

8.2. Strategic Direction for nine Deferred Sites in Bega Valley Local Environmental Plan 2013

This report seeks Council's resolution of a strategic direction for nine sites currently deferred in Bega Valley Local Environmental Plan 2013 and to proceed with the preparation of Planning Proposals for six of those sites.

Director Planning and Environment

Background

The gazettal of Bega Valley Local Environmental Plan (BVLEP 2013) left a number of sites throughout the Shire as 'Deferred Matters' as the zonings and/or lot sizes proposed by landowners represented a significant departure from the exhibited draft Bega Valley Local Environmental Plan (draft BVLEP 2010) or required more detailed investigations.

Council is requested to resolve a strategic direction for each of the following nine (9) sites and for planning proposals to be prepared for Sites 1 to 6 .

Site #	Subject Site
1	Boydton Property (excluding the area around the Seahorse Inn)
2	Summerhill Rd, South Pambula
3	Princes Highway, South Pambula
4	Old Mill Road, Wolumla
5	Princes Highway, Millingandi
6	Mandeni, Sapphire Coast Drive
7	Wolumla - Candelo Road, Wolumla
8	Clarke Street, Wolumla
9	Scott Street, Wolumla

Proposed Strategic Direction

Site 1 – Boydton Property (excluding the area around the Seahorse Inn)

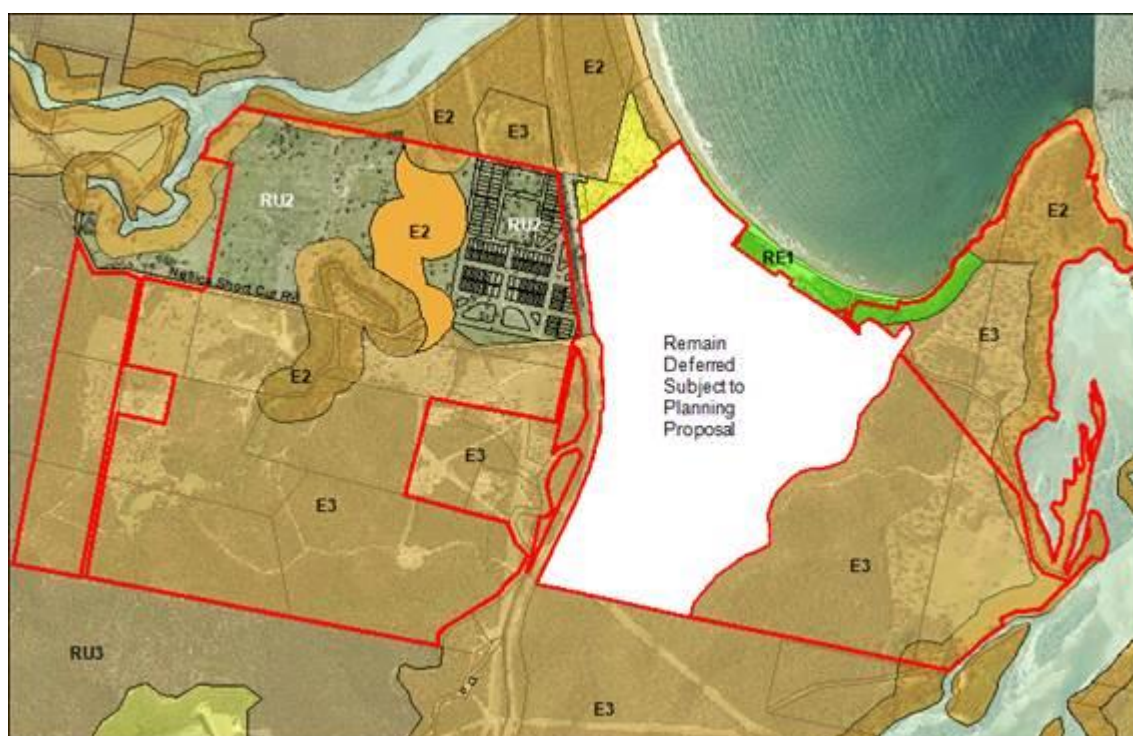
The Southern Joint Regional Planning Panel (JRPP) examined the Boydton property in detail, following the submission of a Masterplan and Planning Proposal by the property owner. The JRPP made explicit recommendations with regard the zoning of the majority of the Boydton property. These recommendations were endorsed by the Minister for Planning and Environment.

Following the JRPP decision, officers have been in ongoing discussions with representatives of the site's owner. The owner has been strongly encouraged to focus on the area east of the Princes Highway, around the Seahorse Inn and proposed marina. Council has recently received a Planning Proposal covering this area, which will be the subject of a future report to Council.

Officers recommend the remainder of the site revert to the 2010 exhibited zonings of E2 and E3 in accordance with Council Policy applied across the Shire for sensitive coastal and forested lands, with the exception of the cleared paddocks north of the Nullica Short Cut Road, subject to the existing sand mining development approvals. It is recommended this land be zoned RU2 Rural Landscape and the north – south drainage line be protected by an E2 Environmental Conservation zoning.

Further it is advised a Planning Proposal from the property owner has recently been received for this land. The Planning Proposal requests zonings and lot yields that are inconsistent with the Decision of the JRPP, inconsistent with the position of the Minister for Planning and Environment, inconsistent with Council Policy applied across the Shire for sensitive coastal and forested lands and is therefore not supported by Council officers.

A copy of the owner's Planning Proposal is included as Attachments 1 to this report. Five appendices have been lodged with the main report covering the subjects of Water Management Investigation; Economic Impact Assessment; Plans; Visual Impact Assessment; and Constraints Analysis. The appendices will be tabled at the Council Meeting.



Recommendation: That the land north of Nullica Short Cut Road be zoned RU2 (120ha) and E2 (no lot size); the remainder of the land west of the Princes Highway be zoned E3 (10ha) and E2 (no lot size); and the south eastern section of the property adjoining the Towamba River estuary be zoned E3 (40ha) and E2 (no lot size).

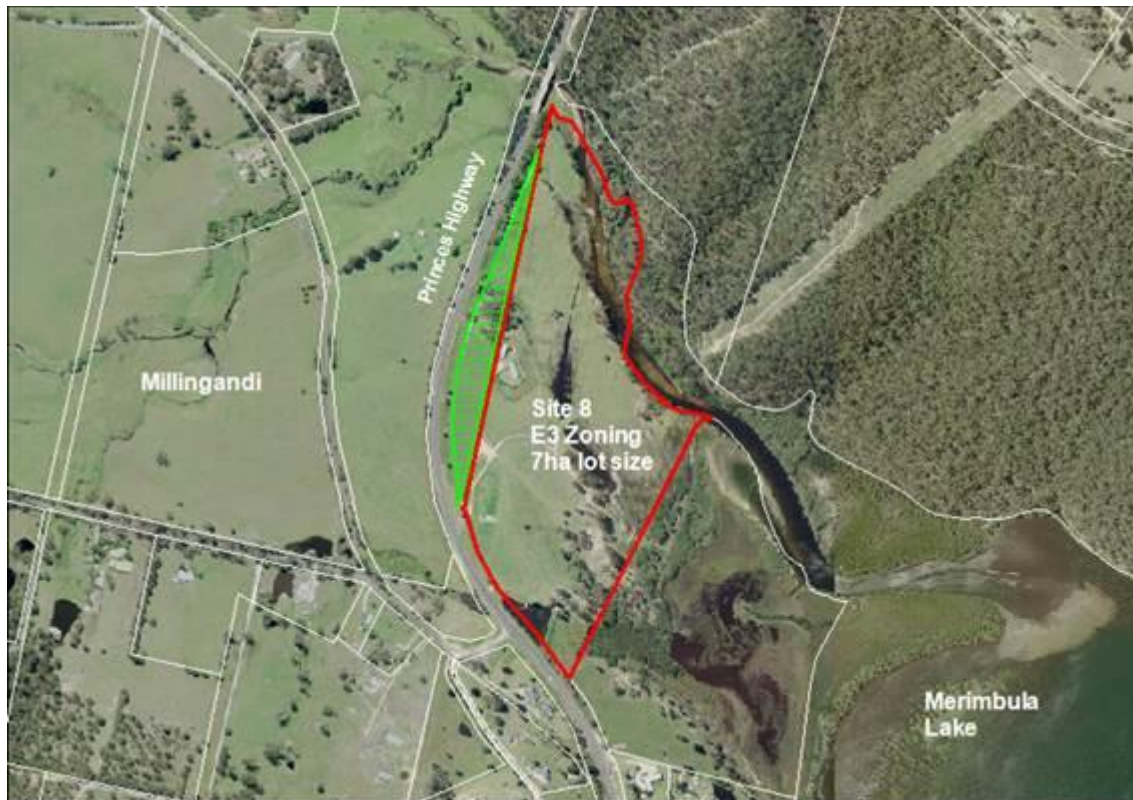
	Draft BVLEP 2010	Recommendation for 2016 Planning Proposal
Zones	E2, E3	E2, E3, RU2
Lot Sizes	10ha, 40ha, 120ha	10ha, 40ha, 120ha

Site 5 - Princes Highway, Millingandi

Site 5 covers an area of 18ha on the western side of Merimbula Lake adjacent to Millingandi Creek. The site was exhibited with an E3 zoning and a 120ha minimum lot size, which would prevent any further subdivision. The site was deferred following an address to Council in which a 5ha minimum lot size was requested. The 5ha minimum lot size was supported by Council, provided an On-site Sewage Management (OSSM) report was prepared to confirm the site's suitability for further subdivision.

The OSSM report has recently been completed and indicates that Site 5 is only suitable for one (1) additional lot, unless adjoining land (shaded green on the figure below) can be acquired to provide for further effluent treatment capacity. The owner of the site is currently negotiating to purchase the neighbouring land. Should this purchase be achieved, the OSSM report indicates the newly expanded property has the capacity for a maximum of three (3) lots (including the existing dwelling).

Council officers recommend the land retain its E3 zoning with a 7ha minimum lot size, providing for one (1) additional lot. Should the neighbouring land be purchased and incorporated into Site 5, the 7ha lot size would result in a total of two (2) additional lots.



Recommendation: That the land be zoned E3 with a 7ha minimum lot size.

	Draft BVLEP 2010	Recommendation for 2016 Planning Proposal
Zones	E3	E3
Lot Sizes	120ha	7ha

Site 6 - Mandeni, Sapphire Coast Drive

Site 6 was deferred from BVLEP 2013 to allow for the owner to prepare a comprehensive masterplan for the property. Council requested that key aspects to be covered in the masterplan were to include the relocation of existing approved lots away from high conservation value forest and a detailed socio-economic and servicing strategy, to enable consideration to be given for the subdivision of the existing tourist cabin development. Council has yet to receive an updated masterplan for the site.

Council has previously considered the relocation of the existing development entitlements and subdivision of the cabins through a workshop and site visit. The relocation of the existing development entitlements to the 'racecourse paddock' was supported on the proviso that the relocated lots would not be located within the forest fringe. The relocation of the development entitlements will require an amendment of the exhibited zoning from RU2 to E4 for this part of the property. The high conservation value forest currently zoned E4 in the eastern section of the property would be changed to E2.

Due to the lack of a socio-economic and servicing strategy being received to support the cabin subdivision, it is proposed to "un-defer" this section of the property to the exhibited E4 zoning. Should the owner wish to continue to pursue the subdivision of the cabins, they are able to submit a planning proposal in the future based on the requested socio-economic and servicing studies.



8.2 Strategic Direction for nine Deferred Sites in Bega Valley Local Environmental Plan 2013

The Chairperson asked the Acting Director, Planning and Environment if any new matters had been raised in the address to Council. The Acting Director advised that in his opinion no new matters had been raised. Further the Acting Director provided advice and clarification to Councillors relating to the matters raised.

RESOLVED on the motion of Crs Britten and Fitzpatrick

That Council the matters be dealt with today, and that Item a) Site 1, be dealt with separately.

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

AGAINST: Cr Hughes

109/16 RESOLVED on the motion of Crs Britten and McBain

That in relation to :

a) **Site 1 – Boydtown Property (excluding the area around the Seahorse Inn)**

That the land north of Nullica Short Cut Rd be zoned RU2 (120ha) and E2 (no lot size); the remainder of the land west of the Princes Hwy be zoned E3 (10ha) and E2 (no lot size); and the south eastern section of the property adjoining the Towamba River estuary be zoned E3 (40ha) and E2 (no lot size).

Council adopts the recommendation and defer implementation until 8 August, 2016 to allow the Developer to gain written advice from the Department of Planning that the Department will revisit the E-zones for Boydtown. If such advice is received the matter to be relisted for the meeting to be held on 10 August 2016.

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

AGAINST: Crs Hughes and Fitzpatrick.

Recommendation

Crs Fitzpatrick and Mawhinney

1. That the zoning and lot sizes for Site 1 be as per the previous resolution number 109/16.

a) **Site 1 – Boydtown Property (excluding the area around the Seahorse Inn)**

That the zoning and lot sizes for Sites 2 - 6 be as follows:

b) **Site 2 - Summerhill Rd, South Pambula**

That the land be zoned E4 with a 1ha lot size applied to the substantially cleared, eastern section of the property and a 5ha minimum be applied to the western, more heavily vegetated section of the property.

c) **Site 3 - Princes Highway, South Pambula**

That the site be zoned E4 with a 5ha minimum lot size and the consultant acting for the owner be advised and encouraged to submit a revised Planning Proposal based on this zoning and lot size.

d) **Site 4 - Old Mill Road, Wolumla**

That the land fronting Old Mill Road be zoned E4 with a 2ha lot size. The remainder of the property be zoned E3 with a 30ha lot size.

e) **Site 5 - Princes Highway, Millingandi**

That the land be zoned E3 with a 7ha minimum lot size.

f) **Site 6 - Mandeni, Sapphire Coast Drive**

That the land be zoned and lot sized E4 (1ha), RU2 (120ha) and E2 (no lot size).

2. That staff be authorised to forward Planning Proposals to the Department of Planning for Gateway determination for Sites 1 - 6 as per the zoning and lot sizes resolved above.
3. That following Gateway determination the Planning Proposals be placed on public exhibition and, following the exhibition period, a further report be submitted to Council for incorporation of the subject land into Bega Valley Local Environmental Plan 2013.