

# Planning Proposal



## **Local Heritage Listing** **46 Vaocluse Road, Vaocluse**

Prepared March 2020

(Updated 4 September 2020)





# Table of Contents

<b>1.</b>	<b>Introduction .....</b>	<b>5</b>
1.1.	Background .....	5
1.2.	Description of this planning proposal .....	5
1.3.	Assessment of heritage significance .....	6
1.4.	Statement of heritage significance .....	8
1.5.	Recommended heritage listing .....	9
1.6.	Recommended management .....	9
<b>2.</b>	<b>Existing site and surrounding context .....</b>	<b>10</b>
2.1.	The site .....	10
2.2.	Existing context .....	12
<b>3.</b>	<b>Existing planning controls .....</b>	<b>15</b>
<b>4.</b>	<b>Objectives of planning proposal .....</b>	<b>15</b>
<b>5.</b>	<b>Explanation of provisions .....</b>	<b>15</b>
<b>6.</b>	<b>Justification .....</b>	<b>16</b>
6.1.	Need for planning proposal .....	16
6.2.	Relationship to strategic planning framework .....	17
6.3.	Environmental, social and economic impact .....	18
6.4.	State and Commonwealth interests .....	18
<b>7.</b>	<b>Mapping .....</b>	<b>20</b>
<b>8.</b>	<b>Community consultation .....</b>	<b>21</b>
8.1.	Consultation with landowner .....	21
8.2.	Public exhibition .....	21
<b>9.</b>	<b>Project timeline .....</b>	<b>22</b>
<b>Schedules</b>	<b>.....</b>	<b>23</b>
Schedule 1 – Consistency with state environmental planning policies .....		23
Schedule 2 – Compliance with section 9.1 directions .....		28
<b>Supplementary material (Separately attached) .....</b>		<b>31</b>



# 1. Introduction

## 1.1. Background

On 26 August 2019 Council considered a notice of motion on the heritage protection of two buildings designed by the architect F. Glynn Gilling 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 Vaocluse Road, Vaocluse.*
- 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*

On 17 February 2020, a report responding to Part B of this resolution regarding the heritage listing of the Inter-war Mediterranean style dwelling house at 46 Vaocluse Road, Vaocluse was presented to the *Environmental Planning Committee* and on 24 February 2020, Council resolved the following:

- A. *THAT a planning proposal be prepared to list the property at 46 Vaocluse Road, Vaocluse 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.*

On 23 April 2020, the matter was referred to the Woollahra Local Planning Panel for advice. The Panel resolved to advise Council to:

- A. *Proceed with the planning proposal to list the Inter-war Mediterranean style dwelling house at 46 Vaocluse Road, Vaocluse, 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 Vaocluse Road, Vaocluse 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.*

The planning proposal was submitted to the *Department of Planning, Industry and the Environment (DPIE)* for a gateway determination and on 21 August 2020, the gateway

approval was issued by the DPIE. All amendments required by the conditions of the gateway approval have been incorporated into this amended planning proposal document.

## 1.2. Description of this planning proposal

This planning proposal is made in relation to an Inter-war Mediterranean style dwelling house located at 46 Vacluse Road, Vacluse.

The objective of the planning proposal is to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014), to list 46 Vacluse Road, Vacluse as a heritage item in Schedule 5. Heritage listing of this property will ensure recognition of its significance, as well as protection through ensuring any future modification proposals are assessed against heritage provisions in the Woollahra LEP 2014.

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 two documents prepared by the formerly named NSW Department of Planning and Environment (now known as the NSW Department of Planning, Industry and Environment) titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

The requirements for a planning proposal are provided in sections 2 to 9 as follows:

- Existing site and surrounding context
- Existing planning controls
- Objective of planning proposal
- Explanation of provisions
- Justification
- Mapping
- Community consultation
- Project timeline

## 1.3. Assessment of heritage significance

In response to Council's decision a Heritage Significance Assessment of 46 Vacluse Road, Vacluse, was prepared by Kristy Wellfare (Strategic Heritage Officer, Woollahra Council).

The assessment of heritage significance was undertaken in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001. 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 a 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 possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

**Criterion (g) - Representative**

An item is important in demonstrating the principal characteristics of a class 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.

A copy of the assessment prepared by Kristy Wellfare (Strategic Heritage Officer, Woollahra Council), which includes the assessment against all criteria, is attached separately.

Table 1 below provides a summary of the assessment of the heritage significance of 46 Vacluse Road, Vacluse against the seven criteria, at the local and State levels.

*Table 1: NSW Heritage assessment criteria summary*

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(a)	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)	✓	✗

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(b)	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)	✓	x
(c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)	✓	x
(d)	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	x	x
(e)	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)	May fulfil criterion	x
(f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	x
(g)	<p>An item is important in demonstrating the principal characteristics of a class of NSW's</p> <ul style="list-style-type: none"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.</li> </ul> <p>or a class of the local area's</p> <ul style="list-style-type: none"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.</li> </ul>	✓	x

#### 1.4. Statement of heritage significance

*Number 46 Vacluse Road, Vacluse is a rare example of an Inter-war Mediterranean style dwelling house arising from the innovatively designed alterations and additions by prominent architect F. Glynn Gilling of Joseland & Gilling for a site within the former Vacluse Estate.*

*The dwelling house is a fine example of its type and includes original interior and exterior design detailing that is representative of the key elements of the Inter-war Mediterranean style. The informal massing of lightly textured rendered walls beneath a pitched tiled roof with sub-gable, formal entrance treatment using synthetic stone detailing, classical motifs, sweeping main stair with wrought iron balustrades [balustrade removed c.March 2019] and window detailing are skilfully combined to create a light and restrained residence that is carefully situated within its landscaped setting.*

*Demonstrative of its importance, 46 Vacluse Road is featured in the publication "Domestic Architecture in New South Wales, Australia: Illustrating the work of F. Glynn*



*Gilling” by E. Lindsay Thompson. This book includes works by F. Glynn Gilling that are described as “the cream of F. Glynn Gilling’s domestic work which, incidentally, comprises some of the finest houses in New South Wales”. The property also has a degree of technical significance through the opportunity to research methods of Inter War detailing first hand. Number 46 Vacluse Road, Vacluse is of local heritage significance for historical, aesthetic, associative, rarity, and representative significance, and has research significance potential. The subsequent alterations and additions have been mostly carried out in a sympathetic manner and have been mostly confined to the rear and the service areas of the building, with key elements and spaces of the building remaining partly intact. Subsequent phases of building works have been mostly concentrated at the rear of the Gilling scheme and have not diminished the associative or representative significance of the site, which remains recognisable as a Gilling design in the Inter-war Mediterranean style.*

(31 January 2020: Kristy Welfare, Strategic Heritage Officer, Heritage Significance Assessment, p.101)

### **1.5. Recommended heritage listing**

The heritage assessment/inventory sheet provides the following recommendations:

*The assessment recommends the listing of 46 Vacluse Road, Vacluse and its interiors as a local heritage item in Schedule 5 of Woollahra LEP 2014. The report concluded that 46 Vacluse Road, Vacluse does not meet the threshold for State heritage listing.*

### **1.6. Recommended management**

The heritage assessment/inventory sheet provides the following recommendations:

*It is recommended to manage the Inter-war Mediterranean style dwelling house at 46 Vacluse Road, Vacluse and its significant components in accordance with the Woollahra LEP 2014 and Burra Charter Principles.*

*It is recommended that all future proposals for modifications to the building should respect the form and style of the building. All remaining intact fabric on the external facades and intact interiors such as the ground floor level dining room should be retained and conserved, and elements recently removed or damaged such as wrought iron balustrading, mantle hood and supports, and skirtings/architraves, decoration etc be restored or reconstructed in accordance with Burra Charter principles. There should be no additions or alterations to the Vacluse Road elevations except to return the building to a prior known state, and the exterior colour scheme, including lightly textured light rendered walls and woodwork and multicoloured pantile roof, is to be retained. It is recommended that future development be carried out in accordance with a conservation management document, and that detailed internal and external photographic record be made and lodged with Woollahra Council and the Local Historical Association.*

*The impact of future works on the heritage significance of the building are to be assessed against the relevant heritage provisions of the Woollahra LEP 2014 and in accordance with the Heritage Council of NSW publication ‘Statements of Heritage Impact’ as contained in the NSW Heritage Manual. Proposed works are to be guided by the conservation principles and guidelines of the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter) 2013.*

## 2. Existing site and surrounding context

### 2.1. The site

This planning proposal concerns a part two-storey and part three-storey Inter-war Mediterranean style dwelling house at 46 Vacluse Road, Vacluse (refer to Figure 1). The site is located in the Woollahra Local Government Area (LGA) and is legally identified as Lot A in DP 367302. The site is regular in shape, 1710m<sup>2</sup> in area, with a frontage of 32.004m to Vacluse Road, a rear boundary of 31.96m and a depth of between 52.330m and 54.42m.

The site is the subject of an Interim Heritage Order (IHO) issued by the Minister under Section 24 of the *Heritage Act 1977* as published in NSW Government Gazette No. 165 of 6 December 2019, p.5406.



Figure 1: Partial view of the subject dwelling house at 46 Vacluse Road, Vacluse. (Source: WMC Officer, 2020)





Figure 2: 2018 aerial photograph of site (Source: Woollahra Council GIS Maps)



Figure 3: Cadastral map of site (Source: Woollahra Council GIS Maps)

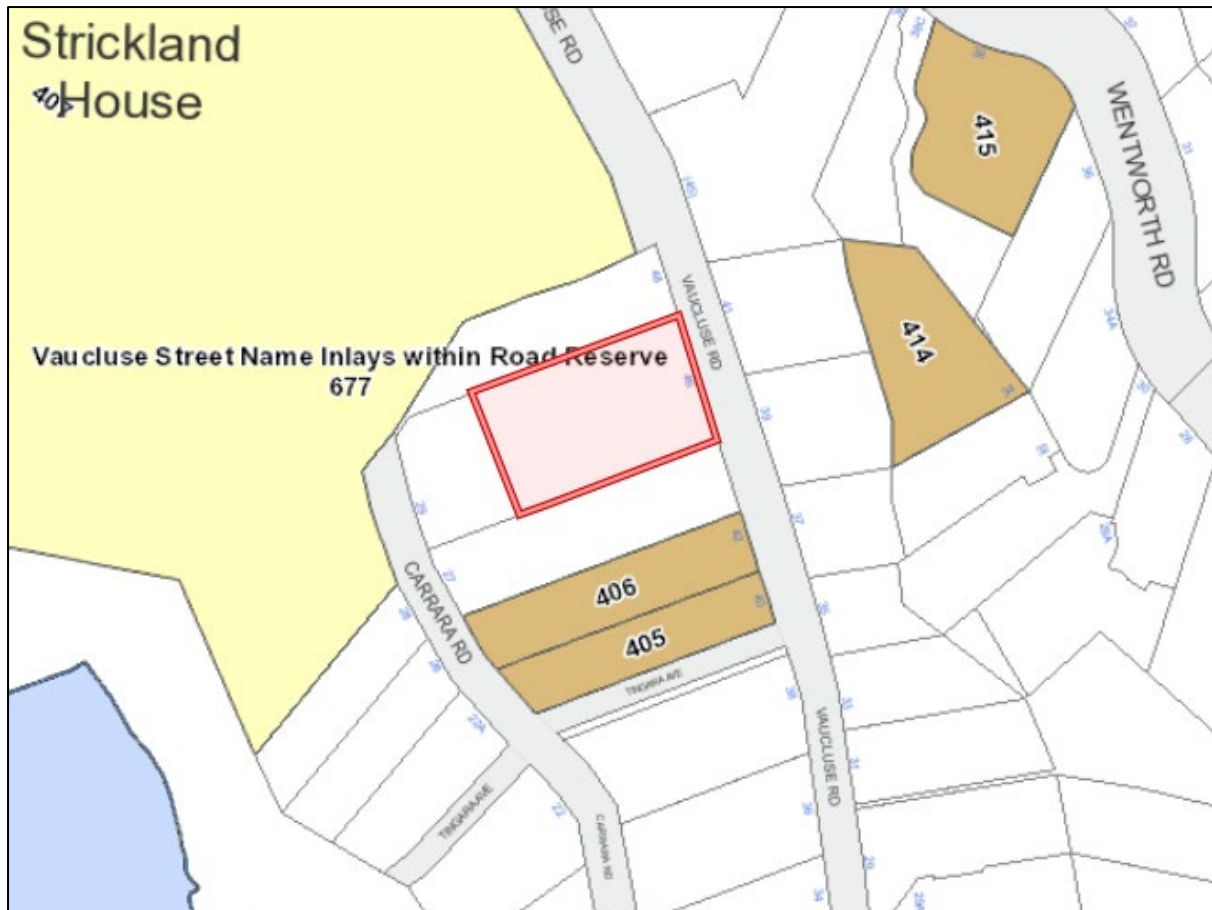


Figure 4: Cadastral map indicating the location of nearby heritage items as listed under Schedule 5 of the Woollahra LEP 2014. 46 Vacluse Road is outlined in red. (Source: Woollahra Council GIS Maps)

## 2.2. Existing context

The site is located within an established low-density residential area of predominantly two storey dwelling houses of varying ages and styles. Development on adjoining sites consists of two and three storey dwelling houses of varying ages and styles including a part two storey and part three storey contemporary curvilinear dwelling house at 48 Vacluse Road to the north (**Figure 5**), a contemporary two storey dwelling house to the south on the site known as 27 Carrara Road, and a post war era dwelling house to the rear (west) of the site at 29 Carrara Road (**Figure 6**).





*Figure 5: 48 Vaucluse Road, Vaucluse, October 2017. (Source: Google Street View)*



*Figure 6: 27 Carrara Road, October 2017. (Source: Google Street View)*





*Figure 7: 29 Carrara Road, Vacluse. (Source: WMC Officer, December 2019)*

### 3. Existing planning controls

The site is subject to existing planning controls within the Woollahra LEP 2014, relating to land zoning, height of building, minimum lot size and acid sulfate soils. These are as follows:

Table 2: Existing planning controls

	Land Use Zone	Height of Building	Minimum Lot Size	Acid Sulfate Soils
<b>46 Vaucluse Road, Vaucluse</b>	R2: Low Density Residential	9.5m	675m <sup>2</sup>	Class 5

The site and the neighbouring sites are zoned R2 Low Density Residential in the Woollahra LEP 2014. The Objectives for the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

The dwelling house at 46 Vaucluse Road, Vaucluse and its interiors are not currently listed as a State or local heritage item, and therefore are not subject to the controls outlined in Clause 5.10 (Heritage Conservation) in the Woollahra LEP 2014. The site is the subject of an Interim Heritage Order and is therefore subject to the applicable provisions of the *Heritage Act 1977*.

### 4. Objectives of planning proposal

The objective of the planning proposal is to amend Part 1 (Heritage items) under Schedule 5 (Environmental Heritage) of the Woollahra LEP 2014, to list the house at 46 Vaucluse Road, Vaucluse and its interiors as a local heritage item. Heritage listing of this property will ensure recognition of its significance, as well as protection through ensuring any future modification proposals are assessed against heritage provisions in the Woollahra LEP 2014.

### 5. Explanation of provisions

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

- Insert a listing for *House and interiors* at 46 Vaucluse Road, Vaucluse, 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\_005) to identify a heritage item on the site of the 46 Vaocluse Road, Vaocluse.

## 6. Justification

The planning proposal has strategic merit and the key reasons to amend Woollahra LEP 2014 are that:

- The inclusion on 46 Vaocluse Road, Vaocluse as a local heritage item in Schedule 5 will ensure its recognition as a rare example of major alterations carried out by F. Glynn Gilling in the Inter-war Mediterranean style within the Woollahra municipality, as well as its ongoing protection.

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 any strategic study or report?

Yes. The planning proposal is the result of the recommendations found in the heritage assessment report/Heritage Inventory Sheet, prepared by Kristy Wellfare (Strategic Heritage Officer, Woollahra Council). The report concluded that 46 Vaocluse Road, Vaocluse meets the criteria for listing as a local heritage item. The report recommended that:

*The Interwar Mediterranean style dwelling house at 46 Vaocluse Road, Vaocluse on Lot A in DP 367302 be added to the heritage schedule of the Woollahra LEP 2014 as an item of local heritage significance. This is to be based on the attached Heritage Inventory sheet. It is to be described as: House and interiors.*

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

The objective of the planning proposal is to ensure recognition of the heritage significance of the site, as well as achieve a level of protection through ensuring any future modification proposals are assessed against heritage provisions in the Woollahra LEP 2014. The planning proposal seeks to amend Part 1 (Heritage items) under Schedule 5 (Environmental Heritage) of the Woollahra LEP 2014, to list the house at 46 Vaocluse Road, Vaocluse and its interiors as a local heritage item. 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 to *Woollahra Development Control Plan 2015*, or including heritage conservation conditions to a potential development consent will not provide the same level of heritage protection and recognition. Without the listing, the structures may be demolished under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.



## 6.2. Relationship to strategic planning framework

### 3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy 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 actions of the *Eastern City District Plan* (2018), as discussed below.

#### **Greater Sydney Regional 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(s) Objective 13: Environmental heritage is identified, conserved and enhanced.

Identifying 46 Vaucluse Road, Vaucluse as a local heritage item, will allow the appropriate conservation of the property into the future.

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

The planning proposal is generally consistent with the actions of the *Eastern City District Plan*, particularly action(s) 20 and 63 by:

- Identifying, conserving and enhancing the environmental heritage of the local area through:
  - engaging with the community early to understand heritage values
  - enhancing the interpretation of heritage to foster distinctive local places
  - managing the cumulative impact of development on the heritage values and character of places
- Identifying and protecting scenic and cultural landscapes.

### 4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. The planning proposal is consistent with the Council's Community Strategic Plan titled *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, including significant architecture and the natural environment.*

The planning proposal is consistent with the *Woollahra Local Strategic Planning Statement* (LSPS), which was supported by the Greater Sydney Commission and adopted by Council and came into effect on 31st March 2020. In particular, the planning proposal is consistent with Planning Priority 5 under the theme of Liveability:

#### *Planning Priority 5 Conserving our rich and diverse heritage*

**5. 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**).

**6. 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**

**7. 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.

**8. 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 for 46 Vacluse Road, Vacluse and its interiors, 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.

**9. Has the planning proposal adequately addressed any social and economic effects?**

Yes. The heritage assessment / inventory sheet considered 46 Vacluse Road, Vacluse and its interiors 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 46 Vacluse Road, Vacluse and its interiors hold heritage significance at the local level.

**6.4. State and Commonwealth interests**

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

Yes. The planning proposal involves the local heritage listing of 46 Vacluse Road, Vacluse and does not involve amendments to planning controls that would facilitate intensified development.

Currently, the two-storey residential dwelling has access to adequate public infrastructure such as water, sewer, electricity and telephone services. The site's closest access to transport services is on Vaocluse Road.

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

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

#### **11. 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:

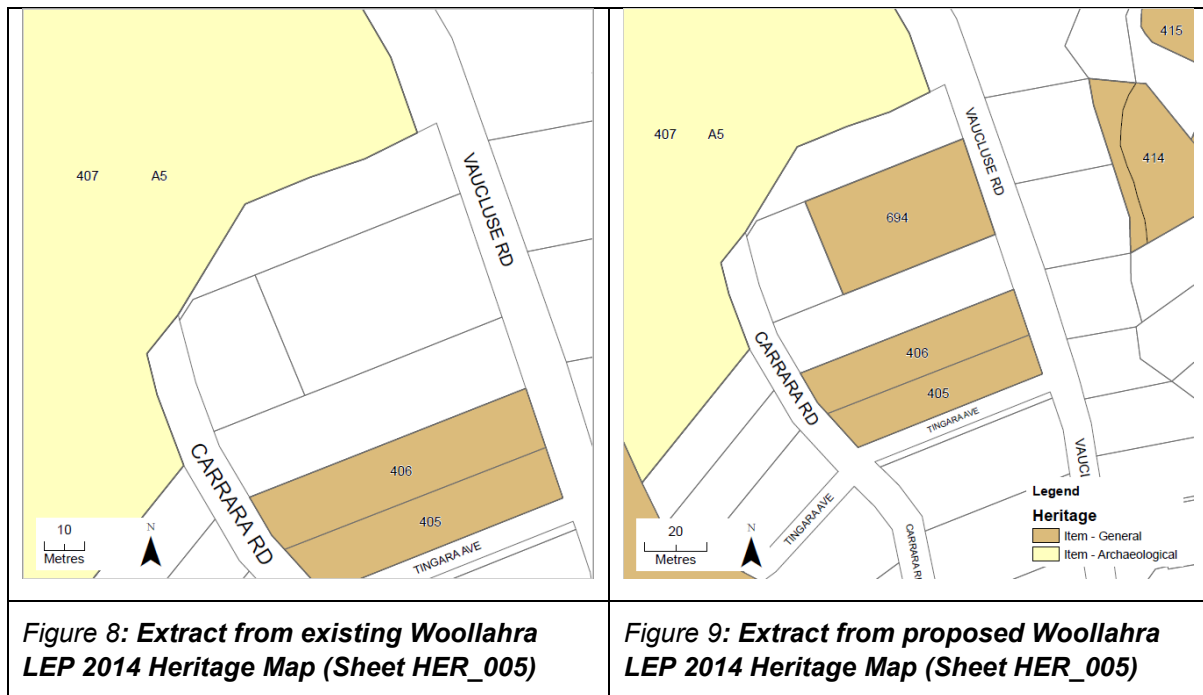
- Heritage NSW, Department of Premier and Cabinet.
- National Trust of NSW.

Any other authorities identified by the Greater Sydney Commission and Department of Planning, Industry and the 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\_005) by applying an “Item – General” classification to 46 Vacluse Road, Vacluse.

An extract of the existing and proposed heritage maps are shown in Figure 8 and Figure 9. Note: the heritage item number in the proposed mapping is indicative only, and will be confirmed upon the finalisation of the proposal;



## 8. Community consultation

### 8.1. Consultation with landowner

Formal consultation with the land owner on the contents of the Assessment of Heritage Significance was not carried out prior to the EPC meeting of 17 February 2019. However, the owners were notified on the EPC Meeting of 17 February 2020 where the Assessment of Heritage Significance was considered and of the Woollahra Local Planning Panel Meeting of 23 April 2020.

In progressing the planning proposal, consultation with the owner will be undertaken consistent with Act and the *Environmental Planning and Assessment Regulation 2000*.

### 8.2. Public exhibition

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000* and in accordance with Council's notification and exhibition arrangements during the COVID-19 pandemic.

In accordance with condition 2(a) of the gateway determination, the planning proposal is to be exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- a weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period (when available).
- a notice on Council's website,
- a letter to the land owner of the site,
- a letter to land owners in the vicinity of the site,
- local community groups such as the Vacluse Residents' 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 the heritage significance assessment and relevant Council reports).

## 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
Council Notice of Motion	29 August 2019
Interim Heritage Order issued by the Minister administering the <i>Heritage Act 1977</i>	6 December 2019
Environmental Planning Committee recommends proceeding	17 February 2020
Council resolution to proceed	24 February 2020
Local Planning Panel provides advice	23 April 2020
Gateway determination	21 August 2020
Completion of technical assessment	Usually none required
Government agency consultation	September 2020
Public exhibition period	September-October 2020
Submissions assessment	October 2020
Council assessment of planning proposal post exhibition	February 2021
Council decision to make the LEP amendment	February 2021
Council to liaise with Parliamentary Counsel to prepare LEP amendment	March 2021
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	March 2021
Notification of the approved LEP	April 2021

## Schedules

### Schedule 1 – Consistency with state environmental planning policies

State Environmental Planning Policy	Comment on consistency
SEPP No 19 – Bushland in Urban Areas	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 – Manufactured Home Estates	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 55 – Remediation of Land	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 64 – Advertising and Signage	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

<b>State Environmental Planning Policy</b>	<b>Comment on consistency</b>
SEPP No 65 – Design Quality of Residential Apartment Development	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>See section 6.3 of the planning proposal for more information.</p>
SEPP No 70 – Affordable Housing (Revised Schemes)	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Aboriginal Land) 2019	Not applicable.
SEPP (Activation Precincts) 2020	Not applicable.
SEPP (Affordable Rental Housing) 2009	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Building Sustainability Index: BASIX) 2004	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Coastal Management) 2018	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Concurrences and Consents) 2018	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Educational Establishments and Child Care Facilities) 2017	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Exempt and Complying Development Codes) 2008	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>



<b>State Environmental Planning Policy</b>	<b>Comment on consistency</b>
SEPP (Gosford City Centre) 2018	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure) 2007	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Koala Habitat Protection) 2019	Not applicable
SEPP (Kosciusko National Park – Alpine Resorts) 2007	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Infrastructure Corridors) 2020	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Primary Production and Rural Development) 2019	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State and Regional Development) 2011	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State Significant Precincts) 2005	Applicable  There are currently no identified state significant sites located in the Woollahra Municipality.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable

<b>State Environmental Planning Policy</b>	<b>Comment on consistency</b>
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	There are currently no potential urban renewal precincts in the Woollahra Municipality which are identified in the SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

<b>Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies</b>	<b>Comment on consistency</b>
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP (Sydney Harbour Catchment) 2005	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>The planning proposal applies to land within the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during its preparation. The planning proposal is consistent with the principles.</p> <p>The site is not land in the Foreshores and Waterways Area, therefore the principles of clause 13 Foreshores and Waterways Area are not applicable to this planning proposal.</p>

## Schedule 2 – Compliance with section 9.1 directions

Note any inconsistencies that are considered to be minor here for DPE and in the introduction to the PP and 6.2 question 6.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>1</b>	<b>Employment and resources</b>	
1	Business and industrial zones	Not applicable. The site is not zoned for business or industry.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
<b>2</b>	<b>Environment and heritage</b>	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal management	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Applicable. Consistent. Heritage listing of the <i>House and interiors</i> at 46 Vacluse Road, Vacluse will provide ongoing protection and recognition of the heritage significance of the item.
2.4	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.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
2.6	Remediation of Contaminated Land	Not applicable. The planning proposal does not seek to alter the zoning or the uses of the site. Notwithstanding this, the planning proposal will not affect the application or operation of any legislation or planning instrument pertaining to managing land contamination or investigation thereof on the subject site.

<b>3</b>	<b>Housing, infrastructure and urban development</b>	
3.1	Residential zones	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not affect caravan parks and manufactured home estates.
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.
3.4	Integrating land use and transport	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
3.5	Development near regulated airports and defence airfields	Not applicable. This planning proposal will not create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
3.7	Reduction in Non-Hosted Short Term Rental Accommodation Period	Not applicable. This direction applies on the Byron Shire Council local government area only.
<b>4</b>	<b>Hazard and risk</b>	
4.1	Acid sulfate soils	Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.2	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.
4.3	Flood prone land	Not applicable. The planning proposal does not apply to land within a flood planning area.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
<b>5</b>	<b>Regional planning</b>	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.

5.10	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.  Heritage listing of the <i>House and interiors</i> at 46 Vacluse Road, Vacluse will provide ongoing protection and recognition of the heritage significance of the item.  Refer to Section 6.2 of this report and direction 7.1 of this table.
5.11	Development of Aboriginal Land Council Land	Not applicable. The planning proposal does not apply to land identified in State Environmental Planning Policy (Aboriginal Land) 2019
<b>6</b>	<b>Local plan making</b>	
6.1	Approval and referral requirements	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
6.2	Reserving land for public purposes	Not applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Not applicable. The planning proposal does not allow a particular development to be carried out.
<b>7</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of <i>A Metropolis of Three Cities</i> (March 2018)	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.  Heritage listing of the <i>House and interiors</i> at 46 Vacluse Road, Vacluse will provide ongoing protection and recognition of the heritage significance of the item.  Refer to section 6.2 of this report and direction 5.10 of this table.
7.2 – 7.10	Strategies 7.2-7.10	Not applicable. These strategies do not apply to land within the Woollahra LGA.

## **Supplementary material (Separately attached)**

- **Assessment of Heritage Significance for 46 Vaocluse Road, Vaocluse** – Kristy Welfare (Strategic Heritage Officer, Woollahra Council) – 31 January 2020 (Updated 28 April 2020)
- **Environmental Planning Committee Report (17 February 2020)**