NSW GOVERNMENT | Planning & Environment

Planning Team Report

Dungog LEP 2014 – Minor heritage amendments

Proposal Title :	**Dungog LEP 2014 – Minor heritage amendments**		
Proposal Summary :	**The planning proposal seeks to amend Schedule 5 Environmental Heritage and the associated Heritage map.**		
PP Number :	**PP_2015_DUNGO_001_00**	Dop File No :	**15/16020**

Proposal Details

Date Planning Proposal Received :	**29-Oct-2015**	LGA covered :	**Dungog**
Region :	**Hunter**	RPA :	**Dungog Shire Council**
State Electorate :	**UPPER HUNTER**	Section of the Act :	**55 - Planning Proposal**
LEP Type :	**Housekeeping**		

Location Details

Street :	**Numerous address**				
Suburb :		City :		Postcode :	
Land Parcel :	**Numerous addresses**				

DoP Planning Officer Contact Details

Contact Name :	**Paul Maher**
Contact Number :	**0249042719**
Contact Email :	**paul.maher@planning.nsw.gov.au**

RPA Contact Details

Contact Name :	**Kristy Cousins**
Contact Number :	**0249957753**
Contact Email :	**KristyC@dungog.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	

Dungog LEP 2014 – Minor heritage amendments

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 :			
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 objective of the Planning Proposal is to update and make corrections to Schedule 5 Environmental Heritage including property title descriptions, address changes and to correct mapping errors on associated maps.**

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

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

Comment : **The proposal will correct and update property details that have changed in relation to heritage items as well as correct mapping of heritage items. A description of inaccurate property details and justification for the proposed corrections is contained in Appendix 1 of the Planning Proposal. There are 76 proposed changes to Schedule 5 Environmental Heritage of Dungog LEP 2014 which facilitate these corrections and these are contained in Appendix 2.**

Appendix 3 contains 44 proposed changes to the Heritage maps which in many cases are linked to corrections to property details in Schedule 5.

The explanation of provisions is adequate as it provides the parameters to amend Dungog LEP 2014.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **2.3 Heritage Conservation**
6.1 Approval and Referral Requirements

* 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? **SEPP (Exempt and Complying Development Codes) 2008**

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

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

If No, explain : **SEPP (Exempt & Complying Development Codes) 2008 – the Planning Proposal will have an impact on how the Codes SEPP can be applied to sites where heritage identification has altered in Schedule 5 or on the Heritage map. This will effect exempt and complying development on these sites. The Planning Proposal is consistent with the Codes SEPP as it correctly applies heritage restrictions to exempt and complying development over land containing heritage items.**

S117 Directions

2.3 Heritage Conservation – the Planning Proposal is consistent with Direction 2.3 as it complies with clause 4 by protecting heritage items through ensuring the property description of each items accurately reflects its location.

6.1 Approval and Referral Requirements - the Planning Proposal is consistent with Direction 6.1 as it does not require further consultation with public authorities. No local heritage item has been upgraded to a State item requiring referral to the Heritage Division of the Office of Environment and Heritage.

No agreement of the Secretary's delegate is required.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided is adequate for public exhibition however Standard LEP maps will be required for LEP publication.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 14 day consultation period. This is considered appropriate given the proposal is considered to be administrative in nature and has 'low impact' implications.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **PROJECT TIMELINE**

Council's timeline nominates the Planning Proposal's completion within seven (8) months after the Gateway Determination. It is considered that a nine (9) month completion timeframe is appropriate which requires the Planning Proposal to be completed by August 2016.

DELEGATION AUTHORISATION

Council resolved that it was not in a position to accept delegations for making LEPs in 2012 and therefore LEP delegations are not sought for this Planning Proposal.

It is recommended that authority to exercise delegations not be granted as Council was not issued with this authority in the first instance.

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 : **Dungog Standard Instrument was published 30 May 2014.**

Assessment Criteria

Need for planning proposal :

The planning proposal is the result of Dungog Heritage Study 1988 which was later reviewed in 2014 as part of the Standard Instrument process. It was determined through this process that the anomalies in Schedule 5 should be resolved as a separate Planning Proposal as it was thought that a conversion of the previous instrument to LEP 2014 was the most expedient course of action.

A planning proposal is considered the most effective and timely method available to implement this objective.

Consistency with strategic planning framework :

LOWER HUNTER REGIONAL STRATEGY 2006 (LHRS) does not apply to the Dungog LGA.

UPPER HUNTER STRATEGIC REGIONAL LAND USE PLAN 2012 (UHSRLUP)

The Planning Proposal is consistent with the UHSRLUP as it improves protection against impacts to cultural heritage. The PP also addresses one of the challenges for cultural heritage in the Upper Hunter which is that the current identification and protection of both Aboriginal and historic cultural heritage within the region is not comprehensive, as it is reliant on in some instances incomplete data sets.

The review of the Dungog Heritage Study 1988 improved the data set available to Council and its inclusion in Schedule 5 will ensure greater protection of heritage items.

Environmental social economic impacts :

ENVIRONMENTAL
There are no known environmental impacts as a result of the proposed changes to Schedule 5 and the Heritage Map.

HERITAGE
The proposal will increase the protection of listed heritage items by way of mapping and describing them more accurately in Dungog LEP 2014. It is recommended that the matter be referred to the Heritage Division of the Office of Environment and Heritage as there are changes to State Heritage items in Schedule 5.

ECONOMIC & SOCIAL
There are potential positive economic impacts for the community as the Planning Proposal will reinforce the heritage values of Dungog and surrounding towns and villages that forms part of the attraction to the place to visit and live. There are also positive social benefits to

the community as the cultural heritage of the area has the effect of providing links to the past for the next generation and contributes to the cultural identity and sense of belonging of the place.

Assessment Process

Proposal type :	**Minor**	Community Consultation Period :	**14 Days**
Timeframe to make LEP :	**9 months**	Delegation :	**Nil**
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 :

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
Dungog letter.pdf	**Proposal Covering Letter**	**Yes**
Dungog Planning Proposal Sch 5 Heritage.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**
6.1 Approval and Referral Requirements

Additional Information : **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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 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 publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013). **2. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:** • **Heritage Division of the 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 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 9 months.**
Supporting Reasons :	**1. The PP will provide more protection for existing Heritage Items in Dungog LEP 2014 Schedule 5.**

Signature: _____

Printed Name: K O'Flaherty Date: 13/11/15.