
O13/124 PLANNING PROPOSAL — HERITAGE AMENDMENTS

E08.2355

SYNOPSIS

The purpose of this report is to seek Council's endorsement of a Planning Proposal to amend Schedule 5 – Environmental Heritage of the *Eurobodalla Local Environmental Plan 2012* (LEP 2012) and Schedule 1 of the *Eurobodalla Rural Local Environmental Plan 1987* (RLEP 1987).

The amendment would add new items identified by the Eurobodalla Community Based Heritage Study 2011, remove items identified under the same Study, transfer items to the applicable LEP and correct drafting errors.

This Planning Proposal was initiated by Minute No. 11/303 of the Ordinary Meeting of Council held on 22 November 2011 to adopt the recommendations of the Community Based Heritage Study 2011. The proposal now includes amendments made necessary by the making of LEP 2012 and the retention of LEP 1987.

BACKGROUND

In 2010, with the aid of a grant from the then Department of Planning's Heritage Branch, Council commenced a Community Based Heritage Study (CBHS) to review the existing heritage inventory and investigate new items nominated by the community for listing.

A heritage study investigates the history of a local government area, identifies, and then assesses items and places of heritage significance that demonstrate this history. The study also explains why the items are significant.

The Study was conducted by a working group of community volunteers led by Council's Heritage Advisor. Members of the community worked alongside the consultant for the duration of the project, undertaking research, nominating items and considering recommendations for the future management and promotion of local heritage items.

The 'community-based' methodology employed by Council for the Study was one stipulated by the Heritage Branch in the funding agreement. Unlike other heritage study methodologies, this ongoing community involvement has given the community an opportunity to understand heritage management and Council processes, and to take substantial ownership of the Study and its findings.

In addition to the recommendations of the Study, other items need to be re-assigned from one LEP to another due to the adoption of LEP 2012 and the retention of RLEP 1987.

CONSIDERATIONS

Legal

The Planning Proposal Process

The Planning Proposal has been prepared in accordance with the Department of Planning's publications: *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans* (NSW Department of Planning, October 2012). The Planning Proposal addresses the matters required by the Director General to be addressed in all planning proposals.

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Following Council's decision to proceed, the Planning Proposal will be forwarded to the Minister for Planning for 'Gateway Determination'. The intention of the Gateway process is to allow a Planning Proposal to be reviewed at an early stage allowing the Minister to make a decision whether to proceed further, before significant resources are committed.

At the Gateway Determination stage, the Minister will decide:

1. Whether the proposal will proceed, with or without variation, and whether it should be resubmitted;
2. The level of community consultation required;
3. Whether input from State and Commonwealth authorities is required;
4. The appropriate timeframes for the various stages of the proposal;
5. Whether delegation to finalise the Planning Proposal will be given to Council.

Following the Gateway Determination the Planning Proposal will be publicly exhibited in accordance with the determination, NSW State Agency views will be sought and Council will consider any submissions received.

Given the nature of the proposal, it is intended that Council seek approval to finalise the planning proposal under delegation in accordance with Planning Circular PS12/006 post Gateway Determination.

A copy of the Planning Proposal is included as an attachment to this report.

Policy

Community Strategic Plan

The amendment is consistent with Objective 3 and Strategy 3.1 of the Eurobodalla Community Strategic Plan – *One Community*.

Heritage Strategy 2011 - 2014

Council's Heritage Strategy outlines Council's program to promote and preserve items of heritage significance within the Eurobodalla.

The Planning Proposal is consistent with vision and strategies and several tasks of the Heritage Strategy 2011-2014.

Social and Economic Impact

Council is satisfied the recognition of the heritage significance of the items and areas will positively influence the social and economic environment of Eurobodalla Shire.

The continued recognition and management of heritage in Eurobodalla contributes to the amenity, character and sense of community across the Shire. This in turn supports the area's viability as a desirable tourist destination and place to live.

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Integrated Planning and Reporting

This report addresses Council's Integrated Planning and Reporting framework as follows:

Community Strategic Plan Link	Delivery Program Activity	Operational Plan function/key project
Objective 3: Our community and environment are in harmony	Land Use Planning	Heritage advice and Management

CONCLUSION

This Planning Proposal was initiated by Minute No. 11/303 of the Ordinary Meeting of Council held on 22 November 2011 to adopt the recommendations of the Community Based Heritage Study 2011. The Proposal now includes amendments made necessary by the making of LEP 2012 and the retention of LEP 1987. It is considered appropriate that Council progress the Planning Proposal to Gateway Determination.

RECOMMENDED

THAT Council forward the Planning Proposal amend Schedule 5 – Environmental Heritage of the *Eurobodalla Local Environmental Plan 2012* (LEP 2012) and Schedule 1 of the *Eurobodalla Rural Local Environmental Plan 1987* (LEP 1987), to the NSW Minister for Planning and Infrastructure for a Gateway Determination in accordance with section 56 of the Environmental Planning and Assessment Act.

LINDSAY USHER
DIRECTOR
PLANNING AND SUSTAINABILITY SERVICES

Attach.

Councillor Innes declared a pecuniary conflict of interest in report O13/124 – Planning Proposal – Heritage Amendments, and left the Chambers during discussion and voting on the matter.

Reason: Councillor Innes' family owns two of the properties considered in the report.

At 11.55am Councillor Innes left the Chamber.

MINUTE NO 13/184

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13/184 MOTION Councillor Thomson/Councillor Harding

THAT Council forward the Planning Proposal amend Schedule 5 – Environmental Heritage of the *Eurobodalla Local Environmental Plan 2012* (LEP 2012) and Schedule 1 of the *Eurobodalla Rural Local Environmental Plan 1987* (LEP 1987), to the NSW Minister for Planning and Infrastructure for a Gateway Determination in accordance with section 56 of the Environmental Planning and Assessment Act.

(The Motion on being put was declared **CARRIED.**)

At 12 noon Councillor Innes returned to the Chamber.