

8.0 Heritage Issues

This Chapter identifies heritage matters to be addressed as part of the Comprehensive LEP and Comprehensive DCP including Standard Instrument heritage clauses, definitions and minor changes and correction of anomalies with respect to the Schedules of Heritage Items, Known or Potential Archaeological Sites and Heritage Conservation Areas.

8.1 Background

Randwick City has over 430 heritage items listed in RLEP and 26 of these are listed on the State Heritage Register. RLEP also includes 19 heritage conservation areas. A large percentage of these heritage items and heritage conservation areas are located on residential zoned land.

The majority of Randwick's heritage items and heritage conservation areas were identified in a comprehensive heritage study carried out in 1989. These items and heritage clauses were introduced across Randwick City in a 1993 amending Local Environmental Plan (No.102). Following later reviews, additional properties were added as items and further amendments have made generally minor changes to the heritage clauses. The most recent LEP update (RLEP 1998 Consolidation, in January 2010) updated the heritage clauses in line with the Standard Instrument heritage clauses.

These heritage clauses in RLEP require heritage issues to be considered for any development applications (DA) relating to heritage buildings or properties within a heritage conservation area. The Council acknowledges the need to adapt heritage buildings to modern lifestyles, while carefully assessing any potential impacts on the heritage values of the building. During 2010 the Council considered around 180 DAs relating to heritage buildings or heritage conservation areas, and has granted consent to many proposals for sympathetic alterations which meet with lifestyle expectations.

While Randwick City does not have a heritage DCP, the key DCPs addressing residential development contain heritage provisions requiring consideration of proposals affecting heritage items or areas. Site specific DCPs such as for the Prince Henry site, also contain specific heritage provisions relevant to the site.

The NSW Housing Codes SEPP allows for Exempt and Complying Development for housing, including new dwellings and alterations and additions on lots having a minimum area of 200m². The Code applies to heritage items for some minor exempt developments and both the exempt and complying development provisions apply for heritage conservation areas, while generally limited to internal changes and external changes to the rear of properties. These provide for some minor changes to be made easily by owners, while requiring applications to ensure that heritage values are not compromised by proposed changes which are visible from the street.

8.1.1 Heritage Studies

Council has commissioned various studies over the years to update our understanding and to conserve the City's existing and potential heritage.

A Conservation Areas Review (2000) was undertaken by heritage consultants Perumal Murphy Wu Pty Ltd. This review of existing heritage conservation areas recommended minor boundary adjustments to 6 conservation areas, to better reflect those sites that do or do not contribute to that area and any zoning amendments to reflect suitable development potential.

A Randwick Heritage and Visual Character Study (2001-03) was carried out in two stages by heritage consultants Godden Mackay Logan, focusing on residential zoned land. The Stage 1 study (2001) identified potential landscape heritage items, potential heritage conservation areas as well as areas of distinct visual and special character. The Stage 2 study (2003) included detailed research and investigation of the potential heritage conservation areas, confirming that 13 of the potential heritage conservation areas were of sufficient value to be considered for statutory listing.

In response to these studies, Council prepared a draft heritage LEP and DCP, providing detailed controls and guidance for existing heritage items and conservation areas, as well as proposing the minor boundary adjustments to the 6 existing conservation areas and the proposed 13 new conservation areas. Following an extensive community consultation process, the Council resolved not to proceed with the draft plans, given the lack of support from the relevant land owners or from the broader community (see also section 8.4).

In 2009, *The Randwick Landscape Elements Heritage Assessment and Policies Report*, carried out by heritage consultants Godden Mackay Logan investigated the heritage significance of retaining walls and other landscape elements on public land in residential zoned areas. Following an extensive consultation process which revealed considerable community support, Council (in April 2011) endorsed the inclusion of the proposed 16 landscape elements into the Comprehensive LEP as individual heritage items (see also section 8.3).

8.2 Heritage Definitions and Clauses

The Standard Instrument heritage definitions and clauses must be included in the Comprehensive LEP. These have only minor differences to RLEP's current heritage definitions and clauses.

The Standard Instrument has several additional heritage definitions which will be included, being 'curtilage' and 'place of Aboriginal heritage significance' (see Appendix C).

The Standard Instrument definition of 'heritage item' requires that each item, in addition to being listed in an LEP schedule, should also be mapped and a heritage inventory be made available by Council.

While Council already has a collection of heritage inventory sheets of most items, which date predominantly from the late 1980s and are fairly comprehensive, there some listed properties for which an inventory sheet will need to be prepared, requiring additional research and documentation of these properties.

Council's RLEP clauses mirror those of the Standard Instrument, except for RLEP clause 43 (4), which requires Council, when assessing development applications, to consider heritage significance in terms of particular matters such as roof form, detail of window and door openings and external materials and finishes. As this clause provides guidance in the assessment issues for development, the Department of Planning and Infrastructure has noted that this should be included in the Comprehensive DCP.

Comprehensive LEP and DCP Implications

The Comprehensive LEP will include all Standard Instrument definitions and clauses, and will include an LEP map of heritage items.

Any additional heritage inventory sheets will be researched and prepared.

The current RLEP clause 43 (4) considerations for heritage assessment are proposed to be included in the Comprehensive DCP.

8.3 Heritage Items

Heritage items are listed in an RLEP Schedule, which is being reviewed for any corrections, updates, additions or deletions based on heritage significance.

Proposed amendments relate to the following:

- More recent address changes
- Amended descriptions relating to better information on construction dates; and
- Corrections to addresses or descriptions.

Proposed deletions include:

- Buildings which have been demolished- development consent for demolition of a number of heritage items has been issued, generally due to extremely deteriorated condition of building fabric
- Buildings which have been subject to heritage investigations in conjunction with a development application- in several cases further detailed heritage investigations have concluded that the building is of limited significance or the alterations/additions have significantly detracted from the heritage values; and
- Submissions from property owners, supported by documentation from a heritage professional, requesting delisting.

Proposed additions relate to the following:

- Places which are listed in the State Heritage Register, but are not listed as heritage items in Council's LEP
- Discrepancies between descriptions and addresses, where the description applies to an entire building or group of buildings (generally under

separate ownership), but the address in the heritage Schedule covers only part of the building or group

- Submissions from property owners, supported by documentation from a heritage professional, requesting listing
- Submissions from members of the public requesting listing; and
- Proposed items identified in heritage studies – being the 16 landscape elements (sandstone walls/stairs etc), as noted above.

Heritage consultants have reviewed the heritage significance of properties identified in submissions for listing or delisting, as well as buildings or group of buildings where the listing currently covers only part of the building or group, to determine if they have sufficient heritage value to warrant statutory protection. The proposed additions and deletions are listed in Tables 13 and 14.

Comprehensive LEP Implications

The identified additions, deletions and amendments are proposed to be made to the Schedule of Heritage Items in the Comprehensive LEP.

Table 13: Proposed additions to LEP Schedule 3 - Heritage Items

Inventory no.	Address	Description	Background
	3R Oxford St, Centennial Park	Woollahra Reservoir WS022	State Heritage Item no.01356
	Austral St, Malabar	Reserve in front of heritage cottages	Listing request from a member of the public (Mapping discrepancy)
102	125–133 Belmore Rd, Randwick	Two storey retail commercial building	Part of group containing 127–129 Belmore Rd. (Potential address discrepancy– Review of significance done)
162	319–325 Clovelly Rd, Clovelly	Two storey retail commercial building	Part of group containing 319 Clovelly Rd. (Potential address discrepancy - Review of significance completed)
408	1–3 Samuel Terry Ave, Kensington	Row of Art Deco flat buildings	Part of group containing 1–21 Todman Ave. (Potential address discrepancy - Review of significance completed)
	108 Brook St, Coogee	Catley's wall	Listing request from a member of the public as part of Landscape elements study community consultations (Review of significance completed)

Table 14: Proposed deletions from LEP Schedule 3- Heritage Items

Inventory no.	Address	Description	Background
143	120 Carrington Rd Randwick	Federation Arts and Crafts style house	Heritage investigation re DA/1116/2006
148	9 Challis Ave. Randwick	Weatherboard house	Demolished BA/1420/1987
154	Cnr, Clovelly Rd and Fern St	Post box	Post box removed
188	69 Cottenham Ave Kensington	Bungalow	Heritage investigation re Upper level addition BA/548/1987
297	Cnr. King and Dangar Sts	Institute building	Demolished DA/551/2002
304	30 Lenthall St. Kensington	Classical revival style dwelling	Heritage investigation re DA/861/2005
414	3 Villiers St Kensington	Bradford Edwardian cottage	Demolished DA/70/2004
424	65 Willis St, Kingsford	Innovative 1930s building	Delist request from owner. Review of significance completed.
114	71 Boundary St, Clovelly	Weatherboard cottage c.1900	Delist request from owner. Review of significance.
353	41-55 O'Sullivan St, Maroubra	Row of semis	Part of group containing 41-45 O'Sullivan St Review of significance completed. Recommended delisting of 44-55 O'Sullivan St.

8.4 Heritage Conservation Areas

The majority of Council's 19 heritage conservation areas were formally recognised in Council's planning controls in 1993 (via LEP 102). The North Randwick heritage conservation area was later recognised in 1998.

The Standard Instrument requires Heritage Conservation Areas to be mapped on the LEP map (as currently occurs) and also listed in an LEP Schedule.

As noted in 8.1.1, heritage studies have been undertaken to review the boundaries of existing conservation areas (2000 study) and also to consider whether any further conservation areas should be identified in Randwick City (2001/03 study). The outcomes of both these studies were exhibited and consulted in 2004/05 as draft LEP/DCP proposals.

An additional 16 heritage conservation areas were proposed from the 2001/03 study, for Araluen Street, Bishopscourt, Burnie Street, Burton Street, Caerleon Crescent, Clisby Way, Clovelly Road, Dolphin Street, Duke Street, Kensington Tram Loop, Lancaster Crescent, South Kensington/West Kingsford and Walsh Avenue (for more detail, see December 2005 Council report and attachments).

This Paper does not propose to revisit these 16 proposed conservation areas, given the lack of private owner or public support shown in the previous consultations, unless there is a strong turn-around in owner and public support for any of these proposed conservation areas.

At the same time, the minor boundary amendments proposed to 6 existing heritage conservation areas (from the 2000 study) were also part of the 2004/05 community consultations. These were proposed for some boundaries (both extensions and reductions) to 5 conservation areas in residential areas at: North Randwick, St. Mark's, Gordon Square, St. Jude's, Dudley Street. The recommended boundary changes were to strengthen the integrity and setting of these conservation areas and to extend protection to properties of heritage value which are presently unprotected.

Community consultations did not raise significant concerns with these amendments. Table 15 below notes the proposed changes, number of properties affected and submissions previously received.

These proposed changes are reiterated in this paper for community feedback, suggesting that these proposals be further considered for inclusion in the Comprehensive LEP.

Table 15: Proposed Conservation Area - Proposed Boundary amendments

Conservation area	Proposed change	Submissions received in response to previous notification
North Randwick	2 extensions - one to north east and - one to south	North east extension only- 45 properties in this area- 3 submissions received
St. Mark's	4 extensions and one reduction	no submissions received
Gordon Square	1 extension to the east	no submissions received
St. Jude's	1 reduction to south	no submissions received
Dudley Street	1 extension to the south	8 properties in this area- 3 submissions received

Comprehensive LEP and DCP Implications

Heritage Conservation Areas will be mapped and also listed in a Schedule in the Comprehensive LEP.

Minor boundary adjustments proposed for 5 of the existing conservation areas should be considered for inclusion in the Comprehensive LEP.

8.5 Known or Potential Archaeological Sites

The RLEP currently identifies one known or potential archaeological site, being the former Prince Henry hospital site.

The 2001/03 study of proposed conservation areas identified the proposed Bishops court heritage conservation area and also identified archaeological potential of the site of the original Bishops court residence, completed for Bishop Barker in 1859 and destroyed by fire in 1924.

In order to determine appropriate management strategies to conserve significance aspects of the site, Council engaged heritage consultants to investigate and prepare a Preliminary Archaeological and Landscape Assessment report for the area. The report recommended that development applications involving extensive ground disturbance at depth (e.g. in-ground swimming pools, bulk excavation, basement car parking) in the location of the original Bishops court residence, should include a detailed archaeological assessment to determine the relative likelihood of the survival of relics and the need for an excavation permit under Section 140 under the Heritage Act. Given that this is a well established, relatively densely developed location, it is unlikely that major home improvements would create large ground disturbances, however these requirements would not potentially limit the works, such as a pool, rather they would require identification and recording any findings as part of the process. The report further recommended that road works at the western end of Marcel Avenue and on Moira Crescent (on council roadways) should only be undertaken

after archaeological assessment in relation to the survival of relics relating to the original driveway and turning circle and the need for an excavation permit.

The report found that the Bishopscourt occupied the area of what is now nos.21 – 23, 25, 27 and 29 Moira Crescent. These properties and the relevant road sections of Marcel Avenue and Moira Crescent should be included in the Schedule of Known or Potential Archaeological Sites within the Comprehensive LEP.

The NSW Heritage Act requires suitable investigation of known or potential archaeological sites, whether or not they are listed in Council's LEP.

Comprehensive LEP Implications

Nos. 21 – 23, 25, 27 and 29 Moira Crescent, as well as the Council roadways of Moira Crescent and the western end of Marcel Avenue, should be added to the Schedule of Known or Potential Archaeological Sites in the Comprehensive LEP.

9.0 Investigation Sites

This Paper notes in Chapter 5 that the current residential zones have capacity for Randwick City's expected dwelling demand over the next 20 years without the need for significant changes to the zones or densities.

Within this context, this Chapter identifies a number of investigation sites that could potentially accommodate changes or corrections to zoning to better reflect their current or approved density. The sites have been identified as part of a site audit and are based on the following categories of issues and situations:

- Zoning mismatches
- Sites flagged by other Discussion Papers; and
- Rezoning requests from landowners

These are discussed in further detail as follows.

9.1 Zoning Mismatches

A survey of the existing residential zones has identified areas where there is a discrepancy between the predominant types of development and the actual residential zoning. In most circumstances the built form of development is of a higher density and scale than the zoning allows (e.g. residential flat buildings in the low density zone).

Referred to as zoning mismatches, these areas provide the opportunity to correct the zoning and/or amend the development standards to reflect the predominant existing land use, built form and character of the sites. This will ensure greater clarity about the applicable zoning provisions and development standards under the Comprehensive LEP pertaining to these sites.

Areas where the built form of development is of a lower density than provided for under the residential zone have not been flagged. State Government direction generally advises against down zoning as alternative density would need to be accommodated elsewhere in the LGA to ensure the ability for Randwick City to meet the draft Subregional Strategy dwelling targets.

It should be noted that the intention of a 'zone' is to reflect the pattern and scale of development across an area. Any proposed changes to zones apply to blocks or to street frontages rather than isolated sites.

Comprehensive LEP Implications

The zoning mismatches are listed in Table 16 and included in the datasheets in Appendix E. This Paper recommends that there are two options for these sites being:

- Apply a Standard Instrument residential zone and/or controls that reflect the predominant existing residential development; or

- Translate the current zoning and planning controls into the equivalent under the Standard Instrument, and recognise that the nature of Randwick City's historical development has resulted in a variety of residential development of differing scales across the residential zones, which do not always match the applicable development controls.

Community feedback will be important to consider which optional approach is pursued for the Comprehensive LEP.

Table 16: Zoning Mismatch Areas

Zoning Mismatch Area	Area affected	Recommended zoning change
Todman Avenue	1-21 Todman Ave, 2A Milroy Avenue, 1-11 Samuel Terry Avenue, Kensington	Residential 2A to R3 Medium Density (equivalent to Residential 2B)
Oberon Street	166-202 Oberon Street, 346 Arden Street, 270A Rainbow 174-186 Brook Street, Coogee	Residential 2A to R3 Medium Density (equivalent to Residential 2C)
Denning Street	58 Denning Street, 2-10 Garlie Place, 147 – 167 Malabar Road, South Coogee	Residential 2A to R3 Medium Density (equivalent to Residential 2C)
Mirabooka Cr	1409A Anzac Parade, Little Bay	Residential 2A to R3 Medium Density (equivalent to Residential 2B)
Beauchamp Rd	1-23 and 2-14 Bowen Place, 1-37 and 2-34 Manwaring Avenue, 1-17 and 2-40 Hughes Avenue, 2-12 Farthling Place, 1-19 and 2-26 Bennetts Place, 116 – 132 Broome Street, 2-52 and 1-39 White Avenue, 449 – 483 Beauchamp Road, Maroubra	Residential 2A to R3 Medium Density (equivalent to Residential 2B)
Broome Street	81-91 Broome Street, Maroubra	Residential 2A to R3 Medium Density (equivalent to Residential 2C)
Courland Street	23 Courland Street, 216-218 and 230-230A Carrington Road, 39-41 Dolphin Street, 44-54 Coogee Street, Randwick	Residential 2B to R3 Medium Density (equivalent to Residential 2C)
Carrington Rd	89-141 Carrington Road, Coogee	Residential 2B to R3 Medium Density (equivalent to Residential 2C)
Alison Rd	233-243 Alison Road, 70-78 Marks Road, 1-5 Pitt Street, Randwick	Residential 2B to R3 Medium Density (equivalent to Residential 2C)
Raleigh Park	3-7 Black Lion Place, 1-97 and 12-76 Brompton Road, 2-22 and 1-45 The Serpentine, 1-36 York Place, 1-7 Gloucester Place, 8-28 Todman Avenue, Kensington	Residential 2C to R1 General Density (equivalent to Residential 2D) or R3 Medium Density (equivalent to Residential 2C)
Coogee Bay Rd	36-112 Coogee Bay Road, 26-28 St Lukes St, 1 Nathan, 251 and 262A Carrington Rd, Randwick/Coogee	Residential 2B to R3 Medium Density (equivalent to Residential 2C)

9.2 Sites Identified by other Discussion Papers

A number of sites have been identified in other Discussion Papers where zoning and other planning issues are residential in nature and are therefore discussed in this Paper. The subject sites are discussed as follows.

9.2.1 Sites Identified in Open Space and Environment Discussion Paper

The Open Space and Environment Discussion Paper identifies a number of sites currently zoned residential which are recommended to be rezoned to open space and/or environmental zones to reflect existing or future use. These are discussed in further detail in that Paper.

Additionally the Open Space and Environment Discussion Paper identifies 2 sites where the current open space zoning does not reflect the current or future residential use of the site. These are summarised below.

66A Doncaster Avenue, Randwick

Located at the north-western corner of Randwick Racecourse, the subject site (former tramway land) was previously owned by the State Transit Authority and is now owned by a private developer (fig 18). The site is zoned 6A open space under RLEP with development consent for staged development comprising four 3 storey residential buildings containing a total of 53 town houses and one 6 storey residential flat building accommodating 30 apartments.

Only upon implementation of the development consent, the subject site can be considered for R3 Medium Density zoning in the Comprehensive LEP, to reflect the proposed land uses for the site. This zoning is also consistent with the zoning of the surrounding residential properties on Doncaster Avenue.



Fig 18: Former part of Racecourse site (66A Doncaster Avenue, Randwick)

Recommendation:

- Rezone 66A Doncaster Ave, Randwick to R3 Medium Density zone in the Comprehensive LEP following implementation of development consent.

2 Hurley Crescent, Matraville

This site is privately owned and has a residential dwelling on it (Fig 19). It is located adjacent to residential development to the north and east and open space (Hurley Reserve) to the south. The site is incorrectly zoned 6A Open Space under RLEP.

To reflect the existing land use it is proposed that the site be zoned R2 Low Density in the Comprehensive LEP. This would ensure the development standards, planning controls and performance requirements associated with the low density residential zone are applicable to the site.



Fig 19: 2 Hurley Crescent, Matraville

Recommendation:

- Rezone 2 Hurley Crescent, Matraville to R2 Low Density Residential zone in the Comprehensive LEP.

9.2.2 Sites Zoned Special Uses

Council's Special Uses Discussion Paper identifies a number of private properties zoned Special Uses under RLEP (e.g. private schools, churches) which are proposed to be incorporated into the adjacent residential zone in accordance with State Government planning direction.

Council has written to land owners of the subject properties requesting that an independent contamination assessment be undertaken prior to the application of any residential zone in the Comprehensive LEP.

Pending the outcome of these investigations the current Special Uses zoning applicable to these properties will be transferred into the equivalent Standard Instrument zone in the Comprehensive LEP. An appropriate residential zoning will be applied once the contamination assessments are finalised.

Additionally a number of sites zoned Special Uses have current development consent for residential uses. These sites are proposed to be rezoned to residential zones reflective of these development consents.

The subject sites are listed as follows:

- 88-102 Moverly Road, South Coogee – Former Endeavour Migrant Centre. Development consent for 140 dwelling houses. Proposed to be rezoned to R2 – Low Density (equivalent to 2A under RLEP)
- 651 Anzac Parade, Maroubra – Former public school. Development consent for 15 dwelling houses. Proposed to be rezoned to R2 – Low Density (equivalent to 2A under RLEP); and
- 1406-1412 Anzac Parade, Little Bay (former UNSW land north of Prince Henry Site) – Masterplanned site with development consent for 450 mixed density dwellings. Proposed to be rezoned to R1 (General Residential) (equivalent to 2D under RLEP).

Recommendations:

- Transfer those sites identified in the Special Uses Discussion Paper into a compatible adjoining residential zone pending the outcome of contamination assessment; and
- Transfer those Special Use zoned sites with development consent for residential development into the equivalent Standard Instrument residential zone in the Comprehensive LEP.

9.2.3 Site Zoned Business

The Business Centres Discussion Paper identifies a number of sites/blocks that are zoned residential where the actual use is for business purposes (e.g. groups of shops). These are proposed to be rezoned to business zones and discussed in detail in that Paper.

Additionally the Business Centres Discussion Paper identifies 28-30 Bruce Street, Kingsford (fig 20) which currently has a split zoning (part Residential 2C/part 3A General Business). The building on the site is presently used as a school and thus serves no commercial purpose.

To correct this zoning anomaly, it is proposed that the portion of the school currently zoned 3A General Business be rezoned to R3 Medium Density Residential (equivalent to 2C zone). This would ensure that the medium density zone is applied consistently across the site.

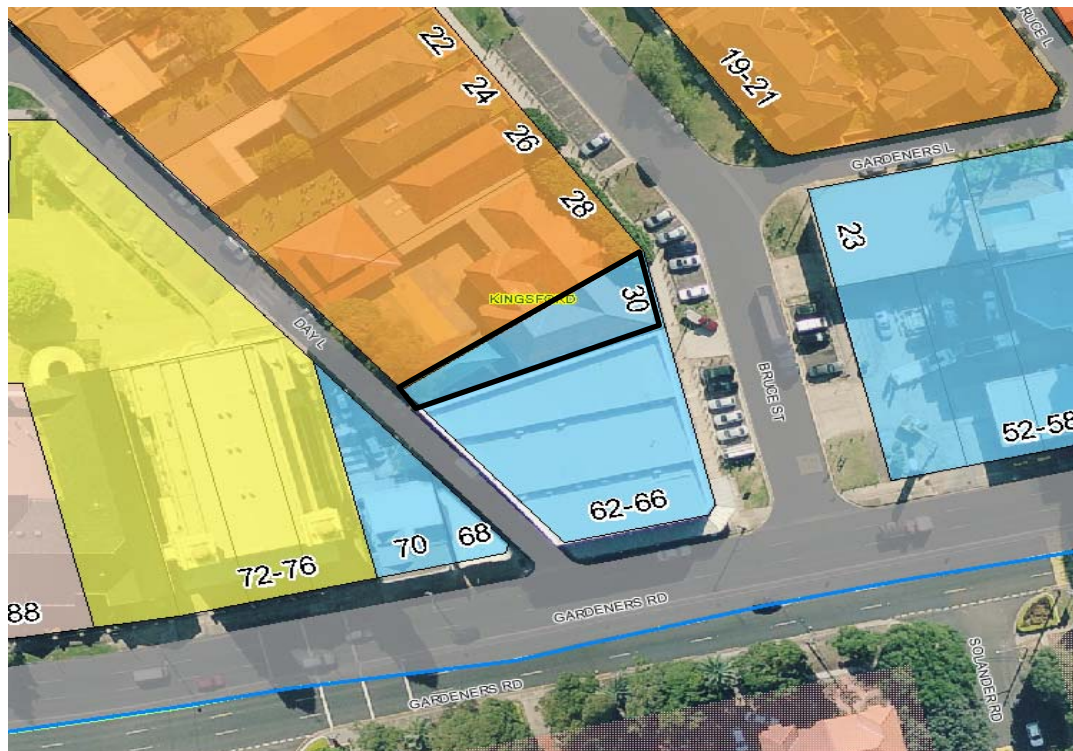


Fig 20: 28-30 Bruce Street, Kingsford

Recommendation:

- Rezone 30 Bruce Street, Kingsford to R3 Medium Density Residential zone in the Comprehensive LEP.

9.3 Rezoning requests

Council has received a number of rezoning requests for residential lands from members of the community and/or their representatives for consideration in the LEP review. Some of these rezoning requests have been accompanied with a formal planning proposal.

Given state government direction and Council policy to discourage spot rezonings of individual parcels of land, consideration of rezoning proposals will be largely undertaken via a strategic approach by looking at land use, transport and proximity to town centres for whole blocks or areas in which the rezoning proposal is situated.

All rezoning requests will be assessed with due regard to the following criteria:

- Consistency with state and council strategic planning initiatives, studies and S117(2) directions
- Land use patterns, character and built form scale of surrounding area
- Proximity to town centre
- Proximity to strategic bus corridor or frequent bus routes; and
- Constraints (e.g. foreshore scenic protection area, heritage considerations)

Council has written to the land owners recommending the submission of a formal written justification based on the aforementioned criteria.

The Department of Planning and Infrastructure has advised Council to consider the rezoning requests following the exhibition of this Paper. This is to obtain community feedback of the Paper's recommendations in terms of the proposed zoning and planning controls prior to consideration of the rezoning requests.

The rezoning requests will be considered as part of the draft Comprehensive LEP preparation process and reported to Council along with the Comprehensive LEP for formal exhibition.

A list of rezoning submissions is summarised below and included in Appendix E.

- 80 – 90 Barker St, Kingsford
- 48-60 Pauling Ave, Coogee
- 88 and 90 Botany St, Kingsford
- 94 St Pauls St, Randwick
- 34 Glebe St, Randwick
- 149-155 Belmore Rd, Randwick
- Struggletown Precinct, Randwick
- 26 Oberon St, Randwick
- 19 Howard St, Randwick
- 11-29 Middle St, Randwick
- 978 Anzac Pde, Maroubra
- 555-563 Bunnerong Rd, Matraville; and
- 2-4 Howard Plce, Randwick
- 44 Wride St, Maroubra