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Bega Valley Local Environmental Plan 2013

Planning Proposal: Rural Residential Lot Sizes

August 2013



www.begavalley.nsw.gov.au

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Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to provide additional supply of rural residential living opportunities to meet demand in existing rural residential areas identified through submissions in the Comprehensive Local Environmental Plan process.

Part 2 – Explanation of the Provisions

This planning proposal will amend BVLEP 2013 in the following manner:

1. Lot 91 DP 580933, Lots 5 DP 250487 and Lot 6 DP 250487 – Bermagui-Cobargo Road, Coolagolite

- Amend map sheet LAP_001 by deleting DM Deferred Matter
- Amend map sheet LZN_017 by applying E4 Environmental Living Zone
- Amend map sheet LSZ_017 by applying Z1 2 hectares

Lot 7 DP 250487, Lot 2 DP 828122, Lot 1 DP 582577, Lot 271 DP 752130, Lots 331 & 332 DP 1074953, Lots 320-322 DP 853926, Lots 31, 34 & 35 DP 828792, Lot 311 DP 850102, Lots 21 & 22 DP 1098926, Lot 1 DP 250487, Lots 41-43 DP 818570, Lots 1-3 DP 253803, Lot 130 DP 752130, Lot 1 DP 1147007, Lot 1 DP 256853, Lot 7317 DP 1164527, Lots 3 & 4 DP 42841, and Lot 1 DP 828122 – Bermagui-Cobargo Road, Coolagolite.

- Amend map sheet LSZ_017 by applying Z1 2 hectares

2. Lot 26 DP 850443 – Green Point Road, Pambula

- Amend map sheet LAP_001 by deleting DM Deferred Matter
- Amend map sheet LZN_020A by applying E2 Environmental Conservation Zone and E3 Environmental Management Zone
- Amend map sheet LZN_020B by applying E2 Environmental Conservation Zone and E3 Environmental Management Zone
- Amend map sheet LSZ_020A by applying Z2 3 hectares
- Amend map sheet LSZ_020B by applying Z2 3 hectares

3. Lots 721 & 722 DP 826975 Princes Highway, Millingandi

- Amend map sheet LAP_001 by deleting DM Deferred Matter
- Amend map sheet LZN_020 by applying E2 Environmental Conservation Zone and E3 Environmental Management Zone
- Amend map sheet LZN_020B by applying E2 Environmental Conservation Zone and E3 Environmental Management Zone
- Amend map sheet LSZ_020 by applying AA1 5 hectares
- Amend map sheet LSZ_020B by applying AA1 5 hectares

4. Lot 262 DP 1162287 – Nutley's Creek Road, Bermagui

- Amend map sheet LAP_001 by deleting DM Deferred Matter
- Amend map sheet LZN_017C by applying E3 Environmental Management Zone
- Amend map sheet LSZ_017C by applying Z3 4 hectares

5. Lots 11 DP 750222 and Lot 1 DP 1172916 – Ivor Jones Drive, Wonboyn
 - Amend map sheet LAP_001 by deleting DM Deferred Matter
 - Amend map sheet LZN_022A by applying E2 Environmental Conservation Zone and E3 Environmental Management Zone
 - Amend map sheet LSZ_022A by applying AB4 40 hectares
6. Lot 7321 DP 1164669 Bega Street, Tathra
 - Amend map sheet LAP_001 by deleting DM Deferred Matter
 - Amend map sheet LZN_019B by applying E2 Environmental Conservation Zone, E3 Environmental Management Zone and R2 Low Density Residential Zone
 - Amend map sheet LSZ_019B by applying AB4 40 hectares

Part 3 – Justification

1. Various Lots – Bermagui Cobargo Road, Coolagolite

Lot 91 DP 580933, Lots 5 & 6 DP 250487, Lot 7 DP 250487, Lot 2 DP 828122, Lot 1 DP 582577, Lot 271 DP 752130, Lots 331 & 332 DP 1074953, Lots 320-322 DP 853926, Lots 31, 34 & 35 DP 828792, Lot 311 DP 850102, Lots 21 & 22 DP 1098926, Lot 1 DP 250487, Lots 41-43 DP 818570, Lots 1-3 DP 253803, Lot 130 DP 752130, Lot 1 DP 1147007, Lot 1 DP 256853, Lot 7317 DP 1164527, Lots 3 & 4 DP 4284 and Lot 1 DP 828122.



 Subject Land

Figure 1: Coolagolite Area: Subject Land Aerial Photograph

The properties are located within the rural area known as Coolagolite, which is located between the coastal town of Bermagui and the village of Cobargo, which are both approximately 10km away. Access to Coolagolite is from the sealed Council road running between Bermagui and Cobargo.

The properties range in size from 1.94 hectares (Lot 42 DP 818570) to 39.21 hectares (Lot 2 DP 253803). Whilst a number of the properties are currently vacant and comprise substantial

stands of vegetation, the majority contain a dwelling house and associated outbuildings (see Figure 1).

The Narira and Coolagolite Creeks are in close proximity to the properties and are located to the north and south of the subject land respectively. Some parts of the subject land are identified on the Bega Valley Local Environmental Plan 2013 Natural Resource Land Map to which Clause 6.7 of BVLEP 2013 applies. The aim of the Clause is to protect, maintain or improve the diversity and stability of landscapes including restricting development on land generally unsuitable for development due to steep slopes and/or shallow or erodible soils and on land with a high proportion of rock outcropping.

There are three extractive industries within the immediate area of the Coolagolite properties, as shown in Figure 2:

- Road Materials/Shale Quarry “Bermagui Road Pit” – owned and operated by the Bega Valley Shire Council,
- Road Materials/Shale Quarry “Wendts Pit” – privately owned and operated, and
- Road Materials/Shale Quarry “Ridge One Pit” – privately owned and operated.

Rural residential development within the Coolagolite area has increased over the past 20 years, with a rural residential estate being developed to the east. This estate has no remaining supply available.

Draft BVLEP 2010 proposed an E4 Environmental Living Zone for the subject properties with an allowable minimum lot size of 5 hectares (see Figures 3 and 4). The subject properties were deferred from BVLEP 2013 pending a review of the proposed zone and lot size and are currently zoned 1(c) Rural Small Holdings with a prescribed minimum lot size of 5,000m² under BVLEP 2002.

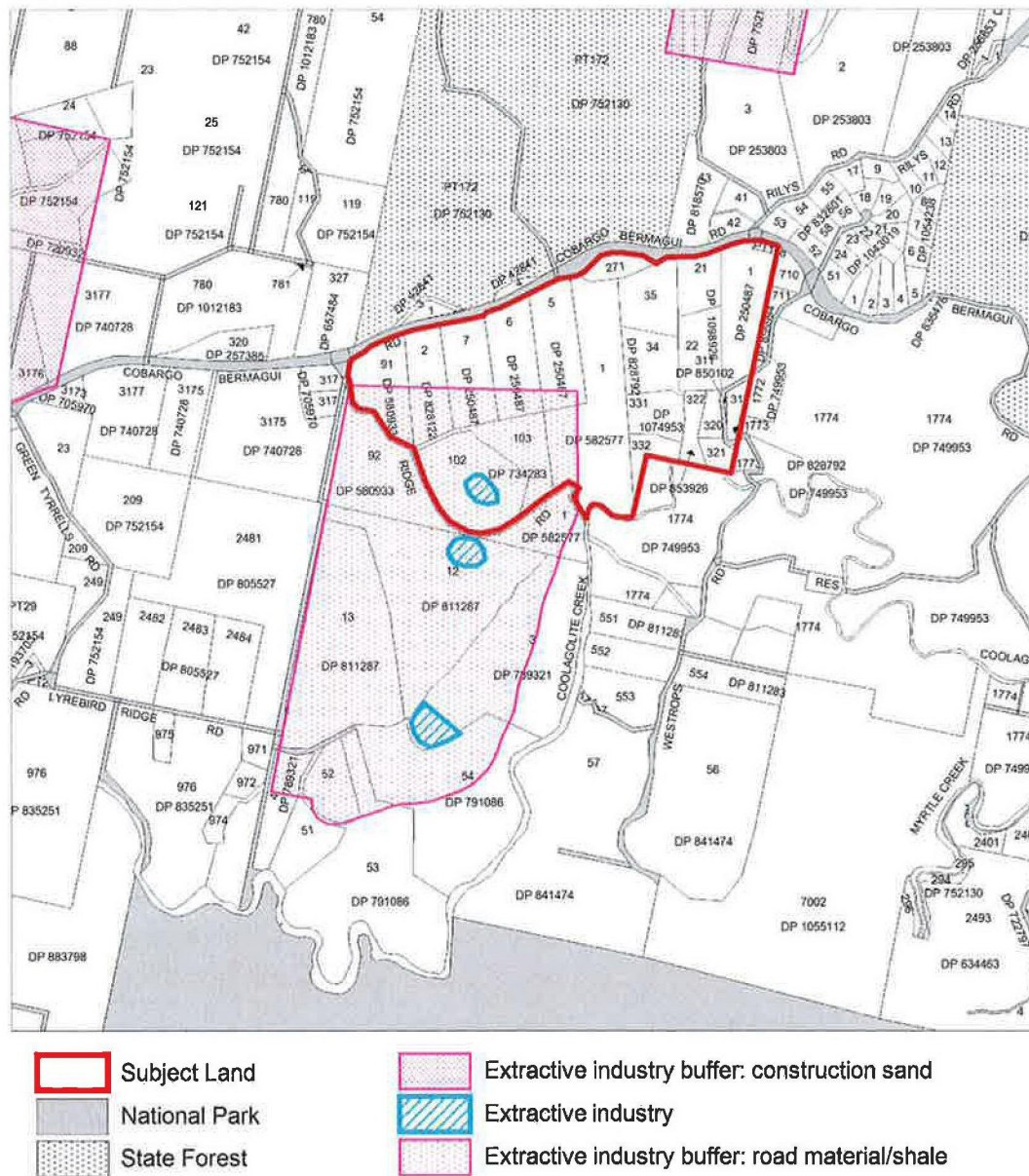


Figure 2: Coolagolite Area: Lot Boundaries and Extractive Industries

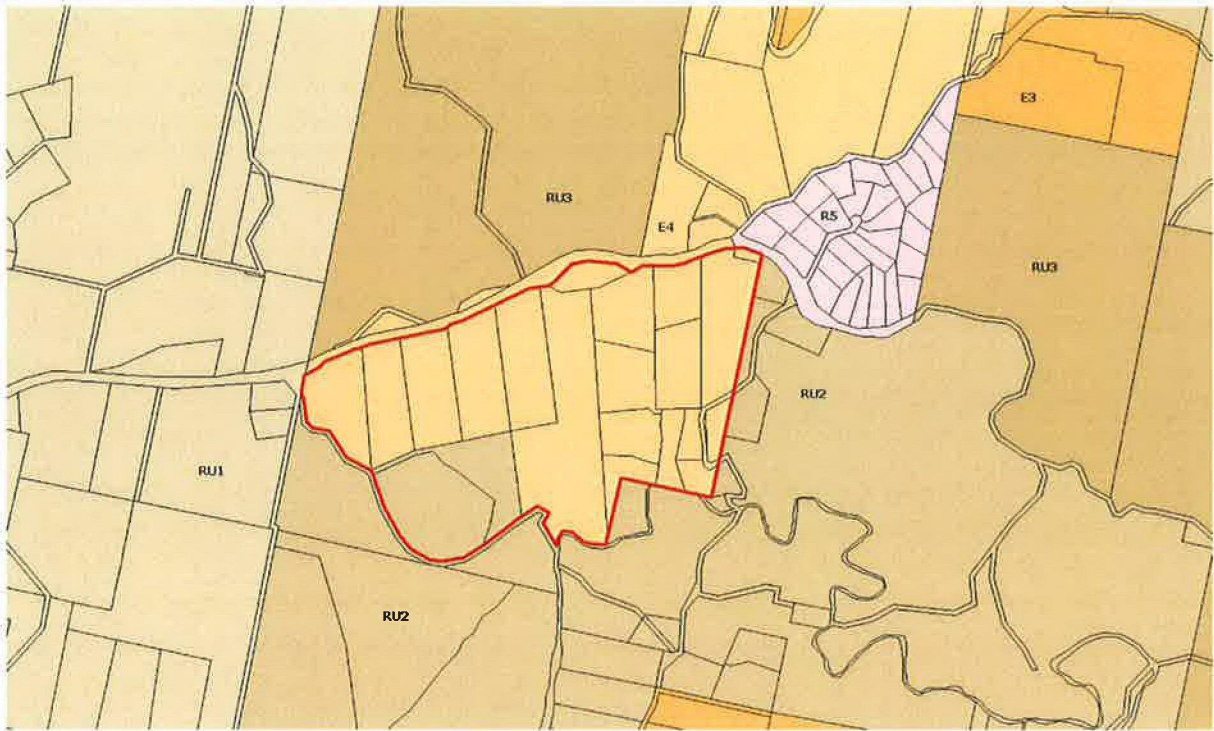


Figure 3: Coolagolite area: Land Use Zones (Draft BVLEP 2010)

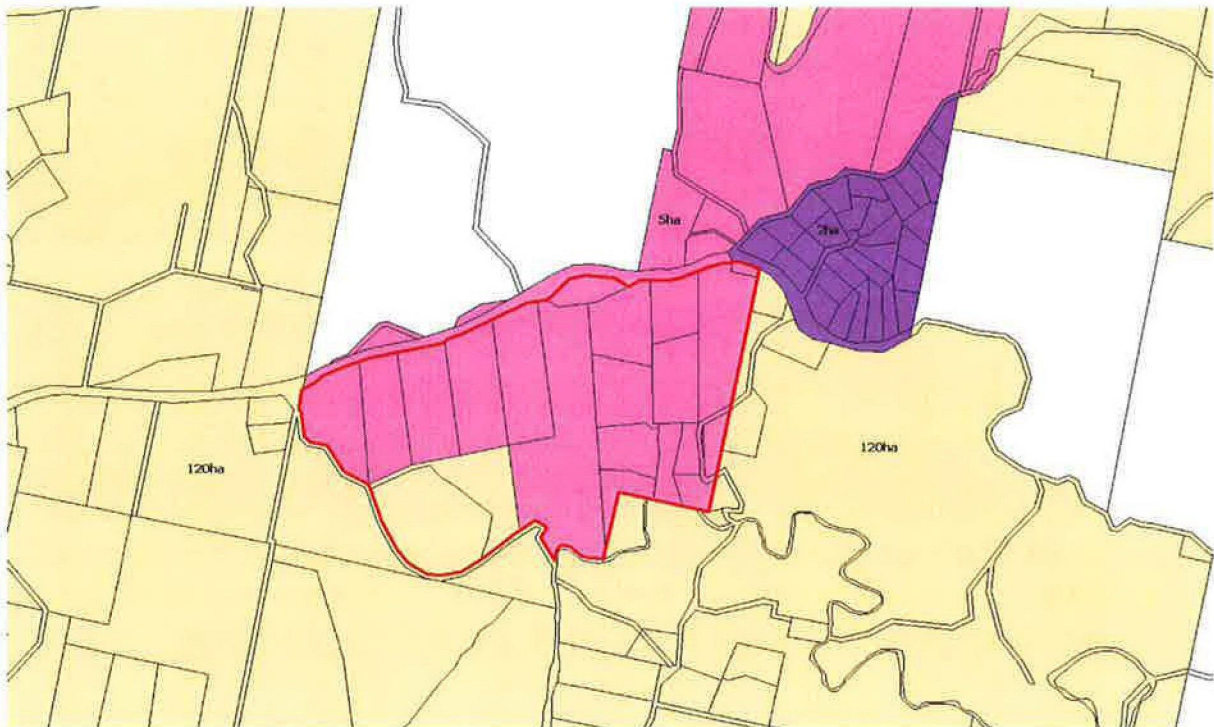


Figure 4: Coolagolite Area: Minimum Lot Sizes (Draft BVLEP 2010)

The minimum lot sizes under BVLEP 2002 were determined through the application of Development Control Plan No. 9 – Rural Residential Standards (DCP No. 9), which calculated minimum lot sizes based on the consideration of the physical attributes and constraints of the land. Assessment under DCP No. 9 indicated that a minimum lot size of 2 - 3 hectares would be suitable for the properties.

With regard to a 2 hectare minimum lot size and the land area of the properties, approximately 50 additional allotments would in theory be achievable. The actual likely lot yield however, will be much lower as a significant proportion of the land is unsuitable for residential development due to topography, existing vegetation, proximity to watercourses and existing extractive industries and bushfire constraints. Therefore, a much lower allotment yield of approximately 20-30 additional lots is the likely outcome.

Subsequent to this review, Council determined that the E4 Environmental Living Zone should be retained, but the minimum lot size control be reduced to 2 hectares. In addition, Council also resolved to apply a 2 hectare minimum lot size control to all of the E4 zoned land in this area of Coolagolite south of the Bermagui-Cobargo Road.

The reduction in the minimum lot size control was considered appropriate given the proximity to the Bermagui and Cobargo local service centres, existing sealed and practical road access, existing electricity and telecommunications infrastructure and a demonstrated capacity to address bushfire and environmental issues.

Council will ensure lot sizes and subdivision patterns for rural residential accommodation conserve and protect the environmental values of the land by ensuring buildings are appropriately sited through the application of Clause 4.1B of BVLEP 2013, which provides for lot averaging within the E4 Environmental Living Zone.

Council will ensure that any land use conflict that may occur from the siting of new dwellings in proximity to existing extractive industries are addressed through application of the provisions of the Council's Comprehensive Development Control Plan, which provides controls to protect rural living amenity and the viability of extractive industries in rural locations. In this instance, appropriate buffers from any potential source of rural land use conflict are already established.

2. Lot 26 DP 850443 – Green Point Road, Millingandi

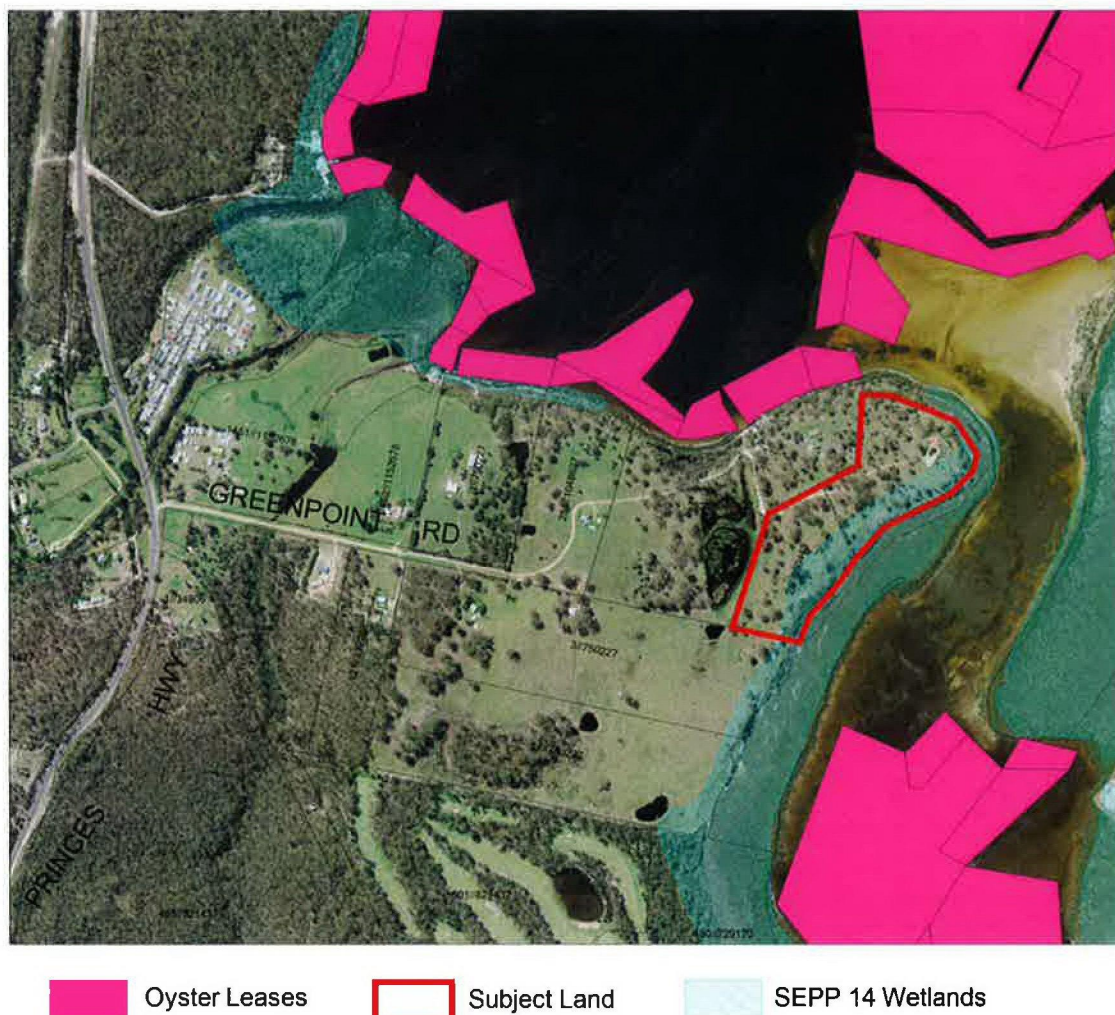


Figure 5: Green Point Road, Millingandi: Subject Land Aerial Photograph

The subject property is located within the rural area known as Millingandi between the village of Pambula and the coastal township of Merimbula. Access is from the Princes Highway 700 metres to the west via Green Point Road and a constructed easement for access through an adjacent lot (see Figure 5).

The subject property currently contains one dwelling house, which is in keeping with the immediate area that comprises dwelling houses and associated outbuildings. Located to the west of the property is the “Greenpoint” House and Shed, which is a locally listed heritage item. The property is located within close proximity to the Merimbula Airport and contains SEPP 14 Coastal Wetlands.

The property comprises 9.55 hectares, which is a similar size to the surrounding properties that range from 4 to 15 hectares. The subject land is buffered from Merimbula Lake by two Council owned lots that together total approximately 2.5 hectares.

Draft BVLEP 2010 proposed to zone the land part E2 Environmental Conservation Zone (4.33 hectares) and part E3 Environmental Management Zone (5.22 hectares) with a minimum lot size of 5 hectares, which could enable subdivision for an additional dwelling on merit (see Figures 6 and 7).

The subject land was deferred from BVLEP 2013 pending a review of the appropriate minimum lot size. Under BVLEP 2002 the property is currently zoned 1(a) Rural General Zone (8.05 hectares) and 7(b) Environment Protection Foreshore Zone (1.5 hectares) with no further subdivision potential.

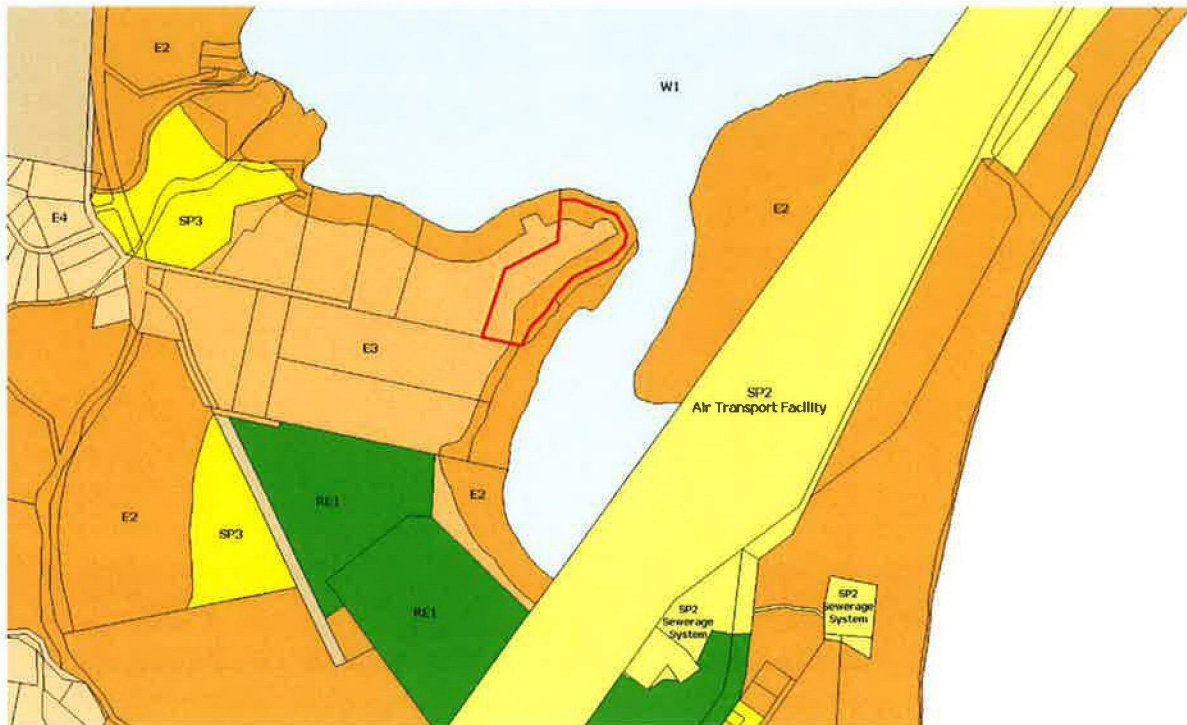


Figure 6: Green Point Road, Millingandi: Land Use Zones (Draft BVLEP 2010)

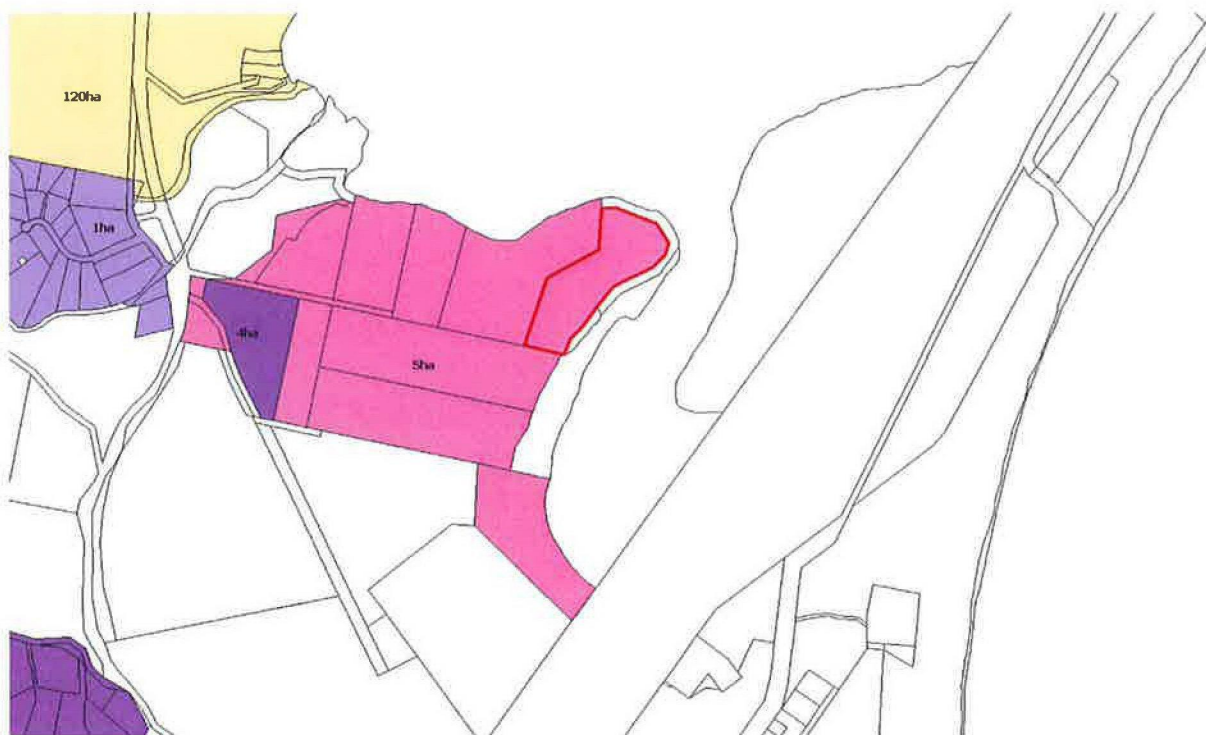


Figure 7: Green Point Road, Millingandi: Minimum Lot Size (Draft BVLEP 2010)

The 5 hectare minimum lot size control which applies to the surrounding properties will result in an additional potential for 5 dwellings based on the existing pattern of subdivision. By reducing the minimum lot size for the subject property to 3 hectares, two additional dwellings would be possible.

Council resolved that a reduction in the minimum lot size to 3 hectares for the subject land was appropriate to permit the consideration of additional dwellings on the land given the adequate capacity to address bushfire and environmental issues. The SEPP 14 Coastal Wetlands will be included in the E2 Environmental Conservation Zone and an additional environmental buffer is provided by the Council Reserve adjacent to Merimbula Lake. In addition, the land is close to Pambula and Merimbula, has practical access, existing electricity and telecommunications infrastructure as well as good aspect, topography and views of Merimbula Lake.

3. Lots 721 & 722 DP 826975 – Princes Highway, Millingandi

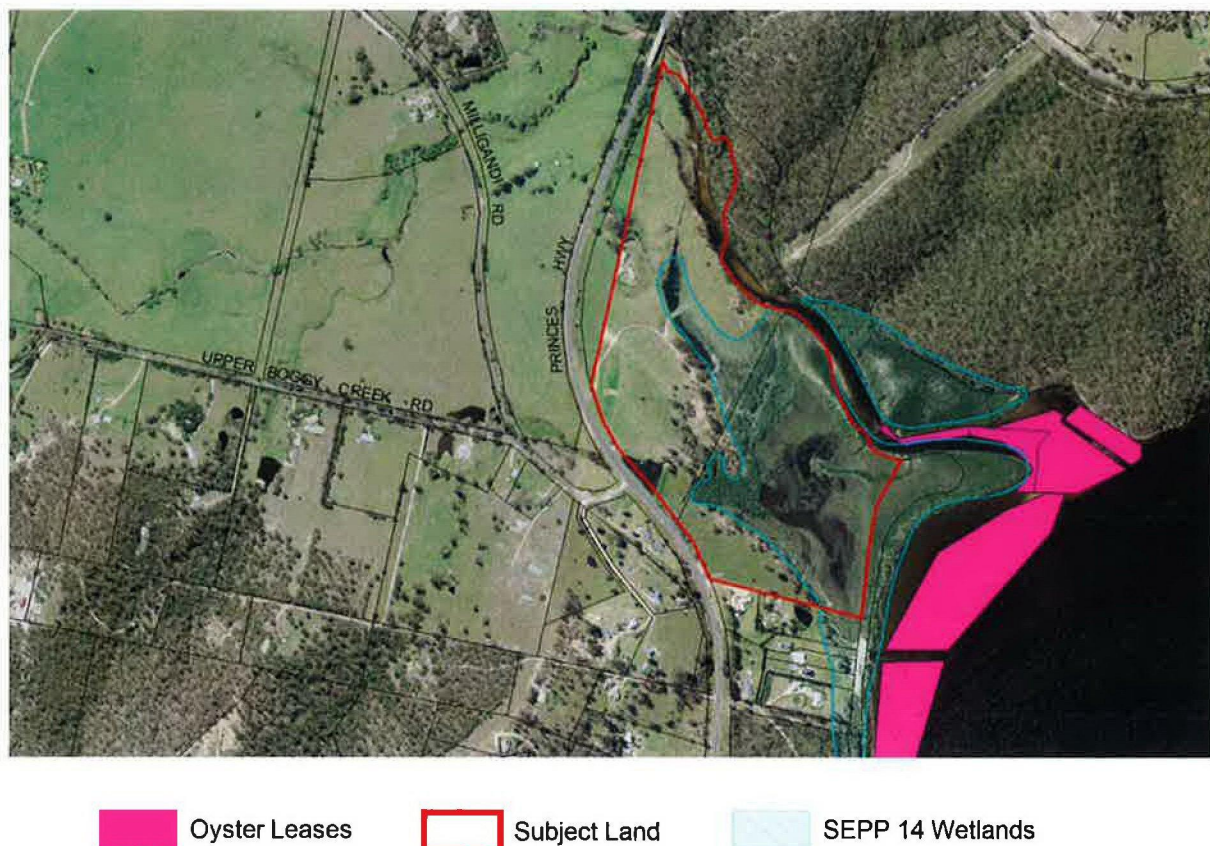


Figure 8: Princes Highway, Millingandi: Subject Land Aerial Photograph

The subject properties are located in the rural area between the village of Pambula and the coastal town of Merimbula and front the Princes Highway. Together they have a combined area of approximately 33 hectares. Lot 721 DP 826975 is currently developed for rural residential lifestyle and a recreational vehicle park for short term stays has been developed over both lots.

The subject properties have direct frontage to Merimbula Lake and contain a significant area of SEPP 14 Coastal Wetlands (see Figure 8). Developments in the vicinity of the subject properties generally comprise dwelling houses and associated outbuildings and landscaping on large lots ranging from approximately 0.5 to 10 hectares. Active oyster leases are located in the adjacent lake.

In the Draft BVLEP 2010, the subject properties were proposed to be zoned a mixture of E2 Environmental Conservation Zone (approximately 20 hectares) and E3 Environmental Management Zone (approximately 13 hectares) with a 10 hectare minimum lot size (see Figures 9 and 10). The subject properties were deferred from BVLEP 2013 pending a review of the proposed minimum lot size control for the properties. Under BVLEP 2002, the

properties are currently zoned 1(a) Rural General Zone and 7(b) Environment Protection Foreshore Zone with no subdivision potential.

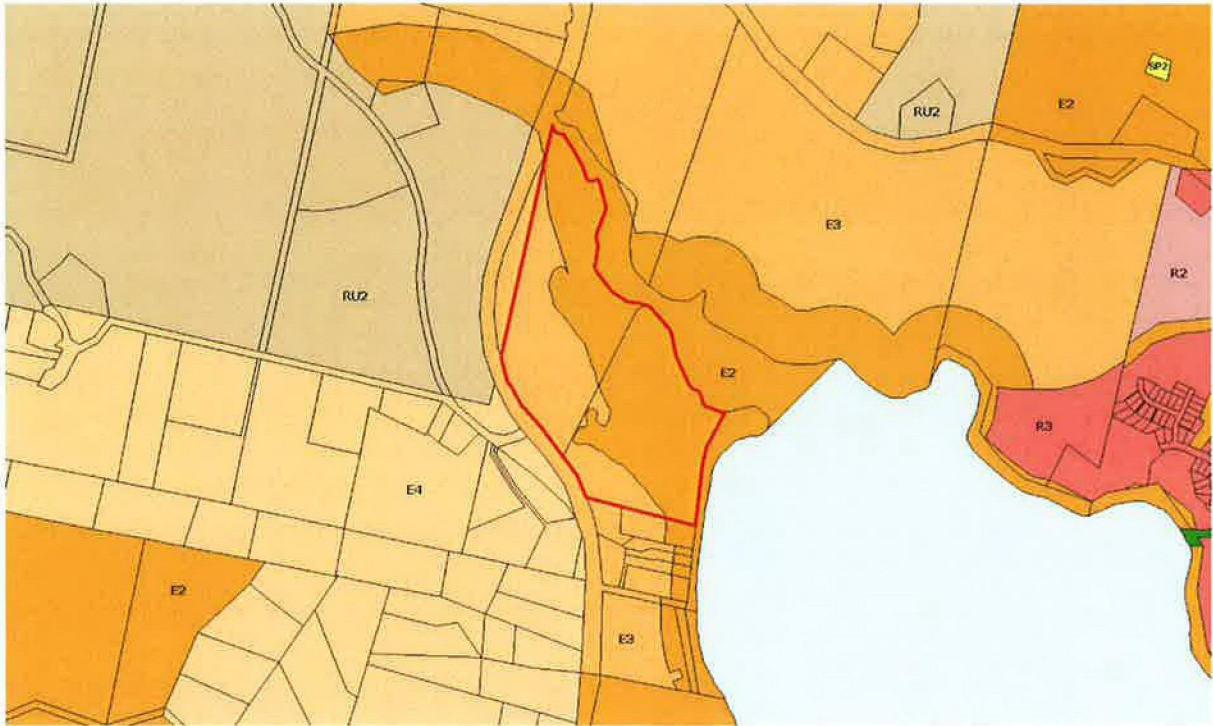


Figure 9: Princes Highway, Millingandi: Land Use Zones (Draft BVLEP 2010)

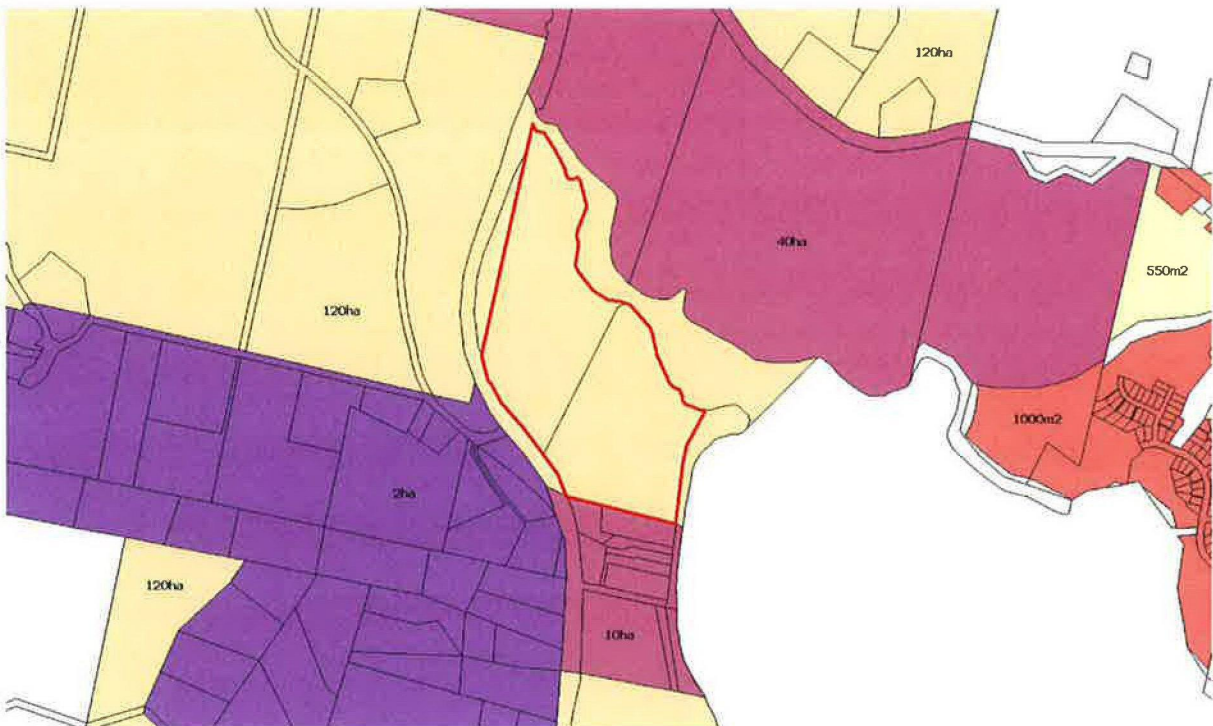


Figure 10: Princes Highway, Millingandi: Minimum Lot Size (Draft BVLEP 2010)

On review, Council resolved that a reduction in the minimum lot size control from 10 hectares to 5 hectares was appropriate as it would enable future rural residential development of up to 4 additional lots in total, which could take advantage of the opportunities that the subject land affords. These include the proximity to the existing townships of Pambula and Merimbula, sealed and practical access via a direct access to the Princes Highway, existing provision of electricity and telecommunications infrastructure and good aspect, topography and views of Merimbula Lake.

Council has ensured that environmental issues associated with the proximity to Merimbula Lake are addressed by zoning the majority of the subject properties (including the SEPP 14 Coastal Wetlands) as E2 Environmental Conservation, and the inclusion of the lot averaging Clause 4.1B in BVLEP 2013, which ensures lot sizes and subdivision patterns for rural residential development conserve and protect the environmental values of the land through the appropriate siting of dwellings.

4. Lot 262 DP 1162287 – Nutley’s Creek Road, Bermagui



Figure 11: Nutley’s Creek Road, Bermagui: Subject Land Aerial Photograph

The subject property is part of the Bermagui Country Club’s contiguous landholding, which consists of Lot 261 DP 1162287, Lots 139 and 145 DP 752130, Lot 8 DP 250333, Lot 3 DP 599423, Lot 307 DP 735144, Lot 1 DP 758095 and Lot 1 DP 824394. The total area of the land owned by the Bermagui Country Club is 110 hectares (see Figure 11).

The subject property is approximately 4.5 hectares and is currently undeveloped. It comprises a substantial stand of native vegetation, which is consistent with the forest ecosystem classification “Coastal Foothills Dry Shrub Forest”. Typical species of this community include Eucalypts such as woollybutt, white stringybark, red ironbark and spotted gum. The property may also contain Glossy Black Cockatoo feed trees.

The property is bounded by Nutley’s Creek Road with rural residential developments to the west and undeveloped residential land to the north, south and east. Land further to the east comprises the Bermagui Country Club’s golf course.

The Bermagui Country Club land has been the subject of an extensive planning process over several years that have culminated in Council’s adoption of Development Control Plan

No. 42 – Bermagui Country Club. Future development of the Bermagui Country Club land will include approximately 400 low and medium density dwellings adjacent to the golf course and central open space area (see Figure 12).



Figure 12: Nutley's Creek Road, Bermagui: Bermagui Country Club Concept Design (subject land highlighted yellow)

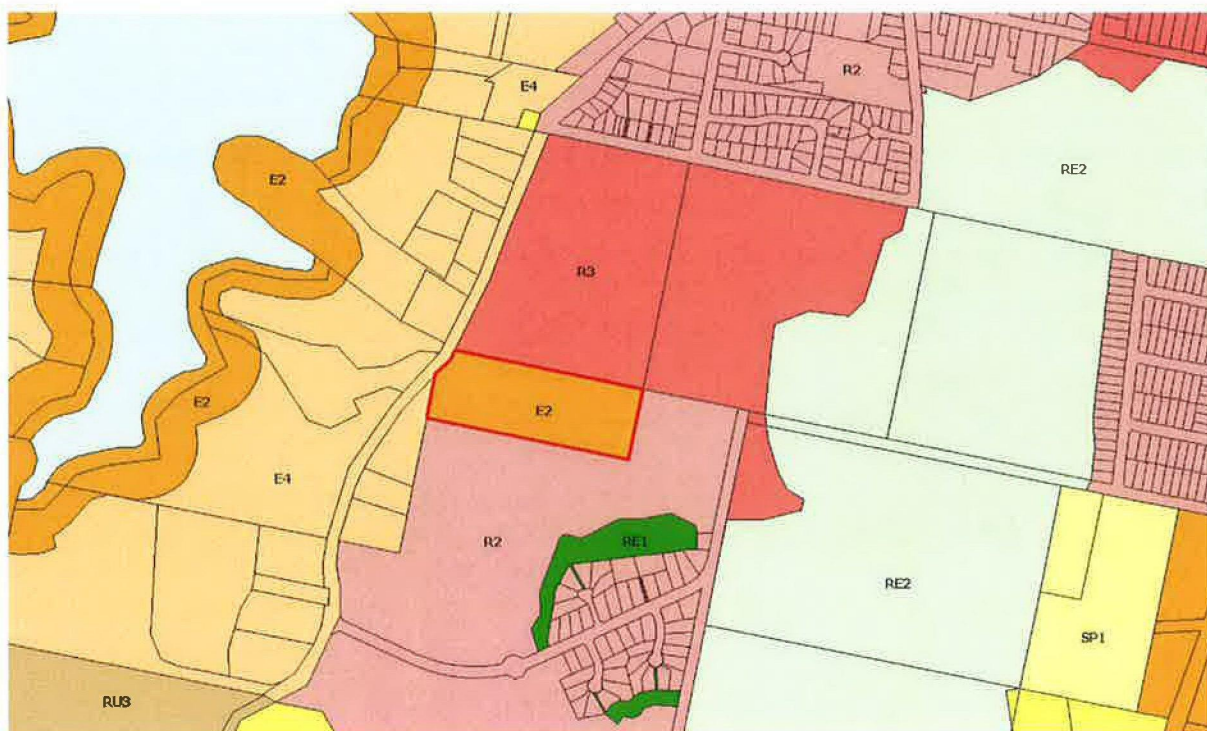


Figure 13: Nutley's Creek Road, Bermagui: Land Use Zones (Draft BVLEP 2010)

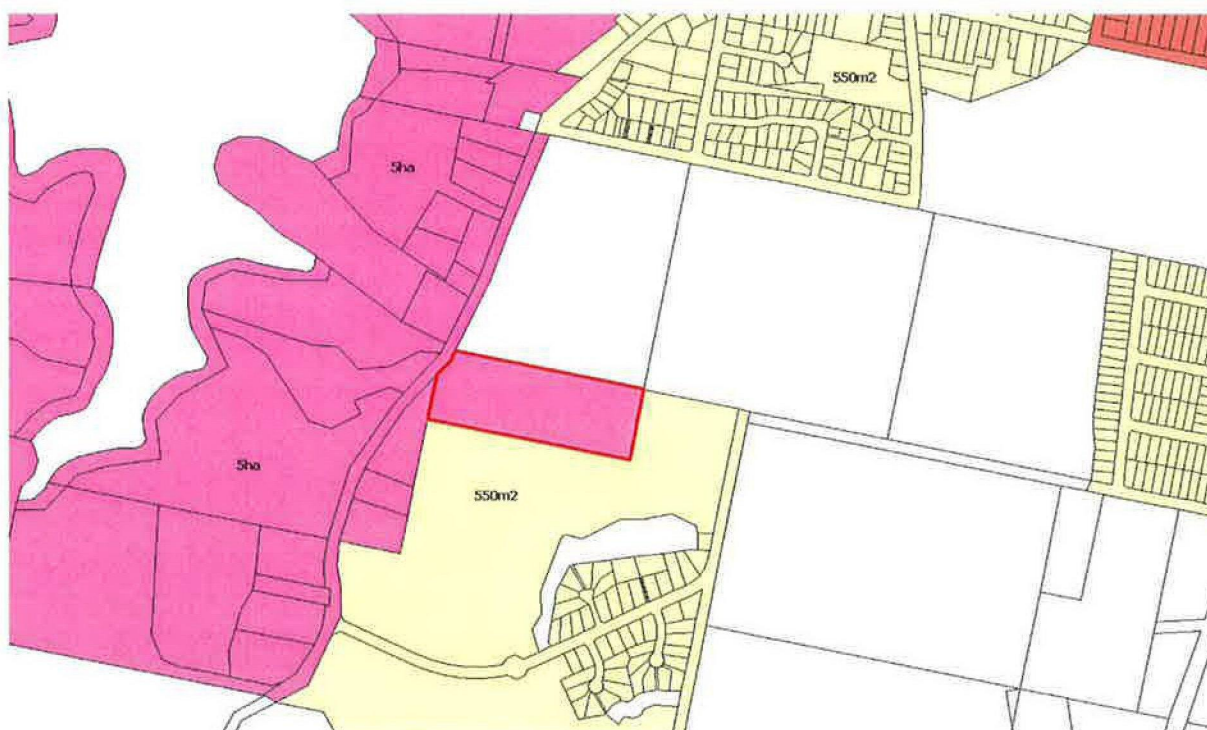


Figure 14: Nutley's Creek Road, Bermagui: Minimum Lot Sizes (Draft BVLEP 2010)

Draft BVLEP 2010 proposed an E2 Environmental Conservation Zone for the subject property with an allowable minimum lot size of 5 hectares (see Figures 13 and 14). The subject property was deferred from BVLEP 2013 and is currently zoned 7(d) Environment

Protection Zone with no subdivision or residential development potential Under BVLEP 2002.

Council resolved to apply the E3 Environmental Management zone to the land as it was effectively the same as the existing BVLEP 2002 7(d) Environment Protection Zone, and to reduce the 5 hectare minimum lot size to 4 hectares to permit the orderly and economic use and development of land.

The reduction in minimum lot size to permit a dwelling house was considered appropriate given that the property will be adjacent to the Bermagui local service centre, has existing sealed road access, electricity and telecommunications infrastructure and the capacity to address bushfire and environmental issues. The land is well suited to large lot rural residential development as it has good aspect and topography and a large lot rural residential development will fit in well with surrounding large lot rural residential development.

5. Lot 11 DP 750222 and Lot 1 DP 1172916 – Ivor Jones Drive, Wonboyn

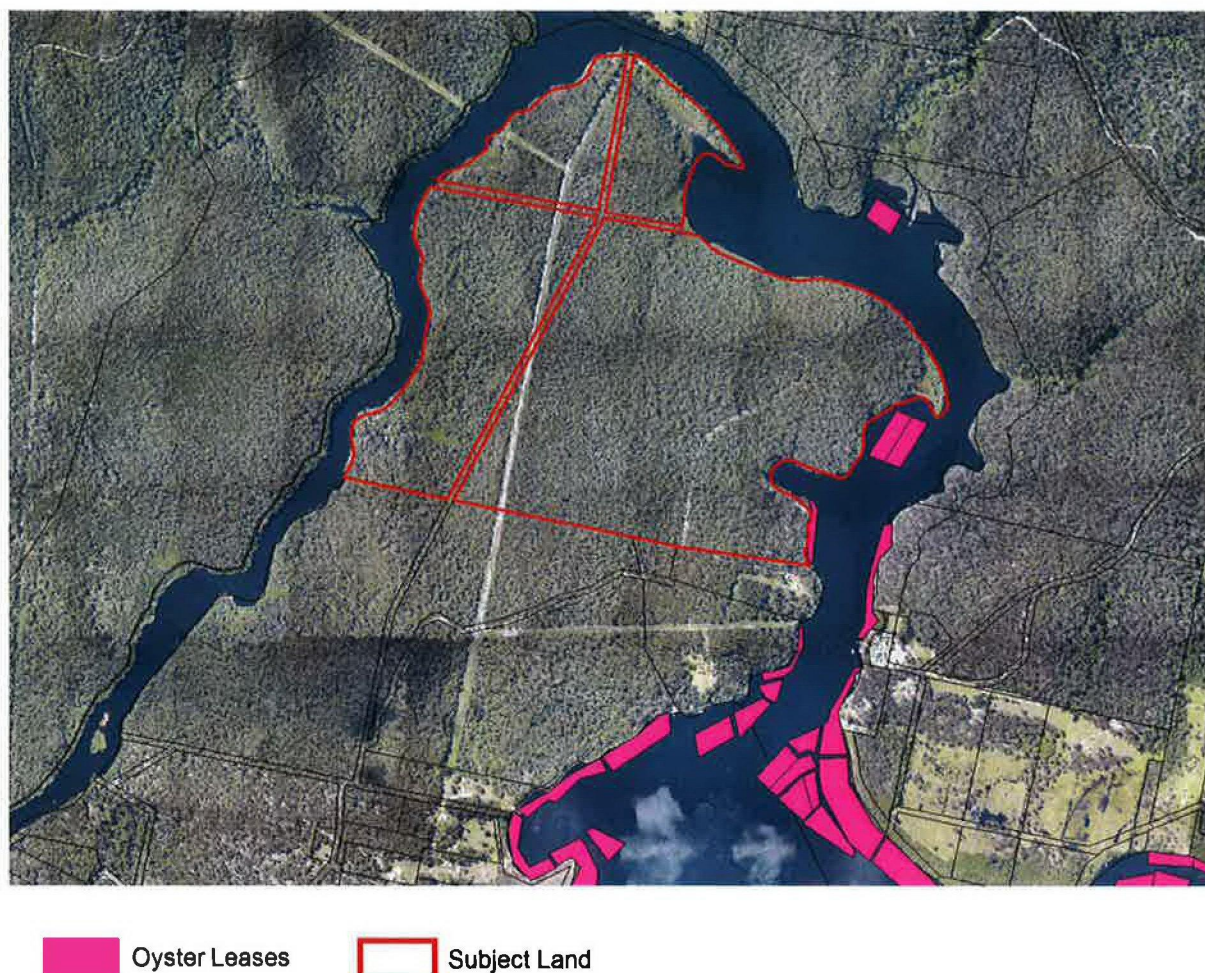


Figure 15: Ivor Jones Drive, Wonboyn: Subject Land Aerial Photograph

Wonboyn is a small coastal village located approximately 30 kilometres to the southeast of Eden. The subject properties are located approximately 2.6 kilometres to the north of Wonboyn, which contains a small number of residential properties and tourist developments with some local retail services. Access to the properties is from the south via Ivor Jones Drive and Wonboyn Drive. An intersection with the Princes Highway is located approximately 10 kilometres to the west.

The properties are in the same ownership and together are approximately 157 hectares in size. Both lots are currently undeveloped and comprise substantial stands of native vegetation (see Figure 15). Both lots potentially contain a number of threatened fauna species. The eastern and western boundaries of Lot 1 DP 1172916 and the northern, western and eastern boundaries of Lot 11 DP 750222 adjoin Wonboyn River.

Draft BVLEP 2010 proposed to zone the land part E2 Environmental Conservation Zone and part E3 Environmental Management Zone with an allowable minimum lot size of 120 hectares (see Figure 16). The subject properties were deferred from BVLEP 2013 pending a review of the proposed lot size and are currently zoned 1(a) Rural General Zone with a prescribed minimum lot size of 120 hectares under BVLEP 2002.

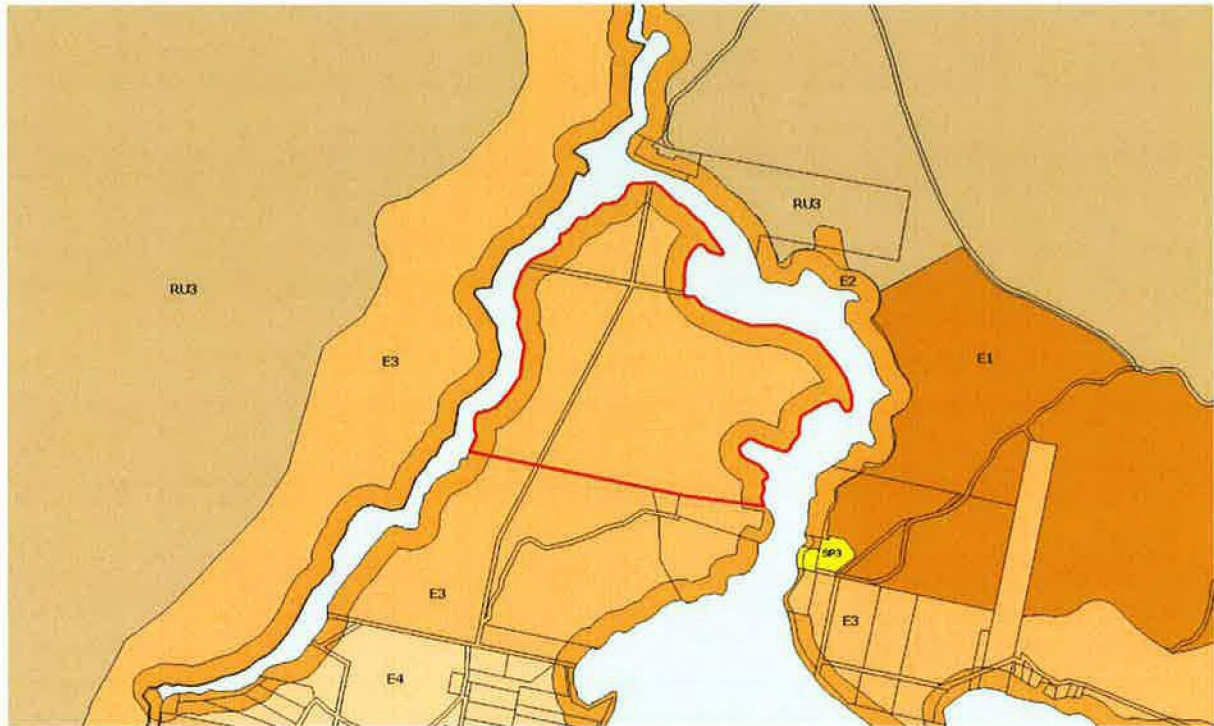


Figure 16: Ivor Jones Drive, Wonboyn: Land Use Zones (Draft LEP 2010)

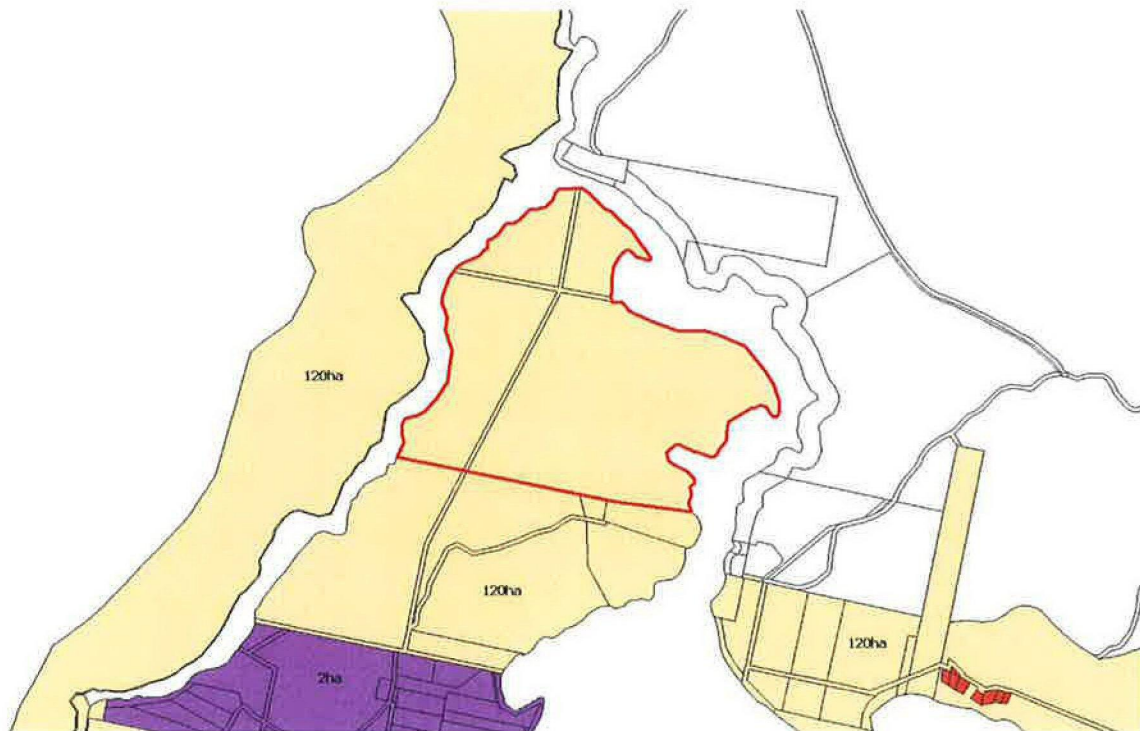


Figure 17: Ivor Jones Drive, Wonboyn: Minimum Lot Sizes (Draft LEP 2010)

With regard to the combined total land area of the properties and the requested 40 hectare minimum lot size, approximately 4 dwelling allotments may be achievable on the subject land. A Master Plan previously prepared for an 11 lot development of these properties demonstrated that the issues of access, topography, native vegetation, threatened fauna, proximity to watercourses, acid sulfate soils and bushfire constraints can be adequately addressed.

On review, Council resolved to amend the minimum lot size to 40 hectares to enable the development of the land for rural residential purposes on the basis that this minimum control would be adequate to address relevant environmental constraints. In addition the use of the lot averaging Clause 4.1B in BVLEP 2013 will ensure that lot sizes and subdivision patterns for rural residential development conserve and protect the environmental values of the land by ensuring buildings are appropriately sited.

6. Lot 7321 DP 1164669 Bega Street, Tathra



 Subject Land

Figure 18: Bega Street, Tathra: Subject Land Aerial Photograph

The subject property is currently owned by the NSW Crown Lands Division and has recently been granted to the Bega Local Aboriginal Land Council. The property contains an area of 123.79 hectares and is currently un-developed. The land is heavily forested, extremely steep in places, is known to contain threatened fauna and forms part of a regionally significant wildlife corridor.

The property is divided (north-south) by Thompsons Drive and is bounded by the coastal town of Tathra to the east, vacant forested land to the west, Tathra River Estate to the north and vacant forested land to the south (see Figure 18).

In Draft BVLEP 2010, those areas of the property zoned 7(d) Environment Protection General Zone were proposed to be zoned E2 Environmental Conservation Zone (72.3 hectares) and E3 Environmental Management Zone (44.96 hectares) with a minimum lot size of 120 hectares. A small area of residential land was proposed to be zoned R2 Low Density Residential with a minimum lot size of 550m² (see Figures 19 and 20).

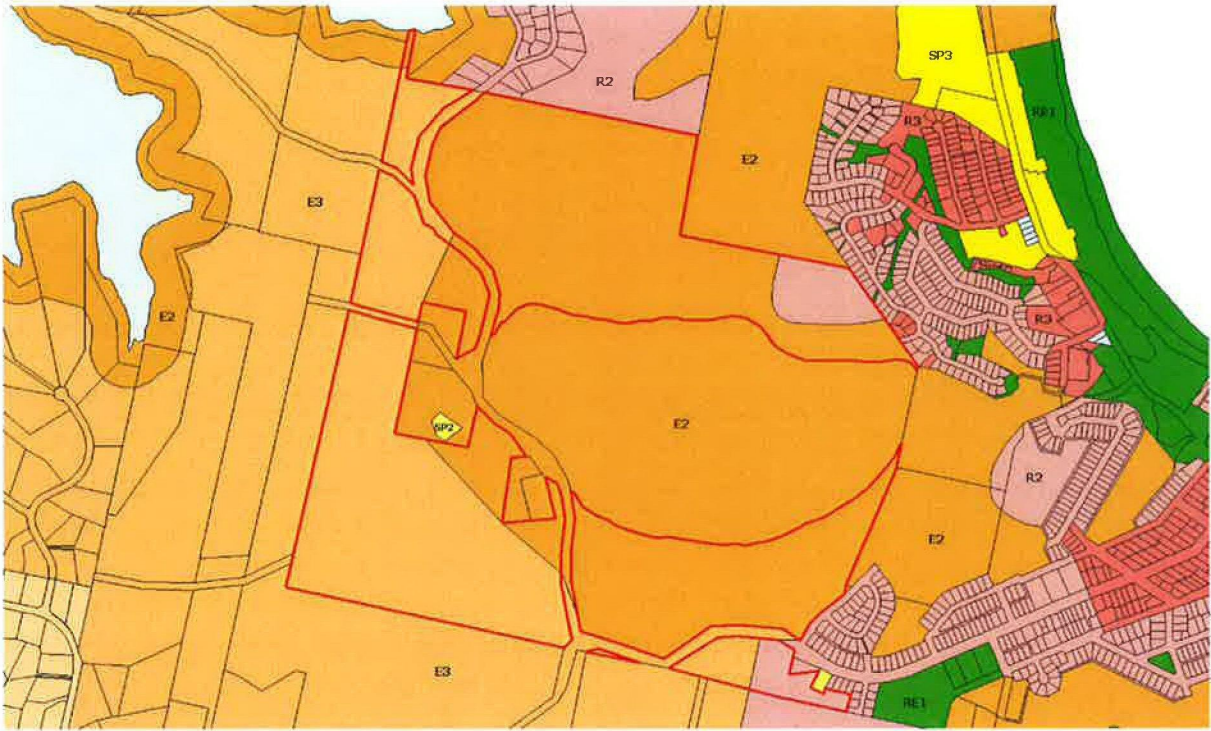


Figure 19: Bega Street, Tathra: Land Use Zones (Draft BVLEP 2010)

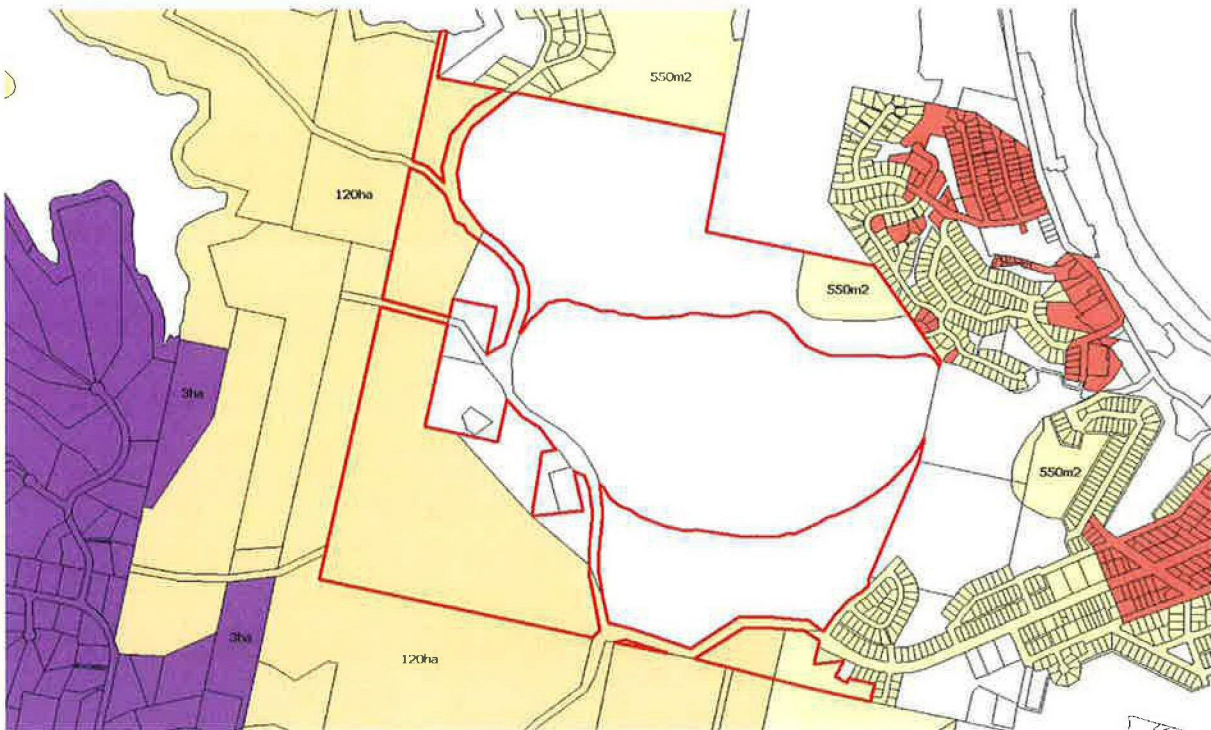


Figure 20: Bega Street, Tathra: Minimum Lot Sizes (Draft BVLEP 2010)

The subject property was deferred from BVLEP 2013 pending a review of the proposed minimum lot size for the environmental zoned part of the subject land. Under BVLEP 2002, the majority of the subject property is currently zoned 7(d) Environment Protection General Zone with a 40ha minimum lot size. A small area of the property (approximately 4 hectares) is currently zoned 2(a) Residential Low Density Zone with a minimum lot size of 550m².

Subsequent to the review, Council resolved that a minimum lot size of 40 hectares would be appropriate as it would maintain the development entitlements prescribed under BVLEP 2002. In addition the application of the lot averaging Clause 4.1B in BVLEP 2013 will allow the more sensitive placement of lots and provide for the balance of the site's important environmental values to be protected.

Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

Council resolved on the 13th December 2005 to prepare a draft Comprehensive Local Environmental Plan to replace BVLEP 2002. The Draft BVLEP 2010 was prepared based on the following:

- The majority of the Shire was changed to the closest comparable zone available in the standard State wide template.
- Where changes were proposed, the focus was on improving opportunities for economic development and jobs in the Bega Valley town centres, through the expansion of business, mixed use and industrial zones.
- Protection of productive agricultural land through the use of RU1 Primary Production and RU2 Rural Landscape zones.
- Establishment of allotment sizes through a “Lot Size Map”, thus determining subdivision and dwelling entitlements.
- Recognition of environmentally sensitive land through the use of E3 Environmental Management and E4 Environmental Living zones.
- Protection of sensitive foreshore areas and bushland public reserves through the use of E2 Environmental Conservation zone.

The Draft BVLEP 2010 was publically exhibited from the 12th May 2011 to the 29th July 2011 and 456 submissions were received. Following consideration of those submissions, Council categorised them into four groups:

- Appendix 1: Support (or partial support) for the submission request, with only minor changes required to the exhibited draft CLEP. The CLEP was amended in line with these recommendations.
- Appendix 2: Support (or partial support) for the submission request, however, due to the nature of changes proposed re-exhibition would be required. Land subject to the submissions is to be identified as a ‘deferred matter’ in the CLEP. Staff are to prepare planning proposals seeking to amend the CLEP, once adopted, in accordance with Councils’ resolutions and a “gateway determination” by the Minister for Planning required prior to re-exhibition.
- Appendix 3: Further research is to be carried out by Council staff prior to progressing a resolution of the submissions via a future report to Council. Land subject to the submissions is to be identified as a ‘deferred matter’ in the CLEP.
- Appendix 4: No agreement with the submission request, or the submission to be noted but no need for further action at this time. No change to exhibited draft CLEP is required.

The full Council Report and adopted minutes from the relevant meeting of 12th June 2012 are in Attachment 3.

The properties that are the subject of this planning proposal are in Appendix 2 and were deferred from the BVLEP 2013, consequently the zoning and status under BVLEP 2002 still

applies to the land and a planning proposal is required to apply BVLEP 2013 to resolve the issue of the appropriate minimum lot sizes for the subject land.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Yes. This planning proposal seeks to apply BVLEP 2013 to certain deferred properties to which BVLEP 2002 currently applies. The zones were selected in accordance with the strategy outlined in Q1 above and this Planning Proposal does not seek to alter the land use zones for any properties from what was exhibited in Draft BVLEP 2010. This Planning Proposal will resolve the uncertainty that currently exists in relation to the deferred properties by appropriately zoning the land and applying suitable controls to the land.

Applying a minimum lot size is the most appropriate means of achieving the objectives of improving the supply of rural residential living opportunities as it will enable consideration of the subject land for subdivision for residential development under Clause 4.1 and 4.2A of BVLEP 2013.

Schedule 1 – Additional Uses of BVLEP 2013 could be used as an alternative, however, there would be no additional benefit and would cause ambiguity to the minimum lot size map. Although a valid option in some cases, it is not the preferred approach in this instance given the desirability of securing the long-term identification and use of the subject properties for this purpose. Further to this, the NSW Department of Planning and Infrastructure's policy is that additional listings in the LEP Schedule 1 should be minimised and should only proceed where council can demonstrate that there is no other acceptable solution to progress the matter.

Section B – Relationship to Strategic Planning Framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

South Coast Regional Strategy

The primary purpose of the South Coast Regional Strategy (SCRS) is to ensure that adequate land is available and appropriately located to sustainably accommodate projected housing and employment needs for the South Coast Region for the next 25 years.

Section 6 of the Strategy addresses Housing and Settlement and identifies that the future demand for dwellings in the Bega Valley is estimated to be 8,600 over the next 25 years. With a significant proportion (approximately 25%) of Bega Valley residents currently choosing to live in rural areas outside of towns and villages, Council needs to ensure the provision of rural residential opportunities to accommodate the expected population growth and demand.

Section 8 of the Strategy addresses Rural Landscapes and Communities and requires that:

- additional rural residential development must be located on cleared land unsuitable for urban or agricultural uses; and
- the scale of development adjacent to existing villages and rural towns will support the role of the town in serving surrounding communities and preserve its character, scale, cultural heritage and social values.

In terms of outcomes, this Planning Proposal is compatible with the SCRS given that the subject properties are:

- not located on viable agricultural land with the majority are on cleared land;
- located near to existing towns/villages and regional transport routes, which are capable of meeting the future daily needs of residents;
- capable of providing a range of housing choices that are affordable, sustainable and of a scale that will complement the role and character of existing townships; and
- unlikely to be the subject of land use conflicts.

In addition to the above, BVELP 2013 contains a lot averaging Clause 4.1B to ensure that lot sizes and subdivision patterns for residential accommodation conserve and provide protection for the environmental values of the land by encouraging buildings to be appropriately sited.

Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Bega Valley 2030 Community Strategic Plan

The Community Strategic Plan (CSP) identifies the long term aspirations of the Bega Valley Shire's community. Two of the key aims of the CSP are:

- to support a place where everyone regardless of age or circumstance can enjoy a safe, involved and affordable community life; and
- to ensure the unique environment is protected to maintain biodiversity and water quality and managed for our community, to provide growth and economic opportunity.

In terms of outcomes, this Planning Proposal is consistent with these two aims of the CSP by enabling further subdivision for new rural living opportunities that are:

- within close proximity to existing townships, services and amenities;
- capable of supporting a range of housing choices that are affordable, sustainable and suited to the needs of the community; and
- capable of minimising and managing impacts on the natural environment.

Q5. Is the Planning Proposal consistent with applicable State Environment Planning Policies?

This Planning Proposal is consistent with most applicable State Environmental Planning Policies (SEPPs). Where this Planning Proposal is inconsistent with a SEPP the inconsistency is justified on the basis that the inconsistency is minor.

The SEPPs that are applicable to this Planning Proposal are detailed in this Section. For a complete checklist of SEPPs refer to Attachment 2.

SEPP No. 14 Coastal Wetlands

SEPP 14 Coastal Wetlands aims to protect and preserve coastal wetlands.

Lot 26 DP 850443 – Green Point Road, Pambula and Lots 721 and 722 DP 826975 – Princes Highway, Millingandi contain SEPP 14 Coastal Wetlands. This Planning Proposal is consistent with this SEPP as all of the designated wetlands on the subject land will be zoned E2 Environmental Conservation and form part of a foreshore reserve system that will separate future residential subdivision from the adjoining wetlands and waterways. In addition, the potential impact of residential development will be mitigated through the application of development standards contained within SEPP 14 that apply to any future development in proximity to the designated wetlands.

SEPP No. 44 Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. It requires the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat.

A number of the Coolagolite properties (Lots 6-7 DP 250487, Lot 1 DP 582577, Lots 331-332 DP 1074953, Lots 41-43 DP 818570 and Lots 1-3 DP 253803) have historic and recorded incidental sightings of Koalas. This Planning Proposal is consistent with the SEPP as the subject properties do not contain any mapped primary or secondary koala habitat areas. The Wallaga Lake National Park, which is located to the north of the subject properties, may contain potential core koala habitat.

SEPP No. 55 Remediation of Land

This SEPP introduces planning controls for the remediation of contaminated land. The policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.

Bega Valley Shire Council's records indicate that none of the subject land is contaminated.

SEPP No. 62 Sustainable Aquaculture

SEPP 62 regulates aquaculture activities and aims to encourage sustainable aquaculture, including sustainable oyster aquaculture. Specifically, Clause 15(c) requires consideration of whether a proposal will have an adverse impact on oyster aquaculture.

Lot 26 DP 850443 – Green Point Road, Pambula and Lots 721 and 722 DP 826975 – Princes Highway, Millingandi adjoin Merimbula Lake and are in close proximity to existing oyster leases that have been identified by the Department of Primary Industries (August 2006) as being within Priority Oyster Aquaculture Areas (see Figures 5 and 8).

Additionally, Lot 11 DP 750222 and Lot 1 DP 1172916 Ivor Jones Drive, Wonboyn adjoin Wonboyn River, which has also been identified as containing a number of Priority Oyster Aquaculture Areas (see Figure 15).

This Planning Proposal is inconsistent with this SEPP as it is acknowledged that future development of the Pambula, Millingandi and Wonboyn properties has the potential to impact on oyster aquaculture in terms of cumulative nutrient impacts and cumulative pathogen impacts. In this regard, consultation with the Director General of Primary Industries will be undertaken as part of the Planning Proposal process.

Refer to Q6 Ministerial Directions 1.4 Oyster Aquaculture for more information regarding this issue.

SEPP No. 71 Coastal Protection

SEPP 71 controls development in the coastal zone and aims to ensure that development in the NSW coastal zone is appropriate and suitably located, that there is a consistent and strategic approach to coastal planning and management, and that there is a clear development assessment framework for the coastal zone.

Lot 26 DP 850443 – Green Point Road, Pambula, Lots 721 and 722 DP 826975 – Princes Highway, Millingandi and Lot 11 DP 750222 and Lot 1 DP 1172916 – Ivor Jones Drive,

Wonboyn are located within the coastal zone. Parts of the subject properties are also designated as sensitive coastal locations as they are located within 100 metres of the edge of a coastal lake.

This Planning Proposal is consistent with this SEPP as it does not contradict or hinder the application of the coastal planning provisions contained within the SEPP and does not promote development that will impede or diminish access to coastal foreshores, result in effluent discharge that negatively affects water quality, or involve a discharge of untreated storm water into the sea, a beach, an estuary, or coastal lake or creek.

The overall intent of the SEPP is to manage residential and rural residential development in sensitive coastal locations. Although the scale of development likely to result from this Planning Proposal is very small, given that parts of Lot 26 DP 850443, Lots 721 and 722 DP 826975, Lot 11 DP 750222 and Lot 1 DP 1172916 are within a defined sensitive coastal location, the Minister may require that a Master Plan be prepared for future development of the subject properties.

SEPP Mining, Petroleum Production and Extractive Industries 2007

This SEPP standardises the approach throughout NSW to the assessment and approval of mining activities under Part 4 of the EP&A Act. Under the SEPP, the relevant consent authority in determining an application must consider the compatibility of the proposed development with mining, petroleum production or extractive industry.

This Planning Proposal does not seek to allow for a mining, petroleum production, or extractive industry within the subject properties. However, the Proposal is inconsistent with the SEPP as there are three extractive industries located within the immediate area of the Coolagolite properties.

As such, further rural residential development of the subject Coolagolite properties has the potential to create land use conflicts. In this regard, consultation with the NSW Government Resources and Energy Division regarding the proximity of the Coolagolite properties to existing extraction facilities will be undertaken as part of the Planning Proposal process.

Refer to Q6 Ministerial Directions 1.3 Mining, Petroleum Production and Extractive Industries for more information regarding this issue.

SEPP (Rural Lands) 2008

SEPP (Rural Lands) 2008 facilitates the orderly and economic use and development of rural lands for rural and related purposes. Clause 10(3) of SEPP (Rural Lands) 2008 prescribes a number of matters for consideration in determining development applications for rural subdivisions or rural dwellings. The Clause applies to land in a rural zone, a rural residential zone or an environment protection zone.

This Planning Proposal is consistent with the SEPP as it will enable additional rural residential developments in areas that are appropriate for such development as they are

compatible with nearby existing and approved uses of land and are unlikely to significantly impact on agricultural land uses in the vicinity.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions?

This Section addresses consistency with applicable Section 117 Directions. Attachment 3 contains a complete list of all 117 Ministerial Directions that are applicable in the Bega Valley Shire.

1.2 Rural Zones

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The objective of this Direction is to protect the agricultural production value of rural land.

This Planning Proposal is consistent with this Direction as it does not seek to increase the permissible density of any land that is currently used for agricultural production. Under BVLEP 2002 the subject land is either already zoned for rural residential development or consists of parcels of land zoned 1(a) Rural General Zone that are well below the minimum 120 hectare subdivision standard and that were created for the purposes of a dwelling.

Therefore, this Planning Proposal will have no impact on the existing or future agricultural production value of rural land as none currently exists.

1.3 Mining, Petroleum Production and Extractive Industries

This direction applies when a relevant planning authority prepares a Planning Proposal that would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

The objective of this Direction is to ensure that the future extraction of State or Regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

This Planning Proposal is inconsistent with this Direction as it contains provisions that may lead to land use conflicts between existing extractive industries and future rural residential living opportunities. As detailed in Part 3 Section 1, there are three extractive industries located within the vicinity of the Coolagolite properties, which could potentially be compromised by future rural residential living opportunities.

The provisions of this Planning Proposal that are inconsistent with this Direction are of minor significance and justifiable on the basis that the existing extractive industries have a defined buffer area (shown hatched pink on Figure 2), which has been designed to mitigate potential conflict with other land uses, particularly those of a residential nature. Through the

application of the existing buffer any potential land use conflicts that result from this Planning Proposal, will be readily controlled.

1.4 Oyster Aquaculture

This Direction applies when a relevant planning authority prepares any Planning Proposal that proposes a change in land use which could result in adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.

The objectives of this Direction are to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a Planning Proposal; and protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.

This Planning Proposal is inconsistent with this Direction as it contains provisions, which could result in adverse impacts to an existing Priority Oyster Aquaculture Area.

Lot 26 DP 850443 – Green Point Road, Pambula, Lots 721 and 722 DP 826975 – Princes Highway, Millingandi adjoin Merimbula Lake and are in close proximity to existing oyster leases that have been identified by the Department of Primary Industries (August 2006) as being within Priority Oyster Aquaculture Areas (see Figures 5 and 8). Lot 11 DP 750222 and Lot 1 DP 1172916 – Ivor Jones Drive, Wonboyn adjoin the Wonboyn River, which has also been identified as containing a number of Priority Oyster Aquaculture Areas (see Figure 15).

This Planning Proposal seeks to permit only a very small number of additional dwellings in areas within Priority Oyster Aquaculture Areas, being a total of 6 additional dwelling houses on land adjoining the Merimbula Lake and a total of 4 additional dwelling houses on land adjoining the Wonboyn River. As such, the inconsistency of this Planning Proposal with these provisions is of minor significance as it is unlikely that the additional residential developments will have adverse impacts on oyster aquaculture. Any issues that have the potential to impact on water quality will be adequately addressed through the appropriate siting and design of future residential developments.

The use of On-site Sewage Management Systems (OSSM) at these dwellings will fall into the “High Risk Category” under Council’s OSSM Policy and require annual inspections to ensure they are not posing a threat to the Lake or estuarine ecosystems.

Council propose to consult with the NSW Department of Primary Industries in relation to this Planning Proposal.

1.5 Rural Lands

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone or that changes the existing minimum lot size on land within a rural or environment protection zone.

The objectives of this Direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.

The proposed changes to the minimum lot size controls contained in this Planning Proposal are consistent with this Direction because they conform to the Rural Planning and Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008 and they do not compromise the production value or development of rural land for rural purposes. In particular, this Planning Proposal will:

- Not enable the fragmentation of high quality agricultural land;
- Not enable the potential for additional rural land use conflicts, particularly between residential land uses and other rural land uses;
- Provide rural residential opportunities compatible with the natural and physical characteristics of the land and that will integrate with surrounding and existing rural residential developments; and
- Provide rural residential opportunities in areas close to existing town centres that are well serviced and capable of meeting the daily needs of residents.

2.1 Environment Protection Zone

This Direction applies when a relevant planning authority prepares a Planning Proposal. The objective is to protect and conserve environmentally sensitive areas.

Lot 262 DP 1162287 Nutley's Creek Road, Bermagui; Lot 26 DP 850443 Green Point Road, Pambula; Lots 721 and 722 DP 826975 Princes Highway, Millingandi; Lot 11 DP 750222 and Lot 1 DP 1172916 Ivor Jones Drive Wonboyn; and part of Lot 7321 DP 1164669 Bega Street, Tathra, are considered ecologically sensitive and are zoned either E2 Environmental Conservation Zone or E3 Environmental Management Zone or a combination of both under the BVLEP 2013.

This Planning Proposal is consistent with this Direction as it contains provisions that only relate to changing the minimum lot size controls for land zoned for environmental purposes.

2.2 Coastal Protection

This Direction applies when a relevant planning authority prepares a Planning Proposal that applies to land in the coastal zone. The objective is to implement the principles in the NSW Coastal Policy.

This Planning Proposal seeks to amend the minimum lot size controls for the following properties located within the Coastal Zone: Lot 26 DP 850443 Green Point Road, Pambula; Lots 721 and 722 DP 826975 Princes Highway, Millingandi; Lot 262 DP 1162287 Nutley's

Creek Road, Bermagui; Lots 11 DP 750222 and Lot 1 DP 1172916 Ivor Jones Drive, Wonboyn; and Lot 7321 DP1164669 Bega Street, Tathra. This Planning Proposal does not contradict or hinder the application of the coastal planning provisions contained in the NSW Coastal Policy, the Coastal Design Guidelines 2003 or the NSW Coastline Development Manual 1993.

With the objective of implementing the principles of the NSW Coastal Policy, this Planning Proposal will ensure the application of BVLEP 2013 to the subject land, which includes the Standard Instrument Clauses 5.5 and 5.7 relating to development within the Coastal Zone and below mean high water mark, as well as local Clause 6.4 Coastal Risk Planning.

3.5 Development near Licensed Aerodromes

This direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

The objectives of this Direction are to ensure the effective and safe operation of aerodromes, ensure that their operation is not compromised by development and ensure development for residential purposes is not adversely affected by aircraft noise.

Lot 26 DP 850443 Green Point Road, Pambula and Lots 721 & 722 DP 826975 Princes Highway, Millingandi are located within close proximity to the Merimbula Airport. However, this Planning Proposal is consistent with this direction because the subject land is not in an area where the Australian Noise Exposure Forecast exceeds 20. The highest part of any of these subject lots is 10m and all of the land is located under the Inner Horizontal Surface RL of 46m. Therefore, residential development (which may not exceed 10m under BVLEP 2013) will not penetrate the Obstacle Limitation Surface for the Airport.

Clause 6.8 of BVLEP 2013 provides a number of provisions that aim to protect the airspace operations of Merimbula Airport as well as the community from undue risk, including consultation with the relevant Commonwealth body. In this regard, consultation with the relevant Commonwealth body will form part of the Planning Proposal process.

4.1 Acid Sulphate Soils

This Direction applies when a relevant planning authority prepares a Planning Proposal that will apply to land having a probability of containing acid sulphate soils as shown on the Acid Sulphate Soils Planning Maps.

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has the probability of containing Acid Sulphate Soils.

This Planning Proposal is not consistent with this Direction as it applies to land that has a probability of containing acid sulphate soils. Lot 26 DP 850443 Green Point Road, Pambula; Lots 721 and 722 DP 826975 Princes Highway, Millingandi; and Lot 11 DP 750222 and Lot

1 DP 1172916 Ivor Jones Drive Wonboyn are identified on the BVLEP 2013 Acid Sulphate Soils Map as containing Class 1 and/or Class 2 Acid Sulphate Soils.

The inconsistency with this Direction is justified given the minor scale of development likely to result and because this issue is routinely addressed by Council in the development assessment process. Studies are required for land that is within an area identified as having a probability of containing acid sulphate soils. Soil samples are assessed for content of acid sulphate material by a suitably qualified person and the results lodged with Council. If acid sulphate soils are identified, no excavation can take place until an Acid Sulphate Soil Management Plan has been lodged with Council and approved and any required measures to minimise adverse environmental impacts have been implemented.

4.4 Planning for Bushfire Protection

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land. The objectives of this Direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and encourage sound management of bush fire prone areas.

The properties that are the subject of this Planning Proposal are identified as containing bushfire vegetation within category 1 and/or 2, therefore consultation with the NSW Rural Fire Service under Section 56 of the *Environmental Planning and Assessment Act 1979* will form part of the Planning Proposal process. This Planning Proposal does not contradict or hinder the application of the provisions contained within Planning for Bushfire Protection 2006.

5.1 Implementation of Regional Strategies

Planning Proposals must be consistent with a regional strategy released by the Minister for Planning.

As detailed at Q3, this Planning Proposal is consistent with the overall vision, land use strategy, policies, outcomes and actions identified in the South Coast Regional Strategy.

6.3 Site Specific Provisions

This Direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out. The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

This Planning Proposal is consistent with this direction as seeks to amend minimum lot size controls only and not to apply any restrictive site specific planning controls.

Section C – Environmental, Social and Economic Impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no declared critical habitat in the Bega Valley Shire. With regard to threatened species, populations or ecological communities, we advise as follows;

1. Various Lots – Bermagui Cobargo Road, Coolagolite

There are no known threatened species or communities in this area. However, the area does provide a potential linkage between the large forested areas to the south and to the north of the site. This area has been identified as an important potential pathway for a koala population that is believed to be surviving in the forests to the south of the site, in the Bermagui and Murrah State Forests and Biamanga National Park.

As previously discussed, the topography of the lots in this area will mean that the hypothetical lot yield that may result from a 2 hectare minimum lot size control and associated cumulative impacts, will not be realised. The 2 hectare minimum is a vast improvement from the current 5,000m² minimum lot size, with regards to habitat retention and protection and provides the potential to retain a largely intact corridor.

2. Lot 26 DP 850443 – Green Point Road, Millingandi

The subject land has been largely cleared of native vegetation as part of its original grazing landuse. There are no known threatened species or communities on the section of property proposed in this area. There are areas of saltmarsh and seagrass in the lake adjacent to these properties, however they will not be physically impacted by this proposal.

3. Lots 721 & 722 DP 826975 – Princes Highway, Millingandi

The subject land has been largely cleared of native vegetation as part of its original grazing landuse. There are no known threatened species or communities on the section of property proposed in this area.

There is a large SEPP 14 wetland covering a substantial portion of the property that contains large areas of saltmarsh and regrowth stands of Melleuca, however they will not be physically impacted by this Proposal.

4. Lot 262 DP 1162287 – Nutley's Creek Road, Bermagui

This area was surveyed as part of the master planning process for the Bermagui Country Club residential development. The surveys undertaken by a local environmental consultancy found that there were no species listed on Schedule 1 or 2 of the *Threatened Species Conservation Act 1995* found on the entire Country Club site, including the subject part of the site.

The vegetation within Lot 262 is largely regrowth, with the exception of a small section of remnant old growth forest in the south west corner of the site. There are a number of environmental weeds that have colonised the site, including blackberry. The development of one dwelling on this Lot, particularly if sited to the north of the Lot, would not have a major impact on flora or fauna.

5. *Lot 11 DP 750222 and Lot 1 DP 1172916 – Ivor Jones Drive, Wonboyn*

This site was formerly heavily surveyed as part of a previous Master Plan proposal. The original Master Plan was not approved but was based on an 11 lot subdivision. This Proposal will result in only 4 lots being created.

A flora and fauna survey was prepared as part of the previous Master Plan. The survey found two Endangered Ecological Communities (EEC) on the margins of the site. These communities would not be impacted by any development that may occur from this Proposal. The site is bounded by significant E2 Environmental Conservation zones and other Council setback requirements would see any future dwellings located outside the known areas of EEC.

Seven species listed on the Schedules of the *Threatened Species Conservation Act 1995*, were recorded during surveys of this site. A seven part test was undertaken for each of these species and it was concluded that the original 11 lot proposal would not have a significant impact on any of these species, their populations or habitats. The proposed amendment to the lot size will only allow for the creation of 4 lots and as such, it would be expected that any impact would be insignificant.

6. *Lot 7321 DP 1164669 Bega Street, Tathra*

The proposed change in lot size for this site restores the current entitlement available under BVLEP 2002. However, with the amended zoning pattern as exhibited in Draft BVLEP 2010, these development entitlements will be able to be sited away from the more environmentally sensitive areas.

This land was included in a “Bio-Certification Survey” that looked at various sites within the Tathra and Kalaru areas. The survey recorded Threatened Species in parts of the site. As a result of this survey and other ecological and physical factors (wildlife corridor, slope, bushfire hazard, catchment protection and proximity to Tathra Wildlife Reserve), large parts of the property have been zoned E2 Environmental Conservation. The E2 zoning will ensure that the site’s valuable environmental assets are conserved.

The remainder of the subject land west of Thompson Drive is proposed to be zoned E3 Environmental Management. Through the application of the lot averaging Clause 4.1B in BVLEP 2013, the allowable lot yield of 3 could be accommodated in this area, with relatively minimal environmental impact.

Further detailed environmental assessment may be required to support a Development Application for further subdivision and/or development of the subject property.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

1. Various Lots – Bermagui Cobargo Road, Coolagolite

At the development phase there is potential for cumulative impacts from the development of these lots (dwellings, etc.) in this area. Clearing for access and bushfire in particular have potential to impact on areas of vegetation being removed and or thinned. However, as discussed in the previous Section, the topography of the site, will mean the majority of future development in this area will be limited to the accessible perimeter areas, close to existing roads. As such, the central corridor should not be adversely impacted.

2. Lot 26 DP 850443 – Green Point Road, Millingandi

Disturbance related to the development of dwellings on the lots that would arise from this proposal has the potential to impact on the nearby Merimbula Lake. However, the application of standard Council soil and water management controls will eliminate this risk. In addition, the use of On-site Sewage Management systems at these dwellings will fall into the “High Risk Category” under Council’s OSSM Policy and require annual inspections to ensure that they are not posing a threat to the lake or estuarine ecosystems.

3. Lots 721 & 722 DP 826975 – Princes Highway, Millingandi

The land outside of the wetlands has been substantially cleared and future development on this site will not have any further cumulative impact on biodiversity on the site. The use of On-site Sewage Management systems at these dwellings will fall into the “High Risk Category” under Council’s OSSM Policy and will require annual inspections to ensure they are not posing a threat to the Lake or estuarine ecosystems.

4. Lot 262 DP 1162287 – Nutley’s Creek Road, Bermagui

Nil.

5. Lot 11 DP 750222 and Lot 1 DP 1172916 – Ivor Jones Drive, Wonboyn

Clearing associated with Asset Protection Zones and access road provision will require the removal and/or thinning of vegetation. Council will condition the future Development Applications associated with this site to protect hollow bearing trees, other mature trees and place covenants on the land to prevent clearing for views of the Lake. The use of On-site Sewage Management systems at these dwellings will fall into the “High Risk Category” under Council’s OSSM Policy and require annual inspections to ensure they are not posing a threat to the lake or estuarine ecosystems.

6. Lot 7321 DP 1164669 Bega Street, Tathra

Clearing associated with Asset Protection Zones and access road provision will require the removal / thinning of vegetation. Council would condition the future Development Applications associated with this site to protect hollow bearing trees, Yellow Belly Glider feed trees and other mature trees. The use of On-site Sewage Management Systems at these

dwellings will fall into the “High Risk Category” under Council’s OSSM Policy and will require annual inspections to ensure that they are not posing a threat to the Lake or estuarine ecosystems.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The amendments to the minimum lot size controls for the subject properties are likely to have minor positive social and economic effects.

The popularity of rural living opportunities in the Bega Valley Shire has resulted in residential development in rural areas adjacent to land used for primary industry. The different amenity expectations of people who live in rural areas for lifestyle reasons and those who operate and manage primary enterprises can cause conflict.

The subject properties are predominantly located within existing rural residential areas that are within close proximity to existing urban areas. With the exception of some of the Coolagolite properties, none of the properties are adjacent to land that is currently utilised for primary agricultural production. A number of the Coolagolite properties are adjacent to, or are within close proximity to, existing and operational extractive industries. Consequently, there is a potential for future land use conflicts in this area.

To mitigate any potential for conflict with the adjoining residential land uses, the existing extractive industries have a defined buffer area, which restricts future residential development from locating too close to the operations.

In response to the popularity of living in rural landscapes, Council’s Comprehensive Development Control Plan contains specific provisions aimed at minimising the potential for rural land use conflict, including:

- The provision of suitable buffers on the land subject to the development proposal designed to separate rural lifestyle activities from primary industry; and
- Suitable design measures, such as acoustic treatments in building construction and appropriate setbacks and landscaping, for residential and rural lifestyle developments along or near unsealed quarry haulage routes so as to minimise noise and dust impacts.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The additional rural residential dwellings that will result from this Planning Proposal are small scale and additional demand for infrastructure is not anticipated.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with State and Commonwealth public authorities has not yet been undertaken. The level of consultation will be determined by the NSW Department of Planning and Infrastructure when it makes its Gateway Determination.

Government agencies identified for consultation with regard to this Planning Proposal are:

- NSW Department of Planning and Infrastructure
- NSW Department of Primary Industries
- NSW Office of Environment and Heritage
- Australian Government Civil Aviation Safety Authority
- NSW Roads and Maritime Services
- NSW Rural Fire Service

Part 4 – Mapping

Changes to the proposed map sheets will be undertaken in a suitable format for public exhibition once the Gateway Determination is issued.

This Planning Proposal will result in changes to the following properties on the following BVLEP 2013 maps:

LAP_001

Amend map sheet LAP_001 by deleting DM Deferred Matter for Lots 5 & 6 DP 250487, Lot 91 DP 580933, Lot 26 DP 850443, Lot 262 DP 1162287, Lot 7321 DP1164669, Lots 721 & 722 DP826975, Lots 11 DP 750222 and Lot 1 DP 1172916.

LZN_017

Amend map sheet LZN_017 by applying E4 Environmental Living Zone for Lot 91 DP 580933 and Lots 5 & 6 DP 250487.

LSZ_017

Amend map sheet LSZ_017 by applying Z1 2 hectares for Lot 91 DP 580933, Lots 5 & 6 DP 250487, Lot 7 DP 250487, Lot 2 DP 828122, Lot 1 DP 582577, Lot 271 DP 752130, Lots 331 & 332 DP 1074953, Lots 320-322 DP 853926, Lots 31, 34 & 35 DP 828792, Lot 311 DP 850102, Lots 21 & 22 DP 1098926, Lot 1 DP 250487, Lots 41-43 DP 818570, Lots 1-3 DP 253803, Lot 130 DP 752130, Lot 1 DP 1147007, Lot 1 DP 256853, Lot 7317 DP 1164527, Lots 3 & 4 DP 42841, and Lot 1 DP 828122.

LZN_017C

Amend map sheet LZN_017C by applying E3 Environmental Management Zone to Lot 262 DP 1162287.

LSZ_017C

Amend map sheet LSZ_017C by applying Z3 4 hectares to Lot 262 DP 1162287.

LZN_019B

Amend map sheet LZN_019B by applying E2 Environmental Conservation Zone, E3 Environmental Management Zone and R2 Low Density Residential Zone to Lot 7321 DP1164669.

LSZ_019B

Amend map sheet LSZ_019B by applying AB4 40 hectares to Lot 7321.

LZN_020

Amend map sheet LZN_020 by applying E2 Environmental Conservation Zone and E3 Environmental Management Zone to Lots 721 & 722.

LSZ_020

Amend map sheet LSZ_020 by applying AA1 5 hectares to Lots 721 & 722 DP826975.

LZN_020A

Amend map sheet LZN_020A by applying E2 Environmental Conservation Zone and E3 Environmental Management Zone to Lot 26 DP 850443.

LZN_020B

Amend map sheet LZN_020B by applying E2 Environmental Conservation Zone and E3 Environmental Management Zone to Lot 26 DP 850443, Lots 721 & 722 DP826975.

LSZ_020A

Amend map sheet LSZ_020A by applying Z2 3 hectares to Lot 26 DP 850443.

LSZ_020B

Amend map sheet LSZ_020B by applying Z2 3 hectares to Lot 26 DP 850443; and AA1 5 hectares to Lots 721 & 722 DP826975.

LZN_022A

Amend map sheet LZN_022A by applying E2 Environmental Conservation Zone and E3 Environmental Management Zone to Lots 11 DP 750222 and Lot 1 DP 1172916.

LSZ_022A

Amend map sheet LSZ_022A by applying by applying AB4 40 hectares to Lots 11 DP 750222 and Lot 1 DP 1172916.

Part 5 – Community Consultation

The Gateway Determination will confirm community consultation requirements. If this Planning Proposal is supported, it is likely that the Proposal will be exhibited as a 'low' impact proposal for a period of not less than 14 days in accordance with Section 5.5.2 of *A Guide to Preparing LEPs*. A 'low' impact proposal is defined as '*a planning proposal that, in the opinion of the person making the Gateway determination is:*

- *Consistent with the pattern of surrounding land use zones and/or land uses;*
- *Consistent with the strategic planning framework;*
- *Presents no issues with regard to infrastructure servicing;*
- *Not a principle LEP; and*
- *Does not re-classify public land'.*

Public exhibition of the Planning Proposal will include notification on the Bega Valley Shire Council website, notification in the newspapers that circulate widely in the area (Merimbula News Weekly, Eden Magnet and Bega District News) and in writing to affected landowners.

Information relating to the Planning Proposal will also be on display at the following Bega Valley Shire Council customer service centres:

Place	Address
Bega	Zingle Place, Bega NSW 2551
Merimbula	Market St, Merimbula NSW 2548
Eden	Cnr Imlay and Mitchell St, Eden NSW 2550
Bermagui	Bunga St, Bermagui NSW 2546

Part 6 – Timeline

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to *Bega Valley Local Environmental Plan 2013* will be completed by April 2014.

Council requests delegation to carry out certain plan-making functions in relation to this proposal. Delegation would be exercised by Council's General Manager or Director of Planning and Environmental Services.

Table A: Approximate Project Timeline

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Submit Planning Proposal to the Department	August 2013
STAGE 2 – Receive Gateway Determination	September 2013
STAGE 3 – Preparation of documentation for Public Exhibition	October 2013
STAGE 4 – Public Exhibition of the Planning Proposal	November 2013
STAGE 5 – Review/consideration of submissions received	December 2013
STAGE 6 – Council Report	December 2013
STAGE 7 – Meetings	January 2014
STAGE 8 – Forward Planning Proposal to Department of Planning and Infrastructure with request amendment is made	February 2014
STAGE 9 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	March 2014
STAGE 10 – Anticipated date Council will forward Plan to the Department for notification	April 2014