

Summary of feedback from preliminary community consultation

Council received 55 submissions raising 16 key themes. Some submissions raised multiple issues. The themes are summarised below:

Summary of matters raised	Number of submissions	Council response
<p>Requests to correct building contribution grading assessments</p> <p>Submissions identified assessment errors regarding landholder properties.</p>	22	<p>All requests were reviewed by staff and Umwelt Consultants. Where appropriate, amendments were made to individual building descriptions. A small majority of requested re-gradings (12) were not supported. Landholders were provided an additional assessment sheet that provided the reasoning why the requested amendments were either accepted or rejected.</p> <p>Outcome: The working report, draft area plan and relevant contribution grading assessments have been updated.</p>
<p>Historic over-development of West Wallsend</p> <p>Submissions identified the adverse impacts created by the Appletree Grove Estate and the Cameron Park residential developments, which have made protecting the heritage significance of the townships irrelevant. Therefore, no revised HCA or heritage controls are needed.</p> <p>Specific issues highlighted included:</p> <ul style="list-style-type: none"> Bushland has been cleared impacting on the environmental quality, visual amenity and heritage curtilage of the area. 	14	<p>West Wallsend was first identified as a Heritage Conservation Area (HCA) in the Hunter Regional Environmental Plan 1989 (now repealed). The HCA was subsequently incorporated into the <i>Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)</i>. At this time, the West Wallsend/Holmesville Heritage Precinct Area Plan was incorporated into the Lake Macquarie Development Control Plan 2014 (LMDCP 2014). The area plan applies development controls to both West Wallsend and Holmesville, aimed at conserving the unique heritage significance of both townships.</p> <p>Whilst land within and surrounding West Wallsend and Holmesville has been identified in various policy documents for future housing and employment (for example, the NSW Government's Newcastle-Lake Macquarie Western Growth Corridor Strategy 2010, the Lake Macquarie Local Strategic Planning Statement and the Greater Newcastle Metropolitan Plan 2036), heritage conservation has remained a key objective for West Wallsend. Council has consistently sought to minimise the impact of development on heritage values.</p> <p>Appletree Grove Estate is subject to a 375-lot residential subdivision, in nine stages (Development Application DA/113/2011). The development surrounds the existing residential areas of West Wallsend. In 2012, the Hunter and Central Coast Joint Regional Planning Panel (JRPP) approved the subdivision of Appletree Grove Estate (Estate) consistent with the residential zoning of the land and after considering a range of matters such as European heritage, Aboriginal heritage, ecological impacts, and visual impacts. A condition of consent for the development was to register a covenant on the title of all lots, to require all future dwellings within the estate to comply with Heritage and Urban Design Guidelines (HUDG). The HUDG were prepared to mitigate heritage and visual impacts of future development. In 2016, the <i>LMLEP 2014</i> was amended to extend the HCA to include all stages of the Estate (Amendment No.18).</p>

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<ul style="list-style-type: none"> Previous Council decisions favouring development appear inconsistent with the review of heritage controls. <p>There is no more heritage to protect in the area.</p>		<p>Council also amended the LMDCP 2014 to incorporate the principles of the Estate HUDG into the West Wallsend and Holmesville Area Plan. While there have been ongoing issues with ensuring the compliance of recent buildings within the Estate with the HUDG, it is proposed to continue to include the Appletree Grove Estate within the HCA to ensure complying development under the provisions of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> (Codes SEPP) is prohibited in the Estate and future development remains compliant with the JRPP condition of consent.</p> <p>Both the Appletree Grove and nearby Cameron Park developments were assessed for biodiversity and scenic impacts. Bushland clearing of these areas was subject to compliance with the Biodiversity Offsets Scheme (BOS) under the <i>Biodiversity Conservation Act 2016</i>. Scenic impacts required appropriate landscape assessments.</p> <p>The draft area plan and proposed revised HCA boundary aim to continue to ensure minimal impact of development on heritage values. A proposed landscape buffer to the north and west of West Wallsend will provide additional protection to the existing bushland and scenic character. Overall, the draft provisions seek to ensure a contemporary, refined and balanced assessment approach to all future development in West Wallsend and Holmesville, while protecting the remaining heritage curtilage and fabric into the long-term.</p> <p>Outcome: No change to working report, draft area plan, contribution grading assessments or planning proposal.</p>
<p>Support to improve heritage conservation development controls applying between West Wallsend and Holmesville</p> <p>Submissions identified that over time, development assessment of properties has resulted in inconsistent mixture of built form outcomes.</p>	9	<p>Noted. Land within the West Wallsend Heritage Conservation Area (HCA) is subject to stringent controls under the <i>Lake Macquarie Local Environmental Plan 2014</i>. Specifically, complying development cannot be undertaken under the NSW Exempt and Complying SEPP. As Holmesville is not within the HCA, complying development can be undertaken in this suburb under the Exempt and Complying SEPP. Whilst land within Holmesville is subject to the controls in the West Wallsend/Holmesville Heritage Precinct Area Plan, the NSW Exempt and Complying SEPP takes precedence over these provisions. This inconsistency in development controls has led to various unsympathetic development types, which has detracted from the heritage significance of the townships.</p> <p>The proposal will improve this current planning approval framework by removing the Precinct and expanding the HCA to include Holmesville. Overall, this will effectively mitigate current development assessment inconsistency issues.</p> <p>Outcome: No change to working report, draft area plan, contribution grading assessments or planning proposal.</p>

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<p>Support for preserving the heritage significance of West Wallsend and Holmesville</p> <p>Submissions had general consensus that remaining heritage needs to be preserved in West Wallsend.</p>	9	<p>Noted. In previous engagement, community members have consistently expressed a view that West Wallsend and Holmesville have (or had) heritage significance and the surrounding bushland should also be conserved.</p> <p>The current planning proposal and draft area plan are an attempt to conserve the heritage significance which remains. The working report finds that both West Wallsend and Holmesville have retained some level heritage significance, which is worthy of continued conservation.</p> <p>The working report also identifies the landscape setting of the villages and significant views and vistas as contributing to the heritage significance of the villages. The provisions in the draft area plan and planning proposal are designed to afford a greater degree of cohesive protection of the overall character and setting of the wider townships. These provisions include the expansion of the HCA to include parts of Holmesville, a landscape buffer, building controls linked to building contribution assessment gradings and changes to height of building limit.</p> <p>Outcome: No change to working report, draft area plan, contribution grading assessments or planning proposal.</p>
<p>Objection to applying any heritage development controls within West Wallsend and Holmesville</p> <p>Submissions raised issues with applying heritage development controls on individual properties within the townships.</p>	6	<p>The West Wallsend area has been subject to heritage conservation controls since the introduction of the Hunter Regional Environmental Plan 1989 (Heritage) (HREP 1989). The original Heritage Conservation Area was later transferred to the <i>Lake Macquarie Local Environmental Plan 2014</i>. Holmesville has been subject to the heritage conservation controls in the West Wallsend/Holmesville Heritage Precinct of the LMDCP 2014 since 2004. Both townships have been identified as having locally significant heritage values in a number of studies since 1993.</p> <p>The proposal seeks to reinforce this body of work and planning framework by providing a contemporary, refined and balanced assessment approach to future development in West Wallsend and Holmesville, while protecting the remaining heritage curtilage and fabric into the long-term.</p> <p>Only properties within the proposed HCA, or that are a locally listed heritage item, will be assessed for heritage significance. All other properties are subject to standard development controls under Council's LEP, DCP or the Exempt and Complying SEPP.</p> <p>Outcome: No change to working report, draft area plan, contribution grading assessments or planning proposal.</p>

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<p>Objection to applying building contribution gradings to properties</p> <p>Submissions raised concern that contribution gradings would be another onerous planning control that limits development.</p>	4	<p>The adoption of contribution gradings is best practice within heritage management and has already been adopted by other near by councils, such as the City of Newcastle and the City of Sydney. The contribution gradings were adopted based on gradings criteria developed and implemented by Council for previous projects, including Catherine Hill Bay and Teralba.</p> <p>Individual building gradings allow for building controls to be applied in a more tailored fashion. This is an improvement on the current practice of applying generic development controls to all buildings across the HCA.</p> <p>Outcome: No change to working report, draft area plan or contribution grading assessments.</p>

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<p>Proposal does not address Aboriginal heritage</p> <p>Submissions raised concern that the proposal lacks information and controls related to Aboriginal heritage, in particular with reference to the Butterfly Cave.</p>	4	<p>The Butterfly Cave is an Aboriginal place of high cultural significance located in the vicinity of West Wallsend. Heritage NSW is primarily responsible for regulating the management of Aboriginal cultural heritage in New South Wales under the <i>National Parks and Wildlife Act 1974</i> (NPW Act). The Cave is a declared Aboriginal Place under the NPW Act. It is also a declared area under the <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (ATSIHP Act).</p> <p><i>The Aboriginal and Torres Strait Islander Heritage Protection (Butterfly Cave, West Wallsend, NSW) Declaration 2019</i> (the Declaration) is made under section 10 of the ATSIHP Act. The purpose of the Declaration is to preserve and protect the Butterfly Cave, the surrounding native bushland, and the catchment and gully system from injury or desecration posed by future development activities.</p> <p>During the assessment of the Appletree Grove Estate, the JRPP relied upon advice from Heritage NSW on the impacts and mitigation measures to protect the Butterfly Cave. This advice informed the final approved subdivision footprint of the Estate.</p> <p>The working report and draft area plan do not consider Aboriginal cultural heritage in detail. The scope of the working report and draft area plan was limited to revising development controls associated with European heritage in the study area. Nevertheless, Aboriginal heritage is considered at a high-level in Section 2.6 of the working report, which summarises the history of the area, relevant legislation, location of relics (AHIMS) and the significance of the Butterfly Cave. The protection of the Butterfly Cave afforded by the declarations under the NPW Act and ATSIHP Act applies regardless of information or controls being included in the area plan. Furthermore, existing controls in the <i>Lake Macquarie Local Environmental Plan 2014</i> and the Lake Macquarie Development Control Plan 2014 regarding Aboriginal heritage apply to future development even though specific information or controls are not proposed in the area plan.</p> <p>The Lake Macquarie Aboriginal Heritage Management Strategy (2011) also provides an overarching framework for how the management of Aboriginal heritage is approached in the city across the following areas; consultation and communication, strategic landuse planning and conservation, development assessment, managing public land, and support and respect for community cultural initiatives.</p> <p>Outcome: No change to working report, draft area plan, contribution grading assessments or planning proposal.</p>

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<p>Objection to use of the terms 'non-contributory' or 'unsympathetic'</p> <p>Submissions did not appreciate their properties being described as non-contributory or unsympathetic in the contribution gradings.</p>	3	<p>There were 153 properties assessed and described as being unsympathetic or non-contributory to the overall heritage aesthetic of West Wallsend and Holmesville. This terminology is academic in nature and is not intended to describe properties as being poorly constructed or maintained. The terminology is purely describing that the property does not make a positive contribution to the heritage streetscape within the HCA. This is the standard terminology applied to the adopted Teralba and Catherine Hill Bay area plans.</p> <p>Outcome: No change to working report, draft area plan or contribution grading assessments.</p>
<p>Support for building height reduction</p> <p>Submissions support the proposed reduction in maximum height of building standard under the <i>Lake Macquarie Local Environmental Plan 2014</i> within the centres of West Wallsend and Holmesville.</p> <p>Holmesville, in particular, should be subjected to a reduced height as the historic planning framework previously only permitted one-storey development.</p>	3	<p>Noted. Development of an inappropriate scale poses one of the major threats to the integrity and condition of the HCA. Development of an inappropriate scale, where present, has already resulted in a readily discernible adverse impact to the visual integrity of the HCA. It is important that such development be discouraged in the future in order to most effectively preserve and strengthen the heritage character and 'feel' of West Wallsend and Holmesville. The proposed reduction in maximum permissible building heights will assist in achieving this outcome.</p> <p>Outcome: No change to working report, draft area plan, contribution grading assessments or planning proposal.</p>

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<p>Support for expansion of HCA boundary to include landscape buffer</p> <p>Submissions sought that the HCA be further expanded to include all of Holmesville.</p>	3	<p>Noted. The proposed amendments to the boundaries of the HCA better reflect the historical, spatial and aesthetic interrelationship of West Wallsend and Holmesville. The proposed expanded HCA recognises the heritage significance of Holmesville, portions of which have repeatedly been recommended for inclusion in the <i>LMLEP 2014</i> as a heritage conservation area(s).</p> <p>The proposed amendments also better reflect the spatial distribution of listed heritage items and contributory properties within both townships, and will better capture significant views and vistas that contribute to the collective setting, character and significance of the two townships. A key outcome will be the protection of the unique and significant shared setting of the townships by limiting opportunities for further vegetation removal and inappropriate development in the vicinity of West Wallsend and Holmesville.</p> <p>Outcome: No change to working report, draft area plan, contribution grading assessments or planning proposal.</p>
<p>Insufficient community input into working report</p> <p>Concern raised that the community did not have the ability to provide input to the background working report during its preparation. This included a community group not being established during the preparation of the working documents.</p>	3	<p>The working report was prepared by a professional independent assessor. This included a review of the heritage significance of the townships, the contribution individual buildings make to the heritage significance and the effectiveness of the current precinct area plan in conserving that significance. Preparation of the working report required a professional and technical viewpoint in order to understand the complexity of heritage conservation controls applying to the area. The working report provides the background information to support the proposed draft area plan and planning proposal. Due to the technical nature of the working report and need to keep the review independent, a community reference group was not established to assist with its preparation. Nevertheless, the draft working report, draft area plan and individual property assessment sheets were provided to the community for initial feedback, which has assisted in making amendments before reporting to Council to seek endorsement of a Gateway Determination.</p> <p>Formal exhibition of the working report, consistent with Council's Community Engagement Strategy 2022-2024, will provide further opportunity for the community to make comment.</p> <p>Outcome: No change to working report, draft area plan, contribution grading assessments or planning proposal.</p>

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Support for the removal of West Wallsend/Holmesville Heritage Precinct Area Plan	3	<p>Noted. The Heritage Precinct boundaries encompass a large area, the majority of which has not been previously assessed to be of or contain elements of heritage significance. The boundaries of the Heritage Precinct, like those of the existing HCA, appear arbitrary, and are not adequately justified by the historical record. This means all development applications within the Heritage Precinct, whether they apply to items of established or potential significance, or to buildings constructed in the recent past (that is, within the last 5-10 years) that have no identified heritage significance, are being referred to Council's heritage officers as part of the development assessment process.</p> <p>At present, the Heritage Precinct functions as an element within the DCP, and unlike the LEP (and the HCA) does not provide items with statutory protection. Council staff have advised that in their experience, heritage protection afforded by the Heritage Precinct is generally overruled by the provisions of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. The Heritage Precinct therefore has little weight in terms of heritage protection.</p> <p>For the reasons discussed above, the retention of the Heritage Precinct is not considered warranted. The removal of the Heritage Precinct as a mechanism for development control and heritage protection is, however, offset by the proposed expansion of the existing HCA (refer to Section 7.2 of the draft working report), including the application of contribution gradings and the identification of views and vistas of significance.</p> <p>Outcome: No change to working report, draft area plan, contribution grading assessments or planning proposal.</p>
Concern that building contribution gradings and draft area plan provisions will affect property values Submissions raised concern of heritage development controls negatively impacting property prices.	2	<p>Property prices are not considered a planning matter when reviewing the planning framework of West Wallsend and Holmesville. However, it is noted that the West Wallsend HCA has existed for a number of years, with proposed developments required to comply with heritage conservation controls.</p> <p>Outcome: No change to working report, draft area plan or contribution grading assessments.</p>

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<p>Inadequate preliminary engagement</p> <p>Submissions raised concern that the early engagement process did not include everyone in townships and face-to-face engagement was undertaken when majority of the community could not attend. Others could not access online forums.</p>	2	<p>Preliminary community consultation was undertaken to obtain feedback on the draft working report and individual property assessments. This engagement occurred throughout 18 July – 15 August 2022 and included two face-to-face information sessions at the West Wallsend Works Club and Holmesville community hall around lunch time hours through the week, along with two online forum sessions at evening hours through the week. Council also mailed out all individual property assessment sheets to landholders seeking written comment. In some cases, Council offered submission extensions to landholders until 30 August 2022. Council also created the West Wallsend and Holmesville Heritage Conservation Area online project page for the community to provide feedback directly to Council. These engagement activities are considered appropriate for such preliminary community consultation.</p> <p>Formal exhibition of the working report, consistent with Council's Community Engagement Strategy 2022-2024, will provide further opportunity for the community to make comment.</p> <p>Outcome: No change to working report, draft area plan, contribution grading assessments or planning proposal.</p>
<p>Support for Council committing to deliver the West Wallsend Heritage Mining Park</p>	2	<p>Noted. The Heritage Mining Park is addressed under the adopted West Wallsend Heritage Management Strategy and Streetscape Masterplan. The Heritage Mining Park is in Council and the Hunter and Central Coast Development Corporation ownership, and is a scheduled work under the Glendale Contribution Plan for 2025-2030. At this time, planning for this project will commence subject to appropriate funds, site assessment, landholder negotiations and feasibility assessment.</p> <p>Outcome: No change to working report, draft area plan, contribution grading assessments or planning proposal.</p>
<p>Support for improved streetscapes and greener public open spaces</p>	2	<p>Noted. This matter is also addressed within the adopted West Wallsend Heritage Management Strategy and Streetscape Masterplan, which proposes a number of future street trees and creation of new public open spaces, with a community urban park proposed on 70 Carrington Street, West Wallsend.</p> <p>Outcome: No change to working report, draft area plan, contribution grading assessments or planning proposal.</p>