

Heritage listing of the former Menangle School Building and curtilage

Proposal Title : **Heritage listing of the former Menangle School Building and curtilage**

Proposal Summary : **To identify the former Menangle School Building and associated curtilage as a local heritage item under Wollondilly LEP 2011.**

PP Number : **PP_2012_WOLLY_005_00** Dop File No : **12/14214**

Proposal Details

Date Planning : **17-Aug-2012** LGA covered : **Wollondilly**
 Proposal Received :

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

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

LEP Type : **Spot Rezoning**

Location Details

Street : **26 Station Street**

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

Land Parcel : **Lot 1, DP 420139**

Street : **28 Station Street**

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

Land Parcel : **Lot 1, DP 795181**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

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

MDP Number : Date of Release :

Area of Release (Ha) : Type of Release (eg Residential / Employment land) :

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 : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region West has not met with any lobbyist in relation to this Proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning the Proposal.**

Supporting notes

Internal Supporting Notes : **The Planning Proposal will facilitate the heritage conservation of a specific building and land within the existing Menangle Conservation Area.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The Objective is to list the former Menangle School Building and associated curtilage as a heritage item under Wollondilly LEP 2011.**

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

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

Comment : **The Objective will be achieved:**

- by amending Schedule 5 Environmental Heritage Part 1 of Wollondilly LEP 2011 to include the former Menangle Public School at Lot 1, DP 745181 (28 Station Street, Menangle), as a local heritage item (No. I290); and

- by amending Heritage Map - Sheets HER_010B and HER_011D to indicate that Lot 1, DP 745181, contains a heritage item.

COMMENT

The DP number is incorrect and should read "795181" instead of "745181". It is, therefore, considered that Council should be required to amend the Proposal prior to exhibition to rectify all such incorrect references to the DP number.

The Council report and resolution (copies attached in the Documents section of this report) indicate that the curtilage relating to the former Menangle School Building may extend onto adjoining land (i.e. 26 Station Street, Menangle (Lot 1, DP 420139)), which contains associated buildings. The inclusion of adjoining land is indicated by the Council resolution but is not included in the Planning Proposal.

History:

The site (i.e. both lots) is owned by the Department of Education and Communities (DEC), which lodged a development application with Council in 2007 to demolish all of the buildings. However, in 2008, the then Minister for Education and Training placed a moratorium on the demolition of the former school building.

In 2011, the JRPP issued development consent, with ministerial concurrence, for a boundary adjustment to more appropriately contain the former school building. A copy of the JRPP's report is included in the Documents section of this report and shows the approved lots (page 3 of the JRPP's report refers). Approved Lot 102, which has not been registered to date, contains the former Menangle School Building and Council is currently negotiating with DEC for ownership of the land to pass to Council through a land swap.

Approved Lot 102 appears to be contained wholly within existing Lot 1, DP 795181, which contains the former school building, i.e. (28 Station Street, Menangle).

In April 2012, as part of its negotiations for the land swap, Council resolved to seek heritage listing of the former school building. This resolution led to a subsequent resolution by Council to prepare the subject Proposal. However, it is unknown whether the associated curtilage may extend beyond existing Lot 1, DP 795181, onto Lot 1, DP 420139.

Studies:

The Proposal is accompanied by a Heritage Impact Statement prepared in 2007 as part of a 2007 development application to demolish the buildings. A copy of the Heritage Impact Statement is attached as Appendix 4 to the Planning Proposal document (refer to the Documents section of this report).

In May 2012, Council's heritage consultant prepared a Heritage Assessment & Statement of Significance (attached as Appendix 5 to the Planning Proposal document (refer to the Documents section of this report)).

The two studies do not define the boundary of the curtilage. The Proposal does not indicate how the curtilage boundary will be determined or whether further investigation will be undertaken in this regard.

Heritage Significance:

The site is located within the Menangle Conservation Area, which is listed under Wollondilly LEP 2011. The Heritage Impact Statement (2007) indicates that the Menangle Conservation Area has been assessed as being of State level heritage significance.

The Heritage Impact Statement (2007) indicates that site adjoins the Camden Park Estate Curtilage, which is included on the State Heritage Register and is a National Heritage

Item.

RECOMMENDATION

It is recommended that Council should be required to undertake the following actions prior to exhibition:

- determine the boundary of the curtilage;
- if necessary, adjust the proposal accordingly and include details of the curtilage (including a property description) and information on how it was determined;
- consult with the following agencies in relation to the Proposal:
 - * the Heritage Branch of the Office of Environment and Heritage, and
 - * the Federal Department of Sustainability, Environment, Water, Population and Communities; and
- seek the approval of the Department of Education and Communities to the Proposal.

When submitting the final Proposal to the Department after exhibition, Council should be required to demonstrate consistency of the Proposal with section 117 Direction 2.3 Heritage Conservation.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

4.2 Mine Subsidence and Unstable Land

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

N/A

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

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

SECTION 117 DIRECTIONS

DIRECTION 2.3 HERITAGE CONSERVATION

This Direction applies to the Proposal as it seeks to conserve a heritage item. It is considered that, following compliance with the recommendations in this report, Council should be required to demonstrate consistency of the Proposal with the Direction.

DIRECTION 3.1 RESIDENTIAL ZONES

This Direction applies to the Proposal as the site is zoned R2 Low Density Residential. It is considered that the Proposal is consistent with the Direction as it does not seek to change the zoning of the land.

DIRECTION 4.2 MINE SUBSIDENCE AND UNSTABLE LAND

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This Direction is relevant to the Proposal as the site is located within a Mine Subsidence District, i.e. the South Campbelltown District. The Direction requires Council to consult with the Mine Subsidence Board and it is considered that this should be made a formal requirement of the Gateway determination. Council will need to demonstrate consistency with the Direction when the final Proposal is submitted for approval.

DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

This Direction requires the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) where a planning proposal creates, alters or reduces existing zonings or reservations of land for public purposes.

The site is zoned R2 Low Density Residential under Wollondilly LEP 2011 and, as such, the Direction does not technically apply. However, it is considered prudent for Council to obtain written approval from DEC for the proposed heritage listing.

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

This Direction applies to all planning proposals and requires that they be consistent with the Metropolitan Plan for Sydney 2036. It is considered that the Proposal is not inconsistent with the Metropolitan Plan for Sydney 2036 and, thereby, with the Direction.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : It is considered that Council should be required to amend the maps in the Proposal to include land at 26 Station Street, Menangle (i.e. Lot 1, DP 420139).

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The Proposal indicates that an exhibition period of 28 days is appropriate. The Regional Team supports this view.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2011**

Comments in relation to Principal LEP : The Principal Plan, Wollondilly LEP 2011, was notified on 25 February 2011.

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Assessment Criteria

Need for planning proposal :	A planning proposal is required in order to facilitate the heritage listing of the site under Wollondilly LEP 2011. Council has been negotiating with DEC for ownership of part of the land and the Proposal forms part of this initiative. Council has given consideration to the application of an Interim Heritage Order but prefers heritage listing.
Consistency with strategic planning framework :	The Proposal is not inconsistent with the Metropolitan Plan for Sydney 2036 and the Draft South West Subregional Strategy.
Environmental social economic impacts :	It is considered that, subject to the preparation of a heritage study, as recommended by this report, the Proposal is not expected to have any adverse environmental, social or economic impacts.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Department of Education and Communities Office of Environment and Heritage		

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

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 :

Documents

Document File Name	DocumentType Name	Is Public
Council's_Covering_Letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal_Document.pdf	Proposal	Yes
Heritage_Impact_Statement_(2007)_(Part_1).pdf	Study	Yes
Heritage_Impact_Statement_(2007)_(Part_2).pdf	Study	Yes
Heritage_Impact_Statement_(2007)_(Part_3).pdf	Study	Yes

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Heritage_Impact_Statement_(2007)_(Part_4).pdf	Study	Yes
Heritage_Assessment_and_Statement_of_Significance_(2012).pdf	Study	Yes
Council_Report.pdf	Study	Yes
Council_Minutes.pdf	Study	Yes
Letter_of_Community_Support.pdf	Study	Yes
JRPP_Report.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
 3.1 Residential Zones
 4.2 Mine Subsidence and Unstable Land
 6.2 Reserving Land for Public Purposes
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the Gateway agrees to the Planning Proposal, including the curtilage of the heritage item, and that the Proposal proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days;

2. The timeframe for completing the local environmental plan is to be 9 months from the week following the date of the Gateway Determination;

Council should meet the following conditions prior to undertaking community consultation:

3. References to the DP number "745181" are incorrect and should be amended to read "795181";

4. Council is to determine the boundary of the curtilage;

5. Once Council has determined the boundary of the curtilage, it is recommended that Council be required to:

(i) if necessary, adjust the Proposal accordingly and include details of the curtilage (including a property description) and information on how it was determined;

(ii) consult with the following agencies in relation to the Proposal:
 * the Heritage Branch of the Office of Environment and Heritage, and
 * the Federal Department of Sustainability, Environment, Water, Population and Communities;

(iii) seek the views of the Department of Education and Communities on the Proposal;

6. Demonstrate consistency of the Proposal with section 117 Direction 2.3 Heritage Conservation, when submitting the final Proposal to the Department after exhibition; and

7. Consultation is required with the Mine Subsidence Board under section 117 Direction 4.2 Mine Subsidence and Unstable Land. Demonstration of the consistency of the Proposal with the Direction will be required when the final Proposal is submitted for approval.

Supporting Reasons : **The Proposal will facilitate heritage conservation of items within an existing heritage conservation area.**

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Signature:



Printed Name:

T DORAN

Date:

7/9/12