

**4. Planning proposal to rezone Lots 1-13 DP 1110017 and Lots 1 and 2 DP 931046, (Nos. 53-65) Bega Street, Bega to allow a Home Improvement Centre**

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**RECOMMENDATION**

1. That pursuant to Section 54 of the Environmental Planning and Assessment Act to amend the Bega Valley Local Environmental Plan 2002 to rezone Lots 1-13 (inclusive) DP 1110017 and Lots 1 and 2 DP 931046 (Nos. 53-65) Bega Street, Bega to 3(b) Special Business and add an enabling clause to permit under Schedule 4 of LEP 2002, a café/restaurant and timber yard.
2. That a 10m strip on the northern boundary and 5m strip on the western boundary be zoned 7(d) Environment Protection General Zone with the exception of 5m fronting Bega Street.
3. That Council refer the planning proposal to the NSW Department of Planning to be considered by the Gateway Panel.

09/12

RESOLVED on the motion of Crs Campbell and Seckold that Item 4 of the Planning and Environment Committee as reported be adopted.

IN FAVOUR: Crs Allen, Britten, Campbell, Fitzpatrick, Hede, Hughes, Seckold and Wykes

AGAINST: Nil

ABSENT: Cr Pincini

**5. DA No. 2011.0035: Installation of a pilot wood pellet manufacturing plant – Lot 16 DP 1066187, Edrom Road, Eden**

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A motion was moved by Crs Hede and Fitzpatrick

1. That Development Application 2011.0035 for the development of Lot 16 DP1066187, Edrom Road, Eden, for installation of a pilot wood pellet manufacturing plant be approved, subject to the conditions outlined in the attached Draft Development Consent.
2. That all parties who made a submission be advised of the determination.

A motion was foreshadowed by Cr Britten

That the matter be deferred until the reports on noise and emissions are made public.

The motion was put to the vote and it was LOST

IN FAVOUR: Crs Fitzpatrick, Hede and Seckold

#### 4. Planning proposal to rezone Lots 1-13 DP 1110017 and Lots 1 and 2 DP 931046, (Nos. 53-65) Bega Street, Bega to allow a Home Improvement Centre

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The Planning Proposal was reported to the Council meeting held on 20 December 2011 and deferred for further comment by staff.

Group Manager, Planning and Environment

### BACKGROUND

A report on the proposed Planning Proposal was submitted to the Council meeting held on 20 December 2011 with the following staff recommendation:

- 10           “1.   That pursuant to Section 54 of the Environmental Planning and Assessment Act to amend the Bega Valley Local Environmental Plan 2002 to rezone Lots 1 – 13 (inclusive) DP 1110017 and Lots 1 and 2 DP 931046 (Nos. 53-65) Bega Street Bega to 3(b) Special Business and add an enabling clause to permit under Schedule 4 of LEP 2002 a café/restaurant and timber yard.
2.   That Council refer the Planning Proposal to the NSW Department of Planning to be considered by the Gateway Panel.”

Following addresses to Council, the report was deferred for further comment by staff in accordance with Council's Code of Meeting Practice.

20           Link to previous Council Report 20 December 2011  
[http://www.begavalley.nsw.gov.au/Your\\_Council/Council\\_Meetings/20111220/pe03.pdf](http://www.begavalley.nsw.gov.au/Your_Council/Council_Meetings/20111220/pe03.pdf)

### SUBJECT LAND

The land is known as the “Spenco Site” and contains Lots 1 and 2 DP 931046 and Lots 1 to 13 DP 1110017 (Nos. 53-65) Bega Street, Bega. The land has an area of 35,107m<sup>2</sup> and is shown in Attachment 1.

### ZONING

30           The land is zoned as Industrial 4(a) and Rural General 1(a) under 2002 Bega Valley Local Environmental Plan and is proposed as B4 Mixed Use and E2 Environmental Conservation under the draft CLEP 2010 in which bulky goods retail is permissible in the industrial zone.

The applicant has requested that the land be zoned 3(b) Special Business together with an enabling clause that permits, in addition to bulky goods retail, a café/restaurant and a timber yard. The definition of bulky goods retail does not allow food to be sold or a timberyard, which is the reason for the enabling clause.

## PLANNING PROPOSAL

40 Town Planning consultants URBIS on behalf of Hydrox Nominees Pty Ltd have submitted a Planning Proposal to rezone the whole site 3(b) Special Business under the 2002 Local Environmental Plan. Additionally an enabling clause has been requested in order to allow a home improvement centre with a café/restaurant together with a timberyard.

Attachment 2 proposed layout.

## SUBMISSIONS

At Council's meeting of 20 December 2011 a number of addresses were received. One was on behalf of the Bega River and Wetlands Landscape Group. The second submission was on behalf of the applicant.

50 The Bega River and Wetlands Landscape Group are concerned that the 10m strip on the northern and western boundaries which are proposed to be zoned as E2 in the Draft Comprehensive Local Environmental Plan have been replaced by a recommendation to place conditions on a Development Consent should the application be approved.

The Group requests that the environmental buffer zone be included as part of any rezoning proposal.

The representative of Hydrox Nominees advised that whilst Development Application plans have not yet been completed, he was of the view that there would be no concerns regarding the retention of a 10m wide buffer zone along the northern boundary. However concerns were raised about the potential impact a 10m wide environmental buffer zone along the western boundary and the potential impact this could have on the development of the site.

## PLANNING COMMENT

60 Council has previously given development consent to a bulky goods development on the site. The previous Council had resolved to include the subject land in the Draft Comprehensive Local Environmental Plan as B4 Mixed Use and E2 Environmental Conservation.

This Planning Proposal now seeks the land be rezoned in advance of the CLEP to allow a development application to be considered prior to gazettal of the CLEP. The DA would be submitted so as to allow exhibition of the planning proposal and the DA at the same time. There is no planning objection to proceeding with the proposed rezoning.

70 Having considered presentations to the Council meeting on 20 December 2011 it is appropriate for a 10m wide environmental buffer zone on the northern and western boundaries to be included as part of the proposed rezoning. This would also be consistent with Council's adopted position with the CLEP. The appropriate zone under

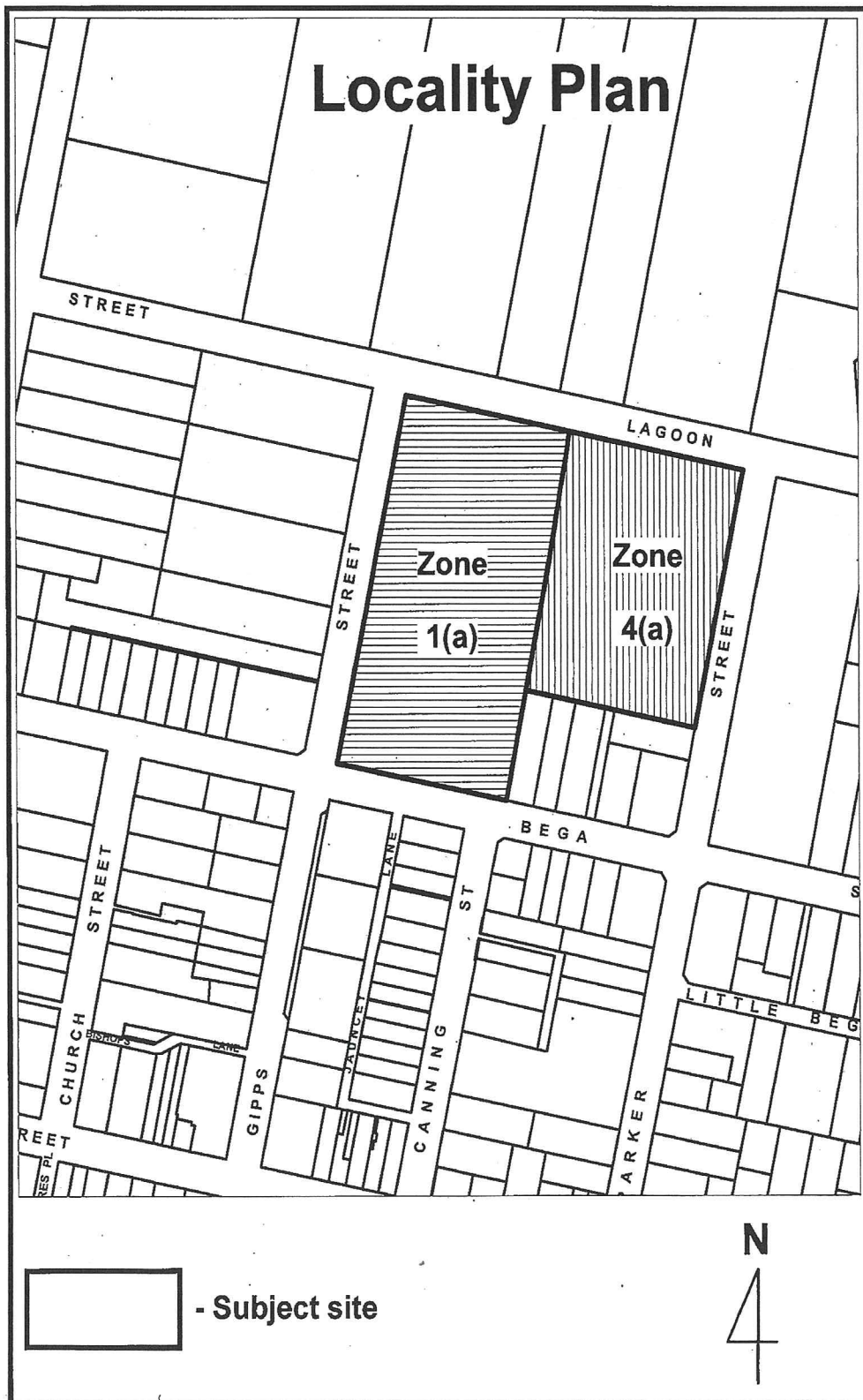
BVLEP 2002 would be 7(d) Environment Protection General Zone. This would then transfer to E2 in the 2010 Comprehensive Local Environment Plan

### RECOMMENDATION

1. That pursuant to Section 54 of the Environmental Planning and Assessment Act to amend the Bega Valley Local Environmental Plan 2002 to rezone Lots 1-13 (inclusive) DP 1110017 and Lots 1 and 2 DP 931046 (Nos. 53-65) Bega Street, Bega to 3(b) Special Business and add an enabling clause to permit under Schedule 4 of LEP 2002, a café/restaurant and timber yard.
2. That a 10m strip on the northern and western boundaries be zoned 7(d) Environment Protection General Zone.
3. That Council refer the planning proposal to the NSW Department of Planning to be considered by the Gateway Panel.

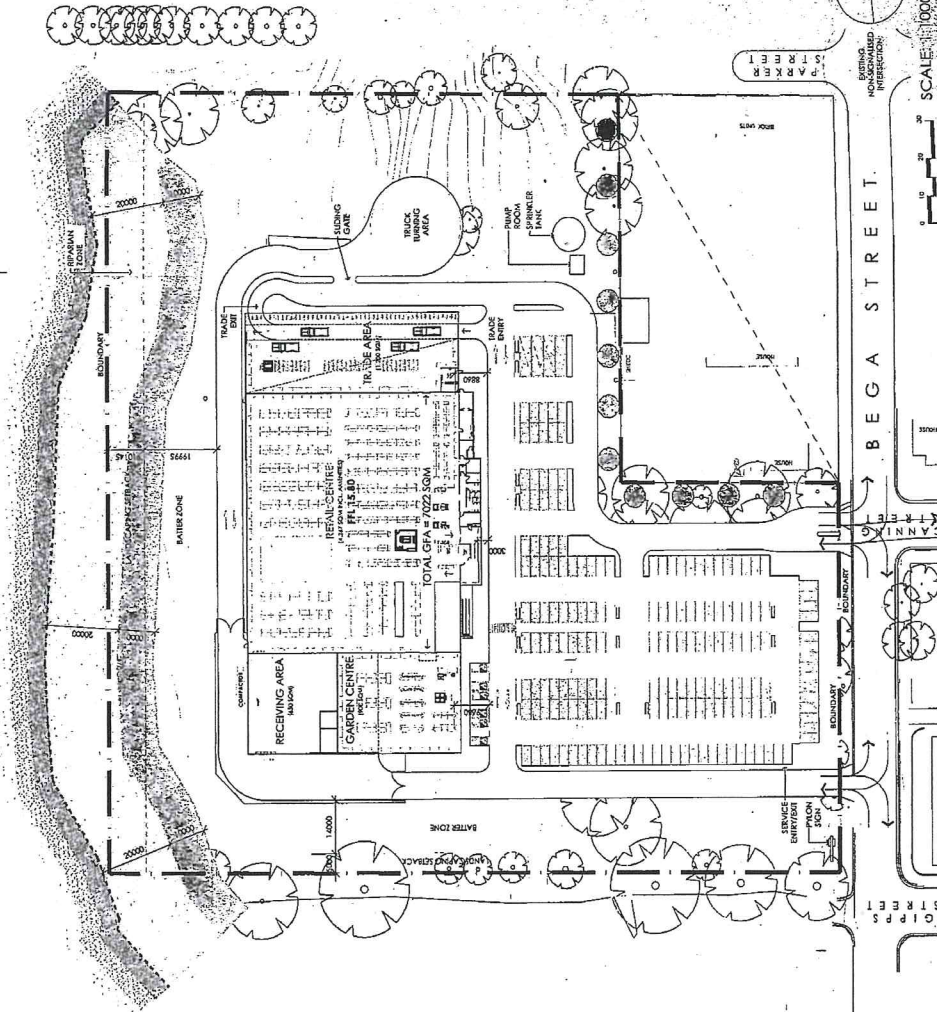
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Attachment 1



Attachment 2

PROPOSED DEVELOPMENT  
BEGA ST. BEGA (NSW)  
DATE: AUGUST 2011



ENTRIES, EXITS & CAR PARKING LAYOUTS  
SHOWN FOR INFORMATION ONLY. SUBJECT TO  
TRAFFIC ENGINEER'S DESIGN.  
SITE BOUNDARIES AND SITE AREAS  
CONFIRMED BY LICENSED SURVEYOR.

|                 |   |            |
|-----------------|---|------------|
| OVERALL SITE    | = | 35,107 SQM |
| MASTERS GFA     | = | 7,022 SQM  |
| SITE COVERAGE   | = | 20.0%      |
| CARSPACES TOTAL | = | 194 (1:36) |

2876-SK19

LEITCH SIMES

SCALE: 1:1000 @ A3

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