

**Rezone land at Newtown Road, Boundary Road and East Street, Bega to IN2 Light Industrial and SP2 Infrastructure Zones**

|                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |               |                   |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------|
| Proposal Title :   | <b>Rezone land at Newtown Road, Boundary Road and East Street, Bega to IN2 Light Industrial and SP2 Infrastructure Zones</b>                                                                                                                                                                                                                                                                                                                                                            |               |                   |
| Proposal Summary : | <p><b>To rezone:</b></p> <p><b>(a) Lots 1-3 DP 1077434, Lot 242 DP 750190, Lot 297 DP728021, Lots 2381 &amp; 2382 DP 873277, and Lots 7005 &amp; 7006 DP 1057325, Newtown Road, Boundary Road and East Street from 2(f) Future Urban under the Bega Valley LEP 2002 to SP2 Light Industrial Zone under the Bega Valley LEP 2013; and</b></p> <p><b>(b) Lot 2492 DP 732066, Lot 250 DP750190 and Lot 1 DP 502251 Newtown Road from 2(f) Future Urban to SP2 Infrastructure Zone.</b></p> |               |                   |
| PP Number :        | <b>PP_2016_BEGAV_002_00</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Dop File No : | <b>16/08672-1</b> |

**Proposal Details**

|                                   |                      |                      |                                  |
|-----------------------------------|----------------------|----------------------|----------------------------------|
| Date Planning Proposal Received : | <b>21-Jun-2016</b>   | LGA covered :        | <b>Bega Valley</b>               |
| Region :                          | <b>Southern</b>      | RPA :                | <b>Bega Valley Shire Council</b> |
| State Electorate :                | <b>BEGA</b>          | Section of the Act : | <b>55 - Planning Proposal</b>    |
| LEP Type :                        | <b>Spot Rezoning</b> |                      |                                  |

**Location Details**

|               |                                                                                                                                 |        |            |
|---------------|---------------------------------------------------------------------------------------------------------------------------------|--------|------------|
| Street :      | <b>Newtown &amp; Boundary Roads</b>                                                                                             |        |            |
| Suburb :      | <b>Bega</b>                                                                                                                     | City : | Postcode : |
| Land Parcel : | <b>Lots 1-3 DP 1077434, Lot 242 DP 750190, Lot 297 DP728021, Lots 2381 &amp; 2382 DP 873277, Lot 7005 &amp; 7006 DP 1057325</b> |        |            |
| Street :      | <b>Newtown Road</b>                                                                                                             |        |            |
| Suburb :      | <b>Bega</b>                                                                                                                     | City : | Postcode : |
| Land Parcel : | <b>Lot 2492 DP 732066, Lot 250 DP750190, Lot 1 DP 502251</b>                                                                    |        |            |

## Rezoned land at Newtown Road, Boundary Road and East Street, Bega to IN2 Light Industrial and SP2 Infrastructure Zones

### DoP Planning Officer Contact Details

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### Land Release Data

|                                    |                                      |                                                      |                        |
|------------------------------------|--------------------------------------|------------------------------------------------------|------------------------|
| Growth Centre :                    | <b>N/A</b>                           | Release Area Name :                                  | <b>N/A</b>             |
| Regional / Sub Regional Strategy : | <b>South Coast Regional Strategy</b> | Consistent with Strategy :                           | <b>Yes</b>             |
| MDP Number :                       |                                      | Date of Release :                                    |                        |
| Area of Release (Ha) :             | <b>12.00</b>                         | Type of Release (eg Residential / Employment land) : | <b>Employment Land</b> |
| No. of Lots :                      | <b>0</b>                             | No. of Dwellings (where relevant) :                  | <b>0</b>               |
| Gross Floor Area :                 | <b>0</b>                             | No of Jobs Created :                                 | <b>0</b>               |

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**  
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**  
If Yes, comment :

### Supporting notes

Internal Supporting Notes :

External Supporting Notes : **This proposal was one of the many areas that Bega Valley Council deferred from the Bega Valley LEP 2013.**

**As part of the development of LEP 2013, the subject land was exhibited as being zoned to R5 Large Lot Residential. However, Council reconsidered the proposed use of the land and is now proposing it be rezoned to Light Industrial and SP2 Infrastructure.**

## Rezoning land at Newtown Road, Boundary Road and East Street, Bega to IN2 Light Industrial and SP2 Infrastructure Zones

The subject land is almost 12ha in size and is located on Newtown Road and Boundary Road, Bega.

### Adequacy Assessment

#### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : To rezone land from 2(f) Future Urban to expand land for light industrial uses (10.7ha) and rezone Council infrastructure land to SP2 Infrastructure.

#### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The proposal will

1. delete the subject land from the Land Application Map as a Deferred Matter
2. Apply the SP2 Infrastructure Zone to three small lots
3. Apply the IN2 Light Industrial Zone to the remainder of the site
4. Apply a 14 metre height limit on the IN2 zoned land.

#### Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

**1.1 Business and Industrial Zones**  
**2.1 Environment Protection Zones**  
**2.3 Heritage Conservation**  
**3.1 Residential Zones**  
**3.4 Integrating Land Use and Transport**  
**4.4 Planning for Bushfire Protection**  
**5.1 Implementation of Regional Strategies**  
**6.3 Site Specific Provisions**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 44—Koala Habitat Protection**  
**SEPP No 55—Remediation of Land**

e) List any other matters that need to be considered :

There are four parcels of land immediately adjoining the site to the north/west that were rezoned to IN1 General Industrial in 2015. This was effectively a retrospective rezoning to reflect their current use of a bus depot, stockfeeds warehouse & retail outlet, and land revegetation depot.

#### SECTION 117 DIRECTIONS:

**1.1 BUSINESS AND INDUSTRIAL ZONES:** This Direction does apply to the planning proposal as it will affect land within an existing or proposed business or industrial zone. The proposal is considered to be **CONSISTENT** with this direction.

**2.1 ENVIRONMENT PROTECTION ZONES:** Council has identified that this Direction applies to the planning proposal, however it does not apply as it will not affect land within an environment protection zone or land otherwise identified for environment protection purposes.

**2.3 HERITAGE CONSERVATION:** This Direction does apply to the planning proposal as it adjoins an existing heritage item. However the proposal will not directly affect the heritage item and Council is proposing to address this issue in more detail at a development application stage.

The proposal is considered to be **CONSISTENT** with this direction.

## Rezone land at Newtown Road, Boundary Road and East Street, Bega to IN2 Light Industrial and SP2 Infrastructure Zones

**3.1 RESIDENTIAL ZONES:** This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

The proposal is considered to be **INCONSISTENT** with this direction as it reduces the consumption of land for housing and associated urban development on the urban fringe.

**RECOMMENDATION:** The Secretary can be satisfied that the inconsistency is of minor significance.

**3.4 INTEGRATING LAND USE AND TRANSPORT:** This Direction does apply to the planning proposal as it will create and remove a zone relating to urban land. The proposal is considered to be **CONSISTENT** with this direction.

**4.4 PLANNING FOR BUSHFIRE PROTECTION:** This Direction does apply to the planning proposal as it will affect/is in close proximity to land mapped as bushfire prone land.

**RECOMMENDATION:** The Secretary can be satisfied that the requirements of the Direction have been met. A condition should be included in the Gateway determination that consultation should be undertaken with the Rural Fire Service in accordance with the Direction.

**5.1 IMPLEMENTATION OF REGIONAL STRATEGIES:** This Direction does apply to the planning proposal as the South Coast Regional Strategy applies to the land. The proposal is considered to be **CONSISTENT** with this direction.

**6.3 SITE SPECIFIC PROVISIONS:** Council has identified that this Direction applies to the planning proposal, however it does not apply as Council is not proposing any additional controls to the rezoning of the subject land.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The maps are adequate for exhibition but the final maps will need to be amended prior to requesting a Parliamentary Counsel Opinion.

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council considers it to be a 'low' impact proposal that requires only 14 days exhibition.

Given the proposal was a Deferred Matter from the principal local environmental plan and the proposal is changing it from a potentially residential use to an industrial use, it is more appropriate to publicly exhibit the proposal for 28 days.

### Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

## Rezoning land at Newtown Road, Boundary Road and East Street, Bega to IN2 Light Industrial and SP2 Infrastructure Zones

### Proposal Assessment

#### Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Bega Valley LEP 2013**

### Assessment Criteria

Need for planning proposal :

The subject land is currently a deferred matter under the Bega Valley LEP 2013. Council is attempting to resolve the future of the site by identifying that the land is most suitable for light industrial uses. It is also proposing to rezone existing Council infrastructure (a pumping station and water storage tanks) to SP2 Infrastructure. There is no other way of achieving this outcome for the site.

Consistency with strategic planning framework :

The subject land is not specifically mentioned in the strategic planning framework for Bega Valley. It is a relatively minor area at the southern edge of Bega township. It does adjoin an existing small industrial area, although there are large areas of rural residential development to the south, south west and south east of the site.

The South Coast Regional Strategy reinforces the role of Bega as a regional centre and encourages employment growth to be concentrated around commercial centres. This proposal achieves this outcome.

Environmental social economic impacts :

The site does contain some scattered vegetation and Council will be required to comply with relevant legislation when considering a future development application.

The provision of additional industrial land is considered a positive outcome as it provides economic activity close to an existing industrial zoned area, can access existing services and facilities, and it will reinforce the role and function of Bega as a regional and commercial centre.

Whilst there are areas of residential development to the north of the site, and rural residential development to the south of the site, light industrial uses in this location is not considered to be incompatible with the surrounding area.

Rezoning the Council owned infrastructure to SP2 Infrastructure is also considered to be an appropriate outcome for the land with no adverse impacts.

### Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage - NSW National Parks and Wildlife Service**  
**NSW Rural Fire Service**  
**Transport for NSW - Roads and Maritime Services**

## Rezone land at Newtown Road, Boundary Road and East Street, Bega to IN2 Light Industrial and SP2 Infrastructure Zones

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required.:

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

### Documents

| Document File Name                                                     | DocumentType Name               | Is Public  |
|------------------------------------------------------------------------|---------------------------------|------------|
| <b>Bega letter - Proposed Light Industrial Land at South Bega_.pdf</b> | <b>Proposal Covering Letter</b> | <b>Yes</b> |
| <b>Bega - Planning Proposal South Bega IN2 &amp; SP2.docx</b>          | <b>Proposal</b>                 | <b>Yes</b> |
| <b>Bega - Council Meeting Minutes 8 June.docx</b>                      | <b>Proposal</b>                 | <b>Yes</b> |
| <b>Bega - Zoning Map.pdf</b>                                           | <b>Map</b>                      | <b>Yes</b> |

### Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.3 Site Specific Provisions**

Additional Information : It is **RECOMMENDED** that the Acting Director, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Bega Valley LEP 2013 to rezone land at Newtown and Boundary Roads and East Street, South Bega from 2(f) Future Urban to IN2 Light Industrial and SP2 Infrastructure Zone should proceed subject to the following conditions:

**1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**

- (a) the planning proposal must be made publicly available for 28 days; and**
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.**

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2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- \* NSW Rural Fire Service (s117 Direction 4.4)
- \* NSW Roads and Maritime Service
- \* NSW Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 1.1 Business and Industrial Zone, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.4. Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies.

(b) The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, when Council has consulted with the Rural Fire Service prior to undertaking community consultation;

(c) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(d) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

This is considered to be a relatively minor LEP. It does not appear to be in conflict with adjoining areas or inconsistent with strategic planning frameworks. It is suitable to proceed.

Signature:



Printed Name:

Deanne Franke

Date:

12/7/16

