

Heritage Amendment - Clarence Valley

Proposal Title :	Heritage Amendment - Clarence Valley		
Proposal Summary :	The intent of the planning proposal is to include a list of additional individual and group items in the heritage schedule of the Council's LEP. These items were identified in the Council Community Based Heritage Study but were deferred during the original Heritage Amendment (PP_2010_CLARE_005_00), which was published as Grafton LEP 1988 (Amendment No 49)		
PP Number :	PP_2011_CLARE_005_00	Dop File No :	11/17503

Proposal Details

Date Planning Proposal Received :	26-Sep-2011	LGA covered :	Clarence Valley
Region :	Northern	RPA :	Clarence Valley Council
State Electorate :	CLARENCE	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :		City :		Postcode :	
Suburb :					
Land Parcel :	Multiple parcels of land as detailed in the Summary of Deferred Heritage Items, under the Document Tab				

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Jim Clark
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes

Heritage Amendment - Clarence Valley

MDP Number :	Date of Release :	
Area of Release (Ha) :	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 : **The Department of Planning Code of Practice in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.**

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

If Yes, comment : **Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes : **The Planning Proposal is seeking to amend the heritage schedule in the Grafton LEP 1988. Council is however currently finalising Clarence Valley draft Comprehensive LEP which was exhibited in early 2010. Should the Clarence Valley Comprehensive LEP be made prior to the finalisation of this planning proposal, the planning proposal will amend the heritage schedule in the new LEP.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The objective and intended outcomes of the planning proposal are adequately expressed for the area by the proposed amendment.**

The aim is to protect Grafton's cultural heritage by including additional heritage listings in the heritage schedule of the LEP. This will ensure appropriate development assessment is given so that the significance of the items is not adversely affected.

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

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

Comment : **The planning proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

The planning proposal proposes to include 41 additional heritage items which were deferred from the previous major heritage amendment to the Grafton LEP 1988.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **2.3 Heritage Conservation**

* 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? **N/A**

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

The proposed heritage listings are the result of a four year heritage study for the Grafton City area (the former City Council area). The Community based Heritage Study report made recommendations of items and conservations groups that should be listed in Council's heritage schedule. Of these items 53 items were deferred based on submissions made during the exhibition process.

This planning proposal discusses these 53 items for consideration of inclusion in Council heritage schedule.

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

If No, explain : **The planning proposal is not inconsistent with any SEPP's or s117 Directions.**

The planning proposal is to amend the heritage schedule and does not involve any development on land within the mapped area.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal does not specifically map all the individual items however the study area used for the Community based Heritage Study has been provided.**

If the planning proposal is to amend the new Clarence Valley LEP then maps to identify the items will need to be provided at a later stage.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Gateway will determine any time frame required for exhibition . Community consultation will be in accordance with the DoP&I's 'A Guide to preparing an LEP'.**

Additional Director General's requirements

Are there any additional Director General's requirements? **N/A**

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 : November 2011

Comments in relation
to Principal LEP :

The current principal LEP for the Clarence Valley (subject area) is the Grafton LEP 1988.

The Clarence Valley draft Comprehensive LEP was exhibited in early 2010. The Department is currently considering the draft plan for making.

Should the Clarence Valley comprehensive LEP be made prior to the finalisation of this planning proposal, the planning proposal will amend the heritage schedule and maps in the new comprehensive Clarence Valley LEP.

Assessment Criteria

Need for planning
proposal :

The proposed change to the LEP is the most appropriate means of achieving the desired outcomes for the proposal.

Council's heritage strategy identified the conservation of cultural heritage as being important for future generations. It has also indicated there has been a loss of heritage value in the Grafton area over the years.

The Government supports the protection of cultural heritage through its regional strategies and has provided funding to the Council to undertake the heritage study.

Council has been concerned with the conflict which has arisen with the threat of removal or demolition of a heritage not listed when an application for redevelopment has been received.

The planning proposal is required to allow the inclusion of deferred items from the original heritage amendment now that further community contact had been made.

A number of owners of deferred items made objections during the initial exhibition period. The majority of objections were based on limited understanding of the implications to their properties. A number of property owners after discussion with Council staff now understand why their properties require listings, however a number of landowners may still hold reservation for their listings.

Consistency with
strategic planning
framework :

The Heritage Study is consistent with Mid North Coast Regional Strategy relating to cultural heritage: "The Department of Planning and councils will review the scope and quality of the existing statutory lists of heritage items and ensure that all places of significance are included in the heritage schedules of local environmental plans".

The planning proposal does not propose to change the zoning or intensify development on any land that is subject to this heritage amendment.

Environmental social
economic impacts :

No adverse environmental effects are likely to arise from the protection of cultural heritage. The protection of the nominated sites has the potential to enhance the environmental values of these sites.

Council has identified property ownership as an important factor in society and that perceived limitations on the rights to develop are often resisted by owners.

In order to minimise these perceived impacts Council undertook specific site assessment of each property with the property owners of the deferred items, to ensure that they were fully aware of what restrictions, if any, would be attached to their property and its heritage listing.

The explanation and/or justification given to property owners seemed to alleviate most of the owners concerns and items requiring further protection were recommended for

Heritage Amendment - Clarence Valley

inclusion on the heritage schedule or removed as not significant.

Of the 53 items that were deferred from the initial amendment only 41 items are now proposed for inclusion. The site inspections undertaken by Council staff did highlight 12 properties that Council did not require listing in the heritage schedule. A total of 41 items are requested to be placed on the Council heritage schedule.

Council's consideration of the issues including the views of affected landowners is satisfactory.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DDG**

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 :

The planning proposal has been referred to the Office of Environment & Heritage (OEH) for comment. At the time of completing this report no comment from OEH had yet been received.

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
Covering Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Report on Deferred Items.pdf	Study	Yes
Council Minutes.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**

Heritage Amendment - Clarence Valley

Additional Information : It is recommended that:

1. The planning proposal be supported;
2. The planning proposal is to be exhibited for 28 days;
3. The planning proposal be completed within 9 months.

The planning proposal is consistent with S117 Direction 2.3 Heritage Conservation in that improved assessment of heritage aspects affecting certain properties has taken place.

Supporting Reasons : The conservation of cultural heritage is considered to be important for future generations, and Council believe the reason for the loss of heritage value in the Grafton area over the years can be attributed to the fact that too few items were currently listed.

This planning proposal will protect items through a comprehensive study as being of historical significance, having a high level of integrity or originality, being good example of an historic theme or being particularly rare or representative of their type.

Signature:



Printed Name:

JIM CLARK

Date:

29 September 2011