



PLANNING PROPOSAL

Clarence Valley Local Environmental Plan 2011 Minor Heritage Amendments



Prepared by: Clarence Valley Council

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1. PRELIMINARY

1.1 Context

This planning proposal has been drafted in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 and the Department of Planning's "A guide to preparing planning proposals" (July 2009). Under clause 5.5.9 of the above document 'Circumstances in which it is not necessary to follow this process', Council seeks authorisation to exercise delegation to deal with the proposal under the EP&A Act s.73A(1)(a) and (b)], as the purpose of the proposed LEP is to correct an obvious error in the principal LEP, or address other matters that are of a minor nature .

1.2 Subject Land

This planning proposal applies to multiple parcels of land within Clarence Valley Council in Grafton, South Grafton, Woody Head, Maclean and Yamba.

1.3 Current Zonings & Use

The study applies to a variety of zones and uses within the area covered by Clarence Valley Local Environmental Plan 2011.

2. OBJECTIVE OR INTENDED OUTCOME

The intent of the planning proposal is to correct several anomalies to the Heritage Map layer and Schedule 5 Environmental Heritage Clarence Valley Local Environmental Plan 2011.

3. EXPLANATION OF PROVISIONS

The proposal will legally correct property descriptions and mapping anomalies relating to several heritage items which are currently listed in Clarence Valley Local Environmental Plan 2011. These issues have occurred as a result of changes to legal land descriptions from subdivisions, or inaccuracies in councils mapping system or street numbering in the heritage database. This will result in minor amendments, or the deletion of items and land parcels which should not be on the heritage schedule. Details are set out in the table below.

	Address & Item Number	Lot / DP	Issue	Recommendation
1	27 Orara Street, Grafton Heritage item I686	Lot 101 DP 1146480	27 Orara Street, Grafton is correctly listed in Schedule 5 on Lot 101, DP 1146480. However the Heritage Map for this item also includes Lot 102 DP 1146480. When the property was first listed it occupied a large site formerly used as a market garden. The land has since been subdivided. The new property description was changed on the schedule when it was transferred from Grafton LEP 1988 to CVLEP 2011 but the change was not picked up in the mapping .Lot 102 is partly developed for new housing. The heritage item is contained on Lot 101 DP 1146480. Lot 102 should be removed from the heritage map.	Remove Lot 102 DP 1146480 from the heritage map in relation to I686. (Do not alter Schedule 5).



Current Heritage Map

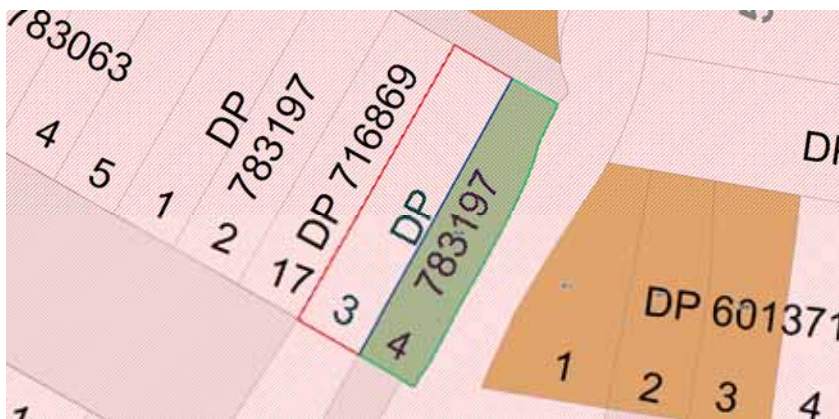


27 Orara Street Lot 1 DP 116480



Large frontage which is part of 27 Orara Street on Lot 101 and new development on Lot 102 on street frontage

	Address & Item Number	Lot / DP	Issue	Recommendation
2	31 Spring Street, South Grafton Heritage item I914	Lots 3 and 4 DP 783197	This heritage item is correctly listed in Schedule 5 on Lots 3 & 4, DP 783197. However it is only mapped on Lot 4 DP 783197. The house is located over both Lot 3 and Lot 4. Both lots should therefore be shown on the Heritage Map	That Lot 3 DP 783129 is added to the heritage map as part of Heritage Item I914.



Heritage Map

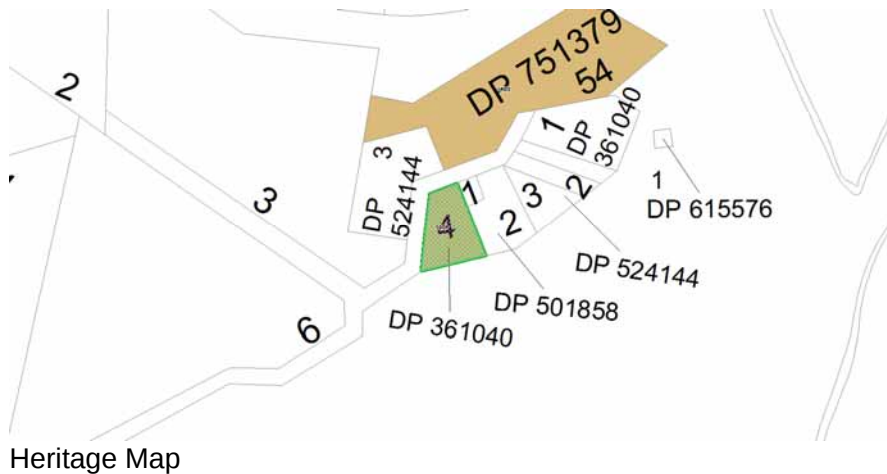


Aerial photo



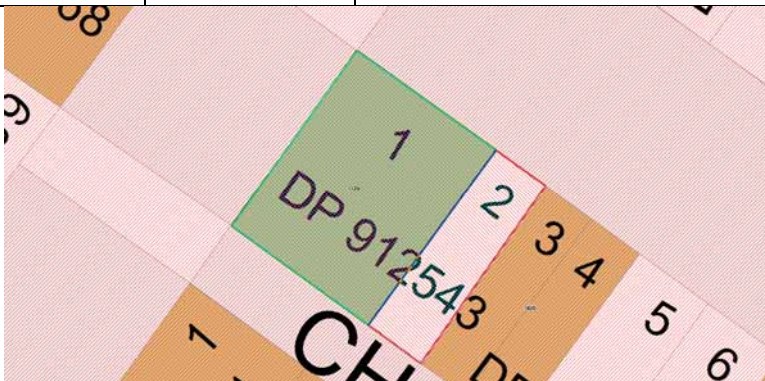
Despite some alterations, its form is little changed

	Address & Item Number	Lot / DP	Issue	Recommendation
3	Hammonds Cottage, Bundjalung National Park Woody Head Heritage item I404	Listed on Lot 4 DP 361040	Hammond's cottage is incorrectly listed on Schedule 5, and on the Heritage Map as being located on Lot 4, DP 361040 which is privately owned. A site inspection confirmed that this historic timber cottage is located on the adjoining land, Lot 2, DP 501858, within the camping area owned by the National Parks and Wildlife Service. The photographs in the data base are correct. The transfer of the listing to Lot 2 DP 501858 will be addressed through a separate Planning Proposal.	The listing of Hammonds Cottage I404 be removed from Schedule 5 and the Heritage Map from Lot 4 DP 361040 .



Hammonds Cottage within the National Parks camping area.

	Address & Item Number	Lot / DP	Issue	Recommendation
4	Istria 95 Victoria Street, Grafton Heritage item I129	Lots 1 & 2 DP 912543	No 95 Victoria Street is listed on Schedule 5 on Lot 1, DP 912543. However its garden, pool and boundary fence extend into the adjoining Lot 2, DP912543. It is appropriate that Lot 2 be included on the Schedule 5 and the heritage map as it forms part of the heritage curtilage of this significant historic dwelling. This is reflected in the street numbering of the existing dwelling as Lot 2 is part of 95 Victoria Street.	That Lot 2 DP 912543 is included on Schedule 5 and the Heritage Map in relation to I129.



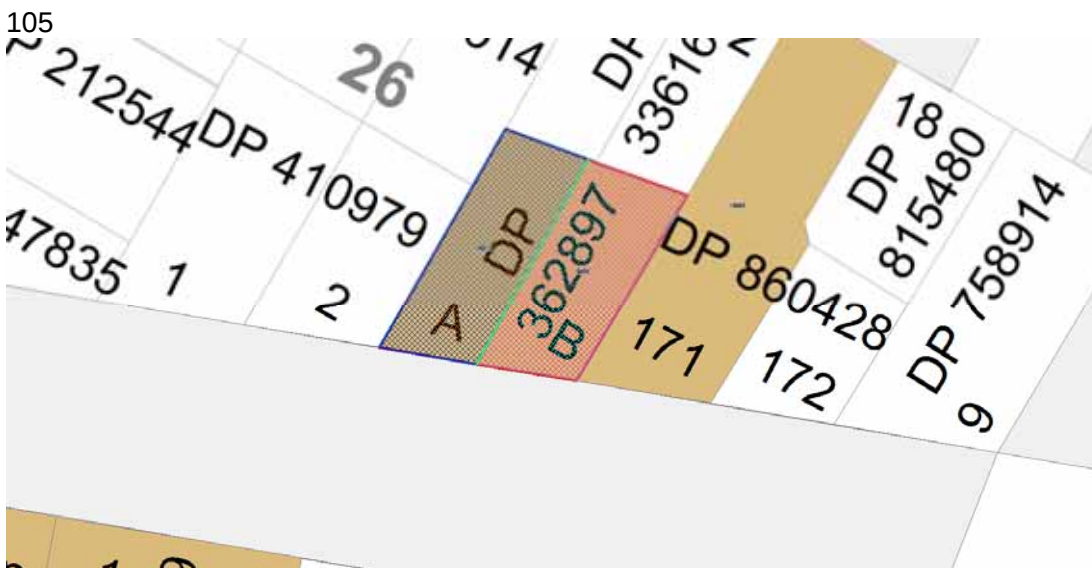
Current Heritage Map



Aerial view



	Address & Item Number	Lot / DP	Issue	Recommendation
5	105 and,107 Cambridge Street, South Grafton Heritage items I882 & I883	Lot B DP 362897 Lot A, DP 362897	105 (Lot B DP 362897) and 107 (Lot A, DP 362897) Cambridge Street are listed on Schedule 5. A recent purchase of 107 Cambridge Street revealed that the photographs and description on the heritage data sheet titled 107 Cambridge Street relate to 111 Cambridge Street which is not currently listed. There is no heritage information for 105 or 107 Cambridge Street. It is recommended that 105 and 107 Cambridge Street be removed from Schedule 5. 111 Cambridge Street is a Californian style bungalow which was recommended for inclusion in the heritage schedule. The inclusion of 111 Cambridge Street in the heritage schedule will be addressed through a separate Planning Proposal.	That Items I882 and I883: 105 and 107 Cambridge Street, South Grafton be removed from Schedule 5 and the heritage map.



Heritage Map showing 103, 105 and 107 Cambridge Street all as heritage items.



105 Cambridge Street, South Grafton. Lot B DP 362897

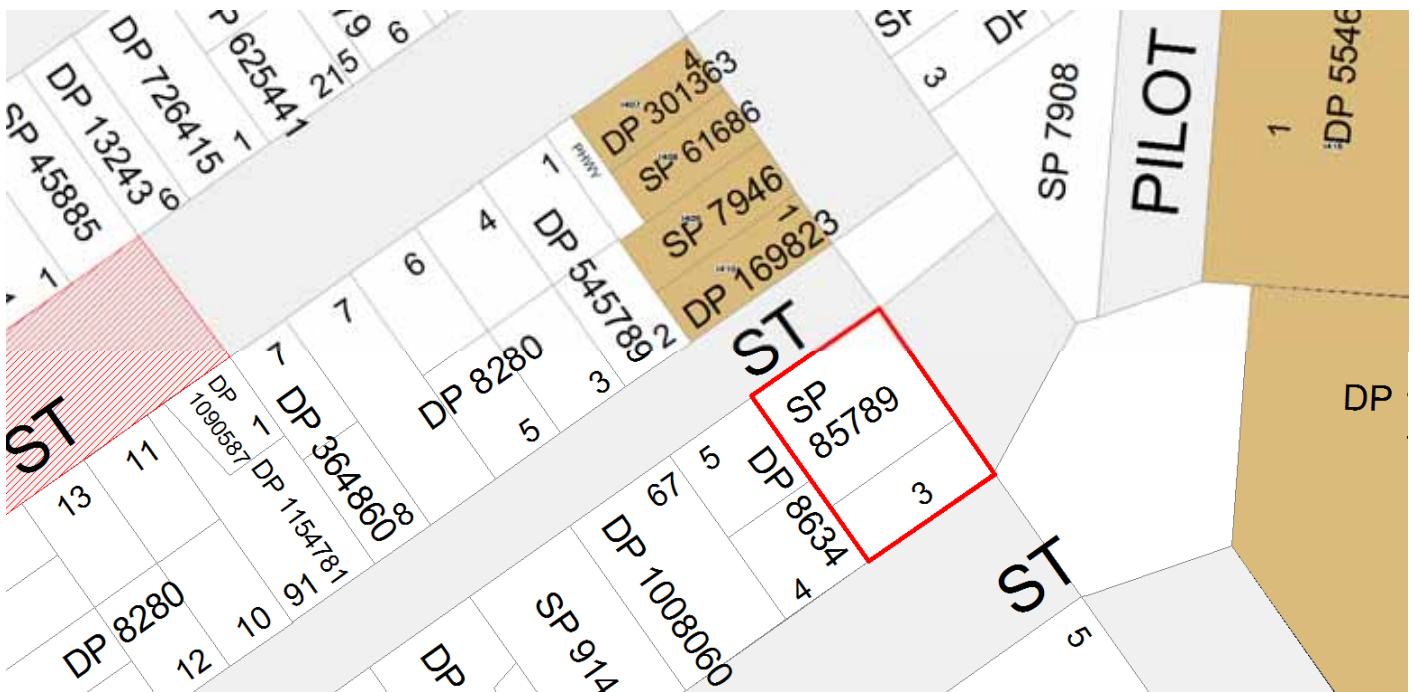


107 Cambridge Street, South Grafton. Lot A, DP 362897



111 Cambridge Street , South Grafton, Lot 1 DP 410979

	Address & Item Number	Lot / DP	Issue	Recommendation
6	7,9,11,13 Clarence Street, Yamba Heritage items; I407, I408, I409, I410	Lot 4 DP 301363, SP 61686, SP 7946, Lot 1 DP 169823	The listing of the Commercial Group 7, 9, 11 and 13 Clarence Street, Yamba, is incorrect, due to incorrect street numbering and related incorrect mapping. This occurred at the time of the Maclean Community Based Heritage Study and it has only recently come to notice during a property sale. No's 7-13 Clarence Street comprise single dwellings and flats in the block between Wooli Street and High Street, Yamba. . The photographs and description on the heritage database titled 7-13 Clarence Street describe the commercial premises in the next block between High Street and Coldstream Street which comprise Nos.15- 15A, and 16 Clarence Street. No's 7, 9, 11, and 13 Clarence Street, Yamba should be removed from Schedule 5 and the Heritage Map. The inclusion of Nos.15- 15A, and 16 Clarence Street will be considered via a separate Planning Proposal.	That Items I407, I408 , I409, & I410: No's 7, 9, 11, and 13 Clarence Street, Yamba be removed from Schedule 5 and the Heritage Map .



Heritage Map showing existing listed items at 7-13 Clarence Street, Yamba and the location of buildings at 15-15A and 16 Clarence Street, Yamba; SP 85789 and Lot 3 DP 8634 bounded by a red line.



Properties at 7-13 Clarence Street, Yamba

Statement of significance from the Maclean Community Based Heritage Study;

'This row of buildings is significant as it formed the commercial heart of Yamba as well as being the prime catering site for tourists from the 1920s. The former kiosk is socially significant for its association with Mr. Fred Phillips a famous local identity. He was a leading figure in Local Government and in oyster production and owned the kiosk. Scott Smith & Sullivan a real estate and newsagent was the first to market the subdivision in Yamba. Yamba Lakes Estate (now known as Wooloweyah) was one of their earliest projects. This precinct was also socially significant to the local and tourist population as a meeting place for leisure activities. Even through these shops have been extensively renovated the history of these shops is one of evolution and renovation and changing cultural expectations. The core buildings with their recognisable form and scale survive to this day. It is its form and scale which is significant. '



Commercial group 15, 15A and 16 Clarence Street

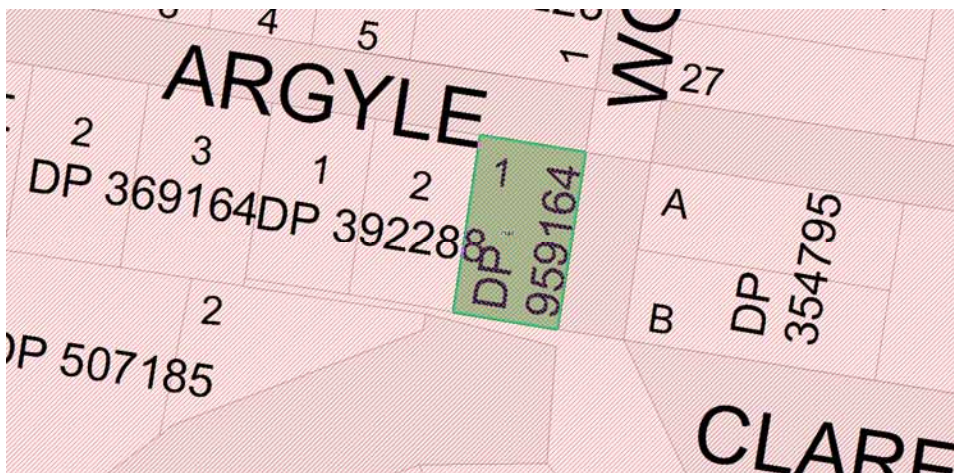


Photo from Maclean Community Based Heritage Study 2006



Buildings in 2013

	Address & Item Number	Lot / DP	Issue	Recommendation
7	12 Argyle Street, Maclean Heritage item I191	Lot 1 DP959164	This property formed part of a group identified in the Maclean Community Based Heritage Study. (9a, 10 and 12 Argyle Street) After a review of submissions, Council resolved that this group would not proceed to listing and the owners of 9A, 10 and 12 were formally notified of this decision. No's 9A and 10 were not listed but no 12 was incorrectly included in the Schedule and Map. It is appropriate that No 12 Argyle Street be removed from the Schedule.	That 12 Argyle Street, Maclean, heritage item I191, Lot 1 DP959164 be removed from Schedule 5 and the heritage Map.

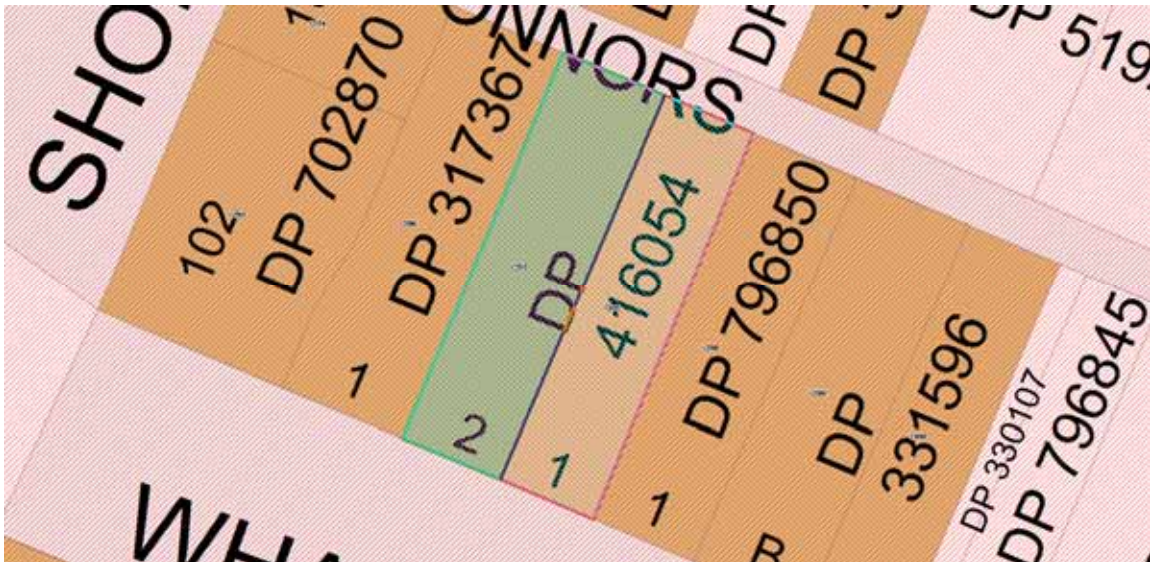


Heritage Map- 12 Argyle Street, Maclean



12 Argyle Street, Maclean

	Address & Item Number	Lot / DP	Issue	Recommendation
8	5A Wharf Street, Maclean Item I301	Lots 1 & 2 DP 416054	CVLEP heritage schedule currently has two properties described as 5A Wharf Street, Maclean. Due to an error in councils property street numbering/ mapping system, the former Baptist Manse which was listed in 2001 was incorrectly described as 5A Wharf Street. It should be 5 Wharf Street, on Lot 2 DP 416054. No. 5A, on Lot 1 DP 416054 is an infill development from the 1960s-70s which is not of heritage significance and should not be included in the schedule.	That the description of the former Baptist manse be changed from 5A to 5 Wharf St, relating to Lot 2 DP 416054. That 5A Wharf Street Lot 1 DP 416054 be removed from the Heritage schedule.



Heritage map showing 5 and 5A Wharf Street, Lots 1 & 2 DP 416054 as heritage items.



5 Wharf Street, former Baptist Manse Lot 2, DP 416054



5A Wharf Street, Infill development Lots 1 DP 416054

	Address & Item Number	Lot / DP	Issue	Recommendation
9	6 Stuart Lane, Lawrence/ Manton's Lane	Lot 2. section 62 DP 758604 and Lot 2. section 63 DP 758604	A typographical error has resulted in CVLEP heritage schedule currently including a residence on Lot 2, Section 62, DP 758604. A recent enquiry has revealed that the Section number is incorrect and should be 63. Photographs of the property in Councils heritage database clearly relate to the historic property at Manton's Lane (no number) with the same lot and DP description but on Section 63, not Section 62. The schedule and map needs to be changed accordingly.	That Schedule 5 be amended by deletion of the residence at 6 Stuart Lane on Lot 2 Section 62 DP 758604 and inclusion of Residence at Manton's Lane on Lot 2 , Section 63, DP 758604



Residence at Mantons Lane, Lawrence.

Statement of Significance:

The property is historically significant for its association with the growth of the village of Lawrence in the late 1890s and the Manton family in the period 1920 -1950. It is basically unmodified since new and so provides an excellent example of building styles and workmanship in the 1890s.

4. JUSTIFICATION

4.1 Is the Proposal a result of any strategic study or report?

The subject heritage listings and recommendations were the result of Community Based Heritage Studies for the former Grafton City and Maclean Shire areas carried out between 2002 and 2010. These studies followed the best practice model of the NSW Heritage Office co-ordinate by Jane Gardiner, an independent Heritage Advisor.

4.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Formal alteration of the CVLEP 2011 is the only way of legally altering the schedule or maps.

4.3 Is there a net community benefit?

Conservation of cultural heritage is of great community benefit to residents and visitors alike. Heritage provides a sense of continuity and link to history to give credence to the roots of a community.

5. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

5.1 Applicable Regional Strategy – Mid North Coast Regional Strategy

The protection of Cultural Heritage is outlined in section 9 of this strategy with an *Action* “to ensure that all places of significance are included in the heritage schedules of LEPS”. (Page 38).

5.2 Consistency with Council's Community Strategic Plan, or other local strategic plan

Valley Vision 2020, July 2008, is Council's adopted corporate strategic plan. The protection of cultural heritage is an important element of Council's plan and sustainability strategy.

5.1 Consistency with applicable state environmental planning policies

The proposal is consistent with applicable state environmental planning policies. Refer to the checklist against these policies at Appendix 2.

5.2 Consistency with applicable Ministerial Directions (s.117 Directions)

The proposal is consistent with applicable Section 117 Directions. Refer to the checklist against these Directions at Appendix 3.

6. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

6.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Not affected by proposal

6.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No adverse environmental effects are likely to arise from the protection of cultural heritage.

6.3 How has the planning proposal adequately addressed any social and economic effects?

Only minor alterations are proposed which are not likely to have any adverse social or economic effects.

7. STATE AND COMMONWEALTH INTERESTS

7.1 Is there adequate public infrastructure for the planning proposal?

N/A

7.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

A gateway determination has not yet been issued.

8. COMMUNITY CONSULTATION

It is considered that the proposal is a "low impact planning proposal" requiring exhibition for 14 days under Section 5.5.2 of *"A guide to preparing local environmental plans" 2012*.

Consultation with owners of properties included in the proposal will be carried out as part of the planning proposal to advise them of the changes/corrections that are proposed.

Appendix 1: State Environmental Planning Policies

State Environmental Planning Policy	Compliance	Comments
SEPP 1 Development Standards	Not applicable.	
SEPP 4 Development Without Consent and Miscellaneous Complying and Exempt Development	Not applicable	
SEPP 14 Coastal Wetlands	Not applicable.	
SEPP 15 Rural Landsharing Communities	Not applicable.	
SEPP 19 Bushland in Urban Areas		
SEPP 21 Caravan Parks	Not applicable.	
SEPP 22 Shops and Commercial Premises	Not applicable.	
SEPP 26 Littoral Rainforests	Not applicable.	
SEPP 29 Western Sydney Recreation Area	Not Applicable	
SEPP 30 Intensive Agriculture	Not applicable.	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	Not applicable	
SEPP 33 Hazardous & Offensive Development	Not applicable.	
SEPP 36 Manufactured Home Estates	Not applicable.	
SEPP 39 Split Island Bird Habitat	Not Applicable	
SEPP 41 Casino/Entertainment Complex	Not Applicable	
SEPP 44 Koala Habitat Protection	Not applicable.	
SEPP 47 Moore Park Showground	Not Applicable	
SEPP 50 Canal Estate Development	Not applicable.	
SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas	Not Applicable	
SEPP 55 Remediation of Land	Not Applicable	
SEPP 59 Central Western Sydney Economic & Employment Area.	Not Applicable.	
SEPP 60 Exempt & Complying Development.	Indirect impact.	Inclusion of some properties as heritage items will not allow them to carry out certain works under the Exempt and Complying Development Codes, however the standard LEP clauses allow maintenance and works of a minor nature which would not adversely affect significance to be carried out without a development application.
SEPP 62 Sustainable Aquaculture.	Not applicable.	
SEPP 64 Advertising & Signage.	Indirect impact.	
SEPP 65 Design Quality of Residential Flat Buildings.	Not applicable.	
SEPP 70 Affordable Housing (Revised Schemes).	Not Applicable.	
SEPP 71 Coastal Protection	Not Applicable.	
State Environmental Planning Policy	Not applicable.	

State Environmental Planning Policy	Compliance	Comments
(Affordable Rental Housing) 2009		
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable.	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not applicable.	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable.	
State Environmental Planning Policy (Infrastructure) 2007	Not applicable.	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable.	
State Environmental Planning Policy (Kurnell Peninsula) 1989	Not applicable	
SEPP(Major Development) 2005	Not applicable.	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.	
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not applicable.	
State Environmental Planning Policy (Rural Lands) 2008	Not applicable.	
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	Not applicable.	
State Environmental Planning Policy (State and Regional Development) 2011	Not applicable.	
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable.	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable.	
State Environmental Planning Policy (Temporary Structures) 2007	Not applicable.	
State Environmental Planning Policy (Urban Renewal) 2010	Not applicable.	
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable.	
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable.	
Draft NSW Planning Guidelines: Wind Farms	Not applicable.	

Appendix 2: Section 117 Directions

Section 117 Direction	Compliance	Comments
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Not applicable.	
1.2 Rural Zones	Not applicable.	
1.3 Mining, Petroleum Production and Extractive industries	Not applicable.	
1.4 Oyster Aquaculture	Not applicable.	
1.5 Rural Lands	Not applicable.	
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	Not applicable.	
2.2 Coastal Protection	Not applicable	
2.3 Heritage Conservation	Applicable.	The Planning Proposal seeks to amend Schedule 5 and the Heritage Maps of CVLEP 2011. This LEP includes clause 5.10 Heritage conservation, which manages the impact of development on heritage values The purpose of the amendment is to correct a number of anomalies and errors. there are no conflicts with the adopted MNCRS.
2.4 Recreation Vehicle Areas	Not applicable.	
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Not applicable.	
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	
3.3 Home Occupations	Not applicable.	
3.4 Integrated Land Use and Transport	Not applicable	
3.5 Development Near Licensed Aerodromes	Not applicable.	
3.6 Shooting Ranges	Not applicable.	
4. HAZARD AND RISK		
4.1 Acid Sulphate Soils	Not applicable	
4.2 Mine Subsidence and Unstable land	Not applicable.	
4.3 Flood Prone Land	Not applicable	
4.4 Planning for Bushfire Protection	Not applicable.	

5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Yes.	The amendment is consistent with the heritage objectives of the Mid north Coast Strategy.
5.2 Sydney Drinking Water Catchments	Not applicable.	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.	
5.6 Sydney to Canberra Corridor	Not applicable.	
5.7 Central Coast	Not applicable.	
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	Not applicable.	
6.2 Reserving Land for Public Purposes	Not applicable.	
6.3 Site Specific Provisions	Not applicable.	