

Garrawarra Hospital Cemetery Heritage listings

Proposal Title : **Garrawarra Hospital Cemetery Heritage listings**

Proposal Summary : **The proposal will update/amend the description and mapping of the 'Garrawarra Hospital Cemetery' and 'Garrawarra Hospital Heritage Conservation Area' in the Wollongong LEP 2009.**

PP Number : **PP_2015_WOLLG_010_00** Dop File No : **15/11327**

Proposal Details

Date Planning Proposal Received :	22-Jul-2015	LGA covered :	Wollongong City
Region :	Southern	RPA :	Wollongong City Council
State Electorate :	HEATHCOTE	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :
 Suburb : **Garrawarra** City : Postcode :
 Land Parcel : **Lot 4 DP 840501; and Garrawarra Hospital between Old Princes Highway and F6 Freeway**

DoP Planning Officer Contact Details

Contact Name : **Louise Myler**
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RPA Contact Details

Contact Name : **Emma Struys**
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DoP Project Manager Contact Details

Contact Name : **Graham Towers**
 Contact Number : **0242249467**
 Contact Email : **graham.towers@planning.nsw.gov.au**

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

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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 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 :

External Supporting Notes : **The proposal changes the heritage item name and extends the area to which the heritage item and the Garrawarra Hospital Heritage Conservation Area applies.**

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives adequately identifies the intended outcomes of the proposal.**

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

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

Comment : **The documentation clearly describes how the proposal will amend Schedule 5 and Heritage mapping in Wollongong LEP 2009.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.3 Heritage Conservation
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements**

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

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

d) Which SEPPs have the RPA identified?

SEPP (Exempt and Complying Development Codes) 2008

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 :

Section 117 Directions

Council has identified applicable Section 117 Directions and has noted that the proposal is consistent with relevant Directions.

4.4 Planning for Bushfire Protection

This Direction requires consultation with the Commissioner of the NSW Rural Fire Service (RFS) prior to undertaking community consultation, and must take any comments made by the Commissioner into account.

The Secretary's delegate may be satisfied that the Gateway Determination requirement for consultation with the RFS prior to exhibition will ensure consistency with this Direction.

The proposal is considered to be consistent with applicable s117 Directions:

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

The Secretary's approval is not required in relation to these Directions.

RECOMMENDATION

The Secretary's delegate can be satisfied that the proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection once the RFS has been consulted.

The Secretary's delegate can be satisfied that the proposal is consistent with other relevant s117 Directions and/or any inconsistencies are justified by a study or are of minor significance.

State Environmental Planning Policies (SEPPs)

The Planning Proposal is not inconsistent with SEPPs.

Mapping Provided - s55(2)(e)

Is mapping provided? **Yes**

If No, comment :

The mapping provided is adequate.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has proposed a 14 day exhibition period. This is considered appropriate for this minor proposal.

Council consulted with relevant Agencies during the preparation of the Conservation Management Plan.

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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 : **The Wollongong LEP 2009 is in operation.**

Assessment Criteria

Need for planning proposal : **This proposal arises from a comprehensive community consultation process and conservation study into the future management of the Waterfall General (Garrawarra) Cemetery.**

A Conservation Management Plan has been prepared which identifies that the mapped boundary of the cemetery should be expanded to include additional curtilage.

The proposal will also expand the Conservation Area mapping to cover the area between Item 61028 (Cemetery) and Item 6486 (Hospital) to recognise the relationship between the two Items.

Council considered the option of combining the two Items into a single listing but felt that this would diminish the individual significance of each Item.

Council intends to seek a State Heritage Significance listing for the site - but that has not yet occurred and does not form part of this proposal.

Consistency with strategic planning framework : **This is a minor proposal that assists in preserving heritage by amending the LEP.**

The proposal is consistent with Cultural Heritage Actions in the Illawarra Regional Strategy.

The proposal is consistent with Council's plan: Wollongong - 2022

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

Environmental social economic impacts : **The proposal extends the mapping for the Cemetery and broader Conservation Area. The proposal does not change zones or permit additional uses. The proposal will not have any negative environmental impact.**

Any future clearing and vegetation management will need to be consistent with the Conservation Management Plan for the area.

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

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority **Sydney Catchment Authority**
 Consultation - 56(2)(d) : **Office of Environment and Heritage**
Department of Health
NSW Rural Fire Service

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, provide reasons :

Identify any additional studies, if required :

If Other, provide reasons :

No further 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 :

Planning Team Recommendation

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

S.117 directions : **1.3 Mining, Petroleum Production and Extractive Industries**
2.1 Environment Protection Zones
2.3 Heritage Conservation
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements

Additional Information : **It is RECOMMENDED that the General Manager, Southern Region as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wollongong Local Environmental Plan 2009 to: amend the listing of Item 61028 in Schedule 5 - Environmental Heritage by changing the name of the Item to "Waterfall General (Garrawarra) Cemetery" and adding Lot 3 DP 840501 and Lot 622 DP 752033 to the property description of that Item; amend the Heritage Map to reflect the change in property description; and amend the Heritage Map to expand the area covered by the 'Garrawarra Hospital Heritage Conservation Area', should proceed subject to the following conditions:**

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 14 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**

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to Preparing local environmental plans (Department of Planning and Infrastructure 2013).

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

- * NSW Rural Fire Service
- * NSW Health
- * Crown Lands
- * Office of Environment and Heritage
- * Sydney Catchment Authority

Public authorities are to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Note that consultation with the NSW Rural Fire Service is required prior to undertaking community consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

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 timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

SECTION 117 DIRECTIONS

5. The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

6. The Secretary's delegate can be satisfied that the planning proposal is consistent with other relevant s117 Directions, or that any inconsistencies are of minor significance.

Supporting Reasons :

This is a minor proposal that will assist in the preservation of cultural heritage and follows consultation and the preparation of a conservation study for the area.

Panel Recommendation

Recommendation Date :

Gateway Recommendation :

Passed with Conditions

Panel

Recommendation :

Gateway Determination

Decision Date : **28-Jul-2015**

Gateway Determination :

Passed with Conditions

Decision made by : **General Manager, Southern Region**

Gateway Determination : **Planning proposal (Department Ref: PP_2015_WOLLG_010_00): to amend the name and property description of the 'Garrawarra Hospital Cemetery' (Item 61028) in Schedule 5 – Environmental Heritage; and to amend Heritage mapping in relation to both the Cemetery and the 'Garrawarra Hospital Heritage Conservation Area'.**

I, the General Manager, Southern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 (the Act) that an amendment to the Wollongong Local Environmental Plan (LEP) as described above should proceed subject to the following conditions:

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

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- (a) the planning proposal is to be made publicly available for a minimum of 14 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 LEPs (Department of Planning and Environment 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act 1979 and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
- Sydney Catchment Authority
- NSW Rural Fire Service
- NSW Health
- Department of Primary Industry (Lands)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Consultation is required with the NSW Rural Fire Service prior to undertaking community consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. 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 timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Exhibition period : **14 Days**

Gateway Timeframe : **9 months**

Extension Timeframe : **0 months**

Total Timeframe : **9 months**

Proposal Due Date for Finalisation: **05-May-2016**

Status: **On-time**

Revised Determination (e.g. Extensions & Alterations):

Implementation

Gateway effective date : **04-Aug-2015**

Exhibition start date : **24-Aug-2015**

Exhibition end date : **11-Sep-2015**

Exhibition duration : **19**

Public hearing :

Date :

Date advice received
from RPA : **20-Nov-2015**

Days with RPA : **109**

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LEP Assessment

Days with DoP :	7	Number of submissions :	6
Additional studies conducted :	No		
Agency consultation consistent with recommendation :	Yes		
If No, comment :	Council consulted with Agencies as required by the Gateway.		
Agency Objections :	No		
If Yes, comment :	Submissions were received from 6 Agencies: Department of Primary Industries - Lands did not object to the proposal but recommended that the property description be amended to refer to Part lots. This has been done as part of the drafting of the LEP. Department of Primary Industries – Cemeteries and Crematoria did not object to the proposal. Office of Environment and Heritage – Heritage Council of NSW did not object to the proposal. Sydney Water did not object to the proposal. NSW Rural Fire Service did not object to the proposal. NSW Department of Health did not object to the proposal. There were no public submissions on the proposal.		
Documentation consistent with Gateway :	Yes		
If No, comment :			
Proceed to Draft LEP :	Yes		
If No, comment :			
Have all necessary changes requested by Council / Department / Agency / Other been made?	Yes		
If No, comment :			

LEP Determination

Date sent to legal :	26-Nov-2015	Total Days at PC :		Total Days at Legal/DoP :	12
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PC Dates Details

Date sent to PC :		Date returned from PC :		Days at PC :	
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Other referrals :

Date Sent :

Date Received :

Elapsed Days : 19

Date PC provided an opinion that draft LEP could be made : 01-Dec-2015

Have changes been made to the draft LEP after obtaining final PC opinion? No

Determination Date :

Determination Decision :

Notification Date :

Decision made by :

Link to Legislation Website :

Internal Supporting notes :

Documents

Document File Name	DocumentType Name	Is Public
Council covering letter - Garrawarra Hospital Cemetery Heritage Listing_.pdf	Proposal Covering Letter	Yes
Draft Planning Proposal Garrawarra Cemetery Heritage Listing.docx	Proposal	Yes
Waterfall General Garrawarra Cemetery - Council report - resolution - Conservation Management Plan.pdf	Proposal	Yes
PP_2015_WOLLG_010_00 Garrawarra Cemetery Planning Team Report.pdf	Determination Document	Yes