

Item No: R1 Recommendation to Council
Subject: **PLANNING PROPOSAL - 46 VAUCLUSE ROAD, VAUCLUSE - HERITAGE LISTING**
Author: Kristy Wellfare, Strategic Heritage Officer
Approver: Allan Coker, Director - Planning & Development
File No: 20/68505
Reason for Report: To report on the advice made to Council by the Woollahra Local Planning Panel.

To obtain Council's approval to proceed with the planning proposal to list the Inter-war Mediterranean style dwelling house, including its interiors, at 46 Vacluse Road, Vacluse, as a local heritage item in Woollahra Local Environmental Plan 2014

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 23 April 2020.
- B. THAT the planning proposal, as contained in **Annexure 5** of the report to the Environmental Planning Committee meeting on 11 May 2020 to list the Inter-war Mediterranean style dwelling house including its interiors at 46 Vacluse Road, Vacluse, as a local heritage item in *Woollahra Local Environmental Plan 2014*, be forwarded to the *Department of Planning, Industry and Environment* with a request for a gateway determination to allow public exhibition.
- C. THAT Council request the *Minister for Planning and Public Spaces* authorise Council as the local plan-making authority in relation to the planning proposal, to allow it to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

1. Background:

On 26 August 2019 the Council considered a notice of motion on the heritage protection of two F. Glynn Gilling properties and resolved:

- A. *THAT Council write to the Minister, the Hon. (Don) Donald Harwin, MLC, Special Minister of State, Minister for Public Services and Employee Relations, Aboriginal Affairs and Arts, to ask him to make an Interim Heritage Order (IHO) under section 24(1) of the Heritage Act 1977 in respect of the properties at 30 Wyuna Road, Point Piper and 46 Vacluse Road, Vacluse.*
- B. *THAT Council request the Director Planning & Development to prepare an urgent report to the Environmental Planning Committee which assesses the heritage significance of the property at 30 Wyuna Road, Point Piper.*
- C. *THAT part A and part B of this resolution remain confidential along with the legal advice tabled via the late correspondence from the Director Planning & Development.*

In response to Part B, an assessment of heritage significance of the Inter-war Mediterranean style dwelling house at 46 Vacluse Road, Vacluse was prepared by Kristy Wellfare (Strategic Heritage Officer, Woollahra Council).

On 17 February 2020 a report was considered by the *Environmental Planning Committee* (EPC) (*Annexure 1*)¹ recommending the property be listed as a heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). On 24 February 2020 Council resolved the following:

- A. *THAT a planning proposal be prepared to list the property at 46 Vacluse Road, Vacluse as a heritage item in Woollahra Local Environmental Plan 2014.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- C. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*

2. Planning proposal

A planning proposal was prepared in accordance with the Council's decision of 24 February 2020. The objective of the amendment to the Woollahra LEP 2014 is to recognise the heritage significance of the house and interiors at 46 Vacluse Road, Vacluse, and provide it with statutory heritage protection.

3. Woollahra Local Planning Panel advice

The matter was referred to the *Woollahra Local Planning Panel* (LPP) on 23 April 2020 for advice. The Panel considered a report on the planning proposal (see *Annexure 2*)² and was provided with additional reports and late correspondence by the owner's heritage consultants. This comprised a heritage assessment report by Weir Phillips Heritage and Planning (*Annexure 3*) and a peer review report by Julie Marler of Phillips Marler of the heritage assessment undertaken to date by Council and Weir Phillips (*Annexure 4*). The consultant Julie Marler was engaged by the property owner. The Panel provided the following advice to Council:

- A. *Proceed with the planning proposal to list the Inter-war Mediterranean style dwelling house at 46 Vacluse Road, Vacluse, and its interiors, (House and interiors) as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- B. *Forward the planning proposal to the Department of Planning, Industry and Environment to list the House and interiors at 46 Vacluse Road, Vacluse as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014, requesting a gateway determination to allow public exhibition.*
- C. *Request delegation from the Department of Planning, Industry and Environment in relation to the planning proposal, to carry out the plan-making functions of the Minister for Planning and Public Spaces under section 3.36 of the Environmental Planning and Assessment Act 1979.*

¹ The annexure to the EPC report has been removed. The updated heritage assessment report and updated draft heritage data form are provided in **Annexure 6** to this report.

² The annexures to the Woollahra LPP report have been removed. The updated draft heritage assessment report and draft heritage data form are provided in **Annexure 6** to this report.

Subsequent to the meeting of the Woollahra LPP of 23 April 2020, the planning proposal has been updated to refer to the Panel's advice. The updated planning proposal is provided in **Annexure 5**. The Assessment of Heritage Significance has also been amended to address typographical errors and to include information in relation to a 1949 fire as provided by Weir Phillips in their submission (**Annexure 6**). The heritage data form has also been updated to refer to the fire (**Annexure 6**).

4. Next steps

Subject to the Council's decision, the planning proposal will be referred to the Department of Planning, Industry and Environment (the Department) for a gateway determination. This will allow the planning proposal to be placed on public exhibition.

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by the Department as delegate for the Minister. The gateway determination will specify the minimum duration of the public exhibition period. This period is usually a minimum of 28 days, which is consistent with Council's standard practice for the exhibition of a planning proposal.

Public notification of the exhibition will comprise:

- A notice on Council's website.
- A letter to the land owner of the site.
- A letter to land owners adjoining and in the vicinity of the site.






To streamline the plan-making process, the Minister can delegate some plan-making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act. Part C of the recommendation for this report deals with this request.

5. Conclusion

An assessment of heritage significance undertaken by the Council's Strategic Heritage Officer has concluded that the house and interiors at 46 Vacluse Road, Vacluse satisfies the relevant criteria in the document titled *Assessing Heritage Significance, 2001*, to warrant listing as a local heritage item. Accordingly, the heritage significance of the house and interiors at 46 Vacluse Road, Vacluse should be recognised and conserved through listing as a local heritage item in Schedule 5 of *Woollahra LEP 2014*. On 23 April 2020, the WLPP provided advice to Council that it supports the planning proposal and its submission to the Minister.

The Council may now proceed with referring the planning proposal to the Department requesting a gateway determination to allow public exhibition.

Annexures

1. EPC Report - 17 February 2020 - 46 Vacluse Road, Vacluse [!\[\]\(e1bdc70a9006e3802acd56af7aa337d8_img.jpg\)](#) 
2. WLPP Report - 23 April 2020 - 46 Vacluse Road, Vacluse [!\[\]\(78e56d5e55225fd4f2631cbf51155cb8_img.jpg\)](#) 
3. Weir Phillips Heritage Assessment Report - March 2020 [!\[\]\(c6f6d57a129076a6832f54877ae1bdb5_img.jpg\)](#) 
4. Phillips Marler peer review report of heritage assessments - 21 April 2020 [!\[\]\(7fcd9557c4055881064cd6de77489589_img.jpg\)](#) 
5. Draft Planning Proposal - 46 Vacluse Road, Vacluse - Heritage Listing [!\[\]\(3da9697063a3c19207f929d580a764d3_img.jpg\)](#) 
6. Draft Heritage Significance Assessment - 46 Vacluse Road, Vacluse [!\[\]\(5b362f4f9408afb0d4c660b8c4824e79_img.jpg\)](#) 