

Planning Proposal

Name: 3 Brown Close, Moruya Heads

Amendment No. 15

INTRODUCTION

Purpose and scope

This planning proposal has been prepared in accordance with section 55(2) of the *Environmental Planning and Assessment Act 1979*. The purpose of the planning proposal is to amend *Eurobodalla Local Environmental Plan (LEP) 2012* Lot Size Map so that a minimum lot size of 1,500m² is applied to Lot 3 DP 701983, No. 3 Brown Close Moruya Heads.

The scope of this planning proposal is to describe the land and its attributes and to respond to matters for consideration outlined in A Guide to Preparing Planning Proposals issued by the Department of Planning & Environment in August 2016.

The applicant's proposal and supporting documents are provided as an attachment to this planning proposal:

- Site photographs
- Preliminary Bushfire Assessment, prepared by Matt Jones, 24 August 2016
- Vegetation/Habitat Assessment, prepared by Peter Spurway & Associates, 6 August 2017
- Subdivision servicing issues, prepared by Southeast Engineering & Environmental, 10 July 2017
- AHIMS Search Result, Office of Environment & Heritage, 14 July 2017

An indicative subdivision layout plan has been prepared for the purposes of this planning proposal (see Figure 6) which shows proposed Lot 1 with a lot size of 2,194m², and Lot 2 and Lot 3 both of 1,650m².

A development application to subdivide the land into 3 lots has not been submitted. The layout is conceptual and indicates the likely layout to be achieved.

The property

The property, described as Lot 3 DP 701983, No. 3 Brown Close, Moruya Heads, is located in the central section of the settlement of Moruya Heads and to the south of South Head Road: the major road providing access to the services and facilities of the inland coastal centre of Moruya which is approximately 5 kilometres to the west.

The site is located on the western side of Brown Close in close proximity to the intersection with Dell Parade. It adjoins rural residential land to the south, and urban residential development on all other sides. The site has an area of 5,494m² and slopes moderately to the east with crossfall to the south. It is roughly rectangular in shape with a width of 46m and has a northern boundary length of 108m and a southern boundary length of 135m. An access handle runs alongside Brown Close connecting to Dell Parade at the north-eastern corner of the lot. It is occupied by a single storey dwelling house and metal shed sited at the highest point of the site and close to the western boundary. Neighbouring dwellings are two storeys on rural residential lots, and single and two storey cottages on urban residential land.



Figure 1: Location map

The property is currently zoned E4 Environmental Living under *Eurobodalla Local Environmental Plan (LEP) 2012* consistent with adjoining land to the south. The site is located at the northern extent of the E4 compartment. Neighbouring residential land to the north, east and west is zoned R2 Low Density Residential.

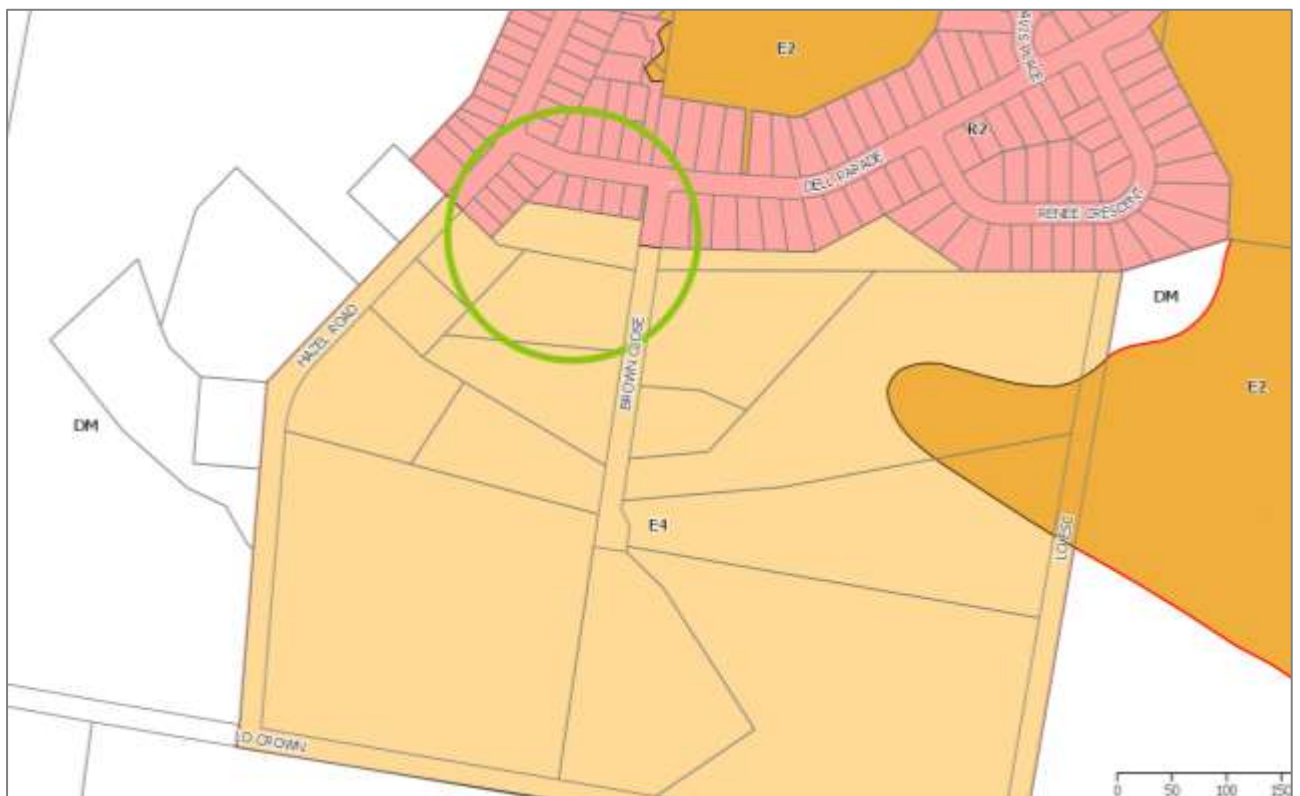


Figure 2: Zone map

A minimum lot size of 2 hectares applies to the subject land and to land zoned E4 to the south. A minimum lot size of 550m² applies to the adjoining R2 zoned land. These lot sizes are shown as 'Z' and 'K1' respectively on the extract from the Lot Size Map (Figure 3) below

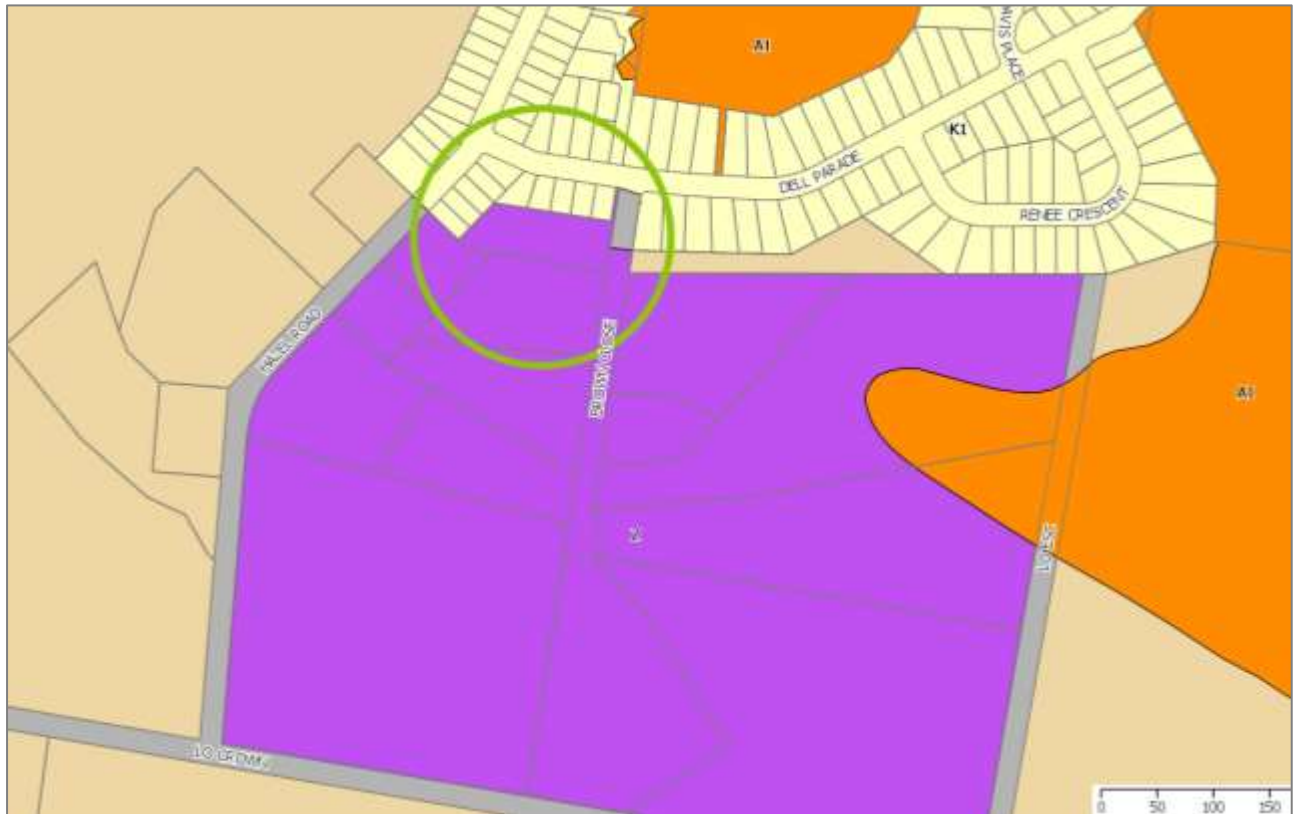


Figure 3: Lot size map

Maps accompanying ELEP 2012 indicate that the land is partially affected by extant vegetation as shown in Figure 4. The land has been partially cleared with remaining vegetation comprising spotted gums, stringybark gums and black wattle with an understorey of predominantly exotic pastures (mainly kikuyu).

A drainage line traverses the site and crosses the road reserve at the south-eastern corner of the allotment. However, the site is not mapped as being affected by watercourses on the ELEP 2012 Wetlands Map, Riparian Areas and Watercourses Map.

The site is not mapped in ELEP 2012 as being potentially affected by acid sulphate soils, or any heritage items. The land is within the coastal zone but is not mapped as a sensitive coastal location.

The land is not subject to flood related controls, is not affected by any proposed road widening, and is not known to be potentially contaminated.

The site is mapped as being bushfire prone land as shown in Figure 5.

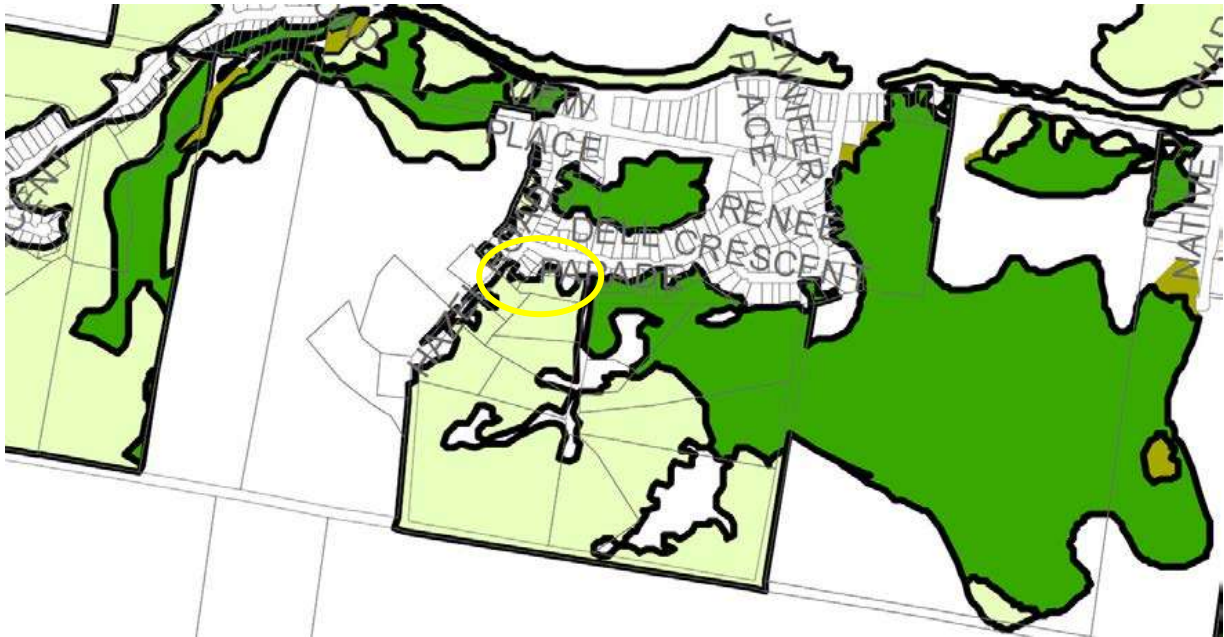


Figure 4: Extract from Eurobodalla LEP 2012 Biodiversity Map BIO_012 with 3 Brown Close circled in yellow.

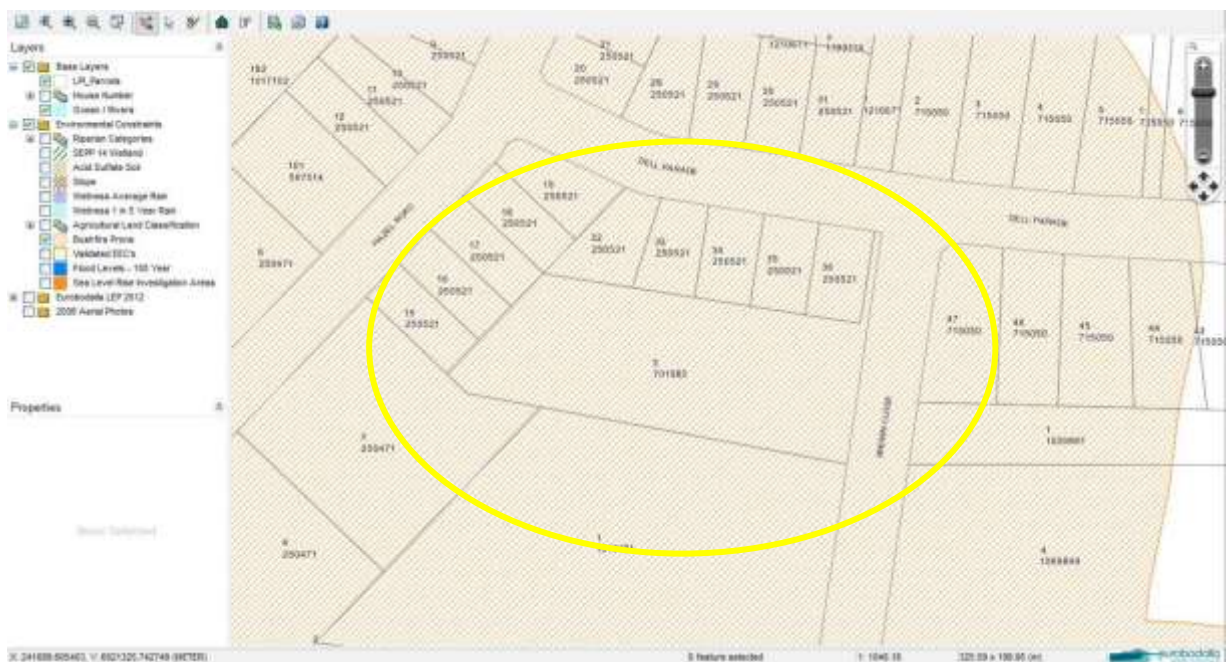


Figure 5: Bushfire prone land map around 3 Brown Close circled in yellow.

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

The objective of the planning proposal is to amend the Lot Size Map accompanying *Eurobodalla Local Environmental Plan 2012* so that the minimum lot size that applies to Lot 3 DP 701983 Moruya Heads is reduced from 2 hectares to 1,500m².

The amended minimum lot size will provide a transition between the adjoining lands to the north, east and west which are zoned R2 Low Density Residential with a minimum lot size of 550m² and the land to the south which is zoned E4 Environmental Living with a minimum lot size of 2 hectares.

It will potentially enable the subdivision of Lot 3 into three allotments, as shown in Figure 6 below.



Figure 6: Indicative subdivision layout

PART 2: EXPLANATION of PROVISIONS

The proposed outcomes will be achieved by amending ELEP 2012 Lot Size Map to change Lot 3 DP 701983 from a minimum lot size of 2 hectares ('Z') to 1,500m² ('U') as shown on a proposed Lot Size Map (Figure 7).

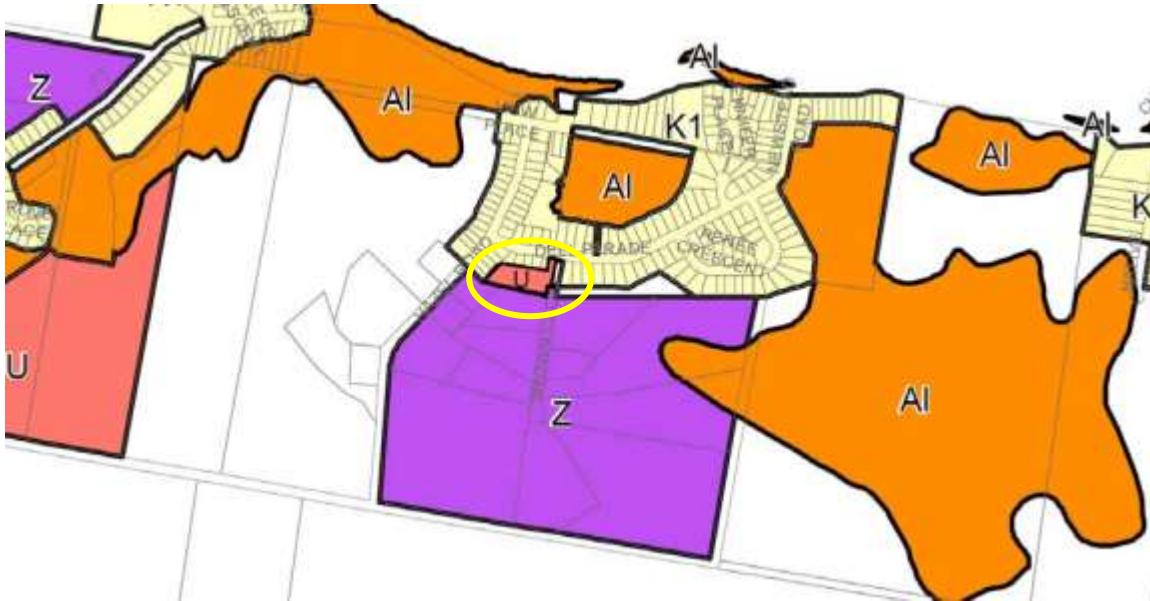


Figure 7: Proposed Lot Size Map for 3 Brown Close circled in yellow.

PART 3: JUSTIFICATION

Justification for the proposed amendment to Eurobodalla LEP 2012 is presented by way of a response to each of the questions posed in A Guide to Preparing Planning Proposals.

Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal has not resulted from a strategic study or report. The land owner engaged a planning consultant to conduct an investigation of the site and provide advice. This advice found that the land is not encumbered by environmental constraints and is able to be readily serviced with access and reticulated water and sewerage.

The consultant proposed a planning proposal for the landowner accompanied by expert reports addressing ecological matters, access and servicing arrangements, and bushfire management.

The Eurobodalla Settlement Strategy and the Moruya Structure Plan considered settlement boundaries and zones for the LGA and locally respectively. The proposal is consistent with the objective of both of these documents. The matter is dealt with in Question 4 below.

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

The use of clause 4.6 Exceptions to development standards of ELEG 2012 is not feasible in this instance as it would result in two or more lots being less than the minimum area (2 hectares) specified by the Lot Size Map. However, there is an alternative to this planning proposal that would enable the future subdivision of Lot 3.

This is to include the property in Schedule 1 Additional permitted uses of ELEG 2012. This would require a description of the property plus text to enable subdivision of the property to a minimum

lot size of 1,500m². This is not considered appropriate as it would create a conflict with the Lot Size Map. Section 117 Direction 6.3 Site Specific Provisions aims to discourage unnecessarily restrictive site-specific planning controls. Including the property in Schedule 1 with site specific controls would be inflexible and be inconsistent with this direction.

Given that the site can be readily serviced with reticulated water and sewer without the need to augment headworks, and that access and stormwater runoff can be adequately managed, it is considered that the reduction in minimum lot size would be consistent with the zone E4 objectives in that additional housing will be able to be provided on land that adjoins an existing low density residential environment without impacting adversely either on special values or the character of the neighbourhood. The ability to subdivide the land will provide an extension to the existing urban residential neighbourhood without negatively impacting on amenity or the environment. It would also provide a transition between the low density residential environment which adjoins the site on three sides and the larger E4 lots to the south.

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 South East and Tablelands Regional Plan 2036 was released by the Department of Planning in July 2017. The plan states that at least 28,500 new homes will be needed in the region by 2036 to meet population growth and change. Although the majority of this housing is to be provided in areas that share a border with the ACT, a variety of housing options are required to continue to offer coastal lifestyles. New housing must be located to take account of the character, environmental and agricultural qualities and capacity of the land, with an emphasis on residents' access to services, jobs and transport.

Direction 24: Deliver greater housing supply and choice and Direction 25: Focus housing growth in locations that maximise infrastructure and services are of relevance to this planning proposal. Development proposals that are inconsistent with current planning strategies will be required to show how they meet the Settlement Planning Principles and:

- achieve sustainable urban outcomes that do not undermine existing strategic and local centres;
- resolve servicing and access issues with a particular focus on water availability and servicing; and
- are of sufficient scale and capacity to provide infrastructure at no cost to government.

Further residential subdivision of Lot 3 would not affect the efficient functioning of the local centre of Moruya but would assist to strengthen its role by marginally increasing the numbers of residents purchasing goods and services in the centre. The site is able to be serviced with reticulated water and sewerage without the need to augment infrastructure headworks and can be readily accessed. Development contributions would be levied at the time of development and the costs of servicing with water and sewer borne by the property owners.

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

The Eurobodalla Settlement Strategy was adopted by Eurobodalla Shire Council on 5 December 2006 as a blueprint for a new comprehensive LEP and subsequently endorsed by the then Department of Planning. At the time the strategy was prepared the zoning of the site was 1(c) Rural (Small Holdings) Zone under Eurobodalla Rural LEP 1987. The zoning of all settlements, including Moruya Heads, was considered in the Eurobodalla Settlement Strategy. A direction of the strategy in relation to urban settlement boundaries is to contain urban settlements within current boundaries and an action is to retain the existing boundaries as defined in structure plans including land zoned for urban expansion.

An extract from the map in the strategy that shows the boundaries of Moruya Heads is provided below. This map includes the subject land within the boundaries of the urban settlement, despite its previous zoning.



Figure 8: Extract from Eurobodalla Settlement Strategy map showing the boundaries of Moruya Heads

The Moruya Structure Plan, adopted by Council in May 2007, contained maps indicating future land use zones to be implemented by the new comprehensive LEP. The extract for Moruya Heads provided below does not address the zoning of former rural residential land and does not propose an urban zone over that land. In this location, the area of low density residential zoning is based on the existing urban zone at that time.

The subject site and surrounding land that was zoned for rural small holdings was subsequently zoned E4 Environmental Living under ELEP 2012. However, Lot 1 to the east of the subject site which was formerly zoned 6a1 Public Open Space under Eurobodalla Urban LEP 1999 is now zoned E4 Environmental Living.

Nevertheless, Lot 3 DP 701983 is not encumbered by environmental constraints and forms a logical transition between the adjoining urban residential zone and large environmental living lots to the south. It is considered that altering the minimum lots size of Lot 3 would not set a

precedent as the site area is already much smaller than the current minimum lot size and smaller than the adjoining lots to the south.

It could also be argued that the land is within and part of the urban settlement of Moruya Heads and that the land may accommodate increased housing density without compromising settlement character. New dwellings on lots created by the subdivision of Lot 3 would be in keeping with existing residential development in the settlement and will be capable of being serviced with reticulated water and sewerage.

The planning proposal is therefore not inconsistent with local strategic directions for the settlement of Moruya Heads.

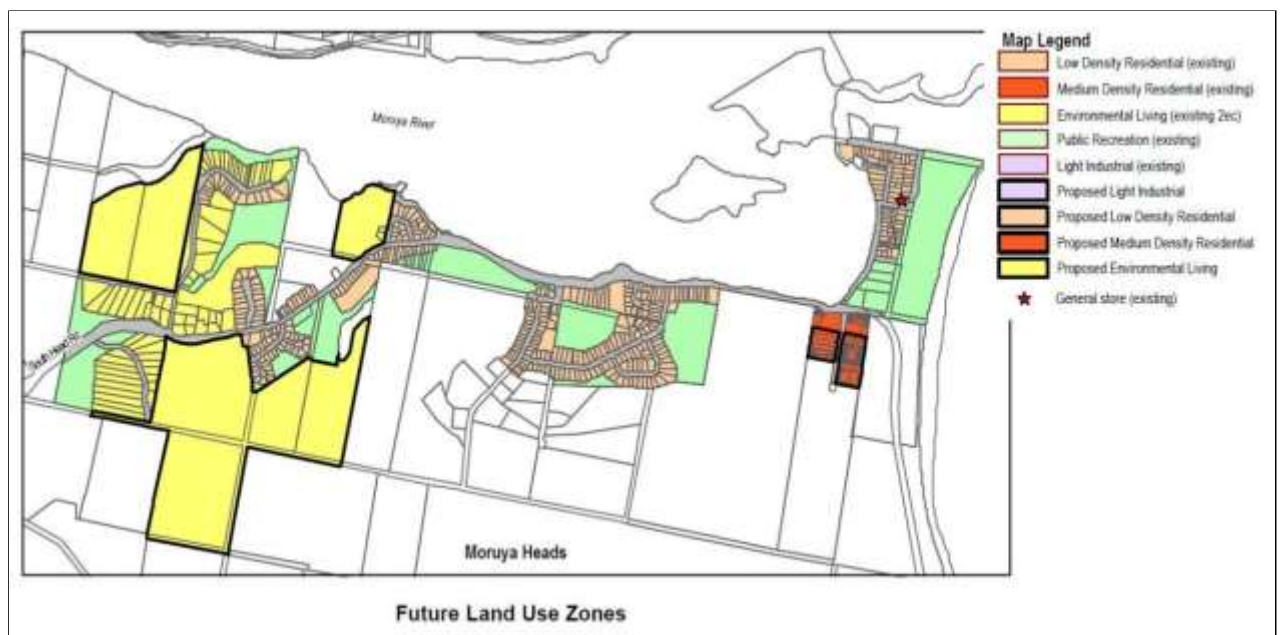


Figure 9: Extract from the Moruya Structure Plan map showing proposed zones at Moruya Heads

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 No. 55	Remediation of Land	SEPP 55 requires Council to consider whether land is contaminated and to determine whether the proposed use is suitable with or without contamination. Council can require an applicant for development to conduct a preliminary investigation and a subsequent more detailed investigation if warranted. Where contamination exists and remediation is necessary, Council must be satisfied that the remediation will take place before the land is used for the proposed purpose.	The property is not listed on a Council register of potentially contaminated land and there has been no known historical or current usage that would cause the land to be contaminated. It is considered that a preliminary investigation is not necessary given the current use of the land for residential purposes.
SEPP No. 71	Coastal Protection	<p>The site is located within the coastal zone but is not a sensitive coastal location. SEPP 71 applies to land situated within the coastal zone. This policy contains the following aims:</p> <ul style="list-style-type: none"> a. to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and b. to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and c. to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is 	<p>The planning proposal and associated subdivision is satisfactory to the aims and considerations of SEPP 71.</p> <p>The proposed development is approximately 380 metres south of the Moruya River and 115m from a wetland zoned E2 Environmental Conservation. The lot size reduction would not affect public access to the foreshore of the river or wetland. There are not likely to be any adverse effects on the scenic qualities of that waterway or wetland, activities associated with any waterway, coastal hazards or processes, or on the natural environment. The proposal would not affect items of indigenous or non-indigenous heritage, archaeological or historic significance and would not cause conflict between land-based and aquatic activities.</p>

		<p>compatible with the natural attributes of the coastal foreshore, and</p> <ul style="list-style-type: none"> d. to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and e. to ensure that the visual amenity of the coast is protected, and f. to protect and preserve beach environments and beach amenity, and g. to protect and preserve native coastal vegetation, and h. to protect and preserve the marine environment of New South Wales, and i. to protect and preserve rock platforms, and j. to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the <i>Protection of the Environment Administration Act 1991</i>), and k. to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and l. to encourage a strategic approach to coastal management. 	
SEPP No.	Draft SEPP (Coastal Management) 2016	Draft SEPP (Coastal Management) 2016 – yet to be gazetted by the NSW Government, will combine and repeal the provisions of SEPP 14 Coastal Wetlands and SEPP 71 Coastal Protection. Four Coastal Mapping Areas are mapped under the SEPP. These are the Coastal Wetlands and Littoral Rainforests Area, the	Lot 3 is mapped as being within the Coastal Use Area. The draft Coastal Management SEPP also identifies development controls that apply to land within a Coastal Mapping Area that reflect current considerations under SEPP 14 and SEPP 71.

		Coastal Environment Area, the Coastal Use Area and the Coastal Vulnerability Area. The mapping is based on values and features, modelling, or defined distances.	
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6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the planning proposal against relevant Ministerial Directions is provided below.

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
No. 2.1	Environment Protection Zones	<p>The subject land is zoned E4 Environmental Living.</p> <p>Objective: to protect and conserve environmentally sensitive areas</p>	A Vegetation/Habitat Assessment has found that the site is not environmentally sensitive. The site adjoins an urban residential zone and has been heavily disturbed.
No. 2.2	Coastal Protection	<p>The subject land is within the coastal zone but not in a sensitive coastal location area.</p> <p>Objectives: to implement the principles of the NSW Coastal Policy.</p>	<p>The planning proposal is considered consistent with the objectives of the NSW Coastal Policy.</p> <p>The proposed development is approximately 380 metres south of the Moruya River and 115m from a wetland zoned E2 Environmental Conservation. The lot size reduction would not affect public access to the foreshore of the river or wetland. There are not likely to be any adverse effects on the scenic qualities of that waterway or wetland, activities associated with any waterway, coastal hazards or processes, or on the natural environment. The proposal would not affect items of indigenous or non-indigenous heritage, archaeological or historic significance and would not cause conflict between land-based and aquatic activities.</p>
4.4	Planning for Bushfire Protection	The subject land is identified as bushfire prone on the Bushfire Prone Land Map.	The land is mapped as bushfire prone. A Preliminary Bushfire Assessment has been prepared by Matt Jones and is attached to the applicant's proposal. The assessment

		Objective: to protect life, property and the environment from the effects of bushfire and to promote the sound management of bushfire prone land	identifies developable areas of the site having regard to the extent of asset protection zones. Any future development can satisfy the requirements of Planning for Bushfire Protection 2006. The planning proposal is therefore consistent with this direction.
5.10	Implementation of Regional Plans	<p>The South East and Tablelands Regional Plan 2036 applies to all land in the Eurobodalla Shire.</p> <p>Objective: to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	The proposal is consistent with the South East and Tablelands Regional Plan 2036 in that it would increase housing supply and utilise existing infrastructure services. The settlement planning principles are satisfactorily addressed.
6.1	Approval and Referral Requirements	<p>This direction applies to all planning proposals.</p> <p>Objective: to ensure that LEP provisions encourage the efficient and appropriate assessment of development</p>	The proposal is consistent with this direction. A reduction in the lot size will not create the need for any additional referrals or approvals, noting that the Rural Fire Service would be required to issue a Bushfire Safety Authority for future subdivision of bushfire prone land.

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?

A Vegetation/Habitat Assessment has been prepared by Peter Spurway & Associates dated 28 July 2017 and is attached to the applicant's proposal. The assessment notes that a local patch of remnant forest extends up Brown Close to the south and has been mapped as a Spotted Gum - Burrawang Cycad dry forest type. The dominant species in the vicinity of the site is Spotted Gum *Corymbia Maculata*, with Red Ironbark remaining near the existing dwelling. Apart from two larger Spotted Gums existing trees are too small to have formed significant habitat features. The understorey is under scrubbed and has been heavily disturbed with filled areas and a number of rocky clearings devoid of vegetation. A few Burrawang have been retained along the southern boundary.

The findings of the assessment are that:

Habitat values

No hollow-bearing trees were found on the site. One larger Spotted Gum near the driveway entrance in the NE corner has a broken branch 1/3 of the way up the trunk which has potential for a future hollow. The second large tree is located centrally on the block and has no habitat features. The block contains a narrow range of habitat for native fauna that would be more abundant elsewhere in the locality. The area is of an unnatural appearance due to past clearing, burning of ground cover and routine maintenance of the grounds. The habitat value of the area overall is considered poor due to past understorey disturbance and land filling.

Threatened flora

The groundcover on the subject site has been disturbed by large scale underscrubbing with evidence of some land fill. The remaining habitat present is unsuitable for any local threatened species of plant. Threatened flora species are highly unlikely to be present and would not be affected by the proposed rezoning and eventual development.

Threatened fauna

The Glossy Black Cockatoo, the Gang Gang Cockatoo and the Regent Honeyeater are forest-dependent threatened fauna species with a home range within 2km of the site. There are no species on the land that could potentially provide feed for Glossy Black Cockatoo. Glossy Black Cockatoo is dependent on large hollow-bearing eucalypts with a minimum diameter of 15cm for nest sites. There would be no loss of hollow-bearing trees of this scale on the site. The site may provide suitable foraging habitat for the Gang Gang Cockatoo, however suitable nesting habitat is not present, and the eventual loss of a small number of trees on the site would not

affect foraging of this species. The loss of a small number of potential feed trees would not constitute a significant impact on the foraging or breeding resources for the Regent Honeyeater.

Habitat connectivity

The site is part of a large patch of vegetation with tenuous east-west linkages across Brown Close. Loss of forest vegetation for eventual additional dwellings would represent a minor incursion into the northern edge of this forested area. However, it would not represent a significant loss of forest connectivity on the larger scale, with ample opportunity for animal movement across Brown Close afforded further south.

Riparian issues

The lower part of the site comprises a small dry gully which may have once formed a larger catchment to the west. This catchment is now cut off by urban development along Hazel Road and by local drainage above the shed and dwelling on the subject site. The dry gully has been cleared and its southern bank partly filled such that it has no evident habitat values. With eventual subdivision it would either be retained and grassed as a drainage easement or piped. Neither option would cause a loss of habitat.

It is concluded that the proposed development is unlikely to have a significant effect on threatened fauna or migratory species that may occur on the site, or on any threatened flora or endangered ecological communities.

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

The site is mapped as being bushfire prone and a Preliminary Bushfire Assessment has been prepared by Matt Jones in August 2016. The assessment indicates a developable area of 2,400m² on the allotment having regard to minimum asset protection zones, access arrangements and surrounding vegetation. Future subdivision will be able to meet the requirements of Planning for Bushfire Protection 2006 and standards required by the *Environmental Planning and Assessment Act 1979*.

The generic due diligence process outlined in the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW was implemented to ensure that an adequate due diligence process that addresses Aboriginal cultural heritage issues has been carried out. A search of the Aboriginal Heritage Information Management System (AHIMS) was carried out on 30 August 2017 and the results are provided as Attachment E to the applicant's proposal. The search found that there are no Aboriginal sites recorded in or near the selected location, and there are no Aboriginal places that have been declared in or near the selected location. It is concluded that no further investigations are necessary at this stage.

There are no heritage items listed in Schedule 5 of ELEG 2012 on the site or in the vicinity of the site.

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

It is considered that the proposed reduction in the minimum lot size to facilitate a three lot subdivision would contribute to the supply of urban land in close proximity to services and amenities. This will address the need for additional housing to cater for the expected incoming population as identified in the Eurobodalla Settlement Strategy and the South East and Tablelands Regional Plan 2036. It will bring social and economic benefits through the provision of lifestyle opportunities in an affordable location and employment during dwelling construction.

Section D – STATE and COMMONWEALTH INTERESTS

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

Access

The property is accessed via Brown Close which is a local road and cul-de-sac with a 50kph speed limit. The driveway entrance is at the northern end of Brown Close, approximately 35 metres from the intersection with Dell Parade. Dell Parade intersects with Hazel Road which feeds into South Head Road, the major road providing access to the town centre of Moruya.

Adequate access is available to the property. The indicative subdivision plan (Figure 6) indicates use of the existing driveway that runs parallel to the northern boundary to gain entry to the existing dwelling and garage. This would operate as a right of carriageway for additional allotments and be upgraded to council's standard pavement specifications.

Water and sewer services

Each lot is able to be serviced with the reticulated water and sewer system that services Moruya Heads as shown in the applicant's proposal, Attachment 4 Subdivision servicing issues. The nearest water main runs along the front of adjoining residential properties that front Dell Parade. A new distribution pipe would be required to be installed in the road reserve of Brown Close for a distance of approximately 35m to enable connection to the subject site.

Sewer connections exist to service the existing dwelling and at the street boundary of Brown Close. An extension would be required to provide sewerage services to the central lot shown on the indicative subdivision plan (Figure 6).

Stormwater management

A small dry gully exists at the south-eastern corner of the site. Its connection to the upper catchment has been severed by urban development along Hazel Road and by local drainage above the shed and dwelling on the subject site. It is proposed that a surface drain be installed to divert

surface flows from the land occupied by the existing dwelling and shed to the gully. An easement would also be required to drain runoff from the central allotment across the southern part of the eastern lot to enter the public drainage system. Details of proposed stormwater management to cater to the indicative subdivision layout are shown in the applicant's proposal, Attachment 4 Subdivision servicing issues.

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

Consultation will be carried out with other public authorities as specified in the Gateway Determination. It is expected that consultation regarding the planning proposal will be limited to the Office of Environment & Heritage and the Rural Fire Service.

PART 5: COMMUNITY CONSULTATION

Community consultation will be carried out following the issue of a Gateway Determination. Consultation will be carried out in accordance with s57 of the *Environmental Planning and Assessment Act 1979* and the Gateway determination.

Part 6: PROJECT TIMELINE

The following project timeline is proposed, noting that the period from the issue of a gateway determination to the date of notification is subject to matters raised in submissions received during the exhibition period and at the public hearing, and the subsequent decisions of Council regarding the content of the planning proposal.

Anticipated commencement date (date of Gateway determination)	February 2018
Anticipated timeframe for the completion of required technical information	March 2018
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	March 2018
Commencement and completion dates for public exhibition period	21 March 2018 – 18 April 2018
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	19 April – 28 April 2018
Timeframe for the consideration of a proposal post exhibition	9 May 2018
Date of submission to the department to finalise the LEP	23 May 2018

Anticipated date RPA will make the plan (if delegated)	June 2018
Anticipated date RPA will forward to the department for notification	June 2018

ATTACHMENT A – Evaluation Criteria for Delegation

Local Government Area: Eurobodalla Shire Council

Name of draft LEP: Eurobodalla Local Environmental Plan 2012 Amendment No. 15

Address of Land (if applicable): 3 Brown Close, Moruya Heads, NSW 2537

Intent of draft LEP: To amend *Eurobodalla Local Environmental Plan 2012* Lot Size Map so that a minimum lot size of 1,500m² is applied to Lot 3 DP 701983, No. 3 Brown Close Moruya Heads.

Additional Supporting Points/Information: The applicant's proposal including:

- Site photographs
- Preliminary bushfire Assessment, prepared by Matt Jones, 24 August 2016
- Vegetation/Habitat Assessment, prepared by Peter Spurway & Associates, 6 August 2017
- Subdivision servicing issues, prepared by Southeast Engineering & Environmental, 10 July 2017
- AHIMS Search Result, Office of Environment & Heritage, 14 July 2017

(Note: where the matter is identified as relevant and the requirement has not been met, Council is to 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?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
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?		N/A		
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?		N/A		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		

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?		N/A		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezonings	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?		N/A		
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?		N/A		

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?		N/A		
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?		N/A		
Section 73A matters				
<p>Does the proposed instrument</p> <p>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>address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>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		

