

Planning Proposal

Minor housekeeping amendments to ELEP 2012

Amendment No. 7

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INTRODUCTION

Background

Eurobodalla Local Environmental Plan 2012 (LEP) was notified on 20 July 2012. Since then there have been 6 amendments for various reasons.

Notwithstanding the above, Council staff have now had the opportunity to use and interpret the LEP and the associated maps, and have identified anomalies, errors and omissions of a minor nature that require correction.

Should Council resolve to proceed with the draft Planning Proposal it will be forwarded to the Department of Planning and Environment (DoPE) for gateway determination.

Delegation of Plan Making Function to Council

Council intends to request an authorisation to exercise delegation to all matters addressed in this Planning Proposal. Responses to the relevant matters in the 'Evaluation Criteria for the issuing of Authorisation' are provided in Appendix A of this report.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The amendments proposed to the Eurobodalla LEP 2012 by this Planning Proposal are to correct a number of minor mapping, land use table and clause anomalies, errors and omissions to ensure Council's intent and previous resolutions in relation to these planning controls are achieved. Accordingly the following amendments are proposed. Specific details of each of the proposed changes are in Part 2 of the planning proposal.

Item no	Name of item	Intended Outcomes
A	Mapping omissions	This item seeks to zone certain urban lands under Eurobodalla LEP 2012 that remain zoned under the Urban LEP 1999. As a consequence the Urban LEP 1999 can be repealed.
B	Mapping anomalies	This item seeks to make minor amendments to various Eurobodalla LEP 2012 maps to correct anomalies which have occurred during the finalisation of the maps for the LEP prior to their publication.
C	Land use table anomalies	This item seeks to amend the land use table of certain zones to by adding additional land uses to Item 3 – Permitted with Consent.
D	Clause and schedule anomalies	This item seeks to amend certain clauses to correct wording errors and or omissions.
E	Heritage schedule and map anomalies	This item seeks to ensure the local heritage items are correctly listed and identified. The proposed amendments do not make any changes to the heritage significance of the items.
F	Exempt and complying development anomalies	This item seeks to review the exempt and complying development categories to maintain currency and consistency with the State Environmental Planning Policy.

PART 2: EXPLANATION of PROVISIONS

The following table contains a summary of the amendments proposed to the ELEG 2012. Comparison maps indicating current and proposed changes are included within Attachment 4.

A. Mapping Omissions

No.	Amendment applies to	Explanation of provisions	Map changes
1	Map	Rezone certain urban lands and remove them from the Urban LEG 1999. Repeal the Urban LEG 1999. Amend other LEG Maps accordingly. The subject properties were deferred from ELEG 2012 as they were previously proposed to be zoned E3. The majority of deferred matter relates to land previously zoned under the Rural LEG 1987 and the zoning of rural lands will be resolved following completion of the Rural Lands Strategy. No strategy is required to deal with the zoning of the subject urban lots as proposed zones are consistent with previous zoning under the Urban LEG.	Land Zoning Map Height of Buildings Map Lot Size Map Acid Sulphate Soils Map Wetlands Riparian Land and Watercourses Map Terrestrial Biodiversity Map See Attachment 1 for details

B. Mapping Anomalies

No.	Amendment applies to	Explanation of provisions	Map changes
2	Map	Rezone a Council owned water filtration plant on Lot 1 DP 1173024, at The Ridge Road, Mogo from RU3 Forestry to SP2 Infrastructure zone, to reflect its land use. Amend the Terrestrial Biodiversity Map accordingly.	Land Zoning Map – Change from RU3 to SP2 Terrestrial Biodiversity Map – Remove Extant Native Vegetation
3	Map	Correct the application of the E2 Environmental Conservation Zone to reflect the Council resolution of 20 December 2011 for the following property: i. Lots 9 to 11, DP 1174944 and Lot 1 DP 125321 This was adopted by Council (was meant to be included when LEG 2012 was first made) and has the effect of not unnecessarily sterilising land (in accordance with the NSW	Land Zoning Map – Change part from E2 to R2 Height of Buildings – Change new R2 part from no height standard to 8.5m Lot Size – Change new R2 part from 1000ha to 600m²

		Flood Prone Land Policy) already approved for residential development where dwellings can be practically achieved through merit-based assessment. and to rectify the E2 zone boundary to align with an approved subdivision for the following property: ii. Lot 21, DP 1077474 This has the effect of not unnecessarily sterilising land (in accordance with the NSW Flood Prone Land Policy) already approved for residential development where dwellings can be practically achieved through merit-based assessment.	Land Release Area – include additional R2 zone (for ii only)
4	Map	Rezone Sec 3, Lot 6 DP 758754 at Narooma to reflect the Council resolution of 20 December 2011. Amend the Lot Size Map to add a lot size control to the subject lot.	Land Zoning Map – Change from B2 to R3 Lot Size Map – Change from no lot size standard to 600m²
5	Map	Rezone parts of developed land at Lot 101 DP 1176139, Lot 222 DP 1111921 and Lot 302 DP 1190112, at the Moorings Resort, 2156, 2160 and 2162 George Bass Drive, Tomakin, from E2 Environmental Conservation to SP3 Tourist zone to reflect current land use. Amend the Height of Buildings, Lot Size and Wetlands Riparian Lands and Watercourses Maps accordingly.	Land Zoning Map – Change from E2 to SP3 Height of Buildings Map – Change from no height standard to 8.5m Lot Size Map – Remove 1000ha Wetlands Riparian Land and Watercourse Map – Remove wetland
6	Map	Apply height of building and lot size controls to a number of the lots rezoned and reclassified in LEP Amendment No. 3, as this was unintentionally omitted from Amendment No 3.	Height of Buildings Map Lot Size Map See Attachment 2 for details
7	Map	Include the following additional properties on the Dwelling Entitlement Maps to reflect the Council resolution of 20 December 2011: i. Lots 248, 249, 152 and 153, DP 752155 (excluding Deferred Matter) ii. Lots 1, 2, 3, 12, 154 and 269 DP 752137 (excluding Deferred Matter) iii. Lots 1 and 2 DP 835139	Dwelling Entitlement Map – Include RU1 part of subject properties

8	Map	Apply a height of building control to land zoned B5 at Moruya, as this was unintentionally omitted from LEP Amendment No. 2.	Height of Building Map – Change from no height standard to 10m.
9	Map and Clause 6.16	Amend the Dwelling Density Map to correctly identify the land known as the Kyla Park clusters, amend the Height of Buildings Map to cover all of the Kyla Park clusters, and amend clause 6.16 to relate more accurately to the different minimum lot sizes in the Kyla Park clusters (i.e. Lots 1 to 13 DP 260322 have a minimum lot size of 1 hectare).	Dwelling Density Map – delete from Lots 2, 3, 4, and 5 DP 1040408. Height of Building Map – Add 8.5m to Lots 1 to 13 DP 260322 (currently no height standard).

C. Land Use Table Anomalies

No.	Amendment applies to	Explanation of provisions	Map changes
10	R3 Zone Table	Include in the R3 Medium Density Residential zone land use table as permitted with consent: home-based child care, home businesses, home industries, and secondary dwellings. These were permissible uses in the previous LEP (LEP 1999) but were inadvertently omitted from the ELEP 2012 as dwelling houses were a late addition to the R3 zone in ELEP 2012. The proposed land uses are considered appropriate and support the objects of the zone. This amendment relates to the former 2t zone under the Urban LEP 1999. In this zone home businesses were permitted with consent. There was no definition of home-based child care in LEP 1999, however this land is would have been considered ancillary to a dwelling and was therefore permissible with consent. Home industry was not a defined use under LEP 1999, and therefore is considered to be included within the definition of home business (which was permitted with consent as noted earlier). There was also no definition of secondary dwelling in LEP 1999, and therefore is considered to be included within the definition of dual occupancy, which was permitted with consent in the 2t zone.	Nil
11	B5 Zone Table	Include in the B5 Business Development zone land use table as permitted with consent: plant nurseries. This land use was a permissible uses in the previous LEP (LEP 1999) but was inadvertently omitted from the ELEP 2012. The	Nil

		proposed land use is considered appropriate and supports the objects of the zone. This amendment relates to the former 3a zone under the Urban LEP 1999. There was no definition of plant nurseries in LEP 1999. As the land use table for the 3a zone listed prohibited uses, with any other use permitted with consent, plant nurseries were not listed as prohibited and were therefore permitted with consent.	
12	E2 Zone Table	Include in the E2 Environmental Conservation zone land use table as permitted with consent: roads and camping grounds. These were permissible uses in the previous LEP (LEP 1987) but were inadvertently omitted from the E2EP 2012. The proposed land uses are considered appropriate and support the objects of the zone. There was no single zone in the Rural LEP 1987 equivalent to the E2 zone. Land currently zoned E2 may have previously been included in one of the following zones: • 1 (a) (Rural Environmental Constraints and Agricultural Zone) • 1 (a1) (Rural (Environmental Constraints, Water Catchment Protection and Agricultural) Zone) • 7 (a) (Environment Protection (Wetlands) Zone) • 7 (f1) (Environment Protection (Coastal Lands Protection) Zone) • 7 (f2) (Environment Protection (Coastal Lands Acquisition) Zone). Roads were permitted with consent in all of the above zones. Camping grounds were not a specifically defined use in the Rural LEP 1987, but fit within the definitions of tourist accommodation and tourist recreation facilities. Tourist recreation facilities were permitted with consent in the 1(a) and 1(a1) zones. The Urban LEP 1999 did not contain a specific environmental zone. Public land with environmental constraints or values was commonly zoned 6(a1) Public Open Space. In this zone, roads were permitted with consent. Camping grounds were not a specifically defined use in the Urban LEP 1999, but fit within the definition of caravan park. A caravan park (for short term residents only) was permitted with consent in the 6(a1) zone.	Nil
13	IN1 Zone Table	Include in the IN1 General Industrial zone land use table as permitted with consent: bulky goods premises. This was a	Nil

		permissible use in the previous LEP (LEP 1999) but was inadvertently omitted from the ELEP 2012. The proposed land use is considered appropriate, reflects the range of existing land uses in IN1 zoned land in Eurobodalla and support the objects of the zone. This amendment relates to the former 4a zone under the Urban LEP 1999. There was a definition of bulky goods salesroom in LEP 1999. As the land use table for the 4a zone listed prohibited uses, with any other use permitted with consent, bulky goods salesrooms were not listed as prohibited and were therefore permitted with consent.	
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D. Clause and Schedule Anomalies

No.	Amendment applies to	Explanation of provisions	Map changes
14	Clause 4.2A	Amend clause 4.2A (7) to correct the definition of 'existing holding' and '1987 holding' to reflect the Council resolution of 20 December 2011. Specifically: i. Change '<i>existing holding</i>' to '<i>existing parcel</i>'; and ii. Delete the definition of '<i>1987 holding</i>' and replace with '<i>1987 holding</i> means all adjoining land, even if separated by a road or railway that has been held by the same owner since 11 December 1987'.	Nil
15	Schedule 1	Correct the property description of item 20 from Ainslie Place to Ainslie Parade as it appears in Schedule 1.	Nil
16	Clause 3.3	Delete subclause (ja) as this has the effect of not permitting farm dams as exempt development in riparian areas despite the inclusion of farm dams in Schedule 2. The remaining exempt development categories in Schedule 2 should be able to be undertaken as exempt development in riparian areas, except for rural outbuildings (where the provisions in Schedule 2 require a 40m setback from watercourses).	Nil

17	Schedule 1	Provide for a dwelling house and associated residential uses to be additional permitted uses on the following properties in order to reinstate dwelling permissibility that was unintentionally removed through LEP 2012: i. Lots 8 and 9 DP 571676 ii. Lots 6 and 7, Section 6, DP 758762 iii. Lots 11, 12 and 13, section 6, DP 758762, Lot 1 DP 125591 and Lot 1 DP 1038903 iv. Lot 15, Section 6, DP 758762 v. Lot 10, Section 6, DP 758762 Amend the Height of Buildings Map to add a building height control to the subject lots. Note: The subject properties were previously zoned 1a under LEP 1987 and had dwelling entitlements under clause 14 of the LEP. The rezoning to E2 under ELEP 2012 removed those dwelling entitlements unintentionally.	Height of Buildings Map – Change from no height standard to 8.5m
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E. Heritage Schedule and Map Anomalies

No.	Amendment applies to	Explanation of provisions	Map changes
18	Map and Schedule 5	Correct the property descriptions in the LEP for lots with heritage items due to subdivision or rectifying an incorrect property description. Removal of one item (1253 – Progress Association Hall, Tuross Head) which has been demolished. Addition of Najanuka Heritage Conservation Area to the Rural LEP 1987 where it relates to Deferred Matter in ELEP 2012 as it was unintentionally omitted from ELEP Amendment No. 6. This amendment was exhibited as part of the Draft ELEP in 2011 with no submissions received.	Heritage Map See Attachments 3A and 3B for details

F. Exempt and Complying Development Anomalies

No.	Amendment applies to	Explanation of provisions	Map changes
19	Schedules 2 and 3	Amend the exempt and complying development categories by: • Deleting all Advertisements from Schedule 2 as these are now included within the Exempt and Complying Development SEPP. • Deleting Industrial buildings and warehouses (external alterations or additions) from Schedule 3 as this is now included in the Exempt and Complying Development SEPP.	Nil

PART 3: JUSTIFICATION

Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is not the result of any strategic study or report. The amendments included in this proposal have been identified by Council staff and landowners and are considered minor in nature.

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

It is considered that the planning proposal provides the best way of achieving the intended outcome as it seeks to address the minor anomalies and amendments in a relatively prompt and efficient manner.

3. *Is there a net community benefit?*

Given the minor housekeeping nature of the matters contained within this planning proposal, it is not considered that a Net Community Benefit Test need be undertaken. The matters addressed by this planning proposal will strengthen the ELEP 2012 by ensuring that it is up-to-date and robust, thereby providing the community with greater certainty.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?*

The planning proposal is consistent with the South Coast Regional Strategy.

4. *Is the planning proposal consistent with the Council's local strategy or other local strategic plan?*

The planning proposal is consistent with Council's Community Strategic Plan, One Community.

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

See Appendix B.

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

See Appendix C.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. 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?

There is no likelihood of any adverse effect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal.

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

There are no likely environmental effects as a result of this planning proposal

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

Not applicable.

Section D – STATE and COMMONWEALTH INTERESTS

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

Not applicable.

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

The views of State or Commonwealth public authorities have not been sought prior to Gateway determination.

PART 4: COMMUNITY CONSULTATION

The matters dealt with in this planning proposal are of a housekeeping nature, and do not result in any adverse impacts upon the community. Accordingly, it is proposed to exhibit the planning proposal for a maximum of 14 days. Due to the housekeeping nature of this planning proposal, it is considered that consultation with State or Commonwealth public authorities is not required in this instance.

Part 5: PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	March 2015
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A
Commencement and completion dates for public exhibition period	1 – 15 April 2015
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	16 – 30 April 2015
Timeframe for the consideration of a proposal post exhibition	May 2015
Date of submission to the department to finalise the LEP	June 2015
Anticipated date RPA will make the plan (if delegated)	July 2015
Anticipated date RPA will forward to the department for notification	July 2015

APPENDIX A – Evaluation Criteria for Delegation

Local Government Area: Eurobodalla Shire Council

Name of draft LEP: Eurobodalla Local Environmental Plan amendment No 7

Address of Land (if applicable): Various

Intent of draft LEP: To correct a number of minor mapping, land use table and clause anomalies, errors and omissions to ensure Council's intent and previous resolutions in relation to these planning controls are achieved.

Additional Supporting Points/Information: This LEP amendment is for a range of minor matters consistent with the types of draft LEPs that can routinely be delegated to Councils to prepare and make, as identified in Planning Circular PS 12-006.

(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?	Yes			
Does the planning proposal contain details related to proposed consultation?		N/A		
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?		N/A		
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?	Yes			
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?		N/A		
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?	No			
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		N/A		

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?		N/A		
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?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
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?	No			
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?	Yes			
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?	Yes			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	Yes			
Does the planning proposal create an exception to a mapped development standard?	No			
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).	Yes			

APPENDIX B – Consistency with State Environmental Planning Policies

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP14	Coastal Wetlands	Amendment numbers 1.4 and 5.	Consistent The subject properties are mapped as SEPP 14 wetlands. In relation to amendment 1.4, there will be no material change to area mapped as the wetland. In relation to amendment 5, the boundary of the wetland does not reflect the location of the wetland. The area to be rezoned is not within the physical area of the wetland.
SEPP15	Rural Land-Sharing Communities	N/A	
SEPP21	Caravan Parks	N/A	
SEPP26	Littoral Rainforests	Amendment number 1.9.	Consistent The proposed amendment will include the area mapped as a Littoral Rainforest in the E2 zone. The remaining part of the site, which will be zoned R2, contains a dwelling.
SEPP30	Intensive Agriculture	N/A	
SEPP32	Urban Consolidation (Redevelopment of Urban Land)	N/A	
SEPP33	Hazardous and Offensive Development	N/A	
SEPP36	Manufactured Home Estates	N/A	
SEPP50	Canal Estates	N/A	
SEPP55	Remediation of Land	N/A	
SEPP62	Sustainable Aquaculture	N/A	
SEPP64	Advertising and Signage	N/A	
SEPP65	Design Quality of Residential Flat Development	N/A	
SEPP71	Coastal Protection	Amendment numbers 1 (except for 1.8), 3 (ii), 4, 5, 6 (except for 6.3, 6.16, 6.17, 6.18, 6.19, 6.20 and 6.21), 9, 15, 18.8, 18.9, 18.12, 18.13, 18.14, 18.15 and 18.18.	Consistent The subject areas are within the coastal zone and/or are sensitive coastal locations as defined in SEPP 71. The proposed amendments address previous Council resolutions, correct minor errors, omissions or property descriptions.

SEPP	Housing for Seniors or People with a Disability 2004	N/A	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A	
SEPP	State and Regional Development 2011	N/A	
SEPP	Major Development 2005	N/A	
SEPP	Building Sustainability Index: BASIX 2004	N/A	
SEPP	Affordable Rental Housing 2009	N/A	
SEPP	Exempt and Complying Development Codes 2008	Amendment number 19.	Consistent The proposed amendments remove from the LEP matters that are included within the SEPP.
SEPP	Rural Lands 2008	Amendment numbers 1 (1.5 and 1.8), 2, 7, 14, 18.5, 18.8 and 18.19.	Consistent The proposed amendments are to transfer zoning from the Urban LEP to LEP 2012, recognise a Council infrastructure site, recognise a lawful dwelling entitlement or correct minor errors, omissions or property descriptions.
SEPP	Infrastructure 2007	N/A	
SEPP	Miscellaneous Consent Provisions 2007	N/A	
SEPP	Sydney Drinking Water Catchment 2011	Amendment number 18.17.	Consistent The proposed amendment corrects a property description for a heritage item on land within the Sydney Drinking Water Catchment area.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all proposed amendments.	Consistent The proposed amendments are minor and of no consequences to the matters addressed in the REP.

APPENDIX C – Consistency with Ministerial Directions

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
1	Employment and Resources		
1.1	Business and Industrial Zones	Amendment numbers 1 (1.5 and 1.7), 4, 6.2. 6.19, 6.20, 6.29, 11, 13, 18.16 and 19.	Consistent The proposed amendments transfer zoning from the Urban LEP to ELEM 2012, address previous Council resolutions or correct minor errors, omissions or property descriptions.
1.2	Rural Zones	Amendment numbers 1 (1.5 and 1.8), 2, 7, 18.5, 18.8 and 18.19.	Consistent The proposed amendments transfer zoning from the Urban LEP to ELEM 2012, recognise a Council infrastructure site, recognise a lawful dwelling entitlement or correct a property description.
1.3	Mining, Petroleum Production and Extractive Industries	N/A	
1.4	Oyster Aquaculture	N/A	
1.5	Rural Lands	Amendment numbers 1 (1.5 and 1.8), 2, 3, 5, 7, 9, 12, 14, 18.5, 18.8, 18.9, 18.10, 18.17 and 18.19.	Consistent The proposed amendments transfer zoning from the Urban LEP to ELEM 2012, recognise a Council infrastructure site, recognise lawful dwelling entitlements or correct minor errors or property descriptions.
2	Environment and Heritage		
2.1	Environment Protection Zones	Amendment numbers 3, 5, 9, 12, 17, 18.9, 18.10 and 18.17.	Part Consistent The consistent amendments (14, 16 and 18) correct property descriptions and recognise a lawful dwelling permissibility. Part Inconsistent Proposed amendment 3 makes minor boundary adjustments to address a previous Council resolution. In relation to amendment 5, the boundary of the wetland does not reflect the location of the wetland. Proposed

			amendment 12 reinstates uses that were permissible in the previous LEP but inadvertently omitted from ELEM 2012. Each of these amendments are considered to be of minor significance.
2.2	Coastal Protection	Amendment numbers 1 (except for 1.8), 4, 5, 6 (except for 6.3, 6.16, 6.17, 6.18, 6.19, 6.20 and 6.21), 9, 15, 17, 18.8, 18.9, 18.12, 18.13, 18.14, 18.15 and 18.18.	Consistent The proposed amendments transfer zoning from the Urban LEP to ELEM 2012, address previous Council resolutions or correct minor errors, omissions or property descriptions.
2.3	Heritage Conservation	Amendment number 18.	Consistent The proposed amendment corrects property descriptions and removes a demolished item from Schedule 5.
2.4	Recreation Vehicle Access	N/A	
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Amendment Numbers 1.9, 1.10, 3, 4, 6 (except for 6.2, 6.15, 6.19, 6.20, 6.21 and 6.29), 10, 18.2, 18.11, 18.12, 18.15 and 18.18.	Consistent The proposed amendments transfer zoning from the Urban LEP to ELEM 2012, make minor boundary adjustments to residential zones, address previous Council resolutions or correct minor errors, omissions or property descriptions.
3.2	Caravan Parks and Manufactured Home Estates	N/A	
3.3	Home Occupations	N/A	
3.4	Integrating Land Use and Transport	Amendment numbers 1 (1.5, 1.7, 1.9, 1.10), 3, 4, 5, 6 (except for 6.15 and 6.21), 8, 10, 11, 13, 18.1, 18.2, 18.6, 18.7, 18.11, 18.12, 18.15, 18.16 and 18.18.	Consistent The proposed amendments transfer zoning from the Urban LEP to ELEM 2012, address previous Council resolutions, make minor boundary adjustments to residential zones or correct minor errors, omissions or property descriptions.
3.5	Development Near Licensed Aerodromes	N/A	
3.6	Shooting Ranges	N/A	

4	Hazard and Risk		
4.1	Acid Sulfate Soils	Amendment numbers 1.4, 1.15, 3(i), 5, 6.2, 6.13, 6.14, 6.21, 6.22, 6.29, 7(ii), 8, 17, 18.11 and 18.13.	Consistent The proposed amendments transfer zoning from the Urban LEP to ELEM 2012, address previous Council resolutions, make minor boundary adjustments to residential zones or correct minor errors, omissions or property descriptions.
4.2	Mine Subsidence and Unstable Land	N/A	
4.3	Flood Prone Land	Amendment numbers 3(i) and 17.	Inconsistent Proposed amendment 3(i) makes a minor boundary adjustment between the R2 and E2 zones to address a previous Council resolution. Proposed amendment 18 reinstates dwelling permissibility that was unintentionally removed through ELEM 2012. The proposed amendments are of minor significance.
4.4	Planning for Bushfire Protection	N/A	
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all proposed amendments.	Consistent The proposed amendments are minor and of no consequences to the matters addressed in the South Coast Regional Strategy.
5.2	Sydney Drinking Water Catchment	Amendment number 18.17.	Consistent The proposed amendment corrects a property description for a heritage item on land within the Sydney Drinking Water Catchment area.
6	Local Plan Making		
6.1	Approval and Referral Requirements	This Ministerial Direction applies to all proposed amendments.	Consistent There are no concurrence, consultation or referral requirements in the proposed amendments.
6.2	Reserving Land for Public Purposes	N/A	
6.3	Site Specific Provisions	N/A	

ATTACHMENT 1 – Repeal of Urban LEP 1999

No.	Lot and DP	Map Name	Map Change
1.1	Lot 84 DP 755933	Land Zoning Map	Change from 6a1 under LEP 1999 to RE1
		Terrestrial Biodiversity Map	Show Extant Native Vegetation over whole of lot.
1.2	Lot 7307 DP 1149322	Land Zoning Map	Change from 6a1 under LEP 1999 to RE1
		Terrestrial Biodiversity Map	Show Extant Native Vegetation over whole of lot.
1.3	Lot 7305 DP 1149322	Land Zoning Map	Change from 6a1 under LEP 1999 to RE1
		Terrestrial Biodiversity Map	Show Extant Native Vegetation over whole of lot.
		Wetlands, Riparian lands and Watercourses Map	Show Category 2 and 3 watercourses
1.4	Lot 7004 DP 1126823	Land Zoning Map	Change from 6a1 under LEP 1999 to RE1
		Terrestrial Biodiversity Map	Show Extant Native Vegetation over whole of lot.
		Wetlands, Riparian lands and Watercourses Map	Show wetland over part of lot and complete category 1 watercourse along river edge
		Acid Sulfate Soils Map	Show class 2 over part of lot
1.5	Lot 7310 DP 1164112	Land Zoning Map	Change from part 1a under LEP 1987 and part 4a under LEP 1999 to part RU1 and part IN1
		Height of Buildings Map	Change new IN1 part from no height standard to part 12m and part 8.5m
		Lot Size Map	Change new RU1 part from no lot size standard to 1000ha
		Wetlands Riparian Lands and Watercourses Map	Show Category 1 watercourse
		Terrestrial Biodiversity Map	Show Extant Native Vegetation over whole of lot.

1.6	Lot 7311 DP 1164112	Land Zoning Map	Change from part 4a and part 6a1 under LEP 1999 to part IN1 and part RE1
		Height of Buildings Map	Change new IN1 part from no height standard to 8.5m
		Terrestrial Biodiversity Map	Show Extant Native Vegetation over majority of lot.
1.7	Lot 7312 DP 1164112	Land Zoning Map	Change from 4a under LEP 1999 to IN1
		Height of Buildings Map	Change from no height standard to 8.5m
		Terrestrial Biodiversity Map	Show Extant Native Vegetation over majority of lot.
1.8	Lot 170 DP 46850	Land Zoning Map	Change from part 1a under LEP 1987 and part 6a1 under LEP 1999 to RE2
		Terrestrial Biodiversity Map	Show Extant Native Vegetation over whole of lot.
1.9	Lot 462 DP 512433	Land Zoning Map	Change from part 2g under LEP 1999 and part 10 under LEP 1987 to part R2 and Part E2
		Height of Buildings Map	Change new R2 part from 8.5m under Council's Residential Design Code (DCP) to 8.5m
		Lot Size Map	Change new R2 part from 450m ² under Council's Residential Design Code (DCP) to 600m ²
		Terrestrial Biodiversity Map	Show EEC on majority of E2 and part of R2
1.10	Lot 1 DP 1132065	Land Zoning Map	Change from special provision 77(b) under LEP 1999 to R2
1.11	Lot C DP 39088		
1.12	Lot D DP 39088		
1.13	Lot E DP 39088	Height of Buildings Map	Change from no height standard to 8.5m
		Lot Size Map	Change from no lot size standard to 600m ²
Note: In the Urban LEP 1999, no zone was applied to these lots, however clause 77 provided that only land uses permissible in the 7(f1) zone under the Rural LEP 1987 could be consented to. The change to the R2 zone includes appropriate land uses for the nature of the lots (i.e. residential land uses). Each of the lots has already been developed with a dwelling.			

1.14	Part Lot 3 DP 1164518	Land Zoning Map	Change Deferred Matter from 2g under LEP 1999 to R2
		Lot Size Map	Change new R2 area from 450m ² under Council's Residential Design Code (DCP) to 600m ²
		Height of Buildings	Change new R2 area from 8.5m under Council's Residential Design Code (DCP) to 8.5m
		Terrestrial Biodiversity Map	Show part EEC
1.15	Lot 114 DP 752162	Land Zoning Map	Change from 6a1 under LEP 1999 to RE1
		Wetlands Riparian Lands and Watercourses Map	Show Category 1 watercourse
		Acid Sulfate Soils Map	Show Class 1 over part of lot
		Terrestrial Biodiversity Map	Show Extant Native Vegetation over whole of lot.

ATTACHMENT 2 – Height and Lot Size for lands previously rezoned and reclassified

Note: All lots in this table are currently owned by Council

No.	Lot and DP	Map Name	Map Change
6.1	Part Lot 56 DP 708346	Height of Buildings Map	Change R2 part from no height standard to 8.5m
		Lot Size Map	Change R2 part from no lot size standard to 600m ²
6.2	Lot 101 DP 1001026	Height of Buildings Map	Change B4 part from no height standard to 15m Note: This lot previously had a 14m height limit under the Batemans Bay Town Centre DCP.
6.3	Lot 23 DP 787496	Height of Buildings Map	Change from no height standard to 8.5m
		Lot Size Map	Change from no lot size standard to 1500m ²
6.4	Lot 1 DP 1144366	Height of Buildings Map	Change from no height standard to 8.5m Note: This lot previously had an 8.5m height limit under the Residential Design Code (DCP).
		Lot Size Map	Change from no lot size standard to 600m ² Note: This lot previously had a 450m ² lot size control under the Residential Design Code (DCP).
6.5	Lot 58 DP 739830	Height of Buildings Map	Change from no height standard to 8.5m
6.6	Lot 38 DP 718667	Height of Buildings Map	Change from no height standard to 8.5m
		Lot Size Map	Change from no lot size standard to 600m ²
6.7	Lot 693 DP 249461	Height of Buildings Map	Change from no height standard to 8.5m
		Lot Size Map	Change from no lot size standard to 600m ²
6.8	Lot 66 DP 261646	Height of Buildings Map	Change R2 part from no height standard to 8.5m

		Lot Size Map	Change R2 part from no lot size standard to 600m ²
6.9	Lot 13 DP 785266	Height of Buildings Map	Change from no height standard to 8.5m
		Lot Size Map	Change from no lot size standard to 600m ²
6.10	Lot 88 DP 803087	Height of Buildings Map	Change from no height standard to 8.5m
		Lot Size Map	Change from no lot size standard to 600m ²
6.11	Lot 41 DP 1061842	Height of Buildings Map	Change R2 part from no height standard to 8.5m
		Lot Size Map	Change R2 part from no lot size standard to 600m ²
6.12	Lot 127 DP 1068529	Height of Buildings Map	Change from no height standard to 8.5m Note: This site previously had an 8.5m height limit under the Residential Design Code (DCP).
		Lot Size Map	Change from no lot size standard to 600m ² Note: This lot previously had a 450m ² lot size control under the Residential Design Code (DCP).
6.13	Lot 246 DP 569875	Height of Buildings Map	Change R2 part from no height standard to 8.5m
		Lot Size Map	Change R2 part from no lot size standard to 600m ²
6.14	Lot 14 DP 701609	Height of Buildings Map	Change from no height standard to 8.5m Note: This lot previously had an 8.5m height limit under the Residential Design Code (DCP).
		Lot Size Map	Change from no lot size standard to 600m ² Note: This lot previously had a 450m ² lot size control under the Residential Design Code (DCP).
6.15	Lot 1156 DP 529665	Height of Buildings Map	Change RE2 part from no height standard to 8.5m

6.16	Lot 11 DP 771497	Height of Buildings Map	Change from no height standard to 8.5m
		Lot Size Map	Change from no lot size standard to 600m ²
6.17	Lot 51 DP 771497	Height of Buildings Map	Change from no height standard to 8.5m
		Lot Size Map	Change from no lot size standard to 600m ²
6.18	Lot 11 DP 809702	Height of Buildings Map	Change R2 part from no height standard to 8.5m
		Lot Size Map	Change R2 part from no lot size standard to 600m ²
6.19	Lot 17 DP 264212	Height of Buildings Map	Change from no height standard to 12m
6.20	Lot 18 DP 264212	Height of Buildings Map	Change IN1 part from no height standard to 12m
		Lot Size Map	Remove 1000ha from IN1 part
6.21	Lot 36 DP 264448	Lot Size Map	Change from no lot size standard to 1000ha. Note: This lot previously had a 2ha lot size control under the Rural Subdivision Development Control Plan (DCP156).
6.22	DP 26279	Height of Buildings Map	Change from no height standard to 8.5m
6.23	Lot 21 DP 825840	Height of Buildings Map	Change from no height standard to 9m
		Lot Size Map	Change from no lot size standard to 600m ²
6.24	Lot 2 DP 244134	Height of Buildings Map	Change R2 part from no height standard to 8.5m
		Lot Size Map	Change R2 part from no lot size standard to 600m ²
6.25	Lot 173 DP 262910	Height of Buildings Map	Change R2 part from no height standard to 8.5m
		Lot Size Map	Change R2 part from no lot size standard to 600m ²
6.26	Lot 9 DP 774356	Height of Buildings Map	Change R2 part from no height standard to 8.5m

		Lot Size Map	Change R2 part from no lot size standard to 600m ²
6.27	Lot 14 DP 30365	Height of Buildings Map	Change from no height standard to 11.5m
		Lot Size Map	Change from no lot size standard to 600m ²
6.28	Lot 3 DP 622389	Height of Buildings Map	Change from no height standard to 11.5m
		Lot Size Map	Change from no lot size standard to 600m ²
6.29	Lots 850-853 DP 214160	Height of Buildings Map	Change from no height standard to 11.5m
6.30	Lot 277 DP 218664	Height of Buildings Map	Change from no height standard to 8.5m
		Lot Size Map	Change from no lot size standard to 600m ²
6.31	Lot L DP 362231	Height of Buildings Map	Change RE2 part from no height standard to 8.5m

ATTACHMENT 3A – Heritage Amendments to ELEP 2012

No.	Item No.	Schedule 5 Changes	Heritage Map Changes
18.1	I35	Change Lot and DP to Lot 1 DP 1194082	Map only Lot 1 DP 1194082 as item no. I35
18.2	I129	Change Lot and DP to Lot 11 DP 1149894	Nil
18.3	I103	Change Lot and DP to Lot 7323 DP 1162462	Nil
18.4	I241	Change Lot and DP to Lot 7 DP 1176656	Map northern part of Lot 7 DP 1176656 as item no. I241
18.5	I239 and I240	Change Lot and DP to Lot 45 DP 1171177	Map only Lot 45 DP 1171177 as item no. I239 and I240
18.6	I235	Change Lot and DP to Lot 441 DP 1180207	Map only Lot 441 DP 1180207 as item no. I235
18.7	I231	Change Lot and DP to Lot 442 DP 1180207	Map only Lot 442 DP 1180207 as item no. I231
18.8	I73	Change Lot and DP to Lot 12 DP 1190088	Map only Lot 12 DP 1190088 as I73
18.9	I43, I44 and I45	Change Lot and DP to Lot 1189 DP 1188374	Nil
18.10	I124	Change Lot and DP to Lot 7306 DP 1166059	Nil
18.11	I120	Change Lot and DP to Lot 2 DP 1161705	Nil
18.12	A11	Change Lot and DP to Lot 2 DP 1164518 and change name to Braemar Farm comprising Farm House remains, Outbuildings and Bunya Pine.	Nil
18.13	A16	Change Lot and DP to Lot 7319 DP 1166668; Lot 225 DP 726737	Nil
18.14	I183	Change name of item to Pilots Wharf and Boatshed Remains and change Lot and DP to Lot 7313 DP 1166286	Nil
18.15	I251	Change Lot and DP to Lot 1 DP 1159384	Nil

18.16	I148	Change Lot and DP to Lots 1, 2 and 3 DP 1184190 and change name to Catholic Church, Presbytery, Convent and School Group	Nil
18.17	I50	Change Lot and DP to Lot 14 DP 1196039	Nil
18.18	I253	Remove from Schedule	Remove from Map

ATTACHMENT 3B – Heritage Amendment to Rural LEP 1987

No.	Map Change
18.19	Identification of Najanuka Heritage Conservation Area to the RLEP 1987 map on land within the area that is deferred from ELEP 2012.

ATTACHMENT 4 – Maps