

Planning and Environment

Report No. PE59/2021

Planning and Environment



SUBJECT: *PLANNING PROPOSAL 18/2021/3 HERITAGE LISTING OF WILLS HILL ROAD*

RESPONSIBLE OFFICER: *Principal Strategic Planner - Keren Brown*
Strategic Planning Manager - Martin Johnson

SUMMARY

The purpose of this report is to seek Council's endorsement to forward a Planning proposal, which seeks to heritage list Wills Hill Road Lovedale, to the NSW Department of Planning, Industry and Environment (DPIE) for Gateway determination.

Application Number	18/2021/3
Proposal	Identify Wills Hill Road, Lovedale as an item of Local Heritage Significance in Schedule 5 of the Cessnock LEP 2011 and associated heritage map
Property Description	Road Reserve
Property Address	Wills Hill Road
Zone (Current)	RU4 Primary Production Small Lots
Proponent	Insite Planning

RECOMMENDATION

1. That Council requests a Gateway determination for the Planning Proposal Heritage Listing of Wills Hill Road from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council requests authorisation under Section 3.31 of the Environmental Planning and Assessment Act 1979 to act as the local plan-making authority to make the Local Environmental Plan.
3. That Council undertakes consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community; otherwise, forward the Planning Proposal to the Department of Planning and Environment requesting that the Plan be made.

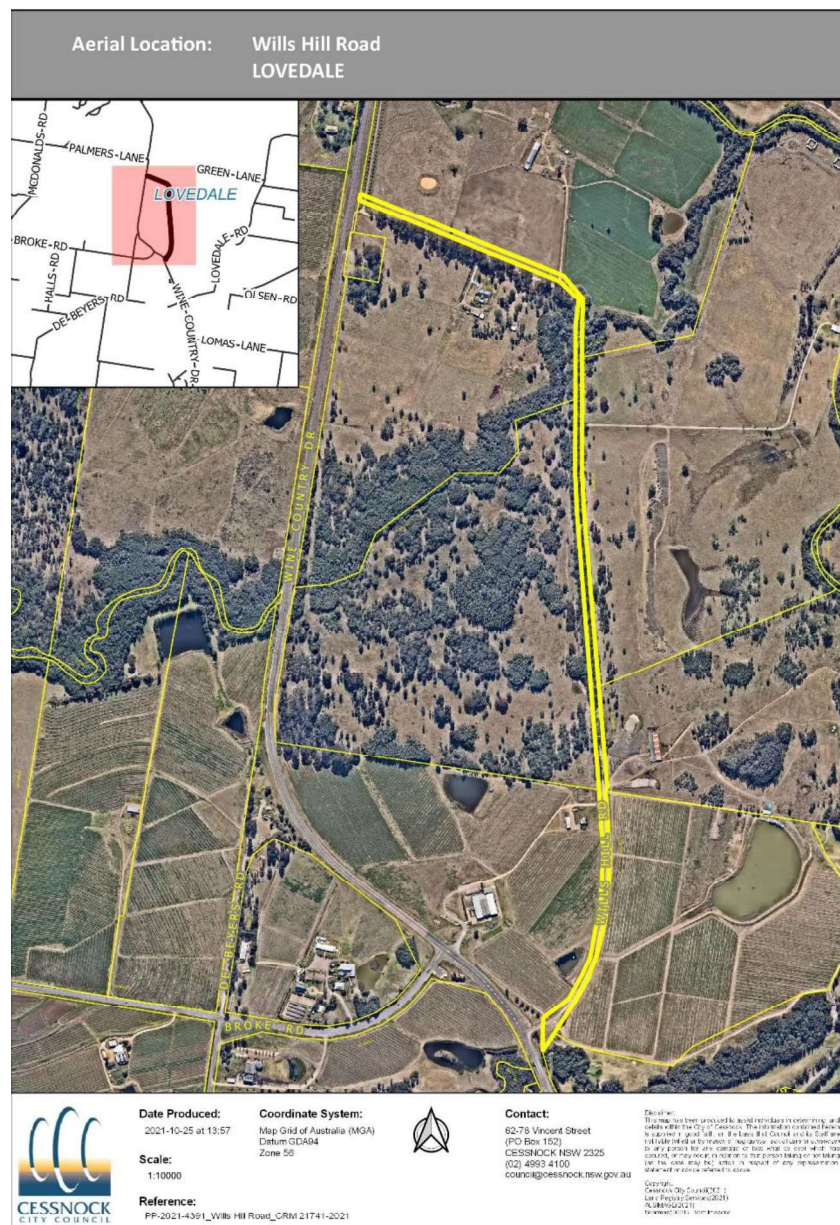
BACKGROUND

Council received a request on 8 July 2021 to amend the Cessnock Local Environmental Plan 2011 (LEP) at Wills Hill Road Lovedale. Prior to lodgment the proposal was discussed with Council staff and the proposal contained the relevant supporting studies. Following lodgment additional heritage justification was requested.

REPORT/PROPOSAL

The Planning proposal intends to Heritage List Wills Hill Road, Lovedale (Figure 1) as an item of local heritage significance in Schedule 5 of the Cessnock LEP 2011 and associated maps.

Figure 1: The proposed heritage listing of Wills Hill Road Lovedale



In order to be heritage listed in the Cessnock LEP a site must meet at least one of the heritage assessment criteria identified in the Heritage Act 1977. The Heritage Assessment report provided by the proponent indicates that the road meets a number of the heritage criteria however, most significantly the proposal meets criteria *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).*

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A detailed Heritage Assessment is attached to the planning proposal. 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.

The historical context and analysis 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-20th century landscape character. The road is one of the surviving example of an early 19th 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 significant aspects of the road include:

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

OPTIONS

Council has the following options:

1. Endorse the recommendation of this report and forward the Planning Proposal to the Department of Planning, Industry and Environment for Gateway determination. *This is the preferred option.*
2. Not endorse the recommendations of this report. This would mean that the Planning Proposal will not progress and Will Hill Road would not be heritage listed as an item of Local Significance in the Cessnock LEP 2011.

CONSULTATION

Formal consultation regarding the Planning Proposal will be carried out in accordance with Gateway determination and Community Participation Plan should Council resolve to endorse the recommendation of this report.

In preparing this report and the planning proposal consultation has been undertaken with Councils Heritage Advisor.

STRATEGIC LINKS

a. Delivery Program

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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

b. Other Plans

Hunter Regional Plan

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.

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

IMPLICATIONS

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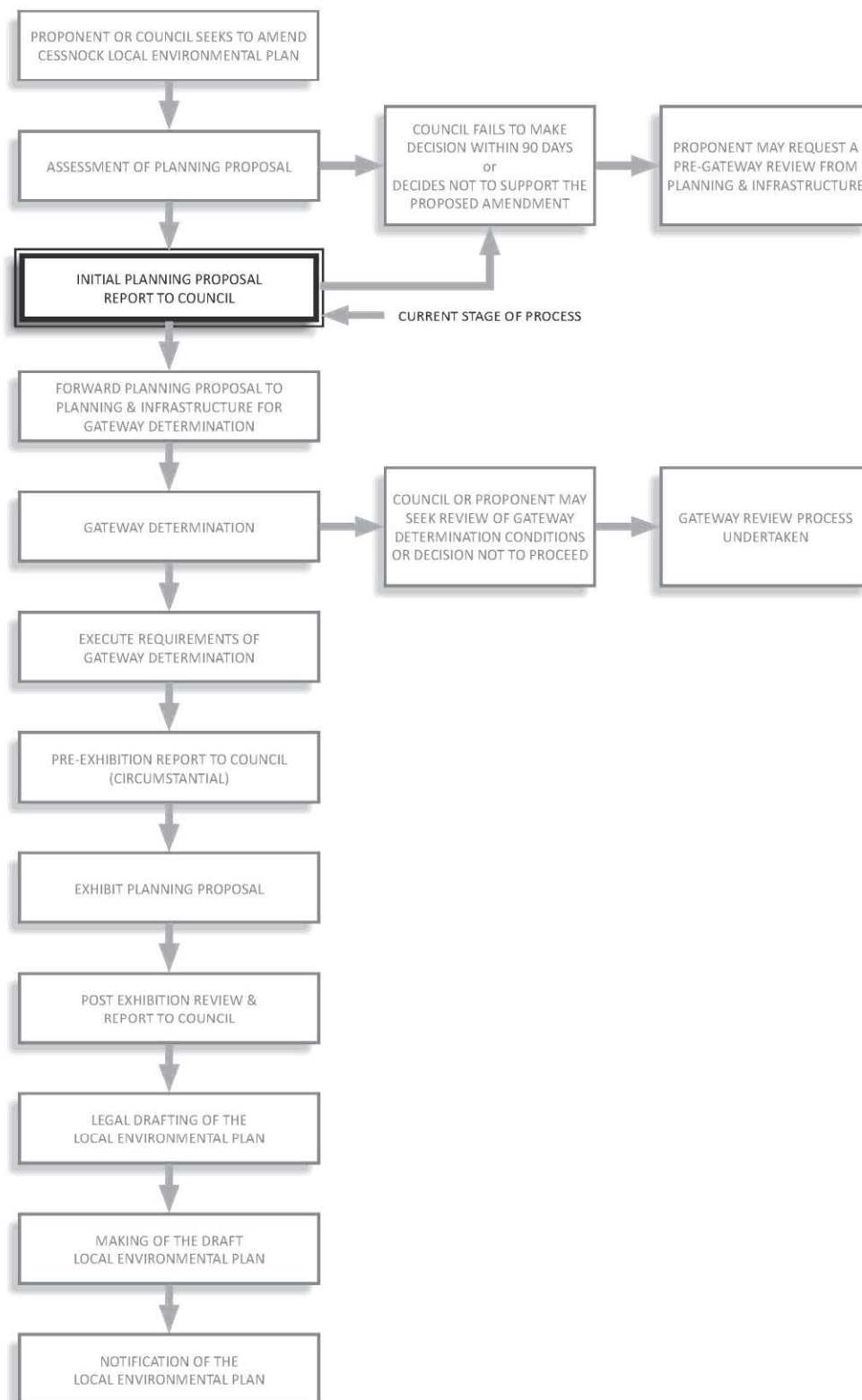
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a. Policy and Procedural Implications

The status of the Planning Proposal is identified in the following process flow chart.

PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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b. Financial Implications

In accordance with Council's Fees and Charges Schedule the proponent has paid the relevant fee.

c. Legislative Implications

The Planning Proposal has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the Department of Planning Industry and Environment's Guide to Preparing a Planning Proposal.

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

If Wills Hill Road is heritage listed it will have implications on any future upgrades of the Road. This has potential to restrict future development that may occur on or adjacent to the road. Council is currently in receipt of the following DAs that front Wills Hill Road:

- 8/2021/21634/1 Internal Fit-out to Existing Shed and Use for Function Centre and Associated Car Parking and Other Works
- 8/2021/21511/1 - Two (2) Lot Torrens Title Subdivision and Associated Drainage Works
- 8/2021/21333/1 - Construction of Three (3) Storey Information and Education Facility Comprising an Art Gallery with Associated Facilities, and Associated Roadworks, Civil Works and Vegetation Removal
- 8/2021/21250/1 - Construction of Information and Education Facility Comprising a Museum ,and Associated Roadworks, Civil Works and Vegetation Removal
- 8/2021/21153/2 - Section 4.55(1A) Modification to Amend DA 8 2021 21153 1 to be a Phased Development Consisting of 2 Phases: Phase 1 - New Open Machinery Shed and Chemical Storage Unit Phase 2 - Amenities Block and Installation of Waste Water System

CONCLUSION

The planning proposal meets the criteria for heritage listing and is supported by a heritage assessment report. Therefore it is recommended that Council forward the proposal to DPIE seeking a gateway determination. Community consultation will be undertaken in accordance with the gateway determination.

ENCLOSURES

- 1 Planning Proposal - Provided Under Separate Cover
- 2 Heritage Assessment Report - Provided Under Separate Cover
- 3 EJE Submission for State Heritage Listing - Provided Under Separate Cover