

## APPENDIX 9 – JUSTIFICATION FOR AMENDMENT NO. 9

Amendment applies to	Explanation of provisions	Map changes
<b>Schedule 1</b>	<p>Add a new clause in Schedule 1 to enable the land uses below as permitted with consent on part of the land zoned B5 (Business Development) at Moruya.</p> <p>Additional land uses:</p> <ul style="list-style-type: none"><li>• Community facility</li><li>• Information and education facility</li><li>• Office premises</li><li>• Recreation facility (indoor)</li><li>• Restaurant or café</li><li>• Shop top housing</li><li>• Veterinary hospital</li></ul>	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 amendments included in this proposal have been identified by Council staff and landowners and are considered minor in nature. The amendments provide additional commercial development opportunities on part of the land zoned B5 zone at Moruya where the existing lot sizes are relatively small and amalgamation would be required for large-floor plate developments.

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

The proposed approach is considered best having regard to the small nature of the existing lots in the subject area. Alternatives to the proposed amendment could be to rezone the subject land B2 Local Centre, or to add all of the additional land uses to the B5 zone land use table. These options are not preferred in order to: (a) retain the compact nature of the core retail and business centre of Moruya, and (b) to ensure larger footprint type developments are the focus for the remaining B5 areas (where there are larger lots). These options are also not supported by the Economic Development and Employment Lands Strategy 2011.

## 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 maintains the net supply of zoned employment land and provides for specific opportunities identified by Council staff and land owners.

### **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 relates to 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 amendment is 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 a business zone.	<b>Consistent</b> The proposed amendments increase commercial development opportunities on land in a business zone.
<b>2</b>	<b>Environment and Heritage</b>		

2.2	Coastal Protection	The proposal relates to 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 increases land use options on certain lands zoned for business purposes in an existing town centre.
<b>4</b>	<b>Hazard and Risk</b>		
4.3	Flood Prone Land	The proposal relates to flood prone land.	<b>Consistent</b> Although the amendment proposes additional land uses on land within the Moruya Flood Planning Area, it is not considered to be a significant increase in the development of that land. The potential for danger to personal safety and damage is of minor significance and can be addressed on merit by land form changes, building, siting and design at the development application stage and would be consistent with Council's current development processes and procedures as applied to adjacent business lands with similar hazard category.
<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 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?***

The amendment provides for additional commercial activities to be developed in areas proximate to the Moruya town centre, thereby increasing economic development and employment opportunities.

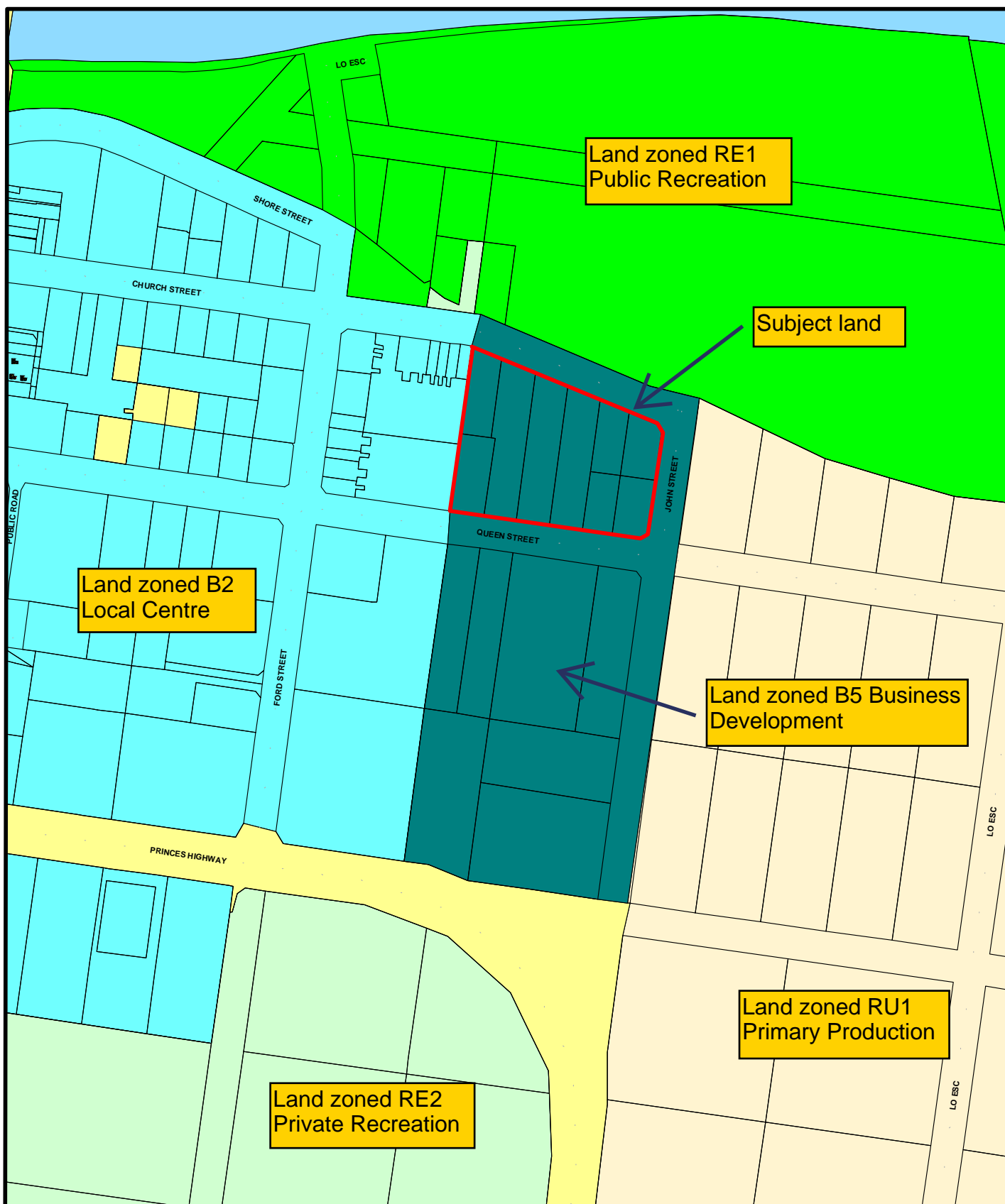
## Section D – STATE and COMMONWEALTH INTERESTS

***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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## Land subject to Amendment No. 9

Issue Date 20/3/2015

Scale: 1:3305



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Valid for 60 days from the date of issue.

## APPENDIX 10 – JUSTIFICATION FOR AMENDMENT NO. 10

Amendment applies to	Explanation of provisions	Map changes
<b>Schedule 1</b>	Delete from clause 4 (2) in Schedule 1 “if the premises are located on the ground floor as part of a mixed use development that includes residential accommodation” and add the following additional land uses: <ul style="list-style-type: none"><li>• Funeral home</li><li>• Information and education facility</li><li>• Public administration building</li><li>• Veterinary hospital</li></ul>	Nil

### Section A – NEED for the PLANNING PROPOSAL

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

The amendment is a direct result of and is consistent with the Eurobodalla Economic Development and Employment Lands Strategy, 2011.

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

The proposed approach is considered the best means of achieving the intended outcomes and will result in an appropriate mix of residential and commercial activities in this edge of centre location. The alternative would be to rezone the subject land, however there is no current zone option that would provide for a mix of residential and commercial activities in an edge of centre location. The B4 Mixed Use zone is not appropriate in this instance given this zone has been used to designate the core commercial area of Batemans Bay.

### 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. The

amendment is also consistent with the Eurobodalla Economic Development and Employment Lands Strategy which identifies the subject land for additional commercial development.

**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 relates to 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>		
2.2	Coastal Protection	The proposal relates to land in the coastal zone.	<b>Consistent</b> The subject area is 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.
<b>3</b>	<b>Housing, Infrastructure and Urban Development</b>		
3.1	Residential Zones	The proposal relates to land in a residential zone.	<b>Consistent</b> The proposed amendment increases land use options in a residential area adjoining the Batemans Bay town centre. The amendment is not inconsistent with the direction.
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	<b>Consistent</b> The proposed amendment increases land use options in a residential area adjoining the

			Batemans Bay town centre. The amendment is not inconsistent with the direction.
<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?***

The amendment provides for additional commercial activities to be developed in an area proximate to the Batemans Bay town centre, thereby increasing economic development and employment opportunities.

## Section D – STATE and COMMONWEALTH INTERESTS

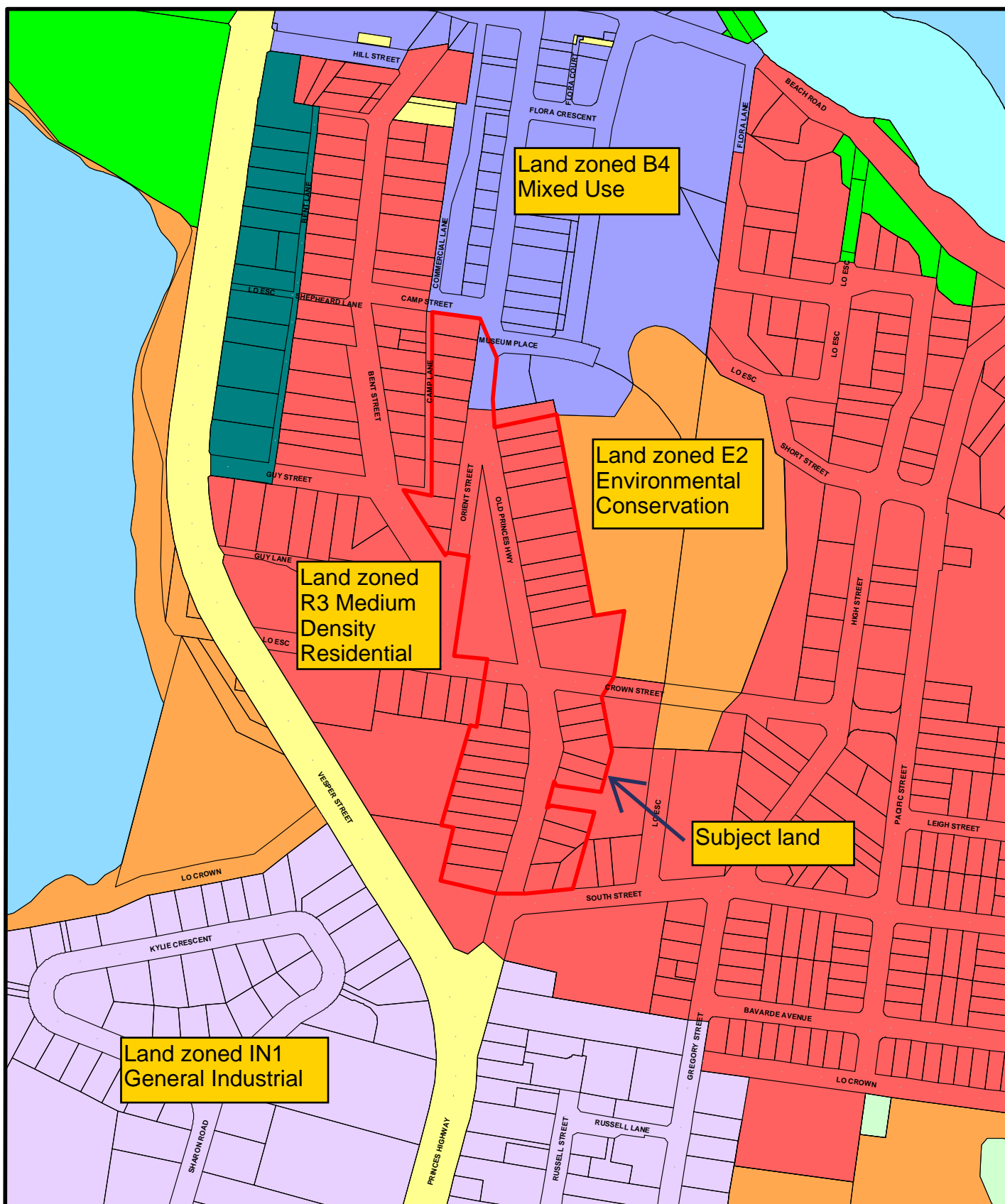
### ***10. Is there adequate public infrastructure for the planning proposal?***

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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## Amendment No. 10

Issue Date 23/3/2015

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Valid for 60 days from the date of issue.

## APPENDIX 11 – JUSTIFICATION FOR AMENDMENT NO. 11

Amendment applies to	Explanation of provisions	Map changes
<b>Schedule 1</b>	<p>i. Add new clauses in Schedule 1 to enable the land uses below as permitted with consent on the following properties:</p> <ul style="list-style-type: none"> <li>• Land zoned R2 (Low Density Residential) and R3 (Medium Density Residential) at Campbell and Page Streets and Mirrabooka Avenue, Moruya.</li> <li>• Land zoned E4 (Environmental Living) at Church Street, Moruya</li> <li>• Land zoned R2 (Low Density Residential) and R3 (Medium Density Residential) at Princes Highway, Narooma</li> </ul> <p>Additional land uses for all above properties:</p> <ul style="list-style-type: none"> <li>• Funeral home</li> <li>• Information and education facility</li> <li>• Office premises</li> <li>• Public administration building</li> <li>• Veterinary hospital</li> </ul> <p>ii. Add new clause in Schedule 1 to enable the land uses below as permitted with consent on land zoned R3 (Medium Density Residential) at Campbell Street, Narooma:</p> <ul style="list-style-type: none"> <li>• Entertainment facility</li> <li>• Food and drink premises</li> <li>• Function centre</li> <li>• Funeral home</li> <li>• Information and education facility</li> <li>• Office premises</li> <li>• Public administration building</li> <li>• Veterinary hospital</li> </ul> <p><b>Note:</b> Also include Sec 3, Lot 6, DP 758754 in this new clause in Schedule 1 as this lot has been proposed to be rezoned to R3 in the previous planning proposal for minor housekeeping amendments.</p>	Nil

## Section A – NEED for the PLANNING PROPOSAL

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

The amendment is a direct result of and is consistent with the Eurobodalla Economic Development and Employment Lands Strategy, 2011.

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

The proposed approach is considered the best means of achieving the intended outcomes and will result in an appropriate mix of residential and commercial activities in these edge of centre locations. The alternative would be to rezone the subject land, however there is no current zone option that would provide for a mix of residential and commercial activities in an edge of centre location.

## 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 locations with good accessibility and in close proximity to the Moruya and Narooma town centres.

### ***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. The amendment is also consistent with the Eurobodalla Economic Development and Employment Lands Strategy which identifies the majority of the subject land for additional commercial development.

### ***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 relates 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.

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.
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**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>2</b>	<b>Environment and Heritage</b>		
2.2	Coastal Protection	The proposal relates 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.
<b>3</b>	<b>Housing, Infrastructure and Urban Development</b>		
3.1	Residential Zones	The proposal relates to land in a residential zone.	<b>Consistent</b> The proposed amendment increases land use options in a residential area adjoining the Moruya and Narooma town centres. The amendment is not inconsistent with the direction.
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	<b>Consistent</b> The proposed amendment increases land use options in a residential area adjoining the Moruya and Narooma town centres. The amendment is not inconsistent with the direction.
<b>4</b>	<b>Hazard and Risk</b>		
4.1	Acid Sulfate Soils	The proposal relates to land that may be affected by acid sulphate soils.	<b>Consistent</b> Although the proposed amendments propose additional land uses on land with potential for Acid Sulfate Soils, the changes are not considered to be an intensification of land uses.
4.3	Flood Prone Land	The proposal relates to flood prone land.	<b>Consistent</b> Although the amendment proposes additional land uses on land within the Moruya Flood Planning Area, it is not considered to be a significant increase in the development of that land. The potential for danger to personal safety and damage is of minor significance and can be addressed on merit by land form

			changes, building, siting and design at the development application stage and would be consistent with Council's current development processes and procedures as applied to adjacent business lands with similar hazard category.
<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?***

The amendment provides for additional commercial activities to be developed in an area proximate to the Moruya and Narooma town centres, thereby increasing economic development and employment opportunities.

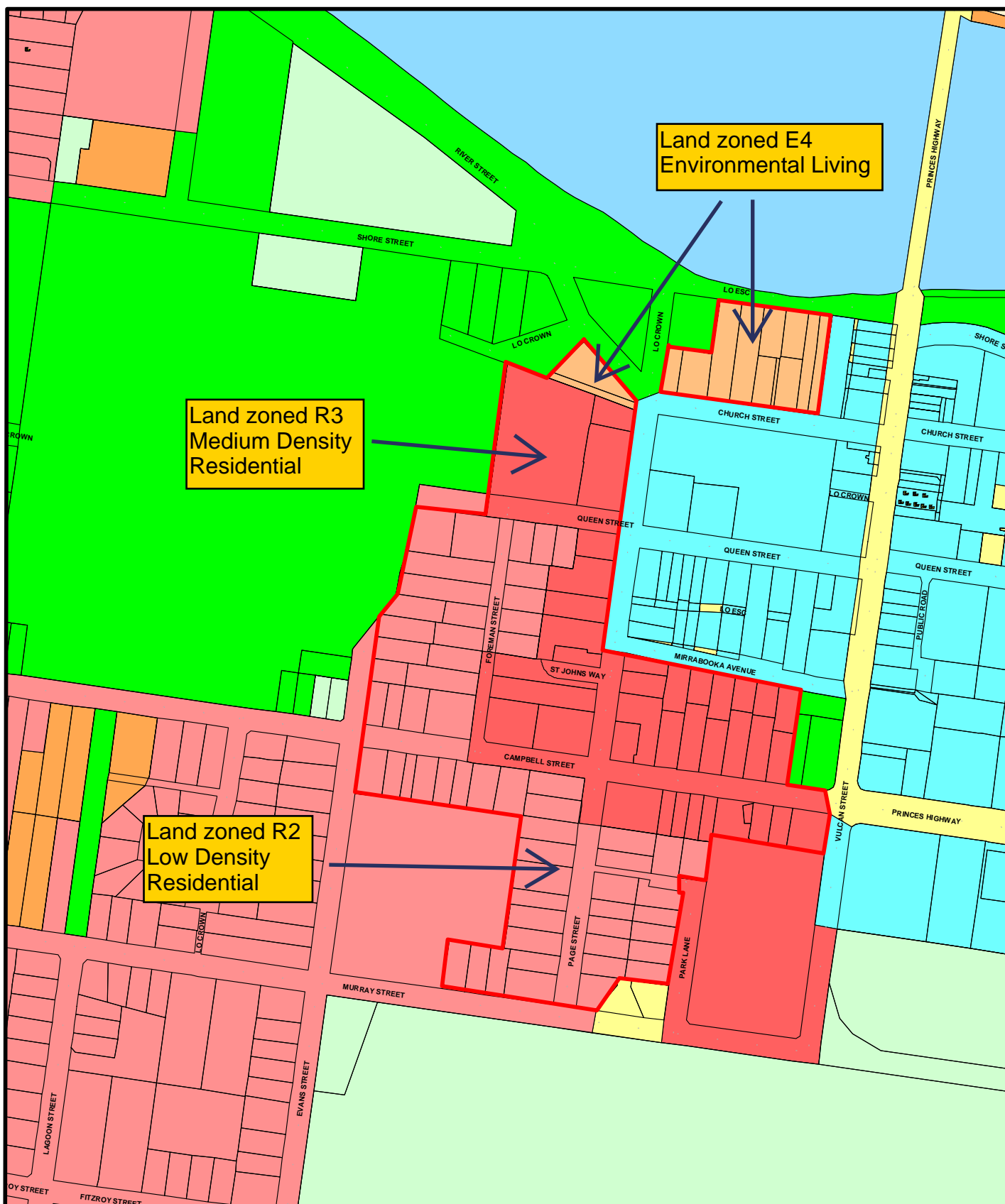
## Section D – STATE and COMMONWEALTH INTERESTS

### ***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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## Land in Moruya - Amendment No 11(i)

Issue Date 20/3/2015

Scale: 1:4836

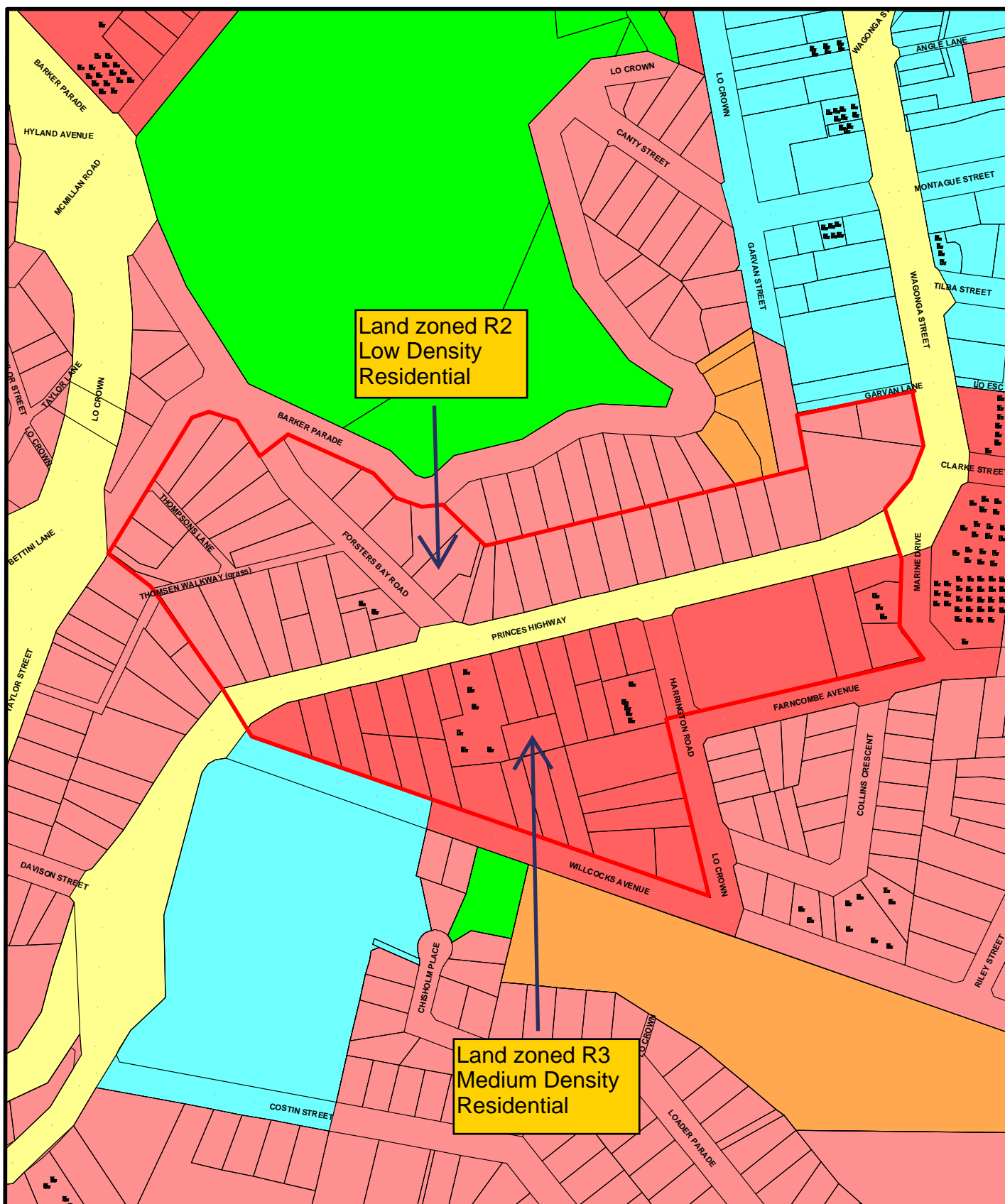


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Land zoned R2  
Low Density  
Residential

Land zoned R3  
Medium Density  
Residential



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## Land in Narooma - Amendment No. 11(i)

Issue Date 20/3/2015

Scale: 1:3681



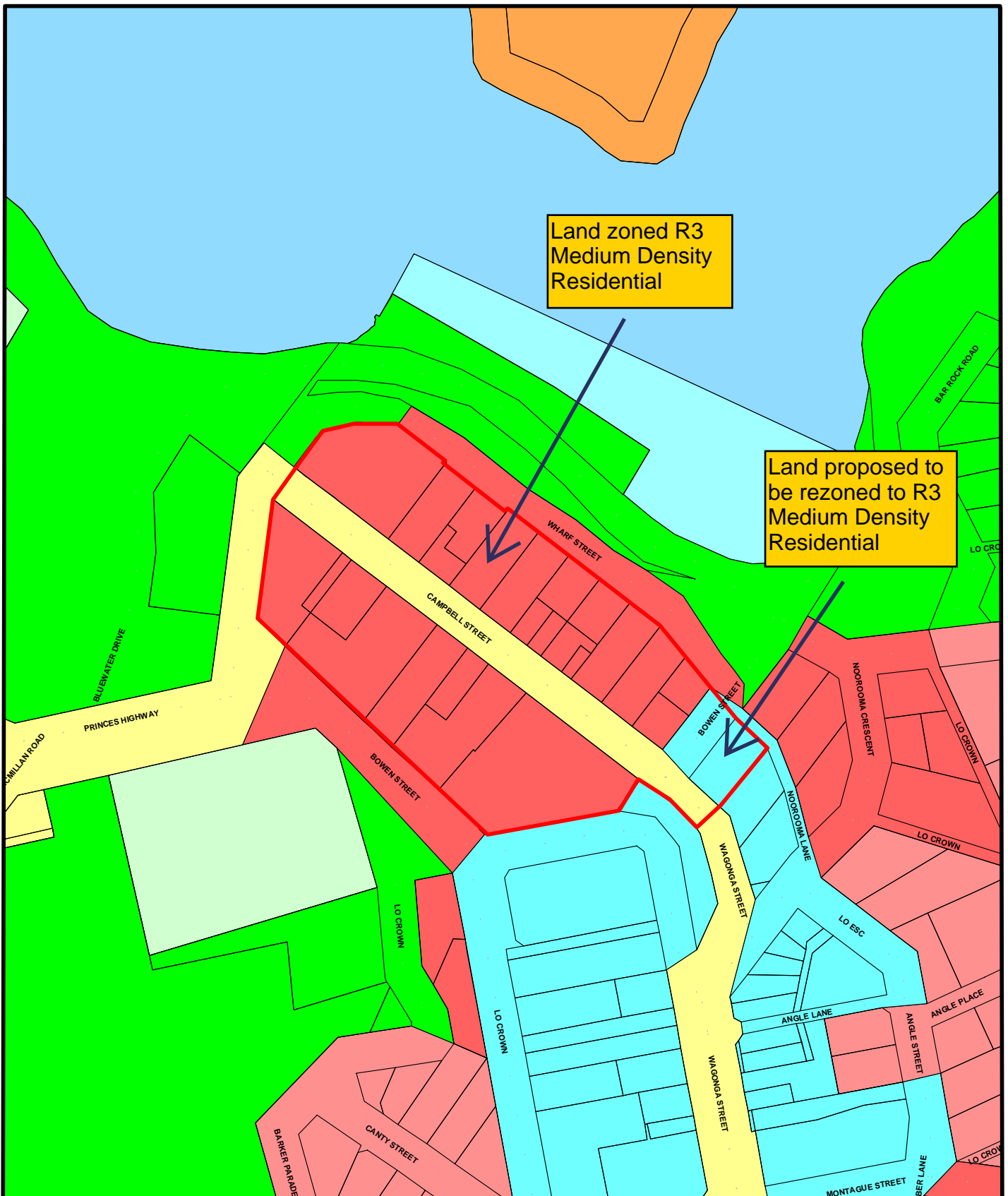
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## Land in Narooma - Amendment No. 11(ii)

Issue Date 20/3/2015

Scale: 1:2792



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## APPENDIX 12 – JUSTIFICATION FOR AMENDMENT NO. 12

Amendment applies to	Explanation of provisions	Map changes
<b>Land Use Table</b>	Include in the RU1 Primary Production Zone land use table as permitted with consent: boat building and repair facility.	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 amendments included in this proposal have been identified by Council staff and are considered minor in nature. The opportunities for boat building and repair facilities in the Eurobodalla are currently extremely limited, and particularly limited on land with direct access to water. The proposed amendment facilitates a land use in locations adjoining waterways in the Shire, where the predominant zone is RU1.

#### **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 best way of achieving the intended outcome. An alternative approach would be to identify specific sites on which this land use may be appropriate and add those sites to Schedule 1, however the proposed approach is preferred as it provides more flexibility.

### 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 not inconsistent with the South Coast Regional Strategy. While a boat building and repair facility is not an agricultural use of rural land, the nature of the use is not dissimilar to a rural industry. It is therefore not necessarily incompatible with rural activities and provides an alternative development opportunity for rural land owners.

#### **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 additional business and employment opportunities in the Shire.

**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> While the proposal does not relate to any specific site, it does relate generally to land that may have direct access to waterways and may therefore involve land in the coastal zone and/or sensitive coastal locations as defined in SEPP 71. The proposed amendment itself will have no direct impact on the coastal zone. Any future development application for a boat building and repair facility may need to be assessed having regard to the provisions of SEPP 71.
SEPP	Rural Lands 2008	The proposal relates to land zoned RU1.	<b>Consistent</b> While a boat building and repair facility is not an agricultural use of rural land, the nature of the use is not dissimilar to a rural industry. It is therefore not necessarily incompatible with rural activities and provides an alternative development opportunity for rural land owners. It is therefore considered consistent with the rural planning principle in the SEPP to promote and protect opportunities for current and potential productive and sustainable economic activities in rural areas.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	<b>Consistent</b> While the proposal does not relate to any specific site, it does relate generally to land that may have direct access to waterways. The proposed amendment itself will have no direct impact on any waterways. Any future development application for a boat building and repair facility may need to be assessed having regard to the objectives of the REP.

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

<b>S.117 Ministerial Direction</b>		<b>Relevance to Planning Proposal</b>	<b>Consistency of Planning Proposal</b>
<b>1</b>	<b>Employment and Resources</b>		
1.2	Rural Zones	The proposal relates to land zoned RU1.	<b>Consistent</b> The proposed amendments do not increase the permissible density of land in a rural zone.
1.5	Rural Lands	The proposal relates to rural lands.	<b>Consistent</b> While a boat building and repair facility is not an agricultural use of rural land, the nature of the use is not dissimilar to a rural industry. It is therefore not necessarily incompatible with rural activities and provides an alternative development opportunity for rural land owners. It is therefore considered consistent with the rural planning principle in the SEPP (Rural Lands) 2008 to promote and protect opportunities for current and potential productive and sustainable economic activities in rural areas.
<b>2</b>	<b>Environment and Heritage</b>		
2.2	Coastal Protection	The proposal may affect land in the coastal zone.	<b>Consistent</b> While the proposal does not relate to any specific site, it does relate generally to land that may have direct access to waterways and may therefore involve land in the coastal zone as defined in SEPP 71. The proposed amendment itself will have no direct impact on the coastal zone. Any future development application for a boat building and repair facility may need to be assessed having regard to the provisions of SEPP 71.
<b>4</b>	<b>Hazard and Risk</b>		
4.1	Acid Sulfate Soils	The proposal may affect land affected by acid sulphate soils.	<b>Consistent</b> While the proposal does not relate to any specific site, it does relate generally to land that may have direct access to waterways and may therefore involve land that has acid

			sulphate soils. The proposed amendment itself will have no direct impact on land with acid sulphate soils. Any future development application for a boat building and repair facility may need to be assessed having regard to the impact on acid sulphate soils.
4.3	Flood Prone Land	The proposal may affect flood prone land.	<b>Consistent</b> While the proposal does not relate to any specific site, it does relate generally to land that may have direct access to waterways and may therefore involve flood prone land. The proposed amendment itself will have no direct impact on flood prone land. Any future development application for a boat building and repair facility may need to be assessed having regard to flooding impacts.
<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 not inconsistent with the South Coast Regional Strategy. While a boat building and repair facility is not an agricultural use of rural land, the nature of the use is not dissimilar to a rural industry. It is therefore not necessarily incompatible with rural activities and provides an alternative development opportunity for rural land owners.

## 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?***

Any effects of a proposed boat building and repair facility on critical habitat or threatened species, populations or communities will be considered as part of the development assessment process.

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

Any other environmental effects of a proposed boat building and repair facility on land will be considered as part of the development assessment process.

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

The planning proposal facilitates additional business and employment opportunities in the Shire.

**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 13 – JUSTIFICATION FOR AMENDMENT NO. 13

Amendment applies to	Explanation of provisions	Map changes
Schedule 2	<p>Add “Commercial use of public land and waterways” to the Exempt Development Schedule with the following conditions:</p> <ul style="list-style-type: none"><li>• The use/activity must not permanently occupy the subject public land or waterway;</li><li>• The use/activity must not involve the construction of any permanent structures on public land or in waterways; and</li><li>• The proponent must have obtained a lease, licence or permit from the relevant public authority.</li></ul> <p><b>Note:</b> Amendment to clauses 3.3 and 5.7 of ELEP 2012 may also be required to allow the commercial use of public land and waterways as exempt development.</p> <p><b>Note:</b> The types of commercial activities envisaged by this amendment include the following:</p> <ul style="list-style-type: none"><li>• Surf schools;</li><li>• Personal trainers;</li><li>• Coffee vans;</li><li>• Tourism businesses; and</li><li>• Water sports and training activities.</li></ul>	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 amendments included in this proposal have been identified by Council staff and are considered minor in nature. The amendments minimise red tape by removing the requirement for development consent for activities that require other forms of approvals from relevant agencies (leases, licenses, permits, etc). Opportunities for community input into proposals for commercial activities on public land are available through the relevant license or permit processes.

**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 best way of achieving the intended outcome. An alternative approach could be the inclusion of additional land uses in the RE1, W1 and W2 zones as permitted without consent. This option is not preferred as it requires the use of specific definitions which may not always suit the range of commercial activities that may be proposed on public land or waterways. Further this option does not allow the inclusion of conditions, including requiring the proponent to obtain the required lease, licence or permit.

**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 recognises the employment generating capacity of natural environments and facilitates business opportunities and tourism experiences.

**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 a range of ways including through facilitating recreation opportunities, business and employment opportunities and tourism experiences.

**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> While the proposal does not relate to any specific site, it does relate generally to land that may be or have direct access to a waterway and may therefore involve land in the coastal zone and/or sensitive coastal locations as defined in SEPP 71. The proposed amendment itself will have no impact on the coastal zone. Any potential impacts of a proposed activity on the coastal zone will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.

REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	<b>Consistent</b> While the proposal does not relate to any specific site, it does relate generally to land that may be or have direct access to a waterway. The proposed amendment itself will have no impact on waterways. Any application for a lease, licence or permit for a proposed activity may need to be assessed having regard to the objectives of the REP.
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**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>2</b>	<b>Environment and Heritage</b>		
2.1	Environment Protection Zones	The proposal may relate to land zoned E2.	<b>Consistent</b> The proposed amendment does not reduce the environmental protection standards that apply to E2 land.
2.2	Coastal Protection	The proposal may affect land in the coastal zone.	<b>Consistent</b> While the proposal does not relate to any specific site, it does relate generally to land that may be or have direct access to a waterway and may therefore involve land in the coastal zone and/or sensitive coastal locations as defined in SEPP 71. The proposed amendment itself will have no impact on the coastal zone. Any potential impacts of a proposed activity on the coastal zone will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.
<b>4</b>	<b>Hazard and Risk</b>		
4.1	Acid Sulfate Soils	The proposal may affect land affected by acid sulfate soils.	<b>Consistent</b> While the proposal does not relate to any specific site, it does relate generally to land that may be or have direct access to a waterway and may therefore involve land that has acid sulfate soils. The proposed amendment itself will have no impact on land with acid sulphate soils. Any potential impacts of a proposed activity on acid sulphate soils



			will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.
4.3	Flood Prone Land	The proposal may affect flood prone land.	<b>Consistent</b> While the proposal does not relate to any specific site, it does relate generally to land that may be or have direct access to a waterway and may therefore involve flood prone land. The proposed amendment itself will have no impact on flood prone land. Any potential impacts of a proposed activity on flood prone land will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.
<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?***

Any potential impacts of a proposed activity on critical habitat, threatened species, populations or communities, will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.

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

Any potential impacts of a proposed activity on the environment will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.

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

The proposed amendment facilitates increased economic development and employment opportunities, recreational and tourism experiences.

## Section D – STATE and COMMONWEALTH INTERESTS

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

Any infrastructure requirements for a proposed activities will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.

### ***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 14 – JUSTIFICATION FOR AMENDMENT NO. 14

Amendment applies to	Explanation of provisions	Map changes
Clause	Add a “Minimum lot size for split zones” clause. <b>Note:</b> A clause similar to clause 4.1A of the Wollongong LEP 2009 may be appropriate. However, the clause should also apply to land with a split between a Special Purpose Zone or a Recreation Zone and another zone.	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 amendments included in this proposal have been identified by Council staff and are considered minor in nature. The proposed amendment rectifies an anomaly with the current subdivision provisions that prevent optimum subdivision outcomes on land with split zoning.

#### ***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 provides for optimum subdivision outcomes on land in accordance with the Minimum Lot Size Map in ELEM 2012.

#### ***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 planning is responsive to the environment and community needs.

**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 relate to land in the coastal zone.	<b>Consistent</b> While the proposal does not relate to any specific site, it does relate generally to land that may be within the coastal zone and/or a sensitive coastal locations as defined in SEPP 71. The proposed amendments will facilitate optimal subdivision of land in accordance with the Minimum Lot Size Map. Any impacts on the coastal zone will be considered as part of a development application for subdivision of the land.
SEPP	Rural Lands 2008	The proposal may relate to land zoned rural.	<b>Consistent</b> The proposed amendments will facilitate optimal subdivision of land in accordance with the Minimum Lot Size Map. Any development application for subdivision of rural land will need to be assessed having regard to the rural subdivision principles in the SEPP.
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 may relate to land zoned rural.	<b>Consistent</b> The proposed amendments will facilitate optimal subdivision of land in accordance with the Minimum Lot Size Map.
1.5	Rural Lands	The proposal may relate to rural land.	<b>Consistent</b> The proposed amendments will facilitate optimal subdivision of land

			in accordance with the Minimum Lot Size Map.
<b>2</b>	<b>Environment and Heritage</b>		
2.1	Environment Protection Zones	The proposal may relate to land in an environmental zone.	<b>Consistent</b> The amendments do not reduce the environmental protection standards that apply to land in an environmental zone.
2.2	Coastal Protection	The proposal may relate to land in the coastal zone.	<b>Consistent</b> While the proposal does not relate to any specific site, it does relate generally to land that may be within the coastal zone and/or a sensitive coastal locations as defined in SEPP 71. The proposed amendments will facilitate optimal subdivision of land in accordance with the Minimum Lot Size Map. Any impacts on the coastal zone will be considered as part of a development application for subdivision of the land.
<b>3</b>	<b>Housing, Infrastructure and Urban Development</b>		
3.1	Residential Zones	The proposal may relate to land zoned residential.	<b>Consistent</b> The proposed amendments will facilitate optimal subdivision of land in accordance with the Minimum Lot Size Map.
3.4	Integrating Land Use and Transport	The proposal may relate to land in an urban zone.	<b>Consistent</b> The proposed amendments will facilitate optimal subdivision of land in accordance with the Minimum Lot Size Map.
<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?**

Any impacts on critical habitat or threatened species, populations or communities as a result of subdivision of land made permissible by this amendment will be considered as part of the assessment of a development application for the subdivision.

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

Any impacts on the environment as a result of subdivision of land made permissible by this amendment will be considered as part of the assessment of a development application for the subdivision.

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

The planning proposal facilitates the optimal subdivision of land that has a split zoning, facilitating additional housing, development and employment opportunities.

**Section D – STATE and COMMONWEALTH INTERESTS**

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

The requirement for infrastructure to service any proposed subdivision of land will be considered as part of the assessment of a development application for the subdivision.

***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.