

# Planning Proposal

Housekeeping and other amendments to ELEP 2012

Amendment No. 12

## INTRODUCTION

### **Background**

Eurobodalla Local Environmental Plan 2012 (ELEP) was notified on 20 July 2012. Since then there have been ten (10) amendments for various reasons. Two (2) other amendments for a range of matters are currently in progress.

This planning proposal relates to a range of minor housekeeping matters and other amendments to ELEP 2012 as outlined below:

### **Minor housekeeping Matters**

- Update property descriptions, item names and mapping associated with a number of heritage items. (Appendix 1)
- Correct anomalies and making other minor changes to Zoning Maps, Minimum Lot Size Maps and Height of Building Maps. (Appendix 2)
- Correct an anomaly in Schedule 1 Additional Permitted Uses. (Appendix 3)

### **Other Matters**

- Add new heritage items. (Appendix 4)

### **Delegation of Plan Making Function to Council**

Council intends to request an authorization to exercise delegation to all matters addressed in this Planning Proposal. Responses to the relevant matters in the 'Evaluation Criteria for the issuing of Authorisation' are provided in Attachment A of this report.

## PART 1: OBJECTIVES or INTENDED OUTCOMES

Refer to Appendices 1 to 4.

## PART 2: EXPLANATION of PROVISIONS

Refer to Appendices 1 to 4.

## PART 3: JUSTIFICATION

Refer to Appendices 1 to 4.

## PART 4: MAPPING

Refer to Appendices 1 to 4.

## PART 5: COMMUNITY CONSULTATION

The majority of matters dealt with in this planning proposal are of a housekeeping nature, and do not result in any adverse impacts upon the community. However, some of the proposed amendments warrant or require community consultation in accordance with Council's community engagement framework or as required by legislation. It is considered that an exhibition period of 28 days for the entire planning proposal is warranted.

## Part 6: PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	July 2017
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	July 2017
Commencement and completion dates for public exhibition period	August 2017 (28 days)
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	September 2017
Timeframe for the consideration of a proposal post exhibition	October 2017
Date of submission to the department to finalise the LEP	October 2017
Anticipated date RPA will make the plan (if delegated)	November 2017
Anticipated date RPA will forward to the department for notification	November 2017

## APPENDIX 1 – JUSTIFICATION FOR ITEM NO. 1

### PART 1: OBJECTIVES or INTENDED OUTCOMES

To amend the Eurobodalla Local Environmental Plan 2012 to ensure accurate description and mapping of heritage items.

### PART 2: EXPLANATION of PROVISIONS

The proposed outcome will be achieved by amending Schedule 5 of Eurobodalla Local Environmental Plan 2012 in accordance with the table below.

Item No. and Name	Schedule 5 Changes
I266 Mort's Quarry	Change Lot and DP to Part Lot 16 DP 752131.
I293 Abernathy & Co Stonemason's Lathe	Change Lot and DP to Lot 1 DP 1161705. Change level of significance to State.
A11 Braemar Farm, comprising Farmhouse remains, Outbuildings and Bunya Pine	Change Lot and DP to Lot 40 DP 1237961 and Part Lot 2 DP 1212271 and address to Dr King Close and 4 Braemar Drive. Change name to "Site of Braemar Farm, formerly comprising Farmhouse and Outbuildings, and Bunya Pine".
I211 Water Race	Change Lot and DP to Lot 3 DP 1206836.
A14 Ruins of Thomas Forster's Residence	Change Lot and DP to Part Lot 1 DP 1205970. Change classification from archaeological to item and amend map label and colour.
I27 Bingie Farm	Change item name to "Magney House".
I46 Mount Oldrey Homestead	Change item name to "Site of Mount Oldrey Homestead".
I95 Former School of Arts	Change item name to "Remains of Former School of Arts".
I317 Post Office (former)	Change Lot and DP to Part Lot 183, DP 1125875.
I232 Former Tilba Tilba Store	Change Lot and DP to Part Lot 183, DP 1125875.
I318 Eurobodalla Regional Botanic Gardens (curtilage of Wallace Herbarium)	Change name to "Wallace Herbarium".
I126 Public School	Change Lot and DP to Lot 1 DP 1228804.
I18 Hall/Former School and Cricket Pitch	Change item name to "Hall/Former School". Delete Lot 23, DP 755904 from Property Description.
I68 Henkley Homestead and Farm Buildings	Change Lot and DP to Lot 1 DP 1221617
I69 W E Secombe Grave	Change Lot and DP to Lot 3 DP 1221617

It is also proposed to amend the Heritage Maps in accordance with the maps in Part 4.

## PART 3: JUSTIFICATION

### 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 a result of any strategic study or report. The amendments have been identified by Council staff and correct anomalies relating to the listing of certain heritage items, with regards to property descriptions, item names and mapping.

**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, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

The planning proposal is consistent with Direction 23 of the South East and Tablelands Regional Plan in that it improves the quality of the existing statutory lists of heritage items 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 ensures we can accurately identify, value and protect our unique heritage.

**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	A number of the amendments relate to land in the coastal zone.	<b>Consistent</b> The subject areas are within the coastal zone and/or are sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
SEPP	Rural Lands 2008	A number of the amendments relate to land in a rural zone.	<b>Consistent</b> The proposed amendments are minor and will have no impact on rural lands.

**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
1.2	Rural Zones	A number of the amendments relate to land in a rural zone.	<b>Consistent</b> The proposed amendments are minor and will have no impact on rural lands.
1.5	Rural Lands	A number of the amendments relate to land in a rural zone.	<b>Consistent</b> The proposed amendments are minor and will have no impact on rural lands.
2.2	Coastal Protection	A number of the amendments relate to land in the coastal zone.	<b>Consistent</b> The subject areas are within the coastal zone and/or are sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
2.3	Heritage Conservation	The proposed amendments relate to heritage items.	<b>Consistent</b> The proposed amendments correct listings of certain heritage items, with regard to property descriptions, item names and mapping.
5.10	Implementation of Regional Plans	The South East and Tablelands Regional Plan applies to all planning proposals.	<b>Consistent</b> The proposed amendments are minor and consistent with the South East and Tablelands Regional Plan.

**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?**

There are no likely social or economic effects of this planning proposal.

## 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 Abernathy & Co Stonemason's Lathe is a State listed heritage item. However, given the proposed amendment is to correct an anomaly, the views of the Heritage Office, or other State or Commonwealth public authority have not been sought prior to Gateway determination.

## PART 4: MAPPING

Amending the Heritage Maps in accordance with the maps below.



#### **Items I232 and I317**

The two areas in blue are both part of the subject lot (Lot 183, DP 1125875). Both heritage items are located on the southern portion of the subject lot.

Amend Heritage Map to remove mapping and item label from the northern part of the lot.

Amend Heritage Map to add labels for both items on southern part of lot.



#### **Items I74 and I305**

Both items are within the identified circle and square.

Amend Heritage Map to add label for item I305 to the circle.

Amend Heritage Map to remove mapping from eastern part of lot.



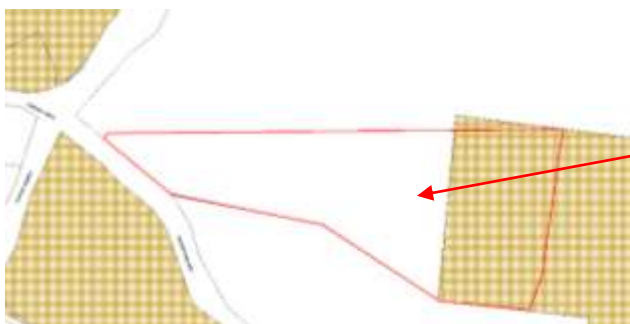
#### Item A11

Amend Heritage Map to show heritage item on that part of the subject lots within the red outline.



#### Item I69

Amend Heritage Map to show heritage item on that part of the subject lot within the red outline.



#### Item I68

Amend Heritage Map to show heritage item on the whole of the subject lot.



## APPENDIX 2 – JUSTIFICATION FOR ITEM NO. 2

### PART 1: OBJECTIVES or INTENDED OUTCOMES

To amend the Eurobodalla Local Environmental Plan 2012 to correct zoning, minimum lot size and height of buildings anomalies.

### PART 2: EXPLANATION of PROVISIONS

The proposed outcome will be achieved by amending the Eurobodalla Local Environmental Plan 2012 Land Zoning Maps, Minimum Lot Size Maps and Height of Buildings Maps in relation to the properties identified in the table and maps below.

Planning Proposal Item	Lot Description	Explanation of provisions
2.1	Lots 1 and 2, DP 1234325	Amend the Land Zoning Map for land at Vista Avenue, Catalina to rezone Lot 2, containing water reservoirs and other public infrastructure from the R5 Large Lot Residential zone to the SP2 Infrastructure (Reservoir) zone and delete the minimum lot size standard. Add a maximum building height standard of 8.5m to that part of Lot 1 that does not currently have a maximum building height standard. <b>See Map 2.1a and 2.1b below.</b>
2.2	Lot 11 DP 755904, Lots 121 and 122, DP 1117348	Amend the Minimum Lot Size Map for land at Blairs Road, Long Beach and Princes Highway, North Batemans Bay to extend the 2ha standard over the whole of the areas zoned E4 Environmental Living or R5 Large Lot Residential. <b>See Map 2.2 below.</b>
2.3	Lot 101, DP 1125567	Amend the Minimum Lot Size Map for land at Araluen Road, Moruya to delete the 2ha standard from the whole of the lot. <b>See Map 2.3 below.</b>
2.4	Lots 687-692, DP 249461	Amend the Land Zoning Map for land at Country Club Drive, Catalina (Lots 689-692, DP 249461) to rezone the whole of the lots R2 Low Density Residential (removing the E2 Environmental Conservation zone from part of the lots). Amend the Minimum Lot Size Map to extend the 550m <sup>2</sup> standard over the whole of the lots (removing the 1000ha standard from part of the lots). <b>See Map 2.4a below.</b>  Amend the Wetland Map for land at Country Club Drive, Catalina (Lots 687-692, DP 249461) to remove the wetland mapping from the lots. <b>See Map 2.4b below.</b>

2.5	Lots 8-11 and 13-17, DP 24795 and Lots 12-13, DP 501911	Amend the Height of Buildings Map for land at Cooks Crescent, Rosedale to add the 8.5m standard to the whole of the lots. <b>See Map 2.5 below.</b>
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## PART 3: JUSTIFICATION

### 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 a result of any strategic study or report. The amendments have been identified by Council staff and are considered minor in nature. The amendments correct anomalies relating to zoning, minimum lot size and maximum building height.

##### **Item 2.1**

This item ensures that land currently used for water reservoirs is appropriately zoned. This item also ensures that the minimum lot size and height of building mapping is appropriate for the land.

##### **Item 2.2**

This item ensures that land zoned E4 Environmental Living or R5 Large Lot Residential has a consistently applied minimum lot size (2ha).

##### **Item 2.3**

This item ensures that land zoned IN1 General Industrial has a consistently applied minimum lot size (no minimum lot size).

##### **Item 2.4**

This item ensures that zoning, minimum lot size and wetland mapping are consistently applied to the subject land. The subject land is developed and managed as low density residential. While the rear of the subject lots is low lying and potentially subject to flooding, it is not within the wetland that adjoins the subject land. Certainly, those parts of the subject lots that contain buildings and structured outdoor recreation space, and that are currently mapped as wetland and E2 Environmental Conservation zone are not within the wetland that adjoins the subject land. It is also worth noting that the current wetland mapping and extent of the E2 Environmental Conservation zone are inconsistent, and that the current Terrestrial Biodiversity Map does not identify vegetation on the subject lots. It is also worth noting that the wetland is not a SEPP 14 wetland.

##### **Item 2.5**

This item ensures that all land zoned E4 Environmental Living has a consistently applied height of building standard (8.5m).

**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 outcomes.

**Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK**

**3. *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?***

**Item 2.1**

Direction 18 of the South East and Tablelands Regional Plan is to secure the region's water resources. The subject land contains an existing water reservoir and the planning proposal seeks to provide an appropriate zone for that land. The proposal is not inconsistent with the South East and Tablelands Regional Plan.

**Item 2.2**

The planning proposal is not inconsistent with any element of the South East and Tablelands Regional Plan.

**Item 2.3**

The planning proposal is not inconsistent with any element of the South East and Tablelands Regional Plan.

**Item 2.4**

Direction 14 of the South East and Tablelands Regional Plan is to protect important environmental assets. The subject land adjoins a wetland however the wetland mapping and E2 zoning extends inappropriately into the subject lots. The wetland is not a SEPP 14 wetland. The planning proposal seeks to ensure the LEP mapping is accurate and consistent with the characteristics of the land and is therefore considered to be consistent with the South East and Tablelands Regional Plan.

**Item 2.5**

The planning proposal is not inconsistent with any element of the South East and Tablelands Regional Plan.

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

The planning proposal is not inconsistent with any element of Council's Community Strategic Plan, One Community.

**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	Item numbers 2.2, 2.4 and 2.5 relate to land in the coastal zone.	<b>Consistent</b> – The subject areas are within the coastal zone and/or are sensitive coastal locations as defined in SEPP 71. The proposed amendments are minor and will have no impact on the coastal zone.

**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
1.1	Business and Industrial Zones	Item number 2.3 relates to land in the IN1 General Industrial Zone.	<b>Consistent</b> – The planning proposal seeks to ensure consistent development standards for land in the IN1 General Industrial zone and is therefore not inconsistent with the objectives and terms of the direction.
2.1	Environment Protection Zones	Item numbers 2.2 and 2.4 relate to land in an environmental zone.	<b>Consistent</b> – Item number 2.2 seeks to apply a consistent lot size standard over land zoned E4 Environmental Living and does not reduce the environmental standards that apply to the land. <b>Inconsistent but of minor significance</b> – Item number 2.4 seeks to remove the E2 zoning over land which is developed and managed residential land that is not mapped for biodiversity and is incorrectly mapped as a wetland.
2.2	Coastal Protection	Item numbers 2.2, 2.4 and 2.5 relate to land in the coastal zone.	<b>Consistent</b> – The subject areas are within the coastal zone and/or are sensitive coastal locations as defined in SEPP 71. The proposed amendments are minor and will have no impact on the coastal zone.
3.1	Residential Zones	Item numbers 2.1, 2.2 and 2.4 relate to land in a residential zone.	<b>Consistent</b> – The proposed amendments are minor and are not inconsistent with the direction.

3.4	Integrating Land Use and Transport	Item numbers 2.1, 2.2, 2.3, 2.4 and 2.5 relate to land in an urban zone.	<b>Consistent</b> – The proposed amendments are minor and are not inconsistent with the direction.
4.3	Flood Prone Land	Item number 2.4 relates to land that is partly flood prone.	<b>Inconsistent but of minor significance</b> – While the proposed amendments include the rezoning of flood prone land from a rural or an environmental zone to a residential zone, in all cases only a part of the subject land is flood prone and the land is either already developed or has development potential outside of the flood prone area.
4.4	Planning for Bushfire Protection	Item numbers 2.1, 2.2, 2.4 and 2.5 relate to land that is bush fire prone.	<b>See below.</b>
5.10	Implementation of Regional Plans	The South East and Tablelands Regional Plan applies to all planning proposals.	<b>Consistent</b> The proposed amendments are minor and consistent with the South East and Tablelands Regional Plan.

## **Bushfire Assessment to address Ministerial Direction 4.4**

### **Item 2.1**

The subject land is currently zoned R5 Large Lot Residential Development and is Council owned and classified as operational land as it contains a water reservoir. The land is bushfire prone. The land has recently been subdivided by way of a boundary adjustment. The new Lot 2 DP 1234325 contains the water reservoir.

As the land is currently zoned R5, were it not required for water infrastructure purposes, a subdivision of the land for large lot residential development could yield a maximum of 4 lots and dwellings. Rezoning the land to SP2 removes the potential for residential subdivision and development of the land.

The remainder of the original lot has been amalgamated with the adjoining land to create new Lot 1 DP 1234325, which has been increased in size from 9753m<sup>2</sup> to 1.35ha. This land already has a minimum lot size of 5000m<sup>2</sup>. Under this minimum lot size, Lot 1 could be subdivided into two lots. There is no current proposal from the land owner to subdivide the land. Should any future development application be submitted to Council, a bushfire assessment would be required.

Given the planning proposal does not introduce a residential zone to the land, reduces the extent of residentially zoned land and reduces the potential development of the subject land for residential purposes, it is considered that no further bush fire assessment of this matter is required at this time.

## **Item 2.2**

The planning proposal seeks to correct an anomaly in the Minimum Lot Size mapping on land that is bush fire prone. In doing so, it does not increase the potential development yield of the land. Therefore, it is considered that no further bush fire assessment of this matter is required.

## **Item 2.4**

The planning proposal increases the extent of R2 zoning in a bushfire prone area but it does not increase the potential development yield as the subject lots are developed and cannot be further subdivided. Therefore, it is considered that no further bush fire assessment of this matter is required.

## **Item 2.5**

The planning proposal seeks to correct an anomaly in the Height of Building Mapping and does not increase the potential development yield of the subject land. Therefore, it is considered that no further bush fire assessment of this matter is required.

## **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?***

Where the planning proposal facilitates additional development potential, there are no known critical habitat or threatened species, populations or ecological communities, or their habitats. Therefore, it is considered that there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected by this planning 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 other likely environmental effects as a result of this planning proposal.

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

There are no likely social or economic effects of this planning proposal.

## **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?***

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

## PART 4: MAPPING

**Map 2.1a**



Amend the Land Zoning Map to rezone the land from R5 Large Lot Residential to SP2 Infrastructure (Reservoir).

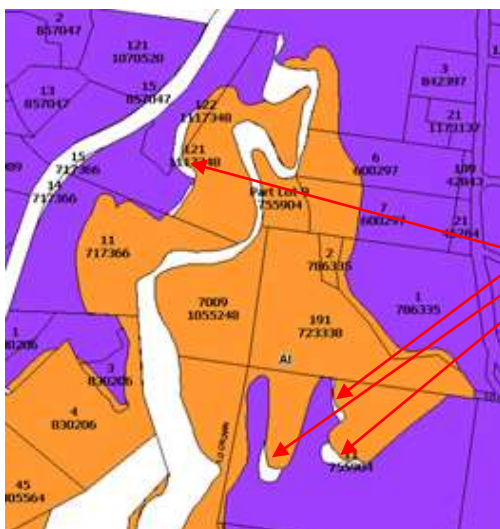
Amend the Minimum Lot Size Map to remove the 5000m<sup>2</sup> standard.

**Map 2.1b**



Amend the Height of Building Map for the subject part of the land to apply an 8.5m standard.

**Map 2.2**



Amend the Minimum Lot Size Map to apply a 2ha standard to the subject areas zoned E4 Environmental Living or R5 Large Lot Residential (the subject land currently does not have a minimum lot size).



**Map 2.3**



Amend the Minimum Lot Size Map to remove the 2ha standard from the subject land.

**Map 2.4a**



Amend the Land Zoning Map to rezone the subject land from E2 Environmental Conservation to the R2 Low Density Residential Zone.

Amend the Minimum Lot Size Map to apply the 550m<sup>2</sup> standard over the whole of the subject lots (the current standard is 1000ha).

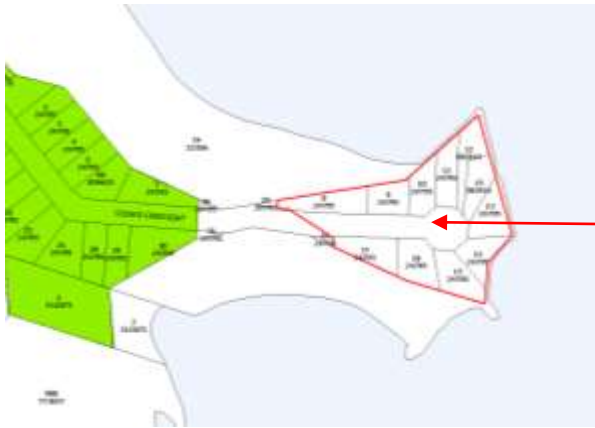
**Map 2.4b**



Amend the Wetland, Riparian Land and Watercourses Map to remove the wetland designation from the subject lots.



**Map 2.5**



Amend the Height of Buildings Map to apply an 8.5m standard to the subject land.

## APPENDIX 3 – JUSTIFICATION FOR ITEM NO. 3

### PART 1: OBJECTIVES or INTENDED OUTCOMES

To amend the Eurobodalla Local Environmental Plan 2012 to remove one item from Schedule 1 Additional Permitted Uses.

### PART 2: EXPLANATION of PROVISIONS

The proposed outcome will be achieved by amending Schedule 1 of the Eurobodalla Local Environmental Plan 2012 identified in accordance with the table below.

Planning Proposal item	Schedule 1 Item	Explanation of provisions
3.1	17	Amend Schedule 1 to delete item 17 from the Schedule 1. The land to which this planning proposal applies is shown in map 3.1.

### PART 3: JUSTIFICATION

#### Section A – NEED for the PLANNING PROPOSAL

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

This planning proposal is not the direct result of any strategic study or report, but has been identified by Council staff as an anomaly in Schedule 1 of the current LEP, given the recent rezoning of the land to B5 Business Development.

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

It is considered that the planning proposal provides the best means of achieving the intended outcomes.

#### Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

**3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

The planning proposal is not inconsistent with the South East and Tablelands Regional Plan.

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

The planning proposal is not inconsistent with Council's Community Strategic Plan, One Community.

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

There are no SEPPs relevant to this planning proposal.

**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
5.10	Implementation of Regional Strategies	The South East and Tablelands Regional Plan applies to all planning proposals.	<b>Consistent</b> – The planning proposal is consistent with the South East and Tablelands Regional Plan.

**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. Has the planning proposal adequately addressed any social and economic effects?**

There are no likely social or economic effects as a result of this planning proposal.

**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?**

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

## PART 4: MAPPING

**Map 3.1**



Land to which Item 17 of Schedule 1 applies.

## APPENDIX 4 – JUSTIFICATION FOR ITEM NO. 4

### PART 1: OBJECTIVES or INTENDED OUTCOMES

To amend the Eurobodalla Local Environmental Plan 2012 to add additional heritage items.

### PART 2: EXPLANATION of PROVISIONS

The proposed outcome will be achieved by amending Schedule 5 of the Eurobodalla Local Environmental Plan 2012 and the Heritage Maps in relation to the matters in the following table.

Proposed item name	Lot and DP and Property Address	
Francis Guy's Residence and Store (former)	Lot 1, DP 1225997 and Lot 2, DP 100129, 5 and 7 Clyde Street, Batemans Bay	See Map 4.1
Norfolk Island Pine Planting	Part of Lot 1, DP 569490, Tarandore Point, Tuross Head	See Map 4.2
The York Engine	Part of Lot 87, DP 1007611, 2-26 James Street, Mogo	See Map 4.3

### PART 3: JUSTIFICATION

#### Section A – NEED for the PLANNING PROPOSAL

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

The Francis Guy Residence and Store were identified in Eurobodalla's Shire Wide Heritage Study 1997 and the Community Based Heritage Study in 2011. The formal listing of these items was recently recommended by Council's Heritage Advisor and Heritage Advisory Committee and was endorsed by Council on 26 July 2016.

The Norfolk Island Pine Plantation/Planting was not identified in a study or report, but has been recommended for listing by Council's Heritage Advisor and Heritage Advisory Committee in response to a nomination from the Tuross Lakes Preservation Group. Council endorsed the listing on 26 July 2016.

The York Engine was not identified in a study or report, but has been recommended for listing by Council's Heritage Advisor and Heritage Advisory Committee in response to a nomination from the Moruya Antique Tractor and Machinery Association. Council endorsed the listing on 9 May 2017.

Attachment B contains draft heritage inventory sheets that outline the heritage significance of the three items above.

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

Amending Schedule 5 and the Heritage Maps is the best means of recognising heritage properties in the Local Environmental Plan. There is no alternative means 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, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

The planning proposal is consistent with Direction 23 of the South East and Tablelands Regional Plan in that it recognises items of local heritage significance to the Eurobodalla community.

**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 values and protects our built and landscape heritage.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP 71	Coastal Protection	The proposal relates to land in the coastal zone.	<b>Consistent</b> – The listing of items of heritage will have no impact on the coastal zone.

**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
1.1	Business and Industrial Zones	The proposed listing of the Francis Guy's Residence and Store (former) is on land zoned B4 Mixed Use.	<b>Consistent</b> – The planning proposal does not reduce the amount of land zoned of potential floor space in a business zone.
2.1	Environmental Protection Zones	The proposed listing of the Norfolk Island Pine Plantation relates to land that is partly zoned E2 Environmental Conservation	<b>Consistent</b> – The planning proposal will not reduce the environmental protection standards that apply to the land.
2.2	Coastal Protection	The proposal relates to land in the coastal zone.	<b>Consistent</b> – The listing of items of heritage will have no impact on the coastal zone.

2.3	Heritage Conservation	The proposal relates to the listing of three heritage items.	<b>Consistent</b> – The planning proposal protects three items of environmental heritage significance. See Attachment B for evidence of the heritage significance of the three items.
3.4	Integrating Land Use and Transport	The proposed listing of the Francis Guy's Residence and Store (former) relates to land in an urban zone.	<b>Consistent</b> – The proposed amendment will have no impact on the integration of land use and transport.
5.10	Implementation of Regional Strategies	The South East and Tablelands Regional Plan applies to all planning proposals.	<b>Consistent</b> – The proposed amendment is consistent with the South East and Tablelands Regional Plan.

## 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?***

Recognition of Eurobodalla's heritage has potential social and economic benefits through increased understanding of our heritage and increased tourism.

## 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.

## PART 4: MAPPING

**Map 4.1**



Add Lot 1, DP 1225997 and Lot 2, DP 100129 to the Heritage Map.

**Map 4.2**



Add Part of Lot 1, DP 569490 to the Heritage Map.

**Map 4.3**



Add Part of Lot 87, DP 1007611 to the Heritage Map



## ATTACHMENT A – Evaluation Criteria for Delegation

**Local Government Area:** Eurobodalla Shire Council

**Name of draft LEP:** Eurobodalla Local Environmental Plan amendment No 12

**Address of Land (if applicable):** Various

**Intent of draft LEP:**

- To update property descriptions, item names and mapping associated with a number of heritage items.
- To correct anomalies and making other minor changes to Zoning Maps, Minimum Lot Size Maps and Height of Building Maps.
- To correct an anomaly in Schedule 1 Additional Permitted Uses.
- To add new heritage items in accordance with Council resolutions.

**Additional Supporting Points/Information:** This LEP amendment is for a range of minor matters consistent with the types of draft LEPs that can routinely be delegated to Councils to prepare and make, as identified in Planning Circular PS 12-006.

(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes			
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes			
<b>Minor Mapping Error Amendments</b>	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	Yes			
<b>Heritage LEPs</b>	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	No			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	No			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	No			
<b>Reclassifications</b>	Y/N			
Is there an associated spot rezoning with the reclassification?	N/A	N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?	N/A			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	N/A			

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?	N/A			
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?	N/A			
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	N/A			
<b>Spot Rezoning</b>	<b>Y/N</b>			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	No			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	Yes			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	No			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?	No			
<b>Section 73A matters</b>				
<p>Does the proposed instrument</p> <p>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1) of the Act in order for a matter in this category to proceed).</p>		N/A		

## ATTACHMENT B – Draft Heritage Inventory Sheets

**Item name:** Francis Guy's Residence and Store (former)

**Location:** 5 and 7 Clyde Street Batemans Bay 2536

Eurobodalla

**Address:** 5 and 7 Clyde Street

**Planning:** Southern & Western

**Suburb/nearest town:** Batemans Bay 2536

**Local govt area:** Eurobodalla

**Parish:**

**State:** NSW

**County:**

**Other/former names:**

**Area/group/complex:** Francis Guy's Residence and Store (former)

**Group ID:**

**Aboriginal area:**

**Curtilage/boundary:**

**Item type:** Built

**Group:** Retail and Wholesale

**Category:** Shop

**Owner:** Private - Individual

**Admin codes:** BATE/R004

**Code 2:**

**Code 3:**

**Current use:** Commercial

**Former uses:** Residence and shop

**Assessed significance:** Local

**Endorsed significance:** Local

**Statement of significance:** The age of the former residence and store is rare in Batemans Bay representing the period of earliest commercial centre development. As a result, they have high-level local historic significance for their role in the early growth of retailing in Batemans Bay and for their association with Francis Guy, an important local area merchant of the later 19th century. Socially, the buildings have local significance for providing a focus for Batemans Bay's commercial centre for one hundred years. Scientifically, the buildings have the potential to contribute to an understanding about the commercial centre residential design functioning of Batemans Bay's main street and also the lifestyle and resources of an early businessman in Batemans Bay from the late 19th century. These buildings appear to contain the only surviving historic 19th century fabric in this part of Bateman's Bay. While it is recognized that the integrity of the buildings is at present poor, it appears that the essential form and some significant fabric of both places remains beneath the superficial façade. The modern façade prior to 2011 had no aesthetic or other streetscape value. The historical 2016 reconstruction of the front of the store and the rear of the residence have provided some historic and aesthetic character back into the region's important commercial streets.

**Historical notes of provenance:** Built as a residence c1870 by Francis Guy from bricks brought down in his ships as ballast. Francis Guy was a timber miller and shipbuilder at Batemans Bay from about 1870. He also owned and worked a silver mine near Moruya. The old residence can be easily recognised from the rear of the Batemans Bay Ice Creamery and The Professionals retail outlets. The former residence had a new shop awning installed in the 1990s. The adjacent shop was built shortly after using the same ballast material and was later a General Store operated by Mrs Elizabeth Thompson from c1927.

**Themes:** National theme

State theme

Local theme

**Designer:** Unknown

**Builder:** Francis Guy

**Year started:** 1875

**Year completed:** 1880

**Circa:** Yes

**Item name:** Francis Guy's Residence and Store (former)

**Location:** 5 and 7 Clyde Street Batemans Bay 2536

Eurobodalla

**Physical description:** Mid-Victorian. Residence: Brick, cement and weatherboard walls. Weatherboard rear wall reconstructed in 2017. Corrugated iron roof. New shop front added in 1977. 2 brick chimneys at rear removed as part of the 2017 works. Shop: Rendered brickwork. Shop front reconstructed in 2017 to reflect the historical character. The rear 67% of the building also removed in 2017.

It seems that Ned Kelly's Bargains at 5 Clyde St was the former shop and the residence at 7 Clydsde st was the residence. Both buildings have undergone such substantial modification that it is difficult to recognise them as historic structures. Clues in the residence are the old brick chimney at the rear and the weatherboard wall on the western side. There is some evidence of 6 inch by 1 inch butt-jointed flooring, probably a verandah floor, visible towards the rear of the laneway.

**Physical condition level:** Good

**Physical condition:**  
**Archaeological potential level:**

**Archaeological potential Detail:**

**Modification dates:** Considerable. 2016 - with redevelopment of Bridge Plaza car park

**Recommended management:**

**Management:** **Management category**  
 Statutory Instrument

**Management name**  
 List on a Local Environmental Plan (LEP)

**Further comments:** Substantial alterations to original front and rear of building including street-front parapet. 2016 - Residence: removal of the two chimneys at rear. Bricks retained and used in the reconstruction of the front of the store. The rear of the building has been restored through the removal of inappropriate metal cladding and the installation of new timber cladding. 2016 - The Store: Removal of inappropriate aluminium shopfront and reconstruction of the shop front and awning in the traditional manner using historical photographs as references. The reconstruction included the use of bricks saved from the removal of the rear two thirds of the building for the provision of car-parking spaces to the shopping centre.

**Criteria a):** High-level local historic significance for their role in the early growth of retailing in Batemans Bay.  
**[Historical significance]**

**Criteria b):** High level significance for their association with Francis Guy, an important local area merchant of the later 19th century.  
**[Historical association significance]**

**Criteria c):**  
**[Aesthetic/ Technical significance]**

**Criteria d):** The buildings have local significance for providing a focus for Batemans Bay's commercial centre for one hundred years.  
**[Social/Cultural significance]**

**Item name:** Francis Guy's Residence and Store (former)

**Location:** 5 and 7 Clyde Street Batemans Bay 2536

Eurobodalla

**Criteria e):** The buildings have the potential to contribute to an understanding about the commercial centre residential design functioning of Batemans Bay's main street and also the lifestyle and resources of an early businessman in Batemans Bay from the late 19th century.

**Criteria f):** The age of the former residence and store is rare in Batemans Bay representing the period of earliest commercial centre development.

**Criteria g):**  
**[Representative]**

**Intactness/Integrity:**

References:	Author	Title	Year
	Mrs N Cregan,	Batemans Bay Historical Society	1997
	H J Gibbney	"Eurobodalla - History of the Moruya District",	1989

Studies:	Author	Title	Number	Year
	Pip Giovanelli	Eurobodalla Community Based Heritage Study 2011		2011
	The EJE Group	Eurobodalla Heritage Study	BATE/R004	1997

Parcels:	Parcel code	Lot number	Section number	Plan code	Plan number
	LOT	2		DP	100129
	LOT	1		DP	1225997

**Latitude:**

**Longitude:**

**Location validity:**

**Spatial accuracy:**

**Map name:**

**Map scale:**

**AMG zone:** Nelligen 8926-4-S

**Easting:** 241540

**Northing:** 6044960

**Listing:** Name

**Title**  
 Heritage study

**Number**      **ListingDate**

**Data entry:** Data first entered: 09/07/2002

Data updated: 28/09/2017

Status: Completed

**Item name:** Francis Guy's Residence and Store (former)

**Location:** 5 and 7 Clyde Street Batemans Bay 2536

Eurobodalla

**Image:**



**Caption:** Rear view of shop

**Copy right:** Eurobodalla Shire Council

**Image by:** Giovanelli

**Image date:** 18/11/2010

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/1550006b4.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t\\_1550006b4.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t_1550006b4.jpg)

**Image:**





**Item name:** Francis Guy's Residence and Store (former)

**Location:** 5 and 7 Clyde Street Batemans Bay 2536

Eurobodalla

**Caption:** Front view of former residence. Hipped roof form suggest original residence, possibly with verandah on left hand side

**Copy right:** Eurobodalla Shire Council

**Image by:** Giovanelli

**Image date:** 18/11/2010

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/1550006b5.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t\\_1550006b5.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t_1550006b5.jpg)

**Image:**



**Caption:** Rear of Francis Guy's Residence during restoration

**Copy right:** ESC

**Image by:**

**Image date:** 30/06/2016

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/345b204ada27e564b3f823ab7eb84391707.JPG>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb\\_test345b204ada27e564b3f823ab7eb84391707.JPG](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test345b204ada27e564b3f823ab7eb84391707.JPG)

**Item name:** Francis Guy's Residence and Store (former)

**Location:** 5 and 7 Clyde Street Batemans Bay 2536

Eurobodalla

**Image:**



**Caption:** Front of the historic store at 5 Clyde St during reconstruction

**Copy right:** ESC

**Image by:** Giovanelli

**Image date:** 27/02/2017

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/345519c519c897d4d86ac2d66263378dabc.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb\\_test345519c519c897d4d86ac2d66263378dabc.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test345519c519c897d4d86ac2d66263378dabc.jpg)

**Image:**

**Item name:** Francis Guy's Residence and Store (former)

**Location:** 5 and 7 Clyde Street Batemans Bay 2536

Eurobodalla



**Caption:** Weatherboard wall on western side of former residence

**Copy right:** Eurobodalla Shire Council

**Image by:** The EJE Group

**Image date:** 03/02/1997

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/1550006b1.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t\\_1550006b1.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t_1550006b1.jpg)

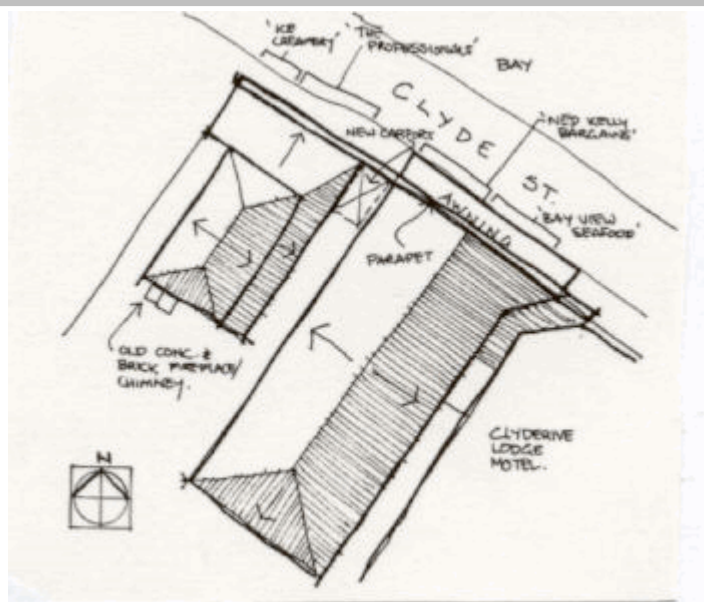
**Image:**



**Item name:** Francis Guy's Residence and Store (former)

**Location:** 5 and 7 Clyde Street Batemans Bay 2536

Eurobodalla



**Caption:** Shop is on the right and residence on the left of the drawing.

**Copy right:** Eurobodalla Shire Council

**Image by:** The EJE Group

**Image date:** 03/02/1997

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/1550006b2.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t\\_1550006b2.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t_1550006b2.jpg)

**Image:**



**Caption:** Francis Guys Residence (Former)

**Copy right:** Eurobodalla Shire Council

**Item name:** Francis Guy's Residence and Store (former)

**Location:** 5 and 7 Clyde Street Batemans Bay 2536

Eurobodalla

**Image by:** Giovanelli

**Image date:** 18/11/2010

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/1550006b3.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t\\_1550006b3.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t_1550006b3.jpg)

**Image:**



**Caption:** rear view of former residence with brick chimney visible on left

**Copy right:** Eurobodalla Shire Council

**Image by:** Giovanelli

**Image date:** 18/11/2010

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/1550006b6.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t\\_1550006b6.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t_1550006b6.jpg)

**Item name:** Norfolk Island Pine Planting

**Location:** Tuross Boulevarde Tuross Head 2537

Eurobodalla

**Address:** Tuross Boulevarde

**Planning:** Southern & Western

**Suburb/nearest town:** Tuross Head 2537

**Local govt area:** Eurobodalla

**Parish:**

**State:** NSW

**County:**

**Other/former names:**

**Area/group/complex:**

**Group ID:**

**Aboriginal area:** Dhurga

**Curtilage/boundary:** As per map

**Item type:** Landscape

**Group:** Parks, Gardens and Trees

**Category:** Trees of social, historic or special sign

**Owner:** Local Government

**Admin codes:**

**Code 2:**

**Code 3:**

**Current use:**

**Former uses:**

**Assessed significance:** Local

**Endorsed significance:** Local

**Statement of significance:** The Norfolk Island Pine Planting at Tarandore Pt., within McWilliam Park, Tuross Head, is significant for its association with the landscape planning of Tuross Heads, one of the Shire's first purpose-designed coastal holiday home subdivisions. Planted by Hector McWilliam in the late 1920's to early 1930's, the planting has matured to become a distinctive and much admired landscape feature on the south coast. It is highly valued by the community for the special ambience it creates beneath the canopy, and as a backdrop to commemorative events that celebrate the nation's military past

**Historical notes of provenance:** William A. Bayley's history "Behind Broulee" states on Page 115 "From 1924 H. McWilliam planted hundreds of Norfolk Island Pines which now adorn the landscape through which a bitumen road leads to the Heads." The pines are attributed to Hector McWilliam who had been a real estate agent in Wagga Wagga prior to buying Tuross Head and Tuross House (built 1870) in the mid-1920s from Mary Mylott. McWilliam subdivided the headland for holiday houses and landscaped the roads and foreshore with Norfolk Island pines as part of the land development and promotion. The pines did well and have become a landmark feature that distinguishes Tuross from most of the other south coast headland settlements. Apparently the parent tree for all but eight of the pines grew adjacent to Tuross House and it was from this that McWilliam germinated all his stock. This suggests that all the trees in the plantation are from the same parent. The exact year in which the pines were planted has not been established although it seems it would be sometime after 1925. Most of the pines were planted to define roads. The mass planting at Tarandore Point is the only such grouping planted at Tuross. At some point in time an ANZAC stone cairn was erected on the edge of the pines adjacent to the coast, and later a commemorative wall (or two?) were added.

**Themes:** National theme

State theme

Local theme

**Designer:**

**Builder:** Hector Mc William

**Year started:** 1925

**Year completed:**

**Circa:** No

**Item name:** Norfolk Island Pine Planting

**Location:** Tuross Boulevarde Tuross Head 2537

Eurobodalla

**Physical description:** The mass planting is at Tarandore Point (often referred to locally as Plantation Point). It is a focal point within McWilliam Park, an ocean foreshore reserve of about 16ha which borders Tuross Boulevarde from Coila Bar in the north for a 1.5 km stretch southwards to One Tree Point. In the northern section of the plantation the Memorial Gardens were established as a community project in the 1980s as a memorial to all who served in the Australian defence forces at home and away. The Anzac cairn on the ocean front was dedicated on 25th April, 1995 to commemorate the 75th Anniversary of the landing at Gallipoli.

The pine plantation comprises 80 or so Norfolk Island pine trees planted on a north south by east west rectangular grid, with a spacing between rows of about 10 -15 metres at Tarandore or Plantation Point.

A fringe of native vegetation remains between the trees and Tuross Boulevard, however there is next to no major vegetation between the plantation and seaside. The space beneath the trees is open and lightly grassed, other than for a few low shrubs either side of a path that links the car park to the headland diagonally through the pines. The entrance from the car park is through a timber 'post and beam' arch that commemorates the area as a memorial park. At the north east corner of the plantation an Anzac rock cairn and a circular wall commemorate military service and are the focus of the annual ANZAC Day commemoration.

The close planting of the trees with their continuous frond cover creates a delightful ambience that makes the plantation a popular visiting place and reinforces its commemorative atmosphere. A walking trail along the Tuross foreshore leads into the plantation from the north.

**Physical condition level:** Good

**Physical condition:** Most if not all of the trees are healthy and growing well and there appear to have been few if any losses resulting in gaps within the planting. To this extent the integrity of the plantation is high and one would have to assume that if the person who planted them saw them now, they would be particularly pleased with their initial vision and the product of their labours.

The memorial wall is understood to be in good condition, however the roots of a nearby tree were threatening the structure some years ago and the tree was removed.

**Archaeological potential level:** Not assessed

**Archaeological potential Detail:**

**Modification dates:**

- Recommended management:**
- Recommend the item to Council for listing in the LEP Heritage Schedule.
  - Determine the size of any protective curtilage beyond which heritage values will not need to be considered,
  - Review and update the McWilliam Park Coastal Management Plan as it applies to the section regarding the Norfolk Island Pine Plantation, and consequently, the management of the Memorial Gardens.,
  - Update the condition field of this assessment, including condition of associated infrastructure such as the memorial cairn, commemorative walls, entry gate, signage, pathways etc,
  - Consider including broad policy guidelines in the management field of the place citation. Such management policy guidelines would need to be consistent with those in the Coastal Management Plan.

**Management:** Management category

Management name

**Further comments:**

- Criteria a): [Historical significance]** Tuross Heads was one of the first (if not the first) purpose-designed coastal subdivisions solely for holiday house development in what is now Eurobodalla Shire. The Norfolk Pines were intrinsic to the landscape design of the place, and the Tarandore Point plantation was (by design or default) the pinnacle or culmination of the planting scheme. The plantation is therefore a key marker of a very important aspect (holiday home subdivision) of the Shire's settlement pattern.
- Criteria b): [Historical association significance]** Because of the prominence of the Norfolk Island pines at Tuross Head their progenitor, namely Hector McWilliam, has become a person of importance in the Shire's history.

**Item name:** Norfolk Island Pine Planting

**Location:** Tuross Boulevarde Tuross Head 2537

Eurobodalla

**Criteria c):** The plantation has developed into a very special place with a delightful ambience that is recognised in the Coastal Management Plan for McWilliam Park (Adopted by Council 23 March 1999) which on page 9 states ...  
[Aesthetic/ Technical significance] 'The forethought of Hector McWilliam in the mass planting of Norfolk Island pines throughout Tuross, has created a distinct post-Aboriginal character for this township that is highlighted in McWilliam Park. Norfolks are arrayed in North-South rows that create a feeling of peacefulness, strength, solitude and shaded protection under their canopy'.

**Criteria d):** The park is highly valued by the Tuross Lakes Preservation Group, who has nominated it for heritage listing and protection. It is also valued by members of the local community for whom it has become a memorial garden that provides a tranquil setting to the ANZAC memorial and commemorative walls at the North-East edge.  
[Social/Cultural significance]

**Criteria e):** Not relevant against this criterion  
[Research significance]

**Criteria f):** The plantation appears to be the largest headland plantation in the shire.  
[Rarity]

**Criteria g):** There are many Norfolk Island pines growing in the Shire but possibly only one headland plantation. As such it is not one of a class and not relevant to this criterion.  
[Representative]

**Intactness/Integrity:**

<b>References:</b>	<b>Author</b>	<b>Title</b>	<b>Year</b>
	William A. Bayley	"Behind Broulee"	

<b>Studies:</b>	<b>Author</b>	<b>Title</b>	<b>Number</b>	<b>Year</b>
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<b>Parcels:</b>	<b>Parcel code</b>	<b>Lot number</b>	<b>Section number</b>	<b>Plan code</b>	<b>Plan number</b>
	LOT	1		DP	569490

**Latitude:**

**Longitude:**

**Location validity:**

**Spatial accuracy:**

**Map name:**

**Map scale:**

**AMG zone:**

**Easting:**

**Northing:**

**Listing: Name**

**Title**  
Heritage study

**Number**

**ListingDate**

**Data entry:** Data first entered: 16/12/2016

Data updated: 16/05/2017

Status: Partial



**Item name:** Norfolk Island Pine Planting

**Location:** Tuross Boulevarde Tuross Head 2537

Eurobodalla

**Image:**



**Caption:** Northern entry

**Copy right:** ESC

**Image by:** Pip Giovanelli

**Image date:** 10/12/2015

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/34554d4d5abc460452792d256a987285074.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb\\_test34554d4d5abc460452792d256a987285074.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test34554d4d5abc460452792d256a987285074.jpg)

**Image:**

**Item name:** Norfolk Island Pine Planting

**Location:** Tuross Boulevarde Tuross Head 2537

Eurobodalla



**Caption:** View from within the pines back to the carpark entry gate.

**Copy right:** ESC

**Image by:** Pip Giovanelli

**Image date:** 10/12/2015

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/34560724e66ff6947b9b7bfa1e8545b338a.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb\\_test34560724e66ff6947b9b7bfa1e8545b338a.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test34560724e66ff6947b9b7bfa1e8545b338a.jpg)

**Image:**



**Item name:** Norfolk Island Pine Planting

**Location:** Tuross Boulevarde Tuross Head 2537

Eurobodalla



**Caption:** Aerial view showing planting boundary

**Copy right:**

**Image by:**

**Image date:** 01/12/2014

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/345cc508b8f2bbb42e3b2bf84e934e237fc.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb\\_test345cc508b8f2bbb42e3b2bf84e934e237fc.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test345cc508b8f2bbb42e3b2bf84e934e237fc.jpg)

# NSW State Heritage Inventory form

ITEM DETAILS							
<b>Name of Item</b>	York 6 Horse Power Portable Farm Engine						
<b>Other Name/s Former Name/s</b>	.						
<b>Item type (if known)</b>	Internal Combustion Engine						
<b>Item group (if known)</b>							
<b>Item category (if known)</b>	Moveable						
<b>Area, Group, or Collection Name</b>							
<b>Street number</b>	Original Goldrush Colony						
<b>Street name</b>	AnnetteSt						
<b>Suburb/town</b>	Mogo					<b>Postcode</b>	
<b>Local Government Area</b>	Eurobodalla Shire.						
<b>Property description</b>	Housed at the Moruya Antique Tractor and Machinery Association Inc. display at the Original Goldrush Colony						
<b>Location - Lat/long If not at a street address</b>	<b>Latitude</b>				<b>Longitude</b>		
<b>Location - AMG If not at a street address</b>	<b>Zone</b>		<b>Easting</b>			<b>Northing</b>	
<b>Owner</b>	Private Owned by Beverly Clark and Family, Moruya, but in the custodianship of MAT&MA Inc						
<b>Current use</b>	For display in working order						
<b>Former Use</b>	Powered various items of farm machinery						
<b>Statement of significance</b>	This York 6 Horse Power Portable Farm Engine is historically significant for its use on dairy farms in the Moruya district at the beginning of the 20 century and contributes to an understanding of the shift from animal to mechanical power that progressively changed the nature of agricultural practice. It was considered to be technically innovative at the time and was one of the first York 6 HP Portable Farm Engines with the hit and miss system ever made. The machine was owned, and subsequently restored by members of the Moruya community and has very strong social and community value, particularly given its dedication as a memorial to the late Steve Clark. It is believed to be the only operational York engine of this type in Australia and is therefore considered to be particularly rare. Its high integrity and faithful repainting to original colours further enhance its significance.						
<b>Level of Significance</b>	State <input type="checkbox"/>				Local - YES		

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DESCRIPTION						
<b>Designer</b>	Frederick Flinchbaugh					
<b>Builder/ maker</b>	Flinchbaugh Manufacturing Company York Pennsylvania, USA					
<b>Physical Description</b>	Large single cylinder igniter type horizontal petrol engine mounted on a four wheel trolley for movement around and between farms					
<b>Physical condition</b>	Condition is excellent, having been fully restored by the Moruya Antique Tractor and Machinery Association Inc					
<b>Construction years</b>	<b>Start year</b>	1904	<b>Finish year</b>		<b>Circa</b>	<input type="checkbox"/>
<b>Modifications and dates</b>	<p>1980 Circa– recovered from scrub at Yarragee in the early 1980's by Mr Ray Luck who undertook a basic restoration but did not restore to original condition or colour.</p> <p>2016 – Full restoration completed by the MAT&amp;MA Inc</p>					
<b>Further comments</b>	The integrity is high as most of the original fabric has been retained and introduced fabric closely follows evidence in historic photos and catalogues.					

HISTORY	
<b>Historical notes</b>	<p>1898: Frederick Flinchbaugh established Flinchbaugh Manufacturing Co in York Pennsylvania USA to manufacture internal combustion engines and other items.</p> <p>Circa 1903: Flinchbaugh applies for a patent for the 'Hit and Miss' mechanism and other parts for his engines. The works 'Patent Applied for' were cast into the cover over the 'Hit and Miss' mechanism.</p> <p>1905 circa: Mr Stan Nelson purchases the present engine.</p> <p>1906: Patent granted.</p> <p>1906: Mr Headly Luck purchased the engine 2<sup>nd</sup> hand from Mr Stan Nelson and used it on the family dairy farm "Myrtle Bank" at Yarragee a few kilometres to the west of Moruya. It was used to drive a 'peg-toothed drum thresher &amp; winnow' to make chaff for stock feed and also to process crops for small farms in the area.</p> <p>1910: Photographs showing the engine loading a silo just south of Moruya and a harvest luncheon were taken by the Luck family. Copies of the photos are included in the Luck family album held by the Moruya Historic Society.</p> <p>1910 – 1936: The York engine was used up to at least 1936, as Ray Luck remembered it running in 1936 when he was only 6 years old.</p> <p>1946: Ray remembered the engine was last started in 1946 by Frank Campbell (who married Headly Luck's daughter).</p> <p>1983: Ray Luck recovered the engine from the paddock where it had been abandoned. He replaced the wood trolley and overhauled the engine.</p> <p>1988: Ray wrote an article for "Old Machinery Mart" magazine relating the story and his restoration work. Ray retired to the north coast and sold the engine to Mr Steve Clark, a local solicitor, of Moggendora Farm on the north bank of the Moruya River.</p> <p>2007: Following Steve Clark's death in 2007 his widow and three daughters contacted the MAT&amp;MA with a view to having the York engine kept in Moruya as a memorial to him. An inspection by MAT&amp;MA revealed a number of special parts and a subsequent full restoration was undertaken at Dean Price's property 'Summer Hill'. The engine was stripped, cleaned and bearings, rings etc checked and reassembled in line with an original catalogue from 1910. This enabled colours, lettering</p>

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	<p>and decorative striping to be redone in a manner authentic to the original. Eurobodalla Shire Council assisted the work with a grant of \$1,000.</p> <p>2017: following its restoration to working condition the engine has been relocated to the MAT&amp;MA collection building that is in the grounds of the Original Goldrush Colony in Mogo.</p>
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APPLICATION OF CRITERIA	
<b>Historical significance</b> SHR criteria (a)	<p>The engine was used at Yarragee and on other farms in the Moruya locality from 1905 to at least 1936, and possibly as late as 1946. It is associated with the increasing mechanisation of farms in the district in the first half of the 20<sup>th</sup> century.</p> <p>It is particularly significant as the first petrol powered engine in Moruya and possibly in the shire.</p>
<b>Historical association significance</b> SHR Criteria (b)	<p>The Luck family were well known in the district and the family's private cemetery is listed as a local heritage item in the shire Local Environment Plan.</p>
<b>Aesthetic significance</b> SHR criteria (c)	<p>The engine is attractive to look at both when it is stationary and when it is operational. This is evident in the combination of red and green flywheels and combustion chamber, mounted on the decoratively striped red trolley base. Its appearance is enhanced by the polished brass vials and other details</p>
<b>Social significance</b> SHR criteria (d)	<p>The engine has been faithfully restored over several years by members of MAT&amp;MA, a community group that has invested innumerable volunteer hours in painstaking research, mechanical effort and detailed painting. The engine has strong historical associations to the Luck family and is a memorial to Mr Steve Clark also from the local area.</p>
<b>Technical/Research significance</b> SHR criteria (e)	<p>This particular engine is technically significant for its early use of the "hit and miss" ignition mechanism. It occupies a niche in the evolution of the internal combustion engine.</p>
<b>Rarity</b> SHR criteria (f)	<p>This is an early example of a 'hit and miss' engine and is believed to be the only operational example of a York 6 horse powered 'hit and miss' in Australia. It is considered to be rare even in America, its country of manufacture. As it was constructed before the patent was granted it is possibly one of the first 6 HP Yorks ever made.</p>
<b>Representativeness</b> SHR criteria (g)	<p>As an operational engine it is a good example of an early 'hit and miss'.</p>
<b>Integrity</b>	<p>This particular example has very high integrity. Most moving parts are original and elements that have been introduced, such as trolley wheels, closely match the evidence in the original catalogue, as does lettering, striping and colour scheme.</p>
HERITAGE LISTINGS	
<b>Heritage listing/s</b>	<p>This York 6 HP engine has not been listed on any other heritage schedule</p>

INFORMATION SOURCES				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository



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Written	Ray Luck	Old Machinery Mart	1988	
Display notes	Moruya Antique Tractor and Machinery Association Inc	6H.P. York Portable Farm Engine circa 1904 - Timeline	2016	

## RECOMMENDATIONS

<b>Recommendations</b>	Continue management and custodianship by the Moruya Antique Tractor and Machinery Association Inc
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## SOURCE OF THIS INFORMATION

To be completed if this form is part of a heritage study or report

<b>Name of Study or report</b>	na	<b>Year of study or report</b>	
<b>Item number in study or report</b>	na		
<b>Author of Study or report</b>	na		
<b>Inspected by</b>	Steven Halicki and Pip Giovanelli		
<b>NSW Heritage Manual guidelines used?</b>		Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>This form completed by</b>	Pip Giovanelli	<b>Date</b>	26 March 2017



## IMAGES - 1 per page

<b>Image caption</b>	6H.P. York Portable Farm Engine circa 1904				
<b>Image year</b>	2016	Moruya Antique Tractor and Machinery Association Inc		Moruya Antique Tractor and Machinery Association Inc	

