



16 April 2015

Mr Brett Whitworth
Regional Director, Southern Region
NSW Department of Planning & Environment
PO Box 5475
WOLLONGONG NSW 2520

Dear Brett

**PLANNING PROPOSAL SUBMISSION – REZONING AND LOT SIZE MAP AMENDMENT FOR
SHADY WILLOWS HOLIDAY PARK AND OTHER LAND (Am No 9)**

At its ordinary meeting on 24 March 2015 Council resolved to forward the Planning Proposal for an amendment to the Eurobodalla Local Environmental Plan 2012 (LEP 2012) Land Zoning Map and Lot Size Map relating to certain land at Batemans Bay to the NSW Minister for Planning and Environment for a Gateway Determination in accordance with section 56 of the *Environmental Planning and Assessment Act 1979* (the Act).

The proposed amendments will enable the redevelopment of the subject land for business development purposes.

The planning proposal, report to Council and Council minute are attached. I look forward to receiving your advice as to the Minister's gateway determination in due course.

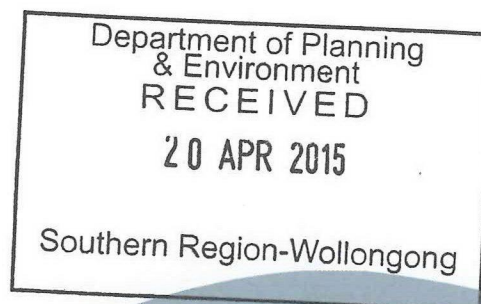
If you wish to discuss these matters or require additional information please contact me on 02 4474 1314.

Yours faithfully



Mark Hitchenson
Coordinator, Land Use Planning

Encl.
Council report and minutes
Planning proposal



Planning Proposal

Amendment to ELEP 2012 Land Zoning Map and Lot Size Map for land bounded by the Old Princes Highway, South Street and Gregory Street, Batemans Bay

ELEP 2012 Amendment No. 9

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INTRODUCTION

The planning proposal explains the intended effect of, and justification for the proposed amendment to *Eurobodalla Local Environmental Plan (LEP 2012)* to rezone land for business development purposes at Batemans Bay and to make consequent amendments to the minimum lot size standard for the land.

The subject land is bounded by the Old Princes Highway, South Street and Gregory Street, Batemans Bay and consists of the following lots:

- Lot 106 DP 252328, 49 South Street, Batemans Bay
- Lot 22 DP 554631, 57-59 Old Princes Highway, Batemans Bay
- Lot 281 DP 755902, 59-61 Old Princes Highway, Batemans Bay
- Lots 104 and 105 DP 252328, 10 and 12 Gregory Street, Batemans Bay
- Lots 1 and 2 DP 852390, 8A and 8B Gregory Street, Batemans Bay
- Lots 100 to 102 DP 252328, 2A, 4 and 6 Gregory Street, Batemans Bay

The land is depicted in **Part 4 – Figures 1 and 2**.

The subject land currently contains a caravan park that provides predominantly tourist and visitor accommodation with a small number of permanent sites, a bulky goods development (Bunnings) that will soon be relocated to a different site, and a number of dwellings (a mix of Department of Housing dwellings, Aboriginal housing dwellings and private dwellings).

The proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the relevant Department of Planning and Environment Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

Council is seeking to progress this planning proposal through the gateway determination process as an amendment to *LEP 2012*.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objective of this planning proposal is to enable the redevelopment of the land for business development purposes.

PART 2: EXPLANATION of PROVISIONS

The objective of the Planning Proposal will be achieved by a site specific amendment of the Eurobodalla LEP 2012:

- to rezone the land from the R3 Medium Density Residential and IN1 General Industrial zones to the B5 Business Development zone through an amendment to the *LEP 2012 Land Zoning Map Sheet LZN_011A*; and

- to amend the minimum lot size for the current R3 zoned portion of the land from 550m² to no minimum lot size through an amendment to the ELP 2012 Lot Size Map Sheet LSZ_011A.

The map amendments are described in **Part 4 – Figures 3 to 6**.

Note: The proponent of the proposed amendments also requested the Height of Buildings Map be amended to change the current height limit of 11.5m to no height limit. Council has resolved not to proceed with this amendment on the grounds that it is inconsistent with the approach to building height in the immediate vicinity of the subject land and for other commercial areas in the Shire.

PART 3: JUSTIFICATION for PROPOSAL REZONING

In accordance with the department of Planning's '*Guide to Preparing Planning Proposals*', this section provides a response to the following issues:

- Section A- Need for the planning proposal
- Section B- Relationship to strategic planning framework
- Section C- Environmental, social and economic impact; and
- Section D- State and Commonwealth interests

Section A- NEED for the PLANNING PROPOSAL

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

The planning proposal is not the direct result of a strategic study or report. It has been prepared following a request from Farolo Pty Ltd who are acting on behalf of the two major landholders in the subject area.

The proposal is however consistent with relevant strategies, including the South Coast regional Strategy, the Eurobodalla Settlement Strategy and the Economic Development and Employment Lands Strategy (See Section B).

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

The best means of enabling a range of business development purposes on the subject land, including bulky goods developments, is to rezone the land to the B5 Business Development zone.

While it is noted that Council has included in a separate planning proposal the inclusion of bulky goods development as a permissible use in the IN1 General Industrial zone, it is not considered appropriate to expand the IN1 General Industrial

zone across the subject land given the proximity of the site to surrounding residential development.

An alternative to the current planning proposal would be to add additional business development type uses to the current zone of the land, however this is not considered appropriate, particularly for the portion of the land currently zoned R3 Medium Density Residential.

3. *Is there net community benefit?*

While the proposal will likely result in the loss of some tourist accommodation and affordable housing in the Batemans Bay area (as discussed below), the additional business and employment opportunities are considered to provide a net benefit to the Eurobodalla community, particularly given the currently limited opportunities for new large floor plate business development activity in Batemans Bay.

Refer to Section C for a more detailed discussion on the social and economic impacts of the proposal.

Section B- RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

4. *Is the planning proposal consistent with the objectives and action contained within the applicable regional or sub-regional strategy?*

South Coast Regional Strategy

The South Coast Regional Strategy (SCRS) 2006-2031 is applicable to the subject land and it identifies Batemans Bay as a Major Regional Centre suitable for major commercial developments.

The SCRS states that “*Local Environmental Plans will protect and add to employment lands in existing economic centres, including major regional centres and major towns...*”

The planning proposal is consistent with the SCRS as it adds to the existing employment land in the Batemans Bay Regional Centre. While a portion of the subject land is proposed to be rezoned from the IN1 General Industrial zone to the B5 Business Development zone, this portion of the site is currently occupied by a Bunnings (a bulky goods and hardware development) that is an appropriate use in the B5 zone. Although the Bunnings development will soon be relocated to another site, the proposed rezoning will facilitate a similar development on the land.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Eurobodalla Community Strategic Plan- 'One Community'

The planning proposal is consistent with the Eurobodalla Community Strategic Plan- One Community. It provides for additional business and employment opportunities, thus aligning with the Community Strategic Plan objectives as follows:

- *Objective 5.2 Support the growth of our business community*
- *Objective 6.1 Increase the range of opportunities to work locally*

Eurobodalla Settlement Strategy

The planning proposal is consistent with the Eurobodalla Settlement Strategy (ESS) which seeks to reinforce the current role and function of commercial centres. The proposed rezoning reinforces the existing hierarchy of centres and addresses the following elements of the ESS:

- *Locate major commercial, civic, recreational and institutional functions in or near the major centres and co-locates major trip-generating activities;*
- *Generate a wider range of employment opportunities and business growth in appropriate locations close to housing, transport and services;*
- *Ensure that adequate serviced land is available for employment generating business and that these areas are best located to serve the needs of industry and the community.*

The Eurobodalla Settlement Strategy also seeks to “*optimise the use of existing services and infrastructure and promote the efficient provision of any services and infrastructure into the future*”. The proposed rezoning has the potential to generate increased traffic that may impact on the local and regional road network, increase stormwater runoff and require the relocation of an existing sewer main. With regard to traffic and stormwater, it is recommended that the proponent provide additional studies / master plans to address the potential impacts of future development of the land for business development purposes, prior to the public exhibition of the planning proposal.

Economic Development and Employment Lands Strategy 2011

Council adopted an Economic Development and Employment Lands Strategy in 2011. Rezoning the subject land for employment generating development satisfies the following employment land planning principles in the Employment Lands Strategy:

- That future employment lands be provided in accessible locations to service the three distinct population centres in the north, central and southern parts of the Shire and that transport connections between the centres be improved.
- That future employment lands be determined having regard to the need to increase economic and employment diversity, by basing employment land decisions on known or anticipated business location needs and the potential for business clusters to establish and grow.
- That centres remain compact in form and land use, particularly for core retail and commercial activities, with opportunities for non-core retail and commercial development to be provided in appropriate locations adjacent to centres.

The subject land is located adjacent to an existing industrial precinct where there is an established cluster of bulky goods / building supplies / hardware type businesses. The land has good access to the Princes Highway and to the Batemans Bay Regional Centre via the Old Princes Highway. The proposal provides for non-core retail activity in an appropriate location close to the Batemans Bay Regional Centre and adjacent to the existing industrial precinct of Batemans Bay.

6. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

SEPP	Relevance	Consistency and implications
SEPP 21 Caravan Parks	While the subject area contains an existing caravan park, the SEPP relates to the granting of consent for a caravan park and the subdivision of caravan parks for lease purposes. The SEPP does not address the issue of rezoning land containing a caravan park or redevelopment of existing caravan parks.	N/A
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	This SEPP requires Councils to consider whether urban land that is no longer needed for the purpose for which it is currently zoned, could be used for multi-unit housing.	The majority of the subject land is currently zoned R3 Medium Density Residential and could be redeveloped from the existing caravan park to multi-unit housing. The proposed rezoning would mean that multi-unit housing would no longer be a permissible development on the land. It is considered that the

		subject land is best suited to an expansion of business development activity, rather than multi-unit housing, given the land adjoins industrial development and the greater need in Batemans Bay for more land employment generating development. Significant alternative opportunities exist for additional multi-unit housing in closer proximity to the commercial core of the Batemans Bay Regional Centre.
SEPP 55 Remediation of Land	Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.	Consistent. Given a portion of the subject land is zoned IN1 General Industrial, it is prudent to require a phase 1 site contamination assessment prior to the land being rezoned.
SEPP 71 Coastal Protection	Aims to protect and preserve coastal environments	Consistent. The subject site is within the Coastal Zone, but is not in a sensitive coastal location. Subject to further consideration of stormwater issues, through the preparation of a stormwater masterplan prior to rezoning, the proposal is unlikely to have any detrimental impacts on coastal processes.
SEPP (Affordable Rental Housing) 2009	The SEPP applies to development of affordable housing and the retention of existing affordable housing. The planning proposal does not relate to new affordable housing developments and the provisions relating to the retention of affordable housing do not apply to Eurobodalla.	N/A

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of relevant s. 117 Directions against the planning proposal is provided in the table below.

Ministerial Direction	Aim of the Direction	Consistency and Implications
1.1 Business and Industrial Zones	To retain areas of existing business and industrial zones, not reduce potential floor space and ensure new employment areas are consistent with an endorsed strategy.	Consistent. The planning proposal adds to existing employment land in the Batemans Bay. While a portion of the subject land is proposed to be rezoned from the IN1 General Industrial zone to the B5 Business Development zone, this portion of the site is currently occupied by a bulky goods and hardware development that is an appropriate use in the B5 zone. The proposal is consistent with the following statement in the South Coast Regional Strategy: <i>"Local Environmental Plans will protect and add to employment lands in existing economic centres, including major regional centres and major towns..."</i>
2.2 Coastal Protection	To implement the principles of the NSW Coastal Policy	Consistent. The subject site is within the Coastal Zone, but is not in a sensitive coastal location. Subject to further consideration of stormwater issues, through the preparation of a stormwater masterplan prior to rezoning, the proposal is unlikely to have any detrimental impacts on coastal processes.
3.1 Residential Zones	To encourage a variety and choice of housing types, to make efficient use of existing infrastructure and services and to minimise the impact of residential development on the environment and resource lands.	N/A The planning proposal involves removing some R3 Medium Density Residential zoning from a portion of the subject land and replacing it with the B5 Business Development zone. Significant alternative opportunities exist for a range of additional housing types in closer proximity to the commercial core of the Batemans Bay Regional Centre, through existing provisions of ELEP 2012.
3.2 Caravan Parks and Manufactured Home Estates	To retain provisions that permit development of caravan parks and retain the zoning of existing caravan parks.	The zoning of the land on which the existing caravan park is located is R3 Medium Density Residential. Caravan parks are prohibited in this zone, therefore the existing caravan park on the land is an existing lawful non-conforming use. The proposal to

		rezone the land to B5 Business Development is therefore not inconsistent with this direction.
4.4 Bushfire	To protect life, property and the environment from the effects of bushfire and to promote the sound management of bushfire prone land.	Consistent. A small portion of the subject land is mapped as bushfire prone. However, the proposed rezoning to B5 Business Development is unlikely to result in development of a special fire protection purpose. Consultation with the RFS will be required and it is anticipated that any proposed future development of the land will be able to comply with the requirements of <i>Planning for Bush Fire Protection 2006</i> .
5.1 Implementation of Regional Strategies	To ensure planning proposals are consistent with the relevant regional strategy.	Consistent. The proposal is consistent with the following statement in the South Coast Regional Strategy: <i>"Local Environmental Plans will protect and add to employment lands in existing economic centres, including major regional centres and major towns..."</i>

Section C- ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There are no significant environmental values on the subject land. Most of the vegetation has been planted and is not native. A few isolated native trees are located on the land.

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

Bushfire

A small portion of the subject land is mapped as bushfire prone. However, the proposed rezoning to B5 Business Development is unlikely to result in development of a special fire protection purpose. Consultation with the RFS will be required and it is anticipated that any proposed future development of the land will be able to comply with the requirements of *Planning for Bush Fire Protection 2006*.

Heritage and Aboriginal Archaeological Assessment

The site does not contain a heritage item and no items are located in the vicinity of the site. No Aboriginal sites or places have been recorded in or near the subject land.

Potential Land Contamination

A portion of the subject land is currently zoned IN1 General Industrial and has a long history of use as a hardware store. It is prudent to require a phase 1 site contamination assessment prior to the land being rezoned.

Stormwater

The land drains to the “watergardens” wetland (not a SEPP 14 wetland) and any increased stormwater runoff generated by development of the land will need to be stored and treated on site prior to entering the natural system. A stormwater master plan will be required prior to rezoning.

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

Economic Impact

Batemans Bay has a limited supply of land zoned for large floor plate business development and very limited opportunities for centre growth given the topography of surrounding land and the natural boundaries of water and vegetation within Sate Forests. Rezoning additional land for business purposes in appropriate locations therefore presents a good opportunity for business and employment growth in Batemans Bay.

Additional business development opportunities within Batemans Bay will have a positive impact on the local economy in terms of construction and operational employment opportunities and increased retail competition.

The proposal will displace an existing caravan park which provides 5 long-term sites and 78 short-term sites. The rezoning proposal will therefore result in the loss of some tourist and visitor accommodation in Batemans Bay. It should however be noted that alternative development opportunities already exist on the land, such as redevelopment for medium density housing, and should this rezoning not proceed, the current land owners could propose alternative residential development of the land.

Social Impact

The development of the land for business development purposes will result in the loss of a small number of existing affordable housing opportunities. However, there remains potential for new affordable housing opportunities to be developed on land in closer proximity to the commercial core of the Batemans Bay Regional Centre than the subject site.

It is noted that the caravan park owner has obligations under the Residential Parks Act 1998 (s102 and s102AA) with respect to a long term tenant who is issued a termination notice on the grounds that there will be a change of use, including providing 12 months to vacate the premises and potentially providing compensation to the tenant. The tenant has the right to apply to the NSW Civil and Administrative Tribunal for an order to postpone the date for vacating the site.

Some of the existing improvements upon the land (particular the current Bunnings building) are aged and visually detract from the streetscape. Redevelopment of the land will have the potential to improve the visual quality of the area.

Section D- STATE and COMMONWEALTH INTERESTS

11. Is there adequate public infrastructure for the planning proposal?

Access- Development of the land for business development purposes is likely to increase traffic volumes in the vicinity of the site and impact on the road network. A traffic study should be prepared by the applicant prior to public exhibition of the planning proposal.

Water and Sewer- The site is serviced with water and sewer services that have capacity to accommodate a bulky goods type development. Relocation of a sewer main that runs through the subject land may be required.

Stormwater- The land drains to the “watergardens” wetland (not a SEPP 14 wetland) and any increased stormwater runoff generated by development of the land will need to be stored and treated on site prior to entering the natural system. A stormwater master plan will be required prior to rezoning. Development of the site will also require upgrading of stormwater infrastructure as a condition of any future development consent.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

With the exception of NSW Land and Housing Corporation, who have been consulted as an owner of some of the residential properties fronting Gregory Street, no public authorities have yet been consulted about the planning proposal.

It is anticipated that the gateway determination will require consultation with the following agencies:

- NSW Roads and Maritime Services
- NSW Rural Fire Service

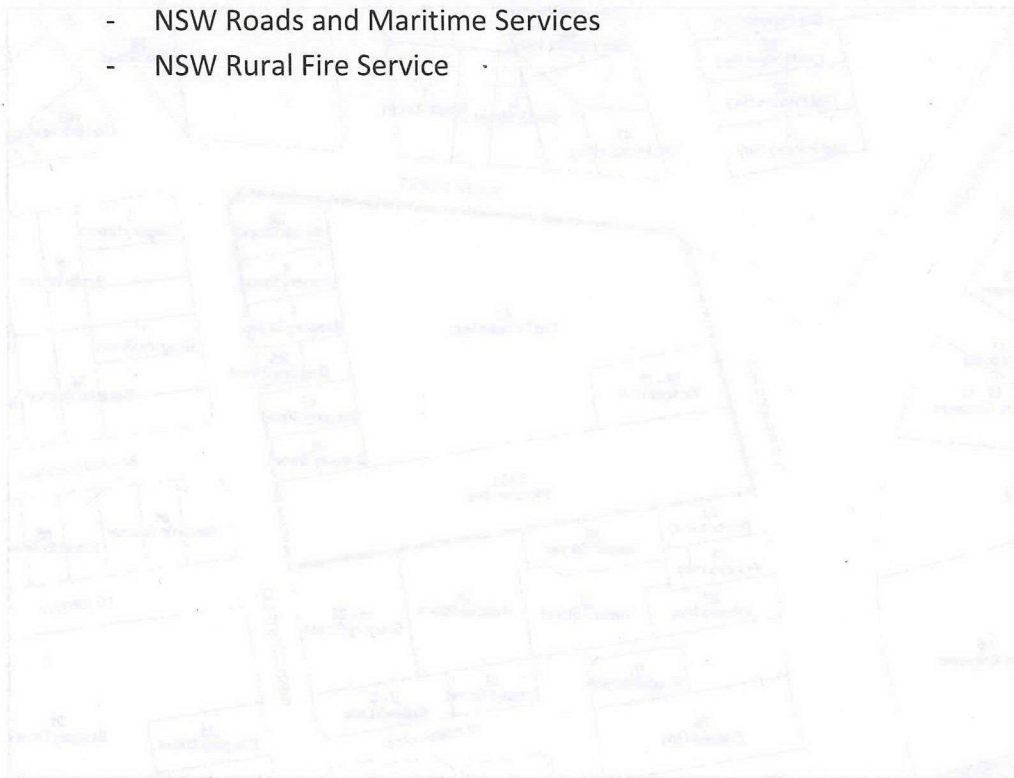


Figure 1: The subject land



Figure 2: Aerial view of the subject land

PART 4- MAPPING

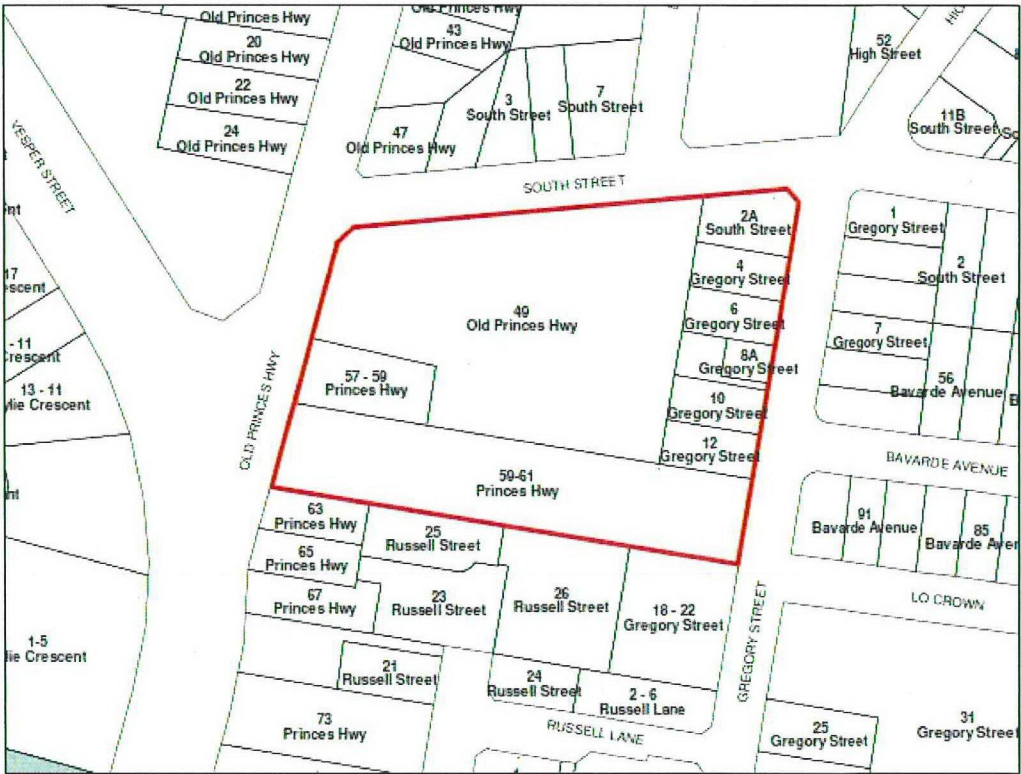


Figure 1: The subject land



Figure 2: Aerial image of the subject land

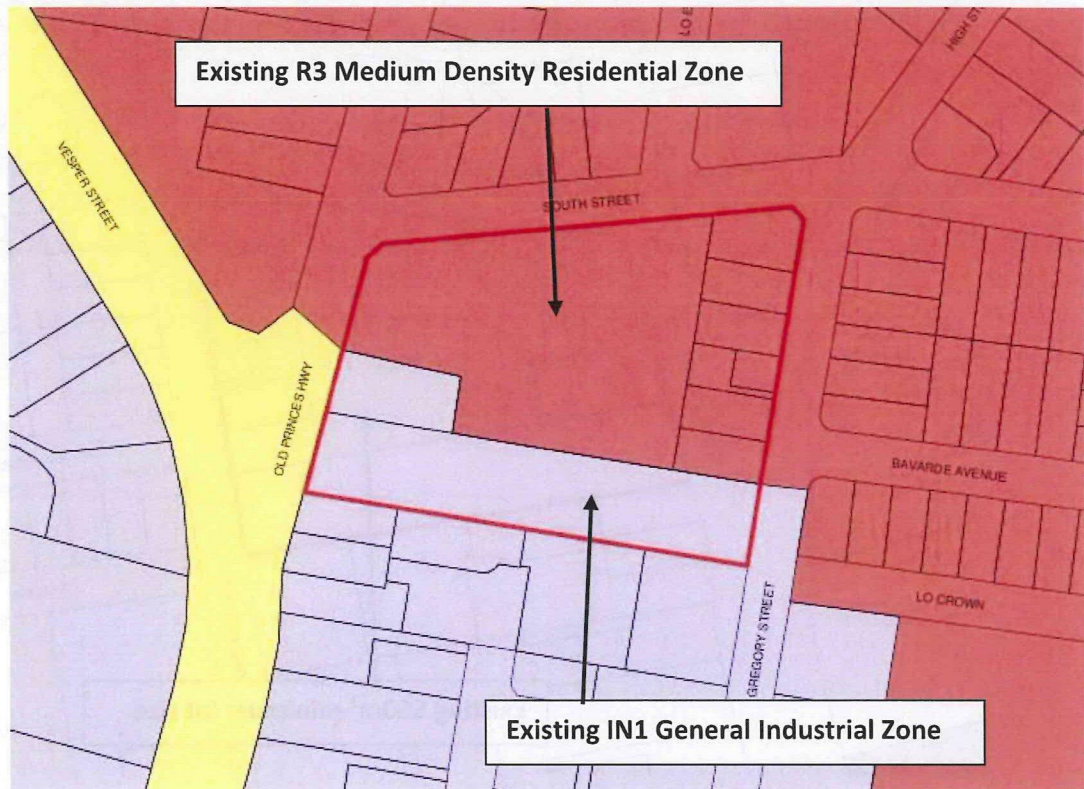


Figure 3: Current ELP 2012 Land Zoning Map



Figure 4: Proposed change to ELP 2012 Land Zoning Map



Figure 5: Current ELP 2012 Lot Size Map



Figure 6: Proposed change to ELP 2012 Lot Size Map

PART 5- COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation being undertaken by the local authority. The planning proposal is intended to be exhibited for a 28 day period.

Consultation on the proposed rezoning and minimum lot size amendment will be to inform and receive feedback from interested stakeholders. To engage the local community the following will be undertaken:

- Notice in the local newspaper;
- Exhibition material and relevant consultation documents to be made available at the libraries and Council's Administration Building;
- Consultation documents to be made available on the Council's website; and
- Letters advising adjoining landowners on the proposed rezoning and minimum lot size amendment and other stakeholders that Council deem relevant to this proposal.

Additional consultation measures may be determined appropriate and added to the above as part of the gateway determination.

At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the proposed lot size amendment before proceeding to finalisation of the proposal.

PART 6- PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	1 May 2015
Anticipated timeframe for the completion of required technical information	2 months
Timeframe for government agency consultation	July 2015
Commencement and completion dates for public exhibition period	August 2015
Timeframe for the consideration of submissions	Early September 2015
Timeframe for consideration of a proposal post exhibition	October 2015
Date of submission to the Department to finalise the LEP	Early November 2015
Anticipated date the RPA will make the plan (if delegated)	N/A
Anticipated date the RPA will forward to the department for notification	December 2015

PSR15/009 PLANNING PROPOSAL FOR SHADY WILLOWS HOLIDAY PARK AND OTHER LAND 81.0277.R

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Planning Proposal for Shady Willows Holiday Park and Other Land

Strategic Objective: Sustainable

Delivery Program Link: S7.2 Maintain, update and communicate planning informations and issues

Operational Plan Link: S7.2.3 Monitor, report and communicate and implement changes relating to land use planning

EXECUTIVE SUMMARY

Council has received a request to consider the rezoning of land at Batemans Bay from the R3 Medium Density Residential and IN1 General Industrial zones to the B5 Business Development zone. Changes to the Height of Buildings Map and Lot Size Map are also proposed. A planning report has been submitted by the proponent in support of the request.

The subject land is currently occupied by the Shady Willows Holiday Park (caravan park), the existing Bunnings store and a number of residential properties fronting Gregory Street.

To progress a Local Environmental Plan amendment, Council must consider and resolve to prepare a Planning Proposal that is submitted to the Department of Planning and Environment for a Gateway Determination. An amendment may only proceed (or not) according to the Gateway Determination given.

The purpose of this report is to advise Council of the amendments proposed to the Eurobodalla Local Environmental Plan 2012 as outlined in the Planning Proposal attached to this report and to seek a resolution to endorse the Planning Proposal and forward it to the Department of Planning and Environment for a Gateway Determination.

The Planning Proposal recommends that Council proceed with the proposed rezoning of the land and the change to the Lot Size Map, but not to proceed with the proposed change to the Height of Buildings Map.

RECOMMENDATION

THAT Council

1. Endorse the attached Planning Proposal to amend Eurobodalla Local Environmental Plan 2012, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, to rezone land at Batemans Bay from the R3 Medium Density Residential zone and the IN1 General Industrial zone to the B5 Business Development zone and to amend the Lot Size Map accordingly.
2. Forward the Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.
3. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.

**PSR15/009 PLANNING PROPOSAL FOR SHADY WILLOWS HOLIDAY PARK
AND OTHER LAND**

81.0277.R

4. Receive a report back on the planning proposal if a written objection is received during consultation with the community as per the requirements of Section 57 of the Environmental Planning and Assessment Act 1979.

BACKGROUND

Eurobodalla Local Environmental Plan 2012 (LEP) was notified on 20 July 2012. The subject land was zoned in a manner consistent with the zoning of the land under the former Urban Local Environmental Plan 1999 (consistent with the approach of like for like zoning).

Batemans Bay is identified in the South Coast Regional Strategy as a Major Regional Centre. Batemans Bay has limited potential for additional employment land, due to topography and being mostly surrounded by water and State Forests. Any new major developments in the Batemans Bay Regional Centre will largely require redevelopment of existing properties.

A request to consider rezoning of the land identified in the attached Planning Proposal has been made by consultants for Farolo Pty Ltd on behalf of the two major landholders in the subject area. The request is to rezone the subject land from the R3 Medium Density Residential and IN1 General Industrial zones to the B5 Business Development zone. The request also proposes replacing the current 11.5m maximum building height standard for the subject land with no height standard and to replace the current 550m² minimum lot size standard for part of the subject land with no lot size standard.

CONSIDERATIONS

A planning proposal has been prepared to assess the rezoning request in accordance with the guidelines from the Department of Planning and Environment. The following matters have been considered:

Legal

The Environmental Planning and Assessment Act 1979 outlines the process for making amendments to a Local Environmental Plan. The first stage of the process requires Council to resolve to forward a planning proposal to the Minister for Planning for a Gateway Determination.

Policy

The Planning Proposal has been prepared in accordance with the Department of Planning and Environment's guidelines for preparing planning proposals and Local Environmental Plan amendments.

While the subject site is not specifically identified in any relevant strategic study or policy document, the proposed rezoning is consistent with the intent of the South Coast Regional Strategy, the Eurobodalla Settlement Strategy and Council's Economic Development and Employment Lands Strategy, all of which identify the need to add to employment lands in Eurobodalla and reinforce the role of Batemans Bay as a major regional centre.

**PSR15/009 PLANNING PROPOSAL FOR SHADY WILLOWS HOLIDAY PARK
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81.0277.R

Environmental

There are no significant environmental values on the subject land. The land drains to the "watergardens" wetland (not a SEPP 14 wetland) and any increased stormwater runoff generated by development of the land will need to be stored and treated on site prior to entering the natural system. A stormwater master plan will be required prior to rezoning. Further investigation of potential contamination of the site will also be required prior to any rezoning.

Asset

The site is serviced with water and sewer services that have capacity to accommodate a bulky goods type development. Such a development may increase traffic volumes in the vicinity of the site and impact on the road network. Redevelopment of the subject land provides for the opportunity to connect Russell Street to South Street, improving connectivity in the existing employment area. A traffic study should be prepared by the applicant prior to public exhibition of the planning proposal. Development of the site will also require upgrading of stormwater infrastructure as a condition of any future development consent.

Economic Development Employment Potential

The proposal will generate growth in business development and employment opportunities in Batemans Bay, particularly in bulky goods development which currently have very limited opportunities to develop in Batemans Bay.

Additional business development opportunities in Batemans Bay will have a positive impact on the local economy in terms of construction and operational employment opportunities and increased retail competition.

The proposal will displace an existing caravan park which, under the current approval, provides 5 long-term sites and 78 short-term sites. There are no campsites. The rezoning proposal will therefore result in the loss of some tourist and visitor accommodation in Batemans Bay. It should however be noted that alternative development opportunities already exist on the land, such as redevelopment for medium density housing, and should this rezoning not proceed, the current land owners could propose alternative residential development of the land.

Social Impact

The development of the land for business development purposes will result in the loss of a small number of existing affordable housing opportunities. However, there remains potential for new affordable housing opportunities to be developed on land in closer proximity to the commercial core of the Batemans Bay Regional Centre than the subject site.

It is noted that the caravan park owner has obligations under the Residential Parks Act 1998 (s102 and s102AA) with respect to a long term tenant who is issued a termination notice on the grounds that there will be a change of use, including providing 12 months to vacate the premises and potentially providing compensation to the tenant. The tenant has the right to apply to the NSW Civil and Administrative Tribunal for an order to postpone the date for vacating the site.

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81.0277.R

Some of the existing improvements upon the land (particular the current Bunnings building) are aged and visually detract from the streetscape. Redevelopment of the land will have the potential to improve the visual quality of the area.

Preliminary Assessment of proposed LEP amendments

Based on the above summary of economic, social, environmental and infrastructure issues, the rezoning of the subject land from R3 Medium Density Residential and IN1 General Industrial to the B5 Business Development is, on balance, considered worthy of support.

The proposed change to the maximum building height standard from 11.5m to no height limit is not consistent with the height control for the adjoining industrial and residential land, or for other commercial land in the Shire and is not considered appropriate. The current height limit should be retained.

The proposed change to the minimum lot size standard from 550m² to no minimum lot size is consistent with the adjoining industrial land and other commercial land in the Shire and is considered appropriate.

Communication / Consultation

All of the land owners within the subject area have been advised in writing of the proposed rezoning, firstly by the proponent in September 2014 (prior to submission of the request) and by Council in February 2015. No objections to the rezoning have been raised at this stage by any of the land owners.

The planning proposal outlines the planned community consultations to be undertaken following the receipt of a Gateway Determination, as follows:

- Placing a notice in the local newspaper
- Providing exhibition material at Council's libraries and at the Administration Centre
- Providing exhibition material on Council's website; and
- Informing adjoining land owners in writing.

Further consultation with the land owners within the subject area, and the long-term tenants of the caravan park, will also be undertaken at the commencement of the formal public exhibition period.

The proposal will be presented to the Tourism Advisory Committee and Business Advisory Committee for information.

The Gateway Determination will confirm the consultation requirements and any written referrals to government agencies.

CONCLUSION

Despite the loss of tourist and visitor accommodation and some affordable housing, it is considered that the potential economic benefits of rezoning the subject land to B5 Business Development represents a net public benefit.

**PSR15/009 PLANNING PROPOSAL FOR SHADY WILLOWS HOLIDAY PARK
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81.0277.R

There are no major impediments to a bulky goods type development of the subject land and issues that require further assessment, such as traffic impacts, management of stormwater and potential contamination, can be resolved through further assessment being undertaken by the proponent prior to any rezoning, or where appropriate as part of the development assessment process.

Having regard to the above, it is recommended that the planning proposal is worthy of support, with the exception of the proposed removal of the maximum building height standard.

**PSR15/009 PLANNING PROPOSAL FOR SHADY WILLOWS HOLIDAY PARK
AND OTHER LAND**

File Ref: 81.0277.R

15/30 MOTION Councillor Innes/Councillor Pollock

THAT Council

1. Endorse the attached Planning Proposal to amend Eurobodalla Local Environmental Plan 2012, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, to rezone land at Batemans Bay from the R3 Medium Density Residential zone and the IN1 General Industrial zone to the B5 Business Development zone and to amend the Lot Size Map accordingly.
2. Forward the Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.
3. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
4. Receive a report back on the planning proposal if a written objection is received during consultation with the community as per the requirements of Section 57 of the Environmental Planning and Assessment Act 1979.

(The Motion on being put was declared **CARRIED**)