**Coronation Drive Broulee – (Proposed Amendments 1.10-1.13)**

Eurobodalla Shire Council has proposed to zone the land at Coronation Drive, Broulee R2 Low Density Residential because it considers this zone to be consistent with the residential zonings on the opposite side of Coronation Drive.

The land is situated on the beach side of the road and consists of four lots occupied by single dwellings which are located on a sand dune and susceptible to coastal hazards.

**Background** The site was, along with many other sites across the Shire, proposed to be zoned E3 Environmental Management Zone under the exhibited draft Eurobodalla LEP. Upon making the Eurobodalla LEP 2012, the Minister agreed to Council’s request to defer all land proposed to be zoned E3 due to significant community concerns regarding the application of the zone, particularly in broad acre rural areas. The E3 zone was not used in the LEP at all.

Council is currently undertaking a strategic project to deal with the deferred lands in rural areas. These sites are covered by the Eurobodalla Rural LEP 1987.

For the relatively small number of sites that were deferred and remain under the Urban LEP 1999 (including the Coronation Drive site), Council is now proposing to rezone these sites generally to an equivalent zone in the Eurobodalla LEP 2012.

**Discussion**

The Coronation Drive site is currently covered by clause 77(b) of the Eurobodalla Urban LEP 1999. Clause 77(b) identifies that the subject site is zoned 7(f1) (Environmental Protection – Coastal Lands Protection zone) in accordance with the Eurobodalla Rural LEP 1987.

The Coastal Lands Protection Scheme, which commenced in 1973, identified certain lands to be protected and acquired. These lands usually included features such as headlands, dunes, hinterland, coastal lagoons and lakes, particularly where the original vegetation was still dominant. In the case of the Coronation Drive site, there are existing houses constructed on the sand dune above the beach.

The subject lands were identified as part of the Coastal Lands Protection scheme and this was reflected in the environmental protection zoning applied through the Eurobodalla Urban LEP 1999 and Eurobodalla Rural LEP 1987. The site was not identified for acquisition.

The zone objectives and land use table of the 7(f1) zone is as follows;

 ***Zone No 7 (f1)   (Environment Protection (Coastal Lands Protection) Zone)***

***1******Objectives of zone***

*The objectives of this zone are:*

*(a) to identify land nominated by the Coastal Council of N.S.W. for preservation under the Coastal Lands Protection Scheme,*

*(b) to prevent subdivision of land holdings into parcels unsuitable in size or shape for sustained agricultural production,*

*(c) to limit the erection of dwellings to the minimum necessary to maintain or enhance the long term agricultural viability of the land, and*

*(d) to minimise development on land which has significant environmental constraints or hazards and ensure that any development in these areas makes adequate provision for maintaining environmental quality.*

***2******Without development consent***

*Agriculture (other than animal boarding, breeding or training establishments, building structures ancillary to agriculture, feed lot establishments, activities involving land clearing, pig keeping establishments, poultry farming establishments or the erection of non-habitable buildings).*

***3******Only with development consent***

*Agriculture (other than as permitted without consent); aquaculture; bed and breakfast establishments; drainage; dual occupancy; dwelling-houses; forestry; home businesses; land clearing; public utility undertakings; recreation areas; roads; rural workers’ dwellings; telecommunications facilities; utility installations.*

***4******Prohibited***

*Any purpose other than a purpose permitted without development consent or a purpose which is permitted only with consent.*

Given the location of the Coronation Drive site’s susceptibility to coastal hazards and Council’s intention to reflect a like for like transition from zones in the urban LEP to the Eurobodalla LEP 2012, the proposed R2 Low Density Residential Zone is not considered appropriate as it would allow additional development potential on sites with an inherent risk of coastal processes.

Supporting this conclusion is the potential inconsistencies with s117 Directions 2.1 (Environmental Protection Zones) and 2.2 (Coastal Protection).

2.1 Environmental Protection Zones – The zoning of the Coronation Drive, Broulee site is inconsistent with this direction in that it seeks to reduce the environmental protection standards that apply to the land. The proposed rezoning from an environmental protection zone to a residential zone clearly reduces these standards. The site is located on sand dunes which Council has mapped as having coastal erosion hazard risk. Council has not justified the inconsistency of the planning proposal with the direction through a study or strategy. The inconsistency is not considered to be of minor significance.

2.2 Coastal Protection – The re zoning of this land from an environmental zone under current planning controls to the R2 Low Density Residential Zone in the Eurobodalla LEP 2012 is likely to increase the development potential of the 4 lots included in this environmentally sensitive coastal location. For example multi dwelling housing is permissible in the R2 Zone under the Eurobodalla LEP 2012. The proposed R2 zoning of the site is considered to be inconsistent with the objectives and principles of the various coastal policies to which this direction calls up.

Eurobodalla Shire Council has not satisfactorily addressed the inconsistency of the planning proposal with the direction through a study or strategy. As previously mentioned, the site is located on a sand dune which Council has mapped as having coastal erosion hazard risk (See map 10 03 2015 Coronation Drive Broulee Coastal Hazards Map). The inconsistency with the direction is therefore not considered to be of minor significance.

**Recommendation**

The Department is of the opinion that Council’s intended R2 zoning is not appropriate given the environmental sensitivities of the site, the current environmental protection zoning and development control, and exhibited E3 Environmental Management Zone under the draft Eurobodalla. The proposed R2 Zone represents a significant potential intensification of land use and reduced environmental protection outcomes compared to the current planning controls. This change has not been adequately justified by Council.

The Department recommends the subject land be zoned E4 Environmental Living Zone which is considered to be a more appropriate “like for like” transfer from the current planning controls that apply to the site.

The E4 Zone has suitable objectives and permissible land uses to ensure appropriate development and positive environmental outcomes for the site. It does not allow increased development potential (multi dwelling housing is prohibited).

The zone objectives and land use table of the E4 Environmental Living Zone under LEP 2012 are:

***Zone E4   Environmental Living***

***1******Objectives of zone***

*•  To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

*•  To ensure that residential development does not have an adverse effect on those values.*

*•  To protect the size and shape of vegetation remnants if consistent with the protection of assets from bush fire.*

*•  To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

*•  To manage items, places and landscapes of Aboriginal cultural heritage significance into the future in collaboration with the local Aboriginal community.*

***2******Permitted without consent***

*Bee keeping; Environmental protection works; Home occupations*

***3******Permitted with consent***

*Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Farm buildings; Group homes; Home-based child care; Home businesses; Home industries; Horticulture; Roads; Roadside stalls; Secondary dwellings; Sewerage systems; Tourist and visitor accommodation; Viticulture; Water supply systems*

***4******Prohibited***

*Backpackers’ accommodation; Farm stay accommodation; Hotel or motel accommodation; Industries; Service stations; Serviced apartments; Warehouse or distribution centres; Any other development not specified in item 2 or 3*