



Planning Proposal

Minor housekeeping and other amendments to ELEP 2012 and RLEP 1987

Amendment No. 8

INTRODUCTION

Background

Eurobodalla Local Environmental Plan 2012 (ELEP) was notified on 20 July 2012. Since then there have been 6 amendments for various reasons. A 7th amendment for minor housekeeping matters is currently in progress.

This planning proposal relates to additional minor housekeeping matters to ELEP 2012 and to the Rural Local Environmental Plan 1987 (RLEP 1987) and other amendments to ELEP 2012 as follows:

- Rezoning or land use proposals in response to land owner requests;
- Review of land uses in certain lands adjoining town centres in accordance with the Employment Lands Strategy;
- Addition of a clause relating to the minimum lot size for certain split zones;
- Rezoning and/or reclassification of public land;
- Addition of new heritage items; and
- Increase in height of building standard for certain land at Batemans Bay.

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 authorization 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 Attachment A of this report.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The intended outcomes of each proposed amendment are outlined in the table below.

No.	Intended Outcomes
1	To correct property descriptions of heritage items.
2	To correct zoning of land at 11 Princes Highway, Narooma.
3	To correct zoning of land at Crosby Drive, Batehaven.
4	To recognise certain lands that have a dwelling entitlement.
5	To modify the time period for permitted temporary uses of land to be consistent with adjoining Councils.
6	To correct the mapping of lot size and building height for land at Glasshouse Rocks Road, Narooma.
7	To enable expansion of the Mogo Zoo.
8	To recognise existing land use and operational development consents on land at the Kings Highway, North Batemans Bay.
9	To facilitate additional land uses on small lots zoned B5 Business Development in Moruya.

10	To facilitate additional permitted uses on land at Old Princes Highway and Crown Streets, Batemans Bay.
11	To facilitate additional commercial land uses on land adjoining the Moruya and Narooma town centres.
12	To enable a boat building and repair facility with consent on rural land.
13	To make provision for appropriate commercial use of public land and waterways without consent, thereby removing duplication of approval requirements.
14	To enable appropriate subdivision outcomes on land with split zoning.
15	To ensure zoning and land classification at the Moruya Airport matches what is happening on the ground and enables further associated infrastructure.
16	To enable the development of sewer pumping station at Malua Bay.
17	To recognise an existing water treatment plant on land at Mogo and enable further associated infrastructure.
18	To provide legal access to land at Evans Street, Moruya.
19	To enable the sale of a small parcel of land at Costin Street, Narooma that is landlocked and is surplus to recreation and open space requirements.
20	To recognise the heritage value of the Eurobodalla Botanic Gardens Wallace Herbarium.
21	To recognise the heritage value of a dwelling at 253 Princes Highway, Narooma.
22	To increase the maximum height of buildings standard for land at Golf Links Drive, Batemans Bay.

PART 2: EXPLANATION of PROVISIONS

The following table contains a summary of the amendments proposed to ELEG 2012 / RLEG 1987, with more details provided in the Appendices corresponding to each amendment number.

No.	Amendment applies to	Explanation of provisions	Map changes
1	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.	See Tables 1.3 and 1.4 in Appendix 1
2	Map	Rezoning part of Lot E DP 16091, 11 Princes Highway Narooma from SP2 (Infrastructure) to R2 (Low Density Residential) and change the height of buildings map accordingly. Note: This lot previously had an 8.5m height limit under the Residential Design Code (DCP).	Zoning Map – change part of lot not shown on Land Reservation Acquisition Map from SP2 to R2. Height of buildings map – change same part of lot from no height standard to 1 (8.5m).

3	Map	Rezone Lot 2 DP 1164115, Crosby Drive, Batehaven from R5 (Large Lot Residential) to R2 (Low Density Residential).	Zoning Map – change from R5 to R2.
4	Map	Include the following additional properties on the Dwelling Entitlement Maps to reflect the Council resolution of 20 December 2011: i. Lot 7 DP 716697 and Lots 110 and 167 DP 752137, Beashels Lane, Bergalia (excluding Deferred Matter) ii. Lot 1, DP 807062 and Lots 1 and 2 DP 584738, Dunns Creek Road, Woodlands (excluding Deferred Matter)	Dwelling entitlement map – include RU1 part of properties.
5	Clause 2.8	Change the number of days for a permissible temporary use of land from 182 days to 52 days, to correct a typographical error and ensure consistency with adjoining Councils.	Nil
6	Map	Change the minimum lot size and height of buildings standards for part of Lot 3 DP 1125636 at Glasshouse Rocks Road, Narooma.	Lot Size Map – remove lot size standard (10ha) for IN1 part Height of Buildings Map – change IN1 part from I (8.5m) to K (10m)
7	Map	Rezone Lot 103 DP 1073425, Tomakin Road Mogo from RU1 (Primary Production) to SP3 (Tourist), consistent with the zoning of land upon which the existing zoo is located and change the lot size and height of buildings maps accordingly.	Zoning Map – change from RU1 to SP3 Lot Size Map – Remove A1 (1000ha) Height of Buildings Map – Add I (8.5m) (currently no height standard)
8	Map	Rezone Lot 1 DP 1169236 and Lot 3 DP 865527 from the R3 (Medium Density Residential) and R5 (Large Lot Residential) zones respectively to the B5 (Business Development) zone and change lot size and height of buildings maps accordingly. Note: Need to also amend clause 17 in Schedule 1 to remove reference to vehicle sales or hire premises which is a permitted use in the B5 zone, however the reference to vehicle repair station should be retained in clause 17.	Zoning Map – change from R3 to B5 Lot Size Map – remove lot size standards (550m²/1500m²) Height of Buildings Map – change Lot 3 DP 865527 from I (8.5m) to K (10m)
9	Schedule 1	Add a new clause in Schedule 1 to enable the land uses below as permitted with consent on part of	Nil

		the land zoned B5 (Business Development) at Moruya. Additional land uses: • Community facility • Information and education facility • Office premises • Recreation facility (indoor) • Restaurant or café • Shop top housing • Veterinary hospital	
10	Schedule 1	Delete from clause 4 (2) in Schedule 1 “if the premises are located on the ground floor as part of a mixed use development that includes residential accommodation” and add the following additional land uses: • Funeral home • Information and education facility • Public administration building • Veterinary hospital	Nil
11	Schedule 1	i. Add new clauses in Schedule 1 to enable the land uses below as permitted with consent on the following properties: • Land zoned R2 (Low Density Residential) and R3 (Medium Density Residential) at Campbell and Page Streets and Mirrabooka Avenue, Moruya. • Land zoned E4 (Environmental Living) at Church Street, Moruya • Land zoned R2 (Low Density Residential) and R3 (Medium Density Residential) at Princes Highway, Narooma Additional land uses for all above properties: • Funeral home • Information and education facility • Office premises • Public administration building • Veterinary hospital ii. Add new clause in Schedule 1 to enable the land uses below as permitted with consent on land zoned R3 (Medium Density Residential) at Campbell Street, Narooma: • Entertainment facility • Food and drink premises • Function centre • Funeral home	Nil

		• Information and education facility • Office premises • Public administration building • Veterinary hospital Note: Also include Sec 3, Lot 6, DP 758754 in this new clause in Schedule 1 as this lot has been proposed to be rezoned to R3 in the previous planning proposal for minor housekeeping amendments.	
12	Land Use Table	Include in the RU1 (Primary Production) zone land use table as permitted with consent: boat building and repair facility.	Nil
13	Schedule 2	Add “Commercial use of public land and waterways” to the Exempt Development Schedule with the following conditions: • The use/activity must not permanently occupy the subject public land or waterway; • The use/activity must not involve the construction of any permanent structures on public land or in waterways; and • The proponent must have obtained a lease, licence or permit from the relevant public authority. Note: Amendment to clauses 3.3 and 5.7 of ELEP 2012 may also be required to allow the commercial use of public land and waterways as exempt development. Note: The types of commercial activities envisaged by this amendment include the following: • Surf schools; • Personal trainers; • Coffee vans; • Tourism businesses; and • Water sports and training activities.	Nil
14	Clause	Add a “Minimum lot size for split zones” clause. Note: A clause similar to clause 4.1A of the Wollongong LEP 2009 may be appropriate. However, the clause should also apply to land with a split between a Special Purpose Zone or a Recreation Zone and another zone.	Nil
15	Map and Schedule 4	Rezone part of Lot 4 DP 1090948 (Moruya Airport) from RE1 (Public Recreation) to SP1 (Special Activities) and reclassify changed area to	Zone Map – Rezone part of Lot 4 DP

		operational land and change the lot size map accordingly.	1090948 from RE1 to SP1 Lot Size Map – Remove A1 (1000ha) from part rezoned to SP1
16	Schedule 4	Reclassify Lot 71 DP 601741, 521 George Bass Drive, Malua Bay to operational land.	Nil
17	Schedule 4	Reclassify Lot 1 DP 1173024, Law Lane, Mogo to operational land.	Nil
18	Schedule 4	Reclassify part of Lot 45 DP 1151309, 1 Evans Street, Moruya to operational land.	See Attachment 3E
19	Schedule 4	Reclassify Lot 13 DP 838695, Costin Street, Narooma to operational land.	Nil
20	Map and Schedule 5	Addition of Eurobodalla Botanic Gardens Wallace Herbarium on part of SF 549 as a heritage item.	Heritage Map – Identify curtilage of herbarium as a heritage item
21	Map and Schedule 5	Addition of a dwelling at Lot A DP 367304, 253 Princes Highway, Narooma as a heritage item.	Heritage Map – Identify whole of lot as a heritage item
22	Map	Increase the height of buildings standard for land on the western side of Golf Links Drive, Batemans Bay adjoining the golf course.	Height of Buildings Map – change from M2 (12.5m) to O1 (15m).

PART 3: JUSTIFICATION

Refer to Appendices 1 to 22.

PART 4: COMMUNITY CONSULTATION

The majority of matters dealt with in this planning proposal are of a housekeeping nature, and do not result in any adverse impacts upon the community. However, some of the proposed amendments warrant or require community consultation. In particular, the proposed reclassifications of public land require community consultation, including a public hearing under the Local Government Act 1993. It is considered that an exhibition period of 14 days for the entire planning proposal is warranted.

Part 5: PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	May 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)	June 2015
Commencement and completion dates for public exhibition period	June 2015 (14 days)
Dates for public hearing (if required)	13 July 2015
Timeframe for consideration of submissions	August 2015
Timeframe for the consideration of a proposal post exhibition	September 2015
Date of submission to the department to finalise the LEP	September 2015
Anticipated date RPA will make the plan (if delegated)	October 2015
Anticipated date RPA will forward to the department for notification	October 2015

APPENDIX 1 – JUSTIFICATION FOR AMENDMENT NO. 1

Amendment applies to	Explanation of provisions	Map changes
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.	See Tables 1.1 and 1.2

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 a result of any strategic study or report. The amendments have been identified by Council staff and are considered minor in nature. The amendments correct anomalies relating to the listing of certain heritage items, particularly with regards to the property descriptions.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that it improves the quality of the existing statutory lists of heritage items in Eurobodalla.

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 in that it ensures we can accurately identify, value and protect our unique heritage.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	Amendment numbers 1.3, 1.4, 1.8 relate to	Consistent The subject areas are within the coastal zone and/or are sensitive

		land in the coastal zone.	coastal locations as defined in SEPP 71. The proposed amendments will have no significant impact on the coastal zone.
SEPP	Rural Lands 2008	Amendment numbers 1.2, 1.3, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10 relate to land in a rural zone.	Consistent The proposed amendments are minor and will have no significant impact on rural lands.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendments are minor and of no consequences to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
1	Employment and Resources		
1.2	Rural Zones	Amendment numbers 1.2, 1.3, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10 relate to land in a rural zone.	Consistent The proposed amendments are minor and will have no impact on rural lands.
1.5	Rural Lands	Amendment numbers 1.2, 1.3, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10 relate to rural lands.	Consistent The proposed amendments are minor and will have no impact on rural lands.
2	Environment and Heritage		
2.1	Environment Protection Zones	Amendment number 1.4 relates to land zoned E1.	Consistent The amendment is minor and does not reduce the environmental protection standards that apply to the subject land.
2.2	Coastal Protection	Amendment numbers 1.3, 1.4, 1.8 relate to land in the coastal zone.	Consistent The subject areas are within the coastal zone and/or are sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
2.3	Heritage Conservation	All of amendment number 1 relates to heritage items.	Consistent The proposed amendments correct listings of certain heritage items, particularly with regard to property descriptions.

4	Hazard and Risk		
4.1	Acid Sulfate Soils	Amendment number 1.4 relates to land that may have acid sulphate soils.	Consistent The proposed amendments are minor and not inconsistent with the direction.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendments are minor and consistent with the South Coast Regional Strategy.

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?

There are no likely social or economic effects of this planning proposal.

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?

Given the minor nature of the proposed amendments, the views of State or Commonwealth public authorities have not been sought prior to Gateway determination.

TABLE 1.1 – Heritage Amendments to ELEP 2012

No.	Item No.	Schedule 5 Changes	Map Changes
1.1	I236 Foxgloves Spires Residence and Garden	Change Lot and DP to Part Lot 1 DP 1152145	Map only part of Lot 1 DP 1152145 – see Attached Map
1.2	I71 Lustleigh Park Farmhouse	Change Lot and DP to Lot 1 DP 1196461	Nil
1.3	I82 Presbyterian Church	Add to Schedule 5: Coila, Presbyterian Church, 4017 Princes Highway, Lot 96 DP 1134972, Local, I82	Nil (Heritage Map already shows item)
1.4	I223 McMillan’s Sawmill Wharf and Skids	Change Lot and DP to Lot 311 DP 1202989	Nil
1.5	I248 Kyla Park Grazing Lands	Add to Schedule 5: Tuross Head, Kyla Park Grazing Lands, Lot 3 DP 1081596, Local, I248	Map Lot 3 DP 1081596 – see Attached Map

TABLE 1.2 – Heritage Amendments to RLEP 1987

No.	Item	Schedule 1 Changes	Map Changes
1.5	Presbyterian church, Coila	Remove listing (transfer to ELEP 2012)	Nil
1.6	Water Race, Nerrigundah	Change Lot and DP to Lot 7300 DP 1129141, Gulph Creek Road	Nil
1.7	Chinese drystone wall	Remove “Lot 1, DP 1017506, Mount Dromedary Trail and”	Nil
1.8	Kyla Park grazing lands	Change Lot and DP to Lots 75-77 DP 260321 and Lots 1, 2 and 4 DP 1081596 and Lot 791 DP 1040710, Hector McWilliam Drive	Nil
1.9	Glen Luna residence	Change Lot and DP to Lot 45 DP 1171177	Nil
1.10	Mountain Valley farm cottage	Change Lot and DP to Lot 45 DP 1171177	Nil

APPENDIX 2 – JUSTIFICATION FOR AMENDMENT NO. 2

Amendment applies to	Explanation of provisions	Map changes
Map	Rezone part of Lot E DP 16091, 11 Princes Highway Narooma from SP2 (Infrastructure) to R2 (Low Density Residential) and change the height of buildings map accordingly. Note: This lot previously had an 8.5m height limit under the Residential Design Code (DCP).	Zoning Map – change part of lot not shown on Land Reservation Acquisition Map from SP2 to R2. Height of buildings map – change same part of lot from no height standard to 1 (8.5m).

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 have been identified by Council staff and are considered minor in nature. The amendments will ensure appropriate residential development of the land can be achieved.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that ensures land is appropriately zoned.

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 in that it ensures land is appropriately zoned.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal may affect land in the coastal zone.	Consistent The subject area is within the coastal zone but is not in a sensitive coastal location as defined in SEPP 71. The proposed amendment will have no impact on the coastal zone.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendment is minor and of no consequence to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
2	Environment and Heritage		
2.2	Coastal Protection	The proposal may affect land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The proposal relates to land proposed to be zoned residential.	Consistent The proposed amendment corrects a zoning anomaly and is not inconsistent with the direction.
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	Consistent The proposed amendment corrects a zoning anomaly and is not inconsistent with the direction.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendment is minor and consistent with the South Coast Regional Strategy.

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?

There are no likely social or economic effects of this planning proposal.

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 Roads and Maritime Services have advised that the identification of the whole of the property as zone SP2 Infrastructure is incorrect and should be amended to coincide with the Land Reservation Acquisition Map.

APPENDIX 3 – JUSTIFICATION FOR AMENDMENT NO. 3

Amendment applies to	Explanation of provisions	Map changes
Map	Rezone Lot 2 DP 1164115, Crosby Drive, Batehaven from R5 (Large Lot Residential) to R2 (Low Density Residential).	Zoning Map – change from R5 to R2.

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 amendment has been identified by Council staff and is considered minor in nature. The amendment provides for consistent zoning of the subject land which is in single ownership.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that it ensures land is appropriately zoned.

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 in that it ensures land is appropriately zoned.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendment is minor and of no consequence to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The proposal relates to land in a residential zone.	Consistent The proposed amendment corrects a zoning anomaly and is not inconsistent with the direction.
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	Consistent The proposed amendment corrects a zoning anomaly and is not inconsistent with the direction.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendment is minor and consistent with the South Coast Regional Strategy.

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?

There are no likely social or economic effects as a result of this planning proposal.

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.

APPENDIX 4 – JUSTIFICATION FOR AMENDMENT NO. 4

Amendment applies to	Explanation of provisions	Map changes
Map	Include the following additional properties on the Dwelling Entitlement Maps to reflect the Council resolution of 20 December 2011: ii. Lot 7 DP 716697 and Lots 110 and 167 DP 752137, Beashels Lane, Bergalia (excluding Deferred Matter) iv. Lot 1, DP 807062 and Lots 1 and 2 DP 584738, Dunns Creek Road, Woodlands (excluding Deferred Matter)	Dwelling entitlement map – include RU1 part of properties.

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 have been identified by Council staff and landowners and are considered minor in nature. The amendments provide for the retention of lawful dwelling entitlements on certain rural lands.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that it preserves existing lawful dwelling entitlements on certain rural land.

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 in that it preserves existing lawful dwelling entitlements on certain rural land.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP	Rural Lands 2008	The proposal relates to land in a rural zone.	Consistent The proposed amendments recognise existing dwelling entitlements and are therefore consistent with the rural planning principles in the SEPP.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendments are minor and of no consequence to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
1	Employment and Resources		
1.2	Rural Zones	The proposal relates to land in a rural zone.	Consistent The proposed amendments do not increase the permissible density of land in a rural zone.
1.5	Rural Lands	The proposal relates to rural lands.	Consistent The proposed amendments recognise existing dwelling entitlements and are therefore consistent with the rural planning principles in the SEPP (Rural Lands) 2008.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendments are minor and consistent with the South Coast Regional Strategy.

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?

There are no likely social or economic effects as a result of this planning proposal.

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.

APPENDIX 5 – JUSTIFICATION FOR AMENDMENT NO. 5

Amendment applies to	Explanation of provisions	Map changes
Clause 2.8	Change the number of days for a permissible temporary use of land from 182 days to 52 days, to correct a typographical error and ensure consistency with adjoining Councils.	Nil

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 amendment has been identified by Council staff and is considered minor in nature. The proposed amendment ensures Council's provisions for temporary use of land are consistent with adjoining Council LEPs.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that it ensures consistency amongst the three local government areas in the South Coast region.

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 in that it provides a balanced approach to planning.

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

State Environmental Planning Policies	Relevance to Planning Proposal	Consistency of Planning Proposal
REP Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendment is minor and of no consequence to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendment is minor and consistent with the South Coast Regional Strategy.

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?

While the operation of temporary activities will be more limited in duration as a result of the planning proposal, it is not considered that this will have significant social or economic effects.

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.

APPENDIX 6 – JUSTIFICATION FOR AMENDMENT NO. 6

Amendment applies to	Explanation of provisions	Map changes
Map	Change the minimum lot size and height of buildings standards for part of Lot 3 DP 1125636 at Glasshouse Rocks Road, Narooma.	Lot Size Map – remove lot size standard (10ha) for IN1 part Height of Buildings Map – change IN1 part from I (8.5m) to K (10m)

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 have been identified by Council staff and are considered minor in nature. The amendments ensure consistency of development standards for industrial land in Narooma.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that it facilitates appropriate development in a zoned employment area.

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 in that it facilitates respectful planning, balanced growth and good design.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal may affect land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments

			will have no impact on the coastal zone.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendments are minor and of no consequences to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
1	Employment and Resources		
1.1	Business and Industrial Zones	The proposal relates to land in an industrial zone.	Consistent The proposed amendment facilitates industrial development opportunities on land in an industrial zone.
2	Environment and Heritage		
2.2	Coastal Protection	The proposal may affect land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
3	Housing, Infrastructure and Urban Development		
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	Consistent The proposed amendment facilitates industrial development opportunities on land in an industrial zone.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendments are minor and consistent with the South Coast Regional Strategy.

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?

While the subject land is covered in native vegetation, it is not listed as an endangered ecological community. As the land is already zoned for industrial development, the proposed

amendments will not result in any further environmental effects. The impacts of an industrial development on the environment will be considered as part of the development application process.

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

While the subject land is covered by native vegetation, the land is already zoned for industrial development and the proposed amendments will not result in any further environmental effects. The impacts of an industrial development on the environment will be considered as part of the development application process.

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

The proposed amendments facilitate industrial development in the subject land in a form consistent with surrounding industrial development.

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.

APPENDIX 7 – JUSTIFICATION FOR AMENDMENT NO. 7

Amendment applies to	Explanation of provisions	Map changes
Map	Rezone Lot 103 DP 1073425, Tomakin Road Mogo from RU1 (Primary Production) to SP3 (Tourist), consistent with the zoning of land upon which the existing zoo is located and change the lot size and height of buildings maps accordingly.	Zoning Map – change from RU1 to SP3 Lot Size Map – Remove A1 (1000ha) Height of Buildings Map – Add I (8.5m) (currently no height standard)

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 the landowners and are considered minor in nature.

While the proposed expansion of the zoo onto the subject land can be undertaken with consent under the current zoning (RU1 Primary Production), the land owner and operator of the Mogo Zoo has requested the amendments to ensure that the whole of the land upon which the zoo is located (and will be expanded onto) has the same planning provisions.

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

While the rezoning from RU1 to SP3 is not strictly required in order to achieve the intended outcome (being the expansion of the Mogo Zoo), the planning proposal provides the only way of achieving the land owner's request for consistency of planning provisions for the whole of the land on which the zoo is and will be located.

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 inconsistent with the South Coast Regional Strategy in that it proposes the rezoning of rural land to a non-rural zone. However, the subject land is owned by the operators of the adjoining Mogo Zoo, who have intentions to expand the zoo onto the site and such development is permissible in the current RU1 zone. The subject site is under 5ha in size and rezoning to SP3 will not result in a significant loss of rural land in Eurobodalla.

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 in that it encourages respectful planning and balanced growth.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal may affect land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
SEPP	Rural Lands 2008	The proposal relates to land in a rural zone.	Inconsistent The amendment proposes the rezoning of land from RU1 to SP3 to facilitate an expansion of the Mogo Zoo. As the subject lot is under 5ha in size, a rezoning to SP3 will not result in a significant loss of rural lands in Eurobodalla and is therefore of minor significance.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendments are minor and of no consequences to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
1	Employment and Resources		
1.2	Rural Zones	The proposal relates to land in a rural zone.	Inconsistent The amendment proposes the rezoning of land from RU1 to SP3 to facilitate an expansion of the Mogo Zoo. As the subject lot is under 5ha in size, a rezoning to SP3 will not result in a significant loss of rural lands in Eurobodalla and is therefore of minor significance.

1.5	Rural Lands	The proposal relates to rural lands.	Inconsistent The amendment proposes the rezoning of land from RU1 to SP3 to facilitate an expansion of the Mogo Zoo. As the subject lot is under 5ha in size, a rezoning to SP3 will not result in a significant loss of rural lands in Eurobodalla and is therefore of minor significance.
2	Environment and Heritage		
2.2	Coastal Protection	The proposal may affect land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendments are minor and consistent with the South Coast Regional Strategy.

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?

Given the zoo can be expanded onto the land with consent under the current zone, the proposed amendments do not result in any additional social or economic effects.

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.

APPENDIX 8 – JUSTIFICATION FOR AMENDMENT NO. 8

Amendment applies to	Explanation of provisions	Map changes
Map	Rezone Lot 1 DP 1169236 and Lot 3 DP 865527 from the R3 (Medium Density Residential) and R5 (Large Lot Residential) zones respectively to the B5 (Business Development) zone and change the lot size and height of buildings maps accordingly. Note: Need to also amend clause 17 in Schedule 1 to remove reference to vehicle sales or hire premises which is a permitted use in the B5 zone, however the reference to vehicle repair station should be retained in clause 17.	Zoning Map – change from R3/R5 to B5 Lot Size Map – remove lot size standards (550m²/ 1500m²) Height of Buildings Map – change Lot 3 DP 865527 from I (8.5m) to K (10m)

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 are considered minor in nature. The proposed amendments reflect existing land uses and development approvals.

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

The intended outcomes could, in part, be achieved through changes to Schedule 1 of ELEP 2012. In fact, Lot 3 DP 865527 is already included in Schedule 1 to permit vehicle sales or hire premises and vehicle repair station. However, a rezoning to the B5 Business Development zone provides more commercial development opportunities for the subject land, and represents the only way to achieve the outcome of flexibility for commercial development on the land.

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 in that it provides additional employment lands in a location with good accessibility and in close proximity to the Batemans Bay Regional Centre.

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 in that it supports business investment and employment growth.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal may affect land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal location as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendments are minor and of no consequences to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
1	Employment and Resources		
1.1	Business and Industrial Zones	The proposal relates to land proposed to be zoned business.	Consistent The proposed amendments increase commercial development opportunities on land in or proposed to be in a business zone.
2	Environment and Heritage		
2.2	Coastal Protection	The proposal may affect land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The proposal relates to land zoned residential.	Inconsistent While the planning proposal is inconsistent with this direction, it is justified by being consistent with the South Coast Regional Strategy in

			that it provides additional employment lands in a location with good accessibility and in close proximity to the Batemans Bay Regional Centre.
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	Consistent The planning proposal provides additional employment lands in a location with good accessibility and in close proximity to the Batemans Bay Regional Centre.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The planning proposal is consistent with the South Coast Regional Strategy in that it provides additional employment lands in a location with good accessibility and in close proximity to the Batemans Bay Regional Centre.

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?

The amendment provides for additional commercial activities to be developed in an area with good access close to the Batemans Bay Town Centre, thereby increasing economic development and employment opportunities.

Section D – STATE and COMMONWEALTH INTERESTS

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

Yes.

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.

APPENDIX 9 – JUSTIFICATION FOR AMENDMENT NO. 9

Amendment applies to	Explanation of provisions	Map changes
Schedule 1	Add a new clause in Schedule 1 to enable the land uses below as permitted with consent on part of the land zoned B5 (Business Development) at Moruya. Additional land uses: • Community facility • Information and education facility • Office premises • Recreation facility (indoor) • Restaurant or café • Shop top housing • Veterinary hospital	Nil

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. The amendments provide additional commercial development opportunities on part of the land zoned B5 zone at Moruya where the existing lot sizes are relatively small and amalgamation would be required for large-floor plate developments.

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

The proposed approach is considered best having regard to the small nature of the existing lots in the subject area. Alternatives to the proposed amendment could be to rezone the subject land B2 Local Centre, or to add all of the additional land uses to the B5 zone land use table. These options are not preferred in order to: (a) retain the compact nature of the core retail and business centre of Moruya, and (b) to ensure larger footprint type developments are the focus for the remaining B5 areas (where there are larger lots). These options are also not supported by the Economic Development and Employment Lands Strategy 2011.

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 in that it maintains the net supply of zoned employment land and provides for specific opportunities identified by Council staff and land owners.

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 in that it supports business investment and employment growth.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendment is minor and of no consequences to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
1	Employment and Resources		
1.1	Business and Industrial Zones	The proposal relates to land in a business zone.	Consistent The proposed amendments increase commercial development opportunities on land in a business zone.
2	Environment and Heritage		

2.2	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
3	Housing, Infrastructure and Urban Development		
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	Consistent The proposed amendment increases land use options on certain lands zoned for business purposes in an existing town centre.
4	Hazard and Risk		
4.3	Flood Prone Land	The proposal relates to flood prone land.	Consistent Although the amendment proposes additional land uses on land within the Moruya Flood Planning Area, it is not considered to be a significant increase in the development of that land. The potential for danger to personal safety and damage is of minor significance and can be addressed on merit by land form changes, building, siting and design at the development application stage and would be consistent with Council's current development processes and procedures as applied to adjacent business lands with similar hazard category.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendment is minor and consistent with the South Coast Regional Strategy.

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?

The amendment provides for additional commercial activities to be developed in areas proximate to the Moruya town centre, thereby increasing economic development and employment opportunities.

Section D – STATE and COMMONWEALTH INTERESTS

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

Yes.

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.

APPENDIX 10 – JUSTIFICATION FOR AMENDMENT NO. 10

Amendment applies to	Explanation of provisions	Map changes
Schedule 1	Delete from clause 4 (2) in Schedule 1 “if the premises are located on the ground floor as part of a mixed use development that includes residential accommodation” and add the following additional land uses: • Funeral home • Information and education facility • Public administration building • Veterinary hospital	Nil

Section A – NEED for the PLANNING PROPOSAL

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

The amendment is a direct result of and is consistent with the Eurobodalla Economic Development and Employment Lands Strategy, 2011.

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

The proposed approach is considered the best means of achieving the intended outcomes and will result in an appropriate mix of residential and commercial activities in this edge of centre location. The alternative would be to rezone the subject land, however there is no current zone option that would provide for a mix of residential and commercial activities in an edge of centre location. The B4 Mixed Use zone is not appropriate in this instance given this zone has been used to designate the core commercial area of Batemans Bay.

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 in that it provides additional employment lands in a location with good accessibility and in close proximity to the Batemans Bay Regional Centre.

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 in that it supports business investment and employment growth. The

amendment is also consistent with the Eurobodalla Economic Development and Employment Lands Strategy which identifies the subject land for additional commercial development.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendments are minor and of no consequences to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
1	Employment and Resources		
2.2	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone and/or are sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The proposal relates to land in a residential zone.	Consistent The proposed amendment increases land use options in a residential area adjoining the Batemans Bay town centre. The amendment is not inconsistent with the direction.
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	Consistent The proposed amendment increases land use options in a residential area adjoining the

			Batemans Bay town centre. The amendment is not inconsistent with the direction.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendments are minor and consistent with the South Coast Regional Strategy.

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?

The amendment provides for additional commercial activities to be developed in an area proximate to the Batemans Bay town centre, thereby increasing economic development and employment opportunities.

Section D – STATE and COMMONWEALTH INTERESTS

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

Yes.

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.

APPENDIX 11 – JUSTIFICATION FOR AMENDMENT NO. 11

Amendment applies to	Explanation of provisions	Map changes
Schedule 1	i. Add new clauses in Schedule 1 to enable the land uses below as permitted with consent on the following properties: • Land zoned R2 (Low Density Residential) and R3 (Medium Density Residential) at Campbell and Page Streets and Mirrabooka Avenue, Moruya. • Land zoned E4 (Environmental Living) at Church Street, Moruya • Land zoned R2 (Low Density Residential) and R3 (Medium Density Residential) at Princes Highway, Narooma Additional land uses for all above properties: • Funeral home • Information and education facility • Office premises • Public administration building • Veterinary hospital ii. Add new clause in Schedule 1 to enable the land uses below as permitted with consent on land zoned R3 (Medium Density Residential) at Campbell Street, Narooma: • Entertainment facility • Food and drink premises • Function centre • Funeral home • Information and education facility • Office premises • Public administration building • Veterinary hospital Note: Also include Sec 3, Lot 6, DP 758754 in this new clause in Schedule 1 as this lot has been proposed to be rezoned to R3 in the previous planning proposal for minor housekeeping amendments.	Nil

Section A – NEED for the PLANNING PROPOSAL

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

The amendment is a direct result of and is consistent with the Eurobodalla Economic Development and Employment Lands Strategy, 2011.

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

The proposed approach is considered the best means of achieving the intended outcomes and will result in an appropriate mix of residential and commercial activities in these edge of centre locations. The alternative would be to rezone the subject land, however there is no current zone option that would provide for a mix of residential and commercial activities in an edge of centre location.

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 in that it provides additional employment lands in locations with good accessibility and in close proximity to the Moruya and Narooma town centres.

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 in that it supports business investment and employment growth. The amendment is also consistent with the Eurobodalla Economic Development and Employment Lands Strategy which identifies the majority of the subject land for additional commercial development.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject areas are within the coastal zone and/or are sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.

REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendments are minor and of no consequences to the matters addressed in the REP.
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6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
2	Environment and Heritage		
2.2	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject areas are within the coastal zone and/or are sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The proposal relates to land in a residential zone.	Consistent The proposed amendment increases land use options in a residential area adjoining the Moruya and Narooma town centres. The amendment is not inconsistent with the direction.
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	Consistent The proposed amendment increases land use options in a residential area adjoining the Moruya and Narooma town centres. The amendment is not inconsistent with the direction.
4	Hazard and Risk		
4.1	Acid Sulfate Soils	The proposal relates to land that may be affected by acid sulphate soils.	Consistent Although the proposed amendments propose additional land uses on land with potential for Acid Sulfate Soils, the changes are not considered to be an intensification of land uses.
4.3	Flood Prone Land	The proposal relates to flood prone land.	Consistent Although the amendment proposes additional land uses on land within the Moruya Flood Planning Area, it is not considered to be a significant increase in the development of that land. The potential for danger to personal safety and damage is of minor significance and can be addressed on merit by land form

			changes, building, siting and design at the development application stage and would be consistent with Council's current development processes and procedures as applied to adjacent business lands with similar hazard category.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendments are minor and consistent with the South Coast Regional Strategy.

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?

The amendment provides for additional commercial activities to be developed in an area proximate to the Moruya and Narooma town centres, thereby increasing economic development and employment opportunities.

Section D – STATE and COMMONWEALTH INTERESTS

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

Yes.

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.

APPENDIX 12 – JUSTIFICATION FOR AMENDMENT NO. 12

Amendment applies to	Explanation of provisions	Map changes
Land Use Table	Include in the RU1 Primary Production Zone land use table as permitted with consent: boat building and repair facility.	Nil

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 are considered minor in nature. The opportunities for boat building and repair facilities in the Eurobodalla are currently extremely limited, and particularly limited on land with direct access to water. The proposed amendment facilitates a land use in locations adjoining waterways in the Shire, where the predominant zone is RU1.

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

The planning proposal provides the best way of achieving the intended outcome. An alternative approach would be to identify specific sites on which this land use may be appropriate and add those sites to Schedule 1, however the proposed approach is preferred as it provides more flexibility.

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 not inconsistent with the South Coast Regional Strategy. While a boat building and repair facility is not an agricultural use of rural land, the nature of the use is not dissimilar to a rural industry. It is therefore not necessarily incompatible with rural activities and provides an alternative development opportunity for rural land owners.

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 in that it facilitates additional business and employment opportunities in the Shire.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal may affect land in the coastal zone.	Consistent While the proposal does not relate to any specific site, it does relate generally to land that may have direct access to waterways and may therefore involve land in the coastal zone and/or sensitive coastal locations as defined in SEPP 71. The proposed amendment itself will have no direct impact on the coastal zone. Any future development application for a boat building and repair facility may need to be assessed having regard to the provisions of SEPP 71.
SEPP	Rural Lands 2008	The proposal relates to land zoned RU1.	Consistent While a boat building and repair facility is not an agricultural use of rural land, the nature of the use is not dissimilar to a rural industry. It is therefore not necessarily incompatible with rural activities and provides an alternative development opportunity for rural land owners. It is therefore considered consistent with the rural planning principle in the SEPP to promote and protect opportunities for current and potential productive and sustainable economic activities in rural areas.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent While the proposal does not relate to any specific site, it does relate generally to land that may have direct access to waterways. The proposed amendment itself will have no direct impact on any waterways. Any future development application for a boat building and repair facility may need to be assessed having regard to the objectives of the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
1	Employment and Resources		
1.2	Rural Zones	The proposal relates to land zoned RU1.	Consistent The proposed amendments do not increase the permissible density of land in a rural zone.
1.5	Rural Lands	The proposal relates to rural lands.	Consistent While a boat building and repair facility is not an agricultural use of rural land, the nature of the use is not dissimilar to a rural industry. It is therefore not necessarily incompatible with rural activities and provides an alternative development opportunity for rural land owners. It is therefore considered consistent with the rural planning principle in the SEPP (Rural Lands) 2008 to promote and protect opportunities for current and potential productive and sustainable economic activities in rural areas.
2	Environment and Heritage		
2.2	Coastal Protection	The proposal may affect land in the coastal zone.	Consistent While the proposal does not relate to any specific site, it does relate generally to land that may have direct access to waterways and may therefore involve land in the coastal zone as defined in SEPP 71. The proposed amendment itself will have no direct impact on the coastal zone. Any future development application for a boat building and repair facility may need to be assessed having regard to the provisions of SEPP 71.
4	Hazard and Risk		
4.1	Acid Sulfate Soils	The proposal may affect land affected by acid sulphate soils.	Consistent While the proposal does not relate to any specific site, it does relate generally to land that may have direct access to waterways and may therefore involve land that has acid

			sulphate soils. The proposed amendment itself will have no direct impact on land with acid sulphate soils. Any future development application for a boat building and repair facility may need to be assessed having regard to the impact on acid sulphate soils.
4.3	Flood Prone Land	The proposal may affect flood prone land.	Consistent While the proposal does not relate to any specific site, it does relate generally to land that may have direct access to waterways and may therefore involve flood prone land. The proposed amendment itself will have no direct impact on flood prone land. Any future development application for a boat building and repair facility may need to be assessed having regard to flooding impacts.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The planning proposal is not inconsistent with the South Coast Regional Strategy. While a boat building and repair facility is not an agricultural use of rural land, the nature of the use is not dissimilar to a rural industry. It is therefore not necessarily incompatible with rural activities and provides an alternative development opportunity for rural land owners.

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?

Any effects of a proposed boat building and repair facility on critical habitat or threatened species, populations or communities will be considered as part of the development assessment process.

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

Any other environmental effects of a proposed boat building and repair facility on land will be considered as part of the development assessment process.

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

The planning proposal facilitates additional business and employment opportunities in the Shire.

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.

APPENDIX 13 – JUSTIFICATION FOR AMENDMENT NO. 13

Amendment applies to	Explanation of provisions	Map changes
Schedule 2	Add “Commercial use of public land and waterways” to the Exempt Development Schedule with the following conditions: • The use/activity must not permanently occupy the subject public land or waterway; • The use/activity must not involve the construction of any permanent structures on public land or in waterways; and • The proponent must have obtained a lease, licence or permit from the relevant public authority. Note: Amendment to clauses 3.3 and 5.7 of ELEP 2012 may also be required to allow the commercial use of public land and waterways as exempt development. Note: The types of commercial activities envisaged by this amendment include the following: • Surf schools; • Personal trainers; • Coffee vans; • Tourism businesses; and • Water sports and training activities.	Nil

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 are considered minor in nature. The amendments minimise red tape by removing the requirement for development consent for activities that require other forms of approvals from relevant agencies (leases, licenses, permits, etc). Opportunities for community input into proposals for commercial activities on public land are available through the relevant license or permit processes.

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

The planning proposal provides the best way of achieving the intended outcome. An alternative approach could be the inclusion of additional land uses in the RE1, W1 and W2 zones as permitted without consent. This option is not preferred as it requires the use of specific definitions which may not always suit the range of commercial activities that may be proposed on public land or waterways. Further this option does not allow the inclusion of conditions, including requiring the proponent to obtain the required lease, licence or permit.

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 in that it recognises the employment generating capacity of natural environments and facilitates business opportunities and tourism experiences.

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 in a range of ways including through facilitating recreation opportunities, business and employment opportunities and tourism experiences.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal may affect land in the coastal zone.	Consistent While the proposal does not relate to any specific site, it does relate generally to land that may be or have direct access to a waterway and may therefore involve land in the coastal zone and/or sensitive coastal locations as defined in SEPP 71. The proposed amendment itself will have no impact on the coastal zone. Any potential impacts of a proposed activity on the coastal zone will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.

REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent While the proposal does not relate to any specific site, it does relate generally to land that may be or have direct access to a waterway. The proposed amendment itself will have no impact on waterways. Any application for a lease, licence or permit for a proposed activity may need to be assessed having regard to the objectives of the REP.
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6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
2	Environment and Heritage		
2.1	Environment Protection Zones	The proposal may relate to land zoned E2.	Consistent The proposed amendment does not reduce the environmental protection standards that apply to E2 land.
2.2	Coastal Protection	The proposal may affect land in the coastal zone.	Consistent While the proposal does not relate to any specific site, it does relate generally to land that may be or have direct access to a waterway and may therefore involve land in the coastal zone and/or sensitive coastal locations as defined in SEPP 71. The proposed amendment itself will have no impact on the coastal zone. Any potential impacts of a proposed activity on the coastal zone will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.
4	Hazard and Risk		
4.1	Acid Sulfate Soils	The proposal may affect land affected by acid sulfate soils.	Consistent While the proposal does not relate to any specific site, it does relate generally to land that may be or have direct access to a waterway and may therefore involve land that has acid sulfate soils. The proposed amendment itself will have no impact on land with acid sulphate soils. Any potential impacts of a proposed activity on acid sulphate soils

			will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.
4.3	Flood Prone Land	The proposal may affect flood prone land.	Consistent While the proposal does not relate to any specific site, it does relate generally to land that may be or have direct access to a waterway and may therefore involve flood prone land. The proposed amendment itself will have no impact on flood prone land. Any potential impacts of a proposed activity on flood prone land will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendments are minor and consistent with the South Coast Regional Strategy.

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?

Any potential impacts of a proposed activity on critical habitat, threatened species, populations or communities, will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.

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

Any potential impacts of a proposed activity on the environment will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.

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

The proposed amendment facilitates increased economic development and employment opportunities, recreational and tourism experiences.

Section D – STATE and COMMONWEALTH INTERESTS

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

Any infrastructure requirements for a proposed activities will be considered through the processes of obtaining the relevant lease, licence or permit for the subject activity.

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.

APPENDIX 14 – JUSTIFICATION FOR AMENDMENT NO. 14

Amendment applies to	Explanation of provisions	Map changes
Clause	Add a “Minimum lot size for split zones” clause. Note: A clause similar to clause 4.1A of the Wollongong LEP 2009 may be appropriate. However, the clause should also apply to land with a split between a Special Purpose Zone or a Recreation Zone and another zone.	Nil

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 are considered minor in nature. The proposed amendment rectifies an anomaly with the current subdivision provisions that prevent optimum subdivision outcomes on land with split zoning.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that it provides for optimum subdivision outcomes on land in accordance with the Minimum Lot Size Map in ELEM 2012.

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 in that it ensures planning is responsive to the environment and community needs.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal may relate to land in the coastal zone.	Consistent While the proposal does not relate to any specific site, it does relate generally to land that may be within the coastal zone and/or a sensitive coastal locations as defined in SEPP 71. The proposed amendments will facilitate optimal subdivision of land in accordance with the Minimum Lot Size Map. Any impacts on the coastal zone will be considered as part of a development application for subdivision of the land.
SEPP	Rural Lands 2008	The proposal may relate to land zoned rural.	Consistent The proposed amendments will facilitate optimal subdivision of land in accordance with the Minimum Lot Size Map. Any development application for subdivision of rural land will need to be assessed having regard to the rural subdivision principles in the SEPP.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendments are minor and of no consequences to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
1	Employment and Resources		
1.2	Rural Zones	The proposal may relate to land zoned rural.	Consistent The proposed amendments will facilitate optimal subdivision of land in accordance with the Minimum Lot Size Map.
1.5	Rural Lands	The proposal may relate to rural land.	Consistent The proposed amendments will facilitate optimal subdivision of land

			in accordance with the Minimum Lot Size Map.
2	Environment and Heritage		
2.1	Environment Protection Zones	The proposal may relate to land in an environmental zone.	Consistent The amendments do not reduce the environmental protection standards that apply to land in an environmental zone.
2.2	Coastal Protection	The proposal may relate to land in the coastal zone.	Consistent While the proposal does not relate to any specific site, it does relate generally to land that may be within the coastal zone and/or a sensitive coastal locations as defined in SEPP 71. The proposed amendments will facilitate optimal subdivision of land in accordance with the Minimum Lot Size Map. Any impacts on the coastal zone will be considered as part of a development application for subdivision of the land.
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The proposal may relate to land zoned residential.	Consistent The proposed amendments will facilitate optimal subdivision of land in accordance with the Minimum Lot Size Map.
3.4	Integrating Land Use and Transport	The proposal may relate to land in an urban zone.	Consistent The proposed amendments will facilitate optimal subdivision of land in accordance with the Minimum Lot Size Map.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendments are minor and consistent with the South Coast Regional Strategy.

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?

Any impacts on critical habitat or threatened species, populations or communities as a result of subdivision of land made permissible by this amendment will be considered as part of the assessment of a development application for the subdivision.

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

Any impacts on the environment as a result of subdivision of land made permissible by this amendment will be considered as part of the assessment of a development application for the subdivision.

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

The planning proposal facilitates the optimal subdivision of land that has a split zoning, facilitating additional housing, development and employment opportunities.

Section D – STATE and COMMONWEALTH INTERESTS

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

The requirement for infrastructure to service any proposed subdivision of land will be considered as part of the assessment of a development application for the subdivision.

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.

APPENDIX 15 – JUSTIFICATION FOR AMENDMENT NO. 15

Amendment applies to	Explanation of provisions	Map changes
Map and Schedule 4	Rezone part of Lot 4 DP 1090948 (Moruya Airport) from RE1 (Public Recreation) to SP1 (Special Activities) and reclassify changed area to operational land and change the lot size map accordingly.	Zone Map – Rezone part of Lot 4 DP 1090948 from RE1 to SP1 Lot Size Map – Remove A1 (1000ha) from part rezoned to SP1

For further details of the proposed reclassification, see below:

Lot and DP	Address	Suburb	Area	Identified through Recreation Strategy	Interests Changed	Intention
Part Lot 4 DP 1090948	Bruce Cameron Drive	Moruya	232.8ha	No	No	To recognise existing infrastructure associated with Moruya airport and enable further associated infrastructure. There will be no reduction in the existing primitive campground that occupies the RE1 portion of the site.

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 are considered minor in nature. The proposed amendments reflect actual operations of the airport.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that it protects the operations of the Moruya Airport.

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 in that it ensures our planning framework accurately recognises existing infrastructure and facilitates appropriate infrastructure improvements.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone and is partly in a sensitive coastal location as defined in SEPP 71. The proposed amendment will have no impact on the coastal zone.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendments are minor and of no consequence to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
2	Environment and Heritage		
2.2	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone and is partly in a sensitive coastal location as defined in SEPP 71. The proposed amendment will have no impact on the coastal zone.
4	Hazard and Risk		
4.1	Acid Sulfate Soils	The land may contain acid sulfate soils.	Consistent The proposed amendments affect land that may contain acid sulfate soils. The amendments are minor and are not considered to be an intensification of use.
4.3	Flood Prone Land	The land is flood prone.	Consistent

			The proposed amendments affect land within the Moruya Flood Planning Area. The amendments are minor and are not considered to be a significant increase in the development of the land.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendments are minor and consistent with the South Coast Regional Strategy.

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?

The planning proposal facilitates appropriate improvements to existing infrastructure at the Moruya Airport and does not reduce the area of the primitive campground that occupies the RE1 portion of the site.

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.

APPENDIX 16 – JUSTIFICATION FOR AMENDMENT NO. 16

Amendment applies to	Explanation of provisions	Map changes
Schedule 4	Reclassify Lot 71 DP 601741, 521 George Bass Drive, Malua Bay to operational land.	Nil

For further details of the proposed reclassification, see below:

Lot and DP	Address	Suburb	Area	Identified through Recreation Strategy	Interests Changed	Intention
Lot 71 DP 601741	521 George Bass Drive	Malua Bay	5897m ²	No	No	To enable the development of a sewer pumping station.

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 are considered minor in nature. The proposed amendment facilitates the construction of a sewer pumping station on the land.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that it facilitates infrastructure that supports growth in an urban growth area identified in the Eurobodalla Settlement 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 in that it facilitates the development of infrastructure that supports growth.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal location as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendment is minor and of no consequence to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
2	Environment and Heritage		
2.2	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal location as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The land is zoned residential.	Consistent The proposed amendment provides for the servicing of residential land. The amendment is not inconsistent with the direction.
3.4	Integrating Land Use and Transport	The land has an urban zone.	Consistent The proposed amendment provides for the servicing of urban land. The amendment is not inconsistent with the direction.
4	Hazard and Risk		
4.1	Acid Sulfate Soils	The land may contain acid sulphate soils.	Consistent The proposed amendment affects land that may have acid sulfate soils. The amendment is minor and is not considered an intensification of use.

5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendment is minor and consistent with the South Coast Regional Strategy.

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?

Vegetation on the subject land is identified as “Swamp Oak - Prickly Tea-tree - Swamp Paperbark swamp forest on coastal floodplains, Sydney Basin and South East Corner” which is listed as an endangered ecological community. A Review of Environmental Factors will be required to assess the impact of the proposed sewer pumping station on the EEC prior to any approval under Part 5 of the EP&A Act 1979.

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 other likely environmental effects as a result of this planning proposal.

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

The proposed amendment facilitates housing and economic growth in Malua Bay.

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.

APPENDIX 17 – JUSTIFICATION FOR AMENDMENT NO. 17

Amendment applies to	Explanation of provisions	Map changes
Schedule 4	Reclassify Lot 1 DP 1173024, Law Lane, Mogo to operational land.	Nil

For further details of the proposed reclassification, see below:

Lot and DP	Address	Suburb	Area	Identified through Recreation Strategy	Interests Changed	Intention
Lot 1 DP 1173024	Law Lane	Mogo	3.764ha	No	No	To recognise an existing water treatment plant on site and enable further associated infrastructure.

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 are considered minor in nature. The proposed amendment facilitates the ongoing operation of a water treatment plant.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that it facilitates the operation of infrastructure that supports urban development.

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 in that it facilitates the operation of infrastructure that supports urban development.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendment is minor and of no consequence to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendment is minor and consistent with the South Coast Regional Strategy.

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?

The proposed amendment facilitates the operation of essential infrastructure for development.

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.

APPENDIX 18 – JUSTIFICATION FOR AMENDMENT NO. 18

Amendment applies to	Explanation of provisions	Map changes
Schedule 4	Reclassify part of Lot 45 DP 1151309, 1 Evans Street, Moruya to operational land.	See Attachment

For further details of the proposed reclassification, see below:

Lot and DP	Address	Suburb	Area	Identified through Recreation Strategy	Interests Changed	Intention
Part Lot 45 DP 1151309	1 Evans Street	Moruya	16.23ha	N	N	To provide legal access to a dwelling on adjoining land at Sec 21 Lot 14 DP 758710.

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. The proposed amendment facilitates legal access to residential land and will not affect the recreational use of Gundry Oval.

The land to which legal access will be provided has an approved dual occupancy and development consent for subdivision, which has not yet been enacted (but remains operational until 22 September 2016). The subdivision consent required both dwellings to be accessed from Foreman Street given there was no legal access to Evans Street. A right of way was to be created.

The land owner has requested legal access be provided to Evans Street as an alternative to the right of way, principally because the creation of the right of way would necessitate the demolition of an existing garage which the owner would prefer to retain.

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

The planning proposal provides the best way of achieving the intended outcome. However, as noted above, legal access to the lot from Evans Street is not the only way to provide access to the dwelling, as a right of way could be provided to Foreman Street. The land owner has advised that a right of way is not preferred as it would necessitate the demolition of a garage.

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 in that it facilitates legal access to existing approved residential development within walking distance of a well serviced centre.

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 in that it facilitates respectful planning, balanced growth and good design.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendment is minor and of no consequence to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The proposed amendment facilitates legal access to land in a residential zone.	Consistent The proposed amendment provides for the servicing of residential land. The amendment is not inconsistent with the direction.
3.4	Integrating Land Use and Transport	The proposed amendment facilitates legal access to land in an urban.	Consistent The proposed amendment provides for the servicing of urban land. The amendment is not inconsistent with the direction.
4	Hazard and Risk		
4.3	Flood Prone Land	The land is flood prone.	Consistent The proposed amendment affects land within the Moruya Flood Planning Area. The amendments are minor and are not considered to

			be a significant increase in the development of the land.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendment is minor and consistent with the South Coast Regional Strategy.

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?

There are no likely social or economic effects as a result of this planning proposal.

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.

APPENDIX 19 – JUSTIFICATION FOR AMENDMENT NO. 19

Amendment applies to	Explanation of provisions	Map changes
Schedule 4	Reclassify Lot 13 DP 838695, Costin Street, Narooma to operational land.	Nil

For further details of the proposed reclassifications, see below:

Lot and DP	Address	Suburb	Area	Identified through Recreation Strategy	Interests Changed – detailed in mapping	Intention
Lot 13 DP 838695	Costin Street	Narooma	552.1m ²	N	N	To enable the sale of the land to adjoining owner(s).

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 are considered minor in nature. The proposed amendment relates to land that is landlocked, not currently used for recreation and is surplus to Council's needs.

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

The planning proposal provides the only way of achieving the intended outcome.

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 not inconsistent with any element of 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 not inconsistent with any element of Council's Community Strategic Plan, One Community.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendment is minor and of no consequence to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
2	Environment and Heritage		
2.2	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The proposal relates to land in a residential zone.	Consistent The proposed amendment provides for the sale of surplus public land. The amendment is not inconsistent with the direction.
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	Consistent The proposed amendment provides for the sale of surplus public land. The amendment is not inconsistent with the direction.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendments are minor and consistent with the South Coast Regional Strategy.

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?*

The vegetation on the subject land is “Spotted Gum - White Stringybark - Burrawang shrubby open forest on hinterland foothills, northern South East Corner” which is not listed as an endangered ecological community. 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 other likely environmental effects as a result of this planning proposal.

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

There are no likely social or economic effects as a result of this planning proposal.

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.

APPENDIX 20 – JUSTIFICATION FOR AMENDMENT NO. 20

Amendment applies to	Explanation of provisions	Map changes
Map and Schedule 5	Addition of Eurobodalla Botanic Gardens Wallace Herbarium on part of SF 549 as a heritage item. Note: This proposed item was recommended by Council's Heritage Advisory Committee.	Heritage Map – Identify curtilage of herbarium as a heritage item.

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 community members and are considered minor in nature. The proposed amendment relates to the listing of a moveable item of heritage, being the Wallace Herbarium, located at the Eurobodalla Botanic Gardens.

The Eurobodalla Botanic Gardens Wallace Herbarium was included within a request from the Friends of the Botanic Gardens to list the entire gardens. Council's Heritage Advisor advised that only the herbarium (which is a movable collection of seeds and plants) meets the criteria for heritage listing. This advice was supported by a resolution of Council's Heritage Advisory Committee.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that it recognises an item of local heritage significance to the Eurobodalla community.

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 in that it values and protects our unique natural heritage.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP	Rural Lands 2008	The proposal relates to land zoned RU3.	Consistent The proposed amendment is minor and will have no impact on rural lands.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendment is minor and of no consequence to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
1	Employment and Resources		
1.2	Rural Zones	The proposal relates to land zoned rural.	Consistent The proposed amendment is minor and will have no impact on rural lands.
1.5	Rural Lands	The proposal relates to rural land.	Consistent The proposed amendment is minor and will have no impact on rural lands.
2	Environment and Heritage		
2.3	Heritage Conservation	The proposal relates to the listing of a heritage item.	Consistent The proposed amendments adds a new heritage item to the LEP.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendment is minor and consistent with the South Coast Regional Strategy.

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?

Recognition of Eurobodalla's unique natural heritage has potential social and economic benefits through increased understanding of our natural heritage and increased tourism.

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.

APPENDIX 21 – JUSTIFICATION FOR AMENDMENT NO. 21

Amendment applies to	Explanation of provisions	Map changes
Map and Schedule 5	Addition of a dwelling at Lot A DP 367304, 253 Princes Highway, Narooma as a heritage item. Note: This proposed item was included in the Community Based Heritage Study endorsed by the Heritage Office, but was inadvertently missed from amendment number 6 to ELEP 2012.	Heritage Map – Identify whole of lot as a heritage item

Section A – NEED for the PLANNING PROPOSAL

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

The planning proposal is the direct result of the Community Based Heritage Study adopted by Council in 2011, but was inadvertently missed from ELEP 2012 Amendment No. 6. An extract of the Community Based Heritage Study that outlines the heritage significance of the property is attached.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that it recognises an item of local heritage significance to the Eurobodalla community.

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 in that it values and protects our unique heritage.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal location as defined in SEPP 71. The proposed amendment will have no impact on the coastal zone.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendment is minor and of no consequence to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
2	Environment and Heritage		
2.2	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal location as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
2.3	Heritage Conservation	The proposal relates to the listing of a heritage item.	Consistent The proposed amendment adds a new heritage item to the LEP.
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The proposal relates to land in a residential zone.	Consistent The proposed amendment is minor and will have no impact on residential lands.
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	Consistent The proposed amendment is minor and will have no impact on urban lands.
5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendment is minor and consistent with the South Coast Regional Strategy.

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?

Recognition of Eurobodalla's unique heritage has potential social and economic benefits through increased understanding of our heritage and increased tourism.

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.

APPENDIX 22 – JUSTIFICATION FOR AMENDMENT NO. 22

Amendment applies to	Explanation of provisions	Map changes
Map	Increase the height of buildings standard for land on the western side of Golf Links Drive, Batemans Bay adjoining the golf course.	Height of Buildings Map – change from M2 (12.5m) to O1 (15m).

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 are considered minor in nature. The proposed amendment provides for an increase in height limit on the western side of Golf Links Drive, Batemans Bay to the same height limit that applies on the eastern side of Golf Links Drive.

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

The planning proposal provides the only way of achieving the intended outcome.

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 in that it facilitates development of higher density housing adding to the mix of housing options in the locality.

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 in that it facilitates respectful planning, balanced growth and good design.

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

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP71	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal location as defined in SEPP 71. The proposed amendment will have no impact on the coastal zone.
REP	Lower South Coast No. 2, 1992	The REP is relevant to all planning proposals.	Consistent The proposed amendment is minor and of no consequence to the matters addressed in the REP.

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

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
2	Environment and Heritage		
2.2	Coastal Protection	The proposal relates to land in the coastal zone.	Consistent The subject area is within the coastal zone but is not a sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no impact on the coastal zone.
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The proposal relates to land in a residential zone.	Consistent The proposed amendment broadens the choice of building types that may be provided in the local market.
3.4	Integrating Land Use and Transport	The proposal relates to land in an urban zone.	Consistent The proposed amendment potentially increases development density in a location with good access to transport and services.
4	Hazard and Risk		
4.1	Acid Sulfate Soils	The land may contain acid sulphate soils.	Consistent The proposed amendment affects land that may have acid sulfate soils. The amendment is minor and is not considered an intensification of use.

5	Regional Planning		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all planning proposals.	Consistent The proposed amendment is minor and consistent with the South Coast Regional Strategy.

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?

The planning proposal may facilitate additional housing diversity and development activity in the locality.

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.

ATTACHMENT A – Evaluation Criteria for Delegation

Local Government Area: Eurobodalla Shire Council

Name of draft LEP: Eurobodalla Local Environmental Plan amendment No 8

Address of Land (if applicable): Various

Intent of draft LEP: To make a number of minor housekeeping amendments to ELEP 2012 and RLEP 1987 and a range of other amendments to ELEP 2012 including:

- Rezoning or land use proposals in response to land owner requests;
- Amendments to allow appropriate commercial use of public land and waterways;
- Review of land uses in certain lands adjoining town centres in accordance with the Employment Lands Strategy;
- Addition of a clause relating to the minimum lot size for certain split zones;
- Rezoning and/or reclassification of public land;
- Addition of new heritage items; and
- Increase in height of building standard for certain land at Batemans Bay.

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?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
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 (Partial)			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	No			
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?	Yes			
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?	Yes			
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?	No			

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?	Yes			
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	Yes			
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 (Partial)			
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?	No			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
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) of the Act in order for a matter in this category to proceed).	Yes			