

Planning and Assessment

Gateway determination report

Clarence Valley Gateway determination: PP_2020_CLARE_001_00

Purpose: To recommend the Director, as delegate of the Minister, determine that planning proposal PP_2020_CLARE_001_00 should proceed.

Analysis: The planning proposal seeks to add and amend heritage listings in the Clarence Valley LEP 2011 to implement the recommendations of the Ulmarra-Nymboida Heritage Study. The planning proposal is considered to have merit and should proceed subject to conditions.

1. INTRODUCTION

LGA	Clarence Valley
PPA	Clarence Valley Council
NAME	To add and amend heritage listings in the Clarence Valley LEP 2011 to implement the recommendations of the Ulmarra-Nymboida Heritage Study.
NUMBER	PP_2020_CLARE_001_00
LEP TO BE AMENDED	Clarence Valley LEP 2011
ADDRESS	Clarence Valley LGA
DESCRIPTION	Various Lot and DPs
RECEIVED	1 May 2020
FILE NO.	IRF20/1953
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.1 Description of planning proposal

The planning proposal seeks to add and amend heritage listings in the Clarence Valley LEP 2011 to implement the recommendations of the Ulmarra-Nymboida Heritage Study.

Council has also including the former Maclean slipway and associated structures on Lots 721, 722, 723 & 724 DP 1148111, River Street, Maclean, as a proposed heritage item (Figure 2). This heritage significance of this site was identified recently during the processing of Clarence Valley LEP 2011 Amendment 43.



Figure 1 – Former Ulmarra & Nymboida Shire LGAs in Clarence Valley LGA

1.2 Site description

The proposal generally covers the former Ulmarra and Nymboida Shire Council areas (approx. 6,500km²). The former Ulmarra Shire area is to the north and east of Grafton and the former Nymboida Shire area lies to the south, west and north west of Grafton (Figure 1).

Also included in the planning proposal is the former Schwonberg Slipway and associated structures on Lots 721, 722, 723 & 724 DP 1148111, River Street, Maclean (Figure 2).



Figure 2 - Maclean former slipway

1.3 Existing planning controls

No zoning or development standards are proposed to be amended in this planning proposal.

1.4 Summary of recommendation

It is recommended that this planning proposal be conditionally supported to allow Clarence Valley Council to amend and update its local heritage listings in the Clarence Valley Local Environmental Plan (LEP) 2011 to provide appropriate heritage protection to identified items of heritage significance.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives of the planning proposal are adequately outlined as follows:

- include additional heritage items and conservation areas;
- extend the Ulmarra Heritage Conservation Area boundary;
- correct some minor property description and mapping anomalies of existing items; and
- remove item, I85 Glenreagh Catholic Church, 16 Boundary Street, Glenreagh, due to its destruction by fire in 2018.

2.2 Explanation of provisions

The planning proposal clearly outlines the proposed amendments to the Clarence Valley LEP 2011. Table 1 in the planning proposal outlines the proposed amendments and updates to existing items as follows:

Town	Proposed Item No	Amendment Required
Cowper	Item I1001	Add 'Section 3' to the Property Description.
Nymboida	Item I335	Item appears to be on only part of the lot. Add 'Part Lot' to Property Description.
Nymboida	Item I1034	Item appears to be on only part of the lot. Add 'Part Lot' to Property Description.
Nymboida	Item I1039	Listed multiple times. Consolidate into one entry in Table 1.
Nymboida	Item I1041	Check the Lot/DP. Could possibly be Lot 1 DP93161.
Nymboida	Item I334	Item is on Map Sheet HER_008C, however is not listed in the Table 1
Tucabia	Item I1049 and I1054	Both items refer to the 'Residence, Former Post Office' and have the same Lot/DP listed.
Ulmarra	Item I1058	Amend and check Lot/DP. Only one lot appears to be mapped and 2 non-adjacent lots have been listed (Figure 3).
Ulmarra	Item I1066	Requires a label on the map.
Ulmarra	Item 1074	Item appears to be on only part of the lot. Add 'Part Lot' to Property Description.
Ulmarra	Item I1078	Lot 1 DP734045 appears to be mapped. Lot 2 is listed twice. Lot 3 is mapped. Amend the map and Table 1 to correlate. (Figure 4)
Ulmarra	Item I1082	Item refers to residence. The residence appears to be on Lot 11 DP789459.

Table 1 – Identified Amendments

The study also recommends an expansion of the existing conservation area at Ulmarra (Figure 5). It is noted that some of the listed items in Table 1 accompanying the explanation of provisions appear to incorrect Lot / DP and address details. This should be reviewed and corrected where needed by Council prior to consultation.



Figure 3 – Ulmarra, Item I1058

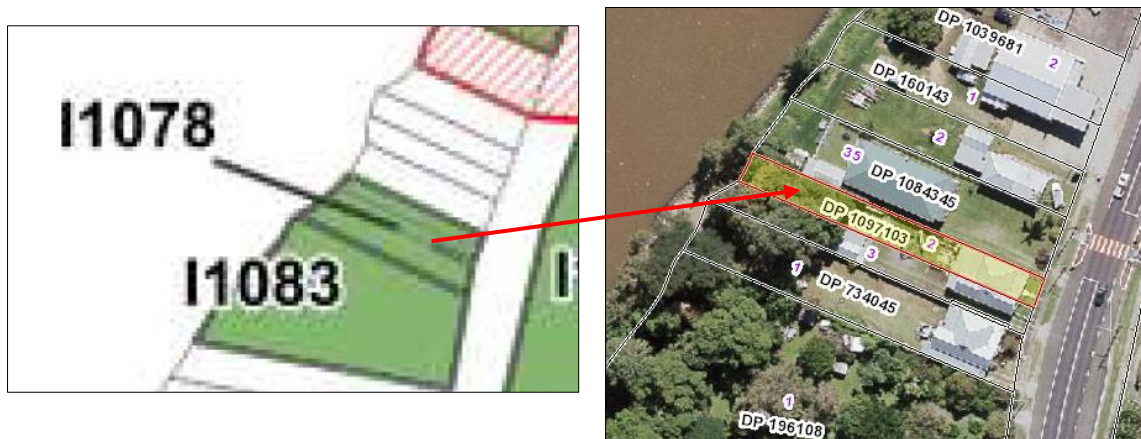


Figure 4 – Ulmarra, Item I1078

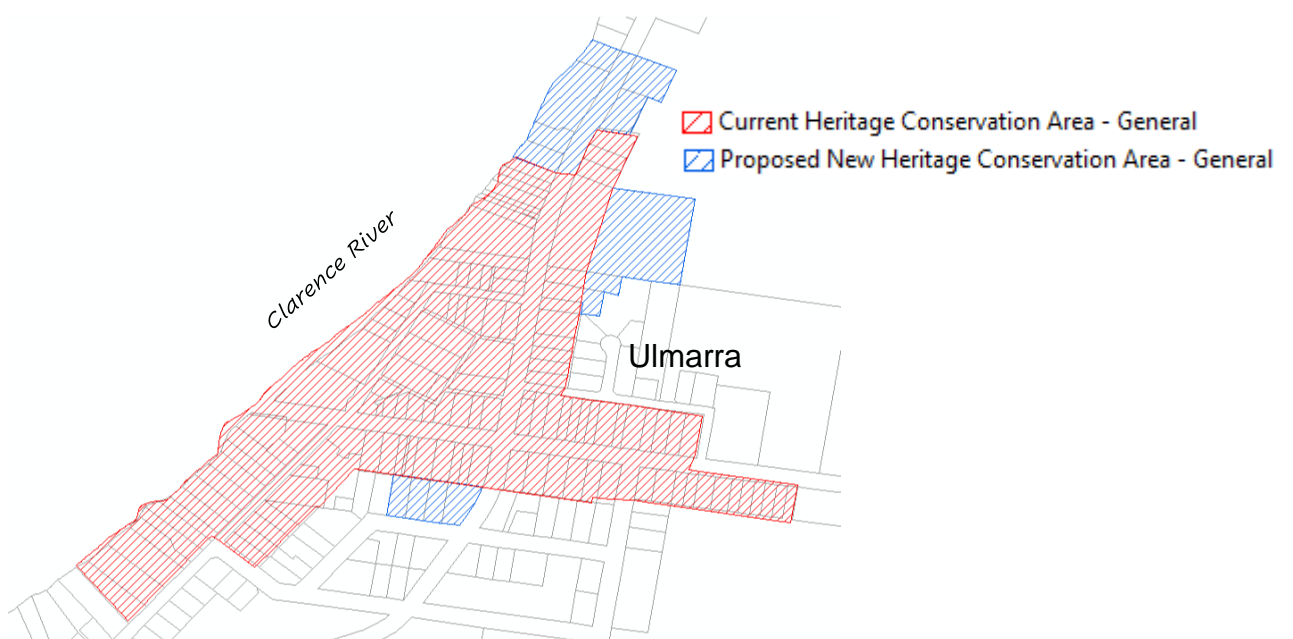


Figure 5 - Ulmarra Heritage Conservation Area Proposed Amendments

2.3 Mapping

The proposal seeks to make amendments to existing maps and add new heritage maps to the LEP. The maps supplied with the proposal are generally adequate for the purposes of public exhibition except for some labelling obscuring certain items and the lack of a clear diagram showing the proposed changes to the Ulmarra Conservation area. For community consultation purposes it is considered that a map or diagram showing the existing Ulmarra Heritage Conservation area and the proposed area be included and obscuring labels be amended.

Maps consistent with the 'Standard Technical Requirements for Spatial Datasets and Maps' will also need to be prepared before the making of the LEP amendment.

3. NEED FOR THE PLANNING PROPOSAL

The proposal is the result of the Ulmarra-Nymboida Community Based Heritage Study prepared by Clarence Valley Council and partly funded by Heritage NSW. The preparation of the study was identified as a priority in the Clarence Valley Heritage Strategy 2013. This planning proposal is now needed to implement the recommendations of the study.

During the Clarence Valley LEP 2011 Amendment 43 process, Council also became aware of the historical significance of Lots 721 and 722 DP 114811, River Street, Maclean. The site was identified as containing the former Schwonberg Slipway and associated structures. The site has therefore also been included in the current heritage housekeeping proposal.

4. STRATEGIC ASSESSMENT

4.1 State

The planning proposal does not contain any matters of state or regional significance and is not inconsistent with the Premier's Priorities.

4.2 Regional / District

The planning proposal is considered to be consistent with the Regional Plan having particular reference to:

- Direction 19 – Protect historic heritage; and
- Direction 20 – Maintain the region's distinctive built character.

4.3 Local

The planning proposal is consistent with the aims and objectives of The Clarence 2027 Community Strategic Plan and with Council's Delivery Program and Operational Plan February 2020.

4.4 Section 9.1 Ministerial Directions

The proposal is considered to be consistent with all relevant s9.1 Directions except:

2.3 Heritage Conservation

The proposal is inconsistent with this Direction as it reduces the heritage protections applicable to heritage item I85 Glenreagh Catholic Church, 16 Boundary Street, Glenreagh, by removing the item from Schedule 5 Environmental Heritage of Clarence Valley LEP 2011. The inconsistency is considered to be of minor significance as the Glenreagh Catholic Church was destroyed by fire in 2018.

4.4 Planning for Bushfire Protection

This Direction applies as the planning proposal affects land that is identified as being bushfire prone. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

4.5 State environmental planning policies (SEPPs)

The proposal is considered to be consistent with all applicable state environmental planning policies.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The proposed heritage listings and changes have been identified through an appropriate community-based heritage study. This has ensured that the community has been actively involved in researching and nominating items and places of heritage significance, and in considering recommendations for their management and promotion. It is also recommended that Heritage NSW be consulted as part of the proposal process to ensure the appropriateness of the heritage listings.

It is considered that the conservation of the identified heritage items will contribute to the place and social fabric of the various villages and areas identified and will have positive social impacts on the communities.

The brief and scope of the community based heritage study did not extend to Aboriginal heritage. Council carried out an LGA wide Aboriginal Heritage Study adopted on 14 April 2015 which was prepared in consultation with members of the Clarence Valley local Aboriginal communities. Aboriginal history was included in a separate thematic history volume of the study. This is considered appropriate.

5.2 Environmental

The addition of the various heritage items will have negligible environmental impacts. The listings only identify and preserve the historical nature of what is already in place and is unlikely to have adverse impact on ecological communities, specific habitats or ecosystems near identified sites.

5.3 Economic

Heritage is considered to be a major contributor to the region's identity and character. It is considered the addition of the various heritage items and conservation areas will have a positive impact on the local heritage character bringing valuable economic benefits in relation to tourism.

6. CONSULTATION

6.1 Community

Extensive community consultation has already been undertaken as part of the associated community based heritage study process, with public meetings and working groups held in various locations throughout the study area. The study was also placed on public exhibition for two months from 25 October 2019 to 24 December 2019. Owners of items recommended for individual listing or within a Heritage Conservation Area were individually consulted by letter of the study findings and recommendations. A web page was also developed, and posts sent out on social media as well as newspaper adverts.

There were 41 submissions received from the public exhibition process, mostly in support of the study and its findings. There were objections to the proposed Conservation Area at Wooli due to the mixed nature of built form in Wooli and perceived restrictions on rebuilding. Council have removed the proposed Wooli Conservation Area from the current planning proposal to carry out further investigation and consultation with the local community.

Council has suggested a 28-day timeframe for a community consultation period will be undertaken for the planning proposal. This is considered to be an appropriate timeframe. To assist community consultation, it is also recommended that the draft inventory heritage sheets for the individual items detailing their heritage significance be included in the proposal for exhibition purposes. This has been discussed with Council who have raised no objection.

6.2 Agencies

It is considered that Council should consult with the following agencies:

- Heritage NSW
- NSW Rural Fire Service
- National Parks and Wildlife
- Crown Lands

Crown Lands and National Parks and Wildlife have been included in the agency consultation as the proposal identifies these agencies as landowners of some of the affected heritage items.

7. TIME FRAME

The planning proposal includes a project timeline which estimates completion of the LEP amendment in October 2020. It is considered that a nine month timeframe for completion of the LEP amendment would be appropriate to ensure adequate time to complete the planning proposal. This timeframe should also be amended in the proposal prior to consultation.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested it be issued with an authorisation to exercise plan making functions. It is considered that the planning proposal deals only with matters of local significance and it is considered appropriate that Council be provided authorisation to act as the local plan-making authority.

9. CONCLUSION

It is recommended that this planning proposal proceed subject to conditions.

The proposal will update the heritage listings contained in the Clarence Valley Local Environmental Plan (LEP) 2011 and provide appropriate protection to identified items of heritage significance.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. **agree** that any inconsistency with section 9.1 Direction 2.3 Heritage Conservation is of minor significance; and
2. **note** that the inconsistency with section 9.1 Direction 4.4 Planning for Bushfire Protection remains unresolved until consultation with the NSW Rural Fire Service is undertaken.

It is recommended that the delegate of the Minister:

1. **note** the planning proposal (**Attachment A**);
2. **determine** that the planning proposal should proceed subject to the following conditions:
 - The planning proposal should be made available for community consultation for a minimum of 28 days.
 - Consultation is required with the following public authorities:
 - Heritage NSW
 - NSW Rural Fire Service
 - National Parks and Wildlife
 - NSW Crown Lands

- The time frame for completing the LEP is to be nine months from the date of the Gateway determination.
 - Given the nature of the planning proposal, Council should be authorised to act as the local plan-making authority to make this plan.
 - Prior to agency or community consultation, the proposal is to be amended to:
 - a. ensure the address and Lot/DP details listed in Table 1 are correct;
 - b. include revised maps that don't have item number labels and labels are not obscuring items;
 - c. include a map or diagram depicting the current and proposed Ulmarra Heritage Conservation Area;
 - d. include the draft heritage inventory sheets for the additional items; and
 - e. update the time frame to accurately reflect the Gateway determination and expected completion date.
3. **sign** the Gateway determination (**Attachment B**) noting that Clarence Valley Council is the local plan making authority and the letter to Council (**Attachment C**).



15/5/20

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20-5-2020

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Attachments

Attachment	Title
A	Planning proposal (v1.1)
B	Gateway determination
C	Letter to Council