

Planning Proposal



Local Heritage Listing: St George Greek Orthodox Church, Rose Bay



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Division/Department:	Strategic Planning
Responsible Officer:	Eleanor Banaag – Senior Strategic Heritage Officer, Joahna Doolan – Student Planner
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Acknowledgement of Country

Woollahra Council acknowledges the Gadigal and Birrabirragal people, the traditional custodians of the land of Woollahra. We would like to acknowledge Aboriginal or Torres Strait Islander people and pay our respects to Elders past, present and emerging.

Cover Photo: St George Greek Orthodox Church / Shona Lindsay / Woollahra Council

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Supporting documents (circulated separately)

- Heritage Study: Places of Worship, Woollahra LGA (April 2023)
- Heritage Inventory Sheet for St George Greek Orthodox Church (July 2023)
- Woollahra LPP 13 December 2022, Agenda and Minutes (attachments removed)

- **Woollahra EP Committee 6 March 2023, Agenda and Minutes (attachments removed)**
- **Woollahra Council 27 March 2023, Minutes.**
- **Woollahra EP Committee 3 July 2023, Agenda, late correspondence and Minutes (attachments removed)**
- **Woollahra Council 14 August 2023, Agenda, late correspondence and Minutes**

1. Introduction

1.1. Background

Places of Worship Heritage Study

This planning proposal seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), at Schedule 5 (Environmental heritage) and the Heritage Map, to include one new heritage item.

The subject property, the St George Greek Orthodox Church, Rose Bay (Lots 15 & 16, Sec D, DP5092), is a place of worship and it was investigated as part of Council's *Heritage Study: Places of Worship, Woollahra LGA* (Nov 2022). The Study identified that there are 27 places of worship within the Woollahra LGA, of which 18 are listed as heritage items in the Woollahra LEP 2014, and one also listed on the State Heritage Register. Of the nine (9) places of worship that are not currently listed as heritage items, the Study found that five (5) meet the threshold for local heritage significance, and one of these also meets the threshold for State heritage significance.

The planning proposal was referred to the Woollahra LPP on the 13 December 2022, where they provided the following advice to Council:

- A. *THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to list the following sites as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014:*
- i. *Paddington Church of Christ complex and setting, including interiors and moveable heritage at 116-122 Paddington Street, Paddington (Lots 20, 21 & 22, Sec 1, DP 180)*
 - ii. *St Andrews Scots Presbyterian Church complex and setting, including interiors and moveable heritage at 2 Carlisle Street, Rose Bay (Lot 1 DP 724928 & Lot 1 DP 966535)*
 - iii. *St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable heritage at 90-92 Newcastle Street, Rose Bay (Lots 15 & 16, Sec D, DP5092)*
 - iv. *Sydney Chevra Kadisha, including interiors and moveable heritage at 172-178 Oxford Street, Woollahra (Lot 1 DP 85862)*
 - v. *Vaucluse Uniting Church complex and setting - former 1909 Vaucluse Congregational Church building and former 1960 A-frame church building, including interiors and moveable heritage at 3 Russell Street, Vaucluse (Lot 7, Sec 5, DP 4400).*
- B. *THAT the Woollahra Local Planning Panel provides advice to Council to proceed with the nomination to the State Heritage Register of Sydney Chevra Kadisha, including interiors and moveable heritage at 172-178 Oxford Street, Woollahra (Lot 1 DP 85862)*
- C. *THAT as part of a future heritage study, the following three sites be further examined for their heritage qualities:*
- *Sephardi Synagogue at 40-44 Fletcher Street, Woollahra*
 - *Kehillat Kadimah Synagogue at 662-666 Old South Head Road, Rose Bay*
 - *Chabad Double Bay at 2 Kiaora Road, Double Bay*

It is noted that the Woollahra LPP provided the following reasons for their decision:

The Panel considered the submissions received, and considered the Places of Public Worship Heritage Study to be a thorough and comprehensively researched report, with a good comparative analysis and Council should be congratulated.

On 6 March 2023, the planning proposal was considered by the Environmental Planning Committee and subsequently on 27 March 2023 the Council resolved:

- A. *THAT Council note the advice provided by the Woollahra Local Planning Panel on 13 December 2022 regarding the planning proposal to list five places of worship as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014.*
- B. *THAT Council endorse the planning proposal as contained at Attachment 3 of the report to the Environmental Planning Committee to list the following five sites as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014 and resolve to forward this to the Department of Planning and Environment with a request for a Gateway determination to allow public exhibition:*
 - i. *Paddington Church of Christ complex and setting, including interiors and moveable heritage at 116-122 Paddington Street, Paddington (Lots 20, 21 & 22, Sec 1, DP 180).*
 - ii. *St Andrews Scots Presbyterian Church complex and setting, including interiors and moveable heritage at 2 Carlisle Street, Rose Bay (Lot 1 DP 724928 & Lot 1 DP 966535)*
 - iii. *Sydney Chevra Kadisha, including interiors and moveable heritage at 172-178 Oxford Street, Woollahra (Lot 1 DP 85862)*
 - iv. *Vaucluse Uniting Church complex and setting - former 1909 Vaucluse Congregational Church building and former 1960 A-frame church building, including interiors and moveable heritage at 3 Russell Street, Vaucluse (Lot 7, Sec 5, DP 4400).*
- C. *THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979.*
- D. *THAT Council endorse a nomination to the State Heritage Register of Sydney Chevra Kadisha, including interiors and moveable heritage at 172-178 Oxford Street, Woollahra (Lot 1 DP 85862).*
- E. *THAT Council receives and notes the recommendation for the St George Greek Orthodox Church, and staff further investigate the heritage significance of the complex having regard to the issues raised regarding religious freedoms, and that the community are engaged to establish if there are elements of the building that are appropriate for heritage listing, investigates whether there is an active Development Application (DA) for the site on the corner of Old South Head Road and Newcastle Street, Rose Bay and/or if further legal advice is required.*

F. THAT Council request that staff update the heritage inventory sheet for this Sydney Chevra Kadisha, having considered the late correspondence from URBIS that was tabled at the Environmental Planning Committee meeting of 6 March 2023.

The heritage study report, the heritage inventory sheets and the planning proposal have been updated based on the outcome of the Woollahra LPP meeting and Council meeting.

In light of Part B, a separate planning proposal was submitted to DPE for Gateway approval for the four churches (PP 2023-789). The Gateway determination was provided on 6 June 2023, with Council being made the Plan Making Authority in accordance with Section 3.36(2) of the EP&A Act. The Planning Proposal for the four churches was placed on Public Exhibition between 19 July 2023 and 18 August 2023 (inclusive). The post-exhibition report for the Places of Worship Planning Proposal was presented to a meeting of Council's Environmental Planning Committee on 4 September 2023, where it was resolved to finalise the Planning Proposal. At the time of writing, the planning proposal is now at the finalisation stages.

St George Greek Orthodox Church

In light of Part E, Woollahra Municipal Council conducted further investigations and community engagement regarding the St George Greek Orthodox Church via Council's YourSay Woollahra website and through a mail-out to immediate residents over a two-week period between the 24 May 2023 and the 9 June 2023. It was also advertised in the Wentworth Courier newspaper on the 24 May 2023 and 31 May 2023. As a result, seven submissions were received, with four of the submissions in support of it being heritage listed and three against it. An online petition opposing a heritage listed status was also received on the 9 June 2023 with 968 signatories. A report on this community engagement was made to a meeting of the Environmental Planning Committee on 3 July 2023. The report (which includes community submissions, the petition and late correspondence) can be viewed on Council's website.

At this meeting, the matter was deferred pending a site inspection by WMC councillors and staff to the church. The purpose of the site visit was for Councillors and staff to view the internal and external areas of the church to further inform the significance assessment of the Church made in the *Places of Worship Heritage Study* prepared by Council staff.

A site inspection to the Church took place on Wednesday 19 July 2023 at 4:45pm. The site visit was attended by Councillors, Woollahra Council Staff, Fr Gerasimos Koutsouras and members of the Church Parish Board. Access to internal and external areas was provided. A further report on the site inspection was presented to a meeting of Council on 14 August 2023. The report can be viewed on Council's website. Having being able to inspect the site and the buildings internal features, Council staff maintain their recommendation that Council resolves to proceed with a planning proposal to list the St George War Memorial Church at 90-92 Newcastle Street Rose Bay (Lot 15 & 16, Sec D, DP 5092) as a local heritage item in Schedule 5 and on the heritage maps of the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014). As a consequence of the site visit, Council staff were able to update the Heritage Inventory Sheet to include additional information and photographs.

At its ordinary meeting of 14 August 2023, Council resolved the following:

A. THAT Council endorse the preparation of a planning proposal to list the St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable heritage at 90-92 Newcastle Street, Rose Bay (Lots 15 & 16, Sec D,

DP 5092) as a local heritage item in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014 and resolve to forward this to the Department of Planning and Environment with a request for a Gateway determination to allow public exhibition.

- B. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979.
- C. THAT Council endorse that the planning proposal include recommendations for the owner to prepare additional conservation management documentation (such as a Moveable Heritage Schedule or Conservation Management Plan or Strategy) to ensure that future management of the place is appropriate to the community's religious observances.
- D. THAT Council note its gratitude to the Father of the Greek Orthodox Church for opening the Church to Council for a site visit.

1.2. Description of this planning proposal

The objective of the planning proposal is to amend Woollahra LEP 2014 to list the St George Greek Orthodox Church Rose Bay, identified in Table 1 below, as a local heritage item in Schedule 5 Environmental heritage, Part 1 Heritage items. Heritage listing of this site will ensure recognition of its significance, as well as provide statutory protection through ensuring that any future development proposals are assessed against the heritage provisions of the Woollahra LEP 2014.

Table 1: Subject site to which the planning proposal applies

	Item	Address	Lot/DP
1	<i>St George Orthodox Church and War Memorial complex and setting, including interiors and moveable heritage</i>	90-92 Newcastle Street, Rose Bay	Lots 15 & 16, Sec D, DP5092

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the NSW Department of Planning and Environment supporting document. *Local Environmental Plan Making Guideline* (September 2022).

1.3. Assessment of Heritage Significance

An assessment of heritage significance of the subject site was carried out by Council Staff. That assessment is separately attached to this planning proposal, see *Heritage Study: Places of Worship, Woollahra LGA* (April 2023) and *Heritage Inventory Sheet - St George Orthodox Church* (July 2023).

The assessment of heritage significance was undertaken in accordance with Environment and Heritage Group, Department of Planning and Environment publications *Assessing heritage significance* (2001)-and *Investigating heritage significance* (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.

The assessment concludes that the following site is of **local** heritage significance.

- St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable heritage at 90-92 Newcastle Street, Rose Bay (Lots 15 & 16, Sec D, DP5092)*

Accordingly, it is recommended that this site is listed in Schedule 5 and identified on the associated Heritage Maps of the Woollahra LEP 2014.

Below is the Statement of Significance for the subject property. A copy of the inventory sheet for the subject property, including an assessment against all heritage criteria, is separately attached.

1.4. Statement of Heritage Significance

1.4.1. St George Greek Orthodox Church, Rose Bay and war memorial complex and setting, including interiors and moveable heritage

Assessment of significance	
Historical significance Criterion (a)	<p>As part of the Rose Bay Estate subdivision of the former Point Piper Estate, the St George Greek Orthodox Church at Rose Bay has local historical significance for its ability to reflect the rapid pattern of development of Rose Bay in the post-World War I era and the growing presence of migrant communities that settled in the area during this time.</p> <p>The St George Greek Orthodox Church has local historical significance as an example of a church that was commissioned in NSW to honour the service of Australian soldiers of Greek heritage who lost their lives in World War I and World War II and also Australian soldiers who lost their lives in Greece during World War II. Therefore, St George Greek Orthodox Church would reach the threshold for local significance under this criterion. St George Greek Orthodox Church would not reach the threshold for State significance under this criterion.</p>
Historical association significance Criterion (b)	<p>The St George Greek Orthodox Church is significant for its association with migrant communities that settled in NSW following World War I. Since its construction and consecration in 1962, the church building has been the focus for worship and the continuity and celebration of Greek customs and traditions in Sydney's Eastern suburbs.</p> <p>The St George Greek Orthodox Church has significance for its associations with Australia's defence history. The church is dedicated as a war memorial that provides a place of commemoration for Australian soldiers of Greek heritage who lost their lives in World War I and World War II, and also Australian soldiers who lost their lives in Greece during World War II. The church is listed on the NSW War Memorials Register. Therefore, St George Greek Orthodox Church would reach the threshold for local significance under this criterion. St George Greek Orthodox Church would not reach the threshold for State significance under this criterion.</p>
Aesthetic significance Criterion (c)	<p>The St George Greek Orthodox Church is a fine example of the work of the prominent Inter-War architectural firm Fowell, Mansfield & Maclurcan. Joseph Charles Fowell is recognised as a prominent Australian twentieth century architect, particularly renowned for his ecclesiastical architecture with numerous buildings being heritage listed. The St George Greek Orthodox Church is an interesting example of a Greek Orthodox War Memorial Church that incorporates elements of the Byzantine style typically associated with ANZAC memorials, with the traditional Greek Orthodox Church</p>

	<p>style. The church displays simple and restrained design elements of these styles, whilst also stylistically consistent with the work of Fowell, Mansfield & Maclurcan. Within its surrounding streetscape setting, the church has landmark qualities. Therefore, St George Greek Orthodox Church would reach the threshold for local significance under this criterion. St George Greek Orthodox Church would not reach the threshold for State significance under this criterion.</p>
<p>Social significance Criterion (d)</p>	<p>Although social significance has not been formally assessed, it is assumed the St George Greek Orthodox Church is held in high esteem by members of the Parish and the broader Greek Orthodox community of Sydney. In addition to regular Sunday church services, the building has been a focal point for the local Greek Orthodox community for significant celebrations and events including weddings, baptisms, funerals and religious activities for more than five decades providing an important part in the community's sense of place.</p> <p>The St George Greek Orthodox Church also has social significance for its ability to recognise and commemorate members of Australia's Greek community who served and lost their lives defending Australia during World War I and World War II, and Australian soldiers who fought in Greece during World War II. Demonstrative of this social significance, the building is listed on the NSW War Memorials Register. Therefore, St George Greek Orthodox Church would reach the threshold for local significance under this criterion. St George Greek Orthodox Church would not reach the threshold for State significance under this criterion.</p>
<p>Technical/ Research significance Criterion (e)</p>	<p>It is considered that any archaeological potential on the site would have been removed during the construction of the existing church building with basement level. The building does not yield any potential for technical or scientific research information that would not be available from other sources. Therefore, the St George Greek Orthodox Church would not meet the threshold for local or State significance under this criterion.</p>
<p>Rarity Criterion (f)</p>	<p>The St George Greek Orthodox Church is the only example of its type in the Municipality. While there are numerous Greek Orthodox churches in Sydney and NSW, the St George Greek Orthodox Church has rarity as one of a very small number of churches of its type – being a Greek Orthodox war memorial church. There is only one other known Greek Orthodox war memorial church remaining in Sydney, the St Spyridon Greek Orthodox War Memorial Church, which is listed as a local heritage item on the Randwick Local Environmental Plan 2012. The only other being the St Ioannis Greek Orthodox War Memorial Church dating to 1965 has since</p>

	<p>been demolished. The loss of this comparable building type increases the rarity of the St George Greek Orthodox Church.</p> <p>Therefore, St George Greek Orthodox Church would reach the threshold for local significance under this criterion. St George Greek Orthodox Church would not reach the threshold for State significance under this criterion.</p>
<p>Representative ness</p> <p>Criterion (g)</p>	<p>The St George Greek Orthodox Church is fine and representative of the ecclesiastical buildings designed by architectural practice Fowell Mansfield & Maclurcan. The church is also a fine example of a Greek Orthodox War Memorial Church that was constructed in the post-war era to commemorate the loss of life that was experienced across the country during World War I and World War II. A comparative study of the St George Greek Orthodox Church with other Greek Orthodox war memorial churches, both extant and demolished, indicates the building retains similar elements and design features that are representative of this typology. There are no other Greek Orthodox churches within the Woollahra LGA. Because of its deliberate design as a war memorial church, the St George Greek Orthodox Church is a significant variation to other examples of traditional Greek Orthodox churches in Sydney. Therefore, St George Greek Orthodox Church would reach the threshold for local significance under this criterion. St George Greek Orthodox Church would not reach the threshold for State significance under this criterion.</p>
<p>Integrity</p>	<p>The exterior, and major forms and structures of the interior of the church is highly intact in its original form. Joinery and decorative elements such as the timber panelled ceiling, chandeliers and elaborately decorative mezzanine are intact. Alterations such as replacement flooring, new windows, and paint have been made as part of the ongoing upkeep of the church building, however these works have been done sympathetically and do not detract from the original architectural form and ecclesiastic nature of the church.</p>

Statement of significance

The St George Greek Orthodox Church and war memorial is of local heritage significance for its historical, associative, aesthetic, social, rarity and representative values.

The church reflects the rapid pattern of development of Rose Bay in the post-World War I era and the growing presence of migrant communities that settled in the area during this time. Since its construction and consecration in 1962, the church building has supported the continuity and celebration of Greek customs and traditions in Sydney's Eastern suburbs for generations of that community.

Designed by prominent Inter-War architectural firm Fowell, Mansfield & Maclurcan, the St George Greek Orthodox Church is considered to be a fine and representative example of their ecclesiastical buildings. The church building is an interesting example of a Greek Orthodox War Memorial Church, which combines elements of the Byzantine style typically associated with ANZAC memorials with the traditional Greek Orthodox Church style. As a Greek Orthodox war memorial church, the St George Greek Orthodox Church has significance for its associations with Australia's defence history, commemorating members of Australia's Greek community who served and lost their lives in during World War I and World War II, and Australian soldiers who fought in Greece during World War I. There is only one other known example of this type of Greek Orthodox war memorial church remaining in Sydney.

2. Existing sites and surrounding context

2.1. St George Greek Orthodox Church

Constructed in 1962, the St George Greek Orthodox Church is an example of a late twentieth century ecclesiastical style church. It was designed by architects Fowell, Mansfield & Maclurcan and built by Cirvan Bros Pty Ltd.

Dedicated as a war memorial, the church fronts Newcastle Street as a combination of the classic Greek Orthodox church style merged with elements of the simplified Byzantine style that is typical of Australian war memorial architecture. The building is set back from the street and sides, and is elevated on a tiered podium to the front.

The St George Greek Orthodox Church is a blond face brick building with a concrete tiled gabled roof featuring a bell tower to the front. The front (west) façade of the building features the main entry porch and a niche window. The square bell tower is located on the northern side of the front façade, is of brick construction and is capped with an open rendered concrete dome with metal crucifix above.

This site at 90-92 Newcastle Street, Rose Bay is legally identified on Lots 15 & 16, Sec D, DP5092 (see Figures 1 & 2 below).

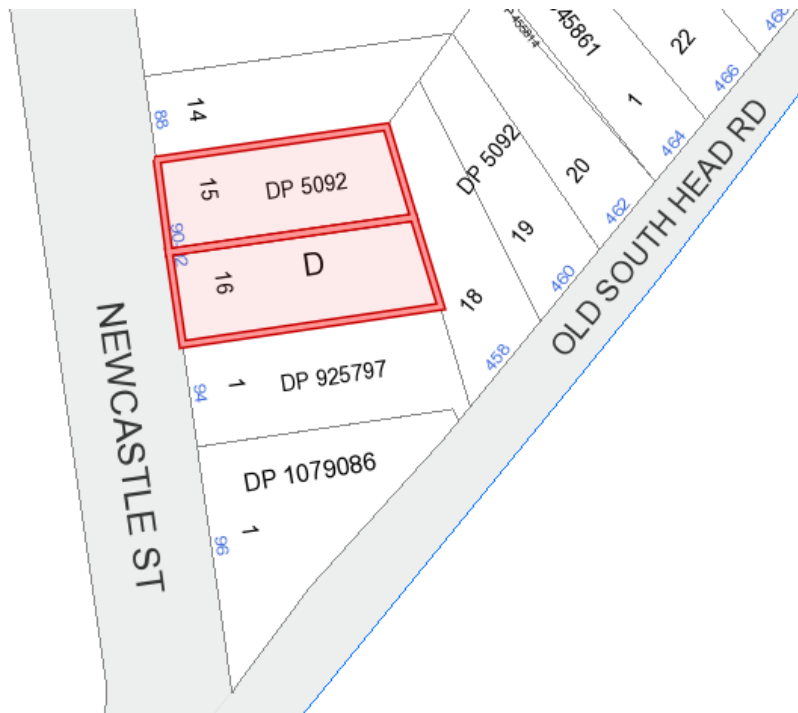


Figure 1: Cadastral map of St George Greek Orthodox Church, Rose Bay (Source: Woollahra Council GIS Maps)



Figure 2: 2018 aerial photograph of St George Greek Orthodox Church, Rose Bay (Source: Woollahra Council GIS Maps)



Figure 3: View looking north east to the main entrance porch, note arched openings and niche window above. (Source: Woollahra Council, 2022)



Figure 4: View looking south east across Newcastle Street towards the St George Greek Orthodox Church, note bell tower. (Source: Woollahra Council, 2022)



Figure 5: View of side fence of St George Greek Orthodox Church (Source: Woollahra Council, 2022)



Figure 6: View of sign at entrance of St George Greek Orthodox Church (Source: Woollahra Council, 2022)



Figure 7: View of plaque commemorating the dedication of the church as a war memorial (Source: Woollahra Council, 2022)



Figure 8: View of foundation stone of church (Source: Woollahra Council, 2022)



Figure 8. Internal, View of iconoclast. (Source: Woollahra Council, 2023)



Figure 9. Internal, view of mezzanine balcony. (Source: Woollahra Council, 2023)



Figure 10. Internal, view of triple-vaulted panelled ceiling and rear balcony. (Source: Woollahra Council, 2023)



Figure 11. Internal, furniture and elements in entry vestibule. (Source: Woollahra Council, 2023)

3. Existing planning controls

3.1. Woollahra Local Environmental Plan 2014

Table 2 below identifies the zone and key principal development standards that currently apply to the subject site under Woollahra LEP 2014.

No changes are proposed to these under this planning proposal.

Table 2: Summary of current development standards

Site	Zone	Maximum building height (m)	Floor space ratio
St George Greek Orthodox Church, Rose Bay	R3 Medium Density Residential Zone	10.5	1

3.1.1. Zoning Objectives

The objectives of the R3 Medium Density Residential zone are as follows:

- *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.*

3.1.2. Other LEP provisions

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

3.2. Woollahra Development Control Plan 2015

The *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) applies to the subject site. Any development proposals either on the site, or on an adjoining site, are required to address any relevant Woollahra DCP 2015 controls.

4. Objectives of planning proposal

The objective of the amendment to Woollahra LEP 2014 is to recognise the heritage significance of the subject site in the Woollahra LGA and provide it with statutory heritage protection.

The planning proposal will amend Schedule 5 and the Heritage Map of the Woollahra LEP 2014 to include the subject site listed below. The inclusion of this site as an item in Schedule 5 of Woollahra LEP 2014 will mean any future development proposals either on the subject site, or on any land within the vicinity, will need to consider the provisions of Clause 5.10 (5) of Woollahra LEP 2014. This will provide a statutory requirement for development proposals to consider the effects of proposed development on the heritage significance of this item.

Item	Address	Lot/DP
<i>St George Orthodox Church and War Memorial complex and setting, including interiors and moveable heritage</i>	90-92 Newcastle Street, Rose Bay	Lots 15 & 16, Sec D, DP5092

5. Explanation of provisions

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

- Insert a listing for the subject site 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 (8500_COM_HER_006) to identify one additional heritage item.

6. Justification

The planning proposal has strategic merit. The heritage significance of the subject site currently used as a place of worship has been established by the heritage assessment undertaken by Council staff (see separately circulated documents: *Heritage Study: Places of Worship, Woollahra LGA* (April 2023) and *Heritage Inventory Sheet - St George Orthodox Church* (July 2023)).

The heritage listings will provide ongoing protection and recognition of the heritage significance of this 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 found in the main report *Heritage Study: Places of Worship, Woollahra LGA* and the Heritage Inventory Sheet - St George Orthodox Church prepared by Council's Senior Heritage Officer. The report concluded that this site meets the criteria for listing as a local heritage item.

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

Yes. The objective is to recognise the heritage significance of the subject site and provide it with statutory heritage protection. The best means of achieving this objective is through an amendment to Woollahra LEP 2014 to list the subject site as a local heritage item. This is achieved through the planning proposal process.

Other options, such as adding site-specific objectives and controls to Woollahra DCP 2015, or including heritage conservation conditions to a potential 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 Regional Plan: A Metropolis of Three Cities*, particularly Objective 13: "Environmental heritage is identified, conserved and enhanced".

Identifying the subject site as a local heritage item will provide ongoing protection and recognition of its heritage significance.

Eastern City District Plan

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 this site will provide ongoing protection and recognition of the heritage significance of these items.

4. Will the planning proposal give effect to a Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Woollahra Local Strategic Planning Statement

Planning Priority 5 of the Woollahra Local Strategic Planning Statement is relevant:

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.

Community Strategic Plan, Woollahra 2032

The planning proposal is consistent with *Woollahra 2032 – Community Strategic Plan*. Notably, the planning proposal meets the following strategy within Goal 4 (Well-planned neighbourhoods) under the Social theme:

4.2 Conserving our rich and diverse heritage

Heritage listing of the subject site 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 not in-consistent with other relevant State or regional study or strategy.

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

Regarding *SEPP (Exempt and Complying Development Codes) 2008*, where an item is locally heritage listed (or is a draft item) on the Woollahra LEP 2014 Schedule 5, there are implications in terms of the extent of works that can be considered as exempt and complying development.

Refer to **Schedule 1** for an outline of consistency with all SEPPs.

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 as a result 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 items 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 the subject site against the criteria for 'cultural significance' as defined in the *Australia ICOMOS Burra Charter*, as meaning the historic, aesthetic, scientific, social or spiritual value for past, present or future generations.

The assessment found that this site meets a number of heritage criteria at a 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 the Woollahra LGA.

There will be potential economic implications relating to the need for heritage management documents (to accompany a development application) to assess and support future changes

to buildings, including new uses, alterations and modifications. With regards to development pathways, depending on the scale and impact of works, developments to local heritage items can be managed as:

- a development application process,
- a heritage works without consent application (under CI 5.10(3) of the Woollahra LEP 2014 for works with minor impacts or for maintenance only.

Furthermore, *SEPP (Exempt and Complying Development Codes) 2008* allows some work to local heritage items (with restrictions).

These additional heritage management and development approval processes will enable the needs of the landowner to be considered in conjunction with the conservation of the building and the impact of the proposed changes on the heritage significance of the building.

Therefore, it is considered that the planning proposal will have a positive social and economic effects because:

- Heritage listing will provide ongoing protection and recognition of the social heritage significance of these sites.
- Heritage listing will not preclude future development of the buildings which is undertaken in accordance with heritage requirements.
- The potential need for additional assessments and management documents to support development applications is necessary in order to provide the appropriate protection against impacts to significance.
- It is not anticipated that the planning proposal will have any negative social effect which need to be addressed as part of the proposal.

6.4. State and Commonwealth interests

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

Yes. The planning proposal involves the local heritage listing of the subject site and does not involve amendments to the planning controls that will facilitate intensified development.

Currently, all properties have access to adequate public infrastructure such as water, sewer, electricity and telephone services.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the subject site is suitable for the proposal of a local heritage listing in a residential zone.

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

Should the planning proposal proceed to public exhibition, consultation with the relevant public authorities will be carried out. These authorities will include, but are not limited to:

- Environment and Heritage Group, Department of Planning and Environment
- The National Trust of Australia (NSW).

Further consultation will take place with any other authorities identified by the Gateway Determination.

7. Mapping

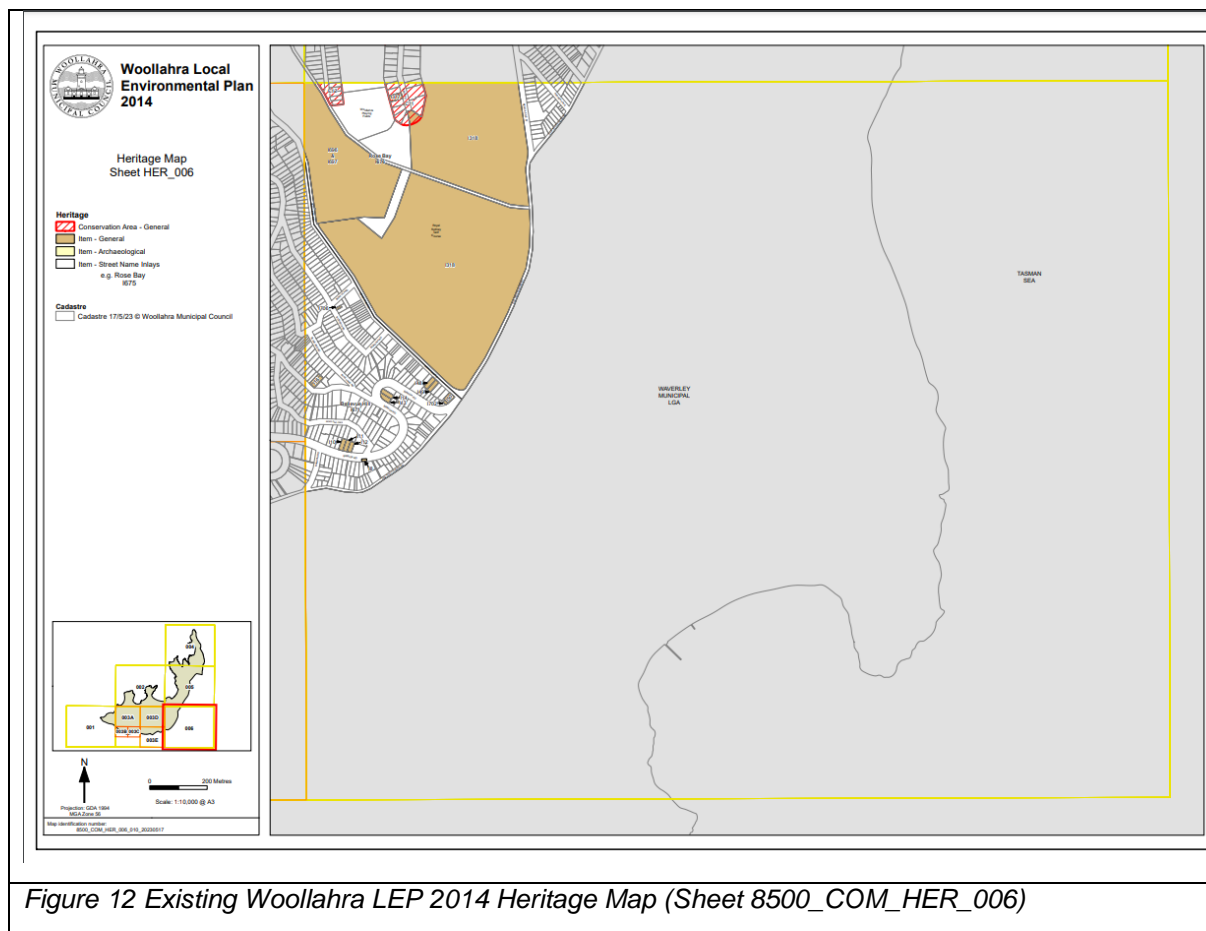
The planning proposal seeks to amend the Woollahra LEP 2014 Heritage Map (8500_COM_HER_006) by applying an “Item-General” classification to the following site:

An extract of the existing and proposed heritage maps are shown below. It should be noted that the heritage item numbers as shown are indicative only and will be subject to confirmation at the finalisation stage.

	Item	Address	Lot/DP	LEP Heritage Map Sheet No.
1	<i>St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable heritage</i>	90-92 Newcastle Street, Rose Bay	Lots 15 & 16, Sec D, DP 5092	8500_COM_HER_006

An extract of the existing and proposed heritage maps are shown in the following figures.

St George Greek Orthodox Church



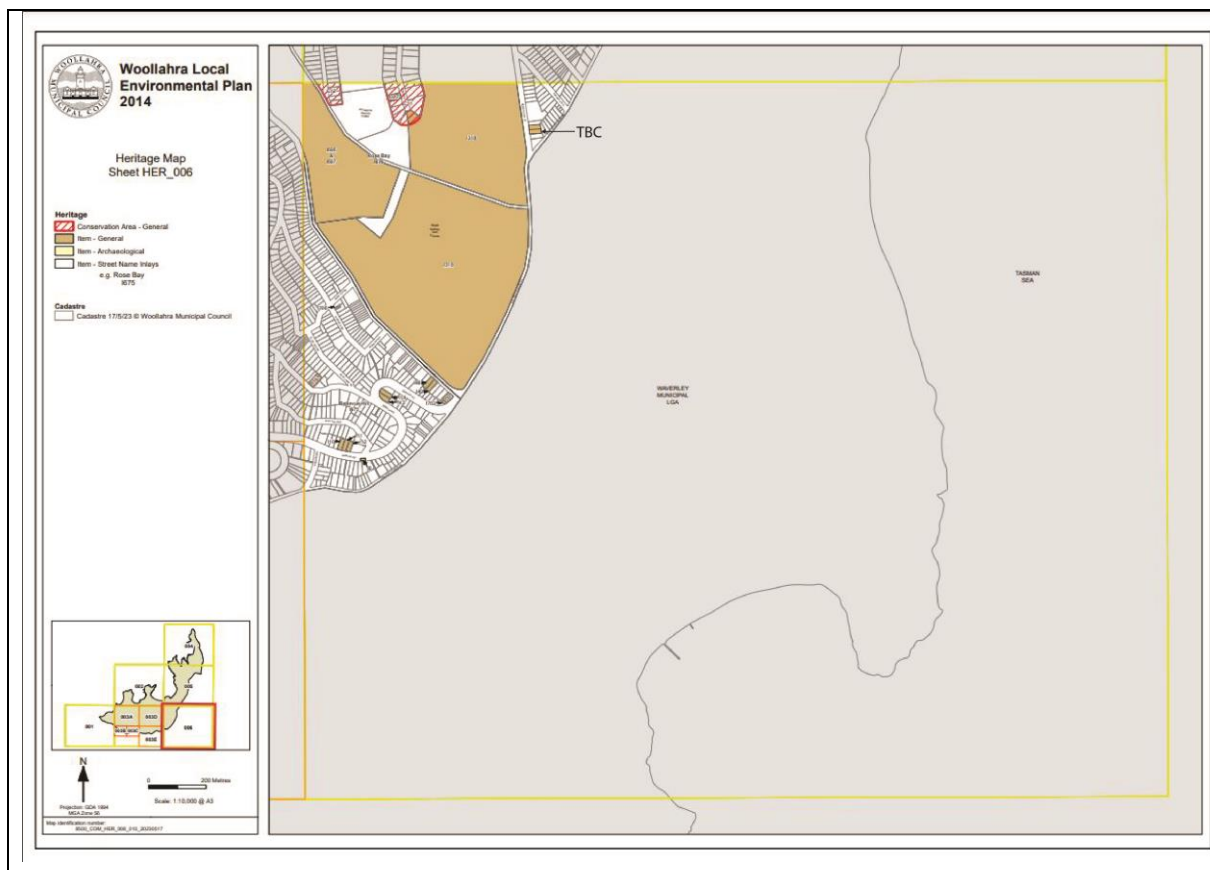


Figure 13 Proposed Woollahra LEP 2014 Heritage Map (Sheet 8500_COM_HER_006)

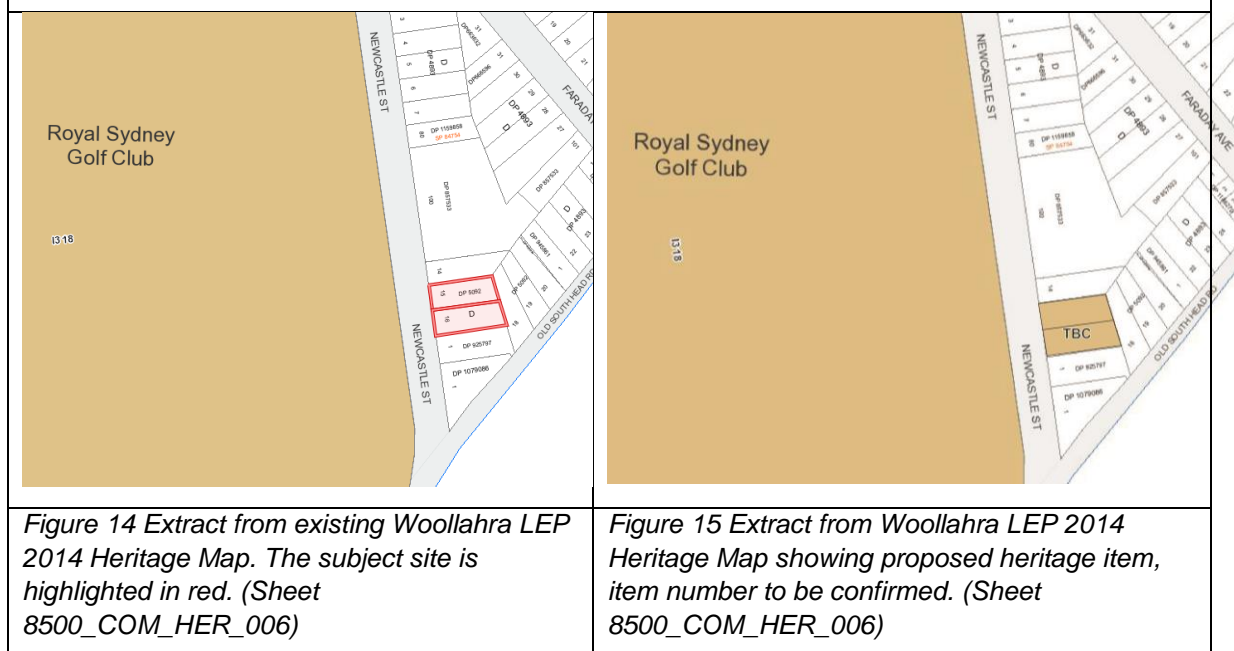


Figure 14 Extract from existing Woollahra LEP 2014 Heritage Map. The subject site is highlighted in red. (Sheet 8500_COM_HER_006)

Figure 15 Extract from Woollahra LEP 2014 Heritage Map showing proposed heritage item, item number to be confirmed. (Sheet 8500_COM_HER_006)

8. Community consultation

Public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2021*. It will also have regard to the other relevant plans and guidelines including the *Woollahra Community Participation Plan* (2019), 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,
- a notice on Council's website
- a letter to land owners in the vicinity of the subject site
- notice to local community, resident and business groups such as the Woollahra History and Heritage Society and the Vaucluse Progress Association.

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 and the heritage significance assessment)
- 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 Meeting	13 December 2022
Environmental Planning Committee recommends proceeding	6 March 2023
Council resolution to proceed	14 August 2023
Gateway determination	October 2023
Completion of technical assessment	Usually none required
Government agency consultation	November 2023
Public exhibition period	Same time as agency consultation
Submissions assessment	January 2024
Council assessment of planning proposal post exhibition	February 2024
Council decision to make the LEP amendment	March 2024
Council to liaise with Parliamentary Counsel to prepare LEP amendment	March 2024
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	April 2024
Notification of the approved LEP	May 2024

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies (SEPPs)

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 (Building Sustainability Index: BASIX) 2004	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. It is noted that where a property is locally heritage listed (or is a draft item) on the Woollahra LEP 2014 Schedule 5, there are implications in terms of the extent of works that can be considered as exempt and complying development.
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 No.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 (Planning Systems) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Eastern Harbour City) 2021	Applicable There are currently no identified state significant precincts located in the Woollahra LGA.
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.

**Schedule 2 – Compliance with section 9.1 directions (Directions by the Minister)
under the EP&AA Act**

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Planning systems	
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. The heritage listing of this property will provide ongoing protection of the heritage significance of these items.
1.2	Development of Aboriginal Land Council land	Not applicable. This planning proposal does not affect Aboriginal Land Council land.
1.3	Approval and referral requirements	The planning proposal seeks to heritage list one property in the Woollahra Local Government Area. 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
1	Planning systems – place based	
1.5 – 1.20	Implementation Plans	Not applicable. These plans do not apply to the Woollahra LGA.
2	Design and place	
3	Biodiversity and conservation	
3.1	Conservation zones	Applicable and consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2	Heritage conservation	Applicable and consistent. The planning proposal will not affect the significance of places with environmental heritage. The proposed Heritage listing of the property in the Woollahra LGA will provide ongoing protection and recognition of the heritage significance of this property.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
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.
3.6	Strategic Conservation Planning	Not applicable. The planning proposal does not apply to land identified as avoided land or a strategic conservation area under the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
4	Resilience and hazards	
4.1	Flooding	Not applicable. The planning proposal will not affect flood liable land.
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 and 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.
5	Transport and infrastructure	
5.1	Integrating land use and transport	<p>Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of:</p> <ul style="list-style-type: none"> • <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and • <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
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 and 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.
6	Housing	
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.
7	Industry and employment	
7.1	Business and industrial zones	Not applicable. The direction does not apply where sites are zoned for business or industry.
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.
8	Resources and energy	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
9	Primary production	
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.

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

Direction		Applicable/comment
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.