



BELLINGEN SHIRE COUNCIL PLANNING PROPOSAL 8 (Version 1 – March 2014)

Expansion of the B2 Local Centre Zone in Bellinghen

THE PLANNING PROPOSAL

Pursuant to Section 55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), a planning proposal must be prepared before a draft Local Environmental Plan (LEP) amendment is made. The proposal must explain the intended effect of the draft LEP amendment and provide justification for the amendment. The proposal must address those matters identified by Section 55(2) of the EP&A Act, which is considered below.

History

An Employment Lands Strategy was prepared for Bellinghen Shire Council by Hill PDA in April 2013. As part of this strategy, an analysis of existing and projected demand for floor space in all industry categories in the Bellinghen Trade Area was undertaken in conjunction with an assessment of floor space availability within each of the three main town centres, being Urunga, Dorrigo and Bellinghen. A number of recommendations arose from the analysis, one of them being a recommendation to extend the B2 Local Centre zoning to cover a section of land immediately south of the Bellinghen town centre that is bound by William, Church, Oak Streets and Halpin Lane.

Council adopted the Draft Bellinghen Shire Employment Lands Strategy (ELS) on the 27th February 2013 subject to certain amendments being made. The amended ELS was forwarded to the Department of Planning & Infrastructure (DP&I) on the 24th April 2013 for their endorsement. The proposal to rezone the northern side of William Street, Bellinghen was endorsed, as detailed in their response of the 10th July 2013. The relevant section of the ELS discussing the William St proposal has been reproduced as Attachment A to this report. The full document can be viewed on Council's website at the following location:

http://www.bellinghen.nsw.gov.au/index.php?option=com_content&view=category&id=3898&Itemid=1936

Council resolved to prepare the planning proposal for the extension of the B2 Local Centre zone to the northern side of William Street at its meeting of 27 November 2013. The report to Council and the relevant resolution is included as Attachment B.

Objectives

The objectives of the proposed LEP amendment are as follows:

1. To enable redevelopment of land bounded by Oak, William, Church Streets and Halpins Lane, Bellingen for a range of commercial, health and education uses as recommended by Council's adopted Employment Lands Strategy.

Proposed provisions

The provisions of the proposed LEP amendment will include:

1. Amending the Bellingen Shire LEP 2010 Lot Size Map in accordance with the amended Lot Size Map shown at Attachment F; and
2. Amending the Bellingen Shire LEP 2010 Land Zoning Map in accordance with the proposed zoning map shown at Attachment H.

GENERAL JUSTIFICATION FOR PLANNING PROPOSAL

The Bellingen Shire Employment Lands Strategy identified demand for an additional 14,931sqm of floor space (2.99ha of land) within Bellingen Shires Centres by 2036. On account of the Bellingen town centre's role as a Major Centre within the Mid North Coast Subregion and its geographic location in the centre of the Shire, the Strategy identified Bellingen as suitable for the bulk of additional floor space (+3,558spm or 1.64ha).

Just over 50% of this additional demand for floor space is for retail purposes. The strategy identified that there is sufficient land within the existing B2 Local Centre zoning to accommodate this additional floor space. The remaining 50% of additional demand relates to commercial, health (i.e. medical centres, pathologists, dentists etc.) and education floor space (i.e. training centres).

Commercial uses such as offices are usually suited to 1st or upper floor locations as they do not necessarily require street frontage. However, many commercial buildings in the Bellingen Town Centre are single storey and while some post 1960's brick shop buildings have redevelopment potential, some single storey buildings do not by virtue of their individual Heritage Listing under Schedule 5 of the BLEP 2010. Investors and developers may also be discouraged by the fact that the whole town centre is covered by the Bellingen Conservation Area listing. Given the limited redevelopment potential within Bellingen and its very low vacancy rate (2.7%), there is a lack of available floor space for commercial uses and a lack of suitable redevelopment sites for commercial purposes in the Bellingen town centre.

Unlike commercial uses, health uses are not suited to 1st floor locations in the Bellingen town centre, as they are not easily accessible to older persons or people

with disabilities. However due to demand for this type of use, there are numerous health uses currently located in Bellinghen. The majority of these are located in William Street, Bellinghen. This street is located south and parallel to Hyde Street. It is located in easy walking distance from the Main Street and benefits from on street 90 degree parking within the street.

The use of William Street as an informal extension of the Bellinghen town centre is a historical one, with evidence of commercial and health uses operating within existing dwellings in this street dating back at least 20 years. These uses specifically include an accountancy firm, a solicitor's office, real estate agent, two dentist offices, a medical centre, a physiotherapy centre and an adult learning centre (ACE). Other non-residential uses within William Street include a respite centre and purpose built youth centre and credit union.

These uses have been facilitated by the two previous and the current Local Environmental Plans, which have all permitted health uses with consent and have enabled commercial uses via the "Conservation Incentives" Clause (Clause 36 of the BLEP 2003) or the "Development near zone boundaries" Clause (Clause 5.3 of the BLEP 2010).

Given the current and historical use of William Street as an extension of the Bellinghen town centre and its attributes including visual appeal, availability of on-street parking, rear lane access and its location within easy walking distance to Hyde Street, Council has resolved that the northern side of William Street located between Church and Oak Streets be rezoned to B2 Local Centre.

A rezoning of the northern side of William Street, Bellinghen from R1 General Residential to B2 Local Centre will encourage redevelopment of suitable sites and reuse of heritage significant residential buildings for commercial, health and education purposes in accordance with the endorsed recommendations of the Bellinghen Shire ELS.

Further, the proposal to remove the current minimum lot size (600m²) standard from the whole of the rezoning site will be consistent with all other B2 zoned land in the Bellinghen Shire, which is not subject to a minimum lot size development standard under Clause 4.1 of the BLEP 2010.

SPECIFIC JUSTIFICATION FOR PLANNING PROPOSAL

A. Need for Planning proposal

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

The planning proposal will implement the recommendation of the adopted Bellinghen Shire Employment Lands Strategy to extend the B2 Local Centre zone to include land identified on the northern side of William Street, Bellinghen.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council considers that the recommendation of the ELS to rezone the land from R1 General Residential to B2 Local Centre is the best means of achieving the objective of the planning proposal.

B. Relationship to strategic planning framework

Is the proposal consistent with the objectives and actions contained within the Mid North Coast Regional Strategy?

The Mid North Coast Regional Strategy (MNCRS) provides a broad outline for the direction of future development in this region for the next 2 decades. The relevant outcomes and actions of the Mid North Coast Regional Strategy include:

6. Economic development and employment growth - Employment in centres

Actions

- *Local Environmental Plans (and other planning provisions) will facilitate employment growth in the major regional centres and major towns, as well as facilitate appropriate local jobs in towns and villages and recognise appropriate home-based employment opportunities*

Comment: Bellingen is classed as a “Major Town” in the MNCRS. The proposed expansion of the B2 Local Business Zone is located within the Growth Area boundary shown on Map 4 of the MNCRS. The proposal to expand the B2 Local Business zone in the town of Bellingen should facilitate employment growth in the commercial, health & education sectors in the Bellingen Shire. It will also reinforce the importance of the town of Bellingen as the major source of regional services in the area. This is consistent with the above action.

9. Cultural heritage

Outcomes:

The Region’s major regional centres and major towns will continue to evolve their forms, while still maintaining the heritage values that are important

Comment: The site of the proposed rezoning is part of the original townscape of Bellingen. It contains a number of heritage significant dwellings from different periods in Bellingen’s early European history including a group of simple weatherboard cottages dating from the early 1900’s (no’s 5, 7 and 9), one of the oldest surviving cottages in the Shire (no. 17) and a pair of Californian bungalows (no.’s 21, 23).

The whole rezoning site is located within the Bellingen Conservation Area. The majority of the site, excluding no. 9 Church Street, is also covered by the “William Street Streetscape Group” listing (Item no. I109) within Schedule 5 of the BLEP 2010. The group is assessed as being locally, historically, aesthetically and socially significant. The statement of significance of the group extracted from Council’s Heritage Database is shown below:

‘A street with a high proportion of older style houses, generally typical of those built throughout the town’s history. A range of periods and styles is represented in

different degrees of preservation. All combine to form an attractive streetscape with considerable character. This owes much to the consistency of weatherboard construction and iron roofs. Close to the main street in the oldest part of the town”.

Rezoning of the site from R1 Residential to B2 Local Centre will provide a stimulus for redevelopment of the area that will be tempered by the constraints posed by the sites status as a Conservation Area and its listing as a Heritage Item. The rezoning will encourage conversion of “contributory” residential buildings within the “William Street Streetscape Group” to commercial, retail, health or educational purposes and redevelopment of the sites containing “non-contributory” buildings.

The planning proposal does not propose to make any alteration to the boundaries of the Bellingen Conservation Area or to remove the “William Street Streetscape Group” Heritage Listing from Schedule 5 of the BLEP 2010. These protections would therefore remain in place in the event that the site is rezoned.

Therefore, while the development pressure on the subject site is likely to increase as a result of the proposed rezoning, the following measures will ensure that the heritage values of the area are maintained in accordance with this direction:

1. Retention of the existing protections contained within Clause 5.10 the BLEP 2010,
2. Adoption of the draft Heritage DCP Chapter prepared by Council’s Heritage Advisor last year, and
3. The inclusion of additional provisions to specifically protect the residential character and streetscape of William Street into the Heritage DCP upon gazettal of the proposed LEP amendment as recommended by Council’s Heritage Advisor (see Heritage Advisor’s report at Attachment I).

Is the proposal consistent with Council’s strategic plans?

Employment Lands Strategy: The proposal is consistent with the recommendations of the Bellingen Shire Employment Lands Strategy (2013).

Is the proposal consistent with applicable state environmental planning policies?

No state environmental planning policy is relevant to this proposal.

Is the proposal consistent with applicable Section 117 directions?

Section 117 directions are issued by the Minister for Planning and relate to various planning matters that must be considered when preparing a planning proposal. The directions relevant to the subject proposal are considered below.

Direction 1.1 – Business and Industrial Zones

This direction applies because the proposal involves an alteration to the boundary of an existing business zone. The proposal to expand the B2 Local Centre zoning within an identified “Major Town” in accordance with an recommendation of an ELS endorsed by the NSW Department of Planning & Infrastructure is consistent with the objectives of this Direction.

Direction 2.3 – Heritage Conservation

This direction applies to all planning proposals. The proposal involves rezoning of land located in the Bellingen Conservation Area and also listed in Schedule 5 of the BLEP 2010 from R1 General Residential to B2 Local Centre. It does involve any change to the boundary of the Bellingen Conservation Area or removal of any heritage items from Schedule 5. Items located on the subject land will therefore remain protected under Clause 5.10 of the BLEP 2010. The planning proposal is therefore consistent with this direction.

Direction 3.4 – Integrating Land Use and Transport

This direction applies as the planning proposal involves an alteration to a zone relating to urban land. The proposal to rezone William Street north to B2 Local Centre is consistent with this direction and the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP, 2001) as:

- The site is located within an existing town centre. Redevelopment of the site for commercial/ health or education purposes is not expected to substantially increase car parking demand in or trips to the area as people are likely to combine appointments/ visits to these facilities with other activities in the town centre such as grocery shopping or going to work.
- Bellingen town centre is serviced by a regular bus service. The bus stop is located on the corner of Hyde and Church Street, immediately adjoining the site.
- The site is serviced by a continuous footpath connecting to the bus stop and to Hyde Street, Bellingen and is therefore accessible for people with disabilities.
- The site is within walking distance from the majority of the established residential areas in South Bellingen.

Direction 4.1 - Acid Sulfate Soils

This direction applies because the site is mapped as containing Class 5 acid sulfate soils as it is located within 500 metres of land mapped as containing Class 4 acid sulfate soils.

This site is elevated above the floodplain, is relatively flat and slopes gently towards Church Street in the south-eastern corner of the site. Council's contour mapping shows the site being between 14 and 18 metres Australian Height Datum. The site does not contain a watercourse and it is not affected by the 1 in 100 flood event.

While the proposed rezoning is expected to result in an intensification of land uses of this site, it is considered highly unlikely that redevelopment of this site for the uses permissible in the B2 zone and appropriate in this location would result in exposure of acid sulphate soils or result in lowering of the water table on adjacent Class 4 land. Council has therefore decided against the preparation of an acid sulfate- soil study for the purpose of this planning proposal. The planning proposal is therefore inconsistent with this direction. Council considers that this inconsistency is of minor significance.

C. Environmental, social and economic impact

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?

It is not considered that the planning proposal will give rise to development that will have an adverse impact upon critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The proposed rezoning will affect land that has been used for urban uses for over 100 years and immediately adjoins an existing town centre. The site is not affected by any known environmental hazards, other than Class 5 acid sulphate soils, is relatively flat, clear of native vegetation and is serviced by water, sewer and stormwater infrastructure and sealed public roads.

The potential environmental impact of individual development proposals will be assessed on a case by case basis and in accordance with the requirements of relevant legislation.

How has the planning proposal adequately addressed any social and economic effects?

The proposal is expected to have a positive economic benefit for the Bellingen Shire as it will provide additional land for employment generating uses. Further, it will reinforce Bellingen as the main centre for the Bellingen Shire and its role as a “Major Town” within the Mid North Coast Subregion.

“Dwellings” will remain a permissible use in the proposed B2 Local Centre zone. Nothing in this proposal would therefore prevent property owners affected by the rezoning to continue to reside in their dwellings or to alter or extend their houses in the future. The proposal will not displace people from their homes and is considered unlikely to have any significant adverse social effects.

D. State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Adequate public infrastructure is available for the proposal. The proposal does not open up any new localities for development that would warrant detailed investigation of infrastructure availability.

Views of State and Commonwealth authorities

Consultation with relevant state authorities will occur as relevant and where specified as part of the Gateway Determination.

Mapping

The required maps are attached to this report.

Proposed Community consultation

Having regard to the Department of Planning & Infrastructures document, *A guide to preparing planning proposals* (2012), it is considered that community engagement should include placement of the proposal on public exhibition for a period of 28 days at the Bellinghen Administration Centre, the Bellinghen Library and on Council's website. Notice of the exhibition should be placed in the Bellinghen Courier Sun.

It is noted though that the gateway determination will ultimately specify the community consultation that must be undertaken on the planning proposal and Council will undertake consultation in accordance with the conditions of the Gateway Determination.

Proposed Project timeline

In accordance with Section 2.6 of the Department of Planning & Infrastructures document, "A guide to preparing planning proposals" (2012), a proposed project timeline for completion of the planning proposal is included at Attachment J.

Delegations to make plan

Council recently accepted an offer of Delegation of Ministerial Functions to Council for the making of certain Local Environmental Plans. As such it is prudent at this point in the process to note whether Council intends to use delegations for the making of this Plan.

Given the local and regionally specific nature of this proposed amendment and the fact that it would not be considered to be of State Significance, Council hereby informs the Department of its intention to use its delegation to make the Plan.

In accordance with the requirements of "A Guide to preparing local environmental plans", a copy of *Attachment 4 – Evaluation Criteria for the delegation of plan making functions* is included as Attachment K to this planning proposal.

ATTACHMENTS INDEX

1. ATTACHMENT A: Extract from the Bellingen Shire Employment Lands Strategy
2. ATTACHMENT B: Council Report of the 27th November 2013
3. ATTACHMENT C: Site Identification Map
4. ATTACHMENT D: Aerial Photo of Site
5. ATTACHMENT E: Current Lot Size Map Sheet LSZ 006BA
6. ATTACHMENT F: Proposed Lot Size Map Sheet LSZ 006BA for Planning Proposal 8
7. ATTACHMENT G: Current Land Zoning Map Sheet LZN_006B
8. ATTACHMENT H: Proposed Land Zoning Map Sheet LZN_006 – Planning Proposal 8
9. ATTACHMENT I: Heritage Advisors report on proposed rezoning – Planning Proposal 8
10. ATTACHMENT J: Proposed Project Timeline– Planning Proposal 8
11. ATTACHMENT K: Completed *Attachment 4 – Evaluation Criteria for the delegation of plan making functions* – Planning Proposal 8
12. ATTACHMENT L: Completed *Attachment 1 – Information Checklist*– Planning Proposal 8