



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

14th February 2006

DSDS4 COMMUNITY BASED HERITAGE STUDY
FILE: H3-7 APB

SUMMARY:

Reporting that Council at its meeting of 13 December 2005 resolved that the report of the draft Heritage Study be deferred for a period of two months to allow further consideration by Councillors. ([Appendix B](#))

The purpose of the Report is to seek Councils endorsement of the Community Based Heritage Study for public exhibition purposes.

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Background

Council resolved in August 2002 to fund the preparation of a community based heritage study, using a dollar for dollar matching grant from the NSW Heritage Office. The Macleay River Historical Society (MRHS) was appointed to undertake the study in October 2002.

The MRHS undertook preparation of a Thematic History of the Shire, and a series of community heritage meetings were held at South West Rocks, Frederickton, Stuarts Point, Willawarrin, Crescent Head and Kempsey during May 2003.

The Draft Thematic History was presented to Council's Heritage Committee in mid 2004. The NSW Heritage Office offered additional funding to extend the study to include preparation of recommendations for additional heritage items to be identified. Council resolved at its meeting of 9 November 2004 to match the \$5000 offered by the NSW Heritage Office to enable the further stage of the Heritage Study to be completed.

The draft Heritage Study, including recommendations for additional heritage items to be identified, was provided to the Heritage Committee in June 2005. The document was reviewed, with a number of recommendations made for finalising the draft study prior to presentation to Council. This required substantial additional work by the MRHS which was substantially completed when considered at the next Heritage Committee meeting held on 27 October 2005. It was resolved by the Committee to proceed with the Heritage Study in its current form, and to acknowledge that there will be a need for ongoing review as information and knowledge increases on the existence of additional heritage items.

Content of Heritage Study

Part 1 – Overview and Recommendations ([Appendix C Part 1](#), [Part 2](#), [Part 3](#), [Part 4](#), [Part 5](#), [Part 6](#), [Part 7](#))

This document provides a brief overview of the study, and a series of recommendations for the protection, management and promotion of heritage, a summary list of heritage items recommended for protection measures, items currently listed recommended for removal, and recommended new conservation areas.

The study recommends 142 new items be listed for protection under Kempsey Local Environmental Plan 1987, 9 conservation areas be listed in the LEP, and DCPs be prepared for a further 7 conservation areas.

Part 2 – Thematic History

This document provides a history of the Shire commencing with the Dunghutti people, but primarily documenting European settlement from early exploration in the early 1800s, through pastoralism, agriculture, forestry, establishment of towns and villages, transport and communication and tourism and leisure.

Part 3 – State Heritage Inventory Register

This document provides a detailed description of each heritage item within the Shire together with the reasons for heritage listing. This document is about 600 pages, compiled by the MVHS. Due to the size of this document and the extent of effort required, each item has been documented as best as possible from the information available. However, this information will continue to accumulate over time, and the register will be updated accordingly.

Proposal

It is proposed to:

- 1 Advise the NSW Heritage Office of completion of the draft Community Based Heritage Study.
- 2 Exhibit the Draft Heritage Study for public comment.
- 3 During exhibition, conduct community information sessions at a number of locations in the Shire.
- 4 Require all applications received for items identified in the Heritage Study for protection to be referred to Council's Heritage Advisor for comment.
- 5 Include advice in any 149(5) certificates issued for properties identified in the Heritage Study, that the property has been identified as being of heritage value.

Process

A letter has been forwarded to all owners of individual items recommended for listing detailing the process, including advice as to the benefits.

Following public exhibition and community information sessions, all submissions will be reviewed by the Heritage Committee, which will provide a recommendation to Council on how to proceed with the range of recommendations in the Study.

A key recommendation is expected to be preparation of a draft LEP to add the recommended heritage items to the current list of protected items. These new items would then be formally protected and subject to heritage assessment for any application to demolish, extend or alter. The item would also become eligible for grant funding for restoration works, and also benefit from the heritage incentive provisions, which provides that a heritage item may be used for any land use, subject to consent, if this will enable restoration and conservation of the item.

Submissions received

In December 2005, Council sent out 142 letters to owners of properties that were identified as items of potential heritage value in the draft Heritage Study. To date, Council has received nine (9) letters and numerous phone calls from property owners requesting their properties not be included in the draft heritage study [\(Appendix D\)](#). Conversely, two (2) letters have been received requesting their

properties are included should the draft heritage study proceed [\(Appendix E\)](#).

It should be noted that this report simply proposes to publicly exhibit a draft study. Public exhibition will allow the broader community to have input into the study. Following public exhibition, all submissions will be reported to Council, and only then will a decision be made to proceed or not with adding any new heritage items for protection under Kempsey Local Environmental Plan 1987.

REPORT IMPLICATIONS:

- ***Environmental***

The protection, management and provision of heritage provides for desirable environmental outcomes for the community.

- ***Social***

The protection of heritage items will provide links to local heritage values, provide identity to localities, villages and towns and contribute to the amenity of places.

- ***Economic (Financial)***

Implementation of all of the recommendations in the Heritage Study will be subject to priorities in Councils future Management Plans. Grant funding will be sourced at every opportunity to assist Council activities to protect, manage and promote heritage.

- ***Policy or Statutory***

Council Policy provides for the public exhibition and holding of a community meeting in relation to the draft Study.

- ***Director's Comment***

The draft study represents the results of a community-based approach to identify items considered worthy of consideration for some form of protection.

Exhibition of the draft study will not result in any item being listed for protection.

Listing can only occur through the preparation of a draft LEP.

Following exhibition of the draft study a report will be prepared for Councils consideration recommending items for listing in any draft LEP, including consideration of any submissions received.

Council may decide to remove any items it considers are inappropriate for listing or to add items prior to a further exhibition of the draft LEP.

Following exhibition of the draft LEP a further report will be submitted to Council recommending items to be included in the LEP for the Ministers approval, including consideration of submissions received.

At this stage Council would again have the opportunity to delete any item from the LEP.

RECOMMENDATION:

- 1** That the Draft Kempsey Community Based Heritage Study be publicly exhibited.
- 2** That a copy of the draft Study be forwarded to the Heritage Office.
- 3** That during public exhibition, a series of community information sessions be held in key locations.
- 4** As an interim measure, any application received in relation to an item identified in the Draft Heritage Study be referred to Council's Heritage Advisor for comment.
- 5** That Council provide advice on 149(5) Certificates that properties listed in the Draft Heritage are of potential heritage value and that any application will be assessed accordingly.
- 6** That all submissions be reported to Council, to determine whether or not to amend Kempsey Local Environmental Plan 1987, to add any new items of environmental heritage.

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R B Pitt
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