
Planning Proposal

Heritage Amendments

**Eurobodalla Rural Local Environmental Plan 1987; and
Eurobodalla Local Environmental Plan 2012**

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INTRODUCTION

The planning proposal explains the intended effect of, and justification for the proposed amendment to:

- *Eurobodalla Local Environmental Plan 2012* specifically Schedule 5, Environmental Heritage and
- *Eurobodalla Rural Local Environmental Plan 1987* specifically Schedule 1.

It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant NSW Department of Planning and Infrastructure Guidelines, including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Council is seeking to progress this planning proposal through the gateway determination process as an amendment to the Eurobodalla LEP 2012 and Rural LEP 1987. As this Planning Proposal relates to a minor matter, Council intends to request an authorisation to exercise delegation under section 23 Environmental Planning and Assessment Act 1979 with regards to all matters addressed in this Planning Proposal. Responses to the relevant matters in the 'Evaluation criteria for the delegation of plan making functions' are provided in Appendix 1 of this report.

PART 1: Objectives of the Proposed Amendment

The objectives of the planning proposal are:

- 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 & Rural LEP 1987 accurately reflect the current planning framework of the Eurobodalla; and
- To ensure the Eurobodalla LEP 2012 & 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;

PART 2: Explanation of Provisions

The objectives/intended outcomes are to be achieved by the planning proposal through amendments to Schedule 5 – Environmental Heritage of the Eurobodalla LEP 2012 and Schedule 1 - Rural LEP 1987.

These amendments involve:

LEP 2012:

- The addition of 70 Heritage items, listed in Appendix 1 – Recommendations of the Community Based Heritage Study 2011, appended to this report
- The addition of 6 Heritage items, listed in Appendix 1 – Omitted in error when lands were rezoned from previous LEPs
- The removal of 3 Heritage items, listed in Appendix 1 – Recommendations of the Community Based Heritage Study 2011, appended to this report.
- The removal of 11 Heritage Listings, listed in Appendix 1 – Heritage Items located entirely within land Deferred from the 2012 Eurobodalla LEP, appended to this report.
- The removal of 1 item due to a reassessment of its significance
- The amendment of property descriptions due to subdivision or error.

RLEP 1987:

- The addition of 6 heritage items or areas, listed in Appendix 2 – Recommendations of the Community Based Heritage Study 2011, appended to this report
- The addition of 4 heritage items or areas, listed in Appendix 2 – Entered into LEP 2012 in error when lands were proposed to be rezoned under that LEP
- The removal of 4 heritage items or areas, listed in Appendix 2 – Recommendations of the Community Based Heritage Study 2011, appended to this report.
- The removal of 119 heritage items or areas, listed in Appendix 2 – Heritage Items located entirely within land rezoned and transferred to the 2012 Eurobodalla LEP, appended to this report.
- The amendment of property descriptions due to subdivision or error.

PART 3: Justification for Proposed Amendment

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal;
- Section B: Relationship to strategic planning framework;
- Section C: Environmental, social and economic impact; and
- Section D: State and Commonwealth interests.

Section A – Need for the Planning Proposal

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

Yes. The majority of the amendments contained in this planning proposal are the result of the Community Based Heritage Study, adopted by Eurobodalla Shire Council, 22 November 2011. The purpose of the Study was to review and update the previous 1997 Heritage Study and to prepare a list of new heritage items and places valued by the community.

The Community Based Heritage Study (CBHS) made recommendations for items of significance to be listed in Eurobodalla LEP 2012. Council adopted the CBHS's recommendations that 79 items be added to Schedule 5 of the LEP and 4 items be removed from the LEPs heritage list.

A copy of the Community Based Heritage Study 2011 recommendations is attached to this planning proposal.

Other changes included in this planning proposal relate to correcting errors or transfers between LEPs.

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

Yes. The Planning Proposal is the best means of achieving the protection of heritage assets in the long term. The Planning Proposal aims to update the statutory protection of Council's heritage items by inclusion, removal and amendment to better conserve items of heritage significance of the natural and built environment in Eurobodalla Shire.

The Planning Proposal will assist assessment of development applications involving heritage items or properties located near heritage items, by ensuring that development is sympathetic to the identified heritage values.

3. Is there a net community benefit?

Yes. The proposal will clarify the heritage status of a number of properties. The Planning Proposal will also result in a number of items identified as significant to the community being protected under an environmental planning instrument that would contribute to the conservation of the Eurobodalla Shire's heritage resources and the quality of the environment, assisting to create attractive streetscapes and providing an appealing place to live.

Section B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and action contained within the applicable regional or sub-regional strategy?

South Coast Regional Strategy

Yes. The Planning Proposal is consistent with the objectives and actions contained in the South Coast Regional Strategy.

The Planning Proposal will assist Council in meeting the outcomes set by the State Government in the Regional Strategy for protection and enhancement of Cultural Heritage, specifically:

"The input and involvement of owners, custodians and other interest groups into the identification and conservation of cultural heritage will be encouraged. The region's places, precincts and landscapes of cultural heritage significance will be identified and protected in planning instruments. A better understanding of the diversity of cultural heritage values in the Region, including aesthetic, archaeological, architectural, historic, scientific, social and spiritual will be encouraged."

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Community Strategic Plan

Yes. The Planning Proposal is consistent with the Eurobodalla Community Strategic Plan. The Planning Proposal will recognise and improve the protection of the Eurobodalla's Aboriginal and non-indigenous cultural heritage, aligning with the Community Strategic Plan objectives and strategies: *Objective 3 – Our community and environment are in harmony and Strategy 3.1 Encourage respectful planning, balanced growth and good design.*

Heritage Strategy 2011 - 2014

The Planning Proposal is also consistent with the vision of the Eurobodalla Heritage Strategy 2011 – 2014: *"...to manage, promote and protect the environmental heritage of the Eurobodalla Shire for present and future generations";*

its second Strategy: *"To ensure Council's Local Environmental Plan includes an up-to-date list of environmental heritage items.";*

and fulfils Task 7: *"List the recommendations of the Community Based Heritage Study in an amendment to the Local Environmental Plan..."*.

and Task 9: "Ensure Council's Local Environmental Plan is updated with new/amended heritage items and that property descriptions are kept up-to-date."

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are no applicable State Environmental Planning Policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposed amendments to Eurobodalla LEP 2012 are not inconsistent with any s.117 Ministerial Directions. An assessment of the relevant s. 117 Directions against the planning proposal is provided in the table below.

Issue	Direction	Compliance	Comment
Environment and Heritage	2.3 Heritage conservation A Planning Proposal shall contain provisions to facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance. A Planning Proposal shall contain provisions that facilitate the conservation of areas, places, landscapes and objects identified of being of Aboriginal heritage significance.	Yes	The Planning Proposal retains the current provisions within the RLEP 1987 and ELEP 2012 relating to the conservation of heritage significance. The amendments to the schedule of heritage items would ensure that the significant heritage values within the Shire are identified and conserved.
Housing, Infrastructure and urban Development	3.1 Residential Zones A Planning Proposal shall include housing provisions that broaden the choice of building types and housing locations, make more efficient use of existing infrastructure and services, reduce urban sprawl and be of good design. A Planning Proposal shall contain a requirement that residential development is not permitted until land is adequately serviced with water and sewerage. Draft Plans shall not contain provisions which reduce the permissible density on residential zoned lands.	Yes	The Planning Proposal retains the current density provisions of the ELEP 2012. Accordingly, the Planning Proposal is consistent with the housing provisions for residential zoned lands.
Hazard and Risk	2.4 Planning for Bushfire Protection Council shall consult with the Commissioner of the NSW Rural Fire Service in the preparation of any Planning Proposal following receipt of a gateway determination and prior to undertaking community consultation and take into account any comments made.	Yes	The Planning Proposal applies to some properties which are identified as bushfire prone land. However, the Planning Proposal retains the current bushfire protection provisions for the subject properties provided by the RLEP 1987 and ELEP 2012.

Issue	Direction	Compliance	Comment
	A Planning Proposal shall have regard to Planning for Bushfire Protection 2006, avoid permitting inappropriate development in hazardous areas and ensure that hazard reduction is not prohibited in the asset		
Regional Planning	5.1 Implementation of a Regional Strategy A Planning Proposal shall be consistent with a regional strategy released by the Minister for Planning.	Yes	Yes. The Planning Proposal is consistent with the objectives and actions contained in the South Coast Regional Strategy.

Section C – Environmental, Social and Economic Impact

8. 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?

No. The Planning Proposal is aimed at protecting the existing natural and built environment and as such, there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected.

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

No. There will be no adverse environmental effects as the proposal will be protecting the natural and built environment. There will be positive environmental benefits through the protection of the existing natural and built environment.

Where the proposal is to remove a heritage item, the heritage significance of the item has been considered to be substantially diminished or does not warrant protection as a heritage listed item.

The Planning Proposal aims to ensure that the identified heritage qualities are appropriately managed via the development assessment process in accordance with Part 4 Development Assessment under the Environmental Planning & Assessment Act 1979.

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

The Planning Proposal intends to protect a number of items and buildings of heritage significance by amending the list of environmental heritage items within Schedule 5 – Environmental Heritage of the Eurobodalla LEP 2012 and Schedule 1 - Rural LEP 1987.

Section D – State and Commonwealth Interests

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

Yes. The Planning Proposal does not propose to increase permissible residential densities or the scale of development. The Planning Proposal relates only to the conservation of the heritage qualities of the existing natural and built environment. Accordingly, no additional public infrastructure is required.

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

No consultation has been carried out with State and Commonwealth public authorities. Consultation will occur with relevant public authorities identified as part of the Gateway Determination.

PART 4: Community Consultation

In accordance with Section 57(2) of the *Environmental Planning and Assessment Act 1979*, this planning proposal must be approved prior to community consultation undertaken by the local authority. The planning proposal is considered a low impact proposal and therefore it is intended for this proposal to be exhibited for a fourteen (14) day period.

Consultation on the proposed amendments will be to inform and receive feedback from interested stakeholders. To engage the local community the following will be undertaken:

- Notice in the local newspaper;
- Exhibition material and relevant consultation documents to be made available at the libraries and Council's Administration Building;
- Consultation documents to be made available on Council's website; and
- Letters, advising of the proposed amendments and how to submit comments will be sent to adjoining landowners and other stakeholders that Council deem relevant to this planning proposal.

At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the planning proposal before the finalisation of the amendment.

Additional consultation measures may be determined appropriate and added to the above process as part of the 'Gateway' Determination.

PART 5: PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination) – 02/09/2013

Anticipated timeframe for the completion of required technical information– 09/09/2013

Timeframe for government agency consultation– 16/09/2013

Commencement and completion dates for public exhibition period– 11/09/2013 - 27/09/2013

Timeframe for the consideration of submissions– 11/10/2013

Timeframe for consideration of a proposal post exhibition– 11/10/2013

Date of submission to the Department to finalise the LEP – 23/10/2013

Anticipated date the RPA will make the plan (if delegated) – 03/12/2013

Anticipated date the RPA will forward to the department for notification – 04/12/2013

APPENDIX 1 – Proposed Amendments to the Eurobodalla LEP 2012.

Table 1 – Recommended for Listing

‘Transfer’ means item is being transferred from one LEP to another (not an additional item or area)

‘AHS’ means Aboriginal Heritage Study

‘CBHS’ means the action is a recommendation of the adopted Community Based Heritage Study 2011

‘subdivision’ means the item has been separated from related items by subdivision to create a new listing.

	Item Name	Address	Suburb	Property description	Reason
1	Brauer House	306-308 Bermagui Road	Akolele	Lot 3 & 4 DP 23391	CBHS
2	Corner Shop	1 Bate Street	Central Tilba	Lot 100 DP 842311	CBHS
3	Corunna Diggings and Mine	South edge of Corunna Lake	Corunna	DP 752155	CBHS
4	Cottage (Head Family Former)	83 Princes Highway	Bodalla	Lot 31 DP 13566	CBHS
5	Federation Bungalow	7 Fitzroy Street	Moruya	Lot 11 DP 1165453	CBHS
6	Federation Style Residence	17 Page Street	Moruya	Lot 1 DP 196758	CBHS
7	Ferry Masters Residence	Thule Street	Nelligen	Lot 64 DP 755933	CBHS
8	Forest Home School	River Road	Cadgee	Lot 56 DP 752156	CBHS
9	Bodalla Estate (former) Cultural Landscape Area	West of Princes Highway	Bodalla		CBHS

	Item Name	Address	Suburb	Property description	Reason
10	Car Ferry Ramps (former)	West of Batemans Bay Bridge	Batemans Bay		CBHS
11	Durras Lake loading ramp	Durras Lake Road	South Durras	Part Lot, DP 755904	Transfer
12	Post Office (former)	266 Corkhill Drive	Tilba Tilba	Lot 183 DP 1125875	Transfer
13	Post Office and two storey buildings group (former)	120-122 Wagonga Street	Narooma	Lot 12 DP 349329	CBHS
14	Princes Highway Alignment (former)	North from Dairy Shed	Bodalla		CBHS
15	Garage (former)	56 Princes Highway	Bodalla	Lot 39 DP 13566	CBHS
16	Glenellen	400 Larry's Mtn Road	Moruya North	Lot 19 DP 245532	CBHS
17	Hector McWilliam's Memorial Cairn	Birdwood Circle	Turross Head	Lot 491 DP 505292	CBHS
18	Kemps Shop (Former)	17 Bate Street	Central Tilba	Lot 99 DP 705929	CBHS
19	Light from Montague Island	Princes Highway	Narooma	Lot 7011 DP 1055108	CBHS
20	Little Gem Mine	Dwyers Creek Road	Moruya	Lot 456 DP 1007851	CBHS
21	Lucks Cemetery	1 Cutharich Street	Moruya	Lot 2 DP 833143	CBHS
22	Lynch's Hotel	135 Wagonga Street	Narooma	Lot 1 DP 125773	CBHS
23	Memorial Tree of first Wagonga School	Princes Highway	Narooma	Lot 108 DP 107729	CBHS
24	Monarch Hotel	50 Vulcan Street	Moruya	Lot 1 DP 730657	CBHS

	Item Name	Address	Suburb	Property description	Reason
25	Moruya Traders	39 Queen Street	Moruya	Lot 1 DP 503218	CBHS
26	Mylott's Bakery (former)	57-59 Queen Street	Moruya	Lot 40 DP 875862	CBHS
27	Ocean View House	2 Pacific Street	Batemans Bay	Lot 256 DP 755902	CBHS
28	Rankin Babies Grave	Deua River	Bendethera	Lot 53 DP 752142	CBHS
29	Morts Quarry	Potato Point Road	Bodalla	Lot 13 DP 752131	CBHS
30	Rectory (former) - All Saints	59 Princes Highway	Bodalla	Lot 1 DP 32142	CBHS
31	Narooma Reservoir	Princes Highway	Narooma	Lot 1 DP 884085	CBHS
32	Nelligen C of E Cemetery (former)	28 Braidwood Street	Nelligen	Lot 11 DP 734504	CBHS
33	North Sea Wall	Moruya River	Moruya North		CBHS
34	Old C of E Cemetery	2 Church Street	Mogo	Lot 540 DP 792575	CBHS
35	Old Cadgee Homestead	Wattlegrove Road	Cadgee	Lot 14 DP 752135	CBHS
36	Old Steam Packet Hotel	5-7 Wharf Street	Nelligen	Lot 12 & 13 Sec 6 DP 758762	CBHS
37	Old Tidal Swimming Pool	Riverside Park Ford Street	Moruya	Lot 304 DP 752151	CBHS
38	Pilot Station	1 Bar Rock Road	Narooma	Lot 855 DP 40275	CBHS
39	Punt Loading Site	Thule Street	Nelligen	Reserve 15646	CBHS
40	Residence	4 Princes Highway	Moruya North	Lot 1 DP 799144	CBHS

	Item Name	Address	Suburb	Property description	Reason
41	Residence	6 Princes Highway	Moruya North	Lot 1 DP 745699	CBHS
42	Residence	23 Bate Street	Central Tilba	Lot 6 Sec 3 DP 3166	CBHS
43	Residence	44 Campbell Street	Moruya	Lot 20B DP 371177	CBHS
44	Residence - Interwar Bungalow	24 Campbell Street	Moruya	Lot 11 DP 111634	CBHS
45	Residence - setback behind garage	14 Princes Highway	Moruya	Lot 7 Sec 1 DP 977256	CBHS
46	Residence (former)	54 Campbell Street	Moruya	Lot 48 DP 778735	CBHS
47	Residence with gable roof	12 Princes Highway	Moruya North	Lot 6 Sec 1 DP 977256	CBHS
48	Secretary's Residence	80 Princes Highway	Bodalla	Lot 2 DP 830129	CBHS
49	Shop	123 Wagonga Street	Narooma	Lot 2 DP 207494	CBHS
50	Stables behind former Post Office	52a Campbell Street	Moruya	Lot 112 DP 814792	CBHS
51	War Memorial	Princes Highway	Bodalla	Lot 41 DP 13566	CBHS
52	Weatherby's Boatshed	Vulcan Street	Moruya		CBHS
53	Wattles Residence (The)	Araluen Road (The Wattles)	Kiora	Lot 2 DP 733067	CBHS
54	Waterhole Flat Homestead	1188 Eurobodalla Road	Eurobodalla	Lot 1 DP 752145	CBHS
55	Reedy Creek Stone Road supports	Reedy Creek Road	Eurobodalla		CBHS
56	Stubbs Battery Site and Weir	Dwyers Creek Road	Moruya	Lic 380748/Lot 7302 DP 114617	CBHS

	Item Name	Address	Suburb	Property description	Reason
57	Mountain View Farm Cottage and Farm Buildings	11 Mount Dromedary Trail	Tilba Tilba	Lot 1 DP 1168246	Subdivision
58	Stone Quarry	Centenary Drive	Narooma	Lot 2 DP 125738	CBHS
59	Shoebridge Track	Quart Pot Fire Trail	Buckenbowra		CBHS
60	Illawarra Steam Navigation Company Wharf Remnant	Preddeys Wharf Road	Moruya Heads	Lot 1 DP 1061092	Transfer
61	Melville Point (Geological site)	Redhill Parade	Tomakin	About 3ha, comprising the rock platform and adjacent cliff sections of the point, south of a line joining AMG points: 8926 - Batemans Bay- 4632531025 and 465310	Transfer
62	Abernethy & Co Stonemason's Lathe	85 Campbell St	Moruya	Lot 1 DP 1161507	Transfer
63	Batemans Bay Bridge	Princes Highway	Batemans Bay		CBHS
64	Bates General Store (Former)	7-9 Bate Street	Central Tilba	Lot 14 & 13 Sec 3 DP 3166	CBHS
65	Bates' General Store	2 Bate Street	Central Tilba	Lot 6 Sec 2 DP 3166	Transfer
66	Bendethera Homestead Site	Dampier Mtn Fire Trail	Bendethera	DP 755945	CBHS
67	Boatsheds at Forster's Bay	Lakeview/Riverside Drive	Narooma		CBHS
68	Bodalla Conservation Area	Princes Highway	Bodalla		CBHS
69	Bodalla Cottage	56 Princes Highway	Bodalla	Lot 39 DP 13566	CBHS

	Item Name	Address	Suburb	Property description	Reason
70	Bodalla to Wagonga Tramway	Princes Highway approx	Bodalla		CBHS
71	Brick Silo	2537 Princes Highway	Moruya North	Lot 1 DP 125577	CBHS
72	Brou House Site	Brou Lake Road	Bodalla	Lot 11 DP 706971	CBHS
73	Bush Rangers Tree	Braidwood Street	Nelligen	Lot 7011 DP 1055178	CBHS
74	Cadgee Butter Factory	Wattlegrove Road	Cadgee	Lot 8 DP 752135	CBHS
75	Cadgee Church (Former)	2568 Eurobodalla Road	Cadgee	Lot 43 DP 752135	CBHS
76	Cadgee Post Office (remains)	River road	Cadgee	Lot 28 DP 752156	CBHS
77	Carter's House	44 Princes Highway	Narooma	Lot 3 DP 786249	CBHS

Table 2 – Recommended for Removal from Listing

‘Transfer’ means the item is being transferred from one LEP to another (not an additional item or area)

‘AHS’ means Aboriginal Heritage Study

‘CBHS’ means the action is a recommendation of the adopted Community Based Heritage Study 2011

‘subdivision’ means the item has been separated from related items by subdivision to create a new listing.

	Item Name	Address	Suburb	Property description	Reason
1	Wagonga Cemetery	Wagonga Scenic Drive	Narooma	Reserve 43416 and Lot 1 DP 725543	Transfer
2	Durras Road (former)	40 Durras Drive and 22 Lookout Road	Benandarah	Part of DP 755904, Lot 1 DP 126113, Lot 4 DP 872584 and Lot 50 DP 592940	CBHS
3	Residences Associated With Backhouse’s Mill	Princes Highway	Benandarah	Lot 230 DP 1183483	CBHS
4	Port Phillip Neddies Grave	Wattlegrove Road	Tinpot	Lot 76 DP 752145	Transfer
5	Davis Family Presbyterian Church	4017 Princes Highway	Coila	Lot 96 DP 1134972	Transfer
6	Remains Of Granite Town	North Head Drive	Moruya	Lot 91 DP 631493	Transfer
7	Granite Town Cottage (former)	297 North Head Drive	Moruya	Lot 12 DP 599653	Transfer
8	Hunt’s Gold Mine And Battery	Dwyer’s Creek Road	Moruya	Lot 312 DP 47662	Transfer
9	Kyla Park Grazing Lands	Hector McWilliam Drive	Tuross Head	Lots 1 & 2 DP 1081596 Lot 75, 76 & 77 DP 260321	Transfer
10	Lucky Old Chief And Royal Mine (Chinamen’s Caves)	Riverview Road	North Narooma	Lot 101 DP 1000227	Transfer

	Item Name	Address	Suburb	Property description	Reason
11	Araluen Residence	105 Annetts Parade	Mossy Point	Lot 975 DP 827504	Reassessment
12	Backhouses' Mill	Princes Highway	Benandarah	Lot 230 DP 1183483	CBHS
13	Nerrigundah Cemetery	823 Nerrigundah Mtn Road	Nerrigundah	DP 752156	Transfer
14	Corunna Cemetery	769 Old Highway	Corunna	Lot 291 DP 752155	Transfer
15	Chinese Oven	2813 Eurobodalla Road	Nerrigundah	Lot 40 DP 752156	Transfer

APPENDIX 2 – Proposed Amendments to the Eurobodalla Rural LEP 1987.

Table 1 –Recommended for listing

‘Transfer’ means the item is being transferred from one LEP to another (not an additional item or area)

‘AHS’ means Aboriginal Heritage Study

‘CBHS’ means the action is a recommendation of the adopted Community Based Heritage Study 2011

‘subdivision’ means the item has been separated from related items by subdivision to create a new listing.

	Item Name	Address	Suburb	Property description	Reason
1	Bengello Creek Place of Aboriginal Heritage Significance	George Bass Drive, Bengello Beach Road	Broulee	Part of Lot 8 DP 258299 Part of Lot 2 DP 842422	AHS
2	Old Cadgee Homestead	Wattlegrove Road	Cadgee	Lot 14 DP 752135	CBHS
3	Waterhole Flat Homestead	1188 Eurobodalla Road	Eurobodalla	Lot 1 DP 752145	CBHS
4	Barlings Beach & Island Complex Place Of Aboriginal Heritage Significance (Includes Intertidal Zone And Foreshore)	George Bass Drive	Guerilla Bay	Part of Lot 20 & 21 DP 802598 Part of Lot 95 DP 586642	AHS
5	McCredie's Quarry and Wharf	285 North Head Drive	Moruya	Lot 1 DP 127182	CBHS
6	Moruya Silver Mine	Dwyers Creek Road	Moruya	Lot 312 DP 47662	CBHS
7	Ziegler Quarry	306 North Head Drive	Moruya	Lot 2 DP 1180746	CBHS
8	Woolla Historic Homestead	Neringla Road	Neringla	Lot 87 DP 752150	
9	Wrayville	Mays Road	Runnyford	Lot 48 DP 755938	CBHS
10	Tilba Conservation Area		Tilba District		

Table 2 – Recommended for Removal from Listing

‘Transfer’ means the item is being transferred from one LEP to another (not an additional item or area)

‘AHS’ means Aboriginal Heritage Study

‘CBHS’ means the action is a recommendation of the adopted Community Based Heritage Study 2011

‘subdivision’ means the item has been separated from related items by subdivision to create a new listing.

	Item Name	Address	Suburb	Property description	Reason
1	John Young Family Vault	Bermagui Road	Akolele	Lot 61 DP 752155	Transfer
2	Merriwingah Recreation Ground	Youngs Road	Akolele	Lot 7056 DP 1020203	Transfer
3	Backhouses’ Mill	Princes Highway	Benandarah	Lot 230 DP 1183483	CBHS
4	Durras Road (former)	40 Durras Drive and 22 Lookout Road	Benandarah	Part of DP 755904, Lot 1 DP 126113, Lot 4 DP 872584 and Lot 50 DP 592940	CBHS
5	East Lynne tram line	As shown in Eurobodalla Shire Council Heritage Inventory 1997, Reference No BEND/R002, topographic map Nelligen 8926-4-S	Benandarah		Transfer
6	Francis Guy’s Residence	40 Durras Drive	Benandarah	Lot 4 DP 872584	Transfer
7	Guy’s Sawmill	22 Lookout Road 40 Durras Drive	Benandarah	Lot 50 DP 592940 Lot 4 DP 872584	Transfer
8	Hall/Former School	2 Lookout Road Princes Highway	Benandarah	Lot 1 DP 657300	Transfer
9	Paddle Wheel Punt	Durras Drive	Benandarah	Part Lot 2 DP 837898	Transfer
10	Residences Associated With Backhouse’s Mill	Princes Highway	Benandarah	Lot 230 DP 1183483	CBHS

	Item Name	Address	Suburb	Property description	Reason
11	Bergalia Co-operative Cheese Factory (former)	Bergalia Link Road	Bergalia	Lot 1 DP 945498	Transfer
12	Bergalia General Store	58 Bergalia Link Road	Bergalia	Lot 1 DP 159477	Transfer
13	Lakeview Homestead including out buildings and Manager's cottage	120 Bingie Road	Bergalia	Lot 84 DP 736505	Transfer
14	War Memorial	Road Reserve Corner of Beashells Lane and Bergalia Link Road	Bergalia		Transfer
15	Bingie Bingie (Kelly's) Point, including the wreck of SS Monaro	Bingie Road	Bingie	Approx 4 ha of land comprising Part Lot 215 DP 752137, SS Monaro and adjoining exposed headland above mean sea level	Transfer
16	Bingie Farm Residence	660 Bingie Road	Bingie	Lot 216 DP 752137	Transfer
17	All Saints Anglican Church	48 Princes Hwy	Bodalla	Lot 21 DP 752131	Transfer
18	Bakery and Oven	66 Princes Hwy	Bodalla	Lot 44 DP 13566	Transfer
19	Bodalla Church Of England Cemetery	Eurobodalla Road	Bodalla	Lot 1DP 1141348	Transfer
20	Deraquin House Site	Princes Highway	Bodalla	Lot 163 DP 752131	Transfer
21	Heffernan's Hill Residence	142 – 157 Eurobodalla Road	Bodalla	Lot 3 DP 794098	Transfer
22	Old Comerang Cow Bails	294 Comerang Farm Road	Bodalla	Lot 21 DP 12672	Transfer
23	Old Riverview Cow Bails	Redex Road	Bodalla	Lot 6 DP 752132	Transfer
24	Old Trunketabella Cheese Factory	15 Princes Highway	Bodalla	Lot 7 DP 835139	Transfer
25	Aboriginal Canoe Tree	George Bass Drive	Broulee	Lot 70 DP 831111	Transfer
26	Mount Oldrey Homestead	207 Broulee Road	Broulee	Lot 3 DP 1013077	Transfer
27	Wreck of the John Penn	Map reference 245600E, 6028300N, AMG Mogo 8926-111-N	Broulee Bay		Transfer
28	Browne's Hut And Stockyard Memorial	1188 – 1190 Buckenbowra Road	Buckenbowra	Lot 13 DP 777171	Transfer

	Item Name	Address	Suburb	Property description	Reason
29	Corn Trail	Kings Highway	Buckenbowra	Lot 14 DP 755951	Transfer
30	Ruins Of Gulph Creek Dredge	Wattlegrove Road	Cadgee	Lot 8 DP 752135	Transfer
31	Albert Read's Grave	85 Haxstead Road	Central Tilba	Lot 2 DP 1106180	Transfer
32	Bellbrook Farm Buildings	106 Corkhill Drive	Central Tilba	Lot 16 DP 807992 Lot 1 DP 591024	Transfer
33	Central Tilba Primary School	89 Corkhill Drive	Central Tilba	Lot 1 DP 795357	Transfer
34	Court House (former)	49 Corkhill Drive	Central Tilba	Lot 1 DP 843471	Transfer
35	Glenrock Farm House And Buildings	123 – 125 Punkalla Tilba Road	Central Tilba	Lot 15 DP 111850 & B DP 33792	Transfer
36	Haxstead Homestead	131 – 133 Haxstead Road	Central Tilba	Lot 8 DP 852736	Transfer
37	Haxstead Silo	131 – 133 Haxstead Road	Central Tilba	Lot 8 DP 852736	Transfer
38	Henkley Dam (former)	58 Sherringham Lane	Central Tilba	Lot 1 DP 1141051	Transfer
39	Henkley Homestead And Farm Buildings	Haxstead Road	Central Tilba	Lot 435 DP 752155	Transfer
40	Lake View Gold Mine	Haxstead Road	Central Tilba	Lot 2171 DP 600164	Transfer
41	Lustleigh Park Farmhouse	Haxstead Road	Central Tilba	Lot 231 DP 752155	Transfer
42	Marshmead Farm House And Buildings	141 Corkhill Drive	Central Tilba	Lot 2 DP 1039689	Transfer
43	Methodist Church	32 Corkhill Drive	Central Tilba	Lot 2 DP 548985	Transfer
44	Monzonite Quarries	37 & 57 Punkalla Tilba Road	Central Tilba	Lot 3 & 2 DP 626641	Transfer
45	Mount Dromedary Water Supply Reservoir	Princes Highway	Central Tilba	DP 752155 Part Gulaga National Park & Part Bodalla State Forest	Transfer
46	Mount Pleasant Farm Buildings	46 Punkalla Tilba Road	Central Tilba	Lot 122 DP 1066032	Transfer
47	Police House And Doctor's Residence (former)	47 Corkhill Drive	Central Tilba	Lot 2 DP 843471	Transfer
48	Sherringham Farm Silos	198 – 244 Sherringham Lane	Central Tilba	Lot 4 DP 583678	Transfer
49	Sherringham Farmhouse	198 – 244 Sherringham Lane	Central Tilba	Lot 4 DP 583678	Transfer
50	Slaughter Yards	94 Punkalla Tilba Road	Central Tilba	Lot 14 DP 706210	Transfer

	Item Name	Address	Suburb	Property description	Reason
51	Tilba Tilba District Cemetery	Haxstead Road	Central Tilba	Lot 7051 DP 1052698	Transfer
52	W E Secombe Grave	Haxstead Road	Central Tilba	Lot 435 DP 752155	Transfer
53	Yaringah Farm Houses	10 Corkhill Drive & 8456 Princes Highway	Central Tilba	Lot H DP 18411 & Lot 400 DP 1149431	Transfer
54	Old Grain Silo	Princes Highway	Coila	Lot 5 DP 263981	Transfer
55	Maria Thompson's Grave	Point Parade	Congo	DP 751151	Transfer
56	Corunna Recreation Ground And Velodrome	Mystery Bay Road	Corunna	Lot 306 DP 752155	Transfer
57	Ship Building Site	560 The River Road	Currowan	Lot 29 DP 755930	Transfer
58	Starch Factory Site	The River Road	Currowan	Lot 7 Sec 14 DP 758328	Transfer
59	Grave of James Richard George	Wamban Road	Deua	Lot 1 DP 752159	Transfer
60	Stone Bakery Oven	Wamban Road	Deua	Lot 1 DP 752159	Transfer
61	Water Race (former)	Wamban Road	Deua	Lot 1 DP 752159	Transfer
62	Man Made River Cutting	Araluen Road	Deua River Valley	DP 755945	Transfer
63	Graves of Charles Harpur And Son	Eurobodalla Road	Eurobodalla	Lot 7300 DP 1146051	Transfer
64	Home Farm Cheese Factory	149 Eurobodalla Road	Eurobodalla	Lot 1 DP 520313	Transfer
65	Post Office (former)	12 - 18 Waincourt Road	Eurobodalla	Lot 9 DP 252742	Transfer
66	School Of Arts (former)	1043 Eurobodalla Road	Eurobodalla	Lot 180 DP 771740	Transfer
67	Kiora Cemetery	478 Araluen Road	Kiora	Lot 4 DP 192733	Transfer
68	Kiora Cheese Factory (former)	495 - 497 Araluen Road	Kiora	Lot 1 DP 607096	Transfer
69	Kiora Homestead	486 Araluen Road	Kiora	Lot 1 DP 521895	Transfer
70	Slab Hut (Rosebud Farmhouse)	520 Dunns Creek Road	Malua Bay	Lot 3 DP 1113950	Transfer
71	Gold Counting House (former)	874 Princes Highway	Mogo	Lot 1 DP 124928	Transfer
72	Kelly's Gold Mine	Princes Highway	Mogo	DP 755902	Transfer
73	Mogo Cemetery	Princes Highway	Mogo	Lot 7323 DP 1162462	Transfer
74	Public School And Teacher's Residence	64 - 72 Sydney Street	Mogo	Lot 63 DP 755902	Transfer
75	Bakery (former)	8, 10 & 12 North Head Drive	Moruya	Lot 2, 3 & 4 DP 211794	Transfer

	Item Name	Address	Suburb	Property description	Reason
76	Coman Family Graves	126 Wamban Road	Moruya	Lot 1 DP 250960	Transfer
77	Donkey Hill Gold Mine	Dwyer's Creek Road	Moruya	Lot 33 DP 752129	Transfer
78	Francis Hill Gold Mine	Dwyer's Creek Road	Moruya	DP 752151	Transfer
79	Glenduart Cemetery	Maclean Place	Moruya	Lot 21 DP 246754	Transfer
80	Moruya Airport World War II Installations	111 Donnelly Drive & Bruce Cameron Drive (Airport Rd)	Moruya	Lot 41 & 42 DP 1036166 Lot 10 DP 771575 Lot 4 DP 1090948	Transfer
81	Moruya Quarry, Site And Structures (Also Incorporating Ziegler's Quarry)	330 North Head Drive	Moruya	Lot 1 & 2 DP 595314 Lot 8 DP 904847	Transfer
82	Shannon View	21 Larrys Mountain Road	Moruya	Lot 1 DP 950539	Transfer
83	Sunnybank Residence Site	Princes Highway	Moruya	Lot 61 DP 1014094	Transfer
84	Wreck of Sand Barge	North Head Drive Malabar Creek, Map reference 238800E, 6022800N, AMG Moruya 8926-3-5	Moruya		Transfer
85	Louttit's Quarry, Wharf And Roadway	Spinnaker Place	Moruya Heads	Lot 117 DP 752151	Transfer
86	Old Pilot Station and Mast of the Trident	2 Elizabeth Street	Moruya Heads	Lot 424 DP 44312	Transfer
87	Spike Tree	Spinnaker Place	Moruya Heads	Lot 120 DP 752151	Transfer
88	Toragy Point Cemetery	Elizabeth Street	Moruya Heads	Lot 300a DP 752151	Transfer
89	Wharf Remnant, Mooring Ring And Seawall	Elizabeth Street	Moruya Heads	DP 752151	Transfer
90	Log Ramps (Skids), Wagonga Inlet	2 Ringlands Road	Narooma	Lot 454 DP 752155 Lot 6 DP 794333 DP 759032	Transfer
91	Ruins of Former Noorooma Residence	Old Highway	Narooma	Lot 1 DP 742463	Transfer
92	St Phillips Cemetery	Wagonga Scenic Drive	Narooma	Lot 399 DP 752155	Transfer
93	Wagonga Wharf Site	Wagonga Scenic Drive	Narooma	Lot 7012 DP 1056264	Transfer
94	Nelligen General Cemetery	Runnyford Road	Nelligen	Lot 2 & 7 DP 34654 Lot 84 DP 1140911	Transfer
95	Catholic Church (former)	6 Byrnes Street	Nerrigundah	Lot 1 DP 917501	Transfer

	Item Name	Address	Suburb	Property description	Reason
96	Coman's Mine	Nerrigundah Mtn Road	Nerrigundah	DP 752163	Transfer
97	Concrete Dam	Nerrigundah Mtn Road	Nerrigundah	DP 752163	Transfer
98	Constable Miles O'Grady Monument	Road Reserve junction of Moruya and Gulph Streets	Nerrigundah		Transfer
99	Kings Battery Little Belimbla Creek Mine Site	Nerrigundah Mtn Road	Nerrigundah	DP 752163	Transfer
100	Original Cemetery	Byrnes Street	Nerrigundah	Lot 1 Sec 6 DP 758765	Transfer
101	Pollock's General Store	6 - 8 Gulph Street	Nerrigundah	Lot 5 Sec 3 DP 758765	Transfer
102	Residence	9 William Street	Nerrigundah	Lot 1 Sec 10 DP 758765	Transfer
103	William Fletcher Grave	Belowra Road	Nerrigundah	Lot 12 Sec 6 DP 758765	Transfer
104	Myrtle Beach-Wasp Head geological site	Approximately 20 hectares of land between Mill Beach and Myrtle Beach, comprising rock platforms and adjacent coastal cliffs to the low water mark (Refer to Register of the National Estate Database No 000999)	South Durras		Transfer
105	Agricultural Showground Hall (former)	273 Princes Highway	Tilba Tilba	Lot 7 DP 1176656	Transfer
106	Butcher's Shop (former)	270 Corkhill Drive	Tilba Tilba	Lot 2 DP 1123629	Transfer
107	Cheese Factory (former)	8731 Princes Highway	Tilba Tilba	Lot 1 DP 521590	Transfer
108	Foxglove Spires Residence And Garden	272 - 282 Corkhill Drive	Tilba Tilba	Lot 1 DP 1152145, Lots 5 - 7 Sec 2 DP 3351, 4-5 DP 1176656 & 402 DP 830620	Transfer
109	Greenacres Farm House	229 Corkhill Drive	Tilba Tilba	Lot 1 DP 191518	Transfer
110	Holy Trinity Church	242 Corkhill Drive	Tilba Tilba	Lot 87 & 88 DP 752155	Transfer
111	Kitty's House	267 & 269 Corkhill Drive	Tilba Tilba	Lot 13 DP 790759 Lot 4 DP 3351	Transfer
112	Marengo Farm House	Corkhill Drive	Tilba Tilba	Lot 8 DP 940888	Transfer

	Item Name	Address	Suburb	Property description	Reason
113	Mountain View Homestead Farm Buildings And Garden	5 The Avenue	Tilba Tilba	Lot 2 DP 1168246, Lot 11 DP 1117213	Transfer
114	Post Office (former)	9067 Fairview Road	Tilba Tilba	Lot 1 DP 128676	Transfer
115	Post Office (former)	263 Corkhill Drive	Tilba Tilba	Lot 2 DP 614884	Transfer
116	Post Office (former)	266 Corkhill Drive	Tilba Tilba	Lot 183 DP 1125875	Transfer
117	Residence	254 & 256 Corkhill Drive	Tilba Tilba	Lot 1-4 Sec 1 DP 3351	Transfer
118	Stables (former)	258 Corkhill Drive	Tilba Tilba	Lot 5, 6 & 7 Sec 1 DP 3351	Transfer
119	Temperance Hall (former)	271 Corkhill Drive	Tilba Tilba	Lot 4 DP 1078549	Transfer
120	Tilba Tilba Hotel, Milton's Hotel (former)	265 Corkhill Drive	Tilba Tilba	Lot 1 DP 614884	Transfer
121	Village Store	266 Corkhill Drive	Tilba Tilba	Lot 183 DP 1125875	Transfer
122	Kyla Park Farm Remnants	8 Hawdon's Cove	Tuross Head	Lot 8 DP 259656	Transfer

Appendix 2 EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Local Government Area: Eurobodalla Shire Council

Name of draft LEP: Eurobodalla Local Environmental Plan Amendment No 5

Address of Land (if applicable): Various

Intent of draft LEP: Local Environmental Plan amendments to list items and areas and remove four items as recommended by the Community Based Heritage Study 2011.

Additional Supporting Points/Information: This planning proposal complies with Practice Note PS12/006 Delegations and Independent Reviews of Plan – Making Decisions which states "The following types of draft LEPs will routinely be delegated to Councils to prepare and make following a Gateway determination that the planning proposal can proceed:... heritage LEPs related to specific heritage items supported by an Office of Environment and Heritage endorsed Study,".

Council requests the responsibility for the LEP as it is of local significance and will streamline the process post Gateway.

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

Is the planning proposal proposed to rectify an anomaly in a classification?		Not relevant		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		Not relevant		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		Not relevant		
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?		Not relevant		
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?		Not relevant		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		Not relevant		
Spot Rezoning	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?		Not relevant		
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?		Not relevant		
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?		Not relevant		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		Not relevant		
Does the planning proposal create an exception to a mapped development standard?		Not relevant		

Section 73A matters				
Does the proposed instrument a. 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?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. 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? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		Not relevant		

