

Committee:	ENVIRONMENT, ECONOMIC & COMMUNITY
Section:	Strategic & Economic Planning
Date:	13 September 2011
Item:	12.157/11 REPORT ON DEFERRED HERITAGE ITEMS FROM GRAFTON HERITAGE STUDY

ATTACHMENT**REPORT SUMMARY**

Further to the gazettal of the Heritage Amendment to the Grafton LEP in June 2011 Council deferred the consideration of 53 items for further consultation with landowners. Extensive site visits and meetings have been held and it is now proposed to include 44 of the deferred heritage items in a new planning proposal. Following the site discussions, the nine items recommended not to proceed to listing have been deleted for sound planning reasons (such as integrity, context, recent changes, etc). Of the remaining 44 recommended for listing, owner concerns have in general been ameliorated by the site meetings (refer to Appendix 4 of the Planning Proposal).

OFFICER'S RECOMMENDATION

That Council:

1. Adopt a Draft Planning Proposal (Attachment B) for the inclusion of 44 additional heritage items in the Clarence Valley Local Environmental Plan (CVLEP),
2. Seek a Gateway Determination from the Department of Planning under Section 56 of the EPA Act 1979 for the addition of the items listed in the planning proposal to Schedule 5 of CVLEP.
3. Upon receipt of the gateway determination, proceed to public exhibition of the planning proposal in accordance with any requirements issued under Section 57 of the EPA issued by Department of Planning.

RECOMMENDATION BY COMMITTEE

Tiley/Williamson

That Council:

1. Adopt a Draft Planning Proposal (Attachment B) for the inclusion of 41 additional heritage items in the Clarence Valley Local Environmental Plan (CVLEP) and excluding the properties of O & B Bree, H Pryor and J Stokes.
2. Seek a Gateway Determination from the Department of Planning under Section 56 of the EPA Act 1979 for the addition of the items listed in the planning proposal to Schedule 5 of CVLEP.
3. Upon receipt of the gateway determination, proceed to public exhibition of the planning proposal in accordance with any requirements issued under Section 57 of the EPA issued by Department of Planning.

Voting recorded as follows:

For: Williamson, Howe, Tiley, Hughes

Against: Nil

**COUNCIL RESOLUTION – 12.157/11
(Crs McKenna/Hughes)**

That Council:

- 1. Adopt a Draft Planning Proposal (Attachment B) for the inclusion of 41 additional heritage items in the Clarence Valley Local Environmental Plan (CVLEP) and excluding the properties of O & B Bree, H Pryor and J Stokes.**
- 2. Seek a Gateway Determination from the Department of Planning under Section 56 of the EPA Act 1979 for the addition of the items listed in the planning proposal to Schedule 5 of CVLEP.**
- 3. Upon receipt of the gateway determination, proceed to public exhibition of the planning proposal in accordance with any requirements issued under Section 57 of the EPA issued by Department of Planning.**

Voting recorded as follows:

For: Councillors Williamson, Comben, Dinham, Howe, Hughes, McKenna, Simmons, Tiley and Toms

Against: Nil

BACKGROUND

The Heritage Amendment to the Grafton LEP was gazetted on 10 June 2011 resulting in expanded Conservation Areas in Grafton and South Grafton and the inclusion of 515 additional heritage items.

As part of the previous planning proposal, detailed information was sent to owners of all potential heritage items and owners within the conservation area. 53 properties subject to outstanding objections were deferred by Council on 16 November 2011 for further consideration and discussions with landowners.

During the last 6 months, owners of these properties have been invited to meet with Councillors and staff at individual site meetings to discuss their concerns about the proposed heritage listings. Councillors McKenna, Simmons and Tiley have attended 5 days of site meetings. The meetings were very successful and resulted in most concerns being overcome and further explanation being provided.

ISSUES

The main issues which were raised during the site discussions are summarised below:

1. General resistance based on common fear

Many objections received were based on a general opposition to heritage listing without any site specific reasons or arguments countering the evidence in the heritage study finding. There was also a resistance to Council having a say over a property owners, i.e. *"I don't want to be told what to do"*.

After explanation, most owners were reassured that Council has no intention of locking up property or dictating colour schemes or other such details to owners. The main purpose of the listings is to maintain the character of the streetscapes and protect buildings from demolition. As explained the main focus is the street frontages of buildings and owners can still apply for extensions, sheds and other changes which are complementary.

2. "I am looking after it"

Owners often explain that they are looking after the property and have no intention to demolish it. However, ownership can change, and if it is protected by a heritage listing, it will provide more certainty and accountability to future owners of the need for it to be retained. If a property is significant, the fact that the current owner is looking after it is not a reason to exclude it from the schedule.

3. Maintenance

Maintenance and minor works do not require consent. All reasonable colour schemes are considered to be maintenance. Vivid, bold, primary or intense colours which are associated with corporate branding are considered to be a material alteration (or even advertising) and the new heritage clauses provisions provide Council with the tools to control this.

4. Interiors

The interior of buildings is not affected by listing unless it is State listed or noted on the inventory. Non structural changes to the interior do not require any consent.

5. Minor Works

Many owners were concerned at the prospect of more red tape and rules and regulations. Under the new heritage clauses there is a clause which enables minor works to take place without a development application. The owner must first notify Council of the proposed work, and Council must confirm in writing that it is acceptable before the work is carried out. This may be done by letter or a simple form available at the counter and on the website at no cost to the owner. Once explained, this ameliorated several concerns.

6. Normal works

Extensions, pools, car ports, etc and additional developments are all permissible providing that they are sympathetic/complementary to the heritage values of the item and its setting. Most home owners seek to make alterations in keeping with the character of the property as it will enhance values.

7. Demolition

The 'bottom line' of heritage listing is Council's ability to assess and control demolition. Owners reserve the right to make an application, and Council require full and proper assessment of the proposal. It would generally be contrary to the intent of heritage listing to support demolition; however some circumstances can arise where this may have to be considered.

8. Significance and the State guidelines

Some owners disputed the fact that a property was of heritage value. All items were assessed in the study using the NSW guidelines provided by the Department of Planning Heritage Branch. An item can be of significance if it meets one or more of the following criteria:

- (a) **Historical** - the item is important in the course or pattern of NSW's history (cultural or natural) or of the history of the local area.
- (b) **Social** - the item has special associations with the life or works of a person or group of importance in NSW's cultural or natural history or of the local area.
- (c) **Aesthetic/architectural** - the item is important in demonstrating visual character or high degree of creative/ technical achievement.
- (d) **Community** - an item has strong or special association with a community or cultural group in NSW or the local area for social, cultural or spiritual reasons.
- (e) **Scientific/Technical** - an item has potential to yield information that contributes to an understanding of NSW history or the local area, important in demonstrating innovation and development.

In addition an item is assessed as:

- (f) **Rare** or outstanding example, or
- (g) **Representative** example

Understanding the significance of an item helps when making decisions about changes to it in the future.

9. Conclusion

As explained in the information sent to owners and at site meetings, Council is primarily concerned with the conservation of streetscapes and buildings which provide Grafton and South Grafton with so much of its identity and character. Heritage listings are the most effective way to secure this for the long term.

Appendix 4 of the Planning Proposal addresses each of the deferred items. Many are the remaining unlisted members of group listings or are located nearby other similar properties which are now listed on the heritage schedule. Generally it would be inconsistent to delete the deferred items unless there were sound reasons for doing so.

CONSULTATION

Individual consultation with owners was critical to this proposal. Councillors deferred the objections from the original LEP amendment with a specific intention to carry out individual site meetings with owners. This approach has been very successful, has further explained the listing process and as a result ameliorated many objections and reassured many owners.

SUSTAINABILITY ASSESSMENT

Summary Statement

The conservation of cultural heritage is entirely in accordance with sustainability principles. Retaining built heritage protects significant items for future generations, helps maintain the amenity and character of historic precincts, observes the cautionary principles and retains the embodied energy of existing buildings.

Ecology

No natural items are included in the deferred items.

Economic

Heritage contributes to the economy of a local area especially in connection to highly valued precincts of heritage properties and heritage related tourism. Heritage underpins tourism and provides the identity to Grafton. This is illustrated clearly in the Clarence Visitor Guide where heritage items are the foundation for promotion of the city. Well maintained heritage places retain value and have a major role in the appeal and community life of a place. Heritage places in need of repair can also be the stimulus for economic revitalisation of an area.

One of the most quoted objections is the belief that heritage is considered an economic disadvantage to property owners. In 2006, the NSW Productivity Commission concluded that heritage listing did not have a significant effect on values, as other issues such as location are taken into account. Studies carried out in 2005 and 2006 demonstrated that the impact of heritage listing is either positive or neutral. Many areas such as Braidwood, Southern Highlands, have become highly sought after as a result of the heritage status, as it provides owners and potential purchasers with some certainty about the quality of future development that is likely to occur. The Rocks and Paddington in Sydney which were once considered slums and scheduled for demolition now have high property values and support a thriving tourist industry. Maclean has a multitude of heritage listings and continues to grow in property values. Heritage listed properties are regularly

bought and sold. As the region continues to grow, the proportion of historic building stock will become rarer and in shorter supply.

Social & Cultural

Heritage is an integral part of our identity and provides a link to the past. Once lost it is irreplaceable.

Human Habitat & Infrastructure

Streetscapes and places of heritage significance contribute very strongly to the identity of Grafton and provide much of its sense of place. The conservation of cultural heritage has been identified as an important factor in Council's Vision 2020 and sustainability strategy. Retaining heritage is green, sustainable, and builds a strong sense of community.

Governance

The Study was carried out in accordance with the guidelines set out by the Department of Planning, Heritage Branch under the co-ordination and direction of an independent heritage advisor.

Guiding Sustainability Principles

The following guiding sustainability principles are relevant to this issue:

- Supporting social and intergenerational equity.
The conservation of built heritage is critical to link past, current and future generations with a strong sense of identity and place.
- Promoting ecologically sustainable development.
Retention of heritage is sustainable, minimises waste and loss of embodied energy.
- Encouraging community involvement and awareness.
Extensive consultation has taken place with the site meetings and follow up advice to provide owners with relevant information.
- Taking a precautionary and anticipatory approach.
Whilst many of the proposed items are not grand residences or civic buildings, the contribution of domestic timber buildings is an intrinsic part of the heritage significance of Grafton and South Grafton. Protecting these places as heritage items, will enable Council to fully assess any future proposals with regard to this significance.

OPTIONS

1. As per recommendation to adopt the draft planning proposal
2. Amend the planning proposal with valid planning reasons.
3. Do not adopt planning proposal

FINANCIAL IMPLICATIONS

The work associated with the deferred items was carried out in house by the Strategic Planning section as part of the Grafton LEP Heritage Amendment No 49 and Draft CVLEP.

Des Schroder
DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC

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Section: Strategic Planning
Attachment: Planning Proposal for Proposed Listing of Deferred Heritage Items