

Ordinary Meeting

Meeting Date: Monday, 11 March, 2024
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

Membership (Quorum - 7)
All Councillors

Please note: The proceedings of this meeting (including presentations, deputations and debate) will be webcast, recorded and made available on Council's website, under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

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<https://www.shoalhaven.nsw.gov.au/Council/Meetings/Stream-a-Council-Meeting>.

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Shoalhaven City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

Agenda

1. Acknowledgement of Country
2. Moment of Silence and Reflection
3. Australian National Anthem
4. Apologies / Leave of Absence
5. Confirmation of Minutes
 - Ordinary Meeting - 26 February 2024

6. Declaration of Interests

7. Presentation of Petitions

8. Mayoral Minute

Mayoral Minute

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9. Deputations and Presentations

10. Call Over of the Business Paper

11. A Committee of the Whole (if necessary)

12. Committee Reports

Nil

13. Reports

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14. Notices of Motion / Questions on Notice

Notices of Motion / Questions on Notice

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15. Confidential Reports

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Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CL24.58 Proposed Heritage Listing of the Former Huskisson Anglican Church and Site: Public Exhibition Outcomes and Next Steps

HPERM Ref: D24/60309

Department: Strategic Planning

Approver: Coralie McCarthy, Acting Director - City Futures

Attachments:

1. Gateway Determination - Planning Proposal PP068: Heritage Listing: Former Huskisson Anglican Church and Site [↓](#)
2. Alteration of Gateway Determination - Planning Proposal PP068: Heritage Listing: Former Huskisson Anglican Church and Site [↓](#)

Reason for Report

The purpose of this report is to provide Council with an overview of the submissions received on the public exhibition of Planning Proposal PP068 – Heritage Listing: Former Huskisson Anglican Church and Site (comprising the land identified as Lots 7-9 Section 3 DP 758530) and to seek direction from Council on the next steps.

Recommendation

That Council:

1. Acknowledge the submissions received on the public exhibition of Planning Proposal PP068 - Heritage Listing: Former Huskisson Anglican Church and Site (comprising the land identified as Lots 7-9 Section 3 DP 758530) and give due consideration to the submissions.
2. Support the Planning Proposal as exhibited.
3. Finalise the Planning Proposal as exhibited in accordance with the Local Environmental Plan Making Guidelines including liaising with the Parliamentary Counsel's Office and NSW Department of Planning, Housing and Infrastructure.

Options

1. As recommended.

Implications and summary of advice: This option allows the Planning Proposal (PP) to progress to the next steps to formally heritage list the Former Huskisson Anglican Church and Site within Shoalhaven Local Environmental Plan (SLEP) 2014 in accordance with the recommendations of the contemporary Statement of Heritage Significance (SoHS) prepared for the site by Extent Heritage.

2. That Council:

1. Acknowledge the submissions received on the public exhibition of Planning Proposal PP068 – Heritage Listing: Former Huskisson Anglican Church and Site (comprising the land identified as Lots 7-9 Section 3 DP 758530) and give due consideration to submissions.
2. Commission an independent Economic Impact Assessment (EIA) (or similar) and/or a peer review of the contemporary SoHS in response to the concerns raised in the submissions by the owner of Lots 7 and 8, prior to any further consideration of the PP.

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Implications and summary of advice: An EIA is not a requirement for every PP and was not a condition of the Gateway determination issued by the (then) NSW Department of Planning and Environment (DPE) (now the NSW Department of Planning, Housing and Infrastructure (DPHI)). The Department also did not require a peer review of the contemporary SoHS.

Should an EIA (or similar) or peer review of the SoHS (or both) be commissioned for the Council to consider and the Council determined to progress the PP (with or without changes), the PP may need to be reexhibited and potentially referred back to the Department. An extension to the Gateway determination may be required. There will be additional financial and resource implications for Council, which cannot be quantified at this time.

3. That Council:

1. Acknowledge the submissions received on the public exhibition of Planning Proposal PP068 – Heritage Listing: Former Huskisson Anglican Church and Site (comprising the land identified as Lots 7-9 Section 3 DP 758530) and give due consideration to submissions.
2. Withdraw its support for the PP and discontinue the process to heritage list the Former Huskisson Anglican Church and Site.

Implications and summary of advice: This option would remove the interim protection provided by the draft heritage listing, and the Church and Site would not be listed as a heritage item in the SLEP 2014. This option is not in accordance with the recommendations of the contemporary SoHS that was prepared for the site.

Background

In July and August 2023, Council publicly exhibited a PP which proposes the listing of the Former Huskisson Anglican Church and Site as a local heritage item in the SLEP 2014. The PP applies to 17 Hawke Street and 22-26 Currambene Street, Huskisson (Lots 7-9 Section 3 DP 758530) as identified in Figure 1.



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Figure 1: Aerial image of the subject site, outlined in red, as sourced from PP068.

The PP was prepared to action Council's 20 September 2022 resolution (in part) to (MIN22.618):

2. *Commence the process to immediately list the Former Anglican Church, Huskisson and any associated items on the site (including Lots 7 and 8 Section 3 DP 758530) as a 'Heritage Item' of local significance in Schedule 5 of Shoalhaven Local Environmental Plan 2014, including the preparation of an updated statement of heritage significance and any other required supporting information.*
3. *As part of the Gateway determination submitted to the NSW Department of Planning and Environment, note that although a development consent for the relocation of the church has been issued and commenced, that this is not the will of the current Council elected in December 2021.*

Heritage consultants (Extent Heritage Pty Ltd) were commissioned to assess the heritage significance of Lots 7 and 8 Section 3 DP 758530 (**the Site**) and prepare a contemporary SoHS, if required. The consultants were asked to consider the significance of the Site with the Former Huskisson Anglican Church building:

1. In its current location, and
2. Relocated in accordance with Development Consent DA18/2102.

Development Consent DA18/2102 has since been surrendered by the owner of the site. This was not requested by Council, nor would that have been the outcome of the PP. Despite this, Extent Heritage considered the heritage significance of the church building if relocation were to be proposed in the future.

Extent Heritage also considered the significance of the land adjoining the Site; Lot 9 Section 3 DP 758530, owned by Jerrinja Local Aboriginal Land Council (LALC) in preparing the contemporary SoHS. The report found that Lot 9 is contributory to the historical, aesthetic and social value of the Former Huskisson Anglican Church and grounds.

Extent Heritage prepared a contemporary SoHS that concluded the Former Huskisson Anglican Church and Site meets NSW heritage assessment criteria for listing as a heritage item of local significance. The following extracts from the PP are provided directly from the recommendations of the SoHS and supplementary statement:

- *Council progress with listing the Church and its site as a heritage item of local significance within Schedule 5 of the SLEP 2014.*
- *The curtilage of the listing should include all elements that have been identified as contributing to the significance of the site.*
- *Lot 9 should be included in the heritage listing and the statutory curtilage of the heritage item, and mapped and included in Schedule 5 of the SLEP 2014, following discussions with Jerrinja LALC.*

A PP recommending the heritage listing of the Former Huskisson Anglican Church and Site, Lots 7-9 Section 3 DP 758530, was prepared and submitted to the (then) NSW DPE via the NSW Planning Portal on 12 May 2023. DPE issued a Gateway determination on 3 June 2023 which sets a timeframe for the completion of the PP by 3 July 2024 (**Attachment 1**). The Gateway determination also set conditions for public exhibition requirements, consultation with government agencies and other organisations, and public hearing requirements.

A minor alteration to Condition 2 of the Gateway determination was issued on 9 October 2023 to address technical difficulties experienced when consulting with agencies through the Planning Portal (**Attachment 2**).

Public Exhibition

The PP was publicly exhibited for 30 days from 26 July to 25 August 2023 (inclusive) via Council's Documents on Exhibition website ([link](#)). Notification letters were sent to landowners (affected and adjoining), relevant public authorities, and community and interest groups.

102 written submissions were received, comprising:

- 98 public submissions from community members and interest groups, including the Huskisson Heritage Association and Huskisson Woollamia Community Voice.
- One from Jerrinja LALC (as the owner of Lot 9).
- Two from the owner of Lots 7 and 8.
- One from Heritage NSW.

Hardcopies of all submissions are available in the Councillors' Rooms for Councillors' review and consideration. For privacy reasons, submissions are not attached to this report; however, a summary of the submission comments and key issues raised is provided below.

Summary of Public Submissions

All submissions except two supported the proposed heritage listing. A summary of feedback supporting the PP along with clarification, where necessary, is provided in Table 1. Landowner submissions are addressed separately. None of the submissions requested a public hearing.

Table 1: Summary of issues and additional comments raised in the submissions in support of the PP.

51 submissions commented on the importance of protecting the church building and its site to preserve the community's connection with Huskisson's history and heritage.
30 submissions expressed gratitude to Council for progressing the heritage listing and for listening to the views of the community on this matter.
27 submissions commented on the graves on the site, both in an Aboriginal and non-Aboriginal context. Submissions noted the importance of protecting the grave sites, including the known graves (including those that are unmarked), and those that have not been confirmed.
26 submissions commented on the importance of maintaining green space and preserving the stands of large trees on the site.
21 submissions expressed support for the PP and the measures taken to protect Aboriginal cultural heritage values on the site.
<p><u>Staff Comment:</u> The PP recommends protecting the heritage values of the site through a listing in the SLEP 2014. The contemporary SoHS assessment does not include an assessment of aboriginal archaeology or cultural heritage. Please refer to Part 8 of the Extent Heritage Report (from page 101) for the SoHS for an explanation of the values identified in the site. It does not expressly protect the site's Aboriginal cultural heritage values.</p> <p>Protection of these Aboriginal objects and places can be achieved under Part 6 of the <i>National Parks and Wildlife Act 1979</i>. However, this requires the preparation of an Aboriginal Cultural Heritage Assessment Report. That is not what is proposed under the PP;</p> <p>There is also understood to be an unresolved application from Jerrinja LALC to have the site permanently protected under the Commonwealth <i>Aboriginal and Torres Strait Islander Heritage Protection Act</i>.</p>

21 submissions commented on the site's potential cultural, educational, and tourism opportunities for the Huskisson community and broader region.

Staff Comment: The PP recommends formally recognising the heritage values of the site. Any future use of the site is subject to the will and intentions of the owners.

11 submissions commented on the architectural significance of the church building. Comments focussed on the building's architectural style and its importance as a late example of the work by notable architect Cyril Blacket.

7 submissions raised objections to the potential loss of public open space should the site ever be developed in the future. Submission comments suggested alternative uses for the site, including public parks and other community uses.

Staff Comment: The site is privately owned and has not been reserved for public open space.

5 submissions raised concerns about the sale of Lots 7 and 8 by the Anglican Church to a private landowner, feeling that there should have been some degree of community consultation when the site was sold.

Staff Comment: The community's connection to the church is appreciated, but the site is privately owned and can be sold without community consultation in the same manner as any other freehold land.

4 submissions confirmed support for the inclusion of Lot 9 in the heritage listing subject to agreement from Jerrinja LALC.

Staff Comment: Details of the consultation with Jerrinja LALC is provided below.

20 submissions provided comments on a range of matters, including:

- Objections to potential surface scraping of the site out of respect for Aboriginal sensitivities.
- Highlighting the contribution of the church building to Huskisson's character.
- Identifying personal and family connections to the church and site through weddings, christenings, funerals, and social activities.
- Raising concerns about the loss of other heritage items through development and the possibility of unsympathetic redevelopment of this site.
- Claims that support from the community to protect the site continue to outweigh the support for its redevelopment.

Summary of Landowner Consultation

Jerrinja LALC (Lot 9)

Council officers met with a representative of Jerrinja LALC to provide a copy of the PP and discuss the inclusion of their land (Lot 9) in the heritage listing. This meeting met the requirements of the Gateway determination and the commitments of the existing Memorandum of Understanding (MOU) between Jerrinja LALC and Council. A written response from Jerrinja LALC confirmed there was no objection with the inclusion of Lot 9 in the heritage listing.

Owner of Lots 7 and 8

Two submissions were made by the owner of Lots 7 and 8, Hawke St Huskisson Pty Limited. Both submissions made objections in relation to the PP and the processes undertaken in relation to the proposal. The first submission was made during the exhibition period, on 23

August 2023. Council staff provided a letter in response to matters raised in the submission on 6 October 2023. A further letter was then sent by the owner after the exhibition period which responded to the Council's letter and expanded on the matters raised in the initial submission. This letter is taken to be an additional submission on the PP.

Hardcopies of both submissions and the Council's letter are available in the Councillors' Rooms for Councillors' review and consideration.

Table 2 (below) provides an overview of the submissions made by the owner of Lots 7 and 8, which has been prepared by Council staff, and the staff response to these issues. The submission summaries (noted as Sub No. 1 and 2 in the table) are provided for context only and should not be relied on in lieu of the actual submissions.

Table 2 Summary of key issues raised in the submissions made by the owner of Lots 7 and 8 and Council staff response.

Issue 1: Inconsistent treatment of landowners	
Sub No.	Submission comments
1	Council has failed to be consistent in its treatment of the owners of the subject land. The owner of Lot 9 was given the "option" for the site to be included in the heritage listing, whereas the owner of Lots 7 and 8 was not. The failure to be consistent between the landowners exposes Council to a claim of failing to ensure natural justice between equivalent landowners. The owner of Lots 7 and 8 should be afforded the same options and consideration as the owner of Lot 9.
2	At the Council meeting of 20 September 2022, Council made the decision to heritage list Lots 7 and 8. There was also discussion about the position of Lot 9 and the consultation that would occur with the landowners to determine if it should be included in the heritage listing. Extent Heritage's recommendations in the SoHS appear to reflect the outcome of these discussions. Council staff have used this conclusion to support the argument that Council was acting at the direction of NSW DPE in consulting with Jerrinja LALC, which is not a credible or reasonable claim. For consistency, the owner of Lot 9 should have been "directed" that Lot 9 was to be heritage listed with Lots 7 and 8, particularly noting the trees and the importance of the known graves on Lot 9 in the same circumstances at Lots 7 and 8.
Staff Response	
<p>The PP was prepared in response to a Council resolution to list the former church and associated items on the site. While the resolution specifically identified Lots 7 and 8, Extent Heritage, in undertaking their independent heritage assessment and preparing the contemporary SoHS, identified that Lot 9 was also contributory to the heritage significance of the site. The report recommended Lot 9 be considered for inclusion following discussions with Jerrinja LALC. The statements within the PP reflect, verbatim, the assessment of Extent Heritage, the recommendations of the independent contemporary SoHS and supplementary statement.</p> <p>The PP does not give Jerrinja LALC, as the owner of Lot 9, the option to determine whether its land is to be included or excluded in the heritage listing, nor was consultation with the LALC undertaken on this basis. Rather, the PP proposes listing all three lots (Lots 7-9) and notes that discussions will be undertaken with Jerrinja LALC throughout the process, with the outcome of these discussions to be considered in the finalisation of the PP. This approach is consistent with the requirements of the Gateway determination which require consultation with the LALC. It also aligns with the MOU between Jerrinja LALC and Council, and the undertakings therein, particularly:</p>	

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- Building and maintaining a meaningful and appropriate relationship.
- Clear and open communication.
- Reviewing and maintaining mechanisms and processes which guarantee that appropriate consultation takes place in relation to development applications, PPs and Council's civil works to ensure that Jerrinja culture and heritage are considered as part of the assessment and planning phase.

The owner of Lots 7 and 8 was given the opportunity to make submissions in relation to the PP. The owner was also offered an additional opportunity to meet with Council officers to discuss the concerns raised in the first submission; however, this was declined.

Issue 2: Insufficient consideration of economic impact

Sub No.	Submission comments
1	<p>Section 4.3.3 of the PP has not adequately addressed the economic impacts of the proposal as required by the <i>NSW Local Environmental Plan Making Guidelines</i>. The proposed heritage listing imposes a significant economic impact on the owner of Lots 7 and 8. As the proponent for the PP, Council is required to address the issue in a proper and independent manner.</p> <p>There are two statements within this section of the PP relating to the absence of anticipated economic effects and benefits from heritage tourism of the heritage listing. These statements are not supported by any rationale or reason from a qualified person. It is very unlikely that Council would accept such unsupported claims in a proponent-initiated PP.</p> <p>By failing to address these issues, Council is not holding itself to the same standard it requires from landowners. These claims should be independently verified by qualified parties, and any failure to do so exposes Council to a legal claim of failing to follow due and required process.</p>
2	<p>Council have refused to commission a proper economic assessment of the impact of the PP and is instead relying on the Extent Heritage claim that the PP is "not expected to result in adverse economic effects for the site." Such a statement is neither reasonable nor credible. Council and NSW DPE would not accept such a statement in a proponent led PP. The key issues are:</p> <ol style="list-style-type: none"> 1. Extent Heritage are experts on heritage and have no credibility with economic impacts of a PP. 2. Council always requires an expert report on the economic effect or feasibility of a PP. The refusal to commission an EIA shows that Council is not applying the same process to itself that it requires from PP proponents. 3. Council staff have taken the position that because NSW DPE have accepted the SoHS as appropriate, further comment on the economic impact of the PP or other work is not required. This is not reasonable or acceptable. 4. Should the listing proceed, the impact on the site's development potential would be significant. The owner has received heritage architectural advice that the listing will require that at least 83% of the site remain in its current form. The reduction in gross floor area (GFA), from 18,000m² to 3,000m², is estimated to result in an economic loss of at least \$60m. 5. The Council's claim that the benefit of heritage listing will offset the loss of GFA is not supported by financial investigation, potential development

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	<p>investigation or financial modelling.</p> <p>6. The Council's reliance on the current zoning of the site as special purpose – Church is only partly relevant. Any church may undertake the suggested developments on the site. Further, the NSW Valuer General assesses the land value having regard to the likely successful rezoning for commercial or residential use. Council should not be at odds with the Valuer General.</p>
Staff Response	
<p>As set out in the PP, it is the opinion of the Council staff that the PP “is not expected to result in adverse economic effects for the site”. As explained at Section 4.3.3 of the PP, the inclusion of the site as a heritage item does not by itself prohibit development nor the lodgement of any future PP, rather, it provides additional statutory considerations that must be addressed in any future development of, or proposal for, the site. Heritage items and places throughout Shoalhaven (and more broadly) have been sympathetically redeveloped and/or successfully repurposed for viable commercial uses, or, in some instances, demolished to facilitate redevelopment of the site.</p> <p>The PP does not propose any changes to the Site's current land use zone of SP2 Place of Public Worship. The current zoning permits development of the site for a limited range of uses, being places of public worship (and ancillary uses), aquaculture, and roads.</p> <p>The recommended heritage listing does not impact the permissible uses of the land as suggested by the landowner. For abundant clarity, a local heritage listing ‘turns off’ the ability to undertake most forms of complying development under the SEPP.¹ This means that any development that is not exempt will require full merit assessment by Council.</p> <p>Two further, specific issues raised by the landowner in relation to the economic assessment of the development have been addressed in turn below.</p> <p><u>Extent Heritage advice on economic impacts</u></p> <p>The submissions raise an issue that the PP relies on an assessment of the economic impacts of the proposed heritage listing undertaken by Extent Heritage. However, the statements in the PP relating to economic impacts referred to by the landowner were prepared by the Council's planning staff, not by Extent Heritage. The PP incorporates the recommendations of the contemporary SoHS as they relate to the heritage significance of the site.</p> <p><u>EIA</u></p> <p>There is no express requirement in the <i>Environmental Planning and Assessment (EP&A) Act 1979</i> or the <i>Local Environmental Plan Making Guidelines</i> (the Guidelines) for Council to prepare or commission an EIA to support a PP. The Guidelines require a PP to adequately address any social and economic effects, including to “identify measures to mitigate any adverse social or economic impacts, where necessary, and whether additional studies are required”.</p> <p>The Department has developed a supporting technical information guide to assist both proponents and councils to identify and inform what technical studies and information may be required when a planning proposal is being prepared. An EIA in the form requested by the landowner is not required under this guidance.</p> <p>Whether an EIA is required to adequately address economic effects of a PP will therefore depend on the circumstances of each particular proposal including the nature, scale and complexity of a proposal.</p> <p>It was open to the Minister's delegate, in granting the Gateway determination, to require</p>	

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¹ This was noted in the PP.

additional studies to occur prior to the public exhibition of the PP. This was not required.

Contrary to the landowner's submission, it is not the Council's practice to always require an expert report on the economic effect or feasibility of a PP (for either Council or landowner-initiated proposals). For example, a recent and similar Council-initiated PP to heritage list an additional 12 items and two heritage conservation areas within Berry did not include the preparation of such an assessment.

Issue 3: Independence of the SoHS and request for peer review

Sub No.	Submission comments
1	The independence of the Extent Heritage report is questionable and as such is exposed to future challenges relating to quality and independence. Reports commissioned by the landowner and previously considered by Council have been discredited as biased and therefore not credible. The report should be peer reviewed by an independent expert acceptable to both the landowner and Council.
2	The conclusion of the Extent Heritage report is so different to the original report undertaken by Peter Freeman (1995-1998) and GBA Heritage report that a peer review should be undertaken. The Freeman report concluded that the church, the hall, and the land in between was worthy of heritage listing, but the land to the north of the hall, the Manse, and Lot 8 were not. Having regard to the different conclusions in these reports, Council should seek a genuine review.

Staff Response

Extent Heritage was engaged in accordance with the Council's corporate procurement process and the assessment was undertaken independently from the elected Council. The procurement process included formal requests for quotations from four consultants (three of which responded) and the evaluation of proposals was undertaken by a panel. The panel considered the consultant's experience, areas of expertise, and independence from previous heritage considerations, assessments, and decisions. Elected Councillors were not involved in the evaluation process and did not influence the selection, evaluation, or procurement process in any way.

The landowner has suggested that the conclusion of the Extent Heritage assessment is so different to the conclusions of previous reports that a peer review should be undertaken. The reports referred to by the landowner are the Shoalhaven Heritage Study 1995-1998 prepared by Peter Freeman and reports prepared by GBA Heritage on behalf of the landowner. Each of these reports are available in hardcopy in the Councillors' Rooms for Councillors to review.

A summary of previous relevant reports and an analysis of the reports prepared by GBA Heritage referred to by the landowner is included in the Extent Heritage SoHS (see from page 12).

The Council's staff do not consider that a peer review of the SoHS is required under the *EP&A Act* or the *Local Environmental Plan Making Guidelines*. The Council may review the other opinions referred to by the landowner in determining whether and how to proceed with the Planning Proposal.

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Agency Consultation

Agency Consultation

The following public authorities were consulted during the public exhibition period, fulfilling the requirements of the Gateway determination:

1. Commonwealth Department of Climate Change, Energy, the Environment & Water (Heritage): This Agency did not provide feedback on the PP but did request to be kept informed of its progress.
2. Heritage NSW: This Agency supported the PP and the listing of the site as local heritage item in Schedule 5 Environmental Heritage of the SLEP 2014.

Internal Consultation

Internal consultation occurred during the public exhibition, but no comments were made.

Financial Implications

Should Council resolve to endorse and finalise the PP, associated costs will be managed within the existing Strategic Planning budget.

Should Council resolve to commission an EIA (or similar) for the site and/or a peer review of the SoHS, additional costs will be incurred. This will impact the budget and timing of Strategic Planning's current priorities, including the preparation of a new land use planning scheme for Shoalhaven. Resource and financial implications will be dependent on consultant fee proposals and are not able to be quantified at this time.

Risk Implications

There is a risk that the making of this PP may be legally challenged. However, any PP carries the risk of legal challenge, and this should not form the basis of Council's decision on whether or not to progress this PP.



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2023-1002): which seeks to amend Schedule 5 Environmental Heritage (and associated mapping) of the Shoalhaven LEP 2014 to include the Former Huskisson Anglican Church and its site at 17 Hawke Street and 22-26 Currumbene Street, Huskisson as a heritage item of local significance.

I, Daniel Thompson the Director, Southern Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Shoalhaven Local Environmental Plan 2014 as described above should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 3rd July 2024.

Gateway Conditions

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 days; and
 - (b) the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
2. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Heritage NSW
 - Commonwealth Department of Climate Change, Energy, the Environment and Water (Heritage)

Consultation is also required with the following organisations:

- Jerrinja Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).

Dated 3rd day of June 2023.



Daniel Thompson
Director, Southern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces



Department of Planning and Environment

Alteration of Gateway Determination (GA-2023-106)

Planning proposal (Department Ref: PP-2023-1002)

I, Daniel Thompson Director, Southern Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 3 June 2023 for the proposed amendment to the Shoalhaven Local Environmental Plan 2014 as follows:

1. Delete:

“condition 2”

and replace with:

new condition 2 “Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

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

Consultation is also required with the following organisations

- Jerrinja Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal, or other practical means, and given at least 30 days to comment on the proposal.

Dated 9th day of October 2023.

A handwritten signature in blue ink, appearing to read "D Thompson".

Daniel Thompson
Director, Southern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces

PP-2023-1002 (GA-2023-106)/IRF23/2628

CL24.58 - Attachment 2