

## Height of Buildings

### ***SITE 1: Lots 1 – 32 DP 1249961, Thompson Drive, Riverine Drive, Wheeler Avenue, Woollybutt Way, Mahogany Close, Tathra***

Currently the land known as Tathra River Estate is mapped as having a 10m height of buildings limit. However, the consent for 34 recently created lots has resulted in a restrictive covenant being placed on 32 of the new lots limiting the height of building to 7.5m. This has created a conflict between the BVLEP 2013 height of buildings map, and the planning control applied through the development assessment process.

This planning proposal seeks to amend map sheet HOB\_019B to reflect the 7.5m height of buildings control to Lots 1 – 32 DP 1249961 and create consistency and clarity regarding the maximum permissible height of buildings in this area.

The Development Application for the 34-lot subdivision was referred to the NSW Office of Environment and Heritage, NSW Rural Fire Service, NSW Southern Rivers Catchment Management Authority, NSW Roads and Maritime Service, NSW Office of Water Department of Primary Industries – Fisheries. As this amendment is administrative in nature and will not increase the development potential of the land, consultation with government agencies is not recommended for this aspect of the planning proposal.



*Figure 1: Extract from current BVLEP 2013 Height of Buildings Map – Site 1 indicated in red outline*

**SITE 2: Lot 1 DP 583103 & Lot 22 DP 1013450, Barrabaroo Road, Cobargo**

In 2010 Council exhibited a comprehensive Standard Instrument BVLEP 2013 which covered the whole Shire (and which later became BVLEP 2013). Lot 1 DP 583103 and Lot 22 DP 1013450 were exhibited with an industrial zone with the associated 14m height limit in line with the standard height for all industrial land in the Shire. Following the exhibition, Council resolved to apply a village zone to the land, however, applying the corresponding reduction in height limit of 10m which is the standard height for all village zoned land was overlooked.

This planning proposal seeks to amend map sheet HOB\_011A to apply a 10m maximum height of buildings limit to Lot 1 DP 583103 and Lot 22 DP 1013450 to be consistent with the standard for all RU5 village zones in the Bega Valley Shire.

As this amendment will not increase the development potential of the land, consultation with government agencies is not recommended for this aspect of the planning proposal.



Figure 2: Extract from current BVLEP 2013 Height of Buildings Map – Site 2 indicated in red outline



Figure 3: Extract from current BVLEP 2013 Land Zoning Map – Site 2 indicated in red outline

## Land Zoning

### **SITE 3: Lot 46 DP 1054833, 2 Corakai Drive, Pambula Beach**

The whole of Lot 46 DP 1054833 appears on LZN 020\_A Map as R2 Low Density. However, a portion of the land (consisting of a dynamic coastal environment) is zoned E2 on the Land Reservation Acquisition Map LRA\_020A (see extract below).

This planning proposal seeks to apply the E2 zone to map sheet LZN 020\_A as per LRA\_020A to ensure consistency between the two map sets and ensure that public access can be re-established along the foreshore when an acquisition program is funded.

As this amendment is administrative in nature and will not increase the development potential of the land, consultation with government agencies is not recommended for this aspect of the planning proposal.



Figure 4: Extract from current BVLEP 2013 Land Zoning Map – Site 3 indicated in blue outline



Figure 5: Extract from current BVLEP 2013 Land Reservation Acquisition Map

## Lot Size

### ***SITE 4: Lot 26 DP 850443, Green Point Road, Millingandi***

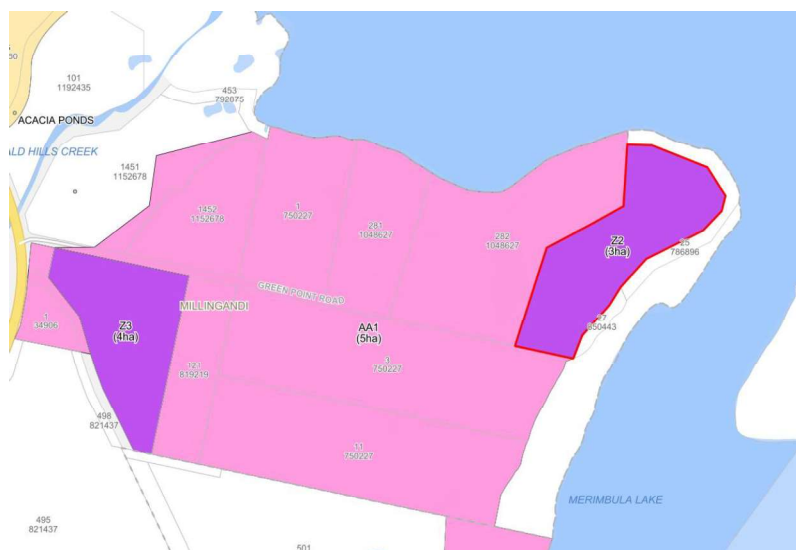
Amendment 7 to BVLEP 2013 was gazetted on 10 July 2015 which included amendments to:

- map sheet LSZ\_020A by applying AA1 5 hectares to Lot 26 DP 850443, and
- map sheet LSZ\_020B by applying AA1 5 hectares to Lot 26 DP 850443

However, subsequent amendments to map sheets LSZ\_020A and LSZ\_020B unintentionally changed the lot size for this property to show 3 hectares on the maps. This error was caused by Council in the map drafting process and was overlooked in the map checking process in several subsequent mapping amendments.

This planning proposal seeks to rectify the error in map sheets LSZ\_020A and LSZ\_020B for Lot 26 DP 850443 to reapply the 5-hectare lot size standard as gazetted on 10 July 2015.

Appendix X contains a copy of the Gazettal notice and Determination letter for Amendment 7. Amendment 7 was made by the Deputy Secretary, Planning Services as delegate of the Minister following consultation with the Office of Environment and Heritage, Southern Rivers Catchment Management Authority, NSW Trade and Investment – Crown Lands, NSW Rural Fire Service and Department of Primary Industries – Fishing and Aquaculture. As such, consultation with these agencies or their current equivalent is not recommended for this aspect of the planning proposal.



*Figure 6: Extract from current BVLEP 2013 Lot Size Map – Site 4 indicated in red outline*

## Original Holdings

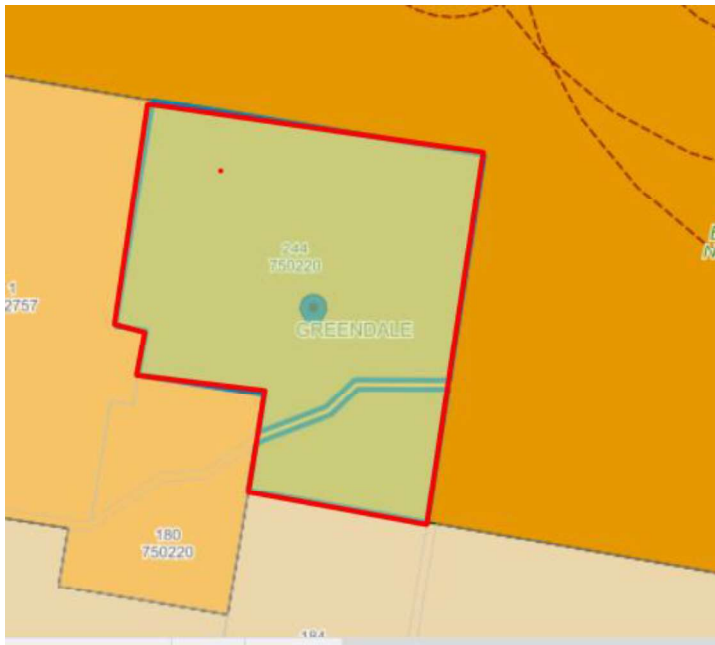
Amendment 30 to BVLEP 2013 introduced the Original Holdings map set and amended Clause 4.2A to preserve a dwelling entitlement on land identified as a vacant intact existing holding. Since the gazettal of Amendment 30 on 13 July 2018 two additional existing holdings have been identified through documentary evidence which confirms that the properties are vacant intact existing holdings. As such, this planning proposal seeks to rectify these two omissions by adding the properties to the Original Holdings Map.

The Gateway Determination for Amendment 30 (PP\_2018\_BEGAV\_001\_00) required consultation with NSW Office of Environment and Heritage and Department of Primary Industries – Agriculture under section 3.34(2)(d) of the Act. Neither of these agencies objected to the planning proposal. As such, no consultation with these agencies is recommended for this aspect of the planning proposal.

### ***SITE 5: Lot 244 DP 750220, Glen Oaks Road, Brogo***

Documentary evidence has been located by Council staff which confirms that Lot 244 DP 750220, Glen Oaks Road, Brogo was an original holding as at 6 January 1966 and should have been added to the Original Holdings Map that was gazetted on 13 July 2018.

This planning proposal seeks to add Lot 244 DP 750220 to the Original Holdings Map OLH\_011.

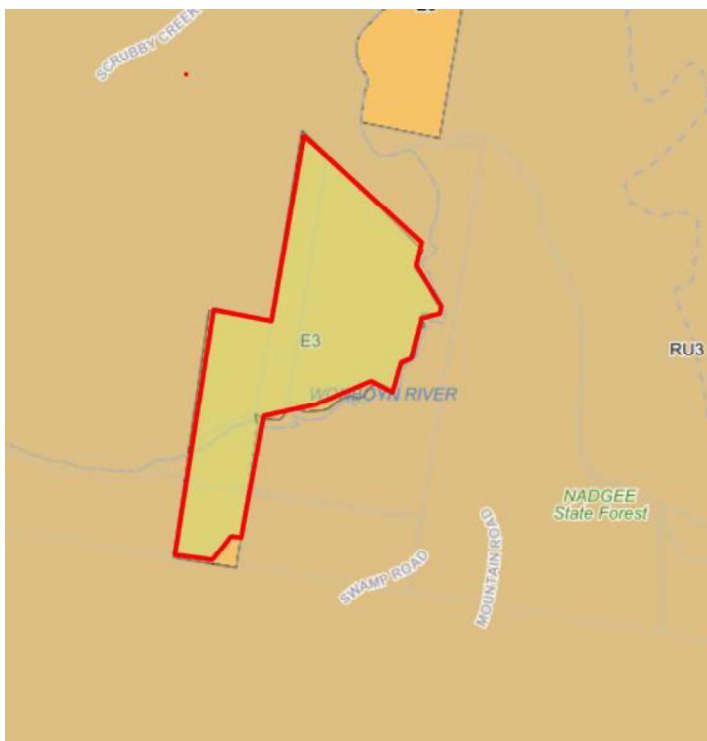


*Figure 7: Extract from current BVLEP 2013 Land Zoning Map – Site 5 indicated in red outline*

***SITE 6: Lots 15,16, & 19 DP750239 and Lot 1 DP 34520, Wonboyn Road, Narrabarba***

Documentary evidence has been located by Council staff which confirms that the group of parcels being Lots 15,16, & 19 DP750239 and Lot 1 DP 34520, Wonboyn Road, Narrabarba were an original holding as at 6 January 1966 and as they are still held in one ownership, they should have been added to the Original Holdings Map that was gazetted on 13 July 2018.

This planning proposal seeks to add Lots 15,16, & 19 DP750239 and Lot 1 DP 34520 to the Original Holdings Map OLH\_014 as one original holding.



*Figure 8: Extract from current BVLEP 2013 Land Zoning Map – Site 6 indicated in red outline*

## Heritage

### ***SITE 7: Bundian Way - Mount Kosciuszko to Eden (no freehold title)***

The Bundian Way, a 265km Aboriginal path, was listed on the NSW State Heritage Register on 18 January 2013. At the time of listing mapping was not available to Council to enable the inclusion of the Bundian Way in Schedule 5 'Environmental Heritage' of BVLEP 2013. All items of State Heritage are intended to be included in Schedule 5 of BVLEP 2013 and shown on the associated Heritage Maps.

This planning proposal seeks to amend map sheets HER\_006, HER\_013, HER\_021 to illustrate the Bundian Way as per the NSW State Heritage Register and add the following to Schedule 5 'Environmental Heritage' to be consistent with the standard for all state heritage items located in the Bega Valley Shire:

Suburb	Item name	Address	Property description	Significance	Item number
Various	Bundian Way	Various	No freehold title	State	01906

As this amendment is administrative in nature and will not impose any additional restrictions on land, consultation with government agencies is not recommended for this aspect of the planning proposal.



Figure 9: Extract from current BVLEP 2013 Heritage Map – Site 7 indicated in red line



**SITE 8: 1 DP 1158027, Nungatta Road, Nungatta**

Amendment 34 to BVLEP 2013 was gazetted on 22 May 2020 which amended the property description of item number I261 of Schedule 5 Environmental Heritage of the BVLEP 2013 for Nungatta Station from Lot 10 DP 750206 to Lot 3 DP 1102868.

The purpose of the amendment was to remove the part of the listing related to the homestead at Nungatta Station which was destroyed by bushfire in January 2020 but to ensure the graves associated with the homestead were heritage listed.

Following the gazettal of Amendment 34, Council has confirmed that the graves are located on Lot 1 DP 1158027 and not Lot 3 DP 1102868. Lot 1 DP 1158027 is a small parcel of approximately 1,000 sqm located within Lot 3 DP 1102868 and the exact location of the graves was not known to the new owner of Nungatta Station at the time of Amendment 34.

This planning proposal seeks to amend map sheet HER\_007 to indicate that Item number I261 is located on Lot 1, DP 1158027 and amend Schedule 5 Environmental Heritage as indicated in red below:

Suburb	Item name	Address	Property description	Significance	Item number
Nungatta	Nungatta Station grave site	1551 Nungatta Road, Nungatta NSW 2551	Lot 1, DP 1158027; <del>Lot 3, DP 1102868</del>	Local	I261



Figure 10: Extract from current BVLEP 2013 Heritage Map – Site 8 indicated in blue outline



**SITE 9: Lots 21 & 22 DP 1182768 (previously Lot 2 DP 1072294) Princes Highway, Cobargo**

Lot 2 DP 1072294 contained a heritage listed residence that was demolished in accordance with a consent issued by Council for the demolition of the item in 2008 following the development assessment process. Lot 2 DP 1072294 was subdivided to create Lots 21 & 22 DP 1182768 in 2009. A new structure was erected on the site with consent in 2014.

This planning proposal seeks to amend map sheet HER\_018 to remove item number 1261 and amend Schedule 5 Environmental Heritage as indicated in red below:

Suburb	Item name	Address	Property description	Significance	Item number
Cobargo	Residence	50 Princes Highway	Lot 2, DP 1072294	Local	1261



Figure 11: Extract from current BVLEP 2013 Heritage Map – Site 9 indicated in red outline

**SITE 10: Lots 1050 - 1086 DP 1240676, Mirador Drive & Jacaranda Place, Mirador**

The heritage listed ‘Trolley way, Mirador tramway, Pages Creek dam’ was located on Lot 388, DP 1124839 which has subsequently been subdivided. The subdivision created 37 residential lots and one large residue lot and the heritage items are now located on this residue, being Lot 1087 DP 1240676.

This planning proposal seeks to amend map sheet HER\_020B to indicate that Item number I734 is located on Lot 1087 DP 1240676 and amend Schedule 5 Environmental Heritage as indicated in red below:

Suburb	Item name	Address	Property description	Significance	Item number
Merimbula	Trolley way, Mirador tramway, Pages Creek dam	off Mirador Drive	<u>Lot 1087 DP 1240676 Lot 388, DP 1124839</u>	Local	I734

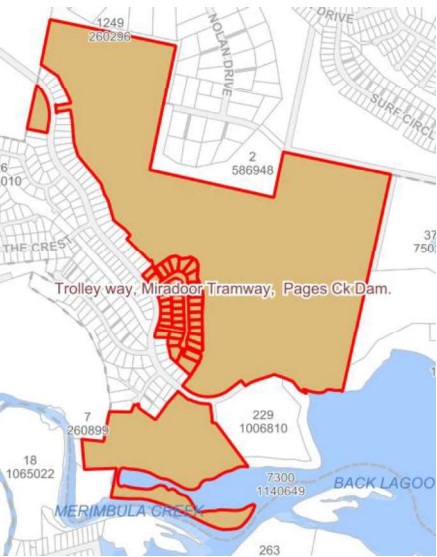


Figure 12: Extract from current BVLEP 2013 Heritage Map – Site 10 current lots indicated in red outline



Figure 13: Extracts from current BVLEP 2013 Heritage Map – Site 10 proposed lot indicated in blue outline