

Planning Services

Gateway Determination Report

LGA	Cowra Shire Council
PPA	Cowra Shire Council
NAME	Cowra LEP 2012 Heritage Item Amendments
NUMBER	PP_2018_COWRA_001_00
LEP TO BE AMENDED	Cowra Local Environmental Plan 2012
ADDRESS/DESCRIPTION	<p>Item 22: Grave of John Grant, 2394 Lachlan Valley Way, Cowra (Lot 2 DP 777730)</p> <p>Item 1: Former ANZ Bank - 125 Kendal Street. Cowra (Lot 1 DP 977165)</p> <p>Item 65: Cliefdon Caves -460 Davies Creek Road and 531 Boonderoo Road, Manduarama (Lot 2 DP 1091287 and Lot 3 795356 –</p> <p>Item 30: St Raphael's School and Church.7-9 Lachlan Street, Cowra (Lot 2 DP 1091287; Lots 1, 2 and 15, Section 16, DP 758300; Lot 4 DP 219354; Lot 12 DP 1149483; Lot 5 DP 826380)</p> <p>Item 35: "Myoorie" 41 Lachlan Street, Cowra (Lot 20 DP 602422)</p> <p>New Proposed Item 1: Woodstock Soldier Memorial Park, Baker Street, Woodstock (Lot 1 Section 6 DP 759112; Lot 7003 DP 1017297; Lot 1 Section 7 DP 759112 and Lot 701 DP 1019790)</p> <p>New Proposed Item 2: Walli Memorial Hall, 1-23 Robinson Street Woodstock (Lot 1 Section 27 DP 759112)</p> <p>New Proposed Item 3: Cowra Japanese Gardens Binni Creek Road, Cowra (Lot 7 DP 1173223)</p>
RECEIVED	28 June 2018
FILE NO.	IRF18/3723

POLITICAL DONATIONS	There are no donations known or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal seeks to amend the Cowra LEP 2012 to amend 4 items, insert 3 new items and remove item 5.

Site description

Item 22: The subject land is located on Lachlan Valley Way in the Cowra LGA, and has a total area of approximately 38 hectares. The land holding contains the Grave of John Grant.

Item 1: The subject land is located at 125 Kendal Street Cowra, and is approximately 1455 metres in size. The subject land contains the Former ANZ Bank building.

Item 65: The subject land holdings are located at Davies Creek Road and Boonderoo Road, Mandurama. The sites contain the heritage items Cliefden Caves and Needles Gap Area.

Item 30: The subject land holdings are located on Lachlan Street, Cowra and is the site of St Raphael's Church and Brigidine Convent.

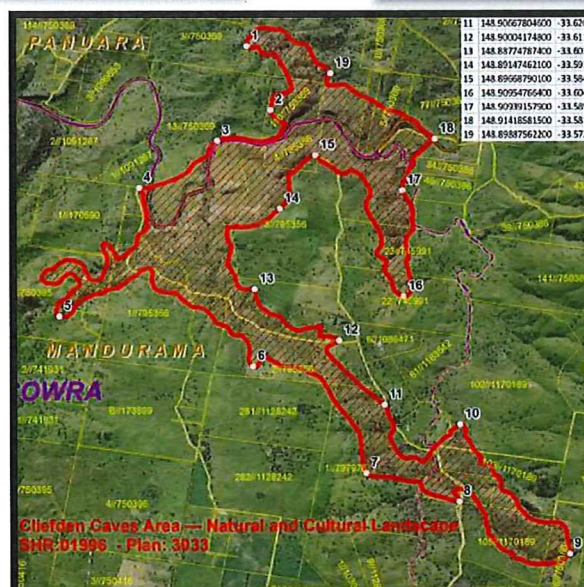
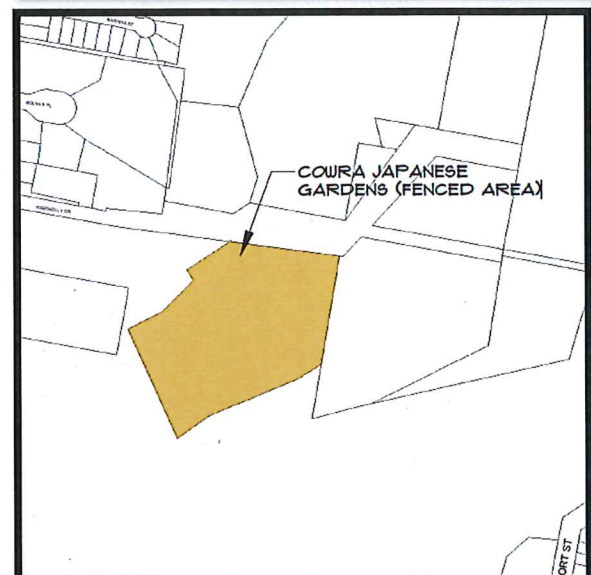
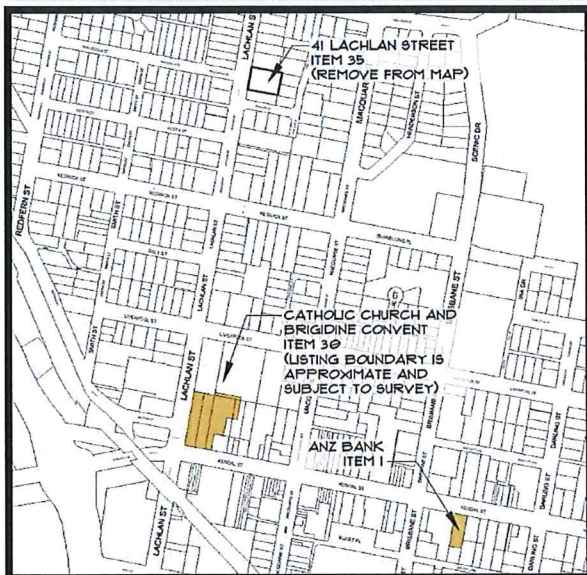
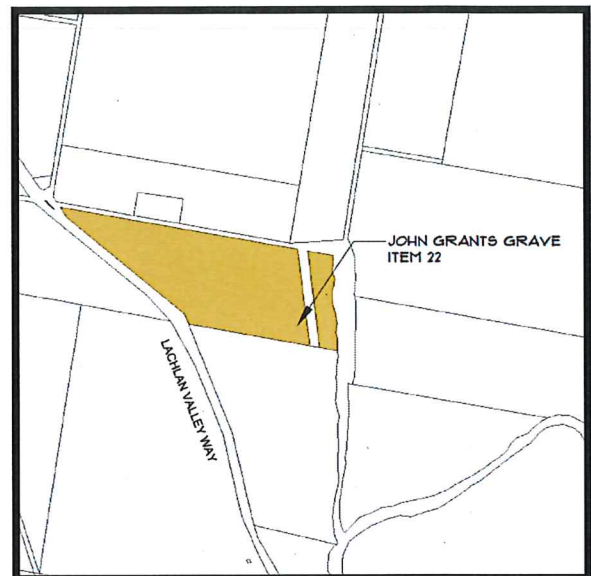
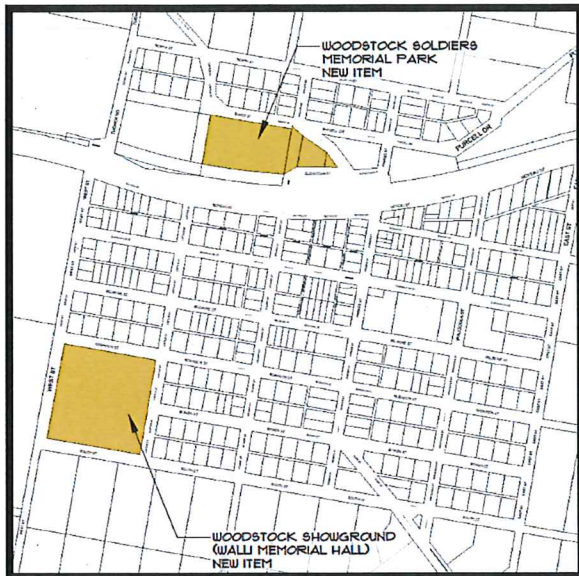
Item 35: The subject land is located at 41 Lachlan Street, Cowra, and is approximately 2400 square metres in size. It is currently utilised as a residential dwelling known as "Myoorie".

New Proposed Item 1: The subject land holdings are located off of Glenlogan Street, Woodstock, and contains the Woodstock Soldiers Memorial Park.

New Proposed Item 2: The Walli Memorial Hall is physically located on the land at the Woodstock Showground, which is private recreational land.

New Proposed Item 3: The subject land is located off Ken Nakajima Place on the periphery of the Cowra urban area. The land is the current site of the Cowra Japanese Gardens.

Context maps of subject sites



Existing planning controls

Item 22: RU1 Primary Production

Item 1: B2 Local Centre

Item 65: RU1 Primary Production

Item 30: B2 Local Centre

Item 35: R1 General Residential

New Proposed Item 1: RU5 Village

New Proposed Item 2: RE2 Private Recreation

New Proposed Item 3: RE1 Public Recreation

Surrounding area

Item 22: the subject site is located in a rural area in the Cowra locality, and is surrounded by RU1 Primary Production uses.

Item 1: The subject site is located within the urban area of Cowra and surrounded by B2 Local Centre zoned land.

Item 65: The subject sites are located in a rural area in Mandurama, and surrounded by Ru1 Primary Production land uses.

Item 30: The subject sites are located within the Cowra urban area, and is surrounded by B2 Local centre uses to the West, South and East, and R1 general Residential uses to the North

Item 35: The subject site is located within the Cowra urban area, and is surrounded by R1 General Residential zoned land

New Proposed Item 1: The subject site is located on the periphery of the Woodstock urban area and is surrounded by RU5 Village land uses.

New Proposed Item 2: The subject site is located within the Cowra Showground, and is therefore surrounded by RU2 Private Recreation zoned land.

New Proposed Item 3: The subject site is located on the periphery of the Cowra urban area, surrounded by RU1 Primary Production zoned land to the east and R1 General Residential land to the north, west and south.

Summary of recommendation

It is recommended that the proposal should proceed subject to conditions.

PROPOSAL

Objectives or intended outcomes

The objective of this planning proposal is to amend Schedule 5 of the Cowra LEP 2012 and associated LEP maps.

Item 22: Grave of John Grant, 2394 Lachlan Valley Way, Cowra (Lot 1 DP 611961)

The current Cowra LEP 2012 describes item 22 as:

- Grave of John Grant, Lachlan Valley Way ("Merrigano Way"), Lot 1 DP 611961

The review undertaken by Council has concluded that the significant site is located on Lot 2 DP 777730 on "Merriganowry". The correct listing should read:

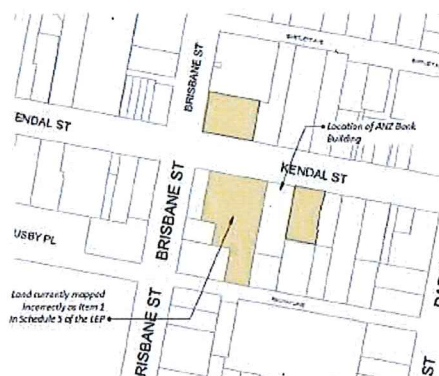
- Grave of John Grant, Lachlan Valley Way ("Merriganowry"), Lot 2 DP 777730

Item 1: 125 Kendal Street, Cowra (Lot 1 DP 977165)

The current Cowra LEP 2012 describes item 1 as:

- ANZ Bank, 125 Kendal Street, Lot 1 DP 977165

The item has been incorrectly mapped on Map sheet HER_002C as lot 4 DP 701848 which is the property address for 119 Kendal Street. The map below reflects the proposed change.



Item 65: 460 Davies Creek Road and 531 Boonderoo Road, Manduarama (Lot 2 DP 1091287 and Lot 3 795356)

Since the preparation of the Cowra LEP Cliefdon Caves has been listed as a State Heritage Item. The curtilage of the State listing is different to the local listing. The proposed amendment would adopt the State curtilage listing for the local listing. The correct area is shown in the map provided.



Item 30: 7-9 Lachlan Street, Cowra (Lot 2 DP 1091287; Lots 1, 2 and 15, Section 16, DP 758300; Lot 4 DP 219354; Lot 12 DP 1149483; Lot 5 DP 826380)

The amendment proposes to reduce the curtilage of the heritage listing to only contain the site of St Raphael's Church and Brigidine Convent and exclude the school and associated buildings from the mapped area. Council and the heritage advisor have advised that there is no known heritage significance for the school site. The proposed mapping is shown in the attached map.

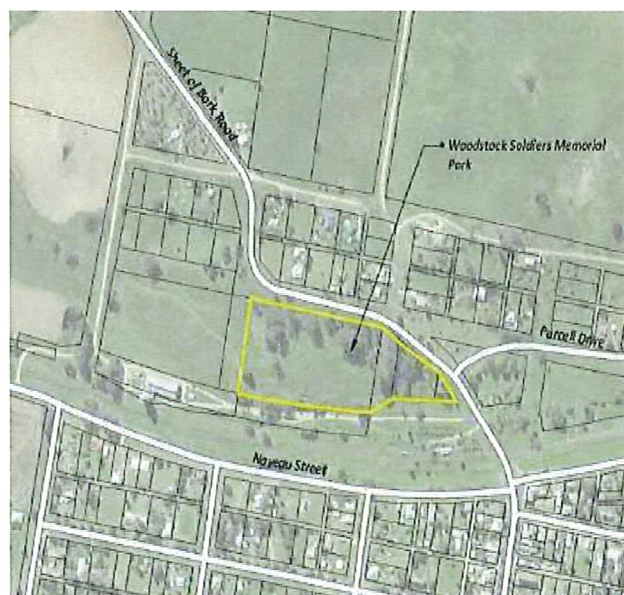


Item 35: "Myoorie" 41 Lachlan Street, Cowra (Lot 20 DP 602422)

The proposal includes removing Item 35 from Schedule 5 of the LEP. The proposal notes that the land owner has made a submission to Council requesting the removal of the property. No further justification to remove the item is provided in the planning proposal. In a statement provided by Council's Heritage Advisor the removal of the item is not supported. Council note the statement provided by the Advisor, however wish to pursue removing the item.

New Proposed Item 1: Woodstock Soldier Memorial Park, Baker Street, Woodstock (Lot 1 Section 6 DP 759112; Lot 7003 DP 1017297; Lot 1 Section 7 DP 759112 and Lot 701 DP 1019790)

The proposal seeks to list the Woodstock Memorial Park as a local heritage item. The proposal notes that the significance of the site includes a Memorial Avenue of Trees established in approximately 1922 that commemorates 66 soldiers from Woodstock who served in World War 1. Listing the site would also support the locally formed Trust's ability to secure grant funding to progress new conservation projects at the Park. The listing of this item is supported by Council and Councils Heritage Advisor.



New Proposed Item 2: Walli Memorial Hall, 1-23 Robinson Street Woodstock (Lot 1 Section 27 DP 759112)

The Hall Trust have requested that the Hall be recognised as a locally significant heritage item in the LEP for the following reasons:

- The Memorial Hall reflects the social hub of the local area and commemorates the ingenuity.

The proposed site is included in the attached map. Listing the site is considered to have merit in a statement of significance provided by Councils Heritage Advisor.



New Proposed Item 3: Cowra Japanese Gardens Binni Creek Road, Cowra (Lot 7 DP 1173223)

Cowra Japanese Gardens have requested that the gardens be recognised as an item of local significance. Council's Heritage Advisor has endorsed the inclusion of the Gardens in a statement of significance which considers the social and historic collaboration between Japan and Australia following the development of the Japanese War Cemetery. As noted in the planning proposal, the Gardens are the largest in the Southern Hemisphere and were designed by Ken Nakajima in 1975, an acclaimed Japanese landscape Architect. The Gardens also have a Cultural Centre, which displays over 300 moveable heritage items. It is noted that the subject land is Crown Land and consultation with DPI Crowns Lands is required. The area proposed to be listed as a local heritage item is identified in the map provided.



Explanation of provisions

The proposed provisions in the planning proposal will achieve the intended outcomes by making the following amendments to Schedule 5 of the Cowra LEP 2012:

- Amending the property description of item 22 (John grant's Grave) from "Merigano Way" to "Merriganwry" and amend the property location from Lot 1 DP 611961 to Lot 2 DP 777730, and amending the mapped property location shown on Map Sheet HER_001
- Amending the mapped property location for Item 1 (Former ANZ Bank) from Lot 4 DP 701848 to Lot 1 DP 977165 shown on Map Sheet HER_002C
- Amending the mapped property location of Item 65 (Cliefdon Caves) shown on Map Sheet HER_003 to match the recent inclusion of the site on the State Heritage Register.
- Amending the mapped property location for Item 30 (St Raphael's School and Church) shown on Map Sheet HER_002C, to only include St Raphael's Church by removing St Raphael's School in the mapping.
- Removing Item 35 (41 Lachlan Street Cowra) from Schedule 5 and associated Map Sheet HER_002C
- Adding the Woodstock Soldiers Memorial Park (local significance) and associated Map Sheet HER_003A
- Adding the Walli Memorial Hall (local significance) to Schedule 5 and associated Map Sheet HER_003A

Mapping

The Planning Proposal will require an amendment to the HER Map Sheet series in Cowra LEP 2012. The following Map Sheets will require amendment

- Map Sheet HER_001
- Map Sheet HER_002C
- Map Sheet HER_003
- Map Sheet HER_003A

Draft maps are included in Appendix 2 of the planning proposal.

Following public exhibition, and as part of the drafting of the LEP amendment, Council will arrange for the mapping to be prepared in accordance with the Standard Technical requirements for Spatial Datasets and Maps.

Council Report

Council resolved to support the planning proposal.

NEED FOR THE PLANNING PROPOSAL

Council have completed a review of the Cowra LEP 2012 and prepared an Issues Paper that outlines the findings of the review. This planning proposal is in response to the issues found.

Amending Schedule 5 of the written instrument to Cowra Local Environmental Plan 2012 and associated mapping is the only way to achieve the objectives of the Planning Proposal.

STRATEGIC ASSESSMENT

State

N/A

Regional / District

The proposal has considered the Central West and Orana Regional Plan. The proposal is consistent with Goal 2, a stronger, healthier environment and diverse heritage, particularly:

Direction 17 – Conserve and adaptively re-use heritage assets

The planning proposal involves listing new locally significant sites, as well as adequately identifying existing sites. These amendments will protect the integrity and significance of the heritage items.

Heritage Item 35 is proposed to be removed from Schedule 5, following a request from the property owner. Council's Heritage Advisor has acknowledged Council's decision to remove the heritage item, however confirms that the property satisfies the criteria of a local heritage item and therefore recommends that the item should not be removed. Without further justification for the removal of the heritage item, the proposal does not align with the Regional Plan.

Local

Cowra Shire Land Use Strategy

The proposal supports the strategic direction and planning principles of the Cowra Land Use Strategy by protecting and enhancing heritage assets. The removal of Heritage Item 35 is not supported by the local strategy or community based heritage study.

Section 9.2 Ministerial Directions

2.3 Heritage Conservation Areas

This Ministerial Direction applies as the amendment includes items of heritage significance. Seven (7) of the eight (8) proposed amendments satisfy this Direction as the proposed amendments will protect the integrity and significance of the heritage items. The removal of Heritage Item 35, however is inconsistent with this direction and this part of the proposal is not justified. The purpose of the amendment is at the request of the property owner without support from Councils Heritage Advisor or a Heritage Significance Report. For these reasons the proposal is inconsistent with this Direction.

SITE-SPECIFIC ASSESSMENT

Economic and Environmental

This proposal will recognise and conserve local heritage assets and include appropriate local planning controls to protect the integrity of these sites, except for the removal of Item 35.

Social

As noted in the proposal the amendment will provide the community with more certainty around the listing detail and location of significant items and places in the Cowra Shire. Removing Item 35 from Schedule 5 is unlikely to favour the interests of the wider community.

The exception of the proposed removal of Heritage Item 35 the other sites to be amended and listed for historical, social, aesthetic and architectural significance for the LGA provides a positive social impact.

CONSULTATION

Community

Council have identified that the planning proposal will be placed on public exhibition for 28 days. The proposed consultation will include notification in the local newspapers and a notice on Council's website.

The proposed community consultation is considered appropriate.

Agencies

Council have proposed consultation with the NSW Office of Environment and Heritage and DPI Crown Lands. This is supported.

TIME FRAME

The proposed timeframe to complete the amendment is 12 months.

LOCAL PLAN-MAKING AUTHORITY

It is considered appropriate that Council be issued delegation to exercise plan making functions for this proposal.

CONCLUSION

As reflected in the proposal, adding and correctly identifying local heritage items, will recognise and conserve a local heritage asset and include appropriate local planning controls.

The removal of Item 35 is inconsistent with Section 9.2 Ministerial Direction 2.3. The Department has previously requested justification from Council for the removal of the heritage item. The additional information provided by Council confirms that the item has local heritage significance and Councils Heritage Advisor does not support the removal of Item 35. Council has also noted it will not be conducting any further studies on the heritage value of the property at this time. For these reasons it is recommended that the Director Regions, Western condition that the proposal proceed, subject to the removal of Item 35 being withdrawn from and not included in the proposal.

Additional heritage items listed in the Cowra LEP and any attempts to recognise locally significant items should be encouraged.

For these reasons, it is recommended that the proposal proceed subject to conditions.

RECOMMENDATION

It is recommended that the delegate of the Minister for Planning determine that the planning prop

1. Prior to community consultation the planning proposal be amended to remove Heritage Item 35 from the planning proposal.
2. Community consultation is required under sections 2.22 and 3.34(2)(c) of the Environmental Planning and Assessment Act 1979 as follows:

- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Environment August 2016)*.
3. Consultation is required with the following public authorities under section 3.34(2)(d) of the Environmental Planning and Assessment Act:
 - Office of Environment and Heritage
 - Department of Industry Crown Lands

Each public authority 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.
4. Prior to submission of the planning proposal under section 3.36 of the *Environmental Planning & Assessment Act 1979*, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the *Environmental Planning and Assessment Act, 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.



26.7.18

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