

Relevant Information for Council

FILE: X020345 **DATE:** 10 May 2019

TO: Lord Mayor and Councillors

FROM: Graham Jahn, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 8.4 – Planning Proposal - Public Exhibition 46 Chisholm Street, Darlinghurst - Sydney Local Environmental Plan 2012 Amendment

Alternative Recommendation

It is resolved that:

- (A) Council approve the Planning Proposal: 46 Chisholm Street, Darlinghurst, as shown at Attachment A to the subject report, for submission to the relevant local plan-making authority with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: 46 Chisholm Street, Darlinghurst for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the relevant local plan making authority, to exercise the delegation of the relevant local plan making authority of all their functions under Section 3.31 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan as amended by Planning Proposal: 46 Chisholm Street, Darlinghurst; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: 46 Chisholm Street, Darlinghurst following receipt of the Gateway Determination.
- (E) ***Council note the information in 'Appendix A - Weatherboard Cottages Comparative Study' prepared by John Oultram Heritage + Design at Attachment B to the Information Relevant To Item 8.4 Council on 13 May 2019 and incorporate it as an appendix to the supporting Heritage Assessment report of the 'Planning Proposal: 46 Chisholm Street, Darlinghurst' at Attachment A to the subject report.***

Additions shown in ***bold italics***.

Purpose

To clarify a number of issues raised at the Transport, Heritage and Planning Committee meeting on Monday 6 May 2019.

Background

At the meeting of the Transport, Heritage and Planning Committee on 6 May 2019, further information was requested for Item 8.4 - Planning Proposal 46 Chisholm Street, Darlinghurst - Sydney Local Environmental Plan 2012.

The site has been the focus of redevelopment discussions since late 2017, when the property owner met City staff for a Pre-DA meeting. On that occasion, and subsequently, the City has consistently stated it did not support the proposed demolition of the existing cottage or subdivision of the site. On at least two occasions, City staff offered to work with the applicant on alternatives to wholesale demolition.

A chronology of the planning process for the proposed development is as follows:

- 12 December 2017 - Pre-DA Meeting and site inspection
- 13 December 2017 - the City advised that the demolition of the weatherboard cottage is not supported nor the subdivision of the land or the erection of two semi-detached dwellings. The pre-DA advice is provided at Attachment A.
- 30 May 2018 - Development application lodged, D/2018/591, proposing the demolition of the existing single dwelling and subdivision of the site into two titles and the construction of two, two storey terraces.
- 28 August 2018 - the City sought an interim heritage order from the Office of Environment and Heritage.
- 19 September 2018 - Proponent requested to withdraw the development application as the City is likely to refuse the development application. Proponent did not withdraw the development application.
- 21 September 2018 - The development application was refused under delegated authority.
- 16 November 2018 - City engages John Oultram Heritage + Design to assess heritage significance.
- 12 December 2018 - A section 8.2(1)(a) review of determination application was lodged.
- 21 December 2018 - The Office of Environment and Heritage advised they were not pursuing an interim heritage order as development application had been refused, the property was not under threat, and there was time to complete an independent heritage assessment.
- 1 March 2019 - Site inspection with Council staff and heritage consultant.

- 12 March 2019 - Final heritage report notes that property should be considered for nomination for inclusion as a heritage item on the Sydney Local Environment Plan 2012
- 14 March 2019 - Section 8.2(1)(a) application was refused.
- 18 March 2019 - Applicant lodged Class 1 appeal with the Land and Environment Court

The appeal is set for a conciliation conference on 18 November 2019. Council filed its Statement of Facts and Contentions on 3 May 2019. Key contentions include:

- Heritage impact - The application includes demolition of a contributory building, without demonstrating why the cottage is not capable of retention, nor does it justify demolition.
- Subdivision - The proposed subdivision would result in two lots with widths of 3.047m and 3.007m, which is disproportionately narrow in the streetscape, disrupting the rhythm within the terrace row. The resulting dwellings will have internal widths of 2.6m with 0.8m hallways, which are not considered functional.
- Residential amenity - The proposed dwellings provide less than 50 per cent of the required private open space, with no solar access to the rear private open space or either dwelling.
- Design excellence - The proposal does not exhibit design excellence in relation to materials, streetscape, bulk and massing, residential amenity, subdivision pattern, building width and façade design.
- Public interest - The proposal is detrimental to the conservation area and locality and submissions were also received objecting to the proposal on the grounds of heritage conservation, overdevelopment and poor internal amenity.

Comparative Analysis

Additional information has been provided by John Oultram Heritage + Design, further detailing the comparative analysis of weatherboard cottages within the City of Sydney. This information is provided in Attachment B and recommended to be incorporated into the Planning Proposal.

The cottage at 46 Chisholm Street has all of the characteristics of heritage listed weatherboard cottages in the City with a comparable degree of significance and intactness. It remains readable as an early cottage in the conservation area and is the only weatherboard cottage in the Chisholm Estate subdivision.

Weatherboard buildings are an important element of the city as they are amongst the oldest buildings in the City. They contribute a unique character to their streets and a diversity to city life. However, they are becoming increasingly rare and have been under threat of demolition.

While the weatherboard cottage at 46 Chisholm Street is flanked by two storey masonry terraces, the predominant building type of the Paddington Conservation Area, this does not mean the better heritage outcome is demolition and construction of two, two-storey terrace buildings.

Impact of Heritage Listing

The proposed heritage listing does not preclude appropriate development occurring at the site. For example, this may include the addition of a small wing at the rear, or an attic conversion. Staff have offered to work with the applicant on alternatives to the proposed wholesale demolition on at least two occasions, being in the pre-DA advice and when suggesting the development application be withdrawn or be refused.

The proposed listing of the weatherboard cottage is a separate matter to the development application matter to be heard by the Land and Environment court.

Memo from Graham Jahn AM, Director City Planning, Development and Transport

Prepared by: Matt Devine, Senior Specialist Planner (Heritage)

Attachments

Attachment A. Pre-DA Advice - Redacted Email dated 13 December 2017.

Attachment B. Heritage Assessment - Appendix- Weatherboard Cottage Comparative Analysis.

Approved



**GRAHAM JAHN AM,
DIRECTOR CITY PLANNING,
DEVELOPMENT AND TRANSPORT**