



Bega Valley Shire Council



PWG001996

28 July 2014

NSW Planning and Environment
Ms Linda Davis
Acting General Manager Southern Region
PO Box 5475
Wollongong NSW 2520

Dear Ms Davis,

**Planning Proposal for Gateway Determination – Rezoning of Lot 33 and Lot 34
DP 243029 Sapphire Coast Drive, Tura Beach to B5 Business Development**

At the Ordinary Council meeting held on the 12 February 2014 Council resolved to rezone certain land at Tura Beach to B5 Business Development to enable development for commercial purposes that are not appropriate in nearby core commercial or mixed use areas. Accordingly, Council staff have prepared the enclosed Planning Proposal.

Council requests a Gateway Determination on the Planning Proposal from the Minister for Planning in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*. As such, please find enclosed a copy of the Evaluation Criteria for the Delegation of Plan Making Functions and Planning Proposal report for your reference.

Please note that Council is not seeking delegation of the plan-making functions under Section 59 of the *Environmental Planning and Assessment Act 1979* for this matter.

Should you have any queries regarding the Planning Proposal, please contact Council's Strategic Planner, Sophie Thomson on (02) 6499 2246 or sthomson@begavalley.nsw.gov.au.

Kindest regards,

Keith Tull
Manager Planning Services

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Department of Planning
& Environment
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Southern Region-Wollongong

BEGA VALLEY SHIRE COUNCIL

Bega Valley Local Environmental Plan 2013

Planning Proposal: Tura Beach Business Development Zone

July 2014

Bega Valley Shire Council

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Part 1 – Objectives

The objective of this planning proposal is to rezone a specific area of Tura Beach to enable development for commercial purposes that are not appropriate in nearby core commercial or mixed use areas.

Part 2 – Explanation of the Provisions

To achieve the objective outlined in Part 1, this planning proposal seeks to:

- Amend map sheet LAP_001 by deleting DM Deferred Matter applying to Lot 33 and Lot 34 DP 243029 Sapphire Coast Drive, Tura Beach.
- Amend map sheets LZN_020B and LZN_020C by applying B5 Business Development Zone to Lot 33 and Lot 34 DP 243029 Sapphire Coast Drive, Tura Beach.
- Amend map sheets LSZ_020B and LSZ_020C by removing the minimum lot size of K 550sqm from Lot 33 DP 243029 and Y 1ha from Lot 34 DP 243029 Sapphire Coast Drive, Tura Beach.
- Amend map sheets FSR_020C by removing the floor space ratio of D 0.5:1 from Lot 33 DP 243029 Sapphire Coast Drive, Tura Beach.
- Amend the Land Use Table previously exhibited for the B5 Business Development Zone for inclusion in Part 2 of Bega Valley Local Environmental Plan 2013 by adding an additional objective specifically applying to development of Lot 33 and Lot 34 DP 243029 Sapphire Coast Drive, Tura Beach.

Part 3 – Justification

Background



Figure 1: Aerial photograph of subject properties - Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach

Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach are located on the southern corner of the Tura Beach Drive and Sapphire Coast Drive intersection and are in the one ownership. The allotments have a combined total area of approximately 4.5 hectares, are currently vacant and largely cleared (see Figure 1).

Existing developments within the immediate area consist of a Seniors Living Development and aged care facility to the south-east (zoned R2 Low Density Residential), a large lot residential parcel to the west (zoned R5 Large Lot Residential), and a shopping complex, service station and nursery to the east on the opposite side of Tura Beach Drive (zoned B1 Neighbourhood Centre). The land on the northern side of Sapphire Coast Drive is vacant and zoned E2 Environmental Conservation.

Under Bega Valley Local Environmental Plan (BVLEP) 2002, Lots 33 & 34 DP 243029 were zoned 1(c) Rural Small Holdings. In Draft BVLEP 2010 the properties were proposed to be exhibited as R2 Low Density Residential Zone (Lot 33) and R5 Large Lot Residential Zone (Lot 34).

Following a submission received during the exhibition of draft BVLEP 2010, the subject land was included in Appendix 2 for the preparation of a planning proposal to zone the land R3

Medium Density Residential. Following a further submission from the owners of the land, Council resolved to support rezoning the land to B5 Business Development.

The subject land is currently identified as a 'deferred matter' under BVLEP 2013 and consequently the zone and provisions of BVLEP 2002 currently apply. Attachment 1 to this planning proposal contains the Council report and corresponding minutes detailing this process. Attachments 3 and 4 to this planning proposal contain the Council reports and the corresponding minutes relating to Council's consideration of an appropriate zone for the subject land.

Proposed B5 Business Development Zone

BVLEP 2013 currently contains three business zones: B1 Neighbourhood, B2 Local Centre and B4 Mixed Use. Council has previously exhibited a planning proposal to introduce a fourth business zone available in the Standard Instrument (Business Zones January 2014), being B5 Business Development. Details of the Council report and minutes detailing the introduction of the B5 Business Development Zone are detailed in Attachment 2 to this planning proposal.

The aim of the B5 Business Development Zone is to enable development for a defined range of commercial purposes in areas close to town centres.

The B5 Land Use Table proposed for BVLEP 2013 including appropriate zone objectives and nominated permissible land uses exhibited in the Planning Proposal: Business Zones January 2014 is as follows:

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- To cater specifically for uses that require a high degree of visibility and accessibility to passing traffic and that generate a high proportion of single purpose vehicle trips.*
- To enable the establishment of an aquaculture, agricultural produce and tourist precinct at Arthur Kaine Drive, Merimbula.*

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Agricultural produce industry; Building identification sign; Bulky goods premises; Business identification sign; Child care centres; Community facilities; Educational establishments; Function centres; Garden centres; Hardware and building supplies; Highway service centres; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Passenger transport

facilities; Public administration buildings; Recreation facilities (indoor); Research stations; Respite day care centres; Restricted premises; Roads; Service stations; Sewerage systems; Storage premises; Transport depots; vehicle body repair workshop; Vehicle repair station; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3

This planning proposal aims to add an additional objective to those previously exhibited being:

- *To enable the establishment of a bulky goods, garden centre, hardware and building and landscaping material supplies precinct on land at Sapphire Coast Drive, Tura Beach*

Application of the B5 Business Development Zone at Tura Beach

The introduction of the B5 Business Development zone to this section of Tura Beach will enable the future development of the area for commercial purposes that are not appropriate in core commercial or mixed use areas (see Figure 2). This will help satisfy the need for land near Merimbula Town Centre to accommodate uses that are currently limited due to constraints such as land availability and access requirements.

Commercial development such as that included in this planning proposal can provide positive economic benefits in terms of employment and retail opportunities for the Shire's existing (and future) residents.

The proposed B5 Business Development zone will provide an economic boost to the region by providing additional land for commercial uses that will generate additional employment opportunities and increase the availability and variety of goods available in the Shire, which in turn will reduce the need for residents to travel outside the Shire to purchase similar goods.

The subject land is located opposite an established B1 Neighbourhood Centre Zone which includes a shopping centre containing a large supermarket, chemist, café and electrical goods outlet; as well as a second shopping centre, service station, nursery and several smaller shops with associated parking. Development in accordance with the provisions of the B5 Business Development Zone is in keeping with the adjoining development.

An established seniors living development is located on the southern boundary, and a single dwelling is located on the 8759m² allotment adjoining the western boundary of the subject land. It is acknowledged that the proposed B5 Business Development Zone and range of permitted uses may conflict with the adjoining residential development and the adjoining seniors living development. It is considered that based on the size of the subject land and

Council's current development standards that any potential conflicts would be able to be addressed at the development application stage should the B5 zone be approved.

The subject land is well suited to a commercial use as it is located on a prominent corner of Sapphire Coast Drive and is highly visible to passing traffic. Council's development standards will ensure that any future development on the subject land will be suitably designed and landscaped to ensure the development integrates into the surrounding built and natural environment.

In accordance with Council's strategy for applying controls to land zoned for business purposes no minimum lot size or floor space ratios are proposed for the subject land and no change to the applicable 10 metre height limit is proposed (see Figures 3-5).

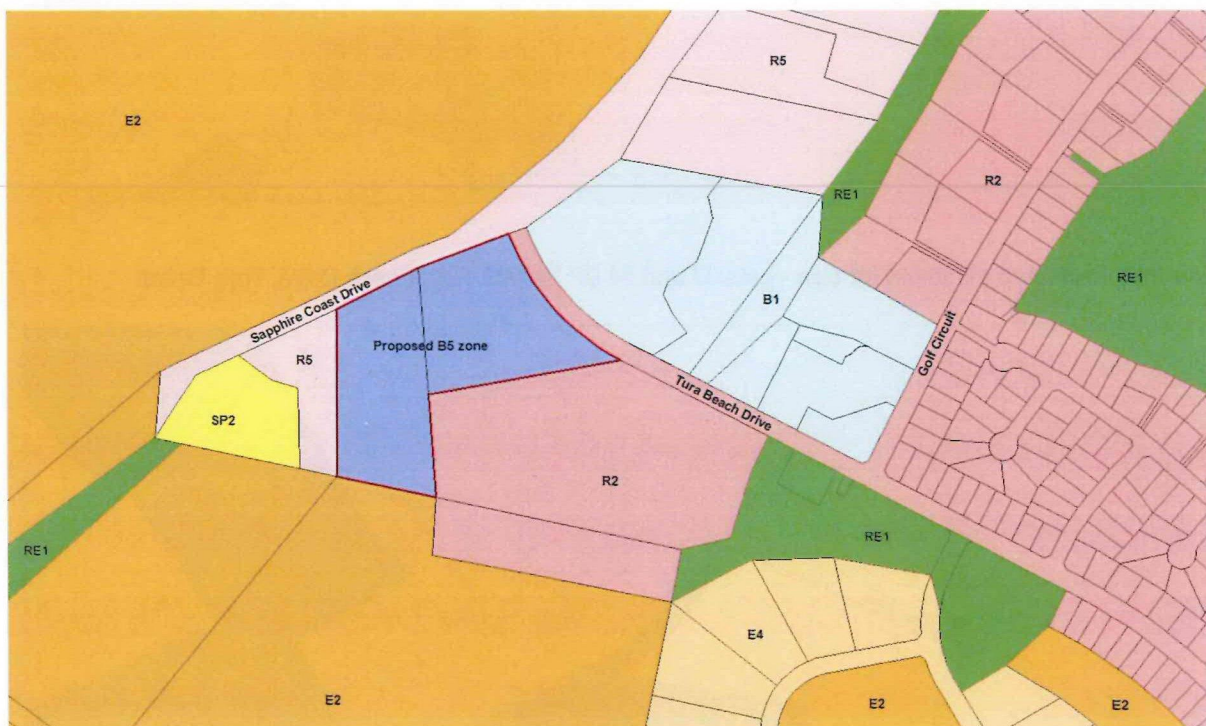


Figure 2: Proposed zoning - Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach

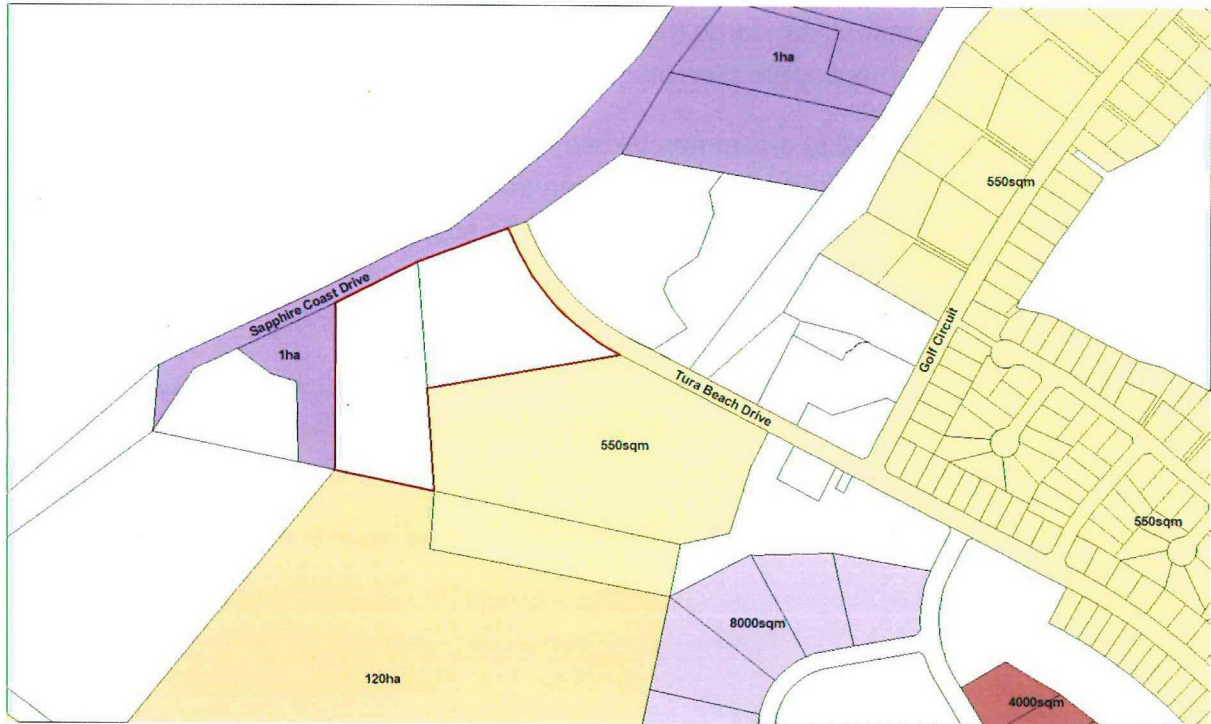


Figure 3: Proposed minimum lot size - Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach

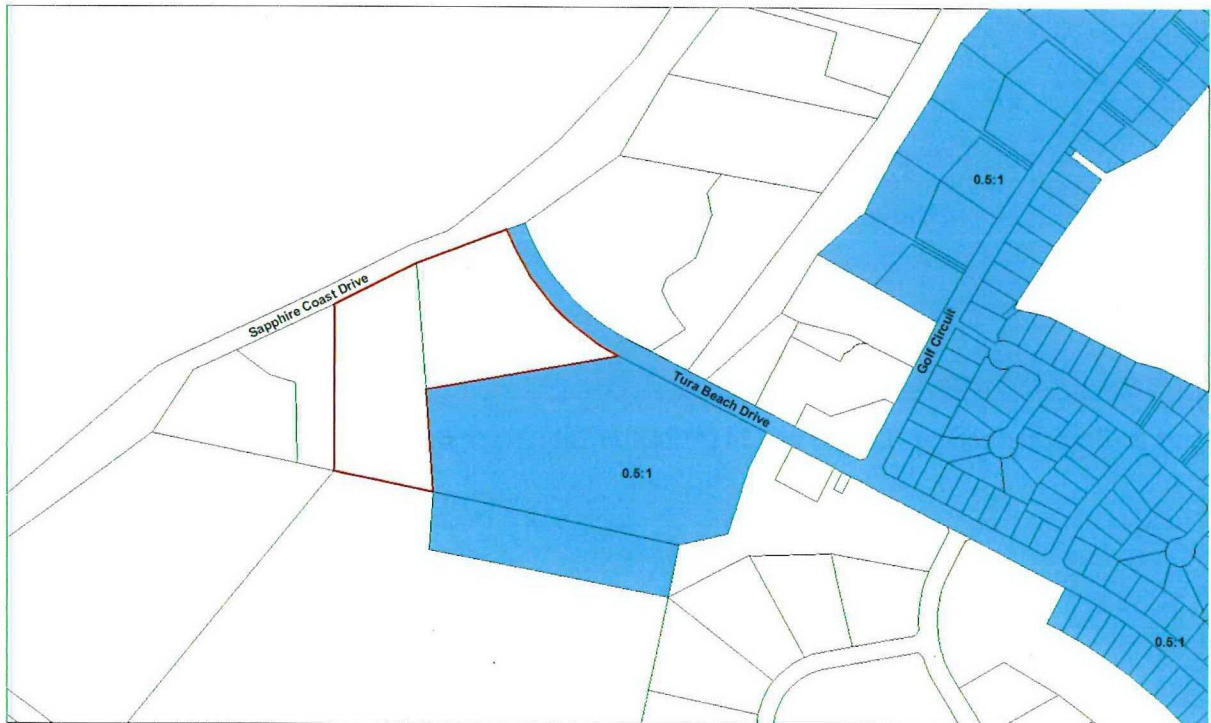


Figure 4: Proposed floor space ratio - Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach

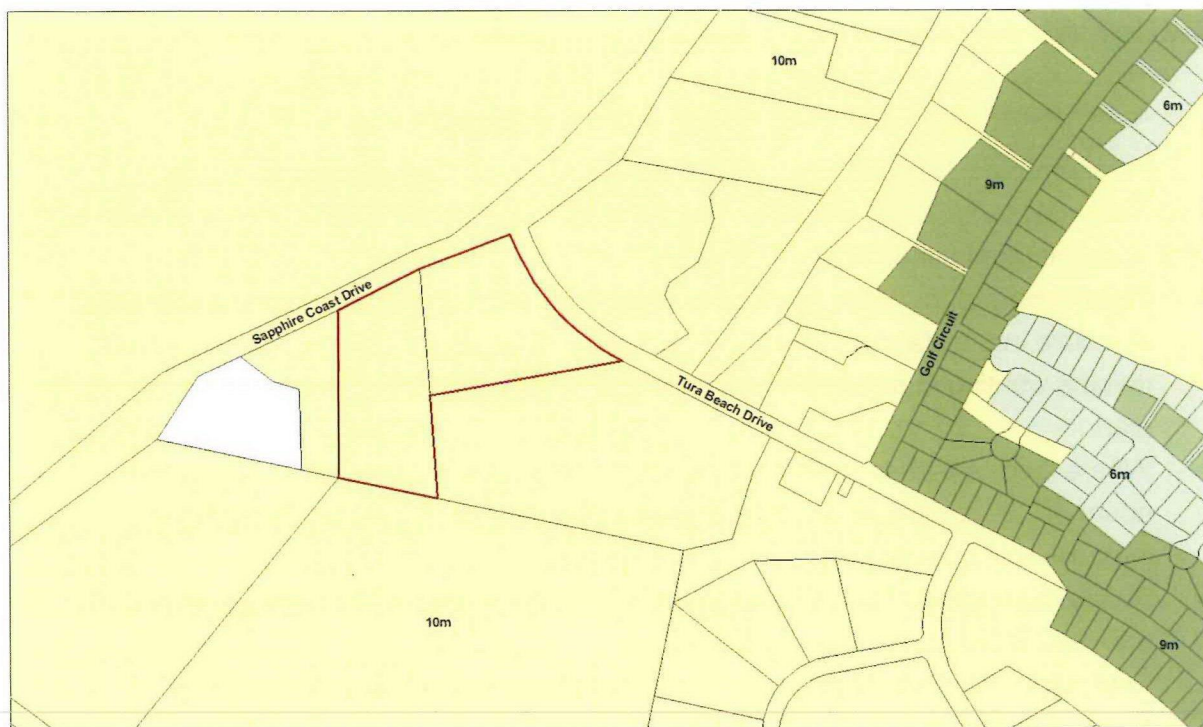


Figure 5: Proposed maximum height - Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach

Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

Council resolved on 13th December 2005 to prepare a draft Comprehensive Local Environmental Plan (CLEP) to replace BVLEP 2002. The CLEP, later known as draft BVLEP 2010, was prepared based on the following:

- The majority of the Shire has simply been changed to the closest comparable zone available in the standard State wide template. This means that the majority of land owners wanting to develop or improve their properties will not be affected by the draft plan.
- Where there are changes proposed, the focus is on improving opportunities for economic development and jobs in the Bega Valley town centres, through the expansion of business, mixed use and industrial zones.
- Protection of productive agricultural land through the use of RU1 Primary Production and RU2 Rural Landscape zones.
- Establishment of allotment sizes through a “Lot Size Map”, thus determining subdivision and dwelling entitlements.
- Recognition of environmentally sensitive land through the use of E3 Environmental Management and E4 Environmental Living zones.
- Protection of sensitive foreshore areas and bushland public reserves through the use of E2 Environmental Conservation zone.

The Draft BVLEP 2010 was publically exhibited from the 12th May 2011 to the 29th July 2011 and 456 submissions were received. Following consideration of those submissions, Council categorised them into four groups:

- Appendix 1: Support (or partial support) for the submission request, with only minor changes required to the exhibited draft CLEP. The CLEP was amended in line with these recommendations.
- Appendix 2: Support (or partial support) for the submission request, however, due to the nature of changes proposed re-exhibition would be required. Land subject to the submissions is to be identified as a ‘deferred matter’ in the CLEP. Staff are to prepare planning proposals seeking to amend the CLEP, once adopted, in accordance with Councils’ resolutions and a “gateway determination” by the Minister for Planning required prior to re-exhibition.
- Appendix 3: Further research is to be carried out by Council staff prior to progressing a resolution of the submissions via a future report to Council. Land subject to the submissions is to be identified as a ‘deferred matter’ in the CLEP.
- Appendix 4: No agreement with the submission request, or the submission to be noted but no need for further action at this time. No change to exhibited draft CLEP is required.

The full Council Report and adopted minutes from the meeting of 12th June 2012 are provided in Attachment 1 to this planning proposal.

The subject land is included in Appendix 2 and was deferred from BVLEP 2013, consequently the zoning and status under BVLEP 2002 still applies to the land and a planning proposal is required to apply BVLEP 2013 to resolve the issues of appropriate zoning for the land.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Yes. This plan seeks to apply BVLEP 2013 to two deferred properties to which BVLEP 2002 currently applies. This planning proposal will resolve the uncertainty that currently exists by appropriately zoning the land and applying suitable controls to the land.

Schedule 1 – Additional Uses of BVLEP 2013 could be used as an alternative to reflect the desired future use of the land, however it would bring no additional benefit and would add to the ambiguity in the zoning schedules. Although a valid option in some cases, it is not the preferred approach in this instance given the desirability of securing the long-term identification and use of the subject land. Further to this, the NSW Department of Planning and Infrastructure's policy position states that additional listings in the LEP Schedule 1 should be minimised and should only proceed where a council can demonstrate that there is no other acceptable solution to progress the matter.

Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

South Coast Regional Strategy

The primary purpose of the South Coast Regional Strategy (SCRS) is to ensure that adequate land is available and appropriately located to sustainably accommodate projected housing and employment needs for the South Coast Region for the next 25 years.

One of the major aims of the SCRS is to ensure an adequate supply of land to support economic growth and to provide capacity to accommodate a projected 5,200 new jobs in the Bega Valley Shire. Section 7 of the SCRS addresses Economic Development and Employment Growth and provides a number of outcomes and actions. The planning proposal supports the outcome of achieving economic development and employment growth by identifying suitable employment and investment opportunities and providing employment land to support these opportunities.

The planning proposal does not directly support the other actions identified in Section 7 of the SCRS with regard to protecting and adding to employment lands in existing economic centres or implementing controls that will preserve and support the hierarchy of commercial centres for the South Coast Region. However, Council has addressed by designing the land use table for the proposed B5 Business Development Zone to specifically limit uses to those that will not compete with the viability of nearby town centres and limiting the application of the proposed B5 zone to specific areas.

The planning proposal is not consistent with the SCRS aim to increase the amount of housing in existing centres, however, the Strategy also notes that Bega Valley is currently well supplied with vacant urban land.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Bega Valley 2030 Community Strategic Plan

The Community Strategic Plan (CSP) identifies the long term aspirations of the Bega Valleys' community. This planning proposal is consistent with the SCPs vision: "The Bega Valley is a community that works together achieving a balance between quality of life, enterprising business, sustainable development and conservation of the environment" (p31 *Community Strategic Plan – Bega Valley 2030*, Bega Valley Shire Council).

Specifically, this planning proposal supports the following Key Directions and outcomes of the CSP with regard to 'An Enterprising Place – By 2030 in the Bega Valley'

- E1.1 - A comprehensive range of goods and services is available locally, resulting in reduced retail leakage.

- E1.3 - Increased population with diversified employment opportunities to support a self-sustaining local community.
- E3.4 - Growth in employment opportunities across large, medium, small and home based businesses.
- E5.1 - Well promoted as a leading regional business location with a dynamic investment prospectus and approach.

The planning proposal is inconsistent with the following Key Directions and outcomes of the CSP:

- L1.6 Diversity and affordability of new housing increased.
- L4.4 – Land use planning and facility design ensure the opportunity for members of our community to access services and age in place successfully.
- E3.1 – Promote Bega as a centre for regional health, government, tertiary education, retail activity and Merimbula, Eden and Bermagui as district centres.

Bega Valley Shire Commercial Strategy 2006

The Bega Valley Shire Commercial Strategy 2006 delivered a development strategy for existing and future commercial areas of the Shire, which was used to inform BVLEP 2013. This planning proposal is not consistent with the strategy's aim to restrict higher order retail development to the Shire's four town centres and retain Tura Beach as a local servicing centre.

Adopting the B5 Special Business Zone for the subject land represents a change in direction for Council which recognises new opportunities for economic development and employment growth.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The State Environmental Planning Policies (SEPPs) applicable to this planning proposal are detailed below. For a complete checklist of SEPPs refer to Attachment 5 of this planning proposal.

SEPP No. 44 Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. It requires the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat.

This planning proposal is consistent with the SEPP as the site is not considered core Koala habitat due to the low probability of Ribbon gum or Red gums being present on site and the lack of recent records which indicates the absence of a breeding population of Koalas.

SEPP No. 55 Remediation of Land

This SEPP introduces planning controls for the remediation of contaminated land. The policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.

This planning proposal is consistent with the SEPP to the extent that Council's records indicate that none of the subject land is contaminated and there are no records of previous or existing land uses nearby that are likely to have the potential to contaminate the site.

SEPP No. 71 Coastal Protection

SEPP 71 controls development in the coastal zone. SEPP 71 aims to ensure that development in the NSW coastal zone is appropriate and suitably located, there is a consistent and strategic approach to coastal planning and management, and there is a clear development assessment framework for the coastal zone.

The subject land is located within the Coastal Zone. This planning proposal is consistent with this SEPP as it does not contradict or hinder the application of the coastal planning provisions contained within the SEPP and does not promote development that will impede or diminish access to coastal foreshores, result in effluent discharge that negatively affects water quality, or involve a discharge of untreated storm water into the sea, a beach, an estuary, or coastal lake or creek.

SEPP Housing for Seniors or People with a Disability 2004

This SEPP aims to encourage the provision of housing that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services and be of good design.

This planning proposal is inconsistent with this SEPP as it introduces planning controls that will prevent the development of housing for seniors or people with a disability. The subject land has an active consent for development of 34 self-contained units which were approved under the provisions of SEPP 5 Housing for Older People or People with a Disability 2004 and three rural residential lots. Such development is not permitted under the B5 Business Development Zone. The extent of this inconsistency is, however, minor given the existing active consent applying to the land which could be completed and the relatively small area of affected land.

Q6. Is the planning proposal consistent with applicable Ministerial Directions?

This section addresses consistency with applicable Section 117 Directions. Attachment 6 to this planning proposal contains a complete list of all 117 Ministerial Directions applicable in the Bega Valley Shire.

1.1 Business and Industrial Zones

This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone. The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.

This planning proposal is consistent with this Direction as it contains provisions that will provide more opportunities for the economic development of specific land at Tura Beach, increase the total potential floor space area for employment uses in business zones and encourage commercial and employment growth in a suitable location that is adjacent to an existing commercial zone and will provide for the needs of residents in the Pambula/Merimbula/Tura Beach area.

2.2 Coastal Protection

This Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone. The objective is to implement the principles in the NSW Coastal Policy.

The subject land is within the Coastal Zone. This planning proposal is consistent with this Direction as it does not contradict or hinder the application of the coastal planning provisions contained in the NSW Coastal Policy, the Coastal Design Guidelines 2003 or the NSW Coastline Development Manual 1993.

This planning proposal will ensure the application of BVLEP 2013 to the subject land, which includes the Standard Instrument Clauses 5.5 and 5.7 relating to development within the Coastal Zone and below mean high water mark which will satisfy the objective of implementing the principles of the NSW Coastal Policy.

3.1 Residential Zones

This Direction applies when a relevant planning authority prepares a planning proposal that 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 objectives of this Direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services and minimise the impact of residential development on the environment and resource lands.

This planning proposal is inconsistent with this Direction as it proposes to rezone land on which residential development is currently permitted to a commercial zone which prohibits residential development. However, the extent of this inconsistency is minor given the small size of the land and the limited potential for residential development under the existing provisions of BVLEP 2002.

3.4 Integrating Land Use and Transport

Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to improve access to housing, increasing the choice of available transport, reduce travel demand, support public transport services, and provide for the efficient movement of freight.

This planning proposal is consistent with this Direction as adequate infrastructure is available to service any additional development that results from this planning proposal.

The intersection of Sapphire Coast Drive and Tura Beach Drive has been designed to cater for traffic for the residents of Tura Beach as well as the existing shopping centres. Any future development application for the subject land will require an assessment of the suitability of the existing road network to cater for the increases in traffic generation which are likely to result from the proposed development. This may include the preparation of a Traffic Impact Study in accordance with the RTA Guide to Traffic Generating Developments. Following assessment of the study by Council and the Roads and Maritime Service (RMS) the proponent may be required to provide any required road upgrades. Consultation with RMS will form part of the planning proposal process.

3.5 Development near Licensed Aerodromes

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. The objectives of this Direction are to ensure the effective and safe operation of aerodromes, ensure that their operation is not compromised by development and ensure development for residential purposes is not adversely affected by aircraft noise.

The subject land is located within the vicinity of Merimbula Airport, however, this planning proposal is consistent with this direction because none of the subject land is within an area where the Australian Noise Exposure Forecast exceeds 20 and the planning proposal will not result in development that will provide a new hazard to aircraft. The subject land protrudes above the applicable Obstacle Limitation Surface however any future development built to the maximum height of 10m proposed by this planning proposal will not exceed the existing ground hazard marker.

Clause 6.8 of BVLEP 2013 provides a number of provisions that aim to protect the airspace operations of Merimbula Airport as well as the community from undue risk, including consultation with the relevant Commonwealth body. In this regard, consultation with the relevant Commonwealth body will form part of the planning proposal Process.

4.4 Planning for Bushfire Protection

This Direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. The objectives of this Direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and encourage sound management of bush fire prone areas.

The subject land is identified as containing bushfire vegetation within category 1 therefore consultation with the NSW Rural Fire Service under Section 56 of the *Environmental Planning and Assessment Act 1979* will form part of the planning proposal process.

This planning proposal is consistent with the objectives of this Direction as it does not encourage the establishment of incompatible land uses and appropriate development can occur that would comply with the provisions and objectives contained within Planning for Bushfire Protection 2006.

5.1 Implementation of Regional Strategies

planning proposals must be consistent with a regional strategy released by the Minister for Planning.

This planning proposal is inconsistent with the South Coast Regional Strategy's hierarchy of commercial centres which designates Bega as Major Regional Centre by shifting the role of providing higher order retail services for the whole Shire to an alternative location. However, the inconsistency is of minor significance given the size of the affected area and the scale of development that is likely to result from the planning proposal. The planning proposal will not prohibit Council from complying with the overall intent of the South Coast Regional Strategy or undermine the achievement of its vision, land use strategy, policies, outcomes and actions.

6.3 Site Specific Provisions

This Direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. The objective is to discourage unnecessarily restrictive site specific planning controls.

This planning proposal is consistent with this Direction as it does not seek to include additional uses beyond what is permitted within the proposed land use table for the applicable zone.

Section C – Environmental, Social and Economic Impact

Q7. 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?

The subject site has been heavily modified for many years, with the majority of the site being cleared of canopy trees and shrub layer vegetation. There is a narrow stand of *Corymbia gummifera* - Red Bloodwood, along the Sapphire Coast Drive frontage and some scattered Bloodwoods within the northern end of the site, adjacent to Tura Beach Drive. The only other vegetation of note remaining on the site includes scattered *Eucalyptus agglomerata* - Blue-leaved stringybark, regrowth *Banksia integrifolia* - Coast Banksia and *Banksia serrata* - Saw Banksia.

The long term maintenance slashing of the site has seen grass and herb cover dominate, with a mix of bracken fern, native and exotic species evident throughout. African Lovegrass and Kikuyu have infested large areas of the site, with the ongoing slashing of the site likely to be exacerbating the spread of the African Lovegrass.

There is no declared Critical Habitat in the Bega Valley Shire Council. There are no known Threatened Species, Populations or Endangered Ecological Communities present on this site.

The stand of Bloodwoods along Sapphire Coast Drive are likely to provide corridor value to fauna moving from the large forested area to the west of Sapphire Coast Drive to the remnant areas of forest located on the Crown Reserve to the south of the subject site. This may include the Yellow Bellied Glider. As such, the retention of these trees as part of any future development of this land should be considered. This proposal will not adversely affect any Threatened Species, populations, Endangered Ecological Communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is unlikely that the proposed amendments to BVLEP 2013 contained in this planning proposal will result in development that will create any environmental effects that cannot be readily controlled. Environmental impacts from development, which may proceed as a result of this planning proposal such as overshadowing and other amenity issues such as bulk and scale will be controlled by the application of objectives and requirements of BVLEP 2013 and the provisions of Council's Development Control Plan 2013.

There is adequate area within the subject site to cater for Asset Protection Zone requirements that would likely be needed due to the significant area of forest to the south of the site.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The proposed zoning amendment will have positive social and economic effects. In particular it will provide greater employment opportunities in the area, increase availability of locally available goods and integrate suitable business development in an accessible location to maximise public transport patronage and minimise multiple vehicle trips.

The proposed zoning amendment will not substantially impact on adjoining properties although it is acknowledged that future business use of the subject land may result in land use conflicts with the adjacent seniors living development. Potential social impacts to the resident neighbours include noise generation, increase in traffic movements, loss of residential amenity.

The establishment of commercial uses on the subject land which is visually prominent from Sapphire Coast Drive may have a negative effect on visual appeal of area which has already been impacted by supermarket. However, the site has not been developed and the existing zone also permits development of the land which would alter the current natural vegetated look of the site.

The establishment of commercial uses on the subject land may also have a negative impact on existing local businesses in the Shire and removes certainty and opportunity from owners of commercially zoned land which could accommodate this style of development in other parts of the Shire.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

Given the scale of the proposed zoning, the types of development that are likely to result, and the location adjacent to an existing urban area, it is considered that the existing public infrastructure has adequate capacity to meet the additional demands generated by future development.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with State and Commonwealth public authorities has not yet been undertaken. The level of consultation will be determined by the NSW Department of Planning and Infrastructure when it makes its Gateway Determination.

Government agencies identified for consultation with regard to this planning proposal are:

- NSW Department of Planning and Infrastructure
- NSW Office of Environment and Heritage
- NSW Roads and Maritime Services
- NSW Rural Fire Service
- Civil Aviation Safety Authority

Part 4 – Mapping

Mapping details for the proposed amendments to the BVLEP 2013 are attached as follows:

LAP_001

Amend map sheet LAP_001 by deleting DM Deferred Matter for Lots 33 and 34 DP 243029

LZN_020B

Amend map sheet LZN_020B applying to Lot 34 DP 243029 by applying B5 Business Development Zone

LZN_020C

Amend map sheet LZN_020C applying to Lots 33 and 34 DP 243029 by applying B5 Business Development Zone

LSZ_020B

Amend map sheet LZN_020B applying to Lot 34 DP 243029 by removing Y 1ha

LSZ_020C

Amend map sheet LZN_020C applying to Lot 33 DP 243029 by removing K 550sqm

Amend map sheet LZN_020C applying to Lot 34 DP 243029 by removing Y 1ha

FSR_020C

Amend map sheet LZN_020C applying to Lots 33 DP 243029 by removing D 0.5:1

Part 5 – Community Consultation

The Gateway Determination will confirm community consultation requirements. It is likely that the Proposal will be exhibited for a period of not less than 28 days.

Public exhibition of the planning proposal will include notification on the Bega Valley Shire Council website, notification in the newspapers that circulate widely in the area (Bega District News, Eden Magnet and Merimbula News Weekly) and in writing to affected and adjacent landowners.

Information relating to the planning proposal will also be on display at the following Bega Valley Shire Council customer service centres:

Place	Address
Bega	Zingle Place, Bega NSW 2551
Merimbula	Market St, Merimbula NSW 2548
Eden	Cnr Imlay and Mitchell St, Eden NSW 2550
Bermagui	Bunga St, Bermagui NSW 2546

Part 6 – Timeline

The Project Timeline will assist with tracking the progress of the planning proposal through the various stages of consultation and approval. It is estimated that this amendment to *Bega Valley Local Environmental Plan 2013* will be completed by May 2015.

Council requests delegation to carry out certain plan-making functions in relation to this proposal. Delegation would be exercised by Council's General Manager or Director of Planning and Environmental Services.

Table A: Approximate Project Timeline

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Submit planning proposal to the Department	July 2013
STAGE 2 – Receive Gateway Determination	August 2014
STAGE 3 – Preparation of documentation for Public Exhibition	September 2014
STAGE 4 – Public Exhibition of the planning proposal	October 2014
STAGE 5 – Review/consideration of submissions received	December 2014
STAGE 6 – Council Report	February 2015
STAGE 7 – Meetings	February 2015
STAGE 8 – Forward planning proposal to Department of Planning and Infrastructure with request amendment is made	March 2015
STAGE 9 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	April 2015
STAGE 10 – Anticipated date Council will forward Plan to the Department for notification	June 2015

Attachments

Attachment 1: Council Report Planning and Environment Committee No. 4 - 12 June 2012

4. Bega Valley Local Environmental Plan 2012

In accordance with the Council resolution of 22 May 2012 staff have assessed both the written and oral presentations to the Council meeting regarding the Draft Comprehensive Local Environmental Plan 2010 (Draft CLEP). The staff summary is included as Appendix 7 of this report.

The report recommends amendment to the Draft CLEP and adoption of the plan. Further that the amended plan be forwarded to the Director-General requesting that the "plan be made" by the Minister for Planning.

Group Manager, Planning and Environment

Background

Council at its meeting held on 22 May 2012 gave consideration to a report on the Bega Valley Local Environmental Plan 2010 with the following staff recommendation:

"That, in regards to the draft Comprehensive Local Environmental Plan, Council resolves to:

1. Adopt the recommendations for the submissions outlined in:
 - Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a "planning proposal" is to be prepared by Council and a "gateway determination" by the Minister for Planning is required prior to re-exhibition;
 - Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
 - Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
2. Amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
3. Incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
4. Adopt the amended draft Comprehensive Local Environmental Plan as per points 2 and 3 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that "the plan be made" by the Minister for Planning.
5. Proceed with a "planning proposal" and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
6. Defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
7. Undertake further investigations into potential industrial sites in the Bega District for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.

8. Note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
 9. Advise all those persons who have made submissions of the above."
- In accordance with Council's Code of Meeting Practice the report was deferred for a further report due to addresses.

WHAT DOES THE PLAN SEEK TO ACHIEVE?

- The majority of the Shire has simply been changed to the closest comparable zone available in the standard State wide template. This means that the majority of land owners wanting to develop or improve their properties will not be affected by the draft plan.
- Where there are changes proposed, the focus is on improving opportunities for economic development and jobs in the Bega Valley town centres, through the expansion of business, mixed use and industrial zones.
- Protection of productive agricultural land through the use of RU1 Primary Production and RU2 Rural Landscape zones.
- Establishment of allotment sizes through a "Lot Size Map", thus determining subdivision and dwelling entitlements.
- Recognition of environmentally sensitive land through the use of E3 Environmental Management and E4 Environmental Living zones.
- Protection of sensitive foreshore areas and bushland public reserves through the use of E2 Environmental Conservation zone.

Addresses to Council

There were a total of 22 individual addresses to Council while Mr C Maxted of Caddey Searl & Jarman addressed on behalf of 17 client submissions as well as matters raised by Caddey Searl and Jarman relating to subdivision clauses, lot sizing and height controls. In addition 11 written addresses were received.

The issues raised in all the addresses have been reviewed by Council staff including site meetings where appropriate.

As a result of this review, the staff recommendations for 21 of the submissions subject to addresses have been revised from that which was previously recommended to the Council on 22 May 2012.

Appendix 7 to this report is the staff summary of the addresses.

Appendix 1, 2, 3 and 4 attached to this report have been updated in accordance with the staff position included in Appendix 7.

[Link to Planning & Environment Report 5 - 22 May 2012](#)

Advice from the Department of Planning

Council on 28 February 2012 gave consideration to a staff report on the draft CLEP and as part of the resolution resolved the following:

- "1. That to progress the Comprehensive Local Environmental Plan:
 - Council staff work with the Department of Planning on the proposed amendments to the exhibited CLEP that would be considered minor and not warrant further exhibition.
 - Staff report to Council on those proposed amendments that are deemed not to require further exhibition.
 - The mapping to the CLEP be amended in accordance with that subsequent Council resolution.
- Council has now received a solid overall endorsement of its approach to the finalisation of the CLEP as per the response of 31 May 2012 from the Regional Director, Department of Planning (see Appendix 8).

The Department has raised two main issues for consideration which relate to Littleton Gardens and to land owned by Bermagui Country Club.

In response, the following action is proposed by staff:

1. Further justification to be provided regarding Council's intended RE1 Public Recreation zoning of Littleton Gardens.
2. The E3 zone at the Bermagui Country Club be amended to E2 in accordance with the advice.

HEIGHT CONTROLS IN MERIMBULA, BEGA AND EDEN TOWN CENTRES

Staff have reviewed the height controls in Merimbula Town Centre in consideration of a number of submissions and workshop discussions with local professionals and Councillors. For the sake of consistency across the Shire reviews are now being undertaken for Bega and Eden Town Centres.

The matter is expected to be reported to Council in July and that any proposed changes will be treated as per Appendix 2.

Planning comment

The preparation of the draft CLEP has been a lengthy and extensive process for not only Councillors and staff, but the community as a whole. The process has included the 12 weeks of exhibition, including public information sessions, and a series of workshops with Councillors over the past 9 months since the completion of the exhibition period.

Further, Council staff have held a number of meetings with officers of the Department of Planning regarding all aspects of both the written instrument and the maps. Officers of the Department have also met with Councillors on several occasions over the last 6-7 years. These meetings clarified many issues and led to the inclusion of rural worker's dwellings becoming permissible with consent in the rural zones as part of the draft CLEP.

All public submissions and addresses, as well as Government agency submission and staff recommended changes, have been considered by Councillors at workshops.

Staff are of the opinion that Council is now in a position to resolve on the submissions and addresses received.

It is proposed that Appendix 1 be adopted by Council and that the draft CLEP be amended accordingly, including the mapping, and referred to the Department of Planning requesting that "the plan be made" by the Minister for Planning.

Appendix 2 and 3 represent submissions that are agreed to and require re-exhibition or submissions that require further investigation prior to resolution by Council. In the interim, it is proposed that the subject land be "deferred" thus retaining all the existing zonings and other provisions contained in the BVLEP 2002.

Staff are of the opinion that this pathway would finalise the CLEP process for the vast majority of landholders in the Shire and give surety and confidence in the planning process and strategic direction for the Shire.

Also, those persons who made submissions that are deferred would have the confidence that there would be no change to the current status of their land under BVLEP 2002 until their submission is re-exhibited or further investigated and finally resolved by Council.

The remaining submissions are proposed to be noted and/or not to be supported at this time.

Notwithstanding extensive workshoping of all the submissions with Councillors, it is open for any submission to be debated by Council at the meeting.

It should be noted that recommendation 7 to this report refers to investigations being undertaken into Industrial Land for the Shire as a whole, not the Bega District as recommended in the report to Council on 22 May 2102. This recommendation now accurately reflects Council's previously resolved position of 28 February 2012.

Conclusion

The draft CLEP has been prepared and exhibited in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (the Act) and all submissions are now placed formally before Council for determination. A public hearing has been held in relation to the reclassification of Council owned land.

It is proposed that the draft CLEP be amended as per the recommendations of this report and referred to the NSW Department of Planning in accordance with the Act, requesting that "the plan be made" by the Minister.

Recommendation

That, in regards to the draft Comprehensive Local Environmental Plan, Council resolves to:

1. Adopt the recommendations for the submissions outlined in:
 - Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a "planning proposal" is to be prepared by Council and a "gateway determination" by the Minister for Planning is required prior to re-exhibition;
 - Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
 - Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
2. Amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
3. Incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
4. Adopt the amended draft Comprehensive Local Environmental Plan as per points 2 and 3 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that "the plan be made" by the Minister for Planning.
5. Proceed with a "planning proposal" and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
6. Defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
7. Undertake further investigations into potential industrial sites in the Bega Valley Shire for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.
8. Note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
9. Advise all those persons who have made submissions of the above.

Council Minutes: Planning and Environment Committee No. 4 - 12 June 2012

1. That the following items be placed appropriately in Appendices 1 -4 as listed below:
That the following item be moved from Appendix 4 to Appendix 1 and thus deleted from the Heritage Schedule: [section deleted]
2. That in regard to the draft Comprehensive Local Environmental Plan Council adopts the recommendations for the submissions outlined in:
 - Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a "planning proposal" is to be prepared by Council and a "gateway determination" by the Minister for Planning is required prior to re-exhibition;
 - Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
 - Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
3. That Council amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
4. That Council incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
5. Adopt the amended draft Comprehensive Local Environmental Plan as per points 3 and 4 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that "the plan be made" by the Minister for Planning.
6. That Council proceed with a "planning proposal" and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
7. That Council defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
8. That Council undertake further investigations into potential industrial sites in the Bega Valley Shire for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.
9. That Council note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
10. That Council advise all those persons who have made submissions of the above.

Attachment 2: Council Report Planning and Environment Committee No. 8.4 – 6 November 2013

8.4. Proposed Amendments to BVLEP 2013

Since the adoption of BVLEP 2013 a number of minor zoning matters have arisen that require amendment. This report outlines those matters and recommends the process for resolution.

Group Manager Planning & Environment

BACKGROUND

At the meeting on 12 June 2012 Council resolved to support (or partially support) a number of the submissions made to the Draft BVLEP 2010, known as Appendix 2 matters, which require the preparation of Planning Proposals.

During the preparation of these Planning Proposals and as a result of the implementation of BVLEP 2013, a number of zoning and related matters have been identified.

The following sites require Council consideration and resolution.

DETAILS OF SITES AND RECOMMENDED ACTIONS

Arthur Kaine Drive – land opposite Merimbula Airport

Lot 1 DP 1004805, Lot 120 DP 847899 and Lot 2 DP 549112 are located on the eastern side of Arthur Kaine Drive, directly opposite Merimbula Airport.

Under BVLEP 2013 Lot 1 DP 1004805 is zoned SP2 Infrastructure. Lot 120 DP 847899 and Lot 2 DP 549112 were included in Appendix 2, as deferred matters, and proposed to be zoned SP1 Special Activities. See Figure 1 of Attachment 1 for a map of current zones.

To ensure consistency with the approved Merimbula Airport Master Plan 2033 and in consideration of the recommendations of the NSW Office of Environment and Heritage (OEH) made during the exhibition of the draft LEP, it is proposed to zone Lot 120 DP 847899 as SP1 Special Activities 'Community Facilities and Carparking'. It is also recommended that Lot 1 DP 1004805 and Lot 2 DP 549112 be zoned E2 Environmental Conservation with the exception of a small piece of Lot 2 opposite the current airport terminal which is proposed to be zoned SP1 Special Activities Carparking'. See Figure 2 of Attachment 1 for a map of proposed zones.

OEH strongly requested the application of the E2 zone on all three of these properties due to the presence of a number of threatened species and the presence of an endangered ecological community. However, a large portion of the vegetation on Lot 120 has been modified due to airport obstacle maintenance activities and the section of Lot 2 proposed for SP1 is already cleared. Therefore planning staff are of the opinion that appropriate justification can be provided for the recommended zonings.

With the Merimbula Airport Master Plan now finalised it is recommended that Council apply zones to these three lots that conserve the existing environmental characteristics while making allowance for future public requirements on the less environmentally sensitive land.

Figure 2 of Attachment 1 contains a map of the proposed zones.

Arthur Kaine Drive – land opposite Merimbula Pambula Golf Course

The majority of land on the eastern side of Arthur Kaine Drive, opposite the Merimbula Pambula Golf Course, is currently zoned SP3 Tourist under BVLEP 2013. Four of the properties (Lots 327, 329 and 331 DP 750227 and Lot 350 DP 1144511) were also proposed for SP3 zoning but were deferred and included in Appendix 2

due to submissions received during the exhibition period. Council has resolved to zone the 4 lots B4 Mixed Use. See Figure 3 of Attachment 1 for a map of the current zones.

The reason for selection of the B4 zone was to allow a more appropriate mix of commercial opportunities given the existing uses of the properties. Existing uses in the vicinity include: residential, oyster processing, aquaculture, restaurant, education facility, hotel accommodation, storage facility, car wash and plant hire. This variety of uses stems from the previous zones (under BVLEP 2002 the land was zoned 3(b) Special Business and 1(a) Rural General) and has led to some land use conflict with residential uses in the area.

To set the future direction of this area and minimise future land use conflict, it is proposed to zone all of the land currently zoned SP3 zoning under BVLEP 2013 and the 4 deferred lots, as B5 Business Development. See Figure 4 of Attachment 1 for a map of the proposed B5 zone.

BVLEP 2013 does not currently utilise the B5 zone and the introduction of the zone specifically to apply to this section of Arthur Kaine Drive will enable the future development of the area for commercial purposes that are not appropriate in core commercial or mixed use areas. The mix of oyster produce industries / aquaculture and tourism opportunities in this area is an important component of regional tourism and the B5 zone will allow this synergy to further evolve. The B5 zone will satisfy the need for land near Merimbula and Pambula to accommodate uses that are not appropriate in core commercial or residential areas due to land and access requirements.

PROPOSED B5 Business Development Zone

The land use table for the proposed new B5 Business Development zone has been designed specifically to limit uses to those that will not compete with the viability of nearby town centres and that will permit a suitable range of compatible uses to facilitate expansion of existing uses and provide future employment opportunities.

The following is recommended for the B5 Land Use Table, including appropriate zone objectives and nominated permissible land uses.

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To cater specifically for uses that require a high degree of visibility and accessibility to passing traffic and that generate a high proportion of single purpose vehicle trips.
- To enable the establishment of an aquaculture, agricultural produce and tourist precinct at Arthur Kaine Drive, Merimbula.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Agricultural produce industry; Building identification sign; Bulky goods premises; Business identification sign; Child care centres; Community facilities; Educational establishments; Function centres; Garden centres; Hardware and building supplies; Highway service centres; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Research stations; Respite day care centres; Restricted premises; Roads; Service stations; Sewerage systems; Storage premises; Transport depots; vehicle body repair workshop; Vehicle repair station; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3

Lot 344 DP 750227 Arthur Kaine Drive

Lot 344 DP 750227 is located behind the Fairway Motel on Arthur Kaine Drive. It was zoned 1(a) General Rural under BVLEP 2002 and was incorrectly zoned E2 Environmental Conservation in BVLEP 2013. See Figure 5 of Attachment 1 for a map of the current zone.

The lot is just over 2,000sqm and contains a dwelling. It is proposed to rezone the land E4 Environmental Living with a 2,000sqm lot size in keeping with the general zoning strategy for such land. This will permit the further development of the land for residential purposes without having to rely on existing use rights provisions. See Figure 6 of Attachment 1 for a map of the proposed zone.

Rural Residential – Bournda Park Way, Kalaru

Lot 21 DP 816824 is approximately 1ha in size and is zoned E3 Environmental Management under BVLEP 2013. Lot 21 adjoins the “Kalaru Lodge” property on the corner of Bournda Park Way and Sapphire Coast Drive.

The “Kalaru Lodge” site is a deferred matter under BVLEP 2013 and is included in Appendix 2. Council has resolved to zone the “Kalaru Lodge” land E4 with a 1ha lot size. See Figure 7 of Attachment 1 for a map of the existing zones in the area.

As part of the preparation of the Planning Proposal to progress the zoning of “Kalaru Lodge” land it became evident to planning staff that the most appropriate zone for Lot 21 would also be E4.

An E4 zone for Lot 21 would ensure all of the land on Bournda Park Way, suitable for smaller lot rural residential development, will be zoned E4 Environmental Living. A 1ha lot size is also proposed to reflect the size of the land and the Council resolution for the adjoining “Kalaru Lodge” land. See Figure 8 of Attachment 1 for a map of the proposed E4 zone.

Rural Residential – Oaklands Road, Pambula

In response to a joint submission to Draft BVLEP 2010, Lots 441 & 442 DP 1077278, Lot 434 DP 1152077 and Part Lot 381 DP 1027113, Oaklands Road Pambula, were identified as deferred matters under BVLEP 2013 and included in Appendix 2. Council resolved to zone the 4 lots E4 Environmental Living with a 1ha lot size.

The adjacent Lots 431-433 DP 1152077 and Lot 45 DP 807327 are currently zoned RU2 Rural Landscape Zone with a minimum lot size of 120 ha under BVLEP 2013. The land located immediately to the north of the lots is zoned E4 Environmental Living with a 2ha minimum lot size. See Figure 9 of Attachment 1 for a map of the current zones in the area.

Lots 431-433 DP 1152077 are approximately 5,000m² and are in the process of being developed for rural residential purposes. Lot 45 DP 807327 is approximately 3.6 ha and is currently used for rural residential purposes. Given that these properties are well below the 120ha minimum lot size, have been created for dwelling purposes and represent a natural extension of the rural residential land to the north, it is recommended that these lots also be zoned E4 with a 2ha lot size. This would potentially permit two additional rural residential dwellings on lot 45. See Figure 10 of Attachment 1 for a map of the proposed zones.

Commercial premises – Main Street, Merimbula

Lot 1 DP 1051587 is located in the northern part of the Merimbula Town Centre and contains a number of professional premises and health service facilities known as the Merimbula Professional Centre.

The property is currently zoned B2 Local Centre under BVLEP 2013. The properties east of Lot 1 DP 1051587 are zoned B4 Mixed Use under BVLEP 2013 and Council has resolved to rezone adjoining properties Lots 1

and 2 DP 521571, west of Lot 1 DP 1051587, B4 Mixed Use. See Figure 11 of Appendix 1 for a map of the current zones in the area.

Lots 1 & 2 DP 521571 are included as Appendix 2 deferred matters under BVLEP 2013. As part of the process of preparing the Planning Proposal for Lots 1 and 2 in accordance with the Council resolution, it became evident that Lot 1 DP 1051587 would effectively become an isolated B2 zoned allotment.

Therefore it is recommended that the subject property be zoned B4 Mixed Use to acknowledge the existing land use and to ensure a logical extension of the B4 Mixed Use Zone boundary. If agreed by Council, the land would be included in the Planning Proposal currently being prepared for Lots 1 and 2 DP 521571. See Figure 12 of Attachment 1 for a map of the proposed B4 zone.

Barragoot Swamp – Tathra-Bermagui Road

Council previously resolved to amend the zoning of part of Lot 881 DP 1063701 covered by Barragoot Swamp to E2 Environmental Conservation to ensure the protection of the wetland which is considered to be a valuable ecological asset. Barragoot Swamp was originally excluded from the E2 zone due to an error in the mapping of the estuarine foreshore in this area. See Figure 13 of Attachment 1 for a map of the current zones.

On further investigation it has become evident that Barragoot Swamp also covers a portion of the adjacent Lot 411 DP 1073628 and it is recommended that Council zone part of Lot 411 as E2 to ensure the whole wetlands area is protected. This will not have any impact on the development potential of Lot 411 DP 1073628 which is a large lot containing an existing dwelling with no further subdivision potential. If agreed by Council the land would be included in the Planning Proposal currently being prepared for Lot 881.

See Figure 14 of Attachment 1 for a map of the proposed E2 zone.

Stone House Café – Sapphire Coast Drive

The property at Lot 292 DP 853663, known as the Stone House Café, is currently zoned R5 Large Lot Residential under BVLEP 2013 with no subdivision potential. It contains a general store and disused service station and although these uses are legally approved, they are prohibited under the current zone.

See Figure 15 of Attachment 1 for a map of the current zones in the area.

The general store currently operates under existing use rights. To facilitate the continued use of the property as a general store and as a long term solution to the zoning/land use issue, it is proposed to include the property in LEP 2013 Schedule 1 Additional Permitted Uses with Neighbourhood Shop and Service Station listed as permitted uses.

The use of Schedule 1 in this instance is preferable to the alternative of rezoning the land to B1 Neighbourhood Centre. The B1 zone would enable a greater range of uses on the land which are likely to be incompatible with the characteristics of the area considering the high visibility of the site to the major road of Sapphire Coast Drive. In addition the use of Schedule 1 will restrict the proposed commercial uses to the site itself and not allow commercial uses to be developed onto adjacent sites under LEP 2013 Clause 5.3 Development Near Zone Boundaries.

CONCLUSION

The proposed amendments are considered to be minor in nature and will resolve existing anomalies which have become evident as part of the planning proposal process and implementation of BVLEP 2013.

It is anticipated that as BVLEP 2013 is used over the coming months other minor matters may arise that would require Council's consideration and resolution.

ATTACHMENTS

1. Current zones and proposed amendments to BVLEP 2013 maps

RECOMMENDATION

That Council resolve to make the following amendments to Bega Valley Local Environmental Plan 2013:

1. Lot 120 DP 847899 Arthur Kaine Drive Merimbula be zoned SP1 Special Activities 'Community Facilities and Carparking'
Lot 1 DP 1004805 Arthur Kaine Drive Merimbula be zoned E2 Environmental Conservation
Lot 2 DP 549112 Arthur Kaine Drive, Merimbula be zoned E2 Environmental Conservation except for the area of land identified in Figure 2 of Attachment 1 to this report which shall be zoned SP1 Special Activities 'Carparking'
2. A B5 Business Development zone be included as a Land Use Zone in the Plan in accordance with the following;
Zone B5 Business Development
 - 1 Objectives of zone
 - To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
 - To cater specifically for uses that require a high degree of visibility and accessibility to passing traffic and that generate a high proportion of single purpose vehicle trips.
 - To enable the establishment of an aquaculture, agricultural produce and tourist precinct at Arthur Kaine Drive, Merimbula.
 - 2 Permitted without consent
Environmental protection works
 - 3 Permitted with consent
Agricultural produce industry; Building identification sign; Bulky goods premises; Business identification sign; Child care centres; Community facilities; Educational establishments; Function centres; Garden centres; Hardware and building supplies; Highway service centres; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Research stations; Respite day care centres; Restricted premises; Roads; Service stations; Sewerage systems; Storage premises; Transport depots; vehicle body repair workshop; Vehicle repair station; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems.
 - 4 Prohibited
Any development not specified in item 2 or 3
3. Lots 398 & 339 DP 40361, 325, 326, 334, 335, part 340, 341, 345, 346, 371, 378, 379, 382, 383 & 386 DP 750227, 385 & 386 DP 811258, 10 DP 1057525, 281 & 282 DP 1135670 and 349 DP 1144511 Arthur Kaine Drive, Merimbula be zoned B5 Business Development.
4. Lot 344 DP 250227 Arthur Kaine Drive Merimbula be zoned E4 Environmental Living with a 2,000sqm lot size.
5. Lot 21 DP 816824 Bournda Park Way, Kalaru be zoned E4 Environmental Living with a 1ha lot size.
6. Lots 431, 432 and 433 DP 1152077 and 45 DP 807327 Oaklands Road, Pambula be zoned E4 Environmental Living with a 1ha lot size.
7. Lot 1 DP 1051587 Main Street, Merimbula be zoned B4 Mixed Use.
8. That part of Lot 411 DP 1073628 identified in Figure 14 of Attachment 1 to this report, which is part of Barragoot Swamp, be Zoned E2 Environmental Conservation.
9. Lot 292 DP 853663 Sapphire Coast Drive, Bournda be included in LEP 2013 Schedule 1 Additional Permitted Uses with Neighbourhood Shop and Service Station listed as permitted uses.

Council Minutes: Planning and Environment Committee No. 8.4 – 6 November 2013

That Council resolve to make the following amendments to Bega Valley Local Environmental Plan 2013:

1. Lot 120 DP 847899 Arthur Kaine Drive Merimbula be zoned SP1 Special Activities 'Community Facilities and Carparking'
Lot 1 DP 1004805 Arthur Kaine Drive Merimbula be zoned E2 Environmental Conservation
Lot 2 DP 549112 Arthur Kaine Drive, Merimbula be zoned E2 Environmental Conservation except for the area of land identified in Figure 2 of Attachment 1 to this report which shall be zoned SP1 Special Activities 'Carparking'
2. A B5 Business Development zone be included as a Land Use Zone in the Plan in accordance with the following;
Zone B5 Business Development
 - 1 Objectives of zone
 - To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
 - To cater specifically for uses that require a high degree of visibility and accessibility to passing traffic and that generate a high proportion of single purpose vehicle trips.
 - To enable the establishment of an aquaculture, agricultural produce and tourist precinct at Arthur Kaine Drive, Merimbula.
 - 2 Permitted without consent
Environmental protection works
 - 3 Permitted with consent
Agricultural produce industry; Building identification sign; Bulky goods premises; Business identification sign; Child care centres; Community facilities; Educational establishments; Function centres; Garden centres; Hardware and building supplies; Highway service centres; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Research stations; Respite day care centres; Restricted premises; Roads; Service stations; Sewerage systems; Storage premises; Transport depots; vehicle body repair workshop; Vehicle repair station; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems.
 - 4 Prohibited
Any development not specified in item 2 or 3
3. Lots 398 & 339 DP 40361, 325, 326, 334, 335, part 340, 341, 345, 346, 371, 378, 379, 382, 383 & 386 DP 750227, 385 & 386 DP 811258, 10 DP 1057525, 281 & 282 DP 1135670 and 349 DP 1144511 Arthur Kaine Drive, Merimbula be zoned B5 Business Development.
4. Lot 344 DP 250227 Arthur Kaine Drive Merimbula be zoned E4 Environmental Living with a 2,000sqm lot size.
5. Lot 21 DP 816824 Bournda Park Way, Kalaru be zoned E4 Environmental Living with a 1ha lot size.
6. Lots 431, 432 and 433 DP 1152077 and 45 DP 807327 Oaklands Road, Pambula be zoned E4 Environmental Living with a 1ha lot size.
7. Lot 1 DP 1051587 Main Street, Merimbula be zoned B4 Mixed Use.
8. That part of Lot 411 DP 1073628 identified in Figure 14 of Attachment 1 to this report, which is part of Barragoot Swamp, be Zoned E2 Environmental Conservation.
9. Lot 292 DP 853663 Sapphire Coast Drive, Bournda be included in LEP 2013 Schedule 1 Additional Permitted Uses with Neighbourhood Shop and Service Station listed as permitted uses.

Attachment 3: Council Report Planning and Environment Committee No. 8.5 – 18 December 2013

8.5 Request for zoning of Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach to a B5 Business Development Zone

Council has received a submission to rezone certain land in Tura Beach to B5 Business Development to facilitate a bulky goods / hardware development. This report reviews the proposed zoning of the land including the appropriateness of a B5 Business Development zone.

Group Manager Planning and Environment

BACKGROUND

Lots 33 & 34 DP 243029 Tura Beach Drive, Tura Beach are located on the south-eastern corner of the Tura Beach Drive and Sapphire Coast Drive intersection and are in the one ownership. The properties have a combined total area of approximately 4.5 hectares and are currently vacant and largely cleared.



Existing developments within the immediate area comprise a Seniors' Living Development to the south-east (zoned R2 Low Density Residential), a large lot residential parcel to the west (zoned R5 Large Lot Residential), and a shopping complex, service station and nursery on the opposite side of Tura Beach Drive (zoned B1 Neighbourhood Centre).

Under Bega Valley Local Environmental Plan 2002 (BVLEP 2002), Lots 33 & 34 DP 243029 were zoned 1(c) Rural Small Holdings. In draft Bega Valley Local Environmental Plan 2010 (draft BVLEP 2010) the properties were proposed to be zoned R2 Low Density Residential Zone (Lot 33) and R5 Large Lot Residential Zone (Lot 34).

A submission was received during the exhibition of the draft BVLEP 2010 requesting a R3 Medium Density Residential zone for both lots. Council resolved to support the R3 Medium Density Residential zone and recognised the opportunity to make use of the existing infrastructure and services and to enable future development that is compatible with the surrounding area. It was considered that development of the land for medium density housing would assist in delivering housing choices in the area that are affordable, sustainable and suited to the needs of the community. The site is within close proximity to existing urban areas, public services and existing infrastructure. Development consent exists for the site for a seniors' housing development comprising of 34 units and three rural small holdings lots.

The land was included in Appendix 2 for the preparation of a Planning Proposal and identified as a 'deferred matter' under BVLEP 2013 when gazetted.

A Planning Proposal to rezone the land from 1(c) to R3 was prepared and lodged with the Department of Planning and Infrastructure (DoP). Agency and public consultation was approved by the DoP Gateway Panel; however, prior to the commencement of the public exhibition, Council received a request from the owners to withdraw the land from the planning proposal.

At the Council Meeting of 27 November 2013 Council gave consideration to the owners' request and resolved the following:

- That the land identified as Lots 33 & 34 DP 243029 Tura Beach Drive, Tura Beach included in the Bega Valley Local Environmental Plan 2013 Planning Proposal 'Residential Zones' dated September 2013, be withdrawn from the Planning Proposal.
- That staff review the proposed zoning of the land, including the appropriateness of a B5 zoning, and a further report be submitted to Council for consideration.
- That the Department of Planning and Infrastructure be advised of Councils' decision.

The following is a discussion of the recent submission from the owners and a staff review of the submission.

Submission to zone the land B5 Business Development

The submission recently received from the owners of Lots 33 & 34 DP 243029 states that they "have been approached by a national company that wishes to purchase the corner lot [Lot 33] for a use that might best be described as for bulky goods or hardware". They request the application of the B5 Business Development Zone that was recently adopted by Council (and that is yet to be approved by the Minister for Planning & Infrastructure) on the basis that the proposed use will provide an economic boost to the region and is located on a prominent corner opposite an established B1 zone.

The B5 Land Use Table proposed for LEP 2013 including appropriate zone objectives and nominated permissible land uses is as follows:

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To cater specifically for uses that require a high degree of visibility and accessibility to passing traffic and that generate a high proportion of single purpose vehicle trips.
- To enable the establishment of an aquaculture, agricultural produce and tourist precinct at Arthur Kaine Drive, Merimbula.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Agricultural produce industry; Building identification sign; Bulky goods premises; Business identification sign; Child care centres; Community facilities; Educational establishments; Function centres; Garden centres; Hardware and building supplies; Highway service centres; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Research stations; Respite day care centres; Restricted premises; Roads; Service stations; Sewerage systems; Storage premises; Transport depots; vehicle body repair workshop; Vehicle repair station; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3

The submission states that the B5 zone is the most appropriate zone for the land because:

- the site is high visibly
 - the high levels of existing development (where permissible) on adjacent land will restrict additional business development to the two proposed lots
-
- the uses permitted in the zone will not substantially impact on adjoining properties
 - the proposed use meets the objectives of the zone.

Staff Discussion of Submission

Prior to lodging the new submission, the owners held discussions with Council staff regarding the potential for zoning the land to B1 Neighbourhood Centre to accommodate the proposed bulky goods/hardware use. Staff confirmed previous advice that the zoning of the land to support commercial development was not considered appropriate. Support for the Council resolved position of R3 Medium Density Residential was reaffirmed.

A business zone for the land is not supported on the basis that it would permit retail development which has been deliberately limited in the Tura Beach area by the Department of Planning & Infrastructure and is contrary to Councils' adopted policy of restricting future higher order retail development to the four Town Centres of the Shire.

Further, a commercial zone, whether B1 or B5, is not considered compatible with the adjoining residential style development.

Tura Beach is one of the Shires' 13 Neighbourhood Centres. In terms of commercial development, Neighbourhood Centres meet basic day to day services and shopping requirements of local residents. The hierarchy of commercial centres was endorsed by Council in the 2006 Bega Valley Shire Commercial Strategy which states that Tura Beach is to remain a local servicing centre, and by the South Coast Regional Strategy in 2006, which additionally identified Bega as the Regional Centre for the Shire.

The Commercial Strategy supported the expansion of the then existing commercial area to include the site of the new Tura Beach Woolworths Shopping Centre. The rezoning of this land was supported by the Minister for Planning at that time on the basis that retail floorspace on the rezoned land was limited to 5000sqm to be in keeping with Tura Beach being designated as a Neighbourhood Centre. This potential has been exhausted by the existing development.

At the time, the Minister specifically refused Council's request to permit bulky goods retail on the land on the basis that there was adequate zoned floorspace available for such uses elsewhere in the Shire. In making the Tura Beach LEP the

Minster cited “the need to support the centres hierarchy in the South Coast Regional Strategy, which identifies Merimbula as a Major Town while still providing retail services for the growing community at Tura Beach.”

Additional commercial land at Tura Beach is also likely to cause unnecessary negative impacts on the future of Bega as the Regional Centre. The role of Bega as the Regional Centre is to provide a range of higher order commercial, retail and public services for the entire Shire. The South Coast Regional Strategy states that Regional Centres provide a “concentration of higher density living, business, employment, professional services, department stores, specialty shops, warehouses, transport logistics and bulky goods operations.” To facilitate this with regard to bulky goods development, suitable land has been zoned within and surrounding Bega in BVLEP 2013.

In addition, Council staff are of the opinion that the proposed use is not appropriate to adjoining land uses and may affect the amenity of the residents of the seniors’ living development to the south-east. The location of the proposed development on a highly visible corner of Tura Beach Drive and Sapphire Coast Drive will negatively affect the visual appeal of the main road in the area which has already been impacted by the existing supermarket on the opposite corner.

The orderly development of the Shire’s commercially zoned land is important to ensure the appropriate scale and character of our towns and neighbourhood centres and to ensure owners of commercially zoned land can operate with relative certainty given land supply conditions. The recent commencement of BVLEP 2013 ensures that sufficient land is zoned to support future commercial development for the Shire in the medium to long term.

CONCLUSION

Commercial development such as that discussed in this report can provide positive economic benefits in terms of employment and retail opportunities for the Shire’s existing (and future) residents. However, the location proposed in this instance is not ideal and there are opportunities for the location of such a business in more suitable and appropriately zoned locations in the Bega Valley. Zoning and development of the land for medium density residential development is considered a more appropriate use of the land and the recent development approval indicates that such development is possible on the site.

ATTACHMENTS

Nil

RECOMMENDATION

That Council determines the request to zone Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach as B5 Business Development.

Council Minutes: Planning and Environment Committee No. 8.5 – 18 December 2013

8.5 Request for zoning of Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach to a B5 Business Development zone

1. That the matter be deferred and a further be prepared to determine if Lot 33 and Lot 34, DP 243029 can be zoned separately.
2. That a site visit for Councillors be arranged.

That a further report providing reasons to zone Lot 33 and Lot 34, DP 243029 R5 Large Lot Residential be provided to Council.

Attachment 4: Council Report Planning and Environment Committee No. 8.1 – 12 February 2014

8.1 Request for zoning of Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach to a B5 Business Development Zone

In accordance with the Council resolution of 18 December 2013 a further report is submitted for Council's consideration.

Group Manager Planning and Environment

BACKGROUND

A staff report regarding the request for rezoning of the land to B5 Business Development was submitted to the Council meeting held on 18 December 2013 with the following recommendation:

"That Council determines the request to zone Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach as B5 Business Development".

Council at its meeting held on 18 December 2013 resolved the following:

1. That the matter be deferred and a further report be prepared to determine if Lot 33 and Lot 34, DP 243029 can be zoned separately.
2. That a site visit for Councillors be arranged.
3. That a further report providing reasons to zone Lot 33 and Lot 34, DP 243029 R5 Large Lot Residential be provided to Council."

DETAILS OF REQUEST TO ZONE THE LAND B5 BUSINESS DEVELOPMENT

The submission from the owners of Lots 33 & 34 DP 243029 states that they "have been approached by a national company that wishes to purchase the corner lot [Lot 33] for a use that might best be described as for bulky goods or hardware". They request the application of the B5 Business Development Zone that was recently adopted by Council (and that is yet to be approved by the Minister for Planning & Infrastructure) on the basis that the proposed use will provide an economic boost to the region and is located on a prominent corner opposite an established B1 zone.

The B5 Land Use Table proposed for LEP 2013 including appropriate zone objectives and nominated permissible land uses is as follows:

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To cater specifically for uses that require a high degree of visibility and accessibility to passing traffic and that generate a high proportion of single purpose vehicle trips.
- To enable the establishment of an aquaculture, agricultural produce and tourist precinct at Arthur Kaine Drive, Merimbula.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Agricultural produce industry; Building identification sign; Bulky goods premises; Business identification sign; Child care centres; Community facilities; Educational establishments; Function centres; Garden centres; Hardware and building supplies; Highway service centres; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Research stations; Respite day care centres; Restricted premises; Roads; Service stations; Sewerage systems; Storage premises; Transport depots; vehicle body repair workshop; Vehicle repair station; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3

The submission states that the B5 zone is the most appropriate zone for the land because:

- the site is high visibly
- the high levels of existing development (where permissible) on adjacent land will restrict additional business development to the two proposed lots
- the uses permitted in the zone will not substantially impact on adjoining properties
- the proposed use meets the objectives of the zone.

DETAILS OF SITE INSPECTION

Councillors inspected the site on 15 January 2014 and reviewed adjoining land uses.

ZONING OF LOT 33 AND LOT 34 SEPARATELY

Lot 33 and 34 are individual lots and are able to be zoned separately. Staff in the report to Council on 18 December 2013 recommended that if a B5 zone was to be applied it should apply to both lots in order to support the best opportunity for future uses of both lots to be compatible.

REASONS TO ZONE BOTH LOTS R5 LARGE LOT RESIDENTIAL

In accordance with the 18 December 2013 resolution the following reasons are provided for Council's consideration:-

- Lots 33 and 34 are deferred sites under BVLEP 2013 and are currently zoned 1(c) Rural Small Holdings under BVLEP 2002. The objectives of the 1(c) zone are:
 - (a) to facilitate and provide rural residential development in appropriate locations, taking into account natural constraints and agricultural land,
 - (b) to maintain and enhance the character, amenity and landscape quality of rural residential areas,
 - (c) to control the intensity of rural residential development having regard to the physical limitations of the land and the costs and limitations of the provision of public amenities and services,
 - (d) to provide opportunities for an agricultural use of the land that is compatible with surrounding residential development.

R5 Large Lot residential zone would be a like for like zone with the objectives of the R5 zone being:

- to provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- to ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- to ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- to minimise conflict between land uses within this zone and land uses within adjoining zones.
- A R5 zoning would be consistent with the zoning of the large lot residential land fronting Sapphire Coast Drive in this area to the northern extremity of Tura Beach.
- The scale and type of development permitted in a R5 zone would be compatible with the adjoining Mariner Park seniors' living development.

Should Council wish to support an R5 zone, then staff recommend a 1 hectare average lot size in order to be consistent with other R5 land fronting Sapphire Coast Drive.

CONCLUSION

Council previously considered a staff report on this matter on 18 December 2013. In accordance with the resolution of Council this report contains advice on separately zoning each lot and also reasons for consideration of a R5 zoning.

A site inspection was carried out by Councillors on 15 January 2014.

ATTACHMENTS

Nil.

RECOMMENDATION

That Council determines the matter.

Council Minutes: Planning and Environment Committee No. 8.1 – 12 February 2014

8.1 Request for zoning of Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach to a B5 Business Development Zone

That the area be zoned B5 Business Development Zone.

Attachment 5: List of State Environmental Planning Policies

State Environmental Planning Policy		Compliance
SEPP No. 1	Development Standard	N/A
SEPP No. 4	Development without Consent and Miscellaneous Exempt and Complying Development	N/A
SEPP No. 6	Number of Storeys in a Building	N/A
SEPP No. 14	Coastal Wetlands	N/A
SEPP No. 15	Rural Land Sharing Communities	N/A
SEPP No. 19	Bushland in Urban Areas	N/A
SEPP No. 21	Caravan Parks	N/A
SEPP No. 22	Shops and Commercial Premises	N/A
SEPP No. 26	Littoral Rainforests	N/A
SEPP No. 29	Western Sydney Recreational Area	N/A
SEPP No. 30	Intensive Agriculture	N/A
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	N/A
SEPP No. 33	Hazardous and Offensive Development	N/A
SEPP No. 36	Manufactured Home Estates	N/A
SEPP No. 38	Olympic Games and Related Projects	N/A
SEPP No. 39	Spit Island Bird Habitat	N/A
SEPP No. 41	Casino/Entertainment Complex	N/A
SEPP No. 44	Koala Habitat Protection	Consistent
SEPP No. 47	Moore Park Showground	N/A
SEPP No. 50	Canal Estate Development	N/A
SEPP No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
SEPP No. 53	Metropolitan Residential Development	N/A
SEPP No. 55	Remediation of Land	Consistent
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	N/A
SEPP No. 59	Central Western Sydney Regional and Open Space and Residential	N/A
SEPP No. 60	Exempt and Complying Development	N/A
SEPP No. 62	Sustainable Aquaculture	N/A
SEPP No. 64	Advertising and Signage	N/A
SEPP No. 65	Design Quality of Residential Flat Development	N/A
SEPP No. 70	Affordable Housing (Revised Schemes)	N/A
SEPP No. 71	Coastal Protection	Consistent
SEPP No. 74	Newcastle Port and Employment Lands	N/A
SEPP	Housing for Seniors or People with a Disability 2004	Inconsistent
SEPP	Building Sustainability Index: BASIX 2004	N/A
SEPP	Major Development 2005	N/A
SEPP	Development on Kurnell Peninsula 2005	N/A
SEPP	Sydney Region Growth Centres 2006	N/A
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A
SEPP	Infrastructure 2007	N/A
SEPP	Temporary Structures 2007	N/A
SEPP	Kosciuszko National Park – Alpine Resorts 2007	N/A
SEPP	Rural Lands 2008	N/A
SEPP	Affordable Rental Housing 2009	N/A
SEPP	Western Sydney Employment Area 2009	N/A
SEPP	Exempt and Complying Development Codes 2008	N/A
SEPP	Western Sydney Parklands 2009	N/A

Attachment 6: List of applicable Section 117 Ministerial Directions

Section 117 Direction	Compliance
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent
1.2 Rural Zones	N/A
1.3 Mining, Petroleum and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
2. Environment and Heritage	
2.1 Environment Protection Zone	N/A
2.2 Coastal Protection	Consistent
2.3 Heritage Conservation	N/A
2.4 Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Inconsistent
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	Consistent
3.5 Development Near Licensed Aerodromes	Consistent
3.6 Shooting Ranges	N/A
4. Hazard and Risk	
4.1 Acid Sulphate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	Consistent
5. Regional Planning	
5.1 Implementation of Regional Strategies	Inconsistent
5.2 Sydney Drinking Water Catchment	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.5 Second Sydney Airport: Badgerys Creek	N/A
6. Local Plan Making	
6.1 Approval and Referral Requirements	N/A
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions	Consistent
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A