



Level 6, 10 Valentine Avenue  
Parramatta NSW 2150  
Locked Bag 5020  
Parramatta NSW 2124  
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500  
Facsimile: 61 2 9873 8599  
[heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)  
[www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

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Bruce Colman  
Director Land Release  
NSW Department of Planning and Environment  
320 Pitt Street  
Sydney NSW 2000

By email: [carmen.lau@planning.nsw.gov.au](mailto:carmen.lau@planning.nsw.gov.au)

Dear Mr Colman

**South East Wilton Precinct Rezoning Proposal - Exhibition of plans for the Wilton Priority Growth Area**

Thank you for your letter and email dated 9 August 2017, inviting comment on the Interim Land Use and Infrastructure Implementation Plan for the Wilton Priority Growth Area and draft Precinct Plan for the Wilton South East Precinct (the subject area), within the Wilton Priority Growth Area, on exhibition until 20 September 2017.

It is proposed to amend *Wollondilly Local Environmental Plan 2011* (WLEP 2011) to rezone 433 hectares of rural land to deliver 3,000 new homes and associated employment uses within the subject area. The proposed amendments to WLEP 2011 include rezoning the existing RU2 Rural Landscape applicable to the subject area to one of the following zones:

- R2 Low Density Residential;
- R3 Medium Density Residential;
- B2 Local Centre; B5 Business Development;
- E2 Environmental Conservation; and
- SP2 Infrastructure.

The rezoning proposal was accompanied by an *Aboriginal Cultural Heritage Assessment and Historic Heritage Assessment*, prepared by Kayandel Archaeological Services, dated June 2014 (the Heritage Assessment).

As delegate of the Heritage Council of NSW, the following comments are provided:

Impacts on State Heritage Register items:

Two heritage items listed on the State Heritage Register (SHR), Wilton Park (00257) and the Upper Canal System (Pheasants Nest Weir to Prospect Reservoir (01373)), are located within the subject area.

It is recommended that adequate measures be put in place to avoid any adverse effect on the heritage significance of these SHR items, their setting and continued use as a result of the proposed land use changes, increases in density and building heights. It is also important to consider indirect impacts on these items such as the effect of future development on vistas into and out of each individual item.

Impacts to local heritage items:

The subject area contains seven local heritage items which are all listed on Schedule 5 of WLEP 2011. It is noted that one of the items is also likely to have high Aboriginal heritage potential. A number of locally listed items also adjoin or are in close proximity to the subject area. A locally listed item, "Park Hall" or St Mary's Towers, which was the original land grant to Thomas Mitchell, Surveyor General, is located immediately west of the subject area, and has views to and from the subject area.

The recommendation of the Heritage Assessment to undertake further investigations to determine levels of significance in relation to potential items, such as the homestead in Bingara Gorge, and potentially significant historic heritage archaeological deposits as part of the assessment process for future development applications is reasonable as is the recommendation to investigate opportunities to use heritage item curtilages as open space or environmental conservation where appropriate.

Identified non-listed items located within the subject area, considered by the Heritage Assessment to have local heritage significance, should be included in Schedule 5 of WLEP 2011.

It is recommended that adequate measures be put in place to avoid any adverse effect on the heritage significance of these local items, their setting and continued use as a result of the proposed land use changes, increases in density and building heights. It is also important to consider indirect impacts on these items such as the effect of future development on vistas into and out of each individual item.

#### Heritage incentive provisions to compensate owners of Heritage Items

The planning proposal to rezone land as outlined above and the likely built form as a result of the rezoning has the ability to create expectations amongst the owners of heritage items located within the revised zones for additional development potential. This has a capacity to encourage such owners to propose demolition or substantial alterations to the Heritage items.

It is considered that adequate provisions should be made within the planning proposal to avoid creation of such expectations without any constraints around future development potential. This may be done through additional incentive provisions or other provisions that clarify future development potential for heritage items or in the vicinity of heritage items.

#### Archaeological impacts

The Heritage Assessment identifies a number of locations in the subject area which have potential to contain unrecorded historic remains and features of heritage significance. In this regard, the predictions for historic heritage are plausible and provide a basis for the identification and further investigation of unrecorded historic heritage within the subject area.

It is essential for future assessment at the development application stage to take into consideration the potential for significant historic archaeology or relics. If future development works are likely to discover, expose, move, damage or destroy any archaeological relics, an excavation permit under Section 139 of the *Heritage Act 1977* will be required to be submitted to the Heritage Council for approval.

The homestead in Bingara Gorge is identified as having potential local significance and archaeological sensitivity, and is neither a locally nor State listed. Future development in the vicinity of this place should be accompanied by a Heritage Impact Statement (HIS) to identify the potential significance of the place together with appropriate management and interpretation strategies.

#### Regional theme and interpretation strategies

Given its historical context, the Heritage Assessment has applied the theme of "Developing Local, Regional and National Economies: Agricultural", to the subject area. This regional theme provides a starting point for the development of historic Heritage interpretation strategies for the subject area.

#### Further investigations, additional assessment and recommendations

It is noted that reference to further investigations and/or additional assessment in the Heritage Assessment are written with the intention that the assessment/investigation will be undertaken to inform future development applications that will follow on from the rezoning currently being considered. The Heritage Assessment is sufficient to inform the current rezoning proposal. However, future development within the vicinity of listed and/ or identified potential historic heritage items will be required to be accompanied by a HIS at the development application stage in order to adequately identify the effect of the proposed development on the significance of the item or place. The

recommendations (H1 to H5 inclusive) on page 114 of Heritage Assessment should be incorporated into the determination of the rezoning proposal.

Please note that the Greater Sydney Region Planning Team (GSRPT) may provide a separate response on Aboriginal Heritage, flooding and biodiversity issues. If it has not already been done, the planning proposal should be forwarded to the GSRPT for comment.

If you have any questions regarding the above matter please contact Robert Byrne, Senior Team Leader, at the Heritage Division on 9274 6398 or at [robert.byrne@environment.nsw.gov.au](mailto:robert.byrne@environment.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rajeev Maini', with a horizontal line underneath.

**Rajeev Maini**  
Manager, Conservation  
Heritage Division  
Office of Environment & Heritage  
**As Delegate of the NSW Heritage Council**  
20 September 2017