

Extract of Planning Proposal relating to Amendment No. 10

PART 1: OBJECTIVES or INTENDED OUTCOMES

This item seeks to amend the land use table of certain zones to by adding additional land uses to Item 3 – Permitted with Consent.

PART 2: EXPLANATION of PROVISIONS

Amendment applies to	Explanation of provisions	Map changes
R3 Zone Table	Include in the R3 Medium Density Residential zone land use table as permitted with consent: home-based child care, home businesses, home industries, and secondary dwellings. These were permissible uses in the previous LEP (LEP 1999) but were inadvertently omitted from the ELEM 2012 as dwelling houses were a late addition to the R3 zone in ELEM 2012. The proposed land uses are considered appropriate and support the objects of the zone.	Nil

PART 3: JUSTIFICATION

Section A – NEED for the PLANNING PROPOSAL

The planning proposal is not the result of any strategic study or report. The amendments have been identified by Council staff and are considered minor in nature. The amendments will ensure appropriate development is permissible in the R3 zone.

This amendment relates to the former 2t zone under the Urban LEP 1999. In this zone home businesses were permitted with consent. There was no definition of home-based child care in LEP 1999, however this land is would have been considered ancillary to a dwelling and was therefore permissible with consent. Home industry was not a defined use under LEP 1999, and therefore is considered to be included within the definition of home business (which was permitted with consent as noted earlier). There was also no definition of secondary dwelling in LEP 1999, and therefore is considered to be included within the definition of dual occupancy, which was permitted with consent in the 2t zone.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

The planning proposal is consistent with the South Coast Regional Strategy and Council's Community Strategic Plan, One Community.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

There are no likely environmental effects as a result of the proposed amendments.

Section D – STATE and COMMONWEALTH INTERESTS

Given the minor nature of the proposed amendments, the views of State or Commonwealth public authorities have not been sought prior to Gateway determination.

Extract of Planning Proposal relating to Amendment No. 11

PART 1: OBJECTIVES or INTENDED OUTCOMES

This item seeks to amend the land use table of certain zones to by adding additional land uses to Item 3 – Permitted with Consent.

PART 2: EXPLANATION of PROVISIONS

Amendment applies to	Explanation of provisions	Map changes
B5 Zone Table	Include in the B5 Business Development zone land use table as permitted with consent: plant nurseries. This land use was a permissible uses in the previous LEP (LEP 1999) but was inadvertently omitted from the ELEP 2012. The proposed land use is considered appropriate and supports the objects of the zone.	Nil

PART 3: JUSTIFICATION

Section A – NEED for the PLANNING PROPOSAL

The planning proposal is not the result of any strategic study or report. The amendments have been identified by Council staff and are considered minor in nature. The amendments will ensure appropriate development is permissible in the B5 zone.

This amendment relates to the former 3a zone under the Urban LEP 1999. There was no definition of plant nurseries in LEP 1999. As the land use table for the 3a zone listed prohibited uses, with any other use permitted with consent, plant nurseries were not listed as prohibited and were therefore permitted with consent.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

The planning proposal is consistent with the South Coast Regional Strategy and Council's Community Strategic Plan, One Community.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

There are no likely environmental effects as a result of the proposed amendments.

Section D – STATE and COMMONWEALTH INTERESTS

Given the minor nature of the proposed amendments, the views of State or Commonwealth public authorities have not been sought prior to Gateway determination.

Extract of Planning Proposal relating to Amendment No. 12

PART 1: OBJECTIVES or INTENDED OUTCOMES

This item seeks to amend the land use table of certain zones to by adding additional land uses to Item 3 – Permitted with Consent.

PART 2: EXPLANATION of PROVISIONS

Amendment applies to	Explanation of provisions	Map changes
E2 Zone Table	Include in the E2 Environmental Conservation zone land use table as permitted with consent: roads and camping grounds. These were permissible uses in the previous LEP (LEP 1987) but were inadvertently omitted from the E2EP 2012. The proposed land uses are considered appropriate and support the objects of the zone.	Nil

PART 3: JUSTIFICATION

Section A – NEED for the PLANNING PROPOSAL

The planning proposal is not the result of any strategic study or report. The amendments have been identified by Council staff and are considered minor in nature. The amendments will ensure appropriate development is permissible in the E2 zone.

There was no single zone in the Rural LEP 1987 equivalent to the E2 zone. Land currently zoned E2 may have previously been included in one of the following zones:

- 1 (a) (Rural Environmental Constraints and Agricultural Zone)
- 1 (a1) (Rural (Environmental Constraints, Water Catchment Protection and Agricultural) Zone)
- 7 (a) (Environment Protection (Wetlands) Zone)
- 7 (f1) (Environment Protection (Coastal Lands Protection) Zone)
- 7 (f2) (Environment Protection (Coastal Lands Acquisition) Zone).

Roads were permitted with consent in all of the above zones. Camping grounds were not a specifically defined use in the Rural LEP 1987, but fit within the definitions of tourist accommodation and tourist recreation facilities. Tourist recreation facilities were permitted with consent in the 1(a) and 1(a1) zones.

The Urban LEP 1999 did not contain a specific environmental zone. Public land with environmental constraints or values was commonly zoned 6(a1) Public Open Space. In this zone, roads were permitted with consent. Camping grounds were not a specifically defined use in the Urban LEP 1999, but fit within the definition of caravan park. A caravan park (for short term residents only) was permitted with consent in the 6(a1) zone.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

The planning proposal is consistent with the South Coast Regional Strategy and Council's Community Strategic Plan, One Community.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

The environmental impacts of any development proposed in the E2 zone will be considered as part of the development application process.

Section D – STATE and COMMONWEALTH INTERESTS

Given the minor nature of the proposed amendments, the views of State or Commonwealth public authorities have not been sought prior to Gateway determination.

Extract of Planning Proposal relating to Amendment No. 13

PART 1: OBJECTIVES or INTENDED OUTCOMES

This item seeks to amend the land use table of certain zones to by adding additional land uses to Item 3 – Permitted with Consent.

PART 2: EXPLANATION of PROVISIONS

Amendment applies to	Explanation of provisions	Map changes
IN1 Zone Table	Include in the IN1 General Industrial zone land use table as permitted with consent: bulky goods premises. This was a permissible use in the previous LEP (LEP 1999) but was inadvertently omitted from the ELP 2012. The proposed land use is considered appropriate, reflects the range of existing land uses in IN1 zoned land in Eurobodalla and support the objects of the zone.	Nil

PART 3: JUSTIFICATION

Section A – NEED for the PLANNING PROPOSAL

The planning proposal is not the result of any strategic study or report. The amendments have been identified by Council staff and are considered minor in nature. The amendments will ensure appropriate development is permissible in the IN1 zone.

This amendment relates to the former 4a zone under the Urban LEP 1999. There was a definition of bulky goods salesroom in LEP 1999. As the land use table for the 4a zone listed prohibited uses, with any other use permitted with consent, bulky goods salesrooms were not listed as prohibited and were therefore permitted with consent.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

The planning proposal is consistent with the South Coast Regional Strategy and Council's Community Strategic Plan, One Community.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

There are no likely environmental effects as a result of the proposed amendments.

Section D – STATE and COMMONWEALTH INTERESTS

Given the minor nature of the proposed amendments, the views of State or Commonwealth public authorities have not been sought prior to Gateway determination.

Extract of Planning Proposal relating to Amendment No. 14

PART 1: OBJECTIVES or INTENDED OUTCOMES

This item seeks to amend certain clauses to correct wording errors and or omissions.

PART 2: EXPLANATION of PROVISIONS

Amendment applies to	Explanation of provisions	Map changes
Clause 4.2A	<p>Amend clause 4.2A (5) to correct the definition of 'existing holding' and '1987 holding' to reflect the Council resolution of 20 December 2011. Specifically:</p> <ul style="list-style-type: none">i. Change 'existing holding' to 'existing parcel'; andii. Delete the definition of '1987 holding' and replace with '1987 holding means all adjoining land, even if separated by a road or railway that has been held by the same owner since 11 December 1987'.	Nil

PART 3: JUSTIFICATION

Section A – NEED for the PLANNING PROPOSAL

The planning proposal is not the result of any strategic study or report. The amendments have been identified by Council staff and are considered minor in nature. The amendments will ensure definitions of holdings and parcels are more consistent with the wording under the Rural LEP 1987 in order to avoid confusion. See Attachment for further justification.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

The planning proposal is consistent with the South Coast Regional Strategy and Council's Community Strategic Plan, One Community.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

There are no likely environmental effects as a result of the proposed amendments.

Section D – STATE and COMMONWEALTH INTERESTS

Given the minor nature of the proposed amendments, the views of State or Commonwealth public authorities have not been sought prior to Gateway determination.

ATTACHMENT: JUSTIFICATION TABLE

RLEP 1987	ELEP 2012	Proposed Amendment	Reason
holding means the total area of any adjoining or adjacent land held in the same ownership on 11 December 1987.	1987 holding means land that: (a) was a holding on 11 December 1987, and (b) is still held by the same owner at the time the application for development consent referred to in subclause (2) is lodged.	1987 holding means all adjoining land, even if separated by a road or railway that has been held by the same owner since 11 December 1987. Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.	To avoid confusion in interpreting the clause. The definition requires the reading of another definition (i.e. “holding”) in order to interpret it. The suggested re-wording is more consistent with the wording in RLEP 1987.
existing parcel means the total area of a parcel of adjoining or adjacent land: (a) that was owned by the same person or persons on 9 August 1963, and (b) that is still owned by the same person or persons whether or not being the person or persons referred to in paragraph (a), and includes any such parcel of land to which additional adjoining or adjacent land has been added since 9 August 1963.	existing holding means land that: (a) was a holding on 9 August 1963, and (b) is a holding at the time the application for development consent referred to in subclause (2) is lodged, whether or not there has been a change in the ownership of the holding since 9 August 1963, and includes any other land adjoining that land acquired by the owner or owners since 9 August 1963.	existing parcel means land that: (a) was a parcel on 9 August 1963, and (b) is a parcel at the time the application for development consent referred to in subclause (2) is lodged, whether or not there has been a change in the ownership of the parcel since 9 August 1963, and includes any other land adjoining that land acquired by the owner or owners since 9 August 1963.	To avoid confusion in interpreting the clause. Many land owners have correspondence from Council informing them they have a dwelling entitlement because the land is an exiting parcel. Changing the definition to existing holding has caused confusion.
	holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.	Delete.	No longer required if changes above are accepted.

Extract of Planning Proposal relating to Amendment No. 15

PART 1: OBJECTIVES or INTENDED OUTCOMES

This item seeks to amend certain clauses to correct wording errors and or omissions.

PART 2: EXPLANATION of PROVISIONS

Amendment applies to	Explanation of provisions	Map changes
Schedule 1	Correct the property description of item 20 from Ainslie Place to Ainslie Parade as it appears in Schedule 1.	Nil

PART 3: JUSTIFICATION

Section A – NEED for the PLANNING PROPOSAL

The planning proposal is not the result of any strategic study or report. The amendment has been identified by Council staff and is considered minor in nature.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

The planning proposal is consistent with the South Coast Regional Strategy and Council's Community Strategic Plan, One Community.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

There are no likely environmental effects as a result of the proposed amendments.

Section D – STATE and COMMONWEALTH INTERESTS

Given the minor nature of the proposed amendments, the views of State or Commonwealth public authorities have not been sought prior to Gateway determination.

Extract of Planning Proposal relating to Amendment No. 16

PART 1: OBJECTIVES or INTENDED OUTCOMES

This item seeks to amend certain clauses to correct wording errors and or omissions.

PART 2: EXPLANATION of PROVISIONS

Amendment applies to	Explanation of provisions	Map changes
Clause 3.3	Delete subclause (ja) as this has the effect of not permitting farm dams as exempt development in riparian areas despite the inclusion of farm dams in Schedule 2. The remaining exempt development categories in Schedule 2 should be able to be undertaken as exempt development in riparian areas, except for rural outbuildings (where the provisions in Schedule 2 require a 40m setback from watercourses).	Nil

PART 3: JUSTIFICATION

Section A – NEED for the PLANNING PROPOSAL

The planning proposal is not the result of any strategic study or report. The amendments have been identified by Council staff and are considered minor in nature. The amendments will enable appropriate rural development to be undertaken on rural land.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

The planning proposal is consistent with the South Coast Regional Strategy and Council's Community Strategic Plan, One Community.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

There are no likely environmental effects as a result of the proposed amendments.

Section D – STATE and COMMONWEALTH INTERESTS

Given the minor nature of the proposed amendments, the views of State or Commonwealth public authorities have not been sought prior to Gateway determination.

Extract of Planning Proposal relating to Amendment No. 17

PART 1: OBJECTIVES or INTENDED OUTCOMES

This item seeks to amend certain clauses to correct wording errors and or omissions.

PART 2: EXPLANATION of PROVISIONS

Amendment applies to	Explanation of provisions	Map changes
Schedule 1	<p>Provide for a dwelling house and associated residential uses to be additional permitted uses on the following properties in order to reinstate dwelling permissibility that was unintentionally removed through LEP 2012:</p> <ul style="list-style-type: none">i. Lots 8 and 9 DP 571676ii. Lots 6 and 7, Section 6, DP 758762iii. Lots 11, 12 and 13, section 6, DP 758762, Lot 1 DP 125591 and Lot 1 DP 1038903iv. Lot 15, Section 6, DP 758762v. Lot 10, Section 6, DP 758762 <p>Amend the Height of Buildings Map to add a building height control to the subject lots.</p>	<p>Height of Buildings Map – Change from no height standard to 8.5m</p>

PART 3: JUSTIFICATION

Section A – NEED for the PLANNING PROPOSAL

The planning proposal is not the result of any strategic study or report. The amendments have been identified by Council staff and land owners and are considered minor in nature. The amendments reinstate lawful dwelling entitlements on the subject land.

Note: The subject properties were previously zoned 1a under LEP 1987 and had dwelling entitlements under clause 14 of the LEP. The rezoning to E2 under ELEP 2012 removed those dwelling entitlements unintentionally.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

The planning proposal is consistent with the South Coast Regional Strategy and Council's Community Strategic Plan, One Community.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

There are no likely environmental effects as a result of the proposed amendments.

Section D – STATE and COMMONWEALTH INTERESTS

Given the minor nature of the proposed amendments, the views of State or Commonwealth public authorities have not been sought prior to Gateway determination.

