

Rezone deferred sites at Lochiel, Bald Hills, South Bega, Eden, Wolumla, Merimbula, Bemboka to a mix of rural, large lot residential and residential zones.

Proposal Title : Rezone deferred sites at Lochiel, Bald Hills, South Bega, Eden, Wolumla, Merimbula, Bemboka to a mix of rural, large lot residential and residential zones.

Proposal Summary : To rezone and remove the Deferred Matter status from seven sites:

1. Lot 445 DP 1061010, Lochview Farm Road, Lochiel - rezone from 1(a) Rural General and 1(c) Rural Small Holdings zones (BVLEP2002) to RU2 Rural Landscape Zone and remove the Deferred Matter Status,

2. Lot 492 DP 1103062, Woodland Road, Bald Hills - rezone from 1(a) Rural General (BVLEP2002) to RU2 Rural Landscape Zone and remove the Deferred Matter status,

3. Part Lot 1 DP 1164038 and Lots 1 and 2 DP 110354, Tathra Road, Bega - rezone from 2(f) Future Urban zone (BVLEP2002) to RU1 Primary Production Zone and remove the Deferred Matter status,

4. Lots 1 & 2 DP 455379; Lots 3-5 DP 455380, Palestine Road, Eden - rezone from 1(c) Rural Small Holdings zone (BVLEP2002) to R5 Large Lot Residential Zone and remove the Deferred Matter status,

5. Merimbula - rezone from Residential A (BVLEP2002) to R2 Low Density Residential Zone and remove the Deferred Matter status,

6. Lot 5 DP 1021345, Mirador Drive, Part Lot 600 DP 1193160, Princes Highway, Wolumla - rezone from 1(a) Rural General zone (BVLEP2002) to RU1 Primary Production Zone and remove the Deferred Matter status, and

7. Lot 3 DP 750226, Polacks Flat Road, Bemboka - rezone from 1(a) Rural General zone (BVLEP2002) to RU1 Primary Production Zone.

The minimum lot size maps were amended as part of the Bega Valley LEP 2013. Removing the Deferred Matter status will make those Lot Size Maps applicable to the sites. Therefore, the Lot Size Maps do not need to be corrected as part of this amendment.

There will be no additional development opportunities for these seven sites.

PP Number : PP_2016_BEGAV_004_00

Dop File No : 16/10073-1

Proposal Details

**Date Planning
Proposal Received :** 11-Aug-2016

LGA covered : Bega Valley

Region : Southern

RPA : Bega Valley Shire Council

State Electorate : BEGA

Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Rezone deferred sites at Lochiel, Bald Hills, South Bega, Eden, Wolumla, Merimbula, Bemboka to a mix of rural, large lot residential and residential zones.

Street :	Lochview Farm Road		
Suburb :	Lochiel	City :	Postcode :
Land Parcel :	Lot 445 DP 1061010		
Street :	Woodlands Lane		
Suburb :	Bald Hills	City :	Postcode :
Land Parcel :	Lot 492 DP 1103062		
Street :	Tathra Road		
Suburb :	Bega	City :	Postcode :
Land Parcel :	Part Lot 1 DP 1164038; Lots 1 and 2 DP 110354		
Street :	Palestine Road		
Suburb :	Eden	City :	Postcode :
Land Parcel :	Lots 1 & 2 DP 455379; Lots 3-5 DP 455380		
Street :	Mirador Road		
Suburb :	Merimbula	City :	Postcode :
Land Parcel :	Part Lot 600 DP 1193160		
Street :	Princes Highway		
Suburb :	Wolumla	City :	Postcode :
Land Parcel :	Lot 5 DP 1021345		
Street :	Polacks Flat Road		
Suburb :	Bemboka	City :	Postcode :
Land Parcel :	Lot 6 DP 750226		

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	South Coast Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :

Date of Release :

Area of Release (Ha) **0.00**

Type of Release (eg
Residential /
Employment land) : **N/A**

No. of Lots : **0**

No. of Dwellings
(where relevant) : **0**

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government **Yes**

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been **No**
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

There have been considerable errors and lack of detail provided with this planning proposal that have resulted in it being returned to Council twice. Errors included incorrect property descriptions and incorrect proposed zones within the planning proposal text. The Gateway determination letter will also need to highlight other errors in the planning proposal that need to be fixed prior to public exhibition, including:

- amending the property description of Site 7
- amending the applicable map sheet to be changed for Site 7
- rewording of the Objectives/Intended Outcomes,
- rewording the Key Outcomes for each site, and
- removing lot size map changes from the Explanation of the Provisions.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The objectives are to rezone the subject lands as specified.**

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

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

Comment : **Specific provisions about map sheet changes have been identified for each site.**

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

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

3.1 Residential Zones

4.4 Planning for Bushfire Protection

Rezone deferred sites at Lochiel, Bald Hills, South Bega, Eden, Wolumla, Merimbula, Bemboka to a mix of rural, large lot residential and residential zones.

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 :

SECTION 117 DIRECTIONS:

1.2 RURAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed rural zone.

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

1.5 RURAL LANDS: Council has not identified that this Direction applies to the planning proposal, however it does apply as it will affect land within an existing or proposed rural or environmental protection zone.

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

2.1 ENVIRONMENT PROTECTION ZONES: This Direction does apply to the planning proposal as it will affect land within an environment protection zone or land otherwise identified for environment protection purposes.

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

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 **CONSISTENT** with this direction for all sites except Site 3 – Tathra Rd, Bega. This site 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 by rezoning future urban zoned land to rural land. This back zoning is considered suitable as the land will remain available for future urban uses, should it be needed in the future when demand and supply constraints require it to be upzoned for residential.

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

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 need to 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 it does not allow for a particular development to be carried out.

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

If No, explain :

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps have been provided that are suitable for exhibition. Technically correct maps will need to be provided as part of finalising the LEP.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council believes the proposal is of 'low impact' and therefore is proposing an exhibition of 14 days. All of these proposed rezonings were publicly exhibited as part of the principal LEP in 2011.**

Although there are no increases to lot yields as a result of this proposal, Site 3 is proposing to change the zoning from Future Urban to Primary Production, therefore a standard 28 day consultation period would be more appropriate.

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 :

Proposal Assessment

Principal LEP:

Due Date :

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

Assessment Criteria

Need for planning proposal :

PROPOSAL: This planning proposal seeks to rezone various sites that were deferred from the Bega Valley Local Environmental Plan 2013 (BVLEP 2013). These sites were all the subject of landowner requests for increased development potential on their sites. These requests have been investigated and Council has now resolved how it wishes to proceed with these sites to rezone them under the Bega Valley LEP 2013.

BACKGROUND: In 2014, Council submitted a Planning Proposal "Planning Proposal Rural Residential Rezoning and Minimum Lot Sizes - South - September 2014" that proposed to rezone Sites 1 and 2 in this planning proposal to enable rural residential subdivision. There was very little assessment or justification of the proposed rezonings in that planning proposal.

As part of the Department's wider review of Council's proposed rezoning of deferred and other lands for rural residential development (totaling around 500 new lots across the Shire at the time), all relevant planning proposals (including the "South" Planning Proposal) were withdrawn and Council has undertaken a strategic analysis of rural residential development in the Shire to provide strategic justification for the specific development outcomes sought in the planning proposals.

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In February 2016, the Department and Council agreed on the strategic analysis required to justify new rural residential development.

Council has now considered each of these seven sites in that context and resolved to zone them as proposed in the draft exhibited BVLEP 2010 - which are essentially translations of their current zonings under the BVLEP 2002. None of these proposed rezonings would result in any additional dwelling opportunities on the subject lands.

It is also important to note that under the BVLEP 2013, minimum lot size maps were adopted for all the subject lands that essentially translates their current minimum lot size under the BVLEP 2002 to the BVLEP 2013. These minimum lot sizes do not currently apply as the land is deferred from the BVLEP 2013. This planning proposal will now enact those minimum lot sizes when the land is rezoned as proposed.

SITE 1 - Lot 445 DP 1061010, LOCHVIEW FARM ROAD, LOCHIEL

SIZE OF SUBJECT LAND: The site is approximately 53ha in size.

CURRENT ZONE & MLS: Under the Bega LEP 2002, it is currently zoned 1(a) Rural General Zone (49.8ha) with two small areas of land zoned 1(c) Rural Small Holdings Zone (3.14ha). The minimum lot size is 120ha and 5,000sqm respectively.

The site does not currently have subdivision potential under the BLEP 2002. It is the residue of an existing holding that has previously been subdivided to create a number of rural residential allotments.

CONTEXT OF SUBJECT LAND: The site adjoins an area to the immediate west that is zoned E4 Environmental Living Zone with a minimum lot size of 4ha.

REASON THE SITE WAS DEFERRED: The site was deferred from the Bega Valley LEP 2013 pending a review of its zoning to determine if rural residential development was possible or appropriate on the site.

BACKGROUND: It is important to recognise that this site was included in a 2014 Planning Proposal "Planning Proposal Rural Residential Rezoning and Minimum Lot Sizes - South - September 2014" that proposed to rezone the subject land to E4 Environmental Living Zone with a minimum lot size of 2ha. This would have enabled up to 26 lots to be created on the site. At the time, Council advised that all relevant site issues could be addressed.

At the time, this site was identified as being suitable to be rezoned but not for the purposes of rural residential development. Regardless, Council resolved to rezone it for rural residential development.

At the time, the Department requested Council undertake a broader strategic review of all rezoning proposals.

STRATEGIC JUSTIFICATION: Council reviewed this site and identified that it is unsuitable for more rural residential development due to its topography (ridge top located in the central part of the site) and concerns about the ability to address on-site sewerage management.

The Council has also not supported additional subdivision on this site as its Draft Rural Living Strategy 2016 strongly discourages rural residential subdivision that is not adjoining existing villages or towns. In addition, the South Pambula area is considered to have sufficient rural residential land supply for the next 30 years.

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PROPOSED ZONING: Council is now proposing to rezone the subject land to RU2 Rural Landscape Zone (with a 120ha minimum lot size).

SITE 2 - Lot 492 DP 1103062, WOODLAND LANE, BALD HILLS

SIZE OF SUBJECT LAND: The site is approximately 45ha in size and contains an existing dwelling.

CURRENT ZONE & MLS: Under the Bega Valley LEP 2002, the subject land is zoned 1(a) Rural General Zone with a minimum lot size of 120ha.

CONTEXT OF SUBJECT LAND: The subject land is surrounded by rural smallholding lots ranging in size from 3.8 - 10 hectares. There are also RU4 Primary Production Small Lots and E4 Environmental Living zoned areas to the south with a 2ha minimum lot size.

REASON THE SITE WAS DEFERRED: The site was deferred from the Bega Valley LEP 2013 pending a review of its zoning to determine if rural residential development was possible or appropriate on the site.

BACKGROUND: It is important to recognise that this site was included in a Planning Proposal "Planning Proposal Rural Residential Rezoning and Minimum Lot Sizes - South - September 2014" that proposed to rezone the subject land to E4 Environmental Living Zone with a minimum lot size of 4ha. This would have enabled up to 11 lots to be created on the site. Council considered this to be a logical extension of the existing rural residential area to the south.

At the time, the Department requested Council undertake a broader strategic review of all rezoning proposals.

STRATEGIC JUSTIFICATION: The Council has reviewed this site and it is no longer identified as being suitable to be rezoned for rural residential development. The site is considered to have major issues with accessibility and infrastructure that cannot be readily resolved. Council's Draft Rural Living Strategy also identifies that there is sufficient rural residential development supply in the South Pambula area for the next 30 years.

PROPOSED ZONE: Council is proposing to rezone the subject land to RU2 Rural Landscape Zone (with a 120ha minimum lot size).

SITE 3 - Part Lot 1 DP 1164038; Lots 1 and 2 DP 110354, TATHRA ROAD, BEGA

SIZE OF THE SUBJECT LAND: The site is approximately 114ha in size and contains an existing dwelling.

CURRENT ZONE & MLS: The subject land is currently zoned 2(f) Future Urban Zone under the Bega Valley LEP 2002. There is no minimum lot size for the 2(f) Zone.

CONTEXT OF THE SUBJECT LAND: It is cleared land adjoining the urban area of Bega township. It is currently used as a dairying enterprise.

Land to the north is zoned R2 Low Density Residential Zone with a minimum lot size of 550sqm and land to the east is zoned RU1 Primary Production Zone with a minimum lot size of 120ha. Land to the west and south has also been deferred and is the subject of a separate planning proposal ("Bega and Tathra Deferred Sites - 2016") that has not yet been issued with a Gateway determination. In that planning proposal, the lands to the west and south of the subject land are proposed to be rezoned to R5 Large Lot Residential Zone

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with a minimum lot size of 1ha to reflect the subdivision plan that Council approved in 2012 to develop 63 rural residential lots on the site.

REASON THE SITE WAS DEFERRED: The site was deferred from the Bega Valley LEP 2013 pending a review of its zoning to determine if rural residential development was possible or appropriate on the site.

STRATEGIC JUSTIFICATION: Council has reviewed the site and does not consider it suitable for rural residential development, despite rural residential developments to the south and west of the site.

The site is considered strategically important for the future growth of Bega residential areas. As there is no equivalent future urban zone in the Standard Instrument, retaining a rural zoning on the site protects the land for future residential needs. Council will be including this land in a future residential growth strategy.

PROPOSED ZONE: Council has proposed to rezone the site to RU1 Primary Production Zone (with a 120ha minimum lot size).

SITE 4 - Lots 1 & 2 DP 455379; Lots 3-5 DP 455380, PALESTINE ROAD, EDEN

SIZE OF SUBJECT LAND: The site is approximately 2.5ha in size, consisting of 5 lots of approximately 5,000sqm each.

CURRENT ZONE & MLS: The site is located to the north of Eden's industrial area in an existing R5 Large Lot Residential Zone. The land is currently zoned 1(c) Rural Small Holdings Zone with a 5,000sqm minimum lot size under the Bega Valley LEP 2002.

REASON THE SITE WAS DEFERRED: The site was deferred from the Bega Valley LEP 2013 pending a review of its zoning to determine if industrial development was possible or appropriate on the site.

STRATEGIC JUSTIFICATION: Council does not support the proposal to rezone the subject land for industrial uses as there is no clear strategic justification and there are access issues onto the Imlay Street intersection. The site is topographically separated from the existing North Eden Industrial Area. Council considers there to be sufficient small lot industrial land capacity within the existing industrial areas of Eden. There is also potential for land use conflict with the rural residential properties to the north of the subject land.

PROPOSED ZONE: Council is proposing the subject land be rezoned to R5 Large Lot Residential Zone (with a 5,000sqm minimum lot size).

SITE 5 - Part Lot 600 DP 1193160, MIRADOR DRIVE, MERIMBULA

SIZE OF SUBJECT LAND: Not available.

CURRENT ZONE & MLS: The subject land is currently zoned Residential A under the Bega Valley LEP 2002 with a 2000sqm minimum lot size.

REASON THE SITE WAS DEFERRED: The Bega Valley LEP 2013 identifies the site as a Deferred Matter and it has a minimum lot size of 2000sqm applying to the land. The site was deferred from the Bega Valley LEP 2013 pending a review of its zoning to determine if medium density development was possible or appropriate on the site.

STRATEGIC JUSTIFICATION: Council does not support an increase in density to allow

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medium density housing on this part of Mirdaor Estate. The infrastructure servicing of the whole of the Mirador Estate has been based on the development proposed in the staging plans (ie. that this stage would be 2000sqm lots). Council does not consider 450sqm lots to be appropriate in the Bega Valley at this time, particularly in the Mirador Estate where lots are of a much larger size. The site is also physically separated from Merimbula and it is not considered appropriate to develop medium density in this location.

PROPOSED ZONE: Council is proposing the subject land be rezoned to R2 Low Density Residential Zone (with a 2000sqm minimum lot size).

SITE 6 - Lot 5 DP 1021345, PRINCES HIGHWAY, WOLUMLA

SIZE OF THE SUBJECT LAND: The subject land is 144ha in size and currently used for agriculture.

CURRENT ZONE & MLS: It is currently zoned 1(a) Rural General Zone with a 120ha minimum lot size under the Bega Valley LEP 2002.

REASON THE SITE WAS DEFERRED: The site was deferred from the Bega Valley LEP 2013 pending a review of its zoning to determine if rural residential development was possible or appropriate on the site.

STRATEGIC JUSTIFICATION: Council has reviewed the site and does not consider there is adequate justification for additional rural residential development in this area. Council's draft Rural Living Strategy finds that there is ample supply of rural residential development in the Wolumla catchment, the majority of which is appropriately located adjacent to the Wolumla Village.

PROPOSED ZONE: Council is proposing to rezone the subject land to RU1 Primary Production Zone (with a 120ha minimum lot size).

SITE 7 - Lot 3 DP 750226, POLACKS FLAT ROAD, BEMBOKA

SIZE OF THE SUBJECT LAND: The site is 133ha in size and is part of a larger 344ha agricultural holding.

CURRENT ZONE & MLS: It is currently zoned 1(a) General Rural Zone with a 120ha minimum lot size under the Bega Valley LEP 2002.

REASON THE SITE WAS DEFERRED: The site was deferred from the Bega Valley LEP 2013 pending a review of its zoning to determine if rural residential development was possible or appropriate on the site.

The applicant has requested the land be rezoned to RU4 Primary Production Small Lots Zone with a 10ha minimum lot size. This would result in approximately 12 new lots.

STRATEGIC JUSTIFICATION: Council did not support the request as it would result in an additional 32-45 years of supply of rural living land in the area. Council's draft Rural Living Strategy identifies that large scale expansion of rural residential zoned lands is not supported as there is ample long term supply. The Council also advised that the appropriate information required was not provided by the applicant with the rezoning request.

Council's investigation of other small lots in the vicinity has identify that none of these lots are undertaking small lot primary production, such as horticulture or intensive cultivation,

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suggesting a lack of demand for such lots for this purpose.

Council acknowledges that there are some positive opportunities for small lot agriculture, such as access to water, however it believes there is no demand for this type of small lot primary production in this area.

PROPOSED ZONE: Council is proposing the subject land be rezoned to RU1 Primary Production Zone (with a 120ha minimum lot size).

Consistency with strategic planning framework :

It is proposed to rezone these sites from their current zoning under the Bega Valley LEP 2002 to an equivalent Standard Instrument zone under the Bega Valley LEP 2013. The minimum lot sizes are not proposed to change are currently reflected in the Bega Valley LEP 2013.

All the sites have been investigated for their suitability for increased residential development and Council does not support changing either zones or densities.

The proposed zonings are consistent with the findings of the Draft Rural Living Strategy 2016, which include the following:

- There are already over 1500 potential additional rural residential lots across the Shire.
- The main villages have over 10 years land supply for new residential development.
- Demand for rural residential development is primarily around existing villages and particularly within the Bega township catchment.

The proposal is consistent with the South Coast Regional Strategy. The Strategy states that unplanned rural residential development is undesirable as it creates land use conflict with agricultural users, land speculation, social isolation, and is environmentally unsustainable. Rural residential areas must be located close to existing centres and away from areas that might be suitable for future urban expansion.

The Strategy states that existing rural residential zones have the capacity to meet the demands of rural residential housing within the Region. Limited areas for additional rural residential must be located on cleared land unsuitable for urban or agricultural uses and will only be agreed to by the Department as part of an endorsed growth management strategy or structure plan.

Environmental social economic impacts :

There are no environmental, social or economic impacts resulting from translating the existing zonings to a comparable zoning under the Bega Valley LEP 2013.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	NSW Rural Fire Service		

Is Public Hearing by the PAC required? No

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

If no, provide reasons : The matter is suitable to proceed. Delegation for plan making should be issued to Council.

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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
Bega Valley Shire Council_27-07-2016_Planning Proposal for Gateway Determination - Seven deferred sites.pdf	Proposal Covering Letter	Yes
Bega - Planning Proposal to undefer 7 sites.pdf	Proposal	Yes
Bega - Council Report to Undefer 7 deferred sites.pdf	Proposal	Yes
Bega - Council resolution of 20 July 2016 to undefer 7 sites.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 3.1 Residential Zones**
- 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, Southern Region, 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 for the following various sites:

- 1. Lot 445 DP 1061010, Lochview Farm Road, Lochiel - rezone from 1(a) Rural General and 1(c) Rural Small Holdings zones (BVLEP2002) to RU2 Rural Landscape Zone,**
- 2. Lot 492 DP 1103062, Woodland Road, Bald Hills - rezone from 1(a) Rural General (BVLEP2002) to RU2 Rural Landscape Zone,**
- 3. Part Lot 1 DP 1164038 and Lots 1 and 2 DP 110354, Tathra Road, Bega - rezone from 2(f) Future Urban zone (BVLEP2002) to RU1 Primary Production Zone,**
- 4. Lots 1 & 2 DP 455379; Lots 3-5 DP 455380, Palestine Road, Eden - rezone from 1(c) Rural Small Holdings zone (BVLEP2002) to R5 Large Lot Residential Zone,**
- 5. Part Lot 600, DP 1193160, Mirador Drive, Merimbula - rezone from Residential A (BVLEP2002) to R2 Low Density Residential Zone,**
- 6. Lot 5 DP 1021345, Princes Highway, Wolumla - rezone from 1(a) Rural General zone (BVLEP2002) to RU1 Primary Production Zone, and**

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7. Lot 3 DP 750226, Polacks Flat Road, Bemboka - rezone from 1(a) Rural General zone (BVLEP2002) to RU1 Primary Production Zone,

should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to provide the Director Regions, Southern, with a copy of the amended planning proposal.

2. 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)'.

3. Consultation is required with the NSW Rural Fire Service (s117 Direction 4.4) under section 56(2)(d) of the EP&A Act. It is to be provided with a copy of the planning proposal and any relevant supporting material and it is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. The NSW Rural Fire Service may request additional information or additional matters to be addressed in the planning proposal.

4. 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).

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

6. 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.

SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 1.2 Rural Zones, 1.5 Rural Land, 2.1 Environment Protection Zones, 5.1 Implementing 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 NSW 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.

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

Supporting Reasons :

This proposal is suitable to proceed. Council is not proposing any increased in density for any of the sites. All zones being translated from the Bega Valley LEP 2002 to the Bega Valley LEP 2013 are considered to be suitable.

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Signature:



Printed Name:

Renne Fraile

Date:

31/8/16

