



IRF 25/608

## Gateway determination report – PP-2025-352

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Wollondilly Heritage Proposal Stage 2 (Deferred Items)

March 25



Published by NSW Department of Planning, Housing and Infrastructure

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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# 1 Planning proposal

## 1.1 Overview

**Table 1 Planning proposal details**

<b>LGA</b>	<b>Wollondilly</b>
<b>PPA</b>	<b>Wollondilly Shire Council</b>
<b>NAME</b>	<b>Wollondilly Heritage Planning Proposal Stage 2;</b>
<b>NUMBER</b>	<b>PP-2025-352</b>
<b>LEP TO BE AMENDED</b>	<b>Wollondilly LEP 2011</b>
<b>ADDRESS</b>	<b>Lot 92 DP 10336 (91 Hawthorne Road, Bargo); Lot 3 DP 9803 (60 Great Southern Road, Bargo); and Lot 51 DP 773133 (160 Dwyers Road, Pheasants Nest)</b>
<b>DESCRIPTION</b>	<b>As above</b>
<b>RECEIVED</b>	<b>25/02/2025</b>
<b>FILE NO.</b>	<b>EF25/4128      IRF25/608</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- To amend the Wollondilly LEP 2011 to update the Heritage Schedule of listed items to remove three items that are no longer considered to meet the NSW heritage assessment.

The intended outcomes are to;

- ensure that Wollondilly's heritage places are properly identified, documented and managed and;
- to implement the findings of the Wollondilly Heritage Project.

The objectives and intended outcomes of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Wollondilly LEP 2011 per the changes below:

- Remove the following three items from Schedule 5 Environmental Heritage, Part 1 Heritage Items

Item no	Suburb	Item name	Address	Property Description	Significance
119	Bargo	Kalinya gardens and landscape	60 Great Southern Road	Lot 3, DP 9803	Local
127	Bargo	Cottage	91 Hawthorne Road	Lot 92, DP 10336	Local
1126	Pheasants Nest	Farmhouse	160 Dwyers Road	Lot 51, DP 773133	Local

- Amend the WLEP 2011 Heritage Map to remove the three items.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The Planning Proposal relates to the following three (3) lots:

- 91 Hawthorne Road, Bargo (Lot 92 DP 10336) – An approximately 2400m<sup>2</sup> lot zoned R2 Low Density Residential) and surrounded by similar, developed large residential lots.



Figure 1 Subject Site - 91 Hawthorne Rd (Source: Nearmap)



- 60 Great Southern Road, Bargo (Lot 3 DP 9803) - An approximately 2.15ha lot zoned RU4 (Primary Production Small Lots) and surrounded by lots of similar size and land use.



Figure 2 Subject Site – 60 Great Southern Rd (Source: Nearmap)

- 160 Dwyers Road, Pheasants Nest (Lot 51 DP 773133) - An approximately 2ha RU1 Primary Production zoned land surrounded by similar, developed rural lots.



Figure 3 Subject Site 160 Dwyers Rd (Source: Nearmap)





Figure 4 Site Context (Source: Nearmap)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Wollondilly LEP 2011 Heritage maps, which are suitable for community consultation.





Figure 1 Current and proposed Heritage Maps (Source: Planning Proposal)



## 1.6 Background

- Wollondilly Heritage Planning Proposal (Stage 1) commenced on 29 January 2024 (date of Gateway Determination) and proposes updates to the heritage listing. This included reviewing existing listed items, heritage and landscape conservation areas and archaeological sites and to identify potential new heritage items for inclusion.
- At its meeting on 12 December 2023, Council resolved to support progressing most items of the Wollondilly Heritage Planning Proposal.
- The Wollondilly Heritage Planning Proposal (Stage 1) is still being progressed as a separate amendment and a final assessment and recommendation following the recent public exhibition is anticipated to be provided to the elected Council for consideration in early 2025.
- The Stage 2 Planning Proposal serves as the second stage of amendments aimed at removing existing heritage items that do not meet the threshold of heritage significance for local listing. Following detailed analysis, the three (3) existing heritage items identified in this proposal are proposed for removal.

## 2 Need for the planning proposal

The planning proposal states that the proposal will implement an action from the Wollondilly 2040 Local Planning Statement and Updating Schedule 5 of the Wollondilly LEP is the only way to remove an existing heritage listing that is not considered to satisfy the heritage significance criteria for listing. Therefore, it is considered that this is the best means of achieving the objective and intended outcomes.

DPHI notes that the proposal has resulted following an earlier heritage-based planning proposal process that identified a number of existing listings for review. Further detailed heritage assessments including consultation with landowners have resulted in the identification of the 3 listed sites the subject of this planning proposal being recommended for removal from the heritage schedule. DPHI agrees that the planning proposal is the only mechanism to achieve the Council's intended outcomes to remove the heritage status of the three subject sites.

## 3 Strategic assessment

### 3.1 District Plan

The site is within the Western City District and the Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 5 District Plan assessment**

District Plan Priorities	Justification
Planning Priority W6 – Creating and renewing great places and local centres, and respecting the District's heritage	<p>The Planning Proposal outlines consistency with Action No.21 of the District Plan which seeks to;  <i>Identify, conserve and enhance environmental heritage by;</i>  a. <i>Engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place.</i></p> <p>The planning proposal notes that it represents the second stage of amendments following a review of the current Schedule 5 heritage list and mapping within the LEP.</p> <p>Extensive community consultation was undertaken as part of the first tranche of amendments the Wollondilly Heritage Planning Proposal (Stage 1) and owners were given an opportunity to explain their concerns and response to heritage listing as part of the review process undertaken to inform this Planning Proposal.</p> <p>The Planning Proposal also outlines its consistency with this priority more broadly as it aims to protect heritage by ensuring Council's heritage schedule is as accurate and up-to-date as possible.</p>

## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Wollondilly Local Strategic Planning Statement 2040	<p>The planning proposal is consistent with Planning Priority 7 – Cultivating a creative and Cultural Destination Connection People with Place by progressing the following actions;</p> <p><i>7.8 – Review our heritage schedule and identify new heritage items for protection</i></p>

DPHI acknowledges the review of Council's Wollondilly Shire Wide Heritage Study Review (2023) and subsequent review of the sites subject to this proposal undertaken by Black Mountain Projects Pty Ltd of June 2024. The proposal is considered to be consistent with the LSPS.

## 3.3 Section 9.1 Ministerial Directions

Appendix C of the planning proposal includes an assessment against all 9.1 Directions.

DPHI has assessed the proposals' consistency with relevant section 9.1 Directions as discussed below and confirmed that the proposal is not inconsistent with any Ministerial Direction:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	As discussed above in section 3.2 of this report, the proposal is considered to be consistent with Western Sydney City District Plan and is therefore consistent with this direction.  DPHI acknowledges consistency with this Direction.
1.3 Approval and Referral Requirements	Yes	The proposal will not require concurrence, consultation or referral of development applications to a Minister or public Authority and is therefore consistent with this Direction.  DPHI acknowledges consistency with this Direction.
3.2 Heritage Conservation	Yes	The proposal proposes only to remove heritage items that have been identified, and confirmed through study as being listed in error or that have lost their heritage integrity and are no longer considered to meet the criteria for heritage listing.  Therefore, DPHI concludes that the proposal is considered to be consistent with this direction. Notwithstanding, consultation with Heritage NSW is to be required as a condition of Gateway to further ensure consistency.

## 3.4 State environmental planning policies (SEPPs)

The planning proposal contains an assessment of proposed provisions against the applicable SEPP's. Given the minor scale and nature of the proposed provisions to be amended as a result of this planning proposal, DPHI agrees with Council's assessment that the proposal does not contradict nor hinder the operation of any applicable SEPP.

## 4 Site-specific assessment

### 4.1 Environmental

Given the nature of the planning proposal, DPHI agrees with the statements within the planning proposal that the proposal is unlikely to adversely affect critical habitat or threatened species, nor have any significant impacts on the environment, nor requirement economic management.

### 4.2 Social and economic

#### Economic

The planning proposal outlines the potential economic effects of removing the heritage items from the heritage schedule;

- Positive effects may include increased flexibility and reduced maintenance costs for owners.
- Negative effects could include a potential loss in tourism value and removed access to the conservation incentives clause in the Wollondilly LEP (Clause 5.10(10)).



The proposal concludes however that any economic effects are likely to be minor.

### Social

The proposal states that it is unlikely that there will be any social impacts noting that the items have been assessed as not satisfying the social, cultural or spiritual criteria used to establish heritage significance.

DPHI agrees with the assessment within the planning proposal acknowledging minimal to no economic or social impacts are likely to result.

## 4.3 Infrastructure

The provision and funding of infrastructure is not relevant to this proposal.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 1 month (equivalent of 20 working days)

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

### 5.2 Agencies

Council has nominated the Heritage NSW as public agencies to be consulted about the planning proposal and this is considered appropriate in the context of the proposal.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Heritage NSW

## 6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a basic

The Department recommends an LEP completion date of 28 November 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is considered to be minor, and supported by previous Council community consultation and further studies, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal seeks to update Schedule 5 (Environmental Heritage) of the LEP consistent with the Wollondilly Heritage Study Report 2023, and subsequent Wollondilly Heritage Assessment (2024)
- The heritage studies confirmed that the 3 properties do not meet the threshold for heritage significance for local heritage listings.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Consultation is required with the following public authorities:
  - Heritage NSW
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 28 November 2025 be included on the Gateway.



17/3/2025

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14/3/2025

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