



IRF26/3749

Gateway determination report – PP-2025-2017

Delisting of local heritage item – 3 Austin Crescent,
Lane Cove

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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.....	3
1.1	Overview	3
1.2	Objectives of planning proposal.....	3
1.3	Explanation of provisions.....	3
1.4	Site description and surrounding area	4
1.5	Mapping	5
1.6	Background	6
2	Need for the planning proposal	7
3	Strategic assessment	8
3.1	Regional Plan	8
3.2	Draft Sydney Plan.....	8
3.3	District Plan	9
3.4	Local.....	9
3.5	Local planning panel (LPP) recommendation	10
3.6	Section 9.1 Ministerial Directions.....	10
3.7	State environmental planning policies (SEPPs)	11
4	Site-specific assessment	11
4.1	Environmental	11
4.2	Social and economic	11
4.3	Infrastructure	11
5	Consultation.....	11
5.1	Community	11
5.2	Agencies	11
6	Timeframe	11
7	Local plan-making authority	12
8	Assessment summary	12
9	Recommendation.....	12

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Heritage Assessment – 3 Austin Crescent, Lane Cove, prepared by three+one heritage, 4 August 2025
Lane Cove Heritage Response, prepared by Lisa Trueman Heritage PTY LTD, 24 November 2025
Planning proposal, prepared by Urbanism Planning & Development, 17 October 2025
Lane Cove Local Planning Panel minutes, 18 December 2025
Lane Cove Ordinary Council meeting agenda, 19 February 2026
Lane Cove Ordinary Council meeting minutes, 19 February 2026

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Lane Cove
PPA	Lane Cove Council
NAME	Delisting of local heritage item – 3 Austin Crescent, Lane Cove
NUMBER	PP-2025-2017
LEP TO BE AMENDED	Lane Cove Local Environmental Plan (LEP) 2009
ADDRESS	3 Austin Crescent, Lane Cove
DESCRIPTION	Lot 2 DP 343988
RECEIVED	26/02/2026
FILE NO.	IRF26/3749
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 explain the intent of the proposal.

The objectives of the planning proposal are to remove local heritage item no. I152 from the Lane Cove LEP 2009. A heritage assessment has concluded it no longer represents a strong example of the original Inter-War Californian Bungalow style and does not warrant a heritage listing.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Lane Cove LEP 2009 to:

- Amend Schedule 5 – Environmental Heritage, Part 1 Heritage Items to remove item I152 ('house') at 3 Austin Crescent, Lane Cove (Lot 2 DP343988)
- Amend the Heritage Map to remove the site.

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

1.4 Site description and surrounding area

The site (**Figure 1**) at 3 Austin Crescent, Lane Cove contains a one storey dwelling house with a rear addition (**Figures 2 and 3**). It is understood there was a recent development approval for the site DA129/2019.

The site is zoned as R3 Medium Density Residential.

Surrounding development is characterised by dwelling houses, including a two-storey dwelling house at 1 Austin Crescent which is local heritage item no.1151.



Figure 1 Aerial view of the site, outlined in red (source: Six Maps 2026)



Figure 2 Front Elevation (source: three+one heritage, August 2026)



Figure 3 Rear Elevation (source: three+one heritage, August 2026)

1.5 Mapping

The planning proposal seeks to remove the site from the Heritage Map (**Figures 6 and 7**). The planning proposal includes maps showing the existing and proposed heritage map which are suitable for community consultation.

Notwithstanding the above, as part of the finalisation of the planning proposal Council as the local plan making authority will be required to prepare the final amended LEP map in accordance with the *Standard Technical Requirements for Spatial Datasets and Maps (August 2017)*.

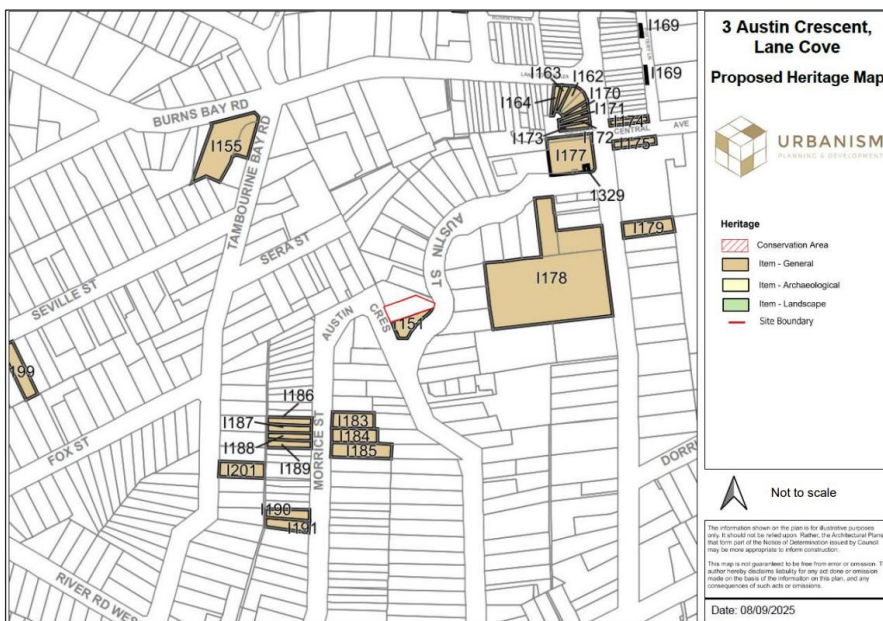


Figure 6 Current Heritage Map (source: Planning proposal, October 2025)

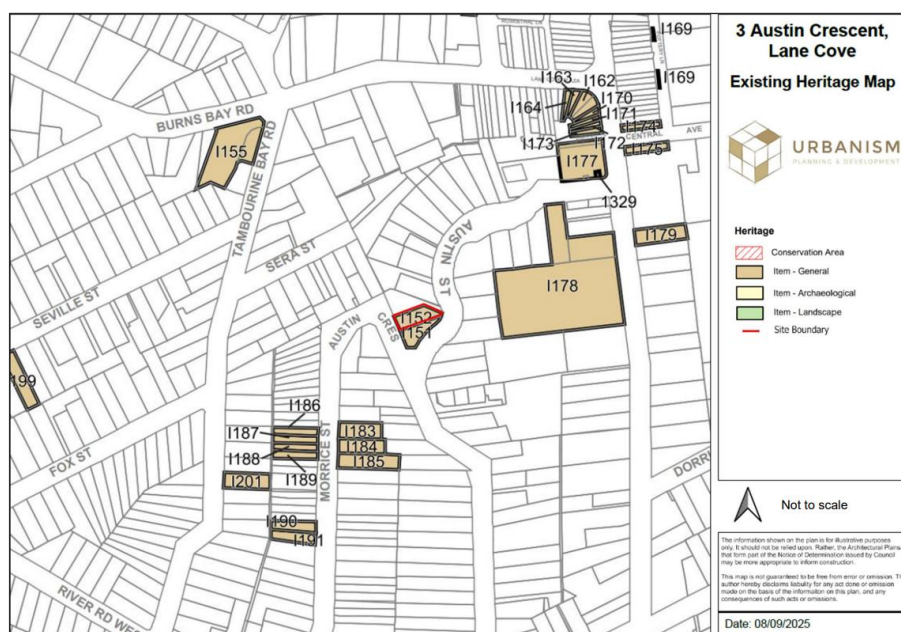


Figure 7 Proposed Heritage Map (source: Planning proposal, October 2025)

1.6 Background

The following table provides a background of the site and planning proposal.

Table 3 Timeline of planning proposal

Date	Event
February 1941 – Council Building Application Register	Proposal to construct a dwelling and garage of brick and tiled roof.
c.1941 - 1942	The original building is constructed on the site.
1987	The dwelling house is listed as a heritage item as it reflects the austere style which was predominate post WWII.
12 December 2019	Development approval, DA129/2019 for alterations and additions to dwelling house comprising a rear addition.
9 December 2020	s4.55 Modification of DA129/2019 for parking.
20 October 2025	Proponent submitted a request for a Planning proposal to remove heritage item from Schedule 5 of the Lane Cove LEP 2009.
18 December 2025	Lane Cove Local Planning Panel recommended Council support the planning proposal.
19 December 2025	Council resolved to submit the planning proposal for a Gateway assessment.
26 February 2026	Planning proposal submitted for Gateway assessment.

2 Need for the planning proposal

The planning proposal is not the result of a strategic study. It was initiated by the proponent and is supported by a Heritage Assessment prepared by three+one heritage (August 2025). The assessment of the 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 assessment should also consider the integrity and condition of the place or object and the level of heritage significance.

The Heritage Assessment stated that both 1 and 3 Austin Crescent were listed together as examples of *“Intact examples of post-war suburban development. Important because intact”*. But have since been substantially modified.

The Heritage Assessment concludes that the dwelling at 3 Austin Crescent, no longer meets the threshold of heritage significance required for the local heritage listing as:

- 1 and 3 Austin Crescent were listed as a pair, with an almost identical design and this intactness of the two pairs was essential to the significance of the heritage listing.
- As both 1 and 3 Austin Crescent have undergone alterations to the original built forms, they detract from each other and the intention of the heritage listing.

The assessment against the criteria in the Guideline is summarised in Table 4 below.

Council commissioned Lisa Trueman Heritage PTY LTD to undertake a peer review. The peer review, found the Heritage Assessment prepared by three+one heritage, adequately addressed the NSW Heritage guidelines. It supported the proposal to delist the site.

Table 4 Heritage Criteria Assessment

Criteria	Heritage Assessment	
(a) Historic Significance	No	The original dwelling house had local significance as evidence of the residential subdivision pattern and inter-war housing development. However, the site no longer meets this criterion as the alterations to the building have reduced its ability to demonstrate this period.
(b) Historical Association	No	The building is not associated with a person, organisation or group who have made an important or notable contribution.
(c) Aesthetic/Creative/Technical Achievement	No	The building is not considered to represent any specific aesthetic, reactive or technical achievement. It is more reflective of a building typology present at the time of construction. As a result of modifications to the dwelling, the aesthetic significance has changed and is no longer warrants a statutory heritage listing.
(d) Social, Cultural and Spiritual Significance	No	The site is not identified as having any social cultural or spiritual significance.
(e) Research Potential	No	The site is not identified as having the potential to yield further or new information contributing to local or state significance.

Criteria	Heritage Assessment	
(f) Rare	No	The site was not identified as meeting the criterion for rare.
(g) Representative	No	The modifications to the dwelling house, including the application of modern cement render and changes to the internal layout have diminished the representative value of the house.

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

A planning proposal to amend the Lane Cove LEP 2009 is the best means of achieving the intended outcome of the planning proposal, to remove the statutory heritage listing from the subject site.

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

It is noted that the LPP and Council have recommended 1 Austin Crescent also be delisted. It is understood that a separate planning proposal will be considered by Council in this regard.

3 Strategic assessment

3.1 Regional Plan

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

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

3.2 Draft Sydney Plan

The draft regional strategic plan for the Sydney region, 'The Sydney Plan', was publicly exhibited from 10 December 2025 to 27 February 2026. The draft plan is the NSW Government's 20-year strategic land use plan to guide future growth in the Sydney region. Once finalised, the Sydney Plan will replace the Greater Sydney Region Plan – A metropolis of Three Cities (2018) and the associated district plans.

The planning proposal is broadly consistent with the draft regional strategic plan. The site is currently zoned R3 Medium Density Residential. This proposal will not result in a loss of housing supply or change to the current zoning, floor space ratio and height controls for the site. The proposal is largely administrative in nature and seeks to remove a local heritage item from the LEP which has been identified by a heritage assessment as no longer warranting a heritage listing.

The planning proposal was prepared prior to the release of the draft plan. For an abundance of clarity during consultation, we recommend that the planning proposal is updated to address the draft Sydney Plan. A Gateway condition is recommended to this effect.

3.3 District Plan

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

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

The Department is satisfied the planning proposal gives 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
N6 Creating and renewing great places and local centres and respecting the District's heritage.	This priority seeks to identify, conserve, interpret and celebrate the District's heritage values. The proposal is supported by a heritage assessment prepared in accordance with the NSW Heritage Council's Assessing Heritage Significance guidelines. It demonstrates that the site no longer satisfies the criteria for heritage significance sufficient for a statutory listing. The proposal has provided suitable justification to address this Priority.

3.4 Local

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

Table 6 Local strategic planning assessment

Local Strategies	Justification
Lane Cove Local Strategic Planning Statement	The Lane Cove Local Strategic Planning Statement (LSPS), plans for Lane Cove's 20-year vision in delivering a positive social, economic and environmental outcomes to the local government area. Planning Priority 6 of the LSPS is to <i>Create and renew public spaces and facilities to improve our community's quality of life</i>, it includes an aspiration for 'embracing heritage'. The proposal is supported by a heritage assessment prepared in accordance with the NSW Heritage Council's Assessing Heritage Significance guidelines. It demonstrates that the site no longer satisfies the criteria for heritage significance sufficient for a statutory listing. The planning proposal has provided suitable justification to address the priorities of the LSPS.

Lane Cove Community Strategic Plan

Liveable Lane Cove 2035 is Council's Community Strategic Plan (CSP) which provides a framework for the community's vision.

The CSP identifies the community's priorities for the future and are formed around six key themes. *Theme 2: Our Built Environment* and *Goal: A Well Designed, Liveable and Connected Area* are of relevance to this proposal. Whilst the intent of the goal is to ensure that heritage items are preserved, this planning proposal seeks to delist item I152 as it no longer represents the intent and significance behind its original listing.

The planning proposal does not provide an assessment against the CSP. Accordingly, this will be considered as a condition for the Gateway determination.

3.5 Local planning panel (LPP) recommendation

The Lane Cove LPP considered the proposal at its meeting of 18 December 2025 and recommended to Council:

That pursuant to Section 9.1 of the Environmental Planning and Assessment Act 1979, the Lane Cove Local Planning Panel at its meeting on 18 December 2025, support the Planning Proposal, as it satisfies both the strategic and site-specific merit tests.

The Panel noted that it was not in a position to address the request to delist 1 Austin Crescent as no Planning Proposal was before the Panel in relation to that property but had one been lodged the Panel noted that it would have supported delisting.

The decision of the Panel was unanimous.

On 19 February 2026, having considered the proposal and advice of the LPP, Council resolved to submit the planning proposal for Gateway assessment.

3.6 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	Inconsistency justified.	The objective of Direction 3.2 is to conserve items, areas, objectives and places of environmental heritage significance and indigenous heritage significance. The proposal is supported by a Heritage Assessment prepared in accordance with the NSW Heritage Council's guideline 'Assessing Heritage Significance', which found that the site no longer satisfies the criteria for heritage significance sufficient to warrant a statutory listing. As stated above, a peer review of the Heritage Assessment by Lisa Trueman Heritage supports the proposed delisting. The inconsistency with Direction 3.2 Heritage conservation is minor and justified.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
6.1 Residential zones	Consistent	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 reduce the permissible residential density. The proposal is consistent with the direction.

3.7 State environmental planning policies (SEPPs)

The proposal does not contain provisions which would hinder the operation of any SEPPs.

4 Site-specific assessment

4.1 Environmental

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

4.2 Social and economic

The proposal is unlikely to have any significant social or economic impacts. It will ensure heritage listings are up to date. Notwithstanding this, the community will have the opportunity to share their view on the proposal during the consultation period.

4.3 Infrastructure

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

5 Consultation

5.1 Community

Given the nature of the proposal a community consultation period of 20 working days is considered appropriate. A Gateway condition is recommended in this regard.

5.2 Agencies

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

6 Timeframe

The planning proposal states an LEP completion date of July 2026.

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 18 September 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes.

7 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 with conditions for the following reasons:

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

9 Recommendation

It is recommended the delegate of the Secretary:

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

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

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to address:
 - the draft Sydney Plan.
 - Lane Cove Council's Community Strategic Plan
2. 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. The timeframe for the LEP to be completed is on or before 18 September 2026



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1 April 2026

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