

Shellharbour LGA - Heritage listing of Northern boundary

Proposal Title : **Shellharbour LGA - Heritage listing of Northern boundary**

Proposal Summary : **This proposal will identify the northern boundary of the Shellharbour LGA as an item of local heritage significance.**

All properties along the boundary (apart from the area covered by the Major Project State Environmental Planning Policy) will be listed as local heritage items.

PP Number : **PP_2016_SHELL_004_00** Dop File No : **16/12423**

Proposal Details

Date Planning Proposal Received : **16-Sep-2016** LGA covered : **Shellharbour**

Region : **Southern** RPA : **Shellharbour City Council**

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

LEP Type : **Policy**

Location Details

Street : **Illawarra Highway**

Suburb : **Albion Park Rail** City : **Shellharbour** Postcode : **2527**

Land Parcel : **Lot 17 AP804242; Lot 3 AP533684;**

Street : **Shearwater Boulevard**

Suburb : **Albion Park Rail** City : **Shellharbour** Postcode : **2527**

Land Parcel : **Lot 302 DP 849257; Lot 230 DP 844852; Lot 152 DP 831222**

Street : **Princes Highway**

Suburb : **Albion Park Rail** City : **Shellharbour** Postcode : **2527**

Land Parcel : **Lot 36 DP 1188110; Lot 1 DP 364006;**

Street : **Spoonbill Place**

Suburb : **Albion Park Rail** City : **Shellharbour** Postcode : **2527**

Land Parcel : **Lot 332 DP 849257**

Street : **Calderwood Road**

Suburb : **Calderwood** City : **Shellharbour** Postcode : **2527**

Land Parcel : **Lot 72 DP 543194; Lot Pt 13 DP 2534; Lot Pt 3 DP 24143; Lot 2 DP 651377; Lot 2 DP 568285; Lot 121 DP 858284; Lot 46 DP 751263; Lot Pt 5 DP 2534; Lot 1121 DP 1067963; Lot 47 DP 751263; Lot Pt 6 DP 2534**

Street : **Marshall Mount Road**

Suburb : **Calderwood** City : **Shellharbour** Postcode : **2527**

Land Parcel : **Lot 4 DP 658267; Lot Pt 3 DP 2534**

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Street :	Rivulet Crescent			
Suburb :	Albion Park Rail	City :	Shellharbour	Postcode : 2527
Land Parcel :	Lot 32 DP 244040			
Street :	Mellows Road			
Suburb :	Calderwood	City :	Shellharbour	Postcode : 2527
Land Parcel :	Lot 1 DP 746581			
Street :	Illawarra Highway			
Suburb :	Calderwood	City :	Shellharbour	Postcode : 2527
Land Parcel :	Lot Pt 1 DP 372848; Lot 121 DP 998189; Lot 16 AP 804242			
Street :	Illawarra Highway			
Suburb :	Macquarie Pass	City :	Shellharbour	Postcode : 2527
Land Parcel :	Lot 77 DP 751263			
Street :				
Suburb :		City :		Postcode :
Land Parcel :	Part Lake Illawarra			

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

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

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MDP Number :

Date of Release :

Area of Release (Ha) **0.00**

Type of Release (eg **N/A**

:

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 :

Adequacy Assessment

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

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

Comment : **The statement of objectives clearly expresses the intended outcome of the proposal.**

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

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

Comment : **The explanation of provisions clearly identifies the changes to the LEP that will result from the proposal.**

This includes amending Heritage mapping to identify the northern LGA boundary as a local heritage item; and to list all affected lots in Schedule 5 of the LEP

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

5.1 Implementation of Regional Strategies

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

SEPP (Exempt and Complying Development Codes) 2008
SEPP (Rural Lands) 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 considers that the proposal is consistent with all applicable Directions.

Those of particular relevance are discussed below:

1.2 Rural Zones

This Direction applies when a proposal will affect rural zoned land. Proposals must not rezone land from a rural zone to an urban zone and must not increase the permissible density of development in rural areas.

This proposal affects land zoned RU1 so the Direction applies, however the proposal does not rezone rural land and does not permit additional development or subdivision of rural land.

The Secretary's delegate may be satisfied that the proposal is consistent with this Direction and no additional approval is required.

1.5 Rural Land

This Direction applies when a proposal will affect land within an existing or proposed rural or environmental protection zone or will reduce the minimum lot size on land within a rural or environmental protection zone.

The proposal does not permit additional development or subdivision and is consistent with the Rural Planning Principles and Rural Subdivision Principles in State Environmental Planning Policy (Rural Lands) 2008.

The Secretary's delegate may be satisfied that the proposal is consistent with this Direction and no additional approval is required.

2.1 Environment Protection Zones

This Direction aims to protect and conserve environmentally sensitive areas.

While it applies to environmentally zoned land, this proposal does not reduce or alter the environmental protection standards and does not involve environmental impacts.

The Secretary's delegate may be satisfied that the proposal is consistent with this Direction and no additional approval is required.

2.3 Heritage Conservation

The objective of this Direction is to conserve items and areas of heritage significance.

The intent of this proposal is to identify an item - being the northern LGA boundary - as having local heritage significance consistent with heritage study recommendations.

The Secretary's delegate may be satisfied that the proposal is consistent with this Direction and no additional approval is required.

4.4 Planning for Bushfire Protection

This Direction requires consultation with the Commissioner of the NSW Rural Fire Service 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 the other applicable s117 Directions:

- 2.2 Coastal Protection
- 2.4 Recreation Vehicle Areas
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrated Land Use and Transport
- 4.3 Flood Prone Land
- 5.10 Implementation of Regional Plans
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

RECOMMENDATION

It is recommended that the Secretary's delegate be satisfied that the proposal will be consistent with 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

It is recommended that the Secretary's delegate be satisfied that the proposal is consistent with all other application s117 Directions.

State Environmental Planning Policies (SEPPs)

The Planning Proposal is not inconsistent with relevant SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : A proposed heritage item map is provided which is considered to be adequate for the purposes of public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal indicates that it will be placed on exhibition for a 28 day period. The community consultation proposed is considered to be adequate.

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 : The planning proposal is considered to meet the requirements of the Department's guide to preparing planning proposals.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Shellharbour Local Environmental Plan 2013 was notified in August 2013.

Assessment Criteria

Need for planning proposal :	Council conducted a heritage investigation into the significance of the northern LGA boundary and it was found to satisfy all 7 criteria for listing. The report recommended that the boundary be listed as a heritage item in the Shellharbour LEP 2013. The planning proposal is the only way to achieve this outcome.
Consistency with strategic planning framework :	Council has identified that the proposal is consistent with the strategic planning framework. It supports Direction 3.4 of the Illawarra Shoalhaven Regional Plan which relates to the protection of cultural heritage. The proposal is consistent with Council's Community Strategic Plan 2022 as it recognises, protects and celebrates heritage. The proposal is not inconsistent with relevant s117 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 recognition of the historic boundary - which has remained largely unaltered since the LGA was proclaimed in 1859 - will assist in preserving the story of Shellharbour LGA and provides a cultural and social benefit. The listing does not prohibit further development or subdivision of the affected lots but will provide an additional consideration in the assessment of applications.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Office of Environment and Heritage - NSW National Parks and Wildlife Service NSW Rural Fire Service Adjoining LGAs		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :	The planning proposal will facilitate the listing of the northern boundary of the LGA as an item of local heritage on the Shellharbour LEP 2013.		
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
If Other, provide reasons :			

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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
Shellharbour - Northern boundary - Planning Proposal.doc	Proposal	Yes
Shellharbour - Northern boundary proposal - Council report.pdf	Proposal	Yes
Shellharbour - Northern Boundary proposal - Council resolution.pdf	Proposal	Yes
Shellharbour proposal - Northern Boundary - covering letter.pdf	Proposal Covering Letter	Yes
SHellharbour proposal - northern boundary - Heritage Map.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 2.1 Environment Protection Zones
 2.3 Heritage Conservation
 5.1 Implementation of Regional Strategies

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 Shellharbour Local Environmental Plan 2013 to identify the northern boundary of the Shellharbour LGA as an item of local heritage significance 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 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 Infrastructure 2013).

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**
***Office of Environment and Heritage - NPWS**
***NSW Rural Fire Service**
***Wollongong City 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.

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. 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 will be consistent with s117 Direction 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

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

Supporting Reasons :

Consultation with the RFS is required, in accordance with the Section 117 Direction 4.4 Planning for Bushfire Protection, for all planning proposals affecting land that is identified as bushfire prone.

Signature:

George Curtis A/ Team Leader

Printed Name:

George Curtis Date: 29/9/16