



IRF23/483

Gateway Determination Report – PP-2023-409 Bruce Cameron Drive, MORUYA

Eurobodalla Local Environmental Plan 2012 Amendment 20 - Heritage
Conservation Area

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Subtitle: Eurobodalla Local Environmental Plan 2012 Amendment 20 - Heritage Conservation Area

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Heritage Conservation Area Nomination Report (2020)
Intangible Aboriginal Cultural Heritage Assessment Report (2017)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Eurobodalla
PPA	Eurobodalla Shire Council
NAME	Eurobodalla Local Environment Plan 2012 (ELEP) Amendment 20- Heritage Conservation Area
NUMBER	PP-2022-409
LEP TO BE AMENDED	Eurobodalla Local Environment Plan 2012
ADDRESS	Bruce Cameron Drive, MORUYA
DESCRIPTION	Part Lot 5 DP 1264836
RECEIVED	23/02/2023
FILE NO.	IRF23/483
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are:

- To implement the recommendations of the:
 - Moruya Regional Airport Redevelopment Intangible Aboriginal Cultural Heritage Assessment Report (Donaldson 2017)
 - Brierley's Boat Ramp, Moruya North Heads, NSW Heritage Conservation Area Nomination Report (Donaldson 2020)
- To ensure places of high Aboriginal significance and cultural sensitivity are afforded protection and acknowledgement.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Eurobodalla LEP 2012 to amend Part 5 to identify part of the subject lot as a Heritage Conservation Area (HCA) as follows:

Description	Identification on Heritage Map	Significance
Brierley's Boat Ramp	Shown by yellow edging and labelled "AH14"	Local

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area



Figure 1 Subject site (source: ePlanning Spatial Viewer)



Figure 2 Site context (source: ePlanning Spatial Viewer)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Heritage map, which is suitable for community consultation.

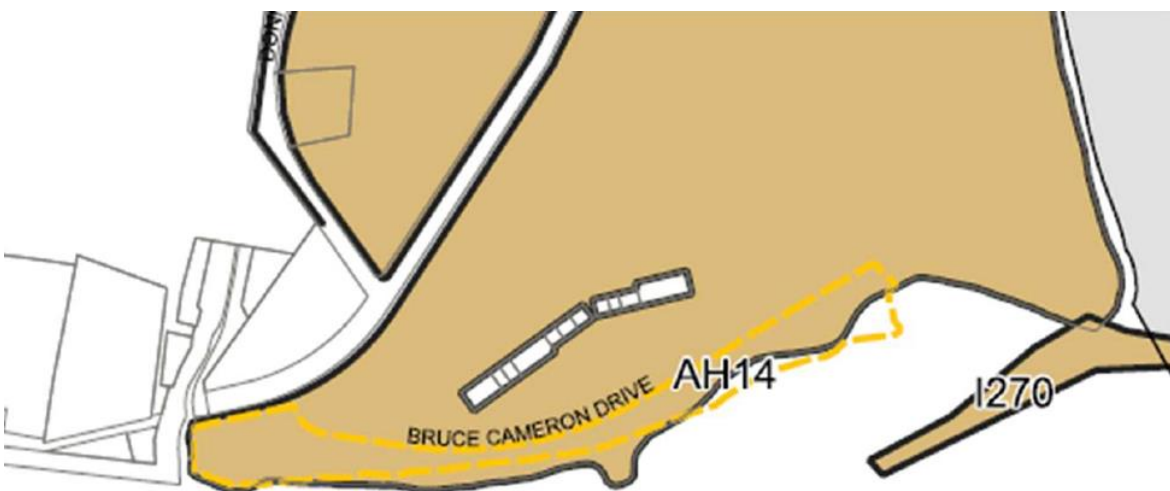


Figure 3 Proposed Heritage Conservation Area

2 Need for the planning proposal

The planning proposal is the direct result of the 'Moruya Regional Airport Redevelopment Intangible Aboriginal Cultural Heritage Assessment Report' (Donaldson 2017) and 'Brierley's Boat Ramp, Moruya North Heads, NSW Heritage Conservation Area Nomination Report' (Donaldson 2020).

The identified area is of high Aboriginal Cultural Significance to the local Aboriginal community which has identified it for protection. The PP will enable ongoing protection, maintenance and management of the site.

The planning proposal is the appropriate mechanism to facilitate the amendment of the Eurobodalla LEP 2012 to make the proposed heritage conservation site to enable ongoing protection of the site/land.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South-East and Tablelands Regional Plan 2036.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 23: Celebrate, conserve and reuse cultural heritage	<p>A number of heritage studies and reports have been undertaken identifying the site of high Aboriginal cultural and historical significance.</p> <p>Ongoing consultation with local Aboriginal groups and community organisations have identified the significance of the site.</p> <p>The intended outcome of the planning proposal is to facilitate the conservation of an important Aboriginal cultural heritage place.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
The Community Strategic Plan – Our Eurobodalla 2024	<p>The Strategic Plan identifies Aboriginal people as the original inhabitants and custodians of all land and water in the Eurobodalla.</p> <p>The planning proposal specifically responds to Strategy 2.1 in the Community Strategic Plan – Acknowledge our beginnings, embrace our diversity.</p>

Eurobodalla Heritage Strategy 2017 – 2021	<p>The Heritage Strategy aims to ensure that land identified as historically significant is maintained within the ELEP2012.</p> <p>The planning proposal specifically responds to Action 7 of the Heritage Strategy – Ensure Council's local environmental plans are updated with new or amended heritage items and that property descriptions are kept up-to-date.</p>
Eurobodalla Aboriginal Cultural Heritage Study	<p>The two studies are the driving force for the PP.</p> <p>The Eurobodalla Aboriginal Cultural Heritage Study identifies the Moruya North area of high cultural significance to the local Aboriginal community, whilst the Intangible Aboriginal Cultural Heritage Assessment Report undertaken as part of the Moruya Regional Airport Redevelopment identifies the specific area of high cultural significance to the local Aboriginal community.</p>
Moruya Regional Airport Redevelopment	

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	Refer to section 3.1 of this report.
1.2 Development of Aboriginal Land Council land	Not Applicable	The planning proposal seeks to identify the subject land as Aboriginal Significant Land under the ELEP 2012.
1.3 Approval and Referral Requirements	Yes	The planning proposal does not seek to introduce additional concurrence, consultation or referral requirements, nor does it seek to include provisions relating to designated development.
1.4 Site Specific Provisions	Yes	The planning proposal does not seek to include site specific provisions or additional permitted uses on the subject land.
3.1 Biodiversity and Conservation	N/A	The planning proposal provides additional protection to an identified environmentally sensitive area and does not reduce the existing environmental protections that apply to the land.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Yes	The planning proposal retains the current provisions within ELEP 2012 relating to the conservation of heritage significance. The amendment to the schedule of heritage items would ensure that the existing heritage management provisions of ELEP 2012 (clause 5.10) apply to the Brierley's Boat Ramp area.
4.1 Flooding	Not Applicable	The subject land is not identified as flood prone land.
4.2 Coastal Management	Yes	The proposal is consistent with SEPP (Resilience and Hazards) 2021 and the relevant coastal management areas, as described previously in this planning proposal.
4.3 Planning for Bushfire Protection	Not Applicable	The subject land is partly mapped as bushfire prone land. However, as the planning proposal does not seek to facilitate any development of the land, it is considered that an assessment against Planning for Bushfire Protection 2019 is not required.
4.4 Remediation of Contaminated Land	Not Applicable	The subject site is not identified as contaminated land. It is acknowledged that the site is adjacent to Moruya Airport which has the potential to cause contamination issues, however there is no proposed development which would require remediation works.
4.5 Acid Sulphate Soils	Yes	The subject land is mapped as containing acid sulfate soils. However, as the planning proposal does not seek to facilitate any development of the land, it is considered that an assessment against the Acid Sulphate Soils Planning Guidelines is not required.
5.3 Development Near Regulated Airports and Defence Airfields	Yes	The planning proposal is on land containing the Moruya Airport, a regulated airport. However, as the planning proposal does not seek to set controls for the development of the land (other than apply the heritage management provisions of clause 5.10(3) of the ELEP 2012), it is considered that the planning proposal will have no impact on the operation of Moruya Airport.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021 Chapter 2 Coastal Management	Consistent	<p>The subject site is located within a Coastal Management Area, specifically a Coastal Environment Area and a Coastal Use Area.</p> <p>The proposal does not seek to develop the land, rather protect the site from future development. As such there is not considered to be any impact on the Coastal Management Area.</p> <p>The subject area has no known history of potential contamination uses. It is acknowledged that the site is part of the Moruya Airport and there is the potential for contamination. As there is no proposed change of use or development of the site, it is considered that no further assessment is required.</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 2 – Infrastructure	Consistent	<p>The subject site is part of Moruya Airport. The area identified is currently vacant and not used as part of the ongoing use of the site due to the historical significance and environmental conditions.</p> <p>Any future Waterway or foreshore management activities will require consent under Part 4 of the EP&A due to the land being zoned C2 – Environmental Management.</p>
SEPP (Biodiversity and Conservation) 2021	Consistent	No vegetation removal is proposed to facilitate any part of the proposal. As such the SEPP is not relevant to the proposal.
SEPP (Planning Systems) 2021	Consistent	Only land owned by a Local Aboriginal Land Council is applicable under the clause. The land is not owner by a LALC, as such the SEPP is not relevant to the proposal.

4 Site-specific assessment

4.1 Environmental

The planning proposal is unlikely to have any adverse environmental impacts. The purpose of the planning proposal is to protect the existing environmental features due to their cultural significance to the local Aboriginal population.

4.2 Social and economic

The planning proposal is unlikely to have any negative social or economic impacts. The listing of the site in Schedule 5, will enable recognition and protection of significant Aboriginal cultural heritage values.

4.3 Infrastructure

The planning proposal has no requirement for any additional infrastructure to be provided and will not impact on existing infrastructure within the vicinity.

5 Consultation

5.1 Community

Council proposes a community consultation period of 10 days.

The exhibition period proposed is considered appropriate, and forms the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 10 days to comment:

- Crown Lands
- Department of Primary Industries
- Heritage NSW

6 Timeframe

Council proposes a six (6) month time frame to complete the LEP.

The Department recommends a time frame of six (6) months to ensure it is completed in line with its commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is minor the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

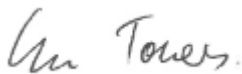
The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal will enable recognition and protection of significant Aboriginal cultural heritage values and the ongoing protection to the Brierley's Boat Ramp area.
- The proposal is part of the larger Moruya Airport redevelopment and seeks to protect the site due to its identified cultural significance to the local Aboriginal community.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation is required with the following public authorities:
 - Crown Lands
 - Department of Primary Industries
 - Heritage NSW
2. The planning proposal should be made available for community consultation for a minimum of 10 days
3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



6/4/23

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17/4/2023

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