

#### **4 PLANNING PROPOSAL TO AMEND GREAT LAKES LEP 2014 - HERITAGE AMENDMENTS**

**Report Author** Aaron Kelly, Strategic Planner

**File No. / ECM Index** SP-PP-29

**Date of Meeting** 23 August 2017

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#### **SUMMARY OF REPORT**

This report informs Council of submissions received during the public exhibition of the Planning Proposal to amend Great Lakes Local Environmental Plan 2014 Heritage Schedule and associated mapping. The report also outlines proposed administrative amendments to the Planning Proposal as a result of those submissions.

#### **SUMMARY OF RECOMMENDATION**

That Council:

- A. Pursuant to section 59 of the Environmental Planning and Assessment Act 1979 adopt the revised Planning Proposal for Heritage Amendments to Great Lakes Local Environmental Plan 2014, contained in Attachment A.
- B. Submit the amended Planning Proposal to the Parliamentary Counsel's Office of the Department of Planning & Environment and request that the amendment to Great Lakes Local Environmental Plan 2014 be drafted and made.

#### **FINANCIAL/RESOURCE IMPLICATIONS**

Nil.

#### **LEGAL IMPLICATIONS**

Nil.

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#### **BACKGROUND**

##### Planning Proposal

At its Strategic Planning Committee Meeting of 10 May 2016 the former Great Lakes Council resolved to prepare a Planning Proposal to amend Great Lakes Local Environmental Plan (LEP) 2014 Schedule 5 – Environmental Heritage and associated mapping.

The intentions of the Planning Proposal were to amend Great Lakes LEP 2014 so that:

- A total of 57 new Heritage Items were included in Schedule 5 – Environmental Heritage, one (1) which is an item of State heritage significance;
- An existing Local Heritage Item in Schedule 5 – Environmental Heritage, "Quambi House" is nominated as a State heritage significant item in its own right.
- A total of twelve (12) heritage maps are amended where necessary, incorporating the new Heritage Items in Schedule 5 - Environmental Heritage.

A conditional Gateway Determination was issued by the NSW Department of Planning and Environment (the Department) on 20 April 2017, a copy of which is provided in Annexure A.

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### Public Exhibition

The Planning Proposal was placed on public exhibition from 14 June 2017 to 14 July 2017 (30 days) inclusive. Notification of the public exhibition included newspaper notices and letters to all affected landowners of proposed heritage items, including State listed items. The Planning Proposal and all supporting documentation were available at Council's Forster, Stroud, Bulahdelah, Tea Gardens and Gloucester Offices and on the MidCoast Council website throughout the public exhibition period.

In response to the exhibition no public submissions were received. It is generally considered that this Planning Proposal has been well received by the affected community.

### Public Agency Consultation

Public Agency consultation was undertaken during the public exhibition period with the Heritage Division of the NSW Department of Environment and Heritage (OEH), in accordance with the conditions of the Gateway Determination.

A response was received from OEH on 5 June 2017 supporting the listing of local heritage items, as documented in Annexure B.

However, OEH did lodge an objection to the State heritage listing of Quambi House in its own right, on the grounds that this would have an adverse impact on the significance of the State listed 'St John's Lutheran Church Group' as a 'Complex/Group'. It is noted that Quambi House is located within the same property as the St John's Lutheran Church Group. OEH have requested that Quambi House be included in the St John's Lutheran Church Group.

It is agreed that Quambi House will be removed as an individual item in Schedule 5 of Great Lakes LEP 2014.

It is proposed that:

- The Planning Proposal be amended so that Quambi House will instead be identified as one of the components within Item 45 within the Schedule, being the St John's The Evangelist Church Group,
- The Planning Proposal be amended so that Item 45 in the Schedule, being the St John's The Evangelist Church Group - hall, cemetery and rectory, be amended to include hall, cemetery, rectory and Quambi House;
- The Planning Proposal be amended so that the heritage map including the current Quambi House as Item 46 will be removed and this item be consolidated into Item 45 being the St John's The Evangelist Church Group – hall, cemetery, rectory and Quambi House;
- Council's heritage advisor undertake a further heritage assessment of Quambi House, paying particular attention to its relationship with the St John's Church Group, with the aim of updating the State Heritage database to include Quambi House in its description and statement of significance.

### Minor Administrative Amendments

The publicly exhibited Planning Proposal identified Stroud House as an item of Local heritage significance. Stroud House has recently been gazetted by the NSW Heritage Council as an item of State heritage significance.

It is proposed that the Planning Proposal be amended to ensure Stroud House is also identified as a State item within Great Lakes LEP 2014.

It has been noted during the finalisation of the Planning Proposal that the property description (Lot and DP information) for some items may have changed. It is proposed that all property descriptions be reviewed for accuracy, prior to lodgement with the Department.

### Conclusion

The Planning Proposal to amend the Great Lakes LEP 2014 has been amended in response to the Heritage Division of OEH submission so that:

- A total of 57 new heritage Items are included in Schedule 5 – Environmental heritage, one (1) which is a State Registered place;
- “Quambi House” is removed as an individual item in Schedule 5 - Environmental Heritage and identified as part of the St John’s Lutheran Church Group.
- The heritage map layer is to be amended where necessary, to reflect the proposed amendments to Schedule 5, including the removal of Item 46 (Quambi House) and consolidation of this lot into Item 45 (St John The Evangelist Church Group).
- The property description information in Schedule 5 - Environmental Heritage is reviewed for accuracy and updated where necessary.

The updated Planning Proposal incorporating these changes is provided in Attachment A.

It is recommended that the Planning Proposal, amended in response to submissions received during public exhibition, be adopted by Council and forwarded to the Department for drafting as an LEP amendment and subsequent publication on the NSW Legislation website.

### **CONSULTATION**

Community Consultation and Public Exhibition of this Planning Proposal is now considered to be completed in accordance with section 56(2) and 57 of the *Environmental Planning and Assessment Act 1979* as per Condition 2 of the Gateway Determination.

### **COMMUNITY IMPACTS**

There will be minimal community impacts resulting from the Recommendation.

### **ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN**

The finalisation of the Planning Proposal to amend Great Lakes LEP 2014 - Schedule 5 - Environmental Heritage is consistent with MidCoast Council's Operational Plan:

*Objective 11 Plan for sustainable growth and development*

*Strategy 11.3 Plan for the conservation and protection of our built heritage*

*11.3.1 Effectively manage the heritage of MCC (with partnership with the Office of Environment & Heritage) through:*

- *Planning proposal that adds items of heritage to Great LEP heritage Schedule.*

### **TIMEFRAME**

Adoption of the amended Planning Proposal at this time ensures its completion within nine (9) months, as recommended by the NSW Department of Planning and Environment in its Gateway Determination, dated 20 April 2017.

## **BUDGET IMPLICATIONS**

There are no additional budget implications arising from the Recommendations of this Report.

## **RISK CONSIDERATION**

There are minimal risks arising from the Recommendations of this Report.

## **RECOMMENDATION**

That Council:

- A. Pursuant to section 59 of the Environmental Planning and Assessment Act 1979 adopt the revised Planning Proposal for Heritage Amendments to Great Lakes Local Environmental Plan 2014, contained in Attachment A.
  - B. Submit the amended Planning Proposal to the Parliamentary Counsel's Office of the Department of Planning & Environment and request that the amendment to Great Lakes Local Environmental Plan 2014 be drafted and made.
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## **ATTACHMENT**

- A: Revised Planning Proposal for Heritage Amendments to Great Lakes Local Environmental Plan 2014 - 31 July 2017

Due to its large size, Attachment A has been circulated in hard copy to the Administrator only as a paper conservation measure. However, this Attachment is publicly available on Council's Website, copies are available at Council offices and copies are available on request.

**CONSIDERATION OF OFFICERS' REPORTS:**

**DIRECTOR PLANNING & NATURAL SYSTEMS**

**1. MCC RURAL ECONOMIC DIVERSITY STRATEGY**

**Report Author     Alex Macvean, Senior Strategic Planner**

**173/17 RESOLVED (Turner) *(as per recommendation)***

That Council note the information contained within the report

**2 GLOUCESTER HERITAGE SCOPING STRATEGY**

**Report Author     Aaron Kelly, Strategic**

**174/17 RESOLVED (Turner) *(as per recommendation)***

That Council:

1. Endorse the Gloucester Heritage Scoping Study and make the study available to the community through its website and media platforms.
2. Accept the recommendations of the Gloucester Heritage Scoping Study and seek funding from the NSW Office of Environment & Heritage to commence a Gloucester Heritage Study.

**3 LOCAL HERITAGE FUND 2017-18**

**Report Author     Sue Calvin, Senior Strategic Planner**

**175/17 RESOLVED (Turner) *(as per recommendation)***

That local heritage grant funding be provided as shown in Annexure A to the report.

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**176/17 RESOLVED (Turner) *(as per recommendation)***

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