** | SiteFeatures | SiteTypes | Reports |
| 45-6-3975 | Woollahra Possible Shelter WAH131 | GDA | 56 | 338279 | 6249056 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | Contact | | | | | | | | | |
| 45-6-3977 | Woollahra Possible Shelter WAH129 | GDA | 56 | 338120 | 6249152 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | Contact | | | | | | | | | |
| 45-6-3980 | Woollahra Possible Shelter WAH137 | GDA | 56 | 338533 | 6248923 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | Contact | | | | | | | | | |
| 45-6-3998 | PAD 590-592 NSHR | GDA | 56 | 338350 | 6250900 | Open site | Destroyed | Potential Archaeological Deposit (PAD) :- | | |
| | Contact | | | | | | | | | |
| 45-6-3984 | Drumalbyn shelter | GDA | 56 | 338880 | 6249665 | Closed site | Valid | Potential Archaeological Deposit (PAD) :- | | |
| | Contact | | | | | | | | | |
| 45-6-3985 | Cooper Park Shelter | GDA | 56 | 338493 | 6248933 | Closed site | Valid | Art (Pigment or Engraved) :- Potential Archaeological Deposit (PAD) :- | | |
| | Contact | | | | | | | | | |

** Site Status

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution

Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 07/08/2023 for Michael Lever for the following area at Datum : GDA, Zone : 56, Eastings : 338120.0 - 342120.0, Northings : 6248719.0 - 6252719.0
with a Buffer of 0 meters. Number of Aboriginal sites and Aboriginal objects found is 56

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

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artefact

8 November 2023

Anne White
Manager Strategic Planning Place
Woollahra Municipal Council
536 New South Head Road
Double Bay NSW 2028
e: anne.white@woollahra.nsw.gov.au
t: 9391 7086

Attention: Eleanor Banaag
Senior Strategic Heritage Officer
e: Eleanor.Banaag@woollahra.nsw.gov.au
t: 9391 7084

Dear Anne and Eleanor,

Re: Rose Bay schools preliminary historical archaeological review

Introduction

Artefact Heritage has been engaged by Woollahra Municipal Council to prepare a preliminary historical archaeological review for the study area of two schools in Rose Bay: The Old School Hall at Rose Bay Public School, Albemarle Ave, Rose Bay; and the McAuley Catholic Primary School and outbuildings, Carlisle Street, Rose Bay (approximately four buildings plus landscape context).

Both sites of interest are under investigation for the purposes of potential heritage listing.

Study area

The study area encompasses two schools within the Rose Bay area: Rose Bay Public School and McAuley Catholic Primary School (Figure 1).

Rose Bay Public is located at 21 Wilberforce Avenue, Rose Bay 2029 and comprises of Lot 13-20, 46-56 56 DP 4567 and 111-112 DP 1076937. It is bordered by three roads, Wilberforce Avenue running along a North-West to South-East orientation, Albemarle Lane running along a North-East to South-West and Albemarle Avenue running along a North-West to South-East orientation, the remaining side of the school grounds backs onto residential housing.

McAuley Catholic Primary School is located at 8-12 Carlisle Street, Rose Bay 2029 comprising of Lot A, B, DP 80580; Lot 1, DP 805717; Lot 18, DP 73884. It is bordered by Carlisle Street running in a North-East to South-West orientation with the remaining sides of the school grounds being bordered by residential properties (Figure 1). The two sites fall within the Woollahra Local Government Area and in the Parish of Alexandria.

Limitations

This preliminary historical archaeological review provides a preliminary assessment of the historical archaeological potential and significance within the study area, as illustrated in Figure 1. This letter

Rose Bay Schools
Historical Archaeological Assessment

report is a preliminary review only and does not represent an Historical Archaeological Assessment (HAA). Aboriginal heritage is addressed in a separate report for the project.

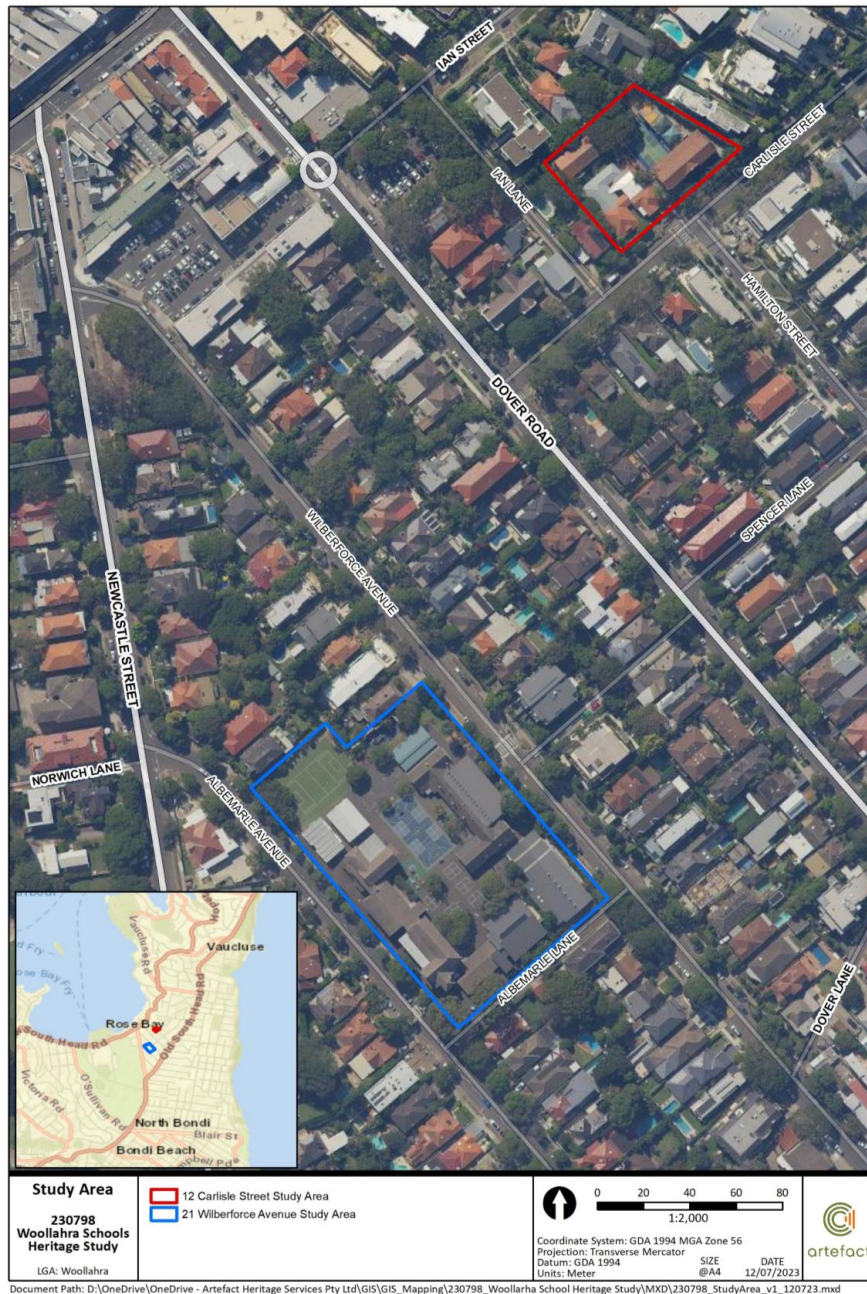


Figure 1: Location of study area boundaries: Rose Bay Public School (Blue) & McAuley Catholic School (Red) Source: Artefact, 2023

Rose Bay Schools
Historical Archaeological Assessment

Land use summary

This section of the report presents a summary of the historical occupation of the study area. The historical occupation of the study area has been divided into three phases of historic activity. An outline of these phases is presented below in Table 1.

Table 1: Historical land use within Rose Bay Public School and McAuley Catholic School

| Phase | Discussion |
|--|---|
| Phase 1 Early land grants and occupation (1788-1830) | <p>The study area is located within the former Point Piper Estate, which was awarded to John Piper in 1813, making the estate one of the oldest grants in the local area. Piper's holdings spanned 1190 acres in Woollahra and 475 acres in Vaucluse. Piper's extravagant lifestyle soon sent him into debt, resulting in the sale of 1130 acres of his Point Piper estate to Daniel Cooper and Solomon Levey in late 1826.¹ In 1827, Piper sold another 190 acres of land at Point Piper to Daniel Cooper. A new grant titling Cooper and Levey to the land was issued in 1830, but Levey died in London only three years later. Daniel Cooper assumed sole ownership of the land title by 1847, and the land became known as the Cooper Estate. During this time Rose Bay was largely bushland and Cooper did not clear or develop his land. The New South Head Road, completed in 1831, was utilised as an access point to the main residential area while South Head Road became a trail for picnickers and scenic walks.²</p> |
| Phase 2 Development and subdivision (1831-c.1906) | <p>Following the construction of New South Head Road in 1831, land around the study area was gradually divided into estates for residential development.</p> <p>McAuley Catholic School is located in the former Carlisle Estate, a release of 45 "mansion sites" within the larger Cooper Freeholds (Figure 3). These blocks were auctioned in March 1888. Analysis of aerial imagery from 1930 shows that residential development had taken place within the Carlisle Estate where the main building of McAuley Catholic Primary School now stands.</p> <p>Rose Bay Public School is located immediately north of Section C of the former Rose Bay Estate (Figure 4). The present location of Rose Bay Public School does not appear to have been released for subdivision during this time. A land release advertisement from circa 1906 depicts a Public School "now being erected" on the current site of Rose Bay Public School. No development is known to have taken place in this area prior to the establishment of Rose Bay Public School, however a small outbuilding is visible on the land release advertisement in what is now the southeast corner of Rose Bay Public School.</p> |

1 Woollahra Municipal Council. Captain John Piper'. Accessed at: [https://www.woollahra.nsw.gov.au/library/local_history/woollahra_plaque_scheme/plaques/captain_john_piper\(12/03/2020\)](https://www.woollahra.nsw.gov.au/library/local_history/woollahra_plaque_scheme/plaques/captain_john_piper(12/03/2020))

2 Wotherspoon, Dictionary of Sydney. 'The Road East'. Accessed at: https://dictionaryofsydney.org/entry/the_road_east (17/08/2023)

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| Phase | Discussion |
|---|---|
| | <p>The Christian Brothers College was established in 1935 on the site of present-day McAuley Catholic School. The Christian Brothers College operated from 1935 to 1959. Aerial imagery from 1943 shows the existing main building having been constructed by this point, replacing the residential structures which were visible in 1930 (Figure 5).</p> <p>In 1967 McAuley Catholic Primary School was established within the former Christian Brothers College. Despite this change, the site itself does not appear to have undergone many, if any, modifications. Aerial images between in 1943 and the present day show that the McAuley School utilised the existing structures on the property and that the four buildings which comprise the school have not undergone substantial changes since the establishment of the Christian Brothers College.</p> |
| Phase 3 Educational establishments (c.1906-present) | <p>Analysis of aerial imagery from 1943 shows Rose Bay Public School encompassing a slightly larger plot than what was originally shown on the 1906 subdivision plan (Figure 6). In addition, an outbuilding shown on this plan appears to have been demolished by this with larger school buildings constructed in its place. Between 1943 and the present day, a number of small buildings have been constructed and demolished across the school. Demountable buildings were introduced in Sydney in 1966. Consequently, any structures visible prior to this time are likely to have been permanent structures with sub-surface foundations. From 1966 onwards, these structures may have been demountable structures.</p> <p>While modifications took place across the school grounds throughout the twentieth century, the original building is still visible in the 1930 aerial of the study area which has since undergone two extensions (Figure 7, Figure 8).</p> |

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Figure 2: View of Rose Bay c.1840. Source: SLNSW

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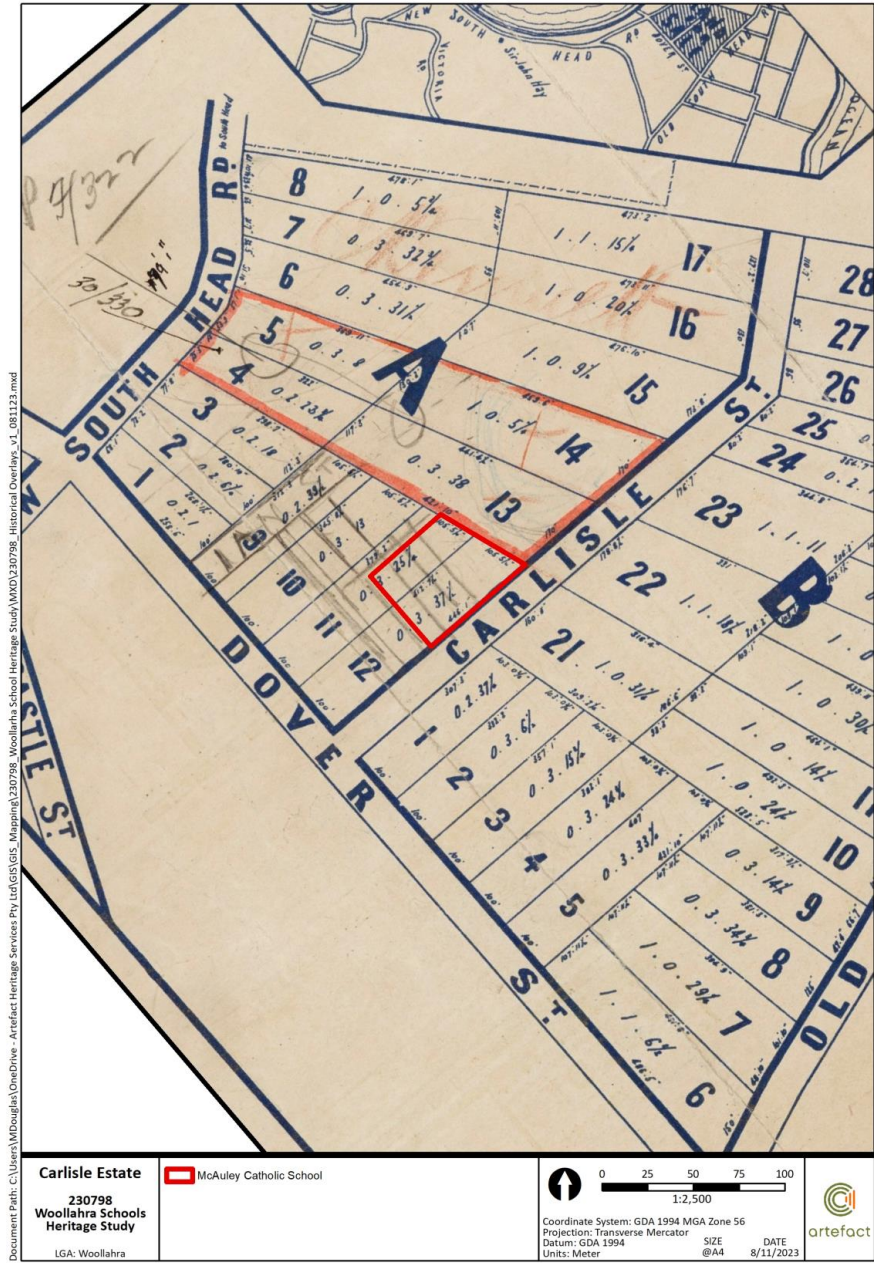


Figure 3: Land release advertisement for Carlisle Estate. The approximate location of McAuley Catholic Primary School is shown in green (NSW State Library Collection)

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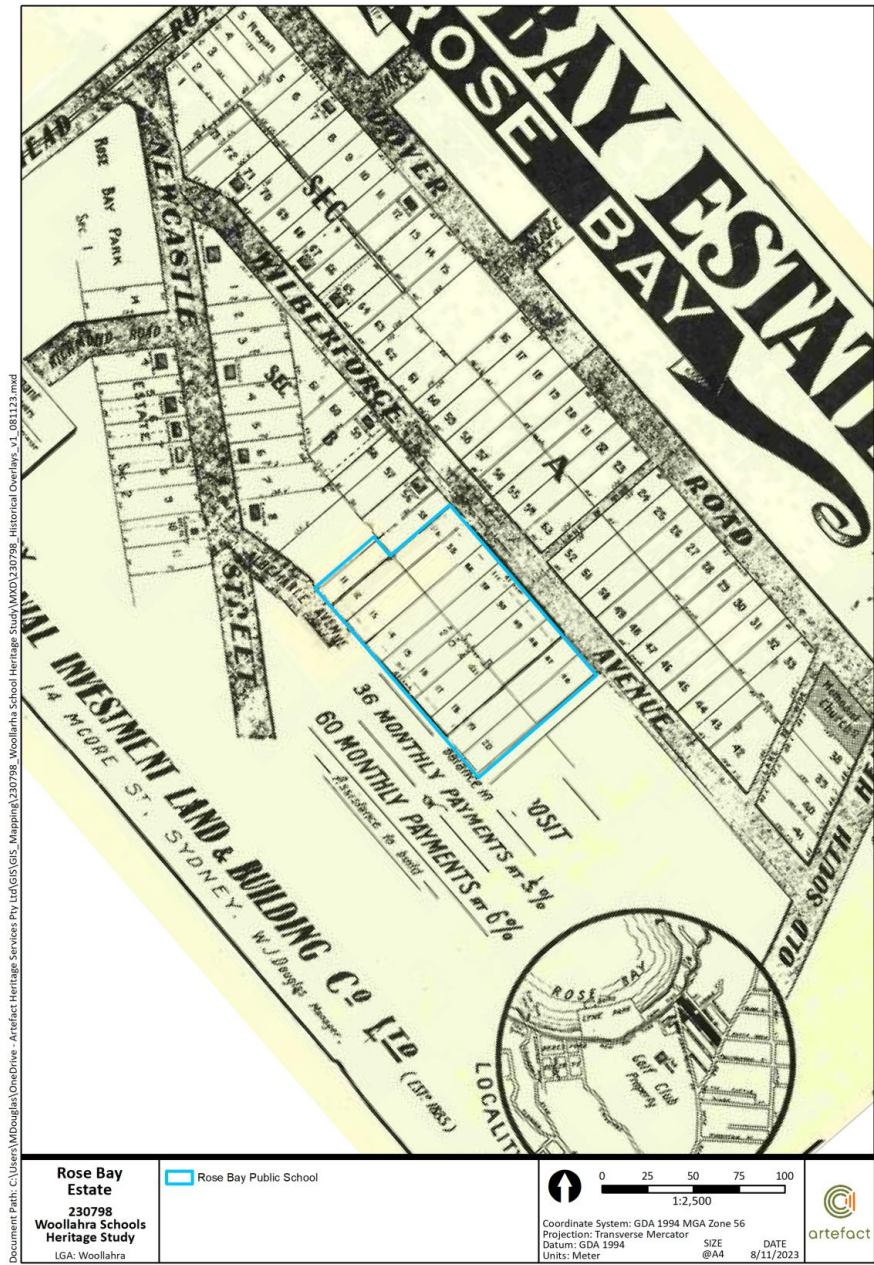


Figure 4: Land release advertisement for Rose Bay Estate. The approximate location of Rose Bay Public School is shown in red (NSW State Library Collection)

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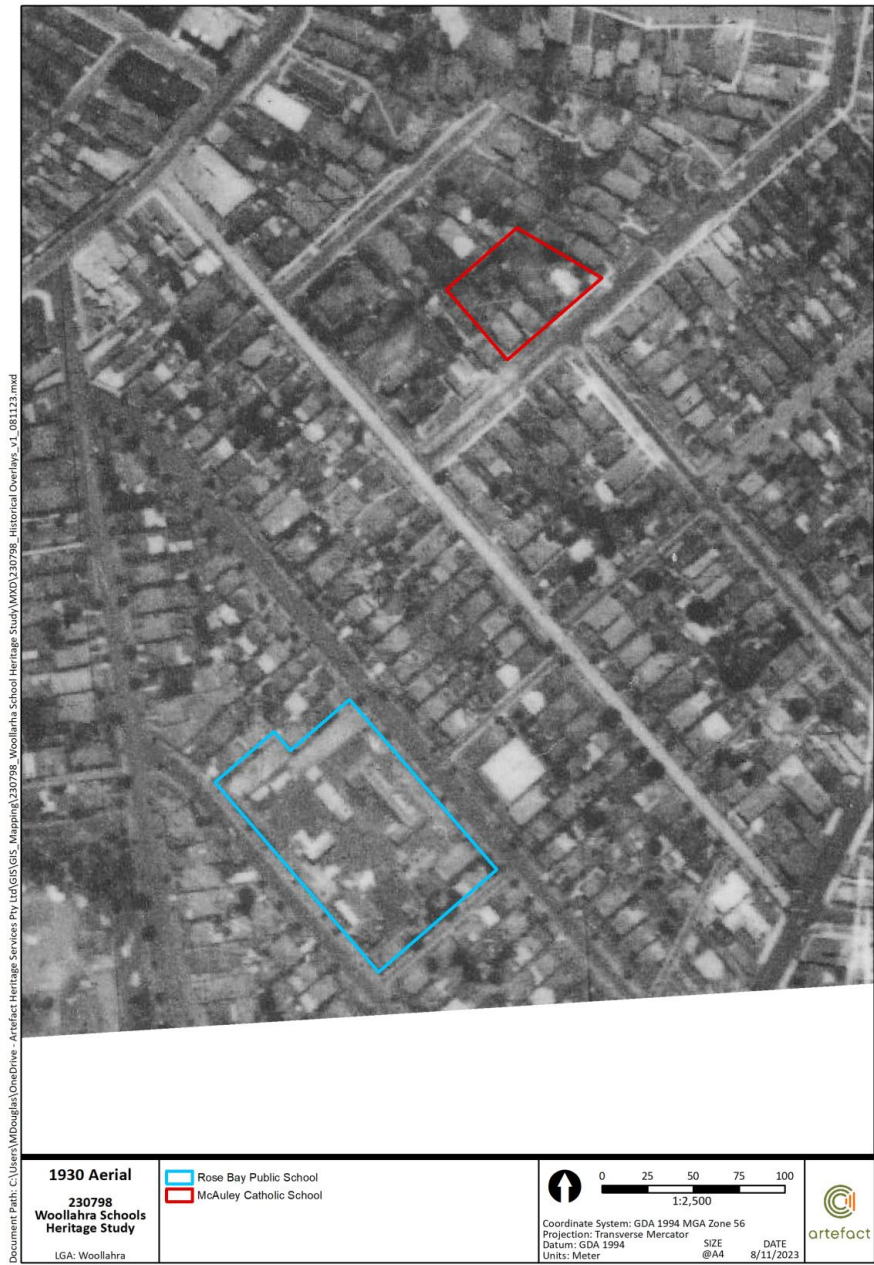


Figure 5: Aerial imagery from 1930. The approximate location of Rose Bay Public School is shown in blue and the location of McAuley Catholic School is shown in red (Historical Imagery Viewer)

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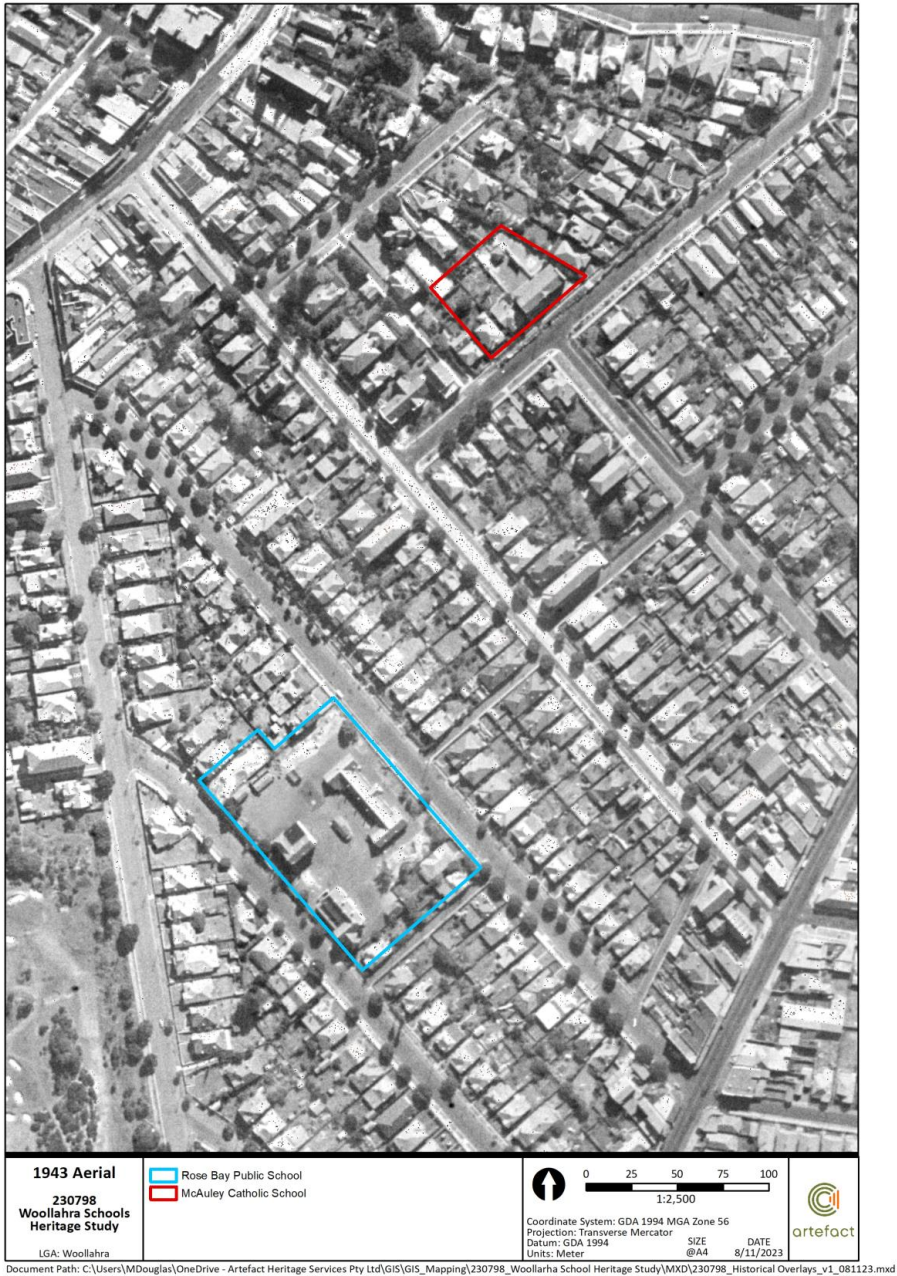


Figure 6: Aerial imagery from 1943. The approximate locations of both schools. Rose Bay Public School outlined in red and McAuley Catholic School in green (Historical Imagery Viewer)

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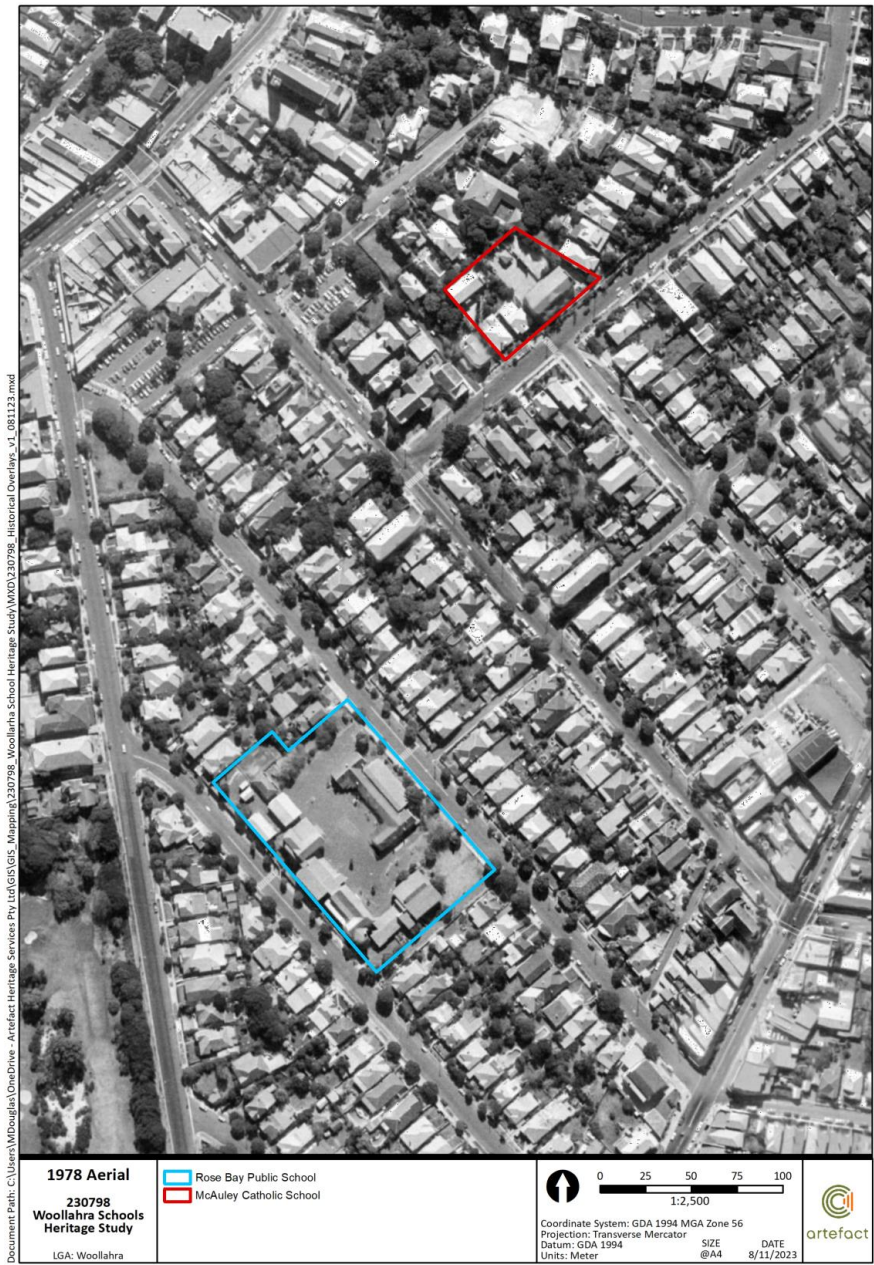


Figure 7: Aerial imagery from 1978. The locations of McAuley Catholic Primary School is shown in green and the location of Rose Bay Public School is shown in red (Historical Imagery Viewer)

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Figure 8: Aerial imagery from 2002. The location of McAuley Catholic Primary school is shown in green, and the location of Rose Bay Public School is shown in red (Historical Imagery Viewer)

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Site inspection

A site inspection was conducted on 17 August 2023 by John Sokalik (Senior Heritage Consultant) and Bronwyn Hanna (Senior Associate) of Artefact Heritage. The aim of the site inspection was to investigate and identify heritage items and heritage significant fabric in the study area and in the vicinity. The inspection was undertaken on foot and a photographic record was made.

Rose Bay Public School

Rose Bay Public School is located approximately 120 metres east of The Royal Sydney Golf Club on an elevated landscape and is surrounded by residential properties along the opposing streets. The site has been extensively developed through the construction of buildings ranging from substantial brick structures to light 'temporary' classrooms of timber, metal and cladding. The school grounds are located approximately 1-2 metres above the surrounding street levels (Figure 13) implying that the area has significantly been built up over time. Much of the ground surface in the study area is bituminised and level (Figure 9-Figure 12) and there is potential for such paving surfaces to overlie and cap relatively undisturbed fills. This is also the case for the tennis courts in the northwest corner of the study area. In the northeast of the study area an open lawn is present.

No evidence of potential archaeological deposits or former structures was identified during the inspection.

Rose Bay Schools
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Figure 9: Brick structures, view northwest over playground



Figure 10: Lightweight classrooms. View southwest.



Figure 11: Brick structures, view southwest over playground



Figure 12: Brick structures, view northeast over playground

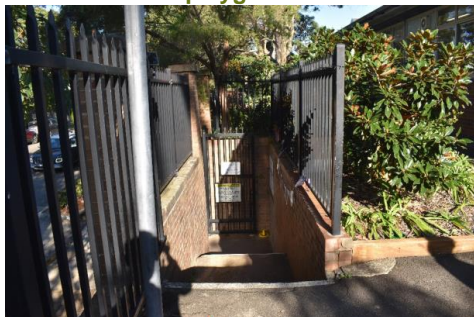


Figure 13: Stairway to Wilberforce Avenue. View southeast



Figure 14: Rose Bay Public School from Albemarle Avenue. View northeast

McCauley Catholic School

McCauley Catholic School is located approximately 200 metres northeast of Rose Bay Public School on a steep sloping landscape and is adjacent to residential properties to the north, east and west of the school. The school sits on a rolling dune formation, descending to the southwest (Figure 15- Figure 17). The adjacent street (Carlisle Street) has been at times substantially cut into the dune on which the school sits, implying the potential that preserved dune soil surfaces are present beneath the less disturbed elements of the school soils. Much of the school has been subject to significant ground disturbance as evidenced by the substantial brick buildings, however the school playground is capped by concrete which may have acted to preserve underlying historic fills and natural soils

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(Figure 19). Isolated grassed garden areas are present around the perimeter of the and these display little evidence of ground disturbance. Although some evidence of ground disturbance is apparent in a planting area adjacent to a driveway (Figure 20) the extent of this disturbance (as for the grassed and concreted areas) is difficult to gauge without archaeological investigation.

No evidence of potential archaeological deposits or former structures was identified during the inspection.



Figure 15: View of school on dune slope, view northeast



Figure 16: View southwest down dune slope



Figure 17: View northeast down dune slope



Figure 18: View of streetside retaining wall height. View northeast

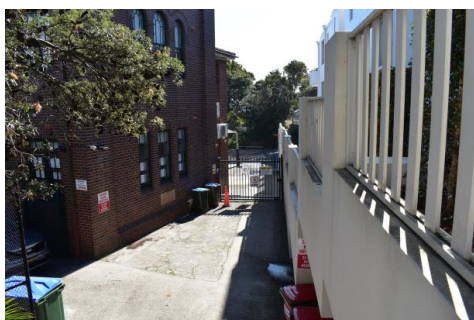


Figure 19: View of paved playground surfaces

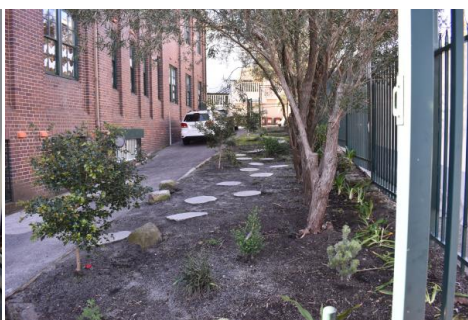


Figure 20: Planting area on sandy soils

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Archaeological potential and significance

This section discusses the study area's potential to contain historical archaeological resources, and whether any potential resources are likely to be of local or state significance.

The potential for the survival of archaeological remains is significantly affected by activities which may have caused ground disturbance. This assessment is therefore based on consideration of current ground conditions, and analysis of the historical development of the study area. Identified levels of archaeological potential are based on the definitions outlined below in Table 2.

Table 2: Definition of assessed archaeological potential

| Grading | Definition |
|-----------------------------|---|
| High Potential | Where there is evidence of multiple phases of historic development and structures, with minimal or localised twentieth-century development impacts, and where it is likely that archaeological resources would remain intact. |
| Moderate Potential | Where analysis has demonstrated known historical development with some previous impacts, but where it is likely that archaeological remains would survive with localised truncation and disturbance. |
| Low Potential | Where research has indicated little historical development, or where there have been substantial previous impacts which may not have removed deeper subsurface remains entirely. |
| Nil to Low Potential | Where there has only been low intensity historical activity, such as land clearance or informal land use, with little to no archaeological 'signature' expected; or where previous impacts were extensive, such as large-scale bulk excavation which would leave isolated and highly fragmented deposits. |
| Nil Potential | Where there is no evidence of historical development or use, or where previous impacts such as deep basement structures would have removed all archaeological potential. |

The assessment of heritage significance is outlined through legislation in the *Heritage Act 1977* and implemented through the *NSW Heritage Manual*, the *Archaeological Assessment Guidelines*³ and the 2009 *Assessing Significance for Historical Archaeological Sites and 'Relics'*.⁴ The significance of an item or potential archaeological site can be assessed as being of local or state significance.

'*State heritage significance*', in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

³ NSW Heritage Office 1996; 25-27

⁴ NSW Heritage Branch, 2009.

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'Local heritage significance', in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.⁵

Rose Bay Public School

The archaeological potential and anticipated significance of any archaeological resources that may be present at Rose Bay Public School are presented below in Table 3.

Table 3: Archaeological potential and significance for Rose Bay Public School

| Phase | Anticipated remains | Archaeological potential | Anticipated significance |
|--|--|--------------------------|---|
| Phase 1 Early land grants and occupation (1788-1830) | No evidence of historical activity | Nil | n/a |
| Phase 2 Development and subdivision (1831-c.1906) | Structural remains of former c.1906 outbuilding in the south east corner of the school and earlier lightweight school buildings such as footings and postholes | Low | Unlikely to reach the threshold of local significance |
| Phase 3 Educational establishments (c.1906-present) | Structural remains of former school buildings such as concrete pads, brick footings, former services. | Moderate | Unlikely to reach the threshold of local significance |

McAuley Catholic Primary School

The archaeological potential and anticipated significance of any archaeological resources that may be present at McAuley Catholic Primary School are presented below in Table 4.

Table 4: Archaeological potential and significance for McAuley Catholic School

| Phase | Anticipated remains | Archaeological potential | Anticipated significance |
|--|------------------------------------|--------------------------|--------------------------|
| Phase 1 Early land grants and occupation (1788-1830) | No evidence of historical activity | Nil | n/a |

⁵ This section is an extract based on the Heritage Office Assessing Significance for Historical Archaeological Sites and Relics 2009:6.

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| Phase | Anticipated remains | Archaeological potential | Anticipated significance |
|---|--|----------------------------------|---|
| Phase 2 Development and subdivision (1831-c.1906) | Evidence of subdivision and residential development took place between 1888 and c.1930. Archaeological evidence may include building footings, concrete pads, former services, rubbish pits and associated deposits. | Moderate (works) Low (relics) | May reach the threshold of local significance if significantly intact |
| Phase 3 Educational establishments (c.1906-present) | N/A (extant) | High | n/a |

Summary of historical archaeological potential

There is no documented evidence to suggest that the study area underwent development during Phase 1. The study area is unlikely to contain an intact archaeological resource associated with this phase.

Subdivision plans indicate that land that would later be occupied by the Christian Brothers College (later McAuley Catholic School) went to auction c.1888. The site of Rose Bay Public School was undeveloped prior to construction of the site c.1906. The majority of these building remains extant.

Residences originally located within the McAuley Catholic School site were likely constructed soon after subdivision. By the late 19th century, these residences are likely to have been connected to the Bondi Ocean Outfall Sewer (BOOS). Due to main sewer connection and construction techniques utilised at the time, residential structures of this date are unlikely to be associated with artefact bearing deposits in the form of occupation deposits or rubbish pits. The study area has in part been subject to varying levels of ground disturbance through the construction of structures associated with the c.1935 Christian Brothers College. However, the installation of lightweight 'temporary' classrooms, of playground and tennis surfaces, are unlikely to have resulted in ground disturbance to an extent that archaeological remains associated with Phase 2 and Phase 3 development of both sites have been completely removed.

Archaeological remains associated with Phase 2 residential occupation at the McAuley Catholic School site have come potential to reach the threshold of local significance if significantly intact and associated with artefact bearing deposits. It is likely that both sites have archaeological structural remains associated with earlier lightweight school buildings, however, these remains are unlikely to reach the threshold of local significance.

Conclusions and recommendations

This assessment as identified that:

- McAuley Catholic School has **moderate** potential to contain historical archaeological 'works' and low potential for archaeological 'relics' associated with Phase 2 which may reach the threshold of local significance if considerably intact.

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- Rose Bay Public School has **moderate** potential to contain historical archaeological remains associated with former phases of school. These remains are unlikely to reach the local significance threshold.

Therefore, the following recommendation is made:

- An historical archaeological assessment must be prepared by a suitably qualified archaeologist if any works are to be undertaken within McAuley Catholic School.

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REFERENCES

Heritage Branch, Department of Planning, 2009. *Assessing Significance for Archaeological Sites and 'Relics'*.

Heritage Council of New South Wales, 2009. *Standard Exemptions for Works Requiring Heritage Council Approval*.

Woollahra Municipal Council. 'Captain John Piper'. Accessed at:
https://www.woollahra.nsw.gov.au/library/local_history/woollahra_plaque_scheme/plaques/captain_john_piper (12/03/2020)

Wotherspoon, Dictionary of Sydney. 'The Road East'. Accessed at:
https://dictionaryofsydney.org/entry/the_road_east (12/03/2020)

HERITAGE SURVEY – E BLOCK, Rose Bay Public School

Name(s) of place: E Block building within Rose Bay Public School.

Address(es) of place: Rose Bay Public School, Albemarle Avenue, Rose Bay NSW 2029. The E Block building faces onto Wilberforce Ave.

LGA / Council: Municipality of Woollahra.

Heritage listings to date: None.

Aboriginal nation/ LALC: Gadigal. Located within the La Perouse Local Aboriginal Land Council area.

Latitude/ longitude: -33.872 / 151.271.

Owner of property: NSW Government (Department of Education).

Client seeking assessment and why: Woollahra Municipal Council responding to councillors' proposal that several schools be assessed for heritage listing on the Woollahra LEP (Council Agenda 8/4/2019).

Author of assessment: Bronwyn Hanna (Senior Associate) & Jordan Wilson-Aarsen (Heritage Consultant)

Date of assessment: October 2023.

Limitations: There has been no detailed stakeholder consultation. A brief site visit throughout the Rose Bay Public School buildings and grounds was undertaken on 17 August 2023.



E Block viewed from the playground side of the school with the remnant original part of the building dating from 1907 at left, the 1911 and 1916 additions in the centre, and the 1970s addition at the right (Artefact, 2023)

LOCATION:



Contemporary aerial view of Rose Bay Public School with location of E Block circled (Google maps with Artefact annotation, 2023)

DRAFT STATEMENT OF SIGNIFICANCE:

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

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

The E Block building at Rose Bay Public School has moderate local aesthetic, rarity and representative significance as a government-built, educational building dating from 1907 which retains many of the features of its original design and materials. These include the use of warm face brick work, barge board gabled facades, tall chimneys, wide eaves with exposed rafters, decorative

Artefact survey sheet 2023 – Rose Bay Public School – E Block 2

brick buttresses positioned between timber-framed sash windows, four panelled interior timber doors, high ceilings, plastered walls and painted timber panelling and built-in furniture.

The E Block building and its extensions were the first known structures built on this land so there is low potential for historical archaeological remains. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity.

BRIEF TIMELINE HISTORY:

- The traditional Aboriginal owners of much of the Woollahra district were the Gadigal clan, while the harbour area around Watsons Bay and South Head was inhabited by the Birrabirragal clan (Woollahra Municipal Council Library, 2023). La Perouse Local Aboriginal Land Council is the LALC for this area (Coast, 2021, p. 6).
- 1830. Land grant including this property to Daniel Cooper and Solomon Levey. The land appears to have eventually been used for small-scale farming and grazing.
- 1891-1904. In response to local appeals, the NSW Government established a public school for primary education of children in Rose Bay near the current premises—in a rented house on Old South Head Road. In 1897 this early version of the school was relocated nearby along the road to a 'commodious building' in an ostrich farm. The school's assistant teacher, Alice Stanford was acting in the 'unheard of position of female principal' for two years before the school relocated to its permanent premises in 1907 (RBPS, 1991, p. 9).
- 1905-1907. Following residential subdivision of the land between Wilberforce and Albemarle Avenues in Rose Bay, the NSW Government resumed approximately 0.8 hectares owned by the Intercolonial Investment Land & Building Co. Ltd for £1575 (RBPS, 1991, p. 10).
- 1907. The original school building constructed on the current premises of Rose Bay Public School came into use on 8 April 1907 (Jervis, 1960, p. 100). It was a small brick building but has been considerably extended and now comprises only the north-eastern corner of 'E Block' facing Wilberforce Street (diagram in RBPS, 1991, p. 16). Extensions to the building took place in 1911, 1916, 1920, 1929 and during the 1970s (RBPS, 1991, p. 16 diagram, Artefact analysis of historical aerial imagery).
- The architect responsible for the design of the building was probably James Sven Wigram, who was in charge of public school design within the Department of Public Works between 1904 and his retirement in 1908. This was a period of 'revolutionary' change in the design of pedagogy and school architecture following a NSW Legislative Council commission of inquiry into the public education system (Tonkin, 1975, p. 204; The Commissioners, 1903-1905). Few new school buildings were constructed in NSW during this period when the department's efforts were focused on adapting its huge existing portfolio of school buildings to the new requirements aiming for smaller classrooms, and more light and ventilation (Tonkin, 1975, p. 195).
- By 1909 there were 130 students in attendance at Rose Bay Public School (State Records, 1909). The Rose Bay Public School Centennial History, published in 1991, describes a long history of building additions, alterations and demolitions as the school adjusted to varying enrolments, peaking at 1000 students in 1930 (RBPS, 1991).
- 1922-1929. Further land was resumed for the school on the Albemarle Ave side. The building which would become known as D Block began in 1924 as the Infants' Department. It was positioned across the school grounds from the original building and facing Albemarle Ave. The building which would become known as B Block began in 1929 as the Boys' Department. It was also positioned facing Albemarle Ave (diagram in RBPS, 1991, p.16)
- During the 1970s as enrolments were increasing, the building linking B and D Blocks, now known as C Block was constructed (Artefact analysis of historical aerial imagery, RBPS, 1991, p. 30).
- 2005-2023. Several small buildings in the north-western corner of the grounds were removed and replaced with a sporting field. Two large new administration buildings known as A Block and J Block were constructed in the south eastern corner of the school.
- In 2022 the primary school had an enrolment of 469 students (RBPS, 2022).

Artefact survey sheet 2023 – Rose Bay Public School – E Block 3

DESCRIPTION:

The Rose Bay School Site

- The site of Rose Bay Public School comprises Lots 111 and 112, DP 1076937; Lots 13-20 & The cadastral description of Rose Bay Public School comprises Lots 111 and 112, DP 1076937; Lots 13-20 & Lots 46-54, DP 4567, Parish of Alexandria, County of Cumberland
- Rose Bay Public School is located approximately 6 km east of the Sydney Central Business District, in the Eastern Suburb's South Head peninsular, in one of the wealthiest local government areas in Australia.
- The school is positioned on an area of flat land near the Royal Sydney Golf Club, approximately 400 metres south-east of the harbour at Rose Bay and 1.2 km west of the cliffs facing the ocean at Dover Heights, and about mid-way between New South Head Road and Old South Head Road.
- The school is located within a residential area. It is bordered by public roads on three sides (Wilberforce Ave, Albemarle Ave, Albemarle Lane) and by residential housing on the south-eastern end.

E Block Building

- The E Block building is positioned on the north-eastern side of the school, facing Wilberforce Avenue.
- The north-eastern corner of E Block facing Wilberforce Street includes the first building erected on the school premises in 1907. The original, small, single-storey school building was constructed in warm-coloured face brick with a slate roof (State Records photo, 1909). The original building appears to have had a T-shaped plan with gabled facades facing east, west and south. The south facing façade was a blank wall without windows or buttresses, suggesting that an extension of the building in this direction was expected (and in fact soon occurred, within four years).
- Extensions to the building took place in 1911, 1916, 1920, 1929 and during the 1970s (RBPS, 1991, p. 16 diagram, Artefact analysis of historical aerial imagery).
- The early extensions in 1911 and 1916 were sympathetic to the original design and appear to have been constructed to match the original materials, form and detailing. The 1970s extensions to the Wilberforce Ave façade tended to have simpler, modern detailing.
- The early sections of the building built in 1907, 1911 and 1916 retains decorative brick buttresses positioned between windows and diagonally placed at the corners of the building.
- The approximate area of E Block is 760m², composed of:
 - South wing 25m x 8m
 - North wing 19m x 8m
 - Connecting area 34m x 12m
- The interiors of the building retain many historic features typical of good quality early-to-mid 20th century buildings, including high ceilings faced in timber boards, cornices, timber-paneled sections of walls, plastered walls with picture rails, built-in timber furniture, four-paneled timber doors.
- The window frames in the original 1907 section of the building appear to be the original timber including the sash frames and arrangement of glass panes. There are many other historic, timber-framed windows remaining in situ throughout the building.
- The original masonry chimney in the north-eastern section of the building dating from 1907 appears to be in situ. Two other early chimneys also remain in situ on the western façade facing the playground, associated with the 1911 and 1916 phases of the building. Fireplaces have been removed from the interiors but possibly remain marked in several rooms by corner niches.

Modifications/ condition:

- The building is well maintained internally and externally.
- The original slate roof has been replaced with a metal roof.
- Interior wall and ceiling surfaces are recently painted in a neutral colours and recent carpeting is in evidence.
- Air conditioning condenser units have been installed unsympathetically beside two original facades of the 1907 section of the building at ground level.

Artefact survey sheet 2023 – Rose Bay Public School – E Block 4

Architect identification and style analysis E Block building Rose Bay Public School:

- E Block building, dating from 1907, is understood to have been designed and constructed in stages by the NSW Government Architect or NSW Public Works. The architect responsible for the design of the building was probably James Sven Wigram, who was in charge of public school design within the Department of Public Works between 1904 and his retirement in 1908.
- The E Block building is designed in an amalgam of 'Federation' styles, predominantly 'Federation Queen Anne' and 'Federation Bungalow'.
- Aspects of the design which denote the 'Federation Queen Anne' include the use of warm face brick work, dominant roof with barge board gables facing the street, timber screening in the gables and other painted timber elements, slate roof, tall chimneys and double-hung sashes with multi-paned upper windows (Apperley et al., 1989, pp132-35)
- Aspects of the design which denote the 'Federation Bungalow' style include being predominantly single storey with large, simple roof planes incorporating awnings, having wide eaves with exposed rafters, tall chimneys, simple massing of the forms and the use of natural materials like brick, timber and slate (Apperley et al., 1989, pp140-43)

COMPARATIVE ANALYSIS

The original school building at Rise Bay Public School, now part of E Block, was one of few public school buildings built from scratch in NSW during 1904-1909, when the Department of Public Instruction's architecture branch was temporarily absorbed into the Department of Public Works, although James Sven Wigram remained in charge of design.

This comparative analysis focuses on the few new school buildings constructed during this 'revolutionary' period (1904-1908) as the NSW Government's the commission of inquiry into education brought out its reports. According to Peter Tonkin, this shift in design signalled a shift away from spending on 'external elaboration' to spending on 'the functional needs of users' (Tonkin, 1975, p203, see generally pp 195-205; TKD, 2018, pp 12-16, 97-101). New buildings at Birchgrove, Annandale North, Wickham, Drummoyne, Naremburn, Willoughby and Orange Grove Public Schools were constructed during this period, and all incorporated these new requirements to different degrees.

Similar to other public school buildings designed at this time, the original Rose Bay Public School is built in quality traditional materials such as brick and timber with a steep roofline and gables on the façade. Rose Bay differs from the others by being more modest in scale. Like buildings at Naremburn and Greenwich, the original building was more bungalow-like than institutional in its presentation. Its windows appear to be noticeably smaller than other school buildings designed at this time to meet the new requirements.

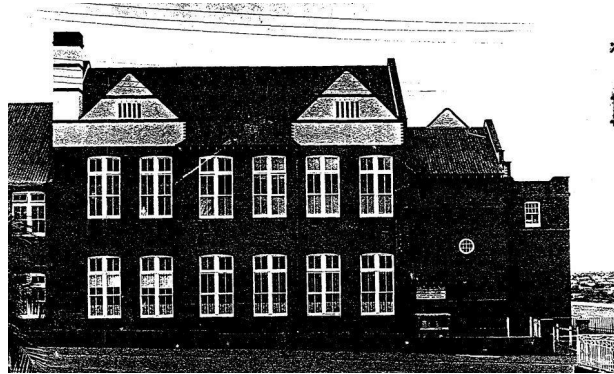
Rose Bay Public School original building, 1907. Now the north-eastern corner of E Block. The façade facing east towards Wilberforce Avenue is partly intact, seen at the right of the photo.



- Not heritage listed.

1909 photo of the original building at Rose Bay Public School
(State Records: FL1441588)

Birchgrove Public School, 1904.
Free of
Romanesque
design elements,
simple brickwork,
tall windows, open
rafter eaves,
improved
ventilation
(Tonkin, 1975, p.
181)



(Tonkin, 1975, p.180)

- LEP listed
(Inner west
#1847)
- S170
Register
(Education)

Annanadale North
Public School,
1907.
Smaller
classrooms,
moveable desks,
classes on both
sides of a
corridor,
thoughtful
circulation, well lit
and ventilated,
'noble' (Tonkin,
1975, pp 195-99)



(Tonkin, 1975, p200)

- S170
Register
(Education)

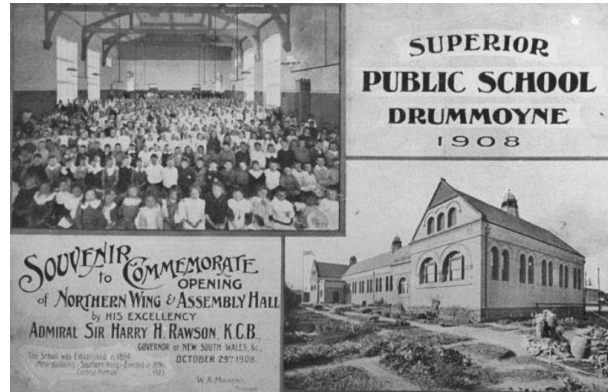
Wickham Public
School, 1906
(closed 1989).
TDK suggests this
is the 'first of the
new breed of
buildings
incorporating
commissioners'
recommendations'
– separate
classrooms,
separate facilities
areas, ease of
circulation, large
windows, natural
ventilation (TDK,
2019, pp 97-99)



The opening ceremony at Wickham Public School, 1906 (TKD, 2018, Government School Architecture in NSW, p. 98, photo from Newcastle University Library C918-0147).

- LEP-listed
(Newcastle
#1685) and
nominated
for SHR
listing as a
dominant,
landmark
building.

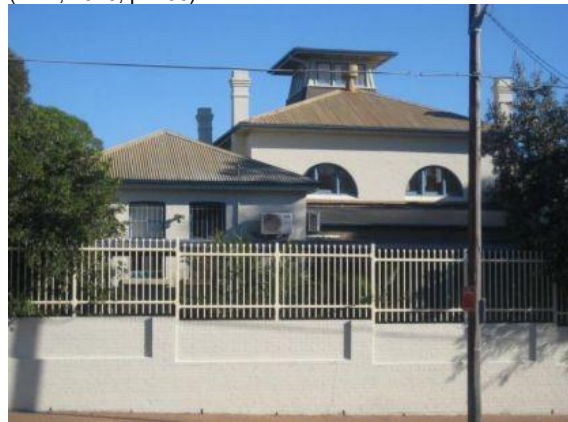
Drummoyne Public School additions including an assembly hall, 1908. This was possibly the first assembly hall built for a public school in NSW (TDK, 2018, p. 100). LEP listing mentions additions and Canary Island Palm trees.



(TDK, 2018, p. 106)

- LEP listed (Canada Bay #1405)
- S170 Register (Education)

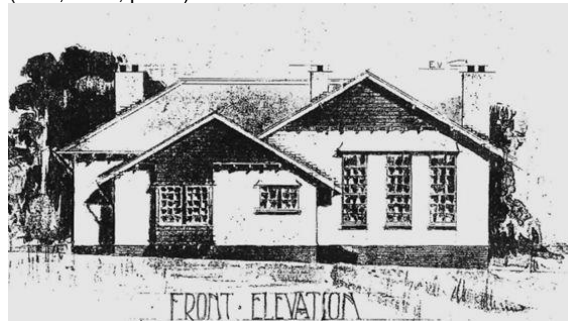
Naremburn Public School, 1908. School consisted of a modest central assembly hall surrounded by classrooms. A lantern above the hall provided light.



(TDK, 2018, p.104)

- S170 Register (Education)
- Possibly LEP-listed (Willoughby #1156)

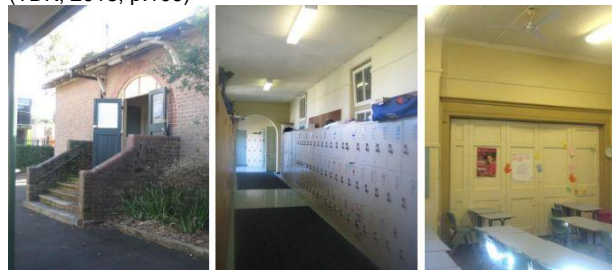
Naremburn Public School's Infants building, 1908. It contained four classrooms in an 'unusual' bungalow-style building (TDK, 2018, pp 100-103) – like the original building at Rose Bay.



(TDK, 2018, p.109)

- S170 Register (Education)
- Possibly LEP-listed (Willoughby #1156)

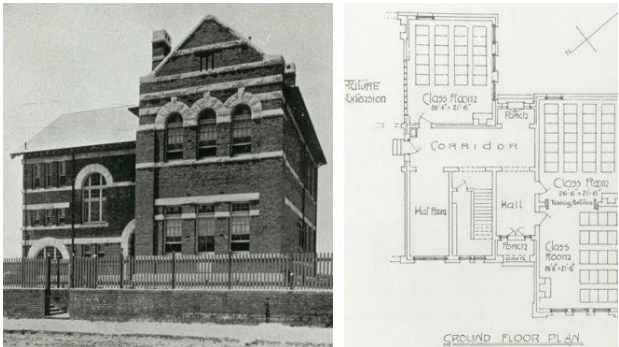
Willoughby Public's Infants building, 1909 (now incorporated into Willoughby Girls High School). Modest in scale, form and detailing, it provided good ventilation and heating (TDK, 2018, p. 101).



(TDK, 2018, p. 109)

- Not mentioned in the LEP heritage listing for Willoughby Girls High School.

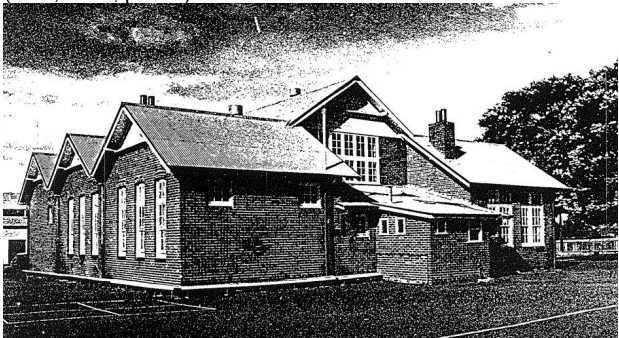
Greenwich Public School, 1909. Designed to be built in stages like Rose Bay Public. It incorporated Romaesque details in arched windows and rusticated stonework (TDK, 2018, p. 101).



(TDK, 2018, p. 101)

• S170
Register
(Education)

Infants building at Orange Grove Public (Lilyfield), 1909-10. Single storey, devoid of ornament, simple plan, well lit (Tonkin, 1975, p.228)



(Tonkin, 1975, p. 227)

• S170
Register
(Education)

ASSESSMENT OF SIGNIFICANCE UNDER THE NSW CRITERIA

NSW Heritage Council's assessment criteria applied to E Block

| Criteria | Description |
|----------------------------|--|
| | <i>An item is important in the course or pattern of the local area's cultural or natural history.</i> |
| A – Historic Significance | <p>Moderate local historical significance.</p> <p>The north-eastern section of the E Block building at Rose Bay Public School dates from 1907, and together with subsequently constructed additions in 1911, 1916, the 1920s and 1970s, presents the oldest and most distinctive building on this school campus. It has moderate local historical significance as a good quality local community building which has been in public use for well over a century. It retains considerable authenticity and integrity in retaining many of the original qualities of its original design and materials, and because it is still being used in its original function for classroom teaching.</p> |
| | <i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i> |
| B – Historical association | <p>Possible moderate local historical associations.</p> <p>The E Block building at Rose Bay Public School may have moderate associations with James Sven Wigram, the Chief Architect in charge of school buildings within the NSW Department of Public Works between 1904 and 1908.</p> |

| Criteria | Description |
|---|--|
| <i>C – Aesthetic/ Creative/ Technical Achievement</i> | <p><i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i></p> <p>Moderate aesthetic significance. The E Block building at Rose Bay Public School has moderate aesthetic significance as a good quality government-built educational building dating from 1907, which retains many of its early design features including the use of warm face brick work, decorative brick buttresses positioned between windows, barge board gables facing the street, tall chimneys, wide eaves with exposed rafters, large timber-framed rectangular sash windows, four panelled doors, high ceilings, plastered walls and painted timber elements throughout.</p> |
| <i>D – Social, cultural, and spiritual</i> | <p><i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i></p> <p>Potential for moderate social significance for alumni. The E Block building at Rose Bay Public School is likely to have social significance for school children, alumni, teachers and others who used the building when attending or working at the school but further consultation with the local community may be required to establish a local level of social significance.</p> |
| <i>E – Research Potential</i> | <p><i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i></p> <p>Low potential for historical archaeological remains of local significance. The E Block building at Rose Bay Public School is the first known building to be constructed on this land so there is low potential for historical archaeological remains of local significance. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity (Coast Heritage, 2021).</p> |
| <i>F – Rare</i> | <p><i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i></p> <p>High local rarity. The E Block building at Rose Bay Public School has high local rarity as one of very few public schools in NSW built from scratch between 1904 and 1908 to meet the new requirements of smaller classrooms and more light and ventilation, while the Department of Public Instruction 'revolutionised' its pedagogy and school room design in response to the government's commission of inquiry into education.</p> |
| <i>G - Representative</i> | <p><i>An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places of cultural or natural environments (or the cultural or natural history of the local area).</i></p> <p>Moderate local representativeness. The E Block building at Rose Bay Public School has moderate local significance for representing some principal characteristics of early 20th century NSW Government school building design including the use of good quality natural materials such as brick, slate and timber constructed with</p> |

Artefact survey sheet 2023 – Rose Bay Public School – E Block 9

| Criteria | Description |
|----------|--|
| | good quality workmanship, and ongoing good quality extensions and maintenance to the building. |

IMAGES:

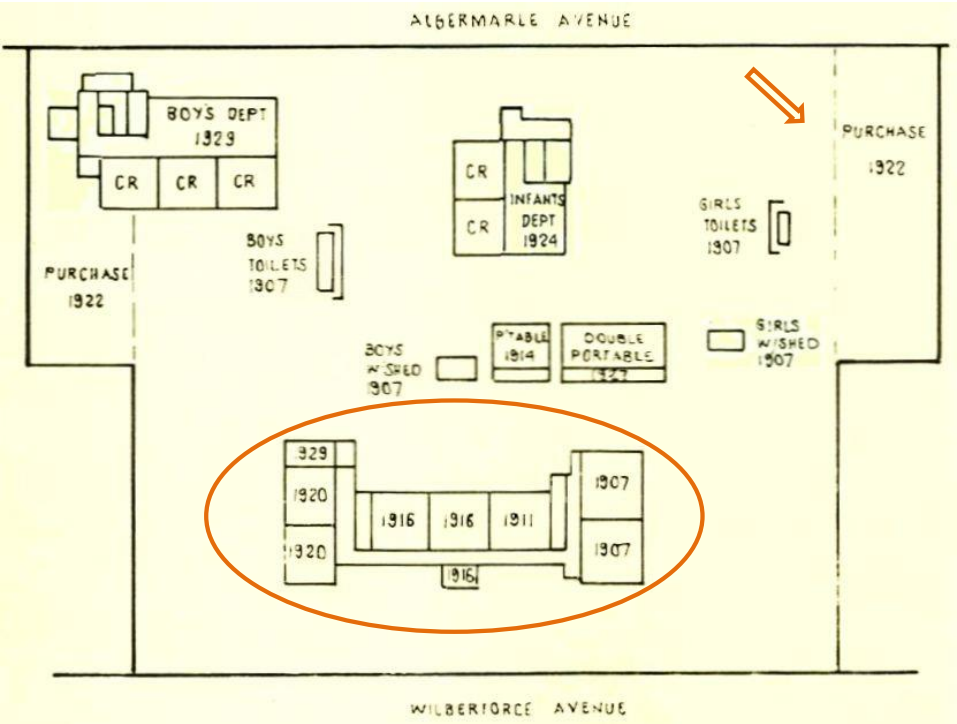


Diagram presenting early stages of building at Rose Bay Public School with E Block circled (no author attributed, RBPS, 1991, p. 16)



East facing façade towards Wilberforce Avenue on the north-eastern corner of E Block – remnant of the original building (Artefact, 2023)



The north facing façade of the northern-eastern end of E Block – remnant of the original building, now with adjacent covered lunch area (Artefact, 2023)



South western corner of E Block, viewed from playground and showing extension added 1970s (Artefact, 2023)

Artefact survey sheet 2023 – Rose Bay Public School – E Block 11



E Block viewed from playground with original section of building at left (Artefact, 2023)



E Block classroom with early cornices, timber wall paneling, windows and high ceilings (Artefact, 2023)



E Block interior classroom with historic window and plastered walls (Artefact, 2023)



E Block interior classroom in the most recent 1970s-built addition facing Wilberforce Ave with metal framed windows and lower ceilings (Artefact, 2023)



E Block classroom niche (wall inlet), possibly remnant fireplace (Artefact, 2023)



E Block toilets in modern, 1970s-built section of the building (Artefact, 2023)



E Block interior timber panel roofing and ceiling vent (Artefact, 2023)



E Block corridor with plastered walls, bright blue historic four-panelled door, rounded arch (Artefact, 2023)

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EXPLANATION OF GRADING OF SIGNIFICANCE TERMINOLOGY:

Grading of significance under the NSW Heritage Council criteria

| Level | Justification | Status |
|--------------------|--|--|
| Exceptional | Where an individual . . . element . . . is assessed as making a rare or outstanding contribution to the overall significance of the place . . . [and exhibits] a high degree of intactness and quality. Minor alterations or degradation may be evident, but does not detract from the overall significance of the place. Demolition/removal of the element would diminish the heritage significance of the place. | Fulfil criteria for local or state listings. |
| High | Where an individual . . . element . . . is assessed as making considerable contribution to the overall significance of the place . . . and exhibits] a considerable degree of intactness and [was] originally of substantial quality. Considerable alteration may have been undertaken, which may alter the presentation and completeness, but does not detract substantially from the overall significance of the place. Demolition/removal of the element would diminish the heritage significance of the place. | Fulfil criteria for local or state listings. |
| Moderate | Where an individual . . . element . . . is assessed as making a moderate contribution to the overall significance of the place . . . [and exhibits] considerable alteration and/or degradation which detracts from the overall significance of the place. . . . Elements . . . which were of some intrinsic quality, but are relatively intact may be included. Elements with little heritage value but contribute to the overall cumulative significance of the place may also be included. New elements of high-quality design and aesthetic value may be considered to contribute to the significance of the place. | Fulfil criteria for local or state listings. |

| Level | Justification | Status |
|-----------------------|--|---|
| | Demolition/removal of the element may diminish the heritage significance of the place. Elements or spaces can be altered or adaptively reused. | |
| Little / Minor | Where an individual . . . element . . . is assessed as making a minor contribution to the overall significance of the place, particularly compared with other elements . . . [and exhibits] extensive alterations or degradations which impact their significance and ability to interpret. New elements of little intrinsic quality or aesthetic value may be considered in this category. Demolition/removal of the element would not diminish the heritage significance of the place. Elements or spaces can be altered or adaptively reused. | Does not fulfil criteria for local or state listings. |
| Intrusive | Where an individual . . . element . . . is assessed as detracting from the appreciation and overall significance of a place. The element may be adversely affecting or obscuring other significant areas, elements or items. Demolition/removal of the element is recommended. | Does not fulfil criteria for local or state listings. |

ABBREVIATIONS:

| | |
|----------------------|--|
| Artefact | Artefact Heritage Services Pty Ltd |
| <i>Burra Charter</i> | <i>Burra Charter: The Australian ICOMOS Charter for Places of Cultural Significance</i> (2013) guide to caring for heritage places in Australia, available online from Australia ICOMOS |
| CMP | Conservation Management Plan |
| DCP | Development Control Plan (a Council guideline for development which accompanies and elaborates on the Council's Local Environmental Plan) |
| DP | Deposited Plan |
| Heritage NSW | Heritage New South Wales (Office of the Heritage Council of New South Wales, previously also known as the NSW Heritage office, the Heritage Branch, the Heritage Division of the Office of Environment and Heritage—OEH) |
| ICOMOS | International Council of Monuments and Sites |
| km | Kilometre |
| LALC | Local Aboriginal Land Council |
| RBPS | Rose Bay Public School |

HERITAGE SURVEY – B, C & D Blocks, Rose Bay Public School

Name(s) of place: B, C & D Block building within Rose Bay Public School.

Address(es) of place: Rose Bay Public School, Albemarle Ave, Rose Bay NSW 2029.

LGA / Council: Woollahra Municipal Council.

Heritage listings to date: None.

Aboriginal nation/ LALC: Gadigal. Located within the La Perouse Local Aboriginal Land Council area.

Latitude/ longitude: -33.872 / 151.271.

Owner of property: NSW Government (Department of Education).

Client seeking assessment and why: Woollahra Municipal Council responding to councillors' proposal that several schools be assessed for heritage listing on the Woollahra LEP (Council Agenda 8/4/2019).

Author of assessment: Bronwyn Hanna (Senior Associate) & Jordan Wilson-Aarsen (Heritage Consultant).

Date of assessment: October 2023.

Limitations: There has been no detailed stakeholder consultation. A brief site visit throughout the two historic buildings and grounds was undertaken on 17 August 2023.



B Block seen from Albemarle Ave (Artefact, 2023)



C Block seen from Albemarle Ave (Artefact, 2023)



D Block viewed from the playground (with C Block at left) (Artefact, 2023)

LOCATION:



Contemporary aerial view of Rose Bay Public School with location of A, B, C, D & E Blocks marked. The subject building comprising B, C and D Blocks is circled (Google maps with Artefact annotation, 2023)

Artefact survey sheet 2023 – Rose Bay Public School – B, C and D Blocks 2

DRAFT STATEMENT OF SIGNIFICANCE:

The B, C and D Block conglomerate of buildings at Rose Bay Public School has little heritage significance.

The D Block building dating from 1924 and the B Block building dating from 1929 demonstrate some of the early expansion of Rose Bay Public School to facilitate increasing student enrolments between the wars. The 1970s addition of the C Block building linking the two older buildings is evidence of another phase of the school's evolution but detrimentally impacted the original design of both earlier buildings. Collectively the three buildings demonstrate good quality government-built educational buildings constructed, maintained and adaptively reused throughout the 20th century but as a conglomerate they have little aesthetic, historic, rarity or representative significance. The E Block building at the school is earlier and more aesthetically distinctive, as well as less impacted by modern additions. The B, C & D Block buildings at Rose Bay Public School is likely to have social significance for school children, alumni, teachers and others who have used the building when attending or working at the school but further consultation with the local community may be required to establish whether there is local social significance.

Before moving to the 1907 building in the permanent premises between Albemarle and Wilberforce Avenues, Rose Bay Public School was in rented premises on Old South Head Road, where assistant teacher Alice Stanford acted in the position of principal for two years at a time when female principals were said to be 'unheard of'. If Rose Bay Public School was the first, or one of the first public schools in NSW to have a woman principal, this would add to the school's historic and associational significance.

The conglomerate of B, C & D Block buildings at Rose Bay Public School were the first known buildings constructed on their part of the property so there is low potential for historical archaeological remains. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity.

BRIEF TIMELINE HISTORY:

- The traditional Aboriginal owners of much of the Woollahra district were the Gadigal clan, while the harbour area around Watsons Bay and South Head was inhabited by the Birrabirragal clan (Woollahra Municipal Council Library, 2023). La Perouse Local Aboriginal Land Council is the LALC for this area (Coast, 2021, p. 6).
- 1830. Land grant including this property to Daniel Cooper and Solomon Levey. The land appears to have been undeveloped then used for small-scale farming and grazing.
- 1891-1904. In response to local appeals, the NSW Government established a public school for primary education of children in Rose Bay near the current premises—in a rented house on Old South Head Road. In 1897 this early version of the school was relocated nearby along the road to a 'commodious building' in an ostrich farm. The school's assistant teacher, Alice Stanford was acting in the 'unheard of position of female principal' for two years before the school relocated to its permanent premises (RBPS, 1991, p. 9).
- 1905-1907. Following residential subdivision of the land between Wilberforce and Albemarle Avenues in Rose Bay, the NSW Government resumed approximately 0.8 hectares owned by the Intercolonial Investment Land & Building Co. Ltd for £1575 (RBPS, 1991, p. 10).
- 1907. The original school building constructed on the current premises of Rose Bay Public School came into use on 8 April 1907 (Jervis, 1960, p. 100). It was a small brick building but has been considerably extended and now comprises only the north-eastern corner of 'E Block' facing Wilberforce Street (diagram in RBPS, 1991, p. 16). Extensions to the building took place in 1911, 1916, 1920, 1929 and during the 1970s (RBPS, 1991, p. 16 diagram, Artefact analysis of historical aerial imagery).
- The architect responsible for the design of the original building was probably James Sven Wigram, who was in charge of public school design within the Department of Public Works between 1904 and his retirement in 1908. This was a period of 'revolutionary' change in the design of pedagogy and school architecture following a NSW Legislative Council commission of inquiry into the public education system (Tonkin, 1975, p. 204; The Commissioners, 1903-1905). Peter Tonkin's survey of public school buildings did not

Artefact survey sheet 2023 – Rose Bay Public School – B, C and D Blocks 3

mention Rose Bay Public but found only one other new school building constructed during this period (at Annandale North Public School), when the department's efforts were focused on adapting its huge existing portfolio of school buildings to the new requirements, including smaller classrooms, and more light and ventilation (Tonkin, 1975, p 195).

- By 1909 there were 130 students in attendance (State Records, 1909). The Rose Bay Public School Centennial History, published in 1991, describes a long history of building additions, alterations and demolitions as the school adjusted to varying enrolments, peaking at 1000 students in 1930 (RBPS, 1991).
- 1922-1929. Further land was resumed on the Albemarle Ave side of the school. The building which would become known as D Block began in 1924 as the Infants' Department. It was positioned across the school grounds from the original building and facing Albemarle Ave. The building which would become known as B Block began in 1929 as the Boys' Department. It was also positioned facing Albemarle Ave (diagram in RBPS, 1991, p.16). It was described in a newspaper article when completed in 1929: 'The new school for boys at Rose Bay is a modern two-storied building, built of brick on concrete foundations, and roofed with asbestos cement slates. The lower storey is faced with picked common bricks, and the upper storey finished roughcast, relieved with dark OK brick string course and sills. The building is the nucleus of a larger school, and is designed for future additions, one end being temporarily boarded to meet this contingency' (Sydney Morning Herald, Tuesday 19/11/1929, p. 5).
- During the 1970s as enrolments were increasing, the building linking B and D Blocks, now known as C Block was constructed (Artefact analysis of historical aerial imagery, RBPS, 1991, p. 30).
- 2005-2023. Several small buildings in the north-western corner of the grounds were removed and replaced with a sporting field. A large new administration building known as A Block was constructed in the south eastern corner of the school.
- In 2022 the primary school had an enrolment of 469 students (RBPS, 2022).

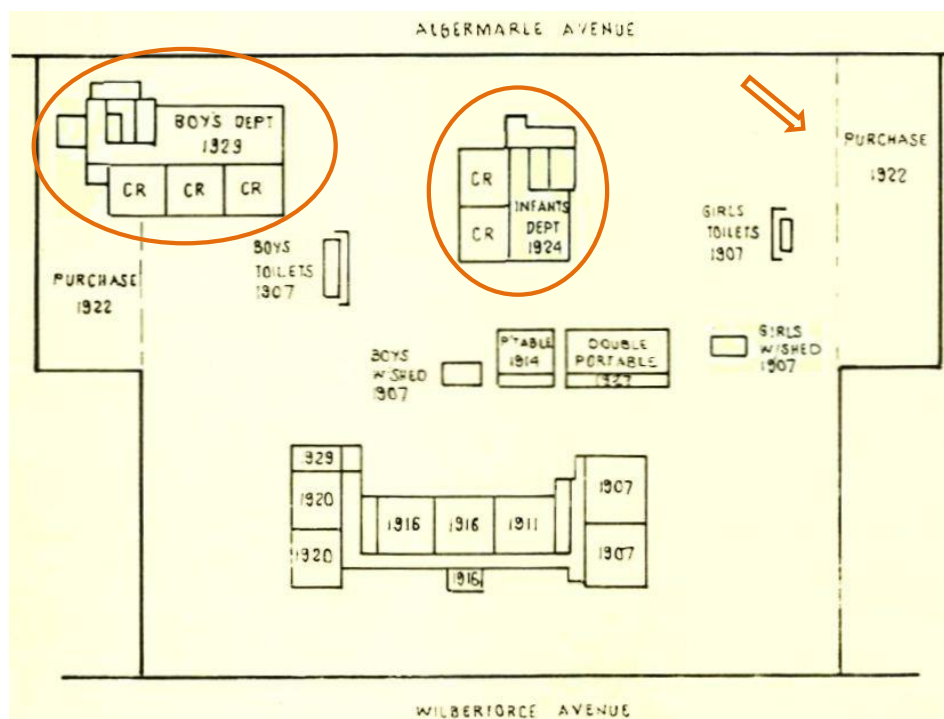


Diagram illustrating different stages of building at Rose Bay Public School, presented in the Rose Bay Public School Centennial History in 1991 with B & D Blocks circled in orange. C Block (built as a linking wing between B Block and D Block in the 1970s), is not included in this diagram (no author attributed, RBPS, 1991, p. 16).

Artefact survey sheet 2023 – Rose Bay Public School – B, C and D Blocks 4

DESCRIPTION:

The Rose Bay School Site

- The cadastral description of Rose Bay Public School comprises Lots 111 and 112, DP 1076937; Lots 13-20 & Lots 46-54, DP 4567, Parish of Alexandria, County of Cumberland
- Rose Bay Public School is located approximately 6 km east of the Sydney Central Business District, in the Eastern Suburb's South Head peninsular, in one of the wealthiest local government areas in Australia.
- The school is positioned approximately on an area of flat land near the Royal Sydney Golf Club, approximately 400 metres south-east of the harbour at Rose Bay and 1.2 km west of the cliffs facing the ocean at Dover Heights, and about mid-way between New South Head Road and Old South Head Road.
- The school is located within a residential area and bordered by roads on three sides (Wilberforce Ave, Albemarle Ave, Albemarle Lane) and by residential housing on the south-eastern end.
- The B, C & D Block buildings are positioned in the south-western area of the school grounds, facing Albemarle Avenue.

B, C & D Blocks

- The buildings known as B, C and D Blocks within Rose Bay Public School are a complex of three interconnected, two-storey school buildings of different ages, which face Albemarle Ave.
- Building B, built in 1929 is a traditional two-story school building constructed in brick and timber on concrete foundations, with high ceilings, regular rows of tall rectangular timber-framed windows, timber paneled soffits, exposed rafters and now with metal roofing. The ground floor exteriors are face brick but the first storey exteriors and gable facades have been rough-cast rendered and are painted cream.
- Building C is a traditional two-story school building constructed in brick and timber on concrete foundations, with high ceilings, regular rows of tall rectangular timber-framed windows, timber paneled soffits, exposed rafters and now with metal roofing. It has a rectangular layout with horizontal strip windows on both the upper and lower levels of both facades. The structure is built in red brick with corrugated metal roofing to blend with the appearance of both buildings.
- Building D, built in 1924 constructed is like Block B, a traditional two-story school building constructed in brick and timber on concrete foundations, with high ceilings, regular rows of tall rectangular timber-framed windows, timber paneled soffits, exposed rafters and now with metal roofing. The window design, ceiling finishes with cornices and skirting boards are similar to building B.
- The approximate floor area of the three-building complex is approximately 1003m² per floor, composed of:
 - Building B 384m² (per floor)
 - Building C 335m² (per floor)
 - Building D 284m² (per floor)
- The presentation of both interiors and exteriors of B, C and D Block is patchy and representative of the conglomerate nature of the building and its long history of extended and adjusted for different needs.

Modifications/ condition:

- The interiors of the buildings are well maintained and in good condition, recently neutral colours with brightly coloured recent carpeting. While they retain some historic features representative of good quality early-to-mid 20th century buildings, including high ceilings with batten finishes, plastered walls with picture rails, and some heavy, original, four paneled timber doors, there are also modern rooms and features interspersed.
- Air conditioning condenser units have been installed unsympathetically at ground level along each of the three building facades.

Architect identification and style analysis B, C & D Block buildings Rose Bay Public School:

- D Block, dating from 1924 and B Block, dating from 1929 and C Block dating from the 1970s are all understood to have been designed and constructed by the NSW Department of Education Architects' Branch.

Artefact survey sheet 2023 – Rose Bay Public School – B, C and D Blocks 5

ASSESSMENT OF SIGNIFICANCE UNDER THE NSW CRITERIA

NSW Heritage Council's assessment criteria applied to B, C and D Blocks

| Criteria | Description |
|---|--|
| | <i>An item is important in the course or pattern of the local area's cultural or natural history.</i> |
| A – Historic Significance | <p>Little local historical significance.</p> <p>At Rose Bay Public School, the B Block building dating from 1929 and the D Block building dating from 1924 demonstrate some of the early expansion of Rose Bay Public School to facilitate increasing student enrolments between the wars. The 1970s addition of the C Block building is evidence of another phase of the school's evolution. The conglomerate of three buildings has little local historical significance as a good quality local community building which has been in public use for well over a century.</p> |
| | <i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i> |
| B – Historical association | <p>Little local historical associations</p> <p>The B, C & D Block buildings at Rose Bay Public School have little special local historical associations.</p> |
| | <i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i> |
| C – Aesthetic/ Creative/ Technical Achievement | <p>Little aesthetic significance.</p> <p>The 1970s addition of the C Block building linking the two older buildings is evidence of a later phase of the school's evolution but detrimentally impacted the original design of both earlier buildings. Collectively the three B, C & D Block buildings at Rose Bay Public School demonstrate good quality government-built educational buildings but as a conglomerate they have little aesthetic significance. Comparatively, the E Block building at the school is earlier and more distinctive, as well as less affected by unsympathetic recent additions.</p> |
| | <i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i> |
| D – Social, cultural, and spiritual | <p>Potential for local social significance for alumni.</p> <p>The B, C & D Block buildings at Rose Bay Public School is likely to have social significance for school children, alumni, teachers and others who have used the building when attending or working at the school but further consultation with the local community may be required to establish a local level of social significance.</p> |
| | <i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i> |
| E – Research Potential | <p>Low historical archaeological research potential.</p> <p>The conglomerate of B, C & D Block buildings at Rose Bay Public School were the first known buildings constructed on their part of the property so there is low potential for historical archaeological remains. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity (Coast Heritage, 2021).</p> |

Artefact survey sheet 2023 – Rose Bay Public School – B, C and D Blocks 6

| Criteria | Description |
|--------------------|---|
| | <i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i> |
| F – Rare | Little local rarity. The B, C & D Block buildings at Rose Bay Public School have little local rarity as a conglomerate of three 20 th century public school buildings. |
| | <i>An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places of cultural or natural environments (or the cultural or natural history of the local area).</i> |
| G - Representative | Little local representativeness The conglomerate of B, C & D Block buildings at Rose Bay Public School have little local significance as for representing the principal characteristics of early 20 th century NSW Government school building design. |

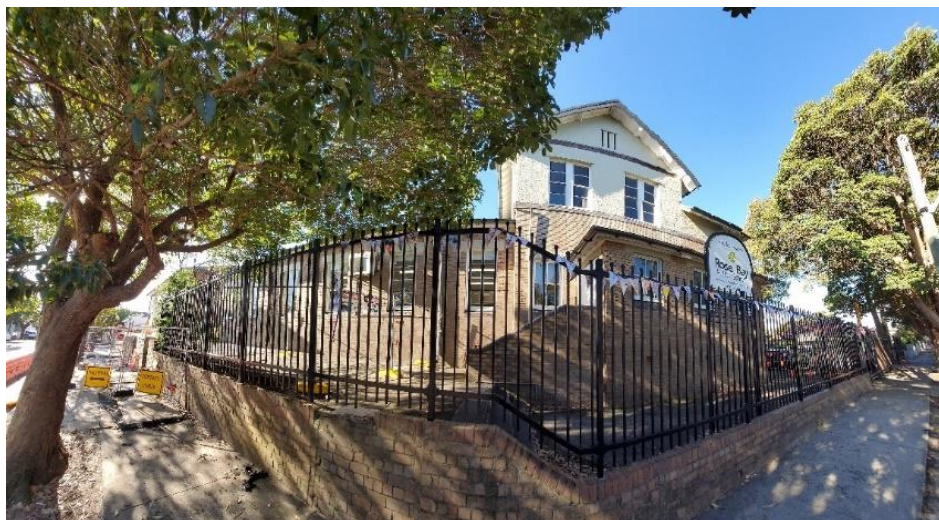
PHOTOGRAPHS:



B Block exterior facing Albemarle Lane (Artefact, 2023)



Concrete stairs from playground leading into B Block (Artefact, 2023)



View of B Block from Albemarle Avenue (Artefact, 2023)



View of B Block taken from playground (Artefact, 2023)



Ground floor classroom in B Block (Artefact, 2023)

Artefact survey sheet 2023 – Rose Bay Public School – B, C and D Blocks 8



Hallway in B Block (Artefact, 2023)



Ground floor classroom in B Block (Artefact, 2023)

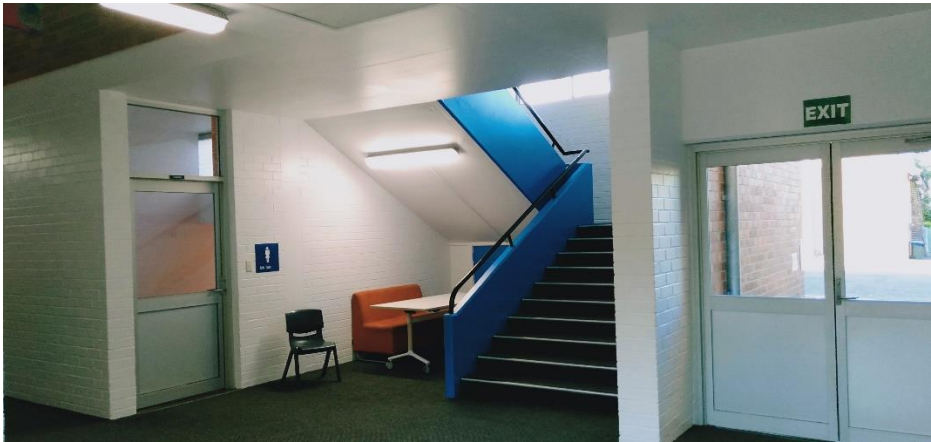


Corridor between B and C Blocks (Artefact, 2023)



Exterior of C Block facing playground (Artefact, 2023)

Artefact survey sheet 2023 – Rose Bay Public School – B, C and D Blocks 9



Stairwell in C Block C (Artefact, 2023)



Corridor in C Block (Artefact, 2023)



Corridor in C Block (Artefact, 2023)



Interior view of classroom in C Block (Artefact, 2023)



Interior view of D Block corridor (Artefact, 2023)



Interior view of D Block stairwell (Artefact, 2023)



Interior view of classroom in D Block (Artefact, 2023)



Interior view of metal windows in D Block (Artefact, 2023)



Interior view of classroom in D Block (Artefact, 2023)

Artefact survey sheet 2023 – Rose Bay Public School – B, C and D Blocks 12

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EXPLANATION OF GRADING OF SIGNIFICANCE TERMINOLOGY:

Grading of significance under the NSW Heritage Council criteria

| Level | Justification | Status |
|----------------------|---|---|
| Exceptional | Where an individual . . . element . . . is assessed as making a rare or outstanding contribution to the overall significance of the place . . . [and exhibits] a high degree of intactness and quality. Minor alterations or degradation may be evident, but does not detract from the overall significance of the place. Demolition/removal of the element would diminish the heritage significance of the place. | Fulfil criteria for local or state listings. |
| High | Where an individual . . . element . . . is assessed as making considerable contribution to the overall significance of the place . . . and exhibits] a considerable degree of intactness and [was] originally of substantial quality. Considerable alteration may have been undertaken, which may alter the presentation and completeness, but does not detract substantially from the overall significance of the place. Demolition/removal of the element would diminish the heritage significance of the place. | Fulfil criteria for local or state listings. |
| Moderate | Where an individual . . . element . . . is assessed as making a moderate contribution to the overall significance of the place . . . [and exhibits] considerable alteration and/or degradation which detracts from the overall significance of the place. . . . Elements . . . which were of some intrinsic quality, but are relatively intact may be included. Elements with little heritage value but contribute to the overall cumulative significance of the place may also be included. New elements of high-quality design and aesthetic value may be considered to contribute to the significance of the place. Demolition/removal of the element may diminish the heritage significance of the place. Elements or spaces can be altered or adaptively reused. | Fulfil criteria for local or state listings. |
| Little/ Minor | Where an individual . . . element . . . is assessed as making a minor contribution to the overall significance of the place, particularly compared with other elements . . . [and exhibits] extensive alterations or degradations which impact their significance and ability to interpret. New elements of little intrinsic quality or aesthetic value may be considered in this category. Demolition/removal of the element would not diminish the heritage significance of the place. Elements or spaces can be altered or adaptively reused. | Does not fulfil criteria for local or state listings. |
| Intrusive | Where an individual . . . element . . . is assessed as detracting from the appreciation and overall significance of a place. The element may be adversely affecting or obscuring other significant areas, elements or items. Demolition/removal of the element is recommended. | Does not fulfil criteria for local or state listings. |

ABBREVIATIONS:

| | |
|----------------------|--|
| Artefact | Artefact Heritage Services Pty Ltd |
| <i>Burra Charter</i> | <i>Burra Charter: The Australian ICOMOS Charter for Places of Cultural Significance</i> (2013) guide to caring for heritage places in Australia, available online from Australia ICOMOS |
| CMP | Conservation Management Plan |
| DCP | Development Control Plan (a Council guideline for development which accompanies and elaborates on the Council's Local Environmental Plan) |
| DP | Deposited Plan |
| Heritage NSW | Heritage New South Wales (Office of the Heritage Council of New South Wales, previously also known as the NSW Heritage office, the Heritage Branch, the Heritage Division of the Office of Environment and Heritage—OEH) |

Artefact survey sheet 2023 – Rose Bay Public School – B, C and D Blocks 14

| | |
|--------|--|
| ICOMOS | International Council of Monuments and Sites |
| km | Kilometre |
| LALC | Local Aboriginal Land Council |
| RBPS | Rose Bay Public School |

ARTEFACT HERITAGE SURVEY – Christian Brothers College building, McAuley CPS

Name of place: Former Christian Brothers College Rose Bay main building, CBCRB.

Address of place: McAuley Catholic Primary School, 8 Carlisle Street, Rose Bay 2029.

LGA / Council: Woollahra Municipal Council.

Heritage listings to date: None.

Aboriginal nation/ LALC: Gadigal. Located within the La Perouse Local Aboriginal Land Council area.

Latitude/ longitude: -33.870/ 151.272

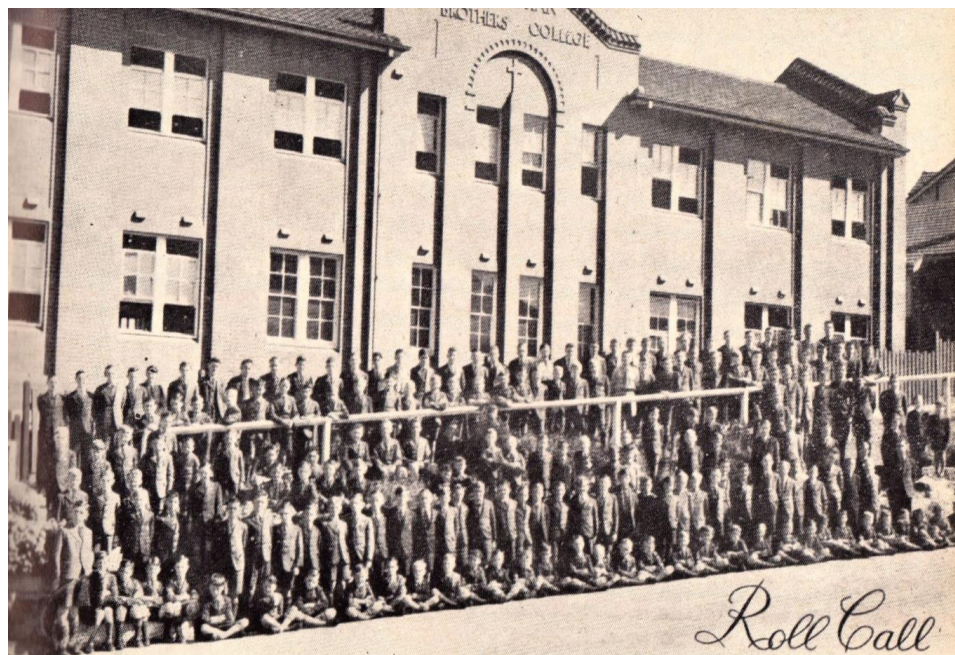
Owner of property: Trustee for the Christian Brothers / National Catholic Education Commission (NCEC)

Client seeking assessment and why: Woollahra Municipal Council responding to councillors' proposal that several schools be assessed for heritage listing on the Woollahra LEP (Council Agenda 8/4/2019).

Author of assessment: Bronwyn Hanna (Senior Associate) & Jordan Wilson-Aarsen (Heritage Consultant)

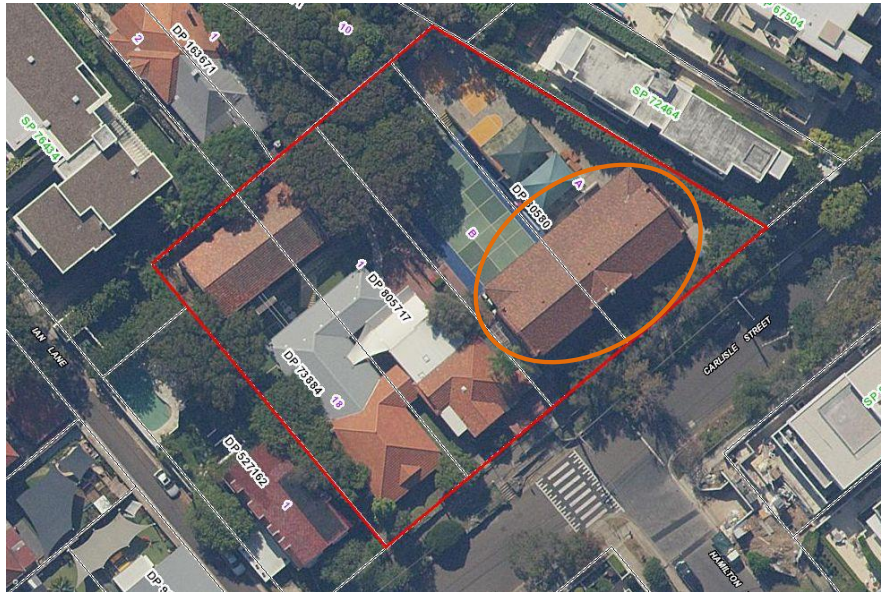
Date of assessment: 28 September 2023 (Site Visit)

Limitations: There has been no detailed stakeholder consultation. A brief site visit throughout all four of the McAuley School buildings and grounds was undertaken on 19 September 2023.



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

LOCATION:



The location of the former Christian Brothers College main building is shown within the orange oval. The property boundary of the McAuley Catholic Primary School is indicated by the red line (SIX map annotated by Artefact. 2023).

DRAFT STATEMENT OF SIGNIFICANCE:

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

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

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

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

The former Christian Brothers College building is understood to be the second building to be constructed on the property formerly known as 12 Carlisle Street, which had a Federation era

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 2

residence constructed there in c.1904. As such it has moderate-to-high potential for historical archaeological remains of local significance. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the study area. The study area falls within an area of Potential Aboriginal Heritage Sensitivity.

BRIEF TIMELINE HISTORY:

- 'The traditional Aboriginal owners of much of the Woollahra district were the Cadigal clan, while the harbour area around Watsons Bay and South Head was inhabited by the Birrabirragal clan' (Woollahra Municipal Council Library, 2023). La Perouse Local Aboriginal Land Council is the LALC for this area (Coast, 2021, p. 6).
- 1830. Land grant including this property to Daniel Cooper and Solomon Levey. The land appears to have been used for small-scale farming.
- 1901. The Carlisle Estate was being subdivided and sold as suburban allotments.
- 1904-1908. The house at 10-12 Carlisle Street was constructed and inhabited by Frederick J. Barker, commercial traveller, around 1904. It sat on the lot at no.12 and had a large garden including the entire lot of no.10. Around 1908 the house on Lot 18 at 6 Carlisle Street was constructed for John G. Lee, and leased by R.A. Shaw. Also in this year the house on Lot 19 at no.8 Carlisle Street was constructed and inhabited by Guy Gallop (Woollahra rates books and Sands Directory).
- 1920 The Mary Magdalene Catholic Church was built nearby on New South Head Road to the design of architect J. Barlow. Its tower was added in 1932 and additions by Leslie Wilkinson made in 1938 (Woollahra Library history fast facts).
- 1926-1934. Frederick Barker sold the two lots at 10-12 Carlisle Street to John Vaughan, gentleman, in 1926, who converted the Old System Title land to Torrens Title in 1929 (NSW Lands, PA 50380). Vaughan sold both lots to Michael Benignus Hanrahan, John De Sales Tevlin and Patrick Jerome Barron, teachers representing the Christian Brothers, on 8 March 1934.
- 1935: The main building at Christian Brothers College Rose Bay opened on the property which was previously 10-12 Carlisle Street, with the main building designed by John Hennessey. It provided education for boys from kindergarten through to the leaving certificate, taught by the Christian Brothers within the Catholic school system (Cosgrove, 1989, p. 44). There was a close association with the nearby Mary Magdalene Catholic Church. Neither of the adjacent Federation Bungalow houses at 6 and 8 Carlisle Street were part of the original school premises although there were hopes of buying an adjacent lot one day (Cosgrove, 1989, p. 52).
- 1937. The property at 8 Carlisle Street was purchased by Christian Brothers representative Michael Benignus Hanrahan and others from Ethel Marianne Chaseling (NSW Lands PA 62250).
- 1948-1949. In 1948 the owner of 6 Carlisle Street, James W. Browne, was bankrupted and the property passed to receiver Robert Daniel Mayne. It was acquired by the Christian Brothers in September 1949. (NSW Lands, (NSW Lands CT Vol. 3394 Folio 188, PA 23884).
- 1953: Opening of Fatima Hall, an assembly hall located at the rear of the playground, designed by Frank Wade and constructed by builders J. Bilson & Son (Christian Brothers, 1959, p. 5). It also included a new kindergarten classroom on the lower ground level. It has since been renamed 'Magdalene Hall'. The large tree near its entrance was planted during the 1970s (Artefact analysis of aerial imagery).
- 1967: Rationalisation of the various Catholic schools in the locality resulted in Christian Brothers College Rose Bay closing down secondary schooling in 1966 and the school re-opening as 'McAuley Preparatory School', named after Sister Catherine McAuley who founded the Sisters of Mercy in Ireland in 1831. It was now run by the Sisters of Mercy as a primary school for both boys and girls within the Catholic school system. A new library was financed by the Parents & Friends' Association, which also opened in 1967, designed by parent T.E. O'Mahony as honorary architect (Cosgrove, 1989, pp17,).
- 1985: A physical link was constructed between the two houses at 6 and 8 Carlisle Street and adjustments made to windows and doorways of both houses, designed by architects I.A. Kubany (Woollahra Council archives).
- 1990. The main college building was modified with most timber windows being replaced by metal-framed windows, the removal of a wall between two classrooms on the first floor, installation of suspended ceilings throughout and installation of a small library and girls'

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 3

toilets facing the playground, all designed by Kenneth Holton Pacific Architects (Woollahra Council archives).

- Since 1985, there has been major reconstruction of the interiors of the houses including building a substantial addition to the rear of the Federation bungalows (built after 2005 according to analysis of aerial photos).

DESCRIPTION:

The McAuley school site

- The cadastral description of McAuley Catholic Primary School comprises Lots A and B, DP 80580; Lot 1, DP 805717; Lot 18, DP 73884, Parish of Alexandria, County of Cumberland. The school premises occupy the lots previously numbered 6-12 Carlisle Street Rose Bay.
- The McAuley Catholic School is located approximately 6km east of the Sydney Central Business District, in the Eastern Suburb's South Head peninsular, in one of the most wealthy local government areas in Australia. Most of the older houses in the neighbourhood have been replaced with large, recently constructed mansions.
- The school is positioned on a hillside approximately 300 metres east of the harbour at Rose Bay and 1km west of the cliffs facing the ocean at Dover Heights, and about mid-way between New South Head Road and Old South Head Road. It is on a slope falling to the south and to the west, and the grounds are terraced throughout with retaining walls.
- Three of the school's four buildings face Carlisle Street and the other three sides of the school grounds are bordered by residential properties. Only Magdalene Hall is positioned at the rear of the school, in the north-west corner of the site, across the former two back yards of number 6 and 8 Carlisle Street.

The main Christian Brothers College building

- The former Christian Brothers College building, dating from 1935, fronts onto Carlisle Street and is the focal point of the school as the oldest, largest and most distinctive building on the McAuley Catholic Primary School campus. It is a three-storey building with a rectangular plan and careful, dignified architectural detailing. It is constructed in brown face brick and has a roof finished with rounded terracotta tiles.
- The building measures approximately 27 metres in length and 12 metres in width with an approximate floor space of 324m² per level. It contains three levels of classrooms with some support rooms such as corridors and toilets. The first and second floors each feature a row of large classrooms facing Carlisle Street with a corridor behind them providing access from staircases at both ends of the building. The ground level has one classroom entered from the south-west side of the building (near the school entrance) and there are a number of ground-level toilets with entrances facing the playground at the back.
- The street façade and two side facades are more decorative than the rear façade. The street façade has ten window bays symmetrically arranged around a central gable feature presenting the name 'Christian Brothers College' and surmounted by a cross. The ground level slopes down beside this façade with four sets of windows giving light to the ground floor classroom on the south-west end, positioned beneath the established bays and fitted with obscuring glass to reduce inward views (common in mid-20th century construction, Brennan 2023). The high quality brickwork denotes pilasters, window sills and a decorative texture above the second storey windows.
- The two side facades match, each presenting three tall, narrow window bays under three Romanesque arches topped by gabled parapets constructed in decorative brick-work.
- The rear façade has eight sets of window bays on two levels, positioned within plainer brickwork although still symmetrically arranged.
- The interiors retain the original layout and are in good condition throughout. The ceilings retain their original joist detailing on the first and second floors. On the second floor the ceilings within the classrooms have batten patterning, suggesting they may be original, while the corridor ceiling is sloped and faced with timber like an enclosed verandah. Some original deep skirting boards remain within some of the classrooms. Interior walls and ceilings are painted in neutral colours and all the rooms are carpeted in earthy tones. The windows on the long facades have been replaced with metal frames while the sides of the building appear to retain their original timber framed windows. Most of the internal and external doors appear to be contemporary but some original terrazzo thresholds remain.
- There are glimpses of harbour and city views over the playground from the second floor.

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 4

- A plaster cast statue of St Joseph is cemented onto a brick pedestal in the corridor on the first floor, where it is positioned as if overlooking the playground. The statue may have yellowed as in response to daily exposure to sunlight.

Modifications/ condition:

- The building is generally in excellent condition. Its front facade appears to have been modified mainly by the replacement of timber-framed windows with metal-framed windows.
- The back façade appears to have been originally open verandahs on the first and second levels, which have since been enclosed (see pre-1959 photo of the rear façade of the building).
- The “Christian Brothers College” lettering in the gable façade facing Carlisle Street is different from the lettering which appears in the 1989 photograph.
- The guttering and drainage pipes appear to be of recent construction.
- A section of downpipe near the south-western ground corner is corroded suggesting it pre-dates the rest of the roof architecture.
- Running around the perimeter of the building on all sides are modern lighting systems and concrete walkways.

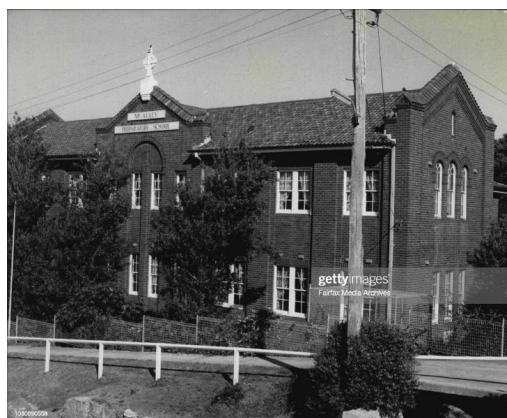
Architect identification and style analysis former Christian Brothers College building

- The former Christian Brothers College building, dating from 1935, was designed by a prominent Sydney architect, John Hennessey (Jnr), whose architectural firm had already designed many major educational and ecclesiastical buildings for the Catholic Church.
- The Rose Bay college building is smaller and more modest in its detailing than many of the firm's previous religious educational buildings which include: St Patricks Estate Manly (1885-1889); St Joseph's College, Hunters Hill (1884-1894); Santa Sabina Convent building, Strathfield (1893-94); St Patricks Parish Hall and Girls' School, Harrington Street, Sydney (1914-15); St Mary's (Girls) School Concord (1917); Barron Chapel and Mullens Building, Australian Catholic University (Formerly Christian Brothers Training College, Strathfield) (1925-1931); St Patricks College Strathfield's Brother Hickey building (1928).
- The former Christian Brothers College building Rose Bay is designed in the 'Inter-War Romanesque' style of Australian architecture which was commonly used for ecclesiastical buildings of the time (Apperley 1989, pp 194-197). Aspects of the design which denote this style include its moderately low-pitched roof gabled (topped by a cross), strong massing of the building shape, load-bearing masonry walls, round-arched openings, textured face brickwork and restrained, simple ornamentation.

COMPARATIVE ANALYSIS of Hennessey-designed school buildings

The Hennessey-designed college building at Rose Bay is of similar quality to five other Hennessey-designed Catholic school buildings in Sydney illustrated below (in chronological order). It is of comparable size to the Hennessey school buildings at St Patrick's Strathfield and St Mary's Concord, both LEP-listed, and appears far more intact than the St Mary's Concord building.

Christian Brothers College building at McAuley Catholic Primary School. 1935. John Hennessey (Jnr).



- Not heritage listed.

Photo from Fairfax via Getty Images online, c.1989.

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 5

St Joseph's
College,
Hunters Hill.
1884-1894.
Sheerin and
Hennessy.



Photo from RNE, 1996.

- LEP listed (Hunters Hill #1242)
- RNE listed.

Santa Sabina
Convent main
building.
1893.
Sheerin and
Hennessy.

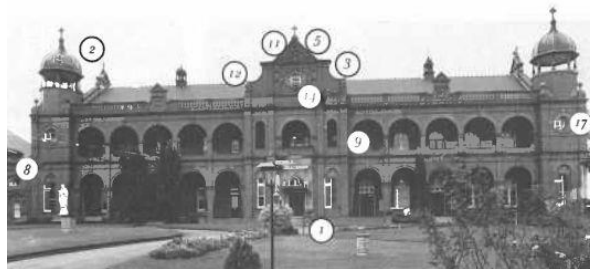


Photo from Apperley et al, 1989.

- LEP listed (Burwood #19).
- RNE listed.
- Used by Apperley et al in 1989 to illustrate the architectural style of 'Federation Anglo-Dutch'

St Mary's
School
Concord, 1917.
Hennessy and
Hennessy.



Photo from LEP listing on NSW SHI.

- LEP listed (Canada Bay #144).

Barron Chapel
(left) & Mullens
Building (right)
built for the
Christian
Brothers, now
part of the
Australian
Catholic
University,
Strathfield,
1925-31.
Hennessy &
Hennessey



Photo from SHR listing for ACU Strathfield on NSW SHI.

- SHR listed (#1965).
- LEP listed (Strathfield #192).

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 6

St Patricks
Strathfield –
Brother
Hickey
Building,
1928.
Hennessey &
Hennessey



Photo from Weir & Philips, 2021.

- LEP listed
(Strathfield
#1132)

DRAFT ASSESSMENT OF SIGNIFICANCE UNDER THE NSW CRITERIA:

NSW Heritage Council’s assessment criteria applied to McAuley’s College building

| Criteria | Description |
|--|---|
| A – Historic significance | <p><i>An item is important in the course or pattern of the local area’s cultural or natural history.</i></p> <p>Moderate local historical significance. The former Christian Brothers College building dates from 1936 and is a modest local example of the educational ecclesiastical architecture of John Hennessey’s Sydney-based architectural firm. As the oldest, largest and most distinctive building on this school campus, the former college building has moderate local historical importance as an remnant of the Christian Brothers’ twentieth century contribution to Catholic educational institutions in the locality. It retains considerable integrity for still being used in its original function for classroom teaching.</p> |
| B – Historical association | <p><i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area’s cultural or natural history.</i></p> <p>Moderate local historical associations The former Christian Brothers College building has moderate historical associations for having been designed by John Hennessey and thus forming part of the extensive oeuvre of good quality ecclesiastical architecture designed by the Hennessey firm between the 1880s and 1940s. The building has a moderate historical association with the Christian Brothers College Rose Bay and the McAuley Catholic Primary School as a locally significant educational and religious institution.</p> |
| C – Aesthetic/ Creative/ Technical Achievement | <p><i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i></p> <p>Moderate aesthetic significance. The former Christian Brothers College building is a modest local example of the educational, ecclesiastical architecture by the Hennessey architectural firm—comparable with the Hennessey-designed buildings at St Patricks Strathfield or St Mary’s Concord rather than the grander buildings at St Patrick’s Estate Manly, St Joseph’s Hunters Hill or Santa Sabina Strathfield. The building retains much of its internal and external integrity and makes a moderate contribution to the streetscape of Carlisle Street with its</p> |

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 7

| Criteria | Description |
|--|---|
| | substantial form and impressive historical appearance with good quality architectural detailing in traditional materials. |
| | <i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i> |
| <i>D – Social, cultural, and spiritual</i> | Potential for moderate social significance for alumni. The former Christian Brothers College building is likely to have social significance for school children, alumni, teachers and others who frequented the building when attending or working at McAuley Catholic Primary School but further consultation with the local community may be required to establish a local level of social significance. |
| | <i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i> |
| <i>E – Research Potential</i> | Moderate-high potential for historical archaeological remains of local significance. The former Christian Brothers College building is understood to be the second building to be constructed on the property formerly known as 12 Carlisle Street, which had a Federation era residence constructed there in c.1904. As such it has moderate-to-high potential for historical archaeological remains of local significance. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity (Coast Heritage, 2021). |
| | <i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i> |
| <i>F – Rare</i> | Moderate local rarity. The former Christian Brothers College building has moderate local rarity as the only modest but good quality, intact and still functioning example of a Hennessey-designed Catholic school architecture in Sydney's eastern suburbs, constructed in 1935 near the end of the firm's lifespan. |
| | <i>An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places of cultural or natural environments (or the cultural or natural history of the local area).</i> |
| <i>G - Representative</i> | Moderate local representativeness The former Christian Brothers College building has moderate local representative significance as a good quality, intact and still functioning example of mid-twentieth century Catholic school architecture in Sydney's eastern suburbs, designed by the prestigious Hennessey architectural firm. |

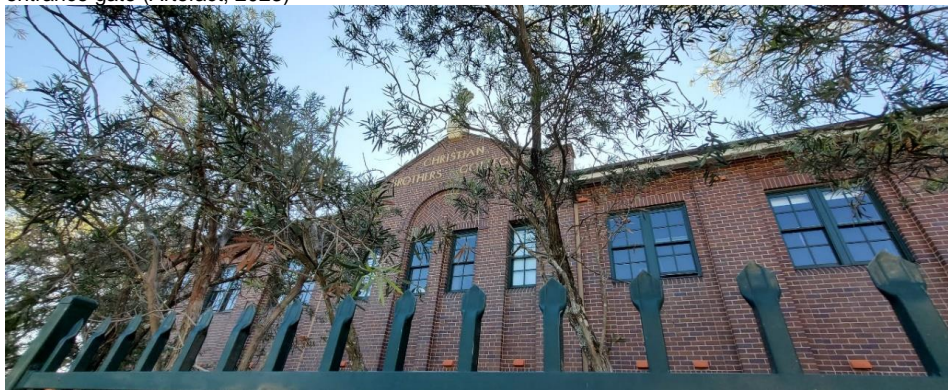
PHOTOGRAPHS:



Photo of the south-eastern façade of the building facing Carlisle Street c1989, showing the two upper floors (Cosgrove, 1989)



View of the south-western corner of the building façade from Carlisle Street with school signage and entrance gate (Artefact, 2023)

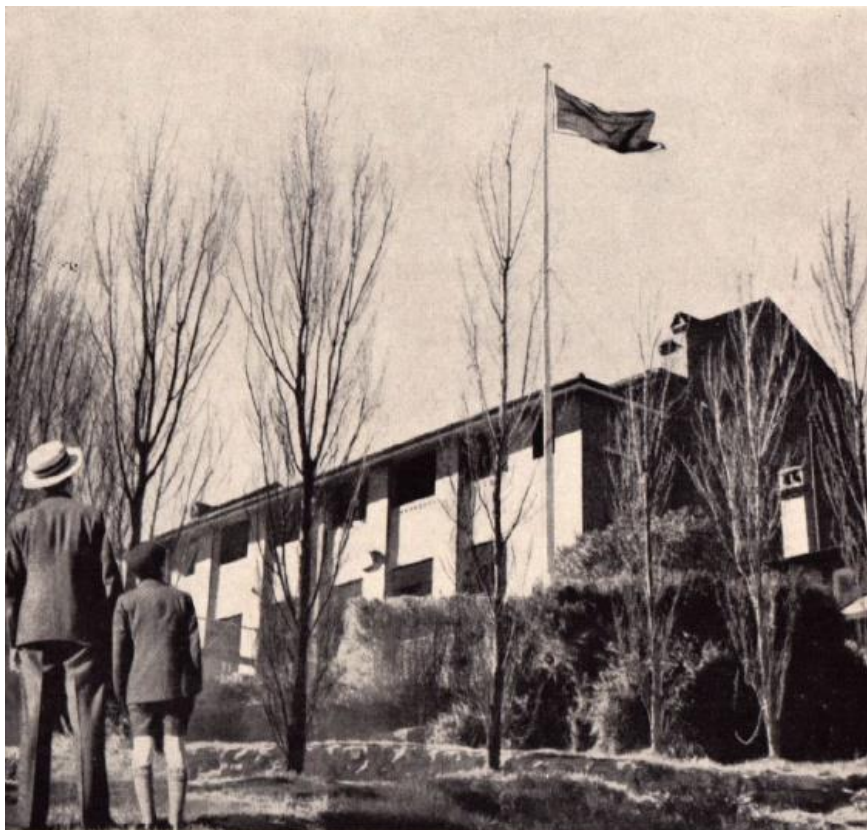


View of the main college building from the front fence (Artefact, 2023)

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 9



Panorama view (giving a false curved appearance) of the façade facing Carlisle Street, showing windows to ground floor rooms (at left), and carefully arranged bays (Artefact, 2023)



Students looking up at the back façade of the main college building from the playground, during or before 1959. There appears to be no glazing in any of the building's rear openings towards the playground at this time (Christian Brothers, 1959)

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 10



Rear façade of the building seen from the playground (Artefact, 2023)



Side entrance to the class room on the ground level (Artefact, 2023)



Rear façade of the building facing the playground with entries to toilets on the lower ground level (Artefact, 2023)

South west corner of the building near entrance from Carlisle Street (Artefact, 2023)

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 11



Detail of metal windows with security bars, brickwork and downpipe on façade facing Carlisle Street, with painting promoting a school activity over the face-brick surface (Artefact, 2023)



Panorama of one of the interiors of the classrooms on the second floor (Artefact, 2023)



Interior of one of the classrooms on the second floor with McAuley principal Nicole Jones at left and Artefact's Jordan Wilson-Aarsen (Artefact, 2023)

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 12



Ceiling of classroom on the second floor with ceiling joists and baton detailing (Artefact, 2023)



First floor corridor (with St Joseph at right) (Artefact, 2023)



Second floor corridor with detail of sloped ceiling faced with timber (Artefact, 2023)

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 13



Stairwell (Artefact, 2023)



Stairwell with original timber framed window (Artefact, 2023)



Terrazzo threshold at entrance to classroom from corridor, also showing timber doorway and skirting board. The terrazzo is a further indication that this was originally an external doorway to an unenclosed verandah (Artefact, 2023)



A statue of St Joseph overlooks the playground from the corridor on the first floor of the college building (Artefact, 2023)



Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 14



The interior of the classroom on the lower ground level (Artefact, 2023)

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Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 15

Woollahra Municipal Council rates books

Woollahra Municipal Council archive of building plans.

EXPLANATION OF GRADING OF SIGNIFICANCE TERMINOLOGY:

| Level | Justification | Status |
|-----------------------|---|---|
| Exceptional | Where an individual . . . element . . . is assessed as making a rare or outstanding contribution to the overall significance of the place . . . [and exhibits] a high degree of intactness and quality. Minor alterations or degradation may be evident, but does not detract from the overall significance of the place. Demolition/removal of the element would diminish the heritage significance of the place. | Fulfil criteria for local or state listings. |
| High | Where an individual . . . element . . . is assessed as making considerable contribution to the overall significance of the place . . . and exhibits] a considerable degree of intactness and [was] originally of substantial quality. Considerable alteration may have been undertaken, which may alter the presentation and completeness, but does not detract substantially from the overall significance of the place. Demolition/removal of the element would diminish the heritage significance of the place. | Fulfil criteria for local or state listings. |
| Moderate | Where an individual . . . element . . . is assessed as making a moderate contribution to the overall significance of the place . . . [and exhibits] considerable alteration and/or degradation which detracts from the overall significance of the place. . . . Elements . . . which were of some intrinsic quality, but are relatively intact may be included. Elements with little heritage value but contribute to the overall cumulative significance of the place may also be included. New elements of high-quality design and aesthetic value may be considered to contribute to the significance of the place. Demolition/removal of the element may diminish the heritage significance of the place. Elements or spaces can be altered or adaptively reused. | Fulfil criteria for local or state listings. |
| Little / Minor | Where an individual . . . element . . . is assessed as making a minor contribution to the overall significance of the place, particularly compared with other elements . . . [and exhibits] extensive alterations or degradations which impact their significance and ability to interpret. New elements of little intrinsic quality or aesthetic value may be considered in this category. Demolition/removal of the element would not diminish the heritage significance of the place. Elements or spaces can be altered or adaptively reused. | Does not fulfil criteria for local or state listings. |
| Intrusive | Where an individual . . . element . . . is assessed as detracting from the appreciation and overall significance of a place. The element may be adversely affecting or obscuring other significant areas, elements or items. Demolition/removal of the element is recommended. | Does not fulfil criteria for local or state listings. |

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 16

ABBREVIATIONS:

| | |
|----------------------|--|
| Artefact | Artefact Heritage Services Pty Ltd |
| <i>Burra Charter</i> | <i>Burra Charter: The Australian ICOMOS Charter for Places of Cultural Significance</i> (2013) guide to caring for heritage places in Australia, available online from Australia ICOMOS |
| CMP | Conservation Management Plan |
| DCP | Development Control Plan (a Council guideline for development which accompanies and elaborates on the Council's Local Environmental Plan) |
| DP | Deposited Plan |
| Heritage NSW | Heritage New South Wales (Office of the Heritage Council of New South Wales, previously also known as the NSW Heritage office, the Heritage Branch, the Heritage Division of the Office of Environment and Heritage—OEH) |
| ICOMOS | International Council of Monuments and Sites |
| km | Kilometre |
| LALC | Local Aboriginal Land Council |

Artefact survey sheet 2023 – former Christian Brothers College Rose Bay building, McAuley School 17

ARTEFACT HERITAGE SURVEY – Magdalene Hall, McAuley CPS

Name(s) of place: Magdalene Hall, within McAuley Catholic Primary School. Originally named 'Fatima Hall'.

Address of place: McAuley Catholic Primary School, 8 Carlisle St, Rose Bay NSW 2029.

LGA / Council: Woollahra Municipal Council.

Heritage listings to date: None.

Aboriginal nation/ LALC: Gadigal. Located within the La Perouse Local Aboriginal Land Council area.

Latitude/ longitude: -33.870/ 151.272

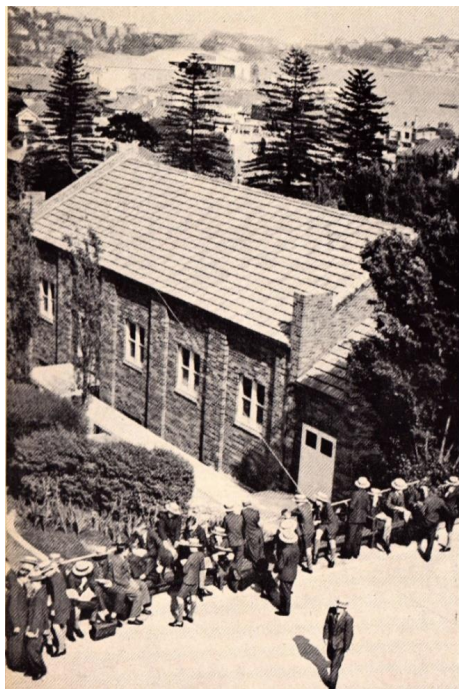
Owner of property (if known): Trustee for the Christian Brothers and National Catholic Education Commission (NCEC)

Client seeking assessment and why: Woollahra Municipal Council responding to councillors' proposal that several schools be assessed for heritage listing on the Woollahra LEP (Council Agenda 8/4/2019).

Author of assessment: Artefact Heritage (Bronwyn Hanna & Jordan Wilson-Aarsen).

Date of assessment: 28 September 2023.

Limitations: There has been no detailed stakeholder consultation. A brief site visit throughout all four of the McAuley School buildings and grounds was undertaken on 19 September 2023.



Magdalene Hall in 1959, probably photographed from the main college building (Christian Brothers, 1959)

LOCATION:



The location of Magdalene Hall is shown within the orange oval. The boundary of the McAuley Catholic Primary School is indicated by the red line. No heritage curtilage is proposed for this building (SIX map annotated by Artefact. 2023).

DRAFT STATEMENT OF SIGNIFICANCE:

The Magdalene Hall within the McAuley Catholic Primary School is assessed as having little heritage significance.

The Magdalene Hall, originally named Fatima Hall, dates from 1953 and is a well built and maintained but modest school hall typical of its era. It has a moderate historical association with the Christian Brothers College Rose Bay and the McAuley Catholic Primary School as a locally significant educational and religious institution.

The hall has minor aesthetic value for the respectful way in which it alludes to the nearby, grander, Hennessey-designed Christian Brothers College building in its form, orientation and materials. It has been modified with the replacement of original window frames and doors but otherwise maintains much of its original fabric and integrity. It is not readily visible from the public domain. It has little importance for demonstrating aesthetic characteristics or creative or technical achievement. It has little rarity or representative significance and little capacity to demonstrate the principal characteristics of its genre.

The Magdalene Hall may have social significance for school children, alumni, teachers and others who used the hall for assemblies and other community activities when attending McAuley Catholic Primary School. Such associations may not be considered strong enough to meet the threshold for local social significance.

The Magdalene Hall is understood to be the first building constructed here so there is low potential for historical archaeological remains of local significance. A recent AHIMS search found no sites registered within the study area. The study area falls within an area of Potential Aboriginal Heritage Sensitivity (Coast Heritage, 2021).

Artefact survey sheet 2023 – Magdalene Hall, McAuley School 2

BRIEF TIMELINE HISTORY:

- 'The traditional Aboriginal owners of much of the Woollahra district were the Cadigal clan, while the harbour area around Watsons Bay and South Head was inhabited by the Birrabirragal clan' (Woollahra Municipal Council Library, 2023). La Perouse Local Aboriginal Land Council is the LALC for this area (Coast, 2021, p. 6).
- 1830. Land grant including this property to Daniel Cooper and Solomon Levey. The land appears to have been used for small-scale farming.
- 1901. The Carlisle Estate was being subdivided and sold as suburban allotments.
- 1904-1908. The house at 10-12 Carlisle Street was constructed and inhabited by Frederick J. Barker, commercial traveller, around 1904. It sat on the lot at no.12 and had a large garden including the entire lot of no.10. Around 1908 the house on Lot 18 at 6 Carlisle Street was constructed for John G. Lee, and leased by R.A. Shaw. Also in this year the house on Lot 19 at no.8 Carlisle Street was constructed and inhabited by Guy Gallop (Woollahra rates books and Sands Directory).
- 1920 The Mary Magdalene Catholic Church was built nearby on New South Head Road to the design of architect J. Barlow. Its tower was added in 1932 and additions by Leslie Wilkinson made in 1938 (Woollahra Library history fast facts).
- 1926-1934. Frederick Barker sold the two lots at 10-12 Carlisle Street to John Vaughan, gentleman, in 1926, who converted the Old System Title land to Torrens Title in 1929 (NSW Lands, PA 50380). Vaughan sold both lots to Michael Benignus Hanrahan, John De Sales Tevlin and Patrick Jerome Barron, teachers representing the Christian Brothers, on 8 March 1934.
- 1935: The main building at Christian Brothers College Rose Bay opened on the property which was previously 10-12 Carlisle Street, with the main building designed by John Hennessey. It provided education for boys from kindergarten through to the leaving certificate, taught by the Christian Brothers within the Catholic school system (Cosgrove, 1989, p. 44). There was a close association with the nearby Mary Magdalene Catholic Church. Neither of the adjacent Federation Bungalow houses at 6 and 8 Carlisle Street were part of the original school premises although there were hopes of buying an adjacent lot one day (Cosgrove, 1989, p. 52).
- 1937. The property at 8 Carlisle Street was purchased by Christian Brothers representative Michael Benignus Hanrahan and others from Ethel Marianne Chaseling (NSW Lands PA 62250).
- 1948-1949. In 1948 the owner of 6 Carlisle Street, James W. Browne, was bankrupted and the property passed to receiver Robert Daniel Mayne. It was acquired by the Christian Brothers in September 1949. (NSW Lands, (NSW Lands CT Vol. 3394 Folio 188, PA 23884).
- 1953: Opening of Fatima Hall, an assembly hall located at the rear of the playground, designed by Frank Wade and constructed by builders J. Bilson & Son (Christian Brothers, 1959, p. 5). It also included a new kindergarten classroom on the lower ground level. It has since been renamed 'Magdalene Hall'. The large tree near its entrance was planted during the 1970s (Artefact analysis of aerial imagery).
- 1967: Rationalisation of the various Catholic schools in the locality resulted in Christian Brothers College Rose Bay closing down secondary schooling in 1966 and the school re-opening as 'McAuley Preparatory School', named after Sister Catherine McAuley who founded the Sisters of Mercy in Ireland in 1831. It was now run by the Sisters of Mercy as a primary school for both boys and girls within the Catholic school system. A new library was financed by the Parents & Friends' Association, which also opened in 1967, designed by parent T.E. O'Mahony as honorary architect (Cosgrove, 1989, pp17.).
- 1985: A physical link was constructed between the two houses at 6 and 8 Carlisle Street and adjustments made to windows and doorways of both houses, designed by architects I.A. Kubany (Woollahra Council archives).
- 1990. The main college building was modified with most timber windows being replaced by metal-framed windows, the removal of a wall between two classrooms on the first floor, installation of suspended ceilings throughout and installation of a small library and girls' toilets facing the playground, all designed by Kenneth Holton Pacific Architects (Woollahra Council archives).
- Since 1985, there has been major reconstruction of the interiors of the houses including building a substantial addition to the rear of the Federation bungalows (built after 2005 according to analysis of aerial photos).

Artefact survey sheet 2023 – Magdalene Hall, McAuley School 3

DESCRIPTION:

The McAuley school site

- The cadastral description of McAuley Catholic Primary School comprises Lots A and B, DP 80580; Lot 1, DP 805717; Lot 18, DP 73884, Parish of Alexandria, County of Cumberland. The school occupies the lots previously numbered 6-12 Carlisle Street Rose Bay.
- The McAuley Catholic School is located approximately 6km east of the Sydney Central Business District, on the South Head peninsular, in one of the most wealthy local government areas in Australia. Most of the older houses in the neighbourhood have been replaced with large, recently constructed mansions.
- The school is positioned on a hillside approximately 300 metres east of the harbour at Rose Bay and 1km west of the cliffs facing the ocean at Dover Heights, and about mid-way between New South Head Road and Old South Head Road. The school is positioned on a slope falling to the south and to the west, and the grounds are terraced with retaining walls throughout.
- The other three of the school's four buildings face Carlisle Street and the other three sides of the school grounds are bordered by residential properties.
- Magdalene Hall is positioned at the rear of the school in the north-west corner of the site, across the former two back yards of number 6 and 8 Carlisle Street.
- There is a large, unidentified tree located near the north-eastern end of the hall, which appears to have been planted during the 1980s (Artefact analysis of historical aerial photographs of the school premises). The tree is healthy and handsome, and it provides a leafy backdrop to the building as well as welcome shade for the playground.

Magdalene Hall

- Magdalene Hall (then called Fatima Hall), was completed in 1953. It was designed by Frank Wade and constructed by builders J. Bilson & Son (Christian Brothers, 1959, p5). It was intended to provide an assembly room and space for community gatherings.
- The hall is a two storey rectangular building constructed in mottled brown brick. Its gabled roof is finished with terracotta tiles. It is approximately 18 metres in length, 10m in width and has an approximate floor space of 180m² per floor.
- Its rectangular form and orientation respectfully mimics the nearby original main college building, which is also a rectangular brick building with gabled ends and terra cotta tiled roof, although somewhat larger and more complexly detailed.
- The roof over the entrance bay at the north-eastern end of the building is approximately 1m lower than the rest of the roof and marks the area in church-like vocabulary as a vestibule.
- On each gabled end of the building are three pilasters which mark the sides and centre of each wall and rise slightly above the roofline as parapet detailing.
- There are also brick pilasters positioned at regular intervals down each long side of the building, both internally and externally, and housing five bays with large square windows.
- The internal space of Magdalene Hall's upper level comprises the entrance vestibule and a large open-plan room with five bays housing square windows running along each long side of the building. A cross hangs on the centre pilaster of the far wall above a slightly raised timber stage. Although perhaps 5m high, the ceiling in this room has modern fittings and is probably suspended over the original ceiling. Ceiling joists positioned between each set of pilasters remain visible (these may be structural or decorative). Ventilation grates line the upper walls at regular intervals.
- The lower level of Magdalene Hall is accessed by a concrete walkway descending beside the playground. It houses a large classroom taking up about half the floorspace, with the rest used for storage. The classroom has a lower ceiling than the hall above but similar interior detailing in wall pilasters, square windows, ceiling joists and neutral paint scheme.
- Some of the external doorways retain their original terrazzo threshold.

Modifications/ condition:

- The building is well maintained and appears to be in its original configuration.
- The window frames throughout the building were probably originally made of timber but have been reconstructed in metal and their exteriors painted dark green. The 1950s doors appear to have been replaced with doors of more recent construction, painted dark blue. The guttering is in good condition and of recent fabrication. Both levels have been carpeted.
- There is a new concrete verandah added to the south-eastern facade near the entrance, apparently providing a new, alternative exit from the main hall.

Artefact survey sheet 2023 – Magdalene Hall, McAuley School 4

- There is no evidence of the 'Our Lady of Fatima' painting by John Coburn which was presented to the school in honour of the opening of the building as Fatima Hall in 1953.

Architect identification and style analysis Magdalene Hall

- In 1959 a Christian Brothers publication identified the designer of the hall as Frank Wade, and the builder as J. Bilson & Sons (Jubilee Annual of 1959, p. 5). There is no historical record of an architect named Frank Wade in NSW (NSW Architects Registration Board; NSW Institute of Architects). While Wade may have been registered in another state or country, it is also possible that he was a designer or draughtsman rather than an architect. This may explain why the building respectfully nods to the grander Christian Brothers College building nearby rather than attempting a new or innovative architectural statement in its own right.
- Like the nearby Christian Brothers College building nearby, the Magdalene Hall is designed in the 'Inter-War Romanesque' style of Australian architecture which commonly featured in ecclesiastical buildings of the time (Apperley 1989, pp 194-197). Aspects of the design which refer to this architectural style include its gabled, moderately low-pitched roof, strong massing of the building shape, load-bearing masonry walls, textured face brickwork and restrained, simple ornamentation.

DRAFT ASSESSMENT OF SIGNIFICANCE UNDER THE NSW CRITERIA:

NSW Heritage Council's assessment criteria applied to Magdalene Hall

| Criteria | Description |
|--|--|
| | <i>An item is important in the course or pattern of the local area's cultural or natural history.</i> |
| A – Historic significance | <p>Little local historical significance.</p> <p>The Magdalene Hall, originally named Fatima Hall, dates from 1953 and is a well built and maintained but modest school hall typical of its era. It has little importance in the course of the locality's cultural or natural history.</p> |
| | <i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i> |
| B – Historical association | <p>Moderate local historical associations.</p> <p>The Magdalene Hall has a minor association with the famous Australian artist John Coburn, who presented a painting entitled 'Our Lady of Fatima' to the school at the opening of the building, then known as 'Fatima Hall', in 1953. This association is adversely impacted by the painting no longer being present in the building.</p> <p>There are little known special associations with the life or works of other people of importance to the local area's natural or cultural history.</p> |
| | <i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i> |
| C – Aesthetic/ Creative/ Technical Achievement | <p>Little aesthetic significance.</p> <p>The Magdalene Hall is a modest building which is typical of its genre as a school assembly hall. It has minor aesthetic value for the respectful way in which it alludes to the nearby, grander, Hennessey-designed Christian Brothers College building in its form, orientation and materials.</p> <p>It has been modified with the replacement of original window frames and doors but otherwise maintains much of its original use, fabric and integrity.</p> <p>It is not readily visible from the public domain.</p> <p>It has little importance for demonstrating aesthetic characteristics or creative or technical achievement.</p> |

Artefact survey sheet 2023 – Magdalene Hall, McAuley School 5

| Criteria | Description |
|--|--|
| | <i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i> |
| <i>D – Social, cultural, and spiritual</i> | Potential for moderate social significance for alumni. The Magdalene Hall is likely to have social significance for school children, alumni, teachers and others who used the hall for assemblies and other community activities when attending McAuley Catholic Primary School but further consultation with the local community may be required to establish a local level of social significance. |
| | <i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i> |
| <i>E – Research Potential</i> | Low potential for historical archaeological remains of local significance. The Magdalene Hall is understood to be the first building constructed here so there is low potential for historical archaeological remains of local significance. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity (Coast Heritage, 2021). |
| | <i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i> |
| <i>F – Rare</i> | Little local rarity. The Magdalene Hall has little rarity, being a modest school hall dating from 1953 like hundreds of other school halls found throughout Australia. |
| | <i>An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places of cultural or natural environments (or the cultural or natural history of the local area).</i> |
| <i>G - Representative</i> | Little local representativeness. The Magdalene Hall is locally representative of mid-20 th century school halls but has little capacity to demonstrate the principal characteristics of this class of NSW's cultural places. |

PHOTOGRAPHS:



Magdalene Hall viewed from the playground near its main entrance (Artefact, 2023)

Artefact survey sheet 2023 – Magdalene Hall, McAuley School 6



Unidentified large tree planted near the main entrance to Magdalene Hall during the 1980s (Artefact analysis of historical aerial imagery) (Artefact, 2023)



Magdalene Hall photo of interior upper level (Artefact, 2023)



Magdalene Hall panorama photo of interior upper level (Artefact, 2023)

Artefact survey sheet 2023 – Magdalene Hall, McAuley School 7



Magdalene Hall photo of interior lower level (Artefact, 2023)

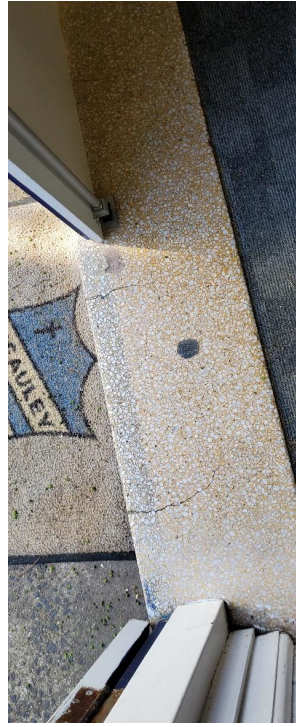


Magdalene Hall side view from playground (Artefact, 2023)

Artefact survey sheet 2023 – Magdalene Hall, McAuley School 8



View of concrete walkway/stairway running along Magdalene Hall allowing access to the lower level (Artefact, 2023)



Original terracotta threshold over doorway in Magdalene Hall (Artefact, 2023)



'Our lady of Fatima' painting by John Coburn, presented to Christian Brothers College Rose Bay on the occasion of the opening of the Fatima Hall in 1953 (now called Magdalene Hall), shown being installed or unveiled by dignitaries (Christian Brothers, 1959).

Artefact survey sheet 2023 – Magdalene Hall, McAuley School 9

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Woollahra Municipal Council, 2019. "Item 11.2. Notice of Motion – Proposed Heritage Listing – St Andrews Scots Presbyterian Church, Old School Hall Rose Bay Public School and McAuley Catholic Primary School & outbuildings, Rise Bay – 19/46122", Agenda for Ordinary Council meeting 8 April 2019

Woollahra Municipal Council rates books

Woollahra Municipal Council archive of building plans.

EXPLANATION OF GRADING OF SIGNIFICANCE TERMINOLOGY:

| Level | Justification | Status |
|--------------------|--|---|
| Exceptional | Where an individual . . . element . . . is assessed as making a rare or outstanding contribution to the overall significance of the place . . . [and exhibits] a high degree of intactness and quality. Minor alterations or degradation may be evident, but does not detract from the overall significance of the place. Demolition/removal of the element would diminish the heritage significance of the place. | Fulfils criteria for local or state listings. |
| High | Where an individual . . . element . . . is assessed as making considerable contribution to the overall significance of the place . . . and exhibits] a considerable degree of intactness and [was] originally of substantial quality. Considerable alteration may have been undertaken, which may alter the presentation and completeness, but does not detract substantially from the | Fulfils criteria for local or state listings. |

Artefact survey sheet 2023 – Magdalene Hall, McAuley School 10

| Level | Justification | Status |
|-----------------------|---|---|
| | overall significance of the place. Demolition/removal of the element would diminish the heritage significance of the place. | |
| Moderate | Where an individual . . . element . . . is assessed as making a moderate contribution to the overall significance of the place . . . [and exhibits] considerable alteration and/or degradation which detracts from the overall significance of the place. . . . Elements . . . which were of some intrinsic quality, but are relatively intact may be included. Elements with little heritage value but contribute to the overall cumulative significance of the place may also be included. New elements of high-quality design and aesthetic value may be considered to contribute to the significance of the place. Demolition/removal of the element may diminish the heritage significance of the place. Elements or spaces can be altered or adaptively reused. | Fulfils criteria for local or state listings. |
| Little / Minor | Where an individual . . . element . . . is assessed as making a minor contribution to the overall significance of the place, particularly compared with other elements . . . [and exhibits] extensive alterations or degradations which impact their significance and ability to interpret. New elements of little intrinsic quality or aesthetic value may be considered in this category. Demolition/removal of the element would not diminish the heritage significance of the place. Elements or spaces can be altered or adaptively reused. | Does not fulfil criteria for local or state listings. |
| Intrusive | Where an individual . . . element . . . is assessed as detracting from the appreciation and overall significance of a place. The element may be adversely affecting or obscuring other significant areas, elements or items. Demolition/removal of the element is recommended. | Does not fulfil criteria for local or state listings. |

ABBREVIATIONS:

| | |
|----------|--|
| Artefact | Artefact Heritage Services Pty Ltd |
| DP | Deposited Plan |
| km | Kilometre |
| LALC | Local Aboriginal Land Council |
| m | Metres |
| SIX | NSW Lands Spatial Information Exchange website |

ARTEFACT HERITAGE SURVEY – Federation Bungalows at McAuley CPS

Name(s) of place: Federation Bungalows at the former 6 and 8 Carlisle Street, within the McAuley Catholic Primary School. Number 6 (at south west) was also previously known Lot 18 Section 1 of the Carlisle Estate, 'Camira' and 'The Briars'. No.8 (adjacent to the college building) was also known previously as Lot 19 Section 1 of the Carlisle Estate, 'Rathmine', 'Fowry' and 'Lyndon'.

Address of place: McAuley Catholic Primary School Rose Bay, 8 Carlisle Street Rose Bay 2029.

LGA / Council: Woollahra Municipal Council

Heritage listings to date: None.

Aboriginal nation/ LALC: Gadigal. Located within the La Perouse Local Aboriginal Land Council area.

Latitude/ longitude: -33.870/ 151.272

Owner of property (if known): Trustee for the Christian Brothers and National Catholic Education Commission (NCEC).

Client seeking assessment and why: Woollahra Municipal Council responding to councillors' proposal that several schools be assessed for heritage listing on the Woollahra LEP (Council Agenda 8/4/2019).

Author of assessment: Artefact Heritage (Bronwyn Hanna).

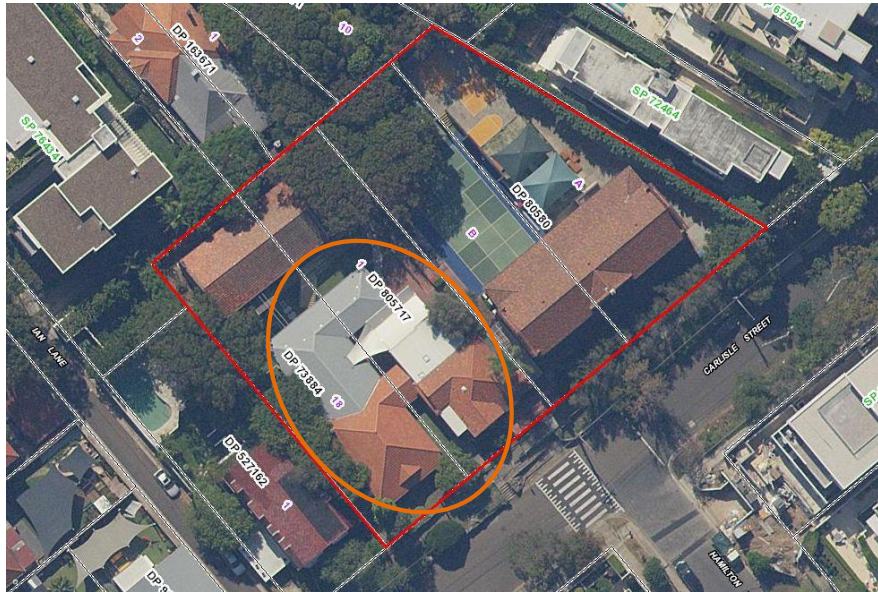
Date of assessment: September 2023.

Limitations: There has been no detailed stakeholder consultation. A brief site visit throughout all four of the McAuley School buildings and grounds was undertaken on 19 September 2023.



View of facades of former no.6 house, former no.8 house and former Christian Brothers College main building from Carlisle Street (Google Streetview, 2023)

LOCATION:



The location of 6 and 8 Carlisle Street houses is shown within the orange oval (with no.6 at left and no.8 at right). The boundary of the McAuley Catholic Primary School is indicated by the red line. No heritage curtilage is proposed for these houses (SIX map annotated by Artefact. 2023).

DRAFT STATEMENT OF SIGNIFICANCE:

The two Federation Bungalows within the McAuley Catholic Primary School, formerly known as 6 and 8 Carlisle Street, are assessed as having little heritage significance. They make a minor aesthetic contribution to the streetscape and have some minor remnants of fine historic interior details (at the former no.8 bungalow).

Both houses, dating from 1908, are typical Federation Bungalow style residences of their era which have been greatly modified by their extensions and adaptive re-use as school classrooms. They have had little importance in the course of the locality's history and little known associations with important local individuals. Number 8 house was adjacent to and purchased by the Christian Brothers in 1937 while number 6 house was purchased by them in 1949, both for incorporation into the Christian Brothers College Rose Bay. They were both included in the premises of the succeeding McAuley Catholic Primary School which opened on the site in 1967. They are likely to have moderate social associations for school children who have had classes in no.6 or visited the school offices in no.8 when attending McAuley Catholic Primary School.

Both houses are understood to be the first buildings constructed on their lots so there is low potential for historical archaeological remains. A recent search found no AHIMS sites registered within the study area. The study area falls within an area of Potential Aboriginal Heritage Sensitivity.

Both Federation Bungalows are constructed as modest Federation Bungalow-style residences, typical of their era, and both have been considerably modified by their adaptive reuse as school classrooms, offices and staff rooms. Neither have a high level of aesthetic presentation or creative achievement and neither are considered rare or representative. There are some fine historic remnants of interior detailing at the former no.8 bungalow including mantle pieces, skirting boards and window frames, which ideally should be conserved and incorporated into future uses of the place. They both make a minor contribution to the streetscape of Carlisle Street by retaining their original facades and appearance as historic residences constructed in traditional materials.

Artefact survey sheet 2023 – two Federation Bungalows, McAuley School 2

BRIEF TIMELINE HISTORY:

- 'The traditional Aboriginal owners of much of the Woollahra district were the Cadigal clan, while the harbour area around Watsons Bay and South Head was inhabited by the Birrabirragal clan' (Woollahra Municipal Council Library, 2023). La Perouse Local Aboriginal Land Council is the LALC for this area (Coast, 2021, p. 6).
- 1830. Land grant including this property to Daniel Cooper and Solomon Levey. The land appears to have been used for small-scale farming.
- 1901. The Carlisle Estate was being subdivided and sold as suburban allotments.
- 1904-1908. The house at 10-12 Carlisle Street was constructed and inhabited by Frederick J. Barker, commercial traveller, around 1904. It sat on the lot at no.12 and had a large garden including the entire lot of no.10. Around 1908 the house on Lot 18 at 6 Carlisle Street was constructed for John G. Lee, and leased by R.A. Shaw. Also in this year the house on Lot 19 at no.8 Carlisle Street was constructed and inhabited by Guy Gallop (Woollahra rates books and Sands Directory).
- 1920 The Mary Magdalene Catholic Church was built nearby on New South Head Road to the design of architect J. Barlow. Its tower was added in 1932 and additions by Leslie Wilkinson made in 1938 (Woollahra Library history fast facts).
- 1926-1934. Frederick Barker sold the two lots at 10-12 Carlisle Street to John Vaughan, gentleman, in 1926, who converted the Old System Title land to Torrens Title in 1929 (NSW Lands, PA 50380). Vaughan sold both lots to Michael Benignus Hanrahan, John De Sales Tevlin and Patrick Jerome Barron, teachers representing the Christian Brothers, on 8 March 1934.
- 1935: The main building at Christian Brothers College Rose Bay opened on the property which was previously 10-12 Carlisle Street, with the main building designed by John Hennessey. It provided education for boys from kindergarten through to the leaving certificate, taught by the Christian Brothers within the Catholic school system (Cosgrove, 1989, p. 44). There was a close association with the nearby Mary Magdalene Catholic Church. Neither of the adjacent Federation Bungalow houses at 6 and 8 Carlisle Street were part of the original school premises although there were hopes of buying an adjacent lot one day (Cosgrove, 1989, p. 52).
- 1937. The property at 8 Carlisle Street was purchased by Christian Brothers representative Michael Benignus Hanrahan and others from Ethel Marianne Chaseling (NSW Lands PA 62250).
- 1948-1949. In 1948 the owner of 6 Carlisle Street, James W. Browne, was bankrupted and the property passed to receiver Robert Daniel Mayne. It was acquired by the Christian Brothers in September 1949. (NSW Lands, (NSW Lands CT Vol. 3394 Folio 188, PA 23884).
- 1953: Opening of Fatima Hall, an assembly hall located at the rear of the playground, designed by Frank Wade and constructed by builders J. Bilson & Son (Christian Brothers, 1959, p. 5). It also included a new kindergarten classroom on the lower ground level. It has since been renamed 'Magdalene Hall'. The large tree near its entrance was planted during the 1970s (Artefact analysis of aerial imagery).
- 1967: Rationalisation of the various Catholic schools in the locality resulted in Christian Brothers College Rose Bay closing down secondary schooling in 1966 and the school re-opening as 'McAuley Preparatory School', named after Sister Catherine McAuley who founded the Sisters of Mercy in Ireland in 1831. It was now run by the Sisters of Mercy as a primary school for both boys and girls within the Catholic school system. A new library was financed by the Parents & Friends' Association, which also opened in 1967, designed by parent T.E. O'Mahony as honorary architect (Cosgrove, 1989, pp17.).
- 1985: A physical link was constructed between the two houses at 6 and 8 Carlisle Street and adjustments made to windows and doorways of both houses, designed by architects I.A. Kubany (Woollahra Council archives).
- 1990. The main college building was modified with most timber windows being replaced by metal-framed windows, the removal of a wall between two classrooms on the first floor, installation of suspended ceilings throughout and installation of a small library and girls' toilets facing the playground, all designed by Kenneth Holton Pacific Architects (Woollahra Council archives).
- Since 1985, there has been major reconstruction of the interiors of the houses including building a substantial addition to the rear of the Federation bungalows (built after 2005 according to analysis of aerial photos).

Artefact survey sheet 2023 – two Federation Bungalows, McAuley School 3

DESCRIPTION:

McAuley Catholic Primary School

- The cadastral description of McAuley Catholic Primary School comprises Lots A and B, DP 80580; Lot 1, DP 805717; Lot 18, DP 73884, Parish of Alexandria, County of Cumberland. The school occupies the lots previously numbered 6-12 Carlisle Street Rose Bay.
- The McAuley Catholic School is located approximately 6km east of the Sydney Central Business District, on the South Head peninsular, in one of the most wealthy local government areas in Australia. Most of the older houses in the neighbourhood have been replaced with large, recently constructed mansions.
- The school is positioned on a hillside approximately 300 metres east of the harbour at Rose Bay and 1km west of the cliffs facing the ocean at Dover Heights, and about mid-way between New South Head Road and Old South Head Road. The school is positioned on a slope falling towards the north and to the west, and the grounds are terraced with retaining walls throughout. Three of the school's four buildings face Carlisle Street and the other three sides of the school grounds are bordered by residential properties.

Former no.6 Carlisle Street house

- The former 6 Carlisle Street house is located within McAuley Catholic Primary School on Lot 18 DP 73883 at the south-western corner of the school. It is adjacent to the former 8 Carlisle Street house, which is adjacent to the main original college building, and all three buildings face south-west onto Carlisle Street. At the rear of the three buildings facing Carlisle Street are playgrounds and the Magdalene Hall (used for assemblies upstairs and a classroom downstairs). There is a high green palisade fence enclosing all three buildings facing Carlisle Street, with school signage and recently planted foliage, and the three front buildings are also separately fenced off from each other.
- The former no.6 Carlisle Street house appears to retain its original façade and side walls, with bay window feature (possibly originally a window, now a front doorway). There is a front verandah which stretches across the entire width of the façade, supported by three modestly carved timber columns on brick piers. The historic external sections of the house are constructed in face brick, and most of its original roof layout remains, including a decorative central gable facing the street (comparison of aerial photographs since 1930).
- The house is linked to the adjacent house at former 8 Carlisle Street with a walkway positioned towards the rear of the two houses, probably constructed around 1985 (Woollahra Council building records). The walkway roof is made of the same materials as the rest of the former 6 Carlisle Street house roof, suggesting that the extant roof of red terracotta roof tiles may have been reconstructed in 1985, reinstating the original timber soffits and several roof ornaments.
- The interiors of the house at 6 Carlisle Street have been largely removed, including most of the walls in front section of the house to create one large classroom facing onto the street. A substantial addition has been made to the rear of the house to create staff room facilities and a large classroom, clad in fibre cement paneling with metal roofing. All wall and ceiling linings have been replaced, and timber windows have been replaced with metal window frames. Fireplaces and chimneys have been removed and there are few historic internal features except some of the original layout and some skirting boards.
- The extensive modifications to the former no.6 Carlisle Street house have been undertaken in a sympathetic manner, with care taken to retain the external visual characteristics of the house's historic form and appearance from the street.
- *Architect identification and style analysis no.6:*
No architect has been identified for the original design of the house at 6 Carlisle Street in 1908. Its date of construction as well as its remaining historic features suggests that the former no.6 Carlisle Street house was built in the Federation Bungalow style (Apperley et al, 1989, pp144-7). The word 'bungalow' refers to a single storey house with verandahs or ready access to the outdoors (Apperley et al., 1989, p142). Features typical of the Federation Bungalow style which are found on the former no.6 Carlisle Street house include: being built between 1890-1915, large simple roof planes, awning-like roof over verandah, a bay window (now front door), face brick work, masonry verandah pier and sparingly decorated timber posts (Apperley, 1989, p146)

Artefact survey sheet 2023 – two Federation Bungalows, McAuley School 4

Former no.8 Carlisle Street house

- The former 8 Carlisle Street house is located within McAuley Catholic Primary School on Lot 1 DP 805717 between the former no.6 Carlisle Street house and the main original college building, and all three buildings face south-west onto Carlisle Street. At the rear of the three buildings facing Carlisle Street are playgrounds and the Magdalene Hall (used for assemblies). There is a high green palisade fence enclosing all three buildings facing Carlisle Street, with school signage and recently planted foliage, and the three front buildings are also separately fenced off from each other.
- The former no.8 Carlisle Street house appears to retain much of its original façade and side walls, although one or possibly two small verandahs at the front have been enclosed. The historic external sections of the house are constructed in face brick on sandstone foundations with some roughcast rendered detailing around the front window. Wooden shingles decorate a window shade. Most of its original roof layout remains largely intact except for the removal of chimneys (comparison of aerial photographs since 1930). Some tiles at the front of the building are stained and weathered, suggesting that these may be the original roof tiles.
- The former no.8 house is linked to the adjacent house at former no.6 Carlisle Street with a walkway positioned towards the rear of the two houses, probably constructed around 1985 (Woollahra Council building records).
- The interiors of the house at no.8 Carlisle Street have been modified to adapt the house for use as office space and staff rooms. The original layout of rooms is largely intact, and the ceilings remain high although the ceiling linings are not original.
- There are many intact historical features remaining throughout such as two fireplaces with mantelpieces, plastered walls, skirting boards, several handsome original timber-framed windows and historic floorboards remaining under modern floor coverings.
- The modifications to the former no.8 Carlisle Street house have been undertaken in a sympathetic manner, with some care taken to retain the external visual characteristics of the house's historic form and appearance from the street.
- *Architect identification and style analysis no.8:*
No architect has been identified for the original design of the house at 8 Carlisle Street in 1908. Its date of construction as well as its remaining historic features suggests that the former no.8 Carlisle Street house was built in the Federation Bungalow style (Apperley et al, 1989, pp144-7). The word 'bungalow' refers to a single storey house with verandahs or ready access to the outdoors (Apperley et al., 1989, p142). Features typical of the Federation Bungalow style which are found on the former no.8 Carlisle Street house include: being built between 1890-1915, prominent front gable, awning-like roof over verandah, bay windows, face brick work, shingle detailing, and roughcast walling (Apperley, 1989, p146).

DRAFT ASSESSMENT OF SIGNIFICANCE UNDER THE NSW CRITERIA:

NSW Heritage Council's assessment criteria applied to two Federation Bungalows

| Criteria | Description |
|----------------------------|---|
| | <i>An item is important in the course or pattern of the local area's cultural or natural history.</i> |
| A – Historic significance | Little local historical significance. The houses formerly known as 6 and 8 Carlisle Street date from c.1908 and are typical, if modest Federation Bungalow-style residences of their era which have both been considerably modified by their adaptative reuse as school classrooms, school offices and staff offices. They have little importance in the course of the locality's cultural or natural history. |
| B – Historical association | <i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i> Little local significance for historical associations. |

Artefact survey sheet 2023 – two Federation Bungalows, McAuley School 5

| Criteria | Description |
|--|--|
| | The houses formerly known as 6 and 8 Carlisle Street have little known special associations with the life or works of any person of importance to the local area's natural or cultural history. |
| | <i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i> |
| C – Aesthetic/ Creative/ Technical Achievement | <p>Little aesthetic significance.</p> <p>The houses formerly known as 6 and 8 Carlisle Street are typical, if modest Federation Bungalow-style residences of their era which have been considerably modified by their adaptive reuse as school classrooms. Although they have little importance for demonstrating innovative aesthetic characteristics or creative or technical achievement, the house formerly known as no.8 retains some fine historic interior details such as original mantelpieces, doors, skirting boards and window frames. The two houses make a minor contribution to the streetscape of Carlisle Street by retaining their original form and appearance as historic residences constructed in traditional materials.</p> |
| | <i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i> |
| D – Social, cultural, and spiritual | <p>Potential for moderate social significance for alumni.</p> <p>The houses formerly known as 6 and 8 Carlisle Street are likely to have social significance for school children, alumni, teachers and others who had classes in the no.6 house or visited the offices in the no.8 house when attending McAuley Catholic Primary School but further consultation with the local community may be required to establish a local level of social significance.</p> |
| | <i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i> |
| E – Research Potential | <p>Low potential for historical archaeological remains of local significance.</p> <p>The houses formerly known as 6 and 8 Carlisle Street are understood to be the first buildings constructed on their lots so there is low potential for historical archaeological remains. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity (Coast Heritage, 2021).</p> |
| | <i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i> |
| F – Rare | <p>Little local rarity.</p> <p>The houses formerly known as 6 and 8 Carlisle Street have little rarity, being modest Federation Bungalow-style houses dating from the early 20th century like thousands of other houses found throughout Australia. Neither are they rare for having been considerably modified in being adaptively re-used.</p> |
| | <i>An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places of cultural or natural environments (or the cultural or natural history of the local area).</i> |
| G - Representative | <p>Little local representativeness.</p> <p>The houses formerly known as 6 and 8 Carlisle Street are not locally representative since they were modest examples of their genre when built and they have both been considerably modified. They retain little capacity to demonstrate the principal characteristics of their class of NSW's cultural places.</p> |

Artefact survey sheet 2023 – two Federation Bungalows, McAuley School 6

PHOTOGRAPHS:



Façade to 6 Carlisle Street (Artefact 2023)



Façade of former no.8 Carlisle Street house (Artefact, 2023)



Façade of former no.8 Carlisle Street house showing sandstone foundations and verandah enclosed with metal window frames (Artefact, 2023)

Artefact survey sheet 2023 – two Federation Bungalows, McAuley School 7



Interior – front two rooms with dividing wall removed at 6 Carlisle Street (Artefact 2023)



Rear extension classroom behind 6 and 8 Carlisle Street (Artefact 2023)



Panorama of modernized reception room in no.8 Carlisle Street with intact historic mantelpiece and skirting boards at McAuley School offices house (Artefact, 2023)

Artefact survey sheet 2023 – two Federation Bungalows, McAuley School 8



Interior room in no.8 with intact mantelpiece, window frame, ceiling height and skirting boards



Mantelpiece in front reception room at no.8 house (Artefact, 2023)



Mantelpiece in another room at no.8 house (Artefact, 2023)

Artefact survey sheet 2023 – two Federation Bungalows, McAuley School 9



Modernised room in no.8 house retaining historic door, ceiling height and skirting boards (Artefact, 2023)



Historic floorboards in a disused room in no.8 house (Artefact, 2023)



Link between former 6 and 8 Carlisle Street houses viewed from Carlisle Street (Artefact 2023)

Artefact survey sheet 2023 – two Federation Bungalows, McAuley School 10



View across link from no.6 down into no.8 house (Artefact 2023)



View across link from no.8 up into no.6 house (Artefact 2023)

Artefact survey sheet 2023 – two Federation Bungalows, McAuley School 11



19598 photo of the rear of no.8 Carlisle Street (at right) (Christian Brothers, 1959)



Rear extension with link at left, and large extension in the centre and at right (Artefact 2023)



View of rear extension onto no.6 from Ian Lane, across the back yard of no.4 Carlisle Street (Artefact 2023)

Artefact survey sheet 2023 – two Federation Bungalows, McAuley School 12

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Woollahra Municipal Council rates books

Woollahra Municipal Council archive of building plans.

EXPLANATION OF GRADING OF SIGNIFICANCE TERMINOLOGY:

| Level | Justification | Status |
|-------------|--|---|
| Exceptional | Where an individual . . . element . . . is assessed as making a rare or outstanding contribution to the overall significance of the place . . . [and exhibits] a high degree of intactness and quality. Minor alterations or degradation may be evident, but does not detract from the overall significance of the place. Demolition/removal of the element would diminish the heritage significance of the place. | Fulfils criteria for local or state listings. |
| High | Where an individual . . . element . . . is assessed as making considerable contribution to the overall significance of the place . . . and exhibits] a considerable degree of intactness and [was] originally of substantial quality. Considerable alteration may have been undertaken, which may alter the presentation and completeness, but does not detract substantially from the | Fulfils criteria for local or state listings. |

Artefact survey sheet 2023 – two Federation Bungalows, McAuley School 13

| Level | Justification | Status |
|-----------|---|---|
| | overall significance of the place. Demolition/removal of the element would diminish the heritage significance of the place. | |
| Moderate | Where an individual . . . element . . . is assessed as making a moderate contribution to the overall significance of the place . . . [and exhibits] considerable alteration and/or degradation which detracts from the overall significance of the place. . . . Elements . . . which were of some intrinsic quality, but are relatively intact may be included. Elements with little heritage value but contribute to the overall cumulative significance of the place may also be included. New elements of high-quality design and aesthetic value may be considered to contribute to the significance of the place. Demolition/removal of the element may diminish the heritage significance of the place. Elements or spaces can be altered or adaptively reused. | Fulfils criteria for local or state listings. |
| Little | Where an individual . . . element . . . is assessed as making a minor contribution to the overall significance of the place, particularly compared with other elements . . . [and exhibits] extensive alterations or degradations which impact their significance and ability to interpret. New elements of little intrinsic quality or aesthetic value may be considered in this category. Demolition/removal of the element would not diminish the heritage significance of the place. Elements or spaces can be altered or adaptively reused. | Does not fulfil criteria for local or state listings. |
| Intrusive | Where an individual . . . element . . . is assessed as detracting from the appreciation and overall significance of a place. The element may be adversely affecting or obscuring other significant areas, elements or items. Demolition/removal of the element is recommended. | Does not fulfil criteria for local or state listings. |

ABBREVIATIONS:

| | |
|--------------|--|
| Artefact | Artefact Heritage Services Pty Ltd |
| DP | Deposited Plan |
| Heritage NSW | Heritage New South Wales (Office of the Heritage Council of New South Wales, previously also known as the NSW Heritage office, the Heritage Branch, the Heritage Division of the Office of Environment and Heritage—OEH) |
| km | kilometre |
| m | metre |
| LALC | Local Aboriginal Land Council |

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

| ITEM DETAILS | | | |
|----------------------------------|---|------------------|----------|
| Name of Item | Rose Bay Public School – Building E | | |
| Former name | Same | | |
| Item type | Built | | |
| Address | Number | Street | Suburb |
| | | Albemarle Avenue | Rose Bay |
| Property description | Lot | DP | |
| | Part Lot 49, Lots 50-53 | 4567 | |
| Use | Current | Former | |
| | School classrooms | Same | |
| Statement of significance | <p>Building E at Rose Bay Public School has local heritage significance under historical, associational, aesthetic, rarity and representative criteria.</p> <p>Building E dates from 1907, and together with its subsequently constructed additions in 1911, 1916, the 1920s and 1970s, presents the oldest and most distinctive building on the Rose Bay Public School grounds. It has local historical and possibly associational significance as well as considerable authenticity and integrity as a good quality, local community building which has been in public use for well over a century and continues in its original function for classroom teaching. It may have social significance for school children, alumni, teachers and others who have used the building when attending or working at the school—further consultation with the local community may be required to establish a local level of social significance.</p> <p>Building E at Rose Bay Public School has local aesthetic, rarity and representative significance as a government-built, educational building dating from 1907 which retains many of the features of its original design and materials. These include the use of warm face brick work, barge board gabled facades, tall chimneys, wide eaves with exposed rafters, decorative brick buttresses positioned between timber-framed sash windows, four panelled interior timber doors, high ceilings, plastered walls and painted timber panelling and built-in furniture.</p> | | |
| Level of significance | State: N/A | Local: Local | |
| Heritage listings | None to date | | |
| DESCRIPTION | | | |
| Designer | James Sven Wigram (probable as he was in charge of public school design within the Department of Public Works between 1904 and his retirement in 1908) | | |
| Builder | Not known | | |
| Construction years | 1907 | | |
| Physical Description | <p>The Rose Bay School Site</p> <ul style="list-style-type: none"> The site of Rose Bay Public School comprises Lots 111 and 112, DP 1076937; Lots 13-20 & The cadastral description of Rose Bay Public School comprises Lots 111 and 112, DP 1076937; Lots 13-20 & Lots 46-54, DP 4567, Parish of Alexandria, County of Cumberland Rose Bay Public School is located approximately 6 km east of the Sydney Central Business District, in the Eastern Suburb's South Head peninsular, in one of the wealthiest local government areas in Australia. The school is positioned on an area of flat land near the Royal Sydney Golf Club, approximately 400 metres south-east of the harbour at Rose Bay and 1.2 km west of the cliffs facing the | | |

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Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

| | |
|-------------------------------|--|
| | <p>ocean at Dover Heights, and about mid-way between New South Head Road and Old South Head Road.</p> <ul style="list-style-type: none"> The school is located within a residential area. It is bordered by public roads on three sides (Wilberforce Avenue, Albemarle Avenue, Albemarle Lane) and by residential housing on the south-eastern end. Notable landscape elements within the school grounds include two mature Canary Island Date Palm positioned along Wilberforce avenue in front of Building E. Historic aerials suggest it was planted around 1970 but possibly as early as 1955. <p>Building E</p> <ul style="list-style-type: none"> Building E is positioned on the north-eastern side of the school, facing Wilberforce Avenue. The north-eastern corner of Building E facing Wilberforce Avenue includes the first building erected on the school premises in 1907. The original, small, single-storey school building was constructed in warm-coloured face brick with a slate roof (State Records photo, 1909). The original building appears to have had a T-shaped plan with gabled facades facing east, west and south. The south facing façade was a blank wall without windows or buttresses, suggesting that an extension of the building in this direction was expected (and in fact soon occurred, within four years). Extensions to the building took place in 1911, 1916, 1920, 1929 and during the 1970s (RBPS, 1991, p. 16 diagram, Artefact analysis of historical aerial imagery). The early extensions in 1911 and 1916 were sympathetic to the original design and appear to have been constructed to match the original materials, form and detailing. The 1970s extensions to the Wilberforce Avenue façade tended to have simpler, modern detailing. The early sections of the building built in 1907, 1911 and 1916 retain decorative brick buttresses positioned between windows and diagonally placed at the corners of the building. The approximate area of E Block is 760m², composed of: <ul style="list-style-type: none"> South wing 25m x 8m North wing 19m x 8m Connecting area 34m x 12m The interiors of the building retain many historic features typical of good quality early-to-mid 20th century buildings, including high ceilings lined with timber boards, cornices, timber-panelled sections of walls, plastered walls with picture rails, built-in timber furniture, four-panelled timber doors. The window frames in the original 1907 section of the building appear to be the original timber including the sash frames and arrangement of glass panes. There are many other historic, timber-framed windows remaining in situ throughout the building. The original masonry chimney in the north-eastern section of the building dating from 1907 appears to be in situ. Two other early chimneys also remain in situ on the western façade facing the playground, associated with the 1911 and 1916 phases of the building. Fireplaces have been removed from the interiors but possibly remain marked in several rooms by corner niches. |
| Physical condition | The building is in excellent condition internally and externally. |
| Modification and Dates | <ul style="list-style-type: none"> The original building of 1907 has been extended repeatedly, and sympathetically: in 1911, 1916, 1920, 1929 and during the 1970s. The original slate roof has been replaced with a metal roof; original fireplaces have been blocked but chimneys left in place. |

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Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

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|--|--|
| | <ul style="list-style-type: none"> Interior wall and ceiling surfaces are recently painted in a neutral colours and recent carpeting is in evidence. Air conditioning condenser units have been installed unsympathetically beside two original facades of the 1907 section of the building at ground level. |
| Archaeological potential | Building E and its extensions were the first known structures built on this land so there is low potential for historical archaeological remains. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity. |
| HISTORY | |
| Early historical notes | |
| <p>The coastal regions of Sydney between Port Jackson and Botany Bay are the ancestral territories of the Eora people. The traditional owners of the land now within the Woollahra Council area were the Cadigal (Gadigal) and the Birrabirragal people. In common with other tribes living by Sydney Harbour, the Gadigal lived in harmony with the natural resources within their country, fishing from canoes or hunting the animals that lived in surroundings. The tribe appears to have moved within their territory in response to the seasons and family connections. Shell middens and other archaeological remains in the area provide material evidence of many centuries of sustained connection to the land that also sustained them. The arrival of white settlers caused the wholesale disruption of traditional life and the cultural practices of the Eora people generally. Despite enormous challenges, today many Indigenous people identify as Eora and maintain cultural practices and a connection to Country.</p> <p>In 1891, in response to local appeals, the NSW Government established a public school for the primary education of children in Rose Bay. It was commenced in a rented house on Old South Head Road, near the current premises. In 1897 this early version of the school was relocated nearby along Old South Head Road to a 'commodious building' in an ostrich farm. The school's assistant teacher, Alice Stanford, was acting in the 'unheard of position of female principal' for two years before the school relocated to its permanent premises in 1907.¹</p> <p>Following residential subdivision of the land between Wilberforce and Albemarle Avenues in Rose Bay around 1900, the NSW Government resumed approximately 0.8 hectares owned by the Intercolonial Investment Land & Building Co. Ltd for £1575.² The first school building constructed on the current premises of Rose Bay Public School came into use on 8 April 1907.³ The building plus toilet block, weather-sheds and fences were erected by George Kidney of Woollahra for £975⁴. It was a small brick building—which is still existing in the north-eastern corner of Building E, facing Wilberforce Avenue (see Images for a 1909 photo of the building).</p> <p>The architect responsible for the design of the building was probably James Sven Wigram, who was in charge of public school design within the Department of Public Works between 1904 and his retirement in 1908. This was a period of 'revolutionary' change in the design of pedagogy and school architecture following a commission of inquiry into the public education system by the NSW Legislative Council. Few new school buildings were constructed during this period when the department's efforts were focused on adapting its huge existing portfolio of school buildings to the new requirements, including smaller classrooms, and more light and ventilation.⁵</p> <p>The Rose Bay Public School's centennial history, published in 1991, describes a long history of new buildings, building additions, alterations and demolitions as the school adjusted to increasing enrolments and changing requirements for facilities and maintenance⁶. Enrolments grew from 130 children in 1909⁷ to 160 children in 1911 and 220 children in 1913. In 1922, with</p> | |

¹ RBPS, 1991. *Rose Bay Public School 1891-1991 Celebrating a Century of Education*, Rose Bay, p.9.

² RBPS, 1991. *Celebrating a Century*, p. 10.

³ Jervis, 1960. *The History of Woollahra*, p. 100.

⁴ RBPS, 1991. *Celebrating a Century*, p. 10.

⁵ Tonkin, 1975. 'School buildings 1848-1930', B.Arch (Hons) thesis, University of Sydney, pp 195, 204; The Commissioners, 1903-1905, NSW Legislative Council.

⁶ RBPS, 1991. *Celebrating a Century*.

⁷ State Records, FL1441588 referring to photo from 1909—see photo and its caption in Figure 5.

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

enrolments at 475 students, two new lots facing Albemarle Avenue were resumed to expand the school, costing £396 and £450. By 1927 the enrolment was up to 800 students⁸ and in 1930 the school's enrolment peaked at 1000 students⁹.

Extensions to Building E took place in 1911, 1916, 1920, 1929 and also during the 1970s.¹⁰ During the 1920s further land was resumed. The building which would become known as D Block began in 1924 as the Infants' Department. It was positioned across the school grounds from the original building, facing Albemarle Avenue and was completed at a cost of £4,443¹¹. Electric lighting was installed for the first time in the ground floor classrooms at the special request of the P&C¹². The building which would become known as B Block began in 1929 as the Boys' Department. It was also positioned facing Albemarle Avenue¹³.

During the 1970s the building linking B and D Blocks was constructed, now known as C Block. Since 2005, several small buildings in the north-western corner of the grounds have been removed and replaced with a sporting field. Two large new administration buildings known as A Block and J Block has been constructed in the south-east corner of the school¹⁴. In 2022 Rose Bay Public School had an enrolment of 469 students¹⁵.

| HISTORICAL THEMES | | |
|--|-----------------------------|--|
| Australian Theme | NSW Theme | |
| Building settlements, towns and cities | Towns, suburbs and villages | |
| Educating | Education | |
| Developing Australia's cultural life | Social institutions | |

| HERITAGE SIGNIFICANCE ASSESSMENT | | |
|--|--|--|
| Historical significance SHR criteria (a) | Meets the guidelines for inclusion for local historical significance. | |
| | <p>The north-eastern section of Building E at Rose Bay Public School dates from 1907, and together with subsequently constructed additions in 1911, 1916, the 1920s and 1970s, presents the oldest and most distinctive building on this school campus. It has local historical significance as a good quality local community building which has been in public use for well over a century. It retains considerable authenticity and integrity in retaining many of the original qualities of its original design and materials, and because it is still being used in its original function for classroom teaching.</p> | |
| | Guidelines for inclusion <ul style="list-style-type: none"> ✓ shows evidence of a significant human activity ✓ is associated with a significant activity or historical phase ✓ maintains or shows the continuity of a historical process or activity | Guidelines for exclusion <ul style="list-style-type: none"> <input type="checkbox"/> has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/> provides evidence of activities or processes that are of dubious historical importance <input type="checkbox"/> has been so altered that it can no longer provide evidence of a particular association |

⁸ RBPS, 1991. *Celebrating a Century*, pp 12-15.

⁹ RBPS, 1991. *Celebrating a Century*, p17.

¹⁰ RBPS, 1991. *Celebrating a Century*, p. 16 diagram; Artefact analysis of historical aerial imagery.

¹¹ Jervis, 1960. *The History of Woollahra*, p. 100)

¹² RBPS, 1991. *Celebrating a Century*, p15.

¹³ RBPS, 1991. *Celebrating a Century*, diagram on p.16.

¹⁴ Artefact analysis of historical aerial imagery, RBPS, 1991. *Celebrating a Century*, p. 30

¹⁵ RBPS, 2022. *Annual Report*.

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

| Historical association significance SHR criteria (b) | <p>Potential to meet the guidelines for inclusion for local historical associations.</p> <p>Building E at Rose Bay Public School may have local associations with James Sven Wigram, the Chief Architect in charge of school buildings within the NSW Department of Public Works between 1904 and 1908, as a local example of his public school design if it can be established as designed by him.</p> <table border="1"> <thead> <tr> <th>Guidelines for inclusion</th><th>Guidelines for exclusion</th></tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> ✓ shows evidence of a significant human occupation ✓ is associated with a significant event, person, or group of persons </td><td> <ul style="list-style-type: none"> <input type="checkbox"/> has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/> provides evidence of activities or processes that are of dubious historical importance <input type="checkbox"/> has been so altered that it can no longer provide evidence of a particular association </td></tr> </tbody> </table> | Guidelines for inclusion | Guidelines for exclusion | <ul style="list-style-type: none"> ✓ shows evidence of a significant human occupation ✓ is associated with a significant event, person, or group of persons | <ul style="list-style-type: none"> <input type="checkbox"/> has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/> provides evidence of activities or processes that are of dubious historical importance <input type="checkbox"/> has been so altered that it can no longer provide evidence of a particular association |
|---|--|--------------------------|--------------------------|---|--|
| Guidelines for inclusion | Guidelines for exclusion | | | | |
| <ul style="list-style-type: none"> ✓ shows evidence of a significant human occupation ✓ is associated with a significant event, person, or group of persons | <ul style="list-style-type: none"> <input type="checkbox"/> has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/> provides evidence of activities or processes that are of dubious historical importance <input type="checkbox"/> has been so altered that it can no longer provide evidence of a particular association | | | | |
| Aesthetic significance SHR criteria (c) | <p>Meets the guidelines for inclusion for local aesthetic significance.</p> <p>Building E at Rose Bay Public School has local aesthetic significance as a good quality government-built educational building dating from 1907, which retains many of its early design features including the use of warm face brick work, decorative brick buttresses positioned between windows, barge board gables facing the street, tall chimneys, wide eaves with exposed rafters, large timber-framed rectangular sash windows, four panelled doors, high ceilings, plastered walls and painted timber elements throughout.</p> <table border="1"> <thead> <tr> <th>Guidelines for inclusion</th><th>Guidelines for exclusion</th></tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> ✓ shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/> is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/> is aesthetically distinctive has landmark qualities ✓ exemplifies a particular taste, style or technology </td><td> <ul style="list-style-type: none"> <input type="checkbox"/> is not a major work by an important designer or artist <input type="checkbox"/> has lost its design or technical integrity <input type="checkbox"/> its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input type="checkbox"/> has only a loose association with a creative or technical achievement </td></tr> </tbody> </table> | Guidelines for inclusion | Guidelines for exclusion | <ul style="list-style-type: none"> ✓ shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/> is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/> is aesthetically distinctive has landmark qualities ✓ exemplifies a particular taste, style or technology | <ul style="list-style-type: none"> <input type="checkbox"/> is not a major work by an important designer or artist <input type="checkbox"/> has lost its design or technical integrity <input type="checkbox"/> its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input type="checkbox"/> has only a loose association with a creative or technical achievement |
| Guidelines for inclusion | Guidelines for exclusion | | | | |
| <ul style="list-style-type: none"> ✓ shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/> is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/> is aesthetically distinctive has landmark qualities ✓ exemplifies a particular taste, style or technology | <ul style="list-style-type: none"> <input type="checkbox"/> is not a major work by an important designer or artist <input type="checkbox"/> has lost its design or technical integrity <input type="checkbox"/> its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input type="checkbox"/> has only a loose association with a creative or technical achievement | | | | |
| Social significance SHR criteria (d) | <p>Potentially meets the guidelines for inclusion for social significance for alumni.</p> <p>Building E at Rose Bay Public School is likely to have social significance for school children, alumni, teachers and others who used the building when attending or working at the school—further consultation with the local community may be required to establish a local level of social significance.</p> <table border="1"> <thead> <tr> <th>Guidelines for inclusion</th><th>Guidelines for exclusion</th></tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> ✓ is important for its associations with an identifiable group ✓ is important to a community's sense of place </td><td> <ul style="list-style-type: none"> <input type="checkbox"/> is only important to the community for amenity reasons <input type="checkbox"/> is retained only in preference to a proposed alternative </td></tr> </tbody> </table> | Guidelines for inclusion | Guidelines for exclusion | <ul style="list-style-type: none"> ✓ is important for its associations with an identifiable group ✓ is important to a community's sense of place | <ul style="list-style-type: none"> <input type="checkbox"/> is only important to the community for amenity reasons <input type="checkbox"/> is retained only in preference to a proposed alternative |
| Guidelines for inclusion | Guidelines for exclusion | | | | |
| <ul style="list-style-type: none"> ✓ is important for its associations with an identifiable group ✓ is important to a community's sense of place | <ul style="list-style-type: none"> <input type="checkbox"/> is only important to the community for amenity reasons <input type="checkbox"/> is retained only in preference to a proposed alternative | | | | |

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

| Technical/Research significance SHR criteria (e) | <p>Low potential for historical archaeological remains of local significance.</p> <p>Building E at Rose Bay Public School is the first known building to be constructed on this land so there is low potential for historical archaeological remains of local significance. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity (Coast Heritage, 2021).</p> <table border="1"> <thead> <tr> <th>Guidelines for inclusion</th> <th>Guidelines for exclusion</th> </tr> </thead> <tbody> <tr> <td> <input type="checkbox"/> has the potential to yield new or further substantial scientific and/or archaeological information <input type="checkbox"/> is an important benchmark or reference site or type <input type="checkbox"/> provides evidence of past human cultures that is unavailable elsewhere </td> <td> <input type="checkbox"/> the knowledge gained would be irrelevant to research on science, human history or culture <input checked="" type="checkbox"/> has little archaeological or research potential <input type="checkbox"/> only contains information that is readily available from other resources or archaeological sites </td> </tr> </tbody> </table> | Guidelines for inclusion | Guidelines for exclusion | <input type="checkbox"/> has the potential to yield new or further substantial scientific and/or archaeological information <input type="checkbox"/> is an important benchmark or reference site or type <input type="checkbox"/> provides evidence of past human cultures that is unavailable elsewhere | <input type="checkbox"/> the knowledge gained would be irrelevant to research on science, human history or culture <input checked="" type="checkbox"/> has little archaeological or research potential <input type="checkbox"/> only contains information that is readily available from other resources or archaeological sites |
|---|--|--------------------------|--------------------------|---|--|
| Guidelines for inclusion | Guidelines for exclusion | | | | |
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| Rarity SHR criteria (f) | <p>Meets the guidelines for inclusion for local rarity.</p> <p>Building E at Rose Bay Public School has local rarity as one of very few public schools in NSW built from scratch between 1904 and 1908 to meet new requirements. Smaller classrooms and more light and ventilation were required in response to the Department of Public Instruction's 'revolution' in its pedagogy and school room design following the government's commission of inquiry into education.</p> <table border="1"> <thead> <tr> <th>Guidelines for inclusion</th> <th>Guidelines for exclusion</th> </tr> </thead> <tbody> <tr> <td> <input type="checkbox"/> provides evidence of a defunct custom, way of life or process <input type="checkbox"/> demonstrates a process, custom or other human activity that is in danger of being lost <input checked="" type="checkbox"/> shows unusually accurate evidence of a significant human activity <input type="checkbox"/> is the only example of its type <input checked="" type="checkbox"/> demonstrates designs or techniques of exceptional interest <input checked="" type="checkbox"/> shows rare evidence of a significant human activity important to a community </td> <td> <input type="checkbox"/> is not rare <input type="checkbox"/> is numerous but under threat </td> </tr> </tbody> </table> | Guidelines for inclusion | Guidelines for exclusion | <input type="checkbox"/> provides evidence of a defunct custom, way of life or process <input type="checkbox"/> demonstrates a process, custom or other human activity that is in danger of being lost <input checked="" type="checkbox"/> shows unusually accurate evidence of a significant human activity <input type="checkbox"/> is the only example of its type <input checked="" type="checkbox"/> demonstrates designs or techniques of exceptional interest <input checked="" type="checkbox"/> shows rare evidence of a significant human activity important to a community | <input type="checkbox"/> is not rare <input type="checkbox"/> is numerous but under threat |
| Guidelines for inclusion | Guidelines for exclusion | | | | |
| <input type="checkbox"/> provides evidence of a defunct custom, way of life or process <input type="checkbox"/> demonstrates a process, custom or other human activity that is in danger of being lost <input checked="" type="checkbox"/> shows unusually accurate evidence of a significant human activity <input type="checkbox"/> is the only example of its type <input checked="" type="checkbox"/> demonstrates designs or techniques of exceptional interest <input checked="" type="checkbox"/> shows rare evidence of a significant human activity important to a community | <input type="checkbox"/> is not rare <input type="checkbox"/> is numerous but under threat | | | | |
| Representativeness SHR criteria (g) | <p>Meets the guidelines for inclusion for local representativeness.</p> <p>Building E at Rose Bay Public School has moderate local significance for representing some principal characteristics of early 20th century NSW Government school building design including the use of good quality natural materials such as brick, slate and timber constructed with good quality workmanship, and ongoing good quality extensions and maintenance to the building.</p> <table border="1"> <thead> <tr> <th>Guidelines for inclusion</th> <th>Guidelines for exclusion</th> </tr> </thead> <tbody> <tr> <td> <input type="checkbox"/> is a fine example of its type <input type="checkbox"/> has the principal characteristics of an important class or group of items <input checked="" type="checkbox"/> has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/> is a significant variation to a class of items <input type="checkbox"/> is part of a group which collectively illustrates a representative type <input checked="" type="checkbox"/> is outstanding because of its setting, condition or size <input type="checkbox"/> is outstanding because of its integrity or the esteem in which it is held </td> <td> <input type="checkbox"/> is a poor example of its type <input type="checkbox"/> does not include or has lost the range of characteristics of a type <input type="checkbox"/> does not represent well the characteristics that make up a significant variation of a type </td> </tr> </tbody> </table> | Guidelines for inclusion | Guidelines for exclusion | <input type="checkbox"/> is a fine example of its type <input type="checkbox"/> has the principal characteristics of an important class or group of items <input checked="" type="checkbox"/> has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/> is a significant variation to a class of items <input type="checkbox"/> is part of a group which collectively illustrates a representative type <input checked="" type="checkbox"/> is outstanding because of its setting, condition or size <input type="checkbox"/> is outstanding because of its integrity or the esteem in which it is held | <input type="checkbox"/> is a poor example of its type <input type="checkbox"/> does not include or has lost the range of characteristics of a type <input type="checkbox"/> does not represent well the characteristics that make up a significant variation of a type |
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Heritage inventory sheet

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|----------------------------|--|--|-------------|------------------------------------|
| Integrity | Building E at Rose Bay Public School is in good condition and retains much of the integrity of its original design and materials. The original 1907 building can still be discerned in the north-eastern corner of the building. Subsequent numerous additions to the building over the course of more than 100 years have been undertaken carefully to either exactly reproduce the high quality double-brick building construction housing high-ceilinged classrooms with tall windows, or to blend sympathetically with it. Three chimneys are still in good condition on the roof although fireplaces in the classrooms have long been blocked up. Importantly, the building is still being used in its original function for classroom teaching. | | | |
| RECOMMENDATIONS | | | | |
| Recommendations | <ul style="list-style-type: none">It is recommended that Building E at Rose Bay Public School be listed as a heritage item in Schedule 5 (Environmental Heritage) of the Woollahra Local Environmental Plan 2014.That the NSW Department of Education should be requested to consider listing Building E at Rose Bay Public School as an item of local heritage significance on its Section 170 Heritage and Conservation Register.That a Heritage Management Document is prepared by a suitably qualified heritage consultant which identifies items that contribute to the heritage significance of the place, to assess the significance of any moveable heritage items and relics, and provides appropriate heritage policies to guide their future management. This management should include the school bell near D Block (see images), in order to determine whether they are of local heritage significance. If appropriate they should be included and any statutory heritage listing as associated moveable heritage.During the heritage listing process, consideration should be given to developing and implementing interpretation measures for explaining the history and significance of the place.That all works to heritage places should follow the Australia ICOMOS <i>Burra Charter</i> approach to heritage conservation: minimising impacts to the heritage significance of the place by doing 'as much as necessary and as little as possible', under the advice of experienced heritage professionals. | | | |
| INFORMATION SOURCES | | | | |
| Type | Author/Client | Title | Year | Repository |
| Book | Richard Apperley, Robert Irving and Peter Reynolds | <i>A pictorial guide to identifying Australian architecture</i> | 1989 | Angus & Robertson |
| Report | Rosemary Broomham | <i>Rose Bay Thematic History</i> | 2002 | Woollahra Council Library |
| Report | Coast History & Heritage | <i>Woollahra Local Government Area Aboriginal Heritage Study</i> | 2021 | Woollahra Council |
| Book | James Jervis and Vince Kelly | <i>The History of Woollahra</i> | 1960 | Woollahra Council |
| Book | Rose Bay Public School | <i>Rose Bay Public School 1891-1991 Celebrating a Century of Education</i> | 1991 | Woollahra Local Studies Collection |

Heritage inventory sheet

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|-----------------|----------------------------------|--|------|-----------------------------------|
| Thesis (B.Arch) | Peter Tonkin | 'School buildings 1848-1930, an analysis of the form and function of public schools in NSW' | 1975 | NSW Department of Education |
| Council motion | Woollahra Municipal Council | . 'Item 11.2. Notice of Motion – Proposed Heritage Listing – Rose Bay – 19/46122', Agenda for Ordinary Council meeting 8 April 2019. | 2019 | Woollahra Council online archives |
| Photo | Department of Public Instruction | Photo of original school building at Rose Bay Public | 1909 | State Records FL1441588 |

AUTHOR OF THIS REPORT

| | |
|---------------------------------|-----------------------|
| Artefact Heritage & Environment | Date December 2023 |
|---------------------------------|-----------------------|

IMAGES


| | |
|----------------------|---|
| Image Caption | Aerial cadastral map showing the location of Building E (within the orange oval) within the premises of Rose Bay Public School (outlined in red). |
|----------------------|---|




| | | | |
|-------------------|------|--|--------------------------------|
| Image Year | 2023 | Image author and Copyright Holder | SIX maps annotated by Artefact |
|-------------------|------|--|--------------------------------|

Heritage inventory sheet


Based on the NSW Heritage Office State Heritage Register Inventory sheet


| IMAGES | | | |
|---|--|-----------------------------------|---------------|
| Image Caption | Rose Bay Public School diagram map of school grounds with marked buildings | | |
|  | | | |
| Image Year | c. 2023 | Image author and Copyright Holder | NSW Education |

| IMAGES | | | |
|--|---|-----------------------------------|-------------------------|
| Image Caption | Photo of the original building at Rose Bay Public School, now the north eastern corner of Building E. | | |
|  | | | |
| <p>Rose Bay Public School. A small Suburban School (Class IV), with 130 pupils enrolled.</p> <p>1909</p> | | | |
| Image Year | 1909 | Image author and Copyright Holder | State Records FL1441588 |

Heritage inventory sheet


Based on the NSW Heritage Office State Heritage Register Inventory sheet


| IMAGES | | | |
|--|--|-----------------------------------|-----------------------------|
| Image Caption | Original 1907 north-eastern corner of Building E facing Wilberforce Avenue, with original windows and buttresses | | |
|  | | | |
| Image Year | 2023 | Image author and Copyright Holder | Artefact/ Woollahra Council |

| IMAGES | | | |
|--|--|-----------------------------------|-----------------------------|
| Image Caption | Photo of Building E at Rose Bay Public School facing the playground, with original 1907 section of the building pictured at left | | |
|  | | | |
| Image Year | 2023 | Image author and Copyright Holder | Artefact/ Woollahra Council |

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

| IMAGES | | | |
|--|------|---|-----------------------------|
| Image Caption | | South western corner of Building E with 1970s extension, viewed from playground | |
|  | | | |
| Image Year | 2023 | Image author and Copyright Holder | Artefact/ Woollahra Council |

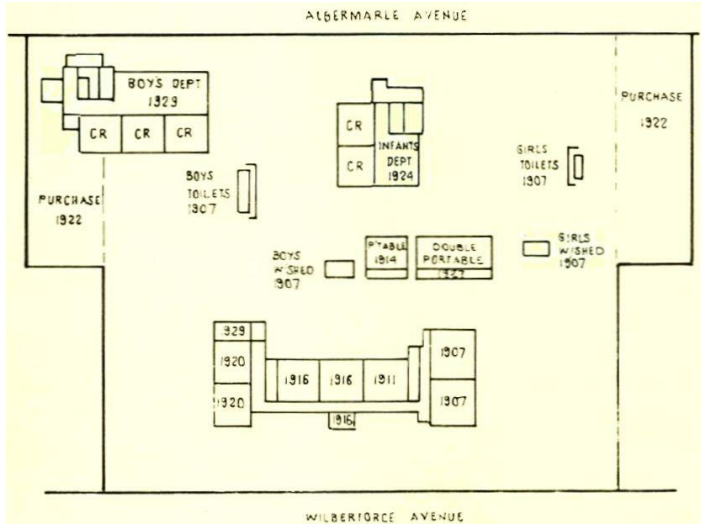
| IMAGES | | | |
|--|---|-----------------------------------|-----------------------------|
| Image Caption | Interior of historic classroom in Building E with high ceilings, tall windows, timber panelling, still in active use as a classroom | | |
|  | | | |
| Image Year | 2023 | Image author and Copyright Holder | Artefact/ Woollahra Council |

Based on the NSW Heritage Office State Heritage Register Inventory sheet

A tall palm tree stands prominently against a clear blue sky, partially obscured by dense green foliage and a brick wall in the foreground. The tree's trunk is slender and textured, rising from behind a brick wall and a black metal fence. Its fronds are large and fan-shaped, spreading out in all directions. The surrounding vegetation includes various green leaves and branches, some of which are in the foreground, creating a layered effect. The overall scene is bright and sunny, with the blue of the sky contrasting sharply with the green of the plants.A tall, dark metal bell post with a large bell at the top, standing against a brick wall. Several blue backpacks are leaning against the base of the post.

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

| IMAGES | | | |
|---|---|-----------------------------------|---|
| Image Caption | Diagram map of Rose Bay Public School's historic buildings showing dates of additions | | |
|  | | | |
| Image Year | 1991 | Image author and Copyright Holder | Rose Bay Public School history (no author attributed) |

COMPARATIVE ANALYSIS

The original school building at Rise Bay Public School, now part of Building E, was one of few public school buildings built from scratch in NSW during 1904-1909, when the Department of Public Instruction's architecture branch was temporarily absorbed into the Department of Public Works, although James Sven Wigram remained in charge of design.

This comparative analysis focuses on the few new school buildings constructed during this 'revolutionary' period (1904-1908) as the NSW Government's the commission of inquiry into education brought out it reports. According to Peter Tonkin, this shift in design signalled a shift away from spending on 'external elaboration' to spending on 'the functional needs of users' (Tonkin, 1975, p203, see generally pp 195-205; TKD, 2018, pp 12-16, 97-101). New buildings at Birchgrove, Annandale North, Wickham, Drummoyne, Naremburn, Willoughby and Orange Grove Public Schools were constructed during this period, and all incorporated these new requirements to different degrees.

Similar to other public school buildings designed at this time, the original Rose Bay Public School is built in quality traditional materials such as brick and timber with a steep roofline and gables on the façade. Rose Bay differs from the others by being more modest in scale. Like buildings at Naremburn and Greenwich, the original building was more bungalow-like than institutional in its presentation. Its windows appear to be noticeably smaller than other school buildings designed at this time to meet the new requirements.

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

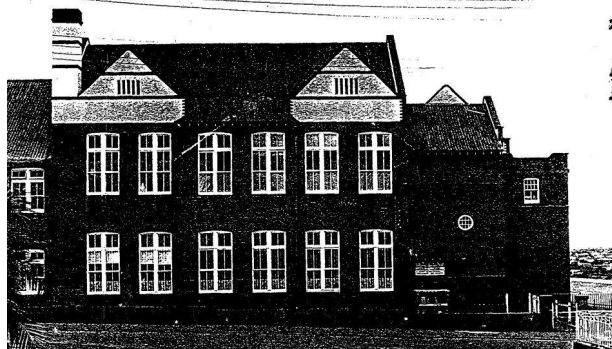
Rose Bay Public School original building, 1907. Now the north-eastern corner of Building E. The façade facing east towards Wilberforce Avenue is partly intact, seen at the right of the photo.



- Not heritage listed.

1909 photo of the original building at Rose Bay Public School (State Records: FL1441588)

Birchgrove Public School, 1904. Free of Romanesque design elements, simple brickwork, tall windows, open rafter eaves, improved ventilation (Tonkin, 1975, p. 181)



(Tonkin, 1975, p.180)

- LEP listed (Inner west #1847)
- S170 Register (Education)

Annanadale North Public School, 1907. Smaller classrooms, moveable desks, classes on both sides of a corridor, thoughtful circulation, well lit and ventilated, 'noble' (Tonkin, 1975, pp 195-99)



(Tonkin, 1975, p200)

- S170 Register (Education)

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

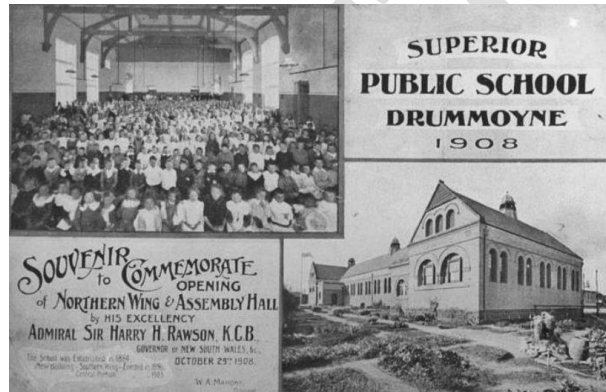
Wickham Public School, 1906 (closed 1989). TDK suggests this is the 'first of the new breed of buildings incorporating commissioners' recommendations' – separate classrooms, separate facilities areas, ease of circulation, large windows, natural ventilation (TDK, 2019, pp 97-99)



The opening ceremony at Wickham Public School, 1906 (TKD, 2018, Government School Architecture in NSW, p. 98, photo from Newcastle University Library C918-0147).

- LEP-listed (Newcastle #1685) and nominated for SHR listing as a dominant, landmark building.

Drummoyne Public School additions including an assembly hall, 1908. This was possibly the first assembly hall built for a public school in NSW (TDK, 2018, p. 100). LEP listing mentions additions and Canary Island Palm trees.



(TDK, 2018, p. 106)

- LEP listed (Canada Bay #1405)
- S170 Register (Education)

Naremburn Public School, 1908. School consisted of a modest central assembly hall surrounded by classrooms. A lantern above the hall provided light.



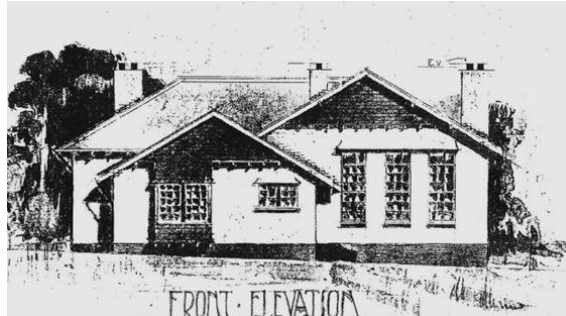
(TDK, 2018, p.104)

- S170 Register (Education)
- Possibly LEP-listed (Willoughby #1156)

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

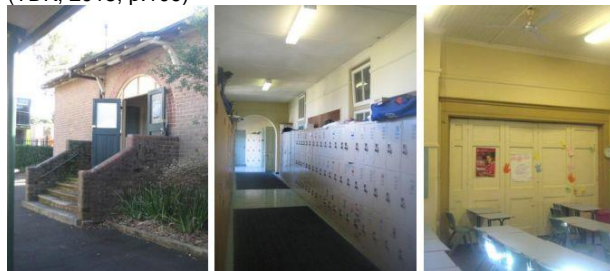
Naremburn Public School's Infants building, 1908. It contained four classrooms in an 'unusual' bungalow-style building (TDK, 2018, pp 100-103) – like the original building at Rose Bay.



(TDK, 2018, p.109)

- S170 Register (Education)
- Possibly LEP-listed (Willoughby #1156)

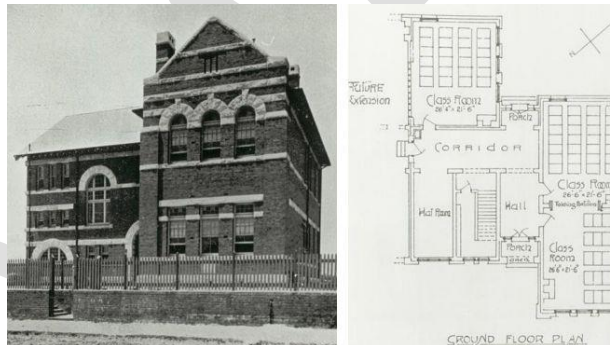
Willoughby Public's Infants building, 1909 (now incorporated into Willoughby Girls High School). Modest in scale, form and detailing, it provided good ventilation and heating (TDK, 2018, p. 101).



(TDK, 2018, p. 109)

- Not mentioned in the LEP heritage listing for Willoughby Girls High School.

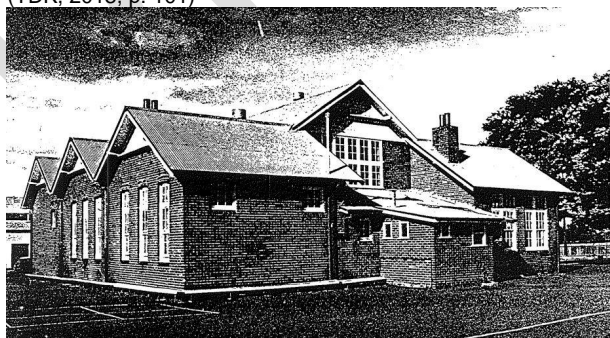
Greenwich Public School, 1909. Designed to be built in stages like Rose Bay Public. It incorporated Romaesque details in arched windows and rusticated stonework (TDK, 2018, p. 101).



(TDK, 2018, p. 101)

- S170 Register (Education)

Infants building at Orange Grove Public (Lilyfield), 1909-10. Single storey, devoid of ornament, simple plan, well lit (Tonkin, 1975, p.228)



(Tonkin, 1975, p. 227)

- S170 Register (Education)

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

| ITEM DETAILS | | | |
|----------------------------------|---|---------------------------|--------------------|
| Name of Item | McAuley Catholic Primary School (college building) | | |
| Former name | Christian Brothers College Rose Bay (college building) | | |
| Item type | Built | | |
| Address | Number 8 | Street Carlisle Street | Suburb Rose Bay |
| Property description | Lot Lots A and B | | DP 80580 |
| Use | Current School classrooms | | Former Same |
| Statement of significance | <p>The former Christian Brothers College building within the McAuley Catholic Primary School is assessed as having local significance for its local historical values, local historical associations, aesthetic values, rarity and representativeness. It has some potential for historical archaeological remains of local significance.</p> <p>The former Christian Brothers College building is a modest local example of the educational, ecclesiastical architecture by the Hennessey architectural firm—comparable with the Hennessey-designed buildings at St Patrick's Strathfield or St Mary's Concord rather than the grander buildings at St Patrick's Estate Manly, St Joseph's Hunters Hill or Santa Sabina Strathfield. As the oldest, largest and most distinctive building on this school campus, the former college building has moderate local historical importance for representing the Christian Brothers' twentieth century contribution to Catholic educational institutions in the locality. The building is in good condition and retains considerable integrity for still being used in its original function for classroom teaching. It has moderate rarity and representative significance at the local level as a work of ecclesiastical school architecture designed by the Hennessey firm of architects in 1935.</p> <p>The former Christian Brothers College building has local historical associations for having been designed by John Hennessey and thus forming part of the extensive oeuvre of good quality ecclesiastical architecture designed by the Hennessey firm between the 1880s and 1940s. The building makes a local contribution to the streetscape of Carlisle Street with its substantial form and impressive historical appearance with good quality architectural detailing in traditional materials.</p> <p>The former Christian Brothers College building may have some social significance for school children, alumni, teachers and others who frequented the building when attending or working at McAuley Catholic Primary School. Such associations may not be considered strong enough to meet the threshold for local social significance.</p> | | |
| Level of significance | State: N/A | | Local: Local |
| Heritage listings | None to date | | |
| DESCRIPTION | | | |
| Designer | John Hennessey | | |
| Builder | Not known | | |
| Construction years | 1934-1935 | | |
| Physical Description | The McAuley school site | | |

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Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

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| | <ul style="list-style-type: none"> • The cadastral description of McAuley Catholic Primary School comprises Lots A and B, DP 80580; Lot 1, DP 805717; Lot 18, DP 73884, Parish of Alexandria, County of Cumberland. The school premises occupy the lots previously numbered 6-12 Carlisle Street Rose Bay. • The McAuley Catholic School is located approximately 6km east of the Sydney Central Business District, in the Eastern Suburb's South Head peninsular, in one of the most wealthy local government areas in Australia. Most of the older houses in the neighbourhood have been replaced with large, recently constructed mansions. • The school is positioned on a hillside approximately 300 metres east of the harbour at Rose Bay and 1km west of the cliffs facing the ocean at Dover Heights, and about mid-way between New South Head Road and Old South Head Road. It is on a slope falling to the south and to the west, and the grounds are terraced throughout with retaining walls. • Three of the school's four buildings face Carlisle Street and the other three sides of the school grounds are bordered by residential properties. Only Magdalene Hall is positioned at the rear of the school, in the north-west corner of the site, across the former two back yards of number 6 and 8 Carlisle Street. <p>The main Christian Brothers College building</p> <ul style="list-style-type: none"> • The former Christian Brothers College building, dating from 1935, fronts onto Carlisle Street and is the focal point of the school as the oldest, largest and most distinctive building on the McAuley Catholic Primary School campus. It is a three-storey building with a rectangular plan and reserved, dignified architectural detailing. It is constructed in brown face brick and has a roof finished with rounded terracotta tiles. • The building measures approximately 27 metres in length and 12 metres in width with an approximate floor space of 324m² per level. It contains three levels of classrooms with some support rooms such as corridors and toilets. The first and second floors each feature a row of large classrooms facing Carlisle Street with a corridor behind them providing access from staircases at both ends of the building. The ground level has one classroom entered from the south-west side of the building (near the school entrance) and there are a number of ground-level toilets with entrances facing the playground at the back. • The street façade and two side facades are more decorative than the rear façade. The street façade has ten window bays symmetrically arranged around a central gable feature presenting the name 'Christian Brothers College' and surmounted by a cross. The ground level slopes down beside this façade with four sets of windows giving light to the ground floor classroom on the south-west end, positioned beneath the established bays and fitted with obscuring glass to reduce inward views (common in mid-20th century construction, Brennan 2023). The high quality brickwork features pilasters, window sills and a decorative texture above the second storey windows. • The two side facades match, each presenting three tall, narrow window bays under three Romanesque arches topped by gabled parapets constructed in decorative brick-work. • The rear façade has eight sets of window bays on two levels, positioned within plainer brickwork although still symmetrically arranged. • The interiors retain the original layout and are in good condition throughout. The ceilings retain their original joist detailing on the first and second floors. On the second floor the ceilings within the classrooms have batten patterning, suggesting they may be |
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Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

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| | <p>original, while the corridor ceiling is sloped and faced with timber like an enclosed verandah. Some original deep skirting boards remain within some of the classrooms. Interior walls and ceilings are painted in neutral colours and all the rooms are carpeted in earthy tones. The windows on the long facades have been replaced with metal frames while the sides of the building appear to retain their original timber framed windows. Most of the internal and external doors appear to be contemporary but some original terrazzo thresholds remain.</p> <ul style="list-style-type: none"> • There are glimpses of harbour and city views over the playground from the second floor. • A plaster cast statue of St Joseph is cemented onto a brick pedestal in the corridor on the first floor, where it is positioned as if overlooking the playground. The statue may have yellowed as in response to daily exposure to sunlight. |
| Physical condition | Excellent |
| Modification and Dates | <ul style="list-style-type: none"> • The street-facing facade appears to have been modified by the replacement of timber-framed windows with metal-framed windows. • The back façade appears to have been originally open verandahs on the first and second levels, which have since been enclosed. • The "Christian Brothers College" lettering in the gable façade facing Carlisle Street has been updated since the lettering which appears in the 1989 photograph. • The guttering and drainage pipes appear to be of recent construction. • A section of downpipe near the south-western ground corner is corroded suggesting it pre-dates the rest of the roof guttering. • Running around the perimeter of the building on all sides are modern lighting systems and concrete walkways. |
| Archaeological potential | <p>The former Christian Brothers College building is understood to be the second building to be constructed on the property formerly known as 12 Carlisle Street, which had a Federation era residence constructed there in c.1904. As such it has moderate-to-high potential for historical archaeological remains of local significance. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the study area. The study area falls within an area of Potential Aboriginal Heritage Sensitivity.</p> |
| HISTORY | |
| <p>Early historical notes</p> <p>The coastal regions of Sydney between Port Jackson and Botany Bay are the ancestral territories of the Eora people. The traditional owners of the land now within the Woollahra Council area were the Cadigal (Gadigal) and the Birrabirragal people. In common with other tribes living by Sydney Harbour, the Gadigal lived in harmony with the natural resources within their country, fishing from canoes or hunting the animals that lived in surroundings. The tribe appears to have moved within their territory in response to the seasons and family connections. Shell middens and other archaeological remains in the area provide material evidence of many centuries of sustained connection to the land that also sustained them. The arrival of white settlers caused the wholesale disruption of traditional life and the cultural practices of the Eora people generally. Despite enormous challenges, today many Indigenous people identify as Eora and maintain cultural practices and a connection to Country.</p> <p>Before the school</p> <p>McAuley Catholic Primary School is positioned across four suburban allotments which were developed and inhabited for about 30 years before being acquired by the Christian Brothers. One of the Federation-era houses and its garden in the adjoining lot was demolished to make way for the main college building in 1935. Two more neighbouring Federation-era houses were soon incorporated into the school premises.</p> | |

Heritage inventory sheet

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The four lots, originally called Lots 18, 19, 20 and 21 of the Carlisle Estate (later called 6, 8, 10 and 12 Carlisle Street) appear to have been subdivided around 1901 and sold soon afterwards. The two lots at 10-12 Carlisle Street were purchased in 1902 by Frederick J. Barker, 'commercial traveler', who had constructed a house at 12 Carlisle Street by 1904, and apparently kept the land at 10 Carlisle Street for his garden¹. Around 1908 the house on Lot 18 at no. 6 Carlisle Street was constructed for John G. Lee, and leased by R.A. Shaw. Also, by 1908, the house on Lot 19 at no.8 Carlisle Street was constructed and inhabited by Guy Gallop.²

Christian Brothers College

'The man to whom belongs the title 'Father of Education in Rose Bay' the Right Rev. Monsignor Richard Joseph O'Regan was appointed Parish Priest in June, 1917³. Three years later, in 1920, the Mary Magdalene Catholic Church was built on New South Head Road in Rose Bay⁴. The Christian Brothers school would soon be built on the hill above the church, with which it would have many close associations.

In 1926, Frederick Barker sold his two lots at 10-12 Carlisle Street to John Vaughan, 'gentleman', who sold both lots to Michael Benignus Hanrahan, John De Sales Tevlin and Patrick Jerome Barron, 'teachers' (representing the Christian Brothers) in 1934⁵, who paid £2400⁶.

'The choice of the site was excellent in many ways, midway between the two South Head Roads in a quiet street, parallel to both, with its facade turned towards Dover Heights and the ocean and with its northern balconies overlooking the bay. The College building has a situation combining charm, quiet and convenience of access'⁷.

At the commencement of the school year on 27 January 1935, the new Christian Brothers College Rose Bay (CBCRB) was ready to receive students. The college building was designed by John Hennessey, whose firm had been designing major buildings for the Catholic Church since the 1880s, including many Christian Brothers school buildings across Sydney. There were 74 boys enrolled in the first year. A kindergarten was added in 1939 and by 1940 there were 240 enrolled. During World War II, 'The invasion panic of 1941 was reflected in the evacuation of 70 pupils' but numbers had more than recovered to 287 by 1946⁸. 'Its roll call did not ever exceed 320 and unlike probably any other school in Australia at the time (1939), it conducted classes from Kindergarten to the Leaving Certificate'⁹.

Neither of the nearby Federation Bungalow houses at 6 and 8 Carlisle Street were part of the original school premises. However in 1937, the property at 8 Carlisle Street was purchased by Christian Brothers representatives and in 1949, the property at 6 Carlisle Street was acquired by the Christian Brothers¹⁰. In 1953 the school celebrated the opening of 'Fatima Hall', built across the rear of both these lots at 6-8 Carlisle Street. It was an assembly hall with an additional classroom on the lower ground floor. Since then, the name of the assembly hall has been changed from 'Fatima Hall' to 'Magdalene Hall'.

McAuley Catholic Primary School

In 1967, the rationalisation of the administration of various Catholic schools in the locality resulted in Christian Brothers College Rose Bay closing down and the school re-opening as 'McAuley Preparatory School'. Since 1967 it has been a coeducational school, catering to both boys' and girls' primary school education within the Catholic school system. It was named after

¹ NSW Lands PA 30580, Old System Title Bk 720 No. 940 and Bk 890 No. 458. The Old System records state that he paid £100 for each lot in 1902.

² Woollahra rates books (online) and *Sands Directory*.

³ J. Cosgrove & J. Finnane, c.1989. *Rose Bay Parish, the story of seventy-five years (1914-1989)*, p. 52.

⁴ Woollahra Library history "fast facts" online. Its tower was added in 1932 and additions designed by Leslie Wilkinson in 1938.

⁵ NSW Lands CT Vol. 4464 F. 22.

⁶ Cosgrove, 1989. *Rose Bay Parish*, p. 31.

⁷ Cosgrove, 1989. *Rose Bay Parish*, p. 44.

⁸ Christian Brothers, 1959. *Christian Brothers Annual, Christian Brothers College Rose Bay 1935-1959*, copy held in PDF file collated by Woollahra Local Studies Centre, p. 5.

⁹ Cosgrove, 1989. *Rose Bay Parish*, p. 44.

¹⁰ NSW Lands, PA 23884.

Heritage inventory sheet

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| Sister Catherine McAuley who founded the Sisters of Mercy in Ireland in 1831. The new school's founding principal was Sister M. Mildred Price, and it was run by the Sisters of Mercy from 1967 until 1980 ¹¹ . It has been run by lay principals since 1980 ¹² . In 2022 McAuley Catholic Primary School had an enrolment of 185 students ¹³ . | | |
|--|-----------------------------|--|
| HISTORICAL THEMES | | |
| Australian Theme | NSW Theme | |
| Building settlements, towns and cities | Towns, suburbs and villages | |
| Educating | Education | |
| Developing Australia's cultural life | Social institutions | |

| HERITAGE SIGNIFICANCE ASSESSMENT | | |
|--|---|--|
| Historical significance SHR criteria (a) | Meets the inclusion guidelines for local historical significance. | |
| | As the oldest, largest and most distinctive building on this school campus, dating from 1936, the former college building has moderate local historical significance as a remnant of the Christian Brothers' twentieth century contribution to Catholic educational institutions in the locality. It retains considerable integrity for still being used in its original function for classroom teaching. | |
| | Guidelines for inclusion | Guidelines for exclusion |
| | <ul style="list-style-type: none">✓ shows evidence of a significant human activity✓ is associated with a significant activity or historical phase✓ maintains or shows the continuity of a historical process or activity | <ul style="list-style-type: none"><input type="checkbox"/> has incidental or unsubstantiated connections with historically important activities or processes<input type="checkbox"/> provides evidence of activities or processes that are of dubious historical importance<input type="checkbox"/> has been so altered that it can no longer provide evidence of a particular association |
| Historical association significance SHR criteria (b) | Meets the inclusion guidelines for local historical associations | |
| | The former Christian Brothers College building has local historical associations for having been designed by John Hennessey and thus forming part of the extensive oeuvre of good quality ecclesiastical architecture designed by the Hennessey firm between the 1880s and 1940s. The building has a local historical association with the Christian Brothers College Rose Bay and the McAuley Catholic Primary School as a locally significant educational and religious institution. | |
| | Guidelines for inclusion | Guidelines for exclusion |
| | <ul style="list-style-type: none">✓ shows evidence of a significant human occupation✓ is associated with a significant event, person, or group of persons | <ul style="list-style-type: none"><input type="checkbox"/> has incidental or unsubstantiated connections with historically important activities or processes<input type="checkbox"/> provides evidence of activities or processes that are of dubious historical importance<input type="checkbox"/> has been so altered that it can no longer provide evidence of a particular association |

¹¹ Cosgrove, 1989, *Rose Bay Parish*, pp 48-49.

¹² McAuley Catholic Primary School website, 'About us', viewed 27 September 2023.

¹³ McAuley Catholic Primary School, 2022. *Annual Report*, p. 6 (online).

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| Aesthetic significance SHR criteria (c) | <p>Meets the inclusion guidelines for local aesthetic significance.</p> <p>The former Christian Brothers College building is a modest local example of the educational, ecclesiastical architecture by the Hennessey architectural firm—comparable with the Hennessey-designed buildings at St Patricks Strathfield or St Mary's Concord rather than the grander buildings at St Patrick's Estate Manly, St Joseph's Hunters Hill or Santa Sabina Strathfield. The building retains much of its internal and external integrity and makes a local contribution to the streetscape of Carlisle Street with its substantial form and impressive historical appearance with good quality architectural detailing in traditional materials.</p> <table border="1"> <thead> <tr> <th>Guidelines for inclusion</th><th>Guidelines for exclusion</th></tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> ✓ shows or is associated with, creative or technical innovation or achievement ✓ is the inspiration for a creative or technical innovation or achievement ✓ is aesthetically distinctive has landmark qualities ✓ exemplifies a particular taste, style or technology </td><td> <ul style="list-style-type: none"> <input type="checkbox"/> is not a major work by an important designer or artist <input type="checkbox"/> has lost its design or technical integrity <input type="checkbox"/> its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input type="checkbox"/> has only a loose association with a creative or technical achievement </td></tr> </tbody> </table> | Guidelines for inclusion | Guidelines for exclusion | <ul style="list-style-type: none"> ✓ shows or is associated with, creative or technical innovation or achievement ✓ is the inspiration for a creative or technical innovation or achievement ✓ is aesthetically distinctive has landmark qualities ✓ exemplifies a particular taste, style or technology | <ul style="list-style-type: none"> <input type="checkbox"/> is not a major work by an important designer or artist <input type="checkbox"/> has lost its design or technical integrity <input type="checkbox"/> its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input type="checkbox"/> has only a loose association with a creative or technical achievement |
|---|--|--------------------------|--------------------------|---|--|
| Guidelines for inclusion | Guidelines for exclusion | | | | |
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| Social significance SHR criteria (d) | <p>Potentially meets the inclusion guidelines for local social significance for alumni.</p> <p>The former Christian Brothers College building is likely to have social significance for school children, alumni, teachers and others who frequented the building when attending or working at McAuley Catholic Primary School—but further consultation with the local community may be required to establish a local level of social significance.</p> <table border="1"> <thead> <tr> <th>Guidelines for inclusion</th><th>Guidelines for exclusion</th></tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> ✓ is important for its associations with an identifiable group <input type="checkbox"/> is important to a community's sense of place </td><td> <ul style="list-style-type: none"> <input type="checkbox"/> is only important to the community for amenity reasons <input type="checkbox"/> is retained only in preference to a proposed alternative </td></tr> </tbody> </table> | Guidelines for inclusion | Guidelines for exclusion | <ul style="list-style-type: none"> ✓ is important for its associations with an identifiable group <input type="checkbox"/> is important to a community's sense of place | <ul style="list-style-type: none"> <input type="checkbox"/> is only important to the community for amenity reasons <input type="checkbox"/> is retained only in preference to a proposed alternative |
| Guidelines for inclusion | Guidelines for exclusion | | | | |
| <ul style="list-style-type: none"> ✓ is important for its associations with an identifiable group <input type="checkbox"/> is important to a community's sense of place | <ul style="list-style-type: none"> <input type="checkbox"/> is only important to the community for amenity reasons <input type="checkbox"/> is retained only in preference to a proposed alternative | | | | |
| Technical/ Research significance SHR criteria (e) | <p>Potential for historical archaeological remains of local significance.</p> <p>The former Christian Brothers College building is understood to be the second building to be constructed on the property formerly known as 12 Carlisle Street, which had a Federation era residence constructed there in c.1904. As such it has moderate-to-high potential for historical archaeological remains of local significance. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity (Coast Heritage, 2021).</p> <table border="1"> <thead> <tr> <th>Guidelines for inclusion</th><th>Guidelines for exclusion</th></tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> ✓ has the potential to yield new or further substantial scientific and/or archaeological information ✓ is an important benchmark or reference site or type <input type="checkbox"/> provides evidence of past human cultures that is unavailable elsewhere </td><td> <ul style="list-style-type: none"> <input type="checkbox"/> the knowledge gained would be irrelevant to research on science, human history or culture <input type="checkbox"/> has little archaeological or research potential <input type="checkbox"/> only contains information that is readily available from other resources or archaeological sites </td></tr> </tbody> </table> | Guidelines for inclusion | Guidelines for exclusion | <ul style="list-style-type: none"> ✓ has the potential to yield new or further substantial scientific and/or archaeological information ✓ is an important benchmark or reference site or type <input type="checkbox"/> provides evidence of past human cultures that is unavailable elsewhere | <ul style="list-style-type: none"> <input type="checkbox"/> the knowledge gained would be irrelevant to research on science, human history or culture <input type="checkbox"/> has little archaeological or research potential <input type="checkbox"/> only contains information that is readily available from other resources or archaeological sites |
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Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

| Rarity SHR criteria (f) | <p>Meets the inclusion guidelines for local rarity.</p> <p>The former Christian Brothers College building has local rarity as the only modest but good quality, intact and still functioning example of a Hennessey-designed Catholic school architecture in Sydney's eastern suburbs, constructed in 1935 near the end of the firm's lifespan.</p> <table border="1"> <thead> <tr> <th data-bbox="555 555 919 584">Guidelines for inclusion</th><th data-bbox="919 555 1225 584">Guidelines for exclusion</th></tr> </thead> <tbody> <tr> <td data-bbox="555 584 919 837"> <ul style="list-style-type: none"> ✓ provides evidence of a defunct custom, way of life or process <input type="checkbox"/> demonstrates a process, custom or other human activity that is in danger of being lost ✓ shows unusually accurate evidence of a significant human activity ✓ is the only example of its type ✓ demonstrates designs or techniques of exceptional interest ✓ shows rare evidence of a significant human activity important to a community </td><td data-bbox="919 584 1225 837"> <ul style="list-style-type: none"> <input type="checkbox"/> is not rare <input type="checkbox"/> is numerous but under threat </td></tr> </tbody> </table> | Guidelines for inclusion | Guidelines for exclusion | <ul style="list-style-type: none"> ✓ provides evidence of a defunct custom, way of life or process <input type="checkbox"/> demonstrates a process, custom or other human activity that is in danger of being lost ✓ shows unusually accurate evidence of a significant human activity ✓ is the only example of its type ✓ demonstrates designs or techniques of exceptional interest ✓ shows rare evidence of a significant human activity important to a community | <ul style="list-style-type: none"> <input type="checkbox"/> is not rare <input type="checkbox"/> is numerous but under threat |
|---|--|--------------------------|--------------------------|---|---|
| Guidelines for inclusion | Guidelines for exclusion | | | | |
| <ul style="list-style-type: none"> ✓ provides evidence of a defunct custom, way of life or process <input type="checkbox"/> demonstrates a process, custom or other human activity that is in danger of being lost ✓ shows unusually accurate evidence of a significant human activity ✓ is the only example of its type ✓ demonstrates designs or techniques of exceptional interest ✓ shows rare evidence of a significant human activity important to a community | <ul style="list-style-type: none"> <input type="checkbox"/> is not rare <input type="checkbox"/> is numerous but under threat | | | | |
| Representativeness SHR criteria (g) | <p>Meets the inclusion guidelines for local representativeness.</p> <p>The former Christian Brothers College building has local representative significance as a good quality, intact and still functioning example of mid-twentieth century Catholic school architecture in Sydney's eastern suburbs, designed by the prestigious Hennessey architectural firm.</p> <table border="1"> <thead> <tr> <th data-bbox="555 1037 919 1066">Guidelines for inclusion</th><th data-bbox="919 1037 1225 1066">Guidelines for exclusion</th></tr> </thead> <tbody> <tr> <td data-bbox="555 1066 919 1368"> <ul style="list-style-type: none"> ✓ is a fine example of its type ✓ has the principal characteristics of an important class or group of items ✓ has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/> is a significant variation to a class of items <input type="checkbox"/> is part of a group which collectively illustrates a representative type ✓ is outstanding because of its setting, condition or size <input type="checkbox"/> is outstanding because of its integrity or the esteem in which it is held </td><td data-bbox="919 1066 1225 1368"> <ul style="list-style-type: none"> <input type="checkbox"/> is a poor example of its type <input type="checkbox"/> does not include or has lost the range of characteristics of a type <input type="checkbox"/> does not represent well the characteristics that make up a significant variation of a type </td></tr> </tbody> </table> | Guidelines for inclusion | Guidelines for exclusion | <ul style="list-style-type: none"> ✓ is a fine example of its type ✓ has the principal characteristics of an important class or group of items ✓ has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/> is a significant variation to a class of items <input type="checkbox"/> is part of a group which collectively illustrates a representative type ✓ is outstanding because of its setting, condition or size <input type="checkbox"/> is outstanding because of its integrity or the esteem in which it is held | <ul style="list-style-type: none"> <input type="checkbox"/> is a poor example of its type <input type="checkbox"/> does not include or has lost the range of characteristics of a type <input type="checkbox"/> does not represent well the characteristics that make up a significant variation of a type |
| Guidelines for inclusion | Guidelines for exclusion | | | | |
| <ul style="list-style-type: none"> ✓ is a fine example of its type ✓ has the principal characteristics of an important class or group of items ✓ has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/> is a significant variation to a class of items <input type="checkbox"/> is part of a group which collectively illustrates a representative type ✓ is outstanding because of its setting, condition or size <input type="checkbox"/> is outstanding because of its integrity or the esteem in which it is held | <ul style="list-style-type: none"> <input type="checkbox"/> is a poor example of its type <input type="checkbox"/> does not include or has lost the range of characteristics of a type <input type="checkbox"/> does not represent well the characteristics that make up a significant variation of a type | | | | |
| Integrity | <p>The former Christian Brothers College building is in good condition and retains considerable integrity of its original design and materials. It retains its original footprint and three level layout, its original brick wall and tiled roof construction materials. Although most of its original timber-framed windows have been replaced with metal-framed windows, they retain the original patterns of fenestration. The open rear verandahs have been enclosed, turning them into corridors. Importantly, the building is still being used in its original function for classroom teaching.</p> | | | | |

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

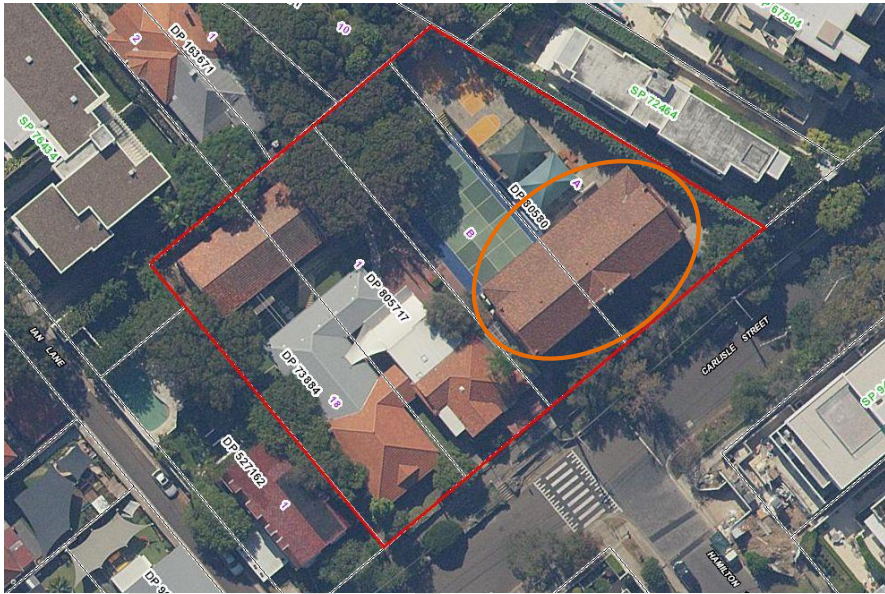
| RECOMMENDATIONS | | | | |
|---------------------|--|---|---------|--|
| Recommendations | <ul style="list-style-type: none">It is recommended that the former Christian Brothers College building at McAuley Catholic Primary School be listed as a heritage item in Schedule 5 (Environmental Heritage) of the Woollahra Local Environmental Plan 2014.That a Heritage Management Document is prepared by a suitably qualified heritage consultant which identifies items that contribute to the heritage significance of the place, to assess the significance of any moveable heritage items and relics, and provides appropriate heritage policies to guide their future management. This management should include the full-size plaster cast statue of St Joseph within the college building; the half-size statue of a woman saint near the entrance to Magdalane Hall; the painting of 'Fatima' presented to the school by John Coburn in 1953; and the reliquary with St Teresa's ashes presented to the college in 1959, in order to determine whether they are of local heritage significance. If appropriate they should be included and any statutory heritage listing as associated moveable heritage elements.During the heritage listing process, consideration should be given to developing interpretation measures for explaining the heritage significance of the place.That all works to heritage places should follow the Australia ICOMOS Burra Charter approach to heritage conservation: minimising impacts to the heritage significance of the place by doing 'as much as necessary and as little as possible', under the advice of experienced heritage professionals.Although Artefact does not consider the no.8 Carlisle Street Federation bungalow at McAuley Catholic Primary School to reach the threshold of local heritage significance, Artefact recommends that the owner continue to care for and conserve the many intact historic elements of significance such as mantlepieces, timber doors and window frames. | | | |
| INFORMATION SOURCES | | | | |
| Type | Author/Client | Title | Year | Repository |
| Book | Richard Apperley, Robert Irving and Peter Reynolds | <i>A pictorial guide to identifying Australian architecture</i> | 1989 | Angus & Robertson |
| Report | Rosemary Broomham | <i>Rose Bay Thematic History</i> | 2002 | Woollahra Council Library |
| Report | Coast History & Heritage | <i>Woollahra Local Government Area Aboriginal Heritage Study</i> | 2021 | Woollahra Council |
| Book | James Jervis and Vince Kelly | <i>The History of Woollahra</i> | 1960 | Woollahra Council |
| Record | Woollahra Municipal Council | Rates Book Records | Various | Woollahra Local Studies Collection |
| Record | Woollahra Municipal Council | Woollahra Council Minutes | Various | Woollahra Local Studies Collection |
| Monograph | Christian Brothers | <i>Christian Brothers Annual, Christian Brothers College Rose Bay 1935-1959</i> | 1959 | PDF copy held in file collated by Woollahra Local Studies Centre, entitled "Christian Brothers 1935-1968". |
| Book | J. Cosgrove and J. Finnane, c.1989 | <i>Rose Bay Parish, the story of seventy-five years (1914-1989)</i> | 1989 | Rose Bay Parish. Held Woollahra Local Studies. |

Heritage inventory sheet

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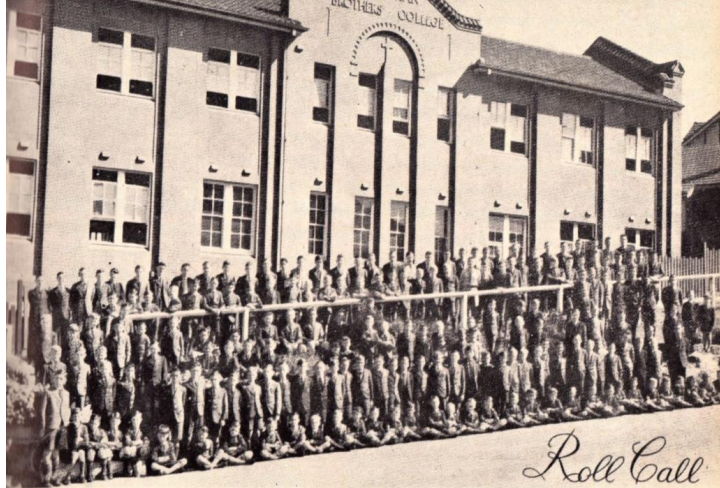
| | | | | |
|-----------------|-------------------|---|------|--|
| Report | Weir Philips | 'Heritage Impact Statement, St Patrick's College, Francis St Strathfield' | 2021 | Available online as part of the documentation for Strathfield DA 2022/44 |
| Online archives | Woollahra Council | Woollahra Rates Books | 2023 | Available online through Woollahra library |


| AUTHOR OF THIS REPORT | |
|---------------------------------|---------------|
| Name | Date |
| Artefact Heritage & Environment | December 2023 |

| IMAGES | |
|---|---|
| Image Caption | Aerial cadastral map showing the former Christian Brothers College main building (within the orange oval). The property boundary of the McAuley Catholic Primary School is indicated by the red line. |
|  | |
| Image Year | 2023 |
| Image author and Copyright Holder | SIX maps annotated by Artefact |

Heritage inventory sheet


Based on the NSW Heritage Office State Heritage Register Inventory sheet


| IMAGES | | | |
|--|------|--|--------------------------|
| Image Caption | | School students positioned in front of the main former Christian Brothers College building in 1942, facing Carlisle Street | |
|  | | | |
| Image Year | 1942 | Image author and Copyright Holder | Christian Brothers, 1959 |

| IMAGES | | | |
|--|---|-----------------------------------|---|
| Image Caption | Photo of the south-eastern façade of the building facing Carlisle Street c1989, showing the two upper floors. | | |
|  | | | |
| Image Year | Before 1989 | Image author and Copyright Holder | Not known, reproduced in Cosgrove, 1989 |

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet


| IMAGES | | | |
|--|---|-----------------------------------|-----------------------------|
| Image Caption | Photo of the south-western corner of the building façade from Carlisle Street with school signage and entrance gate | | |
|  | | | |
| Image Year | 2023 | Image author and Copyright Holder | Artefact/ Woollahra Council |

| IMAGES | | | |
|--|----------------|---|-------------------------------|
| Image Caption | | Students looking up at the back façade of the main college building from the playground, during or before 1959. There is no glazing in the building's rear openings towards the playground at this time | |
|  | | | |
| Image Year | 1959 or before | Image author and Copyright Holder | From Christian Brothers, 1959 |

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

| IMAGES | | | |
|--|------|--|-----------------------------|
| Image Caption | | Rear façade of the building seen from the playground | |
|  | | | |
| Image Year | 2023 | Image author and Copyright Holder | Artefact/ Woollahra Council |

| IMAGES | | | |
|---|--|--|-----------------------------------|
| Image Caption | | Unidentified large tree planted near the main entrance to Fatima Hall during the 1980s | |
|  | | | |
| Image Year | | 2023 | Image author and Copyright Holder |
| | | | Artefact/ Woollahra Council |

| IMAGES | | | |
|--|------|--|-----------------------------|
| Image Caption | | Classroom interior on the second floor showing high ceilings and high windows and ceiling joists | |
|  | | | |
| Image Year | 2023 | Image author and Copyright Holder | Artefact/ Woollahra Council |

Heritage inventory sheet


Based on the NSW Heritage Office State Heritage Register Inventory sheet

| IMAGES | | | |
|---------------|------|--|-----------------------------|
| Image Caption | | Stairwell with original timber framed window | |
| | |  | |
| Image Year | 2023 | Image author and Copyright Holder | Artefact/ Woollahra Council |

| IMAGES | | | |
|---------------|------|---|-----------------------------|
| Image Caption | | Statue of St Joseph overlooking the playground from first floor corrido | |
| | |  | |
| Image Year | 2023 | Image author and Copyright Holder | Artefact/ Woollahra Council |

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

| IMAGES | | | |
|---|------|---|--------------------------|
| Image Caption | | Installing the painting 'Fatima' by John Coburn presented to the college on the opening of Fatima Hall in 1953 (now called Magdalene Hall). | |
|  | | | |
| Image Year | 1953 | Image author and Copyright Holder | Christian Brothers, 1959 |

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

COMPARATIVE ANALYSIS of Hennessey-designed school buildings

The Hennessey-designed college building at Rose Bay is of similar quality to five other Hennessey-designed Catholic school buildings in Sydney illustrated below (in chronological order). It is of comparable size to the Hennessey school buildings at St Patrick's Strathfield and St Mary's Concord, both LEP-listed, and appears far more intact than the St Mary's Concord building.

Christian Brothers College building at McAuley Catholic Primary School. 1935. John Hennessey (Jnr).

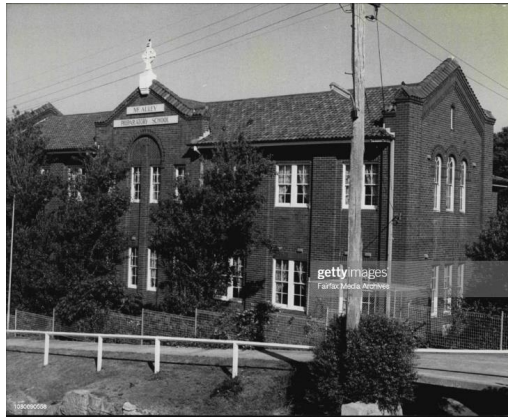


Photo from Fairfax via Getty Images online, c.1989.

- Not heritage listed.

St Joseph's College, Hunters Hill. 1884-1894. Sheerin and Hennessy.



Photo from RNE, 1996.

- LEP listed (Hunters Hill #1242)
- RNE listed.

Santa Sabina Convent main building. 1893. Sheerin and Hennessy.

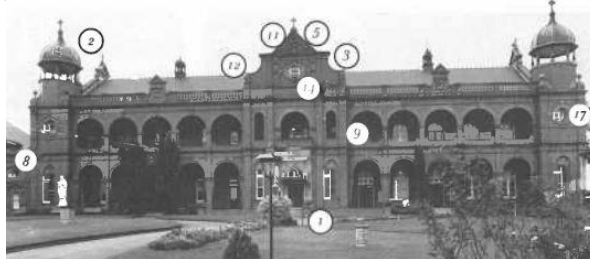


Photo from Apperley et al, 1989.

- LEP listed (Burwood #19).
- RNE listed.
- Used by Apperley et al in 1989 to illustrate the architectural style of 'Federation Anglo-Dutch'

Heritage inventory sheet

Based on the NSW Heritage Office State Heritage Register Inventory sheet

St Mary's
School
Concord, 1917.
Hennessy and
Hennessy.



Photo from LEP listing on NSW SHI.

- LEP listed (Canada Bay #144).

Barron Chapel
(left) & Mullens
Building (right)
built for the
Christian
Brothers, now
part of the
Australian
Catholic
University,
Strathfield,
1925-31.
Hennessy &
Hennessy



Photo from SHR listing for ACU Strathfield on NSW SHI.

- SHR listed (#1965).
- LEP listed (Strathfield #192).

St Patricks
Strathfield –
Brother
Hickey
Building,
1928.
Hennessy &
Hennessy



Photo from Weir & Philips, 2021.

- LEP listed (Strathfield #1132)



Education

15 March 2024

Senior Strategic Heritage Officer
Woollahra Municipal Council
536 New South Head Road
Double Bay NSW 2028

Attn: Eleanor Banaag, [REDACTED]

Dear Ms Banaag,

**RE: DEPARTMENT OF EDUCATION SUBMISSION – PLANNING PROPOSAL FOR
INCLUSION OF ROSE BAY PUBLIC SCHOOL ON SCHEDULE 5 OF THE WOOLLAHRA
LOCAL ENVIRONMENT PLAN**

The NSW Department of Education (DoE) understands that Woollahra Municipal Council is undertaking a review of Heritage Items listed on Schedule 5 of the Woollahra Local Environment Plan (LEP). As part of this review, an independent heritage assessment was prepared by Artefact Heritage which identified Building E at Rose Bay Public School as an item of local heritage significance and has recommended for its listing on Schedule 5 of the Woollahra LEP.

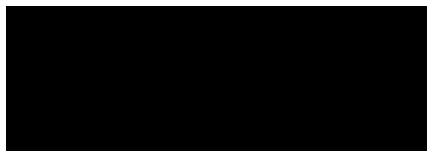
DoE thanks Council for providing the heritage assessment to us for our review and I can confirm that DoE has no objections to the technical assessment of Building E as possessing local heritage significance.

Should Council pursue the heritage listing of the school, DoE requests that the gazettal clearly indicates that Building E is considered heritage significant at the school. Consistent with other DoE heritage listings, we would suggest that the gazetted name of the heritage listing be described as “Rose Bay Public School – Building E”, or similar, to ensure that the heritage values of this specific building are conserved.

DoE welcome the opportunity to engage further on the planning proposal and the content contained in the submission. Should you require further information about this submission, please contact the DoE Heritage Team at [REDACTED]

Yours Sincerely,

Lincoln Lawler
Director, Statutory Planning and Heritage
School Infrastructure NSW



School Infrastructure NSW
[REDACTED] George Street Name Suburb NSW 2000



[REDACTED] Sydney, NSW 2001

LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

| | |
|--|---|
| ITEM No. | D2 |
| FILE No. | DA372/2023/1 |
| ADDRESS | 365 Edgecliff Road EDGECLIFF |
| COUNCIL WARD | Cooper Ward |
| SITE AREA | 1,117.8m ² |
| ZONING | R3 Medium Density Residential |
| PROPOSAL | Demolition of Existing Strata-Titled Residential Flat Building, Construction of New Residential Flat Building, Landscaping and Strata Subdivision |
| BCA BUILDING CLASSIFICATION | Class 2 building |
| TYPE OF CONSENT | Local development |
| COST OF WORKS | \$10,878,297.00 |
| DATE LODGED | 06/10/2023 |
| APPLICANT | MHN Design Union Pty Ltd |
| OWNER | Agpete Pty Ltd |
| AUTHOR | Gyde Consulting (External consultant) |
| TEAM LEADER | Mr T Wong |
| SUBMISSIONS | 54 |
| RECOMMENDATION | Refusal |

1. REASON FOR REPORT TO LOCAL PLANNING PANEL (LPP)

The application is to be determined by the Woollahra Local Planning Panel (LPP) as it falls under the categories of:

- Contentious development
Development that:
(a) is the subject of 10 or more unique submissions by way of objection;

AND

- Departure from development standards
(a) Development that contravenes a development standard imposed by an environmental planning instrument by more than 10%;

AND

- Sensitive development
(a) Development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment* applies.

2. REASONS FOR RECOMMENDATION

The application has been assessed within the framework of the matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* and is recommended for refusal because:

- It is considered to be unsatisfactory with planning provisions contained in WLEP 2014 and WDCP 2015.
- It will have adverse effects on the amenity of adjoining properties and the local built and natural environment such that refusal is justified.
- Insufficient information is provided for Council's assessment.
- The site is not suitable for the proposed development.
- The proposal is not in the public interest

3. LOCALITY PLAN



Notes: In addition to what is shown, eight (8) objectors are outside the catchment of the map above or have provided no address. The details of the submissions are outlined in Section 9.1 of this report.

4. PROPOSAL

The proposal involves the demolition of the existing residential flat building, excavation to accommodate four (4) levels of basement parking, the construction of a part six (6) part seven (7) storey residential flat building comprising eleven (11) units (comprising 2 x 2 bedroom and 9 x 3 bedroom units), associated landscaping and the removal of eight (8) trees. The configuration of the new residential flat building is as follows:

Basement Level 5

- Pedestrian access to New South Head Road;
- 5 car spaces
- 1 car wash bay;
- Car lift, lift and stair access; and
- Services area.

Basement Level 4

- 6 car spaces;
- Vehicle turntable;
- Storage;
- Car lift, lift and stair access; and
- Services area.

Basement Level 3

- 5 car spaces (including one accessible space);
- 1 motorcycle space;
- Storage area;
- Car lift, lift and stair access; and
- Services area.

Basement Level 2

- 5 car spaces (including one accessible space);
- 2 motorcycle spaces;
- 13 bicycle spaces;
- Storage area;
- Cleaner's cupboard;
- Car lift, lift and stair access; and
- Services area.

Basement Level 1

- 3 car spaces;
- Vehicle turntable;
- Loading zone;
- Garbage room;
- Services; and
- 1 x 2 bedroom unit

Ground Floor

- Vehicle access via Edgecliff Road;
- Pedestrian access via Edgecliff Road;
- 1 x 3 bedroom apartment;
- 1 x 2 bedroom apartment;
- Lift and stair access; and
- Services area.

Levels 1-3

- 2 x 3 bedroom apartments; and
- Lift and stair access

Levels 4 and 5

- 1 x 3 bedroom apartments; and
- Lift and stair access

Roof Level

- Lift overrun;
- Solar panels; and
- Services.

External areas

- Fencing, pedestrian entry and landscaping

Photomontage images of the proposed development are provided below:



Photomontage images of the proposal as viewed from Edgecliff Road (left) and New South Head Road (right) - (Source: Architectural Plans prepared by MHN Design Union)

5. ISSUES

5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

| Clause | Development Standard | Departure from Control | Conclusion |
|----------|----------------------|--|----------------|
| Part 4.3 | Height of Buildings | 4.25m (21.8%) departure from the 19.5m control (subject to confirmation via accurate ground level (existing) survey information) | Unsatisfactory |
| Part 4.4 | Floor Space Ratio | Undetermined but approximately 70m ² (4%) departure from the 1.55:1 control | Unsatisfactory |

5.2 Primary Issues

| Issue | Conclusion | Section |
|-------------------|--|-------------|
| Height Breach | Unsatisfactory – the written request provided by the applicant has not adequately demonstrated that the contravention of the Height of Building development standard prescribed by Part 4.3 of the Woollahra LEP 2014 is justified. Also, survey information supplied with application is not adequate to determine the extent of the height variation. | 04 and 15.6 |
| Floor Space Ratio | Unsatisfactory – a Cl. 4.6 written request is not provided. The FSR exceedance is triggered by the overprovision of car parking on site. Consent therefore cannot be granted. | 05 |
| View Impacts | Unsatisfactory – insufficient information is provided to complete the assessment | 0 |

| Issue | Conclusion | Section |
|-------------------------------------|--|-----------------------|
| Excavation | <u>Unsatisfactory</u> – <ul style="list-style-type: none"> The proposal has excessive excavation which is inconsistent with the objectives and controls of the WDCP. The parking numbers exceed the maximum requirements, therefore generating additional excavation. It has not been demonstrated adequately that the proposed works will not have an adverse impact on adjoining properties. | 0 and 0 |
| Side setbacks | <u>Unsatisfactory</u> <ul style="list-style-type: none"> The proposal encroaches into the side setback creating additional bulk and scale to the building and creating further adverse privacy issues to the neighbours. | 0 |
| Rear setback | <u>Unsatisfactory</u> <ul style="list-style-type: none"> The proposal encroaches into the DCP rear setback standard which reduces the opportunity for landscaping and deep soil planting. | 0 |
| Trees | <u>Unsatisfactory</u> – <ul style="list-style-type: none"> The proposal will have an adverse impact on the <i>Ficus macrocarpa</i> var. <i>hillii</i> (Hills Weeping Fig) located outside the site on the Edgecliff Road frontage due to the extent of excavation proposed in the Tree Protection Zone (TPZ) | 15.10, 16.2 & 0 |
| Internal amenity | <u>Unsatisfactory</u> – <ul style="list-style-type: none"> the proposal will result in a poor level of amenity for future occupants and does not adequately satisfy principles of SEPP No. 65 and the Apartment Design Guide (ADG). | 16.2 |
| Streetscape | <u>Unsatisfactory</u> – <ul style="list-style-type: none"> the proposal and its siting and configuration of the waste storage and fencing along Edgecliff Road is not within the neighbourhood character and results in unacceptable visual and amenity impacts to the locality. The proposal and its siting and exposure of the above ground car park levels addressing New South Head Road is not within the neighbourhood character and results in unacceptable visual impacts to the streetscape. | 0 |
| Privacy | <u>Unsatisfactory</u> – <ul style="list-style-type: none"> The proposal results in a poor level of privacy to neighbouring dwellings. | 0 |
| Overshadowing impacts | <u>Unsatisfactory</u> – The proposal results in a poor level of privacy to neighbouring dwellings. | 16.2 |
| Traffic and Parking | <u>Unsatisfactory</u> – <ul style="list-style-type: none"> The proposal proposes parking in excess of the maximum requirements prescribed in the DCP, which contributes to other impacts such as excessive excavation. | 0 |
| Insufficient/inadequate information | <u>Unsatisfactory</u> – <ul style="list-style-type: none"> Inadequate information has been submitted to enable a full and accurate assessment of the proposal against the relevant considerations pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979. | Throughout the report |

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

| Physical features |
|---|
| <p>The site is located at 365 Edgecliff Road, Edgecliff and comprises of a single allotment legally described as SP40122. The site has a northern boundary to New South Head Road and a southern boundary to Edgecliff Road.</p> <p>The site is generally a trapezoidal shape with an area of 1,117.8sqm. The northern (rear) boundary is 31.285m, the eastern (side) boundary is 46.55, southern (front) boundary of 26.215m and a western (side) boundary of 37.775m.</p> <p>The site is located on the northern side of Edgecliff Road and is approximately 150m from the intersection of Edgecliff Road and New South Head Road.</p> |
| Topography |
| <p>The site is relatively steep, with an approximate fall of 18m from south-west to the north-east, and a cross-fall of 4m from west to east.</p> |
| Existing buildings and structures |
| <p>The site is currently occupied by a 5 storey residential flat building with associated hardstand.</p> |
| Surrounding Environment |
| <p>The site is located within the Wallaroy Precinct as described in the <i>Woollahra Development Control Plan 2015</i> (WDPC) at Section B1.4 – Wallaroy Precinct.</p> <p>The site is located in a part of Edgecliff established in the 1920s. There is a mix of building forms, heights, densities and architectural types in the area due to the fact that many of the properties have gone through periodic redevelopment. The dominant housing typologies in the vicinity are medium to high density residential developments (which have varying heights), which are interspersed with a small number of detached dwellings which were constructed when the area was established.</p> <ul style="list-style-type: none"> • To the north: On the opposite side of New South Head Road, are a series of residential flat buildings that exhibit various era / styles of development and landscaped setbacks to the street. Most notable is No. 256 -258. It is an interwar period 3 storey residential flat building built to the front boundary. It has windows overlooking the lower part of the site. The property, however, is separated from the site by New South Head Road, a busy five lane sub-arterial road at this location. • To the east: No. 315-317 New South Head Road and No. 363 Edgecliff Road adjoin the eastern boundary. No. 315-317 adjoins the northern side boundary. It comprises a recently constructed four storey residential flat building that steps down New South Head Road. It includes a driveway to a basement car park addressing New South Head Road. It has a number of screened windows and a rear balcony that overlooks the lower part of the site. No. 363 Edgecliff Road adjoins the southern side boundary of the site. It comprises a four to five storey residential flat building of red brick, inter-war architectural style. It includes a number of windows that overlook the site. The building wall is setback approximately 1.8 metres from the common boundary. A fire escape occupies part of the setback area and appears to perform as a small informal balcony at the top level of the building. • To the south: To the south of the site, on the opposite side of Edgecliff Road, there is a 13-storey apartment building (No. 442-446 Edgecliff Road) circa 1960/70s, centrally located within its site, with vehicular access to Edgecliff Road. The ground floor is significantly elevated above street level and is situated at natural ground level with basement car parking below. The immediate building surrounds comprise bitumen parking and access driveways. The front garden area is retained by a tall sandstone wall circa over 3 metres high. The property to the southwest (No. 448 Edgecliff Road) accommodates an approved 9 storey residential building currently under construction. The property to the southeast (No. 440 Edgecliff Road) is subject to a redevelopment proposal comprising the demolition of the existing detached dwelling and construction of a six-storey apartment building. The development application was refused by the Woollahra Local Planning Panel at its meeting on 20 July 2023 and is subsequently approved by the NSW Land and Environment Court on 28 March 2024 with amended plans which had adequately satisfied Council's contentions. • To the west: On the western side of the site, there is a 13-storey residential flat building (No. 365a Edgecliff Road). It comprises two separate but attached buildings. The upper (southern) building addresses Edgecliff Road while the second (northern) building steps down the site and addresses New South Head Road. Driveway access to an internal underground car park and a small surface car park is provided via two driveways to Edgecliff Road. |



View of the subject site from Edgecliff Road (Source: SEE prepared by GSA Planning)



View of the existing driveway of the subject site from Edgecliff Road (Source: SEE prepared by GSA Planning)



View of the subject site from New South Head Road (Source: SEE prepared by GSA Planning)



Photograph 6: No. 363 Edgecliff Road, as viewed from Edgecliff Road



Photograph 7: No. 315 New South Head Road, as viewed from New South Head Road

Images of surrounding and adjoining development in close proximity to the subject site (Source: SEE prepared by GSA Planning)



Photograph 8: Nos. 442-446 Edgecliff Road, as viewed from Edgecliff Road



Photograph 9: Nos. 438-440 Edgecliff Road, as viewed from Edgecliff Road

Images of surrounding and adjoining development in close proximity to the subject site (Source: SEE prepared by GSA Planning)



Photograph 10: No. 365A Edgecliff Road, as viewed from Edgecliff Road



Photograph 11: No. 365A Edgecliff Road, as viewed from New South Head Road

Images of surrounding and adjoining development in close proximity to the subject site (Source: SEE prepared by GSA Planning)

7. RELEVANT PROPERTY HISTORY

| |
|--|
| Current use |
| Residential Flat Building |
| Relevant Application History |
| Nil |
| Relevant Compliance History |
| Nil |
| Pre-DA |
| Nil |
| Requests for Additional Information and Replacement Applications |
| <p>A Request for Additional Information was made on 17 October 2023, seeking:</p> <ul style="list-style-type: none"> Revised stormwater plans and Drains model, Further details regarding vehicular access and parking arrangements, A revised traffic report, Details regarding air conditioning, and |

- 3D modelling.

The applicant advised in writing on 19 October 2023 that they will not be providing any further information.

Land and Environment Court Appeal(s)

A Class 1 Appeal (No. 2023/ 459491) was filed on 19 December 2023 with the Land and Environment Court (LEC) on the grounds of a deemed refusal. The SOFAC has been filed with the Land and Environment Court on 16 February 2024 and the matter is listed for a section 34 conference on 5 July 2024.

8. REFERRALS

| Internal Referral | Summary of Referral Response | Annexure |
|-------------------------|---|----------|
| Development Engineering | Satisfactory, subject to conditions, notwithstanding that the additional stormwater details requested in the Stop the Clock Letter were not provided. | - |
| Drainage | Satisfactory, subject to conditions. | 3 |
| Trees and Landscaping | Unsatisfactory. | 4 |
| Urban Design | Unsatisfactory. | 5 |
| Environmental Health | Unsatisfactory. | 6 |
| Traffic | Unsatisfactory – the requested information has not been provided | 7 |

| External Referral | Summary of Referral Response | Annexure |
|---------------------------|---|----------|
| Transport for NSW (TfNSW) | Satisfactory, concurrence and relevant conditions have been provided. | 8 |

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* include the following:

1. The provisions of any environmental planning instrument
2. The provisions of any proposed instrument that is/has been the subject of public consultation
3. The provisions of any development control plan
4. Any planning agreement that has been entered into
5. Any draft planning agreement that a developer has offered to enter into
6. The regulations
7. Any coastal zone management plan
8. The likely impacts of that development:
 - i) Environmental impacts on the natural and built environments
 - ii) Social and economic impacts
9. The suitability of the site
10. Any submissions
11. The public interest

9. ADVERTISING AND NOTIFICATION

9.1 Submissions

The application was advertised and notified from 25 October 2023 to 8 November 2023 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019.

The required signage was not erected on-site for the entire duration of the notification period from 25 October 2023 to 8 November 2023 and therefore the DA had to be re-notified.

The DA was re-advertised and re-notified again from 29 November 2023 to 14 December 2023.

Submissions (for both the original notification and re-notification periods) were received from:

From 361 Edgecliff Road, Edgecliff

- Charlie Rann, Unit 1/ 363 Edgecliff Road, Edgecliff
- David Walker, Unit 4/361 Edgecliff Road, Edgecliff
- Ruth Lampe, 7/361 Edgecliff Road, Edgecliff
- Grace Hu, Unit 9/ 361 Edgecliff Road, Edgecliff

From 363 Edgecliff Road, Edgecliff

- GLN Planning on behalf of the strata owners of 363 Edgecliff Road, Edgecliff
- Morry and Eleanor Fayn, Unit 2/ 363 Edgecliff Road, Edgecliff
- Donald Cameron, Unit 3/363 Edgecliff Road, Edgecliff
- John and Carol McGrunther, Unit 5/ 363 Edgecliff Road, Edgecliff
- Vanessa Duscio, Unit 7/ 363 Edgecliff Road, Edgecliff
- Eloise Horrobin, Unit 9/ 363 Edgecliff Road, Edgecliff
- Emma Fleming OBO Mount Stewart Pty Ltd, strata owners of 363A Edgecliff Rd, Edgecliff

From 365A Edgecliff Road, Edgecliff

- Lee Row, Unknown unit, 365a Edgecliff Road, Edgecliff
- Zoe Demidjuk, Unknown Unit, 365A Edgecliff Road, Edgecliff
- George Kourt, Unknown unit, 365a Edgecliff Road, Edgecliff
- Piotr Stopniak, Unit 21/ 365a Edgecliff Road, Edgecliff
- Stephen Smith, Unit 31/ 365A Edgecliff Road, Edgecliff
- Stephen McShane, Unit 41/ 365A Edgecliff Road, Edgecliff
- Antonia Fong, Unit 42/365A Edgecliff Road, Edgecliff
- Phong thanh Le & My thi dieu Nguyen, Unit 53/365A Edgecliff Road, Edgecliff
- Ian Krakouer, Unit 54/ 365A Edgecliff Road, Edgecliff
- Nicole Hofbauer, Unit 63/365A Edgecliff Road, Edgecliff
- Len Edmonds, Unit 64/ 365 Edgecliff Road, Edgecliff
- Ken McGeorge, Unit 71/ 365A Edgecliff Road, Edgecliff
- Porus Bharucha, Unit 83/ 365A Edgecliff Road, Edgecliff
- Daniel Hanslow, Unit 84/ 365A Edgecliff Road, Edgecliff
- Cecelia Spence, Unit 93/365A Edgecliff Road, Edgecliff
- Suzanne Schamschula, Unit 103/365A Edgecliff Road, Edgecliff
- Bronagh Deane, Unit 104/ 365A Edgecliff Road, Edgecliff
- Anthony Rossi, Unit 104/ 365A Edgecliff Road, Edgecliff
- Olga Aamidor, Unit 114, 365A Edgecliff Road, Edgecliff
- Vincenzo Ansaldo, Penthouse/ 365A Edgecliff Road, Edgecliff
- Christopher Noonan prepared for Edgecliff Towers, 365A Edgecliff Road, Edgecliff
- Eireann Innovations prepared for Edgecliff Towers, 365A Edgecliff Road, Edgecliff
- Tony Moody on behalf of multiple owners for Edgecliff Towers, 365A Edgecliff Road, Edgecliff

From 442-446 Edgecliff Road, Edgecliff

- Andrew Leipnik, Unit 7/ 442-446 Edgecliff Road, Edgecliff
- Glenda Wood, Unit 10/ 44-446 Edgecliff Road, Edgecliff
- Kneale Barber and Winnie Wan, Unit 11/ 442-446 Edgecliff Road, Edgecliff
- Lee Simmonds, Unit 17/ 442-446 Edgecliff Road, Edgecliff

From 448 Edgecliff Road, Edgecliff

- Sandra Robinson on behalf of Primo Developments Sydney Pty Ltd (the landowner), Andy Chow (proposed purchaser of Unit 301/ 448 Edgecliff Road, Edgecliff) and Say Lian Ng and Lee Hin Chong (proposed purchaser of Unit 401/ 448 Edgecliff Road, Edgecliff) at 448 Edgecliff Rd, Edgecliff

From 450 Edgecliff Road, Edgecliff

- Hugh Windsor, 6/450 Edgecliff Road, Edgecliff
- Sandi Pomirski, 7/450 Edgecliff Road, Edgecliff
- Katrina Friedlander, Unit 10/ 450 Edgecliff Road, Edgecliff

From 18 Albert Street

- Michelle Falstein and Robert Coppola, Unit 5/ 18 Albert Street, Edgecliff

Other sites:

- Ronny Zulaikha, Unit 26/ 297 Edgecliff Road, Edgecliff
- Brett Wells, 8 Albert Street, Edgecliff
- Sarah Encel, 7/24-26 Spencer Street, Rose Bay
- Miriam Lewin, 3/2 Holt Street, Double Bay
- Mary-Lou Jarvis, 536 New South Head Road (NB Woollahra Municipal Councillor)

Unknown address

- Louise Whitby-Morris
- Gavin Morris
- Nikki Leach

The submissions raised the following issues:

| Issue | Conclusion | Section |
|---|--|-----------------------|
| View loss | <u>Unsatisfactory</u> – insufficient information is provided to complete this assessment. | 0 |
| Height breach | <u>Unsatisfactory</u> – the written request provided by the applicant has not adequately demonstrated that the contravention of the development standard prescribed by Part 4.3 of the Woollahra LEP 2014 is justified. | 0 |
| FSR exceedance | <u>Unsatisfactory</u> – a Cl 4.6 written request is not provided. The FSR exceedance is triggered by the overprovision of parking on site. | 05 |
| Excessive bulk and scale | <u>Unsatisfactory</u> – The proposed gross floor area and breach of the height standard contribute to the bulk and scale of the development causing adverse impacts on surrounding properties. | 0 |
| Built form and compatibility with local character | <u>Unsatisfactory</u> - <ul style="list-style-type: none"> • the proposal and its siting and configuration of the waste storage and fencing along Edgecliff Road is not within the neighbourhood character and results in unacceptable visual and amenity impacts to the locality. • The proposal and its siting and exposure of the above ground car park levels addressing New South Head Road is not within the neighbourhood character and results in unacceptable visual impacts to the streetscape. | Throughout the report |
| Excessive excavation and geotechnical risks | <u>Unsatisfactory</u> – <ul style="list-style-type: none"> • The proposal demonstrates excessive excavation which is inconsistent with the objectives and controls of the WDCP. | 15.9 and 16.2 |

| Issue | Conclusion | Section |
|---|--|---|
| | <ul style="list-style-type: none"> The parking numbers exceed the maximum requirements, therefore generating additional excavation. It has not been demonstrated adequately that the proposed works will not have an adverse impact on adjoining properties. | |
| Potential acid sulfate soils issues | Satisfactory – the works do not trigger development consent under Clause 6.1 of the Woollahra Local Environmental Plan 2014. | 0 |
| Potential amenity issues on neighbouring properties | Unsatisfactory – <ul style="list-style-type: none"> The proposal results in a poor level of privacy to neighbouring dwellings. The proposal will result in unacceptable overshadowing impacts onto the neighbouring properties. | 0 |
| Construction impacts | Acknowledged – relevant conditions regarding mitigation measures can address this concern in a development consent, if issued. | Error! Reference source not found. |
| Vehicle access and parking | Unsatisfactory - The proposed parking is in excess of the maximum requirements prescribed in the DCP, which contributes to other impacts such as excessive excavation. | 16.3 |
| Loss of vegetation and greenery | Unsatisfactory – The proposal will have an adverse impact on the <i>Ficus macrocarpa</i> var. <i>hillii</i> (Hills Weeping Fig) located outside the site on the Edgecliff Road frontage due to the extent of excavation proposed in the Tree Protection Zone (TPZ) | 0 |

Comment: The submissions are acknowledged. The proposal is recommended for refusal. The issues above are assessed in detail, where necessary, under the relevant heads of consideration in the body of the report.

9.2 Statutory Declaration

The applicant has completed the statutory declaration dated 15 December 2023 declaring that the site notice for DA372/2023/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

10. STATE ENVIRONMENTAL PLANNING POLICY 65: DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

SEPP 65: Design Quality of Residential Flat Development applies to all new residential flat buildings (or substantial redevelopment) where it comprises three or more storeys and four or more self-contained dwellings. In this instance, the proposed residential flat building comprises five storeys and eleven self-contained dwellings.

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) repealed SEPP 65. However, Section 8 of Schedule 7A under the Housing SEPP states that any amendment to the instrument does not apply to a development application made but not finally determined before the commencement date. Accordingly, SEPP 65 continues to apply.

10.1 Clause 2: Aims and Objectives

The aim of the SEPP is to improve the design quality of residential apartment development:

- a) *To ensure that it contributes to the sustainable development of New South Wales:*
 - (i) *By providing sustainable housing in social and environmental terms, and*
 - (ii) *By being a long-term asset to its neighbourhood, and*
 - (iii) *By achieving the urban planning policies for its regional and local contexts*
- b) *To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and*

- c) To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and*
- d) To maximise amenity, safety and security for the benefit of its occupants and the wider community, and*
- e) To minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions*
- f) To contribute to the provision of a variety of dwelling types to meet population growth*
- g) To support housing affordability*
- h) To facilitate the timely and efficient assessment of applications for development to which this Policy applies.*

The development is supported by a design verification statement prepared by Brian Meyerson (Registered Architect) as required by the EPA Regulation.

Council's Urban Design Consultant considers that the proposal has a scale, density and building envelope consistent with those around in the locality, and the internal amenity of the proposed apartments is very high. However, Council's Urban Design Consultant considers that further effort should be made in the design to activating the building frontage to New South Head Road. Also, insufficient information has been provided to confirm that the location and configuration of the building envelope within the site will ensure that view loss is minimised and is reasonable. No thorough visual impact analysis has been included with the application, which is particularly significant due to the exceedance of the height control sought at Level 5. Without this detailed assessment in particular, the proposed development cannot be supported.

The detailed comments provided by Council's Urban Design Consultant are provided at **Annexure 5**.

The commentary provided by Council's Urban Design Consultant is concurred with, as discussed throughout this report.

Conclusion:

For reasons discussed above, the proposal fails to fully satisfy the relevant Design Criteria prescribed by SEPP 65 and is listed as a reason for refusal.

11. STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

This policy generally applies to all residential developments (excluding alterations and additions less than \$50,000) and all non-residential developments, except those excluded in Chapter 3.1 of the policy.

The development application was accompanied by a BASIX Certificate demonstrating compliance with the SEPP.

12. STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 6 – Water Catchments

Chapter 6 (Water Catchments) of the SEPP applies to the subject land which is located within a regulated catchment being the Sydney Harbour Catchment.

The land is within the Sydney Harbour Catchment but is outside the Foreshores and Waterways Area and therefore only the provisions in Part 6.2 of the SEPP applies.

In deciding whether to grant development consent to development on land in a regulated catchment, matters relating to water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management must be considered.

Council's Development Engineer has determined that sufficient information has been submitted to enable an assessment of the proposal raising no adverse concerns with regards to water quality targets and stormwater concerns of the site. Council's Development Engineer considers the amended proposal to be acceptable, subject to conditions.

If the application were to be recommended for approval appropriate conditions of consent, which ensure implementation of the proposed stormwater design for the development, could be imposed.

The proposal therefore satisfies the relevant criteria prescribed by Chapter 6 – Water Catchments of the Biodiversity and Conservation SEPP 2021.

13. STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021: (R&H SEPP)

13.1 Chapter 4 – Remediation of Land

The Object of this aims to *promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*

- a) *By specifying when consent is required, and when it is not required, for a remediation work*
- b) *By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular*
- c) *By requiring that a remediation work meet certain standards and notification requirements*

Under Clause 4.6(a) of the R&H SEPP, consideration has been given as to whether the subject site on which the development is proposed is contaminated.

As the site has a long history of residential use, it is considered that the land does not require further consideration under Clause 4.6(3) and Clause 4.6(4) of the R&H SEPP.

The proposal is acceptable with regard to the relevant matters for consideration in Section 4.6 of Chapter 4 – Remediation of Land of the R&H SEPP.

14. STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Chapter 2 – Infrastructure

The site abuts New South Head Road, which is defined as a 'classified road' under the Infrastructure SEPP. Therefore, the provisions of Division 17 – Roads and Traffic apply.

Subdivision 1 refers to Roads and Road infrastructure facilities. Section 2.112 permits development for road infrastructure facilities with consent. The application proposes a new stormwater connection to New South Head Road, which requires the concurrence of Transport for New South Wales (TfNSW). TfNSW provided its concurrence, subject to conditions, on 10 November 2023 (**Annexure 8**). If the application were recommended for approval, relevant conditions of consent could be imposed.

Subdivision 2 refers to development in or adjacent to road corridors and road reservations. Under Section 2.119 – development with frontage to classified road, the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
(b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 (i) *the design of the vehicular access to the land, or*
 (ii) *the emission of smoke or dust from the development, or*
 (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
(c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed vehicle access to this development is from Edgecliff Road and not New South Head Road. Therefore, the provisions of (a) and (b) are met. In terms of the potential acoustic impacts of the traffic noise (c), an Acoustic Report has been prepared by Renzo Tonin & Associates [Ref. TN195-01F02 Acoustic Report for DA (r0)] and submitted with the proposal. The Acoustic Report demonstrates that subject to the installation of the glazing treatments referred to in the report, the internal noise level of the apartments can comply with nominated levels, and is therefore acceptable. As such the provisions of this section can be met.

15. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

15.1 Part 1.2: Aims of Plan

The proposal is inconsistent with the aims in Clause 1.2(2) of the Woollahra LEP 2014 for the following reasons:

- In response to Clause 1.2 (2) (f), the development is not considered to conserve and enhance built and natural environmental heritage.
- In response to Clause 1.2 (2) (g), the development is not considered to protect amenity and the natural environment.
- In response to Clause 1.2 (2) (k), the development is not considered to minimise and manage traffic and parking impacts.
- In response to Clause 1.2 (2) (l), the development is not considered that the development achieves the desired future character of the area.
- In response to Clause 1.2 (2) (m), the development is not considered to minimise excavation and manage impacts.
- In response to Clause 1.2 (2) (n), the development is not considered to encourage the retention and planting of trees and other vegetation as part of development and minimise the urban heat island effect.

The proposal fails to satisfy the aforementioned aims and is listed as a reason for refusal.

15.2 Land Use Table

The proposal is defined as a Residential Flat Building which is permitted but is inconsistent with the relevant objectives of the R3 Medium Density Residential zone for the following reasons:

- The proposal is not of a height and scale that achieves the desired future character of the neighbourhood.
- The proposal does not ensure development conserves and enhances tree canopy cover.

The proposal fails to satisfy the relevant objectives of this part and is listed as a reason for refusal.

15.3 Clause 4.1A: Minimum Lot Sizes for a Dual Occupancies, Multi Dwelling Housing and Residential Flat Building

Clause 4.1A(2) specifies a minimum lot size of 700m².

| Site Area: 1,117.8sqm. | Proposed | Control | Complies |
|--|-------------|---------|----------|
| Minimum Lot Size – Multi Unit/ Residential Flat Building | 1,117.8sqm. | 700sqm | Yes |

The proposal complies with Clause 4.1A(2) of Woollahra LEP 2014.

15.4 Clause 4.3: Height of Buildings

Clause 4.3 limits development to a maximum height of 19.5m.

| | Proposed | Control | Complies |
|-------------------------|----------|---------|----------|
| Maximum Building Height | 23.75m* | 19.5m | No |

**Note: the following assessment uses the calculations applied in the applicant's Clause 4.6 Variation Report. Accurate survey information is required to determine the actual extent of the variation.*

The proposal does not comply with Clause 4.3 of Woollahra LEP 2014 as detailed and assessed in Section 15.6 below.

15.5 Clause 4.4: Floor Space Ratio

Clause 4.4 limits development to a maximum floor space ratio of 1.55:1 for a residential flat building/mixed use development.

| Site Area: 1,117.89m ² | Proposed | Control | Complies |
|-----------------------------------|---|------------------------------------|----------|
| Floor Space Ratio | 1.61:1 (Approx. 1802m ² - which includes the loading spaces, excessive wash bay and excess areas adjacent the accessible car parking space) | 1.55:1 (1,732.7m ²) | No |

The applicant submitted a Floor Space Ratio diagram which indicated that the proposal was compliant with the 1.55:1 ratio on the land.

However, the proposal includes an overprovision of car parking, (which include the areas allocated for an excessive wash bay, loading bays and excess areas adjacent the accessible car parking space), as discussed in Section 16.3 of this report.

Under the definition of gross floor area, car parking which meets the requirements of the consent authority (including access to that parking) is excluded from the gross floor area calculation, as per the definition below:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*

but excludes—

(d) any area for common vertical circulation, such as lifts and stairs, al(e) any basement—

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

The areas allocated for an excessive wash bay, loading bays and excess areas adjacent the accessible car parking space area have not been included in the applicant's calculation, therefore the proposal also involves a breach of the floor space ratio development standard by at least this amount of GFA (approx. 70m²).

As illustrated in the compliance table above, the proposed FSR should equate to 1.61:1 which does not comply with Clause 4.4 of the WLEP and a Clause 4.6 written request has not been provided to justify the variation to the FSR development standard. As such, Council is unable to satisfy whether strict adherence to the development standard is unreasonable and unnecessary in this circumstance.

For reasons discussed above, the proposal is unacceptable with regard to Clause 4.4 of the Woollahra LEP and is listed as a reason for refusal.

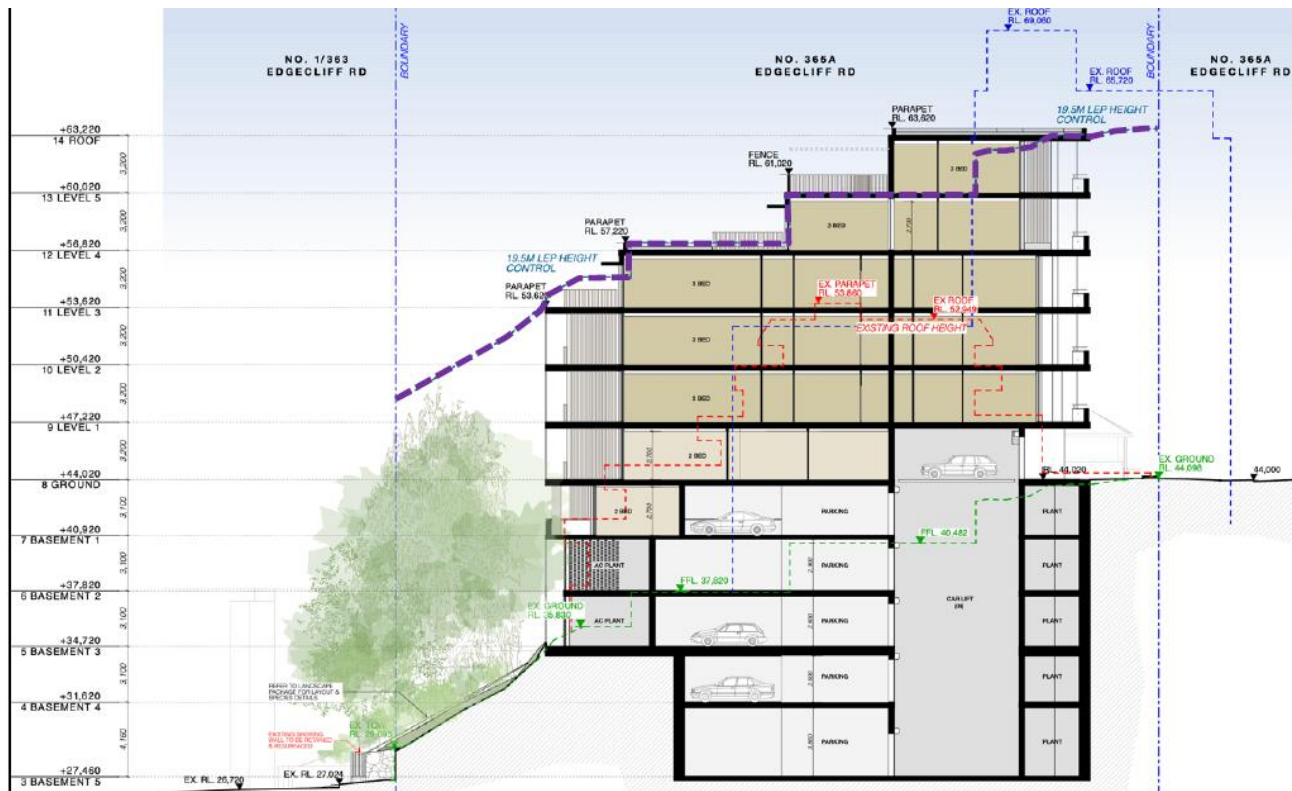
15.6 Part 4.6: Exceptions to Development Standards

Note: The following assessment is of the non-compliance with the Height of Buildings development standard only.

15.6.1 Departure

The proposal involves a non-compliance with the Height of Buildings statutory control under Clause 4.3 of the Woollahra LEP, as detailed in Section 04 above.

Based on the applicant's figures, at its highest point, the building has a height of 23.75 which exceeds the height of buildings standard by 21.8% (4.25m). However, the precise extent of variation is also uncertain as the accuracy of the existing ground level is questioned. The sections submitted do not illustrate infrastructure such as lift overruns and all roof top plant screening; therefore the exceedance may be greater than what is currently shown.



Proposed section showing the non-compliance above the 19.5m height of buildings development standard (in purple) - (Source: MHNDU/ GSA Planning)

15.6.2 Purpose

Clause 4.6 allows a contravention of a development standard with the objectives being to allow an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes for and from development by allowing flexibility in appropriate degree of flexibility in particular circumstances.

15.6.3 Written request

Clause 4.6(3) stipulates that a written request is required from the applicant that justifies the contravention of the development standard by demonstrating that compliance with is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify the contravention.

15.6.4 Assessment

Clause 4.6(4)(a)(i) – Assessment

Clause 4.6(4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be addressed by Cl4.6(3). There are two separate matters for consideration contained in Cl4.6(3) and these are addressed as follows:

- a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

Assessment

The written request is considered to not adequately address how compliance is unreasonable and unnecessary in the circumstances of the case. Specifically, the height breach has not been adequately addressed as being suitable as:

- the precise extent of variation is uncertain given the questions around the accuracy of the existing ground level indicated and the extent of breach created by roof plant infrastructure and lift overruns not being shown on the sections.
 - The proposal has not demonstrated whether the non-compliant elements will impact views currently afforded neighbouring properties.
 - The proposal has not adequately demonstrated whether there will be adverse impacts on the solar access to neighbouring properties.
 - As a consequence, Council cannot be satisfied that the relevant objectives of the development standard have been achieved notwithstanding the contravention of the development standard.
- b) *That there are sufficient environmental planning grounds to justify contravening the development standard.*

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

As to the second matter required by cl 4.6(3)(b), *the grounds relied on by the applicant in the written request under cl 4.6 must be 'environmental planning grounds' by their nature: See Four2Five Pty Ltd. v Ashfield Council.* The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act including the objects in s1.3 of the EPA Act.

Section 1.3 of the EPA Act reads as follows:

1.3 Objects of Act

(cf previous s 5)

The objects of this Act are as follows:

1.3 Objects of Act (cf previous s 5)

The objects of this Act are as follows—

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*

(j) to provide increased opportunity for community participation in environmental planning and assessment.

Assessment

The written request has not suitably demonstrated how the proposed development is reasonable and supportable in the circumstances. In doing so, the written request has not provided sufficient environmental planning ground to justify contravention of the Height of Buildings development standard and therefore meets Section 1.3 – Objects of the Act.

Conclusion

The written request is considered to not have adequately addressed the matters prescribed in Clause 4.6(3) of the Woollahra LEP 2014.

Clause 4.6(4)(a)(ii) – Assessment

Clause 4.6(4)(a)(ii) requires the consent authority to be satisfied that:

i. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standard, and the objectives of the relevant R3 Medium Density Residential Zone.

These objectives are assessed below:

Clause 4.3 – Height of Buildings Zone

The proposal is assessed against sub-clause (1) objectives of Clause 4.3 which specify the following objectives:

(a) to establish building heights that are consistent with the desired future character of the neighbourhood,

Assessment: The proposal is not considered to be consistent with this objective as it is proposing a building height which is inconsistent with the surrounding context and the character envisaged by the Wallaroy Precinct.

(b) to establish a transition in scale between zones to protect local amenity,

Assessment: The proposal is not inconsistent with this objective, particularly as the site is surrounded by properties zoned R3 Medium Density Residential. However, the site does partially abut a site immediately to the east with a lower Height of Building Standard of 13.5m (at 315-317 New South Head Road), and therefore the proposal doesn't provide a suitable transition in height for the area.

(c) to minimise the loss of solar access to existing buildings and open space,

Assessment: The proposal has not identified the extent of overshadowing created by the non-compliant height of the building in order to determine the impact on neighbouring properties and whether the loss of solar access has been minimized. Therefore, it has not been determined that the objective has been met.

- (d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*

Assessment: As discussed throughout this report, the proposal has not identified the extent of overshadowing created by the non-compliant height of the building in order to determine the impact on neighbouring properties and therefore, it cannot be determined whether the objective has been met with regards to overshadowing. Similarly, there is insufficient information provided in relation to potential view loss. Concerns are also raised in relation to loss of privacy. For reasons discussed in Section 16.2 of this report, the proposal fails to achieve this objective.

- (e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*

Assessment: The proposal has not demonstrated the extent of the impact of the development on public views of the harbour and surrounding areas, however, they are unlikely to be adversely affected.

R3 – Medium Density Residential Zone

The objectives of the zone are:

- *To provide for the housing needs of the community within a medium density residential environment*

Assessment: The development is defined as a residential flat building which is a permissible use within the R3 Zone. As such it contributes to the housing needs of the community within a medium density residential environment.

- *To provide a variety of housing types within a medium density residential environment*

Assessment: The development is defined as a residential flat building which is a permissible use within the R3 Zone and makes provision for a variety of housing types within the zone.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

Assessment: The development is for a residential purpose that does not prejudice the achievement of this objective.

- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood*

Assessment: The development exceeds the development standards designed to achieve the desired future character of the neighborhood, without adequate impact assessment or justification. Therefore, the height and scale of the development cannot be said to achieve the desired future character of the Wallaroy Precinct as per the Woollahra DCP 2015.

Compliance with the Development Standard is Unreasonable and Unnecessary in the Circumstances of the Case

One further way of demonstrating that compliance with a development standard is unreasonable or unnecessary is summarised as a “five part test” by Preston CJ in *Wehbe v Pittwater Council* [2007] NSWLEC 827. Although *Wehbe* concerned a SEPP 1 objection, *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 determined that this test is equally applicable to Clause 4.6 variations.

This “five part test” is summarised as follows:

- **Test 1:** The objectives of the development standard are achieved notwithstanding noncompliance with the standard.
- **Test 2:** The underlying objective or purpose of the development standard is not relevant to the development, so that compliance is unnecessary.
- **Test 3:** The underlying objective or purpose would be defeated or thwarted if compliance was required, so that compliance is unreasonable.
- **Test 4:** The development standard has been abandoned by the Council
- **Test 5:** The zoning of the site was unreasonable or inappropriate so that the development standard was also unreasonable or unnecessary.

While this “five part test” is not an exhaustive list of ways to demonstrate compliance is unreasonable/unnecessary, *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 determined that it may be sufficient to establish only one of these ways.

The submitted Clause 4.6 Written Request and the arguments provided are relevant to Test 1 – in that the objectives of the development standard are met’. However, as highlighted above, this assertion is not agreed with.

Clause 4.6(4)(b) – Concurrence of the Secretary

Clause 4.6(4)(b) requires the consent authority to be satisfied that:

(b) the concurrence of the Secretary has been obtained.

The Department issued Planning Circular No.PS20-002 (dated 5 May 2020) which notified Councils of arrangements “...where the Director General’s concurrence may be assumed for exceptions to development standards under environmental planning instruments which adopt clause 4.6 ...of the Standard Instrument...” Clause 64 of the EP & A Regulations provides that Council may assume the Director-General’s [Secretary’s] concurrence for exception to development standard, thus satisfying the terms of this clause.

15.6.5 Conclusion

The written submission from the applicant has not adequately demonstrated that variation of the Height of Buildings development standard prescribed by Clause 4.3 is justified pursuant to the relevant matters for consideration prescribed by Clause 4.6.

The consent authority cannot be satisfied that the written request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that sufficient environmental planning grounds have been demonstrated to justify the contravention of the standard.

The consent authority cannot be satisfied that the proposal is in the public interest, as it is not consistent with the objectives of the Height of Buildings development standard and the R3 Medium Density Residential zone.

15.7 Part 5.10: Heritage Conservation

Clauses 5.10(2) and 5.10(4) require Council to consider the effect of works proposed to a heritage item, building, work, relic or tree, within a heritage conservation area or new buildings or subdivision in a conservation area or where a heritage item is located.

The proposed development is not located in a conservation area nor is a listed heritage item.

The applicant submitted a demolition report with a statement of significance including historical research of the development over time which confirmed the property does not meet the criteria for heritage significance.

In addition, Council's Heritage Officer has undertaken an assessment of the proposal and considers the proposal satisfactory, subject to conditions.

15.8 Clause 6.1: Acid Sulfate Soils

Clause 6.1 requires Council to consider any potential acid sulfate soil affectation so that it does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject site is within a Class 5 area as specified in the Acid Sulfate Soils Map. However, the subject works are not likely to lower the water table below 1.0m AHD on any land within 500m of a Class 1, 2 and 3 land classifications. Accordingly, preliminary assessment is not required and there is unlikely to be any acid sulfate affectation. It is therefore acceptable with regard to Clause 6.1.

15.9 Clause 6.2: Earthworks

Clause 6.2(1) requires Council to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal involves excavation to accommodate the five basement levels for parking. The excavation extends to a maximum depth of 13 metres and is setback a minimum of 2.5m from the property boundary. The basement wall is set a minimum of 1.5m setback from the property boundary. The supporting documentation identifies that the proposal involves a total volume of excavation of 7,601.92m³ (4,995.42m³ of which is for parking and access).

The applicant has submitted a Geotechnical Report to support the proposal.

The geotechnical report indicates that the subsurface conditions consist of the presence of fill, underlain by overlying sandstone bedrock at varying depths between 1.55m to 1.7m.

Council's Development Engineer has provided a response to the proposal on drainage grounds and has determined the proposal is satisfactory, subject to conditions.

Notwithstanding this, the following provides an assessment of the proposed excavation against the relevant objective set out under Clause 6.2(1) of the Woollahra LEP 2014, and the matters for consideration set out under Clause 6.2(3) of the Woollahra LEP 2014.

Clause 6.2(1) states:

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Clause 6.2(3) states:

In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

- a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- b) *the effect of the development on the likely future use or redevelopment of the land,*
- c) *the quality of the fill or the soil to be excavated, or both,*

- d) *the effect of the development on the existing and likely amenity of adjoining properties,*
- e) *the source of any fill material and the destination of any excavated material,*
- f) *the likelihood of disturbing relics,*
- g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposal is unacceptable with regard to Clause 6.2 of the Woollahra LEP 2014 for the following reasons:

- In terms of ESD principles, the extent of soil, rock and other excavated material being removed from the site is not considered to be acceptable. The majority of the proposed excavation is required to facilitate the car parking and storage. However, the car parking proposed is above the maximum required under the DCP (part E1 of the DCP), which therefore increases the extent of excavation required on site.
- The submitted Geotechnical Report is not clear or definitive about the potential impact the excavation works will have on neighbouring properties as required under (d). While there are standard mitigation measures which can be conditioned (such as dilapidation reports, vibration monitoring, Geotechnical Certification and Monitoring and dust mitigation controls), the application should not be supported on these grounds without certainty that the proposed excavation works can be suitably mitigated.

For reasons discussed above, the proposal is unacceptable with regard to Clause 6.2 of the Woollahra LEP and is listed as a reason for refusal.

15.10 Clause 6.9: Tree canopy cover in Zones R2 and R3

Clause 6.9 aims to conserve and enhance tree canopy cover in the R2 Low Density Residential zone and R3 Medium Density Residential zone.

Clause 6.9(3) requires Council to consider whether the development incorporates planning and design measures to enable the retention and planting of trees to minimise the urban heat island effect, and will avoid, minimise or mitigate adverse impacts on the existing tree canopy.

Council's Tree and Landscape Officer has reviewed the development and requires further information in relation to impact of the development on Tree 2 as per the submitted Arboricultural Impact Assessment. This tree has been identified as a *Ficus macrocarpa* var. *hillii* (Hills Weeping Fig) located outside the site on the Edgecliff Road frontage. The tree has been noted to be in good health and provides a high contribution to the amenity and canopy cover of the immediate area. It is a street tree and is an important community asset that must be retained and protected. As the development poses a risk to the tree given the major encroachment proposed by way of the building works, it is not considered that the design measures have adequately avoided or minimized adverse impacts on the existing tree canopy.

For reasons discussed above, the proposal is unacceptable with regard to Clause 6.9 of Woollahra LEP 2014 and is listed as a reason for refusal.

16. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

16.1 Chapter B1: Wallaroy Residential Precinct

The proposal is located in the Wallaroy Residential Precinct of the DCP.

The proposal does not satisfy the precinct objectives outlined in Part B1.1.3 of the Woollahra DCP 2015.

Desired future character objectives

- O1 To respect and enhance the streetscape character and key elements of the precinct.
O2 To establish a development transition from the large residential flat buildings and lots at New South Head Road and Edgecliff Road to the smaller dwelling houses situated on the slopes.
O3 To design and site buildings to respond to the topography and minimise cut and fill.
O4 To maintain the evolution of residential building styles through the introduction of well designed contemporary buildings, incorporating modulation and a varied palette of materials.
O6 To promote view corridors between buildings to significant views, particularly harbour views.
O8 To retain and reinforce the green setting of mature street trees, private trees and garden plantings.*

The proposal does not meet the streetscape character and key elements of the precinct and desired future character objectives of the Wallaroy precinct, as noted in Part B1.4.2 of the Woollahra DCP 2015, for the following reasons:

- Key elements of the precinct include (but are not limited to), pitched roof or articulated roof forms, grassed verges and mature street trees and the stepping of development on the hillside. It also indicates that Residential Flat buildings are permitted up to a height of six storeys. The development doesn't meet or respect these character elements therefore fails to achieve Objective O1.
- The development proposes extensive excavation therefore not designing buildings to minimize cut and fill and therefore fails to achieve Objective O3.
- Insufficient information has been provided to determine whether the proposal will result in view loss from adjoining properties and therefore fails to satisfy Objective O6.
- The proposal has a significant impact on *Ficus macrocarpa* var. *hillii* (Hills Weeping Fig) located outside the site on the Edgecliff Road frontage due to the extent of excavation proposed in the Tree Protection Zone (TPZ), therefore not retaining or reinforcing the green setting of mature street trees as required by Objective O8.

Conclusion:

For reasons discussed above, the proposal is unacceptable with regard to Part B1 of the Woollahra DCP 2015 and is listed as a reason for refusal.

16.2 Chapter B3: General Development Controls

Part B3.2: Building Envelope

| Site area: 1,117.8sqm | Proposed | Control | Complies |
|---|--------------|--------------|----------|
| 3.2.2 – Front Setback | | | |
| C1 – Front Setback to Edgecliff Rd | Minimum 3.75 | Minimum 3.75 | Yes |
| C2 – Maximum Unarticulated wall length to street (Apartment Terracing) | 6m | 6m maximum | Yes |
| 3.2.3 – Side Setbacks | | | |
| C2 – Side Boundary Setbacks (East) | 1.4m to 2.5m | 2.5m | No |
| C2 – Side Boundary Setbacks (West) | 1.4m to 2.5m | 2.5m | No |
| C4 – Maximum Unarticulated Wall length to side elevations East elevation | <12m | 12m maximum | Yes |

| Site area: 1,117.8sqm | Proposed | Control | Complies |
|-----------------------------|----------|--|----------|
| West elevation | | | |
| 3.2.4 – Rear Setback | | | |
| C1 – Rear Setback (South) | 5.2m | 25% of average of 2 side boundaries = 10.54m | No |

Note: Under Clause 6A of SEPP 65, the rear and side setbacks are overridden by the visual privacy and separation design criteria in Part 3F: Visual Privacy of the ADG, as shown in Appendix 7. Nevertheless, side and rear setbacks are provided for comparative purposes.

3.2.2 – Front setback

The site has two road frontages, one to Edgecliff Road and the other to New South Head Road. For the purposes of this assessment, Council concurs with the Applicants nomination of Edgecliff Road as the frontage.

The proposal satisfies the relevant objectives and controls of this part.

3.2.3 –Side Setbacks

The general setbacks proposed for the majority of the building on both the eastern and western sides are compliant with Control C2. However, the side setbacks are breached from ground level up to Level 5 on the western side of the building in order to allow for additional light to be received into bedrooms.

On the eastern side of the building, the setback is encroached by the basement on all four basement levels, a balcony on the ground floor, a bedroom protrusion on levels 1-3 (inclusive). The room form on level 4 is also an encroachment.

The proposed non-compliance is not supported as it does not satisfy the following objectives of the control:

- It does not avoid an unreasonable sense of enclosure and fails to facilitate an appropriate separation between buildings (Objective O1).
- It does not protect the acoustic and visual privacy of residents on neighbouring properties (Objective O3).
- It does not facilitate solar access to habitable windows of neighbouring properties (Objective O4).
- It reduces opportunities for screen planting (Objective O6)

For reasons discussed above, the proposal does not satisfy the relevant objectives and controls of this part.

3.2.4 – Rear Setback

The proposal will be located within the rear setback and is therefore non-compliant with Control C1.

The proposed rear setback does not comply with the following objectives of the part:

- It is not protecting vegetation of landscape value as part of the basement levels and balconies will be constructed in tree protection zones (Objective O5), and
- It will reduce the area which contributes to the consolidated open space network with adjoining properties to improve natural drainage and support local habitat (Objective O6).

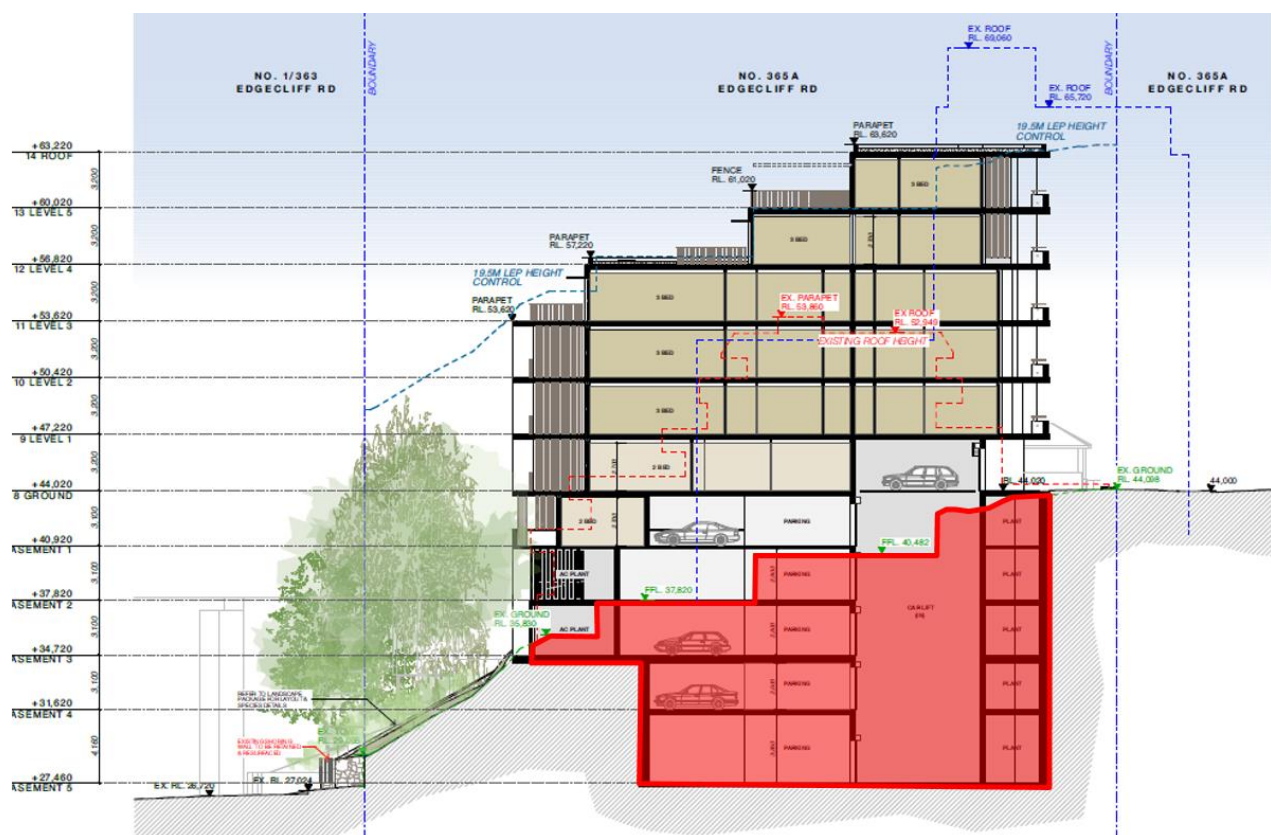
For reasons discussed above, the proposal does not satisfy the relevant objectives and control of this part.

Conclusion:

For reasons discussed above, the proposal is unacceptable with regard to Part B3.2 of the Woollahra DCP 2015 and is listed as a reason for refusal.

Part B3.4: Excavation

| Site area: 1,117.8sqm | Proposed | Control | Complies |
|---|------------------------|-----------------------|----------|
| C2 – Maximum Volume of Excavation as per Figure 15B | 7,601.92m ³ | 1,117.8m ³ | No |
| C7 Basement wall setbacks | 1.5m | 1.5m minimum | Yes |



Section demonstrating the extent (in red) of excavation proposed (Source: MHNDU)

No excavation diagram has been submitted illustrating the volume of excavation required to achieve the proposal, however the SEE indicates that the development proposes an excavation volume of 7,601.92m³. This exceeds the DCP control of 1,117.8m³. Control C4 – allows a variation to the volume will be considered for residential flat buildings only, however the maximum volume of excavation permitted will only be the amount needed to accommodate: car parking to comply with the maximum rates in Part E1 of this DCP and any reasonable access thereto, if the maximum car parking rates are required by the Council; and storage at a rate of 8m³ (cubic metres) per dwelling.

The submission indicates that 4,995.42m³ of the volume is required for car parking and access, and 1,205.89m³ for storage (using the rate of 8m³ per dwelling). However, the development includes an overprovision of car parking and loading areas. This further increases the volume of excavation required to achieve the proposal.

Control C9 requires the submission of a Geotechnical Report. This has been provided, however as indicated in Section 15.9, the Geotechnical Report has not clearly demonstrated that the works will not have an impact on the neighbouring properties.

The proposal is not compliant with the numerical controls of the DCP and is not considered to achieve consistency with the relevant objective outlined in Part B3.4 of the DCP for the following reasons:

- The proposal has not adequately demonstrated potential impacts on the structural integrity of surrounding structures [Objective O1(c)].
- The proposal has not demonstrated that noise, vibration, dust and other amenity impacts on surrounding properties during construction are reasonable [Objective O1(d)].
- The proposal has not demonstrated that traffic impacts by the transfer of excavated materials from the site by heavy materials are reasonable [Objective O1(f)].
- It has not been demonstrated that the principles of ecologically sustainable development have been satisfied [Objective O1(g)].

Conclusion:

For reasons discussed above, the proposal is unacceptable with regard to Part B3.4 of the Woollahra DCP 2015 and is listed as a reason for refusal.

Part B3.5: Built Form and Context

Part B3.5.1: Streetscape and Local Character

The proposed contemporary residential flat building is considered complementary to the predominant character of neighbouring residential flat buildings on the southern side of Edgecliff Road. The building envelope is generally compliant (in terms of setbacks) and responds appropriately to the topography and context of the site. It is of high visual quality and as appropriate contemporary outlook maintaining the evolution of architectural styles within the Wallaroy Precinct.

However, the Edgecliff Road frontage includes an external waste storage area at ground level in the front setback which is visible from the street and occupies an area which could potentially include additional deep soil landscaping within the front setback area.

The proposal has not considered design measures which will adequately avoid or minimise adverse impacts on the existing street tree which contributes to tree canopy and the desired future character of the locality.

The proposal includes a semi-transparent palisade fence estimated to have a height ranging from approximately 1.8m to 2m (at the building entry) which is proposed to enclose the ground floor private open space of Unit G01 in the western part of the frontage. The proposed height exceeds the maximum height of 1.5 metres required by the controls in Part 3.7.2 of WDCP. The proposed height will also impact the visual character and activation of the streetscape, the amenity of Unit G01 and reduce casual surveillance within the streetscape.

In terms of the New South Head Road streetscape, the car park levels B2 and B3 are elevated from the street level which fails to activate the streetscape and will result in unacceptable visual impacts upon the New South Head Road streetscape.

Overall, the proposal is not considered to be acceptable with regard to the relevant streetscape and local character controls and objectives in Part B3.5.1 of the Woollahra DCP 2015.

Part B3.5.2: Overshadowing

Shadow diagrams have been provided which compare the shadow created by the existing building and the proposed building.

As outlined in the applicant's SEE:

- At 9am, there is additional shadow on the eastern side windows of the residential flat building at No. 365A Edgecliff Road.
- At 12pm, there is no additional shadow on windows or private open spaces.
- At 3pm there is additional shadow on the western side windows of the residential flat building at No. 363 Edgecliff Road.

Objective O1 requires development to minimise overshadowing onto neighbouring properties, with sunlight to be provided to at least 50% of the main ground level private open space for at least 2 hours between 9am to 3pm on the winter solstice and north facing windows to upper habitable rooms of adjacent dwellings to receive at least 3 hours of sun between 9am to 3pm on the winter solstice.

While the submitted shadow diagrams show a broad scale impact on two of the neighbouring sites, it has not demonstrated the location of adjoining ground level private open space areas and demonstrated that there will be sufficient solar access to these private open space areas, as prescribed by the control.

The proposal is unacceptable with regard to Chapter B3.5.2 of the Woollahra DCP 2015.

Part B3.5.3: Public and Private Views

Public Views and Vistas

There are no significant public views or vistas identified across the subject site which will be impacted by the proposed development. The proposal achieves consistency with the relevant Objectives O1 and O2 with regard to protection of public views and vistas in Part B3.5.3 of the Woollahra DCP 2015

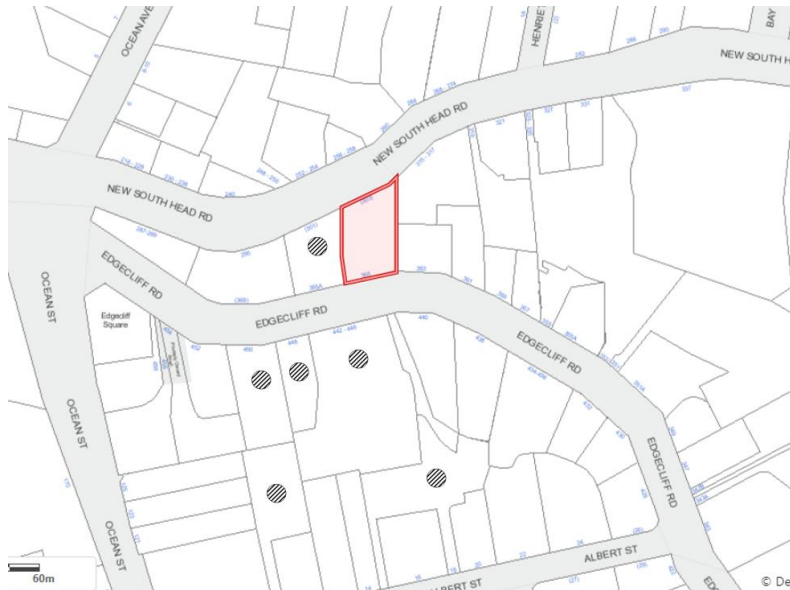
Private views

Objections were received from owners and/ or owner's corporations of the following properties in relation to view loss:

- 365A Edgecliff Road; Edgecliff (west)
- 442-444 Edgecliff Road, Edgecliff (south)
- 448 Edgecliff Road, Edgecliff (south west)
- 450 Edgecliff Road, Edgecliff (south west)

Submissions objecting to potential view loss were also received from the following properties which were not located on Edgecliff Road.

- 8 Albert Street, Edgecliff
- 18 Albert Street, Edgecliff



Locality plan illustrating the location of the properties who raised submissions with regards to view loss, or potential view loss, in relation to the subject site

The applicant's SEE considered, but did not undertake a detailed assessment against the principles of *Tenacity v Waringah Council* [2004] NSWLEC 140 (Tenacity).

The key outcomes as described in the SEE prepared by GSA Planning are as follows:

- The site and the adjoining buildings have views north towards the Harbour and west towards the CBD.
- Neighbouring buildings to the south, such as 448 Edgecliff Road are well elevated above the subject site and therefore will not be impacted by the development.
- 442-444 Edgecliff Road, Edgecliff obtains harbour views to the north-east of the subject site, Harbour Bridge and Opera House views to the north-west and CBD views to the west.
- 363 Edgecliff Road has harbour views across its northern setback to the north east.
- 365A Edgecliff Road has harbour and CBD views across its northern and western setback.

The general conclusion of the submitted SEE is that no adverse impacts are arising in relation to potential view impacts of the development.

However, the assessment is not based on site inspections and relies purely on imagery from real estate websites and aerial photography. As such, it is not a comprehensive assessment. A Visual Impact Assessment undertaken in accordance with the methodology and requirements as set out by the Land and Environment Court (LEC) has not been provided.

The conclusion of the view analysis impact as per the submitted SEE is contested on the following grounds:

- Figure 26 of the submitted SEE suggests that harbour views do exist from No. 448 Edgecliff Road Edgecliff, despite the conclusion stated. This figure is replicated below for reference purposes.
- The height of the viewpoint in Figure 26 in terms of the specific building level in No. 448 Edgecliff Road, Edgecliff is not identified.



Source: 1STCITY

Figure 26: Existing View from No. 448 Edgecliff Road

Figure 26 from the submitted SEE (Source: GSA Planning)

- The SEE relies on photos from real estate websites for No. 442-446 Edgecliff Road, Edgecliff and therefore can be selectively used, rather than being a comprehensive assessment.



Unit 6



Unit 10



Unit 21

Source: R&W, BresicWhitney & DIJONES

Figure 27: Existing Views from No. 442-446 Edgecliff Road

Figure 27 from the submitted SEE, which sources the photos from real estate websites (Source: GSA Planning)

- Numerous submissions received during the notification period included photographs of views from windows of neighbouring dwellings. The images below include the submissions received from adjoining properties and photos taken by Councils Team Leader (Team Central) from habitable rooms and living areas, potentially impacted by the proposal.

This suggests that the application has not ascertained if there is an impact on the views from other nearby dwellings including but not limited to the following:



View towards the development site from the balcony to 301/448 Edgecliff Road, Edgecliff (Source: submission from Robinson Urban Planning Pty Ltd for landowners in 448 Edgecliff Road, Edgecliff).



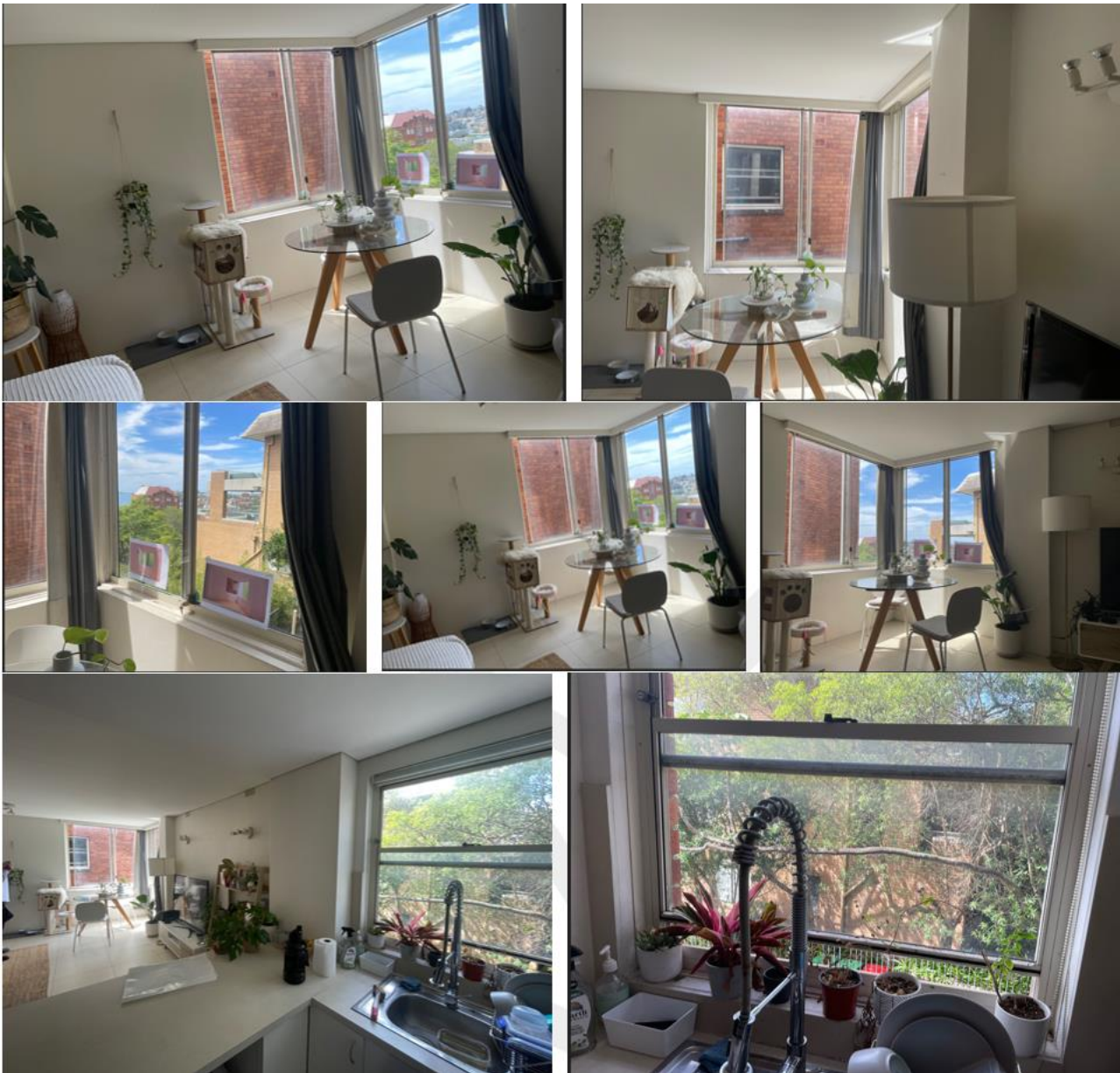
View towards the development site from the balcony at 401/448 Edgecliff Road, Edgecliff (Source: Submission from Robinson Urban Planning Pty Ltd for landowners in 448 Edgecliff Road, Edgecliff)



Views from living room of 63/365A Edgecliff Road, Edgecliff (Source: Submission by Tony Moody on behalf of owners within 365 Edgecliff Road, Edgecliff)



Views from a bedroom of 63/365A Edgecliff Road, Edgecliff (Source: Submission by Tony Moody on behalf of owners within 365 Edgecliff Road, Edgecliff)



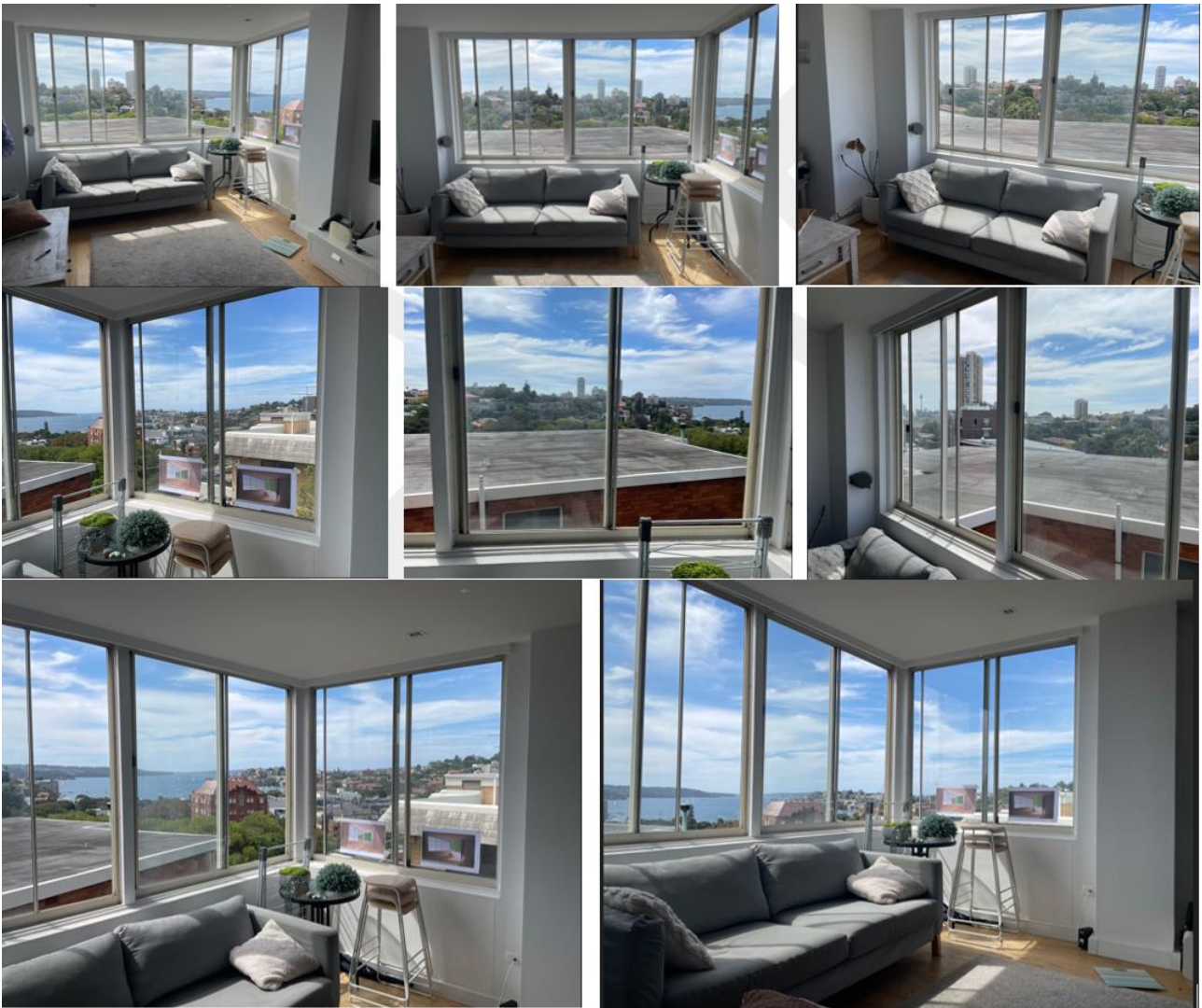
Views from the living areas of 63/365A Edgecliff Road, Edgecliff



Views from the living areas and a bedroom of 73/365A Edgecliff Road, Edgecliff



Views from living room of 83/365A Edgecliff Road, Edgecliff (Source: Submission by Tony Moody on behalf of owners within 365 Edgecliff Road, Edgecliff)



Views from the living areas of 83/365A Edgecliff Road, Edgecliff



Views from a bedroom of 93/365A Edgecliff Road, Edgecliff (Source: Submission by Tony Moody on behalf of owners within 365 Edgecliff Road, Edgecliff)



Views from the living areas of 93/365A Edgecliff Road, Edgecliff



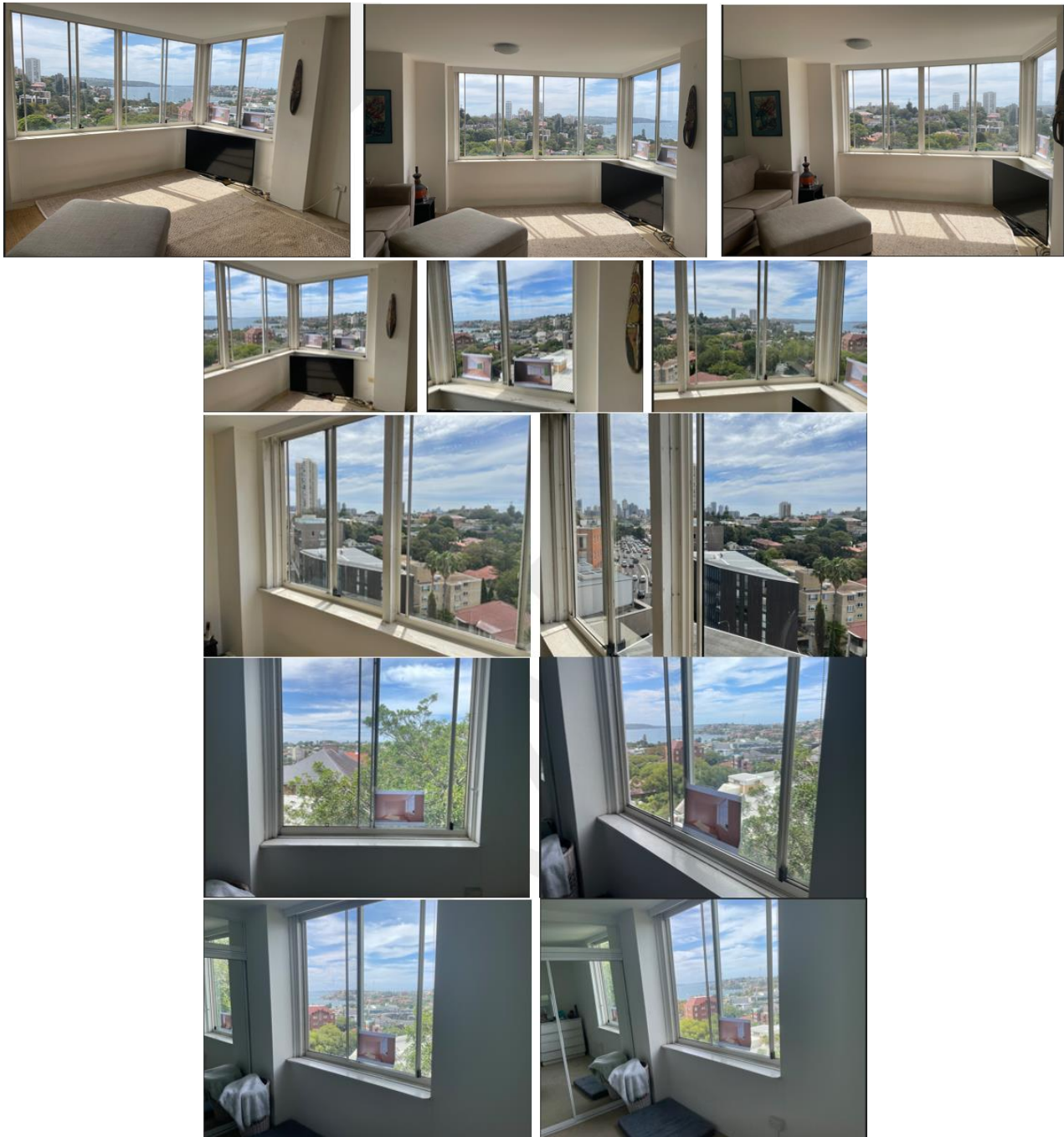
View from lounge/ dining room of 103/365A Edgecliff Road, Edgecliff (Source: Submission from owner of 103/365A Edgecliff Road, Edgecliff)



View from kitchen of 103/365A Edgecliff Road, Edgecliff (Source: Submission from owner of 103/365A Edgecliff Road, Edgecliff)



Views from living room (left) and kitchen (right) of 103/365A Edgecliff Road, Edgecliff (Source: Submission by Tony Moody on behalf of owners within 365 Edgecliff Road, Edgecliff)



Views from the living areas and a bedroom of 103/365A Edgecliff Road, Edgecliff

Objective O3 of this part requires development to encourage view sharing as a means of ensuring equitable access to views from private property and Control C5 requires development to be sited and designed to enable a sharing of views with surrounding private properties, particularly from habitable rooms.

As a thorough Visual Impact Analysis has not been conducted, a detailed assessment against the Tenacity principles and the DCP controls cannot be undertaken and therefore compliance with Control C5 cannot be demonstrated.

Notwithstanding this, based on observations of the site from vantage points within various units of the existing Residential Flat building located at No. 365A Edgecliff Road, an assessment of the reasonableness or otherwise of the degree of view loss has been undertaken with regard to the case law established by *Tenacity Consulting v Warringah (2004) NSWLEC 140* which has established a four step assessment of view sharing. The steps, and assessment, are provided below:

- *Step 1: Assessment of the views to be affected. Water views are valued more highly than land views.*

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Water views (in the form of Sydney Harbour) are available from various units, as demonstrated from the photos of the objectors, as are whole views (i.e. water views in which the interface between land and water is visible). This is also demonstrated in some of the photos from other neighbouring properties.

- *Step 2: Consider from what part of the property the views are maintained:*

The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views are from the main living areas of apartments through large picture windows clearly orientated to capture the harbour views. They can be considered to be “front” rather than “side” boundary views. These tend to be standing views but also affect some seated views.

- *Step 3: Assess the extent of the impact.*

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

As a visual impact analysis is not provided, this cannot be accurately assessed. However, it is noting that the qualitative assessment is ranked as negligible, minor, moderate, severe or devastating, and takes into account the location of the views being from main living areas.

Without reliable analysis, it is difficult to complete this step, and therefore the precautionary principle should be adopted.

- *Step 4: This assesses the reasonableness of the proposal that is causing the impact.*

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The Court poses two questions in *Tenacity Consulting vs Warringah (2004) NSWLEC 140*.

The first question relates to whether a non-compliance with one or more planning controls results in view loss.

The second question posed by the Court relates to whether a more skilful design could provide the same development potential whilst reducing the impact on views.

It is noted that the development proposes a breach of the height of building development standard which is an important consideration, together with non-compliant setbacks. Where an impact on views arise as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. This is considered to be case with the current proposal and a more skilful design which provides reasonable development potential and amenity for the development site could reduce the impact on the views currently afforded neighbouring properties.

Whilst this assessment only relates to one neighbouring property it is indicative of potential concerns with other properties. For reasons discussed above, the proposal is unacceptable with regard to Chapter B3.5.3 of the Woollahra DCP 2015 and is listed as a reason for refusal.

Part B3.5.4 – Acoustic and Visual Privacy

Acoustic Privacy

The location mechanical plants and a lift overrun on the roof of the proposed development is an expected location for such site facilities on this building type. As the proposed building envelope generally complies, it allows for sufficient separation between plant equipment and neighbouring dwellings to avoid any unreasonable acoustic impacts. Remaining mechanical plant equipment in this proposal is located within the building envelope, predominantly at the basement level in accordance with **Control C3**. Should a development consent be granted, standard conditions would be imposed to mitigate any potential noise impacts toward future occupants and neighbouring dwellings in accordance with **Controls C1 & C2**.

Visual Privacy

It is noted that under Clause 6A of SEPP 65, the required window and balcony separations of the DCP are overridden by the visual privacy and separation design criteria in Part 3F: Visual Privacy of the ADG.

The proposal generally meets the objectives of this part, except in one location where the balcony edge and windows to bedrooms at Ground to level 5 are located 5 metres from the windows at No. 363 Edgecliff Road. While the windows are screened, the balconies are not. If this application was to be approved, then special conditions of consent could be imposed requiring additional privacy screens to ensure visual privacy impacts upon adjoining properties are mitigated.

Part B3.5.5 – Internal Amenity

The proposal has been designed to maximise internal amenity for the future residents. All dwellings, bar one (Unit B.01), achieve the cross-ventilation requirements. All dwellings achieve compliant solar access and direct natural light to the internal areas.

While Unit B.01 is technically located on a basement level, it is facing New South Head Road and elevated approximately 13.5m above the existing ground level of this road.

Objective O1 of this part requires development to encourage high levels of internal amenity through the provision of direct natural light and direct natural ventilation.

Whilst the architectural plans indicate compliance with natural ventilation requirements, there is an inconsistency with the Acoustic Report prepared by Renzo Tonin & Associates [Ref. TN195-01F02 Acoustic Report for DA (r0)] and submitted with the application as pointed out by Council's Environmental Health Officer (Refer to **Annexure 6**). This Acoustic Report indicates that only premises at the southern façade to not be requiring supplemental ventilation as per the Development Near Rail Corridors and Busy Roads and BCA criteria. This is inconsistent with Objective O1 which encourages high levels of internal amenity by way of access to natural ventilation.

Given the commentary provided above, the proposal fails to satisfy the relevant objectives and controls of Part B3.5.5 of the Woollahra DCP 2015.

Conclusion:

For reasons discussed above, the proposal is unacceptable with regard to Part B3.5 of the Woollahra DCP 2015 and is listed as a reason for refusal.

Part B3.6: On-Site Parking

The relevant objectives and control of this part read as follows:

O1 To minimise the visual impact of garages, car parking structures and driveways on the streetscape.

O2 To ensure that on-site parking does not detract from the streetscape character and amenity.

O3 To allow, in certain circumstances, parking structures outside the building envelope.

O4 To minimise loss of on-street parking.

O5 To retain trees and vegetation of landscape value.

C1 On-site parking is designed and located so that it: a) is located within the building envelope; b) does not dominate the street frontage; and c) preserves trees and vegetation of landscape value.

The proposal includes parking levels, some of which are located above ground level when viewed from New South Head Road. These parking levels incorporating Comms rooms, Switch rooms etc would be visible from New South Head Road and are considered an intrusive element dominating the streetscape and therefore fails to achieve Objectives O1 and O2.

In addition, the proposed basement car parking requires excavation within the Tree Protection Zone of Tree 2. Insufficient information has been provided to determine the impacts on Tree 2 and therefore the proposal fails to achieve Objective O5.

In addition, Council's Traffic Engineer raised objections to the proposed parking and access arrangement based on insufficient information about its functionality.

Given the commentary provided above, the proposal fails to satisfy the relevant objectives and control of Part B3.6 of the Woollahra DCP 2015.

Conclusion:

The proposal is unacceptable with regard to Part B3.5 of the Woollahra DCP 2015 and is listed as a reason for refusal.

Part B3.7: External Areas

| Site area: 1,117.8sqm | Proposed | Control | Complies |
|---|---|---|--|
| 3.7.1 – Landscaped area and private open space | | | |
| C1 – Tree Canopy Area – RFB | 407.6m ² (36.5%) * as per applicant's figures | 30% of site area = 335m ² | Yes |
| C2 – Deep Soil Landscaping –full site | 395.7m ² (35.4%) * as per applicant's figures | 35% of site area = 391.27m ² | Yes |
| C3 – Deep Soil Landscaping – front setback | 50.8m ² (51.2%) * as per applicant's figures | 40% of front setback of 99.2m ² = 39.68m ² | Yes |
| C9 – Minimum Area of private open space per dwelling | Minimum 8m ² at 2m x 2m | 8m ² Min 2m x 2m | Yes, noting ADG provisions override these requirements |
| 3.7.3 – Site facilities | | | |
| C2 – Lockable storage spaces | Minimum 8m ³ per dwelling | Minimum 8m ³ per dwelling | Yes |

**Note: Under Clause 6A of SEPP 65, the required deep soil landscaping provisions of the DCP are overridden by the landscape design and planting on structure provisions in Part 40 – Landscape design and Part 4P – Planting on structure of the ADG.*

Part 3.7.1: Landscaped Areas and Private Open Space

Landscaped Area

The proposed landscape plan complies with the numerical requirements set out in the table above. It is thus considered to provide sufficient deep soil landscaped area to support substantial vegetation, in turn positively contributing to the streetscape character of the Wallaroy Precinct.

Council's Tree and Landscape Officer has reviewed the development and requires further information in relation to the potential impacts of the proposed development on Tree 2, as per the submitted Arboricultural Impact Assessment. Tree 2 has been identified as a *Ficus macrocarpa* var. *hillii* (Hills Weeping Fig) located outside the site on the Edgecliff Road frontage.

The tree has been noted in good and healthy condition and provides a high contribution to the amenity and canopy cover of the immediate area. It is a street tree and is an important community asset that must be retained and protected.

For reasons discussed above, the proposal fails to fully satisfy the relevant objectives and controls of Part B3.7.1 of the Woollahra DCP 2015 and is listed as a reason for refusal.

Private Open Space

The proposed development provides more than sufficient primary open space, both shared and directly accessible from a habitable rooms in each dwelling. The proposed private open space areas are considered to be well designed and enhance the amenity of each dwelling and the building as a whole.

Part 3.7.2: Fences

The existing fencing is predominantly retained as part of this development.

The proposal includes a semi-transparent palisade fence to enclose the ground floor private open space of Unit G01 towards the western part of the frontage. The height of the palisade fence ranges between 1.7m to 1.9m and is therefore non-compliant with Control C4 which requires front fences to not exceed 1.2m if solid or 1.5m if 50% transparent or open. It is considered that the non-compliant height will introduce an intrusive element and will not contribute positively to the streetscape and adjacent buildings. No other fencing is proposed to the Edgecliff Road frontage.

The existing retaining wall to the New South Head Road frontage is retained in-situ.

For reasons discussed above, the proposal is not considered to achieve consistency with the relevant objectives and controls outlined in Part B3.7.2 of the Woollahra DCP 2015 and is therefore listed as a reason for refusal.

Conclusion:

For reason discussed above, the proposal is unacceptable with regard to Part B3.7 of the Woollahra DCP 2015 and is listed as a reason for refusal.

Part B3.8: Additional Controls for Development Other Than Dwelling Houses

| Site area: 1,117.8sqm | Existing | Control | Complies |
|------------------------|----------|-------------|----------|
| C1 – Minimum lot width | 26.215m | Minimum 21m | Yes |

Part B3.8.1: Minimum Lot Width

The proposal is acceptable with regard to the minimum lot width control and objective in Part B3.8.1 of the Woollahra DCP 2015.

Part B3.8.6: Residential Flat Buildings

The proposal generally meets the requirements of SEPP 65 and the relevant Design Criteria in the applicable Apartment Design Guide.

The proposal is acceptable with regard to the controls and objectives in Part B3.8.6 of the Woollahra DCP 2015.

Conclusion

The proposal is acceptable with regard to the additional controls in Part B3.8 of the Woollahra DCP 2015.

16.3 Chapter E1: Parking and Access

16.3.1 Part E1.4: Residential parking

| | Proposed | Control | Complies |
|--|--|--|----------|
| Residential Flat Building – 2 Bedroom (2 units) 3+ Bedroom (9 units) Visitor Total | Parking bays shown on plans = 24 bays Potentially 29 spaces [which comprises 22 car spaces, 2 accessible car spaces (+ 1 space in the area immediately adjacent one of the accessible car parking spaces), an oversized wash bay (+ 2 bays) and a loading bay (+ 2 bays)] | 2 x 1.5 spaces/unit = 3 spaces 9 x 2 spaces/unit = 18 spaces 11 x 0.25 spaces/unit = 3 spaces 24 spaces | No |
| Bicycle Parking | 12 undercover bicycle spaces | 1 bicycle space/dwelling = 11 spaces | Yes |
| Motorcycle | 3 motorcycle parking spaces | Min 1 motorcycle space/ per 10 car spaces = 3 spaces | Yes |
| Electric Vehicle Charging Stations | 11 car parking spaces identified as spaces with electric vehicle charging points | 10% of all car parking = 3 spaces | Yes |

Parking for residential uses is calculated using the generation rates specified in E1.4.2 of the Woollahra DCP 2015. In this instance, the development results in a generation rate of twenty-four (24) spaces.

The proposal includes the following:

- Twenty-two (22) parking spaces
- Two (2) accessible parking spaces with shared areas immediately adjacent the accessible spaces
- A carwash bay
- A loading zone

Councils Traffic Engineer has undertaken an assessment of the proposal and considers the proposal unsatisfactory, in part, for the following reasons:

- For a development of 11 units only one (1) accessible parking space is required and therefore one (1) accessible space is redundant. In addition, the substantial shared area adjacent to the accessible space could potentially be converted to an additional parking space.
- The Traffic Report prepared by TEF Consulting dated 29/09/2023 is inconsistent with the Architectural Plans submitted in that the report states that there are twenty-four (24) parking spaces and one (1) car wash bay
- The proposed car wash bay is considered excessive in size and could potentially accommodate two (2) parking spaces.

- The dimension of the loading zone is unclear however it is considered that the loading bay area could potentially accommodate two (2) car parking spaces. It is noted that the loading/unloading bay is considered unnecessary given the scale and nature of the proposed development.

Given the commentary provided, the proposal could easily achieve twenty-nine (29) car parking spaces resulting in an oversupply of five (5) parking spaces and therefore fails to comply with the generation rates specified in E1.4.2 of the Woollahra DCP 2015.

16.3.2. Part E1.10: Parking and Access Design Standards

In addition, the development proposes to use the existing driveway point for access, with car lifts to move across the parking levels. Council's Traffic Engineer advised that insufficient information was provided in relation to the basement design, such as:

- The dimension of a waiting bay at the entry point should be clearly depicted on the architectural drawings to comply with E1.15 of Council's DCP. The minimum length of a waiting bay shall be 6 metres with a maximum grade of 1 in 20.
- Confirmation is required if the proposed two car lifts are operating independently and are designated for entry and exit only as indicated in the architectural drawings, or a conflict analysis should be provided to demonstrate efficient operation of the two lifts among different basement levels;
- Dimensions of all parking spaces, vehicle turntable, aisle width and driveway width must be clearly depicted on the architectural drawings. An additional 300mm shall be provided to the space if there is side obstruction;
- Signage, pavement marking and bollard should be provided to the shared area for accessible parking space, as per AS 2890.6 and should be clearly depicted in the architectural drawings;
- Longitudinal surface profiles along each side/edge for the proposed driveway to the proposed car lifts should be submitted to ascertain the proposed vehicular access meets all requirements stipulated in AS 2890.1 in terms of car scraping and head room, noting the gradient for the first 6m into the car lift should not exceed 1 in 20. The driveway profiles along each side/edge of the proposed driveway is to start from the road centreline which includes Council's standard layback and gutter into the proposed basement. Gradients and transitions must be designed in accordance with Clause 2.5.3 of AS 2890.1. Council's standard layback is 450mm wide and back of the layback is 70mm above the gutter invert. The level of the existing footpath must remain unaltered.

It is also noted that the proposal involves using a mechanical car lift. As per *Part E1.1.15.1 – Locations and land use* of the WDCP 2015, these forms of mechanical parking installations may be permitted in the case of residential development, where the installation is for resident rather than visitor parking. The application proposes the use of the car lift for visitor parking which is contrary to Part E1.15.5 which states that 'residential visitor parking must be provided external to the mechanical parking installation'. While it is noted that the site topography makes this difficult, the non-compliance with the provision and the ongoing practical management of this approach is questionable.

16.3.3. Part E1.11: Electric Vehicle Charging Points

Control C1 of this part requires *evidence of electric circuitry to accommodate 'Level 2' electric vehicle charging points to be integrated into all off-street car parking of new residential development to ensure that 100% of car spaces can install electric vehicle charging points in the future.*

Insufficient details of the electric circuitry have been provided. However, if development consent were granted, relevant conditions of consent could be imposed requiring the provision for electric vehicle circuitry within the development, thereby ensuring compliance with Part E1.11 of the Woollahra DCP 2015.

If the application were recommended for approval, relevant conditions of consent could be imposed to ensure the proposal achieves the objectives and controls outlined in Chapter E1.11 of the Woollahra DCP 2015.

Conclusion:

For reasons discussed above, the proposal is not considered to achieve consistency with Chapter E1 of the Woollahra DCP 2015 and is therefore listed as a reason for refusal.

16.4 Chapter E2: Stormwater and Flood Risk Management

Council's Development and Drainage Engineers have reviewed the proposal and is satisfied that adequate provision for the disposal of stormwater from the site and flood risk management has been made, subject to conditions.

If the application were recommended for approval, these requirements could be imposed by standard conditions in order to ensure compliance with Chapter E2 of the Woollahra DCP 2015.

16.5 Chapter E3: Tree Management

Council's Tree and Landscape Officer has reviewed the development and requires further information in relation to the potential impacts of the proposed development on Tree 2 as per the submitted Arboricultural Impact Assessment. This tree has been identified as a *Ficus macrocarpa* var. *hillii* (Hills Weeping Fig) located outside the site on the Edgecliff Road frontage. The tree has been noted in good healthy condition and provides a high contribution to the amenity and canopy cover of the immediate area. It is a street tree and is an important community asset that must be retained and protected.

The proposal is not considered to achieve consistency with the relevant objectives outlined in Chapter E3 of the Woollahra DCP 2015 and is therefore listed as a reason for refusal.

16.6 Chapter E5: Waste Management

Chapter E5 is applicable to all development and seeks to establish waste minimisation and sustainable waste management during demolition and construction phases and throughout the on-going use of the building.

The SWMMP addresses volume and type of waste and recyclables to be generated, storage and treatment of waste and recyclables on site, disposal of residual waste and recyclables and operational procedures for ongoing waste management once the development is complete.

The applicant provided a SWMMP in relation to the ongoing management of waste within the site with the development application and it was found to be satisfactory.

Part E5.2: Demolition and Construction Phase

Controls C2 and C3 promote the reuse of salvaged and excess construction materials, Control C4 promotes prefabricated or recycled materials where possible and Control C5 seeks to minimise site excavation and disturbance.

Should a development consent be granted, relevant standard conditions requiring compliance with the submitted Site Waste Minimisation and Management Plan (SWMMP) during the demolition, excavation and construction phases of the development could be imposed. The proposal is acceptable with regard to Part E5.2 of the Woollahra DCP 2015

Part E5.3: On-Site Waste and Recycling Controls for all Development

| | Proposed | Control | Complies |
|---|---|---|---|
| Garbage and Recycling Areas | Waste room adjacent to lifts on Basement #1 and external at ground level near Edgecliff Road. | Separated | Yes |
| Location of Garbage and Recycling Areas | Waste room adjacent to lifts on Basement #1 and external at ground level near Edgecliff Road. | Behind Building Line or Non-Habitable Areas | Yes for the basement, no for the external area. |

It is noted that there is an additional waste collection area in the property frontage along Edgecliff Road. This is considered surplus to the development. If the development is to be approved, it is recommended to delete this area by way of conditions.

The proposal is acceptable with regard to Part E5.3 of the Woollahra DCP 2015.

Part E5.5: Residential Flat Buildings

Each dwelling is designed with an internal waste and recycling cupboard for interim storage (Control C1), and a communal waste and recycling storage area is provided in the basement (Control C2 and C8) designed to accommodate the appropriate number of bins (Control C3). While there is no area on site noted as being suitable for composting (Control C5), there is a food and organics bin in the communal area. There is no garbage chute proposed on site (Control C9) so residents would need to use the lift to access the garbage room.

The proposed communal garbage area does not include a dedicated room for the temporary storage of bulky items awaiting removal (Control C10). However, given the excessive excavation already proposed, the expansion of the basement to add this room is not recommended.

The travel distance between the garbage room and the street meets the 75m when using the car lifts (Control C11).

The proposal is acceptable with regard to Part E5.5 of the Woollahra DCP 2015.

Conclusion:

If the application were recommended for approval, these requirements could be imposed by standard conditions in order to ensure compliance with Chapter E5 of the Woollahra DCP 2015.

16.7 Chapter E6: Sustainability

Part E6.3: Solar Energy Systems

The proposed development has indicated a Photovoltaic Solar Array within the roof form of the proposed development. Should a development consent be granted, relevant standard conditions would be imposed to ensure consistency with the controls and objectives under Part E6.3 of the Woollahra DCP 2015 is achieved.

If the application were recommended for approval, relevant conditions of consent could be imposed by standard conditions in order to ensure compliance with Chapter E6 of the Woollahra DCP 2015.

16.8 Chapter E8: Adaptable Housing

Control C1 requires that development containing 10 or more dwellings includes at least 10% of the dwellings designed and constructed to Class A certification under AS 4299- Adaptable Housing. The proposal is for eleven (11) dwellings, therefore a minimum of two dwellings are to be adaptable.

The submitted plans indicate Units 4.01 and 5.01 as being designed as adaptable dwellings. Should the development be approved, consent conditions would be applied requiring the construction of these dwellings to achieve compliance with AS 4299.

The proposal is acceptable with regard to Chapter E8 of the Woollahra DCP 2015.

17. CONTRIBUTION PLANS

17.1 Section 7.12 Contributions Plan

The proposed development is recommended for refusal and accordingly Section 7.12 contributions and relevant fees are not applied. Notwithstanding this, should development consent be issued, a contribution pursuant to Section 7.12 would apply and can be enforced by conditions.

17.2 Subdivision 4 Housing and Productivity Contributions

Section 7.24 of the *Environmental Planning and Assessment Act 1979* identifies that the object of this subdivision is to facilitate the provision of regional infrastructure that supports and promotes housing and economic activity in a region by enabling a housing and productivity contribution to be required.

Division 1 of the Environmental Planning and Assessment (Housing and Productivity Contribution) Ministerial Order 2023 sets out the classes of development, which require a housing and productivity contribution.

The proposal does not require a housing and productivity contribution. This is due to the fact that the proposed development is recommended for refusal. Notwithstanding this, should development consent be issued, a contribution pursuant to Section 7.24 would apply and can be enforced by conditions.

18. APPLICABLE ACTS/REGULATIONS

18.1 Environmental Planning and Assessment Regulation 2021

Section 61(1) Additional matters that consent authority must consider

Section 61(1) of the EPA Regulation 2021 requires Council to take into consideration Australian Standard AS 2601-2001: The demolition of structures. If the application were recommended for approval, these requirements could be imposed by standard condition.

19. THE LIKELY IMPACTS OF THE PROPOSAL

All likely impacts have been addressed elsewhere in the report, or are considered to be satisfactory and not warrant further consideration.

20. THE SUITABILITY OF THE SITE

The site is unsuitable for the proposed development.

21. THE PUBLIC INTEREST

The proposal is considered to not be in the public interest.

22. CONCLUSION

The proposal is unacceptable against the relevant considerations under Section 4.15.

23. DISCLOSURE STATEMENTS

There have been no disclosure statements regarding political donations or gifts made to any Councillor or to any council employee associated with this development application by the applicant or any person who made a submission.

24. RECOMMENDATION: PURSUANT TO SECTION 4.16 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

THAT the Woollahra Local Planning Panel, exercising the functions of Council as the consent authority, is not satisfied that the matters required to be addressed under Clause 4.6(4) of the Woollahra Local Environmental Plan 2014 have been demonstrated and that consent may not be granted to the development application, which contravenes the Height of buildings development standard under Clause 4.3 of the Woollahra Local Environmental Plan 2014.

AND

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, refuse development consent to Development Application No. 372/2023/1 for the demolition of the Existing Strata-Titled Residential Flat Building, Construction of a New Residential Flat Building, Landscaping and Strata Subdivision on land at 365 Edgecliff Road EDGECLIFF, for the following reasons:

1. Non-compliance with SEPP 65 – Design Quality of Residential Apartment Development

The proposal is inconsistent with the following design quality principles of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development:

- a) Schedule 1, Principle 1: Context and Neighbourhood Character - The height of the proposal will be inconsistent with development on the adjacent sites and neighbourhood. The proposal fails to respond to the surrounding context and neighbourhood character.
- b) Schedule 1, Principle 2: Built Form and Scale - The bulk and scale of the proposed new building are excessive. The proposal will not achieve an appropriate built form that fits into its context.
- c) Schedule 1, Principle 5: Landscape – The proposal has not considered design measures which will adequately avoid or minimise adverse impacts on the existing tree canopy which contributes to the desired future character of the locality.
- d) Schedule 1, Principle 6: Amenity - The excessive height, bulk and scale will result in unacceptable adverse amenity impacts on the adjoining and surrounding residents.
- e) Schedule 1, Principle 9: Aesthetics - The proposal does not respond to or reinforce the existing local context and results in a built form which is excessive in bulk and scale.

2. Apartment Design Guide

The amended proposal is inconsistent with the objectives outlined in following Parts of the Apartment Design Guide:

- 2F – Building separation
- 2H – Side setbacks
- 3C – Public domain interface
- 3F – Visual privacy
- 4B – Natural ventilation
- 4M – Facades
- 4O – Landscape design

3. Woollahra Local Environmental Plan 2014, Part 1 – Clause 1.2 Aims of Plan

The amended proposal is inconsistent with the aims in Part 1.2(2) (f), (g), (l) and (m) because:

- a) it does not conserve the built and natural environmental heritage, as required in sub-clause (f);
- b) it does not protect the amenity of and the natural environment (g);
- c) it does not minimise and manage traffic and parking impacts (k);
- d) it does not achieve the desired future character of the area (l);
- e) it does not minimise excavation (m); and
- f) it does not encourage the retention and planting of trees and other vegetation as part of development (n).

4. Woollahra Local Environmental Plan, Part 2, Land Use Table

The proposal is inconsistent with the relevant objective of the R3 Medium Density Residential zone because:

- The proposal is not of a height and scale that achieves the desired future character of the neighbourhood.
- The proposal does not ensure development conserves and enhances tree canopy cover.

5. Woollahra Local Environmental Plan 2014, Part 4 – Clause 4.3 Height of buildings

The proposal does not comply with the Height of buildings development standard prescribed in Clause 4.3 of the Woollahra Local Environmental Plan 2014. The proposal fails to achieve consistency with the Objectives (a) – (e), prescribed in Clause 4.3(1) of the Woollahra Local Environmental Plan 2014.

6. Woollahra Local Environmental Plan 2014, Part 4 – Clause 4.4 Floor Space Ratio

The proposal does not comply with the Floor Space Ratio development standard prescribed in Clause 4.4 of the Woollahra Local Environmental Plan 2014. The applicant has not provided a written request pursuant to Clause 4.6 of WLEP 2014 to justify the contravention of the development standard. The proposal fails to achieve consistency with the Objectives (i-iii) prescribed in Clause 4.4(1)(a) of the Woollahra Local Environmental Plan 2014.

7. Woollahra Local Environmental Plan 2014, Part 4 – Clause 4.6 Exceptions to Development Standards

The consent authority is of the opinion that the submitted written request fails to justify the contravention of the *Height of buildings* development standard under Clause 4.3 in accordance with Clause 4.6(3)(a) and 4.6(3)(b). The submitted written request has not adequately addressed the matters required to be demonstrated by sub-clause (3) in that:

- strict compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- there are sufficient environmental planning grounds to justify contravening the development standards;
- the proposal will be in the public interest; and
- the proposal is consistent with the objectives of the Height of buildings development standard and of the R3 Medium Density Residential zone.

8. Woollahra Local Environmental Plan 2014, Part 6 – Clause 6.2: Earthworks

The excavation required to accommodate the proposal is excessive and will result in adverse amenity impacts on adjoining properties. The proposed development does not achieve the objectives prescribed in Clause 6.2(1).

9. Woollahra Local Environmental Plan 2014 – Clause 6.9 - Tree canopy cover in Zones R2 and R3

The proposed development has not demonstrated that it will avoid, minimise or mitigate adverse impacts on the existing tree canopy therefore it does not comply with Clause 6.9 of WLEP 2014.

10. Woollahra Development Control Plan 2015, Chapter B1: Wallaroy Residential Precinct

a) Part B1.1.3

The proposal fails to achieve consistency with Objectives O1-O7 of the precinct objectives outlined in Part B1.1.3 of the Woollahra DCP 2015 in that the proposal is considered to be excessive in bulk and scale when compared to the existing streetscape character, is inconsistent with the desired future character of the neighbourhood and will result in adverse amenity impacts on adjoining properties with regards to solar access, view loss and visual privacy.

b) Part B1.4.2: Desired future character

The proposal fails to achieve consistency with Objectives O1, O3, O6 and O8 of the desired future character of the Wallaroy Residential precinct outlined in Part B1.4.2 of the Woollahra Development Control Plan 2015, because:

- a) it does not respect and enhance the streetscape character and key elements of the precinct;
- b) it does not minimise cut and fill,
- c) it does not promote view corridors between buildings to significant views, particularly harbour views; and
- d) it does not retain and reinforce the green setting of mature street trees.

11. Woollahra Development Control Plan 2015, Chapter B3 General Development Controls

The proposed development is of a bulk and scale which will not achieve the desired future character of the area, will not retain and reinforce the green setting of mature street trees and will adversely affect the amenity of adjoining and surrounding properties with respect to view loss, overshadowing privacy and excessive excavation. It fails to achieve the following relevant objectives and controls prescribed in Chapter B3 General Development Controls of the Woollahra DCP 2015:

- (a) The relevant precinct objectives as outlined in Part B1.1.3 and the streetscape character and key elements of the precinct as listed in Part B1.4.2 of the Woollahra DCP 2015.
- (b) Objectives O1, O3, O4 & O6 and Control C2 of Part B3.2.3 – Side setbacks of the Woollahra DCP 2015.
- (c) Objectives O5 & O6 and Control C1 of Part B3.2.4 – Rear setback of the Woollahra DCP 2015.
- (d) Objectives O1 c), d), f) and g) and Controls C2, C4a) and C9 of Part B3.4 – Excavation of the Woollahra DCP 2015
- (e) Objectives O1 & O3 and Controls C1, C2, and C4 of Part 3.5.1 – Streetscape and Local Character of the Woollahra DCP 2015
- (f) Objective O1 and Control C1 of Part B3.5.2 – Overshadowing of the Woollahra DCP 2015
- (g) Objective O3 and Controls C5, C6, C7 prescribed in Part B.3.5.3 - Public and private views of the Woollahra DCP 2015.
- (h) Objective O2 and Control C4 prescribed in Part B.3.5.4 – Visual privacy of the Woollahra DCP 2015.
- (i) Objective O1 of Part 3.5.5 – Internal Amenity of the Woollahra DCP 2015
- (j) Objectives O1, O2, O5 and Control C1 prescribed in Part B3.6 - On-site parking of the Woollahra DCP 2015.
- (k) Objectives O1, O2, O7 & O9 and Controls C1 & C14 prescribed in Part B3.7.1 - Landscaped Areas and Private Open Space of the Woollahra DCP 2015.
- (l) Objectives O1 and O2 and Controls C4 prescribed in Part 3.7.2 – Fences of the Woollahra DCP 2015.

12. Woollahra Development Control Plan 2015, Chapter E1: Parking and Access

The proposal includes an overprovision of car parking spaces and inadequate information has been submitted to enable a full and accurate assessment of the proposal against the relevant considerations outlined in Chapter E1 of the Woollahra DCP 2015.

Therefore, it fails to achieve the following:

- (i) Objectives O1, O2, O3, O4 and O5 in Part E1.1.3 - Objectives
- (ii) Table 1 in Part E1.4.2 - Residential generation rates
- (iii) Parking and Access Design Standards in Part E1.10

13. Woollahra Development Control Plan 2015, Chapter E3: Tree Management

The proposed development has not demonstrated that it will avoid, minimise or mitigate adverse impacts on the existing tree canopy as outlined in Chapter E3 of Woollahra DCP 2015.

Therefore, it fails to achieve the following:

- (i) Objectives O3, O4 and O5 in Part E3.1.3 - Objectives

14. Insufficient and Inconsistent Information

Inadequate information has been submitted to enable a full and accurate assessment of the proposal against the relevant considerations pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

Particulars

The following information has not been provided:

- a) A *Clause 4.6* written request demonstrating that compliance with the *Floor Space Ratio* development standard is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify the contravention.
- b) Insufficient information has been provided in relation to the surveyed level of the existing basement so as to confirm "ground level (existing)" for the purpose of accurately determining the maximum building height of the development. The submitted survey plan is inadequate in order to make a full and accurate assessment.
- c) *Shadow diagrams* demonstrating the potential impacts on the communal open space area of 363 Edgecliff Road
- d) A *View Loss Assessment* demonstrating the potential impacts on the views currently afforded adjoining properties. In assessing the reasonableness or otherwise of the degree of view loss, this report must have regard to the case law established by *Tenacity Consulting v Warringah (2004) NSWLEC 140* which has established a four step assessment of view sharing.
- e) Insufficient information has been provided in relation to the potential impacts from excavation and construction on Tree No. 2 *Ficus macrocarpa* var. *hillii* (Hills Weeping Fig).

A *Tree Root Investigation* must be undertaken, and the results included in a report that must be prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5. The report must include:








- Root investigations must be undertaken along the front boundary (within the footpath) adjacent to tree 2.
 - This shall consist of either hand excavation or 'air knife, along the boundary for the full extent of the TPZs of tree 2, to a minimum depth of 800mm below the existing grade.
 - An assessment and documentation of tree root size, number and condition.
 - Photographs of the completed excavation line including points of reference to determine orientation and location on site.
 - A site plan showing all excavation lines and root locations in relation to the proposed new building and basement.
 - Site specific recommendations based on the findings and discussion. An explanation of why options are recommended or not recommended must be included. This shall include number of roots that will need to be pruned for the works and the likely impact this will have on the longer-term viability of the trees.
- f) Inconsistent/insufficient information has been provided in relation to natural ventilation. The Architectural Plans, prepared by MHN Design Union Pty Ltd and Acoustic Report prepared by Renzo Tonin & Associates, must be consistent with regard to natural ventilation. Clarification and further justification is required to be provided regarding which sections of the proposed development will be requiring supplementary ventilation in accordance with the Development Near Rail Corridors and Busy Roads and BCA criteria. Details of the means of ventilation for the basement parking must be provided once mechanical plant selections are determined and additional consideration for exhaust emissions and ventilation system noise emissions should be considered for the basement.

- g) *Air conditioning* - The locations of 'A/C Plant' shown in Section A [Dwg DA3100 (Rev A)] are inconsistent with Basement 2 [Dwg DA2003 (Rev A)] and Basement 3 [Dwg DA2002 (Rev A)] which nominate those areas as 'Switch Room', 'Hot Water'. Relevant plans and sections must be amended to show consistent locations of the proposed 'A/C Plant'.
- h) A *3D digital model* must be provided, which accords with Council's DA Guide Attachment 9 – 3D Digital Model Requirements.
- i) *Vehicle access and parking*
 - A revised traffic report must be submitted to incorporate the following:
 - Insufficient information has been provided in relation to the dimensions of the loading zone and its function given the scale and nature of the development. Justification for the provision of an on-site loading bay which is considered redundant given the scale and nature of the development, noting the current proposal already exceeds the maximum requirement of parking for residential developments; and
 - Traffic signal system be incorporated to manage traffic flow among each level of car park and the frontage road, priorities should be given to vehicles entering the car park and waiting bay should be provided accordingly.
 - Insufficient information has been provided in relation to the spatial requirements of the car parking area. Dimensions of all parking spaces, aisle widths, vehicle turntable and driveway widths must be depicted on the plans, with an additional 300mm added to the space if there is a side intrusion.
 - Insufficient information has been provided in relation to the maximum driveway grade and whether it is compliant with AS2890.1 in terms of car scraping and head room. Longitudinal surface profiles along each side/edge for the proposed driveway to the proposed car lifts should be submitted to ascertain the proposed vehicular access meets all requirements stipulated in AS 2890.1 in terms of car scraping and head room, noting the gradient for the first 6m into the car lift should not exceed 1 in 20. The driveway profiles along each side/edge of the proposed driveway is to start from the road centreline which includes Council's standard layback and gutter into the proposed basement. Gradients and transitions must be designed in accordance with Clause 2.5.3 of AS 2890.1. Council's standard layback is 450mm wide and back of the layback is 70mm above the gutter invert. Level of the existing footpath must remain unaltered.
 - Insufficient information has been provided in relation to the dimensions of the waiting bay at the entry point to comply with E1.15 of Council's DCP. The minimum length of a waiting bay shall be 6 metres with a maximum grade of 1 in 20.
 - Confirmation is required if the proposed two car lifts are operating independently and are designated for entry and exit only as indicated in the architectural drawings, or a conflict analysis should be provided to demonstrate efficient operation of the two lifts among different basement levels,
 - The plans are unclear as to the location of visitor parking. Clarification is required if it is within the basement then further information is required with regards to the operational elements of the car lift for visitors.
 - Signage, pavement marking and bollard should be provided to the shared area for accessible parking space, as per AS 2890.6 and should be clearly depicted in the architectural drawings.

15. Public Interest

The proposed development is not in the public interest.

Attachments

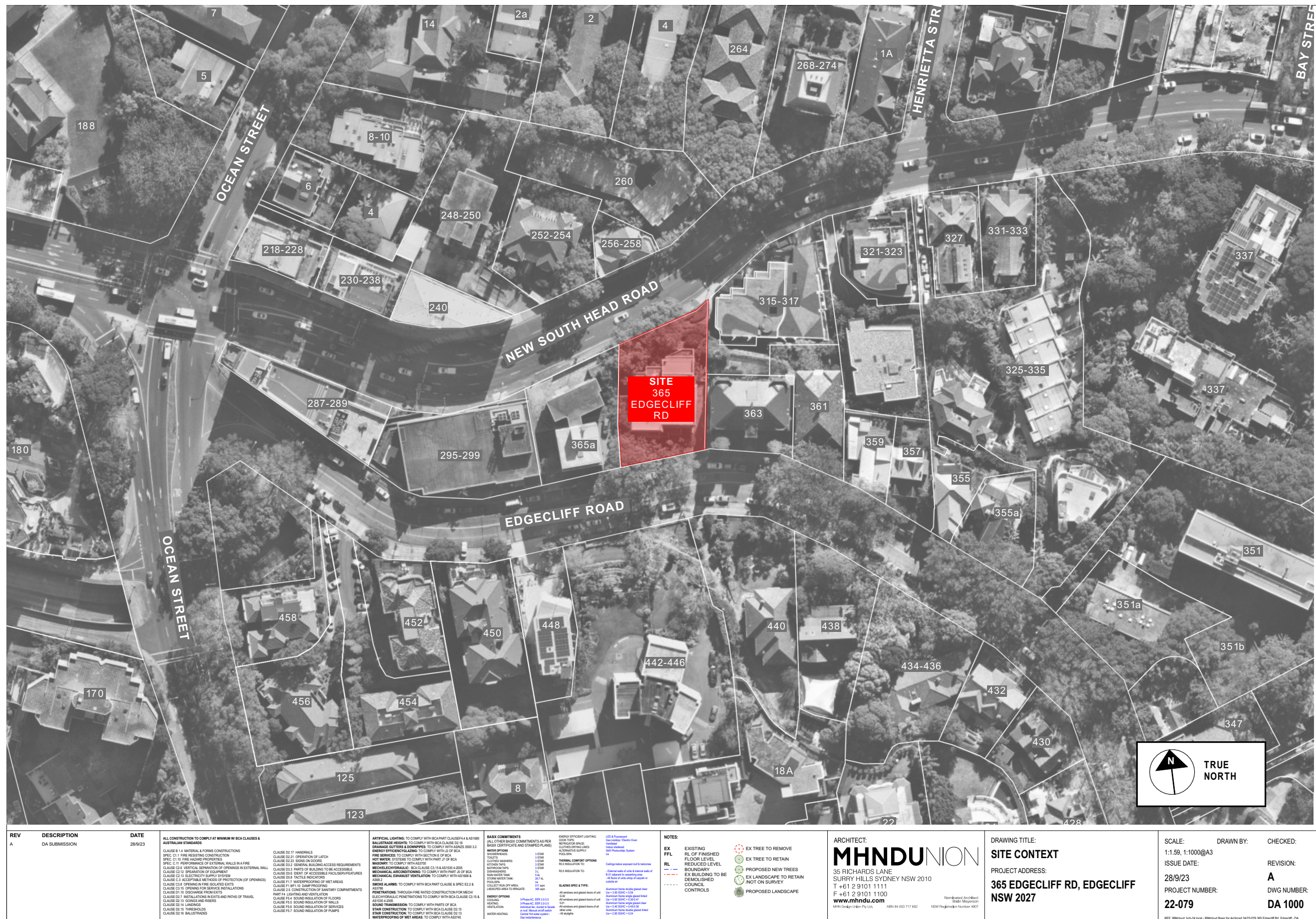
1. Plans, Elevations and Sections [↓](#) 
2. Clause 4.6 (Height) [↓](#) 
3. Referral Response – Drainage [↓](#) 
4. Referral Response – Trees and Landscaping [↓](#) 
5. Referral Response – Urban Design [↓](#) 
6. Referral Response – Environmental Health [↓](#) 
7. Referral Response - Traffic [↓](#) 
8. Concurrence - Transport for NSW [↓](#) 

**365, EDGECLIFF ROAD,
EDGECLIFF, NSW, 2027**

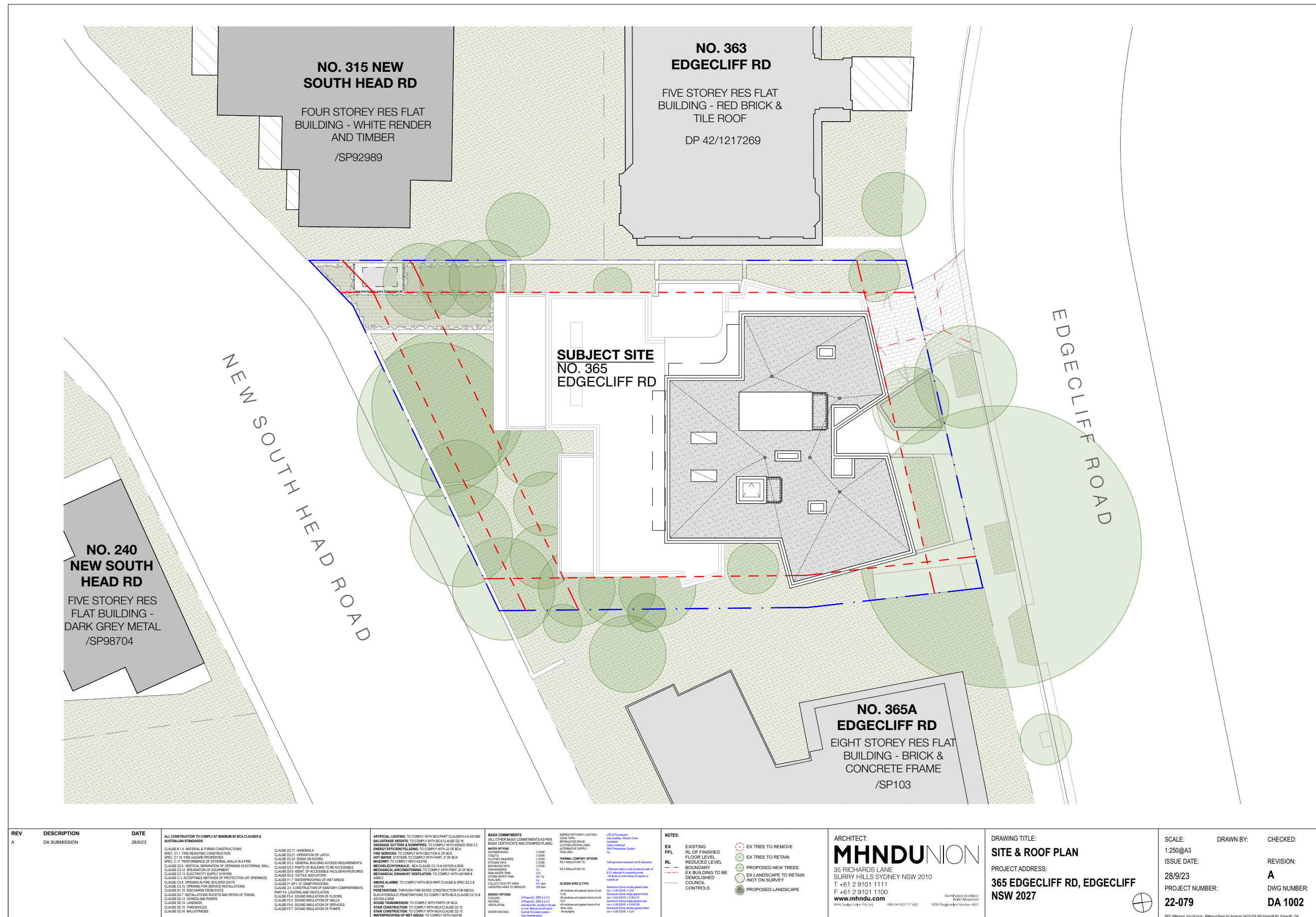
An architectural rendering of a modern, multi-story building with a light-colored concrete frame and vertical slats. The building is situated on a city street, flanked by older brick buildings. A large, leafy tree stands to the left of the modern building, and a smaller tree is to its right. A silver SUV is parked on the street in front of the modern building, and a dark car is parked further down the street. The sky is clear and blue.

DEVELOPMENT APPLICATION

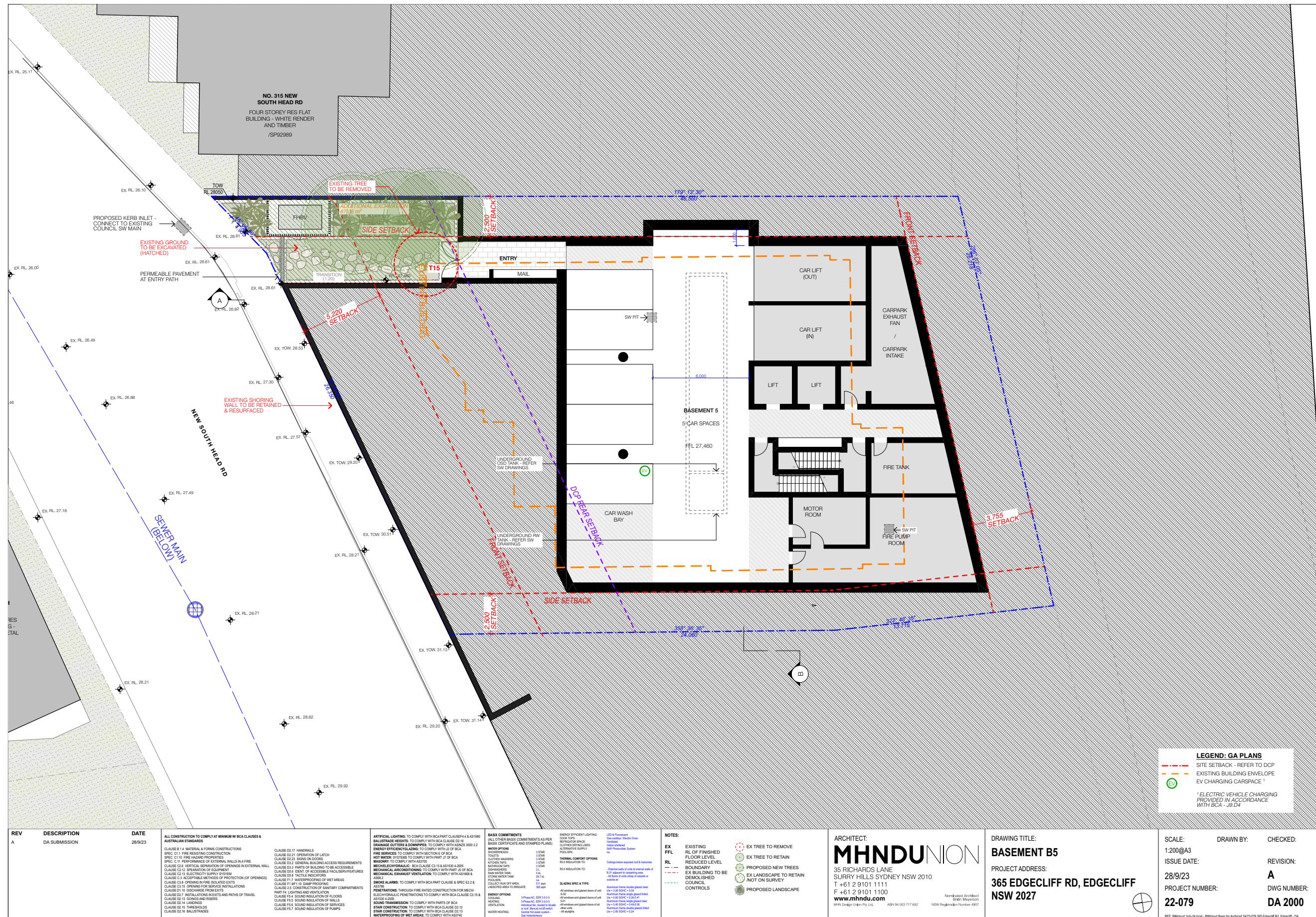
Attachment 1 Plans, Elevations and Sections

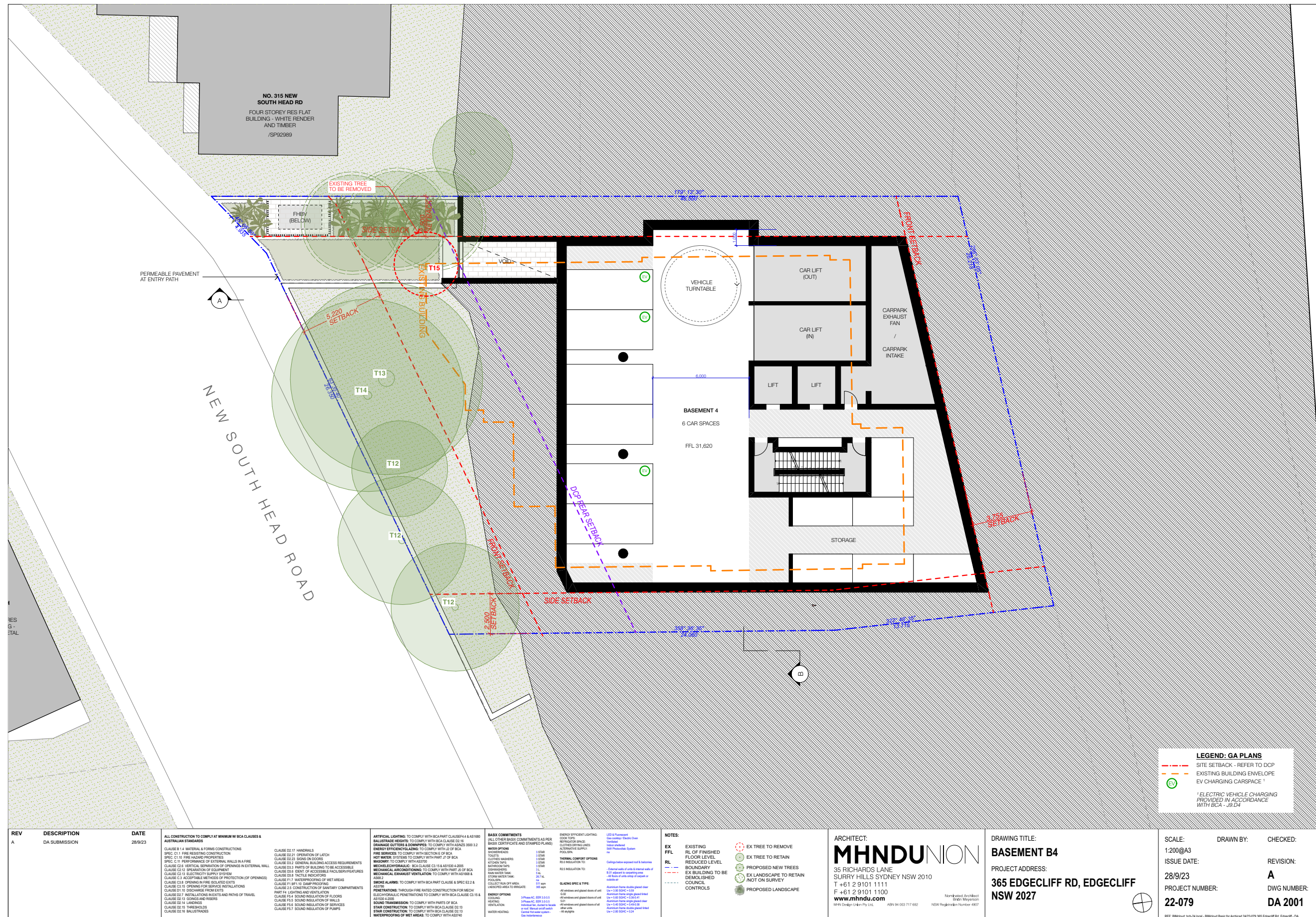


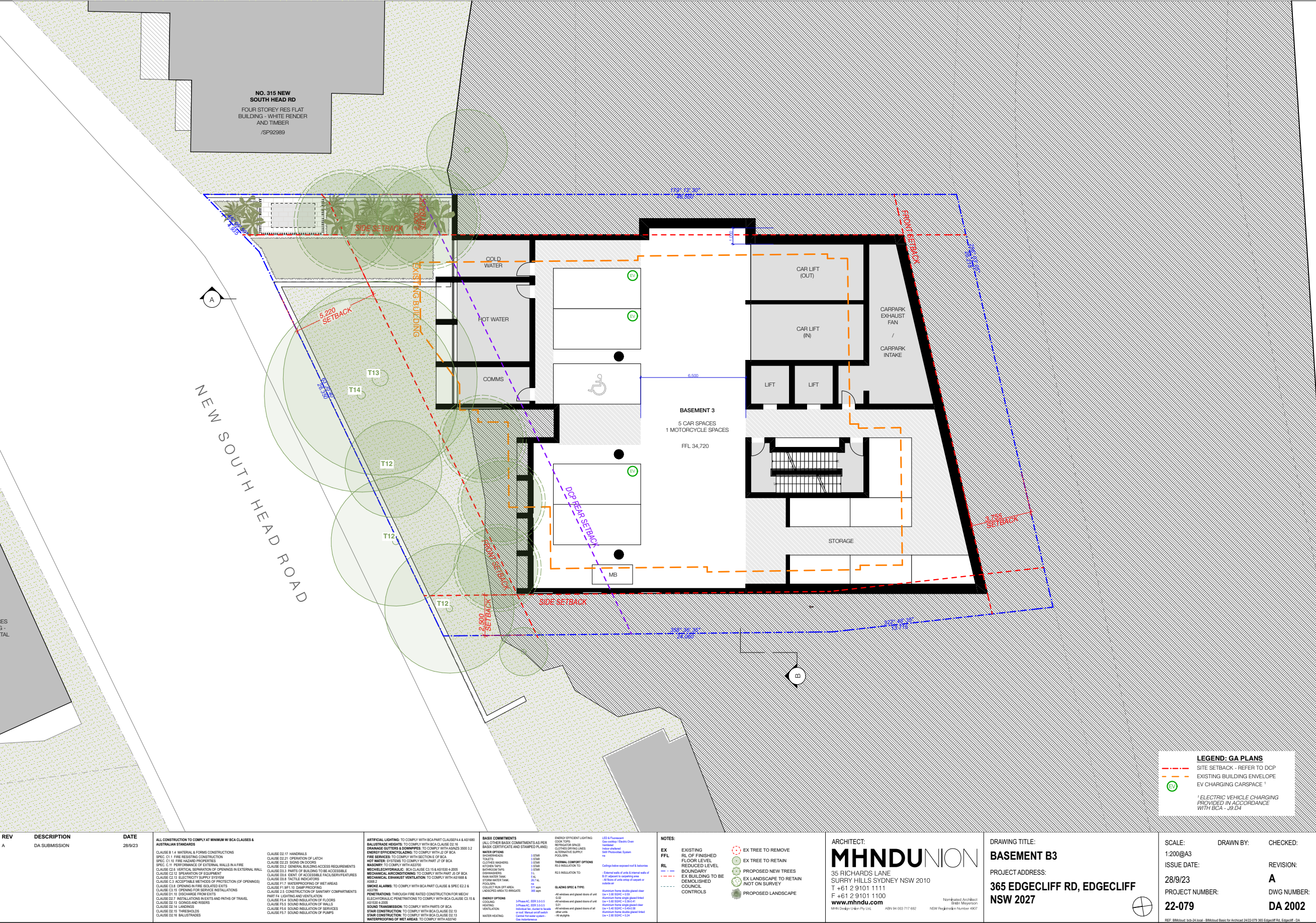


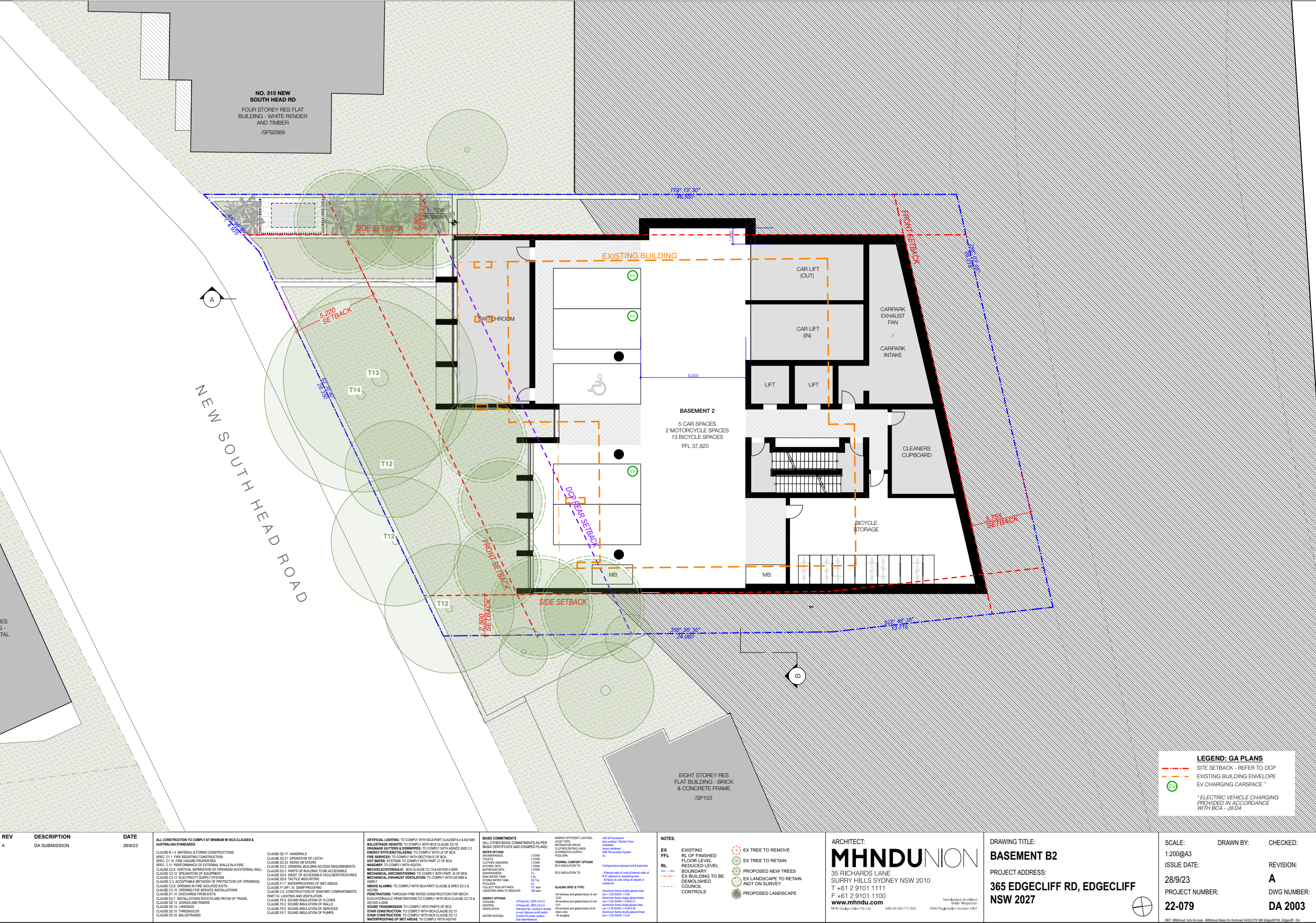


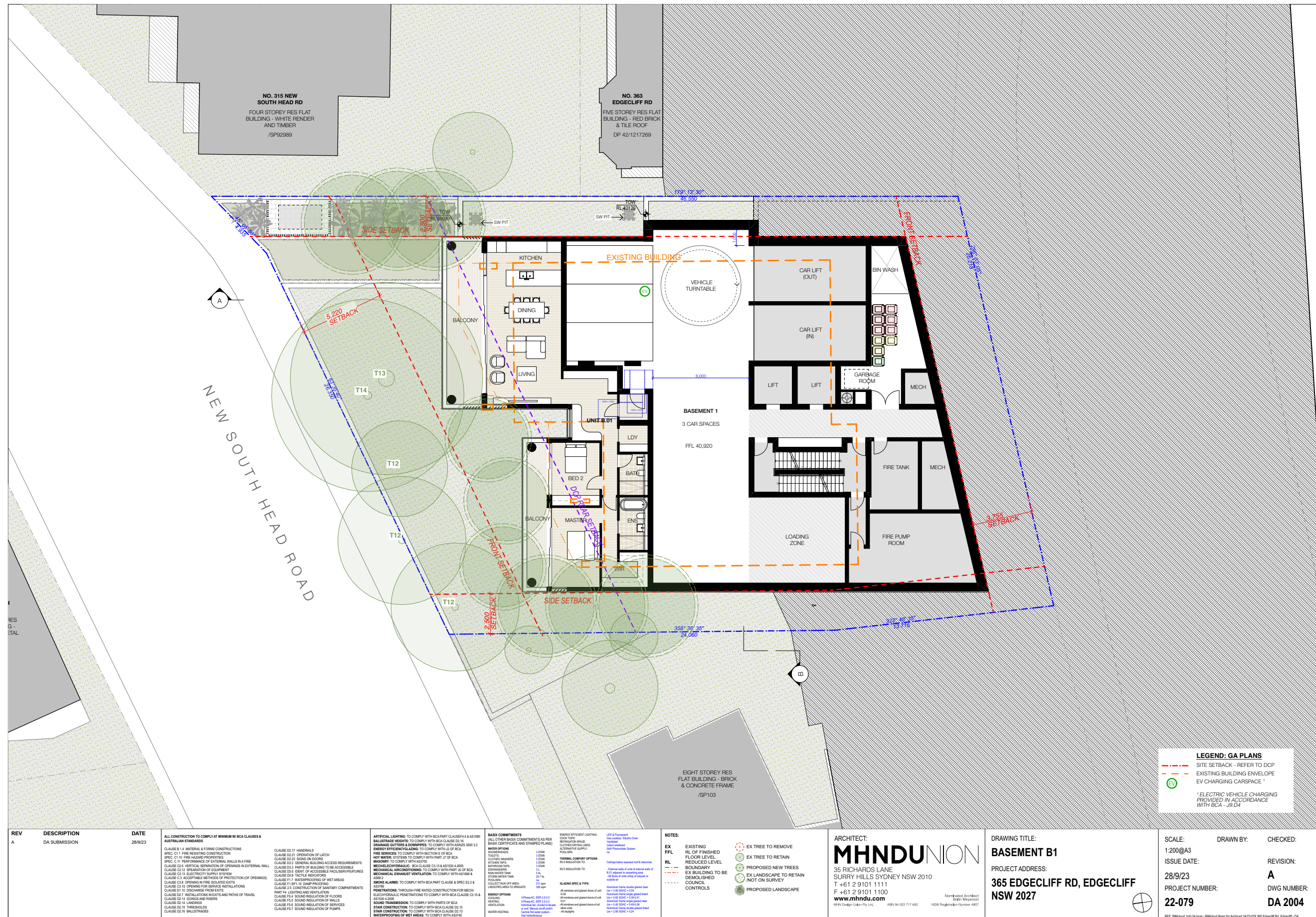


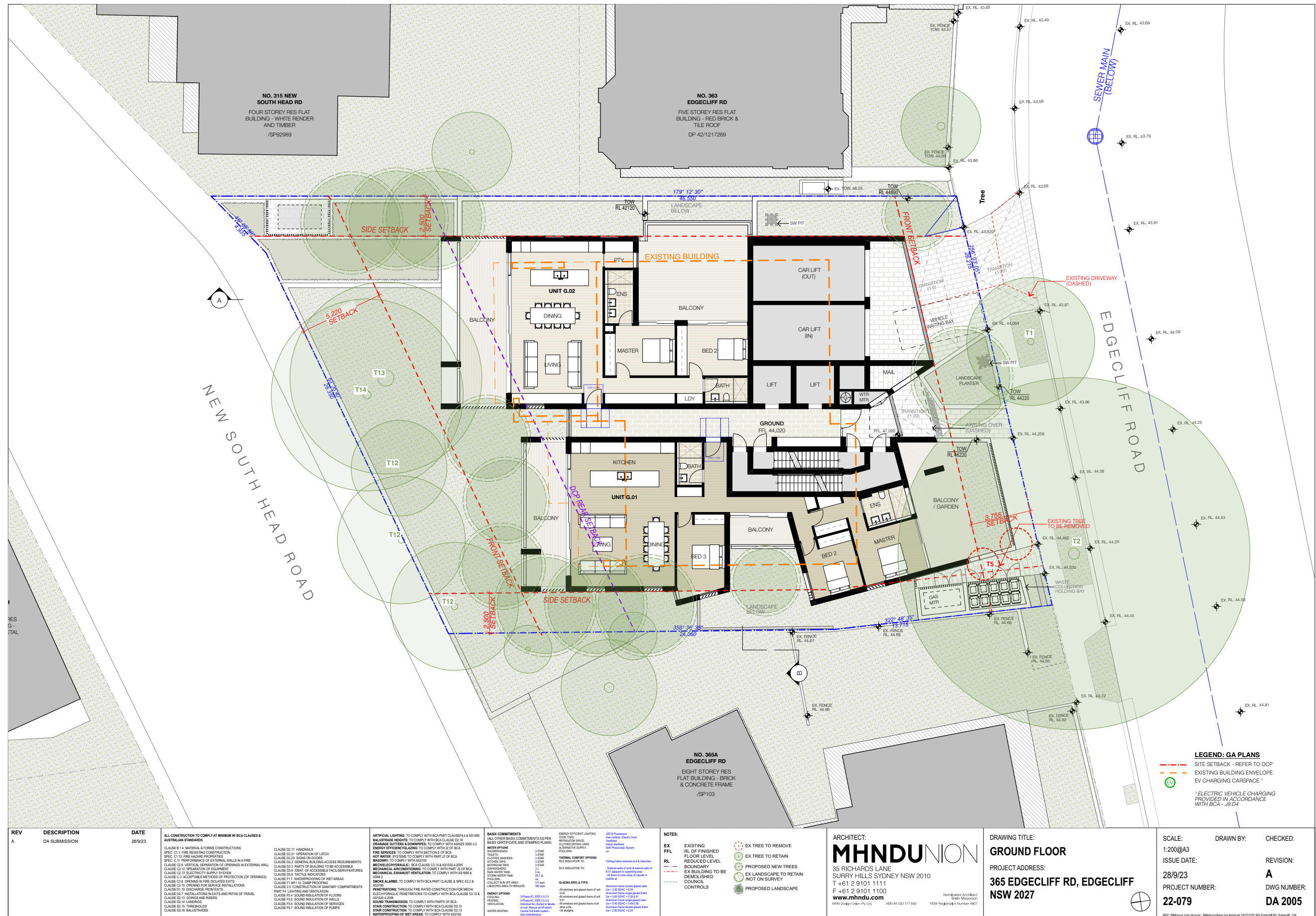


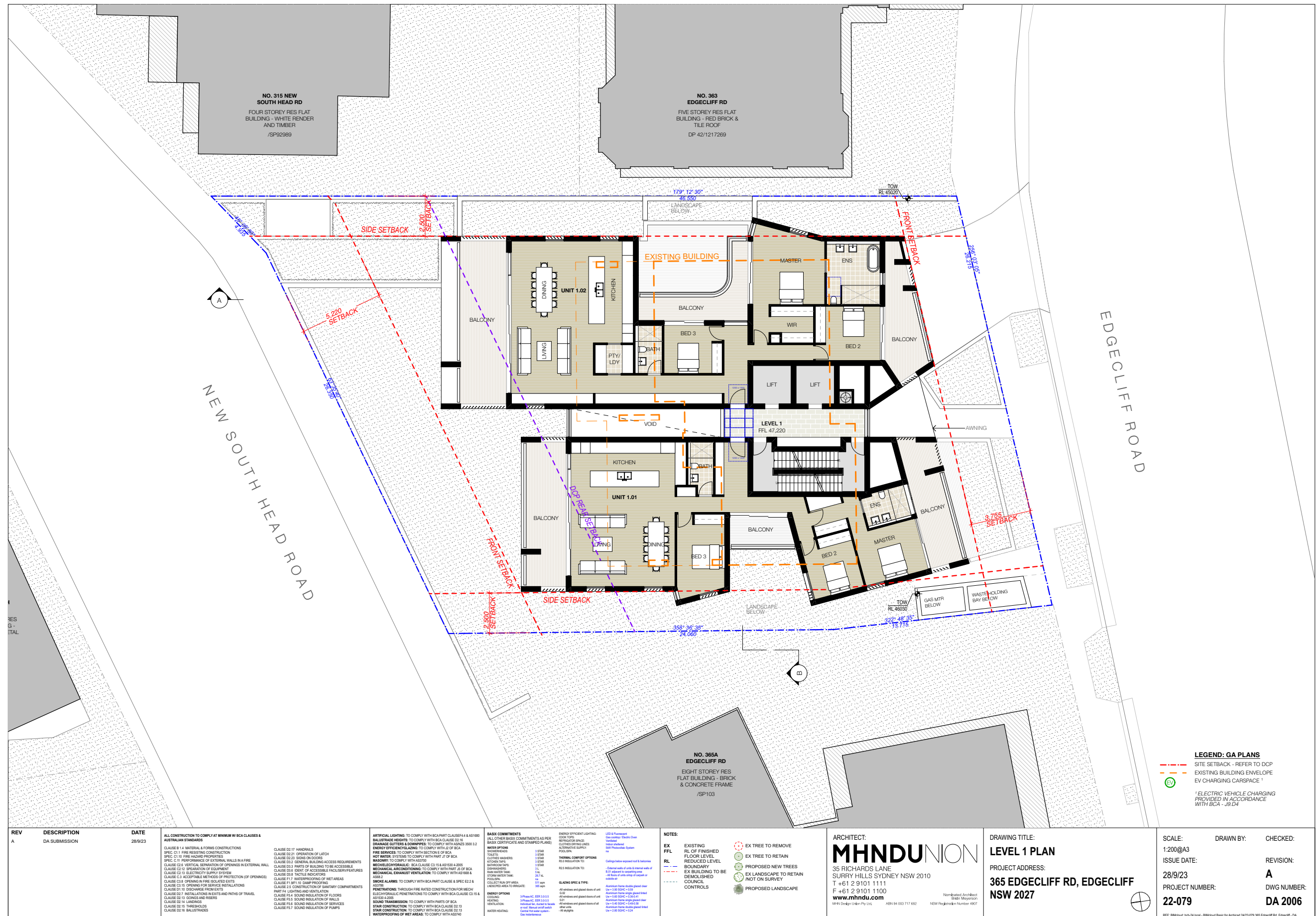


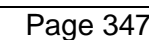




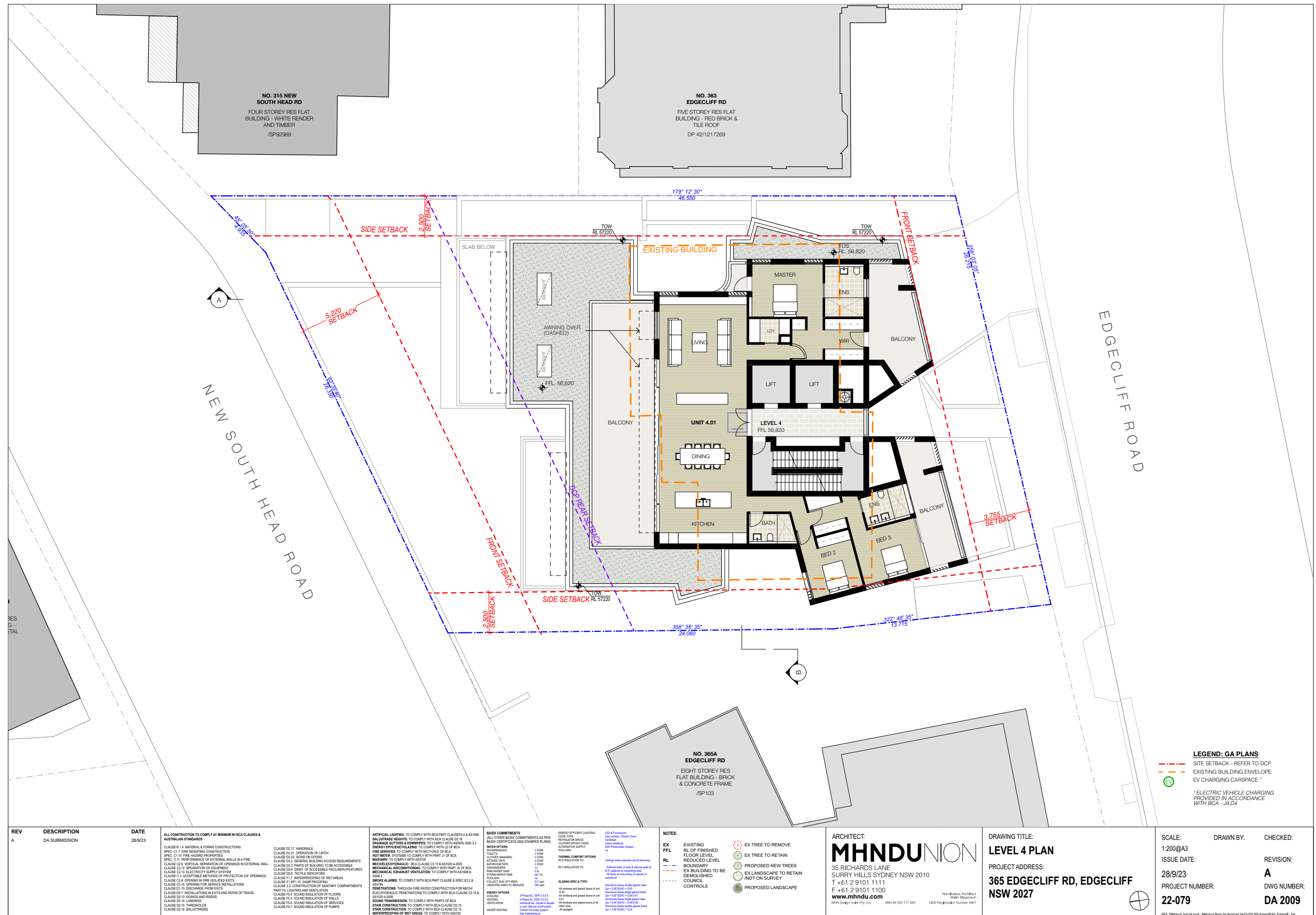


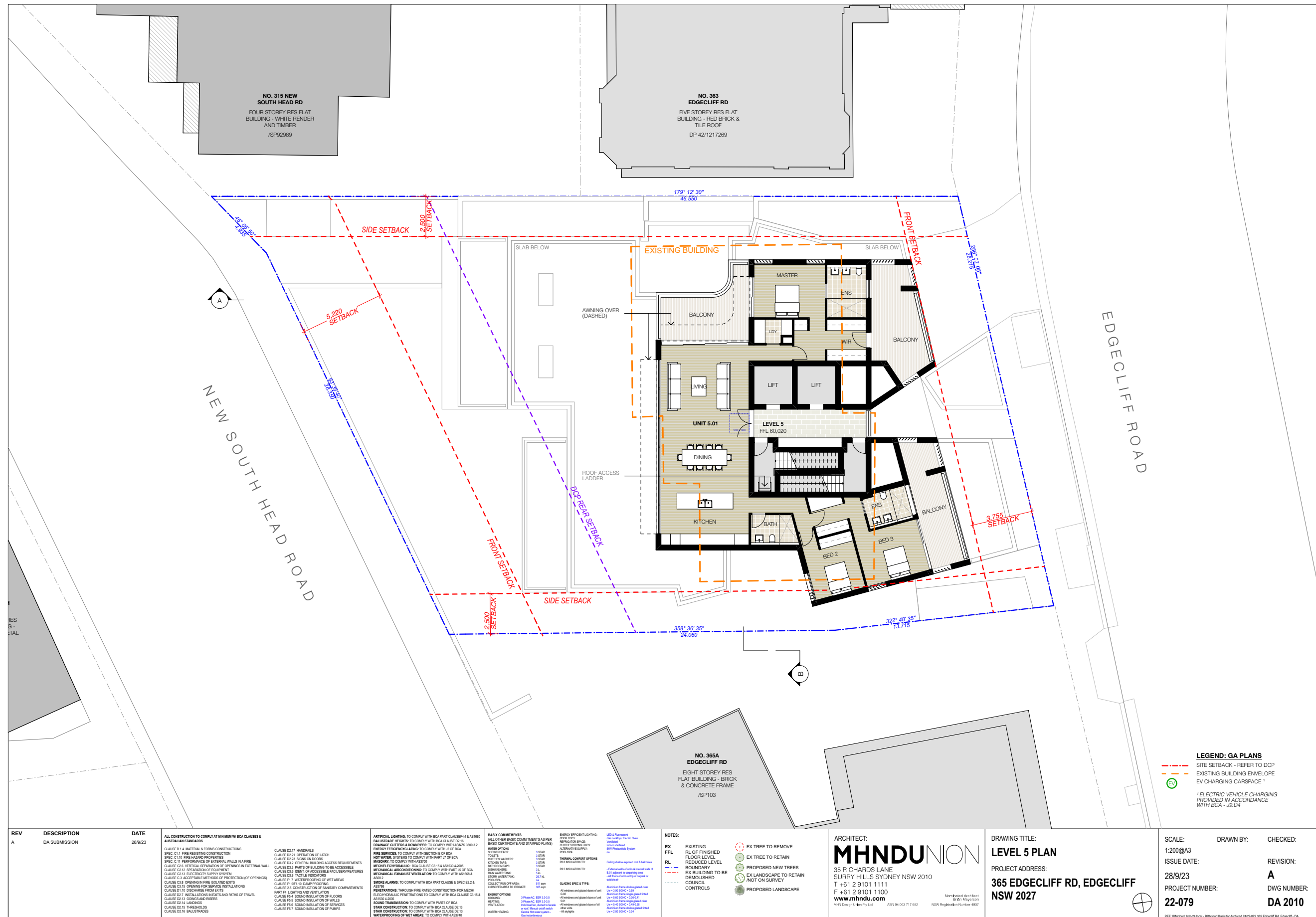


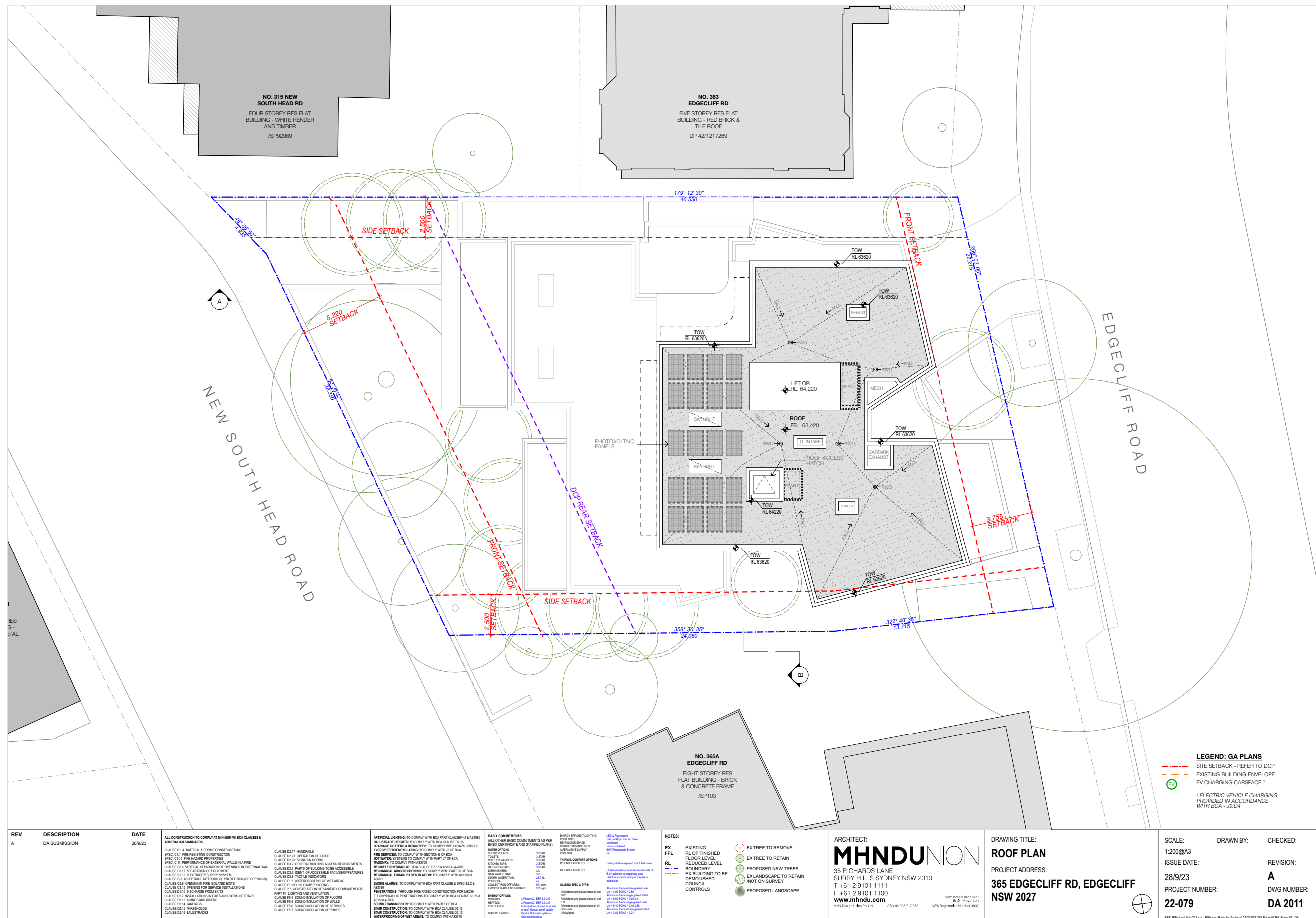


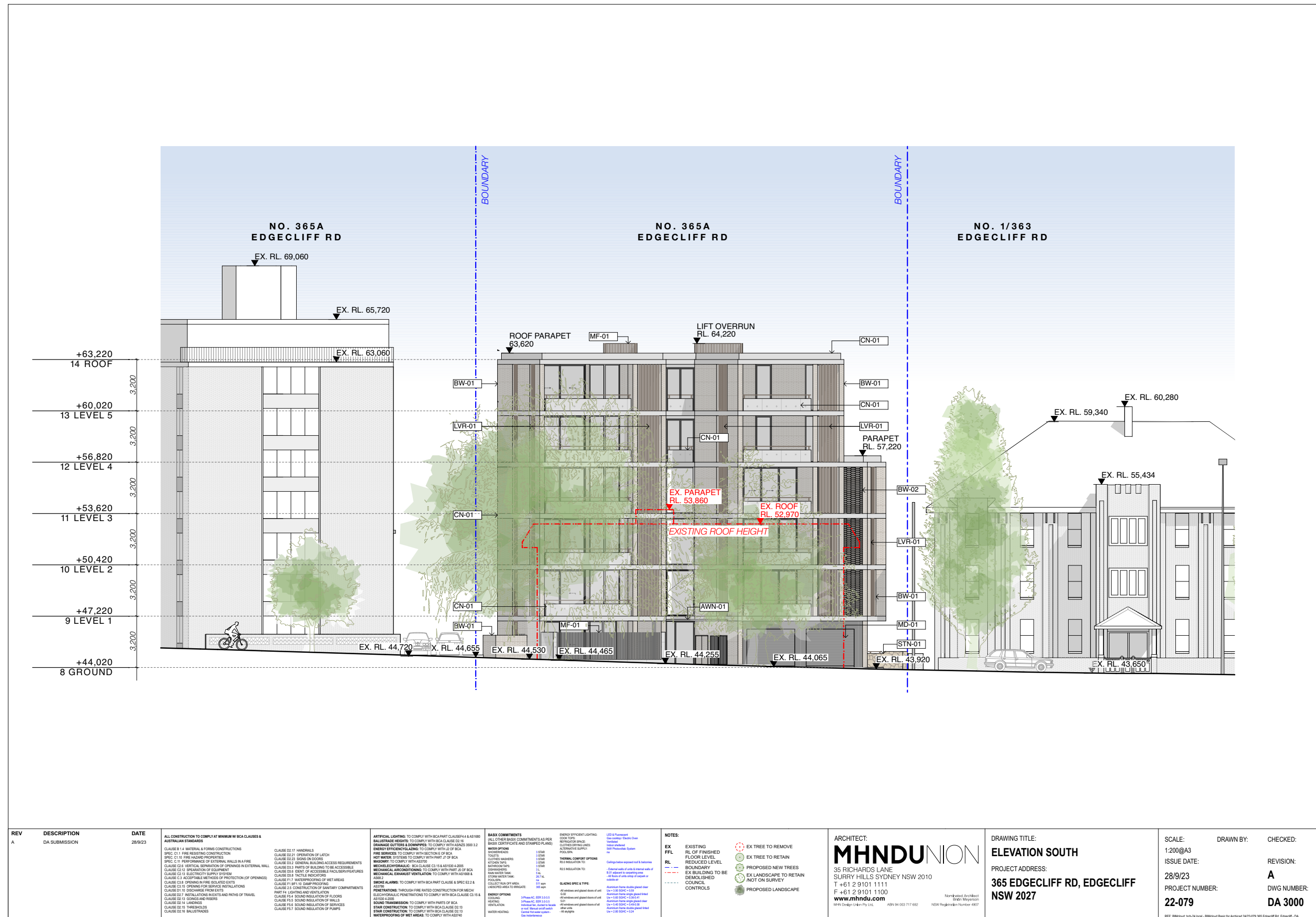


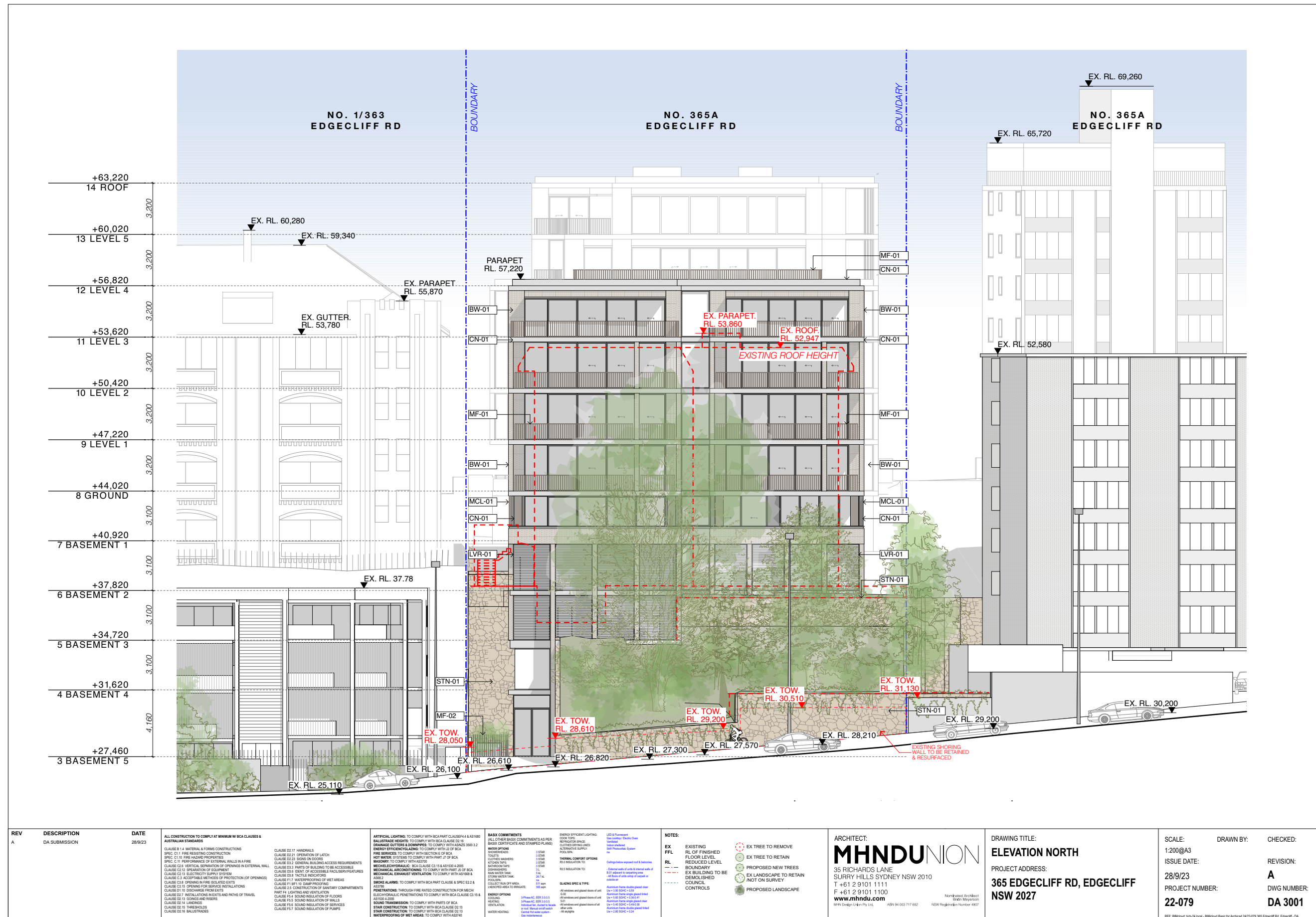


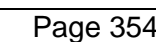




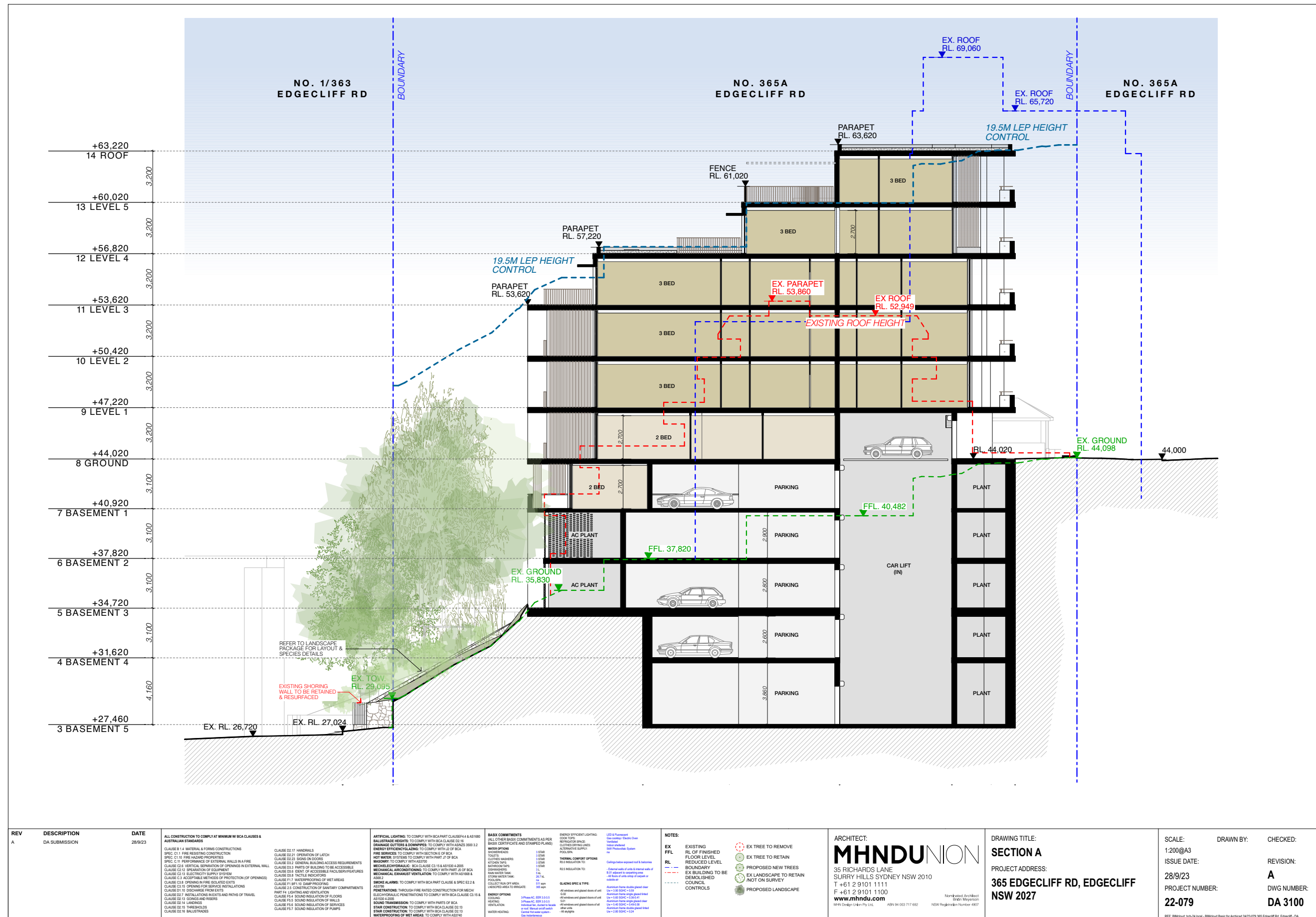


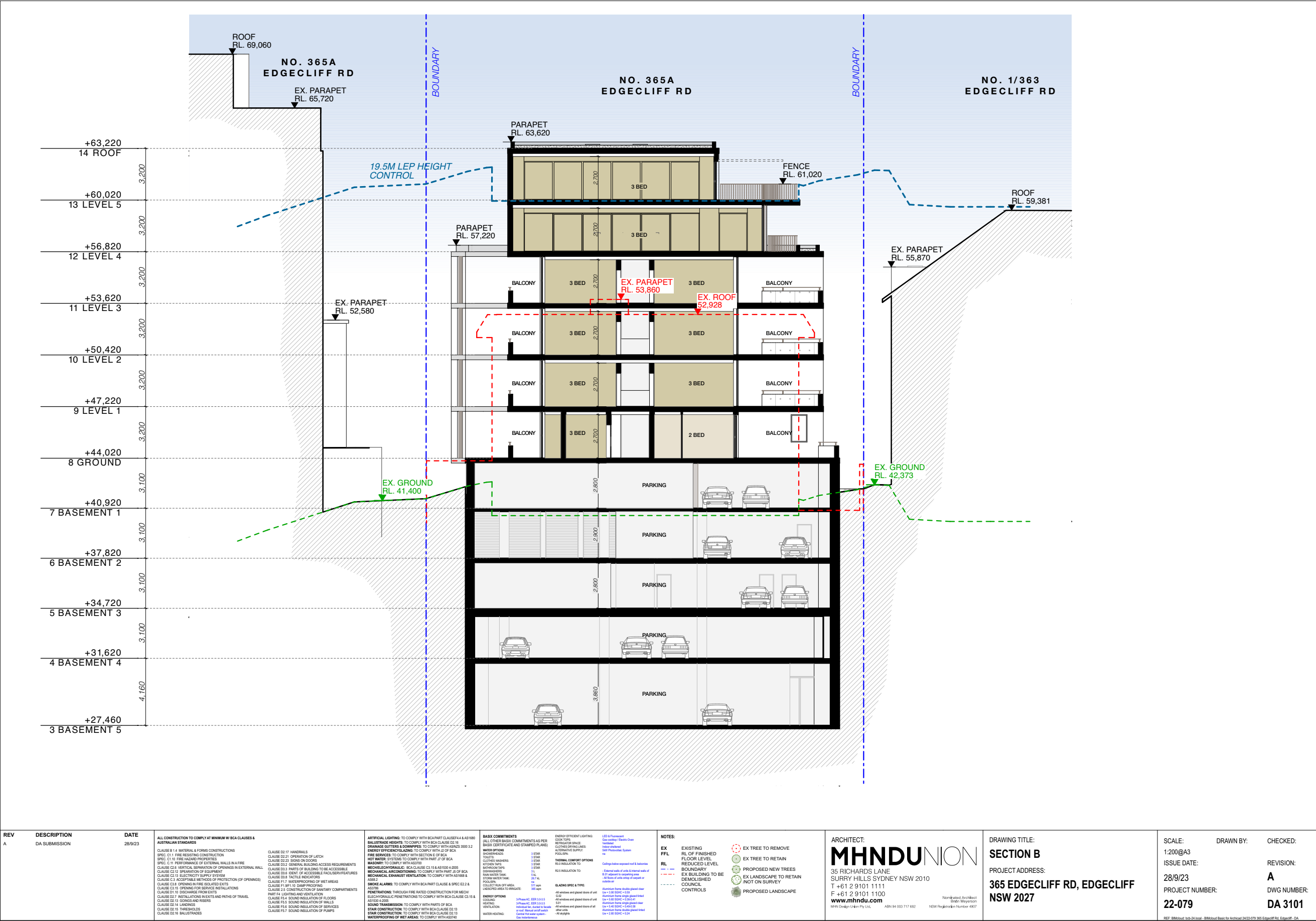






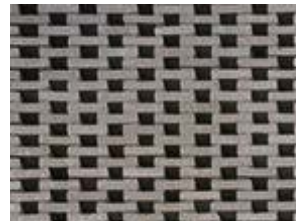








BW-01
BRICKWORK, TYPE 1
KRAUSE, GHOST GREY
STRETCHER BOND
LINEAR FORMAT, 300 x 50 x 110mm



BW-02
BRICKWORK, TYPE 2
KRAUSE, GHOST GREY
BRICK SCREEN
LINEAR FORMAT, 300 x 50 x 110mm



CN-01
OFF-FORM CONCRETE
BORAL ENVISIA



MCL-01
METAL CLADDING, TYPE 1
POWDERCOAT, DARK GREY



MF-01
PALLISADE METAL FENCE, TYPE 1
POWDERCOAT, ANODISED BRONZE



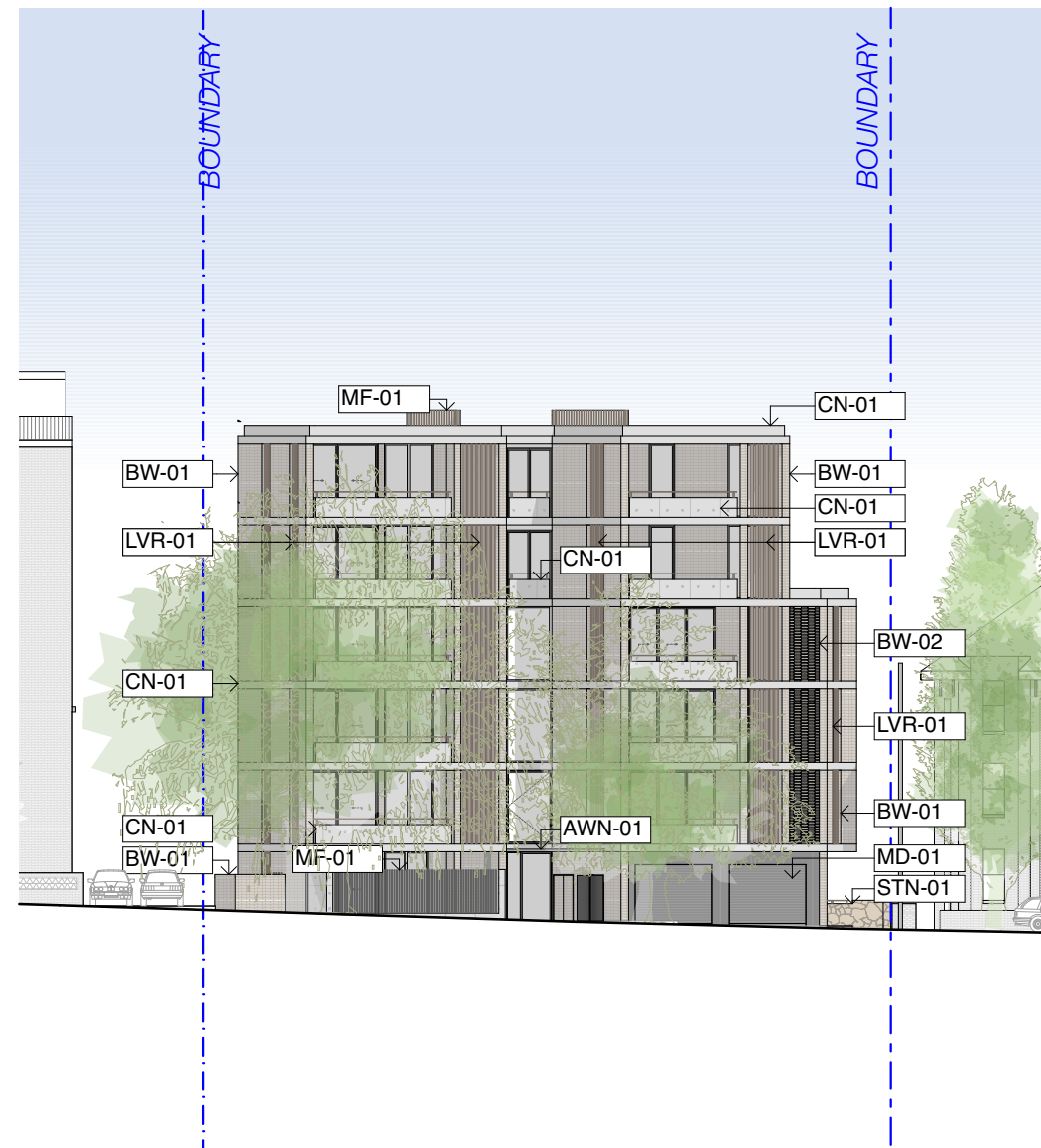
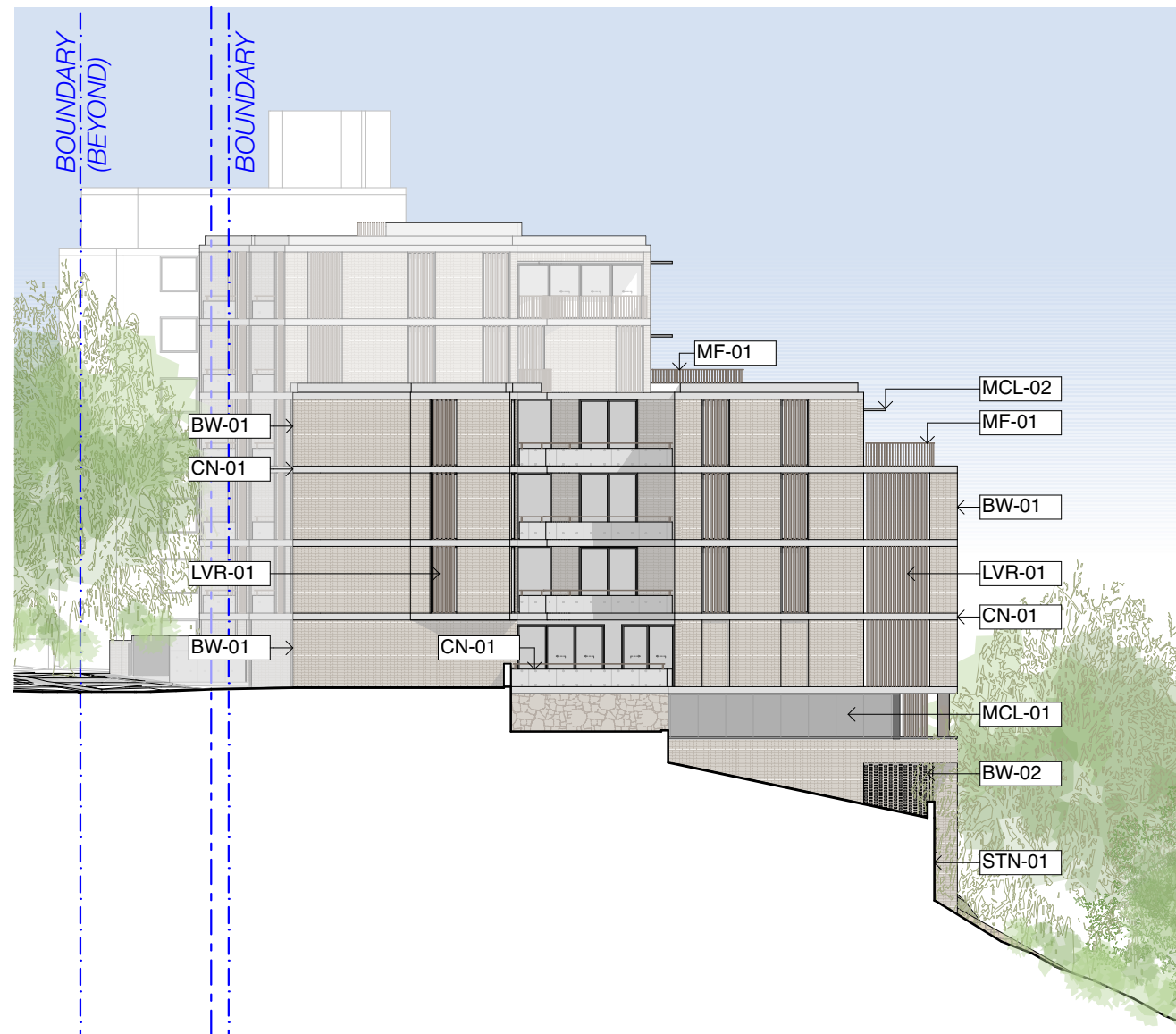
MF-02
PALLISADE METAL FENCE, TYPE 2
POWDERCOAT, DARK GREY TO MATCH
MCL-01



LVR-01
LOUVRES, TYPE 1
FIXED
ANODISED BRONZE



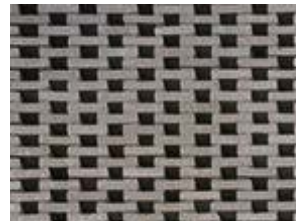
STN-01
STONE, TYPE 1
TO MATCH EXISTING NATURAL STONE



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| REV A | DESCRIPTION DA SUBMISSION | DATE 28/09/23 | <p>ALL CONSTRUCTION TO COMPLY WITH MINIMUM WBCA CLAUSES & MATERIALS STANDARDS</p> <p>CLAUSE 11 MATERIAL & FORM CONSTRUCTIONS</p> <p>CLAUSE 12 FIRE RESISTING CONSTRUCTION</p> <p>CLAUSE 13 FIRE HAZARD PROPERTIES</p> <p>CLAUSE 14 FIRE PROTECTION</p> <p>CLAUSE 15 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL</p> <p>CLAUSE 16 SEPARATION OF OPENINGS IN EXTERNAL WALL</p> <p>CLAUSE 17 ACCEPTABLE METHOD(S) OF PROTECTION OF OPENINGS</p> <p>CLAUSE 18 OPENING IN FIRE EXPOSED EXISTING</p> <p>CLAUSE 19 DISCHARGE FROM EXISTING</p> <p>CLAUSE 20 INSTALLATIONS IN EXISTING PARTS OF TRAVEL</p> <p>CLAUSE 21 LANDSCAPE</p> <p>CLAUSE 22 LANDSCAPE</p> <p>CLAUSE 23 LANDSCAPE</p> <p>CLAUSE 24 LANDSCAPE</p> <p>CLAUSE 25 LANDSCAPE</p> <p>CLAUSE 26 LANDSCAPE</p> <p>CLAUSE 27 LANDSCAPE</p> <p>CLAUSE 28 LANDSCAPE</p> <p>CLAUSE 29 LANDSCAPE</p> <p>CLAUSE 30 LANDSCAPE</p> <p>CLAUSE 31 LANDSCAPE</p> <p>CLAUSE 32 LANDSCAPE</p> <p>CLAUSE 33 LANDSCAPE</p> <p>CLAUSE 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<p>CLAUSE 250 LANDSCAPE</p> <p>CLAUSE 251 LANDSCAPE</p> <p>CLAUSE 252 LANDSCAPE</p> <p>CLAUSE 253 LANDSCAPE</p> <p>CLAUSE 254 LANDSCAPE</p> <p>CLAUSE 255 LANDSCAPE</p> <p>CLAUSE 256 LANDSCAPE</p> <p>CLAUSE 257 LANDSCAPE</p> <p>CLAUSE 258 LANDSCAPE</p> <p>CLAUSE 259 LANDSCAPE</p> <p>CLAUSE 260 LANDSCAPE</p> <p>CLAUSE 261 LANDSCAPE</p> <p>CLAUSE 262 LANDSCAPE</p> <p>CLAUSE 263 LANDSCAPE</p> <p>CLAUSE 264 LANDSCAPE</p> <p>CLAUSE 265 LANDSCAPE</p> <p>CLAUSE 266 LANDSCAPE</p> <p>CLAUSE 267 LANDSCAPE</p> <p>CLAUSE 268 LANDSCAPE</p> <p>CLAUSE 269 LANDSCAPE</p> <p>CLAUSE 270 LANDSCAPE</p> <p>CLAUSE 271 LANDSCAPE</p> <p>CLAUSE 272 LANDSCAPE</p> <p>CLAUSE 273 LANDSCAPE</p> <p>CLAUSE 274 LANDSCAPE</p> <p>CLAUSE 275 LANDSCAPE</p> <p>CLAUSE 276 LANDSCAPE</p> <p>CLAUSE 277 LANDSCAPE</p> <p>CLAUSE 278 LANDSCAPE</p> <p>CLAUSE 279 LANDSCAPE</p> <p>CLAUSE 280 LANDSCAPE</p> <p>CLAUSE</p> |
|-------|------------------------------|------------------|---|



BW-01
BRICKWORK, TYPE 1
KRAUSE, GHOST GREY
STRETCHER BOND
LINEAR FORMAT, 300 x 50 x 110mm



BW-02
BRICKWORK, TYPE 2
KRAUSE, GHOST GREY
BRICK SCREEN
LINEAR FORMAT, 300 x 50 x 110mm



CN-01
OFF-FORM CONCRETE
BORAL ENVISIA



MCL-01
METAL CLADDING, TYPE 1
POWDERCOAT, DARK GREY



MF-01
PALLISADE METAL FENCE, TYPE 1
POWDERCOAT, ANODISED BRONZE



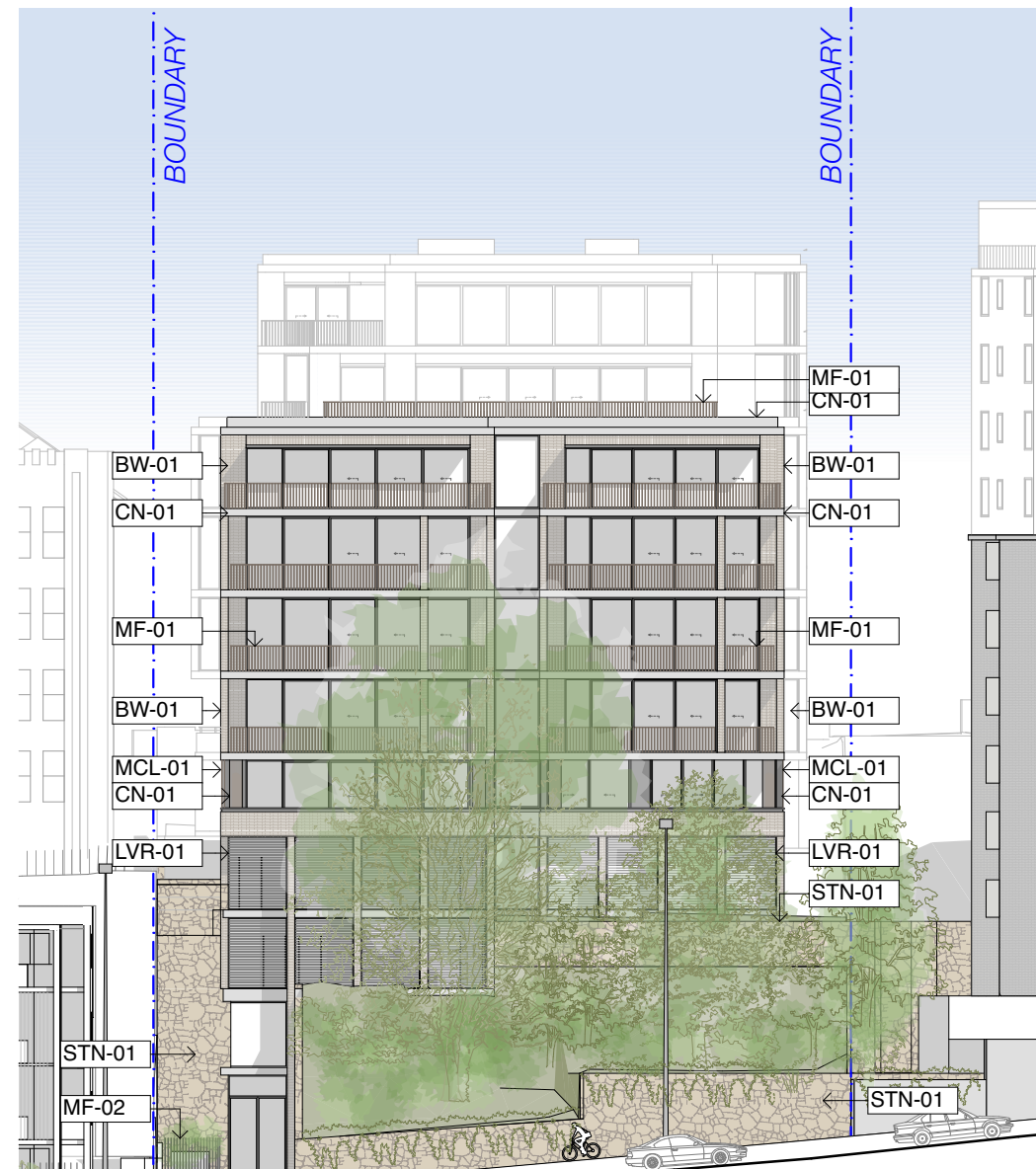
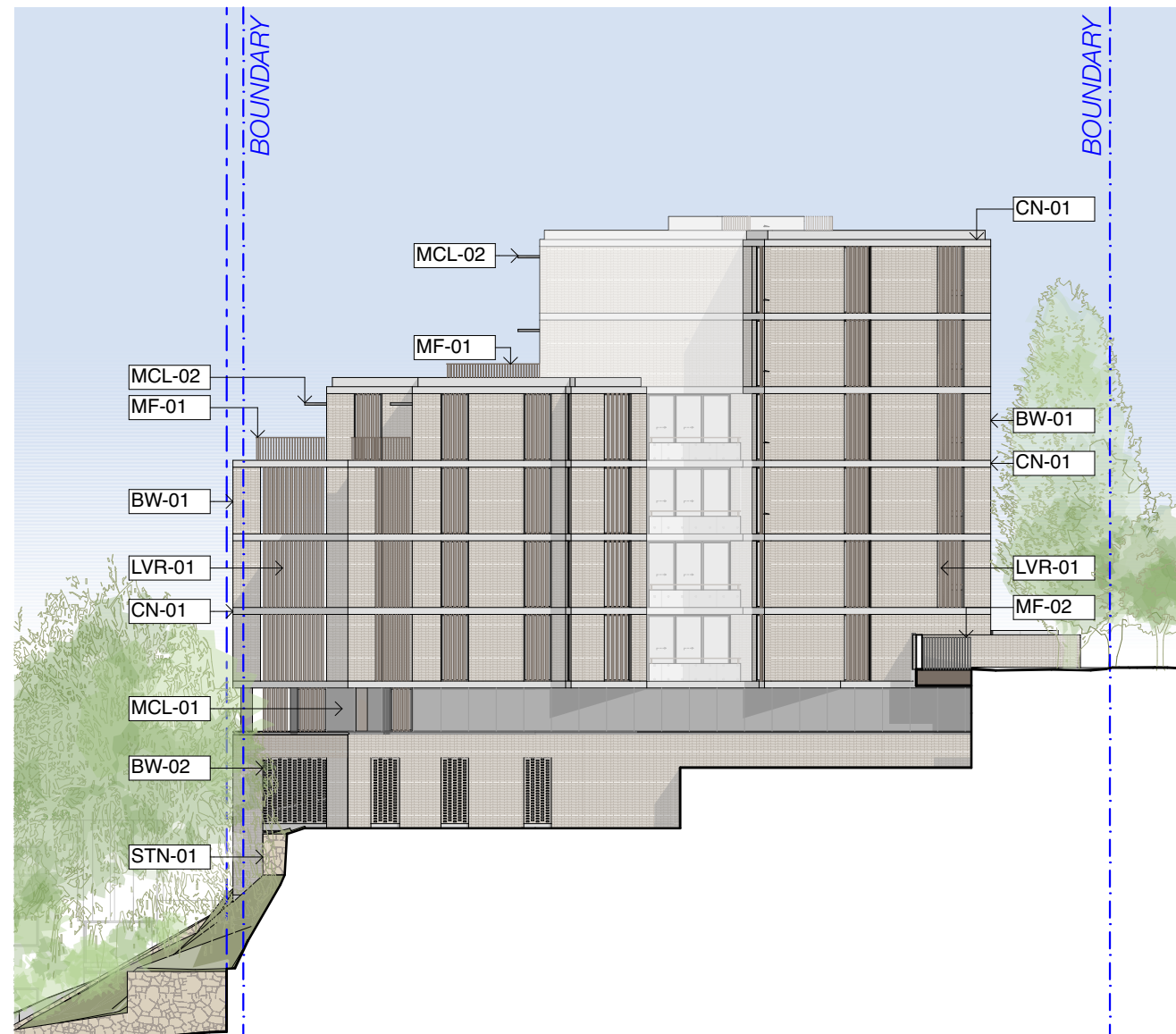
MF-02
PALLISADE METAL FENCE, TYPE 2
POWDERCOAT, DARK GREY TO MATCH
MCL-01



LVR-01
LOUVRES, TYPE 1
FIXED
ANODISED BRONZE



STN-01
STONE, TYPE 1
TO MATCH EXISTING NATURAL STONE

[illegible]

PHOTOMONTAGE - 01

[illegible]

PHOTOMONTAGE - 02

[illegible]

PHOTOMONTAGE - 03

[illegible]

| | |
|---------------|-------------------------|
| SITE AREA | 1,117.89 m ² |
| ALLOWABLE FSR | 1.55 : 1 |
| ALLOWABLE GFA | 1,732.7 m ² |

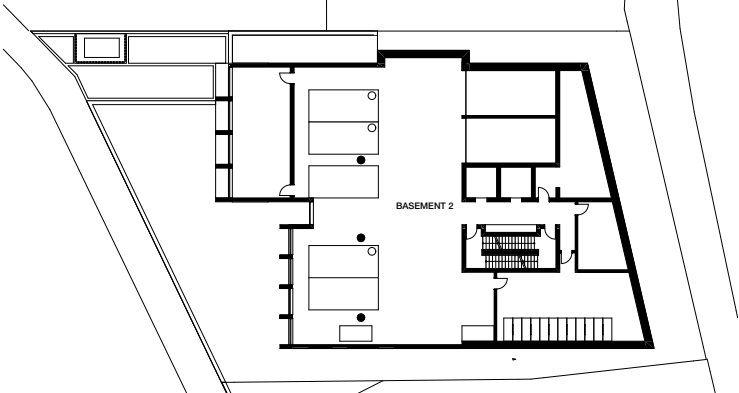
| | |
|--------------|------------------------|
| PROPOSED FSR | 1.55 : 1 |
| PROPOSED GFA | 1,732.7 m ² |

| LEVEL | AREA |
|--------------|------------------------------|
| BASEMENT 1 | 120.5 |
| GROUND | 284.4 |
| LEVEL 1 | 329.5 |
| LEVEL 2 | 329.5 |
| LEVEL 3 | 329.4 |
| LEVEL 4 | 178.3 |
| LEVEL 5 | 161.1 |
| TOTAL | 1,732.7 m² |

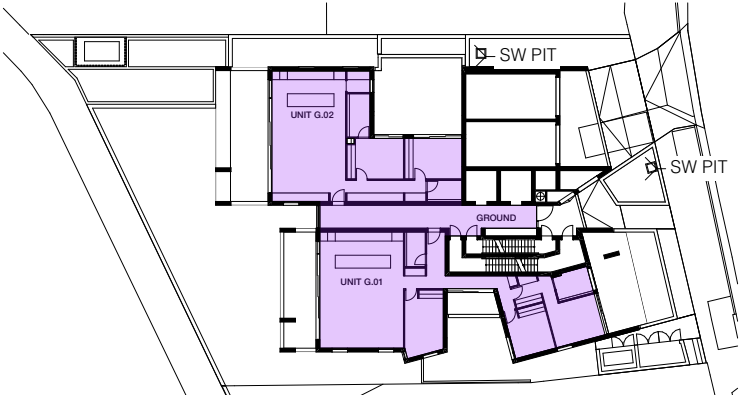
COUNCIL OF CITY OF SYDNEY
Sydney LEP 2012 GFA Definition:

Gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

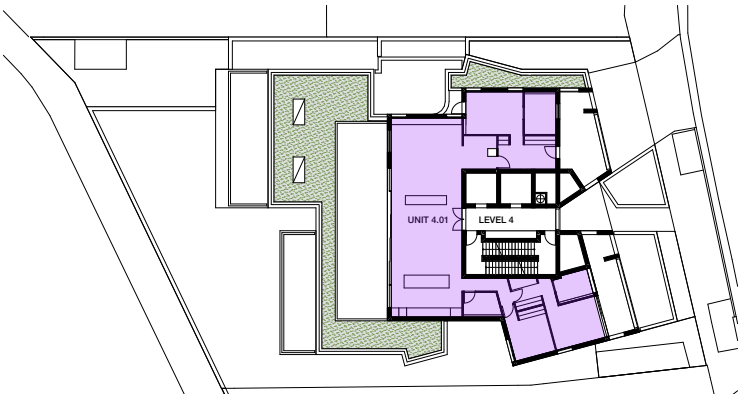
- a) the area of a mezzanine, and
 - b) habitable rooms in a basement or an attic, and
 - c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes—
- d) any area for common vertical circulation, such as lifts and stairs, and
 - e) any basement—
 - i) storage, and
 - ii) vehicular access, loading areas, garbage and services, and
 - f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - h) any space used for the loading or unloading of goods (including access to it), and
 - i) terraces and balconies with outer walls less than 1.4 metres high, and
 - j) voids above a floor at the level of a storey or storey above.



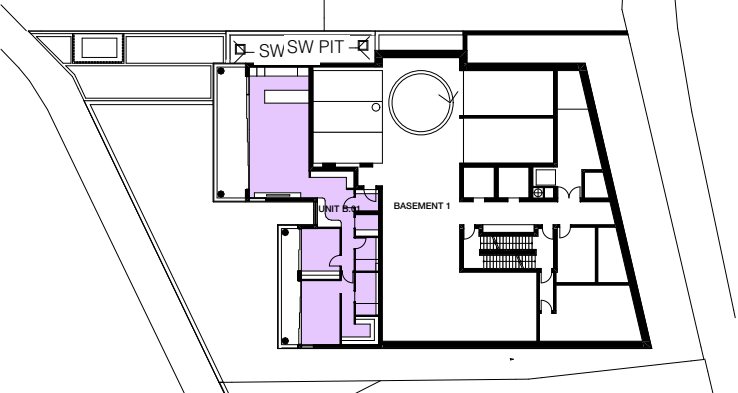
BASEMENT 2



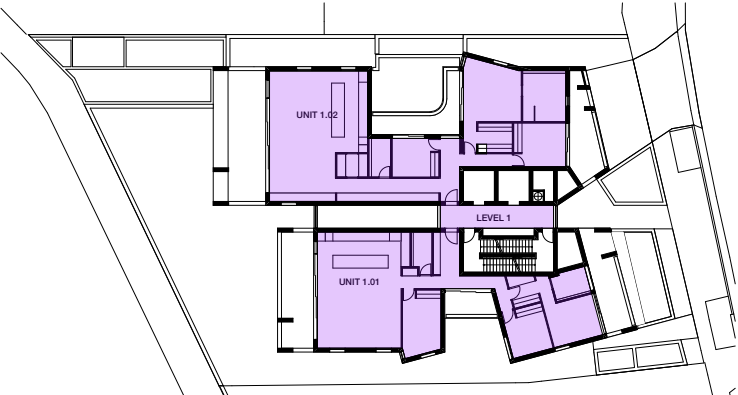
GROUND



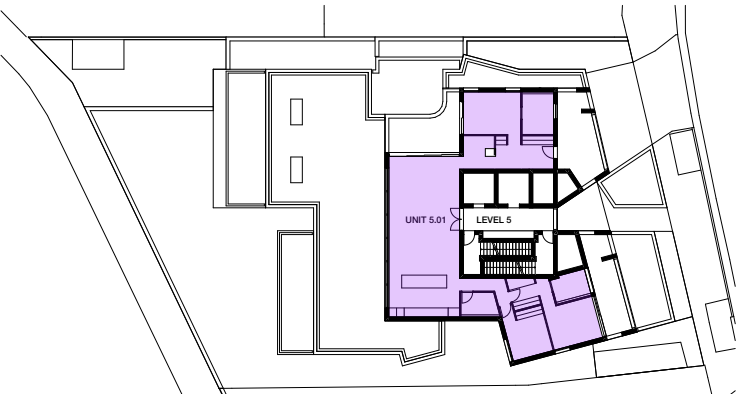
LEVEL 4



BASEMENT 1



LEVEL 1 - 3

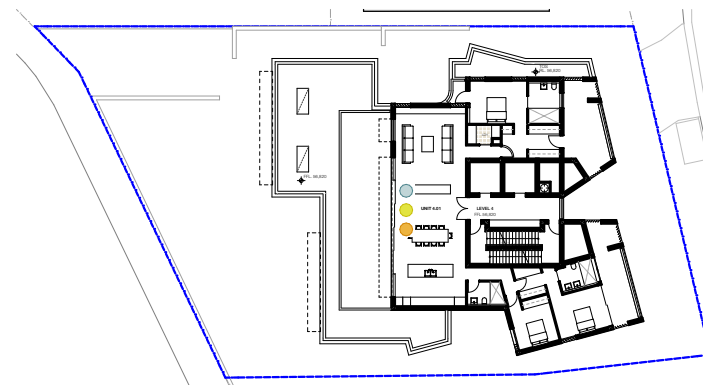


LEVEL 5

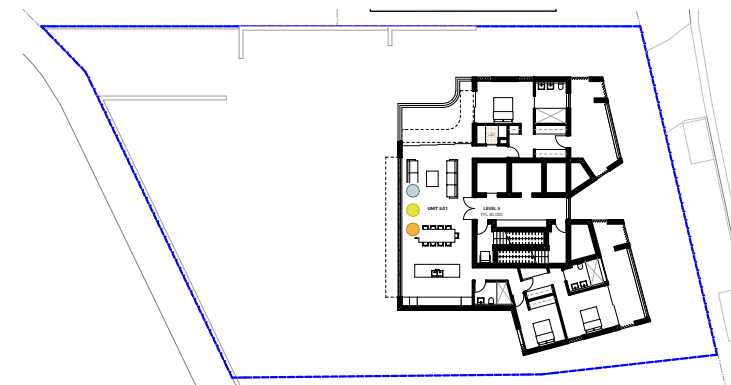
[illegible]

SOLAR ACCESS & CROSS VENTILATION

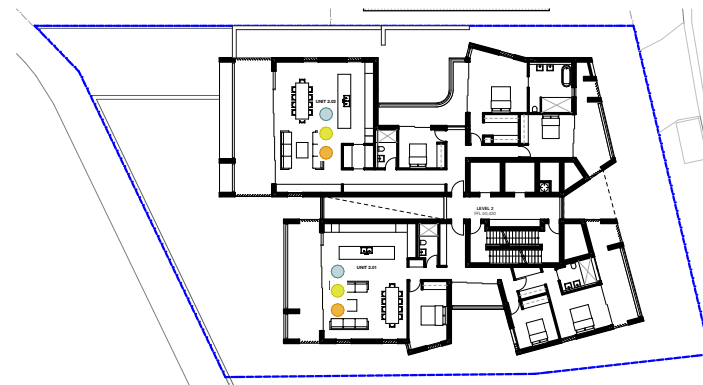
| | | | |
|--------------------------|----------------|-----------------|-----------------|
| TOTAL UNITS | | 11 | |
| <u>SOLAR ACCESS</u> | | | |
| 9AM - 3PM | | CONTROL | PROPOSED |
| ● 2+ HR | 8 (70%) | 11 (100%) | COMPLIES |
| ● 1+ HR | - | 0 (0%) | |
| ○ 0 HR | 1 (15%) | 0 (0%) | |
| 8AM - 4PM | | | |
| ● 2+ HR | | 11 (100%) | COMPLIES |
| ● 1+ HR | | 0 (0%) | |
| ○ 0 HR | | 0 (0%) | |
| <u>CROSS VENTILATION</u> | | | |
| | CONTROL | PROPOSED | |
| ● ACHIEVE | 6 (60%) | 10 (91%) | COMPLIES |
| ○ NOT ACHIEVE | - | 1 (9%) | |



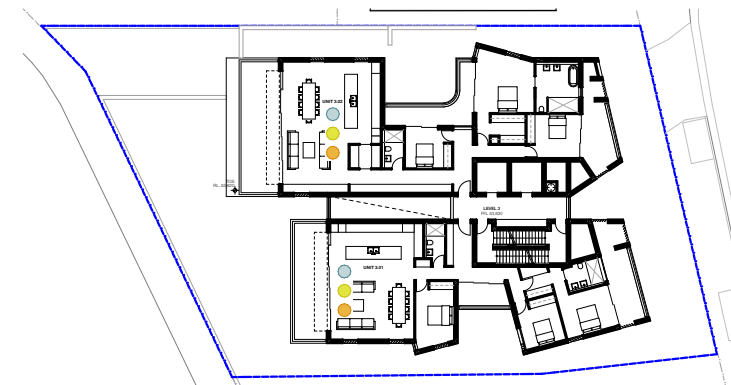
LEVEL 4



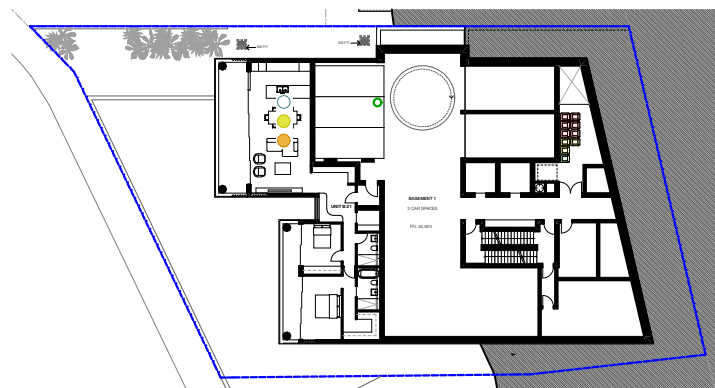
LEVEL 5



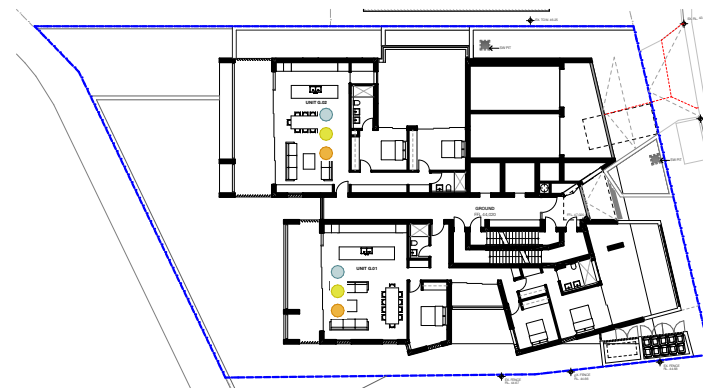
LEVEL 2



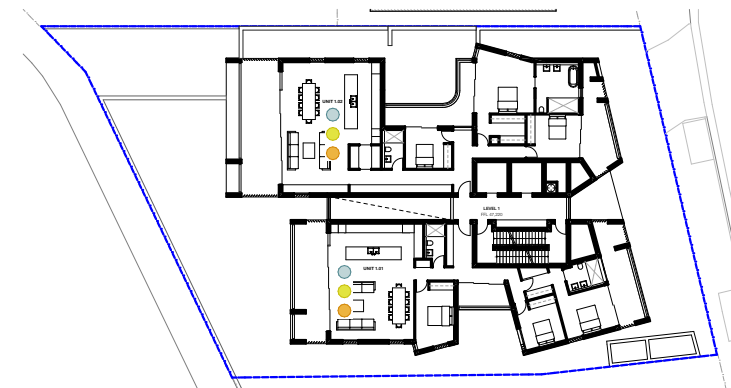
LEVEL 3



BASEMENT 1



GROUND

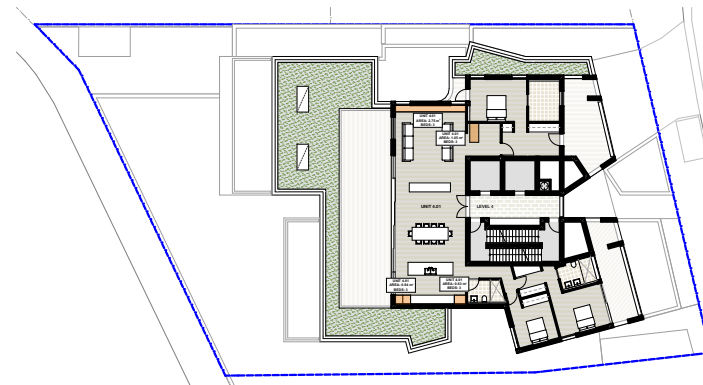


LEVEL 1

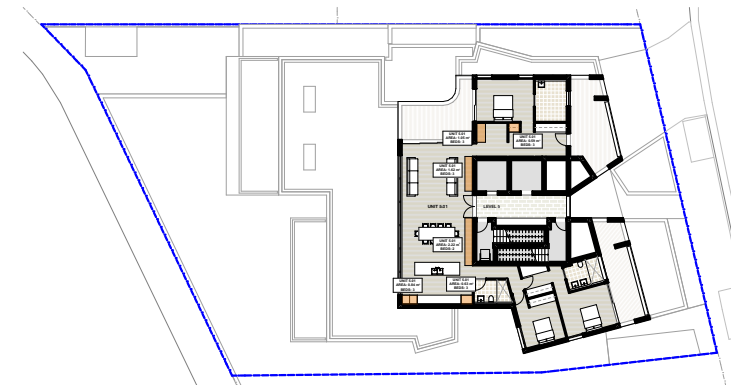
[illegible]

STORAGE

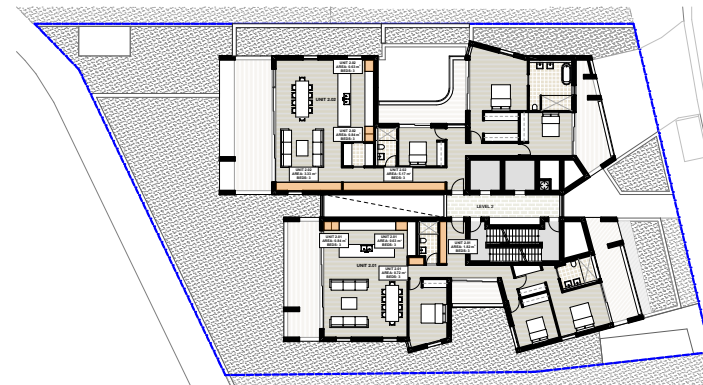
| UNIT | TYPE | MINIMUM CONTROL (m³) | > 50% PROVIDED IN UNIT |
|------|-------|----------------------|------------------------|
| B.01 | 2 BED | 8 | ✓ |
| G.01 | 3 BED | 10 | ✓ |
| G.02 | 2 BED | 8 | ✓ |
| 1.01 | 3 BED | 10 | ✓ |
| 1.02 | 3 BED | 10 | ✓ |
| 2.01 | 3 BED | 10 | ✓ |
| 2.02 | 3 BED | 10 | ✓ |
| 3.01 | 3 BED | 10 | ✓ |
| 3.02 | 3 BED | 10 | ✓ |
| 4.01 | 3 BED | 10 | ✓ |
| 5.01 | 3 BED | 10 | ✓ |



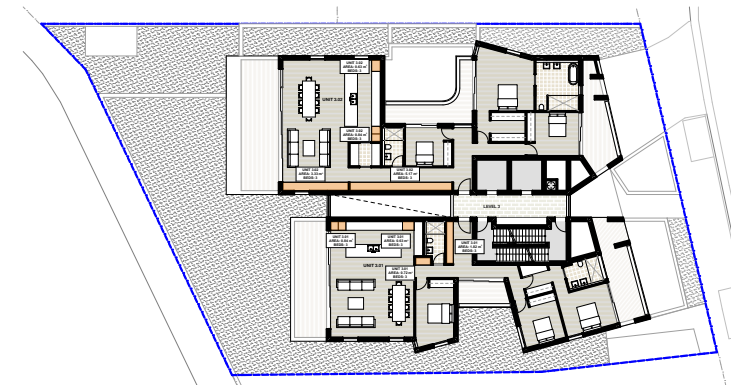
LEVEL 4



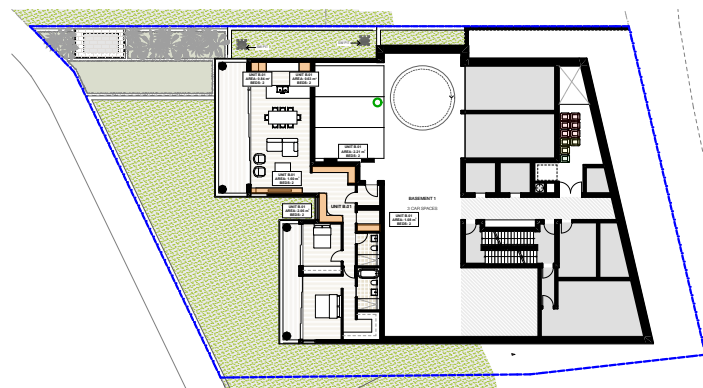
LEVEL 5



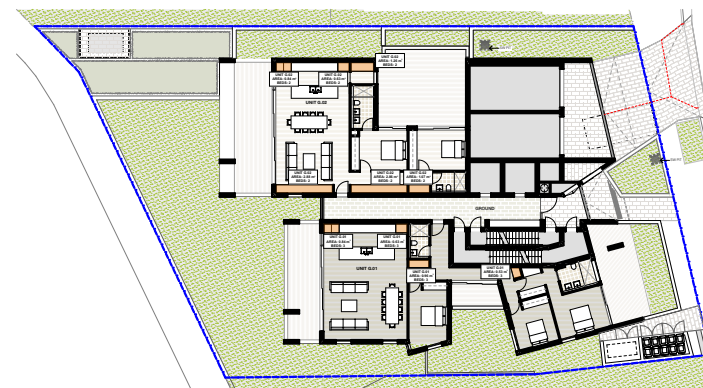
LEVEL 2



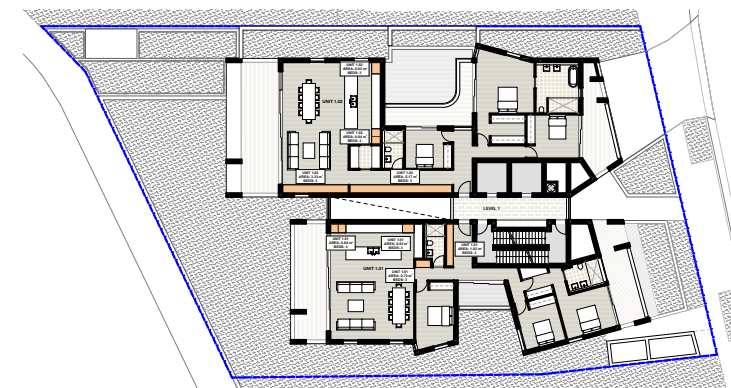
LEVEL 3



BASEMENT 1






GROUND

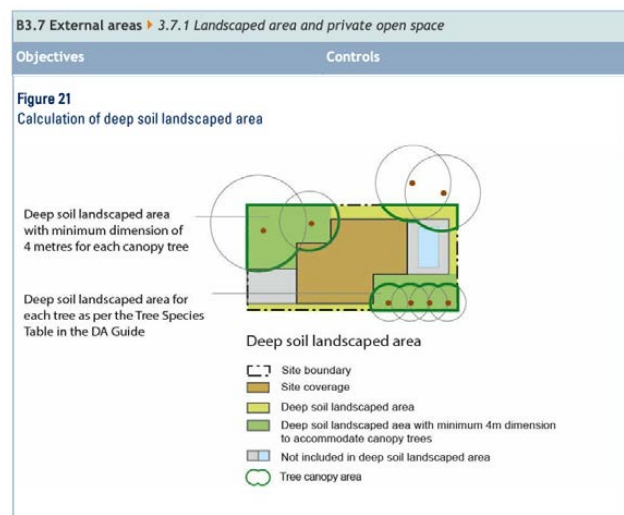


LEVEL 1

[illegible]

LEGEND

-  BUILDABLE AREA (WITHIN SETBACKS)
 LANDSCAPE AREA
 DEEP SOIL AREA



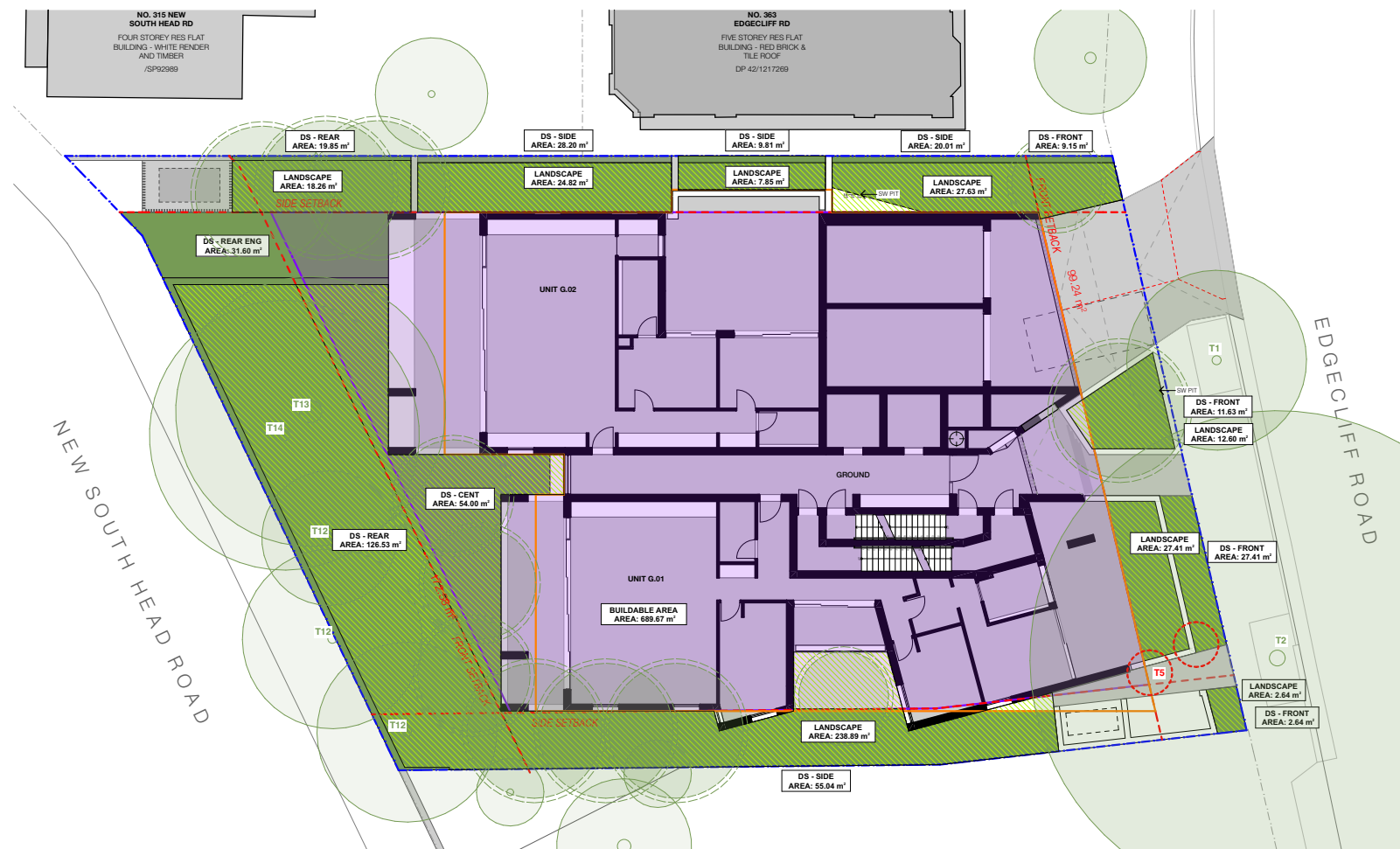
DCP Definition:

Landscaped area is defined in Woollahra LEP 2014 to mean “a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area”.

Deep soil landscaped area is the part of a site that contains landscaped area which has no above ground, ground level or subterranean development.

CONTROLS

- | | |
|-------|---|
| C1(b) | Tree canopy area is 30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings. And at least half of the total tree canopy area on the site is contributed by canopy tree/s. Refer Figure 20 for the calculation of tree canopy area. |
| C2 | 35% of the site area is deep soil landscaped area with the exception of the Wolsley Road area (Figure 22) where 30% of the site area is deep soil landscaped area. Refer Figure 21 for the calculation of deep soil landscaped area. |
| C3 | At least 40% of the front setback comprises deep soil landscaped area. |



LANDSCAPE CALCULATIONS

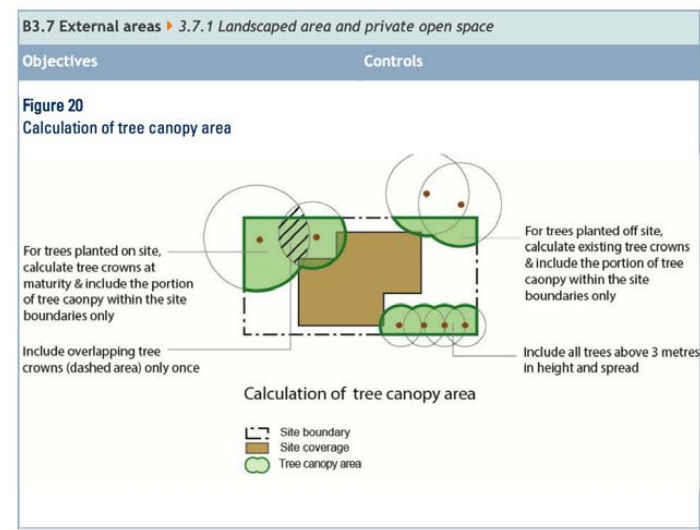
| SITE AREA: | | 1117.9m ² | |
|---------------------------------|---|------------------------------|--------|
| | CONTROL | PROPOSAL | COMPLY |
| C2 - Deep Soil - Full site area | 391.27m ² (35% of site) | 395.7 m ² (35.4%) | YES ✓ |
| C3 - Deep Soil - Front Setback: | Front Setback Area = 99.2m ² | | |
| | 39.68m ² (40% of front setback - 39.68m ²) | 50.8 m ² (51.2%) | YES ✓ |

[illegible]

TREE CANOPY AREA

LEGEND

- TREE CANOPY AREA
 CANOPY TREES



WOOLLAHRA MUNICIPAL COUNCIL

CONTROLS

C1(b) Tree canopy area is 30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings.
And at least half of the total tree canopy area on the site is contributed by canopy tree/s. Refer Figure 20 for the calculation of tree canopy area.

C2 35% of the site area is deep soil landscaped area with the exception of the Wolseley Road area (Figure 22) where 30% of the site area is deep soil landscaped area. Refer Figure 21 for the calculation of deep soil landscaped area.

C3 At least 40% of the front setback comprises deep soil landscaped area.

LANDSCAPE CALCULATIONS

SITE AREA:

1117.9m²

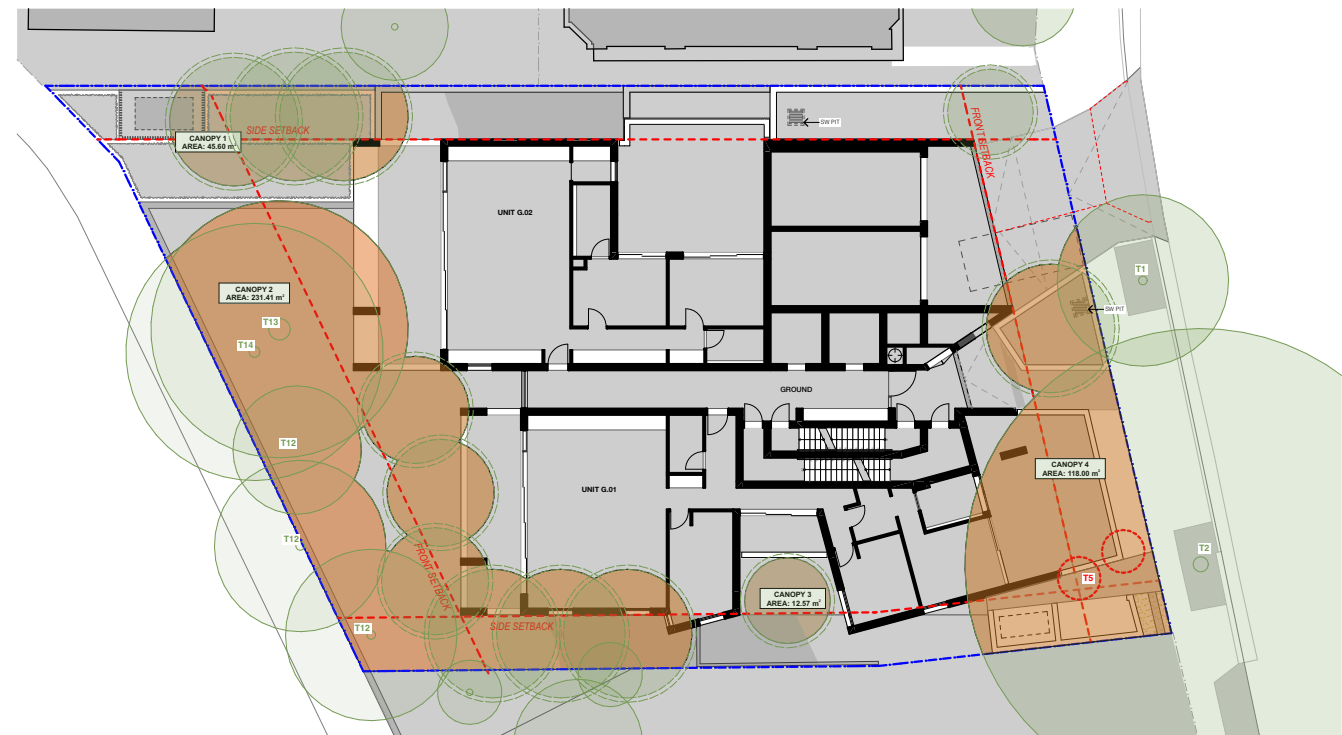
CONTROL

PROPOSAL

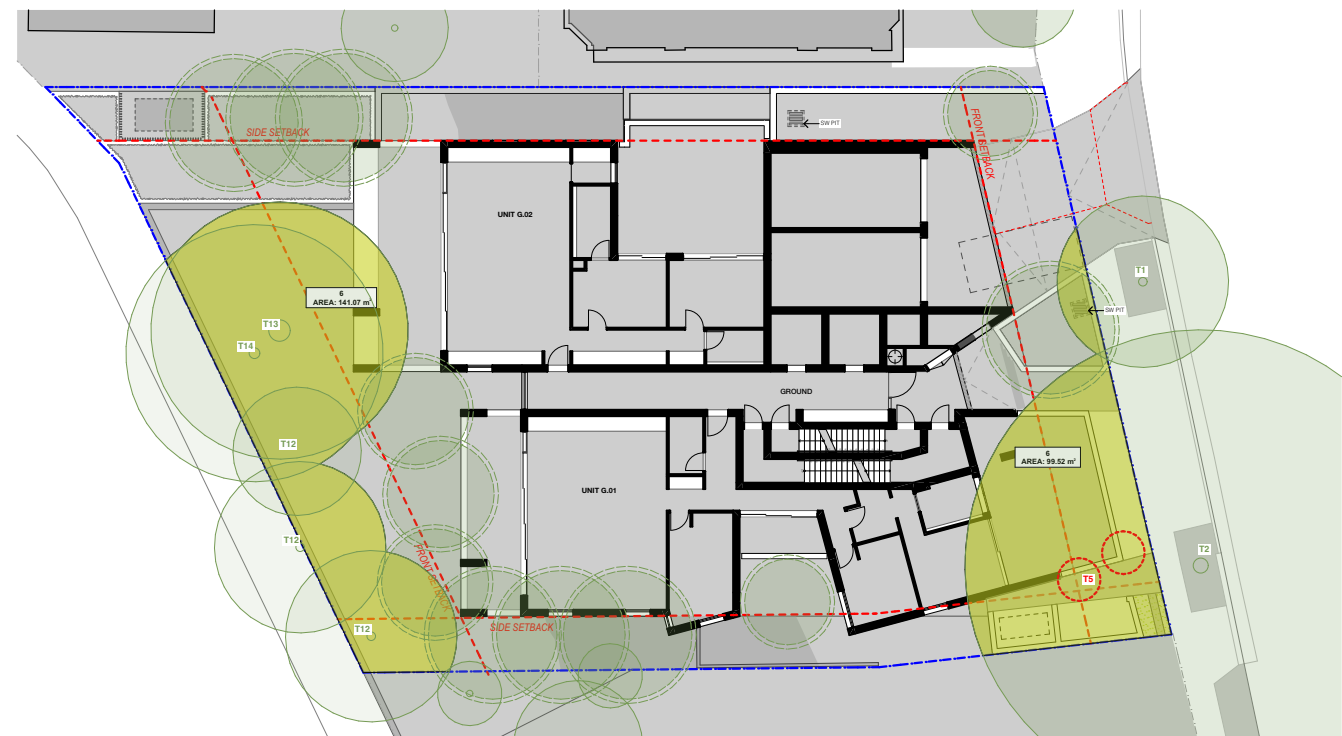
COMPLIES

| | | |
|---|----------------------|----------------|
| C1 - 30% of site area is tree canopy: | 335.37m ² | (30% of site) |
| C2 - 50% of tree canopy to be canopy trees | 167.69m ² | (50% of above) |

| | | |
|---------------------|---------|-----|
| 407.6m ² | (36.5%) | YES |
| 240.6m ² | (55%) | YES |



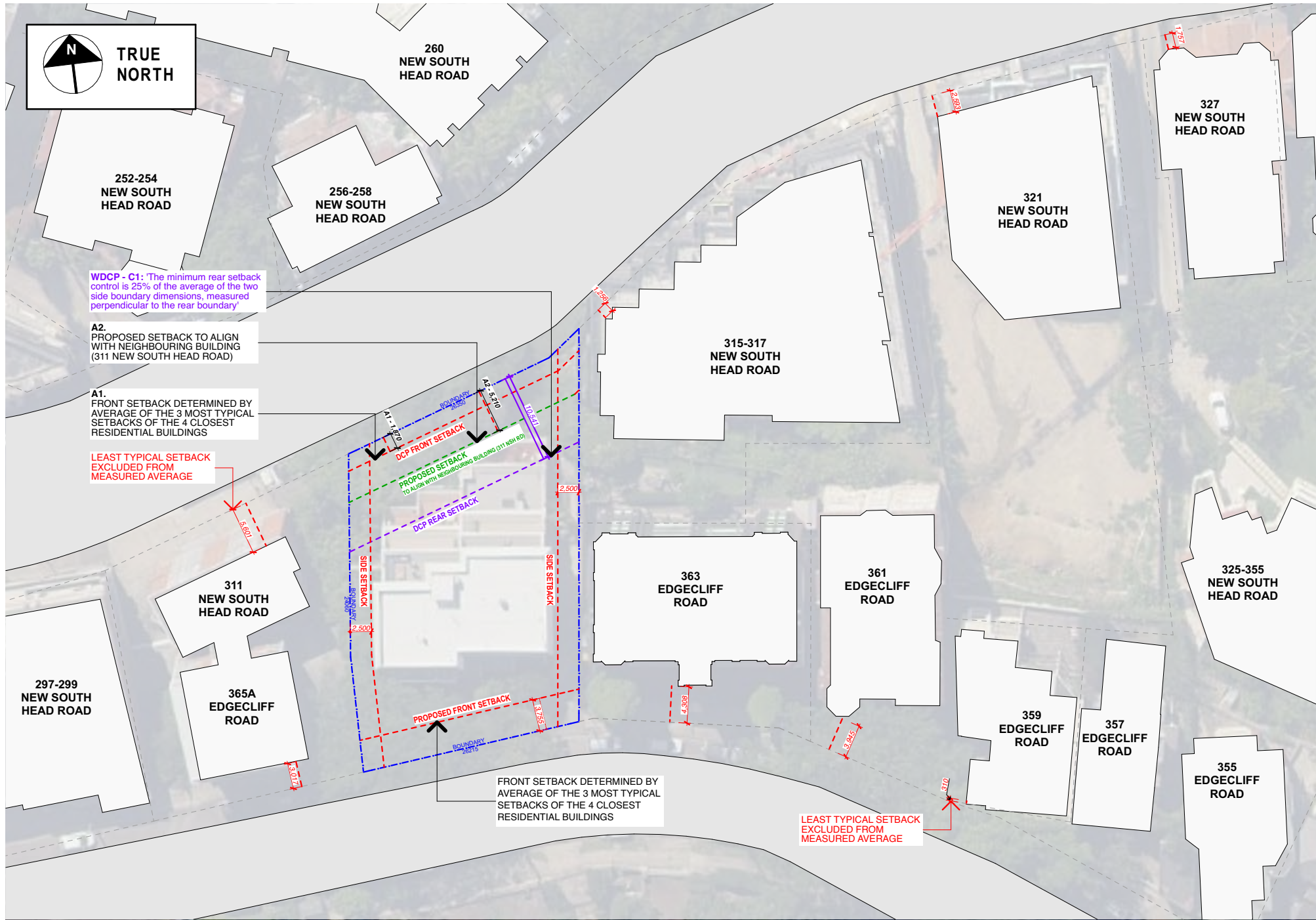
FLOORPLAN - TREE CANOPY
1:300



FLOORPLAN - CANOPY TREES
1:300

[illegible]

SETBACK ANALYSIS



FRONT SETBACK CALCULATIONS

EDGECLIFF ROAD

| | |
|----------------------|-------|
| A: 365A EDGECLIFF RD | 1,256 |
| B: 363 EDGECLIFF RD | 4,308 |
| C: 361 EDGECLIFF RD | 3,945 |

FRONT SETBACK

= A+B+C / 3

= 3,755

REAR SETBACK - REFER TO SEE

NEW SOUTH HEAD ROAD

- Refer to SEE

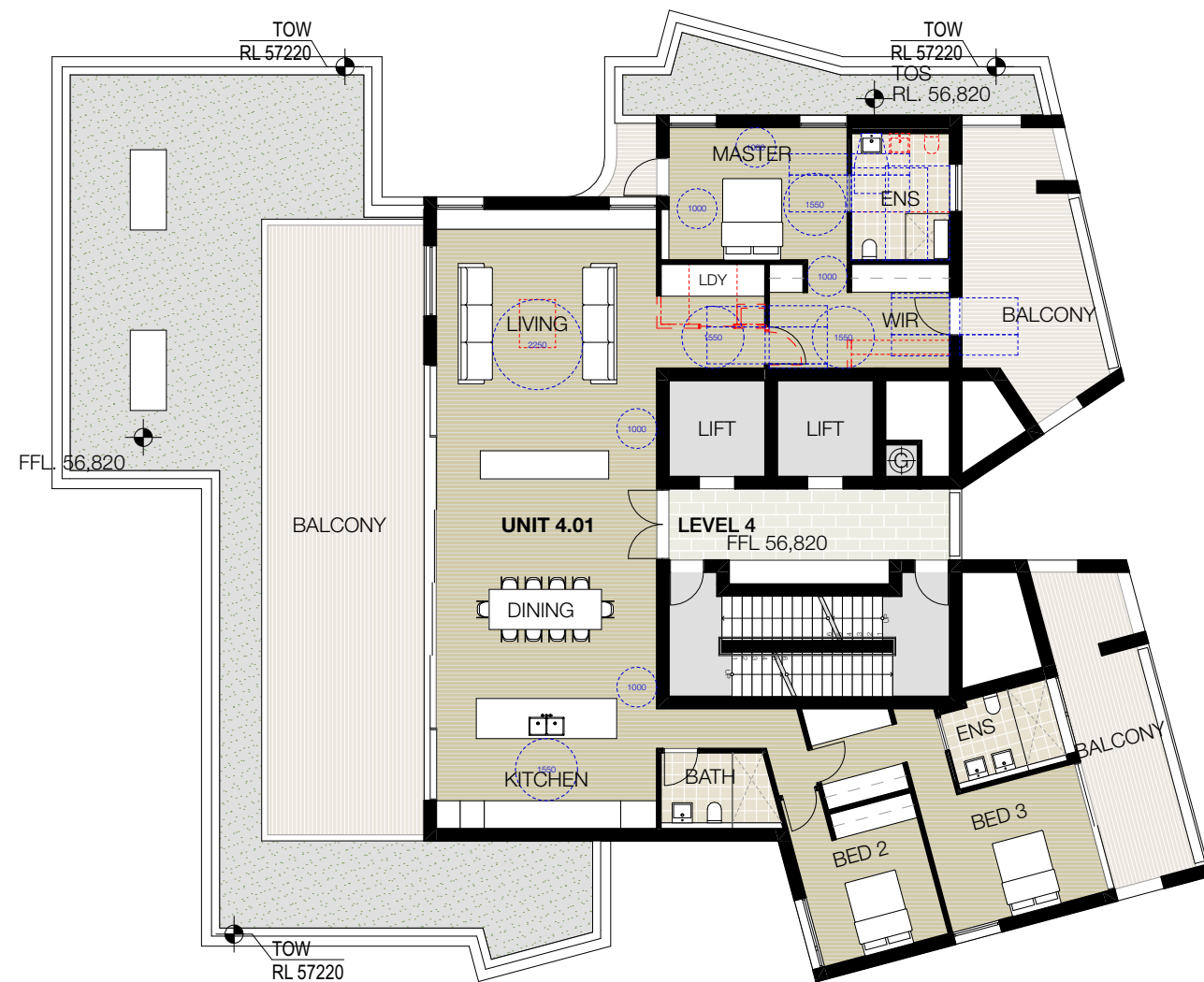
SIDE SETBACK

A: SITE WIDTH MEASURED ALONG FRONT SETBACK LINE IN METERS

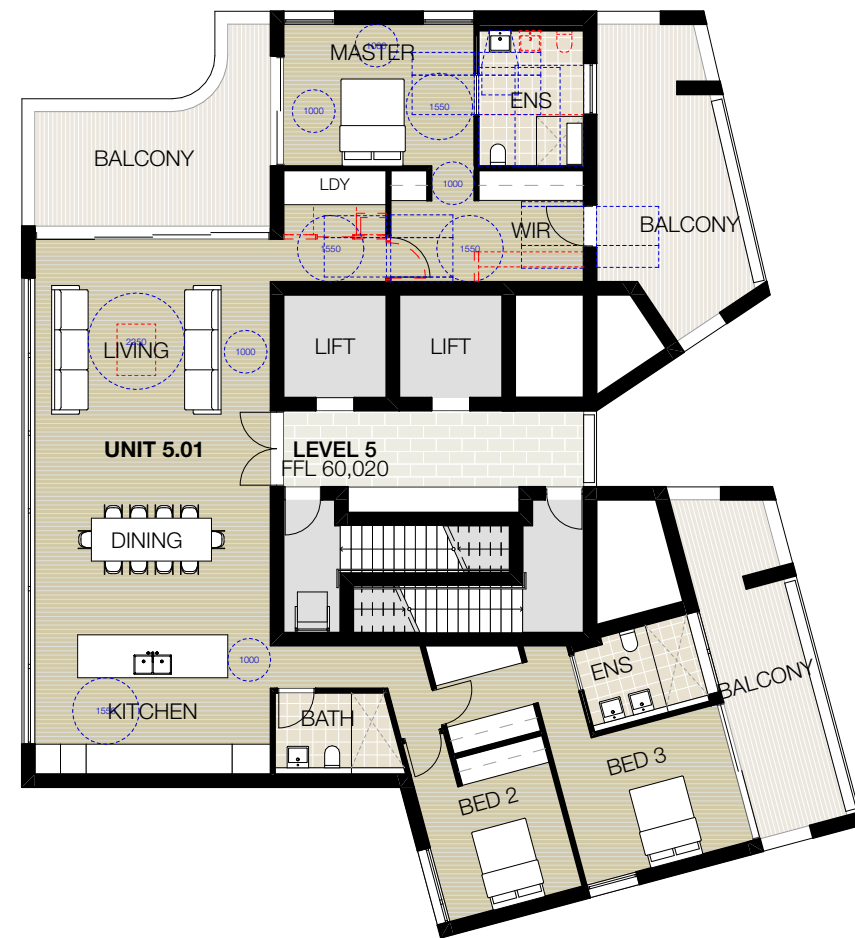
A: SITE WIDTH = 26.645m

B: SIDE SETBACK IN METERS = 2.5m

[illegible]



1. ADAPTABLE UNIT - LEVEL 4
- 1:150



2. ADAPTABLE UNIT - LEVEL 5
- 1:150

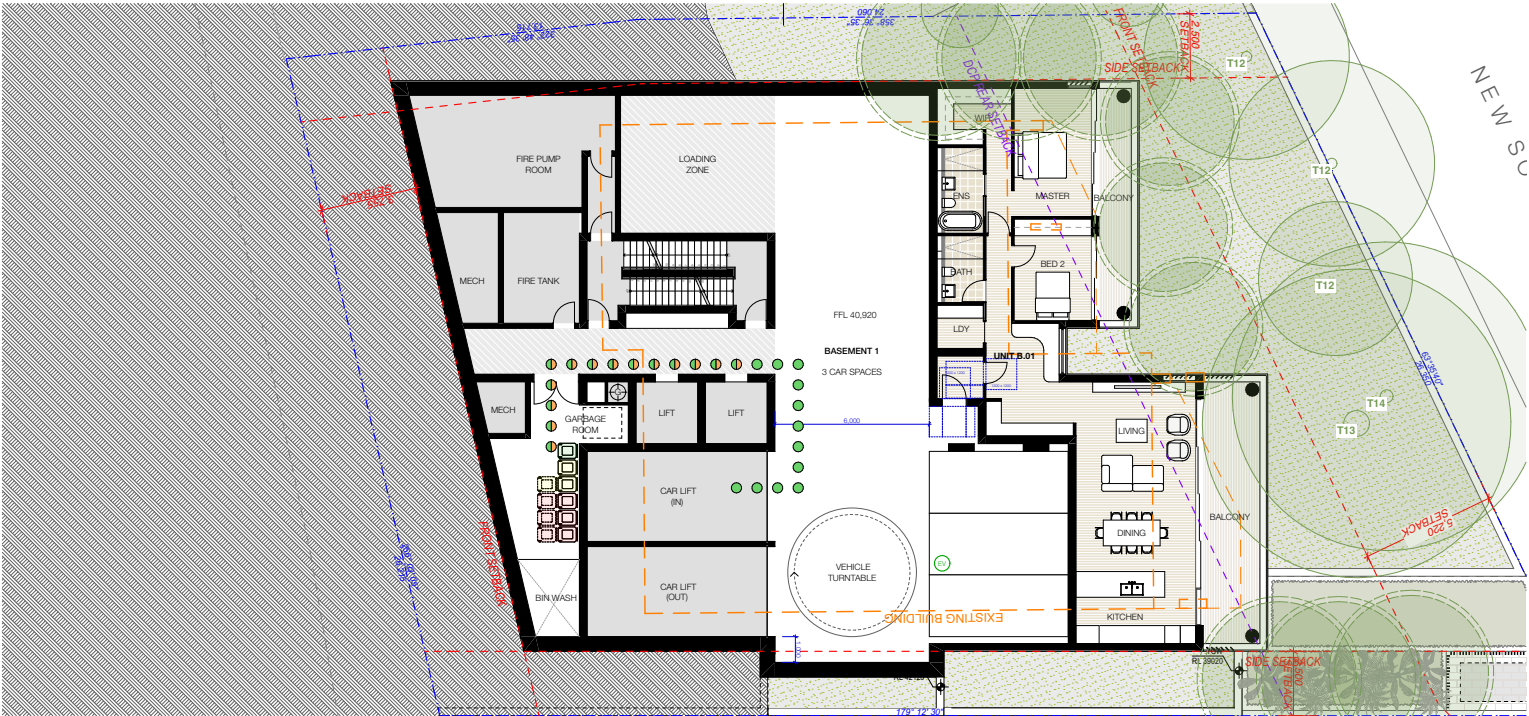
| | | | | |
|-------|------------------------------|------------------|--|--|
| REV A | DESCRIPTION DA SUBMISSION | DATE 28/09/23 | <p>ALL CONSTRUCTION TO COMPLY AT MINIMUM W/BC CLAUSES & AUSTRALIAN STANDARDS</p> <p>CLAUSE 1: MATERIALS & FORMS CONSTRUCTIONS</p> <p>SPEC C 1.1 FIRE RESISTING CONSTRUCTION</p> <p>SPEC C 1.2 FIRE RADIANT PROPERTIES</p> <p>CLAUSE 2: BALCONY RAILINGS</p> <p>CLAUSE 3: VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS</p> <p>CLAUSE 10: ELECTRICITY SUPPLY SYSTEM</p> <p>CLAUSE 13: ACCEPTABLE METHODS OF PROTECTION OF OPENINGS</p> <p>CLAUSE 15: OPENING FOR BENCH LOCATED EXTER</p> <p>CLAUSE 17: DISCHARGE FROM EXTER</p> <p>CLAUSE 18: INSTALLATION, ELEVITY AND FINISH OF TRAVEL</p> <p>CLAUSE 19: BALCONY RAILINGS</p> <p>CLAUSE 24: LANDSCAPE</p> <p>CLAUSE 25: FENCE/DOOR</p> <p>CLAUSE 26: BALUSTRADES</p> | <p>CLAUSE 02: HANDRAILS</p> <p>CLAUSE 02:1 OPERATION OF LATCH</p> <p>SPEC C 2.1: BALCONY RAILINGS</p> <p>CLAUSE 03: GENERAL BUILDING ACCESS REQUIREMENTS</p> <p>CLAUSE 03:1 PARTS OF BUILDING TO BE ACCESSIBLE</p> <p>CLAUSE 03:2 TACTILE ROUGHNESS</p> <p>CLAUSE 03:3 TACTILE ROUGHNESS</p> <p>CLAUSE 03:4 TACTILE ROUGHNESS</p> <p>CLAUSE 03:5 TACTILE ROUGHNESS</p> <p>CLAUSE 03:6 TACTILE ROUGHNESS</p> <p>CLAUSE 03:7 TACTILE ROUGHNESS</p> <p>CLAUSE 03:8 TACTILE ROUGHNESS</p> <p>CLAUSE 03:9 TACTILE ROUGHNESS</p> <p>CLAUSE 03:10 TACTILE ROUGHNESS</p> <p>CLAUSE 03:11 TACTILE ROUGHNESS</p> <p>CLAUSE 03:12 TACTILE ROUGHNESS</p> <p>CLAUSE 03:13 TACTILE ROUGHNESS</p> <p>CLAUSE 03:14 TACTILE ROUGHNESS</p> <p>CLAUSE 03:15 TACTILE ROUGHNESS</p> <p>CLAUSE 03:16 TACTILE ROUGHNESS</p> <p>CLAUSE 03:17 TACTILE ROUGHNESS</p> <p>CLAUSE 03:18 TACTILE ROUGHNESS</p> <p>CLAUSE 03:19 TACTILE ROUGHNESS</p> <p>CLAUSE 03:20 TACTILE ROUGHNESS</p> <p>CLAUSE 03:21 TACTILE ROUGHNESS</p> <p>CLAUSE 03:22 TACTILE ROUGHNESS</p> <p>CLAUSE 03:23 TACTILE ROUGHNESS</p> <p>CLAUSE 03:24 TACTILE ROUGHNESS</p> <p>CLAUSE 03:25 TACTILE ROUGHNESS</p> <p>CLAUSE 03:26 TACTILE ROUGHNESS</p> <p>CLAUSE 03:27 TACTILE ROUGHNESS</p> <p>CLAUSE 03:28 TACTILE ROUGHNESS</p> 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► Part E | General Controls for All Development

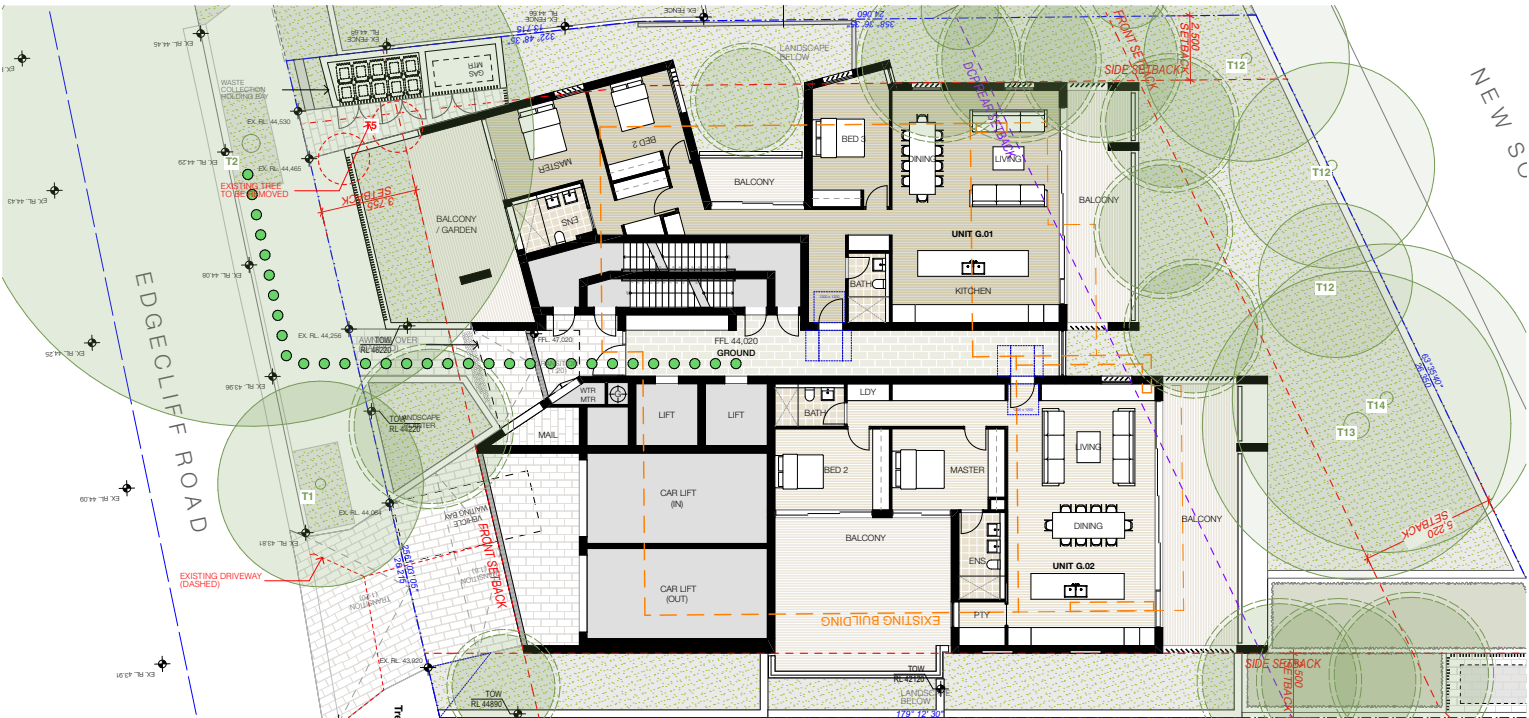
E5 | Waste Management

C4 The size and design of the waste and recycling area or areas accommodate:

- 120L of residual waste per residential dwelling;
- 55L of recyclables per residential dwelling stored in colour coded, shared use, 120L and/or 240L mobile garbage bins;
- 240L shared use mobile garbage bins for food and garden organics.



BASEMENT 1



GROUND FLOOR

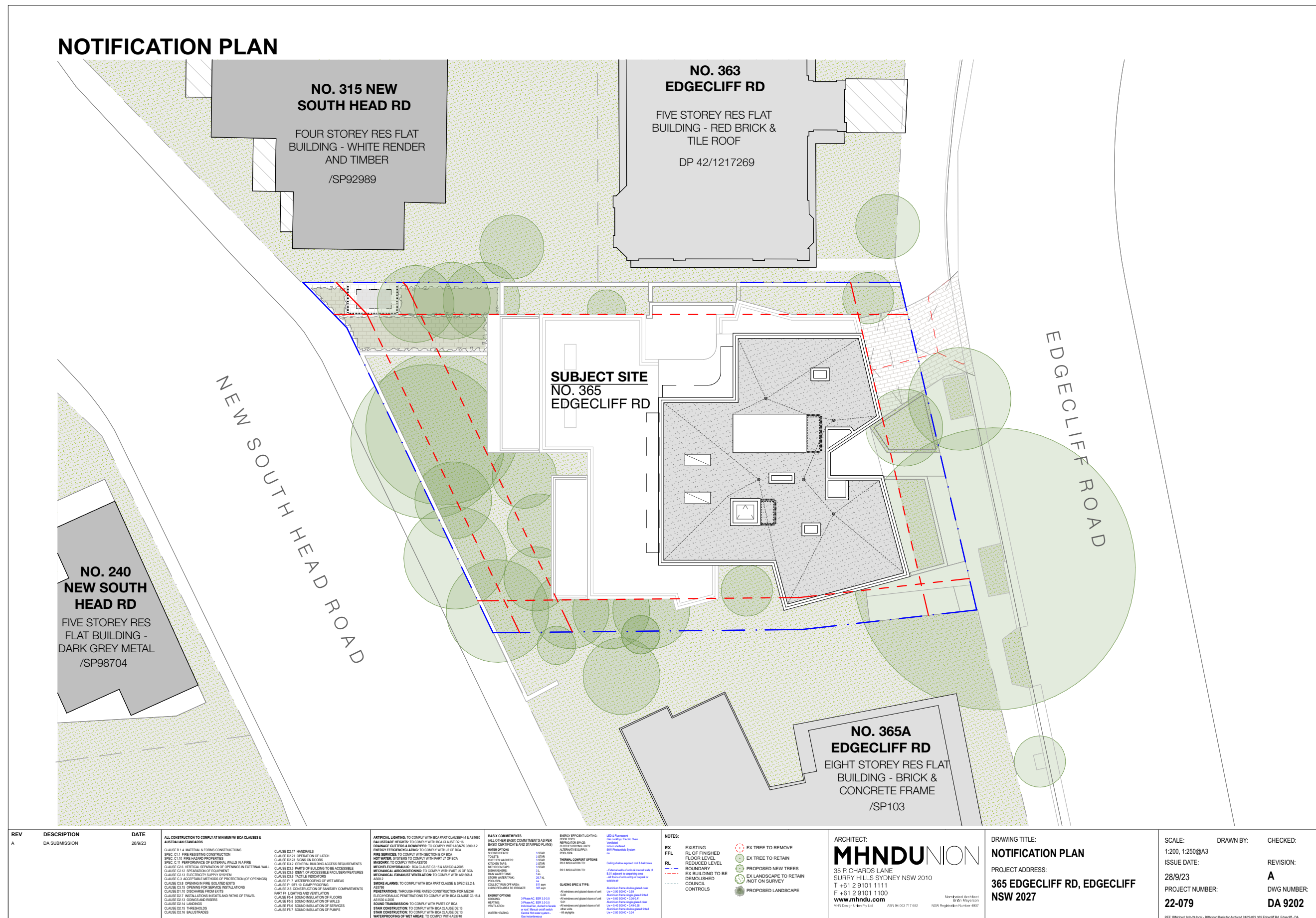
MULTI-RESIDENTIAL BUILDINGS COUNCIL BIN ALLOCATION

| | | | |
|--|---|----------|-------------|
| 120L of residual waste per residential dwelling | = | 7 x 240L | RED BINS |
| 55L of recyclables per residential dwelling | = | 3 x 240L | YELLOW BINS |
| 240L shared use bin for food and garden organics | = | 1 x 240L | GREEN BINS |

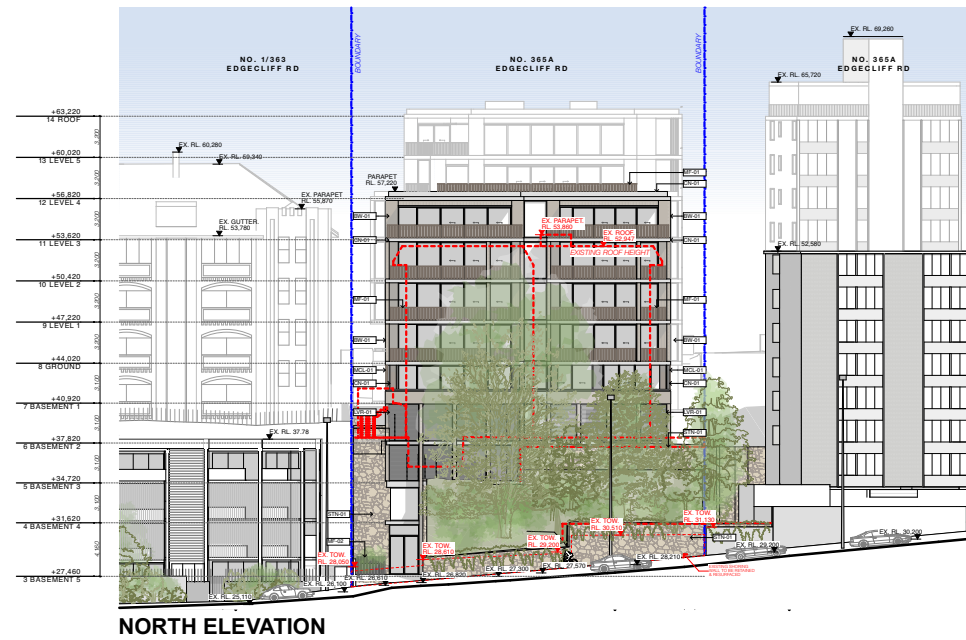
LEGEND

- PATH OF TRAVEL FROM GARBAGE BIN ROOM TO KERBSIDE COLLECTION POINT
- PATH OF TRAVEL FROM LIFT TO GARBAGE BIN ROOM

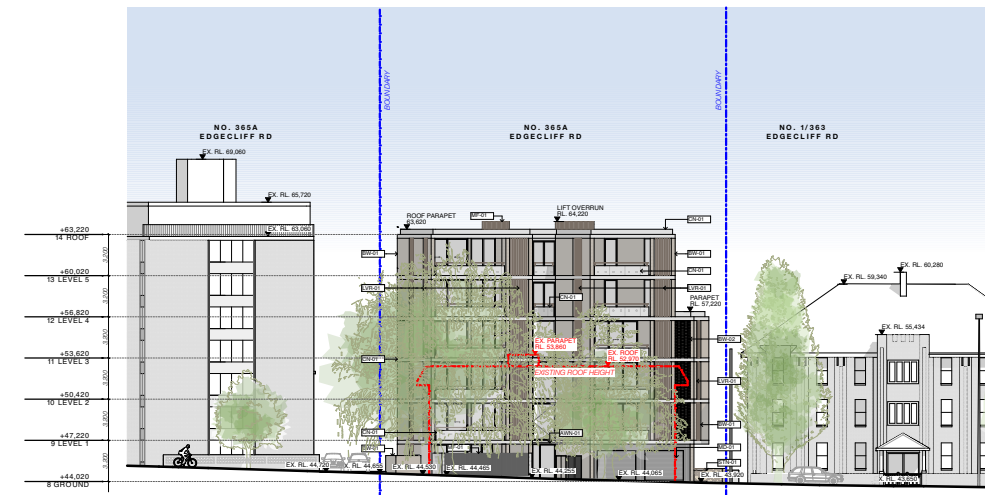
| A | DESCRIPTION DA SUBMISSION | DATE | GENERAL NOTES | ALL CONSTRUCTION TO COMPLY WITH MINOR IN BCA CLASSES A AUSTRALIAN STANDARDS | ARTIFICIAL LIGHTING TO COMPLY WITH BCA PART 3 CLAUSES 4.1.6.1.10.1 BALUSTRADE HEIGHTS TO COMPLY WITH BCA CLAUSE 4.1.6.1.10.2 MINIMUM GUARDRAILS TO COMPLY WITH BCA CLAUSE 4.1.6.1.10.3 ENERGY EFFICIENT LIGHTING TO COMPLY WITH 2.9.2.3.1.1 2.9.2.3.1.2 2.9.2.3.1.3 2.9.2.3.1.4 2.9.2.3.1.5 2.9.2.3.1.6 2.9.2.3.1.7 2.9.2.3.1.8 2.9.2.3.1.9 2.9.2.3.1.10 2.9.2.3.1.11 2.9.2.3.1.12 2.9.2.3.1.13 2.9.2.3.1.14 2.9.2.3.1.15 2.9.2.3.1.16 2.9.2.3.1.17 2.9.2.3.1.18 2.9.2.3.1.19 2.9.2.3.1.20 2.9.2.3.1.21 2.9.2.3.1.22 2.9.2.3.1.23 2.9.2.3.1.24 2.9.2.3.1.25 2.9.2.3.1.26 2.9.2.3.1.27 2.9.2.3.1.28 2.9.2.3.1.29 2.9.2.3.1.30 2.9.2.3.1.31 2.9.2.3.1.32 2.9.2.3.1.33 2.9.2.3.1.34 2.9.2.3.1.35 2.9.2.3.1.36 2.9.2.3.1.37 2.9.2.3.1.38 2.9.2.3.1.39 2.9.2.3.1.40 2.9.2.3.1.41 2.9.2.3.1.42 2.9.2.3.1.43 2.9.2.3.1.44 2.9.2.3.1.45 2.9.2.3.1.46 2.9.2.3.1.47 2.9.2.3.1.48 2.9.2.3.1.49 2.9.2.3.1.50 2.9.2.3.1.51 2.9.2.3.1.52 2.9.2.3.1.53 2.9.2.3.1.54 2.9.2.3.1.55 2.9.2.3.1.56 2.9.2.3.1.57 2.9.2.3.1.58 2.9.2.3.1.59 2.9.2.3.1.60 2.9.2.3.1.61 2.9.2.3.1.62 2.9.2.3.1.63 2.9.2.3.1.64 2.9.2.3.1.65 2.9.2.3.1.66 2.9.2.3.1.67 2.9.2.3.1.68 2.9.2.3.1.69 2.9.2.3.1.70 2.9.2.3.1.71 2.9.2.3.1.72 2.9.2.3.1.73 2.9.2.3.1.74 2.9.2.3.1.75 2.9.2.3.1.76 2.9.2.3.1.77 2.9.2.3.1.78 2.9.2.3.1.79 2.9.2.3.1.80 2.9.2.3.1.81 2.9.2.3.1.82 2.9.2.3.1.83 2.9.2.3.1.84 2.9.2.3.1.85 2.9.2.3.1.86 2.9.2.3.1.87 2.9.2.3.1.88 2.9.2.3.1.89 2.9.2.3.1.90 2.9.2.3.1.91 2.9.2.3.1.92 2.9.2.3.1.93 2.9.2.3.1.94 2.9.2.3.1.95 2.9.2.3.1.96 2.9.2.3.1.97 2.9.2.3.1.98 2.9.2.3.1.99 2.9.2.3.1.100 2.9.2.3.1.101 2.9.2.3.1.102 2.9.2.3.1.103 2.9.2.3.1.104 2.9.2.3.1.105 2.9.2.3.1.106 2.9.2.3.1.107 2.9.2.3.1.108 2.9.2.3.1.109 2.9.2.3.1.110 2.9.2.3.1.111 2.9.2.3.1.112 2.9.2.3.1.113 2.9.2.3.1.114 2.9.2.3.1.115 2.9.2.3.1.116 2.9.2.3.1.117 2.9.2.3.1.118 2.9.2.3.1.119 2.9.2.3.1.120 2.9.2.3.1.121 2.9.2.3.1.122 2.9.2.3.1.123 2.9.2.3.1.124 2.9.2.3.1.125 2.9.2.3.1.126 2.9.2.3.1.127 2.9.2.3.1.128 2.9.2.3.1.129 2.9.2.3.1.130 2.9.2.3.1.131 2.9.2.3.1.132 2.9.2.3.1.133 2.9.2.3.1.134 2.9.2.3.1.135 2.9.2.3.1.136 2.9.2.3.1.137 2.9.2.3.1.138 2.9.2.3.1.139 2.9.2.3.1.140 2.9.2.3.1.141 2.9.2.3.1.142 2.9.2.3.1.143 2.9.2.3.1.144 2.9.2.3.1.145 2.9.2.3.1.146 2.9.2.3.1.147 2.9.2.3.1.148 2.9.2.3.1.149 2.9.2.3.1.150 2.9.2.3.1.151 2.9.2.3.1.152 2.9.2.3.1.153 2.9.2.3.1.154 2.9.2.3.1.155 2.9.2.3.1.156 2.9.2.3.1.157 2.9.2.3.1.158 2.9.2.3.1.159 2.9.2.3.1.160 2.9.2.3.1.161 2.9.2.3.1.162 2.9.2.3.1.163 2.9.2.3.1.164 2.9.2.3.1.165 2.9.2.3.1.166 2.9.2.3.1.167 2.9.2.3.1.168 2.9.2.3.1.169 2.9.2.3.1.170 2.9.2.3.1.171 2.9.2.3.1.172 2.9.2.3.1.173 2.9.2.3.1.174 2.9.2.3.1.175 2.9.2.3.1.176 2.9.2.3.1.177 2.9.2.3.1.178 2.9.2.3.1.179 2.9.2.3.1.180 2.9.2.3.1.181 2.9.2.3.1.182 2.9.2.3.1.183 2.9.2.3.1.184 2.9.2.3.1.185 2.9.2.3.1.186 2.9.2.3.1.187 2.9.2.3.1.188 2.9.2.3.1.189 2.9.2.3.1.190 2.9.2.3.1.191 2.9.2.3.1.192 2.9.2.3.1.193 2.9.2.3.1.194 2.9.2.3.1.195 2.9.2.3.1.196 2.9.2.3.1.197 2.9.2.3.1.198 2.9.2.3.1.199 2.9.2.3.1.200 2.9.2.3.1.201 2.9.2.3.1.202 2.9.2.3.1.203 2.9.2.3.1.204 2.9.2.3.1.205 2.9.2.3.1.206 2.9.2.3.1.207 2.9.2.3.1.208 2.9.2.3.1.209 2.9.2.3.1.210 2.9.2.3.1.211 2.9.2.3.1.212 2.9.2.3.1.213 2.9.2.3.1.214 2.9.2.3.1.215 2.9.2.3.1.216 2.9.2.3.1.217 2.9.2.3.1.218 2.9.2.3.1.219 2.9.2.3.1.220 2.9.2.3.1.221 2.9.2.3.1.222 2.9.2.3.1.223 2.9.2.3.1.224 2.9.2.3.1.225 2.9.2.3.1.226 2.9.2.3.1.227 2.9.2.3.1.228 2.9.2.3.1.229 2.9.2.3.1.230 2.9.2.3.1.231 2.9.2.3.1.232 2.9.2.3.1.233 2.9.2.3.1.234 2.9.2.3.1.235 2.9.2.3.1.236 2.9.2.3.1.237 2.9.2.3.1.238 2.9.2.3.1.239 2.9.2.3.1.240 2.9.2.3.1.241 2.9.2.3.1.242 2.9.2.3.1.243 2.9.2.3.1.244 2.9.2.3.1.245 2.9.2.3.1.246 2.9.2.3.1.247 2.9.2.3.1.248 2.9.2.3.1.249 2.9.2.3.1.250 2.9.2.3.1.251 2.9.2.3.1.252 2.9.2.3.1.253 2.9.2.3.1.254 2.9.2.3.1.255 2.9.2.3.1.256 2.9.2.3.1.257 2.9.2.3.1.258 2.9.2.3.1.259 2.9.2.3.1.260 2.9.2.3.1.261 2. |
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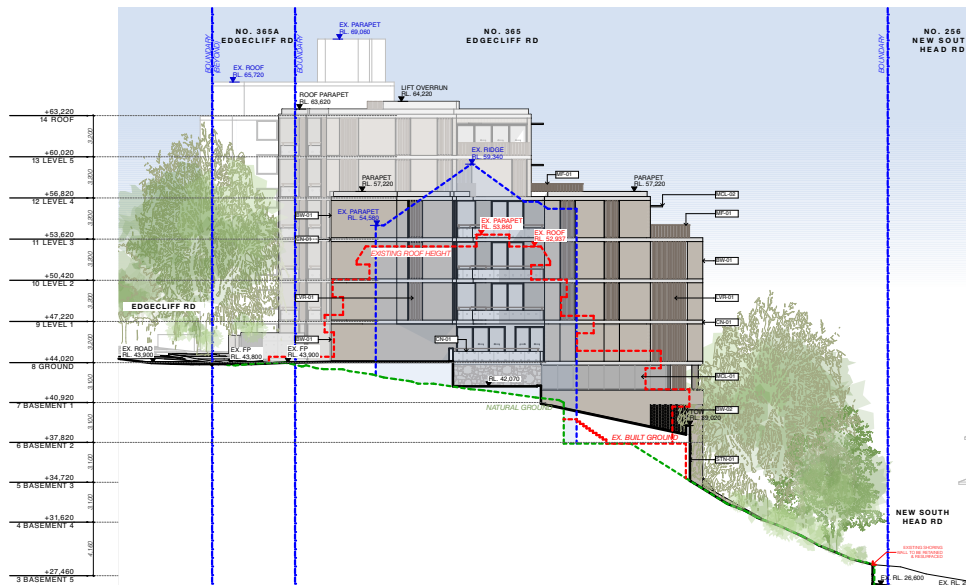
NOTIFICATION ELEVATIONS



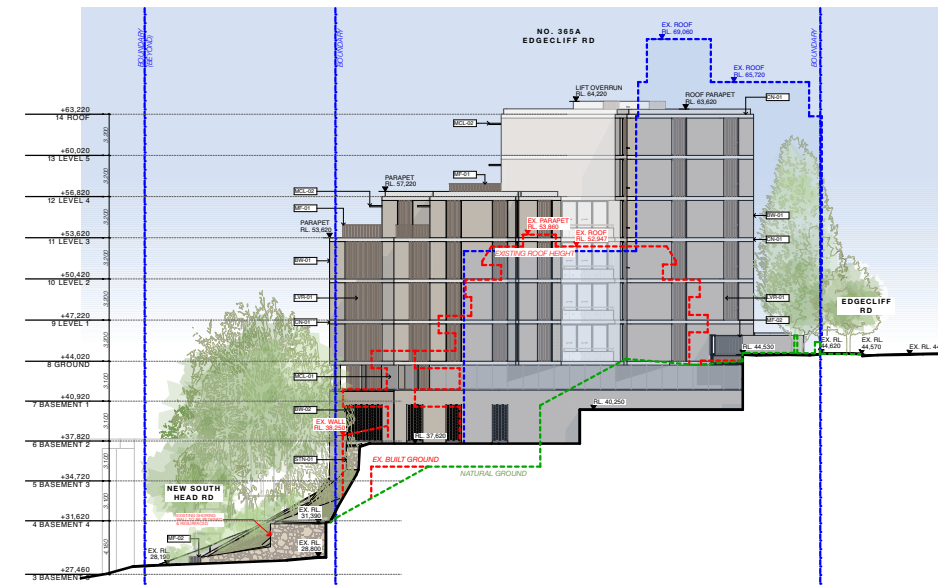
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

[illegible]



WOOLLAHRA LEP 2014 Clause 4.6 Exceptions to Development Standards – Height of Buildings

Demolition of Existing Strata-Titled Residential Flat Building, Construction of New Residential Flat Building, Landscaping and Strata Subdivision

No. 365 Edgecliff Road, Edgecliff

Prepared for:

Concretive

c/o MHN Design Union

35 Richards Ave

Surry Hills NSW 2010

Prepared by:

GSA PLANNING

Urban Design, Environmental & Traffic Planners

(A.B.N 89 643 660 628)

95 Paddington Street, Paddington NSW 2021

p: 02 9362 3364

e: info@gsaplanning.com.au

JOB NO. 22586

September 2023

© GSA PLANNING 2023



**WOOLLAHRA LOCAL ENVIRONMENTAL PLAN (LEP) 2014
CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS**

APPLICANT'S NAME: MHN Design Union

SITE ADDRESS: No. 365 Edgecliff Road, Edgecliff

PROPOSAL: Demolition of Existing Strata-Titled Residential Flat Building, Construction of New Residential Flat Building, Landscaping and Strata Subdivision

1. (i) Name of the applicable planning instrument which specifies the development standard:

Woollahra Local Environmental Plan (LEP) 2014

(ii) The land is zoned:

R3 Medium Density Residential. The objectives are:

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

(iii) The number of the relevant clause therein:

Clause 4.3 – Height of Buildings, which states:

- (1) The objectives of this clause are as follows—
- (a) to establish building heights that are consistent with the desired future character of the neighbourhood,
 - (b) to establish a transition in scale between zones to protect local amenity,
 - (c) to minimise the loss of solar access to existing buildings and open space,
 - (d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,
 - (e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) Despite subclause (2) and clause 4.3A, the maximum height of a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R3 Medium Density Residential is 9.5 metres.
- (2B) Despite subclause (2) and clause 4.3A, the maximum height of a building on a battle-axe lot on land in Zone R3 Medium Density Residential is 9.5 metres.

This Clause 4.6 Exception to Development Standards should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by GSA Planning.

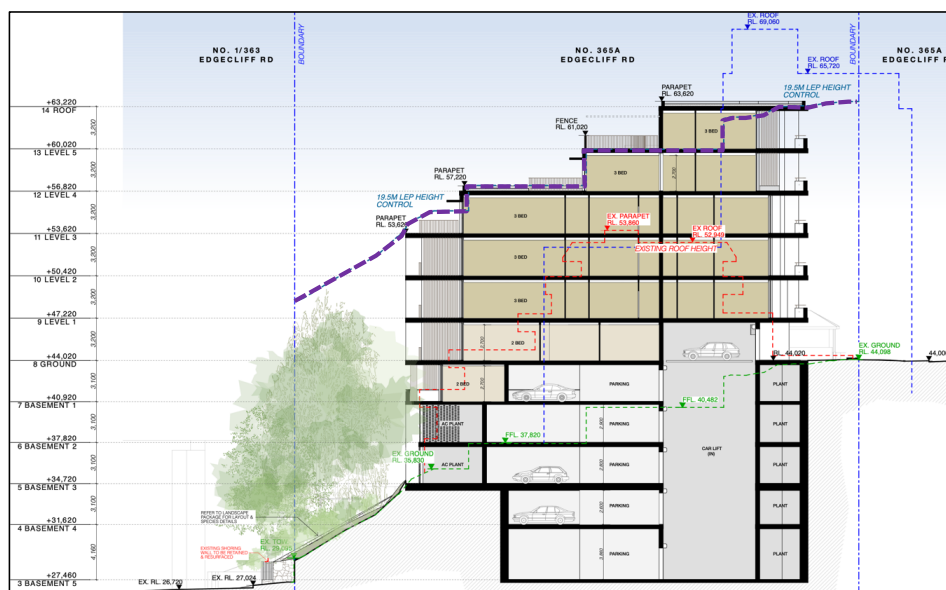
2. Overview

This Clause 4.6 Exception to Development Standards has been prepared in accordance with the most recent case law. In our opinion, the variation achieves the objectives of the zone and development standard and has demonstrated there are sufficient environmental planning grounds.

3. Specify the nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for variation relates is Clause 4.3 of the LEP – Height of Buildings. This Clause operates in conjunction with the Height of Buildings Map which indicates a maximum height of 19.5m applies to the subject site. Clause 4.3 is consistent with the definition for a development standard under Section 1.4 of the Environmental Planning and Assessment Act 1979 (EPA Act).

The overall maximum height measured from the existing ground level is 23.75m, with a 4.25m (21.8%) exceedance to the development standard (see **Figure 1**). However, the proposal has a compliant streetscape appearance. The non-compliance is predominantly limited to the recessed, southern roof level and lift overrun, which are considered to be a function of the significant sloping topography of the site, with sharp south-to-north drops. The non-compliance occurs for the central portion and is considered to be a function of topography, especially when considered in the context. If the natural ground level were applied, the proposal would have a generally compliant height.



Source: MHNDU

Figure 1: Section A (19.5m Height Line in Purple)

The height exceedance has limited visibility from New South Head Road and is not easily discernible from Edgecliff Road. Furthermore, there are no significant overshadowing impacts created by the area of height non-compliance. The proposed streets facades are complemented by deep recesses and articulations including a high ratio of external space. This will minimise height, bulk and scale, and achieve compatibility with neighbouring building heights.

As indicated, the exceedance is mainly technical due to previous excavation, and a function of the steep topography. This is consistent with the Court's decision in *Bettar v Council of the City of Sydney* [2014] NSWLEC 1070 (*Bettar*). This is also consistent with the recent Court's decision in *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582 (*Merman*).

In *Bettar* the Court dealt with a site with similar characteristics to the subject site in that a basement existed on some parts of the site and not others. The Court took the approach of measuring height with the intent, in part, of relating the development proposal to its context and made the following relevant comments:

*'It is relevant to consider the objectives of the building height development standard in considering how best to determine the maximum height of the building using the dictionary definitions in LEP 2012. As one of the purposes of the development standard is to relate the proposal to its context, it follows that **the determination of the existing ground level should bear some relationship to the overall topography** that includes the site...*

*The definition of basement in LEP 2012 is the space of a building where the floor level of that space is predominantly below existing ground level and where the floor level of the storey immediately above is less than 1 metre above existing ground level. From this definition, it does **not follow that existing ground level becomes the level of the basement floor or the soil beneath the basement following the construction of a basement. A basement is, by definition, below ground level and so the level of the basement floor cannot be taken to be existing ground level.***

*For these reasons, I **do not accept [the] approach of defining existing ground level as the ground floor level of the existing building and then dropping it down to the basement level** in the north-eastern corner of the site where the existing basement is located. This...relates only to a building that is to be demolished and has no relationship to the context of the site...*

*I prefer [the alternate] approach to determining the existing ground level because **the level of the footpath at the boundary bears a relationship to the context and the overall topography** that includes the site and remains relevant once the existing building is demolished.'* (emphasis added).

In *Merman*, a portion of the site was excavated for the construction of the existing building and the ground level was lowered by the excavation within the footprint of the existing building. If the excavated ground level was used as the reference point for the height, there would be a dip in that plane that does not reflect in the overall topography of the hill.

The Court accepted (at [74]) that there is an 'environmental planning ground' that may justify the contravention of the height standard under 'clause 4.6' when the prior excavation of the site (within the footprint of the existing building) distorts the maximum building height plane. The clause 4.6 request was upheld and development consent was granted.

A similar approach has been undertaken in relation to the subject site. The proposed fully complies with the FSR development standard. The height breach is a function of topography. The site is constrained by a steep, excavated terrain, with the challenge to appropriately address both street frontages. The floor-to-ceiling heights of the residential levels are also limited to 2.7m to ensure liveability while minimising additional height. Overall, the proposed new residential flat building responds well to the streetscape and context.

4. Consistency with Objectives of Clause 4.6

The objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for and from the development. In the Court determination in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (*Initial Action*), Preston CJ notes at [87] and [90]:

Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development...In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.

However, it is still useful to provide a preliminary assessment against the objectives of the Clause. The objectives of Clause 4.6 and our planning response are as follows:

- | | |
|---------------|--|
| Objective (a) | to provide an appropriate degree of flexibility in applying certain development standards to particular development, |
| Objective (b) | to achieve better outcomes for and from development by allowing flexibility in particular circumstances. |

Flexibility is sought in the application of the height development standard to the proposed development in the circumstance of this case. The proposed height breach is mainly due to the steep, excavated terrain. The proposal complies with the FSR and most DCP controls.

The area of height non-compliance will not be easily noticeable from the streetscape of either Edgecliff Road or New South Head Road. Hence, there is no unreasonable bulk or scale impact associated with the proposed height breach.

Strict compliance with the height development standard would not result in a better planning outcome. The proposed height will allow a transition between neighbouring buildings at Nos. 363 and 365A Edgecliff Road as well as the surrounding development from south to north. The well-designed building will be consistent with surrounding development and contribute to the evolving character of Edgecliff.

Accordingly, the proposal provides an improved planning outcome both for and from the development.

5. Justification of Variation to Development Standard

Clause 4.6(3) outlines that a written request must be made seeking to vary a development standard and that specific matters are to be considered. The Clause states, inter alia:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

This written request justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances; and there are sufficient environmental planning grounds to justify the non-compliance. These matters are discussed in the following sections.

5.1 Compliance with the Development Standard is Unreasonable and Unnecessary in the Circumstances of the Case

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (*Wehbe*), Preston CJ established five potential tests for determining whether a development standard could be considered unreasonable or unnecessary. This is further detailed in *Initial Action* where Preston CJ states at [22]:

These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

It is our opinion that the proposal satisfies Test 1 established in *Wehbe* and for that reason, the development standard is unreasonable and unnecessary in this instance. The relevant test will be considered below.

Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Despite the non-compliance, the proposal is consistent with the desired mixed-use character of the local centre, as required in the LEP. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls. The proposal also achieves the LEP building height development standard's objectives, which will now be discussed.

(a) to establish building heights that are consistent with the desired future character of the neighbourhood,

'Desired future character' is not defined in the LEP. The meaning of 'desired future character' is derived from the text and context of the provisions of the LEP in which it is used and the other provisions of the LEP that form the urban character and built form of the area. The relevant clauses in the LEP which relate to urban character and built form are:

- a. The zoning of the land (Clause 2.2 and the Land Zoning Map);
- b. The zone objectives (Clause 2.3);
- c. The land use table (at the end of Part 2); and
- d. The development standards in Part 4:
 - i. Clause 4.1A Minimum Lot Sizes for Dual Occupancies, Manor Houses, Multi Dwelling Housing and Residential Flat Buildings which prescribes a minimum lot size of 700m²;
 - ii. Clause 4.3 Height of Buildings and Height of Buildings Map which prescribes a maximum height of 19.5m; and
 - iii. Clause 4.4 Floor Space Ratio and Floor Space Ratio Map which provides a maximum FSR of 1.55:1.

The R3 Medium Density Residential zoning permits a wide range of uses and built form on the site, which promotes the eclectic desired future character. The permissible uses are:

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Group homes; Home occupations (sex services); Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; **Residential flat buildings**; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shops; Tank-based aquaculture*

The proposed residential flat building contributes to the eclectic mix of permissible uses in the R3 zone. The proposal remains compatible with the bulk and scale of surrounding developments which include multi-storey residential, mixed use and commercial buildings. In particular, a neighbouring site at Nos. 252-254 New South Head Road was recently approved for a maximum height standard uplift from 13.5m to 22m (and FSR uplift from 1.3:1 to 2.6:1) in the same R3 zone. While this does not represent

a breach in the height development standard for the site, this represents and contributes to the desired future character of New South Head Road.

As such, the proposal is consistent with these buildings and compatible with the area's desired future character as per the Court judgement of *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112. In this judgement, Clay AC notes at [69]:

The desired future character in my opinion must take into account the form of the buildings to the east which the Council approved under effectively the same controls as present. Those buildings exceed the height and floor space ratio controls. As the Applicant pointed out in submissions, this is not a case where there is an adjacent development approved and constructed many years ago which sits as an anomaly in the street. The developments under construction represent the recently expressed attitude of the Respondent to the controls and what is desired in this part of Cross Street.

This approach was confirmed in the appeal of this case by Preston CJ that the desired future character should be informed by nearby and future development and not limited by development standards. As the proposed height variation maintains compliant streetscape presentations, it will not be easily perceptible from Edgecliff Road or New South Head Road and will be compatible with the streetscapes as it remains much lower than No. 365A Edgecliff Road next door (see **Figure 2**).

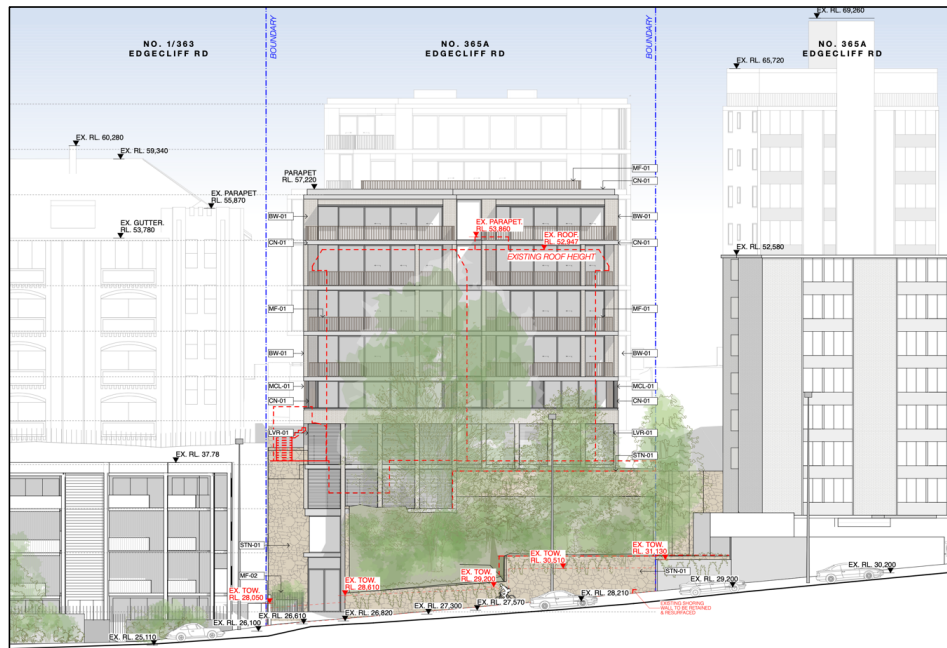
The proposal is also compatible with the desired future character of the Wallaroy Precinct (refer to Section B1.4 of DCP). The overall development will present as six storeys to seven storeys, from Edgecliff Road and New South Head Road respectively, with the proposed height non-compliance centrally located and not readily discernible from the public domain on Edgecliff Road or New South Head Road. The non-compliance will not add to bulk or scale significantly when compared to neighbouring properties. The proposed variation is primarily a topological response to the significant site slope from Edgecliff Road to New South Head Road.

The proposal provides a visual benefit through a high-quality, contemporary building which is visually compliant with the maximum building height. This will positively contribute to the locality's emerging character and provide an appropriate interface with the public domain and adjoining buildings. Compliant deep soil and additional soft planting will soften the bulk and improve resident amenity.

As indicated, the proposal will sympathetically respond to the character of adjacent developments. It will not appear out of character when viewed in its context.



Edgecliff Road (Compliant Height at Street Facade)



New South Head Road (Compliant Height at Street Facade)

Source: MHNDU

Figure 2: Street Elevations

Walleroy Preinct Character

While the 'desired future character' is not based on the DCP interpretation, the proposal is consistent with the objectives relating to the Walleroy Precinct in Part B1 of Council's DCP. The relevant objectives of this area and our responses are as follows:

Objective: To respect and enhance the streetscape character and key elements of the precinct.

Response: The careful design enhances the streetscape character with an articulated

development that incorporates a stepped built form on the hillside, identified as the precinct's key elements.

Objective: *To establish a development transition from the large residential flat buildings and lots at New South Head Road and Edgecliff Road to the smaller dwelling houses situated on the slopes.*

Response: The proposal will maintain a scale transition by providing a six to seven-storey residential flat building on New South Head Road and Edgecliff Road, which are characterised by large residential flat buildings.

Objective: *To design and site buildings to respond to the topography and minimise cut and fill.*

Response: The proposed basement accommodates compliant parking, storage and services. It allows for compliant deep soil overall.

Objective: *To maintain the evolution of residential building styles through the introduction of well designed contemporary buildings, incorporating modulation and a varied palette of materials.*

Response: The elegant, contemporary building incorporates modulation and varied materials which provide texture, contrast and visual interest. The materials and finishes provide a sophisticated contribution to the area's building styles.

Objective: *To protect iconic, harbour and other significant views from the public spaces of the precinct.*

Response: The public view corridor from Edgecliff Road identified in the DCP will not be impacted by the proposal as the existing view cone is defined by buildings to the west of the subject site.

Objective: *To promote view corridors between buildings to significant views, particularly harbour views.*

Response: The new building complies with the building height at front and rear facades, and provides generally compliant side setbacks, to facilitate view sharing.

Objective: *To retain and reinforce the green setting of mature street trees, private trees and garden plantings.*

Response: New landscaping will form part of a green backdrop when viewed from the surrounding areas. Compliant deep soil landscaping and tree canopy is proposed, contributing to the established landscape setting.

Therefore, the proposal remains compatible with the neighbourhood's desired future character and the height of surrounding developments. We therefore consider contravening the development standard for new residential flat building on a steep, excavated site is justified in this case.

(b) to establish a transition in scale between zones to protect local amenity,

An MU1 Mixed Use zone and E1 Local Centre zone is in the vicinity to the west of the site along New South Head Road where development ranges from two to three storeys, to more than ten storeys. These sites have height standards ranging from 5m to 34m, corresponding to the desired future character of an eclectic mix of building heights.

As such, the proposed six to seven-storey residential flat building above basement will provide an appropriate transition in height, bulk and scale between the R3, MU1 and E1 zones, maintaining local amenity. On this basis, this objective is satisfied.

(c) to minimise the loss of solar access to existing buildings and open space,

To assess the impact of the height exceedance in terms of solar access, hourly shadow diagrams including elevations have been prepared for the winter solstice (21 June), comparing the existing,

proposed and compliant envelope. The non-compliant height portion will only cast shadow over the lower portion of three western side windows at No. 365A Edgecliff Road at 9am. At 12pm and 3pm, there is no additional shadow on windows or private open spaces. There is also no additional impact beyond a compliant envelope on the public domain, from 9am to 3pm.

Accordingly, the height breach will maintain solar access in accordance with the DCP and achieve Objective (c).

(d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,

The variation achieves this objective as the sympathetic design will minimise impacts on neighbours' environmental amenity. As solar access is discussed above, this section will assess view sharing, privacy and visual amenity.

View Sharing

The site and adjoining buildings have views to the north towards the Harbour and west towards the City. The proposed height variation will not unreasonably impact these private views as the proposal is contained within a compliant height at both the northern and southern façades. These façades also comply with setbacks from both sides.

As discussed in the SEE, neighbouring buildings to the south are well elevated above the subject site. Specifically, from the recently constructed RFB at No. 448 Edgecliff Road, existing views of the Harbour water appear to be well elevated above the subject site, with the Harbour Bridge, Opera House and CBD views well outside the subject site. The existing residential flat tower at Nos. 442-446 Edgecliff Road appears to obtain Harbour water views to the north-east of the subject site, Harbour Bridge and Opera House views to the north-west, and CBD views to the west. In other words, these views are not obtained across the subject site, which will hence not be impacted. Furthermore, the existing dwelling at Nos. 438-440 Edgecliff Road does not appear to have significant views across the subject site currently.

As for adjoining sites on the lower side of Edgecliff Road, considering the topography, siting and orientation, these properties obtain primary views from their northern (rear) setback, rather than across the subject site. Specifically, the eastern neighbouring building at No. 363 Edgecliff Road appears to enjoy Harbour views to the north-east, across its northern (rear) setback. The western neighbouring building at No. 365A Edgecliff Road enjoys views of both the Harbour and CBD, across its northern (rear) setback and western (side) setback.

Accordingly, these adjoining neighbours are also not expected to be impacted by the proposed height breach.

Privacy

Privacy will be maintained. While the proposed area of height exceedance comprises part of terraces, these terraces are located to prevent direct sightlines within 12m to neighbouring habitable rooms or private open spaces. The limited side glazing within the area of variation will have privacy screens which orient the residents' view way from neighbouring properties.

The additional height will therefore have no unreasonable privacy impact.

Visual Amenity

The non-compliant portion will not be easily discernible from Edgecliff Road or New South Head Road and will therefore not contribute to visual intrusion in the public domain. This is because most of the variation comprised open balustrading on a compliant level. While the rear portion of the top level floor space exceeds the height standard, this will not be visually imposing on either street frontage as it is well recessed from the levels below (see **Figure 3**). The proposal in fact remains lower than the existing residential flat building at No. 365A Edgecliff Road and provides a transition to No. 363 Edgecliff Road. The areas of additional height will therefore have no discernible impact on visual amenity when viewed from the front or rear. Design measures including compliant deep soil, tree canopy, soft landscaping and a high level of articulation overall will maintain visual amenity.



Edgecliff Road



New South Head Road

Source: MHNDU

Figure 3: Street Perspectives

The proposal is already compressed by limiting the floor-to-ceiling height of all residential levels to 2.7m to minimise the overall height, while providing the desired high-quality residential flat development envisaged by the height and FSR standards in the zone. Full compliance with the height standard would necessitate further lowering the proposed floor levels and potentially deeper excavation. This would unnecessarily limit the amenity of the new residential flat building, without any significant improvement to the public domain as the height variation is not readily imposing on Edgecliff

Road or New South Head Road. Lowering the proposed floor levels would also result in reduced amenity for the proposed units, whereas the current proposal has avoided creating subterranean units due to the consequent compromises to natural light and ventilation. Therefore, the current strategy represents a well-informed design approach. In our opinion, the proposal in its current form is compatible with adjacent developments' height, bulk, scale and character.

For these reasons, the proposed area of height exceedance has appropriately responded to views, privacy, solar access and visual impact. Accordingly, in our opinion, the proposal will minimise impacts on neighbouring properties' environmental amenity and satisfy Objective (d).

(e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.

No significant public views are currently available across the site. Given the location well above the street level of Edgecliff Road and New South Head Road, the height breach will not have any effect on public views of the Harbour or surrounding areas. On this basis, the proposal is considered to achieve Objective (e).

Accordingly, the area of additional height has been thoughtfully designed to ensure consistency with the desired future character of the area, and minimise amenity impacts to neighbours. Therefore, the additional height achieves the relevant objectives of the development standard.

5.2 There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

There are sufficient environmental planning grounds to justify the building height non-compliance. In addition to achieving the objectives of the zone and development standard, environmental planning grounds include function of topography, consistency in the context, good design and amenity, orderly and economic use and development of land, and urban design benefits of the proposal.

Function of Topography

Given the topographical constraints, neighbouring development pattern and dual street frontage, any new residential flat development on this steep site is likely to exceed the height standard. Due to the existing basement excavation, the existing groundline shows significant falls within the site. As a result, it is near inevitable that any works complying with the height standard the street front would exceed the standard in the part of the site where substantial level changes exist.

In other words, if the natural ground level were used to measure height, the proposal would generally comply with the building height development standard. This is in accordance with the Court decisions in *Bettar* and *Merman*. Furthermore, this ensures a visually compliant appearance at both street frontages, as further discussed below.

Consistency with Context (Desired Future Character)

The proposal is permissible in the R3 Medium Density Residential zone, is consistent with the relevant zone objectives, and satisfies an 'unreasonable and unnecessary' test established by the Court in *Wehbe*. As indicated, the non-compliance is largely due to the slope in the existing ground level. Compliance with the standard would reduce occupant amenity without any significant visual amenity benefits, inconsistent with the zone objectives.

The proposal replaces the ageing building with a contemporary residential flat development in this established R3 zone, maintains the character of the locality and is of similar height and scale to existing

and approved buildings and developments in the area. This represents the desired future character.

As indicated, the proposed area of exceedance will not be readily noticeable from the street frontages. The proposal will appear compliant with the maximum height as viewed from Edgecliff Road and New South Head Road. To ensure a fully compliant building height would unreasonably compromise a reasonable design. The height of the balustrades is essential to meet safety standards for users of the top terraces which are otherwise compliant with the height standard.

Despite the limited non-compliance at the roof level, the amenity of neighbouring dwellings will be maintained in respect of privacy, solar access and views. The request has demonstrated that the portion of the building above the maximum height has no additional impact on the amenity of neighbouring properties. Therefore, enforcing strict compliance with the standard is unlikely to provide benefit to nearby residents.

Our assessment has demonstrated the proposal will maintain neighbours' privacy, solar access and views. Those aspects have been considered in detailed in the SEE. As the building height exceedance is not imposing on the streets, is not discernible in the context and will improve future occupants' amenity, we consider the proposal is in the public interest.

Good Design and Amenity

The provision of a building having the height proposed is a superior planning outcome in that it promotes good architectural and planning design, while increasing the amenity of the built environment achieving important planning goals as follows:

- To promote good design and amenity of the built environment (section 1.3(g), EPA Act).
- To provide for an appropriate balance and distribution of land for commercial, retail, residential and tourist development and for recreation, open space, entertainment and community facilities (clause 1.2(2)(c), LEP).
- To protect amenity and the natural environment (clause 1.2(2)(g), LEP).
- To promote a high standard of design in the private and public domain (clause 1.2(2)(j), LEP).

The area of additional height serves the rear portion of the top, recessed level, and a minor portion of the two lower levels, both of which have been stepped to generally follow the existing topography and adjoining development pattern. The floor-to-ceiling height of the habitable levels has been limited to 2.7m to ensure appropriate internal amenity. The variation also enables the provision of private open space, which will be oriented to the Harbour and achieve compliant privacy sightlines.

The proposed height facilitates the renewal of an existing, dated building that is of a poor urban design outcome in its current form. The proposal achieves a significantly higher standard of design than the existing building it replaces. This is further discussed later in this section.

Orderly and Economic Use and Development of Land

The social benefits of providing additional residential space within an area that is experiencing notable residential and commercial growth should be given weight in the consideration of the variation request. The proposed exceedance of the height control achieves important planning goals as follows:

- To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources (section 1.3(a), EPA Act).
- To promote the orderly and economic use and development of land (section 1.3(c), EPA Act).
- To promote the management, development, conservation and economic use of property (clause 1.2(2)(b), LEP).

The proposed additional height allows for accommodation of further residential space than is currently available on the site. The design of the building, and particularly the setback of its upper levels means that this additional space is provided without creating a development with overbearing height, bulk, or scale, as viewed from its street frontages or from neighbouring properties.

The development is located in a highly-accessible, well-serviced location. This will boost public transport patronage, promote multiple-purpose visits to the nearby Edgecliff and Double Bay Centres, support pedestrian activity and generally contribute to the vitality of the nearby centres.

The additional floor space above the height standard provides an economic reason to redevelop the site and renew it to a more desirable, high-quality design. The proposed extent of work is not economically feasible if limited to the compliant envelope. Without obtaining the additional height sought in this application, refurbishment works to the existing building would not be carried out, and therefore this part of Edgecliff would continue to suffer a tired and outdated design that detracts from the desired urban design outcome. Conversely, the additional height sought would justify the capital outlay required, such that bringing the site up to a contemporary level of functionality and high quality urban design that is desired by the planning controls can occur – this is an environmental planning benefit (and ground) that the application represents.

Therefore, the height departure results in a desirable outcome that contributes to the orderly and economic use and development of land.

Urban Design Benefits

The proposal provides a high level of urban design which minimises potential impacts from the building height departure and will minimise the perceived scale of the building. Both facades will be highly articulated with open terraces and window openings, as well as deep recesses that breaks up the built form to present as multiple buildings. The proposal will be progressively recessed above the third floor to New South Head Road, with the two upper-most levels being significantly setback from the street. This gives a predominantly compliant appearance when viewed from New South Head Road. When viewed from Edgecliff Road, the proposal will present as two wings (through the deep central recess), also with a compliant street height appearance. Additionally, a mix of high-quality materials will elevate the streetscape appearance of the site.

The proposal responds to a recognised demand for a diverse mix of dwelling types within the Woollahra Local Government Area (LGA). The architectural design is compatible with neighbouring buildings, providing a harmonious visual transition in height from the taller building at No. 365A Edgecliff Road to the lower building at No. 363 Edgecliff Road. The height variation would allow the development to present high-quality, articulated facades that improves public amenity, internal functionality and passive surveillance.

In *Initial Action v Woollahra Municipal Council* [2019] NSWLEC 1097, Commissioner O'Neill states at [42] that:

I am satisfied that justifying the aspect of the development that contravenes the development standard as creating a consistent scale with neighbouring development can properly be described as an environmental planning ground within the meaning identified by His Honour in Initial Action [23], because the quality and form of the immediate built environment of the development site creates unique opportunities and constraints to achieving a good design outcome (see s 1.3(g) of the EPA Act).

In our opinion, the proposal maintains the desired future character of the Wallaroy Precinct, and our responses to the area's relevant objectives are in **Section 5.1**. It is demonstrated to be compatible with nearby developments. The height contravention will not be readily discernible and will not adversely impact the existing streetscape character or amenity.

As detailed, strict compliance with the development standard would not result in a better outcome for development. It would unnecessarily complicate orderly and economic development of the land in accordance with the intentions of the zoning and objects of the EPA Act. The area of contravention is generally limited to a recessed portion, while each street facade is within the 19.5m height line. The height exceedance will not impact neighbour amenity and will not be out of character with surrounding properties in terms of height and scale, nor will it be incompatible with the area's desired future character. The six to seven-storey built form is contextually compatible.

In summary, the main grounds for contravening the standard are that the non-compliance is mainly a result of the existing excavated ground level. The proposal would provide an appropriate transition and is consistent with the desired future character. Furthermore, residential floor-to-ceiling height has been minimised to limit additional height while ensuring appropriate internal amenity. Importantly, the height exceedance will not have any unreasonable visual or environmental amenity impact on surrounding areas.

Accordingly, in our opinion, the non-compliances will not be inconsistent with existing or desired future character planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the variation to the development standard, as required in Clause 4.6(3)(b).

6. Clause 4.6(4)(a) Requirements

Clause 4.6(4)(a) guides the consent authority's consideration of this Clause 4.6 variation request. It provides that:

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

The applicant submits that the consent authority can be satisfied of each of the requirements of Clause 4.6(4)(a), for all the reasons set out in this written request and having regard to the site and locality. In our opinion, the proposal achieves the objectives of the development standard, as already demonstrated; and the R3 Medium Density Residential Zone, as discussed below:

Objective: *To provide for the housing needs of the community within a medium density residential environment.*
Response: The older-style building will be replaced by a contemporary residential flat building that responds to future residents' needs and is consistent with the medium-density development in this R3 zone.

- Objective:** *To provide a variety of housing types within a medium density residential environment.*
- Response:** The proposal provides two and three-bedroom apartments in a residential flat building, contributing to the variety of housing types in this zone.
- Objective:** *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*
- Response:** The proposed development will appear as six storeys to Edgecliff Road and seven storeys with substantially recessed top floors to New South Head Road, which compliments the surrounding multi-storey developments, compatible with the area's desired future character.
- Objective:** *To ensure development conserves and enhances tree canopy cover.*
- Response:** The proposal provided compliant tree canopy cover and landscaped areas.

From this, we consider the proposal is in the public interest and should be supported.

7. Clauses 4.6(4)(b) and 4.6(5) Requirements

Clause 4.6(4)(b) of the LEP requires the concurrence of the Secretary (of the Department of Planning, Industry and Environment) before the consent authority can exercise the power to grant development consent for development that contravenes a development standard.

Under Clause 64 of the Environmental Planning and Assessment Regulation 2021, the Secretary has given written notice dated 5 May 2020, attached to the Planning Circular PS 20-002 issued on 5 May 2020, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under Clause 4.6, subject to the conditions in the table in the notice. While the proposal exceeds the development standard by over 10%, the Planning Circular provides for the Local Planning Panel to assume concurrence.

Nevertheless, the matters in Clause 4.6(5) should still be considered when exercising the power to grant development consent for development that contravenes a development standard (*Fast Buck\$ v Byron Shire Council* (1999) 103 LGERA 94 at [100] and *Wehbe* at [41]). In deciding whether to grant concurrence, the Secretary is required to consider the following:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The proposal is not considered to raise any matter of significance for State or regional environmental planning. The height variation will enhance the visual quality, amenity and functionality of the proposed residential flat building without significantly, unreasonably or unacceptably impacting neighbouring properties. This is because the proposed exceedance will not be imposing on the street frontages. The portion of height variation contributes to occupant amenity within a predominantly compliant building.

The public benefit of maintaining the development standard is not considered significant given that, regardless of the non-compliance, the proposal will appear consistent in the area with an articulated, well-designed façade that is complementary to its neighbours.

Accordingly, the proposal is consistent with the matters required to be taken into consideration before concurrence can be granted. The non-compliance contributes to a quality development which is consistent with the desired character of the precinct and is, in our opinion, in the public interest.

8. Conclusion

This written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. This is summarised in the compliance matrix prepared in light of *Initial Action* (see **Table 2** on the following pages).

We are of the opinion that the consent authority should be satisfied that the proposed development will be in the public interest because it achieves the objectives of the standard and E1 Local Centre zone. Accordingly, the proposal is consistent with the matters required to be taken into consideration before concurrence can be granted, and the request to vary Clause 4.3 should be upheld.

Table 2: Compliance Matrix

| Para (Initial Action) | Requirement | Section of this Report | Summary | Satisfied |
|-----------------------------|--|------------------------------|--|-----------|
| 10 | Is it a development standard (s.1.4) | 1 | Yes | |
| 11 | What is the development standard | 1 | Clause 4.3: Height of Buildings | |
| 12 | What is the control | 1 & 2 | 19.5m | |
| 14 | First Precondition to Enlivening the Power – Consent authority must form 2 positive opinions: | | Both positive opinions can be formed as detailed below. | YES |
| 15, 25 | 1st Positive Opinion – That the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). There are two aspects of that requirement. | 5 | The Clause 4.6 variation has adequately addressed both matters in Clause 4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations. | YES |
| 16-22 | First Aspect is Clause 4.6(3)(a) – That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Common ways are as set out in <i>Wehbe</i> . | 5.1 | The proposal satisfies Test 1 of <i>Wehbe</i> : <ul style="list-style-type: none"> The objectives of the standard are achieved notwithstanding the non-compliance with the standard. | YES |
| 23-24 | Second Aspect is Clause 4.6(3)(b) – The written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under Clause 4.6(4)(a)(i) that the written request has adequately addressed this matter. The environmental planning grounds must be "sufficient" in two respects: <ol style="list-style-type: none"> The environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole. | 5.2 | Sufficient environmental planning grounds include, inter alia: <ul style="list-style-type: none"> The partial height breach is mainly a function of the existing excavated topography of the steep site; The highly articulated architecture is in keeping with the desired future character of the area and is contextually compatible; The proposed height facilitates a high-quality residential flat development to replace the ageing building, consistent with the planning objectives of the area; The variation is generally limited to the top recesses, which are well separated from the streets; The non-compliance is not readily discernible at the street frontages and will not contribute to overbearing bulk or scale; The building height non-compliance will not have unreasonable impact on neighbours' privacy, solar access or views; The residential floor-to-ceiling height has been minimised at all levels; The non-compliance facilitates an improved urban design | YES |

| | | | | |
|-------|--|---|---|-----|
| | | | <p>outcome overall; and</p> <ul style="list-style-type: none"> The proposed building height provides a better planning outcome than the existing situation. | |
| 26-27 | <p>2nd Positive Opinion – That the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.</p> | 6 | The proposed development achieves the objectives of the height standard as addressed under Test 1 of <i>Wehbe</i> . The proposal is also consistent with the objectives of the R3 Medium Density Residential zone, as addressed in Section 6. | YES |
| 28-29 | <p>Second Precondition to Enlivening the Power – That the concurrence of the Secretary has been obtained [Clause 4.6(4)(b)]. On appeal, the Court has the power to grant development consent, subject to being satisfied of the relevant matters under Clause 4.6.</p> | 7 | As the relevant matters for consideration under Clause 4.6 have been satisfied as outlined above, Council can grant development consent. | YES |

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Clause 4.6 Exceptions to Development Standards – Height of Buildings
No. 365 Edgecliff Road, Rose Bay - Job No. 22132

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Woollahra
Municipal
Council

8 November 2023

REFERRAL RESPONSE – DRAINAGE

FILE NO: Development Applications: 372/2023/1

ADDRESS: 365 Edgecliff Road EDGECLIFF 2027

PROPOSAL: Demolition of Existing Strata-Titled Residential Flat Building,
Construction of New Residential Flat Building, Landscaping and
Strata Subdivision

FROM: Michael Casteleyn

TO: Mr B McIntyre

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- 23/184515 Plans - Architectural Plans - DA3722023 - 365 Edgecliff Road Edgecliff

3. ASSESSMENT

The DA Submission has been reviewed.

4. RECOMMENDATION

Council's Drainage Engineer has determined that the proposal is satisfactory, subject to the following conditions:

| | |
|-------------|---|
| D 1. | Flood Protection |
| | <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p><u>Below Ground Car parking</u></p> <p>a) The proposed below ground car park shall be protected by a physical threshold set at or above the flood planning level of 150mm above the adjacent kerb level.</p> |



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| | |
|--|--|
| | <p><u>Certification</u></p> <p>a) All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation,</p> <p>Notes:</p> <ul style="list-style-type: none">• The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection. <p>Condition Reason: To ensure the development incorporates flood inundation protection measures.</p> |
|--|--|

< use the following table format for special bespoke conditions. Delete if not applicable>

Michael Casteleyn
Drainage Engineer

8 November 2023
Completion Date



Woollahra
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29 November 2023

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO: Development Applications: 372/2023/1

ADDRESS: 365 Edgecliff Road EDGECLIFF 2027

PROPOSAL: Demolition of Existing Strata-Titled Residential Flat Building,
Construction of New Residential Flat Building, Landscaping and
Strata Subdivision

FROM: Sam Knight

TO: Mr B McIntyre

1. ISSUES

- A Major Encroachment has been identified within the Tree Protection Zone of the street tree outside the site.
- Root Investigation is required prior to the approval of this development application to establish if the street tree will be adversely impacted by the works.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Survey Plan, drafted by Azimuth Surveyors Pty Ltd, dated 7 November 2022
- Architectural Drawings, drawn by MHND Union, dated 28 September 2023
- Arboricultural Impact Assessment Report, written by Redgum, dated 3 October 2023

A site inspection was carried out on 13 December 2023.

3. RELEVANT CONTROLS

- Woollahra Local Environment Plan 2014
- Woollahra Development Control Plan 2015
- Woollahra Street Tree Master Plan 2014 – Part 1, Part 2 (Precinct Plans), Part 3 (appendices)
- Significant Tree Register 1991 Volume 1 Significant Trees Under Private Ownership, Volume 2 Significant Trees Under Private Ownership, Volume 3 Significant Trees, Volume 4 Significant Trees in Public Parks



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- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites
- Apartment Design Guide – Tools for improving the design of residential apartment development, Part 4, 4P – Planting on Structures, written by NSW Department of Planning, Industry and Environment, dated July 2015

4. SUMMARY

Further information is required to enable the Tree and Landscape team to determine if the proposed works will adversely impact on a street tree located on Edgecliff Road frontage.

5. COMMENTS

The following preliminary comments are provided in relation to the proposed development where additional information has been identified to allow the Tree and Landscape team to complete our assessment of this Development Application.

Tree 2 – has been identified as a *Ficus macrocarpa* var. *hillii* (Hills Weeping Fig) located outside the site on the Edgecliff Road frontage. The tree has been noted in good healthy condition and provides a high contribution to the amenity and canopy cover of the immediate area. The tree is one of several avenue plantings along the street and is important community asset that must be retained and protected.

A review of the plans has revealed excavation for the front landscape area and five levels of basement are proposed. These works are within the Tree Protection Zone of the tree which has been calculated as being 12 metres (radius from tree trunk). The works are also within the Structural Root Zone of the tree calculated as being 3.6 metres. The works have been deemed as being a Major Encroachment as defined by *Australian Standard AS 4970 – Protection of trees on development sites*. The following incursion percentage has been calculated which differs from the applicants Arborist Report:

- Landscaping and Building (including basement excavations) = Major Encroachment within an incursion of 38.9% into the tree's TPZ

As detailed in AS490, if the proposed encroachment is greater than 10% of the TPZ, the project arborist must demonstrate that the trees will remain viable. This may require root investigation and consideration of health, condition, age, species type and tolerance to disturbance, lean and stability.

The applicants Arborist Report states: *"the impact to this specimen by the proposed development is reduced due to the pre-existing site condition were conducive to having restricted the development of root growth in the direction of the development works."*

However, there is only a low retaining wall within the front of the site. The footings of this wall are believed to be shallow and unlikely to restrict root ingress into the property by this species. Fig trees are renowned for growing deep and under various types of footings, especially if the soil is of a sandy profile.

Therefore, to establish if the proposed excavation will impact on this important street tree, root investigation is required along the property boundary. This should be undertaken prior to the approval of this development application to enable the Tree and Landscape team to determine if the proposed works will adversely impact on the tree.



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Please note all other tree removal and retention are generally supported and do not require any further information. Detailed comments will be provided in relation to the remainder of the proposal following receipt of the root investigation findings.

6. RECOMMENDATIONS

The following information is required before further assessment of the application can be undertaken:

Tree Root Investigation & Report

Tree Root Investigation must be undertaken, and the results included in a report that must be prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5. The report must include.

- Root investigations must be undertaken along the front boundary (within the footpath) adjacent to tree 2.
- This shall consist of either hand excavation or 'air knife, along the boundary for the full extent of the TPZs of tree 2, to a minimum depth of 800mm below the exiting grade.
- An assessment and documentation of tree root size, number and condition.
- Photographs of the completed excavation line including points of reference to determine orientation and location on site.
- A site plan showing all excavation lines and root locations in relation to the proposed new building and basement.
- Site specific recommendations based on the findings and discussion. An explanation of why options are recommended or not recommended must be included. This shall include number of roots that will need to be pruned for the works and the likely impact this will have on the longer-term viability of the trees.

Note: Please note all appropriate road opening permit shall be obtained from Council where any excavation are to be undertaken within Council's footpath.

Sam Knight
Tree Officer

13 December 2023
Completion Date

Completion Date: Version 2, 13 March 2024

REFERRAL RESPONSE URBAN DESIGN

FILE NO: **Development Application: 372/2023/1**

ADDRESS: 365 Edgecliff Road Edgecliff

PROPOSAL: Demolition of the existing five residential flat building and construction of a new six to seven storey residential flat building with eleven apartments and four and a half basement levels with parking for 24 cars

FROM: Stephen McMahon, Director Inspire Planning

TO: Anne White

Information

Architectural drawings: MHN Design Union Architects Project No. 22-079, DA 1000 – 9203 Rev A, 28 September 2023.

Landscape Plan: Concept, LPDA 24-08/1 Sheets 01 - 07, Rev C 27 September 2023.

Statement of Environmental Effects: GSA Planning, Job No. 22586, September 2023.

Survey: Survplan, Job No. 1748 Sheets 1 to 5, 15.11. 2022

Background

Council has received a development application for the demolition of the existing five residential flat building and construction of a new six to seven storey residential flat building with eleven apartments, four and a half basement levels with parking for 24 cars and associated landscaping.

This review comprises an update to that dated 27 November 2024 and benefits from the opportunity I have had to observe views on 13 March 2024 from windows in Units 63, 73, 83, 93 and 103 in No. 365a that adjoins the site to the west.

Part 1: Site and Context

1.1 The Site and Existing Development

The site comprises a roughly trapezoid shaped lot oriented in a south to north direction that has a calculated area of 1117.8 sqm (as identified in the survey plan). It has a principal frontage to Edgecliff Road of 26.215 metres (southern boundary), an eastern side boundary of 46.55 metres, a western side boundary of 37.23 metres and a rear northern boundary, (that also performs as an inaccessible secondary frontage to New South Head Road) of 31.28 metres.

An aerial photograph and views are presented below.



Aerial Photograph (source www.SIX.nsw.gov.au) and **Views of Site and Neighbours** from Edgecliff Road (top), west to northern boundary along New South Head Road (middle), and east along Edgecliff Road (bottom) illustrating site analysis elements discussed in this part.

The land exhibits a significant change in level, falling approximately 14.4 metres from a front (southern) boundary spot height of 44.18 metres at the footpath to a rear (northern boundary) spot height of 29.74 metres over a distance of approximately 37 metres. The west to east cross fall of the site is less severe but significant (approx. 3.5 m).

That said, the character of the site's landform has been heavily modified by a series of retaining walls stepping down the site from south to north to create building platforms and level areas of landscaped garden. Retaining walls are located on both side boundaries. At the New South Head Road frontage the road has been cut into the landform such that a wall ranging in height from approximately 1.2 metres west to 2.0 metres east retains the rear of the site.

The survey indicates a potential road widening affectation at the rear of the site (New South Head Road) and footway easement across the neighbouring property on the west (No. 365a) that provides pedestrian access to the garden in the western setback of the site.

The site accommodates a five storey residential flat building known as "Elizabeth Gardens." It is located generally at the front of the site addressing Edgecliff Road where it presents as a three storey building with a centrally located pedestrian entrance on ground level with a footpath connection to Edgecliff Road. The ground level is set slightly below the footpath level of Edgecliff Road. The building steps down the site to the north where it presents as an elevated five storey building to New South Head Road. Parking is located in a basement area at the central part of the site that capitalises on the fall of the land. The garage is accessed via a 3.0 metre (minimum) wide driveway to Edgecliff Road. There is no vehicle or pedestrian access to New South Head Road.

The dwelling is setback approximately 6.0 metres from its front boundary, 4.0 metres from its eastern side neighbour (No. 363 Edgecliff Road), 3.5 metres to its western side neighbour (No. 365a Edgecliff Road) and 7.2 metres to the rear (to No. 6-8 New South Head Road).

The existing building was constructed circa 1981. The development application deems it to have no heritage significance (Weir Phillips, September 2023, "Heritage Impact Statement").

There are a number of notable trees within and adjoining the site, primarily in the front, rear and western setback areas and in the Edgecliff Road road verge adjoining the site. The Arborist Report (Redgum, 3 October 2023) seeks protection of the two trees in the verge and identifies 5 of the 16 trees on site of retention. Tree 13 is identified for protection, but not identified in Appendix C of the Redgum report. It is shown, however, in the Landscape Plan (Concept September 2023).

1.2 The Locality

The site is located in a part of Edgecliff established in the 1920s. Many of the properties established at that time have undergone periodic redevelopment such that the locality is, today, distinguished by a mix of building forms, heights, densities and architectural styles. Medium to high density residential developments of various heights prevail, interspersed with a small number of detached dwellings generally constructed when the suburb was established.

1.3 Adjoining Road

Edgecliff Road is a collector road that exhibits an attractive streetscape dominated by mature fig trees in and along its northern verge and established trees in front property setbacks on its south side. Edgecliff Road provides convenient pedestrian access to Edgecliff Railway Station and Shopping Centre which are approximately 400 metres away.

1.4 Adjoining Development

To the North:

To the north, on the opposite side of New South Head Road, are a series of residential flat buildings that exhibit various era / styles of development and landscaped setbacks to the street. Most notable is No. 256 -258. It is an interwar period 3 storey residential flat building built to the front boundary. It has windows overlooking the lower part of the site. The property, however, is separated from the site by New South Head Road, a busy five land sub-arterial road at this location.

To the east:

No. 315-317 New South Head Road and No. 363 Edgecliff Road adjoin the eastern boundary.

No. 315-317 adjoins the northern side boundary. It comprises a recently constructed four storey residential flat building that steps down New South Head Road. It includes a driveway to a basement car park addressing New South Head Road. It has a number of screened windows and a rear balcony that overlook the lower part of the site.

No. 363 Edgecliff Road adjoins the southern side boundary of the site. It comprises a four to five storey residential flat building of red brick, inter-war architectural style. It includes a number of windows that overlook the site. The building wall is setback approximately 1.8 metres from the common boundary. A fire escape occupies part of the setback area and appears to perform as a small informal balcony at the top level of the building.

To the south:

To the south of the site, on the opposite side of Edgecliff Road, there is a 13 story apartment building (442-446 Edgecliff Road) circa 1960/70s centrally located within its site with vehicular access to Edgecliff Road. The ground floor is significantly elevated above street level and is situated at natural ground level with basement car parking below. The immediate building surrounds comprise bitumen parking and access driveways. The front setback garden area retained by a tall sandstone wall circa 3+ metres in height. The property to the south west (448 Edgecliff Road) accommodates an approved 9 storey residential building currently under construction. While the property to the south east (440 Edgecliff Road) is subject to a redevelopment proposal comprising the demolition of the existing detached dwelling and constructed of a six storey apartment building.

To the west:

On the western side of the site, there is a 13 storey residential flat building (No. 365a Edgecliff Road). It comprises two separate but attached buildings. The upper (southern) building addresses Edgecliff Road while the second (northern) building steps down the site and addresses New South Head Road. Driveway access to an internal underground car park and a small surface car park is provided via two driveways to Edgecliff Road.

Windows in the eastern walls of both buildings overlook the site at all levels. The windows in the northern building look north east across the rear, lower part of the site and are setback a minimum of 4.8 metres (approx.) from the common boundary; while the windows in the southern boundary have a more direct outlook across the southern part of the site and are setback a minimum of 6.5 metres (approx.) from the boundary.

Part 2: Proposal

The proposed development comprises the demolition of the existing residential flat building on the site and construction of a new six to seven storey residential flat building and four and a half basement car parking levels. Of relevance to this assessment:

- Demolition includes removal of all of the existing building and vegetation within the site with the exception of the five nominated trees. The prominent Jacaranda and paperbark trees located in the rear setback area are proposed to be retained.
- The proposed building footprint is slightly larger than that of the existing building, with the additional area located in the northern part of the site.
- The basement extends across the developable area of the site and maintains a 2.5 metre setback to the side boundaries. It also extends down the site vertically to New South Head Road and includes a level pedestrian link from New South Head Road into Basement Level 5. The basement footprint extends beyond the front setback of the current building and generally matches the existing building rear setback. As such deep soil planting areas are retained in all setback areas.
- Building siting maintains a minimum 2.5 metre setback to all side boundaries. The minimum front setback is 3.755 metres, and the minimum rear setback is 5.22 metres.
- Access to the basement car park levels is achieved via a double driveway and two car lifts to Edgecliff Road. Due to the fall of the land, the rear (northern part) of the upper three basement levels projects out of the ground.
- The basement car park provides 24 car parking spaces, storage, motorcycle and bicycle parking and plant and waste rooms.
- Accommodation comprises a total of 11 apartments; being two x two-bedroom apartments located in basement one and ground floor and nine x three-bedroom apartments on ground to the fifth level. Exact apartment sizes are not provided. However they exceed 80 sqm (2 bedroom) and 100 sqm (three bedroom). One or two apartments occupy each floor within a building footprint oriented south to north addressing the dual street frontage and rear / front boundaries of the site.
- The living areas in each apartment on each level have access to useable balconies. while the south facing apartment at ground floor has direct access to a private open courtyard.

- Pedestrian access is proposed from Edgecliff Road to the communal lobby on ground floor via a footpath through the front garden and building setback to the road. A second pedestrian entry is available to New South Head Road via an at-grade footpath connection through Basement Level 5. This is useful primarily for travel to the Double Bay Centre.
- From Edgecliff Road the central “front door” lobby at ground level provides access via a lift to the basement level and the apartments on each level above and below. Access to Apartment B01 is indirect across the basement car park driveway.
- Building placement capitalises on the fall of the site and involves significant excavation. The lowest basement level (Basement 5) has an FFL of 27.46, which is slightly below the existing ground level at the rear (New South Head Road) site boundary of 28.81 metres. The ground floor (level 1) has an FFL of 44.020, which generally matches the existing ground level at the front (southern) boundary of the site to Edgecliff Road (44.256).
- At the rear, therefore, the windows and balconies to the ‘below ground floor’ lower level (basement level 1) Apartment B.01 are elevated some 3+ levels (13.5 metres) above existing ground level at New South Head Road.
- Privacy is proposed to windows and certain balconies addressing the primary pedestrian entry and along the side boundaries by way screens.
- The maximum proposed height of the building is 23.75 metres. The increase in the height of the building envelope (existing versus proposed) is approximately three storeys (i.e. the height doubles within the site when viewed from Edgecliff Road).
- The majority of the proposed building is located below the maximum LEP height limit of 19.5 metres with some exceedances, generally for terrace balustrades and much of the western half of the top floor (level 5) apartment and roof top.
- The rooftop accommodates the lift overrun and plant that is proposed to be screened. However the sections in the architectural plans do not illustrate the lift runs and roof top plant screening and the exceedance will be higher than that shown in the sections.
- Nominated floor to floor to floor heights are 3.2 metres.
- The proposed GFA is nominated as 1,732.7 sqm in the development application. With a site area of 1,117.8 sqm according to the survey plan, the proposed development has a proposed FSR of 1.55:1.
- No communal area is proposed within the development.
- Generally, the landscape plan adopts a complementary approach to site landscaping in setback areas that responds to on-site tree retention and the presence of the large street trees in the Edgecliff Road verge. It comprises a mix of low height (generally <1.5 shrubs / ground covers / screening bushes and low height screening trees 8 to 10 metres in height) along all side boundaries. A canopy tree (Weeping Lily Pilli) with a mature height of 10 metres is proposed in the front setback addressing Edgecliff Road.
- The landscape plan includes a proposal for landscaping on part of the Level 5 roof adjoining the terrace of Apartment 5.01.
- Stormwater drainage discharges to New South Head Road and no pipework, pits or other infrastructure shown in the Stormwater Drainage Plans (Smart July 2023) clash with the deep soil areas and retained trees.

- Building design exhibits a subdued modern architectural style to both street frontages that does not seek to compete with the distinctive inter war period buildings within the vicinity of the site.
- The dominant visual elements of the nominated building materials comprise brick and concrete spandrels and balustrades to all walls and balconies. Proposed colours are muted and recessive in nature comprising grey concrete, ghost grey brick work with dark louvres, terrace palisades and shade structure elements.

Part 3: Controls and Compliance

- State Environmental Planning Policy No 65 —Design Quality of Residential Apartment Development (SEPP 65) & Apartment Design Guide (ADG)
- Woollahra Local Environment Plan 2014 (Woollahra LEP 2014)
- Woollahra Development Control Plan 2015 (Woollahra DCP 2015)

The following is an assessment of the proposal against the relevant controls above.

3.1 SEPP 65 assessment

| Principle & Statement | Comment | Complies |
|--|--|----------|
| <p>Principle 1: Context and Neighbourhood Character</p> <p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p> | <p>The proposed development is located 400 metres walking distance from Edgecliff rail station and centre in a precinct zoned for medium density residential development. It enjoys convenient access to a range of facilities.</p> <p>Neighbourhood character is defined by a mix of building forms, heights, densities and architectural styles from different eras ranging from when the suburb was established in the 1920s through to contemporary infill development of comparatively taller buildings.</p> <p>The proposed 6 storey stepped building would be a similar addition to the area. It is located on a steeply sloping north facing site capitalising on the existing part excavation of the site below natural ground level. Its siting and its character at its boundary interfaces provide a compatible response to the other neighbouring developments.</p> <p>This results in a proposed bulk and scale that is not intrusive, overbearing or incongruous within its host area.</p> <p>The proposed approach recognises the streetscape context within which it resides and responds to this within an effort to retain the existing trees, improve tree canopy and adopt a sympathetic palette of building colours and materials. However, more</p> | No. |

| Principle & Statement | Comment | Complies |
|--|---|----------|
| | thought could be given to activating the northern elevation to New South Head by the provision of additional residential use at level B2 | |
| <p>Principle 2: Built Form and Scale</p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p> | <p>The proposed development sits generally in the site at the same ground level as the existing development and its proposed building envelope scale, bulk and height is consistent with the desired future character for the area.</p> <p>Configuration of living areas provides good internal amenity and outlook.</p> <p>The proposal seeks an exceedance to the WLEP height limit that I do not support. I discuss this in Part 3.3 below.</p> | No. |
| <p>Principle 3: Density</p> <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p> | <p>The proposed building envelope matches the FSR control in WLEP2014 and the scale of the floor space is consistent with site, and locality's good access to services and facilities.</p> <p>The level of amenity for the proposed apartments is good. Apartments are dual aspect with the exception of Unit B01, enjoy good solar access and ventilation and generous balcony sizes, internal areas, and private open space.</p> | Yes. |
| <p>Principle 4: Sustainability</p> <p><i>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and</i></p> | <p>The proposal adopts a number of measures that facilitate a good response to the need for sustainability.</p> <p>Apartments enjoy good solar access and cross ventilation. There are facilities for rainwater reuse and provision can be made for car charging in all car parking spaces. Provision is made for roof top solar in the proposed roof plan.</p> <p>The extent of deep soil zone in the front and rear setback areas is appropriate.</p> | Yes. |

| Principle & Statement | Comment | Complies |
|--|---|--|
| <i>reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</i> | Alternative means of transport are encouraged by the convenient pedestrian access into the development and conveniently located facilities for bicycle storage. | |
| <p>Principle 5: Landscape</p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments are achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.</i></p> | <p>There is a good provision of landscaping, with sufficient dimensions.</p> <p>While the trees at the frontage of the site to Edgecliff Road contribute to the tree canopy character of the street, they are proposed to be removed to facilitate construction.</p> <p>Tree No.5 in particular (a Weeping Fig 6 metres in height) is proposed to be replaced by a Weeping Lilli Pilli (maximum height 10 metres) in a location slightly east where deep soil planting opportunities exist.</p> <p>The current location of the Weeping fig is below the Weeping fig in the road verge adjoining the front setback garden. In the long term the shorter, more junior, fig would grow and its canopy would clash with that of the tree in the verge.</p> <p>Essentially the landscape plan replaces an existing canopy tree with a similar contributory species but in a more appropriate and useful location.</p> | Yes.. |
| <p>Principle 6: Amenity</p> <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</i></p> | <p>The design of each level floor plan and building siting contributes to a development that offers a good standard of amenity. All apartments have adequate size. All apartments are dual (corner) aspect with the exception of Unit B01 and enjoy access to a northern aspect.</p> <p>Placement and screening of windows in walls addressing the side boundaries is well considered in terms of preserving internal and external privacy.</p> <p>There are no communal open space or facilities. However, given the small number of apartment and nature of the development I consider this to be acceptable.</p> <p>Access to the development is well considered. The secondary pedestrian access to New South Head Road is a particularly beneficial feature that will assist access to the Double Bay Centre.</p> | Yes, subject to a condition improving pedestrian access to Unit B01. |

| Principle & Statement | Comment | Complies |
|--|--|----------|
| | Pedestrian access to the front door of Unit B01 at Basement Level 01 is not logical, legible or inviting as it requires traversing the car park driveway and the front door is not evident from the lift lobby. This can be remedied by providing a dedicated pedestrian path marked on the car park surface and bollards to identify, protect and differentiate the pedestrian route to guide uninitiated visitors to the door. | |
| Principle 7: Safety <i>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i> <i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</i> | <p>The design provides surveillance of the public domain through balconies and windows facing Edgecliff Road and New South Head Road.</p> <p>Pedestrian and vehicle entrances enjoy good exposure, are legible and will be comfortable to use.</p> | Yes. |
| Principle 8: Housing Diversity and Social Interaction <i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i> <i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.</i> | <p>The proposed development offers a good mix of two and three bedroom apartments.</p> <p>While the proposal does not offer a varied mix of housing sizes it suits the small scale of the proposed development and the prevailing socio economic and demographic character of Edgecliff. It presents opportunities for downsizers and families who seek an alternative form of living to a large, detached dwelling, but with access to similar amenities.</p> | Yes. |
| Principle 9: Aesthetics <i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good</i> | <p>The promotion of a mix of materials, colours and treatments in the façade walls display a high quality aesthetic.</p> <p>The proposed development adopts a sympathetic and restrained pallet of materials and colours that suit the built character of the area.</p> | Yes. |

| Principle & Statement | Comment | Complies |
|--|---------|----------|
| <p><i>design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p> | | |

3.2 Apartment Design Guide Assessment

Part 2: Developing the Controls

| Requirement | Comment | Complies |
|--|--|--|
| <p>2E – Building depth</p> <ul style="list-style-type: none"> - Ensure building depth support apartment layouts that meet the objectives, design criteria and design guidance within the apartment design guide. - Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. | <p>All apartments are corner situated and dual aspect with the exception of Unit B01.</p> | Yes. |
| <p>2F – Building separation</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms - 6m between non-habitable rooms <p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms <p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> - 24m between habitable rooms/balconies - 18m between habitable and non-habitable rooms - 12m between non-habitable rooms | <p>The building has a height of seven storeys at the rear (excluding the car park levels) and six storeys at the front to Edgecliff Road for this assessment.</p> <p>Of significance, the proposed development includes windows and balconies to habitable rooms addressing both side boundaries as follows:</p> <ul style="list-style-type: none"> • A balcony edge and windows to bedrooms at levels ground to 5 that are approximately 5.0 metres distance from the windows in No. 363. The windows are proposed to be screened to preserve privacy in lieu of achieving the separation distance. However, the balconies are not screened at their closest point to the boundary. It would be appropriate to condition the provision of screening to these balconies at their closest location in any approval; • Bedroom and living room windows to No. 365A Edgecliff Road at all levels. These are screened; and • Balconies from hall corridors to No. 365A Edgecliff Road at ground to Level three. These balconies do not serve any habitable room and do not have any particular useful function. They do however enhance amenity | Yes, with potential privacy screen condition to closest balcony edges to No. 363 Edgecliff Road. |

| Requirement | Comment | Complies |
|--|--|----------|
| | <p>by improving daylight access in apartments and cross ventilation. They are separated from No. 365A by 10 metres at their closest point (to the corner of the lower northern tower).</p> <p>Generally, subject to screening or removal of the east facing balconies I have no concerns with the proposed separation of the proposed development from its neighbours.</p> | |
| 2G – Street Setbacks <ul style="list-style-type: none"> - Establish the desired spatial proportions of the street and define the street edge. - Provide space that can contribute to the landscape character of the street where desired. - Create a threshold by providing a clear transition between the public and private realms. - Assist in achieving visual privacy to apartments from the street. - Create good quality entries to lobbies, foyers or individual dwellings. - Promote passive surveillance and outlook to the street. | <p>The development provides a minimum front setback of 3.755 metres which is consistent with those offered by neighbouring buildings in the street. This is discussed further under WDCP 2015 below.</p> <p>The proposed setback establishes good amenity for the street.</p> | Yes. |
| 2H – Side and rear setbacks <ul style="list-style-type: none"> - provide access to light, air and outlook for neighbouring properties and future buildings. - provide for adequate privacy between neighbouring apartments. - retain or create a rhythm or pattern of spaces between buildings that define and add character to the streetscape. - achieve setbacks that maximise deep soil areas, retain existing landscaping and support mature vegetation consolidated across sites. - manage a transition between sites or areas with different development controls such as height and land use | <p>Minimum side setbacks to the side boundaries are 2.5 metres and provide appropriate levels of solar access, ventilation, outlook and deep soil areas. However, they do not provide adequate privacy between neighbouring apartments to the east (No. 363) from proposed balconies. This can be remedied as noted elsewhere.</p> <p>Adequate deep soil planting opportunities are offered.</p> | Yes. |

Part 3: Siting the Development

| Requirement | Comment | Complies |
|---|---|----------|
| 3A – Site analysis <p>Responsive to opportunities and constraints of site conditions and streetscape</p> <ul style="list-style-type: none"> - Each element in the Site Analysis Checklist should be addressed. | <p>Generally, the proposal responds well to the topography of the site and its generally north facing sloping nature. However, the relationship with adjoining building to the east may require improvement as discussed throughout the report.</p> | Yes. |
| 3B – Orientation <ul style="list-style-type: none"> - Responsive to streetscape character while optimising solar access within the development. - Overshadowing of neighbouring properties in minimised during mid-winter. - Where an adjoining property does not currently receive the required hours of | <p>The building design prioritises solar access to, and outlook for, apartments to the north, which is appropriate.</p> | Yes. |

| Requirement | Comment | Complies |
|---|---|----------|
| <i>solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%</i> | | |
| 3C – Public domain interface <ul style="list-style-type: none"> - <i>Transition between private and public domain is achieved without compromising safety and security.</i> - <i>Amenity of the public domain is retained and enhanced.</i> - <i>Length of solid walls should be limited along street frontages.</i> - <i>Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.</i> - <i>Opportunities for people to be concealed should be minimised.</i> - <i>Where development adjoins public parks, open space or bushland, the design positively addresses this interface.</i> | <p>The proposed location of windows, balconies, articulation, setbacks and mix of materials enliven and add interest to both street frontages.</p> <p>At New South Head Road the car park levels address the street and are, for all intents, above ground at this viewpoint. They will be screened by vegetation and bronze coloured louvres.</p> <p>However I do not consider that full use is made of the northern aspect of these levels and their address to the street, and the streetscape context. All adjoining buildings include residential use that addresses new South Road. It would be appropriate for this character to be continued in the site by provision of a residential apartment at level B2 to match that propose at level B1.</p> <p>The proposal for a new pedestrian entry at Basement Level 5 to the road enhances the relationship between the building and the public domain and is commendable.</p> <p>Thus the visual relationship between the proposed development and adjoining roads is acceptable.</p> | No. |
| 3D - Communal and public open space <ul style="list-style-type: none"> - <i>Minimum communal space area 25% of site area.</i> - <i>Minimum 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).</i> - <i>Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.</i> - <i>Communal open space should be consolidated into a well-designed, easily identified and usable area.</i> | <p>No communal area is proposed. Given the small number of apartments in the development I consider this to be acceptable.</p> | Yes. |
| 3E – Deep soil zones <ul style="list-style-type: none"> - <i>Deep soil zones that allow for and support healthy plant and tree growth.</i> | <p>The site has an area of 1,117.8 sqm.</p> <p>There is a minimum width requirement of 3 metres for a site of this size.</p> <p>The total areas of deep soil greater than 3.0 metre in dimension is 219.57 sqm (126.53 + 54 + 11.63 + 27.41) which is 19.6%</p> <p>No significant below ground infrastructure is located in the deep soil area.</p> | Yes. |

| Requirement | Comment | Complies | | | | | | | | | | | | | | | |
|---|---|---------------------------------|---------------------------------|-----------------------------|----|----|--|----|------|---|-------------------------------------|--|---|----|--|--|--|
| <table border="1"> <thead> <tr> <th>Site area</th><th>Min Dim.</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>Less than 650m²</td><td>-</td><td>7%</td></tr> <tr> <td>650 m² – 1,500m²</td><td>3m</td><td></td></tr> <tr> <td>Greater than 1,500m²</td><td>6m</td><td></td></tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td><td>6m</td><td></td></tr> </tbody> </table> | Site area | Min Dim. | Deep soil zone (% of site area) | Less than 650m ² | - | 7% | 650 m ² – 1,500m ² | 3m | | Greater than 1,500m ² | 6m | | Greater than 1,500m ² with significant existing tree cover | 6m | | | |
| Site area | Min Dim. | Deep soil zone (% of site area) | | | | | | | | | | | | | | | |
| Less than 650m ² | - | 7% | | | | | | | | | | | | | | | |
| 650 m ² – 1,500m ² | 3m | | | | | | | | | | | | | | | | |
| Greater than 1,500m ² | 6m | | | | | | | | | | | | | | | | |
| Greater than 1,500m ² with significant existing tree cover | 6m | | | | | | | | | | | | | | | | |
| <p>3F – Visual privacy</p> <ul style="list-style-type: none"> Adequate building separation between neighbours to achieve reasonable external and internal visual privacy. Minimum separation distances from buildings to side and rear boundaries: <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> </tbody> </table> <ul style="list-style-type: none"> Generally, one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance. Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping. | Building height | Habitable rooms and balconies | Non-habitable rooms | Up to 12m (4 storeys) | 6m | 3m | Up to 25m (5-8 storeys) | 9m | 4.5m | As noted above the proposed development does not achieve the required separation distances between proposed balconies in the eastern side elevation of the building and windows in neighbouring building. | Yes, with privacy screen condition. | | | | | | |
| Building height | Habitable rooms and balconies | Non-habitable rooms | | | | | | | | | | | | | | | |
| Up to 12m (4 storeys) | 6m | 3m | | | | | | | | | | | | | | | |
| Up to 25m (5-8 storeys) | 9m | 4.5m | | | | | | | | | | | | | | | |
| <p>3G – Pedestrian access and entries</p> <ul style="list-style-type: none"> Building entries and pedestrian access connects to and addresses the public domain. Access areas clearly visible from public domain. Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge. | The proposed development offers a good level of connectivity, entry, access and visibility with Edgecliff Road and New South Head Road. | Yes. | | | | | | | | | | | | | | | |
| <p>3H – Vehicle access</p> <ul style="list-style-type: none"> Vehicle access points designed and located to achieve safety. Car park access should be integrated with the building's overall facade. The width and number of vehicle access points should be limited to the minimum. | The proposed driveway to Edgecliff Road is the most appropriate location and minimises potential streetscape, street tree and safety impacts. | Yes. | | | | | | | | | | | | | | | |

| Requirement | Comment | Complies |
|---|--|----------|
| <ul style="list-style-type: none"> - Designed to minimise conflict with pedestrians and vehicles. - Create high quality streetscapes. | | |
| 3J – Bicycle and car parking <ul style="list-style-type: none"> - Car parking needs of the development provided off-street. - Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites. | The proposed development provides an undercover bicycle storage. It is hidden from view. | Yes. |

Part 4: Designing the Building

| Requirement | Comment | Complies | | | | | | | | | | |
|--|--|------------------------|-----------------|------|---------------|------|--------------|-------------------------------------|---|------|--|------|
| 4A – Solar and daylight access <ul style="list-style-type: none">- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area.- A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter. | The proposed orientation of all apartments to the north ensures that 100% of living rooms and principal private opens spaces of all apartments meet the solar and daylight criteria. | Yes. | | | | | | | | | | |
| 4B – Natural ventilation <ul style="list-style-type: none">- At least 60% of apartments are naturally cross ventilated in the first 9 storeys.- Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. | All apartments are dual or corner aspect with the exception of Unit B01 and offer good opportunities for cross ventilation. | Yes. | | | | | | | | | | |
| 4C – Ceiling heights <ul style="list-style-type: none">- Measured from finished floor level to finished ceiling level, minimum ceiling heights are:<table><tr><td>Apartment</td><td>Minimum ceiling height</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>Attic spaces</td><td>1.8m with 30° minimum ceiling slope</td></tr></table>- Minimum floor to floor height 3.1m (4C.5). | Apartment | Minimum ceiling height | Habitable rooms | 2.7m | Non-habitable | 2.4m | Attic spaces | 1.8m with 30° minimum ceiling slope | The nominated floor to floor height is 3.2 metres which will achieve the 2.7 metre floor to ceiling height once floor materials and possible plumbing or ceiling AC ducting is installed. | Yes. | | |
| Apartment | Minimum ceiling height | | | | | | | | | | | |
| Habitable rooms | 2.7m | | | | | | | | | | | |
| Non-habitable | 2.4m | | | | | | | | | | | |
| Attic spaces | 1.8m with 30° minimum ceiling slope | | | | | | | | | | | |
| 4D – Apartment size and layout <ul style="list-style-type: none">- Apartments are required to have the following minimum internal areas:<table><tr><td>Apartment type</td><td>Minimum internal area</td></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedrooms</td><td>70m²</td></tr><tr><td>3 bedrooms</td><td>90m²</td></tr></table> | Apartment type | Minimum internal area | Studio | 35m² | 1 bedroom | 50m² | 2 bedrooms | 70m² | 3 bedrooms | 90m² | All apartments achieve the minimum area. | Yes. |
| Apartment type | Minimum internal area | | | | | | | | | | | |
| Studio | 35m² | | | | | | | | | | | |
| 1 bedroom | 50m² | | | | | | | | | | | |
| 2 bedrooms | 70m² | | | | | | | | | | | |
| 3 bedrooms | 90m² | | | | | | | | | | | |

| Requirement | Comment | Complies | | | | | | | | | | | | |
|---|---|---------------|------------|-----------|-----------------|----|-----------|------------------|----|------------|------------------|------|---|------|
| <ul style="list-style-type: none">- Every habitable room must have a window in an external wall with a total minimum glass area of at least 10% of the floor area of the room.- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.- Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).- A window should be visible from any point in a habitable room.- Bedrooms have a minimum dimension of 3m (excluding wardrobe space).- Living rooms or combined living/dining rooms have a minimum width of: <table><tr><td>Apartment type</td><td>Minimum width</td></tr><tr><td>1 bedroom</td><td>3.6m</td></tr><tr><td>2 bedrooms</td><td>4m</td></tr><tr><td>3 bedroom</td><td>4m</td></tr></table> <ul style="list-style-type: none">- The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. | Apartment type | Minimum width | 1 bedroom | 3.6m | 2 bedrooms | 4m | 3 bedroom | 4m | | | | | | |
| Apartment type | Minimum width | | | | | | | | | | | | | |
| 1 bedroom | 3.6m | | | | | | | | | | | | | |
| 2 bedrooms | 4m | | | | | | | | | | | | | |
| 3 bedroom | 4m | | | | | | | | | | | | | |
| 4E – Private open space and balconies <ul style="list-style-type: none">- All apartments are required to have primary balconies as follows: <table><tr><td>Apartment type</td><td>Min. width</td><td>Min. depth</td></tr><tr><td>1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr></table> <ul style="list-style-type: none">- For apartments at ground level, a private open space area shall be provided instead of a balcony with minimum area of 15m² and minimum depth of 3m. | Apartment type | Min. width | Min. depth | 1 bedroom | 8m ² | 2m | 2 bedroom | 10m ² | 2m | 3+ bedroom | 12m ² | 2.4m | All balconies for upper level apartments and the private open space to ground floor units meet the minimum area and depth requirements. | Yes. |
| Apartment type | Min. width | Min. depth | | | | | | | | | | | | |
| 1 bedroom | 8m ² | 2m | | | | | | | | | | | | |
| 2 bedroom | 10m ² | 2m | | | | | | | | | | | | |
| 3+ bedroom | 12m ² | 2.4m | | | | | | | | | | | | |
| 4F – Common circulation and spaces <ul style="list-style-type: none">- Maximum number of apartments off a circulation core on a single level is eight (8).- Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.- Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:<ul style="list-style-type: none">- a series of foyer areas with | The circulation core (essentially the lift lobby area) on each floor provides access to only 1 to 2 apartments. | Yes. | | | | | | | | | | | | |

| Requirement | Comment | Complies | | | | | | | | | | |
|--|--|---------------------|--------|-----------------|-----------|-----------------|-----------|-----------------|-------------|------------------|---|------|
| <p>windows and spaces for seating;</p> <ul style="list-style-type: none">- wider areas at apartment entry doors and varied ceiling heights. | | | | | | | | | | | | |
| <p>4G – Storage</p> <ul style="list-style-type: none">- In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3+ bedrooms</td><td>10m³</td></tr></table> <p>Note: At least 50% of the required storage is to be located within the apartment</p> | Dwelling type | Storage size volume | Studio | 4m ³ | 1 bedroom | 6m ³ | 2 bedroom | 8m ³ | 3+ bedrooms | 10m ³ | <p>Storage for apartments is provided in the basement car parking level.</p> <p>Storage areas and cupboards in apartments are proposed.</p> | Yes. |
| Dwelling type | Storage size volume | | | | | | | | | | | |
| Studio | 4m ³ | | | | | | | | | | | |
| 1 bedroom | 6m ³ | | | | | | | | | | | |
| 2 bedroom | 8m ³ | | | | | | | | | | | |
| 3+ bedrooms | 10m ³ | | | | | | | | | | | |
| <p>4H – Acoustic Privacy</p> <ul style="list-style-type: none">- Noise transfer is minimised through the siting of buildings and building layout.- Noise impacts are mitigated within apartments through layout and acoustic treatments.- Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy). | <p>An acoustic assessment is provided. It makes recommendations to address any potential noise concerns with the operation of the car lifts.</p> | Yes. | | | | | | | | | | |
| <p>4J – Noise and Pollution</p> <ul style="list-style-type: none">- The impacts of external noise and pollution are minimised through careful siting and layout of buildings.- Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission. | <p>The acoustic assessment recognises potential acoustic issues for windows addressing New South Head Road and provides recommendations for acoustic treatment of those windows and supplementary room ventilation of the rooms.</p> <p>No air quality assessment is provided. The potential source of any air quality and external noise issues would most likely be from the traffic using New South Head Road.</p> <p>The proposed building is setback from New South Head Road that may minimise any potential local air quality concerns.</p> | Yes. | | | | | | | | | | |
| <p>4K – Apartment mix</p> <ul style="list-style-type: none">- A range of apartment types and sizes is provided. | <p>The proposal offers a mix of apartment sizes.</p> | Yes. | | | | | | | | | | |
| <p>4L – Ground floor apartments</p> <ul style="list-style-type: none">- Street frontage activity is maximised where ground floor apartments are located.- Apartments deliver amenity and safety for residents.- Direct street access should be provided to ground floor apartments | <p>One ground floor apartment addresses the street, I consider that the proposed approach to the pedestrian entry off Edgecliff Road achieves the requirements of this part.</p> | Yes. | | | | | | | | | | |
| <p>4M – Facades</p> <ul style="list-style-type: none">- Building facades provide visual interest along the street while | <p>The Schedule of Colours and Finishes enable an indicative appreciation of the presentation of the building to Edgaeliff Road, New South Head Road</p> | Yes. | | | | | | | | | | |

| Requirement | Comment | Complies |
|---|--|----------|
| <i>respecting the character of the local area.</i> <ul style="list-style-type: none"> <i>Entries are clearly defined.</i> <i>Building services should be integrated within the overall façade.</i> | <p>and neighbouring properties.</p> <p>The architectural approach creates visual interest for the public domain while respecting the character of the local area.</p> <p>Entrances are clearly defined and observable from the public domain.</p> <p>Building services are not visible from the public domain. The location of fire fighting booster equipment is identified on New South Head Road.</p> | |
| 4N – Roof design <ul style="list-style-type: none"> <i>Roof treatments are integrated into the building design and positively respond to the street</i> | The roof is not trafficable and rooftop plant is generally obscured by the roof form. | Yes. |
| 4O – Landscape design <ul style="list-style-type: none"> <i>Landscape design is viable and sustainable.</i> <i>Landscape design contributes to the streetscape and amenity.</i> | Tree species selection in deep soil areas capitalise on the opportunity for the site to contribute to the distinctive green tree canopy in the area. | Yes. |
| 4P – Planting on structure <ul style="list-style-type: none"> <i>Appropriate soil profiles are provided.</i> <i>Plant growth is optimised with appropriate selection and maintenance.</i> <i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i> | Negligible planting is proposed on structures. | Yes. |
| 4Q – Universal design <ul style="list-style-type: none"> <i>Universal design features are included in apartment design to promote flexible housing for all community members.</i> <i>A variety of apartments with adaptable designs are provided.</i> <i>Apartment layouts are flexible and accommodate a range of lifestyle needs.</i> <i>Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.</i> | The private open space areas, vertical access, apartment sizes and layout and amenity of each unit generally provide a high level of flexibility to evolve as households evolve. | Yes. |
| 4R – Adaptive reuse <ul style="list-style-type: none"> <i>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.</i> <i>Adapted buildings provide residential amenity while not precluding future adaptive reuse.</i> | The application is for a new development. | NA |
| 4S – Mixed use <ul style="list-style-type: none"> <i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</i> <i>Residential levels of the building are integrated within the development,</i> | The application is for a residential use. | NA |

| Requirement | Comment | Complies |
|---|---|---|
| <i>and safety and amenity are maximised for residents.</i> | | |
| 4T – Awnings and signage <ul style="list-style-type: none"> - Awnings are well located and complement and integrate with the building design. - Signage responds to the context and desired streetscape character. | No awnings at street level are proposed. | NA |
| 4U – Energy efficiency <ul style="list-style-type: none"> - Development incorporates passive environmental design. - Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. - Adequate natural ventilation minimises the need for mechanical ventilation. | <p>The proposed development offers high levels of natural ventilation and there are opportunities for rooftop solar provision.</p> <p>The proposal satisfies the relevant objectives or design criteria prescribed by this Part.</p> | Yes. |
| 4V – Water management and conservation <ul style="list-style-type: none"> - Potable water use is minimised. - Urban stormwater is treated on site before being discharged to receiving waters. - Flood management systems are integrated into site design. | The Stormwater Plan provides information to demonstrate appropriate rainwater collection and reuse. | Yes. |
| 4W – Waste management <ul style="list-style-type: none"> - Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. - Domestic waste is minimised by providing safe and convenient source separation and recycling. | <p>A waste room is proposed in the basement level and externally at ground level in the front setback. If both storage areas are used together the basement area is not conveniently accessible to the bin store on Edgecliff Road.</p> <p>It is possible basement bins could use the resident lifts to access the external bin area (as it is the shortest most convenient route) which is not appropriate.</p> <p>The waste management plan does not acknowledge the presence of the external ground level bin store and does not indicate any use for it. I suggest that it be deleted and the space converted to deep soil landscaping.</p> | Yes, subject to a condition that deletes the external bin storage area. |
| 4X – Building maintenance <ul style="list-style-type: none"> - Building design detail provides protection from weathering. - Systems and access enable ease of maintenance. - Material selection reduces ongoing maintenance costs. | <p>While no information has been provided with regards to the building maintenance, I consider the proposed materials selected, particularly the use of brick and anodised aluminium balustrades, will result in a building that will require minimum maintenance.</p> <p>Roof hatch access to the roof is shown.</p> | Yes. |

3.3 Woollahra Local Environment Plan 2014 (WLEP2014)

The proposed development is assessed against the relevant provisions of WLEP 2014 in the table below.

| Zoning Clause Objective / Control | Assessment | Complies |
|--|---|--|
| <p>Zoning</p> <p><i>R3 Medium Density Residential</i></p> <p>Objectives:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood. • To ensure development conserves and enhances tree canopy cover | <p>The proposed use is permissible, and it meets the objective of the zone and achieves the desired future character of the Precinct.</p> | <p>Yes.</p> |
| <p>Clause 4.3 Height of Buildings</p> <p>Objectives:</p> <p>to establish building heights that are consistent with the desired future character of the neighbourhood,</p> <p>to establish a transition in scale between zones</p> <p>to protect local amenity,</p> <p>to minimise the loss of solar access to existing buildings and open space,</p> <p>to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,</p> <p>to protect the amenity of the public domain by providing public views of the harbour and surrounding areas</p> | <p>The Maximum height limit is 19.5 metres. The proposed building has a maximum height, according to the development application, of 23.75 metres. This amounts to a 4.25 metres (21.8%) departure. The location of the departure is the western half of the top floor (level 5) apartment, rooftop parapets and lift overrun. I assume the 4.25 metre exceedance includes the lift overrun as it is not shown in the architectural sections.</p> <p>Desired Future Character</p> <p>I note that the proposed floor space complies with the floor space ratio control.</p> <p>The application advises that the height exceedance is a result of the interpretation of the 'existing ground level' for the purposes of the quantitative assessment. If the 'pre excavated' (i.e. original natural ground level – the "Betta" approach) was extrapolated between the northern and southern boundaries of the site the proposal would most likely be complying with the exception of the lift overrun, rooftop parapets and some balustrades.</p> | <p>Potentially no and subject to submission of additional survey detail and clarification.</p> |

| Zoning Clause Objective / Control | Assessment | Complies |
|-----------------------------------|--|----------|
| | <p>I will not comment on the legal conjecture from where height is measured and I will review the proposal on the basis of a non-compliant height as submitted.</p> <p>The exceedance will not be visible from any viewpoint to Edgecliff Road or the south given it would be hidden by a complying building envelope height at the Edgecliff Road frontage. It will also not be apparent from view points to the east (No. 363 Edgecliff Road) as the additional floor space is above the top floor of that building). However it will be visible from the top two floors of the southern tower of No. 365A to the west.</p> <p>Transition between Zones</p> <p>The Clause 4.6 request advises that the site is a transition zone between the B4 zone to the west and the R3 zone of the site. I do not accept this position as the site does not adjoin the zone. However I recognise that the proposed height does provide a stepping transition to taller buildings to the west. (The proposed height exceedance plays no significant part in that transition).</p> <p>Solar and Shadow</p> <p>The adjoining properties that will be subject to most potential shadow and solar impact are to the east (No. 363) and west (No. 365A).</p> <p>I note that the configuration of the site and proposed development is essentially north-south, such that most of the additional shadow impact generated by the variation will be absorbed by the proposed building itself with only possible additional shadow impact to the side boundaries at morning or afternoon times.</p> <p>The submitted solar and shadow drawings indicate that the impacts of the variation are before 12.00 pm and after 3.00 pm at mid-winter</p> <p>Thus, based on this information, I do not expect any unreasonable loss of solar access or shadow impact.</p> | |

| Zoning Clause Objective / Control | Assessment | Complies |
|-----------------------------------|--|----------|
| | <p>Views and visual intrusion</p> <p>Views impacted by the proposed height variation would most likely be those from apartments in the towers to the south on the south side of Edgecliff Road (being No. 448 and No. 442-446) and buildings to the east and west (No. 363 and 365a).</p> <p>The Clause 4.6 request and Statement of Environmental Effects (SEE) advise that no public or private views will be impacted by the proposed height of the building (and the proposed height departure specifically).</p> <p>However I have no investigation or analysis available to me to conclude that this is the case. No thorough visual impact analysis has been included in the development application.</p> <p>I have not been able to observe views from buildings to the south or No. 363 to the east. However, I have been able to observe views from windows in Units 63, 73, 83, 93 and 103 in No. 365a that adjoins the site to the west.</p> <p>I conclude the following:</p> <p>Building to the east (No.363)</p> <p>Publicly available floor plans and views from windows on real estate websites suggest that there may be primary views from living areas to Sydney heads to the north east. Rooms on the western side of the building addressing the site may be secondary bedrooms, kitchens and bathrooms and have local views to the Darling Point peninsula and skyline at upper levels. (Refer to material in Appendix 1).</p> <p>Buildings to the south.</p> <p>The SEE advises that north east harbour views do not exist across the site from No. 448 and No. 442-446. However the view in Figure 26 of the SEE suggests otherwise, particularly as the height of the image is not known (in terms of the building level in No. 448 from where the view photo was taken).</p> <p>Similarly, the views from No. 442-446 in the SEE are from real estate websites and therefore opportunistic and by default selective and not sufficiently reliable.</p> <p>There are most likely expansive north, east and west views to the harbour and harbour bridge from viewpoints above</p> | |

| Zoning Clause Objective / Control | Assessment | Complies |
|--|---|-------------|
| | <p>the roof lines of buildings on the northern side of Edgecliff Road either side of the site. These will not be impacted by the proposed compliant height and height exceedance.</p> <p>There are most likely lower level local views of the Darling Point ridgeline to the north and harbour to the north east.</p> <p>Any lower level northerly views that may exist across the site may be obstructed by the proposed increase in the building height by the additional three stories. Such views would be limited to the existing gap in the building wall offered by the existing three storey building in the site.</p> <p>These will be impacted by a compliant height, but will not be additionally impacted by the proposed height exceedance;</p> <p>Building to the west (No. 365a)</p> <p>A small number of local and distant harbour views to the northeast and east from No. 365a will most likely be obscured.</p> <p>Of relevance, observations from windows in Units 103 and 93 (the top two levels) suggest that the proposed building height exceedance at Level 5 may have the potential to exacerbate view loss in a north easterly direction from north east facing windows. However no thorough visual impact analysis has been submitted with the development application to confirm or refute this suggestion.</p> <p>I am unable to determine whether there is any view loss without reference to visual impact analysis prepared in accordance with the four-step process in <i>Tenacity</i>.</p> <p>Therefore based on the above and erring on the side of caution, I am unable to conclude that view loss and visual intrusion will be minor and reasonable.</p> | |
| <p>Clause 4.4 Floor Space Ratio</p> <p><i>Objectives:</i> (a) for development in Zone R3 Medium Density Residential— (i) to ensure the bulk and scale of new development is compatible with the desired future character of the area, and</p> | <p>The maximum FSR is 1.55:1.</p> <p>The application notes that the proposed gross floor and resulting FSR are compliant.</p> | <p>Yes.</p> |

| Zoning Clause Objective / Control | Assessment | Complies |
|--|---|----------|
| (ii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and (iii) to ensure that development allows adequate provision on the land for deep soil planting and areas of private open space | | |
| Clause 5.10 Heritage Clauses 5.10 (4) and (5) require Council to consider the effect of a proposed development on the heritage significance of a heritage item or conservation area. | The property is not located within the vicinity of a heritage item or a heritage conservation area. | Yes. |
| Clause 6.9 Tree Canopy Cover in Zones R2 and R3 Clause 6.9 requires development in R2 and R3 zones to plant trees, and retain and minimise; disturbance and adverse impacts on existing canopy trees which are to be retained. (The Clause does not apply to certain HCAs) | The canopy trees of significance within the site will be retained. | Yes. |

3.4 Woollahra Development Control Plan 2015 (WDCP2015)

The proposed development is assessed against the relevant provisions of WDCP 2015 in the table below.

| Control | Objective / Control Summary | Assessment | Complies |
|--|---|---|----------|
| Chapter B1 Desired Future Character | <p>The site is located in the Wallaroy Precinct.</p> <p>Part B1.4.2 presents the Precinct Character Statement and the Desired Future Character and objectives sought for development in the site.</p> <p>The statement of Desired Future Character is as follows.</p> <p>"Development is to establish a transition from the large subdivisions and residential flat buildings at New South Head Road and Edgecliff Road to the dwelling houses situated on the slopes.. ...</p> <p>On sloping sites, development should step down the site to maintain views, protect the privacy and solar access of adjoining and adjacent properties, and minimise cut and fill..</p> <p>Residential flat buildings are permitted in the northern part of the precinct up to a height of six</p> | <p>The proposal offers a well-designed contemporary building which is consistent with the approach sought for redevelopment in the Precinct.</p> <p>There are no significant public views or vistas across the site.</p> <p>Built form has a height of 6 storeys when viewed from Edgecliff Road and steps down the sloping site.</p> <p>Upper level side setbacks at level 4 provide a transition with No. 363.</p> <p>I am unable to confirm that significant views from neighbouring buildings will be maintained and view loss minimised.</p> <p>Amenity impacts (privacy, solar and overshadowing) can be minimised, subject to condition.</p> | Unknown |

| Control | Objective / Control Summary | Assessment | Complies |
|---|---|--|----------|
| | <p>storeys. Where these sites adjoin properties with a lower height limit, development is to establish a sympathetic transition to the boundaries; this may be through a graduation of building bulk and height, increased setbacks, or both.."</p> <p>The relevant Desired Future Character objectives" are:</p> <p>To respect and enhance the streetscape character and key elements of the precinct.</p> <p>O2 To establish a development transition from the large residential flat buildings and lots at New South Head Road and Edgecliff Road to the smaller dwelling houses situated on the slopes.</p> <p>O3 To design and site buildings to respond to the topography and minimise cut and fill.</p> <p>O4 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings, incorporating modulation and a varied palette of materials.</p> <p>O5 To protect iconic, harbour and other significant views from the public spaces of the precinct.</p> <p>O6 To promote view corridors between buildings to significant views, particularly harbour views.</p> <p>O7 To ensure that development on the western boundary of the precinct does not have an adverse impact on the heritage significance of the adjoining Woollahra Heritage Conservation Area.</p> <p>O8 To retain and reinforce the green setting of mature street trees, private trees and garden plantings.</p> | | |
| B3.2 Building Envelope Setbacks | <p>Part B 3.1 presents building envelope controls for residential flat buildings in the R3 zone.</p> <p>Setbacks establish the position of buildings in relation to the street, side and rear boundaries. They create the spatial proportions of the street contribute to streetscape and neighbourhood character and protect the amenity of adjoining properties</p> | <p>I note the minor setback non-compliances discussed in the Statement of Environmental Effects as a result of the dual road frontage of the site. Given the location of the site and the setbacks of adjoining buildings, I consider the proposed front and rear setbacks to be acceptable.</p> | Yes. |
| Part 3.5.1 Streetscape Character | <p>A quality streetscape provides good public amenity and contributes to the character and identity of the locality. As character can vary from street to</p> | <p>This is discussed in Parts 3.1 and 3.2 above.</p> | No. |

| Control | Objective / Control Summary | Assessment | Complies |
|--|--|--|---|
| | <i>street, it is important that development recognises predominant streetscape qualities, such as building form to ensure a cohesive streetscape character.</i> | | |
| Part B.3.5.2 Overshadowing | <i>To minimise overshadowing to adjoining properties.</i> | As I note above, the orientation of the site and the proposed building minimises overshadowing impact. | Yes. |
| Part B.3.5.3 Public and Private Views | <i>To protect and enhance existing views to and from public domain areas and encourage view sharing.</i> | I discuss view impact in Part 3.3 above. I am unable to confirm that significant views from neighbouring buildings will generally be preserved. | Unknown. |
| Part B3.5.4 Acoustic and Visual Privacy | <i>To ensure adequate acoustic privacy for occupants and neighbours.</i> | Acoustic and visual privacy is addressed in Part 3.2 above. | Yes, subject to privacy screen condition. |
| B.3.5.5 Internal Amenity | <i>To encourage high levels of internal amenity through the provision of direct natural light and direct natural ventilation.</i> | The design of the proposed development delivers good amenity. I have suggested privacy improvements as I discuss above. | Yes. |
| B.3.5.6 On-site Parking | <i>To minimise the visual impact of garages, car parking structures and driveways on the streetscape.</i> | At New South Head Road the car park levels address the street and are, for all intents, above ground at this viewpoint. They will be screened by vegetation and bronze coloured louvres. However I do not consider that full use is made of the northern aspect of these levels and their address to the street, and the streetscape context. All adjoining buildings include residential use that addresses new South Road. It would be appropriate for this character to be continued in the site by provision of a residential apartment at level B2 to match that propose at level B1. | No. |
| B3.7.1 Deep Soil | <i>To ensure that the areas outside the floorplate contribute to the desired future character of the location.</i> <i>Tree canopy area is at least 30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings.</i> <i>At least half of the total tree canopy area on the site (i.e. 50%) is contributed by canopy tree/s.</i> | Tree Canopy The tree canopy cover in the development application is nominated at 36.5% and over 50% is canopy tree. The total proposed deep soil area is nominated at 35.4%. It is not encumbered by stormwater infrastructure. 51.2 % of the front setback area is noted as deep soil and the recommendation to delete the | Yes. |

| Control | Objective / Control Summary | Assessment | Complies |
|---|---|--|---|
| | <p>35% of the site area is deep soil landscaped area</p> <p>At least 40% of the front setback comprises deep soil landscaped area.</p> <p>For a residential flat building ...in the Bellevue Hill South ... precinct—at least one consolidated area of the deep soil area is at least 20m2</p> | external bin store (discussed above) will improve this figure. | |
| B3.7.1 Principal POS | To ensure that dwellings in residential flat buildings ... are provided with adequate private open space that enhances the amenity of the dwellings. | The proposed development offers generous private open space areas. | Yes. |
| B.3.7.2 Fences | <p>To ensure fences and walls improve amenity for existing and new residents, are not visually intrusive, do not unreadably restrict views and contribute positively to streetscape and adjacent buildings.</p> <p>The height of front fences does not exceed: 1.2m if solid; or 1.5m if 50% transparent or open;</p> | <p>A semi transparent palisade fence estimated to have a height ranging from approximately 1.8 to 2 metres (at the building entry) is proposed to enclose the ground floor private open space of Unit G01 in the western part of the frontage. The balance of the frontage contains no fence.</p> <p>I see no reason why the wall height of 1.5 metres cannot be implemented. While a 1.3 metre high all will result at the southern end of the private open space, I consider that this will not impact on the privacy of the unit given the proposed setback of the wall from the front boundary, the propose landscaping and the secondary function of the private open space for the unit.</p> <p>The existing retaining wall to New South Road is retained in the proposed development and this is appropriate given that it retains the prominent canopy trees proposed to be preserved in the setback area.</p> | Yes, subject to a condition that requires maximum wall height to Edgecliff Road to be 1.5 metres. |
| B.3.7.3 Site Facilities | <p>To ensure that mechanical plant equipment including lift overruns, air-conditioning units and external condensers, do not have adverse streetscape or amenity impacts.</p> <p>To ensure that development incorporates adequate garbage and recycling collection areas.</p> | Site facilities have been well considered in the design of the proposed development. | Yes. |
| B.3.7.4 Ancillary Development | To provide recreation facilities and opportunities that do not compromise the amenity of adjoining properties and retain deep soil zones, trees and vegetation of landscape value. | No recreation facilities are proposed | N/A |
| B.3.8 Residential Flat Buildings | To ensure that dwellings within the development provide good amenity. | This is achieved. | Yes |

| Control | Objective / Control Summary | Assessment | Complies |
|---------|--|------------|----------|
| | <i>Single aspect dwellings are limited in depth to 8m from a window.</i> <i>The back of the kitchen is no more than 8m from a window.</i> <i>The width of a cross-over or cross-through dwelling over 15m deep is 4m or greater. Deep and narrow dwelling layouts are avoided.</i> | | |

Part 4: Urban Design Review

4.1 Summary

Generally the proposed scale, density and building envelope adopts a form consistent with that of similar surrounding scaled and formed buildings. The front and rear setbacks are consistent with those in the locality.

Setbacks to neighbouring properties will protect visual and acoustic privacy with the provision of additional balcony screening in places.

Externally, the architectural style adopts a contemporary approach that, together with the selection of a muted and sympathetic palette of materials and colours, enables a compatible fit with the prevailing townscape character. The dominant visual elements of the building (ghost grey brick work, concrete balustrades and spandrels, and dark louvres, terrace palisades and shade structure elements) mimic and take as cues the styles of adjoining buildings and the colours within the townscape and streetscape.

Internally, the proposal offers a high standard of residential amenity. Apartment sizes are generous and experience generous access to sunlight, natural ventilation and visual and acoustic privacy.

The retention of the prominent tree canopy trees in the New South Head Road frontage and the provision of an additional pedestrian entry at that frontage are commendable.

Insufficient evidence has been provided to confirm that the location and configuration of the building envelope within the site will ensure that view loss is minimised and is reasonable. No thorough visual impact analysis has been included in the development application.

This is particularly significant as an exceedance to the height control is sought at Level 5 which may or may not exacerbate view loss. Given this context I must err on the side of caution and I am not able to support the proposed height variation.

Furthermore, I consider that greater effort could be made to activating the building frontage to New South Head Road.

Thus I cannot support the proposed development and I provide recommendations that may assist in resolving matters below.

4.2 Recommendation

The proposal is not supported, The following amendments are suggested:

1. The part of the proposed building envelope that exceeds the maximum building height standard at Level 5 should be reviewed and reconsidered in response to the undertaking of a thorough visual impact analysis prepared in accordance the four-step process in *Tenacity*. Level 5 may be required to be setback further from the northern boundary to minimise view loss;
2. The building envelope be reconsidered generally in the event that unreasonable view loss impacts are identified by the visual impact assessment;
3. Level B2 be redesigned to include an apartment that is configured to address New South Head Road, similar to the proposal at Level B01. There are opportunities to relocate the lost parking in basement design (e.g. the large size of the B2 bicycle room and storage areas may possibly be redesigned;
4. Access to basement unit B01 is not logical, legible or inviting as it requires traversing the car park driveway and the front door is not evident from the lift lobby. This can be remedied by providing a dedicated pedestrian path marked on the car park surface and bollards to identify, protect and differentiate the pedestrian route to guide uninitiated visitors to the door;
5. A balcony edge and windows to bedrooms at levels ground to 5 are approximately 5.0 metres distance from the windows in No. 363. The windows are proposed to be screened to preserve privacy in lieu of achieving the separation distance. However, the balconies are not screened at their closest point to the boundary. It would be appropriate to condition the provision of screening to these balconies (or delete the balconies) at their closest location in any approval;
6. The second external bin store in the south west corner of the frontage to Edgecliff Road is unnecessary. It can be deleted and the area converted to deep soil planting; and
7. The maximum boundary wall height to Edgecliff Road should be 1.5 metres.

The following development application documentation should also be updated / amended for completeness:

- Submission of a visual impact analysis prepared in accordance with the four-step process in *Tenacity*.
- Updated arborist report that notes the retention of Tree No. 13 in the attached plan.
- Updated sections that present the lift overrun and other roof top elements.

Stephen McMahon
Director, Inspire Urban Design and Planning Pty Ltd

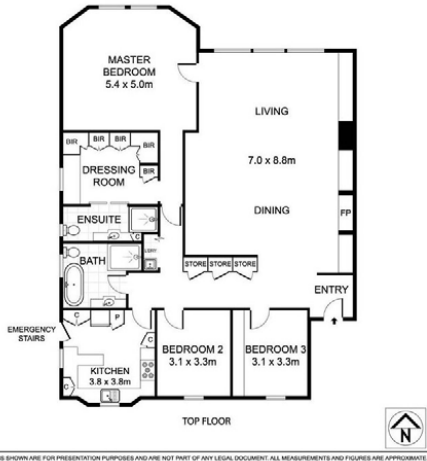
APPENDIX 1:
Views from Real Estate Websites from Apartments in No. 363 Edgecliff



Unit 1: Source Bradfield Cleary



7/363 EDGECLIFF ROAD
EDGECLIFF



DISCLAIMER: PLANS SHOWN ARE FOR PRESENTATION PURPOSES AND ARE NOT PART OF ANY LEGAL DOCUMENT. ALL MEASUREMENTS AND FIGURES ARE APPROXIMATE.



Unit 7



Woollahra
Municipal
Council

25 January 2024

REFERRAL RESPONSE – ENVIRONMENTAL HEALTH

FILE NO: Development Applications: 372/2023/1

ADDRESS: 365 Edgecliff Road EDGECLIFF 2027

PROPOSAL: Demolition of Existing Strata-Titled Residential Flat Building,
Construction of New Residential Flat Building, Landscaping and
Strata Subdivision

FROM: Jasmine Sutrina

TO: Mr B McIntyre

1. ISSUES

- Acoustics – SEPP (Transport and Infrastructure) 2021 – proposed car lifts
- Ventilation

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, 22586, prepared by gsa planning, dated 29/09/2023.
- Architectural Plans, prepared by MHN Design Union Pty Ltd, dated 28/09/2023.
- Acoustic Report, TN195-01F02, prepared by Renzo Tonin & Associates, dated 27/09/2023.
- Geotechnical Report, 2023-009, prepared by Crozier Geotechnical Consultants, dated 21/03/2023.

3. RESEARCH

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date:

4. SUMMARY OF PROPOSAL

It is proposed to demolish the existing strata-titled residential flat building and construct a new six to seven-storey residential flat building above basement parking with landscape works. The new building comprises 11 dwellings. Strata subdivision is also proposed.

The proposed residential flat building will be contemporary in design, with a non-trafficable flat roof. It will provide a high level of resident amenity. This will be achieved through secure basement car parking accessed from Edgecliff Road, as well as a separate pedestrian entry leading to the building entrance in both street frontages.

- Basement Level 5
 - The basement floor level 5 at 27.46 AHD is accessed from Edgecliff Road via car lifts and New South Head Road via a pedestrian path. It comprises 5 car parking



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spaces, car wash bay, motor room and plant. Internal lifts and stairs provide pedestrian access to the other levels

- Basement Level 4
 - The basement floor level 4 at 31.62 AHD comprises 6 car parking spaces and plant. Internal lifts and stairs provide access to the other levels
- Basement Level 3
 - The basement floor level 3 at 34.72 AHD comprises 5 car parking spaces, 1 motorbike space, storage, rainwater tank, cold water equipment, hot water equipment and communications. Internal lifts and stairs provide access to the other levels
- Basement Level 2
 - The basement floor level 2 at 37.82 AHD comprises 5 car parking spaces, 2 motorcycle spaces, 13 bicycle spaces, rainwater tank, cleaners' cupboard and switch room. Internal lifts and stairs provide access to the other levels
- Basement Level 1
 - The basement floor level 1 at 40.92 AHD comprises 3 car parking spaces, loading zone, garbage room, fire tank and fire pump room, as well as 1 two-bedroom unit overlooking New South Head Road. Internal lifts and stairs provide access to the other levels
- Ground Floor Level
 - The ground floor level at 44.02 AHD is accessed from Edgecliff Road via a pedestrian path. It has 1 two-bedroom unit and 1 three-bedroom unit. Internal lifts and stairs provide access to the other levels
- First Floor Level
 - The first floor level at 47.22 AHD has 2 three-bedroom units. Internal lifts and stairs provide access to the other levels
- Second Floor Level
 - The second floor level at 50.42 AHD has 2 three-bedroom units. Internal lifts and stairs provide access to the other levels
- Third Floor Level
 - The third floor level at 53.62 AHD has 2 three-bedroom units. Internal lifts and stairs provide access to the other levels
- Fourth Floor Level
 - The fourth floor level at 56.82 AHD has 1 three-bedroom unit. Internal lifts and stairs provide access to the other levels
- Fifth Floor Level
 - The fifth floor level at 60.02 AHD has 1 three-bedroom penthouse. Internal lifts and stairs provide access to the other levels



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5. ASSESSMENT

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

a) Acoustics

Environmental Health - Review

Review of the **Acoustic Report, TN195-01F02, prepared by Renzo Tonin & Associates, dated 27/09/2023.**

Acoustic report was prepared to assess noise intrusions and operational noise impacts from the proposed residential development. Unattended long-term noise monitoring was conducted at the subject site, by Edgecliff rd and by New South Head rd, from 29/03/2023 and 05/04/2023. Noise measurements were conducted in order to establish the existing ambient and background surrounding the subject site.

It is noted that the subject site is located with an urban environment subject to traffic noise intrusions from New South Head rd and to a lesser extent Edgecliff rd. Design traffic noise levels were taken from the representative LAEq for the week for the day and night time period (see table 3).

Long-term noise monitoring were summarised as per the NPI and into the measured site background noise levels (refer to table 4) and measured site ambient noise levels (refer to table 5).

Section 4 refers to the adopted assessment criteria's and noise emission targets.

Road traffic noise criteria are based on the following:

- State Environment Planning Policy (Transport & Infrastructure) 2021
- Department of Planning publication "Development Near Rail Corridors & Busy Roads – Interim Guideline" 2008
- Australian Standard AS2107:2016 "Recommended Design Sound Levels and Reverberation Times for Building Interiors"

Internal noise criteria (closed windows and door) for the developments, are as derived from the SEPP (T&I) 2021 & Development Near Rail Corridors & Busy Roads – Interim Guideline, detailed in table 6 of the report. It is noted that sound pressure levels not covered in the SEPP are based on AS2107.

Mechanical plant noise emission limits are as derived from the NPfI requirements. Table 8 outlines the project specific noise trigger levels, from industrial noise sources (mechanical plant noise) upon the identified closest residential facades.

These are as based from noise logging data from the receiver located at the Edgecliff rd boundary of the subject site. It is noted that this rear site is where the proposed car lifts are to be located. The report further advises noise amelioration treatment to car lift design will be incorporated to achieve compliance as per noise emissions criteria (refer to table 8).

Section 5.1 of the report refers to the noise intrusion assessment from external noise intrusions, namely road traffic noise from Victoria road. Assessing the noise intrusions against the maximum internal noise levels detailed in table 6 of the report, it is expected that the implementation of glazing recommendations to the building facades (refer to table 9) will achieve compliance with the



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maximum noise levels. It is noted that as part of the recommended glazing treatments, recommended minimum thickness to achieve acoustical ratings. Section 5.2.1 provides further glazing assembly requirements to be incorporated into the building design.

The report further advises the masonry and concrete external walls will not require further acoustic upgrades. Likewise, the report advises that all present external roof elements are proposed to be of concrete and will not require further acoustic upgrades.

Section 5.2.4 of the report refers to ventilation for the proposed premises as based on the Development Near Rail Corridors and Busy Roads:

If internal noise level with windows of doors open exceed the criteria by more than 10dB(A), the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so design, and also meet the ventilation requirements of the Building Code of Australia.

With respect to above, the report should noise level in bedrooms exceeds 45dB(A), and living rooms exceeds 50dB(A) with windows open, then supplementary ventilation is needed (natural or mechanical) to meet the requirements of the BCA.

The report identified the rooms located in the northern, western and eastern facades as not achieving acceptable noise levels with windows open and will be requiring supplementary ventilation.

Two car lifts are proposed at the front of the property to transport vehicles between the basement parking and the street access level (Ground floor). The report notes that the make and model of the car lifts are yet to be determined however measured sound pressure levels of car lift operations were derived from a similar project and presented in table 10.

In accordance with the model figures, section 6.2 of the report refers to a car lift noise assessment at the façade of residential neighbours, based on a worse-case scenario parameters (see table 11). The assessment concluded compliance with the proposed car lift usage in accordance with the EPA noise limits at residential properties for the day, evening and night periods.

The report further notes that a detailed review of the proposed car lift to be undertaken at CC stage once equipment items are selected. Corresponding recommendations were provided in section 6.3 of the report to minimise potential vibration/structure-borne noise transfer to future tenants.

Section 7 of the report refers to external noise emission from building services. It is noted that mechanical plant details have yet to be determined and in principle noise control advises has been provided in response. In addition to appropriate mechanical system design and implementation of common engineering methods, an acoustic assessment of mechanical plants and services are proposed for the design phase stage.

Section 8 refers to the internal sound insulation, to which the report has affirmed internal walls and floors are to comply with the National Construction Code of Australia 2019 (formally Building Code of Australia). All services and doors shall comply with the requirements of the NCC 2019.

The report concludes provided all recommendations and controls detailed in the report are incorporated in the development, noise control levels will be compliant.

Environmental Health – Conclusion

Environmental Health Unit generally agrees with the Acoustic Report, TN195-01F02, prepared by Renzo Tonin & Associates (27/09/2023) in good faith.



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Environmental Health Unit does however have concerns with regards to the proposed ventilation. I refer to the Architectural Plans, prepared by MHN Design Union Pty Ltd, dated 28/09/2023, which indicates compatibility with natural ventilation for Ground floor level to level 4. This appears to be contradictory to the acoustic report which concluded that only premises' at the southern façade to not be requiring supplemental ventilation as per Development Near Rail Corridors and Busy Roads and BCA criteria.

Additionally, the Environmental Health Unit would like to advise that the means of ventilation for basement parking should be made clear and provided once mechanical plant selections are determined.

Likewise, subject to the ventilation for the basement parking, additional consideration for exhaust emissions and ventilation system noise emissions should be considered.

As aforementioned, it is noted that plant selection have yet to be determined and it proposed that further detailed acoustic assessment to occur following the plant selections. Environmental Health Unit finds this proposal acceptable.



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6. RECOMMENDATION

Council's Environmental Health Officer has determined that insufficient information has been submitted to enable an assessment of the proposal. The following information is required before any further assessment of the application can be undertaken:

- I. Ventilation
 - i. Clarification and further justification regarding which premises' of the proposed development, will be requiring supplementary ventilation in accordance with the Development Near Rail Corridors and Busy Roads and BCA criteria.

See comments made in section 5.

A. GENERAL CONDITIONS

B. BEFORE DEMOLITION WORK COMMENCES

C. ON COMPLETION OF REMEDIATION WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

E. BEFORE BUILDING WORK COMMENCES

F. DURING BUILDING WORK

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

H. OCCUPATION AND ONGOING USE

Jasmine Sutrina
Environmental Health Officer

25/01/2024
Completion Date

From: [Ever Fang](#)
To: [Brett McIntyre](#); [Robert Lam](#)
Cc: [Thomass Wong](#)
Subject: RE: DA372/2023/1- Class 1 - LEC 2023/459491 - 365 Edgecliff Road, Edgecliff [HWLE-MATTER.C044366.1211217]
Date: Monday, 29 January 2024 1:48:33 PM
Attachments: [image002.png](#)
[image001.jpg](#)

Hi Brett,

Thanks for the emails and apologies for delay in response.

It appears the applicant didn't respond to any traffic-related requests in the STC letter. As such, all the STC issues remain, as detailed below:

- 1) Over-supply of on-site parking by one (1) car parking space than DCP's maximum requirement for residential developments. The dimension of the loading zone is unclear however it may be able to accommodate two (2) car parking spaces, which create a total over-supply of three (3) spaces, noting on-site loading/unloading is considered unnecessary considering the scale and nature of the development;
- 2) The proposed vehicular crossing must be constructed at right angle to the street kerb to comply with Council's Crossing Specification. The centreline of a new 5.5m-wide vehicular crossing must be aligned with the centreline of the proposed internal driveway at the property boundary;
- 3) A traffic light system should be incorporated to manage traffic flow among different basement levels and the ground floor to minimise adverse impact on the frontage road. Priorities should be given to vehicles entering the car park;
- 4) Insufficient information is provided which includes:
 - a. Dimension of a waiting bay at the entry point should be clearly depicted on the architectural drawings to comply with E1.15 of Council's DCP. The minimum length of a waiting bay shall be 6 metres with a maximum grade of 1 in 20.
 - b. The applicant is to confirm if the proposed two car lifts are operating independently and are designated for entry and exit only as indicated in the architectural drawings, or a conflict analysis should be provided to demonstrate efficient operation of the two lifts among different basement levels;
 - c. Dimensions of all parking spaces, vehicle turntable, aisle width and driveway width must be clearly depicted on the architectural drawings. An additional 300mm shall be provided to the space if there is side obstruction;
 - d. Signage, pavement marking and bollard should be provided to the shared area for accessible parking space, as per AS 2890.6 and should be clearly depicted in the architectural drawings;
 - e. Longitudinal surface profiles along each side/edge for the proposed driveway to the proposed car lifts should be submitted to ascertain the proposed vehicular access meets all requirements stipulated in AS 2890.1 in terms of car scraping and head room, noting the gradient for the first 6m into the car lift should not exceed 1 in 20. The driveway profiles along each side/edge of the proposed driveway is to start from the road centreline which includes Council's standard layback and gutter into the proposed basement. Gradients and transitions must be designed in accordance with Clause 2.5.3 of AS 2890.1. Council's standard

layback is 450mm wide and back of the layback is 70mm above the gutter invert. Level of the existing footpath must remain unaltered.

Happy to discuss further if needed.

Kind regards,
Ever



Ever Fang
Acting Team Leader - Traffic and Transport
Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
t: 02 9391 7039
e: Ever.Fang@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

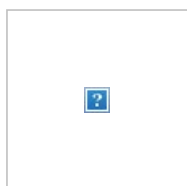
Our Values: Respect for People | Integrity and Excellent Performance | Professional Quality Service | Open Accountable Communication
We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.

From: Brett McIntyre <Brett.McIntyre@woollahra.nsw.gov.au>
Sent: Monday, 29 January 2024 11:44 AM
To: Robert Lam <Robert.Lam@woollahra.nsw.gov.au>
Cc: Ever Fang <Ever.Fang@woollahra.nsw.gov.au>; Thomass Wong <Thomass.Wong@woollahra.nsw.gov.au>
Subject: RE: DA372/2023/1- Class 1 - LEC 2023/459491 - 365 Edgecliff Road, Edgecliff [HWLE-MATTER.C044366.1211217]

Sorry, I should have been clearer. Excluding Traffic issues.

I will wait for Evers comments in that regard.

Kind regards



Brett McIntyre
Senior Assessment Officer Team Central
Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
t: 02 9391 7157
e: Brett.McIntyre@woollahra.nsw.gov.au w: www.woollahra.nsw.gov.au

Our Values: Respect | Open | Accountable | Responsive | Excellence
We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.

From: Robert Lam <Robert.Lam@woollahra.nsw.gov.au>
Sent: Monday, 29 January 2024 11:42 AM
To: Brett McIntyre <Brett.McIntyre@woollahra.nsw.gov.au>
Cc: Ever Fang <Ever.Fang@woollahra.nsw.gov.au>; Thomass Wong <Thomass.Wong@woollahra.nsw.gov.au>
Subject: RE: DA372/2023/1- Class 1 - LEC 2023/459491 - 365 Edgecliff Road, Edgecliff [HWLE-

Transport for NSW

10 November 2023

TfNSW Reference: SYD23/01182/01
Council Reference: DA372/23 (CNR-61471)

Craig Swift-McNair
Woollahra Council
General Manager
PO Box 61
Double Bay NSW 1360

Attention: Brett McIntyre



PROPOSED MULTI-STOREY RESIDENTIAL DEVELOPMENT 365 EDGECLIFF ROAD, EDGECLIFF

Dear Mr Swift-McNair,

Reference is made to Council's referral, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for concurrence under clause 2.112 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

TfNSW has reviewed the application and notes that the applicant is proposing a new stormwater connection to New South Head Road, which requires the concurrence of the agency under section 138 of the Roads Act, 1993. TfNSW provides concurrence to this stormwater connection to New South Head Road, subject to Council's approval and the following requirements being included in any development consent:

1. The proposed stormwater connection to New South Head Road shall be designed to meet TfNSW requirements and be endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with Austroads and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the construction certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

The developer is required to enter a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

2. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

3. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on New South Head Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

For more information, please contact Xin Zhao via phone on 0466 599 538, by email at development.sydney@transport.nsw.gov.au.

Yours sincerely,

James Hall
Senior Land Use Planner

OFFICIAL
4 Parramatta Square, Parramatta NSW 2150
PO Box 973 Parramatta CBD NSW 2124

W transport.nsw.gov.au