

Planning Services

Gateway Determination Report

LGA	Cessnock
RPA	Cessnock City Council
NAME	s.73A correction CLEP 2011- Heritage (0 homes, 0 jobs)
NUMBER	PP_CESSN_2017_003_00
LEP TO BE AMENDED	Cessnock LEP 2011
ADDRESS	Various
DESCRIPTION	Various
RECEIVED	16 October 2017
FILE NO.	17/10825
QA NUMBER	N/A
POLITICAL DONATIONS	There are no donations or gifts to disclose.
LOBBYIST CODE	There has been no contact with registered lobbyists.

INTRODUCTION

Description of Planning Proposal

Correcting heritage-related errors and inconsistencies in the Cessnock LEP 2011 Schedule 5 Environmental Heritage and on the associated heritage maps.

Site Description

Various properties and places are involved as detailed below.

Surrounding Area

There are various heritage planning contexts involved as discussed below.

Summary of Recommendation

The proposal is recommended to proceed as almost all alterations are minor corrections of obvious errors or changes that result from other planning actions such as updating the property description with an updated address. As such these changes qualify to be made without public consultation or agency referral. One change, falling outside of the terms of Section 73A of the Environmental Planning and Assessment Act (the Act) is to be removed. This item may be included in the Cessnock City-wide heritage amendment currently before the Gateway (PP_2017_CESSN_004_00) so that it may be subject to agency and community consultation.

PROPOSAL

Objectives or Intended Outcomes

The overarching objective is administrative, to correct errors and anomalies in (heritage) Schedule 5 Environmental Heritage of Cessnock LEP 2011 and/ or heritage maps under Section 73A of the Act.

This involves:

- Correcting property descriptions and address details to reflect land subdivision
- Correcting item numbers on LEP heritage maps to match Sch. 5 Environmental heritage

- Correcting map anomalies so that heritage maps align with property boundaries
- Correcting maps and property descriptions where items cover more than one lot

Explanation of Provisions

Updates are detailed by Council in a schedule, each explained and each proposed change justified. The specific changes are detailed in the “Need for the Planning Proposal” section of this report, along with a merit assessment of each.

Mapping

Map changes are referred to in the below list of changes.

NEED FOR THE PLANNING PROPOSAL

The great majority of changes are needed to maintain the integrity and accuracy of the Cessnock LEP as well as to provide effective protection to the area’s heritage. Two changes are not supported. One change should not proceed (Commercial buildings and Cinema (former) at Vincent St, Cessnock items change), and the other may proceed but should not occur as part of a section 73A process (Great Northern Railway item change).

Item	Scope of proposed change to Cessnock LEP	s.73A compliant
Memorial Gates, Sawyers Gully (item 221)	Add new item number in Sch.5 to remove a duplication and put the number on the map.	Corrects an obvious error: s.73A-compliant
Abermain Colliery House (former) (Item 16)	Map item on correct lot.	Corrects an obvious error: s.73A-compliant
Double Grave at “Morningside” (Item 132)	Correct the item number on the mapped site.	Corrects an obvious error: s.73A-compliant
Oakdale Winery and Vineyard (Item 168)	Show correct item number on map.	Corrects an obvious error: s.73A-compliant
Great North Road (Item 217)	Show road reserve as the correct item number on map.	Corrects an obvious error: s.73A-compliant
Mullbring Anglican Church and Cemetery (Item 145)	Map item on correct Lot.	Corrects an obvious error: s.73A-compliant
Greta Railway Station (Item 220)	Amend Lot numbers and map to reflect State Register.	Consequential change: s.73A-compliant
Rothbury Riot Memorial (Item 154)	Add the item to the map and add the street number to the street address (lot and DP to remain the same).	Consequential change & corrects an obvious error: s.73A-compliant
St Johns Anglican Church (Item 24)	Amend map and property description to reflect minor subdivision.	Consequential change: s.73A-compliant
St Mary’s Anglican Church (Item 98)	Correct property description and map.	Corrects an obvious error: s.73A-compliant
Barn Antique Shop (Item 202)	Change name to reflect the original land use.	Corrects an obvious error: s.73A-compliant
Bread oven at “Yallambie” (Item 133)	Update address to reflect new suburb boundaries.	Consequential change: s.73A-compliant
Millfield Rising Sun Inn (Item 143)	Amend property description to reflect minor subdivision.	Consequential change: s.73A-compliant
Great Northern Railway (Item 216)	Amend map to align with cadastre.	Not supported. Item is currently listed as State significance and there is no evidence that the item should be. This item needs to

		be reviewed and agency/ community consultation undertaken. Change may proceed but not as s.73A. Not s.73A-compliant
"Cagneys" (Item 138)	Update obsolete property description.	Consequential change: s.73A-compliant
Commercial buildings and Cinema (former) (Items 74 & 75 respectively)	a) Combine both items into one item number and update map to reflect this change. b) Update property description to reflect lot amalgamation.	a) Not supported. No heritage evidence to support merging into one item. Should remain as separately listed items. Change to not proceed. b) Consequential change: s.73A-compliant

STRATEGIC ASSESSMENT

State

The only relevant State policy is the State Heritage Register, with which Cessnock LEP heritage protections need to be consistent.

Regional / District

The nature of changes recommended to proceed are so minor as to not require assessment under regional or district plans.

Local

The nature of changes recommended to proceed are so minor as to not require assessment under local plans.

Section 117(2) Ministerial Directions

The nature of changes recommended to proceed are so minor as to not require assessment under these Directions.

State Environmental Planning Policies

The nature of changes recommended to proceed are so minor as to not require assessment under these policies.

SITE SPECIFIC ASSESSMENT

Social

Community identity and jobs benefits flow from accurate, effective and up-to-date heritage protection.

Environmental

Distinctive character and settings from heritage places across Cessnock LGA is traded on by businesses. Historic buildings serve as landmarks for way-finding by residents and visitors/ tourists. Accurate, up-to-date and effective heritage protection in Cessnock LEP supports these benefits.

Economic

Tourism and cultural investment and employment benefits flow from effective heritage protection.

Infrastructure

The proposal has no implication for State infrastructure.

CONSULTATION

Community

Community consultation is not required for minor s.73A changes to the LEP.

Agencies

Agency consultation is not required for minor s.73A changes to the LEP.

TIMEFRAME

The proposed 3-month timeframe for completing the LEP is considered appropriate, as no community or agency consultation is required.

DELEGATION

The change is to be progressed to finalisation by Council including liaising with e-Planning Team on heritage map alterations.

CONCLUSION

The planning proposal is supported to proceed to LEP legal drafting with minimal conditions as it qualifies for consideration under Section 73A of the Act.

RECOMMENDATION

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. No community or agency consultation is required.
2. The timeframe for completing the LEP is to be 3 months from the date of the Gateway determination.
3. No public hearing is required.
4. Given the corrective nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.
5. Exclude the change relating to Item 216, the Great Northern Railway.
6. Exclude the change that would combine Item 74 with Item 75.



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