

Removal of Lot 54 DP 596242, 1A Dorothy Avenue, Armidale from Item No I067 in Schedule 5 - Environmental Heritage.

Proposal Title : **Removal of Lot 54 DP 596242, 1A Dorothy Avenue, Armidale from Item No I067 in Schedule 5 - Environmental Heritage.**

Proposal Summary : **The planning proposal seeks to amend the Armidale Dumaresq Local Environmental Plan (LEP) 2012 to remove Lot 54 DP 596242, 1A Dorothy Avenue, Armidale from Item No I067 in Schedule 5 - Environmental Heritage.**

PP Number : **PP_2016_AREGI_002_00** Dop File No : **16/16063**

Proposal Details

Date Planning Proposal Received : **14-Dec-2016** LGA covered : **Armidale Regional**

Region : **Northern** RPA : **Armidale Regional Council**

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

LEP Type : **Housekeeping**

Location Details

Street : **1A**

Suburb : **Dorothy** City : **Ave** Postcode : **2350**

Land Parcel : **Lot 54 DP 596242**

DoP Planning Officer Contact Details

Contact Name : **Jenny Johnson**

Contact Number : **0264416614**

Contact Email : **Jenny.Johnson@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Jocelyn Ullman**

Contact Number : **0267703644**

Contact Email : **JUllman@armidale.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
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 : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.**

Have there been meetings or communications with registered lobbyists? : **Yes**

If Yes, comment : **The Northern Region has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meetings between other officer's within the agency and lobbyists concerning this proposal.**

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. The proposal seeks to remove Lot 54 DP596242, 1A Dorothy Avenue, Armidale from the local heritage listing.**

Lot 54 and the adjoining Lot 55 are listed as a single item of local significance. The current listing applies to the house which is located on Lot 55. Lot 55 will maintain its current heritage listing.

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. The planning proposal seeks to remove the local heritage listing of Lot 54 DP 596242 from Item I067 by amending Schedule 5 - Environmental Heritage and amend the corresponding Heritage Map.**

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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

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 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Affordable Rental Housing) 2009**

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 SEPP's and the NEW England North West Strategic Regional Land Use Plan.**

The inconsistency with section 117 Direction 2.3 Heritage Conservation is discussed below.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The proposal includes mapping which shows the land which is affected by the proposed amendment. These are considered satisfactory for 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 recommend a 14 day exhibition period. This is considered appropriate.**

The RPA has also recommended consultation with the NSW Office of Environment and Heritage as the amendment involves a heritage item. This is considered appropriate as the proposal removes an existing heritage listing.

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 satisfies the adequacy criteria by:**

- 1) Providing appropriate objectives and intended outcomes;**
- 2) Providing a suitable explanation of provisions proposed by the LEP to achieve the outcomes;**

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- 3) Providing an adequate justification for the proposed amendment.
- 4) Outlining a proposed community consultation period;
- 5) Providing a timeline for the completion of the proposal.

Council have not requested delegation in this instance. However due to the local and minor nature of the proposal, it is considered appropriate that delegation be issued to Council for this matter.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Armidale Dumaresq LEP 2012 was notified on 30 November 2012. This planning proposal seeks to make an amendment to Armidale Dumaresq LEP 2012.**

Assessment Criteria

Need for planning proposal :

Lot 54 and Lot 55 DP 596242, 3 Dorothy Ave, Armidale was identified as an item of local significance by the Armidale Heritage Study due to the presence of a Victorian dwelling on Lot 55. This identification was reflected in its inclusion with Schedule 5 - Environmental Heritage of Armidale Dumaresq LEP 2012.

The land has subsequently been sold and the ownership of the lots split. The new owner of Lot 54 has requested that the heritage listing be removed from the site.

Council has investigated this matter and confirmed that Lot 54 appears to have been identified as a heritage item incorrectly, and only due to the former joint ownership with Lot 55.

Lot 54 is a vacant residential lot with no identified heritage significance. It also is not considered to serve any significant purpose in protecting the heritage curtilage of Lot 55, due to the existing residential development surrounding the site and its relatively small size.

The proposed removal of Lot 54 DP 596242 from item I067 in Schedule 5 - Environmental Heritage of Armidale Dumaresq LEP 2012 is considered appropriate and the best means of achieving the proposed outcomes.

Consistency with strategic planning framework :

The planning proposal is considered to be consistent with all relevant SEPP's.

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 considered to be consistent with Council's local strategy (New England Development Strategy) which identifies the importance of protective heritage items now and into the future. The item will continue to be protected as Lot 55 will retain its local significance listing.

The planning proposal is considered to be 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 heritage listing from Schedule 5 that is identified in a heritage study for the area. The inconsistency is considered to be of minor significance as Lot 54 was incorrectly included as the item of significance is located on the adjoining site (and will not be removed from Schedule 5 and will retain its local heritage status).

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Environmental social economic impacts : **The planning proposal identifies no significant adverse environmental, social or economic impacts resulting from this matter.**

Assessment Process

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

Timeframe to make LEP : **0 months** Delegation : **RPA**

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

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

The planning proposal notes that a Heritage Assessment may be undertaken if required by the Office of Environment and Heritage. This is considered appropriate

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
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Planning Team Recommendation

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

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

Additional Information : **It is recommended that the Acting Director, Regions Northern, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A act that an amendment to the Armidale Dumaresq LEP 2012 to remove Lot 54 DP 596242 from Item I067 in Schedule 5, should proceed subject to the following conditions:**

- 1) Community consultation is required under section 56(2) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:**

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(a) the planning proposal must be made publicly available for 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made available along with the planning proposal as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure 2013).

2) Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage

3) A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).

4) The timeframe for completing the LEP is to be 6 months from the week following the date of Gateway determination.

5) The Secretary's delegate agree to the planning proposal's inconsistency with s117 Direction 2.3 Heritage Conservation.

Supporting Reasons : **The proposal is supported as it will correct an error in the existing heritage list of Armidale Dumaresq LEP 2012.**

Signature:



Printed Name:

Craig Diss

Date:

17/12/16