



IRF23/1442

Gateway determination report – PP-2023-1002

Heritage Listing - Former Huskisson Anglican Church
(no homes, no jobs)

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Former Huskisson Anglican Church Statement of Heritage Significance, Extent Heritage, May 2023.

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Shoalhaven
PPA	Shoalhaven City Council
NAME	Heritage Listing - Former Huskisson Anglican Church (no homes, no jobs)
NUMBER	PP-2023-1002
LEP TO BE AMENDED	Shoalhaven LEP 2014
ADDRESS	17 Hawke Street and 22-26 Currumbene Street Huskisson
DESCRIPTION	Lots 7-9 Section 3 DP 758530
RECEIVED	12/05/2023
FILE NO.	EF23/5564
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend the Shoalhaven LEP 2014 by:

- Including Lots 7-9 Section 3 DP 758530 (17 Hawke Street and 22-26 Currumbene Street, Huskisson) as Item 553 in Schedule 5 Environmental Heritage.
- Amending Map Sheet HER_020C to reflect the inclusion of proposed Item 553 in the Shoalhaven LEP 2014 instrument.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Shoalhaven LEP 2014 per the changes below:

1. Include Lots 7-9 Section 3 DP 758530 (17 Hawke Street and 22-26 Currumbene Street, Huskisson) as Item 553 “Former Huskisson Anglican Church and its site” as an item of local significance in Schedule 5 Environmental Heritage of Shoalhaven LEP 2014.

2. Update the Shoalhaven LEP 2014 Map Sheet (HER_020C) to apply the heritage layer over Lots 7-9 Section 3 DP 758630.

The explanation of the provisions of this planning proposal are clear and adequate.

1.4 Site description and surrounding area

The subject land, which has an area of 8,094m², is located at 17 Hawke and 22-26 Currumbene Streets (Lots 7-9 Section 3 DP 758530) which is located on the southern edge of the Huskisson town centre. Lot 7 contains a disused timber and weatherboard church and rectory building. Lots 8 and 9 are generally undeveloped and contain large trees. A site map and aerial photo are provided in the planning proposal.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the heritage maps, which are suitable for community consultation.

1.6 Background

A gateway determination was issued on 30 April 2020 for a previous planning proposal for the site which was prepared by Shoalhaven City Council in response to a rezoning request by the landowner. The planning proposal sought to rezone the site to B4 Mixed Use Zone and to increase the building height control to facilitate a serviced apartment and hotel development on the site.

The Department determined on 14 July 2022 that the planning proposal should not proceed due to:

- Council's 11 April 2022 resolution not to proceed with any scraping of the grounds of Huskisson Anglican Church site to verify graves which meant that the required Aboriginal Cultural Heritage Assessment could not be finalised, and the planning proposal could not proceed to public exhibition.
- The landowner's 11 July 2022 advice to Council that it wanted to withdraw the planning proposal.

2 Need for the planning proposal

The planning proposal is needed to facilitate the listing of the site as a local heritage item under the Shoalhaven LEP 2014 which will implement Council's resolution. The planning proposal is supported by a Statement of Heritage Significance (Extent Heritage, May 2023) that found the former Huskisson Anglican Church and its site:

- Meets the NSW heritage assessment criteria for having cultural significance at the local level for its historical, associative, aesthetic, social, research, rarity, and representative values; and
- Fulfills the criteria for a listing as a heritage item of local significance.

The planning proposal is the appropriate mechanism to facilitate the required amendment to the Shoalhaven LEP 2014.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Illawarra Shoalhaven Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
<p>Objective 23: Celebrate, conserve and reuse cultural heritage.</p> <p>Strategy 23.1 Identify, conserve and enhance cultural heritage values.</p>	<p>The planning proposal is consistent with Objective 23 and Strategy 23.1 of the regional plan as it will facilitate the listing of the Huskisson church, grounds and adjoining lot 9 as a local heritage item on the Shoalhaven LEP 2014 consistent with the findings of a statement of heritage significance that was prepared by Extent Heritage to support the planning proposal. The assessment found that the 1931 church building and the grounds of Lots 7 and 8 are of high local heritage significance, while the rectory building is of moderate significance. In addition, the assessment found that the adjoining Lot 9 is contributory to the historical, aesthetic and social value of the former Huskisson Anglican Church.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
<p>Shoalhaven 2040 Local Strategic Planning Statement:</p> <ul style="list-style-type: none"> • Planning Priority 14: Heritage items and places: <ul style="list-style-type: none"> ➤ CW14.1: Administration and management of heritage items, heritage conservation areas and archaeological sites. ➤ CA14.1: Work with local historic groups to identify significant heritage items and places and opportunities to conserve them. 	<p>The planning proposal facilitates the listing of the Huskisson church, grounds and adjoining lot 9 as a local heritage item on the Shoalhaven LEP 2014 which is consistent with planning priority 14 of the Shoalhaven LSPS.</p>

<p>Shoalhaven 2032 Community Strategic Plan:</p> <ul style="list-style-type: none"> Theme 1 – Resilient, Safe, Accessible and Inclusive Communities. Priority 1.2 Preserve, support and develop cultural and creative vitality across our communities. Theme 4 – Effective, Responsible and Authentic Leadership. Priority 4.3 Inform and engage with the community about the decisions that affect their lives. 	<p>The planning proposal will contribute to preservation of Huskisson's cultural heritage for future generations which is consistent with Theme 1, Priority 1.2 of the CSP.</p> <p>The planning proposal will be placed on public exhibition and provide an opportunity for the community and land owners to provide written submissions on the proposal which is consistent with Theme 4 and Priority 4.3 of the CSP.</p>
Shoalhaven Growth Management Strategy (GMS)	The planning proposal is consistent with the Shoalhaven GMS's purpose to manage the social and economic implications of future growth in Shoalhaven whilst protecting and preserving the environmental values of the city.
Jervis Bay Settlement Strategy	The planning proposal is consistent with the Jervis Bay Settlement Strategy, which applies to Huskisson, specifically the cultural heritage objective (p.51) to ensure that significant natural and cultural heritage values of the Region are recognised, conserved and managed.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.1 Implementation of Regional Plans	Consistent	The planning proposal is consistent with the cultural heritage objectives and strategies of the Illawarra Shoalhaven Regional Plan as discussed in section 3.1 of this report.
Direction 3.2 Heritage Conservation	Consistent	The planning proposal will facilitate the conservation of the former Huskisson Anglican Church and surrounding curtilage as an item of local heritage on the Shoalhaven LEP 2014 as discussed in sections 3.1 and 3.2.
Direction 4.2 Coastal Management	Consistent	Huskisson is located on Jervis Bay within the Coastal Zone. The planning proposal is not inconsistent with the objective of the Direction to protect and manage coastal areas of NSW.
Direction 4.3 Planning for Bushfire Protection	Consistent	The site is not mapped as bushfire prone land or in proximity to land mapped as bushfire prone.

Direction 4.5 Acid Sulfate Soils	Consistent	The planning proposal affects land that has a probability of containing acid sulfate soils, however, the proposal is not contrary to the requirements of the Direction.
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3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Exempt and Complying Development) 2008	The SEPP does not provide any specific requirements for the preparation of planning proposals. The SEPP provides exempt and complying development codes which do not require Council development consent.	Yes	The proposed local heritage listing of the site will effectively turn off the ability to undertake most forms of complying development under the SEPP which means that any development applying to the site that is not exempt will require a development application. This will ensure any future development proposal for the site is subject to a detailed assessment and community consultation to protect the heritage significance of the site.
SEPP (Resilience and Hazards) 2021	The SEPP applies because the site is located within the Coastal Use and Coastal Environment Area provisions of the SEPP. The SEPP, however, does not provide any specific requirements for the preparation of planning proposals but the SEPP will need to be assessed for any future development applications for the site.	Yes	The planning proposal does not raise any resilience or hazard issues as it is not located within flood or bushfire prone land and will not facilitate development that would impact on coastal environment areas.

SEPP (Biodiversity and Conservation) 2021	The SEPP applies because the site is zoned SP2 Infrastructure and contains mature trees and other vegetation. The SEPP does not provide specific requirements for the preparation of planning proposals. Any clearing of trees and vegetation may require approval from Shoalhaven City Council in accordance with the relevant chapter of the Shoalhaven Development Control Plan.	Yes	The proposed local heritage listing of the site is consistent with the aims and objectives of the SEPP to protect the biodiversity values of trees and other vegetation.
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4 Site-specific assessment

4.1 Environmental

The site contains mature trees and other vegetation. The planning proposal is unlikely to impact on biodiversity values on the site. The proposed local heritage listing of the site will facilitate the protection of trees and vegetation located on the site. No other environmental impacts are anticipated because of the planning proposal.

4.2 Social and economic

The planning proposal states the proposal will have positive social effects in recognising and protecting the heritage significance of the Former Huskisson Anglican Church and its site. The planning proposal also states the proposal is not expected to result in adverse economic effects for the site as the proposed heritage listing does not prohibit development of the site in the future, rather it will promote positive and appropriate development outcomes such as heritage tourism which will benefit Huskisson and the broader Shoalhaven region.

Protection of heritage values in general has positive social and economic benefits. The proposal is supported by a Statement of Heritage Significance which recommends the listing.

4.3 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

4.4 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Heritage NSW
- Commonwealth Department of Climate Change, Energy, the Environment and Water (Heritage)

Council also intends to consult with the Jerrinja Local Aboriginal Land Council on the planning proposal prior to public exhibition.

5 Timeframe

Council proposes a 10 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to allow completion of an LEP.

6 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is for a local heritage listing and is of local significance the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

7 Assessment summary

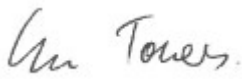
The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the local and regional strategic planning that applies to the area including the Illawarra Shoalhaven Regional Plan, Shoalhaven Local Strategic Planning Statement, relevant section 9.1 Ministerial Directions and State Environmental Planning Policies.
- It is supported by a Statement of Heritage Significance (May 2023) for the site that was prepared for Shoalhaven City Council by Extent Heritage.
- Issuing a Gateway will enable a formal consultation process to occur.

8 Recommendation

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

1. Consultation is required with the following public authorities:
 - Heritage NSW
 - Commonwealth Department of Climate Change, Energy, the Environment and Water (Heritage)
 - Jerrinja Local Aboriginal Land Council
2. The planning proposal should be made available for community consultation for a minimum of 30 days.
3. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



2/6/23

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