

Environmental & Community Services

GENERAL ADMINISTRATION REPORTS

G.07.1

MERRIWA HERITAGE CONSERVATION AREA

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Environmental & Community Services

PURPOSE

The purpose of this report is to consider a planning proposal to amend the boundaries of the Merriwa Heritage Conservation Area.

RECOMMENDATION

That Council:

1. support Planning Proposal 1/2021 to amend the boundaries of the Merriwa Heritage Conservation Area by amending the Heritage Map – Sheet HER_005A of the Upper Hunter Local Environmental Plan 2013.
2. forward the planning proposal to the NSW Minister for Planning for a gateway determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.

BACKGROUND

The Heritage Advisory Committee, at its meeting held on 11 April 2019, recommended that Council's Heritage Advisor undertake a review of the Rural Heritage Study 2007 in respect of the Merriwa Heritage Conservation Area.

Following completion of the review, the Heritage Advisory Committee, at its meeting held on 5 December 2019, made the following recommendation to Council:

That Council:

- (a) *endorse the proposed changes to the boundaries of the Merriwa Heritage Conservation Area.*
- (b) *commence a public exhibition and consultation process in respect of the proposed changes.*
- (c) *prepare a Planning Proposal to amend the Heritage Map (Sheet HER_005A) of the Upper Hunter Local Environmental Plan 2013.*

The above recommendation was subsequently adopted by Council at its meeting held on 28 January 2020.

REPORT/PROPOSAL

The objective of this planning proposal is to amend the boundaries of the Merriwa Conservation Area shown on Heritage Map – Sheet HER_005A of the Upper Hunter Local Environmental Plan 2013 in order to remove discrepancies between the map and the areas of actual heritage significance within Merriwa.

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The existing Merriwa Conservation Area covers the entire urban area of Merriwa and is bounded by Macartney Street / Scone Road to the north, an unnamed Crown Road to the east, Hall Road to the south and the Merriwa River to the west.

The conservation area encompasses a wide range of buildings and architectural forms representing different periods of Merriwa's development from the late 1820's to the present day. Unfortunately, some parts of the conservation area contain contemporary buildings and other buildings that detract from, or make no contribution to, the significance of the conservation area. These anomalies could be seen to undermine the integrity and importance of the conservation area, making enforcement of the heritage conservation provisions of the Upper Hunter LEP 2013 difficult for Council.

Council's Heritage Advisor has undertaken a detailed review of the Merriwa Conservation Area using the State Heritage Inventory (SHI) report template. A copy of the report is provided in Attachment 2.

The report makes the following recommendations:

- Remove the Merriwa south-eastern precinct from the LEP map.
- List those potential items (identified in images) in the LEP.
- Retain the recreation area, railway precinct and silos and a section of King George V Avenue as a conservation area in the LEP. (Refer to image 3).
- Remove some areas to the west of Merriwa identified as including non-contributory buildings.

These recommendations have been used to define the proposed new boundaries of the conservation area.

The planning proposal is consistent with the *Upper Hunter Land Use Strategy 2017*, the *Hunter Regional Plan* and the relevant Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

Amending the boundaries of the Merriwa Conservation Area to better reflect the areas of actual heritage significance will improve the integrity and importance of the heritage conservation area and will remove a perceived constraint to development for those properties that have little to no heritage significance as heritage development controls and standards will no longer apply.

Buildings and streetscapes of heritage significance in Merriwa will continue to be protected.

A copy of the Planning Proposal is provided in Attachment 1.

OPTIONS

1. Adopt the recommendation that Council:
 - a) Support Planning Proposal 1/2021 to amend the boundaries of the Merriwa Heritage Conservation Area by amending the Heritage Map – Sheet HER_005A of the Upper Hunter Local Environmental Plan 2013.

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- b) Forward the planning proposal to the NSW Minister for Planning for a gateway determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.
2. Not support Planning Proposal 1/2021 to amend the Upper Hunter Local Environmental Plan 2013 for valid reasons.

CONSULTATION

In accordance with Council's resolution of 28 January 2020, the proposed changes to the boundaries of the Merriwa Heritage Conservation Area were placed on public exhibition from 23 July 2020 to 20 August 2020.

One submission was received from the Merriwa District Progress Association acknowledging the significant reduction in the size of the conservation area and recommending a further reduction to remove areas that do not hold any heritage value. The submission also requests Council to delete the listing of the former Astros Theatre as a heritage item in the Upper Hunter LEP 2013 as the building no longer exists. The deletion of this item will be included in a separate planning proposal to update Schedule 5 of the LEP.

A copy of the submission is included in Attachment 3.

As a result of the submission, Council's Heritage Advisor extended the scope of the heritage study and has recommended additional changes to the draft heritage map endorsed by Council. The amended map is included in the current planning proposal.

Further community consultation may be required as a condition of the Gateway Determination.

STRATEGIC LINKS

a. Community Strategic Plan 2027

This report links to the Community Strategic Plan 2027 as follows:

Goal 4 – Plan for a Sustainable future.

CS13 "Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Control Plans, which reflect the needs and expectations of the broad community"

CS15 "Plan, facilitate and provide for a changing population for current and future generations"

Goal 5 – A sustainable and prosperous economy.

CS22 "Provide attractive and functional town centres and support revitalisation of the towns and villages including investment in built heritage and improvement of existing buildings"

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We are working to achieve the following Community Priorities:



Rural lifestyle and Country feel are valued and protected and the Upper Hunter Shire remains quiet, safe, healthy and welcoming.

b. Delivery Program

- Assessment of planning applications.
- Preparation of planning proposals, flood studies and associated management plans.

c. Other Plans

The planning proposal is the result of a review of the Merriwa Conservation Area by Council's Heritage Advisor.

The review is identified as a strategic action under Direction 5.4 of the Upper Hunter Land Use Strategy 2017.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The cost of amending the Upper Hunter LEP 2013 will be funded from the existing budget.

c. Legislative Implications

Section 3.31 of the Environmental Planning and Assessment Act 1979 provides that a local plan-making authority (which can be a Council) may make environmental planning instruments for the purpose of environmental planning. Section 3.34 of the Act provides after preparing a planning proposal, the planning proposal authority may forward it to the Minister.

d. Risk Implications

Nil

e. Other Implications

CONCLUSION

The planning proposal has been assessed as satisfactory against the *Upper Hunter Land Use Strategy 2017*, the *Hunter Regional Plan* and the relevant Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

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There is a community benefit in ensuring the maps in the Upper Hunter LEP 2013 reflect accurate information and uphold the credibility and importance of heritage conservation areas. Removing discrepancies will eliminate unnecessary considerations in the development assessment process, reduce uncertainty and misunderstanding in the community and will assist in Council's enforcement of building and planning controls within the conservation area.

For the above reasons, the planning proposal should proceed.

ATTACHMENTS

- 1 Planning Proposal 1/2021 - Changes to Merriwa Heritage Conservation Area
- 2 SHI Heritage Study - Merriwa Conservation Area Revised
- 3 Submission from Merriwa District Progress Association

RESOLVED That Council:

1. support Planning Proposal 1/2021 to amend the boundaries of the Merriwa Heritage Conservation Area by amending the Heritage Map – Sheet HER_005A of the Upper Hunter Local Environmental Plan 2013.
2. forward the planning proposal to the NSW Minister for Planning for a gateway determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.

Moved: Cr L Watts

Seconded: Cr K Fisher

CARRIED

FOR	AGAINST
Councillor Abbott	Councillor Campbell
Councillor Collison	
Councillor Driscoll	
Councillor Fisher	
Councillor Watts	
Total (5)	Total (1)