



## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

16th January 2007

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| <b>DSDS5</b>         | <b>DRAFT KEMPSEY SHIRE COMMUNITY BASED HERITAGE STUDY</b> |
| <b>FILE: 138 KEO</b> | <b>{ Folio No. * }</b>                                    |

### **SUMMARY:**

Reporting that the draft Community Based Heritage Study has been publicly exhibited and recommending that Council prepare a draft LEP to add items to the heritage schedule in Kempsey LEP 1987.

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### **BACKGROUND:**

The Shire of Kempsey has a rich and varied history that is still evident in its buildings and places. This is important to the community as it provides a basis for identifying the history of its settlements, establishing character and amenity value. It also provides a significant foundation to develop heritage-based tourism and other commercial opportunities.

A Community Based Heritage Study is one means for the community to be actively involved in researching and nominating items of heritage significance and to consider recommendations for their future management and promotion.

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 Study consists of three key documents:

- **Thematic History of Kempsey Shire**

The first step in preparing the Heritage Study was preparation of the Thematic History. It provides an historical account of the patterns of Aboriginal land use, colonial settlement and historical events and processes and identifies the potential heritage items which best illustrate the key themes, events and processes.

The Macleay River Historical Society undertook preparation of the Thematic History of the Shire. The Draft Thematic History was presented to Council's Heritage Committee in mid 2004. This document provides a history of the Shire commencing with the Dunghutti people, and

documents 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.

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.

- **Heritage Inventory**

During 2004, the Macleay River Historical Society staged a number of public meetings throughout the Kempsey Shire to obtain community input into determining what items should be considered for listing as heritage items. The identified items were included in a preliminary inventory. The Historical Society then undertook research to document as much as possible the heritage value of these items.

The draft Heritage Inventory provided a detailed description of each heritage item within the Shire together with the reasons for heritage listing.

- **Heritage Study Overview and Recommendations**

This document provides an analysis of the Thematic History and Heritage Inventory, and gives a series of recommendations for the protection, management and promotion of heritage items, conservation areas, and actions to promote heritage generally within the Shire.

Council considered a report on the draft Community Based Heritage Study at its meeting of 13 December 2005, which recommended the Inventory and Study be publicly exhibited. Prior to this report being considered, all owners of items recommended for listing in the draft study were notified by letter. Due to objections from owners, Council deferred the report until the 14 February 2006 meeting, where it was resolved to proceed to public exhibition.

### **Public Exhibition**

The draft Study and Inventory were exhibited from 14 June to 12 August 2006. This included preparation of an Information Brochure ([Appendix R](#)), the display of the Study and Inventory at the Customer First Centre, Council libraries and at the Macleay Development & Promotion office, Forth Street, Kempsey. Information sessions were held at Kempsey, Willawarrin, South West Rocks and Gladstone during the exhibition period.

A total of nine (9) submissions were received during exhibition, ([Appendix S, part 1, part 2, part 3](#)) in addition to twenty two (22) submissions made since the original notice to owners sent in November 2005. ([Appendix T, part 1, part 2, part 3](#))

The owners of the following properties have objected to their listing as heritage items:

- Dondingalong Uniting Church, Dondingalong Rd, Dondingalong

- Hickeys Creek Uniting Church, Armidale Rd, Hickeys Creek
- Former Rural Bank Building, 65 Smith St, Kempsey
- Shopfront, 26-28 Smith St, Kempsey
- Shopfront, 66-68 Belgrave St, Kempsey
- Shopfront, 7-9 Smith St, Kempsey
- Former Church Manse, 83 Belgrave St, Kempsey
- Tattersalls Hotel, Belgrave St, Kempsey
- Residence, 54-56 Kinchela St, Gladstone
- Residence, 502 Hickeys Creek Rd, Millbank
- Masons House, 492 Hickeys Creek Rd, Millbank
- Old School House, Gregory St, South West Rocks
- Range's Cottage, 25-27 Paragon Ave, South West Rocks
- Leneves Cottage, 4 Paragon Ave, South West Rocks
- Cannanes Cottage, 6 Paragon Ave, South West Rocks
- Aquarius Flats, 11 High St, South West Rocks
- St Thomas Anglican Church, Main St, Willawarrin
- Residence, 22 Main St, Willawarrin
- Old Bakery, 24 Main St, Willawarrin
- Old School, 255 Euroka Rd, Euroka
- School Residence, Sherwood Rd, Sherwood
- Old Murphys Bakery, 39 Elbow St, West Kempsey

See Planning Comment, below.

The following submissions were made by members of the community, either in support of the Heritage Study, or raising other matters in relation to the Study. ([Appendix S, Part 1, Part 2, Part 3](#))

| <b>Submission</b>           | <b>Issues Raised</b>   | <b>Planning Comment</b>  |
|-----------------------------|--|--|
| Friends of South West Rocks | Criticises Council's approval of applications to remove buildings listed in the draft Heritage Study and urges Council to protect heritage buildings.  | The heritage issues of each application for demolition were considered by Council. See Planning Comment below, in relation to protecting Local Heritage items.   |
| Sarah Gunn                  | Community has a desire to maintain existing character of South West Rocks, and Council should finalise the Study to protect items listed in the exhibited draft Study.   | This submission highlights conflicts between development pressure and Local Heritage items. See Planning Comment.  |
| Tim Needs                   | Recognises development pressure for removal of heritage buildings from South West Rocks town area, and suggests Council set aside land in South West Rocks, and in particular, within Horseshoe Bay Caravan Park as a suitable location, for the resiting of heritage buildings. | While there is some merit in this proposal, Horseshoe Bay Caravan Park is not considered an appropriate location. In addition, much of the heritage value of an item is linked to the original site. A viable use of these buildings would need to be identified to fund their ongoing management. |

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| Crescent Head Chamber of Commerce | Recommends additional listings of the Rotunda roof, Birrale Hall and the community hall.   | To be referred to the Heritage Committee for consideration.                         |
| Jenny Pugh                        | Supports Heritage Study to protect historic buildings  | Noted   |
| Helen Barnett                     | Nominates another building in East Kempsey for listing.  | To be referred to the Heritage Committee for consideration.                         |
| Collambatti Public Hall Trust     | Supports listing of the Hall.  | Noted   |
| Richard Haigh                     | Object to removing Dondingalong Uniting Church from the Heritage list.<br>Requests locality of Warneton be considered for heritage listing.      | Noted<br>To be referred to the Heritage Committee for consideration.                |
| Kempsey Speleological Society     | Believes Willi Willi Caves should not be listed so that they remain little known, as they are already protected by being within a Nature Reserve | Noted. Caves are nominated for future consideration, not for listing at this stage. |

### Heritage Committee Consideration

All submissions were reported to the Heritage Committee. The Committee:

- requested that further contact be made with owners who objected to listing with a view to encouraging them to withdraw their objection.
- agreed that Council proceed to protect those items that were not the subject of an objection from the owner, and
- accepted that those items where owners had objected not be listed, with a view that, in time, with continued promotion of heritage and the Assistance Scheme, owners may request to be listed at some time in the future.

### Community Based Heritage Implementation

The Heritage Study has been prepared as a community based document. As a result of public exhibition, and following review by Council, there is a need to revise some of its recommendations.

Key aspects of these recommendations are:

- That the Inventory be completed only for those items to be added to the Local Environmental Plan, being the items listed below.
- For items that are the subject of an owner's objection, the item not be added to the Local Environmental Plan but be identified as a "potential heritage item" which will allow the owner to pursue listing in the future if desired.
- The identification of new Conservation Areas be implemented through preparation of a Development Control Plan.

- On going promotion of Heritage by the Heritage Committee, including the Heritage Assistance Fund and involvement in the annual Heritage Festival.
- The report outlining the proposed changes to recommendations was endorsed by the Local Heritage Committee on 13<sup>th</sup> December 2006. The committee recommended that the proposed changes be accepted and presented to Council. A full list of all items reviewed is provided.  
*(Appendix U, part 1, part 2)*

Note: It should be noted that individual properties in Gladstone that have not objected to listing have now been included for listing in the LEP.

## **Planning Comment**

Council should be aware that the current Study relates to Local Heritage Items nominated by the community. Items of State or Regional significance have already been identified and protected under the Kempsey Local Environmental Plan 1987 and North Coast Regional Environmental Plan 1988. The protection of Local Heritage relies on local community support. In the past Council attempted to list properties despite owner objection which drew widespread opposition from affected owners who otherwise may have accepted listing. Conservation incentives for State and regionally significant items are funded by the state government. Incentives for Local Heritage items, for the most part, have to be funded by Council. Given the modest resources available to Council, listing of Local Heritage items is recommended only with land owner support.

### **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)*

*Preparation of the draft Local Environmental Plan will require the use of existing resources, either through existing staff, or external consultants using money allocated to Heritage Implementation in the Management Plan.*

*Implementation of the remaining recommendations in the Heritage Study Implementation Report will be subject to priorities in Council's future annual Management Plan, staff availability and potential further grant funding*

- *Policy or Statutory*

*Heritage items are able to be added to Kempsey Local Environmental Plan 1987 by preparation of an amending draft Local Environmental Plan. This requires a Council resolution under section 54 of the*

*Environmental Planning and Assessment Act. Council is required to seek the advice of the Local Environmental Plan Review Panel to determine if the Minister is likely to support the making of the draft Local Environmental Plan. Council will need to concurrently seek the agreement of the Heritage Office to the implementation, which provides the basis for the draft Local Environmental Plan. Provided the Local Environmental Plan Review Panel indicates support for the draft Local Environmental Plan, the Department of Planning will be requested to issue a section 65 certificate to allow exhibition of the draft Local Environmental Plan. A 28 day public exhibition of the draft Local Environmental Plan is required, with further submissions, report to Council, and then submission to the Department of Planning to gazette the Plan.*

**RECOMMENDATION:**

That, in accordance with section 54 of the Environmental Planning and Assessment Act, Council prepare a draft Local Environmental Plan to add heritage items in Kempsey Local Environmental Plan 1987 in accordance with the list at [\(Appendix V\)](#).

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**R B Pitt**  
**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**