

8.1. Pambula and South Pambula Urban Land Review-outcomes and recommendations

The purpose of the report is to advise Council of outcomes of the Pambula Urban Land Review and provide recommendations for the zoning of the land within the study area.

Group Manager Planning & Environment

BACKGROUND

10 During the exhibition of the draft Bega Valley Local Environmental Plan (BVLEP) 2010, Council received submissions relating to the proposed zoning of lands located to the south and west of South Pambula. Those submissions sought opportunities to rezone their properties to provide additional residential land. Those parcels of land were included in Appendix 3 and deferred from the gazetted BVLEP 2013 and consequently BVLEP 2002 still applies to these sites.

Council, at its meeting on 28 February 2012 resolved to engage a suitably qualified planning consultant to review the potential for expansion of the Pambula and South Pambula residential areas. It was identified that the review should not only include those allotments identified in submissions, but also the lands adjoining the existing residential zones at Pambula and South Pambula. Those additional sites identified by
20 Council staff for inclusion in the study were also deferred from BVLEP 2013.

Council engaged Zenith Town Planning to undertake the review. Zenith Town Planning provided a report which considered opportunities for additional residential land in the study area. The report included an assessment of issues associated with demographic trends, including growth forecasts, housing tenure, occupancy rates and housing incomes; the potential to develop land to provide affordable housing; as well as site constraints including flora and fauna, riparian buffers to protect important wetlands and waterways including Pambula Lake, slope and soil constraints, archaeology, flood and bushfire hazards, geotechnical and other landscape constraints.

30 On 12 June 2012, Council also considered a submission by the owner of the land at South Pambula, south of Summer Hill Road, to zone their land R5 Large Lot Residential (draft Bega Valley LEP 2010). Council resolved to defer a decision regarding this request pending the outcomes of the strategic review of the South Pambula and Pambula residential areas. This matter was outside the scope of the Pambula Urban Land Review project, however, some planning guidance was provided by Zenith Town Planning with regards to this land and is included below as Area 7.

A copy of the Zenith Town Planning report was provided to the owners of land, as well as the consultants who made submissions to the draft BVLEP 2012 on behalf of owners within the study area. Council received one response from Caddey, Searl and Jarman in relation to the report and a copy of that submission is included as Attachment 1 of this report.

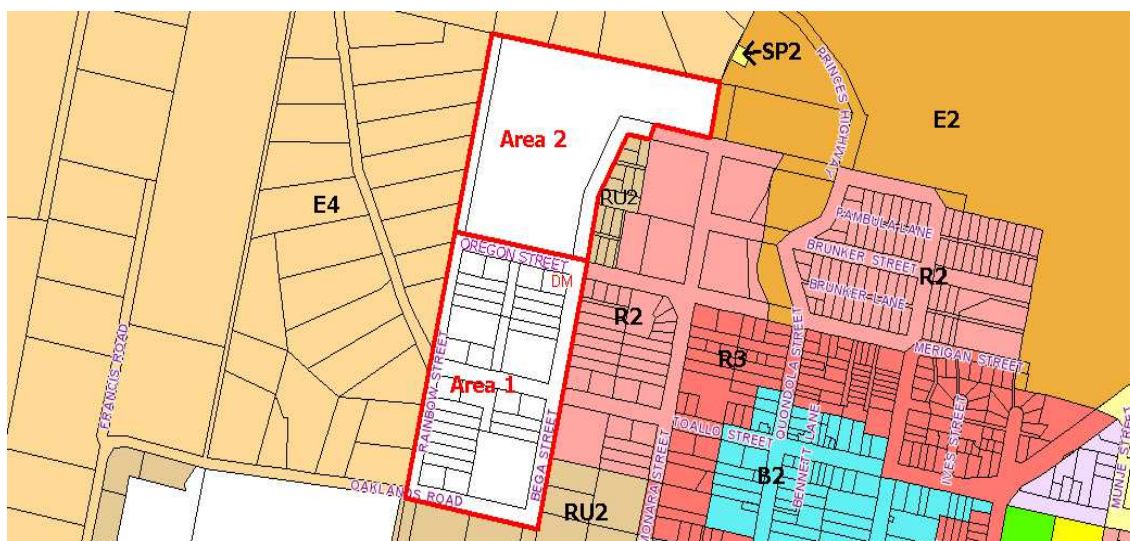
This Council report provides guidance and recommendations for Councillors to seek a resolution on several sites located at Pambula and South Pambula that are currently deferred matters under Bega Valley Local Environmental Plan 2013.

OUTCOMES OF PAMBULA URBAN LAND REVIEW

The outcomes and recommendation of the consultant's report are outlined below followed by staff comment. For the purpose of the report the study area has been broken up into six (6) key areas, with Area 7 the land south of Summerhill Road.

PAMBULA

There were two areas identified at Pambula (See Map 1) and they are described as Areas 1 and 2. Each area is discussed in turn.



Map 1 –Areas 1 and 2 Pambula

Area 1 - Lots 1 and 2 DP68708, Lots 102 and 103 DP734647, Lots 16-22 DP792850, Lots 10-13 DP1114693, Lots 1-3, 10, 12-14, 15-19 Section 14 DP758825, Lot 1 DP198435, Lot 23 DP803543, Lots 8 and 9 DP997160 and Lot 10 DP734647

This area is currently zoned 2(f) (Future Urban) under BVLEP 2002.

Draft BVLEP 2010 proposed that this area be zoned R5 Large Lot Residential with a minimum allotment size of 2,000m². This area was not subject to a submission , however was identified to be included in the review by Council staff due to its close proximity to Pambula town centre and ability to be serviced with reticulated water and sewer.

The review concluded that the land is not suited to residential subdivision other than that proposed under the draft BVLEP 2010 as the land is heavily constrained due to vegetation, slope and gullies and offers only limited and fragmented potential for further residential development. The review recommended that the land retain an R5 zone with a 2,000m² lot size.

» Staff comments

The recommendations of the review have been considered however staff are of the opinion that a higher density residential development could be achieved. The land is within close proximity to the Pambula CBD and, with the exception of lots 13-19 Section 14 DP 758825, is within the Pambula Water and Sewer Developer Servicing Plans. It is considered that the area could be zoned R2 Low Density Residential with a minimum allotment size of 550m². It is recognised that this area does have some physical constraints that may limit some of the land for low density residential purposes, however these area would be identified at the time of assessment of any development application for subdivision



Map 2 –Area 1 zone recommendation

» Area 2 - Lot 529 DP1007936

This area is currently zoned 1(a) Rural General and 1(c) Rural Small Holdings under BVLEP 2002 and owned by the Eden Aboriginal Land Council.

The draft BVLEP 2010 recommended that this area be zoned RU2 Rural landscape with a minimum allotment size of 120 hectares. The review concluded that the land was

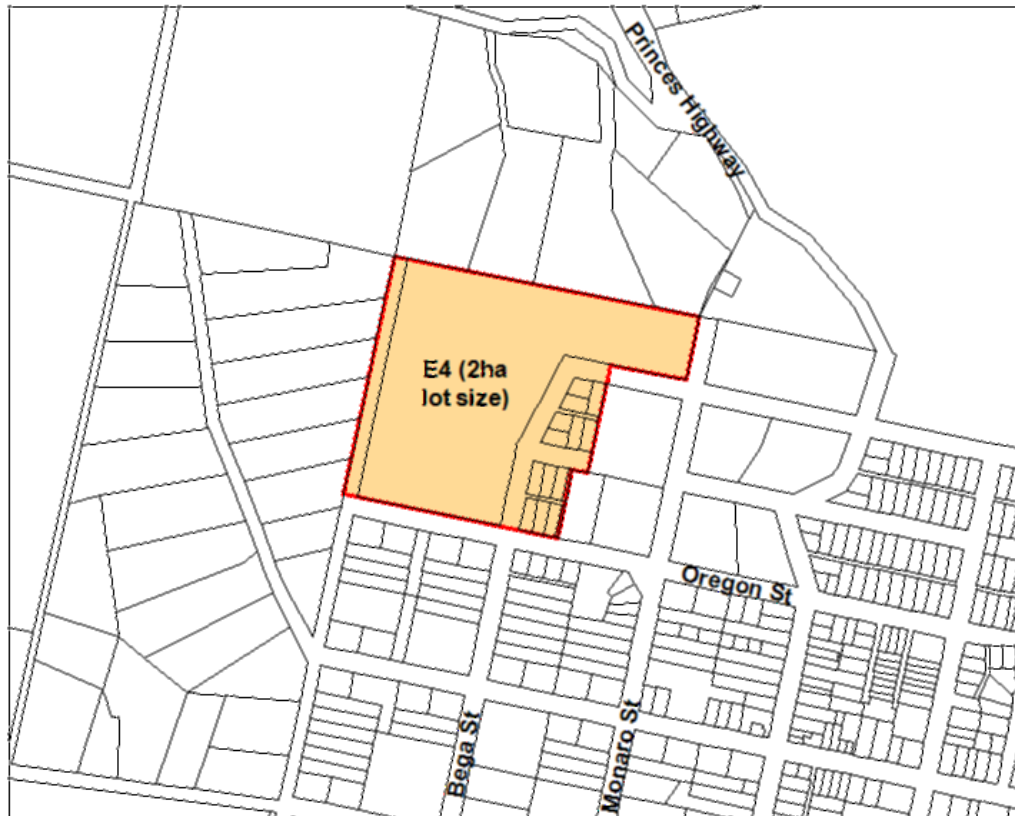
not suitable for residential development based on the land having significant environmental constraints due to riparian corridors, slope and vegetation and recommended that zoning and minimum allotment size identified in the draft BVLEP 2010 be maintained.

» **Staff comments**

It is considered that a more appropriate zoning for this land, as well as several small adjoining allotments which are also owned by the Eden Local Aboriginal Land Council, would be E4 Environmental Living with a minimum allotment size of 2 hectares. The E4 zoning would provide a reasonable transition between the Pambula Public School and the R2 Low Density Residential zoned land to the east of the site and E4 Environmental Living zoned allotments located to the north and west of the site. An E4 zone would also recognise the environmental values of the site while providing low-impact residential development opportunities.

Because of its size and physical characteristics it is considered that the RU2 Rural Landscape zone is not suitable as the land is not suited to agricultural purposes.

It is recommended that an E4 Environmental Living zone be applied to the land, as well as the adjoining land identified as part of the staff review, with a 2ha. minimum lot size. It is estimated that approximately 4 to 6 rural residential allotments could be achieved in close proximity to the Pambula town centre.

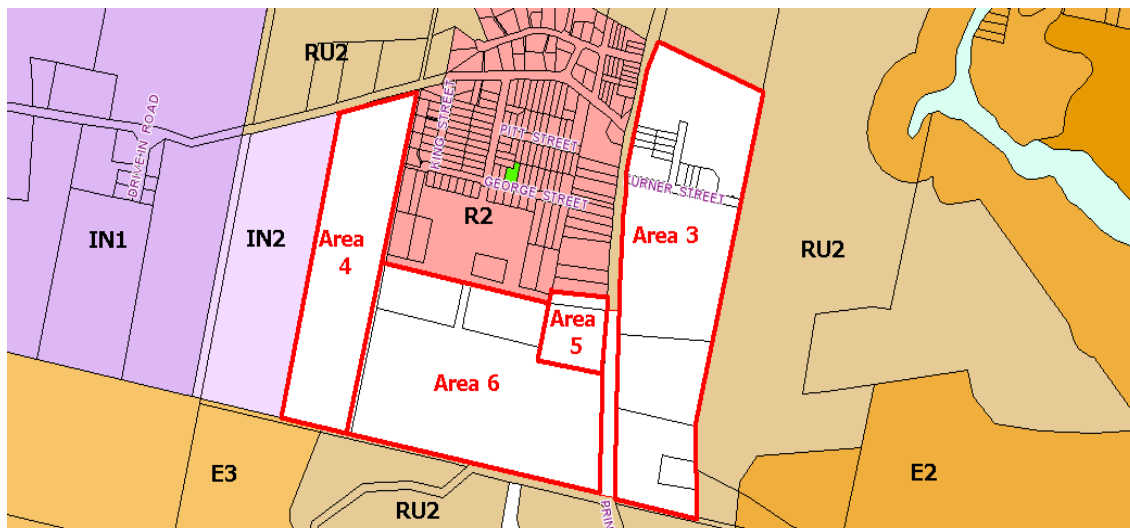


Map 3 –Area 2 zone and lot size recommendation

SOUTH PAMBULA

There were four areas included in the study area at South Pambula (See Map 4) and are described as Areas 3 to 6. The land south of Summerhill Road, while not being included in the study area, is included as Area 7 for the purpose of this report (referred to later in this report as Map 9). Each area is discussed in turn below followed by staff comment.

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Map 4 –Areas 3 to 6 South Pambula

Area 3 - Lots 1 and 2 DP197622, Lots 1 and 2 DP997328, Lots 1 and 2 DP195811, Lot 15 DP1022752, Lot 1 DP794830, Lots 1 and 2 DP794726, Lot 533 DP849212, Lot 510 & 511 DP877207, Part Lot 11 and Lot 12 DP1076297 and Part Lot 321 DP1098908

This area is currently zoned 1(a) Rural General under BVLEP 2002.

The draft BVLEP 2010 recommended that this area be zoned RU2 Rural Landscape, except for the 11 small existing allotments around Furner Street proposed to be zoned R5 Large Lot Residential (See Map 4).

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The review recommended that part of Area 3 should be considered for rezoning to R2 Low Density Residential due to its suitability for affordable residential development. Such a zone would provide additional low cost housing stock in an area adjacent to an existing settlement with minimal site constraints. The review concluded that this area should not require further assessment of flora and fauna, cultural heritage, natural hazards or geotechnical constraints other than would normally be required by legislation, e.g. a bushfire hazard assessment and structural compliance.

A subdivision concept plan was prepared as part of the review and is included as Attachment 2 to this report.

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The review recommended that the remaining eleven allotments located adjacent and north of Furner Street being Lots 1 and 2 DP197622, Lots 1 and 2 DP997328, Lots 1

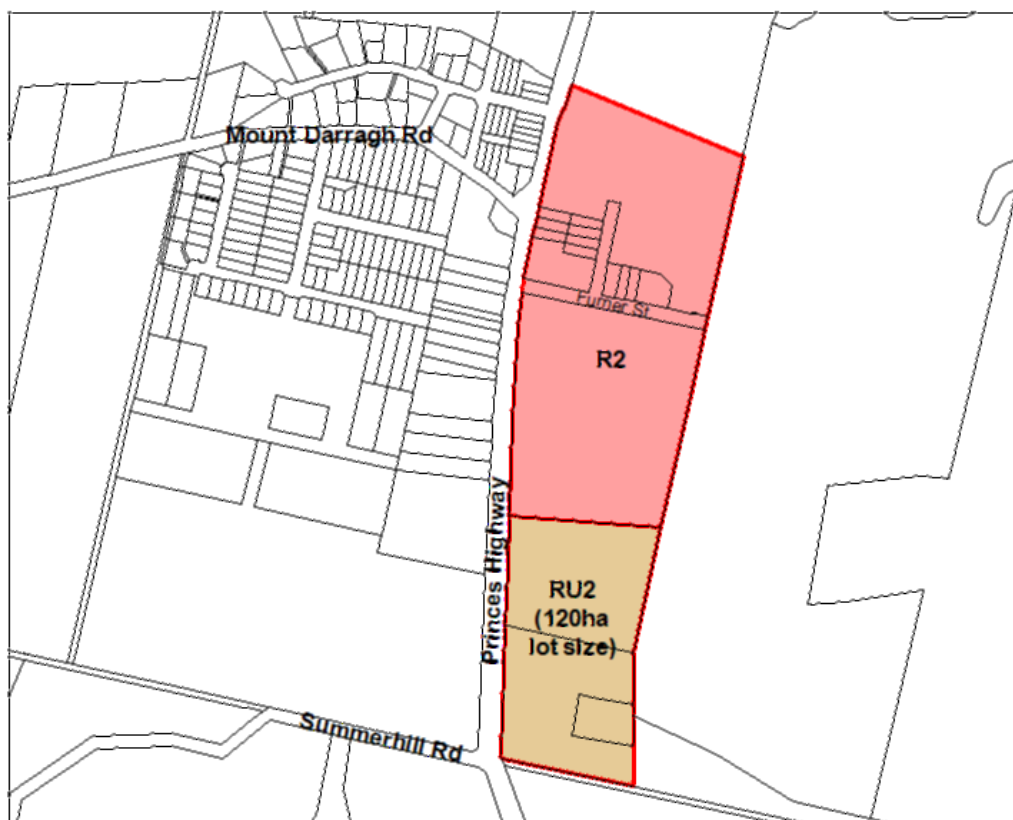
and 2 DP195811, Lot 15 DP1022752, Lot 1 DP794830, Lots 1 and 2 DP794726, Lot 533 remain as R5 Large Lot Residential to maintain scenic views along the Princes Highway. The review further recommends that most of the land surrounding the proposed R2 zone should be zoned RE1 Public Recreation with all other land in Area 3 to remain as RU2 Rural Landscape.

The submission from Caddey Searl & Jarman supported the proposed R2 zone, however recommended that lands not identified for R2 be zoned as R5 Large Lot Residential.

140 **» Staff comments**

It is considered that the findings for the additional R2 land identified by the review be supported. Council staff also recommends that Lots 1 and 2 DP197622, Lots 1 and 2 DP997328, Lots 1 and 2 DP195811, Lot 15 DP1022752, Lot 1 DP794830, Lots 1 and 2 DP794726, Lot 533 DP849212 also be zoned R2 Low Density Residential, not R5 as recommended in the review, as most of these allotments are already developed with single dwellings and are located within the Water and Sewer Developer Servicing Plans. The RE1 zone is not supported at this time and should be determined at the time of final subdivision layout approval.

150 It is further recommended that the remaining land in Area 3 not recommended for R2 zoning be retained as RU2 Rural Landscape to ensure consistency with similar land located to the north, east and south, and maintain the high scenic values along the Princes Highway within this area.



Map 5 –Area 3 zone and lot size recommendations

Area 4 - Lot 302 DP749405

This area is currently zoned 1(a) Rural General under BVLEP 2002 with no subdivision potential.

Area 4 comprises Lot 302 DP749405 with an area of 12.64 hectares. The site abuts R2 Low Density Residential zoned land to the east and IN2 Light Industrial land to the west. Draft BVLEP 2010 exhibited the site as E3 Environmental Management with a minimum allotment size of 1 hectare. That part of the site fronting Mount Darragh Road has generally been cleared of vegetation and retains maintained grasslands, a dwelling and several structures. The remainder of the site is reasonably well vegetated and contains rocky outcrops and gullies.

The review considered that the land could be developed as R2 Low Density Residential lots in the future subject to water and sewer reticulation being available. The review recommended that the site retain an E3 Environmental Management Zone to act as a buffer between the existing South Pambula residential settlement to the east and industrial development to the west. Residential use would have the potential to sterilize adjoining industrial land and Council would need to consider rezoning the adjoining industrial land to a zone that is more compatible with residential development.

The submission by Caddey, Searle and Jarman received to the Review requested that the cleared area of the site fronting Mount Darragh Road be zoned R5 Large Lot Residential with a 3,000 square metre minimum lot size and 5,000 square metre average lot size. A conceptual design was provided yielding 10 lots which included a 'no dwelling' buffer to the adjoining industrial zoned land. The submission requested the remaining 8ha. of the lot be zoned E3 with a 1ha. lot size.

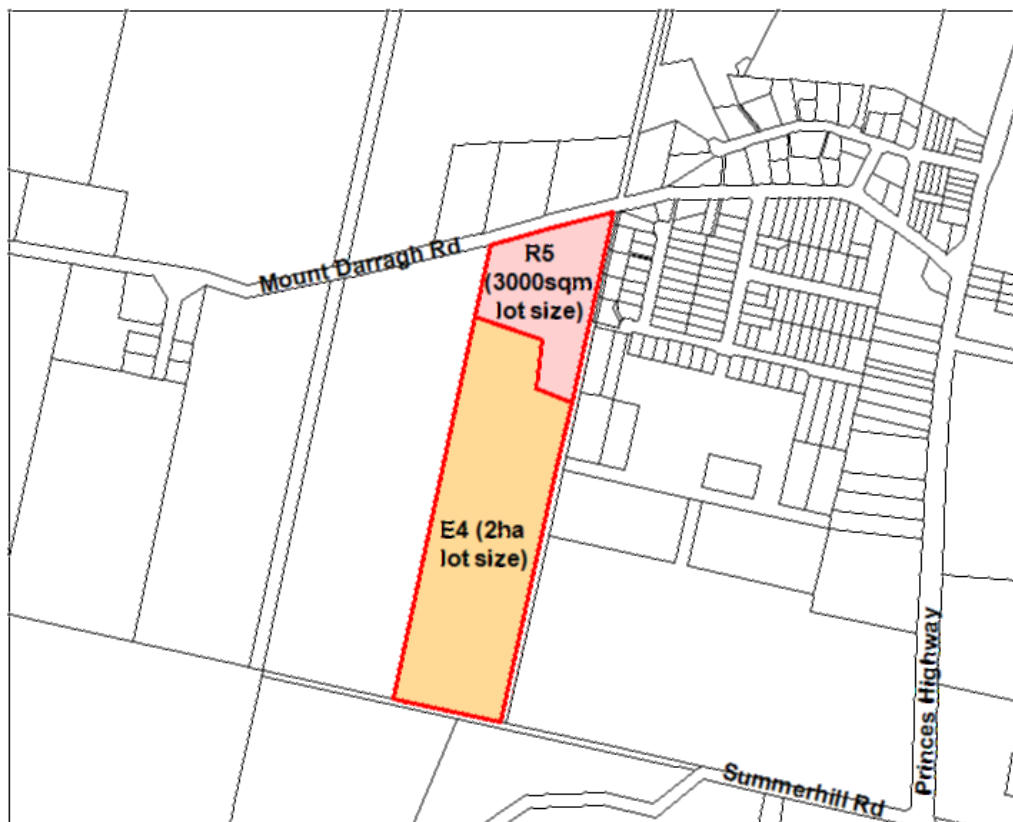
» Staff comments

This area is not considered suitable to be zoned R2 Low Density Residential having regard to the adjoining industrial land to the west and the potential for a R2 zone to sterilize or restrict the development potential of the industrial land.

The South Pambula industrial area represents a significant portion of the Shire's designated employment land supply. The area is currently used for a variety of industrial and other business activities. Due to the extremely limited opportunities for further development of McKell Drive estate in Pambula, the South Pambula industrial area is the only industrial zoned land with substantial capacity within the Merimbula District. As well as supplying industrial land in the short to medium term it is possible that the South Pambula industrial area will provide industrial land opportunities in the longer term.

It is recommended that the cleared land fronting Mount Darragh Road be zoned R5 Large Lot Residential with a minimum allotment size of 3,000m², with the remaining land zoned E4 Environmental Living with a minimum allotment size of 2 hectares. The proposed zonings would reflect the site constraints and provide a buffer between the industrial land and the South Pambula residential area. The proposed

R5 and E4 zonings would potentially generate approximately 8 to 10 allotments which is in keeping with the submission from Caddey Searl & Jarman.



Map 6 –Area 4 zone and lot size recommendations

Area 5 - Lot 9 DP700570 and Lot 10 DP563110

200 This area is currently zoned 1(a) Rural General under BVLEP 2002.

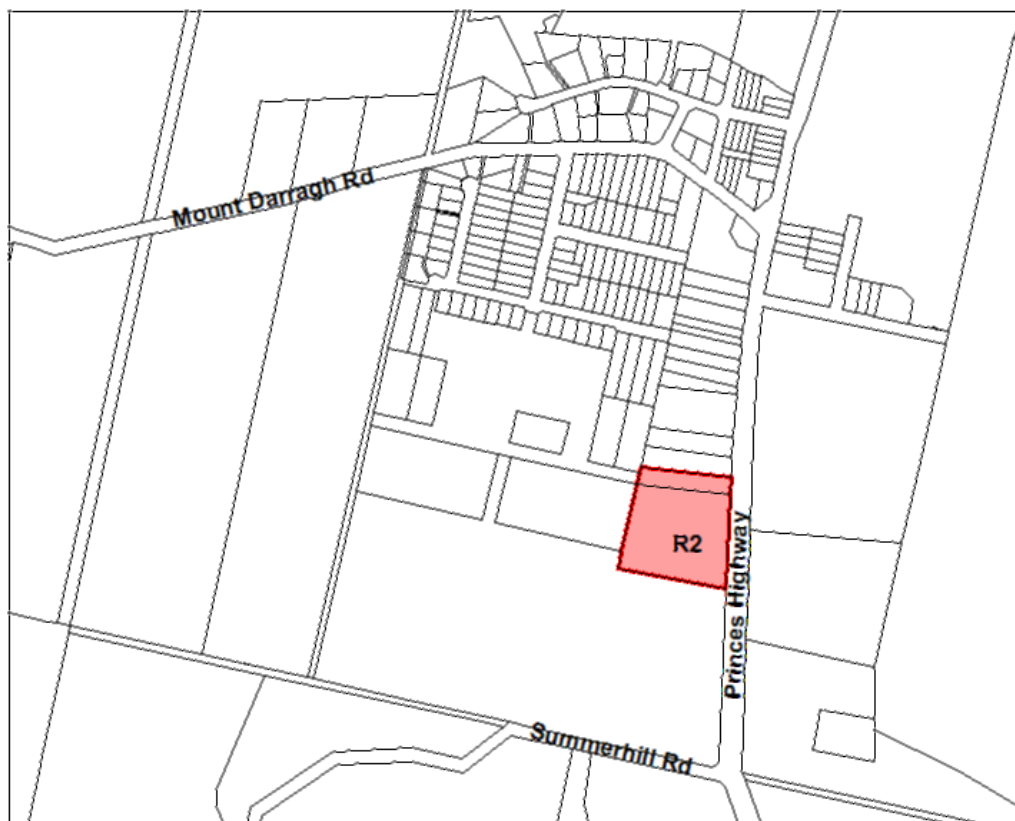
The draft BVLEP 2010 proposed Lot 9 be zoned as R2 Low Density Residential and the Lot 10 as RU2 Rural Landscape.

The review identified that this area is suited to affordable urban development as it adjoins existing R2 zoned land, and is located within the Water and Sewer Developer Servicing Plan areas. The review also noted that access (for further subdivision) may be difficult to achieve and recommended a minimum allotment size of 2,000m². This lot size would be consistent with the general lot size of existing residential properties fronting the Princes Highway in this area which are long and narrow.

► Staff comments

210 The recommendations for this area have been reviewed by staff and a further site inspection carried out. Having regard to the recommendation to zone Area 3 on the eastern side of the Highway for residential purposes it is considered that maintaining a 2,000m² lot sizing on the western side is not warranted. It is considered that the area is suitable for residential development and a 550m² lot size is supported. The existing R2 zoned allotments located to the north already have a minimum allotment

size of 550m² under BVLEP 2013 it is estimated that an additional 17 residential allotments could be created in this area.



Map 7 – Area 5 zone recommendation

220 **Area 6 - Lots 451-453 DP747031 and Part Lot 1 DP1088971**

This area is currently zoned 1(a) Rural General under BVLEP 2002 with no subdivision potential.

The draft BVLEP 2010 exhibited these allotments as RU2 Rural Landscape zone with a minimum lot size of 120 hectares.

The area comprises four allotments with three lots retaining dwellings with ancillary structures. The area is generally well vegetated except for that part of the land fronting the Highway.

230 The review concluded that this area is not suited to residential development due to site constraints relating to poor access associated with the intersection of Summerhill Road with the Highway, unavailability of water and sewer services, high construction costs due to engineering considerations and the visual significance of part of the land when viewed from the Highway. The review recommended that this area retain the zonings and minimum allotment size exhibited under draft BVLEP 2010.

The submission received from Caddey Searl and Jarman requested that the area be zoned R5 Large Lot Residential with a range in minimum allotment sizes from 5,000

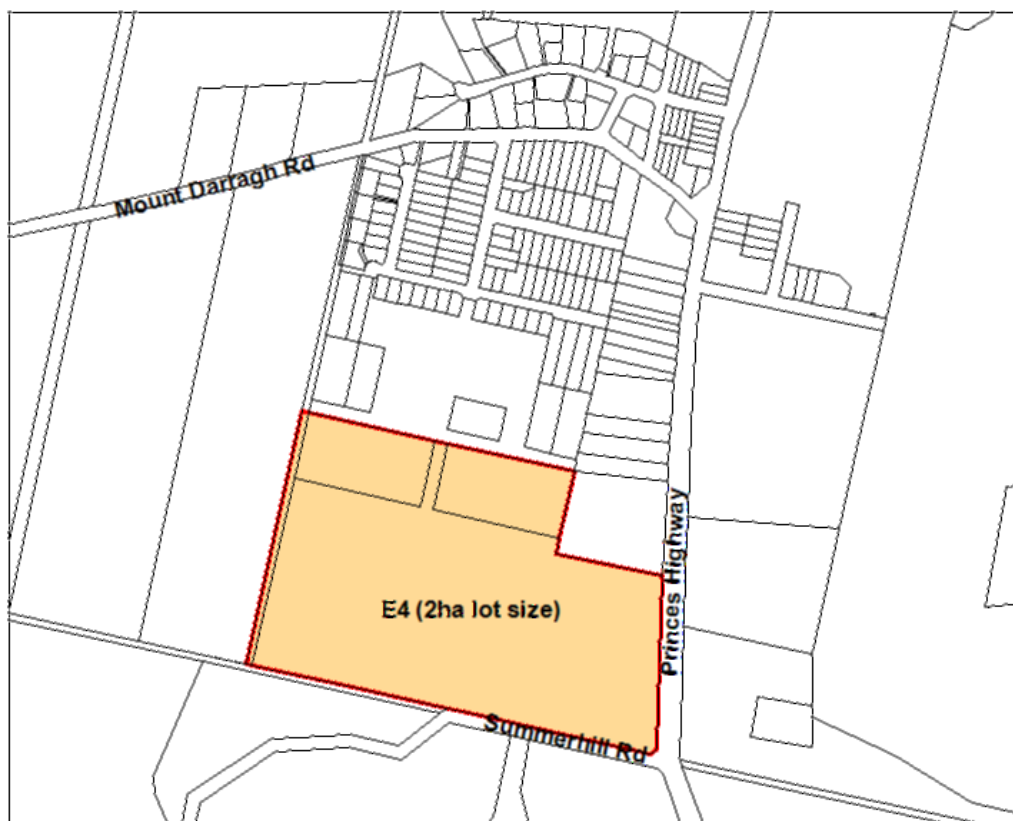
square metres up to 1 hectare. A conceptual design was provided and is included in Attachment 1 of this report.

» Staff comments

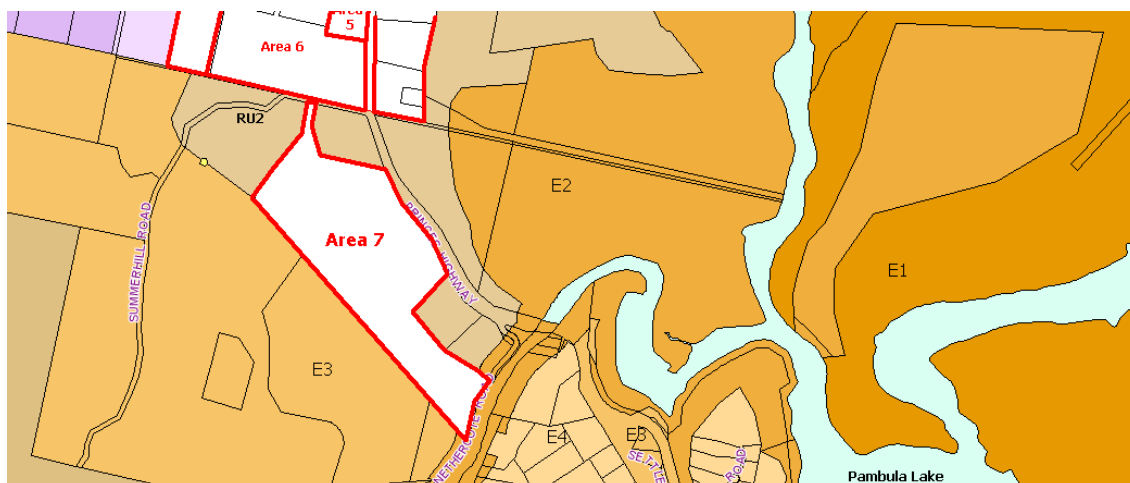
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Council staff support the conclusions and recommendations of the review for the land and acknowledge that the land is currently unsuitable for residential development. A review of the four allotments indicates that the land is not suited for any agricultural use and that it would be more appropriate to zone the land as E4 Environmental Living with a minimum allotment size of 2 hectares.

The E4 zoning and lot sizing is consistent with similar land located west of Pambula and within the Broadwater area. An E4 zoning with a 2 hectare minimum allotment size could result in approximately 8 additional allotments.



Map 8 –Area 6 zone recommendation

Area 7 - Lot 711 DP1128593

Map 9 –Area 7– Land south of Summerhill Road, South Pambula

This area is currently zoned 1(a) Rural General under BVLEP 2002 with no subdivision potential.

The draft BVLEP 2010 exhibited this allotment as RU2 Rural Landscape and a small section as E2 Environmental Conservation, with a minimum allotment size of 120 hectares. The review provided comment on the possibility of considering this land as R5 Large Lot Residential. The review recommended the following matters should be considered before a determination could be made;

- The capability of the land to accommodate on-site treatment and disposal of effluent,
- An alternative access to Summerhill Road for land both north and south of that road,
- The agricultural value of Lot 711 and the impact of preventing the use of the land for primary production,
- Appropriate protection of the drainage lines through buffers and engineering solutions for internal access,
- The scenic landscape value of Lot 711 and the visual impacts on that value,
- The ecological values of remnant vegetation, particularly that at the southern boundary, and the drainage lines,
- The need for additional R5 land having regard to the current supply and availability of large residential lots, recent take-up and forecast demand,
- Compatibility with adjoining land to be zoned RU2 Rural Landscape and E3 Environmental Management, and
- Any indigenous cultural heritage items or values associated with the land that may be impacted upon by development.

The submission received from Caddey Searl and Jarman requested that the area be zoned R5 Large Lot Residential with a minimum allotment size of 5,000 square metres with a 2 hectare average lot size. A conceptual design was provided and is included in Attachment 1 of this report.

280 **» Staff comments**

Lot 7 has an area of 41ha and is substantially cleared and is located immediately south of South Pambula. The land contains two approved dwellings. On review it is considered that an E4 zone for the land may be appropriate having regard to the recommendations of this report for Areas 4 and 6. Further an E4 zoning would not be out of character with the adjoining urban environment and would provide a buffer to the Yowaka River and Pambula Lake. Staff are of the opinion that a lot size of between 5-10 ha may be achievable while still protecting Pambula Lake from run-off. The use of the lot averaging clause in the BVLEP 2013 would allow for the lots to be concentrated at the northern end of the land with a larger residue covering the southern end. The owner would need to prepare a planning proposal in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and including the matters raised in the Zenith Town Planning report. It is considered that a R5 zoning with the density proposed by Caddey Searl and Jarman is not appropriate for the area and an E4 zone would be more appropriate in providing a transition zone from the urban environment of South Pambula to the rural environment. Further an E4 zone would also recognise the landscape amenity of the area.

CONCLUSION

300 The review undertaken by Zenith Town Planning has addressed the opportunities for residential development around Pambula and South Pambula.

The three areas identified as suitable for affordable residential development are able to be serviced, have minimal environmental constraints, would provide the best economical cost opportunities associated with subdivision construction works and no further assessments would be required to lodge a planning proposal for this area.

It is recommended that these three areas be zoned R2 Low Density Residential and a Planning Proposal be prepared by Council staff for submission to the NSW Planning and Infrastructure for a gateway determination.

It is also recommended that those lands identified in this report for zoning RU2, R5, E3 and E4, also be included in the Planning Proposal.

310 With respect to Area 7 it is recommended the owner of the land be advised that Council is prepared to consider a E4 zoning for the land subject to a planning proposal being prepared for Council consideration. The planning proposal and studies required to be carried out would determine what lot sizing would be appropriate , however it is

recommended that Council should indicate a minimum lot size of between 5-10ha ,
would be appropriate.

ATTACHMENTS

1. Caddey Searl & Jarman submission
2. South Pambula subdivision concept plan
3. Pambula area existing and proposed zones
4. South Pambula area existing and proposed zones

RECOMMENDATION

That Council resolve to make the following amendments to Bega Valley local Environmental Plan 2002:

1. Lots 1 and 2 DP68708, Lots 102 and 103 DP734647, Lots 16-22 DP792850, Lots 10-13 DP1114693, Lots 1-3, 10, 12-14, 15-19 Section 14 DP758825, Lot 1 DP198435, Lot 23 DP803543, Lots 8 and 9 DP997160 and Lot 10 DP734647 be zoned R2 Low Density Residential with a minimum allotment size of 550m².
2. Lot 529 DP1007936, Lots 1-3, 16-19 Section 45 DP758825 and Lots 1-4, 19-22 Section 46 DP758825 be zoned E4 Environmental Living with a 2 hectare minimum allotment size.
3. Lots 1 and 2 DP197622, Lots 1 and 2 DP997328, Lots 1 and 2 DP195811, Lot 15 DP1022752, Lot 1 DP794830, Lots 1 and 2 DP794726, Lot 533 DP849212, Lot 510 & 511 DP877207, Part Lot 11 and Lot 12 DP1076297 and Part Lot 321 DP1098908 identified in Map 4 as Area 3 be rezoned to part RU2 Rural Landscape and part R2 Low Density Residential. Those lands to be zoned R2 shall have the Floor Space Ratio Maps be amended to incorporate 0.5:1 and Minimum Allotment Size Maps be amended to incorporate a minimum allotment size of 550m².
4. Lot 302 DP749405 be zoned part R5 Large Lot residential with a 3,000m² minimum allotment size and E4 Environmental Living with a 2 hectare minimum allotment size.
5. Lot 9 DP700570 and Lot 10 DP563110 be zoned R2 Low Density Residential, that the Floor Space Ratio Map be amended so both allotments reflect a ratio of 0.5:1 and that the Minimum Allotment Size Map be amended so both allotments have a minimum allotment size of 550m².
6. Lots 451-453 DP747031 and Part Lot 1 DP1088971 be zoned E4 Environmental Living with a 2 hectare Minimum Allotment Size.
7. Council notify the owner of Lot 711 DP1128593 that they do not support a rezoning to R5, however Council does support in principle a E4 zone with a lot size of between 5-10ha.
8. Council proceed with a Planning Proposal for those lands identified above as Areas 1 to 6, and, if agreed by the Minister for Planning, exhibit the subject properties identified in accordance with the adopted recommendations.