

Planning and Assessment

IRF21/3522

Gateway determination report

LGA	Upper Hunter
PPA	Upper Hunter Shire Council
NAME	Amend the boundaries of Merriwa Conservation Area
NUMBER	PP-2021-5072
LEP TO BE AMENDED	<i>Upper Hunter Local Environmental Plan 2013</i>
ADDRESS	Various
DESCRIPTION	Various
RECEIVED	12/08/2021
FILE NO.	IRF21/3522
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Site description

The planning proposal refers to the Merriwa Conservation Area that applies to the urban land of the town of Merriwa. The heritage conservation area 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.



Figure 1 Merriwa Heritage Conservation Area

1.2 Existing planning controls

Land within the conservation area is predominantly zoned R1 General Residential. The conservation area also includes B2 Local Centre, RE1 Public Recreation, R5 Large Lot Residential and RU1 Primary Production zoning.

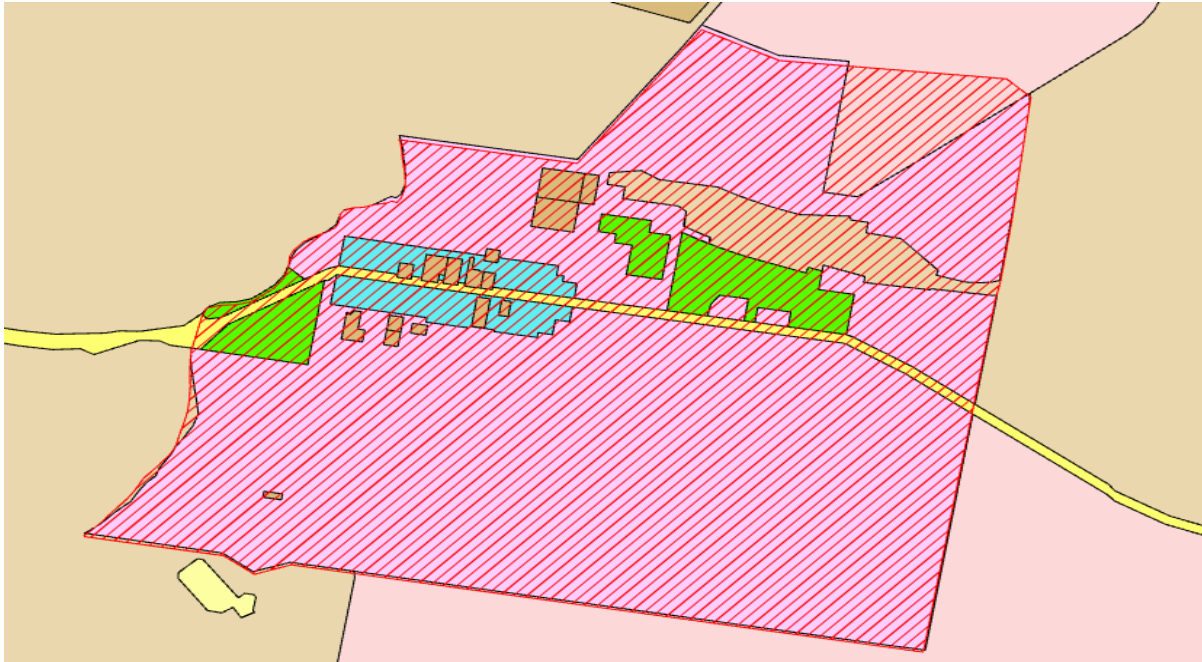


Figure 2 Land Zoning

1.3 Surrounding area

Outside the conservation area is additional residential land zoned R5 Large Lot Residential to the north and south. To the east and west of the site there is open agricultural space zoned RU1 Primary Production.

2. PROPOSAL

2.1 Description of planning proposal

The planning proposal intends to amend the boundary of the Merriwa Conservation Area to remove discrepancies between the map and the areas of actual heritage significance within Merriwa.

Upper Hunter Shire Council has undertaken a review of the Merriwa Conservation Area. The review made the following recommendations:

- remove the Merriwa south-eastern precinct.
- list potential items.
- retain the recreation area, railway precinct and silos and a section of King George V Avenue.
- remove some areas to the west of Merriwa identified as non-contributory buildings.

These recommendations have been used to define the proposed new boundaries of the Merriwa Conservation Area.



Figure 3 Current Heritage Conservation Area

Figure 4 Proposed Heritage Conservation Area

2.2 Objectives or intended outcomes

The objective of the planning proposal is to amend the Heritage Conservation Area to exclude areas that have no heritage significance. These anomalies currently undermine the integrity and importance of the conservation area. Focussing the area to include only heritage items will reinforce its significance.

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. Some parts of the conservation area contain contemporary buildings that detract or make no contribution to the significance of the area. The planning proposal will refine the area to remove anomalies and show only items of heritage significance.

2.3 Explanation of provisions

The planning proposal seeks to amend the *Upper Hunter Local Environmental Plan 2013* by changing the land mapped as being subject to the Merriwa Conservation Area.

2.4 Mapping

The planning proposal seeks to replace Heritage Map – Sheet HER_005A to reflect the redefined Merriwa Conservation Area.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is a result of a heritage review conducted under direction 5.4 of the *Upper Hunter Land Use Strategy 2017*. The review was undertaken by Council using the state heritage inventory report template. The planning proposal will implement the findings of the heritage assessment.

The proposed changes to the Merriwa Heritage Conservation Area were placed on exhibition from 23 July 2020 to 20 August 2020 as per council resolution 28 January 2020.

One submission was received from the Merriwa District Progress Association recommending further reduction to remove areas that do not hold any heritage value.

As a result of this submission Council extended the scope of the heritage study and proposed additional changes.

4. STRATEGIC ASSESSMENT

4.1 Regional / District

Hunter Regional Plan 2036

The planning proposal is consistent with direction 19- 'Identify and protect the region's heritage' of the regional plan. Redefining the conservation boundary will better reflect areas of actual heritage significance improving integrity and importance of the defined area. Buildings and streetscapes of heritage significance in Merriwa will continue to be protected.

4.2 Local

Upper Hunter Local Strategic Planning Statement 2019

Planning priority within this Local Strategic Planning Statement focuses on preserving the heritage and reflect the character of local communities. This planning proposal is consistent with the heritage planning priorities as it intends to protect areas of heritage significance and maintain the towns character.

Council have not considered the consistency with the *Upper Hunter Local Strategic Planning Statement 2019* in the planning proposal. This is a requirement under section 3.33(2)(c) of the Act. The planning proposal should be updated prior to public exhibition.

Community Strategic Plan 2027

The planning proposal is consistent with the plans goal of protecting the rural lifestyle and country feel of the Upper Hunter Shire. The planning proposal ensures areas of heritage significance are protected and valued.

Upper Hunter Land Use Strategy 2017

This strategy identifies the importance of heritage for the Upper Hunter and the need to conserve for tourism and maintaining identity and cultural history. The planning proposal is a result of this land use strategy and therefore is consistent.

4.3 State environmental planning policies (SEPPs)

No State environmental Planning Policies are relevant to this planning proposal.

4.4 Section 9.1 Ministerial Directions

2.3 Heritage Conservation

The planning proposal states the National Trust of Australia (NSW) recognised the heritage value of the town in 1981, listing the Urban Conservation Area and 20 individual urban buildings and 10 rural buildings.

Merriwa Heritage Conservation Area was listed in the *Hunter Regional Environmental Plan 1989* until the regional plan was repealed on 4 August 2016.

The planning proposal intends to reduce the size of the Heritage Conservation Area to show areas with heritage significance. Council should consult with Heritage NSW to confirm this refined conservation area still considers relevant heritage items.

The planning proposals consistency with this direction will be confirmed once consultation with Heritage NSW has been undertaken.

5.10 Implementation of Regional Plans

The planning proposal is consistent with the *Hunter Regional Plan 2036* and therefore consistent with the direction.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal will assist in Council's enforcement of building and planning controls within the conservation area.

5.2 Environmental

The planning proposal will not have any adverse environmental impacts.

5.3 Economic

The planning proposal is unlikely to have any adverse economic impacts.

6. CONSULTATION

6.1 Community

Council has not nominated an exhibition period for the planning proposal. Given Council has already consulted with the community on the proposed changes and the planning proposal is consistent with the criteria for low impact proposals, 14 days is considered an appropriate consultation period.

6.2 Agencies

Agency consultation should be undertaken with Heritage NSW to meet consistency of 9.1 Ministerial direction 2.3 Heritage Conservation.

7. TIME FRAME

Council have anticipated 6 months from the planning proposal submission to the department to complete this amendment. This timeframe is considered appropriate.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. This is supported as the proposal is consistent with local and regional strategies.

9. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. note consistency with section 9.1 Ministerial direction 2.3 Heritage Conservation is unresolved and will require justification.

It is recommended the delegate of the Minister of Planning and Public Spaces determine the planning proposal should proceed subject to the following conditions:

2. The planning proposal should be updated prior to public exhibition to include assessment against the *Upper Hunter Local Strategic Planning Statement 2017*.
3. The planning proposal should be made available for community consultation for a minimum of 14 days.

4. Consultation is undertaken with Heritage NSW.
5. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should be the local plan-making authority.



28/09/2021

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