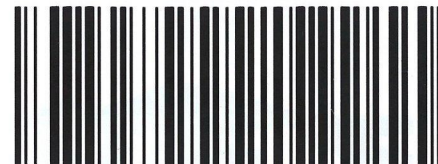


80.2323.D

2 August 2010



PWG000270

EUROBODALLA SHIRE COUNCIL

Good Government, better living

Mr Brett Whitworth
A/Regional Director - Southern Region
Department of Planning
PO Box 5475
WOLLONGONG NSW 2520

Department of Planning
RECEIVED

3 - AUG 2010

Southern Region

PO Box 99 Moruya NSW 2537
email: council@eurocoast.nsw.gov.au
website: www.esc.nsw.gov.au
DX 4873

Dear Mr Whitworth,

PLANNING PROPOSAL

**LOT 1 DP 1040724 & LOTS 1 & 2 DP 63437 OLD MOSSY POINT ROAD
OAKS RANCH AND COUNTRY CLUB RESORT**

At its meeting on 6 July 2010 Council' Policy and Strategy Committee, resolved to "forward to the Minister for Planning for a gateway determination in accordance with section 56 of the Environmental Planning and Assessment Act 1979, the planning proposal to amend the Eurobodalla Rural Local Environmental Plan (LEP) 1987 such that a 90 dwelling permanent residential component is permissible with consent on Lot 1 DP1040724 and Lots 1 & 2 DP 63437 Old Mossy Point Road."

The planning proposal and report to Council and minutes are attached.

As you are aware, due to delays in finalising the Eurobodalla draft LEP, and advice from the Department, Council has considered this planning proposal as a specific amendment to the current Rural LEP 1987. If the planning proposal progresses through the gateway, it is Council's intention to merge it into the Eurobodalla draft LEP to minimise impact of Council and Departmental resources.

I look forward to receiving your advice as to the Minister's gateway determination in due course.

If you wish to discuss these matters or require additional information please contact me on 02 4474 1326.

Yours faithfully

Shannon Burt
MANAGER STRATEGIC SERVICES

Encl.

PS10/08 PLANNING PROPOSAL – LOT 1 DP 1040724 AND LOTS 1 AND 2 DP63437
OLD MOSSY POINT ROAD OAKS RANCH & COUNTRY CLUB RESORT
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SYNOPSIS

A Planning Proposal to amend the Eurobodalla Rural Local Environmental Plan 1987 to allow a 90 dwelling permanent residential component to occur as part of the redevelopment of the Oaks Ranch & Country Club Resort has been submitted for Council consideration. The land being Lot 1 DP 1040724 and Lots 1 and 2 DP 63437 Old Mossy Point Road, Jeremadra (see Map Attachment 1).

The Planning Proposal application is supported by a Sustainability Criteria Report as required by the South Coast Regional Strategy.

It is recommended that Council supports the Planning Proposal application by forwarding it to the Minister for Planning for consideration at The Gateway Determination.

BACKGROUND

Discussions between the land owner/applicant Provent Property Group, Council and the Department of Planning about the redevelopment of Oaks Ranch & Country Club Resort have been occurring since 2005.

The land owner has a vision to transform the existing golf course and club development into a tourism and recreation facility that would be of regional significance. The current preferred redevelopment proposal provides for:

- 18 hole championship golf course
- International standard equine facilities and stabling complex
- 5 star tourist accommodation containing 186 short stay dwellings
- Resort and conference facilities for up to 200 delegates
- Associated retail and convenience outlets
- And a residential component containing 90 permanent dwellings.

Numerous investigations and reports have been commissioned during this time to address the likely impacts of the development as a whole on the local area and region. Further, feasibility assessments have also been produced to support a mix of use on site to include permanent residential development. Permanent residential development is not a permissible use on the land.

While the applicant has presented a link between the permanent residential as part of the tourist development, this is a clear policy deviation for Council under its current and future planning controls, due primarily to the unwritten policy position of the Department of Planning.

The applicant has therefore been asked to demonstrate to Council as part of the Planning Proposal that the permanent residential component is necessary, on its merits and not a trojan horse for a future residential development outside the local urban area should the tourist development fail.

PS10/08 PLANNING PROPOSAL – LOT 1 DP 1040724 AND LOTS 1 AND 2 DP63437
OLD MOSSY POINT ROAD OAKS RANCH & COUNTRY CLUB RESORT
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ISSUES

The subject land is currently zoned 1(a) Rural Environmental Constraints and Agricultural and a small part 7(a) Environmental Protection Wetlands Zone under the Eurobodalla Rural Local Environmental Plan 1987.

Under the draft Eurobodalla Local Environmental Plan 2010 the land is a mixture of zoned SP3 Tourist Development, RE2 Private Recreation, E3 Environmental Management and E2 Environmental Conservation. These zones reflect the assessed land use characteristics and capability.

Neither the current or proposed zone permits permanent residential development on the land or its subdivision for residential purposes.

Further, the land is not identified in the South Coast Regional Strategy or Eurobodalla Settlement Strategy as an area for residential development.

Facilitation of the residential component of the development requires that the land be rezoned to enable the residential component to occur as additional development on the land via an enabling clause in the LEP.

Legal

Planning Proposal process

The Planning Proposal has been prepared in accordance with the Department of Planning's publications: *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* (NSW Department of Planning July 2009). The planning proposal addresses the matters required by the Director General to be addressed in all planning proposals.

If Council wishes to proceed with the draft amendment the planning proposal will be forwarded to the Minister for Planning for "Gateway Determination". The intention of the gateway process is to allow a planning proposal to be reviewed at an early stage to make a decision whether to proceed further, before significant resources are committed.

At the gateway determination stage the Minister will decide:

1. Whether the proposal will proceed, with or without variation, and whether it should be resubmitted;
2. The level of community consultation required;
3. Whether input from State and Commonwealth authorities is required;
4. The appropriate timeframes for the various stages of the proposal.

Following the gateway determination the proposal may, in accordance with the determination, will be public exhibited; Government authority view will be sought; and Council will consider any submissions received.

PS10/08 PLANNING PROPOSAL – LOT 1 DP 1040724 AND LOTS 1 AND 2 DP63437
OLD MOSSY POINT ROAD OAKS RANCH & COUNTRY CLUB RESORT
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Under the new planning procedures it is only the planning proposal and supporting documents which is exhibited. The written legal instrument (draft LEP) is prepared by Parliamentary Counsel when the planning proposal is finalised immediately before it is made by the Minister or their delegate. The LEP takes effect when it is published on the NSW Legislation website.

A copy of the Planning Proposal prepared by Planning Initiatives has been attached for reference. (Attachment 2)

Policy

Because of the unique circumstances of the land's location it is unlikely than an undesirable precedent will be set, but it is possible that others who have sought site specific amendments in the past may wish to see their proposals dealt with again by this process.

Environmental

The Planning Proposal provides for protection of significant vegetation communities and threatened species by locating the proposed buildings and golf course on predominantly cleared lands. Further avoidance of other constrained areas on the land including flood areas and acid sulphate soils will be similarly observed through building design and location.

Asset

The provision of infrastructure can occur without significant impost on Council or the community. The developer will be required to fund any upgrades necessary.

Social Impact

The development will result in the better management of the land. It will also provide for a unique form of resort housing adjacent to a golf course nowhere else available in the Eurobodalla Shire. This will result in an improvement in housing choice available to current and future residents of the Shire.

Economic Development Employment Potential

The redevelopment of the land will contribute positively to the local economy given the mix of land use proposed.

Community Consultation

To occur as required by the Gateway Determination if given.

Strategic Links

The Planning proposal is not the result of a Strategic Study or Report. The applicant has been seeking a change to the planning provisions to allow permanent residential on this land for some years. Because of delays in finalising the Eurobodalla draft LEP, and advice from the Department of Planning about LEP processing, the applicant has asked Council to consider it as a specific amendment to the current Eurobodalla Rural LEP 1987. It should be recognised that if the Planning Proposal progresses through The Gateway, it would be merged into the Eurobodalla draft LEP to minimise impact on Council resources.

PS10/08 PLANNING PROPOSAL – LOT 1 DP 1040724 AND LOTS 1 AND 2 DP63437
OLD MOSSY POINT ROAD OAKS RANCH & COUNTRY CLUB RESORT
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CONCLUSION

When taking the abovementioned matters into consideration, and the documentation submitted with the application demonstrating sufficient justification for this type of development in the Eurobodalla Shire; it is considered appropriate that Council agree to support the Planning proposal to Gateway Determination.

RECOMMENDED

THAT Council forward to the NSW Minister for Planning for a gateway determination in accordance with section 56 of the Environmental Planning and Assessment Act, the planning proposal to amend the Eurobodalla Rural Local Environmental Plan 1987 such that a 90 dwelling permanent residential component is permissible with development consent on Lot 1 DP 1040724 and Lots 1 and 2 DP 63437 Old Mossy Point Road.

SHANNON BURT
MANAGER, STRATEGIC SERVICES
STRATEGIC, DEVELOPMENT AND ENVIRONMENTAL SERVICES

Attach

At Councillor Graham Scobie declared a pecuniary interest in Report PS10/08 Planning Proposal – Lot 1 DP 1040724 and Lots 1 and 2 DP 63437 Old Mossy Point Road – Oaks Ranch and Country Club Resort and left the Council Chambers and did not take part in discussion or voting on the matter.

MINUTE NO PSM10/19

PS10/08 PLANNING PROPOSAL – LOT 1 DP 1040724 AND LOTS 1 AND 2
DP 63437 OLD MOSSY POINT ROAD OAKS RANCH AND
COUNTRY CLUB RESORT 80.2323.D

PSM10/19 MOTION Councillor Chris Vardon/Councillor Lindsay Brown

THAT Council forward to the NSW Minister for Planning for a gateway determination in accordance with section 56 of the Environmental Planning and Assessment Act, the planning proposal to amend the Eurobodalla Rural Local Environmental Plan 1987 such that a 90 dwelling permanent residential component is permissible with development consent on Lot 1 DP 1040724 and Lots 1 and 2 DP 63437 Old Mossy Point Road.

(The Motion on being put was declared **CARRIED**).

Division

Councillors Lindsay Brown, Allan Brown, Alan Morton, Keith Dance, Chris Vardon, Rob Pollock, and Fergus Thomson voted for the Motion.

Councillor Chris Kowal voted against the Motion.

Councillor Graham Scobie returned to the Council Chambers.