

12.4 Amendment No 7 to Wentworth Local Environmental Plan 2011 Schedule 5 Environmental Heritage List and Associated Heritage Maps

File Number: RPT/15/855

Responsible Officer: Ken Ross - Director, Health and Planning
Responsible Directorate: Health and Planning
Reporting Officer: Michele Bos - Strategic Development Officer

Delivery Program Objective: 2. Growth & Development

Delivery Program Strategy: 2.1 Maximise the productive use of land

Summary

This report relates to Planning Proposal Amendment 7 to the Wentworth Local Environmental Plan 2011. The planning proposal aims to remove Lake Victoria Homestead, Tareena Homestead and the Wentworth Drapery from the Schedule 5 Environmental heritage list and associated Heritage Maps.

Recommendation

That Council:

1. seeks an Opinion for Planning Proposal Amendment No 7 to the Wentworth Local Environmental Plan 2011 from Parliamentary Counsel, and
2. submits the Planning Proposal Amendment No 7 to the Department of Planning and Environment for final approval and making the amendment to the Wentworth Local Environmental Plan 2011 in accordance with Section 59 of the Environmental Planning and Assessment Act 1979.

Detailed Report

Purpose

The purpose of this report is to seek Council approval to progress to the final stage of the amendment process by submitting the Planning Proposal Amendment No 7 to Parliamentary Counsel for Opinion and to the Minister of the Department of Planning and Environment.

This final stage aims to seek approval from the Minister to allow for the making of the amendment to the Wentworth Local Environmental Plan 2011.

Background

Submissions from the landowners of the three properties listed above were received during public exhibition of the then draft Wentworth LEP 2011. The submissions requested that the properties be removed from the proposed Schedule 5 Environmental Heritage list.

During the process of consideration of all submissions, a table constructed to list all received submissions omitted the inclusion of these three specific properties. Therefore, the individual resolutions made at Council's Ordinary Meeting of April 2011 did not specifically include these properties and as a result, these properties remained on the current heritage list.

Council resolved at its Ordinary Meeting held 29 October 2014 to have Lake Victoria Homestead, Tareena Homestead and the Wentworth Drapery removed from the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental Heritage list.

The Gateway Determination was issued for the Planning Proposal on 27 February 2015. The conditions of the Gateway Determination required Council to:

1. undertake community consultation for a minimum of 28 days
2. consult with the NSW Office of Environment and Heritage (OEH)
3. a public hearing was not required to be held
4. preparation of mapping that is to be compliant with the Department's technical standards, and
5. complete the LEP amendment within twelve months from the week following the date of the Gateway Determination i.e. 27 February 2016.

Council has complied with all of the conditions of the Gateway Determination.

Matters under consideration

Community consultation was held from Friday, 10 April 2015 to Friday, 8 May 2015. No submissions were received.

In accordance with condition two of the Gateway Determination, the Heritage Division of the Office of Environment and Heritage were formally advised of the planning proposal. A response was received that advised that the OEH raised no objection to the removal of the items from the WLEP 2011 heritage list, provided Council was satisfied that the items were no longer of local heritage significance.

As a consequence of the community consultation conducted, it has not been necessary to undertake any amendments to the planning proposal.

Options

Based on the information contained in this report, the options available to address this matter are to:

- submit the Planning Proposal Amendment 7 to Parliamentary Counsel for Opinion
- request the Minister approve and make Amendment 7 to the Wentworth Local Environmental Plan 2011, and/or
- defer or abandon Planning Proposal Amendment 7.

Implications

The decision item has the following implications for Council:

Nil.

Conclusion

This minor amendment to the Wentworth Local Environmental Plan 2011 completes a declaration of Council to the owners of Lake Victoria Homestead, Tareena Homestead and the Wentworth Drapery, by removing the properties from the Schedule 5 Environmental Heritage list and the associated heritage maps as requested by written submission during the public exhibition period of the then draft Wentworth LEP 2011.

Attachments

Nil

At 09:53 AM Councillor Paul Cohrs left the Council Chambers as he had declared a pecuniary interest in item 12.4.

At 09:53 AM Councillor Bill Wheeldon left the Council Chambers as he had declared a pecuniary interest in item 12.4.

At 09:53 AM Councillor Bob Wheeldon left the Council Chambers as he had declared a pecuniary interest in item 12.4.

**12.4 AMENDMENT NO 7 TO WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011
SCHEDULE 5 ENVIRONMENTAL HERITAGE LIST AND ASSOCIATED HERITAGE
MAPS**

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Council Resolution

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Moved Councillor B Wakefield, Seconded Councillor B Clarke

CARRIED