

8.1 Planning Proposal for seven Deferred Sites in BVLEP 2013

This report covers seven sites currently deferred in the Bega Valley Local Environmental Plan 2013 and proposes that they revert to the original zones and lot sizes exhibited under the draft Bega Valley Local Environmental Plan 2010.

Background

Staff have been preparing a series of Planning Proposals to finalise sites identified as 'Deferred matters' under Bega Valley Local Environmental Plan 2013 (BVLEP 2013). Following ongoing discussions with the Department of Planning and Environment, and further investigation by staff, seven sites subject to this report are recommended to revert to the zoning and lot sizes as publicly exhibited in the draft Bega Valley Local Environmental Plan 2010 (draft BVLEP 2010).

In order to remove the 'Deferred Matter' status from the subject properties, a Planning Proposal is required to be prepared and submitted to the Gateway Panel. The development of future land use strategies by Council for enterprise lands, residential growth areas, small lot agriculture and rural living may see some of these sites revisited in the future.

Strategic

The following summarises the rationale for removing the 'Deferred Matter' status from the seven sites and, if endorsed by Council, will form the basis for the preparation of a Planning Proposal by staff.

a) Lot 445 DP 1061010, Lochview Farm Road, Lochiel

Recommendation: Rural Landscape Zone (RU2) with a Minimum Lot Size of 120 Hectares.

The property has an area of approximately 53 hectares and is the residue of an existing holding, which has been subdivided in the past to create a number of rural residential allotments. The Lochview Farm site was originally deferred from the BVLEP 2013 following a request from the owner for an E4 Environmental Living Zoning with and 1ha lot size. This request would have resulted in a rural residential style subdivision.

The site was not supported by the Department of Planning and Environment due to the location of the property being distant from the existing settlement of Pambula and the existing rural residential land supply in the Lochiel and Pambula areas.

The site is over 7km to South Pambula residential area and over 10km to Pambula shopping centre. In addition, the rural residential supply for Lochiel and Pambula is considered to be sufficient for the next 30 years. It is recommended to un-defer the land to the originally exhibited draft BVLEP 2010 zoning as shown in Figure 1.

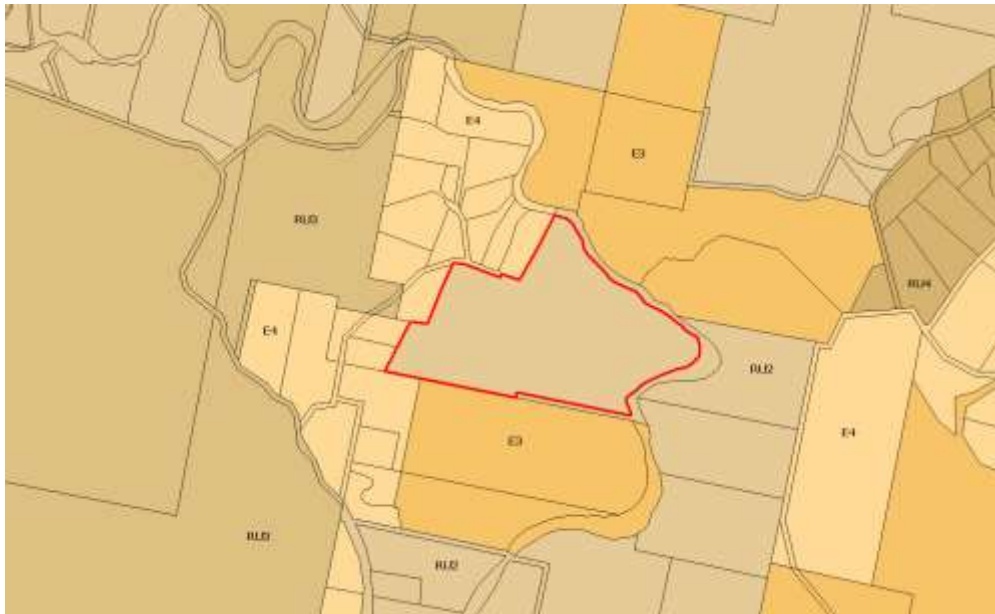


Figure 1: Lochview Farm Road, Lochiel: Land Use Zones (Exhibited draft BVLEP 2010)

b) Lot 4892 DP 1103062, Woodlands Lane, Bald Hills

Recommendation: Rural Landscape Zone (RU2) with a Minimum Lot Size of 120 Hectares.

Discussions with the Department of Planning and Environment have indicated that the proposed environmental living zoning will not proceed through the Gateway process. The Department's objections relate to existing rural residential land supply in the Bald Hills and Pambula areas, distance from Pambula and lack of strategic policy to support the expansion of the adjacent rural residential zone. The Department also does not support using the rezoning process as a mechanism to address infrastructure issues.

Existing supply of rural residential land is currently forecast at approximately 30 years, and as such further rezoning of rural residential land is not justified in this catchment. Should Council wish to pursue the rezoning of this site, it is suggested that the property owner undertakes further work to support his request.

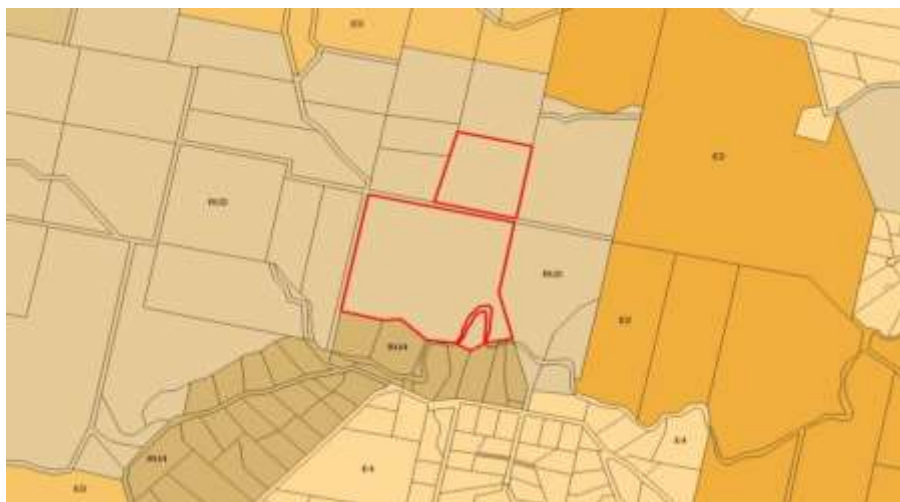


Figure 2: Woodlands Lane, Bald Hills: Land Use Zones (Exhibited draft BVLEP 2010)

c) Part Lot 1 DP 1164038, Lots 1 & 2 DP 1101354, Tathra Road, Bega

Recommendation: Primary Production Zone (RU1) with a Minimum Lot Size of 120 Hectares.

The subject land is part of a large dairy farming enterprise on the eastern outskirts of Bega. The property has significant dairying and irrigation infrastructure, and is used for grazing and fodder production to support the dairy farming operation.

Draft BVLEP 2010 proposed a RU1 Primary Production zoning, with a minimum lot size of 120 Ha. Council received a request to rezone the land to R5 Large Lot Residential and as such the site was deferred from BVLEP 2013.

This property is one of only two large parcels of land to the south of Bega left available for the future residential expansion of Bega and that retention of the rural zoning effectively “land banks” the site for future residential needs. This property would be included in a future residential growth strategy that the Department of Planning and Environment is encouraging Council to prepare as part of its ongoing strategy development program.

Primary production (dairying) is still occurring on the site and is planned to continue for at least the medium-term as is evidenced by infrastructure improvements proposed for the site. It is proposed to advise the property owners of Council’s vision for this site to allow them to continue planning for infrastructure investment for the property.

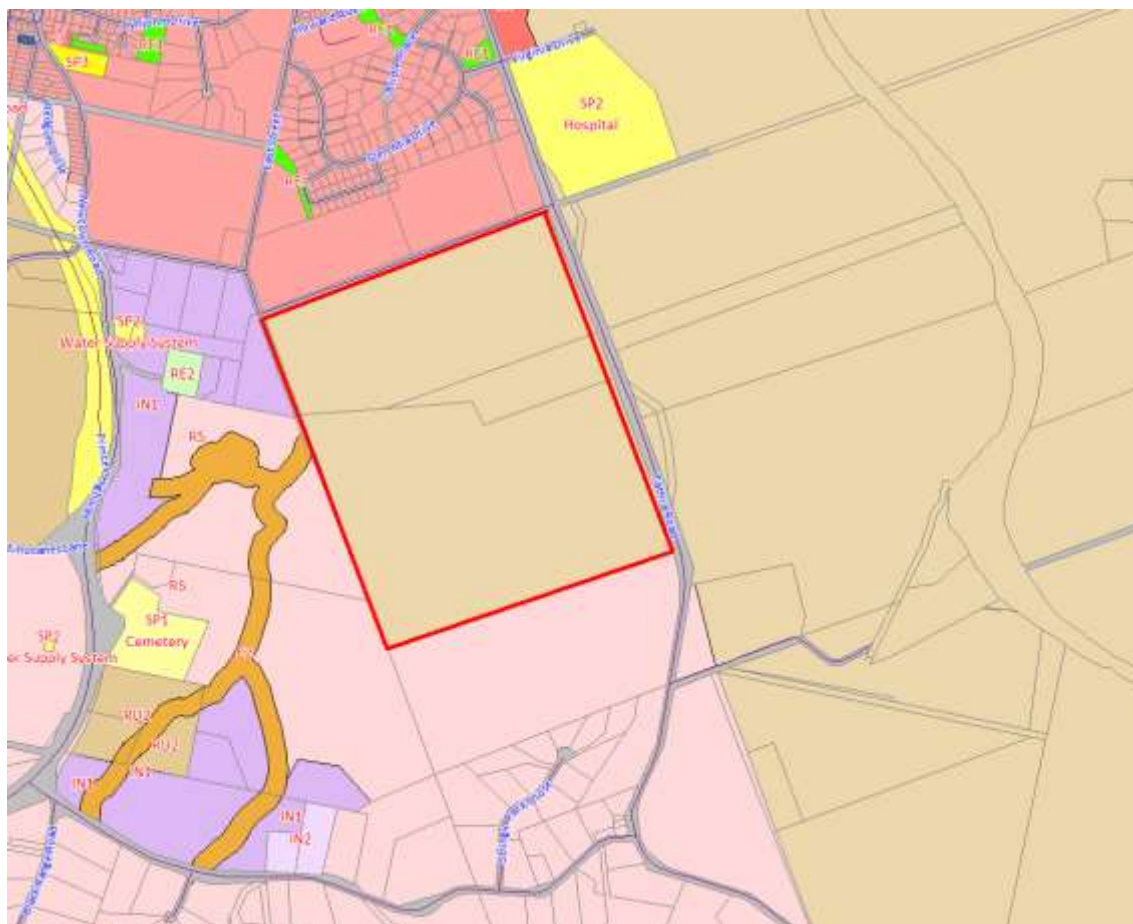


Figure 3: Tathra Road, Bega: Land Use Zones (Exhibited draft BVLEP 2010)

d) Lots 1 - 5 DP 455379, Palestine Road, Eden

Recommendation: Large Lot Residential (R5) with a Minimum Lot Size of 5,000m².

These lots are located on the north western side of the Princes Highway and Government Road intersection, where Palestine Road intersects with the Highway. They were originally exhibited as R5 Large Lot Residential in draft BVLEP 2010 as part of a wider rural residential area on the northern outskirts of Eden.

The lots were proposed by the landowner to be zoned for industrial purposes to allow for small lot Industrial uses. The site is topographically separated from the existing North Eden Industrial areas and does not have appropriate Highway intersection access. There is sufficient small lot industrial land capacity within the existing North Eden Industrial estates and further vacant industrial land adjacent to the caryards on Imlay Street.

The request is not supported as industrial usage of this site would be in conflict with the existing adjoining rural residential properties. There is no clear strategic justification for the land to be rezoned as industrial land as there is significant capacity in the existing Eden industrial estates and there are major highway intersection constraints.



Figure 4: Palestine Road, Eden: Land Use Zones (Exhibited draft BVLEP 2010)

e) Part Lot 600 DP 1193160, Mirador Drive, Merimbula

Recommendation: Low Density Residential (R2) with a Minimum Lot Size of 2,000m².

This site in Mirador site was deferred from BVLEP 2013 following a request from the owner that Stage 13 of Mirador Estate (the subject land) be changed from R2 Low Density Residential (as

exhibited in draft BVLEP 2010) to R3 Medium Density Residential and the minimum lot size be changed from 2,000m² to 450m². The exhibited 2,000m² lot sizing was based on servicing (sewerage) constraints.

This request represents a significant departure from the long term planning for the Mirador Estate and would result in a higher density style of subdivision not found elsewhere in the Shire. In 2014 Council resolved to request the owner of the land to undertake further work to support their request including a servicing strategy for the Mirador Estate subdivision, bushfire assessment, access arrangements including emergency access, and threatened species assessment.

Despite requests from staff to provide the results of the servicing investigations and other studies, the owners of the land have not provided this information. As such it is recommended that the zoning and lot sizes revert to those exhibited and that the owners be advised that should they wish to proceed with an alternative zoning and lot sizing, they will have to prepare a detailed Planning Proposal based on the previously requested information.



Figure 5: Mirador Drive, Merimbula: Land Use Zones (Exhibited draft BVLEP 2010)

f) Lot 5 DP 1021345, Princes Highway, Wolumla

Recommendation: RU1 Primary Production with a Minimum Lot Size of 120 Hectares.

The 'Wanatta' property is 144ha and is currently used for grazing and beef production. The site was exhibited as RU1 Primary Production zone with a 120ha lot size and deferred from BVLEP 2013 following a request from the landowner for a zone permitting rural residential subdivision.

Rural residential zoning of this site is not supported as there is ample supply within the Wolumla catchment, the majority of which is more appropriately located adjacent to the Wolumla Village.

This is proposed to be supplemented by land identified through the draft Wolumla Growth Strategy at properties on the western and southern fringes of Wolumla Village.

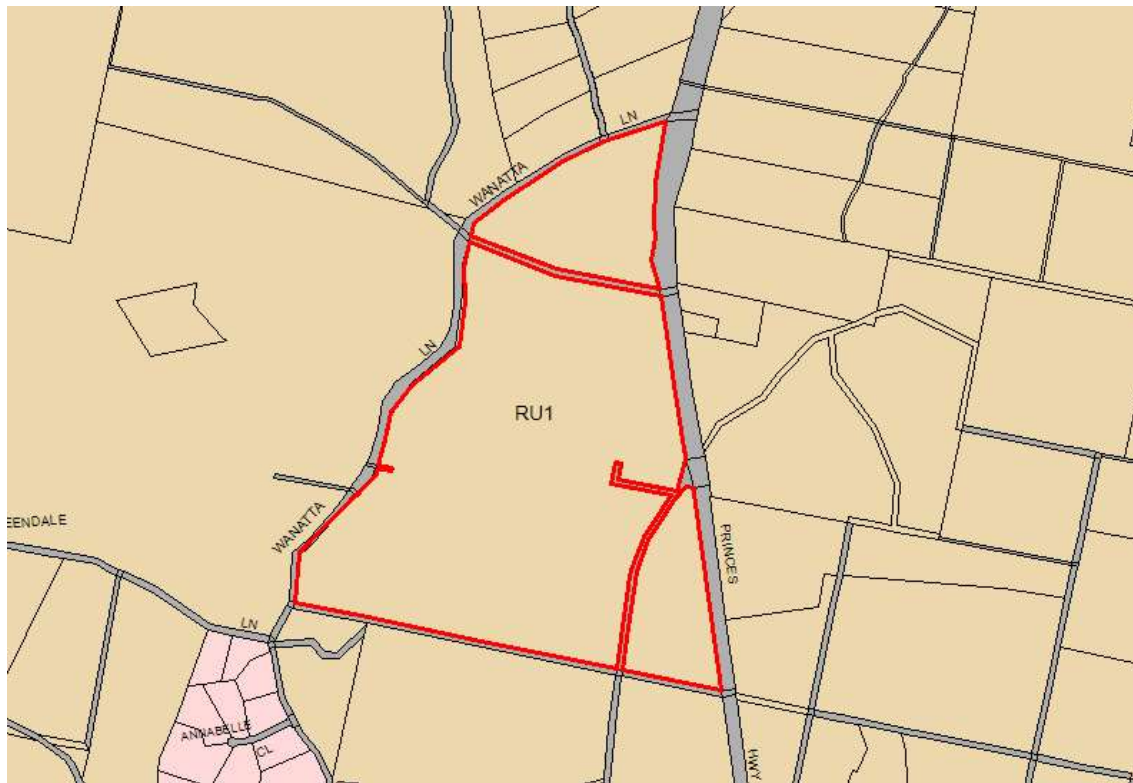


Figure 6: Princes Highway, Wolumla (Exhibited draft BVLEP 2010)

g) Lot 3 DP 750226, Polacks Flat Road, Bemboka

Recommendation: RU1 Primary Production with a Minimum Lot Size of 120 Hectares.

Following the exhibition of draft BVLEP 2010 the owners of the subject site requested the application of an RU4 Small Lot Agriculture Zone over part of the property. Despite some positive small lot production aspects of this land, such as access to permanent water, the property owner has not demonstrated the demand for intensive horticultural or livestock activity opportunities in the Bemboka catchment. A specific strategy for the appropriate application of RU4 zonings across the various rural catchments of the Shire is part of the future work program of Council's Strategic Planning section and would be an appropriate mechanism to assess such requests into the future.

Additionally, there is an existing supply of rural living land zoned R5 Large Lot Residential on the northern side of the Bemboka Village and a supply of concessional allotments within the wider Bemboka catchment.



Figure 7: Polacks Flat Road, Bemboka Proposed Zoning (Exhibited BVLEP 2010)

Conclusion

Following discussions with the Department of Planning and Environment and ongoing investigations by staff, it is recommended that the seven sites in this report revert to the originally exhibited zonings and minimum lot sizes (as per draft BVLEP 2010).

Some of these sites may be revisited as part of the development of further land use strategies by Council for enterprise lands, residential growth areas, small lot agriculture and rural living. Individual land owners may also choose to submit a Planning Proposal if they wish to pursue a rezoning in the meantime.