

## Planning and Assessment

IRF20/1262

### Gateway determination report

<b>LGA</b>	Bega LGA
<b>PPA</b>	Bega Valley Shire Council
<b>NAME</b>	Amend heritage items listed in Schedule 5 and shown on the heritage map that have been destroyed by bushfires (0 homes, 0 jobs)
<b>NUMBER</b>	PP_2020_BEGAV_001_00
<b>LEP TO BE AMENDED</b>	Bega Valley LEP 2013
<b>ADDRESS</b>	<ul style="list-style-type: none"> <li>• 1 Cobargo Street QUAAMA NSW 2550,</li> <li>• 25-27 Cobargo Street QUAAMA NSW 2550,</li> <li>• 5 Wandella Road COBARGO NSW 2550,</li> <li>• 5 Bega Street COBARGO NSW 2550,</li> <li>• 66 Princes Highway COBARGO NSW 2550</li> <li>• 72 Princes Highway, COBARGO NSW 2550</li> <li>• Princes Highway KIAH NSW 2551</li> <li>• 1551 Nungatta Road NUNGATTA NSW 2551</li> </ul>
<b>DESCRIPTION</b>	<ul style="list-style-type: none"> <li>• Lot 1 Sec 2 DP 758860</li> <li>• Lot 3 Sec 5 DP 758860 and Lot 1 DP 318028</li> <li>• Lot 3 DP 794010</li> <li>• Lot 4 Sec 1 DP 1460</li> <li>• Lot 5 DP 1134</li> <li>• Lot 2 DP 1134</li> <li>• Lot 68 DP 750223</li> <li>• Lot 10 DP 750206 and Lot 3 DP 1102868</li> </ul>
<b>RECEIVED</b>	25 March 2020
<b>FILE NO.</b>	IRF20/1262
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. INTRODUCTION

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### 1.1 Description of planning proposal

The planning proposal seeks to;

- remove the following 7 heritage items listed in Schedule 5 and shown on the heritage map that have been destroyed by bushfires;
  - I255- 1 Cobargo Street QUAAMA NSW 2550,
  - I256 - 25-27 Cobargo Street QUAAMA NSW 2550,
  - I204 - 5 Wandella Road COBARGO NSW 2550 (Note: property incorrectly listed as Wandellow Road in Schedule 5),
  - I662 - 5 Bega Street COBARGO NSW 2550,
  - I723 - 66 Princes Highway COBARGO NSW 2550,
  - I156 - 72 Princes Highway, COBARGO NSW 2550,
  - I219 - Princes Highway KIAH NSW 2551.
- amend the heritage listing for Item I261 described as 1551 Nungatta Road Nungatta NSW 2551 (Lot 10 DP 750206) to remove a reference to 'Nungatta Station' because the buildings were destroyed by bushfires. Replace I261 with the listing of the cemetery that still remains on Lot 3, DP 1102868.

### 1.2 Site description

The sites are located in Quaama village, Cobargo village, Nungatta and Kiah localities. The planning proposal includes photos of the structures representing the heritage items before and after the bushfires.

The images below have been taken from the planning proposal showing the location of the 8 sites.

Image 1 Sites in Quaama Village to be removed (Source: Planning proposal)



Image 2 Sites in Cobargo Village to be removed (Source: Planning Proposal)

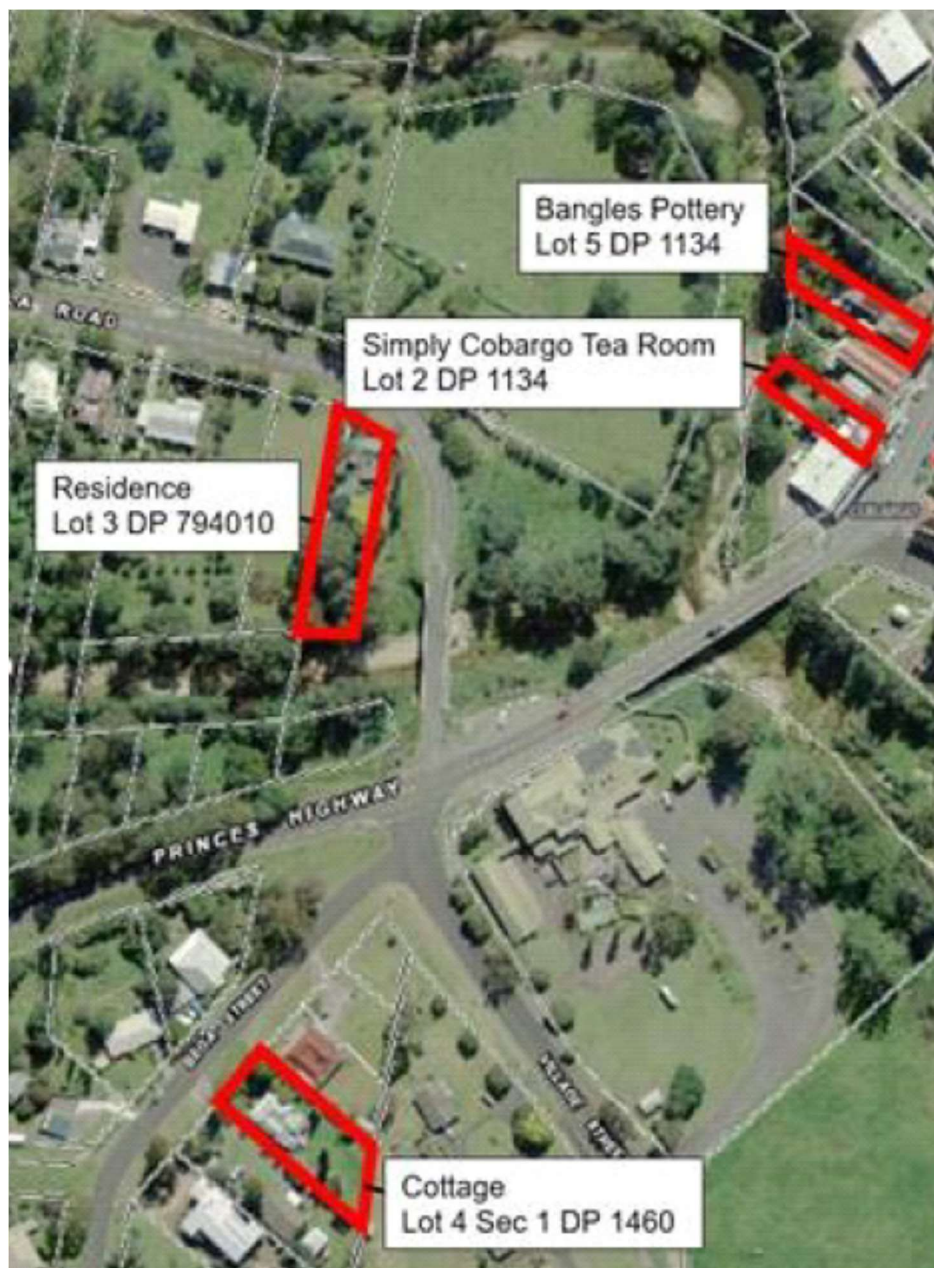




Image 3 Nungatta Station, Nungatta to be amended to remove Nungatta Station, Lot 10 DP 750206. Although details of the heritage listing refer to the graves, they are actually located on the adjacent Lot 3 DP 1102868 shown by the blue square. (Source: Planning Proposal).

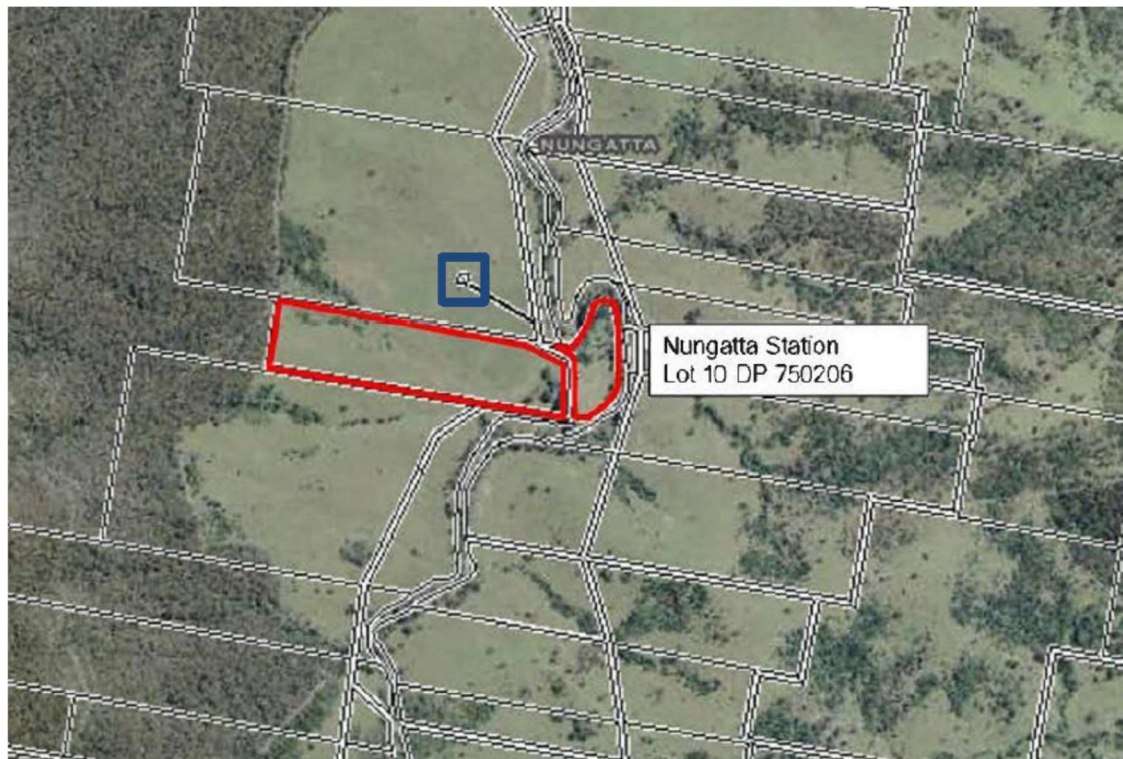


Image 4 Site of former Roman Catholic Church, Kiah to be removed (source: Planning Proposal)



### **1.3 Existing planning controls**

The 8 sites are listed in Schedule 5 and shown on the heritage map under Bega LEP 2013.

### **1.4 Summary of recommendation**

Recommend that a Gateway determination be issued to enable the planning proposal to proceed without the requirement for community or agency consultation. This will enable Council to expedite remove the heritage items listed in the LEP that have been destroyed by bushfire and remove planning impediments for complying and exempt development on these sites.

## **2. PROPOSAL**

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### **2.1 Objectives or intended outcomes**

The planning proposal clearly indicates that it seeks to amend heritage items listed in Schedule 5 and shown on the heritage map that have been destroyed by bushfires.

### **2.2 Explanation of provisions**

The planning proposal clearly identifies the 8 heritage items to be either removed (7) or amended (1) in Schedule 5.

### **2.3 Mapping**

The planning proposal clearly identifies the Heritage Map sheets to be amended, i.e. HER\_018, HER\_017A, HER\_007 and HER\_013.

## **3. NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is required to ensure heritage items destroyed by bushfire are removed from the Bega Valley LEP 2013 and to remove planning impediments for complying and exempt development on these sites.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 State**

There are no inconsistencies with State policies or strategies.

### **4.2 Regional / District**

The planning proposal is not inconsistent with the South Eastern and Tablelands Regional Plan.

### **4.3 Local**

The planning proposal is not inconsistent with any local strategy.

### **4.4 Section 9.1 Ministerial Directions**

#### **Direction 2.3 Heritage Conservation**

The planning proposal is consistent with Direction 2.3 Heritage Conservation because it seeks to update the Bega Valley LEP 2013 to reflect that the heritage items have been destroyed by bushfire.

#### **Direction 4.4 Planning for Bushfire Protection**

The planning proposal acknowledges that the following 5 sites are shown as bush fire prone land on the bush fire prone land map;

- 1 Cobargo Street QUAAMA NSW 2550,
- 25-27 Cobargo Street QUAAMA NSW 2550,

- 5 Wandella Road COBARGO NSW 2550
- 1551 Nungatta Road NUNGATTA NSW 2551
- Princes Highway KIAH NSW 2551.

The Direction requires Council consult with the NSW Rural Fire Service after the issuing of a Gateway determination. This is to ensure the planning proposal is consistent with the Objectives of the Direction:

- *To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land use in bush fire prone areas, and*
- *To encourage sound management of bushfire prone areas.*

The planning proposal however seeks to remove heritage items already destroyed by bushfire and is therefore consistent with the Objectives of the Direction.

After discussions with the NSW Rural Fire Service it was agreed that consultation with the NSW Rural Fire Service was unnecessary because the proposal is consistent with the objectives of the Direction, it seeks to expedite the removal of destroyed heritage items from the LEP and to remove planning impediments for complying and exempt development on these sites.

Recommendation: That the Secretary approve any inconsistency with section 9.1 Direction 4.4 Planning for Bushfire Protection because the planning proposal is not inconsistent with the Objectives of the Direction.

#### **4.5 State environmental planning policies (SEPPs)**

Removal of the heritage items from the Bega LEP 2013 does not raise any issues with SEPPs.

### **5. SITE-SPECIFIC ASSESSMENT**

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#### **5.1 Social**

There are no adverse social impacts as a result of removing heritage items from the Bega LEP 2013 that have been destroyed by bushfire.

#### **5.2 Environmental**

There are no adverse economic impacts as a result of removing heritage items from the Bega LEP 2013 that have been destroyed by bushfire.

#### **5.3 Economic**

There are no adverse environmental impacts as a result of removing heritage items from the Bega LEP 2013 that have been destroyed by bushfire.

#### **5.4 Infrastructure**

There are no issues with infrastructure or servicing as a result of removing heritage items from the Bega LEP 2013 that have been destroyed by bushfire.

### **6. CONSULTATION**

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#### **6.1 Community**

The planning proposal indicates that community consultation is not required due to the nature of the proposal. Council has also undertaken direct consultation with affected landowners prior to the proposal being endorsed by Council.

Council's request has merit because it seeks to remove items destroyed by bushfire. It is therefore recommended that no community consultation is required.

## **6.2 Agencies**

Council has already undertaken consultation with Heritage DPC. No objections were raised by Heritage DPC and advice received from Heritage DPC on the preparation of the proposal has been incorporated into the document. No further consultation is therefore required from Heritage DPC.

It is therefore recommended that a Gateway determination be issued without requiring consultation with agencies.

## **7. TIME FRAME**

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The planning proposal seeks to finalise the LEP by April 2020. It is recommended that time frame for completing the LEP be 6 months to provide enough time for Council to prepare amendments to the Heritage Map and obtain an Opinion on a draft LEP from Parliamentary Counsel's Office.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has requested to be the local plan making authority. Given the nature of the proposal and the desire by Council to expedite the finalisation of the LEP it is recommended that Council be the local plan making authority.

## **9. CONCLUSION**

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It is concluded that a Gateway determination should be issued to enable the planning proposal to proceed without the requirement for community or agency consultation. This will enable Council to expedite removal of the heritage items listed in the LEP that have been destroyed by bushfire and remove planning impediments for complying and exempt development on these sites.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 4.4 Planning for Bushfire Protection are of minor significance.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Community consultation is not required.
2. Consultation with public authorities is not required.
3. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.



27/03/2020

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27/03/2020

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