

Conservation protection for Heritage Estates, Worrowing Heights and Elouera and Fairview Estates, Erowal Bay

Proposal Title :	Conservation protection for Heritage Estates, Worrowing Heights and Elouera and Fairview Estates, Erowal Bay		
Proposal Summary :	The planning proposal rezones Heritage Estates (1200 lots/179.4ha), Worrowing Heights and Elouera and Fairview Estates (285lots/36.3ha) from RU2 Rural Landscape to E2 Environmental Conservation in order to reflect the high biodiversity values of the land and remove any uncertainty about the future uses and zoning of the land.		
PP Number :	PP_2014_SHOAL_002_00	Dop File No :	13/20396

Planning Team Recommendation

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

S.117 directions :

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 5.1 Implementation of Regional Strategies

Additional Information : The Deputy Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the draft Shoalhaven Local Environmental Plan 2014 to rezone lands within Heritage Estates, Worrowing Heights and Elouera and Fairview Estates, Erowal Bay to E2 Environmental Conservation should proceed subject to the following conditions:

1. No further investigations or studies are required.
2. Council is to prepare draft Maps for the subject land consistent with an amendment to the draft Shoalhaven LEP 2014 prior to exhibition and in accordance with the Department's 'Standard technical requirements for LEP maps'.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is to be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013)'.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - * Office of Environment and Heritage;
 - * Office of Environment and Heritage, NSW National Parks and Wildlife Service;
 - * NSW Office of Water;
 - * South East Local Land Services;
 - * Booderee National Park; and
 - * Commonwealth Department of Environment, National Reserve System Section

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

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

7. Council be authorised to use its delegation of the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

8. The Director General can be satisfied that the planning proposal is consistent with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.2 Coastal Protection and 5.1 Implementation of Regional Strategies.

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

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

Supporting Reasons :

The conditions are necessary to ensure that the planning proposal meets the requirements in the Department's 'A guide to preparing a planning proposal'.

Panel Recommendation

Recommendation Date : 30-Jan-2014

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning maps, which are at an appropriate scale and clearly identify the subject lands. Council is to ensure all mapping is prepared in accordance with the Department's 'Standard technical requirements for LEP maps' prior to finalisation of the plan.

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

(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Office of Water
- Booderee National Park
- South East Local Land Services
- Office of Environment and Heritage
- Office of Environment and Heritage, NSW National Parks and Wildlife Services
- Commonwealth Department of Environment, National Reserve System

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Plan making delegation:

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

Signature:



Printed Name:

JAMES MATTHEWS

Date:

10/2/14