

24 October 2021

Late Correspondence from the Vaucluse West Residents Association re. the following items:

R2 Recommendation to Council

Subject: PLANNING PROPOSAL - HERITAGE LISTING OF MAGET HOUSE AT 66 VICTORIA ROAD, BELLEVUE HILL

Recommendation is not to move forward with the listing.

Item No: 14.1

Subject:

RESCISSION MOTION - PLANNING PROPOSAL - HERITAGE LISTING OF 165 O'SULLIVAN ROAD, BELLEVUE HILL AND 16 BUNYULA ROAD, BELLEVUE HILL

From: Councillors Mark Silcocks, Susan Wynne and Harriet Price

Item No: 16.5

Subject: NOTICE OF MOTION - COUNCIL'S HERITAGE ASSESSMENT PROCEDURES

From: Councillors Harriet Price and Toni Zeltzer

First of all, we would like to alert Councillors to the release of [the report on the Review of the Heritage Act 1977](#) by the NSW Legislative Assembly's Standing Committee on Social Service. A lot of its recommendations are pertinent to the deliberations of items on tonight's Agenda and the report referenced many of the recommendations made in submissions by Woollahra Council and the Double Bay Residents Association. These included:

Strengthening the Heritage Act so that conservation of the state's heritage is the primary policy objective:

*Some considered this wording too weak or passive and sought to strengthen or give greater precedence to heritage conservation as the primary policy objective of the Act and its legislative and regulatory regime. **For example, Woollahra Municipal Council argued that heritage conservation should be the Act's primary aim and purpose, and it should go much further than merely 'encouraging' this outcome:** ... the first objective should be 'to conserve the State's heritage', not to simply encourage its conservation. All other objectives descend from the aim to conserve NSW heritage, including the promotion of an understanding, the identification, registration and adaptive re-use of items of State heritage significance, among others objectives.107*

Improvements to the existing nomination and listing processes, which are viewed as too long, cumbersome or complex:

Referring to the listing process at both State and local levels, the Double Bay Residents Association labelled it 'too bureaucratic, prescriptive' and lengthy.

Importance of integrating heritage considerations into the strategic planning process:

Woollahra Municipal Council impressed upon the committee the importance of integrating or embedding heritage considerations within strategic planning processes at both the State and local level, such that heritage should be 'at the front and centre of the planning process'. The Council referred to the pressures and risks to heritage conservation wrought by Sydney's fast pace of development and lamented both the lack of provisions within the Act and the lack of political will to make heritage a priority at a strategic level.

A community-driven nomination process:

*In a bid to ensure greater community engagement in listings, the NSW Government is proposing a community-driven nomination process consisting of community-elicited early-round nominations for preliminary consideration by the Heritage Council of NSW. Following preliminary consideration, the Heritage Council would then invite more detailed nominations from promising applications with the assistance of Heritage NSW. Several inquiry participants saw merit in this proposal. **Woollahra Municipal Council, for instance, expressed in principle support, seeing it as a means to 'ask people what buildings, landscapes and places are significant to them'.** Likewise, Mr Francis Breen, former Councillor of Leichhardt Municipal Council, supported the proposal but noted that it must be supported by adequate resources to enable Heritage NSW to provide assistance with applications and provide objective expert advice.*

Importance of providing more grants and loan schemes to assist in activating and conserving heritage properties:

While the legislation makes broad provision for some types of assistance, including the ability to issue grants or for low or no-interest loans to be provided to heritage owners through the Heritage Incentive Fund, the overwhelming sentiment from stakeholders was that there should be more grants and loan schemes provided and promoted, to assist in activating and conserving heritage properties

*For the Property Council of Australia, its support for this reform proposal was conditional upon the availability of suitably skilled and trained staff to ensure any conditions of consent attached to Heritage Council approvals are suitable to begin with. **Woollahra Municipal Council also asserted that, in order to be effective, enhanced compliance and enforcement powers must be suitably resourced.***

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and

Item No: 14.1

Subject:

RESCISSION MOTION - PLANNING PROPOSAL - HERITAGE LISTING OF 165 O'SULLIVAN ROAD, BELLEVUE HILL AND 16 BUNYULA ROAD, BELLEVUE HILL

From: Councillors Mark Silcocks, Susan Wynne and Harriet Price



165 O'Sullivan Road, Bellevue Hill



Maget House, 66 Victoria Road, Bellevue Hil

- We don't understand why the individual merits of the planning proposals for the heritage listings of Maget House at 66 Victoria Road, Bellevue Hill, 165 O'Sullivan Road and 16 Bunyula Road, Bellevue Hill are being debated by the Council? The established process is for the Council's heritage staff to prepare a preliminary

assessment of heritage significance and then forward detailed planning proposals to the Local Planning Panel for consideration?

- The Council staff [recommended](#) that 165 O'Sullivan Road and 16 Bunyula Road, Bellevue Hill be heritage-listed only after assessing the properties in accordance with the document titled *Assessing Heritage Significance*, published by the NSW Heritage Office in 2001. The two buildings were assessed against the seven criteria in the guidelines. (16 Bunyula Road met 5 of the 7 criteria and 165 O'Sullivan Road met 4 of the 7 criteria for local heritage listings). Council staff [commissioned](#) a detailed Heritage Significance Assessment (HAS) by heritage experts Rebecca Hawcroft and Kieran McInerney for Maget House. It showed that the house met 6 of the 7 criteria for a local heritage listing and concluded that it:

*is a significant example of a modernist house designed in the mid 1950s. Despite later alterations and additions, the original design remains substantially intact and is able to be appreciated. It has local historical significance as a work of émigré architects for European clients and can be seen to represent the growing influence of European migrants on the development of Woollahra post war. **66 Victoria Road is also significant at a local level as a rare example of the residential work of architect Hugo Stossel who contributed a number of significant modernist buildings during the 1950s and 1960s.** Hugo Stossel designed few residential projects, only 10 have been identified, with a number of these demolished or approved for demolition. 66 Victoria Road demonstrates the evolution of his style as he adapted to the context of Sydney.*

- Whilst the local planning panel process is far from perfect, it does provide a forum for both proponents and objectors to have their voices heard either through making submissions or by speaking at public hearings. Were the surrounding residents, historical societies and residents' associations notified of the Environmental Planning Committee meetings on 13 September 2021 and 11 October 2021, when Council staff recommended that the Council resolve to prepare planning proposals for 165 O'Sullivan Road and 16 Bunyula Road, Bellevue Hill and Maget House, respectively?
- Given the Council's commitment to conserving heritage, shouldn't the public be given full opportunity to comment on these potential heritage listings? At the 13 September 2021 Environmental Planning Committee meeting, the Councillors heard almost exclusively from the disgruntled owners and their paid consultants. They discounted the heritage significance of the houses and likely exaggerated or misunderstood the impact a heritage listing would have on the property's development or resale potential.

Item No: 16.5, NOTICE OF MOTION - COUNCIL'S HERITAGE ASSESSMENT PROCEDURES.

The recommendations in the above NoM will make the process of listing heritage items even more bureaucratic and could discourage Council staff from making heritage listing recommendations for fear of tripping up during the process.

- The Council doesn't currently accept responsibility if it fails to advise a property buyer that a nearby DA or a rezoning proposal, for example, could impact the value of their property. Why should the Council then "be required to issue a section 10.7 Planning Certificate that includes a clear and direct notification concerning a potential heritage listing?"
- The requirement on Council "to update its procedures so that any items being assessed in the future for heritage significance (including any items identified in the draft Heritage Gap Analysis), include: the preparation of a notification letter to current owner(s) informing them of the assessment" will likely create too much additional work for the Council staff and may unnecessarily impede proposed heritage listings from moving forward. This appears to be what happened when the Council's 2015 Inter-War Bungalow Study was initially released and then temporarily shelved?
- The Legislative Assembly's report on the Review of Heritage Act discusses at length the hard-fought battles to protect heritage in our state. It notes how "the idea of heritage coalesced against a backdrop of urban development of unprecedented scale and pace in Australian cities during the late 1960-70s" and mentions how "the Heritage Council of NSW characterised this time as an 'era of bulldozers at midnight and a community alarmed about the actual and potential loss of our built heritage'."

At a recent National Trust Forum to discuss the Review of the Heritage Act, the general assessment of two expert panels was that history is now repeating itself. The pressure the state government is placing on councils to meet net additional dwelling targets, coupled with escalating property prices in recent years, has led to an unprecedented loss of heritage and local character in established areas. By way of example, the Council's 2015 Inter-war Bungalow Study initially recommended six houses be heritage-listed. When it was picked up again in 2019, only two of the candidates on the list were deemed worthy of consideration for a heritage listing because the others had either been extensively renovated or demolished.

- Vacluse residents and the community at large were extremely upset about the demolition of F Glynn Gilling residence at 46 Vacluse Road, which unfortunately was overlooked for heritage protection by the Council. But at least the Interim Heritage Order (IHO) provided an opportunity to have the heritage value of the property assessed and considered.

The intent of IHO in the Heritage Act is to give councils an opportunity to reassess properties that have either been overlooked or dismissed in another era as not having heritage significance. A council can make an IHO quickly and there is no obligation on the council to notify the landowner of its intention to make an IHO before making it. In *Li v Willoughby City Council* [2018] NSWLEC 1262, **the Court rejected the applicant's argument that the two earlier reports referred to in the draft Inventory Heritage Sheet could not be relied upon because the Council had previously decided, following its consideration of those reports, not to list the property as a heritage item.**

- We think that residents would be supportive of more Council assistance being given to the owners of existing or potential heritage-listed properties so they have less trepidation about the renovation process and more confidence that a heritage listing, coupled with a sensitive renovation/addition, will enhance the value of their property and their suburb in general. [Research](#) has shown that this in fact the case. As mentioned in previous submissions, we also think the Council should give consideration to offering heritage-listed property owners additional protections re. views, overlooking, solar access etc as incentives to encourage heritage listings. These types of protections would also improve the look of the streetscape and help to preserve view corridors, gardens etc.
- In the spirit of the Council's expressed in principle support to 'ask people what buildings, landscapes and places are significant to them' we offer just a few examples of Inter-War Bungalow in Vacluse that we believe could be potential candidates for heritage listing. Sections of some streets in Vacluse, Rose Bay, Bellevue Hill and Double Bay should be considered for HCAs in order to preserve local character and heritage.



42 Hopetoun Avenue, Vacluse.



30 Olola Avenue, Vacluse. This house has been listed for sale.



54 Hopetoun Avenue, Vacluse



51 Hopetoun Avenue, Vacluse



43 The Crescent, Vacluse



4 Cambridge Avenue, Vacluse. (Note: Most of Cambridge Avenue should be declared an HCA)



19 and 21 Russell Street, Vaucluse



69 Wentworth Road, Vaucluse