

10 PLANNING PROPOSAL – SCHEDULE 5 ENVIRONMENTAL HERITAGE (20.00302)

Recommendation: That Council:

- (a) adopt the Bathurst Regional Local Environmental Plan amendment to update Schedule 5 Environmental Heritage as outlined in this report;
- (b) forward the Bathurst Regional Local Environmental Plan amendment to update Schedule 5 Environmental Heritage Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) advise all property owners of Council's decision; and
- (d) call a division.

Report: Background

Council at its meeting held 1 February 2017, adopted an amendment to the Bathurst Regional Local Environmental Plan 2014 to update Schedule 5 Environmental Heritage.

The Planning Proposal included the heritage listing of several items within the following areas:

- a) Colonial Housing Stock within the Bathurst Region including 62 Seymour Street, Bathurst.
- b) Early Government sites such as the Agricultural Research Station and relics associated with Bathurst Railway Station.
- c) Natural Landscapes as recommended by the Bathurst Region Heritage Study 2007 including:
 - Abercrombie Caves – Caves Road, Abercrombie River
 - Winburndale Nature Reserve – Winburndale Dam Road, Napoleon Reef
 - Copperhannia Nature Reserve – Colo Road, Trunkey Creek
 - Stevens Park and Weir – Budden Street and Peppers Creek, Rockley
 - Wattle Flat Heritage Lands - Wattle Flat
 - Trunkey Creek Memorial Park – Arthur Street, Trunkey Creek
 - Devil's Marbles – 2396 Ophir Road, Rock Forest
 - Macquarie Woods – Cashens Lane, Vittoria
 - Lions Club Drive Trees - Lions Club Drive, Kelso
 - Beyer's Avenue Trees - Beyer's Avenue, Hill End
 - Wallaby Rocks – 557 Hill End Road, Sofala
 - Victoria Park – Howick Street, Bathurst
 - Centennial Park – Bentinck Street, Bathurst.
- d) Include more descriptive property addresses for several existing listed heritage items.

The finalised Planning Proposal was included in the agenda to the report to Council on 1 February 2017.

Since Council's adoption of the planning proposal, Council has received further objections in relation to the listing of the Bathurst Railway Gantry Crane and the Devil's Marbles. The following is noted in relation to the submissions:

Bathurst Railway Gantry Crane

Voestapline VAE Railway Systems Pty Ltd do not support the proposed listing of the Gantry Crane located at the Bathurst Railway Precinct. A copy of the additional submission is included at **attachment 1**.

Council previously adopted to list the gantry crane as an item to protect it from being dismantled and removed from the site. The listing would not prevent the landowner using the site, however, it would require them (and Council) to consider any possible impact on the crane from a new use. As a result of this further submission, it is recommended the listing of the gantry crane be removed from this planning proposal and considered at a later stage when further information can be obtained.

Devil's Marbles

The owner of Devil's Marbles has recently contacted Council to raise objection to the listing of the site as a heritage item as they do not wish to encourage visitation of the site. A copy of the additional submission is at **attachment 2**. The listing of the site as a heritage item would not be promoted or advertised by Council and this has been confirmed with the Bathurst Visitor Information Centre. However, the owner has had several instances of unauthorised visitation to the site and has concerns regarding safety. It is therefore recommended to remove Devil's Marbles from this planning proposal.

Additionally, advice has been received from the Department of Planning, advising that places governed by the National Parks and Wildlife Act do not require listing in Schedule 5 of the LEP. This is the case even if OEH supports the proposed inclusion of the place into the Schedule. Therefore in line with this advice, the following sites which are currently zoned E1 National Parks and Reserves under the LEP will not form part of the amendment.

- Abercrombie Caves – Caves Road, Abercrombie River
- Winburndale Nature Reserve – Winburndale Dam Road, Napoleon Reef
- Copperhannia Nature Reserve – Colo Road, Trunkey Creek.

Conclusion

At its meeting held 1 February 2017, Council resolved to update Schedule 5 Environmental Heritage of Bathurst Regional Local Environmental Plan 2014 to consider heritage listing several items. As a result of several post adoption objections and further advice from the Department of Planning, it is recommended that Council reconsider the adoption of the amendment to exclude the following:

- Bathurst Railway Gantry Crane
- Devil's Marbles – 2396 Ophir Road, Rock Forest
- Abercrombie Caves – Caves Road, Abercrombie River
- Winburndale Nature Reserve – Winburndale Dam Road, Napoleon Reef
- Copperhannia Nature Reserve – Colo Road, Trunkey Creek

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community.

Strategy 30.3, 30.7