

Planning Proposal



Local Heritage Listing: 83 Fitzwilliam Road, Vaucluse



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Acknowledgement of Country

Woollahra Council acknowledges the Gadigal and Birrabirragal people, the traditional custodians of the land of Woollahra. We would like to acknowledge Aboriginal or Torres Strait Islander people and pay our respects to Elders past, present and emerging.

Cover Photo: 83 Fitzwilliam Road, Vaucluse. Source: Woollahra Council

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Supporting documents (circulated separately)

- **Heritage Assessment: Point Seymour, 83 Fitzwilliam Road Vacluse (September 2024)**

1. Introduction

1.1. Summary

This planning proposal seeks to amend the details of heritage item I357, at 83 Fitzwilliam Road Vaucluse, listed on the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), Schedule 5, Part 1 (Environmental heritage) to include the dwelling on the site in the heritage listing.

The site at 83 Fitzwilliam Road Vaucluse is currently affected by a local heritage listing, item I357, “Remains of the Vaucluse Point Ferry Wharf”. Following a heritage assessment that identified that the dwelling on the site has heritage significance for its historical, aesthetic, social, research potential, and rarity values, Council proposes to amend the listing for the ferry wharf to explicitly include the existing dwelling on the site. The proposed amendment will involve a name change to the heritage item to “Vaucluse Point Ferry Wharf” – remnants of wharf, dwelling/former shop exteriors, excluding the interiors, but including the internal staircase and associated landscape elements.

1.2. Background

The heritage item on the site of 83 Fitzwilliam Road is of local significance and is described in the State Heritage Inventory as follows:

“A rectangular projection of the waterfront retained by a large stone seawall. As access is through private property, a detailed inspection was not possible. There are hedges and ornamental plants on the surface of the reclaimed land. Deviation from style.”

While the entirety of the site is mapped as a heritage item, it was interpreted that the heritage “item”, as a distinct element of significance, is limited to the ferry wharf remnants and excluded the extant dwelling on the site. Previous studies undertaken on the dwelling had identified the potential significance of the dwelling, and that the current heritage listing limited to the wharf remains may not have covered all elements of significance on the site, such as the dwelling.

On 10 June 2024, a Complying Development Certificate (CD 2024/64/1) (CDC) was issued for internal and external alterations to the dwelling at 83 Fitzwilliam Road, Vaucluse. The CDC was informed by a heritage report commissioned by the owner whose findings were that the dwelling had lost any association with the historic ferry wharf onsite, and despite having landmark qualities, the dwelling did not meet the criteria for individual heritage listing.

Council’s heritage officers undertook a preliminary heritage assessment with regards to the building only. Our assessment used the NSW Department of Planning and Environment’s guidelines, *Assessing heritage significance: Guidelines for assessing places and objects against the Heritage Council of NSW Criteria* (2023). It concluded that the dwelling at 83 Fitzwilliam Road was likely to have heritage significance and meet the threshold for local heritage listing. Council’s heritage officers considered that the scope of demolition in the CDC posed a risk to the potential significance of the dwelling. For these reasons, Council used its delegation under Section 25 of the *Heritage Act 1977* to make an Interim Heritage Order (IHO) to protect the potential heritage item from harm and allow Council to undertake a formal heritage assessment for the dwelling.

The Director of Planning & Place authorised the making of the IHO. The IHO was issued under section 25 of the Heritage Act 1977 (IHO No. 11) and was published in the NSW Government Gazette of 28 June 2024.

The IHO will remain in place for an initial period of six months giving Council the opportunity to fully assess the heritage significance of the building and identify whether the building should be listed as a State and/or local heritage item. If, within these six months, Council resolves to proceed with the listing of the item, the order remains in place for an additional six months.

1.3. Heritage Assessment

GML Heritage were engaged to carry out an assessment of heritage significance of the dwelling at 83 Fitzwilliam Road, Vaucluse in July 2024.

The assessment of heritage significance was undertaken in accordance with Environment and Heritage Group, Department of Planning and Environment publications *Assessing heritage significance* (2023) and *Investigating heritage significance* (2021). There are seven criteria used in the process of assessing heritage significance (see Table 1):

Table 1: NSW Heritage assessment criteria summary

Criteria		
(a)	Historic significance	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)
(b)	Historical association	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)
(c)	Aesthetic/creative/technical achievement	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)
(d)	Social, cultural and spiritual significance	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons
(e)	Research potential	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
(f)	Rare	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
(g)	Representative	<p>An item is important in demonstrating the principal characteristics of a class of NSW's</p> <ul style="list-style-type: none"> • cultural or natural places; or • cultural or natural environments. • or a class of the local area's • cultural or natural places; or • cultural or natural environments.

Each criterion has guidelines for examples, indicators and thresholds to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance.

The assessment concluded that in addition to the remains of the former Parsley Bay Ferry Wharf being of local significance, the dwelling on the site is associated with the historical significance of the wharf. Therefore the existing heritage listing should be amended to reflect all structures on the site, including the dwelling/former shop and internal and landscape elements that contribute historical significance of the site.

Accordingly, it is recommended that heritage item I357, currently listed on the *Woollahra LEP 2014 Schedule 5*, is amended on the schedule in name, and the property description is corrected to reflect the current Lots and DPs that legally identify the site.

1.3.1. Assessment of Significance – 83 Fitzwilliam Road, Vaucluse

Below is a summary of the assessment of significance, and the Statement of Significance for the site.

Assessment of Significance against the Criteria	
Historical significance Criterion (a)	<p>The subject property, as the site of the former Parsley Bay Wharf, is important in demonstrating the historical development of the local area. The ferry service was historically significant to the local area and was a key part of the early settlement and subdivision of the Vaucluse Estate. The subject property was used for over 30 years, by local residents, day-trippers visiting the local area and played a significant role as a civic and community facility.</p> <p>Remains of this historical function are evidenced at the site in the below water remains of the 1903 and 1915 wharves (demolished), extant reclaimed land, sandstone retaining walls and sea walls, the pathway to the jetty, the site layout and landscaping and the extant dwelling which converted and expanded the original 1916 building. The current structure, including the integration of the shop and refreshment rooms into the dwelling house, reflects these historical uses in its remaining layout and external appearance.</p> <p>Together, the site's structures/landscape elements can be seen to have historic significance as a cultural landscape that demonstrates an important phase in the history of the local area.</p> <p><i>83 Fitzwilliam Road has cultural significance at the local level under this criterion.</i></p>

Assessment of Significance against the Criteria	
<p>Historical association</p> <p>Criterion (b)</p>	<p>Although members of the Bracey family maintained residence at Point Seymour for over 80 years and commissioned the alteration of the shop and residence into the current dwelling, they are not considered to have made an important or notable contribution to the Woollahra local government area. They are, however, significant figures within the context of Lithgow. This historical association and significance is better reflected in the current heritage listings of their houses designed by Spain, Cosh and Dods in Lithgow (I263 and I264, Lithgow LEP 2014).</p> <p>The subject site has historical associations with Oliver Harley, who designed the 1916 shop and residence building and George Thomas who converted it into the extant dwelling in 1939. Both Harley and Thomas are not considered as significant figures nor have they made significant contributions to the local area.</p> <p><i>83 Fitzwilliam Road does not have cultural significance at the local level under this criterion.</i></p>
<p>Aesthetic/creative/technical achievement</p> <p>Criterion (c)</p>	<p>The site can be seen to have landmark presence and distinctive aesthetic characteristics. The Parsley Bay Wharf period resulted in a distinctive arrangement of elements, reclaimed land, sea walls, connecting paths and structure, located on the prominent peninsula site, that remain largely intact and able to be appreciated.</p> <p>The house, which expanded and remodelled the 1916 shop, also demonstrates aesthetic attributes in form and composition. Its distinctive Functionalist/ P&O style design demonstrates architectural innovation of this period including the strong architectural character of the external form, flat roof, use of glass bricks, a curved dining room, and a distinctive functionalist/P&O style internal staircase. The house at 83 Fitzwilliam Road can be seen to demonstrate characteristics of Functionalist/ P&O style architecture still rare at its time of construction.</p> <p>Its design, in responding to its location with use of nautical references, has been celebrated in popular culture with its inclusion in media articles and surveys of Art Deco architecture. The aesthetic characteristics of the site, a peninsula with sandstone walled foreshore, flat lawns and prominent three level Functionalist P&O style house on the harbour foreshore, can be seen to make an important streetscape contribution (from land and water) and to have distinctive aesthetic characteristics that are well recognised by the community.</p>

Assessment of Significance against the Criteria	
	<i>83 Fitzwilliam Road has cultural significance at the local level under this criterion.</i>
Social, cultural and spiritual significance Criterion (d)	<p>The subject site is a local landmark (known colloquially as 'Wedding Cake House') within the Woollahra LGA. Its prominent siting and distinctive design and form is highly visible from the public domain, on both land and from the water, and contributes to the local area's character.</p> <p>The site retains the appearance of the period when it was a public ferry wharf and shop/refreshment room and is likely to be important in contributing to the local community's sense of identity because of its ability to demonstrate an important aspect of the area's local history.</p> <p>It is noted that a right of way has historically run through the property for public access to the wharves.</p> <p><i>83 Fitzwilliam Road is likely to meet the threshold for heritage listing under this criterion</i></p>
Research potential Criterion (e)	<p>The archaeological significance of this site has not been assessed in this report. The significance relating to the remains of the ferry wharf is already established and reflected in the existing heritage listing and is likely to include areas of maritime archaeological significance.</p> <p>The site is part of a group of significant sites associated with nineteenth and twentieth century water-based transport and recreation on Sydney Harbour. The remnant elements from this period are considered important for their ability to yield information about this group as a whole. The site is also considered able to demonstrate a significant period in the development of Vaucluse and the Woollahra LGA more generally that would contribute to an understanding of the history of the place, in particular the settlement patterns, transport networks and past provision of local services.</p> <p><i>83 Fitzwilliam Road has cultural significance under at the local level under this criterion</i></p>
Rarity Criterion (f)	<p>The site's period of use as the Parsley Bay Wharf is considered important as part of a wider network of other similar water-based transport across Sydney Harbour and is hence not rare.</p> <p>The 1939 house is identified in the comparative analysis as sharing qualities with other houses of this style in the period and is not considered rare.</p> <p><i>83 Fitzwilliam Road does not have cultural significance at the local level under this criterion.</i></p>

Assessment of Significance against the Criteria	
Representativeness Criterion (g)	<p>The subject site is a good representative example of a former harbour ferry wharf and provides evidence of its former use and importance as part of the Sydney ferry network. It is also able to demonstrate these former uses in the range of structures and landscaping that remain on the site, including wharf remains, reclaimed land/sea walls, paths, and former shop and tearoom. The entire site can be seen as a cultural landscape reflecting the late nineteenth and early twentieth century history of harbour based transport in the area and as representative of a wider network of similar sites.</p> <p>The house at 83 Fitzwilliam Road, dating from 1916 with later extensive additions in 1939, is considered to be a good representative example of Functionalist architecture within the Woollahra LGA, of which few examples are heritage listed.</p> <p>83 Fitzwilliam Road has cultural significance at the local level under this criterion.</p>

1.4. Statement of Heritage Significance

Below is the updated Statement of Significance for the subject site. The heritage assessment is separately attached to this planning proposal, see *Point Seymour 83 Fitzwilliam Road, Vacluse Heritage Assessment Report* (September 2024).

1.4.1. Statement of Significance – “Vacluse Point Ferry Wharf” – remnants of wharf, dwelling/former shop exteriors, excluding the interiors, but including the internal staircase and associated landscape elements.

The former Vacluse Point Ferry Wharf at 83 Fitzwilliam Road, Vacluse, also known as Point Seymour and the former Parsley Bay Wharf, has historic significance as a key component in the settlement of Vacluse and due to its use for over 30 years by local residents and day-trippers as a transport hub and community facility. Together the site’s layout, structures and landscaping can be seen as a cultural landscape that demonstrates an important phase in the history of the local area.

The site is of aesthetic significance for its landmark presence and distinctive arrangement of elements, reclaimed land, sea walls, connecting paths and structure, located on the prominent peninsula site, that remain largely intact and able to be appreciated. The 1939 house, which expanded and remodelled the 1916 shop, also demonstrates aesthetic attributes in form and composition. Its distinctive Functionalist/ P&O style design demonstrates architectural innovation of this period including the strong architectural character of the external form, flat roof, use of glass bricks, curved dining room, and a distinctive functionalist/P&O style internal staircase.

The aesthetic characteristics of the site, a peninsula with sandstone walled foreshore, flat lawns and prominent three level Inter-war Functionalist P&O style house on the harbour foreshore, make an important streetscape contribution (from land and water) and have distinctive aesthetic characteristics that are well recognised by the community.

The site has representative significance as part of a group of significant sites associated with water-based transport and recreation on Sydney Harbour. The remnant elements from this period are considered important for their ability to yield information about this group as a whole. The site is also considered able to demonstrate a significant period in the development of Vacluse and the Woollahra LGA more generally that would contribute to an understanding of the history of the place, in particular the settlement patterns, transport networks and past provision of local services.

1.5. Description of this planning proposal

The objective of this planning proposal is to amend the existing local heritage listing on the Woollahra LEP 2014 for item I357, "Remains of Vacluse Point ferry wharf", to "Vacluse Point Ferry Wharf" – remnants of wharf, dwelling/former shop exteriors, excluding the interiors, but including the internal staircase and associated landscape elements". Amending the heritage listing to include the entirety of the dwelling exteriors, the contributory value of the internal staircase, as well as associated landscape elements will ensure recognition of the significance of the dwelling as part of the site overall. Listing also aims to provide statutory protection in any future development proposals, ensuring the site will be assessed against the heritage provisions of the Woollahra LEP 2014.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the NSW Department of Planning and Environment supporting document, *Local Environmental Plan Making Guideline* (August 2023).

2. Existing site and surrounding context

83 Fitzwilliam Road, Vacluse

The site at 83 Fitzwilliam Road, Vacluse is legally identified by the following lots:

- Lots 1 and 2, DP: 346850
- Lots 1, 2 and 3, DP: 430595
- Lot: 100 DP: 1304245

The site is listed on the Woollahra LEP 2014 Schedule 5 as item I357 “Remains of Vacluse Point ferry wharf”. The property description according to the Schedule lists the following lots:

- Lots 1 and 2, DP: 346850
- Lots 1, 2 and 3, DP: 430595
- Lot 1, DP 1109931, and
- Lot 1, DP 188299

The latter two allotments were consolidated in May 2024 into Lot 100 DP 1304245.

2.1. Site Description

The site is located at the northern extent of Fitzwilliam Road, Vacluse. The site is positioned at the tip of a peninsula of land between Vacluse Bay to the west and Parsley Bay to the east. The prominent position of the site offers expansive views of Watsons Bay and the outer harbour, and in turn, the dwelling is highly visible from the water and various vantage points across Vacluse and Watsons Bay. Known colloquially as the ‘Wedding Cake House’, the dwelling can be considered a local landmark.

The immediate context of the subject site, on Fitzwilliam Road, is characterised by large two storey detached dwellings on large allotments, interspersed with interwar residential flat buildings. On-street parking and a variety of plantings, including mature trees, sandstone and brick boundary walls, and garages line the street. At the intersection of Wentworth and Fitzwilliam roads is a locally listed Vacluse War Memorial and Bus Shelter (I349).

The dwelling sits on an expanse of terraced lawns which include low flowerbeds with sandstone edging and concrete paths which has remained largely unchanged in character since the Parsley Bay Wharf period of the site development. Other features include a flagpole, sundial, and low shrubbery including camellia hedging and two mature frangipani trees. The driveway that extends from Fitzwilliam Road at the south and travels along the property’s western boundary is in the location of the road to the Parsley Bay Wharf, clearly demarking this former use. The northern boundary of the property abuts the remains of the Parsley Bay ferry wharf and the sandstone wall forming the reclaimed foreshore. A small part of the property extends into the harbour.



Figure 1: Cadastral map of 83 Fitzwilliam Road Vacluse with the allotment containing the dwelling in blue. (Source: Woollahra Council GIS Maps)

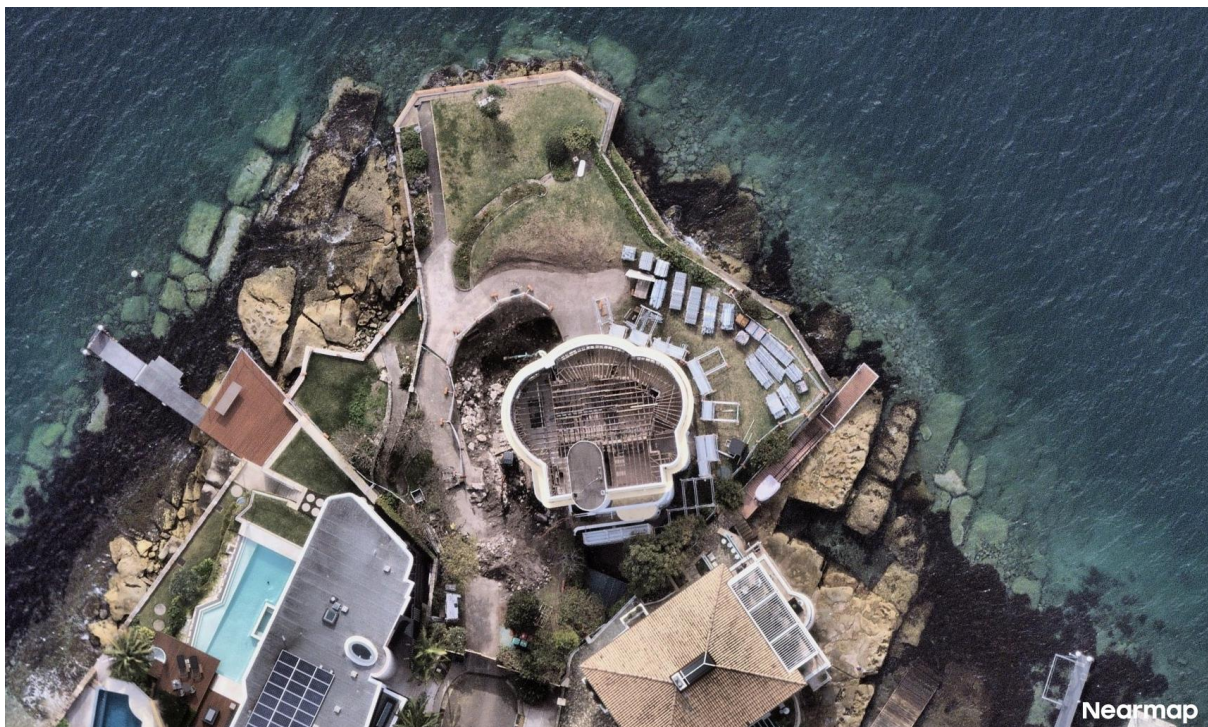


Figure 2 Aerial photograph of 83 Fitzwilliam Road Vacluse. Image capture 22 July 2024. (Source: NearMap, September 2024)

The existing house is the subject of a Complying Development Certificate (CDC) (CD 2024/64/1) which approved alterations to the dwelling house on the site. Despite this the house itself is largely unaltered externally from when it was extended and converted from the shop/refreshment rooms to a dwelling in 1939. The original external form and features of the building remain, including parts of the 1916 two storey shop/refreshment rooms, with residence above, which were incorporated into the house. The curved lines of the former shop were extended into the distinctive curved form of the house, which incorporates elements of the Inter-war Functionalist/P&O style. The upper level windows and entrance to the former shop are identifiable at the southern part of the building. The parapet line has been extended around the curved façade of the house, which forms deep, recessed verandahs on two levels facing the harbour.

The dwelling is a three storey building with the curved form and simple surface treatment of the Inter-war Functionalist style. It is primarily a brick structure (rendered and painted white) with sandstone coursework (also painted white) and internal steel supporting beams. On the western, northern and eastern elevations, each level has three large, curved bays with large openings with a curved eave running above. The western curved bay incorporates part of the earlier building including its fenestration pattern on the first floor. The curve forms a pattern which is replicated, enclosing the earlier building and creating expansive balconies.

The southern elevation contains a curved vertical expression, enclosing the main stairwell, with fixed windows of glass blocks and a band of decorative dentil moulding underneath the fascia. A small single room at the rooftop provides access to the flat roof, concealed behind a short parapet.

Access is provided on the western elevation (the main entrance is a timber double door with 12 lights) and at the southern elevation (via a partly covered elevated walkway to the former trades/maids entrance). Along the curved southwest corner and southern elevation of the building, on a number of levels, many openings are extant. These include glass block windows, timber framed sash windows, and timber doors with clear and frosted glazing. These windows and doors on the southern elevation relate to the rear kitchen, laundry and former maids rooms.

The building has little decorative treatment, its form is simple, composed of smooth rendered surfaces, painted white, curves and contrasting horizontal and vertical expressions, typical of the Functionalist/P&O style. Internally, a functionalist/P&O style staircase and balustrade is intact, contributing to this layer of the building's development.



Figure 3: 83 Fitzwilliam Rd as viewed from ferry to Watsons Bay. Its position on the point as well as the expansive landscape creating an unbuilt area around the building accent its landmark quality. (Source: GML, September 2024)



Figure 4: 83 Fitzwilliam Rd as viewed from ferry to Circular Quay. Its position on the point as well as the expansive landscape creating an unbuilt area around the building accent its landmark quality. The Parsley Bay Bridge (local heritage item I386) visible in rear left of the house (Source: GML, September 2024)



Figure 5. Main curved façade of 83 Fitzwilliam Road, looking southeast. (Source: GML, September 2024)



Figure 6: Rear elevation of the dwelling, looking north. This area of the façade contains elements from the earliest Victorian period terrace shopfront. (Source: GML, September 2024)



Figure 7: Southwest corner of dwelling. Section added on in 1939 alterations. (Source: GML, September 2024)



Figure 8: Seawall and landscape at the waters edge, looking towards Parsley Bay. (Source: GML, September 2024)

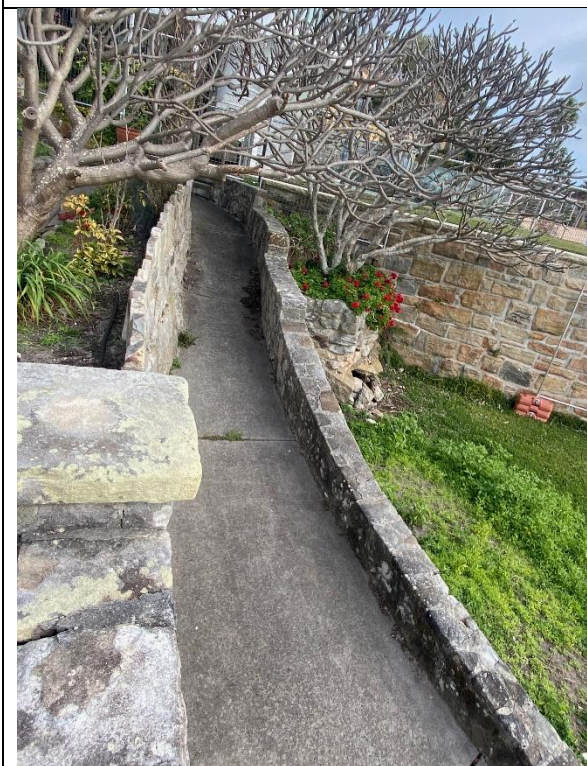


Figure 9: Concrete and sandstone landscaping through the terraced yard. (Source: GML, September 2024)

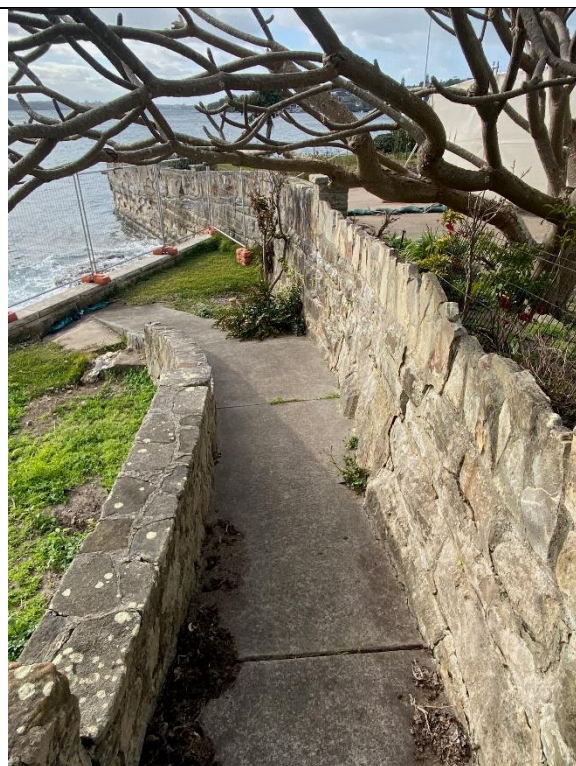


Figure 10: Concrete and sandstone landscaping through the terraced yard, leading to water, western side of the point. (Source: GML, September 2024).



Figure 11: Internal, ground floor 1930s verandah with internal walls removed. (Source: GML, September 2024)



Figure 12: Ground floor looking southeast towards Parsley Bay. Extent of internal walls evident through the ceiling removal. Outline reflected in the ceiling indicate internal walls of earlier terrace shop, now removed. (Source: GML, September 2024)



Figure 13. Original timber and steel floor structures and decking. (Source: GML, September 2024)



Figure 14. Glass brick window in stairwell, characteristic of geometric fashions in the interwar period. (Source: GML, September 2024)

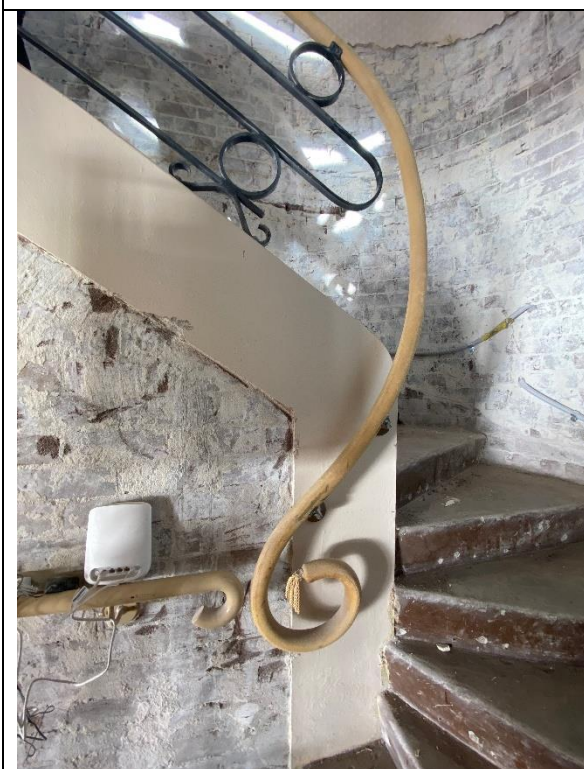


Figure 15. Stairwell within the 1930s adaptation. (Source: GML, September 2024)

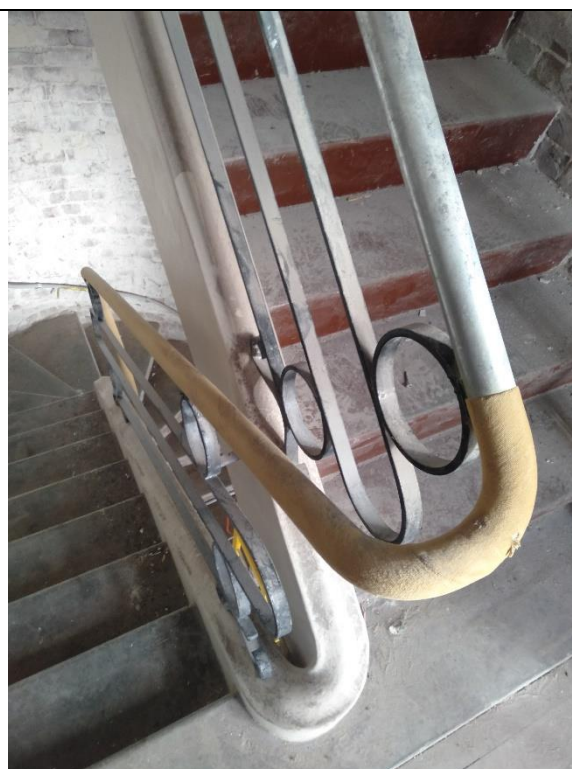


Figure 16. Decorative finishes to stairwell. (Source: GML, September 2024)

3. Existing planning controls

3.1. Woollahra Local Environmental Plan 2014

Table 2 below identifies the zone and key principal development standards that currently apply to the subject site under Woollahra LEP 2014.

No changes are proposed to these under this planning proposal.

Table 2: Summary of current development standards

Site	Zone	Maximum building height (m)	Floor space ratio
83 Fitzwilliam Road, Vaucluse	R2 Low Density Residential	9.5	N/A

3.1.1. Zoning Objectives

The objectives of the R2 zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*
- *To ensure development conserves and enhances tree canopy cover.*

3.1.2. Heritage provisions

The site is identified under the Woollahra LEP 2014, Schedule 5 Part 1 Heritage Items, as a local heritage item, I357, "Remains of Vaucluse Point Ferry Wharf". It is also identified on the Woollahra LEP 2014, Heritage Map Sheet 8500_COM_HER_004 by the following lots:

- Lots 1 and 2, DP: 346850
- Lots 1, 2 and 3, DP: 430595
- Lot 1, DP 1109931, and
- Lot 1, DP 188299

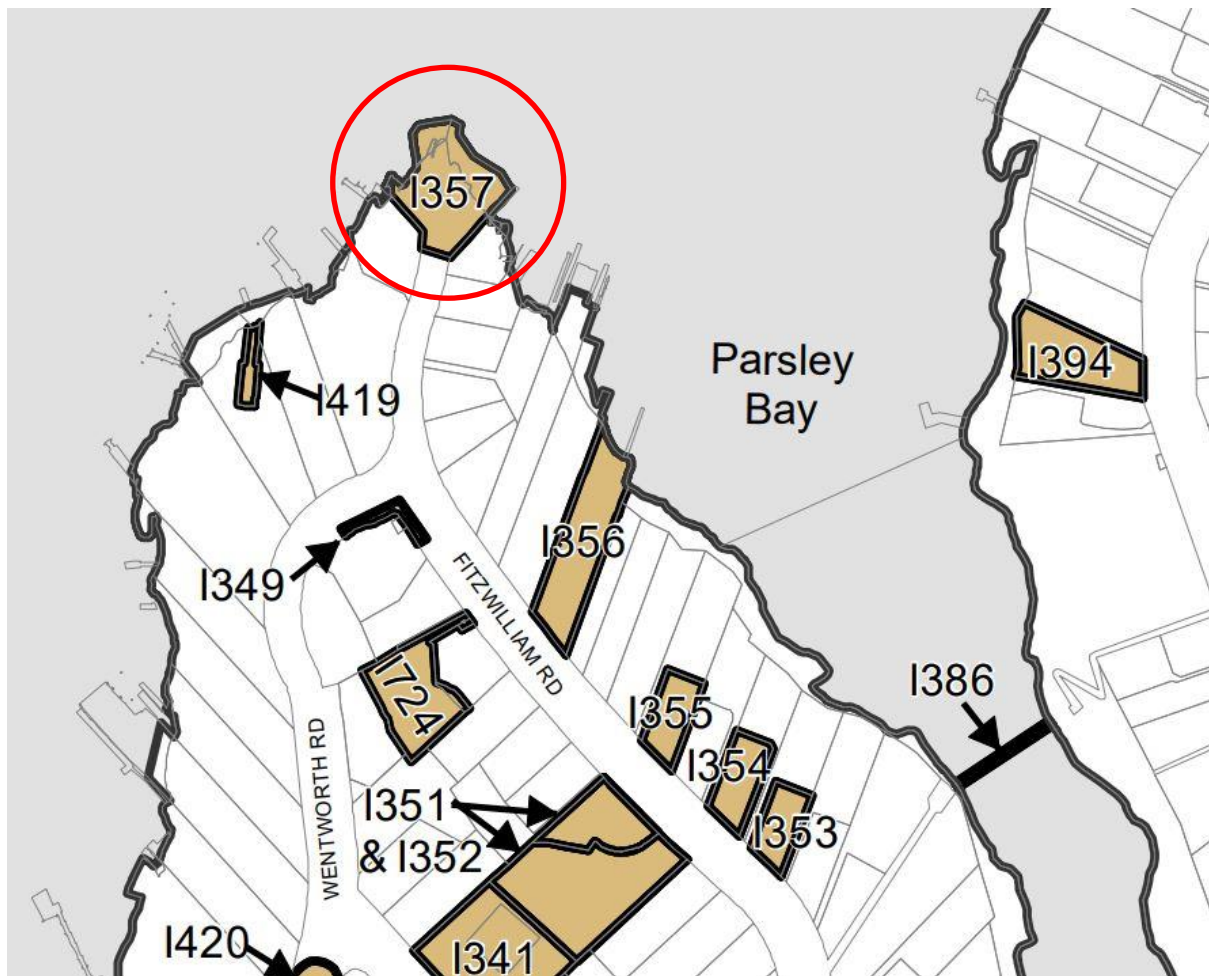


Figure 17. Excerpt of Woollahra LEP 2014, Heritage Map Sheet HER_004. Item I357 at 83 Fitzwilliam Road Vaucluse is circled in red. (Source: Woollahra LEP 2014, accessed September 2024).

The following local heritage items are in the vicinity of the site:

- Item I419 – “Eastern Channel Lighthouse—Front Lead”, Wentworth Road, Vaucluse (adjoining 80 and 82 Wentworth Road)
- Item I356 – “West Parsley Bay Obelisk”, 65 Fitzwilliam Road, Vaucluse
- Item I349 – “War memorial and bus stop shelter”, Fitzwilliam Road, junction with Wentworth Road, Vaucluse

3.1.3. Other LEP provisions

The site is identified under the Woollahra LEP 2014 as potentially containing Class 5 acid sulfate soils. The subject sites are not known to be subject to any other environmental constraints.

3.2. Woollahra Development Control Plan 2015

The *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) applies to the site. Any development proposal on the site, or on an adjoining site, are required to address any relevant Woollahra DCP 2015 controls.

4. Objectives of planning proposal

The objective of the amendment to the Woollahra LEP 2014 is to recognise the heritage significance of the dwelling on 83 Fitzwilliam Road Vaucluse, and provide it with statutory heritage protection.

The planning proposal will amend the details for item I357 currently in Schedule 5 of the Woollahra LEP 2014 to include the details below. The inclusion of the dwelling as part of the existing heritage item in the Schedule will mean any future development proposals on the dwelling, across the site, or on any land within the vicinity, will need to consider the provisions of Clause 5.10 (5) of Woollahra LEP 2014. This will provide a statutory requirement for development proposals to consider the effects of proposed development on the heritage significance of this item.

Additionally, the planning proposal seeks to make an update to the property description in Schedule 5 for this item, which displays two lots and DPs (italicised in the table below) that were consolidated into a single allotment (underlined in the table below) in May 2024.

I357	<i>Existing details</i>	<i>Proposed amendments</i>
Item Name	<i>"Remains of Vaucluse Point ferry wharf"</i>	<i>"Vaucluse Point Ferry Wharf" – remnants of wharf, dwelling/former shop exteriors, excluding the interiors, but including the internal staircase and associated landscape elements"</i>
Property description	Lots 1, 2 and 3, DP 430595; Lots 1 and 2, DP 346850; <i>Lot 1, DP 188299;</i> <i>Lot 1, DP 1109931</i>	Lots 1, 2 and 3, DP 430595; Lots 1 and 2, DP 346850; <u>LOT 100, DP 1304245</u>

As an administrative task, Council staff will update the existing heritage inventory sheet for the local heritage item (I357) to include the information in the Heritage Assessment Report, including an assessment against all criteria. The detail in the inventory sheet will include specific elements of the interiors that are considered significant to the dwelling, such as the internal staircase, and specific landscape elements that have significance associated with the site.

5. Explanation of provisions

The planning proposal seeks the following amendments to the existing listing for “Remains of Vacluse Point Ferry Wharf”, item I357 in the *Woollahra LEP 2014*, Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage)

- Change the name of the item to “Vacluse 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 the following Lots and DPs reflecting the consolidation of two lots into one in May 2024.
 - Lots 1, 2 and 3, DP 430595;
 - Lots 1 and 2, DP 346850;
 - LOT 100, DP 1304245

The Heritage Map (8500_COM_HER_004) already identifies the whole of 83 Fitzwilliam Road as heritage item I357. As such, no changes to mapping are required.

6. Justification

The planning proposal has strategic merit. The heritage significance of the subject site, currently used as a private residential dwelling, was assessed through a heritage assessment undertaken by GML Heritage on behalf of Council staff (see separately circulated documents: *Point Seymour, 83 Fitzwilliam Road, Vacluse, Heritage Assessment Report* (September 2024).

The heritage listing will provide ongoing protection and recognition of the heritage significance of the dwelling on this site.

These matters are further discussed below in part 6.1 to 6.3.

6.1. Need for planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The planning proposal is the result of the recommendations found in the report prepared by GML Heritage on behalf of Woollahra Council, *Point Seymour, 83 Fitzwilliam Road, Vacluse, Heritage Assessment Report* (September 2024). The report concluded that the dwelling on the subject site meets the criteria for listing as a local heritage item.

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

Yes. The objective is to recognise the heritage significance of the subject site and provide it with statutory heritage protection. The best means of achieving this objective is through an amendment to Woollahra LEP 2014 to include the dwelling within the name and property description as part of an integral part of the significance of the local heritage, I357. This is achieved through the planning proposal process.

Other options, such as adding site-specific objectives and controls to Woollahra DCP 2015, or including heritage conservation conditions to a potential development consent, will not provide the same level of heritage protection and recognition.

6.2. Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant planning priorities and actions of the *Eastern City District Plan* (2018), as discussed below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The planning proposal is consistent with the directions and objectives of *Greater Sydney Regional Plan: A Metropolis of Three Cities*, particularly Objective 13: “Environmental heritage is identified, conserved and enhanced”.

Identifying the subject site as a local heritage item will provide ongoing protection and recognition of their heritage significance.

Eastern City District Plan

The planning proposal is generally consistent with the directions, priorities and objectives of the *Eastern City District Plan*, particularly Planning Priority E6 and Action 20:

Planning Priority E6 Creating and renewing great places and local centres, and respecting the District’s heritage

Objective 13 ‘Environmental heritage is identified, conserved and enhanced’

Action 20 ‘Identifying, conserving and enhancing the environmental heritage of the local area’ through:

- a. engaging with the community early to understand heritage values
- b. applying adaptive re-use and interpreting heritage to foster distinctive local places managing and monitoring the cumulative impact of development on the heritage values and character of places

Heritage listing of this site will provide ongoing protection and recognition of the heritage significance of this item.

4. Will the planning proposal give effect to a Council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Woollahra Local Strategic Planning Statement

Planning Priority 5 of the Woollahra Local Strategic Planning Statement is relevant:

Planning Priority 5 Conserving our rich and diverse heritage

In particular Actions 28 and 30 of this planning priority seek to ensure that heritage is conserved and the LEP and DCP reflect the evolving nature of heritage:

28. Continue to proactively conserve and monitor heritage in the Municipality including:

- reviewing and updating provisions in *Woollahra Local Environmental Plan 2014* and *Woollahra Development Control Plan 2015*
- sustainably managing visitation to our heritage conservation areas and destinations
- promoting a high standard of urban design in both the public and private domain that respects and communicates with heritage and our heritage conservation areas
- supporting implementation of legislation for Aboriginal Heritage.

30. Undertake further theme-based Municipality-wide studies, with consideration for the fact that heritage is constantly evolving.

Community Strategic Plan, Woollahra 2032

The planning proposal is consistent with *Woollahra 2032 – Community Strategic Plan*. Notably, the planning proposal meets the following strategy within Goal 4 (Well-planned neighbourhoods) under the Social theme:

4.2 Conserving our rich and diverse heritage

Heritage listing of the subject site will provide ongoing protection and recognition of the heritage significance of this item, consistent with these local strategies.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes. The planning proposal is consistent with other relevant State or regional study or strategy.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (SEPPs).

Regarding *SEPP (Exempt and Complying Development Codes) 2008*, where an item is locally heritage listed (or is a draft item) on the Woollahra LEP 2014 Schedule 5, there are implications in terms of the extent of works that can be considered as exempt and complying development.

Refer to **Schedule 1** for an outline of consistency with all SEPPs.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2**).

6.3. Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no likely environmental effects that would arise as a result of the planning proposal. Protection of the item will be required when development is proposed, or if there is development proposed in its vicinity. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process.

10. Has the planning proposal adequately addressed any social and economic effects?

Yes. The Study assessed the subject sites against the criteria for 'cultural significance' as defined in the *Australia ICOMOS Burra Charter*, as meaning the historic, aesthetic, scientific, social or spiritual value for past, present or future generations.

The assessment found that the site meets a number of heritage criteria at a local level. While the planning proposal does not have any direct economic effect, it has some social impact for the local community that appreciates and enjoys local heritage in the Woollahra LGA.

There will be potential economic implications relating to the need for heritage management documents (to accompany a development application) to assess and support future changes to buildings, including new uses, alterations and modifications. With regards to development pathways, depending on the scale and impact of works, developments to local heritage items can be managed as:

- a development application process,
- a heritage works without consent application (under CI 5.10(3) of the Woollahra LEP 2014 for works with minor impacts or for maintenance only.

Furthermore, *SEPP (Exempt and Complying Development Codes) 2008* allows some work to local heritage items (with restrictions).

These additional heritage management and development approval processes will enable the needs of the landowner to be considered in conjunction with the conservation of the dwelling and the impact of the proposed changes on the heritage significance of the building.

Therefore, it is considered that the planning proposal will have a positive social and economic effects because:

- Heritage listing will provide ongoing protection and recognition of the social heritage significance of the site.
- Heritage listing will not preclude future development of the building which is undertaken in accordance with heritage requirements.
- The potential need for additional assessments and management documents to support development applications is necessary in order to provide the appropriate protection against impacts to significance.
- It is not anticipated that the planning proposal will have any negative social effect which need to be addressed as part of the proposal.

6.4. State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal involves the local heritage listing of the subject site and does not involve amendments to the planning controls that will facilitate intensified development.

Currently, the subject site has access to adequate public infrastructure such as water, sewer, electricity and telephone services.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the subject site is suitable for the proposal of a local heritage listing in a residential zone.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Should the planning proposal proceed to public exhibition, consultation with the relevant public authorities will be carried out. These authorities will include, but are not limited to:

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

Further consultation will take place with any other authorities identified by the Gateway Determination.

7. Mapping

There are no proposed changes to the Woollahra LEP 2014 Heritage Map (8500_COM_HER_004). Item I357 is already identified on the map and its form will remain unchanged despite the changes to the item name and property description in the corresponding Woollahra LEP Schedule 5 Part 1.

	Item	Address	Lot/DP	LEP Heritage Map Sheet No.
1	<i>"Vaucluse Point Ferry Wharf" – remnants of wharf, dwelling/former shop exteriors, excluding the interiors, but including the internal staircase and associated landscape elements"</i>	83 Fitzwilliam Road, Vaucluse	Lots 1, 2 and 3, DP 430595; Lots 1 and 2, DP 346850; LOT 100, DP 1304245	8500_COM_HER_004

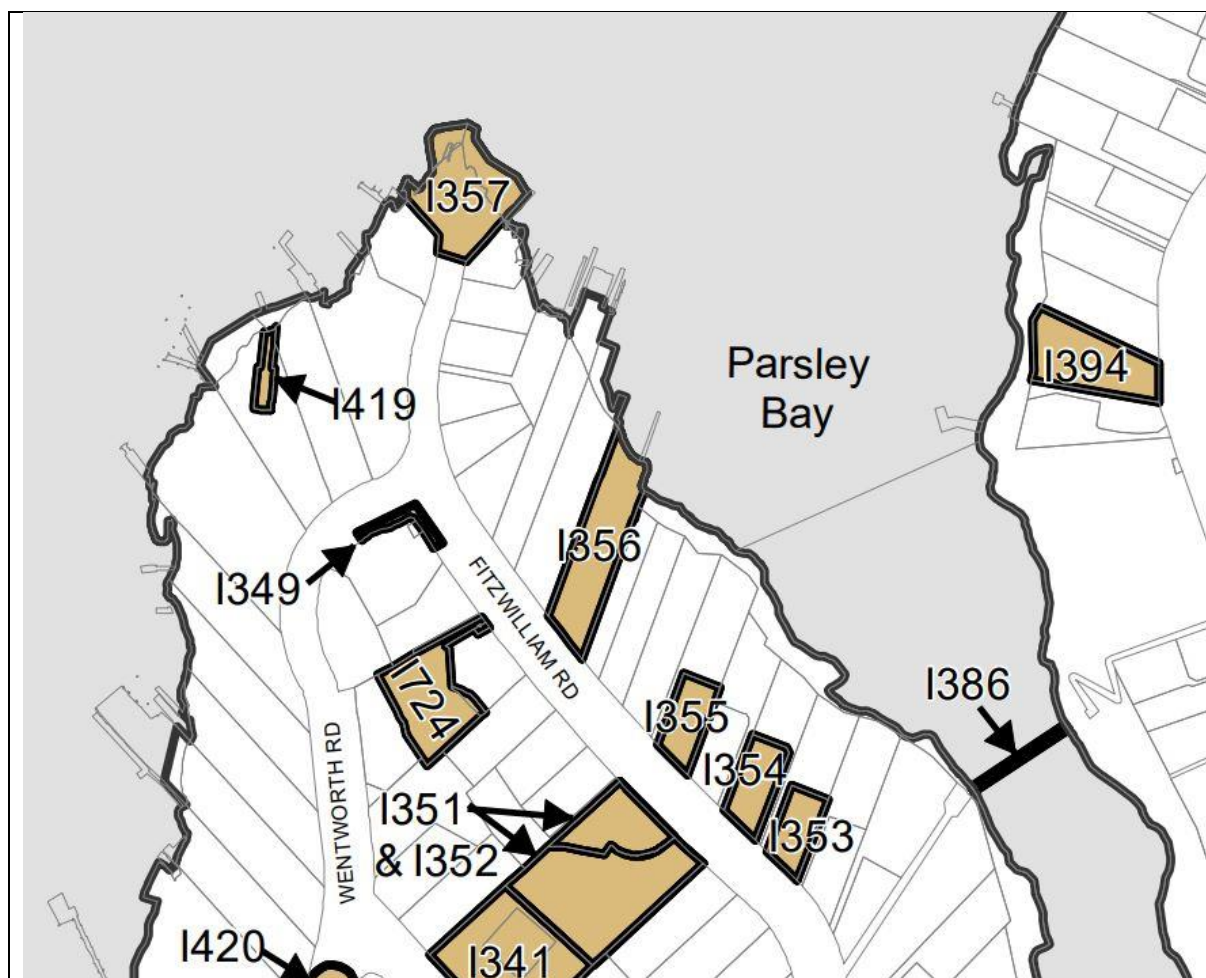


Figure 18 Existing Woollahra LEP 2014 Heritage Map (Sheet 8500_COM_HER_004). Item I357 on the Heritage Map would remain unchanged as a result of this Planning Proposal.

8. Community consultation

8.1. Stakeholder pre-engagement

The owners of the subject site were notified on the gazettal of the IHO on the building. During the preparation of the Heritage Assessment, the owners were consulted and collaborated with Council by facilitating site inspections to assist in its preparation.

The owners were made aware of the purpose of the IHO and the objectives of the Heritage Assessment in determining whether the dwelling has heritage significance and Council intends on applying local heritage status.

8.2. Public Exhibition

Public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2021*. It will also have regard to the other relevant plans and guidelines including the *Woollahra Community Participation Plan* (2019), the *Local Environmental Plan Making Guideline* (2021) and any conditions of the Gateway Determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period,
- a notice on Council's website
- a letter to land owners in the vicinity of the subject site

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- the planning proposal, in the form approved by the gateway determination
- the Gateway determination
- information relied upon by the planning proposal (such as relevant Council reports and the heritage significance assessment)
- Woollahra LEP 2014
- Section 9.1 Directions.

9. Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Woollahra Local Planning Meeting	19 September 2024
Council resolution to proceed	25 November 2024
Gateway determination	December 2024 - January 2025
Completion of technical assessment	Usually none required
Government agency consultation	February – March 2025
Public exhibition period	Same time as agency consultation
Submissions assessment	March 2025
Council assessment of planning proposal post exhibition	April 2025
Council decision to make the LEP amendment	April 2025
Council to liaise with Parliamentary Counsel to prepare LEP amendment	May 2025
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	June 2025
Notification of the approved LEP	June 2025

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies (SEPPs)

State environmental planning policy	Comment on consistency
SEPP (Biodiversity and Conservation) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. It is noted that where a property is locally heritage listed (or is a draft item) on the Woollahra LEP 2014 Schedule 5, there are implications in terms of the extent of works that can be considered as exempt and complying development.
SEPP (Housing) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Industry and Employment) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No.65 – Design Quality of Residential Apartment Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Planning Systems) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Eastern Harbour City) 2021	Applicable There are currently no identified state significant precincts located in the Woollahra LGA.
SEPP (Precincts – Regional) 2021	Not applicable.
SEPP (Precincts – Western Parkland City) 2021	Not applicable.
SEPP (Primary Production) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resilience and Hazards) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resources and Energy) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Transport and Infrastructure) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

**Schedule 2 – Compliance with section 9.1 directions (Directions by the Minister)
under the EP&A Act**

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Planning systems	
1.1	Implementation of Regional Plans	Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> , particularly Objective 13: Environmental Heritage is identified, conserved and enhanced. The heritage listing of this property will provide ongoing protection of the heritage significance of this item.
1.2	Development of Aboriginal Land Council land	Not applicable. This planning proposal does not affect Aboriginal Land Council land.
1.3	Approval and referral requirements	The planning proposal seeks to heritage list one property in the Woollahra Local Government Area. This is not expected to require any additional approval or referral requirements. The planning proposal is consistent with this direction.
1.4	Site specific provisions	The planning proposal does not contain any unnecessarily restrictive site specific planning controls. The planning proposal is consistent with the direction.
1	Planning systems – place based	
1.5 – 1.20	Implementation Plans	Not applicable. These plans do not apply to the Woollahra LGA.
2	Design and place	
3	Biodiversity and conservation	
3.1	Conservation zones	Applicable and consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2	Heritage conservation	Applicable and consistent. The planning proposal will not affect the significance of places with environmental heritage. The proposed Heritage listing of the property in the Woollahra LGA will provide ongoing protection and recognition of the heritage significance of this property.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.3	Sydney drinking water catchments	Not applicable. This direction does not apply to the Woollahra LGA.
3.4	Application of C2 and C3 zones and environmental overlays in Far North Coast LEPs	Not applicable. This direction does not apply to the Woollahra LGA.
3.5	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
3.6	Strategic Conservation Planning	Not applicable. The planning proposal does not apply to land identified as avoided land or a strategic conservation area under the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
4	Resilience and hazards	
4.1	Flooding	Not applicable. The planning proposal will not affect flood liable land.
4.2	Coastal management	Not applicable. The planning proposal will not affect land in a coastal zone.
4.3	Planning for bushfire protection	Not applicable. The planning proposal will not affect bushfire prone land.
4.4	Remediation of contaminated land	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to this direction.
4.5	Acid sulfate soils	Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.6	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
5	Transport and infrastructure	
5.1	Integrating land use and transport	<p>Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of:</p> <ul style="list-style-type: none"> • <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and • <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
5.2	Reserving land for public purposes	The planning proposal does not amend reservations of land for public purposes. The planning proposal is consistent with the direction.
5.3	Development near regulated airport and defence airfields	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.
5.4	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
6	Housing	
6.1	Residential zones	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
6.2	Caravan parks and manufactured home estates	The planning proposal will not affect any caravan parks or manufactured housing estates.
7	Industry and employment	
7.1	Business and industrial zones	Not applicable. The direction does not apply where sites are zoned for business or industry.
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable. This direction does not apply to the Woollahra LGA.
7.3	Commercial and retail development along the Pacific Highway, North Coast	Not applicable. This direction does not apply to the Woollahra LGA.
8	Resources and energy	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
9	Primary production	
9.1	Rural zones	Not applicable. This planning proposal will not affect any rural zones.
9.2	Rural lands	Not applicable. This planning proposal will not affect any rural lands.
9.3	Oyster aquaculture	Not applicable. This planning proposal will not affect any Priority Oyster Aquaculture Areas.

**Planning proposal –
Compliance with section 9.1 directions**

Direction		Applicable/comment
9.4	Farmland of state and regional significance on the NSW Far North Coast	Not applicable. This direction does not apply to the Woollahra LGA.