

Item No: R2 Recommendation to Council
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF 30 WYUNA ROAD, POINT PIPER**
Author: Kristy Wellfare, Strategic Heritage Officer
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 19/199031
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 at 30 Wyuna Road, Point Piper, and its interiors, as a local heritage item in the Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 5 December 2019.
- B. THAT the planning proposal, as contained in **Annexure 1** of the report to the Environmental Planning Committee meeting on 3 February 2020 to list the Inter-war Mediterranean style dwelling house including its interiors at 30 Wyuna Road, Point Piper, *House and interiors*, as a local heritage item in the *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 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.*

In response to Part B, an assessment of heritage significance of the *Inter-war Mediterranean style dwelling house* at 30 Wyuna Road, Point Piper was prepared by Kristy Wellfare (Strategic Heritage Officer, Woollahra Council).

On 4 November 2019 a report was considered by the *Environmental Planning Committee* (EPC) (*Annexure 2*) recommending the property be listed as an item of environmental heritage in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), and on 11 November 2019 Council resolved the following:

- A. *THAT a planning proposal be prepared to list the property at 30 Wyuna Road, Point Piper 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 11 November 2019. The objective of the amendment to the Woollahra LEP 2014 is to recognise the heritage significance of the *House and interiors* at 30 Wyuna Road, Point Piper, and provide it with statutory heritage protection.

3. Woollahra Local Planning Panel advice

On 5 December 2019 the *Woollahra Local Planning Panel* (LPP) considered a report on the planning proposal (see *Annexure 3*)¹ and provided the following advice to Council:

THAT the Woollahra Local Planning Panel advises Council that it supports the planning proposal at Annexure 1 to list the House and Interiors, at 30 Wyuna Road, Point Piper, as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.

Subsequent to the meeting of the Woollahra LPP of 5 December 2019, the planning proposal has been updated to refer to the Panel's advice. The updated planning proposal is provided in *Annexure 1*.

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.

¹ The annexures to the Woollahra LPP report have been removed. The heritage assessment report and draft inventory form are provided in the planning proposal attached as Annexure 4 to this report.

Public notification of the exhibition will comprise:

- A 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 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 30 Wyuna Road, Point Piper satisfy relevant criteria in the document titled *Assessing Heritage Significance, 2001*. Accordingly, the heritage significance of the house and interiors at 30 Wyuna Road, Point Piper should be recognised and conserved through listing as a local heritage item in Schedule 5 of *Woollahra LEP 2014*. On 5 December 2019, 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. Planning Proposal - Local Heritage Listing - 30 Wyuna Road, Point Piper [↓](#) 
2. EPC Report - 4 November 2019 - 30 Wyuna Road, Point Piper [↓](#) 
3. WLPP Report - 5 December 2019 - 30 Wyuna Road, Point Piper [↓](#) 
4. Draft Heritage Assessment - 30 Wyuna Road, Point Piper [↓](#) 