

**Item No:** R3 Recommendation to Council  
**Subject:** **HERITAGE SIGNIFICANCE ASSESSMENT OF 30 WYUNA ROAD, POINT PIPER**  
**Author:** Kristy Wellfare, Strategic Heritage Officer  
**Approvers:** Allan Coker, Director - Planning & Development  
Anne White, Acting Manager - Strategic Planning  
**File No:** 19/175925  
**Reason for Report:** To respond to Council's resolution of 26 August 2019 to prepare an urgent report to the Environmental Planning committee which assesses the heritage significance of the property at 30 Wyuna Road, Point Piper.

To obtain Council's approval to prepare a planning proposal to list the property at 30 Wyuna Road, Point Piper as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.

To obtain Council's approval for the planning proposal to be referred to the Woollahra Local Planning Panel for advice.

To advise Council of the making of an Interim Heritage Order (IHO) in respect of the property.

### **Recommendation**

- 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.

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### **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.*

This report responds to Part B of the above resolution and also advises Council of the making of an IHO in respect of this property.

## 2. The Site

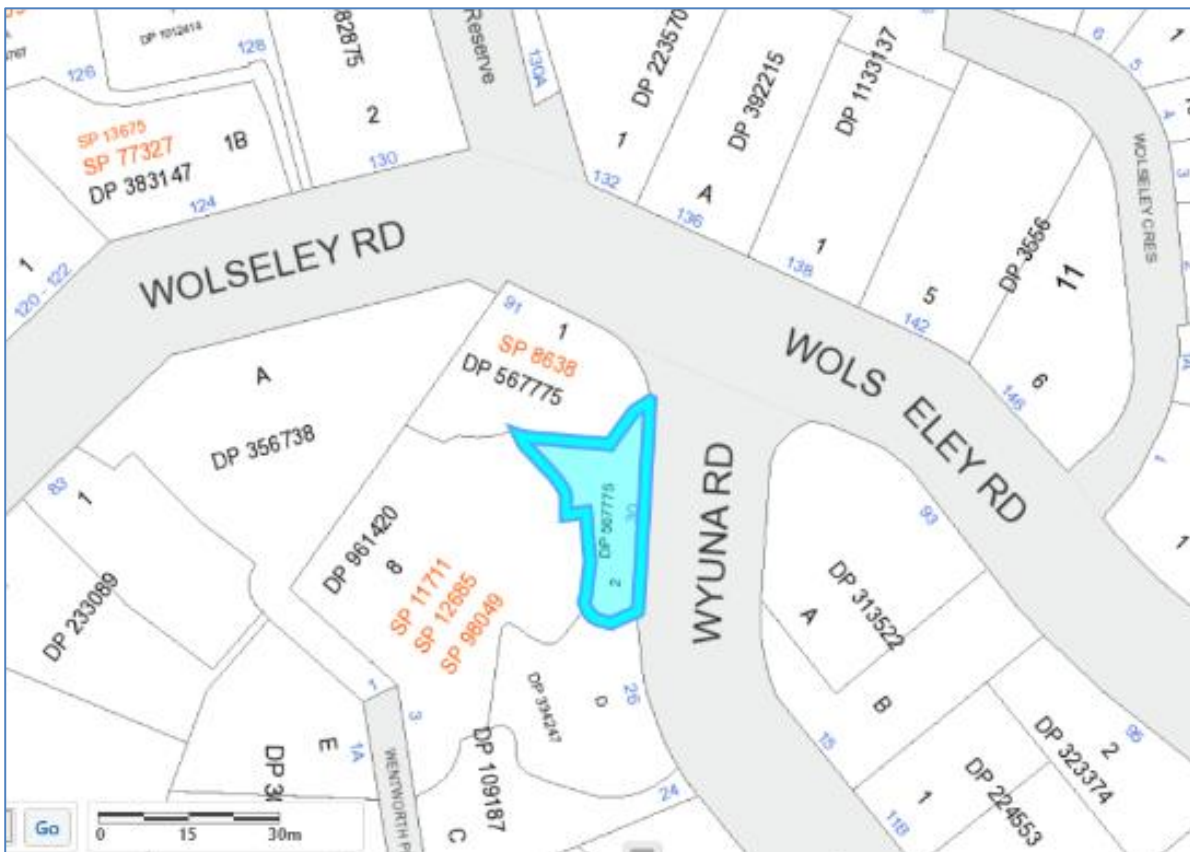
The subject site is an Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper (refer to **Figure 1**). The site is located in the Woollahra Local Government Area (LGA) and is legally identified as Lot 2 in DP 567775. The site is irregular in shape, 376.9m<sup>2</sup> in area, with a street frontage of 31.86m on the eastern boundary to Wyuna Road, a curved southern boundary shared with 26 Wyuna Road, and irregular-shaped site projections to the north and west with these boundaries shared with the seven (7) Storey residential flat building at 3 Wentworth Place to the west, and the four (4) storey residential flat building at 91 Wolseley Road to the north of the site (refer to **Figure 2** and **Figure 3**). The site is the subject of an Interim Heritage Order (IHO) issued under Section 25 of the *Heritage Act 1977* as published in NSW Government Gazette No. 124 of 23 October 2019, p. 4540.



*Figure 1: 30 Wyuna Road, Point Piper (Source: Kristy Wellfare, Strategic Heritage Officer)*



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



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

### 3. The Interim Heritage Order

On 16 October 2019 Council received a notice of intention to issue a Complying Development Certificate which would have permitted the demolition of the property. Under a Ministerial Order and Authorisation for Local Councils to make Interim Heritage Orders published in the Government Gazette on 12 July 2013 and under a sub-delegation to the Director of Planning he may, on behalf of Council make an IHO if, among other things, the following pre-conditions are in place:

*“(b) it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the Council and considers that:*

- (i) The item is or is likely to be found, on further inquiry and investigation, to be of local heritage significance;*
- (ii) The item is being or is likely to be harmed;*
- (iii) The IHO is confined to the item determined to be under threat.”*

Since the Director of Planning formed the opinion that the above circumstances were in place and all other requirements for the making of an IHO were in place he authorised the making of an IHO on 23 October 2019. The IHO was issued under section 25 of the Heritage Act 1977 and was published in the Government Gazette No. 124 on the same day, p. 4540.

The order will remain in place for a period of 12 months and will give the Council the opportunity to fully assess the heritage significance of the building and whether or not it should be listed as a State and/or local heritage item. Under section 57 of the *Heritage Act 1977* when an IHO applies to a place or building a person must not, among other things, demolish, damage or carry out development except in pursuance of an approval granted by the approval body, i.e. Council.

It will be noted that Part C of the Council resolution of 26 August 2019 was that Part A and Part B of the resolution remain confidential along with the legal advice tabled via the late correspondence from the Director of Planning and Development. The purpose of keeping the resolution confidential was to reduce the risk of the building being damaged or demolished prior to the undertaking of the heritage significance assessment. However, because the building is now protected by an IHO there is no need for this report to be confidential.

### 4. Assessment of heritage significance

The assessment of heritage significance was undertaken in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001. The assessment used the process and criteria set out in that document. There are seven criteria used in the process of assessing heritage significance:

#### ***Criterion (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).

#### ***Criterion (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).

**Criterion (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).

**Criterion (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

**Criterion (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).

**Criterion (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).

**Criterion (g)**

An item is important in demonstrating the principal characteristics of a class of NSW's (or a class of the local area's)

- cultural or natural places, or
- cultural or natural environments,
- 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 as **Annexure 1**.

**Table 1** below provides a summary of the assessment of the heritage significance of 30 Wyuna Road, Point Piper against the seven criteria, at the local and State levels, and demonstrates that the site meets six of the seven criteria for local listing.

**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)	✓	✗
(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)	✓	✗
(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)	✓	✗

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(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	✗	✗
(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)	✓	✗
(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)	✓	✗
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.</li> </ul> or a class of the local area's <ul style="list-style-type: none"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.</li> </ul>	✓	✗

The heritage significance assessment provides the following statement of significance:

*Thirty (30) Wyuna Road is a rare, intact example of an Inter-war Mediterranean style dwelling house innovatively designed by prominent architect F. Glynn Gilling of Joseland & Gilling for a constrained suburban site within the former Point Piper 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 smooth rendered walls beneath a hipped tiled roof, formal entrance treatment, classical motifs and columns, sweeping main stair with wrought iron balustrades and window detailing are skilfully combined to create a light and restrained residence that is carefully situated within its landscape setting. Demonstrative of its recognition, 30 Wyuna 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 has a moderate degree of technical significance through the opportunity to research methods of Inter War detailing first hand. 30 Wyuna Road, Point Piper is of local heritage significance for historical, aesthetic, associative, rarity, and representative significance, and has research significance potential.*

(25 October 2015: Kristy Wellfare, Strategic Heritage Officer, Heritage Significance Assessment, p.78-79))

The assessment recommends the listing of 30 Wyuna Road, Point Piper and its interiors as a local heritage item in Schedule 5 of Woollahra LEP 2014. The report concluded that 30 Wyuna Road, Point Piper does not meet the threshold for State heritage listing.

## **5. Consultation with the land owner**

Consultation with the land owner has not been carried out to date. This was due to the Council's resolution of 26 August 2019 and in light of the threat to the dwelling house arising from both the:

- Development application (DA2019/252) which is the subject of a "Deemed refusal" appeal in the Land and Environment Court, and
- Recent notification received from Concise Certification Pty Ltd dated 8 October 2019 (received on 16 October 2019) advising of the intention to issue a Complying Development Certificate for the demolition of all structures on the site and construction of a new dwelling house.

Should a planning proposal proceed to public exhibition, consultation with the owner will be undertaken consistent with the *Environmental Planning and Assessment Act 1979* (EP&A Act) *Environmental Planning and Assessment Regulation 2000*.

## **6. Woollahra Local Planning Panel advice**

Section 2.19 of the EP&A Act sets out the functions of local planning panels. One of those functions is "to advise the council on any planning proposal that has been prepared or is to be prepared by the council under section 3.33 and that is referred to the panel by the council".

Additionally, the Local Planning Panel Direction – Planning Proposals which was issued by the Minister for Planning on 27 September 2018 identifies the types of planning proposals that are to be referred to a local planning panel for advice prior to a planning proposal being sent to the *Department of Planning, Industry and Environment* for a gateway determination.

Under the terms of the Direction, the planning proposal to list 30 Wyuna Road, Point Piper as a local heritage item must be referred to the Woollahra Local Planning Panel (Woollahra LPP) for advice. This step will be undertaken at the next available meeting of the Woollahra LPP should the Council decide to prepare a planning proposal.

## **7. Next steps**

If Council supports the recommendation of this report, the next steps in the process are:

- Prepare a planning proposal under section 3.33 of the Act to list the property as a heritage item in the Woollahra LEP 2014.
- Report a draft planning proposal to the Woollahra LPP for advice;
- Report the advice received from the Woollahra LPP to the Environmental Planning Committee.
- Further steps will depend on advice from the Woollahra LPP and the decision of the Council following the Environmental Planning Committee meeting.

## **8. Conclusion:**

The heritage significance of 30 Wyuna Road, Point Piper has been assessed in accordance with the NSW heritage best practice guidelines. The Assessment of Heritage Significance prepared by Kristy Wellfare (Strategic Heritage Officer, Woollahra Council) identifies that 30 Wyuna Road, Point


Piper is of local heritage significance for historical, aesthetic, technical, research potential, rarity and representative significance.

We recommend the listing of *30 Wyuna Road, Point Piper, and interiors*, as a local heritage item in Schedule 5 of Woollahra LEP 2014.

Thirty (30) Wyuna Road, Point Piper does not meet the threshold for State heritage listing.

To facilitate a listing at the local level, a planning proposal should be prepared with the aim of amending Schedule 5 of Woollahra LEP 2014 by adding 30 Wyuna Road, Point Piper to the list of heritage items. The planning proposal should be referred to the Woollahra LPP for advice.

### **Annexures**

1. DRAFT Heritage Significance Assessment - 30 Wyuna Road, Point Piper - 29 October 2019 [!\[\]\(a9a7cf821bf949be41db724492f295be\_img.jpg\)](#)  - (*Annexure removed*)