
REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

TUESDAY, 6 AUGUST 2013

PLANNING AND DEVELOPMENT

ITEM TO BE REFERRED TO ORDINARY MEETING

- 1. Planning Proposal (Rezoning) – North Manyana – Owner: Kylor Pty Ltd -
Proponent: EMGA Mitchell McLennan Pty Ltd File 1027E PDR**

SECTION MANAGER: Gordon Clark

PURPOSE: Delivery Program Activity: 2.2.1

To provide an update on the status of the Planning Proposal to rezone land at Manyana; the outcomes of a community information day held by the proponent and the outcomes of a consultation exercise run by the Red Head Villages Association.

RECOMMENDED that Council:

- a) Receive the report and the attached consultation summaries for information;**
- b) Receive a detailed briefing from the proponent and the Red Head Villages Association after the revised Planning Proposal is provided by the proponent; and**
- c) Receive a further report on the revised Planning Proposal after it is reviewed by staff.**

OPTIONS

1. Receive the report for information.
2. Receive a detailed briefing from the proponent and the Red Head Villages Association prior to the revised Planning Proposal being submitted by the proponent.

Implication

This option would be consistent with the Council resolution of 21 May 2013, but would potentially not enable the proponent to adjust their proposal in light of the community feedback they received.

3. (Recommended) Receive a detailed briefing from the proponent and the Red Head Villages Association after the revised Planning Proposal is submitted by the proponent.

Implication

This would give the proponent the opportunity to respond to community concerns and revise the Planning Proposal prior to Council being briefed on it and this may be beneficial.

DETAILS

Background:

On 20 February 2013, Council received a Planning Proposal (Rezoning) to rezone land at Manyana to revise the zoning of the subject land to enable residential development and environmental protection.

The Planning Proposal was reported to Council on 21 May 2013 (copy of this report is provided as **Attachment 'A'**) and it was resolved that Council:

- a) *Further consider this planning proposal pending the outcome of the consultation workshop between the proponent and the community to be convened at the earliest possible time;*
- b) *Receive a detailed briefing by the Red Head Villages Association and the proponent on the outcome of the consultation workshop;*
- c) *Not commence work on the planning proposal until after the finalisation of the Shoalhaven Local Environmental Plan 2013; and*
- d) *Reconsider the matter at the next Development Committee meeting, if possible.*

Community Information Day:

The proponents ran a community information day on Saturday 25 May 2013 in relation to the proposed rezoning of land at Manyana. The information day was attended by approximately 50-60 people.

The community information day was not necessarily a consultation workshop as was suggested or intended in the Council resolution and did not result in an agreed position between the proponent and the community. However, it did provide the community with an opportunity to view and provide comments on the proponent's proposal.

Council has received feedback from both the proponent and the Red Head Villages Association (RHVA) in relation to the community information day. Feedback from the proponent indicates that a number of issues/concerns/matters were raised; these related to concerns about lot sizes and proposed zones, economic and aesthetic impacts, removal of building lines, and environmental impacts. The proponent's feedback summary is provided as **Attachment 'B'**.

The RHVA raised concerns that there had not been enough community consultation, commenting that the community information session provided no additional information to that already received in the community mail out by the proponent. The RHVA conducted their own community survey and received 141 responses. The main concerns raised included:

- Failure to specify the retention of the 30m building line;
- Impacts on sensitive coastal habitat;
- Aesthetic impacts on residents and visitors;

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- Impacts to flora/fauna/endangered ecological communities; and
 - Potential impacts from the oversupply of housing.

A copy of the RHVA feedback summary is provided as **Attachment 'C'**.

Based on feedback received, the proponent has indicated that they intend to address the issues identified by reviewing the planning proposal and undertaking further work and making refinements where warranted. They have indicated that the review will take around two months and a modified Planning Proposal will then be resubmitted to Council for further consideration.

Where to From Here:

The Council resolution of 21 May 2013 requested detailed briefings from the proponent and the RHVA on the outcomes of a consultation workshop. It is recommended that Council receive briefings from both parties after the revised Planning Proposal is received. This will give the proponent the opportunity to respond to community concerns and formulate a revised Planning Proposal prior to a briefing.

FINANCIAL IMPLICATIONS:

The proponent is required to fund any studies that are associated with the Planning Proposal (Rezoning), however significant staff resources are required to progress the proposal. Council previously resolved not to commence work on the Planning Proposal until after the finalisation of the Shoalhaven Local Environmental Plan 2013.

Council previously charged a nominal rate for Planning Proposals (Rezoning) that did not adequately recover Council's cost. An amendment to Council's fees and charges has been adopted, and therefore, the remaining stages of this Planning Proposal will be charged in accordance with the updated 2013-2014 fees and charges.

COMMUNITY ENGAGEMENT:

As discussed above, Council's previous resolution provided the opportunity for the proponents and the community to essentially get together to discuss the appropriate future development of the subject land. The proponent facilitated a community information day, however, no workshop as such was held in accordance with the intent of the resolution.

The need to finally achieve certainty for the future development of this long debated site is acknowledged and the planning proposal hopefully provides an opportunity for this to occur. If the Planning Proposal proceeds, formal community consultation will occur in accordance with any 'gateway' approval requirements.

REPORT OF GENERAL MANAGER**DEVELOPMENT COMMITTEE****TUESDAY, 7 MAY 2013****STRATEGIC PLANNING AND INFRASTRUCTURE*****ITEMS TO BE FORWARDED TO ORDINARY MEETING***

1.	Planning Proposal (Rezoning) – North Manyana	File 1027E PDR
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PURPOSE: Delivery Program Activity: 2.2.1

To obtain Council direction in regard to a Planning Proposal that has been submitted to rezone land at Manyana.

RECOMMENDED that Council:

- a) **Support the Planning Proposal with changes outlined in this report to potentially reduce the overall land to be zoned for residential purposes;**
- b) **Advise the proponent of its decision and the additional information/ studies that are required to support the Planning Proposal; and**
- c) **Not commence work on the planning proposal until after the finalisation of the Shoalhaven Local Environmental Plan 2013.**

OPTIONS

- 1. Council support the progression of the Planning Proposal as recommended and with changes outlined in this report.
- 2. Council support the submitted Planning Proposal and submit it to the State Government to obtain a “gateway” determination.
- 3. Council not support the Planning Proposal.

DETAILS

Background:

On 20 February 2013, Council received a Planning Proposal (Rezoning) to rezone land at Manyana to modify the zoning of the subject land to enable residential development and environmental protection.

The Planning Proposal was submitted by EMGA Mitchell McLennan Pty Ltd on behalf of the landowners, Kylor Pty Ltd. The required processing fee, consistent with Council's Fees & Charges, was also paid.

The subject land is located on Inyadda Drive, Manyana, and is approximately 70ha in area.

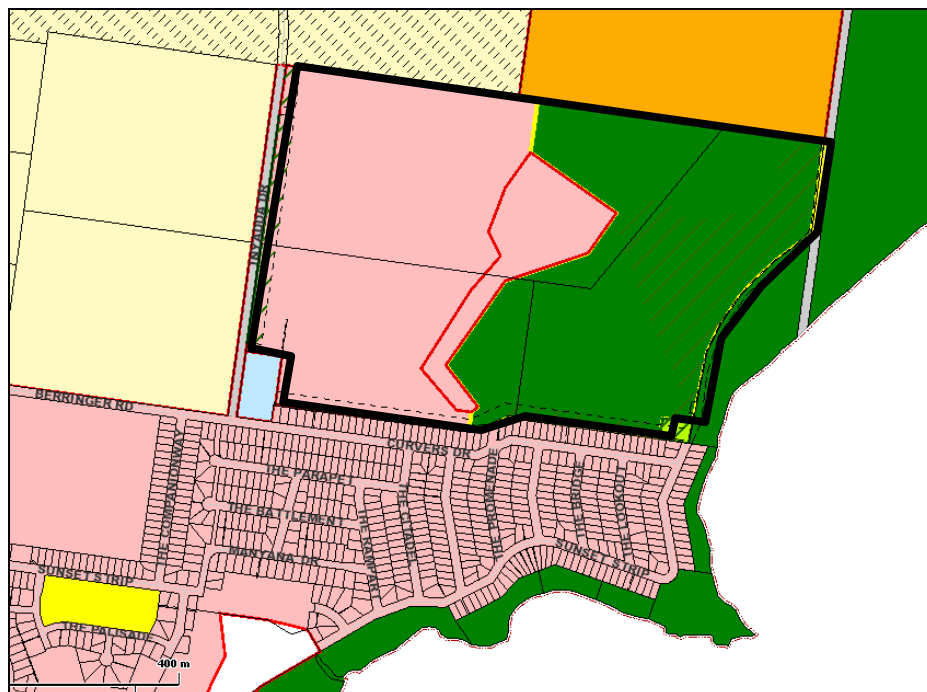
Existing Planning Controls

Under Shoalhaven Local Environmental Plan (LEP) 1985, the land is currently zoned:

- Part Residential 2(a1)
- Part Residential 2(a2) -minimum lot size 2,000m², and
- Part Open Space 6(b) (Private Recreation).
- Part Open Space 6(c)(proposed recreation).

The minimum lot size of 2,000m² in the 2(a2) zones was intended to enable onsite effluent disposal as Manyana has only relatively recently been connected to reticulated sewerage.

There is also a 30m building line in the LEP along the properties southern boundary, an area identified as 'land of ecological sensitivity' and an area of 'scenic preservation' along the western boundary with Curvers Drive. The following map shows the existing zones and LEP controls:



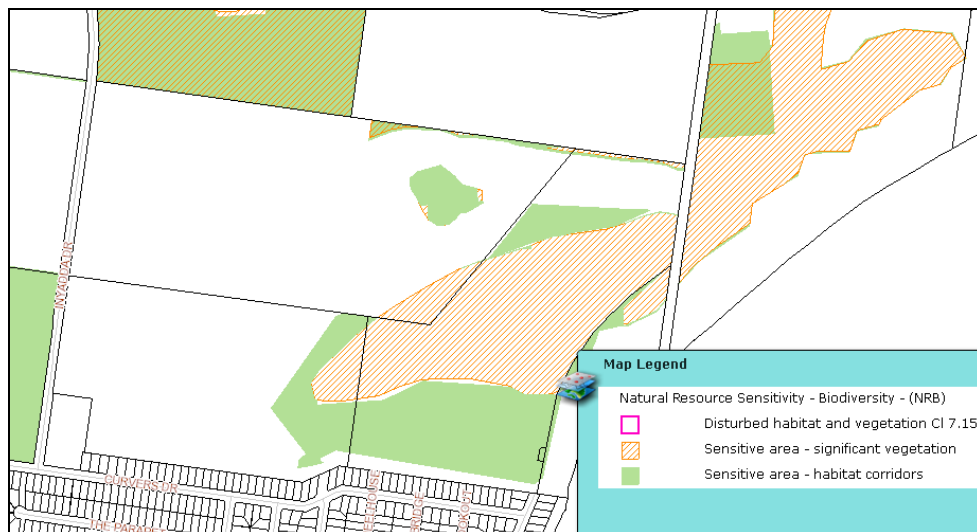
Extract from Shoalhaven LEP 1985 mapping

These zones and controls were added to the existing LEP in 1992 and were based on a specific proposal for larger lot residential development, country club and golf course.

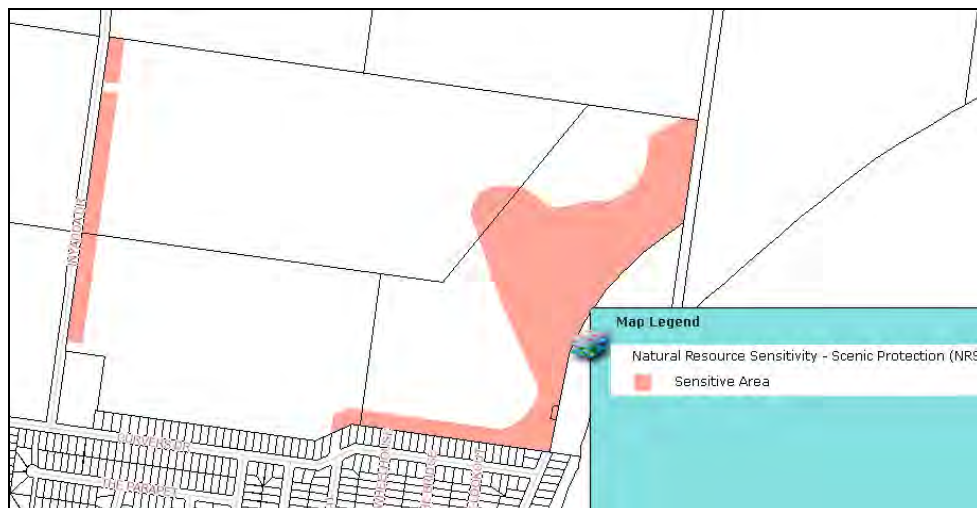
- Part R1 General Residential
- Part R5 Large Lot Residential (minimum lot size 200m²), and
- Part E3 Environmental Management. In this regard there is also an allowance in the draft Plan to enable a number of uses that are capable under the current 6(b) zone to be considered e.g. Recreation facilities.

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The following maps from draft Shoalhaven LEP 2013 also apply to the land and identify areas affected by natural resource sensitivity-biodiversity and scenic protection controls:



Proposed Natural Resources Sensitivity – Biodiversity Overlay



Proposed Natural Resources Sensitivity – Scenic Protection Overlay

It should be noted that building lines are no longer able to be included in the draft LEP 2013 but are intended to be included and retained where relevant in the Citywide DCP.

It is also specifically noted that on 25 March 2008, Council resolved that:

Council consider the proposal by Kylor Pty Ltd as a separate draft LEP process after final submission of draft LEP 2009 to the Department of Planning (Sec. 68) and the Department be advised of Council's intentions.

This resolution arose from a previous rezoning proposal over the subject land that sought to alter the lands zones, but which did not proceed for a number of reasons.

As a result, the continuing advice to the proponents since 2008 has been that Council will not consider a new draft LEP (rezoning) for the land until after the Citywide LEP is completed. The local community are also aware of this resolution and appear to support its intention.

Planning Proposal (Rezoning)

The submitted planning proposal (rezoning) seeks to establish new zoning boundaries to facilitate:

Approximately 31 ha of R1 General Residential zoned land, with a minimum lot size of 500m²; and

Approximately 39ha of E3 Environmental Management zoned land.

The proposed zonings are shown below, with the hatched area being proposed R1 and the remainder being proposed E3:



Extract from Planning Proposal - Proposed zonings

It is estimated that the proposed rezoning will provide for 300 to 380 dwellings and the proponents believe this is within the sewerage allocation for the site. This compares to between 150-190 lots based on the existing zoning, but spread over a larger area given the current 2,000m² minimum lot size.

Thus essentially the proposal seeks to enable an increased number of smaller residential lots connected to the sewerage scheme, within a reduced development area to avoid environmental features.

It is indicated in the Planning Proposal that it has substantial planning and environmental benefits over the current zonings. It is suggested that it will provide an outcome that avoids environmental areas, provides an offset for any losses and reflects strategic

planning. It will also provide additional residential development that utilises available infrastructure and resolve the long running planning future of the site.

Under the State Government's 'Gateway' process for rezonings, Council has 90 days to determine whether they support the planning proposal and communicate the decision to the proponent. This provision was added to legislation late last year and provides for the review of decisions on planning proposals at both the pre and post 'gateway' stages and also if they are not dealt within specified times.

A full copy of the Planning Proposal (Rezoning) document will be available on the Councillor's share point site and in the **Councillor's Room** prior to the meeting.

Under Council's Planning Proposal (Rezoning) Guidelines that were adopted by Council on 26 March 2013, it is noted that Council will consider a planning proposal in the following circumstances:

- The proposed amendment is supported by a Council or State Government strategy or plan
- A clear zoning anomaly exists on site, or
- The proposed amendment is considered to be minor in nature and has been sufficiently justified to Council.

This report assesses the submitted planning proposal against Council's Guidelines as well as the Department of Planning and Infrastructures Guidelines for preparing planning proposals. To assist in this regard, relevant Groups/Sections within Council have reviewed and provided comment on the planning proposal.

Relationship to strategic planning framework:

The planning proposal is considered to be consistent with some aspects of the South Coast Regional Strategy (SCRS) in that it helps to satisfy housing demand and uses existing infrastructure and services. However, the SCRS identifies smaller, more isolated villages like Manyana as low priorities for development that should not be considered for additional land release rezonings, given the lack of potential for these settlements to reach critical thresholds for service delivery.

Council's draft Growth Management Strategy (GMS) identifies Manyana as a coastal village and states that *"...future growth in Manyana will be through the utilisation of existing residential zoned land which has not yet been developed"*. The draft GMS also states that *"There are limited services and facilities available in Manyana and a number of environmental constraints, and given that there is land currently available for growth and development, no investigation areas have been identified in this location. The provision of higher order services in Manyana and the improvement of transport networks in the future may allow for increase in urban footprint in the long term"*.

Rezoning land in this area and increasing residential capacity could be inconsistent with both the SCRS and the draft GMS given the lack of infrastructure and services in Manyana. However, it is acknowledged that the land is currently zoned for large lot residential development and a more efficient use of the land would be desirable.

Thus, Council could support a change of zoning to allow smaller lot sizes and a more efficient use of the land. However it is considered appropriate to reduce the size and overall capacity of the residential area to be consistent with the SCRS and draft GMS.

The Shoalhaven LEP 1985 also currently has a 30m building line along the southern and western boundaries of the property. It is intended that these building lines will be shown in the Citywide DCP. The building lines do not restrict the zoning of this land, however they do restrict potential development approvals in this area. The need to maintain the intent of these building lines will need to be considered should the planning proposal proceed.

Ministerial Directions:

Council is required to consider and adhere to the Minister's Directions under s117 of the Environmental Planning and Assessment Act when considering an amendment to an LEP. On review, the proposal is considered inconsistent with the following s.117 directions:

2.1 Environmental Protection Zones – The proposal seeks to rezone parts of the land that are proposed to be zoned E3 Environmental Protection under draft Shoalhaven LEP 2013. This may reduce the environmental protection standards that apply to the land and the consistency or otherwise with the direction requires further consideration.

2.3 Heritage Conservation – The subject land contains areas of historic, cultural and Aboriginal heritage significance. While some detail is provided in the planning proposal on how these items will be conserved, items that were identified as being of moderate significance in an Aboriginal Heritage Study have been downgraded to low significance on the basis of a site visit by the planning consultant. More detail is required in this regard and the proposal identifies the need to obtain an Aboriginal Heritage Impact Permit prior to any impact on Aboriginal sites and this is considered reasonable. The site is known to contain a cultural heritage site, the Goodsell Graves and associated items. It is noted in the planning proposal that they will be conserved within a suitable open space area and further assessment of the historical ruins would be undertaken.

3.4 Integrating Land Use and Transport – Manyana has very limited public transport services and options. Increasing the residential capacity of the area will increase the dependency on cars. This is considered somewhat inconsistent with this direction. The subject land already allows for some residential development, however it is considered appropriate to consider reducing the residential capacity of the proposal to be more consistent with this direction.

4.3 Flooding – The information relating to flooding in the planning proposal is considered inadequate. Sea level rise and climate change have not been considered and a detailed study is required to determine the actual extent of the flood liable land.

Environmental Issues:

The planning proposal suggests that the proposed E3 Environmental Management zone will be used as a biodiversity offset for the future subdivision of the proposed R1 General Residential zone. If land is to be provided as a biodiversity offset, there must be mechanisms in place to ensure its protection in perpetuity. No such mechanisms are

detailed in the proposal. No 'biocertification' assessment or improve or maintain test for the biodiversity values of the site is provided to evaluate the offset requirements for the proposal against OEH requirements for biodiversity offsetting.

The proposal has the potential to result in direct and indirect impacts to threatened species, populations and endangered ecological communities, listed under the NSW TSC Act. The significance of the impacts will need to be addressed via the Assessment of Significance process pursuant to Section 5A of the EP&A Act.

Whilst it is noted that the subject land has a range of existing development zones, the vegetation communities present within the R1 zone include 2 endangered ecological communities (EEC). The two EEC present reflect approximately 34% of all vegetation within this zone. If the requested land is zoned R1, it will not ensure the protection of these EEC and 34% is deemed a significant loss (as it is greater than 10%). Both EEC are present elsewhere on the property (within the proposed E3 zone) the extent is as follows:

- Of the total 37.3 ha of Swamp Sclerophyll Forest located on the property, 9.6 ha is within the proposed R1 zone, comprising of a total of 26% of this EEC on the property, which is still deemed a significant loss (greater than 10%).
- Of the total 5.1 ha of Swamp Oak Forest located on the property, 0.8 ha is within the proposed R1 zone, comprising of a total of 15% of this EEC on this property, which is still deemed a significant loss (greater than 10%).

No local or regional context/significance is provided for the two EEC present on the site to justify the loss of such a large amount of EEC. This requirement would be addressed via the assessment of significance process.

It is stated within the planning proposal that the proposed R1 zone is located within areas of the least ecological importance, however no justification has been provided to substantiate this claim. The ecological importance of the site needs to be clearly identified through adequate survey of all vegetation types and habitat features on the site. It is mentioned that hollow bearing trees are present on the site, however no map is provided to demonstrate the location of these trees and how many are located within the proposed R1 zone versus the proposed E3 zone. Additionally, survey of individual tree hollows was not undertaken. No details or maps are provided that indicate the location of trapping sites, Anabat survey sites, call play back locations, spotlighting transects etc. Until this information is provided it is difficult to make an assessment of the ecological importance of the site and what habitat features will be protected, in particular the importance of the hollows present of site to hollow dependant fauna.

Thirteen threatened species were recorded on site with a further nine threatened species identified as likely to utilise the site due to suitable habitat present. No Assessment of Significance pursuant to s5A of the EP&A Act 1979 was undertaken for these species.

At present there is inadequate information provided with the planning proposal to be supported. In order to adequately address the direct and indirect impacts on these threatened species as a result of the planning proposal further survey and assessment pursuant to s5A of the EP&A Act 1979 is required to be undertaken in consideration of the Threatened Biodiversity Survey and Assessment Guidelines for Developments and

Activities DEC NSW, 2004 and Threatened Species Assessment Guidelines, The Assessment of Significance DECC, 2007.

It is recommended that the proposed residential area be reduced to minimise the impact of known EEC and this would also help the proposal be consistent with the South Coast Regional Strategy (SCRS) and achieve a more appropriate scale.

Traffic:

There is already a significant amount of development potential in Manyana and increasing the residential capacity of the area will potentially have a negative impact on the existing traffic network. A traffic analysis needs to be undertaken that considers the total development potential of Manyana including the additional capacity that results from this proposal. The analysis must test the impacts of proposed intensification of traffic volumes and determine potential infrastructure upgrade requirements, in regards to the following:

- Impacts on intersections, with consideration of any potential intersection upgrades if required:
 1. Intersection of Inyadda Drive, Berringer Road & Curvers Drive
 2. Intersection of Inyadda Drive & Bendalong Road
 3. Intersection of Princes Highway & Bendalong Road;
- Consideration of requirements for rural turn lanes (in accordance with Austroads Guide to Road Design Part 4A) for all existing intersections along Bendalong Road;
- Consideration of requirements for road cross-section (lane & shoulder) widths and overtaking lane provisions (both in accordance with Austroads Guide to Road Design Part 3);
- Consideration of provisions for pedestrians & cyclists to provide access to and from the Kylor site to the surrounding areas;
- Consideration of increased traffic loading on Bendalong Road and Inyadda Drive, and any subsequent contributions towards pavement upgrades on these roads to support the increase in traffic

Detailed traffic studies would eventually be dealt with following a formal subdivision application, however it is important for the proponent and Council to appreciate the maximum potential impacts of the proposed rezoning i.e. 31ha of R1 land which allows for Medium Density Housing.

Sewer and Water:

The subject land has been taken into consideration as a future residential growth area under Shoalhaven Water's "Water and Wastewater Servicing Strategies Project. However, previous work undertaken by Shoalhaven Water for a re-use scheme included other large undeveloped urban lands to make it viable. More work is required to confirm a lot yield which can be supported by the existing Sewage Treatment Plant (STP) and in relation to an effluent re-use system/scheme.

In addition further detailed assessment of the capacity of Bendalong WwTP is required to confirm proposed augmentation, timing of such works and financial ability to undertake them.

A reduction in the residential capacity may be required to ensure the land can be serviced for sewer and water. This could also minimise the impact on EEC and help the proposal be consistent with the SCRS and achieve an appropriate scale.

The following additional information is required to support/update the planning proposal:

- Detailed investigation into a residential re-use scheme for Manyana & Cunjurong Point if the future subdivision is required to implement it as part of the development; or
- An assessment of the sand dune ex-filtration system at Conjola WwTP to confirm it has capacity to support a yield of 300 – 380 residential lots if a re-use scheme is not to be included or form part of the future subdivision.

Further Studies:

Thus the following studies need to be undertaken or updated to support the planning proposal:

- Detailed study to determine flood liable land considering sea level rise and climate change;
- Updated environmental studies as detailed in this report;
- Preliminary traffic impact analysis;
- Updating sewer and water information as detailed in this report.

Council staff currently do not have the capacity to work on the planning proposal until after the adoption of Shoalhaven LEP 2013. However, the proponent can begin work on updating the planning proposal as outlined in this report to ensure the timely progression of the planning proposal, once the LEP is finalised. This will also ensure that there is time for a dialogue with the community on an appropriate level of development for the subject land.

Thus it is recommended that no further work be undertaken on the planning proposal until after the adoption of Shoalhaven LEP 2013 in accordance with this resolution.

FINANCIAL IMPLICATIONS:

The proponent is required to fund any studies that are associated with the Planning Proposal (Rezoning), however significant staff resources are required to progress the proposal. Given the existing workloads associated with the re exhibition and finalisation of draft Shoalhaven LEP 2013, it is recommended that Council advise the proponent that the proposal is supported, however, work will not commence until after the adoptions of draft LEP 2013.

Council currently charge a nominal rate for Planning Proposals (Rezoning) that does not accurately recover Council's cost. An amendment to Council's fees and charges has

been proposed and is being publicly exhibited to more accurately reflect the cost to Council. If these fees and charges are adopted, the remaining stages of this Planning Proposal will be charged in accordance with the updated fees and charges.

COMMUNITY ENGAGEMENT:

Formal community consultation will occur in accordance with any 'gateway' approval requirements. However if the recommendation is adopted, the opportunity for the proponents and the community to discuss the appropriate future development of the subject land should be encouraged before the planning proposal formally proceeds. The need to finally set the development future of this long running site is acknowledged and the planning proposal hopefully provides and opportunity for this to occur.

P.L. Adams

DIRECTOR, STRATEGIC PLANNING & INFRASTRUCTURE

R.D Pigg

GENERAL MANAGER



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6 June 2013

Mr Gordon Clark
Strategy Planning Manager
Shoalhaven City Council
PO Box 42
Nowra NSW 2541

Re: **North Manyana: Community Information Day**

Dear Gordon,

Introduction

On Saturday 25 May 2013 EMM held a Community Information day on behalf of Kylor Pty Limited about the proposed rezoning of land at North Manyana.

The event was preceded by hand delivery of a Community Information Leaflet to dwellings in Manyana on Friday 26 April 2013. The leaflet (refer Attachment A) provided a summary of the proposal as well as details of the Information Day (CID). In addition, we contacted Justin Field from the Red Head Villages Association and requested that he put a copy of the leaflet on the Community Information board in Manyana and the event was also reported to Council at its Development Committee meeting on Tuesday 7 May, 2013.

The CID was held at the Yalunga Community Hall between 10 am to 2 pm and we estimate that between 50 and 60 people attended. Copies of the leaflet were available on arrival and the community were then presented with five storyboards (refer Attachment B). These provided an introduction about the proposal, a summary of the current situation, an overview of the environmental assessment results, a summary of the proposed rezoning and a description of the next steps, including a summary of the planning process.

Three EMM representatives were available throughout the session to answer questions and to listen to feedback. The community were also provided with feedback forms, to be filled out at the venue or returned by stamped, self-addressed envelopes. Approximately 80 forms were taken on the day and to date we have received written feedback from 18 community members (refer Attachment C).

Issues raised

We believe that the CID was very valuable in identifying the main concerns of the community in relation to the proposal as well as various positive aspects. A summary of the feedback is provided in the table below (in no particular order).

Table 1 Summary of community feedback

Issue	Comment
Minimum lot size of 500m ² is not acceptable.	- Already an oversupply of smaller lots on the market in Manyana. - Dwellings will be too close together and will result in 'ghetto' type development like Shellharbour.

Table 1 **Summary of community feedback**

Issue	Comment
Number of proposed lots is too high.	• Larger lots will be more appealing to prospective purchasers. • Larger lots are more appropriate given the location and character of the area. • The proposal represents a significant increase in the number of dwellings in comparison to what is permitted under the current zoning.
The development will negatively impact property values in Manyana.	
Rezoning of the strip of land to the north of Curvers Drive, east to the beach, is not acceptable.	• Foreshore areas need to be protected. • Development will impact on nesting ground for Hooded Plovers. • Development will impact on EECs in this location. • Land has always been zoned for environmental protection. • Development will be detrimental to existing aesthetic values. • Already many houses for sale in Manyana.
Lack of economic justification for the proposal, given the large amount of dwellings currently for sale in Manyana.	
Removal of 30 m 'building line' or 'buffer' to the north of Curvers Drive is unacceptable.	• Development adjacent to houses on the north side of Curvers Drive will result in a loss of privacy and outlooks to existing dwellings. • Would prefer to see a buffer rather than a building line. • Loss of 'informal' pedestrian access to the beach, currently provided on Kylor land (maintained by the local community). • Retention of a 30 m buffer would help conserve the 'village' feel of Manyana .
Removal of 30 m 'building line' or 'buffer' to the western boundary of the site (along Inyadda Drive) is unacceptable.	
Proposed use of R1 zone is contradictory to surrounding and nearby residential development, which will be zoned R2 under the new LEP.	
Lack of infrastructure to support the proposed development.	• There are no commercial services, such as shops, in Manyana. • There are no schools or other essential services in Manyana. • The proposed commercial development on the north east corner of Curvers and Inyadda Drives is constantly being delayed. • Existing sewerage system has insufficient capacity. • The development will result in an unacceptable increase in traffic. • Currently very limited public transport in the area.
Increase in traffic.	
Development may result in detrimental impacts on local catchment area.	
Proposed 'offset' areas should be zoned to reflect their environmental value.	• Offset areas should not be zoned E3 but E2 (Environmental Conservation).
Lack of information provided at the CID	• Disappointed that the level of information provided was not greater. • Difficult to make an informed decision on the proposal without seeing some sort of concept plan. • Insufficient information provided on proposed stormwater and flooding management. • Further clarification on 'offset areas' and how these can be guaranteed and maintained is required. • Ecological survey methods not clearly demonstrated.
Lack of community consultation / concern for the	

Table 1 Summary of community feedback

Issue	Comment
community	
Important to maintain village atmosphere.	
Planning proposal should not be considered until Draft LEP is made.	
The development may impact on tourism in Manyana.	• How will the 'beachside village' atmosphere be maintained and protected?
Insufficient employment to sustain the current population.	
Coastal strip should be handed over to National Parks and Wildlife.	
Proposed reduction in the area of proposed development is positive.	

Conclusion

Based on the feedback received, we believe that the most sensible next step is to address the issues identified by reviewing the proposal and undertaking further work and refinements where warranted. We estimate that this will take around two months, after which time we will resubmit the proposal for your further consideration.

Please also note that we have communicated the above course of action to the Red Head Villages Association including an offer to meet with them and discuss the revised proposal when it is available.

Yours sincerely



Verity Blair
 Senior Environmental Planner
vblair@emgamm.com

Attachment A - Community Information leaflet

Attachment B – Community Information Session Storyboards

Attachment C – Feedback forms



North Manyana Community Information leaflet

This information leaflet has been prepared to provide information about the proposed rezoning of land at North Manyana to the local community.

North Manyana planning proposal

A planning proposal, seeking the rezoning of land, has been lodged by Kylor Investments with Shoalhaven City Council for land at Lot 106 in DP 755923 and Lot 2 DP 1161638 (Inyadda Drive, Manyana) and Lot 2 in DP 1121854 (Sunset Strip, Manyana), known as North Manyana.

The planning proposal will be considered at Council's Development Committee Meeting at 4pm on Tuesday 7 May, 2013 at the City Administrative Building, Bridge Road, Nowra.

The Development Committee agenda will be available on Council's website from Friday 3 May.

Site history

The North Manyana site was cleared for farming between the 1950s and 1970s and is now revegetated. No further development has occurred on the site.

A number of development proposals have been considered for the site, including approval for a country club, golf course and 72 residential villas in 1985 and the rezoning of the site to its current layout in 1991.

Current zoning

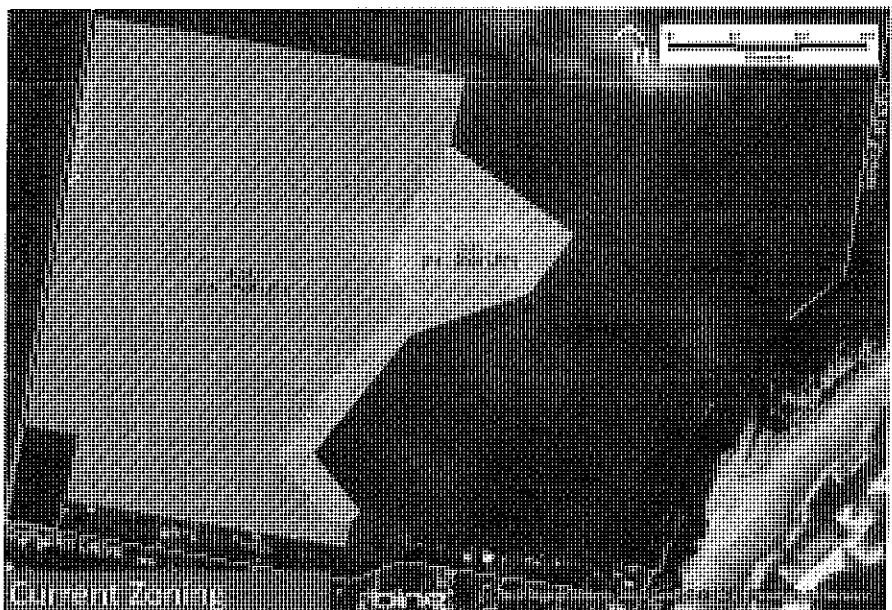
Current zoning of the site is considered inappropriate as:

- it is based on land use concepts - a golf course and associated housing - that are no longer proposed (the 2(c) zone);
- it relies on sewage disposal methods (on-site septic tanks) that are redundant since the implementation of the Conjola Regional Sewerage Scheme in the 2(a2) zone; and
- it is both wasteful of valuable coastal land and unresponsive to environmental constraints – the density is unnecessarily low and the actual location of the 2(c) zone maximises disturbance as it runs through the centre of the property.

The current zoning would allow for a yield of approximately 238 lots (144 lots at 2000m² in the 2(a2) zone and 94 lots at 500m² in the 2(c) zone).

KEY

- | | |
|--|------------------------|
| | Study boundary |
| | Open space 6(b) zone |
| | Residential 2(c) zone |
| | Residential 2(a2) zone |





Proposed zoning

The proposed zoning seeks to achieve a better arrangement of land uses based on an analysis of environmental constraints. These include:

- drainage and flooding;
- bushfire risks;
- ecology, including endangered ecological communities and the provision of compensatory 'offset' land;
- Aboriginal and cultural heritage, including the preservation of the Goodsell grave; and
- scenic protection.

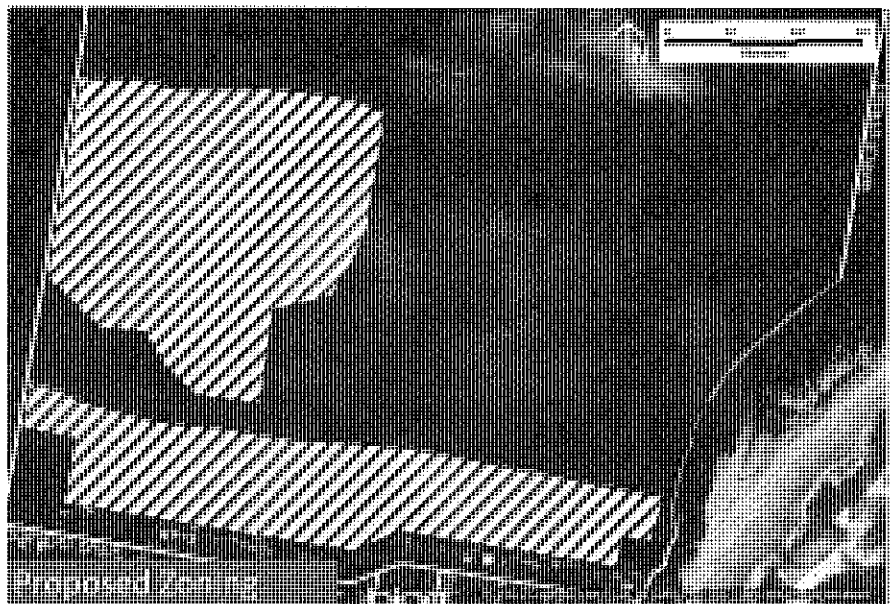
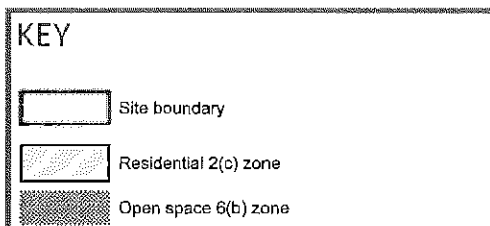
The planning proposal seeks new zoning boundaries that will allow:

- approximately 39 ha – Open Space (6(b) zone (or Environmental management E3 zone under the Draft Local Environmental Plan (LEP) 2009); and
- approximately 31 ha – Residential 2(c) zone (or General Residential R1 zone under the Draft LEP 2009) with a minimum lot size of 500 m2.

This zoning would allow a yield of between 300 and 380 residential lots but on about 5 hectares less land compared with the current zoning.

The proposed rezoning:

- makes use of a site that is already zoned for residential development and is centrally located with respect to retail services;
- allows efficient development of the site with a smaller development footprint than is currently permitted;
- the proposed development area is more sensitively located with respect to environmental constraints; and
- would facilitate a greater range of improved housing types and affordability.



COMMUNITY INFORMATION SESSION

It is an important part of the planning process to consult with the community about the proposed rezoning of North Macquarie. Please come to the community information session to discuss the proposed rezoning and provide your views.

When: Saturday, 24 May 2013
Address: 10 Macquarie Drive, Macquarie

When: Wednesday, 29 May 2013
Address: Macquarie Public Hall, Macquarie

At the session, you will hear from the Council and the community about the proposed rezoning. You will also have the opportunity to provide your views on the rezoning of North Macquarie to the Council.

For details on the community information session, please contact Wendy Allen at 02 9330 1333 or email wendy.allen@emga.com.au.

Further information or with the rezoning proposal, please contact the planning officer.



Welcome

North Manyana Information Session

1

Welcome to today's community information session for the proposed rezoning of land at North Manyana. Your knowledge and views are greatly appreciated.

The purpose of this community information session is to:

- Provide you with information about the proposal.
- Allow us to understand the needs and views of the local community.
- Provide you with the opportunity to discuss issues and suggestions directly with the project team.

Kylor Pty Ltd has engaged a team of environmental consultants to prepare a planning proposal for the proposed rezoning of North Manyana. Environmental assessments have been undertaken to evaluate the project against a range of environmental issues to ensure the ecological and environmental values of the area are respected.

WHY NOW?

Kylor has been looking at future options for its site for many years. In late 2011, Kylor obtained finances for the large number of technical studies needed. Previously this funding was not available.

During 2012, the new technical studies were undertaken. Kylor also met with the Department of Planning and Infrastructure, Office of Environment and Heritage and Council. The RHVA was also contacted and made aware of the proposal.

Today's session

If you wish to comment on the proposed rezoning, or be kept up to date with project news, please fill out a feedback form or contact:

Verity Blair at EMM

Phone: 02 9493 9544

Email: vblair@emgamm.com

Current Situation

North Manyana Information Session

2

SITE HISTORY

The North Manyana site was cleared for farming between the 1950s and 1970s but is now revegetated. No further development has occurred on the site.

A number of development proposals have previously been considered for the site, including approval for a country club, golf course and 72 residential villas in 1985, and the rezoning of the site to its current layout in 1991.

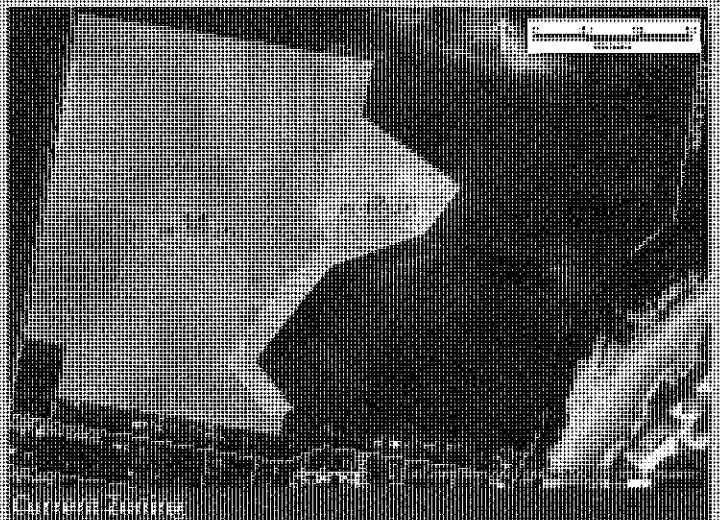
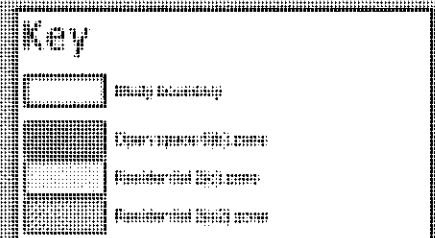
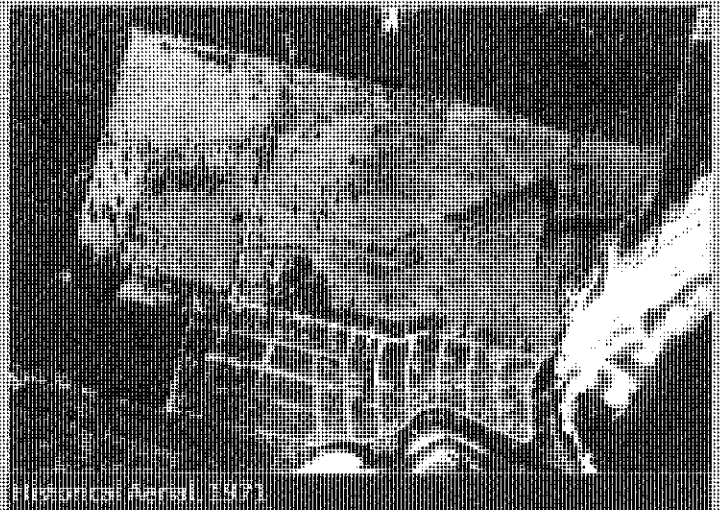
Need for the proposal

Current zoning of the site is considered inappropriate as:

- it is based on land use concepts - a golf course and associated housing - that are no longer proposed (the 2(c) zone);
- it relies on sewage disposal methods (on-site septic tanks) that are redundant since the implementation of the Conjola Regional Sewerage Scheme in the 2(a2) zone; and
- it is both wasteful of valuable coastal land and unresponsive to environmental constraints - the density is unnecessarily low and the actual location of the 2(c) zone maximises disturbance as it runs through the centre of the property.

The current zoning would allow for a yield of approximately 238 lots (144 lots at 2000m² in the 2(a2) zone and 94 lots at 500m² in the 2(c) zone).

The 6(b) zoning in the eastern portion of the site allows uses such as clubs, community facilities and tourist facilities. Under the draft LEP 2013, this land would be zoned E3. A broader range of uses is permitted under this zone including dwelling houses, environmental facilities, information and educational facilities, kiosks and tourist and visitor accommodation.





Environmental Assessments

North Manyana Information Session

3

DESIGN DRIVERS AND ENVIRONMENTAL CONSIDERATIONS

The proposed zoning seeks to achieve a better arrangement of land uses based on an analysis of environmental constraints. These include:

- drainage and flooding;
- bushfire risks;
- ecology, including endangered ecological communities and the provision of compensatory 'offset' land;
- Aboriginal and cultural heritage, including the preservation of the Goodsell grave; and
- scenic protection.

Despite the land in North Manyana being cleared for agriculture between the 1950s and 1970s, according to the Biometric Vegetation Type Database (DECCW 2008), there are five vegetation types at North Manyana, three of which are identified as threatened ecological communities (TEC).

Fourteen fauna species listed as 'threatened' were recorded on the site during targeted ecological surveys. These species would use the site for foraging habitat only, as the site generally lacks mature vegetation and important habitat features such as hollow-bearing trees.

Following the extensive ecological surveys of the site, the areas of lowest ecological value (containing

communities that are found elsewhere and that are in the poorest condition due to disturbance) were identified on a plan. This was given significant consideration when identifying the location of the proposed residential areas. The western area of the site is also furthest from the coastal area, ensuring that the majority of development is well-buffered from the beach front.

Key

-  Site boundary
-  Areas of lowest ecological value



While it is acknowledged that the loss of some land of ecological value will occur as a result of the proposal, there are significantly less than would occur under the current zoning and they can be compensated for by on-site efforts (i.e. under a formal agreement, 'offset' land is set aside for conservation in perpetuity and can be offered to Council at the completion of the development) that will facilitate future management for conservation.

It is envisaged that future residential development will incorporate design elements to make it environmentally sound. These would include:

- waste water recycling through dual reticulation infrastructure (so separate potable and non-potable water supplied);
- permanent dedication of a large area of bushland and coastline for conservation purposes; and
- a masterplan that will promote environmentally sound building and development practices.

The Proposal

North Manyana Information Session

4

PROPOSED REZONING

The proposed rezoning seeks new zoning boundaries that will allow:

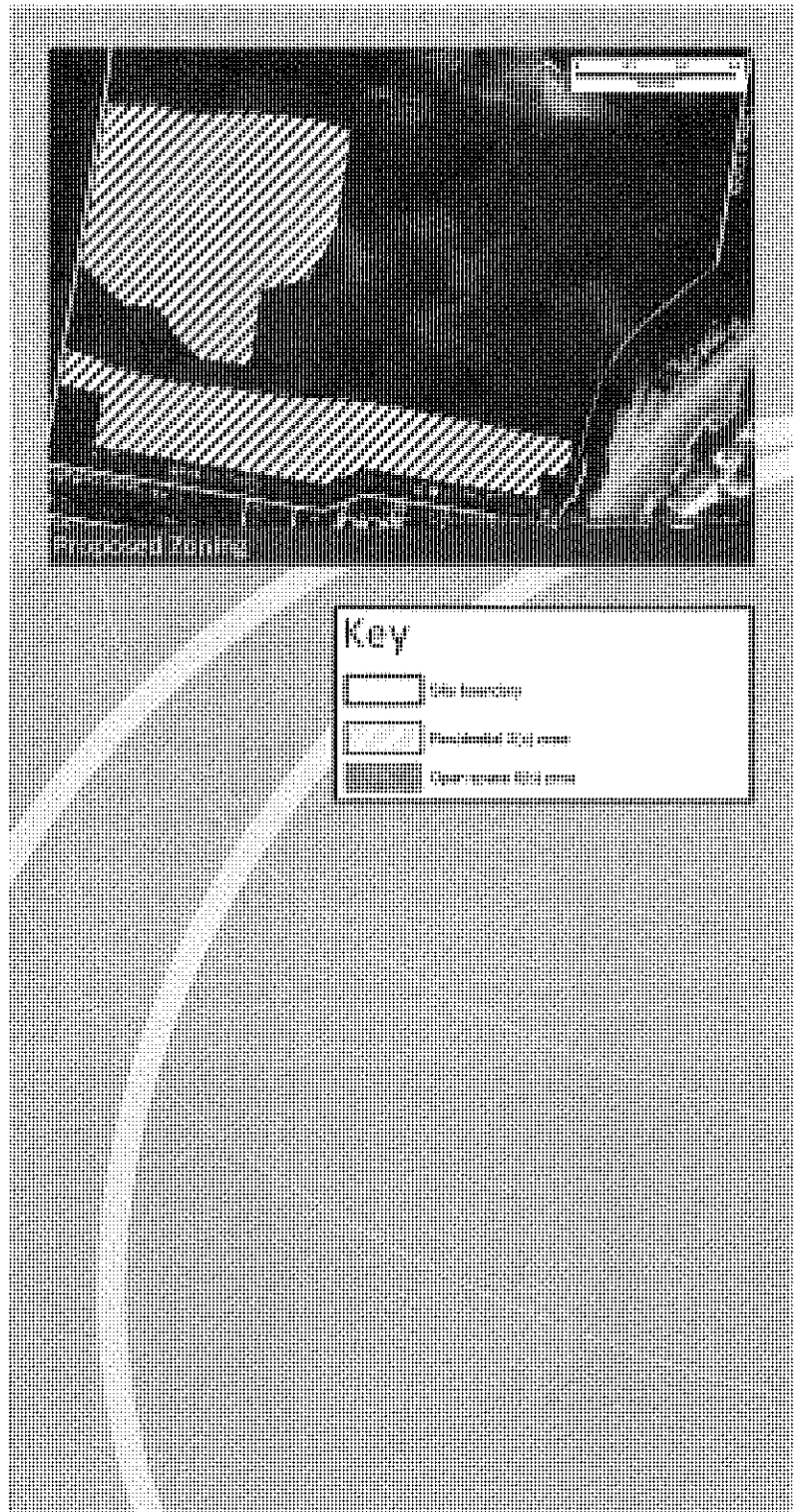
- approximately 39 ha – Open Space (6(b) zone (or Environmental management E3 zone under the Draft Local Environmental Plan (LEP) 2009); and
- approximately 31 ha – Residential 2(c) zone (or General Residential R1 zone under the Draft LEP 2009) with a minimum lot size of 500 m².

The proposed rezoning:

- makes use of a site that is already zoned for residential development and is centrally located with respect to retail services;
- the proposed development area is more sensitively located with respect to environmental constraints;
- would facilitate a greater range of improved housing types and affordability; and
- allows efficient development of the site with a smaller development footprint than is currently permitted.

The planning proposal has assessed the rezoning against relevant strategic plans and it is found to be consistent with the applicable regional and local strategic objectives.

This zoning would allow a yield of between 300 and 380 residential lots but on about 5 hectares less land compared with the current zoning.





EMM
EMGA Mitchell McLennan

Next Steps

North Manyana Information Session

5

Kylor submitted the planning proposal to Council on 20 February 2013 and made a presentation to Council's Development Committee meeting on 7 May 2013.

Council resolved to:

- Further consider this planning proposal pending the outcome of the consultation workshop between the proponent and the community;
- Receive a detailed briefing by the Red Head Villages Association and the proponent on the outcome of the consultation workshop;
- Not commence work on the planning proposal until after the finalisation of the Shoalhaven Local Environmental Plan 2013; and
- Reconsider the matter at the next Development Committee meeting, if possible.

Following this community information session, Kylor will submit a briefing to Council as well as some additional work required to a few of the technical reports.

Council requires a number of supplementary studies on flooding, ecology, traffic and sewer and water. When these studies are complete and the outcomes of today's community information session are summarised, the planning proposal will be updated and resubmitted to Council.

From there, Council will make a resolution on whether to further consider the planning process.

THE PLANNING PROCESS

Council resolves to prepare a planning proposal to amend the LEP or not. Following the submission of the planning proposal to Council by the applicant, the relevant proponent authority is responsible for the preparation of a planning proposal which explains the objectives and justification for the plan.

Pre-Planning (pre-submission)

Planning

Public Consultation (public hearing)

Consideration and Decision

Returned

Decision
With the Minister's (or delegate's) approval the plan becomes law.

HAVE YOUR SAY

The comments will be discussed at various stages through the process outlined. If you would like to provide feedback, please fill out a feedback form. We value your comments and insights into the proposal. If you would like more details consider your feedback, please return your feedback form to us by Friday 7 June 2013.

POST

PO Box 71, Lillimur NSW 2590
RING A FREE CALL 1800 000 000

FAX

02 5351 5555 (please fax both sides of the form if necessary)

EMAIL

info@emgamm.com.au

We thank you for taking the time to attend today's community information session.

RED HEAD VILLAGES ASSOCIATION (Inc)



North Bendalong, Bendalong, Berringer, Cunjurong, Manyana

Email: justinfield1@gmail.com

Tel: 0439 205 835

PO Box 2015

Bendalong NSW 2539

2 July 2013

Shoalhaven Councillors
(13) - by email

cc:

Russ Pigg, General Manager Shoalhaven City Council

Gordon Clark, Strategy Planning Manager, Shoalhaven City Council

Paul Mitchell, Managing Director EMM

RE: Community Responses to Kylor Rezoning Proposal

Dear Councillors,

The attached report is to inform you of the outcome of the recent community information session in relation to Kylor's rezoning application at Manyana, and the result of the Red Head Villages Association's (RHVA) community questionnaire.

The report was considered at a meeting of the RHVA Executive on 1 July and it was agreed to forward the report to councillors, council staff and EMM.

EMM has already contacted RHVA to indicate that they are considering the outcome of the community information session held on 25 May. They have indicated this process will likely take a couple of months.

RHVA expect to be able to meet council's resolution of 21 May for a consultation workshop to be held once EMM have reviewed these results.

Many members of the local community were involved in drafting the questionnaire (see full questionnaire also attached) and ensuring maximum distribution among residents and regular visitors. The level of participation in the survey is high and RHVA believe the information received should carry significant weight in any consideration of proposal relating to the Kylor site.

Please direct any correspondence in relation to this matter to Justin Field at justinfield1@gmail.com or PO Box 2015 Bendalong NSW 2539.

Sincerely,

Justin Field

Justin Field
President, Red Head Villages Association

Attachment 1: RHVA Community Survey Report – Kylor

Attachment 2: Community Questionnaire

RED HEAD VILLAGES ASSOCIATION (Inc)

North Bendalong, Bendalong, Berringer, Cunjurong, Manyana

Community Survey Report - Kylor

Kylor Community Information Session – 25 May

Kylor's consultant EMM held a community information session at Yulunga Hall at Manyana on 25 May 2013.

Representatives of the Red Head Villages Association attended the event to record community responses to the event.

RHVA recorded 58 people attending the session. Upon exiting the building people were asked two questions. 26 responses were received to these questions. (NOTE: not all persons could be asked as some people exited while other people were being surveyed.)

The following questions were asked of attendees after viewing the consultant's presentation:

1. Do you support the Kylor Proposal?

18 persons surveyed (70%) indicated they did not support the Kylor Proposal
8 persons surveyed (30%) indicated they did not have enough information to be able to respond to the question.

2. Do you feel there has been sufficient community consultation in relation to the survey?

All persons surveyed felt there had not been enough community consultation. Many commented that they felt the information session provided no additional information to that already received in the community mail out by Kylor.

RHVA Community Questionnaire

RHVA also distributed a community questionnaire at the community information session, letterboxed and placed copies of the questionnaire at the Bendalong Store. The same questionnaire was replicated on an online survey using the program SurveyMonkey.

141 responses were received in total. 61 responses were received from the online survey and 80 hard copy questionnaires were returned. Of the online survey 77% completed the survey in full, the vast majority of hardcopy surveys were completed in full (Note: this is why totals will not always equal 141 or 100%).

The results are as follows:

1. 78,(55%) of those surveyed were permanent residents of Manyana, 34 (24%) were part-time residents and 24 (17.0%) regular visitors.
2. A large number of those surveyed lived on Curvers Drive (28) and Sunset Strip (18) – not all residents or visitors identified a street location.
3. 56 (40%) of those surveyed indicated that they did not receive a notice from the developer about the community information session – this included a number of those residents of Curvers Dr (the most impacted area).
4. Of those who did not receive a notice from the developer, 40 heard about the proposal from a friend and 23 saw signs or notices posted by RHVA.
5. 63 (45%) preferred no development of the Kylor land, 56 (40%) preferred the existing zoning and 5 (4%) supported the proposal.
6. An overwhelming majority of 111 (78%) thought the Kylor proposal would disadvantage the village as opposed to it being of benefit (10 or 7%) , or of little consequence to the community (3 or 2%).
7. The top 5 concerns of respondents about the Kylor proposal were:
 - Failure to specify the retention of the 30m building line
 - Impacts on sensitive coastal habitat
 - Aesthetic impacts on residents and visitors to Inyadda Beach
 - Impacts to flora/fauna/threatened ecological communities
 - Potential impacts from the oversupply of housing

8. The comments section of survey, responses on the RHVA facebook page and discussions with local residents elicited a number of other useful responses and suggestions:
- Increasing the no building zone or creating a strip of public land between existing residents on Curvers Drive and any future development.
 - Strong opposition to any development outside of the existing footprint for residential development (as per the current LEP).
 - Lack of economic justification was a concern including identifying the large number of existing properties for sale.
 - Significant concern that there was a lack of infrastructure to support increased residential development or existing infrastructure (roads, public space and sewage in particular) would be put under too much pressure.

Conclusion

The RHVA has undertaken an extensive survey of residents that has shown a high level of opposition to the proposal by Kylor in its current form. RHVA believe the questionnaire process has been far more substantial than the consultation undertaken by EMM and the results should be given significant weighting by the council in further consideration of this matter. They will also form a starting point for discussion at a future consultation workshop to be undertaken by EMM and the local community.



Red Head Villages Association Community Questionnaire

Re-zoning Kylor land at Manyana

A proposal has been submitted to Shoalhaven Council to rezone land, often called the 'Kylor' land, at Manyana. The proposal represents a significant change from the current zoning on that land and would significantly increase the number of housing lots in any future development. It would see land made available for residential development in an area currently proposed to become 'Environmental Management' land.

The Red Head Villages Association is seeking your opinion on the proposal and would like to know what you would like to see happen with this land.

All residents and regular visitors to Manyana and the surrounding villages have been invited to complete the survey. It should take no more than 10 minutes to complete. The survey is open to all residents over 12 years of age. You can complete multiple surveys per household – we are after everyone's ideas and opinions.

Please return the survey by the 12th of June to Jenny Cleary, 8 Curvers Drive, Manyana 2539 or bring your completed survey along to the meeting. If you need more time, that's ok – you can send it to Jenny when you are finished.

If you would like to receive more information about this proposal and how the community are responding – please email Jenny Cleary at theguck@bigpond.com and ask to be added to our contact list. Or if you have any question you can give Jenny a call on 4456 1928.

THE SURVEY STARTS ON THE NEXT PAGE

Thank you for your time and interest in your local community.

Section 1: About you

1. Please tell us a bit about yourself and your connection to the Manyana/Bendalong/North Bendalong/Berringer/Cunjurong Point (Red Head Villages) area. Please tick all that apply:

- ☐ I am a permanent resident in the Red Head Villages area
☐ I am a part-time resident in the Red Head Villages area
☐ I am a regular visitor to the Red Head Villages area

When I am in the area I rent/own/stay on the following street: _____

2. How long is your connection (visiting / living in the area) to the Red Head Villages area? Please tick one:

- ☐ less than 5 years
☐ 6 to 10 years
☐ more than 10 years

3. What is your age? Please tick one:

- ☐ up to 18 years
☐ 19 to 34 years
☐ 35 to 49 years
☐ 50+ years

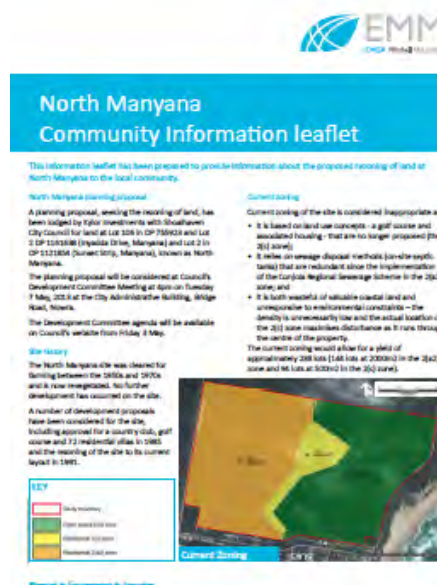
Section 2: About the re-zoning proposal – how you found out and what you prefer

1. If you live in Manyana or own a house in Manyana, did you receive this notice from the developer in your mailbox? (Please circle 1)

☐

YES

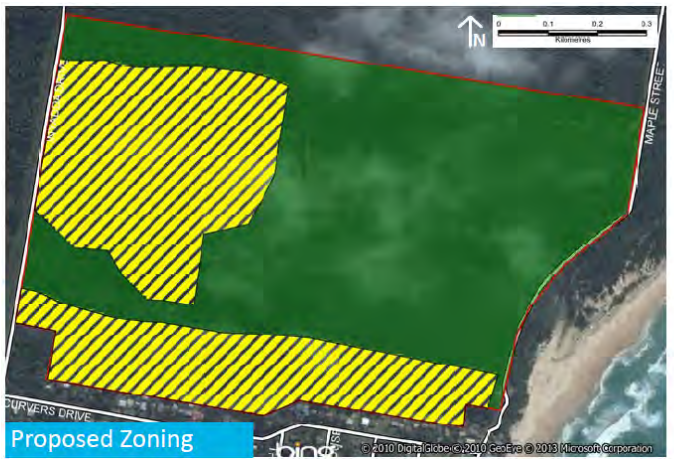
NO



**2. If you did not receive this notice not, how did you first find out about the re-zoning proposal?
Please tick 1:**

- ☐ saw a sign about the proposal at the beach
☐ saw a message from the Red Head Villages Association on email, website or facebook
☐ heard about it from a friend
☐ Other – please specify _____

A snapshot summary of the proposal is presented below. The Kylor land is the area on the map to the right of Inyadda Drive and behind the current houses on the Northern side of Curvers Drive:

(A) PROPOSED ZONING UNDER THE LOCAL ENVIRONMENT PLAN	(B) NEW ZONING PROPOSED BY KYLOR
 Current Zoning	 Proposed Zoning
- Orange Zone (Residential large lots - 2000m2) - Yellow Zone (Residential small lots) - Green Zone (Environmental Management Land – some development uses but more protection for environment) - Commitment from council to retain 30m 'no building' line behind Curvers Drive and along Inyadda Drive - Maximum number of houses – 240 - No residential development behind the Eastern end of Curvers Drive	- Yellow Zone - (Residential small lots – minimum 500m2) - Green Zone (Environmental Management Land – some development uses but more protection for environment) - 30m 'no building' line not indicated in Kylor proposal - Maximum number of houses proposed: 380 - Small lot residential development behind houses at the Eastern end of Curvers Drive all the way to the beach

3. Which option would you prefer? Please tick one:

- ☐ Option A – LEP Proposal
☐ Option B – Kylor Proposal
☐ Option C – No development on this land

4. If the Kylor rezoning proposal was approved, do you think it would be (please tick one):

- ☐ A benefit to the local community?
☐ A disadvantage to the local community?
☐ Of little consequence to the local community?

5. What are your main concerns relating to Kylor's re-zoning proposal? (Please number up to 5 and number in order with '1' being the item of most concern to you)

- ☐ No concerns (if numbering this option please don't number any others)
 - ☐ Impacts on village amenity
 - ☐ Impacts to tourism in the area
 - ☐ Increased traffic
 - ☐ Increased housing lots proposed
 - ☐ The removal of an area for large lot residential blocks – decreasing housing diversity
 - ☐ Failure to specify the retention of a 30m building line
 - ☐ Insufficient existing infrastructure to service the development e.g. sewerage
 - ☐ Impacts to flora/fauna/threatened ecological communities
 - ☐ Impacts to sensitive coastal habitat
 - ☐ Impacts to wetland drainage and the ecosystems supported by the creek (e.g. hooded plovers)
 - ☐ Aesthetic impacts for existing residents and visitors to Inyadda Beach
 - ☐ Moral issues regarding impacts to existing residents who bought into the area on the basis of previous zonings (moving the goal posts)
 - ☐ Lack of economic justification for the development
 - ☐ Potential impacts of over-supply of housing
 - ☐ Negative impacts on property values
 - ☐ Overcrowding of the surf from more resident and tourists
 - ☐ Having Kylor's re-zoning proposal considered prior to finalisation of the draft LEP
 - ☐ Adequacy of community consultation by Kylor
 - ☐ Other, please specify
-
-

5. What do you perceive to be the main potential community benefits of Kylor's re-zoning proposal? (Please number up to five items by placing '1' against the item of greatest benefit as you see it through to 5 being of some benefit.)

- ☐ No benefits (if numbering this option please don't number any others).
 - ☐ The long-term zoning of some areas within the lot for environmental protection.
 - ☐ More housing lots available.
 - ☐ More residents to support proposed commercial development in Manyana.
 - ☐ Reduced overall footprint of residential development.
 - ☐ Removal of the option for large lot residential areas, which are an inefficient use of land.
 - ☐ Improved habitat corridors to ensure threatened species can better cope with development on the site.
 - ☐ Certainty for the land to end many years of rezoning speculation.
 - ☐ Removal of the original proposal for a golf course on the land.
 - ☐ Protection for the Goodsell Graves as a heritage site.
 - ☐ Other. Please specify:
-
-

Section 3: Is there another option for the Kylor land? What matters to you

The Red Head Villages Association has met and considered the proposal and the long-term future of the area and the Kylor Land. Considering the Kylor land is already partly zoned for residential purposes, it is accepted that this land will be developed in the future. But there is also an expectation within the community that the land be developed in a way that meets the needs and interests of the local community as well as providing some certainty to the landholder. Based on these assumptions a number of principles have been put forward to guide any consideration for future development.

1. For each of the principles below, please indicate how important each would be to you in considering a rezoning proposal for the Kylor land. (Please tick one option for each principle.)

Principle	Very Important	Somewhat Important	Not very Important	Not Important at all
1. Not allowing any residential development in the area at the Eastern end of Curvers Drive (the area marked E3 on the map marked as option A on page 4)				
2. Keeping a 30m 'no building' line as a minimum buffer between Curvers Drive and any residential development.				
3. Maintaining a 30m 'no building' line as a buffer zone between Inyadda Drive and any future residential development.				
4. Not allowing an increase in the overall footprint of residential development.				
5. Not allowing more lots than are possible under the current zoning				
6. Keeping some large lot residential blocks to give alternative lifestyle options				

Section 4: More Information

1. Would you like to be added to the Red Head Villages Mailing List so as to receive update emails on this proposal?

If yes, your email address: _____

2. Do you have any additional comments you would like to make about this proposal or about how the Red Head Villages Association should respond to this proposal?

Thank you for your time and participation.

ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 3 SEPTEMBER 2013

**836. Planning Proposal (Rezoning) – North Manyana – Owner: Kylor Pty Ltd -
Proponent: EMGA Mitchell McLennan Pty Ltd File 1027E (PDR)**

MOTION:

Moved: White / Second: Baptist

That:

- a) Receive the report and the attached consultation summaries for information;
- b) Receive a detailed briefing from the proponent and the Red Head Villages Association after the revised Planning Proposal is provided by the proponent; and
- c) Receive a further report on the revised Planning Proposal after it is reviewed by staff.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Findley, Guile, Watson, Kitchener, McCrudden, Gash

AGAINST: Nil

REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

MONDAY, 20 JANUARY 2014

PLANNING AND DEVELOPMENT SERVICES

ITEMS TO BE DEALT WITH UNDER DELEGATION OF COUNCIL

1. **Planning Proposal (Rezoning) – North Manyana – Owner: Kylor Pty Ltd – Proponent: EMGA Mitchell McLennan Pty Ltd. File 1027E (PDR)**

SECTION MANAGER: Gordon Clark.

PURPOSE: Delivery Program Activity: 2.4.2.3

To obtain Council support to submit the planning proposal to rezone land at Manyana to the Department of Planning and Infrastructure (DPI) for the initial 'Gateway' determination.

RECOMMENDED that Council, in accordance with the Committee's delegated authority from Council:

- a) **Support the Planning Proposal for North Manyana with the following changes:**
 - i) **The residential development area be primarily zoned R2 Low Density Residential with an area of R1 General Residential zoned land surrounding the proposed Manyana neighbourhood centre.**
 - ii) **An increase in minimum lot size to 600m² for the R2 Low Density Residential land.**
 - iii) **Retaining an environmental protection zone over the eastern most section of the land to the north of Curvers Drive, from the unnamed road reserve to the foreshore, as shown in Figure 3 of this report.**
 - iv) **The residential zoned land be identified as an 'Urban Release Area' and be subject to Part 6 of the Shoalhaven Local Environmental Plan 2013.**
- b) **Submit the Planning Proposal to the Department of Planning and Infrastructure requesting 'Gateway' determination.**
- c) **Request the Department of Planning and Infrastructure to include the following studies as a requirement of the 'Gateway' determination:**
 - i) **A detailed assessment of the Bendalong Waste Water Treatment Plant to ascertain/confirm hydraulic loading limits.**
 - ii) **An assessment using an accredited methodology (e.g biobanking) to come up with a consistent and valid biodiversity offset.**

OPTIONS

1. Support the planning proposal with recommended changes outlined in this report.

This option is preferred as it strikes a balance between development feasibility, community expectation, and legislative and environmental considerations. It will also assist in resolving the planning future of the site.

2. Support the planning proposal with a change to an R2 Low Density Residential zone and 600m² minimum lot size with no reduction in the size of the residential area.

This option would ease some community concern about the flexibility of an R1 Zone. However, it would still have a significant impact on residents of Curvers Drive (eastern end).

This option will also result in a significant increase in the residential capacity of the land, which is potentially inconsistent with the South Coast Regional Strategy (SCRS) and draft Growth Management Strategy (GMS), given the lack of higher order infrastructure and services in Manyana.

3. Support the planning proposal as submitted.

This option is not preferred due to strong community concern and for reasons outlined in option 2.

4. Do not support the planning proposal.

This option fails to resolve the long standing planning issues over the site and provides no certainty to the proponent or community. If this option is pursued, the proponent is likely to consider requesting a “pre-gateway” review of Council’s decision. It is also noted that options 1 and 2 may also not be received favourably by the proponents and they could still consider requesting a review.

DETAILS

Background:

On 20 February 2013, Council received a Planning Proposal (rezoning) (PP) to rezone land at Manyana to revise the zoning of the subject land to enable a more dense residential development and environmental protection. The subject land is located on Inyadda Drive, Manyana, and consists of Lot 106 DP 755923 (Por 106), Lot 2 DP 1161638 and Lot 2 DP 1121854.

The planning proposal was reported to Council on 21 May 2013 and it was resolved that Council:

-
- a) *Further consider this planning proposal pending the outcome of the consultation workshop between the proponent and the community to be convened at the earliest possible time;*
 - b) *Receive a detailed briefing by the Red Head Villages Association and the proponent on the outcome of the consultation workshop;*
 - c) *Not commence work on the planning proposal until after the finalisation of the Shoalhaven Local Environmental Plan 2013; and*
 - d) *Reconsider the matter at the next Development Committee meeting, if possible.*

In response to this resolution, the proponents ran a community information day on Saturday, 25 May 2013 and Council has since received briefings from both the proponent and the Red Head Villagers Association (RHVA) in accordance with the above resolution on the revised planning proposal.

- # The previous report outlined the existing and proposed planning controls, as well as the impact of the PP. An update report, on the outcomes of the community information day, was also presented to the Development Committee on 6 August 2013 and both reports are available to view in the **Councillor's Information folder**.

On 4 November 2013, a revised PP was submitted by EMGA Mitchell McLennan Pty Ltd on behalf of the landowners, Kylor Pty Ltd. This report outlines how the revised planning proposal has addressed the concerns outlined in the previous Council report and also by the community.

A full copy of the revised PP (rezoning) document will be available on the Councillor's share point site and in the Councillor's room prior to the meeting.

Revised Planning Proposal:

The revised PP (rezoning) seeks to establish new zoning boundaries to facilitate:

- Approximately 34.2 ha of R1 General Residential zoned land with a minimum lot size of 500m²; and
- Approximately 41.7 ha of E2 Environmental Conservation zoned land.

The proposed zonings are shown in figure 1:

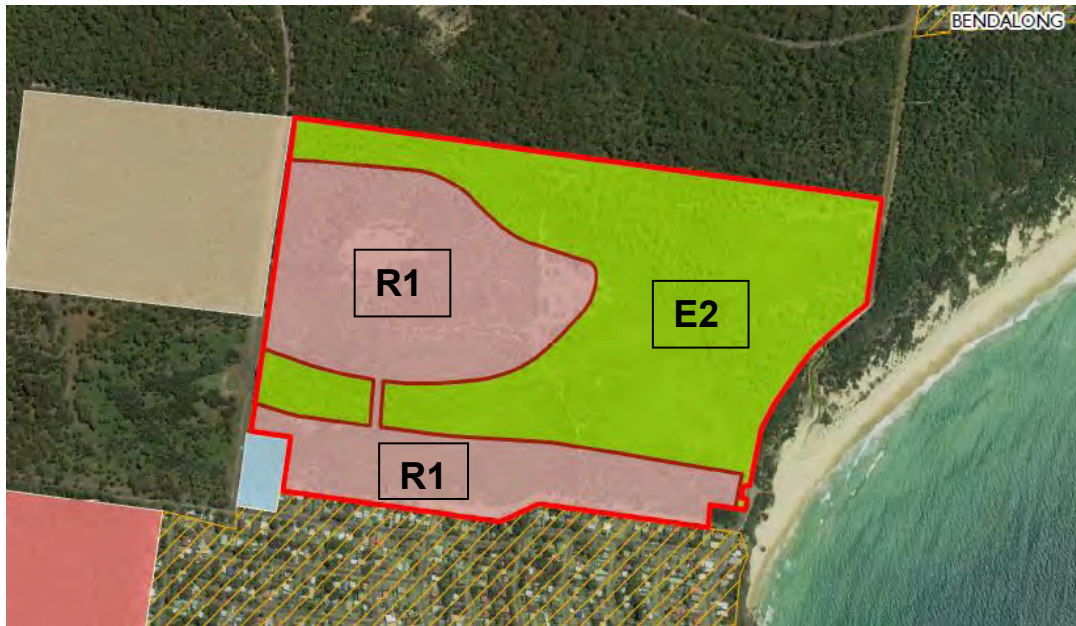


Figure 1: Extract from revised Planning Proposal - Proposed zonings

It is estimated that the proposed revised rezoning will provide for 300 to 380 dwellings and the proponents believe this is within the sewerage allocation for the site. The existing zoning allows for between 150-190 larger lots (2,000m²) on the Residential 2(a2) land and between 75 and 110 dwellings on the Residential 2(c) land but spread over a larger area.

Essentially, the proposal seeks to enable an increased number of smaller residential lots connected to the sewerage scheme, within a reduced development area to avoid known environmental attributes.

The PP indicates that the proposed zones provide significant planning and environmental benefits over existing zones. It is suggested that it provides an outcome that avoids environmental areas, provides an offset for any losses and reflects the strategic planning for the area. It will also provide additional residential development that utilises available infrastructure and resolves the long running planning future of the site.

The proposed zoning boundaries have been revised based on additional studies that were undertaken at Council's request. The originally proposed zones are shown below, with the hatched area being proposed R1 and the remainder being proposed E3:

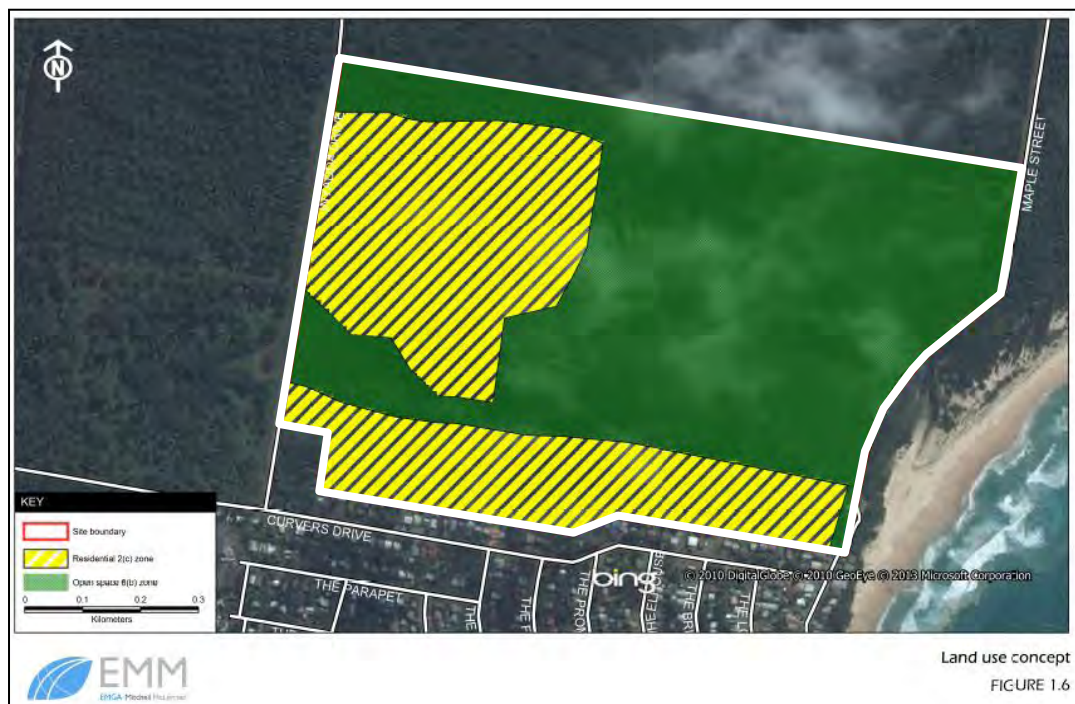


Figure 2: Extract from original Planning Proposal - Proposed zonings

Relationship to Strategic Planning Framework

As identified in the previous Council report, the PP is considered to be consistent with some aspects of the SCRS in that it helps to satisfy housing demand and uses existing infrastructure and services. Although, rezoning land in this area and increasing residential capacity could be considered inconsistent with both the SCRS and the draft GMS given the lack of higher order infrastructure and services in Manyana. However, the land is currently zoned for large lot residential development and a more efficient use of the land would be desirable from a land utilisation perspective.

Council could support the PP, as submitted, to allow smaller lot sizes and a more efficient use of the land. However, it may be more appropriate to consider reducing the size and overall capacity of the residential area to be more consistent with the SCRS and draft GMS.

The Shoalhaven LEP 1985 (LEP) also currently has 30m building lines along the southern and western boundaries of the property. It is intended that these building lines will be retained through the Citywide DCP. While the original PP did not include the building lines, the concept plan provided with the revised PP is consistent with the 30m building lines in LEP 1985.

Ministerial Directions:

Council is required to consider and adhere to the Minister's Directions under s117 of the Environmental Planning and Assessment Act (EPA Act) when considering an amendment to an LEP. The revised PP has addressed some of the inconsistencies in this regard, however, the proposal has the potential to be inconsistent with the following s.117 directions:

2.1 Environmental Protection Zones – The proposal seeks to rezone parts of the land that are currently proposed to be zoned E3 Environmental Protection under draft Shoalhaven LEP 2013 (LEP 2013). This may reduce the environmental protection standards that apply to the land and the consistency or otherwise with the direction requires further consideration. It is noted that the change of zone from the current Open Space 6(b) Recreation (Private) zone to E3 Environmental Protection in the draft LEP 2013 was not based on environmental studies but as a way to prevent caravan parks being permissible on the site. Therefore, any change to environmental zones is likely to be considered of minor significance. As such, the proposal would be considered with this direction.

3.4 Integrating Land Use and Transport – Manyana has very limited public transport services and options. Increasing the residential capacity of the area will increase the dependency on cars. This is considered somewhat inconsistent with this direction, which seeks to provide new housing in areas that are well serviced, to reduce car dependency. The subject land already allows for some residential development. However, it may be more appropriate to consider reducing the residential capacity of the proposal to be more consistent with this direction.

Traffic Considerations:

The revised PP includes a traffic assessment as per Council's request. The assessment is considered sufficient for the purpose of the PP. However, a more detailed traffic assessment, that includes peak time surveys, will be required as part of any subdivision application over the land.

Flooding:

A more detailed flood assessment has been provided as part of the revised planning proposal and the proposed zones have been revised to reflect the flooding constraints. The Planning Proposal has taken a precautionary approach and does not seek to rezone any of the flood liable land.

Sewer and Water:

- # The revised Planning Proposal provided a more detailed assessment of the sewer and water services as per Council's request. The updated sewer and water assessment was reviewed by Shoalhaven Water and a copy of its comments is provided in the **Councillor's Information Folder**.

Shoalhaven Water has recommended that the proposal be permitted to progress subject to further detailed assessment of the Bendalong Waste Water Treatment Plant to ascertain/confirm hydraulic loading limits.

Environmental Issues:

The revised Planning Proposal provided an updated environmental assessment; however, the following matters need further detail/consideration, and should be considered as part of the 'Gateway' determination.

The offset ratio identified in the planning proposal of 3:1 is considered very low. It is recommended that the proponent undertake an assessment using an accredited methodology (e.g biobanking) to come up with a consistent and valid offset. The methodology of 'reviewing recent development approvals' is not an acceptable method,

and has no scientific rigor. It is recommended that Council progress the planning proposal and request DP&I to include this assessment requirement in the 'Gateway' determination.

The planning proposal is considered an improvement to the existing zones. However, the proposal compares the percentage of EEC's that would be removed under the current zoning in comparison to what is proposed. This is not considered an appropriate methodology, as any proposal over the current zones would still need to be assessed on its merits through the subdivision DA assessment process. Therefore, there is no guarantee that, just because an area was zoned residential, it would be able to be completely cleared, which is the assumption in the planning proposal.

Community Feedback:

Feedback to date has identified the following key concerns to the local community:

- Retention of the 30m building lines
- Aesthetic impact on residents and visitors to Inyadda Beach, particularly residents on the eastern end of Curvers Drive.
- Opposition to any development outside of the existing residential zoned land.
- Concerns about the flexibility of an R1 General Residential zone.
- Concerns that the proponent will not deliver the design principles that are identified and committed to in the planning proposal.
- Lack of economic justification for the proposal and potential impacts on infrastructure.

Conclusion:

Council should consider supporting the revised planning proposal with the following recommended changes:

- The residential area be primarily zoned R2 Low Density Residential with an area of R1 General Residential zoned land surrounding the proposed Manyana neighbourhood centre.
- An increase in minimum lot size to 600m² for the R2 Low Density Residential land.
- The residential zoned land be identified as an 'Urban Release Area' and subject to Part 6 of the LEP 2013.
- Retaining an environmental protection zone over the eastern most section of the land, from the unnamed road reserve to the foreshore, as shown on the Concept Plan below.

These changes would give greater certainty to the local community on the types of development that would eventually occur on the site, and would still allow a degree of flexibility around the neighbourhood centre.

Including the land as an urban release area under Part 6 of LEP 2013 ensures that development cannot proceed without a DCP being prepared for the site. This will allow the community to have input into the planning controls for the site through the DCP process. It also provides the vehicle for delivering the design principles committed to in the planning proposal.

Retaining an environmental protection zone on the eastern part of the land (see rectangular area highlighted on map below) would reduce the residential capacity of the land (by approximately 40-50 lots) which would ensure the proposal is more consistent in overall scale with the SCRS and the draft GMS. It would also respect and ease community concerns about the impact of the proposal on residents of Curvers Drive and also the views back from the beach. It is noted that the area in question is currently zoned Open Space 6(b) and this has been in place since 1992. This in part created a reasonable expectation that the area would be used for lower key recreational uses (eg. golf course).



Figure 3: Extract from Planning Proposal – Concept Plan

FINANCIAL IMPLICATIONS:

The proponent is required to fund any studies that are associated with the PP (rezoning), however significant staff resources are required to progress the proposal.

The proponent has paid a lodgement fee to Council and the remaining stages of this planning proposal would be charged in accordance with Council's fees and charges.

If the planning proposal proceeds, it may result in an increase in the residential capacity of the land. This would likely result in an increase in rate revenue for Council, however it would also place a greater burden on existing infrastructure which may need to be upgraded/augmented to accommodate the increased capacity of the land. Part of the cost of providing infrastructure may be met through development contributions and Section 64 charges, however Council may need to fund a portion of this infrastructure. This has not been considered in Council's capital works planning.

COMMUNITY ENGAGEMENT:

The proponent has already undertaken a number of community engagement exercises with the local community and the Red Head Villagers Association (RHVA) has been very proactive in consulting the community. As detailed in the report, the proponent and the RHVA have both had the opportunity to brief Councillors on the proposal.

Should the PP proceed, under the Council's Community Engagement Policy – Engagement Matrix, the preparation of the PP as local area high impact and implementation is proposed to be at the 1 level to 'inform' and 'consult' the community as per the matrix key. Community consultation would be implemented as per legislative requirements (generally set in any Gateway Determination) and the appropriate sections of the Council's Community Engagement Policy Handbook.

MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON MONDAY, 20 JANUARY 2014 IN COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.05 PM

1. (Item 2, page 11) Planning Proposal (Rezoning) – North Manyana – Owner: Kylor Pty Ltd – Proponent: EMGA Mitchell McLennan Pty Ltd. File 1027E (PDR)

This item was brought forward for consideration.

Mr Paul Mitchell (EMGA Mitchell McLennan Pty Ltd) addressed the Committee at the commencement of the meeting on this matter.

Ms Alex Syriapowicz (Red Head Villages Association) addressed the Committee at the commencement of the meeting on this matter.

MOTION:

Moved: Watson / Second: Robertson

That the Committee, in accordance with its delegated authority from Council:

- a) Support the Planning Proposal for North Manyana with the following changes:
 - i) The residential development area be primarily zoned R2 Low Density Residential with an area of R1 General Residential zoned land surrounding the proposed Manyana neighbourhood centre.
 - ii) An increase in minimum lot size to 600m² for the R2 Low Density
 - iii) The residential zoned land be identified as an 'Urban Release Area' and be subject to Part 6 of the Shoalhaven Local Environmental Plan 2013.
- b) Submit the Planning Proposal to the Department of Planning and Infrastructure requesting 'Gateway' determination.
- c) Request the Department of Planning and Infrastructure to include the following studies as a requirement of the 'Gateway' determination:
 - i) A detailed assessment of the Bendalong Waste Water Treatment Plant to ascertain/confirm hydraulic loading limits.
 - ii) An assessment using an accredited methodology (e.g biobanking) to come up with a consistent and valid biodiversity offset.

LOST

FOR: Watson, Robertson,

AGAINST: Tribe, Kearney, Anstiss, White, Wells, Baptist, Guile, Kitchener, Gash and Russ Pigg.

FORESHADOWED MOTION:

Moved: Baptist / Second: Kearney

RESOLVED that the Committee, in accordance with its delegated authority from Council:

-
- a) **Support the Planning Proposal for North Manyana with the following changes:**
 - i) **The residential development area be primarily zoned R2 Low Density Residential with an area of R1 General Residential zoned land surrounding the proposed Manyana neighbourhood centre.**
 - ii) **An increase in minimum lot size to 600m² for the R2 Low Density Residential land.**
 - iii) **Retaining an environmental protection zone over the eastern most section of the land to the north of Curvers Drive, from the unnamed road reserve to the foreshore, as shown in Figure 3 of this report.**
 - iv) **The residential zoned land be identified as an 'Urban Release Area' and be subject to Part 6 of the Shoalhaven Local Environmental Plan 2013.**
 - b) **Submit the Planning Proposal to the Department of Planning and Infrastructure requesting 'Gateway' determination.**
 - c) **Request the Department of Planning and Infrastructure to include the following studies as a requirement of the 'Gateway' determination:**
 - i) **A detailed assessment of the Bendalong Waste Water Treatment Plant to ascertain/confirm hydraulic loading limits.**
 - ii) **An assessment using an accredited methodology (e.g biobanking) to come up with a consistent and valid biodiversity offset.**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Watson, Kitchener, Gash, and Russ Pigg.

AGAINST: Guile.