

Planning proposal to revise listing of Archaeological Sites in Schedule 5 of Mosman LEP 2012

Proposal Title : **Planning proposal to revise listing of Archaeological Sites in Schedule 5 of Mosman LEP 2012**

Proposal Summary : **The aim of the planning proposal is to amend Mosman Local Environmental Plan 2012 (MLEP 2012) to revise the listing of Archaeological Sites in Schedule 5 in order to:**
- provide more specific site, address and property description information; and
- amend or omit the listing of certain sites which have no archaeological heritage significance.

PP Number : **PP_2015_MOSMA_005_00** Dop File No : **15/14203**

Proposal Details

Date Planning Proposal Received :	22-Sep-2015	LGA covered :	Mosman
Region :	Metro(CBD)	RPA :	Mosman Municipal Council
State Electorate :	NORTH SHORE	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :
 Suburb : City : Postcode :
 Land Parcel : **Details of relevant properties are provided in Attachment 1**

DoP Planning Officer Contact Details

Contact Name : **Lauren Templeman**
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RPA Contact Details

Contact Name : **Kelly Lynch**
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DoP Project Manager Contact Details

Contact Name : **Tim Archer**
 Contact Number : **0292286592**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Metro Inner North subregion	Consistent with Strategy :	Yes

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MDP Number :	Date of Release :	
Area of Release (Ha) :	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 : 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. Metropolitan (CBD) has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Departmental officers and lobbyists concerning this proposal.	
Have there been meetings or communications with registered lobbyists? :	No	
If Yes, comment :		

Supporting notes

Internal Supporting Notes : **DELEGATION OF PLAN MAKING FUNCTIONS**

Mosman Municipal Council is seeking delegation to carry out the Minister's functions under section 59 of the EP&A Act to progress this planning proposal. Council has provided Attachment 4 - Evaluation criteria for the delegation of plan making functions.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The objective of the planning proposal is to conserve the cultural and environmental heritage of Mosman through the inclusion of more accurate and specific information about Archaeological Sites in MLEP 2012 Schedule 5 - Environmental Heritage.**

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

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

Comment : **The objective will be achieved by amending MLEP 2012 to:**

1) Revise Schedule 5 Environmental Heritage as outlined in detail in Attachment 1, in order to:

- include more specific site, address and property description information for archaeological sites listed in Part 3 Archaeological Sites;
- relocate Item A490 "Ventilation stack and former original septic tank", now a swimming pool, from Part 3 Archaeological Sites to Part 1 Heritage Items, on the basis that it lacks archaeological significance but does have heritage significance. The site name is also to be revised;
- Omit Item A495 "Site of Former Explosives Wharf" from Part 3 Archaeological Sites, on the basis that it lacks archaeological significance;

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- Omit Item A496 "Remains of former Spit Bridge and seawall" from Part 3 Archaeological Sites, on the basis that this is a duplicate listing with Item I453 in Part 1 Heritage Items. The site name, address and property description of Item I453 is to be revised with more specific identifying information.

2) Revise Heritage Maps HER_001-004 to:

- reflect the amendments to Schedule 5 Environmental Heritage, outlined above; and
- comply with current Departmental Mapping Guidelines.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

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

The proposal is not inconsistent with any relevant State Environmental Planning Policies or Section 117 Directions.

Section 117 Directions:

2.3 Heritage Conservation

In line with the objective of this direction, the aim of the planning proposal is to more accurately identify, describe and list Archaeological Sites in Schedule 5 of MLEP 2012 in order to provide more certainty to landowners and ensure conservation of these sites.

7.1 Implementation of A Plan for Growing Sydney

As outlined under "consistency with strategic planning framework" the proposal is consistent with the direction of A Plan for Growing Sydney.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Aerial images have been provided which identify the location of Archaeological Sites in Mosman based on the outcome of studies undertaken by Austral Archaeology as explained under "Need for Planning Proposal".

For the purposes of public exhibition, MLEP 2012 Heritage Maps (HER_001-004), showing both the existing and proposed situation, are required.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Affected land owners were notified by letter about the review of Archaeological Sites undertaken by Council (see "Need for Planning Proposal"). This included NSW Maritime, NSW Parks & Wildlife Service, Zoological Parks Board and Royal Australian Navy - HMAS Penguin.

No views were expressed to Council by affected land owners at the time of the study.

Any further consultation will be undertaken in accordance with the Gateway determination. Council has indicated its intention to notify affected landowners about the exhibition of the planning proposal.

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Council suggests that an exhibition period of 14 days would be appropriate.

Project Time Line

The planning proposal contains an estimated project time line for completion by January 2016.

The Department considers a 6 month project time line for completion is adequate (March 2016).

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 :

Proposal Assessment

Principal LEP:

Due Date : **December 2011**

Comments in
relation to Principal
LEP :

MLEP 2012 was notified on 9 December 2011 and commenced on 1 February 2012.

Assessment Criteria

Need for planning
proposal :

In January 2015, Austral Archaeology were engaged to determine the exact location and extent of the 16 Archaeological Sites listed in Schedule 5 Part3 of MLEP 2012. The outcomes of this work has resulted in changes to MLEP 2012 as outlined under "explanation of provisions."

Consistency with
strategic planning
framework :

The planning proposal is consistent with A Plan for Growing Sydney and the draft Inner North Subregional Strategy. Action 3.3.4 of A Plan for Growing Sydney discusses the Government's commitment to identifying, protecting and managing areas with heritage significance.

The planning proposal is consistent with key initiatives under Mosman's Community Strategic Plan, including the need to review heritage studies relating to Archaeological Sites.

Environmental social
economic impacts :

Environmental

It is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the planning proposal.

Social and Economic Impacts

Accurate identification, description and listing of Archaeological Sites in MLEP 2012 will provide more certainty to landowners about the extent of these sites and therefore help to conserve the significant of these areas.

For example, items of environmental heritage must be identified on Section 149 planning certificates issued by Council. This information provides transparency of information to landowners and potential purchasers of land about the extent of these items.

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Further, where works have the potential to affect the significance of an Archaeological Site, a development application needs to be lodged with Council. Therefore, accurate listing of these sites in MLEP 2012 helps to conserve their significance via the development approval process.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage**
Office of Environment and Heritage - NSW National Parks and Wildlife Service
Transport for NSW
Other

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 :

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
Planning Proposal.pdf	Proposal	Yes
cover letter.pdf	Proposal Covering Letter	Yes
Attachment 1.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- Additional Information :
- 1. The planning proposal be supported;**
 - 2. The planning proposal be considered low impact and exhibited for a period of no less than 14 days;**
 - 3. Council is required to consult with the Office of Environment and Heritage.**

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4. Council exhibit the relevant assessments of Archaeological Sites undertaken for Council, by Austral Archaeology, with the planning proposal;

5. Prior to exhibition, Council is required to include in the planning proposal MLEP 2012 Heritage Maps (HER_001-004) showing the existing and proposed situation in relation to Archaeological Sites;

6. A public hearing is not required; and

7. The planning proposal is to be finalised within 6 months from the date of the gateway determination.

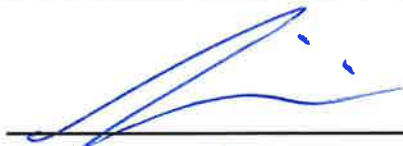
Supporting Reasons :

The planning proposal is supported for the following reasons:

- it is consistent with a Plan for Growing Sydney and the draft Inner North Subregional Strategy;

- accurate identification, description and listing of Archaeological Sites in MLEP 2012 will provide more certainty to landowners and ensure conservation of these sites via the development approval process.

Signature:



Printed Name:

W. Williamson

Date:

15/10/2015