

ITEM 9.2 PLANNING PROPOSAL - REMOVAL OF 3 WOLSELEY STREET DRUMMOYNE AS A LOCAL HERITAGE ITEM**Reporting Manager** Senior Strategic Planner

Manager Strategic Planning

- Attachments:**
1. Planning Proposal (*Provided in Attachment Booklet*)
 2. Heritage Assessment - Weir Phillips Heritage and Planning (*Provided in Attachment Booklet*)
 3. Report by John Oultram Heritage & Design (*Provided in Attachment Booklet*)
 4. Heritage Referral Response (*Provided in Attachment Booklet*)
 5. Planning Panel Meeting Minutes (*Provided in Attachment Booklet*)
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RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That:

1. Council endorse the Planning Proposal - 3 Wolseley Street, Drummoyne to remove the property as a heritage item in the *Canada Bay Local Environmental Plan 2013*, for submission to the Department of Planning, Housing and Infrastructure with a request for a Gateway Determination, public authority consultation and exhibition in accordance with any conditions imposed under the Gateway Determination.
 2. Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan.
 3. Authority be delegated to the General Manager to make any minor modifications to the planning proposal prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination.
 4. An archival record be prepared on behalf of the applicant by suitably qualified and experienced person and submitted to Council prior to the finalisation of the amendment to the Local Environmental Plan.
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PURPOSE

To report on the outcome of a Planning Proposal assessment relating to 3 Wolseley Street, Drummoyne.

EXECUTIVE SUMMARY

A Planning Proposal has been received seeking to remove the heritage listing of a house at 3 Wolseley Street, Drummoyne (Item no. I505) from Schedule 5 of the *Canada Bay Local Environmental Plan 2013* (LEP).

The house was constructed in c.1900 and was identified as a potential heritage item in 1995. Since this time, a range of works have been approved and changes made to the dwelling.

A detailed assessment of the heritage significance of the house has been undertaken and it is concluded that the subject dwelling no longer satisfies the relevant criteria for heritage listing under the Heritage Council of NSW criteria due to the significant modifications which have been made to the dwelling. The house does not reach the threshold for local heritage listing because it no longer demonstrates the historical development of Drummoyne during the Federation period or the architectural characteristics of a Federation period house.

It is recommended that Planning Proposal proceed to the Department of Planning and Environment for a Gateway Determination. This is not a recommendation which is made lightly, nor will it create

a precedent for the consideration of the status of any other heritage items within the City of Canada Bay.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

Goal VUL 4: Ensure the built environment respect the unique neighbourhood character and responds deftly to evolving community needs

BACKGROUND/DISCUSSION

On 15 November 2023, Council received a Planning Proposal for a site known as 3 Wolseley Street, Drummoyne legally referred to as Lot 37 DP 964. The Planning Proposal is seeking to remove the heritage listing of the house in Schedule 5 of the *Canada Bay Local Environmental Plan 2013*.

A copy of the Planning Proposal is provided at Attachment 1 and the Heritage Impact Statement prepared by Weir Phillips Heritage and Planning is provided at Attachment 2.

Site Details

The subject site contains a detached two storey rendered brick and terracotta tiled Federation style dwelling house, which has undergone significant modifications. The dwelling is situated on an irregularly shaped parcel of land located on the south-eastern side of Wolseley Street.

The site has dual street frontages to Wolseley Street (north-western frontage) and St Georges Crescent (south-eastern frontage), with the primary entrance located at Wolseley Street. The front boundary to Wolseley Street is approximately 22.6m wide; the northern side boundary is approximately 29.1m in length; the total site area is 706 sqm (see Figure 1). The land falls steeply toward Georges Crescent (rear) of the site.

The site is currently listed as a heritage item of local significance (I505) under Schedule 5, Part 1 of the *Canada Bay Local Environmental Plan 2013*. The site is zoned R3, medium density residential under the *Canada Bay LEP 2013*.



Figure 1: Aerial image of subject site

The site is located within an R3 Medium Density Residential zone (see Figure 2) and has an 8.5m height limit (see Figure 3) pursuant to the *Canada Bay Local Environmental Plan 2013*.

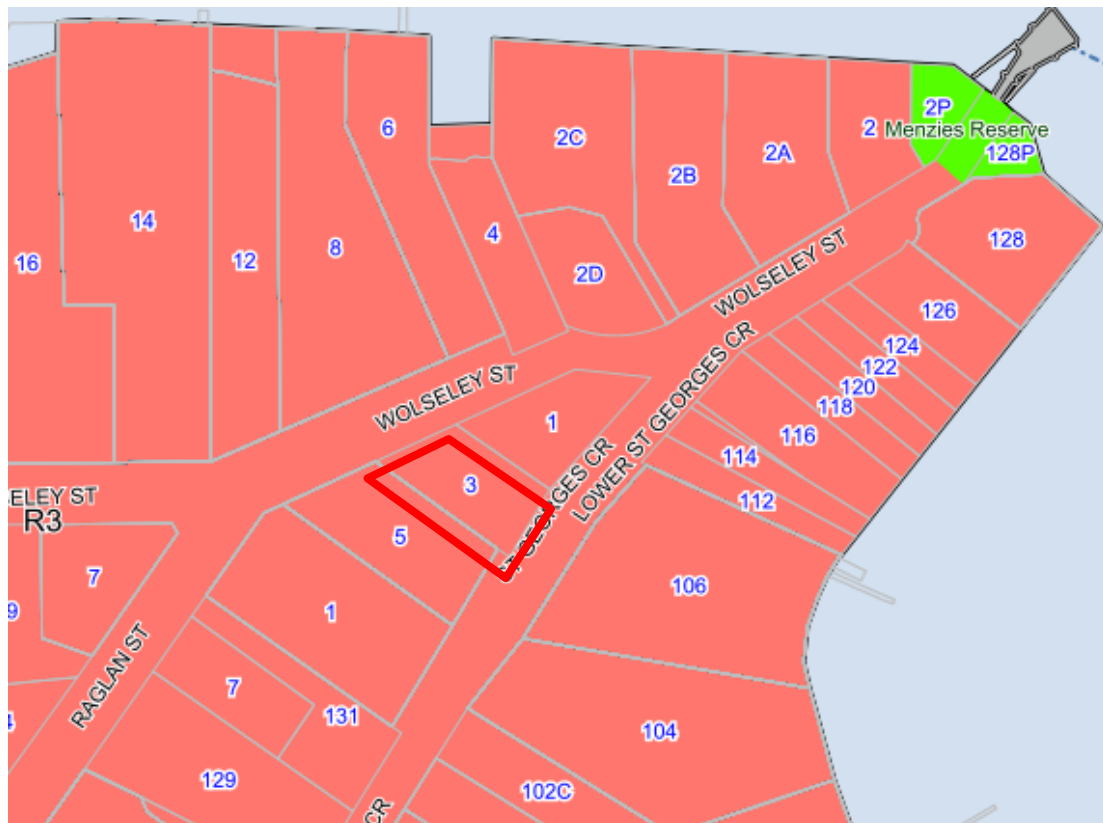


Figure 2: Zoning map

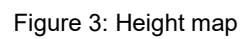


Figure 4: Heritage map

The Statement of Significance provided in the NSW Heritage Inventory is as follows:

3 Wolseley Street, Drummoyne (House) (I505):

The house is of high significance as part of a group at the end of St Georges Crescent which form a very fine streetscape and the house is capable of refurbishment. It is one of a group of fine Federation houses that typified development around the waterfront of Drummoyne.

The subject site is adjacent to a heritage item of local heritage significance, being 1 Wolseley Street (I504) situated to the north-east of the subject site. The Statement of Significance for this heritage item is as follows:

1 Wolseley Street, Drummoyne (House) (I504):

The house is of high significance as part of a group at the end of St Georges Crescent which forms a very fine streetscape and the house is largely intact. It is one of a group of Federation/Edwardian houses that typified development around the waterfront of Drummoyne.

The remnant Eucalyptus Pilularis is a rare survivor in the council area.

The subject site is in the near vicinity of 4 Wolseley Street, Drummoyne (I506), an item of local heritage significance, located to the north-west of the subject site. The Statement of Significance for this heritage item is as follows:

4 Wolseley Street, Drummoyne (House) (I506):

A very fine example of the later Federation Arts and Crafts style residence with excellent detailing and an imposing waterfront location. One of the finest surviving waterfront houses in the area.

About the Heritage Item on the Subject Site

The original house was constructed c.1900 on a residential subdivision of 1882 (the Drummoyne Park Estate). The house was not identified as a potential heritage item in the 1989 *Drummoyne Heritage Study* undertaken by Perumal Murphy. The *Drummoyne Heritage Study Review* by Paul Davies & Associates, 1995, did however identify the property as a potential heritage item. The current heritage inventory sheet was prepared as part of this study. In 2000 the house was subsequently listed as a heritage item in *Drummoyne Local Environmental Plan (LEP) 1986* by Amendment No. 44 to the LEP.

The Heritage Impact Statement (HIS) accompanying the Planning Proposal prepared by Weir Phillips Heritage and Planning, states that it is likely the house was originally constructed in face brick with stone foundations, and characterised by timber framed windows, gables and bay windows in a style typical of the Federation period.

The subject dwelling has since undergone significant modifications unsympathetic to the original Federation style and is no longer considered representative of this style of architecture. The modifications are described below. Figures 5, 6 and 7 provide current views of the house.



Figure 5: Current view of dwelling from Wolseley Street looking east



Figure 6: Current view of dwelling from St Georges Crescent looking north-west



Figure 7: Rear wing of subject dwelling from St Georges Crescent

Changes Made to the Dwelling House

Extensive alterations and additions were made to the house following Council development approval in 1999 (DA 269/1998). The modifications included:

- A new first floor addition
- Ground floor balcony added to the front verandah
- Double garage on Wolseley Street
- Swimming pool
- Laundry
- New Wolseley Street fence
- Rendering of the external face brick walls

Further alterations and additions on the subject site were approved by Council in 2003 (DA 5/2003). The approved work included:

- A new fence to St Georges Crescent
- New double garage to St Georges Crescent
- New steps and path from St Georges Crescent
- Swimming pool (different but not additional to the pool approved in 1999)
- An addition to the northern end of the approved first floor addition.

The heritage assessment report accompanying the planning proposal prepared by Weir Philips notes the following key alterations to the dwelling, in summary:

- The face brick has been rendered.
- The principal roof structure was removed when the first-floor addition was constructed.
- Most of the original openings have been replaced.
- The original front elevation has been enclosed and the entry relocated to Wolseley Street, which has obscured an understanding of the original configuration and the use of the rooms.
- All ceilings have been replaced with uncharacteristic plain plaster ceilings.
- Most of the original joinery including skirting boards and architraves have been replaced.
- The plasterwork in the hallway is not original.
- Most of the leadlight top lights are new.
- The fireplaces have either been removed or replaced.

- All site structures including the boundary fencing, garden stairs, vegetation and so on have been replaced or removed.

Planning Proposal and Heritage Impact Statement

A Planning Proposal has been lodged with Council to initiate a process whereby the property would no longer be listed as a heritage item in Schedule 5 of the *Canada Bay LEP 2013*.

The Planning Proposal is accompanied by a Heritage Impact Statement (HIS) prepared by Weir Phillips Heritage and Planning. The HIS recommends removal of the item from Schedule 5 of the *Canada Bay LEP 2013*, stating (p. 43):

Unlike remaining dwellings from this period, the subject dwelling has undergone alterations and additions over time. These alterations are significant and irreparable and have resulted in the loss of important detail that characterises the style.

The HIS assessed the site for significance against seven (7) criteria under the NSW Heritage Division Criteria and concluded that the dwelling does not meet the threshold for listing. The proponent's reasons for delisting the heritage item are as follows:

- The building is not a fine example of a Federation period and style dwelling, but rather a highly modified typology that has lost its integrity.
- The building has limited historic significance as part of a pattern of substantial dwellings being constructed in this part of Drummoyne during the late 19th and early 20th centuries.
- The building is not associated with any persons or cultural groups determined to be of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
- The building has not been attributed to any prominent designer or architect.
- The building has been altered so extensively that it can no longer be considered a good example of its type. There are other better examples to be found throughout the City of Canada Bay that would provide this type of information.
- The building does not display any aesthetically distinctive or landmark qualities. The building is of limited aesthetic merit.
- The setting of the item has been irreparably damaged by the construction of medium density development around the site.
- The building is isolated and separated from similar building types and no longer forms part of a larger cohesive group.
- The context, character and amenity of the subject site has been diminished by redevelopment of sites nearby into residential flat buildings.

Previous Recommendation for Delisting by John Oultram Heritage & Design

In 2020, Council engaged an independent heritage consultant, John Oultram Heritage & Design (Attachment 3) to review a request from the owner to remove the heritage item from Schedule 5 of the *Canada Bay LEP 2013*. At that time, no formal Planning Proposal was received by Council from the applicant to delist the subject dwelling as a heritage item.

The report by John Oultram concludes that, based on an assessment of significance undertaken in accordance with the Heritage NSW guideline *Assessing Heritage Significance*, the house does not satisfy the guideline's criteria for local heritage significance. This conclusion is due to the lack of integrity of the original house, the report stating:

The house has been very heavily altered and its form distorted by the later additions. It has lost much of its original characteristics and external detail and much of the interiors detail has been replaced. The garden setting to the water has also been altered. Based on the above we

consider that the house would not meet any of the Heritage Manual criteria for identification as a place of local significance.

The overall recommendation made in the report by John Oultram is as follows:

3 Wolseley Street is a poor example of a heavily modified Edwardian house that has lost much its original form and external detail. The property would not meet any of the Heritage Manual criteria for identification as a place of local significance. We would recommend that the listing be removed.

Heritage Assessment

Extensive alterations and additions were made to the house following Council development approval in 1999 (DA 269/1998). The Council planner who assessed the development application in 1999 appears not to have referred the application to Council's Heritage Advisor at the time, but nevertheless included the following assessment of heritage impact in the report:

The following aspects of the proposal respect or enhance the heritage significance of the item:

- *The existing dwelling is preserved and not demolished.*
- *The existing dwelling is in poor condition and is repaired by the proposal maintaining its significance as a remnant part of a significant group at the end of St Georges Crescent.*
- *The original features of the Federation dwelling are maintained.*
- *The landscaping of the property – which is currently in a state of disrepair is maintained.*

Further alterations and additions were approved in 2003 (DA 5/2003). Similarly, the development application appears not to have been referred to Council's Heritage Advisor for review and comment during the assessment in 2003.

The heritage impact statement (HIS) submitted with DA 5/2003 states that the heritage significance of the original house had already been severely eroded by works approved by Council in 1999, and the approved works were considered sufficiently detrimental to render the house below the level of significance needed for local heritage listing. The HIS argues that due to the lack of heritage values, the proposed further changes to the house are acceptable.

The heritage assessment report submitted with the planning proposal (PP2023/0004) prepared by Weir Phillips, assesses the significance of the existing house. The report concludes that the house has undergone extensive alterations that have degraded its heritage value, as the house can no longer be considered a good example of its type and no longer presents as a Federation style dwelling.

The assessments of heritage significance of 3 Wolseley Street undertaken by both Weir Phillips Heritage and Planning, and John Oultram Heritage & Design are consistent in their assessment, agreeing that the lack of integrity of the original house has permanently degraded the heritage values of the house to such an extent that it no longer warrants heritage listing.

Council's Heritage Coordinator has reviewed the Planning Proposal and supports the conclusions of the applicant's heritage consultant and Council's independent heritage consultant. The following summary of reasons as to why the planning proposal to delist the heritage item should be supported:

The planning proposal for the removal of the house at 3 Wolseley Road from Schedule 5 (the heritage schedule) of Canada Bay Local Environmental Plan 2013 is supported as the lack of integrity of the original house greatly limits its ability to demonstrate the historical development of Drummoyne during the Federation period and the architectural characteristics of a Federation period house.

The assessment by Council's Heritage Coordinator is provided at Attachment 4.

It is recommended that the Planning Proposal be endorsed for submission to the Department of Planning and Environment for a Gateway Determination. The existing heritage listing would be removed as the house no longer reaches the threshold of heritage significance required for local

heritage listing as required by the following criteria for assessing heritage significance set out in the NSW Department of Planning and Environment guideline *Assessing Heritage Significance*:

- The house no longer adequately demonstrates the history of the suburban development of Drummoyne in the late nineteenth and early twentieth centuries following subdivision of large estates. As a result, Criterion (a) of the criteria for assessing heritage significance in NSW is not satisfied.
- An association of the house to a person or organisation that has made an important contribution to the history of the area has not been demonstrated. As a result, Criterion (b) of the criteria for assessing heritage significance in NSW is not satisfied.
- The appearance of the original house has been so altered that it no longer adequately demonstrates the distinctive aesthetic qualities of a Federation period house, or a high degree of creative or technical excellence at a local level. As a result, Criterion (c) of the criteria for assessing heritage significance in NSW is not satisfied.
- The house does not have a strong or special association with a particular community group and, based on available information, is not esteemed by the community. As a result, Criterion (d) of the criteria for assessing heritage significance in NSW is not satisfied.
- The house has been well researched and does not have the potential to reveal unique information that will contribute to an understanding of past historic, cultural, or technological matters. As a result, Criterion (e) of the criteria for assessing heritage significance in NSW is not satisfied.
- The house is not rare as there are a number of Federation period houses in the Drummoyne area, with this suburb having a strong period of growth during the Federation period. In addition, alterations to the house mean that it is no longer able to adequately demonstrate a house typical of the Federation period. As a result, Criterion (f) of the criteria for assessing heritage significance in NSW is not satisfied.
- The house does not demonstrate the principal characteristics of a Federation period house due to the extensive alterations and additions undertaken c.2004. As a result, Criterion (g) of the criteria for assessing heritage significance in NSW is not satisfied.

Local Planning Panel

On 31 January 2024, the Planning Proposal was referred to the Local Planning Panel (the Panel) for advice. The Panel considered the assessment report, the information presented by the applicant in their address to the Panel, and the matters observed during a site inspection.

The Panel provided the following advice:

1. The Panel recommends the heritage listing removal of the site but notes de-listing is a rare event, however in accordance with the heritage advice and the context surrounding the site, it is appropriate in this exceptional case.
2. It would appear from the records, the 1999 DA and works in 2004 reduced the heritage values of the building.
3. That prior to finalisation of the de-listing, the proponent be required to create an archival record based on the two heritage reports from Weir Phillips and John Oultram.
4. If a DA for redevelopment of the site comes forward, the Panel would recommend that Council require the proponent to explore opportunities for material salvage and re-use for any redevelopment on the site.

The minutes from the Local Planning Panel are provided at Attachment 5.

TIMING CONSIDERATIONS

The Planning Proposal was lodged on 15 November 2023. It is categorised as a 'standard' application with a 95-day assessment timeframe requiring a Council resolution no later than 26 March 2024 and submission to the NSW Department of Planning and Environment (if appropriate) for a Gateway Determination.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

The planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and follows the NSW Department of Planning and Environment's 'Local Environmental Plan Making Guideline'.