

Planning and Assessment

IRF20/740

Gateway determination report

LGA	Woollahra
PPA	Woollahra Municipal Council
NAME	Listing of Sewage Pumping Station (SPS46), including interiors and moveable heritage objects, and sandstone gate posts and metal gates as a local heritage item.
NUMBER	PP_2020_WOOLL_001_00
LEP TO BE AMENDED	Woollahra Local Environmental Plan 2014
ADDRESS	13 Collins Avenue, Rose Bay (Percival Park)
DESCRIPTION	Lot 2 in DP 512907
RECEIVED	15 November 2019
FILE NO.	IRF20/740
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. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend Woollahra Local Environmental Plan (LEP) 2014, to list the sewage pumping station (SPS 46), including interiors and moveable heritage objects, and sandstone gate posts and metal gates at 13 Collins Avenue, Rose Bay as a heritage item of local significance.

1.2 Site description

The sewage pumping station (SPS 46) and sandstone gate posts and metal gates (Figure 1) are located within Percival Park at 13 Collins Avenue, Rose Bay. The site is legally known as Lot 2, DP 512907. The site has frontage to Collins Avenue to the south-east and is bordered by Sydney Harbour to the north-west and residential properties to the north-east and south-west.

The site is currently used by Sydney Water as a sewage pumping station. Percival Park is used as a public open space, which was established in 1949 after Council negotiated with the then Metropolitan Board of Water Supply and Sewage to obtain use of the land.

The site is not located in a heritage conservation area, nor is it in the immediate vicinity of any listed heritage item.



Figure 1: Sewage pumping station (SPS 46) and sandstone gate posts and metal gates as viewed from Collins Avenue looking north-west (Source: Woollahra Municipal Council).



Figure 2: Aerial photograph with the subject site outlined in red (Source: Nearmap)



Figure 3: Cadastral map of Percival Park with the site outlined in red. (Source: GIS Maps, Woollahra Municipal Council)

1.3 Existing planning controls

The site is zoned SP2 Infrastructure (Sewerage System) under the Woollahra LEP 2014 (Figure 4). It is subject to a maximum building height control of 9.5m (Figure 5). The LEP does not specify a maximum floor space ratio (FSR) for the site (Figure 6).

The subject site is not listed on the NSW State Heritage Register (SHR), nor is it identified as a local heritage item or located in a heritage conservation area in Schedule 5 of the Woollahra LEP 2014.

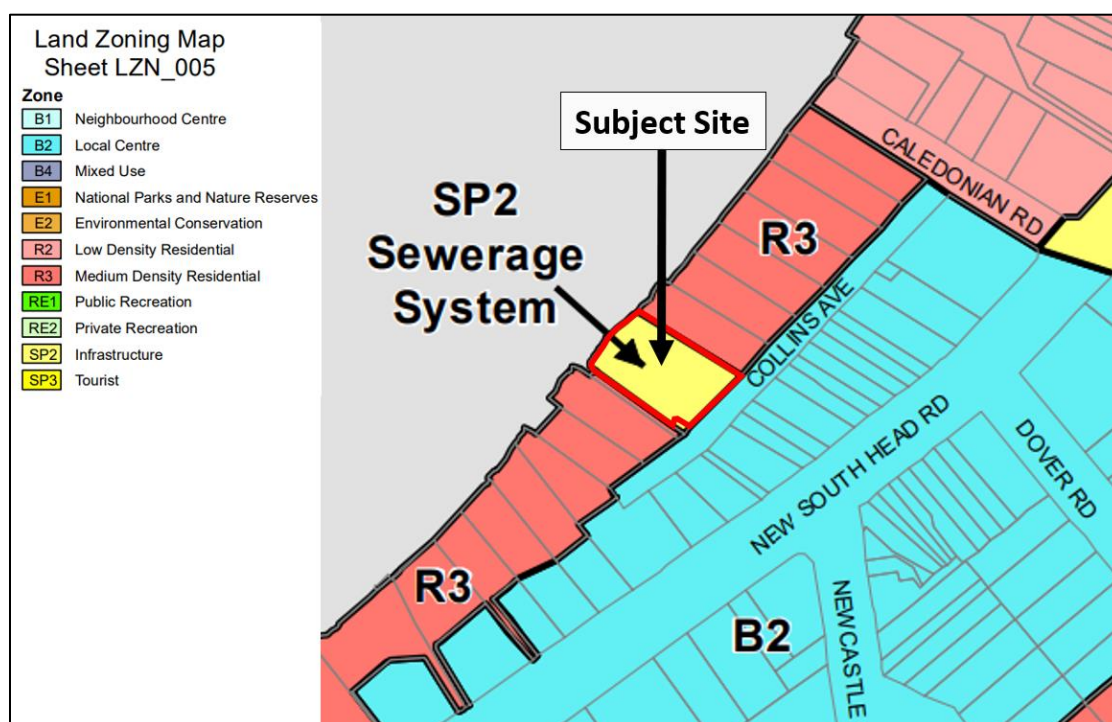
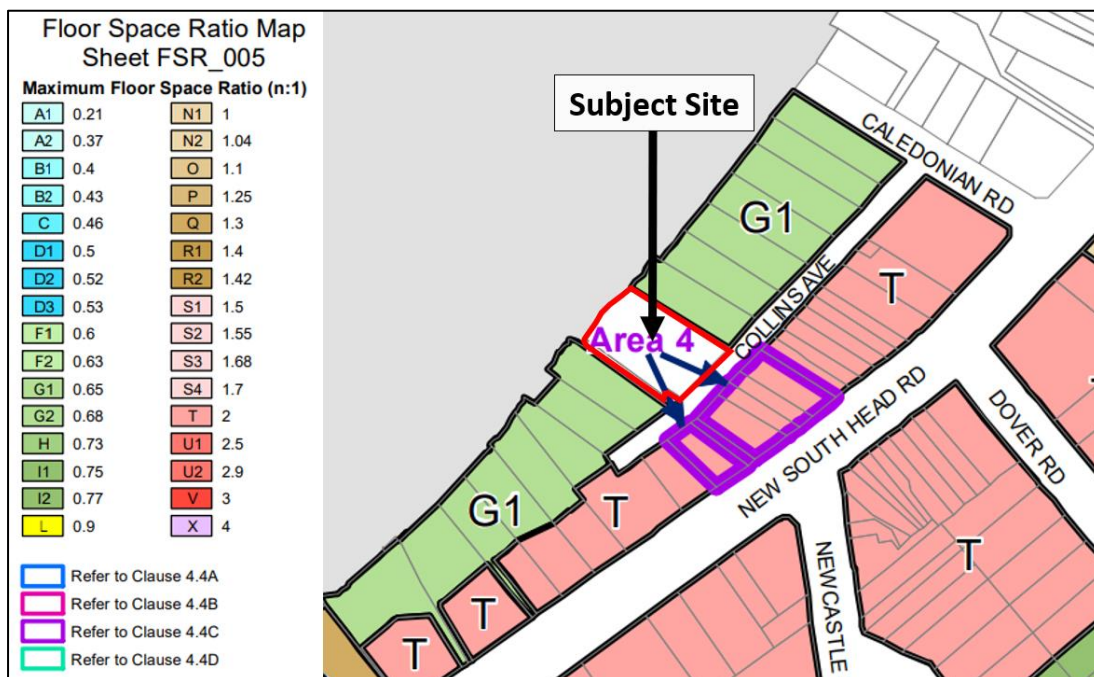
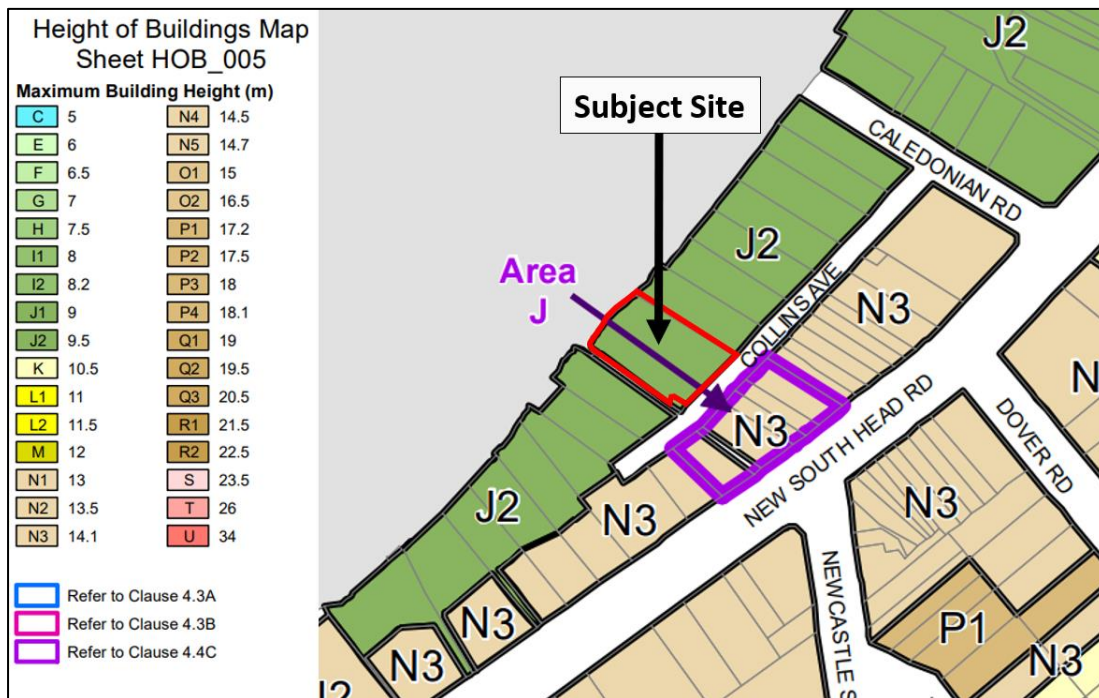


Figure 4: Woollahra LEP 2014 Land Zoning Map with the subject site outlined in red.



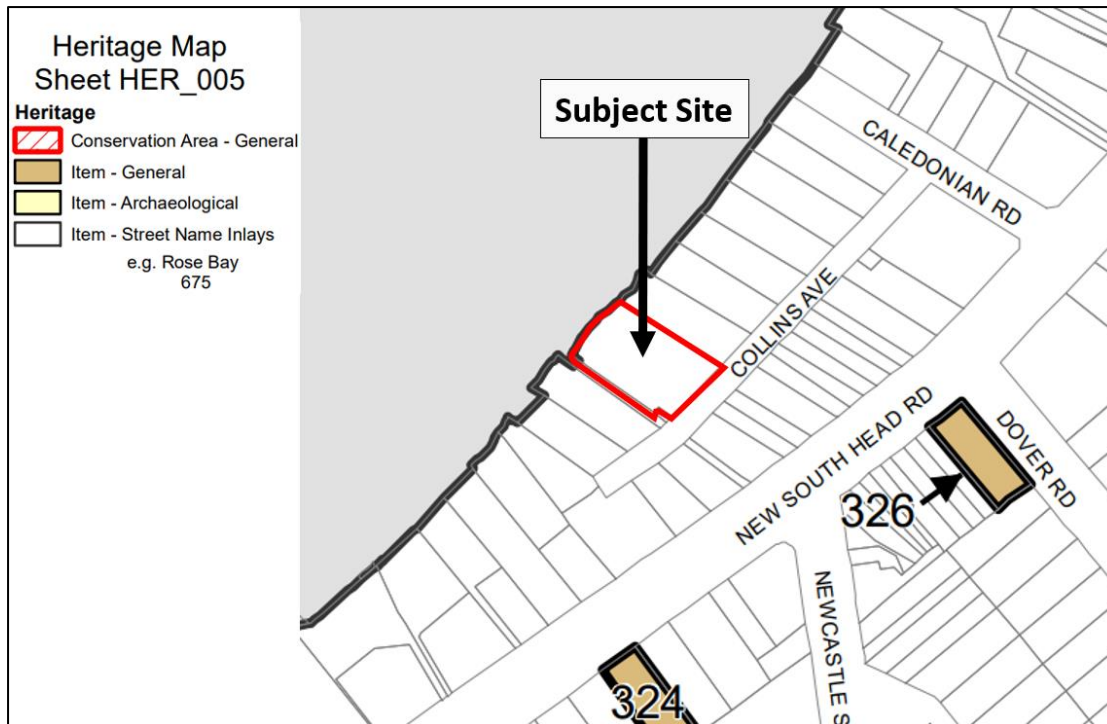


Figure 7: Woollahra LEP 2014 Heritage Map with the subject site outlined in red.

1.4 Surrounding area

The subject sewage pumping station is located near the north-western edge of the Rose Bay Local Centre. To the north-east and south-west of the site are residential properties. To the south-east across Collins Avenue is a row of commercial buildings which front onto New South Head Road, the main thoroughfare for Rose Bay and the surrounding suburbs. To the north-west of the site is the Rose Bay foreshore and Sydney Harbour.

The site is also adjacent to a pedestrian link between Rose Bay foreshore and the Rose Bay Local Centre.

There are no listed heritage items or heritage conservation areas within the immediate vicinity of the site. Other heritage items in the locality, which are listed in the Woollahra LEP, include the 'Rose Bay Hotel and interiors' (No. 326), 'Former Post Office and interiors' (No. 324) and 'Mary Magdalene Catholic Church – church and interiors' (No. 327).



Figure 8: Aerial photograph of the subject site and surrounds (Source: GIS Maps, Woollahra Municipal Council)

1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions as:

- The proposed heritage listing is supported by a heritage study prepared by Council, which identifies the subject item as having local heritage significance. The heritage assessment has been undertaken in accordance with the NSW Heritage Office Guidelines;
- The proposal will recognise and provide on-going protection of the heritage significance of the item; and
- The proposal is consistent with the objectives, directions and planning priorities of the Greater Sydney Region Plan, Eastern City District Plan and Council's local strategic plans, as well as relevant State Environmental Planning Policies and Section 9.1 Directions.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to amend Woollahra LEP 2014 to list the Sewage Pumping Station (SPS 46) – including interiors and moveable heritage, and sandstone gate posts and metal gates, at 13 Collins Avenue, Rose Bay as a local heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

Heritage listing ensures that any proposed changes to an item or place of heritage significance are sympathetic to the heritage values and characteristics of that item or place.

Clause 5.10 Heritage Conservation under Woollahra LEP 2014 applies to all heritage items, heritage conservation areas and archaeological sites listed in Schedule 5. It sets out when development consent is required in relation to work on a heritage item.

Clause 5.10 requires that Council consider the impact of any proposed works on the heritage significance of an item when assessing development applications; provides Council with the authority to require a heritage management document; and provides conservation incentives, which allow a heritage item to be used for a purpose that would otherwise not be permitted, provided that the use will assist in the conservation of the item.

The Objectives of the planning proposal are clear and do not require amendment prior to community consultation.

2.2 Explanation of provisions

The planning proposal seeks the following amendments to Woollahra LEP 2014:

- Insert a listing for the *Sewage pumping station (SPS 46) – including interiors and moveable heritage, and sandstone gate posts and metal gates*, in Part 1 *Heritage Items* of Schedule 5 *Environmental Heritage*. The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Amend the Heritage Map (Sheet HER_005) to identify a heritage item on the site of the *Sewage pumping station (SPS 46) – including interiors and moveable heritage, and sandstone gate posts and metal gates* at 13 Collins Avenue, Rose Bay.

The Explanation of Provisions in the planning proposal adequately explains the intended changes to the Woollahra LEP 2014.

2.3 Mapping

The proposal requires an amendment to the Heritage Map (Sheet HER_005) under the Woollahra LEP 2014 to identify the *Sewage pumping station (SPS 46) – including interiors and moveable heritage, and sandstone gate posts and metal gates* as an “Item – General”. Part 7 – Mapping of the planning proposal includes extracts of the existing and proposed Heritage Maps in relation to the site of the sewage pumping station (Figure 9).

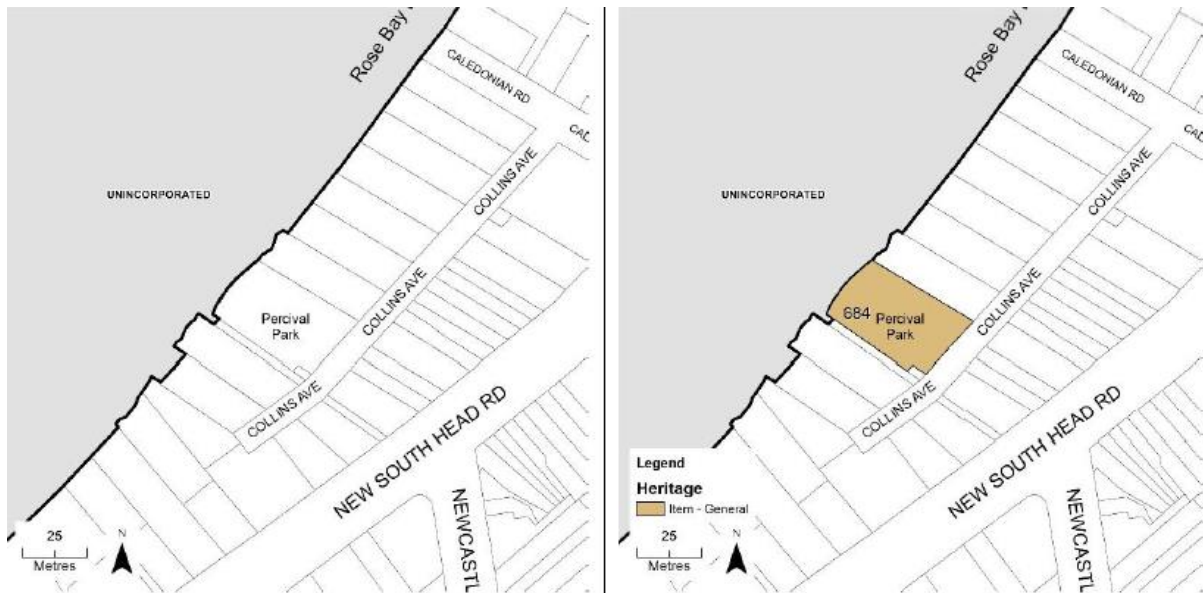


Figure 9: The existing and proposed Woollahra Heritage Maps (Sheet HER_005)

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is based on the recommendations of a heritage assessment report (including heritage inventory sheet) prepared by Council (**Attachment D**). The report concluded that while the *Sewage pumping station (SPS 46) – including interiors and moveable heritage, and sandstone gate posts and metal gates* does not meet the criteria for listing on the State Heritage Register, it meets the criteria for listing as a local heritage item. The report recommended that the item be listed on the Woollahra LEP 2014.

The key findings of Council's heritage report are:

- Sewage Pumping Station No. 46 is of local heritage significance for historical, aesthetic, technical, research potential, and representative significance. It has a high degree of intactness.
- The sewage pumping station was constructed in 1923 as a low-level sewage pumping station that connected to the Bondi Ocean Outfall Sewer (BOOS). It provides evidence of the growth of Woollahra and the expansion of municipal and sewage services during the Inter-War period.
- The building was constructed and designed by the Department of Public Works and is a representative example of a Federation Free Style sewage pumping station. It forms part of a group of similar pumping stations along the harbour foreshore of the Woollahra LGA, including Sewage Pumping Station No. 47 in Rose Bay and No. 50 in Watsons Bay.
- The original design of the building is intact with some mechanical and electrical modifications to upgrade the station as sewage needs have evolved.
- The sewage pumping station is technically significant for its continuous use since 1923. The mechanical components of the sewage pumping station may have research value for demonstrating the early sewage systems of Rose Bay.

- Located within Percival Park, which is set near the Sydney Harbour foreshore with mature trees, the sewage pumping station makes a valuable contribution to the streetscape and harbour foreshore.
- Council constructed the ‘ornamental’ stone gateposts located at the front of the park on Collins Avenue in 1951 with the name ‘Percival Park’. The use of the sandstone gate posts and metal gates at the front of the park is rare for sewage pumping stations in the Woollahra LGA and within the Sydney and NSW region. The sandstone gate posts and metal gates are a fine example of the construction of ornamental gates to a sewage pumping station.

The assessment of heritage significance has been undertaken in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001.

The planning proposal intends to recognise the significance of the *Sewage pumping station (SPS 46) – including interiors and moveable heritage, and sandstone gate posts and metal gates* as a local heritage item under Schedule 5 of the Woollahra LEP 2014.

The planning proposal states that the best and only means of achieving this objective is through the planning proposal process. Adding site specific objectives to the Woollahra Development Control Plan 2015 or including heritage conservation conditions to a development consent for the subject site would not provide the same level of heritage protection and recognition. A planning proposal is the only means to alter Schedule 5 of the Woollahra LEP 2014 to accurately reflect the heritage significance of the item and therefore is the best means of achieving the objectives. The above argument is considered reasonable and is supported.

Council's heritage assessment report notes the following moveable heritage objects: an old timber gate sign, a crane installation and a timber cabinet. However, the planning proposal does not outline specific moveable objects which require protection as part of the heritage listing. A Gateway condition is recommended to require the planning proposal to be updated to include the above information.

4. STRATEGIC ASSESSMENT

4.1 State

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission released the *Greater Sydney Region Plan*, which aims to manage and coordinate growth in Sydney. The Region Plan contains specific objectives for the region over the next 40 years and informs the actions and directions of the District Plans.

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 objective also identifies a strategy for achieving the above:

- “*engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*”
- “*applying adaptive re-use and interpreting heritage to foster distinctive local places*”

- *“managing and monitoring the cumulative impact of development on the heritage values and character of places”*

The planning proposal is consistent with the above objective and strategy in the Region Plan as heritage listing of the *Sewage pumping station (SPS 46) and sandstone gate posts and metal gates* will provide ongoing protection and recognition of the heritage significance of the site.

4.2 District

Eastern City District Plan

The Eastern City District Plan operates to give effect to the Region Plan. The Eastern City District Plan encompasses the Woollahra LGA.

Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District’s heritage is relevant to the planning proposal.

The proposal is consistent with the above priority as it seeks to provide the statutory mechanism required to protect and respect the District’s heritage, as well as to conserve the significance of the sewage pumping station.

4.3 Local

Woollahra 2030 – our community, our place, our plan

The planning proposal is consistent with the Council’s Community Strategic Plan *Woollahra 2030*, which establishes a long-term vision for the future of Woollahra and guides Council’s planning and decision making.

The proposal is specifically consistent with the following strategy:

- *4.3 Protect our heritage, including significant architecture and the natural environment.*

Draft Woollahra Local Strategic Planning Statement (LSPS)

The *draft Woollahra LSPS* was endorsed by Council for exhibition in September 2019. The draft LSPS has been exhibited and has not been endorsed by the Greater Sydney Commission at this stage. The draft LSPS sets out a 20-year vision and planning priorities for managing future land use and preserving the community’s values and special characteristics of the Woollahra LGA.

The planning proposal is consistent with the draft Woollahra LSPS, particularly with the following planning priority under the theme of Liveability:

- *Planning Priority 5 - Conserving our rich and diverse heritage*

The proposal will facilitate the conservation of the sewage pumping station, including interiors and moveable items, and associated sandstone gate posts and metal gates.

4.4 Section 9.1 Ministerial Directions

The proposal is consistent with the applicable section 9.1 Ministerial Directions, particularly:

Direction 2.3 Heritage Conservation

The Direction applies to the subject planning proposal. It requires that a planning proposal must contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance, as identified in a study of the environmental heritage of the area.

The proposal is supported by a heritage assessment prepared by Council, which identifies the *Sewage pumping station (SPS 46) – including interiors and moveable heritage, and sandstone gate posts and metal gates* as having local heritage significance.

The heritage listing of the item will provide ongoing protection and recognition of its significance and is consistent with the Direction.

As discussed, a Gateway condition is recommended to require the planning proposal to be updated with details of moveable objects as part of the heritage listing, prior to public exhibition.

4.5 State Environmental Planning Policies (SEPPs)

The proposal is consistent with all relevant State Environmental Planning Policies.

4.6 Sydney Regional Environmental Plan (SREP)

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The above SREP is applicable to the proposal.

The proposal relates to land within the Sydney Harbour Catchment, as such the planning principles under Part 2, clause 13 of the SREP are applicable. The proposal does not detract from the planning principles under clause 13.

The site is within the Foreshores and Waterways Area and the matters for consideration under Part 3 are applicable. The proposal will not affect public access to the foreshores or adversely impact on the environmental and scenic quality of the foreshores and waterways. The proposal will facilitate conservation of a sewage pumping station and associated structures and objects that contribute to the character and aesthetic quality of the Rose Bay foreshore.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

Council's heritage assessment does not consider the sewage pumping station and associated sandstone gate posts and metal gates as having social significance. However, the proposed heritage listing will facilitate the ongoing protection of the item, which is an important element of Percival Park. The listing would ensure a part of Woollahra's history is preserved and allow for appreciation by the local community.

5.2 Environmental

The planning proposal would not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

The proposal seeks to protect an item which has cultural significance in the area. The proposal will facilitate the recognition and ongoing conservation of the item.

The planning proposal does not outline specific moveable objects which require protection as part of the heritage listing. A Gateway condition is recommended to require the planning proposal to be updated to include the above information.

5.3 Economic

The planning proposal is not expected to generate any negative economic impacts. The conservation of the sewage pumping station and associated structures and

objects would protect the character of Percival Park and the Rose Bay foreshore and indirectly contribute to the visitor's economy.

5.4 Infrastructure

The proposal does not intensify development potential of the site. No significant infrastructure demand will result from the proposal and the existing services for the site would be adequate.

A Gateway condition is recommended to require consultation with Sydney Water during the exhibition phase.

6. CONSULTATION

6.1 Community

Council proposes a public consultation period of a minimum of 28 days. Having regard to the nature and scale of the planning proposal, this is considered an appropriate timeframe for community consultation.

The consultation would include:

- a weekly notice in the local newspaper for the duration of the exhibition period;
- a notice on Council's website;
- a letter to the land owner of the site;
- a letter to land owners in the vicinity of the site; and
- local community groups such as the Rose Bay Residents Association.

During the exhibition period the following material will be made available on Council's website and in the customer service area at Council's office:

- the planning proposal, in the form approved by the Gateway determination;
- the Gateway determination; and
- information relied upon by the planning proposal (such as relevant Council reports).

6.2 Agencies

The proposal states that Council intends to consult with the following public authorities / organisations during exhibition:

- Sydney Water
- NSW Heritage [former Office of Environment and Heritage, currently part of the Department of Premier and Cabinet]
- NSW Heritage Council
- The National Trust of NSW

It is noted the NSW Heritage Council advises the Minister administering the *Heritage Act 1977* on heritage matters in NSW and makes recommendations to the Minister for the listing of places and objects on the State Heritage Register. The Heritage Council also makes decisions about the care and protection of heritage places and items that have been identified as being of State significance.

As the proposal is for the listing of the sewage pumping station and associated gate posts and gates as a local item under the Woollahra LEP, consultation with the Heritage Council is not deemed necessary and will not be required as part of the

Gateway condition. However, it remains appropriate for NSW Heritage to be consulted.

7. TIME FRAME

The planning proposal includes a project timeline with a projected finalisation date of July 2020. To allow flexibility for Council to finalise the proposal, a time frame of 9 months for completing the LEP is recommended.

A Gateway condition is recommended to require the project time frame to be updated prior to exhibition to reflect the current progress.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested delegation to make the LEP amendment. Having regard to the nature of the planning proposal, it is recommended that authorisation be granted for Council to exercise the plan making functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* in this instance.

9. CONCLUSION

The planning proposal to list the *Sewage pumping station (SPS 46) – including interiors, moveable heritage and sandstone gate posts and metal gates* as a heritage item should proceed as:

- The proposed heritage listing is supported by a heritage study prepared by Council, which identifies the subject item as having local heritage significance. The heritage assessment has been undertaken in accordance with the NSW Heritage Office Guidelines;
- The proposal will recognise and provide on-going protection of the heritage significance of the item; and
- The proposal is consistent with the objectives, directions and planning priorities of the Greater Sydney Region Plan, Eastern City District Plan and Council's local strategic plans, and relevant State Environmental Planning Policies and Section 9.1 Directions.

10. RECOMMENDATION

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

1. Prior to public exhibition, the planning proposal is to be amended to include the following:
 - (a) Details of specific moveable objects or items that are proposed to be included in the heritage listing; and
 - (b) An updated project timeline.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and

- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act:
- Sydney Water
 - NSW Heritage, Department of Premier and Cabinet
 - The National Trust of NSW
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.



Simon Ip 22/3/2020
Manager, Eastern and South Districts
Eastern Harbour City
Greater Sydney, Place and
Infrastructure



Brendan Metcalfe 23/3/2020
A/Director, Eastern and South
Districts
Eastern Harbour City
Greater Sydney, Place and
Infrastructure

Assessment officer: Kieran Aranha
Para Planner, Eastern and South Districts
Phone: 9895 7583