

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 nine (9) 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)
- Rezone and reclassify a certain parcel of land. (Appendix 5)

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 5.

PART 2: EXPLANATION of PROVISIONS

Refer to Appendices 1 to 5.

PART 3: JUSTIFICATION

Refer to Appendices 1 to 5.

PART 4: MAPPING

Refer to Appendices 1 to 5.

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.

A public hearing will be required in relation to the proposed rezoning and reclassification of land (See Appendix 5).

Part 6: PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	June 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 AMENDMENT 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 Part Lot 31 DP 1228236 and Part Lot 2 DP 1212271 and address to Dr King Close and 4 Braemar Drive. Change name to remove the reference to "outbuildings".
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/Formal School and Cricket Pitch	Change item name to "Hall/Formal 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

Amending the Heritage Maps in accordance with the maps below.

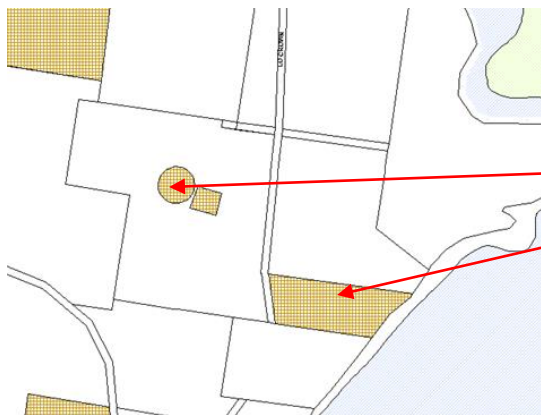


Items I232 and I317

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.



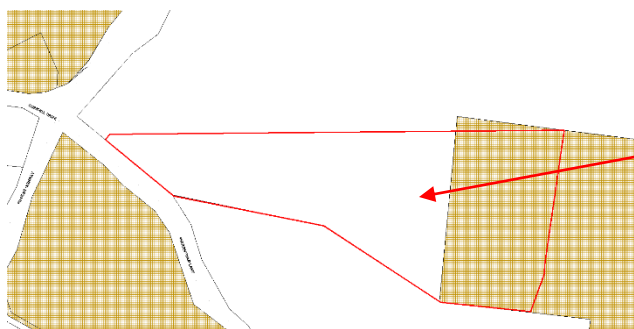
Item A11

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 168

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

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 the South Coast Regional Strategy 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.	Consistent 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.	Consistent The proposed amendments are minor and will have no impact on rural lands.
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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
1.2	Rural Zones	A number of the amendments relate to land in a rural zone.	Consistent 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.	Consistent 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.	Consistent 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.	Consistent The proposed amendments correct listings of certain heritage items, with regard to property descriptions, item names and mapping.
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent 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?

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.

APPENDIX 2 – JUSTIFICATION FOR AMENDMENT 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	Lot 1, DP 575683	Amend the Land Zoning Map for land at Vista Avenue, Catalina to rezone part of lot containing water reservoirs and other public infrastructure from the R5 Large Lot Residential zone to the SP2 Infrastructure (Reservoir) zone. Delete the minimum lot size standard from that part of the lot to be rezoned. Add a maximum building height standard of 8.5m to that part of the lot retaining the R5 Large Lot Residential zone. See Map 2.1a and 2.1b below.
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. See Map 2.2 below.
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. See Map 2.3 below.
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 ² standard over the whole of the lots (removing the 1000ha standard from part of the lots). See Map 2.4a below. Amend the Wetland Map for land at Country Club Drive, Catalina (Lots 687-692, DP 249461) to remove the wetland mapping from the lots. See Map 2.4b below.

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. See Map 2.5 below.
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Map 2.1a



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

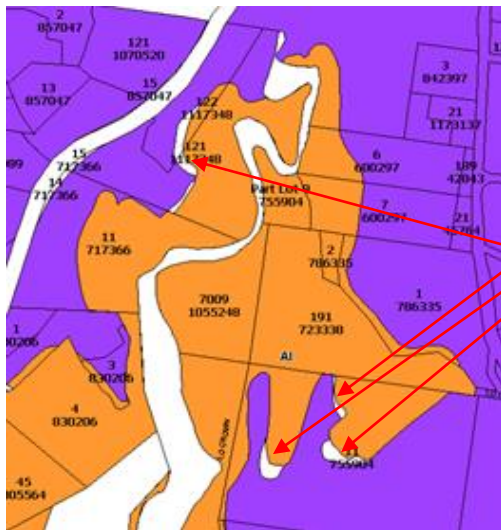
Amend the Minimum Lot Size Map to remove the 5000m² standard.

Map 2.1b



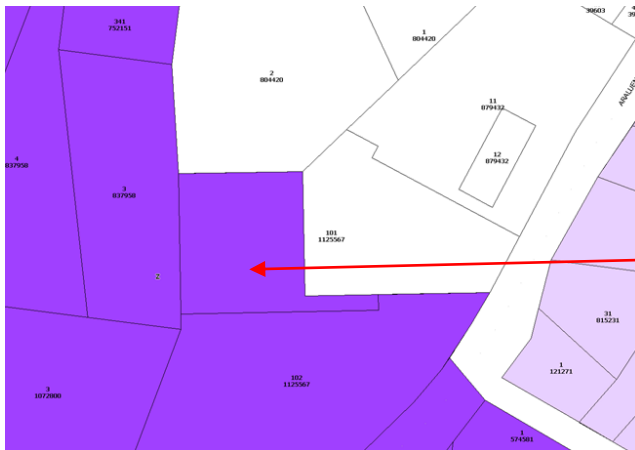
Amend the Height of Building Map for the subject part of the land to apply an 8.5m standard.

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.

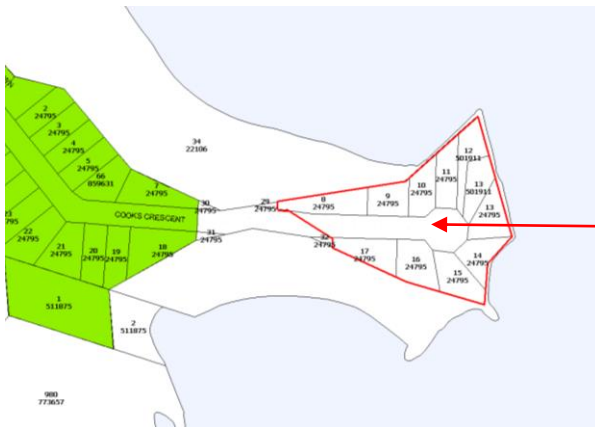
Amend the Minimum Lot Size Map to apply the 550m² standard over the whole of the subject lots (the current standard is 1000ha).

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.

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 and provides for the subdivision and sale of surplus Council owned land (that is classified operational land and the subject of a Council resolution approving the sale of the land). This item also ensures that the minimum lot size and height of building mapping is appropriate for each part of 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

The South Coast Regional Strategy states that “Councils will identify suitably located and appropriately zoned land for new water supply...infrastructure, to support growth in major regional centres and major towns”. The subject land contains an existing water reservoir and the planning proposal seeks to provide an appropriate zone for that part of the land containing the reservoir. The proposal is not inconsistent with the South Coast Regional Strategy.

Item 2.2

The planning proposal is not inconsistent with any element of the South Coast Regional Strategy.

Item 2.3

The planning proposal is not inconsistent with any element of the South Coast Regional Strategy.

Item 2.4

The South Coast Regional Strategy states that “Councils will review the suitability of planning controls in existing urban zoned and undeveloped lands in the catchments of coastal lakes and estuaries”. 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 Coast Regional Strategy.

Item 2.5

The planning proposal is not inconsistent with any element of the South Coast Regional Strategy.

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.	Consistent – 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.	Consistent – 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.	Consistent – 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. Inconsistent but of minor significance – 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.	Consistent – 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.	Consistent – 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.	Consistent – 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.	Inconsistent but of minor significance – 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.	See below.
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendments are minor and consistent with the South Coast Regional Strategy.

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 a part of the land contains a water reservoir. The land is bushfire prone. The land is currently 2.026ha in size and has a minimum lot size of 5000m². Therefore, were the whole of the land 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. However, an area of approximately 3600m² of the land is surplus to Council's needs for water infrastructure purposes. The rezoning of part of the land to SP2 would result in the area of R5 Large Lot Residential zoning reducing to approximately 3600m², reducing the capacity of the land to 1 residential lot and dwelling.

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.

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.

APPENDIX 3 – JUSTIFICATION FOR AMENDMENT 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.

Map 3.1



Land to which Item 17 of Schedule 1 applies.

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 Coast Regional Strategy.

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
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent – The planning proposal is 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. *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.

Map 4.3



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

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.

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 the South Coast Regional Strategy 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.	Consistent – 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.	Consistent – 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	Consistent – 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.	Consistent – 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.	Consistent – The planning proposal protects three items of environmental heritage significance.
3.4	Integrating Land Use and Transport	The proposed listing of the Francis Guy's Residence and Store	Consistent – The proposed amendment will have no impact

		(former) relates to land in an urban zone.	on the integration of land use and transport.
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent – The proposed amendment is 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?

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.

APPENDIX 5 – JUSTIFICATION FOR AMENDMENT NO. 5

PART 1: OBJECTIVES or INTENDED OUTCOMES

To amend the Eurobodalla Local Environmental Plan 2012 to rezone and reclassify certain parcels of land to enable the sale of the subject land.

PART 2: EXPLANATION of PROVISIONS

The proposed outcome will be achieved by:

- Amending the Eurobodalla Local Environmental Plan 2012 Land Zoning, Minimum Lot Size and Building Height Maps in accordance with the table and map below.
- Amending Schedule 4 of the Eurobodalla Local Environmental Plan 2012 in relation to the lots in the following table and map.

Lot and DP	Address	Area	Current Zone	Proposed Zone	Interests Changed	Intention
Part of Lot 23 DP 865887	Flying Fox Road / Rainforest Parkway, Narooma (See Map 5.1)	1ha (approx)	E2	E4	Yes (removal of public reserve status from part of the land)	To enable the sale of the land to an adjoining owner.

Map 5.1



Proposed LEP Amendments

Reclassify parts of Lot 23 DP 865887 to operational.

Amend Land Zoning Map to rezone parts of lot from E2 Environmental Conservation to E4 Environmental Living.

Amend Minimum Lot Size Map to apply a 2ha standard to parts of lot.

Amend Height of Buildings Map to apply an 8.5m standard to parts of lot.

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 the direct result of any strategic study or report, but is in response to a request from an adjoining land owner.

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

There is no alternative means to achieve the objective of the planning proposal.

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 any element of the South Coast Regional Strategy.

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?

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP 71	Coastal Protection	The planning proposal applies to land in the coastal zone.	Consistent – The subject land is within the coastal zone and/or is in a sensitive coastal location. The proposed amendments 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
2.1	Environment Protection Zones	The planning proposal relates to land currently zoned E2 Environmental Conservation.	Inconsistent, but of minor significance – While the planning proposal relates to more than half of the subject lot, much of the area is cleared, including for a power transmission line and the remaining vegetation is not an endangered ecological community. The area to be retained in the E2

			zone still provides for a larger than usual vegetated buffer to Wagonga Inlet.
2.2	Coastal Protection	The planning proposal relates to land in the coastal zone.	Consistent – The subject land is within the coastal zone and/or is in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.
4.4	Planning for Bushfire Protection	The planning proposal relates to land that is bushfire prone.	Consistent – While the planning proposal relates to more than half of the subject lot, much of the area is cleared, including for a power transmission line. The adjoining land to which the rezoned and reclassified area will likely be consolidated with has an approved subdivision with building footprints and asset protection zones. Should the additional area result in an application to modify the lot shapes and/or building footprints, an assessment against Planning for Bushfire Protection will be required.
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent – The planning proposal is not inconsistent 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. There are no endangered ecological communities on any of the subject lots.

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 planning proposal will have no adverse social or economic effects. It is noted that the adjoining lot to which the subject area may be consolidated with has development consent for a four lot subdivision. The addition of the subject land to the adjoining lot does not provide for any additional lots to be created.

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.

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.
- To rezone and reclassifying certain parcels of land to operational.

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			
Minor Mapping Error Amendments	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			
Heritage LEPs	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			
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	Yes	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?	No			
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?	Yes			

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?	Yes			
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?	Yes			
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	Yes			
Spot Rezoning	Y/N			
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			
Section 73A matters				
<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		