

Amendment of Schedule 5 (Environmental Heritage) of Eurobodalla LEP 2012 and Schedule 1 of Eurobodalla Rural LEP 1987

Proposal Title :	Amendment of Schedule 5 (Environmental Heritage) of Eurobodalla LEP 2012 and Schedule 1 of Eurobodalla Rural LEP 1987		
Proposal Summary :	The planning proposal seeks to amend the heritage schedules for both the Eurobodalla LEP 2012 and Eurobodalla Rural LEP 1987 to correct a number of drafting errors, transfer items to the applicable LEP and to add or remove numerous listings based on the outcomes of the Eurobodalla Community Based Heritage Study 2011.		
PP Number :	PP_2013_EUROB_002_00	Dop File No :	13/14533

Proposal Details

Date Planning Proposal Received :	29-Aug-2013	LGA covered :	Eurobodalla
Region :	Southern	RPA :	Eurobodalla Shire Council
State Electorate :	BEGA	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Eurobodalla LGA		

DoP Planning Officer Contact Details

Contact Name :	Nathan Foster
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RPA Contact Details

Contact Name :	Mark Hitchenson
Contact Number :	44741314
Contact Email :	mark.hitchenson@eurocoast.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Southern Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment : **No meetings or communications have occurred that the Department is aware of.**

Supporting notes

Internal Supporting Notes : **The planning proposal significantly increases the total number of heritage items listed for the Eurobodalla LGA. It also seeks to rectify the issue where heritage items located in areas deferred from the 2012 SI LEP are incorrectly listed in that LEP.**

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **- To implement Council resolution of 22 November 2011 "to prepare LEP amendments to list items and areas and remove four items as recommended by the Community Based Heritage Study 2011";
- To ensure the Eurobodalla LEP 2012 and Eurobodalla Rural LEP 1987 accurately reflect the current planning framework for Eurobodalla;
- To ensure the Eurobodalla LEP 2012 and Eurobodalla Rural LEP 1987 achieve the outcomes of the Eurobodalla Heritage Strategy 2011-2014.
- To ensure that all places of significance are included in the heritage schedules of the relevant Local Environmental Plans.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Provisions within the Eurobodalla LEP 2012 will give effect to;
- The addition of 70 heritage items resulting from recommendations from the Community Based Heritage Study 2011.
- The addition of 6 heritage items which were previously omitted in error when previous LEPs were superseded by LEP 2012.
- The removal of 4 heritage items resulting from recommendations from the Community Based Heritage Study 2011.
- The removal of 11 heritage listings where the items are located entirely within land deferred from the Eurobodalla LEP 2012.
- The amendment of property descriptions due to subdivision or error.**

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Eurobodalla Rural LEP 1987 will be amended:

- To add 6 items;
- To add 4 items incorrectly listed in LEP 2012;
- To remove 4 items as recommended by heritage study;
- To remove 119 items now correctly listed in LEP 2012; and
- Amend property descriptions.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

N/A

e) List any other matters that need to be considered :

There are no applicable State Environmental Planning Policies.

Have inconsistencies with items a), b) and d) being adequately justified?

If No, explain :

No Inconsistencies have been identified by Council. Council's Heritage Study 2011-2014 has justified deletions and additions to the schedules.

Outside of the correction of drafting errors and or property descriptions, Council has identified a number of new, and removal of existing listings which they have been justified by Council's Community Based Heritage Study.

RECOMMENDATION: The Director General can be satisfied that the planning proposal is consistent with all relevant s117 Directions, justified by a local study or any inconsistencies are only of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

Council has not provided any mapping as part of this planning proposal.

Council is to be requested to provide mapping as part of the public exhibition process and to the Department prior to finalisation. The mapping will need to clearly show the location of all items being added or removed from listing in the LEP. Mapping is not required for items where the listing already exists and amendment only relates to ensuring it is listed in the correct LEP and it is already mapped.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes a 14 day public exhibition period.

This consultation is deemed adequate for the scale and nature of the proposal and that it is implementing an agreed and endorsed study.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Adequacy of the planning proposal is subject only to the provision of appropriate LEP mapping to allow an informed public consultation process.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Eurobodalla LEP 2012 was notified in July 2012.
A significant number of deferred areas within the LGA remain zoned under previous planning instruments (Eurobodalla Rural LEP 1987, Eurobodalla Urban LEP 1999). These areas are currently the subject of a strategic lands review.
This planning proposal seeks to remove items listed in the Principal LEP where they are on land deferred from the LEP. The items remain correctly listed in other LEPs.

Assessment Criteria

Need for planning proposal :

A planning proposal is necessary to amend the heritage listings in both Eurobodalla LEP 2012 and Eurobodalla Rural LEP 1987 in line with a Council heritage study, to correct drafting errors and to update property descriptions following subdivision or previous errors.

Consistency with strategic planning framework :

The planning proposal has been prepared having regard to the objectives and actions of the South Coast Regional Strategy. The proposal seeks to increase the overall number of heritage listings to preserve heritage values of the LGA.
The Proposal is consistent with the objectives and strategies identified in the Eurobodalla Community Strategic Plan.

Environmental social economic impacts :

The planning proposal seeks to significantly increase the overall number of heritage listings in the Eurobodalla LGA.

Assessment Process

Proposal type :

Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months**

Delegation : **DDG**

Public Authority Consultation - 56(2) (d) :

Is Public Hearing by the PAC required?

No

(2)(a) Should the matter proceed ?

Yes

If no, provide reasons :

It is recommended that the planning proposal proceed. The amendments to the Heritage Schedules of both the Eurobodalla LEP 2012 and Eurobodalla Rural LEP 1987 are either as a result of Council's Community Based Heritage Study, are required to correct drafting errors associated with the deferral of land during the drafting of the Eurobodalla LEP 2012, or are to correct property descriptions to correct errors.

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Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

The planning proposal involves the addition of new, and removal of currently listed heritage items that are or will need to be mapped under the Eurobodalla LEP 2012. Council has not provided any mapping as part of the Planning Proposal submitted to the Department. Council is to, where needed, produce new maps, and where existing maps are available, exhibited these as part of the public consultation process. The maps are to be consistent with 'The standard technical requirements for preparing LEP maps' and enable clear identification of each item and its location.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **Planning proposal has no impact on the provision or funding for State infrastructure.**

Documents

Document File Name	DocumentType Name	Is Public
Eurobodalla Council Cover Letter.pdf	Proposal Covering Letter	Yes
20130829 - Council Meeting Report held on 23 July 2013.pdf	Proposal	Yes
Eurobodalla Planning Proposal Heirtage Items.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**
3.1 Residential Zones
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies

Additional Information : **It is RECOMMENDED that:**
The Executive Director, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that amendments to Eurobodalla LEP 2012 and Eurobodalla Rural LEP 1987 to amend the heritage listings should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 14 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.2 of A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013).

2. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act;

*** Office of Environment and Heritage - Heritage Branch**

3. A public hearing is not required to be held into the matter by any person or body under

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section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

5. Council is required to prepare and exhibit relevant LEP Heritage Maps as part of the planning proposal. These maps are to be prepared in accordance with the requirements of 'Standard technical requirements for preparing LEP maps' in the case of Eurobodalla LEP 2012. Maps for matters within the Eurobodalla Rural LEP 1987 should enable identification and location of any relevant heritage items.

6. The Director General can be satisfied that the planning proposal is consistent with all relevant s117 Directions or that any inconsistencies are only of minor significance.

7. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form.

Supporting Reasons :

The Planning proposal is supported to proceed.

The proposal seeks to appropriately remove heritage listings from Eurobodalla LEP 2012 in circumstances where the items are located on land that was deferred from the Eurobodalla LEP 2012 and remain covered under previous planning instruments still in force today.

The proposal also seeks to amend the schedules of the Eurobodalla LEP 2012 and Eurobodalla Rural LEP 1987 in line with recommendations from Council's Community Based Heritage Study 2011, as well as correcting previous drafting errors or property descriptions which have changed since originally being listed.

Whilst a number of items are being removed following the heritage study, a significant number of new heritage listings are proposed for inclusion and will benefit from increased protection under the LEP which is a positive outcome for the preservation of the Council's environmental heritage.

Signature:



Printed Name:

MARK PARKE
Local Planning Manager

Date:

19th September 2013