

Committee:	ENVIRONMENT, ECONOMIC & COMMUNITY
Section:	Strategic & Economic Planning
Date:	12 February 2013
Item: 12.011/13	PLANNING PROPOSAL FOR MINOR HERITAGE AMENDMENTS IN CVLEP 2011

ATTACHMENT**REPORT SUMMARY**

A planning proposal has been prepared to make some minor amendments to the Heritage Schedule and Heritage Maps on several matters which have arisen since the gazettal of Clarence Valley LEP 2011. Request for a Gateway Determination and ability to exercise Council's delegation to deal with the matter under Section 73A of the EPA Act is recommended.

OFFICER'S RECOMMENDATION

That Council:

1. Endorse a Draft Planning Proposal (Attachment A) for minor heritage amendments to the Clarence Valley Local Environmental Plan 2011 and request a Gateway Determination from the Department of Planning & Infrastructure.
2. Request authorisation from the Minister to exercise delegation to deal with the proposal under Section 73A of the Environmental Planning and Assessment Act 1979 as the purpose of the Planning Proposal is to correct obvious errors in the LEP and matters that are of a minor nature.

RECOMMENDATION BY COMMITTEE

McKenna/Williamson

That the Officer's Recommendation be adopted.

Voting recorded as follows:

For: Baker, Howe, Hughes, McKenna, Williamson

Against: Nil

**COUNCIL RESOLUTION – 12.011/13
(Crs Hughes/Challacombe)**

That Council:

1. **Endorse a Draft Planning Proposal (Attachment A) for minor heritage amendments to the Clarence Valley Local Environmental Plan 2011 and request a Gateway Determination from the Department of Planning & Infrastructure.**
2. **Request authorisation from the Minister to exercise delegation to deal with the proposal under Section 73A of the Environmental Planning and Assessment Act 1979 as the purpose of the Planning Proposal is to correct obvious errors in the LEP and matters that are of a minor nature.**

Voting recorded as follows:

For: Councillors Williamson, Baker, Challacombe, Howe, Hughes, Kingsley, McKenna, Simmons and Toms

Against: Nil

BACKGROUND

The preparation of the Clarence Valley LEP 2011 required the transfer of existing heritage schedules from five separate LEPs into one combined schedule and the creation of a series of maps. This required extensive reformatting to meet the Standard Instrument template requirements for the (approx) 900 items involved. Subsequent to this, and identified through some property transactions and subdivisions, the need for a few amendments has been identified. The only way to amend these is through the legal process of a Planning Proposal. There are nine amendments outlined in the Planning Proposal relating to legal descriptions or mapping of properties in Grafton, South Grafton, Maclean, Woody Head, Yamba and Lawrence.

ISSUES

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. It is not considered controversial, neither is it intended to be a review of the heritage studies which have been completed.

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.

Section 73A of the Environmental Planning and Assessment Act 1979 allows amendments to local environmental plans to be prepared without formal public exhibition in cases where the intent is to correct obvious errors in the LEP, such as property descriptions, or are amendments of a very minor nature. The draft Planning Proposal is considered to meet this criteria and hence Council should seek to expedite it through this provision.

CONSULTATION

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.

SUSTAINABILITY ASSESSMENT**Summary Statement**

This 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.

Ecology

No natural items are included in the proposed amendment.

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 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. Retaining heritage is green, sustainable, and builds a strong sense of community.

Governance

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.

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 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.

Guiding Sustainability Principles

The following guiding sustainability principles are relevant to this issue:

- Supporting social and intergenerational equity. Heritage conservation is integral to social and intergenerational equality.
- Promoting ecologically sustainable development adaptive re-use and heritage conservation of existing buildings is a very sustainable form of development.
- Encouraging community involvement and awareness: The studies which formed the basis of the listings were carried out by community committees in charge of collection of information and identification of heritage items.
- Taking a precautionary and anticipatory approach; heritage conservation is entirely in accordance with this principle.

OPTIONS

1. Endorse the draft Planning Proposal.
2. Endorse the draft Planning Proposal with amendments as necessary.
3. Request to use Council's delegations to expedite the LEP amendment process.

4. Seek concurrence from the Department of Planning & Infrastructure to utilise the provisions of Section 73A of the Environmental Planning and Assessment Act 1979 to expedite the LEP amendment process.
5. Do not adopt the draft Planning Proposal.

Options 1, 3 and 4 are recommended.

FINANCIAL IMPLICATIONS

The costs of preparing the Planning Proposal are part of the Strategic Planning programme and budget.

Des Schroder
DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC

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Section:	Strategic & Economic Planning
Attachment:	Draft Planning Proposal – Minor Heritage Amendments