

8.1. Appendix 3 matter at Lot 331 DP 1035434 Bermagui Cobargo Road, Cobargo

The purpose of this report is to seek a Council resolution regarding the rezoning of Lot 331 DP 1035434 Bermagui Cobargo Road, Cobargo from RU1 Primary Production to R5 Large Lot Residential under Bega Valley Local Environmental Plan 2013 with a minimum lot size of 5 hectares.

Group Manager Planning and Environment

BACKGROUND

10 Lot 331 was proposed to be zoned RU1 Primary Production with a minimum lot size of 120 hectares under Draft Local Environmental Plan 2010 (Draft BVLEP 2010) (see Figure 1). During exhibition of Draft LEP 2010, Council received a submission from Keeplan Planning and Development Services on behalf of the owner of the property requesting a R5 Large Lot Residential zoning with a minimum lot size of 3 hectares to allow for a future rural residential subdivision of 9 lots ranging in area from 3.2 to 9.6 hectares in area (see Figure 2).

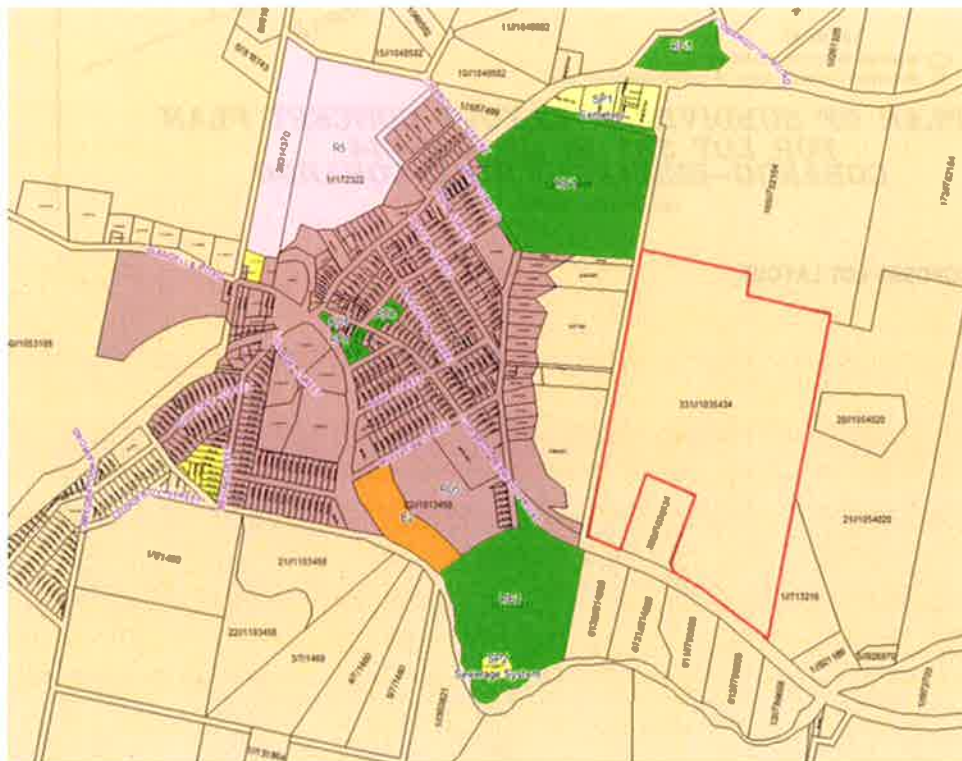


FIGURE 1: DRAFT BVLEP 2010 ZONING MAP – SUBJECT LAND

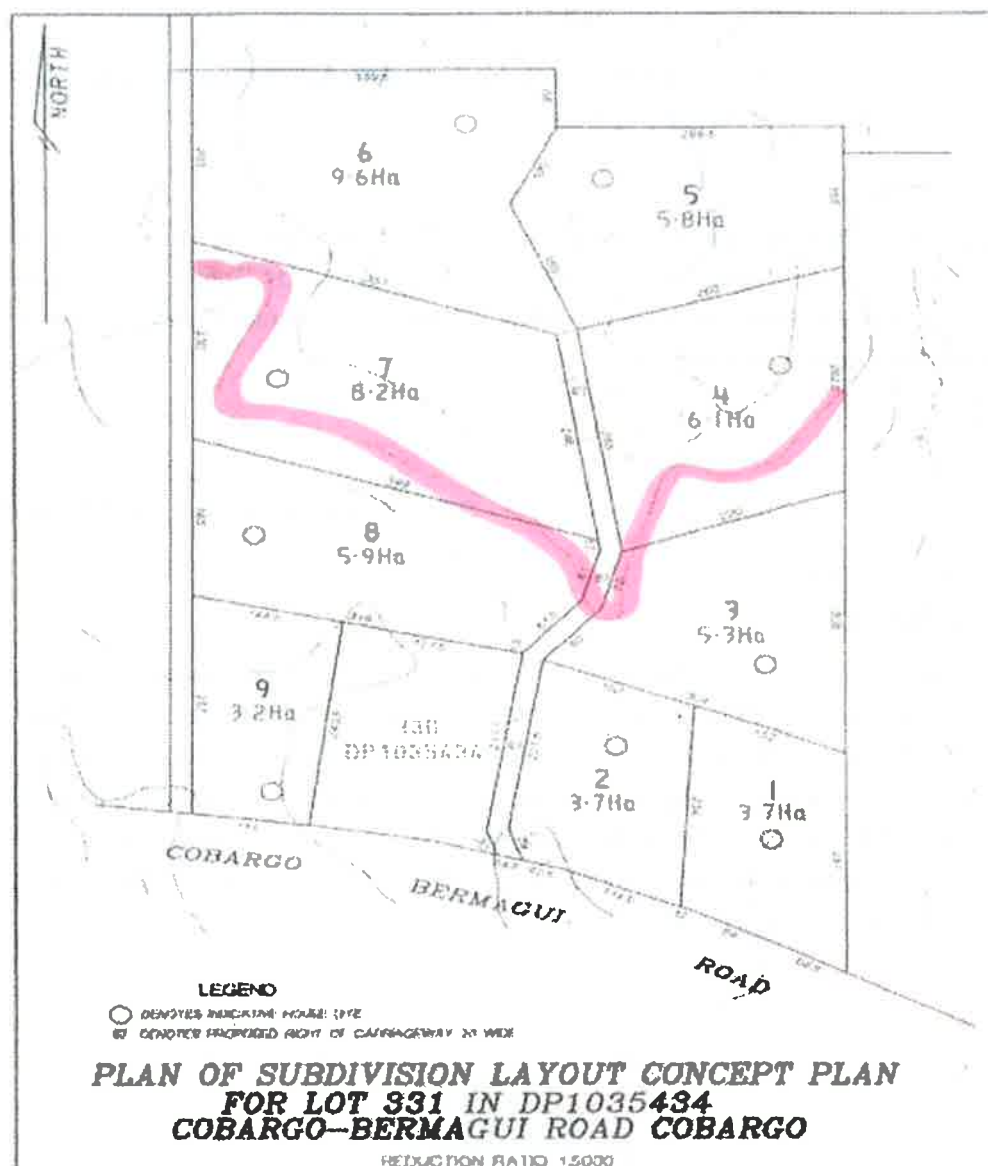


FIGURE 2: PROPOSED LOT LAYOUT

At the Council meeting held on 12 June 2012 Council resolved to include the land as an Appendix 3 matter being:

"That in regard to the Draft Comprehensive Local Environmental Plan, Council adopts the recommendations for the submissions outlined in..."

- *"Appendix 3 – further research to be carried out by Council staff prior to progressing via a future report to Council; and..."*

In relation to the subject land, Appendix 3 contained the following resolution:

- *"The request for a change in proposed zone to R5 has merit in the context of the Cobargo Village boundaries. However any proposed change in zone should not be considered in isolation but also include the land to the west. Decision to be deferred pending staff review."*

The subject land is currently identified as a 'Deferred Matter' under Bega Valley Local Environmental Plan 2013 (BVLEP 2013) and consequently the provisions for the 1(a) Rural General Zone of Bega Valley Local Environmental Plan 2002 (BVLEP 2002) applies to the land.

The subject land has an extensive background with Council dating back to 1995, when the proponent originally sought to rezone the site from 1(a) Rural General to a rural small holdings zone. On 8 August 1995, Council resolved to include the subject land in the short term review for supply of rural small holdings in close proximity to Cobargo.

- 40 Following the review, on 23 March 1999, Council resolved to prepare Draft BVLEP 1987 (Amendment No. 121) to rezone the subject land (formally Lot 6133 DP 814585) to enable subdivision of up to 5 lots. However, this proposal was rejected by the then Department of Planning due to the cumulative impact of effluent disposal from the village of Cobargo on the surrounding catchment.

The subject land was subsequently subdivided to create Lot 330 DP 1035434 around the existing dwelling and a second lot (the subject land) for the purposes of an agricultural allotment under development consent no 2001.1147. The subject land has no further subdivision potential under the provisions of BVLEP 2002.

DISCUSSION

- 50 The subject land is approximately 52 hectares in area and is situated on the outskirts of the Village of Cobargo. The majority of the land is cleared with scattered clusters of trees to the north and is currently used for grazing. The northern portion of the site is steep and contains a gully running north south (See Figure 3).



FIGURE 3: ARIAL PHOTO OF LOT 331 DP 1035434 COBARGO BERMAGUI ROAD, COBARGO

The objective of the R5 Large Lot Residential zone is “to provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.” The proposed rezoning of the subject land to an R5 zone is consistent with this objective and provides an appropriate transition from the Village of Cobargo to the surrounding rural zoned area.

Previous concerns regarding the overall cumulative impact of all of Cobargo’s effluent on the catchment are no longer relevant as the village is now serviced by a reticulated sewerage scheme.

The subject land is located outside Council’s water and sewer Development Service Plan areas and has not been identified as an area designated for possible future expansion in Development Servicing Strategy, Population and Water Cycle Projections 2013. This strategy found that the land between the subject land and the current Cobargo Village boundary is the most serviceable. The strategy also found that the northern portion of the subject land is not serviceable for water or sewer.

Should there be a need to expand the Village of Cobargo in the future, the proposed rural residential subdivision of the subject land will not restrict development of the southern portion of the land, which the strategy found could be serviced at a later date, due to the large size of the proposed allotments.

Rural residential development on the land would require effluent to be managed onsite. An Onsite Sewerage Management assessment will be required as part of any Planning Proposal for the land.

The subject land currently has no access off Cobargo Bermagui Road. There is an existing access to the dwelling house on Lot 330. The property's frontage to Cobargo Bermagui Road is located in a speed zone of 100km/hour.

- 80 At the time the submission to Draft BVLEP 2010, the conceptual subdivision layout satisfied the requirements of the RTA Road Design Guide. However, the Roads & Maritime Service Guidelines have since changed and the design no longer satisfies the requirements for sight distance, therefore upgrade of the existing access or an alternative access will also have to be considered in the Planning Proposal for the subject land.

The proposed minimum lot size of 5 hectares would not be expected to have an adverse impact on threatened species provided there are provisions for retaining existing tree cover, especially in creeks and gully lines, and encouraging the replacement of locally indigenous native vegetation.

- 90 The Agricultural Land Classification Atlas categorises the majority of the land as Class 4-5, indicating the land has low agricultural potential.

Currently the only other undeveloped area of rural residential zoned land close to Cobargo is an area north west of the village comprising approximately 21 hectares of R5 Large Lot Residential zoned land (See Figure 4). This land has the potential for subdivision of up to 10 lots given the 2 hectare minimum lot size that applies to the land. It is therefore considered timely to plan for an increase in the supply of rural residential lots within close proximity to Cobargo.

- 100 The proposed rezoning of the subject land to R5 Large Lot Residential zone provides an appropriate transition from the Village of Cobargo to the surrounding RU1 Primary Production zoned land. The proposed lot layout reflects the physical capacity of the site with the larger lots proposed on the higher northern portion of the site where the site is more moderately sloping and physically constrained. The lower southern lots fronting Cobargo Bermagui Road that are approximately 3 hectares in size reflect the size and configuration of existing Lot 330 and adjacent rural residential lots on the opposite side of the Bermagui Cobargo Road.

Existing
rural res
supply

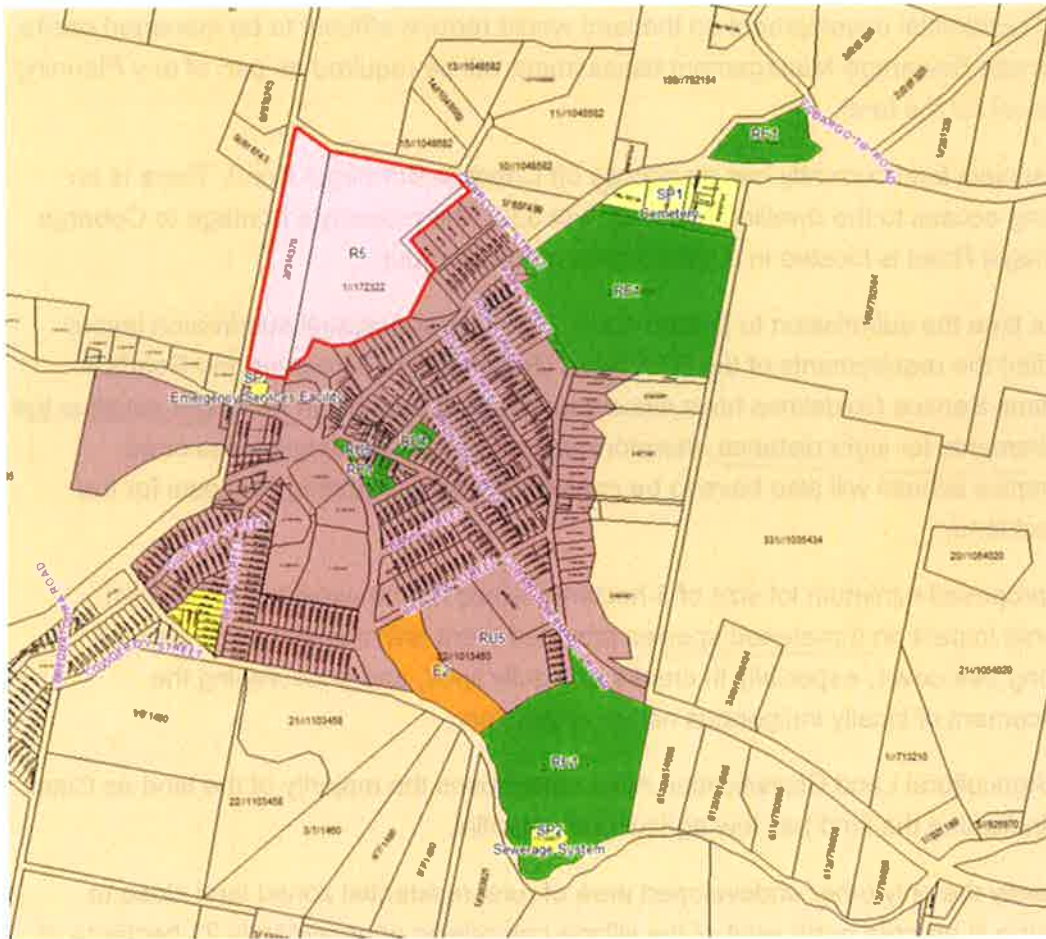


FIGURE 4: DRAFT BVLEP 2010 ZONING MAP – EXISTING R5 LAND CLOSE TO COBARGO VILLAGE

CONCLUSION

110 Council staff consider the R5 zone with a minimum lot size of 5 hectares, to permit the development of up to ten rural residential allotments, is consistent with the site's attributes and will not adversely impact on any future expansion of the Village of Cobargo.

The application of the lot averaging provisions of BVLEP 2013 Clause 4.1B would allow for a subdivision design along the lines of that submitted by the applicant with lot sizes ranging between 3.2 and 9.6 hectares.

ATTACHMENTS

Nil

RECOMMENDATION

1. That the owner be advised that Council supports, in principle, the rezoning of Lot 331 DP 1035434 to R5 Large Lot Residential with a minimum lot size of 5 hectares.
2. That the applicant be advised to prepare a Planning Proposal in accordance with the above resolution and the Department of Planning and Environment's Guidelines and lodged with Council. The Planning Proposal must demonstrate access to the subject land can be achieved in accordance with current Roads and Maritime Service guidelines and that on-site effluent disposal issues can be suitably addressed.
3. That a further report be prepared for Council's consideration after the Planning Proposal is lodged with Council.
4. That the land located between the village and the subject site be considered in the longer term for rezoning to RU5 Village. That such consideration is given in a future comprehensive review of the Bega Valley Local Environmental Plan.

