

Reclassification of 9 O'Connell Place Gerringong

Proposal Title :	Reclassification of 9 O'Connell Place Gerringong		
Proposal Summary :	Planning proposal to reclassify Council land Lot 208 DP792192 (9 O'Connell Place Gerringong) from community to operational.		
PP Number :	PP_2017_KIAMA_001_00	Dop File No :	17/01091

Proposal Details

Date Planning Proposal Received :	13-Feb-2017	LGA covered :	Kiama
Region :	Southern	RPA :	The Council of the Municipality of
State Electorate :	KIAMA	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	9 O'Connell Place		
Suburb :	Gerringong	City :	Gerringong
Land Parcel :	Lot 208 DP792192	Postcode :	2534

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Graham Towers		
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Illawarra Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) : 0.00		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0		No. of Dwellings (where relevant) :	0
Gross Floor Area : 0		No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment :			

Supporting notes

Internal Supporting Notes : 9 O'Connell Place, Gerringong (Lot 208 DP792192) is 708.6m² in area and is located at the end of the cul-de-sac. It has a residential dwelling, small gardens and lawns. The lot adjoins low density development to the north, south and west and a public reserve to the east. It has good and convenient access to a variety of community facilities including recreation, school, public transport and shops.

In 1990, Kiama Council and the Housing Trust entered into a lease arrangement for the use and occupation of a dwelling on the lot for social housing. Under the lease Council became the owner (by title deed) of the land and the Housing Trust was responsible for the financing and construction of a dwelling.

The lease has now ended and the Housing Trust would like to keep the property in their portfolio due to the limited supply of low cost housing in Gerringong.

The current community classification of the land was made before amendments to the Local Government Act 1993. It is an anomaly that the land is classified as community due to the nature of the development on the land and its ongoing use.

On 17 November 2015 Kiama Council resolved to reclassify the lot as operational land.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objective of the planning proposal is to reclassify land at 9 O'Connell Place Gerringong (Lot 208 DP792192) from community to operational.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The explanations of provisions in the planning proposal is to amend the Kiama LEP 2011 by:

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* including the land under Schedule 4 Classification and reclassification of public land Part 1 land classified or reclassified as operational, no interests changed.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.2 Coastal Protection

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.3 Home Occupations

4.1 Acid Sulfate Soils

5.10 Implementation of Regional Plans

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 71—Coastal Protection

SEPP (Infrastructure) 2007

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The planning proposal is consistent with the Illawarra Shoalhaven Regional Plan in that it is assisting in providing a variety of housing choices.

The planning proposal identifies that the s117 Directions 2.3 Heritage Conservation and 4.1 Acid Sulphate Soils apply. The land is not listed as having heritage significance. The Kiama LEP contains provisions (Clause 5.10) relating to heritage conservation. The land is mapped as being within 500m of ASS however no works are proposed.

The planning proposal is consistent with the s117 Directions 2.2 Coastal Protection, 3.1 Residential Zones, and 5.10 Implementation of Regional Plans. Although the site is within the Coastal Zone, the proposal will not impact upon the coast or the coastal zone. The proposal is not changing the residential zone or zoning provisions. There is no proposed change the residential development on the lot.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with the s117 Directions 2.2 Coastal Protection, 3.1 Residential Zones and 5.10 Implementation of Regional Plans.

SEPPs

The proposal is consistent with SEPP 71 Coastal Protection in that the proposal will not impact upon the natural, cultural, recreational or economic attributes of the coast.

The planning proposal identifies that SEPP (Affordable Rental Housing) 2009 and SEPP (Infrastructure) 2007 apply. However, the planning proposal is only changing the classification of the land, not the zoning or development on the land. These two SEPPs are not applicable to this planning proposal.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

No mapping changes are required.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

Council requests that the planning proposal be publicly exhibited for 28 days. Public notification of the exhibition will include local newspaper notifications, notice on Council's website, hard copies will be available at Council's administration buildings and notification letters to surrounding property owners.

Practice Note PN16-001 Classification and reclassification of public land through a local environmental plan requires that a copy of the Note is included in the public exhibition materials.

A public hearing will also be held in accordance with the Local Government Act.

Additional Director General's requirements

Are there any additional Director General's requirements? Yes

If Yes, reasons :

In relation to the Director General's requirements regarding matters which must be addressed in the justification of all planning proposal to reclassify public land:

- a) the planning proposal is not a result of a strategic study or report. The site was investigated by Council in 2015 and the community classification was identified as an anomaly.
- b) The planning proposal is consistent with Council's Kiama Urban Strategy as it is facilitating the continued use of the land for residential purposes.
- c) The planning proposal states there are no interests in the land which require extinguishing as part of the planning proposal. The land title certificate and Deposited Plan confirm there is no public reserve status for the Lot.
- d) Council is both the land owner and relevant planning authority who has resolved to reclassify the land.

The planning proposal has been prepared in accordance with Department's Practice Note PN16-001 Classification and reclassification of public land through a local environmental plan.

Recommendation: The planning proposal be amended to include the land title and deposited plan documents.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Adequacy of the project

The planning proposal addresses the Department's "A guide to preparing planning proposals" and is considered adequate for a Gateway Determination with conditions.

A project timeframe was not included in the planning proposal. On 13 February 2017 Council submitted a project timeframe of twelve months to complete the rezoning process. This is considered an appropriate time to complete the planning proposal due to the need to conduct a public hearing for the reclassification of the land.

Council has confirmed in its referral letter of 10 January 2017 that it is seeking Council Officer Delegation to prepare the draft LEP under Section 59 of the EP&A Act. Appendix 4 – Evaluation Criteria for the Delegation of Plan making Functions was submitted. Due to the simple and local nature of the proposal it is considered appropriate to provide delegations to Council.

Recommendation: The timeframe for completing the LEP is to be 12 months from the

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date of the Gateway determination.

Recommendation: The planning proposal is to be updated prior to public exhibition to include the project timeframe.

Recommendation: Delegation to be provided to Council.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Kiama LEP was notified on 16th December 2011.

Assessment Criteria

Need for planning proposal : A planning proposal is the only means of reclassifying the land.

Consistency with strategic planning framework : The planning proposal is not the result of any strategic study or report. The planning proposal is consistent with the Illawarra Shoalhaven Regional Plan and Kiama Urban Strategy, as it is facilitating the continual use of the land for residential purposes.

Environmental social economic impacts : The lot has been developed for residential purposes and as such there are no environmental features or impacts.

The property is leased from Kiama Council by the Housing Trust to provide social housing in Gerringong. The planning proposal will enable the provision of this housing supply to continue and be secured for the future bringing long term social benefits.

Council may consider selling the property to the Housing Trust or another party. Funds gained from a sale would be allocated to other areas of the community.

Assessment Process

Proposal type : Minor Community Consultation Period : 28 Days

Timeframe to make LEP : 12 months Delegation : RPA

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons : The planning proposal does not identify any agency consultation.

Recommendation: No government agency consultation is required.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

No studies have been completed.

Recommendation: No studies are required.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The land is already serviced with appropriate infrastructure.**

Documents

Document File Name	DocumentType Name	Is Public
170110 9 O'Connell Place Gerringong planning proposal letter KMC to DoPE request for gateway determination.pdf	Proposal Covering Letter	Yes
170110 9 O'Connell Place Gerringong Planning proposal.pdf	Proposal	Yes
170110 9 O'Connell Place Gerringong planning proposal KMC Meeting 151117 minutes.pdf	Proposal	Yes
170213 9 O'Connell Place Gerringong planning proposal land title details.pdf	Proposal	Yes
170213 9 O'Connell Place Gerringong planning proposal project timeline.doc	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 4.1 Acid Sulfate Soils
- 5.10 Implementation of Regional Plans

Additional Information : The Acting Director Regions, Southern as delegate of the Minister for Planning, determines under section 56(2) of the EP&A Act that an amendment to the Kiama Local Environmental Plan 2011 to reclassify Lot 208 DP792192 (9 O'Connell Place, Gerringong) from community to operational should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to include the land title and deposited plan documents and the project timeframe.
2. Community consultation is required under Sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Environment 2016).
3. No consultation is required with public authorities/organisations under Section 56(2) (d) of the EP&A Act.
4. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

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5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
6. Council is authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.
7. No technical studies are required.
8. The Secretary's delegate can be satisfied that the planning proposal is consistent with the s117 Directions 2.2 Coastal Protection, 3.1 Residential Zones and 5.10 Implementation of Regional Plans.
9. The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.
10. The planning proposal is consistent with all relevant SEPPs.

Supporting Reasons :

The planning proposal will enable Council to reclassify the land from community to operational to reflect its current use for residential purposes and allow residential uses to continue into the future.

Signature:

 Team Leader

Printed Name:

GRAHAM TOWERS

Date:

21/2/17.

