

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Bega Valley
<b>PPA</b>	Bega Valley Shire Council
<b>NAME</b>	Amend the Bega Valley LEP 2013 to remove the deferred matter status of two sites and apply suitable zones and minimum lot sizes (16 homes, 0 jobs)
<b>NUMBER</b>	PP_2018_BEGAV_005_00
<b>LEP TO BE AMENDED</b>	Bega Valley LEP 2013
<b>ADDRESS</b>	Princes Highway, Millingandi Sapphire Coast Drive, Tura Beach
<b>DESCRIPTION</b>	Lot 721 DP 826975 Lots 471 & 472 DP 1043030
<b>RECEIVED</b>	31 August 2018
<b>FILE NO.</b>	EF18/33963
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## INTRODUCTION

### Description of planning proposal

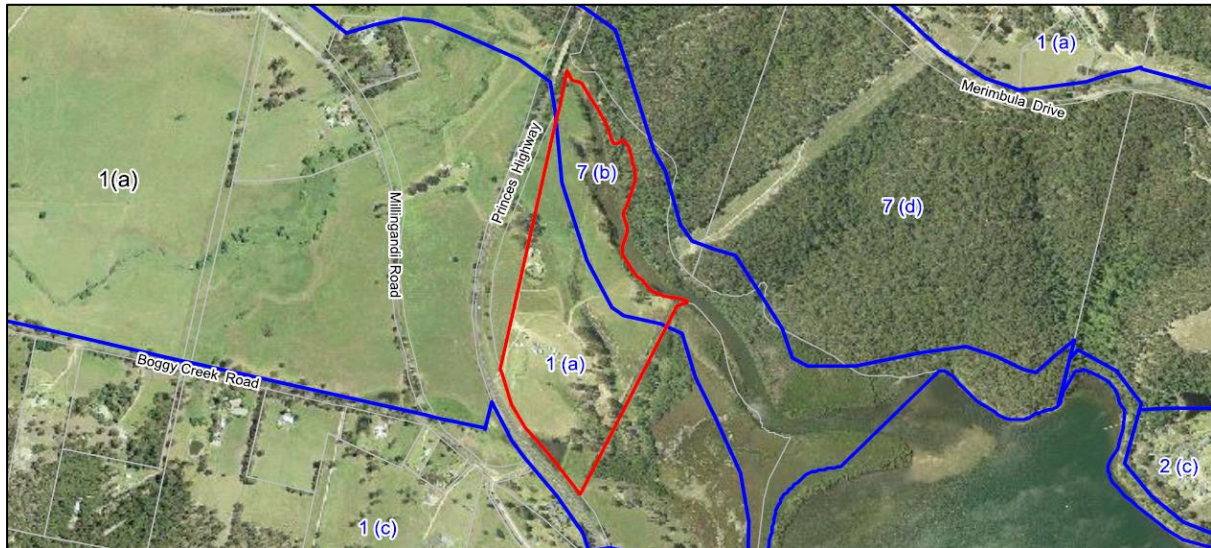
The planning proposal seeks to amend the Bega Valley LEP 2013 (BVLEP 2013) by removing the deferred matter status of Lot 721 DP 826975 (site 1) and Lots 471 & 472 DP 1043030 (site 2) and applying the following zones and minimum lot sizes:

- Site 1 - E3 Environmental Management with a 7 hectare MLS and E2 Environmental Conservation with no MLS.
- Site 2 - RU2 Rural Landscape with a 120 hectare MLS, E4 Environmental Living with a 1 hectare MLS and E2 Environmental Conservation with no MLS.

The planning proposal will facilitate the subdivision of 16 additional lots on which a dwelling may be erected.

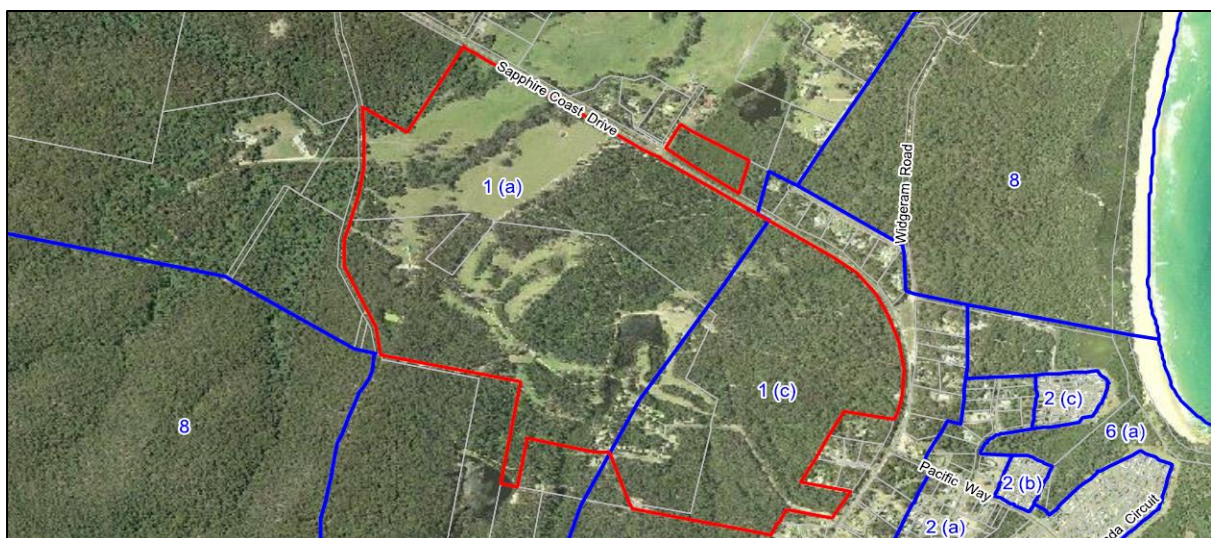
## Site description

Site 1 has an area of 16.5 hectares and is located on the western foreshore of Merimbula Lake. The site adjoins the Princes Highway to the south west and Millingandi Creek to the north. The site is predominantly cleared with an existing dwelling situated along the western boundary within the area proposed to be zoned E3 Environmental Management. Site 1 and the surrounding area are shown in **Figure 1**.



**Figure 1:** Site 1 and surrounding area (source: Deferred Sites Planning Proposal, August 2018)

Site 2 has an area of 214 hectares and is located immediately west of Tura Beach. The site has direct access to Sapphire Coast Drive which adjoins the northern and eastern boundary of the site. The site is heavily vegetated with pockets of cleared land throughout. There are 31 existing tourist cabins situated within the eastern portion of the site proposed to be zoned E4 Environmental Living/RU2 Rural Landscape. This portion of the site is also subject to an existing development approval for a 21 lot residential subdivision. The lands are also in fragmented ownership and the planning proposal states that they do not represent holdings of value to professional agriculture.



**Figure 2:** Site 2 and surrounding area (source: Deferred Sites Planning Proposal, August 2018)

## Existing planning controls

Sites 1 and 2 are deferred matters under the BVLEP 2013. Although the sites are not zoned under the BVLEP, site 1 has a lot size of 120 hectares and site 2 has lot sizes of 120 hectares, 2 hectares and 1 hectare.

As the sites are not zoned under the BVLEP, the following zones continue to apply under the Bega Valley LEP 2002:

- Site 1 - 1(a) Rural General Zone and 7(b) Environmental Protection Zone.
- Site 2 - 1(a) Rural General Zone and 1(c) Rural Small Holdings Zone.

**Figures 1 and 2** show the existing land use zones applying to each site under the BVLEP 2002.

## Surrounding area

As shown in **Figure 1**, the area surrounding site 1 comprises rural residential development to the south west, cleared rural land to west and heavily vegetated land to the north. A coastal wetland adjoins the sites eastern boundary.

Site 2 is situated 3 kilometres west of the town of Tura Beach. As shown in **Figure 2**, heavily vegetated land adjoins the sites southern and western boundaries with patches of cleared rural land comprising scattered residential development situated on the opposite side of Sapphire Coast Drive to the north of the site.

## Summary of recommendation

It is recommended that the Planning Proposal proceed subject to the following conditions:

- Consultation be undertaken with the following public authorities:
  - NSW Rural Fire Service; and
  - NSW Office of Environment and Heritage
- Community consultation is required for a minimum of 28 days.
- The timeframe for completing the LEP is to be 12 months.
- The planning proposal be updated prior to community consultation to include an assessment of the proposals consistency with section 9.1 Ministerial Direction 2.2 Coastal Management.
- The planning proposal be updated prior to community consultation to amend the Land Zoning and Lot Size Maps for Lot 721 DP 826975 (Site 1) to:
  - show that adjoining land is currently a Deferred Matter; and
  - show that no minimum lot size will apply to the proposed E2 Zone.
- The planning proposal be updated prior to community consultation to amend the Land Zoning and Lot Size Maps for Lots 471 & 472 DP 1043030 (Site 2) to:
  - realign the E4 and RU2 Zone boundary to include all existing tourist cabins in the E4 Zone; and

- realign the 1 hectare and 120 hectare Lot Size boundary to include all existing tourist cabins in the 1 hectare Lot Size boundary.

## **PROPOSAL**

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### **Objectives or intended outcomes**

The objective of the planning proposal is to remove the deferred matter status of sites 1 and 2 and apply zones and minimum lot sizes consistent with the Standard Instrument LEP.

The planning proposal will facilitate the subdivision of 16 additional lots on which a dwelling may be erected.

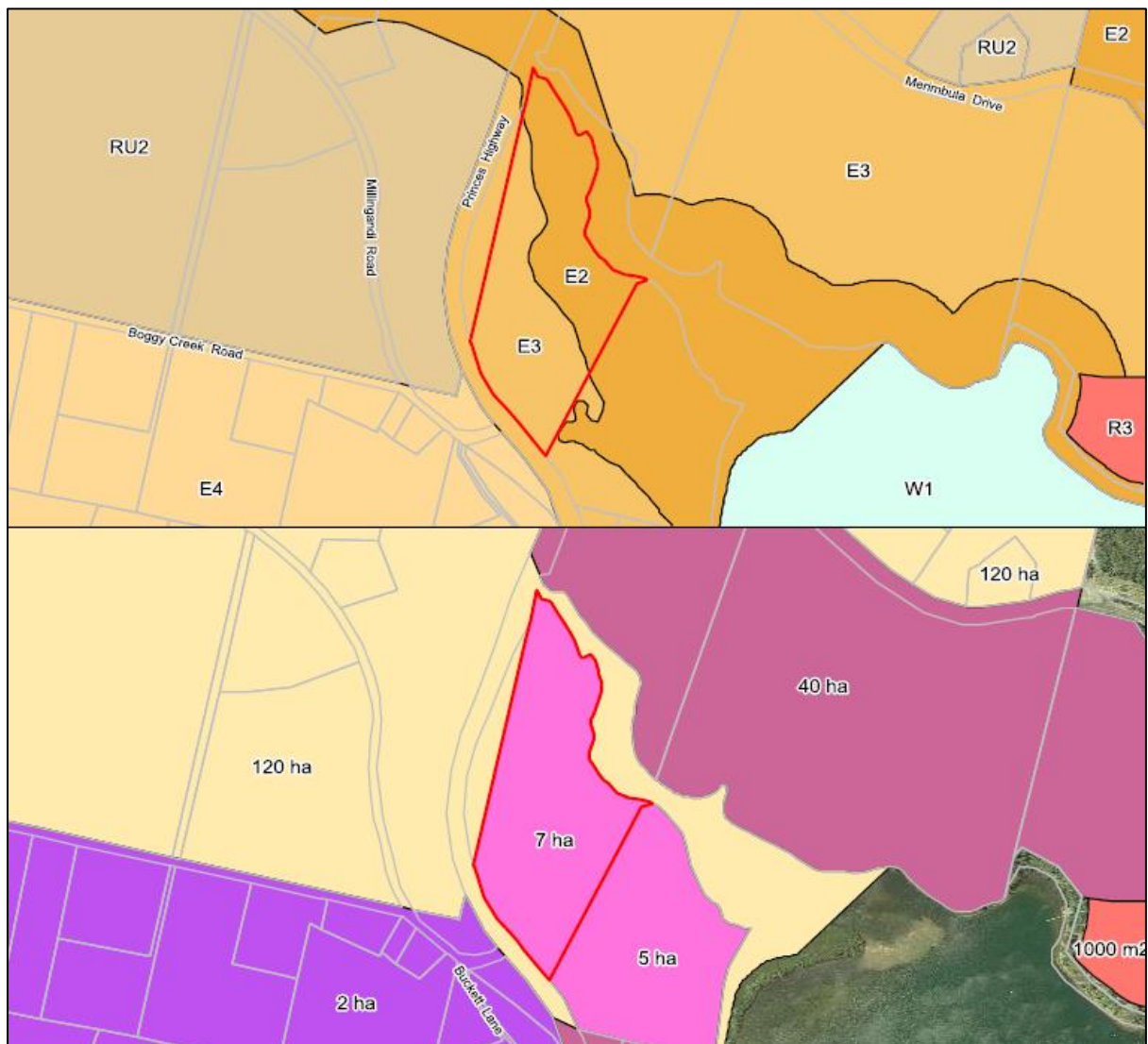
### **Explanation of provisions**

The planning proposal seeks to achieve the intended outcome by amending the BVLEP 2013 as follows:

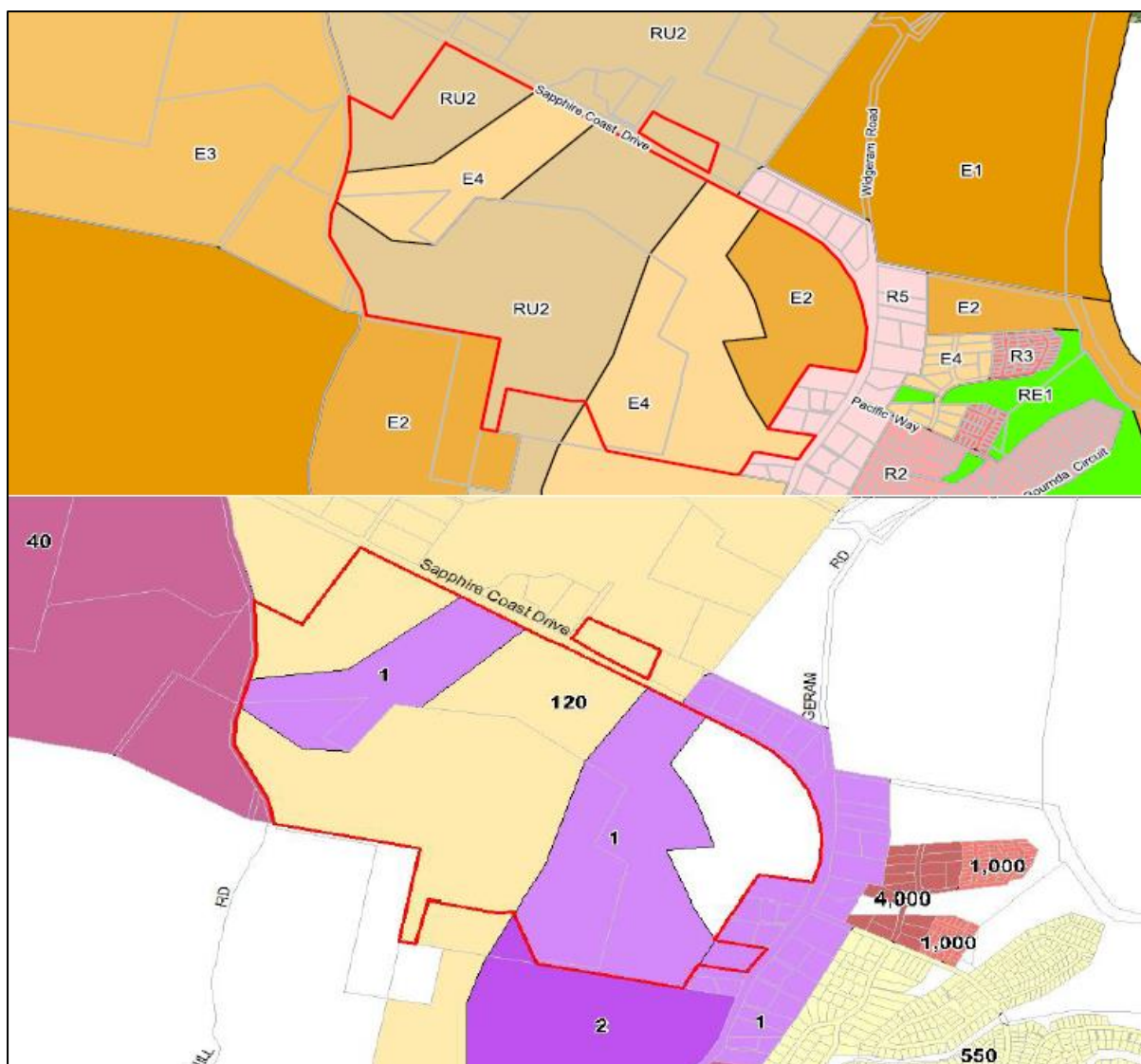
- Amend Land Application Map LAP\_001 by removing 'DM deferred matter' from sites 1 and 2;
- Amend Land Zoning Maps LZN\_020 & LZN\_020B and Lot Size Maps LSZ\_020 & LSZ\_020B to apply an E3 Environmental Management Zone with a 7 hectare MLS and E2 Environmental Conservation with no MLS to site 1; and
- Amend Land Zoning Map LZN\_020C and Lot Size Map LSZ\_020C to apply an E3 Environmental Management Zone with a 1 hectare MLS, E2 Environmental Conservation with no MLS and RU2 Rural Landscape Zone with a 120 hectare MLS to site 2.



**Figures 3 and 4** show the proposed Land Zoning and Lot Size Maps for sites 1 and 2.



**Figure 3:** Proposed Land Zoning and Lot Size Maps for Site 1 (source: Deferred Sites Planning Proposal, August 2018)



**Figure 4:** Proposed Land Zoning and Lot Size Maps for Site 2 (source: Deferred Sites Planning Proposal, August 2018)

## Mapping

Land Zoning Maps LZN\_020, LZN\_020B & LZN\_020C, Lot Size Maps LSZ\_020, LSZ\_020B & LSZ\_020C and Land Application Map LAP\_001 are proposed to be amended.

The planning proposal will need to be updated prior to community consultation to amend the proposed Land Zoning and Lot Size Maps for site 1 to show that land adjoining the eastern boundary of the site is currently a deferred matter and to show that no MLS will apply to the proposed E2 Zone.

LEP Maps which meet the Department's standard technical requirements can be prepared following community consultation.

## **NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is required to apply zones and minimum lot sizes consistent with the Standard Instrument LEP to sites 1 and 2 which are currently deferred matters under the BVLEP 2013.

These sites were deferred from the BVLEP 2013 to allow further investigation to be undertaken to determine appropriate zones and lot sizes.

The proposal for sites 1 and 2 was originally submitted in 2017 along with a proposal for a third site known as Boydtown. This planning proposal was issued a Gateway determination in 2017 but sites 1 and 2 have since been removed from the Gateway determination to enable Council to proceed with its proposal for these sites while additional work is undertaken in relation to the Boydtown site. The zones and lot sizes proposed for sites 1 and 2 are the same as in the 2017 planning proposal.

### **Site 1**

The proposed zones are considered suitable as they recognise the environmental attributes of the site and are consistent with the zoning of adjoining foreshore land.

The proposed E2 Zone is considered appropriate as it is equivalent to the existing 7(b) Environmental Protection Zone and protects the area identified as Coastal Wetland by SEPP (Coastal Management) 2018 from inappropriate land uses.

In addition to providing an additional dwelling opportunity, the proposed E3 Zone and 7 hectare MLS allows agricultural uses to continue to be carried out on the portion of the site zoned 1(a) Rural General Zone under the BVLEP 2002. The proposed E3 Zone also provides added protection to the area adjoining the Coastal Wetland from inappropriate land uses.

Council has advised that the landowner is supportive of the proposal as it will facilitate the creation of one additional lot on which a dwelling may be erected.

### **Site 2**

The proposed zones and lot sizes are considered suitable as they recognise the environmental attributes of the site and will facilitate additional development without adverse environmental impacts.

The proposed E4 Zone and 1 hectare MLS will reflect an existing development approval for a 21 lot subdivision and facilitate the subdivision of a concept plan for 15 lots (resulting in 36 lots in total). While the land proposed to be zoned E4 on the western portion of the site is largely cleared, the E4 Zone is considered appropriate as the land is bordered by heavily vegetated areas. Similarly, the area proposed to be zoned E4 on the eastern portion of the site contains old growth forest and is important habitat for species living within the proposed E2 Zone.

The proposed E2 Zone is considered appropriate as the NSW Office of Environment and Heritage has confirmed this portion of the site contains known threatened species habitat and a validated endangered ecological community.

The RU2 Zone is considered suitable as it acknowledges the value of the landscape and is consistent with the current 1(a) Rural General Zone. Part of the proposed RU2 zoned land is protected under a Property Vegetation Plan.

Council has advised that it has negotiated an outcome with the landowner which protects high value vegetation in the proposed E2 Zone while facilitating additional development of the site without adverse environmental impacts. The Department understands the landowner is satisfied with Council's proposal.

It is recommended that the Gateway determination include a condition that requires the proposal to be updated to move the zone boundary between the proposed RU2 and E4 Zones as it would traverse the existing tourist cabins on the site. It is considered more appropriate to have the tourist cabins wholly within the E4 Zone to provide consistency and clarity for any future native vegetation clearing under the Biodiversity Conservation Act 2016 and to ensure all development is contained within the E4 zoned land.

The planning proposal is the best means of achieving the intended outcome to remove the deferred matter status of sites 1 and 2 and apply zones and minimum lot sizes consistent with the Standard Instrument LEP.

## **STRATEGIC ASSESSMENT**

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### **State**

There is no applicable state strategic planning framework.

### **Regional / District**

The planning proposal states the proposal for site 2 is inconsistent with *Direction 28: Manage Rural Lifestyles* of the South East and Tablelands Regional Plan 2036.

Although the planning proposal is not consistent with a local housing strategy prepared by Council and approved by the Department (Action 28.1), it is consistent with Action 28.2 of the Regional Plan.

New rural residential development facilitated by the proposal will maximise the efficient use of existing infrastructure and services and avoid areas of high environmental value. Although vegetation clearing will be required for the proposed 21 lot subdivision on the eastern portion of site 2, this is subject to an existing development approval.

The lands are also in fragmented ownership and the planning proposal states that they do not represent holdings of value to professional agriculture.

The 16 additional lots which will be facilitated by the planning proposal will be situated on land identified as bushfire prone. However, the bushfire hazard is mitigated somewhat as the land is cleared of significant vegetation and has direct access to adjoining major roads.

Although the planning proposal seeks to rezone areas zoned 1(a) Rural General Zone under the BVLEP 2002, agricultural uses may continue to be carried out on these portions of sites 1 and 2 as extensive agriculture is permitted in the E3, E4 and RU2 Zones.

The planning proposal does not identify the following applicable directions.

- Direction 14: Protect important environmental assets



- Direction 16: Protect the coast and increase resilience to natural hazards

The planning proposal seeks to implement land use zones which will protect high environmental value land and minimise the impacts of development on these areas. The proposal also seeks to mitigate the risks of any natural hazards affecting the sites by ensuring that areas where development will occur are not located in high risk areas.

### **Local**

The planning proposal states the proposal is inconsistent with Council's Merimbula District Structure Report (2008).

The Structure Report identifies site 1 as Area 40. It recommends that the areas within 150 metres of the Merimbula Lake foreshore and all coastal wetlands be zoned E2 Environmental Conservation. The remainder of these areas are recommended to be zoned E4 Environmental Living with a 10ha minimum lot size to prevent further subdivision of the foreshore area.

The Structure Report identifies site 2 as Areas 34 and 35. It recommends that the section of Site 2 zoned 1(a) Rural General Zone be zoned RU2 with a 120 hectare MLS as a 'holding action' to allow landowners time to make submission to the five year review regarding possible further minor environmental living and ecotourism opportunities. It also recommended that the section of Site 2 zoned 1(c) Rural Small Holdings be zoned E4 with a 2 hectare MLS as a 'holding action' until a concept plan for the full zone has been prepared by the owners to Council's satisfaction.

The planning proposal's inconsistencies with the Structure Report are considered minor.

The proposal to zone the non-foreshore/wetlands area on Site 1 as E3 is consistent with the adjoining area, including a recent planning proposal for the adjoining deferred site. Although the 7 hectare MLS will facilitate the creation of one additional lot, any impacts associated with an additional dwelling must be managed in accordance with SEPP (Coastal Management) 2018.

In relation to site 2, it is understood that the proposal is the culmination of ongoing negotiations between Council and the landowner and both parties are satisfied with the proposed zones and lot size. Although the lot size proposed is inconsistent with the 2 hectare 'holding action' specified in the Structure Report, this inconsistency is considered minor. Council and the landowner have agreed on a concept plan for the western area proposed be zoned E4 and the 1 hectare MLS will prevent further subdivision of 21 approved lots in the eastern area proposed to be zoned E4.

## **Section 9.1 Ministerial Directions**

### **1.2 Rural Zones**

Direction 1.2 Rural Zones applies as the planning proposal seeks to rezone land zoned 1 (a) Rural General Zone. The planning proposal states that it is inconsistent with the direction.

The planning proposal is consistent with the direction as it does not seek to rezone the land to residential, business, industrial, village or tourist zone and does not contain provisions that will increase the permissible density of land within a rural zone.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this direction.

### **1.3 Mining, Petroleum Production and Extractive Industries**

Council has identified that this direction applies to the planning proposal, however it does not apply as the planning proposal would not have the effect of prohibiting mining or restricting the potential development of mining resources.

### **1.5 Rural Lands**

Direction 1.5 Rural Lands applies as the planning proposal affects land within an existing or proposed rural or environment protection zone and changes the existing minimum lot size on land within a rural or environment protection zone. The planning proposal states that it is inconsistent with the direction.

The planning proposal is consistent with the direction as it is consistent with the Rural Planning and Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.

The zones and lot sizes proposed seek to protect high environmental value land while also providing for rural lifestyle opportunities in appropriate locations. As extensive agriculture is permitted in the E3, E4 and RU2 zone, agricultural uses may continue to be carried out on the portions of the sites 1 and 2 currently zoned 1(a) Rural General Zone under the BVLEP 2002.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this direction.

## **2.1 Environment Protection Zones**

Direction 2.1 Environment Protection Zones applies as the planning proposal affects land identified for environment protection purposes. The planning proposal states that it is consistent for site 1 and inconsistent for site 2.

The planning proposal is consistent with the direction as it identifies land use zones that facilitate the protection and conservation of environmentally sensitive areas and does not reduce the environmental protection standards that currently apply to the land.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this direction.

## 2.2 Coastal Management

Direction 2.2 Coastal Management applies as the planning proposal applies to land within the coastal zone. Council has not identified that this Direction applies to the planning proposal.

The planning proposal does not address the proposals consistency with the direction. Site 1 is identified on the Coastal Wetlands, Littoral Rainforest Area and Coastal Environment Area Maps while site 2 is identified on the Coastal Environment Area Map.

While the zones and lot sizes proposed are considered to be consistent with the objectives of the *Coastal Management Act 2016*, the planning proposal should be updated prior to community consultation to demonstrate consistency with the direction.

Recommendation: The Secretary's delegate impose a condition on the Gateway Determination requiring Council address the planning proposals consistency with the direction.

## 2.3 Heritage Conservation

Direction 2.3 Heritage Conservation applies as the planning proposal may affect Aboriginal objects. The planning proposal states that it is consistent with the direction.

In accordance with correspondence included as an attachment to the planning proposal, the Office of Environment and Heritage has advised that Aboriginal sites have previously been recorded on sites 1 and 2. The recorded sites consist of stone artefact scatters and were recorded during previous archaeological assessments.

OEHS advice confirms that while the planning proposal may not specifically impact on any Aboriginal objects, any future development resulting from the proposal will require a comprehensive Aboriginal cultural heritage assessment to be undertaken.

In accordance with this advice it is considered that any impacts on Aboriginal objects within sites 1 and 2 can be addressed during the development assessment process.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this direction.

## Direction 3.1 Residential Zones

Council has identified that this direction applies to the planning proposal, however, it does not apply as the planning proposal does not affect land within an existing or proposed residential zone or any other zone in which significant residential development is proposed to be permitted. The planning proposal will facilitate the subdivision of 16 additional lots on which a dwelling may be erected.

## Direction 3.4 Integrating Land Use and Transport

Council has identified that this direction applies to the planning proposal, however, it does not apply as the planning proposal will not create, alter or remove a zone or provision relating to urban land.

#### Direction 4.1 Acid Sulphate Soils

Direction 4.1 Acid Sulphate Soils applies as the planning proposal affects land having a probability of containing acid sulphate soils as shown on the Acid Sulphate Soils Planning Maps. The planning proposal states that it is inconsistent with the direction.

The planning proposal is consistent with the direction as it does propose an intensification of land uses on land identified as having a probability of containing acid sulphate soils. The area of site 1 identified as having a probability of containing acid sulphate soils is proposed to be zoned E2 with no MLS. Residential development is prohibited in the E2 Zone.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this direction.

#### Direction 4.4 Planning for Bushfire Protection

Direction 4.4 Planning for Bushfire Protection applies as the planning proposal affects land mapped as bushfire prone. The planning proposal states that it is consistent with the direction.

The Planning proposal is neither consistent nor inconsistent with the direction until consultation with the Rural Fire Service has been undertaken in accordance with the direction.

Recommendation: The Secretary's delegate include a condition in the Gateway determination that consultation be undertaken with the Rural Fire Service in accordance with the Direction.

#### Direction 5.10 Implementation of Regional Plans

Direction 5.10 Implementation of Regional Plans applies as the South East and Tablelands Regional Plan applies to the land. The planning proposal states it is inconsistent with the direction.

As detailed above, the planning proposal is considered to be generally consistent with the South East and Tablelands Regional Plan.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this direction.

#### 6.3 Site Specific Provisions

Council has identified that this direction applies to the planning proposal, however, it does not apply as it will not allow a particular development to be carried out.

#### **State environmental planning policies**



The planning proposal identifies the following State Environmental Planning Policy's (SEPP) as applicable:

- SEPP No 44 – Koala Habitat Protection
- SEPP (Rural Lands) 2008

SEPP No 44 applies to land within the Bega Valley LGA. The planning proposal states that sites 1 and 2 are not considered to be core koala habitat and therefore the proposal is consistent with the SEPP. Noting the proposal for site 2 applies to heavily vegetated land, it is recommended that a condition requiring consultation be undertaken with NSW Office of Environment and Heritage be included in the Gateway Determination.

SEPP (Rural Lands) 2008 applies to the planning proposal as it affects land zoned 1(a) Rural General Zone under the BVLEP 2002. As detailed above, the planning proposal is considered to be generally consistent with the SEPP.

The planning proposal does not identify SEPP (Coastal Management) 2018 as applicable. Site 1 is identified on the Coastal Wetlands Map, Coastal Use Area Map and Coastal Environment Area Map while site 2 is identified on the Coastal Environment Area Map.

The proposal to limit development on site 1 to the proposed E3 Zone is appropriate given the significance of the wetlands. The proposed E2 Zone is considered appropriate as it protects the areas identified as Coastal Wetland from inappropriate development.

Development of areas identified on the Coastal Use Area Map and Coastal Environment Area Map will be subject to an assessment against requirements of the SEPP as part of the development assessment process. In accordance with the SEPP, development must be designed, sited and will be managed to avoid adverse impacts on the environment.

## SITE-SPECIFIC ASSESSMENT

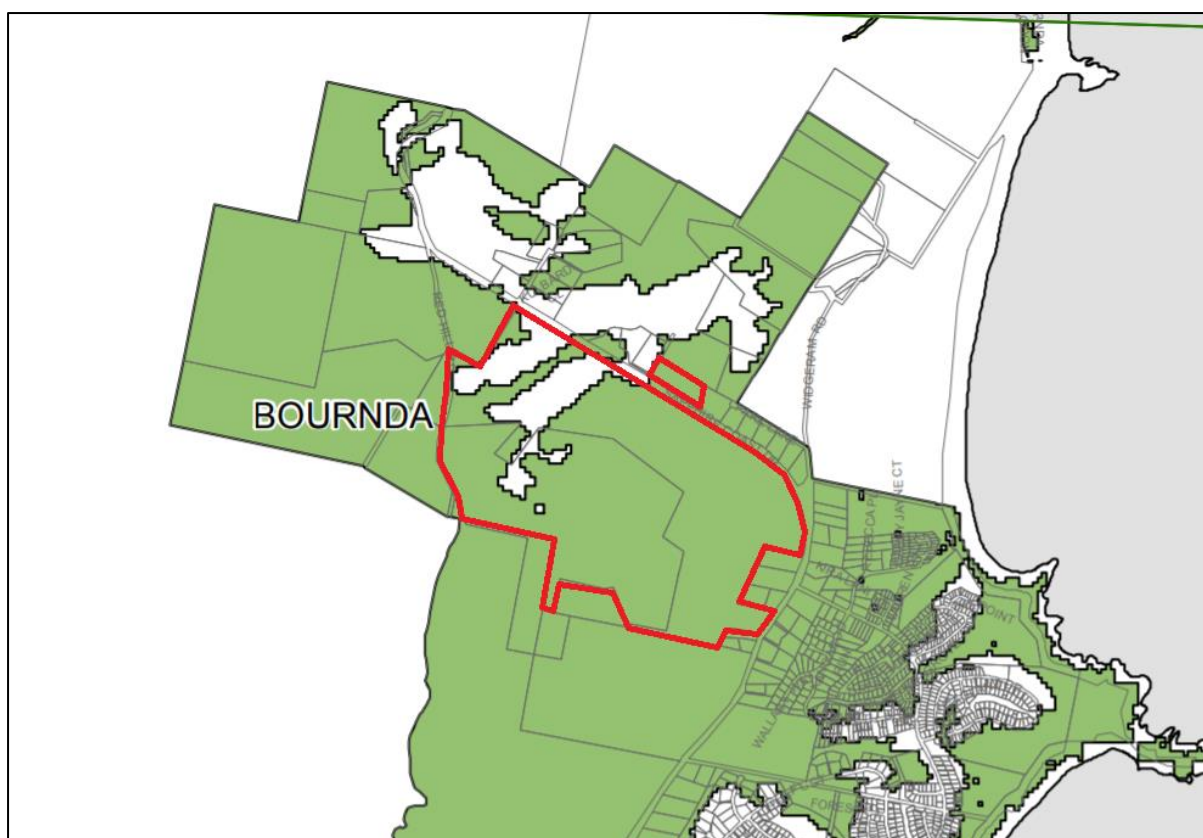
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### Social

The proposal is unlikely to have any significant social impact aside from providing additional land for housing.

### Environmental

Sites 1 and 2 are identified on the BVLEP 2013 Terrestrial Biodiversity Map. **Figure 5** shows the extent to which terrestrial biodiversity mapping affects site 2.



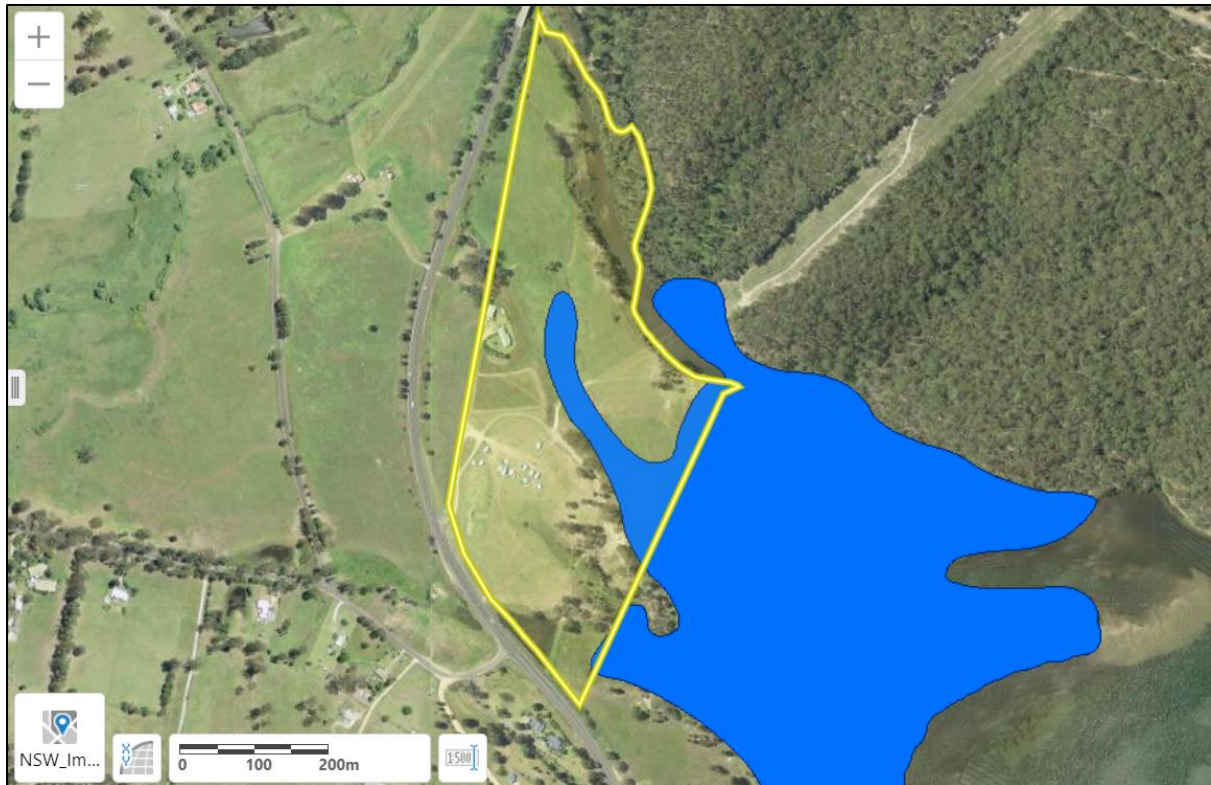
**Figure 5:** Terrestrial Biodiversity Map - Site 2 (source: Bega Valley LEP 2013)

Although the area proposed to be zoned E4 on the eastern side of site 2 is wholly identified on the map, this area is subject to an existing development approval for 21 lots. The development of this area is offset somewhat by the proposed E2 Zone which OEHL has confirmed as known threatened species habitat.

In relation to site 1, only the area proposed to be zoned E2 is identified on the Terrestrial Biodiversity Map.

Noting Council has previously consulted with OEHL on the proposal, additional consultation is not considered necessary.

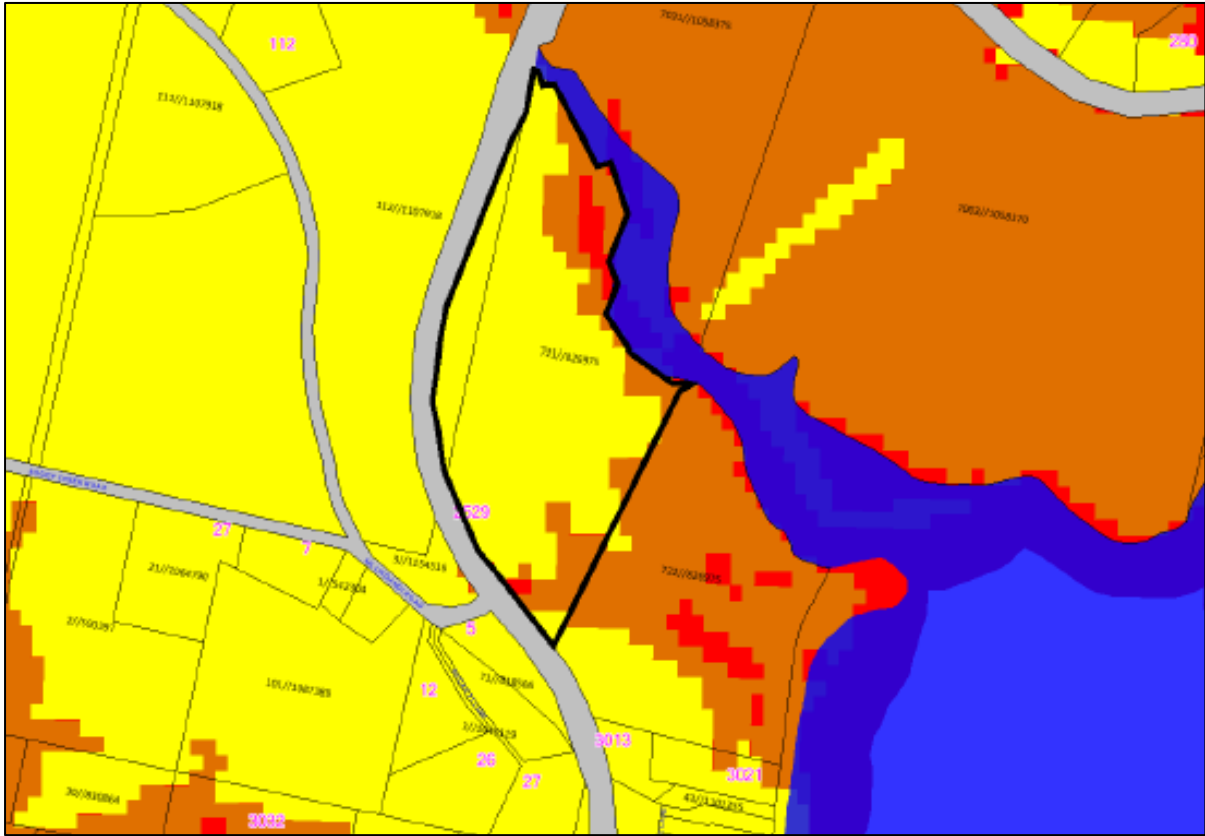
As noted above sites 1 and 2 are within the coastal zone as defined by the Coastal Management Act 2016 and SEPP (Coastal Management) 2018. **Figure 6** shows the extent to which Coastal Wetlands affect the site.



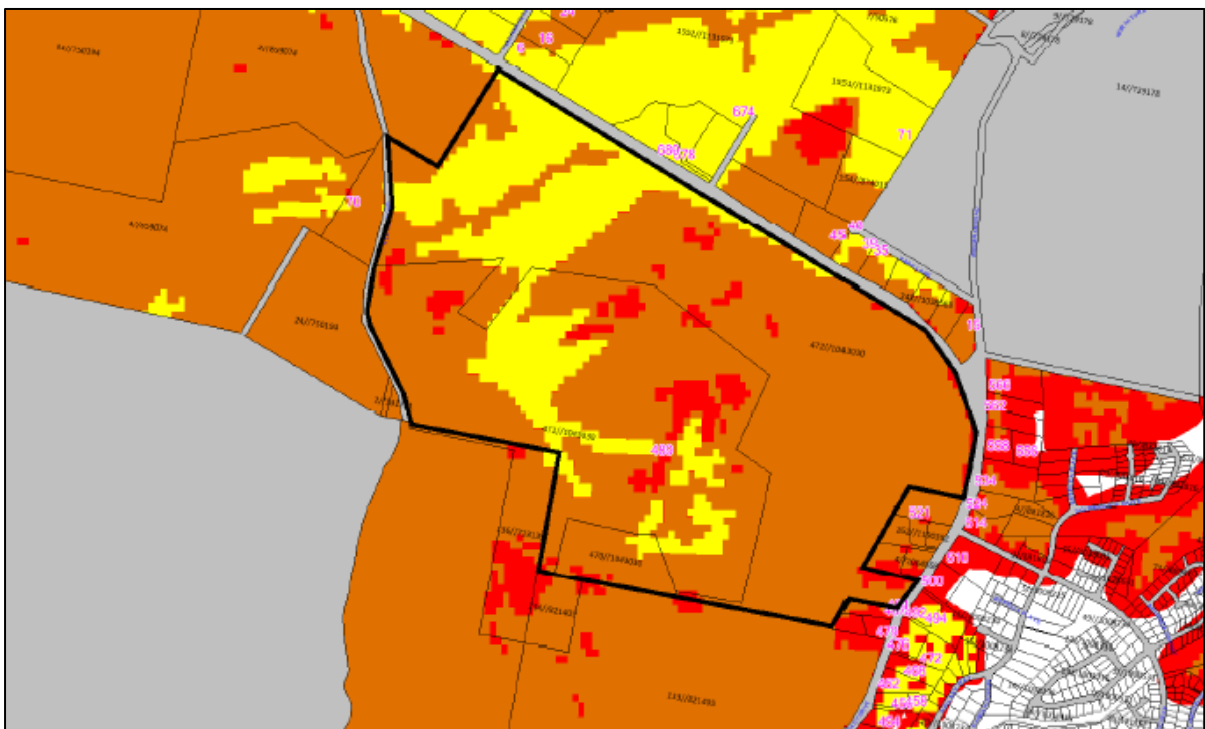
**Figure 6:** Coastal Wetlands Map - Site 1 (source: <http://webmap.environment.nsw.gov.au>)

The proposal for site 1 proposes to zone areas of the site identified as Coastal Wetland E2. The area proposed to be zoned E3 is identified on the Coastal Use Area Map and Coastal Environment Area Map under SEPP (Coastal Management) 2018 meaning any development must be designed, sited and will be managed to avoid adverse impacts on the coastal environment. Nonetheless, consultation with OEH is recommended to confirm the zones and lot sizes proposed are appropriate for land within the coastal zone.

Sites 1 and 2 are also identified as bushfire prone. **Figures 7 and 8** show the land identified as bushfire prone.



**Figure 7: Bushfire Prone Land Map - Site 1** (source: Deferred Sites Planning Proposal, August 2018)



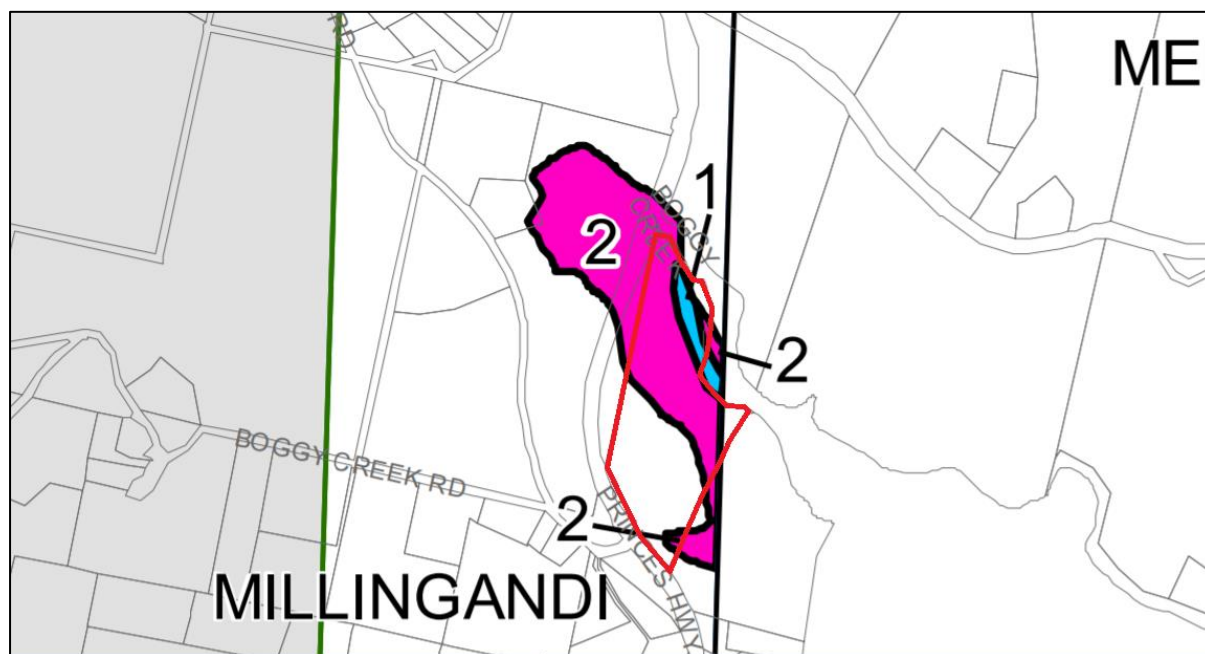


**Figure 8:** Bushfire Prone Land Map - Site 2 (source: Deferred Sites Planning Proposal, August 2018)

Consultation with the NSW Rural Fire Service is recommended as both sites are identified as bushfire prone.

As noted above, site 1 is identified on the BVLEP 2013 Acid Sulphate Soils Map.

**Figure 9** shows the land identified on the map.



**Figure 9:** Acid Sulphate Soils Map - Site 1 (source: Bega Valley LEP 2013)

The area of site 1 identified as having a probability of containing acid sulphate soils is proposed to be zoned E2 with no MLS. Residential development and other inappropriate land uses are prohibited in the E2 Zone.

Council has proposed to address this matter as part of the development assessment process. This is considered appropriate as the impacts associated with development permitted in the E2 Zone can be managed by Council under clause 6.1 of the BVLEP 2013.

### **Economic**

The planning proposal indicates no additional public infrastructure is required to facilitate the development outcomes proposed for sites 1 and 2.

### **CONSULTATION**

The planning proposal suggests the proposal is 'low impact' and therefore recommends community consultation be undertaken over a period of 14 days.

The planning proposal is not considered to be a 'low impact' proposal in accordance with the Departments *A guide to preparing local environmental plans* and therefore a community consultation period of 28 days is considered appropriate.

## **Agencies**

Consultation with the following public authorities is considered appropriate given the environmental attributes of sites 1 and 2:

- NSW Rural Fire Service; and
- NSW Office of Environment and Heritage.

## **TIME FRAME**

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Council has proposed a 6 month project timeline to complete the proposed amendment to the BVLEP 2013 from the date a Gateway Determination is issued.

Given the planning proposal will need to be revised prior to undertaking community consultation a period of 12 months is considered appropriate to account for this and any other work which may be required as a result of consultation with government agencies.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council has requested to be the local plan making authority under section 3.36 of the Environmental Planning and Assessment Act 1979.

Due to the localised nature of planning proposal, Council's request is considered appropriate.

## **CONCLUSION**

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The planning proposal is supported to proceed subject to conditions requiring consultation and amendments to satisfy the requirements of the Departments *A guide to preparing planning proposals* and demonstrate consistency with section 9.1 Ministerial Directions.

## **RECOMMENDATION**

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It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Prior to undertaking community consultation, consultation is required with the following public authorities:
  - NSW Office of Environment and Heritage
  - NSW Rural Fire Service
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. The planning proposal be updated prior to community consultation to include an assessment of the proposals consistency with section 9.1 Ministerial Direction 2.2 Coastal Management.
5. Given the nature of the planning proposal, Council should be the local plan-making authority.

6. The planning proposal be updated prior to community consultation to amend the Land Zoning and Lot Size Maps for Lot 721 DP 826975 to:
  - show that adjoining land is currently a Deferred Matter; and
  - show that no minimum lot size will apply to the proposed E2 Zone.
7. The planning proposal be updated prior to community consultation to amend the Land Zoning and Lot Size Maps for Lots 471 & 472 DP 1043030 to:
  - realign the E4 and RU2 Zone boundary to include all existing tourist cabins in the E4 Zone; and
  - realign the 1 hectare and 120 hectare Lot Size boundary to include all existing tourist cabins in the 1 hectare Lot Size boundary.



25/09/2018

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2/10/2018

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