

Armidale Dumaresq LEP 2012 - Amendment No.5 - Heritage Matters

Proposal Title : **Armidale Dumaresq LEP 2012 - Amendment No.5 - Heritage Matters**

Proposal Summary : **It is proposed to amend Armidale Dumaresq LEP 2012 by:**
- adding five (5) items to Schedule 5 - Part 1 Heritage Items;
- removing one (1) item from Schedule 5 - Part 3 Archaeological Items; and
- making various corrections and amendments to the mapping and listing information for a number of items in Schedule 5 - Environmental Heritage.

PP Number : **PP_2014_ARMID_002_00** Dop File No : **14/09140**

Proposal Details

Date Planning Proposal Received : **04-Jun-2014** LGA covered : **Armidale Dumaresq**

Region : **Northern** RPA : **Armidale Dumaresq Council**

State Electorate : **NORTHERN TABLELANDS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **82 Boorolong Rd**

Suburb : City : **Armidale** Postcode :

Land Parcel : **Lot 2345 DP 1123729**

Street : **27 Ebor St**

Suburb : City : **Ebor** Postcode :

Land Parcel : **Lot 4 Section 17 DP 758378**

Street : **1568 Chandler Rd**

Suburb : City : **Lyndhurst** Postcode :

Land Parcel : **Lot 7302 DP 1146818**

Street : **1894 Chandler Rd**

Suburb : City : **Wollomombi** Postcode :

Land Parcel : **Lot 73 DP 751442**

Street : **1188 Warrane Rd**

Suburb : City : **Boorolong** Postcode :

Land Parcel : **Lot 47 DP 755806**

Street :

Suburb : City : Postcode :

Land Parcel : **Various heritage listed sites already contained in Armidale Dumaresq LEP 2012 and as identified in the Planning Proposal**

DoP Planning Officer Contact Details

Contact Name : **Craig Diss**
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RPA Contact Details

Contact Name : **Jenny Campbell**
Contact Number : **0267703931**
Contact Email : **jcampbell@armidale.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

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

If No, comment :

Have there been meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives adequately describes the intention of the Planning Proposal to make various heritage amendments to Armidale Dumaresq LEP 2012.**

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

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

Comment : **The explanation of provisions adequately addresses the intended changes to Armidale Dumaresq LEP 2012.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 64—Advertising and Signage

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

The New England North West Strategic Regional Land Use Plan applies to the Armidale Dumaresq LGA.

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

If No, explain :

The Planning Proposal is considered to be consistent with all relevant SEPPs and the New England North West Strategic Regional Land Use Plan.

The inconsistencies with section 117 Directions 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection are discussed below.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

While the amended LEP map sheets have not been provided at this stage, the Planning Proposal includes maps identifying the all the sites proposed to be added to Schedule 5 or affected by mapping changes. The maps provided are considered sufficient for the Planning Proposal to proceed and for public exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The RPA has identified the proposal as being 'low impact' and has recommended a 14 day exhibition period. The RPA has also recommended consultation with the NSW

Office of Environment and Heritage and the NSW Rural Fire Service.

As five additional properties will be heritage listed under the proposed changes, it is considered appropriate that a 28 day notification period be undertaken to provide affected landowners with an adequate opportunity to review the proposal.

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 :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is seeking an authorisation to exercise its plan making delegations. The proposed heritage changes are not supported by an Office of Environment and Heritage endorsed strategy. Council has however advised that it has had preliminary discussions with the Office of Environment and Heritage who have indicated their support for the proposal. Council also intends to consult formally with the Office of Environment and Heritage should it receive a Gateway Determination allowing the proposal to proceed. It is recommended that an authorisation to exercise its plan making delegations be issued to Council in regard to this matter.

The RPA has provided a project time line which estimates that the LEP will be ready for notification in October 2014. To ensure an adequate period for finalisation of this matter, a 9 month time frame for completion of the proposal is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Armidales Dumaesq LEP 2012 was notified on 30 November 2012.

Assessment Criteria

Need for planning
proposal :

The Planning Proposal is required to correct various mapping and heritage listing issues that have been identified since the Plan was made in 2012 and to implement the recommendations of the Dumaesq Shire Heritage Study 1997. Potential heritage items identified under the study have been progressively evaluated by Council's Heritage Advisor and have been added to the LEP once the heritage significance of the item has been confirmed. The 5 items in the current Planning Proposal are the final items to be considered from the original list of potential heritage items identified in the study.

The Planning Proposal is needed to ensure that heritage mapping and listing information is accurate and current in Armidales Dumaesq LEP 2012 and that the additional heritage items are recognised and provided with appropriate heritage protection.

Consistency with strategic planning framework :

The Planning Proposal is considered to be consistent with all relevant SEPPs.

While no Regional Strategies apply to the Armidale Dumaresq LGA, the New England North West Strategic Regional Land Use Plan does apply. The Planning Proposal is considered to be consistent with the provisions of the Strategic Regional Land Use Plan.

The proposal is also considered to be consistent with Council's local strategy (New England Development Strategy) that was approved by the Director General in March 2010.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions, except in relation to 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection as discussed below.

2.3 Heritage Conservation

The proposal is considered to be inconsistent with this Direction as it seeks to remove a heritage item from Schedule 5 - Part 3 Archaeological Sites that is identified in a heritage study for the area. This inconsistency is considered to be of minor significance as the item to be removed is the Armidale Railway Station Turntable which is already listed in Schedule 5 - Part 1 Heritage Items of the the LEP.

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal applies to land that is identified as bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction cannot be resolved.

Environmental social economic impacts :

The Planning Proposal identifies no significant adverse social or economic impact resulting from this matter.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage NSW Rural Fire Service**

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

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

If no, provide reasons : **It is recommended that this matter proceed and that consultation be undertaken with the Office of Environment and Heritage - Heritage Branch and with the NSW Rural Fire Service.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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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
Letter to P&E requesting Gateway Determination.pdf	Proposal Covering Letter	Yes
Planning Proposal Amendment No.5 - Heritage Matters.pdf	Proposal	Yes
Planning Proposal - Att 1 Dumaesq Shire Council Heritage Study 1997.pdf	Study	Yes
Planning Proposal - Att 2 Heritage Inventory Sheets for 5 Items.pdf	Study	Yes
Planning Proposal - Att 3 Schedule 5 Environmental heritage.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

Additional Information :

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 28 days;**
- 3. The Planning Proposal be completed within 9 months;**
- 4. Council is to consult with the Office of Environment and Heritage - Heritage Branch and the NSW Rural Fire Service;**
- 5. That the Director General (or his delegate) agree that the inconsistency with section 117 Direction 2.3 Heritage Conservation is of minor significance;**
- 6. That the Director General (or his delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and that it is anticipated that this inconsistency will need to be resolved prior to the proposal being finalised;**
- 7. That an authorisation to exercise delegation be issued to Council; and**
- 8. That a revised project time line (that incorporates a 28 day notification period) be included in the Planning Proposal prior to public exhibition.**

Supporting Reasons : **The Planning Proposal is required to correct various mapping and heritage listing issues that have been identified since the Plan was made in 2012 and to implement the recommendations of the Dumaesq Shire Heritage Study 1997.**

Signature:



Printed Name:

Craig Diss

Date:

6/6/14