

RED HEAD VILLAGES ASSOCIATION (Inc)



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Department Of Planning
(Mr Mark Parker)
Shoalhaven City Council
(Ms Elizabeth Downing)

OBJECTION TO SF 10125

References:

- A. Department of Planning letter dated 16/06/08 to SCC signed by Mark parker.
- B. South Coast Sensitive Urban Lands Review, final report dated October 2006., section 9.4.1
- C: SCC map provided by SCC in a letter dated 13 may 2009 (Ms C Dunsford)
- D: Department of Lands letter dated 24 October 2008, Mr Gary Bligh to SCC
- E: Department of Planning letter dated 27/11/08; Mr George Curtis to SCC

Introduction.

Reference A directed Council to:

“Consider the recommendations of the sensitive urban lands review Panel report when considering any applications involving sites identified within the report”. It went onto state that:

“the proposal is inconsistent with the recommendation of the Sensitive Urban Lands Review Panel findings in relation to future development within North Bendalong”.

Although the owner of the subject land, Mr Hall, was specifically invited to make representation to the Panel he failed to do so and it now appears “he is not prepared to live with the umpires decision’.

In this application Mr Hall seeks to extend the number of lots to 21 and to utilize surrounding Crown lands as the means to provided the required asset protection zones as specified by the Panel. subdivision

Findings from the Panel.

Reference B details the relevant outcomes from the Panels’ investigation into Nth Bendalong. Specifically the panel stated:

- “That further development west of Pine Street be allowed that enables a road to be constructed as a perimeter (acting as an APZ)”

- “In the event that the existing cabin development south of Cypress Street moves one row of allotments south of Cypress Street, be allowed that enables roads to be constructed as a perimeter (acting as an APZ) for North Bendalong” and,
- “No further expansion of Nth Bendalong above that outlined here should be allowed”.

This application fails to meet any of the detailed recommendations sighted above. Further, although it appears some discussion between Mr Hall and DoP (Mr Parker) have taken place there is no tangible evidence that this proposal conforms to the Panel recommendations; if anything it exacerbates the shortfalls in an earlier subdivision plan for 18 lots (SF10011).

Setting Precedence.

DoP in its letter to Council (Reference A) correctly, we believe, interpreted the Panel’s recommendation with respect to Nth Bendalong. In doing so Council limited the application to a 10 lot subdivision with sufficient asset protection zone to be made available from within the boundary of Lot 1 DP1015286.

It should be noted from the letter in Reference D to Council detailing consent conditions, Department of Lands clearly advised that:

“The proposal adjoins Crown Reserve 61640 and 755923..... and that the proposal may not use the adjacent and adjoining Crown land as asset protection zones”.

It went onto state that:

“The Department also requests that any development consent issued be conditioned to ensure that an appropriate buffer zone is established to minimize the edge effects of the development and remove potential future bush fire hazard and dangerous tree issues. If a buffer is not practical or suitable, consideration should be given to other conditions to minimize edge effects of the development, such as locating all building away from the Crown land boundaries”.

Comment: This application relies on Crown land to both the western and southern boundaries of DP 1015286 being available as asset protection zones. The Association is not aware of any development within Shoalhaven City that has approved asset protection zones being provided by land other than the incumbents’ (applicant) land.

Further, in Reference E, it is noted that:

“.....Council in its draft LEP 2009, has applied an Environmental Zone to the site on land not included within the residential subdivision. The Department is supportive of this position” .

It is noted that these lands are, in the Draft LEP, zoned E2 Environmental Conservation, in accordance with both the Panels recommendations and the Department of Natural Resources (Reference B).

Aboriginal Land Claim

It should also be noted that the subject land surrounding this application, ie the Crown land, is still subject to an unresolved land claim.

Draft SLEP 2009

Many of the above References provide varying details as to what new zoning/boundaries will apply to both the Crown land and the subject property for subdivision. The Association would highlight the fact that all of this remains in draft format and will not be ratified until after the community consultation period has been finalised in March/April 2010. Until that time any proposal containing issues of possible future development, especially on Crown lands should remain in abeyance.

Request

Firstly, it is requested that the Department of Planning reject the application for a waiver in Master Plan.

Further it would seem to us that the owner is either deliberately misreading the Sensitive Urban Lands Review Panel recommendations or is intent on flaunting them. This latest proposal does not meet any of the requirements contained in the Panel's recommendations all of which are to be incorporated into the new LEP and which reflects the general outlines of the South Coast Regional Strategy.

Secondly, that Council reject the subdivision application in that it fails to meet asset protection zone requirements, engineering specifications and the overall strategic plan in accordance with Council's Growth management strategy.

Peter Hudson

President

8 December 2009