

Pheasant Point Heritage Conservation Area listing

Proposal Title : **Pheasant Point Heritage Conservation Area listing**

Proposal Summary : **The proposal will establish a Heritage Conservation Area over certain properties at Pheasant Point.**

The planning proposal seeks to list the subject area (17 lots) under Schedule 5 of the Kiama LEP 2011 as a Heritage Conservation Area and amend the map sheet HER_012 to cover the affected properties.

PP Number : **PP_2016_KIAMA_006_00** Dop File No : **16/14760**

Proposal Details

Date Planning Proposal Received : **23-Nov-2016** LGA covered : **Kiama**

Region : **Southern** RPA : **The Council of the Municipality of Kiama**

State Electorate : **KIAMA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street : **Pheasant Point Drive**

Suburb : **Kiama** City : Postcode :

Land Parcel : **Lot 1 DP 714697**

Street : **Fitzroy Street**

Suburb : **Kiama** City : Postcode :

Land Parcel : **Lot 4 DP 1068484 (No.4); Lot 1 DP 730662 (No.6); Lot 100 DP 868429 (No.10) and Lot 5 DP 32006 (no.12)**

Street : **Devonshire Street**

Suburb : **Kiama** City : Postcode :

Land Parcel : **Lot 101 DP 1000405 (No.2); Lot 2 DP 158257 (No.4); Lot A DP 163085 (No.4); Lot B DP 163085 (No.6); Lot C DP 163085 (No.8); Lot D DP 163085 (No.10); and Lot 1 DP 1106758 (No.12)**

Street : **Minnamurra Street**

Suburb : **Kiama** City : Postcode :

Land Parcel : **Lot 1 DP 112797 (No.21); Lot 18 DP 1010648 (No.19); Lot 1 DP 150976 (No.17); Lot 2 DP 150976 (No.15); and Lot 3 DP 150976 (No.13)**

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DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : Mark Lyndon
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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 0 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :
If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :
If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting Notes : Council proposes to establish a Heritage Conservation Area to assist in conserving the environmental heritage and protect the unique character of the built form and streetscape from unsympathetic development.

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 establish a Heritage Conservation Area over 13-21 Minnamurra Street, 2-12 Devonshire Street and 2-12 Fitzroy Street Pheasant Point, Kiama to assist in conserving the environmental heritage and protecting the unique character of the built form and streetscape from unsympathetic development.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The explanations of provisions in the planning proposal are to amend the Kiama LEP 2011:
* A Part 3 will be added to under Schedule 5 of the Kiama LEP 2011 to identify the Heritage Conservation Area; and
* amend the map sheet HER_012 to cover the 17 affected properties.**

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
3.1 Residential Zones
5.10 Implementation of Regional Plans**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

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

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **The planning proposal is consistent with the s117 Directions 2.2 Coastal Protection, 2.3 Heritage Conservation, 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 will facilitate the conservation of an area of historical and architectural significance. The proposal will not reduce the residential density in the area and will ensure the design of future development in the area is consistent with the existing character of Pheasant Point.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with the s117 Directions 2.2 Coastal Protection, 2.3 Heritage Conservation, 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 listing of the area as a Heritage Conservation Area will remove the ability of property owners to undertake many forms of exempt or complying development under the SEPP (Exempt and Complying Development Codes) 2008.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **A draft map sheet for HER_012 from the Kiama LEP 2011 is included in the planning proposal and is appropriate for public exhibition. The map will need to be prepared in**

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accordance with the Department's 'Standard Technical requirements for Spatial Datasets and Maps, 2015'.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council requests that the planning proposal be publicly exhibited for 14 days as it is considered to be a low-impact proposal.

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 affected property owners.

This proposal will affect a number of landowners so, while the proposal is low impact, a longer exhibition period is recommended to ensure all affected owners have the opportunity to comment on the proposal.

Recommendation: Public exhibition for 28 days

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Kiama LEP 2011 is in operation

Assessment Criteria

Need for planning proposal : The proposal will assist in protecting the heritage values of the Pheasant Point area. The heritage significance of this area is identified in a heritage report prepared on behalf of residents in October 2016.

Council considered the option of addressing this matter through a Development Control Plan but determined that inclusion in the LEP would provide greater protection.

Consistency with strategic planning framework : The proposal is consistent with Cultural Heritage Actions in the Illawarra Regional Strategy.

The proposal is consistent with relevant Section 117 Directions and State Environmental Planning Policies.

Environmental social economic impacts : The proposal does not facilitate additional development and will not have a negative environmental impact. The area is already developed for housing and there are no areas of potential habitat for threatened species.

The proposal will assist in protecting the heritage values and retaining the character of Pheasant Point.

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The heritage listing of properties potential imposes restrictions on the landowner but owners will have the opportunity to comment on the proposal.

The proposal promotes the recognition and protection of cultural and social values.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage**

Is Public Hearing by the PAC required? **No**

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

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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 :

Documents

Document File Name	DocumentType Name	Is Public
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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
5.10 Implementation of Regional Plans

Additional Information : **It is RECOMMENDED that the Acting Director Regions, Southern as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Kiama Local Environmental Plan 2011 to identify land at Pheasant Point, Kiama as a heritage conservation area should proceed subject to the following conditions:**

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1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal is to be made publicly available for 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).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

*Office of Environment and Heritage - Heritage Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter 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).

4. The LEP map shall be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment, 2015).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

SECTION 117 DIRECTIONS

6. The Secretary's delegate can be satisfied that the planning proposal is consistent with relevant s117 Directions.

Supporting Reasons :

Establishing a Heritage Conservation Area will assist in conserving the environmental heritage and protect the unique character of the built form and streetscape from unsympathetic development.

Signature:



Team Leader

Printed Name:

Graham Towers

Date:

15/12/16.