

# Eurobodalla Local Environmental Plan 2009

Tuross Head Progress  
Association



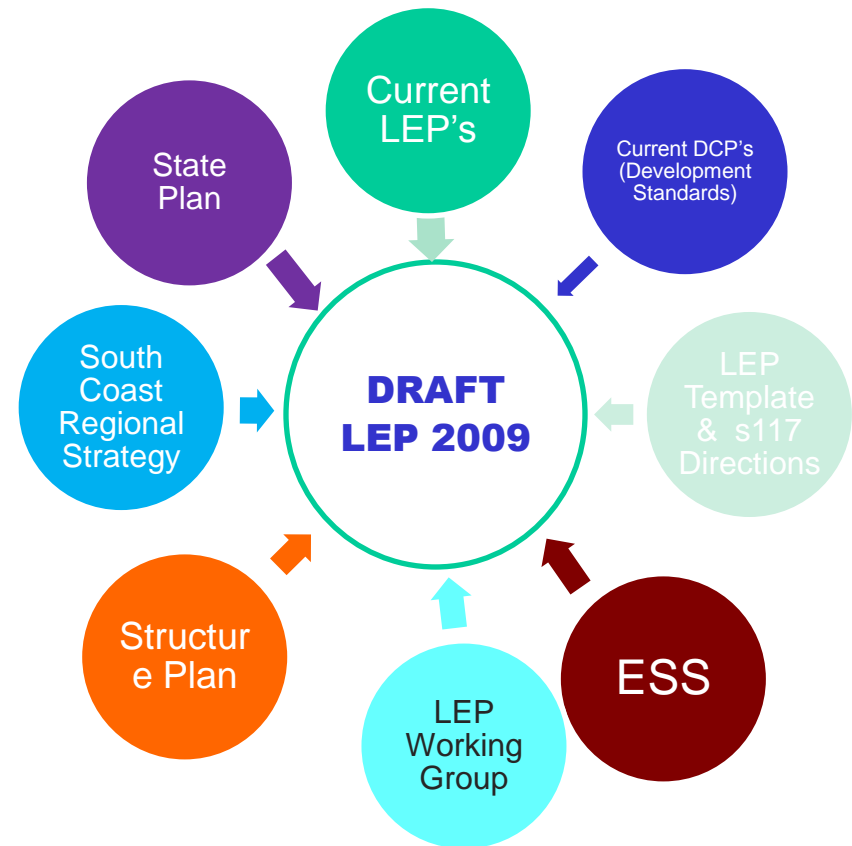
# Why Prepare a new LEP?

- Legislative requirement  
(Standard Instrument [Local Environmental Plans] Order 2006 took effect 31 March 2006)
- All coastal councils to prepare a new LEP by 2009
- Need to replace existing LEPs with new Shire wide LEP
  - Existing LEPs 20 years old
  - Good governance
  - Out of step with current legislation requirements and best practice



# What has informed the LEP?

- Strategies
- DoP Directives
- Strategic Environmental Assessment
- State Agency Consultation



# LEP Template

- Statutory requirement
- Provides the format for all NSW LEPs
- Mandatory Provisions (Black Text)
  - Standard zones
  - Standard objectives
  - Standard clauses
  - Standard definitions
  - Land use table
- Allows Council to create and customise provisions to address local issues (Red Text)
- DoP scrutinise these provisions to ensure consistency with template & State Government Policy



# Land Use Terms & Definitions

- LEP contains a “dictionary” of standard definitions relating to land uses & other terms relevant to the interpretation of the LEP
- Standard definitions are mandatory (Black Text)
- Councils are not able to alter the standard definitions or add to the dictionary
- Council’s can clarify the interpretation of a term in a local provision by definition within the locally prepared clause only

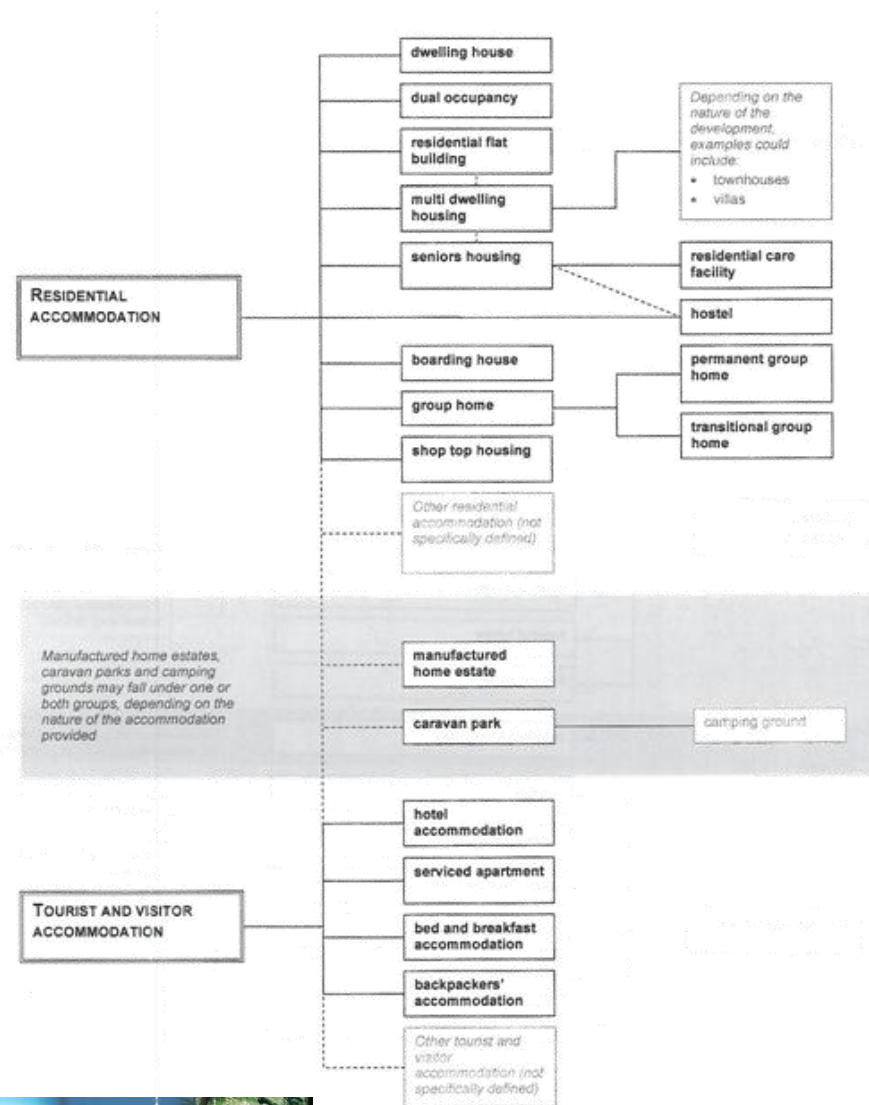


# Land Use Terms & Definition

- The standard dictionary includes “groups” of land use terms that are broadly related by their definitions
  - Agriculture
  - Residential Accommodation
  - Tourist & Visitor Accommodation
  - Retail Premises
  - Business Premises
  - Industry
- Use of Group Terms allow LEP provisions to easily refer to a number of land uses without the need to list them all



# Example of relationship between land use terms



# Zone Transfer

- Existing 22 land use zones in the current LEPs
- Need to determine “best fit” for new zones
- Urban areas – generally a straight slide across of old to new
- Rural Areas – required assessment of the following matters



# Zone Transfer

- Lifestyle offer/character
- Environmental attributes/constraints
- Infrastructure status
- DoP settlement guidelines
- DoP directions/practice notes

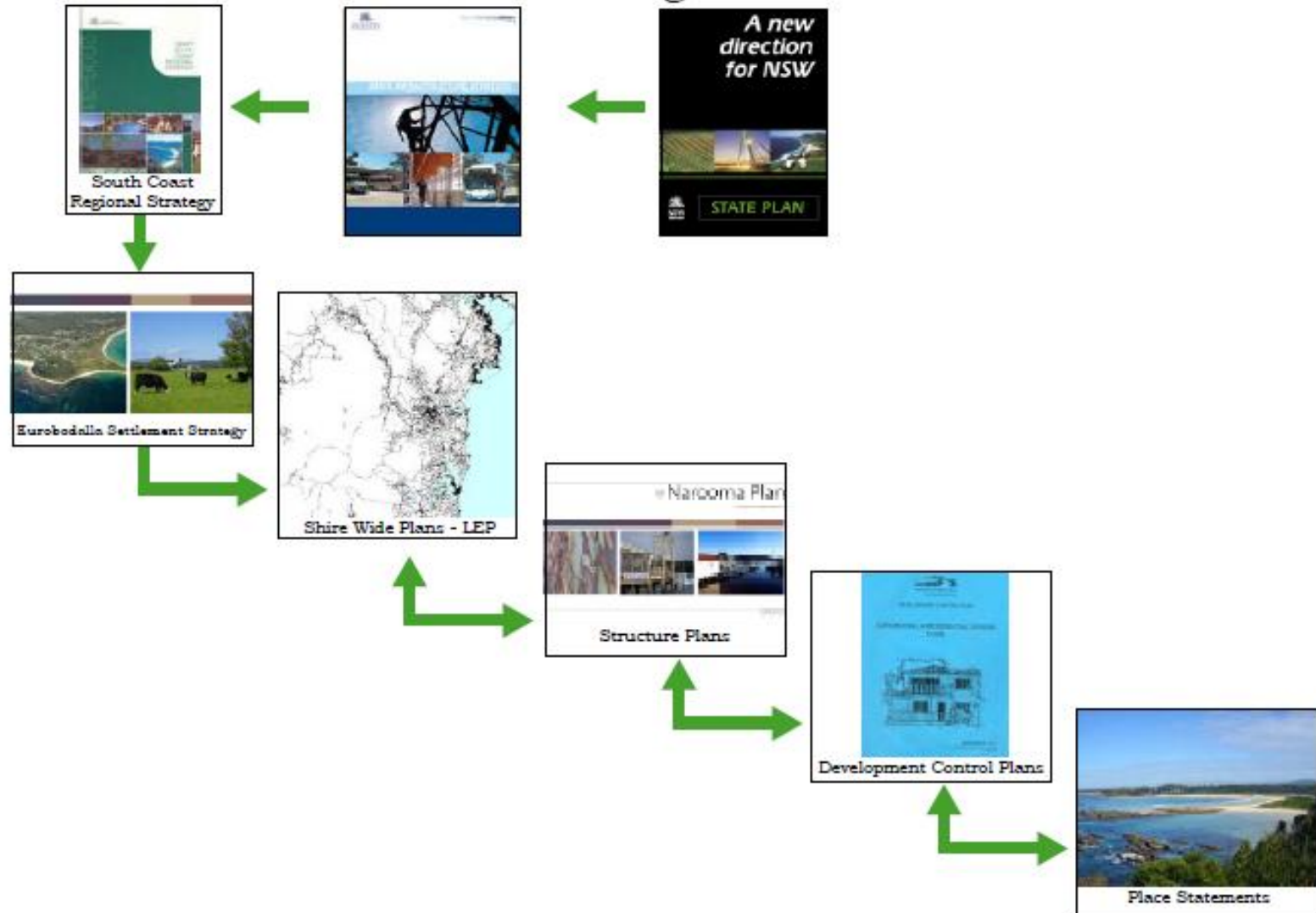


# LEP before Place Statements (1 & 10)

- Local Environmental Plan statutory requirement under the Act - provides zoning and development standards and local provisions
- Development Control Plans provide additional controls for development that cannot be contained in the LEP
- Place statements provide a 'vision' about the character of an area - used to inform assessment of development applications



## Planning Scales



# Why is it called a Local Environmental Plan? (2)

## *Statutory definitions*

- **Section 5 of the Environmental Planning and Assessment Act 1979 defines:**
  - “**local environmental plan** means a plan made by the Minister under section 70 that is in force
  - “**environment** includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.”

- Local environmental plans are prepared by councils in accordance with Act and Government Policy to guide planning decisions for local government areas. Through zoning and development controls, they allow councils to supervise the ways in which land is used.



## Expected Financial Benefits of the LEP. Who benefits most from the Plan? (3)

- Financial benefits will exist throughout the Shire and beyond via:
  - Industrial development (additional land at Moruya and Dalmeny)
  - Residential subdivision and development
  - Commercial development
  - Tourism development
  - Job creation and growth
- This is facilitated through managed land release, increase building density in strategic areas, and the sustainable management of the environment



# What happens if Council does not finalise its LEP? (4 & 13)

- The Minister for Planning can:
  - direct Council to complete its LEP within a specified timeframe and process which may use JRPP instead of Council (**not Council decision**)
  - or complete the LEP for Council through the DoP and JRPP (**not Council decision**)



# Lot size Anderson Avenue (5 & 25)

- Mapping anomaly i.e. lot size information not transferred correctly into the map
- The minimum lot size for this land should be 600m<sup>2</sup>, not 1500m<sup>2</sup>.
- To be corrected as part of the recommendations in the report on the final LEP to Council post exhibition.



# Height of Buildings Tuross Blvde & Evans Rd (6 & 7)

- Heights established in response to directions in the ESS - Tuross identified as a large neighbourhood village (B2 and R3 zonings)
- ESS (ED4) apply maximum floor areas and heights to retail and commercial development in the new LEP
- ESS (ED6) increase housing density in areas immediately adjacent to commercial centres to address choice, affordability and aged care needs
- Council staff will review all submissions received about provisions in the LEP and make a recommendation for Council consideration at workshop and preparation of the revised draft LEP



# Kyla Park Recreational Area (8)

- Yes under the proposed RE1 zoning 'community gardens' and 'markets' are permissible with consent



# Tuross Boat Shed & Dwelling Houses (9)

- Current 6c1 zoning provides ‘dwelling houses normally ancillary to other permissible development carried out on the same land’
- The LEP does not include ancillary development in the land use tables as they have the same consent requirements as the principal use
- Where it can be demonstrated that a ‘dwelling house’ is ancillary to the principal use and all other assessment criteria is satisfied, consent can be granted for a dwelling house on this land



# Heritage Bill & Tuross Head Progress Hall & Kyla Park (11, 12, 15, & 24)

- Heritage Bill 2009 by and large deals with listing of and delisting of State Heritage Items, Heritage Council composition and Integrated Development, plus some other minor issues
- The only change for Local Environmental Plans is proposed via section 170B:
- Which enables a council to refer a submission about the inclusion of an item as an item of heritage significance in a proposed LEP to an independent hearing and assessment panel established under the Planning Act.



# Biodiversity Maps (16)

- The mapping of endangered ecological community in the Biodiversity Lands Map in the LEP does not introduce prohibitions on land use. It is a consideration for new development only, as currently exists or occurs
- The issue of Dogs Off and On Lease areas falls outside the LEP.



# Biodiversity Maps (17 & 18)

- The Biodiversity Land Maps are comprised of extant (or existing) native vegetation; derived from vegetative cover mapped from 2006 orthorectified aerial photographs together with Endangered Ecological Community distribution; derived from existing vegetation datasets and field based floristic sampling.
- In urban areas it is quite possible that heavily vegetated 'gardens' have been picked up as existing vegetation. The specific example mentioned has been reported to Council staff and will be dealt with by amending the mapping post inspection.
- The Biodiversity Land Maps will be reviewed in residential areas.



# Anomalies in LEP (14)

- Staff are receiving submissions on the LEP and also meeting with landowners about the proposed LEP zonings and controls
- Also internal review process necessary given the time lapse in preparation of draft LEP
- Any concerns should be provided in writing as a 'request for information' or a 'formal submission' before 24 July 2009 – this can be done on line via Council's website
- Changes to the plan will be recommended to Council - where necessary and/or where supported by additional information



# Exempt Development (19, 20 & 21)

- Exempt development caters for development with minimal environmental impact
- Signage: where the exemptions are not met a development application must be lodged with Council
- Outdoor Lighting: refers to lighting used on rural residential, commercial, industrial properties eg security, garden, ornamental lighting
- State Environmental Planning Policy (Exempt and Complying Codes) 2008 overrides Council's LEP provisions



# Reclassification of Land (22 & 23)

- The LEP proposes to reclassify sixteen (16) parcels of public land from 'Community land' to 'Operational land'
- A public hearing into the reclassification of land as required by section 29 of the Local Government Act 1993 will be held Thursday 30 July 2009 at 5pm
- Council will appoint an independent party to preside at the hearing
- Interested members of the public are invited to attend



# Natural Water Based Aquaculture (26)

- Tuross Lake is zoned W1 Natural Waterways – mandatory objectives include:
  - “To protect the ecological and scenic values of natural waterways”
  - “To prevent development that would have an adverse effect on the natural values of waterways in the zone”
  - “To provide for sustainable fishing industries and recreational fishing”
- Natural water based aquaculture is permitted with consent in W1 zone

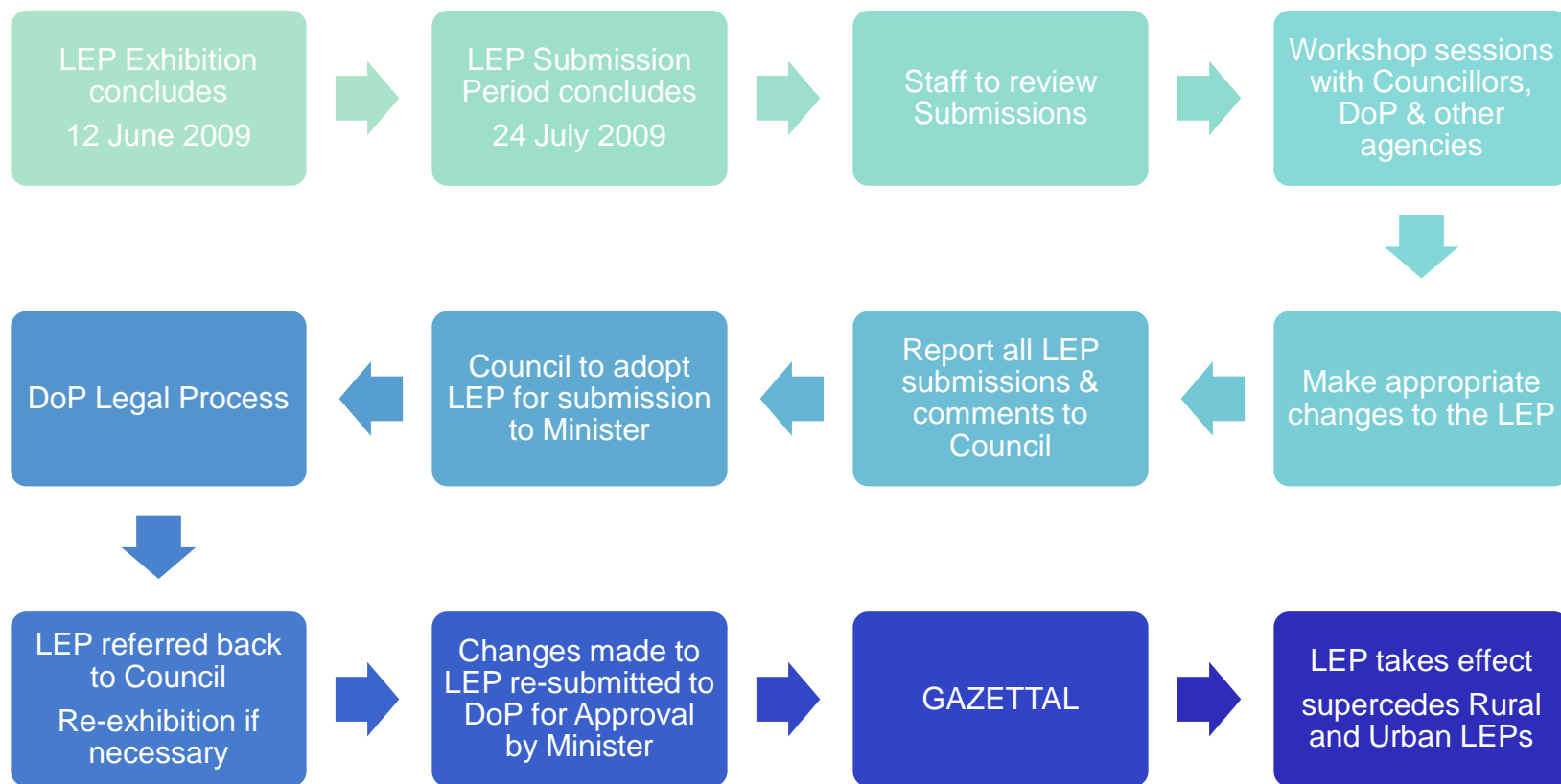


# RE1 Zone (27)

- The existing public open space zone 6a1 has been generally transferred across into the new LEP as RE1
- Council is currently preparing a Biodiversity Strategy and Open Space and Recreation Strategy which examine these lands
- The recommendations of these strategies will be used to inform the LEP review (3-5 years) and justify zoning changes to these lands where appropriate



# Where to from here?



# For further Information

- LEP Hotline 4474 7486
- Council Website [www.esc.nsw.gov.au](http://www.esc.nsw.gov.au)
- Submission closing date 24 July 2009

