
PSR17/019 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO. 12 - HOUSEKEEPING AND OTHER AMENDMENTS

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services

Attachments: 1. Under Separate Cover - Planning Proposal - Eurobodalla Local Environmental Plan Amendment No. 12

Focus Area: Sustainable Communities

Delivery Program Link: S5.2 Maintain, update and communicate planning information and issues

Operational Plan Link: S5.2.1 Review housing, land supply and demographics and communicate change issues

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to make minor housekeeping and other amendments to the Eurobodalla Local Environmental Plan 2012 (LEP 2012).

The proposed amendments are to:

- amend Schedule 5 Heritage to correct property descriptions and item names and amend the Heritage Maps to correctly identify lots with heritage items
- amend Schedule 5 and the Heritage Maps to identify three new heritage items
- amend the Land Zoning Maps, Minimum Lot Size Maps and Height of Buildings Maps to correct anomalies
- amend Schedule 1 Additional Permitted Uses to correct an anomaly
- rezone and reclassify a certain parcel of land.

To progress a Local Environmental Plan amendment, Council must consider and resolve to prepare a Planning Proposal that is submitted to the Department of Planning and Environment for Gateway Determination. An amendment may only proceed (or not) according to the Gateway Determination given.

It is proposed that Council request an authorisation to exercise delegation to finalise the matters addressed in this Planning Proposal.

RECOMMENDATION

THAT Council

1. Resolve to list the York Engine as a heritage item in Eurobodalla Local Environmental Plan 2012.
2. Endorse the attached Planning Proposal to amend Eurobodalla Local Environmental Plan 2012, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979*.
3. Forward the Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*.
4. Advise the Secretary of the Department of Planning and Environment that Council seeks to exercise delegation for making the plan under Section 59 of the *Environmental Planning and Assessment Act 1979*.

PSR17/019 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO. 12 - HOUSEKEEPING AND OTHER AMENDMENTS

5. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
6. Receive a report back on any planning proposal to which a written objection is received during consultation with the community as per the requirements of Section 57 of the *Environmental Planning and Assessment Act 1979*.
7. Note that the plan is proposed to be made under delegation following the issue of a Gateway Determination and the completion of community consultation requirements.

BACKGROUND

Eurobodalla Local Environmental Plan 2012 was notified on 20 July 2012. Since that time there have been nine (9) amendments for various reasons, including two sets of 'housekeeping' amendments. Two further amendments relating to land at Broulee and the implementation of the Rural Lands Strategy are currently in progress.

CONSIDERATIONS

A third set of "housekeeping" amendments are now proposed to make the following amendments to ELEP 2012:

- Amend Schedule 5 Heritage to correct property descriptions and item names. Property descriptions change from time to time due to subdivision of land and amending the LEP keeps Schedule 5 up to date. Item names can sometimes be updated to more accurately reflect either the history of the property or the current status of the property. It is also proposed to amend the Heritage Maps to correctly identify lots with heritage items. This is to correct some anomalies in the mapping and in response to the subdivision of land.
- Amend Schedule 5 and the Heritage Maps to identify new heritage items, being the Francis Guy's Residence and Store (former) at Batemans Bay and the Norfolk Island Pine Planting at Tuross Head in accordance with Council's resolution on 26 July 2106. In addition, it is recommended that Council resolve to list the York Engine, to be located at the Original Gold Rush Colony in Mogo, as recommended by the Heritage Advisory Committee.
- Amend the Land Zoning Maps, Minimum Lot Size Maps and Height of Buildings Maps to correct anomalies. For example, some residential lots in Rosedale do not currently have a maximum height of buildings control. In this group of amendments, it is also proposed to rezone part of a Council water reservoir site from the R5 Large Lot Residential Zone to the SP2 Infrastructure Zone. A small portion of this land is proposed to be retained as R5, as the adjoining land owner has expressed an interest in purchasing the land. The subject land is classified operational.
- Amend Schedule 1 Additional Permitted Uses to remove an item that is no longer required as the land is now zoned B5 Business Development.
- Rezone and reclassify part of a lot at Flying Fox Road / Rainforest Parkway, Narooma to E4 Environmental Living and operational classification.

A copy of the planning proposal is attached to this report.

PSR17/019 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO. 12 - HOUSEKEEPING AND OTHER AMENDMENTS

Should Council endorse the planning proposal and a Gateway Determination is issued by the Department of Planning and Environment, the planning proposal will be placed on public exhibition for community input. While the Gateway Determination will outline the required public exhibition period, it is anticipated that the period will be 28 days.

It is proposed that Council request an authorisation to exercise delegation to finalise the matters addressed in this Planning Proposal. Under Section 24 of the *Environmental Planning and Assessment Act 1979* the Minister for Planning or their delegate may make an environmental planning instrument, such as a local environmental plan. Delegations for making local environmental plans have been issued by the Minister to Council's Director Planning and Sustainability Services and Divisional Manager Strategic Services. These delegations operate in respect of a draft local environmental plan on receipt by Council of a written authorisation from the Department of Planning and Environment to exercise the delegation. This authorisation is issued with a Gateway Determination.

Legal

The *Environmental Planning and Assessment Act 1979* outlines the process for making amendments to an LEP. The first stage of the process requires Council to resolve to forward a planning proposal to the Minister for Planning for a Gateway Determination.

Policy

The planning proposal has been prepared in accordance with Department of Planning and Environment Guidelines for preparing planning proposals and Local Environmental Plan amendments. The proposed amendments are minor in nature and are not inconsistent with any element of applicable strategies or policies.

Environmental

The proposed amendments are minor in nature and will not have adverse impacts on the environment.

Social Impact

The proposed minor amendments to zoning, lot size and height of buildings maps ensure development is in keeping with the existing character of local areas.

Economic Development Employment Potential

The proposed amendments to the listing of existing heritage items and the addition of three new heritage items have potential positive economic impacts with respect to tourism.

Community Engagement

When a Gateway Determination is received that allows community consultation to be undertaken, Council will place the Planning Proposal on public exhibition for a period of not less than 28 days. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya Administration Centre.

PSR17/019 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO. 12 - HOUSEKEEPING AND OTHER AMENDMENTS

CONCLUSION

The matters dealt with in this Planning Proposal are minor in nature to correct a number of minor mapping, land use table and clause anomalies. In addition, three new heritage items are proposed to be listed in the LEP and a part of one parcel of community land is proposed to be reclassified to operational land.

It is recommended that Council resolve to list the York Engine as a heritage item and endorse the planning proposal for the purpose of seeking a Gateway Determination from the Department of Planning and Environment. The Gateway Determination will enable the planning proposal to be placed on public exhibition. It is also recommended that Council request an authorisation to exercise delegation to finalise the matters addressed in this Planning Proposal.