

# Planning Proposal

Amendment to ELEM 2012 Land Zoning Map, Height of Buildings Map and Lot Size Map for land at  
Broulee

**ELEM 2012 Amendment No. 11**

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## INTRODUCTION

The planning proposal explains the intended effect of, and justification for the proposed amendment to *Eurobodalla Local Environmental Plan (ELEP 2012)* to rezone land at Broulee and to make consequent amendments to the height of buildings and minimum lot size standards for the land.

The subject land is generally bounded by George Bass Drive, Train and Broulee Streets and existing residential development at Broulee and consists of the following lots:

- Lot 1 DP 825610, George Bass Drive, Broulee
- Lot 9 DP 1068530, Adams Way, Broulee
- Lot 3 DP 633700, Broulee Road, Broulee
- Lot 20 DP 1174639, Train Street, Broulee
- Lot 13 DP 1136019, Heath Street, Broulee
- Lot 63 DP 1202934, Heath Street, Broulee
- Lot 50 DP 837279, Broulee Road, Broulee
- Lot 89 DP 1093710, 75 Clarke Street, Broulee

The land is depicted in **Part 4 – Figures 1 and 2.**

The subject land is currently undeveloped and is subject to a Biocertification Agreement pursuant to the Threatened Species Conservation Act 1995.

The proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the relevant Department of Planning and Environment Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

Council is seeking to progress this planning proposal through the gateway determination process as an amendment to *ELEP 2012*.

The proposal is supported by draft amendments to Eurobodalla's Residential Zones Development Control Plan, including a concept master plan for development of the subject land.

## PART 1: OBJECTIVES or INTENDED OUTCOMES

The objective of this planning proposal is to enable the development of the land for residential purposes and to protect an identified conservation area in accordance with the Biocertification Agreement for the land.



## PART 2: EXPLANATION of PROVISIONS

The objective of the Planning Proposal will be achieved by a site specific amendment of the Eurobodalla LEP 2012:

- to rezone part of the land from the R2 Low Density Residential zone to the E2 Environmental Conservation zone through an amendment to the ELEP 2012 Land Zoning Map Sheets LZN\_011B and LZN\_012A;
- to rezone part of the land from the R2 Low Density Residential zone to the R3 Medium Density Residential zone through an amendment to the ELEP 2012 Land Zoning Map Sheets LZN\_011B and LZN\_012A;
- to remove the maximum building height standard for that part of the land proposed to be zoned E2 Environmental Conservation through an amendment to the ELEP 2012 Height of Buildings Map Sheets LZN\_011B and LZN\_012A;
- to remove the minimum lot size standard for that part of the land proposed to be zoned E2 Environmental Conservation through an amendment to the ELEP 2012 Lot Size Map Sheets LSZ\_011B and LSZ\_012A; and
- to change the minimum lot size standard for that part of the land zoned R2 Low Density Residential and R3 Medium Density Residential from 550m<sup>2</sup> to 450m<sup>2</sup> through an amendment to the ELEP 2012 Lot Size Map Sheets LSZ\_011B and LSZ\_012A.

The map amendments are described in **Part 4 – Figures 3 to 5**.

## PART 3: JUSTIFICATION for PROPOSAL

In accordance with the department of Planning's '*Guide to Preparing Planning Proposals*', this section provides a response to the following issues:

- Section A- Need for the planning proposal
- Section B- Relationship to strategic planning framework
- Section C- Environmental, social and economic impact; and
- Section D- State and Commonwealth interests

### Section A- NEED for the PLANNING PROPOSAL

#### **1. Is the planning proposal a result of any strategic study or report?**

The planning proposal is, in part, the direct result of the Broulee Biocertification Agreement conferred upon the land by the Minister for the Environment on 19 September 2014. This relates to the rezoning of the strip of land along George Bass Drive and Broulee Road to the E2 Environmental Conservation zone.



The rezoning of a portion of the land to the R3 Medium Density Residential zone, and the reduction of the minimum lot size for all of the residential land from 550m<sup>2</sup> to 450m<sup>2</sup>, are not the direct result of a strategic study or report, however they do reflect a need across the Eurobodalla Shire to increase housing diversity and density, particularly for medium density and other smaller housing options. The Eurobodalla Residential and Rural Residential Land Supply Report 2013/14 shows that 81% of all dwellings in the Shire are detached dwellings. In Broulee, 78% of all dwellings (excluding the Banksia Retirement Village) are detached dwellings. The South Coast Regional Strategy requires Councils to *“plan for a range of housing types of appropriate densities, location and suitability, capable of adapting and responding to the ageing population”*.

The majority of the proposed R3 Medium Density Residential zone is in close proximity to land zoned B2 Local Centre, schools and open space, and is therefore well located for higher density housing. Approximately one-third of the proposed medium density zone is within 400m of the commercial zone, which is commonly considered a walkable distance. Two-thirds of the proposed medium density zone is within 800m of the commercial zone, which is commonly considered a good distance to encourage cycling. The remaining third of the proposed medium density zone extends up to 1.2km from the B2 Local Centre zone. It is noted that the subject land is flat which facilitates walking and cycling for longer distances than normally expected.

Notwithstanding the distance from local services for some of the proposed medium density zone, the proposed rezoning is considered appropriate as it serves the purpose of achieving a housing form that supports the conservation of the proposed E2 zoned land. The land owners have indicated that they are considering a community title approach to development of this land where the E2 land is held as common property and managed by the community association. A strata title approach could also be used.

This planning proposal is accompanied by proposed amendments to the Residential Zones Development Control Plan to guide the development of the land. The proposed amendments include provisions requiring development adjoining the proposed E2 Environmental Conservation zone to facilitate the ongoing management and conservation of the E2 land, and to provide a mix of lot sizes and housing forms. The proposed DCP amendments have been developed by Council in consultation with the land owners and will be exhibited concurrently with this planning proposal. The proposed DCP amendments are provided in Attachment 1 to this planning proposal.



**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The proposed rezoning of the identified conservation area to the E2 Environmental Conservation zone is a requirement of the Broulee Biocertification Agreement for the land. The changes to the height of buildings and lot size standards are consequential to this rezoning and ensure consistency with the standards that apply to other land zoned E2 in the Shire.

The proposed rezoning of part of the land to the R3 Medium Density Residential zone and the reduction of the minimum lot size for all of the residential land to 450m<sup>2</sup> both facilitate a greater mix of housing opportunities in the development area.

An alternative to the proposed rezoning of part of the land to the R3 zone would be to add additional residential development type uses to the current R2 zone (either for all R2 zoned land or as additional permitted uses on the subject land), however this would be inconsistent with the current approach to residential zones and land uses across the Shire (being the identification of separate low and medium density residential areas) and is therefore not considered appropriate.

**3. Is there net community benefit?**

The proposed rezoning of the identified conservation corridor to the E2 Environmental Conservation zone ensures that a wildlife corridor is retained through the subject land and assists in offsetting the loss of endangered native vegetation within the development area in accordance with the Broulee Biocertification Agreement. Rezoning land adjoining the conservation corridor to the R3 Medium Density Residential zone facilitates a development form that supports conservation of the proposed E2 zoned land. As noted above, the land owners are considering a community title approach to development of the land adjoining the corridor which would provide for the corridor to form part of common property, with management funded by the use of community association fees.

As noted above, the proposed rezoning of part of the land to the R3 Medium Density Residential zone and the reduction of the minimum lot size for the residential land to 450m<sup>2</sup> facilitates a greater mix of housing opportunities in the development area. That part of the R3 Medium Density Residential zone near the B2 Local Centre zone will help to improve the viability of the centre by increasing population in close proximity.

While the proposed increase in R3 zoned land and decrease in minimum lot size result in an increased development yield for the subject land, the extent of that increase is proposed to be limited through new provisions in the Residential Zones



Development Control Plan. The provisions, included in Attachment 1, limit the number of smaller lots to 50% of the total number of new lots and the number of dwellings in a residential flat building to 50% of the total number of dwellings in the R3 zoned area. These provisions encourage a greater mix of housing types in the development area.

The total development yield for the subject area is estimated to be 500 dwellings. Within the current urban area of Broulee there are 1041 dwellings plus 120 units in the Banksia Retirement Village (there are also 58 currently vacant residential lots in Broulee). Therefore, full development of Broulee, including the subject land, would see the total number of dwelling increase by 40% to approximately 1700. In terms of population, using the average household size of 2.2 persons, full development would result in an increase from 2300 to 3700 persons. This is not considered an overdevelopment of the subject area.

It is important to note that the whole of the subject area is currently zoned R2 Low Density Residential and, in the absence of this planning proposal, could be developed in a manner similar to the existing urban area of Broulee. Development consistent with the existing LEP zoning, would likely result in an additional 450 dwellings developed (assuming the same dwelling density as existing Broulee of 13 dwellings per hectare). Therefore the planning proposal will not result in a significantly higher dwelling yield than what is currently provided for in the existing LEP (approximately 50 additional dwellings).

The planning proposal enables development of land that has long been identified for residential purposes, facilitating economic development through the building and development industry and increasing social diversity through a greater mix of housing types. It is considered that the planning proposal results in a net benefit to the Eurobodalla community.

## **Section B- RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK**

### **4. *Is the planning proposal consistent with the objectives and action contained within the applicable regional or sub-regional strategy?***

#### South Coast Regional Strategy

The South Coast Regional Strategy (SCRS) 2006-2031 is applicable to the subject land. In preparing planning proposals, the SCRS requires Council to:

- Consider the South Coast Regional Conservation Plan (SCRCP) to guide implementation of conservation outcomes.
- Protect regionally significant habitat corridors.
- Plan for a greater housing mix to meet the needs of future households.



The SCRCP recognises the endangered ecological community of the Bangalay Sand Forest that exists on the subject land and the wildlife corridors that cross the land. The SCRCP also outlines how biodiversity conservation can be addressed in the planning system, including through the use of Biodiversity Certification (Biocertification) and Biodiversity banking (BioBanking).

The planning proposal is consistent with the SCRS in the following ways:

- The proposal protects an “indicative habitat corridor” identified on Map 2 of the SCRS and as shown in the SCRCP.
- The proposal is consistent with the Biocertification Agreement conferred on the land, which was developed having regard to the SCRCP.
- The proposal facilitates a greater mix of housing opportunities.

**5. *Is the planning proposal consistent with the local Council’s Community Strategic Plan, or other local strategic plan?***

Eurobodalla Community Strategic Plan- ‘One Community’

The planning proposal is consistent with the Eurobodalla Community Strategic Plan- One Community. It provides for appropriate growth within an existing settlement, thus aligning with the Community Strategic Plan objectives as follows:

- Objective 3.1 Encourage respectful planning, balanced growth and good design
- Objective 3.2 Respond to our changing environment
- Objective 3.3 Value, protect and enhance our natural environment

Eurobodalla Settlement Strategy

The Eurobodalla Settlement Strategy (ESS), adopted in 2006, is an urban containment strategy and states that “settlements are contained within existing settlement boundaries and separation between settlements is maintained to ensure settlement character is protected and urban sprawl is avoided”.

The ESS acknowledges the need to protect threatened species and endangered ecological communities and identifies biodiversity certification as a means to facilitate appropriate development through a strategic assessment approach. In particular, the ESS identifies the yellow-bellied glider as species listed as “vulnerable”, for which Council has adopted the “Conservation of the Yellow-bellied Glider in the Broulee Coastal Plain Policy”.

The ESS identifies Broulee as a “coastal village” which is planned for a population of up to 3000 persons. The proposed development potentially increases the population of Broulee to approximately 3700 persons (at full development and



assuming no change to current average household size). While this potential population is greater than 3000 persons, it is considered that Broulee will remain within the Settlement Strategy's definition of a coastal village.

The population of Broulee, like many coastal villages, fluctuates significantly throughout the year. The population of an area is commonly based upon census data, however as the census is conducted in winter, the population of coastal areas is usually at their lowest, increasing significantly over summer. The population of Broulee in the 2011 Census was 1432. Significantly, only 51.5% of dwellings in Broulee were occupied on Census night, demonstrating the high number of holiday homes in the village. The population more than doubles over summer as the holiday homes are occupied, and with the presence of tourists and other visitors.

As noted above, in the absence of the planning proposal, if development were to occur in accordance with the existing LEP zoning, there would likely be an additional 450 dwellings developed. This would increase the usual population of Broulee from 1432 to approximately 1870, or in peak periods up to 3600. Therefore the planning proposal will not result in a significantly higher population than what is currently provided for in the existing LEP.

The proposal is consistent with the Eurobodalla Settlement Strategy in the following ways:

- The proposal facilitates development of land zoned for urban purposes within the existing settlement boundaries of Broulee.
- The proposal retains Broulee as a coastal village.
- The proposal is consistent with a Biocertification Strategy prepared for the subject land.
- The proposal protects threatened species and endangered ecological communities through retention of a corridor for the Yellow-bellied glider, in accordance with the Biocertification Agreement.

**6. Is the planning proposal consistent with applicable state environmental planning policies?**

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

| SEPP                       | Relevance                                         | Consistency and implications                                                                                                                                          |
|----------------------------|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP 71 Coastal Protection | Aims to protect and preserve coastal environments | <b>Consistent.</b><br>The subject site is within the Coastal Zone, but is not in a sensitive coastal location. Subject to further consideration of stormwater issues, |



|                               |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               |                                                         | through the preparation of a stormwater masterplan prior to development, the proposal is unlikely to have any detrimental impacts on coastal processes.                                                                                                                                                                                                                                                                                              |
| Lower South Coast No. 2, 1992 | This Deemed SEPP is relevant to all planning proposals. | <p><b>Consistent</b></p> <p>The planning proposal is consistent with the objectives in the Deemed SEPP relating to natural areas and residential development in that it:</p> <ul style="list-style-type: none"> <li>protects urban bushland in accordance with the Biocertification Agreement for the land; and</li> <li>provides for a wide range of housing types and densities compatible with the environmental capacity of the area.</li> </ul> |

**7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

An assessment of relevant s. 117 Directions against the planning proposal is provided in the table below.

| Ministerial Direction              | Aim of the Direction                                                  | Consistency and Implications                                                                                                                                                                                                                                                                                                             |
|------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.1 Environmental Protection Zones | To protect and conserve environmentally sensitive areas.              | <p><b>Consistent.</b></p> <p>The planning proposal is consistent with the Biocertification Agreement conferred on the land.</p>                                                                                                                                                                                                          |
| 2.2 Coastal Protection             | To implement the principles of the NSW Coastal Policy                 | <p><b>Consistent.</b></p> <p>The subject site is within the Coastal Zone, but is not in a sensitive coastal location. Subject to further consideration of stormwater issues, through the preparation of a stormwater masterplan prior to development, the proposal is unlikely to have any detrimental impacts on coastal processes.</p> |
| 3.1 Residential Zones              | To encourage a variety and choice of housing types, to make efficient | <p><b>Consistent.</b></p> <p>The planning proposal facilitates a diversity of housing opportunities</p>                                                                                                                                                                                                                                  |



|                                        |                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                        | use of existing infrastructure and services and to minimise the impact of residential development on the environment and resource lands.                                                                                | on the subject land, through the use of the R2 Low Density Residential and R3 Medium Density Residential zones and through a reduction in the minimum lot size. The planning proposal is supported by proposed amendments to the Residential Zones Development Control Plan that encourages a mix of lot sizes and housing forms.                                                                                                                                                                                                           |
| 3.4 Integrating Land Use and Transport | To ensure that urban development improves access to housing, jobs and services, increases transport choice, reduces travel demand, supports viable public transport and provides for the efficient movement of freight. | <b>Consistent.</b><br>The planning proposal facilitates increased urban densities in close proximity to services, including schools, open space and retail shops. The structure plan proposed to be included in the Residential Zones DCP (to be exhibited concurrently with the planning proposal) provides for logical and direct connections through the subject land, facilitating pedestrian, cycle and public transport movements.                                                                                                    |
| 4.3 Flood Prone Land                   | To ensure development of flood prone land is consistent with NSW Government Guidelines and that LEP provisions are commensurate with flood hazard.                                                                      | <b>Not Applicable.</b><br>The subject land is not identified as flood prone, however ponding of water can occur in heavy rainfall events. This issue can be resolved through road and stormwater design.                                                                                                                                                                                                                                                                                                                                    |
| 4.4 Bushfire                           | To protect life, property and the environment from the effects of bushfire and to promote the sound management of bushfire prone land.                                                                                  | <b>Consistent.</b><br>The retention of a conservation corridor along the George Bass Drive and Broulee Road edges of the subject land will result in some future residential lots being classed as bushfire prone. However, in accordance with the Biocertification Strategy, provisions are to be included in a Development Control Plan (DCP), such as the use of perimeter roads, to minimise the risk to life and property. Draft amendments to the Residential Zones DCP including such provisions will be exhibited with the planning |



|                                           |                                                                                  |                                                                                                                                                                                                                             |
|-------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           |                                                                                  | proposal. Consultation with the RFS will be required and it is anticipated that any proposed future development of the land will be able to comply with the requirements of <i>Planning for Bush Fire Protection 2006</i> . |
| 5.1 Implementation of Regional Strategies | To ensure planning proposals are consistent with the relevant regional strategy. | <b>Consistent.</b><br>The proposal is consistent with the South Coast Regional Strategy. Refer to point 4 above for further discussion.                                                                                     |

## Section C- ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

In the process of formulating the Broulee Biocertification Strategy, the Broulee community were engaged and comments sought on a draft Strategy. There were a mix of views expressed in submissions received from the community, addressing environmental, social and economic impacts.

Some submissions acknowledged that the subject land had been zoned for development for many years and should be able to be developed. Positive benefits of development of the land identified in these submissions included:

- Increased population supports growth in services (such as schools, medical facilities, small businesses, etc) in the local area;
- More development assists in provision of affordable housing in the local area;
- More development provides employment opportunities, particularly in the construction industry;
- Development of the land minimises the bushfire risk to existing dwellings in Broulee (through the removal of vegetation in the development area).

Other submissions raised concerns about the possible transformation of the Broulee village that might result from development of the land. Such changes may include:

- Urbanisation of the village;
- Increase in population, traffic and noise;
- Impact on existing facilities (from over-use)
- Loss of bushland and bush tracks
- Loss of wind and noise buffer (from George Bass Drive)

The above summary of views from the existing Broulee community have been considered in the drafting of this planning proposal and the DCP amendments supporting it. The discussion below responds more specifically to the environmental, social and economic impacts of the planning proposal.



**8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject land has been certified for development through a biodiversity certification process in accordance with the Threatened Species Conservation Act 1995. The Biocertification Agreement conferred by the Minister for the Environment authorises the removal of vegetation listed as an endangered ecological community within the identified development area on the grounds that sufficient offset areas will be provided and protected in perpetuity.

The planning proposal implements a requirement of the Biocertification Agreement by proposing to rezone an identified conservation corridor to the E2 Environmental Conservation zone. The planning proposal also proposes an increased residential density through the use of the R3 Medium Density Residential zone along the E2 corridor to achieve a housing form and density that supports the ongoing management of the corridor.

The planning proposal is supported by draft amendments to the Residential Zones DCP, including provisions for a perimeter road, shared pathway, open car parking area, or the like, to be provided along the full length of the conservation area. This will further minimise potential impacts of development on the conservation area.

**9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Bushfire

The removal of the bulk of vegetation within the development area minimises the risk to bushfire for many existing residential lots in Broulee. However, the retention of a conservation corridor along the George Bass Drive and Broulee Road edges of the subject land will result in some future residential lots being classed as bushfire prone. The planning proposal is supported by draft amendments to the Residential Zones DCP, including provisions for a perimeter road, shared pathway, open car parking area, or the like, to be provided along the full length of the conservation area. This will assist in minimising the risk to life and property from bushfire.

Detailed assessment of proposed development in accordance with *Planning for Bush Fire Protection 2006* will be undertaken at the development application stage.

Heritage and Aboriginal Archaeological Assessment

There are no heritage items on the subject land. The land immediately to the south contains a heritage item, being an Aboriginal Canoe Tree. Numerous aboriginal objects or places have been recorded in the vicinity of the subject land. Given the



undeveloped nature of the land, it is likely that further Aboriginal objects or places may be found on the land. Prior to any development being permitted, Aboriginal Heritage Impact Permits would be required, in accordance with the requirements of the National Parks and Wildlife Act 1974. Such development is Integrated Development under the Environmental Planning and Assessment Act 1979. Consultation with the National Parks and Wildlife Service will be undertaken as part of exhibition of this planning proposal.

#### Flooding and Stormwater

The subject land is not identified as flood prone, however ponding of water can occur in heavy rainfall events. This issue can be resolved through road and stormwater design.

### ***10. How has the planning proposal adequately addressed any social and economic effects?***

#### Economic Impact

The subject land has been zoned for residential development for many decades, however development has been unable to be progressed due to the listing of an endangered ecological community on the land. To facilitate development a Biocertification Strategy was undertaken and a Biocertification Agreement has now been conferred upon the land.

The planning proposal implements a requirement of the Broulee Biocertification Agreement and proposes zoning and lot size changes that will facilitate development activity in a form that is both suitable for the land and will result in greater housing diversity for Broulee. Increased densities will support commercial activity in the local business zoned land.

Significant construction activity in the development area that will be enabled by this planning proposal will be a boost to economic development in the Shire.

#### Social Impact

Broulee currently provides approximately 1200 dwellings (including dwellings within the Banksia Retirement Village). The majority of dwellings are detached dwellings on lots ranging generally between 600m<sup>2</sup> and 850m<sup>2</sup>. Most lots appear to be over 700m<sup>2</sup> in size however the more recent subdivisions include many smaller lots. With the exception of the Banksia Retirement Village, most medium density housing in Broulee is relatively older stock.

It is estimated that the development yield in the subject development area is approximately 500 dwellings. With an increase in the area of R3 Medium Density



Residential zoning, some of these new dwellings will be in the form of multi-dwelling housing or residential flat buildings. This will provide greater housing diversity in Broulee. A mix of housing types in the development area will be facilitated through provisions proposed to be included in the Residential Zones Development Control Plan.

Greater housing diversity provides increased choice for people in terms of the cost and type of housing available in a local area. This can facilitate a more diverse resident population, which has the potential to foster a more healthy and sustainable community.

#### **Section D- STATE and COMMONWEALTH INTERESTS**

##### ***11. Is there adequate public infrastructure for the planning proposal?***

Access – The subject land can be serviced by roads from a number of locations, including Train Street, Broulee Road, Heath Street and Adams Way. However, upgrades of key intersections will likely be required as a result of the development. A Traffic and Transport Study of the impact of full development of the subject land will be required to be undertaken prior to any further development of the land to determine the extent of traffic infrastructure upgrades that will be required. A Section 94 Contributions Plan or Voluntary Planning Agreement may also need to be prepared to fund the required infrastructure upgrades.

Water and Sewer – The subject land can be serviced by water and sewer, however the scale of the development will warrant a significant upgrade of the local sewerage system. The development will contribute to this upgrade through Section 64 Contributions (headworks charges). A master plan demonstrating suitable arrangements for servicing the land will be required prior to any development.

Stormwater – As noted above, there are some issues with ponding of water that need to be addressed through road and stormwater design prior to any development taking place.

##### ***12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

While no formal consultation has yet taken place with public authorities about this planning proposal, consultations with the Office of Environment and Heritage and the Rural Fire Service have been ongoing over many years with regard to the Biocertification process that has led to this planning proposal being prepared.

It is anticipated that the gateway determination will require consultation with the following agencies:



- NSW National Parks and Wildlife

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# PART 4- MAPPING

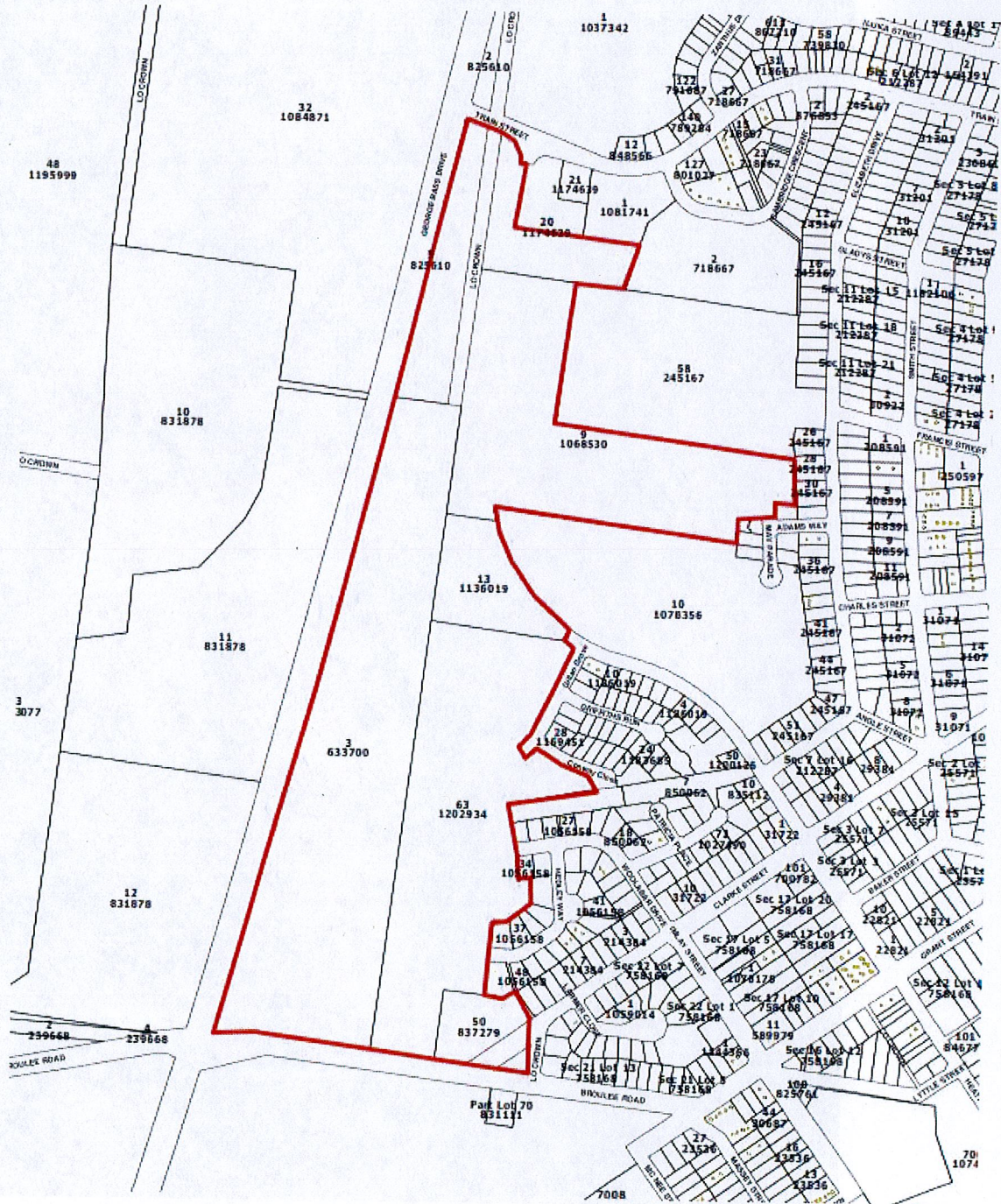


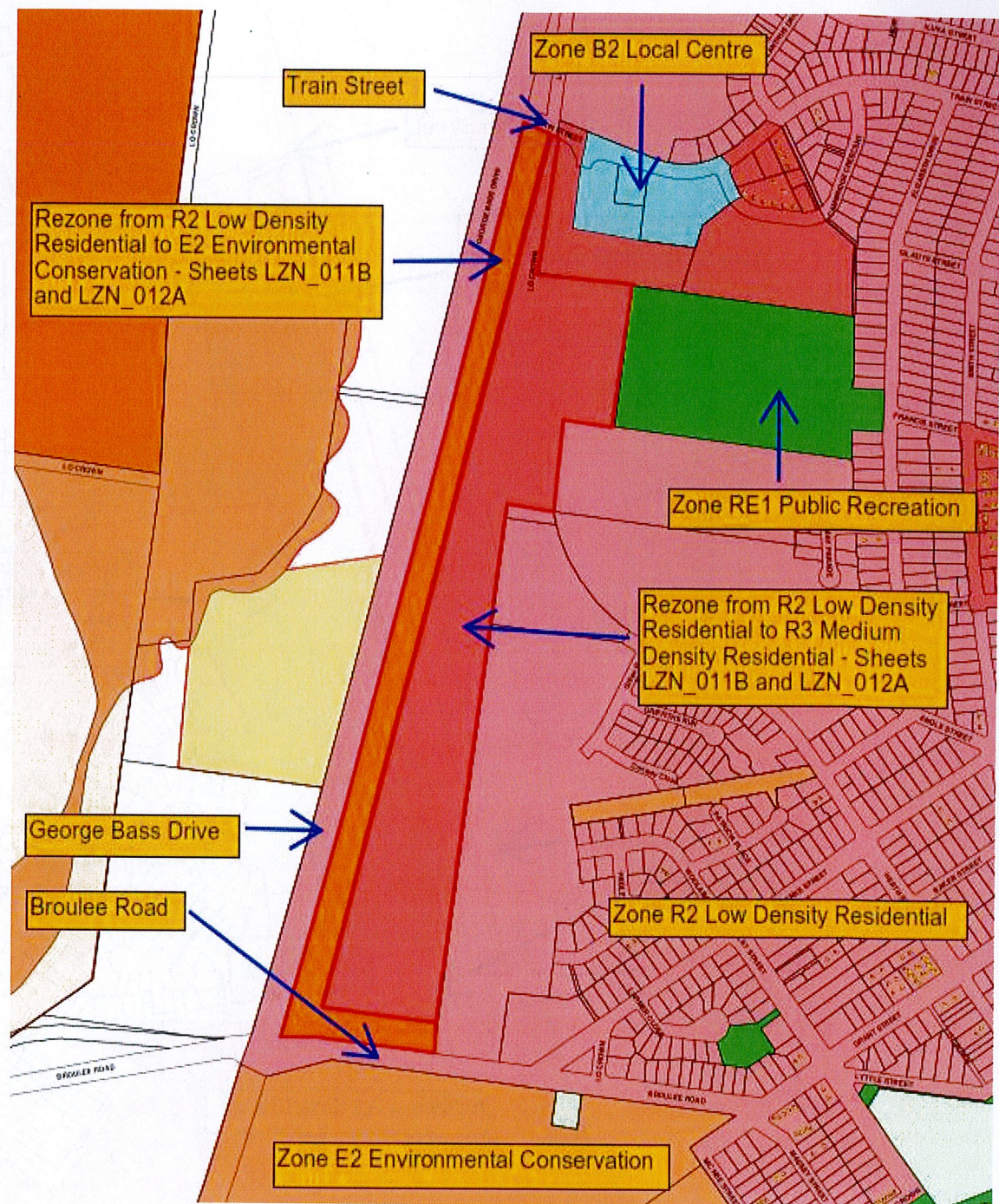
Figure 1: The subject land





Figure 2: Aerial image of the subject land







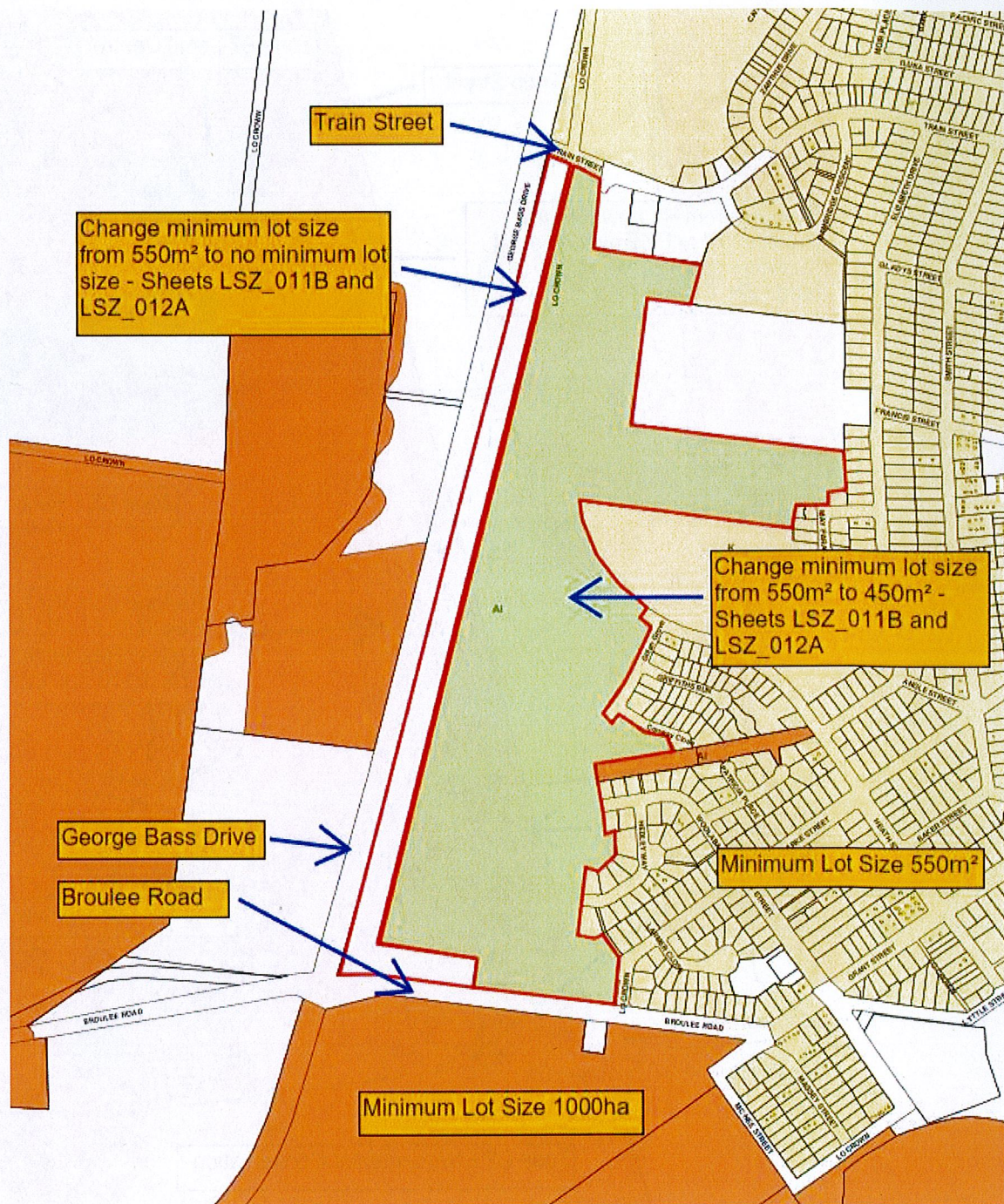


Figure 4: Proposed change to ELP 2012 Lot Size Map



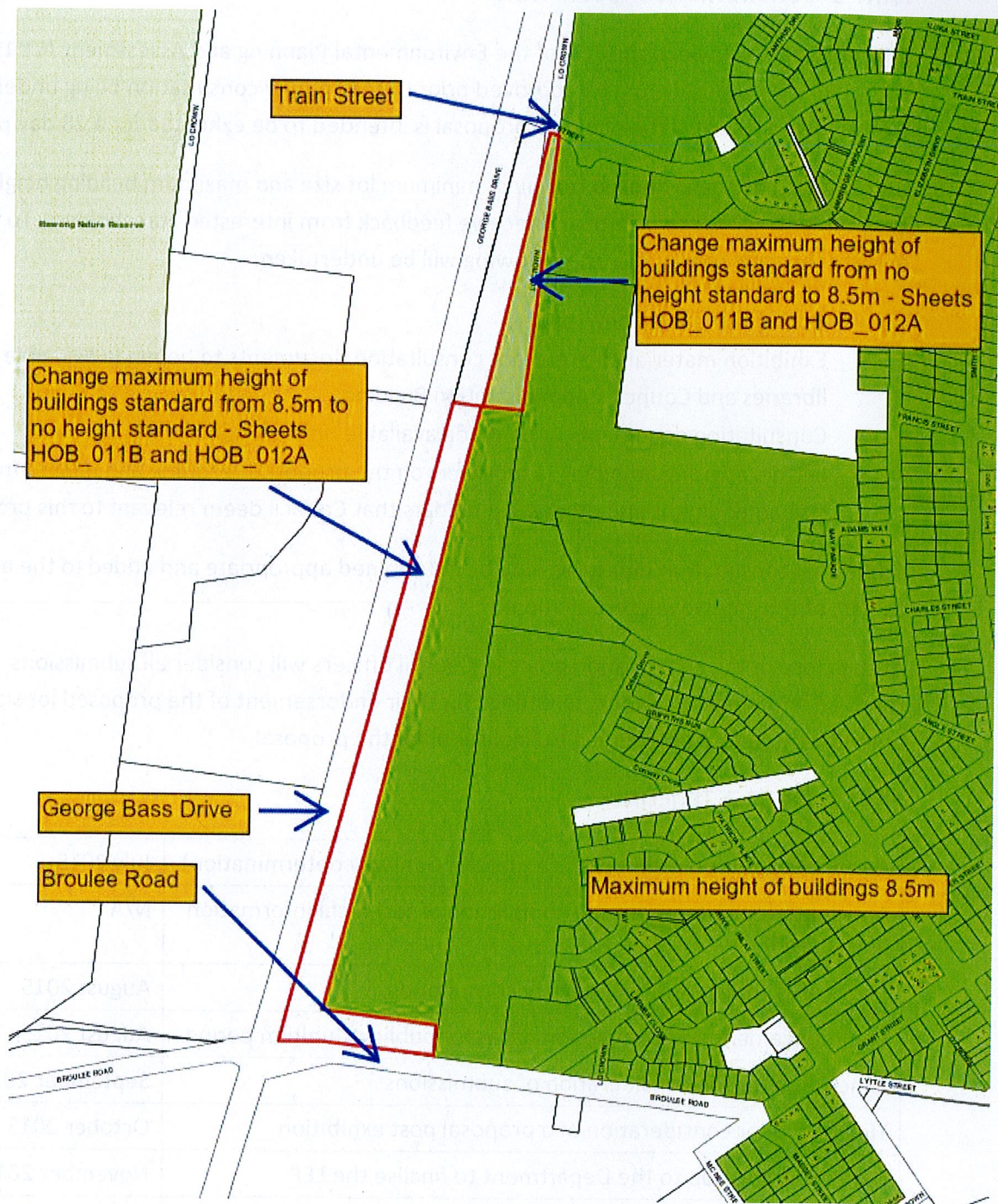


Figure 5: Proposed change to ELEV 2012 Height of Buildings Map



## PART 5- COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation being undertaken by the local authority. The planning proposal is intended to be exhibited for a 28 day period.

Consultation on the proposed rezoning, minimum lot size and maximum building height amendments will be to inform and receive feedback from interested stakeholders. To engage the local community the following will be undertaken:

- Notice in the local newspaper;
- Exhibition material and relevant consultation documents to be made available at the libraries and Council's Administration Building;
- Consultation documents to be made available on the Council's website; and
- Letters advising adjoining landowners on the proposed rezoning and minimum lot size amendment and other stakeholders that Council deem relevant to this proposal.

Additional consultation measures may be determined appropriate and added to the above as part of the gateway determination.

At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the proposed lot size amendment before proceeding to finalisation of the proposal.

## PART 6- PROJECT TIMELINE

|                                                                                 |                |
|---------------------------------------------------------------------------------|----------------|
| Anticipated commencement date (date of Gateway determination)                   | July 2015      |
| Anticipated timeframe for the completion of technical information (if required) | N/A            |
| Timeframe for government agency consultation                                    | August 2015    |
| Commencement and completion dates for public exhibition period                  | August 2015    |
| Timeframe for the consideration of submissions                                  | September 2015 |
| Timeframe for consideration of a proposal post exhibition                       | October 2015   |
| Date of submission to the Department to finalise the LEP                        | November 2015  |
| Anticipated date the RPA will make the plan (if delegated)                      | N/A            |
| Anticipated date the RPA will forward to the department for notification        | January 2016   |



## ATTACHMENT 1: PROPOSED AMENDMENTS TO RESIDENTIAL ZONES DCP

The following new provisions are proposed to be included in the Residential Zones DCP.

### 3.2 Subdivision and development of certain land at Broulee

**Note:** This section applies to the land identified in Map 10 in Schedule 1 of this Plan in addition to all other relevant provisions of this Plan.

**Intent:**

- To ensure that development of land at Broulee is consistent with the Broulee Biocertification Strategy and provides for a diversity of housing opportunities.

**Development Controls:**

| Performance Criteria                                                                                                                                            | Acceptable Solution                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>P1</b> Development of the subject land is designed to be generally consistent with the Broulee Concept Master Plan included in Schedule 4 of this Plan.      | <b>A1</b> The subdivision layout and road network shall include, for the full length of the conservation corridor along George Bass Drive and Broulee Road, one or a combination of the following: <ul style="list-style-type: none"><li>• A perimeter road</li><li>• A shared cycle/pathway</li><li>• Open car parking areas</li></ul> to ensure adequate separation between residential development and the conservation area for bushfire protection and to minimise environmental impacts. |
| <b>P2</b> Development adjoining land zoned E2 Environmental Conservation facilitates the ongoing management and conservation of the E2 land.                    | <b>A2</b> Where a development site contains land zoned both R3 Medium Density Residential and E2 Environmental Conservation, subdivision by community title is encouraged to facilitate ongoing management and conservation of the E2 land.                                                                                                                                                                                                                                                    |
| <b>P3</b> Subdivision and development of the subject land minimises the creation of new lot boundaries or fences within the E2 Environmental Conservation zone. | <b>A3</b> No new lot boundaries (with the exception of boundaries of common property in a strata or community title scheme) or fences shall be created or provided within the E2 Environmental Conservation zone.                                                                                                                                                                                                                                                                              |
| <b>P4</b> The subdivision layout provides for a mix of lot sizes throughout the development area.                                                               | <b>A4</b> No more than 50% of the lots in the development area shall be less than 550m <sup>2</sup> in size.                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>P5</b> A mix of development forms shall be provided in the R3 zoned land, including residential flat buildings, multi-unit housing and small lot housing.    | <b>A5</b> No more than 50% of the dwellings provided in the R3 zoned land shall be in the form of residential flat buildings.                                                                                                                                                                                                                                                                                                                                                                  |



### 6.3 Retention of habitat features on certain land at Broulee

**Note:** This section applies to the land identified in Map 10 in Schedule 1 of this Plan in addition to all other relevant provisions of this Plan.

**Intent:**

- To ensure that development of land at Broulee is consistent with the Broulee Biodiversity Certification Strategy and facilitates, where possible the retention of habitat trees.

**Development Control:**

- P1** Within the development area there is no requirement to retain existing habitat features. However, in designing subdivision layouts and medium density developments, Council encourages, where possible and feasible, the retention of some habitat features, including hollow bearing trees.

### 7.4 Water, sewer and stormwater management on certain land at Broulee

**Note:** This section applies to the land identified in Map 10 in Schedule 1 of this Plan in addition to all other relevant provisions of this Plan.

**Intent:**

- To ensure a coordinated approach to water, sewer and stormwater management across the subject land.

**Development Control:**

- P1** Development of the subject land is consistent with comprehensive master plans endorsed by Council that address water and sewer reticulation and stormwater management.







#### 4. Broulee Concept Master Plan

