



IRF24/696

Gateway determination report – PP 2023-2515

Delisting of Local Heritage Item – 3 Wolseley St,
Drummoyne

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Heritage Assessment - 3 Wolseley Street, Drummoyne, prepared by Weir Phillips Heritage and Planning, September 2020
Canada Bay Internal Heritage Referral Response, 20 December 2023
Canada Bay Local Planning Panel Minutes, 31 January 2024
Canada Bay Council Report, 20 February 2024
Canada Bay Council Resolution, 20 February 2024

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Canada Bay
PPA	City of Canada Bay Council
NAME	Delisting of Local Heritage Item – 3 Wolseley St, Drummoyne
NUMBER	PP-2023-2515
LEP TO BE AMENDED	Canada Bay Local Environmental Plan (LEP) 2013
ADDRESS	3 Wolseley Street, Drummoyne
DESCRIPTION	Lot 37 DP 964
RECEIVED	26/02/2024
FILE NO.	IRF24/696
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 planning proposal contains objectives that explain the intent of the proposal.

The objectives of the planning proposal are to:

- help maintain the integrity of Canada Bay's heritage listings to ensure that only those items with demonstrated heritage significance are retained and appropriately protected
- allow for the appropriate development of the site under the existing zoning and local planning provisions.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Canada Bay LEP 2013 to:

- Amend *Part 1 Heritage Conservation Areas* of *Schedule 5 Environmental Heritage* to remove item I505
- Amend the Heritage Map to remove the site.

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

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 site (**Figure 1**) is occupied by a 2-storey dwelling (**Figures 2, 3, 4 and 5**) and is zoned R3 Medium Density Residential.

Surrounding development is characterised by dwelling houses and low-rise residential flat buildings. Adjoining sites at 1 and 4 Wolseley St, Drummoyne are local heritage items (I504/I506).



Figure 1 Aerial view of the site, outlined in red, with access from Wolseley Street and St Georges Crescent (Source: Nearmap, 2024)



Figure 2 Rear of the site showing rear wing
(Source: Heritage Assessment, 2020)



Figure 3 Front elevation
(Source: Heritage Assessment, 2020)



Figure 4 Rear Garages
(Source: Heritage Assessment, 2020)



Figure 5 Only original window
(Source: Heritage Assessment, 2020)

1.5 Mapping

The planning proposal seeks to remove the site from the Heritage Map (**Figure 6**). The planning proposal includes existing mapping with supporting text detailing the proposed changes to the Canada Bay LEP Heritage Map, this is considered suitable for community consultation.



Figure 6 Canada Bay Local Environmental Plan 2013 – Heritage Map (Source: NSW ePlanning Spatial Viewer, 2024)

1.6 Background

Table 3 Timeline of planning proposal

Date	Event
c.1900 - 1901	The original building was constructed on the site.
1999	Development approval (DA 269/1998) included major alterations to the site and significant modifications to the original building.
2000	The site was listed on the heritage inventory sheet in <i>Drummoyne Local Environmental Plan (LEP) 1986</i> (Amendment No. 44) to the LEP based on the findings of a 1995 Heritage Study which identified the site as having heritage significance.
2003	Development approval (DA 5/2003) for further alterations and significant modifications to the original building.
15 November 2023	Proponent submitted request for a planning proposal to remove the heritage item from Schedule 5 of Canada Bay LEP 2013.

Date	Event
31 January 2024	Canada Bay Local Planning Panel recommended Council support the planning proposal.
20 February 2024	Council resolved to submit the planning proposal for a Gateway assessment.
26 February 2024	Planning proposal submitted for a Gateway assessment.

2 Need for the planning proposal

The planning proposal is not the result of a strategic study. It was initiated by the proponent and is supported by a Heritage Assessment prepared by Weir Phillips Heritage and Planning (September 2020) which found that significant alterations have reduced the significance of the item. The assessment of heritage significance was prepared in accordance with the NSW Heritage Council Guidelines, *Assessing Heritage Significance*.

Under the Guidelines, a place or object needs to meet one or more of the 7 criteria to be considered of heritage significance. The assessment should also consider the integrity and condition of the place or object and the level of heritage significance.

The Heritage Assessment found that the site is representative of one of several early examples of Federation style dwellings in Drummoyne, stating 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. However, the dwelling has since undergone significant modifications unsympathetic to the original Federation style and is no longer considered representative of this style of architecture.

The planning proposal states that the dwelling no longer meets the threshold of heritage significance required for local heritage listing as:

- 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.
- 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.
- The house does not demonstrate the principal characteristics of a Federation period house due to the extensive alterations and additions undertaken.

An assessment against the criteria in the Guideline is summarised below:

Table 4 Heritage Criteria Assessment

Criteria	Heritage Assessment	
(a) Historic Significance	No	The original site had local significance as evidence of one of the key periods of subdivision in Drummoyne. However, the site no longer meets this criterion due to the subdivision of large estates and the significant modification to the original building has impacted the historic significance of the dwelling itself as there are limited surviving elements from the Federation Period.

Criteria	Heritage Assessment	
(b) Historical Association	No	The building is not associated with a person, organisation or group who have made an important or notable contribution.
(c) Aesthetic / Creative / Technical Achievement	No	The site was not identified as being the work of any notable architect. The building does not demonstrate creative or technical excellence, innovation or achievement.
(d) Social, Cultural and Spiritual Significance	No	The site it is not identified as having any social, cultural or spiritual significance.
(e) Research Potential	No	The site it is not identified as having the potential to yield further or new information contributing to local or state significance.
(f) Rare	No	The original building has been significantly modified. There are better examples of Federation period dwellings found within the local area.
(g) Representative	No	The significant modifications to the dwelling make it a poor example of the Federation Period in Drummoyne.

Not every historic building, place or object has sufficient significance to justify statutory listing at a state or local level. Whilst the original dwelling may have met one or more of the above criteria, the planning proposal and supporting documents have demonstrated that the item does warrant a statutory listing in the LEP.

A planning proposal to amend Schedule 5 of the Canada Bay LEP 2013 is the best means of achieving the intended outcome of the planning proposal, to remove the statutory heritage listing from the subject site.

Accordingly, the Department is satisfied the planning proposal has in accordance with the relevant Guidelines demonstrate that the significant and irreparable changes to the heritage item have diminished its heritage significance and delisting the heritage item is appropriate.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in section 3.2 below.

3.2 District Plan

The site is within the Eastern City District and the 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 infrastructure and collaboration, liveability, productivity, and sustainability 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 5 District Plan assessment

District Plan Priorities	Justification
E6 Creating and renewing great places and local centres, and respecting the district's heritage	<p>This priority seeks to identify, conserve, interpret and celebrate the District's heritage values.</p> <p>The proposal is supported by a heritage study assessed against the criteria for assessing heritage significance in accordance with the NSW Heritage Council's Assessing Heritage Significance guidelines. It demonstrates that the site no longer satisfies the criteria for heritage significance sufficient for a statutory listing.</p> <p>The proposal has provided suitable justification to address this Priority.</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 6 Local strategic planning assessment

Local Strategies	Justification
Canada Bay Local Strategic Planning Statement (2020)	<p>The planning proposal is supported by a Heritage Assessment that demonstrates the site has been substantially modified and it is not a rare example of the architectural period or style of building.</p> <p>The planning proposal states that delisting the site will have an insignificant effect on the built heritage within Canada Bay LGA, as a heritage asset is only valuable if the integrity of the qualities that contribute to its heritage significance are retained.</p> <p>The planning proposal has provided suitable justification to address the priorities of the LSPS, particularly for priorities for maintaining heritage.</p>
Canada Bay Local Housing Strategy (2019)	The planning proposal is consistent with Canada Bay Local Housing Strategy as there are no changes to zoning or development standards proposed.

3.4 Local planning panel (LPP) recommendation

That the Canada Bay LPP considered the proposal at its meeting of 31 January 2024 and recommend to Council that:

1. *The Panel recommends the heritage listing removal of the site but notes delisting 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.*

On 20 February 2024, having considered the proposal and advice of the LPP, Council resolved to submit the planning proposal for a Gateway assessment.

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	Consistent	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal is broadly consistent with the Region Plan, Eastern City District Plan and LSPS. Refer to section 3.2 for further assessment.</p>
3.2 Heritage Conservation	Justifiably inconsistent	<p>The objective of Direction 3.2 is to conserve items, areas, objectives and places of environmental heritage significance and indigenous heritage significance.</p> <p>The proposal is supported by a heritage study prepared in accordance with the NSW Heritage Council's guideline 'Assessing Heritage Significance', which demonstrates that the site no longer satisfies the criteria for heritage significance sufficient to warrant a statutory listing.</p> <p>The inconsistency with Direction 3.2 Heritage conservation is minor and justified.</p>
6.1 Residential Zones	Consistent	<p>This Direction aims to encourage housing choice, make efficient use of infrastructure and services, and minimise the impact of residential development on environment and resource lands.</p> <p>The proposal does not reduce the permissible residential density.</p> <p>The proposal is consistent with the direction.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
Housing (2021)	Consistent	<p>The SEPP seeks to provide diversity in housing and encourage affordable and rental housing. It also seeks to provide residents with a reasonable level of amenity.</p> <p>The proposal seeks to remove the local heritage listing and is administrative in nature.</p> <p>The planning proposal does not contain any provisions which would contravene or hinder the application of the SEPP.</p>
Biodiversity and Conservation (2021)	Consistent	<p>The SEPP seeks to ensure that the catchment, foreshores, waterways in the Sydney Harbour Catchment are recognised, protected, enhanced and maintained.</p> <p>The Canada Bay LGA is identified as being part of the Sydney Harbour Catchment area.</p> <p>The proposal does not contain any provisions which hinder the application of the SEPP.</p>
Exempt and Complying Development Codes (2008)	Consistent	<p>The proposal does not contain any provisions which hinder the application of the SEPP.</p>

4 Site-specific assessment

4.1 Environmental

The proposal will not adversely impact local critical habitats, threatened species, populations or ecological communities, or their habitats as a result of delisting of the heritage item.

4.2 Social and economic

The proposal is unlikely to have any significant social or economic impacts. It will ensure heritage listings are up to date.

4.3 Infrastructure

There is no significant infrastructure demand that will result from the planning proposal.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate, and forms part of the conditions of the Gateway determination.

5.2 Agencies

Given the nature of the planning proposal, it is considered that no agencies need to be consulted on the proposal.

6 Timeframe

The planning proposal states an LEP completion date of December 2024.

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 31 January 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes and the end of year shutdown period. A condition to the above effect is 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 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 subject to conditions for the following reasons:

- It is consistent with the Greater Sydney Region Plan, Eastern City District Plan, Council's Local Strategic Planning Statement, and the relevant SEPPs.
- The planning proposal is consistent with the relevant Section 9.1 Directions, and the inconsistency with Direction 3.2 Heritage conservation is minor and justified.
- The planning proposal is supported by a heritage assessment report prepared in accordance with the NSW Heritage Office Guidelines and sufficient justification demonstrating that significant and irreparable changes to the heritage item have diminished its heritage significance and removal of the statutory listing is appropriate.
- The proposal has given consideration to the likely environmental, social and economic, and infrastructure.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that the inconsistency with Direction 3.2 Heritage conservation is minor and justified.

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

1. The planning proposal should be made available for community consultation for a minimum of 20 working days.

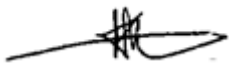
Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 31 January 2025 be included on the Gateway.



05/04/2024

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