

8.1. Finalisation of Planning Proposal for properties previously reported at Millingandi and Tura Beach (Mandeni)

This report seeks to finalise the Planning Proposal for properties at Millingandi and Tura Beach (Mandeni).

Director Community Environment and Planning

Officer's Recommendation

1. That Council finalise amendments to Bega Valley Local Environmental Plan 2013 (Amendment 33) subject to the revisions detailed in this report and in accordance with the delegations issued by the Minister for Planning and Environment under Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
2. That Council officers inform those who made a submission during the exhibition of the Planning Proposal of Council's resolution on this matter.

Executive Summary

Council has previously considered this matter through reports presented to Council meetings of 20 July 2016 and 26 April 2017. At the April 2017 meeting Council resolved to support a Planning Proposal to confirm zoning and minimum lot sizes for sites at Millingandi and Tura Beach (Mandeni).

That proposal was considered by the NSW Department of Planning, Industry and Environment's Gateway Determination process and publicly exhibited. Issues identified during the exhibition process have now been resolved, and the Planning Proposal is ready for Council's determination.

Background

Council at its meeting of 20 July 2016 resolved as follows;

'That the zoning and lot sizes for Sites 2 - 6 be as follows:

e) Site 5 - Princes Highway, Millingandi

That the land be zoned E3 with a 7ha minimum lot size.

f) Site 6 - Mandeni, Sapphire Coast Drive

That the land be zoned and lot sized E4 (1ha), RU2 (120ha) and E2 (no lot size).

2. *That staff be authorised to forward Planning Proposals to the Department of Planning for Gateway determination for Sites 1 - 6 as per the zoning and lot sizes resolved above.*
3. *That following Gateway determination the Planning Proposals be placed on public exhibition and, following the exhibition period, a further report be submitted to Council for incorporation of the subject land into Bega Valley Local Environmental Plan 2013...*
6. *...That all property owners affected by this process be advised of the reasons and the process going forward.'*

Following consideration of this Planning Proposal at Gateway, the [then] NSW Department of Planning and Environment requested that Council amend its resolution to specifically include the mapped E2 zone shown in the draft Planning Proposal. Council resolved that way at its meeting of 26 April 2017:

“That Council advise the Department of Planning and Environment that it confirms the following zonings be applied to the Millingandi site as follows:

a) Lot 721 DP 826975, Millingandi; apply E3 and E2 zones.”

The revised Planning Proposal, incorporating amendment to the wording of the Millingandi resolution (Attachment 1), was submitted to the NSW Department of Planning and Environment on 28 August 2018. A Gateway Determination was issued on 2 October 2018, subject to the Planning Proposal being publicly exhibited for a period of 28 days and consultation with public authorities.

An objection was received from the NSW Rural Fire Service (RFS). This objection has now been resolved, and Council may proceed to finalise the Planning Proposal.

Community Engagement

Consultation undertaken

The Planning Proposal was exhibited for a period of 28 days from 18 October 2018 to 16 November 2018. Referrals were sent to the NSW Rural Fire Service (RFS) and the [then] Office of Environment and Heritage (OEH).

Agency Submissions

NSW Rural Fire Service (RFS)

The RFS provided advice indicating that the concept lot layout for the Mandeni site did not meet relevant bushfire protection planning requirements. The RFS requested that the applicant provide an amended concept layout that demonstrated compliance with Planning for Bushfire Protection 2018.

The applicant provided an amended plan dated 28 August 2019 (Attachment 2). The amended plan was considered by the RFS and was found to be satisfactory, subject to any future subdivision or dwelling applications complying with the relevant bushfire legislation and guidelines.

Office of Environment and Heritage (OEH)

OEH raised no objections to the planning proposal.

Public Submissions

One public submission was received in relation to the Mandeni site, which sought clarification of the zoning boundary between the RU2/ E4 boundary around the existing cabins development at Mandeni, as there was a slight inconsistency between the proposed zoning map in the Planning Proposal (Attachment 1) and the proposed zoning map in the Council Report dated 20 July 2016.

The existing cabins development is to be wholly located within the E4 zone.

Outcomes of Submissions

Site 1 Lot 721 DP 826975, 2529 Princes Hwy, Millingandi

This site is a deferred matter in Bega Valley Local Environmental Plan (BVLEP) 2013. The Planning Proposal recommended the land be zoned E3 Environmental Management with a 7ha minimum lot size and E2 Environmental Conservation (no minimum lot size).

Outcome: *No changes proposed to exhibited zoning (Attachment 1)*

Site 2 Lot 471 and Lot 472 DP 1043030, Sapphire Coast Drive, Tura Beach (Mandeni)

This site is a deferred matter in BVLEP 2013. The zoning for the site in BVLEP 2002 is shown in Figure 1. The Planning Proposal recommended that the land be zoned and lot sized E4 Environmental Living (1ha), RU2 Rural Landscape (120ha) and E2 Environmental Conservation (no minimum lot size) (Figures 2 and 3).

The main concern for the RFS was that the concept lot layout included in the Planning Proposal did not meet bushfire protection requirements.

Outcome: *An amended concept lot layout (Attachment 2) was provided by the applicant which demonstrates compliance with the newly released Planning for Bushfire Protection 2018.*

RFS notes, in relation to the amended proposal, that if a perimeter road is not included at subdivision stage, an alternative solution and performance assessment would need to be proposed with any future development application.



Figure 1. Zoning of Mandeni site under BVLEP 2002 - 1(a) Rural General Zone (minimum lot size of 120ha) and 1(c) Rural Small Holdings Zone (minimum lot size of 5000m²)

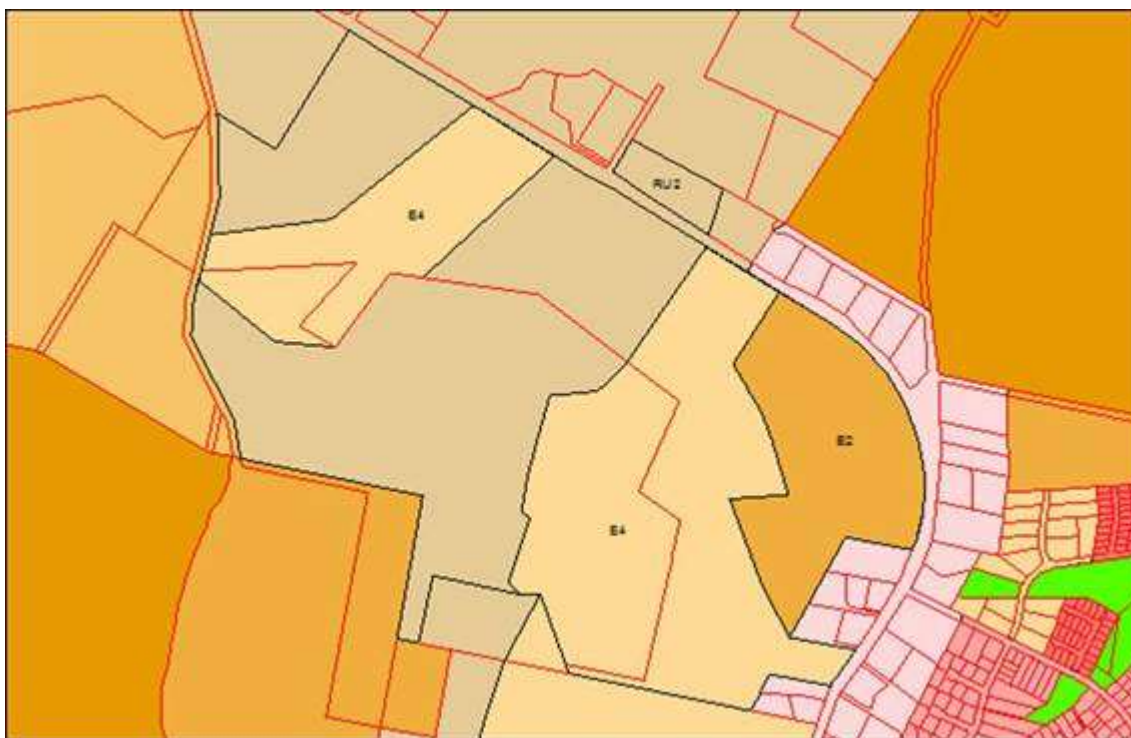


Figure 2. Proposed amended zoning for Mandeni site under BVLEP 2013 - E2 Environmental Conservation, E4 Environmental Living, RU2 Rural Landscape

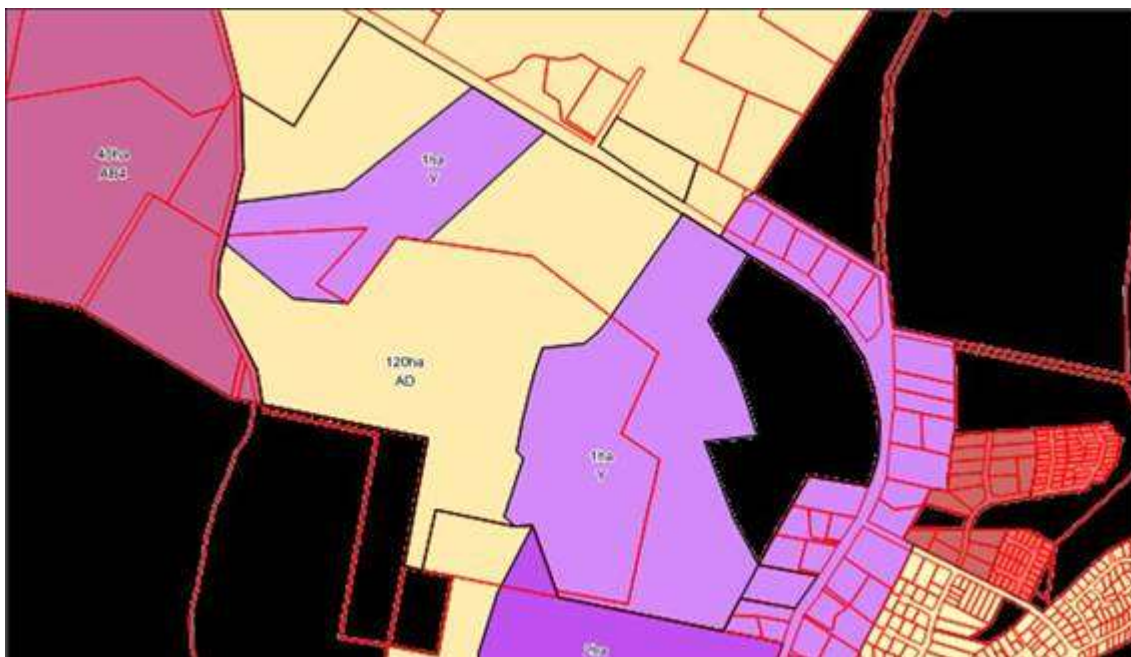


Figure 3. Proposed amended minimum lot size for Mandeni site under BVLEP 2013 – 1 hectare (E4), 120 hectares (RU2) and no minimum lot size (E2)

Impacts on Strategic/Operational/Asset Management Plan/Risk

Environmental / Sustainability

The Planning Proposal has been assessed in accordance with the *Environmental Planning and Assessment Act 1979* and the requirements of the Coastal Management Framework. Referrals were sent to relevant NSW Government agencies (OEH and RFS). Feedback from the RFS resulted in amendment to zone boundaries to provide for the preservation and protection of environmental zones and built assets.

Strategic alignment with the Rural Residential Strategy, October 2019

These sites have been identified as Areas 1 (Site 2) and 2 (Site 1) within the Merimbula catchment in the draft Rural Residential Strategy 2019. The summary of findings of the strategy conclude there is insufficient supply in the Merimbula catchment to meet the projected needs to 2040 and therefore limited additional rural residential zoning is supported in the areas identified. The summary for Areas 1 and 2 is as follows:

Area 1 – Area is relatively unconstrained and contains lower quality agricultural land. The area has good access to existing road infrastructure and is close to existing rural residential development.

Site 2 is identified as being relatively unconstrained with good access to existing road infrastructure. Additional rural residential development as a result of this Planning Proposal is likely to result in internal road infrastructure as a result of the proposed community title subdivision scheme for the whole of the Mandeni property. Any additional access requirements will be assessed with any future subdivision development application.

Area 2 – Area is currently zoned E4 Environmental Living with a minimum lot size of 2 hectares. While some of this area is vegetated, it could support lower minimum lot sizes with clustering of additional rural residential development. The area contains lower quality agricultural land which is highly fragmented, has good access to existing road infrastructure and is located close to Merimbula township.

Site 1 immediately adjoins Area 2 and is consistent with the existing rural residential development pattern in this area. The site has existing water access and on-site effluent disposal, therefore any additional rural residential development as a result of this Planning Proposal will only minimally increase demand on existing water infrastructure. There is an existing access off the Princes Highway that currently services the lot, and any additional access requirement will be assessed with any future subdivision development application.

These sites are consistent with the findings of the draft Rural Residential Strategy.

Social/ Economic

The objectives of the draft Rural Residential Strategy 2019 were to:

- Provide strategic direction for the provision of future rural living opportunities in the Bega Valley Shire to 2040
- Implement the relevant goals of the Bega Valley Community Strategic Plan 2040 and directions and actions of the South Coast and Tablelands Regional Plan 2036
- Identify where the supply of rural residential development opportunities is sufficient to meet demand to 2040
- Identify suitable future growth areas in Catchments where additional supply is required
- Investigate the distribution of the existing supply of vacant and underutilised rural residential zoned land and review suitability for further subdivision

The strategy also makes recommendations for further investigations regarding residential development in rural areas to encourage affordable housing and review the application of the RU4 zone throughout the Shire.

The Planning Proposal is likely to have a positive social and economic impact on South Pambula through the provision of more affordable residential land.

The subject sites in this Planning Proposal form part of Areas 1 and 2, which are recommended for future rural residential development and increased density in identified existing rural residential areas. The proposal will provide approximately 16 lots of the estimated supply from rezoning recommendations.

Conclusion

This report recommends that Council finalise amendments to the BVLEP 2013 (Amendment No. 33) subject to the following;

- Site 1 – Zoned E3 Environmental Management with a 7ha minimum lot size and E2 Environmental Conservation (no minimum lot size).
- Site 2 - zoned and lot sized E4 Environmental Living (1ha), RU2 Rural Landscape (120ha) and E2 Environmental Conservation (no minimum lot size).

Council officers are of the opinion Council has the necessary delegation to proceed with the making of this **Planning Proposal** given the minor nature of the changes from the exhibited version.

Attachments

1. Exhibited Planning Proposal - Mandeni and Millingandi
2. Amended concept layout for Mandeni