

Wentworth LEP 2011 – Amendment 13 - Rectifying minor errors in Schedule 5

Environmental heritage and associated Heritage Maps

Proposal Title :	Wentworth LEP 2011 – Amendment 13 - Rectifying minor errors in Schedule 5 Environmental heritage and associated Heritage Maps		
Proposal Summary :	Wentworth Shire Council seeks to amend Schedule 5 Environmental Heritage and associated Heritage Maps to rectify minor description errors in 21 local heritage items, add one (1) item and remove two (2) items in Schedule 5 of the Wentworth LEP 2011.		
PP Number :	PP_2016_WENTW_003_00	Dop File No :	16/06543-1

Proposal Details

Date Planning Proposal Received :	02-May-2016	LGA covered :	Wentworth
Region :	Western	RPA :	Wentworth Shire Council
State Electorate :	MURRAY DARLING	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Low Darling Road		
Suburb :	Pomona	City :	Wentworth
Land Parcel :	Lot 1 DP 756928, Hazeldell Homestead		
Street :	Low Darling Road		
Suburb :	Pomona	City :	Wentworth
Land Parcel :	Lot 4421 DP 767316, Para Homestead		
Street :	Low Darling Road		
Suburb :	Pomona	City :	Wentworth
Land Parcel :	Lot 15 DP 756970, Para Homestead & Shearer's Quarters		
Street :	Low Darling Road		
Suburb :	Pomona	City :	Wentworth
Land Parcel :	Lot 2 DP 1143367, Sturts Billabong		
Street :	Menindee Road		
Suburb :	Pooncarie	City :	Wentworth
Land Parcel :	Darling River between Part Lot 4735 DP 767963 on the western approach and Lot 7 DP 820421 on the eastern approach, Darling Bridge		
Street :	Cadell Street		
Suburb :	Wentworth	City :	Wentworth
Land Parcel :	Lot 7 DP 756994, Lockmaster's Residence		

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Street :	35 Cadell Street				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 4 Section 9 DP 759074				
Street :	41 Darling Street				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 1 DP 129815, Royal Hotel				
Street :	47 Darling Street				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 3 DP 667984, Elders				
Street :	49 Darling Street				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 4 DP 660139, Former Stock and Station Agency				
Street :	76 Darling Street				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 11 Section 25 DP 759074, Police Station and courthouse				
Street :	81-89 Darling Street				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 2 DP 859499, Church (St John's Anglican Church and Rectory)				
Street :	Noola Station				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 5278 DP 768193, Noola Homestead				
Street :	Old Renmark Road				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 6 DP 756168, Moorna Cemetery				
Street :	Old Renmark Road				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 6 DP 756168, Moorna Station Homestead				
Street :	Old Renmark Road				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 6 DP 756168, Moorna Township				
Street :	Pooncarie Road				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 13 DP 756986, Tapio Homestead				
Street :	Renmark Road				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 4070 DP 766545, Nulla Nulla Homestead				
Street :	Renmark Road				
Suburb :	Wentworth	City :	Wentworth	Postcode :	2648
Land Parcel :	Lot 4069 DP 766544, Nulla Nulla Woolshed				

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Street :	Rufus River Road		
Suburb :	Wentworth	City :	Wentworth
		Postcode :	2648
Land Parcel :	Lot 1 DP 814369, Wangamma Homestead		
Street :	Wharf Street		
Suburb :	Wentworth	City :	Wentworth
		Postcode :	2648
Land Parcel :	Lot 1A DP 387344, Kilmarnock		
Street :	29 Darling Street		
Suburb :	Wentworth	City :	Wentworth
		Postcode :	2648
Land Parcel :	Lot 11 DP 387344		
Street :	34 Sandwych Street		
Suburb :	Wentworth	City :	Wentworth
		Postcode :	2648
Land Parcel :	Lot 1 DP 304749		
Street :	135B Darling Street		
Suburb :	Wentworth	City :	Wentworth
		Postcode :	2648
Land Parcel :	Lot 1A DP 1064417		
Street :	29 Darling Street		
Suburb :	Wentworth	City :	Wentworth
		Postcode :	2648
Land Parcel :	Lot 11 DP 387344		

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub	N/A	Consistent with Strategy :	N/A
Regional Strategy :			

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MDP Number :		Date of Release :	
Area of Release (Ha)	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department is not aware of advice to the contrary.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **As above, the Department is not aware of advice to the contrary.**

Supporting notes

Internal Supporting Notes : **The Planning Proposal seeks to amend Schedule 5 of the Wentworth LEP 2011 to rectify errors for the following local heritage items. Errors to be rectified are underlined and an explanation included below each item:**

Item I28 - Hazeldell Homestead, Lot 1 DP 756928, Low Darling Road, Pomona
The Locality should be "Ellerslie".

Item I29 - Para Homestead, Lot 4421 DP 767316, Low Darling Road, Pomona
The Locality should be "Para".

Item I30 - Para Homestead & Shearer's Quarters, Lot 15 DP 756970, Low Darling Road, Pomona
The Locality should be "Para".

Item I27 - Sturts Billabong, Lot 2 DP 1143367, Low Darling Road, Pomona
The Property Description should be "Lots 1 & 2 DP 1189519".

Item I33 - Darling Bridge, Darling River between Part Lot 4735 DP 767963 on the western approach and Lot 7 DP 820421 on the eastern approach, Menindee Road, Pooncarie
The Property Description should be "Lots 3 & 6, DP 820421".

Item I52 - Lockmaster's Residence, Lot 7 DP 756994, Cadell Street, Wentworth
The Property Description should be "Lots 2 & 3, DP 1203396".

Item I58 - Lot 4 Section 9 DP 759074, 35 Cadell Street, Wentworth
The Address should be "47 Cadell Street" and Property Description should be "Lot 8, Section 8, DP 759074". Heritage Map incorrectly applies to 35 Cadell Street; should apply to 47 Cadell Street only.

Item I62 - Royal Hotel, Lot 1 DP 129815, 41 Darling Street, Wentworth
The Property Description should be "Lot 2, Section 23, DP 759074". Heritage Map incorrectly applies to 45 Darling Street (motel area).

Item I63 - Elders, Lot 3 DP 667984, 47 Darling Street, Wentworth
Item Name should be "Former stock & Station Agency"; Address should be "49 Darling Street"; Property Description should be "Lot 4, DP 660139". Heritage Map incorrectly applies to 47 Darling Street, should apply to 49 Darling Street only.

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Item 64 - Former Stock and Station Agency, Lot 4 DP 660139, 49 Darling Street, Wentworth
Item Name should be "Former Ban"; Address should be "51 Darling Street"; Property Description should be "Lot A, DP 321536". Heritage Map incorrectly applies to 49 Darling Street, should apply to 51 Darling Street only.

Item I69 - Police Station and courthouse, Lot 11 Section 25 DP 759074, 76 Darling Street, Wentworth
Property Description should be "Lot 7346, DP 1141317".

Item I70 - Church (St John's Anglican Church and Rectory), Lot 2 DP 859499, 81-89 Darling Street, Wentworth

The property has been recently subdivided so the heritage listing needs to be separated as:

- Former Rectory (St John's Anglican Rectory), 81-85 Darling Street, Lot 1 DP 859499.
- Church (St John's Anglican Church), 87-89 Darling Street, Lot 2 DP 859499.

Heritage Map to remain to apply to both lots.

Item I75 - Noola Homestead, Lot 5278 DP 768193, Noola Station, Wentworth
Locality should be "Rufus" and Address should be "7173 Renmark Road".

Item I77 - Moorna Cemetery, Lot 6 DP 756168, Old Renmark Road, Wentworth
Locality should be "Rufus" and the Address should be "465 Rufus River Road".

Item I76 - Moorna Station Homestead, Lot 6 DP 756168, Old Renmark Road, Wentworth
Locality should be "Rufus" and the Address should be "465 Rufus River Road".

Item I78 - Moorna Township, Lot 6 DP 756168, Old Renmark Road, Wentworth
Locality should be "Rufus" and the Address should be "465 Rufus River Road".

Item I80 - Tapio Homestead, Lot 13 DP 756986, Pooncarie Road, Wentworth
Address should be "1517A Pooncarie Road".

Item I82 - Nulla Nulla Homestead, Lot 4070 DP 766545, Renmark Road, Wentworth
Locality should be "Pine Camp" and the Address should be "1049 Nulla Road".

Item I81 - Nulla Nulla Woolshed, Lot 4069 DP 76654, Renmark Road, Wentworth
Locality should be "Pine Camp" and the Address should be "Nulla Road".

Item I91 - Wangamma Homestead, Lot 1 DP 814369, Rufus River Road, Wentworth
Locality should be "Rufus" and the Address should be "241A Lock 8 Road".

Item I93 - Kilmarnock, Lot 1A DP 387344, Wharf Street, Wentworth
Address should be "3 Adelaide Street".

The Planning Proposal also seeks to amend Schedule 5 of the Wentworth LEP 2011 by:

(1) adding the following local heritage item to Schedule 5 and relevant maps of the Wentworth LEP 2011:

- Shop/Office, Lot 11 DP387344, 29 Darling Street, Wentworth.

(2) removing the following local heritage items from Schedule 5 and relevant maps of the Wentworth LEP 2011:

- Item I72 - Dwelling, Lot 1 DP 1064417, 135B Darling Street, Wentworth; and
- Item I87 - Dwelling, Lot 1 DP 304749, 34 Sandwych Street, Wentworth.

The Shop/Office, Lot 11 DP387344, 29 Darling Street, Wentworth is proposed for addition as a heritage item to Schedule 5 of the Wentworth LEP 2011 to resolve a heritage listing and

mapping anomaly. The shop has been unintentionally excluded from an adjoining series of structures that are already heritage-listed and mapped, being at 33-39 Darling Street, Wentworth (Item 66). The series of structures including 29 Darling Street have been identified in the Wentworth Shire Heritage Study (WHS) 1989. The WHS 1989 supports the heritage significance of the shop/office at 29 Darling Street and recommends inclusion as a heritage item under Schedule 5 of the Wentworth LEP 2011, rectifying the unintentional omission.

The request to add the shop/office as a heritage item is supported by Council's Heritage Advisor, Council Officers and Council.

The proposed removal of two (2) local heritage items from Schedule 5 and associated mapping of the Wentworth LEP 2011 arises out of heritage advice received from Council's Heritage Advisor.

Item I72 - Dwelling, Lot 1 DP 1064417, 135B Darling Street, Wentworth is identified in the WHS 1989 as item 17. It is described as a dwelling having been substantially modified with consent, with major changes to the original façade including the removal of cladding. Council's Heritage Advisor recommends removal of the item from Schedule 5 because the modifications have compromised the heritage values of the dwelling.

Item I87 - Dwelling, Lot 1 DP 304749, 34 Sandwych Street, Wentworth is identified in the WHS 1989 as item 22. It was formerly a large masonry dwelling of high significance to the Sandwych Street character, however the dwelling was largely destroyed due to a fire. Development Consent has been issued for the demolition of the remnants of the dwelling, upon support from Council's Heritage Advisor. The item is hence recommended for removal from Schedule 5 and associated mapping of the Wentworth LEP 2011.

The request to remove the dwellings as a heritage item is supported by Council's Heritage Advisor, Council Officers and Council.

It is noted that Council resolved to endorse the Planning Proposal to amend Schedule 5 and associated mapping of the Wentworth LEP 2011.

The proposed amendment is considered minor and the Director Regions, Western can determine the planning proposal utilising delegations. Council's intention for individual consultation with property owners affected by the addition and removal of heritage items is supported. It is recommended that broader community consultation be undertaken through public exhibition of the planning proposal for 28 days.

The planning proposal was received by the Department on 2 May 2016.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : A statement of objectives has been included, which identifies the intended outcome of the planning proposal as:

"to rectify twenty errors currently contained in the Wentworth Local Environmental plan 2011 Schedule 5 Environmental heritage list and associated heritage mapping. The planning proposal introduces an additional property to the list that was erroneously omitted from the environmental heritage list at the time of the conversion of the new standard instrument. The proposal also deletes a property that has recently been substantially modified and a second property that was destroyed by fire, as advised by Council's Heritage Advisor."

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Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is consistent with the intended outcome of the Planning Proposal.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **2.3 Heritage Conservation**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **The amendment proposes to rectify minor description errors in 21 local heritage items, add one (1) item and remove two (2) items from Schedule 5 of the Wentworth LEP 2011.**

The proposal to amend the description of the heritage listed properties is consistent with Section 117 Direction 2.3 - Heritage Conservation, as the proposal affords the correct items the appropriate heritage conservation and protection considerations. The proposal to rectify these minor description errors is supported by Council, Council Officers and Council's Heritage Advisor.

The proposal to remove two (2) items from Schedule 5 is inconsistent with the direction. However, the Director Regions, Western can be satisfied that the inconsistency is of minor significance. The Wentworth Shire Heritage Study (WHS) 1989 details the significance and condition of the two (2) heritage items proposed for removal from Schedule 5. While the Study has not been updated, Council's Heritage Advisor supports removal of these items from Schedule 5, as one item has recently been substantially modified and the second property was destroyed by fire. The proposal to remove two (2) local heritage items is supported by Council, Council Officers and Council's Heritage Advisor.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Council has provided indicative mapping as part of the planning proposal, however it is not in accordance with the Department's standard technical mapping requirements.**

Maps are to be prepared by Council to reflect the proposed amendments, including the correction of mapping errors, addition of one (1) heritage item and removal of two (2) heritage items.

These maps will be required to be submitted for assessment as part of the s59 (Making of local environmental plan by Minister) process.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council's intention for individual consultation with property owners affected by the addition and removal of heritage items is supported. It is recommended that broader**

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community consultation be undertaken through public exhibition of the planning proposal for 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **June 2017**

Comments in relation
to Principal LEP :

Assessment Criteria

Need for planning proposal :	The proposal aims to protect more accurately and effectively the heritage items that currently have minor errors and an additional item that was erroneously omitted from Schedule 5 of the Wentworth LEP 2011.
Consistency with strategic planning framework :	Wentworth does not have an endorsed Strategy. However, the heritage items proposed for removal from Schedule 5 have been included in the Wentworth Heritage Study (WHS) 1989. While the Study has not been updated, Council's Heritage Advisor supports removal of these items as one has recently been substantially modified and the second property has been destroyed by fire. The property recommended for addition as a heritage item to Schedule 5 is also supported by Council's Heritage Advisor.
Environmental social economic impacts :	The proposed amendment to rectify errors in 21 local heritage items, add one (1) item and remove two (2) items from Schedule 5 of the Wentworth LEP 2011 does not have any known significant environmental, social or economic impacts.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d)	Office of Environment and Heritage		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover letter - Planning Proposal - Wentworth Shire Council.pdf	Proposal Covering Letter	No
Request for Initial Gateway Determination.pdf	Proposal	No
Planning Proposal Report.pdf	Proposal	No
Evaluation Criteria for the Delegation of Plan Making Functions.pdf	Proposal	No
Attachment 1 – List of Schedule 5 Environmental heritage errors.pdf	Proposal	No
Attachment 2 – Heritage Advisor Notes .pdf	Study	No
Attachment 3 - Proposed Amended Schedule 5 Environmental Heritage List.pdf	Proposal	No
Attachment 4(a) – Current applicable Heritage Maps.pdf	Map	No
Attachment 4(b) - Current applicable Heritage Maps.pdf	Map	No
Attachment 5(a) – Amended Heritage Maps.pdf	Map	No
Attachment 5(b) – Amended Heritage Maps.pdf	Map	No
Attachment 6 - Item No 10 in the Wentworth Shire Heritage Study 1989.pdf	Study	No
Attachment 7 - Item No 17 in the Wentworth Shire Heritage Study 1989.pdf	Study	No
Attachment 8 - Item No 22 in the Wentworth Shire Heritage Study 1989.pdf	Study	No
Attachment 9 - SEPP Checklist.pdf	Proposal	No
Attachment 10 - Section117 Direction Checklist.pdf	Proposal	No
Attachment 11 - Wentworth Shire Council Resolutions.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**

Additional Information : **1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:**

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(a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(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.

2. Consultation is required with the Office of Environment and Heritage under Section 56 (2)(d) of the Environmental Planning and Assessment Act 1979. The Office of Environment and Heritage 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 planning proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(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).

4. Prior to submission of the planning proposal under section 59 of the Environmental Planning and 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. The timeframe for completing the LEP is to be 12 months from the week following the date of Gateway determination.

Supporting Reasons :

The Planning Proposal is considered to be minor and in accordance with the intentions of the Council as identified during the drafting of the Wentworth LEP 2011. The proposal to rectify minor description errors in 21 local heritage items, add one (1) item and remove two (2) items from Schedule 5 of WLEP 2011 is supported by advice from Council's Heritage Advisor and Council Officers, and endorsed by Council.

Signature:



Printed Name:

Deniz Kilic

Date:

2/6/16

Endorsed
Wganscy 2/6/16
TLWR