

TO: Elected Members

FROM: Scott McLuskey, Manager Development Services / Assessment Manager

DATE: 14 October 2022

SUBJECT: Update – Outcome of Code Amendment Request – Addition of Representative Buildings to Historic Area Overlays

Dear Mayor and Councillors,

At the 5th May 2022 Strategic Planning and Development Policy Committee (SPDPC) meeting, which followed discussion on this matter at the 19th July 2021 meeting, staff confirmed that we had submitted a request to the State Planning Commission for a 'Minor or Operational' Code Amendment related to Representative Buildings.

Background

The purpose of this Code Amendment request was to see Representative Buildings added to those Historic Area Overlays that did not have any identified. The context for this is that Council had undertaken a heritage survey at the time that did identify proposed places to be identified as Representative Buildings (then known as Contributory Items), but Council was told by the State Government that as Representative Buildings would not exist in the new planning system that we would not be allowed to include them in our Development Plan.

Initial advice from the State Planning Commission suggested that they may support our Code Amendment request, noting that there are no policies in the Planning and Design Code that refer to Representative Buildings and that the primary purpose of identifying Representative Buildings is to be transparent with our community about buildings that contribute positively to the historic values of an area.

At the 6th September 2022 SPDPC meeting, staff provided a brief update indicating that we had received a commitment from State Planning Commission staff to receive some clarity on the status of our Code Amendment request in the near future.

Outcome of Code Amendment Request

On 20th September 2022 I received an email from State Planning Commission staff advising that our Code Amendment request had been refused. Staff also apologised for the delay in this response, noting that it came more than 12 months after we submitted the request (16th September 2021).

Next Steps

Council's Senior Policy Planner and myself will be meeting with State Planning Commission staff to discuss this matter further on Thursday 6th October 2022. Staff will be seeking to advocate for a changed position on our Code Amendment request, which appears to be an unlikely outcome, and also to understand what process and information the State Planning Commission considers it will require in order to progress a Code Amendment that is not 'Minor or Operational' to achieve the identification of additional Representative Buildings.

This will allow staff to scope the likely costs and timeframe associated with this process, which can then be discussed by Council or at a future SPDPC if that Committee is again formed by Council following the November election.

While staff are disappointed in both the outcome and length of delay associated in the process, we will work to understand the State Planning Commission's position on Representative Buildings and will ensure the new Council is fully equipped to progress this matter forward.

Best regards,

A handwritten signature in black ink, appearing to read 'Scott McLuskey', written in a cursive style.

Scott McLuskey

Manager Development Services / Assessment Manager