



Ref: DW

16 April 2012

Regional Director
Department of Planning & Infrastructure
PO Box 5475
WOLLONGONG NSW 2520

Department of Planning
RECEIVED
20 APR 2012
Southern Region

Dear Mr Whitworth

Planning Proposal – Part Lot 1042 DP 833411 Camilla Court, Mirador

Thank you for your letter of 21 February 2012 regarding the above planning proposal.

The Planning Proposal is for the rezoning and reclassification of an area at Mirador so as to allow access for emergency vehicles to the residential area. The proposal will allow Council to exchange an area of residential land for the subject land to provide level access for emergency vehicles. Mirador has only one access road and the Planning Proposal will allow emergency vehicles a faster and considerably shorter distance to access the Mirador Estate from Mirimbula.

Attached is an assessment of the planning proposal as required together with the report to Council and the Council resolution.

It would be appreciated if the matter could be referred to the Gateway Panel as soon as possible.

Yours faithfully

Tony McDermott
Strategic Planning Coordinator

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

EMAIL
council@begavalley.nsw.gov.au

PLANNING PROPOSAL

OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to provide for emergency service vehicles to access the Mirador Estate in times of an emergency.

This objective will be achieved by the rezoning and reclassification of land (shown on the attached plan) presently zoned 6(a) Existing Open Space under the Bega Valley Local Environmental Plan 2002. The land is proposed to be zoned Residential A.

EXPLANATION OF PROVISIONS

Amendment of Bega Valley Local Environmental Plan 2002 in accordance with the proposed zoning map at Attachment 1.

The draft planning instrument will include the following local provisions.

In Schedule 4 Part 1 land in alphabetical order include the following:

MIRADOR Part Lot 1042 DP 833411 CAMILLA COURT

Amend the 2012 Bega Valley Local Environmental Plan map in regard to Part Lot 1042 DP 833411 CAMILLA COURT MERIMBULA to zone the land R2 and amend the lot size map to read 550m².

JUSTIFICATION

A) Is this Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of a strategic study or report. The need for an emergency access has been requested by residents of Mirador for a number of years.

B) Is the Planning Proposal the best means of achieving the objective?

It is considered that the Planning Proposal is the most appropriate and available means of achieving the objectives of ensuring safe emergency access to Mirador.

C) Is there a net community benefit?

Whilst the Planning Proposal is for the rezoning and reclassification of land zoned Existing Recreation, it is the only means of providing emergency access. The subject land contains an area of 1,033m² whilst the total area zoned 6(a) Existing Open Space contains an area of 8,247m². The area proposed for rezoning and reclassification is steep and unsuited as a local park.

The subject land is part of an arrangement with the owner of the adjoining land (Lot 1039) for the dedication of land that is to be acquired from the owners of Lot 1040 DP 833411 as the means of access for emergency vehicles.

The net community benefit will provide essential emergency only access for both emergency vehicles and residents of Mirador. The estate has only one access road being off Sapphire Coast Drive and in the event of a fire, that road may be closed.

D) Is the Planning Proposal consistent with applicable with State Environmental Policies?

The Planning Proposal is consistent with applicable State Environmental Planning Policies.

SECTION B RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Is the Planning Proposal consistent with the objectives and actions contained within the South Coast Regional Strategy

The Planning Proposal is consistent with the South Coast Regional Strategy.

Is the planning proposal consistent with the Local Council's Community Strategic Plan or other Local Strategic Plan?

The Planning Proposal is consistent with the Community Strategic Plan.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies

The Planning Proposal is consistent with applicable State Environmental Planning Policies.

Is the Planning Proposal consistent with applicable Ministerial Directions (S117 Directions)

The specific S117 Directions considered applicable to this application are:

2.2 Coastal Protection

The Planning Proposal is consistent with the objectives contained in the principles contained in the NSW Coastal policy as the proposal is to enable unimpeded access for emergency vehicles.

4.4 Planning for Bushfire Protection

The Planning Proposal is consistent with the objectives contained in the direction.

The proposed rezoning and reclassification facilities unimpeded access to the area of Mirador for emergency vehicles.

5.1 Implementation of Regional Strategies

The Planning Proposal is consistent with the aims of the South Coast Regional Strategy. The Planning Proposal will lead to greater protection in emergencies for the large residential area of Mirador.

6.2 Reserving Land for Public Purposes

The subject land is presently zoned 6(a) Existing Open Space in the 2002 Bega Valley Local Environmental Plan. The land in question contains an area of 1,033m². It is proposed to zone this R2 and reclassify the land to Operational. Following this process it is proposed to transfer the land to an adjoining owner in return for an area of easily accessible land to create the emergency access.

The land proposed to be rezoned is steep and unsuitable for use as vehicular access.

A full assessment of all Directions pursuant to S117 has been undertaken and it is considered that the Planning Proposal is not affected by any other Direction.

3. Rezoning and reclassification of land off Camilla Court, Mirador. The report recommends that the land be rezoned residential and reclassified as operational

The report recommends that the rezoning and reclassification of land off Camilla Court, Mirador, proceed via a Planning Proposal separate to the CLEP process.

Group Manager, Planning and Environment

BACKGROUND

10 The land proposed to be rezoned and reclassified is located at the end of Camilla Court, Mirador.

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:

1. *That Council acquire 125m² from Lot 1040 DP833411, Camilla Court Mirador, for emergency access facilitated through the owner of Lot 1039 DP833411 in exchange for nett \$25,000 compensation and land offset of 1033m² 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.*
- 20 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.*
4. *That Council authorises its official Seal to be affixed to the necessary documents, under the signature of the Mayor and the General Manager.*

SUBJECT LAND

30 The land proposed to be rezoned and reclassified is part of Council Reserve 526 (Lot 1042 DP 833411) Camilla Court with an area of 1033m². The land is shown on the attached plan.

ZONING

The subject land is zoned Existing Open Space 6(a) under Bega Valley Local Environmental Plan 2002.

PLANNING PROPOSAL

40 The Council resolution of 8 November 2011 resolved that the rezoning and reclassification proceed through the Comprehensive Local Environment Plan (CLEP) process. As gazettal of the CLEP is 6 – 12 months away, it is considered that the rezoning and reclassification should proceed separately to the CLEP as a Planning Proposal.

The NSW "Guide to Preparing Planning Proposals" requires a Planning Proposal to address a number of specific issues.

These issues are addressed below;

A) *Is this Planning Proposal a result of any strategic study or report?*

The Planning Proposal is not the result of a strategic study or report. The need for an emergency access has been requested by residents of Mirador for a number of years.

B) *Is the Planning Proposal the best means of achieving the objective?*

50 It is considered that the Planning Proposal is the most appropriate and available means of achieving the objectives of ensuring safe emergency access to Mirador.

C) *Is there a net community benefit?*

Whilst the Planning Proposal is for the rezoning and reclassification of land zoned Existing Recreation, it is the only means of providing emergency access. The subject land contains an area of 1033m² whilst the total area zoned 6(a) Existing Open Space contains an area of 8247m². The area proposed for rezoning and reclassification is steep and unsuited as a local park.

60 The subject land is part of an arrangement with the owner of the adjoining land (lot 1039) for the dedication of land that is to be acquired from the owners of Lot 1040 DP 633411 as the means of access for emergency vehicles.

The net community benefit will provide essential emergency only access for both emergency vehicles and residents of Mirador. The estate has only one access road being off Sapphire Coast Drive and in the event of a fire, that road may be closed.

D) *Is the Planning Proposal consistent with applicable State Environmental Policies?*

70 The Planning Proposal is consistent with State Environmental Planning Policies.

The Planning Proposal, if adopted, is required to be forwarded to the Gateway Panel of the NSW Department of Planning for consideration.

Economic And Social Impact

Council at its meeting on 8 November 2011 resolved to pay compensation for the land exchange and also to meet fencing and survey costs. There will be a positive social impact for residents of the area knowing that there will be emergency access available for the whole Mirador estate.

Community Consultation

80 Whilst the Planning Proposal has not been advertised, Council has received numerous letters requesting that this access be provided as quickly as possible.

Full community consultation including the required hearing for reclassification of the land from community land to operational land will take place following approval from the Department of Planning for the Planning Proposal to proceed.

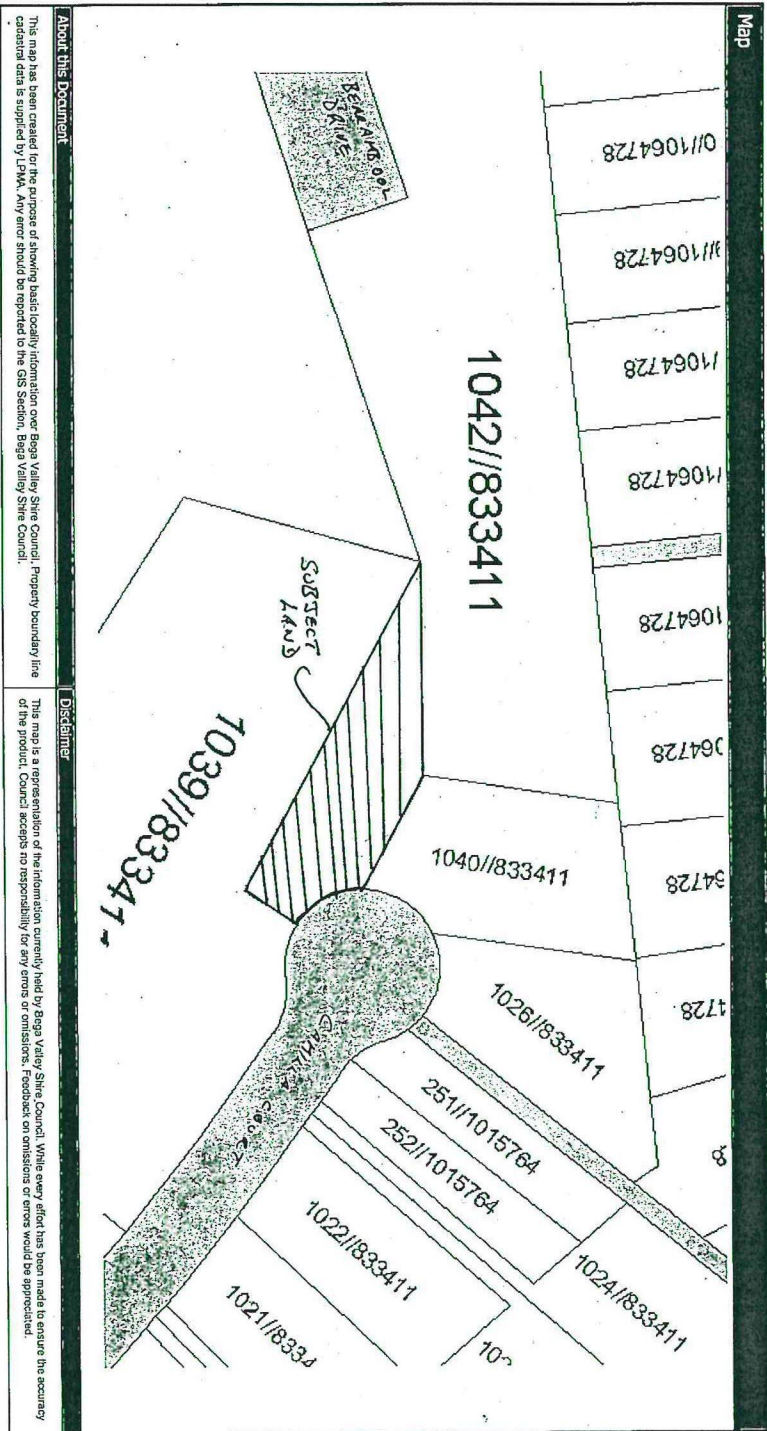
CONCLUSION

The Planning Proposal puts into effect the planning provisions of the Environmental Planning and Assessment Act to allow for the rezoning and reclassification of Part Lot 1042 DP 833411 containing an area of approximately 1033m².

RECOMMENDATION

- 90
1. That Council, pursuant to Section 54 of the Environmental Planning and Assessment Act, resolve to rezone as Residential 2(a) 1033m² 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.

Subject:



About this Document
This map has been created for the purpose of showing basic locality information on Bega Valley Shire Council Property boundary line data. The map is a representation of the information currently held by Bega Valley Shire Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Feedback on omissions or errors would be appreciated.

Disclaimer
This map is a representation of the information currently held by Bega Valley Shire Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Feedback on omissions or errors would be appreciated.



Created on: Wednesday, 21 December 2011

Planning & Environment

Standing Committee Meeting Minutes

Held on Tuesday **17 January 2012**

at the Council Chambers, Bega commencing at 2.29 pm

PRESENT Councillor Campbell (CHAIRPERSON) and Councillors Allen, Britten, Fitzpatrick, Hede, Hughes, Seckold and Wykes

IN ATTENDANCE Mr Peter Tegart - General Manager, Ms Leanne Barnes - Group Manager Community and Relationships, Mr Andrew Woodley - Group Manager Planning and Environment, Mr Wayne Sartori - Group Manager Infrastructure Waste and Water and Ms Janelle Curtis - Minute Secretary

1. Confirmation of Minutes

RESOLVED on the motion of Crs Seckold and Fitzpatrick

That the Minutes of the Planning & Environment Committee meeting held on 20 December 2012, as circulated, be taken as read and confirmed.

IN FAVOUR: Crs Allen, Britten, Campbell, Fitzpatrick, Hede, Hughes, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

2. Apologies

RESOLVED on the motion of Crs Britten and Allen

That the apology received from Cr Pincini be accepted for his inability to attend the meeting.

IN FAVOUR: Crs Allen, Britten, Campbell, Fitzpatrick, Hede, Hughes, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

3. Rezoning and reclassification of land off Camilla Court, Mirador. The report recommends that the land be rezoned residential and reclassified as operational

RESOLVED on the motion of Crs Fitzpatrick and Britten

1. That Council, pursuant to Section 54 of the Environmental Planning and Assessment Act, resolve to rezone as Residential 2(a) 1033m² 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.

IN FAVOUR: Crs Allen, Britten, Campbell, Fitzpatrick, Hede, Hughes, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

4. Planning proposal to rezone Lots 1-13 DP 1110017 and Lots 1 and 2 DP 931046, (Nos. 53-65) Bega Street, Bega to allow a Home Improvement Centre

The chairperson ruled that this matter be determined as it had been the subject of deputations at a previous meeting

RESOLVED on the motion of Crs Fitzpatrick and Hede

1. That pursuant to Section 54 of the Environmental Planning and Assessment Act to amend the Bega Valley Local Environmental Plan 2002 to rezone Lots 1-13 (inclusive) DP 1110017 and Lots 1 and 2 DP 931046 (Nos. 53-65) Bega Street, Bega to 3(b) Special Business and add an enabling clause to permit under Schedule 4 of LEP 2002, a café/restaurant and timber yard.
2. That a 10m strip on the northern boundary and 5m strip on the western boundary be zoned 7(d) Environment Protection General Zone with the exception of 5m fronting Bega Street.
3. That Council refer the planning proposal to the NSW Department of Planning to be considered by the Gateway Panel.

IN FAVOUR: Crs Allen, Britten, Campbell, Fitzpatrick, Hede, Hughes, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

5. DA No. 2011.0035: Installation of a pilot wood pellet manufacturing plant – Lot 16 DP 1066187, Edrom Road, Eden

A motion was moved by Cr Hede and Fitzpatrick

That the matter be debated today because it is in the public interest to do so.

A motion was foreshadowed by Cr Hughes

That following an address to Council, this item be deferred in keeping with Council's Code of Meeting Practice.

The motion was put to the vote and it was

RESOLVED on the motion of Crs Hede and Fitzpatrick that

That the matter be debated today because it is in the public interest to do so.

IN FAVOUR: Crs Allen, Britten, Campbell, Fitzpatrick, Hede and Wykes

AGAINST: Crs Hughes and Seckold

ABSENT: Cr Pincini

A motion was moved by Cr Hughes and Britten

That the matter be deferred until the reports on noise and emissions are made public.

A motion was foreshadowed by Cr Fitzpatrick

1. That Development Application 2011.0035 for the development of Lot 16 DP1066187, Edrom Road, Eden, for installation of a pilot wood pellet manufacturing plant be approved, subject to the conditions outlined in the attached Draft Development Consent.
2. That all parties who made a submission be advised of the determination.

The motion was put to the vote and it was

RESOLVED on the motion of Crs Hughes and Britten

That the matter be deferred until the reports on noise and emissions are made public.

IN FAVOUR: Crs Allen, Britten, Campbell, Hughes, Seckold and Wykes

AGAINST: Cr Hede and Fitzpatrick

ABSENT: Cr Pincini

Planning and Environment
STANDING COMMITTEE MINUTES
17 January 2012

Closure

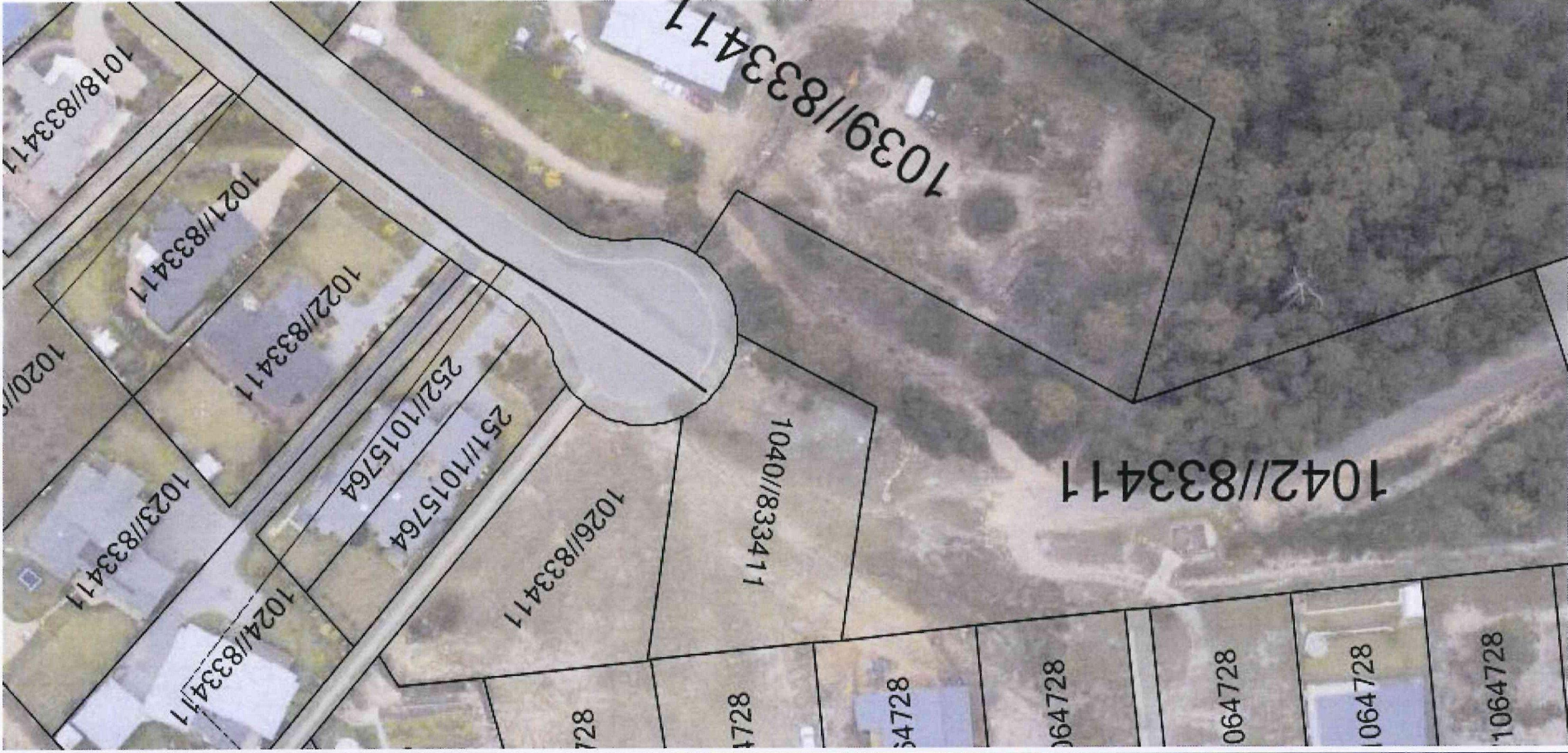
There being no further business, the Chairperson closed the meeting at 2.44 pm.

CONFIRMED

CHAIRPERSON

Subject:

Map



About this Document

Disclaimer

This map has been created for the purpose of showing basic locality information over Bega Valley Shire Council. Property boundary line cadastral data is supplied by LPM. Any error should be reported to the GIS Section, Bega Valley Shire Council.

This map is a representation of the information currently held by Bega Valley Shire Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Feedback on omissions or errors would be appreciated.

Subject:

Map



About this Document

This map has been created for the purpose of showing basic locality information over Bega Valley Shire Council. Property boundary line cadastral data is supplied by LPMA. Any error should be reported to the GIS Section, Bega Valley Shire Council.

Disclaimer

This map is a representation of the information currently held by Bega Valley Shire Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Feedback on omissions or errors would be appreciated.

Subject:

