



Planning Proposal No. 5 - Heritage

Component 1: Listing of five new heritage items

Component 2: Schedule 5 – Updates/corrections to Schedule 5

A13/6230 - May 2014

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- Appendix A: Consideration of State Environmental Planning Policies
Appendix B: Consideration of Section 117 Ministerial Directions
Appendix C: DPI Guidelines for preparing planning proposal, Attachment 1: Information Checklist

Attachments:

- Attachment 1 Dumaresq Shire Heritage Study 1997
Attachment 2 Heritage Inventory Sheets for five proposed Dumaresq Shire Heritage items
Attachment 3 Schedule 5 – Revised Property and Listing Information

PRELIMINARY

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure's 'A guide to preparing Planning Proposals' (October 2012).

The Planning Proposal (Amendment No. 5) seeks to amend the *Armidale Dumaresq Local Environmental Plan 2012* (LEP 2012) - Schedule 5 Heritage and the associated Heritage Map Series.

This Planning Proposal includes the following two components:

Component 1: The listing of five outstanding heritage items from the Dumaresq Shire Heritage Study 1997.

Component 2: To update and apply corrections to property and listing information in Schedule 5 Heritage and the associated Heritage Mapping Series, including a revised curtilage for 49-83B Rowlands Road; correction of a mapping error for archaeological items A008 at 93-99 Butler Street; and, updates to "Locality", "Item", "Address" and "Property description", and "Significance" status for multiple items.

Part 1 Objectives or intended outcomes

The objectives of the Planning Proposal are to amend Schedule 5 - Environmental Heritage and the Heritage Map Series of the *Armidale Dumaresq Local Environmental Plan 2012* by:

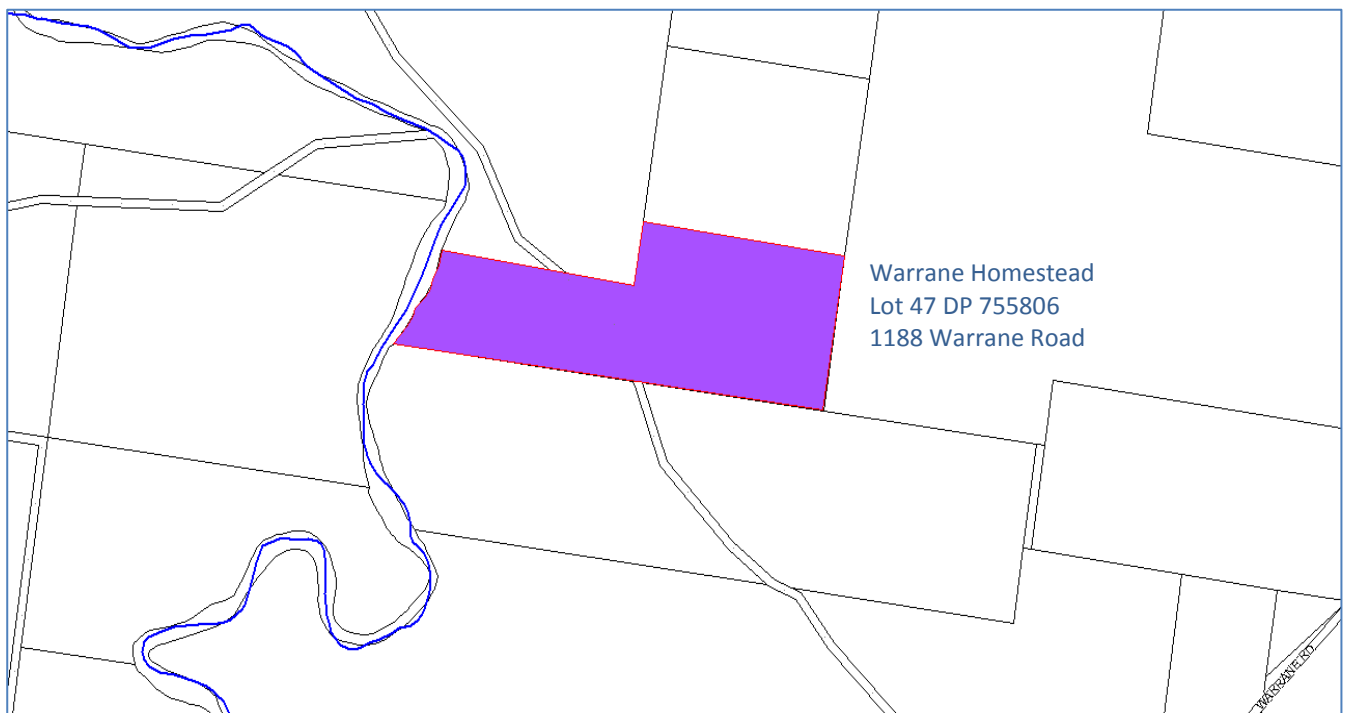
- a) listing the following five Part 1 Heritage Items identified in the Dumaresq Shire Heritage Study 1997 (Attachment 1):
 - i) Post and Rail Fence, 82 Boorolong Road, Armidale – Lot 2345 DP 1123729 (Map 1)
 - ii) Homestead "Warrane", 1188 Warrane Road, Boorolong – Lot 47 DP 755806 (Map 2)
 - iii) Former Bank, 27 Ebor Street, Ebor – Lot 4 Sec 17 DP 758378 (Map 3)
 - iv) Kilcoy Cemetery, 1568 Chandler Road, Lyndhurst – Lot 7302 DP 1146818 (Map 4)
 - v) Former Kilcoy Presbyterian Church, 1894 Chandler Road, Wollomombi – Lot 73 DP 751442 (Map 4)

Heritage Inventory Sheets for the above proposed items can be found at Attachment 2.

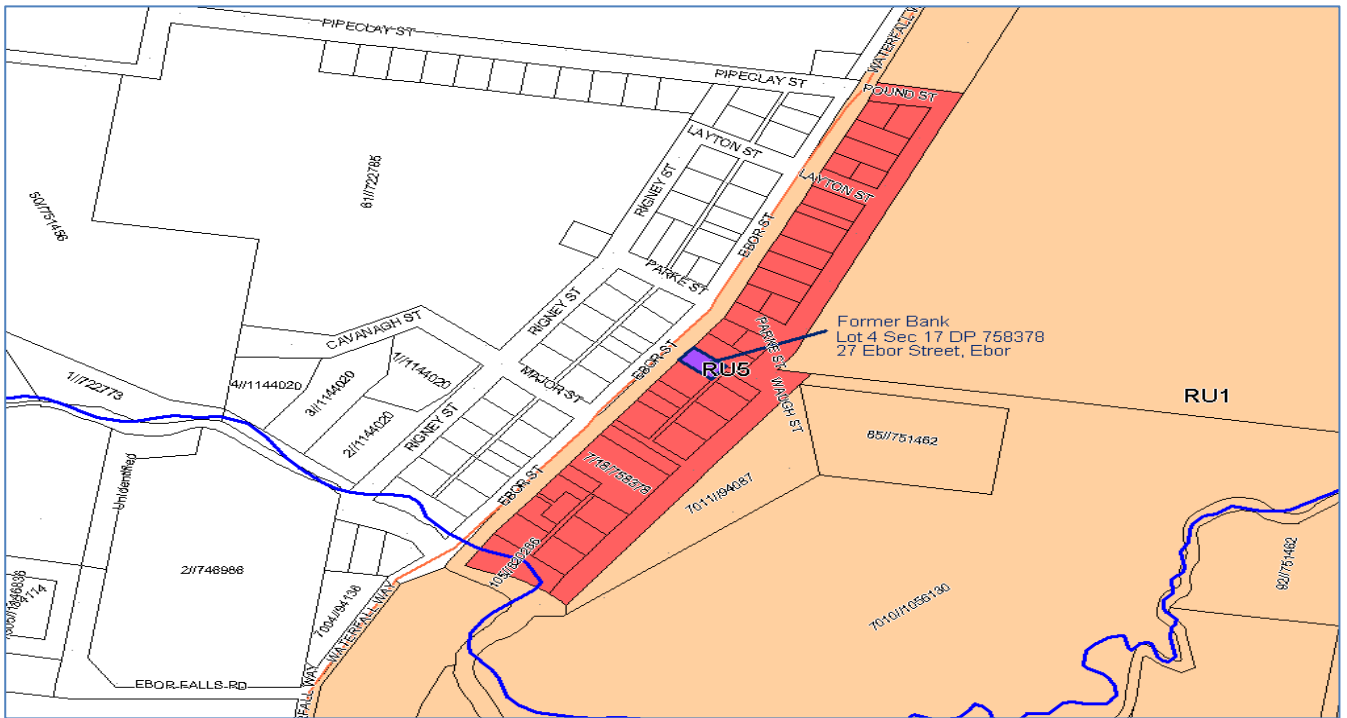
Map 1 – Post and rail fence – 82 Boorolong Road



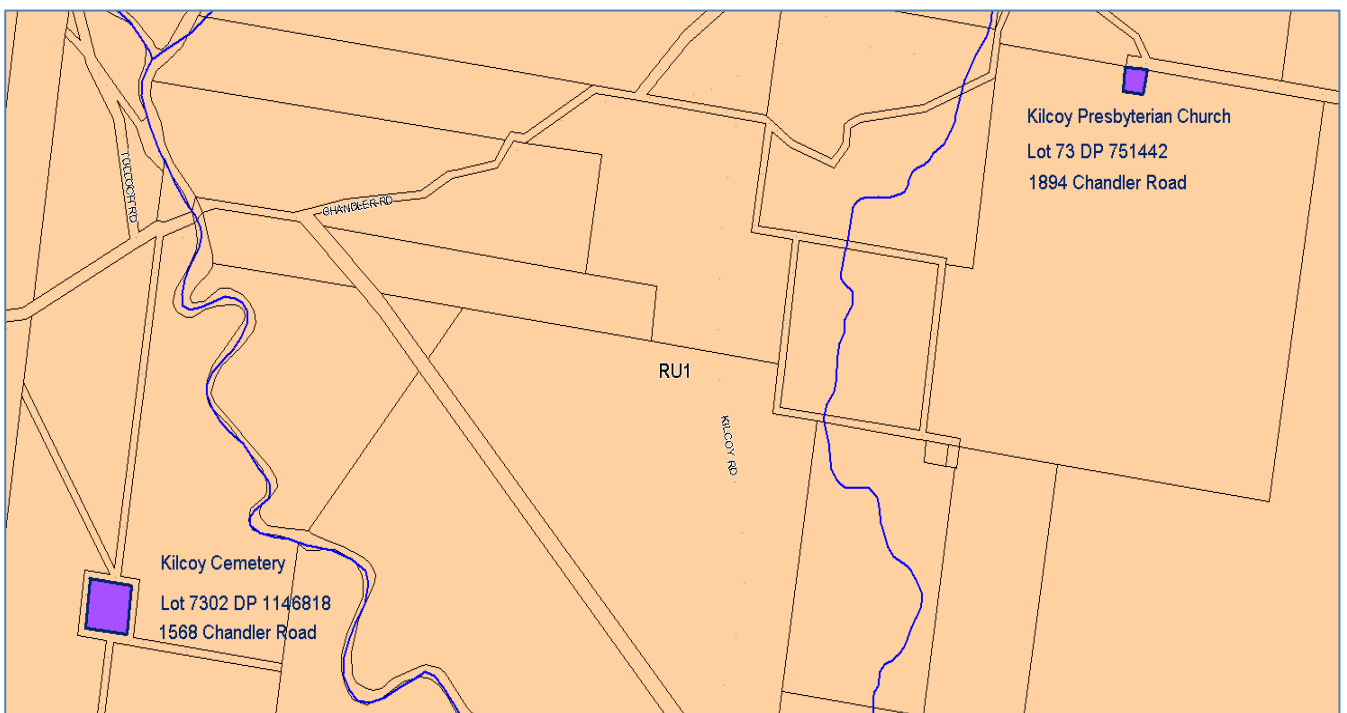
Map 2 – “Warrane” Homestead, 1188 Warrane Road, Boorolong



Map 3 – 27 Ebor Street, Ebor



Map 4 – Kilcoy Cemetery, 1568 Chandler Road, Lyndhurst and Former Kilcoy Presbyterian Church, 1894 Chandler Road, Wollomombi



- b) updating the following items to make minor updates and corrections to property listing information in Schedule 5 Heritage and the associated Heritage Mapping Series. Matters are listed in the order of their appearance in Schedule 5:
- i) Item I007 – item name revision
 - ii) Item I019 – item name revision
 - iii) Item I021 – item name revision
 - iv) Item I022 – item name revision
 - v) Item I026 – item name revision
 - vi) Item I030 – item name revision
 - vii) Item I234 – proposed new item – Post and Rail fence
 - viii) Item I241 – item name revision
 - ix) Item I033 – address and property description revision
 - x) Item I034 – address and property description revision
 - xi) Item I035 – item name, address and property description revision
 - xii) Item I047 – item name revision
 - xiii) Item I054 – address and property description revision
 - xiv) Item I216 – significance revision
 - xv) Item I231 and Item I055 – amendment to items to create separate listings for St Mary and St Joseph Catholic Cathedral Group to identify the State nominated heritage items from the local heritage items
 - xvi) Item I063 – combined listing for 3 properties – now separate listing for each item
 - xvii) Item I059 – separate listing (see xv above)
 - xviii) Item I104 – separate listing (see xv above)
 - xix) Item I232 – significance revision
 - xx) Item I072 – property description revision
 - xxi) Item I079 – property description revision
 - xxii) Item I233 – item name and property description revision
 - xxiii) Item I077 – property description revision
 - xxiv) Item I010 – property description revision
 - xxv) Item I090 – item name revision – part of item no longer exists (hedge burnt and removed)
 - xxvi) Item I094 – item name revision
 - xxvii) Item I222 – address and property description revision
 - xxviii) Item I097 – item name revision
 - xxix) Item I234 – Ursuline Chapel moved to Group listing – number reassigned
 - xxx) Item I186 – address revision and item moved to new address order
 - xxxi) Item I120 – combined listing for 2 properties – now separate listing for each item.
 - xxxii) Item I107 – separate listing (see xxix above)
 - xxxiii) Item I122 – address revision
 - xxxiv) Item I154 – address revision
 - xxxv) Item I159 – address revision – “Newholme” Homestead – remove of all property lots from curtilage

- xxxvi) Item I165 – address and property description revision and revised curtilage area for 49-83B Rowlands Road
- xxxvii) Item I168 – property description revision
- xxxviii) Item I171 – item name revision
- xxxix) Item I172 – address revision
- xl) Item I184 – address and property description revision
- xli) Item I252 – proposed new item – Homestead “Warrane”
- xl ii) Item I192 – item name and significance revision
- xl iii) Item I193 – item name revision
- xl iv) Item I194 – item name revision
- xl v) Item I253 – proposed new item – Former Ebor Bank
- xl vi) Item I198 – locality and address revision
- xl vii) Item I199 – address revision
- xl viii) Item I200 – address revision
- xl ix) Item I201 – address revision
- l) Item I202 – address revision
- li) Item I203 – address revision
- lii) Item I209 – locality and property description revision
- liii) Item I227 – address revision
- liv) Item I254 – proposed new item – Kilcoy Cemetery
- lv) Item I255 – proposed new item – Former Kilcoy Presbyterian Church
- lvi) Item I230 – address revision
- lvii) Item A004 - item name, address and property description revision
- lviii) Item A005 – remove item from Part 3 Archaeological Sites – duplicate listing in Part 1 Heritage Items
- lix) Item A033 - address revision

The above changes are outlined in detail in the Schedule 5 Heritage list (Attachment 3). The matters requiring amendment to both Schedule 5 and the Heritage Mapping Series are shown below.

Map 5 relates to the amended curtilage for Item I165. The owners of the property applied for a boundary adjustment to the heritage item lot (Lot 2 DP 1183541). The revised curtilage reflects the revised boundary of the lot.

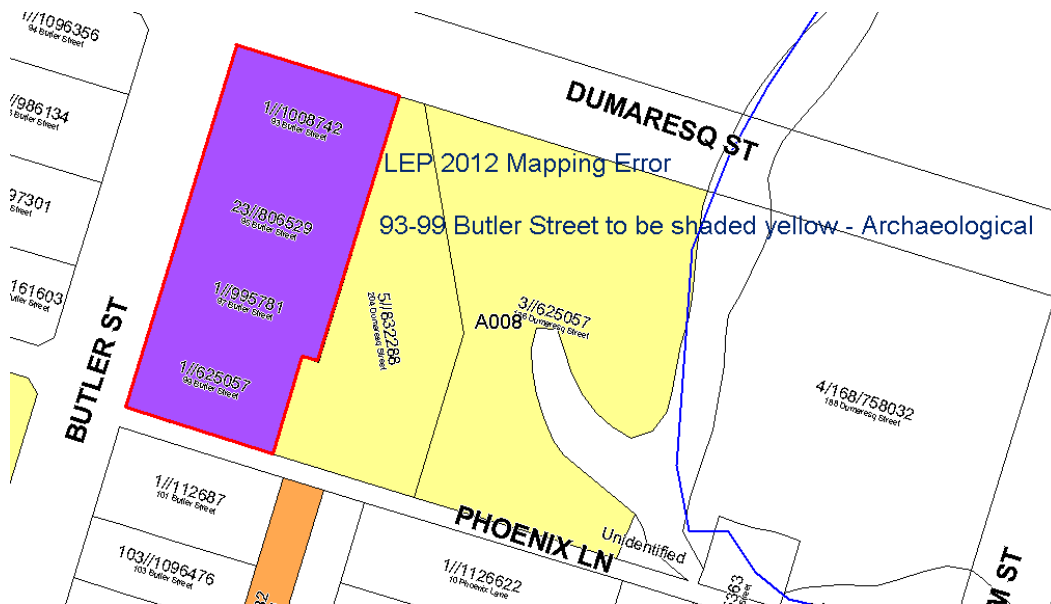
The revised curtilage for “Newholme” homestead will involve removing all of the lots currently included in Schedule 5 and the Heritage Map, except for the lot (Lot 3 DP 755818) on which the homestead is located.

Map 5 - Item I165 – map indicating proposed new curtilage area for 49-83B Rowlands Road (previously 47 Rowlands Road).



Map 6 relates to a drafting error on the current Heritage Map HER_002AAA. Part of the archaeological item A008 – Site of Simpson’s Brewery is currently not shown as shaded yellow (archaeological) on Map HER_002AAA.

Map 6 - A008 – amendment to current mapping error – the site is not identified as archaeological (yellow shading) on Map HER_002AAA.



The intended outcome of this Planning Proposal is to formally identify and legally protect heritage items by their inclusion in a local environmental planning instrument, and to ensure the relevant heritage provisions are applied when assessing development where there are items of heritage significance.

Part 2 Explanation of provisions

The proposed outcomes will be achieved by:

Component 1

Amending LEP 2012 to list five heritage items from the Dumaresq Shire Heritage Study 1997. This will be achieved by making the following amendments to the LEP 2012 instrument and its associated maps:

- a) Updating of Schedule 5 Part 1 Heritage to include the new heritage items;
- b) Updating the LEP 2012 Heritage Map Series – Map Sheet HER_002, Map Sheet HER_002A, Map Sheet HER_002AA, and Map Sheet HER_004 to include the new heritage items.

Component 2

Amending LEP 2012 to make updates and corrections to Schedule 5 Heritage and the LEP 2012 Heritage Map Series by:

- a) Updating of Schedule 5 Part 1 Heritage to correct and update Locality, Item, Address, Property Description, Significance and Item No. listings as identified in Part 1 of this Planning Proposal and Schedule 5.
- b) Updating the LEP 2012 Heritage Map Series – Map Sheet HER_002A to amend the curtilage for 49-83B Rowlands Road (Lot 2 DP 1183541).
- c) Updating the LEP 2012 Heritage Map Series – Map Sheet HER_002AAA to colour 93–99 Butler Street, (Lot 1 DP 1008742, Lot 23 DP 806529, Lot 1 DP 995781 and Lot 1 DP 625057 as archaeological items (yellow shading).
- d) Updating the LEP 2012 Heritage Map Series – Map Sheet HER_002 to amend the curtilage area covered by Item I159 Homestead “Newholme”.

Part 3 Justification

Section A Need for the planning proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

Component 1

The Planning Proposal supports the objectives of the New England Development Strategy (February 2010), and the Dumaresq Shire Heritage Study 1997. The proposed heritage listings are the result of the following process:

Dumaresq Shire Heritage Study 1997

In 1997, EJE Planning was contracted to provide a heritage study for the Dumaresq Shire Council. Aside from identifying buildings and places to be listed as heritage items in an LEP, the study identified 44 items of potential heritage significance that required further investigation to determine whether they should be listed as heritage items. The potential items have been progressively evaluated by Council’s Heritage Advisor and where heritage significance has been confirmed the items have been included in Council’s LEPs, in particular Armidale Dumaresq LEP 2008 and Armidale Dumaresq LEP 2012. The five items in the Planning Proposal are the final items to be considered from the original list of potential heritage items identified in the study.

Component 2

Component 2 is a “housekeeping” amendment. It does not relate to a strategic study or report.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the only method of amending a local environmental plan to add heritage items or amend heritage listings information. Protecting heritage through an environmental planning instrument is an effective way of conserving heritage items and ensuring any proposed changes to the heritage item are managed in a way that values the heritage significance of the items and maintains the integrity of conservation areas.

Listing heritage items in an environmental planning instrument is one component of an overall strategy to raise public awareness in relation to heritage items, their management requirements and their importance to the community. It also provides an opportunity to raise awareness of heritage issues through a broad community consultation process, including dialogue with property owners.

Section B Relationship to strategic planning framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The *New England North West Strategic Regional Land Use Plan 2012* (SRLUP) represents the NSW State Government’s proposed framework to support growth, protect the environment and respond to competing land uses, whilst preserving key regional values over the next 20 years. It includes a particular focus on protection of agricultural land and the recent growth of mining activities and emergence of the coal seam gas industry.

Actions in the SRLUP where local councils are the lead agencies and are relevant to this Planning Proposal are discussed below:

Cultural Heritage - Compile a database of lands currently identified for cultural heritage conservation as a result of development consents, established heritage studies, ongoing assessment and statutory heritage registers. The database will be used to inform future assessments and ensure that these areas are not compromised by further development.

The SRLUP requires Planning and Infrastructure and the Office of Environment and Heritage to compile a database of lands currently identified for cultural heritage conservation.

The listing of the five heritage items is consistent with the sub-regional strategy in relation to cultural heritage, and will ensure that heritage conservation is considered during any future development.

Q4. Is the Planning Proposal consistent with a council’s local strategy or other local strategic plan?

The New England Development Strategy 2010 (NEDS) has been prepared to identify land use planning objectives and strategies to guide growth and change in the Armidale Dumaresq local government area. The NEDS was endorsed by the Director-General of Planning and Infrastructure on 16 March 2010.

The Planning Proposal is consistent with the New England Development Strategy 2010 – Heritage and landscape. The NEDS requires European and Aboriginal heritage to be identified, protected and valued by the investigation and inclusion of items and places in an LEP and the implementation of LEP and DCP heritage provisions.

This Planning Proposal supports Council's Community Strategic Plan 2013-2028 by enhancing the cultural values within the local government area.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies. Refer to Appendix A: Consideration of State Environmental Planning Policies.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

The Planning Proposal is considered to be consistent with the applicable Ministerial Directions, except for Direction 4.4 Planning for Bushfire Protection. Two of the five new heritage items are in proximity to land mapped as bushfire prone land. The two items are the post and rail fence at 82 Boorolong Road, Armidale, and "Warrane" homestead at 1188 Warrane Road, Boorolong. The Planning Proposal is inconsistent with the direction as Council has not obtained written advice from the Commissioner of the NSW Rural Fire Service (RFS). It is proposed to seek written advice from the RFS during the consultation process, subject to a Gateway Determination. Refer to Appendix B: Consideration of Section 117 Ministerial Directions.

Section C Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There are no identified adverse impacts relating to these matters.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental effects arising from the implementation of the planning proposal.

Q9. How has the planning proposal adequately addressed any social and economic effects?

The social and economic benefits of the Planning Proposal are considered to be positive. The Planning Proposal contributes towards Armidale Dumaresq as a place of heritage and cultural significance.

When heritage listings are proposed, perceived loss of value to property and the implication of a limitation to development can be key issues raised by property owners. Information has been provided to the property owners about the implications for the listing, and the Heritage Inventory Forms and other site specific matters.

State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The matters subject of this planning proposal will not impact on public infrastructure.

Q11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway determination?

It is anticipated that the Gateway Determination will require public authority consultation with:

- Office of Environment and Heritage - Culture and Heritage Division (OEH).
- NSW Rural Fire Service (RFS).

Informal discussions with OEH have occurred in relation to the heritage listings identified in this Planning Proposal. Consultations with the RFS are proposed to satisfy the requirements of section 117 Ministerial Direction 4.4 Planning for Bushfire Protection.

Consultations with the OEH and the RFS will be undertaken as required by the Gateway Determination.

Part 4 Mapping

Maps 1 to 6 are included in Part 1 of this Planning Proposal.

LEP Maps (consistent with Planning and Infrastructure Standard Technical Mapping Requirements) will be prepared for the exhibition process.

Part 5 Community consultation

It is considered that the proposal is a “low impact Planning Proposal” under Section 5.2.2 of *“A guide to preparing local environmental plans”* as the Planning Proposal is:

- consistent with the pattern of surrounding land use zones and/or land uses
- consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- not a principal LEP
- does not reclassify public land.

Community consultation will commence by giving notice of the public exhibition of the Planning Proposal:

- a) in a newspaper that circulates in the area affected by the Planning Proposal;
- b) on Council’s web-site at www.armidale.gov.au.

Written notice will be provided to the owners of the five new heritage items proposed in Component 1 of this Planning Proposal. In relation to the proposed changes outlined in Component 2 of the Planning Proposal, it is considered that the number of affected and adjoining landowners makes individual notification impractical.

Written notice will be provided to relevant Government Departments and agencies, service providers and other key stakeholders where required in the Gateway Determination.

The written notice will provide:

- c) a description of the objectives or intended outcomes of the Planning Proposal;
- d) the land affected by the Planning Proposal;
- e) advice where and when the Planning Proposal can be located and viewed;
- f) the contact information for the receipt of submissions;
- g) the closing date for submissions; and
- h) advice on whether the Minister has chosen to delegate the making of the LEP to the Council.

During the exhibition period, the following material will be made available:

- a) the Planning Proposal, including appendices and attachments, in the form approved for community consultation by the Gateway Determination;
- b) the Gateway Determination; and
- c) any technical or other information relied upon by the Planning Proposal.

At the conclusion of the notification and public exhibition period Council staff will consider submissions made concerning the proposed LEP and prepare a report to Council.

It is considered that a Public Hearing will not be required.

Part 6 Project timeline

The project timeline for the Planning Proposal is as follows. There are many factors that can influence compliance with the timeframe including the cycle of Council meetings, the outcome of agency consultation and the number and content of submissions from the public exhibition. Consequently the timeframe should be regarded as indicative only.

Table 1: Project Timeline

Task	Anticipated timeframe
Anticipated date of Gateway Determination.	June 2014
Completion of required technical information, studies if required.	No further studies required.
Government agency consultation (pre exhibition as required by Gateway Determination).	Completed by July 2014
Any changes made to Planning Proposal resulting from technical studies and government agency consultations. Resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required.	If required, completed by July 2014
Commencement and completion dates for public exhibition. Assuming that the Gateway Determination advises a minimum 14 day public exhibition period for 'low impact' proposals.	August 2014
Dates for public hearing.	No public hearing will be required.
Consideration of submissions.	September 2014
Date sent to Parliamentary Counsel seeking Opinion.	September 2014
Date Opinion received.	September 2014
Date LEP made by GM under delegation.	October 2014
Date sent to Planning and Infrastructure requesting notification.	October 2014

SEPP	Applicable	Consistent	Comment
SEPP No. 64 Advertising and Signage	Yes	Yes	SEPP No. 64 applies to the land subject of this Planning Proposal. The provisions of SEPP 64 will be applied as development occurs.
SEPP Infrastructure 2007	Yes	Yes	SEPP Infrastructure permits certain infrastructure and services in zones where heritage items exist.
SEPP Rural Lands 2008	Yes	Yes	No inconsistency with the SEPP as the Planning Proposal is considered to be consistent with the aims of the Policy and its Rural Planning Principles.
SEPP Exempt and Complying Development Codes 2008	Yes	Yes	Provides development standards for certain exempt and complying development. Note: Certain types of exempt development may not be carried out where they will affect a heritage item. Complying development may not be carried out on that part of the land on which there is a heritage item that has been identified and mapped in an LEP.

Direction	Applicable	Consistent	Comment
1. EMPLOYMENT AND RESOURCES			
1.2 Rural Zones	Yes	Yes	This s.117 Direction relates to rezoning of rural land and is not relevant to this Planning Proposal.
1.5 Rural Lands	Yes	Yes	This s.117 Direction relates to the preparation of a draft LEP that affects land in an existing rural or environmental protection zone. The five proposed items are all on rural zoned land. The inconsistency is considered to be of minor significance, as it will not inhibit the application of <i>the State Environmental Planning Policy (Rural Lands) 2008</i> provisions in relation to this land.
2. ENVIRONMENT AND HERITAGE			
2.1 Environment Protection Zones	Yes	Yes	The Planning Proposal does not propose to change existing provisions in the LEP relating to environment protection.
2.3 Heritage Conservation	Yes	Yes	Consistent with 117 Direction as it is protecting and conserving heritage items to protect the integrity of the established Armidale heritage precinct in accordance with Council's Heritage Strategy 2013-2014 and Council's heritage studies.
2.4 Recreation Vehicle Areas	Yes	Yes	The Planning Proposal does not propose to include provisions relating to recreation vehicle areas.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT			
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The Planning Proposal does not propose to include or alter provisions relating to caravan parks or manufactured home estates.
3.3 Home Occupations	Yes	Yes	The Planning Proposal does not propose to include or alter provisions relating to home occupations.
4. HAZARD AND RISK			
4.3 Flood prone Land	Yes	Yes	One of the five new heritage items is located on flood prone land. The post and rail fence at 82 Boorolong Road, Armidale is on a lot that is partly affected by flooding but the fence itself is above the Flood Planning Level. The inconsistency is considered to be of minor significance.

3.3	Planning for Bushfire Protection	Yes	No	Two of the five new heritage items are in proximity to land mapped as bushfire prone land. The two items are the post and rail fence at 82 Boorolong Road, Armidale, and “Warrane” homestead at 1188 Warrane Road, Boorolong. The Planning Proposal is inconsistent with the direction as Council has not obtained written advice from the Commissioner of the NSW Rural Fire Service (RFS). It is proposed to seek written advice from the RFS during the consultation process.
6. LOCAL PLAN MAKING				
6.1	Approval and Referral Requirements	Yes	Yes	The Planning Proposal does not include any approval or referral requirements.
6.2	Reserving Land for Public Purposes	Yes	Yes	The Planning Proposal does not propose to create, alter or reduce existing zonings or reservations of land for public purposes.

INFORMATION CHECKLIST

> STEP 1: REQUIRED FOR ALL PROPOSALS ¶

(under s55(a) – (e) of the EP&A Act) ¶

¶

••Objectives and intended outcome¶	••Explanation of provisions¶
••Mapping (including current and proposed zones)¶	••Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)¶
••Community consultation (agencies to be consulted)¶	

> STEP 2: MATTERS - CONSIDERED ON A CASE-BY-CASE BASIS ¶

(Depending on complexity of planning proposal and nature of issues) ¶

PLANNING MATTERS OR ISSUES¶	To be considered	N/A¶	PLANNING MATTERS OR ISSUES¶	To be considered	N/A¶
Strategic Planning Context¶			Urban Design Considerations¶		
••Demonstrated consistency with relevant Regional Strategy¶	☒	☒	••Existing site plan (buildings, vegetation, roads, etc)¶	☒	☐
••Demonstrated consistency with relevant sub-regional strategy¶	☐	☒	••Building mass/block diagram study (changes in building height and FSR)¶	☐	☒
••Demonstrated consistency with or support for the outcomes and actions of relevant DG-endorsed local strategy¶	☒	☐	••Lighting impact¶	☐	☒
••Demonstrated consistency with Threshold Sustainability Criteria¶	☐	☒	••Development yield analysis (potential yield of lots, houses, employment generation)¶	☐	☒
Site Description/Context¶			Economic Considerations¶		
••Aerial photographs¶	☐	☒	••Economic impact assessment¶	☐	☒
••Site photos/photomontage¶	☒	☐	••Retail centres hierarchy¶	☐	☒
Traffic and Transport Considerations¶			••Employment land¶	☐	☒
••Local traffic and transport¶	☐	☒	Social and Cultural Considerations¶		
••TMAP¶	☐	☒	••Heritage impact¶	☒	☐
••Public transport¶	☐	☒	••Aboriginal archaeology¶	☐	☒
••Cycle and pedestrian movement¶	☐	☒	••Open space management¶	☐	☒
Environmental Considerations¶			••European archaeology¶	☐	☒
••Bushfire hazard¶	☐	☒	••Social and cultural impacts¶	☒	☐
••Acid Sulphate Soil¶	☐	☒	••Stakeholder engagement¶	☒	☐
••Noise impact¶	☐	☒	Infrastructure Considerations¶		
••Flora and/or fauna¶	☐	☒	••Infrastructure servicing and potential funding arrangements¶	☐	☒
••Soil stability, erosion, sediment, landslip assessment, and subsidence¶	☐	☒	Miscellaneous/Additional Considerations¶		
••Water quality¶	☐	☒	List any additional studies: *****		
••Stormwater management¶	☐	☒			
••Flooding¶	☐	☒			
••Land/site contamination (SEPP55)¶	☐	☒			
••Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)¶	☐	☒			
••Sea level rise¶	☐	☒			