

WENTWORTH LEP 2011

PLANNING PROPOSAL REPORT – AMENDMENT 7

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 – S73A EXPEDITED AMENDMENTS OF ENVIRONMENTAL PLANNING INSTRUMENTS

1. Site Locality & Description:

- Tareena Homestead, Lot 6794 DP 823902, Cal Lal Road, Cal Lal
- Lake Victoria Homestead, Lot 2 DP 756184, Lake Victoria Station, Wentworth
- Wentworth Drapery, Lot 2 DP 940039, 42 Darling Street, Wentworth

Refer to **Attachment 1** – Aerial maps.

2. Proposed Outcome:

The proposal aims to remove the three properties listed above from the Wentworth LEP 2011 Schedule 5 Environmental Heritage list and the associated heritage maps.

3. Explanation of Provisions:

The proposed outcome will be achieved by:

- Removal of Item No I14 from the Wentworth LEP 2011 Schedule 5 Environmental heritage list and Heritage Map – Sheet HER_002
- Removal of Item No I74 from the Wentworth LEP 2011 Schedule 5 Environmental heritage list and Heritage Map – Sheet HER_002
- Removal of Item No I65 from the Wentworth LEP 2011 Schedule 5 Environmental heritage list and Heritage Map – Sheet HER_002D

Refer to **Attachment 2** – Wentworth LEP 2011 Schedule 5 Environmental heritage list.

Refer to **Attachment 3** – Heritage maps.

4. Justification:

This planning proposal is a consequence of the public exhibition of the (then) Draft Wentworth LEP 2011. At the time of exhibition, Wentworth Shire Council received two submissions from the abovementioned property owners requesting the exclusion of their properties from the proposed Environmental heritage list. Additionally, individual consultation with affected landowners was not undertaken and this omission should be taken into consideration when justifying the removal of the properties from the Wentworth LEP 2011 Schedule 5 Environmental heritage list.

Refer to **Attachment 4** – Submission letters.

Council's Planning Division used a Table to consider all submissions. This table formed a supplementary report to the April 2011 Ordinary Council Meeting, at which Council endorsed the recommendations contained in the table and adopted the Draft Wentworth LEP 2011, subject to the changes required to the WLEP 2011 as a result of the endorsed recommendations.

Refer to **Attachment 5** – Applicable pages of the Consideration of Submissions table.

a) Mr W J Wheeldon, Wentworth Drapery Item No I65

Mr Wheeldon submitted an objection to his property being included in the WLEP 2011 proposed heritage list. A property address was not included in the letter received from Mr Wheeldon, however it was understood that the property referred to Item No I65 Wentworth Drapery.

Page 3 of the Submissions Table, Attachment 5, identifies the property as Lot 2 DP 759074 (48-50) Darling Street, Wentworth. This is the correct address of the Wentworth Drapery.

The address listed for the Wentworth Drapery in WLEP 2011 as Item No I65 is Lot 2 DP 940039, 42 Darling Street, Wentworth. The associated heritage mapping for I65 has also been applied to 42 Darling Street, Wentworth.

Therefore, the listed property address for the Wentworth Drapery is incorrect and the associated heritage mapping has been incorrectly applied to 42 Darling Street and not the actual Wentworth Drapery which is located next door at 48-50 Darling Street. It is noted that Mr Wheeldon owns both properties.

The Wentworth Drapery is listed as Item 8 in the Wentworth Shire Heritage Study 1989. The statement of heritage significance explains that the existing facade has replaced the original ornate parapet, which indicates the facade has been significantly altered. The recommendation for the item is to encourage the reinstatement of the original parapet and colour scheme.

Due to the alterations to the Wentworth Drapery and the incorrect property identification and mapping, it is considered appropriate to have Item No I65 removed from the Wentworth LEP 2011 Schedule 5 Environmental heritage list.

b) Mr Paul Cohrs, Tareena Homestead Item No I14 and Lake Victoria Homestead Item No I74

Mr Cohrs requested that three of his properties be removed from the proposed heritage list. These properties are known as Nampoo Homestead, Tareena Homestead and Lake Victoria Homestead. However, Tareena Homestead and Lake Victoria Homestead still remain on the list due to the omission of these properties from the Submissions Table and subsequent Council resolution at the April 2011 Council meeting.

Lake Victoria Homestead and Tareena Homestead are listed as Item 80 and Item 88, respectively, in the Wentworth Shire Heritage Study 1989.

The study explains that Lake Victoria Homestead has been upgraded and altered while the adjacent buildings are in poor condition. The recommendation includes the encouragement to conserve the main building with restoration of the adjacent derelict buildings.

Considering the alterations that have occurred to the homestead it is considered appropriate to have Item No I74 removed from the Wentworth LEP 2011 Schedule 5 Environmental heritage list.

The condition of Tareena Homestead in the Wentworth Shire Heritage Study 1989 is poor. The building has not been restored or repaired and is now in worse condition than when investigated as part of the Heritage study.

Considering the current condition of the building it is considered appropriate to have Item No I14 removed from the Wentworth LEP 2011 Schedule 5 Environmental heritage list.

Council Resolutions at Council's Ordinary Meeting April 2011 -

Mr WJ Wheeldon – Council resolved to 'receive and note the submission and that the heritage listing at Lot 2 DP 759074 (48-50) Darling Street Wentworth be removed from the draft Wentworth LEP 2011'. However, this address was not listed as the address for Wentworth Drapery.

Mr Paul Cohrs – Council resolved ' that the homesteads on Nampoo Station be removed from the draft Wentworth Local Environment Plan 2011'. Tareena Homestead and Lake Victoria Homestead were not included due to their omission from the Submissions Table.

Refer to **Attachment 6** - A copy of the relevant Council Resolutions from the April 2011 Meeting.

Council Resolution at Council's Ordinary Meeting October 2014 -

In order to resolve these errors, Council resolved that it 'notes the intent of resolutions of Council at the April 2011 Council meeting was to exclude the Lake Victoria and Tareena Homesteads and the Drapery in Darling Street from the Heritage listing....that Council resolves to have the Lake Victoria and Tareena Homesteads and the Drapery in Darling Street removed from the Heritage listing'.

Refer to **Attachment 7** - A copy of the Council Resolution from the October 2014 Meeting.

Council Resolution at Council's Ordinary Meeting December 2014 –

Council has resolved 'that Lake Victoria Homestead, Tareena Homestead and the Wentworth Drapery be removed from Schedule 5 of Wentworth Local Environmental Plan 2011 by making application to the Department of Planning and Environment pursuant to Section 73A of the Environmental Planning and Assessment Act 1979'.

Refer to **Attachment 8** – A copy of the relevant Council Resolution from the December 2014 Meeting.

5. Strategic Planning Framework:

The planning proposal is not generated or supported by any current strategic study or plan. However, it does seek to carry out the original intention of Council, which was to exclude these items from Wentworth LEP 2011 Schedule 5 Environmental heritage list at the time of adopting the WLEP 2011.

The items were automatically included in the, then, draft Wentworth LEP 2011 Schedule 5 Environmental heritage list as a result of the Wentworth Shire Heritage Study 1989. All properties identified in the Heritage Study were included in the list without direct consultation with affected property owners or site inspections to ensure their inclusion was warranted.

Refer to **Attachment 9** – Consistency with SEPPs & S117 Directions.

6. Environmental, Social & Economic Impact:

As the planning proposal is minor and of a consequential nature, it is considered that it will not create an adverse social or economic impact upon the surrounding community or environment. Nor will the proposal adversely impact any areas of cultural significance.

7. Community Consultation:

As this planning proposal is submitted in accordance with S73A of the Environmental Planning & Assessment Act 1979, is minor in nature and is a consequence of the public exhibition of the then Draft Wentworth LEP 2011, it is considered that community consultation will not be required.

8. Project Timeline:

The project timeline will provide a mechanism to monitor the progress of this planning proposal:

Submit for Gateway Determination	16 January 2015
Gateway Determination	13 February 2014?
Community Consultation, incl State Agencies	Not applicable
Consideration of submissions	Not applicable
Consideration of a proposal post exhibition	Not applicable
Submission date to DP&E and PCO to finalise LEP	27 March 2015
RPA Adoption to make Plan	15 April 2015
Forward to Department for notification	8 May 2015