



# **PLANNING PROPOSAL**

## **Amendment to the *Cessnock Local Environmental Plan 2011***

### **Heritage Listing of Wills Hill Road LOVEDALE**

Version 1

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## **Part 1: Objectives and Outcomes**

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The objective of the planning proposal is to preserve and recognise the heritage significance of Wills Hill Road and the corridor it sits in. This includes the alignment of the road, tree lined corridor and road treatment.

The intended outcome is to list Wills Hill Road as an item of Local Heritage significance in Scheduled 5 of the Cessnock Local Environmental Plan 2011 and on the associated Heritage map.

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## **Part 2: Explanation of Provisions**

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This Planning Proposal has been prepared to enable the following amendments to be made to the LEP 2011:

- Amend Schedule 5 of the Cessnock LEP 2011 to identify Wills Hill Road Lovedale and in item of local heritage significance.
- Amend the Heritage Map HER\_005 to identify Wills Hill Road Lovedale as an item of local Heritage significance.

### Affected land

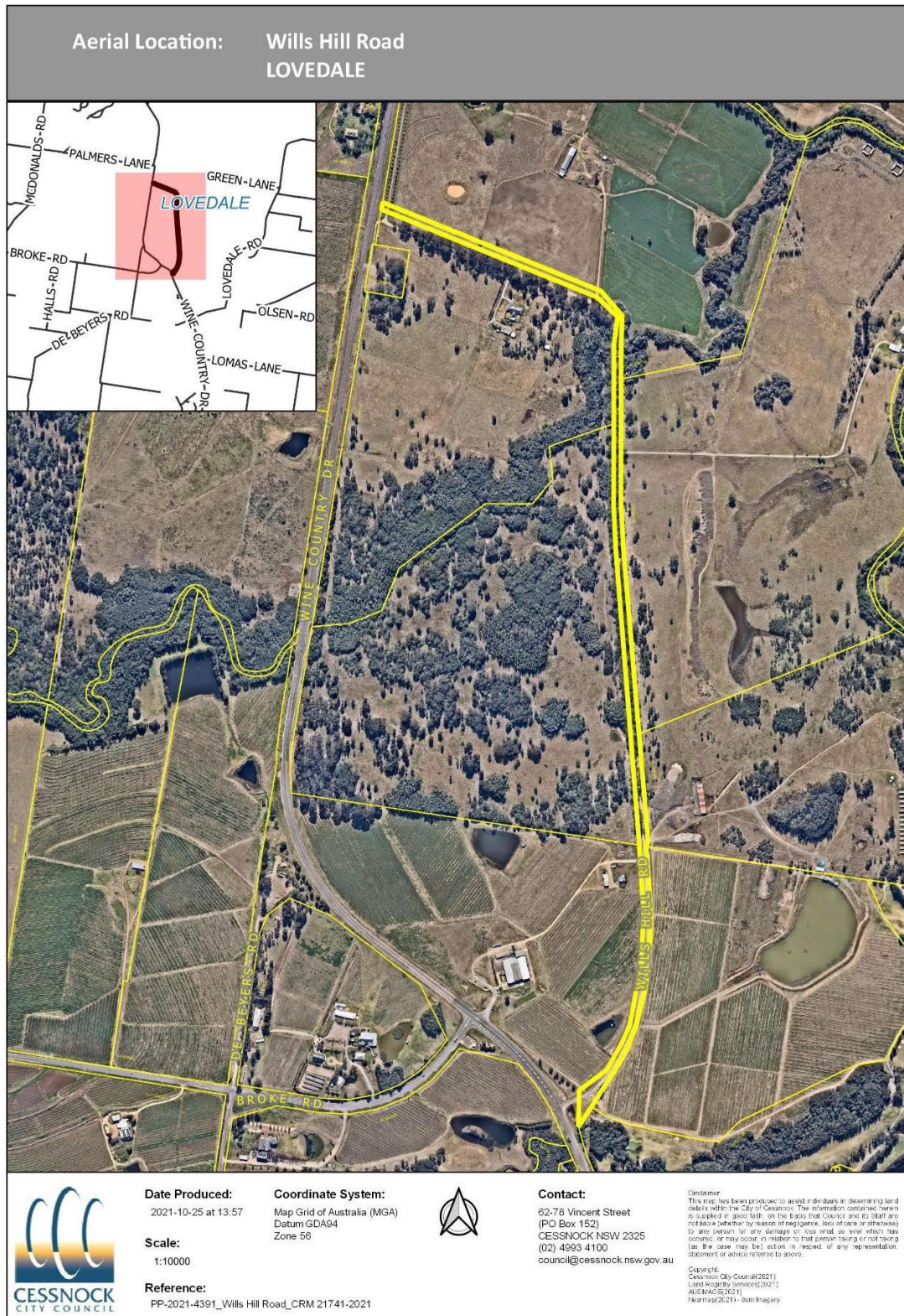
It is proposed to heritage list the Wills Hill Road corridor (**Figure 1**). Wills Hill Road is located directly east of Wine Country Drive and approximately 1km north of Lovedale Road. Wills Hill Road is connected at both ends to Wine Country Drive and runs approximately 2.3km north/south adjacent to Wine Country Drive. The primary entry to Wills Hill Road is at its southern end, approximately 250m south-east of the DeBortoli Winery. Wills Hill Road has been widened 600m north of the southern intersection to Wine Country Drive to service the DeBortoli Winery. The remaining 1.6km remains as single lane with a dirt surface and very close vegetation on either side of the corridor.

The road has 6 properties that front onto the road:

- LOT: 3 DP: 1048155
- LOT: 4 DP: 1048155
- LOT: 11 DP: 1277725
- LOT: 1 DP: 1005262
- LOT: 1 DP: 1048155
- LOT: 2 DP: 1048155



**Figure 1:** An aerial image of Wills Hill Road, Lovedale



Heritage significance

A detailed Heritage Assessment is provided in **Appendix 1**. The Heritage Assessment includes details on the physical description of Wills Hill Road, the historical context, importance of the road and a comparative analysis of other roads in the locality. Refer to **Appendix 1** for a full heritage assessment however a summary is provided below.

The historical context and analysis contained in the Heritage Assessment establishes that portions of what was to become Wills Hill Road was in existence by the 1830s and possibly 1820s, though the majority of the road did not appear on parish maps until the 1860s.

The road is an extant example of one of the earliest connecting roadways from Cessnock to the wider Hunter Valley and has historical importance and significance. This historical value is enhanced through the retention of much of the single-lane carriageway width, unsurfaced road and established tree plantings – all of which evoke a pre-20<sup>th</sup> century landscape character. The road is one of the surviving example of an early 19<sup>th</sup> century road, which retains many defining attributes and characteristics which reinforce its sensory appeal and historical value. The road has been truncated and does not remain in its entirety, but still retains a significant portion relatively intact.

The aspects of the road which contribute to its heritage significance include:

- Road alignment
- Road width
- Tree corridor
- Road surface
- Verges and undergrowth
- Fences
- Water crossing
- View and setting of the road

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## Part 3: Justification

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In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

### Section A: Need for Proposal

#### 1 Resulting from a Strategic Study or Report

The Planning proposal has not been initiated by a current adopted Strategic Study. However there are a number of Studies that recognised the importance of the road.

##### **Cessnock Heritage Study 1992-1993**

The site was previously included in the Cessnock Heritage Study 1992 conducted by Penelope Pike & Meredith Walker. The Study recommended the item for inclusion within Schedule 5 of the LEP.

Penelope Pike & Meredith Walker carried out a process of compiling an inventory of items demonstrating Heritage Significance within the Cessnock LGA through their 1992-93 Heritage Study. This study saw 250+ items in the LGA be recognised for their significance to the cultural heritage in the region. This study recognised both Wills Hill Road and Glenmore (an early homestead dating back to John MacDonald in 1836) as being of local heritage significance and recommended both inclusion within Schedule 5 of the CLEP 2011. Notably, the Glenmore holding has been partly included.

The Cessnock Heritage Study provides a brief statement of Wills Hill Road's significance as follows:

*"Evidence of early and continuing agricultural and grazing use of land in this area from the 1830s. Illustrates the character and components of a 19th [century] rural landscape."*

The road was built in the 1830's and formed part of the original connection between Cessnock and settlements to the north along the Hunter River. As noted in the Heritage inventory sheets (**Appendix 1**).

##### **EJE Interim Heritage Order Submission**

Earlier in 2021 EJE prepared an Interim Heritage Order Submission to the Office of Environment and Heritage (OEH) for Wills Hill Road to be listed as an Item of State Heritage Significance (**Appendix 2**). Ultimately, OEH determined that the item did not meet the criteria for State listing however Council could pursue a local listing.

The EJE submission documented parish maps from 1888 and 1942 that show Wills Hill Road in its current form.

### **Hunter Valley Heritage Vineyards Strategic Study**

The objective of the Hunter Valley Heritage Vineyards Strategic Study, which was commissioned by the Hunter Valley Wine Tourism Association, was to identify, recognise and celebrate the heritage vineyards and cultural landscape of the Pokolbin and Broke Fordwich wine subregions of the Hunter Valley as a significant heritage item and set of items within the broader Hunter region. While it did not examine specific potential items of heritage significance, it is of relevance as it provides a historical and strategic context in respect to the settlement of the land adjacent to Wills Hill Road (Glenmore), and a timeline in respect to the importance of the road in the context of the settlement of the area. The study notes as follows:

*“The Hunter Valley was settled as part of the second main wave of settlement to occur in Australia between 1820 and 1850 that was driven by new government policies structured towards the agricultural development of the economy, and the use of convict labour under the superintendence of wealthy private settlers. A new phase of settlement began when Surveyor Henry Dangar surveyed the Hunter River in 1822 using a square-mile grid pattern. Over the following decade large land grants, mostly of around 2000 acres, encouraged an influx of wealthy settlers to take up the alluvial land along the river and its tributaries, where the expansive river systems and rich alluvial plains supported large-scale grazing and farming enterprises established with the use of convict labour.*

*Between 1822 and 1824 towns were established at Maitland and Morpeth, Bulga and Broke, and in 1826 work started on the construction by convicts of the Great North Road through Baulkham Hills, Wiseman’s Ferry, Laguna, Wollombi, Sawyers Gully and Maitland to Newcastle, and also northwards via Broke and Warkworth to the Upper Hunter. By the 1828 census, 191 properties of over 1000 acres were established in the region, with cattle grazing the main economic driver.*

*Among those who took up early land grants were John Macdonald at ‘Glenmore’ on Black Creek, Pokolbin; John Busby at ‘Kirkton’ near Branxton, developed as a wine growing property by Busby’s son-in-law William Kelman; John Blaxland at ‘Fordwich’ on the Wollombi Brook; James Phillips Webber at ‘Tocal’ in the Paterson district; James King at ‘Irrawang’ near Raymond Terrace; and George Wyndham at ‘Dalwood’ on the Hunter River. “*

As noted on the Heritage Inventory sheet for Wills Hill Road as part of the Cessnock Heritage Study, the date of construction is stated as being in the 1830’s, so at the time the Hunter Valley was being settled.

The Glenmore property and rural landscape of Wills Hill Road is also noted as being an important part of the wine production story of the Hunter Valley:

Around 1854 a small vineyard was established and produced wine grapes for a few years on the Macdonald family’s Glenmore property on Black Creek, east of the current site of the LEP listed Glenmore burial ground on Wills Hill Road. (LEP listed Weronga Homestead is also located on the property).

## ***2 Planning Proposal as best way to achieve to objectives***

Having regard to the objects of the EP&A Act 1979, a Planning Proposal is considered to be the only means of achieving the intended outcomes. Schedule 5 of the CLEP 2011 serves the explicit purpose of preserving items of heritage significance within the Cessnock LGA. Inclusion of Wills Hill Road within this schedule is the only means available to see the item protected by legislation given its significance at a local level.



## **Section B: Relationship to Strategic Planning Framework**

### **3 *Consistency with Objectives and Actions within Regional Strategies***

#### **Hunter Regional Plan 2036**

The Planning Proposal is consistent with the Hunter Regional Plan. The key direction which the planning proposal is consistent with is Direction 19 identify and protect the regions heritage.

Direction 19 of the Plan aims to identify and protect the region's heritage. This Planning Proposal will implement this direction by ensuring that an item that meets the heritage criteria is protected in Schedule 5 of the Cessnock LEP and associated maps. This will allow Council and the community to easily identify items of heritage significance and ensure the item is protected.

### **4 *Consistency with Council's Community Strategic Plan or other Local Strategic Plan***

#### **Community Strategic Plan - Our People, Our Place, Our Future**

The Draft Planning Proposal generally aligns with the following themes and objectives of the Cessnock 2027 Community Strategic Plan (CSP):

- A sustainable and Healthy Environment
  - Objective 3.1 Protecting and enhancing the natural environment and rural character of the area
- Civic leadership and effective governance
  - Objective 5.2 involving more community participation in decision making

#### **Cessnock Local Strategic Planning Statement 2036**

The LSPS sets out the 20-year vision for land use in the local area. It establishes the special character and values of the LGA that are to be preserved and how change will be managed into the future.

The LSPS is divided into four themes. The key theme of unique related to protection and celebrating our unique heritage. The Planning Proposal is consistent with the following Planning Priorities in the Local Strategic Planning Statement:

- Planning Priority 22: Our rural landscape is retained and enhanced
- Planning Priority 23: The scenic and rural landscape of our Vineyards District is preserved
- Planning Priority 25: Heritage based tourism is facilitated and promoted

The Planning Proposal is consistent with the following Planning Principles in the Local Strategic Planning Statement:

- Places of heritage significance are identified and protected.
- The heritage significance of items and areas is recognized and celebrated
- Maintenance of heritage items is encouraged
- Scenic view corridors in the region are protected and enhanced

- The rural character and amenity of the land is preserved and enhanced
- The scenic rural landscape of the Vineyards District is preserved
- Visually significant views, topography and tree-lined road corridors are preserved

The LSPS also contains an action to review the DCP to identify visually significant views and tree-lined roads and provide controls to protect these areas

## 5 Consistency with State Environmental Planning Policies

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

**Table 1: Relevant State Environmental Planning Policies**

SEPP	Relevance	Consistency and Implications
<b>SEPP 1 - Development Standards</b>	The SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 21 - Caravan Parks</b>	The SEPP provides for development for caravan parks.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 30 - Intensive Agriculture</b>	The SEPP provides considerations for consent for intensive agriculture.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 33 - Hazardous &amp; Offensive Development</b>	The SEPP provides considerations for consent for hazardous & offensive development.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 36 - Manufactured Homes Estates</b>	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 44 - Koala Habitat Protection</b>	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 50 - Canal Estate Development</b>	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	these developments.	
<b>SEPP 55 - Remediation of Land</b>	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 64 - Advertising and Signage</b>	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 65 - Design Quality of Residential Development</b>	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP 70 – Affordable Rental Housing (Revised Schemes)</b>	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP (Aboriginal Land) 2019</b>	The aims of this Policy are: (a) to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and (b) to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Affordable Rental Housing 2009</b>	The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.



SEPP	Relevance	Consistency and Implications
	<p>standards,</p> <p>(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,</p> <p>(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,</p> <p>(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,</p> <p>(f) to support local business centres by providing affordable rental housing for workers close to places of work,</p> <p>(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.</p>	
<b>SEPP Building Sustainability Index: BASIX 2004</b>	The SEPP provides for the implementation of BASIX throughout the State.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP (Educational Establishments and Child Care Facilities) 2017</b>	<p>The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact exempt development), and</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for</p>	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</p> <p>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</p>	
<p><b>SEPP Exempt and Complying Development Codes 2008</b></p>	<p>The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of</p>	<p><b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.</p>

SEPP	Relevance	Consistency and Implications
	minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	
<b>SEPP Housing for Seniors or People with a Disability 2004</b>	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Infrastructure 2007</b>	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Mining, Petroleum Production and Extractive Industries 2007</b>	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP Miscellaneous Consent Provisions 2007</b>	The aims of this Policy are as follows: (a) to provide that the erection of temporary structures is permissible with consent across the State, (b) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration, (d) to provide that development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to which it does not already require development consent under another environmental planning instrument, cannot be carried out except with development consent.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP (Primary Production and</b>	The aims of this Policy are as follows:	<b>Consistent</b> Nothing in the Planning Proposal

SEPP	Relevance	Consistency and Implications
<b>Rural Land) 2019</b>	<p>(a) to facilitate the orderly economic use and development of lands for primary production,</p> <p>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</p> <p>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</p>	impacts upon the operation of this SEPP.
<b>SEPP State and Regional Development 2011</b>	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.
<b>SEPP (State Significant Precincts) 2005</b>	<p>The aims of this Policy are as follows:</p> <p>(a), (b) (Repealed)</p> <p>(c) to facilitate the development, redevelopment or protection</p>	<b>Consistent</b> Nothing in the Planning Proposal impacts upon the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	<p>of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State,</p> <p>(d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</p> <p>(e), (f) (Repealed)</p>	

## 6 Consistency with Section 9.1 Ministerial Directions for Local Plan Making

An assessment of relevant Section 9.1 Directions against the planning proposal is provided in the table below.

**Table 2: Relevant Section 9.1 Ministerial Directions**

Ministerial Direction	Objective of Direction	Consistency and Implication
<b>1. Employment and Resources</b>		
1.1. Business and Industrial Zones	<p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified strategic centres.</p>	<p><b>Consistent</b></p> <p>Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.</p>
1.2. Rural Zones	<p>The objective of this direction is to protect the agricultural production value of rural land.</p>	<p><b>Consistent</b></p> <p>the Planning Proposal is Consistent with this Direction</p>
1.3. Mining, Petroleum Production and Extractive Industries	<p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p><b>Consistent</b></p> <p>Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.</p>
1.5. Rural Lands	<p>The objectives of this direction are to:</p> <p>(a) protect the agricultural production value of rural land,</p>	<p><b>Consistent</b></p> <p>the Planning Proposal is Consistent with this Direction</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
	(b) facilitate the orderly and economic development of rural lands for rural and related purposes.	
<b>2. The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. Environment and Heritage</b>		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	<b>Consistent</b> Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
2.2 Coastal Protection	The objective of this direction is to protect and manage coastal areas of NSW.	<b>Consistent</b> Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
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.	<b>Consistent</b> the Planning Proposal is Consistent with this Direction
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	<b>Consistent</b> Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
2.6 Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	<b>Consistent</b> Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	<b>Consistent</b> Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
3.2 Caravan Parks and Manufactured	The objectives of this direction are: (a) to provide for a variety of	<b>Consistent</b> Nothing in the Planning Proposal is contrary to the objectives of the

Ministerial Direction	Objective of Direction	Consistency and Implication
Home Estates	housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	Ministerial Direction.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	<b>Consistent</b> Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
3.5 Development Near Licensed Aerodromes	The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	<b>Consistent</b> Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
3.6 Shooting	The objectives are:	<b>Consistent</b>

Ministerial Direction	Objective of Direction	Consistency and Implication
Ranges	(a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
<b>4 Hazard and Risk</b>		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	<b>Consistent</b> Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	<b>Consistent</b> Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
4.3 Flooding	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	<b>Consistent</b> Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire	<b>Consistent</b> Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.



Ministerial Direction	Objective of Direction	Consistency and Implication
	prone areas.	
<b>5 Regional Planning</b>		
5.10 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	<p><b>Consistent</b></p> <p>Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.</p> <p>Section B Part 4 contains a outlines the relationship of the proposal to regional plans</p>
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	<p><b>Consistent</b></p> <p>Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.</p>
6.2 Reserving Land for Public Purpose	<p>The objectives of this direction are:</p> <p>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p><b>Consistent</b></p> <p>Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.</p>
6.3 Site Specific Provision	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	<p><b>Consistent</b></p> <p>Nothing in the Planning Proposal is contrary to the objectives of the Ministerial Direction.</p>

## **Section C: Environmental, Social and Economic Impact**

### **7 *Impact on Threatened Species***

The planning proposal will not have any adverse effects on threatened species. The tree lined corridor of the road is identified as significant and is required to be protected under the proposed heritage listing.

### **8 *Environmental Impact***

The planning proposal will not have any adverse environmental effects. The tree lined corridor of the road is identified as significant and is required to be protected under the proposed heritage listing.

### **9 *Social and Economic Impacts***

The Planning Proposal will have an economic impact in that it may reduce the future commercial development of the area surrounding Wills Hill Road. Any future commercial development along Wills Hill Road would likely be considered traffic generating development – as such, it would likely require an upgrade of Wills Hill Road to a level capable of servicing the development safely and effectively.

It is worth noting that the Planning Proposal is not anticipated to have any negative economic impact on *existing* developments in the area.

The Planning Proposal will also assist in protecting the heritage of the Hunter Valley vineyards district which is an important tourist destination, and a critical industry cluster. The Hunter Valley is the oldest wine growing area in Australia and the heritage of the area is important in attracting tourists to the area.

Tourists are also attracted to the area by the distinctive rural character, which includes tree lined roads of gravel construction. Therefore, by listing Wills Hill Road as a heritage item it will assist in protecting the broader vineyards area heritage character which is significant in drawing tourists to the area and driving the local economy.

## **Section D: State and Commonwealth Interests**

### ***10 Adequate Public Infrastructure***

The heritage listing of Wills Hill road, will restrict any future upgrades that can take place on the road. The road in its current condition, is suitable for the current uses on the road.

### ***11 Consultation with State and Commonwealth Authorities***

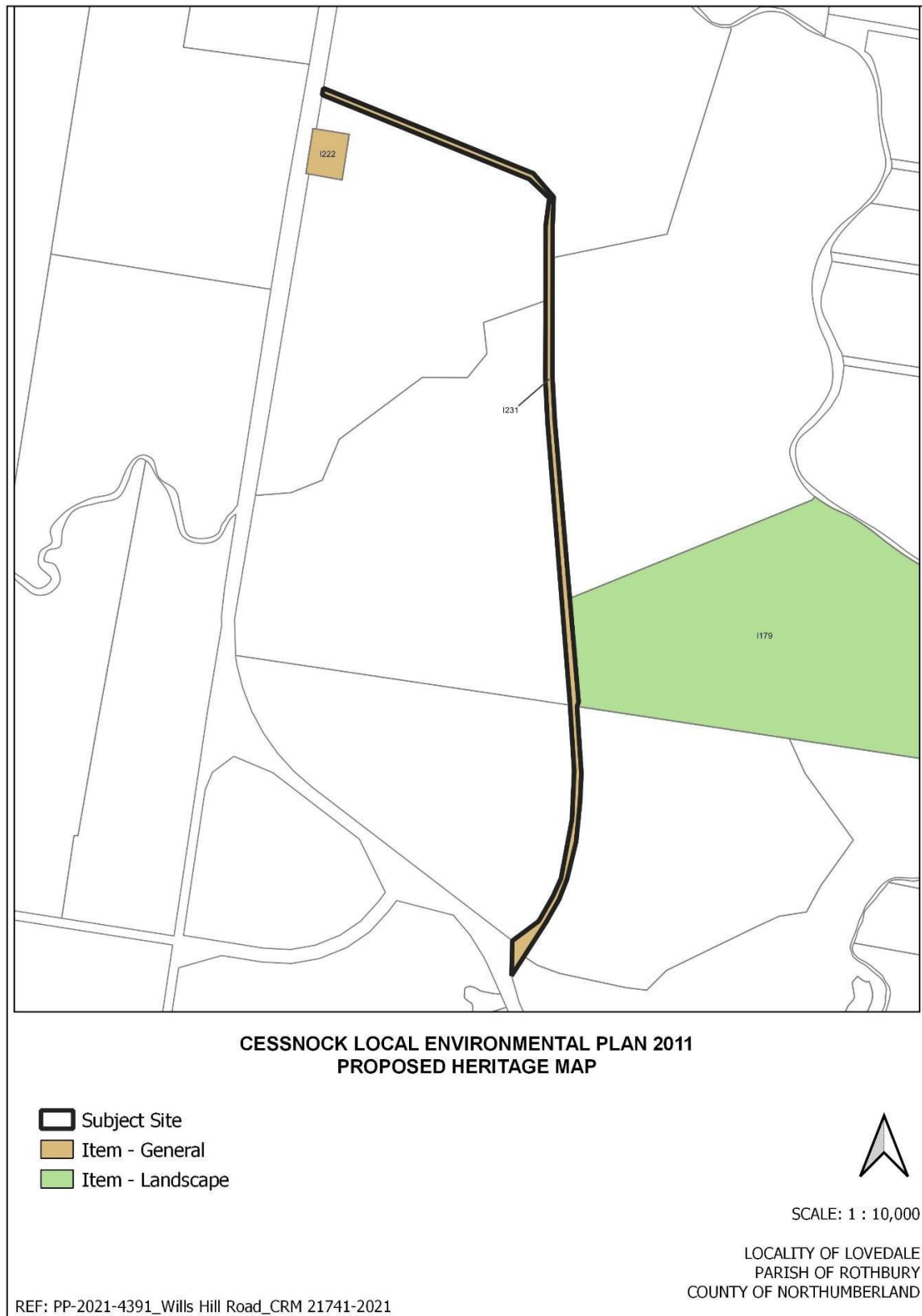
No consultation has occurred with State public authorities at this stage. Consultation will occur in accordance with the Gateway determination.

## Part 4: Mapping

The proposal will involve amendments to the following CLEP 2011 map:

- Heritage Map - Sheet HER\_005

Figure 2: Proposed Heritage Map



---

## **Part 5: Community Consultation**

---

Community consultation will be undertaken in accordance with the Gateway determination.

## Part 6: Project Timeline

It is estimated that this amendment to the Cessnock LEP 2011 will be completed in 9 months.

Additional technical studies have not been identified as a component of the Planning Proposal. The Departments Gateway determination may make prescriptions relation to technical studies and this may impact on the estimated completion date.

	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22	Apr 22	May 22	Jun 22
<b>STAGE 1</b> Submit to DPIE– Gateway Panel consider Planning Proposal								
<b>STAGE 2</b> Receive Gateway Determination								
<b>STAGE 3</b> Agency Consultation								
<b>STAGE 4</b> Preparation of documentation for Public Exhibition								
<b>STAGE 5</b> Public Exhibition								
<b>STAGE 6</b> Review/consideration of submission received								
<b>STAGE 7</b> Report to Council								

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## Appendix 1: Heritage Assessment Report

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# HERITAGE ASSESSMENT REPORT

## WILLS HILL ROAD LOVEDALE, NSW



**EVE** heritage

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SYDNEY  
GOLD COAST

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Prepared by EJE Heritage  
September 2021  
Ref: 13739-HAR-001



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## 1. PHYSICAL DESCRIPTION

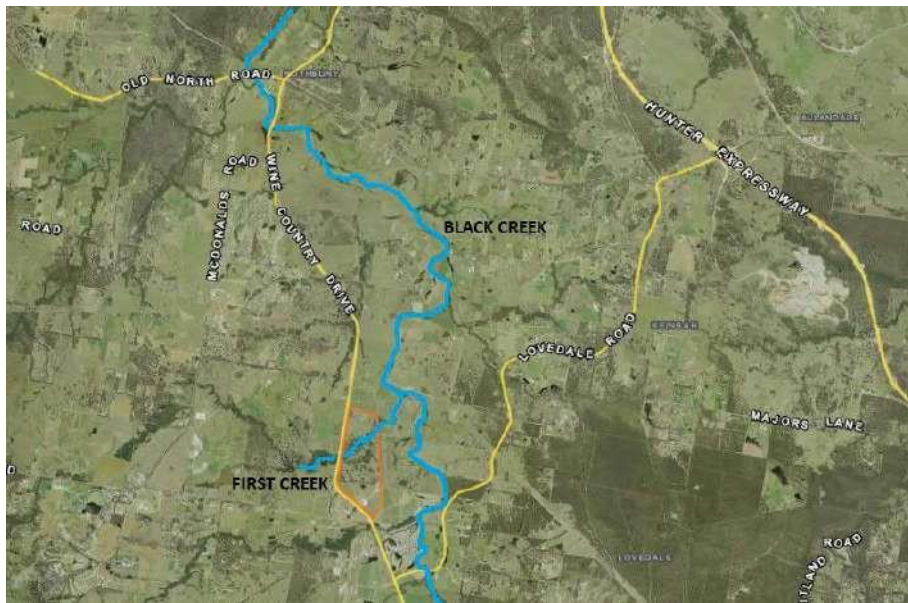


Figure 1: Aerial photo of locality of Lovedale showing the roads (traced in yellow) surrounding Wills Hill Road (outlined in orange). Black Creek and First Creek are highlighted in blue. Source Google Maps



Figure 2: Closer image of the subject site showing properties along Wills Hill Road. Firstcreek is shown crossing through the middle of the image. Source SIX Maps.

## 1.1 Context of Lovedale

Lovedale is located north of Cessnock and east of Pokolbin in the Wine Country District. It is an area of large properties and has no centre or town but relies on the neighbouring centres for social and shopping requirements. Lovedale Road traverses the area from Southwest to Northeast connecting Wine Country Drive to Allandale.

The various properties within the area are predominantly rural and used for primary production. The primary production lots have historically been used for crops and cattle and there are still traces of these uses in the district. Many have been cultivated for vineyards and contribute to Wine making and the tourism that it brings. A number of Cellar Doors can be found in Lovedale.

Other uses which can be found in Lovedale are Tourist Accommodation facilities which range from self-contained accommodation to Boutique Hotels to the Crown Plaza Hunter Valley Resort. To the south eastern corner of Lovedale lies the Werakata National Park.

## 1.2 Northern end of Wills Hill Road

The North end of Wills Hill Road includes the Glenmore Cemetery and Glenmore property. Another rural / residential property at 189 Wills Hill Road lies on the southern side of this section of road corridor. North of the road corridor are other rural / residential properties which have their addresses either on Wills Hill Road or Wine Country Drive.

The Glenmore Cemetery is a very old cemetery located next to Wine Country Drive. It is situated on the North end of Wills' Hill Road. Some sources say it was established by members of Methodist and Presbyterian Churches, circa 1867 when it was known as Peacock Hill Cemetery. The cemetery's own signage indicates that it was established in 1870. Legible Headstones contain inscriptions dating between 1874 and 1996.<sup>1</sup>

The land for the cemetery was originally a grant from the McDonald's family and was donated to the Presbyterian Church by George McDonald, one of the early vigneron of the area.

Pioneer families of Rothbury were buried in this site, some of them are now known for their wineries. As well as being recognised with a local heritage listing, the cemetery is also recognised by the National Trust.<sup>2</sup>

The road itself is a single lane with a dirt and gravel surface. For most of the length it is an even surface across the width of the road. In a couple of places it dissipates into twin wheel tracks as some foliage appears in the centre.

---

<sup>1</sup> <https://austcemindex.com/cemetery.php?id=615>

<sup>2</sup> <http://www.interment.net/data/aus/nsw/hunter/glenmore/index.htm>





Figure 3: Aerial photo showing approximate boundary of Glenmore Cemetery in red outline. The two sections of cemetery located on the North East corner and the South West corner. Source SIX Maps

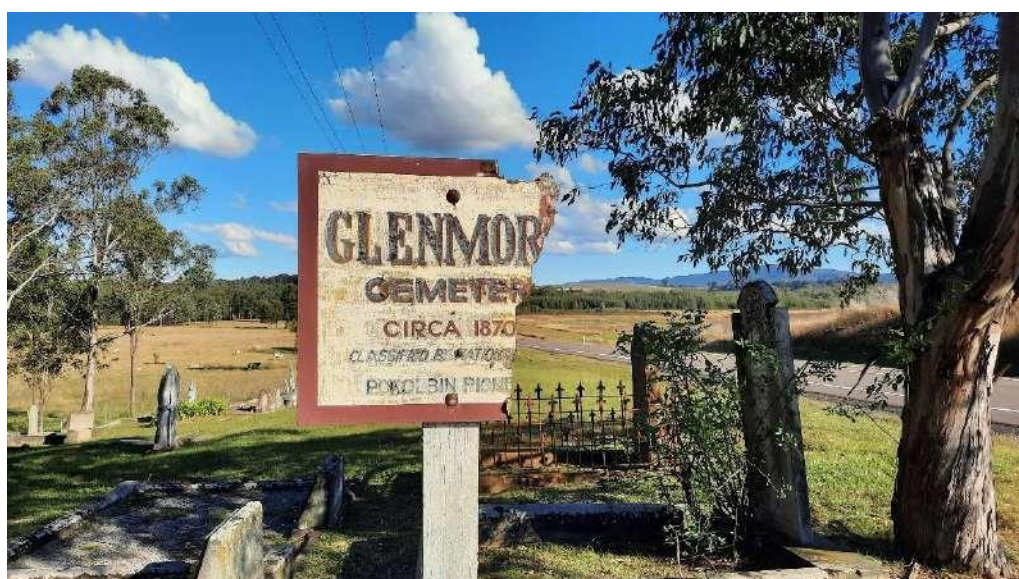


Figure 4: Signage located along Wine Country Drive. Photo EJE





Figure 5: Some of the headstone located few meters away from Wine Country Drive. Photo EJE



Figure 6: Headstones are visible from the Wine Country Road. Photo EJE



Figure 7: Wine Country Drive has been built up to smooth the gradient and now sits high above Wills Hill Road. Wills Hill Road thus turns to the south to where the levels coincide. Photo EJE





Figure 8: Extension of the Wills Hill Road where it connects back to Wine Country Drive. Photo EJE



Figure 9: The northern end of Wills Hill Road near the cemetery. Photo EJE





Figure 10: Access gate from Wills Hill Road to a private residence at 189 Wills Hill Rd. Photo EJE



Figure 11: The residence at 189 Wills Hill Road. Photo EJE





Figure 12: Properties on the north side of Wills Hill Road. Photo EJE



Figure 13: Gated property on the North side of Wills Hill Road. Photo EJE





Figure 14: The Glenmore Property gate near the north end of Wills Hill Road. Photo EJE

### 1.3 Central Section of Wills Hill Road

The central part of Wills Hill Road contains near intact original road corridor with substantial trees either side, a lower storey undergrowth supporting wildlife. Very few property entrances disturb the corridor meaning the avenue of vegetation is consistent. Rural fencing is sometimes visible to the sides of the road behind the thick undergrowth.

There are no noted heritage items or curtilages along the central stretch of Wills Hill Road, however the intactness of the character of this section of road is considerable.

The crossing of First Creek is the only place where obvious new material has been incorporated. The creek crossing has been poured in concrete to reduce damage during flooding events.



Figure 15: Looking west from Wills Hill Road into the neighbouring property. Photo EJE



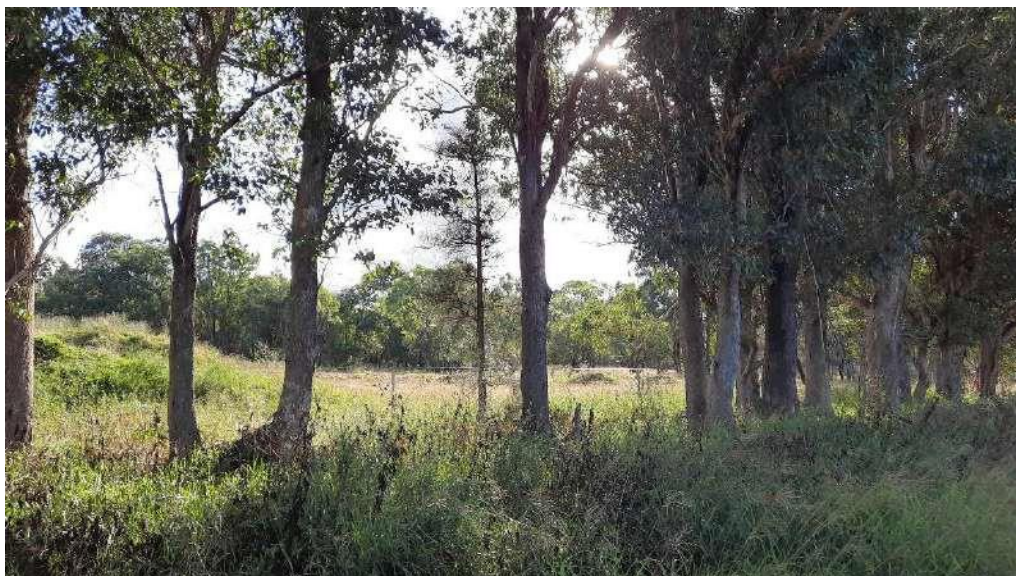


Figure 16: Looking northwest from Wills Hill Road. The intact corridor of trees which envelops the road. Photo EJE

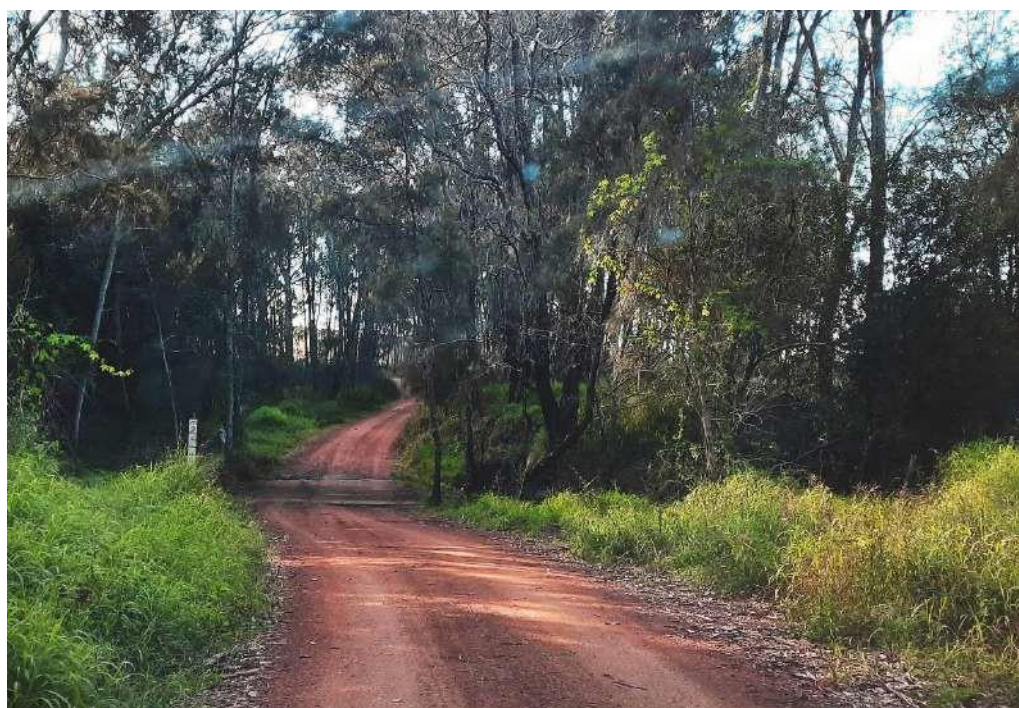


Figure 17: Photo showing the unsealed road approaching First Creek and the introduced concrete at the crossing. Photo EJE



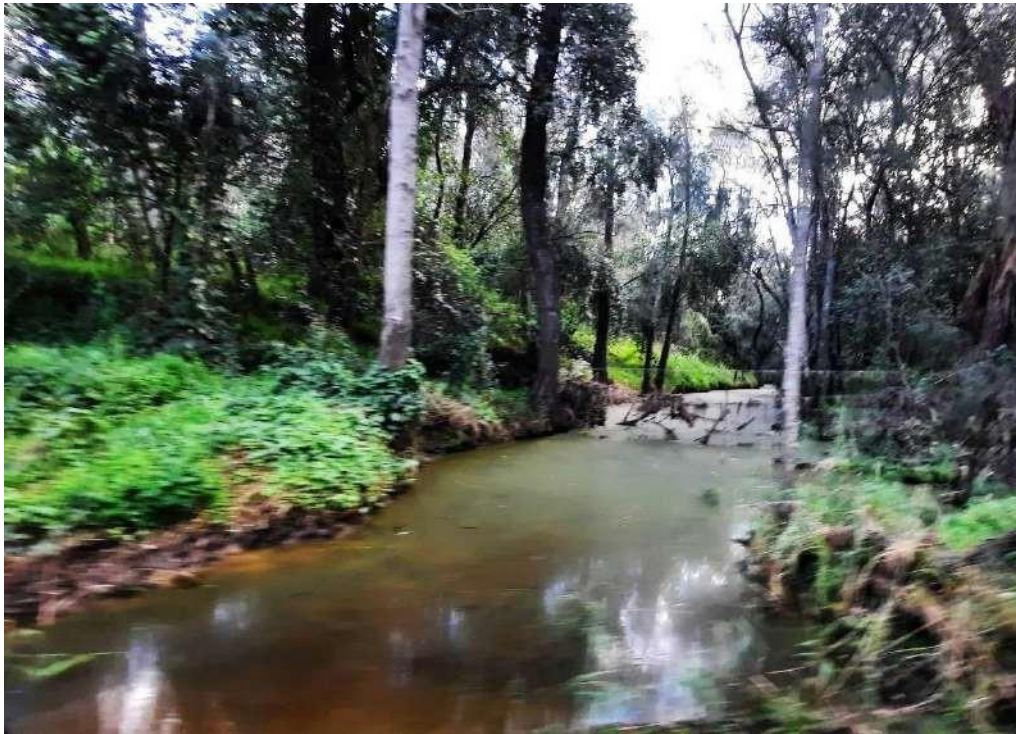


Figure 18: First Creek looking west. Photo EJE

#### 1.4 Southern End of Wills Hill Road

The southern end of Wills Hill Road is vastly different by comparison to the central and even the north end of Wills Hill Road. The differences highlight the serious impact that a road upgrade would have upon the near pristine central section of Wills Hill Road. The road in this southern section, while still being loose surfaced, is two lines wide, smooth graded, with wide runoff areas. All the previous trees have been removed and the views from the road are across wide lawns to domestic landscaping. A handful of trees have been planted along the road boundary but they are still quite small.

The uses of the properties at this southern end of the road have given rise to the road upgrade. These uses include at least two which are generators of either high levels and / or heavy traffic. The uses include a Winery, storage for shipping containers, a holiday resort and a solar farm.



Figure 19: The southern extremity of Wills Hill Road just after it leaves Wine Country Drive. Vineyards are visible beyond, but tree coverage is absent. Photo EJE



Figure 20: The Debortoli Winery just north of Wills Hill Road. The loading facilities at the winery invite regular truck movements. Photo EJE



Figure 21: Further north. Some minor tree planting has occurred on the west side of the road. Rural fencing exist on the east. The central part of Wills Hill Road is visible in the background highlighting the marked difference between the two sections. Photo EJE





Figure 22: Other residences and cleared ground between Wills Hill Road and Wine Country Drive. Photo EJE



Figure 23: At the junction for the Southern section and central sections of Wills Hill Road. Shipping containers are stored in the paddock on the east side. Photo EJE

### 1.5 Separated Section of Wills Hill Road

A prior, historic portion of Wills Hill Road is landlocked within the private property of the neighbour to the north. This section of the road retains the tree corridor and might otherwise appear similar to the central or northern sections of Wills Hill Road except for the fact that it is no longer in use and no longer accessible to the general public. It is unclear how much of the surface remains and how much has been overgrown.



Figure 24: Looking northeast from Wine Country Drive. The tree corridor which previously lined Wills Hill Road is clear as it converges on the new main road. Source Google Streetview



Figure 25: Looking southeast at the same corridor of trees as it makes its way down from the hill. Source Google Streetview

## 1.6 The Road Corridor Alignment

On John McDonald's property, known as "Glenmore", the line of the road travelled north through the middle of the property until it crossed First Creek whereby it turned to the west to the property boundary. The Peacock Hill/Glenmore Burial Ground (Cessnock LEP 2011 Local Item I222) is located just south of the intersection of the original Wills Hill Road and the Boundary / line of the new 'Wine Country Drive'.

Wills Hill Road's diversion which forced all travellers from the gate of the McDonald's property to the gate of the McDonald's cemetery is more easily explained by the former presence of a church building on that allotment.

At the Glenmore Cemetery, Wills Hill Road made a right angle turn to the north and followed the property boundary to the corner of the Glenmore property and its neighbour. At the northwest corner of the Glenmore site, the historic line of the road turned back again to the east along the boundary line between John McDonald and Thomas Coulson's property.



This is a historical map of the Allandale area in Scotland. The map shows the River Forth flowing through the landscape. A grid of land parcels is overlaid on the map, with many parcels labeled with names and numbers. A red arrow points to a specific parcel labeled '500a' near the river. The name 'Allandale' is written vertically on the right side of the map. Other labels include 'John McDonald', 'M. Bryce', and '600a'. The map is titled 'Maillan' in the top left corner.

The remaining 1.6 km of Wills Hill Road remains as single lane with a dirt surface and very close timber on either side of the corridor. This situation is similar for approximately 300m of the former corridor on Thomas Coulsen's property however this corridor is no longer a road reserve and is landlocked within private property.

### 1.7.1 Road surface

### 1.7.2 Tree corridor

### 1.7.3 Verges and undergrowth

At the base of the trees, the road verge, which lies outside the property boundaries is also little maintained and has grown to be quite thick. This undergrowth supports native fauna as well as flora providing safe shelter.

### 1.7.4 Fences

The rural properties which are in operation have rural style fencing which not only reflects the current usage of the land but links back to historic land usage also. The fences are most typically old-style post and stretched wires and are not large modern constructions. The fences contribute to the character of the setting.

### 1.7.5 River crossing

Wills Hill Road has traditionally skirted along Black Creek and crossed First Creek. This section which has actually been upgraded with a concrete culvert to prevent washout damage during flooding reflects the traditional crossing location. While the concrete is notably modern within the general setting of the road, it is less invasive on the character than would be a modern bridge.

## 1.8 Views and Setting of Wills Hill Road

Views from Wills Hill Road are dominated by the tree coverage which is close to the road and along with the road surface and verges strongly define a corridor which directs views ahead. To either side of the road are glimpses between the trees of open pastoral land which historically has supported crops and grazing.



Figure 26: This image shows the typical canopy and closeness of the trees to either side of the road and the heavy growth of the road verges which define the historic road corridor. Photo EJE





**Figure 27: Glimpses to the rural properties between the trees provide an understanding of the early pastoral settlement of the region. Photo EJE**

Views towards Wills Hill Road from the surrounding areas generally pick up the tree coverage also. In views from ground level looking toward the east, the tree coverage is lost in the trees lining Black Creek and throughout the National Park beyond.



**Figure 28: View towards Wills Hill Road from near the cemetery. The corridor of trees is immediately obvious. Photo EJE**



Figure 29: View to Wills Hill Road from the South is highlighted by the tree canopy enclosing the roadway.  
Photo EJE



## 2. HISTORICAL CONTEXT

### 2.1 1824 and 1825 Land Grants

Parcels of land in the parishes of Allandale and Rothbury were granted to settlers for the purpose of agriculture by Governors Macquarie and Brisbane. The active occupation and use of the grants was intended to grow the economy of the then colony and convict labourers supervised by the landowners was an effective way to do so. The earliest grants in Allandale were given to Matthew Bryce (granted 1824), John McDonald (granted 1825) and Thomas Coulson (also granted 1825).

**134. JANE COULSON, 2000, Two thousand acres parish of Rothbury on Black Creek; bounded on the north by H. Coulson's grant being lines bearing east 60 chains and north 6 chains to Black Creek; and by the Black Creek; on the east by the Black Creek; on the south by a line bearing west 122 chains; and on the west by a line bearing north 150 chains.**  
***Promised by Sir Thomas Brisbane on 21st February 1825 to Thomas Coulson, and possession subsequently authorised to Mrs. Jane Coulson on 10th March 1828.***  
**Quit-rent £16 13s. 4d. sterling per annum, commencing 1st January 1836.**

Figure 30: Grants of Land released by the Colonial Secretary's office date 28th of March 1839. Source New South Wales Gov't Gazette

John McDonald's property, immediately south of Thomas Coulson's also had Black Creek as its eastern border. First Creek crossed the property. McDonald named his property Glenmore; a name which persists to this day. As well as this grant in Allandale, McDonald received at much the same time the very first grant of land in Pokolbin which eventually became the Ben Ean Vineyard.

### 2.2 1828 Dangar Map

Henry Dangar, surveyor, conducted a survey of the lands of the Hunter Valley and published it in 1828. He recorded all of the land which had been granted to settlers by the NSW Governors to that date and gave a description of the qualities and advantages of the land.

As part of the map, Dangar included within the drawing legend:

- Roads made, or in the process of making,
- Carriage roads and tracks, whereon labor [sic.] has not yet been bestowed
- Accessible tracks, but not yet much used.

On Dangar's map three roads are shown emerging from what is the location of Cessnock / Bellbird. One traverses northeast to Telarah / West Maitland and corresponds with the Cessnock Road through Abermain, Kurri Kurri and Weston. One traverses north to Branxton which corresponds to Wills Hill Road. The last travels North by northwest to Castle Forbes and Singleton.

The route of Wills Hill Road on the Dangar Map is very different to what eventuated and the road to Castle Forbes / Singleton appears to have not been built at all.

The main east / west road from Newcastle through to Singleton corresponds mostly with Maitland Road (the New England Highway) however appears to deviate further south than today. It is not readily correlated with a current existing road and may be another that was still being formed.

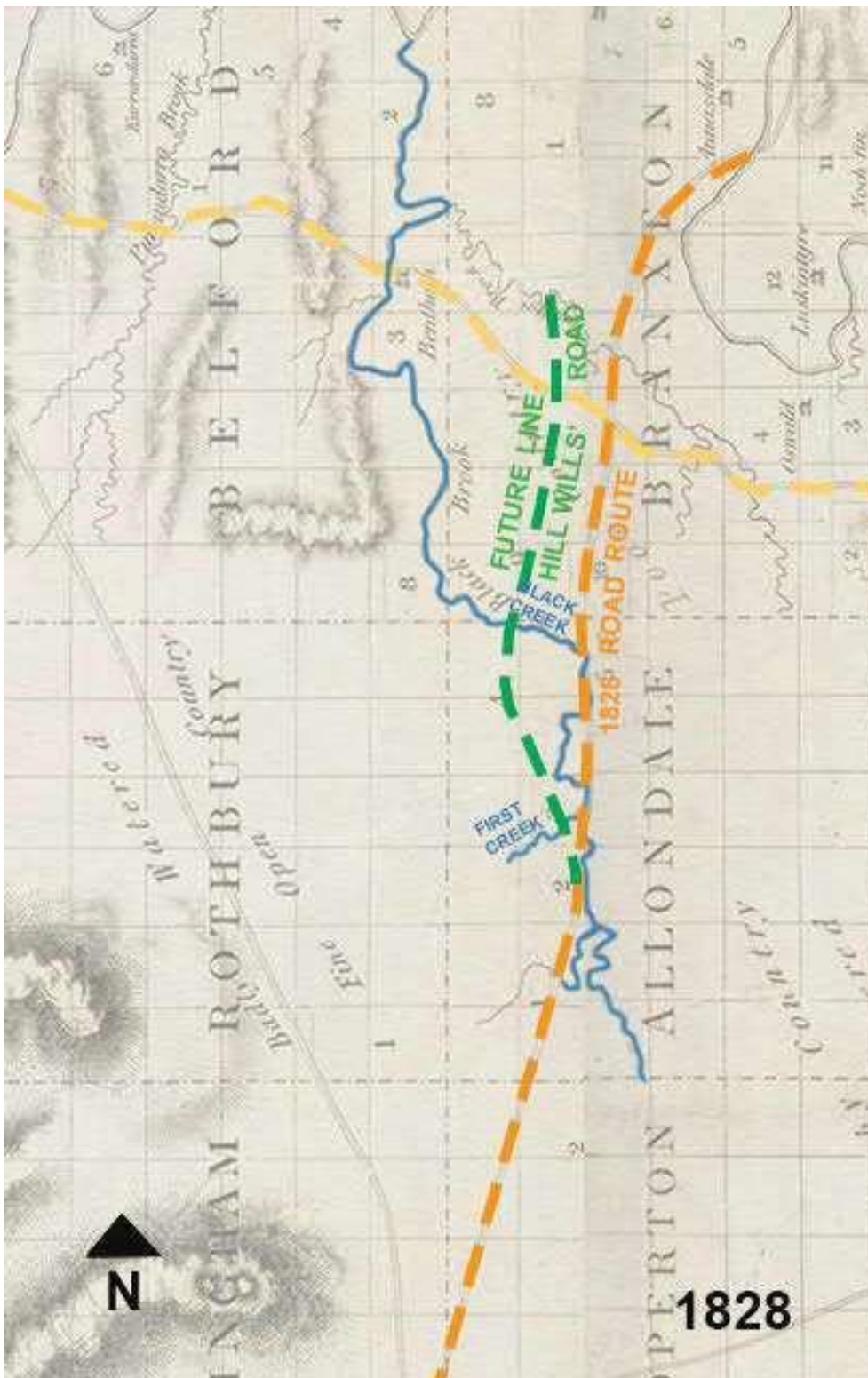


Figure 31: Overlay of 1828 Dangar Map. The route of what was to become Wills Hill Rd is shown crossing Black Creek much further south that what was actually built some time later. It is assumed that the road was being considered at the time. The Maitland Road is visible at the bottom right of the image. An east west road marked in dashed yellow is also shown parallel with what was to become the New England Highway.

### 2.3 Development of Agriculture and subsequent Wineries in the Hunter Valley

A large number of wealthy settlers received grants, typically of 2000 acres each, and by the 1828 census there were 191 properties established in the region.<sup>3</sup> Cattle grazing was the main economic driver though the fertile land with ready access to water was able to support crop growing also. It was realised that the vicinity near the Brokenback Mountains was excellent for growing grapes. Much of the rest of the Hunter Valley is unsuitable due to heavy clay or acidity.

Viticulture in the Hunter Valley is thought to have begun around the 1820's, with 20 acres of vines planted in 1823 in the areas of today's Gresford and Dalwood on the banks of the Hunter River.<sup>4</sup> The origin of the Hunter's winemaking success however is attributed to amateur viticulturalist James Busby who, having studied oenology and undertaking an extensive tour of Spanish and French vineyards, arrived in the NSW colony in 1824 with 700 cuttings of European vines.<sup>5</sup> Busby arrived with his parents and also his sister Catherine, who had formed a relationship with fellow passenger William Kelman on the voyage from England. The couple were soon married and received some of the first land grants on the upper Hunter River at Kirkton, near today's Morpeth. James Busby donated half his collection of vines to the newly formed Royal Botanic Gardens in Sydney, and the rest were planted on the Kelman estate. From this beginning the Hunter wine industry quickly grew, with registered vineyards in the valley exceeding 500 acres by 1840.<sup>6</sup> The pioneering families of the Hunter Valley Wine industry had begun to work their craft in the Hunter region in the later part of the 19th century, including the Tullochs, Tyrells, Wilkinsons and Draytons, along with the establishment of a vineyard by Dr Henry Lindeman.<sup>7</sup>

### 2.4 1846 County of Northumberland Map

In 1846, the County of Northumberland Map showed the existence of the Cessnock road to Telarah / West Maitland which was noted on the 1828 Dangar Map, however the road to Castle Forbes is clearly absent.

The east west road which was shown on the Dangar Map in 1828 still appears but is still not recognisable with a current alignment today.

The road which would become Wills Hill Road is shown only extending as far as about Nulkaba and no further north at this date.

What is also clear in this map is the existence of what is now known as Talga Road and Old North Road which skirts south of the highway and farther south than the line shown on the 1828 and 1846 maps.

<sup>3</sup> Johnson S. Hunter Valley Heritage Vineyards: Strategic Study, p7

<sup>4</sup> <https://www.winecountry.com.au/wine/history-hunter-valley>

<sup>5</sup> The Sydney Morning Herald (smh.com.au) - Pokolbin, 8 Feb 2004.

<sup>6</sup> <http://pokolbin.weebly.com/history.html>

<sup>7</sup> <https://www.winecountry.com.au/wine/history-hunter-valley>



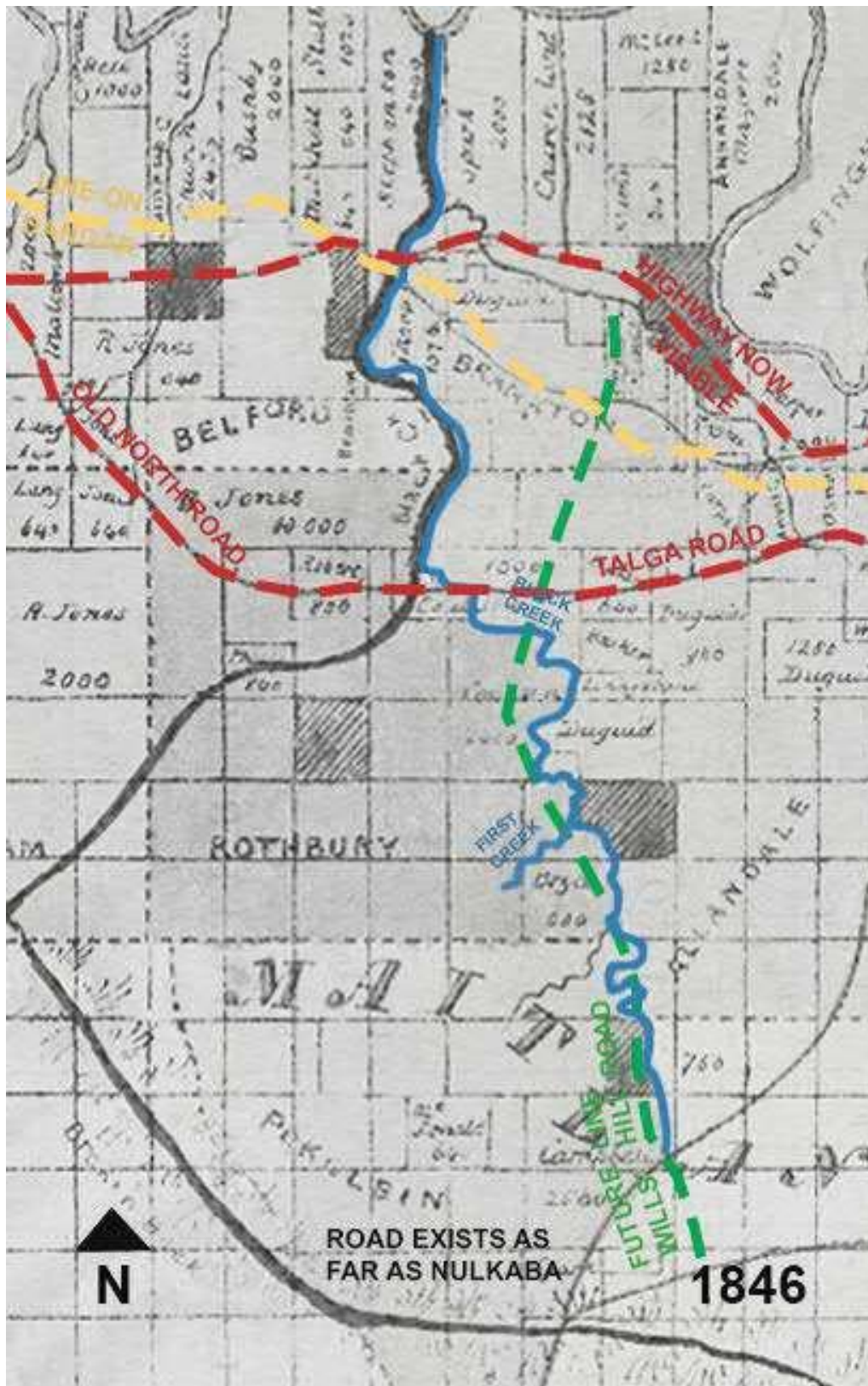


Figure 32: Overlay of the 1846 County of Northumberland Map. The Maitland Road, Talga Rd and Old North Road are clearly in place. Only a small portion of what was to become Wills Hill Rd exists emerging from Cessnock about as far as Nulkaba. The dashed yellow line which corresponds to the 1828 map traces a road on this map also, however does not persist onto the following maps. The line of Maitland Road / the New England Highway is now visible travelling from Maitland through to Singleton.

## 2.5 John McDonald and the Glenmore Property

As one of the first grants in the region, Glenmore was soon cultivated and was also one of the first established farms in the region. Cattle grazing and crop cultivation both carried out on the property. Wheat is known to have been grown at Glenmore, and Sorghum at the adjacent Peacock Hill. John McDonald commenced building the homestead at Glenmore in 1836<sup>8</sup>, though it has evolved constantly in the years since.



Figure 33: Stooks of sorghum (sacaline variety) on 'Peacock Hill' property – Rothbury. Source State Library of NSW

John McDonald first attempted growing grapevines at Glenmore in 1854,<sup>9</sup> but it is doubtful that it was a successful venture as the vines have not persisted. The McDonalds were however very successful with the vineyard that was planted on their property in Pokolbin. In 1870 the "Sunshine Vineyard" was established and became of the Ben Ean Winery.

At the northwest corner of the Glenmore property, the McDonald family gifted a parcel of their land to construct a church and create a cemetery. The church building was alternately used by the Methodists and Presbyterians on Sundays.<sup>10</sup> The cemetery was cut into two sections, one side was Presbyterian and the other was for the Methodist. Published obituaries on the newspapers also included on which side of the cemetery the funeral was to happen.<sup>11</sup>

## 2.6 County of Northumberland Maps from 1864 and 1872

These two maps are very clear in their depiction of Wills Hill Road extending from Cessnock through to Branxton. Wills Hill Road is the only North / South travelling road in the vicinity of the vineyards. Wills Hill Road would have been the main thoroughfare to the north and south connecting Cessnock with the Hunter Valley (including Singleton) via the highway, the railway and the river.

<sup>8</sup> Walker, M. and Pike, P. City of Cessnock Heritage Study 1992-93, Inventory Sheets

<sup>9</sup> Johnson S. Hunter Valley Heritage Vineyards: Strategic Study, p26

<sup>10</sup> State Heritage Inventory. Peacock Hill / Glenmore Burial Ground listing

<sup>11</sup> Cessnock Eagle and South Maitland Recorder, Friday 21 February 1930, page 4



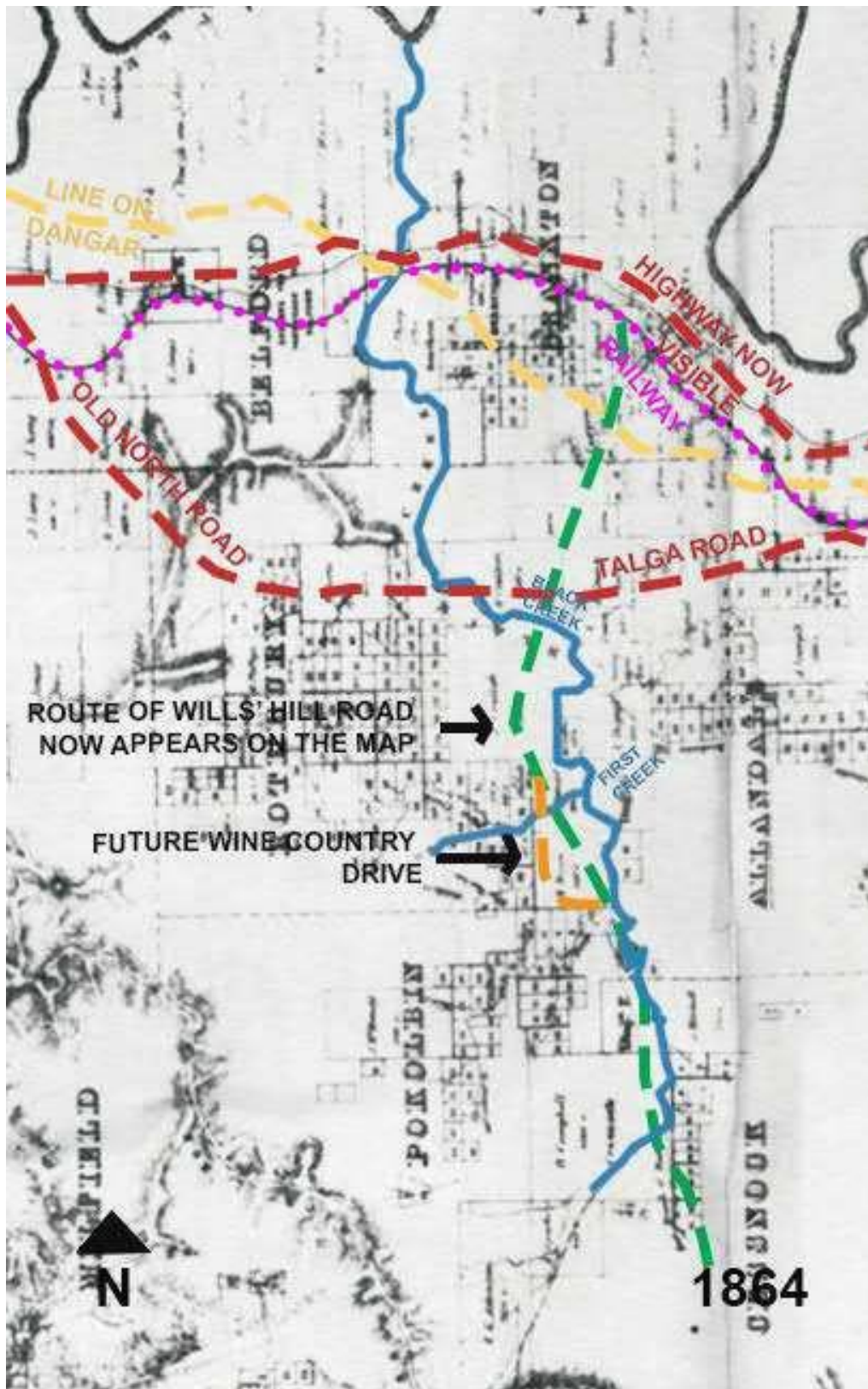


Figure 34: Map overlay showing Rothbury, Pokolbin and Allandale districts on 1864 County Northumberland Map. The line of Wills Hill Rd is faint and difficult to see on this map, but does appear and confirms its existence by this date. Talga Road and Old North Road also appear on this map. The dashed yellow line which corresponded to roads on previous map does not correspond with a road on this map. The Highway is clearly visible and the Railway has now appeared on this map.





## 2.7 Wills Hill Road in the Early Twentieth Century

At the turn of the century the road is at this time known as the Wills Hill Road and is also denoted as a Mail Road where it appears in articles and advertisements. It is clearly being used to carry the mail and other important deliveries between Cessnock and the settlements to the north.

Road tenders to upgrade the road to Branxton were opened in 1900 at Maitland. The stretch of road work was intended to run from Pokolbin to Wills Hill Road. The lowest tender was submitted by G.D. Matthews with a price of £37<sup>12</sup>. The difficulties that this section of road continued to cause enough concern that plans to bypass the problems and correct the circuitous route of the road were made. The closure of the isolated section of Wills Hill Road on Thomas Coulson's property was announced in the Government Gazette of the 29<sup>th</sup> of May 1942.<sup>13</sup>

A new bus route to Wills' Hill was created in 1942 to bring people to work.<sup>14</sup> The licence applications for bus run were submitted by two proprietors: Rover Motors and Peden and Batterham. In response to these applications, few issues were raised and led to a joint meeting of two councils of Cessnock and Kearsley. Some individuals complained about the expensive bus fares and were compared to that of Newcastle. There was also a confusion which company will run the new route since the two councils did not approve the same proprietor. In the meeting, the committee learnt some concerns about incapability of doing the bus run and selling of licence to other proprietors. It was decided in the end that there will be alterations of runs and assigned pick-up points. Carrying of parcels also was permitted.<sup>15</sup>

The Parish Map reveals that Wills Hill Road was bypassed in the 1940s and the main traffic route was established along the original boundary line of the McDonald Property.

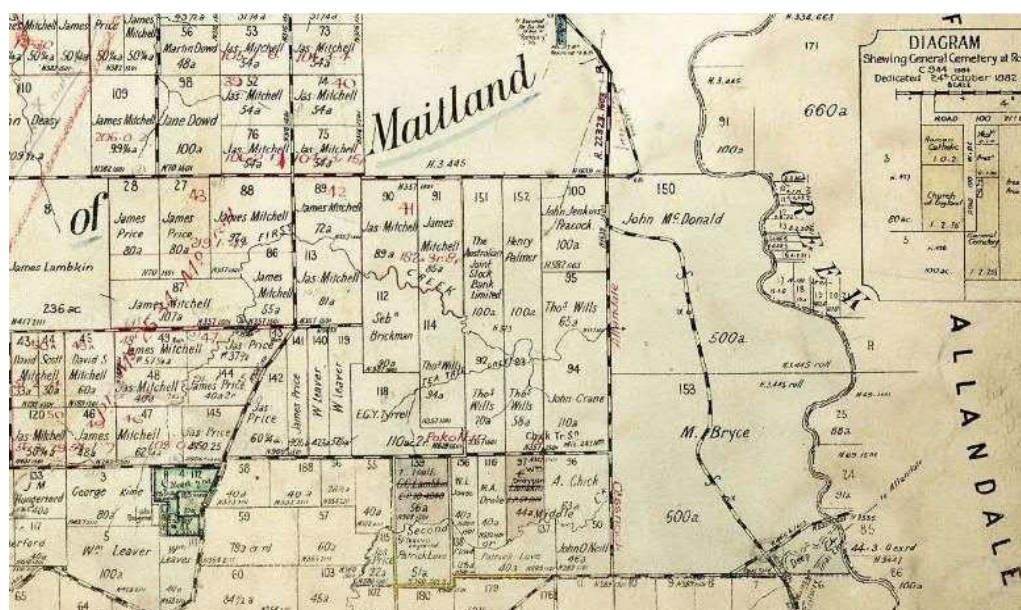


Figure 36: Parish Map of Rothbury dated 1922.

<sup>12</sup> Maitland Weekly Mercury (NSW : 1894 - 1931), Saturday 8 September 1900, page 4

<sup>13</sup> Government Gazette of NSW 29<sup>th</sup> May 1942, Volume 81 p1800

<sup>14</sup> Cessnock Eagle and South Maitland Recorder, Friday 24 July 1942, page 6

<sup>15</sup> Cessnock Eagle and South Maitland Recorder, Friday 31 July 1942, page 3



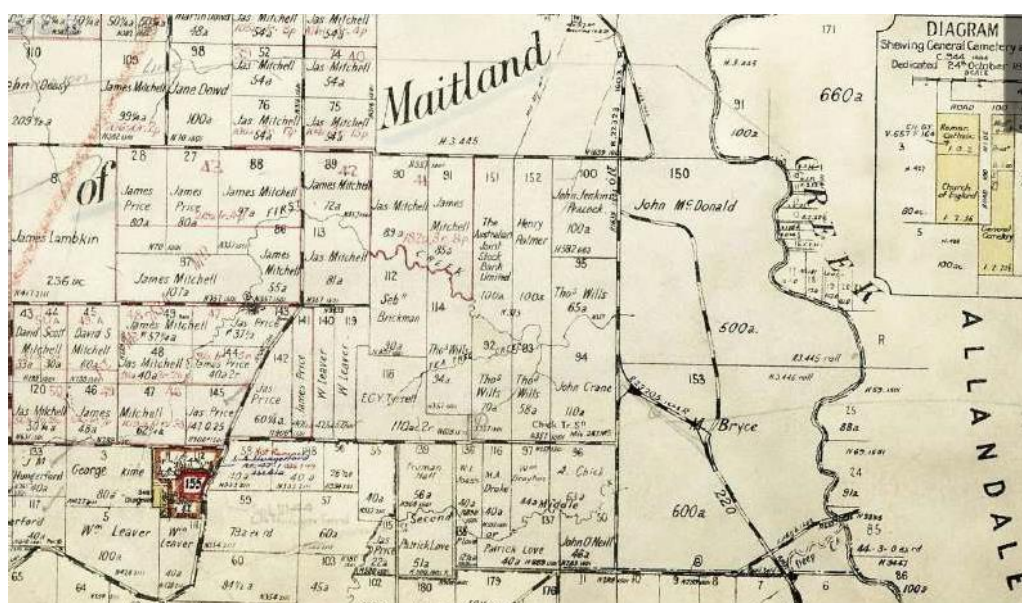


Figure 37: The Parish Map from 1942 showing the road deviating on Bryce's property to the southwest corner of McDonald's property. The section of Wills Hill road on Thomas Coulson's property becomes isolated at the same time. The new road alignment is formed directly along the McDonald's property boundary and projects north till it joins with the old corridor again on Coulson's property.

## 2.8 Heritage Recognition of the Area around Pokolbin and Lovedale

Borne out of a movement in the United Kingdom, the National Trusts were the first bodies to take steps to protect places affected by European settlement in Australia. A NSW chapter of the National Trust was formed in 1945 followed by the other states until eventually in 1965 a National Body was formed which united the state chapters.<sup>16</sup> It was the National Trust NSW Chapter that first recognised the winery region of the Hunter Valley as being significant in the development of Australia through the listing of the Pokolbin Cultural Landscape during 1982.

The Australian Heritage Commission was created in 1973 under the recently elected Whitlam Government.<sup>17</sup> Their purpose was the creation of a Register of the National Estate which was the first statutory heritage list in the country. The register was compiled through submissions from citizens all over the country and of course included sites from the entire nation. Listing of the Pokolbin Valley Landscape Conservation Area on the Register of the National Estate occurred circa the 1990s and the description of the area made particular reference to Black Creek which Wills Hill Road runs roughly parallel with.

Both the property of Glenmore (Ref 199) and the corridor of Wills Hill Road (Ref 277) were identified in the City of Cessnock Heritage Study 1992-93 prepared by Penelope Pike & Meredith Walker and recommended for inclusion in the Cessnock LEP schedule. The brief Statement of significance for Wills Hill Road in this study stated: 'Evidence of early and continuing agricultural and grazing use of land in this area from the 1830s. Illustrates the character and components of a 19th [century] rural landscape.'<sup>18</sup> This particular recommendation was not carried out however.

<sup>16</sup> Yencken, D. Valuing Australia's National Heritage, p31

<sup>17</sup> Ibid, p44

<sup>18</sup> Walker, M. and Pike, P. City of Cessnock Heritage Study 1992-93, Inventory Sheets

## 2.9 The McDonald Family vacate Glenmore

The McDonald Family held on to the property of Glenmore for numerous generations. They resided and worked the land there until early 2002 when the property was subdivided and the current titles created. This date concluded the McDonald Family's association with the site which had commenced in 1825. One hundred and seventy seven years.

## 2.10 The Increased Use of the Hunter Valley Region for Tourism

Vineyards had of course existed in the region for many years. Trade had occurred between the vineyards and the city merchants. As access to motorised vehicles grew, vineyards with established cellar doors invited day trips from surrounding regions such as Cessnock, Maitland and Newcastle.

The Great North Road, and then the Pacific Highway from 1930 made personal travel possible from Sydney, however it was still a long and arduous trip. The completion of the F3 Freeway (now M1 Motorway) in the early 1980s made it far easier to make a day trip up from Sydney.

The airfield, which was constructed by the Department of Main Roads during World War II would have catered for buyers and business people from interstate following the War. As air travel became more accessible and affordable, it also permitted visitors from these far-flung locations.

Side businesses such as the Hunter Valley Zoo, Hunter Valley Gardens, Balloons Aloft and Cypress Lakes widened the potential tourist audience from just those who appreciate wine and opened opportunities for families to visit the region. All of this increased the numbers of tourists in the region and the duration that these visitors would want to stay. Various forms of accommodation were created to allow trips to be longer than just the day. The winery region was becoming a destination for holidays.

Lindeman's Wines was a major sponsor of the Sydney 2000 Olympics. The Lindeman's Brand with its flagship Winery and Cellar Door on the doorstep of Sydney projected the Hunter Valley onto television screens around the world and invited international tourism. Tourists from overseas were able to Fly in to Sydney and then transfer onto a smaller aeroplane to reach the Hunter Valley.

The huge influx of tourists from all over the country and all over the world soon proved that the roads in the region were completely inadequate. All thoroughfares were upgraded out of necessity – with increase of width of carriageway, width of verges either side, surface materials, grading for drainage, barriers, markers and signage. These factors all radically altered the appearance of the former rural tracks and there was no going back.

Wills Hill Road, which was in such minor use, did not receive upgrade works until the DeBortoli Winery purchased the allotment at the southern end of the road. The southernmost 600m was widened and upgraded to provide access for heavy vehicles into the rear of the DeBortoli site. It was graded and levelled and widened. All adjacent planting was removed and as such the character of this section is markedly different than even just a few metres north of the upgraded section. Like the other roads in the region – once the upgrade was completed, there was no way to return to the former situation. What was seen as progress was only permitted to go forward.

## 2.11 Current development proposals

There is no doubt that the region of the Hunter Valley Wineries has become popular and has every reason to remain so. More and more tourists in the region provide opportunities for more and more attractions and accommodation options. The pressure to develop properties to maintain economic momentum is clearly recognisable.

The need to conserve parts of the region so that future generations will be able to understand how this region came into being has long been recognised. First by the National Trust and then by the Register of the National Estate. The region is made up of numerous parts and Wills Hill Road is an important historic link which connected to the property of one of the earliest landowners.

A recently approved development upon Wills Hill Road DA8/2020/20875/1 involves a Solar Farm of 4.95MW capacity being inserted into what was historically one of the paddocks of Glenmore. Council have approved the development with conditions of consent to minimise the visual impact upon the setting of Wills Hill Road. These conditions include the limitation of construction traffic on Wills Hill Road, the prevention of vegetation removal from Wills Hill Road, and the creation of a wide landscape buffer to protect the rural setting visible from the road. The site of the now approved Solar Farm has an advantage that, if needs be, access may be gained from Wine Country Drive.

There are currently three development proposals which affect the properties on the east side of Wills Hill Road including the allotment containing the Glenmore Homestead. These properties do not share a boundary with Wine Country Drive and must be accessed via Wills Hill Road

DA8/2021/21250/1 is a proposed museum of 536m<sup>2</sup> and

DA8/2021/21333/1 is a proposed Art Gallery of 1038m<sup>2</sup>

DA8/2021/21634/1 is the proposed conversion of an existing Rural Shed into a Function Centre

Each of these has the potential to impact the rural / agricultural setting of Wills Hill Road. Each of these proposals raise the potential for future road upgrades in order to cater for traffic travelling to and from them and parking requirements. The road upgrades are likely to be as invasive as that which was executed to gain access to the rear of the DeBortoli Site and therefore a direct comparison between before and after is easily discovered.

### 3. ARCHAEOLOGICAL POTENTIAL

Wills Hill Road was the primary corridor between Cessnock and the Hunter Valley and the first north / south road in the Winery Region. It is likely to have sustained substantial traffic (relative to the population and level of development) between the 1860s and the 1940s.

The roughness and the route of the road would have caused wear and tear upon vehicles travelling along the route. Potential exists for ironmongery of carts which historically used the road and may have been damaged doing so. This could include bolts and nails to metal springs or rims.

Historic farming equipment of metal may be discoverable belonging to the McDonalds who owned the property either side of this portion of the road.



## 4. HERITAGE ASSESSMENT CRITERIA

The NSW heritage assessment criteria encompass four generic values in the Australian ICOMOS *Burra Charter 2013*: historical significance; aesthetic significance; scientific significance; and social significance.

These criteria will be used in assessing heritage significance of the place.

The basis of assessment used in this report is the methodology and terminology of the *Burra Charter 2013*; James Semple Kerr, *The Conservation Plan: A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*<sup>19</sup> and the criteria promulgated by the Heritage Branch of the NSW Office of Environment and Heritage. The *Burra Charter 2013*, Article 26, 26.1, states that:

*Work on a place should be preceded by studies to understand the place which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.*

Places and items of significance are those which permit an understanding of the past and enrich the present, allowing heritage values to be interpreted and re-interpreted by current and future generations.

The significance of the place is determined by the analysis and assessment of the documentary, oral and physical evidence presented in the previous sections of this document. An understanding of significance allows decisions to be made about the future management of the place. It is important that such decisions do not endanger its cultural significance.

The *NSW Heritage Manual*, prepared by the former NSW Heritage Branch and Department of Urban Affairs and Planning, outlines the four broad criteria and processes for assessing the nature of heritage significance, along with two added criteria for assessing comparative significance of an item.

### Heritage Significance Criteria

The NSW assessment criteria listed below encompass the following four values of significance:

- ☐ Historical significance
- ☐ Aesthetic significance
- ☐ Research/technical significance
- ☐ Social significance

<sup>19</sup> (7<sup>th</sup>ed). Burwood: Australia ICOMOS, 2013.

Listed below are the relevant Heritage Assessment Criteria identified in the Heritage Act:

**Criterion (a)** An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

**Criterion (b)** An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

**Criterion (c)** An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

**Criterion (d)** An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

**Criterion (e)** An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

**Criterion (f)** An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

**Criterion (g)** An item is important in demonstrating the principle characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural places; or cultural or natural environments).

An Assessment of Significance requires that a level of significance be determined for the place. The detailed analysis uses the levels of significance below:

<b>LOCAL</b>	Of significance to the local government area.
<b>STATE</b>	Of significance to the people of NSW.
<b>NATIONAL</b>	Exhibiting a high degree of significance, interpretability to the people of Australia.



## 4.1 Analysis Of Significance

### Historical Significance

**Criterion (a)** *An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).*

Guidelines for INCLUSION	Guidelines for EXCLUSION
<ul style="list-style-type: none"> <li>Shows evidence of a significant human activity Yes - Wills Hill Road is a part of one of the first roads in the winery region, being the first north / south road. It was the main thoroughfare between Cessnock and the Upper Hunter Valley.</li> <li>Is associated with a significant activity or historical phase Yes - Wills Hill Road was first pre-empted around the time of the first land grants in the region, appearing upon the 1828 Dangar Map of the Hunter Valley. It was clearly established by the time of the development of the wineries of the Pokolbin region being clearly visible and in operation on maps from the 1860s and 70s. Its route which remains current today is clearly depicted on the Parish Maps of the 1880s.</li> <li>Maintains or shows the continuity of a historical process or activity No – only in comparison with Wine Country Drive can the historical process of road infrastructure upgrades in the winery region be fully interpreted.</li> </ul>	<ul style="list-style-type: none"> <li>Has incidental or unsubstantiated connections with historically important activities or processes N/A – the maps demonstrate that the connections are strong.</li> <li>Provides evidence of activities or processes that are of dubious historical importance N/A – agriculture and particularly the development of wineries in this region is of great importance</li> <li>Has been so altered that it can no longer provide evidence of a particular association No – Wills Hill Road has been somewhat stalled in time since the 1940s which has conserved its integrity and intactness.</li> </ul>

The alignment of Wills Hill Road was clearly defined on the 1880s Parish Map, and in the 1860s and 70s maps of the County of Northumberland is shown to be established. It may date back as an informal track as early as the 1830s which is very close to the date of the earliest land grants in this vicinity but was certainly well established and operable at the time of the winery development of the region. Wills Hill Road was not substantially upgraded during its common use and the majority has not been upgraded since the 1940s when it was bypassed by Wine Country Drive. It retains the alignment as well as a majority of the character of the early track-like road which happened to be the main thoroughfare through this important landscape. It was the first established north / south road in the wineries district which served to connect Cessnock to the Hunter Valley. Wills Hill Road may demonstrate historic significance locally and most likely regionally

**Criterion (b)** *An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).*

Guidelines for INCLUSION	Guidelines for EXCLUSION
<ul style="list-style-type: none"> <li>Shows evidence of a significant human occupation No – The road was never occupied per se.</li> </ul>	<ul style="list-style-type: none"> <li>Has incidental or unsubstantiated connections with historically important people or events No – the connections with the McDonalds are not incidental.</li> </ul>

<ul style="list-style-type: none"> <li>Is associated with a significant event, person, or group of persons Yes - Wills Hill Road has clear and inextricable associations with the McDonald Family whose property it crossed and whose residence it is connected to. The unusual circuitous route which the road took is believed to have some connection with the McDonalds.</li> </ul>	<ul style="list-style-type: none"> <li>Provides evidence of people or events that are of dubious historical importance No – the McDonalds are an important family in the region of Pokolbin and the Hunter Valley wineries; and Yes - The Road is named after Thomas Wills, another nearby landowner but his importance is not substantive.</li> <li>Has been so altered that it can no longer provide evidence of a particular association No – Wills Hill Road has been somewhat stalled</li> </ul>
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Wills Hill Road has associations with a number of the earliest settlers in this vicinity: Thomas Wills after whom the road and presumably the hill is named; and John McDonald who was one of the first grantees in the county of Allandale (and the first grantee in the parish of Rothbury) and one of the early vigneron in the winery region. The remaining section of Wills Hill Road crossed the McDonald's Glenmore Property and provided direct access to the Glenmore Homestead. The McDonald family lived on this property until the year 2002 when the property was subdivided into the current lots. Wills Hill Road is able to demonstrate local significance due to its historical associations. Its associations with the McDonald Family who were influential in the early stages of the wine industry of the Hunter Valley and important in the Winery region may meet the threshold for State significance.

### Aesthetic And Technical Significance

**Criterion (c)** *An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).*

Guidelines for INCLUSION	Guidelines for EXCLUSION
<ul style="list-style-type: none"> <li>Shows, or is associated with, creative technical innovation or achievement No</li> <li>Is the inspiration for a creative or technical innovation or achievement No</li> <li>Is aesthetically distinctive Yes – Due to its landscaping and condition which has been left to run its course typically without maintenance or upgrade.</li> <li>Has landmark qualities Yes – Due to its landscaping and condition which has been left to run its course typically without maintenance or upgrade.</li> <li>Exemplifies a particular taste, style or technology Is characteristic of nineteenth century road establishment</li> </ul>	<ul style="list-style-type: none"> <li>Is not a major work by an important designer or artist Yes</li> <li>Has lost its design or technical integrity No – the road is not necessarily designed or technical</li> <li>Its positive visual or sensory appeal or landmark qualities have been more than temporarily degraded No</li> <li>Has only a loose association with a creative or technical achievement Yes</li> </ul>

Wills Hill Road is able to demonstrate the aesthetic character of a 19th century road bounded by agricultural land which would have been common at that time but is now rare in the region of the Hunter Valley Wineries whose roads have largely been widened and sealed to cope with tourist traffic. Wills Hill Road may meet the threshold for significance locally and possibly regionally for its aesthetic representation of a nineteenth century roadway in this region.

### Social Significance

**Criterion (d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.**

Guidelines for INCLUSION	Guidelines for EXCLUSION
<ul style="list-style-type: none"> <li>Is important for its associations with an identifiable group</li> </ul> <p>Yes – Wills Hill Road is held in high esteem by the local community who are concerned for the conservation of the road corridor for a number of reasons.</p> <ul style="list-style-type: none"> <li>Is important to a community's sense of place</li> </ul> <p>Yes – A number of the concerned community have addresses on this road and the approach to their properties is definitely important to their sense of place.</p>	<ul style="list-style-type: none"> <li>Is only important to the community for amenity reasons</li> </ul> <p>No – conservation of the road is likely to be counter to the amenity of the community, however will be positive for the retention of significance.</p> <ul style="list-style-type: none"> <li>Is only retained in preference to a proposed alternative</li> </ul> <p>No – retention of Wills Hill Road is the prime preference.</p>

Previous professional studies have identified the significance of Wills Hill Road and the genesis of this Heritage Assessment Report has been generated by members of the local community who are concerned for the conservation of the historic road corridor. The significance of the road means more to the local community than would the convenience of upgrading the road for smoother access. Wills Hill Road might demonstrate significance locally for the esteem by which it is held in the community.

### Research Significance

**Criterion (e) An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).**

Guidelines for INCLUSION	Guidelines for EXCLUSION
<ul style="list-style-type: none"> <li>Has the potential to yield new or further substantial scientific and/or archaeological information</li> </ul> <p>Yes - The remainder of that which was Wills Hill Road (now Wine Country Drive) has been widened, straightened, graded, tar-sealed, and lined with barriers. Wills Hill Road is the last remaining portion of the 19<sup>th</sup> century main road between Cessnock and the Hunter Valley and one of very few nineteenth century roads in the district which remains intact. It has potential to provide information accurate about road establishment and construction in the 19<sup>th</sup> century in the region of the Hunter Valley as well as the aesthetic character of rural roads in this region at that time. The reason for the unusual circuitous route of the road corridor appears to have something to do with the McDonald's Glenmore property, and to research this factor would be to reveal unknown information.</p>	<ul style="list-style-type: none"> <li>The knowledge gained would be irrelevant to research on science, human history or culture</li> </ul> <p>N/A – The wineries of the Hunter Valley region are important in Australia and known worldwide. Information and evidence of the early days of their settlement will be important to retain.</p>

<ul style="list-style-type: none"> <li>• Is an important benchmark or reference site or type</li> </ul> <p>Yes – Wills Hill Road is an important reference site which can inform the studies of other nearby main road corridors</p> <ul style="list-style-type: none"> <li>• Provides evidence of past human cultures that is unavailable elsewhere</li> </ul> <p>Yes – All other roads of this vintage in the Winery region have been upgraded, typically multiple times</p>	<ul style="list-style-type: none"> <li>• Has little archaeological or research potential</li> </ul> <p>N/A</p> <ul style="list-style-type: none"> <li>• Only contains information that is readily available from other resources or archaeological sites</li> </ul> <p>No – it is unlikely that the information discoverable here will be able to be found readily elsewhere.</p>
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Wills Hill Road provides an opportunity to understand the makeup, character and appearance of a nineteenth century main rural road within the Hunter Valley as well as the potential difficulties which faced travellers of the period. The alignment of the road, which turns toward and away from the established property boundaries provides a point to research of which unknown information may be discovered. Due to the integrity and intactness of this section; Wills Hill Road has the potential to reveal information which is not likely to be available elsewhere.

### Rarity Significance

**Criterion (f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).**

Guidelines for INCLUSION	Guidelines for EXCLUSION
<ul style="list-style-type: none"> <li>• Provides evidence of a defunct custom, way of life or process</li> </ul> <p>Yes – This nineteenth century main thoroughfare is nothing like that which is expected and routinely constructed nowadays.</p> <ul style="list-style-type: none"> <li>• Demonstrates a process, custom or other human activity that is in danger of being lost</li> </ul> <p>Yes – Due to the increased (and increasing) traffic in the winery region, all roads are under pressure to upgrade to cater for Tourist Coaches and the like.</p> <ul style="list-style-type: none"> <li>• Shows unusually accurate evidence of a significant human activity</li> </ul> <p>Yes – The road has undergone very little in the way of upgrades since it was bypassed in the 1940s and therefore the evidence it provides of nineteenth century road establishment and construction is unusually accurate.</p> <ul style="list-style-type: none"> <li>• Is the only example of its type</li> </ul> <p>Yes – in the winery region of the Hunter Valley; and No – there may be other roads similar in appearance and character beyond the winery region and into other LGA's. The Great North Road has a high level listing, however the purpose and the duration of active service of the Great North Road is very different to Wills Hill Road.</p>	<ul style="list-style-type: none"> <li>• Is not rare</li> </ul> <p>No</p> <ul style="list-style-type: none"> <li>• Is numerous but under threat</li> </ul> <p>No – this is one of two identified seminal roads in the winery region and the only example that remains substantially intact.</p>

- Demonstrates designs or techniques of exceptional interest  
Yes – the way in which the road, which was a thoroughfare, was established upon such a circuitous route responding to the Glenmore property and infrastructure is of great interest.
- Shows rare evidence of a significant human activity important to a community  
Yes – Wills Hill Road is able to demonstrate life and transport

Wills Hill Road is the first north / south thoroughfare which connected Cessnock to the Hunter Valley. It is rare in this vicinity as the only section of nineteenth century road connecting two substantial centres which remains largely intact. It is likely to meet the threshold for rarity significance locally and possibly regionally.

### Representative Significance

**Criterion (g)** *An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural places; or cultural or natural environments).*

Guidelines for INCLUSION	Guidelines for EXCLUSION
<ul style="list-style-type: none"> <li>• Is a fine example of its type No – it is a well intact and unusual example, but not necessarily a fine example of its type</li> <li>• Has the principal characteristics of an important class or group of items Yes – demonstrates the principal characteristics of a nineteenth century main thoroughfare.</li> <li>• Has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity Yes – has attributes which are able to demonstrate how necessary transport was undertaken in the Winery region of the Hunter Valley</li> <li>• Is a significant variation to a class of items No</li> <li>• Is part of a group which collectively illustrates a representative type No</li> <li>• Is outstanding because of its setting, condition or size Yes – it is outstanding for its condition and intactness due to the minimal application of upgrade works over the last 80 years.</li> <li>• Is outstanding because of its integrity or the esteem in which it is held No</li> </ul>	<ul style="list-style-type: none"> <li>• Is a poor example of its type No</li> <li>• Does not include or has lost the range of characteristics of a type No</li> <li>• Does not represent well the characteristics that make up a significant variation of a type Yes – Wills Hill Road is not an example of a significant variation of a type.</li> </ul>



Wills Hill Road might be considered to be a representative example of a nineteenth century main thoroughfare in the Hunter Valley Region of NSW due to its intactness and the curiosity of its historic route. It might meet the threshold for significance for its representative values.

## 5. COMPARATIVE ANALYSIS

Assessment of the relative heritage significance of Wills Hill Road in a local context is arrived at through its comparison with similar items within the City of Cessnock Local Government Area and / or of similar age in similar regions.

### 5.1 Isolated Section of Wills Hill Road

This short section of road which lies to the north of the road that is the subject of this Heritage Assessment. This section of road is actually included in the description of the “Weronga” heritage listing which due to a strange turn of events is not included in the gazetted curtilage of the item.

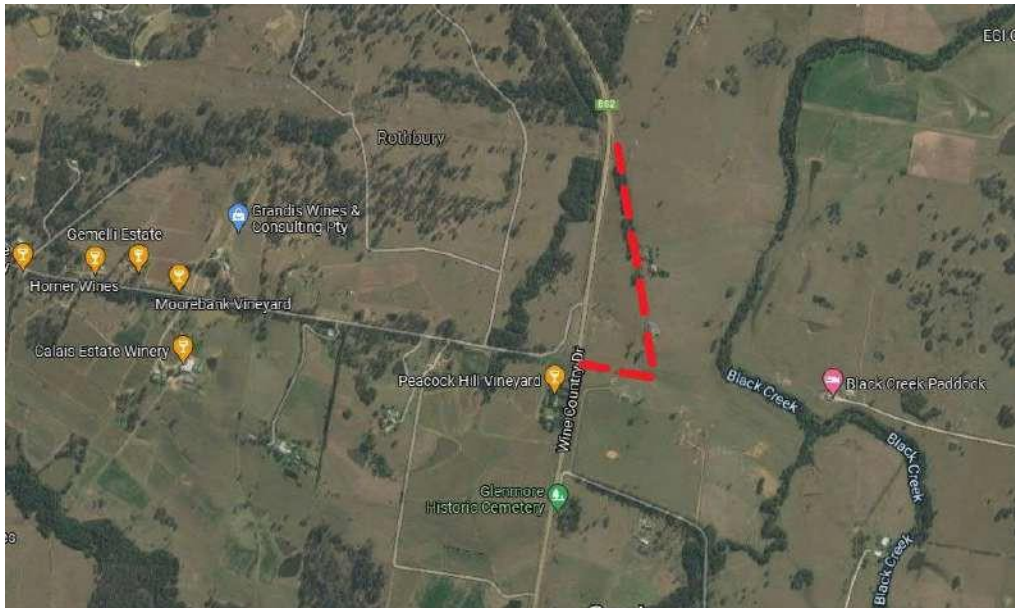


Figure 38: The former route of Wills Hill Road (shown dashed) can still be recognised in the avenue of trees crossing the property. Source Google Maps



Figure 39: Looking northeast from Wine Country Drive. The tree corridor which previously lined Wills Hill Road is clear as it converges on the new main road. Source Google Streetview



**Figure 40: Looking southeast at the same corridor of trees as it makes its way down from the hill. Source Google Streetview**

The Isolated section of Wills Hill Road is the most similar to the section of road that is the subject of this Heritage Assessment sharing much of the same reasons for significance. There are some substantial points of difference however which mean that the isolated section of Wills Hill Road is of lesser significance over the subject section of road:

1. It does not lie on the McDonald's historic Glenmore allotment so has lesser historic association with the McDonalds.
2. It does not so well demonstrate the circuitous route of the subject section of road which is a point of potential research
3. It is not so readily interpretable as being associated with the Glenmore Cemetery. The alignment of the isolated section of road appears to avoid the cemetery, whereas the subject road clearly encounters the cemetery.
4. While the isolated section of road has also gone without upgrades, it has gone without regular traffic also and is likely to be overgrown to some extent which increases the difficulty of interpretation.
5. The isolated section of road is not publicly accessible for the opportunity of interpretation. It lies wholly within private property and must be viewed either at a distance or with permissions from the landowner. These factors increase the difficulty of interpretation.

If the obscure situation regarding the curtilage of the "Weronga" item can be rectified, it will be a good outcome to have this section of road protected under a local heritage listing. The factors listed above however explain that this isolated section of Wills Hill Road is of lesser significance and greater difficulty for interpretation. To rely on the corrected listing for this section of road is to say that this section of road *"is only retained in preference to a proposed alternative"*.

## 5.2 Great North Road

The Great North Road, known in some parts as the Old Northern Road already exists on the National Heritage List and as an Australian Convict Site is actually nominated for a World Heritage Listing. It is likely to represent the pinnacle of significance for a nineteenth century main thoroughfare and in many ways is more significant than the road that is subject of this Heritage Assessment. For example:

1. It was constructed to link Sydney with the Hunter Valley
2. It was constructed using convict labour
3. It has strong associations with Governor Darling and was one of his three "Great Roads"
4. It was necessary to construct it using massive engineering features



5. There are many examples of constructed works or elements such as convict graffiti which give clear evidence interpreting the construction processes of the road.



Figure 41: Great North Road walking track provides a 9km loop utilising an original route and a section which was created later. Source: National Parks and Wildlife



Figure 42: Great North Road bike ride provides a 43 km (one way) of track graded as hard. Source: National Parks and Wildlife



Figure 43: An image of the protected section of the Great North Road. It is very different in character, topography and location to Wills Hill Road. Source: Sydney Living Museums





**Figure 44: Some of the convict built stone infrastructure that was necessary to construct the road. This is very different to Wills Hill Road due mainly to the topography and the workforce applied to it. Source: Sydney Living Museums**

There are factors which are directly comparable with Wills Hill Road also

1. The majority of the road still in use has been the subject of multiple and major upgrades and has lost the range of characteristics which demonstrates its type
2. There is only a small portion of the original which remains intact and interpretable and can be considered for active conservation
3. The community has been behind the active conservation of the road

There are three factors which are demonstrated by the subject section of Wills Hill Road that make the interpretation of significance easier than that of the Great North Road.

1. The Great North Road fell out of operation very quickly. It was completed in 1836, but by 1844 the road from Peats Ferry was viewed to be far superior. Part of The Great North Road was closed off by 1884 and the Pacific Highway opened in 1930 making the majority of the Great North Road redundant. Wills Hill Road by comparison remained in full use until the 1940s and is still in use today
2. The protected portion of the Great North Road was closed to motorised traffic in 1978 meaning that all travel on the protected portion of the road needs to be on foot or bicycle which while it increases the ability to experience the aesthetic character of the place reduces the interpretation that this was built to be a major thoroughfare.
3. The protected area of the Great North Road is remote from most population centres and locations of other attraction. It is accessible from Wiseman's Ferry which is a popular day trip location whereas Wills Hill Road is in close proximity to the current Main Road and numerous tourist attractions where it can become an easily accessible detour. Wills Hill Road is able to provide a substantially easier opportunity for heritage interpretation than the Great North Road.

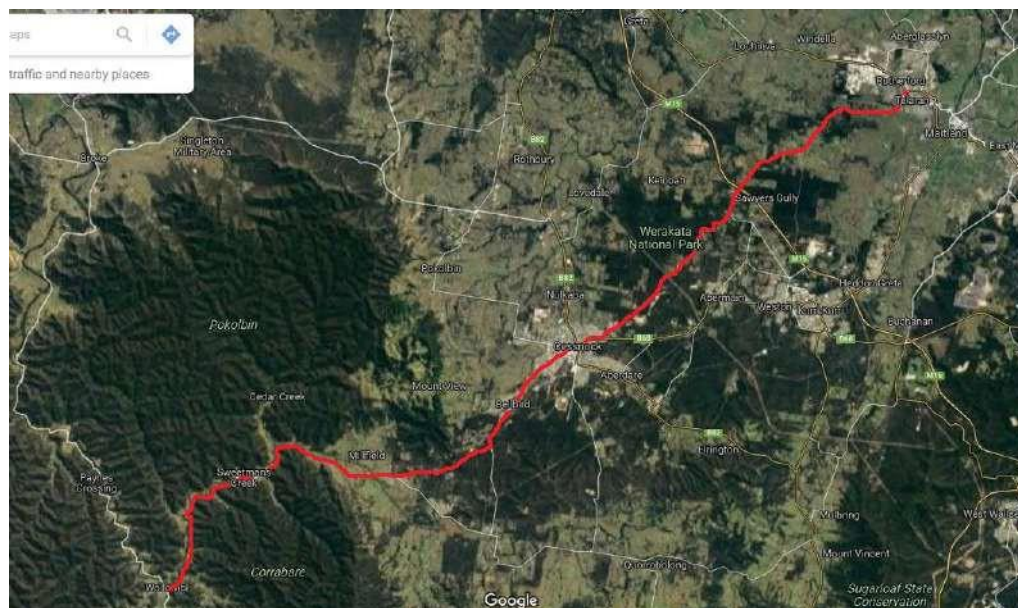
The protected section of the Great North Road is located just north of Wiseman's Ferry in the Hawkesbury LGA. The northernmost section of the former Great North Road is the Mitchell Line of Road located in the Singleton LGA. In the Cessnock LGA the Great North Road remains in place from Bucketty to Wollombi from which point it becomes Paynes Crossing Road and continues north toward Broke. The road is typically dual land and sealed. It travels mostly through bushland though does encounter agricultural settings near the Wollombi Brook / Stockyard Creek while still in the Cessnock LGA.

To conclude, the section of Wills Hill Road which is the subject of this Heritage Assessment Report is of lesser overall significance than the Great North Road, and does not attempt to match its listing within the National Heritage List. This portion of Wills Hill Road however, does

demonstrate significance for similar reasons to the Great North Road most particularly in regards to its route and intactness. It also is able to provide a much more accessible and available opportunity to interpret that significance for tourists who can happen upon it.

### 5.3 Old Maitland Road / Wollombi Road

The road between Wollombi and Cessnock and then from Cessnock to Maitland known as Old Maitland Road / Wollombi Road is indicated on the 1828 Dangar Map. It is one of a number of roads that were extended from the Great North Road to get to desired locations such as Maitland and Newcastle more conveniently than by staying on the Great North Road. The road has predominantly been widened and tar sealed and has relatively recent signage. Like the Great North Road, it travels predominantly through bushland though does encounter agricultural properties at various locations.



**Figure 45: Aerial View of Old Maitland Road / Wollombi Road which still follows the course indicated on the 1828 Dangar Map. It has been upgraded for its entire length. Source Google Maps**

For some lengths it has tree canopies like Wills Hill Road, and at other times it has views of paddocks to either side. The road travels through the South Greta Coalfield areas such as Millfield and Bellbird which were influential in the local economy and have some social significance also. These areas are not as influential on the global stage as the winery regions and are not as likely to attract tourists. This road does not display the same character and outlook at the same time as does Wills Hill Road and is not nearly so intact.

There are no obvious portions of the road that have been bypassed like Wills Hill Road. There are some sections east of Cessnock which have parallel tracks alongside the road corridor but these appear to be more recently made perhaps by Four-Wheel-Drivers and Trail Bike riders.

Old Maitland Road / Wollombi Road is therefore able to demonstrate similar historic significance to Wills Hill Road being slightly older but not as influential to the region. It does not share the same significance under other criteria, and does not share the same intactness.



## 5.4 Talga Road

Revealed by the County of Northumberland Map from 1872, Talga Road forms the eastern part of a road of similar age to Wills Hill Road which skirted south of Maitland Road from west of Lochinvar, through Allandale, across Wills Hill Road and on to Castle Forbes.

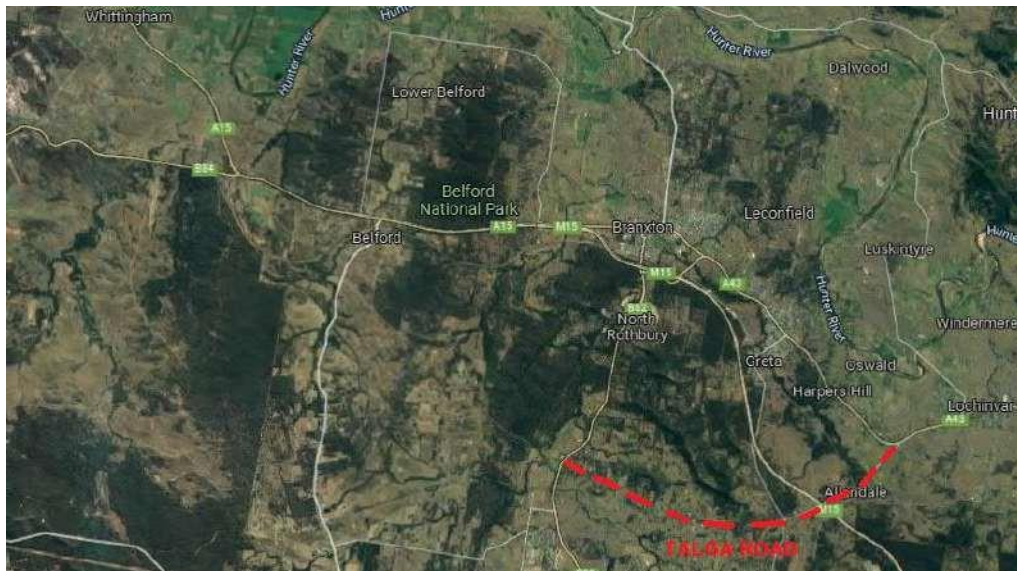


Figure 46: Aerial photo of Talga Road (shown dashed) which is shown to have existed on the early County Maps. Source Google Maps



Figure 47: A typical view of Talga Road looking west. While it is undoubtedly attractive, the road corridor is noticeably different in character to Wills Hill Road and does not so easily reflect the 19th century origin of the road. Source Google Streetview

The eastern end of Talga road is now part of Allandale and Lovedale Roads and is of course widened and tar-sealed with many safety upgrades. A long portion of Talga Road is dirt and gravel surfaced however it is obvious that the road has been regraded and widened to two lanes. The verges of the road do not have the constant avenues of trees and the road is not covered and enclosed to the same extent. The western portion of Talga Road has been isolated onto a private property commencing at a driveway entrance and concluding at the intersection between Old North Road and Wine Country Drive. This last section of road may be somewhat intact in terms of tree coverage and width but is overgrown and inaccessible somewhat like the isolated section of Wills Hill Road.



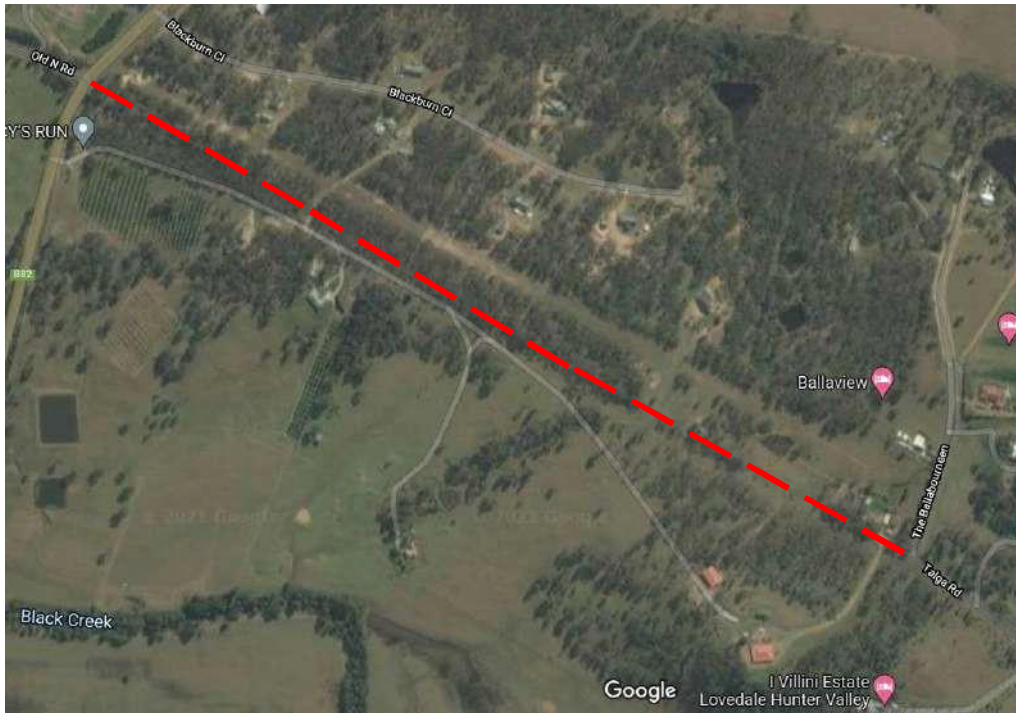


Figure 48: Isolated section of the former Talga Road (shown dashed) now lies within private property. A cleared corridor for the Power Lines is visible just to the north, but the earlier road corridor is still recognisable in the pattern of the trees. Source Google Maps



Figure 49: The current situation is that Talga Road terminates at this driveway entrance and traffic turns north onto the Ballabourneen. Source Google Streetview





Figure 50: Glimpses of the former road corridor may be visible from the western end of the former Talga Road. They are easily confused with newer graded tracks on the subject properties or the cleared Power Line easement to the north. Source Google Streetview

Talga Road is therefore able to demonstrate similar historic significance to Wills Hill Road but does not share the same significance under other criteria, and does not share the same intactness.

## 5.5 Old North Road

Revealed by the County of Northumberland Map from 1872, Old North Road forms the western part of a road of similar age to Wills Hill Road which skirted south of Maitland Road from west of Lochinvar, through Allandale, across Wills Hill Road and on to Castle Forbes.

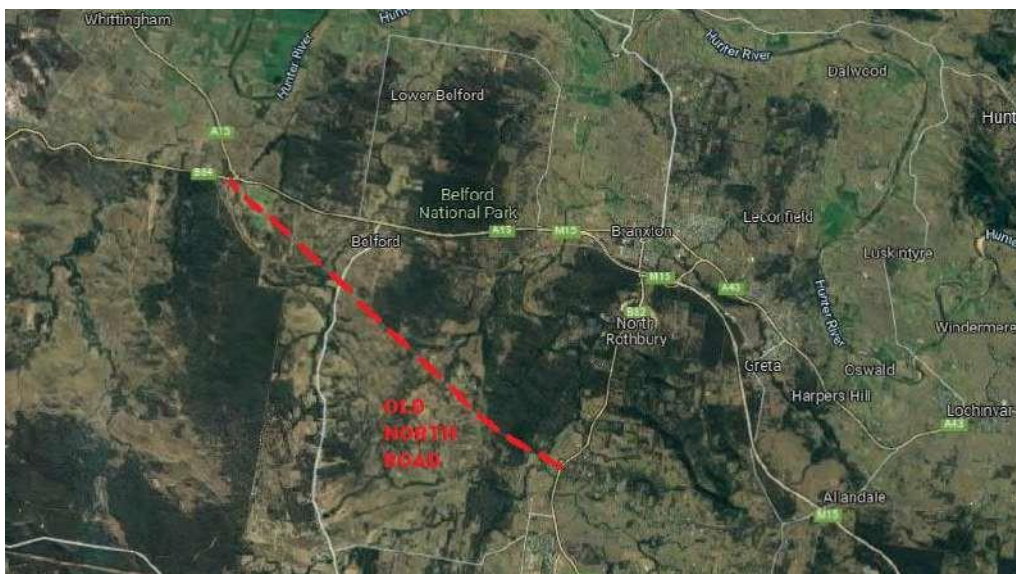


Figure 51: The former corridor of Old North Road (shown dashed) is still recognisable in aerial imagery. Source Google Maps

The eastern end of Old North Road is widened and tar-sealed. A long portion of Old North Road is dirt and gravel surfaced however it is obvious that the road has been regraded and widened to two lanes. One small portion shows the tree coverage coming in close to the road somewhat like Wills Hill Road but not as thick and for not nearly such a distance. The rest of the verges of the road do not have the constant avenues of trees and the road is not covered and enclosed to the

same extent. Beyond the gravel section and approaching Hermitage Road the road is sealed again.



Figure 52: The eastern end of Old North Road at the intersection of Wine Country Drive looking west. Source Google Streetview



Figure 53: A typical view of the unsealed section of Old North Road. The tree coverage is not nearly so close or pronounced as Wills Hill Road. The road has been graded and cambered and the shoulders have been clearly reworked at times. There is evidence in places where the road has become impassable and vehicles have created alternative tracks beside the road to skirt around holes and puddles. Source Google Streetview



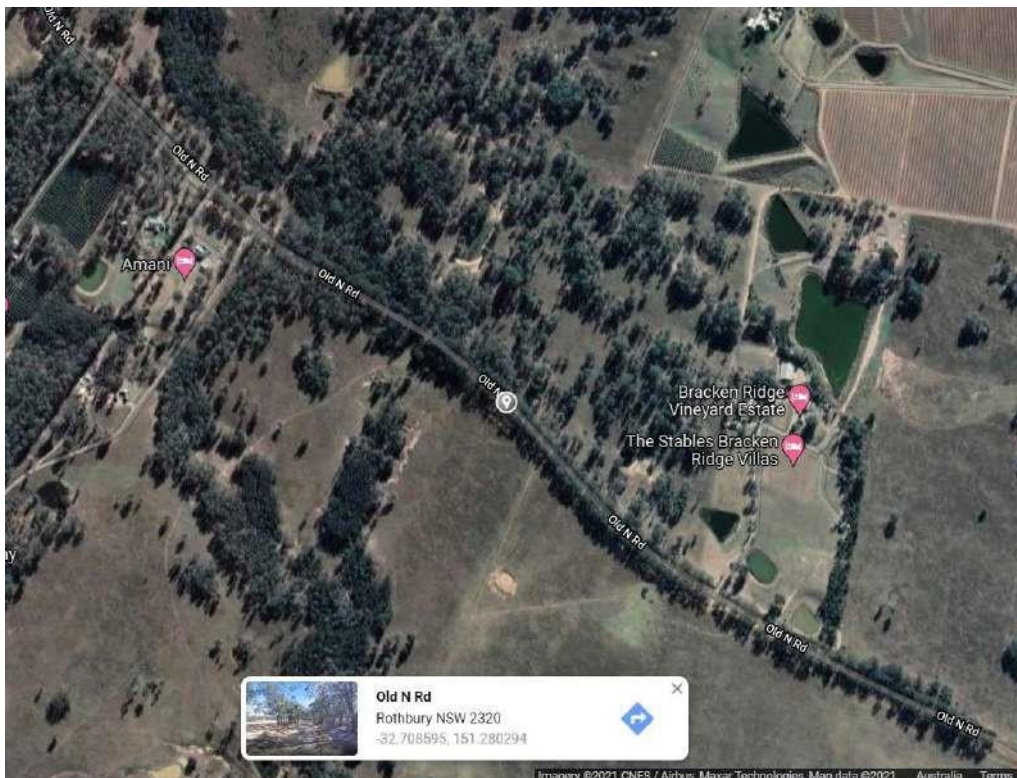


Figure 54: This particular section indicated by the pin on the map and latitude / longitude reference is the most like Wills Hill Road in character. It does not extend for much distance – approximately 400 metres. Source Google Maps



Figure 55: The view of Old North Road where it is as similar to Wills Hill Road as possible. Source Google Streetview

West of Hermitage Road is truncated and is terminated completely at the railway corridor. At Castle Forbes, near the intersection of the New England Highway and Golden Highway, some of the former road corridor is used to access the premises of E.C. Throsby, a beef processing company.

Old North Road is therefore able to demonstrate similar historic significance to Wills Hill Road but does not share the same significance under other criteria, and does not share the same intactness.

## 6. GRADING OF FABRIC

This Heritage Assessment Report analyses the individual elements of the fabric which make up Wills Hill Road, how and to what extent does each contribute to the significance of the whole under the various criteria and how easily that significance may be interpreted.

The system establishes a grading of various elements of fabric associated with the building and vicinity. Grading of significance assists greatly in the development of approaches to the treatment of the building.

The process of grading relative significance examines a number of factors including:

- Relative age
- Original quality
- Degree of intactness
- Extent of subsequent change
- Association with important people or events
- Ability to demonstrate a rare quality, craft or construction process

The gradings of significance include 'exceptional', 'high', 'moderate', 'little', and 'intrusive'.

### Exceptional Significance

Elements which make a direct and irreplaceable contribution to the overall heritage significance of the item being graded. These elements will exhibit a high degree of integrity with any alterations of a minor nature and generally reversible.

Demolition / removal or inappropriate alteration of elements graded as being of Exceptional Significance would substantially diminish the heritage significance of the item.

### High Significance

Elements which make a substantial contribution to the overall heritage significance of the item being graded. These elements may have alterations that do not detract from their significance.

Demolition / removal or inappropriate alteration of elements graded as being of High Significance would diminish the heritage significance of the item.

### Moderate Significance

Elements which make a moderate contribution to the overall heritage significance of the item being graded. These elements have undergone alterations which detract from the item's heritage significance but they still contribute to the overall significance of the place.

Demolition / removal or inappropriate alteration of elements graded as being of Moderate Significance may diminish the heritage significance of the item.

### Little Significance

Elements which make only a minor contribution to the overall heritage significance of the item being graded. These elements have undergone substantial and irreversible alteration and cause difficulty in interpreting the significance of the item.



Demolition / removal of elements graded as being of Little Significance would not diminish the heritage significance of the item.

### Intrusive

Elements (or a component of an element) that adversely impacts on the overall heritage significance of the item being graded.

Demolition / removal of elements (or components of elements) graded as being Intrusive would enhance the heritage significance of the item.

## 6.1 Grading of the Fabric of Wills Hill Road

Grading of significance is typically documented in words and in diagrams. Compilation of diagrams has been considered to be too difficult to show the intent of the grading so the written descriptions will be relied upon.

### Elements of Exceptional Significance

The road alignment of Wills Hill Road connects directly to the Glenmore property and to the cemetery and follows the historic circuitous route.

The road width of Wills Hill Road, being a single carriage width demonstrates the requirements which were current at the time this main thoroughfare was created which is in contrast to the current main road of Wine Country Drive that visitors to the site have just left.

The tree corridor which has arisen due to the road alignment and width places a collection of tall trees very close to the road and their canopies cover the roadway. The tree corridor is one of the primary factors which defines the scale and character of the road.

### Elements of High Significance

The road surface of dirt and gravel is what Wills Hill Road would have been formed with though the existing surface is not original. It has been repaired and upgraded at a few points in its history. The road surface assists with the interpretation of the conditions through which travellers had to traverse the road.

The verges and undergrowth contribute to the aesthetics and character of the road. They support wildlife which provides opportunities to interpret historic local species. They are close to the road, are devoid of crash barriers and predominantly free of signage and lane reflectors. They demonstrate an historic era when travel was at a much lower speed.

### Elements of Moderate Significance

The rural fences to the sides of the road are typically low key and disappear into the background of the setting. They assist the interpretation of the pioneering families and farms from which this region grew.

The water crossing at which vehicles ford First Creek is obviously non-original fabric however still contributes to the interpretation of the conditions which faced the early travellers on this road in the nineteenth century. The river crossing allows safe passage

Open rural property beyond the road allows the interpretation of the historic use of the properties of the region before the vineyards came to predominate. The paddocks to the side of the road contribute to the setting of Wills Hill Road

### **Elements of Little Significance**

There is no substantial fabric which is considered to be of little significance

### **Intrusive Elements**

Due to the intactness of the road and its constituent elements thanks to minimal interaction over the last 80 years, there are no elements which are considered to be intrusive in the northern 1.6km of Wills Hill Road.

In the southernmost 600m opposite the DeBortoli Winery and leading up to the beginning of the central section of the road, there is a large group of shipping containers stored in the paddock on the east side of the road. These are too concentrated and too numerous to be reflective of agricultural land use and may be considered intrusive to the character and setting of Wills Hill Road.

## 7. STATEMENT OF SIGNIFICANCE

Wills Hill Road is historically significant for being the first north / south road in the winery region which connected Cessnock with the settlements on the Hunter River and Maitland Road to the north. Other earlier roads crossed the region east to west, though these typically linked similar centres. The Great North Road which connected to Sydney was located far to the west and the numerous other roads, including Wills Hill Road would become more convenient than the Great North Road. Wills Hill Road became the major north / south thoroughfare carrying the mail, goods and passengers and the majority of it, now called Wine Country Drive, is still as important a thoroughfare to this day. The section of Wills Hill Road which is the subject of this Heritage Assessment Report was bypassed in approximately 1942 and is still able to demonstrate accurate historic connections.

Wills Hill Road has strong associations with John McDonald who was one of the earliest grantees in the parish of Allandale (and the first in Rothbury) and one of the early vignerons in the region. Wills Hill Road made direct connection with his property of Glenmore before turning to travel past the Glenmore / Peacock Hill Burial ground where many of the McDonald family are buried. The McDonald family owned the Glenmore property for 177 years spanning many generations.

Because Wills Hill Road was bypassed in 1942 and received very few upgrades in the last 80 years, is able to demonstrate the aesthetic character as well as the historic expectations and conditions which travellers would encounter during the early period of settlement in the winery region. All of the comparative roads in the region have been widened, tar sealed and lined with modern signage, shoulders and barriers to cater for the expected levels of tourists in the vicinity. The aesthetic character of Wills Hill Road is defined most accurately by the tree corridor which constricts the width and height (proportion and scale) of the roadway. The verges, rural fencing and glimpses of paddocks to either side of the roadway also contribute to the character and setting.

Wills Hill Road is both rare for its intactness and representative as a benchmark site for the study of 19<sup>th</sup> century thoroughfares in the Hunter Valley winery region of NSW. It is able to provide information which is unlikely to be found, particularly with such accuracy elsewhere. The curiosity of its circuitous route across the McDonald property is a point for further research and is the fortuitous reason that the subject section of road was bypassed. Other points of research may include remnants of vehicles which travelled upon this road being discoverable in the remnant loose surface or perhaps items which can be traced to the McDonald family from their long occupation of the site.

Wills Hill Road is held in high esteem in the community who have combined to seek protection for this stretch of road commensurate with its significance. The road itself was previously recommended for listing within the Cessnock LEP by the 1992-93 City of Cessnock Heritage Study.

## 8. POTENTIAL THREATS TO SIGNIFICANCE

Altering the fabric which makes up the road is likely to have detrimental impacts upon the significance of the road. The elements of the road graded as being of significance are listed below and the alterations which would cause impact are described beside them.

- Road Alignment – alterations to the alignment of the road by straightening or softening turns. To realign the road has the potential to cause the disassociation of the road with the McDonald's property and burial place. Realignment of the road would increase the difficulty of researching and interpreting the reasons for the unusual route this main thoroughfare underwent.
- Road width – The road which served as a mail road and main thoroughfare was constructed as a single carriage width and has remained this way. To widen the road has the potential to disassociate the road with its historic origins and will increase the difficulty of interpreting the nineteenth century expectations, traffic flows and conditions under which it was used. Widening the road would also impact the following element.
- Tree corridor – the tree corridor is critical in the interpretation of the scale and especially the width of the road. The loss of the tree corridor has the potential to severely impact the character, setting and aesthetic significance of Wills Hill Road. Even losing the tree corridor on one side to facilitate widening would be highly impactful to the significance of the road but will be seen as necessary if widening the road is proposed. Reinstating a new corridor of tree planting following road works will significantly alter the scale and proportions of Wills Hill Road and increase the difficulty of interpreting the original road thereby impacting significance.
- Road surface – adding to the road surface using compatible materials will be acceptable. It may be necessary to consider sealing the road surface to prevent erosion and potholes from occurring. If this were to be proposed it would need to be carefully assessed for impact. Given that travellers will be in modern vehicles and are unlikely to leave the vehicle while on the road, there is little opportunity to fully interpret the conditions of travelling on this road in the 19<sup>th</sup> century in carts drawn by horses or bullocks. If sealing were to be considered however, it is necessary to maintain the single lane width of the road so as to retain the significance of the elements noted above and below.
- Verges and undergrowth – The space and the planting within the verge are not necessarily long-lived plants, however they support native wildlife. Removing the verges and undergrowth to introduce modern signage, shoulders and barriers to permit increased traffic numbers would have a severe impact upon the wildlife habitat and this would flow on to a small impact upon the significance of the road as the native creatures which inhabited the region historically would not be able to be viewed. The introduction of modern signage and barriers would make it difficult to interpret the historic period this road was created.
- Fences – It is acknowledged that fences regularly need maintenance. Ad hoc and repaired rural fencing along the edges of Wills Hill road give an impression of the development and use of the site over many years. Wholesale replacement of the fences along a property boundary with modern fencing will increase the difficulty of that interpretation and potentially impact the setting of Wills Hill Road. The introduction of security fencing (such as cyclone wire of 2metres and higher with or without barbed strands atop, or tall palisade fences) if it is deemed necessary at some point has the potential for a severe impact upon the setting of the road. Development of the properties to the side of the road with uses that require robust security fencing are highly likely to cause such an impact.
- Water crossing – the current crossing fords the river. It has been upgraded in the past (one of the few that have occurred) due to washouts or flooding but remains low key and close to the original crossing method at least in elevation. Replacement of the crossing with a new concrete or steel bridge would increase the difficulty of interpretation of this as the original historic main thoroughfare and the conditions which would be encountered



while using it and that will impact upon significance. Despite the obvious modernity of the river crossing, it is still preferable over a bridge structure.

- Open rural property beyond the road – creation of new, modern, large buildings of non-agricultural uses have the potential to impact the setting of Wills Hill Road and may impact upon significance.

At this point in time in September 2021, there are three development proposals seeking consent from the City of Cessnock Council. Two of the development applications pertain to tourist facilities: DA8/2021/21250/1 is a proposed museum of 536m<sup>2</sup> and DA8/2021/21333/1 is a proposed Art Gallery of 1038m<sup>2</sup>. The other development application (DA8/2020/20875/1) is for a Solar Farm of 4.95MW capacity.

Two new Commercial Tourist buildings would be suitable if they were positioned along the main roads of the Hunter Valley, however we have concerns as to the compatibility of a substantial solar farm and two Commercial buildings of 4.5 metres and 9 metres in height with the character of the area accessed by Wills Hill Road. These have a potential impact upon the setting of Wills Hill Road increasing the difficulty of interpreting its nineteenth century origin. We have further heritage concerns pertaining to the access to these sites along Wills Hill Road and the potential additional demand that will be placed on this road. If the population of these site reaches a certain level, road upgrades consisting of loss of tree corridor, loss of verges and undergrowth, widening and sealing would need to occur and the road would cease to demonstrate the range of characteristics of the nineteenth century thoroughfare that it currently exhibits.

The Museum and Art Gallery applications together with their submitted traffic reports have both been reviewed by an independent Traffic Consultant who believes that The City of Cessnock will require a road upgrade to an 8 metre pavement and 7 metre sealed surface if approval is granted to cater for demand. Both the Museum and the Art Gallery applications have provided more than the required car parking spaces under the Cessnock Development Control Plan.

## 9. CONCLUSION

We recommend the inclusion of Wills Hill Road within the Cessnock LEP Heritage Schedule

The Glenmore property may be of similar significance however, further investigations in full agreement with the current owner would need to be undertaken to determine the integrity and intactness of the property and compared to its original construction in 1836.

## 10. BIBLIOGRAPHY

Australia ICOMOS. (2013). *TheBurra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*. Burwood: Australia ICOMOS Incorporated.

Kerr, J.S. (2013). *The Conservation Plan: A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*. Australia ICOMOS Incorporated.

NSW Heritage Office. (2001). *Assessing Heritage Significance - A NSW Heritage Manual Update*. NSW Heritage Office.

NSW Heritage Office. (N.D). *Statements of Heritage Impact*. NSW Heritage Office.

Walker, M and Pike, P. *City of Cessnock Heritage Study 1992-93*, City of Cessnock 1993

Yencken, D. (2019) *Valuing Australia's National Heritage*. Future Leaders, Sydney

### Newspapers

*Australian Town and Country Journal Cessnock Eagle and*

*South Maitland Recorder Dungog Chronicle*

*Government Gazette of NSW The Maitland*

*Daily Mercury*

*The Maitland Mercury and Hunter River General Advertiser The Maitland*

*Weekly Mercury*

*The Newcastle Morning Herald and Miner's Advocate*

### Online Resources

Australian National Heritage List: <https://www.environment.gov.au/heritage/places/national-heritage-list> Google Maps

and Streetview: <https://www.google.com.au/maps>

Nearmap (by license) - <http://au.nearmap.com/>

University of Newcastle: *Cultural Collections* - <https://www.flickr.com/photos/uon/>

NSW Land & Property Information: *Historical Lands Records Viewer* - <http://images.maps.nsw.gov.au/NSW> LPI: *NSW*

*Globe* - <http://globe.six.nsw.gov.au/>

NSW LPI: *Spatial Information Exchange* - <http://maps.six.nsw.gov.au/>



11. APPENDIX

Heritage Listing Datasheets

## Item Details

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### Name

Peacock Hill / Glenmore Burial Ground

### Other/Formal Names

### Address

189 Wills Hill Road LOVEDALE NSW 2325

### Local Govt Area

Cessnock

### Item Classification

#### Item Type

Landscape

#### Group Name

Wills Hill Early Agricultural Landscape



#### Item Category

Cemetery/Graveyard/Burial Ground

### Statement Of Significance

The cemetery contains the graves of the very early pioneer families and vignérons of the Pokolbin area. It is the sole remnant of the once active Presbyterian and Methodist congregations who held regular services here.

### Assessed Significance Type

Unknown

### Endorsed Significance

### Date Significance Updated

08/19/2002

## Listings

Listing Name	Listing Date	Instrument Name	Instrument No.	Plan No.	Gazette No.	Gazette Number
Local Environmental Plan	11/3/1989 12:00:00 AM	Cessnock Local Environmental Plan 1989				
Heritage study						
State Environmental Planning Policy	9/25/1989 12:00:00 AM	Hunter Heritage REP, 1989	Sched 2 - Items of Regional Environmental Heritage			
State Environmental Planning Policy	9/25/1989 12:00:00 AM	Hunter Heritage REP, 1989	Sched 2 - Items of Regional Environmental Heritage			
Local Environmental Plan	12/23/2011 12:00:00 AM	Cessnock Local Environmental Plan 2011	I222			
Heritage study						

## Heritage Item ID

1340020

## Source

Local Government

## Location

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Addresses

Records Retrieved: 5

Street No	Street Name	Suburb/Town/Postcode	Local Govt. Area	LALC	Parish	County	Electorate	Address Type
	De Beyers Road	ROTHBURY/NSW/2320	Cessnock					Alternate Address
	Wine Country Drive	ROTHBURY/NSW/2320	Cessnock					Alternate Address
	Branxton Road	ROTHBURY/NSW/2320	Cessnock					Alternate Address
189	Wills Hill Road	LOVEDALE/NSW/2325	Cessnock					Primary Address
700	Wine Country Drive	LOVEDALE/NSW/2325	Cessnock	Unknown			Unknown	Primary Address

Description

Designer	Builder/Maker	
Construction Year Start & End	Circa	Period
	NO	Unknown
Physical Description	Updated	
Sited on eastern sloping hill east of Allandale Road. Site divided into two sections: one in the northeast corner, the other in the southwest corner. 21 burials in northeast section all except two (Irving (d1932) and Carroll (d1856) being from the Hall or McDonald families. Two sandstone, one marble and one sandstone and marble monuments in this section, the rest are granites. The southwest section abutts Allandale Road and has 15 monuments (1 badly smashed) of marble, sandstone and granite. Two wooden grave surrounds to burials which have no headstones remaining. Families include Hungerford, Drayton, Chick, Kohler, Joass, Elliot and Stuckey (1884). Vincia, agapantha, old and modern roses, iris may be found in this area. Site is pleasantly overgrown with native grasses and well timbered with mature eucalypts.		
Physical Condition	Updated	
Modifications And Dates		



### Further Comments

See also SHI 1340501 Glenmore homestead/property

## History

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### Historical Notes or Provenance

### Updated

The land for the cemetery was given by George McDonald of Glenmore (SHI record 1340501). It was originally associated with a small slab construction Presbyterian Church built by Joseph Drayton. A second church, built in 1908, was shared by the Methodists and Presbyterians for many years on an alternate week basis, since by this time members of the McDonald family had married into the Methodist religion. Monuments date from 1874 in the north east section and from 1884 in the south west section. Masons include Curran of Maitland 1878, Browne of Maitland 1939, E.B. Roberts 1932, W.J. Lane of Cessnock.

### Historic Themes

Records Retrieved: 2

National Theme	State Theme	Local Theme
Marking the phases of life	Communication	The life cycle
Marking the phases of life	Communication	The life cycle

## Assessment

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### Criteria a)

Historical Significance	Include	Exclude
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### Criteria b)

Historical Association Significance	Include	Exclude
-------------------------------------	---------	---------

### Criteria c)

Aesthetic/Technical Significance	Include	Exclude
----------------------------------	---------	---------

### Criteria d)

Social/Cultural Significance	Include	Exclude
------------------------------	---------	---------

Criteria e)		
Research Potential	Include	Exclude
Criteria f)		
Rarity	Include	Exclude
Criteria g)		
Representative	Include	Exclude
Integrity/Intactness		Updated

## References

### References

Records Retrieved: 2

Title	Author	Year	Link	Type
"Glenmore" Cemetery Listing	Delaney, J.W.	1982		Written
"Glenmore" Cemetery Listing	Delaney, J.W.	1982		Written

Heritage Studies

Records Retrieved: 2

Title	Year	Item Number	Author	Inspected By	Guidelines Used
City of Cessnock Heritage Study	1994	1340020	Pike, Penelope; Walker, Meredith and Associates		Yes
City of Cessnock Heritage Study	1994	1340020	Pike, Penelope; Walker, Meredith and Associates		Yes

Procedures / Workflows / Notes

Records Retrieved: 0

Application ID / Procedure ID	Section of Act	Description	Title	Officer	Date Received	Status	Outcome
No Results Found							

Management

Management

Records Retrieved: 0

Management Category	Management Name	Date Updated
No Results Found		

Management Summary

Comments - The entrance and landscape of the cemetery has been badly affected by recent (as at 1994) road works, and the setting and security of the graves in the south west section damaged by road widening; Conservation action - Engage National Trust to prepare restitution plan for cemetery following road works. Plan and works to be paid for by Roads and Traffic Authority.

## Item Details

**Name**

"Weronga"

**Other/Former Names**

**Address**

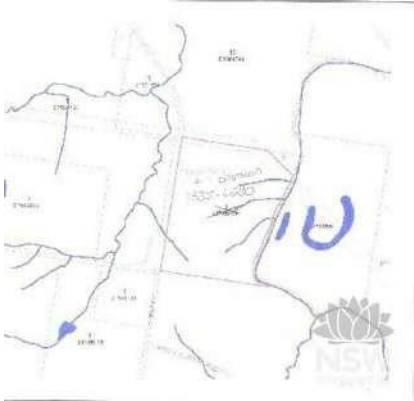
790 Wine Country Drive ROTHBURY NSW 2320

**Local Govt Area**

Cessnock

**Group Name**

Wills Hill Early Agricultural Landscape



**Item Classification**

**Item Type**

Built

**Item Group**

Farming and Grazing

**Item Category**

Homestead Complex

**Statement Of Significance**

Of historic significance as it demonstrates continuous occupation and use of land over a long period of time by the one family. Represents the way in which the land was opened up for European settlement, and the collection of farm buildings and structures demonstrate the way in which the land has been used.

**Assessed Significance Type**

Local

**Endorsed Significance**

Local

**Date Significance Updated**

06/23/2002

**Listings**

Listing Name	Listing Date	Instrument Name	Instrument No.	Plan No.	Gazette No.	Gazette Number
Local Environmental Plan	12/23/2011 12:00:00 AM	Cessnock Local Environmental Plan 2011				1179
Heritage study						
Local Environmental Plan	12/23/2011 12:00:00 AM	Cessnock Local Environmental Plan 2011	1179			
Heritage study						

**Heritage Item ID**

1340617

**Source**

Local Government



## Location

### Addresses

Records Retrieved: 4

Street No	Street Name	Suburb/Town/Postcode	Local Govt. Area	LALC	Parish	County	Electorate	Address Type
	Allandale Road	ROTHBURY/NSW/2320	Cessnock					Alternate Address
	Nr McDonalds Road	ROTHBURY/NSW/2320	Cessnock					Alternate Address
790	Wine Country Drive	ROTHBURY/NSW/2320	Cessnock					Primary Address
66	Wills Hill Road	ROTHBURY/NSW/2320	Cessnock	Unknown			Unknown	Primary Address

## Description

Designer		Builder/Maker	
Construction Year Start & End		Circa	Period
- 1900		YES	Unknown
Physical Description		Updated	
This place includes a closed road from the Allandale Road across Wills Hill returning to the Allandale Road; the Weronga homestead, (c1900) of timber, with remains of timber gate posts and established garden; farm outbuildings, cattle yards and fences, barn and a second house (c1940). Victorian Italianate style.			
Physical Condition		Updated	
Modifications And Dates			

Further Comments

History

Historical Notes or Provenance

Updated

The land forms part of a 500 acre grant to John McDonald in 1825. He named the property Glenmore (SHI record 1340501). In 1833 he received title to a further 1000 acres in the Parish of Pokolbin. The properties were used for cattle grazing and wheat. His youngest son, George Frederick, was placed on Glenmore and descendants still live on Weronga. George donated the land for the nearby Glenmore cemetery (SHI record1340020 ) where he is buried along with many other pioneers.

Historic Themes

Records Retrieved: 2

National Theme	State Theme	Local Theme
Developing local, regional and national economies	Commerce	Grazing
Developing local, regional and national economies	Commerce	Grazing

Assessment

Criteria a)

Historical Significance

Include

Exclude

This item is assessed as having a representative value at a local level.

Criteria b)

Historical Association Significance

Include

Exclude

Criteria c)

Aesthetic/Technical Significance

Include

Exclude

Criteria d)

Social/Cultural Significance	Include	Exclude
Criteria e)		
Research Potential	Include	Exclude
Criteria f)		
Rarity	Include	Exclude
Criteria g)		
Representative	Include	Exclude
Integrity/Intactness		Updated 09/03/2013

## References

### References

#### Records Retrieved: 2

Title	Author	Year	Link	Type
Unpublished Notes	Rees, Annette			Written
Unpublished Notes	Rees, Annette			Written

### Heritage Studies

#### Records Retrieved: 2

Title	Year	Item Number	Author	Inspected By	Guidelines Used
City of Cessnock Heritage Study	1994	1340617	Pike, Penelope; Walker, Meredith and Associates		Yes
City of Cessnock Heritage Study	1994	1340617	Pike, Penelope; Walker, Meredith and Associates		Yes

Procedures / Workflows / Notes

Records Retrieved: 0

Application ID / Procedure ID	Section of Act	Description	Title	Officer	Date Received	Status	Outcome
No Results Found							

Management

Management

Records Retrieved: 0

Management Category	Management Name	Date Updated
No Results Found		

Management Summary



1



# OF CESSNOCK HERITAGE STUDY 1992 - 93 INVENTOR{ FORM

sandstone house with Victorian characteristics. Sited on top of riverbank...  
 Single pepper trees beside house. The sandstone walls have been painted in more recent years. and Mature angles have been  
 made to the house. The original verandah had paired timber columns (now *man ate, uscan* columns) & timber shingled roof  
 (now modern tiles). Stone flagged verandah and *con ard* Much original cedar Joinery survives but relocated due to internal  
 rearrangement of rooms?

6 nef cjoors 12 pane windows, margined trench windows. Fine front door case and lanlight.

Architectural style Georgian

## History

The land forms part of a 500 acre grant to John McDonald in 1825. He named the property Glenmore. In  
 1836 he received title to a further 1000 acres in the Parish of Pokolbin. The properties were used for cattle  
 grazing and wheat. His youngest son, George Frederick, was placed on Glenmore and descendants still  
 live on the adjoining property. Weronga George donated the land for the nearby Glenmore cemetery  
 (Item 028) v. here the is buried along with many other pioneers. John MacDonald built the first part of this  
 house in 1836

Date of construction 1636 and later

## Historical themes

SHIP themes

Agricultural expansion

Local theme

Early settlement: Subdivision and settlement

## Evaluation criteria

Historic	Rare		Auoclativ		Representative	local
Aulhelle	Rare	[	Auocallv		Representative	]
Social	Rare		Auoc:lllv1		Representative	]
Scientific	Rare	/	Aasoe1tlv1		Representative	[
Other	Rare		Aasoclatve		Representative	-----

## Brief statement of significance

Survantia, remains of an early homestead (incorporated in additions and extensions) which illustrate the early and  
 continuing occupation and farming of the lands the original grant.

## Comments

No access was possible

## Conservation

## action

Ref number

ii 99

PENELOPE PIKE,

MEREDITH WALKER & ASSOCIATES

1892-93

uavltionv roAM  
1992 - 93  
Ref number

CITY OF CRESSNOCK ILLHITAOL erooY

277

Post code 2321

Town suburb locality Allandale

Wills Hill Road

Property information

Property details RPO

Sub category Road

Category Other works

Date inspected 17th May, 1994

Heritage listing

Register of the National Estate

Interim Register of the National Estate

Heritage Council Register PCO

Heritage Council Register ICO

Heritage Council Register nomination

NSW Govt Dept S 170 Register

NPWS Aboriginal Sites Register: contact site

NPWS Aboriginal Sites Register: Aboriginal sites

Register of the National Trust

Institute of Engineers Heritage Register

Register of 20th Century Architecture, RAIAO DPW

Heritage and conservation Register O Regional

Environmental Plan schedule

Local Environmental Plan schedule

Strategic Plan 1976

Hunter Region Heritage Study 1982

Other.....

Historical period

Pre 1788

Pre 1800

01800-1825

1826-1850

1811851-1875

1811876-1900

1811901-1925

1811926-1950

1811951-1975

Post 1975

Sources

Heritage listing forms

Visual survey

Heritage study survey

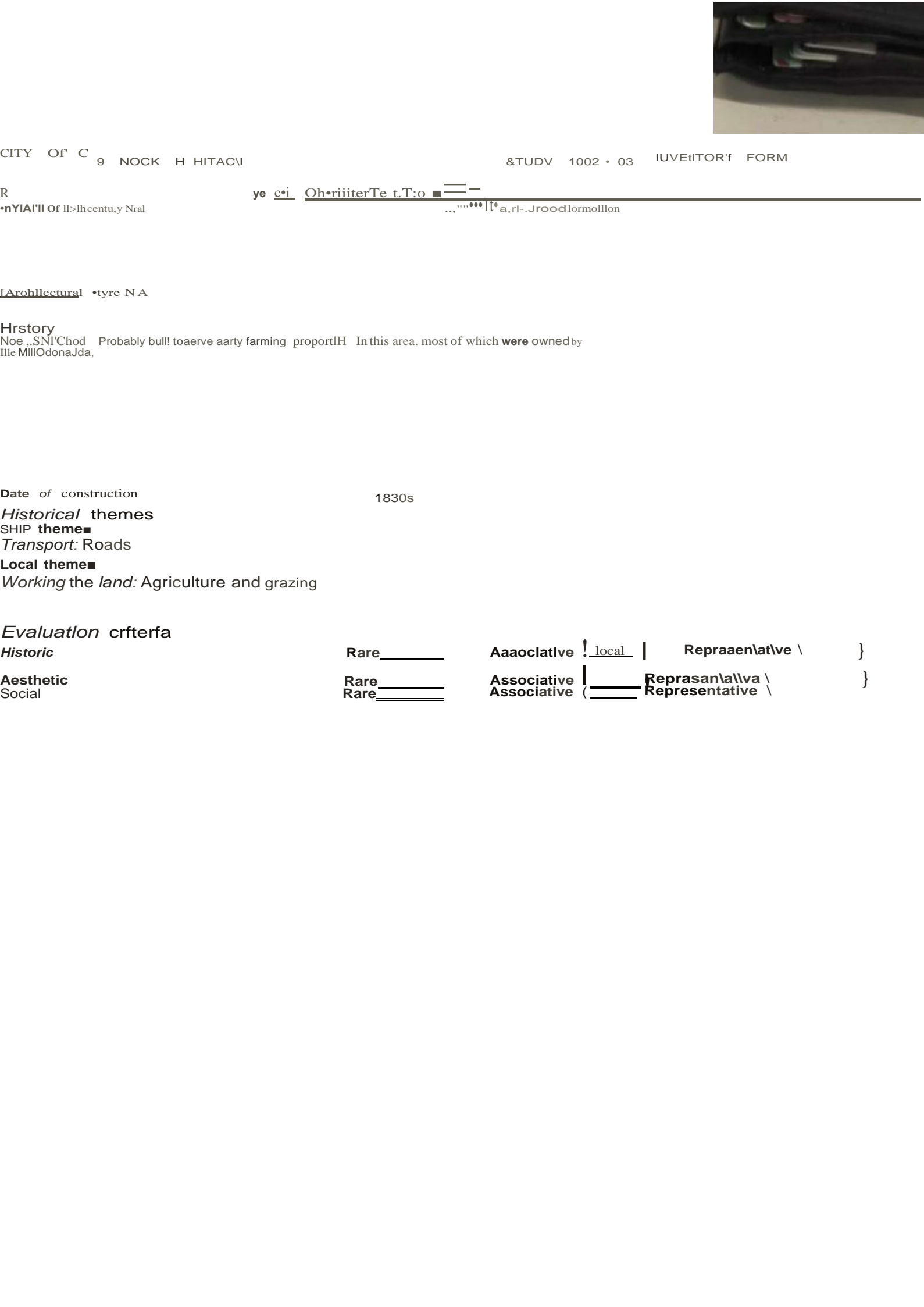
Inspection of Interiors

Site Inspection

Written sources

Other sources

PENELOPE PIKE, MEREDITH WALKER AND ASSOCIATES 1992-93



CITY OF C 9 NOCK H HITACV

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.....lta,rl-..Jrood lormolllon

[Aroh]lectural •tyre N A

Hrstory  
Noe „SNI'Chod Probably bull! toaerve aarty farming proportlH In this area. most of which **were** owned by  
IIIe MilllOdonajda,

Date of construction 1830s

*Historical* themes  
SHIP **theme**■

*Transport:* Roads

**Local theme**■

*Working the land:* Agriculture and grazing

*Evaluation crfterfa*

<b>Historic</b>	Rare_____	Aaaoclative ! <u>local</u>	Repraaen\ative \	}
<b>Aesthetic</b>	Rare_____	Associative   _____	Reprasan\allva \	}
<b>Social</b>	Rare=====	Associative ( _____	Representative \	}



Scientific

Rare |

Associative ( |

Representative \

Rare |

Associative |

Representative \

Brief statement of significance

Evidence of early and continuing agricultural and grazing use of land in this area from the 1830s. Illustrates the character and components of a 19th rural landscape.

Comments

Conservation action

Ref number

277

GENELOPE PIKE,  
ASSOCIATES

MEREDITH WALKER AND  
1992-93

**Appendix 2: EJE Submission for State Heritage Listing.**

DOC2021/115991

## Appendix 2: EJE Submission for State Heritage Listing.

Our ref: 13379-ltr-her-001.docx  
Date: 09<sup>th</sup> June 2021

Heritage  
Council of NSW  
Level 6,  
10 Valentine Ave  
PARRAMATTA, NSW 2150

**ATTENTION: Heritage Council of NSW**

Dear Heritage Council,

**RE: Request for Interim Heritage Order for Wills Hill Road, Lovedale NSW**

We write in response to a series of development applications lodged with Cessnock City Council in the last few months, all of which are located on Wills Hill Road Lovedale, NSW.

Wills Hill Road is located in the Hunter Valley amongst the wineries and as such is a busy tourist vicinity. Two of the development applications pertain to tourist facilities: DA8/2021/21250/1 is a proposed museum of 536m<sup>2</sup> and DA8/2021/21333/1 is a proposed Art Gallery of 1038m<sup>2</sup>. The other development application (DA8/2020/20875/1) is for a Solar Farm of 4.95MW capacity.

Two new Commercial Tourist buildings would be suitable if they were positioned along the main roads of the Hunter Valley, however we have concerns as to the compatibility of a substantial solar farm and two Commercial buildings of 4.5 metres and 9 metres in height with the character of the area accessed by Wills Hill Road. We have further heritage concerns pertaining to the access to these sites along Wills Hill Road and the potential additional demand that will be placed on this road.

The Museum and Art Gallery applications together with their submitted traffic reports have both been reviewed by an independent Traffic Consultant who believes that The City of Cessnock will require a road upgrade to an 8 metre pavement and 7 metre sealed surface if approval is granted to cater for demand. Both the Museum and the Art Gallery applications have provided more than the required car parking

Cessnock Development Control Plan.



**EJE** heritage

NEWCASTLE  
SYDNEY  
GOLD COAST

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## Brief History of Wills Hill Road

Wills Hill Road was formerly part of the road between Cessnock and Branxton and crossed the properties of Matthew Bryce (granted 1824), John McDonald (granted 1825) and Thomas Coulson (also granted 1825). The creation of the road between Cessnock and Branxton was pre-empted on Henry Dangar's 1828 survey of the Hunter Valley.

On John McDonald's property, known as "Glenmore", the line of the road travelled north through the middle of the property until it crossed First Creek whereby it turned to the west to the property boundary. The Peacock Hill/Glenmore Burial Ground (Cessnock LEP 2011 Local Item I222) is located just south of the intersection of the original Wills Hill Road and the Boundary / line of the new 'Wine Country Drive'. The Burial Ground contains graves from the McDonald Family which date back to 1870. The name of Wills Hill Road appears to refer to

another former landowner Thomas Wills who owned properties to the west of John McDonald's

At the northwest corner of the site, the historic line of the road turned back again to the east along the boundary line before turning north across Thomas Coulson's property. This peculiar line of the road persisted until approximately the 1940s when the road on Bryce's property was realigned to intersect with the southwest corner of McDonald's Property and directed north along the property boundary. Wills Hill Road was made largely redundant at this point and only served to reach the historic Glenmore property.

As the road was in such minor use, it did not receive upgrade works until the DeBortoli Winery was established at the southern end of the road. The southernmost 600m was widened and upgraded to provide access into the rear of the DeBortoli site. The remaining 1.6 km of Wills Hill Road remains as single lane with a dirt surface and very close timber on either side of the corridor. This situation is similar for approximately 300m of the former corridor on Thomas Coulson's property however this corridor is no longer a road reserve and is landlocked within private property.

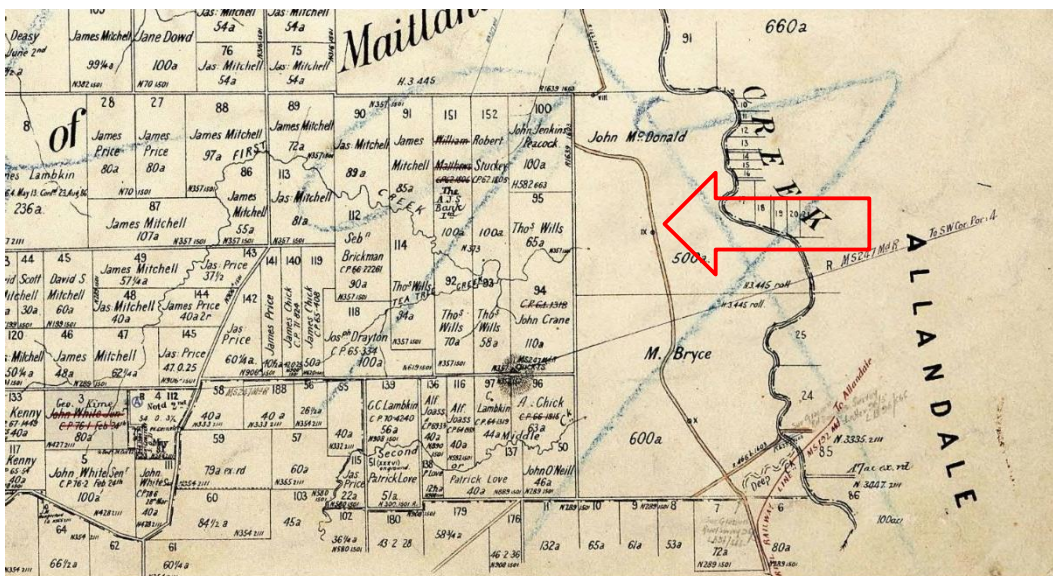


Figure 1: extract from 1888 Parish Map. Wills Hill Road is located at the red arrow.



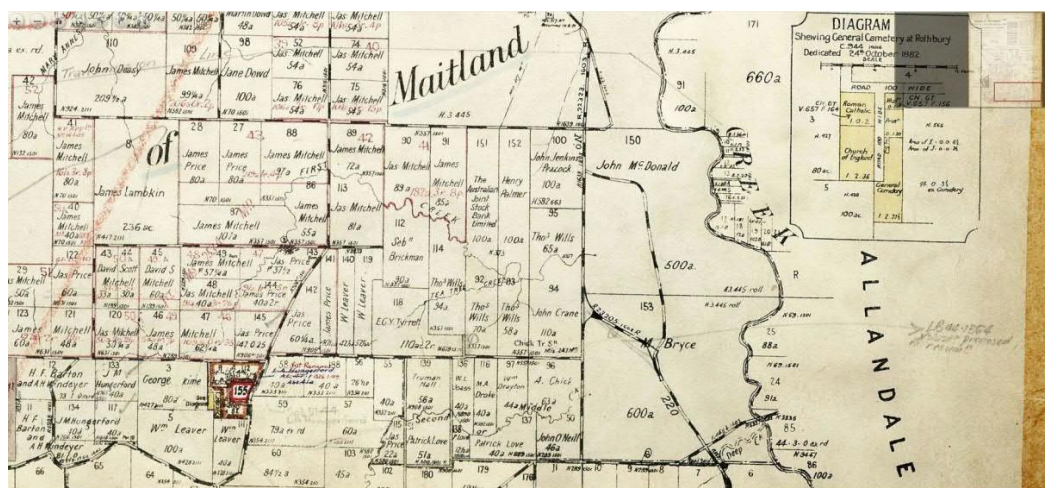


Figure 2: Extract from the 1942 Parish Map showing the new bypass works which avoid John McDonald's property.



Figure 3: Near the southern end of Wills Hill Road looking north. Old growth trees line the single lane corridor and provide glimpses of rural properties beyond. The potential road upgrade to 8 metre pavement and 7 metre seal will require the removal of the majority of trees in this avenue.



Figure 4: near the north end of Wills Hill Road looking northwest. What might be 'Wills Hill' but is within McDonald's property sits above the road level. The potential road upgrade to 8 metre pavement and 7 metre seal will require the removal of the majority of trees in this avenue.



upgrade to 8 metre pavement and 7 metre seal will require the removal of the majority of trees in this avenue.

### Current Heritage Listings

The Peacock Hill / Glenmore Burial Ground at the north end of Wills Hill Road is currently listed as a local item under the Cessnock LEP 2011 (I222)  
'Weronga' at the southern end of Wills Hill Road is currently listed as a local Landscape item under the Cessnock LEP 2011 (I179)

### Former Heritage Listings

The Peacock Hill Burial Ground was formerly listed as an item of regional environmental significance under the Hunter REP 1989 (Heritage) (repealed 4<sup>th</sup> August 2016). This listing is immediately adjacent to Wills Hill Road and within John McDonald's former property.

"Glenmore", John McDonald's property was identified as an item requiring further investigation under Schedule 4 Part A of the Hunter REP 1989 (Heritage) (repealed 4<sup>th</sup> August 2016). The curtilage of this item is not known however it would either have either bounded or included a portion of Wills Hill Road.

The Pokolbin Valley Landscape Conservation Area was listed as being of significance as an 'Indicative Place' in the Register of the National Estate (defunct as of the 19<sup>th</sup> of February 2007). The curtilage of this item had Black Creek as one of the eastern boundary markers i.e. the whole of Wills Hill Road would have been included in this listing.

### Heritage Studies

Both the property of Glenmore (Ref 199) and the corridor of Wills Hill Road (Ref 277) were identified in the City of Cessnock Heritage Study 1992-93 prepared by Penelope Pike & Meredith Walker and recommended for inclusion in the LEP schedule. The brief Statement of significance for Wills Hill Road in this study stated: *'Evidence of early and continuing agricultural and grazing use of land in this area from the 1830s. Illustrates the character and components of a 19<sup>th</sup> [century] rural landscape.'*

### Assessment of

### Significance

### Criterion a

#### (historical values)

The alignment of Wills Hill Road was clearly defined on the 1880s Parish Map and may date back as far as the 1830s which is very close to the date of the earliest land grants in this vicinity. Wills Hill Road was not substantially upgraded during its common use and the majority has not been upgraded since the 1940s when it was bypassed by Wine Country Drive. It retains the alignment as well as a majority of the character of the early track through this important landscape. Wills Hill Road may demonstrate historic significance locally and most likely regionally.

#### Criterion b (historic association values)

Wills Hill Road has associations with a number of the earliest settlers in this vicinity: particularly Thomas Wills after who the road and presumably the hill is named; and John McDonald who was one of the first grantees in the county of Allandale (and the first grantee in the parish of Rothbury). The McDonald family lived on this property until the year 2002 when the property was subdivided into the current lots. Wills Hill Road is able to demonstrate local significance due to its historical associations. Its associations with the McDonald Family who were highly influential in the early stages of the wine industry of the Hunter Valley may meet the threshold for State significance.

#### Criterion c (aesthetic values)

Wills Hill Road is able to demonstrate the aesthetic character of a 19<sup>th</sup> century road bounded by agricultural land which would have been common at that time but is now

rare in the region of the Hunter Valley Wineries whose roads have largely been widened and sealed to cope with tourist traffic. Wills Hill Road may meet the threshold for significance locally and possibly regionally for its aesthetic representation of a nineteenth century roadway in this region.

**Criterion d (community esteem)**

Previous professional studies have identified the significance of Wills Hill Road and the genesis of this request for IHO has been generated by members of the local community who are concerned for the conservation of the historic road corridor. Wills Hill Road might demonstrate significance locally for the esteem by which it is held in the community.

**Criterion e (research potential)**

Wills Hill Road provides an opportunity to understand the makeup of a nineteenth century rural road within the Hunter Valley. The alignment of the road, which turns toward and away from the established property boundaries is an interesting point to research. Wills Hill Road has the potential to reveal information which may not be available elsewhere.

**Criterion f (rarity)**

Wills Hill Road is rare in this vicinity as a nineteenth century road connecting two substantial centres which remains largely intact. It is likely to meet the threshold for rarity significance locally and possibly regionally.

**Criterion g (representative values)**

Wills Hill Road might be considered to be an exceptional example of its type due to intactness and the curiosity of its historic route and might meet the threshold for significance for its representative values.

**Preliminary Statement of Significance**

Wills Hill Road is a rare and possibly representative example of a circa 1830s road linking substantial centres in the Hunter Valley. Its intactness has been conserved due to the corridor of the road being bypassed during the 1940s. Other roads in the vicinity have been widened and sealed to cope with the influx of tourist traffic. The road was named after an early settler in the area, Thomas Wills. The road crossed and provided access to 'Glenmore', the property of the McDonald family who lived within its boundaries between 1825 when John McDonald first received the grant, to early 2002 when the property was subdivided and sold. The McDonald Family were highly influential in the establishment of the Wine Industry of the Hunter Valley. The road ends at the Peacock Hill / Glenmore Burial Ground where a number of the McDonald family are buried. Wills Hill Road's associations with the McDonald family may be of State significance.

**Conclusion**

EJE Heritage provide this correspondence to formally request an interim heritage order for Wills Hill Road, not so that the current development applications be halted, but that the road's significance be documented and conservation requirements be put in place to protect this rare road corridor from unsympathetic future upgrade works.

Yours faithfully  
**EJE HERITAGE**



Barney Collins  
Director. B.  
Sc.(Arch), B.  
Arch.(Hons I),  
M.Sc.(Arch)(Cons),  
ARB Reg. No. 4438,  
Member R. A. I. A.