



# Planning Proposal

Amendments to ELEP 2012 to reclassify and rezone land at Narooma.

Amendment No. 13

## INTRODUCTION

### Background

Eurobodalla Local Environmental Plan 2012 (ELEP) was notified on 20 July 2012. Since then there have been ten (10) amendments for various reasons. Two (2) other amendments for a range of matters are currently in progress.

This planning proposal seeks to rezone and reclassify part of a certain parcel of land at Narooma.

## PART 1: OBJECTIVES or INTENDED OUTCOMES

To amend the Eurobodalla Local Environmental Plan 2012 to rezone and reclassify a certain parcel of land to enable the sale of the subject land.

## PART 2: EXPLANATION of PROVISIONS

The proposed outcome will be achieved by:

- Amending the Eurobodalla Local Environmental Plan 2012 Land Zoning, Minimum Lot Size and Building Height Maps.
- Amending Schedule 4 of the Eurobodalla Local Environmental Plan 2012 in relation to the lot in the following table.

| Lot and DP               | Address                                       | Area                 | Current Zone | Proposed Zone | Interests Changed                                            | Intention                                             |
|--------------------------|-----------------------------------------------|----------------------|--------------|---------------|--------------------------------------------------------------|-------------------------------------------------------|
| Part of Lot 23 DP 865887 | Flying Fox Road / Rainforest Parkway, Narooma | 11,269m <sup>2</sup> | E2           | E4            | Yes (removal of public reserve status from part of the land) | To enable the sale of the land to an adjoining owner. |

## PART 3: JUSTIFICATION

### 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 direct result of any strategic study or report, but is in response to a request from an adjoining land owner. The intent of the adjoining land owner is to amalgamate parts of the reclassified area into two or three of the adjoining lots, in order to facilitate the erection of dwellings on those lots through ensuring adequate areas are available for asset protection zones.

The strategic merits of the reclassification are that the proposed reclassification does not impact on the retention of a consistent and continuous public reserve along the Wagonga Inlet foreshore. The site specific merits of the reclassification are that the majority of the area proposed to be reclassified is cleared, including for a power transmission easement and the remaining vegetation

is not an endangered ecological community (EEC). The vegetation is classified as Spotted Gum – White Stringybark – Burrawang shrubby open forest which is not an EEC. Spotted Gum dominates the upper storey. The understorey is disturbed and degraded as evidenced by the presence of lantana, pittosporum and black wattle. The subject land does not meet the criteria for an E2 zoning as outlined in the Northern Councils E Zone Review Final Recommendations and as such is proposed to be rezoned to be consistent with the zone of the adjoining land to which it is proposed to be amalgamated (E4 Environmental Living).

The subject land was dedicated to Council in 1997 as public reserve as part of the Ringlands Estate development. As part of this development, a large area was dedicated along the foreshore of Wagonga Inlet of varying widths for two purposes, being for access along the foreshore and for public reserve areas generally located at headland points along the foreshore. The subject lot is at a headland. As only a portion of the subject lot is proposed to be reclassified and rezoned, and the adjoining foreshore access lot will remain in public ownership, it is considered that the intent and outcome of the original land dedication remains, as access is retained along the foreshore and a public reserve, while reduced in size, is retained at the headland. Vegetation will be retained in public ownership between the subject land and the foreshore, and given the intent for the subject land is to ensure adequate asset protection zones for dwellings on the adjoining lots (predominantly for outer protection areas where there may be some clearing of understorey vegetation and thinning of upper storey vegetation), there will be minimal visual impacts of development when viewed from Wagonga Inlet.

There are no trusts or dedications upon the land. An easement for electricity transmission exists and will be retained. The land is currently partly vegetated and partly cleared. There is no formal use of the subject land. The land may be used from time to time for walking. Council has previously undertaken some weed control and revegetation on a part of the land.

The effect of the reclassification is that the relevant part of the subject land ceases to be a public reserve. There are no other interests to be discharged. There are no leases or agreements applying to the land. A copy of the title search is attached to this planning proposal.

Council has indicated to the adjoining land owner that Council would be willing to sell the land proposed to be reclassified following the completion of the planning proposal process. Funds raised from the sale of the land would be restricted and used in accordance with Council's Recreation and Open Space Strategy, to implement the strategy and obtain grants to increase available funding to invest in developing open space and recreation and community facilities.

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

There is no alternative means to achieve the objective of the planning proposal to reclassify the land to operational. Rezoning the land to E4 Environmental Living ensures that the whole of the future amalgamated lots have a single zone, rather than a split zone.

## Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

### **3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

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 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                                                                                                                                     |
|---------------------------------------|--------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP 71                               | Coastal Protection | The planning proposal applies to land in the coastal zone. | Consistent – The subject land is within the coastal zone and/or is in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone. |

### **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                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------|----------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.1                         | Environment Protection Zones     | The planning proposal relates to land currently zoned E2 Environmental Conservation. | <b>Inconsistent, but of minor significance</b> – While the planning proposal relates to 77% of the subject lot, much of the area is cleared, including for a power transmission line (65%) and the remaining vegetation is not an endangered ecological community. The area to be retained in the E2 zone still provides for a larger than usual vegetated buffer to Wagonga Inlet. |
| 2.2                         | Coastal Protection               | The planning proposal relates to land in the coastal zone.                           | <b>Consistent</b> – The subject land is within the coastal zone and/or is in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.                                                                                                                                                                                                         |
| 4.4                         | Planning for Bushfire Protection | The planning proposal relates to land that is bushfire prone.                        | <b>Consistent</b> – While the planning proposal relates to 77% of the subject lot, much of the area is cleared, including for a power transmission line. The adjoining land to which the rezoned and reclassified area will                                                                                                                                                         |

|     |                                       |                                                                      |                                                                                                                                                                                                                                                                                                |
|-----|---------------------------------------|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                       |                                                                      | likely be consolidated with has an approved subdivision with building footprints and asset protection zones. Should the additional area result in an application to modify the lot shapes and/or building footprints, an assessment against Planning for Bushfire Protection will be required. |
| 5.1 | Implementation of Regional Strategies | The South Coast Regional Strategy applies to all planning proposals. | <b>Consistent</b> – The planning proposal is not inconsistent 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. There are no endangered ecological communities on the subject land.

### ***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 planning proposal will have no adverse social or economic effects. It is noted that the adjoining land to which the subject area may be consolidated with has recently been subdivided into four lots. The addition of the subject land to the adjoining land does not provide for any additional lots or dwellings to be created.

## Section D – STATE and COMMONWEALTH INTERESTS

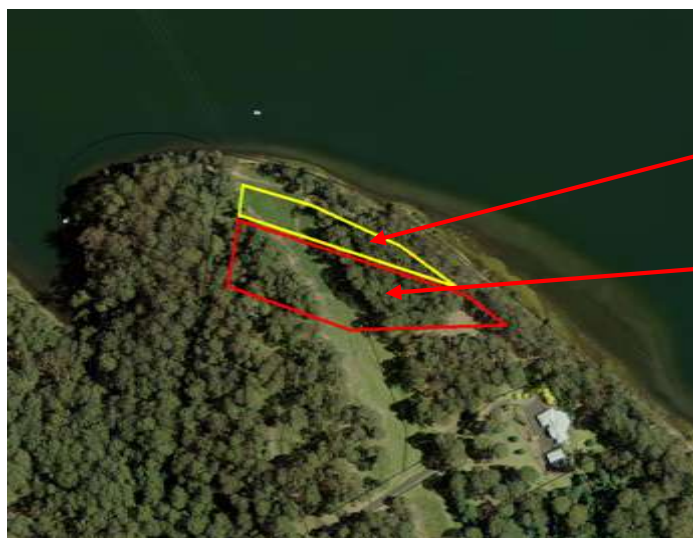
### ***10. Is there adequate public infrastructure for the planning proposal?***

Not applicable.

### ***11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

## PART 4: MAPPING



Area of lot to be retained in public ownership as community land.

Area of lot to be reclassified from community to operational and zoned E4 Environmental Living, with a 2ha minimum lot size and an 8.5m maximum height of building standard.

## PART 5: COMMUNITY CONSULTATION

An exhibition period of 28 days for the planning proposal is proposed. A public hearing will also be required in accordance with the requirements of the Local Government Act 1993.

## Part 6: PROJECT TIMELINE

|                                                                                                             |                       |
|-------------------------------------------------------------------------------------------------------------|-----------------------|
| Anticipated commencement date (date of Gateway determination)                                               | July 2017             |
| 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) | July 2017             |
| Commencement and completion dates for public exhibition period                                              | August 2017 (28 days) |
| Dates for public hearing (if required)                                                                      | September 2017        |
| Timeframe for consideration of submissions                                                                  | September 2017        |
| Timeframe for the consideration of a proposal post exhibition                                               | October 2017          |
| Date of submission to the department to finalise the LEP                                                    | October 2017          |
| Anticipated date RPA will make the plan (if delegated)                                                      | November 2017         |
| Anticipated date RPA will forward to the department for notification                                        | November 2017         |