



UNGOG SHIRE COUNCIL

Communications to be addressed to:

General Manager
Dungog Shire Council
PO Box 95
DUNGOG NSW 2420

Telephone: (02) 4995 7777
Facsimile: (02) 4995 7750
Email: shirecouncil@dungog.nsw.gov.au
Website: www.dungog.nsw.gov.au
ABN 62 610 350 056

Our Ref: EF14/73 – kmc

27 October 2015

Regional General Manager
Department of Planning and Environment
PO Box 1226
NEWCASTLE NSW 2300

Attention: Mr Paul Maher

Dear Sir,

**Re: DRAFT AMENDMENT TO DUNGOG LEP 2014
PLANNING PROPOSAL – HERITAGE AMENDMENTS**

At the Ordinary Meeting of Council held on the 20 October 2015, Council resolved to endorse the Planning Proposal to amend the Dungog Local Environmental Plan 2014, pursuant to Section 55 of the *Environmental Planning & Assessment Act 1979* (EPA Act), in order to address various minor heritage matters as outlined in the document "Planning Proposal – Heritage Amendments".

In accordance with Section 56 of the EPA Act Council is now forwarding the Planning Proposal to the Minister for a gateway determination.

Please find the attached Planning Proposal, Council Report and minutes detailing the resolution.

Council is not seeking authorisation to exercise delegation in the making of the Local Environmental Plan.

If you require any additional information regarding this matter, please contact the undersigned on 4995 7753.

Yours faithfully,

Kristy Cousins
TOWN PLANNER



PLANNING DEPARTMENT

Kristy Cousins

1. DRAFT AMENDMENT TO DUNGOG LEP 2014 PLANNING PROPOSAL REPORT HERITAGE SCHEDULE AMENDMENT

Precis

This report seeks Council's endorsement of the attached planning proposal (PP) to amend the Dungog Local Environmental Plan 2014 (LEP 2014). The intent of the planning proposal is to correct various anomalies within the Dungog Local Environmental Plan 2014 (LEP 2014), Schedule 5 Environmental Heritage and the LEP 2014 Heritage Maps. This report recommends that the PP be supported to achieve the desired outcome.

BACKGROUND

Since the Dungog LEP 2014 came into force it has become apparent that a number of the Heritage Items within Schedule 5 have incorrect/outdated details contained in the listing. Council staff undertook a detailed desktop review, and in some cases undertook a site inspection of all the heritage listings to confirm the correct information. In the majority of cases the Lot, DP and addresses need to be updated as they have been converted from old systems title or due to subdivision. During the detailed review of the Heritage Items a number LEP mapping anomalies were also detected.

PROPOSAL

The proposed amendments to Schedule 5 – Environmental Heritage of the Dungog Local Environmental Plan 2014 can be seen in the Planning Proposal (**Annexure 'A'**). It is proposed to amend the description of 76 Heritage Listed Items, and make 44 amendments to the LEP Heritage Maps.

GATEWAY

If Council resolves to support the planning proposal, the planning proposal will be sent to the Minister for Planning (or delegate) for a gateway determination. A gateway determination specifies whether a planning proposal is to proceed and, if so, in what circumstances.

It is important to note that a gateway determination under section 56 of the EP&A Act must be obtained authorising a planning proposal to proceed before community consultation takes place.

CONSULTATION

The Gateway determination will detail the consultation required. It is anticipated that the planning proposal will be considered to be low impact and as such should be advertised for a period of 14 days in accordance with the Department of Planning's guidelines "*A guide to preparing local environmental plans*".

The recommended advertising to be undertaken should include;

- Notice in the Local newspaper;
- Exhibition of maps and relevant consultation documents at the Councils Administration Building;
- Maps and consultation documents to be made available on the Councils web site;
- and

Extract from the Ordinary Council Meeting of the 20 October 2015

- Letters to property owners included in the proposal to advise them of the changes/corrections that are proposed.

IMPLICATIONS

Financial

As this Planning Proposal has been prepared by Council, no fees have been collected for its preparation. The work will be undertaken by Council's Planning staff within their current allocated work program and budget.

Policy

The proposal has been assessed against relevant State Environmental Planning Policies and Section 117(2) directions. No unjustified inconsistencies have been identified. Details of their consideration are included within the Planning Proposal. The proposal is also consistent with the Dungog Local Environmental Plan 2014.

Environmental

Given the nature of this amendment no adverse environmental effects are anticipated.

Statutory

The statutory process for preparing an amendment to the Dungog LEP 2014 is detailed in Part 3, Division 4 of the *Environmental Planning and Assessment Act 1979* and will be adhered to.

Minute No. 36918

RESOLVED on the motion of Cr Bowden and seconded by Cr Knudsen that Council resolves to:

1. Endorse the attached planning proposal to amend the Dungog Local Environmental Plan 2014, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, in order to address various minor heritage matters as outlined in the document 'Planning Proposal – Heritage Amendments'.
2. Forward the planning proposals to the Minister for Planning and Infrastructure for gateway determination pursuant to Section 56 of the EP&A Act 1979.
3. Advise the Director-General of Planning and Infrastructure NSW that Council does not seek to exercise delegations for undertaking Section 59(1) of the EP&A Act 1979.
4. Consult with the community and relevant government agencies as instructed by the gateway determination.
5. Receive a report back on any planning proposal to which a written objection is received during consultation with the community as per the requirements of Section 57 of the EP&A Act 1979, otherwise forward the planning proposals to Planning and Infrastructure NSW requesting to make the proposed amendments to Dungog LEP 2014.

The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 9 for 0 against as follows:

<i>For: Crs Johnston, Bale, Norman, McKenzie, Farrow, Knudsen, Booth, Wall, Bowden.</i>
