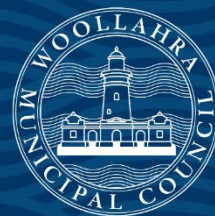


# Planning Proposal



## Local heritage listing of 364 Edgecliff Road, Woollahra



Version Date:	July 2022
Division/Department:	Planning and Place/Strategic Planning
Responsible Officer:	Kristy Wellfare – Senior Strategic Heritage Officer
HPE CM Record Number:	22/47388

**Acknowledgement of Country**

*We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.*

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## Supporting documents (circulated separately)

- Request for an Interim Heritage Order by LSJ Architects: 9 November 2021
- Preliminary Heritage Assessment Report - 364 Edgecliff Road, Woollahra by Robertson and Hindmarsh: 25 February 2022
- Draft Heritage Assessment Report – 364 Edgecliff Road, Woollahra by Robertson and Hindmarsh: 7 April 2022
- Report to Woollahra Local Planning Panel: 19 May 2022 (excluding annexures)
- Report to Environmental Planning Committee: 06 June 2022 (excluding annexures)
- Council Resolution: 27 June 2022 (excluding annexures)

# 1. Introduction

## 1.1. Background

On 13 October 2021, a development application (DA) was lodged with Woollahra Council for the demolition of the existing two storey dwelling house at 364A Edgecliff Road, Woollahra and make alterations and additions to the existing dwelling house at 364 Edgecliff Road, known as the “Corner House” and construction of a new residential flat building (DA2021/455/1).

During notification of the development application, a preliminary heritage assessment was submitted by *Lucas Stapleton Johnson Architects* identifying that the Corner House at 364 Edgecliff Road was of potential heritage significance. They requested that an Interim Heritage Order (IHO) be placed on the property by Council to allow for an assessment of the heritage significance of the site to be undertaken.

In accordance with Part 5.5 of the *Local Government Heritage Guidelines 2002* and Schedule 2, Clause (2)(a)(ii) of the Ministerial Order, the Authorisation for Local Councils to make IHOs, published in the Government Gazette on 12 July 2013, Councils can only make Interim Heritage Orders in those circumstances where a potential heritage item, does not have statutory heritage protection under the *Environmental Planning and Assessment Act 1979* or the *Heritage Act 1977*. The property is located in the Woollahra Heritage Conservation Area and, in accordance with the Ministerial Order, Council cannot issue an IHO under Section 25 of the *Heritage Act 1977* (Heritage Act).

At its meeting of 22 November 2021, Council considered a Notice of Motion pertaining to the subject site and consequently resolved:

*THAT Council:*

- A. *Notes that the property – 364 Edgecliff Road, Woollahra - is identified as a contributory item (being part of the heritage conservation area of West Woollahra in the C2.1.2 of the Woollahra DCP 2015).*
- B. *Requests staff to undertake, as a matter of urgency:*
  - i) *a report to investigate the potential heritage significance of the building in order to identify whether the site warrants a listing as:*
    - *a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP); and/or*
    - *an item on the State Heritage Register under the Heritage Act 1977.*
- C. *Writes to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts to request that an IHO is placed on the property under section 24(1) of the Heritage Act 1977.*

In response to this resolution, on 6 December 2021 the Director, Planning and Place sent correspondence to the (then) *Special Minister of State, Minister for the Public Service & Employee Relations, Aboriginal Affairs, and the Arts* (Minister) requesting that an IHO be made by over 364 Edgecliff Road under Section 24 of the Heritage Act.

Council staff also engaged an external heritage consultant Dr. Scott Robertson of *Robertson & Hindmarsh Pty Ltd* to undertake a preliminary heritage significance assessment of the site at 364 Edgecliff Road. This preliminary assessment was finalised on 25 February 2022 and

indicated that the site was likely to fulfil the following criteria for listing as a heritage item of local significance:

- Criterion (a): Historical significance,
- Criterion (b): Associative significance,
- Criterion (c): Aesthetic significance,
- Criterion (f): As an item demonstrating a defunct social practice, and
- Criterion (g): As a representative example of the Inter-War Mediterranean style of architecture.

This assessment also included a preliminary assessment of the neighbouring site at 364A Edgecliff Road and found that this site would be unlikely to fulfil the criteria for listing as a heritage item.

This assessment was forwarded to the Minister and Heritage NSW in order to facilitate Council's request for an IHO. Subsequently, the Minister authorised the making of an IHO and the IHO (No. 163) was issued under section 24 of the *Heritage Act 1977* (IHO No. LC-5) and was published in the NSW Government Gazette No. 88 of 4 March 2022. The IHO included both sites that were the subject of the development application, being the site at 364 Edgecliff Road and the adjacent site at 364A Edgecliff Road.

Further to this, Council staff commissioned a full heritage assessment from Robertson & Hindmarsh for both sites.

A site inspection of both 364 Edgecliff Road and 364A Edgecliff Road was undertaken on 9 March 2022. This inspection, including the interiors, gardens and outbuildings, was attended by Scott Robertson, Council's Heritage Officer Shona Lindsay, and Council's Senior Assessment Officer Ryan White<sup>1</sup>.

The Draft Heritage Assessment Report for the sites at 364 and 364A Edgecliff Road, Woollahra was received on 7 April 2022, confirming the recommendation that "The Corner House" at 364 Edgecliff Road, Woollahra, should be listed as a heritage item of local significance in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). This report also confirmed that the site at 364A Edgecliff Road did not fulfil the criteria for listing as a heritage item at either a local or a state level.

On 19 May 2022 the matter was referred to the Woollahra Local Planning Panel (Woollahra LPP) for advice, and the Panel resolved:

*THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to list The Corner House (house (including interiors), garage, and garden sandstone fence base) at 364 Edgecliff Road, Woollahra as a local heritage item in Schedule 5 and on the Heritage Map of the Woollahra Environmental Plan 2014.*  
*Reason for Decision*

*The significance of the design of the property at 364 Edgecliff Road in relation to its original curtilage is recognised. However, an appropriate strategic response is the listing of Lot 1 DP 224367 only, and due regard being given in the consideration of any development application at 364A Edgecliff Road to the light, design & amenity impacts to the property at 364 Edgecliff Road.*

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<sup>1</sup> The assessment of the development application (DA2021/455/1) is ongoing, at the time of preparing this planning proposal, the development application is yet to be determined. A Class 1 "deemed refusal" appeal was lodged with the Land and Environment Court on 5 May 2022, with a directions hearing set down for 3 June 2022.



*The Panel recognised the level of intactness and rarity of the interiors and exteriors at 364 Edgecliff Road, and the associative value of the garage to the significance of the property.*

*The Panel noted the correspondence from Heritage NSW. The Panel is satisfied that the requirements set out in the letter have been fulfilled.*

## **1.2. Description of this planning proposal**

This planning proposal is made in relation to the following property located in the Woollahra LGA:

<b>Property name</b>	<b>Address</b>	<b>Lot/DP</b>
'The Corner House' (house (including interiors), garage, and garden sandstone fence base	364 Edgecliff Road Woollahra	Lot 1 DP 224367

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and the document prepared by the Department of Planning and Environment titled *Local Environmental Plan Making Guideline* (December 2021).

## **1.3. Assessment of heritage significance**

An assessment of heritage significance was carried out for 364 and 364A Edgecliff Road, Woollahra by Scott Robertson of Robertson & Hindmarsh.

The assessment of heritage significance reviewed the subject sites in accordance with the document title *Assessing heritage significance*, published by the NSW Heritage Office in 2001 and *Investigating heritage significance*, published by the Heritage NSW in 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) – Associative significance**

*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/technical significance**

*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 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) – Rarity**

*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. To be assessed for State significance an item will meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed.

'The Corner House' at 364 Edgecliff Road, Woollahra was considered to fulfil the criteria for listing as a local heritage item on the basis of its identified historic, associative, aesthetic, rarity and representative values. A copy of the inventory sheet for 364 Edgecliff Road, Woollahra, including assessment against all heritage criteria, is included in the appendix of the heritage significance assessment of 7 April 2022.

The neighbouring site at 364A Edgecliff Road was also assessed against the significance criteria and was not considered to fulfil the criteria for heritage listing at either a State or local level.

## **1.4. Statement of heritage significance**

The following statement of significance has been prepared for the 364 Edgecliff Road, as follows:

### **364 Edgecliff Road, Woollahra**

*'The Corner House', 364 Edgecliff Road, Woollahra is of Local historical significance in reflecting the lifestyle of the lower echelons of the upper Middle Class in the interwar period with a garage for their car, accommodation for the live-in maid and a style of architecture that reflected both the wealth and good taste of the commissioning family. The house has a strong association with the important architectural firm of Waterhouse & Lake who designed some of the most important Arts & Crafts houses in New South Wales in the first two decades of the twentieth-century. The house is of Local aesthetic significance for its excellent Arts & Crafts style of architecture and is an excellent example of the aesthetic & planning principles of the Arts & Crafts style employed by Waterhouse & Lake in solving the challenges of planning the smaller houses of the interwar period. Their planning principle of the central Hall/Living Room from which other rooms were accessed was utilised in a number of their houses, both large and small.*

*The orientation of the house away from the street and giving the main living rooms of the house a northerly aspect is an important part of the significance of the house in developing an environmentally appropriate architecture for Australia, as well as recognising the privacy of family life.*

*364 Edgecliff Road, Woollahra is also of Local associative significance because of its strong association with A.L. Holt, the commissioning owner of the house, and one of the first five founding directors of Australian Motors Ltd that manufactured one of the first Australian-*

made cars, the Australian Six. The house is of Local significance through its long-term association with Wesley & Sari Browne who were prominent in the welfare of veterans' families through their involvement in Legacy.

Extract taken from the Draft Heritage Significance Assessment Report - 364 Edgecliff Road, Woollahra, 7 April 2022, p.59-60

## 2. The Site

364 Edgecliff Road, Woollahra is located on the north side of the corner of Edgecliff Road and Wellington Street, Woollahra. The site is legally identified as Lot 1 in DP 224367 (see **Figures 1 and 2**). The site is 752.62m<sup>2</sup> in area, with a frontage of 13m to Edgecliff Road and 23.85m to Wellington Street, and a depth of 33.63m to the north-western boundary. The north-eastern boundary adjoins a narrow accessway to the battle-axe allotment located to the rear at 364a Edgecliff Road, Woollahra.

Existing development on the site comprises of a two-storey house with a broad gabled roof in the Arts and Crafts style. The site is identified as a contributory item within the West Woollahra precinct of the C2 Woollahra Heritage Conservation Area in accordance with Clause C2.1.2 of the *Woollahra Development Control Plan 2015*, but this does not provide the level of statutory heritage protection for the site afforded to an individually listed heritage item.

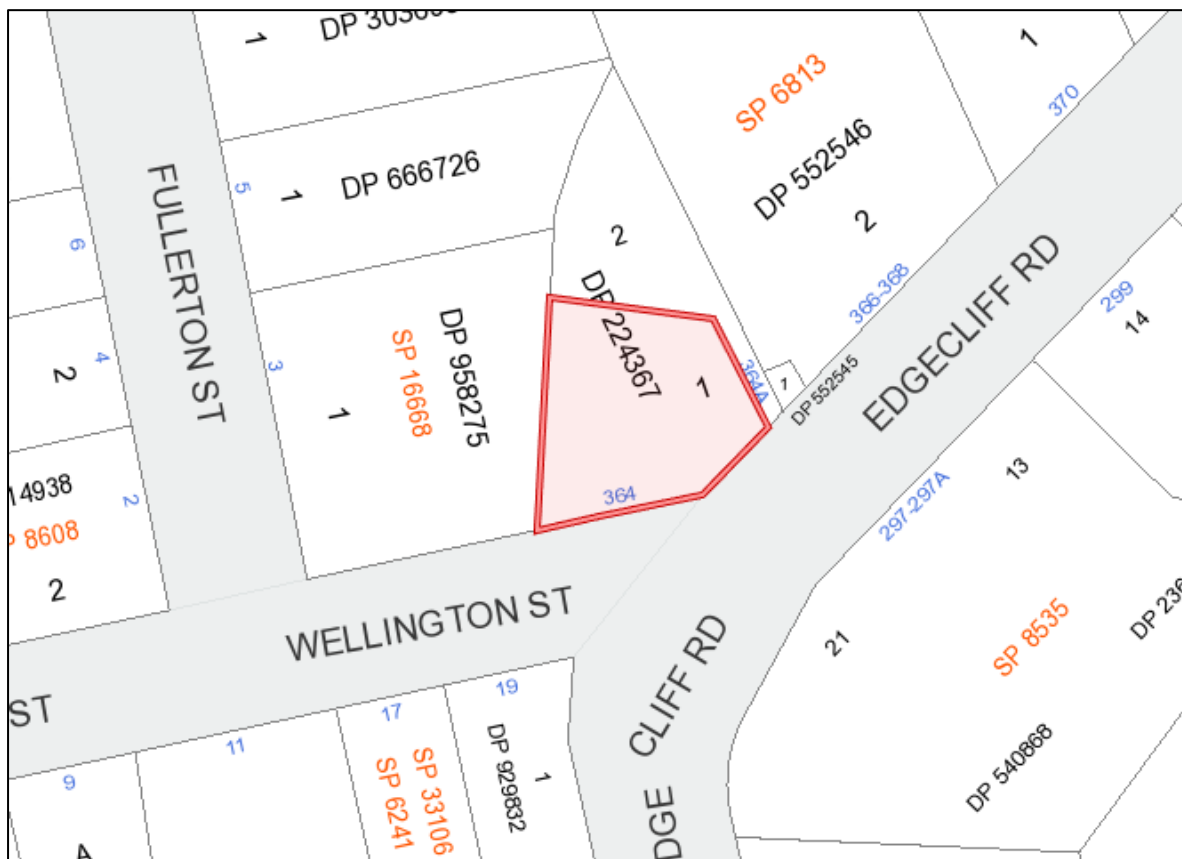


Figure 1: Cadastral map of the subject site (outlined in red). Source: Woollahra Maps (April 2022)





Figure 2: Site aerial with the subject site at 364 Edgecliff Road shown outlined in red, and the neighbouring site at 364A Edgecliff Road shown in blue. Source: Woollahra Maps (April 2022)

### 3. Existing planning controls

The site is subject to the existing planning controls in the Woollahra LEP 2014, relating to land zoning, height of buildings,

	Zone	Maximum building height (m)	Floor space ratio	Minimum lot size
<b>364 Edgecliff Road, Woollahra</b>	R3 Medium Density Residential	19.5m	1.55:1	700

Table 1: Existing planning controls

The Objectives for the R3 zone of the Woollahra LEP 2014 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.

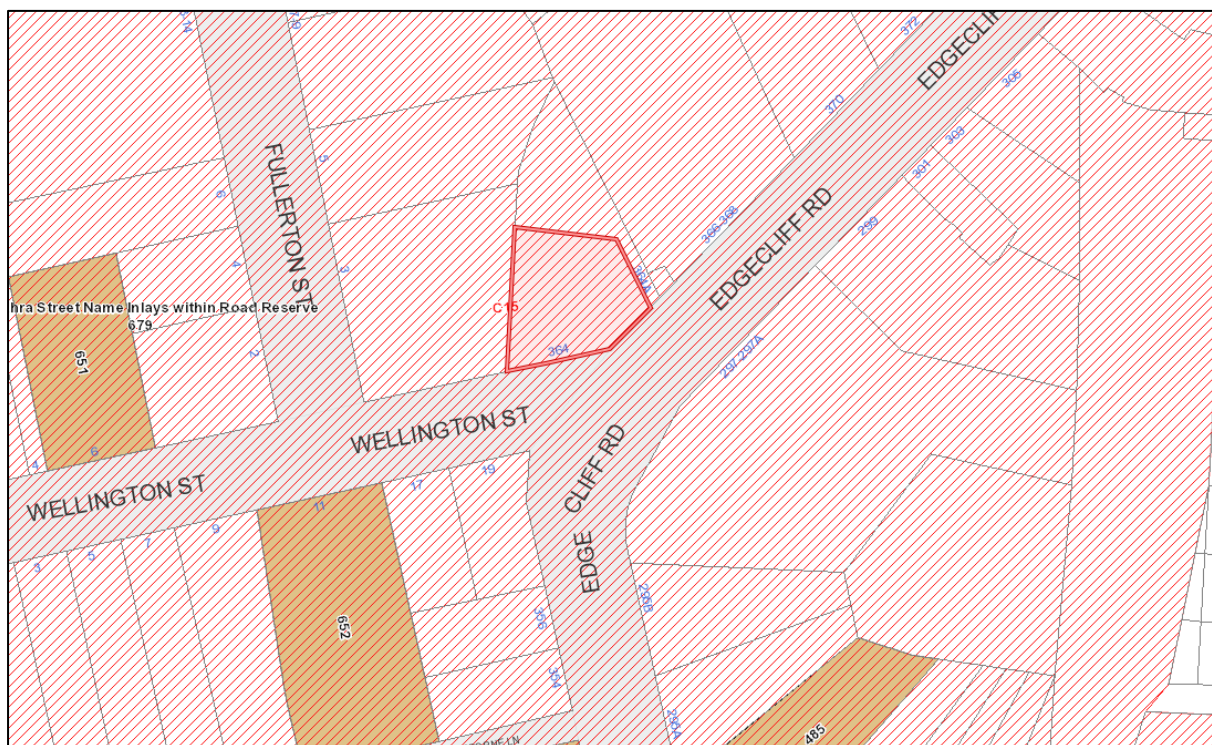
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

No changes to the principal development standards currently applicable to the site under the Woollahra LEP 2014 are proposed to change under this planning proposal request.

The land is not currently identified in the Woollahra LEP 2014 as containing any items of heritage significance. The site is located within the Woollahra Heritage Conservation Area - C15 and is located in the vicinity of two locally listed heritage items, shown in **Figure 3**, being:

- “Dilbhor”—house and interiors at 6 Wellington Street Woollahra (Item 651)
- Building and interiors, iron fencing at 293–295 Edgecliff Road (Item 485)

The land is identified under the Woollahra LEP 2014 as potentially containing Class 5 acid sulfate soils. The land is not known to be subject to any other environmental constraints.



*Figure 3: Woollahra Local Environmental Plan 2014 Heritage map, with the subject site at 364 Edgecliff Road shown outlined in red. Source: Woollahra Maps (April 2022)*

## 4. Objectives of planning proposal

The objective of the planning proposal is to recognise the heritage significance of 364 Edgecliff Road, Woollahra and provide the site with the appropriate level of statutory heritage protection consistent with its identified significance. Heritage listing will provide ongoing protection and recognition of the heritage significance of the site.

## 5. Explanation of provisions

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

- Insert a listing for 364 Edgecliff Road, Woollahra 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 (Sheet HER\_003A) to identify a heritage item on the site of 364 Edgecliff Road, Woollahra.

## 6. Justification

The heritage significance of 364 Edgecliff Road, Woollahra, has been established by the assessment undertaken by Robertson & Hindmarsh. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

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 of an independent Heritage Significance Assessment Report undertaken by Robertson and Hindmarsh Pty Ltd.

The report concludes that 364 Edgecliff Road, Woollahra, meets five of the seven significance criteria at a local level and recommends the site at 364 Edgecliff Road for listing in the Woollahra LEP 2014 as a local heritage item.

The Robertson and Hindmarsh report also assesses the neighbouring property at 364A Edgecliff Road and does not recommend this property for listing as a heritage item at either a local or state level.

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

The objective of the planning proposal is to list the property at 364 Edgecliff Road, Woollahra in Schedule 5 of the Woollahra LEP 2014. The best, and only means of achieving this objective is through the planning proposal process.

Heritage listing will provide ongoing protection and recognition of the heritage significance of the item. Other options, such as adding site-specific objectives and controls in the *Woollahra Development Control Plan* 2015, or including heritage conservation conditions to a 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 Region Plan: A Metropolis of Three Cities*, particularly Objective 13 'Environmental heritage is identified, conserved and enhanced'.

The heritage listing of 364 Edgecliff Road, Woollahra will provide ongoing protection and recognition of the heritage significance of this item.

#### **Eastern City District Plan**

Yes. 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 364 Edgecliff Road, Woollahra will provide ongoing protection and recognition of the heritage significance of this item.

### 4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is consistent with the Woollahra Local Strategic Planning Statement and Council's Community Strategic Plan, Woollahra 2030.

The planning proposal is consistent with Planning Priority 5 of the Woollahra Local Strategic Planning Statement:

*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.*

The planning proposal is also consistent with Council's community strategic plan, *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 and residential amenity, including protection of significant architecture and the natural environment.*

Heritage listing of 364 Edgecliff Road, Woollahra will provide ongoing protection and recognition of the heritage significance of this item, 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 consistent with other relevant State and regional studies or strategies.

**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 (refer to **Schedule 1**).

**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 because 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 item 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 heritage assessments measured 364 Edgecliff Road, Woollahra against the criteria for 'cultural significance' as defined in the Australia ICOMOS Burra Charter, as meaning the aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

The assessment found that 364 Edgecliff Road Woollahra meets the historic, associative, aesthetic, rarity and representativeness criteria at 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 Woollahra.

### **6.4. Infrastructure (Local, State and Commonwealth)**

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

Yes. The planning proposal involves the local heritage listing of 364 Edgecliff Road, Woollahra and does not involve amendments to the planning controls that will facilitate intensified development.

If required by the gateway determination, consultation will be undertaken with public utility companies, service providers and emergency services during the public exhibition.

### **6.5. State and Commonwealth Interests**

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

This section will be completed following consultation with public authorities identified in the gateway determination. Public authorities, including but not limited to, will be notified:

- Heritage NSW, Department of Premier and Cabinet
- NSW Heritage Council

- The National Trust of NSW

Any other authorities identified by the Department of Planning and Environment will be consulted during the public exhibition of the planning proposal.

## 7. Mapping

The planning proposal seeks to amend the Woollahra LEP 2014 Heritage Map (Sheet HER\_003A) by applying an “Item – General” classification to the property at 364 Edgecliff Road, Woollahra.

An extract of the existing and proposed heritage maps are shown in **Figures 4 and 5**. The heritage item number illustrated in the map below is indicative only. The heritage item number will be confirmed with Parliamentary Counsel upon finalisation of the planning proposal.

### 364 Edgecliff Road, Woollahra

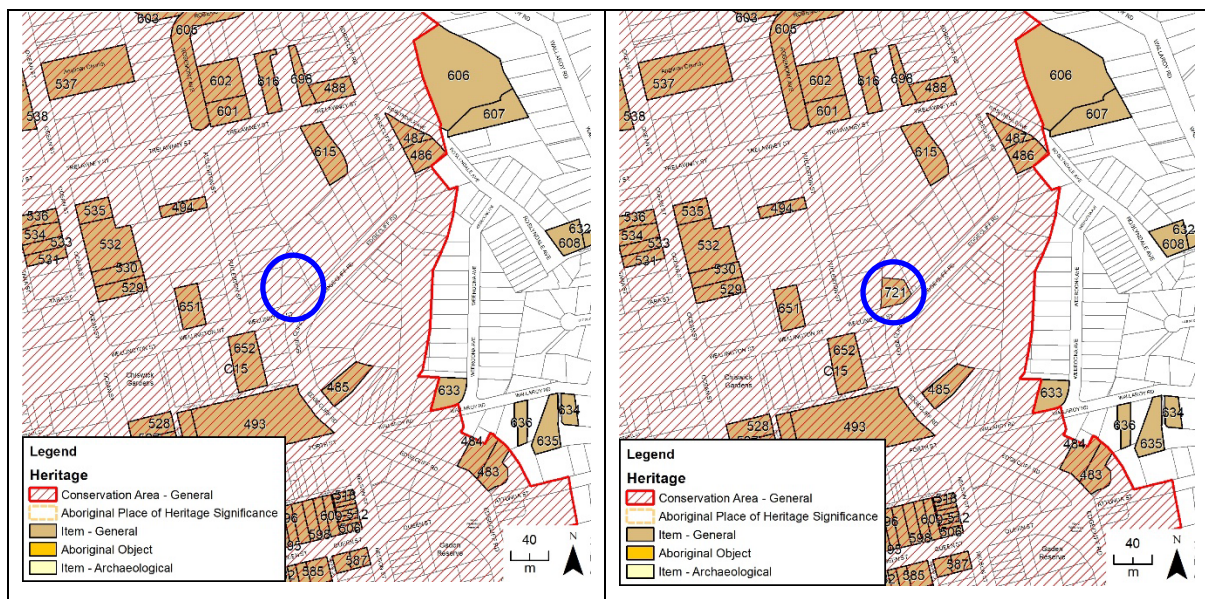


Figure 4: Extract from existing Woollahra LEP 2014 Heritage Map (Sheet HER\_003A) (circled in blue)

Figure 5: Extract from proposed Woollahra LEP 2014 Heritage Map (Sheet HER\_003A) (circled in blue)

## 8. Community consultation

The public exhibition will be undertaken in accordance with the requirements of the EP&A Act 1979 and the *Environmental Planning and Assessment Regulation 2021*. It will also have regard to other relevant plans and guidelines including the *Woollahra Community Participation Plan 2019* and 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, when a hardcopy version of that newspaper is being published.
- a notice on Council's website.
- a letter to the land owner of the subject site, and land owners in the vicinity of each site.
- notice to local community, resident and business groups such as the Woollahra History and Heritage Society.

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).
- 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 Panel provides advice	19 May 2022
Council resolution to proceed	27 June 2022
Gateway determination	16 August 2022
Completion of technical assessment	Usually none required
Government agency consultation	31 August – 14 October 2022
Public exhibition period	Same time as agency consultation
Submissions assessment	October 2022
Council assessment of planning proposal post exhibition	November 2022
Council decision to make the LEP amendment	November 2022
Council to liaise with Parliamentary Counsel to prepare LEP amendment	December 2023
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	January 2023
Notification of the approved LEP	February 2023

## Schedules

### Schedule 1 – Consistency with State Environmental Planning Policies

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 (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.
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 (Planning Systems) 2021	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Precincts – Eastern Harbour City) 2021	Applicable  There are currently no identified state significant precincts located in the Woollahra LGA.
SEPP (Precincts – Central River City) 2021	Not applicable.
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.
SEPP 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 (Building Sustainability Index: BASIX)	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

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>1</b>	<b>Planning systems</b>	
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. Refer to Section 6 of this report.
1.2	Development of Aboriginal Land Council land	Not applicable. This planning proposal does not affect Aboriginal Land Council Land.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1.3	Approval and referral requirements	The planning proposal seeks the heritage listing of the property at 364 Edgecliff Road, Woollahra. 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
<b>1</b>	<b>Planning systems (cont.) – place based</b>	
1.5 – 1.17	Implementation Plans	Not applicable. These plans do not apply to the Woollahra LGA.
<b>2</b>	<b>Design and place</b>	
<b>3</b>	<b>Biodiversity and conservation</b>	
3.1	Conservation zones	Applicable. Consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2	Heritage conservation	Applicable. Consistent. Heritage listing of 364 Edgecliff Road, Woollahra will provide ongoing protection and recognition of the heritage significance of the item.
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.
<b>4</b>	<b>Resilience and hazards</b>	
4.1	Flooding	Applicable. Consistent. The planning proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property. The planning proposal is consistent with the direction.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
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. 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.
<b>5</b>	<b>Transport and infrastructure</b>	
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"> <li>• <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and</li> <li>• <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.</li> </ul>
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. 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.
<b>6</b>	<b>Housing</b>	
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.
<b>7</b>	<b>Industry and employment</b>	
7.1	Business and industrial zones	Not applicable. The direction does not apply where sites are not zoned for business or industry.

**Planning proposal –  
Compliance with section 9.1 directions**

<b>Direction</b>		<b>Applicable/comment</b>
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.
<b>8</b>	<b>Resources and energy</b>	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
<b>9</b>	<b>Primary production</b>	
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.
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.