



IRF23/1717

Gateway determination report – PP-2023-932

Planning Proposal, Heritage listing of four sites in
Double Bay

July 23

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2023-932

Subtitle: Planning Proposal, Heritage listing of four sites in Double 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
Planning Proposal

Double Bay Centre Heritage Review of Character Buildings, Lucas Stapleton Johnston and Partners Pty Ltd (LSJ) (14 October 2022)

Heritage Inventory Sheets (2022)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Woollahra
PPA	Woollahra Municipal Council
NAME	Double Bay Centre Heritage Study
NUMBER	PP-2023-932
LEP TO BE AMENDED	Woollahra Local Environmental Plan (LEP) 2014
ADDRESS	<ul style="list-style-type: none"> • 21-25 Knox Street, Double Bay • 475-479 New South Head Road, Double Bay • 28 Bay Street, Double Bay • 45A Bay Street, Double Bay
DESCRIPTION	<ul style="list-style-type: none"> • Shopping building and arcade (Lot 1 DP 208922) • Coopers Corner (Lot 1 DP 13051) • Royal Oak Hotel (Lot 1 DP 60445) • (former) In Shoppe building (Lot 1 DP 208325)
RECEIVED	1/06/2023
FILE NO.	IRF23/1717
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 and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend the Woollahra LEP 2014 to:

- To recognise the heritage significance of the four sites in Double Bay and provide them with statutory protection.
- To provide a statutory requirement for development proposals to consider the effects of proposed development on the heritage significance of these items.

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 listing in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage) for the following sites;
 - 21-25 Knox Street, Double Bay - Shopping building and arcade
 - 475-479 New South Head Road, Double Bay – Coopers Corner
 - 28 Bay Street, Double Bay – Royal Oak Hotel
 - 45a Bay Street, Double Bay – (former) In Shoppe building
- Amend the Heritage Map to identify four additional heritage items at their relevant addresses.

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 planning proposal relates to four sites within the Double Bay Centre Heritage Study as identified and described in Table 3 below.

Table 3: Site identification

Site identification	
Site 1 – 21-25 Knox Street, Double Bay – Shopping building and arcade	
Address	21-25 Knox Street, Double Bay - (Lot 1 DP 208922)
Description	<p><i>Shopping building and arcade</i></p> <p>Existing development on the site comprises a part two-storey and part three-storey commercial building of rendered masonry construction accommodating shops and offices, with double fronted curved glass façade and arcade.</p>
Site Context	Development on adjoining sites consists of a single storey commercial building at 27-29 Knox Street to the west of the site and a three-storey Interwar Functionalist building of rendered masonry construction to the east of the site at 17-19 Knox Street.
Existing Controls	The site is currently zoned E1 Local Centre. The maximum height of buildings is 14.7m and maximum floor space ratio (FSR) is 2.5:1.

Site identification

Map

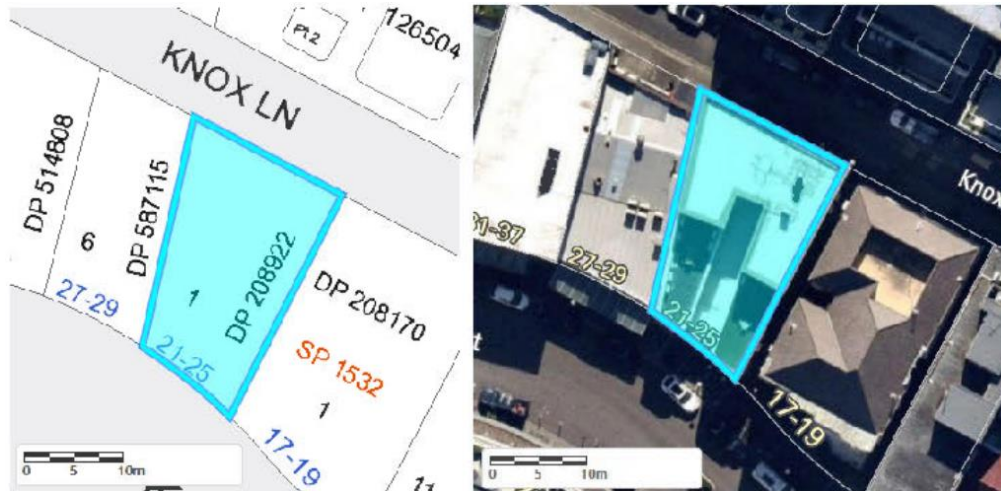


Figure 1: Cadastral map and aerial photo of the subject site, outlined in blue (Source: planning proposal)

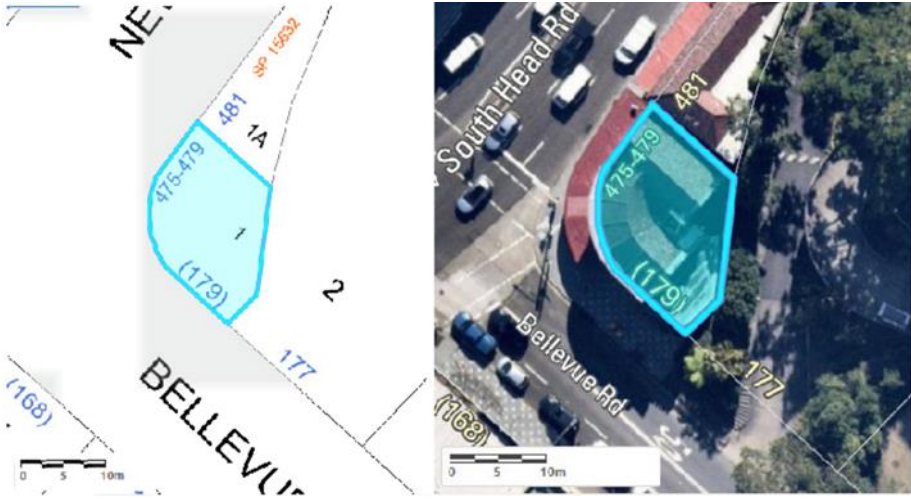
Site photos



Figure 2: Current site photo, January 2022 (Source: planning proposal)

Site identification

Site 2 475-479 New South Head Road, Double Bay – Coopers Corner

Address	475-479 New South Head Road, Double Bay - (Lot 1 DP 13051)
Description	<p><i>Coopers Corner</i></p> <p>Existing development on the site consists of a curved, three-storey mixed use commercial and residential flat building of masonry construction featuring dark face brick and render in the Arts & Crafts style, with tiled roof Post-war addition of brick construction with crenelated parapet and aluminium windows (c.1959-16) to the rear.</p>
Site Context	The existing development on the adjoining property to the rear (east) consists of a Post-war residential flat building, 'Colebrook' of at least 15 storeys. Existing development to the north of the site consists of an Inter-war era four storey mixed use commercial and residential building of rendered masonry construction.
Existing Controls	The site is currently zoned E1 Local Centre. The maximum height of buildings is 14.7m and maximum floor space ratio (FSR) is 1:1.
Map	 <p>Figure 3: Cadastral map and aerial photo of the subject site, outlined in blue (Source: planning proposal)</p>

Site identification

Site photos

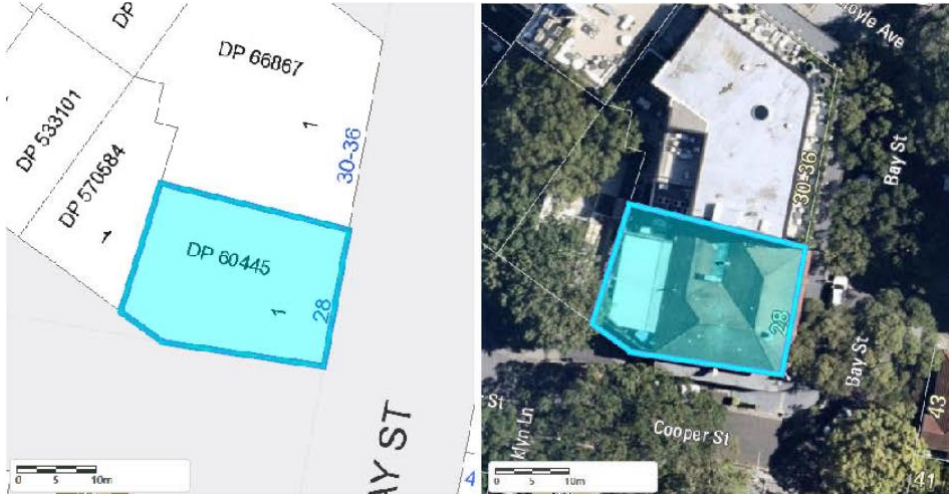



Figure 4: Current site photo, January 2022 (Source: planning proposal)

Site identification

Site 3 28 Bay Street, Double Bay – The Royal Oak Hotel

Address	28 Bay Street, Double Bay - (Lot 1 DP 60455)
Description	<p><i>The Royal Oak Hotel</i></p> <p>Existing development on the site consist of a four-storey commercial hotel building of rendered masonry construction with hipped Marseilles tile roof, arcaded balconies (now enclosed), blind arched recesses with classical swags, and classically inspired balustrades. The site is an example of Inter-war Georgina Revival style.</p>
Site Context	Existing development on adjoining sites consists of a four-storey commercial at 30-36 Bay Street know as Pallas House to the north of the site, and a 1.5 storey residential cottage of masonry and tile construction at 3 South Avenue to the west of the site.
Existing Controls	The site is currently zoned E1 Local Centre. The maximum height of building is 18.1m and maximum floor space ratio (FSR) is 2.5:1.

Site identification	
Map	 <p>Figure 5: Cadastral map and aerial photo of the subject site, outlined in blue (Source: planning proposal)</p>
Site photos	 <p>Figure 6: Current site photo, January 2022 (Source: planning proposal)</p>

Site identification	
Site 4 45 Bay Street, Double Bay – Former In Shoppe Building	
Address	45A Bay Street, Double Bay - (Lot 1 DP 208325)
Description	<p><i>Former In Shoppe building</i></p> <p>Existing development on the site consists of four- storey mixed use commercial building with basement, of rendered masonry construction with vertically proportioned glazing.</p>

Site identification	
Site Context	Existing development on the neighbouring site to the east at 41 Knox Street comprising a four-storey commercial building accommodating the Savoy Hotel and ground floor level shops.
Existing Controls	The site is currently zoned E1 Local Centre. The maximum height of building is 18.1m and maximum floor space ratio (FSR) is 2.5:1.
Map	 <p>Figure 7: Cadastral map, shown in red and aerial photo of the subject site, outlined in blue (Source: planning proposal)</p>
Site photos	 <p>Figure 8: Current site photo, January 2022 (Source: planning proposal)</p>

1.5 Mapping

The planning proposal includes mapping (**Figures 9 to 16**) showing the proposed changes to the Heritage maps. The maps identify the proposed heritage items with indicative item numbers.

The proposed mapping in the planning proposal is considered suitable for community consultation.

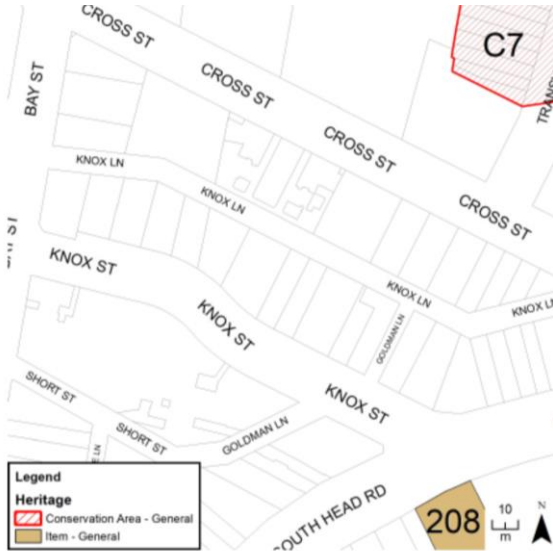


Figure 9 Current Woollahra LEP 2014 Heritage Map (source: planning proposal)



Figure 10 Proposed Woollahra LEP 2014 Heritage Map – showing the proposed listing for 21-25 Knox Street (item 730) (source: planning proposal)

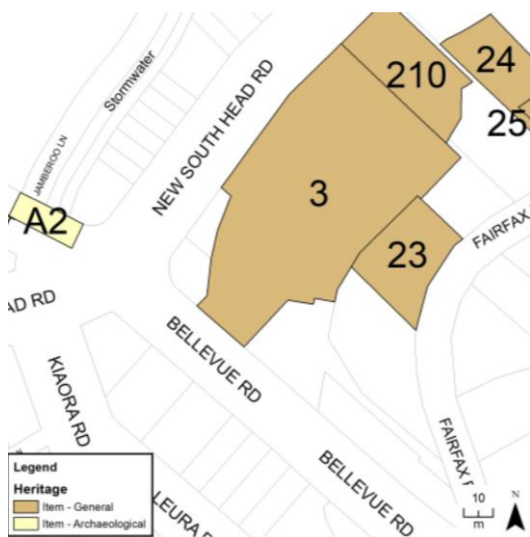


Figure 11 Current Woollahra LEP 2014 Heritage Map (source: planning proposal)

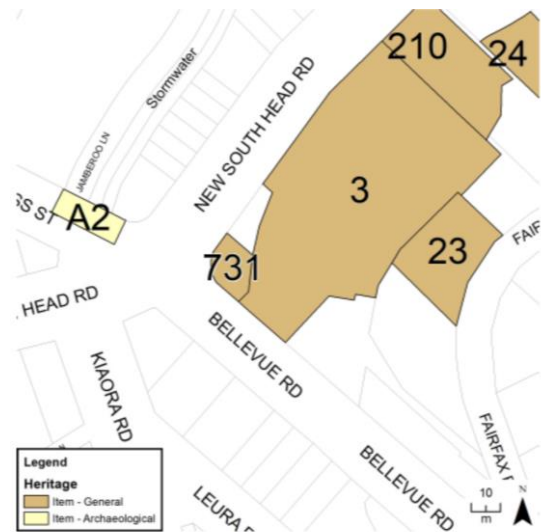


Figure 12 Proposed Woollahra LEP 2014 Heritage Map – showing the proposed listing for 475-479 New South Head Road (item 731) (source: planning proposal)



Figure 13 Current Woollahra LEP 2014 Heritage Map (source: planning proposal)



Figure 14 Proposed Woollahra LEP 2014 Heritage Map showing the proposed listing for 28 Bay Street (item 732) (source: planning proposal)



Figure 15 Current Woollahra LEP 2014 Heritage Map (source: planning proposal)

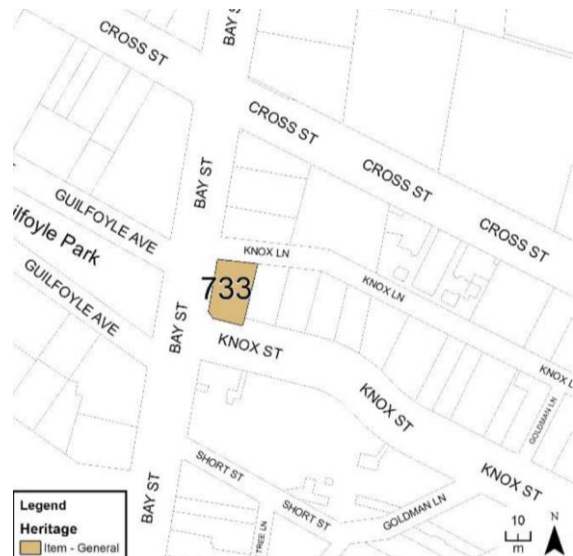


Figure 16 Proposed Woollahra LEP 2014 Heritage Map showing the proposed listing for 45A Bay Street (item 733) (source: planning proposal)

1.6 Background

- On 26 April 2021, Council considered a Notice of Motion (NOM 16.5) regarding the potential heritage significance of properties located in the Double Bay Centre. The NOM included identification of several properties as character buildings in the Woollahra DCP 2015, acknowledging additional character buildings and requested Council staff to urgently to investigate the potential heritage significance of the buildings identified to identify if they warrant local, state and/or heritage conservation listings.
- In response, Council engaged Lucas Stapleton Johnston and Partners Pty Ltd (LSJ) to undertake a heritage significance assessment of the buildings identified in the Notice of Motion. The study was completed in October 2022, which recommended four sites (which form the subject of this planning proposal) should be listed as local heritage items in Schedule 5 Part 1 of the Woollahra LEP 2014.
- The planning proposal was forwarded to the Woollahra Local Planning Panel on 13 December 2022, who provided advice to proceed with the planning proposal to list the four sites as heritage items Schedule 5 Part 1 of the Woollahra LEP. Advice was also provided to consider the impact of the planning proposal on the Double Bay Planning and Urban Design Strategy.
- The Draft Double Bay Centre Planning and Urban Design Strategy was prepared to provide a review of existing planning controls and provide an approach that considers the existing and future heritage, local character, built form, design excellence, land use, public domain, housing, traffic, and transport of Double Bay.
- The planning proposal was then forwarded to the Council at its meeting of 27 March 2023, to which the Council endorsed the planning proposal to proceed to list the four sites; the Council also resolved to request the Minister to authorise Council as the local plan-making authority to make the local environmental plan.

2 Need for the planning proposal

The planning proposal is the result of the recommendations found in the heritage study titled “Double Bay Centre Review of Characters Buildings” prepared by LSJ. The report concluded that four of the sites within the scope of the assessment meet the criteria for listing as local heritage items.

The objective of the planning proposal is to recognise the heritage significance of the four sites as local heritage items and provide them with statutory heritage protection. Heritage listing will provide ongoing protection and recognition of the heritage significance of the sites.

Other options, such as adding site-specific objectives and controls to a potential development consent, will not provide the same level of heritage protection and recognition.

Assessment of heritage significance

The heritage significance of the sites has been assessed in accordance with the Heritage Office Manual, *Assessing Heritage Significance* published by NSW Heritage Office in 2001. All sites have been assessed against the seven listing criteria in the manual, being (a) historic significance, (b) historic association significance, (c) aesthetic significance, (d) social significance, (e) research potential, (f) rarity, and (g) representativeness. If an item meets one of the seven criteria at a local level, it can be considered to have local heritage significance. The assessment of the sites is summarised in Table 4, which finds that each site satisfies relevant criteria, thus meeting the threshold for local heritage listing.

Table 4 Summary of LSJ's heritage assessment of the sites against the listing criteria of the NSW Heritage Office manual

Site	a) Historic	b) Associative	c) Aesthetic	d) Social	e) Research	f) Rarity	g) Representativeness
21-25 Knox Street Double Bay	✓	✓	✓	P	✓	✓	✓
475- 479 New South Head Road Double Bay	✗	✓	✓	P	✓	✓	✓
28 Bay Street Double Bay	✓	✓	✓	✓	✓	✓	✓
45a Bay Street Double Bay	✓	✓	✓	P	✓	✓	✓

Note: P indicates that the building may have potential significance under this criterion.

The following provides a summary of the assessment of significance undertaken by LSJ Heritage Planning & Architecture. The full details are in the planning proposal, heritage study and inventory sheets.

The heritage inventory sheets acknowledge that formal assessment of social significance has not been undertaken for the three of the sites. However, there are aspects of these sites that would demonstrate potential social significance, which are outlined in the discussions below. Exhibition of the proposal would provide an opportunity for the community to make submissions, and through which social values may be gauged.

21-25 Knox Street - Shopping building and arcade

Criterion (a) Historic Significance

Regarding 'historic significance', the site is found to satisfy the criterion on account of:

- 21-25 Knox Street is of historical significance on a local level for forming part of the former Point Piper Estate lands. The building was constructed in 1954 and is possibly the first purposeful commercial building to be constructed, which has become a defining element in Double Bay.

Criterion (b) Associative

Regarding 'associative', the sites is found to satisfy the criterion on account of:

- 21-25 Knox Street is associated with architect Douglas Forsyth Evans of the early to mid-20th century who worked in the International Modern style. The site is also associated with Café 21 which began trading in 1959. Between 1991-2005, the Liberiou family managed the café, which has contributed to the 'cosmopolitan' character of Double Bay.

Criterion (c) Aesthetic

Regarding 'aesthetic', the site is found to satisfy the criterion on account of:

- 21-25 Knox Street is a relatively intact Moderne shopping arcade, which features double fronted curved glass façade and arcade contributing. The building is an example of architect Evans's "quirkiness".

Criterion (d) Social

Regarding 'social', the site was found to potentially satisfy the criterion on the account of:

- The history of use of No. 21-25 Knox Street by Café 21 since 1959 is likely to be of value to the local community as a contributing factor in the establishment of the "cosmopolitan" character of the Double Bay Centre in the mid to late 20th century, although social significance has not been formally assessed.

Criterion (e) Research potential

Regarding 'research', the site is found to satisfy the criterion on account of:

- As a shopping arcade designed in the Moderne style, 21-25 Knox Street may have potential to yield new information regarding the application of this style and its characteristics to commercial buildings.
- The place has the potential to yield further information regarding the works of architect Douglas Forsyth-Evans and the development of the Moderne style in Australian architecture.

Criterion (f) Rarity

Regarding 'rarity', the site is found to satisfy the criterion on account of:

- 21-15 Knox Street is rare within the immediate locality of Double Bay Centre being the only Moderne commercial building and surviving example of Post-war commercial development in Centre.

Criterion (g) Representativeness

Regarding 'representativeness', the site is found to satisfy the criterion on account of:

- 21-25 Knox Street is a representative example of post-war development of Knox Street from a residential to commercial precinct. It is also a representative example of Evans smaller scale work.

475-479 New South Head Road - Coopers Corner

Criterion (a) Historic Significance

Regarding 'historic significance', the site found to not satisfy the criterion.

Criterion (b) Associative

Regarding 'associative', the site found to satisfy the criterion on account of:

- 475-479 New South Head Road is associated with architect Edwin Roy Orchard who designed many houses, residential flats, and some commercial buildings throughout Sydney under the Arts & Craft style.

Criterion (c) Aesthetic

Regarding 'aesthetic', the site is found to satisfy the criterion on account of:

- 475-479 New South Head Road is of aesthetic significance as an unusual corner residential flat building with commercial ground floor. The building holds Arts & Craft style features such as checkerboard gable, brick detailing, moulded render and curved façade.

Criterion (d) Social

Regarding 'social', the site was found to potentially satisfy the criterion on the account of:

- As a distinct building located on a prominent corner may be of significance to the local community for its landmark contribution to the character and streetscape of New South Head Road, although social significance has not been formally assessed.

Criterion (e) Research potential

Regarding 'research', the site is found to satisfy the criterion on account of:

- As a residential and commercial flat building constructed by noted architect Edwin Roy Orchard, No. 475-479 New South Head Road has the potential to yield further information regarding Orchard's body of architectural work, particularly applied to commercial buildings.

Criterion (f) Rarity

Regarding 'rarity', the site is found to satisfy the criterion on account of:

- 475-479 New South Head Road is a rare example of Edwin Orchard's commercial work. The landmark qualities, form, scale, detailing, and historic character are rare survivors of mid-20th century commercial development in the Double Bay Centre.

Criterion (g) Representativeness

Regarding 'representativeness', the site is found to satisfy the criterion on account of:

- 475-479 New South Head Road Double Bay is a distinctive form of Arts & Crafts style residential and commercial building and not typical of shop top housing from the early 20th century. The architectural detailing of the building is representative of the work of Edwin Orchard.

28 Bay Street - Royal Oak HotelCriterion (a) Historic Significance

Regarding 'historic significance', the site is found to satisfy the criterion on account of:

- 28 Bay Street is of historical significance for forming part of historical development of the Double Bay Village Reserve. The building was constructed in 1869 and rebuilt in 1924 under the same name, demonstrating continuity in Double Bay.

Criterion (b) Associative

Regarding 'associative', the site is found to satisfy the criterion on account of:

- 28 Bay Street is associated with noted hotel architects Prevost, Synott & Ruwald, who designed and remodelled the building in 1924 for owners Tooth & Co, an influential and successful brewer, and hotelier company.

Criterion (c) Aesthetic

Regarding 'aesthetic', the site is found to satisfy the criterion on account of:

- 28 Bay Street was designed by Prevost, Synott & Ruwald architects in the Inter-war Georgian Revival style. Although there is little evidence of the internal configuration and

detailing remains, the hotel serves as a transition between the residential character to the west of Bay Street and the commercial development to the east.

Criterion (d) Social

Regarding 'social', the site was found to satisfy the criterion on account of:

- 28 Bay Street is one of the oldest surviving commercial buildings to be located in the area.
- As a hotel in continuous operation since 1869, the place is likely to be of social significance to residents as a historical gathering place and recreational venue.

Criterion (e) Research potential

Regarding 'research', the site is found to satisfy the criterion on account of:

- 28 Bay Street retains evidence of the architectural evolution as an early 20th century Sydney pub and together with archival records of its adaptation over time and may have potential to yield further information regarding the design of hotels for Tooth & Co, and by Prevost, Synott & Ruwald.

Criterion (f) Rarity

Regarding 'rarity', the site is found to satisfy the criterion on account of:

- 28 Bay Street is considered rare in the immediate locality as it is possibly the oldest commercial building and one of only two hotel buildings within Double Bay Centre.

Criterion (g) Representativeness

Regarding 'representativeness', the site is found to satisfy the criterion on account of:

- 28 Bay Street is a representative example of a hotel building designed by Prevost, Synott & Ruwald for Tooth & Co in the Inter-war Georgian Revival style.

45A Bay Street - (former) In Shoppe building

Criterion (a) Historic Significance

Regarding 'historic significance', three of the sites are found to satisfy the criterion on account of:

- 45A Bay Street is of some historical significance on a local level as providing evidence of the involvement of architect Neville Gruzman in the Double Bay Centre Redevelopment Scheme of 1971.

Criterion (b) Associative

Regarding 'associative', the site is found to satisfy the criterion on account of:

- 45A Bay Street is associated with former Mayor of Woollahra Council and Architect Neville Gruzman, who designed heritage listed items nearby. The place is also associated with In Shoppe Pty Ltd, who were well regarded fashion brand across Australia during the 1960s and 1970s.

Criterion (c) Aesthetic

Regarding 'aesthetic', the site is found to satisfy the criterion on account of:

- 45A Bay Street is notable for utilising much of the same architectural work in residential buildings by Neville Gruzman although it is not recognised in publications of the architect's work.

Criterion (d) Social

Regarding 'social', the site was found to potentially satisfy the criterion on the account of:

- No. 45A Bay Street may be of some value to the local community as commercial building that has contained a number of notable tenants, including embassies, the popular Imperial Peking restaurant, and the Double Bay Bridge Club, although social significance has not been formally assessed.

Criterion (e) Research potential

Regarding 'research', the site is found to satisfy the criterion on account of:

- 45A Bay Street is an intact Post-war Modernist commercial building that has potential to provide new information regarding commercial works and construction methodology of architect Neville Guzman.

Criterion (f) Rarity

Regarding 'rarity', the site is found to satisfy the criterion on account of:

- 45A Bay Street is considered rare as being one of a group building which demonstrate architect Neville Guzman dedication to redevelopment of Double Bay in an attempt to introduce a Post-war Modernist architectural language. The site is also uncommon in Guzman's portfolio.

Criterion (g) Representativeness

Regarding 'representativeness', the site is found to satisfy the criterion on account of:

- 45A Bay Street is representative of Neville Gruzman's interest in Organic or Regional Modernism in his work. It also representative of a historical pattern of Post-war development in Double Bay and the group of commercial buildings of the 1960s and 1970s.

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 5 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 13: <i>Environmental heritage is identified</i>	<p>The Region 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 and inventory sheets prepared by Council's consultants have provided an assessment of significance indicating that the sites have reached the threshold for listing at a local level.</p> <p>The proposal is consistent with the objectives of the Region Plan, as it seeks to provide ongoing protection and recognition of the heritage significance of these items.</p>

3.2 District Plan

The site is within the Eastern City District and the Greater Cities 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 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 6 District Plan assessment

District Plan Priorities	Justification
<p>E6: <i>Creating and renewing great places and local centres and respecting District's heritage</i></p> <p>Action 20: Environmental heritage is identified, conserved, and enhanced.</p>	<p>This priority seeks to identify, conserve, interpret and celebrate Districts heritage values.</p> <p>The proposal contributes to the protection of the district's heritage through listing of four sites in the Woollahra LGA, which have been found to have heritage significance in a study. The listing will provide ongoing protection and recognition of the heritage significance of these items.</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 7 Local strategic planning assessment

Local Strategies	Justification
Woollahra Community Strategic Plan 2030	The planning proposal accords with Goal 4: <i>Well-planned neighbourhoods</i> , specifically 4.2 <i>Conserving our rich and diverse heritage</i> . As this proposal aims to recognise the heritage significance of four sites in Double Bay and conserve the sites through statutory protection.
Woollahra Local Strategic Planning Statement 2020	<p>The planning proposal is consistent with Planning Priority 5: <i>Conserving our rich and diverse heritage</i> and Action 28: <i>Continue to proactively conserve and monitor heritage</i> in the Municipality including:</p> <ul style="list-style-type: none"> <i>Reviewing and updating provisions in Woollahra Local Environmental Plan 2014 and Woollahra Development Control Plan 2015.</i> <p>This proposal facilitates the listing of four sites in Double Bay so that they will be subject to the provisions of Cl. 5.10 of the Woollahra LEP 2014. This aims to recognise the heritage significance and provide statutory protection.</p>

3.4 Local planning panel (LPP) recommendation

The planning proposal was referred to the Woollahra LPP on 13 December 2022. The LPP recommended that Council proceed with the planning proposal to list all four sites as heritage items in Schedule 5 Part 1 of the Woollahra LEP 2014.

The Panel also recommended the name of “Twenty-one” be changed to “shopping building and arcade” in reference to 21-25 Knox Street, Double Bay and 28 Bay Street be amended to only refer to DP 60455. In accordance with this advice, the title of the proposed heritage item at 21-25 Knox Street has been updated to “Shopping building and arcade”, and the legal description of the proposed heritage item at the Royal Hotel has been updated to limit the proposed listing to the allotment legally identified as Lot 1 in DP 60445.

3.5 Section 9.1 Ministerial Directions

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

Table 8 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes. Consistent.	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. Consistent.	<p>The Direction applies to the planning proposal as it seeks to conserve four items 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 proposed heritage listings of the four properties will provide ongoing protection and recognise the heritage significance of these properties.</p> <p>The proposal is consistent with this Direction.</p>
7.1 Employment Zones	Yes. Consistent.	The Direction applies to the proposal as the sites included are zoned E2 Local Zone. The planning proposal does not contain a provision which is contrary to the operation of this direction.

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

SEPP (Exempt and Complying Development Codes) 2008 (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 four sites are listed as heritage items, the complying development (CDC) pathway would not be possible for development such as certain internal alterations, minor external works and signage, etc. A development application (DA) would need to be prepared.

4 Site-specific assessment

4.1 Environmental

The proposal will not have any adverse effects on any critical or threatened species, populations or ecological communities, or their habitat.

The planning proposal seeks to provide statutory protection of four sites which have been found to have local heritage significance. The proposal is informed by a heritage report and heritage inventory sheets undertaken by Council’s consultant. The assessment of significance has been carried out in accordance with the NSW Heritage Office manual.

4.2 Social and economic

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

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	The planning proposal is unlikely to have any significant adverse social impacts. Listing the sites as heritage items will provide the community with greater certainty regarding the heritage significance of the sites, facilitate their ongoing protection and opportunity to enjoy local heritage in Woollahra LGA.
Economic	<p>There would be a minor economic impact to the landowner as the heritage listing of the properties may require specialist heritage studies to form part of any future development application submission which has not been addressed in the proposal.</p> <p>However, the proposal does not change the zoning or development standards applicable to the sites. 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 sites pursuant to Cl. 5.10 of the LEP, it does not prohibit change or development as such.</p> <p>The proposal is considered to have an acceptable economic impact.</p>

4.3 Infrastructure

The proposal does not seek to change any existing infrastructure or facilitate further infrastructure provision. The proposal will not alter the existing zoning or development standards applicable to

the sites. The proposal would not facilitate intensified developments and therefore would not generate additional demand for infrastructure.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The Department's Local Environmental Plan Making Guideline 2022 (LEP Making Guideline) recommends a timeframe of 10 working days for a basic planning proposal. Given the proposal seeks to implement a group heritage listing of four sites, a timeframe of 20 working days is considered appropriate to allow sufficient time for the community and concerned stakeholders to make comments.

5.2 Agencies

It is recommended that the following State agency be consulted on the planning proposal:

- Environment and Heritage Group, Department of Planning and Environment.

6 Timeframe

Council proposes a seven month time frame to complete the LEP (from Gateway determination).

The Department recommends a time frame of six months to ensure it is completed in line with the LEP Making Guideline. The Guideline outlines a benchmark of 140 days from the submission of the planning proposal to the Department for Gateway, which would then require the LEP to be completed by January 2024. 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.

7 Local plan-making authority

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

As the proposed heritage listing 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 with conditions for the following reasons:

- It is supported by an assessment of significance prepared in accordance with NSW Heritage Office manual, *Assessing Heritage Significance*, 2001, which finds all four sites satisfy relevant listing criteria and reach the threshold for local heritage listing.
- The proposal will recognise and provide on-going protection of the heritage significance of the sites.
- The proposal is consistent with relevant objectives, directions and priorities of the Greater Sydney Region Plan, Eastern City District Plan and Local Strategic Planning Statement, and the applicable State Environmental Planning Policies and Section 9.1 Ministerial Directions.

9 Recommendation

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

1. Prior to community consultation, consultation is required with the following public authorities:
 - Environment and Heritage Group, Department of Planning and Environment.
2. The planning proposal should be made available for community consultation for a minimum of 20 days.
3. The planning proposal must be exhibited two months from the date of the Gateway determination.
4. The planning proposal must be reported to council for a final recommendation four months from the date of the Gateway determination.
5. The timeframe for completing the LEP is to be six 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.



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