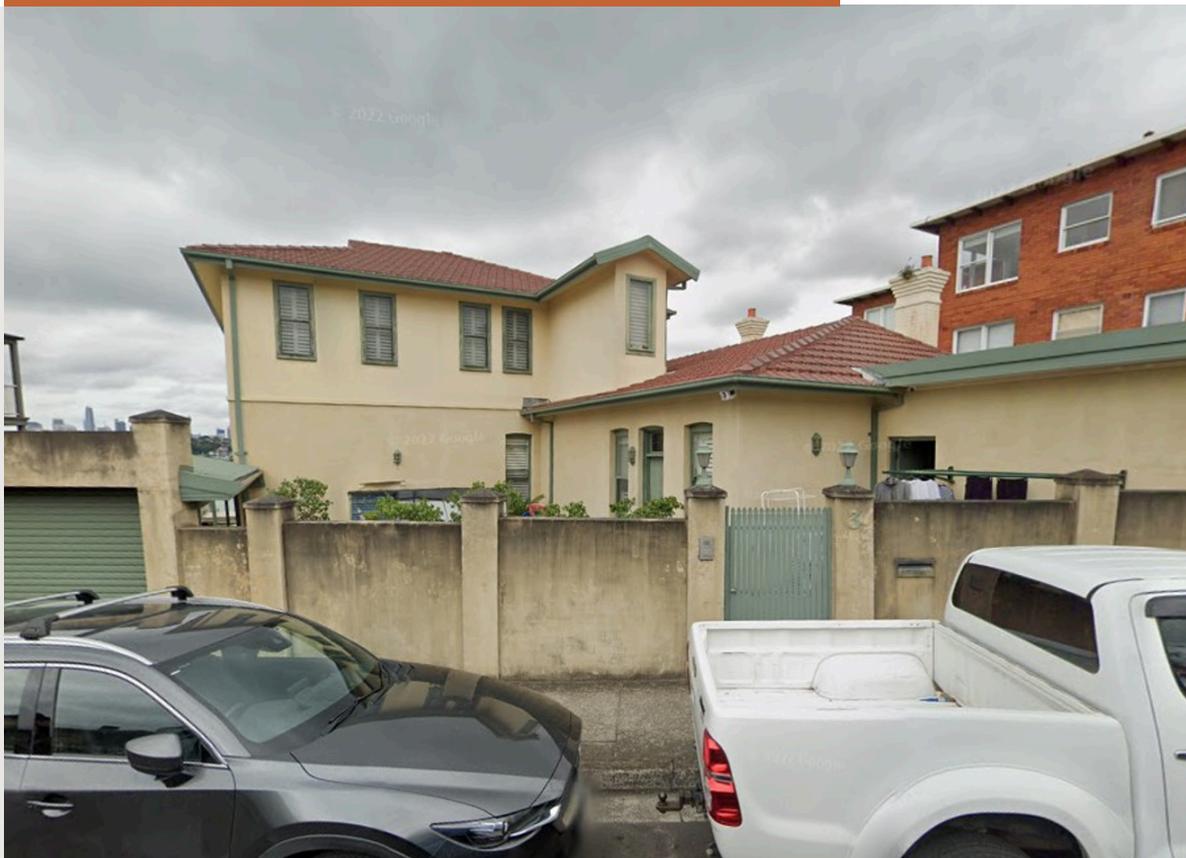


PLANNING PROPOSAL



3 Wolseley Street, DrummoyneNSW

Removal of Site from Schedule 5 of Canada Bay LEP 2013

10 November 2023 | P797

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1.0 INTRODUCTION

1.1 Overview

This Planning Proposal seeks to facilitate amendments to the *Canada Bay Local Environmental Plan 2013* (CBLEP 2013) to remove 3 Wolseley Street, Drummoyne from Schedule 5 (Heritage Conservation) and the corresponding heritage map.

The proposed amendments are in response to a heritage assessment undertaken by Weir Phillips Heritage and Planning on behalf of the property owner, which has determined that the subject site does not meet the threshold for heritage listing under any of the NSW Heritage Division criterion.

This Planning Proposal has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), and the Department of Planning and Environment's "*Local Environmental Plan Making Guideline*" (August 2023).

1.2 Site and Property Description

The subject site is located at 3 Wolseley Street, Drummoyne (Lot 37, Section 5, D.P. 964) on the south-eastern side of the street. It comprises an irregular shaped allotment with a highly modified 2 storey Federation period and style dwelling house. The site has dual frontages to both Wolseley Street and St Georges Crescent. The subject dwelling house is L-shaped with a 2 storey principal building form and attached single storey wing on the southern side. The building is constructed from rendered brick with a hipped roof clad in terracotta tiles.

The site is:

- Listed as a heritage item under Schedule 5, Part 1 of the CBLEP 2013 (Item No.1505);
- Is not listed on the State Heritage Register under the NSW Heritage Act 1977;
- Is not located within a Heritage Conservation Area under Schedule 5, Part 2 of the CBLEP 2013;
- Is located in the vicinity of the following heritage items:
 - 1 Wolseley Street, Drummoyne (1504); and
 - 4 Wolseley Street, Drummoyne (1506); and
- Zoned R3 Medium Density Residential under the CBLEP 2013.

1.3 Site Location

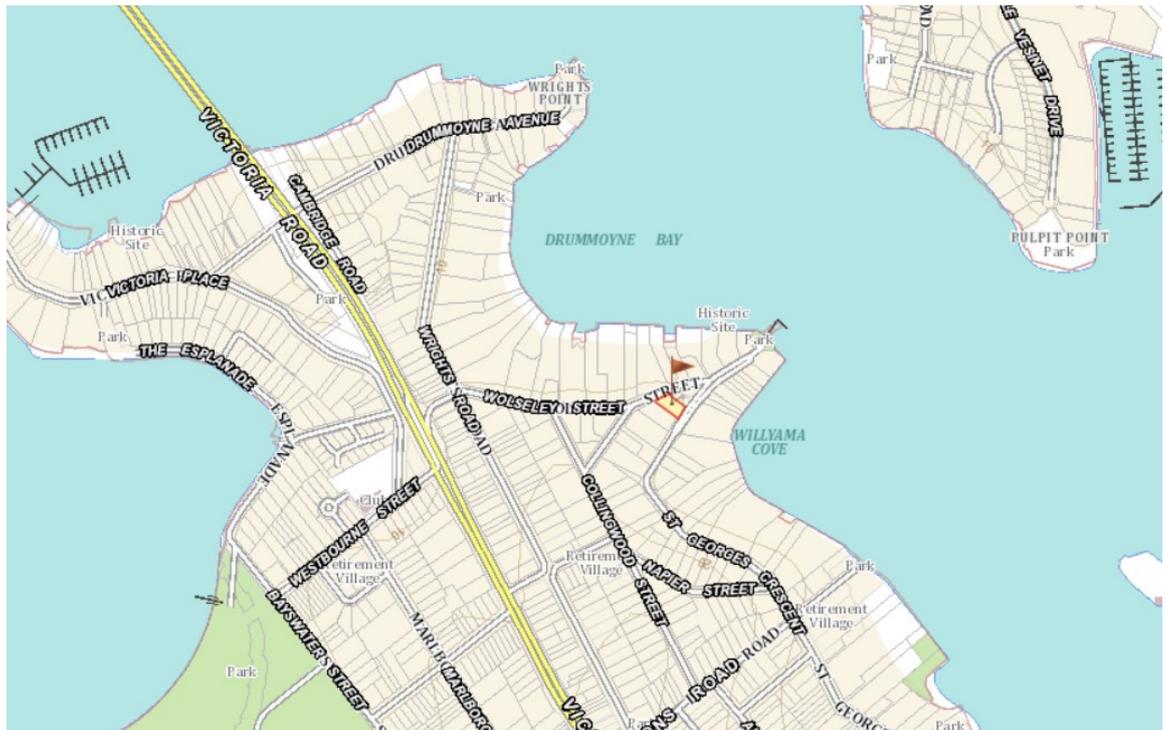


Figure 1: Site location (SIX Maps).

1.4 Surrounding Context

The site is located in a medium density residential zoned area in Drummoynes that is undergoing transition from a low density to a medium density environment. It is surrounded by 2-4 storey residential flat buildings and some large 1 and 2 storey Federation and Victorian dwelling houses.

As a result of the transition in urban character, the subject dwelling house at 3 Wolseley Street is isolated from its original context of single dwelling houses.

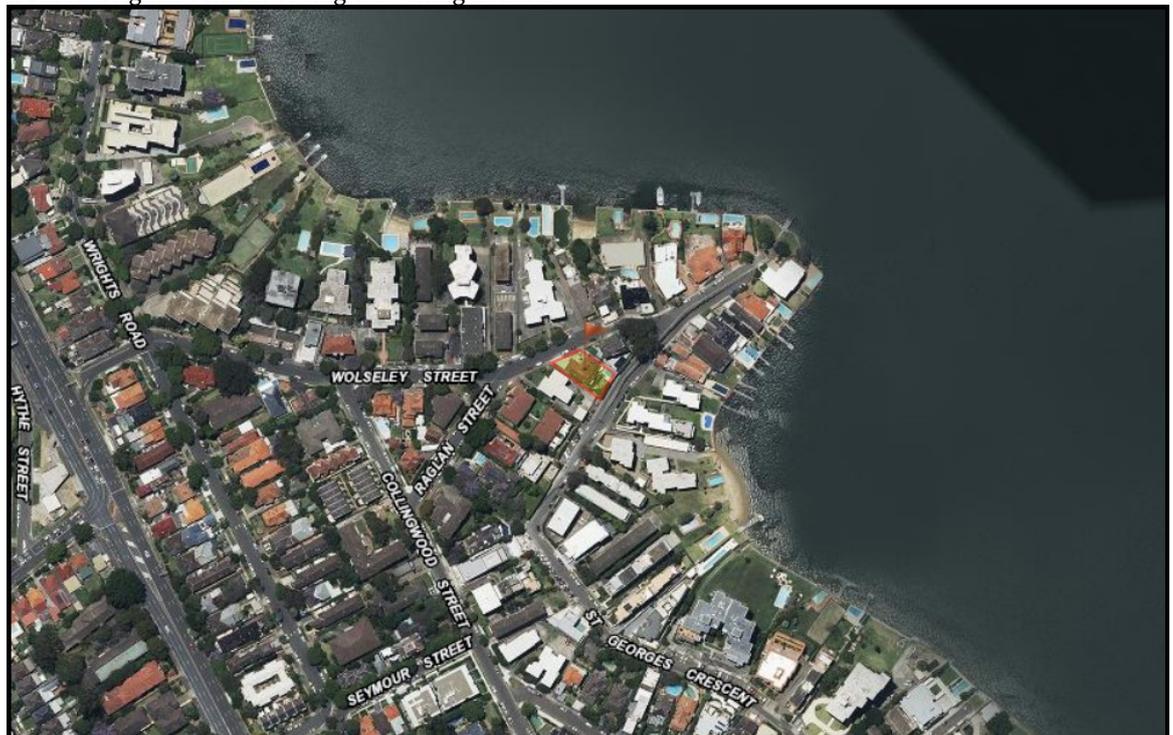


Figure 2: General locality surrounding the site (SIX Maps).



Figure 3: The subject site (SIX Maps).



Figure 4: Front of the subject site as viewed from Wolseley Street.



Figure 5: Rear of the site showing the rear wing.



Figure 6: Rear garages on St Georges Crescent.



Figure 7: 5 Wolseley Street, a 3 storey residential flat building which neighbours the subject site to the south.



Figure 8: 1 Wolseley Street, a 2 storey dwelling house located to the east of the site.



Figure 9: 10 Wolseley Street, a 3 storey residential flat building located directly across from the subject site.

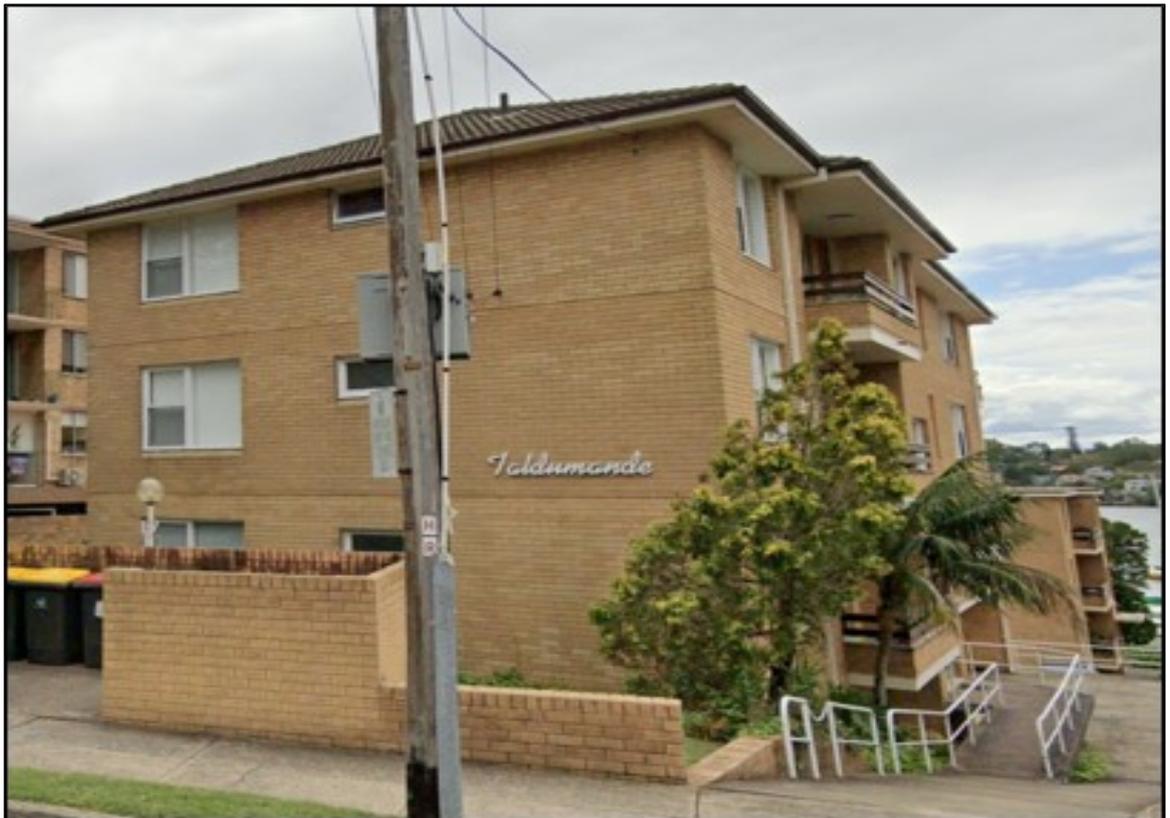


Figure 10: No. 12 Wolseley Street, a 3 residential flat building to the northwest of the subject site.



Figure 11: 6 Wolseley Street, 4 storey residential flat building located across the road.



Figure 12: 5 Raglan Street, a 3 storey residential flat building located further east of the site.

1.5 Heritage Assessment

A heritage assessment report of the subject property was undertaken by Weir Phillips Heritage and Planning in September 2020 (**Appendix A**). The report has identified that 3 Wolseley Street, Drummoyne does not meet the threshold for local heritage listing under any of the NSW Heritage Division criterion for the following reasons:

- The building is not a fine example of a Federation period and style dwelling, but rather a highly modified typology that has lost its integrity;
- The building has limited historic significance as part of a pattern of substantial dwellings being constructed in this part of Drummoyne during the late 19th and early 20th centuries;
- The building is not associated with any persons or cultural groups determined to be of importance in New South Wales' cultural or natural history (or the cultural or natural history of the local area);
- The building has not been attributed to any prominent designer or architect;
- The building has been altered so extensively that it can no longer be considered a good example of its type. There are other better examples to be found throughout the City of Canada Bay that would provide this type of information.
- The building does not display any aesthetically distinctive or landmark qualities. The building is of limited aesthetic merit;
- The setting of the item has been irreparably damaged by the construction of medium density development around the site;
- The building is isolated and separated from similar building types and no longer forms part of a larger cohesive group; and
- The context, character and amenity of the subject site has been diminished by redevelopment of sites nearby into residential flat buildings.

2.0 PART ONE: OBJECTIVES AND INTENDED OUTCOMES

A statement of the objectives and intended outcomes of the proposed instrument

The objective of this Planning Proposal is to amend Schedule 5 and the associated heritage map of the CBLEP 2013 to remove the local heritage listing of 3 Wolseley Street, Drummoyne.

The current heritage listing requires a development application for development on the site as well as additional matters to be taken into consideration under the heritage provisions of Clause 5.10 of the CBLEP 2013.

The proposed removal of the heritage listing would help maintain the integrity of Canada Bay's heritage listings to ensure that only those items with demonstrated heritage significance are retained and appropriately protected. It would also allow for the appropriate development of the site under the existing zoning and local planning provisions.

3.0 PART TWO: EXPLANATION OF PROVISIONS

An explanation of the provisions that are to be included in the proposed instrument

The proposed outcome will be achieved by making the following amendments to the CBLEP 2013:

- Removing Lot 37, Section 5, DP964 from Item No I505 in Schedule 5- Environmental Heritage; and
- Amending the Heritage Map to remove Lot 37, Section 5, DP964.

The current and proposed Heritage Maps for CBLEP 2013 are shown in Part Four (Mapping) of this Planning Proposal.

4.0 PART THREE: JUSTIFICATION OF STRATEGIC AND SITE SPECIFIC MERIT

4.1 Section A – Need for the Planning Proposal

Q1: Is the Planning Proposal a result of an endorsed local strategic planning statement study or report?

Yes. As noted above, a comprehensive heritage assessment of the site was undertaken by Weir Phillips Heritage and Planning in September 2020. The detailed report is attached as **Attachment A**. The site was assessed for significance under the New South Wales Heritage Division Guidelines for Inclusion / Exclusion

Assessing Heritage Significance, NSW Heritage Manual Update. The assessment has identified that the site does not have merit for local heritage listing under the CBLEP 2013 as summarised as follows:

| Criterion | Comments |
|---|--|
| (a) An item is important in the course, or pattern, of New South Wales' cultural or natural history (or the cultural or natural history of the local area). | No. 3 Wolseley Street was constructed c. 1900-1901 during one of the key periods of subdivision in Drummoyne. It has limited historic significance as part of a pattern of substantial dwellings being constructed in this part of Drummoyne during the late 19th and early 20th centuries. |
| (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in New South Wales' cultural or natural history (or the cultural or natural history of the local area) | The building was constructed c. 1900-1901 by Stephen Vale, an assayer and mineralogist. Neither he, nor subsequent owners including the Read and Moubarak families, have been identified to have any prominence that is more than incidental to them having lived in the area. |
| (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of technical achievement in New South Wales (or the local area) | <p>The site has not been identified as being the work of an important architect. It has undergone significant alterations which has impacted on the integrity of the building including, but not limited to the following:</p> <ul style="list-style-type: none"> • The original face brick is now rendered. • The principal roof structure has been replaced with the first-floor addition. • The original front elevation has been enclosed and the front entry relocation to Wolseley Street. • The fireplaces have all been removed or replaced. • The ceilings, plasterwork and joinery has all been replaced. <p>The heritage assessment identifies better examples of the type to be found throughout the City of Canada Bay that demonstrate the style.</p> |
| (d) An item has strong or special association with a particular community or cultural group in New South Wales (or the local area) for social, cultural or spiritual reasons | The site does not have a strong or special association with a particular community or cultural group in New South Wales (or the local area) for social, cultural or spiritual reasons that has been identified. |
| (e) An item has potential to yield information that will contribute to an understanding of New South Wales' cultural or natural history (or the cultural or natural history of the local area) | <ul style="list-style-type: none"> • The site does not provide any additional information to further the understanding of Drummoyne; • The site has not been identified by Canada Bay Council as having potential archaeological significance; and • The dwelling house is a modest example of a Federation era style dwelling that has been substantially modified internally and externally to the extent that it can no longer be considered to be a good example of its type. • There are better examples that more fully reflect the period and architectural style within Canada Bay. |
| (f) An item possesses uncommon, rare or endangered aspects of New South Wales' cultural or natural history (of the cultural or natural history of the local area) | The building has been highly altered. There are better examples of the style to be found within the local area. |
| (g) An item is important in demonstrating the principal characteristics of a class of New South Wales (or a class of the local areas) | No. 3 Wolseley Street is part of a group which collectively illustrate Federation dwellings, however, it has lost many of the range of characteristics that make up the type and no longer presents as a Federation style dwelling. |

In summary, the assessment has identified that 3 Wolseley Street is an early example of a Federation dwelling and was built as one of several substantial dwellings overlooking Sydney Harbour, forming part of an uninterrupted row. The aesthetic and historic continuity of the original row no longer exists as many of the original dwellings have been replaced by residential flat buildings which has impacted the setting of the subject site. Furthermore, the subject building has undergone extensive alterations externally and internally

which have resulted in the loss of significant fabric, architectural details, and overall integrity to such an extent that it is no longer worthy of heritage listing.

On the basis of this assessment, the heritage study recommends the removal of 3 Wolseley Street, Drummoyne from Schedule 5 of the CBLEP 2013 and the accompanying heritage map, due to erroneous listing information and degree of change from the original.

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

Yes. A local heritage listing under the CBLEP 2013 conserves and protects sites that have been assessed as satisfying the NSW Heritage Council's Criteria for heritage significance. As demonstrated in the accompanying Heritage Report, the subject site does not satisfy the NSW Heritage Office Criterion for local heritage listing.

A Planning Proposal, therefore, is the only means of removing the listing of the site from Schedule 5 and the accompanying heritage map of the CBLEP 2013.

4.2 Section B – Relationship to the Strategic Planning Framework

Q3: Will the Planning Proposal give effect to the objectives and actions of the applicable regional, district plan, or strategy (including any exhibited draft strategies)?

The relevant regional and district strategies are:

- “A Metropolis of Three Cities” – Greater Sydney Regional Plan (2018) and
- “Connecting Communities” - The Eastern City District Plan (2018).

The Planning Proposal is assessed below against the relevant goals contained within those strategies:

- Objective 13 of the Regional Plan, that “*Environmental heritage is identified conserved and enhanced*”, requires relevant planning authorities to protect “*aboriginal, cultural and natural heritage and places, spaces and qualities valued by the local community*”.

This Planning Proposal will not adversely impact on the directions and actions identified in Objective 13, as the building does not satisfy the criteria for inclusion in Schedule 5 of the CBLEP 2013 as a local heritage item. Rather, as demonstrated in the accompanying heritage study, the site meets the criteria for de-listing.

- Planning Priority E6 under the Eastern City District Plan “*Creating and renewing great places and local centres, and respecting the District’s heritage*” requires relevant planning authorities to “*Identify, conserve and enhance environmental heritage*”.

The Planning Proposal is not inconsistent with this action as the subject site is not considered to have merit for heritage listing. In relation to both strategies, removal of the site from Schedule 5 and the accompanying heritage map would have the effect of maintaining the integrity of the heritage listings in the CBLEP 2013 by limiting them only to those of true local heritage significance, as assessed against criteria in the NSW Heritage Council publication “Assessing Heritage Significance”.

Q4: Does the Planning Proposal give effect to Council's endorsed local, strategic planning statement or other endorsed local strategies or strategic plan?

The relevant local instruments (including drafts) are:

- The City of Canada Bay Local Strategic Planning Statement (LSPS) (2020);
- The City of Canada Bay Housing Strategy: Vision 2040 (2020); and
- The City of Canada Bay Strategic Plan: Our Future 2036..

The following priority within the LSPS is relevant:

- Priority 7: Create vibrant places which respect local heritage and character

The Planning Proposal is not inconsistent with Priority 4 of the LSPS, as a heritage asset is only valuable if the integrity of the qualities that contribute to its heritage significance are retained. As demonstrated in the accompanying Heritage Study, the site does have merit for local heritage listing as it has been substantially modified and it is not a rare example of the architectural period or style of building.

With regards to the Canada Bay Housing Strategy, the NSW Government requires councils to plan for population growth and changing demographics by delivering additional housing. The Planning Proposal is not inconsistent with the Housing Strategy as the removal of the heritage listing would provide increased opportunities for redevelopment of the site including potential intensification under the current controls.

In regards to Canada Bay's Strategic Plan: Our Future 2036, there are no specific objectives or directions specific to protecting cultural heritage. Regardless, it is reiterated that the removal of the subject site from the Schedule 5 of the CBLEP 2013 will have the effect of maintaining the accuracy of heritage content so that only those items with demonstrated heritage significance are identified, retained and protected.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other applicable state or regional studies or strategies apply to the proposal.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The following table identifies how this Planning Proposal is consistent with relevant SEPPs:

| State Environmental Planning Policy | Comments |
|---|--|
| Housing SEPP (2021) | Consistent. <ul style="list-style-type: none"> The subject property is not known to contain affordable housing. The removal of the heritage listing would allow potential redevelopment of the site into alternative housing forms permissible under the SEPP and/or the local planning framework, including some types of affordable/diverse housing. |
| Transport and Infrastructure SEPP (2021) | Not relevant. |
| Primary Production SEPP (2021) | Not relevant. |
| Biodiversity and Conservation SEPP (2021) | Not relevant. |
| Resilience and Hazards SEPP (2021) | Not relevant. <ul style="list-style-type: none"> Given the historical use of the site for residential purposes it is unlikely that site remediation would be required. The subject site is not located within the coastal areas identified by this SEPP. |
| Industry and Employment SEPP (2021) | Not relevant. |
| Resources and Energy SEPP (2021) | Not relevant. |
| Planning Systems SEPP (2021) | Not relevant. |
| Exempt and Complying Development Codes (2008) | Consistent. The proposed heritage de-listing would expand on the types of development that could be carried out on the site under the Code. |

| State Regional Environmental Policy | Comments |
|--|---|
| SYDNEY REP 20 Hawkesbury-Nepean River | The Planning Proposal is consistent with the aims of the policy and will have no adverse impacts on the Hawkesbury-Nepean River System. |
| SYDNEY REP (Sydney Harbour Catchment) 2005 | The Planning Proposal is consistent with the aims of the policy and will have no adverse impacts on the Sydney Harbour Catchment. |

Q7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions) or key Government priorities?

The following table identifies applicable Section 9.1 Directions and outlines this Planning Proposal's consistency with those Directions:

| Ministerial Direction | Objective | Comments |
|--|---|--|
| 1.1 Implementation of Regional Plans | The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. | Consistent. The Planning Proposal will not adversely affect the directions and actions outlined in the strategy to achieve the four goals relating to economy, housing, environment and community. |
| 1.3 Approval and referral requirements | The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. | Consistent. The Planning Proposal will not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development. |
| 3.2 Heritage Conservation | The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. | Consistent. The Planning Proposal will maintain the integrity of the heritage listings in Schedule 5 to be those only of true local heritage significance assessed against criteria from the NSW Heritage Council. |
| 6.1 Residential Zones | (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands. | Consistent. <ul style="list-style-type: none"> The Planning Proposal relates to an existing dwelling house, and as such will have no effect on housing availability, choice, infrastructure, or environment; The Planning Proposal does not contain provisions that would reduce the permissible residential density on the land. Rather, the proposed de-listing would facilitate redevelopment of the land within the existing zoning and planning controls. |

The Planning Proposal relates to the removal of the heritage listing of an established building. It is not considered to be inconsistent with any Government priorities.

4.3 Section C – Environmental, Social and Economic Impact

Q8. 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?

The Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats as a result of the removal of the heritage listing.

Q9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no environmental effects envisaged because of the removal of heritage listings proposed by the Planning Proposal.

Q10. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal would offer positive social and economic effects by:

- Ensuring the heritage listings under the CBLEP 2013 are up to date and protect items and places of heritage significance for the community;
- Potentially increasing intensification of the site for residential purposes within the current zoning and controls; and
- Providing increased building activity and jobs during any construction phases.

4.4 Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal relates to the removal of the heritage listing of an established building. No additional demand for public infrastructure is anticipated.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Council will consult with public authorities nominated by the Department of Planning and Environment as per requirements of the Gateway Determination.

5.0 PART FOUR- MAPPING

Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies

This Planning Proposal will result in the following amendment to the following CBLEP 2013 heritage map sheet:

- **Canada Bay Local Environmental Plan 2013 – Heritage Map:** by removing the colouring indicating the heritage listing from the subject property at 3 Wolseley Street, Drummoyne.



Figure 13: Existing CBLEP 2013 Heritage Map

PART FIVE- COMMUNITY CONSULTATION

Details of the community consultation that is to be undertaken on the Planning Proposal

Community Consultation for this Planning Proposal will be consistent with the requirements of:

- The Environmental Planning and Assessment Act 1979
- The Environmental Planning and Assessment Regulations 2000
- The Gateway Determination; and
- The consultation guidelines contained in the Department of Planning and Environment's *“Local Environmental Plan Making Guideline”* (August 2023).

Public exhibition of the Planning Proposal would be generally undertaken in the following manner:

- Notification in a newspaper that circulates the area affected by the Planning Proposal;
- Notification on Council’s website;
- Notification in writing to the affected and adjoining landowners;
- Making available the following material for viewing during the exhibition period:
 - Planning Proposal;
 - Gateway Determination; and
 - Information relied upon by the Planning Proposal (e.g. the Heritage Study, Council report and resolution)

At the conclusion of the public exhibition, a report will be prepared and reported back to Council to allow for the consideration of any submissions received from the community

6.0 PART SIX- PROJECT TIMELINE

| Stage | Timing |
|--|----------------------------|
| Consideration by Local Planning Panel | January 2024 |
| Consideration and Decision by Council | February 2024 |
| Submission for Gateway Determination | March 2024 |
| Gateway determination | May 2024 |
| Pre-exhibition | July 2024 |
| Commencement and completion dates for public exhibition period | July/August 2024 (20 days) |
| Consideration of submissions | September 2024 |
| Report back to Council | September 2024 |
| Submission to the Department for finalisation | October 2024 |
| Gazettal of LEP amendment | December 2024 |