

Amendment to Eurobodalla LEP 2012 Land Zoning, Lot size and Height of Buildings Maps for land at Broulee

Proposal Title : **Amendment to Eurobodalla LEP 2012 Land Zoning, Lot size and Height of Buildings Maps for land at Broulee**

Proposal Summary : **The Planning Proposal seeks to rezone approximately 45 hectares of undeveloped R2 Low Density Residential zoned land at Broulee to a mix of E2 Environmental Conservation and R3 Medium Density Residential zones; amend the lot size and building height maps applicable to the rezoned land; and amend the lot size map associated with the remaining undeveloped R2 zoned land.**

PP Number : **PP_2015_EUROB_004_00**

Dop File No : **15/10569**

Proposal Details

Date Planning
Proposal Received : **07-Aug-2015**

LGA covered : **Eurobodalla**

Region : **Southern**

RPA : **Eurobodalla Shire Council**

State Electorate : **BEGA**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **George Bass Drive**

Suburb : City : **Broulee** Postcode : **2537**

Land Parcel : **Lot 1 DP 825610**

Street : **Adams Way**

Suburb : City : **Broulee** Postcode : **2537**

Land Parcel : **Lot 9 DP 1068530**

Street : **Broulee Road**

Suburb : City : **Broulee** Postcode : **2537**

Land Parcel : **Lot 3 DP 633700**

Street : **Train Street**

Suburb : City : **Broulee** Postcode : **2573**

Land Parcel : **Lot 20 DP 1174639**

Street : **Heath Street**

Suburb : City : **Broulee** Postcode : **2573**

Land Parcel : **Lot 13 DP 1136019**

Street : **Heath Street**

Suburb : City : **Broulee** Postcode : **2573**

Land Parcel : **Lot 63 DP 1202934**

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Street : **Broulee Road**

Suburb : City : **Broulee** Postcode : **2573**

Land Parcel : **Lot 50 DP 837279**

Street : **75 Clarke Street**

Suburb : City : **Broulee** Postcode : **2573**

Land Parcel : **Lot 89 DP 1093710**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **George Curtis**

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Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub
Regional Strategy : **South Coast Regional
Strategy**

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) : **N/A**

No. of Lots : **0**

No. of Dwellings
(where relevant) : **500**

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

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Supporting notes

Internal Supporting
Notes :

The planning proposal is an outcome of the 2014 Broulee Biodiversity Certification process which sought to resolve the conservation issues associated with the presence of an Endangered Ecological Community (Bangalay Sand Forest) over the land and threatened species (Yellow Bellied Glider), and make available for development the existing environmentally constrained, undeveloped R2 Low Density Residential zoned land that is the subject of this planning proposal.

This planning proposal effectively will create an area of increased development potential (e.g R2 to R3 Zone) and reduced development potential (e.g R2 to E2 Zone).

The proposed E2 Environmental Conservation zoning, required as part of the Biodiversity Certification process, will provide a conservation corridor of approximately 7 hectares adjacent to George Bass Drive. This is part of the offset for the development of the residential land.

The proposed up-zoning from R2 Low Density Residential Zone to R3 Medium Density Residential, and the reduction in minimum lot size from 550m² to 450m² appears to be an outcome to increase development potential to address the loss of residential land needed for the proposed E2 conservation corridor. Council also considers that the R3 Zone reflects a need across the Eurobodalla Shire to increase housing diversity and density, particularly for medium density and other smaller housing options. Furthermore, Council considers that the proposed medium density will assist the future management of the conservation corridor as it will encourage community title subdivision. Common ownership and management of the corridor would be a joint responsibility of all owners in the community title development.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : Council's objectives of the planning proposal are to enable the development of the land for residential purposes and to protect an identified conservation area in accordance with the Biodiversity Certification Agreement for the land.

The statement of the objectives of the planning proposal is considered to be adequate.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The Planning proposal indicates that the objectives will be achieved by amendments to the Eurobodalla LEP 2012, namely:

- Amend LEP maps sheets LZN_011B and LZN_012A to rezone part of the subject land from R2 Low Density Residential Zone to E2 Environmental Conservation Zone.
- Amend LEP map sheets LZN_011B and LZN_012A to rezone part of the land from R2 Low Density Residential Zone to R3 Medium Density Residential Zone.
- Amend LEP map sheets HOB_011B and HOB_012A to remove the maximum building heights standards for that part of the land proposed to be zoned E2 Environmental Conservation. (N.B there is an error in the explanation of the provisions that refers to the land zoning maps LZN_011B and LZN_012A instead of the height of building maps HOB_011B and HOB_012A).
- Amend LEP map sheets LSZ_011B and LSZ_012A to remove the minimum lot size standard for the part of the land proposed to be zoned E2 Environmental Conservation.
- Amend LEP map sheets LSZ_011B and LSZ_012A to amend the minimum lot size

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standard for the part of the land currently zoned R2 Low Density Residential, and that land proposed to be zoned R3 Medium Density Residential from 550m2 to 450m2.

It is considered that, with the exception of the error in the naming of the height of building maps, the explanation of the provisions is adequate.

Recommendation: That the error in the explanation of the provisions that refers to the amendment of the height of building maps LZN_011B and LZN_012A instead of HOB_011B and HOB_012A should be corrected prior to exhibition.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

2.2 Coastal Protection

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 71—Coastal Protection

Lower South Coast REP No. 2

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Eurobodalla Settlement Strategy:

The proposal states that it is consistent with the adopted Eurobodalla Settlement Strategy in the following ways:

- The proposal facilitates development of land zoned for urban purposes within the existing settlement boundaries of Broulee.

- The proposal retains Broulee as a Coastal Village.

- The proposal is consistent with the Biodiversity Certification Strategy prepared for the subject land which provides for the protection of threatened species and endangered ecological communities through retention of a corridor for the Yellow Bellied Glider.

The planning proposal states that the potential increase in population to around 3700, is potentially inconsistent with the Eurobodalla Settlement Strategy definition of Broulee as a 'Coastal Village' having a population of up to 3000.

Council's view is that any inconsistency of the planning proposal with the Eurobodalla Settlement Strategy is minor in that the proposed rezoning to the R3 Medium Density Residential Zone, by its calculations, will only result in between 50-150 more dwellings than the existing R2 Low Density Residential zoning would provide (approx 470 dwellings). Having regard to the high proportion of holiday dwellings in the area, and noting that Broulee has an existing population of just 1432 and a 52% occupancy rate (2011 Census), the real population of Broulee is likely to remain well below the 3000 Coastal Village definition in the Strategy other than in relatively short peak holiday periods.

The existing R2 Low Density Residential zoning applying to the land represents a carry over from long standing residential zoning that has applied to the land in previous planning instruments. The land has not been able to be developed due to environmental

constraints (endangered ecological community and threatened species) occurring on the land. The Biodiversity Certification process, however, entered into by Council and the Office of Environment and Heritage in 2014 has resulted in the identification of a 7 ha environmental corridor as a suitable offset area to enable the development of the remaining lands for residential uses including medium density uses.

The proposed medium density zone in proximity to the Broulee B2 Local Centre Zone has merit in supporting a diversity of housing and potentially tourist and visitor accommodation uses in proximity to the local centre. However, the proposed extensive application of a corridor of R3 Medium Density Residential zoned land along a 1.4km corridor does seem problematic from an urban design perspective. The planning proposal has not identified how the proposed long and linear R3 development could be integrated into the scale and character of the existing Broulee urban area. The Eurobodalla Settlement Strategy (p.70) encourages medium density development to be located in areas in close proximity to commercial centres and the planning proposal is potentially inconsistent with this requirement.

Council has justified the proposed medium density corridor on the basis of facilitating housing choice and better managing the proposed conservation land through community title where the corridor can be held in common ownership and management of the land will be joint responsibility of all owners in the community title development. The achievement of this outcome would be challenging because the management of the conservation lands would be subject to significant influences outside of Council's control such as future ownership, subdivision pattern and building types that will occupy these lands.

Council has proposed a range of inclusions in its Residential Zones Development Control Plan (DCP) which it believes will help facilitate development adjacent to the E2 Environmental Conservation Zone/corridor. These measures include encouraging community title ownership, limiting number of lot boundaries/fences in the E2 Zone, and to limiting the number of lots in the total development area (including the R3 and R2 zoned land) so that no more than 50% of the lots shall be less than 550m², and that no more than 50% of the dwellings provided in the R3 Zone shall be in the form of residential flat buildings.

The planning proposal itself seeks a reduction in the applicable minimum lot size identified in the Eurobodalla LEP 2012 from 550m² to 450m². However, the DCP cannot contradict the LEP by limiting the number of lots able to be developed at this development standard.

Further work should be undertaken by Council to justify the proposed medium density development, via the preparation of a detailed masterplan to demonstrate how the higher density area can be integrated into the character and scale of the Broulee urban area. The masterplan should also address issues of urban design, management of the proposed conservation corridor, traffic and pedestrian access, stormwater management and other relevant development control issues. Following the preparation of the masterplan the planning proposal should be revised and resubmitted to the Department.

Recommendation: That a detailed masterplan is prepared to demonstrate how the higher density area can be integrated into the character and scale of the Broulee urban area and also to issues of urban design, management of conservation areas, traffic and pedestrian access, stormwater management and other relevant development control issues. Following the preparation of the masterplan the planning proposal should be revised and resubmitted to the Department for review.

S117 Ministerial Directions

2.1 ENVIRONMENT PROTECTION ZONES: This Direction requires that a planning proposal must include provisions that facilitate the protection and conservation of

environmentally sensitive areas.

The proposal is potentially **INCONSISTENT** with this Direction as some areas, currently zoned R2 Low Density Residential, that are environmentally sensitive in that they contain an endangered ecological community and threatened species, are not proposed to be protected. The inconsistency is, however, justified by the Biodiversity Certification Agreement which provides for the E2 zoning of part of the land.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is justified by a study (the Biodiversity Certification Agreement) that gives consideration to the objective of this Direction.

2.2 COASTAL PROTECTION: This Direction applies to the planning proposal as the subject land is within the coastal zone.

The Direction requires that proposals include provisions that give effect to and are consistent with the NSW Coastal Policy: A Sustainable Future for the NSW Coast 1997, the Coastal Design Guidelines 2003 and the NSW Coastline Management Manual 1990. The proposal indicates that subject to further consideration of stormwater issues, through the preparation of a stormwater masterplan prior to development, the proposal is unlikely to have any detrimental impacts on coastal processes. It is considered that the proposal does not adequately address the requirements of the Direction, particularly the urban design issues provided in the NSW Coastal Coastal Design Guidelines 2003.

RECOMMENDATION: That further information is required to be provided to justify consistency with the Direction. Council's work on a masterplan for the area should incorporate the design principles from the Coastal Design Guidelines.

3.1 RESIDENTIAL ZONES: This Direction applies to the planning proposal as it will affect land within an existing or proposed residential zone including the alteration of any existing residential zone boundary.

The proposal is considered to be **INCONSISTENT** with this Direction as it contains provisions which will reduce the permissible residential density of land via proposed back zoning of approximately 7 hectares of land, currently zoned R2 Low Density Residential, to E2 Environmental Conservation Zone. The inconsistency is, however, justified by the Biodiversity Certification Agreement and a Broulee Concept Masterplan which provides the conservation of some land in exchange for the development of remaining land for low and medium density housing.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is justified by a study (the Biodiversity Certification Agreement) that gives consideration to the objective of this Direction.

4.4 PLANNING FOR BUSHFIRE PROTECTION: This Direction applies to the planning proposal as the retention of a conservation corridor along the George Bass Drive and Broulee Road edges of the subject land will result in some residential lots being classed as bushfire prone.

The Direction requires Council to consult with the Rural Fire Service following receipt of a Gateway determination and prior to exhibition, and take into account any comments made by the RFS, in order for the planning proposal to be consistent with the Direction.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal will be consistent with the Direction when Council has consulted with the Rural Fire Service in accordance with the Direction.

The Department generally agrees with Council's assessment that the planning proposal is consistent with the remaining applicable s117 Directions.

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State Environmental Planning Policies (SEPP):

SEPP 71 Coastal Protection:

The planning proposal identifies that the subject site is within the Coastal Zone, but is not in a sensitive coastal location and that subject to further consideration of stormwater issues through the preparation of a stormwater masterplan prior to development, the proposal is unlikely to have any detrimental impacts on coastal processes. The planning proposal has not, however, considered other relevant matters provided under clause 8 of the SEPP, namely subclause (d) "the suitability of development given its type, location and design and its relationship with the surrounding area". This matter is relevant to the proposed increased density of development proposed on the subject site and relationship with the Broulee local centre and adjoining low density residential areas. As mentioned previously, this matter should be given further consideration by Council in the preparation of a detailed masterplan for the subject land to ensure the nature and scale of the development is consistent with the character of the Broulee urban area.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided suitable mapping (locality, zoning, lot size, height of building) to support the planning proposal which is considered appropriate for the purposes of exhibition. LEP maps will need to be prepared consistent with the Departments standard technical requirements for LEP maps, as part of the finalisation of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council is proposing a 28 day community consultation period. The Department considers this appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons : No additional Secretary requirements are proposed.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : The planning proposal requires additional work to justify consistency with the Eurobodalla Settlement Strategy, Section 117 Direction 2.2 Coastal Protection and SEPP 71.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Eurobodalla LEP 2012, which covers the land subject to this planning proposal was notified in July 2012.

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Assessment Criteria

Need for planning proposal :

Council has advised that the planning proposal is needed to implement the Broulee Biodiversity Certification Agreement which requires the rezoning of the strip of land along George Bass Drive and Broulee Road, currently zoned R2 Low density residential, to the E2 Environmental Conservation Zone and allows the remainder of the land to be developed for residential use. Council also considers that the planning proposal is needed to facilitate increased housing diversity in Broulee particularly medium density and other smaller housing options.

Consistency with strategic planning framework :

South Coast Regional Strategy

The planning proposal states that it is consistent with the South Coast Regional Strategy in the following ways;

- The proposal protects an "indicative habitat corridor" identified on map 2 of the strategy and as shown in the South Coast Regional Conservation Plan (SCRCP).
- The proposal is consistent with the Biodiversity Certification Agreement conferred on the land, which was developed having regard to the SCRCP.
- The proposal facilitates a greater mix of housing opportunities.

It is considered that the proposal is generally consistent with the South Coast Regional Strategy for the reasons provided in the planning proposal. It is noted that the South Coast Regional Strategy also endorses the status of Broulee as a coastal village via its adoption of the Eurobodalla Settlement Strategy. As mentioned previously, further work should be undertaken by Council via the preparation of a detailed masterplan to demonstrate how the proposed higher density area can be integrated into the character and scale of the Broulee urban area.

Eurobodalla Community Strategic Plan - 'One Community':

The planning proposal states that it is consistent with the Eurobodalla Community Strategic Plan in the following ways;

- Proposal provides for appropriate growth within existing settlements thus aligning with the plan's objectives;
- Objective 3.1 Encourage respectful planning, balanced growth and good design
- Objective 3.2 Respond to our changing environment
- Objective 3.3 Value, protect and enhance our natural environment

It is considered that the proposal is generally consistent with Council's Community Strategic Plan for the reasons provided.

Eurobodalla Settlement Strategy

The Eurobodalla Settlement Strategy was adopted in 2006.

As previously discussed, the Eurobodalla Settlement Strategy identifies Broulee as a "Coastal Village" with a population of up to 3,000. It is considered that the planning proposal is generally consistent with the Settlement Strategy but that further further work should be undertaken by Council to justify the proposed medium density development via the preparation of a detailed masterplan to demonstrate how the higher density area can be integrated into the character and scale of the Broulee urban area.

As mentioned previously it is considered that the planning proposal requires additional work to justify consistency with Section 117 Direction 2.2 Coastal Protection and SEPP 71 Coastal Protection, particularly with regard to urban design issues.

Environmental social economic impacts :

ENVIRONMENTAL

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The proposal is likely to facilitate the development of land that is known to provide habitat for threatened species in accordance with 2014 Biodiversity Certification Agreement entered into between Eurobodalla Shire Council and the Office of Environment and Heritage prepared under the Threatened Species Conservation Act 1995.

Council acknowledges that parts of land included in the proposal will be considered bushfire prone, and that these threats will need to be managed at subdivision/development application stage. The Department will require consultation with the NSW Rural Fire Service prior to public consultation in order to address the relevant section 117 direction (4.4 Planning for Bushfire Protection)

The planning proposal also notes that no known heritage items exist on the subject land, however, given proximity to known Aboriginal objects and places, and noting the current undeveloped state, Council acknowledges the possibility for objects or places to be identified and prior to any development approval, appropriate studies and or permits would be required.

ECONOMIC

The planning proposal identifies that it will contribute to housing diversity, support commercial activity in Broulee local centre and provide significant opportunities in the construction sector providing a boost to the local economy.

SOCIAL

Council considers that the planning proposal, through the proposed creation of medium density residential opportunities and the offering of smaller lots (450m2 minimum lot sizes) than those generally characteristic of the Broulee area will provide for great housing diversity and choice, offering differences in cost and type of housing available. Council believes this will facilitate a more diverse residential population and potentially foster a more healthy and sustainable community.

Between when the Planning proposal was first forwarded to the Department in July and the time of preparing this report, the Minister has received a total of 8 letters regarding the matter. Five of these letters, including one from the Broulee Mossy Point Community Association, are opposed to the planning proposal and the development proposed on the lands included in the planning proposal following the Biodiversity Certification Agreement which enable the development of the subject lands. The remaining three are supportive of the proposal. The level of interest in the planning proposal is high and it is expected that this will continue through the public exhibition stages.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	18 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		

Is Public Hearing by the PAC required?	No
(2)(a) Should the matter proceed ?	Yes

If no, provide reasons : **The Planning proposal has broad strategic merit and is consistent with a Biodiversity Conservation Agreement. The planning proposal, however, has not identified how the proposed long and linear R3 Medium Density development could be integrated into the**

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scale and character of the existing Broulee urban area. The adopted Eurobodalla Settlement Strategy encourages medium density development to be located in areas in close proximity to commercial centres and the planning proposal is potentially inconsistent with this requirement. Further work should be undertaken by Council to justify the proposed medium density development, via the preparation of a detailed masterplan to demonstrate how the higher density area can be integrated into the character and scale of the Broulee urban area. The masterplan should also address issues of urban design (required by SEPP 71 Coastal Protection and Section 117 Direction 2.2 Coastal Protection), management of conservation areas, traffic and pedestrian access, stormwater management and other relevant development control issues. Following the preparation of the masterplan the planning proposal should be revised and resubmitted to the Department.

Resubmission - s56(2)(b) : Yes

If Yes, reasons : Development of the residential land at Broulee is supported at both the local and regional strategic planning level through the Eurobodalla Settlement Strategy and the South Coast Regional Strategy. It is important that this development be of an appropriate nature and scale to be consistent with the coastal village character of Broulee. The planning proposal, by implementing the outcomes of the Biodiversity Certification Agreement, will achieve the objective of allowing the lands to be developed, but is not clear on whether the development will jeopardise the coastal village character of Broulee.

Council should be required to prepare a masterplan to show how the proposed higher density development area can be incorporated into the scale and character of the Broulee urban area. This should be relatively straight forward for the proposed medium density around the local centre zoning but will be more challenging for the long linear corridor of proposed medium density zoning. Council should also consider the nature and type of development forms for the area and establish whether a planned approach to a mix of densities will achieve the some development yield.

Until the masterplanning work is complete the planning proposal is difficult to support for community consultation. On this basis it is being recommended that the planning proposal be resubmitted after the masterplanning work is completed. This will also enable the Council to modify or update its proposed zoning or development controls to reflect the urban design outcomes.

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Preparation of a detailed masterplan

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons : Provisions and funding for State Infrastructure is not considered relevant to this proposal.

Documents

Document File Name	DocumentType Name	Is Public
20150805 - Broulee Planning Proposal - Revised.pdf	Proposal	Yes
Eurobodalla Shire Council_06-07-2015_Planning Proposal - Broulee (Amendment no. 10)_.pdf	Proposal Covering Letter	Yes
20150706 - Map Amendments.pdf	Map	Yes
20150706 - Council Meeting Minutes & Reports.pdf	Proposal	Yes
20150805 - Eurobodalla Settlement Strategy.pdf	Study	Yes
20150805 - Eurobodalla Shire Housing Needs Study.pdf	Study	Yes
20150805 - Biodiversity Certification Agreement Part 1.pdf	Study	Yes

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20150805 - Biodiversity Certification Agreement Part 2.pdf	Study	Yes
20150807 - Additional Information Letter from Council 7 August.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Additional Information : It is **RECOMMENDED** that the Deputy Secretary, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Eurobodalla Local Environmental Plan 2012 to rezone existing undeveloped R2 Low Density Residential zoned land at Broulee to a mix of E2 Environmental Conservation and R3 Medium Density Residential zones, and to amend the Lot size and Building height maps on the subject lands should proceed subject the following conditions:

1. A detailed masterplan is to be prepared for the subject land and adjoining local centre and residential land to demonstrate how the higher density area can be integrated into the character and scale of the Broulee urban area as well as to address, but not limited to issues of:

- location of proposed medium density areas
- urban design (including height and floor space ratio)
- pedestrian and road access
- management of conservation areas
- stormwater management

Following the preparation of the masterplan Council is to provide a copy of the masterplan and a revised planning proposal to the Department of Planning and Environment for review.

2. Prior to exhibition, the planning proposal is to be revised to correct the error in the explanation of the provisions to appropriately reference the Height of Building 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 must 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 (Planning and Infrastructure, 2013)'.

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Rural Fire Service (prior to undertaking community consultation under s117 Direction 4.4)
- Roads and Maritime Service
- Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any

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relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they 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.

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 18 months from the week following the date of the Gateway determination.

7. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the inconsistency of the planning proposal with s117 Directions 2.1 Environmental Protection Zones and 3.1 Residential Zones is justified by the Biodiversity Certification Agreement applying to the land.

(b) Council undertake further work to justify consistency of the proposal with s117 Direction 2.2 Coastal Protection.

(c) The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection when Council has consulted with the Rural Fire Service prior to undertaking community consultation;

(d) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

8. Council undertake further work to justify consistency of the proposal with SEPP 71 Coastal Protection.

9. The Secretary's delegate can be satisfied that the planning proposal is consistent with all relevant State Environmental Planning Policies.

Supporting Reasons :

Residential development of Broulee is supported but it should be of an appropriate size and scale so that it is integrated into the scale and character of the Broulee urban area. Council's planning proposal does provide an opportunity to achieve residential development and implement the Biodiversity Certification Agreement but does not demonstrate how the proposed medium density development can be implemented in a way that best meets coastal design outcomes. It is on this basis that the planning proposal is supported in principle, but Council is being asked to do a masterplan and re-submit the planning proposal.

Signature:



A / Team Leader

Printed Name:

George Curtis

Date:

28/8/15