

30 May 2022

Lotti Wilkinson
Council of Sydney
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re: D/2022/229, 2 Avenue Road GLEBE, St Scholastica's College

Dear Ms Wilkinson

The Glebe Society objects to the proposal to erect a four-storey building within the visual curtilage of the St Scholastica's heritage group and of Avenue Road which is part of the Toxteth Heritage Conservation Area.

St Scholastica's College is one of the most distinguished heritage places in Glebe. It includes the listed chapel, two sets of gates, Toxteth House, the Administration Building (Building A) and the fine Arts and Crafts house Wych Wood.

These buildings are set in generous and beautifully landscaped grounds which are also listed elements. The ensemble comprising the four buildings, landscape, fences and gates are referred to in our submission as the St Scholastica's Avenue Road Heritage Group.

The St Scholastica's Avenue Road Heritage Group occupies most of the western side of Avenue Road between Arcadia Avenue and Victoria Road.

Across the street is a remarkably intact and consistent row of late 19th and early twentieth century villas, created from the 1888 Toxteth Park subdivision. Almost all the houses adjoining and opposite the College on Avenue Road are Contributory items in the Toxteth Heritage Conservation Area.

The listed Toxteth Park gatehouse terminates the southern vista of Avenue Road while the State Heritage listed Sze Yup Temple and Joss House lies at the northern end.

Avenue Road is one of Sydney's finest streets set in what the HCA's Heritage Inventory Report describes as *one of Sydney's most important turn of the century townscapes with a high degree of architectural intactness*.

Despite growth in its student numbers and the need for new facilities to meet changing pedagogy, St Scholastica's has managed, to date, to conserve the significance of its Avenue Road frontage.

St Scholastica's Avenue Road Heritage Group and the Toxteth HCA has a high degree of recognition and protection under the planning system. These include listing in the 2012 Sydney Local Environment Plan, the Heritage Inventory Reports for the St Scholastica's Avenue Road Heritage Group, the Heritage Inventory Report for the Toxteth HCA, the St Scholastica's draft Conservation and Management Plan and the 9-metre height control in the LEP.

While the removal of the demountable building Salem will make a positive contribution to the heritage group by recovering significant landscape, the proposed four storey building will be a dominant and intrusive element which will compromise the significance of the St Scholastica's Avenue Road Heritage Group and the Toxteth HCA.

The proposed four storey buildings exceeds the 9-metre height control by 47%. The applicant is seeking a section 4.6 variation to that control but fails to demonstrate that:

- 4.6 3(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- 4.6 3(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The basis of the Clause 4.6 height variation request is that a higher building will not compromise the heritage significance of the St Scholastica's Avenue Road Heritage Group and the Toxteth HCA. The arguments in the HIS, SEE and Clause 4.6 height variation request for this proposition can be distilled down to the following:

The proposed building is lower than the listed Administration building it adjoins (its only 5 centimetres lower so effectively it's the same height) and will therefore not be a detracting element. The reasoning is flawed.

The Administration Building is a building of heritage significance which is part of an ensemble of items of heritage significance and is set in an HCA. The important questions are what do the relevant controls – the Heritage Inventory Reports, the CMP and the Locality statement for the HCA say about protecting the visual curtilage of St Scholastica's Avenue Road Heritage Group and the Toxteth HCA and does the proposed building impact on the visual curtilage?

All these planning controls are quite clear about protecting the visual curtilage of the heritage items, for example:

any additions and alterations should be confined to the rear in areas of less significance, should not be visibly prominent and shall be in accordance with the relevant planning controls
[Heritage Inventory Report, St Scholastica's College]

the lack of visible additions provides a high level of integrity [Heritage Inventory Report, Toxteth Heritage Conservation Area]

The impact of the proposed building on the visual curtilage is undeniable. The elevations and montages demonstrate that it is so. Therefore the HIS argues that although the building will be clearly visible it will be a harmonious addition to the St Scholastica's Avenue Road Heritage Group, an ensemble whose significance lies in part as a *group of aesthetically significant buildings with its garden and landscape elements* [St Scholastica' College Heritage Inventory Report]

The HIS states:

*the proposed form of the new school building would, in Heritage 21's opinion, be highly contemporary, in contrast with the existing heritage building. In addition, the contemporary form would be **sympathetic to the surrounding structures in the immediate vicinity of the site.***

*the recessive and clearly identifiable contemporary building would **blend into the surrounding streetscape** and would minimise the impact of the work, allowing the heritage items on the subject site to stand out.*

The combination of the use of modern and flat roof forms would allow the sympathetic introduction of the contemporary development within the existing context. We also note the proposed new building would be of the similar height as the Administration Building. Such solutions would help to reduce the perceived bulk of the proposed building, as well as reduce the visual impact of the works.

*It is our assessment that that the addition of a **recessive and clearly identifiable contemporary building that blends into the surrounding streetscape and built forms would minimise the impact of the works, ensure the retention of the heritage significance of heritage items and HCA in the vicinity, and allow them to stand out.***

As Figures 1, 2, 3 and 5 below show, the design of the proposed building is not **sympathetic to the surrounding structures in the immediate vicinity of the site** [HIS], will not **blend into the surrounding streetscape** [HIS] and does not have a built form which **would minimise the impact of the works, ensure the retention of the heritage significance of heritage items and HCA in the vicinity, and allow them to stand out** [HIS]. This is because its form, bulk and scale are intrusive. It is an absurd proposition that the erection of a large building next to a heritage item and in a conservation area allows the heritage items to stand out.

However, the unsupported claims in the HIS about the proposed building being a good contemporary design obscure the fundamental point. This is that, in accordance with the management principles of the St Scholastica's Heritage Inventory Report a conservation and management plan has been prepared for the site.

The CMP, prepared by one of Australia's leading heritage consultants, includes three things which bear on the question as to whether the 9-metre height limit for the proposed building site can be varied.

These are:

- Gradings of heritage significance for the entire school site. The St Scholastica's Avenue Road Heritage, Group (the buildings, landscape, fences and gates) is graded exceptional and high.
- The identification of significant visual curtilage and the extended significant visual curtilage which will be created if the Salem demountable is removed
- The identification of sites within the entire campus which are potential development sites or which might have an additional storey added.

The site proposed for the 4-storey building will be in the extended visual curtilage if the Salem demountable is removed (it would be in the visual curtilage even if the demountable is left in place). It currently is occupied by a two-storey building. It is not a site which has been identified as a site where an extra floor could be added and it is not a site which has been identified as a potential development site.

The LEP, DCP and Heritage Inventory Reports are quite clear about protecting the visual curtilage of the St Scholastica's Avenue Road Heritage Group. This is a constraint.

The entire school site is large and the Conservation and Management Plan addresses the constraint by identifying places within the school site where taller buildings could be erected which would not impact on the visual curtilage of the St Scholastica's Avenue Road Heritage Group and the Toxteth HCA.

Therefore the proposed development is not in the public interest because it is inconsistent with the objectives of Section 4.3 of the 2012 SLEP:

Height of buildings

4.3 1 (a) to ensure the height of development is appropriate to the condition of the site and its context,

(b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,

The standard is not unnecessary, it exists to protect the visual curtilage of the St Scholastica's Avenue Road Heritage Group and the Toxteth HCA, nor is the standard unreasonable as the Conservation and Management Plan shows where a building of this scale might be erected without compromising the heritage significance of the St Scholastica's Avenue Road Heritage Group and the Toxteth HCA.

Accordingly, there is no basis for approving the section 4.6 variation application.

Additional Information

Figures 1, 2 and 3 below show why a four-storey building on this site will have an unacceptable impact on the St Scholastica's Avenue Road Heritage Group while Figure 4 shows the locations identified on the property where a taller building could be built without impacting on these important cultural heritage values.

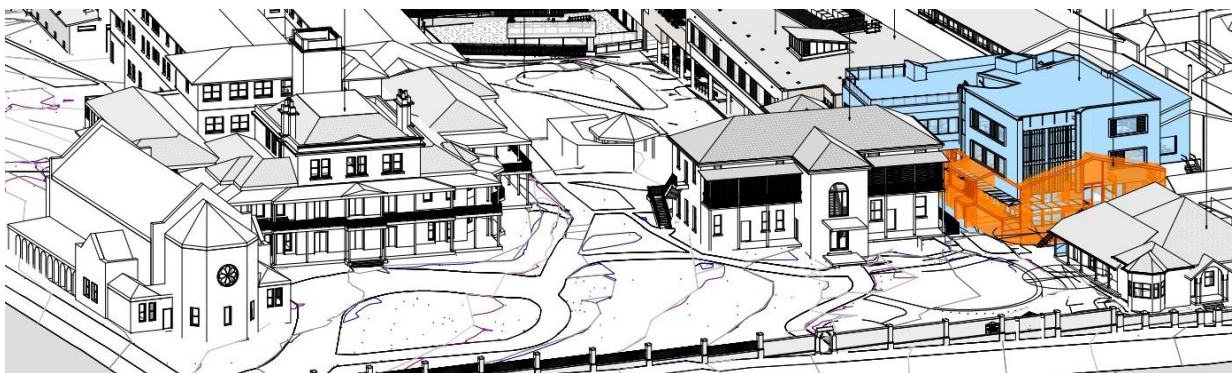


Figure 1 The St Scholastica's Avenue Road Heritage Group showing the impact of the proposed building

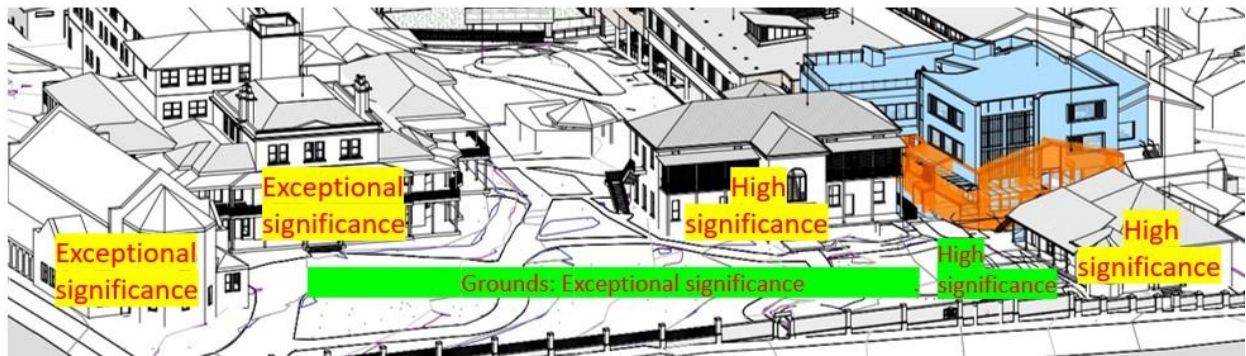


Figure 2 Significance gradings of the St Scholastica's Avenue Road Heritage Group



Figure 3 Potential development sites within St Scholastica's College (Design 5 CMP)

Salem Building

The Salem building is a demountable building located in the grounds on the eastern side of Building A and the south side of Wych Wood. It is a low building which is largely hidden by the perimeter wall and plantings. Its removal and making its site part of the garden, as it was originally, is desirable.

However, its removal, and the proposed new entrance to the College, opens up vistas of the site. This is desirable provided the proposed new building does not have a negative impact on the visual curtilage of the heritage group. The applicant has not adequately assessed the new buildings impact on the visual curtilage of the heritage group and the HCA of which it is a part.

Its impact is shown in figures 4 and 5 below.

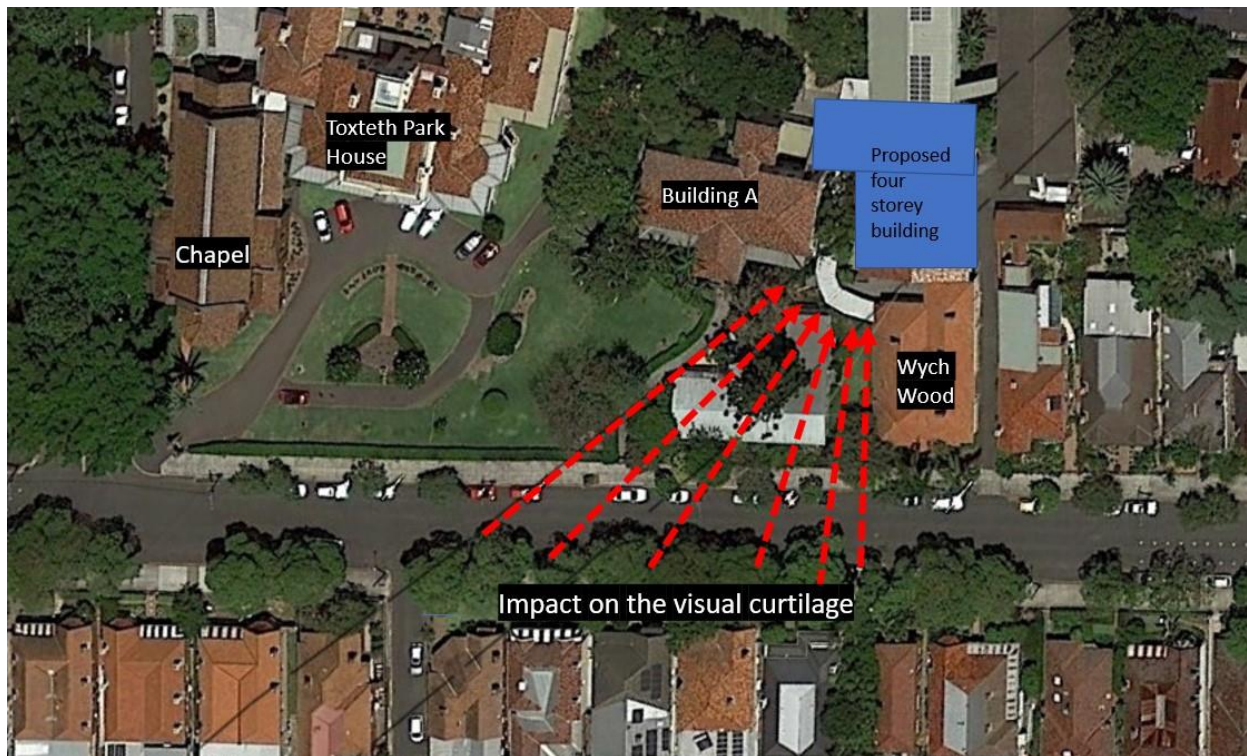


Figure 4 The impact of the proposed building on the visual curtilage of the St Scholastica's Avenue Road Heritage Group and the Toxteth Heritage Conservation Area

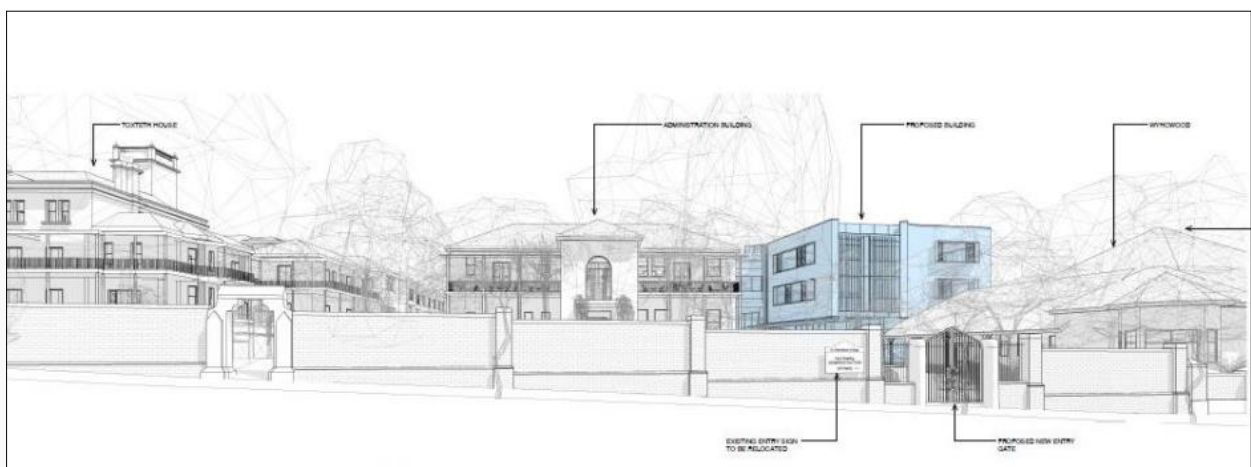


Figure 5 The proposed four storey building will be highly visible from the Avenue Road frontage, competes with the listed buildings and destroys the harmony of the heritage group

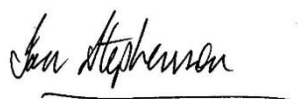
Review against 2012 SLEP	
Section 4.3 Height of Buildings	<p>Does not comply</p> <p>The standard exists to protect the visual curtilage of the St Scholastica's Heritage Group and the Toxteth HCA</p>
Section 4.6 Application to vary standard	<p>Not supported by the LEP</p> <p>Compliance with the standard is necessary to protect the visual curtilage of the St Scholastica's Avenue Road Heritage Group and the Toxteth HCA</p> <p>There are insufficient planning grounds to justify varying the standard</p> <p>Compliance with the standard is not unreasonable as the CMP identifies alternative sites for tall buildings outside the visual curtilage of the heritage items and the HCA</p>
Review against 2012 DCP	
<p>General Provisions 3.9.5 – 1 (h)</p> <p>Development affecting a heritage item is to be consistent with an appropriate Heritage Conservation Management Plan, Conservation Management Strategy, or policy guidelines contained in the Heritage Inventory Assessment report for the item</p>	<p>Does not comply</p> <p>The Heritage Inventory Assessment Report for the St Scholastica's Avenue Road Heritage Group recommends that <i>any additions and alterations should be confined to the rear in areas of less significance, should not be visibly prominent and shall be in accordance with the relevant planning controls</i></p> <p>The CMP identifies alternative sites for the development which would not impact on the St Scholastica's Avenue Road Heritage Group and the Toxteth HCA</p>
<p>2.65 Toxteth Locality Statement</p> <p><i>b) Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.</i></p>	<p>Does not comply</p> <p>The four-storey building will be an intrusive element within the St Scholastica's Avenue Road Heritage Group and the Toxteth HCA because of its height and scale</p>
Review against draft CMP policies	
5.2.3 Context and Setting	
Policy 5.2.8 The landscape setting of the place on Avenue and Arcadia Roads must be respected and not obscured. New development should seek to maintain and enhance this landscape setting	<p>Does not comply</p> <p>The policy is about landscape setting. That is how the four listed buildings on the Avenue Road frontage sit in their landscape. The addition of a large and obtrusive building within the view shed detracts from, rather than maintaining or enhancing the landscape setting</p>
Policy 5.2.9 New landscaping and development proposals should seek opportunities to enhance the presence and visual prominence of Toxteth House and the Administration building on Avenue Road, through the removal of later structures of lesser significance.	<p>Does not comply</p> <p>While the removal of the Salem demountable will enhance the presence and visual prominence of Toxteth House, the Administration Building and Wych Wood, the new four storey building will be in the view shed from Avenue Road (see figures 4 and 5 above). The new building will have an intrusive effect on the ensemble of the listed St Scholastica's Avenue Road Group – the chapel, Toxteth House, Building A and Wych Wood. This will be significantly reduced if the statutory height control in the LEP of 9 metres is maintained.</p>
Policy 5.2.11 Highly significant views to the site (as shown in Figures 4 & 5 above) include views from Avenue Road.	<p>Does not comply</p> <p>The proposed Stage 4 development will adversely affect the views of the heritage group from Avenue Road by adding a view of a large contemporary building to the group.</p>

5.2.4 Potential for redevelopment - site	
Future development at the site must take into consideration the significance of the place, its individual elements and spaces. New development at the site should be preferably sited on areas of lesser significance. Potential development zones at the site are shown on Figure 5.1.	<p>Does not comply</p> <p>The site location is not one of the potential development zones shown on Figure 5.1 of the draft CMP.</p> <p>The CMP recommends that taller buildings be located in the western side of the site out of the view shed of Avenue Road,</p>
Policy 5.2.16 New development at the site should be of a height, form and materiality that does not dominate Toxteth House, the Administration building or Wychwood, or detract from their existing character.	<p>Does not comply</p> <p>Toxteth House, the Administration Building and Wych Wood should remain dominant elements on the site when seen from Avenue Road.</p> <p>The proposed building is only 5 cm lower than the Administration building. Its height, bulk and form are a discordant and alien counterpoint to the Administration Building, Wych Wood and Toxteth House. It is intrusive.</p>

Conclusion

The St Scholastica's Avenue Road Heritage Group and the Toxteth HCA have been identified as being of heritage significance in the 2012 LEP and DCP. Well considered controls exist including a conservation and management plan. The College's site of over 2 hectares provides alternative options for this building outside the visual curtilage of the heritage items. There is no imperative that a building of this scale be built in this sensitive location. Accordingly the application should be rejected.

Yours sincerely



Ian Stephenson
President