

Planning Services

Gateway Determination Report

LGA	Cessnock
RPA	Cessnock City Council
NAME	City Wide Heritage Amendment to create additional heritage listings and Heritage Conservation Areas and correct existing listings and mapping errors throughout the Cessnock Local Government Area (0 homes, 0 jobs)
NUMBER	PP_2017_CESSN_004_00
LEP TO BE AMENDED	Cessnock Local Environmental Plan 2011
ADDRESS	LGA wide
DESCRIPTION	Various Lots and DPs
RECEIVED	2 August 2017
FILE NO.	17/10760
QA NUMBER	qA419320
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

INTRODUCTION

Description of Planning Proposal

The Planning Proposal seeks to make numerous amendments to the Heritage maps and Schedule 5, Environmental heritage in the Cessnock LEP 2011. The Proposal includes seven new heritage items, two new Heritage Conservation Areas and nine amendments to existing heritage items (alteration of boundaries, corrections to property descriptions or complete removal from the schedule).

Site/Area Description

The Proposal involves a total of 18 sites, spread throughout the Cessnock LGA. Sites are located in Pokolbin, Abermain, Branxton, Cessnock, Kurri Kurri, Mulbring, Greta, Wollombi and Clifftleigh (see Table 1).

All amendments relate to sites that have or had items of historic European heritage of local significance. The items generally include a variety of buildings, structures (eg gates) and infrastructure (eg water reservoir). It also includes two proposed heritage conservation areas which have distinct features and are described as follows:

Proposed Branxton Heritage Conservation Area

Branxton has a large percentage of late nineteenth and early twentieth century buildings located along Maitland Street, also known as the New England Highway. Council advises that the commercial buildings on this street reflect the era of the town's development.

Cessnock Road in Branxton contains residences from the nineteenth and early twentieth century. On the western side of Cessnock Road a number of substantial late nineteenth and early twentieth brick houses occupy prominent and elevated positions on the hill. On the eastern and lower side of the road the houses, while less substantial, are of the same era. It is recognised that there are new houses present in the area however Council considers that they do not detract from the overall heritage value of the precinct.



Figure 1 – Proposed Greta Heritage Conservation Area

Proposed Greta Heritage Conservation Area

Greta contains a number of buildings that Council considers reflect the village's development in the late nineteenth and early twentieth century. The buildings are focused on High, Wyndham and Anvil Streets and are mainly commercial or government buildings with a small number of residential properties. The wide, tree-lined Greta Median Strip, incorporates heritage items such as the WWI memorial obelisk, band rotunda and silky oak planting provides a cohesive link and distinctive feature of the streetscape.



Figure 2 – Proposed Greta Heritage Conservation Area

Summary of Recommendation

The proposed amendments are either supported by a heritage study (2017) or are matters which correct property descriptions or mapping errors. Ensuring that these items are protected and that the information contained in the LEP is correct is a positive outcome and therefore the progression of the proposal is supported.

In addition to the proposal items, it is recommended that a further change to a heritage item listed in the LEP be included. This change relates to mapping and heritage significance of the Great Northern Railway Network item.

In summary, it is recommended that the proposal proceed with conditions:

- Minor changes required to update S 117 Directions and identification of LEP maps requiring amendment.
- To include the proposed change for LEP Item 216 Great Northern Railway Network (formerly included in PP_2017_CESSN_003_00) and review its heritage significance in consultation with OEH and Railcorp.

PROPOSAL

Objectives or Intended Outcomes

The objective of the Proposal is to implement the findings of the Cessnock City Heritage Study (2017) and ensure items and areas of heritage significance are appropriately protected in the Cessnock LEP 2011.

By updating the Heritage maps and Schedule 5, Environmental heritage in the Cessnock LEP 2011, the Proposal will add new items of local heritage significance and ensure that the sites that are listed as containing a heritage item are correct.

The Planning Proposal seeks to achieve the following:

- recognise additional local heritage items;

- recognise additional Heritage Conservation Areas;
- correct property descriptions and addresses of several heritage items in Schedule 5 of the Cessnock LEP 2011;
- remove heritage items where the item is not located on the property; and
- alter heritage mapping to reflect subdivisions that have occurred.

Explanation of Provisions

Heritage criteria have been applied to all proposed new listings (Amendment 1 – Amendment 9) to justify their inclusion in Schedule 5, Environmental heritage as items of local significance. Amendments 10 – 18 aim to correct mapping errors, incorrect property descriptions (e.g. following subdivision) or remove items where it is known that they no longer exist (e.g. the item has been removed due to new development occurring).

A summary of the proposed provisions and amendments to the Cessnock LEP 2011 is provided in the below table.

<i>Amendment</i>	<i>Heritage Item Name</i>	<i>Address/Property</i>	<i>Proposed amendment</i>
Amendment 1 New Listing	Hunter Valley Distillery	1141 Hermitage Road, Pokolbin – Lot 301 DP 800613	Amend Schedule 5 of the LEP and Heritage Map HER005 to identify Hunter Valley Distillery at Pokolbin as heritage item - General and assign the next available heritage item number.
Amendment 2 New Listing	Abermain Post Office (former)	247 Cessnock Road, Abermain – Lot 9 Sec 3 DP 758004	Amend Schedule 5 of the LEP and Heritage Map HER009A to identify Abermain Post Office (Former) at Abermain as a heritage item – general and assign the next available heritage item number.
Amendment 3 New Listing	Clift Street Hall (former Bakehouse)	70 Maitland Street, Branxton – Lot 6 DP 1106094	Amend Schedule 5 of the LEP and Heritage Map HER005A to identify Clift Street Hall (Former Bakehouse) at Branxton as heritage item - general and assign the next available heritage item number.
Amendment 4 New Listing	Water Supply Reservoir (Cessnock Reservoir)	1 Millfield Street, Cessnock – Lot 1 DP 938728	Amend Schedule 5 of the LEP and map sheet HER006CA to identify Water Supply Reservoir (Cessnock Reservoir) at Cessnock as a heritage item – general and assign the next available heritage item number.
Amendment 5 New Listing	Masonic Hall	130 Barton Street, Kurri Kurri – Lot 1 DP 933324	Amend Schedule 5 of the LEP and map sheet HER009AA to identify Masonic Hall at Kurri Kurri as a heritage item – General and assign the next available heritage item number.
Amendment 6 New Listing	Temperance Hotel (former)	31 Maitland Road, Mulbring – Lot 2 Sec 1 DP 758722	Amend Schedule 5 of the LEP and map sheet HER009 to identify Temperance Hotel (Former) at Mulbring as a heritage item - General and assign the next available heritage item number.
Amendment 7 New Listing	Methodist Church (former)	43 High Street, Greta – Lot 3 Sec 19 DP 758474	Amend Schedule 5 of the LEP and map sheet HER005A to identify the Methodist Church (Former) at Greta as a heritage item - General and assign the next available heritage item number.
Amendment 8 New Listing	Branxton Conservation Area	Various – Extends over 15 currently listed heritage items and creates new conservation area	Amend Schedule 5 of the LEP and map sheet HER005A to identify a Heritage Conservation Area at Greta of Local significance and assign the next available heritage conservation area number.
Amendment 9 New Listing	Greta Conservation	Various – Extends over 11 currently listed	Amend Schedule 5 of the LEP and map sheet HER005A to identify a Heritage

	Area	heritage items and creates new conservation area	Conservation Area at Greta of Local significance and assign the next available heritage conservation area number.
Amendment 10 Existing Item no. 137	Branxton Shop and Houses	50, 56-58, 60, 62, 64, 68, part of 70, and 72 Maitland Street, Branxton – Lot 24 DP 628173, Lot 231 DP 791248, Lot 4 DP 1047308, Lot 100 DP 1212575, Lot 1 DP 779515, Lot 1 DP 213879, Lot 3 DP 213879, Lot 6 DP 1106094 and Lot 3 DP 1101838	Amend Heritage Item address in Schedule 5 of the LEP from: '50, 56, 60, 62, 64, 66, 68–70 and 72 Maitland Road' to: '50, 56-58, 60, 62, 64, 68, part of 70, and 72 Maitland Street (omitting 69 Maitland Street, Branxton). Amend map sheet HER005A to remove the heritage listing from 69 Maitland Street Branxton.
Amendment 11 Existing Item no. 1172	Pokolbin Community Centre and Memorial Gates	Part of 126 McDonalds Road, Pokolbin – Lot 301 DP 822160	Change Item Name from 'Pokolbin Community Centre and Memorial Gates' to 'Pokolbin Memorial Gates' in Schedule 5 of the LEP. Amend Heritage Item address in Schedule 5 of the LEP from '126 McDonalds Road' to 'Part of 126 McDonalds Road'. Amend Property Description in Schedule 5 of the LEP from 'Lot 1 DP 703138' to 'Lot 301 DP 822160'. Remove Lot 1 DP 703138 from Heritage Map HER006C. Add Lot 301 DP 822160 to Heritage Map HER006C (Lot 301 contains the Memorial Gates).
Amendment 12 Existing Item no. 154	Cessnock Hospital	View Street, Cessnock – Lot 2 DP 1173784	Amend Heritage Item address in Schedule 5 of the LEP from 'Jurd and View Streets' to 'View Street'. Amend Property Description in Schedule 5 of the LEP from 'Lot 12 DP 882585' to 'Lot 2 DP 1173784'. Remove Lot 1 DP 1173784 from Heritage Map HER006CA.
Amendment 13 Existing Item no. 1155	Potters Brewery	9 Fleming Street, Nulkaba – Lot 1 DP 86394	Amend Property Description in Schedule 5 of the LEP from 'Lot 1 DP 873424' to 'Lot 1 SP 86394'. Remove Lot 2 SP 86394 from Heritage Map HER006C.
Amendment 14 Existing Item no.	Collieries of the South Maitland Coalfields/Greta Coal Measures Group	21 Main Road, Cliftleigh	Amend map sheet HER009A to adjust Heritage Item boundary to reflect land zoned R2 Low Density Residential
Amendment 15 Existing Item no. 163	Cowman's Building	84-90 Vincent Street, Cessnock – Lot 1 DP 727358	Amend Heritage Map HER006CA to show Lot 1 DP 727358, Lots 1 and 2 DP 856696 as Heritage Item – General I63.
Amendment 16	Wollombi Cemetery	Wollombi Road, Wollombi – Lot 1 DP	Amend Property Description in Schedule 5 of the LEP from 'Section 12 DP 759103' to 'Lot

Existing Item no. 1209		1142814 and Lot 2 1168190	1 DP 1142814 and Lot 2 DP 1168190'. Add Lot 1 DP 1142814 to Heritage Map HER006B.
Amendment 17 Existing Item no. 1215	Collieries of the South Maitland Coalfields/Greta Coal Measures Group	257, 265, 281, 287, 271 Vincent Street, Cessnock, 30A West Avenue, Cessnock	Remove 257, 265, 281, 287, 271 Vincent Street Cessnock, 30A West Avenue Cessnock from the Heritage Map HER006CA.
Amendment 18 Existing Item no. 178	Aberdare Extended Colliery Company Houses	226 to 234 Vincent Street, Cessnock – Lots B-F DP 302444	Amend Heritage Item address in Schedule 5 of the LEP for I78 Aberdare Extended Colliery Company Houses from '226–234 and 255 Vincent Street' to '226 to 234 Vincent Street'. Amend Property Description in Schedule 5 of the LEP from 'Lots B–F, DP 302444; Lot 251, DP 606348' to 'Lots B-F DP 302444'. Remove 257 Vincent Street from Heritage Map HER006CA.

Table 1 – Proposed Amendments and Sites

The proposed new provisions and LEP amendments are clear and do not require amendment prior to community consultation.

Mapping

The Proposal identifies that the following Heritage Maps in Cessnock LEP 2011 will require amending:

- HER005 (one change)
- HER005A (five changes)
- HER006C (two changes)
- HER006CA (one change)
- HER00CA (two changes)
- HER009 (one change)
- HER009A (two changes)
- HER009AA (one change)

Total = 15

Two additional heritage maps are not identified as requiring amendment, however based on the Proposal's Explanation of Provisions, these maps are identified as requiring amendments:

- HER006B (Amendment 16, one change)
- HER006CA (Amendment 4 and 18, two changes)

Total = 3

Part 4 of the Proposal should be updated to reflect that it seeks to amend Map Sheet HER006B and HER006CA.

NEED FOR THE PLANNING PROPOSAL

The Planning Proposal is the result of the Cessnock City Heritage Study 2017 undertaken by Council. It reviewed the previous city wide heritage study undertaken in 1994 to evaluate its currency, identify further heritage investigations, and make recommendations regarding listings to be included in the LEP following the repeal of the Hunter Regional Environmental Plan 1989 (REP).

The study found that there is a need to list several items that were formerly protected by the REP in the Cessnock LEP 2011 so that their heritage values may be protected. These items are proposed amendments 1 to 9 of the planning proposal and include the re-instating of the Branxton and Greta Heritage Conservation Areas.

As part of the review process, the study assessed each former REP item (not already included in the LEP) against the NSW heritage criteria for listing items on the State Heritage Register to determine the heritage significance (found to be local for all new items included in this PP). It also considered an item's integrity/ intactness and how it aligned with key heritage themes relevant to Cessnock. As a result, several items were identified as not warranting listing or needing further investigation before an item could be listed in the LEP.

It also meant that the heritage values of the Greta and Branxton Heritage Conservation Areas were reviewed, with the boundaries of these areas proposed to vary (reduce) from that listed in the former REP. It is noted that the boundaries proposed align with those originally proposed in Council's earlier 1994 study.

The Department is satisfied that the study has taken a robust, merit based approach to the inclusion of these new items in the LEP and therefore the inclusion of the items is supported. Their merit can be further investigated with community input as part of the exhibition process for the planning proposal. The study should be exhibited as part of that process.

Proposed amendment 11 (the Pokolbin Memorial Gates) is also an outcome of the heritage study. Further discussion with community members, research on the Inventory sheet and revision of the 1994 study demonstrated that this item contained an error in the mapping, incorrectly identifying the Pokolbin Community Centre as being of heritage significance. The community centre was replaced in the 1990s and so only the Memorial Gates have heritage significance. The Planning Proposal intends to correct this error and this is supported.

The remaining amendments (10, 12-18) in the Proposal are not the result of a strategic study or report. Council advises that the need for these amendments has been noticed over time and is the result of subdivisions, approved DAs and obvious errors. Although minor amendments, public exhibition is required, as they involve privately owned properties or the removal of properties from Schedule 5 of the Cessnock LEP 2011.

An item not addressed in the planning proposal or study relates to item 216 Great Northern Railway Network which is currently listed in Schedule 5 of the LEP. Council proposed to correct the mapping of this item as part of PP_2017_CESSN_003_00 using s73A of the Act. This approach was not supported for this item because the item appears to be incorrectly listed as an item of State significance. This should be reviewed in consultation with OEH (Heritage) and Railcorp (landowner) as part of this city wide heritage planning proposal.

The Proposal is the best means for achieving the intended outcomes. Amending the Cessnock LEP 2011 is the only way to correct Schedule 5, amend the associated maps and provide statutory protection under the *Environmental Planning and Assessment Act 1979* for new heritage items and Heritage Conservation Areas.

STRATEGIC ASSESSMENT

Regional / District

Hunter Regional Plan 2036

The Hunter Regional Plan 2036 recognises the value of heritage to the region and the role it plays in attracting tourism and contributing to local economies. Direction 19 outlines the importance of identifying and protecting heritage. The Planning Proposal is consistent with Direction 19, as it will ensure that Schedule 5 of the Cessnock LEP 2011 is current and includes relevant local heritage items and Heritage Conservation Areas.

Local

Community Strategic Plan – Our People, Our Place, Our Future

The Planning Proposal identifies and protects Cessnock LGA's heritage. It is consistent with Objective 1.4 and 3.1 of the Community Strategic Plan, which intend to protect local culture, character and heritage.

City Wide Settlement Strategy (2010)

The City Wide Heritage Strategy recognises the role that heritage plays in the character and culture of Cessnock LGA. Direction T7 identifies the vital role heritage plays in attracting tourists to the area and Action T7 provides for the listing of heritage items in Cessnock LEP. The Proposal is consistent with the City Wide Heritage Strategy as it will ensure the Cessnock LEP correctly identifies and protects items of heritage value.

Section 117(2) Ministerial Directions

Many of the Section 117 Directions do not apply to the Proposal because it does not involve the creation, alteration or removal of a zone. Those Directions listed below are deemed to be most relevant for further discussion.

2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and Indigenous heritage significance. The Proposal intends to protect and conserve items of heritage significance and Heritage Conservation Areas by updating Schedule 5 and associated maps of the Cessnock LEP 2011. Council can determine consistency with this direction following agency and community consultation.

4.2 Mine Subsidence and Unstable Land

Whilst the Planning Proposal involves land within an identified Mine Subsidence District, it does not seek to permit development on the land and it does not involve rezonings. Direction 4.2 does not apply to the Proposal and consultation with the Mine Subsidence Board is not required.

5.1 Implementation of Regional Strategies

The Planning Proposal identifies that the amendment does not propose to change requirements relating to this Direction. Amended Section 117 Directions were published on the Department's website on 13 January 2017. The amendment removes the need for the Planning Proposal to consider Direction 5.1. Instead, the Proposal should consider consistency against Direction 5.10 (below).

5.10 Implementation of Regional Plans

The Proposal does not provide an assessment against this Direction. In protecting relevant local heritage items and Heritage Conservation Areas the proposal will give effect to the objectives of the Hunter Regional Plan 2036, particularly Direction 19 'Identify and protect the region's heritage'. As such, the proposal is considered consistent with this Direction.

Prior to exhibition, the Proposal should be updated to identify Direction 5.10 as being applicable to the Proposal and include Council's consistency assessment.

State Environmental Planning Policies

The Planning Proposal is consistent with all SEPPs.

SITE SPECIFIC ASSESSMENT

Social

The Proposal will have predominantly positive social affects, as it seeks to protect Cessnock's cultural heritage. There will however, be implications for property owners, particularly those who own a listed heritage property or a property located in a Heritage Conservation Area. Heritage listed properties and properties in a Heritage Conservation Area are unable to undertake some exempt and complying development on the site. In addition to this, owners may be required to engage a heritage consultant to prepare a heritage impact statement if undertaking development on the site.

Environmental

The Proposal is unlikely to have any environmental impacts.

Economic

The ongoing management of listed heritage properties and Heritage Conservation Areas has some economic impacts. In order to maintain buildings, owners of heritage listed properties or properties in Heritage Conservation Areas are eligible to apply for grant funding from the Office of Environment and Heritage and Council to maintain the properties.

CONSULTATION

Community

Council proposes a public exhibition period of 28 days in accordance with Council's Advertising and Notification Requirements and the Department's '*A guide to preparing local environmental plans*'. A notification period of 28 is supported, given the number of amendments proposed and that the Proposal affects privately owned properties.

Agencies

No State or Commonwealth authorities have been consulted. Consultation with the Office of Environment and Heritage and Railcorp should occur due to the potential change to the heritage significance of the Great Northern Railway Network item.

TIMEFRAME

Council estimates that the Proposal will be completed in seven months. A nine month timeframe is recommended to ensure any submissions can be adequately addressed and necessary maps amended.

DELEGATION

Council has requested the use of plan making delegations for the Planning Proposal and this is considered appropriate.

CONCLUSION

The Planning Proposal is supported to proceed with conditions.

RECOMMENDATION

It is recommended that the delegate of the Minister for Planning, determine that the Planning Proposal should proceed subject to the following conditions:

1. The Planning Proposal should be made available for community consultation for a minimum of 28 days.
2. Agency consultation should occur with Railcorp and the Office of Environment and Heritage (Heritage Branch).
3. Prior to exhibition, update the Planning Proposal to:
 - remove S 117 Direction 5.1 Implementation of Regional Strategies;
 - include an assessment against S 117 Direction 5.10 Implementation of Regional Plans;
 - update Part 4 of the Proposal to identify that LEP maps HER006B and HER006CA will require amendment as part of the Proposal;
 - Include the proposed mapping change for item 216 Great Northern Railway Network (formerly included in PP_2017_CESSN_003_00) and review the heritage significance of that item; and
 - include the heritage study 2017 in the exhibition material.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the Planning Proposal, Council should be authorised to exercise delegation to make this plan.



Ben Holmes
A/ Team Leader, Hunter



8/11/2017

Monica Gibson
Director Regions, Hunter
Planning Services

Contact Officer: Jocelyn McGarity
Planning Officer, Hunter
Phone: 4904 2702