

CHAPTER 8 CULTURAL AND BUILT HERITAGE

STRATEGIC PLANNING DIRECTIONS

The following directions inform the development of the Land Use Strategy and Local Environmental Plan fall out of an analysis of cultural and built heritage within the LGA:

- Ensure that items of heritage significance are identified and protected
- Identify and protect cultural landscapes
- Provide incentives to protect heritage values
- Identify and protect the Aboriginal Heritage Significance of Lithgow LGA
- Provide appropriate resources to increase awareness and involvement in identifying, protecting and enhancing heritage values in the LGA

MANAGEMENT OF CULTURAL AND BUILT HERITAGE

Heritage is all the things that make up Australia's identity - our spirit and ingenuity, our historic buildings, and our unique, living landscapes. Our heritage is a legacy from our past, a living, integral part of life today, and the stories and places we pass on to future generations.

Lithgow and its region has a rich diversity of history which includes the period in Australia from the early 19th Century explorers and pioneers crossing of the Blue Mountains to the early 20th Century industrial, oil and mining phase in the history of Lithgow. The cultural heritage in the region is regarded by many as outstanding and provides a comprehensive heritage resource illustrating the unique history and development of the area. While the picturesque qualities of the area's dramatic natural, pastoral and agricultural landscapes are well recognised there are also landmark industrial sites that are important in the development of NSW. Its Aboriginal history is also a component of the cultural heritage of the region today and there are a number of key sites managed by National Parks & Wildlife Service in the region. The natural heritage of the Lithgow area is increasingly a major resource and attraction for visitors. The World Heritage status of the Greater Blue Mountains and its wilderness areas will provide valuable opportunities for the Council and its communities to bring together and showcase the broader cultural heritage values of the region.

PAST STUDIES AND CONSULTATION

Council has undertaken a number of key studies and reports in the past 20 years that refer to and identify significant historic places. The heritage study relating to the currently listed items in the Lithgow City LEP 1994 was not available for reference; however the following studies and reports are important reference documents for Council:

- A Survey of Historical Sites, Lithgow Area, Aedeon Cremin (ed), Sydney 1987
- Cox's Way: Historical and Archaeological Study of Cox's Road and Early Crossings of the Blue Mountains, Grace Karskens, Lands Department, Sydney 1988
- Lithgow Main Street Study, Travis & Partners Pty Ltd, Sydney 1990
- City of Lithgow Heritage Study, R. Ian Jack for University of Sydney, 2000
- NSW Heritage Office Survey of Potential SHR Nominations, Central West 2002
- Survey of WWI and WWII Sites in NSW, Robertson & Hindmarsh for NSW Heritage Office, Sydney 2004-06
- National Trust of Australia (NSW), Classification Inventory Sheets for Lithgow LGA, various dates
- Lithgow Heritage Review, Christo Aitken & Associates for Lithgow City Council, 2008
- 1986 Evans Shire Council Heritage Study
- 2003 Rylstone Draft Community-Based Heritage Study

CITY OF LITHGOW HERITAGE STUDY (1996-2000)

It should be noted that this Study was prepared prior to Local Government amalgamations and therefore does not address heritage within the areas inherited from the former Rylstone and Evans Shire Councils.

The key study relevant to heritage is the City of Lithgow Heritage Study commissioned by Council in 1996 and completed in 2000. The study provided a balanced selection of evidence representing the history of development of the Lithgow LGA and its historical associations with events and peoples. The recommendations of the study are yet to be formally adopted by Council. The study provided a historical context report, extensive field and survey work, analysis and detailed inventories for the heritage places identified and finally, the consultants developed a range of planning and management recommendations. The study followed the standard methodology recommended by NSW Heritage Office at the time and its findings have provided Council with a sound basis from which to develop and implement appropriate heritage strategies into the foreseeable future.

While the study provided the historical context and heritage management recommendations its core area was the investigation, research and preparation of inventory sheets for the historic places located across the Lithgow region in towns, villages and rural areas. These inventory sheets provide a systematic framework for understanding the history and significance for places and have since been transferred by Council onto the Heritage Branch's standard digital database used by Councils throughout NSW (State Heritage Inventory).

The degree of detail available for historic places identified in the study varies. The consultants noted that 'most' inventory sheets had sufficient documentation but acknowledged that others would require 'further research'. The study recommendations included the suggestion for Council to establish 'Potential Listings' where further research may be needed noting that this would "provide a means of alerting the community to items which need to be assessed in further detail before changes occur which will affect the item". This process will be ongoing and as information comes available Council will add content to the inventory sheets which will clarify the significance of places. This ongoing commitment to research and investigation is a normal process in heritage management.

CONSULTATION

Since commencing the City of Lithgow Heritage Study in 1996 Council has undertaken intermittent consultation with the community and individual stakeholders with a predominant focus on consultation with landholders of items identified within the Study to be listed as heritage items.

The following briefly summarises the major consultation steps to date:

- October 2000 Correspondence to owners of potential heritage items
- October 2000 public meetings (Rydal, Hartley, Portland and Lithgow)
- December 2000 Heritage Study advertised publicly
- February 2001 Correspondence to concerned owners

- May 2003 Council resolution to prepare new LEP and incorporate 2000 Schedule of Heritage Items
- December 2004 Council resolution re LEP to the 2000 Schedule of Heritage Items
- November 2005 extensive mail out to owners of potential heritage items to check information and to seek concurrence to proceed with local listing

- August 2008 heritage advisor contact with those landowners who objected to their property being listed.
- September 2008 mail out of Heritage Question & Answer sheet to concerned owners.

While there has been extensive community consultation regarding the findings and recommendations of the 2000 City of Lithgow Heritage Study the slow progress of adoption of the Study has resulted in some confusion within the community.

The level of objection/concern within the community to local listing of identified heritage items is minimal and in many cases is a result of lack of information about what it means for a property to be listed in the local environmental plan as a heritage item.

Further community consultation and information dissemination is required and will be conducted as part of the Land Use Strategy and Local Environmental Plan strategic process.

LEGISLATIVE AND POLICY FRAMEWORK

FEDERAL

The protection of Australia's heritage items is managed under the Environment Protection and Biodiversity and Conservation Act (EPBC Act).

- The EPBC Act enhances the management and protection of Australia's heritage places, including World Heritage properties. It provides for the listing of natural, historic or Indigenous places that are of outstanding national heritage value to the Australian nation as well as heritage places on Commonwealth lands and waters or under Australian Government control.
- A declared World Heritage property is an area that has been included in the World Heritage List or declared by the Minister to be a World Heritage property.
- The National Heritage List includes natural, historic and Indigenous places of outstanding heritage value.
- The Commonwealth Heritage List comprises natural, Indigenous and historic heritage places on Commonwealth lands and waters or under Australian Government control.
- Once a heritage place is listed under the EPBC Act, special requirements come into force to ensure that the values of the place will be protected and conserved for future generations. The EPBC Act provides for the preparation of management plans which set out the significant heritage aspects of the place and how the values of the site will be managed.

The Greater Blue Mountains is listed on both the World Heritage List and National Heritage List. No items in the LGA have been listed on the Commonwealth Heritage List.

A total of 46 items have been listed on the Register of National Estate and four heritage sites of indigenous significance have been listed in the EPBC protected matters report.

STATE AND LOCAL

Local government responsibility for heritage management is enshrined within two acts - the Heritage Act 1977 and the Environmental Planning and Assessment Act (EP&A) 1979. Together, they establish the legislative framework for heritage management in New South Wales and ensure that heritage forms an integral part of the planning system. Following the adoption of amendments to the Heritage Act in 1999, heritage management in NSW became a two-tiered system where:

- Items of local heritage significance are listed and managed by local councils; and
- Items of State heritage significance are listed on the State Heritage Register by the Minister for Planning and managed by the Heritage Council.

The principal tools that guide local government management decisions are the Heritage Study and the Local Environmental Plan.

A heritage study identifies and assesses heritage items in accordance with the key historical themes for an area. It also makes recommendations on policies the local council should adopt to protect and conserve the identified heritage items.

The LEP translates the recommendations of the Heritage Study into a legal document that provides a broad framework for future management of the area's heritage. The LEP is prepared in accordance with the Standard Instrument – Principal LEP and includes compulsory provisions as set out in Clause 5.10 of that document.

Council may also support the LEP by local approvals policies under the Local Government Act 1993 or Development Control Plans under the Environmental Planning and Assessment Act 1979 to provide more detailed guidance to developers and owners in specific localities such as heritage conservation areas.

The current Lithgow City Local Environmental Plan identifies 96 heritage items within Schedule 1 comprising individual buildings and groups of buildings. These items do not adequately reflect the breadth of history and heritage of the Lithgow Local Government Area.

The 2000 Heritage Study recommends local listing of approximately 500-600 heritage items, including those already listed. Council is currently reviewing all potential items to be listed to ensure adequate information is available to assess heritage significance and identify the location of items.

SUMMARY OF ISSUES

HERITAGE ISSUES	WHY IS IT AN ISSUE?
Many items or places of heritage within the LGA remain unprotected by any statutory framework	<ul style="list-style-type: none"> • The 2000 Heritage Study recommended local listing of some 500-600 items. Only 96 items are currently listed in the Lithgow 1994 LEP. The identification of items in a community Heritage Study does not provide the necessary framework for managing the alteration, modification or demolition of these items through the force of law. • Without statutory protection Council and the community may be powerless to stop the diminishing or loss of heritage values and significance embodied in such items and places.
How best to manage a significant increase in listed heritage items	<ul style="list-style-type: none"> • The individual listing of up to 600 heritage items and places will significantly increase the resources required by both Council and the community to manage the future development of these items and properties in their vicinity. • Council will need to explore the use of conservation areas to more effectively manage heritage assessment.
Protection of Aboriginal Heritage	<ul style="list-style-type: none"> • Council does not have an Aboriginal Heritage Study to guide planning of future settlement and land use intensification away from sensitive areas. • This will defer consideration of these matters to the development assessment stage with greater potential for some matters to be unknowingly missed.

DISCUSSION OF HERITAGE ISSUES

LOCAL HERITAGE LISTINGS

Despite the recommendations of a Heritage Study completed in 2000 many items or places of heritage significance within the Lithgow LGA remain unprotected by any statutory framework. This raises the issue of how best to protect such items/places both in the short and longer terms.

Identifying and listing items of heritage significance are only the first steps in protecting and managing those places and objects that we as a community want to keep. The force of law is necessary to provide a framework for managing the approval of major changes so that heritage significance is retained and not diminished.

The current LEP heritage schedule does not adequately reflect the breadth of history and heritage of the Lithgow Local Government Area and therefore many items remain unprotected. The 2000 City of Lithgow Heritage Study and the Rylstone and Evans Heritage Studies are authoritative studies that provide Council with a comprehensive assessment of the history and heritage of the region and the basic framework for continuing research and survey.

HERITAGE CONSERVATION AREAS

The relevant heritage studies did not research or make any specific recommendations for conservation areas. However the 2000 Lithgow Heritage Study did indirectly reference conservation areas in its management recommendations to prepare locality-based Development Control Plans for significant rural localities and significant urban areas. For significant urban areas the Study noted that the heritage objectives and guidelines should aim to retain historic, aesthetic, research and social values implicit in the localities and their interaction with the surrounding urban and rural landscapes, in particular:

- Streetscapes: their scale, character and continuity;
- Subdivision patterns;
- Contributory elements: their integrity and significance;
- Interpretative aspects; the ability of a locality to demonstrate for example the architectural, technological, landscape or planning principles underlying the statement of significance.

The study 'tools' such as thematic history, historical maps and inventory records provide the framework for further research and survey of potential conservation areas. The standard LEP makes specific provisions for conservation areas as distinct from heritage items.

2010 HERITAGE DCP STUDY

In August 2010 Council commissioned a Heritage DCP Study to:

- Review the Draft Lithgow Heritage Study (DLHS) 2000 recommendations and update where necessary due to changes in legislation and management practices
- Identify any gaps in the scope of the DLHS 2002 that become evident following review.
- Review and assessment of proposed conservation areas
- Establish a heritage framework and recommend provisions for the new LEP and DCP.

This Study will be exhibited along with this Strategy and will be used to inform the development of the LEP and supporting DCP.

The major reasons for investigating conservation areas in contrast to only having heritage items are:

- Most buildings within the proposed areas have heritage value but often not at a level that would justify individual heritage listing. It is the overall heritage value of a conservation area that is most important.
- Conservation areas are identified for their heritage value, but this is understood mainly in relation to their visual streetscape form. The main concern is conserving streetscapes and what can be seen from the public realm.
- Conservation area controls (DCP controls) are less onerous on owners than an individual listing. Where conservation area controls are adequate to conserve heritage values it is preferable to use those controls rather than create a specific property listing.
- Many of the conservation area controls that are proposed are aimed at keeping the overall heritage character of the precinct, while this may mean that the street front sections of buildings are required to be retained, it provides a broad scope for other works that may not be envisaged in individual listing.
- Conservation area controls are aimed at ensuring that new development 'fits' into the existing character.

The review of the proposed heritage listings was undertaken to identify gaps, omissions or over-emphasis on particular site types. The Study found the following:

Table 1. Heritage Listings Study

Heritage Type	Percentage of Proposed 2000 Listings	Comment
Archaeology, ruins, cemeteries	19%	These are grouped as they are fixed, inert sites that require very little in terms of council heritage management
Transport	5%	These are largely railway and bridge sites and not within the control of council
Civic sites including churches, schools and council owned buildings	12%	These sites do not require regular input from council in terms of management or applications
Miscellaneous sites such as memorials and artefacts	3%	These sites do not require regular input from council in terms of management or applications
Commercial sites and hotels	7%	Commercial sites are under-represented given the

Heritage Type	Percentage of Proposed 2000 Listings	Comment
		large number of very fine commercial heritage properties in the area, however hotels are well covered in listings
Rural houses and farm sites	15%	These are well represented and have few applications to council
Individual Houses in towns or suburbs	14% (90 listings)	This group is reasonably well represented and would provide a manageable workload to council in terms of management and applications.
Group house listings	20% (125 separate properties as 22 listings)	This group is difficult to manage due to the need to list each individual property where a number of the buildings are not of item status. Managing this group could be difficult for council.
Industrial	5%	This group is under-represented given the industrial history of Lithgow.

Source: LCC Heritage DCP Study

The Study recommends deleting all of the group housing listings and the creation of generally small conservation areas as this will achieve the level of control that Council requires without placing onerous requirements on owners.

The creation of conservation areas will also allow a small number of other properties to be removed from the potential heritage list (where they are of minor significance and within a conservation area) and importantly will provide a level of protection for the commercial buildings that are currently not covered in the heritage study. Removing the group listings would reduce the total number of places proposed for heritage listing from 650 to around 525 sites of which 170 are ruins, archaeology, cemeteries, artefacts, memorials or transport sites.

The study recommends the following conservation areas:

Lithgow commercial

- Main St/ Railway Parade
- Station Street
- Mort St commercial precinct

Lithgow residential

- Inch Street (heritage item group)
- Whitton Street (heritage item group)
- Cook Street (heritage item group)
- Eskbank Street (heritage item group)
- Hassans Walls Road (partial heritage item group)
- Silcock Street (heritage item group)

Towns

- Wallerawang

- Portland
- Rydal
- Capertee
- Little Hartley
- Hartley Vale

The study has set out recommended controls for each proposed conservation area to provide certainty for owners about why the conservation area has been created and what council are looking for in applications for future work. The controls are based on the visual value of each area, particularly as viewed from the street. Where commercial buildings are included in conservation areas there are also controls about retaining original shopfronts and encouragement for owners to retain good original commercial interiors as these can add value to the business. Often the controls provide greater flexibility than is found in general controls reflecting the character of a particular area, for example, in many early housing areas, side setbacks are minimal and the controls provide for retention of these reduced setbacks to assist achieving reasonable development opportunities.

The study has also provided a set of general DCP controls for the older housing areas in Lithgow, recognising that they vary dramatically from new development on new sub-divisions. Again these controls provide flexibility in working towards good solutions for owners but also require that the essential character of the area is retained in both new development and alterations and additions. Overall this enhances the amenity and visual value of Lithgow.

PLANNING CONTROLS FOR INDIVIDUAL HERITAGE ITEMS

Of importance in considering the broader heritage of Lithgow is how individual heritage items are considered, particularly when they are in isolation. The new LEP will contain standard provisions that must be considered in relation to heritage items. These are being applied across NSW to provide consistency of approach. The basis of these controls is to:

- understand why the place is significant
- provide to undertake works that retain the identified significance

In making applications for work to Council, owners will be required to submit a heritage impact statement that sets out how the heritage values of the place have been retained in the proposal. It would be helpful if Council could provide a pro-forma or sample statement to applicants to assist in preparing applications.

The proposed approach to heritage is a balanced and pragmatic one that seeks to retain core heritage values and places and provide a sound framework for new buildings and alterations and additions to take place that meet reasonable contemporary expectations. The heritage of the Lithgow area is an important aspect of future growth and development and is a distinguishing element for many small towns and areas that gives them an edge. The long-term protection of that heritage will allow Lithgow to take full advantage of its fine history and its excellent built heritage.

A consolidated list of the proposed individual heritage items and conservations areas (including maps) is included in Appendix 3.

CULTURAL LANDSCAPES

The 2000 Lithgow Heritage Study made reference to Cultural landscapes through a recommendation to create a new environmental protection zone for rural cultural landscapes such as:

- Hartley Valley Landscape Conservation Area (listed by the National Trust of Australia (NSW)) and,
- Wolgan Valley Landscape Conservation Area (listed by the National Trust of Australia (NSW) and the Australian Heritage Commission).
- Little Hartley
- Hartley Vale
- Palmer Oakey
- Sodwalls
- Bowenfels

The Study noted that further work would need to be undertaken to establish boundaries and “more fully document the heritage attributes of these areas”.

Cultural landscapes can also be identified as individual heritage items if required.

This Strategy identifies a Cultural Landscape Study as an identified data gap that will not be filled prior to the development of the 2012 LEP.

DEVELOPMENT ASSESSMENT FRAMEWORK

Currently there is no framework for decision making that supports the statutory listing of heritage items and standard provisions within the LEP. There are no development control plans, policies or guidelines to provide more detailed provisions to inform decision making.

Options to address these include:

- Development Control Plans
- Council Policy
- Conservation Management Plans
- Adaptive Reuse Incentives

COMMUNITY UNDERSTANDING OF HERITAGE PROTECTION

There is a lack of educative resources and understanding within our community (both private and public) signifying the importance of heritage items as historical records and tangible expressions of our identity and experience.

Council does not currently have in place an educative resource or consultative mechanism to assist with the identification and understanding of heritage significance and management within our wider community.

Council in partnership with the Heritage Office of the Department of Planning does provide a free Heritage Advisory Service and administers a Local Heritage Fund to assist with assessment of development applications and other works likely to impact on heritage items of places of significance.

Options to address these include:

- Establishment of Local Heritage Committee
- Dedicated Web Page
- Workshops/Handouts
- Promotion of Cultural Tourism

INDIGENOUS CULTURAL HERITAGE

No aboriginal heritage study has been undertaken within the Lithgow LGA. This is an identified data gap. This raises the issue of how best to protect the LGA's Aboriginal heritage in the interim period.

Aboriginal Heritage is protected by several forms of legislation at both state and federal levels.

At the local level the dual protection of areas of high biodiversity and national parks indirectly protects the majority of Aboriginal sites/places.

It is the community appreciation and understanding of Aboriginal heritage that requires facilitation through the land use process.

Options to address this issue include:

- Preparation of an Aboriginal Consultation Strategy
- Preparation of an Aboriginal Heritage Study

Council has adopted an Aboriginal Consultation Policy.

Council will continue in the first instance to identify potential areas of aboriginal heritage through reference to the Aboriginal Heritage Information Management System (AHIMS) and secondly through consultation with relevant bodies as determined by Council's policy.

This Strategy identifies the Aboriginal Heritage Study as a data gap that unfortunately will not be filled prior to development of the 2012 LEP.

SUMMARY OF KEY ACTIONS

Action 8.1

- Implement the recommendations of the City of Lithgow Heritage Study (1996-2000) except as modified by the 2010 Heritage DCP Study

Action 8.2

- Implement the recommendations of the 2010 Heritage DCP Study

Action 8.3

- Provide planning controls to list items of individual heritage significance and a number of small heritage conservation areas as identified by the two aforementioned studies

Action 8.4

- Provide detailed development guidelines within a Development Control Plan to facilitate heritage management and development assessment

Action 8.5

- Undertake a cultural landscape assessment study of the LGA

Action 8.6

- Continue to provide a Heritage Advisory Service and Local Heritage Fund

Action 8.7

- Undertake an Aboriginal Heritage Study and implement recommendations

Action 8.8

- Continue to identify items of Aboriginal Heritage significance through the use of the Aboriginal Heritage Information Management System and consultation with the local aboriginal groups as determined by Council's Aboriginal Consultation Policy

Action 8.9

- Establish a Local Heritage Committee

Action 8.10

- Prepare fact sheets and handouts for community and interested groups

Action 8.11

- Promote local heritage through cultural tourism