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Kiama Council Planning Proposal - Heritage Amendments to the Kiama Local Environmental Plan 2011

Dear Ms Stojcevska

Thank you for the opportunity to comment on the heritage planning proposal to list a number of new local heritage items and Heritage Conservation Areas on Schedule 5 of the *Kiama Local Environmental Plan 2011* (LEP), as well as the proposed nomination of three existing local heritage items to the State Heritage Register (SHR). It is understood that the proposal is based on a Council commissioned 'Kiama Town Centre Heritage Review Preliminary Justification Report' prepared by GML Heritage, dated April 2021.

Based on the information provided, we understand that there are no identified impacts on Aboriginal objects or places protected under the *National Parks and Wildlife Act 1974* or historic archaeology protected under the *Heritage Act 1977*.

Heritage NSW have reviewed the planning proposal and make the following comments:

State heritage considerations under the Heritage Act 1977

The proposal includes the nomination of three existing local heritage items to the SHR as follows:

- 30 Terralong Street, Kiama – Kiama Police Residence – Part Lot 2 Section 5 DP 758563 and Part of Lot 7033 DP 1061038 – existing item I152
- 32 Terralong Street, Kiama – Kiama Police Station– Lot 1 Section 5 DP 758563 and Part of Lot 7033 DP 1061038 – existing item I151
- 34 Terralong Street, Kiama – Kiama Court House - Lot 1 Section 5 DP 758563 and Part of Lot 7033 DP 1061038 – existing item I153

It is important to ensure that any nomination of a new item to the SHR should be accompanied by a complete and accurate nomination form, with a clear assessment of state significance of the place, which will assist in the timely consideration of the nomination. The form and guidelines for Nominations to the SHR can be downloaded at: environment.nsw.gov.au/topics/heritage/request-a-heritage-listing/nominate-an-item-for-listing-on-the-state-heritage-register.

If, at the completion of the assessment/s, the Heritage Council recommends one or more of the individual items to the Minister for Environment and Heritage for listing on the SHR and they

are subsequently approved, it is understood that Council will amend Schedule 5 of the LEP to reflect the change in significance level for these items.

Local heritage considerations under the *Environmental Planning and Assessment Act 1979*

It is understood that this planning proposal applies to nine new local heritage items, and two new Heritage Conservation Areas (HCA) for inclusion on Schedule 5 of the LEP. The intention with the proposed changes is to ensure that Schedule 5 and the associated maps are as accurate and clear as possible in order to appropriately identify and protect items and conservation areas of local heritage significance.

As Local heritage is protected under the *Environmental Planning and Assessment Act 1979* and under Council's LEP, Council is the consent authority and the assessment and consideration of impacts on this Local heritage rests with Council.

While Heritage NSW encourage amendments to LEPs for better greater accuracy and better protection of Local heritage, it is noted that the Heritage Council of NSW, and Heritage NSW as its Delegate, do not have a role in the approval of or changes to Local heritage listings.

If you have any questions about the advice above, please contact Lara Goldstein in relation to State heritage matters by email at lara.goldstein@environment.nsw.gov.au or by phone on 02 9895 6408.

Yours sincerely

Rajeev Maini

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Manager, Heritage Assessments

Heritage NSW

24 January 2023