

**Item No:** R1 Recommendation to Council  
**Subject:** **PLANNING PROPOSAL - HERITAGE LISTING OF THE ROSE BAY SEWAGE PUMPING STATION AND GATES IN PERCIVAL PARK AT 13 COLLINS AVENUE, ROSE BAY**  
**Author:** Shona Lindsay, Heritage Officer  
**Approvers:** Anne White, Acting Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 19/161036  
**Reason for Report:** To report on the advice made to Council by the Woollahra Local Planning Panel.

To obtain Council's approval to proceed with the planning proposal 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 in Woollahra Local Environmental Plan 2014.

**Recommendation:**

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 3 October 2019.
- B. THAT the planning proposal, as contained in *Annexure 3* of the report to the Environmental Planning Committee meeting on 28 October 2019 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 in Woollahra Local Environmental Plan 2014, be forwarded to the *Department of Planning, Industry and Environment* with a request for a gateway determination to allow public exhibition.
- C. THAT Council request the *Minister for Planning and Public Spaces* authorise Council as the local plan making authority in relation to the planning proposal, to allow it to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

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**1. Background**

On 12 November 2018 resolved in part:

*THAT Council:*

- 1. *Requests staff to undertake an assessment of heritage significance for the Sewerage Pumping Station located at Percival Park, Rose Bay and the sandstone gates leading into the park and report to the Environmental Planning Committee on whether these items have sufficient heritage significance to be listed as a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP).*

The following background information accompanied the notice of motion on the agenda for that meeting:

*Council's website notes:*

*The park is owned by Sydney Water. Percival Park was established in 1949 after Council negotiated with the then Metropolitan Board of Water Supply and Sewerage to obtain use of the land as public open space. Council named (Council Minutes 12/2/1951) the park in honour of Mr C. E. Percival who was the Woollahra Council Engineer from November 1926 till early in 1952.*

*It is understood that the Sewerage Pumping Station is a low-level pumping station and has historic, aesthetic and potentially technical/ research significance. It is among a number of low-level sewerage pumping stations constructed in Sydney between the wars to serve the Bondi Ocean Outfall Sewer (the construction of which effectively ended discharge of sewage into the harbour). Many of these stations have either local and/or State Heritage listing.*

*The sandstone gate leading to the Sewerage Pumping Station is a rare item, as it is understood that similar stations only have picket fences and therefore the sandstone gates have significance in themselves.*

*Percival Park is well frequented by the public accessing Rose Bay beach.*

*Residents have voiced their concerns about the state of Percival Park and have inquired as to whether it can be better managed and landscaped, whilst protecting the heritage significance of the Sewerage Pumping Station and its gates.*

In response to Council's decision a Heritage Significance Assessment of the *sewage pumping station (SPS 46) and sandstone gate posts and metal gates* was prepared by Shona Lindsay (Heritage Officer, Woollahra Council).

The assessment of heritage significance for the Sewage pumping station (SPS 46) and sandstone gate posts and metal gates, with input from the landowner, was reported to the Environmental Planning Committee (EPC) on 16 September 2019 (see *Annexure 1*)<sup>1</sup>, and on 23 September 2019 Council resolved the following:

- A. *THAT a planning proposal be prepared to list the Sewage pumping station (SPS 46) and sandstone gate posts and metal gates in Percival Park at 13 Collins Avenue, Rose Bay as a heritage item in Woollahra Local Environmental Plan 2014.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- C. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*

## **2. Planning proposal**

A planning proposal was prepared in accordance with the Council's decision of 23 September 2019. 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 heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

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<sup>1</sup> The annexures to the EPC report of 16 September 2019 have been removed. The heritage assessment report and draft inventory form are provided in the planning proposal attached at Annexure 3 to this report.

### 3. Woollahra Local Planning Panel advice

On 3 October 2019 the *Woollahra Local Planning Panel* (LPP) considered a report on the planning proposal (see *Annexure 2*)<sup>2</sup> and provided the following advice to Council:

*THAT the Woollahra Local Planning Panel advises Council that it supports the planning proposal at Annexure 1 to list the Sewage Pumping Station (SPS 43) – including interiors and moveable heritage, sandstone gate posts and metal gates, at 13 Collins Avenue, Rose Bay, as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*

Subsequent to the meeting of the Woollahra LPP of 3 October 2019, the planning proposal has been updated to refer to the Panel's advice. The updated planning proposal is provided in *Annexure 3*.

### 4. Next steps

Subject to the Council's decision, the planning proposal will be referred to the Department of Planning, Industry and Environment (the Department) for a gateway determination. This will allow the planning proposal to be placed on public exhibition.

#### 4.1. Public exhibition

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by the Department as delegate for the Minister. The gateway determination will specify the minimum duration of the public exhibition period. This period is usually a minimum of 28 days, which is consistent with Council's standard practice for the exhibition of a planning proposal.

Public notification of the exhibition will comprise:

- A weekly notice in the local newspaper (the *Wentworth Courier*) 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.
- Local community and business groups such as *The Rose Bay Residents Association*.

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

- The planning proposal, in the form approved by the gateway determination.
- The gateway determination.
- Information relied upon by the planning proposal, such as relevant Council reports.

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<sup>2</sup> The annexures to the Woollahra LPP report have been removed. The heritage assessment report and draft inventory form are provided in the planning proposal attached as Annexure 3 to this report.

#### **4.2. Making the draft LEP under delegated authority**

If Council resolves to proceed with the planning proposal, it will be forwarded to the Department for a gateway determination under section 3.34 of the Act.

To streamline the plan making process, the Minister can delegate some plan making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act.

Following public exhibition, if Council resolves to proceed with and finalise the planning proposal, staff will request that the Parliamentary Counsel (PC) prepare a draft LEP. Once the draft LEP has been prepared, PC will issue an opinion that it can be made.



Alternatively, if Council decides not to finalise the planning proposal, it should resolve to request that the Minister, not proceed with the planning proposal, under section 3.35(4) of the Act.

#### **5. Conclusion**

The listing 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 as a local heritage item in Woollahra Local Environmental Plan 2014 is supported by an assessment of the heritage significance prepared by Shona Lindsay (Heritage Officer, Woollahra Council). On 3 October 2019, the WLPP provided advice to Council that it supports the planning proposal and its submission to the Minister.

The Council may now proceed with referring the planning proposal to the Department requesting a gateway determination to allow public exhibition.

#### **Annexures**

1. Report to Environmental Planning Committee 16 September 2019 (annexures removed) [↓](#) 
2. Report to Woollahra Local Planning Panel 3 October 2019 (annexures removed) [↓](#) 
3. Planning Proposal - October 2019 [↓](#) 