

Local heritage listing of the former Menangle School of Arts Community Hall, 4 Station Street, Menangle

Proposal Title : **Local heritage listing of the former Menangle School of Arts Community Hall, 4 Station Street, Menangle**

Proposal Summary : **To include the former Menangle School of Arts Community Hall and its curtilage, 4 Station Street, Menangle (Lot 1 DP 306368) in Schedule 5 of the Wollondilly LEP 2011 as a local heritage item.**

PP Number : **PP_2012_WOLLY_004_00** Dop File No : **12/12931**

Proposal Details

Date Planning Proposal Received : **07-Aug-2012** LGA covered : **Wollondilly**

Region : **Sydney Region West** RPA : **Wollondilly Shire Council**

State Electorate : **WOLLONDILLY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street : **4 Station Street**

Suburb : **Menangle** City : Postcode : **2568**

Land Parcel : **Lot 1 DP 306368**

DoP Planning Officer Contact Details

Contact Name : **Tessa Parmeter**

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RPA Contact Details

Contact Name : **Sophie Perry**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub : **Metro South West subregion** Consistent with Strategy : **Yes**

Regional Strategy :

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MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment : **At this point of time, to the best of the Regional Team's knowledge, this planning proposal is compliant with the Department of Planning's Code of Practice in relation to communications and meetings with lobbyists.**

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The planning proposal is to amend Schedule 5 - Environmental Heritage of the Wollondilly LEP 2011 (WLEP 2011) and insert the former Menangle School of Arts Community Hall (Community Hall) into Schedule 5 and reflect the associated lot (Lot 1 DP 306368) on the WLEP 2011 Heritage Map HER_010B.**

Property description

The Community Hall is located at 4 Station Street, Menangle (Lot 1 DP 306368). The lot is currently zoned B1 Neighbourhood Centre.

The RPA employed a heritage advisor to complete a heritage assessment of the Menangle Hall. The heritage advisor's report indicates that the Menangle Hall has local aesthetic heritage significance and is a valued part of the history of the local community.

The land was reclassified from 'community' to 'operational' in 2010/2011 to sell the community hall to the Menangle community association. The Menangle Hall is not structurally sound and is currently not suitable for public use.

The Menangle community association supports the local heritage listing of this item.

External Supporting Notes :

LOBBYIST STATEMENT

At this point of time, to the best of the Regional Team's knowledge, this planning proposal is compliant with the Department of Planning's Code of Practice in relation to communications and meetings with lobbyists.

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donation disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

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The Department has not received any disclosure statements for this Planning Proposal.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : A statement of objectives is provided. The intended outcome is to include the former Menangle School of Arts Community Hall (Menangle Hall) building and its curtilage in Schedule 5 of the Wollondilly LEP 2011 (WLEP 2011) and shown on the associated WLEP 2011 Heritage Map.

The intended outcome is clear and consistent with the Department's Guide to preparing a planning proposal.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : An explanation of provisions has been provided. The planning proposal will be achieved by amending Schedule 5 of the WLEP 2011 to include the former Menangle School of Arts Community Hall (Menangle Hall) into the Schedule as a local heritage item.

The WLEP 2011 heritage map sheet HER_010B will also be amended showing the location of the item with the corresponding item number in the heritage schedule. A copy of a marked up heritage map HER_010B was not provided, however a map showing the nearby heritage items was provided (map 2).

The explanation of provisions also discussed amending WLEP 2011 Heritage Map Sheet HER_011D. Following the planning team's review of the heritage maps, it appears that amending the WLEP 2011 heritage map sheet HER_011D is not required for this planning proposal. The RPA should clarify what change would be required to map sheet HER_011D for this planning proposal.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 6—Number of Storeys in a Building

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

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e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Section 117 Direction 1.1 - Business and Industrial Zones:

The RPA has not considered this direction. The lot is located in zone B1 Neighbourhood Centre; therefore Section 117 Direction 1.1 applies. The planning proposal is consistent with this direction as it retains the existing business zone and does not reduce the potential floor space area for business uses.

Section 117 Direction 2.3 - Heritage Conservation:

The planning proposal does contain provisions that facilitate the conservation of heritage items. The new item would rely on clause 5.10 of the WLEP 2011 to facilitate conservation of the heritage item.

To confirm the significance identified in the heritage assessment in the planning proposal, NSW Heritage Branch should be consulted on the planning proposal to confirm the assessment prior to the planning proposal proceeding to public exhibition.

Section 117 Direction 4.2 - Mine Subsidence and Unstable Land:

Section 117 Direction 4.2 requires the relevant planning authority to consult with the Mine Subsidence Board if a planning proposal would permit development within a mine subsidence district to ascertain (4)(a)(ii) "the scale, density and type of development that is appropriate for the potential level of subsidence".

As the RPA identifies that the site is located within a mine subsidence area as described by the Mine Subsidence Board, consultation is required. This Planning Team Report recommends that the RPA should make it clear in the consultation with the Mine Subsidence Board that should the Menangle Community Hall be listed as a local heritage item, Clause 5.10(10) of the Wollondilly LEP 2011 will come into effect which will enable the site to be developed for any purpose, even if that purpose would otherwise not be allowed by the plan. Potentially, this development could be a greater scale, density or type of development that is appropriate for the potential level of subsidence.

Therefore, The Mine Subsidence Board will need to be consulted regarding this potential issue prior to the planning proposal being publically exhibited.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes two maps -

Map 1 shows the cadastre and property description of the lot to which the planning proposal applies.

Map 2 shows the proposed amendment to the heritage map sheet and the nearby heritage items, however, it is not a marked up copy of the WLEP 2011 Heritage Map Sheet HER_010B which will be amended if the planning proposal proceeds.

Should the planning proposal proceed, a marked up copy of WLEP 2011 Heritage Map Sheet HER_010B should be included with the public exhibition material, to enable the public to have a clearer location reference map in relation to the surrounding heritage items.

The planning proposal report also states that WLEP 2011 heritage map sheet HER_011D will be amended with this planning proposal. It appears that this map sheet HER_011D does not require amendment with this planning proposal. More information should be

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provided from the RPA clarifying what change would be required to this map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **It is proposed that the planning proposal should be exhibited for 28 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons : **There are no additional Director General's requirements.**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **There is adequate information to assess the planning proposal.**

Proposal Assessment

Principal LEP:

Due Date : **February 2011**

Comments in relation to Principal LEP : **The WLEP 2011 was notified on 23 February 2011. This planning proposal is the 15th commenced planning proposal (amending the WLEP 2011). 13 are currently active and 2 planning proposals have been notified.**

It should be noted that a further 2 planning proposals have also been submitted by the RPA in the past week, for separate matters.

Assessment Criteria

Need for planning proposal : **JUSTIFICATION SUPPORTING THE NEED FOR THE PLANNING PROPOSAL:**

The need for the planning proposal is to formally recognise the former Menangle School of Arts Community Hall (Menangle Hall) as a local heritage item instead of only being reflected as a heritage item in the Menangle Heritage Conservation Area.

The RPA appointed a Heritage Advisor in June 2012 to assess the heritage significance of the Menangle Hall who advised that the site had local heritage significance as an example of a Federation period Hall. The report concludes that the heritage significance is for aesthetic qualities and as a valued part of the history of the local community.

The report notes that the proposed heritage item was previously listed in the WLEP 1991. The planning team has been unable to identify the listing in the previous Plan. It is not listed individually; however, it is included within the Menangle Heritage Conservation Area (HCA) in the WLEP 2011.

The WLEP 2011 was made in February 2011 and it was not included in the revised instrument.

The site has a long history - in September 2001, the title of the land was transferred from community to Wollondilly Shire Council. In June 2005, the building was deemed not structurally sound for public use and has been closed to the public. In 2009, Council made the decision to demolish the hall. This decision was not supported by the community and the decision was made to sell the site to the community for a nominal fee. The site was reclassified from community to operational in 2010 (PP_2010_WOLLY_001_00) and sold to the Menangle Community Association.

The planning proposal indicates that the building is still not structurally sound for public

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use.

The Menangle Community Association endorses the RPA's resolution to register the Menangle Hall as a heritage item. Heritage Branch should be consulted prior to the planning proposal proceeding to confirm the local heritage significance.

JUSTIFICATION NOT SUPPORTING THE NEED FOR THE PLANNING PROPOSAL:

Despite both the Menangle Community Association and the RPA supporting the inclusion of the Menangle Hall in the local heritage schedule, there is a question over the need for the planning proposal because in 2009, the RPA made a decision to demolish the hall prior to the community association's objection and request to purchase the Menangle Hall.

Additionally, there have been previous opportunities to list the community hall as a local item, during the preparation of the WLEP 2011 and in conjunction with the reclassification of the site in 2010/2011. Further it is unclear, that if the Menangle Hall was previously listed, why the listing was removed.

Lastly, the site is still provided some heritage significance as part of the Menangle Heritage Conservation Area. Therefore, if the planning proposal does not proceed, Clause 5.10 Heritage Conservation still applies to the community hall.

IN CONCLUSION:

Ultimately, the listing of the item is a local planning matter. Should the RPA wish to proceed with the local heritage listing of the Menangle Hall and Office of Environment and Heritage - Heritage Branch supports this recommendation, then the planning proposal should proceed to public exhibition, subject to meeting Gateway conditions including obtaining the nominated Agencies views.

Consistency with strategic planning framework :

The site is not specifically reflected in any of the RPA's strategic planning documents.

The Wollondilly Community Strategic Plan 2030 includes the following objective "A community that is surrounded by a built and natural environment that is valued and preserved".

The draft South West Subregional Strategy includes an objective E6.1.2 "to protect cultural and heritage elements of the subregion".

Identifying a local heritage item in the WLEP 2011 would be consistent with these objectives, both in the Wollondilly Community Strategic Plan 2030 and the draft South West Subregional Strategy.

Environmental social economic impacts :

ENVIRONMENTAL

The site is not affected by bushfire or flooding nor does it contain significant vegetation on the site.

The RPA identifies that the site is located within a mine subsidence area as described by the Mine Subsidence Board. As noted in the assessment of SEPPs and Section 117 Directions, should this item be listed as a local heritage item, Clause 5.10(10) of the Wollondilly LEP 2011 will come into effect which will enable the site to be developed for any purpose, even if that purpose would otherwise not be allowed by this Plan.

Clause 5.10(10) has the potential to be inconsistent with Section 117 Direction 4.2 - Mine subsidence and unstable land, as the Mine Subsidence Board must be consulted to confirm (4)(a)(ii) "the scale, density and type of development that is appropriate for the potential level of subsidence". The Mine Subsidence Board will need to be consulted regarding this potential issue.

SOCIAL

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The Menangle Community Association supports the listing of Menangle Hall as a local heritage item. The Community Association has worked with the RPA to reclassify the site so the Menangle Community Association could purchase and restore the Menangle hall for public use once it is deemed structurally sound.

ECONOMIC

Once the Menangle Hall has been restored and is structurally sound, it has the potential to provide economic value to the community.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 Month** Delegation : **DG**

Public Authority : **Office of Environment and Heritage**
Consultation - s56(2)(d) : **Mine Subsidence Board**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The planning proposal is to be provided to Office of Environment and Heritage - Heritage prior to the planning proposal being placed on public exhibition to confirm the local heritage significance.**

The planning proposal is to be provided to the Mine Subsidence Board with a clear explanation on how clause 5.10(10) of the Wollondilly LEP 2011 will affect this site should the community hall be listed as a local heritage item.

If both agencies support the planning proposal proceeding without modification, the planning proposal should proceed to public exhibition period.

Resubmission - s56(2)(b) : **No**

If Yes, reasons : **Some additional information should be provided prior to the planning proposal being publicly exhibited, however, there is adequate information for the planning proposal to proceed without resubmission.**

Identify any additional studies, if required. :

Heritage

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **This planning proposal does not require the provision or funding of State infrastructure.**

Documents

Document File Name	DocumentType Name	Is Public
Wollondilly Shire Council_Council resolution_Proposed heritage listing of Menangle Community Hall.pdf	Determination Document	Yes

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Wollondilly Shire Council_cover letter.pdf	Proposal Covering Letter	Yes
Wollondilly Shire Council_Planning Proposal_proposed heritage item_Menangle School of Arts Community Hall.pdf	Proposal	Yes
Wollondilly Shire Council_Heritage assessment_Menangle School of Arts Community Hall.pdf	Study	Yes
Wollondilly Shire Council_Planning Proposal_Appendix 5 to 7.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended the Planning Proposal proceed subject to the following conditions:

- 1) The planning proposal is to be completed in 6 months.
- 2) Prior to the planning proposal proceeding to public exhibition, the Mine Subsidence Board and Office of Environment and Heritage: Heritage branch are to be consulted. Any comments received from these Government Agencies should be considered prior to proceeding.
 - The Mine Subsidence Board should be advised about the impact the local heritage listing of the former Menangle School of Arts Community Hall with regards to the considerations in clause 5.10(10) of the Wollondilly LEP 2011.
 - The Office of Environment and Heritage: Heritage branch should confirm the RPA's heritage assessment and the item's local heritage significance.
- 3) The planning proposal should it proceed, should be exhibited for 28 days.
- 4) A public hearing is not required with this planning proposal.
- 5) Further assessment is required on Section 117 Direction 1.1 - Business and Industrial zones prior to the planning proposal being returned to the Department.
- 6) The public exhibition material should include a marked up Wollondilly LEP 2011 Heritage Map Sheet HER_010B indicating the location of the proposed local heritage item.
- 7) The RPA is to confirm what changes are required to map sheet HER_011D for this planning proposal, and if amendments are required to map sheet HER_011D, this explanation should be included in Part 2 - Explanation of Provisions in the planning proposal.

Supporting Reasons :

- 1) It is an appropriate timeframe to complete this planning proposal
- 2) The RPA is to consult with the Mine Subsidence Board to confirm that they have no objections to the planning proposal, in particular whether the land is a high risk of mine subsidence, and whether there is adequate information/ justification to list the Menangle Hall as a local heritage item.

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3) This is an appropriate timeframe to enable the public to comment on this planning proposal.

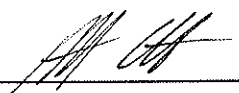
4) A public hearing is not required.

5) The site is located in an existing business area and as such this section 117 Direction is applicable to this planning proposal.

6) This map will clarify to the community where the proposed heritage item is located and what amendment will be made to the Wollondilly LEP 2011 heritage map sheet HER_010B.

7) The explanation of provisions should clearly explain the reasons that heritage map sheet HER_011D is required to be amended with this planning proposal. The RPA is to confirm what amendment is required to map sheet HER_011D.

Signature:



Printed Name:

STEPHEN GARDINER

Date:

10/08/2012

