



# Bega Valley Shire Council

Ref:

13 June 2013



PWG001498

Mr B Whitworth  
Regional manager  
Department of Planning & Infrastructure  
Level 2, 84 Crown Street  
WOLLONGONG NSW 2520

Dear Sir

**Planning Proposal – Rezoning and Classification of land off Camilla Court,  
Mirador to provide emergency access**

I advise that the above Planning Proposal was prepared and referred to Department with advice received of Gateway Panel approval on 25 May 2012.

I advise that due to a change of ownership of land involved in the proposed access arrangements that emergency access from Camilla Court to Berrambol Drive has been constructed via an alternative route.

As such the rezoning and reclassification is no longer required.

Council formally resolved at its meeting held on 12 June 2013 not to proceed with the Planning Proposal.

I have included a copy of the Council report and resolution for your information.

Yours faithfully

**Keith Tull**  
Manager, Planning Services

ADDRESS ALL  
CORRESPONDENCE TO:

PO Box 492  
Bega NSW 2550

DX 4904  
ABN 26 987 935 332

Council Chambers  
Zingel Place, Bega

PHONE  
(02) 6499 2222  
FAX  
(02) 6499 2200

INFORMATION  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)  
EMAIL  
[council@begavalley.nsw.gov.au](mailto:council@begavalley.nsw.gov.au)



## **8.1. Request for Formal Resolution not to proceed with Planning Proposal - Rezoning and Classification of land off Camilla Court, Mirador to provide emergency access**

The report recommends that the Minister for Planning and Infrastructure be advised that Council will not be proceeding with the Planning Proposal.

General Manager

### **BACKGROUND**

For a number of years, Council has been looking at options to provide emergency access to Mirador Estate and resolved at its meeting held on 8 November 2011 that:

- 10 1. *That Council acquire 125m<sup>2</sup> from Lot 1040 DP 833411, Camilla Court Mirador, for emergency access facilitated through the owner of Lot 1039 DP 833411 in exchange for net \$25,000 compensation and land offset of 1033m<sup>2</sup> from Council Reserve 526 following its reclassification and rezoning through the CLEP. Council shall fence the access and boundary adjustment, providing suitable gating for emergency and fire access at its cost. Council will meet survey and legal costs.*
2. *That Lot 1039 DP 833411 have instrument on title providing right of way for fire emergency access as indicated in the report to Council of 8 November 2011.*
3. *That Council reclassify as operational land that part of Council Reserve 526 to be offset to the benefit of Lot 1039 DP 833411, following boundary adjustment.*
- 20 4. *That Council authorises its official Seal to be affixed to the necessary documents, under the signature of the Mayor and the General Manager.*

To facilitate the resolution, the land was required to be rezoned and reclassified and Council resolved the following at its meeting held on 17 January 2012:

1. That Council, pursuant to Section 54 of the Environmental Planning and Assessment Act, resolve to rezone as Residential 2(a) 1033m<sup>2</sup> of Lot 1042 DP 833411 as shown on the attached plan and reclassify the land as operational land under the Local Government Act 1993.
2. That Council refer the planning proposal to the NSW Department of Planning to be considered by the Gateway Panel.
- 30 The Planning Proposal was prepared and referred to the Department of Planning and Infrastructure with advice received of Gateway Panel approval on 25 May 2012.

**CURRENT STATUS OF EMERGENCY ACCESS**

Due to the change in ownership of Lot 1040, Council was unable to secure the land to construct the emergency access.

Emergency access from Camilla Court to Berrambool Drive has now been constructed via an alternative route, following a separate decision of Council this year.

**STATUS OF PLANNING PROPOSAL**

40 As a result of the construction of the emergency access on community land, the rezoning and reclassification of 1033m<sup>2</sup> of part Lot 1042 DP 833411 (i.e. part Council Reserve 526) Camilla Court is no longer required. The Department of Planning and Infrastructure has requested that Council formally resolve to not proceed with the Planning Proposal and advise the Department accordingly.

**ATTACHMENTS**

1. Mirador Boundaries

**RECOMMENDATION**

1. That Council resolve not to proceed with the Planning Proposal to rezone and reclassify 1033m<sup>2</sup> of part Lot 1042 DP 833411 Camilla Court, Mirador.
2. Further the Department of Planning and Infrastructure be advised of the Council resolution.

## 8. Staff Reports – Planning and Environment (Sustainability)

In accordance with Council's Code of Meeting Practice, Councillor Britten assumed the chair for this section of the agenda.

### 8.1 Request for Formal Resolution not to proceed with Planning Proposal - Rezoning and Classification of land off Camilla Court Mirador to provide emergency access

87/13 RESOLVED on the motion of Crs Fitzpatrick and Seckold

1. That Council resolve not to proceed with the Planning Proposal to rezone and reclassify 1033m<sup>2</sup> of part Lot 1042 DP 833411 Camilla Court, Mirador.
2. Further the Department of Planning and Infrastructure be advised of the Council resolution.

IN FAVOUR: Crs Taylor, McBain, Hughes, Tapscott, Seckold, Mawhinney, Allen Fitzpatrick and Britten

AGAINST: Nil

### 8.2 White Paper - A New Planning System for NSW

88/13 RESOLVED on the motion of Crs Seckold and Mawhinney

That the report on the White Paper for "A New Planning System for NSW" be noted and Council make a submission to the Department of Planning and Infrastructure incorporating the issues identified in this report.

IN FAVOUR: Crs Taylor, McBain, Hughes, Tapscott, Seckold, Mawhinney, Allen Fitzpatrick and Britten

AGAINST: Nil

## 9. Staff Reports – Community and Relationships (Liveability)

In accordance with Council's Code of Meeting Practice, Councillor Seckold assumed the chair for this section of the agenda.

### 9.1 Funding request Montreal Goldfields

89/13 RESOLVED on the motion of Crs Fitzpatrick and Britten

That Council provide \$22,000 from the 2013/14 Crown Lands allocation to provide a facility and solar power at the Montreal Goldfield Heritage Centre.

IN FAVOUR: Crs Taylor, McBain, Hughes, Tapscott, Seckold, Mawhinney, Allen Fitzpatrick and Britten

AGAINST: Nil

### 9.2 Police Community Youth Club (PCYC)