

**Item No:** D2  
**Subject:** **PLANNING PROPOSAL - HERITAGE LISTING OF THE INTER-WAR MEDITERRANEAN DWELLING HOUSE AT 30 WYUNA ROAD, POINT PIPER**  
**Author:** Kristy Wellfare, Strategic Heritage Officer  
**Approvers:** Anne White, Acting Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 19/180904  
**Reason for Report:** To seek the advice of the Woollahra Local Planning Panel in relation to the preparation of a 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 Woollahra Local Environmental Plan 2014

**Recommendation:**

THAT the Woollahra Local Planning Panel advises Council that it supports the planning proposal at **Annexure 1** to list the Inter-war Mediterranean style dwelling house at 30 Wyuna Road Point Piper, and its interiors, as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.

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**1. Reason for report to the Woollahra Local Planning Panel (Woollahra LPP)**

This report seeks the advice of the Woollahra LPP on the listing of the *House and interiors* at 30 Wyuna Road, Point Piper as a heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

1. *A Council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:*
  - (a) *the correction of an obvious error in a local environmental plan,*
  - (b) *matters that are of a consequential, transitional, machinery or other minor nature, or*
  - (c) *matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*
2. *When a planning proposal is referred to the local planning panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed.*
3. *A proposal is to be referred to the local planning panel before it is forwarded to the Minister of the Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979 (the Act).*

In this case, the planning proposal is required to be referred to the local planning panel because the general manager has not made a determination in regard to items 1 (a), (b) or (c), above.

## 2. 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, a Heritage Significance Assessment of the *Inter-war Mediterranean style dwelling house* at 30 Wyuna Road, Point Piper was prepared by Kristy Wellfare (Strategic Heritage Officer, Woollahra Council) (**Annexure 2**).

On 4 November 2019 a report was considered by the *Environmental Planning Committee* (EPC) (**Annexure 3**) recommending the site be listed as an item of environmental heritage in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). At the meeting of 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.*

## 3. 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)*

#### **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 2**.

**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)	✓	✗
(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)	✓	✗

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

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 on the contents of the Assessment of Heritage Significance was not carried out prior to the EPC meeting of 4 November 2019. 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.

The owners and applicant team were informed of the EPC meeting of 4 November 2019 where the Assessment of Heritage Significance was considered. The applicant's heritage consultant Mr Stephen Davies, who prepared the Heritage Impact Statement to accompany DA2019/252, attended the meeting and spoke in support of the recommendation for local heritage listing.

In progressing the planning proposal, 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. Planning proposal**

A planning proposal has been prepared to list the Inter-war Mediterranean style dwelling house at 30 Wyuna Road Point Piper, including its interiors (*House and interiors*) as a heritage item in the Woollahra LEP 2014 (see *Annexure I*).

### **6.1. Planning proposal structure**

The planning proposal has been prepared in accordance with section 3.33 of the Act and the two documents prepared by the NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

### **6.2. Objective**

The objective of the planning proposal is to amend Woollahra LEP 2014, to list the *House and interiors*, at 30 Wyuna Road, Point Piper as a heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

### **6.3. Explanation of provisions**

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

- Insert a listing for the *House and interiors*, 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\_002 to identify a heritage item on the site of the *House and interiors* at 30 Wyuna Road, Point Piper.

### **6.4. Relationship to strategic planning framework**

The planning proposal is consistent with the relevant objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the actions of the *Eastern City District Plan* (2018), (refer to section 6.2 of the planning proposal).

The planning proposal is consistent with the Council's Community Strategic Plan titled *Our 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 also consistent with the *Draft Woollahra Local Strategic Planning Statement* (endorsed by Council for exhibition 9 September 2019). 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*

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** of the planning proposal).

The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2** of the planning proposal).

## **6.5. Community consultation**

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by the Department of Planning and Environment. 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 and Council's draft Community Participation Plan.

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 in the vicinity of the site.
- Local community and business groups.

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 relevant Council reports.

## **7. Conclusion**

This report seeks the advice of the Woollahra LPP on a planning proposal to list the *House and interiors* at 30 Wyuna Road, Point Piper as a heritage item in the Woollahra LEP 2014.



The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcomes.
- An explanation of the provisions that are to be included.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

Advice from the WLPP will be provided to Council.



## Annexures

1. Planning Proposal - Heritage Assessment - 30 Wyuna Road, Point Piper [↓](#) 
2. Draft Heritage Assessment of 30 Wyuna Road, Point Piper [↓](#) 
3. Environmental Planning Committee Agenda - 4 November 2019 (Annexure removed)  
[↓](#) 