

192 Wollongong Road, Arncliffe

Proposal Title : **192 Wollongong Road, Arncliffe**

Proposal Summary : **The planning proposal seeks to remove the property at 192 Wollongong Road, Arncliffe, from Schedule 5 Environmental Heritage of the Rockdale Local Environmental Plan (LEP) 2011.**

PP Number : **PP_2012_ROCKD_006_00**

Dop File No : **12/20090**

Proposal Details

Date Planning Proposal Received : **10-Dec-2012**

LGA covered : **Rockdale**

Region : **Sydney Region East**

RPA : **Rockdale City Council**

State Electorate : **ROCKDALE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **192 Wollongong**

Suburb : **Arncliffe**

City : **Rockdale**

Postcode : **2205**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Emily Marriott-Brittan**

Contact Number : **0292286358**

Contact Email : **emily.marriott-brittan@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Suzanne Wren**

Contact Number : **0295621750**

Contact Email : **swren@rockdale.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro South subregion**

Consistent with Strategy : **Yes**

192 Wollongong Road, Arncliffe

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 0

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment : **The Department is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting

Notes :

External Supporting

Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : **The statement of objectives is considered to be adequate.**

The purpose of this planning proposal is to amend Rockdale LEP 2011 to remove Item I64 from Schedule 5 Environmental Heritage, being 192 Wollongong Road, Arncliffe.

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

Is an explanation of provisions provided? Yes

Comment : **The explanation of provisions is considered to be adequate.**

Council seeks to amend Rockdale LEP 2011, Schedule 5 Environmental Heritage to remove Item I64 situated at 192 Wollongong Road, Arncliffe.

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

3.1 Residential Zones

* May need the Director General's agreement

4.1 Acid Sulfate Soils

6.1 Approval and Referral Requirements

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified? **SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
SEPP No 19—Bushland in Urban Areas
SEPP No 55—Remediation of Land
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Temporary Structures and Places of Public Entertainment) 2007**

e) List any other matters that need to be considered : **The Affordable Rental Housing SEPP was also identified by Council, with the planning proposal considered consistent with the SEPP.**

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Council has not provided any maps. The planning proposal will however require a mapping amendment which Council will need to prepare.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a 14 day exhibition period with the following targeted consultation mechanisms:**

- 1. Planning proposal and supporting maps to be made available at the Rockdale Library for the exhibition period.**
- 2. Public notice in the local newspaper, St George and Sutherland Leader.**
- 3. Council's website - planning proposal made available on Council's website for the duration of the exhibition period.**
- 4. Letter to adjoining landowners.**

These consultation mechanisms are considered sufficient for the purposes of the planning proposal.

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 : **December 2011**

Comments in relation to Principal LEP : **The Rockdale LEP was gazetted in December 2011. This amendment is the fifth amendment to the LEP since its gazettal.**

Council received \$156,000 under the LEP Acceleration Fund (LEPAF). The funding was allocated for:

- The preparation of the Princes Highway Corridor Strategy.

All LEPAF projects will be due for completion in March 2013.

Assessment Criteria

Need for planning proposal : **The planning proposal is required to amend Schedule 5 Environmental Heritage of the Rockdale LEP 2011 to remove heritage item I64. The removal of the heritage item was supported by Council at a meeting on 1 August 2012.**

The owner has approached Council on numerous occasions seeking to de-list his property at 192 Wollongong Road, Arncliffe. Council's Heritage Advisor assessed the heritage significance of the item - a dwelling house - and concluded that the item has heritage significance and warrants protection.

The Heritage Advisor's recommendation at the Council meeting on 18 July 2012 was that the property be retained within the Heritage Schedule.

On 18 July 2012, Council resolved to support the removal of the property, in principle, at 192 Wollongong Road, Arncliffe in Schedule 5 Environmental Heritage of the Rockdale LEP 2011. However, a decision on the matter was deferred until advice was sought to ensure that Council's heritage principles were not compromised.

Council met again on 1 August 2012, and considered a report that explained, in 1994-1995, Council commenced a process of listing properties as local heritage items. The report stated that "the effect of removing properties from the Heritage Schedule that have heritage value is that a precedent could be set for any property owner to seek delisting regardless of the heritage value of the property or if a new owner was aware of the heritage listing of the property".

The report noted that the only exception to this may be if a property owner originally volunteered to include his/her property on the Heritage list and has maintained ownership since that time.

Council resolved on 1 August 2012 to support the removal of the property at 192 Wollongong Road, Arncliffe, from Schedule 5 Environmental Heritage of Rockdale LEP 2011 given the information in the report, and the long history of the owner of 192 Wollongong Road, Arncliffe campaigning to remove the heritage listing pertaining to the property.

Consistency with strategic planning framework :

Metropolitan Plan for Sydney 2036 & draft South Subregional Strategy

Council protects a number of heritage items through the use of Schedule 5 in Rockdale LEP 2011. However, on 1 August 2012, Council resolved to support the removal of the property at 192 Wollongong Road Arncliffe from Schedule 5 of Rockdale LEP 2011.

It is considered that the planning proposal in its current form is not consistent with objective H4 of the Metropolitan Plan for Sydney 2036 which looks at protecting and maintaining heritage items.

Rockdale City Community Strategic Plan

Council's Vision is: **One Community, Many Cultures, Endless Opportunity.** The blueprint for the Rockdale community for 2025 is to be achieved through five community outcomes:

1. A vibrant, healthy and socially connected City of many cultures
2. A sustainable City
3. A strong economy
4. Appropriate infrastructure
5. A leading organisation

Outcome of the Strategic Plan:

1.6 Heritage and History - Ensure that Rockdale's natural and built heritage is respected, protected and well maintained reflecting the rich and diverse past of both Indigenous and European settlement

Consistency - Inconsistent. The Planning Proposal seeks to remove a heritage listed property from Schedule 5 of RLEP 2011 and therefore does not protect or maintain built heritage in the City of Rockdale.

Consistency with SEPPs

Council has identified seven (7) SEPPs applicable to the planning proposal. The planning proposal is consistent with the SEPPs.

Consistency to s.117 Directions

Council has identified five (5) s.117 Directions which are applicable to the planning proposal:

2.3 Heritage Conservation:

The planning proposal is not consistent with this Direction. However, Council resolved on 1 August 2012 to remove the property from schedule 5 of the Rockdale LEP 2011.

3.1 Residential Zones:

The planning proposal is considered consistent with this Direction as it does not affect the property's use as a residential dwelling.

4.1 Acid Sulfate Soils:

The planning proposal is considered consistent with this Direction. The property is affected by class 5 Acid Sulfate Soils. Any potential impact on Acid Sulfate Soils by proposed development will be addressed through the Development Assessment process.

6.1 Approval and Referral Requirements:

The planning proposal is considered consistent with this Direction. The planning proposal does not require concurrence or referral of a Minister or public authority prior to

community consultation.

7.1 Implementation of the Metropolitan Plan for Sydney 2036:

The planning proposal is considered inconsistent with only one Objective H4- To continue to identify, enliven and protect places of a special cultural, social and community value.

The planning proposal is a result of a Council resolution made on 1 August 2012 supporting the removal of the property from Schedule 5 of the Rockdale LEP 2011.

Matters that should be considered:

The planning proposal, in its current form, does not adequately address the issues which result from the proposed removal of Item 64 from Schedule 5 Environmental Heritage of the Rockdale LEP 2011. Issues include:

- The Heritage Advisor at Rockdale Council does not agree with the removal of the item from Schedule 5 Environmental Heritage of the Rockdale LEP 2011 because the Item has heritage significance and warrants protection.

- The removal of the heritage item would set a precedent in the LGA that items may be removed regardless of their heritage value.

- No significant justification (other than the land owner would like the item removed) has been provided for the removal of the heritage item.

Clause 5.10 (10) Conservation incentives

The Rockdale LEP 2011 has a specific heritage incentive clause. Clause 5.10 (10) in the LEP allows for the consent authority to grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected (provided the conservation value of the item was maintained), even though development for that purpose would otherwise not be allowed by the LEP.

It would be possible for the landowner at 192 Wollongong Road, Arncliffe to utilise Clause 5.10 (10) of the Rockdale LEP 2011 if he wanted to carry out development on his site. The landowner would need to submit a development application to Council so that a merit assessment could be carried out.

Environmental social
economic impacts :

The planning proposal seeks to remove a property from Schedule 5 of the Rockdale LEP 2011 and it is considered that there will be minimal affect on the environment. However, by removing the heritage item from Schedule 5 it may set a precedent for other items to be removed and there may also be some loss to the social history and culture of the Rockdale LGA.

The planning proposal is very minor and will have negligible social and economic effects.

Conclusion:

It is considered that the planning proposal in its current form does not adequately address the issues associated with removing I64 from Schedule 5 of the Rockdale LEP 2011.

It is recommended that Council seek independent advice from a heritage consultant regarding the heritage value of the I64 and whether or not it should be removed from Schedule 5 of the Rockdale LEP 2011. It is also recommended that any heritage advice sought by Council should be exhibited with the planning proposal.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) :

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. :

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 :

Documents

Document File Name	DocumentType Name	Is Public
192 Wollongong Road Arncliffe PP and cover letter.pdf	Proposal	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**
 - 4.1 Acid Sulfate Soils**
 - 6.1 Approval and Referral Requirements**
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

- 1. It is required that Council seek independent heritage advice regarding the removal of I64 from Schedule 5 of the Rockdale LEP 2011, prior to exhibition.**
- 2. Additional heritage advice must be exhibited with the planning proposal.**
- 3. The planning proposal must be exhibited for a period of at least 14 days.**
- 4. The planning proposal is considered inconsistent with Direction 2.1 Heritage Conservation. Additional heritage advice (as discussed above) should be sought to justify**

192 Wollongong Road, Arncliffe

this inconsistency.

5. No consultation with Public Authorities is required.

Supporting Reasons :

The planning proposal requires further independent heritage investigation which Council will need to carry out before the planning proposal can be publicly exhibited.

Signature:

D. Pitney

Printed Name:

DAVID PITNEY

Date:

14/12/12