

Planning and Environment

Report No. PE41/2022

Planning and Environment



SUBJECT: *18/2021/3 PLANNING PROPOSAL - WILLS HILL ROAD*

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

SUMMARY

The purpose of this report is to provide Council with an update on the progress of planning proposal 18/2021/3 to heritage listed Wills Hill Road, Lovedale and recent development approvals which impact the heritage significance of the Road.

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

That Council not proceed with Planning Proposal 18/2021/3 Wills Hill Road and notify the Department of Planning and Environment of its decision.

BACKGROUND

Council received a request on 8 July 2021 to amend the *Cessnock Local Environmental Plan 2011* (LEP) at Wills Hill Road Lovedale. The proposal was supported by a Heritage Assessment. On 17 November 2021 Council resolved to proceed with the Planning Proposal and request a Gateway determination. A Gateway determination was issued on 2 March 2022 and the proposal was subsequently exhibited.

Concurrently to the planning proposal being assessed Council was also assessing a number of Development Applications (DAs) on Wills Hill Road. These include:

- DA 8/2021/21634/1 Internal Fit-out to Existing Shed and Use for Function Centre and Associated Car Parking and Other Works
- DA 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
- DA 8/2021/21250/1 - Construction of Information and Education Facility Comprising a Museum, and Associated Roadworks, Civil Works and Vegetation Removal

These DAs have now been approved. Of note DA 8/2021/21333 and DA8/2021/2125 contain a condition requiring upgrade to Wills Hill Road, specifically:

Planning and Environment

Report No. PE41/2022

Planning and Environment

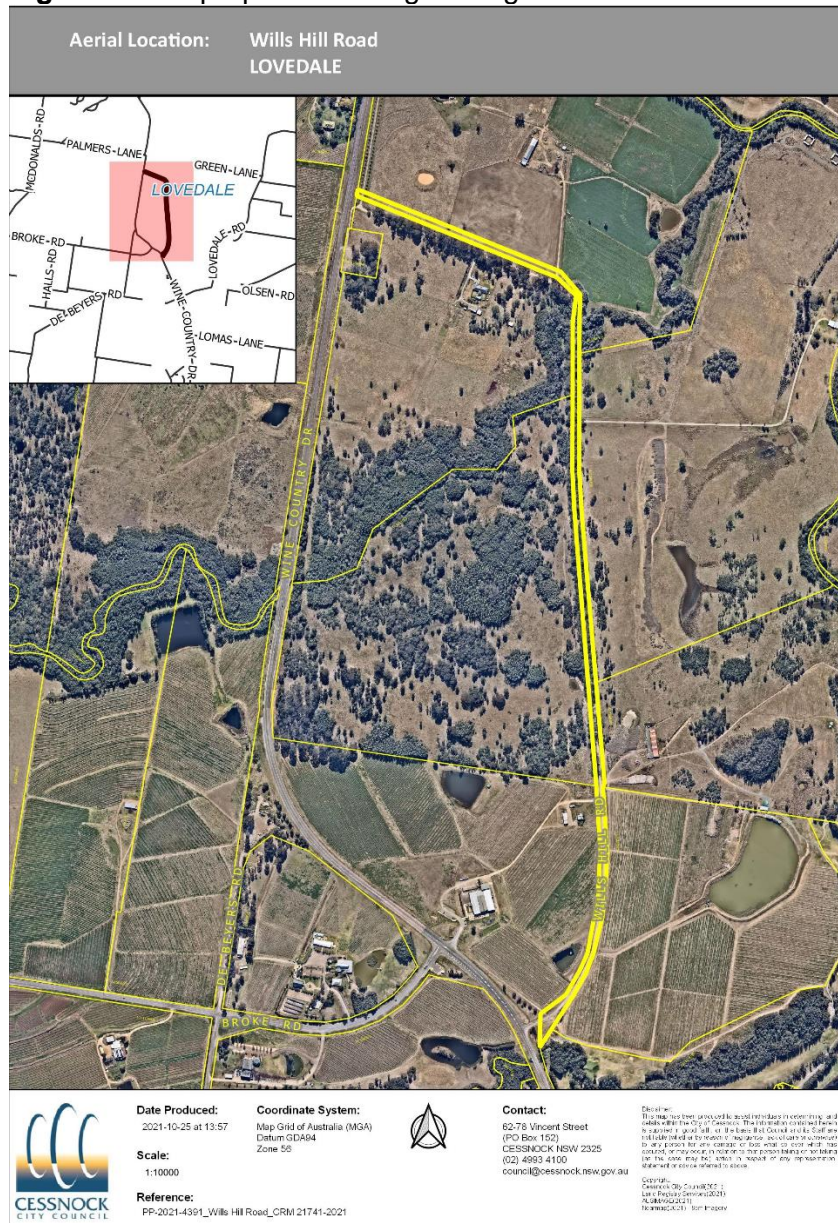


- a) Wills Hill Road – Construct a 7m wide sealed pavement for approximately 1400m
- b) Construct 0.5m gravel shoulders on each side of the road
- c) Place two (2) coat hot bitumen seal on new works

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 in September 2021 indicates that the road met a number of the heritage criteria however, most significantly the proposal meets criteria a) *An item is important*

Planning and Environment

Report No. PE41/2022

Planning and Environment



in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

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 significant aspects of the road outlined in the Heritage Assessment Report include:

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

Given the above-mentioned DAs require the road to be upgraded and widened a number of significant heritage aspects of the road will likely be removed or substantially changed. This includes, the road width, tree lined corridor, road surface, verges and undergrowth and the view and setting of the road. This is likely to remove most of the aspects of the road which make the road of significance for heritage listing. Only the alignment of the road and water crossing will remain. It is considered that this alone is not enough to warrant a heritage listing of Wills Hill Road. There are a number of other roads in the LGA which follow their original alignment. It is therefore recommended that Council not proceed with the planning proposal.

OPTIONS

Council has the following options:

1. Endorse the recommendations of this report and not proceed with the Planning Proposal. *This is the preferred option.*
2. Not endorse the recommendations of this report and resolve to proceed with the Planning Proposal. This would mean that Council requests DPE make the plan and list Wills Hill Road as an item of Local Heritage Significance in the Cessnock LEP 2011.

CONSULTATION

In accordance with the Gateway determination consultation was undertaken with the Office of Environment and Heritage (OEH). The OEH advised in their response that they do not comment on local heritage items.

The proposal was publicly exhibited from 20 April to 20 May 2022. An advertisement was placed in the Cessnock Advertiser and notice of the exhibition was sent to property owners on Wills Hill Road. The exhibition material was available for viewing at the Cessnock and Kurri Kurri Library and Councils webpage. No submissions were received.

STRATEGIC LINKS

a. Delivery Program

Planning and Environment

Report No. PE41/2022

Planning and Environment



The Planning Proposal generally aligns with the following theme and objective of the Cessnock 2027 Community Strategic Plan (CSP):

- Civic leadership and effective governance
 - Objective 5.2 involving more community participation in decision making

b. Other Plans

Nil

Hunter Regional Plan and Cessnock Local Strategic Planning Statement

The Hunter Regional Plan and Cessnock Local Strategic Planning statement contain directions and principles related to protecting and identifying heritage items. However as discussed above the conditions on DA 8/2021/21333 and DA8/2021/2125 requiring the road to be upgraded will remove many of the significant aspects of the road.

IMPLICATIONS

a. Policy and Procedural Implications

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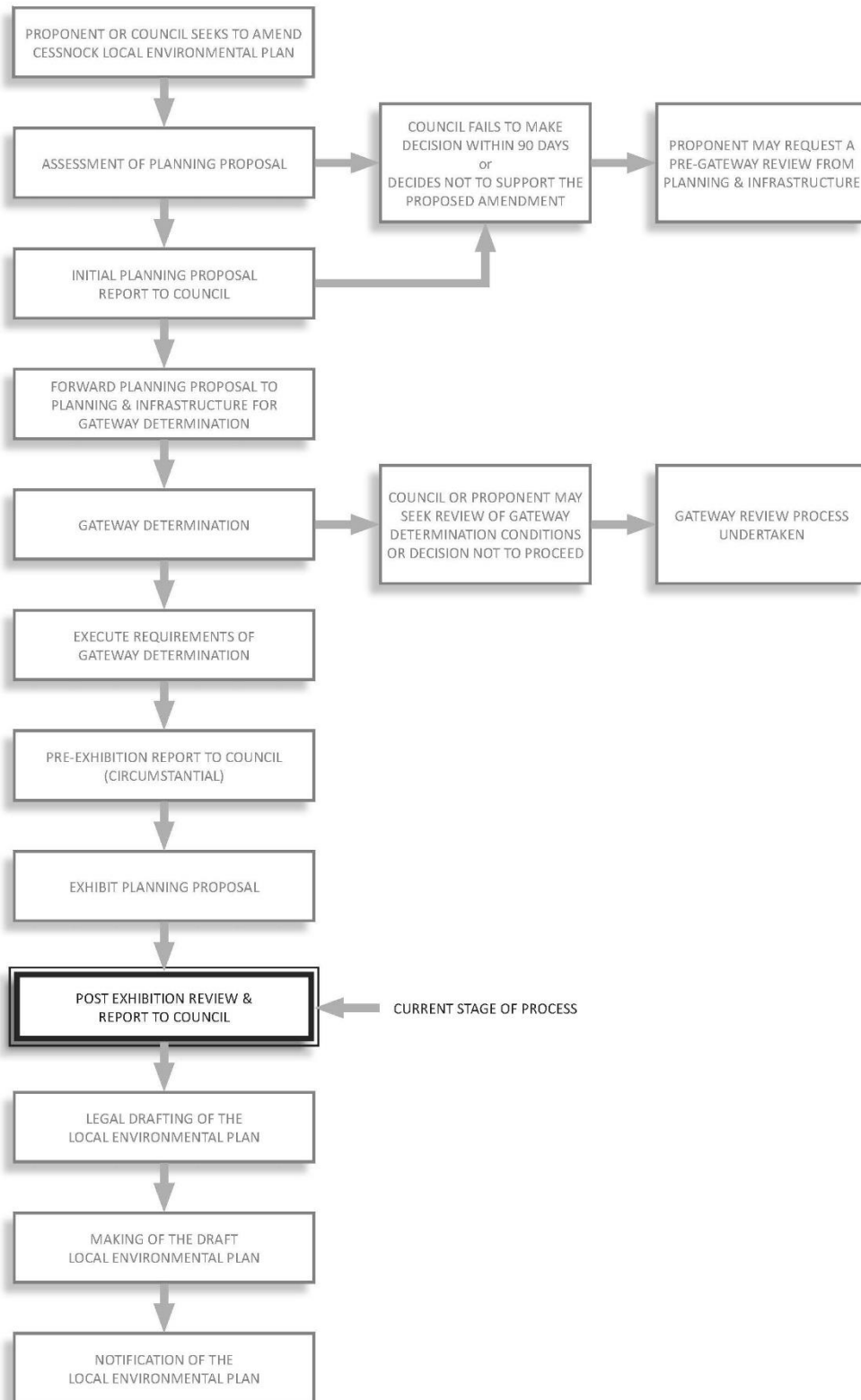
Report No. PE41/2022

Planning and Environment



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

PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



b. Financial Implications

Planning and Environment

Report No. PE41/2022

Planning and Environment



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 and Environment's Guide to Preparing a Planning Proposal.

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

There is a possibility that DA 8/2021/21333 and DA8/2021/2125 do not proceed. However this risk is considered low given that grant funding has been awarded for the project. The consents are valid for five years.

CONCLUSION

When Council first considered the planning Proposal in November 2021 Wills Hill Road met sections of the OEH listing criteria. However, since this time DA8/2021/21333 and DA8/2021/2125 have been approved by Council and contain a condition requiring the road to be upgraded and widened so that a number of significant aspects of the road will likely be removed. This includes, the road width, tree lined corridor, road surface, verges and undergrowth and the view and setting of the road. This is likely to remove most of the aspects of the road which made the road of significance for heritage listing. Only the alignment of the road and water crossing will remain. It is considered that this alone is not enough to warrant a heritage listing of Wills Hill Road.

It is therefore recommended that Council not proceed with the planning proposal.

ENCLOSURES

There are no enclosures for this report

Speakers	For / Against Recommendation	Report	Page No.	Duration
Shayne Herring	Against	PE41/2022 - 18/2021/3 Planning Proposal - Wills Hill Road	114	3 mins

PLANNING AND ENVIRONMENT NO. PE41/2022

SUBJECT: 18/2021/3 PLANNING PROPOSAL - WILLS HILL ROAD

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Dunn

1

RESOLVED

1. That Council proceed with Planning Proposal 18/2021/3 Wills Hill Road and notify the Department of Planning and Environment of its decision.
2. That the heritage proposal be amended to only include the northern section of Wills Hill Road starting from the southern boundary of LOT: 4 DP: 1048155.

FOR

AGAINST

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal

Total (13)

Total (0)

CARRIED UNANIMOUSLY