

Wentworth LEP 2011 - Amendment 7 - Removal of 3 local heritage items from Schedule 5

Proposal Title : **Wentworth LEP 2011 - Amendment 7 - Removal of 3 local heritage items from Schedule 5**

Proposal Summary : **To remove the following local heritage items from Schedule 5 – Environmental Heritage from the Wentworth LEP 2011:**

Item I14 – Tareena Homestead, Lot 6794 DP 823902, Cal Lal Road, Cal Lal

Item I65 – Wentworth Drapery, Lot 2 DP 940039, 42 Darling Street, Wentworth

Item I74 – Lake Victoria Homestead, Lot 2 DP 756184, Lake Victoria Station, Wentworth

PP Number : **PP_2015_WENTW_001_00** Dop File No : **15/01797-1**

Proposal Details

Date Planning Proposal Received :	04-Feb-2015	LGA covered :	Wentworth
Region :	Western	RPA :	Wentworth Shire Council
State Electorate :	MURRAY DARLING	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Tareena Homestead, Cal Lal Road		
Suburb :	City :	Postcode :	2648
Land Parcel :	Lot 6794 DP 823902		
Street :	Wentworth Drapery, 42 Darling Street		
Suburb :	City :	Postcode :	2648
Land Parcel :	Lot 2 DP 940039		
Street :	Lake Victoria Homestead, Lake Victoria Station		
Suburb :	City :	Postcode :	2648
Land Parcel :	Lot 2 DP 756184		

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : The Planning Proposal seeks to amend Schedule 5 of the Wentworth LEP 2011, by removing the following local heritage items from Schedule 5 and relevant maps of the Wentworth LEP 2011:

Item I14 – Tareena Homestead, Lot 6794 DP 823902, Cal Lal Road, Cal Lal
Item I65 – Wentworth Drapery, Lot 2 DP 940039, 42 Darling Street, Wentworth
Item I74 – Lake Victoria Homestead, Lot 2 DP 756184, Lake Victoria Station, Wentworth

During exhibition of the draft Wentworth LEP 2011, Council received submissions from the land owners of the subject properties, requesting exclusion of the properties from the

proposed Schedule 5. Council resolved to remove the Wentworth Drapery and Tareena Homestead from Schedule 5 of the draft WLEP 2011 however, the items were advertently listed. A submission relating to Lake Victoria Homestead was not considered by Council at that time.

Item I14 – Tareena Homestead, Lot 6794 DP 823902, Cal Lal Road, Cal Lal is identified in the Wentworth Heritage Study 1989 (WHS 1989) as Item 88, and is an example of early settler accommodation. The Homestead was in “poor” condition at the time of the study and is not habitable.

The owner of the homestead requested that Tareena Homestead be removed from Schedule 5 of the WLEP 2011 during the plan making process. The request to remove this item is supported by Council’s Heritage Advisor, Councils Officers and Council.

Item I65 – Wentworth Drapery, Lot 2 DP 940039, 42 Darling Street, Wentworth is identified in the WHS 1989 as item 8 as being significant to the Wentworth township as one of the largest stores in the main street. The statement of heritage significance from WHS 1989 explains that the existing façade has replaced the original ornate parapet, significantly altering the façade as approved by Council. The WHS 1989 recommends the item should be restored to its original parapet and colour scheme.

The draft WLEP 2011 proposed to include the Drapery, however, the listing in the WLEP has listed and mapped the incorrect property in Schedule 5. The landowner made a submission to Council during the draft WLEP 2011 process to remove the item from Schedule 5.

Schedule 5 of the WLEP lists the Drapery as being located at 42 Darling Street, Wentworth. The Drapery is actually located next door at 48-50 Darling Street, Wentworth. The request to remove this item is supported by Council’s Heritage Advisor, Councils Officers and Council.

Item I74 – Lake Victoria Homestead, Lot 2 DP 756184, Lake Victoria Station, Wentworth

Lake Victoria Homestead is identified in the WHS 1989 as item 80, and includes the homestead and outbuildings. The homestead is described as being in good condition, and some repairs and alterations have been undertaken. The outbuildings are described as being in “derelict” condition in the 1989 report. The Homestead is listed as significant as it is one of the oldest and most prosperous holdings in the Wentworth Shire.

The request to remove the item is supported by Council’s Heritage Advisor, Council Officers and Council.

It is noted that Council did not intend to list the properties I14 and I65 in Schedule 5 during the making of the WLEP 2011.

The proposed amendment is considered to be minor and the Western Region General Manager can determine the Planning Proposal utilising delegations. Due to the time that has now elapsed from the draft WLEP 2011 to now it is being recommended that the planning proposal be placed on public exhibition for 28 days.

The planning proposal was received by the Department on 16 January 2015. Additional information relating to the justification of the removal of the heritage items was requested, and provided to the Department on 4 February 2015.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **A statement of objectives has been included, which identifies the intended outcome of the Planning Proposal has:**

"to remove three properties from the Wentworth LEP 2011 Schedule 5 Environmental Heritage list and the associated heritage maps."

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

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is consistent with the intended outcome of the Planning Proposal.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **2.3 Heritage Conservation**

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : **The amendment relates to the removal of 3 local heritage items. While the proposal is inconsistent with the Section 117 Direction 2.3 Heritage Conservation, the General Manager Western Region can be satisfied that the inconsistency is of minor significance. The proposal relates to three local heritage items and the removal is supported by Council and Council's Heritage Advisor.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **MINISTERIAL DIRECTION 2.3 – HERITAGE CONSERVATION**
The planning proposal is inconsistent with this direction, as the amendment relates to removing the protection of three heritage items.

A Heritage Study was undertaken in 1989, and details the significance and condition of the subject items. While the study has not been updated, Council's Heritage Advisor supports the removal of the subject local items from Schedule 5.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Indicative mapping has been included in the submitted planning proposal; however it is not in accordance with the Department's standard technical requirements for mapping.**

Maps will be required to be prepared by Council to remove the 3 local heritage items and submitted for assessment as part of the s59 process.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Due to the time elapsed from draft WLEP 2011 to now it is recommended that community consultation be undertaken for 28 days.**

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 :

Assessment Criteria

Need for planning proposal :	The proposal is considered to be complete by the submission of additional information on 4/2/2015.
Consistency with strategic planning framework :	Wentworth does not have an endorsed Strategy. The subject properties are included in the Wentworth Heritage Survey, 1989. The removal of the three (3) local heritage items is consistent with the broader strategic framework in this instance.
Environmental social economic impacts :	The removal of the three (3) local heritage items from Schedule 5 will not have any known significant environmental, social or economic impacts.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
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Timeframe to make LEP :	12 months	Delegation :	RPA
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Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage
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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. :

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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
Application s73A.pdf	Proposal	Yes
Attachment 1.pdf	Proposal	Yes
Attachment 2.pdf	Proposal	Yes
Attachment 3.pdf	Proposal	Yes
Attachment 4.pdf	Proposal	Yes
Attachment 5.pdf	Proposal	Yes
Attachment 6.pdf	Proposal	Yes
Attachment 7.pdf	Proposal	Yes
Attachment 8.pdf	Proposal	Yes
Attachment 9.pdf	Proposal	Yes
Cover Letter.pdf	Proposal Covering Letter	Yes
Evaluation Criteria for the Delegation of Plan Making Functions.pdf	Proposal	Yes
Planning Proposal Report.pdf	Proposal	Yes
Wentworth Council's Heritage Advisor Comments.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**

Additional Information : **1.Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") for 28 days.**

2.Consultation is required with the NSW Office of Environment and Heritage under Section 56(2)(d) of the EP&A Act. OEH is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal

3.Prior to submission of the planning proposal under section 59 of the EP&A Act the LEP Maps are to be prepared and be compliant with the Department's standard technical requirements for maps

4.The timeframe for completing the LEP is to be 12 months from the week following the date of the gateway determination.

Supporting Reasons : **The planning proposal is considered to be minor and in accordance with the intentions of the Council as identified during the drafting of the WLEP 2011. The proposal is supported by recent advice from Councils Heritage Advisor and Council Officers.**

Signature:



Printed Name:

Jenner McNeill

Date:

17.2.2015.

Endorsed
Whangarei
TL WR
17/2/15