



IRF23/2712

Gateway determination report – PP-2023-1889

Local heritage listing of St George Greek Orthodox
Church, 90-92 Newcastle Street, Rose Bay

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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
Heritage Study: Places of Worship, Woollahra LGA (April 2023)
Heritage Inventory Sheet for St George Greek Orthodox Church (July 2023)
Woollahra LPP 13 December 2022 Agenda and Minutes
Woollahra EPC Committee 6 March 2023, Agenda and Minutes
Council 27 March 2023, Agenda, late correspondence and Minutes
Woollahra EPC 3 July 2023, Agenda, late correspondence and Minutes
Council 10 July 2023, Agenda, late correspondence and Minutes
Council 14 August 2023, Agenda, late correspondence and Minutes

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Woollahra
PPA	Woollahra Municipal Council
NAME	Local heritage listing of St George Church Rose Bay, 90-92 Newcastle Street Rose Bay
NUMBER	PP-2023-1889
LEP TO BE AMENDED	Woollahra Local Environmental Plan 2014
ADDRESS	90-92 Newcastle Street, Rose Bay
DESCRIPTION	Lots 15 - 16, Sec D, DP 5092
RECEIVED	29/08/2023
FILE NO.	IRF23/2712
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.

1.2 Objectives of planning proposal

The objectives of the planning proposal are to:

- Recognise the heritage significance of the subject site in Woollahra Local Government Area (LGA).
- Facilitate the preservation of site with statutory heritage protection.

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

1.3 Explanation of provisions

The planning proposal seeks amend the Woollahra Local Environmental Plan (LEP) 2014 by:

- Inserting 90-92 Newcastle Street, Rose Bay as a new local heritage item by listing it in Part 1, Schedule 5 of the LEP.
- Amending the Heritage Map (8500_COM_HER_006) to identify the subject site as an additional heritage item.

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

The planning proposal describes the property at 90-92 Newcastle Street, Rose Bay as *St George Greek Orthodox Church, and War Memorial complex and setting, including interiors and moveable heritage*. The item details are also stated in the heritage inventory sheet supporting the planning proposal.

The Department notes these details may inform the future description of the item in Schedule 5 of the LEP, however the exact wording will be subject to legal drafting.

1.4 Site description and surrounding area

The site is located at 90-92 Newcastle Street, Rose Bay and is legally described as Lots 15 - 16, Sec D, DP5092 (**Figure 1 and 2**). The site has an area of approximately 1230m² and has relatively flat topography. The site has a street frontage to Newcastle Street and is on a block bounded by Newcastle Street to the west, Faraday Avenue to the north and Old South Head Road to the southeast. The site is currently occupied by St George Greek Orthodox Church and a war memorial.

The closest strategic centre is Bondi Junction, which is 2.7km away and the closest key local centre is Rose Bay, which is 750m away. The site is located within an established residential neighbourhood, comprising of low to medium density residential uses and is adjacent to the Royal Sydney Golf Club.

Although the site is not located within the heritage conservation area, the site is approximate 500m from Kent Road Conservation Area (C11) and 750m from the Rose Bay Gardens Estate Conservation Area (C12) (**Figure 3**). The site is adjacent to the local heritage item I318 Royal Sydney Golf Club (Clubhouse and interiors, grove of approx. 20 Broad-Leafed Paperbarks along Norwich Road, Kent Road).

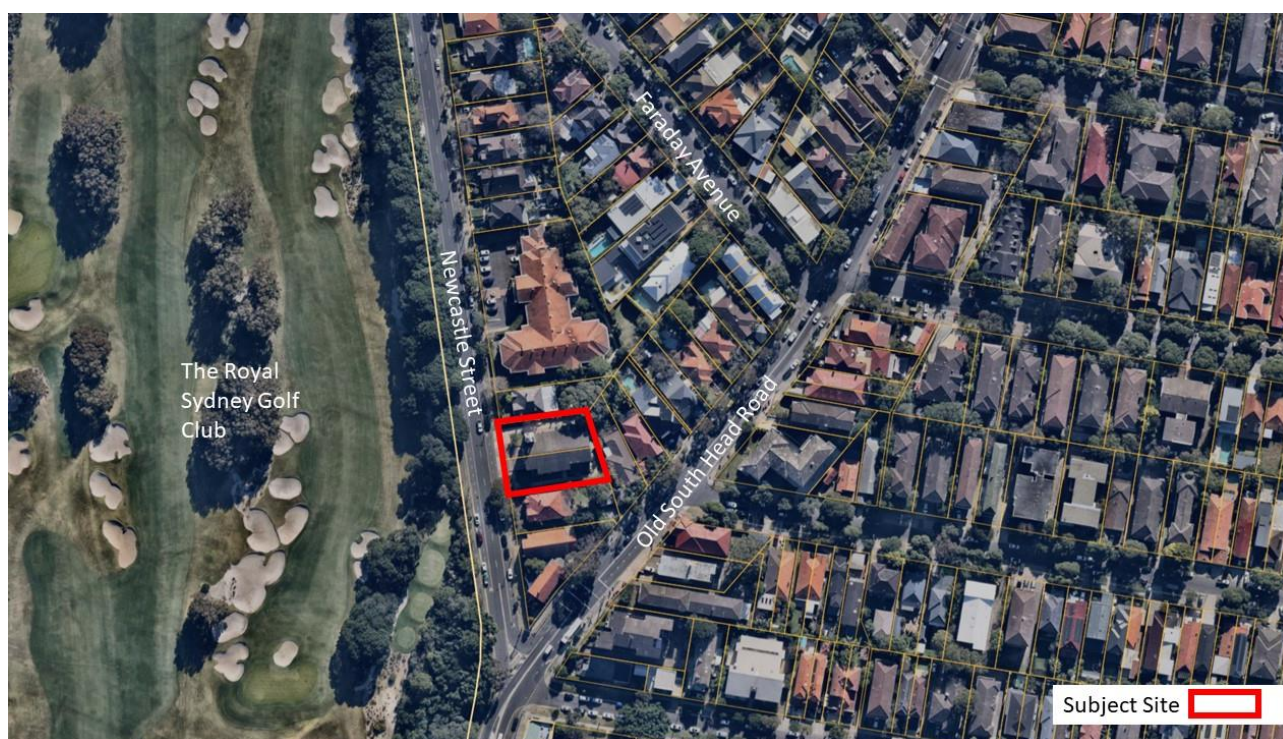


Figure 1 Subject site (source: Nearmap, October 2023)

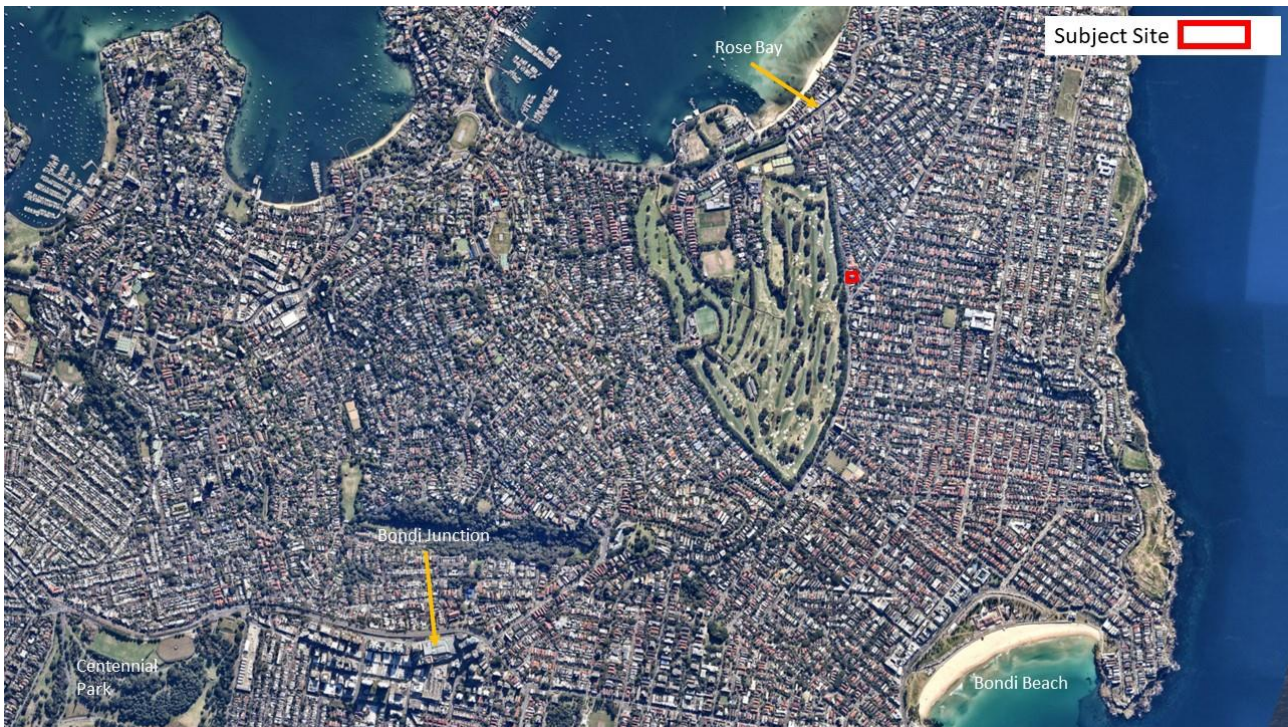


Figure 2 Site context (source: Nearmap, October 2023)



Figure 3 Surrounding heritage context map (source: LEP Maps 8500_COM_HER_006, October 2023)

1.5 Existing Provisions

Under the Woollahra LEP 2014, the site is zoned R3 Medium Density Residential (**Figure 4**). It has a maximum building height of 10.2m (**Figure 5**) and maximum floor space ratio of 1:1 (**Figure 6**).

The planning proposal does not seek to amend the current zoning or development standards.

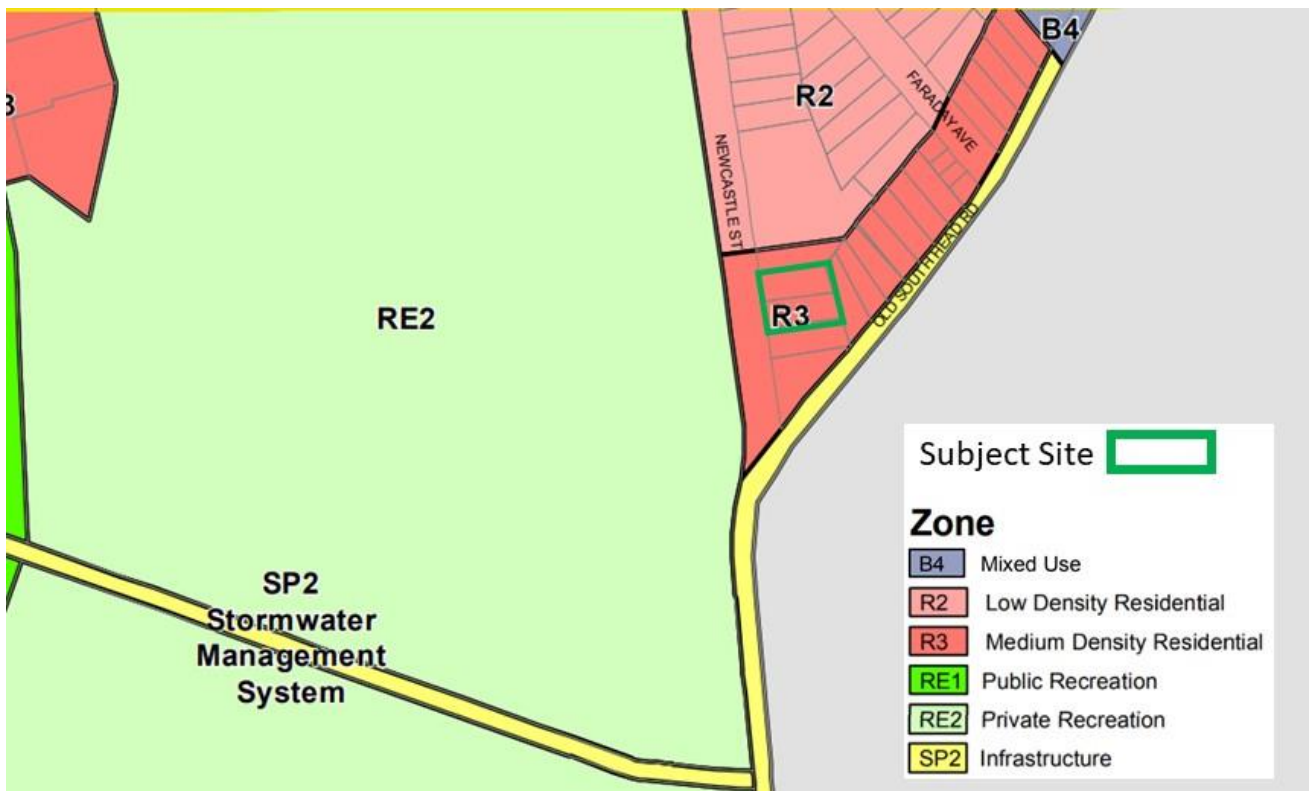


Figure 4 Current zoning map (Source: LEP Maps, October 2023)



Figure 5 Current height of building map (Source: LEP Maps, October 2023)

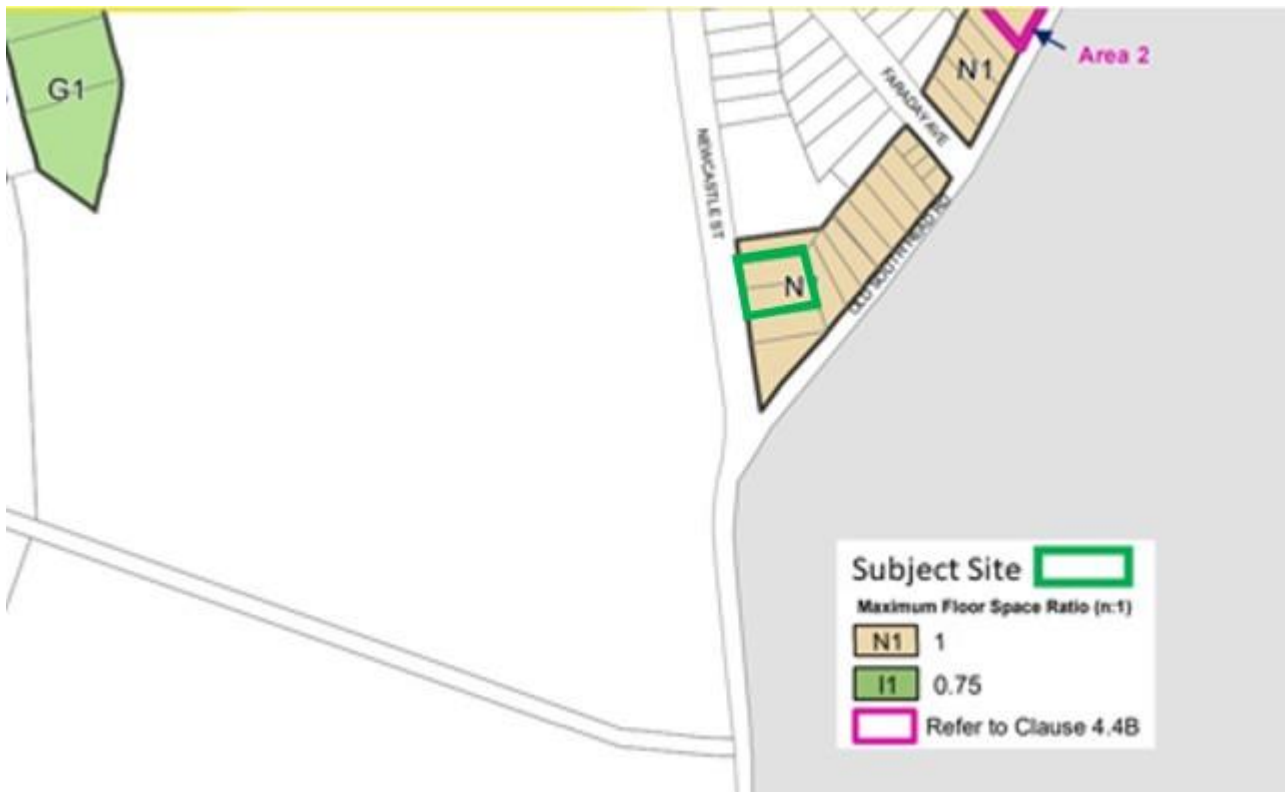


Figure 6 Current floor space ratio map (Source: LEP Maps, October 2023)

1.6 Mapping

The planning proposal provides a zoomed in extract of the proposed changes to Heritage Map - 8500_COM_HER_006 (**Figure 7**). It is recommended that prior to public exhibition, the proposal be updated to include the full map sheet, as to provide context to for the surrounding heritage items and conservation areas.

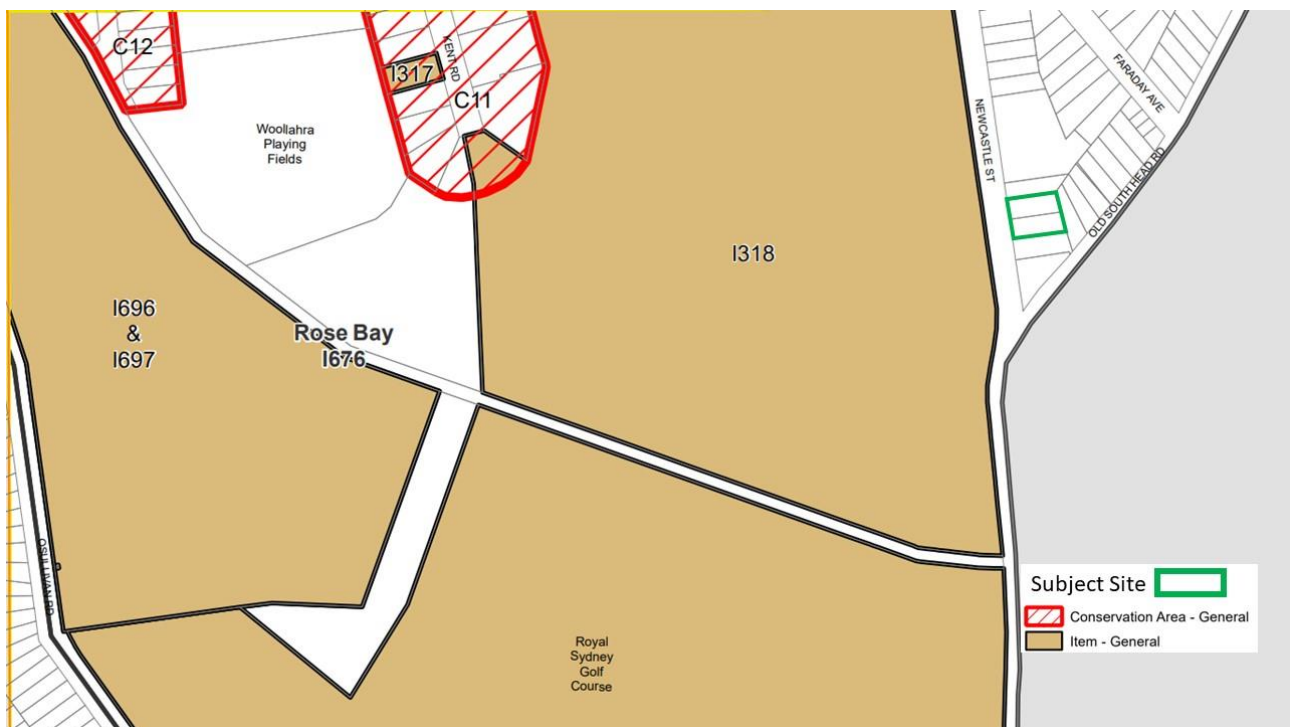


Figure 6 Current heritage map (Source: LEP Maps, October 2023)

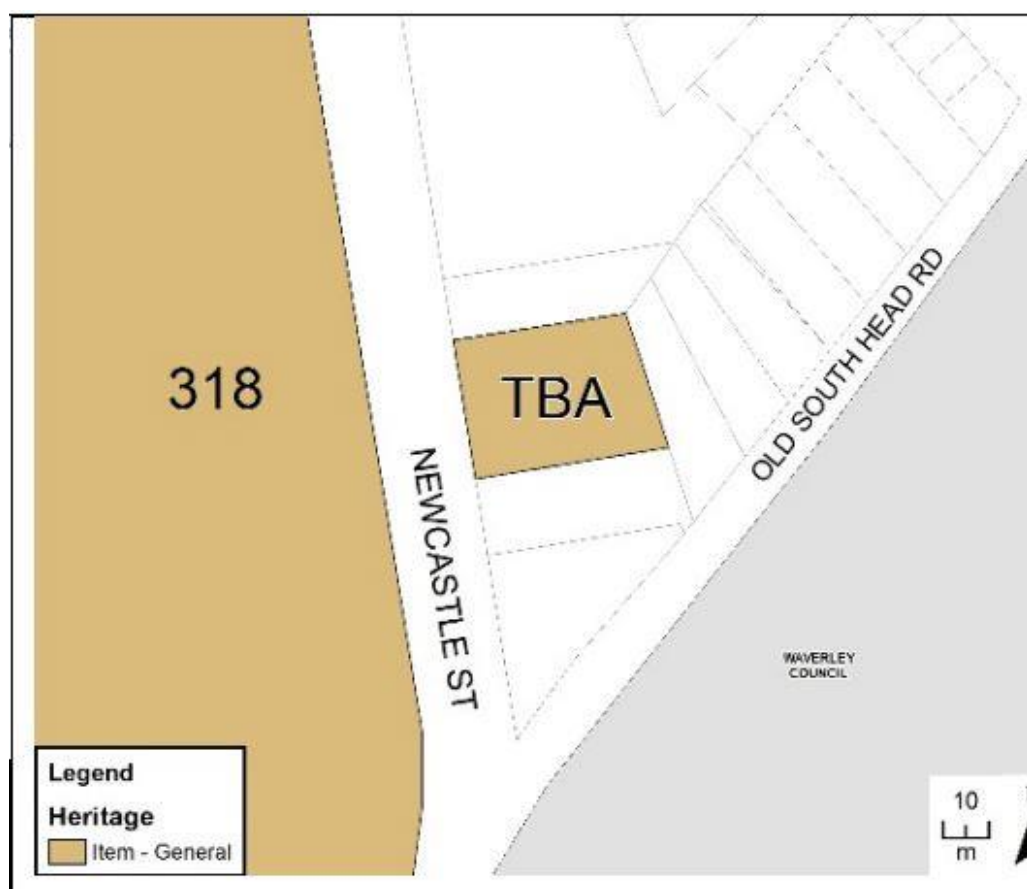


Figure 7 Extract of proposed heritage map (Source: Planning proposal, August 2023)

1.7 Background

The following background is relevant to the planning proposal:

November 2022 – Council investigated the subject site as part of Council's Place of Worship Heritage Study. The Study identified that the subject site met the threshold for local heritage significance and should prepare a planning proposal to list it (**Attachment D**).

13 December 2022 – The Woollahra Local Planning Panel (LPP) considered a report recommending the progression of a planning proposal to list 5 sites, including the subject site, as local heritage items. The LPP recommended to Council to proceed with the planning proposal to list the subject site as local heritage item (**Attachment F**).

6 March 2023 – The Woollahra Environmental Planning Committee (EPC) considered a report from the LPP recommending the progression of a planning proposal to list 5 sites, including the subject site, as local heritage items. The voting was split on whether to specifically progress the subject site for heritage listing to council, however because of the split voting on the Motion and Amendment, both were referred to Council for consideration (**Attachment G**).

27 March 2023 – Council resolved to progress four of the five sites that were included in the Place of Worship Heritage Study. And also resolved that staff further investigate the heritage significance of the subject site, including any active development applications for the site, and that the community are engaged to establish if there are elements of the building that are appropriate for heritage listing (**Attachment H**).

24 May 2023 to 9 June 2023 – Council conducted further investigations and community engagement over a two-week period. 17 submissions were received during this information consultation period, which consisted of 12 submissions in support and 5 submissions opposing the heritage listing.

9 June 2023 - A group submission was submitted by the Greek Orthodox Parish of St George Rose Bay (**Attachment I**). The submission opposed to the proposed heritage listing and contained 984 signatories and 218 comments. The general issues raised were:

- The building has no heritage value and does not fit the criteria for local significance. The architecture of the church is not significant.
- Heritage listing is an impediment to future development of the church.
- The Church community has not been consulted.
- Heritage listing is a revenue stream for Council.

3 July 2023 – The EPC reconsidered a report recommending the progression of a planning proposal to list the subject site as a local heritage item and recommended to Council that they forward the proposal to the Department of Planning and Environment for Gateway assessment (**Attachment I**).

10 July 2023 – Council considered the report from the EPC recommending the progression of the planning proposal, however deferred its decision pending a site visit to the subject site (**Attachment J**).

14 August 2023 – Council resolved to progress with the planning proposal to list the St George Greek Orthodox Church and war memorial as a local heritage item and forward the proposal to the Department for Gateway Determination (**Attachment K**).

2 Need for the planning proposal

The planning proposal is the result of Woollahra Council's 'Places of Worship' heritage study, dated April 2023. The assessment supports the heritage listing of the subject property as an item of local significance.

The planning proposal is the only means to amend Schedule 5, Part 1 Environmental Heritage to reflect the local heritage significance of the site and apply the provisions for conservation management.





The Department considers amending the Woollahra LEP 2014 by listing 90-92 Newcastle Street, Rose Bay as a heritage item under Schedule 5 is the most appropriate mechanism to meet the objective of the planning proposal.




Assessment of heritage significance

Council have assessed the proposed heritage item against the seven criteria outlined in the *Assessing Heritage Significance* guideline published by NSW Heritage Office in 2001. An item can be considered to have local heritage significance if it meets, at minimum, one of the criteria for listing, and retains the integrity of its key attributes. The key findings are summarised below in **Table 3**.

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Table 3 Heritage assessment of site against NSW Heritage Office guideline

Site	Criterion	Consideration	Consistent
St George Church, 90-92 Newcastle Street, Rose Bay	a) Historic Significance 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).	<ul style="list-style-type: none"> Reflects the pattern of development during the period of growing presence of migrant communities in the Rose Bay Area. Commissioned in NSW to honour the service of Australian soldiers of Greek Heritage during World War I and World War II. 	
	(b) Historical association 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).	<ul style="list-style-type: none"> Significant for its association with migrant communities that settled in NSW following World War I. Place of commemoration for Australian soldiers of Greek heritage who lost their lives in World War I and World War II, being listed on the NSW War Memorials Register and thus associated with Australia's defence history. 	
	(c) Aesthetic/ creative/ technical achievement An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).	<ul style="list-style-type: none"> Example of a Greek Orthodox War Memorial Church that incorporates elements of the Byzantine style typically associated with ANZAC memorials, with the traditional Greek Orthodox Church style, thus being distinctive. Design of twentieth century Australian architect Joseph Charles Fowell, renowned for his ecclesiastical architecture, with numerous buildings being heritage listed. Has landmark qualities in the context of the surrounding streetscape and local character. 	
	(d) Social, cultural, and spiritual 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.	Council have stated in both their planning proposal, and heritage inventory sheet, that while social significance has not been formally assessed, the site: <ul style="list-style-type: none"> has been a key part of events such as weddings, baptisms, funerals and religious activities for the Greek Orthodox community over five decades, and; recognises and commemorates members of Australia's Greek 	

Site	Criterion	Consideration	Consistent
		community who served and lost their lives defending Australia during World War I and World War II, and thus meets the criterion for social significance.	
	(e) Research Potential 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).	Council's heritage assessment does not identify the site as having research potential — particularly due to potential lost during the construction of the existing church building with basement level.	
	(f) Rare 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)	<ul style="list-style-type: none"> Can be considered having rarity as only a very small number of churches of its type are present in NSW – being a Greek Orthodox war memorial church. Only other known Greek Orthodox war memorial church remains in Sydney, listed as a local heritage item on the Randwick Local Environmental Plan 2012. 	
	(g) Representative An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).	<ul style="list-style-type: none"> Representative of the ecclesiastical buildings designed during the inter-war period by architectural practice Fowell Mansfield & Maclurcan. Example of a Greek Orthodox War Memorial Church that was constructed post WWII to commemorate Australian Greek soldiers. Can be regarded as a significant variation to a class of items, as this church varies from other traditional Greek Orthodox churches by also being designed as a war memorial and being the only one of its kind in the Woollahra LGA. 	

With regards to Integrity, a site inspection of the Church took place on 19 July 2023, by Council Officers with Church staff. Both the exterior and interior has been observed to be highly intact and in good condition. Detailing, joinery, and decorative embellishments, such as the chandeliers, mezzanine and timber panelled ceiling are similarly intact. Maintenance and alterations to the church building have not detracted from the ecclesiastic architectural form but contributed to the upkeep of the building.

Community Concerns

During a period of unofficial community consultation that was undertaken specifically for this site, Council received 17 submissions relating to the potential heritage listing of the site. 5 of these submissions opposed the heritage listing for various reasons. At Council meeting on 27 March 2023, Greek Orthodox Parish of St George Rose Bay submitted a Heritage Study (Urbis November 2022) (**Attachment H**) that concluded that the subject site did not meet the criteria of heritage significance and therefore should not be listed. On 9 June 2023 a group submission was submitted by the Greek Orthodox Parish of St George Rose Bay opposing the heritage listing of the site.

Members of the community and Church Parish have also raised concern regarding the heritage listing of the site with Council. The issues raised in feedback included concerns that the Church is not of particularly significant social value to the community.

Local Heritage significance, as assessed for this planning proposal, encapsulates the historical, cultural, social, architectural, natural, and associative significance of a site. As outlined in **Section 2**, an item can be considered to have local heritage significance if it meets, at minimum, one of the criteria for listing, and retains the integrity of its key attributes.

The proposed listing of the sites would enable consideration to be given to the nature of any proposed change in the future and its potential impact on the heritage significance of the sites through the application of Clause 5.10 of the Woollahra LEP 2014.

As such, the proposed listing does not preclude any future development of the properties, such as change of use, renovation, alterations, additions, or adaptation. The listing will ensure that the effect of any future proposed development on the heritage significance will be considered prior to a development consent being granted. While these effects will be implemented as part of the development application process, such as the consent authority requiring a heritage management document (e.g., heritage conservation management plan or heritage impact statement), the proposed heritage listing is not considered to unreasonably restrict future development of the site. It will ensure due process will be undertaken that considers the potential impacts on the heritage significance.

During exhibition of the planning proposal, any members of the community will have the opportunity to make a submission to Council. Council, as the planning proposal authority, will consider any submissions made to inform its decision as to whether the planning proposal should be finalised.

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 4 Regional Plan assessment

Regional Plan Objectives	Justification
13: Environmental heritage is identified, conserved, and enhanced	<p>The Regional Plan emphasises the need to conserve items of heritage significance. Objective 13 notes that environmental heritage should be protected for its social, aesthetic, economic, historic, and environmental values.</p> <p>The heritage study, dated April 2023, and inventory sheets prepared by Council have provided an assessment of significance in line with the Heritage Office manual, <i>Assessing Heritage Significance</i>, 2001, indicating that the site has reached</p>

Regional Plan Objectives	Justification
	<p>the threshold for listing at a local level, by meeting five of the seven criteria (Section 2).</p> <p>The proposal is consistent with the objectives of the Region Plan, as it seeks to recognise the heritage significance of the site and facilitate its ongoing protection.</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 priorities for liveability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. **Table 5** includes an assessment of the planning proposal against relevant directions and actions.

Table 5 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>Action 20: Environmental heritage is identified, conserved, and enhanced.</p>	<p>This priority seeks to identify, conserve, interpret and celebrate Greater Sydney's heritage values.</p> <p>The proposal contributes to the protection of the district's heritage through the listing of the St George Greek Orthodox Church and war memorial, which has been found to have heritage significance for its historical, associative, aesthetic, social, rarity and representative values. The listing will recognise the places' significance and facilitate their on-going conservation.</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 **Table 6** below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
<p>Woollahra Local Strategic Planning Statement 2020 (LSPS)</p>	<p>The planning proposal is consistent with the endorsed Woollahra LSPS, particularly <i>Planning Priority 5: Conserve our rich and diverse heritage</i>, under the theme of Liveability.</p> <p>The planning proposal is consistent with this priority as it seeks to recognise and facilitate the on-going protection of a Greek Orthodox War Memorial Church, which has been found to have heritage significance through the heritage study provided by council, and discussed in Section 2.</p>

Local Strategies	Justification
Woollahra Community Strategic Plan 2030 (CSP)	The Woollahra CSP outlines a vision for Council's current and future goals and strategies. The planning proposal is consistent with the CSP, particularly with <i>Strategy 4.3: protect our heritage, including significant architecture and the natural environment</i> under Goal 4 (Well-planned neighbourhood), as it seeks to recognise the heritage values of a late twentieth-century ecclesiastical style church and facilitate its on-going conservation.

3.4 Local planning panel (LPP) recommendation

As outlined in Section 1.7 Background, the proposal has been reported to Council's LLP and EPC Panels. On 13 December 2022 the LPP recommended that Council progress a planning proposal to list 5 sites, including the subject site, as local heritage items.

On 3 July 2023, the EPC recommended that Council progress a planning proposal to list St George Greek Orthodox Church and war memorial complex and setting, including interiors and moveable heritage as a local heritage item.

3.5 Section 9.1 Ministerial Directions

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

Table 7 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 proposal as it seeks to give effect to the Greater Sydney Region Plan and Eastern City District Plan. The proposal is consistent with this Direction.
3.2 Heritage Conservation	Yes	<p>The Direction applies to the planning proposal as it seeks to conserve an item of environmental heritage significance. The Direction requires that a planning proposal contain provisions that facilitate the conservation of items identified in a study of environmental heritage significance.</p> <p>The planning proposal is informed by a heritage assessment undertaken in accordance with the NSW Heritage Office manual. The assessment (Section 2) concluded that the subject site satisfies 5 of the relevant criteria for 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>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
6.1 Residential Zones	Yes	<p>This Direction applies to the site as it is located within an existing residential zone (R3 – Medium Density Residential). The proposal does not seek to alter the existing residential zoning or any development standards applicable to the site.</p> <p>Listing the site as a local heritage item would still allow for any future development application for the sites to be assessed against the provisions of Clause 5.10 Heritage Conservation under the Woollahra LEP 2014.</p> <p>The proposal is consistent with this Direction.</p>

3.6 State environmental planning policies (SEPPs)

Codes SEPP

Under the SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP), a range of exempt developments may be undertaken for heritage items.

The SEPP specifies in Part 1 Division 2 Exempt and complying development, clause 1.18(1)(c3) that:

“To be complying development for the purposes of this Policy, the development must... not be carried out on land that comprises, or on which there is, a draft heritage item”.

This means that if the site is listed as a local heritage item, the complying development pathway would not be possible for development such as alterations to residence, certain internal alterations, minor external works and signage, etc.

However, development and alterations can still be undertaken on the site subject to a development application (DA) being prepared and assessed, including against the provisions of Clause 5.10 Heritage Conservation under the Woollahra LEP 2014.

The proposal is consistent with all SEPPs.

4 Site-specific assessment

4.1 Environmental

The subject site is in an established urban area. It is considered highly unlikely that critical habitat areas, threatened species, populations, or ecological communities will be adversely impacted by the planning proposal.

The need for the planning proposal has arisen from the recommendations of a heritage significance assessment done by Council. The proposal would facilitate the conservation of a site which has been found to have local heritage significance.

The planning proposal does not seek to facilitate any significant change in the existing land use. Accordingly, there are unlikely to be significant environmental impacts resulting from the proposal.

4.2 Social and economic

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

Table 8 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The planning proposal may have a positive a social effect on the local Greek community by preserving local character and enhancing placemaking outcomes.</p> <p>Additionally, the public exhibition of the planning proposal will provide additional opportunity for the wider community to determine whether the proposed local heritage listing is supported and appropriate.</p>
Economic	<p>The planning proposal may have a minor economic impact on the landowner because there are additional costs involved in preparing DAs and modifying heritage listed sites. Listing the site will also prevent certain works from being undertaken as exempt and complying development.</p> <p>As discussed above, the proposed listing means that the consent authority will need to consider the effect of any future development on the heritage significance of the site pursuant to Clause 5.10 of the LEP. It does not however prohibit change or development as such. The proposal is considered to have an acceptable economic impact.</p>

4.3 Infrastructure

There is no significant infrastructure demand that will result from the planning proposal. The planning proposal will not facilitate intensified development on the site. The site has existing access to public infrastructure such as water, sewer, electricity, and telephone services.

5 Consultation

5.1 Community

Council has recommended a community consultation period of a minimum 28 days.

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

The Department notes that there are contrary views about the heritage significance of the site. In this regard Council should consult with the landowner during public exhibition and consider any information provided carefully in its post exhibition assessment and reporting. A Gateway condition is recommended in this regard.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Department of Planning and Environment NSW - Environment and Heritage Group (Heritage NSW)
- National Trust of Australia, NSW

A condition is included in the Gateway determination.

6 Timeframe

Council proposes a 9-month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 14 August 2024 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has requested delegation to be the Local Plan-Making authority (LPMA).

As the planning proposal is of local significance the Department supports that Council be authorised to be the LPMA for this proposal.

8 Assessment summary

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

- It is supported by a heritage study prepared by Woollahra Council in accordance with the NSW Heritage Office Guidelines that supports the subject site being listed as a local heritage item and meets five of the seven criteria for heritage significance.
- The proposal is consistent with the Greater Sydney Region Plan, Eastern City District Plan, Council's LSPS, and the relevant SEPPs and Section 9.1 Directions.
- It will recognise and provide ongoing protection for a site which has been identified to be of local heritage significance.

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- Include a full map sheet of the proposed heritage changes.

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

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:
 - Include a full map sheet of the proposed heritage changes.
2. Prior to community consultation, consultation is required with the following public authority:
 - Department of Planning and Environment NSW - Environment and Heritage Group
 - National Trust of Australia, NSW
3. Council should consult with the landowner regarding the planning proposal and consider any information provided in its post exhibition assessment and reporting.

4. The planning proposal should be made available for community consultation for a minimum of 20 working days.
5. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the LPMA.
6. The timeframe for the LEP to be completed is on or before 14 August 2024



(Signature)

12 October 2023 (Date)

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(Signature)

18 October 2023 (Date)

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