



IRF22/2765

## Gateway determination report – PP-2022-2419

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Planning Proposal to List 364 Edgecliff Road,  
Woollahra as a Local Heritage Item

August 22

Published by NSW Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal – May 2022
Preliminary Assessment of Heritage Significance report – February 2022
Draft Assessment of Heritage Significance report – April 2022
Woollahra Municipal Council Local Planning Panel agenda – 19 May 2022
Woollahra Municipal Council Environmental Planning Committee agenda – 6 June 2022
Woollahra Municipal Council resolution – 27 June 2022
Council Cover Letter to DPE – July 2022
LSJ Heritage Planning & Architecture - request for IHO – November 2021

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Woollahra</b>
<b>PPA</b>	Woollahra Municipal Council (Council)
<b>NAME</b>	Local heritage listing of 364 Edgecliff Road, Woollahra, known as 'The Corner House'.
<b>NUMBER</b>	PP-2022-2419
<b>LEP TO BE AMENDED</b>	Woollahra Local Environmental Plan (LEP) 2014
<b>ADDRESS</b>	364 Edgecliff Road, Woollahra
<b>DESCRIPTION</b>	Lot 1 DP 224367
<b>RECEIVED</b>	8/07/2022
<b>FILE NO.</b>	IRF22/2765
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Recognise the heritage significance of 364 Edgecliff Road, Woollahra (known as 'The Corner House'); and
- Provide the site with the appropriate level of statutory heritage protection consistent with its identified significance.

The listing of the site as a heritage item of local significance is consistent with the findings of the heritage assessment report prepared by Robertson and Hindmarsh (7 April 2022) which was commissioned by Council.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Woollahra LEP 2014 per the changes below:

- Insert a local heritage listing for 364 Edgecliff Road, Woollahra in Part 1 *Heritage Items* of Schedule 5 *Environmental Heritage*; and
- Amend the Heritage Map of the Woollahra LEP 2014 to identify the site (Lot 1 DP 224367) as a heritage item.

The planning proposal describes the property as ‘*The Corner House*’ (*house including interiors, garage, and garden sandstone fence base* (p. 6). The explanation of provisions notes that the wording of the LEP amendment will be determined by Parliamentary Counsel at the finalisation stage.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The subject site is located at 364 Edgecliff Road, Woollahra and the residence is known as ‘The Corner House’ (**Figure 1**). The site is legally described as Lot 1 DP 224367. The site is occupied by a two-storey Arts and Crafts style dwelling house constructed in circa 1919 (**Figure 3**), with an adjacent garage constructed in circa 1920 (**Figure 4**).

The site is irregular in shape and has a total area of approximately 752.62 square metres (sqm). It has a frontage to Edgecliff Road of 13 metres (m) and a frontage to Wellington Street of 23.85m. The entry to the site is on Wellington Street. The north-eastern boundary adjoins a narrow accessway to the battle-axe allotment located to the rear at 364a Edgecliff Road, Woollahra. The site has a residential flat building on its western boundary.

The site and surrounding areas are zoned R3 Medium Density Residential under the Woollahra LEP. The closest strategic centre is Bondi Junction, approximately 915m from the site, and the closest local centre is Double Bay, approximately 760m away.

The site is located within the C15 Woollahra Heritage Conservation Area, and is identified as a contributory item within the Woollahra Development Control Plan (DCP) 2015. However, the above does not provide heritage protection at the same level as an individually listed statutory heritage item. The site is located in the vicinity of two locally listed heritage items, shown in **Figures 7** and **8**:

- ‘Dilbhor’ house and interiors at 6 Wellington Street, Woollahra (item 651)
- Building and interiors, iron fencing at 293-295 Edgecliff Road, Woollahra (item 485)

The land is identified under the Woollahra LEP 2014 as potentially having Class 5 acid sulfate soils, with no other identified environmental constraints.



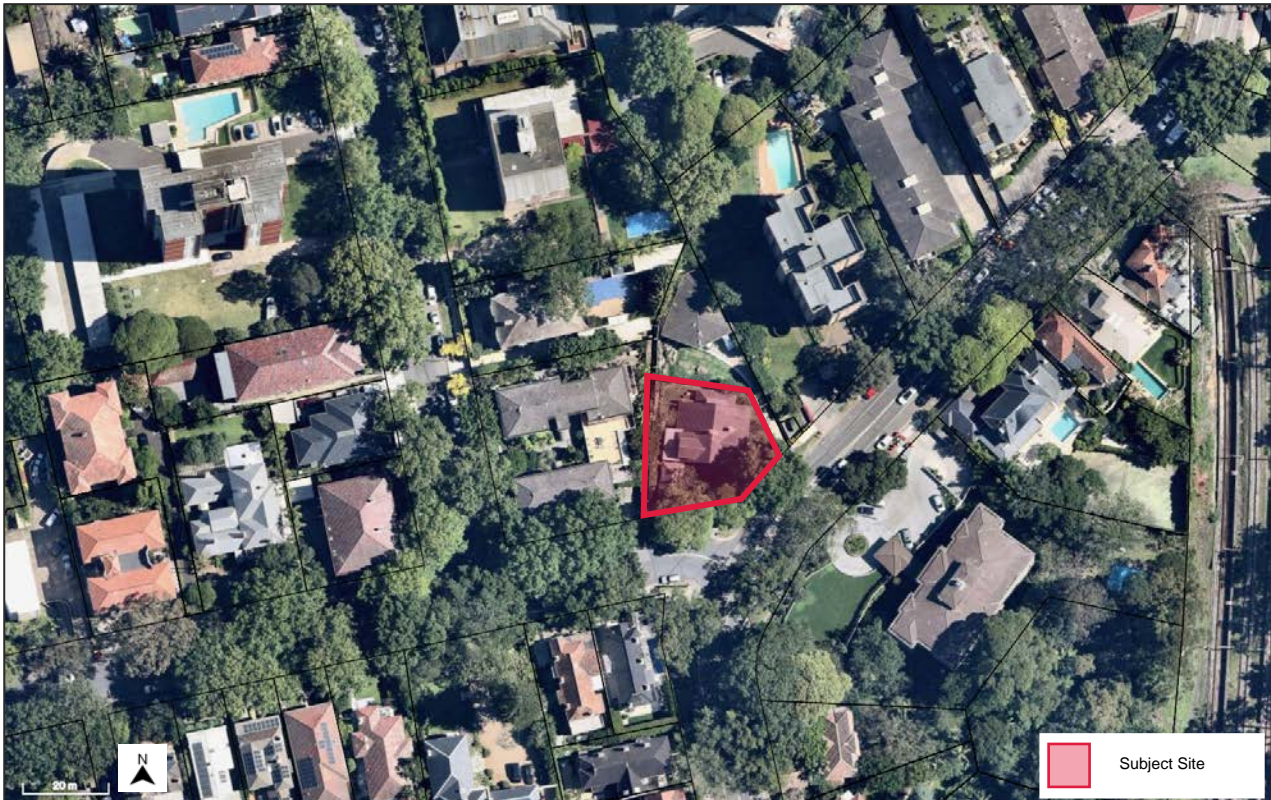


Figure 1 Subject site (source: Nearmap)

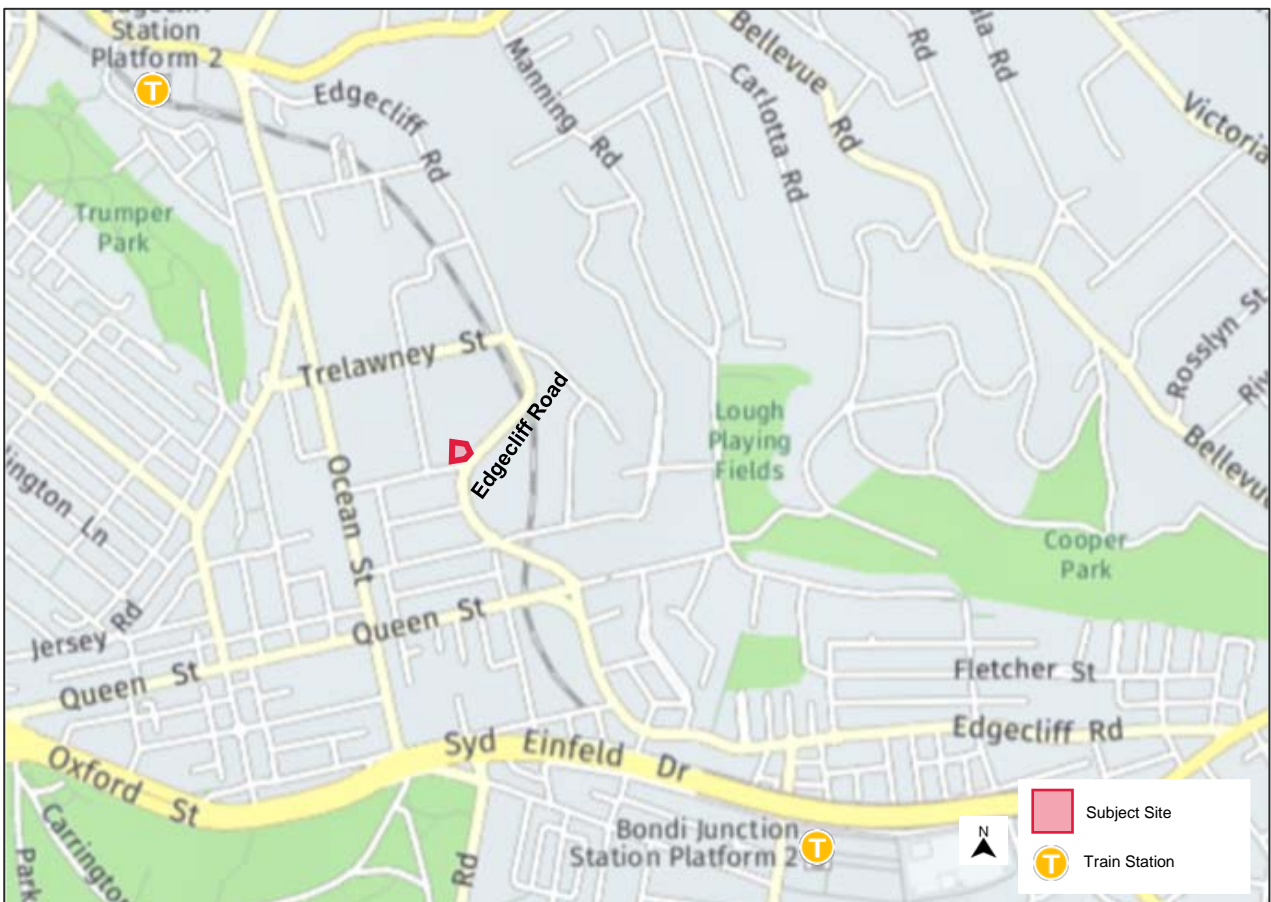


Figure 2 Site context (source: Nearmap)





**Figure 3 Front elevation of the dwelling (source: Heritage Assessment Report)**



**Figure 4 Garage viewed from Wellington Street (source: Heritage Assessment Report)**





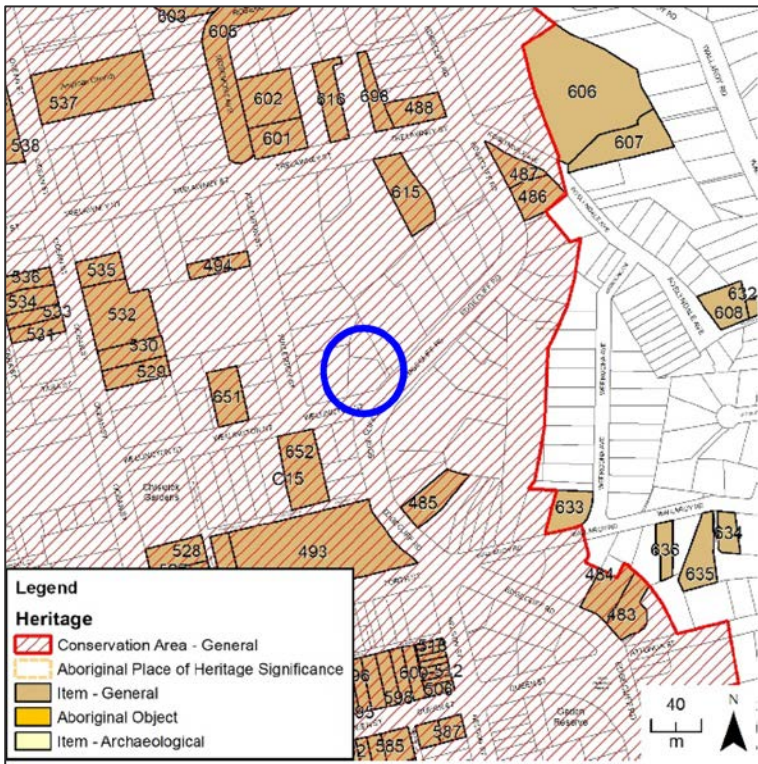
**Figure 5 Northern façade viewed from north-west (source: Heritage Assessment Report)**



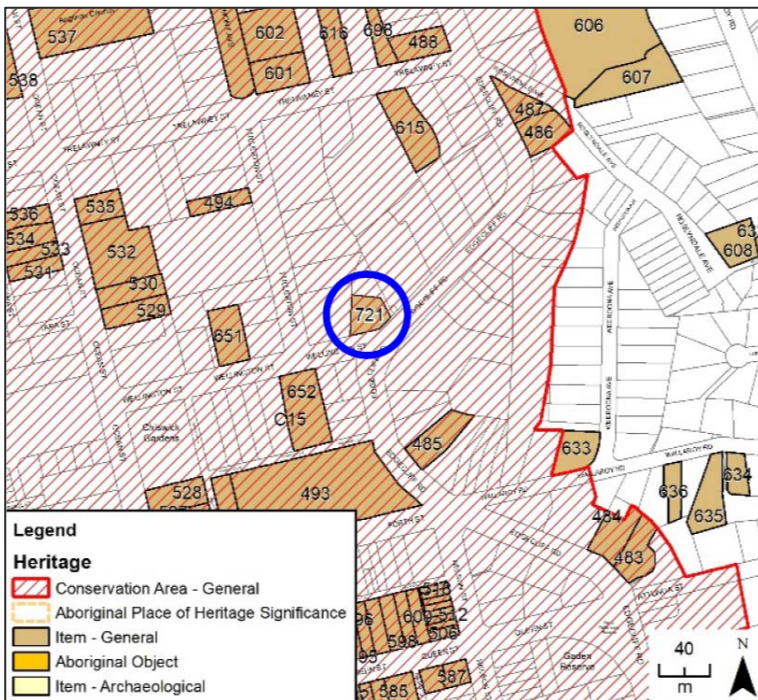
**Figure 6 Detail of plaster ceiling in dining room (source: Heritage Assessment Report)**

## 1.5 Mapping

The planning proposal includes mapping (**Figures 7 and 8**) showing the proposed changes to the heritage maps, which are suitable for community consultation. The proposal notes that the item number (721) is indicative only.

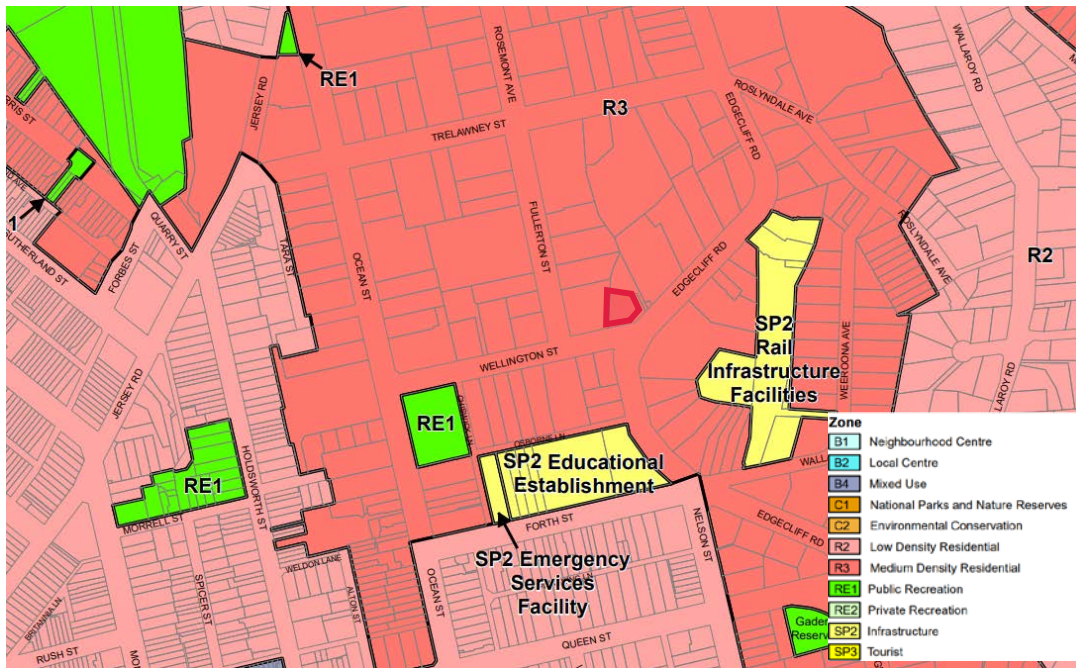


**Figure 7 Current Heritage Map, Woollahra LEP 2014, subject site circled in blue (source: Planning Proposal)**



**Figure 8 Proposed Heritage Map, Woollahra LEP 2014, subject site circled in blue (source: Planning Proposal)**





**Figure 9 Current Land Zoning Map (Woollahra LEP 2014)**

## 1.6 Background

- **13 October 2021** – a development application (DA) was lodged with Council (DA2021/455/1) to make alterations and additions to the existing dwelling on the subject site, demolition of the existing dwelling on the adjacent site, 364A Edgecliff Road, and construction of a new residential flat building.
- **9 November 2021** – during the exhibition period of the DA, a preliminary heritage assessment was submitted by LSJ Architects identifying the site as having potential heritage significance, and requesting an Interim Heritage Order (IHO) be placed on the property to allow for an assessment of the heritage significance of the site.
- **22 November 2021** – Council, at its meeting, resolved to request council staff to undertake a report to investigate the potential heritage significance of the site, and to request the Minister for Public Service and Employee Relations, Aboriginal Affairs and the Arts (Minister) to place an IHO on the property under section 24(1) of the Heritage Act 1977. (Note: in this case, Council cannot issue an IHO under section 25 of the Heritage Act as the property is already located within the Woollahra Heritage Conservation Area.)
- **6 December 2021** – the Director, Planning and Place of Council sent correspondence to the Minister requesting that an IHO be made over the subject site.
- **25 February 2022** – Council finalised a preliminary heritage significance assessment of the site, undertaken by Robertson and Hindmarsh Pty Ltd.
- **4 March 2022** – the Minister authorised the making of an IHO and published it in the NSW Government Gazette (No.88).
- **7 April 2022** – a Draft Heritage Assessment Report that was commissioned by Council was received, which advised that 'The Corner House' should be listed as a heritage item of local significance in the Woollahra LEP 2014.
- **19 May 2022** – the matter was reported to the Woollahra Local Planning Panel (LPP), where the panel recommended Council to proceed with the planning proposal to list the site - house including interiors, garage and garden sandstone fence base, as a local heritage item in Schedule 5 of the Woollahra LEP 2014.

- 6 June 2022 – the Woollahra Environmental Planning Committee (EPC) recommended the planning proposal be forwarded to the Department for Gateway determination.
- 27 June 2022 – Council resolved to endorse the planning proposal and forward it to the Department for Gateway determination.
- 22 July 2022 – the Woollahra LPP refused DA/2021/455/1.

## 2 Need for the planning proposal

The planning proposal is a result of the Council's initiative for a potential heritage listing of the subject site at 364 Edgecliff Road, Woollahra. The planning proposal is in response to a submission from LSJ Architects identifying the site as having potential heritage significance, and the recommendations of a heritage assessment report undertaken by Robertson and Hindmarsh (7 April 2022) concluding that the site meets the threshold for listing as a local heritage item.

The planning proposal seeks to list the site, including interiors, garage and garden sandstone fence base, as a local heritage item to provide ongoing protection and recognition of its heritage significance and to allow for better conservation management of the property.

A planning proposal is the only means to alter Part 1 Schedule 5 of the Woollahra LEP 2014 to recognise the local heritage significance of the site and to provide statutory protection.

The assessment of heritage significance undertaken by Council's consultant was in accordance with the NSW Heritage Office guideline, *Assessing Heritage Significance*, 2001. The assessment against the seven listing criteria in the guideline is summarised below:

### Criterion (a) Historic Significance

With regard to 'historic significance', the site has cultural significance at a local level on account of:

- It reflects the lifestyle of the lower echelons of the upper middle class in the Inter-War period with a garage for their car, and accommodation for the live-in maid.
- It represents a style of architecture that reflected both the wealth and taste of the commissioning family.

### Criterion (b) Associative Significance

With regard to 'associative significance', the site has cultural significance at a local level on account of:

- its strong association with important architectural firm Waterhouse & Lake who designed some of the most important Arts and Crafts houses in NSW in the first two decades of the 20<sup>th</sup> Century.
- its strong association with A.L. Holt, the commissioning owner of the house and one of the first five founding directors of the Australian Motors Ltd that manufactured one of the first Australian-made cars, the Australian Six.

### Criterion (c) Aesthetic Significance

With regard to 'aesthetic significance', the site has cultural significance at a local level on account of:

- its excellent Arts & Crafts style of architecture and excellent example of the aesthetic and planning principles of the style employed by Waterhouse & Lake in solving the challenges of planning the smaller houses of the Inter-War period.
- the significance of the house in developing an environmentally appropriate architecture for Australia, as well as recognising the privacy of family life.

### Criterion (d) Social Significance

With regard to ‘social significance’, the site has cultural significance at a local level on account of:

- its association with Wesley and Sari Browne, the third owners of the house, who were prominent in the welfare of veterans’ families through Legacy, both of whom were awarded the Medal of Order of Australia.

#### Criterion (e) Research Potential

The house is not currently considered of significance under this criterion, but this may change subject to further research.

#### Criterion (f) Rarity

With regard to ‘rarity’, the site has cultural significance at a local level on account of its spatial planning that provides evidence of a way of life that is now almost defunct and is therefore rare.

#### Criterion (g) Representativeness

With regard to ‘representativeness’, the site has cultural significance at a local level as it is a substantially intact representative example of an Arts and Crafts house, and it is a small house still representing the lifestyle of the well-to-do middle-class of the Eastern Suburbs of Sydney.

In summary the site would satisfy six of the seven criteria for heritage listing at a local level. The assessment of significance is also supported by a review against the inclusion/exclusion guidelines under the Heritage Office guideline (contained in the inventory sheet).

The Department considers the proposal to be adequate to progress to community consultation.

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan: *A Metropolis of Three Cities*.

**Table 3 Regional Plan assessment**

Regional Plan Objectives	Justification
13: Environmental heritage is identified, conserved, and enhanced.	<p>The subject site has been assessed to have local heritage values. The planning proposal seeks to list the subject site as a statutory heritage item under the LEP. The proposal is consistent with this objective as it seeks to recognise the heritage significance and facilitate on-going protection of the site.</p> <p>The proposal is considered to be consistent with the Region Plan.</p>

### 3.2 District Plan

The site is within the Eastern City District and the Greater Cities Commission (formerly Greater Sydney Commission) released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priority for liveability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.



**Table 4 District Plan assessment**

District Plan Priorities	Justification
<p>E6: Creating and renewing great places and local centres and respecting the District's heritage.</p> <p>i. Objective 13 Environmental heritage is identified, conserved, and enhanced.</p>	<p>The proposal seeks to identify, protect and respect the District's heritage by listing the site as a local heritage item in the Woollahra LEP. The statutory heritage listing would facilitate conservation of the heritage significance of the site.</p> <p>The proposal is considered to be consistent with the District Plan.</p>

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Woollahra Local Strategic Planning Statement (LSPS)	<p>Planning priority 5: Conserving our rich and diverse heritage.</p> <p>The planning proposal is consistent with this priority as it seeks to recognise, conserve and protect the heritage significance of the site.</p> <p>The proposal is consistent with the relevant objective and priority of the LSPS.</p>
Woollahra – 2030 Our community, our place, our plan (Community Strategic Plan)	<p>Goal 4: Well planned neighbourhoods.</p> <p>ii. 4.3: Protect our heritage, including significant architecture and the natural environment</p> <p>The planning proposal is consistent with this goal as it seeks to provide statutory protection of the site which has been found to have local heritage significance.</p>

### 3.4 Local planning panel (LPP) recommendation

Consistent with the Ministerial Direction for Local Planning Panels, Council has referred the planning proposal to the Woollahra LPP for advice. On 19 May 2022, the Woollahra LPP supported the planning proposal to list '*The Corner House (including interiors), garage, and garden sandstone fence base*' at 364 Edgecliff Road, Woollahra as a local heritage item. The LPP recommended Council proceed with the proposal and forward it to the Department for a Gateway determination. Council resolved to accept the LPP advice at its meeting on 27 June 2022.

### 3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	This Direction applies to the planning proposal as it gives effect to the regional plan directions and actions. The proposal is considered to be consistent with the Direction.
3.3 Heritage Conservation	Yes	<p>The Direction requires that a planning proposal contain provisions that facilitate the conservation of items identified in a study of environmental heritage significance. The planning proposal is informed by a heritage assessment undertaken in accordance with the NSW Heritage Office guideline. The assessment concluded that the subject site satisfies the relevant criteria for a local heritage listing and thereby the proposal is warranted. The proposal will facilitate the conservation and protection of the site.</p> <p>The proposal is consistent with this Direction.</p>
6.1 Residential Zones	Yes	<p>This Direction applies to any planning proposal that would affect land within an existing residential zone. The site is located within the R3 Medium Density Residential zone.</p> <p>The proposal does not alter the existing residential zoning or development standards applicable to the site.</p> <p>The listing of the site as local heritage item would require any future development application for the site to be assessed against the provisions of Clause 5.10 Heritage Conservation under the Woollahra LEP 2014.</p> <p>The planning proposal is consistent with this Direction.</p>

### 3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats. The proposal would facilitate the conservation of the site which has been found to have local heritage significance.

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 7 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	<p>The planning proposal is unlikely to result in any adverse social impact. Listing the site as a statutory heritage item will provide the community with greater certainty about the significance of the site and facilitate its on-going protection and conservation.</p> <p>Additionally, the public exhibition of the planning proposal will provide additional opportunity for the wider community to consider whether the proposed heritage listing is appropriate and should be supported.</p>
Economic	<p>There would be a minor economic impact to the landowner as the heritage listing of the property may require specialist heritage studies to form part of a future development application submission. However, the proposal does not change the zoning or development standards applicable to the site and will facilitate conservation of their heritage significance.</p> <p>The proposal is considered to have an acceptable economic impact.</p>

## 4.3 Infrastructure

The planning proposal does not require any additional infrastructure. There is no significant infrastructure demand that will result from the planning proposal. The planning proposal does not involve any amendments to the planning controls that will facilitate intensified development. The proposal seeks to list the site as an item of local heritage significance and would not have material implications on infrastructure demand.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The Department's *Local Environmental Plan Making Guideline* (LEP Making Guideline) recommends the public exhibition of a 'standard' planning proposal to be 20 working days. The exhibition period proposed is consistent with the Guideline and is considered appropriate, it will form a condition of the Gateway determination.

### 5.2 Agencies

Council has nominated the following public agencies to be consulted about the planning proposal: Heritage NSW, NSW Heritage Council and The National Trust of Australia, NSW.

Local heritage listing is outside the remit of the NSW Heritage Council. It is recommended the following agencies/organisations be consulted on the planning proposal and given 30 calendar days to comment:

- Heritage NSW, Department of Planning and Environment.
- National Trust of Australia, NSW.

## 6 Timeframe

Council proposes a 6- month time frame to complete the LEP following Gateway determination (that is, by end of February 2023).

The Department recommends a time frame of **7 months** (by end of March 2023) to ensure it is completed in line with its commitment to reduce processing times while allowing for the Christmas/New Year period. In light of this, a Gateway condition is recommended to require an update to the project timeline in the planning proposal to align with the timeframe allowed under the Gateway.

It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates. Conditions to the above effect are recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is of local heritage significance the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is supported by an assessment of heritage significance that identifies the subject site as meeting the threshold for local heritage listing, and the assessment was undertaken in accordance with the NSW Heritage Office guideline.
- The proposal is consistent with the directions and priorities of the Greater Sydney Region Plan, Eastern City District Plan, Woollahra Local Strategic Planning Statement, Woollahra Community Strategic Plan, the relevant SEPPs and Section 9.1 Ministerial Directions.
- The proposal will recognise and provide ongoing protection and allow for better conservation management of the site.

## 9 Recommendation

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

1. Consultation is required with the following public authorities / organisations:
  - Heritage NSW (Department of Planning and Environment)
  - National Trust of Australia (NSW)
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. The planning proposal must be exhibited not more than 2 months from the date of the Gateway determination.
4. The timeframe for completing the LEP is to be on or before 31 March 2023.

5. The planning proposal should be reported to Council for a final recommendation not more than 6 months from the date of the Gateway determination.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



*16 August 2022*

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