



IRF24/1584

Gateway determination report – PP 2024-589

Listing of Local Heritage Items – 21 Wilberforce Avenue
and 12 Carlisle Street, Rose Bay

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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.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions.	1
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	6
1.6	Background	8
2	Need for the planning proposal	8
3	Strategic assessment	11
3.1	Regional Plan	11
3.2	District Plan	11
3.3	Local.....	12
3.4	Local planning panel (LPP) recommendation.....	12
3.5	Section 9.1 Ministerial Directions	13
3.6	State environmental planning policies (SEPPs)	13
4	Site-specific assessment	14
4.1	Environmental.....	14
4.2	Social and economic.....	14
4.3	Infrastructure	14
5	Consultation.....	14
5.1	Community	14
5.2	Agencies.....	14
6	Timeframe	15
7	Local plan-making authority	15
8	Assessment summary	15
9	Recommendation.....	15

Table 1 Reports and plans supporting the proposal

Attachment	Title
A	Planning Proposal (PP-2024-586)
B	Rose Bay Public School and McAuley Catholic Primary School – Heritage Assessments prepared by Artefact Heritage, December 2023
C	Aboriginal Heritage Due Diligence Report, December 2023
D	Rose Bay Schools - Artefact Survey Sheet, October 2023
E	Rose Bay Schools - Heritage Inventory Sheets Combined, March 2024
F	Woollahra Council (Ordinary) Minutes, 8 April 2019
G	Woollahra Local Planning Panel (Public Meeting) Agenda, 18 April 2024
H	Woollahra Local Planning Panel (Public Meeting) Minutes, 18 April 2024
I	Woollahra Environmental Planning Committee Minutes, 6 May 2024
J	Woollahra Council (Ordinary) Minutes, 13 May 2024

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Woollahra
PPA	Woollahra Municipal Council
NAME	Listing of Local Heritage Items – 21 Wilberforce Avenue and 12 Carlisle Street, Rose Bay (0 Homes, 0 Jobs)
NUMBER	PP-2024-586
LEP TO BE AMENDED	Woollahra Local Environmental Plan 2014
ADDRESS	<ul style="list-style-type: none"> 21 Wilberforce Avenue, Rose Bay 12 Carlisle Street, Rose Bay
DESCRIPTION	<ul style="list-style-type: none"> Lots 49-53, DP 4567 Lots A and B, DP 80580
RECEIVED	14/06/2024
FILE NO.	IRF24/1584
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 (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- help preserve and maintain the integrity of Woollahra's heritage listings to ensure that items demonstrating heritage significance are retained and appropriately protected.
- allow for the appropriate development of the site under the existing zoning and local planning provisions.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions.

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

- Amend *Part 1 Heritage Items of Schedule 5 Environmental Heritage* to add 'Rose Bay Public School – Building E, including interiors' and 'McAuley Catholic Primary School – former Christian Brothers College building, including interiors'; and

- Amend the heritage map to add the sites.

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 sites are located at 21 Wilberforce Avenue, Rose Bay (Lots 49-53, DP 4567), as identified on **Figure 2** below; and 12 Carlisle Street, Rose Bay (Lots A and B, DP 80580), as identified on **Figure 6** below.



Figure 1 Aerial view of both sites, outlined in red, local context (Source: Nearmap, 2024)

The site on Wilberforce Avenue is occupied by a well-built and well-maintained 1-storey building constructed with brick and timber (**Figures 3-5**) and is identified as an educational establishment zoned SP2 Infrastructure.

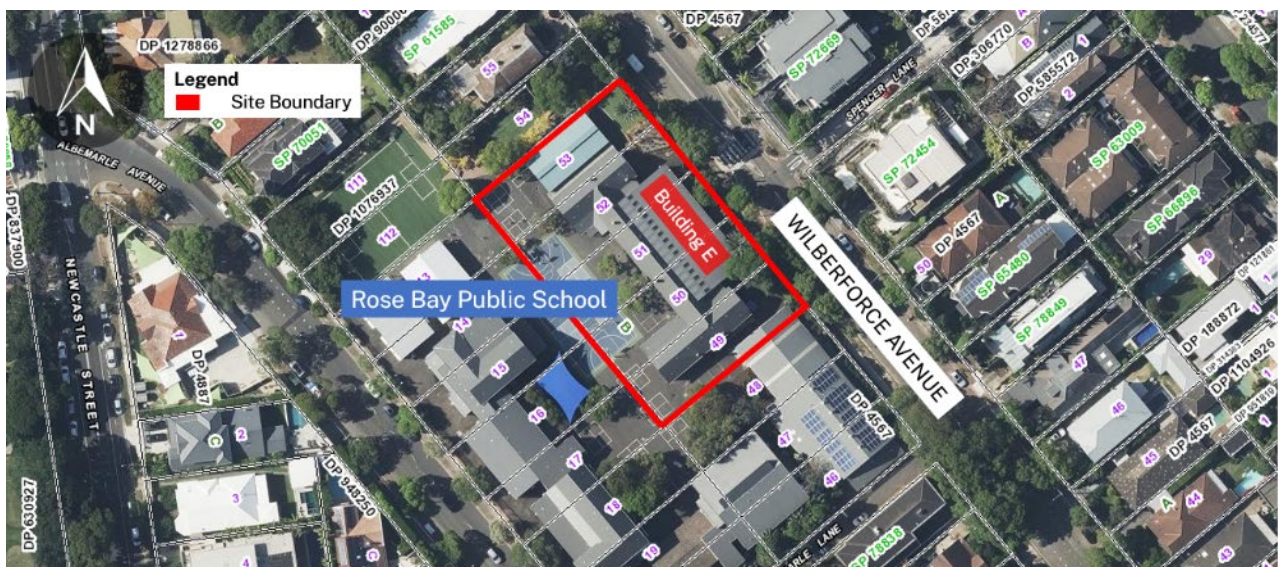


Figure 2 Aerial view of Rose Bay Public School, outlined in red, with access from Wilberforce Avenue (Source: SIX Maps, 2024)



Figure 3 Photo of Building E c2023, showing Rose Bay Public School with the original 1907 pictured to the left (Source: Planning Proposal, May 2024)



Figure 4 Photo of the original building c1909, showing Rose Bay Public School – Building E (Source: Planning Proposal, May 2024)



Figure 5 Photo of the original windows and buttresses on the north-eastern corner of Building E facing Wilberforce Avenue c2023, Rose Bay Public School (Source: Planning Proposal, May 2024)

The site on 12 Carlisle Street is occupied by a well-built and well-maintained 2-storey brick and timber building (**Figures 7-8**) zoned R3 Medium Density Residential.



Figure 6 Aerial view of McAuley Catholic Primary School, outlined in red, with access from Carlisle Street (Source: SIX Maps, 2024)

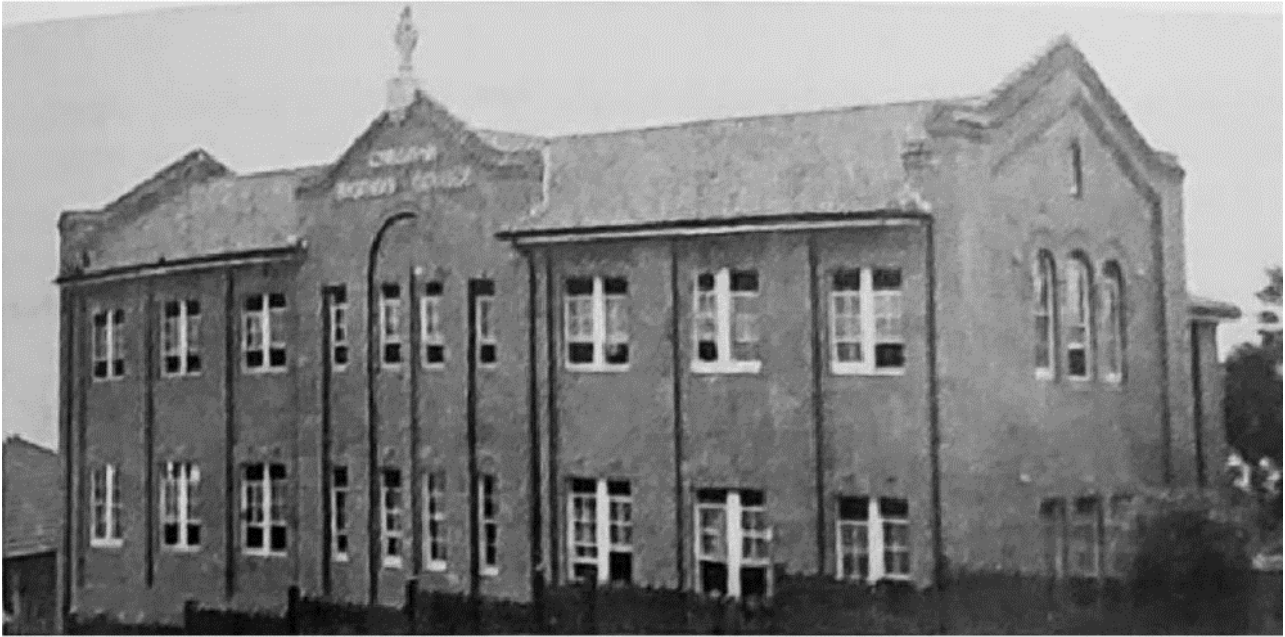


Figure 7 Photo of the south-eastern façade from Carlisle Street c1989, showing McAuley Catholic Primary School – former Christian Brothers College building (Source: Planning Proposal, May 2024)



Figure 8 Photo of the south-western façade from Carlisle Street c2023, showing McAuley Catholic Primary School – former Christian Brothers College building (Source: Planning Proposal, May 2024)

Surrounding development of both sites is characterised by detached dwellings and low-rise residential flat buildings. These sites adjoin other educational buildings associated with Rose Bay Public School and McAuley Catholic Primary School.

1.5 Mapping

The planning proposal (**Attachment A**) seeks to add the subject sites to the Heritage Map (**Figures 9-12**). The planning proposal includes existing mapping with supporting text detailing the proposed changes to the Woollahra LEP Heritage Map, this is considered suitable for community consultation.



Figure 9 Current Heritage map - Rose Bay Public School (Source: Planning Proposal, May 2024)

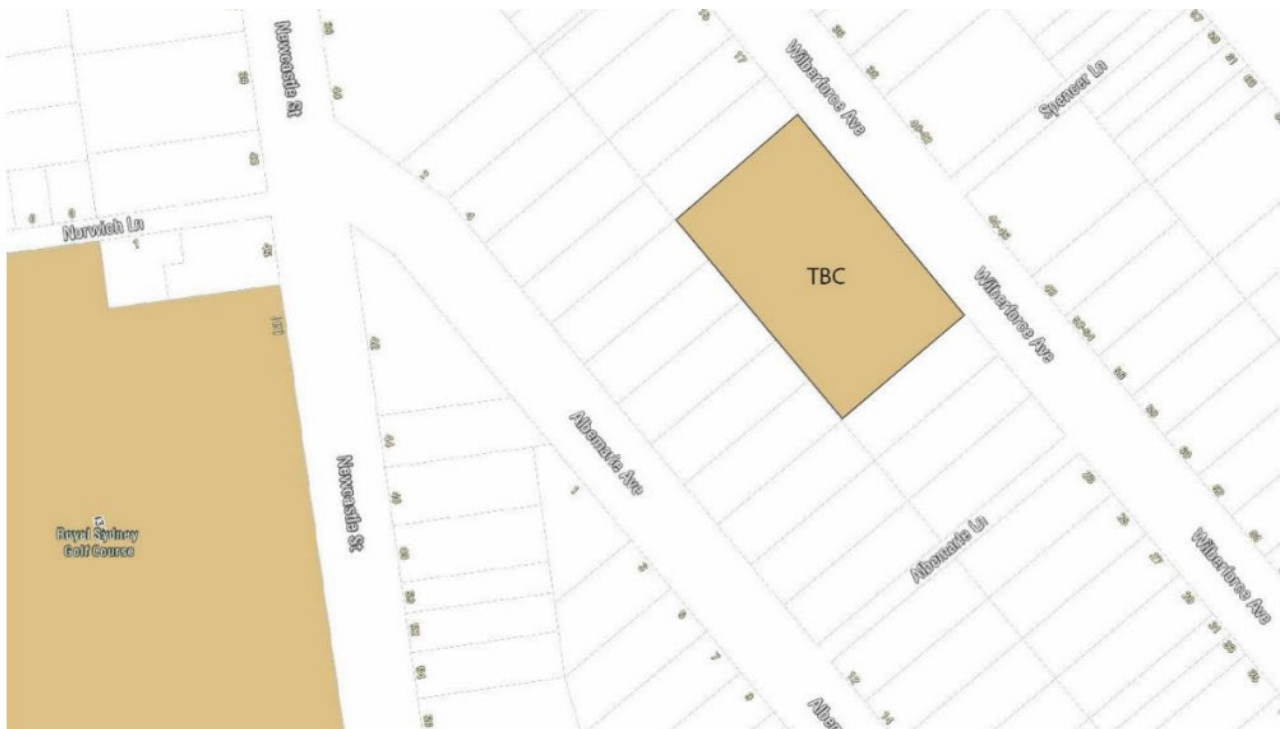


Figure 10 Proposed Heritage map - Rose Bay Public School (Source: Planning Proposal, May 2024)



Figure 11 Current Heritage map - McAuley Catholic Primary School (Source: Planning Proposal, May 2024)

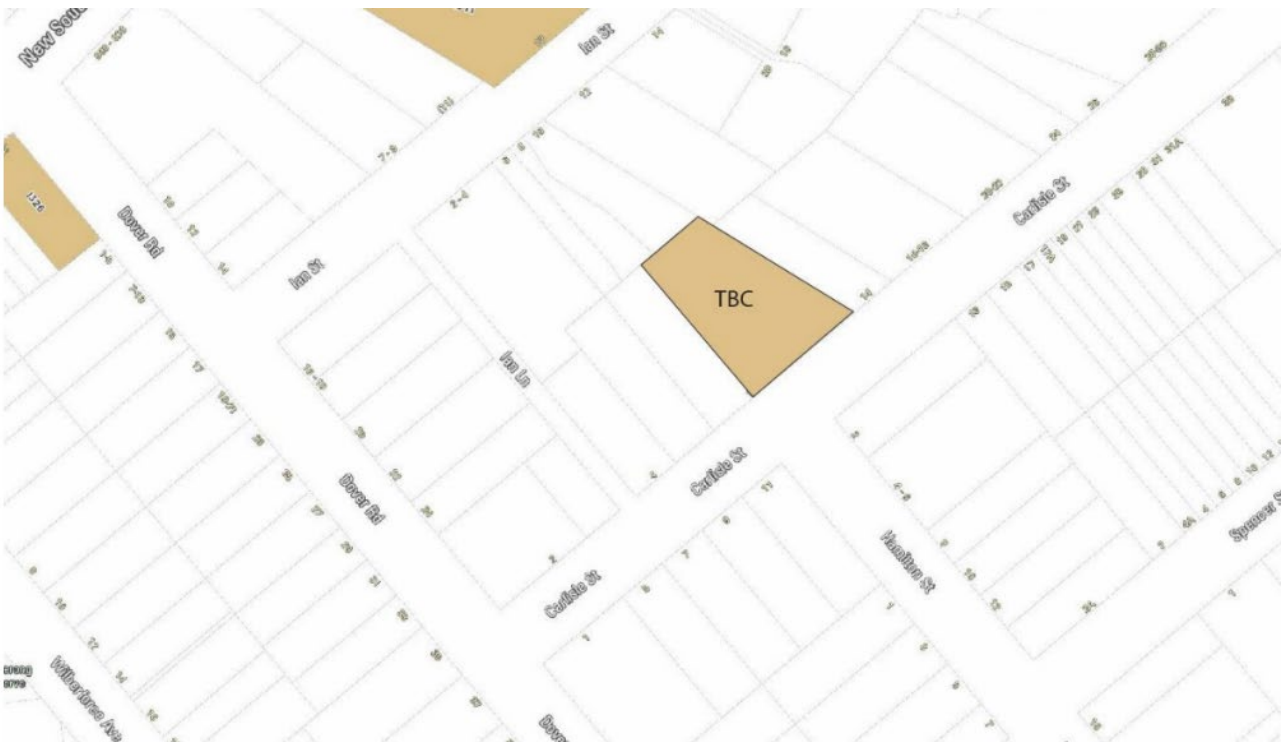


Figure 12 Proposed Heritage map - McAuley Catholic Primary School (Source: Planning Proposal, May 2024)

1.6 Background

Table 3 Background

Date	Milestone
1907	The original subject building was constructed on the site at Rose Bay Public School – Building E.
1936	The original subject building was constructed on the site at McAuley Catholic Primary School, former Christian Brothers College building. Designed by the Hennessey firm of architects in 1935.
8 April 2019	Council initially considered the two sites for heritage listing.
June 2023	Council commissioned Artefact Heritage to undertake a Heritage Assessment.
December 2023	Artefact Heritage submitted the Heritage Assessment to Council (Attachment B).
February 2024	Council conducted stakeholder pre-engagement with the school's administration.
April 2024	Planning proposal submitted seeking to add the subject sites to Schedule 5 in Woollahra LEP 2014.
April 2024	Woollahra LPP considered the planning proposal and attached heritage assessment and recommended to Council to support the planning proposal (Attachments G and H).
6 May 2024	Woollahra Environmental Planning Committee considered the planning proposal and attached heritage assessment and recommended to Council to support the planning proposal (Attachment I).
13 May 2024	Council resolved to submit the planning proposal for a Gateway assessment (Attachment J).
14 June 2024	Planning proposal submitted for a Gateway assessment.

2 Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

This planning proposal (**Attachment A**) is supported by a Heritage Assessment prepared by Artefact Heritage and Planning, dated December 2023 (**Attachment B**). The assessment of heritage significance was prepared in accordance with the NSW Heritage Council Guidelines, *Assessing Heritage Significance (2023)*.

Under the Guidelines, a place or object needs to meet one or more of the 7 criteria to be considered of heritage significance. The place or object must also be assessed against its integrity and condition, as well as level of heritage significance.

The Heritage Assessment found that Rose Bay Public School - Building E is representative of government-built, educational building constructed with warm face brick work, barge board gabled facades, tall chimneys, wide eaves with exposed rafters, decorative brick buttresses positioned between timber-framed sash windows, four panelled interior timber doors, high ceilings, plastered

walls and painted timber panelling and built-in furniture dating from 1907. The building retains many of the features of its original design and materials with additions to the original building in 1911, 1916, the 1920s and 1970s now collectively known as the Block E Building.

The Heritage Assessment found that McAuley Catholic Primary School - former Christian Brothers College building is representative of the educational, ecclesiastical architecture by the Hennessey architectural firm, designed by John Hennessey in 1935 and built the following year. The building retains many of the features of its original design and materials with a moderate contribution to the streetscape of Carlisle Street as the oldest, largest and most distinctive building on this school campus and is an early example of twentieth century Catholic educational institutions in the locality.

Council found that these sites reached the threshold of heritage significance required for local heritage listing as:

- Both buildings adequately demonstrate the history of the development of Rose Bay in the early twentieth century and retains many of the features characterising the original buildings.
- The buildings are of moderate rarity as there are only a few similar well-built and well-maintained educational facilities in the Rose Bay area from the early 1900s and mid-1930s.
- The former Christian Brothers College building is designed by John Hennessey at Hennessey architectural firm as a modest local example of the educational, ecclesiastical architecture of note in 1935.

The Department has undertaken an assessment against the criteria in the Guideline as summarised below:

Table 4 Heritage Criteria Assessment - Rose Bay Public School

Criteria	Heritage Assessment	
(a) Historic Significance	Yes	The original site has local significance as evidence of early twentieth century government-built, educational building. The site meets this criterion due to the retention of characteristics and functional purpose from the original building. The additions adjoining the building have not impacted the historic significance of the original structure and there are several surviving elements of the building from its construction in 1907.
(b) Historical Association	Yes	The building has moderate historical association with James Sven Wigram as Chief Architect in charge of school buildings for NSW Public Works between 1904-1908. The site has considerable authenticity and integrity as a good quality local community building maintaining more than a century of continued public use functioning as a classroom.
(c) Aesthetic / Creative / Technical Achievement	Yes	The site was identified as likely being the work NSW Government Architect or NSW Public Works by James Sven Wigram. The building demonstrates Federation period styles, with interiors of the building retaining many historic features typical of good quality early-to-mid twentieth century buildings.
(d) Social, Cultural and Spiritual Significance	No	The site it is not identified as having a significant social, cultural or spiritual importance beyond the school's community.
(e) Research Potential	No	The site it is not identified as having the potential to yield further or new information contributing to local or state significance.

Criteria	Heritage Assessment	
(f) Rare	Yes	The site is identified as having high local rarity as one of a few schools built between 1904-1908 meeting the new design requirements for classrooms. The original building has had minor modifications and adjoining structures have been added.
(g) Representative	Yes	The building has only received minor modifications to the original structure and maintains many features characterising Federation period styles in Rose Bay.

Table 5 Heritage Criteria Assessment - McAuley Catholic Primary School

Criteria	Heritage Assessment	
(a) Historic Significance	Yes	The original site has local significance as evidence of early-mid twentieth century educational, ecclesiastical architecture by the Hennessey architectural firm. The site meets this criterion due to the retention of characteristics and functional purpose from the original building. The building is the oldest, largest and most distinctive building on this school campus from 1935.
(b) Historical Association	Yes	The building has moderate historical association as evidence of good quality ecclesiastical architecture designed by John Hennessey adding to Hennessey firm's extensive portfolio between the 1880ss and 1940s. The site has considerable authenticity and integrity as a good quality local community building maintaining almost a century of continued use functioning as a classroom.
(c) Aesthetic / Creative / Technical Achievement	Yes	The site was identified as being the work of John Hennessey for Hennessey architectural firm, designed in 1935. The building demonstrates Federation period styles comparable to St Patricks Strathfield or St Mary's Concord, also designed by Hennessey architectural firm. The external building and interiors have retained many historic features of the original building and moderately contributes to the streetscape of Carlisle Street substantial form, impressive historical appearance and good quality architectural detailing in traditional materials.
(d) Social, Cultural and Spiritual Significance	No	The site it is not identified as having a significant social, cultural or spiritual importance beyond the school's community.
(e) Research Potential	Yes	The site is identified as having the potential to yield further or new information contributing to local or state significance due to the Federation era residence built in 1904 formerly known as 12 Carlisle Street, that previously occupied the site.
(f) Rare	Yes	The building is identified as having moderate local rarity as the only Hennessey-designed Catholic school buildings in Sydney's eastern suburbs. The building was also built towards the end of the firm's lifespan.

Criteria	Heritage Assessment	
(g) Representative	Yes	The building has only received minimal modification from the original structure and remains as a well-built, well-maintained and functional example of mid-twentieth century Catholic school architecture in Rose Bay designed by Hennessey architectural firm.

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

The intended outcome of the proposal is to add the statutory heritage listing to the subject sites. A planning proposal to amend Schedule 5 of the Woollahra LEP 2014 is the best means of achieving the intended outcome.

Accordingly, Department considers the local significance of these items have meet the criteria for local heritage significance and the listing of these sites to Schedule 5 is considered appropriate.

3 Strategic assessment

3.1 Regional Plan

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

Of particular relevance in the Region Plan is '*Objective 13: Environmental heritage is identified, conserved and enhanced.*' This objective seeks to protect environmental heritage for its social, aesthetic, historic and environmental values.

The planning proposal is consistent with the Region Plan as heritage listing of Rose Bay Public School - Building E and the McAuley Catholic Primary School - former Christian Brothers College building will provide ongoing protection and recognition of the heritage significance of the site.

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

3.2 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined in **Table 6**.

The Department is satisfied the planning proposal gives 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
E6 Creating and renewing great places and local centres, and respecting the district's heritage	<p>This priority seeks to identify, conserve, interpret and celebrate the District's heritage values.</p> <p>The proposal is supported by a heritage study assessed against criteria in the NSW Heritage Council Guideline Assessing Heritage Significance which demonstrates that the site satisfies the criteria for heritage significance.</p> <p>The proposal is suitably justified against the terms of this Priority.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in **Table 7** below:

Table 7 Local strategic planning assessment

Local Strategies	Justification
Woollahra Local Strategic Planning Statement (2020)	<p>The planning proposal (Attachment A) is supported by a Heritage Assessment (Attachment B) that demonstrates the site is a rare example of the architectural period or style of building.</p> <p>The planning proposal states that listing the sites will have a positive effect on the built heritage within Woollahra LGA, as a heritage asset is only valuable if the integrity of the qualities that contribute to its heritage significance are retained.</p> <p>The planning proposal is consistent with the priorities of the LSPS, particularly as it relates to proactively conserving and monitoring the distinct character and rich cultural heritage of Woollahra and collaborating with community to enhance heritage interpretation.</p>
Woollahra Local Housing Strategy (2021)	<p>The planning proposal is preserving and protecting the local build heritage considered by the community as having local significance.</p> <p>The planning proposal is consistent with Woollahra Local Housing Strategy as there are no changes to zoning or development standards proposed.</p>
Woollahra 2032 – Community Strategic Plan (2022)	<p>The planning proposal is consistent with Woollahra Community Strategic Plan as the proposal is conserving the rich and diverse heritage of the area identified in.</p>

3.4 Local planning panel (LPP) recommendation

That the Woollahra LPP considered the proposal at its meeting 18 April 2024 (**Attachments G and H**) and recommend to Council that:

- The Panel recommends the heritage listing for both sites to proceed with the planning proposal but notes the existence of a palm tree within the curtilage of Rose Bay Public School - Building E suggesting any future work will need to account for the significance of the landscape setting.

3.5 Section 9.1 Ministerial Directions

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

Table 8 Assessment of planning proposal under relevant 9.1 Ministerial Directions

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of this Direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal is broadly consistent with the Region Plan, Eastern City District Plan and LSPS. Refer to section 3.2 for further assessment.</p>
3.2 Heritage Conservation	Consistent	<p>The objective of Direction 3.2 is to conserve items, areas, objectives and places of environmental heritage significance and indigenous heritage significance.</p> <p>The proposal is supported by a heritage study assessed against criteria in the NSW Heritage Council Guideline Assessing Heritage Significance, which demonstrates that the site satisfies the criteria for heritage significance (Attachment B).</p> <p>The proposal is consistent with the Direction</p>
6.1 Residential Zones	Consistent	<p>This Direction aims to encourage housing choice, make efficient use of infrastructure and services, and minimise the impact of residential development on environment and resource lands. The proposal does not contain provisions to impede the operation of this Direction.</p> <p>The proposal is consistent with the Direction.</p>

3.6 State environmental planning policies (SEPPs)

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

Table 9 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
Housing (2021)	Consistent	<p>The SEPP seeks to provide diversity in housing and encourage affordable and rental housing. It also seeks to provide residents with a reasonable level of amenity.</p> <p>The proposal seeks to add to the local heritage listing and is administrative in nature.</p> <p>The planning proposal does not contain any provisions which would contravene or hinder the application of the SEPP.</p>

SEPPs	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
Transport and Infrastructure (2021)	Consistent	<p>The SEPP seeks to facilitate the effective delivery of infrastructure and provide greater flexibility, consistency and certainty to the provision of service facilities.</p> <p>The proposal seeks to add these sites to the local heritage listing and is administrative in nature.</p> <p>The planning proposal does not contain any provisions which would contravene or hinder the application of the SEPP.</p>
Exempt and Complying Development Codes (2008)	Consistent	The proposal is not considered to hinder the application of the SEPP.

4 Site-specific assessment

4.1 Environmental

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

4.2 Social and economic

The proposal is supported by a Heritage Assessment (**Attachment B**) that identifies that both sites meet the criteria for cultural significance as defined by the *Australia ICOMOS Burra Charter* and meet a number of heritage criteria regarding local significance under the *NSW Heritage Office guidelines, Assessing Heritage Significance (2023)*.

The proposal has economic implications relating to the submission of the development assessment and accompanying heritage management documents resulting from the heritage listing of both sites.

The proposal will have positive social and economic effects resulting in the ongoing protection and recognition of local heritage significance associated with these sites.

4.3 Infrastructure

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

5 Consultation

5.1 Community

A minimum exhibition period of 20 days is proposed and forms conditions of the Gateway determination.

5.2 Agencies

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

- Heritage NSW

The Department has further identified the following public agencies to be consulted with as landowners:

- Catholic Schools NSW
- NSW Department of Education

6 Timeframe

Council proposes a 12 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 a basic.

The Department recommends an LEP completion date of 6 May 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 of local significance, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed subject to conditions for the following reasons:

- It is supported by a heritage assessment report prepared in accordance with the NSW Heritage Office Guidelines that identifies the subject sites has local heritage significance and recommends adding both to the heritage listing from the Woollahra LEP 2014.
- It is consistent with the Greater Sydney Region Plan, Eastern City District Plan, Council's Local Strategic Planning Statement, and the relevant SEPPs. The planning proposal is consistent with the relevant Section 9.1 Directions.

9 Recommendation

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

- The Department recommends further consultation with NSW Department of Education and Catholic Schools NSW as landowners of the sites affected by the planning proposal.
- The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 6 May 2025 be included on the Gateway.



5/08/2024

Angela Hynes

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



5 August 2024

Jazmin van Veen

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

Assessment Officer

Harrison Barrett

Student Planning Officer, Local Planning (North, East and Central Coast)

02 8217 2044