

8.5. Planning Proposal to rezone land at Sapphire Coast Drive, Wallagoot

This planning proposal recommends the rezoning of Lots 34 DP 875572, Lot 42 DP 815711 and Lot 85 DP 750194 Sapphire Coast Drive, Wallagoot to a combination of Environmental and Rural Landscape zones. The land is currently a 'Deferred Matter' under Bega Valley Local Environmental Plan (BVLEP) 2013.

Director Planning and Environment

Background

10 In Draft Bega Valley Local Environmental Plan (BVLEP) 2010, the subject land was proposed to be zoned a combination of E3 Environmental Management Zone (235.7 Hectares) and E4 Environmental Living Zone (109.9 Hectares) with a minimum lot size of 40 hectares and 2 hectares respectively. This would give a theoretical rural residential lot yield of 61 allotments, albeit without full consideration of environmental and other constraints.

A submission received on behalf of the landowner during the public exhibition of Draft BVLEP 2010 requested the configuration of the E3 Environmental Conservation Zone and E4 Environmental Living Zone be amended, plus a section of RU2 Rural Landscape Zone be included over the existing cleared farmland and operational quarry with a minimum lot size of 40 hectares.

20 The submission requested a combined theoretical lot yield in the RU2 and E3 zones of 7 lots (with a 40ha minimum lot size) and 60 lots in the E4 zone (with a 1ha minimum lot size). However the submission stated that 60 lots were not achievable in the E4 zone given the nature of the land, the constraints on achieving a practical design and the need to provide access, a sensitive environmental planning outcome would be 30 lots in the E4 zone.

On review of the submission, Council staff concur the proposed changes to the zoning pattern represent a significant improvement to the overall exhibited zones with the exception of a proposed small north eastern section of E4 zoning. This small section of E4 zoning has been relocated elsewhere on the property to retain the subdivision potential, on less environmentally sensitive land within the subject area (see below).

30 Staff has since been working closely with the Department of Planning and Environment (DPE) to finalise the matter. As part of discussions with DPE, Council was required to liaise with the Office of Environment and Heritage (OEH) due to the site's proximity to Bournda Nature Reserve, biodiversity issues, and Aboriginal cultural heritage.

Council has consulted with OEH and it has provided qualified concurrence to the Planning Proposal, acknowledging that final development and lot yields could be reduced once more detailed reports are undertaken at subdivision/development stage.

40 The subject property is a deferred matter under BVLEP 2013 and is currently predominantly zoned 1(c) Rural Small Holdings under BVLEP 2002 (322.2 hectares) with a minimum lot size between 5,000m² - 10ha (subject to the provisions of the Rural Residential Development Control Plan). A small portion of the land (23.4 hectares) is zoned 1(a) Rural General with a minimum lot size of 120 hectares under BVLEP 2002.



Subject land

Planning Proposal

The key issue to highlight is the reduction in development intensity this Planning Proposal will provide. The following table demonstrates the impact of this planning proposal. It is important to note that under Council's BVLEP 2002 the property had 322ha of Rural Residential Zoning, with a minimum lot size of 5,000sq/m. Council has previously received, but not approved, Development Applications for over 120 rural residential lots on this site.

It is considered this proposal will result in an appropriate development density for this land.

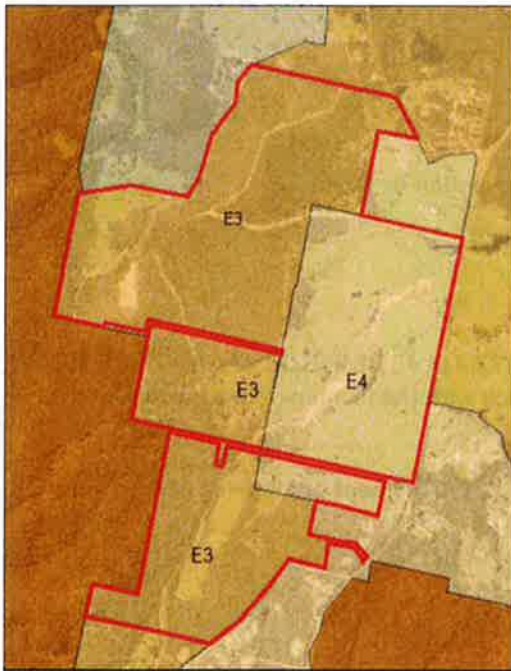
50 This proposal provides the following key outcomes;

Zone	As exhibited in Draft BVLEP 2010			As per this planning proposal		
	Area	Min. Lot Size	Potential Lot Yield	Area	Min. Lot Size	Potential Lot Yield
RU2 Rural Landscape	nil	-	-	85 ha	40 ha	2 lots
E3 Environmental Management	236 ha	40 ha	6 lots	200 ha	40 ha	5 lots
E4 Environmental Living	110 ha	2 ha	55 lots	61 ha	2 ha	30 lots
Total Lot yield (maximum)	61			37		

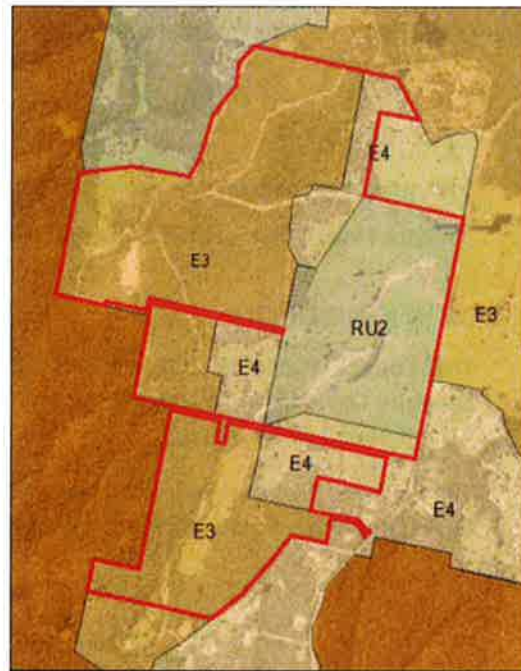
- A net reduction in rural residential living lot yield (*by approximately 100 when compared to BVLEP 2002*)
- Protection of forested escarpment along the western section of the property
- Protection of the catchment of Wallagoot Lake

- Retention of the rural landscape and aesthetics along the Shire's main tourist route

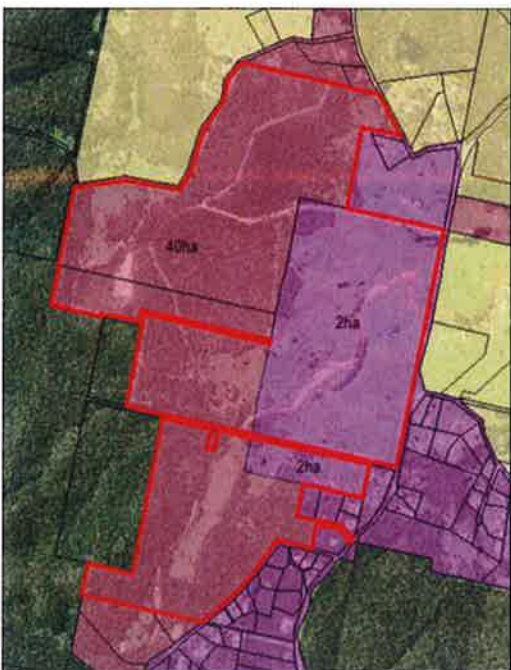
Staff has advised the consultant, acting on behalf of the owner, the draft planning proposal as lodged would be recommended to Council, except for the relocation of a section of the proposed E4 land.



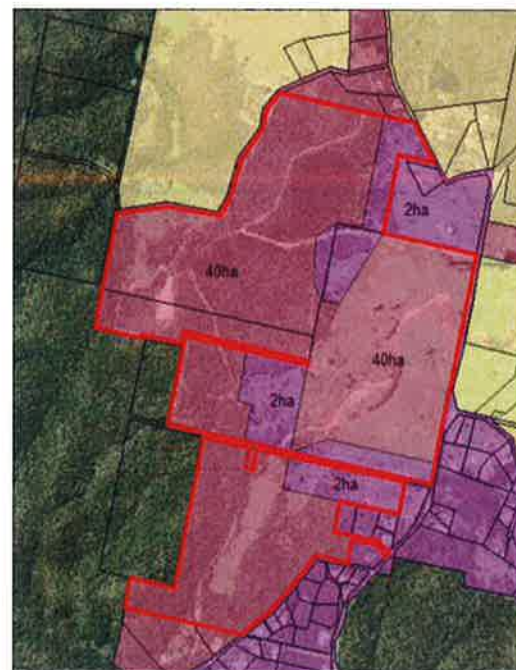
60 *Exhibited Zones (2010)*



Proposed Zones (2016)



Exhibited Lot Size (2010)



Proposed Lot Size (2016)

A copy of the Planning Proposal is included as Appendix 1 to this report.

Conclusion

It is considered the proposed zonings and minimum lot sizes in the planning proposal, protects the environmental values of the land and the visual amenity of the landscape. The maximum lot yield of 37, by comparison to the exhibited lot yield of 61 and the BVLEP 2002 possible lot yield of 120 or more reflects the environmental values of the land and would ensure the largely rural nature of the landscape is retained.

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Attachments

1. Planning Proposal Bornda Downs as recommended by Staff
2. Advice from Office of Environment & Heritage

Recommendation

1. That Council resolve to zone Lots 34 DP 875572, Lot 42 DP 815711 and Lot 85 DP 750194 Sapphire Coast Drive, Wallagoot in accordance with the Planning Proposal included as Attachment 1 to this report.
2. The Planning Proposal be lodged with the NSW Department of Planning and Environment for Gateway determination.