



Planning & Environment

Memorandum

To Damien Pfeiffer – Director Regions Western
cc Amanda Carnegie, Haydon Murdoch
From Wayne Garnsey

Date 24 July 2018 **Record no** IRF18/3723

Subject: Cowra Local Environmental Plan 2012 – Planning Proposal (PP_2018_COWRA_001_00) – Schedule 5 Heritage Item amendments – re removal of Heritage Item 35.

Purpose: To provide advice to the Director Regions, Western about the subject planning proposal so that a Gateway determination can be made.

Background:

- The planning proposal is provided as **(Attachment A)** relates to a proposed amendment to Schedule 5 of the Cowra LEP 2012. It is proposed to amend the description and mapping for four (4) items, insert three (3) new items and remove Heritage Item 35 known as “Myoorie” 41 Lachlan Street, Cowra – Lot 20 DP 602422.
- An assessment by the Planning Officer has been undertaken. The assessment supports the issuing of a conditional Gateway determination for seven (7) out of the eight (8) items. There is concern about the removal of Heritage Item 35 on the basis of the evidence provided, the process being undertaken and it is being recommended that such item be removed from the planning proposal. The assessment is sound.

Circumstances and analysis:

- Heritage Item 35 is currently a local heritage item under the Cowra LEP 2012. Council advise the listing was undertaken without the benefit of a Community Based Heritage Study and through negotiation with the former owner.
- The current owner purchased the property during the listing in the Cowra LEP 2012 and did not have an opportunity to be consulted about the listing. The landowner strongly objects to the listing.
- Councils Heritage Advisor does not support the item being removed from the LEP as the property does satisfy the listing criteria. From information provided about the property it would appear to have local heritage significance.
- Council have not provided a Statement of Heritage significance.

- Council proposes to remove the item and consider the merits of relisting it as part of the completion of a Shire wide Community Based Heritage Study.
- The normal process is that the heritage significance be assessed and be considered as part of a Community Based Heritage Study in consultation with the community and landowners.

Summary and Recommendation:

- This is a local heritage matter for which Council is the consent authority. On the basis of the information provided, the circumstances of the case and that Council intend to undertake a Community Based Heritage Study in the future it is considered that the request from Council to remove Item 35 from Schedule 5 should be retained.
- The removal of Item 35 can be considered as minor significance in terms of inconsistency with section 9.2 Directions 2.3 Heritage Conservation and 5.10 Implementation of Regional Plans as this is a local heritage item and a local planning matter for Council.
- It is to be noted that consultation with the community and OEH will be undertaken as part of the amending LEP process.
- It is recommended that a conditional Gateway determination be issued for the planning proposal as submitted and acceding to Council request to remove Item 35 from Schedule 5.

Thank you



24.7.18

Wayne Garnsey
Team Leader
Western Region