

Bega Rural Residential Lot Sizes, Various Properties

Proposal Title : **Bega Rural Residential Lot Sizes, Various Properties**

Proposal Summary :

Amend Bega Valley LEP 2013 for a number of deferred matters by:

- 1. Bermagui-Cobargo Road, Coolagolite - Rezoning to E4 Environmental Living with a 2ha Minimum Lot Size (MLS);**
- 2. Lot 26 DP 850443 Green Point Road, Millingandi - Rezone to a mix of E2 Environmental Conservation and E3 Environmental Management Zones and apply a 3ha MLS.**
- 3. Lots 721&722 DP 826975 Princes Highway, Millingandi - Rezone to E2 Environmental Conservation and E3 Environmental Management Zones and apply a 5ha MLS.**
- 4. Lots 262 DP 1162287 Nutley's Creek Road, Bermagui - Rezone to E3 Environmental Management Zone and apply a 4ha MLS.**
- 5. Lots 11 DP 750222 and Lot 1 DP 1172916 Ivor Jones Drive, Wonboyn - Rezone to E2 Environmental Conservation Zone and E3 Environmental Management Zone and apply a 40ha MLS.**
- 6. Lot 7321 DP 1164669 Bega Street, Tathra - Rezone E2 Environmental Conservation Zone, E3 Environmental Management Zone and R2 Low Density Residential Zone and apply a 40ha MLS to the E2 and E3 Zones and 550m2 MLS to the R2 Zone.**

PP Number : **PP_2013_BEGAV_002_00** Dop File No : **13/13741**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions :
- 1.2 Rural Zones**
 - 1.3 Mining, Petroleum Production and Extractive Industries**
 - 1.4 Oyster Aquaculture**
 - 1.5 Rural Lands**
 - 2.1 Environment Protection Zones**
 - 2.2 Coastal Protection**
 - 3.5 Development Near Licensed Aerodromes**
 - 4.1 Acid Sulfate Soils**
 - 4.4 Planning for Bushfire Protection**
 - 5.1 Implementation of Regional Strategies**
 - 6.3 Site Specific Provisions**

Additional Information : **The Deputy Director General, Planning Operations & Regional Delivery, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Bega Valley Local Environmental Plan 2013 to rezone and apply appropriate minimum lot sizes to sites at Coolagolite, Green Point Road and Princes Highway Millingandi, Bermagui, Wonboyn and Tathra should proceed subject to the following conditions:**

- 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the planning proposal is to be made publicly available for 28 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made**

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publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * Southern Rivers Catchment Management Authority
- * Office of Environment and Heritage
- * NSW Department of Primary Industries - Fishing and Aquaculture (s117 Direction 1.4)
- * NSW Rural Fire Service (s117 Direction 4.4)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. The Council is to inform the Southern Regional office of the Department of Planning and Infrastructure prior to community consultation of the outcomes of:

- * consultations with Department of Primary Industries;
- * investigations into the occurrence of acid sulfate soils and the implications;
- * its consideration of potential soil contamination under SEPP55 at Coolagolite; and
- * strategic justification for the sites at Green Point Road Millingandi and Wonboyn River being dealt with in isolation from adjoining land with similar attributes.

SECTION 117 DIRECTIONS

6. The Director General can be satisfied that any inconsistencies with s117 Directions 1.2, 1.5 and 2.1 are of minor significance.

7. The Director General require consultation with Department of Primary Industries in relation to potential impacts on oyster aquaculture under s117 Direction 1.4 Oyster Aquaculture for the two Millingandi and Wonboyn River sites.

8. The Director General require Council under s117 Direction 4.1 Acid Sulfate Soils to determine whether an acid sulfate soils study is required and if so prepare one and forward it to the Southern Regional Office of the Department of Planning and Infrastructure.

9. The Director General require consultation with the NSW Rural Fire Service under s117 4.4 Planning for Bushfire Protection for any sites that are bushfire prone.

10. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance while the planning proposal remains in its current form.

11. The Council should undertake investigations under clause 6 of SEPP 55 Remediation of Land for the Coolagolite site to determine if any development could be affected by contamination by saw mill activities in the locality.

Supporting Reasons :

These sites arose from submissions to the Bega Valley LEP 2013 and were deferred.

The planning proposal applies environmental protection zones and reduces minimum lot sizes to enable a moderate number of rural residential lots. For Tathra it retains previous development potential while protecting important environmental areas.

Panel Recommendation

Recommendation Date : **19-Sep-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to justify why a reduced minimum lot size is only being considered for land at Green Point Road, Millingandi, given adjoining areas that are less constrained have a current minimum lot size of 5ha. Additionally, the planning proposal is to justify why land at Ivor Jones Drive, Wonboyn is considered in isolation, given adjoining land to the south has similar attributes.

2. Prior to undertaking public exhibition, Council is to ensure the planning proposal includes sufficient additional information on acid sulfate soils and if required, Council is to prepare an acid sulfate soils study to adequately demonstrate consistency or justify any inconsistency with S117 Direction 4.1 Acid Sulfate Soils. A copy of the acid sulfate soils study is to be forwarded to the regional office of the department prior to Council undertaking public exhibition.

3. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land in relation to land at Bermagui-Cobargo Road, Coolagolite. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

**(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).**

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage**
- Southern Rivers Catchment Management Authority**
- NSW Trade and Investment - Crown Lands**
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)**
- Department of Primary Industries - Fishing and Aquaculture (S117 Direction 1.4 Oyster Aquaculture)**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has requested to be issued with delegation for this planning proposal. Council's request to be issued with plan making delegation should be supported.

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Signature:

S Miller

Printed Name:

Sabina Miller

Date:

25 Sept 2013