BEGA VALLEY SHIRE COUNCIL

Bega Valley Local Environmental Plan 2013

Planning Proposal:

Wolumla Deferred Matters

July 2018

Bega Valley Shire Council
Zingel Place
PO Box 492
Bega NSW 2550
Phone (02) 6499 2222
Fax (02) 6499 2200
Email council@begavalley.nsw.gov.au

BVSC

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Background

This planning proposal seeks to establish zoning and minimum lot sizes for (4) sites within the catchment area of the Wolumla village that remain 'Deferred Matters' under Bega Valley Local Environmental Plan 2002.

This planning proposal provides the following key outcomes;

- Establish a clear direction for the greenfield sites around Wolumla.
- Refine zonings and minimum lot sizes to align with the characteristics of the land and the current legislative framework.
- Increase the supply of more affordable residential land close to the coast and other town centres within the Bega Valley.
- Ensure opportunities for the development of less constrained residential land and ensure land with key environmental attributes such as ridgelines, riparian corridors and more forested land with Endangered Ecological Communities is protected.
- Provide for the growth and expansion of our villages.

Wolumla is identified as having the best growth potential of all the in land villages due to;

- Lack of topographic constraints.
- Proximity to the Shires largest population centres, Bega and Merimbula/Tura/Pambula.
- Large inland holdings which could accommodate well planned subdivision and land releases.
- Ample capacity in water and sewer services.

Part 1 – Objectives or Intended Outcomes

SITE 1

THE ZONES

- SP3 Zone (1,635m2) around the existing water reservoir site.
- R2 Zone (52ha) has been applied over this area as a preference to a large lot residential zone (R5 Zone) or village zone (RU5) to ensure the land is developed to its capacity with less opportunity for land use conflict in the future.
- RU5 Zone (1ha) has been added to the existing village zone to provide a broader range of commercial uses and possible expansion of the village centre. This land will then form part of a future review of the village zone.
- RU2 Zone (24ha) in line with the exhibited zoning is consistent with the characteristics of this land where the lot yield has been exhausted.
- E4 Zone (17.36ha) over the south-western portion of land that is bounded by a riparian corridor with different landscape characteristics being low lying and forested.
- E3 Zone (7ha) created in line with existing vegetation and contours along the southern boundary to limit development on the steeper land and protect this prominent ridgeline.
- This zone has been applied in preferred to an E2 Zone as it provides more flexibility in terms of future subdivision and management of this land.

MINIMUM LOT SIZES

- 120ha for the proposed RU2 and SP3 land as exhibited. There is an existing subdivision that exhausts any potential lot yield.
- 1,000m2 over proposed R2 to the south
- 7ha for the proposed E3 and E4 zone at the southern end of the property to provide flexibility in the future subdivision of this land. Lot averaging would provide the opportunity to create some smaller allotments with a residue over the more constrained E3 land.

SITE 2

THE ZONES

- R2 Zone (15.6ha) in line with the capacity of the land and road network to cater for the north-west extension of the village.
- E4 Zone (2.8ha) over the northern wedge similar to the exhibited draft to protect the steep, forested land adjacent to the Princes Highway that contains an EEC within proximity of an existing quarry.

MINIMUM LOT SIZES

- 1,000m2 applied to the proposed R2 zoned land as exhibited and consistent with the existing village.
- 2ha for the proposed E4 zoned land to limit future development over constrained land but provide the opportunity for future management of this land.

SITE 3

THE ZONES

- R2 Zone (8.3ha) to provide residential land to the west of the village centre to complement the proposed residential zone south of the Candelo-Wolumla Road. This zoning will also assist in creating a more clearly defined entrance to the village and has been considered within the context of future development plans for Wolumla.
- E3 Zone (78ha) has been identified to protect land with significant biodiversity values including thickly forested land and an existing EEC with prominent riparian corridors and 'Frogs Hollow Swamp'.
- E4 Zone (41.5ha) to enable development of the less constrained land on this large parcel of land with the opportunity to connect with the proposed residential land (Sites 1 and 2).

MINIMUM LOT SIZES

- 10ha to apply over this land to provide for the future subdivision with the opportunity to use lot averaging.
- 2ha for the proposed E4 land fronting the Candelo-Wolumla Road.
- 1,000m2 over the R2 land to provide connection between Sites 1 and 2 and greater definition of the village boundary.

SITE 4

THE ZONES

- E3 Zone (30ha) preserves the land with biodiversity value and archaeological significance that includes the majority of the forested land.
- E4 Zone (11ha) considered within the context of an existing dwelling and land that has already been subdivided along Old Mill Road.
- This minor supply of rural residential land is supported within the context of existing development and the proposed reduction in large lot residential land within (Site 1).

MINIMUM LOT SIZES

- 2ha is recommended in line with the proposed E4 zoning over the land that is already predominantly cleared of vegetation.
- 30ha over the E3 land to reduce the future impact on biodiversity values.

Site	Property	Current Zone	Proposed Zone	Current Lot Size	Proposed Lot size
1	LOT 1 DP 947772, LOT 2 DP 1048404, LOT 12 DP1176792, LOT 65 DP 664914 AND LOT 67 DP 750238	RU2, RU5, R5 AND E2	RU2, RU5, R2, E3, E4 AND SP2	1,000M2, 2HA AND 120HA	1,000M2, 2HA, 10HA AND 120HA
2	LOT 1 DP 1067459, LOTS 1-10 DP 1067458, LOT 2 DP 3833, LOTS 2-4 SEC 9 DP 997, LOT 6 DP 252442, LOTS 9-13 DP 3833, LOTS 11-24 SEC 8 DP 997, LOTS 16-17 SEC 1 DP 997	RU4, RU5 AND E2	R2 AND E4	1,000M2 AND 2HA	1,000M2 and 2HA
3	LOT 6 DP 1132826	RU4 AND E2	R2, E3 AND E4	2HA AND 10HA	1,000M2, 2HA and 10HA
4	LOT 171 DP 750238	RU1	E3 AND E4	120HA	2HA and 30HA

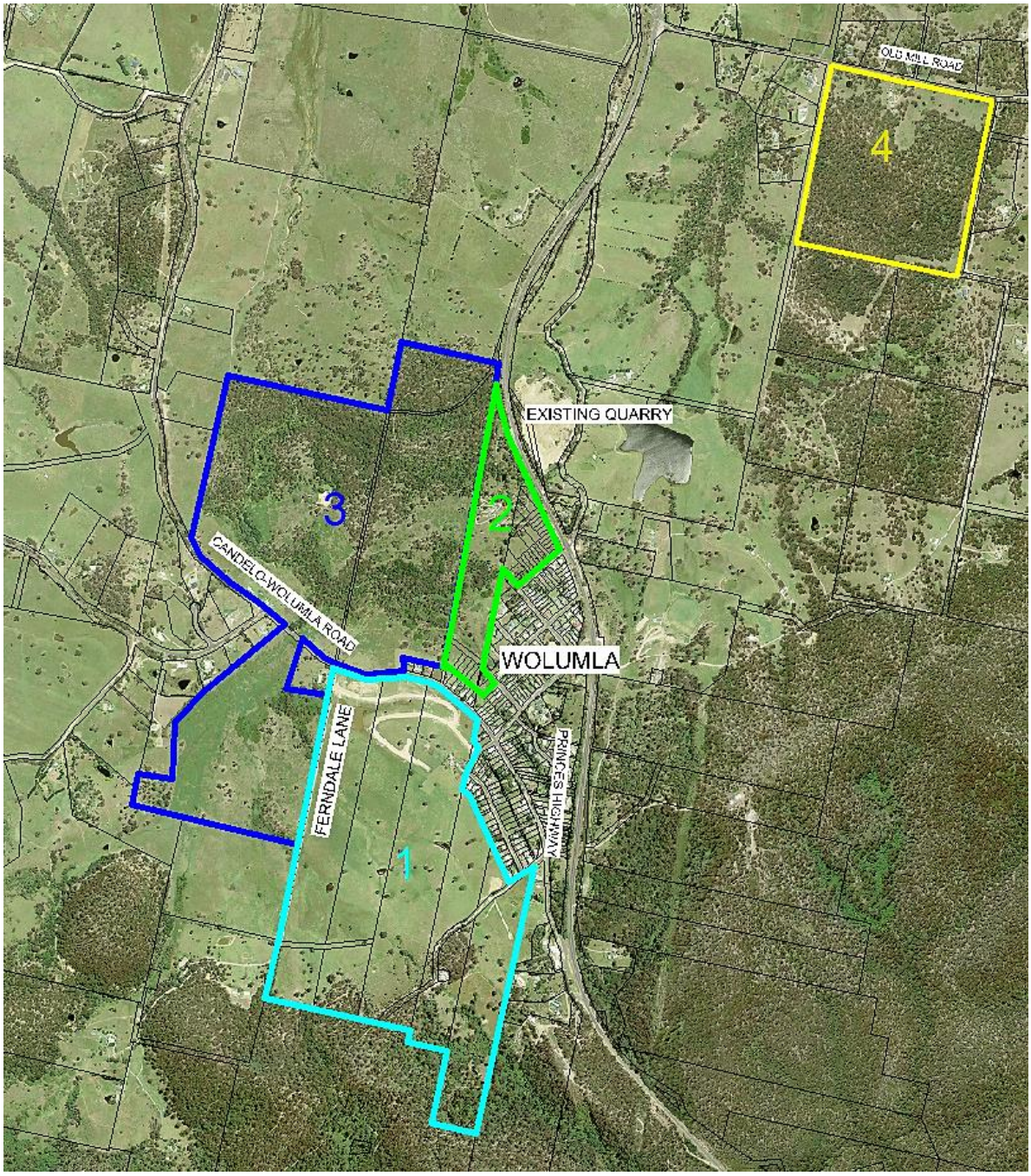


Figure 1: Properties in this planning proposal

Part 2 – Explanation of the Provisions

This planning proposal will amend BVLEP 2013 in the following manner:

1. Candelo-Wolumla Road and Ferndale Lane, Wolumla

Lot 1 DP 947772, Lot 2 DP 1048404, Lot 12 DP1176792, Lot 65 DP 664914 and Lot 67 DP 750238

- Amend map sheet LAP_001 by deleting DM Deferred Matter
- Amend map sheet LZN_012B by applying RU2 Rural Landscape Zone, RU5 Village Zone, R2 Low Density Residential Zone, SP2 Infrastructure Zone, E3 Environmental Management Zone and E4 Environmental Living Zone
- Amend map sheet LSZ_012B by applying U 1,000m2 to the R2 Low Density Residential Zone and RU5 Village Zone, Z1 2ha, AA2 7ha to the E4 Environmental Living Zone and E3 Environmental Management Zone and AD 120ha to the RU2 Rural Landscape Zone and SP2 Infrastructure Zone

2. Bridge Street, Short Street and Princes Highway, Wolumla

Lot 1 DP 1067459, Lots 1-10 DP 1067458, Lot 2 DP 3833, Lots 2-4 SEC 9 DP 997, Lot 6 DP 252442, Lots 9-13 DP 3833, Lots 11-24 SEC 8 DP 997 and Lots 16-17 SEC 1 DP 997

- Amend map sheet LAP_001 by deleting Deferred Matter
- Amend map sheet LZN_012B by applying R2 Low Density Residential Zone and E4 Environmental Living Zone
- Amend map sheet LSZ_012B by applying U 1,000m2 to the R2 Low Density Residential Zone and Z1 2ha to the E4 Environmental Living Zone

3. Candelo-Wolumla Road and Ferndale Lane, Wolumla

Lot 6 DP 1132826

- Amend map sheet LAP_001 by deleting Deferred Matter
- Amend map sheet LZN_012B by applying E3 Environmental Management Zone and E4 Environmental Living Zone
- Amend map sheet LSZ_012B by applying AB1 10ha to the E3 Environmental Management Zone and applying Z1 2ha and AB1 10ha to the E4 Environmental Living Zone

4. Old Mill Road, Wolumla

Lot 171 DP 750238

- Amend map sheet LAP_001 by deleting Deferred Matter
- Amend map sheet LZN_011 by applying E3 Environmental Management Zone and E4 Environmental Living Zone
- Amend map sheet LSZ_011 by applying Z1 2ha to the E4 Environmental Living Zone and applying AB3 30ha to the Environmental Management Zone

Part 3 – Justification

1. Candelo-Wolumla Road and Ferndale Lane, Wolumla

Lot 1 DP 947772, Lot 2 DP 1048404, Lot 12 DP1176792, Lot 65 DP 664914 and Lot 67 DP 750238

Site Description

The property is a large greenfield site to the south of Wolumla covering an area of 127.8ha that consists mostly of cleared farming land with remnant trees and a more forested ridgeline along the southern boundary. There is an existing homestead at the northern end of the property and a water reservoir towards the south-east.

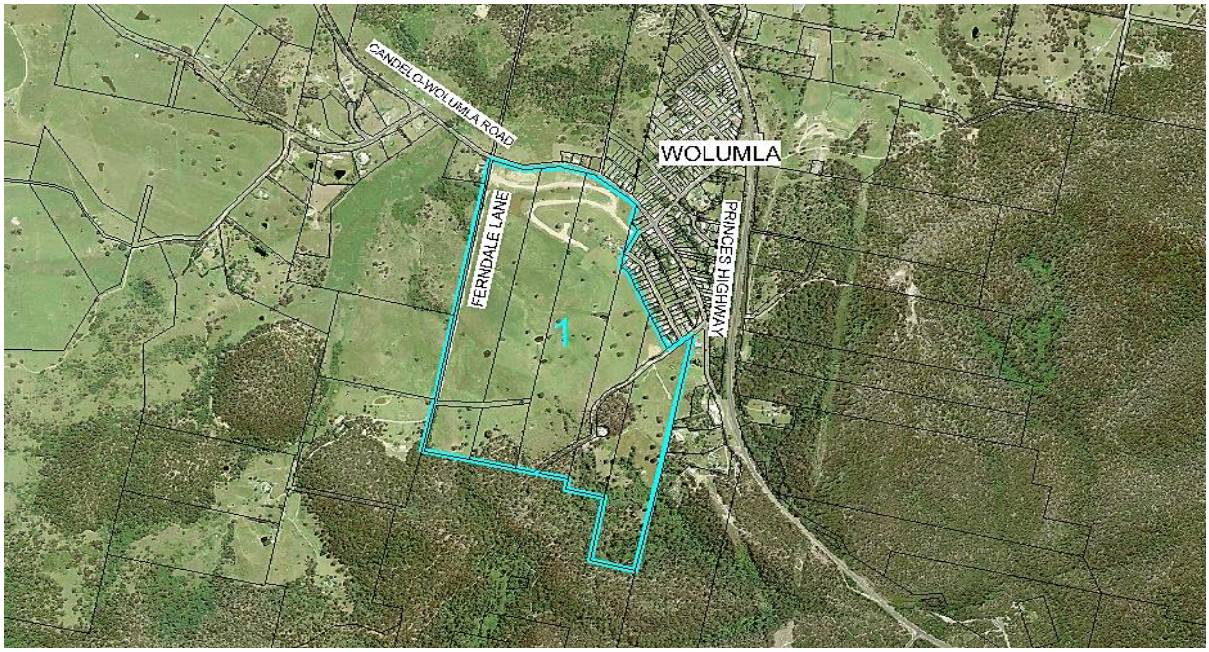


Figure 2: Candelo-Wolumla Road and Ferndale Lane, Wolumla: Subject Land Aerial Photograph



Figure 3: View across the centre of the proposed R2 zoned land with 1,000m2 lots

Development Potential

This property is currently zoned part 1(a) Rural General and 2(f) Future Urban under Bega Valley Local Environmental Plan 2002 and is a deferred matter. There is a subdivision approval for 42 Lots (2007.759) over the 2(f) land at the northern end Site 1 fronting the Candelo-Wolumla Road.

The subdivision entitlement over the 1(a) portion of the land has been exhausted.

Both these subdivisions have been physically commenced.

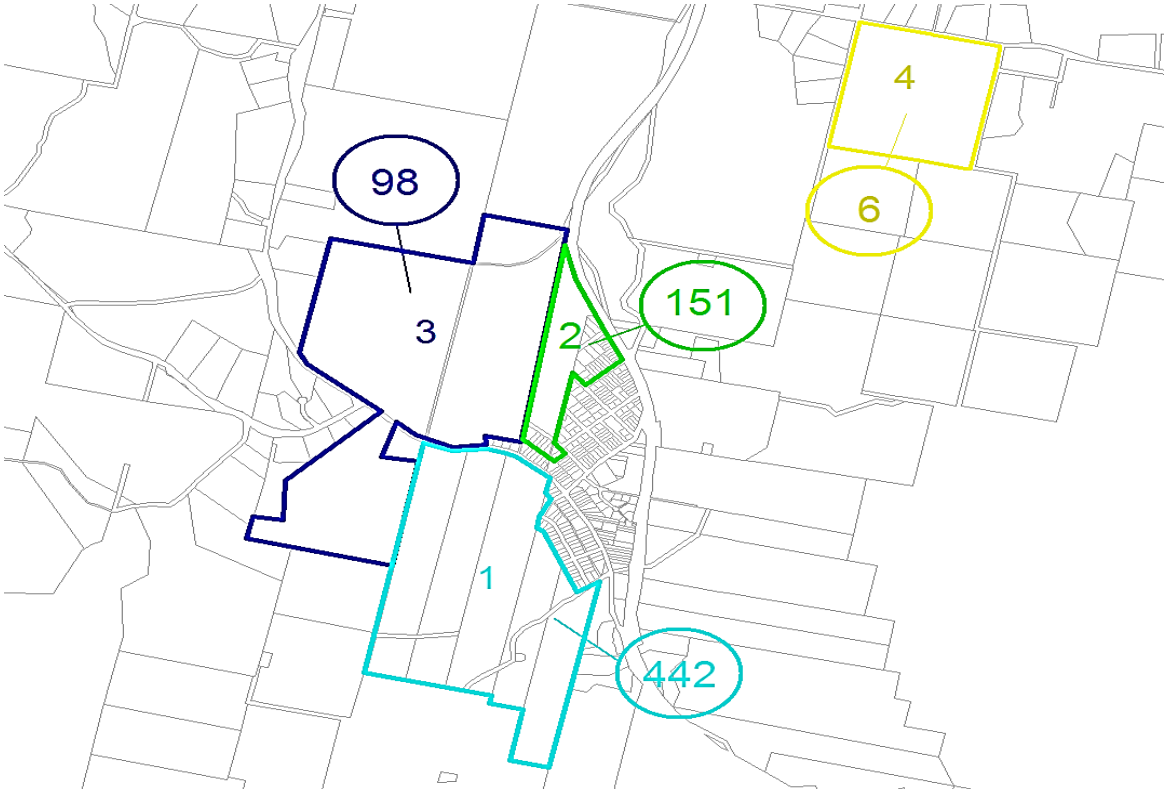


Figure 4: Subdivision potential under BVLEP 2013

Site	1,000m2	2HA	7HA	10HA	30HA	120HA	Approvals	Lot Yield
1	400	NA	3	NA	NA	0	42	442
2	150	1	NA	NA	NA	NA	NA	151
3	83	5	3	7	NA	NA	NA	98
4	NA	5	NA	NA	1	NA	NA	6
							TOTAL	**697**

Figure 5: Subdivision potential under BVLEP 2013

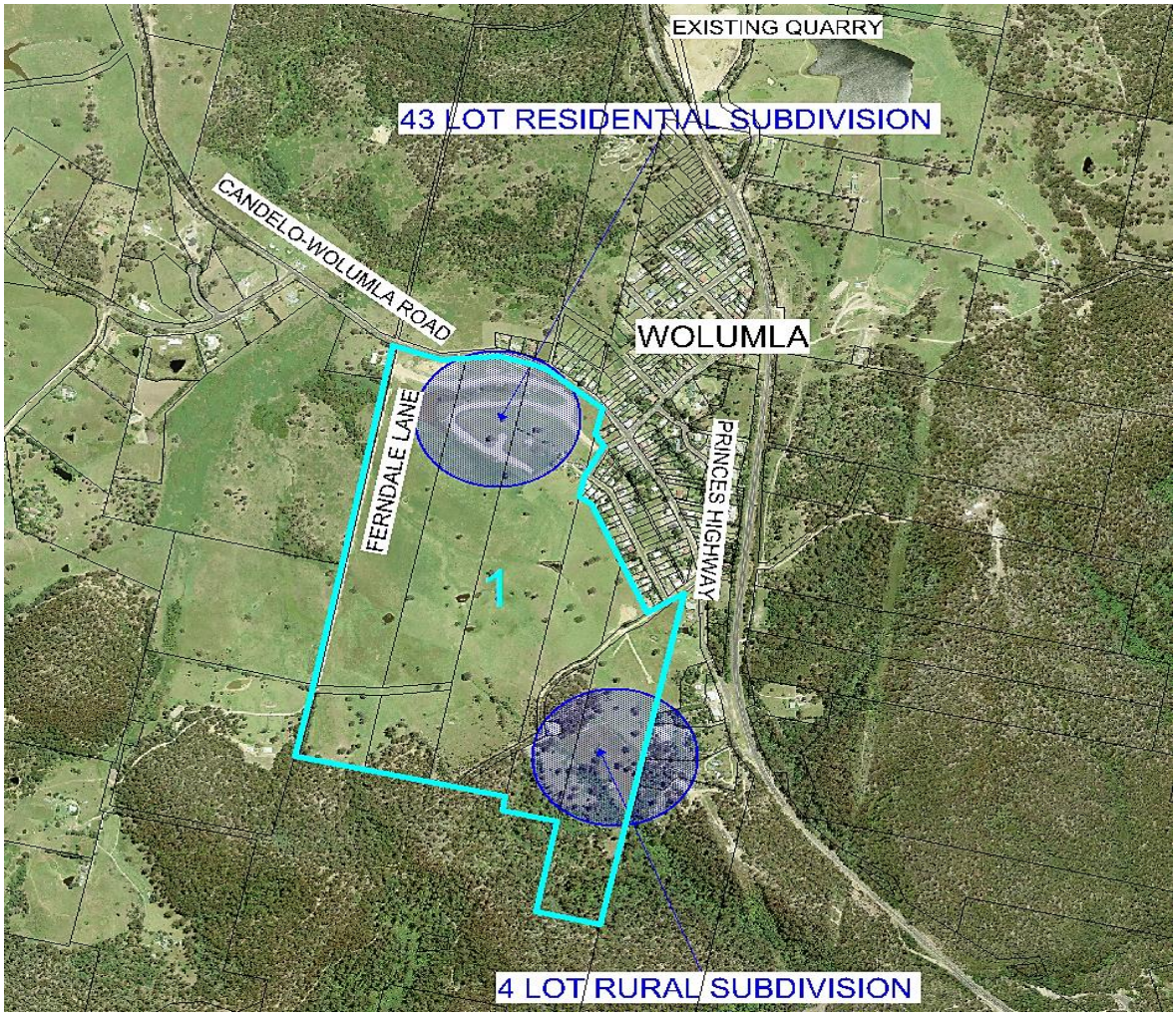


Figure 6: Development approvals



Figure 7: Development Application 2007.759

DEVELOPER SERVICING PLANS

Council adopted Development Servicing Plans for both water and sewer infrastructure on 12 June 2013. Wolumla is serviced by the Tantawanglo-Kiah Water Supply and a Low pressure sewerage system and membrane bioreactor (MBR) STP.

The majority of Site 1 is located outside of the Developer Servicing Plan boundary for both water and sewer infrastructure at Wolumla. Clause 5.8 applies to development that sits outside of the DSP boundary as detailed below;

> "After the adoption of the DSP, new development may be proposed outside the boundary of the DSP provided that there are no planning or other constraints to the development, Council may approve construction of essential assets to service such a development. These assets will be sized to suit all potential development in the proposed development area with the full capital cost being met by the developer, in addition to the developer contributions levied on the development."

Consultation has been undertaken with Council's Water and Wastewater Section to confirm there is plenty of capacity to extend Council's existing infrastructure to accommodate for the future subdivision of land and subsequent extension of the DSP boundaries for Site 1. Any proposal to augment the existing water and sewer infrastructure needs to be supplemented with a report by a tier one consultant that clearly demonstrates that these infrastructure requirements can be achieved and are practical.

In terms of sequencing, the existing water and sewer infrastructure is located along Mine Lane and a 42 Lot Subdivision has already been approved. It is therefore quite possible that Site 1 will be the first site to be developed.

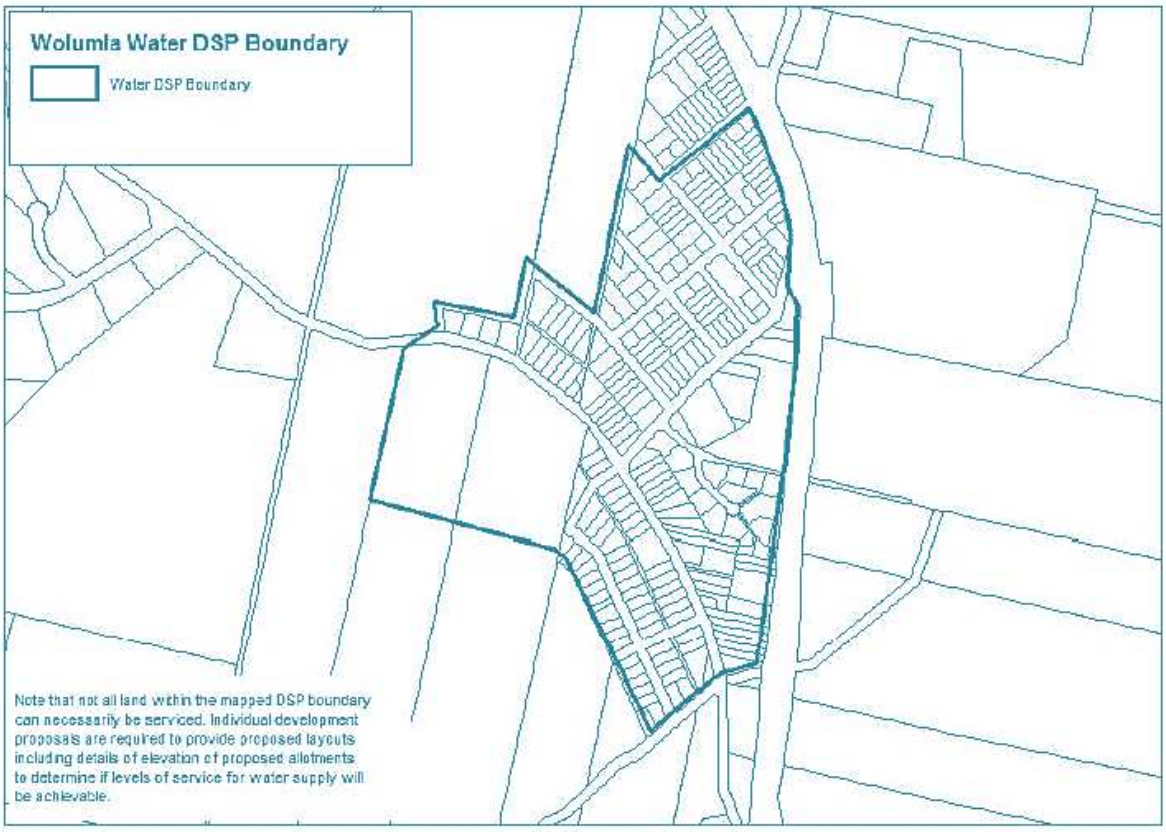


Figure 8: Developer Servicing plan for Water

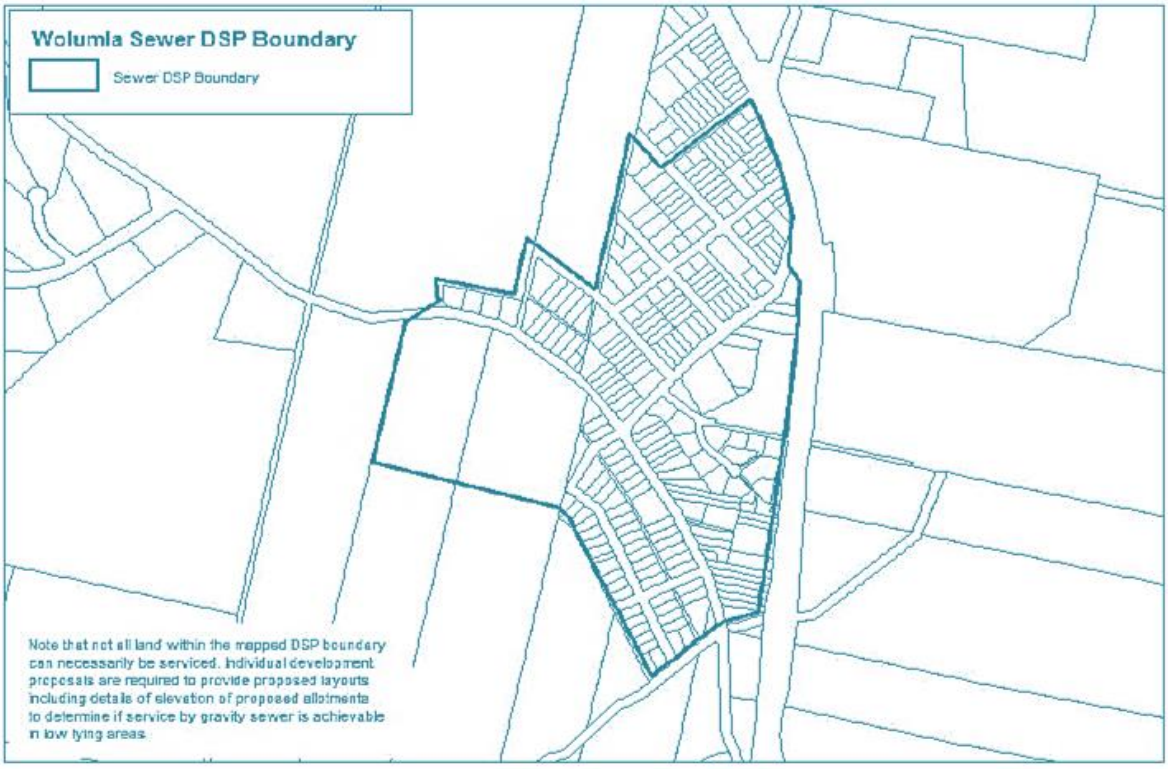


Figure 9: Developer Servicing Plan for Sewer

Mapping

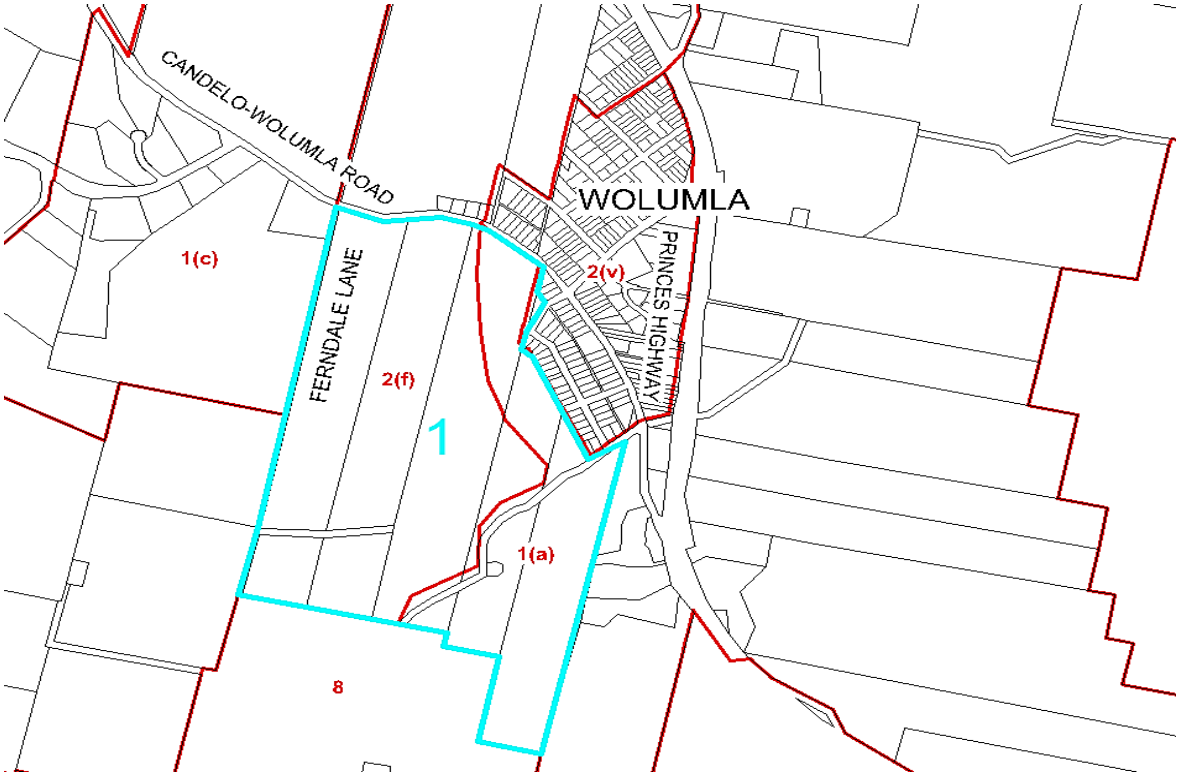


Figure 10: Existing zoning under BVLEP 2002

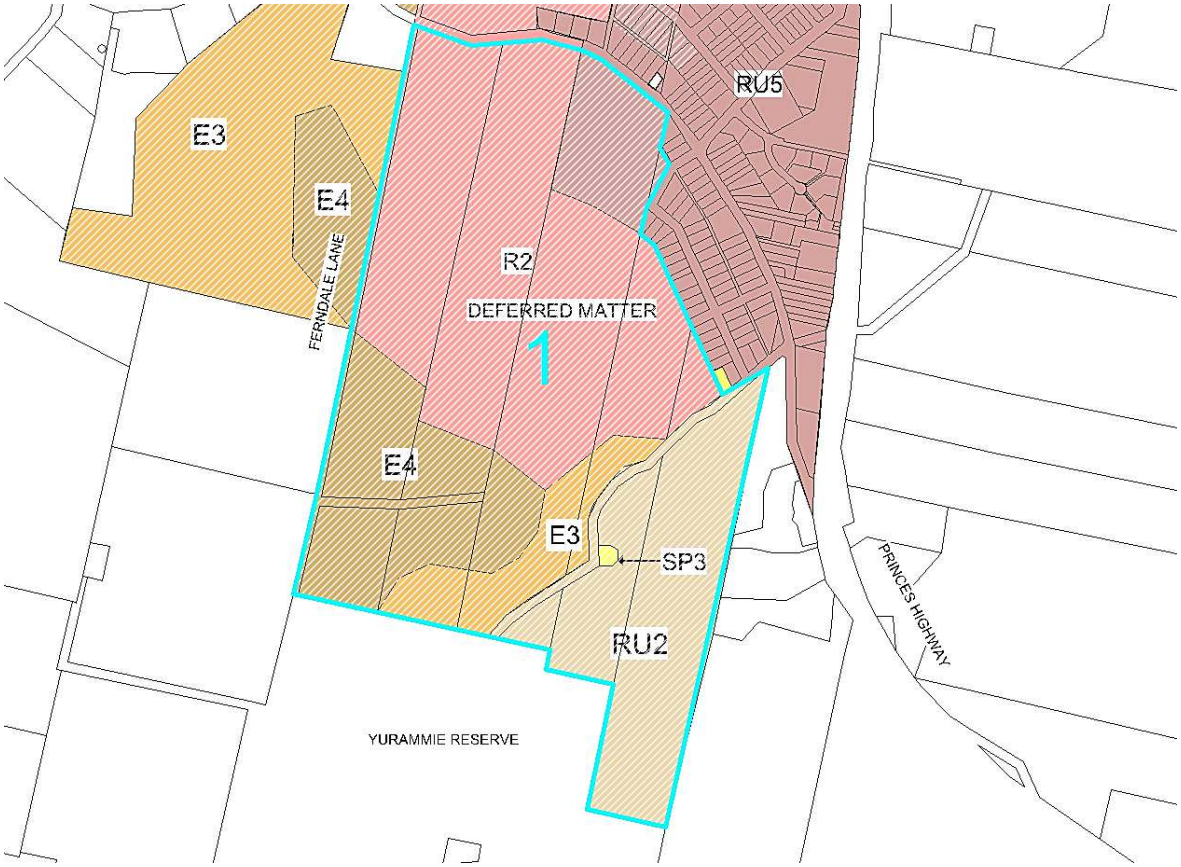


Figure 11: Proposed zoning under BVLEP 2013

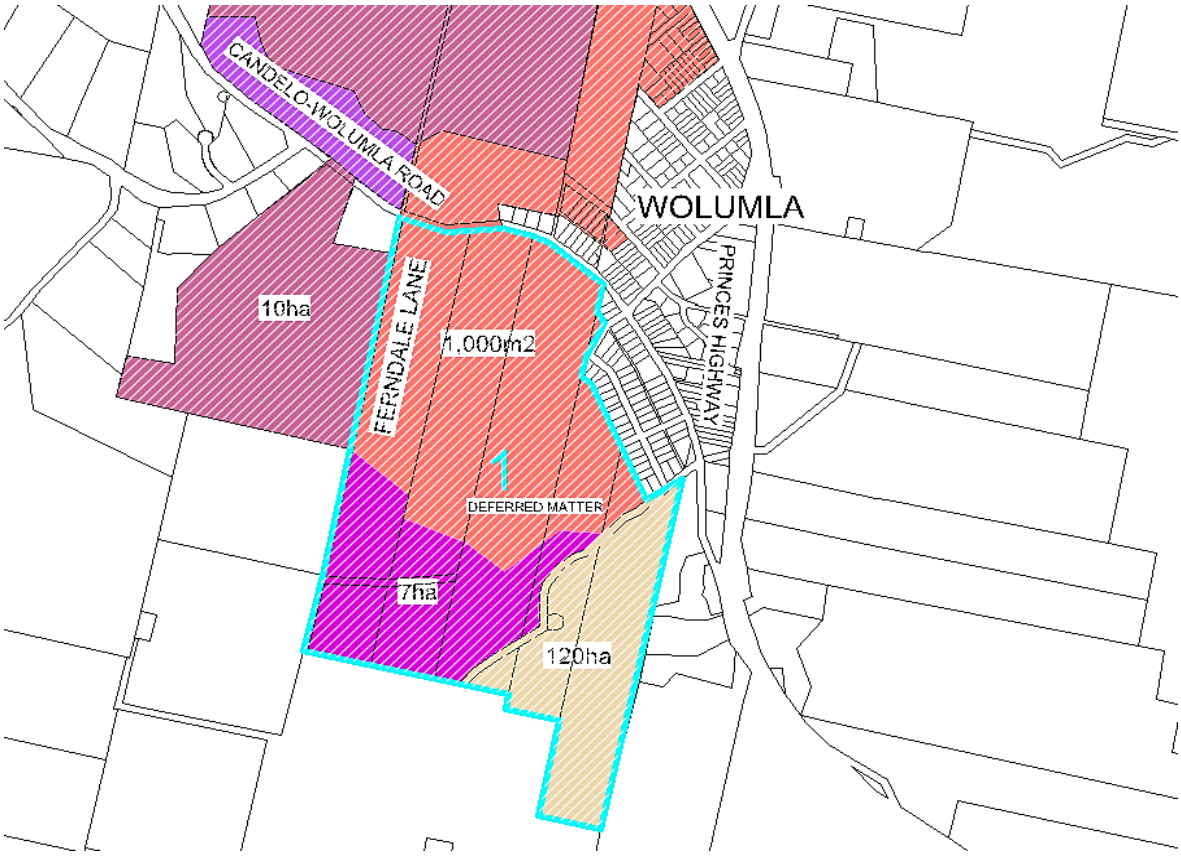


Figure 12: Proposed lot size under BVLEP 2013

Key Outcomes:

THE ZONES

- SP3 Zone (1,635m2) around the existing water reservoir site.
- R2 Zone (52ha) has been applied over this area as a preference to a large lot residential zone (R5 Zone) or village zone (RU5) to ensure the land is developed to its capacity with less opportunity for land use conflict in the future.
- RU5 Zone (1ha) has been added to the existing village zone to provide a broader range of commercial uses and possible expansion of the village centre. This land will then form part of a future review of the village zone.
- RU2 Zone (24ha) in line with the exhibited zoning is consistent with the characteristics of this land where the lot yield has been exhausted.
- E4 Zone (17.36ha) over the south-western portion of land that is bounded by a riparian corridor with different landscape characteristics being low lying and forested.
- E3 Zone (7ha) created in line with existing vegetation and contours along the southern boundary to limit development on the steeper land and protect this prominent ridgeline.
- This zone has been applied in preferred to an E2 Zone as it provides more flexibility in terms of future subdivision and management of this land.

MINIMUM LOT SIZES

- 120ha for the proposed RU2 and SP3 land as exhibited. There is an existing subdivision that exhausts any potential lot yield.
- 1,000m2 over proposed R2 to the south
- 7ha for the proposed E3 and E4 zone at the southern end of the property to provide flexibility in the future subdivision of this land. Lot averaging would provide the opportunity to create some smaller allotments with a residue over the more constrained E3 land.

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Council resolved on the 13 December 2005 to prepare a draft Comprehensive Local Environmental Plan to replace BVLEP 2002. The Draft BVLEP 2010 was prepared based on the following:

- The majority of the Shire was changed to the closest comparable zone available in the standard State wide template.
- Where changes were proposed, the focus was 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 the 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 the E3 Environmental Management and E4 Environmental Living Zones.
- Protection of sensitive foreshore areas and bushland public reserves through the use of the E2 Environmental Conservation Zone.

The Draft BVLEP 2010 was publically exhibited from the 12 May 2011 to the 29 July 2011 and 456 submissions were received. Following consideration of those submissions, Council categorised them into four groups:

- Appendix 1: Support (or partial support) for the submission request, with only minor changes required to the exhibited Draft CLEP. The CLEP was amended in line with these recommendations.
- Appendix 2: Support (or partial support) for the submission request, however, due to the nature of changes proposed, re-exhibition would be required. Land subject to the submissions is to be identified as a 'deferred matter' in the CLEP. Staff to prepare planning proposals seeking to amend the CLEP, once adopted, in accordance with Councils' resolutions and a 'gateway determination' by the Minister for Planning required prior to re-exhibition.
- Appendix 3: Further research is to be carried out by Council staff prior to progressing a resolution of the submissions via a future report to Council. Land subject to the submissions is to be identified as a 'deferred matter' in the CLEP.
- Appendix 4: No agreement with the submission request, or the submission to be noted, but no need for further action at this time. No change to exhibited draft CLEP is required.

The zoning and status as prescribed under the BVLEP 2002 still applies to Site 1. A planning proposal is required to apply BVLEP 2013 to resolve the issue of appropriate zoning and minimum lot sizes for this site.

KEY POINTS

- There is very limited and constrained future urban land available on the coastal strip (Eden /Merimbula /Tura /Tathra /Bermagui).
- There is a need to redirect low density development to inland areas. Wolumla is the most suitable location.
- The need to reduce demand for rural residential living to protect rural landscapes.
- The current 2 (f) Future Urban Zone has been established since 1987.

- Bega Valley Shire has invested in a pressure sewer system and treatment plant for Wolumla's urban area allowing more effective servicing of smaller urban lots in comparison with traditional 2000m2 lot required for on-site septic systems.
- Wolumla ideally located within the context of surrounding towns and villages.

The proposal initially came out of landowner representations to Council as part of the draft BVLEP 2013. These proponents relied upon a previous future urban expansion zone and rural residential zone to put forward a case for re-zoning land. The rezoning of this land has remained deferred since 2011.

This Planning Proposal refines existing future urban, village and rural residential zones adjacent to Wolumla to provide an additional supply of residential land outside the major centres of Bega and Merimbula and the highly constrained coastal catchments within the Bega Valley.

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.

A planning proposal is the most practical way of achieving these objectives as it involves the rezoning of large greenfield sites that have remained in historical zonings and are in need of updating to better reflect the inherent constraints of the land and the need for affordable housing within the Bega Valley Shire.

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 East and Tablelands Regional Plan 2036

The primary purpose of the South East and Tablelands Regional Plan 2036 is to ensure that adequate land is available and appropriately located to sustainably accommodate projected housing and employment needs for the South Coast Region for the next 25 years.

Direction 24 Deliver greater housing supply and choice

Affordable housing is an issue within the Bega Valley Shire catchment and the broader state of New South Wales. There is a demand for property close to the coast and services. Wolumla serves as a key growth corridor for this future growth, with a limited supply of residential land within our coastal catchments.

Direction 25 Focus housing growth in location that maximise infrastructure and services

This planning proposal seeks to develop residential land that reflects the inherent constraints and capacity of the land for future development. Site 1 is a large greenfield site that has the capacity in terms of water and sewer infrastructure and the characteristics of the land. The principle of this planning proposal is to select zonings and lot sizes that protect the more constrained land and promote the development of the less constrained land it its capacity.

Direction 27 Deliver more opportunities for affordable housing

A primary objective of this planning proposal is to increase the supply of affordable residential land within the Bega Valley catchment.

Local Government Narratives

Housing

This planning proposal seeks to reduce the pressure for development within the coastal zone and consolidate rural residential growth in high demand catchments near existing development and infrastructure

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. One key aim of the CSP is:

- To ensure the unique environment is protected to maintain biodiversity and water quality and managed for our community, to provide growth and economic opportunity.

Wolumla Village itself contains around 170 dwellings and has a population of approximately 370 people. There is scope for further expansion of residential land that is within easy driving distances of Bega and Merimbula.

As evidence by the historical zoning information, Wolumla has long been identified as a growth area. This was further reinforced by investment in a pressure sewer system to service the village with capacity to be expanded to accommodate growth in the adjoining future urban and undeveloped village areas.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with most applicable State Environmental Planning Policies (SEPPs). Where this planning proposal is inconsistent with a SEPP the inconsistency is justified on the basis that the inconsistency is minor. The SEPPs that are applicable to this planning proposal are detailed in this Section. For a complete checklist of SEPPs, refer to Attachment 1.

SEPP (Rural Lands) 2008

This SEPP aims to achieve the following;

(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,
(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
(c) to implement measures designed to reduce land use conflicts,
(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

Site 1 involves the rezoning of cleared grazing land that remains a Deferred Matter and zoned 1(a) and 2(f) under BVLEP 2002.

The proposed use of the land for a residential purpose does not inhibit or extinguish the operation of any adjoining rural uses (intensive or non-intensive). The majority of Site 1 is used for light grazing and a large residential subdivision has already been approved and commenced at the northern end of the site. E3 and E4 zones have been proposed over the southern portion of the site that has greater biodiversity and key environmental attributes.

There is an existing strip of 1(a) land along the north-eastern boundary of Site 1. It appears that this land was originally created as a buffer between the existing village and 2(f) land until such time as the future direction of this 2(f) land is established. The existing 1(a) land does not relate to any existing geographical features or reflect the use or operation of this land. The existing 1(a) strip of land is currently restricting the logical development of this land and connectivity between the village and 2(f) land. It is therefore proposed that this 1(a) land is incorporated into the proposed R2 zone and not a rural zone under BVLEP 2013.

SEPP 44 Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management 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.

The majority of the forest type is Far South Coast Grassy Woodland (NGH Biocertification Investigations 2008). This includes Eucalyptus tereticornis, (Forest Red Gum) and Eucalyptus mellidora (Yellow Box), which are both Koala food tree species.

The tree species listed in Schedule 2 are not commonly found in large numbers. In addition, Council have not undertaken any dedicated 'core koala habitat' studies in the Wolumla catchment. According to the NGH Biocertification surveys of 2008, koalas have a 'low' potential to occur within the study area.

In regards to the primary food source of Eucalyptus teriticornis which occurs on the subject land, NGH state that 'remnant (koala) populations in the region are no longer found in areas where this tree species is dominant, since these have been largely cleared'.

There is no identified core koala habitat (as defined by the SEPP) on the subject land. The lack of sightings over the past 2 – 3 decades indicates the absence of a breeding population of koalas on the subject land. This Planning Proposal is consistent with the SEPP as none of the subject lands are considered core koala habitat due to a lack of forest density and an E3 zoning has been applied to the more forested land.

The majority of Site 1 has been cleared with isolated stands of remnant vegetation remaining.

SEPP 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.

This proposal is consistent with SEPP 55.

In accordance with Clause 6 of SEPP 55, 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.

Q.6 Is the planning proposal consistent with applicable Ministerial Directions?

This section addresses consistency with applicable Section 117 Directions. Attachment 2 contains a complete list of all 117 Ministerial Directions applicable in 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.

Site 1 is identified as inconsistent with this direction as it involves a recommendation to rezone a portion of land that is currently zoned 1(a) to R2 and RU5.

The majority of Site 1 is Class 3 grazing land with limited capacity for agricultural production. The existing 1(a) zone under BVLEP 2002 covers a total area of 34.22ha and it is recommended that the majority of this land to the south of Mine Lane is zoned RU2 with a minimum lot size of 120ha.

This planning proposal recommends that the portion of existing 1(a) land to the north of Mine Lane is zoned R2 and RU5. This land has a total land area of 9.8ha with a width of 150m to 200m. This narrow strip of 1(a) land was originally created as a buffer between the town of Wolumla and the 2(f) land to the south until the servicing and zoning of Wolumla is resolved. The purpose of this planning proposal is to resolve the zoning of this land.

The zoning of this rural land is considered to be of minor significance for the following reasons;

- The land has limited agricultural value.
- Wolumla is serviced with water and sewer.
- The zoning compromises any future development of this land.
- Opportunities for connectivity with the existing village are diminished.
- The land was originally created as a buffer that no longer serves a strategic purpose.

In summary, the rezoning of this 1(a) portion of land plays a significant role in the future growth and development of Wolumla. The retention of this 1(a) land is however considered of minor significance in terms of protecting the agricultural production value of rural land. The narrow dimensions and location of this 1(a) zone within the context of the existing village are evidence that this land was not zoned for the purpose of agricultural production but design as a boundary for the village that is now only serving as an impediment to future growth.

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 sizes conform to the principles listed within the SEPP (Rural Lands) 2008 as they will not compromise the production value or development of rural land. 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 and other rural land uses;
- Provide rural residential opportunities compatible with the natural and physical characteristics of the land 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.



Figure 13: Agricultural land

2.1 Environmental Protection Zones

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

It is recommended that an E3 and E4 zone is applied to the environmentally sensitive areas around the southern perimeter of the site.

An E4 zone is recommended over the lower-lying land to the south that contains riparian land and more remnant stands of native vegetation and an E3 zone over the steeper forested ridgeline

along the southern boundary. Existing contours and features within the landscape have been used to define these environmental zones.

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.

One heritage item appears on Site 1. This property is listed as Heritage Item Number 1683 'Cottage on rise', 22 Mine Street - Wolumla. The cottage sits at the northern end of on a long rectangular Crown portion. The land is currently zoned 2(f) and the proposed R2 zoning would not have a detrimental impact on this heritage item. Any future subdivision of the land will need to consider this cottage as part of any lot layout and S79C Assessment.



Figure 14: Heritage item 1683

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 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.

It is proposed to rezone a significant portion of 2(f) land to R2 as part of this planning proposal, preserving it for a residential use with a minimum lot size that provides an opportunity for subdivision in the future.

An expansion of the R2 zone is consistent with the characteristics of the land and demand for more affordable residential land. It is proposed to locate the more constrained land within environmental zones.

3.4 Integrated 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 Wolumla area. The proposed zoning amendments will encourage residential development close to the existing urban settlement to achieve the planning objectives of improving access to housing and services by public transport.

Whilst it is acknowledged that public transport services to Bega /Merimbula are of a limited frequency they will offer some service to those without vehicles. Walking and cycling as a transit option are only likely to occur with high frequency within the confines of the village area, given the high speed environment of the Princes Highway and the Candelo-Wolumla Road.

Discussions have commenced with Roads and Maritime Services who are willing to investigate the prevailing speed environment as part of the planning proposal process. Lowering this speed environment will better define the village boundary and provide a safer environment for future development. Consultation with Roads and Maritime Services will form part of the planning proposal process.

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. Appropriate development can occur through the application of Planning for Bushfire Protection 2006.

All properties that are the subject of this planning proposal are identified as containing bushfire vegetation within category 2. 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.

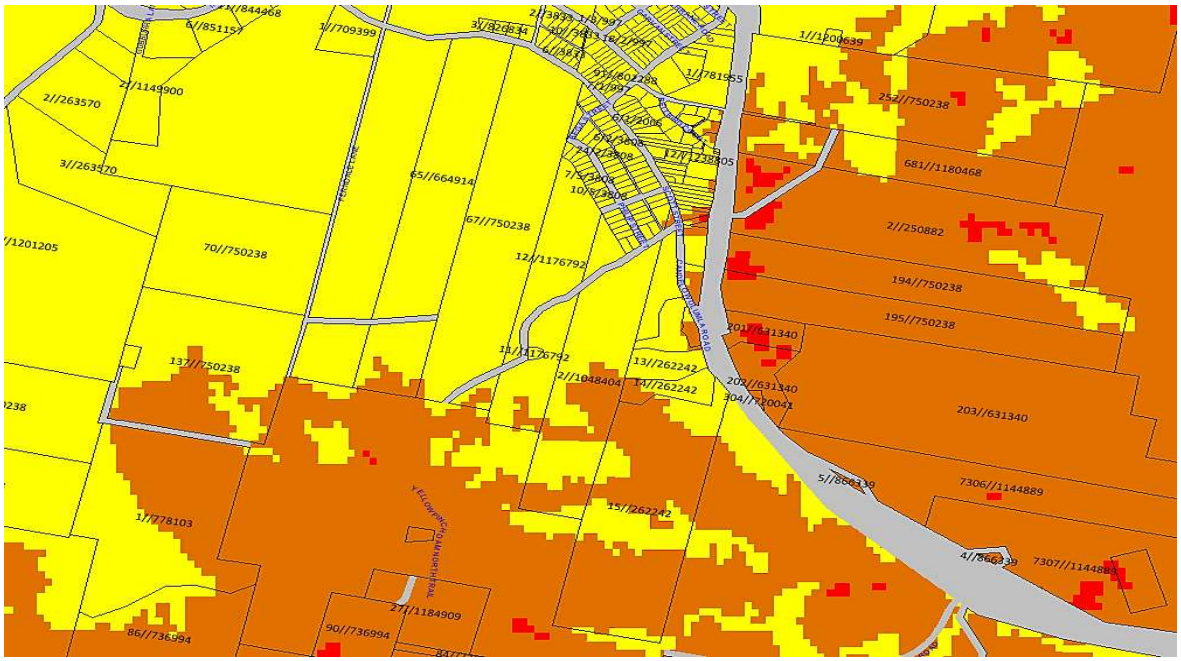


Figure 15: Bushfire Prone Land Map Veg Category 1 Veg Category 2 Veg Buffer

5.1 Implementation of Regional Strategies

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

This planning proposal is consistent with the overall vision, land use strategy, policies, outcomes and actions identified in the South East and Tablelands Regional Plan 2036. Wolumla has been identified for future growth through historical zonings since 1987.

The overall objective with this planning proposal is to provide direction on these deferred matters and apply zones that reflect the capacity of the land for future development. This aligns with the directions contained within this document and more specifically 24, 25 and 27 as they relate to housing supply and growth in areas with available infrastructure.

Affordable housing is an issue within the Bega Valley as we have a limited supply of unconstrained coastal land. We have identified our villages as an important resource in terms of providing more affordable residential land to meet this supply need and to promote growth and activity within our villages. The preparation of a village development plan is identified within the Local Government Narratives for housing and Wolumla will be the first step in preparing these place based plans that will be considered within the context of this planning proposal.

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 zones.

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?

ASSESSMENT (2001) G ROCHE (BVSC NATURAL RESOURCE OFFICER) AND JACKIE MILES (BOTANTIST)

A survey of the flora and fauna values of land within the subject area at Wolumla was undertaken by Council in July 2001. A Section 34A Consultation with the National Parks and Wildlife Service confirmed the conclusions of Council's survey.

The following issues were identified:

- Protection of 3ha of Bega Dry Grass Forest (Class 20), an Endangered Ecological Community, at the northern end of the Future Urban Zone.
- High priority protection for the good quality remnant Floodplain Wetland vegetation occurring in Frogs Hollow Swamp and the remaining riparian remnants due to its depletion and under-representation in the current reserve system and its extremely important role in preventing gully erosion.
- Protection of the remaining remnant vegetation in the study area due to its conservation significance and its importance as a feature of the landscape with respect to vegetation and habitat recovery.

The assessment focussed on identifying whether or not remnant vegetation constituted Endangered Ecological Communities identified in the Threatened Species Conservation Act 1995 (TSCA), or vegetation types identified as being of conservation significance in Council's State of the Vegetation report. Fauna values were identified from potential habitat rather than specific survey. Remnant vegetation in the subject area comprises Bega Wet Shrub Forest and Floodplain Wetland.

A large patch of remnant vegetation occurs in the northern part of the subject area. It has been subject to relatively high levels of disturbance over the years, which is evident by the amount of regrowth. However, the remnant has a very low level of weed invasion, with blackberry being the most significant weed in the area. There are a number of mature trees and hollow trees in the remnant and some elements of Bega Dry Grass Forest, an Endangered Ecological Community, on the ridge-top and north-facing slope. The remnant is considered to have a relatively high conservation value because of its size, type, and condition. It is considered to have a high suitability for recovery.

It is considered unlikely that the remnant provides significant habitat for threatened fauna, however it is an important feature of the landscape with respect to vegetation and habitat recovery.

Remnant vegetation occurring in gully areas across the Wolumla study area is generally Floodplain Wetland. It occurs in a relatively large patch to the north of the Candelo/Wolumla Road, and smaller patches in gully areas near the intersection of the Candelo/Wolumla Road and the South Wolumla Road. All areas of Floodplain Wetland should be afforded a high conservation priority. It is a vegetation type that is depleted and under-represented in the current reserve system, and it plays an extremely important role in preventing gully erosion, which is a serious environmental problem in Frogs Hollow Creek at Wolumla. The Floodplain Wetland occurring near the South Wolumla Road is considered to be a good quality remnant with a very high conservation priority.

ASSESSMENT (2008) BIOCERTIFICATION INVESTIGATIONS NGH ENVIRONMENTAL

(Sites 1-3) were reviewed by NGH Environmental in February 2008.

NGH identified through aerial photography investigation that the densely forested regrowth areas were highly constrained in terms of clearing required for future development. Under the biometric guidelines, this forest is generally degraded, but has strong potential for natural regrowth.

They identified a small remnant Bega Dry Grass Forest community in a gully at the south of study area (Woodstock's land). Also present is a Swamp Oak Floodplain Forest, albeit in a very small patch (0.25 Hectares). NGH have stated that this remnant is too small to be mapped under Biometric rules. Mature trees bearing hollows and gullies with decent regrowth species to provide refuge for fauna were all present to the south of Woodstock's land. This proposal has mapped this area as E3.

Some areas on the higher ridges to far north of Lot 6 1132826 are in good condition. The recommendation was for protection of all hollow bearing and mature trees, weed control and revegetation. Excluding stock and controlling rabbits in regenerating areas may be all that is needed to bring about recruitment.

Q.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The four sites form part of the Bega River catchment, comprising the upper reaches of Frogs Hollow Creek. It is characteristic of the wider Bega Valley and has several ridgelines, gullies and drainage lines running north westerly from the village and through Frogs Hollow Swamp.

The land around the Village contains some riparian vegetation, remnant bushland and scattered mature trees within primarily cleared pasture land.

Being primarily Bemboka soil landscape 1, the Wolumla locality is generally rated as not suitable for cultivation. It is suitable for grazing with soil conservation practices, and some grazing still occurs. It is rated as having minor to moderate limitations for urban development and effluent absorption except on lower slopes, drainage lines and areas of bedrock outcrop.

Land use conflicts between residential and agricultural activities are minimised by natural "buffers" including the vegetation remnants in the north and steep land to the east and south.

WATER CATCHMENT

The area drains stormwater runoff from the escarpment to the south and the Princes Highway ridgeline to the east. The village and northern parts of the proposed village and E4 zones drain into Frogs Hollow Creek. The southern ends of these zones drain into a floodplain wetland, Frogs Hollow Swamp, which drains into Frogs Hollow Creek.

Both the swamp and the creek are classified as Wolumla creek soil landscape, which is identified as having a number of hazards: foundation, flood, water (streambank) erosion and groundwater pollution. Both have been identified by the Healthy Rivers Commission and Department of Land and Water Conservation (DLWC) as having conservation or high recovery potential. The former identified a very high management priority in preventing erosion of Frogs Hollow Swamp and its downstream reach, and a high priority for restoring riparian vegetation elsewhere.

DLWC identifies the two related priorities of stormwater runoff management and soil management for this sub-catchment. Additional issues include water extraction management, vegetation corridors and sediment loads and erosion.

The proposed zones and minimum lot sizes have been drafted within the context of these environmental constraints for each of the four sites taking into account topography, the vegetation communities with biodiversity values and prominent riparian corridors that are important within the context of the overall catchment. The majority of Site 1 consists of light grazing land with some minor drainage corridors and areas of steep forested land in the south-

eastern corner. Small patches of remnant vegetation communities have been identified with habitat trees and decent areas of regrowth. This site has a prominent ridgeline that forms a backdrop to the village.

MAP OF CONSTRAINTS

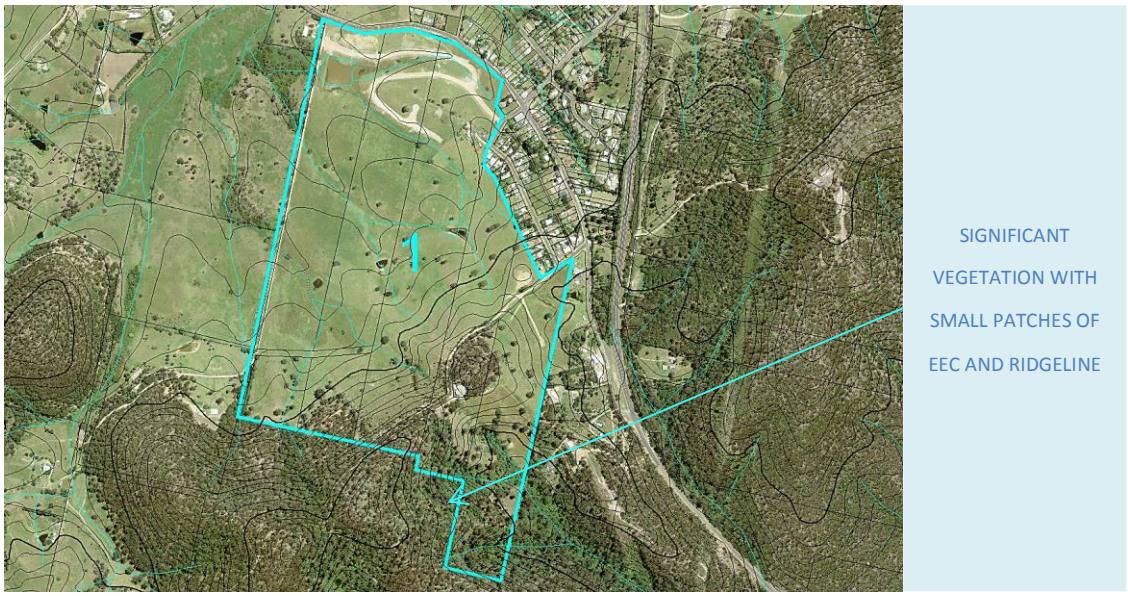


Figure 16: Map of Constraints

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is likely to have a positive social and economic impact on the village of Wolumla through the provision of more affordable residential land.

ECONOMIC EFFECTS

Wolumla has a total resident population of 394 people and 170 dwellings according to the 2016 Census within the existing village.



Figure 17: Collector District Boundary for Wolumla Village

Wolumla has developed based on a traditional grid pattern over relatively undulating land. The majority of the existing allotments are divided into long rectangular blocks (900m2) that have little reference to the characteristics of the land.

There is a limited supply of vacant land within Wolumla with the majority of any remaining lots being largely constrained. This has contributed to the intensification of some existing single dwelling allotments with dual occupancy and secondary dwelling development. There is an inherent demand for good quality residential living opportunities within Wolumla.

Wolumla has an existing population of 394 and has experienced limited growth with 29 additional people recorded since the previous Census in 2011 when 365 people were recorded. Over this timeframe, the population density has increased from 5.98 persons per hectare in 2011 to 6.50 persons per hectare in 2016.

The median house values within the Bega Valley Shire increased by $59,243 from $355,823 in 2011 to $415,066 in 2016 with a significant increase over the last year of $25,146. The current median house value is $440,212. Wolumla has historically been considered a more affordable option when compared with the more expensive coastal catchment areas. This still appears to be the case with an average selling price over the past year of $400,600 for a single dwelling house in Wolumla.

In the immediate term, the release of additional village lots and rural residential land would provide additional supply that is greatly needed within this residential catchment with the scarcity of affordable residential land and the cost of housing increasing within the Wolumla catchment.

The release of additional residential land will meet an inherent demand for good quality residential land in Wolumla while helping to balance the existing growth along the coast by encouraging further development of our villages.

SOCIAL EFFECTS

The township is very limited in opportunities for spontaneous local interaction on the street due to very low levels of pedestrian activity. The slight expansion of the village zone will provide some opportunity for the expansion of the town centre and the opportunity for further growth will be investigated as part of a village development plan. An increase in population is likely to result in the need for additional services and passive recreation infrastructure. Currently the playing fields to the east of village are restricted for passive use by non-drivers having to negotiate the 100km/h speed environment over the Princes Highway.

The main focus of this planning proposal is to deal with the deferred matters with the intention of undertaking a more detailed village development plan in the near future.

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 Wolumla, it is considered that the existing public infrastructure is adequate to accommodate additional demands generated by future development.

WATER SUPPLY

Wolumla Village is serviced by a reticulated water supply as part of the Tantawangalo system operated by Council. There is significant spare capacity in the reservoir.

SEWER SUPPLY

Wolumla is currently serviced by a pressure sewer system. There is significant spare capacity in the Sewage Treatment Plant.

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 Department of Primary Industries (Fisheries)
- NSW Office of Environment and Heritage
- NSW Roads and Maritime Services
- NSW Rural Fire Service

2. Bridge Street, Short Street and Princes Highway, Wolumla

Lot 1 DP 1067459, Lots 1-10 DP 1067458, Lot 2 DP 3833, Lots 2-4 SEC 9 DP 997, Lot 6 DP 252442, Lots 9-13 DP 3833, Lots 11-24 SEC 8 DP 997 and Lots 16-17 SEC 1 DP 997

Site Description

Site 2 covers 18.4ha and consists of one large existing block and a number of smaller parcels.

The site is slightly undulating with remnant trees and pockets of land with higher biodiversity values, particularly at the northern end of the property. The property is vacant.

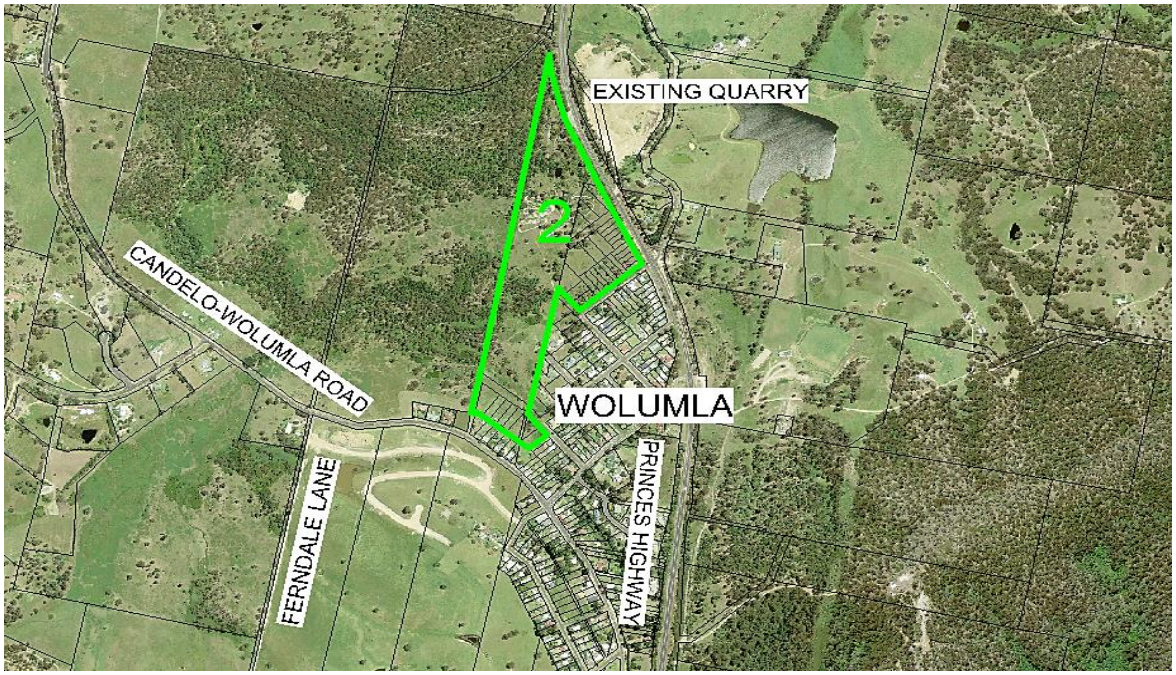


Figure 18: Bridge Street, Short Street and Princes Highway, Wolumla: Subject Land Aerial Photograph



Figure 19: View across the northern wedge of proposed E4 land with 2ha lot size

Development Potential

This property is currently zoned part 2(v) Village and 2(f) Future Urban under Bega Valley Local Environmental Plan 2002 and is a deferred matter.

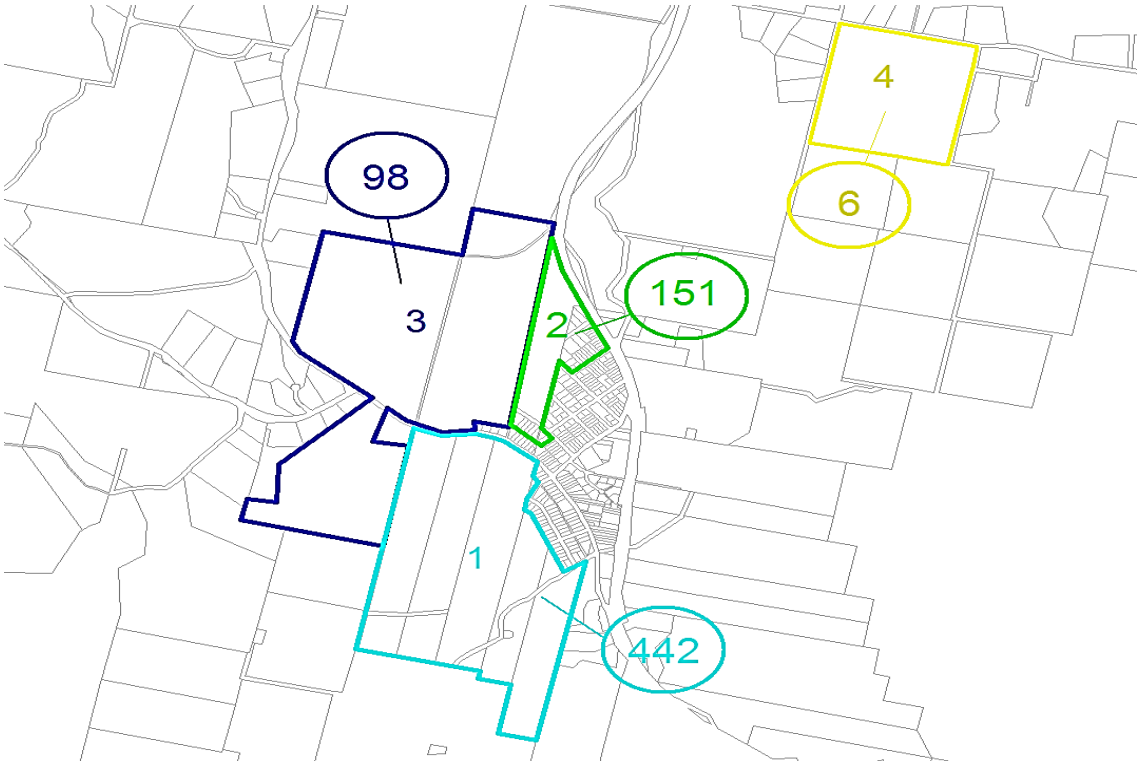


Figure 20: Subdivision potential under BVLEP 2013

Site	1,000m2	2HA	7HA	10HA	30HA	120HA	Approvals	Lot Yield
1	400	NA	3	NA	NA	0	42	442
2	150	1	NA	NA	NA	NA	NA	151
3	83	5	3	7	NA	NA	NA	98
4	NA	5	NA	NA	1	NA	NA	6
							TOTAL	**697**

Figure 21: Subdivision potential under BVLEP 2013

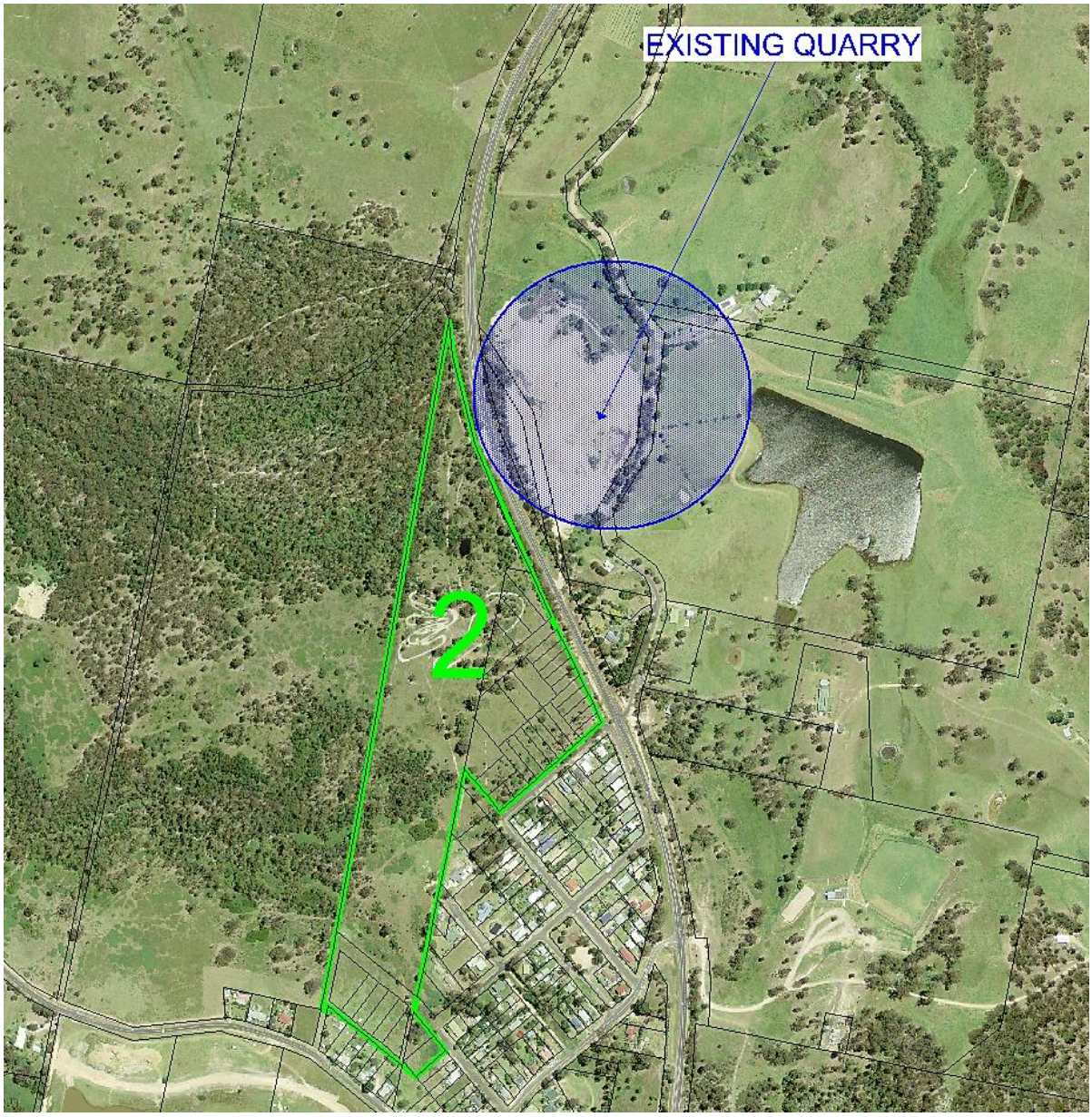


Figure 22: Subdivision potential under BVLEP 2013

DEVELOPER SERVICING PLANS

Council adopted Development Servicing Plans for both water and sewer infrastructure on 12 June 2013. Wolumla is serviced by the Tantawanglo-Kiah Water Supply and a Low pressure sewerage system and membrane bioreactor (MBR) STP.

The majority of Site 2 is located outside of the Developer Servicing Plan boundary for both water and sewer infrastructure at Wolumla. Clause 5.8 applies to development that sits outside of the DSP boundary as detailed below;

> "After the adoption of the DSP, new development may be proposed outside the boundary of the DSP provided that there are no planning or other constraints to the development, Council may approve construction of essential assets to service such a development. These assets will be sized to suit all potential development in the proposed development area with the full capital cost being met by the developer, in addition to the developer contributions levied on the development."

Consultation has been undertaken with Council's Water and Wastewater Section to confirm there is plenty of capacity to extend Council's existing infrastructure to accommodate for the future subdivision of land and subsequent extension of the DSP boundaries for Site 2. Any proposal to augment the existing water and sewer infrastructure needs to be supplemented with a report by a tier one consultant that clearly demonstrates that these infrastructure requirements can be achieved and are practical.

In terms of sequencing, Site 2 is likely to be developed in the medium term.

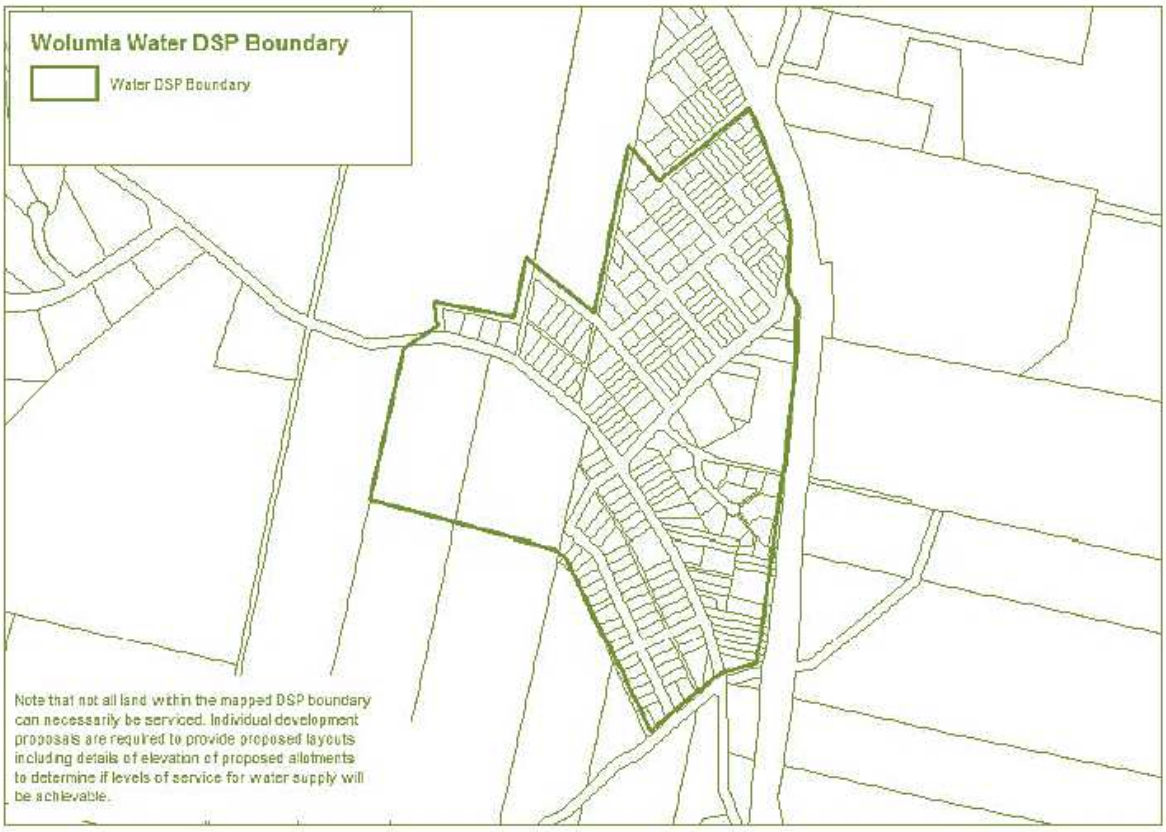


Figure 23: Developer Servicing Plan for Water

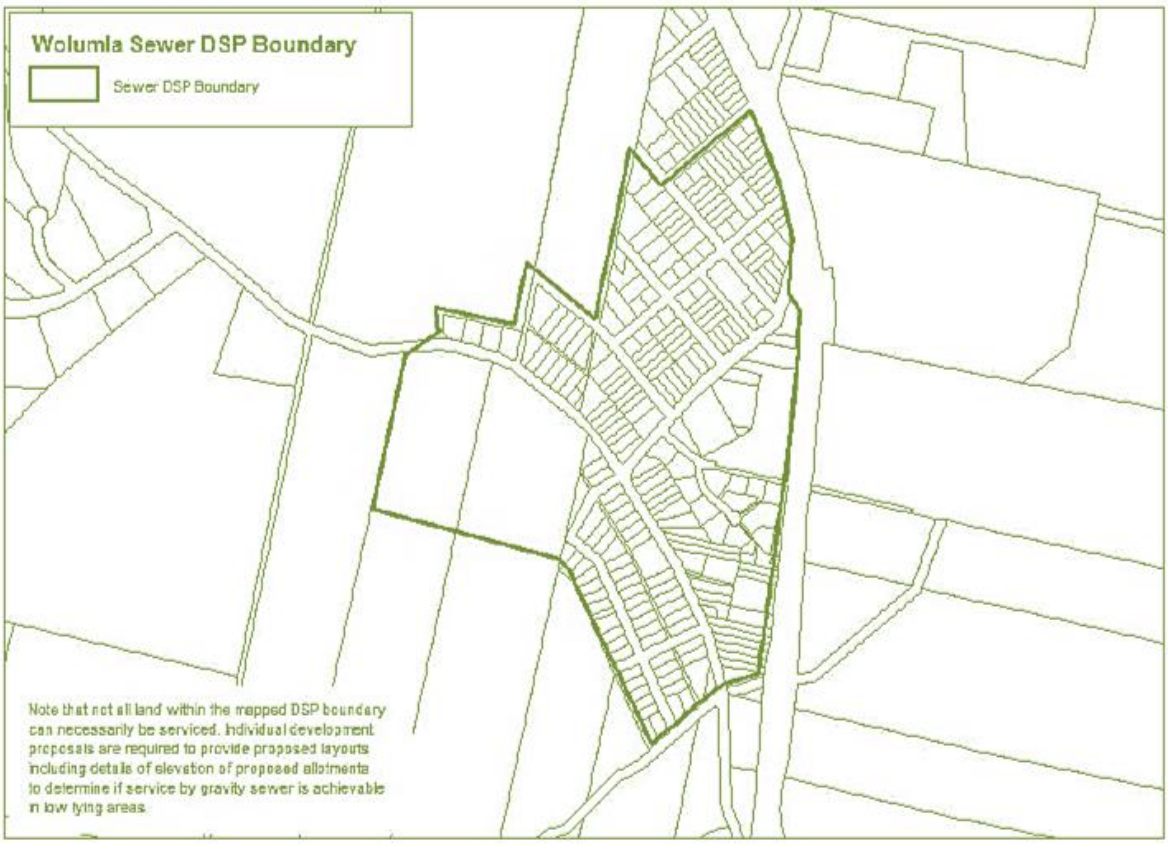


Figure 24: Developer Servicing Plan for Sewer

Mapping

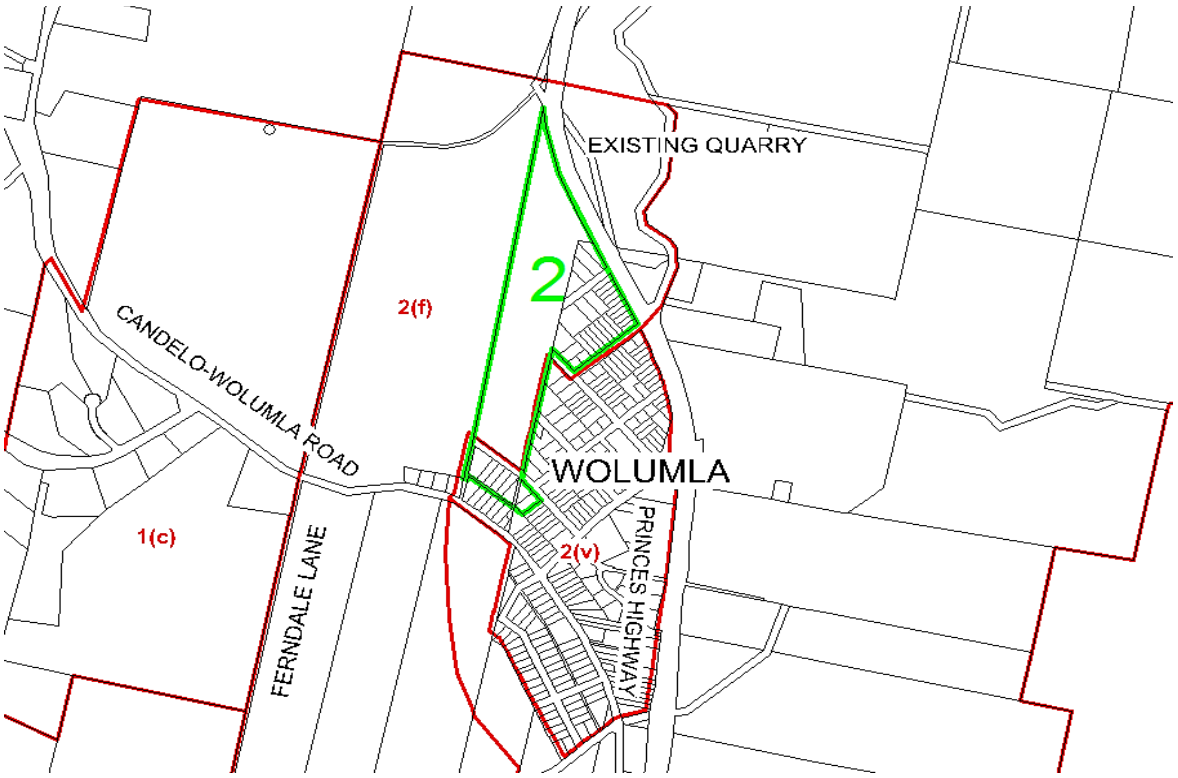


Figure 25: Existing zoning under BVLEP 2013

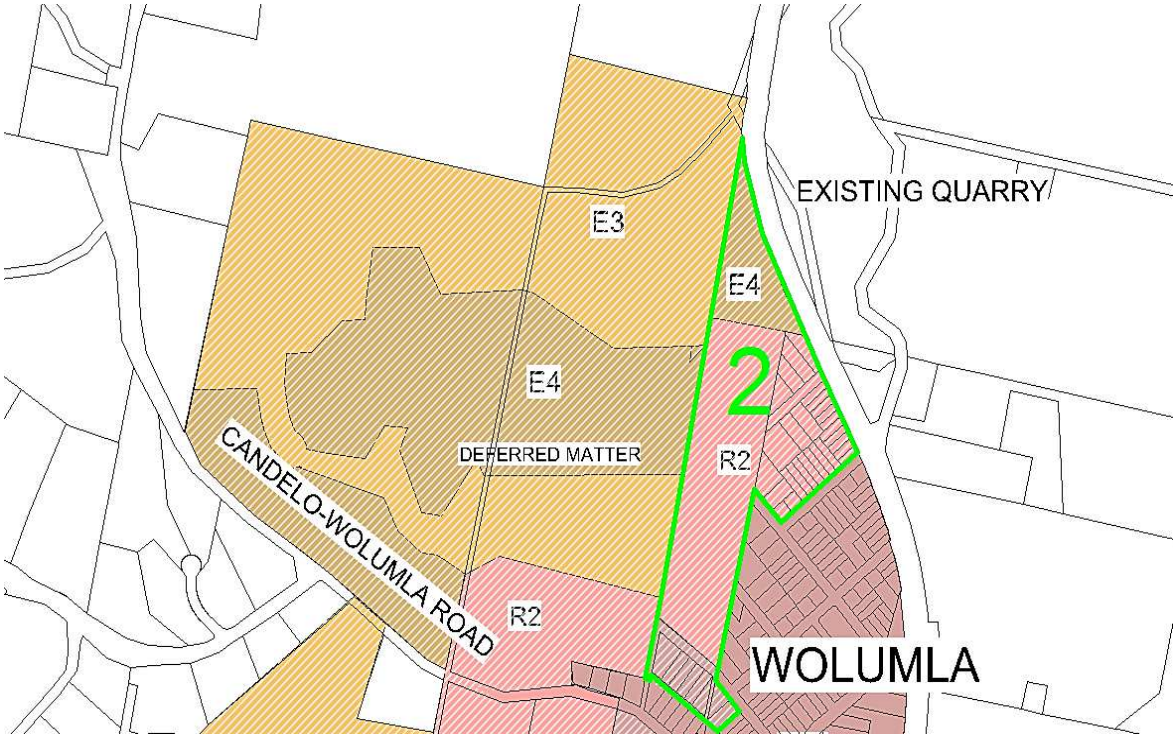


Figure 26: Proposed zoning under BVLEP 2013

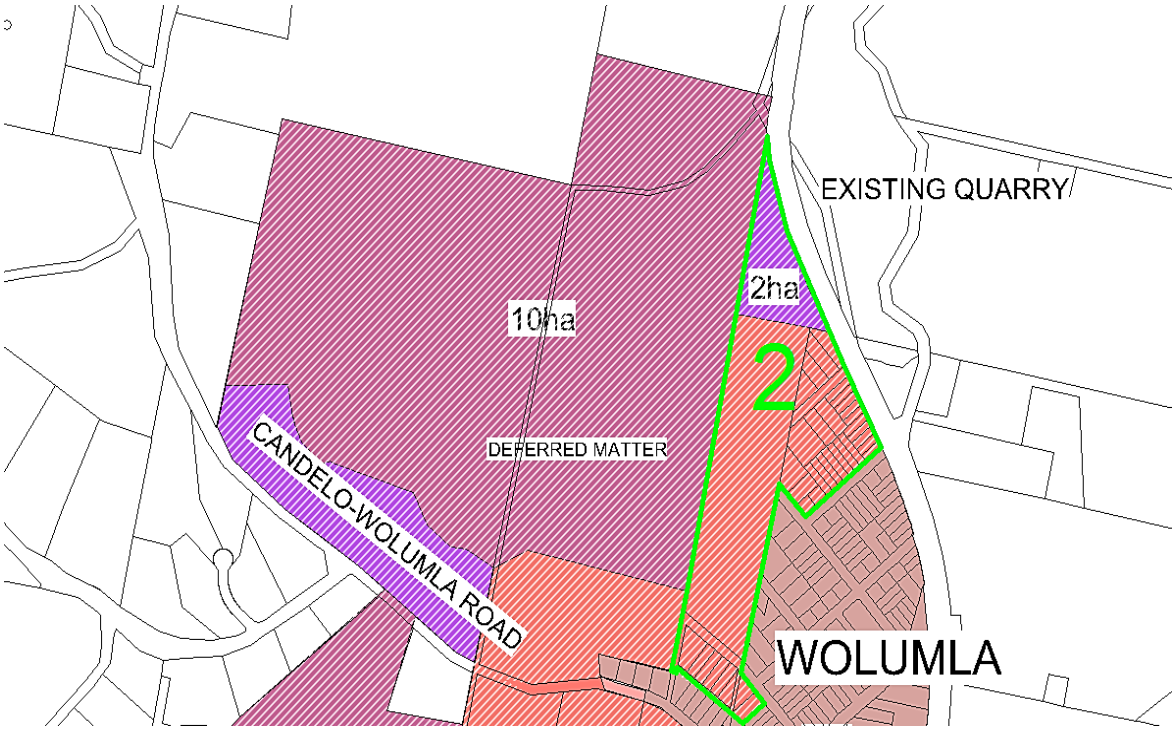


Figure 27: Proposed lot size under BVLEP 2013

Key Outcomes:

THE ZONES

- R2 Zone (15.6ha) in line with the capacity of the land and road network to cater for the north-west extension of the village.
- E4 Zone (2.8ha) over the northern wedge similar to the exhibited draft to protect the steep, forested land adjacent to the Princes Highway that contains an EEC within proximity of an existing quarry.

MINIMUM LOT SIZES

- 1,000m2 applied to the proposed R2 zoned land as exhibited and consistent with the existing village.
- 2ha for the proposed E4 zoned land to limit future development over constrained land but provide the opportunity for future management of this land.

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Council resolved on the 13 December 2005 to prepare a draft Comprehensive Local Environmental Plan to replace BVLEP 2002. The Draft BVLEP 2010 was prepared based on the following:

- The majority of the Shire was changed to the closest comparable zone available in the standard State wide template.
- Where changes were proposed, the focus was 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 the 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 the E3 Environmental Management and E4 Environmental Living Zones.
- Protection of sensitive foreshore areas and bushland public reserves through the use of the E2 Environmental Conservation Zone.

The Draft BVLEP 2010 was publically exhibited from the 12 May 2011 to the 29 July 2011 and 456 submissions were received. Following consideration of those submissions, Council categorised them into four groups:

- Appendix 1: Support (or partial support) for the submission request, with only minor changes required to the exhibited Draft CLEP. The CLEP was amended in line with these recommendations.
- Appendix 2: Support (or partial support) for the submission request, however, due to the nature of changes proposed, re-exhibition would be required. Land subject to the submissions is to be identified as a 'deferred matter' in the CLEP. Staff to prepare planning proposals seeking to amend the CLEP, once adopted, in accordance with Councils' resolutions and a 'gateway determination' by the Minister for Planning required prior to re-exhibition.
- Appendix 3: Further research is to be carried out by Council staff prior to progressing a resolution of the submissions via a future report to Council. Land subject to the submissions is to be identified as a 'deferred matter' in the CLEP.
- Appendix 4: No agreement with the submission request, or the submission to be noted, but no need for further action at this time. No change to exhibited draft CLEP is required.

The zoning and status as prescribed under the BVLEP 2002 still applies to Site 2. A planning proposal is required to apply BVLEP 2013 to resolve the issue of appropriate zoning and minimum lot sizes for this site.

KEY POINTS

- There is very limited and constrained future urban land available on the coastal strip (Eden /Merimbula /Tura /Tathra /Bermagui).
- There is a need to redirect low density development to inland areas. Wolumla is the most suitable location.

- The need to reduce demand for rural residential living to protect rural landscapes.
- The current 2 (f) Future Urban Zone has been established since 1987.
- Bega Valley Shire has invested in a pressure sewer system and treatment plant for Wolumla's urban area allowing more effective servicing of smaller urban lots in comparison with traditional 2000m2 lot required for on-site septic systems.
- Wolumla ideally located within the context of surrounding towns and villages.

The proposal initially came out of landowner representations to Council as part of the draft BVLEP 2013. These proponents relied upon a previous future urban expansion zone and rural residential zone to put forward a case for re-zoning land. The rezoning of this land has remained deferred since 2011.

This Planning Proposal refines existing future urban, village and rural residential zones adjacent to Wolumla to provide an additional supply of residential land outside the major centres of Bega and Merimbula and the highly constrained coastal catchments within the Bega Valley.

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.

A planning proposal is the most practical way of achieving these objectives as it involves the rezoning of large greenfield sites that have remained in historical zonings and are in need of updating to better reflect the inherent constraints of the land and the need for affordable housing within the Bega Valley Shire.

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 East and Tablelands Regional Plan 2036

The primary purpose of the South East and Tablelands Regional Plan 2036 is to ensure that adequate land is available and appropriately located to sustainably accommodate projected housing and employment needs for the South Coast Region for the next 25 years.

Direction 24 Deliver greater housing supply and choice

Affordable housing is an issue within the Bega Valley Shire catchment and the broader state of New South Wales. There is a demand for property close to the coast and services. Wolumla serves as a key growth corridor for this future growth, with a limited supply of residential land within our coastal catchments.

Direction 25 Focus housing growth in location that maximise infrastructure and services

This planning proposal seeks to develop residential land that reflects the inherent constraints and capacity of the land for future development. Site 2 is a large greenfield site that has the capacity in terms of water and sewer infrastructure and the characteristics of the land. The principle of this planning proposal is to select zonings and lot sizes that protect the more constrained land and promote the development of the less constrained land it its capacity.

Direction 27 Deliver more opportunities for affordable housing

A primary objective of this planning proposal is to increase the supply of affordable residential land within the Bega Valley catchment.

Local Government Narratives

Housing

This planning proposal seeks to reduce the pressure for development within the coastal zone and consolidate rural residential growth in high demand catchments near existing development and infrastructure.

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. One key aim of the CSP is:

- To ensure the unique environment is protected to maintain biodiversity and water quality and managed for our community, to provide growth and economic opportunity.

Wolumla Village itself contains around 170 dwellings and has a population of approximately 370 people. There is scope for further expansion of residential land that is within easy driving distances of Bega and Merimbula.

As evidence by the historical zoning information, Wolumla has long been identified as a growth area. This was further reinforced by investment in a pressure sewer system to service the village

with capacity to be expanded to accommodate growth in the adjoining future urban and undeveloped village areas.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with most applicable State Environmental Planning Policies (SEPPs). Where this planning proposal is inconsistent with a SEPP the inconsistency is justified on the basis that the inconsistency is minor.

The SEPPs that are applicable to this planning proposal are detailed in this Section. For a complete checklist of SEPPs, refer to Attachment 1.

SEPP 44 Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management 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.

The majority of the forest type is Far South Coast Grassy Woodland (NGH Biocertification Investigations 2008). This includes Eucalyptus tereticornis, (Forest Red Gum) and Eucalyptus mellidora (Yellow Box), which are both Koala food tree species.

The tree species listed in Schedule 2 are not commonly found in large numbers. In addition, Council have not undertaken any dedicated 'core koala habitat' studies in the Wolumla catchment. According to the NGH Biocertification surveys of 2008, koalas have a 'low' potential to occur within the study area.

In regards to the primary food source of Eucalyptus teriticornis which occurs on the subject land, NGH state that 'remnant (koala) populations in the region are no longer found in areas where this tree species is dominant, since these have been largely cleared'.

There is no identified core koala habitat (as defined by the SEPP) on the subject land. The lack of sightings over the past 2 – 3 decades indicates the absence of a breeding population of koalas on the subject land. This Planning Proposal is consistent with the SEPP as none of the subject lands are considered core koala habitat due to a lack of forest density and an E3 zoning has been applied to the more forested land.

The majority of Site 2 has been cleared with isolated stands of remnant vegetation remaining.

SEPP 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.

This proposal is consistent with SEPP 55.

In accordance with Clause 6 of SEPP 55, 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.

Q.6 Is the planning proposal consistent with applicable Ministerial Directions?

This section addresses consistency with applicable Section 117 Directions. Attachment 2 contains a complete list of all 117 Ministerial Directions applicable in the Bega Valley Shire.

2.1 Environmental Protection Zones

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

It is recommended that an E3 Zone is applied with a 2ha minimum lot size over the environmentally sensitive land within the northern end of the site to protect this more constrained land.

3.4 Integrated 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 Wolumla area. The proposed zoning amendments will encourage residential development close to the existing urban settlement to achieve the planning objectives of improving access to housing and services by public transport.

Whilst it is acknowledged that public transport services to Bega /Merimbula are of a limited frequency they will offer some service to those without vehicles. Walking and cycling as a transit option are only likely to occur with high frequency within the confines of the village area, given the high speed environment of the Princes Highway.

Discussions have commenced with Roads and Maritime Services who are willing to investigate the prevailing speed environment as part of the planning proposal process. Lowering this speed environment will better define the village boundary and provide a safer environment for future development. Consultation with Roads and Maritime Services will form part of the planning proposal process.

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. Appropriate development can occur through the application of Planning for Bushfire Protection 2006. All properties that are the subject of this planning proposal are identified as containing bushfire vegetation within category 1.

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.

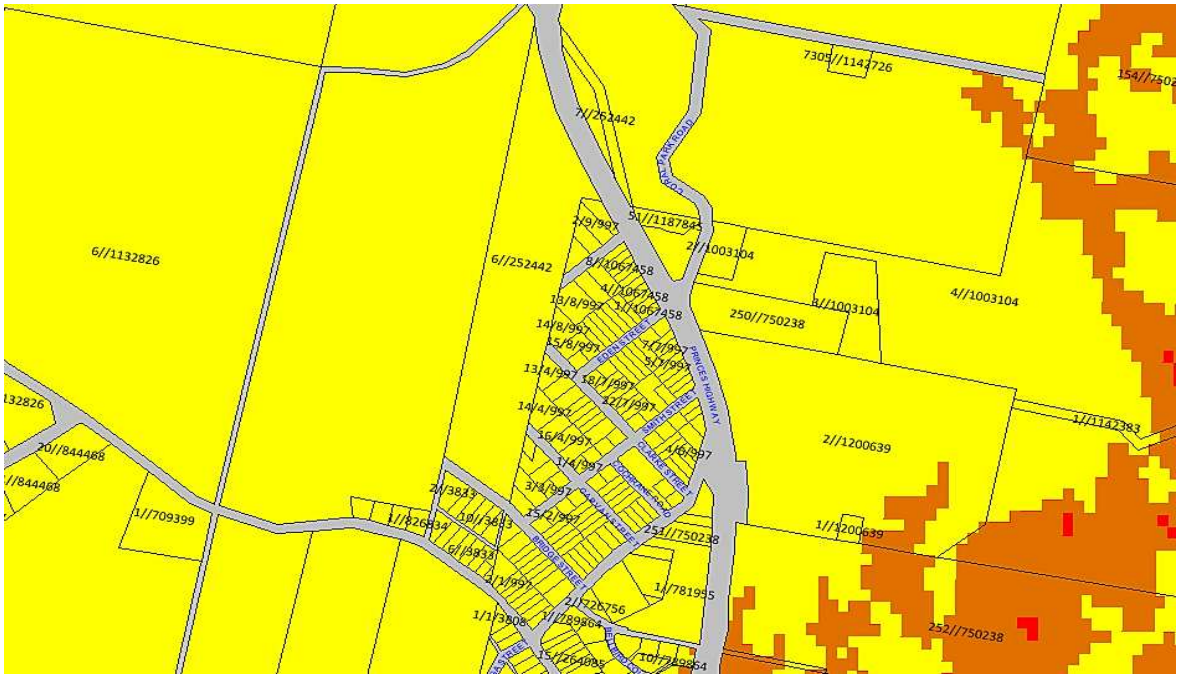


Figure 28: Bushfire Prone Land Map

5.1 Implementation of Regional Strategies

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

This planning proposal is consistent with the overall vision, land use strategy, policies, outcomes and actions identified in the South East and Tablelands Regional Plan 2036. Wolumla has been identified for future growth through historical zonings since 1987. This planning proposal includes 3 greenfield sites and another site within proximity of the village.

The overall objective with this planning proposal is to provide direction on these deferred matters and apply zones that reflect the capacity of the land for future development. This aligns with the directions contained within this document and more specifically 24, 25 and 27 as they relate to housing supply and growth in areas with available infrastructure.

Affordable housing is an issue within the Bega Valley as we have a limited supply of unconstrained coastal land. We have identified our villages as an important resource in terms of providing more affordable residential land to meet this supply need and to promote growth and activity within our villages.

The preparation of a village development plan is identified within the Local Government Narratives for housing and Wolumla will be the first step in preparing these place based plans that will be considered within the context of this planning proposal.

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 zones.

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?

ASSESSMENT (2001) G ROCHE (BVSC NATURAL RESOURCE OFFICER) AND JACKIE MILES (BOTANTIST)

A survey of the flora and fauna values of land within the subject area at Wolumla was undertaken by Council in July 2001. A Section 34A Consultation with the National Parks and Wildlife Service confirmed the conclusions of Council's survey.

The following issues were identified:

- Protection of 3ha of Bega Dry Grass Forest (Class 20), an Endangered Ecological Community, at the northern end of the Future Urban Zone.
- High priority protection for the good quality remnant Floodplain Wetland vegetation occurring in Frogs Hollow Swamp and the remaining riparian remnants due to its depletion and under-representation in the current reserve system and its extremely important role in preventing gully erosion.
- Protection of the remaining remnant vegetation in the study area due to its conservation significance and its importance as a feature of the landscape with respect to vegetation and habitat recovery.

The assessment focussed on identifying whether or not remnant vegetation constituted Endangered Ecological Communities identified in the Threatened Species Conservation Act 1995 (TSCA), or vegetation types identified as being of conservation significance in Council's State of the Vegetation report. Fauna values were identified from potential habitat rather than specific survey. Remnant vegetation in the subject area comprises Bega Wet Shrub Forest and Floodplain Wetland.

A large patch of remnant vegetation occurs in the northern part of the subject area. It has been subject to relatively high levels of disturbance over the years, which is evident by the amount of regrowth. However, the remnant has a very low level of weed invasion, with blackberry being the most significant weed in the area. There are a number of mature trees and hollow trees in the remnant and some elements of Bega Dry Grass Forest, an Endangered Ecological Community, on the ridge-top and north-facing slope. The remnant is considered to have a relatively high conservation value because of its size, type, and condition. It is considered to have a high suitability for recovery.

It is considered unlikely that the remnant provides significant habitat for threatened fauna, however it is an important feature of the landscape with respect to vegetation and habitat recovery.

Remnant vegetation occurring in gully areas across the Wolumla study area is generally Floodplain Wetland. It occurs in a relatively large patch to the north of the Candelo/Wolumla Road, and smaller patches in gully areas near the intersection of the Candelo/Wolumla Road and the South Wolumla Road. All areas of Floodplain Wetland should be afforded a high conservation priority. It is a vegetation type that is depleted and under-represented in the current reserve system, and it plays an extremely important role in preventing gully erosion, which is a serious environmental problem in Frogs Hollow Creek at Wolumla. The Floodplain Wetland occurring near the South Wolumla Road is considered to be a good quality remnant with a very high conservation priority.

ASSESSMENT (2008) BIOCERTIFICATION INVESTIGATIONS NGH ENVIRONMENTAL

(Sites 1-3) were reviewed by NGH Environmental in February 2008.

NGH identified through aerial photography investigation that the densely forested regrowth areas were highly constrained in terms of clearing required for future development. Under the biometric guidelines, this forest is generally degraded, but has strong potential for natural regrowth.

They identified a small remnant Bega Dry Grass Forest community in a gully at the south of study area (Woodstock's land). Also present is a Swamp Oak Floodplain Forest, albeit in a very small patch (0.25 Hectares). NGH have stated that this remnant is too small to be mapped under Biometric rules. Mature trees bearing hollows and gullies with decent regrowth species to provide refuge for fauna were all present to the south of Woodstock's land. This proposal has mapped this area as E3.

Some areas on the higher ridges to far north of Lot 6 1132826 are in good condition. The recommendation was for protection of all hollow bearing and mature trees, weed control and revegetation. Excluding stock and controlling rabbits in regenerating areas may be all that is needed to bring about recruitment.

Q.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The four sites form part of the Bega River catchment, comprising the upper reaches of Frogs Hollow Creek. It is characteristic of the wider Bega Valley and has several ridgelines, gullies and drainage lines running north westerly from the village and through Frogs Hollow Swamp.

The land around the Village contains some riparian vegetation, remnant bushland and scattered mature trees within primarily cleared pasture land.

Being primarily Bemboka soil landscape 1, the Wolumla locality is generally rated as not suitable for cultivation. It is suitable for grazing with soil conservation practices, and some grazing still occurs. It is rated as having minor to moderate limitations for urban development and effluent absorption except on lower slopes, drainage lines and areas of bedrock outcrop.

Land use conflicts between residential and agricultural activities are minimised by natural "buffers" including the vegetation remnants in the north and steep land to the east and south.

WATER CATCHMENT

The area drains stormwater runoff from the escarpment to the south and the Princes Highway ridgeline to the east. The village and northern parts of the proposed village and E4 zones drain into Frogs Hollow Creek. The southern ends of these zones drain into a floodplain wetland, Frogs Hollow Swamp, which drains into Frogs Hollow Creek.

Both the swamp and the creek are classified as Wolumla creek soil landscape, which is identified as having a number of hazards: foundation, flood, water (streambank) erosion and groundwater pollution. Both have been identified by the Healthy Rivers Commission and Department of Land and Water Conservation (DLWC) as having conservation or high recovery potential. The former identified a very high management priority in preventing erosion of Frogs Hollow Swamp and its downstream reach, and a high priority for restoring riparian vegetation elsewhere.

DLWC identifies the two related priorities of stormwater runoff management and soil management for this sub-catchment. Additional issues include water extraction management, vegetation corridors and sediment loads and erosion.

The proposed zones and minimum lot sizes have been drafted within the context of these environmental constraints for each of the four sites taking into account topography, the vegetation communities with biodiversity values and prominent riparian corridors that are important within the context of the overall catchment.

The majority of Site 2 consists of light grazing land with some minor drainage corridors and areas of steep forested land to the north. Small patches of remnant vegetation communities have been identified.

MAP OF CONSTRAINTS



Figure 29: Map of Constraints

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is likely to have a positive social and economic impact on the village of Wolumla through the provision of more affordable residential land.

ECONOMIC EFFECTS

Wolumla has a total resident population of 394 people and 170 dwellings according to the 2016 Census within the existing village.



Figure 30: Collector District Boundary for Wolumla Village

Wolumla has developed based on a traditional grid pattern over relatively undulating land. The majority of the existing allotments are divided into long rectangular blocks (900m2) that have little reference to the characteristics of the land.

There is a limited supply of vacant land within Wolumla with the majority of any remaining lots being largely constrained. This has contributed to the intensification of some existing single dwelling allotments with dual occupancy and secondary dwelling development. There is an inherent demand for good quality residential living opportunities within Wolumla.

Wolumla has an existing population of 394 and has experienced limited growth with 29 additional people recorded since the previous Census in 2011 when 365 people were recorded. Over this timeframe, the population density has increased from 5.98 persons per hectare in 2011 to 6.50 persons per hectare in 2016.

The median house values within the Bega Valley Shire increased by $59,243 from $355,823 in 2011 to $415,066 in 2016 with a significant increase over the last year of $25,146. The current median house value is $440,212. Wolumla has historically been considered a more affordable option when compared with the more expensive coastal catchment areas. This still appears to be the case with an average selling price over the past year of $400,600 for a single dwelling house in Wolumla.

In the immediate term, the release of additional village lots and rural residential land would provide additional supply that is greatly needed within this residential catchment with the scarcity of affordable residential land and the cost of housing increasing within the Wolumla catchment.

The release of additional residential land will meet an inherent demand for good quality residential land in Wolumla while helping to balance the existing growth along the coast by encouraging further development of our villages.

SOCIAL EFFECTS

The township is very limited in opportunities for spontaneous local interaction on the street due to very low levels of pedestrian activity. The slight expansion of the village zone will provide some opportunity for the expansion of the town centre and the opportunity for further growth will be investigated as part of a village development plan. An increase in population is likely to result in the need for additional services and passive recreation infrastructure. Currently the playing fields to the east of village are restricted for passive use by non-drivers having to negotiate the 100km/h speed environment over the Princes Highway.

The main focus of this planning proposal is to deal with the deferred matters with the intention of undertaking a more detailed village development plan in the near future.

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 Wolumla, it is considered that the existing public infrastructure is adequate to accommodate additional demands generated by future development.

WATER SUPPLY

Wolumla Village is serviced by a reticulated water supply as part of the Tantawangalo system operated by Council. There is significant spare capacity in the reservoir.

SEWER SUPPLY

Wolumla is currently serviced by a pressure sewer system. There is significant spare capacity in the Sewage Treatment Plant.

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 Department of Primary Industries (Fisheries)
- NSW Office of Environment and Heritage
- NSW Roads and Maritime Services
- NSW Rural Fire Service

3. Candelo-Wolumla Road and Ferndale Lane, Wolumla

Lot 6 DP 1132826

Site Description

This land consists of a large parcel of land covering an area of 127.8ha and a broader range of environmental attributes including the less constrained predominantly cleared, flat land on the northern side of the Candelo-Wolumla Road, Frogs Hollow Swamp to the south and the more forested land to the north. The property is vacant.

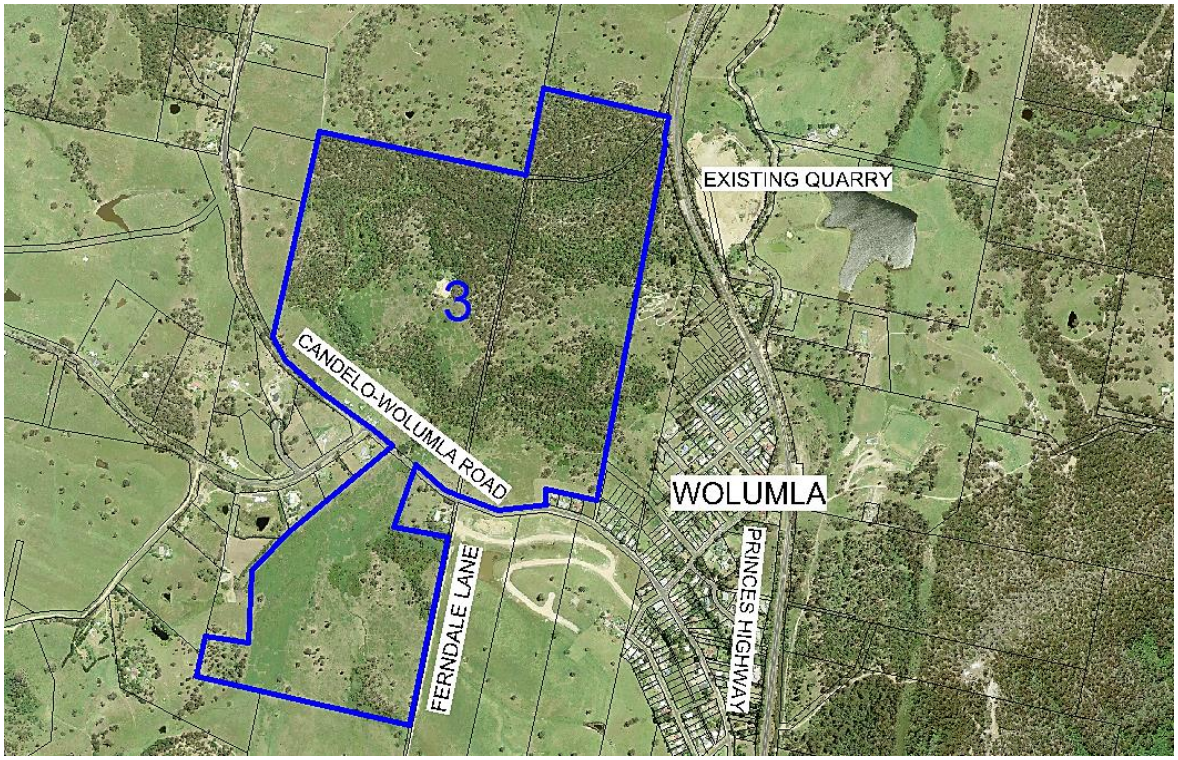


Figure 31: Lot 35 DP 843393: Subject Land Aerial Photograph



Figure 32: View over the rear portion of the property looking towards the south

Development Potential

This property is currently zoned part 1(c) Rural Small Holdings and 2(f) Future Urban under the Bega Valley Local Environmental Plan 2002 as it is a deferred matter.

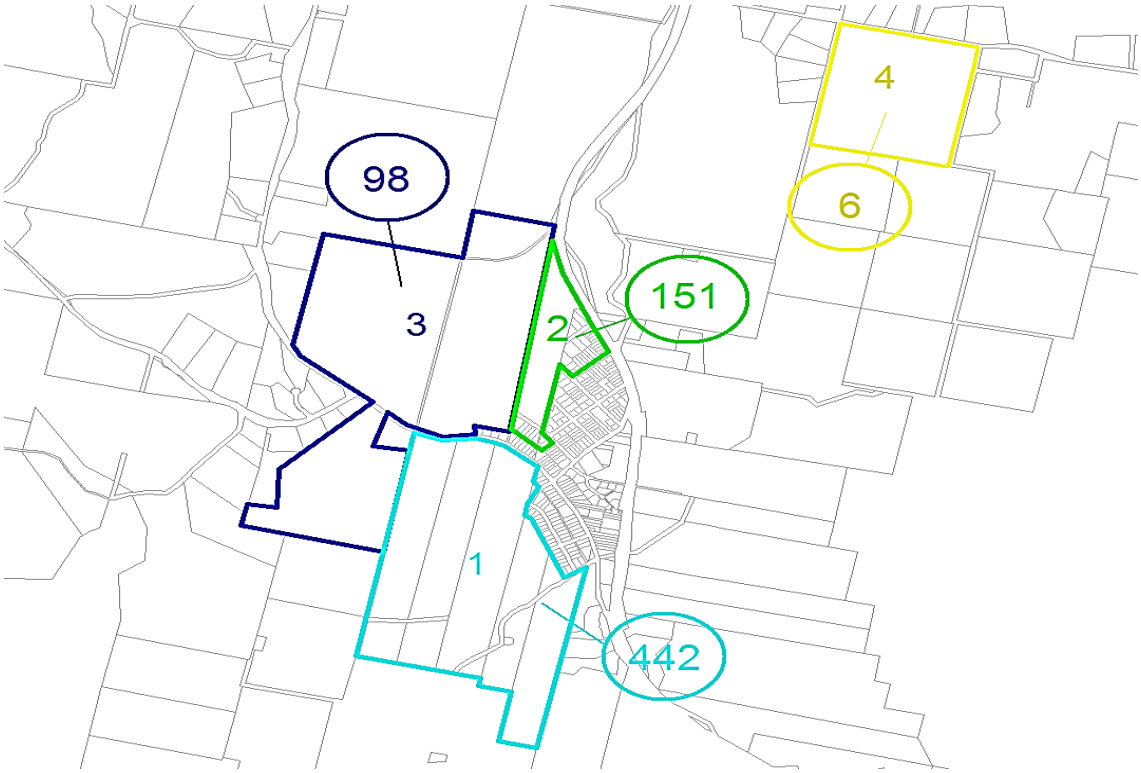


Figure 33: Subdivision potential under BVLEP 2013

Site	1,000m2	2HA	7HA	10HA	30HA	120HA	Approvals	Lot Yield
1	400	NA	3	NA	NA	0	42	442
2	150	1	NA	NA	NA	NA	NA	151
3	83	5	3	7	NA	NA	NA	98
4	NA	5	NA	NA	1	NA	NA	6
							TOTAL	**697**

Figure 34: Subdivision potential under BVLEP 2013

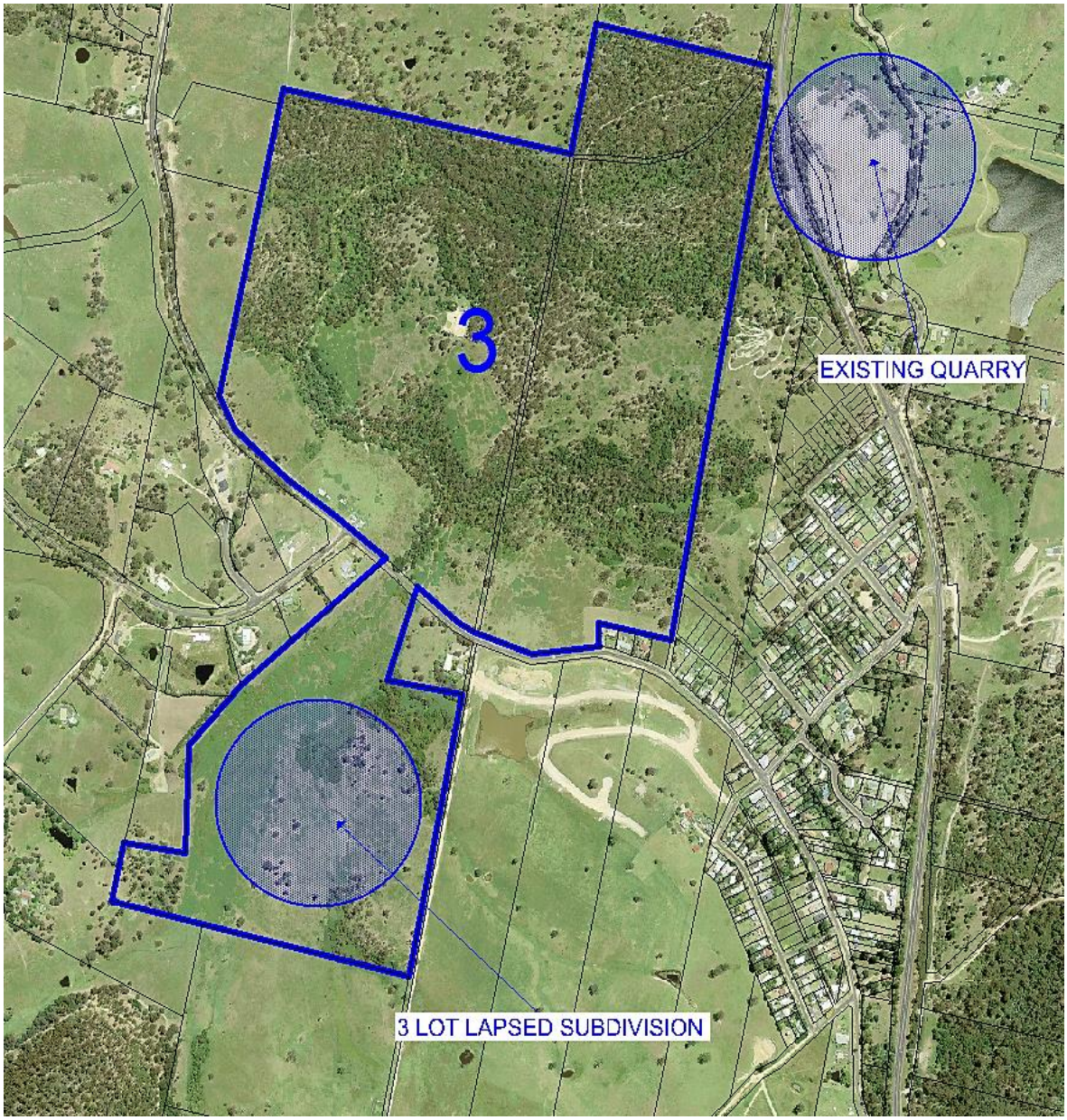


Figure 35: Development approvals

DEVELOPER SERVICING PLANS

Council adopted Development Servicing Plans for both water and sewer infrastructure on 12 June 2013. Wolumla is serviced by the Tantawanglo-Kiah Water Supply and a Low pressure sewerage system and membrane bioreactor (MBR) STP.

All of Site 3 is located outside of the Developer Servicing Plan boundary for both water and sewer infrastructure at Wolumla. Clause 5.8 applies to development that sits outside of the DSP boundary as detailed below;

> "After the adoption of the DSP, new development may be proposed outside the boundary of the DSP provided that there are no planning or other constraints to the development, Council may approve construction of essential assets to service such a development. These assets will be sized to suit all potential development in the proposed development area with the full capital cost being met by the developer, in addition to the developer contributions levied on the development."

Consultation has been undertaken with Council's Water and Wastewater Section to confirm there is plenty of capacity to augment Council's existing infrastructure to accommodate for the future subdivision of land and subsequent extension of the DSP boundaries.

Site 3 does however pose significant practical limitations in terms of existing infrastructure, topography and logistics. Any augmentation to Site 3 is therefore unlikely in the short to medium term, apart from the proposed R2 zone on the northern side of the Candelo-Wolumla Road.

Any proposal to augment the existing water and sewer infrastructure needs to be supplemented with a report by a tier one consultant that clearly demonstrates that these infrastructure requirements can be achieved and are practical.

In terms of sequencing, Site 3 is likely to be developed in the medium to long term.

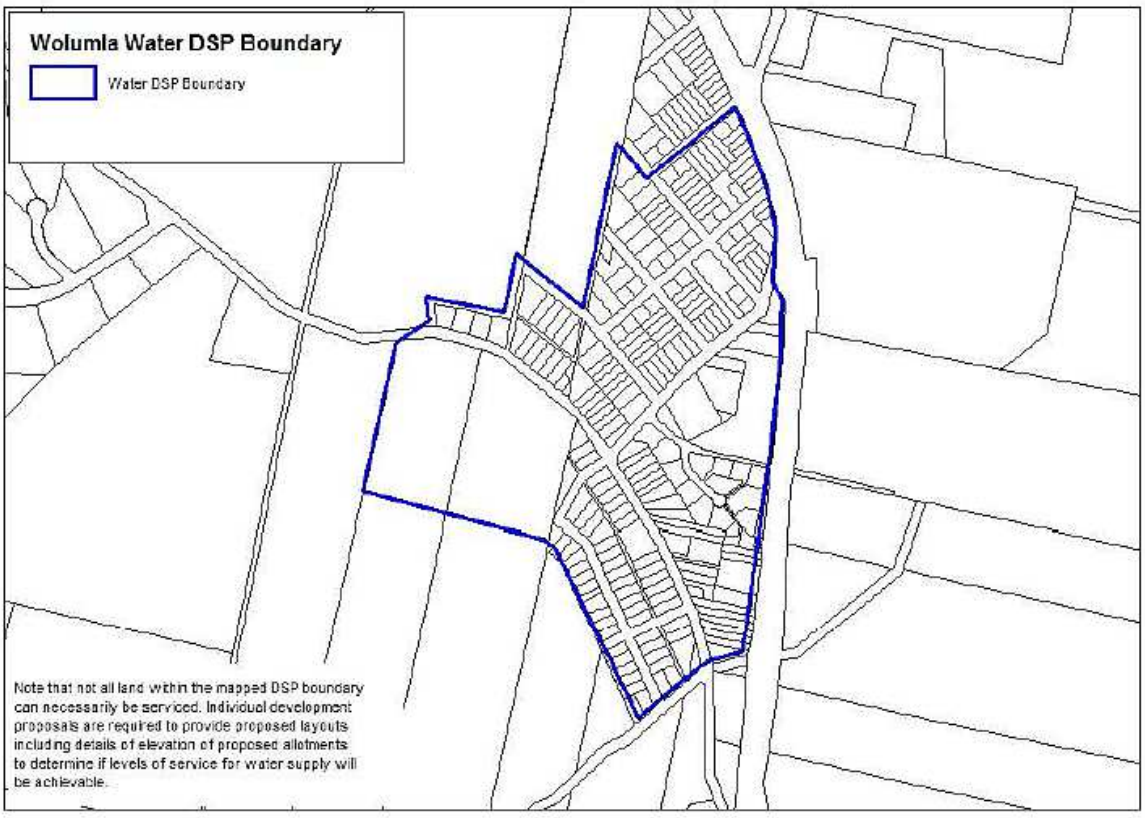


Figure 36: Developer Servicing Plan for Water

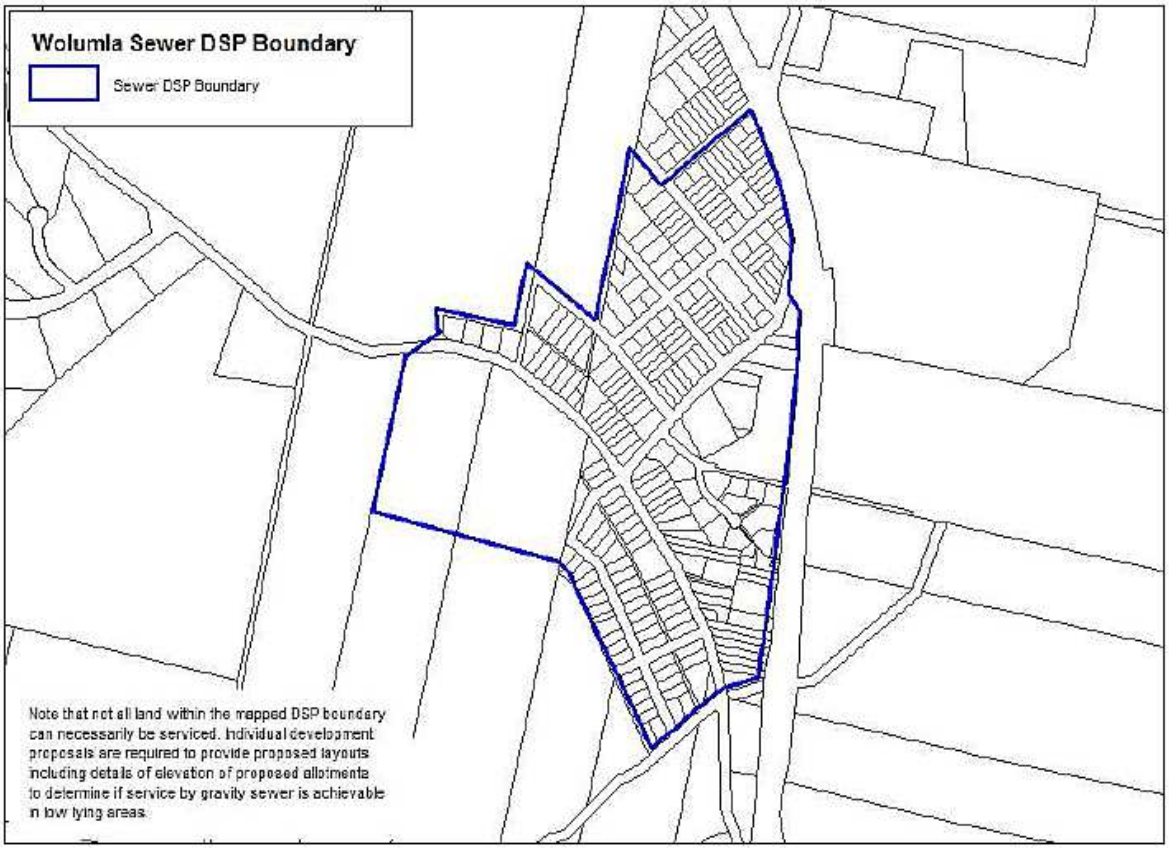


Figure 37: Developer Servicing Plan for Sewer

Mapping

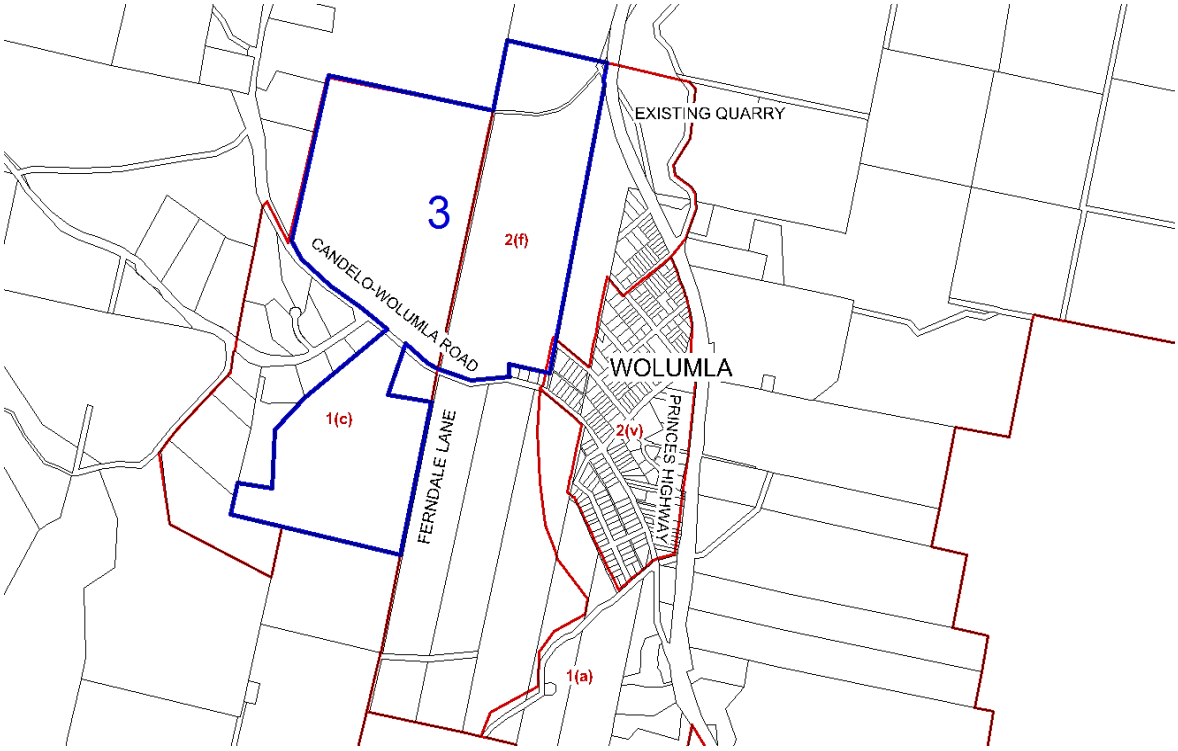


Figure 38: Existing zoning under BVLEP 2013

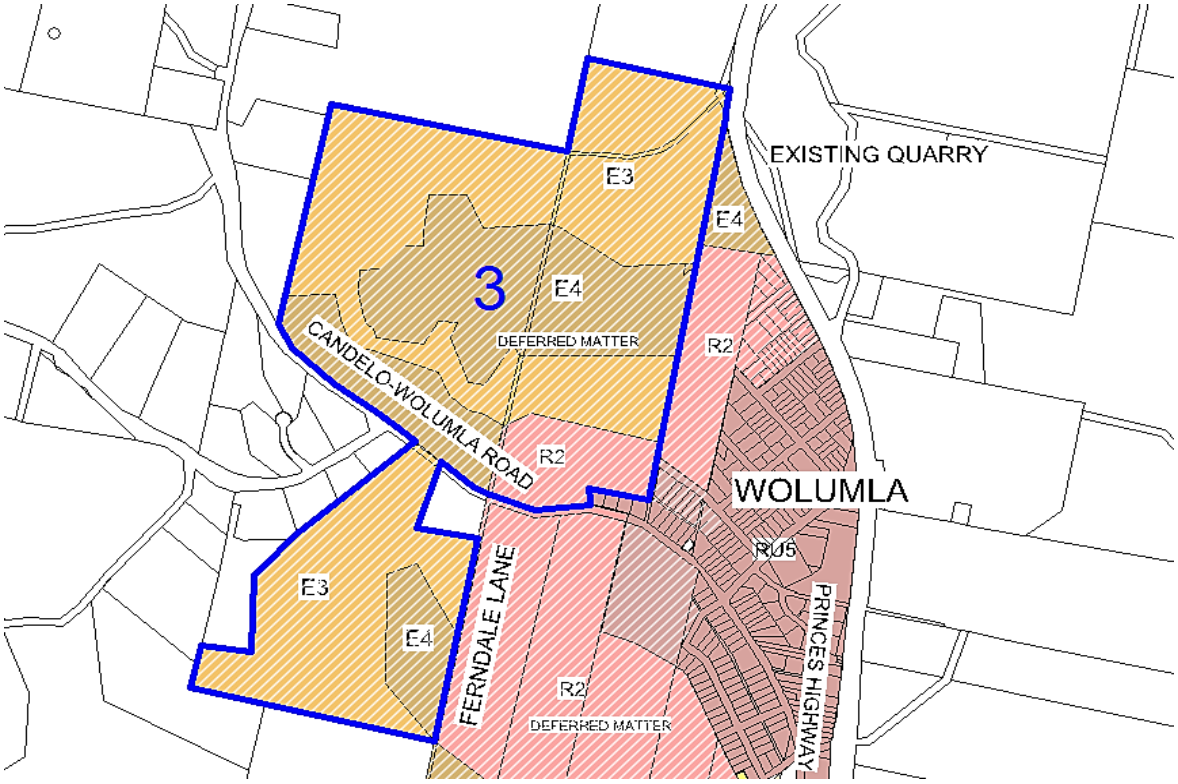


Figure 39: Proposed zoning under BVLEP 2013

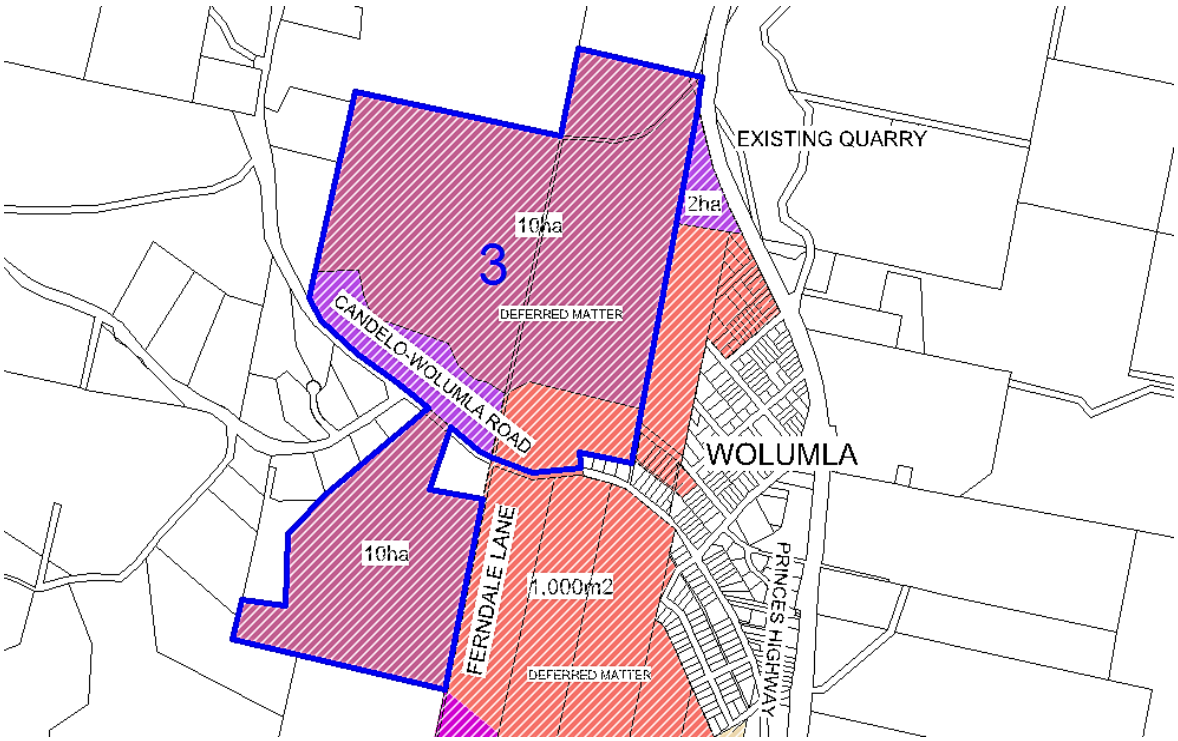


Figure 40: Proposed lot size under BVLEP 2013

Key Outcomes:

THE ZONES

- R2 Zone (8.3ha) to provide residential land to the west of the village centre to complement the proposed residential zone south of the Candelo-Wolumla Road. This zoning will also assist in creating a more clearly defined entrance to the village and has been considered within the context of future development plans for Wolumla.
- E3 Zone (78ha) has been identified to protect land with significant biodiversity values including thickly forested land and an existing EEC with prominent riparian corridors and 'Frogs Hollow Swamp'.
- E4 Zone (41.5ha) to enable development of the less constrained land on this large parcel of land with the opportunity to connect with the proposed residential land (Sites 1 and 2).

MINIMUM LOT SIZES

- 10ha to apply over this land to provide for the future subdivision with the opportunity to use lot averaging.
- 2ha for the proposed E4 land fronting the Candelo-Wolumla Road.
- 1,000m2 over the R2 land to provide connection between Sites 1 and 2 and greater definition of the village boundary.

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Council resolved on the 13 December 2005 to prepare a draft Comprehensive Local Environmental Plan to replace BVLEP 2002. The Draft BVLEP 2010 was prepared based on the following:

- The majority of the Shire was changed to the closest comparable zone available in the standard State wide template.
- Where changes were proposed, the focus was 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 the 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 the E3 Environmental Management and E4 Environmental Living Zones.
- Protection of sensitive foreshore areas and bushland public reserves through the use of the E2 Environmental Conservation Zone.

The Draft BVLEP 2010 was publically exhibited from the 12 May 2011 to the 29 July 2011 and 456 submissions were received. Following consideration of those submissions, Council categorised them into four groups:

- Appendix 1: Support (or partial support) for the submission request, with only minor changes required to the exhibited Draft CLEP. The CLEP was amended in line with these recommendations.
- Appendix 2: Support (or partial support) for the submission request, however, due to the nature of changes proposed, re-exhibition would be required. Land subject to the submissions is to be identified as a 'deferred matter' in the CLEP. Staff to prepare planning proposals seeking to amend the CLEP, once adopted, in accordance with Councils' resolutions and a 'gateway determination' by the Minister for Planning required prior to re-exhibition.
- Appendix 3: Further research is to be carried out by Council staff prior to progressing a resolution of the submissions via a future report to Council. Land subject to the submissions is to be identified as a 'deferred matter' in the CLEP.
- Appendix 4: No agreement with the submission request, or the submission to be noted, but no need for further action at this time. No change to exhibited draft CLEP is required.

The zoning and status as prescribed under the BVLEP 2002 still applies to Site 3. A planning proposal is required to apply BVLEP 2013 to resolve the issue of appropriate zoning and minimum lot sizes for this site.

KEY POINTS

- There is very limited and constrained future urban land available on the coastal strip (Eden /Merimbula /Tura /Tathra /Bermagui).
- There is a need to redirect low density development to inland areas. Wolumla is the most suitable location.

- The need to reduce demand for rural residential living to protect rural landscapes.
- The current 2 (f) Future Urban Zone has been established since 1987.
- Bega Valley Shire has invested in a pressure sewer system and treatment plant for Wolumla's urban area allowing more effective servicing of smaller urban lots in comparison with traditional 2000m2 lot required for on-site septic systems.
- Wolumla ideally located within the context of surrounding towns and villages.

The proposal initially came out of landowner representations to Council as part of the draft BVLEP 2013. These proponents relied upon a previous future urban expansion zone and rural residential zone to put forward a case for re-zoning land. The rezoning of this land has remained deferred since 2011.

This Planning Proposal refines existing future urban, village and rural residential zones adjacent to Wolumla to provide an additional supply of residential land outside the major centres of Bega and Merimbula and the highly constrained coastal catchments within the Bega Valley.

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.

A planning proposal is the most practical way of achieving these objectives as it involves the rezoning of large greenfield sites that have remained in historical zonings and are in need of updating to better reflect the inherent constraints of the land and the need for affordable housing within the Bega Valley Shire.

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 East and Tablelands Regional Plan 2036

The primary purpose of the South East and Tablelands Regional Plan 2036 is to ensure that adequate land is available and appropriately located to sustainably accommodate projected housing and employment needs for the South Coast Region for the next 25 years.

Direction 24 Deliver greater housing supply and choice

Affordable housing is an issue within the Bega Valley Shire catchment and the broader state of New South Wales. There is a demand for property close to the coast and services. Wolumla serves as a key growth corridor for this future growth, with a limited supply of residential land within our coastal catchments.

Direction 25 Focus housing growth in location that maximise infrastructure and services

This planning proposal seeks to develop residential land that reflects the inherent constraints and capacity of the land for future development. Site 1 is a large greenfield site that has the capacity in terms of water and sewer infrastructure and the characteristics of the land. The principle of this planning proposal is to select zonings and lot sizes that protect the more constrained land and promote the development of the less constrained land it its capacity.

Direction 27 Deliver more opportunities for affordable housing

A primary objective of this planning proposal is to increase the supply of affordable residential land within the Bega Valley catchment.

Local Government Narratives

Housing

This planning proposal seeks to reduce the pressure for development within the coastal zone and consolidate rural residential growth in high demand catchments near existing development and infrastructure.

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. One key aim of the CSP is:

- To ensure the unique environment is protected to maintain biodiversity and water quality and managed for our community, to provide growth and economic opportunity.

Wolumla Village itself contains around 170 dwellings and has a population of approximately 370 people. There is scope for further expansion of residential land that is within easy driving distances of Bega and Merimbula.

As evidence by the historical zoning information, Wolumla has long been identified as a growth area. This was further reinforced by investment in a pressure sewer system to service the village with capacity to be expanded to accommodate growth in the adjoining future urban and undeveloped village areas.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with most applicable State Environmental Planning Policies (SEPPs). Where this planning proposal is inconsistent with a SEPP the inconsistency is justified on the basis that the inconsistency is minor.

The SEPPs that are applicable to this planning proposal are detailed in this Section. For a complete checklist of SEPPs, refer to Attachment 1.

SEPP (Rural Lands) 2008

This SEPP aims to achieve the following;

(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,
(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
(c) to implement measures designed to reduce land use conflicts,
(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

Site 3 involves the rezoning of land with higher biodiversity values and limited agricultural value that remains a Deferred Matter and zoned 1(c) and 2(f) under BVLEP 2002. This planning proposal recommends that the less constrained land is zoned E4 and the land with more biodiversity value including the forested land and Frogs Hollow Swamp is zoned E3.

A minimum lot size of 2ha is recommended over the least constrained land on the northern side of the Candelo-Wolumla Road with the remainder of the property being 10ha to enable the future subdivision of land under the lot averaging clause of the BVLEP 2013.

SEPP 44 Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management 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.

The majority of the forest type is Far South Coast Grassy Woodland (NGH Biocertification Investigations 2008). This includes Eucalyptus tereticornis, (Forest Red Gum) and Eucalyptus mellidora (Yellow Box), which are both Koala food tree species.

The tree species listed in Schedule 2 are not commonly found in large numbers. In addition, Council have not undertaken any dedicated 'core koala habitat' studies in the Wolumla catchment. According to the NGH Biocertification surveys of 2008, koalas have a 'low' potential to occur within the study area.

In regards to the primary food source of Eucalyptus teriticornis which occurs on the subject land, NGH state that 'remnant (koala) populations in the region are no longer found in areas where this tree species is dominant, since these have been largely cleared'.

There is no identified core koala habitat (as defined by the SEPP) on the subject land. The lack of sightings over the past 2 – 3 decades indicates the absence of a breeding population of koalas on

the subject land. This Planning Proposal is consistent with the SEPP as none of the subject lands are considered core koala habitat due to a lack of forest density and an E3 zoning has been applied to the more forested land. Site 3 is more forested and this is reflected in the proposed zonings with the majority of the riparian and forested land being zoned E3.

SEPP 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.

This proposal is consistent with SEPP 55. In accordance with Clause 6 of SEPP 55, 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.

Q.6 Is the planning proposal consistent with applicable Ministerial Directions?

This section addresses consistency with applicable Section 117 Directions. Attachment 2 contains a complete list of all 117 Ministerial Directions applicable in 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.

The majority of Site 1 has limited agricultural capability being Class 3 grazing land. The land is bordered by land that is more residential as opposed to being traditional agricultural holdings with existing infrastructure that would pose a risk in terms of future rural land use conflict. The zoning of the land is considered to be of minor significance as the retention of a rural strip of land between the existing village and proposed residential land to the south would be detrimental to the growth and connectivity of the village.



Figure 41: Agricultural land

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 sizes conform to the principles listed within the SEPP (Rural Lands) 2008 as they will not compromise the production value or development of rural land. 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 and other rural land uses;
- Provide rural residential opportunities compatible with the natural and physical characteristics of the land 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 Environmental Protection Zones

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

Site 3 is a large site with a range of environmental attributes including more forested and undulating land to the north and lower-lying land to the south including Frogs Hollow Swamp.

An E3 zone has been recommended over the more constrained land with an E4 zone over those areas with more development potential. An environmental zoning is more indicative of the site characteristics when compared with the existing 1(c) and 2(f) zoning under BVLEP 2002.

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. 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 doing 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.

An E3 zoning has been recommended over those areas of Site 3 with greater potential for indigenous heritage significance including the riparian corridors and forested land to the north and Frogs Hollow Swamp to the south.

3.4 Integrated 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 Wolumla area. The proposed zoning amendments will encourage residential development close to the existing urban settlement to achieve the planning objectives of improving access to housing and services by public transport.

Whilst it is acknowledged that public transport services to Bega /Merimbula are of a limited frequency they will offer some service to those without vehicles. Walking and cycling as a transit option are only likely to occur with high frequency within the confines of the village area, given the high speed environment of the Princes Highway.

Discussions have commenced with Roads and Maritime Services who are willing to investigate the prevailing speed environment as part of the planning proposal process. Lowering this speed environment will better define the village boundary and provide a safer environment for future development. Consultation with Roads and Maritime Services will form part of the planning proposal process.

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.

The properties that are the subject of this planning proposal are identified as containing bushfire vegetation within category 1 therefore, consultation with the NSW Rural Bushfire Service under Section 56 of the *Environmental Planning and Assessment Act 1979* will form part of the planning proposal process.

This planning proposal process 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.

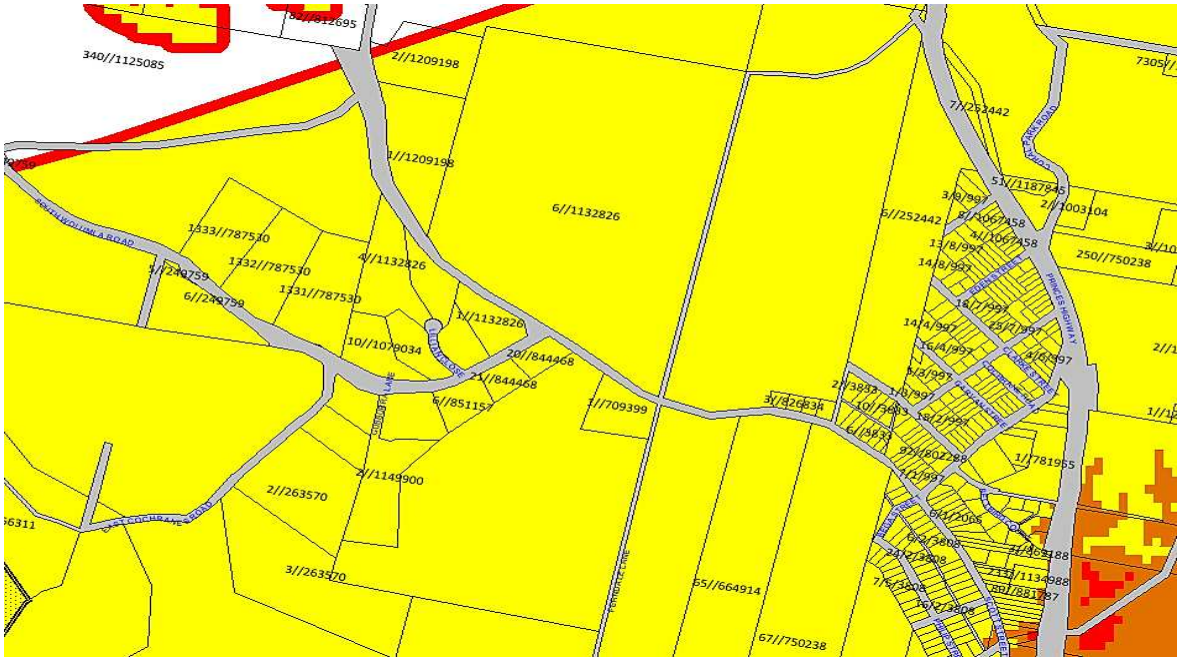


Figure 42: Bushfire Prone Land Map

5.1 Implementation of Regional Strategies

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

This planning proposal is consistent with the overall vision, land use strategy, policies, outcomes and actions identified in the South East and Tablelands Regional Plan 2036.

This planning proposal is consistent with the overall vision, land use strategy, policies, outcomes and actions identified in the South East and Tablelands Regional Plan 2036.Wolumla has been identified for future growth through historical zonings since 1987. This planning proposal includes 3 greenfield sites and another site within proximity of the village.

The overall objective with this planning proposal is to provide direction on these deferred matters and apply zones that reflect the capacity of the land for future development.

This aligns with the directions contained within this document and more specifically 24, 25 and 27 as they relate to housing supply and growth in areas with available infrastructure.

Affordable housing is an issue within the Bega Valley as we have a limited supply of unconstrained coastal land. We have identified our villages as an important resource in terms of providing more affordable residential land to meet this supply need and to promote growth and activity within our villages.

The preparation of a village development plan is identified within the Local Government Narratives for housing and Wolumla will be the first step in preparing these place based plans that will be considered within the context of this planning proposal.

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 zones.

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?

ASSESSMENT (2001) G ROCHE (BVSC NATURAL RESOURCE OFFICER) AND JACKIE MILES (BOTANTIST)

A survey of the flora and fauna values of land within the subject area at Wolumla was undertaken by Council in July 2001. A Section 34A Consultation with the National Parks and Wildlife Service confirmed the conclusions of Council's survey.

The following issues were identified:

- Protection of 3ha of Bega Dry Grass Forest (Class 20), an Endangered Ecological Community, at the northern end of the Future Urban Zone.
- High priority protection for the good quality remnant Floodplain Wetland vegetation occurring in Frogs Hollow Swamp and the remaining riparian remnants due to its depletion and under-representation in the current reserve system and its extremely important role in preventing gully erosion.
- Protection of the remaining remnant vegetation in the study area due to its conservation significance and its importance as a feature of the landscape with respect to vegetation and habitat recovery.

The assessment focussed on identifying whether or not remnant vegetation constituted Endangered Ecological Communities identified in the Threatened Species Conservation Act 1995 (TSCA), or vegetation types identified as being of conservation significance in Council's State of the Vegetation report. Fauna values were identified from potential habitat rather than specific survey. Remnant vegetation in the subject area comprises Bega Wet Shrub Forest and Floodplain Wetland.

A large patch of remnant vegetation occurs in the northern part of the subject area. It has been subject to relatively high levels of disturbance over the years, which is evident by the amount of regrowth. However, the remnant has a very low level of weed invasion, with blackberry being the most significant weed in the area. There are a number of mature trees and hollow trees in the remnant and some elements of Bega Dry Grass Forest, an Endangered Ecological Community, on the ridge-top and north-facing slope. The remnant is considered to have a relatively high conservation value because of its size, type, and condition. It is considered to have a high suitability for recovery.

It is considered unlikely that the remnant provides significant habitat for threatened fauna, however it is an important feature of the landscape with respect to vegetation and habitat recovery.

Remnant vegetation occurring in gully areas across the Wolumla study area is generally Floodplain Wetland. It occurs in a relatively large patch to the north of the Candelo/Wolumla Road, and smaller patches in gully areas near the intersection of the Candelo/Wolumla Road and the South Wolumla Road. All areas of Floodplain Wetland should be afforded a high conservation priority. It is a vegetation type that is depleted and under-represented in the current reserve system, and it plays an extremely important role in preventing gully erosion, which is a serious environmental problem in Frogs Hollow Creek at Wolumla. The Floodplain Wetland occurring near the South Wolumla Road is considered to be a good quality remnant with a very high conservation priority.

ASSESSMENT (2008) BIOCERTIFICATION INVESTIGATIONS NGH ENVIRONMENTAL

Sites 1-3 were reviewed by NGH Environmental in February 2008.

NGH identified through aerial photography investigation that the densely forested regrowth areas were highly constrained in terms of clearing required for future development. Under the

biometric guidelines, this forest is generally degraded, but has strong potential for natural regrowth.

They identified a small remnant Bega Dry Grass Forest community in a gully at the south of study area (Woodstock's land). Also present is a Swamp Oak Floodplain Forest, albeit in a very small patch (0.25 Hectares). NGH have stated that this remnant is too small to be mapped under Biometric rules. Mature trees bearing hollows and gullies with decent regrowth species to provide refuge for fauna were all present to the south of Woodstock's land. This proposal has mapped this area as E3.

Some areas on the higher ridges to far north of Lot 6 1132826 are in good condition. The recommendation was for protection of all hollow bearing and mature trees, weed control and revegetation. Excluding stock and controlling rabbits in regenerating areas may be all that is needed to bring about recruitment.

Q.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The four sites form part of the Bega River catchment, comprising the upper reaches of Frogs Hollow Creek. It is characteristic of the wider Bega Valley and has several ridgelines, gullies and drainage lines running north westerly from the village and through Frogs Hollow Swamp.

The land around the Village contains some riparian vegetation, remnant bushland and scattered mature trees within primarily cleared pasture land.

Being primarily Bemboka soil landscape 1, the Wolumla locality is generally rated as not suitable for cultivation. It is suitable for grazing with soil conservation practices, and some grazing still occurs. It is rated as having minor to moderate limitations for urban development and effluent absorption except on lower slopes, drainage lines and areas of bedrock outcrop.

Land use conflicts between residential and agricultural activities are minimised by natural "buffers" including the vegetation remnants in the north and steep land to the east and south.

WATER CATCHMENT

The area drains stormwater runoff from the escarpment to the south and the Princes Highway ridgeline to the east. The village and northern parts of the proposed village and E4 zones drain into Frogs Hollow Creek. The southern ends of these zones drain into a floodplain wetland, Frogs Hollow Swamp, which drains into Frogs Hollow Creek.

Both the swamp and the creek are classified as Wolumla creek soil landscape, which is identified as having a number of hazards: foundation, flood, water (streambank) erosion and groundwater pollution. Both have been identified by the Healthy Rivers Commission and Department of Land and Water Conservation (DLWC) as having conservation or high recovery potential. The former identified a very high management priority in preventing erosion of Frogs Hollow Swamp and its downstream reach, and a high priority for restoring riparian vegetation elsewhere.

DLWC identifies the two related priorities of stormwater runoff management and soil management for this sub-catchment. Additional issues include water extraction management, vegetation corridors and sediment loads and erosion.

The proposed zones and minimum lot sizes have been drafted within the context of these environmental constraints for each of the four sites taking into account topography, the vegetation communities with biodiversity values and prominent riparian corridors that are important within the context of the overall catchment. The majority of Site 1 consists of light grazing land with some minor drainage corridors and areas of steep forested land in the south-eastern corner. Small patches of remnant vegetation communities have been identified with habitat trees and decent areas of regrowth. This site has a prominent ridgeline that forms a backdrop to the village.

MAP OF CONSTRAINTS

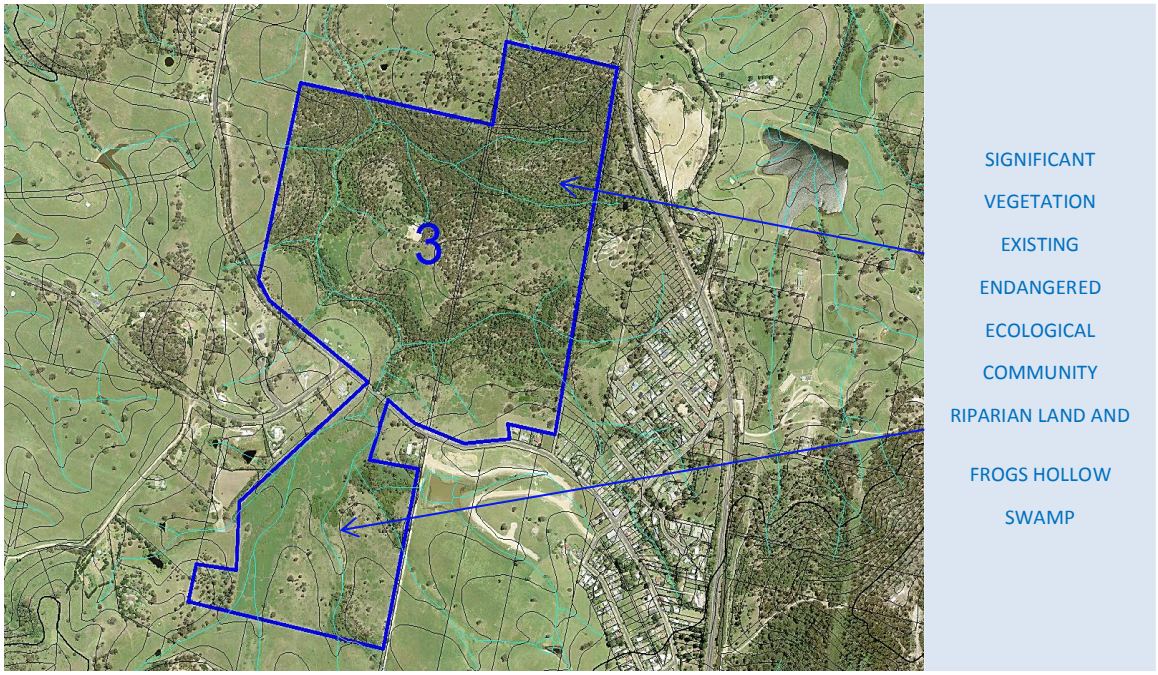


Figure 43: Map of Constraints

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is likely to have a positive social and economic impact on the village of Wolumla through the provision of more affordable residential land.

ECONOMIC EFFECTS

Wolumla has a total resident population of 394 people and 170 dwellings according to the 2016 Census within the existing village.



Figure 44: Collector District Boundary for Wolumla Village

Wolumla has developed based on a traditional grid pattern over relatively undulating land. The majority of the existing allotments are divided into long rectangular blocks (900m2) that have little reference to the characteristics of the land.

There is a limited supply of vacant land within Wolumla with the majority of any remaining lots being largely constrained. This has contributed to the intensification of some existing single dwelling allotments with dual occupancy and secondary dwelling development. There is an inherent demand for good quality residential living opportunities within Wolumla.

Wolumla has an existing population of 394 and has experienced limited growth with 29 additional people recorded since the previous Census in 2011 when 365 people were recorded. Over this timeframe, the population density has increased from 5.98 persons per hectare in 2011 to 6.50 persons per hectare in 2016.

The median house values within the Bega Valley Shire increased by $59,243 from $355,823 in 2011 to $415,066 in 2016 with a significant increase over the last year of $25,146. The current median house value is $440,212. Wolumla has historically been considered a more affordable option when compared with the more expensive coastal catchment areas. This still appears to be the case with an average selling price over the past year of $400,600 for a single dwelling house in Wolumla.

In the immediate term, the release of additional village lots and rural residential land would provide additional supply that is greatly needed within this residential catchment with the scarcity of affordable residential land and the cost of housing increasing within the Wolumla catchment.

The release of additional residential land will meet an inherent demand for good quality residential land in Wolumla while helping to balance the existing growth along the coast by encouraging further development of our villages.

SOCIAL EFFECTS

The township is very limited in opportunities for spontaneous local interaction on the street due to very low levels of pedestrian activity. The slight expansion of the village zone will provide some opportunity for the expansion of the town centre and the opportunity for further growth will be investigated as part of a village development plan. An increase in population is likely to result in the need for additional services and passive recreation infrastructure. Currently the playing fields to the east of village are restricted for passive use by non-drivers having to negotiate the 100km/h speed environment over the Princes Highway.

The main focus of this planning proposal is to deal with the deferred matters with the intention of undertaking a more detailed village development plan in the near future.

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 Wolumla, it is considered that the existing public infrastructure is adequate to accommodate additional demands generated by future development.

WATER SUPPLY

Wolumla Village is serviced by a reticulated water supply as part of the Tantawangalo system operated by Council. There is significant spare capacity in the reservoir.

SEWER SUPPLY

Wolumla is currently serviced by a pressure sewer system. There is significant spare capacity in the Sewage Treatment Plant.

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 Department of Primary Industries (Fisheries)
- NSW Office of Environment and Heritage
- NSW Roads and Maritime Services
- NSW Rural Fire Service

4. Old Mill Road, Wolumla

Lot 171 DP 750238

Site Description

The property covers an area of 41ha and consists of a regular square block with the cleared less constrained land adjacent to Old Mill Road and the more constrained forested land covering the majority of the property to the south. The site contains an existing dwelling house.

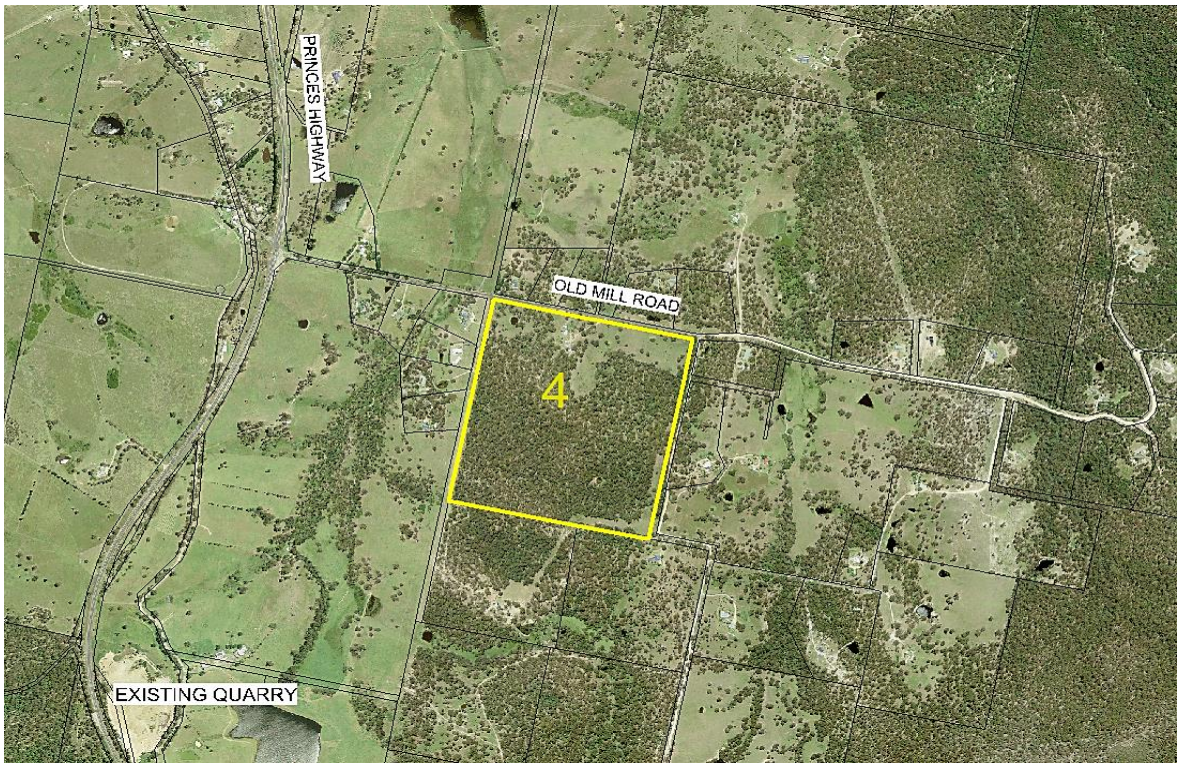


Figure 45: Lot 722 DP 826975: Subject Land Aerial Photograph



Figure 46: View to the west over proposed E4 land with 2ha lots

Development Potential

This site is currently zoned 1(a) Rural General under the BVLEP 2002 as the property is a deferred matter. The property does not have any subdivision entitlement.

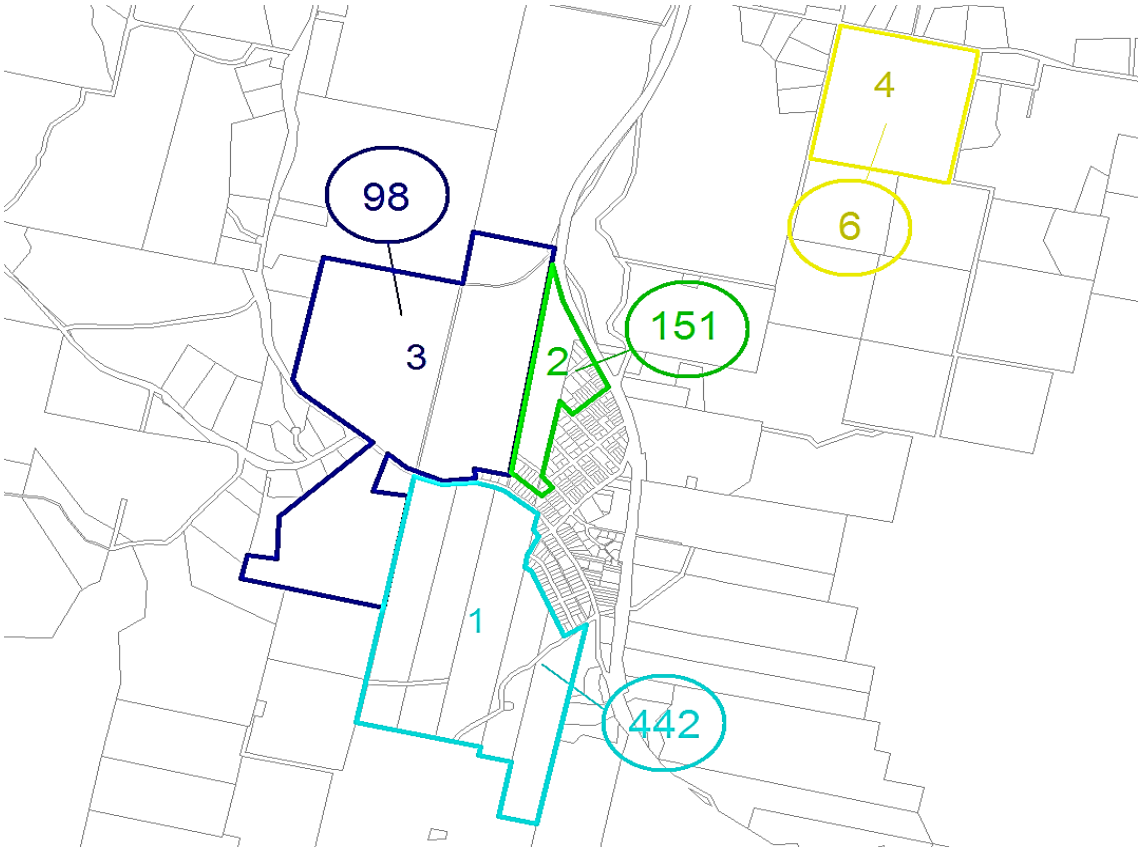


Figure 47: Subdivision potential under BVLEP 2013

Site	1,000m2	2HA	7HA	10HA	30HA	120HA	Approvals	Lot Yield
1	400	NA	3	NA	NA	0	42	442
2	150	1	NA	NA	NA	NA	NA	151
3	83	5	3	7	NA	NA	NA	98
4	NA	5	NA	NA	1	NA	NA	6
							TOTAL	**697**

Figure 48: Subdivision potential under BVLEP 2013

Mapping

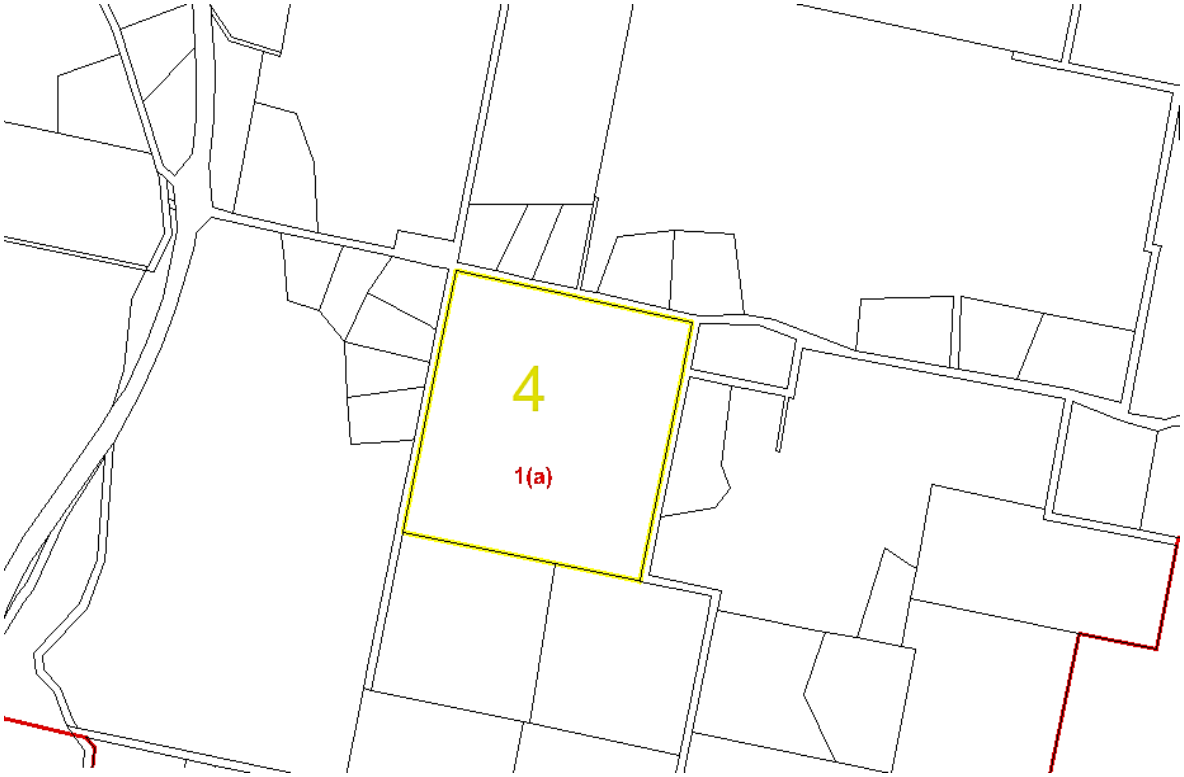


Figure 49: Existing zoning under BVLEP 2002

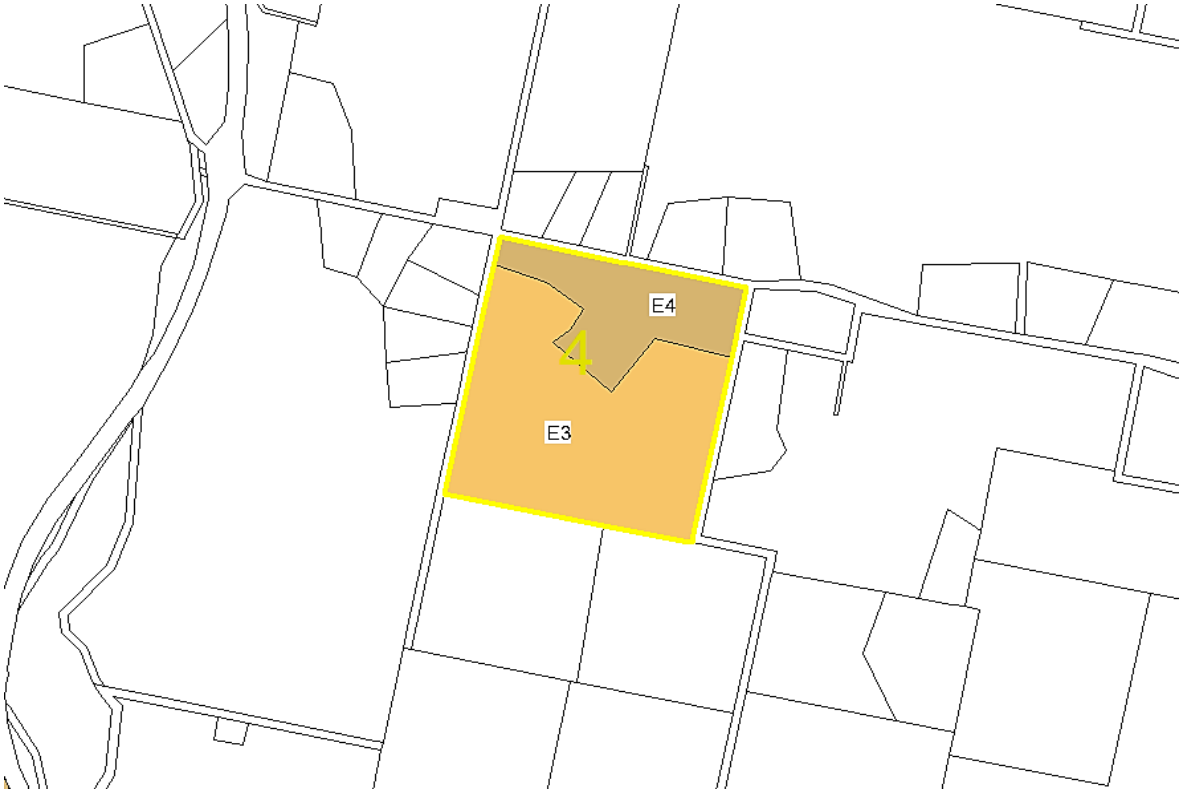


Figure 50: Proposed zoning under BVLEP 2013

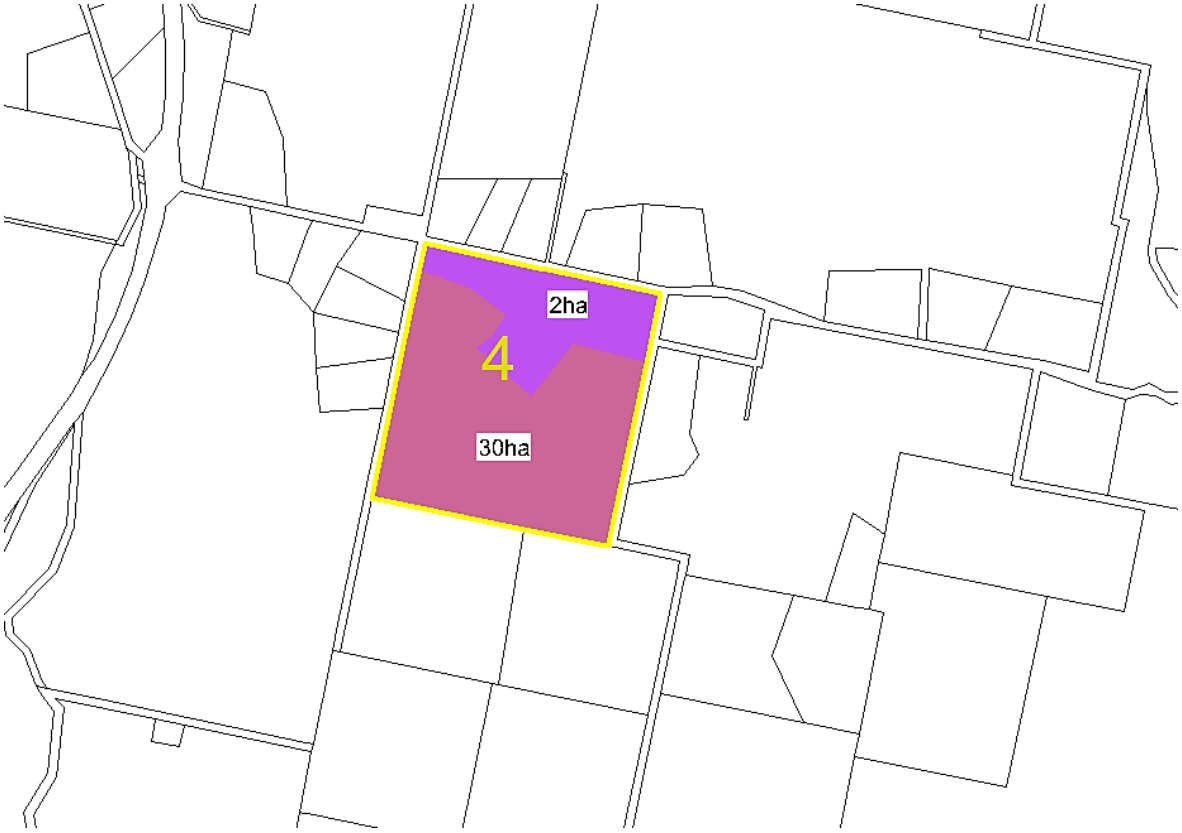


Figure 51: Proposed Lot Size under BVLEP 2013

Key Outcomes:

THE ZONES

- E3 Zone (30ha) preserves the land with biodiversity value and archaeological significance that includes the majority of the forested land.
- E4 Zone (11ha) considered within the context of an existing dwelling and land that has already been subdivided along Old Mill Road.
- This minor supply of rural residential land is supported within the context of existing development and the proposed reduction in large lot residential land within (Site 1).

MINIMUM LOT SIZES

- 2ha is recommended in line with the proposed E4 zoning over the land that is already predominantly cleared of vegetation.
- 30ha over the E3 land to reduce the future impact on biodiversity values.

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Council resolved on the 13 December 2005 to prepare a draft Comprehensive Local Environmental Plan to replace BVLEP 2002. The Draft BVLEP 2010 was prepared based on the following:

- The majority of the Shire was changed to the closest comparable zone available in the standard State wide template.
- Where changes were proposed, the focus was 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 the 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 the E3 Environmental Management and E4 Environmental Living Zones.
- Protection of sensitive foreshore areas and bushland public reserves through the use of the E2 Environmental Conservation Zone.

The Draft BVLEP 2010 was publically exhibited from the 12 May 2011 to the 29 July 2011 and 456 submissions were received. Following consideration of those submissions, Council categorised them into four groups:

- Appendix 1: Support (or partial support) for the submission request, with only minor changes required to the exhibited Draft CLEP. The CLEP was amended in line with these recommendations.
- Appendix 2: Support (or partial support) for the submission request, however, due to the nature of changes proposed, re-exhibition would be required. Land subject to the submissions is to be identified as a 'deferred matter' in the CLEP. Staff to prepare planning proposals seeking to amend the CLEP, once adopted, in accordance with Councils' resolutions and a 'gateway determination' by the Minister for Planning required prior to re-exhibition.
- Appendix 3: Further research is to be carried out by Council staff prior to progressing a resolution of the submissions via a future report to Council. Land subject to the submissions is to be identified as a 'deferred matter' in the CLEP.
- Appendix 4: No agreement with the submission request, or the submission to be noted, but no need for further action at this time. No change to exhibited draft CLEP is required.

The zoning and status as prescribed under the BVLEP 2002 still applies to Site 4. A planning proposal is required to apply BVLEP 2013 to resolve the issue of appropriate zoning and minimum lot sizes for this site.

KEY POINTS

- There is very limited and constrained future urban land available on the coastal strip (Eden /Merimbula /Tura /Tathra /Bermagui).
- There is a need to redirect low density development to inland areas. Wolumla is the most suitable location.
- The need to reduce demand for rural residential living to protect rural landscapes.
- The current 2 (f) Future Urban Zone has been established since 1987.

- Bega Valley Shire has invested in a pressure sewer system and treatment plant for Wolumla's urban area allowing more effective servicing of smaller urban lots in comparison with traditional 2000m2 lot required for on-site septic systems.
- Wolumla ideally located within the context of surrounding towns and villages.

The proposal initially came out of landowner representations to Council as part of the draft BVLEP 2013. These proponents relied upon a previous future urban expansion zone and rural residential zone to put forward a case for re-zoning land. The rezoning of this land has remained deferred since 2011.

This Planning Proposal refines existing future urban, village and rural residential zones adjacent to Wolumla to provide an additional supply of residential land outside the major centres of Bega and Merimbula and the highly constrained coastal catchments within the Bega Valley.

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.

A planning proposal is the most practical way of achieving these objectives as it involves the rezoning of large greenfield sites that have remained in historical zonings and are in need of updating to better reflect the inherent constraints of the land and the need for affordable housing within the Bega Valley Shire.

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 East and Tablelands Regional Plan 2036

The primary purpose of the South East and Tablelands Regional Plan 2036 is to ensure that adequate land is available and appropriately located to sustainably accommodate projected housing and employment needs for the South Coast Region for the next 25 years.

Direction 24 Deliver greater housing supply and choice

Affordable housing is an issue within the Bega Valley Shire catchment and the broader state of New South Wales. There is a demand for property close to the coast and services. Wolumla serves as a key growth corridor for this future growth, with a limited supply of residential land within our coastal catchments.

Direction 25 Focus housing growth in location that maximise infrastructure and services

This planning proposal seeks to develop residential land that reflects the inherent constraints and capacity of the land for future development. Site 1 is a large greenfield site that has the capacity in terms of water and sewer infrastructure and the characteristics of the land. The principle of this planning proposal is to select zonings and lot sizes that protect the more constrained land and promote the development of the less constrained land it its capacity.

Direction 27 Deliver more opportunities for affordable housing

A primary objective of this planning proposal is to increase the supply of affordable residential land within the Bega Valley catchment.

Local Government Narratives

Housing

This planning proposal seeks to reduce the pressure for development within the coastal zone and consolidate rural residential growth in high demand catchments near existing development and infrastructure.

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. One key aim of the CSP is:

- To ensure the unique environment is protected to maintain biodiversity and water quality and managed for our community, to provide growth and economic opportunity.

Wolumla Village itself contains around 170 dwellings and has a population of approximately 370 people. There is scope for further expansion of residential land that is within easy driving distances of Bega and Merimbula.

As evidence by the historical zoning information, Wolumla has long been identified as a growth area. This was further reinforced by investment in a pressure sewer system to service the village with capacity to be expanded to accommodate growth in the adjoining future urban and undeveloped village areas.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with most applicable State Environmental Planning Policies (SEPPs). Where this planning proposal is inconsistent with a SEPP the inconsistency is justified on the basis that the inconsistency is minor.

The SEPPs that are applicable to this planning proposal are detailed in this Section. For a complete checklist of SEPPs, refer to Attachment 1.

SEPP (Rural Lands) 2008

This SEPP aims to achieve the following;

(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,
(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
(c) to implement measures designed to reduce land use conflicts,
(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

Site 1 involves the rezoning of cleared grazing land that remains a Deferred Matter and zoned 1(a) and 2(f) under BVLEP 2002.

SEPP 44 Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management 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.

The majority of the forest type is Far South Coast Grassy Woodland (NGH Biocertification Investigations 2008). This includes Eucalyptus tereticornis, (Forest Red Gum) and Eucalyptus mellidora (Yellow Box), which are both Koala food tree species.

The tree species listed in Schedule 2 are not commonly found in large numbers. In addition, Council have not undertaken any dedicated 'core koala habitat' studies in the Wolumla catchment. According to the NGH Biocertification surveys of 2008, koalas have a 'low' potential to occur within the study area.

In regards to the primary food source of Eucalyptus teriticornis which occurs on the subject land, NGH state that 'remnant (koala) populations in the region are no longer found in areas where this tree species is dominant, since these have been largely cleared'.

There is no identified core koala habitat (as defined by the SEPP) on the subject land. The lack of sightings over the past 2 – 3 decades indicates the absence of a breeding population of koalas on the subject land. This Planning Proposal is consistent with the SEPP as none of the subject lands are considered core koala habitat due to a lack of forest density and an E3 zoning has been applied to the more forested land.

The majority of SITES 1 and 2 have been cleared with isolated stands of remnant vegetation remaining. SITES 3 and 4 are more forested and this is reflected in the proposed zonings with the majority of the riparian and forested land being zoned E3. The zoning layout for SITE 4 is consistent with the advice of OEH.

SEPP 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.

This proposal is consistent with SEPP 55.

In accordance with Clause 6 of SEPP 55, 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.

Q.6 Is the planning proposal consistent with applicable Ministerial Directions?

This section addresses consistency with applicable Section 117 Directions. Attachment 2 contains a complete list of all 117 Ministerial Directions applicable in 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.

The majority of Site 1 has limited agricultural capability being Class 3 grazing land. The land is bordered by land that is more residential as opposed to being traditional agricultural holdings with existing infrastructure that would pose a risk in terms of future rural land use conflict. The zoning of the land is considered to be of minor significance as the retention of a rural strip of land between the existing village and proposed residential land to the south would be detrimental to the growth and connectivity of the village.

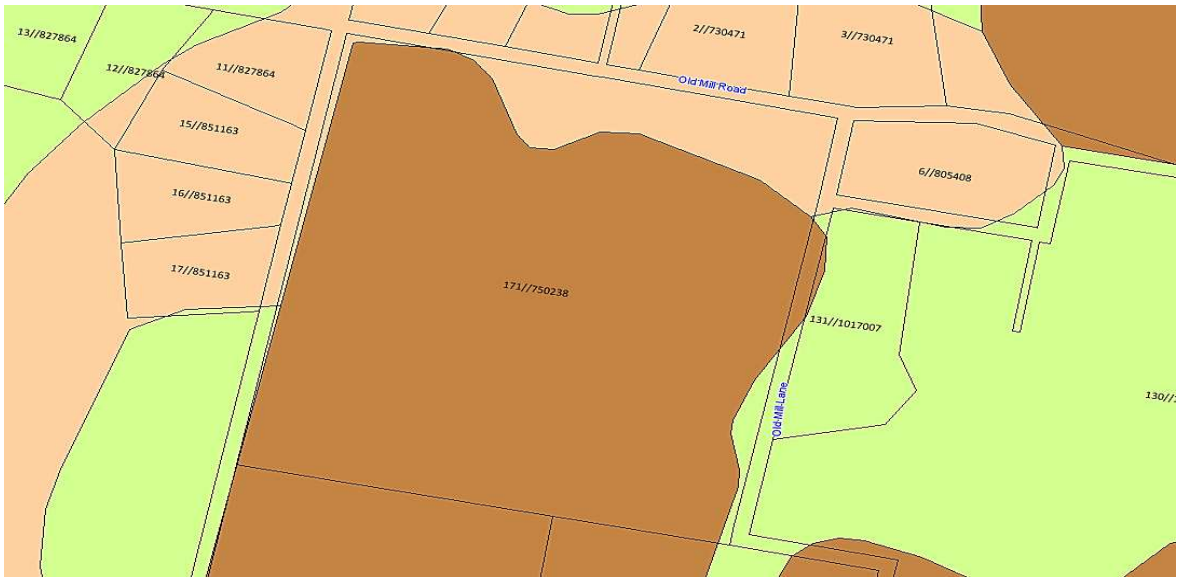


Figure 52: Agricultural land

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 sizes conform to the principles listed within the SEPP (Rural Lands) 2008 as they will not compromise the production value or development of rural land. 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 and other rural land uses;
- Provide rural residential opportunities compatible with the natural and physical characteristics of the land 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 Environmental Protection Zones

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

This planning proposal recommends that environmental zones are applied to the site with an E4 zone with a minimum lot size of 2ha over the less constrained land fronting Old Mill Road and an E3 zone with a minimum lot size of 30ha over the remaining land to the south.

Site 4 has intrinsic biodiversity values with limited opportunities for agricultural production. An environmental zoning has therefore been recommended over the site. OEH inspected the site and support the zoning and minimum lot size boundaries as recommended in this planning proposal.

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.

Site 4 has biodiversity and Aboriginal cultural heritage values. Hollow bearing trees have been identified on the property and Aboriginal objects recorded on the AHIMS database. The proposed E3 and E4 zoning reflects these heritage values with the majority of the more sensitive land being contained within the E3 zone with a 30ha minimum lot size.

3.4 Integrated 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 Wolumla area. The site is located within an established rural residential area with a nearby bus stop and access to the Princes Highway.

Consultation with Roads and Maritime Services will form part of the planning proposal process.

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.

The land is bushfire prone and the majority of the land is mapped within vegetation category 2.

An indicative subdivision layout has been prepared for the site and forwarded through to the NSW Rural Fire Service who recommended that this planning proposal is accompanied by a bushfire assessment report demonstrating compliance with Planning for Bushfire Protection (PBP) 2006 see Attachment 3. Consultation with the NSW Rural Fire Service under Section 56 of the *Environmental Planning and Assessment Act 1979* will form part 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.

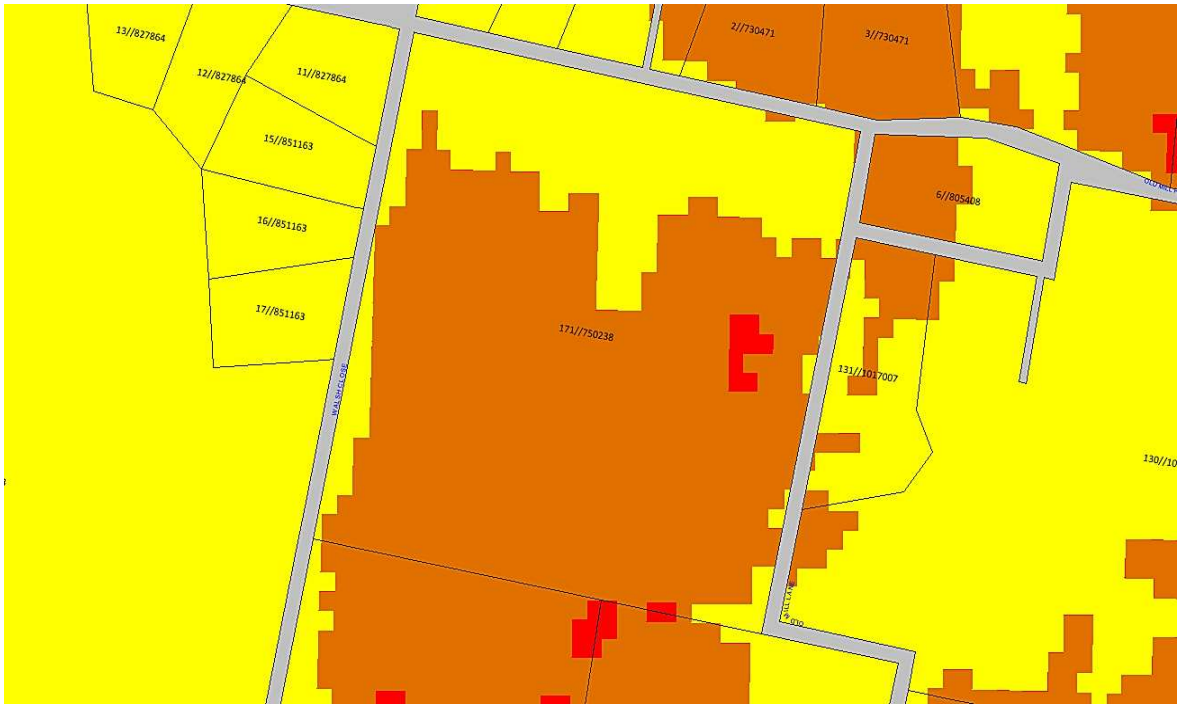


Figure 53: Bushfire Prone Land Map

5.1 Implementation of Regional Strategies

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

This planning proposal is consistent with the overall vision, land use strategy, policies, outcomes and actions identified in the South East and Tablelands Regional Plan 2036.

This planning proposal is consistent with the overall vision, land use strategy, policies, outcomes and actions identified in the South East and Tablelands Regional Plan 2036.Wolumla has been identified for future growth through historical zonings since 1987. This planning proposal includes 3 greenfield sites and another site within proximity of the village.

The overall objective with this planning proposal is to provide direction on these deferred matters and apply zones that reflect the capacity of the land for future development.

This aligns with the directions contained within this document and more specifically 24, 25 and 27 as they relate to housing supply and growth in areas with available infrastructure.

Affordable housing is an issue within the Bega Valley as we have a limited supply of unconstrained coastal land. We have identified our villages as an important resource in terms of providing more affordable residential land to meet this supply need and to promote growth and activity within our villages.

The preparation of a village development plan is identified within the Local Government Narratives for housing and Wolumla will be the first step in preparing these place based plans that will be considered within the context of this planning proposal.

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 zones.

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?

The Office of Environment and Heritage conducted a site visit on Lot 171 DP750238 on 26 November 2014.

Plant community types

During the site visit the following plant community types were observed;

- *Eucalyptus globoidia* White Stringybark
- *E. bosistoana* Coastal Grey Box
- *E. elata* River Peppermint
- *E. globulus ssp maidenii* Blue Gum

These species are indicative of the Lowland Grassy Woodland Endangered Ecological Community although *E. territicornis* and *Angophora floribunda* would need to be present (or have been present in the past) to meet this definition. Hollow bearing trees were also identified over a large portion of the proposed E3 land.

Aboriginal cultural heritage

During the site visit a number of Aboriginal objects were observed;

- An open artefact scatter containing three quartz artefacts at the junction of two existing access tracks within the middle of the property.
- An open artefact scatter containing three silcrete artefacts along an existing fence line within the south west boundary of the property; and
- A possible scarred tree, on a fallen dead tree, located in the north west of the property.

The objects have been registered in the Aboriginal Heritage Information Management System (AHIMS). OEH have suggested that an Aboriginal Cultural Heritage Assessment Report (ANCHAR) could be included within this planning proposal, which has not been provided as this could be lodged as part of a future development application.

A split zoning of E3 and E4 with a minimum lot size of 2ha and 30ha over Lot 171 DP 750238 has been recommended by OEH. This layout has been included as part of this planning proposal for the Site 4. Attachment 4 contains a copy of this advice.

Q.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Site 4 has inherent constraints that have been documented in a site visit and advice from the Office of Environment and Heritage and NSW Rural Bushfire Service.

A split zoning of E3 and E4 with a minimum lot size of 2ha and 30ha over Lot 171 DP 750238 is consistent with this advice.

MAP OF CONSTRAINTS

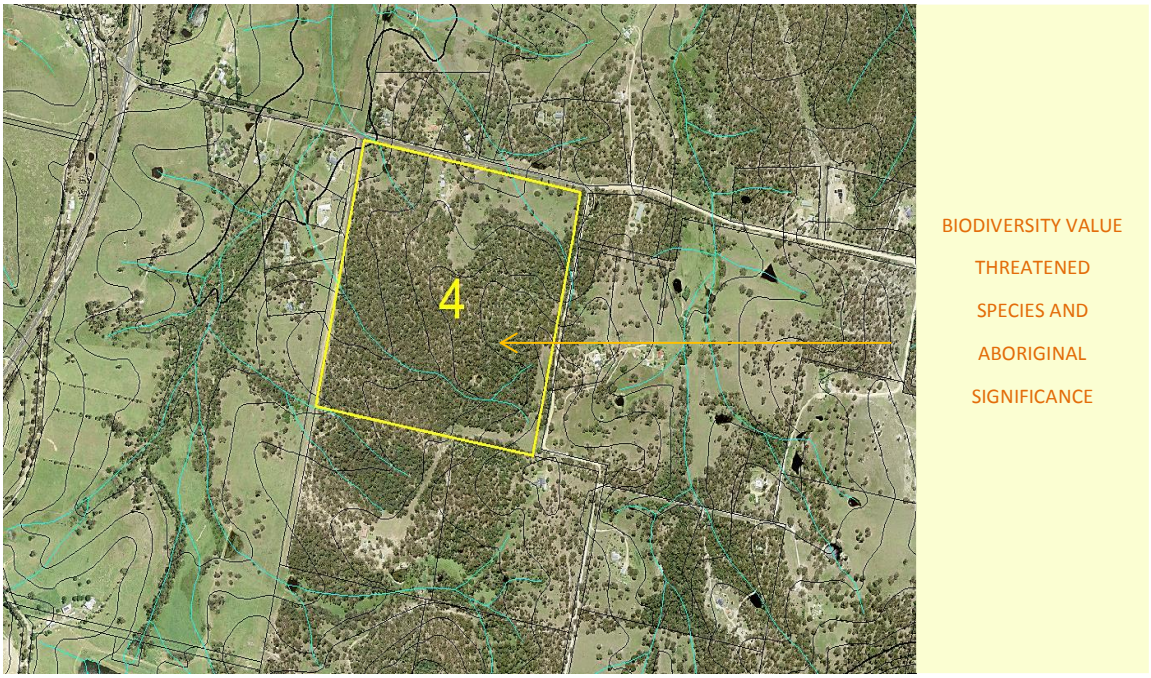


Figure 54: Map of Constraints

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is likely to have a positive social and economic impact on the village of Wolumla through the provision of more affordable residential land.

ECONOMIC EFFECTS

Wolumla has a total resident population of 394 people and 170 dwellings according to the 2016 Census within the existing village.



Figure 55: Collector District Boundary for Wolumla Village

Wolumla has developed based on a traditional grid pattern over relatively undulating land. The majority of the existing allotments are divided into long rectangular blocks (900m2) that have little reference to the characteristics of the land.

There is a limited supply of vacant land within Wolumla with the majority of any remaining lots being largely constrained. This has contributed to the intensification of some existing single dwelling allotments with dual occupancy and secondary dwelling development. There is an inherent demand for good quality residential living opportunities within Wolumla.

Wolumla has an existing population of 394 and has experienced limited growth with 29 additional people recorded since the previous Census in 2011 when 365 people were recorded. Over this timeframe, the population density has increased from 5.98 persons per hectare in 2011 to 6.50 persons per hectare in 2016.

The median house values within the Bega Valley Shire increased by $59,243 from $355,823 in 2011 to $415,066 in 2016 with a significant increase over the last year of $25,146. The current median house value is $440,212. Wolumla has historically been considered a more affordable option when compared with the more expensive coastal catchment areas. This still appears to be the case with an average selling price over the past year of $400,600 for a single dwelling house in Wolumla.

In the immediate term, the release of additional village lots and rural residential land would provide additional supply that is greatly needed within this residential catchment with the scarcity of affordable residential land and the cost of housing increasing within the Wolumla catchment.

The release of additional residential land will meet an inherent demand for good quality residential land in Wolumla while helping to balance the existing growth along the coast by encouraging further development of our villages.

SOCIAL EFFECTS

The township is very limited in opportunities for spontaneous local interaction on the street due to very low levels of pedestrian activity. The slight expansion of the village zone will provide some opportunity for the expansion of the town centre and the opportunity for further growth will be investigated as part of a village development plan. An increase in population is likely to result in the need for additional services and passive recreation infrastructure. Currently the playing fields to the east of village are restricted for passive use by non-drivers having to negotiate the 100km/h speed environment over the Princes Highway.

The main focus of this planning proposal is to deal with the deferred matters with the intention of undertaking a more detailed village development plan in the near future

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 Wolumla, it is considered that the existing public infrastructure is adequate to accommodate additional demands generated by future development.

WATER SUPPLY

Wolumla Village is serviced by a reticulated water supply as part of the Tantawangalo system operated by Council. There is significant spare capacity in the reservoir.

SEWER SUPPLY

Wolumla is currently serviced by a pressure sewer system. There is significant spare capacity in the Sewage Treatment Plant.

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 Department of Primary Industries (Fisheries)
- NSW Office of Environment and Heritage
- 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 to the following properties on the BVLEP 2013 maps:

LZN_001
Amend map sheet LZN_001 by:

- Deleting Deferred Matter on Lot 1 DP 947772, Lot 2 DP 1048404, Lot 12 DP1176792, Lot 65 DP 664914 and Lot 67 DP 750238
- Deleting Deferred Matter on Lot 1 DP 1067459, Lots 1-10 DP 1067458, Lot 2 DP 3833, Lots 2-4 SEC 9 DP 997, Lot 6 DP 252442, Lots 9-13 DP 3833, Lots 11-24 SEC 8 DP 997 and Lots 16-17 SEC 1 DP 997
- Deleting Deferred Matter on Lot 6 DP 1132826
- Deleting Deferred Matter on Lot 171 DP 750238

LZN_011
Amend map sheet LZN_011 by:

- Applying E3 Environmental Management Zone and E4 Environmental Living Zone to Lot 171 DP 750238

LSZ_011
Amend map sheet LSZ_011 by:

- Applying Z1 2ha to the E4 Environmental Living Zone and applying ABS 30ha to the Environmental Management Zone on Lot 171 DP 750238

LZN_012B
Amend map sheet LZN_012B by:

- Applying RU2 Rural Landscape Zone, RU5 Village Zone, R2 Low Density Residential Zone, SP2 Infrastructure Zone, E3 Environmental Management Zone and E4 Environmental Living Zone to Lot 1 DP 947772, Lot 2 DP 1048404, Lot 12 DP1176792, Lot 65 DP 664914 and Lot 67 DP 750238
- Applying R2 Low Density Residential Zone and E4 Environmental Living Zone to Lot 1 DP 1067459, Lots 1-10 DP 1067458, Lot 2 DP 3833, Lots 2-4 SEC 9 DP 997, Lot 6 DP 252442, Lots 9-13 DP 3833, Lots 11-24 SEC 8 DP 997 and Lots 16-17 SEC 1 DP 997
- Applying E3 Environmental Management Zone and E4 Environmental Living Zone to Lot 6 DP 1132826

LSZ_012B
Amend map sheet LSZ_012B by:

- Applying U 1,000m2 to the R2 Low Density Residential Zone and RU5 Village Zone, Z1 2ha, AA2 7ha to the E4 Environmental Living Zone and E3 Environmental Management Zone and AD 120ha to the RU2 Rural Landscape Zone and SP2 Infrastructure Zone on Lot 1 DP 947772, Lot 2 DP 1048404, Lot 12 DP1176792, Lot 65 DP 664914 and Lot 67 DP 750238

- Applying U 1,000m2 to the R2 Low Density Residential Zone and Z1 2ha to the E4 Environmental Living Zone on Lot 1 DP 1067459, Lots 1-10 DP 1067458, Lot 2 DP 3833, Lots 2-4 SEC 9 DP 997, Lot 6 DP 252442, Lots 9-13 DP 3833, Lots 11-24 SEC 8 DP 997 and Lots 16-17 SEC 1 DP 997
- Applying AB1 10ha to the E3 Environmental Management Zone and applying Z1 2ha and AB1 10ha to the E4 Environmental Living Zone on Lot 6 DP 1132826

SITE 1 ZONING

EXISTING ZONING UNDER BVLEP 2002

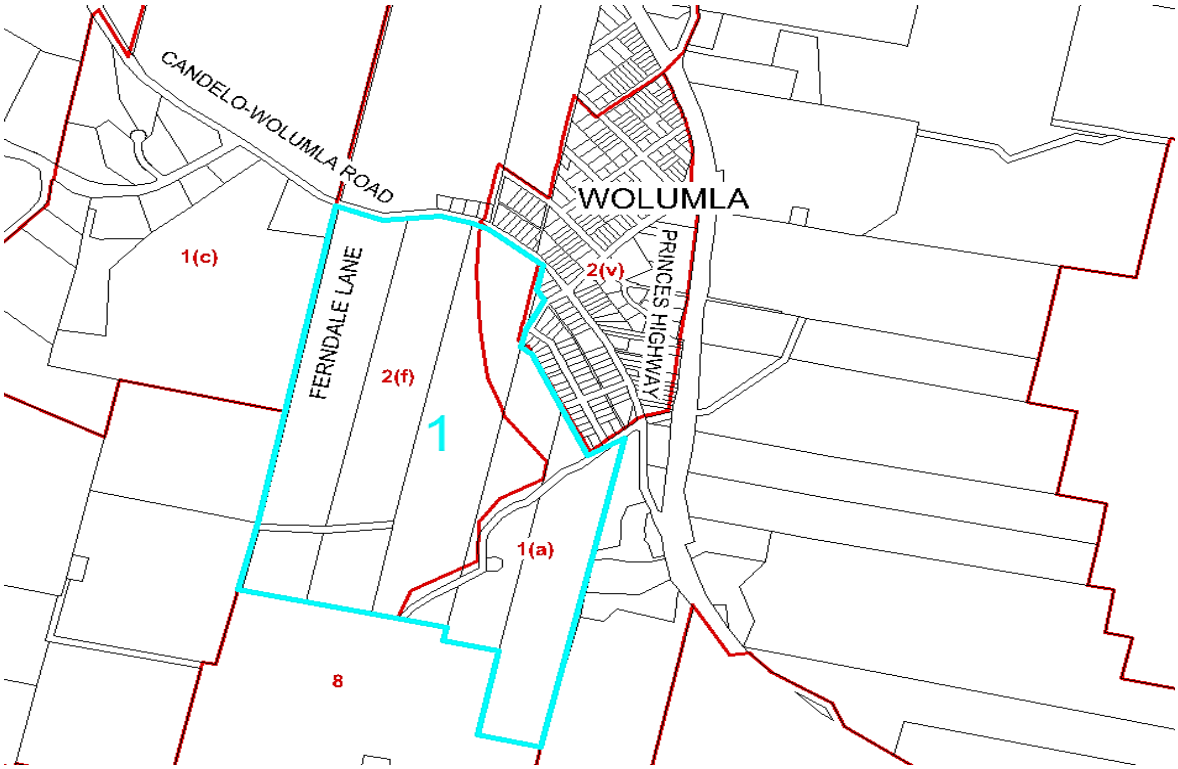


Figure 56: Existing zoning under BVLEP 2002

PROPOSED ZONING

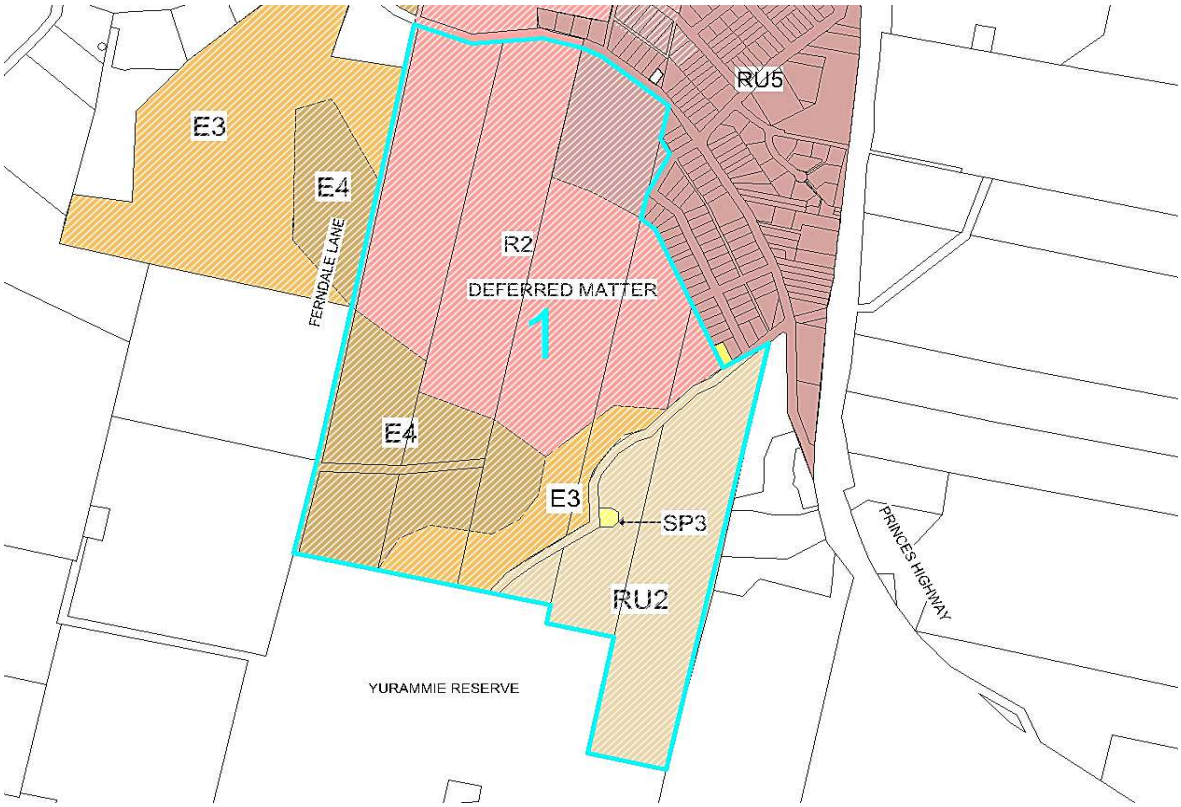


Figure 57: Proposed zoning under BVLEP 2013

PROPOSED LOT SIZE

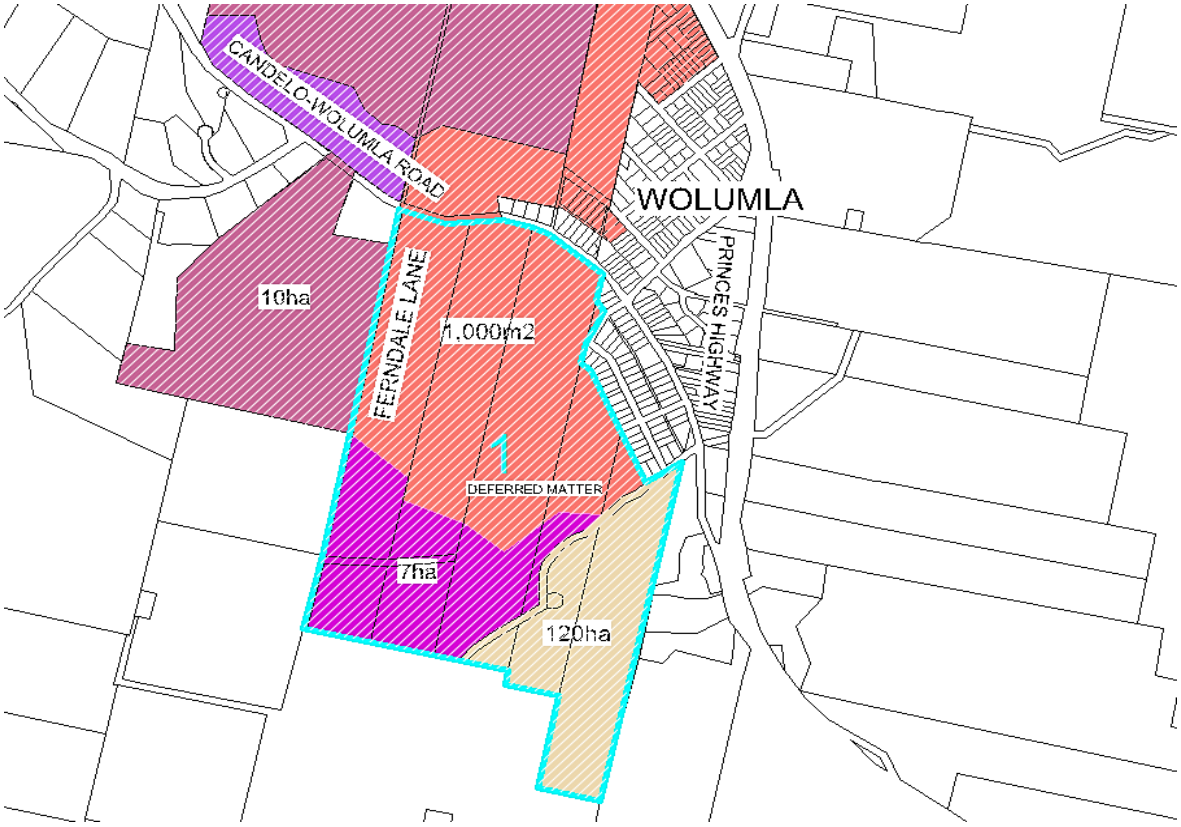


Figure 58: Proposed Minimum Lot Size under BVLEP 2013

SITE 2 ZONING

EXISTING ZONING UNDER BVLEP 2002

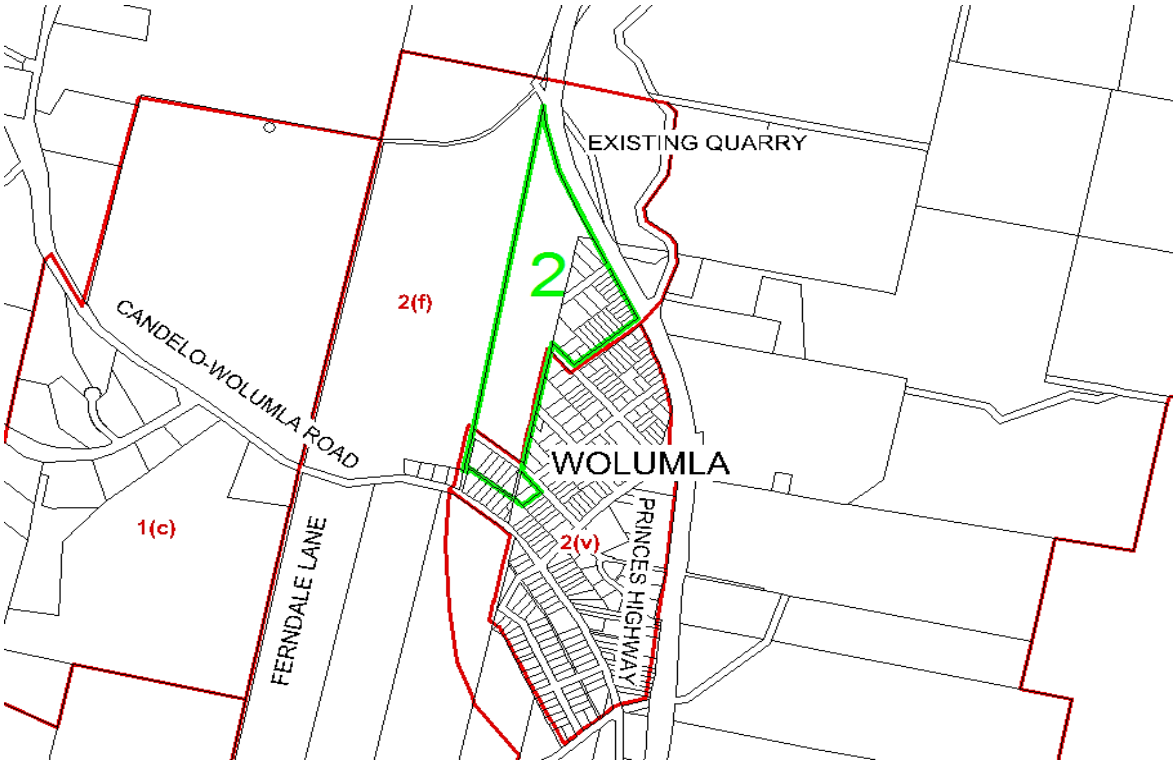


Figure 59: Existing zoning under BVLEP 2002

PROPOSED ZONING

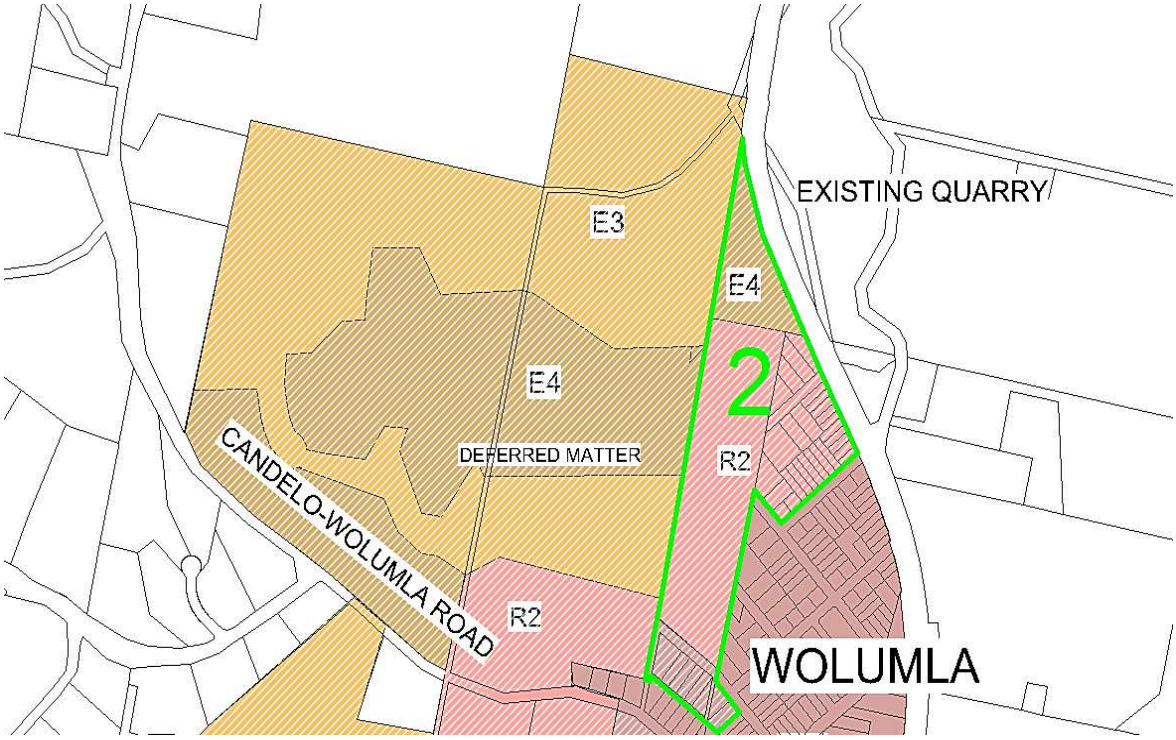


Figure 60: Proposed Minimum Lot Size under BVLEP 2013

PROPOSED LOT SIZE

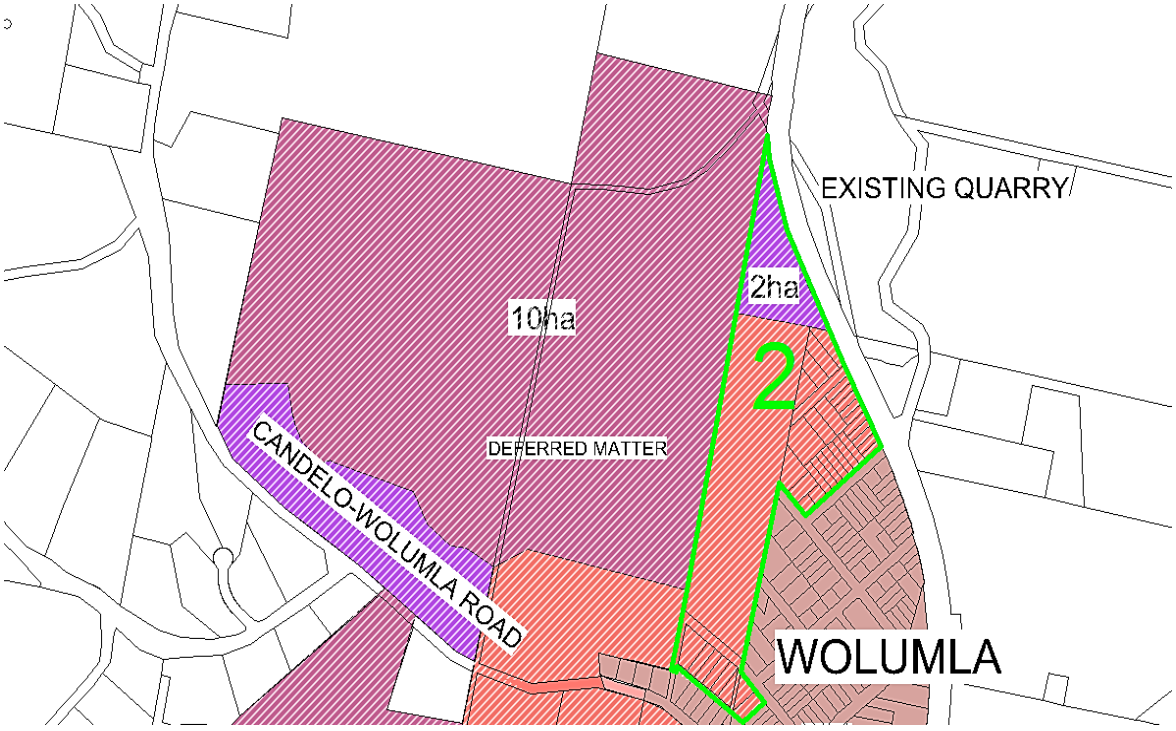


Figure 61: Proposed Minimum Lot Size under BVLEP 2013

SITE 3 ZONING

EXISTING ZONING UNDER BVLEP 2002

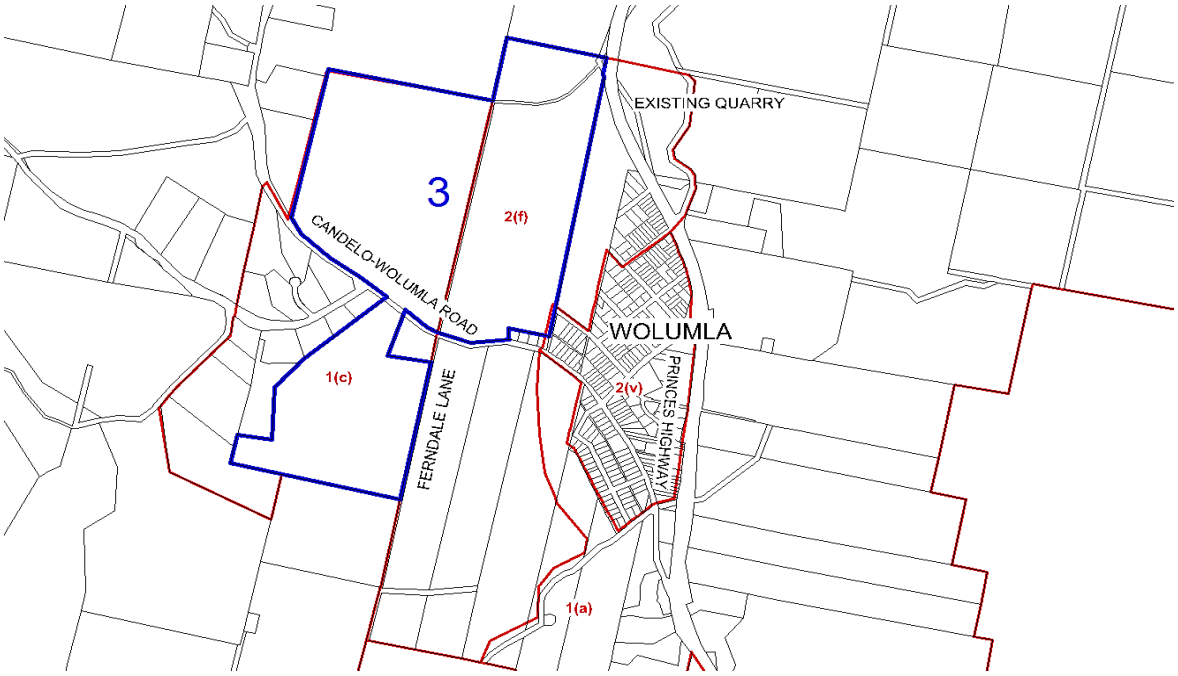


Figure 62: Existing zoning under BVLEP 2002

PROPOSED ZONING

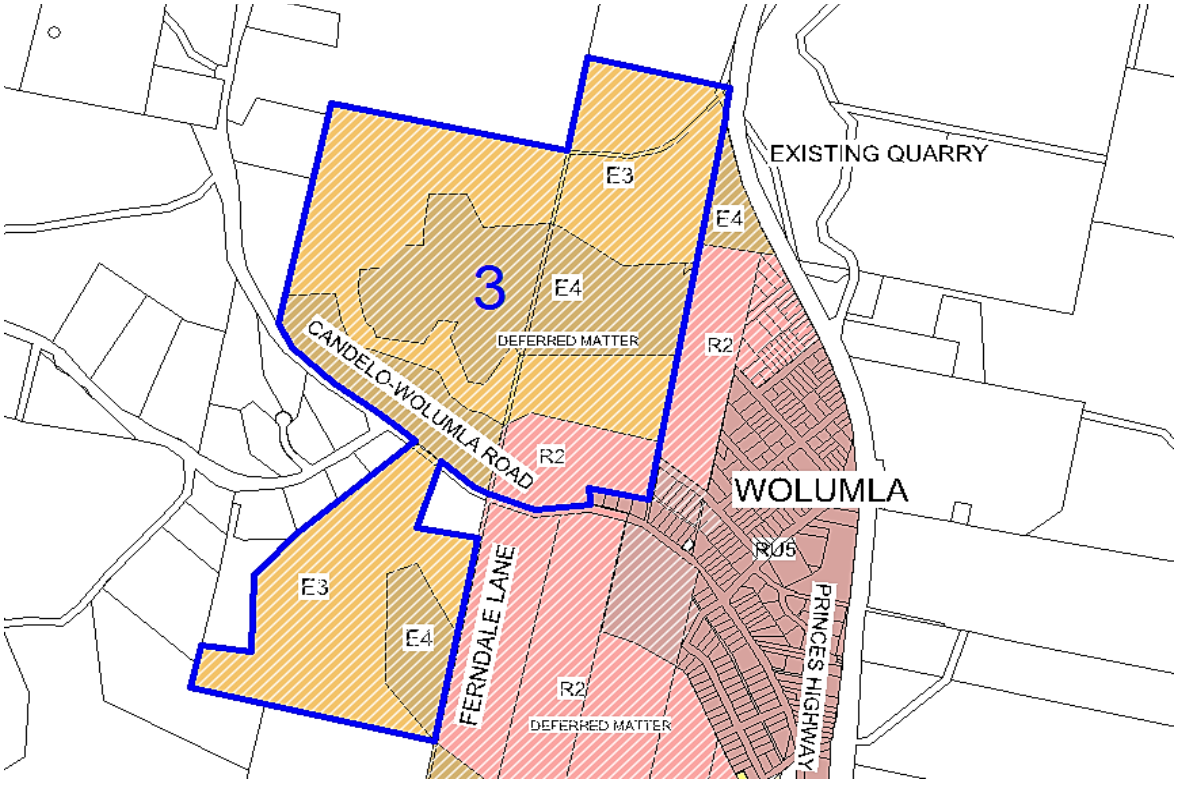


Figure 63: Proposed zoning under BVLEP 2013

PROPOSED LOT SIZE

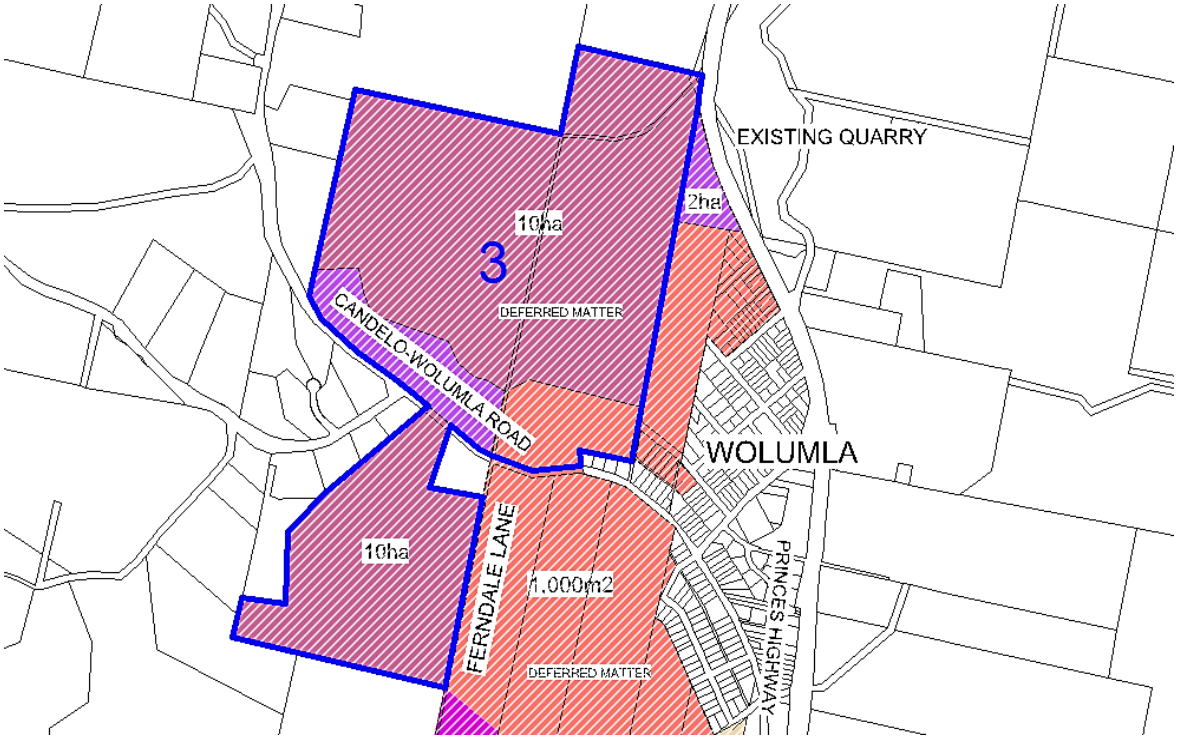


Figure 64: Proposed Minimum Lot Size under BVLEP 2013

SITE 4 ZONING

EXISTING ZONING UNDER BVLEP 2002

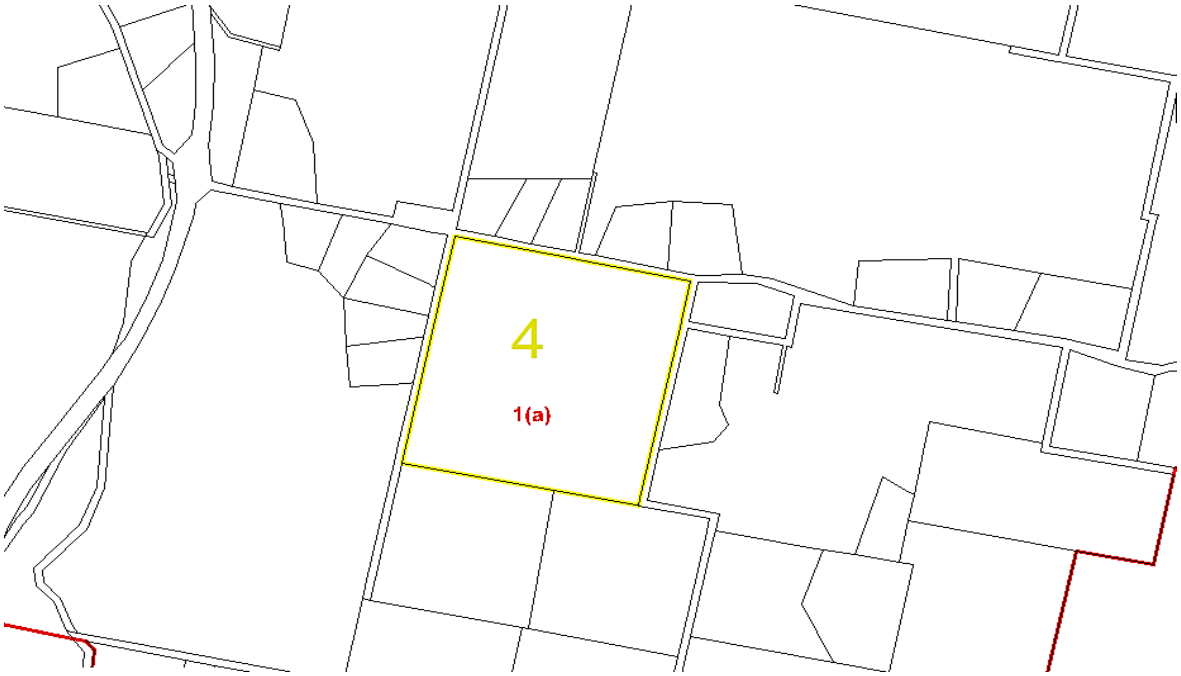


Figure 65: Existing zoning under BVLEP 2002

PROPOSED ZONING

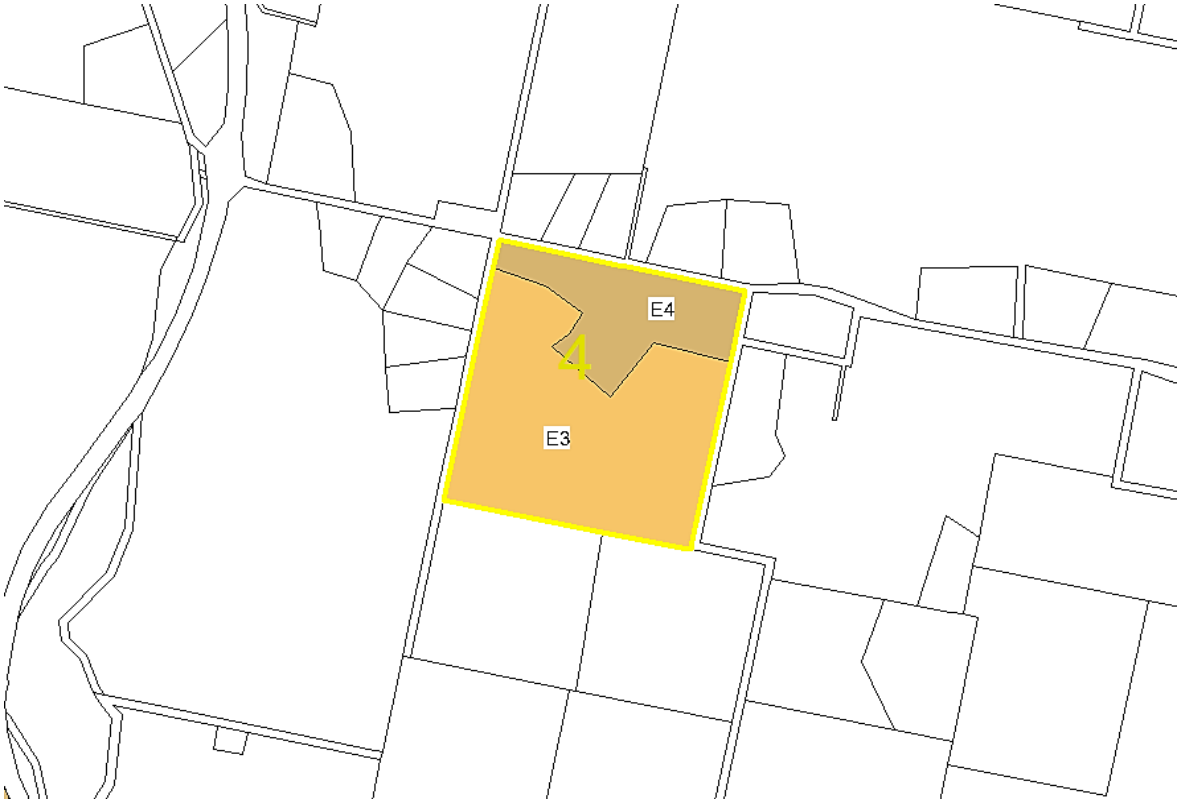


Figure 66: Proposed zoning under BVLEP 2013

PROPOSED LOT SIZE

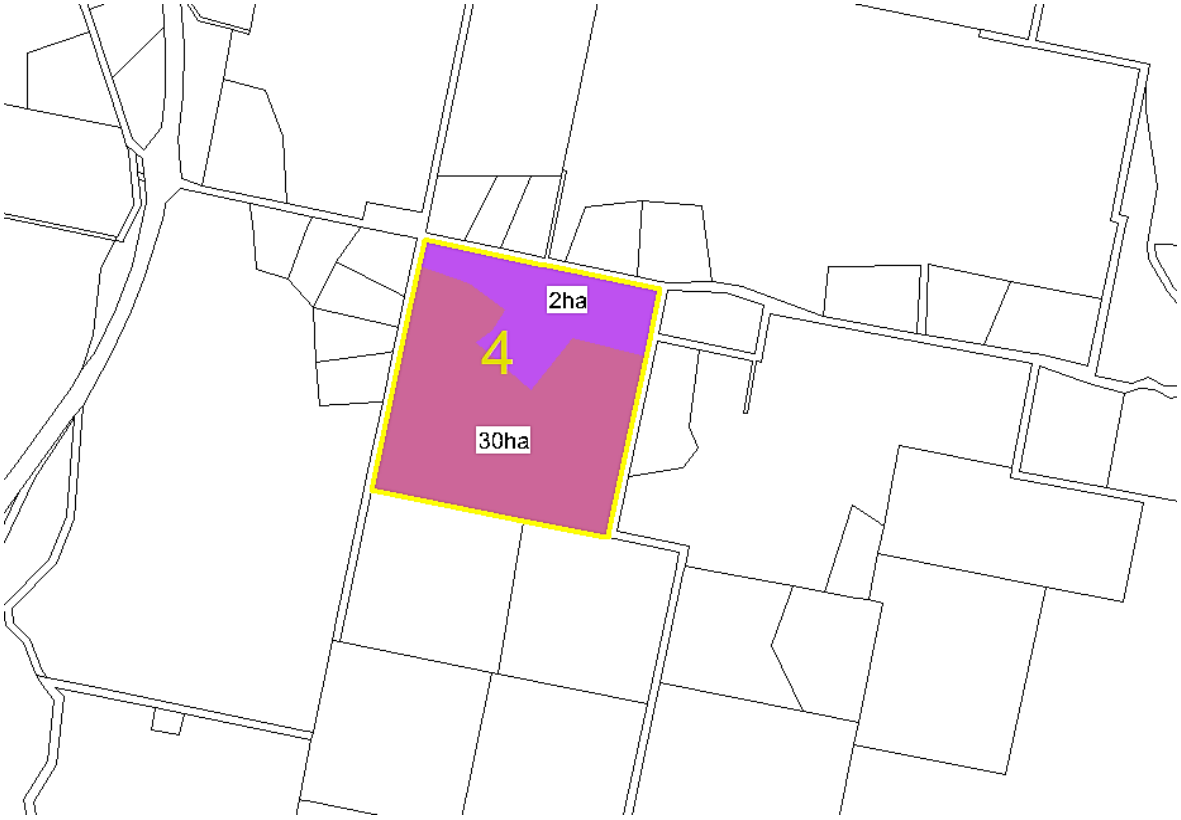


Figure 67: Proposed Minimum Lot Size under BVLEP 2013

Part 5 – Community Consultation

The Gateway Determination will confirm community consultation requirements. It is likely that the Proposal will be exhibited for a period of not less than 28 days.

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 (Bega District News, Eden Magnet and Merimbula News Weekly) and in writing to affected and adjacent 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 Civic Centre	Zingel Place, Bega
Tura Marrang Library	Tura Marrang Library, Tura Beach Drive, Tura Beach
Eden Library	Cnr Imlay and Mitchell St, Eden
Bermagui Library	Bunga St, Bermagui

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 June 2017.

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 Director of Planning and Environmental Services.

Table A: Approximate Project Timeline

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Submit planning proposal to the Department	April 2018
STAGE 2 – Receive Gateway Determination	May2018
STAGE 3 – Preparation of documentation for Public Exhibition	June2018
STAGE 4 – Public Exhibition of the planning proposal	July 2018
STAGE 5 – Review/consideration of submissions received	August2018
STAGE 6 – Council Report	September 2018
STAGE 7 – Meetings	October 2018
STAGE 8 – Forward planning proposal to Department of Planning and Infrastructure with request amendment is made	November 2018
STAGE 9 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	December 2018
STAGE 10 – Anticipated date Council will forward Plan to the Department for notification	January 2019

Attachments

Attachment 1 SEPPs

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	NA
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	N/A
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	N/A
SEPP	Infrastructure 2007	N/A
SEPP	Temporary Structures 2007	N/A
SEPP	Kosciuszko National Park – Alpine Resorts 2007	N/A
SEPP	Rural Lands 2008	Justified Inconsistency
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 2 Section 117 MINISTERIAL DIRECTIONS

Section 117 Direction	Compliance
1. Employment and Resources	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	Consistent
1.3 Mining, Petroleum and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	Consistent
2. Environment and Heritage	
2.1 Environment Protection Zone	Generally Consistent
2.2 Coastal Protection	N/A
2.3 Heritage Conservation	Generally 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	N/A
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	N/A
4.4 Planning for Bushfire Protection	Generally Consistent
5. Regional Planning	
5.1 Implementation of Regional Strategies	N/A
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