



Planning Proposal

South Imlay Street Heritage
Conservation Area July 2020



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Part 1 – Objectives and intended outcomes

This Planning Proposal has been prepared by Bega Valley Shire Council in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EPA Act) and the NSW Department of Planning, Industry and Environment's (DPIE) *A Guide to Preparing Planning Proposals* (December 2018).

This planning proposal seeks to amend Schedule 5 Environmental Heritage and the associated heritage mapping of *Bega Valley Local Environmental Plan 2013* (BVLEP 2013).

The objective of this planning proposal is to introduce a Heritage Conservation Area (HCA) at the southern section of Imlay Street, Eden to maintain the precinct's distinctive identity and sense of place.

The assessment completed as part of this planning proposal found that the proposal is consistent with:

- a) State Environmental Planning Policies (SEPPs)
- b) Section 9.1 Ministerial Directions
- c) The Bega Valley Shire Council's Local Strategic Planning Statement (LSPS) 2040
- d) Port of Eden Planning Report: urban design blueprint and design principles 2006

Part 2 – Explanation of provisions

The planning proposal seeks to amend Part 2 ‘Heritage Conservation Areas’ of Schedule 5 ‘Environmental Heritage’ of the *Bega Valley Shire Local Environmental Plan 2013* by inserting the following:

Description	Identification on heritage map	Significance
South Imlay Street Heritage Conservation Area	Shown by red hatching and labelled C686	Local

Site description and context

The following properties are proposed to be included in the HCA:

Property address	Property description	Property address	Property description
1-3 Albert Terrace EDEN	Lot 2, DP 1201619	196 Imlay Street EDEN	Lot 1, DP 553647
5 Albert Terrace EDEN	Lot 1, DP 650324	227 Imlay Street EDEN	Lot 21 DP 602200
7 Albert Terrace EDEN	Lot 5A, DP 504740	229 Imlay Street EDEN	Lot 22 DP 602200
9 Albert Terrace EDEN	Lot 511, DP 1048298	231 Imlay Street EDEN	PLT 8, Sec 1, DP 758379
11 Albert Terrace EDEN	Lot 1, DP 113143;	233 Imlay Street EDEN	Lot 7, DP 553117
2 Cocora Street EDEN	Lot 15, Sec 1, DP 758379	235 Imlay Street EDEN	Lot 6, DP 553117
4 Cocora Street EDEN	Lot 91, DP 569624	237 Imlay Street EDEN	Lot 11, DP 845340
13 Cocora Street EDEN	Lot 23 DP 602200	237B Imlay Street EDEN	Lot 25, DP 801159
182 Imlay Street EDEN	Lot 1, DP 48609; Lot 1, Sec 6, DP 758379	239A Imlay Street EDEN	Lot 1, DP 1033082
184-186 Imlay Street EDEN	Lot 0, SP 90768	241 Imlay Street EDEN	Lot 311, DP 884237
188 Imlay Street EDEN	Lot 4, DP 38417	243 Imlay Street EDEN	Lot 1, DP 731580
190 Imlay Street EDEN	Lot 5, DP 163806	245 Imlay Street EDEN	Lot 11, DP 556031
192 Imlay Street EDEN	Lot 6, DP 38417	247 Imlay Street EDEN	Lot 12, DP 556031
194 Imlay Street EDEN	Lot 7, DP 38417	35 Victoria Terrace EDEN	Lot 312, DP884237



Figure 1: Proposed South Imlay Street Heritage Conservation Area

Description of heritage items

There are eight (8) properties within the proposed HCA that are listed as local heritage items under Schedule 5 of the BVLEP 2013.

Suburb	Item name	Address	Property description	Significance	Item number
Eden	Eden Killer Whale Museum	182 Imlay Street EDEN	Lot 1, DP 48609; Lot 1, Sec 6, DP 758379	Local	I762
Eden	Eden Police Station	229 Imlay Street EDEN	Lot 22, DP 602200	Local	I042
Eden	Eden Courthouse	231 Imlay Street EDEN	PLT 8, Sec 1, DP 758379	Local	I044
Eden	House former Courthouse	2 Cocora Street EDEN	Lot 15, Sec 1, DP 758379	Local	I043
Eden	House	233 Imlay Street EDEN	Lot 7, DP 553117	Local	I045
Eden	Building	237 Imlay Street EDEN	Lot 11, DP 845340	Local	I046
Eden	The Crown and Anchor Inn	239 Imlay Street EDEN	Lot 1, DP 1033082	Local	I047
Eden	Georgian building and shop	243 Imlay Street EDEN	Lot 1, DP 731580	Local	I100051



Figure 2: Heritage listed properties within the proposed Imlay Street Conservation Area

I762 – Eden Killer Whale Museum 182 Imlay Street EDEN



The museum is extensive however the significant component is the northern facade which is built of masonry. It has a stepped elevation, slightly rounded corners to each step, a cascade motif centrally located above the door, strong symmetry and vertical emphasis. There are flagpoles on the extremities.

I042 – Eden Police Station 229 Imlay Street EDEN



Federation bungalow -built 1901. The building was constructed as a residence for the 'lockup keeper'- with cells at the rear - until 1975 when it was converted into a police station. The hipped roof is pitched from a central ridge running north south, with gablets, and continues uninterrupted over the verandahs. Brick walls are unpainted and there are some small skillion sections of weatherboard at the rear. A single brick chimney with corbelled top is located on the Cocora Street side of the building. A verandah with timber posts, on stone and brick plinths, and vertical timber balustrade wraps around three facades of the building. The majority of windows are timber 18 pane double hung sash types and doors are panel Victorian style.

I044 – Eden Courthouse 231 Imlay Street EDEN



The original portion of Eden Courthouse is a building of simple sandstone construction which has been extended with several weatherboard additions on either side of the courtroom. The face sandstone has been painted over. Other accommodation: General office, Magistrates room, interview room, amenities, storage. Construction: The original portion of Eden Courthouse is constructed in sandstone blocks. The building has weatherboard additions on either side and hipped roofs clad in corrugated iron sheeting. Interior materials: Timber joinery. Exterior materials: Sandstone, timber, corrugated iron.

I043 – House former Courthouse 2 Cocora Street EDEN



Very attractive multi gabled house former Courthouse.

I045 – House 233 Imlay Street EDEN




Single storey historical house.

I046 – Building 237 Imlay Street EDEN



This two storey Georgian-style building of local stone and Welsh slate.

I047 – The Crown and Anchor Inn 239 Imlay Street EDEN	
	Our oldest surviving building and our first hotel now used as a residence and a B & B under the same name. An elegant regency building with local stone foundations, shingles (now covered by an iron roof), oyster shell mortar rendering, Australian red cedar doors and plaster ceilings from lime, termite nest and cow hair binding. It was completed in 1845 and its first licensee James Rixon was granted its liquor licence in the same year just before the Seahorse Inn was granted a licence at Boydtown.

I100051– Georgian building and shop 243 Imlay Street EDEN	
	Attractive early Georgian building and shop.

Existing planning controls

The planning controls applying to properties subject to this planning proposal are shown in the table below:

Property	Zoning	Maximum height	Floor space ratio	Minimum lot size
Eden Killer Whale Museum	RE1 Public Recreation	10m	N/A	N/A
Eden Police Station and immediately adjoining lots	B4 Mixed Use	13m	N/A	N/A
All other properties located in within the proposed HCA, except Eden Police station and immediately adjoining lots.	R3 Medium Density Residential	10m	0.6:1	1000m ²

The zoning and development standards currently applying to these sites are not proposed to change as a result of this planning proposal.

Part 3 – Justification

A. Need for the planning proposal

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

Yes. The planning proposal is identified as an action in Council's Local Strategic Planning Statement.

Council's Heritage Advisor has assessed the significance of the precinct and concluded that:

"The group significance of the 1850's to 1930's heritage items at the southern end of Imlay Street contribute to the social and built history of Eden. This cluster of locally significant heritage listed buildings display a linear arrangement that has retained the broad and open spatial qualities that are an intrinsic part of the Port of Eden. Modest, ground hugging, timber vernacular residential structures with a mix of hipped or gabled roof forms predominate in this Heritage Conservation Area."

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

Yes. The planning proposal is the best means of achieving the objective of conserving and protecting the heritage character of this precinct. Establishing the new HCA under Schedule 5 of the BVLEP can only be achieved through a planning proposal.

B. Relationship to the strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes. The relevant regional strategy applicable to the planning proposal is the *South East and Tablelands Regional Plan*. The planning proposal is consistent with the following goal and direction of the regional plan:

- Goal 3: Healthy and connected communities
- Direction 23: Protect the region's heritage

4. *Is the planning proposal consistent with a Council's local strategy or other local strategic plan?*

Yes. The planning proposal is consistent with the Bega Valley Shire Commercial Land Strategy 2020, the Bega Valley Shire Community Strategic Plan 2040 and the Bega Valley Shire Local Strategic Planning Statement 2040.

The Bega Valley Shire Commercial Land Strategy 2020 (CLS)

The CLS includes principles to guide land use management and decision making in relation to commercial centre development and ensure that development supports local economies and communities. The planning proposal is consistent with the following principle of the CLS:

- Principle 7: Focus on unique or locally distinctive assets. Preserve heritage values, settlement character and environmental and biodiversity values where these attributes are seen as significant in a centre by stakeholders and contribute to the ongoing viability of the centre.

Bega Valley Shire Local Strategic Planning Statement) 2040 (LSPS

The LSPS is the main strategic planning guidance document for the community and its purpose is to guide and coordinate Council's land use decisions over the next 20 years to build a stronger and better Bega Valley Shire. This planning proposal will directly support Planning Priority 10 and Action 10.2 of the Local Strategic Planning Statement 2040 by protecting the existing heritage character from inappropriate development adjacent to 8 heritage items. The planning proposal is consistent with the following planning priority and action of the LSPS:

Planning Priority 10 – Future Directions

- Maintain scenic vistas by discouraging development on prominent ridgelines and ensuring development along main arterial roads is designed in sympathy with its rural or coastal setting.
- Protect cultural heritage and built heritage items and preserve the value of heritage buildings and places by ensuring that new development near heritage-listed items respects these values.

Action 10.2: Protect the existing heritage character at the southern end of Imlay Street, Eden

The Bega Valley Shire Community Strategic Plan 2040 (CSP)

The CSP is the main aspirational document for the community and its purpose is to guide and coordinate Council's activities over the next 20 years to build a stronger and better Bega Valley Shire. The planning proposal is consistent with the following goal and strategy of the CSP:

- Goal 8: Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs.
- Strategy 20: Encourage and support local identity, heritage and character in our towns, villages and rural areas.

5. Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following table identifies the applicable SEPPs and outlines this planning proposal's consistency with these.

Relevant SEPP	Consistency
<i>State Environmental Planning Policy 64 – Advertising and Signage</i>	Consistent. The planning proposal does not contain provisions that would hinder the application of this SEPP. This SEPP may apply to signage associated with future development.
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX 2004)</i>	Consistent. The planning proposal does not contain provisions that would hinder the application of this SEPP. This SEPP may apply to future residential development on these sites and will be considered at the detailed development consent stage.
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	The planning proposal will reduce the scope of works some landowners can undertake as exempt or complying development under this SEPP. This includes demolition and other works that would require development consent as the property is within an HCA.
<i>State Environmental Planning Policy (Coastal Management) 2018</i>	Consistent – the introduction of the HCA will not impact upon the objectives of the SEPP as it will not increase coastal risk. Visual impacts upon the coastline are controlled by existing height limits.
<i>State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007</i>	Consistent. The planning proposal does not contain provisions that would hinder the application of this SEPP.

6. Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

Yes. The following table identifies the applicable Section 9.1 Directions by the Minister and outlines this planning proposal's consistency with these:

No.	Direction	Comment
1.1 Employment and Resources		
1.1	Business and Industrial Zones	Consistent. It is proposed to place part of the HCA over the southern edge the B4 Mixed Use zone of central Eden. This will not restrict floor space of employment generating uses as the planning proposal does not introduce additional height limits or floor space ratios. The extension of the HCA into the business zone will improve the viability of the town centre.
2.2	Coastal Management	Consistent. The subject properties are within the Coastal environment area and Coastal use area as defined by <i>State Environmental Planning Policy (Coastal Management) 2018</i> .
2.3	Heritage Conservation	Consistent. The creation of the HCA at the southern end of Imlay Street will conserve and build upon elements that contribute to Eden's outstanding spatial and aesthetic values and protect significant vistas from Snug Cove onto both the eastern and western flanks of the Imlay Street ridge.
3. Housing infrastructure and urban development		
3.1	Residential zones	Consistent. The planning proposal will not result in any changes to residential zoning or use of land and will not significantly affect the ability of future development to create a variety of housing choice within the HCA.
3.3	Home occupations	Consistent. Home occupations are permitted without consent in the R3 Medium Density Residential zone. The planning proposal will not result in any changes to zoning, and as such will not affect home occupations carried out in dwelling houses without the need for development consent.
4. Hazard and risk		
4.1	Acid sulfate soils	Consistent. Properties are not affected by acid sulfate soils as per Council's LEP mapping.
4.3	Flood prone land	Consistent. Properties are not affected by flooding.
4.4	Planning for bushfire protection	Consistent. Properties are not categorised as bushfire prone land under the Bega Valley LGA Bushfire Prone Land Map.
5. Regional planning		
5.10	Implementation of Regional Plans	Consistent. The planning proposal's consistency with The South East and Tablelands Regional Plan 2036 is addressed previously under Question 4.
6. Local plan making		
6.1	Approval and referral requirements	Consistent. The planning proposal intends to establish a new HCA under Schedule 5 of the BVLEP 2013.

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 planning proposal applies to existing RE1, B4 Mixed Use and R3 Medium Density Residential zoned land in an urbanised area. It is not anticipated that the amendments to BVLEP 2013 will adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The planning proposal applies to existing RE1, B4 Mixed Use and R3 Medium Density Residential zoned land in an urbanised area. It is not anticipated that there will be any adverse environmental effects as a result of this planning proposal. Future development will consider environmental impacts as part of the development application process.

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

It is anticipated that the planning proposal will have positive social and economic effects for the local community. Protecting the heritage significance of these buildings and preserving the existing character of the precinct serves a connection with the history of Eden and enhances the community's sense of identity.

Heritage buildings contribute to the character of place and set the tone for future development in terms of design, scale, materials, fabric and colours. The Bega Valley Shire contains many buildings and places of cultural heritage significance. Introducing controls to preserve the values of these buildings and places protects that character and ensures that new development in the vicinity of heritage-listed items respects those values. The protection of heritage contributes to the wellbeing of residents and brings social and economic benefits by maintaining the attractiveness of places to visitors.

D. State and Commonwealth interests

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

Yes. The public infrastructure servicing the properties subject to this planning proposal is adequate. The planning proposal will not increase demand on public infrastructure in the area.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?*

Council will consult with the relevant State and Commonwealth authorities in accordance with the conditioning of the Gateway Determination.

Part 4 – Mapping

The Planning Proposal will require the amendment to the Bega Valley Local Environmental Plan 2013 – Heritage Map – Sheet HER_021A map sheet

Part 5 – Community Consultation

Community consultation for this planning proposal will be consistent with the requirements of the Gateway Determination and the consultation guidelines contained in DPIE's *A Guide to Preparing Local Environmental Plans* (December 2018).

Public exhibition of the planning proposal will include notification on the Bega Valley Shire Council website, notification in the local newspaper and in writing to affected and adjacent landowners as well as the Eden Chamber of Commerce.

Part 6 – Timeline

The project timeline will assist with tracking the progress of the planning proposal through the various stages of consultation and approval. It is estimated that the amendments to Bega Valley Shire Local Environmental Plan 2013 will be completed by October 2021.

Council requests delegation to carry out certain plan-making functions in relation to this proposal. Delegation would be exercised by Council's General Manager or Director of Planning and Environmental Services. The approximate project timeline is outlined in the following table:

Key Stages of consultation and approval	Estimated timeframe
STAGE 1 – Submit planning proposal to the Department	July 2021
STAGE 2 – Receive Gateway Determination	August 2021
STAGE 3 – Preparation of documentation for public exhibition	September 2021
STAGE 4 – Public exhibition of the planning proposal	October 2021
STAGE 5 – Review/consideration of submissions received	December 2021
STAGE 6 – Council Report	February 2022
STAGE 7 – Meetings	March 2022
STAGE 8 – Forward planning proposal to Department of Planning, Infrastructure and Environment requesting the amendment is made	May 2022
STAGE 9 – Date Council will make the plan (if delegated), including any required consultation with Parliamentary Counsel	June 2022
STAGE 10 – Anticipated date Council will forward plan to the Department for notification	June 2022