

Planning Proposal Bungonia Heritage Conservation Area

Proposal Title :	Planning Proposal Bungonia Heritage Conservation Area		
Proposal Summary :	The Planning Proposal seeks to amend the Goulburn Mulwaree Local Environmental Plan 2009 to establish a Heritage Conservation Area over the village of Bungonia.		
PP Number :	PP_2016_GOULB_004_00	Dop File No :	16/15885

Proposal Details

Date Planning Proposal Received :	13-Dec-2016	LGA covered :	Goulburn Mulwaree
Region :	Southern	RPA :	Goulburn Mulwaree Council
State Electorate :	GOULBURN	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :			
Suburb :	Bungonia	City :	Goulburn Mulwaree
		Postcode :	2580
Land Parcel :	All land comprising the village of Bungonia as shown on the Site Identification Map provided with the Planning Proposal		

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes

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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 : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **It is proposed to establish a heritage conservation area over the village of Bungonia.**

Adequacy Assessment

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

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

Comment : **The stated intended outcome of the Planning Proposal (PP) is to amend the Goulburn Mulwaree LEP 2009 to establish a Heritage Conservation Area over the village of Bungonia.**

It is considered that the statement of objectives provided is adequate and meets the requirements of the Department's guide to preparing planning proposals.

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

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

Comment : **The explanation of provisions provided to achieve the objectives is to:**

- 1. amend the Heritage Map - Sheet HER_003 and Heritage Map - Sheet HER_003BA to identify the land shown in Appendix 2 as a heritage conservation area.**
- 2. amend Schedule 5, Part 2 to include the 'Bungonia Conservation Area'.**

It is considered that the explanation of provisions provided is adequate and meets the requirements of the Department's guide to preparing planning proposals.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

2.3 Heritage Conservation

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

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

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

d) Which SEPPs have the RPA identified?

Drinking Water Catchments Regional Environmental Plan No. 1

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

Council has requested the use of Minister's plan making delegations. It is considered that Council's request is appropriate given that the PP addresses a local heritage matter.

RECOMMENDATION: That Council's request to use the Minister's plan making delegations is supported.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

The Planning Proposal does not identify any inconsistencies with the Sydney-Canberra Corridor Regional Strategy, Council's local strategies (Goulburn-Mulwaree Strategy 2020 and Community Strategic Plan 2030), applicable SEPPs or Section 117 Directions. Council's view is supported.

In relation to S117 Direction 5.2 Sydney Drinking Water Catchments and SEPP (Sydney Drinking Water Catchments) 2011, Council has consulted with WaterNSW on the PP as required by the Direction. WaterNSW's letter dated 6 December 2016 states that no WaterNSW land or assets is affected by the proposal and it will not impact on water quality. Although the PP identifies that Council will consult with WaterNSW during the exhibition of the PP, this is not considered necessary given WaterNSW's comments provided.

In relation to S117 Direction 4.4 Planning for Bushfire Protection, at this stage of the Planning Proposal, it is neither consistent nor inconsistent as the Direction requires consultation with the Rural Fire Service post Gateway determination and prior to exhibition.

It is also considered that the PP is not inconsistent with the draft South East and Tablelands Regional Plan that is currently being prepared by the Department.

RECOMMENDATIONS:

1. The Secretary can be satisfied that the PP is consistent with the Sydney Canberra Corridor Regional Strategy, Council's local strategies and Section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.3 Heritage Conservation, 5.1 Implementation of Regional Strategies, 5.2 Sydney Drinking Water Catchments.

2. That further consultation with WaterNSW on the PP is unnecessary.

3. The Secretary can be satisfied that the PP will be consistent with Direction 4.4 Planning for Bushfire Protection when Council has consulted the Rural Fire Service following Gateway determination in accordance with the Direction.

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Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : The PP provides Site Identification and Heritage Maps. These are considered to be adequate for the purposes of public exhibition. Council's final LEP Maps will need to meet the requirements of the Department's technical mapping guidelines prior to the finalisation of the PP.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : The PP states that Council has previously consulted affected landowners and stakeholder groups during exhibition of Council's report entitled "Bungonia - Investigation into a potential Heritage Conservation Area" which is attached to the PP.

The PP states that Council intends to exhibit the PP for a 28 day period and to notify the exhibition via local newspaper, Council's website, write to affected and adjoining landholders and to write to the Bungonia Progress Association. It is considered that the community consultation proposed by Council is appropriate.

RECOMMENDATION: That the PP is exhibited for a 28 day period.

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 : It is considered that the PP meets all six parts of a PP required by the Department's guide to preparing planning proposals.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Goulburn Mulwaree LEP was notified in 2009.

Assessment Criteria

Need for planning proposal : Goulburn Mulwaree Council has prepared a heritage report entitled "Bungonia - Investigation into a potential Heritage Conservation Area" which identifies that the Village has high archaeological potential relating to the early colonial period when the town serviced travellers due to its location on the eastern minor branch of the Great South Road and for its role as an administration centre for the surrounding district. The report recommends the establishment of a Heritage Conservation Area at Bungonia Village.

Council has consulted the community on the draft report and the community is generally supportive of the establishment of a HCA at Bungonia village.

The PP is needed to facilitate an amendment of the Goulburn Mulwaree LEP 2009 to establish Bungonia Village as a Heritage Conservation Area.

Consistency with strategic planning framework :

The PP states that it is consistent with the Sydney-Canberra Corridor Regional Strategy, notably the PP will ensure that the Goulburn Mulwaree LEP "will include appropriate provisions to protect significant towns and villages...associated with natural and cultural landscapes and curtilages (p.50) and achieve the aim of "protecting conservation values...visual character and setting to reinforce the economic base for tourism (p.50). Council's view that the PP is consistent with the Regional Strategy is supported.

It is also considered that the PP is consistent with the draft South East and Tablelands Regional Plan, notably Direction 2.5 "Protect the region's cultural heritage" (p.36) and Action 2.5.1 "Conserve heritage sites when preparing local planning controls" (p.37).

The PP states that it is consistent with the endorsed Goulburn Mulwaree Strategy 2020, which requires "the character of Bungonia should be retained and future policies will ensure that any new developments are sympathetic to the heritage character of the village such as fencing, colour schemes and facades (p.11).

The PP also states that it is consistent with Council's Community Strategic Plan's Key Direction 5.1.1 "To protect local heritage, public places and amenity including the protection of significant architecture, indigenous heritage and the natural environment". Council's view that the PP is consistent with its local strategies is supported.

As mentioned previously, it is considered that the PP is consistent with applicable SEPPs and S117 Directions.

Environmental social economic impacts :

The PP states that it will not increase the likelihood of adverse effects on the ecology of the subject land or have any adverse effects to the natural environment. Council's view is supported given the nature of the PP. It is noted that Bungonia adjoins Bungonia National Park. The National Parks and Wildlife Service may wish to comment on the PP.

RECOMMENDATION: That the NPWS, as an adjoining neighbour, is consulted on the PP.

The PP states that creation of the Bungonia Heritage Conservation Area (HCA) will assist in the protection of the built environmental heritage values located within the proposed conservation area. It is also considered that the HCA will provide social and economic benefits for tourism and the local economy.

The PP identifies that the community has raised concern with Council about the potential costs of heritage assessments to accompany development applications. The PP identifies that there are potential methods available to streamline this process such as undertaking a study of the whole HCA and apportioning the cost to the various landowners if/when development is proposed. It is considered that Council's proposed method to streamline the application process in relation to the HCA has merit.

It is considered that the OEH (Heritage Office) may be interested in commenting on the PP in relation to the above matters.

RECOMMENDATION: That the OEH (Heritage Office) be consulted on the PP.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage - NSW National Parks and Wildlife Service NSW Rural Fire Service		

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Is Public Hearing by the PAC required? No

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

If no, provide reasons : Council's heritage report has recommended the establishment of a HCA at Bungonia Village which has been endorsed by Council. The PP is the appropriate mechanism to facilitate the establishment of the HCA via an amendment to the Goulburn Mulwaree LEP 2009.

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_Bungonia_HCA.pdf	Proposal	Yes
Goulburn Mulwaree Council covering letter.pdf	Proposal Covering Letter	Yes
WaterNSW 6 December 2016 letter.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
- 2.3 Heritage Conservation
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments

Additional Information : It is **RECOMMENDED** that the Acting Director Regions, Southern as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Goulburn Mulwaree LEP 2009 to establish a Heritage Conservation Area over the village of Bungonia should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 28 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 publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Environment, 2016)'.

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

* Office of Environment and Heritage (Heritage Office and NPWS)

* NSW Rural Fire Service (s117 Direction 4.4)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A 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 or if reclassifying land).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

SECTION 117 DIRECTIONS

6. It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions list applicable directions:

- * 1.2 Rural Zones
- * 1.5 Rural Lands
- * 2.3 Heritage Conservation
- * 5.1 Implementation of Regional Strategies
- * 5.2 Sydney Drinking Water Catchments

(b) The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, when Council has consulted with the Rural Fire Service prior to undertaking community consultation;

(c) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(d) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

SEPPS

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

Consultation with the NSW RFS and OEH (Heritage & NPWS) is required to ensure that any specific issues relevant to these agencies are identified and reflected in the further preparation of the PP.

Signature:

 Team Leader.

Printed Name:

GRAMHAM TOWERS

Date:

22/12/16

