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Bega Valley Local Environmental Plan 2013

Planning Proposal:

Pambula and South Pambula Residential Land

November 2014



www.begavalley.nsw.gov.au

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Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to provide additional supply of residential and rural residential living opportunities to meet future demand in the Pambula and South Pambula areas.

Part 2 – Explanation of the Provisions

This Planning Proposal will amend BVLEP 2013 in the following manner:

1. Amend the LSZ map series to introduce W1 3,000m²
2. Lots 1 & 2 DP 68708, Lots 102 & 103 DP 734647, Lots 16-22 DP 792850, Lots 10-13 DP 1114693, Lots 1-3, 10, 12-14, 15-19 Section 14 DP 758825, Lot 1 DP 198435, Lot 23 DP 803543, Lots 8 & 9 DP 997160 and Lot 10 DP 734647 Bega Street, Pambula
 - Amend map sheet LAP_001 by deleting DM Deferred Matter.
 - Amend map sheet LZN_020A by applying R2 Low Density Residential Zone.
 - Amend map sheet LSZ_020A by applying K-550m² to the R2 Low Density Residential zoned land.
 - Amend map sheet FSR_020A by applying D-0.5 Floor Space Ratio to the R2 Low Density Residential zoned land.
3. Lot 529 DP 1007936, Lots 1-3, 16-19 Section 45 DP 758825 and Lots 1-4, 19-22 Section 46 DP 758825 Oregon Street, Pambula
 - Amend map sheet LAP_001 by deleting DM Deferred Matter.
 - Amend map sheet LZN_020A by applying E4 Environmental Living Zone.
 - Amend map sheet LSZ_020A by applying Z1-2ha to the E4 Environmental Living zoned land.
4. Lots 1 & 2 DP 197622, Lots 1 & 2 DP 997328, Lots 1 & 2 DP 195811, Lot 15 DP 1022752, Lot 1 DP 794830, Lots 1 & 2 DP 794726, Lot 533 DP 849212, Lot 510 & 511 DP 877207, Part Lot 11 and Lot 12 DP 1076297, Part Lot 321 DP 1098908, Lot 530 DP 837719 Princes Highway, South Pambula
 - Amend map sheet LAP_001 by deleting DM Deferred Matter.
 - Amend map sheet LZN_020A by applying part R2 Low Density Residential Zone and RU2 Rural Landscape Zone.
 - Amend map sheet LZN_020A by applying SP2 Infrastructure (Sewerage System) to Lot 530 DP 837719
 - Amend map sheet LSZ_020A by applying K-550m² to the R2 Low Density Residential zoned land.
 - Amend map sheet FSR_020A by applying D-0.5 Floor Space Ratio to the R2 Low Density Residential zoned land.
5. Lot 302 DP 749405 Mount Darragh Road, South Pambula
 - Amend map sheet LAP_001 by deleting Deferred Matter.

- Amend map sheet LZN_012C by applying R5 Large Lot Residential Zone and E4 Environmental Living Zone.
 - Amend map sheet LSZ_012C by applying a 3000m² to the R5 Large Lot Residential Zone and Z1-2 ha to the E4 Environmental Living Zone.
6. Lot 9 DP 700570 and Lot 10 DP 563110 Princes Highway, South Pambula
- Amend map sheet LAP_001 by deleting DM Deferred Matter.
 - Amend map sheet LZN_020A by applying R2 Low Density Residential Zone.
 - Amend map sheet LSZ_020A by applying K-550m² to the R2 Low Density Residential zoned land.
 - Amend map sheet FSR_020A by applying D-0.5 Floor Space Ratio to the R2 Low Density Residential zoned land.
7. Lots 451-453 DP 747031 and Part Lot 1 DP 1088971, Princes Highway, South Pambula
- Amend map sheet LAP_001 by deleting Deferred Matter.
 - Amend map sheets LZN_020A and LZN_012C by applying E4 Environmental Living Zone.
 - Amend map sheets LSZ_020A and LSZ_012C by applying Y-1 ha to the E4 Environmental Living Zone.

Part 3 – Justification

Background

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 properties to provide additional residential land.

Council, at its meeting on 28 February 2012, resolved to engage a 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.

Council engaged Zenith Town Planning to undertake the review. Zenith Town Planning provided a report *Review of Land Suitability for Urban Residential Development, Pambula and South Pambula 2013* (Zenith Review) which considered opportunities for additional residential land in the 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;
- 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.

Following receipt of the Zenith Review Council considered a report at its meeting on 7 May 2014 which provided guidance and recommendations for Councillors to seek a resolution on several sites located at Pambula and South Pambula. The resolutions of that Council meeting form the basis of this Planning Proposal.

Figures 1 and 2 provide an overview of the land included in this Planning Proposal and the proposed zoning scheme in the context of the surrounding area.

The *Review of Land Suitability for Urban Residential Development, Pambula and South Pambula 2013* prepared by Zenith Town Planning forms Attachment 4 to this Planning Proposal.

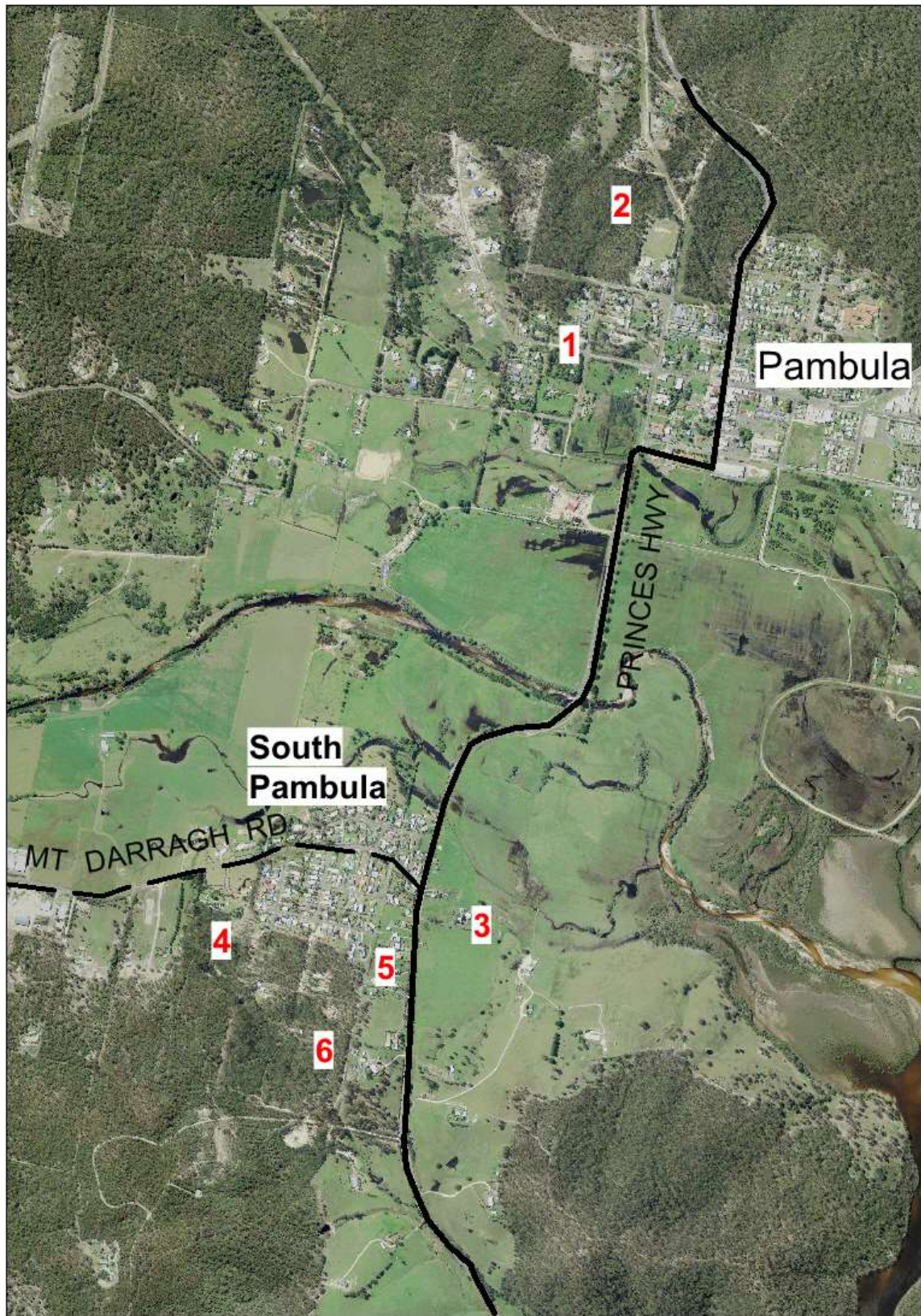


Figure 1: Subject Areas in this Planning Proposal

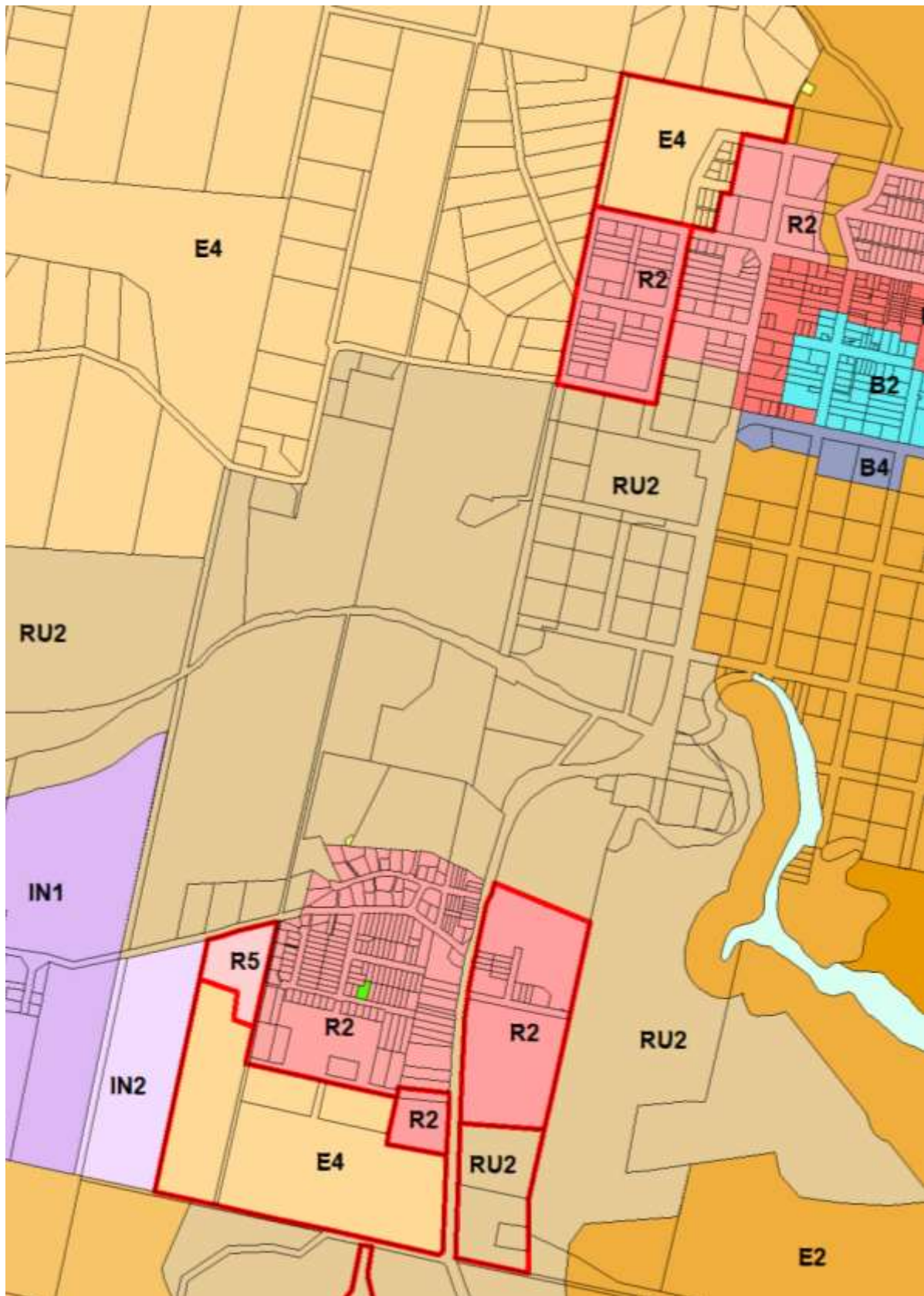


Figure 2: Overview of existing and proposed zone scheme in Planning Proposal

Lots 1 & 2 DP 68708, Lots 102 & 103 DP 734647, Lots 16-22 DP 792850, Lots 10-13 DP 1114693, Lots 1-3, 10, 12-14, 15-19 Section 14 DP 758825, Lot 1 DP 198435, Lot 23 DP 803543, Lots 8 & 9 DP 997160 and Lot 10 DP 734647



The area generally slopes to the south with one allotment on the corner of Oaklands Road and Bega Street that is low lying and is partially constrained by the 1:100 ARI flood level. All of the subject lands contain sufficient area above the flood level that is suitable for the type of future development that may result from this Planning Proposal.

The Zenith Review found that although the land is partially constrained by vegetation, slope and gullies it does offers some potential for additional residential development. When

considering the Zenith Review Council concluded that the area is mostly located within the Pambula Water and Sewer Development Servicing Plan and has access to existing infrastructure including telephone, power and sealed roads. In addition the area is located within close proximity to the Pambula town centre and primary school and is considered an orderly expansion of the Pambula built environment.

Consequently, the subject land is proposed to be zoned R2 Low Density Residential with a minimum lot size control of 550m² and a floor space ratio of 0.5 in accordance with Council's strategy for applying controls to low density residential zoned land in the Shire (See Figures 4, 5 and 6).

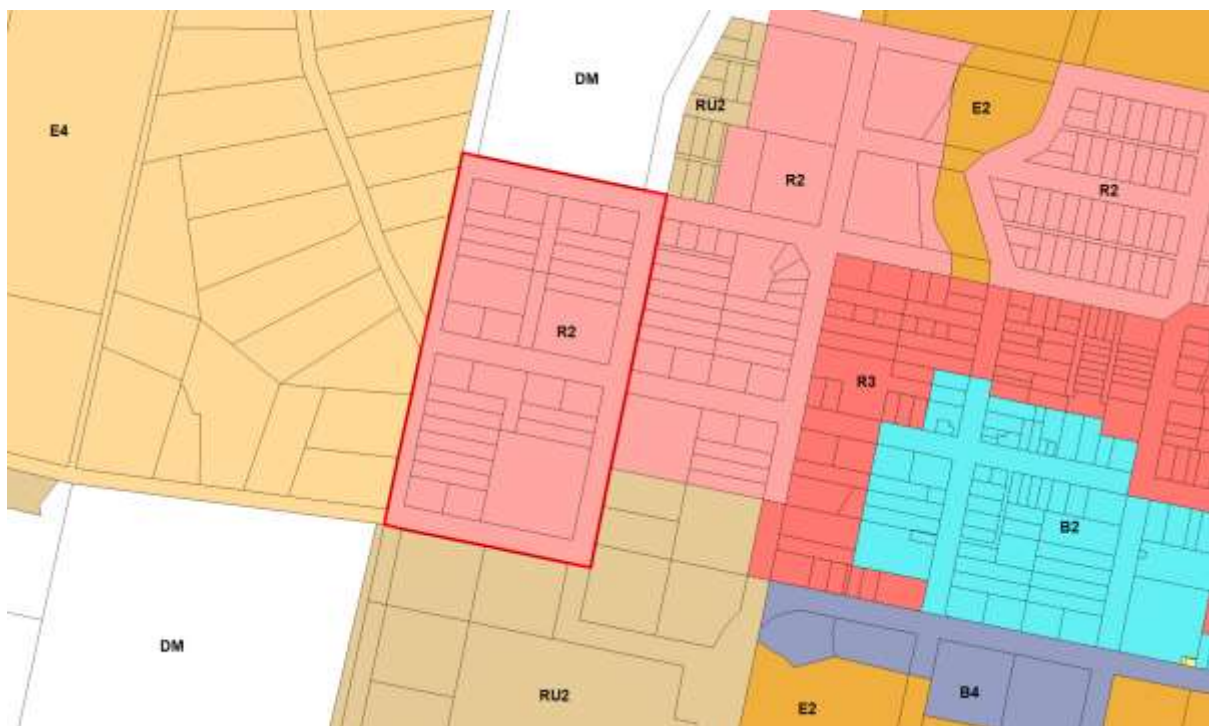


Figure 4: Bega, Oregon Streets & Oaklands Road, Pambula: Proposed Zone

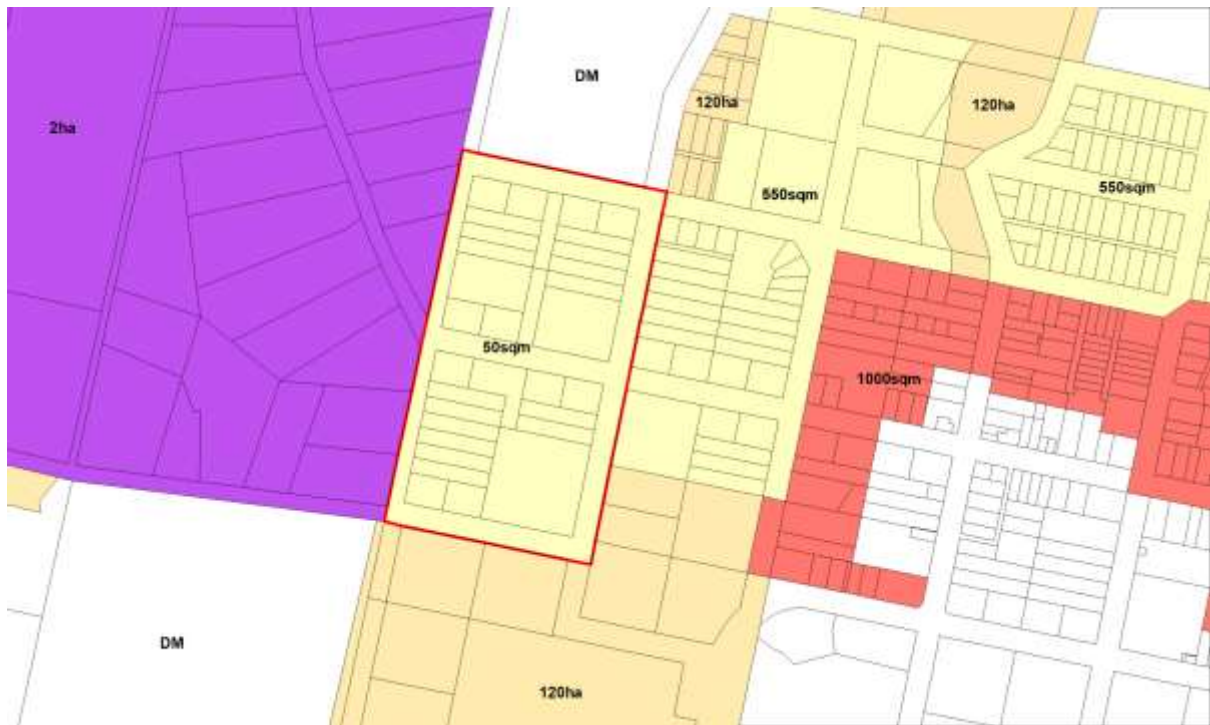


Figure 5: Bega, Oregon Streets & Oaklands Road, Pambula: Proposed Minimum Lot Size



Figure 6: Bega, Oregon Streets & Oaklands Road, Pambula: Proposed Floor Space Ratio

Lot 529 DP 1007936, Lots 1-3, 16-19 Section 45 DP 758825 and Lots 1-4, 19-22 Section 46 DP 758825



The subject properties are located 550m northwest of the Pambula town centre. The properties range in size from 240m² to 8.35ha, are within the one ownership and can be accessed via Oregon Street or an extension to Monaro Street (See Figure 7).

The largest parcel within the subject land (Lot 529 DP 1007936) was deferred from BVLEP 2013 pending the result of the Zenith Review. Lot 529 DP 1007936 is currently zoned 1(a) Rural General Zone under BVLEP 2002. In the draft BVLEP 2010 Lot 529 DP 1007936 was proposed to be zoned RU2 Rural Landscape with a 120ha minimum lot size. The remainder of the subject land is zoned as RU2 Rural Landscape with a 120ha minimum lot size under BVLEP 2013.

The Zenith Review and subsequent analysis by Council found that the subject land is not suited to urban residential subdivision or agricultural enterprises as it is heavily constrained by riparian corridors, slope and vegetation. The area is located between an R2 Low Density Residential zone containing the Pambula Public School to the east, and an E4 Environmental Living zone to the north and west. Suitable infrastructure is available for extension to service the land with the exception of reticulated water and sewer.

Consequently, the subject land is proposed to be zoned E4 Environmental Living with a 2ha minimum allotment size (See Figures 8 and 9). This will provide a zoning and lot sizing consistent with adjoining lands and enable some additional rural residential development in close proximity to Pambula village. It is estimated that approximately 4 to 6 rural residential allotments could be achieved within the subject land.

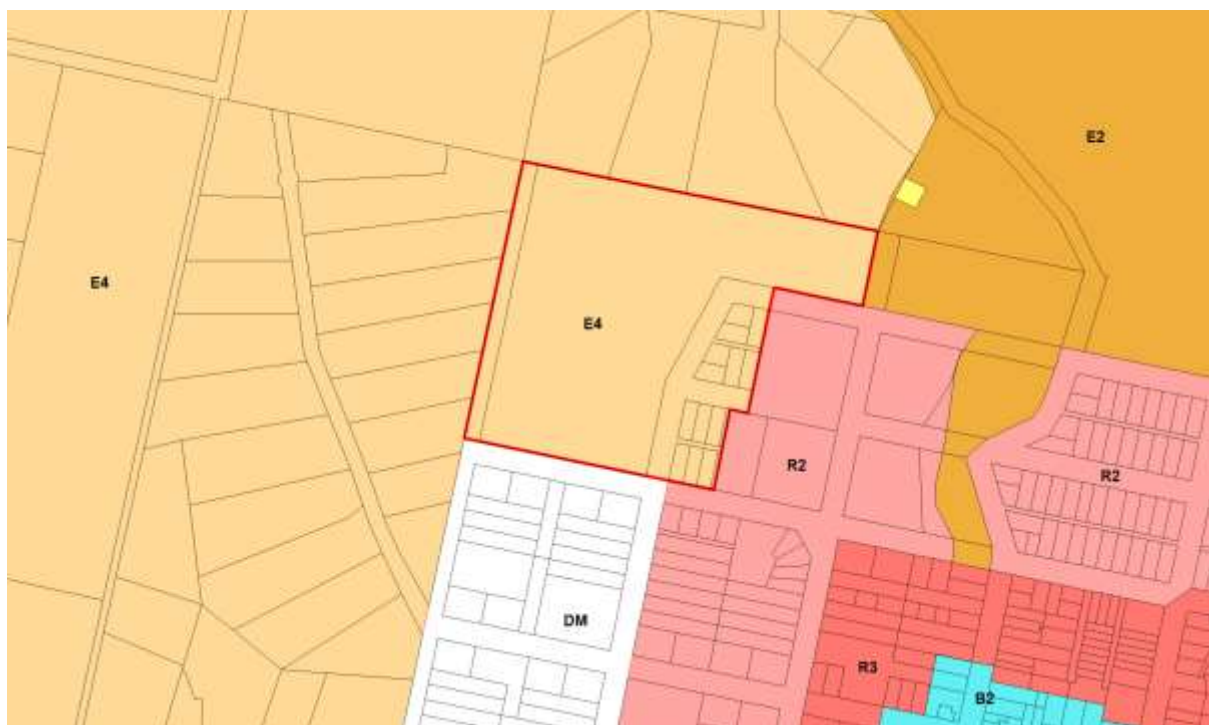


Figure 8: Oregon Street, Pambula: Proposed Zone



Figure 9: Oregon Street, Pambula: Proposed Minimum Lot Size

3. Princes Highway, South Pambula

Lots 1-2 DP 197622, Lots 1-2 DP 997328, Lots 1-2 DP 195811, Lot 1 DP 794830, Lots 1-2 DP 794726, Lot 15 DP 1022752, Lot 533 DP 849212 and Lot 530 DP 837719 Furner Street, and part Lot 321 DP 1098908, Part Lot 11 and Lot 12 DP1076297 and Lot 510 & 511 DP 877207



Figure 10: Princes Highway/Furner Street, South Pambula: Subject Land Aerial Photograph

The subject land is located east of the South Pambula settlement, approximately 1.9km south of Pambula village. The properties range in size from 764m² to 15.36ha and can be accessed via the Princes Highway and Furner Street (see Figure 10).

The allotments are predominantly cleared of vegetation, with several smaller lots which are either vacant or contain rural residential dwellings with associated outbuildings and landscaping. One allotment (Lot 530 DP 837719) contains an existing Council sewer pump station.

The northern section of the subject land is in close proximity to the Pambula River Flats with low lying parts of the land constrained by the 1:100 ARI flood line (see Figure 10). The subject land contains sufficient area above the flood level that is suitable for the type of future development that will result from this Planning Proposal.

The subject land was deferred from BVLEP 2013 pending the result of the Zenith Review. The land is currently zoned 1(a) Rural General Zone with a minimum lot size control of 120ha under BVLEP 2002. In draft BVLEP 2010 the larger allotments within the subject land

were proposed to be zoned RU2 Rural Landscape Zone with a 120ha minimum lot size with the remainder of the subject properties proposed to be zoned R5 Large Lot Residential with a 7,000m² minimum lot size.

The Zenith Review recommended that part of the subject land should be considered for rezoning to R2 Low Density Residential due to its suitability for affordable residential development (see Figure 11). Such a zone would provide additional low cost housing stock in an area adjacent to an existing settlement with minimal site constraints.

The Zenith 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. The area has sealed and practical road access, existing service infrastructure, is within Council's Water and Sewer Development Servicing Plan and has good aspect and topography.

In accordance with Council's strategy for applying controls to residential zoned land in the Shire, a minimum lot size control of 550m² and a floor space ratio of 0.5:1 are proposed to be applied to the land identified for the R2 Low Density Residential Zone (See Figures 12 and 13).

As part of the Zenith Review a 73 lot subdivision concept plan was prepared for the subject land to demonstrate how the land could be developed (see Figure 14). The concept plan has the following features:

- The subdivision design comprises a mix of lot sizes, ranging from 643m² to 1,561m², with an average lot size of 821m².
- All allotments shown in the subdivision concept plan are above the 1:100 ARI flood line.
- Access to the subdivision will be via Furner Street, which is an existing local road connecting directly to the Princes Highway.
- A public reserve system is proposed to serve multiple purposes, including providing:
 - A buffer to and from the Highway, which will benefit future occupants of the subdivision as well as motorists;
 - Suitable area for the drainage and potential storage of stormwater; and
 - A riparian corridor for the watercourse that crosses the land at the south-eastern corner.

The remainder of the subject land is proposed to be zoned as RU2 Rural Landscape with a 120ha minimum lot size 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, and Lot 530 DP 837719 which contains the existing Council sewer pump station is proposed to be zoned SP2 Infrastructure (see Figures 11 and 12).

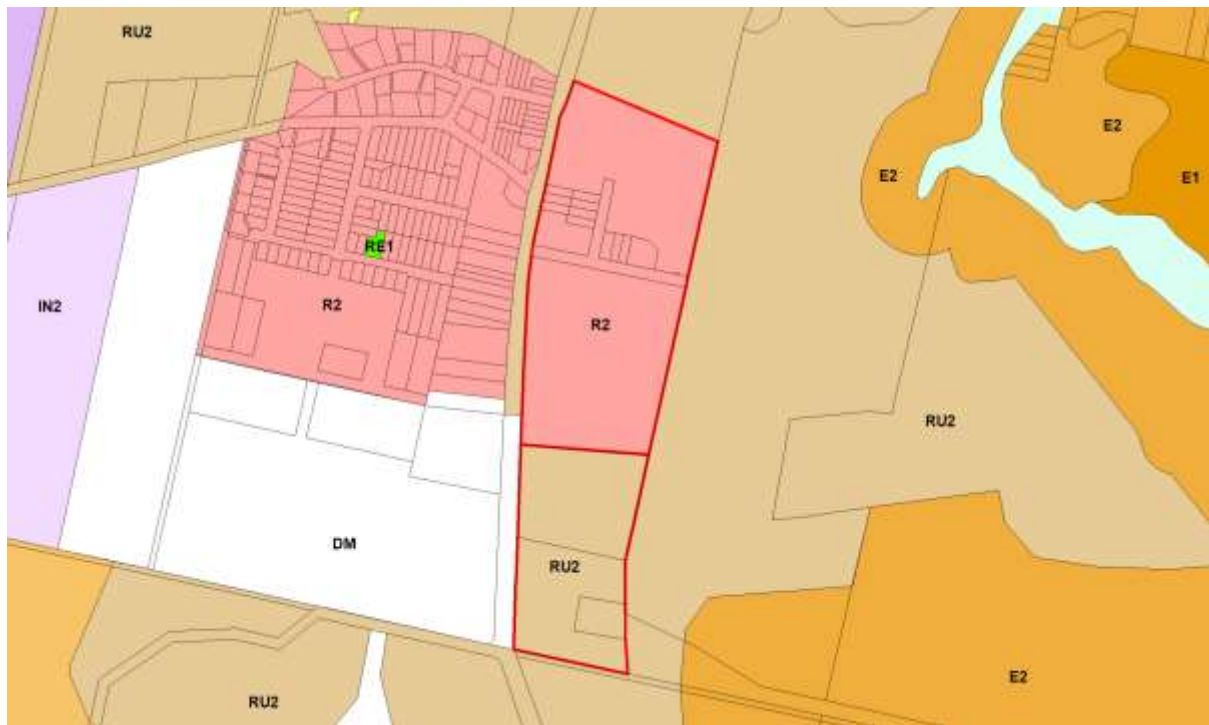


Figure 11: Princes Highway/Furner Street, South Pambula: Proposed Land Use Zone



Figure 12: Princes Highway/Furner Street, South Pambula: Proposed Minimum Lot Size



Figure 13: Princes Highway/Furner Street, South Pambula: Proposed Floor Space Ratio

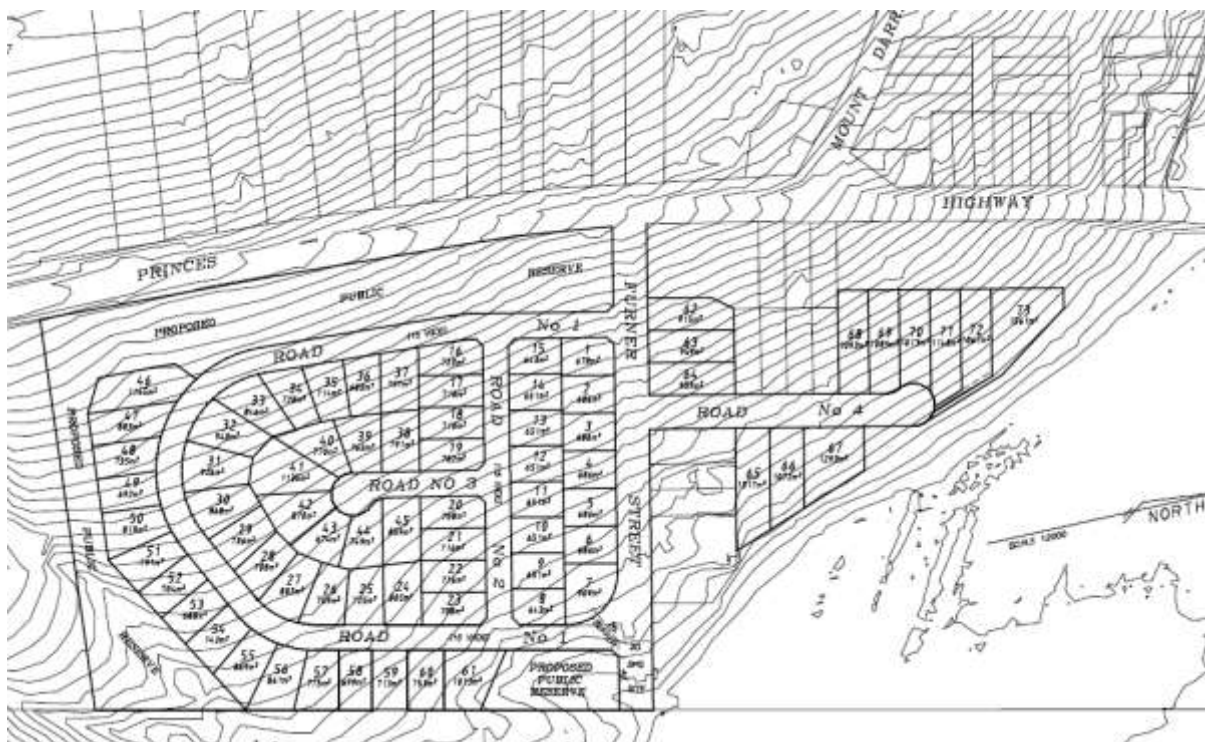


Figure 14: Princes Highway/Furner Street, South Pambula: Concept Design Residential Subdivision

4. Mount Darragh Road, South Pambula

Lot 302 DP 749405



Figure 15: Lot 302 DP749405 - Mount Darragh Road, South Pambula: Subject Land Aerial Photograph

The subject land is located to the west of the South Pambula settlement, approximately 2.3km south-west from the village of Pambula. The subject land has an area of 12.64ha and can be accessed via Mount Darragh Road (see Figure 15).

Approximately 3ha of subject land fronting Mount Darragh Road is cleared or partially cleared and contains a single dwelling and an approved tourist facility comprising 4 buildings with 2 units in each building under Development Consent 2001.1552. The remainder of the subject land is reasonably vegetated and dissected by intermittent gullies/watercourses.

The land is bounded by R2 Low Density Residential zoned land to the east, IN2 Light Industrial zoned land to the west and E3 Environmental Management /RU2 Rural Landscape zones to the south. North of the site across Mount Darragh Road are three RU2 zoned allotments all retaining single dwellings.

An extractive industry was recently approved on Lot 31 DP 749613, which adjoins the subject property to the west. The consent for the extractive industry enables the extraction and stockpiling of 25,000m³ of material over 5 to 10 years after commencement.

The subject land was deferred from BVLEP 2013 pending the result of the Zenith Review. Under BVLEP 2002, the land is currently zoned 1(a) Rural General with a minimum lot size of 120ha. In the Draft BVLEP 2010, the subject land was proposed to be zoned E3 Environmental Management with a 1ha minimum lot size.

The Zenith Review identified some development potential for residential development but recommended that the subject land retain a rural residential zone to act as a buffer between the existing South Pambula urban residential settlement to the east and industrial zoned land to the west.

Consequently, it is proposed that the land be zoned R5 Large Lot Residential zone with a minimum allotment size of 3,000m² around the developed portion of the land and E4 Environmental Living with a minimum allotment size of 2ha for the remainder of the land be (see Figures 16 and 17).

The proposed zonings reflect the site constraints and will provide a buffer between the industrial land and the South Pambula residential area. The proposed lot sizes would potentially generate approximately 8 to 10 rural residential allotments. Figure 18 contains a conceptual subdivision layout for the subject land.



Figure 16: Mount Darragh Road, South Pambula: Proposed Land Use Zones



Figure 17: Mount Darragh Road, South Pambula: Proposed Minimum Lot Sizes



Figure 18: Mount Darragh Road, South Pambula: Conceptual subdivision layout

5. Princes Highway, South Pambula

Lot 9 DP 700570 and Lot 10 DP 563110



Figure 19: Princes Highway, South Pambula: Subject Land Aerial Photograph

The subject land comprises two allotments that are located to the south of the South Pambula settlement. The allotments are in the one ownership, total approximately 2.45ha and are accessed via the Princes Highway (see Figure 19).

The area generally slopes down to the southeast towards the Princes Highway. The larger lot contains a single dwelling and ancillary structures with a majority of the site cleared of vegetation and utilised for minimal grazing.

The subject land was deferred from BVLEP 2013 pending the result of the Zenith Review. The land is currently zoned 1(a) Rural General under BVLEP 2002. In draft BVLEP 2010 Lot 9 DP 700570 was proposed to be zoned R2 Low Density Residential zone for with a 550m² minimum lot size, and Lot 10 DP563110 was proposed to be zoned RU2 Rural Landscape Zone with a 120ha minimum lot size.

The Zenith Review identified that this area is suited to residential development as it adjoins existing R2 Low Density Residential zoned land and is located within Council's Water and Sewer Development Servicing Plan areas.

The subject land is proposed to be zoned R2 Low Density Residential with a minimum lot size control of 550m² and a floor space ratio of 0.5:1 in accordance with Council's strategy for applying controls to low density residential zoned land in the Shire (See Figures 20, 21 and 22).

The potential lot yield from the subject land will depend on the access requirements of Roads and Maritime Services which will affect the final subdivision design. Figure 23 contains a conceptual subdivision layout for the subject land.



Figure 20: Princes Highway, South Pambula: Proposed Land Use Zone



Figure 21: Princes Highway, South Pambula: Proposed Minimum Lot Size



Figure 22: Princes Highway, South Pambula: Proposed Floor Space Ratio



6. Princes Highway and Lloyd Street, South Pambula

Lots 451-453 DP 747031 and Part Lot 1 DP 1088971



Figure 24: Princes Highway, South Pambula: Subject Land Aerial Photograph

The subject land comprises 4 allotments and is located directly south of the South Pambula settlement. The subject land has an area of approximately 25ha and can be accessed via the Princes Highway, Summerhill Road or via an unformed road at the end of Lloyd Road (see Figure 24). The subject land is well vegetated with some cleared areas adjacent to the Princes Highway. Single dwellings and ancillary structures are located on three allotments (the fourth lot being an unformed road). The land is dissected by various intermittent gullies/watercourses.

The subject land was deferred from BVLEP 2013 pending the result of the Zenith Review. The subject land is currently zoned 1(a) Rural General under BVLEP 2002. In draft BVLEP 2010 the land was proposed to be zoned RU2 Rural Landscape with a 120ha minimum lot size. The subject land is bounded by R2 Low Density Residential zoned land to the north, RU2 Rural Landscape zoned land to the south and “Deferred Matters” to the east and west.

The Zenith Review recommended that the subject land is not suited to residential development due to site constraints relating to poor access, unavailability of reticulated water and sewer, high construction costs and the visual significance of part of the subject land when viewed from the Princes Highway.

Given the site constraints limiting urban residential development the subject land is proposed to be zoned E4 Environmental Living with a 1ha minimum allotment size to enable rural residential development (see Figures 25 and 26). Figure 27 contains a conceptual subdivision layout for the subject land.



Figure 25: Lloyd Street/Princes Highway, South Pambula: Proposed Land Use Zone



Figure 26: Lloyd Street/Princes Highway, South Pambula: Proposed Minimum Lot Sizes



Figure 27: Lloyd Street/Princes Highway, South Pambula: Conceptual subdivision layout

Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

Review of Land Suitability for Urban Residential Development, Pambula and South Pambula 2013 (Zenith Review)

Council engaged Zenith Town Planning to produce the 'Review of Land Suitability for Urban Residential Development, Pambula and South Pambula 2013' (Zenith Review). The purpose of the Review was to investigate the feasibility of rezoning certain land at Pambula and South Pambula to an urban residential zone to augment supply and to facilitate the provision of affordable housing to cater to the needs of the communities of the Pambula and South Pambula areas and the wider Merimbula district.

The Zenith Review was carried out over two parts – Part 1 assessed the capability of specified investigation areas for urban residential development and identified land within those areas suitable for the development of affordable housing. The investigation areas were identified by Council and are located to the west of Pambula and surrounding South Pambula.

Part 2 of the study comprised preparation of conceptual subdivision layouts for the land identified as suitable for the development of affordable housing and included an assessment of the feasibility of servicing this land with access roads and reticulated water and sewer. Part 2 also involved detailed estimations of lot yields, the recommendation of appropriate land use zones and providing a future land release strategy based on servicing arrangements, land ownership and the likely development of these areas. A copy of the Zenith Review forms Attachment 4 to this Planning Proposal.

The land within the South Pambula investigation areas that was found unsuitable for urban development was further assessed by Council to determine appropriate zoning and lot sizes.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Yes. It is considered that this Planning Proposal is the most appropriate and available means of achieving the objectives.

Section B – Relationship to Strategic Planning Framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

South Coast Regional Strategy

One of the objectives of the South Coast Regional Strategy (SCRS) is to ensure that adequate and appropriately located land is available to accommodate projected housing and employment needs for the South Coast Region for the next 25 years. In particular, the SCRS identifies that the future demand for dwellings in the Bega Valley is estimated to be 8,600 over the next 25 years.

The SCRS notes that the overall housing mix throughout the Region is not expected to meet the needs of future households, which will be dominated by singles and childless couples (77% of new households) and the significant aging population. Notably, 35% of the Region's residents are expected to be over 65 years of age by 2031.

The SCRS also notes that housing affordability has declined in the Region over the last five years and the range of homes within the Region considered to be affordable for low to moderate income earners varies from 3 to 6% of all homes depending on the location. Providing affordable housing choices where residents can readily access jobs, amenities and services is an important priority for new housing development in the Region.

The SCRS details the importance of the natural environment and the need to consider natural hazards in the location of future urban development in the Region.

In terms of outcomes, this Planning Proposal is compatible with the SCRS given that:

- the subject lands are not located on viable agricultural land with the majority of proposed residential land to be located on cleared land
- residential and rural residential development is to be located adjacent to the existing villages of Pambula and South Pambula with access to regional transport routes, which are capable of meeting the future daily needs of residents and unlikely to be subject to land use conflicts
- residential and rural residential development is proposed to be located to protect waterbodies with Significant Aquatic Habitat identified by the Department of Primary Industries (Pambula Lake)
- a range of housing choices will be enabled that are affordable, sustainable and of a scale that will complement the role and character of the existing villages of Pambula and South Pambula
- where appropriate, connection to established infrastructure will minimise impacts associated with effluent disposal and provision of reticulated water.

Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Bega Valley 2030 Community Strategic Plan

The Community Strategic Plan (CSP) identifies the long term aspirations of the Bega Valley Shire's community. Two of the key aims of the CSP are:

- To support a place where everyone regardless of age or circumstance can enjoy a safe, involved and affordable community life; and
- To ensure the unique environment is protected to maintain biodiversity and water quality and managed for our community, to provide growth and economic opportunity.

This Planning Proposal is consistent with these two aims of the CSP by encouraging and enabling residential opportunities that are:

- Capable of supporting a range of housing choices that are affordable, sustainable and suited to the needs of the community,
- Located within close proximity to existing townships, accessible to a range of services and amenities, and
- Capable of minimising and managing impacts on the natural environment.

Bega Valley Development Control Plan (DCP) 2013

The Planning Proposal is consistent with the statement of desired future character of South Pambula outlined in DCP 2013: "*Future development in South Pambula complements the spacious urban style of settlement*".

The Planning Proposal is consistent with the statement of desired future character of Pambula outlined in DCP 2013: "...*the management of the town's perimeter and setting is consistent with its historic and aesthetic values. Future residential development enhances the existing built environment with boundary setbacks and building heights that will maintain residential amenity and heritage values while allowing design flexibility*".

Subject Areas 3, 5 and 6 are located within areas identified as "Premium Rural Landscapes" in DCP 2013. The objectives for the Premium Rural Landscape are to:

- *Conserve the visual value of the Pambula Main Street vista,*
- *Retain the Pambula River Flats and lower slopes as open space between Pambula and South Pambula, and*
- *Conserve the cultural integrity of the Pambula River Flats and South Pambula rural landscape.*

This Planning Proposal is consistent with the DCP as future residential and rural residential development within these Subject Areas can be designed to comply with the requirements of for Premium Rural Landscapes by reducing the visibility of new dwellings from the Princes Highway by planting trees and shrubs between and improving landscaping so that there is partial screening of the South Pambula urban area while preserving reasonable views for residents.

Merimbula District Structure Report 2008

The aim of the Merimbula District Structure Report (MDSR) was to develop a 20 year land use vision for private and vacant Crown Lands within the broader Merimbula District with particular focus on residential land needs. The MDSR set the preferred land use zoning and planning actions to be applied to the Draft BVLEP 2010 for the Merimbula District.

This Planning Proposal is consistent with the following recommendations of the MDSR:

- Subject Area 1 – that area be zoned RU2 Rural Landscape as a holding zone and the land be set for review in the next five year period subject to appropriate studies being carried out.
- Subject Area 2 - that area be zoned R5 Large Lot Residential with the lot size map to depict a minimum of 2000m².
- Subject Area 3 - that the small lots in this area be lot sized to permit a dwelling on each of the allotments.
- Subject Area 4 - that area be zoned E4 Environmental Living with a 1ha minimum subdivision standard.
- Subject Area 5 - that the area be zoned R2 Low Density Residential
- Subject Area 6 - that area be zoned RU2 Rural Landscape as a holding action and include for consideration of R2 Low Density Residential in the next five year review, subject to land owners cooperating with the necessary studies.

Q5. Is the Planning Proposal consistent with applicable State Environment Planning Policies?

The consistency of this Planning Proposal with applicable State Environmental Planning Policies (SEPPs) is detailed in this Section. For a complete checklist of SEPPs, refer to Attachment 2.

SEPP No. 44 Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. It requires the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat.

This Planning Proposal is consistent with the SEPP as none of the subject lands are considered as core Koala habitat due to the low probability of Ribbon gum or Red gums being present and the lack of recent records that indicate the absence of a breeding population of Koalas.

SEPP No. 55 Remediation of Land

This SEPP introduces planning controls for the remediation of contaminated land. The policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.

In accordance with Clause 6 of SEPP55, the subject area has been considered in respect to the likelihood of contamination. Bega Valley Shire Council's records indicate that none of the

subject lands are contaminated except for existing approved on-site sewerage management systems that have been developed for existing dwellings within several of the Subject Areas.

In regards to rezoning subject areas to R2 Low Density Residential, the relevant lands have generally been used for the purposes of extensive agriculture, namely the grazing of livestock or they have been developed for rural residential pursuits and retain existing dwellings with ancillary structures. The subject areas that are proposed to be zoned E4 Environmental Living or R5 Large Lot Residential generally contain existing rural residential land uses.

None of the subject lands are considered to be unsuitable for further residential and rural residential purposes.

SEPP No. 62 Sustainable Aquaculture

SEPP 62 regulates aquaculture activities and aims to encourage sustainable aquaculture, including sustainable oyster aquaculture. Specifically, Clause 15(c) requires consideration of whether a proposal will have an adverse impact on oyster aquaculture.

This Planning Proposal is inconsistent with this SEPP as future development of the Subject Areas has the potential to impact on oyster aquaculture in terms of cumulative nutrient impacts and cumulative pathogen impacts. All of the Subject Areas are located within the catchment of Pambula Lake. In this regard, consultation with the Director General of Primary Industries will be undertaken as part of the Planning Proposal process.

The following is an extract from the Zenith Report which was prepared to inform the provisions of this Planning Proposal:

6. RIPARIAN BUFFERS

The site is in the catchment of Pambula Lake which is listed in the Directory of Important Wetlands of Australia. As this lake is tidally well flushed it may be able to cope with some limited additional development in its catchment provided buffers for water quality protection are incorporated.

Pambula Lake is one of only a few NSW oyster-growing lakes that has been classified to allow for direct harvest of oysters due to its excellent water quality. Any urban expansion within the catchment should not be allowed to compromise this rating.

Riparian land adjoins or directly influences a body of water, including:

- land immediately alongside small creeks and rivers including the river banks itself;*
- gullies and depressions that sometimes run with surface water;*
- areas surrounding lakes; and*
- wetlands on river floodplains which interact with the river in times of flood.*

Future land use rezoning should recognise a development-free riparian protection buffer to the local waterways (measured from the top of each bank). The riparian

zones extending along creek and gully lines provide a number of important biological functions including:

- provision of a buffer as part of the transition from terrestrial and floodplain environments to aquatic environments,
- facilitation of the migration of terrestrial and aquatic animals,
- stabilisation of banks and streambeds,
- filter for pollutants, and
- provision of shade.

Planning for these functions is facilitated by categorising riparian corridor widths. The riparian categories and objectives promoted by the NSW Office of Water are based on the Strahler system of categorising streams. The riparian corridor (RC) widths and vegetated riparian zone (VRZ) widths along the channel from NSW DoW 2012 are summarised in Table 6.1 below.

Table 6.1: Riparian corridor widths and vegetated riparian zones. Source: NSW Office of Water, 2012 Watercourse type	VRZ width (each side of watercourse)	Total RC width
1st order	10 metres	20m + channel width
2nd order	20 metres	40m + channel width
3rd order	30 metres	60m + channel width
4th order and greater (includes estuaries, wetlands and any parts of rivers influenced by tidal waters)	40 metres	80m + channel width

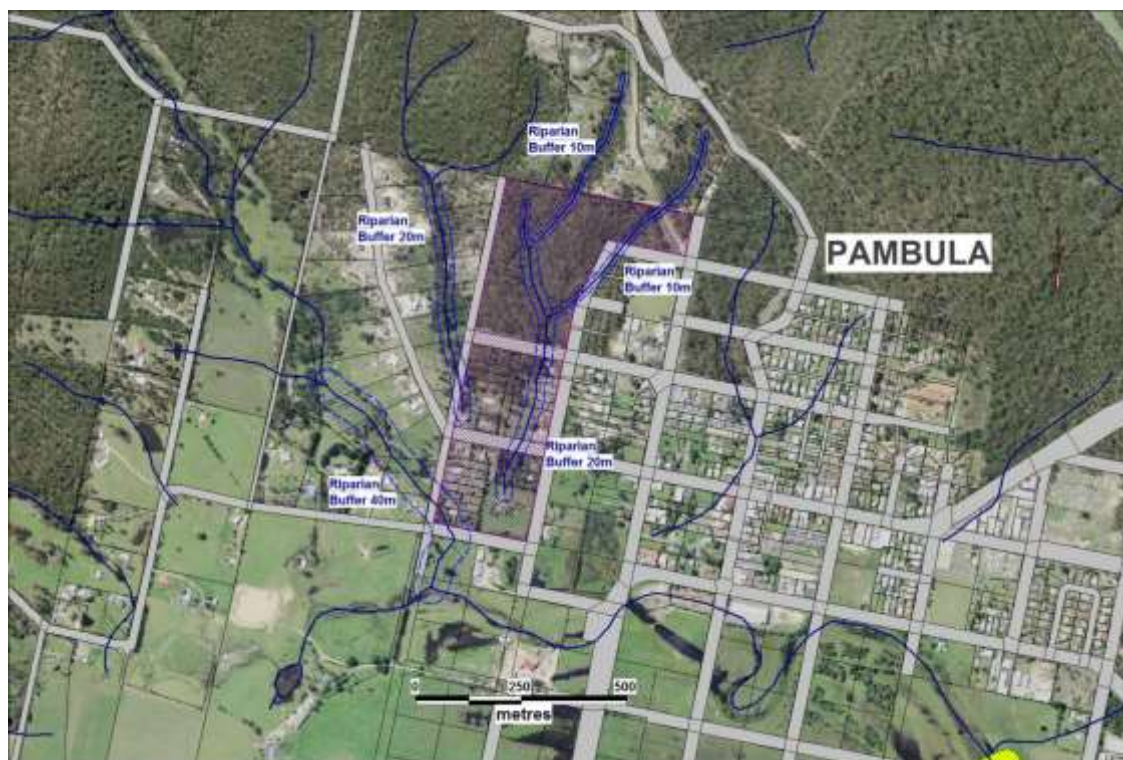


Figure 6.1: Riparian buffers, Pambula

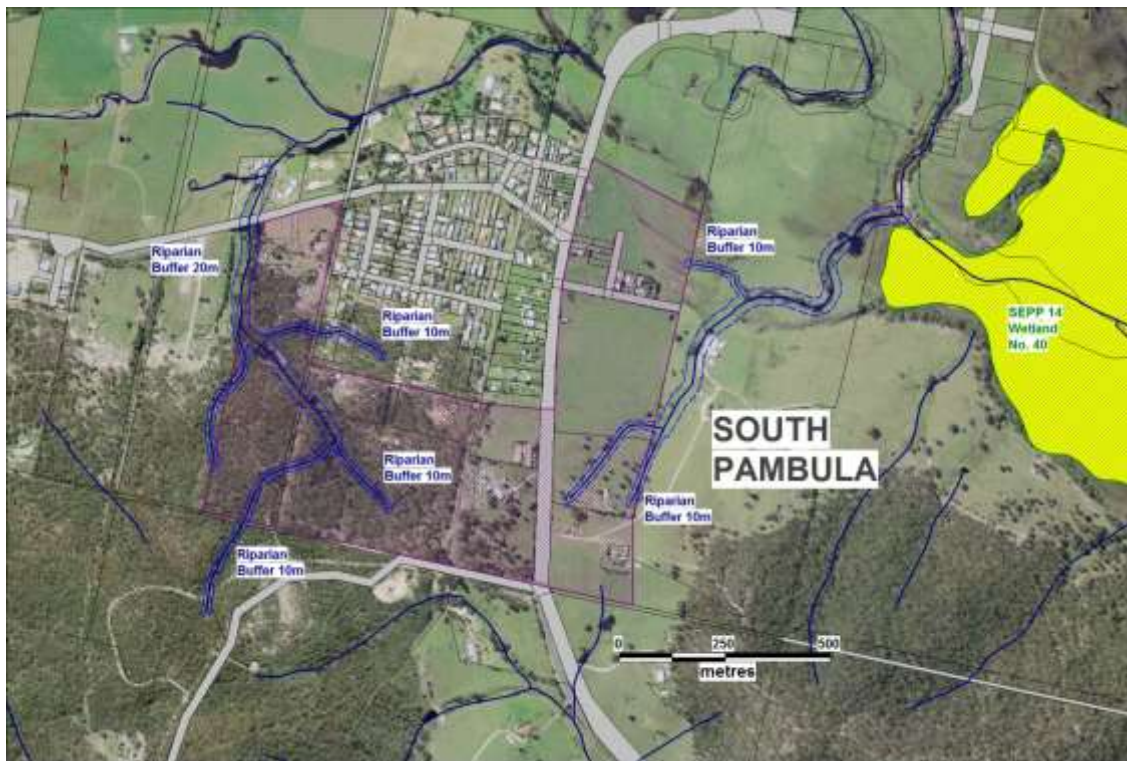


Figure 6.2: Riparian buffers, South Pambula

SEPP No. 71 Coastal Protection

SEPP 71 controls development in the coastal zone and aims to ensure that development in the NSW coastal zone is appropriate and suitably located, that there is a consistent and strategic approach to coastal planning and management, and that there is a clear development assessment framework for the coastal zone.

Subject Area 3 is located within the coastal zone. This Planning Proposal is consistent with this SEPP as it does not contradict or hinder the application of the coastal planning provisions contained within the SEPP or promote development that will impede or diminish access to coastal foreshores, result in effluent discharge that negatively affects water quality, or involve a discharge of untreated storm water into the sea, a beach, an estuary, or coastal lake or creek.

SEPP (Rural Lands) 2008

SEPP (Rural Lands) 2008 facilitates the orderly and economic use and development of rural lands for rural and related purposes. Clause 10(3) of SEPP (Rural Lands) 2008 prescribes a number of matters for consideration in determining development applications for rural subdivisions or rural dwellings. The Clause applies to land in a rural zone, a rural residential zone or an environment protection zone.

This Planning Proposal is consistent with the SEPP as it will enable additional rural residential developments in areas that are appropriate for such development, are compatible with nearby existing and approved uses of land and are unlikely to significantly impact on agricultural land uses in the vicinity.

SEPP Mining, Petroleum Production and Extractive Industries 2007

This SEPP standardises the approach throughout NSW to the assessment and approval of mining activities under Part 4 of the EP&A Act. Under the SEPP, the relevant consent authority in determining an application must consider the compatibility of the proposed development with mining, petroleum production or extractive industry.

This Planning Proposal does not seek to allow mining, petroleum production, or extractive industry within the subject properties. However, the Planning Proposal is inconsistent with the SEPP as there is an approved extractive industry located within the immediate area of South Pambula.

As such, further rural residential development of the land at South Pambula has the potential to create land use conflicts with the approved extractive industry. In this regard, consultation with the NSW Government Resources and Energy Division regarding the proximity of the South Pambula properties to existing extraction facilities will be undertaken as part of the Planning Proposal process.

Refer to Q6 Ministerial Directions 1.3 Mining, Petroleum Production and Extractive Industries for more information regarding this issue.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions?

This Section addresses consistency with applicable Section 117 Directions. Attachment 3 contains a complete list of all 117 Ministerial Directions applicable within the Bega Valley Shire.

1.2 Rural Zones

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The objective of this Direction is to protect the agricultural production value of rural land.

This Planning Proposal is inconsistent with this Direction as Subject Areas 2 and 3 are proposed to be rezoned from RU2 Rural landscape to R2 Low Density Residential. These subject areas are Class 3 and 5 Agricultural Land under the Agricultural Land Classification Atlas for the Far South Coast Region NSW. The Class 5 Agricultural lands are well vegetated with no potential for agricultural pursuits. The subject land that is designated as Class 3 Agricultural land is located immediately on the fringe of the South Pambula Urban settlement and is utilised for grazing livestock, however, it has already been compromised with several large lots developed within this area.

The provisions of this Planning Proposal that are inconsistent with this Direction are of minor significance and justifiable on the basis that there will only be a minor reduction in the existing agricultural uses currently undertaken in these location.

1.3 Mining, Petroleum Production and Extractive Industries

This direction applies when a relevant planning authority prepares a Planning Proposal that would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

The objective of this Direction is to ensure that the future extraction of State or Regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

This Planning Proposal is inconsistent with this Direction as it contains provisions that may lead to land use conflicts between an existing approved extractive industry and future rural residential living opportunities. There is an existing approved extractive industry located within the vicinity of the Subject Site 4 at South Pambula, which could potentially be compromised by future rural residential living opportunities.

The provisions of this Planning Proposal that are inconsistent with this Direction are of minor significance and justifiable on the basis that the approved extractive industry has assessed the potential impacts associated with its operation including noise. Through the known extent of impacts associated with the approved extractive industry, any potential land use conflicts that result from this Planning Proposal can be readily assessed and controlled.

Consultation with the NSW Government Resources and Energy Division regarding the proximity of the South Pambula properties to existing extraction facilities will be undertaken as part of the Planning Proposal process.

1.4 Oyster Aquaculture

This Direction applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.

The objectives of this Direction are to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal; and protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.

This planning proposal is inconsistent with this Direction as it contains provisions which could result in adverse impacts to an existing Priority Oyster Aquaculture Area.

All of the Subject Areas are located within the catchment of Pambula Lake and Subject Area 3 is on close proximity to existing oyster leases in Pambula Lake that have been identified by the Department of Primary Industries (August 2006) as being within Priority Oyster Aquaculture Areas.

This planning proposal seeks to permit approximately 73 additional dwellings on land within Subject Area 3 which adjoins Pambula Lake. Any issues that have the potential to impact on water quality can be adequately addressed via the appropriate siting and design of future development. No additional dwellings are proposed within 100m of the lake and the implementation of planned provision of reticulated water and sewer services, sealed roads and appropriate urban storm water management systems, will ensure that it is unlikely that the additional development will have adverse impacts on oyster aquaculture in terms of water quality. As such, the inconsistency with the terms of this Direction is of minor significance.

The potential impact of the Planning Proposal on oyster aquaculture is further detailed in the discussion of SEPP No. 62 Sustainable Aquaculture above. Consultation with the Director General of Primary Industries will be undertaken as part of the Planning Proposal process.

1.5 Rural Lands

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone or that changes the existing minimum lot size on land within a rural or environment protection zone.

The objectives of this Direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.

The proposed changes to the zoning and minimum lot size controls contained in this Planning Proposal are consistent with this Direction because they conform to the Rural Planning and Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008 and will not compromise the production value or development of rural land for rural purposes. In particular, this Planning Proposal will:

- Not enable the fragmentation of high quality agricultural land;
- Not enable the potential for additional rural land use conflicts, particularly between residential land uses and other rural land uses;
- Provide rural residential opportunities compatible with the natural and physical characteristics of the land and that will integrate with surrounding and existing rural residential developments; and
- Provide residential and rural residential opportunities in areas close to existing town centres that are well serviced and capable of meeting the daily needs of residents.

2.1 Environment Protection Zone

This Direction applies when a relevant planning authority prepares a Planning Proposal. The objective is to protect and conserve environmentally sensitive areas.

Subject Areas 2, 4, and 6 are considered ecologically sensitive and are proposed to be zoned either E4 Environmental Living or R5 Large Lot residential or a combination of either. This Planning Proposal is consistent with this Direction as it contains provisions that relate to the application of zones which are consistent with environmental characteristics and provides minimum lot size controls appropriate to protect and conserve those environmentally sensitive areas.

2.2 Coastal Protection

This Direction applies when a planning authority prepares a Planning Proposal that applies to land in the Coastal Zone. The objective is to implement the principles in the NSW Coastal Policy.

This Planning Proposal seeks to amend the zoning and minimum lot size controls to Subject Areas 3 which is within the Coastal Zone. This Planning Proposal is consistent with this Direction as it does not contradict or hinder the application of the coastal planning provisions contained in the NSW Coastal Policy, the Coastal Design Guidelines 2003 or the NSW Coastline Development Manual 1993.

With the objective of implementing the principles of the NSW Coastal Policy, this Planning Proposal will ensure the application of BVLEP 2013 to the subject land, which includes the Standard Instrument Clauses 5.5 and 5.7 relating to development within the Coastal Zone and below mean high water mark, as well as local Clause 6.4 Coastal Risk Planning.

2.3 Heritage Conservation

This Direction applies when a relevant planning authority prepares a Planning Proposal. The objective is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This Planning Proposal is consistent with this Direction as it does not include provisions that will affect the protection or conservation of identified items, areas, objects or places of environmental heritage significance or indigenous heritage significance.

The Zenith Review included a review of the draft Stage 3A report of the Bega Valley Shire Aboriginal Cultural Heritage Study entitled 'Understanding Aboriginal Cultural Heritage' prepared by Susan Dale Donaldson Environmental and Cultural Services in 2010. There were no matters of indigenous cultural heritage identified in this oral history relating to either investigation area.

On-line searches were carried out of the Aboriginal Heritage Information Management Service (AHIMS) spanning wide areas that included the investigation areas and an additional 50 metres of surrounding lands. Land in the ownership of the Eden Local Aboriginal Land

Council was included in the AHIMS search of Pambula. The Zenith Review also included details of a refined online search AHIMS for the three large allotments recommended for possible urban residential development (Lot 321 DP 1098908, Lot 510 DP 877207 within Subject Area 4 and Lot 302 DP 749405 within Subject Area 5). Each search allowed for a 50 metre buffer adjoining each property and determined that:

- There are no Aboriginal sites recorded in or near the selected locations, and
- There are no Aboriginal places that have been declared in or near the selected locations.

The Zenith Review acknowledged that a significant portion of Subject Area 2 is in the ownership of Eden Local Aboriginal Lands Council, and although no information concerning indigenous heritage has been obtained, further investigation of this area may yield items or values of significance to local Aboriginal people. The Zenith Review also noted that whilst surveys for Aboriginal object have not been carried out in all parts of NSW, Aboriginal objects may exist on a parcel of land even though they have not been recorded in AHIMS. Further, not all known Aboriginal sites are registered on the AHIMS database and not all sites consist of physical evidence or remains.

With regard to unidentified Aboriginal heritage values, Council includes a general notation on all Development Consents to the effect that:

It is an offence under the National Parks and Wildlife Act 1974 to destroy, deface or damage an Aboriginal relic. If during works on site any Aboriginal relic is discovered then you should immediately stop work and contact representatives of the Office of Environment and Heritage and the Local Aboriginal Land Council.

Schedule 5 Environmental Heritage of BVLEP 2013 lists heritage items and heritage conservation areas. There are three heritage items on Schedule 5 in South Pambula including the former Roan Horse Inn which is located adjacent to Subject Area 3 on the opposite side of the Princes Highway. The future development that is likely to result from this Planning Proposal is not expected to create a negative impact on the former Roan Horse Inn.

3.1 Residential Zones

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed residential zone or other zone in which significant residential development is permitted or proposed to be permitted.

The objectives of this Direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services and minimise the impact of residential development on the environment and resource lands.

The proposed rezoning is consistent with this Direction as it will support a range of housing choices, including providing low cost residential land that would integrate with the surrounding existing urban environments of Pambula and South Pambula.

3.4 Integrating Land Use and Transport

This direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve a number of planning objectives.

This Planning Proposal is consistent with this Direction as adequate infrastructure is available to service any additional residential development that results from this Planning Proposal in the Pambula and South Pambula area.

The proposed zoning amendments will encourage low cost residential development within close proximity to existing urban settlements and will achieve the planning objectives of improving access to housing and services by walking, cycling and public transport, reduction in the dependence on cars and travel demand and efficient and viable operation of public transport services.

3.5 Development near Licensed Aerodromes

This direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. The objectives of this Direction are to ensure the effective and safe operation of aerodromes, ensure that their operation is not compromised by development and ensure development for residential purposes is not adversely affected by aircraft noise.

The Pambula and South Pambula settlements are located approximately 2.7 and 4.5 km from the Merimbula Airport respectively. This Planning Proposal is consistent with this direction as the highest part of any of the subject lands is 50m RL and all affected lands are located within either the Inner Horizontal Surface RL or Transitional Surface RL and the height of buildings will remain unchanged for all Subject Areas at 10m.

4.3 Flood Prone Land

This Direction applies when a relevant planning authority prepares a Planning Proposal that creates, removes or alters a zone or a provision that affects flood prone land.

The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This Planning Proposal is consistent with this direction as the extent of flooding for Pambula and South Pambula are known. The Planning Proposal details the extent of flooding for two Sites being Subject Areas 1 and 3 (see Figures 3 and 10).

- The south eastern corner of Subject Area 1 (lot 103 DP 734647) is constrained by flooding being below the 1% flood limit of 5 metres AHD. Almost half of the allotment is mapped as flood prone.
- The land at the north eastern corner of Subject Area 3 is subject to flooding being below the 1% flood limit of 5 metres AHD and will be excluded from land suited to residential development.

With the objective of implementing the principles of the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, BVLEP 2013 Clause 6.3 Flood planning specifically deals with flood planning issues. The application of this clause will ensure that potential impacts of flood hazards will be sufficiently addressed in the assessment of any future development applications with Subject Areas 1 and 3.

4.4 Planning for Bushfire Protection

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land. The objectives of this Direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and encourage sound management of bush fire prone areas.

This Planning Proposal is consistent with the objectives of this Direction as it does not encourage the establishment of incompatible land uses and appropriate development of the land can occur through the application of the provisions contained within Planning for Bushfire Protection 2006.

All properties that are the subject of this Planning Proposal are identified as containing bushfire vegetation within category 1 and/or 2 therefore consultation with the NSW Rural Fire Service under Section 56 of the *Environmental Planning and Assessment Act 1979* will form part of the Planning Proposal process.

5.1 Implementation of Regional Strategies

Planning Proposals must be consistent with a regional strategy released by the Minister for Planning.

As detailed at Q3, this Planning Proposal is consistent with the overall vision, land use strategy, policies, outcomes and actions identified in the South Coast Regional Strategy.

6.3 Site Specific Provisions

This Direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out. The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

This Planning Proposal does not seek to include additional uses beyond what is permitted within the land use table for the applicable zone. Therefore, it is consistent with this Direction.

Section C – Environmental, Social and Economic Impact

Q7. 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?

Chapter 5 of the Zenith Review specifically addressed flora and fauna within the Subject Areas including existing vegetation communities, disturbance of vegetation communities, fauna survey results, threatened flora and fauna occurrence and impacts, threatened flora species, Endangered Ecological Communities and threatened fauna species (see Attachment 4 for details). This Planning Proposal is highly unlikely to affect any critical habitat or threatened species, populations or ecological communities, or their habitats as identified in the Zenith Review.

The findings of the Zenith Review ensured that all of the subject land that is recommended for R2 Low Density Residential Zoning is free of environmental sensitivity; that is:

- Vegetation is not an Endangered Ecological Community or of high conservation value
- Not threatened species habitat that is likely to be affected by residential development
- Able to avoid riparian corridors

The Zenith Review identified land within the Subject Areas that contained vegetation that was recommended to be maintained. This land is proposed to be zoned E4 Environmental Living to protect existing vegetation.

The following are extracts from the Zenith Review relating to critical habitat, threatened species populations and ecological communities:

Subject Areas 1 and 2

The forested part of this area includes elements of two forest communities on the more elevated areas and a third in the lower parts of the gullies. The most abundant community is Southeast Lowlands Dry Shrub Forest and there is a minority element of Far South Coast Foothills Dry Shrub Forest. In the gullies is a wetter community closely matching Southeast Hinterland Wet Shrub Forest. These communities are generally of low to moderate conservation significance and may be highly significant for threatened fauna species. This area has a very low level of disturbance and hollow-bearing trees are abundant. Evidence of the threatened species yellow-bellied gliders were found and Glossy Black Cockatoos would be expected to feed on the black she-oaks. There is also a fragment of the endangered ecological community Bega Wet Shrub Forest at the southern end near Oaklands Road. No threatened flora species were found in this area.

The upper portion of the investigation area in the ownership Eden LALC is heavily vegetated and contains 1st and 2nd order watercourses which necessitate 10 metre and 20 metre buffers each side of the channels to protect water quality and

environmental values. The areas between these gullies are limited in area and difficult to access without significant works.

The lower portion of the investigation area is vegetated in the north western corner and affected by 2nd order watercourses, one of which cuts north-south into the large residue allotment at the south eastern corner. The south western corner is affected by a 4th order watercourse although this area is largely developed.

Subject Areas 3, 4, 5, and 6

The forested part of the South Pambula investigation area is characterised by Southeast lowlands Dry Shrub Forest on the more elevated areas. Vegetation in the drainage lines matches Eden Shrubby Swamp Woodland. Remnants of two endangered ecological communities, Lowland Grassy Woodland and River-flat Eucalypt Forest on Coastal Floodplains, indicated by remnant forest red gum are present in paddocks east of the highway and on the verges of Furner Street though neither could be said to still be present as both have been largely cleared and replaced with exotic pasture and scattered re-growth. Forested land west of the highway appears to be re-growth varying from 20 to 40 years old and does not contain any hollow-bearing trees but has the potential for locally occurring threatened species. The abundance of black she-oak means that the area may be frequented by glossy black cockatoos. No threatened flora species were detected.

Three 1st order watercourses flow in a north westerly direction from the vegetated land south and south west of the existing settlement and progressively merge into a 2nd order watercourse that commences south of the existing settlement and crosses Mount Darragh Road at the north western extremity of the investigation area. A fourth 1st order watercourse flows from the undeveloped portion of the existing settlement and enters the 2nd order watercourse roughly at the centre of the western allotment of the investigation area. In addition, the headwaters of two 1st order watercourses are located east of the highway at the south eastern corner of the investigation area that flow towards the north east before entering SEPP 14 Wetland No. 40. A buffer to a 1st order watercourse is located on land within the investigation area just north of Furner Street.

Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

It is unlikely that the proposed amendments to BVLEP 2013 contained in this Planning Proposal will result in development creating any environmental effects that cannot be readily controlled. Environmental impacts from development which may proceed as a result of this Planning Proposal such as subdivision of land or overshadowing and other amenity issues associated with residential development will be controlled by the application of objectives and requirements of BVLEP 2013 and Council's Development Control Plan 2013.

The following are extracts from the Zenith Review relating to other likely environmental effects:

Subject Areas 1 and 2

The drainage gullies in the northern portion of the Pambula investigation area are located in areas of steep gradient greater than 15% and are prone to erosion. A large proportion of this land is steep with a 50 - 70m wide flatter central north-south ridge evident. A second ridge is located in the west of the block.

Soil types on steeper slopes in this investigation area can generate high volumes of sediment when disturbed and drainage gullies are very prone to erosion. The lower flatter areas are typically of more stable soils and class 1 building capability with minor or no limitations to development on the basis of slope.

Subject Area 3

East of the highway the land is generally less than 15% with steep banks to incised drainage lines... comprises soils that are mostly stable and coherent. This area is predominantly class 1 building capability and suffers little or no limitation to development based on slope.

Subject Area 4

The Mount Darragh Road area has gentle grades generally less than 15%. Steeper areas occur around the drainage line... soils demonstrate a weak structure and can generate significant volumes of fine sediment when disturbed... are of class 1 building capability except on steeper slopes where class 2 prevails meaning that slope presents moderate limitations to development.

Subject Areas 5 and 6

The Summerhill Road area displays variable gradient with generally flatter ridges in the east and steeper areas falling to the drainage gully in the west. A ridge runs north-south parallel to the highway and approximately 100 metres to the west of the highway in this latter section of land... soils demonstrate a weak structure and can generate significant volumes of fine sediment when disturbed, particularly the land along Summerhill Road... are of class 1 building capability except on steeper slopes where class 2 prevails meaning that slope presents moderate limitations to development.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The provisions of the Planning Proposal are likely to have minor positive social and economic effects.

The purpose of the Zenith Review was to investigate the feasibility of rezoning land to an urban residential zone to augment land supply and to facilitate the provision of affordable housing to cater to the needs of the communities of these localities and the wider Merimbula district. This included an assessment of the capability of specified investigation areas for urban residential development and to identify land within those areas that is suitable for the development of affordable housing. Based on this study three areas were identified for urban development and are proposed to be zoned R2 Low Density Development in the Planning Proposal.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the Planning Proposal?

Given the scale of the proposed zoning for both urban and rural residential development and the location adjacent to the existing urban areas of Pambula and South Pambula, it is considered that the existing public infrastructure is adequate to accommodate additional demands generated by future development.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with State and Commonwealth public authorities has not yet been undertaken. The level of consultation will be determined by the NSW Department of Planning and Infrastructure when it makes its Gateway Determination.

Government agencies identified for consultation with regard to this Planning Proposal are:

- NSW Department of Planning and Environment
- NSW Office of Environment and Heritage
- NSW Primary Industries (Fisheries)
- NSW Government Resources and Energy Division
- NSW Roads and Maritime Services
- NSW Rural Fire Service

Part 4 – Mapping

Changes to the proposed map sheets will be undertaken in a suitable format for public exhibition once the Gateway Determination is issued.

This Planning Proposal will result in changes the following properties on the following BVLEP 2013 maps:

LAP_001

Amend map sheet LAP_001 by deleting DM Deferred Matter for Lots 1 & 2 DP 197622, Lots 1 & 2 DP 997328, Lots 1 & 2 DP 195811, Lot 1 DP 794830, Lots 1 & 2 DP 794726, Lot 15 DP 1022752, Lot 533 DP 849212 and Lot 530 DP 837719 Furner Street and part Lot 321 DP 1098908, Lot 510-511 DP 877207, Lots 11-12 DP 1076297, Lot 453 DP 747031, Lot 10 DP 563110 and Lot 9 DP 700570 Princes Highway; Lots 451-452 DP 747031 and part Lot 1 DP 1088971 Lloyd Street; and Lot 302 DP 749405 Mount Darragh Road, South Pambula

LZN_020A

Amend map sheet LZN_020A by applying:

- R2 Low Density Residential Zone to Lots 1 & 2 DP 68708, Lots 102 & 103 DP 734647, Lots 16-22 DP 792850, Lots 10-13 DP 1114693, Lots 1-3, 10, 12-14, 15-19 Section 14 DP 758825, Lot 1 DP 198435, Lot 23 DP 803543, Lots 8 & 9 DP 997160 and Lot 10 DP 734647 Bega Street, Pambula, Lot 9 DP 700570 and Lot 10 DP 563110 Princes Highway, South Pambula, Lots 1-2 DP 197622, Lots 1-2 DP 997328, Lots 1-2 DP 195811, Lot 15 DP 1022752, Lot 1 DP 794830, Lots 1-2 DP 794726, Lot 533 DP 849212 and Part Lot 321 DP 1098908 and Part Lot 510 DP 877207 Princes Highway, South Pambula
- E4 Environmental Living to Lot 529 DP 1007936, Lots 1-3, 16-19 Section 45 DP 758825 and Lots 1-4, 19-22 Section 46 DP 758825 Oregon Street, Pambula
- RU2 Rural Landscape to Part Lot 321 DP 1098908, Part Lot 11 and Lot 12 DP 1076297 and Part Lot 510 & Lot 511 DP 877207 Princes Highway, South Pambula
- SP2 Sewerage System to Lot 530 DP 837719 Furner Street, South Pambula
- E4 Environmental Living to Lot 453 DP 747031 Princes Highway, South Pambula

LSZ_020A

Amend map sheet LSZ_020A by applying:

- K-550m² to the R2 Low Density Residential Zone on Lots 1 & 2 DP 68708, Lots 102 & 103 DP 734647, Lots 16-22 DP 792850, Lots 10-13 DP 1114693, Lots 1-3, 10, 12-14, 15-19 Section 14 DP 758825, Lot 1 DP 198435, Lot 23 DP 803543, Lots 8 & 9 DP 997160 and Lot 10 DP 734647 Bega Street, Pambula, Lot 9 DP 700570 and Lot 10 DP 563110 Princes Highway, South Pambula;
- Z1-2 has to the E4 Environmental Living on Lot 529 DP 1007936, Lots 1-3, 16-19 Section 45 DP 758825 and Lots 1-4, 19-22 Section 46 DP 758825 Oregon Street, Pambula, Lot 453 DP 747031 Princes Highway, South Pambula

- AD-120 has to the RU2 Rural Landscape Zone on Part Lot 321 DP 1098908, Part Lot 11 and Lot 12 DP1076297 and Part Lot 510 & Lot 511 DP 877207 Princes Highway, South Pambula

FSR_020A

Amend map sheet FSR_020A by applying

- D-0.5 Floor Space Ratio to the R2 Low Density Residential zoned land on Lots 1 & 2 DP 68708, Lots 102 & 103 DP 734647, Lots 16-22 DP 792850, Lots 10-13 DP 1114693, Lots 1-3, 10, 12-14, 15-19 Section 14 DP 758825, Lot 1 DP 198435, Lot 23 DP 803543, Lots 8 & 9 DP 997160 and Lot 10 DP 734647 Bega Street, Pambula, Lot 9 DP 700570 and Lot 10 DP 563110 Princes Highway, South Pambula and;

LZN_012C

Amend map sheet LZN_012C by applying:

- E4 Environmental Living to Lots 451-453 DP 747031 and part Lot 1 DP 1088971 Lloyd Street, Princes Highway, South Pambula;
- Part E4 Environmental Living Zone and Part R5 Large Lot Residential zone to Lot 302 DP 749405 Mount Darragh Road, South Pambula.

LSZ_012C

Amend map sheet LSZ_012C by applying:

- Z1-2 ha to the E4 Environmental Living Zone and V1-3000m² to the R5 Large Lot Residential zone on Lot 302 DP 749405 Mount Darragh Road, South Pambula;
- Y-1 ha to the E4 Environmental Living Zone on Lots 451-453 DP 747031 and part Lot 1 DP 1088971 Lloyd Street, Princes Highway, South Pambula

Part 5 – Community Consultation

The Gateway Determination will confirm community consultation requirements. If this Planning Proposal is supported, it is likely that the Proposal will be exhibited as a ‘low’ impact proposal for a period of not less than 28 days in accordance with Section 5.5.2 of *A Guide to Preparing LEPs*. A ‘low’ impact proposal is defined as ‘a *Planning Proposal that, in the opinion of the person making the Gateway determination is:*

- *Consistent with the pattern of surrounding land use zones and/or land uses;*
- *Consistent with the strategic planning framework;*
- *Presents no issues with regard to infrastructure servicing;*
- *Not a principle LEP; and*
- *Does not re-classify public land’.*

Public exhibition of the Planning Proposal will include notification on the Bega Valley Shire Council website, notification in the newspapers that circulate widely in the area (Merimbula News Weekly, Eden Magnet and Bega District News) and in writing to affected landowners.

Information relating to the Planning Proposal will also be on display at the following Bega Valley Shire Council customer service centres:

Place	Address
Bega	Zingle Place, Bega NSW 2551
Merimbula	Market St, Merimbula NSW 2548
Eden	Cnr Imlay and Mitchell St, Eden NSW 2550
Bermagui	Bunga St, Bermagui NSW 2546

Part 6 – Timeline

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to *Bega Valley Local Environmental Plan 2013* will be completed by May 2016.

Council requests delegation to carry out certain plan-making functions in relation to this proposal. Delegation would be exercised by Council's General Manager or Group Manager Planning and Environment.

Table A: Approximate Project Timeline

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Submit Planning Proposal to the Department	November 2014
STAGE 2 – Receive Gateway Determination	January 2015
STAGE 3 – Preparation of documentation for Public Exhibition	February 2015
STAGE 4 – Public Exhibition of the Planning Proposal	April 2015
STAGE 5 – Review/consideration of submissions received	July 2015
STAGE 6 – Council Report	October 2015
STAGE 7 – Meetings	December 2015
STAGE 8 – Forward Planning Proposal to Department of Planning and Infrastructure with request amendment is made	March 2016
STAGE 9 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	May 2016
STAGE 10 – Anticipated date Council will forward Plan to the Department for notification	May 2016

Attachments

Attachment 1: Council reports and resolutions

Council Report: Planning and Environment Committee No. 4 - 12 June 2012

4. Bega Valley Local Environmental Plan 2012

In accordance with the Council resolution of 22 May 2012 staff have assessed both the written and oral presentations to the Council meeting regarding the Draft Comprehensive Local Environmental Plan 2010 (Draft CLEP). The staff summary is included as Appendix 7 of this report.

The report recommends amendment to the Draft CLEP and adoption of the plan. Further that the amended plan be forwarded to the Director-General requesting that the “plan be made” by the Minister for Planning.

Group Manager, Planning and Environment

Background

Council at its meeting held on 22 May 2012 gave consideration to a report on the Bega Valley Local Environmental Plan 2010 with the following staff recommendation:

“That, in regards to the draft Comprehensive Local Environmental Plan, Council resolves to:

1. Adopt the recommendations for the submissions outlined in:
 - Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a “Planning Proposal” is to be prepared by Council and a “gateway determination” by the Minister for Planning is required prior to re-exhibition;
 - Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
 - Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
2. Amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
3. Incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
4. Adopt the amended draft Comprehensive Local Environmental Plan as per points 2 and 3 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that “the plan be made” by the Minister for Planning.
5. Proceed with a “Planning Proposal” and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be “deferred”, *thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.*
6. Defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be “deferred”, *thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.*
7. Undertake further investigations into potential industrial sites in the Bega District for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.

8. Note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
 9. Advise all those persons who have made submissions of the above.”
- In accordance with Council’s Code of Meeting Practice the report was deferred for a further report due to addresses.

WHAT DOES THE PLAN SEEK TO ACHIEVE?

- The majority of the Shire has simply been changed to the closest comparable zone available in the standard State wide template. This means that the majority of land owners wanting to develop or improve their properties will not be affected by the draft plan.
- Where there are changes proposed, the focus is on improving opportunities for economic development and jobs in the Bega Valley town centres, through the expansion of business, mixed use and industrial zones.
- Protection of productive agricultural land through the use of RU1 Primary Production and RU2 Rural Landscape zones.
- Establishment of allotment sizes through a “Lot Size Map”, thus determining subdivision and dwelling entitlements.
- Recognition of environmentally sensitive land through the use of E3 Environmental Management and E4 Environmental Living zones.
- Protection of sensitive foreshore areas and bushland public reserves through the use of E2 Environmental Conservation zone.

Addresses to Council

There were a total of 22 individual addresses to Council while Mr C Maxted of Caddey Searl & Jarman addressed on behalf of 17 client submissions as well as matters raised by Caddey Searl and Jarman relating to subdivision clauses, lot sizing and height controls. In addition 11 written addresses were received.

The issues raised in all the addresses have been reviewed by Council staff including site meetings where appropriate.

As a result of this review, the staff recommendations for 21 of the submissions subject to addresses have been revised from that which was previously recommended to the Council on 22 May 2012.

Appendix 7 to this report is the staff summary of the addresses.

Appendix 1, 2, 3 and 4 attached to this report have been updated in accordance with the staff position included in Appendix 7.

Link to Planning & Environment Report 5 - 22 May 2012

Advice from the Department of Planning

Council on 28 February 2012 gave consideration to a staff report on the draft CLEP and as part of the resolution resolved the following:

- “1. That to progress the Comprehensive Local Environmental Plan:
 - Council staff work with the Department of Planning on the proposed amendments to the exhibited CLEP that would be considered minor and not warrant further exhibition.
 - Staff report to Council on those proposed amendments that are deemed not to require further exhibition.
 - The mapping to the CLEP be amended in accordance with that subsequent Council resolution.

Council has now received a solid overall endorsement of its approach to the finalisation of the CLEP as per the response of 31 May 2012 from the Regional Director, Department of Planning (see Appendix 8).

The Department has raised two main issues for consideration which relate to Littleton Gardens and to land owned by Bermagui Country Club.

In response, the following action is proposed by staff:

1. Further justification to be provided regarding Council's intended RE1 Public Recreation zoning of Littleton Gardens.
2. The E3 zone at the Bermagui Country Club be amended to E2 in accordance with the advice.

HEIGHT CONTROLS IN MERIMBULA, BEGA AND EDEN TOWN CENTRES

Staff have reviewed the height controls in Merimbula Town Centre in consideration of a number of submissions and workshop discussions with local professionals and Councillors. For the sake of consistency across the Shire reviews are now being undertaken for Bega and Eden Town Centres.

The matter is expected to be reported to Council in July and that any proposed changes will be treated as per Appendix 2.

Planning comment

The preparation of the draft CLEP has been a lengthy and extensive process for not only Councillors and staff, but the community as a whole. The process has included the 12 weeks of exhibition, including public information sessions, and a series of workshops with Councillors over the past 9 months since the completion of the exhibition period.

Further, Council staff have held a number of meetings with officers of the Department of Planning regarding all aspects of both the written instrument and the maps. Officers of the Department have also met with Councillors on several occasions over the last 6-7 years. These meetings clarified many issues and led to the inclusion of rural worker's dwellings becoming permissible with consent in the rural zones as part of the draft CLEP.

All public submissions and addresses, as well as Government agency submission and staff recommended changes, have been considered by Councillors at workshops.

Staff are of the opinion that Council is now in a position to resolve on the submissions and addresses received.

It is proposed that Appendix 1 be adopted by Council and that the draft CLEP be amended accordingly, including the mapping, and referred to the Department of Planning requesting that "the plan be made" by the Minister for Planning.

Appendix 2 and 3 represent submissions that are agreed to and require re-exhibition or submissions that require further investigation prior to resolution by Council. In the interim, it is proposed that the subject land be "deferred" thus retaining all the existing zonings and other provisions contained in the BVLEP 2002.

Staff are of the opinion that this pathway would finalise the CLEP process for the vast majority of landholders in the Shire and give surety and confidence in the planning process and strategic direction for the Shire.

Also, those persons who made submissions that are deferred would have the confidence that there would be no change to the current status of their land under BVLEP 2002 until their submission is re-exhibited or further investigated and finally resolved by Council.

The remaining submissions are proposed to be noted and/or not to be supported at this time.

Notwithstanding extensive workshopping of all the submissions with Councillors, it is open for any submission to be debated by Council at the meeting.

It should be noted that recommendation 7 to this report refers to investigations being undertaken into Industrial Land for the Shire as a whole, not the Bega District as recommended in the report to Council on 22 May 2102. This recommendation now accurately reflects Council's previously resolved position of 28 February 2012.

Conclusion

The draft CLEP has been prepared and exhibited in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (the Act) and all submissions are now placed formally before Council for determination. A public hearing has been held in relation to the reclassification of Council owned land.

It is proposed that the draft CLEP be amended as per the recommendations of this report and referred to the NSW Department of Planning in accordance with the Act, requesting that "the plan be made" by the Minister.

Recommendation

That, in regards to the draft Comprehensive Local Environmental Plan, Council resolves to:

1. Adopt the recommendations for the submissions outlined in:
 - Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a "Planning Proposal" is to be prepared by Council and a "gateway determination" by the Minister for Planning is required prior to re-exhibition;
 - Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
 - Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
2. Amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
3. Incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
4. Adopt the amended draft Comprehensive Local Environmental Plan as per points 2 and 3 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that "the plan be made" by the Minister for Planning.
5. Proceed with a "Planning Proposal" and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
6. Defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
7. Undertake further investigations into potential industrial sites in the Bega Valley Shire for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.
8. Note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
9. Advise all those persons who have made submissions of the above.

Council Minutes: Planning and Environment Committee No. 4 - 12 June 2012

4. Bega Valley Local Environmental Plan 2012

1. That the following items be placed appropriately in Appendices 1 -4 as listed below:
That the following item be moved from Appendix 4 to Appendix 1 and thus deleted from the Heritage Schedule: [section deleted]

2. That in regard to the draft Comprehensive Local Environmental Plan Council adopts the recommendations for the submissions outlined in:

- Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
- Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a "Planning Proposal" is to be prepared by Council and a "gateway determination" by the Minister for Planning is required prior to re-exhibition;
- Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
- Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.

3. That Council amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.

4. That Council incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.

5. Adopt the amended draft Comprehensive Local Environmental Plan as per points 3 and 4 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that "the plan be made" by the Minister for Planning.

6. That Council proceed with a "Planning Proposal" and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.

7. That Council defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.

8. That Council undertake further investigations into potential industrial sites in the Bega Valley Shire for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.

9. That Council note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.

10. That Council advise all those persons who have made submissions of the above.

Council Report: Planning and Environment Committee No. 8.1 – 7 May 2014

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

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 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.

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 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.

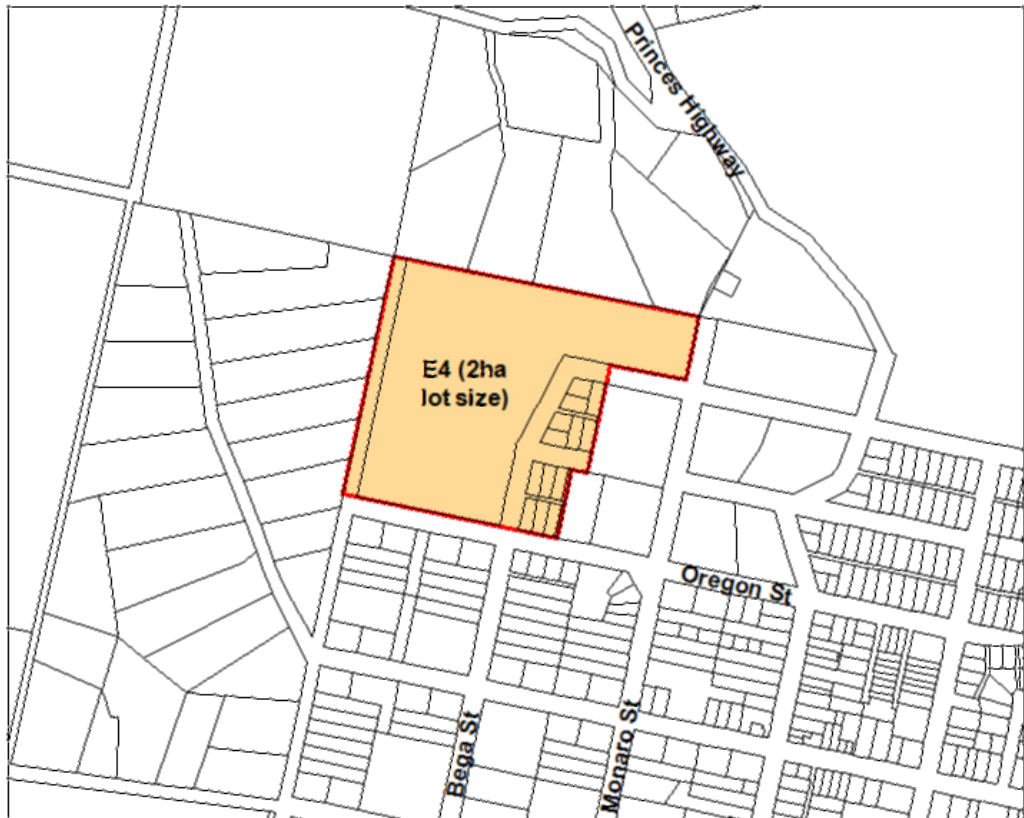
The draft BVLEP 2010 recommended that this area be zoned RU2 Rural landscape with a minimum allotment size of 120 has. The review concluded that the land was not suitable for residential development based on the land having significant environmental constraints due to riparian corridors, slope and vegetation 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 has. 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.

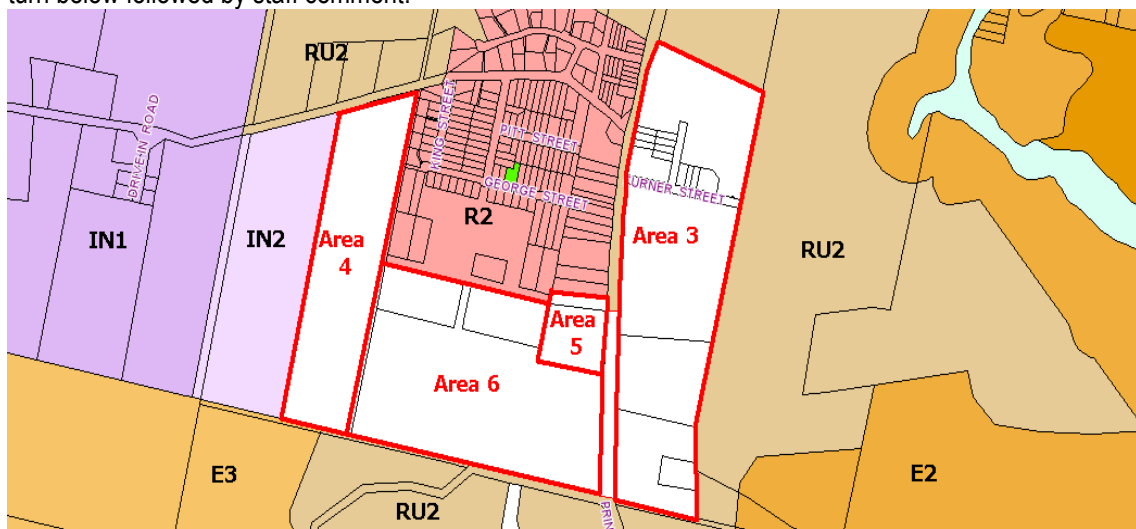
It is recommended that an E4 Environmental Living zone be applied to the land, as well as the adjoining land identified as part of the staff review, with a 2ha. minimum lot size. It is estimated that approximately 4 to 6 rural residential allotments could be achieved in close proximity to the Pambula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



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).

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.

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.

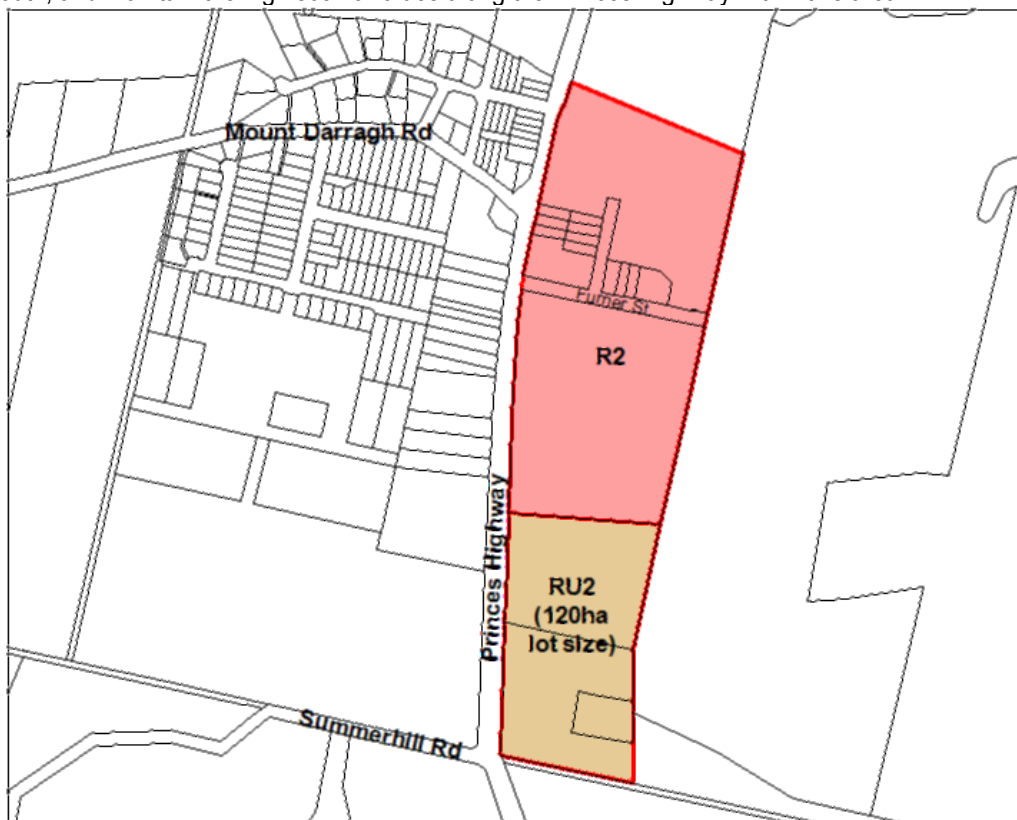
The submission from Caddey Searl & Jarman supported the proposed R2 zone, however recommended that lands not identified for R2 be zoned as R5 Large Lot Residential.

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.

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 has. 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 ha. 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.

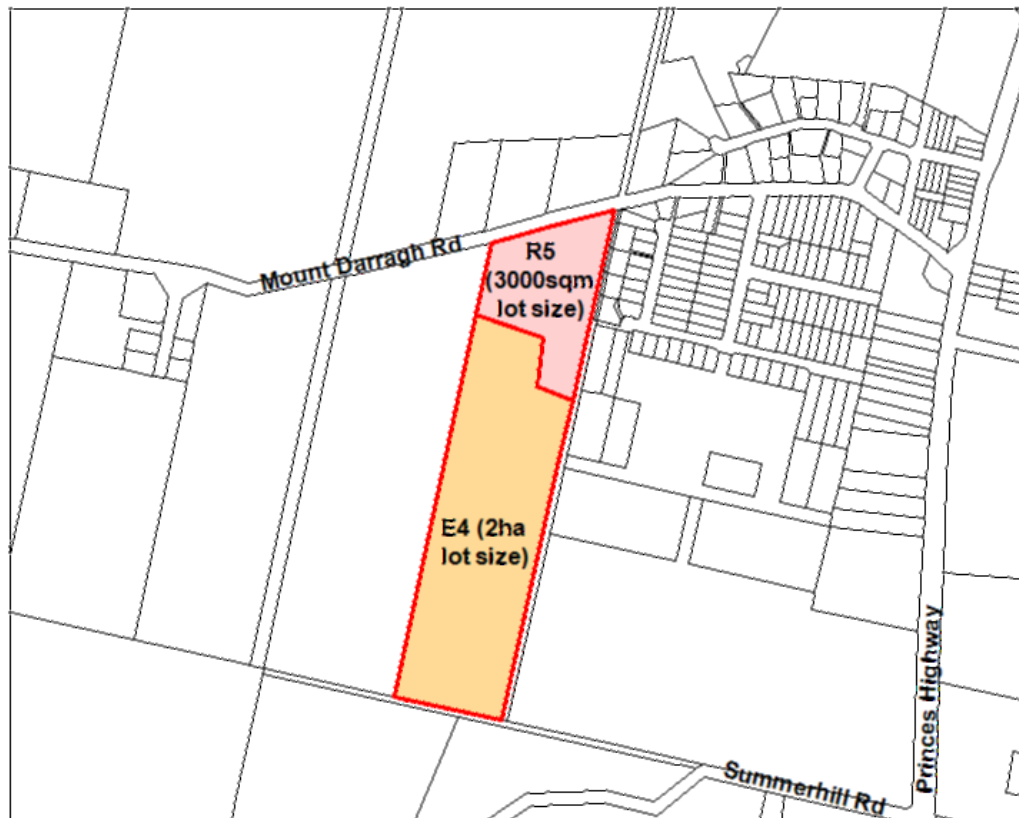
The submission by Caddey, Searle and Jarman received to the Review requested that the cleared area of the site fronting Mount Darragh Road be zoned R5 Large Lot Residential with a 3,000 square metre minimum lot size and 5,000 square metre average lot size. A conceptual design was provided yielding 10 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 has. 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

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

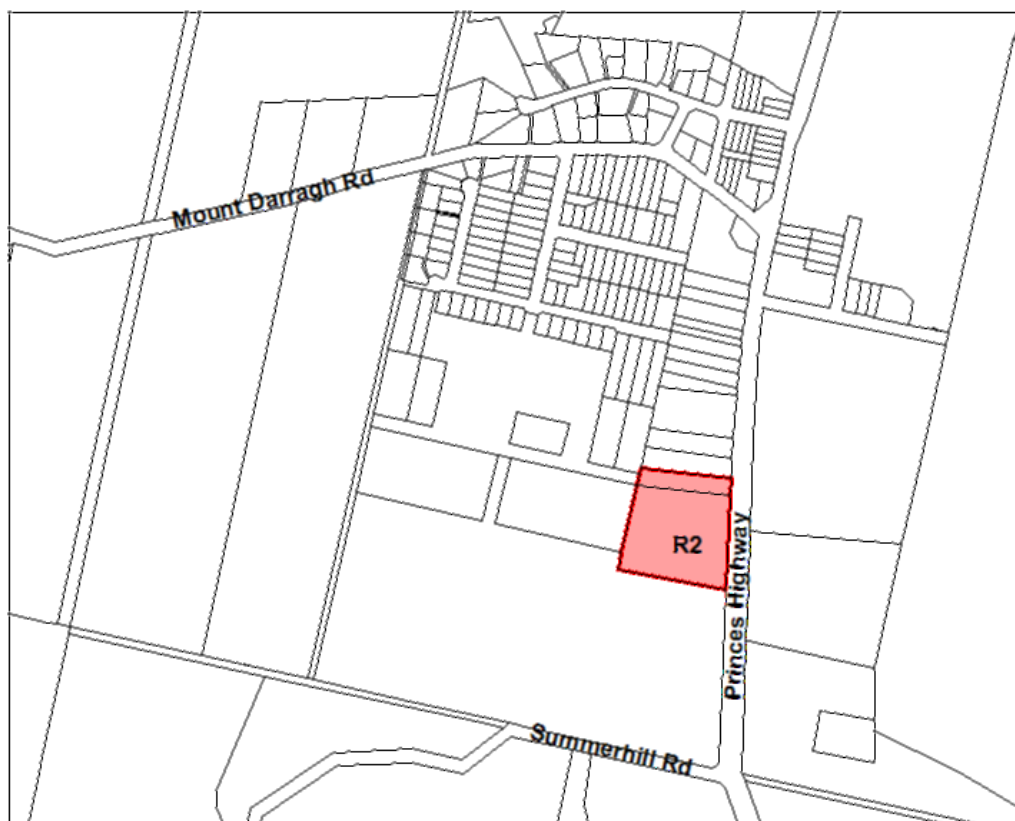
The draft BVLEP 2010 proposed Lot 9 be zoned as R2 Low Density Residential and the Lot 10 as RU2 Rural Landscape.

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

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

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

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 has.

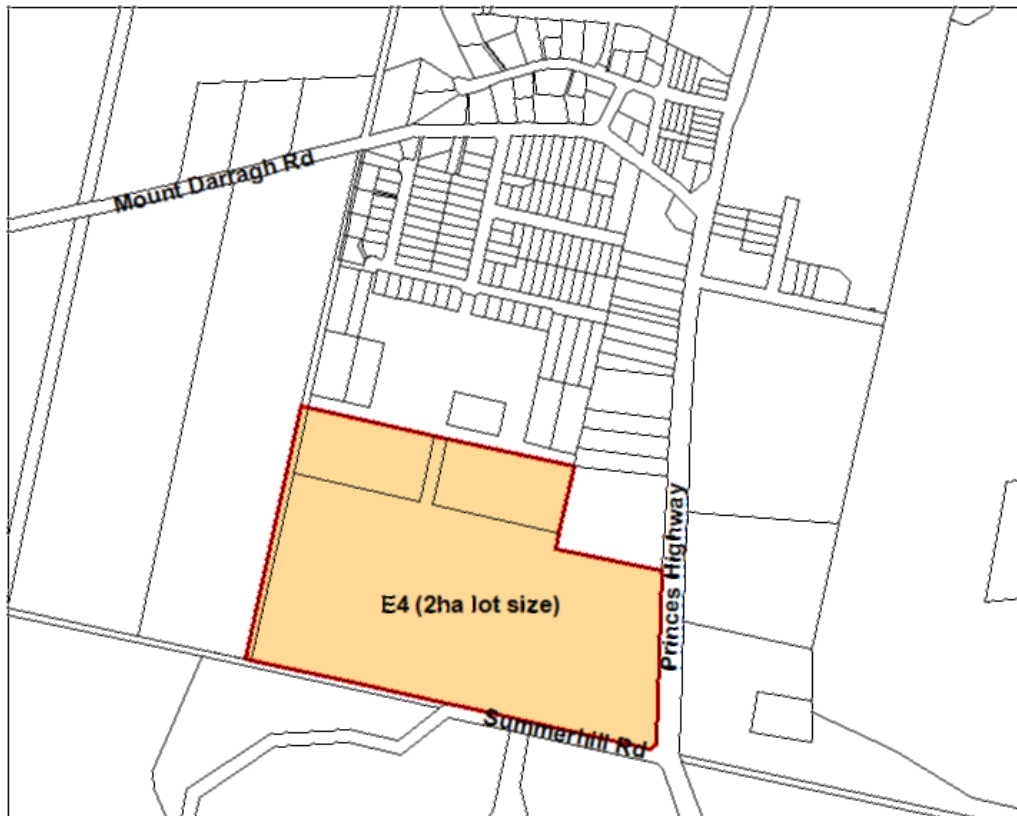
The area comprises four allotments with three lots retaining dwellings with ancillary structures. The area is generally well vegetated except for that part of the land fronting the Highway.

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 ha. A conceptual design was provided and is included in Attachment 1 of this report.

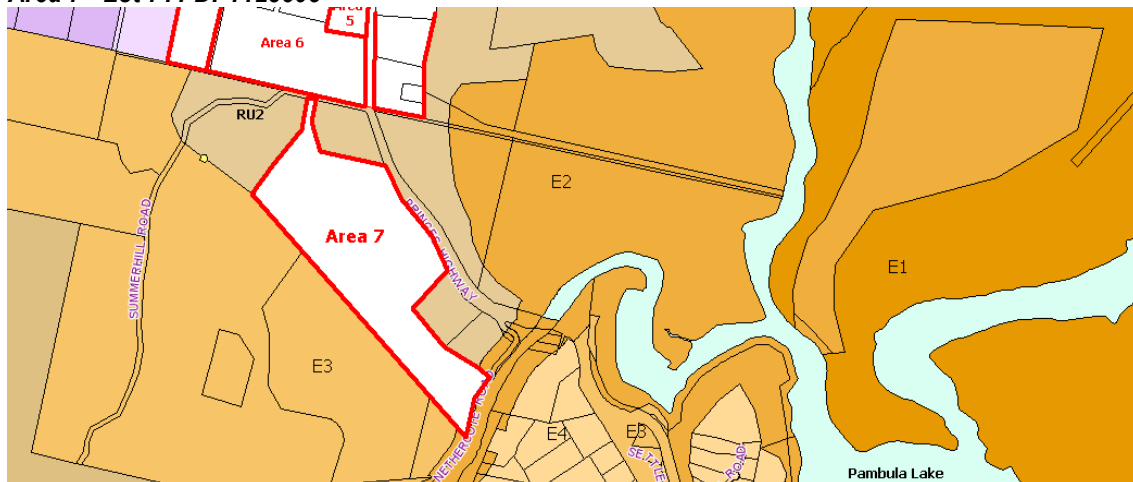
Staff comments

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 has. 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 ha 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 has. 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 ha average lot size. A conceptual design was provided and is included in Attachment 1 of this report.

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

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.

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 ha 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 ha 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 ha 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.

Council Minutes: Planning and Environment Committee No. 8.1 – 7 May 2014

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

1. That Council make the following amendments to Bega Valley Local Environmental Plan 2013:
 - 1.1. 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.
 - 1.2. 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 ha minimum allotment size.
 - 1.3. 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.
 - 1.4. Lot 302 DP749405 be zoned part R5 Large Lot residential with a 3,000m² minimum allotment size and E4 Environmental Living with a 2 ha minimum allotment size.
 - 1.5. 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.
 - 1.6. Lots 451-453 DP747031 and Part Lot 1 DP1088971 be zoned E4 Environmental Living with a 1 ha Minimum Allotment Size.
2. That Council proceed with a Planning Proposal for those lands identified above as Areas 1.1 to 1.6, and, if agreed by the Minister for Planning, exhibit the subject properties identified in accordance with the adopted recommendations.

Attachment 2: State Environmental Planning Policies

State Environmental Planning Policy		Compliance
SEPP No. 1	Development Standard	N/A
SEPP No. 4	Development without Consent and Miscellaneous Exempt and Complying Development	N/A
SEPP No. 6	Number of Storeys in a Building	N/A
SEPP No. 14	Coastal Wetlands	N/A
SEPP No. 15	Rural Land Sharing Communities	N/A
SEPP No. 19	Bushland in Urban Areas	N/A
SEPP No. 21	Caravan Parks	N/A
SEPP No. 22	Shops and Commercial Premises	N/A
SEPP No. 26	Littoral Rainforests	N/A
SEPP No. 29	Western Sydney Recreational Area	N/A
SEPP No. 30	Intensive Agriculture	N/A
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	N/A
SEPP No. 33	Hazardous and Offensive Development	N/A
SEPP No. 36	Manufactured Home Estates	N/A
SEPP No. 38	Olympic Games and Related Projects	N/A
SEPP No. 39	Spit Island Bird Habitat	N/A
SEPP No. 41	Casino/Entertainment Complex	N/A
SEPP No. 44	Koala Habitat Protection	Consistent
SEPP No. 47	Moore Park Showground	N/A
SEPP No. 50	Canal Estate Development	N/A
SEPP No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
SEPP No. 53	Metropolitan Residential Development	N/A
SEPP No. 55	Remediation of Land	Consistent
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	N/A
SEPP No. 59	Central Western Sydney Regional and Open Space and Residential	N/A
SEPP No. 60	Exempt and Complying Development	N/A
SEPP No. 62	Sustainable Aquaculture	Justified Inconsistency
SEPP No. 64	Advertising and Signage	N/A
SEPP No. 65	Design Quality of Residential Flat Development	N/A
SEPP No. 70	Affordable Housing (Revised Schemes)	N/A
SEPP No. 71	Coastal Protection	Consistent
SEPP No. 74	Newcastle Port and Employment Lands	N/A
SEPP	Housing for Seniors or People with a Disability 2004	N/A
SEPP	Building Sustainability Index: BASIX 2004	N/A
SEPP	Major Development 2005	N/A
SEPP	Development on Kurnell Peninsula 2005	N/A
SEPP	Sydney Region Growth Centres 2006	N/A
SEPP	Mining, Petroleum Production and Extractive Industries 2007	Justified Inconsistency
SEPP	Infrastructure 2007	N/A
SEPP	Temporary Structures 2007	N/A
SEPP	Kosciuszko National Park – Alpine Resorts 2007	N/A
SEPP	Rural Lands 2008	Consistent
SEPP	Affordable Rental Housing 2009	N/A
SEPP	Western Sydney Employment Area 2009	N/A
SEPP	Exempt and Complying Development Codes 2008	N/A
SEPP	Western Sydney Parklands 2009	N/A

Attachment 3: Section 117 Ministerial Directions

Section 117 Direction	Compliance
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent
1.2 Rural Zones	Justified Inconsistency
1.3 Mining, Petroleum and Extractive Industries	Justified Inconsistency
1.4 Oyster Aquaculture	Justified Inconsistency
1.5 Rural Lands	Consistent
2. Environment and Heritage	
2.1 Environment Protection Zone	Consistent
2.2 Coastal Protection	Consistent
2.3 Heritage Conservation	Consistent
2.4 Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	Consistent
3.5 Development Near Licensed Aerodromes	Consistent
3.6 Shooting Ranges	N/A
4. Hazard and Risk	
4.1 Acid Sulphate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	Consistent
4.4 Planning for Bushfire Protection	Consistent
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent
5.2 Sydney Drinking Water Catchment	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.5 Second Sydney Airport: Badgerys Creek	N/A
6. Local Plan Making	
6.1 Approval and Referral Requirements	N/A
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions	Consistent
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A

Attachment 4: Zenith Town Planning *Review of Land Suitability for Urban Residential Development, Pambula and South Pambula 2013*