



Gateway determination report – PP-2024-2296

Evison's Dairy Complex - 49 Hockeys
Lane Cambewarra – Update local heritage
item description and map

October 24



Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP number

Subtitle: Evison's Dairy Complex - 49 Hockeys Lane Cambewarra – Update local heritage item description and map

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details.

| | |
|---------------------------------|--|
| LGA | Shoalhaven |
| PPA | Shoalhaven City Council |
| NAME | Evison's Dairy Complex – update heritage listing and map. (0 houses, 0 jobs) |
| NUMBER | PP-2024-2296 |
| LEP TO BE AMENDED | Shoalhaven LEP 2014 |
| ADDRESS | 49 Hockeys Lane, Cambewarra |
| DESCRIPTION | Lot 2 DP621553 (to become Lot 1 DP1281802) |
| RECEIVED | 18/04/2023 |
| FILE NO. | EF24/15872, IRF24/2552 |
| 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 update the description and mapped extent of local heritage item 153, being Evison's Dairy Farm Complex at 49 Hockeys Lane, Cambewarra.

The amendment will reduce the mapped extent of the heritage item so that it does not encroach onto land that has been approved for housing development.

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 as follows:

- Update the description of Heritage item 153 from Lot 2 DP 621553 to Lot 1 DP 1281802
- Update heritage mapping to reflect reduced curtilage

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject land is in Cambewarra, north-west of Bomaderry (Figure 1).

The site has an area of approximately 47 hectares, with the eastern portion of the land situated within the Moss Vale Road South Urban Release Area (MVRURA). The land within the MVRURA has been approved for residential subdivision (Figure 2).

Good Dog Creek dissects the site from north to south. The Evison's Dairy Farm Complex, including farmhouse, outbuildings, dairy buildings and silos is located on the western side of the creek.

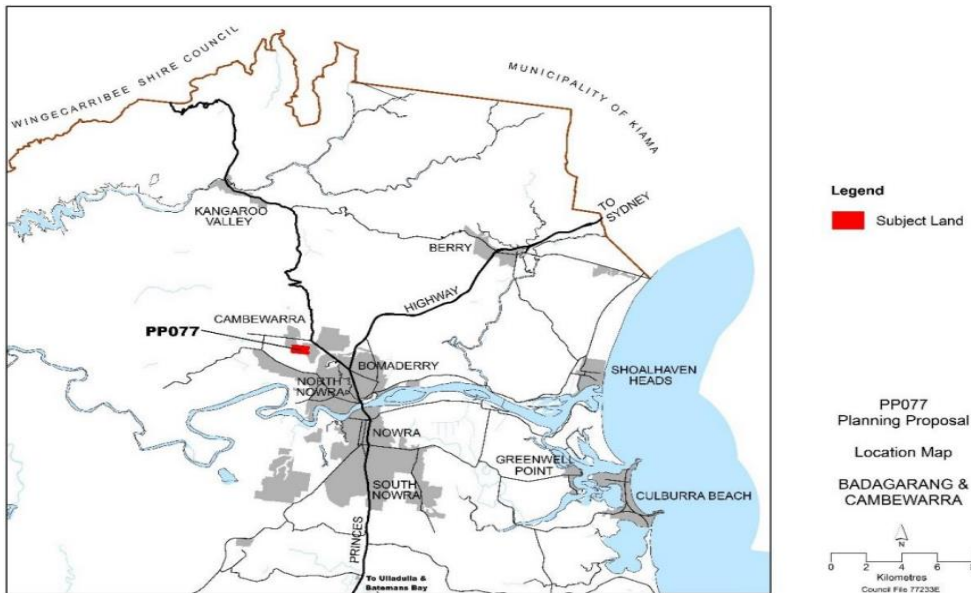


Figure 1 Location map (source: PP-2024-2296)



Figure 2 Subject land (source: PP-2024-2296)

1.5 Mapping

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

The proposal does not involve a change to zones or other planning controls but reduces the extent of the item. However, Figure 5 identifies that the proposed mapped heritage item is located within rural zoned land.

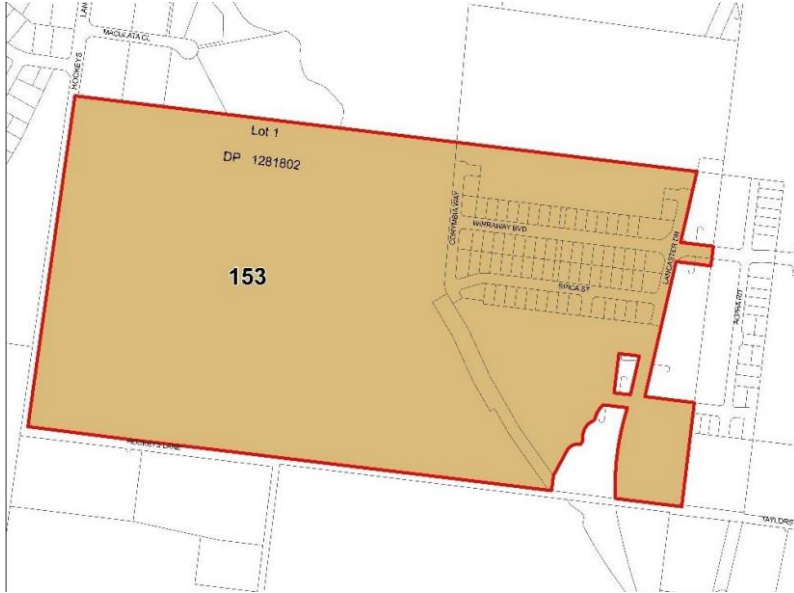


Figure 3 Current heritage map of item 153 – Evison's Dairy Complex

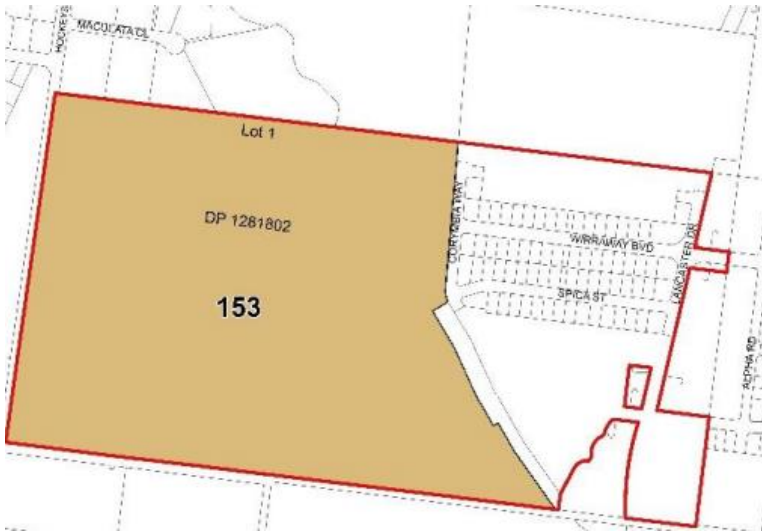


Figure 4 Proposed heritage map of item 153 – Evison's Dairy Complex

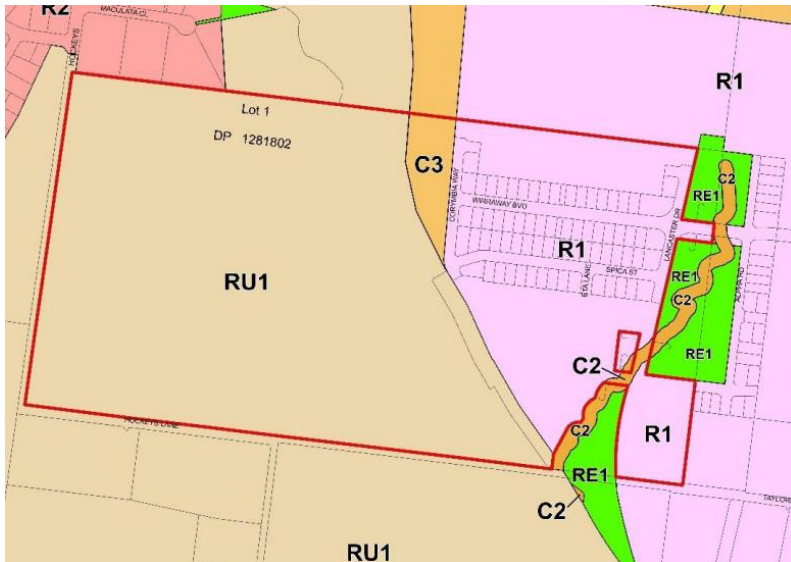


Figure 5 Zoning map

1.6 Background

Heritage item 153 – Evison’s Dairy Complex at 49 Hockeys Lane, Cambewarra, was mapped over the entirety of Lot 2 DP621533. Council intended to amend the heritage mapping when the eastern portion of the land was zoned for residential development, but this change was overlooked.

Council has subsequently approved residential subdivision over part of the land, with an application for additional lots under assessment.

The heritage overlay means that the purchasers of the approved lots are unable to undertake exempt or complying development provisions to erect a dwelling created for that purpose.

Council has advised that Lot 2 DP 621533 has been superseded through subdivision of the land. The rural zoned land, which contains the heritage item and curtilage, is now identified as Lot 1 DP 1281802.

2 Need for the planning proposal

The planning proposal will support the efficient delivery of housing on land within an urban release area. The removal of the heritage overlay is required to ‘switch on’ exempt and complying provisions.

3 Strategic assessment

3.1 Illawarra Shoalhaven Regional Plan 2041

The planning proposal is consistent with relevant objectives in the Illawarra Shoalhaven Regional Plan 2041 as follows:

Objective 18: Provide housing supply in the right locations

Objective 19: Deliver housing that is more diverse and affordable

Objective 23: Celebrate, conserve and re-use cultural heritage

This proposal will support the efficient delivery of housing in a regionally significant urban release area by removing the need for detailed heritage assessment on lots that do not contain items of heritage significance. It will allow landowners to access a range of development pathways, including complying development.

The proposal retains an item of local heritage significance – including a large curtilage – and will more accurately describe and map the item.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 2 Local strategic planning assessment

| Local Strategies | Justification |
|--|---|
| Local Strategic Planning Statement | The proposal is consistent with priorities relating to housing and heritage. |
| Shoalhaven Growth Management Strategy. | The Growth Management Strategy identifies Good Dog Creek and its riparian corridor as an appropriate physical separation and visual buffer between rural land and the urban release area. |

3.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with applicable section 9.1 Directions. Directions of particular relevance are discussed below:

Table3 9.1 Ministerial Direction assessment

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|--------------------------------------|----------------------------|--|
| 1.1 Implementation of Regional Plans | Yes | <p>This direction aims to give legal effect to the goals, directions and actions in Regional Plans. It requires planning proposals to be consistent with the relevant Regional Plan.</p> <p>As noted in Section 3.1, the proposal is consistent with objectives in the Illawarra Shoalhaven Regional Plan relating to housing and cultural heritage. It will facilitate housing delivery without compromising heritage outcomes.</p> |
| 3.2 Heritage Conservation | Yes | <p>This Direction aims to conserve items, areas, objects and places of environmental heritage significance and Indigenous heritage significance.</p> <p>It notes that a proposal must facilitate the conservation of heritage.</p> <p>This proposal will reduce the mapped extent of a local heritage item to better reflect the heritage values of the item.</p> |

| | | |
|--------------------------------------|------------------|---|
| 4.1 Flooding | Yes | <p>This Direction identifies that a planning proposal must not rezone land within a flood planning area and must not contain provisions which permit development in floodway areas or increase development density.</p> <p>This direction applies as part of the land is mapped as flood prone. The proposal is not inconsistent with this direction as it does not rezone land or permit additional development.</p> |
| 4.3 Planning for Bushfire Protection | To be determined | <p>The subject land is mapped as Category 3 bushfire prone land so this direction applies. In order to be consistent with this direction Council will need to consult with NSW RFS. It is clear that this proposal will not increase bushfire risk however, unlike other directions, there is no 'opt out' option on the basis of the proposal being of minor significance.</p> |

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

The proposal will update description of an existing local heritage item in Schedule 5 of the Shoalhaven LEP 2014 to reflect changes to Lot/DP information. It will also reduce the extent of the mapped item to better reflect the heritage values while supporting the retention and protection of the item.

The proposal seeks to maintain the accuracy of the Shoalhaven LEP 2014 by clarifying the extent of the heritage listing so it only applies to land that exhibits the heritage qualities.



Figure 6 – Homestead, outbuildings etc located west of Good Dog Creek

Impacts on heritage values were considered when the land to the east of the item was zoned for residential development. The rezoning process included community and agency consultation. Environmental and heritage impacts were also considered by Council as the consent authority for the subdivision of the land.

The proposal will not have a negative impact on environmental or heritage values. The proposal may have a positive economic and social impact by facilitating the efficient delivery of housing in an urban release area.

The consideration and management of items of local significance are a matter for the Council.

5 Consultation

5.1 Community

Council proposes no community consultation for this proposal.

This is appropriate as the updating of the heritage listing will not have a material effect and is minor in nature. The amended description and mapping will better reflect the location and heritage values of the item. The community had the opportunity to comment on the impacts of residential development on heritage values when the eastern lands were rezoned for development, and when subdivision applications were considered by the Council. The main impact of the change will be to enable the use of exempt and complying development in the newly subdivided area.

5.2 Agencies

Consultation is required with NSW RFS in order to satisfy direction 4.3 Planning for Bushfire Protection. Consultation with other agencies is not considered to be necessary.

The proposal will retain and conserve an existing local heritage item and does involve negative environmental impacts.

NSW Heritage was consulted on the planning proposal that rezoned part of the land for residential development and was also consulted on the 'general terms of agreement' for the subdivision applications. Typically, NSW Heritage consider that the listing of local heritage items is a matter for the local council.

6 Timeframe

Council proposes a 3-month time frame to complete the LEP. This is probably sufficient given that there is no agency or community consultation required, however a 6-month timeframe is recommended as this will avoid the need for an extension if unexpected delays occur.

7 Local plan-making authority

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

This is considered appropriate given the local nature of the proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions as it will facilitate the efficient delivery of housing on land within an urban release area, and which is approved for housing, without having a negative impact on heritage values.

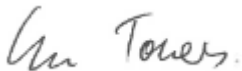
9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that the proposal is consistent with applicable section 9.1 Directions.

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 NSW RFS. There is no requirement for consultation with other agencies.
2. There is no requirement for community consultation.
3. The timeframe for completing the LEP is to be 6 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.



28/10/24

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