

**PSRP-10 PLANNING PROPOSAL TO AMEND SCHEDULE 5 OF WAGGA
WAGGA LOCAL ENVIRONMENTAL PLAN 2010**

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Recommendation**That Council:**

- a receive and note the report**
- b adopt the planning proposal as exhibited for the amendment of Schedule 5 of the Wagga Wagga Local Environmental Plan 2010, including the exhibited heritage maps as detailed in this report**
- c under Council's delegated authority, gazette the plan and notify the Department of Planning and Environment of the decision**
- d respond to submissions**

Executive Summary

This report provides advice to Council regarding the submissions received during the public exhibition of the proposed amendments to Schedule 5 Environmental Heritage of the Wagga Wagga Local Environmental Plan 2010 (WWLEP). The report outlines the assessment of the submissions and includes any recommended changes to the proposed amendments.

Report

The subject planning proposal (refer to attachment) proposes amendments to the Wagga Wagga Local Environmental Plan 2010 (WWLEP) Schedule 5 Environmental Heritage.

The planning proposal received Gateway Determination from the Department of Planning and Environment to proceed to public exhibition, which has now been carried out as per the Gateway Determination conditions. This report summarises the submissions received and recommends the planning proposal be approved as exhibited and the plan be made using the General Manager's delegated authority.

Background

This planning proposal was the result of a development application submitted to Council that relates to Borambola Hall. Salvestro Planning advised that they had identified as part of a Council resolution in 2001, that Borambola Hall should not have been listed as an item of Environmental Heritage under Schedule 5 of the WWLEP 2010.

A review of the Schedule identified a further five (5) items that should also not be listed. This review also identified a significant number of anomalies in other Heritage items ranging from incorrect addresses and lot numbers and also deposited plan (DP) numbers.

At its meeting held on 17 October 2011, Council considered a report on a Planning Proposal to correct errors present in the Wagga Wagga Local Environmental Plan 2010, Schedule 5 - Environmental Heritage. At this meeting Council resolved to:

- a receive and note the planning proposal for correction to the Wagga Wagga Local Environmental Plan 2010, Schedule 5 Environmental Heritage; and
- b forward the planning proposal for the corrections to Schedule 5 of the Wagga Wagga Local Environmental Plan 2010 amendments to the Department of Infrastructure and Planning under section 56(1), requesting that the Minister issue a “gateway determination” that will allow the Planning Proposal to proceed.

On 21 November 2011 the Department of Planning and Infrastructure issued a “Gateway Determination” enabling the Planning Proposal may proceed subject to:

- Consultation with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation; and
- Adequate community and stakeholder consultation.

Following a further review of the schedule a range of additional address anomalies were found. A revised planning proposal and schedule were prepared for the Department of Planning and an alteration of “Gateway Determination” was issued on 23 September 2014. The planning proposal may proceed subject to:

- Consultation with Heritage Division, Office of Environment and Heritage;
- Consultation with the Commissioner of the NSW Rural Fire Service; and
- Adequate community and stakeholder consultation.

The matter when finalised will become Amendment No. 4 to Wagga Wagga Local Environmental Plan 2010.

Public exhibition and community consultation was carried out in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979* and the “Gateway Determination” issued by the Department of Planning and Infrastructure.

Exhibition and Notification

The original public exhibition occurred for a period of 28 days from 16 April 2012 until 14 May 2012 in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979*.

After the original exhibition, a review of the items listed in the schedule was undertaken and a significant number of additional anomalies were identified. As a result of the changes, Council requested a revised Gateway Determination. In accordance with the revised Gateway Determination, consultation was undertaken with State Government Agencies and the planning proposal was re exhibited for a period of 42 days from 6 December 2014 to 16 January 2015. Advertisements were placed in the ‘Daily Advertiser’ on 6 December 2014 and 10 January 2015.

In accordance with the “Gateway Determination” Council provided the following information:

- Extracts from the reports of the 17 October 2011 Ordinary Council Meeting in respect of Council's Planning Standing Committee's recommendations;
- The Revised Planning Proposal as approved for exhibition by the Department of Planning and Infrastructure;
- Department of Planning and Infrastructure's "Gateway Determination";
- A copy of the Section 117 directions for the Planning Proposal;
- Table of items that require correction; and
- Site identification maps, and amending heritage maps.

This information was made available for viewing at the Customer Service Centre at the Civic Centre and on Council's website.

Issues

During the re exhibition period, one (1) submission was received raising the following concerns:

The location of item 179 the Westbrook PMG Building was raised during the second exhibition. A written submission and a phone enquiry were received from members of the community. Conflicting reports of the location of this item were received and also the state of the item. A site visit was conducted to locate the item and it was not located at 1100 Westbrook road or surrounds. It is not within the scope of this planning proposal to remove items. It is recommended that the heritage advisor visits the site and makes a recommendation on the status and location of this item and any recommendation shall be implemented in a future planning proposal.

The following items were advised to have been demolished and should be removed from the schedule.

- item 308 Humula Station Woolshed and Fittings have been demolished;
- item 172 Janey Harvey's Cottage and Outbuildings;
- item 175 Oberne House Ruin; and
- item 179 Westbrook PMG Building.

The removal of items from the Schedule is not within the scope of this planning proposal which is to correct anomalies. A recommendation will be made for the Heritage Advisor to visit the site and confirm the heritage status of the items and if any remnants remain. The removal of heritage items is subject to a separate planning proposal in consultation with the Heritage Advisor, property owners and the community.

Submissions

Three (3) written submissions were received during the first exhibition and one (1) additional submission was received in the second exhibition. None of the submissions objected to the Planning Proposal. Below is a summarised table of all the submissions received for this proposal and a Council Officer response to these issues:

Submitter	Issues	Council Officer response
1.	• Raises no objection to the corrections proposed by	• Noted.

Submitter	Issues	Council Officer response
	Council. • Council should note that the introduction of Amendment II of the Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas on 1 May 2011 now includes grasslands as a hazardous vegetation category; and therefore the areas identified as environmental heritage surrounded by grassland may need an asset protection zone and ember protection measures to help in the prevention of bush fire effects.	• Noted. The issue raised relates specifically to Development Application stage rather than the Plan making stage. However, Council will ensure that future Development Applications will comply with the relevant Australian Standards.
2.	• Raises no objection to the corrections proposed by Council. • The classroom buildings for the Wagga Wagga Public School in Gurwood Street have not been listed in Schedule 5. • Proposes to include Building B00A (1909), B00B (1882), B00C (1926), and B00D (1922) in Schedule 5. (Wagga Wagga Public School)	• Noted. • Further investigation will be undertaken to determine whether the classroom buildings are included in item no. 177 "Headmaster's Residence (former)". If the buildings are not included they will be included in the next review of Schedule 5. • These additions to Schedule 5 are beyond the scope of this Planning Proposal. Notwithstanding the above comments, Council will review this item during the review of its heritage studies. If there is a need for an amendment Council will include these changes in the next round of amendments to Schedule 5 of WWLEP 2010.
3.	• Raises no objection to the corrections proposed by Council. • Believes that Hambledon Homestead and Hambledon Outbuildings should not appear as separate entries in Schedule 5. They should be grouped	• Noted. • Agreed. The Planning Proposal merges Hambledon Homestead and the Outbuildings into one listing which will result in both the

Submitter	Issues	Council Officer response
	together and appear as a single entry in Schedule 5 because of their inter relationship. They should therefore both be listed as State significance.	Homestead and Outbuildings with State Significance item number I196.
4.	- Item 179 the location of the PMG Building is incorrect. The building has been demolished and only the steps are remaining. - Item 131 Humula Galvin Tennis Club should be listed as Humula Galvin Tennis Courts. - Item 308 Humula Station should be listed as 83 Humula Road. - The following items have been demolished and should not be included on this schedule: Item 308 Humula Station Woolshed and Fittings have been demolished. Item 172 Janey Harvey's Cottage and Outbuildings Item 175 Oberne House Ruin	- The demolition of an item is not within the scope of this planning proposal which is to correct anomalies. A site visit was undertaken and the item was not able to be located at this site or surrounds. It was suggested that the item was located near St Albans Church but it appeared that this was not the same structure. A recommendation will be made for the Heritage Advisor to visit the site and confirm that the item has been demolished and no remnants remain. - It is acknowledged the site comprises of tennis courts. The Humula Galvin Tennis Club is the historical name for the item. 4 Humula Road is the correct address and is associated with Lot 15 DP 726206 as listed in the revised Schedule. 83 Humula Road is an alternative address for this property, but not the official address. - The demolition of an item is not within the scope of this planning proposal which is to correct anomalies. A recommendation will be made for the Heritage Advisor to visit the site and confirm that the item has been demolished and no remnants remain.

Submitter	Issues	Council Officer response
	Item 179 Westbrook PMG Building. - Item 134 Shockeroo Road should be listed as 162 Shockeroo Road. - Item 171 should be listed as 24 Oberne-Umbango Road. - Item 172 should be listed as 24 Oberne-Umbango Road - Item 176 should be listed as 2449 Westbrook Road. - Item 174 DP is referred to as Lot. - Item 133 is showing on Wagga Wagga City Council's online mapping in the wrong location however this planning proposal identifies the correct location via revised schedule and amended LEP maps.	- Noted. This will be amended. - This is the road that is listed in the revised schedule. - This is the road that is listed in the revised schedule. 2449 Westbrook Road is associated with Lot 41 DP 1070906 and Lot 11 DP 1037622. This item is located at lot 7003 DP 96697. The address listed is correct. - Noted; will be amended. - This will be reflected on Wagga Wagga City Council mapping when the planning proposal is adopted.

Recommendation

To provide details on demolished items to the Heritage Advisor for further review any findings of the Heritage Advisor can be incorporated in a future Planning Proposal.

Budget

There are no budgetary implications associated with the recommendations in the report.

Policy

Wagga Wagga Local Environmental Plan 2010.

Impact on Public Utilities

N/A

Link to Strategic Plan

4. We have a sustainable natural and built environment

4.2 We plan for resilient and sustainable built environments

QBL Analysis

	Positive	Negative
Social	This proposal will provide the community with a more accurate listing of heritage items.	There is potential for some additional owners to comply with heritage controls as a result of amending the schedule and heritage mapping.
Environmental	This proposal will ensure the effective management of environmental heritage through the correct identification of heritage items. The adoption of this planning proposal will enable more effective management of heritage items.	Properties with heritage listings require land owners to ensure compliance with heritage controls in addition to standard development controls.
Economic	The adoption of this planning proposal will enable owners to more effectively manage the costs associated with these items.	Properties with heritage listings require land owners to ensure compliance with heritage controls which may incur associated development application costs. Undertaking this compliance can sometimes mean that property owners incur additional costs
Governance	This action allows Council to respond more appropriately to heritage issues affecting the subject lands.	There may be resistance from land owners when lodging a development application.

Risk Management and Work Health and Safety Issues for Council

No specific issues identified.

Internal / External Consultation

Heritage Advisor to visit sites indicated that have been demolished and advise on the status of the heritage items.