

Planning Services

Gateway determination report

LGA	Woollahra
PPA	Woollahra Municipal Council
NAME	Proposal to list Dunara Reserve, Point Piper as a local heritage item (0 homes, 0 jobs)
NUMBER	PP_2018_WOOLL_002_00
LEP TO BE AMENDED	Woollahra Local Environmental Plan 2014
ADDRESS	Between 1 Wentworth Street and 9 Dunara Gardens, Point Piper
DESCRIPTION	Lot 11 DP 27451
RECEIVED	6 November 2018
FILE NO.	IRF18/6138
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal seeks to amend Woollahra Local Environmental Plan 2014 (WLEP2014) to list Dunara Reserve, Point Piper as a new heritage item by listing it in Schedule 5 Environmental heritage and amending the Heritage Map.

The listing of the site as a heritage item of local significance is consistent with the outcomes of a heritage significance assessment undertaken by Betteridge Heritage.

Site description

The subject site is described as Dunara Reserve and is located between the properties at 1 Wentworth Street and 9 Dunara Gardens, Point Piper. The site does not have a street address but is legally described as Lot 11 DP 27451 (**Figure 1**).

The site is owned by Woollahra Municipal Council and is classified as community land under the *Local Government Act 1993*. The site contains a range of exotic and native trees including a mature Cook Pine which is identified as a local heritage item (Item No. 277) in WLEP2014 and is included on Council's Significant Tree Register (**Figure 2**).

The site is irregular in shape and has a site area of approximately 402m². The site falls approximately 4 metres from its west boundary at Wentworth Street to its south east boundary adjoining 1 Dunara Gardens.



Figure 1: Subject site (Source: Six Maps).



Figure 2: Existing vegetation on the site as on the left of Dunara Gardens roadway (Source: Council's planning proposal).

Existing planning controls

The site is zoned R2 Low Density Residential under WLEP2014 and has a maximum permitted building height of 8.5m. There is no floor space ratio (FSR) identified for the site.

The site is classified as community land as defined in the *Local Government Act 1993*.

Surrounding area

The subject site is located within an established residential locality, comprised of low density residential uses on the eastern side of Wentworth Street and medium density residential uses to the western side.

To the west, the site has a narrow access of approximately 2.7m to Wentworth Road. To the north, the site adjoins Dunara Gardens, the private road to the former “Dunara Estate”. To the east, the site adjoins 9 Dunara Gardens and to the south, the site adjoins 1 Wentworth Street.

Context and surrounding area maps are provided at **Figures 6 and 7**.



Figure 6: Context Map.



Figure 7: Surrounding area map (Source: Council's Planning Proposal).

There are three other heritage items near the subject site:

- “Dunara” house and interiors at 10 Dunara Gardens (Item No. 276) which is local and state heritage listed,
- the local heritage listed house, interiors and grounds at 4 Dunara Gardens (Item No. 275), and
- adjoining the site to the south is a local heritage listed Cook Pine and Moreton Bay Fig (Item No. 285).

A heritage map is provided at **Figure 8**.

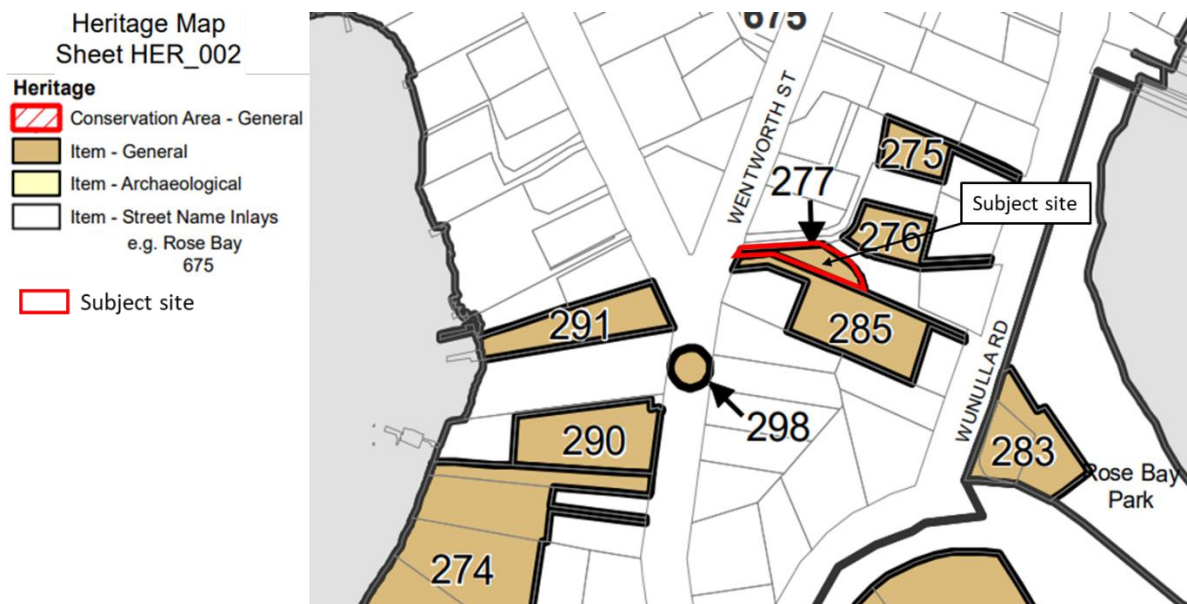


Figure 8: Woollahra LEP 2014 Heritage Map.

Background

Dunara Reserve was the subject of a planning proposal that sought to reclassify the reserve from “community land” to “operational land” (PP_2017_WOOLL_005_00). This proposal received Gateway determination on 20 July 2017 and went on public exhibition twice, receiving a total of 68 submissions. A public hearing also took place on 14 March 2018 as required for a reclassification proposal. The primary concerns raised from the submissions and public hearing were the loss of public land and the potential impact on the heritage item at the site.

On 16 July 2018, Council resolved not to proceed with the reclassification planning proposal and resolved to keep the land in public ownership in perpetuity. At the same meeting, Council resolved to prepare a planning proposal to list Dunara Reserve as a heritage item, which is now the current proposal.

On 19 July 2018, Council informed the Department it did not wish to proceed with the reclassification proposal and sought an alteration to the Gateway determination. The Gateway determination was altered to not proceed on 29 August 2018.

Summary of recommendation

It is recommended that the planning proposal proceed, subject to conditions as it:

- is supported by an independent heritage assessment that identifies the subject site as being of local heritage significance,
- is consistent with the objectives and directions of the Greater Sydney Region Plan, the Eastern City District Plan and Council's Community Strategic Plan, and
- will allow for better conservation management of the property which has been identified to be of local heritage significance.

PROPOSAL

Objectives or intended outcomes

The planning proposal intends to amend WLEP2014 to include Dunara Reserve, Point Piper as a local heritage item, consistent with the findings of the heritage assessment undertaken by Betteridge Heritage, submitted with the planning proposal.

Explanation of provisions

The planning proposal states that it seeks to make the following amendments to WLEP2014:

- add a new heritage item, Dunara Reserve, into Part 1 of Schedule 5 Environmental heritage, and
- amend and replace the Heritage Map (Sheet HER_002) to identify an additional heritage item on the site of Dunara Reserve.

It is noted that the planning proposal does not seek to reclassify the land.

The proposed amendments are considered clear and do not require amendment prior to community consultation.

Mapping

Indicative mapping has been provided with the proposal that shows the current and proposed heritage maps. This is deemed sufficient for the purposes of the planning proposal.

NEED FOR THE PLANNING PROPOSAL

The need for the planning proposal is a result of a Council notice of motion adopted on 12 March 2018 to investigate the heritage listing of Dunara Reserve. Following this, Council engaged Betteridge Heritage to undertake an assessment of the heritage significance of the site which was finalised in June 2018.

The heritage assessment concluded that the subject site is of local heritage significance for its historic, aesthetic and social values. The assessment recommended that a planning proposal be prepared to include the site as an item of heritage in the LEP.

On 29 October 2018, Council resolved to note advice provided by the Woollahra Local Planning Panel and forward the planning proposal with a request for a Gateway determination.

The planning proposal seeks to heritage list the site to provide ongoing protection and recognition of the heritage significance of the site, including a range of exotic and native trees. The historical significance of the site is derived from its association

with a significant historical phase in the development of the cultural landscape of Point Piper and the former Dunara Estate.

A planning proposal is the only means to alter Schedule 5 of Woollahra LEP 2014 to reflect the local heritage significance of the site and allow for the appropriate provisions for conservation management.

STRATEGIC ASSESSMENT

State

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission released *the Greater Sydney Region Plan – A Metropolis of Three Cities* (the Region Plan), which aims to coordinate and manage the growth of Sydney. The Region Plan contains specific objectives for the region over the next 40 years and informs the actions and directions of the District Plans.

Of particular relevance in the Region Plan is *‘Objective 13: Environmental heritage is identified, conserved and enhanced.’* This objective seeks to protect environmental heritage for its social, aesthetic, economic, historic and environmental values.

The objective also identified a strategy that comprises three components:

- *“engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of place”*
- *“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”*

The proposal is consistent with the Region Plan as it seeks to protect and conserve Dunara Reserve which has been identified as being of local heritage significance in the heritage significance assessment.

As such, the proposal is considered to be consistent with the Region Plan.

District

Eastern City District Plan

The *Eastern City District Plan* operates to give effect to the Region Plan. The *Eastern City District Plan* encompasses the Woollahra LGA. The proposal is consistent with the outcomes and directions in the District Plan, particularly those associated with heritage.

Planning Priority E6 requires *“creating and renewing great places and local centres and respecting the District’s heritage.”* The proposal can be considered consistent with Priority E6 as it seeks to provide the statutory mechanisms required to protect and respect the District’s heritage and to conserve the social, aesthetic and historic significance of this item.

There are also three actions contained in Action 20 of the District Plan, which reiterate those described above in relation to the Region Plan. The proposal is consistent with Action 20 as it seeks to identify and enhance heritage and enables the community to consider the heritage value of this item and whether it should be conserved through mechanisms under WLEP2014.

Local

Woollahra 2030 – our community, our place, our plan is Council's Community Strategic Plan, providing a long-term vision for the future of Woollahra. It is used to inform Council's decision making and planning. The relevant goal in the plan relevant to this planning proposal is "4.3 *Protect local heritage and residential amenity, including protection of significant architecture and the natural environment.*"

The planning proposal is consistent with this goal as it provides for the protection of Dunara Reserve, which has been found to be of local heritage significance by independent heritage consultants, Betteridge Consultants.

Section 9.1 Ministerial Directions

Direction 2.3 Heritage Conservation

This Direction applies to the planning proposal as it conserves an item of environmental heritage significance. It requires that a planning proposal contain provisions that facilitate the conservation of items, places, buildings or works identified in a study of environmental heritage of the area.

The heritage assessment concluded that the subject property satisfies the relevant criteria for a local heritage listing and thereby the proposal is warranted.

The proposal will not alter the existing heritage conservation provisions which already satisfy the requirements of this Direction. Therefore, the proposal is considered to be consistent with Direction 2.3 Heritage Conservation.

State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all relevant state environmental planning policies.

SITE-SPECIFIC ASSESSMENT

Social

Listing the reserve as a heritage item will provide the community with greater certainty about the heritage significance of the site and therefore help to conserve the heritage significance.

Additionally, the public exhibition of the planning proposal will provide additional opportunity for the wider community to determine whether the proposed heritage listing is supported and appropriate.

Environmental

The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

The need for the planning proposal has arisen from the recommendations to a heritage assessment and the subsequent heritage significance assessment. It is considered that the proposed amendments will list and thereby facilitate the conservation of the item for heritage purposes.

While it is considered that the proposed heritage listing will facilitate the conservation of the heritage item, the Gateway determination has been conditioned to required consultation with the Office of Environment and Heritage.

Economic

The planning proposal is not expected to generate any negative economic impact. The proposal simply seeks to list the site as an item of local heritage significance.

CONSULTATION

Community

Council has proposed a public exhibition period of a minimum of 28 days. This period is considered to be adequate and is reflected in the Gateway conditions.

Agencies

It is recommended that consultation be required with the Office of Environment and Heritage under section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979*.

TIME FRAME

Council has included a project timeline which has projected a finalisation date of July 2019, indicating 7 months. Given the nature of the plan, a nine month timeframe is considered appropriate to allow sufficient time for consultation. This does timeframe does not preclude Council from finalising the plan earlier.

LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local-plan making authority, this request is considered to be appropriate as the matter is of local significance, is supported by an independent heritage assessment and the reserve is Council owned land.

CONCLUSION

The proposal is supported to proceed with conditions, as it:

- is supported by an independent heritage significance assessment that identifies the subject site as being of heritage significance,
- is consistent with the objectives and directions of the Greater Sydney Region Plan, the Eastern City District Plan and Council's community strategic plan, and
- will allow for better conservation management of the properties which have been identified to be of local heritage significance.

RECOMMENDATION

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the Office of Environment and Heritage.
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.

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