



Amendment to draft Bega Valley LEP 2002 • 53 - 65 Bega Street, Bega
November 2011

PLANNING PROPOSAL



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This Planning Proposal has been prepared by Urbis on behalf of Hydrex Nominees Pty Ltd seeking to initiate the preparation of a Local Environmental Plan (LEP) amendment to allow a Masters Home Improvement Centre at 53-65 Bega Street, Bega (the site) which would provide additional land to meet market demand for bulky goods retailing in Bega. This report has been prepared to assist Council in preparing a Planning Proposal for the rezoning of the site in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The typical size of a Masters large format Home Improvement Centre consists of a total floor area of approximately 13,500sqm comprising of the home improvement building (General Sales, Trade Sales and Landscaping/gardening area), landscaping, access and loading areas and associated car parking. A smaller format offer is proposed for smaller sized catchments and regional environments such as Bega Valley Shire Local Government Area. The smaller format stores consist of a floor area of approximately 7,000sqm comprises the same range of goods and services over the same categories as the larger format.

Under the current principle planning instrument, the Bega Valley Local Environmental Plan 2002 (BVLEP 2002), the proposed Masters Home Improvement Centre is a mix of land uses, falling within the BVLEP 2002 definitions of 'bulky goods retailing', 'timber yards', and 'retail plant nursery'. This mix of land uses is not permissible in the current part 4(a) Industrial and part 1(a) Rural General zones and consequently, the Masters development if not permissible on the subject site.

The site comprises a part of a larger mixed use precinct which frames the northern end of Bega Town Centre and is ideally placed on the urban fringe to contribute to the overall vitality, strength and viability of this Regional Centre. The site offers an opportunity to provide additional large format retailing which will support the existing land uses within the town centre. Further, an analysis of the BVLEP 2002 indicates that there is a lack of suitable sites that are appropriately zoned and available for a Masters Home Improvement Centre format.

This Planning Proposal has been prepared to enable such a service to be provided to the residents of Bega and the South Coast region. This is proposed in the following way:

- Amend the Bega Local Environmental Plan 2002 zoning map at 53-65 Bega Street, Bega to a 3(b) (Special Business Zone).
- Amend Schedule 4 to include:

LAND	
53-65 Bega Street, Bega (Lots 1-13 (inclusive) in DP 1110017 and Lots 1 & 2 in DP 931046)	Development for the purpose of a Home Improvement Centre including 'timber yards';
ADDITIONAL DEVELOPMENT ALLOWED	

The intended outcome of the Planning Proposal is to facilitate the timely redevelopment of the site for a Masters Home Improvement Centre by progressing the rezoning of the subject site prior to the gazettal of the draft Bega Valley Local Environmental Plan 2010 (draft BVLEP 2010).

Under the Exhibited draft BVLEP 2010 the subject site is to be largely converted to a B4 Mixed Use zone where all elements of a Masters development would be permissible. The proposed zoning is a clear indication of Council's aspirations for new development to occur in this location. The Planning Proposal will enable the realisation of this vision to be brought forward. This Planning Proposal also demonstrates the proposal is consistent with the aims and objectives of the *South Coast Regional Strategy* and the *Illawarra and South Coast Employment Lands Strategy*.

This Planning Proposal has been prepared having regard to the NSW Department of Planning's 'A guide to preparing Planning Proposals' and 'A guide to preparing local environmental plans' and provides the following:

- Description of the subject site and context.
 - Indicative site plan showing sufficient detail to indicate the effect of the proposal.
 - Statement of the objectives and intended outcomes of the proposal.
 - Explanation of the provisions of the proposal.
 - Summary of the justification of the proposal.
 - Description of the community consultation process.
- The Planning Proposal is supported by the following documentation:
- Indicative Site Plan prepared by Leffler Simes (refer **Appendix A**).
 - Economic Impact Assessment prepared by Hill PDA (refer **Appendix B**).
 - Phase 2 Environmental Site Assessment prepared by Environmental Resource Management Pty Ltd (refer **Appendix C**).
 - Submission on Draft Bega Valley LEP 2010 prepared by Urbis (**Appendix D**).

1 Masters Concept Overview

1.1 DESCRIPTION OF THE DEVELOPMENT CONCEPT

This Planning Proposal seeks to amend the BVLEP 2002 to allow a Masters Home Improvement Centre (DA) for a Masters Home Improvement Centre. to be developed on the site and will support the subsequent lodgement of a Development Application

Masters seek to develop a smaller regional format offer on the subject site to cater to the regional catchment and will comprise approximately 7,000sqm of floor space. The Home Improvement Centre will include a main floor area for a range of home improvement products, a nursery for landscape and garden products, a trade area for drive through sales of all goods and associated parking.

An indicative site plan of the Masters Home Improvement Centre prepared by Liffier Simes is included at **Appendix A.**

1.2 HOME IMPROVEMENT CENTRE

1.2.1 OVERVIEW

The indicative scheme for the Home Improvement Centre divides the building into separate components as follows:

- General sales area of approximately 4,267m² for a range of products including hardware, timber and building materials, décor and home decoration, and kitchen / bathroom fittings.
 - Nursery area of approximately 900m² for a range of landscaping and gardening products including plants, pots, landscape trimming, and gardening equipment.
 - Trade sales area of approximately 1,200m² for trade sales which will include a drive-in loading area for all stock for sale in other areas of the building.
 - 650m² 'back-of-house' area in the north-western corner of the site for loading goods and materials.
- The Home Improvement Centre will include a range of ancillary services and infrastructure for the proposed use, including:
- 194 space car park within the southern portion of the site fronting Bega Street, including 6 accessible parking spaces.
 - Landscaping along the southern frontage and within landscape beds in the car park.
 - Two-way service vehicle road, with entry and exit at the south-western corner of the site with service vehicles moving along the western boundary of the site, then proceeding around the rear of the development to a turning head on the eastern side of the building.

- Separate customer and general servicing entries to the site:

- Primary customer entry and exit point from Bega Road.

- Service access (and shared trade secondary customer access) is from access points on Bega Street and supports all vehicles entering and exiting in a forward direction.

1.3 SITE AND LOCATION REQUIREMENTS

The proposed Masters Home Improvement Centre presents a market niche which is not otherwise available in the Home Improvement sector.

Key site and locational requirements for a regional Masters Store are detailed below.

Locational Requirements

- It is envisaged that the proposed retail format would service a wide regional catchment in a Regional Centre. As such, site accessibility, visibility and private vehicle access are critical ingredients to its success. In respect to vehicle access, multi-directional access is desirable in order to allow convenient access for customers from all directions.

Site Size

- The Home Improvement Centre is required to accommodate the home improvement building, car parking and access, loading and landscaping. The proposed format will also require on-site parking at a rate of approximately 1 car space per 36m² of floor area.
- The net result is that a site area of approximately 2 hectares is generally required to support the proposed format in a regional area.

2 Site Analysis

2.1 SITE DETAILS

The street address of the site is 53-65 Bega Street, Bega. The land is legally described as:

- Lots 1-13 in DP 1110017.
- Lots 1 & 2 in DP 931046.

The site has an overall area of approximately 35,107m².

The subject site consisting of the above lots is situated on the northern edge of the Bega Township. The site has a southern frontage to Bega Street and is partially bound by Gipps Street to the west and Parker Street to the east. The northern boundary of the site is adjacent to a tributary of the Bega River known as 'Spenco Lagoon'.

The site is characterised by its steep slope, with the highest point of the site at the south-eastern corner with a level change of approximately 11 metres to the northern and western boundaries. It was formerly used for industrial purposes but is currently unoccupied and unmaintained, with remnants of past land uses.

FIGURE 1 – SUBJECT SITE



- Site topography varies greatly across the site and will therefore need to be filled to achieve a suitable building platform.

The following constraints for the site are identified as follows:

- The exhibited draft BVLEP 2010 proposes to rezone the site to a B4 Mixed Use zone which would support a Masters Home Improvement Centre.
- The previous industrial use of the site may mean that the site is contaminated. The proposed rezoning and subsequent Development Application provides an opportunity for the site to be remediated appropriately.
- The site is highly accessible to vehicles, which will be further improved by the proposed Bega Bypass currently being finalised by the RTA.
- The site is a large land holding (consisting of a number of smaller lots) in single ownership which currently does not contribute to the streetscape or activity of the area.
- The site is ideally placed in Bega Township to contribute to the overall vitality, strength and viability of the centre which will support the existing land uses.
- A new Masters store in this location has the potential to revitalise an underutilised and poorly presented site.
- The proposed development and uses are consistent with Regional Strategies including the South Coast Regional Strategy, Illawarra and South Coast Employment Lands Strategy, and Council's own policies including the Commercial Strategy 2006 and the Town Centre Planning Report.
- The proposal will strengthen the strategic position of Bega Regional Centre in the South Coast Regional, and will support the establishment of retail cluster and providing diversity within centres.

The key opportunities for the site are identified as follows:

There are a number of development opportunities and constraints presented by the site. These have been identified and responded to in the proposed land use and indicative design for the site.

2.3 OPPORTUNITIES AND CONSTRAINTS

- To the west:** Land to the west is partially vacant with low density residential development. Bega Street Commercial Court is also located further to the west.
- To the south:** Land to the south of the site is characterised by low density residential development which includes a child care centre at the corner of Bega Street and Parker Street. Bega Bowling Club is located south-west of the site on the corner of Gipps Street and Bega Street. The main centre of Bega Township is situated further to the south of the site where the institution precinct is located with school, education and healthcare uses.
- To the east:** Mumbulla School is located to the east of the site with low density residential development. Land to the east of the site and north of the school is generally undeveloped.
- To the north:** Land to the north of the site is zoned 1(a) Rural General site and is undeveloped. The Spenco Lagoon is located to the north of the site with Bega River approximately 350m further to the north.

The subject site is surrounded by the following land uses:

The site is prominently located within the town centre urban fringe boundary but is of poor physical appearance. Formerly used for industrial purposes, most notably a tannery, it is currently vacant and poorly maintained.

2.2 SURROUNDING AREA

- The site is subject to flooding and will need to be filled, particularly in the northern portion of the site where the site is below the 1 in 100 year flood level.
- The site has a sensitive interface with residential properties and a school to the east which would require appropriate acoustic buffering in the design development stage prior to a Development Application.
- The current zoning does not support the necessary land uses for a Masters Home Improvement Centre.
- Riparian corridor of Spence Lagoon encroaches onto the northern fringe of the site.

3.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

3.1.1 OBJECTS OF THE ACT

A rezoning application must have consideration of the objects of the Environmental Planning and Assessment Act (the Act). The objectives are as follows:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

(iii) the protection, provision and co-ordination of communication and utility services,

(iv) the provision of land for public purposes,

(v) the provision and co-ordination of community services and facilities, and

(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and

(vii) ecologically sustainable development, and

(viii) the provision and maintenance of affordable housing, and

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

This submission is consistent with and has considered the Objects of the Act which have been addressed in the various sections of this report and summarised as:

- The site is substantially cleared and its development will not result in the loss of a site which contributes to the visual or ecological environment of surrounding sites.
- The proposal will create jobs to support the intended population in the Bega Valley LGA and the South Coast Region, enabling people to live, work and shop within their local area.
- The future use of the land will improve retail competition within the area, which will deliver better economic outcomes to the local community.
- The proposed rezoning will enable the Masters development which has the potential to revitalise a underutilised site.

3.2 SECTION 117 DIRECTIONS

The Section 117 Ministerial Directions (under Section 117(2) of the Environmental Planning and Assessment Act 1979) provide local planning direction and are to be considered in a rezoning of land. Relevant Section 117 considerations are considered in **Table 1**, below:

TABLE 1 – SECTION 117 DIRECTIONS

DIRECTION	ASSESSMENT
1.1 Business and Industrial Zones Objectives (1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The proposed development will have a positive employment impact. The proposal will create between 45-70 operational jobs and up to 90 direct jobs during construction in the South Coast Region. The site and Home Improvement Centre will accommodate a variety of retail activities on the urban fringe of the Bega Regional Centre which are complementary to the existing retailing while providing diversified retail offerings and will not be in competition for the same tenancies due to the specific site requirements. The Planning Proposal seeks the replacement of a part industrial zone (14,000sqm) to the 3(b) (Special Business Zone) employment zone on the entire site (approximately 35,000sqm). This will create a minor increase in the amount of employment land within Bega LGA whilst providing job opportunities through construction and operation of the future development. The proposal is consistent with the Illawarra and South Coast Employment Lands Strategy as discussed in Section 3.4. The proposal is consistent with Direction 1.1 for the following reasons: ▪ The proposed development will have a positive employment impact. The proposal will create between 45-70 operational jobs and up to 90 direct jobs during construction in the South Coast Region. ▪ The site and Home Improvement Centre will accommodate a variety of retail activities on the urban fringe of the Bega Regional Centre which are complementary to the existing retailing while providing diversified retail offerings and will not be in competition for the same tenancies due to the specific site requirements. ▪ The Planning Proposal seeks the replacement of a part industrial zone (14,000sqm) to the 3(b) (Special Business Zone) employment zone on the entire site (approximately 35,000sqm). This will create a minor increase in the amount of employment land within Bega LGA whilst providing job opportunities through construction and operation of the future development. The proposal is consistent with the Illawarra and South Coast Employment Lands Strategy as discussed in Section 3.4.
3.4 Integrated Land Use and transport Objectives (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	The site supports the principle of integrating land use and transport. The proposal will provide additional employment within the Bega Valley LGA, which is within close proximity to existing local residential areas and services. The site exhibits good access to public and private transportation use, as it is sited on a road that links to Gipps Street which forms part of the main road through Bega. The site will benefit from access by the future Bega Bypass while also being accessible to pedestrians. The provision of a Home Improvement Centre in this Regional Centre will provide an opportunity for retail uses to be contained in the Bega Township reducing the number of trips generated and distance travelled by The proposal is consistent with Direction 3.4 for the following reasons: ▪ The site supports the principle of integrating land use and transport. The proposal will provide additional employment within the Bega Valley LGA, which is within close proximity to existing local residential areas and services. ▪ The site exhibits good access to public and private transportation use, as it is sited on a road that links to Gipps Street which forms part of the main road through Bega. The site will benefit from access by the future Bega Bypass while also being accessible to pedestrians. ▪ The provision of a Home Improvement Centre in this Regional Centre will provide an opportunity for retail uses to be contained in the Bega Township reducing the number of trips generated and distance travelled by

The South Coast Regional Strategy (the Regional Strategy) was released in 2007 and sets out a clear land use plan for the South Coast to 2031, which aims to balance the demands for future growth with the need to protect and enhance environmental values. The Regional Strategy applies to the local government areas of Shoalhaven, Eurobodalla and Bega Valley.

Bega is identified in the regional strategy as an emerging Regional Centre (along with the existing centres of Nowra-Bomaderry and Batemans Bay). The Regional Strategy states that Regional Centres can be strengthened by the location of new finance, administration, business services and retail jobs within centres.

The key functions of Regional Centres are identified as follows:

- Provide for the majority of growth within the Region.
- A concentration of medium and higher density living, business, employment, professional services, specialised shops and associated warehouses, transport logistics and bulky goods operations and focal point for subregional road and transport networks.

The Regional Strategy also states the following in relation to Bega LGA to 2031:

Bega Valley Shire is projected to grow by an additional 10,900 people. Existing land supply and demand for housing in coastal centres such as Merimbula, Eden and Bermagui will cater for the majority of the growth. Bega has the capacity to grow into a stronger regional administrative and service centre in the long term.

The Regional Strategy targets 5,200 new jobs in the Bega Valley local government area up to 2031 with increases expected in the areas of finance, administration, business services, health and aged care and tourism. This growth should be supported by identifying sufficient employment generating lands close to Bega and the major towns. Councils will be required to protect regionally significant employment lands, including the Port of Eden and Merimbula Airport, to help guarantee local employment for the future.

The Regional Strategy states the following in relation to available land in Bega Valley:

DIRECTION	ASSESSMENT
6.3 Site Specific Provisions Objective ▪ (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	▪ The proposed amendment to the BVLEP 2002 will not support out-of-centre retail development. ▪ The proposal also supports a development which is entirely suitable for the Bega Regional Centre location. ▪ A Schedule 4 Additional Use listing is proposed to allow the site to be rezoned to an appropriate zone under the BVLEP 2002 while permitting the additional land uses on the subject site prior to the gazettal of the draft BVLEP 2010.
30. Implementation of Regional Strategies Objective (a) Draft LEPs shall be consistent with a regional strategy released by the Minister for Planning.	As discussed in Section 3.3 below, the Planning Proposal is consistent with the South Coast Regional Strategy.

Future demand for dwellings in Bega Valley is estimated to be 8600 over the next 25 years. However, the shire is oversupplied with vacant urban land, particularly around Bega, which could potentially accommodate 15,200 dwellings. Although this figure is likely to decline once natural constraints are taken into account, Bega Valley will still remain well supplied with vacant urban land.

Bega is described as an inland major Regional Centre, is the administrative, commercial, educational and specialist medical centre of the Bega Valley. Bega is also described as the primary retail and service centre for residents of towns and villages in the northern part of the Bega Valley.

In relation to key character elements, the Regional Strategy states that there is scope for significant expansion of Bega's current boundaries with investment in water, sewer and service capacity. Bega is a typical 'country town' in terms of its buildings and street pattern and it is important for any new or redevelopment to retain this characteristic, particularly its layout and built form.

In considering the provisions of the Regional Strategy, the Planning Proposal is acceptable in the following respects:

- The proposal will further strengthen Bega's location by providing 45 to 70 jobs (full time, part time and casual) within the Regional Centre. This will contribute to the regional strategy employment target of 5,200 jobs to 2031.
- The Home Improvement Centre will combine a mix of employment opportunities, specialised home improvement retail and bulky goods offerings which are anticipated to be located within Regional Centres.

- The proposal will further strengthen the Regional Centre of Bega by enabling the retail provisions with bulky goods use of the Home Improvement Centre which are complementary to other warehouses, transport logistics.

- The proposal will not impact on regionally significant employment lands.

- The Home Improvement Centre will strengthen the commercial offerings in Bega Township and wider Bega LGA.

- The Home Improvement Centre has the potential to be consistent with key character elements in layout and built form when further detailed design is progressed.

- The proposal will enable the development of a site in the Regional Centre of Bega by utilising vacant urban land in a prime location.

- The zoned industrial land will be utilised to provide local employment and provide a regional competitive advantage.

- As stated in the Economic Impact Assessment (EIA) prepared by Hill PDA (refer **Appendix B**), given the positioning of existing retail centres and facilities there will be no economic impact by a retail development in Bega on other centres, for example, Nowra-Bomaderry which is situated 264km north of Bega.

3.4 ILLAWARRA AND SOUTH COAST EMPLOYMENT LANDS STRATEGY (UPDATE 2009)

The Illawarra and South Coast Employment Lands Strategy (the Employment Strategy) was prepared to identify sufficient land for employment activities and delivering jobs. It aims to develop a hierarchy of centres that create economic efficiency in providing services and infrastructure for the Illawarra and South Coast.

The Employment Strategy update provides a review of employment land (and zoned for industrial or commercial use) from 2004 to 2007. The Employment Strategy states that there is approximately 850 hectares of vacant zoned employment land remaining in the South Coast region which is a reduction of

approximately 57 hectares from the 2004 data indicating that vacant employment lands are being developed in the South Coast region.

There has however, been an overall increase in the number of employment land parcels from 2004 to 2007, although the occupancy rate has remained constant. The Bega Valley LGA experienced a 19% increase in total employment land parcels from 2004-2007.

The largest percentage increases have been in employment land parcels between:

- 1,000 and 5,000 square metres.
- 5,000 to 10,000 square metres.
- 10,000 and 50,000 square metres.

Bega LGA did however have a decrease in the number of parcels between 50,000 and 500,000 square metres. In 2007, 95% of employment land parcels were 10,000 square metres or less, a slight increase from 94% in 2004.

In 2007, the Bega Valley LGA had an employment lands occupancy rate of 85%. This has decreased slightly from the 2004 occupancy rate of 87%.

In the 2007 audit of employment lands there were 160 parcels identified as vacant. This equates to approximately 94 hectares of employment land and availability for the Bega Valley LGA.

The proposed rezoning of the site from part 4(a) Industrial zoning to 3(b) (Special Business Zone) use will not have a detrimental impact on the availability of employment lands for the following reasons:

- Bega LGA has experienced a decrease in occupancy of employment lands from 2004 – 2007 and accordingly, the proposal to rezone the site to support a future Development Application for a Home Improvement Centre will have a positive impact on the general economic activity by utilising a currently vacant site.
- The Planning Proposal seeks the replacement of a part industrial zone (14,000sqm) to the 3(b) (Special Business Zone) employment zone on the entire site (approximately 35,000sqm). This will create a minor increase in the amount of employment land within Bega LGA whilst providing job opportunities through construction and operation of the future development.
- The future use of the site as a Masters Home Improvement Centre will provide approximately 90 jobs during construction and 45-70 jobs (full time, part time and casual) during operation which will directly benefit the Bega LGA labour force.

3.5 STATE ENVIRONMENTAL PLANNING POLICY 55 (REMEDIATION OF LAND)

State Environmental Planning Policy No. 55 (Remediation of Land) provides that land must be remediated to an appropriate level to cater for its proposed use.

Environmental Site Assessments undertaken by ERM have confirmed the presence of contamination on site. Clause 9 of the State Environmental Planning Policy No. 55 (Remediation of Land) states the criteria for Category 1 remediation work being those works which require consent.

Consultation with Council has confirmed that the remediation works required on-site trigger Category 1 under clause 9(e) which states the following:

9 Category 1 remediation work: work needing consent

For the purposes of this Policy, a category 1 remediation work is a remediation work (not being a work to which clause 14 (b) applies) that is:

(e) carried out or to be carried out in an area or zone to which any classifications to the following effect apply under an environmental planning instrument:

- (i) coastal protection,
- (ii) conservation or heritage conservation,
- (iii) habitat area, habitat protection area, habitat or wildlife corridor,
- (iv) environment protection,
- (v) escarpment, escarpment protection or escarpment preservation,
- (vi) floodway,
- (vii) littoral rainforest,
- (viii) nature reserve,
- (ix) scenic area or scenic protection,
- (x) wetland,

Accordingly, as the proposed remediation works fall within clause 9(e)(vi) consent is required for remediation work to be carried out.

A Development Application is being prepared for the remediation and associated earthworks to address the contamination on site. This will include a full Remediation Action Plan detailing the remediation works required and how these are proposed to be carried out. This is being prepared separately to this Planning Proposal and works associated with the remediation will be carried out prior to any future development on the site.

Accordingly, the existing on-site contamination can be remediated and does not pose any impediment to the subject site being developed in accordance with the proposed rezoning.

3.6 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2008

State Environmental Planning Policy (Infrastructure) 2008, sets out requirements for various public authority and infrastructure works throughout the state. In addition, it requires the referral of certain traffic generating development to the RTA during the DA assessment process.

Any required referral will be triggered at DA stage and does not impact a land rezoning.

3.7 DRAFT NSW ACTIVITY CENTRES POLICY MAY 2010

The NSW Draft Activities Centres Policy (May 2010) sets out the fundamental aims and principles to guide the formulation of regional and local planning strategies and the consideration of new development proposals.

The Draft Policy establishes key principles that form a state-wide policy context for the preparation of regional and subregional strategies and LEPs and assists in determining the best location for new retail entrants such as Masters.

The aims of the draft Policy are to:

- "Promote a network of activity centres that cater for the needs of business and places where people want to live, work, learn, play and visit;
- Provide sufficient flexibility within the planning system so that it can accommodate demand for a broad range of uses to help encourage investment and facilitate competition; and

- Provide guidance on how to manage broad scale expansion of dynamic business sectors”;

The site is located within Bega Township (and Regional Centre of the South Coast) and the future use for a Home Improvement Centre is consistent with the preferred approach of the NSW Draft Activities Centres Policy by locating commercial development in activity centres.

The draft Policy is based on six key planning principles to guide future development in and around activity centres and to provide for the emergence of new entrants.

1. Commercial development should be located in activity centres.

2. Activity centres should be able to grow and new activity centres form in a manner that is consistent with relevant and up to date regional or sub-regional strategies.

3. Market determines need for development.

4. The supply of development should accommodate market demand.

5. Activity centres should support a range of uses and contribute to a competitive market.

6. Activity centres should be well designed, sustainable and integrated with surrounding uses.

The six key planning principles are addressed at Section 3.1 of the EIA prepared by Hill PDA and included at **Appendix C**.

3.8 BEGA VALLEY LOCAL ENVIRONMENTAL PLAN 2002

The principle planning instrument affecting the site is the Bega Valley Local Environmental Plan 2002 (the current LEP).

Under the Bega LEP 2002 the site is currently zoned:

- Part 4(a) Industrial (eastern portion)
- Part 1(a) Rural General (western portion)

This is shown in **Figure 2**, below.

- The objectives of the 1 (a) Rural General zone are:
- (a) to encourage continued growth in the area's rural economic base,
 - (b) to encourage other forms of development, including tourism, that are compatible with agricultural activities and do not create undesirable environmental and cultural impacts,
 - (c) to protect and conserve the productive potential of prime crop and pasture land,
 - (d) to maintain the scenic amenity and landscape quality of the area,
 - (e) to promote the protection, and the preservation and enhancement, of natural ecological systems and processes,
 - (f) to provide proper and coordinated use and protection of rivers, riparian corridors and water catchment areas,
 - (g) to promote the economic provision of services compatible with the nature and intensity of development and the character of the area,

- The objectives of the 4(a) Industrial zone are:
- (a) to allocate sufficient land in suitable locations to facilitate and promote the establishment of a broad range of industrial and related uses,
 - (b) to allow other forms of development where they are associated with or ancillary to industrial uses on the site,
 - (c) to ensure that development does not adversely impact on the environment,
 - (d) to ensure that development does not create an unreasonable or uneconomic demand for services.

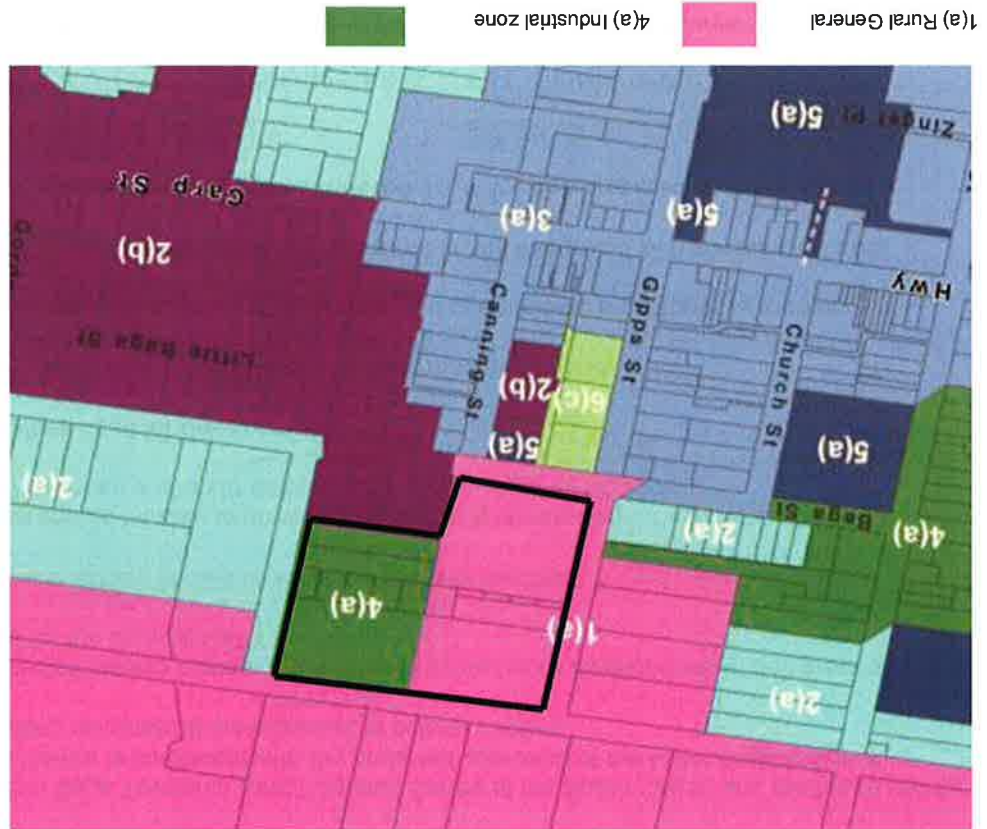


FIGURE 2 – BVLEFP 2002 ZONING MAP

(h) to ensure that development and management of the land has minimal impact on water quality and environmental flows or receiving waters,

The proposed land uses of the site for a Masters development would be best defined under the following definitions in the Bega Valley LEP 2002:

"bulky goods retail outlet" means a building or place used for the sale by retail or auction, or the display of items (whether goods or materials, but not food, clothing or produce) which are of such a size, shape or weight as to require:

(a) a large area for handling, storage or display, and

(b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase."

"retail plant nursery" means a building or place used for the growing and wholesale or retail selling of plants, whether or not ancillary products are sold there."

"timberyard" means a place or building used for the storage, treatment and sale of timber products."

The following uses are permissible with consent within the 4(a) Industrial zone:

"Advertisements; brotheles; bulk stores; **bulky goods retailing outlets**; caretakers' residences; clearing of land; community facilities; hazardous industries; heavy industries; junkyards; motor showrooms; offensive industries; panel beating workshops; plant hire; public buildings; recreation facilities (indoor only); service stations; sex shops; shops ancillary to another permitted use; technology centres; **timber yards**; transport depots; transport terminals; vehicle repair stations; utility installations; veterinary establishments; warehouses."

All land uses which are not expressly permissible with consent within the 4(a) Industrial zone are prohibited. As "retail plant nursery" are not expressly permitted within the 4(a) zone, they are therefore prohibited on the 4(a) Industrial zoned portion of the site.

The following uses are prohibited on within the 1(a) Rural General zone:

"Advertisements not displaying how the land is lawfully used or directional information; boarding houses; brotheles; bulk stores; **bulky goods retail outlets**; caretakers' residences; commercial premises; detached dual occupancies; exhibition homes; granny flats; heavy industries; hostels; hotels; medical centres; motels; motor showrooms; multi-unit housing; public buildings; recreation facilities; refreshment rooms; serviced apartments; sex shops; shops; warehouses."

Accordingly, on the portion of the site zoned 1(a) Rural General, "bulky goods retail outlets are prohibited. As "retail plant nursery" and "timber yards" are not expressly prohibited within the 1(a) Rural General zone, these uses would need to demonstrate they are consistent with the zone objectives to be permissible on the 1(a) Rural General portion of the site.

On this basis it can be concluded while all Masters uses are permissible on some part of the site, the overall Masters development is not permissible on the subject site under the current BVLEP 2002, regardless of whether it could be contained to a portion of the site with a single land use zone.

3.9 DRAFT BEGA VALLEY LOCAL ENVIRONMENTAL PLAN

3.9.1 ZONING / PERMISSIBLE USES

In early February 2011 the NSW Department of Planning and Infrastructure (the DoPI) granted Council a Section 65 Certificate to allow draft BVLEP 2010 to be formally placed on public exhibition for public comment. The Draft BVLEP 2010 was placed on public exhibition early this year, with submissions closing 8 July.

Under the draft BVLEP 2010, the site is proposed to be zoned *B4 Mixed Use* with a thin zoning of *E2 Environmental Conservation* extending along the west and north boundaries of the site (as shown in **Figure 3** below).

The E2 zoned is approximately 10 metres wide along each boundary and poses a number of impacts to the development potential of the site. The introduction of the E2 zone is considered to be an unnecessary and overly restrictive measure which would prevent all development, including minor works, from being undertaken on those parts of the site zoned E2. Further this zone seeks to protect these portions of the site which are protected by other provisions proposed in the draft LEP. Local environmental provisions within the draft LEP which apply to the subject site include:

- Clause 5.9 provides for the preservation of trees and other vegetation and applies to land zoned B4 Mixed Use.
- Clause 6.2 applies to land identified on Council's Natural Resource Biodiversity Map and seeks to maintain terrestrial biodiversity. Land along the site's western boundary is mapped as a waterway.
- Clause 6.3 applies to land identified on Council's Natural Resource Water Map and seeks to protect and seeks to protect aquatic and riparian habitats. Land along the site's northern boundary is mapped as significant vegetation.

Additionally, the draft DCP includes a number of development control standards which specifically address the protection of existing vegetation and views. This is discussed further in the submission on the Draft BVLEP 2010 prepared by Urbis which was submitted during the exhibition period. The submission requests the draft LEP be amended to include the removal of the E2 zone from the northern and western boundaries of the site (refer **Appendix D**).

The Masters development will comprise the following land uses under the draft BVLEP 2010:

- Timber and building supplies.
- Landscape and garden supplies.
- Bulky goods premises.

It is noted that all the Masters land uses fall within the group definition of 'retail premises', which is a subgroup definition of 'commercial premises'.

The B4 Mixed Use zone permits all required land uses for a Masters development.

Agriculture, Air transport facilities, Airstrips, Animal boarding and training establishments, Camping grounds, Caravan parks, Cemeteries, Crematoria, Depots, Eco-tourist facilities, Exhibition villages, Extractive industries, Forestry, Freight transport facilities, Heavy industrial storage establishments, Helipads, Highway service centres, Home occupation (sex services), Industrial retail outlets, Industrial training facilities, Industries, Mortuaries, Open cut mining, Port facilities, Recreation facilities (major), Recreation facilities (outdoor), Rural industries, Sewerage systems, Sex services premises, Storage premises, Transport depots, Truck depots, Vehicle body repair workshops, Vehicle repair stations, Warehouse or distribution centres, Waste or resource management facilities, Water supply systems, Wharf or boating facilities.

Prohibited land uses within the B4 zone include:

All land uses not expressly prohibited are considered permissible with consent.

development not specified in item 2 or 4.
Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any

The following uses are permitted with consent within the zone:

- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To provide a mixture of compatible land uses.

The objectives of the B4 Mixed Use zone are:

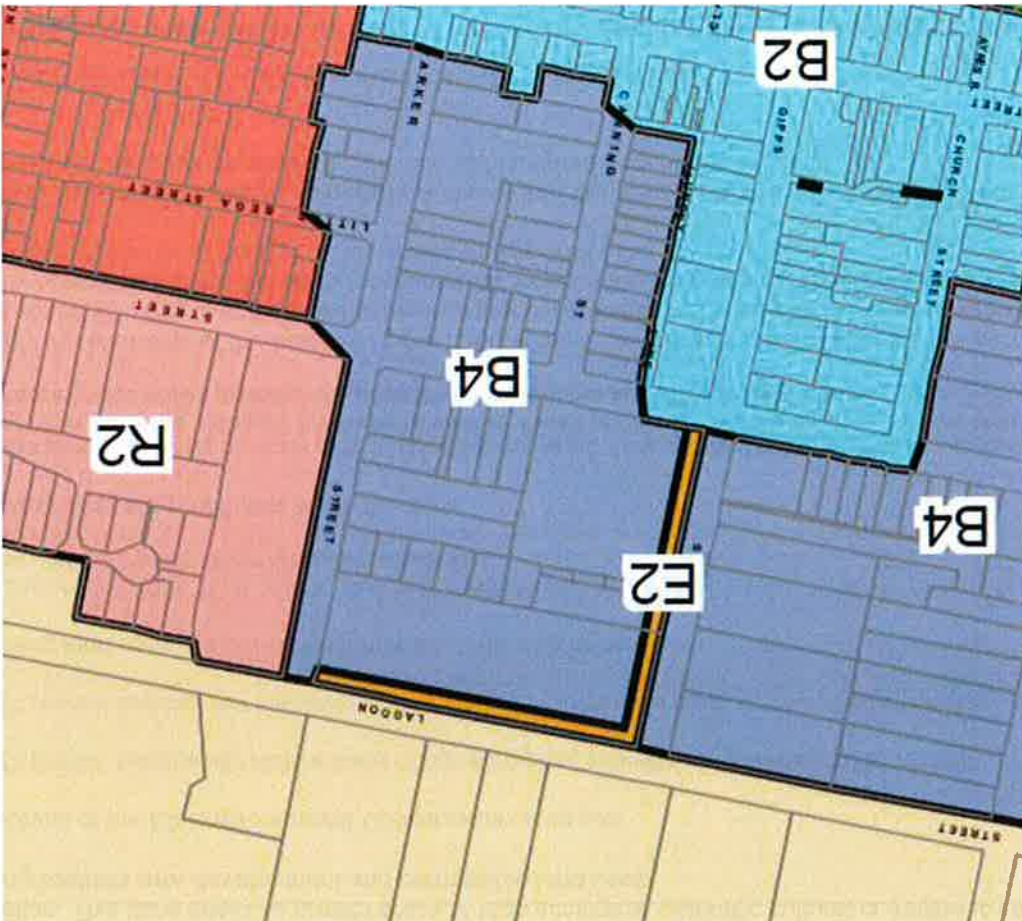


FIGURE 3 – DRAFT BYLEP 2010 ZONING MAP

- (a) to recognise the existing villages and allow for future development of a residential nature, in relation to existing levels of services,
- (b) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services or public amenities,
- (c) to ensure future development does not impact on or restrict existing development in the area,

The Zone 2(v) (Village Zone) has the following objectives:
3.10.1.2 ZONE 2(V) (VILLAGE ZONE).

The 2(e) zone is not considered suitable to accommodate the Masters Home Improvement Centre development. Eden is identified in the South Coast Regional Strategy as a town with small to medium sized concentrations of retail which are reliant on major towns and regional centres for employment and shopping. Accordingly, the town of Eden is not considered appropriate to accommodate the commercial and retail focus with a regional catchment and ease of access which Bega benefits from. As discussed in Section 1.3, the locational requirements of the Masters development specify a large regional catchment to sustain the Home Improvement Centre. Eden urban area. Zone 2(e) relates specifically to the town of Eden over 45km to the south west of the Bega LGA and the zone objectives focus on providing a flexible framework for future development within and adjoining the 3.10.1.1 ZONE 2(E) (URBAN ZONE)

There are two zones under the BVLFP 2002 which currently permit all elements of a Masters Home Improvement Centre. These are Zone 2(e) (Urban Zone) and Zone 2(v) (Village Zone) and are discussed further in the following sections.

3.10 CONSIDERATION OF ALTERNATIVE SITES

The indicative site plan located in **Appendix A** shows that the Masters Home Improvement Centre development can be accommodated on the site without impacting on the E2 zone. The submission to the Draft BVLFP 2010 located in **Appendix D**.

Accordingly, no elements of the Masters Home Improvement Centre will be permissible in the part of the site to be zoned E2. This is considered to be an unnecessary and overly restrictive measure which is particularly concerning given the site's location at the edge of the town centre. This is discussed further in the submission to the Draft BVLFP 2010 located in **Appendix D**.

Business premises; Hotel or motel accommodation; Industries; Multi-dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in Item 2 or 3.

The following uses are prohibited within the zone:

Boat launching ramps; Boat sheds; Building identification signs; Community facilities; Environmental facilities; Jetties; Roads; Water recreation structures.

The following land uses are permitted in the E2 Zone with consent:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

The objectives of the E2 Environmental Conservation zone are:

The northern and western boundaries of the site is proposed to be rezoned E2 Environmental Conservation. This zone seeks to protect areas of high ecological, scientific cultural or aesthetic values and heavily restricts new development and permissible land uses.

(d) to ensure the existing village character of the area is maintained,

(e) to provide for a reasonable range of activities to be carried out,

(f) to ensure development does not adversely impact on the environment.

It is considered that the emphasis on the residential nature and village characteristics in the zone objectives mean that the zone is inappropriate and misleading for a commercial Home Improvement Centre offering on the subject site.

There are no sites within Bega Township that are zoned 2(v). There are a number of sites outside of Bega Township which are zoned 2(v) (Village Zone) and are 2 hectares or over (and would therefore meet the size requirements of a Masters development). However, the nearest site is approximately 12km away from Bega Township and this suggests that the 2(v) (Village Zone) is not considered by Council to be appropriate use within Bega Town Centre itself.

Accordingly, while all elements of a Masters development would be permissible the 2(v) zone is not considered appropriate to achieve the objectives of this Planning Proposal.

3.10.1.3 THE PROPOSED 3(B) (SPECIAL BUSINESS ZONE)

The proposed rezoning seeks a 3(b) (Special Business Zone) on the site with additional permissible uses by way of a Schedule 4 listing. This zone permits 'bulky goods retailing' and 'retail plant nursery'. The rezoning would require the use of *Schedule 4 Additional Uses* to permit the final element of 'timber yards' and enable all elements of a Masters Home Improvement Centre use on the site.

The 3(b) (Special Business Zone) is considered to be the most appropriate zone for the site as follows:

- The 3(b) zone permits the majority of land uses required for a Masters development.
- The 3(b) zone accurately discloses the proposed land use.
- The future Masters Home Improvement Centre would meet the objectives of the 3(b) zone/

The objectives of Zone 3 (b) zone are as follows:

- (a) to provide a specialist area for a range of retailing activities which have a similar location and access requirements,
- (b) to ensure there is suitable vehicle access for both customers and delivery vehicles and adequate provision of car parking,
- (c) to ensure development in the zone is of a high standard of design,
- (d) to provide for office premises and certain other non-retail purposes where they will not detrimentally affect the role of any other zone.

The Masters Home Improvement Centre will provide a high standard of design which is complementary to the existing development in Bega Township. The future development will also provide a wide array of retail goods and services which will allow customers access to elements of bulky goods and retail plant nursery in one store. The site is also highly accessible to vehicles, with access from Bega Street. The addition of 'timber yard' in Schedule 4 is considered to be compatible to the permissible uses of 'bulky goods retailing' and 'retail plant nursery'. It is noted that the timber yard use has evolved over time from a traditional timber yard to a more contemporary form of retail incorporating similar, compatible land uses such as retail plant nurseries.

Accordingly, the 3(b) (Special Business zone) is seen as the most appropriate zone to permit the Masters Home Improvement Centre. This zone will also provide a suitable transition for the site under the exhibited draft BVLFP 2010 which proposes to rezone the site B4 Mixed Uses which would also support a Home Improvement Centre.

3.10.1.4 PERMISSIBILITY UNDER THE DRAFT LEP

Under the draft BVLEP 2010, Zone B2 Local Centre and B4 Mixed Use both permit all elements of a Masters Home Improvement Centre.

A review of the draft BVLEP 2010 zoning map and allotment map has identified:

- There are minimal sites located within Bega town centre which are proposed to be zoned B2 Local Centre or B4 Mixed Use under the draft BVLEP 2010 and that have been identified as 2 hectares or over (the suitable size to accommodate the Masters development).
- B2 and B4 sites are currently vacant and located in the Bega institution precinct where school, education and healthcare uses are located. However, the Home Improvement Centre is not considered appropriate and compatible in this area where future growth may be anticipated.
- Under the exhibited draft BVLEP 2010 the subject site is to be largely converted to a B4 Mixed Use zone which will permit all elements of a Masters development. The proposed zoning is a clear indication of Council's aspirations for new development to occur in this location.
- The subject site is located on the urban fringe of the Bega Township and is ideally placed for a commercial retail offering in Bega Town Centre which will contribute to the overall vitality, strength and viability which will support the land uses of this Regional Centre. The subject site is also highly accessible to vehicles, with access provided from Bega Street.

Accordingly, the subject site has been recognised by the Bega Valley Shire Council in the draft BVLEP 2010 as being suitable for a new retail development, such as a Masters Home Improvement Centre, to service the Bega Township, and improve its retail offering to its Regional Centre catchment.

The following section is structured generally in accordance with the document “A Guide to Preparing Planning Proposals” (Department of Planning and Infrastructure 2009).

4.1 OBJECTIVES AND INTENDED OUTCOMES

The key objective of this Planning Proposal is to obtain the necessary rezoning of the subject site by amending the provisions of the BVLEP 2002 to facilitate its development for a Masters Home Improvement Centre at 53-65 Bega Road, Bega including retailing of home improvement products, hardware and building supplies, range of gardening supplies and plants, landscaping material supplies and restaurant/café with a total floor area of approximately 7,000sqm.

The intended outcome of this Planning Proposal is to amend the BVLEP 2002 to permit additional land uses on the subject site.

A conceptual design for future development of the site for a home improvement centre has been prepared and accompanies this Planning Proposal in **Appendix A**. However, the scheme will be refined as part of the Development Application process once the Planning Proposal has been endorsed by Council and the DOP Gateway issue a determination that supports the preparation of an LEP amendment.

4.2 EXPLANATION OF PROVISION

The objective of this Planning Proposal can be achieved through the inclusion of the following amendment to the BVLEP 2002:

- Amend the Part 4(a) Industrial and Part 1(a) Rural General zoning to a 3(b) (Special Business Zone) over the whole of the subject site.

- Amend Schedule 4 Additional Uses as follows:

LAND	53-65 Bega Street, Bega (Lots 1-13 in DP 1110017 and Lots 1 & 2 in DP 931046)
ADDITIONAL DEVELOPMENT ALLOWED	Development for the purpose of a Home Improvement Centre including 'timber yards'.

These amendments will support the development of the subject site for a home improvement centre which is generally consistent with the indicative scheme and achieves the key objective and intent of this Planning Proposal.

4.2.1 LAND TO WHICH THE PLAN WILL APPLY

Figure 2 identifies the land that is proposed to be included in the site specific LEP. It is legally described as:

- Lots 1-13 (inclusive) in DP 1110017
- Lots 1 & 2 in DP 931046.

4.2.2 SAVINGS PROVISIONS

It is not considered necessary to include a savings provision.

5.1 NEED FOR THE PLANNING PROPOSAL

The Department of Planning document "A Guide to Preparing Planning Proposals" includes the following questions in describing the need for the Planning Proposal.

5.1.1 IS THIS PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

The Planning Proposal is not the result of a strategic study or report.

However, it is noted that Bega Valley Shire Council has drafted a new principle Local Environmental Plan in accordance with the State Government's Standard Instrument (Local Environmental Plans) Order 2006 which has been formally exhibited.

Under the draft BVLEP 2010, the site is proposed to be zoned *B4 Mixed Use* with a thin zoning of *E2 Environmental Conservation*. Based on the expressly prohibited land uses, a home improvement centre would be permissible under the B4 zone with development consent. The proposed zoning is a clear indication of Council's aspirations for new development to occur in this location.

The E2 zoned land extends along a small portion of the west and north boundaries of the site and heavily restricts new development is considered to be unwarranted as discussed in the submission on the Draft BVLEP 2010 prepared by Urbis which was submitted during the exhibition period (refer **Appendix D**).

5.1.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVE?

It is considered that the Planning Proposal is the best means of achieving the objectives stipulated in Section 4.1.

Due to the site currently being zoned part 4(a) Industrial and part 1(a) Rural General, 'bulky good retailing', 'timber yards' and 'retail plant nursery' are not all permissible on any part of the site. Therefore an amendment to the BVLEP 2002 is required to permit the various components of the Home Improvement Centre concept on the site.

The expansion of the permissible land uses on the site will support a home improvement centre on the site for a development which would be supported under the B4 Mixed Use zoning of the site under the draft BVLEP 2010, therefore enabling the site to achieve the proposed objective.

The proposed 3(b) (Special Business Zone) is considered to be the most appropriate zone for the site as the Masters Home Improvement Centre would meet the objectives of the zone. The 3(b) zone also permits the majority of land uses required for a Masters development and accurately discloses the proposed land use.

5.1.3 IS THERE ANY NET COMMUNITY BENEFIT?

Table 2 addresses the evaluation criteria for conducting a "net community benefit test" within the Draft Centres Policy (2009) as required by the guidelines for preparing a Planning Proposal.

TABLE 2 – ASSESSMENT OF NET COMMUNITY BENEFIT

EVALUATION CRITERIA		Y/N	COMMENT
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y		The proposal is consistent with key elements of the South Coast Regional Strategy as discussed in Section 3.3.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Y		The South Coast Regional Strategy nominates Bega as a Regional Centre. The rezoning of the site and future Home Improvement Centre will assist in its operation as a Regional Centre. Bega contains a range of services and activities and this proposal will give these industries another source of supplies and equipment to sustain their own jobs.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	N		The proposed rezoning is unlikely to create a precedent or change the expectations of the site as its location provides a unique opportunity to deliver a modern format retail development which could not otherwise be accommodated within the Bega township.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y		There are no other known spot rezonings in the locality that are being considered.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No		The proposal is anticipated to have a positive impact on the ability of the site to generate employment. The proposed development concept would generate employment for approximately 45-70 employees full time, part time and casual). In addition, the project will generate approximately 90 jobs during construction. Importantly many of the ongoing and construction jobs will be filled by people in the South Coast Region and Bega LGA which will be beneficial to the local economy. As it is anticipated that the development will stimulate and attract further investment and assist in elevating the profile of the immediate area, future investment will also bring additional employment.
Will the LEP impact upon the supply of residential land and therefore housing	No		The proposal will have no impact on the supply of residential lands as it seeks to rezone industrial and rural

EVALUATION CRITERIA	Y/N	COMMENT
supply and affordability?		zoned land to a 3(b) (Special Business zone).
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Yes	The site is located on the urban fringe of Bega and is easily accessible from Bega Street (a main street of the township). Access to the site will also be facilitated by the Bega Bypass which is currently being finalised by the RTA. Additionally, the site is readily accessible by pedestrians.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	Yes	The EIA (refer Appendix B) states the rezoning and future development will increase diversity in retail provision for both existing and future residents and reduce the need to travel by car by capturing more shopping trips and retail expenditure from the surrounding area. The scale of the development is unlikely to generate any perceived Greenhouse Gas impacts
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	No	The proposal does not require further government investment in public infrastructure, it will utilise the existing infrastructure and services beyond the property boundaries. It is anticipated that the existing surrounding road network has sufficient capacity to support the commercial development of the site.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No	The site is largely cleared and is not occupied by or for any use. While a thin zoning of <i>E2 Environmental Conservation</i> extends along the west and north boundaries of the site under the Draft BVL-EP 2010, this is considered to be an unnecessary and overly restrictive measure. It should be noted that the proposed development is achievable without impacting on this area of the site. Refer to Section 5.3.2 for discussion on contamination and the necessary remediation works.
Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Yes	The rezoning would enable the development of a Masters development on a currently vacant site which contains remnants of past land uses. It would increase the presentation of the site to the street and improve the public domain in the Bega township. The development would be compatible with surrounding land uses with consideration on amenity and design including in the Development Application stage. The use of the site for this retail use would complement the

EVALUATION CRITERIA	Y/N	COMMENT
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Yes	The EIA states the following in relation to the economic benefits of the Home Improvement Centre: - It would diversify retail provision within the Bega Valley LGA and enable a new retailer not currently represented in the Region to be secured. - The proposed development would not adversely impact upon the role or function of any existing centres in the South Coast Region and would not jeopardise the trading performance of any centres. - Any adverse impacts in terms of trade diversion would be directed towards a small range of retailers in a narrow range of retail goods categories. - The proposed development would help Bega capture more shopping trips and retail expenditure from the surrounding areas which has the potential to create spin-off benefits for retail businesses in the town centre. It would complement the Regional Town Centre of Bega. - Currently the site of the proposed store is vacant and generates negligible economic benefit - Other economic benefits of the proposed development include raising the profile of Bega for investors, increasing consumer choice for local resident which in turn will reduce the need to travel, and recapturing a higher proportion of retail expenditure generated by residents.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?		The development will improve competition and diversity of home improvement products which will lead to better prices and services to customers. Additionally, the proposed development concept will generate approximately 45-70 jobs (full time, part time and casual) and will generate approximately 88 employment multipliers (including 90 direct jobs per store during construction). Importantly these new jobs will be attractive to people in the wider locality. As stated in the EIA, the proposed development would raise

EVALUATION CRITERIA		Y/N	COMMENT
			the profile of Bega for investors, increasing consumer choice for local residents which in turn will reduce the need to travel, and recapturing a higher proportion of retail expenditure generated by residents.

5.2 RELATIONSHIP WITH STRATEGIC PLANNING FRAMEWORK

5.2.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE METROPOLITAN PLAN AND THE SUBREGIONAL STRATEGY?

As previously discussed at Sections 3.3 and 3.4, the Planning Proposal is generally consistent with the Metropolitan Plan and the draft South Subregional Strategy.

5.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN, OR OTHER LOCAL STRATEGIC PLAN?

5.2.2.1 BEGA VALLEY SHIRE COUNCIL COMMERCIAL STRATEGY 2006

The Bega Valley Shire Council Commercial Strategy (the Commercial Strategy) was adopted in December 2006. The Commercial Strategy aims to guide development of the commercial areas to match the community's 20 Year Plan and to facilitate commercial area land use that is efficient and profitable for business.

The subject site forms part of the main Regional Centre of Bega which is seen as being the principal business hub of the Shire and will have long term potential to grow to become a similar centre to Nowra (another South Coast Regional Centre).

The Commercial Strategy states the following in relation to the character of Regional Centres:

Centres of this scale will include representation by the larger chain retailers, significant Government services and the full range of commercial/business services normally associated with larger centres.

The proposed rezoning will allow the development of the site for a Masters Home Improvement Centre which consists of a smaller format offer applicable to lower sized catchments and regional environments and comprising the same wide array of goods and services over the same categories as the larger format seen in metropolitan areas.

Accordingly, the future development would have the potential to deliver significant economic and social benefits to the Bega Local Government Area by improving consumer choice, convenience and competition and generating local employment opportunities in a Regional Centre.

The 'Bega theme' is given in the report as follows:

- To be the administrative and commercial centre of the Shire.
- Over the 20 year period, to assume the role of the major business centre of the Shire.
- To retain the heritage character of Bega as the Regional Centre with a rural theme set in a very attractive rural landscape.
- To expand tertiary education opportunities.
- To further access to the arts.
- To expand on Government and Community services relevant to the region's needs.

The proposed rezoning will allow for the commercial use of the site for a mix of retailing uses that will strengthen the Regional Centre of Bega and provide a range of services for residents and visitors. The Commercial Strategy suggests it is desirable to project that Bega be a centre with capacity to service peak day catchment populations in the order of 60-70,000 people by 2025 (including tourists and out of Shire visitors accessing the Centre.) The development of a Masters Home Improvement Centre on the site enabled by the proposed rezoning will assist in increasing the number of people visiting the Regional Centre by increasing the services provided in the area.

The Spenco Precinct which the site falls within is identified in the strategy as "review zoning for possible Bulky Goods and Industrial". The Spenco site is proposed for zoning B7 Business Park. However, the Commercial Strategy states that Council will review the suitability of the "Spenco" site as a possible extension of the B3 Commercial Core Zone.

It is noted that the site is identified in the draft BVLEP 2010 as B4 Mixed Use which permits (amongst a large array of uses) 'commercial premises'.

5.2.2.2 BEGA TOWN CENTRE PLANNING REPORT

The Bega Town Centre Planning Report (the Town Centre Report) was prepared by Council in August 2007 to provide a context for the evolution of the Regional Centre of Bega. The report seeks to detail the development of a Town Centre Strategy and Structure Plan directed at realising the Vision of the emergent Regional Centre and a template for the development of relevant LEPs and DCPs.

The Town Centre Report describes Bega centre as follows:

In being a compact Centre it has a distinct core, perimeter of support activities and pronounced edges. Importantly it has forged strong linkages with its hinterland and in particular the river and wetlands. It is characterised by mixed uses and activities.

The proposed rezoning of the site to allow the development of a Home Improvement Centre will provide 'bulky goods retailing', 'timber yards' and 'retail plant nursery' uses which will add to the mix of uses found in the Bega centre. These uses are considered to be complementary to the core centre development and fulfil the 'Town Centre Support' status which it is assigned to the site within the report.

Town Centre Support has the following criteria:

- A "zone" of support activities, including in particular professional premises, educational facilities, retail bulky goods, health facilities and integrated medium density housing, which surround and integrate with the core.
- Sensitive integration of parking provision.
- Promotion of alternative housing opportunities.

While the site is not proposed for residential use, the rezoning of the site to 3(b) (Special Business Zone) will allow the development of the site for all elements of a Masters Home Improvement Centre which will provide retail bulky goods with appropriate and sensitively integrated parking. Further, the current zoning does not support residential activity so the proposed rezoning will not be inconsistent with the Town Centre Support criteria.

The site is known in the report as the 'Spenco Site' forming part of Precinct 7 and was initially identified by Council for examination for commercial development of a retail mall complex. It was considered by Council that the adverse impacts associated with this development on the rest of Bega were too great to support and would ruin the prospects of a compact town centre with associated energy savings and pedestrian accessibility.

However following review under the Commercial Strategy (discussed in Section 5.2.2.1), Council proposed that the site be assessed for possible Bulky Goods and Industrial development under template zone B7 (Business Park).

The Town Centre Report references a DA under consideration of council at the time of writing (2007). The site owner has submitted a development application for filling of the site, given about 2/3 of the site is below the 1/100 flood level, which has been approved.

The Report further refers to preliminary concepts previously submitted to Council based on a retail bulky goods development consisting of about 14,500m² of store space, outdoor timber yard and nursery and about 340 car spaces. From preliminary analysis of this, the report states that 'it is clear that some further detail studies, costing and modelling are warranted before Council makes a final decision on the most appropriate zoning'.

This Town Centre Report identifies the following three options for the site:

1. **Residential option** - Under this option, east of the production of Canning Street, would be proposed for rezoning from 4(a) Industrial to "R3 medium density residential". West of the production of Canning Street would remain rural zone under this option but could evolve for uses such as parkland and long stay car parking. The current 4(a) zone will require some substantial filling (perhaps 50,000m²) to place all residential development above likely flood level. The site is also a former tannery and has had fuel storage areas. As such, appropriate decontamination works would need to be effected before the site might be put to any higher use.
2. **Major Bulky Goods and Light Industrial site** (proposed zone IN 2 Light Industrial) - Previous concept of significant filling and provision of 14,500 sqm of Bulky goods floor space requires further economic modelling and environmental studies to test the viability of this concept.
3. **Smaller bulky goods site and/or industrial use** (proposed zone IN 2 Light Industrial) - Under this option a similar area would be filled but be developed for Bulky goods and/or light industrial uses. The economics and major impacts of this option compared to options 1 and 2 also require further modelling.

It is noted that the site is identified in the exhibited draft BVLEP 2010 as B4 Mixed Use zoning which would permit 'commercial premises', 'residential accommodation' and 'residential flat building', and 'retail premises' are all proposed to be permissible.

It is proposed that the current 4(a) and 1(a) zoning be replaced with a 3(b) (Special Business Zone) to expand the land uses permissible under the current zoning of the site (under BVLEP 2002) which would permit a Masters Home Improvement Centre on the site, consistent with the proposed draft BVLEP 2010. Further, this use would consist of mixed retailing and bulky goods development similar to option 2 and 3 identified by the Planning Report.

The proposed 3(b) (Special Business Zone) will also allow development which meets the intent of the zone with minimal use of site specific controls under Schedule 4.

5.2.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The Planning Proposal is consistent with the applicable State Environmental Planning Policies as summarised in the following table.

TABLE 3 – APPLICATION OF STATE ENVIRONMENTAL PLANNING POLICIES

SEPP TITLE	CONSISTENCY	CONSISTENCY OF PLANNING PROPOSAL
SEPP 1 – Development Standards	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 6 – Number of Storeys in a Building	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 22 – Shops and Commercial Premises	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 55 – Remediation of Land	Yes	A Phase 1 Environmental Site Assessment has been prepared by ERM Environmental and is included at

- Creating jobs to support the intended population in the Bega Valley LGA and the South Coast Region, enabling people to live, work and shop within their local area.
 - Improving the opportunities for a range of shopping to be done in a single journey.
 - Improving retail competition within the area, which will deliver better economic outcomes to the local community.
- Additionally, the proposed development is considered to generate the following positive social and economic effects:

A Masters Home Improvement Centre would not result in any long term adverse economic impacts upon existing centres in the trade area. The impacts on existing centres will be immeasurable given that these centres only have a small component of businesses retailing hardware and bulky goods and given growth in demand forecast over the next couple of decades.

We should note that, as a Regional Town Centre, Bega is the preferred location for new large scale retail and bulky goods floorspace serving a wide catchment. The provision of a Masters Home Improvement Centre in Bega would help the centre to capture more shopping trips and more expenditure. This has the potential to create benefits via spin-off trade to other retailers in Bega and would increase the attractiveness of the town as a shopping destination.

The EIA concludes the following:

The Economic Impact Assessment prepared by Hill PDA and located in **Appendix B** considered the demand for retail space, the economic impacts of the proposed development and employment generation.

5.3.1 ECONOMIC AND SOCIAL IMPACT

5.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

As previously discussed at Section 3.2, the Planning Proposal is generally consistent with the relevant s.117 Directions.

5.2.4 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S.117 DIRECTIONS)?

SEPP TITLE	CONSISTENCY	CONSISTENCY OF PLANNING PROPOSAL
SEPP 60 – Exempt and Complying	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP (Infrastructure) 2007	Yes	The proposal has considered the relevant part of the SEPP (Infrastructure) 2007, namely traffic generating developments and is considered consistent.
Draft SEPP (Competition) (2010)	Yes	The proposal has considered the draft SEPP, namely the objectives to remove artificial barriers on competition between retail businesses and is considered consistent with the draft SEPP.

Additionally, existing urban land uses are located to the south and east and include Mumbulla School to the east and Bega Bowling club to the south west beyond which is residential development.

The proposed E2 zone under the draft BVLEP 2010 comprises an isolated strip of vegetation on the northern and western boundaries of the site. This area has limited potential to link into surrounding areas of biodiversity as it is surrounded by proposed road infrastructure and land zoned for urban purposes.

There are no known critical habitats; threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts are minimal.

5.3.5 ECOLOGICAL IMPACT

A full Acoustic Assessment will be prepared as part of the detailed design and the Development Application process. Appropriate acoustic treatments will be provided to avoid any impact on the amenity of surrounding land users.

Noise assessment is a key consideration of development on the site given the interface with the residences along Bega Street, the child care centre at the corner of Bega Street and Parker Street, and the school on Parker Street to the east.

5.3.4 ACOUSTIC

- Onsite vehicle circulation will enable all vehicles to enter and exit in a forward direction.
 - The site is accessible to pedestrians.
 - The site will benefit from access via the future development of the Bega Bypass.
 - The loading is located on the western side of the Home Improvement Centre provides appropriate separation from key noise sensitive land uses to the east and south east.
 - The proposed parking provision is consistent with the Bega Valley Development Control Plan.
 - The indicative scheme proposes access from Bega Street with separated customer and service vehicle access.
- A traffic report will be prepared as part of the Development Application process. However, it is noted that:

5.3.3 TRAFFIC, PARKING AND ACCESS

Accordingly the site presents no contamination issues which would impede the future development of a Masters Home Improvement Centre on the site.

A Development Application is being prepared for the remediation and associated earthworks to address the contamination on site which will be accompanied by a Remediation Action Plan to remediate the site to accommodate future permissible uses, including a Masters Home Improvement Centre.

As discussed in Section 3.5 of this report, Environmental Site Assessments results have confirmed the presence of contamination on site. In accordance with Clause 9(e)(vi) of the State Environmental Planning Policy No. 55 (Remediation of Land) and Clause 78 of the BHLEP 2002, consent is required for remediation work to be carried out.

5.3.2 CONTAMINATION

- Fast-tracking the timing of the development which would be supported by the rezoning of the site under the draft BVLEP 2010, which would otherwise be delayed until the draft LEP is gazetted.
- Accommodate modern retail in the Bega Town Centre, which will enhance its ability to perform as a Regional Centre.

Reasonable measures will be undertaken to safeguard existing vegetation along the site's boundaries and the proximity of the site to Spenco Lagoon during Development Application and detailed design stage.

This will also be adequately addressed through environmental provisions contained within the draft BVLEP 2010 and overlay mapping which already cover the site as discussed in the submission to the draft BVLEP 2010 (refer **Appendix D**).

5.3.6 FLOODING IMPACT

The site is identified as being located below the 1 in 100 year flood level. The indicative site layout has considered these flood constraints and any future design for development on the site would be in accordance with Council's flood policies.

5.4 STATE AND COMMONWEALTH INTERESTS

5.4.1 ADEQUACY OF PUBLIC INFRASTRUCTURE AND TRANSPORT INFRASTRUCTURE

It is understood that the existing infrastructure has the capacity to accommodate development on the site. Accordingly, it is not anticipated that it will place unnecessary or additional demands on public infrastructure. Any upgrades to infrastructure to support a future development on the site would be investigate and potentially form a condition of consent for the development.

5.4.2 STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTATION

No consultation with State or Commonwealth authorities has been carried out to date on the Planning Proposal.

5.5 COMMUNITY CONSULTATION

No formal public community consultation has been undertaken as at this date in regard to this Planning Proposal. However, the applicant is attempting to schedule time for such consultation with adjacent parties shortly. It is expected that this Planning Proposal will be formally exhibited and that direction as to the nature and extent of the public exhibition after receiving a Gateway Determination.

5.5.1 PRIMARY CONSULTATION WITH COUNCIL

Preliminary consultation was undertaken with Bega Valley Council to discuss the proposed Masters development. Council stated in an email dated 2 September 2011 that the proposal had been discussed with Strategic Planning team and that no objection to a Planning Proposal proceeding in advance of the draft BVLEP 2010.

The following submission requirements were requested by the Council Officer:

- Justification for the Planning Proposal, including reasons why it should go ahead of the draft BVLEP 2010.
- Project outline and objectives.
- Concept plans of the development.
- Economic impact statement.
- Overview of the likely DA assessment issues, including flooding, rehabilitation of contaminated lands, traffic impacts, noise impacts.
- Outline of project consistency with the South Coast Regional Strategy, Bega Valley Shire Council Commercial Strategy 2006, Bega Town Centre Planning Report, exhibited draft BVLEP 2010.

These submission requirements have been incorporated into this Planning Proposal.

The subject site offers a unique opportunity for the additional retailing activities to be accommodated within the Bega Valley LGA. The strategic location of the site within the Bega Regional Centre provides scope for the site to accommodate a retailing land use which is complementary to the land uses situated within the Bega Township, and also sympathetic to surrounding residential and educational land uses. The exhibited draft BVLEP 2010 proposes rezoning the site to B4 Mixed Use with a thin zoning of E2 Environmental Conservation. While the E2 zone restricts development on the north and western boundaries, the B4 zone would permit the additional land uses proposed as part of this Planning Proposal for the site. This indicates that Council have assessed the suitability of the site to accommodate the land uses proposed on the site, and identified they are appropriate and compatible with surrounding land uses. As such, this Planning Proposal seeks to fast track the rezoning of the site, through adding the necessary additional land uses prior to the comprehensive Standard LEP process being completed so that market investment in the site can commence, resulting in all of the economic benefits, as outlined above and in the EIS being realised earlier than if this Planning Proposal was not submitted.

Under the draft BVLEP 2010, the site is proposed to be zoned

The Planning Proposal will deliver:

- Land for a modern retailing offer which will complement the retail offer within the Bega Township.
- Improved retailing offer and competition to the local and sub-regional community.
- Jobs for 45 to 70 staff (full time, part time and casual), and generate approximately 88 employment multipliers (including 90 direct jobs per store during construction).

The Planning Proposal is consistent with the strategic and market context of the site, and will utilise existing infrastructure and services, as well as increase the investment in local infrastructure through Section 94 Developer Contributions.

The proposal is consistent with the key strategic planning documents including the South Coast Regional Strategy and the Illawarra and South Coast Employment Lands Strategy.

In summary, the Planning Proposal is suitable for the site and should be supported for the following reasons:

- **From a strategic perspective** - The proposal will strengthen the strategic position of Bega Regional Centre in the South Coast Regional Strategy, and will support the establishment of retail cluster and providing diversity within centres. The proposal is generally consistent with the South Coast Regional Strategy, Illawarra and South Coast Employment Lands Strategy, relevant SEPPs, and Section 117 Directions.
- **From an environmental perspective** - the site is substantially cleared and its development will not result in the loss of a site which contributes to the visual or ecological environment of surrounding sites. The development of the site offers the opportunity to ensure that any remediation works are carried out and that the site is remediated to safe levels.

- **From a social and economic perspective** - The proposed development will have a positive employment impact. The proposal will assist Bega Valley Council to contribute to the employment growth targets of the South Coast Regional Strategy. Contributing approximately 45 to 70 new jobs. Further the proposal will support future development of a currently vacant site to deliver a wider retailing offer to the local and regional community, and will improve competition in the home improvement sector, which will in turn deliver more competitive prices to the community.

For the reasons above, we request that Bega Valley Shire Council support the progress of the Planning Proposal and that the Bega Valley Local Environmental Plan 2002 be amended accordingly.

