

Minor heritage amendments to the Clarence Valley LEP 2011

Proposal Title :	Minor heritage amendments to the Clarence Valley LEP 2011		
Proposal Summary :	The proposal corrects anomalies to nine heritage items for properties listed in the Clarence Valley LEP 2011 and located in Grafton, South Grafton, Maclean, Woody Head, Yamba and Lawrence. The proposal involves changes to property descriptions or mapping, being minor amendments.		
PP Number :	PP_2013_CLARE_003_00	Dop File No :	13/04444

Proposal Details

Date Planning Proposal Received :	04-Mar-2013	LGA covered :	Clarence Valley
Region :	Northern	RPA :	Clarence Valley Council
State Electorate :	CLARENCE	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Orara Street		
Suburb :		City :	Grafton
Land Parcel :	Lot 102 DP 1146480		Postcode : 2460
Street :	Spring Street		
Suburb :		City :	South Grafton
Land Parcel :	Lot 3 DP 783197		Postcode : 2460
Street :	Hammonds Cottage		
Suburb :	Bundjalung National	City :	Woody Head
Land Parcel :	Park Lot 4 DP 361040		Postcode : 2466
Street :	Victoria Street		
Suburb :		City :	Grafton
Land Parcel :	Lot 2 DP 912543		Postcode : 2460
Street :	Cambridge Street		
Suburb :		City :	South Grafton
Land Parcel :	Lot A DP 362897 and Lot B DP 362897		Postcode : 2460
Street :	Clarence Street		
Suburb :		City :	Yamba
Land Parcel :	Lot 4 DP 301363, SP 61686, SP 7946, Lot 1 DP 169823		Postcode : 2464
Street :	Argyle Street		
Suburb :		City :	Maclean
Land Parcel :	Lot 1 DP 959164		Postcode : 2463

Minor heritage amendments to the Clarence Valley LEP 2011

Street : **Wharf Street**
Suburb : City : **Maclean** Postcode : **2463**
Land Parcel : **Lots 1 DP 416054 and Lot 2 DP 416054**
Street : **Stuart/Mantons Lane**
Suburb : City : **Lawrence** Postcode : **2460**
Land Parcel : **Lot 2 Section 62 DP 758604 and Lot 2 Section 63 DP 758604**

DoP Planning Officer Contact Details

Contact Name : **Jennifer Vallis**
Contact Number : **0266416600**
Contact Email : **jenny.vallis@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Deborah Wray**
Contact Number : **0266430271**
Contact Email : **deborah.wray@clarence.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Carlie Boyd**
Contact Number : **0266416600**
Contact Email : **carlie.boyd@planning.nsw.gov.au**

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
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 :

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? :

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 :

External Supporting
Notes :

Adequacy Assessment

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

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

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

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.**

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?

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

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Minor matter involving corrections to legal descriptions or mapping.**

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:

The planning proposal satisfies the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes;
3. Providing an adequate justification for the proposal;
4. Outlining why community consultation is not proposed;
5. Providing a project timeline; and
6. Completing the evaluation criteria for the delegation of plan making functions.

A project timeline of three months is provided by Council. Due to the minor nature of the proposal, with no public exhibition or consultation with government agencies, this time frame is considered to be adequate. Council has advised that all affected owners will be fully notified and consulted on the Planning Proposal where amendments are required. Any submissions would be reported back to Council for consideration prior to the Planning Proposal being finalised.

Delegation of plan making functions is considered to be appropriate as this involves a minor housekeeping matter relating to heritage.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Clarence Valley LEP 2011 (CVLEP) was published on the NSW legislation website - 23 December 2011.

Assessment Criteria

Need for planning proposal :

The Planning Proposal seeks to ensure that the Heritage Schedule is legally accurate and also correlates accurately with the heritage database. There are a few cases of mapping to be amended, and some cases for property details to be amended in the Schedule.

Council is of the opinion that it is not controversial and it is not intended to be a review of the heritage studies which have been completed. It is essentially a governance issue to correct inaccuracies in the CVLEP that have come to notice since its introduction or have arisen due to subsequent subdivisions.

It is agreed that these are minor matters that are unlikely to cause any issues of concern for most people within the LGA.

The draft Planning Proposal involves amendment to 9 heritage items:

- Six address title anomalies resulting in the recommended deletion of five items and inclusion of two others that were included in heritage schedules of previous LEPs.
- Two corrections of mapping anomalies where items have been found to straddle property boundaries.
- One to adjust due to a subdivision that occurred on a very large allotment subsequent to the CVLEP which excised an item's curtilage.

In two cases, it was a matter of incorrect properties being scheduled due to incorrect street numbering and these are now intended to be deleted from the heritage schedule. However, the properties that were intended to be listed will be addressed through a separate Planning Proposal as that is beyond the scope of a minor amendment.

Minor heritage amendments to the Clarence Valley LEP 2011

Consistency with strategic planning framework :

Council has advised that streetscapes and places of heritage significance contribute very strongly to the identity and provide a sense of place. The conservation of cultural heritage has been identified as an important factor in Council's Vision 2020 and Sustainability Strategy.

Council has also indicated that heritage studies underpinning the current listings and database were 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.

The Mid North Coast Regional Strategy (MNCRS) encourages Councils to 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 proposals are, therefore, consistent with the strategic planning framework.

The planning proposal is consistent with the Section 117 Direction 2.3 Heritage Conservation.

Environmental social economic impacts :

Ecology - Council has advised that no natural items are included in the proposed amendment.

Social & Cultural - Council has advised that heritage is an integral part of our identity and provides a link to the past. Once lost it is irreplaceable. Retaining heritage is green, sustainable, and builds a strong sense of community.

Economic - Council has advised that heritage contributes to the economy of a local area especially in connection to highly valued precincts of heritage properties and heritage related tourism. Heritage attracts tourism and provides an identity to places. 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.

The MNCRS identifies that the identification, recording and protection of cultural heritage are important for current and future generations. It contributes to community identity, well being and sense of history. Heritage items and areas also reinforce the economic base for tourism. An accurate heritage record is important for this to continue and the proposal is, therefore, supported.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	Nil
Timeframe to make LEP :	3 Month	Delegation :	RPA
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 :			

Minor heritage amendments to the Clarence Valley LEP 2011

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
PLANNING PROPOSAL for Heritage Anomalies PDF Feb 2013.doc.pdf	Proposal	Yes
REPORT TO COUNCIL 12.011.13Planning Proposal for Minor Heritage Amendments in CVLEP 2011.pdf	Proposal	Yes
PROJECT TIMELINE - CVLEP 2011 -Heritage Amendments.pdf	Proposal	No
Evaluation_criteria_for_the_delegation_of_plan_making_functions Heritage Minor Amendments March 2013.pdf	Proposal	No
Letter from Council 28-02-2013 PP Minor Heritage Amendments.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

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

Additional Information : **It is recommended that:**

- 1. The planning proposal should proceed as a 'minor' planning proposal;**
- 2. The planning proposal is to be completed within 3 months;**
- 3. Community consultation is not considered necessary; and**
- 4. An Authorisation to exercise delegation to make the plan be issued to the RPA for this planning proposal**

Supporting Reasons : **The reason for the conditions to the Gateway Determination is to expedite the completion of the planning proposal that involves local, minor matters.**

Signature:

 (Acting Team Leader, Local Planning)

Printed Name:

Carlie Boyd

Date:

7/3/2013