

PLANNING PROPOSAL

Gosford City Council

INCLUDE SITE OF FORMER SERGEANTS' RESIDENCE/ POLICE STATION AND FOOTINGS OF POLICE STABLES AS HERITAGE ITEMS, MANN STREET, GOSFORD

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the Department of Planning & Environment's *A Guide to Preparing Planning Proposals* and *Guide to Preparing Local Environmental Plans*.

A gateway determination under Section 56 of the Environmental Planning and Assessment Act is requested from the Department of Planning and Environment.

Part 1 Objectives or Intended Outcomes

Section 55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.

The objective/intended outcome of the Planning Proposal is to include the site (i.e. footings and walls) of the Sergeants' Residence/first police station as a heritage item in Gosford LEP 2014.

Council's resolution of 21 January 2014 stated:

- F The General Manager investigate whether the footings of what is known as the Sergeants' Residence/first police station, corner Manns Street & Georgiana Terrace, Gosford, should be included as part of Item 36 in the Heritage & Mapping Amendments.*

Item 36 is the Former School of Arts on Lot 1 DP 123370, corner Mann Street and Georgiana Terrace. The site of the Sergeants' residence/police station is located on adjoining Lot 6 Sec 81 DP758466, Mann Street, Gosford. As the site is a separate heritage item to the School of Arts and is located on a different parcel of land, it is considered that the Sergeants' residence/police station should not be listed as part of Item 36, but as a separate item. As the proposed item relates to the footings, walls and other subsurface remains, and not to a building, it is proposed to list it as an archaeological heritage item.

An investigation as to the heritage significance of the Sergeants' residence/police station was commissioned by Council in June 2014. The resultant study was undertaken by Edward Higginbotham & Associates and titled, "Archaeological Assessment of the Site of the Former Police Station & Sergeant's Quarters, Mann Street and Georgiana Terrace, Gosford, NSW, 2250".

The Archaeological Assessment also identified the footings of the police stables on Lot 1 DP 123370 at the rear of the School of Arts building and recommends that these footings should be included as a heritage item. As they are on the same parcel of land as the School of Arts it is reasonable to amend the description of Item 36 to include the footings of the police stables.

Part 2 Explanation of Provisions

Section 55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

The objectives/intended outcomes are to be achieved by amending Schedule 5 Environmental Heritage of Gosford LEP 2014 in the following manner:

Part 1 Heritage Items

Suburb	Item Name	Address	Property Description	Significance	Item No
Gosford	Former School of Arts and footings of police stables	Corner of Mann Street and Georgiana Terrace	Lot 1, DP 123370	Local	36

Part 3 Archaeological Sites

Suburb	Item Name	Address	Property Description	Significance	Item No
Gosford	Site of former Sergeants' residence/police station	20 Mann Street	Part of Lot 6 Sec 81 DP 758466	Local	A25

Also the Heritage Map, HER_015CA, is to be amended to indicate the location of the heritage item on the relevant parts of Lot 6 Sec 81 DP758466 and Lot 1 DP 123370.

Section 55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

The Appendices contain all relevant mapping to the Planning Proposal.

Part 3 Justification for objectives & outcomes

Section 55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal originated from an archaeological report which identifies the site of the Sergeants' residence/police station and footings of the police stables to be of local heritage significance as set out below.

The site of the former Police Sergeant's Quarters or Police Station is significant because it was formerly part of the government precinct at

Gosford, where public buildings were concentrated, including the former courthouse and later council chambers. The site was also located in the former Police Paddock.

The surviving sandstone walls of the former Police Station and Sergeant's Quarters indicate aspects of traditional building technology.

The site has the potential to contribute to a number of archaeological research themes in historical archaeology. These include the layout of public buildings in towns in regional New South Wales, the conditions of life and work in public service, the standard of living of public servants and police officers.

The site of the former Police Station and Police Sergeant's Quarters is a rare survival of an archaeological site in Gosford.

The combination of watch house or police station and quarters for the officers and their families is a pattern of development across New South Wales.

The recommendations of the Archaeological Assessment, relevant to the Planning proposal are:

- 1 The site of the former Police Station and Police Sergeant's Quarters, together with the Police Stables and other outbuildings, has been assessed as possessing local significance. These archaeological sites should therefore be conserved and listed on the Gosford LEP 2014 as an archaeological site or precinct.
- 2 The listing of the archaeological site should include both Lot 1, DP 123370 and Lot 6, Section 81, DP 758466.

2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only means of achieving the objective of listing the site of the Sergeants' residence/police station and police stables as heritage items in Gosford LEP 2014.

Section B Relationship to strategic planning framework

3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Central Coast Regional Strategy (CCRS) applies to the subject lands. The Planning Proposal consists of adding additional heritage items to the Gosford LEP 2014 which is consistent with the following action of the regional strategy:

Action 6.8 Ensure LEPs facilitate conservation of Aboriginal and non-Aboriginal heritage

3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of Section 117 Directions?

The CCRS has been addressed in Question 3 and Section 117 Directions are addressed in Question 6

- 3b Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following: the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.**

The inclusion of the Sergeants' residence/police station site and police stable footings as heritage items will ensure their conservation within the wider Gosford Public School site which is proposed to be redeveloped.

- 4 Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**

The *Community Strategic Plan – Gosford 2025* applies to the subject land. The Planning Proposal is consistent with the following strategy:

A2.2 Honour and celebrate Gosford's history and its people.

The identification of the Sergeants' residence/police station site and police stables footings as heritage items is one way that Gosford's history can be honoured.

- 5 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

The proposed addition of heritage items to Gosford LEP 2014 is not inconsistent with any SEPP.

- 6 Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 directions)?**

The proposed addition of heritage items to Gosford LEP 2014 complies with all Section 117 Directions.

Direction 2.3 Heritage Conservation

This direction applies when a relevant planning authority prepares a planning proposal and requires planning proposals to facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.

An Archaeological Assessment has been undertaken which identifies the site of the Sergeants' residence/police station and footings of the police stables as having local heritage significance. The Planning Proposal seeks to include these archaeological items in the Gosford LEP 2014 which is consistent with this Direction.

Direction 4.1 Acid Sulfate Soils

A Planning Proposal shall not be prepared that proposes an intensification of land uses identified as having a probability of containing acid sulfate soils unless the council has considered an acid sulfate soils study.

Part of the subject land is identified as Acid Sulfate Soil Class 4. As the Planning Proposal seeks to include heritage items in the Gosford LEP 2014 and not the intensification of land use, the Planning Proposal is considered consistent with this Direction.

Direction 4.4 - Planning for Bushfire Protection

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination.

The subject land is not shown as being bushfire prone on the maps produced by the Rural Fire Service, therefore the Planning Proposal is not required to be referred to the Rural Fire Service for comment.

Direction 5.1 Implementation of Regional Strategies

This Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning and Infrastructure.

The Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to Question 3 above.

Direction 6.1 – Approval and Referral Requirements

This Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.

This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.

Direction 6.2 - Reserving Land for Public Purposes

A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

The Planning Proposal does not propose to alter the zoning of the land which is owned by the Department of Education and Communities.

Direction 6.3 – Site Specific Provisions

The Planning Proposal is consistent with this Direction as no site specific provisions are included.

Section C Environmental, social and economic impact

- 7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject land does not contain any endangered ecological communities or regionally significant vegetation. Bells vegetation mapping identifies the vegetation on site as disturbed regrowth. This regrowth classification correlates with the Archaeological Assessment which noted that there are a number of trees or saplings that have grown around the sandstone ruins.

- 8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

No, there are no other environmental effects likely to result from this Planning Proposal.

- 9 How has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal seeks to protect a part of Gosford's history which is of social benefit to the community.

The subject land is located within the Gosford City Centre as identified in the Gosford LEP 2014 and forms part of the Gosford Waterfront precinct in Gosford DCP 2013. Identifying the sites of the Sergeants' residence and police stables as heritage items will not prevent the potential future development of the site. Options could range from incorporating the relics into the future development as a feature of the building or landscape, to obtaining a photographic archive of the relics once their heritage significance has been established through an archaeological investigation.

Section D State and Commonwealth interests

- 10 Is there adequate public infrastructure for the Planning Proposal?**

The Planning Proposal will have no effect on public infrastructure.

- 11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?**

No consultations have yet been formally undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

However, the Central Coast Regional Development Corporation (CCRDC), who is managing the Gosford Waterfront land as a State Significant Site, has been provided with a copy of the Archaeological Assessment and has provided comments as per Appendix 6.

Essentially, the main concerns of the CCRDC are:

this particular site was rezoned in February 2014, following extensive community consultation and subsequent approval by the Minister of

Planning and Infrastructure to a State Significant Site (SSS) Study and gazettal of SEPP Amendment (Gosford Cultural Precinct) 2014. The approved SSS Study considered matters of heritage significance and appropriate controls are included in the site specific Gosford Waterfront Development Control Plan that the Director General of the Department of Planning and Infrastructure approved on 26 March 2013. We are of the opinion that this recently approved planning framework provides sufficient controls for the management of items of heritage or potential significance on the former Gosford Public School site.

the archaeological assessment confirms that no above ground surface remains of the Police Stables were identified and that in situ remains may survive underneath the ground surface. We note that the construction of the demountable footings would have significantly disturbed this area and our geotechnical investigations indicates significant site disturbance across the site. There is a possibility that the remains have already been destroyed and we are of the opinion that the presence (or not) and actual condition of any remains should be confirmed prior to any consideration for listing within the Gosford LEP 2014.

Comment

The provisions of SEPP Amendment (Gosford Cultural Precinct) 2014 have been incorporated into Gosford LEP 2014.

The Gosford Waterfront DCP has been incorporated into Gosford DCP 2013 as Chapter 4.4 Gosford Waterfront.

Chapter 4.4 of Gosford DCP 2013 addresses the heritage significance of the Sergeants' residence/police station with the following control:

The assessment and management of the stone footings of the former Police Superintendent's House (adjacent to the Former School of Arts building) shall be considered prior to excavation.

The *NSW Heritage Act 1977* protects the State's natural and cultural heritage and contains measures to protect archaeological resources that relate to the settlement of the area that comprises NSW, not being Aboriginal Settlement, and that are of state or local heritage significance. The Archaeological Assessment prepared by Edward Higginbotham and Associates has determined that the sites are of local significance, and in particular that the site of the former Police Station and Police Sergeant's Quarters is a rare survival of an archaeological site in Gosford. The Heritage Act, 1977 protects these archaeological relics by requiring that any disturbance to those relics is carried out in accordance with an excavation permit issued by the Heritage Council of NSW (Section 139(1)).

Even though the archaeological relics are protected from disturbance under the Heritage Act, by listing the known relics under the Gosford LEP 2104 as heritage items, they become matters to be considered at the development application stage. Clause 5.10 of Gosford LEP 2014 has the objective "to conserve the environmental heritage of Gosford" and requires development consent for any works, excavation or demolition on a site containing a heritage item.

With regards to the Police Stables, the Archaeological Assessment notes:

the original topography appears to have been little changed, except for minor disturbance caused by the surfacing of yards and piers for timber framed classrooms. This assessment suggests that below ground archaeological remains will survive with either minor to part disturbance.

The timber framed classroom has been built on brick piers. Underneath the building there appears to be remnants of a bitumen yard surface, with topsoil beneath. The site of the Police Stables and other outbuildings is therefore likely to survive in good condition, but there are no above surface remains.

Demolition of the classrooms on the site is well underway in accordance with development consent (DA 45393/2014) issued on 14 May 2014.

Should a subsequent investigation find that the stable's footings are worthy of heritage status, this does not automatically mean that the land cannot be developed. It may be that due to their position, they are recorded photographically and excavated. This will need to be determined once the archaeological investigation is completed as required by the Heritage Act and Gosford LEP 2014.

If a Gateway is issued, the Central Coast Regional Development Corporation will be formally consulted.

Part 4 Mapping

S55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land - a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

The Appendices contain all relevant mapping to the Planning Proposal.

Part 5 Community Consultation

Section 55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Subject to Gateway support community consultation will involve an exhibition period of 14 or 28 days. The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and on the web-site of Gosford City Council.

The written notice will:

- give a brief description of the objectives or intended outcomes of the planning proposal,
- indicate the land affected by the planning proposal,
- state where and when the planning proposal can be inspected,
- give the name and address of Gosford City Council for receipt of submissions, and
- indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

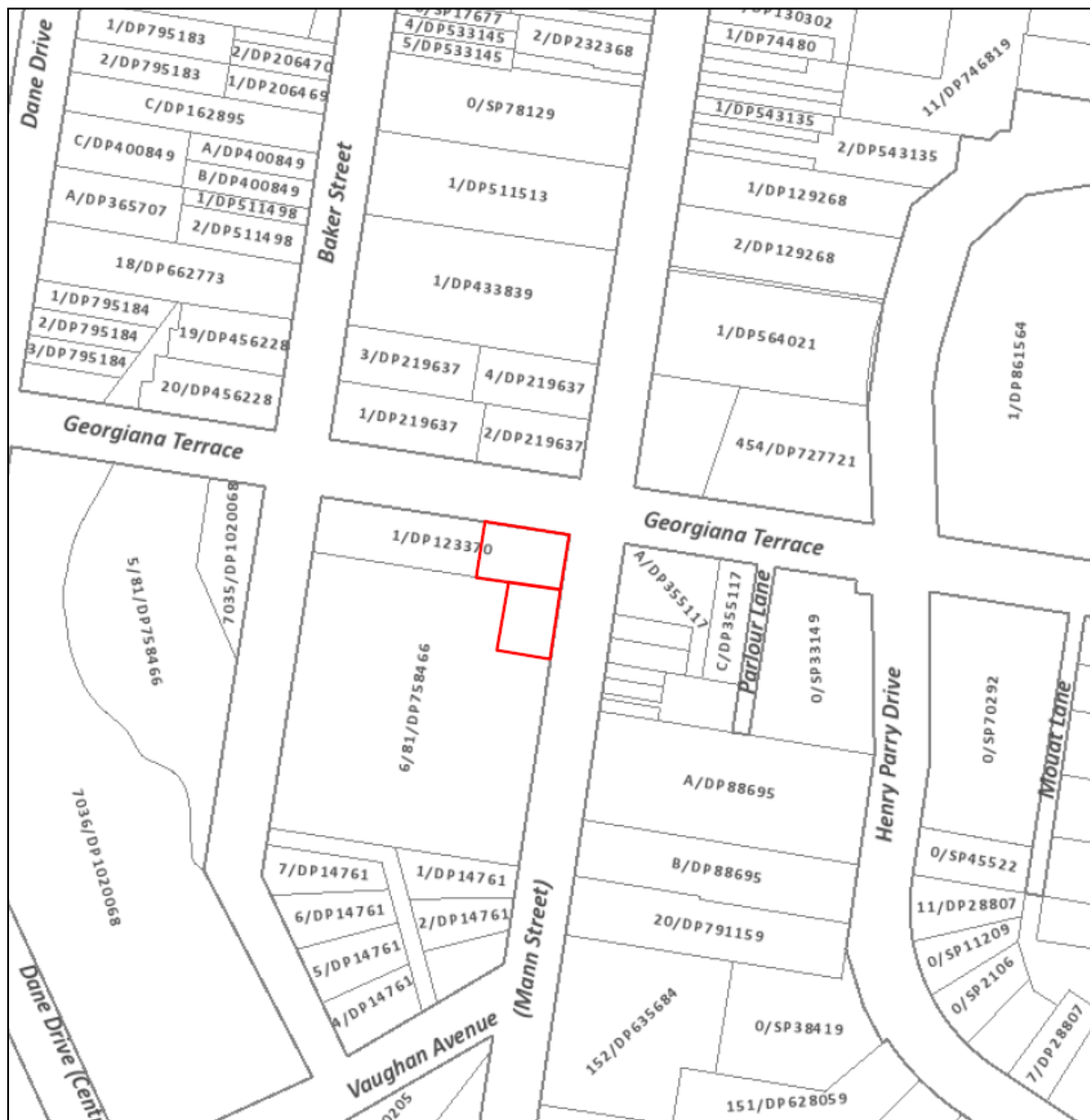
- the planning proposal, in the form approved for community consultation by the Director-General of Planning,
- the gateway determination, and
- any studies relied upon by the planning proposal.

Part 6 Project Timeline

The anticipated timeline for this Planning Proposal is set out below.

Gateway Determination	December 2014
Completion of required technical information	n/a
Government Agency consultation	February 2015
Public Exhibition	March/April 2015
Consideration of submissions by Council	June 2015
Liaise with PC	July 2015
Date Council will make plan (delegated)	July/August 2015
Forward Plan to Department for notification	August 2015

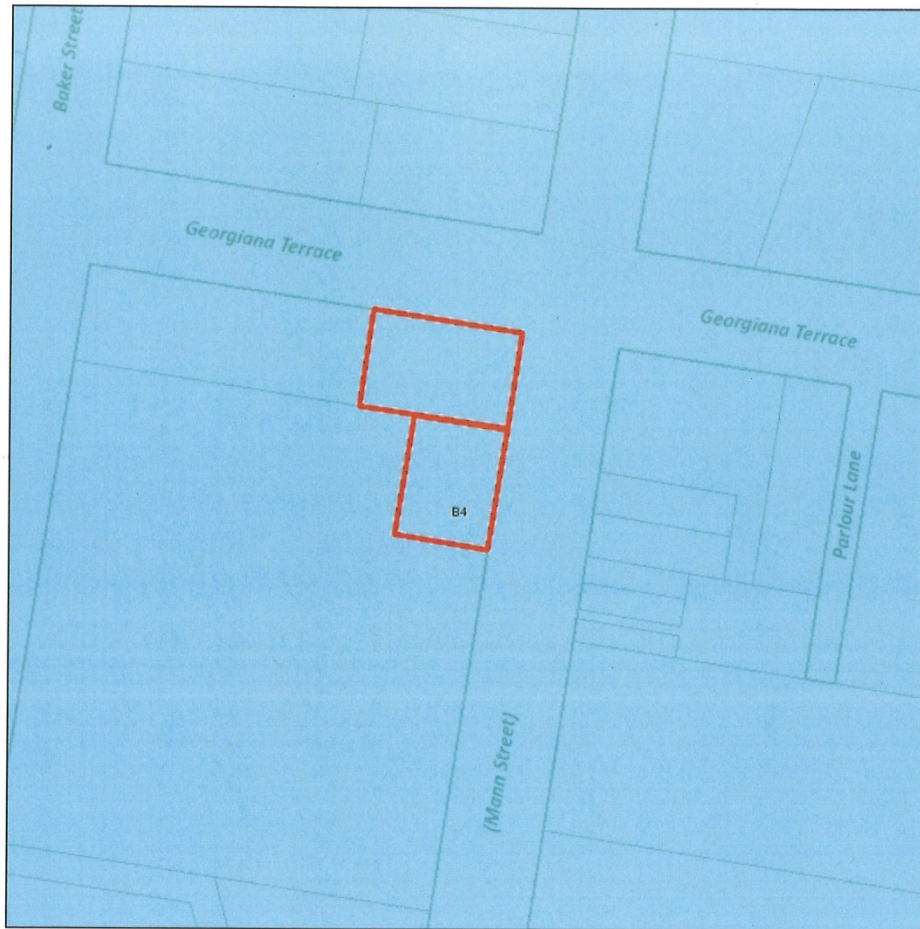
APPENDIX 1 – Locality Map



APPENDIX 2 - Aerial Photograph

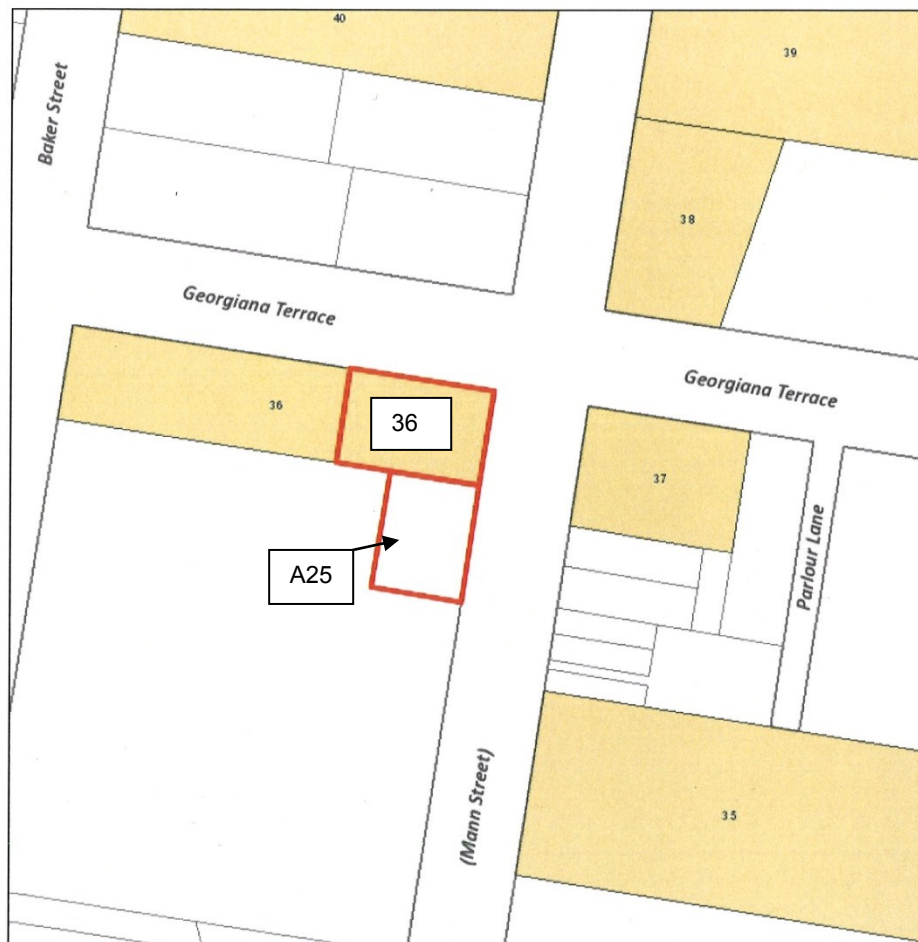


APPENDIX 3 - Existing Zoning under Gosford LEP 2014



B4 Mixed Use

APPENDIX 4 - Heritage Items under Gosford LEP 2014



Brown Shading - Heritage Items as mapped in Gosford LEP 2014

Item 36 (red outline) - Proposed amendment "Former School of Arts and footings of police stables"

Item A25 (red outline) - Proposed "Site of former Sergeants' residence/police station"

APPENDIX 5 – Proposed amendments to Heritage Map under Gosford LEP 2014



APPENDIX 6 - Letter from Central Coast Regional Development Corporation



Central Coast
Regional Development
Corporation

16 The Avenue Mt Penang Parklands
KARONG NSW 2250
ABN 55 004 650 406

Reference: D/40/10

7 August 2014

The General Manager
Gosford City Council
PO Box 21
Gosford NSW 2250

Attn: Danielle Dickson

Dear Danielle,

FORMER GOSFORD PUBLIC SCHOOL – ARCHAEOLOGICAL ASSESSMENT

Reference is made to your letter dated 23 July 2014 (Ref:14431515) in which you provided a copy of an archaeological assessment commissioned by Council relating to the site of the Former Police Station and Sergeant's Quarters.

As you are aware this particular site was rezoned in February 2014, following extensive community consultation and subsequent approval by the Minister of Planning and Infrastructure to a State Significant Site (SSS) Study and gazettal of SEPP Amendment (Gosford Cultural Precinct) 2014. The approved SSS Study considered matters of heritage significance and appropriate controls are included in the site specific Gosford Waterfront Development Control Plan that the Director General of the Department of Planning and Infrastructure approved on 26 March 2013. We are of the opinion that this recently approved planning framework provides sufficient controls for the management of items of heritage or potential significance on the former Gosford Public School site.

We are disappointed that we were not consulted nor made aware of the preparation of the archaeological assessment, noting that we have recently been through a development application process with Council for the demolition of the school facilities.

We advise that we have awarded a contract for the demolition of the former school facilities and the works will be implemented in accordance with the approved development consent over the coming months. With regard to the items and potential items of significance identified in the archaeological assessment, we note that the following construction management controls will be implemented by the demolition contractor to ensure disturbance to these items do not occur:

1. Former School of Arts building – an exclusion zone will be provided to this building and no works are being undertaken to this building other than ensuring the continuation of supply of services.
2. The footings of the former Police Station – the visible footings and the mapped location of the former building will be included in a restricted work area. All heavy

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machinery will be excluded from this area and only above ground structures (not relating to the footings) will be removed i.e. the picnic shelters and small amenity block. No excavation will be permitted in this restricted work area.

3. Potential remains of the Police Stables – a work method statement will be developed with the contractor to ensure the demolition of the timber demountable (identified in the locality of the potential remains of the Police Stable) occurs without disturbance or excavation to the underlying ground.
4. An unexpected finds protocol will be implemented across the entire works to ensure any relics (previously unidentified) that may be encountered during the demolition works are appropriately managed.

Finally, we wish to note that the archaeological assessment confirms that no above ground surface remains of the Police Stables were identified and that insitu remains may survive underneath the ground surface. We note that the construction of the demountable footings would have significantly disturbed this area and our geotechnical investigations indicates significant site disturbance across the site. There is a possibility that the remains have already been destroyed and we are of the opinion that the presence (or not) and actual condition of any remains should be confirmed prior to any consideration for listing within the Gosford LEP 2014.

Yours sincerely,



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