

Proposed Amendments to Schedule 5 Environmental Heritage of Armidale Dumaresq LEP 2012

Proposal Title : **Proposed Amendments to Schedule 5 Environmental Heritage of Armidale Dumaresq LEP 2012**

Proposal Summary : **It is proposed to amend Schedule 5 Environmental Heritage of Armidale Dumaresq LEP 2012 by:**
- adding sixteen (16) items to Part 1 Heritage Items;
- remove one (1) item from Part 1 Heritage Items; and
- adding forty nine (49) items to Part 3 Archaeological Sites.

PP Number : **PP_2013_ARMID_001_00** Dop File No : **13/03981**

Proposal Details

Date Planning Proposal Received : **11-Apr-2013** LGA covered : **Armidale Dumaresq**

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

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

LEP Type : **Policy**

Location Details

Street :
 Suburb : City : Postcode :
 Land Parcel : **Multiple land parcels as detailed in Appendix C of the Planning Proposal**

DoP Planning Officer Contact Details

Contact Name : **Craig Diss**
 Contact Number : **0267019685**
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RPA Contact Details

Contact Name : **Jenny Campbell**
 Contact Number : **0267703931**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

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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 :	0	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? : No

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 add and remove items from Schedule 5 Environmental Heritage of 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 Schedule 5 Environmental Heritage of 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 : 2.3 Heritage Conservation

* May need the Director General's agreement

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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**

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 inconsistency with section 117 Direction 2.3 Heritage Conservation is considered to be of minor significance and is 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 is accompanied by a map identifying all the sites affected by the proposal. The map provided is 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.**

As extensive public consultation has already taken place during the processes that have informed the preparation of the Planning Proposal, these recommendations are supported.

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 not seeking an authorisation to exercise its plan making delegations in this instance. The proposed changes to the heritage schedule are not supported by an Office of Environment and Heritage endorsed local strategy or preliminary comments from the

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Office of Environment and Heritage. Council intends to consult with the Office of Environment and Heritage prior to public exhibition should it receive a Gateway Determination allowing the proposal to proceed. While the position of the Office of Environment and Heritage on the proposal is unknown, as the Planning Proposal deals only with matters of local significance, 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 submission to the Department for finalisation by the end of July 2013. The submitted project time line is considered as reasonable and a 6 month time frame for completion of the proposal is recommended. It is noted that a revised project time line (that addresses the additional steps to be completed by Council if an authorisation to exercise delegation is issued) will need to be included in the Planning Proposal prior to public exhibition.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Armidale Dumaresq LEP 2012 was notified on 30 November 2012.

Assessment Criteria

Need for planning proposal :

Council has recently completed the preparation of an Archaeological Management Plan and undertaken a Significant Tree Nomination Process for Armidale. Both processes involved extensive consultation with affected land owners. The Planning Proposal is needed to incorporate the outcomes of these processes into Armidale Dumaresq LEP 2012 to recognise and provide appropriate heritage protection to the identified items.

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 has been identified as being consistent with all applicable section 117 Directions, except in relation to 2.3 Heritage Conservation as discussed below.

2.3 Heritage Conservation

The proposal is considered to be inconsistent with this Direction as it seeks to remove a landscape heritage item from Schedule 5 identified in a heritage study for the area. This inconsistency is considered to be of minor significance as the item is a tree that has died and been removed.

Environmental social economic impacts :

The Planning Proposal identifies no significant adverse social or economic impact resulting from this matter. Council indicated some affected owners had raised concerns in relation to possible property devaluation or development potential loss due to heritage listing, but that in all cases where additional clarification about the listing was provided to owners, no further concerns were raised.

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Assessment Process

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

Timeframe to make LEP : **6 Month** Delegation : **DDG**

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

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.**

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
Letter to DPI re Amendment No 1 - Heritage.pdf	Proposal Covering Letter	Yes
Planning Proposal - Amendment No.1 - Heritage.pdf	Proposal	Yes
Attachment 2 Draft Heritage Map.pdf	Map	Yes
Attachment 3 Historical Impact Statement for Archaeological Items.pdf	Study	Yes
Attachment 4 Historical Impact Statement for Significant Tree Items.pdf	Study	Yes
Attachment 5 Historical Impact Statement for 12 Crescent and 148 O'Dell Street.pdf	Study	Yes
Attachment 6 Historical Impact Statement for Himalayan Cedar Tree.pdf	Study	Yes
Attachment_1_-_Information_checklist.pdf	Proposal	Yes

Planning Team Recommendation

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

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

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2012**

Additional Information :

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 14 days;**
- 3. The Planning Proposal be completed within 6 months;**
- 4. Council is to consult with the Office of Environment and Heritage - Heritage Branch;**
- 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 an authorisation to exercise delegation be issued to Council; and**
- 7. That a revised project time line (that addresses the additional steps to be completed by Council due to an authorisation to exercise delegation being issued) be included in the Planning Proposal prior to public exhibition.**

Supporting Reasons : Council has recently completed the preparation of an Archaeological Management Plan and undertaken a Significant Tree Nomination Process for Armidale. The Planning Proposal is needed to incorporate the outcomes of these processes into Armidale Dumaresq LEP 2012 to recognise and provide appropriate heritage protection to the identified items.

Signature:

Printed Name:


JIM CLARK

Date:

16 April 2013