
**PSR15/002 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012
HOUSEKEEPING AND OTHER AMENDMENTS**

E14.8442

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. LEP Housekeeping - Planning Proposal Amendment 8

Strategic Objective: Sustainable

Delivery Program Link: S7.2 Maintain, update and communicate planning informations and issues

Operational Plan Link: S7.2.3 Monitor, report and communicate and implement changes relating to land use planning

EXECUTIVE SUMMARY

A number of minor housekeeping amendments to the Eurobodalla Local Environmental Plan 2012 (LEP 2012) and to the Rural Local Environmental Plan 1987 (RLEP 1987) are now required along with a number of other amendments to LEP 2012 in response to requests from land owners and to improve the operation of the Plan. The other amendments include:

- 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
- Amendments to allow appropriate commercial use of public land and waterways
- 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 building height for certain land at Batemans Bay.

To progress a Local Environmental Plan amendment, Council must consider and resolve to prepare a Planning Proposal that is submitted to the Department of Planning and Environment for a Gateway determination. An amendment may only proceed (or not) according to the Gateway determination given.

The purpose of this report is to advise Council of the amendments proposed in the draft planning proposal attached to this report and to seek a resolution to forward a planning proposal to the Department of Planning and Environmental for a Gateway determination.

RECOMMENDATION

THAT Council

1. Resolve to list the Eurobodalla Botanic Gardens Wallace Herbarium as a heritage item in Eurobodalla Local Environmental Plan 2012.
2. Endorse the attached planning proposal to amend Eurobodalla Local Environmental Plan 2012 and Rural Local Environmental Plan 1987, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, in order to address the matters as

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outlined in the attachment (Planning Proposal - Housekeeping and Other Amendments).

3. Forward the Planning Proposal to the Minister for Planning for a Gateway determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.
4. Advise the Secretary of the Department of Planning and Environment that Council seeks to exercise delegations for undertaking Section 59(1) of the Environmental Planning and Assessment Act 1979.
5. Following the receipt of a Gateway determination, consult with the community and relevant government agencies as required by the Gateway determination.
6. Receive a report back on any planning proposal to which a written objection is received during consultation with the community as per the requirements of Section 57 of the Environmental Planning and Assessment Act 1979.
7. Note the plan will be made under delegation following the issue of a Gateway determination and the completion of community consultation requirements.

BACKGROUND

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

A number of additional minor housekeeping amendments to the ELEP 2012 and the Rural Local Environmental Plan 1987 (RLEP 1987) are now required along with a number of other amendments to ELEP 2012 in response to requests from land owners and to improve the operation of the plan.

CONSIDERATIONS

Legal

The Environmental Planning and assessment Act 1979 outlines the process for making amendments to an LEP. The first stage of the process requires Council to resolve to forward a planning proposal to the Minister for Planning for a Gateway determination.

A high order summary of the proposed LEP amendments in this planning proposal are provided in the table below. More detail of the amendments is provided in the Attachment.

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No.	Name of item	Intended Outcomes
A	Minor housekeeping matters	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.
B	Rezoning or additional land uses	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.
C	Commercial use of public land and waterways	13. To make provision for appropriate commercial use of public land and waterways without consent, thereby removing duplication of approval requirements.
D	Addition of clause for minimum lot sizes for certain split zones	14. To enable appropriate subdivision outcomes on land with split zoning.
E	Rezoning and/or reclassification of public land	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.
F	Addition of new heritage items	20. To recognise the heritage value of the Eurobodalla Botanic Gardens Wallace Herbarium.

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		21. To recognise the heritage value of a dwelling at 253 Princes Highway, Narooma.
G	Amendment to Height of Buildings Map	22. To increase the maximum height of buildings standard for land at Golf Links Drive, Batemans Bay.

Policy

The planning proposal has been prepared in accordance with Department of Planning and Environment Guidelines for preparing planning proposals and Local Environmental Plan amendments. A copy of this planning proposal is attached. If endorsed by Council, the planning proposal will be forwarded to the Minister for Planning for a Gateway determination.

A Gateway determination will confirm initial support for the planning proposal and identify what further technical studies and community consultation are required prior to the proposed amendments being determined.

It is recommended that Council seek delegations under Section 59(1) of the Environmental Planning and Assessment Act 1979 given the minor nature of the amendments proposed. These delegations enable Council to prepare the final reporting, drafting and mapping in order for the Minister for Planning to notify the approved amendments. Where such delegations are not provided, the Department of Planning and Environment undertakes these requirements.

Heritage Items

The proposed amendments include the listing of two additional heritage items in ELEP 2012. One was included in Council's adopted Community Based Heritage Study but was inadvertently omitted from the recent heritage amendments to the ELEP. The second, being the Wallace Herbarium at the Eurobodalla Regional Botanic Gardens has been included on the basis of a request from the Friends of the Eurobodalla Regional Botanic Gardens, advice from Council's Heritage Advisor and a recommendation of Council's Heritage Advisory Committee. The Wallace Herbarium refers to the moveable collection of plant seeds located at the Gardens, not any physical element of the actual gardens or improvements thereon. Given this proposed item was not in the Community Based Heritage Study, a specific resolution of Council to list this item has been included in this report.

Environmental

Considered as part of the Planning Proposal report.

Social Impact

Considered as part of the Planning Proposal report.

Economic Development Employment Potential

Considered as part of the Planning Proposal report. In particular, a number of the proposed amendments aim to implement recommendations of Council's Economic Development and Employment Lands Strategy and reduce 'red tape'.

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Communication / Consultation

Each planning proposal outlines the level of consultation required, in accordance with the Department's Guide to Preparing Planning Proposals. Low impact proposals are exhibited for 14 days. Given the minor nature of the proposed amendments, it is recommended that a consultation period of 14 days be required. The Gateway determination will confirm the consultation requirements and any written referrals to relevant government agencies.

The majority of amendments included in this Planning Proposal have resulted from requests from landowners. Further all owners of land directly affected by this Planning Proposal will be advised in writing of the changes proposed prior to the Council meeting.

Following the Gateway Determination, all landowners and adjoining landowners will be notified of the Planning Proposal and invited to make a submission.

CONCLUSION

The matters dealt with in this Planning Proposal are minor matters, including further housekeeping amendments, the removal of some duplication of approval requirements, responding to requests for low impact amendments and implementing recommendations of the Economic Development and Employment Lands Strategy 2011.

11. PLANNING AND SUSTAINABILITY REPORTS

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File Ref: E14.8442

15/4 MOTION Councillor Brown/Councillor Innes

THAT Council

1. Resolve to list the Eurobodalla Botanic Gardens Wallace Herbarium as a heritage item in Eurobodalla Local Environmental Plan 2012.
2. Endorse the attached planning proposal to amend Eurobodalla Local Environmental Plan 2012 and Rural Local Environmental Plan 1987, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, in order to address the matters as outlined in the attachment (Planning Proposal - Housekeeping and Other Amendments).
3. Forward the Planning Proposal to the Minister for Planning for a Gateway determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.
4. Advise the Secretary of the Department of Planning and Environment that Council seeks to exercise delegations for undertaking Section 59(1) of the Environmental Planning and Assessment Act 1979.
5. Following the receipt of a Gateway determination, consult with the community and relevant government agencies as required by the Gateway determination.
6. Receive a report back on any planning proposal to which a written objection is received during consultation with the community as per the requirements of Section 57 of the Environmental Planning and Assessment Act 1979.
7. Note the plan will be made under delegation following the issue of a Gateway determination and the completion of community consultation requirements.
8. The following amendments be made to the Planning Proposal to correct a typographic error and ensure all of the lots relating to the Kyla Park Grazing Lands are included:

- i. In Attachment 1A, add the following new line:

1.5	I248	Add to Schedule 5: Tuross Head, Kyla Park Grazing Lands, Lot 3 DP1081596, Local, I248	Map Lot 3 DP1081596
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- ii. In Attachment 1B, No. 1.8, change the lot description in Column 3 to "Lots 75-77 DP260321, Lots 1, 2 and 4 DP1081596 and Lot 791 DP1040710".

(The Motion on being put was declared **CARRIED**)

