

Amend Schedule 5 and the heritage maps

Proposal Title : **Amend Schedule 5 and the heritage maps**

Proposal Summary : **The proposal involves adding 84 new heritage items to Schedule 5 and the heritage maps as well as amending two existing heritage items and removing one heritage item listed in error.**

PP Number : **PP_2014_WINGE_009_00**

Dop File No : **14/03412-1**

Proposal Details

Date Planning
Proposal Received : **22-Sep-2014**

LGA covered : **Wingecarribee**

Region : **Southern**

RPA : **Wingecarribee Shire Council**

State Electorate : **GOULBURN**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Various sites - see proposal for detail**

DoP Planning Officer Contact Details

Contact Name : **Meredith McIntyre**

Contact Number : **0262297912**

Contact Email : **meredith.mcintyre@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **David Matthews**

Contact Number : **0248680773**

Contact Email : **david.matthews@wsc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Graham Towers**

Contact Number : **0242249467**

Contact Email : **graham.towers@planning.nsw.gov.au**

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**

Amend Schedule 5 and the heritage maps

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 : **The majority of the new heritage items are of local significance and have been the subject of a heritage study. Two items are State heritage items listed on the State Heritage Register since the Wingecarribee LEP 2010 was made. Two additional items are to be amended in line with another recent State Heritage Register listing. One existing heritage item is to be removed as it is not an item of heritage significance and was included in error in the Wingecarribee LEP 2010.**

Adequacy Assessment

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

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

Comment : **The objectives are to add, alter and delete heritage items.**

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

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

Comment : **Council will need to ensure appropriate maps are prepared for public exhibition.**

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

1.1 Business and Industrial Zones

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

Amend Schedule 5 and the heritage maps

6.1 Approval and Referral Requirements 6.2 Reserving Land for Public Purposes 6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified? **N/A**

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

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

If No, explain :

SECTION 117 DIRECTIONS:

1.1 BUSINESS AND INDUSTRIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed business or industrial zone. The proposal is considered to be **CONSISTENT** with this direction.

1.2 RURAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed rural zone. The proposal is considered to be **CONSISTENT** with this direction.

1.5 RURAL LANDS: This Direction does apply to the planning proposal as it will affect land within an existing or proposed rural or environmental protection zone/proposes to change the existing minimum lot size on land within a rural or environmental protection zone. The proposal is considered to be **CONSISTENT** with this direction.

2.1 ENVIRONMENT PROTECTION ZONES: Council has identified that this Direction applies to the planning proposal, however it does not apply as it does not propose to reduce the environmental protection standards that apply to the land.

2.3 HERITAGE CONSERVATION: This Direction does apply to the planning proposal as it affects items, places, buildings, works, relics moveable objects or precincts of environmental heritage significance. The proposal is considered to be **CONSISTENT** with this direction.

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted. The proposal is considered to be **CONSISTENT** with this direction.

3.3 HOME OCCUPATIONS: Council has identified that this Direction applies to the planning proposal, however it does not apply as it doesn't affect the provisions relating to the permissibility of home occupations in dwelling houses.

4.3 FLOOD PRONE LAND: This Direction does apply to the planning proposal as it will create, remove or alter a zone or a provision that affects flood prone land. The proposal is considered to be **CONSISTENT** with this direction.

4.4 PLANNING FOR BUSHFIRE PROTECTION: This Direction does apply to the planning proposal as it will affect/is in close proximity to land mapped as bushfire prone land. However, it is considered that due to the nature of the proposal that does not create any additional development potential and the unlikely impact on bushfire risk, consultation is not required.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES: This Direction does apply to the planning proposal as the Sydney-Canberra Corridor Regional Strategy applies to the land. The proposal is considered to be **CONSISTENT** with this direction.

Amend Schedule 5 and the heritage maps

5.2 SYDNEY DRINKING WATER CATCHMENT: This Direction does apply to the planning proposal as the land is within the Sydney drinking water catchment.
The proposal is considered to be **CONSISTENT** with this direction.

6.1 APPROVAL AND REFERRAL REQUIREMENTS: Council has identified that this Direction applies to the planning proposal, however it does not apply as it does not include provisions that require the concurrence, consultation or referral of development applications to the Minister or a public authority.

6.2 RESERVING LAND FOR PUBLIC PURPOSES : Council has identified that this Direction applies to the planning proposal, however it does not apply as it does not create/alter/reduce existing zonings or reservations of land for public purposes.

6.3 SITE SPECIFIC PROVISIONS: Council has identified that this Direction applies to the planning proposal, however it does not apply as it does not allow a particular development to be carried out.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Council will need to prepare adequate maps for exhibition and maps that are compliant with the Mapping Guidelines prior to completion.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes 28 day exhibition.**

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 :

Comments in relation to Principal LEP : **Wingecarribee LEP 2010**

Assessment Criteria

Need for planning proposal : **Council has undertaken a heritage study and review of heritage items and has identified a large number of changes to be made to the heritage schedule.**

Consistency with strategic planning framework : **This proposal is consistent with the strategic planning framework.**

Environmental social economic impacts : **There are no adverse environmental, social or economic impacts from the proposal.**

Amend Schedule 5 and the heritage maps

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **18 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

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 :

A heritage study has been prepared to inform the proposal.

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
2-Delegation Evaluation Form - 5901-32.doc	Proposal	Yes
Gateway Request to DP&E.pdf	Proposal Covering Letter	Yes
0-Planning Proposal - Version 1-2 - 5901-32 - New Heritage Items.pdf	Proposal	Yes
Report to Council 140813 - Notice of Motion Challenor Cottage.pdf	Proposal	Yes
Minutes of Council 140813 - Notice of Motion Challenor Cottage.pdf	Proposal	Yes
Report to Council 281112 - Heritage Survey Project.pdf	Proposal	Yes
Minutes of Council 281112 - Heritage Survey Project.pdf	Proposal	Yes
Black Mountain Projects heritage advice - Challoner Cottage November 2012.pdf	Proposal	Yes
JRPP recommendation - Challoner Cottage.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
1.2 Rural Zones
1.5 Rural Lands

Amend Schedule 5 and the heritage maps

2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.3 Home Occupations
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
5.2 Sydney Drinking Water Catchments
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions

Additional Information :

It is **RECOMMENDED** that the A/General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wingecarribee LEP 2010 to amend Schedule 5 and the Heritage Maps is approved subject to the following:

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 Infrastructure, 2013)'.

2. 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).

3. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

4. 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.

5. **SECTION 117 DIRECTIONS** - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 1.1 Business & Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies, and 5.2 Sydney Drinking Water Catchment.

(b) 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

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

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

Supporting Reasons :

The proposal is considered a relatively minor matter and is adequate to proceed. It will enhance the protection of heritage in the Shire. Appropriate maps will need to be prepared prior to public exhibition and to finalisation of the draft plan.

Amend Schedule 5 and the heritage maps

Signature:

G. Towers Local Planning Manager.

Printed Name:

Graham Towers

Date:

30/9/14

