



# **DEVELOPMENT AND PLANNING STANDING COMMITTEE MEETING**

**Monday 10 March 2025**

**The Swansea Centre**

**228 Pacific Hwy, Swansea NSW 2281**

**6.30pm**

Committees will be held in the following order:

Development and Planning Standing Committee  
Organisational Services Standing Committee  
Built and Natural Assets Standing Committee  
General Business Committee

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Councillors are reminded of the oath or affirmation of office taken at the start of the Council term:

- To undertake duties in the best interests of the people of Lake Macquarie City and the Lake Macquarie City Council.
- To faithfully and impartially carry out the functions, powers, authorities and discretions under the *Local Government Act 1993* or any other Act to the best of their ability and judgment.

Councillors are also required to declare and appropriately manage conflicts of interest under the Code of Conduct.

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This allows our community greater access to Council proceedings, decisions and debate.

# ***Development and Planning Standing Committee Meeting***

## ***Agenda***

***Monday 10 March 2025***

***6.30pm***

**Acknowledgement of Country:**

**Apologies:** For the non-attendance of Councillors

**Declaration of Interests:**

**Presentations:** Certificates of recognition for Lake Macquarie lifeguards - Near-tragedy prompts beach safety warning

**Development and Planning Standing Committee Meeting - Monday 10 March 2025 (1) ..... 4**

25DP003	Planning proposal and DCP amendment - West Wallsend and Holmesville Heritage Conservation Area..... pg 4
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***Recommendations to the Development and Planning Standing Committee  
Meeting***

***Monday 10 March 2025***

<b>25DP003</b>	Planning proposal and DCP amendment - West Wallsend and Holmesville Heritage Conservation Area
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<b>Key focus area</b>	5. Connected communities
<b>Objective</b>	5.3 We are proud of our city's heritage and cultures
<b>File</b>	RZ/2/2023 - D11763283
<b>Author</b>	Strategic Planner - Karin Coon
<b>Responsible manager</b>	Manager Integrated Planning - Wes Hain
<b>Previous items</b>	23SP042 - Exhibition of the Planning Proposal and draft Area Plan for the West Wallsend and Holmesville Heritage Conservation Area - Ordinary Council - 22 May 2023 6.30pm

### **Executive summary**

This report presents the outcomes of public exhibition and seeks Council's endorsement to finalise the planning proposal (Attachment 1) and adopt the revised area plan (Attachment 2) for the West Wallsend and Holmesville Heritage Conservation Area. The proposed changes aim to better protect West Wallsend and Holmesville's heritage values while facilitating development through clearer, more precise development guidelines.

The draft plans were exhibited from 20 September to 20 October 2024 and nine submissions were received. A summary of the issues raised during public exhibition and staff responses is provided in Attachment 3. As a result of feedback, some changes have been made to the revised area plan however no changes have been made to the planning proposal.

### ***Recommendation***

Council:

- A. notes the submissions received during public exhibition (Attachment 3),
- B. endorses the planning proposal to amend the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)*, as provided in Attachment 1,
- C. makes the amendment to the *LMLEP 2014* under delegation granted by the Minister for Planning and Public Spaces, pursuant to section 3.36 of the *Environmental Planning and Assessment Act 1979*,
- D. adopts the revised West Wallsend and Holmesville Heritage Conservation Area Plan by amending Part 11.2 of Lake Macquarie Development Control Plan (LMDCP) 2014 (Attachment 2), to take effect when the amendment to the *LMLEP 2014* is published on the NSW legislation website, and
- E. notifies those who made a submission of Council's decision.



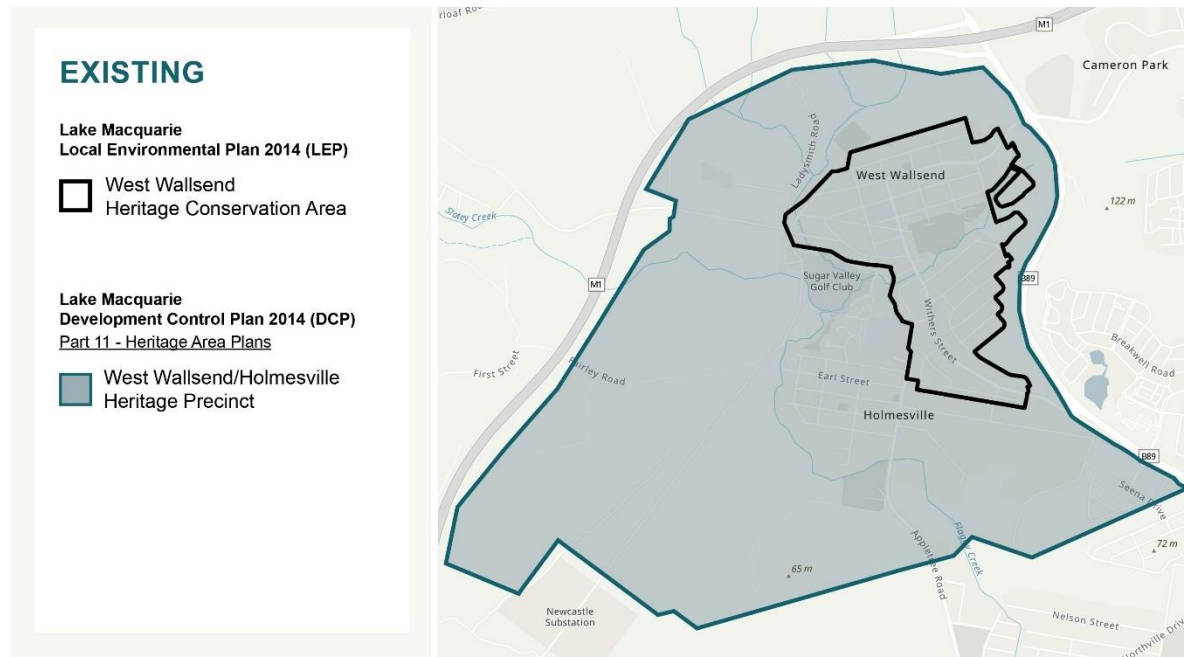
## Context

The heritage significance of West Wallsend was first recognised in the *Hunter Regional Environmental Plan 1989 (Heritage)* which identified the West Wallsend Heritage Conservation Area as having local heritage significance, primarily due to its mining history. The Lake Macquarie City Council Heritage Study (1993) and more recently, the West Wallsend and Holmesville Background Heritage Study (2014) documented the heritage values within and significance of both West Wallsend and Holmesville townships.

This significance is reflected in the designation of the West Wallsend Heritage Conservation Area and 37 heritage items in West Wallsend and Holmesville in the *Lake Macquarie Local Environmental Plan 2014 (LMLEP)*. Additionally, the West Wallsend/Holmesville Heritage Precinct Area Plan includes controls and guidelines for development under the Lake Macquarie Development Control Plan 2014 (LMDCP).

Council's Local Strategic Planning Statement includes an action to review the LMLEP and LMDCP for the West Wallsend Heritage Conservation Area to protect the heritage significance of the area and manage development.

Key issues identified in this review include the misalignment between the West Wallsend Heritage Conservation Area in the LMLEP and the Wallsend/Holmesville Heritage Precinct Area in the LMDCP, and controls that do not sufficiently guide development and protect the unique heritage character of the area. The latter is particularly relevant given the types of development that are permitted under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). The Codes SEPP permits development including demolition and construction of a dwelling outside the current West Wallsend Heritage Conservation Area but within the current Heritage Precinct (LMDCP) without consideration of the heritage development controls in the LMLEP and LMDCP.



**Figure 1 - Existing heritage conservation area (LEP) and heritage precinct (DCP)**

Consequently, Council engaged an independent consultant to review the heritage and development planning framework for West Wallsend and Holmesville. Their work included comprehensive research and fieldwork to provide an up-to-date evaluation of the heritage values in the area, covering both individual items and context. The consultant documented their assessments, updated the statement of heritage significance and recommended

changes to planning provisions in a heritage report. The community was consulted on the findings in the draft heritage report in 2022. The review of the West Wallsend and Holmesville development controls followed a similar process to the review of development controls for the city's two other heritage conservation areas at Teralba and Catherine Hill Bay, which were both adopted by Council in 2022.

The planning proposal and draft West Wallsend/Holmesville Heritage Precinct Area Plan were based on the heritage report and early-stage community consultation.

The proposed changes to the LMLEP and the LMDCP include:

- extending the West Wallsend Heritage Conservation Area to include the West Wallsend colliery and parts of Holmesville (red hatched area in Figure 2)
- reducing the maximum building height from 10m to 8.5m in selected areas to maintain the historical character and development scale of the area (Figure 3)
- revising the boundary of the West Wallsend/Holmesville Heritage Precinct Area Plan to match the proposed Heritage Conservation Area and updating development controls for increased clarity and precision.

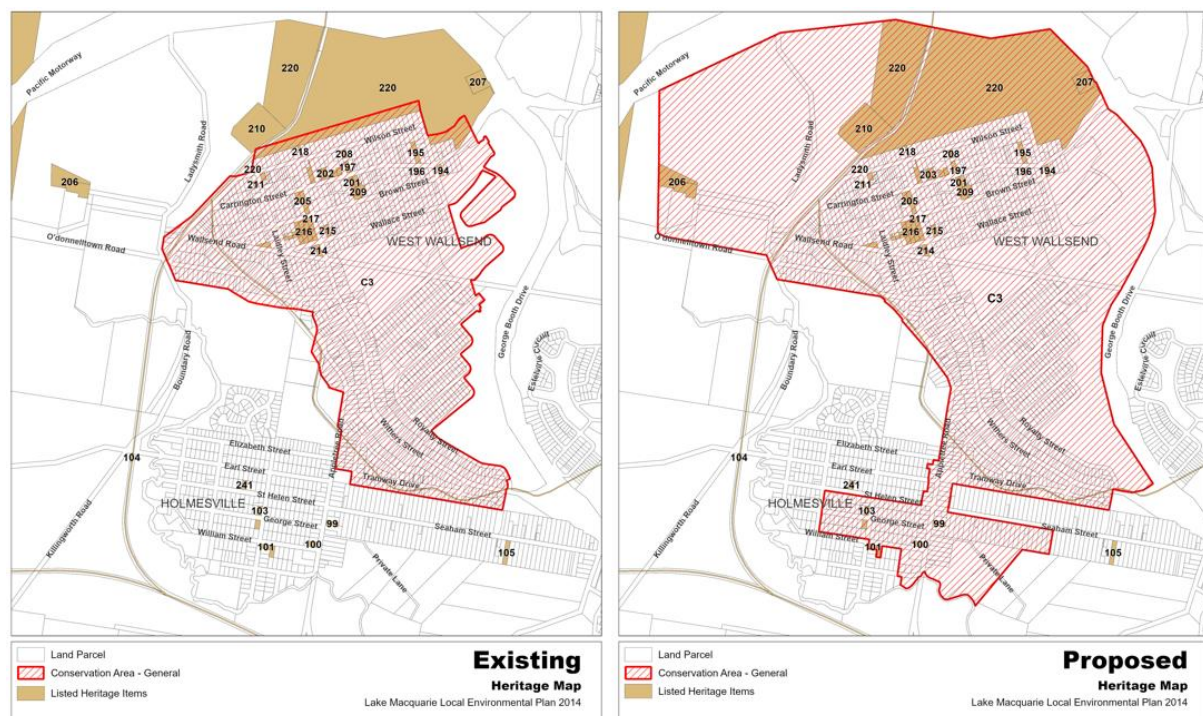
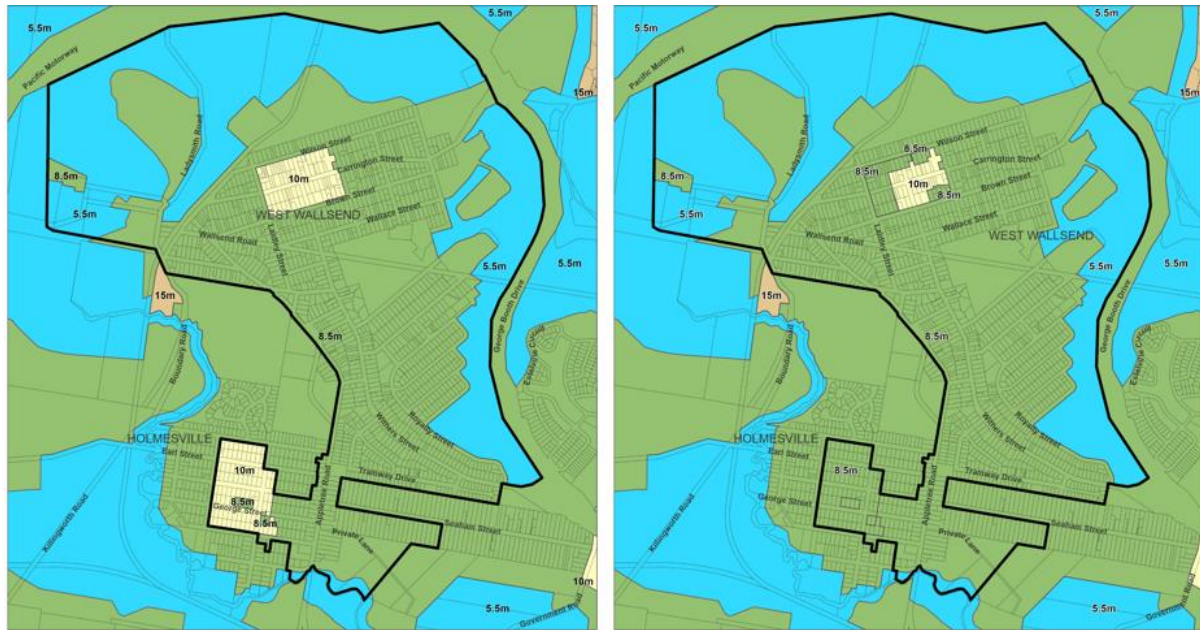


Figure 2 - Existing (left) and proposed (right) heritage conservation area





**Figure 3 - Existing (left) and proposed (right) building heights**

At its meeting on 22 May 2023 (23SP042), Council considered the planning proposal and draft revised area plan for the West Wallsend and Holmesville Heritage Conservation Area. Council resolved to request a Gateway determination from the Department of Planning, Housing and Infrastructure (DPHI) and to exhibit the proposed changes for community consultation. Council submitted the request for a Gateway determination on 29 May 2023.

On 22 May 2024, the DPHI issued a Gateway determination. Since then, Council staff have consulted with relevant agencies and placed the proposal on public exhibition in accordance with the Gateway conditions.

## Discussion

The heritage significance of West Wallsend and Holmesville has been thoroughly documented through various heritage studies over the years. The proposed changes are based on a comprehensive assessment of heritage values and the planning and development framework and aim to balance heritage conservation with development. The planning proposal and revised area plan are not intended to prevent development but to ensure appropriate new development can occur that considers the area's heritage values.

The increased heritage conservation area and revised development controls recognise the distinct heritage values of both Holmesville and West Wallsend and will better protect significant heritage character of the two townships. It will prevent inappropriate demolition and new exempt and complying development occurring that do not consider local context. The proposed revised development controls are targeted and graded based on an individual assessment of each property. The targeted development controls follow the same logic applied to Catherine Hill Bay and Teralba Heritage Conservation Areas, ensuring a consistent approach across the city's three heritage conservation areas.

Agency input and submissions from the community received during public exhibition have been carefully considered, as documented in Attachment 3. As a result of stakeholder consultation, no changes have been made to the planning proposal, however some changes have been made to the revised area plan. A summary of these changes include:

- changes to improve clarity and readability and correcting some referencing errors

- removing duplication or unnecessarily restrictive or unclear elements, including removing the requirement for concurrent subdivision and dwelling development applications where this is not strictly necessary
- adding a description and reference to the existing landscape buffer zone map for clarity
- adding controls to guide considerations for non-discriminatory access.

Details of the post exhibition changes to the draft area plan are shown in Attachment 2.

Community consultation also highlighted the need for better guidance on heritage and development matters. Navigating the development and heritage space is complex due to the various development pathways and categories of heritage protection that need to be considered. This applies to heritage-listed items and properties in all heritage conservation areas, not only West Wallsend and Holmesville. Following public exhibition, staff are working on improving our online information about heritage and development, including exempt development works, to make this easier to understand and navigate. This is due to be published shortly.

## **Community engagement and internal consultation**

### **Early community consultation**

In 2022, we engaged the community on the heritage report that was later used to inform the planning proposal and draft area plan. We sought input from property owners on draft building assessments and recommendations in the draft heritage report. A summary of submissions and consultation outcomes from this early consultation was included in the previous Council report (23SP042).

### **Public exhibition**

The planning proposal and draft area plan were publicly exhibited between 20 September and 20 October 2024 in accordance with the Gateway determination. Notification letters were sent to 1622 property owners in West Wallsend and Holmesville. The planning proposal was also advertised on the Shape Lake Mac website and in e-newsletters reaching 3407 subscribers.

Council received a total of nine public submissions. Of these, four were from residents of Holmesville, three were residents of West Wallsend, one was a resident of Teralba and one was from a local branch of a registered political party.

One submission from West Wallsend expressed general support for the proposed changes, while a submitter from Holmesville supported the proposed reduction of maximum building heights. All submitters from Holmesville objected to the proposed expansion of the heritage conservation area (LEP) due to concerns about impacts to property values, increased maintenance and development challenges and costs. Submitters from West Wallsend raised concerns about the areas proposed to be removed from the heritage area plan (DCP). Concerns include reduced heritage and environmental protection, the impact of potential increased development on heritage character and wildlife, mine subsidence issues, insufficient social infrastructure and traffic.

Attachment 3 provides a list of issues raised in submissions along with staff assessment and the outcomes. The proposed heritage conservation area and maximum building heights remain unchanged, while some development controls have been revised as a result of community input, as summarised in the 'Discussion' section of this report. Full details of the post exhibition changes to the area plan are shown in Attachment 2.



## Agency consultation

In accordance with the Gateway determination, consultation was undertaken with NSW Rural Fire Service (RFS), Subsidence Advisory NSW, and Heritage NSW. Council also requested advice from Transport for NSW (TfNSW) due to the Lower Hunter Freight Corridor planning works. No objections have been raised.

Heritage NSW supported the proposed changes, including the proposed expansion of the heritage conservation area, as this will assist in protecting heritage values across the area.

TfNSW did not object to the planning proposal but noted that the gazetted Lower Hunter Freight Corridor is within the proposed heritage conservation area. The planning proposal does not hinder the delivery of the future freight line but requires heritage values to be considered in the design phase to minimise impacts on the local community and character.

The NSW RFS considered the proposed LEP amendment and raised no concerns or issues in relation to bush fire.

Subsidence Advisory advised that the site of the proposal is located within a declared Mine Subsidence District and future development will require approval from Subsidence Advisory NSW. They raised no specific concerns to the proposal.

## Internal consultation

Staff from Development Assessment and Certification, Integrated Planning, Assets, Community Partnerships, Environmental Systems and Property and Business Development have been involved in preparing the planning proposal and revised area plan. Comments received have been addressed in the planning proposal and revised area plan.

## Assessment of options

Endorsing the planning proposal and adopting the revised area plan will better protect the heritage value of the area and better guide development in the historic suburbs. This is the recommended option.

Not endorsing the planning proposal will retain the existing West Wallsend Heritage Conservation Area and current maximum building heights. That leaves the unique heritage values and character of West Wallsend and Holmesville at risk of being significantly reduced or lost due to inappropriate development, including exempt and complying developments and demolitions that do not consider local context.

Not adopting the revised area plan will retain the existing West Wallsend/Holmesville Heritage Precinct Area Plan. The provisions in this existing plan are considered inadequate to properly guide development. That leaves the unique heritage values and character of West Wallsend and Holmesville at risk of being lost due to inappropriate development.

Adopting the revised area plan without the associated planning proposal or vice versa would maintain the inconsistency between the LEP and the DCP in protecting the heritage character and values of the area. Neither of these options are recommended.

## Next steps

If Council endorses the recommendation, staff will:

- prepare and finalise a local environmental plan amendment in accordance with section 3.36(2) of the *Environmental Planning and Assessment Act 1979*

- update part 11.2 West Wallsend and Holmesville Heritage Conservation Area Plan of the LMDCP 2014 on Council's website. The revised area plan will become effective when the amendment to the *LMLEP 2014* is published on the NSW legislation website.

## Key considerations

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### Economic

There are no direct economic impacts associated with the planning proposal. The planning proposal and draft area plan are designed to establish development controls that better conserve the heritage significance of the area while facilitating appropriate future development and growth within and around West Wallsend and Holmesville. The recommendation will help preserve and enhance the unique qualities of West Wallsend and Holmesville. The planning proposal and draft area plan compliment the adopted West Wallsend Heritage Management Strategy, which aims to use the area's rich heritage as a point of difference to attract visitors and businesses, promoting its economic viability into the future.

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### Environment

The planning proposal and draft area plan seek to protect the environmental heritage values that give the area its distinct character, which promotes environmental sustainability.

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### Community

The recommendation is aimed at preserving and maintaining the heritage values and distinct character of West Wallsend and Holmesville. It may with other initiatives foster a stronger sense of place. As such, the recommendation supports social sustainability.

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### Civic leadership

The recommendation aligns with Council's responsibility to protect items of local heritage significance and the vision and planning priorities provided in the Local Strategic Planning Statement to recognise, value and protect Lake Macquarie's heritage.

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### Financial

Costs related to consultants, public exhibition and community consultation processes were covered by existing operational budgets. There are no significant financial impacts related to the recommendation.

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### Infrastructure

There is no direct impact on infrastructure associated with the recommendation.

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### Compliance

There are minimal risk and insurance implications to Council in proceeding with the planning proposal and the draft area plan. Relevant legislative requirements and Council procedures for preparing the planning proposal and draft area plan have been followed.

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## Legislative and policy considerations

*Environmental Planning and Assessment Act 1979*

*Environmental Planning and Assessment Regulation 2021*

*Heritage Act 1977*

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Hunter Regional Plan 2041

Lake Macquarie Community Strategic Plan 2022-2032

Lake Macquarie Local Strategic Planning Statement

*Lake Macquarie Local Environmental Plan 2014*

Lake Macquarie Development Control Plan 2014

## Attachments

- |    |   |                      |           |
|----|---|----------------------|-----------|
| 1. | Planning proposal - West Wallsend and Holmesville Heritage Conservation Area                            | Under separate cover | D11539092 |
| 2. | DCP 2014 - Revision XX - Part 11 - Area Plans - West Wallsend-Holmesville Precinct - DRAFT with changes | Under separate cover | D10859926 |
| 3. | Summary of submissions - West Wallsend and Holmesville Heritage Conservation Area                       |                      | D11763278 |

### Summary of submissions

Council received nine submissions. Four were from residents of Holmesville, three were residents of West Wallsend, one was a resident of Teralba and one was from a local branch of a registered political party.

Summary of matters raised	Number of submissions	Location of submitters	Council response
<b>Building assessment – property grading</b>  Submitters disagreeing with the building contributory grading for their property.	Four	Holmesville	<p>In preparing the evidence base for the planning proposal, each property in West Wallsend and Holmesville was evaluated and graded based on their contribution to the significance of the Heritage Conservation Area. This process helped determine the recommended boundary for the heritage conservation area and appropriate development controls for each property. This methodology is considered best practise for graded controls in heritage conservation areas. It was used for the Catherine Hill Bay and Teralba Heritage Conservation area plans, and similar grading systems are used across Newcastle, the Hunter region, statewide and nationally.</p> <p>Draft building assessments with contribution gradings were provided to property owners during the early-stage consultation in 2022. If a property owner requested regrading, a reassessment and additional research was undertaken including asking the property owner for any relevant information to support their request. A letter with detailed information about the reassessment and the outcome (whether regraded or not) was then sent to the property owner.</p> <p>The submissions did not contain any new information relevant to the grading criteria. Three of the submitters, representing four properties, also made submissions in 2022, which led to a thorough reassessment at that time. Two of these properties were regraded in 2022. The relevant building assessments and grading have been reviewed again and were found to be consistent with the criteria. With no new information to justify a different outcome, the contributory gradings have been retained.</p> <p><b>Outcome:</b> No changes made to contributory grading of properties.</p>
<b>Property value</b>	Three	Holmesville	<p>Property value is influenced by a range of factors such as location, property size and condition, amenities, and zoning, and broader macro-economic factors such as interest rates and general supply and demand. It is virtually impossible to discern the impact a single change, like being included in a heritage conservation area, would have on property value. An Australian Productivity Commission (APC) report from 2006<sup>1</sup> (while quite old is</p>

<sup>1</sup> Productivity Commission 2006, Conservation of Australia's Historic Heritage Places, Report No. 37, Canberra. [online] Available at: <https://www.pc.gov.au/inquiries/completed/heritage/report>



Summary of matters raised	Number of submissions	Location of submitters	Council response
Submitters concerned that proposed changes would reduce property values.			<p>the most relevant reference material available) makes reference to different studies and anecdotal observations to support arguments for both negative, neutral and positive effect of heritage listing on property prices. The report found that the overall impact is generally marginal.</p> <p>The APC report also notes that “where neighbourhood amenity was likely to be preserved through the listing of a heritage precinct, there was greater likelihood of a positive relationship” (p137). This advantage is also recognised by property agents, who note that a heritage conservation area provides “some assurance that the neighbourhood’s overall character and the streetscape will be maintained over time.”<sup>2</sup>. Descriptives such as miners’ cottages and original period features are often highlighted in property ads and underline that there is a market interest in heritage homes.</p> <p>A reduction in development potential may impact property value. Determining and valuing development potential is an individual, site-specific assessment, not only considering site specific opportunities and constraints (what is permissible), but also risks and feasibility, including development costs and market demand. Current land use zones and minimum lot size will not change with this proposal. Current development controls, including provisions in the Heritage Area Plan for West Wallsend and Holmesville, already require heritage considerations for subdivisions and development applications. Appropriately scaled developments and subdivisions will still be possible in the future.</p> <p>This proposal aims to protect the area’s unique character, and guide future development to enhance, rather than detract from this character. The proposed changes will provide increased consistency and greater certainty, and clearer guidelines for development. While it is difficult to determine and summarise the effect on the value of and particularly development potential for each individual property within the area, the proposal may, as suggested by the APC report, be of general benefit for the property values in the area.</p> <p>Notwithstanding the above, impact on property prices is not a valid planning consideration.</p> <p><b>Outcome:</b> No changes made to the planning proposal or draft area plan.</p>
<b>Development and planning costs</b>	Two	Holmesville	All properties within the proposed Heritage Conservation Area, where the revised development controls will apply, are already located within the current Heritage Area Plan for the West Wallsend/Holmesville Heritage Precinct. This means that development controls

<sup>2</sup> Buyer's Domain, 2024. *Heritage homes: What property buyers need to know*. [online] 27 June. Available at: <https://buyersdomain.com.au/property-buying-advice/heritage-homes-what-property-buyers-need-to-know/>

Summary of matters raised	Number of submissions	Location of submitters	Council response
Submitters concerned about increased development and planning costs, and longer processing times for approvals.			<p>aimed at protecting heritage values already apply to development applications (DAs) in this area. However, these current controls are not very specific, often making it difficult for landowners to determine exactly what is required. This can result in additional costs for redesigns and delays to project timelines and is not optimal for landowners or Council.</p> <p>The draft development controls are more specific and will provide greater certainty and predictability. Therefore, a general increase in development and planning costs or longer processing times for DAs is not expected.</p> <p>What will change for the properties proposed to be added to the Heritage Conservation Area is the impact on certain pathways for exempt and complying development provided by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. This includes restrictions on demolition and building a house as complying development. If a landowner wants to demolish or build a dwelling in the Heritage Conservation Area, it is necessary to submit a local DA prepared in consideration of the proposed development controls for this area. This is to ensure changes are sympathetic to the heritage significance and do not negatively impact the area's character.</p> <p>The concerns raised by submitters are general in nature, and no specific development controls or requirements have been identified as particularly challenging or cost increasing. In order to address these general concerns, Council staff have considered the proposed development controls, and also the advice we provide online on heritage and development.</p> <p>The proposed development controls have been reviewed following public exhibition to identify if there are any unnecessarily restrictive or unclear elements, and some changes have been made. The most significant change is removing a blanket requirement for a concurrent development application for a dwelling when seeking a subdivision. This is now only required where the proposed subdivision results in the demolition of a street front dwelling.</p> <p>Staff have also considered heritage assessment requirements as part of the planning costs. Heritage assessments are also required for DAs in both Holmesville and West Wallsend today. While these assessments are necessary, they need to reflect the scale and type of development. The introduction of development controls tailored to the particular grading will make the scale of any heritage assessment clearer. Additionally, simpler assessments will be required for minor developments and low-impact works.</p>

Summary of matters raised	Number of submissions	Location of submitters	Council response
			<p>There may also be an opportunity to develop self-assessment templates for Heritage Impact Statements for certain works. These could be either published on our website or provided as of the Lake Macquarie City Heritage Guidelines.</p> <p><b>Outcome:</b></p> <ul style="list-style-type: none"> <li>• No changes made to planning proposal.</li> <li>• Some changes to development controls in draft area plan, including requirements under 3.1.8 Subdivision and lot amalgamation.</li> <li>• Opportunities to simplify heritage assessment requirements added to Integrated Planning forward work schedule for consideration.</li> </ul>
<p><b>Maintenance costs and challenges</b></p> <p>Submitter experiencing that maintaining old properties is difficult and costly, that trades people are hard to find and that Council is unable to help. Fears proposed changes will make it harder to keep homes liveable.</p>	One	Holmesville	<p>The proposed changes do not restrict necessary building maintenance or repair works to keep homes structurally sound, safe and liveable.</p> <p>Maintenance is necessary for all properties, regardless of heritage status. Maintenance works do not require planning or construction approval if they meet the development standards for exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). The Codes SEPP is specifically designed to make it easier for people to undertake low impact works.</p> <p>There are generally more restrictions on development for specific heritage listed items than for other properties in a heritage conservation area. This proposal does not involve adding any new heritage items to the Local Environmental Plan.</p> <p>Where the Codes SEPP does not apply, maintenance works can occur without the need for development approval if Council has been notified of the proposed works and has advised the owner in writing that the works are of minor nature or for maintenance purposes and will not adversely affect the heritage significance of the item or area. Council can process this through a simple, free local exemption application. Current processing time is 1-2 weeks.</p> <p>It is noted the broader economy is experiencing a significant shortage of builders and skilled trades people, making any building works challenging for homeowners. This is a broader issue that is not restricted to heritage conservation areas.</p>

Summary of matters raised	Number of submissions	Location of submitters	Council response
			<p>Council has an annual Local Heritage Places Fund<sup>3</sup> that owners of heritage-listed properties and properties in Heritage Conservation Areas in Lake Macquarie can apply to on a dollar-for-dollar basis to assist with maintenance and repairs. While the fund is limited and does not cover larger building works, it does provide some assistance.</p> <p><b>Outcome:</b></p> <ul style="list-style-type: none"> <li>Improved advice on Council's webpage on 'heritage and development'<sup>4</sup> with information on maintenance works, clearer links to the local Heritage Exemption Application and Local Heritage Places Fund.</li> <li>No changes made to planning proposal or draft area plan.</li> </ul>
<p><b>Health risks</b></p> <p>The submitter is concerned about health risks from the proposed changes. Heritage properties that Council aims to protect with low-lying houses, lacking proper drainage and ventilation, are unsuited to local conditions. This could lead to dampness, mould, and significant health risks like respiratory issues.</p>	One	Holmesville	<p>The proposed changes do not restrict necessary building maintenance or repair works to keep homes structurally sound, safe and liveable.</p> <p>It is acknowledged that mould and damp is a health risk that is prevalent in homes throughout low-lying or poorly drained areas, affecting properties of all ages and eras. There are things property owners can do to address these types of issues and Council suggests talking to relevant professionals to get advice. Maintenance remains the property owner's responsibility, and repairs and minor alterations can improve both building health and heritage value.</p> <p>If a property in the proposed heritage conservation area is beyond repair and demolition is the only viable option, this can occur via a development application with appropriate supporting documentation. New houses can be built in a style sympathetic to the heritage surroundings in alignment with proposed development controls.</p> <p><b>Outcome:</b> No changes made to planning proposal or draft area plan.</p>
<p><b>Permissible works</b></p> <p>Submission inquiring about the permissibility of planned minor works, including</p>	One	Holmesville	<p>There are a range of minor works such as painting inside and low impact garden works that may be done on properties within a heritage conservation area without a specific consent (exempt approval under the Codes SEPP). For externally visible works such as painting or rendering, there are requirements and guidelines based on the property category. On an</p>

<sup>3</sup> Lake Macquarie City Council. *Local Heritage Places Fund*. Available at: <https://www.lakemac.com.au/Our-Council/Grants-and-funding/Local-Heritage-Places-Fund>

<sup>4</sup> Lake Macquarie City Council, *Heritage properties*. Available at: <https://www.lakemac.com.au/Development/Building-and-development-process/Heritage-properties>



Summary of matters raised	Number of submissions	Location of submitters	Council response
internal and external paint jobs and garden works.			<p>existing house, consent for minor external changes may be pursued through a simple, free local exemption application as described above.</p> <p><b>Outcome:</b></p> <ul style="list-style-type: none"> <li>• Submitter was provided with detailed advice specific to their property.</li> <li>• Restructured and improved Council's webpage on heritage properties and development including advice on minor works and exempt development.</li> <li>• No changes made to planning proposal or draft area plan.</li> </ul>
<p><b>Impact on existing development</b></p> <p>Concerned about the impact on installed solar panels, including whether they need to be removed and who should bear the cost.</p>	One	Holmesville	<p>The planning proposal is not retrospective. This means the new controls and guidelines will not apply to previously approved projects or works already completed on existing buildings. They will only affect future developments within the proposed area.</p> <p><b>Outcome:</b> No changes made to planning proposal or draft area plan.</p>
<p><b>Lack of community participation</b></p> <p>Submission questions the validity of the community consultation, being consulted with after draft building assessments were prepared and referring to an early information session where attendees rejected the proposals.</p>	One	Holmesville	<p>The review of the planning controls in West Wallsend and Holmesville was initiated as a result of a specific action in the Lake Macquarie Local Strategic Planning Statement (LSPS), adopted in 2020. The preparation of the LSPS involved community consultation.</p> <p>In 2022, Council engaged with the community in developing the evidence base for this proposal. We sought feedback on draft individual building assessments and the draft heritage report prepared by our external heritage consultants. This early-stage community input was essential to incorporate key local knowledge into the plan. All early-stage submissions were reviewed, and changes were made where appropriate. The results were reported to Council in May 2023. Council resolved to progress the planning proposal, request a Gateway determination, and exhibit the proposed changes for community feedback (this public exhibition). Council wrote to 1622 property owners in West Wallsend and Holmesville notifying them of the public exhibition of the planning proposal and draft area plan.</p> <p>This process is consistent with NSW legislation requirements, and Council's Community Engagement Strategy.</p> <p><b>Outcome:</b> No changes made to planning proposal or draft area plan.</p>

Summary of matters raised	Number of submissions	Location of submitters	Council response
<p><b>Unpredictability</b></p> <p>Considers it unreasonable and unpredictable to introduce new planning rules that differ from those in effect at the time of purchase.</p>	One	Holmesville	<p>Both local and state planning legislation are regularly reviewed and updated to reflect current needs and priorities. Under the <i>Environmental Planning and Assessment Act 1979</i>, Council has a statutory obligation to keep its planning instruments under review (section 3.21).</p> <p>As discussed above, the review of the planning controls in West Wallsend and Holmesville was initiated as a result of a specific action in the Lake Macquarie Local Strategic Planning Statement (LSPS), adopted in 2020 following community consultation. Ongoing consultation has occurred with the community.</p> <p>The process to amend the <i>Lake Macquarie Local Environmental Plan (LMLEP)</i> and Lake Macquarie Development Control Plan (LMDCP) is prescribed by legislation. This includes public exhibition, allowing the community to voice their opinions and provide feedback on proposed changes.</p> <p>Development Applications (DAs) are assessed against the controls that are in place at the time the DA is lodged. The planning proposal is not retrospective and does not require any change to existing buildings.</p> <p><b>Outcome:</b> No changes made to planning proposal or draft area plan.</p>
<p><b>Ineffective protection of heritage values</b></p> <p>Submission referring to a neglected heritage listed property as evidence of how heritage listing is ineffective in protecting heritage values.</p>	One	Holmesville	<p>There are no “maintenance requirement or controls” as part of this proposal. The proposed changes will apply to any future development of properties. This means that while the proposal aims to protect heritage values through more specific development controls, it does not mandate ongoing maintenance of existing structures. Maintenance remains the responsibility of the property owner. Where a resident is concerned about health and safety issues for the community, including fire hazards due to lack of maintenance, these can be reported to and investigated by Council.</p> <p><b>Outcome:</b> No changes made to planning proposal or draft area plan.</p>

Summary of matters raised	Number of submissions	Location of submitters	Council response
<p><b>Local plans and government change</b></p> <p>Submitter questions the purpose of designating heritage areas if a change in government can disregard heritage status, as is currently happening.</p>	One	Teralba	<p>It is assumed that the question relates to the NSW Government's Transport Oriented Development (TOD) planning reforms and the inclusion of Teralba as a TOD station.</p> <p>In NSW, local councils are responsible for protecting local heritage through the local planning instruments including Local Environmental Plans and Development Control Plans. This planning proposal and draft area plan for West Wallsend and Holmesville reflect that responsibility.</p> <p>Heritage Conservation Areas serve an important purpose in recognising heritage significance and ensures that landowners consider heritage when developing their project. The NSW Government has advised that for Transport Oriented Development areas, applications involving heritage considerations will continue to be lodged with and assessed by councils.</p> <p><b>Outcome:</b> No changes made to planning proposal or draft area plan.</p>
<p><b>Increased development</b></p> <p>Concerns about the reduced Heritage Area Plan and the effect of increased development, particularly wildlife and koala habitat, but also heritage, insufficient public amenities, traffic issues, and mine subsidence.</p>	Three	West Wallsend	<p>The main objective for this planning proposal and development control plan review is to better protect the heritage values in West Wallsend and Holmesville and more appropriately guide development. Council engaged a specialist consultant to review the sections of the local planning and development framework that relate to the West Wallsend Heritage Conservation Area and West Wallsend and Holmesville Heritage Precinct. The consultant's work included detailed heritage research, field work, and analysis of the heritage values in the area. They assessed factors contributing to its heritage significance, including individual buildings, views and vistas.</p> <p>Based on their findings, the consultant recommended changes to the planning framework, including a revised heritage conservation zone boundary to better reflect the historical, spatial and aesthetic interrelationship of West Wallsend and Holmesville. The proposed revised heritage conservation area boundary is larger than the current heritage conservation area in <i>Lake Macquarie Local Environmental Plan 2014</i> but smaller than the current West Wallsend and Holmesville Heritage Precinct under the Lake Macquarie Development Control Plan 2014.</p> <p>It has been a challenge for Council and the community that the boundaries for the Heritage Conservation Area listed in the LEP and the Heritage Area Plan are not the same. One aim for the review is to align the LEP and DCP for consistency based on the consultant's recommendation. The proposed increase of the current Heritage Conservation Area will</p>

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			<p>include bushland, particularly surrounding West Wallsend, as this context is considered a significant contribution to the heritage significance of the area.</p> <p>The land use zones, along with their objectives and minimum lot size requirements, remain unchanged by this planning proposal. In some areas, the maximum building height is proposed to be reduced. The areas proposed to be removed from the Heritage Area Plan are primarily zoned R2 Low Density Residential, C2 Environmental Conservation, and RU6 Transition. The C2 Environmental Conservation and RU6 Transition land use zone only allow limited development. This proposal does not impact bushland and wildlife areas because the current C2 Environmental Conservation surrounding much of Holmesville and West Wallsend is not proposed to change under this proposal. Council considers biodiversity and environmental impact, social and transport infrastructure, subsidence and a range of other matters as part of our assessment of development applications and rezonings.</p> <p>Public amenities and infrastructure are also considered as part of our assessment of development applications and rezonings.</p> <p>Subsidence Advisory raised no objection to the proposal. If residents experience any issues related to mine subsidence, it is recommended that they contact Subsidence Advisory NSW to report these concerns.</p> <p><b>Outcome:</b> No changes made to the planning proposal or draft area plan.</p>
<p><b>Retail and active transport</b></p> <p>Would like to see more shops, and improvements to active transport network in the town centre.</p>	One	West Wallsend	<p>Expanding retail options and improvements to active transport network are beyond the scope of this planning proposal. However, strengthening local centres and improving the active transport network align with the objectives in the adopted Local Strategic Planning Statement and the Walking, Cycling and Better Streets Strategy which will enhance qualities for residents, attract visitors and businesses and provide opportunities for economic growth. A range of improvement opportunities have also been identified in the West Wallsend Heritage Management Strategy, the West Wallsend Heritage Streetscape Master Plan and Pedestrian Access Mobility Plan. While some actions from these documents have been completed or are currently underway, future works will be considered and prioritised as part of preparation of Council's future delivery programs and operational plans.</p> <p><b>Outcome:</b> No changes made to planning proposal or draft area plan.</p>