

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

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 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.

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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.

Panel Recommendation

Recommendation Date : 26-Sep-2013

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include location and heritage maps, which are at an appropriate scale and clearly identify the subject lands.
2. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
3. Consultation is required with the Office of Environment and Heritage (OEH) – Heritage Branch under section 56(2)(d) of the EP&A Act. OEH is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under 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).
5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has requested to be issued with delegation for this planning proposal. Council's request to be issued with plan making delegation should be supported because the proposal is considered to be a matter of local significance.

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Signature:

S. Miller

Printed Name:

Sandra Miller

Date:

30.09.2013