



PGF000482

clarence
VALLEY COUNCIL

Reference: IDWS 597391
Contact: Deborah Wray

2 August 2010

Department of Planning
Locked Bag 9022
GRAFTON
NSW 2460

Received

6 AUG 2010

10/16512

North Coast

Dear Sir/Madam

Planning Proposal- Grafton Community Based Heritage Study Draft Listings.

Council on 20th April 2010, resolved to adopt the Grafton Community Based Heritage study for exhibition purposes, and a draft Planning Proposal for the proposed expanded Heritage Conservation Areas in Grafton and South Grafton, and the proposed listing of 297 new heritage items and 64 groups of items.

Council also resolved to write to all affected property owners with information about the heritage listing proposal. A detailed consultation and exhibition has taken place which concluded on 30th June.

A planning proposal report is attached which has been prepared 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). A Gateway Determination under Section 56 of the Act is now requested.

If you require any further information please contact Deborah Wray on 66430271 on a Monday or Wednesday, or David Morrison on 66430204.

Yours faithfully

David Morrison
Manager Strategic Planning



clarence
VALLEY COUNCIL

PLANNING PROPOSAL

**Proposed Listing of
Potential Heritage Items and Groups and
Expansion of Conservation Areas as
recommended in the
Grafton Community Based Heritage Study.**



'Lormont', 16 Victoria St, Grafton

Prepared by: Clarence Valley Council

TABLE OF CONTENTS

1.	Preliminary	
1.1	Context	3
1.2	Subject Land	3
1.3	Current zoning and use	4
2.	Objective or Intended Outcome	4
3.	Explanation of provisions	4
4.	Justification	
4.1	Is the Proposal a result of any strategic study or report?	4
4.2	Is the planning proposal the best means of achieving the Objectives, intended outcomes, or is there a better way?	4
4.3	Is there a net community benefit?	4-5
5.	Relationship to Strategic Planning Framework	
5.1	Applicable Regional Strategy – Mid North Coast Regional Strategy ..	5
5.2	Consistency with Council's community strategic plan, or other local strategic plan	5
5.3	Consistency with State Environmental Planning Policies	5
5.4	Consistency with applicable Ministerial Directions (s117 Directions) ...	6
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?	5
6.2	Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	5
6.3	How has the planning proposal adequately addressed any social and economic effects?	5
7.	State and Commonwealth Interests	
7.1	Is there adequate public infrastructure for the planning proposal? ..	6
7.2	What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	6
8.	Community Consultation	6
Appendix 1	Grafton Community Based Heritage Study Final Report, Jane Gardiner revised and updated February 2010	
Appendix 2	A Thematic History of the City of Grafton, Brett Stubbs 2007	
Appendix 3	Valley Vision 2020	
Appendix 4	SEPP Checklist Sect. 117 Directions Checklist	
Appendix 5	Section 117 Directions checklist.	
Appendix 6	Guide to Owners and other information sent with consultation	
Appendix 7	Copies of Submissions received from property owners.	

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). A gateway determination under Section 56 of the Act is requested.

1.2 Subject Land

This planning proposal applies to multiple parcels of land within Clarence Valley Council defined by the former boundary of Grafton City Council as shown in Figure 1. This includes Grafton, South Grafton, and outlying rural surrounds.

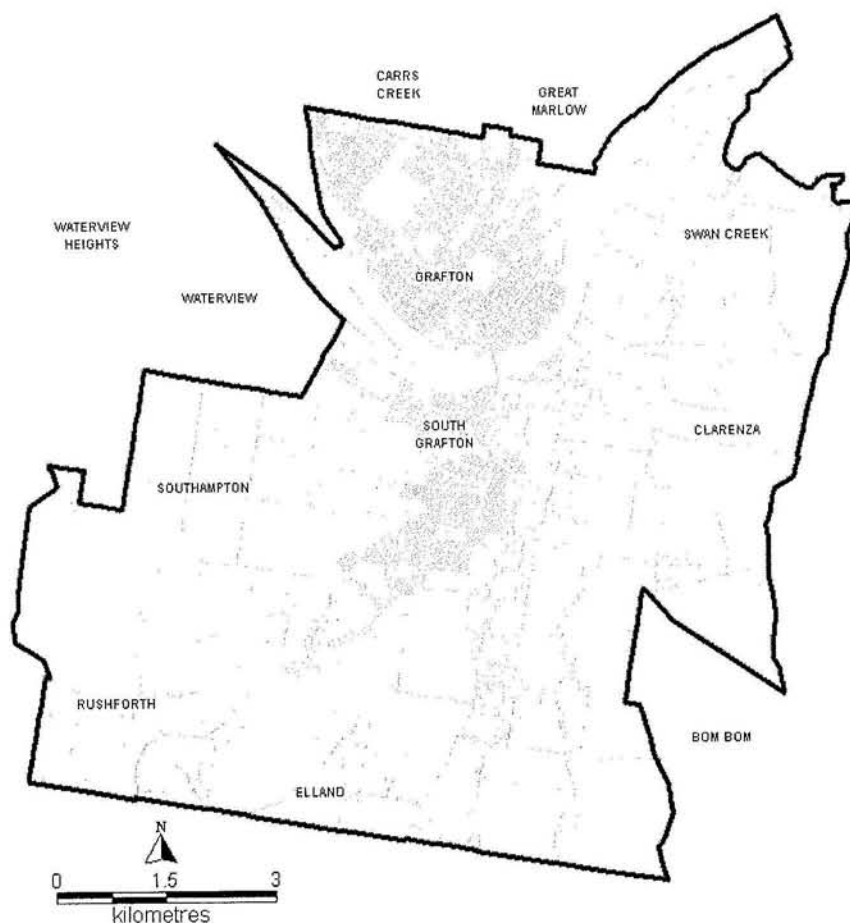


Figure 1: Grafton Community Based Heritage Study Area.

1.3 Current Zonings & Use

The study applies to a variety of zones and uses within the area covered by Grafton Local Environmental Plan 1988 and Clarence Valley Draft Local Environmental Plan 2010.

2. OBJECTIVE OR INTENDED OUTCOME

The intent of the planning proposal is to expand the boundaries of the Grafton and South Grafton Conservation Areas and include the recommended list of individual and group items as items of environmental heritage on Schedule 1 of Grafton Local Environmental Plan 1988 or Schedule 5 of Clarence Valley Draft Local Environmental Plan 2010, whichever is most appropriate at the time of gazettal.

3. EXPLANATION OF PROVISIONS

The proposal will legally protect the heritage items by inclusion in a local environmental planning instrument and allow the standard heritage clauses to be applied when assessing changes and developments, to ensure that the significance of the items is not adversely affected.

4. JUSTIFICATION

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

The proposed heritage listings are the result of a four year Community Based Heritage Study for the Grafton City area (the former City Council area). This study follows the best practice model of the Department of Planning Heritage Branch and was co-ordinated by Jane Gardiner, an independent Heritage Advisor.

The CBHS is based on a Thematic History which provides a broad overview of the historic themes that shaped the development of Grafton. A State Heritage Inventory database of over 800 items was compiled which matches the items to the historic themes, and assesses them under the significance criteria set out by the NSW Heritage Office. The Study report makes recommendations for 289 individual items and 64 groups of items to be listed on the LEP, and expansion of the Conservation Areas together with other management recommendations.

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

Yes. Legal Heritage protection through the LEP is the most effective way of conserving heritage items and enabling managed change to occur which respects the heritage significance of the items.

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. (Summary at Appendix 3)

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 5.

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 6.

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?

No. Protection of some natural sites is included in the recommendations which will enhance the protection of these sites.

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?

Property ownership is an important factor in society and any perceived limitations on the right to develop are often resisted by owners. It is therefore important as part of the consultation that adequate information is provided to owners about the implications of heritage listing and how it compares to non-listed items.

The conservation of cultural heritage is important for future generations and an acceptable balance needs to be struck which ensures the conservation of the items and allows reasonable changes to occur. As experienced in Council's management of currently listed items, reasonable outcomes can always generally be achieved. The reason for the loss of heritage values in the Grafton area over the years is attributed to the fact that only 80 items are currently listed in the 1988 LEP.

The most likely conflict would be removal or demolition of a heritage item for complete redevelopment. This poses a serious conflict with identified heritage values. Owners reserve the right to submit a development application for removal or demolition. However this underpins the need for formal listings to ensure that a rigorous heritage assessment is carried out in such circumstances and the proposal is critically assessed.

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 "normal impact planning proposal" under Section 4.5 of *"A guide to preparing local environmental plans"* which requires 28 days advertising.

In accordance with Council's resolution of 20 April 2010, consultation with all affected property owners within the proposed expanded Heritage Conservation Areas and with owners of proposed individual and group heritage items was carried out. A detailed explanatory letter, a summary of exempt and complying development in Conservation Areas, a Guide to Owners, and the SHI data sheets for the property were provided where applicable. These are attached at Appendix 6.

The study was publicly exhibited for two months from 1st May to 30th June 2010 and copies of the SHI data base, the Thematic History and Final Study Report, were available for inspection at Grafton Council Offices, at the Grafton Public Library and also on Council's website.

The results of this consultation are summarised below. Copies of the submissions are provided at Appendix 7.