

SUBJECT: ***PLANNING PROPOSAL - CITY WIDE HERITAGE AMENDMENT***

RESPONSIBLE OFFICER: ***Senior Strategic Land Use Planner - Keren Brown***

SUMMARY

The purpose of this Report is to provide an overview of the Planning Proposal which seeks to make numerous amendments to Schedule 5 Environmental Heritage of the *Cessnock Local Environmental Plan 2011* and the associated heritage maps. This includes seven new heritage items, two new heritage conservation areas and amendments to the boundaries of existing heritage items. A number of the amendments are findings from the Cessnock City Heritage Study that was undertaken in 2016 and 2017.

The Report also seeks Council's approval to submit this Planning Proposal (**distributed under separate cover**) to the Department Planning and Environment for a Gateway determination and to seek to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

RECOMMENDATION

1. That Council request a Gateway determination for the Planning Proposal –City Wide Heritage Amendment from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That Council receive a report back on the Planning Proposal if unresolved written objections are received during the consultation with the Community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the plan be made.

Chronology

Date	Brief description
24 June 2015	Council received a grant from the Office of Environment and Heritage to review items of potential significance that were identified in the <i>Hunter Regional Environmental Plan (Heritage) 1989</i> (now repealed) for potential inclusion in the Local Environmental Plan
15 February 2016	RPS Australia East Pty Ltd engaged to complete the Cessnock City Heritage Study
30 March 2016	Community workshop on the items being reviewed
26 April 2017	Councillor briefing on the Draft Heritage Study

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BACKGROUND

The *Hunter Regional Environmental Plan 1989 (Heritage)* (Hunter REP) identified a number of items of potential heritage significance in the Hunter Region. Over time some of these items have been listed in the Cessnock Local Environmental Plan 2011 (LEP) however there remain a number of items that are included in the Hunter REP that are not listed in the Cessnock LEP. There were also many errors in the descriptions of items in the REP which made some items difficult to locate. The Hunter REP was repealed in 2014. This left numerous heritage items and two conservation areas that were listed in the Hunter REP with no heritage protection.

Following the repeal of the Hunter REP the NSW Office of Environment and Heritage (OEH) provided Council with a grant to review these potential items and conservation areas to determine their heritage value. Given the age of the REP it was possible some of the items listed no longer existed or did not warrant listing in the Cessnock LEP. RPS Australia East Pty Ltd, based in Newcastle was engaged to review the items as part of the Cessnock Heritage Study.

The Planning Proposal also includes a number of other heritage amendments that have been noticed over time. These amendments have been included in this Planning Proposal so that all heritage related amendments that require exhibition can be exhibited concurrently.

REPORT/PROPOSAL

Cessnock City Heritage Study

Council currently has a City Wide Heritage Study that was prepared in 1994. This information in this Study is still sound however additional information is now available. The grant from the OEH has been used to prepare an updated Study to complement the existing Study from 1994. The study involved numerous components including:

- Identifying any 'gaps' in the Cessnock thematic history
- Identifying any 'gaps' in the Great North Road heritage listing
- Review 14 items that were identified in the Hunter REP but are not listed in the Cessnock LEP and provide recommendations on their inclusion in the LEP
- Prepare statements of significance for items recommended for heritage listing
- Provide a recommendation on the significance of the Branxton and Greta Conservation Areas and their suitability for inclusion in the Cessnock LEP 2011
- Provide statement of significance for 21 items currently listed in the Cessnock LEP that do not have Statements of Significance

The completed Cessnock City Heritage Study is **distributed under separate cover**. The key findings of the Study are summarised below:

Thematic History

The Study found that there were 13 themes in the thematic history that could be expanded to incorporate additional information. The previous thematic history was prepared in 1994 and additional information has since become available. This information will be used to complement the information already available to Council as part of the 1994 Heritage Study.

The Great North Road Listing

The Great North Road is a significant heritage listing that covers large portions throughout the LGA. The Study found that although generic information is available on the Great North Road listing specific information and mapping is needed on key features on the Road such

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as bridges and culverts. Due to the extent of this additional work identified, it could not be undertaken in the funding constraints of the Study and will be dependent on future grant funding applications. However the listing remains in the LEP.

Heritage items in the Hunter REP

The Study reviewed 14 items that were listed in the Hunter REP but had not been transferred to the Cessnock LEP. With the information available today the Study recommends that six of these items be included in the LEP. Further information on these items is available in Table 1 and the Cessnock Heritage Study (**distributed under separate cover**).

Branxton and Greta Heritage Conservation Area

The Hunter REP identified both Branxton and Greta as Heritage Conservation Areas however these have not been included in the LEP. Given the development and changes that have occurred in both Branxton and Greta since the introduction of the Hunter REP in 1989 it was necessary to review the two areas to determine the significance and extent to which the conservation areas remain. The Study recommended that both Branxton and Greta be listed as Heritage Conservation Areas in the LEP; however the extent of the area has been reduced. Information on these two areas and the extent of the Heritage Conservation Areas are provided below.

Statements of significance

Each item that is listed in the LEP has a Heritage Inventory that outlines a description of the item and statements of significance as to why the site is significant. Due to the changes in requirements for the quality of information associated with heritage listings over the years, there were a number of items listed in the LEP that did not have inventory sheets. The Study has provided complete inventory listings for 21 items currently listed in the LEP. These are available in the Cessnock Heritage Study (**distributed under separate cover**) and will be available on the Office of Environment and Heritage Website.

New heritage items

The Study recommended that six new heritage items be added to the LEP. These items were identified in the Hunter REP in 1989. The proposed new items meet the criteria established by the Office of Environment and Heritage. Table 1 provides a brief overview of the proposed new items and the criteria they meet. Additional information on each proposed item, the inventory sheet and the statement of significance for each item is included in the Cessnock City Heritage Study and Planning Proposal which are **distributed under separate cover**.

The former Methodist Church at Greta was listed in the Hunter REP however due to a property description error it was not included in the Cessnock Heritage Study completed by RPS. The Former Methodist Church at Greta has since been reviewed by Council's Heritage Advisor who has recommended the item be listed in the Cessnock LEP as an item of heritage significance. The inventory sheet for this site is available as part of the Planning Proposal **distributed under separate cover**.

Table 1: A summary of proposed new heritage items

	Item Name	Address	Criteria met
New item 1	Hunter Valley Distillery	1141 Hermitage Road, Pokolbin. Lot 301 DP 800613.	Criterion (a) early Hunter Valley vineyard with plantings for the production of fortified wine and the oldest chardonnay planting in the world (pers.com. Michael Paterson Tyrrells Vineyard.

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			Criterion (b) James Busby planted the vines and noted vigneron Murray Tyrrell managed the planting during the 20th century. Criterion (c) contributes to the landscape of the Hunter Valley vineyards. Criterion (d) wine making industry and community. Criterion (f) planting of prephyloxera grapes.
New item 2	Abermain Post Office (former)	247 Cessnock Road, Abermain Lot 9 Sec 3 DP 758004	(Criterion a) The Abermain Post Office (Former) opened in 1914 is associated with the early postal service development of Abermain and surrounding districts. (Criterion d) The Abermain Post Office (Former) is a prominent local landmark and the centre of communications for the town until the mid-twentieth century. (Criterion g) The Post Office (Former) is representative of small rural post offices of the early to mid-twentieth century.
New item 3	Clift Street (former Bakehouse)	70 Maitland Street Branxton Lot 6 DP 1106094	Criterion (a) The 3 Clift Street Hall, Branxton is significant in the development of the town of Branxton in the twentieth century. The building and associated two-storey brick building to the immediate north were part of one of Branxton's largest enterprises in the twentieth century providing employment to many local residents. Criterion (b) The 3 Clift Street Hall, Branxton is associated with the Sylvester Brothers, a large locally owned independent bakery in the Hunter Valley. The Sylvester family were significant to the growth of Branxton. Criterion (c) The 3 Clift Street Hall, an early twentieth century building, while simple and unadorned contributes to the commercial streetscape of Branxton.
New item 4	Water Supply Reservoir (Cessnock Reservoir)	1 Millfield Street Cessnock Lot 1 DP 938728	Criterion (a) Important to the history of the urban development of Cessnock. Criterion (c) Important component in the introduction of safe drinking water to the town.
New item 5	Masonic Hall	130 Barton	Criterion (a) the Masonic Hall, opened

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		Street Kurri Kurri Lot 1 DP 933324	in 1909 demonstrates strong associations to past religious and social philosophies and practices. It maintains a continuity of community activity. Criterion (c) the building provides an attractive and cohesive element in the heritage streetscape of Kurri Kurri. Criterion (d) important to the development of Kurri as a community.
New item 6	Former Temperance Hotel	31 Maitland Road Mulbring Lot 2 Sec 1 DP 758722	Criterion (a) Important in the history of Mulbring village Criterion (c) The building retains its original form and location on the main road Criterion (d) Important focus for the rural community and village of Mulbring
New item 7	Former Methodist Church	43 High Street Greta Lot 3 Sec 19 DP 758474	Criterion (a) The Greta Methodist Church (former) is of historical significance, providing evidence of the early development and growth of the rural community of Greta. The church demonstrates the prospering and ecclesiastical needs of the community. Criterion (c) The church has strong aesthetic appeal, being a visually prominent built form in the streetscape and wider townscape. It is considered a local landmark, enhanced by the minimalistic landscaped setting and surrounding low-scale development. Criterion (g) The building is a fine intact example of a small rural church, retaining its original form and silhouette, displaying the key characteristics attributed to the Victorian Gothic Revival architectural style of the late 19th century.

New Heritage Conservation Areas – Branxton and Greta

The Hunter REP contained two Heritage Conservation Areas at Branxton and Greta. In 1994 as part of a city wide heritage review an altered boundary for both the Branxton and Greta Heritage Conservation Areas was recommended, however this has not been transferred to the LEP. The two areas have now been reviewed as part of this Study.

The Study recommends that the proposed heritage conservation area in Branxton be reduced in size from the area originally recommended in the Hunter REP. Branxton has a

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large percentage of late nineteenth and early twentieth century buildings located along Maitland Street, also known as the New England Highway. 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 they do not detract from the overall heritage value of the precinct.

It is recommended that the heritage conservation area focus on Maitland Road and Cessnock Road. Additional information on the proposed Branxton Conservation Areas is in the Cessnock City Heritage Study and Planning Proposal which are **distributed under separate cover**.

Greta

The Study recommends that the proposed heritage conservation area in Greta focus on High Street with a small section of Wyndham and Anvil Street also included. Greta contains a number of buildings that reflect the village's development in the late nineteenth and early twentieth century. The buildings are focused on High Street 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.

The recommended Greta Conservation Area seeks to capture the buildings and streetscape that reflects the late nineteenth and early twentieth century development of the town. The areas excluded from the Greta Conservation Area have few original buildings and lacks the heritage streetscape of the recommended conservation area.

It is recommended the Greta Heritage Conservation Area focus on High Street, Wyndham St and Anvil Street. Additional information on the proposed Greta Conservation Areas is in the Cessnock City Heritage Study and Planning Proposal which are **distributed under separate cover**.

Amendments to Items

As development and subdivision occurs on heritage items it is necessary to undertake amendments to Schedule 5 Environmental Heritage of the LEP and the associated map to ensure the LEP remains current. Nine amendments have also been included in the Planning Proposal (**distributed under separate cover**) to correct anomalies. These anomalies have been included in this Planning Proposal as they require public exhibition. A summary of the amendments is provided in table 2. Further detail on each amendment is available in the Planning Proposal **distributed under separate cover**.

Item Name	Property address	Type of amendment
Branxton Shop and House Group	50, 56-58, 60, 62, 64, 68, 69, part of 70, and 72 Maitland Street Branxton.	Incorrect property description Remove number 69 Maitland Street from the listing. 69 Maitland Street does not appear to have historical significance.
Pokolbin	Part of 126 McDonalds	Change in item name and mapping

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Community Centre and Memorial Gates	Road Pokolbin	amendment The Memorial gates are the item of historical significance. The community hall does not appear to have historical significance.
Cessnock Hospital	View Street Cessnock	Mapping amendment and amendment to property description. The new ambulance building has been subdivided from the main hospital building and does not have heritage significance.
Potters Brewery	9 Flemming Street Nulkaba	Mapping amendment and amendment to property description. The site has been subdivided and the accommodation buildings do not have heritage significance.
Collieries of the South Maitland Coalfields/Greta Coal Measures Group	Cliftleigh	Mapping amendment Portions of the site have been rezoned to residential uses. The areas of land zoned for residential purposes do not have heritage significance.
Cowman's Building	84-90 Vincent Street Cessnock	Mapping amendment Incorrect properties are mapped
Wollombi Cemetery	Wollombi Road	Mapping amendment and amendment to property description The cemetery is located on two parcels of land. Only one parcel is currently listed as a heritage item. Second parcel of land needs to be included.
Collieries of the South Maitland Coalfields/Greta Coal Measures Group	287 Vincent Street Cessnock	Mapping amendment Remove heritage item from site. Property has been subdivided and heritage item is no longer on the property.
Aberdare Extended Colliery Company houses	257 Vincent Street Cessnock	Mapping amendment and amendment to property description Heritage item has been demolished on the site.

Implications for property owners

Owning a Heritage listed property or being located in a Heritage Conservation Area has implications for property owners with can be seen as either positive or negative depending on the owner's intentions and proposed used.

Heritage listed properties and properties in a heritage conservation area are unable to undertaken 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.

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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. The Office of Environment and Heritage offers annual grants to the community and property owners. In 2016 the Branxton Chamber of Commerce was successful in receiving a grant to prepare a heritage walking trail in Branxton and install historical signage. Council operates a Local Heritage Fund to provide small grants to the owners of heritage listed properties or properties in a heritage conservation area to undertake building upgrades or maintenance work. In 2016 five projects were awarded funding for works such as painting, roof replacement and repair of gutters.

The LEP contains conservation incentives to encourage the use of heritage listed properties. Clause 5.10 of the LEP allows Council to grant development consent to a use that would normally be prohibited on the site if the property is heritage listed.

OPTIONS

1. Council resolve to support the recommendations of this Report and submit the Planning Proposal to the Department of Planning and Environment for a Gateway determination. This is the recommended option.
2. Request changes to the Planning Proposal. This option may delay the proposed amendments.
3. Not support the recommendation of this Report for the following reasons:

(To be provided by Council).

CONSULTATION

As part of the Cessnock Heritage Study a community workshop was held on 30 March 2016 for the community to provide information on properties included in the Study. Letters were sent to known property owners inviting them to the workshop. The workshop was attended by four community members who provided valuable feedback on the history of items. Property owners also contacted Council staff to discuss their properties.

The initial consultation showed that the owners of the former company houses located on Cessnock Street Kitchener are strongly opposed to any potential heritage listing or review of the heritage significance of their properties. The Cessnock Heritage Study does not recommend including these properties and they are not part of the Planning Proposal.

Formal consultation on the Planning Proposal will be carried out in accordance with the Gateway determination however, it is recommended to exhibit the Planning Proposal for a minimum of 28 days.

All property owners of land included in the Planning Proposal will be notified in writing and have the opportunity to comment as part of the public exhibition. The exhibition material will be available at the following locations:

- Council's administration building

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- Cessnock and Kurri Kurri Libraries
- Council's website

The consultation process will allow all property owners an opportunity to review the information in the Inventory Sheets and provide additional information which may see the inclusions of additional detail or recommendation that the item no longer be included in the Planning Proposal. This information will be reported to Council following the exhibition period.

It is not proposed to consult with any government agencies, unless required by the Gateway determination.

STRATEGIC LINKS

a. Delivery Program

The Planning Proposal is consistent with the following objectives in the Community Strategic Plan:

1.4 Fostering an articulate and creative community

- We have thriving cultural precincts throughout the local government area that celebrate our heritage and culture

3.1 Protecting and enhancing the natural environment and the rural character of the area

- Our area's rural character and heritage is protected

b. Other Plans

The City Wide Settlement Strategy (2010) recognises the role that heritage plays in the character and culture of the Local Government Area. The Strategy contains a direction to ensure that heritage is protected and considered in future planning. This Planning Proposal will implement the findings of the Cessnock Heritage Study and ensure that items that are of heritage significance are listed and protected in the Cessnock LEP.

IMPLICATIONS

a. Policy and Procedural Implications

The current status of the Planning Proposal is identified in the process map below.

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PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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b. Financial Implications

Finalisation of the Planning Proposal will be met through funds in the Strategic Land Use Planning Budget.

The Cessnock City Heritage Study was funded by the Office of Environment and Heritage.

c. Legislative Implications

This Report has regard to the provisions of the Environmental Planning and Assessment Act and its Regulations.

d. Risk Implications

If Council does not proceed with the Planning Proposal there is a risk that items and areas of heritage significance will not be appropriately protected.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

The Cessnock City Heritage Study recommended that seven new heritage items and two new conservation areas, at Branxton and Greta be included in the Cessnock LEP. In addition to this, a number of other heritage amendments have been included to ensure that the heritage schedule remains current.

ENCLOSURES

- 1 Planning Proposal - distributed under separate cover (available on website)