

8.2. Planning Proposal for Rural Residential Rezoning at Mount Darragh Road, Lochiel

This report seeks a Council resolution to submit a planning proposal to the Department of Planning, Housing and Infrastructure which seeks to rezone and amend the minimum lot size of a site on Mount Darragh Road, Lochiel.

Director Community Environment and Planning

Officer's Recommendation

1. That Council resolve to support the planning proposal to rezone and amend the minimum lot size of the site at Mt Darragh Road (parts of Lot 5 DP750207 and Lot 1 DP130034).
2. That Council endorse submission of the planning proposal (Attachment 1) and supporting information to the Department of Planning, Housing and Infrastructure requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
3. That following Gateway Determination, the planning proposal be placed on public exhibition.
4. That Council endorse, subject to the conditions of the Gateway Determination and providing no substantial changes to the planning proposal are required and no objections are received during exhibition, to progress the planning proposal to finalisation and gazettal without a further report to Council.

Executive Summary

The purpose of this report is to seek Council's approval to lodge a planning proposal with the NSW Department of Planning, Housing and Infrastructure. If approved, the planning proposal could enable approval of six additional rural residential lots through a future development application. The planning proposal is consistent with the *Bega Valley Shire Rural Residential Strategy 2020*.

Background

Lot 1 DP130034 and Lot 5 DP750207, at 299/300 Mount Darragh Road Lochiel, have a combined area of 12.9 hectares and are located approximately 4 kilometres west of South Pambula (see Map 1 below). The land is currently zoned RU2 Rural Landscape under *Bega Valley Local Environmental Plan 2013* (BVLEP 2013) with a minimum lot size of 120ha.

Council's *Rural Residential Strategy 2020* provides strategic direction for the future growth and management of rural residential development. The site is identified in the strategy as being potentially suitable for rural residential development.

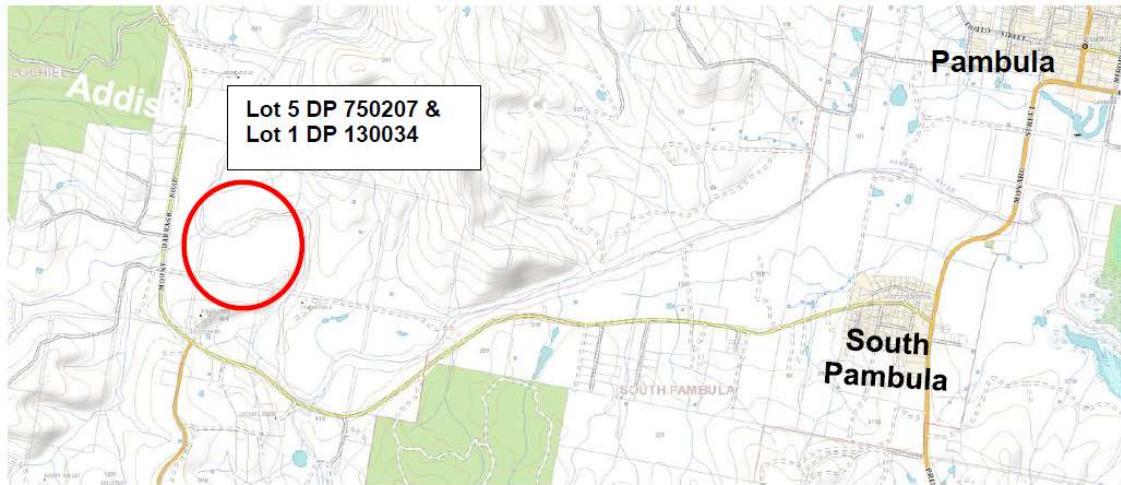
The owner of the land has submitted a planning proposal that seeks to amend BVLEP 2013 to enable a six lot rural residential subdivision. The planning proposal relates to part of Lot 1 DP130034 and part of Lot 5 DP750207, covering an area of approximately 4.6 hectares.

The following amendments to BVLEP 2013 are proposed by the planning proposal:

- Amend the Land Zoning Map to rezone land from RU2 Rural Landscape to R5 Large Lot Residential
- Amend the Minimum Lot Size Map to change the minimum lot size of the R5 portion from 120ha to 7,000sqm.

Council officers have assessed the planning proposal and concluded that the proposal has both strategic and site-specific merit according to the criteria outlined in *the NSW Local Environmental Plan Making Guidelines* (August 2023).

Map 1: Location of proposal



Assessment of Planning Proposal

STRATEGIC MERIT ASSESSMENT CRITERIA

Does the proposal give effect to the relevant regional plan?

The planning proposal is consistent with the *South East and Tablelands Regional Plan 2036* direction 28 to 'Manage rural lifestyles'. It is also consistent with the *draft South East and Tablelands Regional Plan 2041* strategy 20.1 to 'Enable new rural residential development only where it has been identified in a local strategic plan, prepared by Council and endorsed by the department.'

The planning proposal is consistent with Council's *Rural Residential Strategy 2020* as a site outlined in the Pambula Catchment Area 3 as suitable for rural residential development.

Does the proposal demonstrate consistency with the relevant Local Strategic Planning Statement (LSPS)?

The proposal is consistent with the future direction of the LSPS planning priority 11 for housing to 'Protect good quality agricultural land and areas of high scenic and environmental value by rezoning land for urban residential growth in areas identified in the *Residential Land Strategy* and support rural residential development that aligns with the *Rural Residential Strategy 2020*.'

Does the proposal respond to a change in circumstances that has not been recognised by the existing planning framework?

The planning proposal does not respond to a change in circumstances that has not been recognised by the existing planning framework.

SITE-SPECIFIC MERIT ASSESSMENT CRITERIA

Does the proposal give regard and assess impacts to the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)?

Reports regarding land contamination, land use conflict, traffic impact, archaeology, cultural heritage, bushfire, onsite sewer management and flood impact risk accompany the planning proposal. These supporting documents demonstrate that the proposed amendments to BVLEP 2013, to enable the development of six rural residential lots, is appropriate on the subject

land. It is considered that the proposal is unlikely to have unacceptable adverse impacts on the natural environment of the site or other affected land.

Does the proposal give regard and assess impacts to services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?

The land is located within 500m from Mount Darragh Road and is accessed via an existing driveway intersection. It is anticipated that the subdivision that is likely to result from the planning proposal will require approximately 540m of road constructed to a two-lane sealed standard, and a new turning lane off Mount Darragh Road to access the site. Details of access and road construction requirements will be determined through the subdivision approval process and any costs associated with construction will be borne by the proponent. Once finished, the new road would be maintained as part of Council's road network.

The land is currently serviced with electricity and telecommunications. The proposed lots will not be connected to Council's reticulated sewer or water services. Given the small scale of the proposed subdivision that may result from the planning proposal, it is not envisaged that the proposal will have any substantive impact on existing social or economic infrastructure such as schools, hospitals or existing retail centres.

Options

Options available to Council are to:

1. Resolve to support the planning proposal and forward it to the Department of Planning, Housing, and Infrastructure for Gateway Determination. This is the recommended option.
2. Not support the planning proposal.

Community and Stakeholder Engagement

Engagement undertaken

Pre-lodgement consultation has been undertaken with various Council officers in addition to Transport NSW, Heritage NSW, NSW Rural Fire Service, NSW Department of Primary Industries - Agriculture and NSW Department of Climate Change, Energy, the Environment and Water.

Engagement planned

If the planning proposal receives Gateway approval, community consultation will be consistent with the requirements of the *Bega Valley Shire Community Engagement Strategy*, being a minimum exhibition timeframe of 28 days, or as specified by the Gateway Determination. Public exhibition of the planning proposal will include notification on Council's website and in writing to adjoining landowners.

Should agency or community feedback to the planning proposal be received that warrant substantial changes to the planning proposal, a further report will be prepared for Council outlining the submissions received and the changes to the planning proposal recommended in response to those submissions prior to resolving whether to proceed with amending BVLEP 2013.

If no objections to the planning proposal are received and no substantial changes are required to the planning proposal, it is recommended that Council resolve to authorise staff to proceed to finalise the proposed amendment to the BVLEP 2013.

Financial and Resource Considerations

The planning proposal has been prepared by the applicant and the applicable fee of \$26,068 has been received in accordance with Council's adopted Fees and Charges 2024/25. Any additional costs incurred for advertising of the planning proposal will be met by the applicant.

Legal /Policy

The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* and the *Local Environmental Plan Making Guidelines* (August 2023).

Impacts on Strategic/Operational/Asset Management Plan/Risk

Strategic Alignment

The planning proposal is consistent with the *South East and Tablelands Regional Plan 2036*, the *Draft South East and Tablelands Regional Plan 2041*, the *Bega Valley Community Strategic Plan 2040*, the *Bega Valley Shire Local Strategic Planning Statement*, and Council's *Rural Residential Strategy 2020*.

Environment and Climate Change

The planning proposal supports future rural residential growth while having regard to environmental and climate change considerations.

Economic

The planning proposal supports provision of additional rural residential opportunities to supplement the options available in the market. However, it will impact Council's future road maintenance budget through an additional intersection treatment and extension to the road network.

Risk

The planning proposal is consistent with the recommendations of the adopted *Rural Residential Strategy 2020* and does not introduce any new risks to Council.

Social / Cultural

The planning proposal supports provision of additional rural residential opportunities to meet the needs of the community for provision of housing.

Attachments

1. Planning Proposal for rural residential rezoning, Mt Darragh Road, Lochiel