

5 December 2012

Our Ref: F12/534
Contact: Ms S. Wren, ph: 9562 1750

Ms Juliet Grant
Regional Director - Sydney East
Department of Planning
GPO Box 39
SYDNEY NSW 2001



Dear Juliet

**Re: Rockdale Local Environmental Plan 2011
(Amendment for 192 Wollongong Road Arncliffe)**

At its meeting of 1 August 2012 Council resolved to amend *Rockdale Local Environmental Plan 2011* to remove a local heritage item at 192 Wollongong Road, Arncliffe from Schedule 5 (Heritage Schedule).

In accordance with section 56 of the *Environmental Planning & Assessment Act 1979*, find attached the planning proposal inclusive of Council's report and meeting minutes for your consideration.

If you have any further queries, please telephone Suzanne Wren, Council's Urban Planner on 9562 1750.

Yours faithfully

Erika Roka
Manager Urban and Environmental Strategy

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Important

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Arabic

هام:

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Italian

Importante:

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Potete anche chiamare il Servizio telefonico interpreti (TIS) al numero 131 450 chiedendo che telefoní per vostro conto al Comune di Rockdale City al numero 9562 1666.

Chinese

重要消息

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Macedonian

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Greek

Σημαντικό:

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Μπορείτε επίσης να επικοινωνήσετε με τις Τηλεφωνικές Υπηρεσίες Διερμηνέων [Telephone Interpreter Services] στο 131 450 και να τους ζητήσετε να τηλεφωνήσουν στο Rockdale City Council στο 9562 1666 για λογαριασμό σας.

Spanish

Importante:

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Puede asimismo llamar al Servicio Telefónico de Intérpretes al 131 450 y pedirles que llamen de su parte al Rockdale City Council, teléfono 9562 1666.

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Planning Proposal

Rockdale Local Environmental Plan 2011

192 Wollongong Road, Arncliffe Amendment



**ROCKDALE
CITY COUNCIL**

On Historic Botany Bay



6 December 2012

Contents

- Part 1 -** A statement of the Objectives or Intended Outcomes of the proposed LEP
- Part 2 -** An Explanation of the Provisions that are to be included in the proposed LEP
- Part 3 -** The Justification for those objectives, outcomes and provisions and the process for their implementation
- Part 4** Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
- Part 5 -** Details of the Community Consultation that is to be undertaken on the planning proposal
- Part 6 -** Project Timeline

Introduction

This Planning Proposal explains the intended effect of, and justification, for the proposed amendment to *Rockdale Local Environmental Plan (RLEP) 2011*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Infrastructure guides, including 'A Guide to Preparing Local Environment Plans' and 'A Guide to Preparing Planning Proposals'.

Background

RLEP 2011 was notified on 5 December 2011 and prepared in accordance with the Department of Planning and Infrastructure's Standard Instrument.

At its Ordinary Council meetings on 18 July and 1 August 2012, Council considered two reports on a proposal to remove heritage item No. 164 located at 192 Wollongong Road, Arncliffe from Schedule 5 of *RLEP 2011*. The owner has approached Council on numerous occasions seeking to de-list his property.

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 Officer's recommendation in the business paper (ORD09) at the 18th July Council meeting was that the property be retained within the Heritage Schedule. A copy of the Council report can be found at Appendix 1.

At this meeting, Council resolved as follows:

"That in these circumstances Council support in principle the removal of the property at 192 Wollongong Road, Arncliffe in Schedule 5 – Environmental Heritage in Rockdale Local Environmental Plan however, a decision on the matter be deferred to the next meeting of Council to seek advice to ensure that Council's heritage principles are not compromised."

On 1 August 2012, Council considered a report (ORD12) that explained; in 1994-1995 Council commenced a process of listing properties as local heritage items.

"At this time Council received a number of objections from property owners who did not want their properties to be heritage listed. At a special Council meeting on 12 April 1995 Council resolved not to list a property as a heritage item if an objection from the owner had been received and to list properties where no objection was received or the property owner agreed to the listing."

The report continued:

"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. This may adversely impact on the integrity of Council heritage principles."

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. In this situation, no substantial heritage assessment would have been carried out."

Given the information in the report (see Appendix 2), and the long history of the owner of 192 Wollongong Road, Arncliffe campaigning to remove the heritage listing pertaining to the property, Council resolved as follows:

1. *"That Council supports the removal of the property at 192 Wollongong Road, Arncliffe, from Schedule 5 (Heritage Schedule) of Rockdale Local Environmental Plan (LEP) 2011."*

Part 1 - Objectives or Intended Outcomes

The purpose of this Planning Proposal is to amend *Rockdale LEP 2011* ('RLEP 2011') to remove Item 164 from Schedule 5 Environmental Heritage, being 192 Wollongong Road, Arncliffe.

Part 2 - Explanation of Provisions

Council seeks to amend RLEP 2011, Schedule 5 Environmental Heritage to remove Item 164 situated at 192 Wollongong Road, Arncliffe.

Part 3 - Justification

A Need for the planning proposal

A1 Is the planning proposal a result of any strategic study or report?

No, the planning proposal is a result of a Council resolution made on 1 August 2012.

A2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is the best means of removing the property from Schedule 5 Environmental Heritage.

B Relationship to strategic planning framework

B1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Metropolitan Plan For Sydney 2036

Objective H4: To continue to identify, enliven and protect places of special cultural, social and community value

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

Sydney South Draft Subregional Strategy

Key Direction E – Protect scenic, heritage and environmental assets of the subregion – Review/update heritage studies

Key Direction – Recognise diversity across the subregion – promote and provide access to heritage places

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

B2 Is the planning proposal consistent with the council's local strategy or other local strategic plan?

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

Table 1 below identifies the Planning Proposal's consistency with the Plan's relevant community outcomes.

Table 1 – Consistency with Rockdale City Community Strategic Plan

Outcome	Strategy	Consistency
1	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	Inconsistent. The PP 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.

B3 Is the planning proposal consistent with applicable state environmental planning policies?

See Table 2, below which reviews the consistency with the State Environmental Planning Policies.

Table 2 - Consistency with State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
1	Development Standards	(Repealed by <i>RLEP 2011</i>)
4	Development Without Consent and Miscellaneous Exempt and Complying Development	(Clause 6 and Parts 3 and 4 repealed by <i>RLEP 2011</i>). Consistent with remainder of SEPP.
6	Number of Storeys in a Building	Not applicable
14	Coastal Wetlands	Not applicable
15	Rural Landsharing Communities	Not applicable
19	Bushland in Urban Areas	Consistent. The PP will have no impact on bushland in Rockdale LGA.
21	Caravan Parks	Not applicable
22	Shops and Commercial Premises	Not applicable
26	Littoral Rainforests	Not applicable
29	Western Sydney Recreation Area	Not applicable
30	Intensive Aquaculture	Not applicable
32	Urban Consolidation (Redevelopment of Urban Land)	Not applicable
33	Hazardous and Offensive Development	Not applicable
36	Manufactured Home Estates	Not applicable
39	Spit Island Bird Habitat	Not applicable
41	Casino Entertainment Complex	Not applicable
44	Koala Habitat Protection	Not applicable
47	Moore Park Showground	Not applicable
50	Canal Estate Development	Not applicable
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable

55	Remediation of Land	Consistent. The PP does not hinder the application of this SEPP. Any remediation requirements would be addressed through the Development Application process.
59	Central Western Sydney Regional Open Space and Residential	Not applicable
60	Exempt and Complying Development	(Repealed by RLEP 2011)
62	Sustainable Aquaculture	Not applicable
64	Advertising and Signage	Not applicable
65	Design Quality of Residential Flat Development	Not applicable
70	Affordable Housing (Revised Schemes)	Not applicable
71	Coastal Protection	Not applicable
	(Affordable Rental Housing) 2009	Consistent. The PP does not hinder the application of this SEPP.
	(Building Sustainability Index: BASIX) 2004	Consistent. The PP does not hinder the application of this SEPP.
	(Exempt and Complying Development Codes) 2008	Consistent. The PP does not hinder the application of this SEPP.
	(Housing for Seniors or People with a Disability) 2004	Not applicable
	(Infrastructure) 2007	Not applicable
	(Kosciuszko National park Alpine Resorts) 2007	Not applicable
	(Kurnell Peninsula) 1989	Not applicable
	(Major Development) 2005	Not applicable
	(Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
	(Penrith Lakes Scheme) 1989	Not applicable
	(Rural Lands) 2008	Not applicable
	(Sydney Drinking Water Catchment) 2011	Not applicable
	(Sydney Region Growth Centres) 2006	Not applicable
	(Temporary Structures) 2007	Consistent. The PP does not hinder the application of this SEPP.
	(Urban Renewal) 2010	Not applicable
	(Western Sydney Employment Area) 2009	Not applicable
	(Western Sydney Parklands) 2009	Not applicable

See Table 3 below which reviews the consistency with the State Regional Environmental Plans, now deemed SEPPs.

Table 3 - Consistency with deemed State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
5	(Chatswood Town Centre)	Not applicable
8	(Central Coast Plateau Areas)	Not applicable
9	Extractive Industry (No.2 – 1995)	Not applicable
16	Walsh Bay	Not applicable
18	Public Transport Corridors	Not applicable
19	Rouse Hill Development Area	Not applicable
20	Hawkesbury-Nepean River (No.2 – 1997)	Not applicable
24	Homebush Bay Area	Not applicable
25	Orchard Hills	Not applicable
26	City West	Not applicable
28	Parramatta	Not applicable
30	St Marys	Not applicable
33	Cooks Cove	Not applicable

(Sydney Harbour Catchment) 2005

Not applicable

B4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

See Table 4 below which reviews the consistency with the Ministerial Directions for LEPs under section 117 of the *Environmental Planning and Assessment Act 1979*.

Table 4 - Consistency with applicable Ministerial Directions**1. Employment and Resources**

No.	Title	Consistency with Planning Proposal
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable

2. Environment and Heritage

No.	Title	Consistency with Planning Proposal
2.1	Environmental Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Not consistent. However, Council resolved on 1 August 2012 to remove the property from Schedule 5 of RLEP 2011.
2.4	Recreation Vehicle Areas	

3. Housing, Infrastructure and Urban Development

No.	Title	Consistency with Planning Proposal
3.1	Residential Zones	Consistent. The PP does not affect the property's use as a residential dwelling.
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating land use and Transport	Not applicable
3.5	Development near Licensed Aerodromes	Not applicable
3.6	Shooting ranges	Not applicable

4. Hazard and Risk

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulfate Soils	Consistent. 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.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable
4.4	Planning for Bushfire Protection	Not applicable

5. Regional Planning

No.	Title	Consistency with Planning Proposal
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North	Not applicable

	Coast	
5.5	Development on the vicinity of Ellalong...	(Revoked)
5.6	Sydney to Canberra Corridor	(Revoked)
5.7	Central Coast	(Revoked)
5.8	Second Sydney Airport: Badgerys Creek	Not applicable

6. Local Plan Making

No.	Title	Consistency with Planning Proposal
6.1	Approval and Referral Requirements	Consistent. The PP does not require concurrence or referral of a Minister or public authority prior to community consultation.
6.2	Reserving land for Public Purposes	Not applicable
6.3	Site Specific Provisions	Not applicable

7. Metropolitan Planning

No.	Title	Consistency with Planning Proposal
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Not consistent. The PP is a result of a Council resolution made on 1 August 2012 supporting the removal of the property from Schedule 5 of RLEP 2011.

C Environmental, social and economic impact

- C1 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?**

No. The Planning proposal seeks to remove a property from Schedule 5 of RLEP 2011 only. This will have no affect on the environment.

- C2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No. (See comment in Section C1 above).

- C3 How has the planning proposal adequately addressed any social and economic effects?**

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

D State and Commonwealth interests

- D1 Is there adequate public infrastructure for the planning proposal?**

The planning proposal is very minor and will cause no additional demand for public infrastructure.

- D2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Consultation with State and Commonwealth public authorities is not deemed necessary because the planning proposal is very minor.

Part 4 - Mapping

Figures 1 to 6 below illustrate the site's context and provide map extracts from RLEP 2011 on zoning, development standards and heritage.

Figure 1 below provides an aerial photo of 192 Wollongong Road; the land subject to the planning proposal.

Figure 1 – Land subject to the planning proposal



Figure 2 below illustrates the current land use zone, the R3 Medium Density Residential zone, as per the Zoning Map in RLEP 2011. No change to the zone is proposed.

Figure 2 – Extract from RLEP 2011 – Land Zoning Map



Figure 3 below illustrates the minimum lot size control (450m²) as per clause 4.1 and the Lot Size Map from RLEP 2011. No change to the minimum lot size control is proposed.

Figure 3 – Extract from RLEP 2011 – Lot Size Map



Figure 4 below illustrates the maximum building height control (8.5 metres) as per clause 4.3 and the Height of Buildings Map in RLEP 2011. No change is proposed to the building height.

Figure 4 – Extract from RLEP 2011 – Height of Building Map



Figure 5 below illustrates the maximum floor space ratio (0.6:1) as per clause 4.4 and the Floor Space Ratio Map in RLEP 2011. No change to the floor space ratio is proposed.

Figure 5 – Extract from RLEP 2011 – Floor Space Ratio Map



Figure 6 illustrates the local heritage item (Item No. I64) under Schedule 5 Environmental Heritage and Heritage Map. This planning proposal seeks to remove this heritage item from the instrument and map.

Figure 6 – Extract from RLEP 2011 – Heritage Map



Part 5 – Community Consultation

The planning proposal seeks to remove the property situated at 192 Wollongong Road Arncliffe from Schedule 5 of RLEP 2011 and delete from the Heritage Map. The planning proposal is considered low impact based on the definition in “A guide to preparing local environmental plans” by the DP&I, October 2012. Therefore, 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.

Part 6 – Project Timeline

Table 5 below provides a proposed timeframe for the project.

Table 5 – Approximate Project Timeline

Task	Timing
Anticipated commencement date (date of Gateway determination)	20 December 2012
Anticipated timeframe for the completion of required technical information	To be determined by the DP&I, if required
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	General consultation during 4 – 17 February 2013 (2 weeks)
Commencement and completion dates for public exhibition period	4 – 17 February 2013 (2 weeks)
Dates for public hearing (if required)	Not required
Timeframe for consideration of submissions	18 February 2013 – 1 March 2013 (2 weeks)
Timeframe for the consideration of a PP following exhibition	18 February 2013 – 1 March 2013 (2 weeks)
Date of submission to the department to finalise the LEP	4 March 2013
Anticipated date RPA will make the plan (if delegated)	Post 4 March 2013
Anticipated date RPA will forward to the department for notification	Post 4 March 2013

*

**Appendix 1 -
Council report and Minutes from Council Meeting, 18 July 2012
(Item ORD09)**

**Appendix 2 -
Council report and Minutes from Council Meeting, 1 August 2012
(ItemORD12)**

Council Meeting

Meeting Date 18/07/2012

Item Number: ORD09
Subject: MANAGING HERITAGE – A NEW APPROACH
File Number: F09/608
Report by: Acting - Manager Urban & Environmental Strategy (David Dekel)
Contributors: Coordinator Urban Strategy (Jacky Wilkes)
Heritage Advisor (Consultant) (Louise Thom)
Community Engagement Yes - Involve
Financial No
Implications:

Precis

To date, heritage management in Rockdale has been largely limited to a list of heritage items in the heritage schedule in Rockdale Local Environmental Plans representing individual properties from the 19th and early 20th centuries.

The Heritage Schedule (Schedule 5) in *Rockdale Local Environmental Plan 2011* itself does not celebrate the heritage values of the whole Rockdale community, nor does it necessarily represent the population who were born overseas who may have different values for where they live now. The heritage schedule does not conserve attractive character areas (eg rows of identical houses). Currently, it may protect one house in a group of equally important houses, but the approach, to date, puts the heritage responsibility of conserving the heritage values in that locality on individual property owners.

One such owner, at 192 Wollongong Road Arncliffe, is also the subject of this report. A request has been submitted to de-list the property from the Heritage Schedule.

This report outlines a new approach to protecting heritage in Rockdale; an approach which will be more inclusive of culturally and linguistically diverse community groups which will have a fairer and more balanced methodology. These issues were the subject of a Councillor Information Session held on the 11 July 2012.

Council Resolution

NOTE:

Mr Michael Freedman, objector addressed the Council and advised the following issues:

- owner of 192 Wollongong Road, Arncliffe;
- advised he wrote to Council in 2010 asking that his house be removed from Council's Heritage LEP;
- does not agree with the Council officer's recommendation in regard to Recommendation 3;
- disappointed that the Council's Heritage Advisor's reasons for the property to be retained on the LEP has not been detailed in the report or how that conclusion was reached;
- has been advocating heritage conservation in Rockdale for more than thirty years and has not made this request lightly;
- conversations over the past two years with various Council officers gave impression that the house would be assessed and owners would be given the opportunity in agreeing or not to being included in the revised Heritage LEP but this did not happen;
- had been advised that all items on the then existing Heritage LEP would be reviewed and recommendations made to include or remove items based on the report "Rockdale Heritage Inventory Review" produced by Louise Thorn, Heritage Consultant;
- Council has not promoted and encouraged heritage conservation throughout the City;
- the Heritage value of his house has been severely compromised by what has gone on around it;
- Heritage LEP will fail to deliver adequate protection to the City's heritage and severely disadvantage those individual home owners whose properties have been placed on this Schedule of Heritage Items in the Rockdale LEP2011;
- convening its Heritage Advisory Committee, utilising local people with knowledge of the local area;
- approaching character areas with sensible planning controls that allow all owners, renovators and developers to achieve good outcomes.
- developing good DCP's for such things as Victorian and Federation Houses, Semi-Detached cottages, Californian Bungalows, Stone Buildings, Natural Areas etc.
- promoting heritage conservation such as seminars, brochures, workshops etc., as it currently falls way behind other local government areas in this regard;
- making heritage listing more attractive by offering incentives to owners whose properties are included in the LEP.

MOTION moved by Councillors de Leau and Nagi

1 That the report be received and noted.

2 That the Council endorses the research and analysis of potential heritage character (conservation) areas, and acknowledges the emerging work being commenced into Rockdale's migration heritage.

3 That Council Officers investigate reinstating the Heritage Grants and other incentives prior to September 21, 2005.

DIVISION

DIVISION on the MOTION called for by Councillors Macdonald and O'Brien

FOR THE MOTION

Councillors Macdonald, O'Brien, Awada, Barlow, de Leau, La Mela, Nagi, Anestis, Bellamy and Saravinovski

AGAINST THE MOTION

Councillors Poulos

The MOTION was ADOPTED 10 votes to 1.

NOTE:

Refer also to ORD24 of the Council Meeting of 18 July 2012 - Minute No. 25.

Officer Recommendation

1. That the report be received and noted.
2. That the Council endorses the research and analysis of potential heritage character (conservation) areas, and acknowledges the emerging work being commenced into Rockdale's migration heritage.
3. That Council resolves that the property at 192 Wollongong Road, Arncliffe be retained in Schedule 5 - Environmental Heritage in Rockdale Local Environmental Plan 2011.

Report Background

Local government responsibility for heritage management is enshrined within two Acts - the *Heritage Act 1977* and the *Environmental Planning and Assessment Act 1979*. Together, they establish the legislative framework for heritage management in NSW and ensure that heritage forms an integral part of the planning system. This ensures that heritage is protected for local communities. The Burra Charter also assists local government by defining the basic principles and procedures to be followed in the conservation of Australian heritage places.

Inherent in the NSW *Heritage Act 1977* and the Burra Charter are principles that are fundamental to planning the care of heritage items and places. Not all heritage recognition is about listing individual items in the *Rockdale Local Environmental Plan 2011* Heritage Schedule

Identifying migration heritage

The *Rockdale Local Environmental Plan 2011 (RLEP 2011)* Heritage Schedule comprises a list of places which reflects the settlement history of the Rockdale local government area (LGA) from when settlers started clearing timber in the early 19th century until the Inter-war period. The items represented in the Heritage Schedule are places of significance in the mainstream historical development of the local area up until approximately the mid-20th century.

However, the demographic of the LGA is quite different today from the demographic of the pre-World War Two period. The 2006 ABS Census recorded that over 40% of the population was born overseas. Yet, to date, Council has never engaged directly with these people about the heritage values of where they live.

Rockdale City Council was recently successful in obtaining a \$20,000 federal government community heritage grant to engage with culturally and linguistically diverse migrant groups and record their stories. Titled, *Uncovering the evidence of Rockdale's migration heritage*, the project will focus on the themes of

outdoor recreation and celebration and will record examples of the way parks and reserves are important spaces in cultural activities of different migrant community groups. Using oral history interviews, workshops and images and the sharing of knowledge it is expected to achieve a greater understanding of migrant heritage in Rockdale for all involved. The end results will be published for the broader community and visitors to the area. The project will be about sharing history rather than comprise a heritage study which aims to list individual properties.

Identifying heritage character areas

It is also proposed to identify and create heritage character areas. By making character areas Council will be able to better manage and protect the values of a street rather than isolating a single heritage item, which can still allow change to go on all around it. Whilst the Heritage Schedule in *RLEP 2011* goes a long way towards protecting the early development history of the area, it does not protect the context of places even where the context is very unique and picturesque.

For those heritage items that are situated within a proposed character area the heritage controls would be less onerous and the owners will have the peace-of-mind in knowing that the attractive characteristics of the street around them will also be protected. Character areas are intended to protect the qualities which attract people to a particular street; the park, the trees, the rows of well kept houses with similar character.

Request to de-list property at 192 Wollongong Road, Arncliffe

Council has received representations from the owner of a property at 192 Wollongong Road, Arncliffe which is listed in Schedule 5 of *RLEP 2011*. The owner seeks to have the dwelling house removed from the Heritage Schedule (Schedule 5). The owner has also expressed concern that the heritage listing is a burden and that it is his right to have the property removed from the Heritage Schedule.

Council's Heritage Advisor has assessed the heritage significance of the dwelling house and concluded that it has heritage significance and warrants protection. It should therefore, remain in Schedule 5 of *RLEP 2011*.

The property's heritage significance is not something that the owner disputes. A former advocate of heritage, the owner has expressed concerns that so many houses around him have been changed and that the area is losing its heritage value. The approaches outlined in this report which proposes to identify and protect areas of history and character is intended to address this issue. For instance, creating and protecting heritage character areas (see 'Identifying heritage character areas' section of this report) will go a long way towards improving the context for currently isolated heritage listed houses such as the dwelling house at 192 Wollongong Road, Arncliffe.

Current approaches

To assist the community in supporting an appreciative and positive heritage culture, the following actions have been taken:

1. Providing a heritage advisory service for free architectural and technical advice;
2. Exempting Development Application fees for heritage items where the work is minor;
3. Making training available to owners of properties in home maintenance;
4. Providing heritage training for development assessment staff;

5. Improving the heritage information available on Council's web site; and
6. Reviewing and updating the heritage data forms for all heritage items.

Future approaches

The following actions are planned in the near future:

1. Training for owners of heritage items in writing a statement of heritage impact.
2. Training in researching the history of your house.
3. Developing a trades and materials directory.

Conclusion

In the past heritage issues have dwelt upon heritage listing in LEPs. Whilst heritage listing is an essential part of the NSW planning process, heritage is broader and more meaningful than this. It is about who we are and what we value for the future.

By re-examining Rockdale's heritage we celebrate our diversity. Not only does the proposed new approach to heritage management seek to be more inclusive of cultures living in our local area, but it also seeks to improve the methodology by which we conserve our area's character. Through comprehensive historic research and thorough analysis of the urban fabric those areas of special character, areas of unique historical and aesthetic value, will be identified as potential character areas.

The proposed new approach to managing heritage in Rockdale is to embrace the heritage of the whole community; to find and share a greater awareness of the things that all people in Rockdale value. It proposes a methodology of creating character areas to protect those very special areas which have unique history and aesthetic appeal which is a balanced and fairer approach to conservation by taking the full weight of heritage responsibility away from the individual.

Community Engagement

Community involvement is an essential element of the *Uncovering the Evidence of Rockdale's Migration Heritage* project. Council's grant application was supported by the St George Migrant Resource Centre, who will be integral to the success of this project. Community involvement at an early stage will be integral to the planning process in the identification and protection of character areas and this element of the proposal is currently under development.

Community Strategy

The proposal is consistent with Council's Community Outcome "A vibrant, healthy and socially connected city of many cultures" and Community Outcome objective:

- Cultural diversity is valued in the City the changing and special needs of different groups within the community are met and the diverse character of its people is celebrated.

and is also consistent with the (or is a nominated) strategy in the Community Strategic Plan being:

- 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 more recent settlement.

Financial Implications

There are no financial implications applicable to this report.

Documents, Links & Action Items

0 Attachment(s)

no attachments on this document.

Council Meeting

Meeting Date 01/08/2012

Item Number: ORD12
Subject: REMOVAL OF HERITAGE PROPERTY FROM SCHEDULE 5 OF ROCKDALE LEP 2011
File Number: F09/608
Report by: Acting - Manager Urban & Environmental Strategy (David Dekel)
Contributors: Coordinator Urban Strategy (Jacky Wilkes)
Community Engagement No -
Financial Implications: No

Precis

At the Council meeting held on 18 July 2012, Council considered a report on "Managing Heritage - A New Approach" (attached), and resolved to support, in principle, the removal of 192 Wollongong Road, Arncliffe from the Heritage Schedule of *Rockdale LEP 2011*.

In considering the business paper, Council raised concerns about the possible precedent that the removal of a property from Council's Heritage Schedule might set on Council's heritage principles. Council, therefore, opted to defer a decision to the next Council meeting to consider recommendations that could remove a heritage listed property from Council's heritage schedule but would not compromise Council's heritage principles.

Council Resolution

NOTE:

Councillor Poulos was absent for the voting on this item.

MOTION moved by Councillors Barlow and O'Brien

1 That Council supports the removal of the property at 192 Wollongong Road, Arncliffe, from Schedule 5 (Heritage Schedule) of Rockdale Local Environmental Plan (LEP) 2011.

2 That Council extends the opportunity to delist heritage properties only if the owners volunteered their properties to be listed at the time of their heritage listing, and have maintained continuous ownership on these properties since that time.

AMENDMENT moved by Councillors Nagi and Bellamy

1 That Council supports the removal of the property at 192 Wollongong Road, Arncliffe, from Schedule 5 (Heritage Schedule) of Rockdale Local Environmental Plan (LEP) 2011.

2 That Council extends the opportunity to delist heritage properties only to property owners who owned properties at the time of their heritage listing, who agreed to or volunteered their properties to be heritage listed, and have maintained continuous ownership on these properties since that time.

DIVISION

DIVISION on the AMENDMENT called for by Councillors Nagi and Bellamy

FOR THE AMENDMENT

Councillors Flowers, La Mela, Nagi and Bellamy

AGAINST THE AMENDMENT

Councillors Macdonald, O'Brien, Awada, Barlow, de Leau, Anestis and Saravinovski

The AMENDMENT was LOST 7 votes to 4.

The MOTION was put and ADOPTED.

NOTE:

Councillors Barlow and de Leau requested their names be recorded as voting against the Motion.

Officer Recommendation

1. That Council supports the removal of the property at 192 Wollongong Road, Arncliffe, from Schedule 5 (Heritage Schedule) of Rockdale Local Environmental Plan (LEP) 2011.
2. That Council extends the opportunity to delist heritage properties only to property owners who owned properties at the time of their heritage listing, who agreed to or volunteered their properties to be heritage listed, and have maintained continuous ownership on these properties since that time.

Report Background

At the 18 July 2012 Council meeting, Council considered a report (ORD09) which included a recommendation to retain the property at 192 Wollongong Road, Arncliffe on Schedule 5 (Heritage Schedule) of *Rockdale LEP 2011*. Council resolved the following:

"That, in these circumstances Council support in principle the removal of the property at 192 Wollongong Road, Arncliffe in Schedule 5 - Environmental Heritage in Rockdale Local Environmental Plan however, a

decision on the matter be deferred to the next meeting of Council to seek advice to ensure that Council's heritage principles are not compromised."

History

Council commenced work on studying the significance of the City's built heritage in 1991, with a multi-staged project to identify potential items of heritage significance. In 1994/95, Council developed a Conservation LEP which aimed to identify and list properties that were identified through the heritage study. In late 1994 and early 1995, Council received a number of objections from property owners who didn't want their properties added to Council's heritage register. At a special Council meeting held on the 12 April 1995, Council resolved to exclude any property from the Conservation LEP where objection to their inclusion had been received. In the same Council report, Council also resolved to include properties where no objection was raised or when property agreed to the listing, even after a follow up letter to affected owners. This meant that future purchasers of the listed properties did so in the knowledge that the property was heritage listed with the heritage listing of the property being shown in the 149 certificate that forms part of the contract of sale.

Since the original resolution, Council has never removed a property from the Heritage Schedule with heritage value after it has been listed. As part of the development of the draft Rockdale LEP 2011, a review of existing heritage items was undertaken to determine if any properties listed in the Conservation LEP were no longer of heritage value. These items were removed from the Heritage Schedule of Council's new *Rockdale LEP 2011*.

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 a delisting regardless of the heritage value of the property or if a new owner was aware of the heritage listing of the property. This may adversely impact on the integrity of Council heritage principles.

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. In this situation, no substantial heritage assessment would have been carried out.

LEP Amendment

Council's heritage listings are actually a Schedule in the *Rockdale LEP 2011* (Schedule 5). If a property is to be included or removed from the Heritage Schedule, the process for doing so requires an amendment to *Rockdale LEP 2011*. If Council resolves to remove 192 Wollongong Road, Arncliffe from the Heritage Schedule, the mechanics for its actual removal is via Council's next housekeeping LEP Amendment, expected to be prepared and submitted to the Department of Planning and Infrastructure in the first half of 2013.

Community Engagement

The issues raised in this report concern matters that do not require community consultation under Council's Community Engagement Policy

Community Strategy

The proposal is consistent with Council's Community Outcome "A vibrant, healthy and socially connected city of many cultures" and Community Outcome objective:

- Cultural diversity is valued in the City the changing and special needs of different groups within the community are met and the diverse character of its people is celebrated.

and is also consistent with the (or is a nominated) strategy in the Community Strategic Plan being:

- 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 more recent settlement.

Financial Implications

There are no financial implications applicable to this report.

Documents, Links & Action Items

1 Attachment(s) (84 Kbytes)

 [Council Report 18 July 2012 ORD09 Managing Heritage - A New Approach.pdf](#) 84 (Kbytes)
