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A vibrant, united community,
with a sustainable economy.
An area where rural character,
community safety and
lifestyle are preserved.

PLANNING PROPOSAL

AMENDMENT TO DUNGOG LOCAL ENVIRONMENTAL PLAN 2014

CLARENCE TOWN COURT HOUSE MUSEUM RECLASSIFICATION

Lot 20 DP 729796
Prince Street, Clarence Town



DungogShire
Life as it should be...

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INTRODUCTION

This Planning Proposal (PP) provides an explanation of the intended effect and justification for the amendment to the *Dungog Local Environmental Plan 2014* (DLEP 2014) for the reclassification of land owned by Council known as Lot 20 DP 729796 Prince Street Clarence Town from community land to operational land.

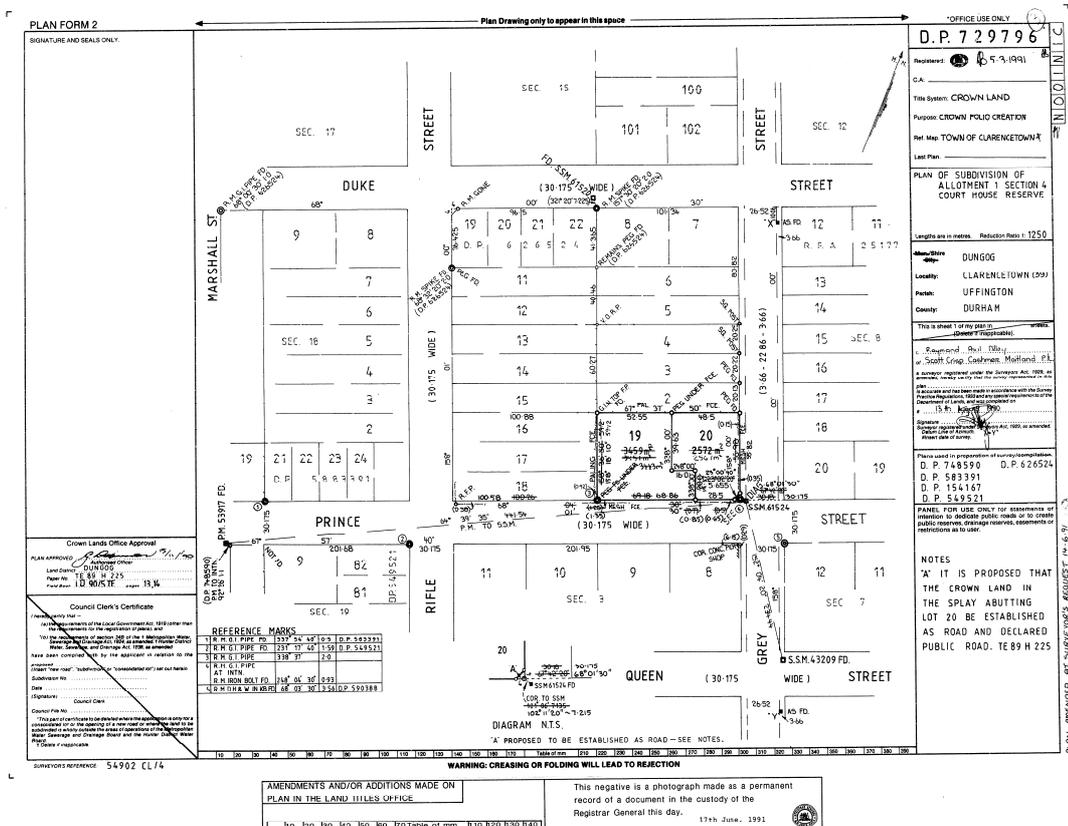
The PP has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the format specified within the relevant Department of Planning Guidelines including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

BACKGROUND

The subject site is known as Lot 20 DP 729796 Prince Street Clarence Town. A copy of the Deposited Plan is attached as **Figure 1**. The site is located along the north western corner of Prince and Grey Streets. The site has a frontage of 28.5m to Prince Street and an area of 2567m².

The property presently contains the original Court House building (currently utilised as the Clarence Town Historic Museum), a storage shed and an amenities block and comprises a well maintained lawn.

Figure 1: Extract of Deposited Plan



The subject site is currently zoned B2 Local Centre pursuant to the *Dungog Local Environmental Plan (DLEP) 2014* and surrounding lots are the same zone. **Figure 2** depicts an extract of the zoning map of Dungog LEP 2014 applying to this area.

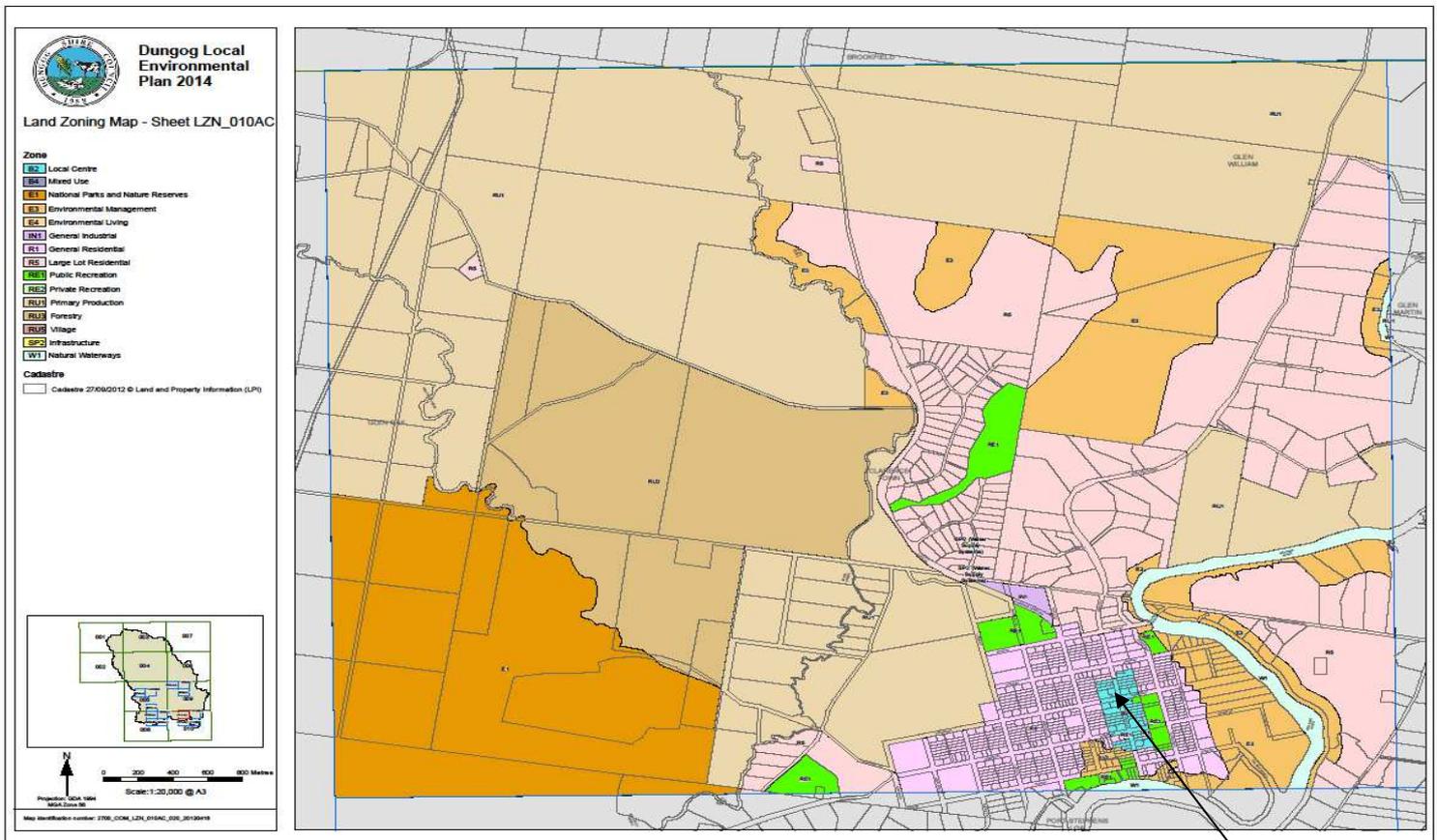


Figure 2: Extract of Zoning Map from Dungog LEP 2014

In 2015 Council received a request for the site to be offered to the Clarence Town Progress association to manage on behalf of the Clarence Town & District Historical Museum Assoc. Inc. The change of ownership could not proceed as reclassification of the site was necessary from community to operational land.

Subsequently Council at its meeting of 15 December 2015 resolved to support reclassification of this land from community to operational land.

Council Resolution

1. Commit to the transfer of the property at 115 Prince Street Clarence Town to the Clarence Town & District Progress Association subject to a planning proposal for the re-classification of land being Lot 20 DP 729796 from community land to operational and being undertaken by Council or its agents;
2. Offer an interim licence agreement over the site to the Clarence Town & District Progress Association.

PART 1: OBJECTIVE OF THE PLANNING PROPOSAL

Objective

This Planning Proposal seeks to amend Schedule 4 of *Dungog Local Environmental Plan 2014* by reclassifying Lot 20 DP 729796 Prince Street Clarence Town within the Dungog Local Government Area from community land to operational land.

PART 2: EXPLANATION OF PROVISIONS

It is intended to reclassify Lot 20 DP 729796, Prince Street Clarence Town from community land to operational land by amending the DLEP 2014.

The PP will amend DLEP 2014 by including Lot 20 DP 729796, Prince Street Clarence Town as land as operational land within Schedule 4 as follows:

Insert:

Schedule 4 Classification and reclassification of public land**Part 1 Land classified, or reclassified, as operational land—no interests changed**

Column 1	Column 2
Lot 20 DP729796 Prince Street Clarence Town	Operational

This will enable Council to transfer ownership of the land to the Clarence Town Progress Association on behalf of the Clarence Town & District Historical Museum Association Inc.

PART 3: JUSTIFICATION of PROVISIONS

Section A: Need for Planning Proposal

1. Is the planning proposal a result of any strategic study or report

This PP is not a result of a strategic study or report. Dungog Shire Council has identified that this land at Clarence Town is occupied by the Clarence Town & District Historical Museum Association Inc. and that the Clarence Town Progress Association wishes to take ownership of the site to further the Associations Charter.

The Dungog Local Government Area Situational Analysis (SA) and the Dungog Land Use Strategy (LUS) were adopted by Council on 10 February 2010. Figure 5 of this LUS depicts the subject site is Local Centre B2. Refer to **Figure 3** below for further details. Council resolved to reclassify the land on the 15 December 2015 minute number 36665 is attached at **Appendix 1** of this PP.

It is noted that Section 1.3.3 Future Land Use Goals of the Dungog LUS states:

“In order to realise this future vision and desired character the following land use goals have been established.”

Some of the identified goals in relation to the Clarence Town Planning District are:

“Goal 2” : To consolidate the business centre

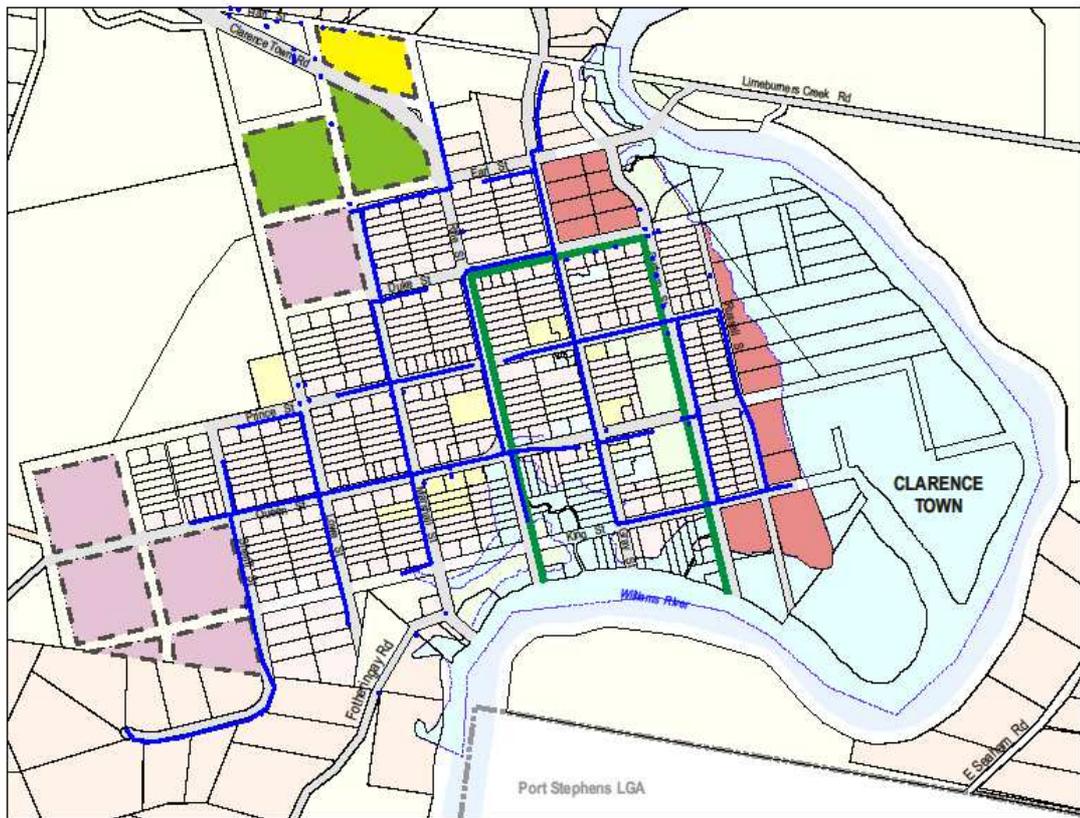
“Goal 3” : To build on local heritage features to improve village amenity

“Goal 7” : To consider and promote tourism opportunities when assigning land uses

“Goal 8” : To support community cohesion and vitality through the maintenance of cultural, sporting and recreational facilities

“Goal 9” : To promote tourism visitation

This PP will assist in achieving these goals and should ensure that the desired future character of Clarence Town is retained after reclassification. The reclassification will enable a change in ownership to a community based group that wish to preserve the heritage values of the site.



DISCLAIMER:
 This map has been produced to assist individuals in determining land details within Dungog Shire Council. The information contained in this report shall not be relied upon by the Council or its staff as a basis for any action. Neither the Council nor its staff are responsible for any loss or damage, whether incurred or not, in relation to the use of the information contained in this report. The Council is not liable for any loss or damage, whether incurred or not, in relation to the use of the information contained in this report.

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 L:\Projects - Draft copy - 10/10/2008

This map has been prepared for Dungog Shire Council for the purpose of the TIA and should be used in conjunction with the report.

LEGEND

Flooding and Infrastructure

- WATER MAIN - INFRASTRUCTURE
- WILLIAMS RIVER FLOODING

Recommended Areas

- EXISTING OPPORTUNITIES FOR RESIDENTIAL EXPANSION (ZONED BUT NOT SUBDIVIDED)
- RECOMMENDED AREA FOR CLARENCE TOWN DCP
- INVESTIGATION AREA FOR PROPOSED EMPLOYMENT / LIGHT INDUSTRIAL
- INVESTIGATION AREA FOR PROPOSED SPORTING FIELDS
- FUTURE INVESTIGATION AREA - RESIDENTIAL EXPANSION

FIGURE 5

Figure 3: Extract from Dungog Land Use Strategy

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The PP is the only means for Council to reclassify the land to operational in order to transfer ownership of the subject land.

The subject site was purchased by Dungog Shire Council in 1991 and has subsequently been used by the Clarence Town & District Historical Museum Association Inc. as a heritage repository and display facility. The site has been used by the Association and managed by the Council since the purchase of the site in 1991.

The LUS identifies in Heritage - Section 10

- The historic, architectural, environmental and rural amenity of the LGA should be preserved by the protection of architectural heritage and historic places
- The conservation of existing heritage should be prioritized over redevelopment in conservation zones
- The design and use of materials that enhance the existing heritage and maintain architectural integrity should be encouraged, particularly in business zones
- All development applications with potential impacts upon Aboriginal archaeological significance should be referred to the Local Aboriginal Council for consideration
- A local working party should be developed that could expose opportunities to better capitalise on built heritage assets as a tourism draw card

The site is listed as having a Heritage Permanent Conservation Order No 558 and the proposal to reclassify the land will have no adverse impact on that order.

The Clarence Town & District Historical Museum Association Inc. are the current occupiers of the site and wish to continue to occupy the site with the assistance of the Clarence Town Progress Association.

The Clarence Town & District Historical Museum Association Inc. are a dedicated group of volunteers who wish to maintain the site in the current form but do not have the financial means to protect and maintain the facility.

3. Is there a net community benefit

Yes. The subject land was acquired by the Council following the NSW Government's intention to dispose of the site as it was surplus to their needs. The Clarence Town & District Historical Museum Assoc. Inc. has been an occupier of Council's asset. The PP will benefit the community in that reclassification will allow the community to run the site in the best interests of the public and maintain the heritage values of the site as they are proud to showcase local history. As a community run organisation they will have greater opportunities to explore alternative funding streams including grants or alternative uses on the site to generate revenue for the long term preservation of the asset. It is the intention of Council to protect the community's interest by lodgement of a caveat on title in the event of the dissolution of the Clarence Town Progress Association.

Section B: Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy including exhibited draft strategies

The Hunter Regional Plan 2036 applies to the land. Whilst the plan does not contain any specific actions in relation to protecting heritage in Dungog, Direction 19 requires the identification and protection of the region's heritage. The subject property is a Heritage Listed Item of State Significance. The planning proposal does not propose any change to the heritage protections of the site and is therefore consistent with this direction.

In the event that the future owners show intent to further develop the site a Development Application will be required. Any Development Application which proposes a change to the Former Courthouse will also require approval from the Heritage Council.

5. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

As previously stated, Dungog Shire Council has adopted a SA and LUS in 2010 with details being discussed in the previous section of this PP. The PP is consistent with these Strategic documents.

Reclassification of the subject land will assist in achieving the listed priorities.

6. Is the Planning proposal consistent with applicable state environmental planning policies (SEPPs)?

An assessment has been undertaken to determine the level of consistency the PP has with relevant State Environmental Planning Policies (SEPPs). The assessment is provided below:

SEPPs	Relevance	Implications
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	This Policy aims to recognise the importance of mining, petroleum production and extensive industries to NSW.	This PP will not affect the aims and provisions of this SEPP.
SEPP No.44 – Koala Habitat Protection	This Policy encourages the proper conservation of vegetation that provides habitat for koalas	There are no known Koala food tree species located on site, nor is there any evidence to suggest any Koala activity in the locality.
SEPP (Infrastructure) 2007	This policy assists local councils by simplifying the process for providing infrastructure in areas such as education, hospitals,	The use of the site is not proposing any change therefore no additional infrastructure will be required.

	roads, railways, emergency services, water supply and electricity delivery.	
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7. Is the Planning proposal consistent with applicable Ministerial Directions (s117 directions)?

The following assessment of the proposal has been undertaken against the following relevant Section 117 Directions:

Direction	Relevance	Implication
1.1 Business and Industrial Zones	This direction requires that business and industrial lands are maintained and that new zones are established in accordance with strategic policy directions.	Consistent. The draft LEP does not propose to rezone any lands within a business or industrial zone. The subject site will remain zoned B2 Local Centre under DLEP 2014.
1.3 Mining, Petroleum Production and Extractive Industries	This direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Consistent. The draft LEP does not prohibit mining of extractive resources, nor does it alter the provisions of the DLEP 2014.
2.1 Environment Protection Zones	This direction is aimed to protect and conserve environmentally sensitive areas.	Consistent The subject site does not contain any environmentally sensitive areas.
2.3 Heritage Conservation	This direction requires that a draft LEP to include provisions to facilitate the protection and conservation of aboriginal and European heritage items.	Consistent The site is listed with a Heritage Permanent Conservation Order No. 558. This PP does not seek to alter the existing heritage provisions of DLEP 2014.
2.4 Recreation Vehicle Areas	To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Consistent The subject land is not identified as being sensitive or of significant conservation value.
4.1 Acid Sulfate Soils	Applies to land that has been identified as having a probability of containing acid sulphate soils.	Consistent. The subject site is not identified as having acid sulphate soils and the draft LEP does not alter any ASS provisions.

4.2 Mine Subsidence and Unstable Land	This direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Not applicable. The subject site is not located within a proclaimed Mine Subsidence District.
4.4 Planning for Bushfire Protection	This direction aims to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and encourages sound management of bush fire prone areas.	Not applicable The subject site and adjacent area is not identified as bushfire prone land.
6.1 Approval and Referral Requirements	This direction prevents a draft amendment from requiring concurrence from, or referral to the Minister or a public authority.	Consistent. The draft LEP will necessitate no concurrence or referrals provisions.
6.2 Reserving Land for Public Purposes	This direction is aimed to facilitate the provision of public services and facilities by reserving land for public purposes, and the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Consistent. The PP involves the reclassification of the land from community to operational land. This draft LEP is not reserving land pursuant to Clause 26 (1)(c) of the E.P. & A Act and therefore there is no requirement to specify the authority to acquire such land as no acquisition clauses are necessary in accordance with Clause 27 of the E.P & A Act or clause 10 of the Regulations. The site will continue to be used by the public under the management of a community group.

Section C: Environmental, Social and Economic Impact

- 8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The site does not require any physical changes and the PP does not propose any change of use. The subject site has been previously cleared of natural vegetation when the Court House was originally developed.

As no record exists of a threatened species or community in this locality, the requirements of Section 5A of the EP&A Act and the Threatened Species Assessment Guidelines have not been used in the assessment of this PP.

- 9. Are there any other likely environmental effects as a result of this planning proposal and how are they proposed to be managed?**

There are no known Aboriginal or European heritage issues or sites that could impact on this proposed PP upon the site or surrounding locality. Hence no further assessment is considered necessary.

The site contains the existing museum and associated infrastructure and the proposed reclassification of the land is unlikely to result in adverse environmental effects.

- 10. How has the planning proposal adequately addressed any social and economic effects?**

It is expected that the PP will have a positive social impact as the transfer of this property to the Clarence Town & District Progress Association will provide for greater opportunities to obtain funding or explore alternative uses on the site to generate revenue for the long term preservation of the asset. They are an active organisation that acts for interests of the local community. They have positive cash flows from other properties which they own on behalf of the community.

- 11. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.**

There are no interests to be extinguished.

- 12. The concurrence of the landowner, where the land is not owned by the relevant planning authority.**

Dungog Shire Council is the owner of the subject land.

Section D: State and Commonwealth Interests

13. Is there adequate public infrastructure for the Planning Proposal?

The PP will not require any changes, nor generate any additional demand on the delivery of public infrastructure within this area.

14. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

Due to the minor nature of the PP it is not expected that consultation with any state or commonwealth public authority will be required, however this will be considered through the Gateway determination.

PART 4: MAPPING

No LEP mapping changes are required as a result of the PP.

Maps applicable to this PP are attached at **Appendix 2**.

PART 5: COMMUNITY CONSULTATION

15. Details of the community consultation that is to be undertaken on the planning proposal

In accordance with section 57(2) of the Environmental Planning and Assessment Act, community consultation is required to be undertaken by Dungog Shire Council in accordance with the Gateway determination.

PART 6: PROJECT TIMELINE

The project timeline will be updated post Gateway Determination and is subject to the requirements of the Gateway Determination. A preliminary timeline is provided below.

Task	Timeframe
Commencement Date – Gateway Determination	November 2016
Timeframe for completion of technical information	No further technical information is likely required
Government Agency Consultation	December 2016
Commencement and completion Dates for Public Exhibition Period	December 2016 – January 2017
Dates for Public Hearing	February – March 2017
Timeframe for consideration of Submissions	April 2017
Timeframe for consideration of a proposal post exhibition	May 2017
Submission to Department to finalise LEP	June 2017

Appendix 1: Council Minute to Reclassify Land

INFRASTRUCTURE & ASSETS DEPARTMENT EXECUTIVE MANAGERS REPORT

Tom Gaff / Steve Hitchens

1. CLARENCE TOWN MUSEUM
EF08/460 - EF09/238 - EF12/17
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Precis:

This report contains further information regarding options for the future of the Clarence Town Museum Building.

Minute No. 36986

RESOLVED on the motion of Cr Wall and seconded by Cr McKenzie that Council:

1. Commit to the transfer of the property at 115 Prince Street Clarence Town to the Clarence Town & District Progress Association subject to a planning proposal for the re-classification of land being Lot 20 DP 729976 from community land to operational land being undertaken by Council or its agents
2. Offer an interim licence agreement over the site to the Clarence Town & District Progress Association

Appendix 2: Mapping

ZONING MAP

