



PLANNING PROPOSAL

for the heritage listing of a
BUNYA PINE TREE
GRAFTON

Lot 1, DP 431537
No. 264- 268 Pound Street, Grafton

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

1.2 Subject Land

This planning proposal applies to the following land and is identified in the aerial photo/map below (Figure 1).

Lot 1, DP 431537
264-268 Pound Street, Grafton.

Figure 1: Locality Map

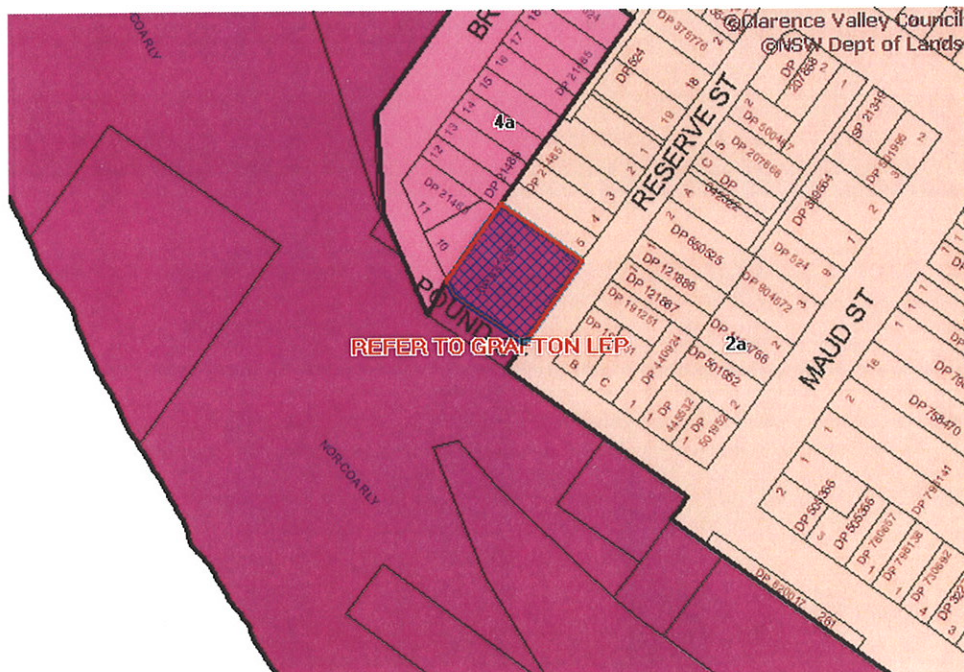


1.3 Current Zoning & Use

The tree is located on land zoned 5 Special Uses (Railway) under the Grafton Local Environmental Plan, 1988. It originally formed part of the railway holdings but has subsequently been sold and is now in private ownership. It is proposed to be zoned R2 Residential under the new Clarence Valley Draft LEP which is currently awaiting a Section 65 certificate.

An Interim Heritage Order currently protects the tree as it is not located within the Conservation Area nor is it currently listed in the Grafton LEP Schedule 1 Heritage Items.

Figure 2: Existing Zoning Plan



1.4 Background

A tree maintenance company alerted Council to the proposed lopping of a mature, 27 metre high, bunya pine tree. Council made an assessment of the tree and resolved to request the Minister to make an Interim Heritage Order (IHO) to protect the tree while a detailed assessment was carried out. The IHO was issued on 8 May 2009 and published in Government Gazette no 69. (Appendix 3)

Following the imposition of the IHO, Council obtained an Arborists report (Appendix 4) which concluded that the tree is healthy and in good condition. A detailed heritage assessment was also undertaken which concluded that the tree has historical, social, and aesthetic significance. As a result Council resolved on 15th September 2009 to protect the tree by making it an item of environmental heritage.



2. OBJECTIVE OR INTENDED OUTCOME

The intent of the planning proposal is to formally list the tree as an item of environmental heritage.

3. EXPLANATION OF PROVISIONS

The objective of the Proposal will be achieved by including the tree as an item in Schedule 5 of Clarence Valley Draft LEP.

4. JUSTIFICATION

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

The protection of the tree has also been addressed as part of a Community Based Heritage Study for the Grafton city area and a detailed data sheet has been produced in accordance with the State Heritage Inventory guidelines. (Appendix 2)

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

Yes. Heritage protection is the most effective way of controlling preservation of this tree.

4.3 Is there a net community benefit?

The tree has identified social and historic significance and contributes to the aesthetic significance of the streetscape.

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. Listing of the Bunya Pine will assist in retaining mature vegetation.

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

One issue that arose in consideration of this matter was the risk of mature pine cones falling. This can be managed by removal of the cones before they become large or potentially dangerous but would incur a cost to the owner. Council considered this issue to be outweighed by the need to conserve the cultural heritage values of the tree.

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

Council considered a report on the issues in relation to the tree at its meeting on 15 September 2009. The main issues concern heritage values, the potential hazard of cones dropping and ways of managing this by removal of the cones.

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" under Section 4.5 of *"A guide to preparing local environmental plans"*. The addition of one item of environmental heritage is a minor change to the LEP.

On this basis, it is intended that the planning proposal be advertised for 14 days in accordance with Section 4.5 of *"A guide to preparing local environmental plans"*. A public hearing is not considered necessary.
