

Clarence Town Court House Museum Reclassification

Proposal Title : **Clarence Town Court House Museum Reclassification**

Proposal Summary : **The planning proposal seeks to amend Dungog Local Environmental Plan 2014 to reclassify Lot 20 DP 729796 Prince Street (Clarence Town Court House Museum) from 'community' to 'operational' land.**

The reclassification will enable the potential sale of the Court House building to Clarence Town Progress Association to manage on behalf of the Clarence Town & District Historical Museum Association Inc.

PP Number : **PP_2016_DUNGO_002_00** Dop File No : **16/13702**

Proposal Details

Date Planning Proposal Received :	19-Oct-2016	LGA covered :	Dungog
Region :	Hunter	RPA :	Dungog Shire Council
State Electorate :	UPPER HUNTER	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	Prince Street		
Suburb :	Clarence Town	City :	Postcode :
Land Parcel :	Lot 20 DP 729796		

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Kristy Cousins**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Delegation Authorisation**
The Minster delegated his plan making powers to Council's in October 2012, Dungog Shire Council did not accept this delegation.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : **The statement of objectives states that the object of the planning proposal is to reclassify Lot 20 DP 729796 Prince Street Clarence Town from community land to operational land.**

The statement of objectives is supported.

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

Is an explanation of provisions provided? Yes

Comment : **The explanation of provisions explains that the objective will be achieved through an amendment to Schedule 4 of the Dungog Local Environmental Plan 2014 to list the subject site as operational land.**

The explanation of provisions is supported.

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

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

4.1 Acid Sulfate Soils

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

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 No 44—Koala Habitat Protection

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

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

The Secretary has issued the following requirements as to the specific matters that must be addressed in the justification for the planning proposal that is being prepared solely to classify or reclassify public land [EP&A Act s. 55(3)]:

a) Is the planning proposal the result of a strategic study or report?

Council advises that the PP is not the result of any strategic study or report.

b) Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

Council advises that the planning proposal is the consistent with its local strategic plans, the Dungog Local Government Area Situational Analysis (SA) and the Dungog Land Use Strategy (LUS).

c) 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 should be provided.

The planning proposal states that there are no interests to be extinguished.

d) The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Dungog Shire Council is the owner of the site.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal contains mapping that provides context to the location of the subject site. Mapping is not required to achieve an amendment to the Dungog LEP 2014.

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Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Council does not provide details of proposed consultation. The planning proposal states that community consultation will be undertaken in accordance of the Gateway Determination.**

In accordance with Planning Circular PN 16-001 and the Department's 'A guide to preparing Local Environmental Plans', the planning proposal is required to be exhibited for a period of 28 days as it proposes to reclassify land. A public hearing is also required under Section 57 of the EP&A Act.

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 : **December 2014**

Comments in relation to Principal LEP : **A principal LEP based on the Standard Instrument LEP is in place, being Dungog LEP 2014.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required to allow the sale of Clarence Town Court House Museum to the Clarence Town Progress Association. This will allow the Clarence Town & District Historical Museum Association Inc, who are the current occupiers of the site, to continue to occupy the site with the assistance of Clarence Town Progress Association.**

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Consistency with strategic planning framework :

STATE ENVIRONMENTAL PLANNING POLICIES

Council identifies the following SEPPs as being applicable to the planning proposal:

***SEPP No 44—Koala Habitat Protection**

***SEPP (Infrastructure) 2007**

***SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

The planning proposal is consistent with the above SEPPs in that the site does not contain koala habitat, or affects provisions of the Mining or Infrastructure SEPPs.

SECTION 117 DIRECTIONS

Council identified the following Section 117 Directions as being applicable to the planning proposal:

***1.1 Business and Industrial Zones**

The planning proposal is consistent with this direction as it does not affect the provisions of the existing B2 Local Centre business zone.

***1.3 Mining, Petroleum Production and Extractive Industries**

The planning proposal is consistent with the direction as it does not prohibit mining or restrict extraction of natural resources.

***2.1 Environment Protection Zones**

The planning proposal is consistent with this direction as it does not apply to a environment protection zone or environmentally sensitive land.

***2.3 Heritage Conservation**

The site contains an item of State Heritage significance, being the former court house. The planning proposal does not propose to change provisions relating to the heritage conservation of the site. The planning proposal is consistent with this direction.

***2.4 Recreation Vehicle Areas**

The planning proposal is consistent with this direction as it does not enable land to be developed for the purpose of a recreation vehicle area.

***4.1 Acid Sulfate Soils**

The planning proposal is consistent with this direction. It is identified as Class 5 Acid Sulfate Soils which have low probability of containing acid sulfate soils. The proposal will also not result in additional development of the site.

***5.1 Implementation of Regional Strategies**

The planning proposal is consistent with the Hunter Regional Plan 2036, particularly in relation to Direction 19: Identify and protect the region's heritage and Direction 20: Revitalise existing communities.

***6.1 Approval and Referral Requirements**

The planning proposal is consistent with this direction as it does not include provisions that require the concurrence, consultation or referral of development applications.

***6.2 Reserving Land for Public Purposes**

The planning proposal is consistent with this direction as it does not create, alter or reduce existing zonings or reservations of land for public purposes

Environmental social economic impacts :

The planning proposal is not considered to have any environmental impacts.

There are positive economic and social benefits associated with the transfer of site to the Clarence Town Progress Association.

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Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **DG**

Public Authority
Consultation - 56(2)(d)

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
2 Planning Proposal Clarence Town Court House Reclassification - Oct 2016.pdf	Proposal	Yes
Dungog Council - Request for Gateway - Clarence Town Court House.pdf	Proposal Covering Letter	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**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 4.1 Acid Sulfate Soils**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

Additional Information : **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:**

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(a) the planning proposal must be made publicly available for a minimum of 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 LEPs (Department of Planning & Environment 2013).

2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

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 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported as it is consistent with the strategic framework and will result in positive social and economic outcomes.

Signature:



Printed Name:

PAUL MAHER

Date:

4/11/16