

**Submission
No 72**

HISTORICAL DEVELOPMENT CONSENTS IN NSW

Organisation: RCL Merimbula Pty Ltd

Date Received: 3 June 2024

Mirador Heights – Merimbula

RCL Merimbula Pty Ltd ("RCL") acquired the land contained within Lot 1087 of DP1240676 in early 2013. When the site was acquired it comprised of approximately 77 ha of englobo land with a planning approval in place for various stages of development, together with 22 completed and titled lots. The site was an existing residential land subdivision known as "Mirador Heights". The remaining land comprises approximately 66 ha of englobo land. Historically much of this land had been subjected to forestry operations.

The planning approvals in place are dated between 1989 and 1992 and relate to specific stages at Mirador Heights, as follows;-

- Stage 6B comprising 12 lots that have been developed sold and settled between 2013 and 2015.
- Stage 6C comprising 3 lots that have been developed sold and settled between 2013 and 2015
- Stages 8 and 9 which has an approval for 102 allotments where no development works have commenced.
- Stages 10,11 & 12 comprising 65 lots that have been developed, sold and settled between 2017 and 2019.
- Stage 13 comprising 33 lots that have been presold during 2021. No development works have commenced. Bega Shire Council issued a construction certificate to commence development works in December 2023. The process of obtaining a construction certificate has taken approximately 3 years.

There are two further stages being stage 3D and stage 14 that do not have a planning approval in place. All of the stages are zoned low density residential.

The application for a construction certificate for stage 13 triggered a level of interest from the Mirador community and residents in neighboring Tura Beach who were to share a boundary with the proposed stage 13. A number of other interested parties including local councilors from Shire of Bega and the elected members of the NSW Legislative Council together with concerned locals held rallies at the site opposing any development. These concerned citizens contended that the site held significant biodiversity assets including threatened and endangered flora and fauna. This culminated in RCL receiving a letter from the Department of Climate Change, Energy, the Environment and Water on 9 August 2022 identifying that the site may contain threatened and endangered species and advising RCL of its obligations to refer the site for consideration under the EPBC Act. RCL has commenced this process which has included undertaking studies for evidence of the various listed threatened and endangered species. This process commenced towards the end of 2022 and is continuing. Since commencing the process further flora and fauna species have been added to the threatened and endangered list, hence we are continuing to react and undertake studies for these additional threatened and endangered species. This has resulted in the application under the EPBC Act being submitted and subsequently withdrawn pending these further studies.

I am aware that a number of parties who are opposed to any further development of Mirador Heights have submitted to this inquiry and have presented their views and rationale to the inquiry. I have not included any attachments to this submission in the form of the planning permits, project master plans or maps of the site as I am confident that members are fully aware of where site is.

I can confirm that the site is not currently being developed any further, is currently undergoing further flora and fauna studies, (a process that is seasonal). There are 33 presold lots in stage 13 and a number of frustrated purchasers within this group of purchasers. I can further confirm that the notion that this project falls into the category of "using" a "zombie" permit is somewhat puzzling in the context that it is clear that since RCL has owned the site it has been actively developing it. The only time that the permit was "reactivated" was around 12 years ago.