



IRF 25/881

Gateway determination report – PP 2024-2652

Local Heritage Listing – 83 Fitzwilliam Road, Vaucluse

April 25



Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP 2024-2652

Subtitle: Local Heritage Listing – 83 Fitzwilliam Road, Vaucluse

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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, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal (Woollahra Municipal Council 2024)
Attachment B – EPC minutes and agenda 4 November 2024
Attachment C – WLPP minutes 19 September 2024
Attachment D – Council meeting minutes 25 November 2024
Attachment E – Heritage Impact Assessment

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Woollahra
PPA	Woollahra Municipal Council
NAME	83 Fitzwilliam Road, Vaucluse
NUMBER	PP-2024-2652
LEP TO BE AMENDED	Woollahra Local Environmental Plan 2014 (WLEP 2014)
ADDRESS	83 Fitzwilliam Road, Vaucluse
DESCRIPTION	Description in the planning proposal: Lots 1 and 2, DP346850 Lots 1, 2 and 3, DP 430595 Lot 100 DP 1304245 The Department's description: Lot 300 DP 1314995
RECEIVED	5/12/2024
FILE NO.	IRF25/881
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:

- Recognise and protect the heritage significance of the dwelling at 83 Fitzwilliam Road Vaucluse.
- Amend the existing local heritage listing in the WLEP 2014 for item I357 “*Remains of Vaucluse Point ferry wharf*” to “*Vaucluse Point Ferry Wharf*” – *remnants of wharf, dwelling/former shop exteriors, excluding the interiors, but including the internal staircase and associated landscape elements*”.
- Update the Lots and DPs under the property description, to reflect the consolidation of two lots into one in May 2024.

- Provide statutory protection to the structure on site by ensuring future development at the site will be assessed against the heritage provisions of the Woollahra LEP 2014.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

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

Table 3 Current and proposed controls

Heritage Item - I357	Current	Proposed
Item Name	'Remains of Vaucluse Point ferry wharf'	'Vaucluse Point Ferry Wharf' – remnants of wharf including wharf, dwelling/former shop exteriors, excluding the interiors, but including the internal staircase and associated landscape elements.'
Property description	Lots 1, 2 and 3 DP 430595 Lots 1 and 2, DP 346850 Lot 1 DP 188299 Lot 1 DP 1109931	Lots 1, 2 and 3, DP 430595 Lots 1 and 2, DP 346850 Lot 100, DP 1304245

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

A condition has been included in the Gateway determination to allow Council to make further changes to ensure the current Lot and DP description is reflected.

1.4 Site description and surrounding area

The site is located at 83 Fitzwilliam Road at the northern extent of Fitzwilliam Road, Vaucluse, which ends in a cul-de-sac at the entrance to the site. The site is positioned at the tip of the peninsula between Vaucluse Bay and Parsley Bay, an area colloquially known as Point Seymour. The dwelling is highly visible from the water and numerous vantage points around Watsons Bay and Vaucluse.

The site is zoned R2 Low Density Residential with a maximum building height of 9.5m. The immediate surrounding context of Fitzwilliam Street is predominantly large two storey detached houses on large allotments.

Several other local heritage items are in the vicinity of the site including '*West Parsley Bay Obelisk*' at 65 Fitzwilliam Road and '*War memorial and bus stop shelter*' at the junction of Fitzwilliam Road and Wentworth Road.

The planning proposal suggests the dwelling is of primarily brick construction which has been rendered and painted white, with sandstone coursework and internal steel supporting beams. Each level on the western, northern, and eastern elevations has large, curved bays with large openings and curved eaves above. The proposal notes the curved form and simple surface treatment is typical of the Functionalist/P&O style. The planning proposal

outlines that southern elevation includes a curved vertical expression which contains an intact Functionalist/P&O style staircase and balustrade. The northern boundary of the property abuts the remains of the Parsley Bay ferry wharf including the sandstone wall which forms the reclaimed foreshore.

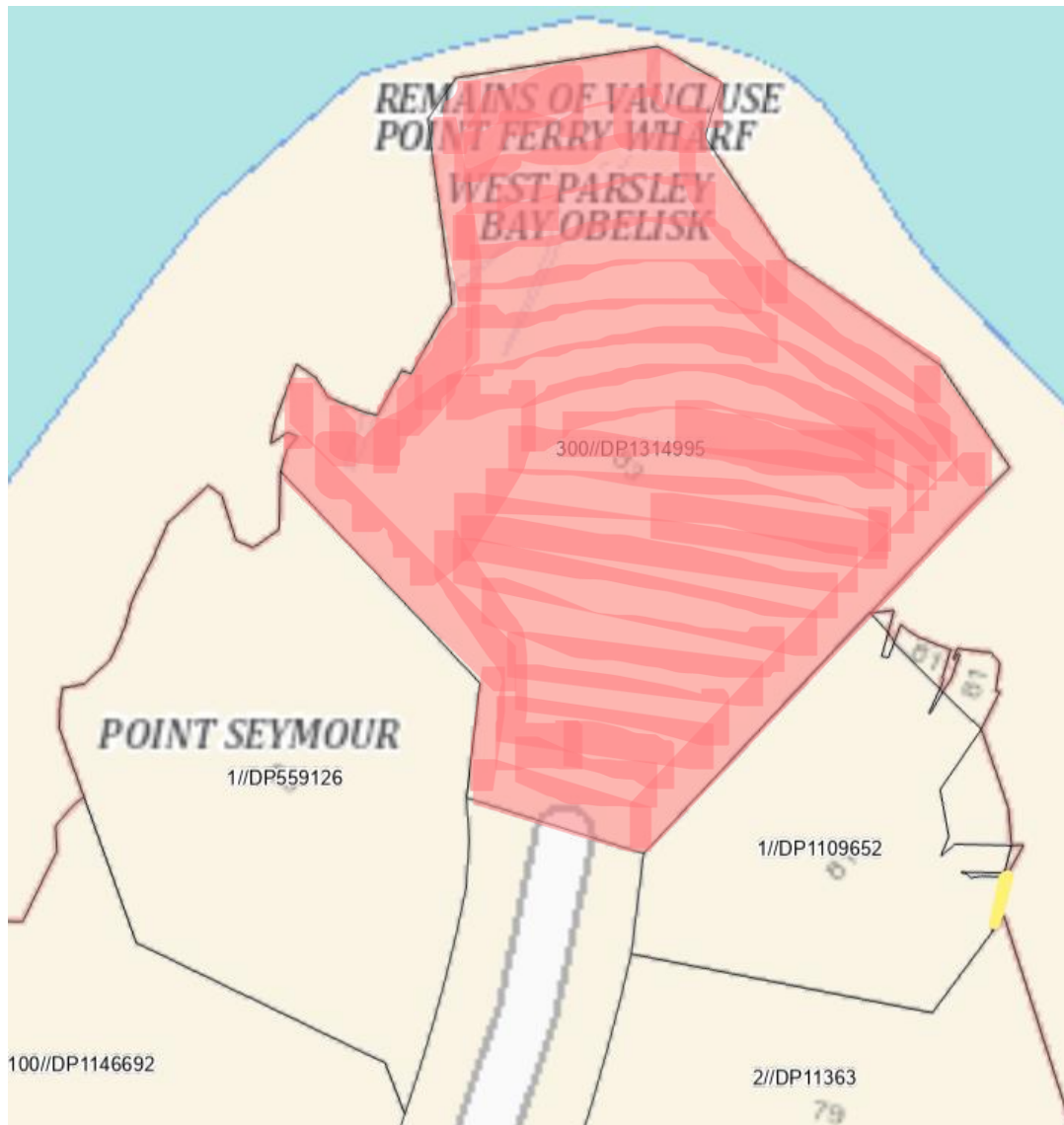


Figure 1 Subject site (source: eSpatial viewer 2025)



Figure 2 Site photograph (source: GML Heritage 2024)

1.5 Mapping

The planning proposal includes mapping which already identifies the whole of 83 Fitzwilliam Road as heritage item I357. No changes to mapping are required. Existing maps are suitable for community consultation.

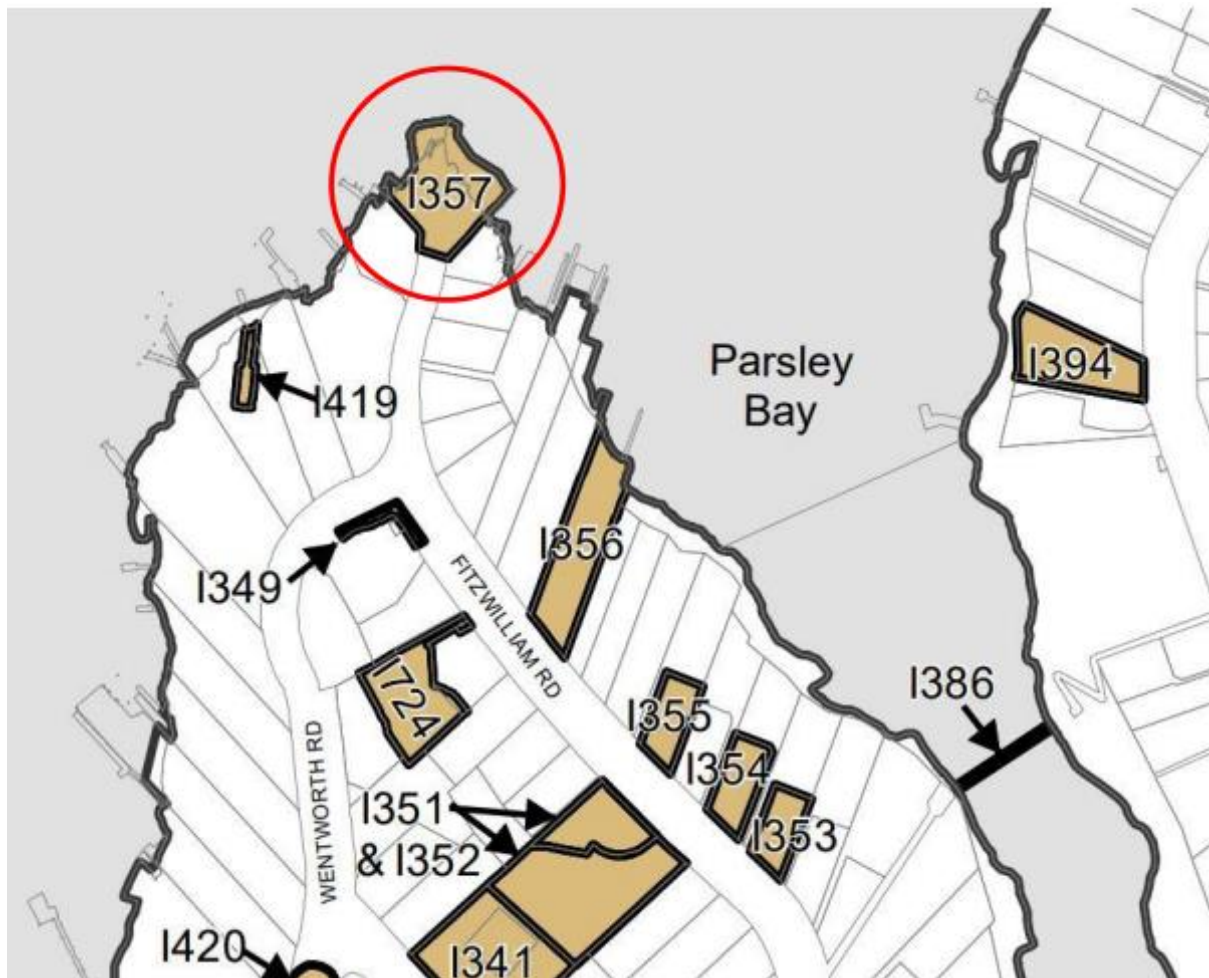


Figure 3 Excerpt of Woollahra LEP 2014, Heritage Map Sheet. 83 Fitzwilliam Road circled in red (source: Planning proposal 2024)

1.6 Background

- The planning proposal (**Attachment A**) seeks to make amendments to the Woollahra LEP 2014 to amend the details of heritage item I357 at 83 Fitzwilliam Road Vaucluse.
- The site has an existing heritage listing being the former site of the Vaucluse Point ferry wharf. The existing listing has been interpreted as applying to the ferry wharf remains only, excluding the existing dwelling and associated structures.
- An independent assessment conducted by Lisa Trueman Heritage Advisor in February 2024 highlighted that the heritage listing should be clarified to also include the existing dwelling.
- A complying development certificate (CDC) was issued on the 10 June 2024 for internal and external alterations to the property (CD 2024/64/1). The CDC was informed by a heritage report commissioned by the property owner which determined the dwelling did not meet local heritage listing criteria.
- Council Heritage Officers undertook a preliminary heritage assessment to assess the heritage value of the dwelling. The assessment concluded that the dwelling was likely to meet the threshold for local heritage listing.
- Due to concerns regarding works under the scope of the CDC damaging the buildings heritage significance, Council used its delegation under section 25 of the Heritage Act

1977 to issue an Interim Heritage Order (IHO) to protect the dwelling and allow for further formal assessment. The IHO (IHO No. 11) was issued on the 28 June 2024 and will remain in place for 12 months while the formal assessment is conducted.

- Council engaged GML Heritage to perform a formal assessment of heritage significance on the dwelling at 83 Fitzwilliam Road as per the NSW Government’s *Assessing heritage significance (2023)* and Australia ICOMOS Charter for places of Cultural Significance, 2013 (the Burra Charter) guidelines (**Attachment E**).
- The assessment by GML (September 2024) (**Attachment E**) determined that the site including dwelling, landscaping, paths and sea walls met the threshold for significance as a local heritage item.








2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

No, the planning proposal is the result of a heritage assessment conducted by GML Heritage (**Attachment E**) which recommended that the dwelling and associated structures met the threshold for listing as a local heritage item in the Woollahra LEP 2014.

Heritage significance assessment

The proposed item was assessed against the seven criteria required by the NSW Government’s guidelines. As per the guidelines, if an item meets one of the seven criteria and retains the integrity of its key attributes it can be considered to have local heritage significance.

a) Historical significance	b) Historical association	c) Aesthetic/ creative/ technical achievement	d) Social, cultural and spiritual significance	e) Research potential	f) Rarity	g) Representativeness
						

Criterion (a) Historical significance

Council’s heritage assessment considers that the dwelling and associated structures have local significance under this criterion as the site of the former Parsley Bay Wharf. The dwelling incorporates part of the former refreshment rooms associated with the ferry wharf. The ferry service was a significant part of the early settlement and subdivision of Vacluse.

Criterion (b) Historical association

The site is not considered to have significance at the local level under this criterion.

Criterion (c) Aesthetic / creative / technical achievement

Council’s heritage assessment has concluded that the site and dwelling have significance at a local level under this criterion, noting the dwelling has distinctive aesthetic characteristics of Functionalist / P&O style design still rare at its time of construction. The assessment outlines that the design demonstrates architectural innovation of the period including the

strong architectural character of the external form, flat roof, use of glass bricks and curved dining room.

Criterion (d) Social, cultural and spiritual

Council's heritage assessment concludes that the site has local significance under this criterion. The site and dwelling are local landmarks, known colloquially as "wedding cake house" due to its distinctive design and prominent position, with a form that is highly visible from both land and water contributing to the local character.

Criterion (e) Research potential

Council's heritage assessment concludes that the site has local significance under this criterion. The site contributes to an understanding of the history of Vaucluse including settlement patterns and transport networks.

Criterion (f) Rarity

The site does not have significance at the local level under this criterion.

Criterion (g) Representativeness

Council's heritage assessment concludes that the site and dwelling have local significance under this criterion. The site is considered a good example of a former ferry wharf, while the dwelling is considered to be a good representative example of Functionalist architecture in Woollahra LGA.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The objective of the proposal is to provide statutory protection to the dwelling and associated structures by including them as a local heritage item in the Woollahra LEP 2014. A planning proposal is the most appropriate pathway to amend the Woollahra LEP 2014 to include the heritage item.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – *A Metropolis of Three Cities* (the Region Plan), released in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney. The 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 former Greater Sydney Commission released the Eastern 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 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
Planning priority E6: Creating and renewing great places and local centres and respecting the district's heritage	<p>The planning proposal is consistent with planning priority E6.</p> <p>The heritage assessment (Attachment E) has determined the site has met the threshold for listing as a local heritage item in the Woollahra LEP 2014. The proposal seeks to provide statutory protection to this item to conserve the history of the local area.</p>

3.3 Local Plans

The proposal states that it is consistent with the following local plans and endorsed strategies:

- Woollahra Local Strategic Planning Statement
- Woollahra 2032 (Community Strategic Plan)

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
Woollahra Local Strategic Planning Statement	<p>The Woollahra LSPS provides a 20-year vision for planning controls in the Woollahra LGA. It identifies priorities for managing growth, conserving local character and heritage, and ensuring resilience and sustainability.</p> <p>The planning proposal is consistent with the Woollahra LSPS in particular planning priority 5: Conserving our rich and diverse heritage. The LSPS notes the importance of conserving local history and acknowledges that heritage is an evolving process.</p> <p>The proposal responds to Action 28: 'Continue to proactively conserve and monitor heritage in the municipality'.</p> <p>The planning proposal seeks to update the existing heritage listing to include and therefore protect the structures identified as meeting the threshold for local significance in the heritage study commissioned by Council.</p>

Local Strategies	Justification
Community Strategic Plan, Woollahra 2032	<p>'Woollahra 2032' is a ten-year plan that identifies Council's key opportunities and challenges and provides strategies and targets to address these. There are four key focus areas: environmental, social, economic, and civic leadership.</p> <p>The planning proposal is consistent with key directions of <i>Woollahra 2032</i> as it aims to protect a local heritage item. The proposal also addresses strategy 4.2 'Conserving our rich and diverse heritage' under Goal 4 (Well planned neighbourhoods).</p>

3.4 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
3.2 Heritage Conservation	Yes	<p>The objective of direction 3.2 is to conserve items, areas and places of environmental heritage significance and indigenous significance.</p> <p>The proposal is consistent with the objectives as it will facilitate the conservation of an object or place identified as having local heritage value through a formal heritage assessment.</p>
3.9 Sydney Harbour Foreshores and Waterways Area	Yes	<p>Assessment against direction 3.9 has not been included in the planning proposal. As the site is in the Sydney Harbour Foreshore Area the Direction applies.</p> <p>The objectives of direction 3.9 are to protect and enhance the unique environmental, scenic, and visual qualities of Sydney Harbour, its islands, and foreshores, including the protection of its cultural heritage.</p> <p>The proposal is consistent with the objective as it aims to protect an item of local heritage significance associated with historical transport links on Sydney Harbour.</p> <p>A condition has been included requiring the planning proposal to be updated to address this direction prior to exhibition.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
6.1 Residential zones	Yes	<p>The objectives of the direction are to encourage a variety of housing types, make efficient use of existing infrastructure and minimise the impact of residential development on environmental resource lands.</p> <p>The proposal is consistent with the objectives as it does not seek to alter existing development standards or the residential density currently applicable to the site.</p>

3.5 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	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and conservation) 2021	The SEPP contains provisions to protect the catchment, foreshores, waterways, and islands of Sydney Harbour	Yes	The site is located on the Sydney Harbour Foreshore area. The proposal is an amendment to a heritage listing only; therefore, it does not contain any provisions which would contravene the application of the SEPP.
SEPP (Exempt and complying development codes) 2008	The SEPP contains provisions to provide a streamlined assessment process for development which complies with defined development standards.	Yes	The planning proposal does not seek to alter the SEPP but will affect the application of the provisions of the SEPP on the affected site.
SEPP (Housing) 2021	The SEPP contains provisions to enable the development of diverse housing.	Yes	The proposal does not contain any provisions which would contravene the application of the SEPP.

4 Site-specific assessment

4.1 Environmental

The planning proposal involves an amendment of the existing heritage listing of the site to include the existing dwelling and associated structures.

There are no proposed changes to LEP controls on the site. As such the proposal is not expected to negatively impact local threatened species, populations or ecological communities or their habitat.

4.2 Social and economic

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

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The heritage assessment (Attachment E) concluded that the site and its structures met the threshold for social, cultural and spiritual significance. Therefore, it is likely that providing heritage protection to the site will lead to positive social impacts.</p> <p>The required community consultation process will enable the wider community to discuss the social and cultural value of the site and raise any unforeseen impacts.</p>
Economic	<p>There are potential economic effects related to amending the heritage listing for the site to include the dwelling and associated structures:</p> <ul style="list-style-type: none"> • Costs associated with heritage management and future potential development assessment with heritage considerations. • Heritage listing a property has the potential to affect redevelopment opportunities for the site leading to economic impacts. <p>Costs associated with managing a heritage item are likely to be minimal in nature. Given the sites current zoning and associated planning controls, redevelopment opportunities for the site are currently limited, therefore the overall economic impact is likely to be minimal.</p>

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 planning proposal is considered a 'basic' proposal under the LEP making guidelines for which the minimum consultation period is 10 days and forms part of the conditions of the Gateway determination. Council has discretion to exceed the minimum period.

5.2 Agencies

Council has nominated the following public agencies to be consulted about the planning proposal:

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

The Department has not conditioned consultation with agencies for this planning proposal, however this does not preclude Council from seeking feedback from above agencies.

6 Timeframe

Council proposes a nine 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 basic.

The Department recommends an LEP completion date of 4 September 2025 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 advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is consistent with the District Plan, the endorsed LSPS, applicable SEPPs and Section 9.1 Directions, 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 a heritage assessment prepared by a qualified heritage consultant in accordance with the NSW Government's *Assessing heritage significance (2023)* and the Australia ICOMOS Charter for places of Cultural Significance, 2013 (the Burra Charter) (**Attachment E**).
- The heritage assessment recommends the listing be amended to include the additional items.
- It is consistent with the District Plan and Council's Local Strategic Planning Statement
- It is consistent with relevant Section 9.1 Directions, except for 3.9 which was not assessed.
- Amending the Woollahra LEP is the best method of achieving the objective of the planning proposal.

As discussed in Section 2.4 of this report, the planning proposal should be updated to:

- Include assessment against Ministerial Direction 3.9 Sydney Harbour Foreshores and Waterways Area.

9 Recommendation

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 an assessment against Ministerial Direction 3.9 Sydney Harbour Foreshores and Waterways Area; and,
 - Update the Lot and DP description as required.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1.
3. The planning proposal should be made available for community consultation for a minimum of 10 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 4 September 2025 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 4 September 2025.



17 April 2025

Eva Stanbury

Manager, Local Planning and Council Support (North, East and Central Coast)



17 April 2025

Jazmin van Veen

Director, Local Planning (North, East and Central Coast)

Assessment officer

Angela Bowden

Planning Officer, Local Planning and Council Support (North, East and Central Coast)

02 8289 6325