

## APPENDIX 5 – JUSTIFICATION FOR AMENDMENT NO. 5

Amendment applies to	Explanation of provisions	Map changes
<b>Clause 2.8</b>	Change the number of days for a permissible temporary use of land from 182 days to 52 days, to correct a typographical error and ensure consistency with adjoining Councils.	Nil

### Section A – NEED for the PLANNING PROPOSAL

**1. Is the planning proposal a result of any strategic study or report?**

The planning proposal is not the result of any strategic study or report. The amendment has been identified by Council staff and is considered minor in nature. The proposed amendment ensures Council's provisions for temporary use of land are consistent with adjoining Council LEPs.

**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The planning proposal provides the only way of achieving the intended outcome.

### Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

**3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy**

The planning proposal is consistent with the South Coast Regional Strategy in that it ensures consistency amongst the three local government areas in the South Coast region.

**4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan**

The planning proposal is consistent with Council's Community Strategic Plan, One Community in that it provides a balanced approach to planning.

**5. Is the planning proposal consistent with applicable state environmental planning policies?**

State Environmental Planning Policies	Relevance to Planning Proposal	Consistency of Planning Proposal
REP Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	<b>Consistent</b> The proposed amendment is minor and of no consequence to the matters addressed in the REP.

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	<b>Consistent</b> The proposed amendment is minor and consistent with the South Coast Regional Strategy.

**Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT**

**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

There is no likelihood of any adverse effect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal.

**8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There are no likely environmental effects as a result of this planning proposal.

**9. How has the planning proposal adequately addressed any social and economic effects?**

While the operation of temporary activities will be more limited in duration as a result of the planning proposal, it is not considered that this will have significant social or economic effects.

**Section D – STATE and COMMONWEALTH INTERESTS**

**10. Is there adequate public infrastructure for the planning proposal?**

Not applicable.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

The views of State or Commonwealth public authorities have not been sought prior to Gateway determination.

## APPENDIX 6 – JUSTIFICATION FOR AMENDMENT NO. 6

Amendment applies to	Explanation of provisions	Map changes
Map	Change the minimum lot size and height of buildings standards for part of Lot 3 DP 1125636 at Glasshouse Rocks Road, Narooma.	Lot Size Map – remove lot size standard (10ha) for IN1 part Height of Buildings Map – change IN1 part from I (8.5m) to K (10m)

### Section A – NEED for the PLANNING PROPOSAL

#### **1. Is the planning proposal a result of any strategic study or report?**

The planning proposal is not the result of any strategic study or report. The amendments have been identified by Council staff and are considered minor in nature. The amendments ensure consistency of development standards for industrial land in Narooma.

#### **2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The planning proposal provides the only way of achieving the intended outcome.

### Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

#### **3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy**

The planning proposal is consistent with the South Coast Regional Strategy in that it facilitates appropriate development in a zoned employment area.

#### **4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan**

The planning proposal is consistent with Council's Community Strategic Plan, One Community in that it facilitates respectful planning, balanced growth and good design.

#### **5. Is the planning proposal consistent with applicable state environmental planning policies?**

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal may affect land in the coastal zone.	<b>Consistent</b> The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments

			will have no impact on the coastal zone.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	<b>Consistent</b> The proposed amendments are minor and of no consequences to the matters addressed in the REP.

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
<b>1</b>	<b>Employment and Resources</b>		
1.1	Business and Industrial Zones	The proposal relates to land in an industrial zone.	<b>Consistent</b> The proposed amendment facilitates industrial development opportunities on land in an industrial zone.
<b>2</b>	<b>Environment and Heritage</b>		
2.2	Coastal Protection	The proposal may affect land in the coastal zone.	<b>Consistent</b> The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
<b>3</b>	<b>Housing, Infrastructure and Urban Development</b>		
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	<b>Consistent</b> The proposed amendment facilitates industrial development opportunities on land in an industrial zone.
<b>5</b>	<b>Regional Planning</b>		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	<b>Consistent</b> The proposed amendments are minor and consistent with the South Coast Regional Strategy.

**Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT**

**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

While the subject land is covered in native vegetation, it is not listed as an endangered ecological community. As the land is already zoned for industrial development, the proposed

amendments will not result in any further environmental effects. The impacts of an industrial development on the environment will be considered as part of the development application process.

***8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

While the subject land is covered by native vegetation, the land is already zoned for industrial development and the proposed amendments will not result in any further environmental effects. The impacts of an industrial development on the environment will be considered as part of the development application process.

***9. How has the planning proposal adequately addressed any social and economic effects?***

The proposed amendments facilitate industrial development in the subject land in a form consistent with surrounding industrial development.

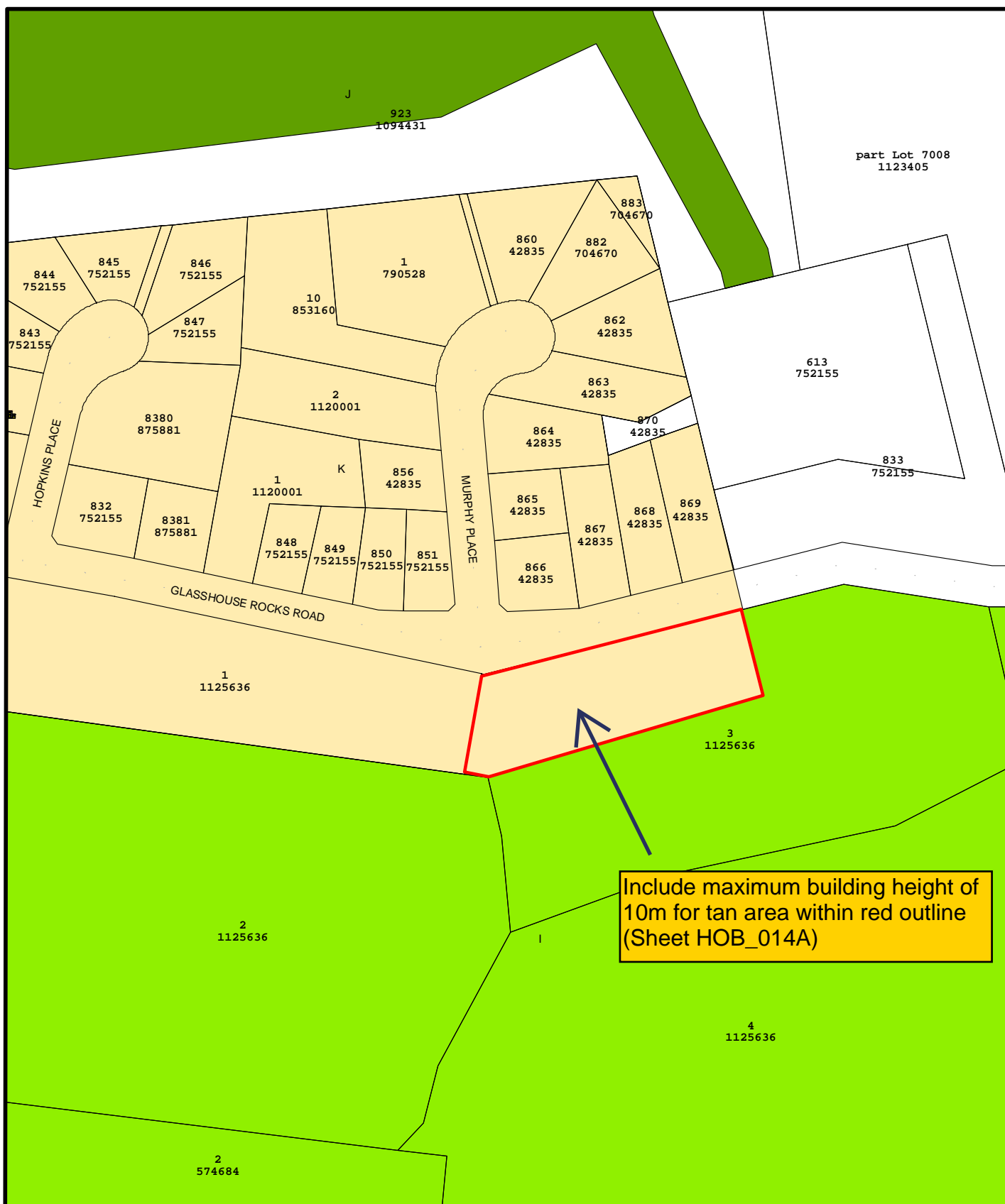
**Section D – STATE and COMMONWEALTH INTERESTS**

***10. Is there adequate public infrastructure for the planning proposal?***

Not applicable.

***11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

The views of State or Commonwealth public authorities have not been sought prior to Gateway determination.



Include maximum building height of  
10m for tan area within red outline  
(Sheet HOB\_014A)



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## Height of Buildings Map (6)

Issue Date 13/2/2015

Scale: 1:2636

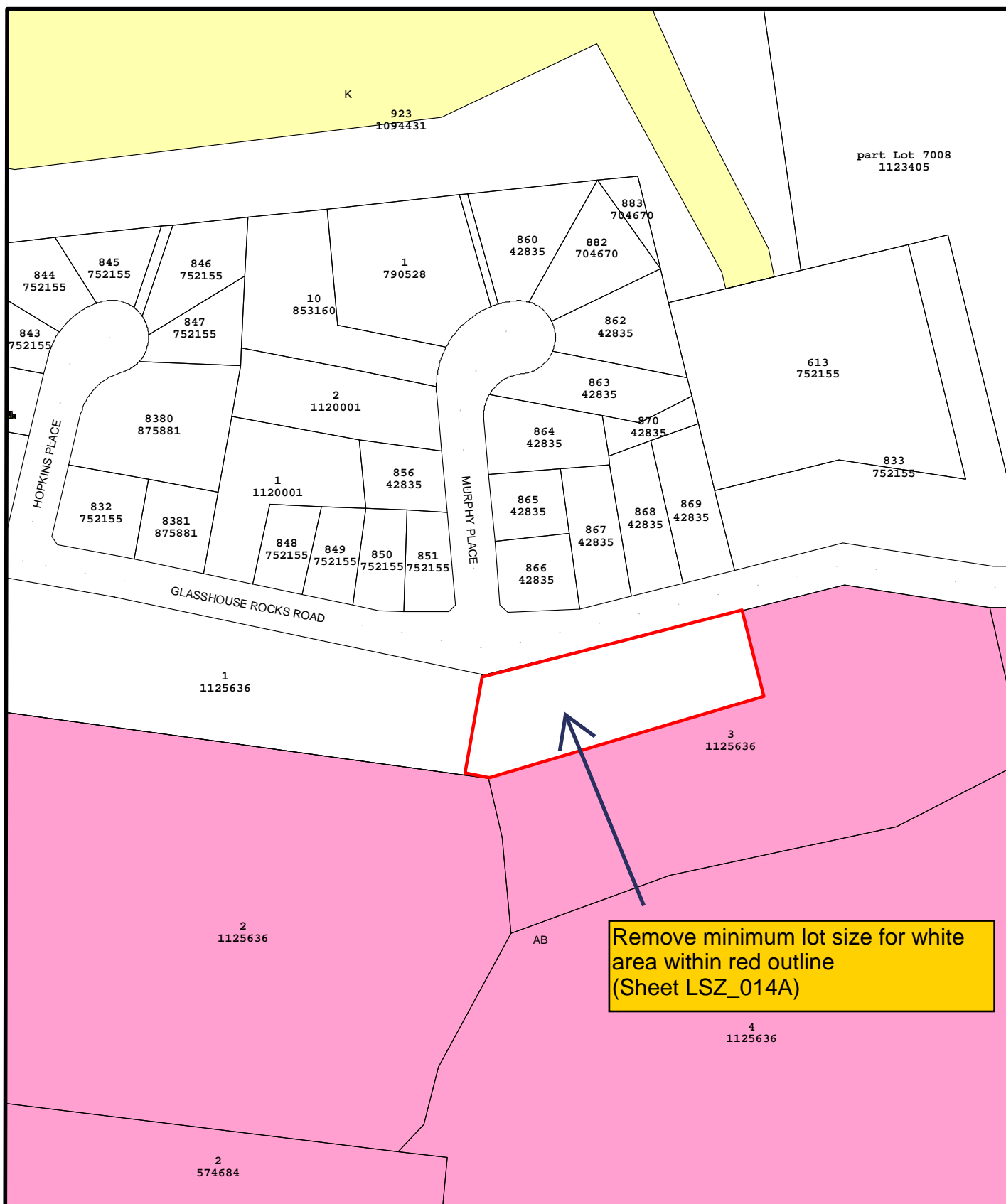


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This diagram has been compiled on the best available information, but can only be taken as a guide.

Exact location should be physically determined on site.

Valid for 60 days from the date of issue.



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## Lot Size Map (6)

Issue Date 13/2/2015

Scale: 1:2636



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## APPENDIX 7 – JUSTIFICATION FOR AMENDMENT NO. 7

Amendment applies to	Explanation of provisions	Map changes
Map	Rezone Lot 103 DP 1073425, Tomakin Road Mogo from RU1 (Primary Production) to SP3 (Tourist), consistent with the zoning of land upon which the existing zoo is located and change the lot size and height of buildings maps accordingly.	Zoning Map – change from RU1 to SP3 Lot Size Map – Remove A1 (1000ha) Height of Buildings Map – Add 1 (8.5m) (currently no height standard)

### Section A – NEED for the PLANNING PROPOSAL

#### **1. Is the planning proposal a result of any strategic study or report?**

The planning proposal is not the result of any strategic study or report. The amendments included in this proposal have been identified by Council staff and the landowners and are considered minor in nature.

While the proposed expansion of the zoo onto the subject land can be undertaken with consent under the current zoning (RU1 Primary Production), the land owner and operator of the Mogo Zoo has requested the amendments to ensure that the whole of the land upon which the zoo is located (and will be expanded onto) has the same planning provisions.

#### **2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

While the rezoning from RU1 to SP3 is not strictly required in order to achieve the intended outcome (being the expansion of the Mogo Zoo), the planning proposal provides the only way of achieving the land owner's request for consistency of planning provisions for the whole of the land on which the zoo is and will be located.

### Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

#### **3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy**

The planning proposal is inconsistent with the South Coast Regional Strategy in that it proposes the rezoning of rural land to a non-rural zone. However, the subject land is owned by the operators of the adjoining Mogo Zoo, who have intentions to expand the zoo onto the site and such development is permissible in the current RU1 zone. The subject site is under 5ha in size and rezoning to SP3 will not result in a significant loss of rural land in Eurobodalla.

**4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan**

The planning proposal is consistent with Council's Community Strategic Plan, One Community in that it encourages respectful planning and balanced growth.

**5. Is the planning proposal consistent with applicable state environmental planning policies?**

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal may affect land in the coastal zone.	<b>Consistent</b> The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
SEPP	Rural Lands 2008	The proposal relates to land in a rural zone.	<b>Inconsistent</b> The amendment proposes the rezoning of land from RU1 to SP3 to facilitate an expansion of the Mogo Zoo. As the subject lot is under 5ha in size, a rezoning to SP3 will not result in a significant loss of rural lands in Eurobodalla and is therefore of minor significance.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	<b>Consistent</b> The proposed amendments are minor and of no consequences to the matters addressed in the REP.

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
<b>1</b>	<b>Employment and Resources</b>		
1.2	Rural Zones	The proposal relates to land in a rural zone.	<b>Inconsistent</b> The amendment proposes the rezoning of land from RU1 to SP3 to facilitate an expansion of the Mogo Zoo. As the subject lot is under 5ha in size, a rezoning to SP3 will not result in a significant loss of rural lands in Eurobodalla and is therefore of minor significance.

1.5	Rural Lands	The proposal relates to rural lands.	<b>Inconsistent</b> The amendment proposes the rezoning of land from RU1 to SP3 to facilitate an expansion of the Mogo Zoo. As the subject lot is under 5ha in size, a rezoning to SP3 will not result in a significant loss of rural lands in Eurobodalla and is therefore of minor significance.
<b>2</b>	<b>Environment and Heritage</b>		
2.2	Coastal Protection	The proposal may affect land in the coastal zone.	<b>Consistent</b> The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
<b>5</b>	<b>Regional Planning</b>		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	<b>Consistent</b> The proposed amendments are minor and consistent with the South Coast Regional Strategy.

## Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

### ***7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

There is no likelihood of any adverse effect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal.

### ***8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

There are no likely environmental effects as a result of this planning proposal.

### ***9. How has the planning proposal adequately addressed any social and economic effects?***

Given the zoo can be expanded onto the land with consent under the current zone, the proposed amendments do not result in any additional social or economic effects.

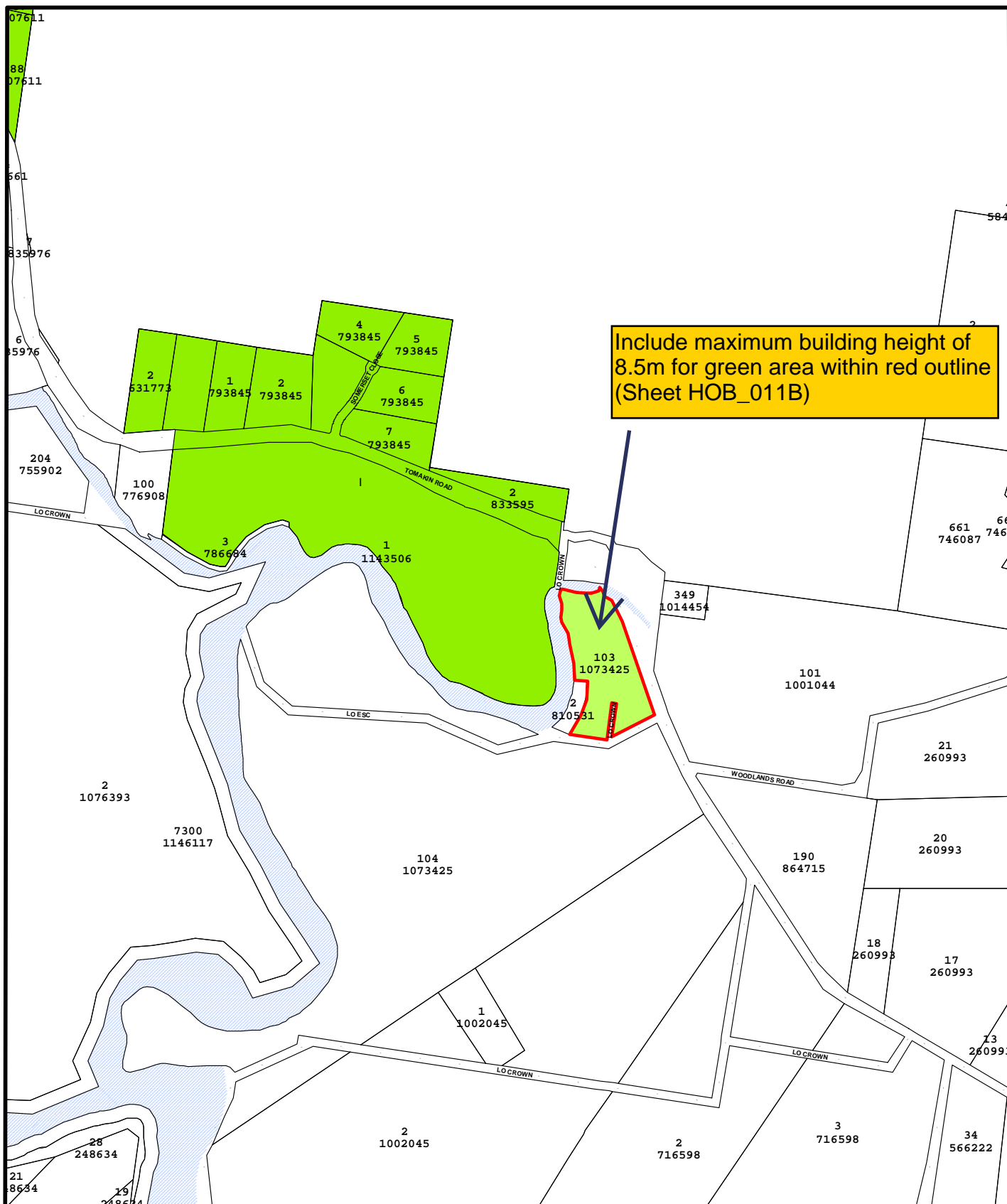
## Section D – STATE and COMMONWEALTH INTERESTS

### ***10. Is there adequate public infrastructure for the planning proposal?***

Not applicable.

***11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

The views of State or Commonwealth public authorities have not been sought prior to Gateway determination.



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## Height of Buildings Map (7)

Issue Date 13/2/2015

Scale: 1:12254

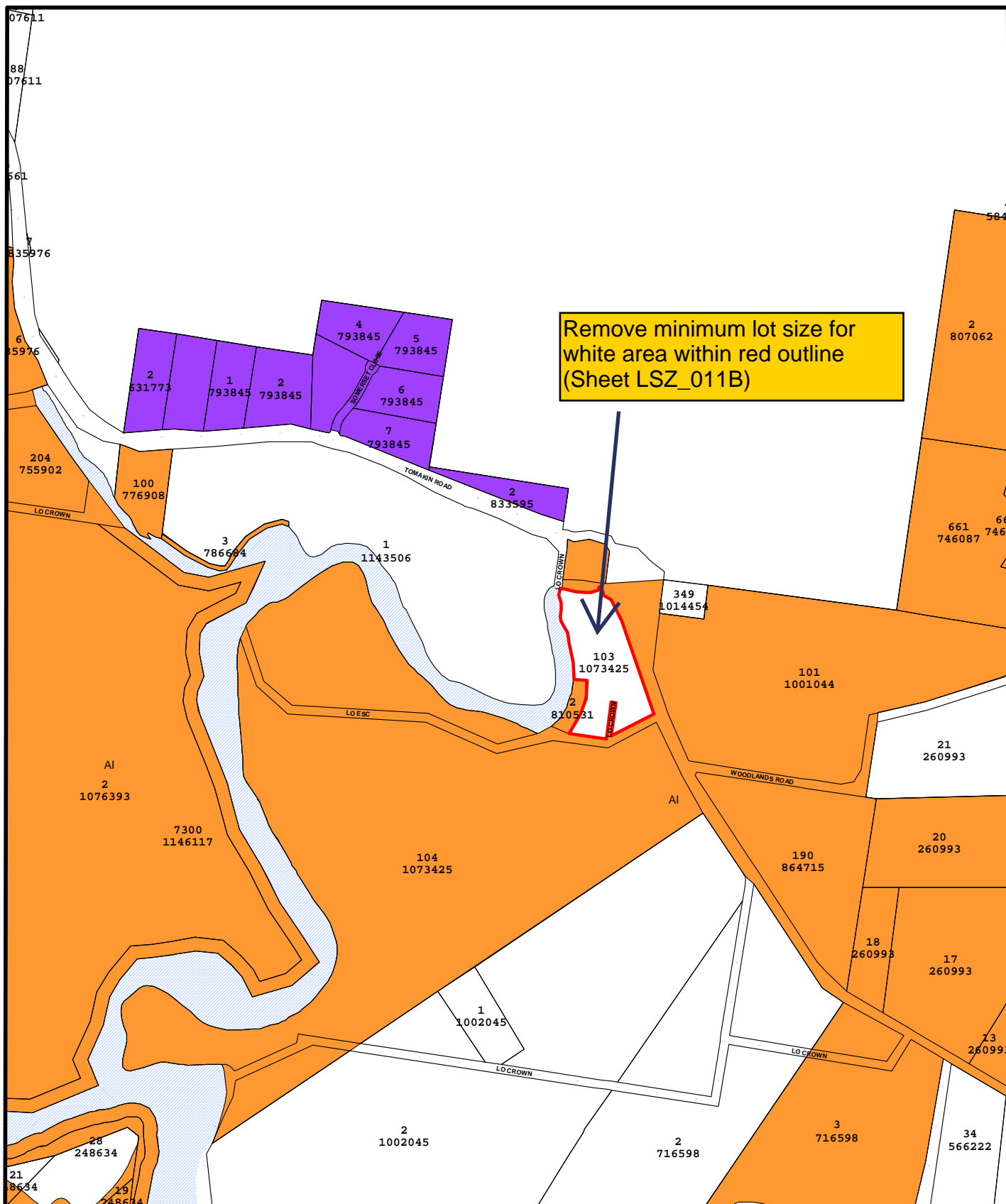


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Remove minimum lot size for  
white area within red outline  
(Sheet LSZ\_011B)



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## Lot Size Map (7)

Issue Date 13/2/2015

Scale: 1:12254

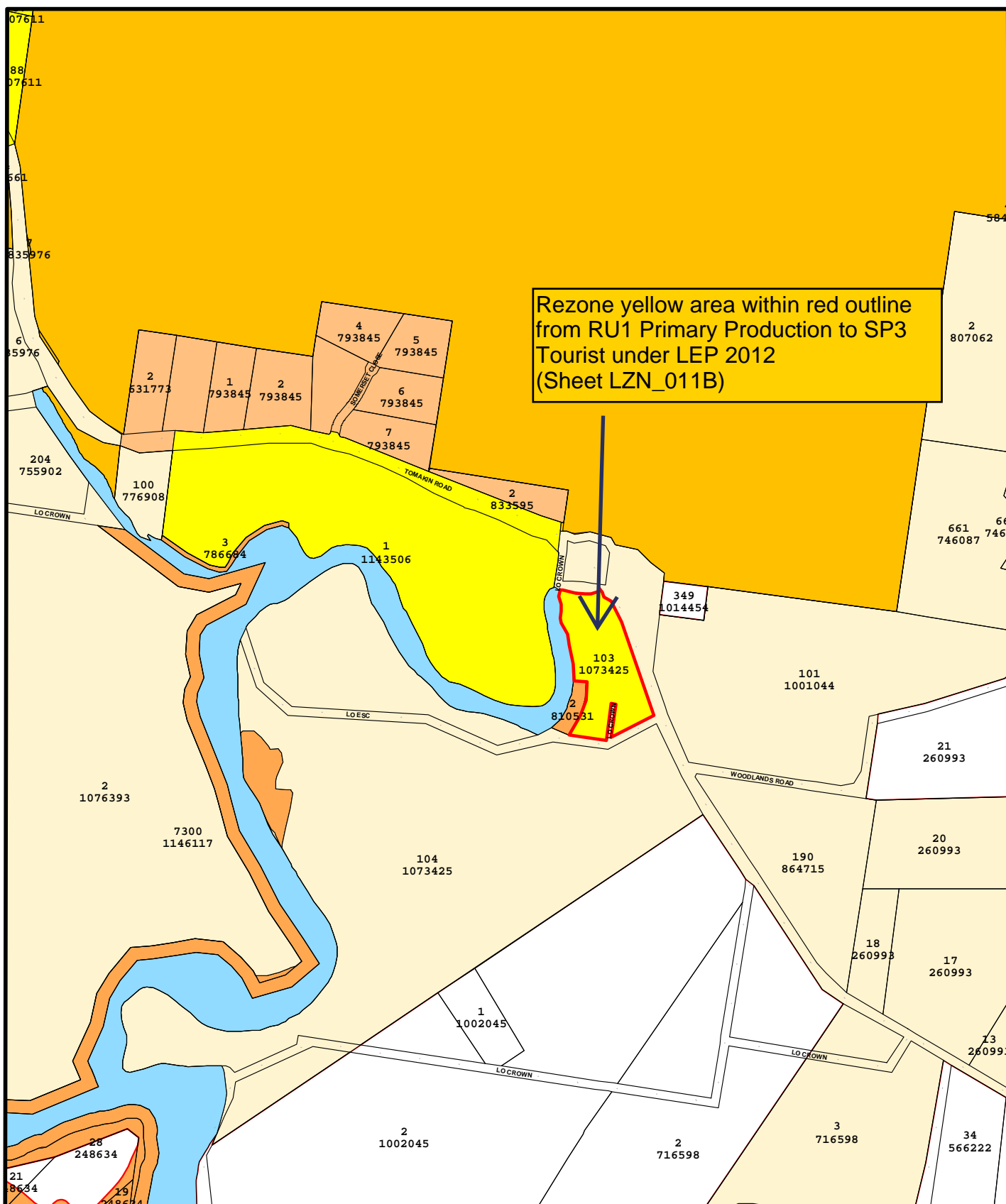


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## Zoning Map (7)

Issue Date 13/2/2015

Scale: 1:12254



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## APPENDIX 8 – JUSTIFICATION FOR AMENDMENT NO. 8

Amendment applies to	Explanation of provisions	Map changes
Map	<p>Rezone Lot 1 DP 1169236 and Lot 3 DP 865527 from the R3 (Medium Density Residential) and R5 (Large Lot Residential) zones respectively to the B5 (Business Development) zone and change the lot size and height of buildings maps accordingly.</p> <p><b>Note:</b> Need to also amend clause 17 in Schedule 1 to remove reference to vehicle sales or hire premises which is a permitted use in the B5 zone, however the reference to vehicle repair station should be retained in clause 17.</p>	<p>Zoning Map – change from R3/R5 to B5</p> <p>Lot Size Map – remove lot size standards (550m<sup>2</sup>/ 1500m<sup>2</sup>)</p> <p>Height of Buildings Map – change Lot 3 DP 865527 from I (8.5m) to K (10m)</p>

### Section A – NEED for the PLANNING PROPOSAL

#### **1. Is the planning proposal a result of any strategic study or report?**

The planning proposal is not the result of any strategic study or report. The amendments included in this proposal have been identified by Council staff and are considered minor in nature. The proposed amendments reflect existing land uses and development approvals.

#### **2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The intended outcomes could, in part, be achieved through changes to Schedule 1 of ELEP 2012. In fact, Lot 3 DP 865527 is already included in Schedule 1 to permit vehicle sales or hire premises and vehicle repair station. However, a rezoning to the B5 Business Development zone provides more commercial development opportunities for the subject land, and represents the only way to achieve the outcome of flexibility for commercial development on the land.

### Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

#### **3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy**

The planning proposal is consistent with the South Coast Regional Strategy in that it provides additional employment lands in a location with good accessibility and in close proximity to the Batemans Bay Regional Centre.

**4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan**

The planning proposal is consistent with Council's Community Strategic Plan, One Community in that it supports business investment and employment growth.

**5. Is the planning proposal consistent with applicable state environmental planning policies?**

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal may affect land in the coastal zone.	<b>Consistent</b> The subject area is within the coastal zone but is not a sensitive coastal location as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	<b>Consistent</b> The proposed amendments are minor and of no consequences to the matters addressed in the REP.

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
<b>1</b>	<b>Employment and Resources</b>		
1.1	Business and Industrial Zones	The proposal relates to land proposed to be zoned business.	<b>Consistent</b> The proposed amendments increase commercial development opportunities on land in or proposed to be in a business zone.
<b>2</b>	<b>Environment and Heritage</b>		
2.2	Coastal Protection	The proposal may affect land in the coastal zone.	<b>Consistent</b> The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
<b>3</b>	<b>Housing, Infrastructure and Urban Development</b>		
3.1	Residential Zones	The proposal relates to land zoned residential.	<b>Inconsistent</b> While the planning proposal is inconsistent with this direction, it is justified by being consistent with the South Coast Regional Strategy in

			that it provides additional employment lands in a location with good accessibility and in close proximity to the Batemans Bay Regional Centre.
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	<b>Consistent</b> The planning proposal provides additional employment lands in a location with good accessibility and in close proximity to the Batemans Bay Regional Centre.
<b>5</b>	<b>Regional Planning</b>		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	<b>Consistent</b> The planning proposal is consistent with the South Coast Regional Strategy in that it provides additional employment lands in a location with good accessibility and in close proximity to the Batemans Bay Regional Centre.

## Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

### **7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

There is no likelihood of any adverse effect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal.

### **8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There are no likely environmental effects as a result of this planning proposal.

### **9. How has the planning proposal adequately addressed any social and economic effects?**

The amendment provides for additional commercial activities to be developed in an area with good access close to the Batemans Bay Town Centre, thereby increasing economic development and employment opportunities.

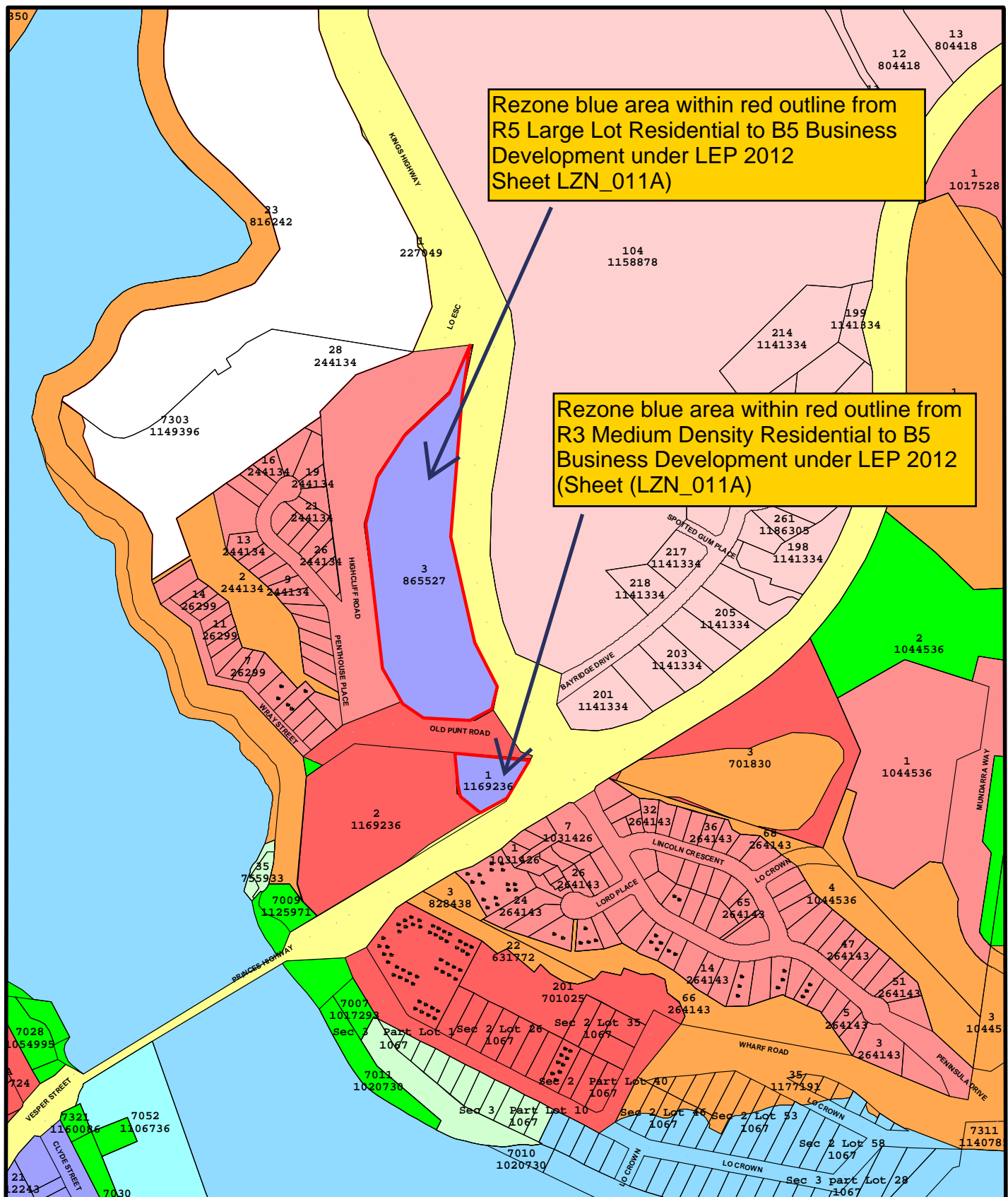
## Section D – STATE and COMMONWEALTH INTERESTS

### **10. Is there adequate public infrastructure for the planning proposal?**

Yes.

### **11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

The views of State or Commonwealth public authorities have not been sought prior to Gateway determination.



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## Zoning Map (8)

Issue Date 13/2/2015

Scale: 1:6406



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