

BEGA VALLEY SHIRE COUNCIL

Bega Valley Local Environmental Plan 2013

Planning Proposal:
Minor Amendments,
Additional Heritage Items,
Additional Public Recreation Zones,

January 2017

Bega Valley Shire Council

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Contents

Part 1 – Objectives	2
Part 2 – Explanation of the Provisions	2
Part 3 – Justification	3
Part 4 – Mapping	11
Part 5 – Community Consultation	41
Part 6 – Timeline	42
Attachments	43

Attachment 1: Council Report Planning and Environment.....	43
Ordinary General Meeting 20 July 2016 (plus OGM of 26 March 2014 re: Hotel Australasia)	43
8.3 Bega Valley LEP 2013 Minor Amendments	43
Background	43
Council Minutes 20 th July 2016	48
RESOLVED on the motion of Crs Britten and Seckold.....	48
Council Minutes 26 March 2014	48
RESOLVED on the motion of Crs Tapscott and Seckold	48

Part 1 – Objectives

The Minor Amendments Planning Proposal is to rectify inappropriate zones, addition and deletion of heritage items, heritage omissions, rezoning village land to public recreation land in appropriate locations and adjusting land use tables within Bega Valley CLEP 2013.

Part 2 – Explanation of the Provisions

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

- Make minor amendments to the BVLEP 2013 zoning maps which have been found to be in error;
- Make minor amendments to the BVLEP 2013 heritage maps which have been found to be in error;
- To add four (4) heritage items – the Hotel Australasia in Eden, the Eden Ocean Swimming Pools & the Old Bega Racecourse Grandstand - which have been suggested by community members and endorsed by Council in March 2014 and July 2016;
- To add an additional land use to facilitate existing uses by adding the definition of ‘restaurants and cafes’ to the land use table at the Business 1 Zone (B1) - Neighbourhood Centres - *Clause 2.3 (3)*;
- To increase the definition of floor space of a ‘kiosk’ from 20m² to 50m² ; *Clause 5.4(6)*;
- To add an additional land use ‘information and educational facilities’ to the Medium Density Residential Zone (R3). This matter was prompted by Eden Killer Whale Museum Committee which is considering an expansion of the current facility on to adjoining land. Currently a museum is prohibited in the R3 zone. *Clause 2.3 (3)*.

Part 3 – Justification

Background

This planning proposal attends to matters that are considered to be minor. The re-zonings are not major policy changes. A response to the relevant S.117 Ministerial Directions is found at Table 2.

They are;

- 1) Land identified for a zoning change in the draft Bega Valley LEP 2010 (and resolved to be zoned) but subsequently an error was made in the translation of the mapping;
- 2) Removing inappropriate heritage mapping identified over the past 5 years;
- 3) Adding 4 new heritage items;
- 4) Adjusting land use tables to facilitate better planning outcomes.

The implementation and application of Bega Valley Local Environmental Plan 2013 (BVLEP 2013) has inadvertently resulted in a number of minor zoning and heritage mapping errors. Several heritage items require their status to be updated in the Schedule of the BVLEP 2013, whilst staff have identified the need to update land use tables to ensure certain activities are permissible. In order to make these minor amendments to BVLEP 2013, a Planning Proposal is required.

The Planning Proposal is structured as follows;

- a) Zoning Map Amendments
- b) Heritage Map and Schedule Amendments
- c) Land Use Table Amendments
- d) BVLEP Clause Amendment.

Strategic

The Planning Proposal would make minor, but important amendments to the BVLEP 2013. These changes are important to ensure that the BVLEP remains contemporary and meets the requirements of the land owners, the wider community and Council's Strategic direction.

a) **Zoning Map Amendments**

Thirteen (13) parcels of land have been found to inappropriately zoned after an investigation of the mapping exhibited in 2010 and then adopted in 2013.

The zoning errors are considered minor in nature as;

- The intention of Council was to carry across and translate the old BVLEP 2002 suite of zonings into a new suite of zonings in 2010 for the draft Bega Valley LEP. At some point in the translation process to the mapping, several parcels of land were misidentified, resulting in inappropriate zonings being applied.
- The changes do not have any significant economic, environmental or social impacts as they are not policy changes, nor are they 'spot re-zonings' as a result of lobbying Council.

Table 1 details the proposed mapping amendments. Table 2 details a response to the relevant S.117 Ministerial Directions. Part 4 of this Planning Proposal includes the maps showing an aerial photograph with the subject site outlined in red, the current zone and then the proposed re-zoning.

Minimum Lot Sizing (MLS) for relevant subject sites only

The minimum lot sizes proposed in this document are associated with the surrounding and or adjacent matching zoning.

The relevant minimum lot size is stated in each *proposed re-zoning* map where relevant - this applies to items 2, 4, 5, 8, 10 and 12. All other sites have no requirement for a minimum lot size to be applied as they are industrial, recreation or environmental conservation zones.

N.B. For clarity, there are no specific minimum lot size maps shown in this Planning Proposal.

Table 1: Land Use Zoning Map Amendments

	Location	Property	Landuse	Current zoning	Amended zoning	Min. Lot Size
1.	Brown Mtn	Lot 1 DP 746820	Power Station	National Park E1 (part only)	Environmental Management E3	120 Ha
2.	Candelo	Lot 1 DP 811091, Lot 323 DP 44296 – Shire Owned Property	Candelo Swimming Pool	Rural RU1	Public Recreation RE1	N/A
3.	Cobargo	Lot 22 Sec 7 DP 485	Dwelling	Public Recreation RE1	Village RU5	1000m2
4.	Eden	Part Lot 12 DP 829854	Dwelling	Public Recreation RE1	Low Density Residential R2	550m2
5.	Eden	Lot 78 DP 809238, Lot 30 DP 703279	Bushland Public Reserve	Low Density Residential R2	Environmental Conservation E2	N/A
6.	Merimbula	Lot 51 DP 883129	Bushland Public Reserve	Low Density Residential R2	Environmental Conservation E2	N/A
7.	Mogareeka	Lot 13 DP 710669	Dwelling	Public Recreation RE1	Environmental Living E4	2000m2
8.	Quaama	Lots 1 – 3 Sec 8 DP 758860 – Crown Reserve Managed by BVSC	Quaama Park	Village RU5	Public Recreation RE1	N/A
9.	Tathra	Lot 7 DP 263659	Dwelling	Public Recreation RE1	R2 Low Density Residential	550m2
10.	Towamba	Lot 8 DP107143, Lot 1 DP88578 - Shire Owned Property	Towamba Rec. Reserve / Hall	Village RU5	Public Recreation RE1	N/A
11.	Wyndham	Lot 10 DP 607581	Dwelling	Public Recreation RE1	RU5 Village	2000m2
12.	Wyndham	Lot 1 DP 1172468 Crown Land	Tennis Courts	Village RU5	Public Recreation RE1	N/A

Table 2: S.117 Response to each Land Use Zoning Map Amendments

Location	Property	S.117 Direction Applying	Issues	Consistent?
1. Brown Mountain Hydro Power Station	Lot 1 DP 746820	1.5 Rural Lands	Narrow strip of native forest will remain protected by the objectives of the E3 zone.	Environmental Management E3 will ensure consistency. The land is not farmed and is a driveway access route to a heritage listed power station.
		2.1 Environment Protection Zone	Will nominally reduce level of environmental protection, however this is justifiably inconsistent as the zoning is in error and is not owned or managed by NP NSW.	Inconsistent. Removal of E1 zoning will reduce the level of environmental protection, but is unlikely to alter on ground conditions as this long narrow strip of land is unsuitable for residential or agricultural development.
2. Candelo	Lot 1 DP 811091, Lot 323 DP 44296 – Shire Owned Property	1.5 Rural Lands	The removal of the RU1 zone will not compromise agricultural use as it is not used for grazing or horticulture.	The zoning of the land to Public Recreation RE1 which is used for a 50m pool close to Candelo Creek is justifiably inconsistent with this direction.
3. Cobargo	Lot 22 Sec 7 DP 485	3.1 Residential Zones	The removal of the Public Recreation RE1 zone is consistent with this direction as it matches an existing privately owned dwelling with the surrounding residential zoning of RU5 village.	The zoning of the land to Village is consistent with current land use.
4. Eden	Part Lot 12 DP 829854	3.1 Residential Zones	The removal of the Public Recreation RE1 zone is consistent with this direction as it matches an existing privately owned dwelling with the surrounding residential zoning.	The zoning of the land to R2 Low Density Residential is consistent with current land use.
		2.2 Coastal Protection	The removal of the Public Recreation RE1 zone is consistent with this direction as it does not threaten any	Consistent with 2.2 Coastal Protection as the rezoning to R2 does not threaten any coastal processes.

				coastal processes as the section of land in question is currently under private ownership and contains a garden and landscaping.	
5.	Eden	Lot 78 DP 809238, Lot 30 DP 703279	3.1 Residential Zones	The removal of the Low Density Residential R2 zone will not decrease housing supply opportunities in Eden as the land is a reserve owned and managed by the Bega Valley Shire Council.	Zoning the land Environmental Conservation E2 is consistent with this direction as the land is a bushland reserve managed by the Bega Valley Shire Council.
			2.1 Environment Protection Zones	The establishment of the E2 zone over this land is consistent with this direction as it protects remnant wet sclerophyll in a suburban context. It is classified by the BVSC as a bushland reserve under the Local Government Act.	Consistent with the direction 2.1 Environmental Protection Zones as the land is a bushland reserve.
6.	Merimbula	Lot 51 DP 883129	3.1 Residential Zones	The removal of the Low Density Residential R3 zone will not decrease housing supply opportunities in Merimbula as the land is a reserve owned and managed by the Bega Valley Shire Council.	Zoning the land Environmental Conservation E2 is consistent with this direction as the land is a bushland reserve managed by the Bega Valley Shire Council which protects Melaleuca and Eucalypt community.
			2.1 Environment Protection Zones	The establishment of the E2 zone over this land is consistent with this direction as it protects remnant Melaleuca and Eucalypt community in a	Consistent with the direction 2.1 Environmental Protection Zones as the land is a bushland reserve.

				suburban context. It is classified by the BVSC as a bushland reserve under the Local Government Act.	
7.	Mogareeka	Lot 13 DP 710669	2.1 Environment Protection Zones	The land contains a dwelling built in the 1980's and is privately owned. An RE1 Public recreation zone was done in error.	The re-zoning to E4 Environmental Living will be consistent with the direction as it provides for suitable housing where environmental values are recognised in the area.
			2.2 Coastal Protection	The removal of the RE1 zone will have no impact upon coastal processes or hazard risk.	The re-zoning to E4 Environmental Living will be consistent with the Direction as it will not reduce the level of protection already afforded the land.
8.	Quaama	Lots 1 – 3 Sec 8 DP 758860 – Crown Reserve Managed by BVSC	3.1 Residential Zones	The removal of the Village RU5 zone will have no impact of land available for housing as the parcels consists of a public park with BBQ facilities and a playground.	Consistent . The re-zoning to Public Recreation RE1 will reflect the current use of the land and ensure the prohibition of incompatible uses.
9.	Tathra	Lot 7 DP 263659	3.1 Residential Zones	The removal of the Public Recreation RE1 zone is consistent with this direction as it matches an existing privately owned dwelling with the surrounding residential zoning.	The zoning of the land to R2 Low Density Residential is consistent with current land use (dwelling).
			2.2 Coastal Protection	The removal of the Public Recreation RE1 zone is consistent with this direction as it does not threaten any coastal processes as the section of land in question is currently under private ownership and contains a garden and landscaping.	The zoning of the land to R2 Low Density Residential is consistent with current land use.

10.	Towamba	Lot 8 DP107143, Lot 1 DP88578 - Shire Owned Property	3.1 Residential Zones	The removal of the Village RU5 zone will have no impact of land available for housing as the parcels consists of a public park (sportsground).	Consistent . The re-zoning to Public Recreation RE1 will reflect the current use of the land and ensure the prohibition of incompatible uses.
11.	Wyndham	Lot 10 DP 607581	3.1 Residential Zones	The removal of the Public Recreation RE1 zoning will afford the current owners of the dwelling the correct land use zoning.	Consistent . The re-zoning to RU5 Village will recognise the use of the land for a private dwelling.
12.	Wyndham	Lot 1 DP 1172468 Crown Land	3.1 Residential Zones	The removal of the Village RU5 zone will have no impact of land available for housing as the parcels consists of a public park (sportsground) .	Consistent . The re-zoning to Public Recreation RE1 will reflect the current use of the land and ensure the prohibition of incompatible uses.

- **Please Note:** Item 6 in the Table listed in the Council Report (Part Lot 142 DP 567009) has been removed from this Planning Proposal as it has been determined that the existing partial RE1 zone is the correct zoning as it forms part of the larger Victoria Terrace road reserve, all of which is zoned RE1.

Heritage Map and Schedule Amendments

Items have been identified as needing amendment on the Heritage Mapping Overlays or Schedule 5 of the BVLEP 2013.

There are four (4) additional proposed heritage items to be listed on Schedule 5. One these items – the Old Bega Grandstand - previously appeared in the 2002 LEP.

1) **Old Bega Grandstand at the Old Bega Racecourse**

Note: The Lot and DP in the Table below have been corrected since the Council resolution of 20 July 2016.

The Old Bega Racecourse was listed in schedule 6 of the 2002 LEP as an interim heritage site. The BVSC heritage adviser at the time inspected the site and recommended that the grandstand and the racecourse track / site be listed under schedule 5 of the 2013 LEP. It was later considered by Council staff that only the grandstand meets the threshold for inclusion on Schedule 5. Note that the 1970/80's additions to the north of the old grandstand are not included in the listing.

Statement of Significance: Local

The grandstand has historic and social significance. The item is considered an important recreational and social area for the community. It was constructed in 1933 by R W Thatcher at a cost of £1,100.

2) Former public bath at Eden - South-Western corner of Aslings Beach (formerly Eden Memorial Swimming Pool)

Statement of Significance: Local

A rectangular shaped rock and concrete ocean pool set into and on a naturally occurring rock platform that was deepened and formalised in 1961 to create a safe swimming facility. Located at the south-western corner of Aslings Beach, the pool is aesthetically positioned on the ocean's edge with panoramic views of the surrounding beach, cliffs and outer north bay. (A. George 2015)

BVSC's Heritage Advisor, Pip Giovanelli, concurred with this recommendation on 25/2/16 by stating that this item 'clearly reaches the threshold for entry to the BV heritage schedule'.

3) Former public bath at Eden - Thompsons Point Baths at Snug Cove

Statement of Significance: Local

Eden's Thompsons Point Baths is a representative example of the community recreational tidal pools that were once popular along the NSW coastline and is a rare example of its type. Dating back to the turn-of-the-century, the Thompsons Point Baths are the oldest and one of only three remaining extant examples of ocean pools within the Bega Valley Shire Council LGA and one of the oldest non-metropolitan examples in the State.

BVSC's Heritage Advisor, Pip Giovanelli, concurred with this recommendation on 25/2/16 by stating that this item 'clearly reaches the threshold for entry to the BV heritage schedule'.

4) Hotel Australasia, 142-144 Imlay Street, Eden;

The Hotel Australasia was not assessed as part of the 2006 heritage study of Eden because its appearance from the street was of a building that had been extensively compromised by the 1960s modifications. Furthermore, there had been no recommendation from the community to pursue further study or assessment.

In 2014, after a concerted community push to restore the façade of the building to its original 1908 presentation, it was concluded by Council's heritage advisor that once the façade was restored the Hotel would meet the thresholds for listing on Schedule 5 of the LEP. A council resolution from March 2014 resolved to list the building on Schedule 5 of the LEP.

Items mentioned in the Council Resolution but no longer appearing or amended in this Planning Proposal

1) Part 142 DP 567009 Victoria Terrace Eden item:

This item is correctly zoned RE1 Public Recreation as it is an extension of a road reserve (Zoned RE1) owned by Bega Valley Shire Council which is generally unmade and part of bushland reserve.

2) Boydton item:

The Boydton heritage item I031 refers to the ruins of the old Boydton Church (never a completed building) and the old salting works site related to the previous whaling operation. It has been amended post Council resolution and from the Council report due to an error in the DP number (Lot and DP corrected).

3) Eden Public School Item:

The Eden Public School item has been deleted from the proposal post Council resolution due to establishing that the circa 1860's school building is mapped on the correct lot.

Table 3: Heritage Mapping and Schedule Amendments – purple background indicates new items.

Heritage Item	Issue	Mapping Amendment	Schedule 5
13. East Street, Bega Old Bega Racecourse Grandstand Lot 3200 DP 1036584	Should have been transferred from BVLEP 2002 LEP but was left off Schedule 5.	Add to map HER_011B HER_011D	List on Schedule
14. Eden Aslings Beach Rock Pool (formerly Eden Memorial Swimming Pool)	Nominated for listing on motion of Council	Add to map HER_021A	List on Schedule
15. Eden Thompsons Point Baths, Snug Cove	Nominated for listing on motion of Council	Add to map HER_021A	List on Schedule
16. Eden Hotel Australasia 142-144 Imlay Street	Nominated for listing on motion of Council 26.3.2014	Add to map HER_021A	List on Schedule
17. Eden Hopetoun House A//163156 3-5 Bass Street	Lot D//164277 contains the heritage item, but was left off the heritage map and Schedule 5. Retain the heritage listing of the vacant lot to the immediate west of the house, A//163156, as it provides important open space curtilage to the main dwelling and is in the same ownership.	Add Lot D//164277 to map HER_021A. Item is significant it is a fine example of an 1900's Federation home and it has an association with the first Governor– General of Australia.	List on Schedule
18. Eden 243 Imlay Street Lot 1 DP 731580	Should have been transferred from BVLEP 2002 LEP but was left off Schedule 5.	Add to map HER_021A	List on Schedule
19. Eden Killer Whale Museum	Both lots missing from Heritage map. One of 2 lots missing from Schedule 5.	Add Lot 1 DP 48609 & Lot 1 Sec 6 DP 758379 to Map HER_021A.	Add Lot 1 DP 48609 to Schedule
20. Boydtown, Old Church and Salting Works, north of Boydtown Park Road	Two heritage items not mapped. Part of Lot 13 DP 716162 contains the ruined church and salting works area which are part of the listing I031 on Schedule 5.	Amend map HER_021 to include northern part of Lot 13 DP 716162 (DP corrected from Council Report) - north of Boydtown Park Road only.	N/A – Already listed.
21. Kameruka Cemetery	Lot 140 DP 1064610 is not on the map or on the Schedule.	Add to map HER_011	List on Schedule
22. Bemboka Kameruka Street Lot 10 Sec 11 DP 758087	Incorrectly mapped as Heritage but this lot has no buildings or other heritage significance.	Remove from map HER_003	N/A
23. Bemboka 71 – 73 Loftus Street Hobbs Cottage and Store	Lot 14 DP 805581 containing the Hobbs Cottage and Hobbs Store is not on the Heritage map.	Add to map HER_003	N/A – Already listed.

b) **Land Use Table Amendments**

The following changes are recommended to the land use tables of the BVLEP:

Recommendation - Add 'information and educational facilities' to Medium Density Residential Zone (R3 zone)

Rationale – This matter was prompted by Eden Killer Whale Museum Committee which is considering an expansion of the current facility on to adjoining land. The land under consideration is zoned R3 Medium Density Residential which prohibits 'information and educational facilities'. On consideration, planning staff are of the opinion that information and educational facilities should be permitted with consent in the R3 zone across the Shire. It should be noted that information and educational facilities were previously permitted in the equivalent 2(b) Medium Density Zone under BVLEP 2002. Amenity issues generated by such land uses are generally minor and can be properly assessed at the development application stage.

Recommendation - Add 'restaurants and cafes' in Neighbourhood Centres (B1 zone)

Rationale - Currently there are several restaurants and cafes across the Shire operating on land zoned B1 Neighbourhood Centre. They are prohibited in the land use tables and operate under existing use rights. To provide future certainty for small business, it is proposed to allow 'restaurants and cafes' in the B1 Neighbourhood Centre zone.

c) **CLEP Clause Amendment**

Allowing a larger floor space for kiosks

Recommendation – amend clause 5.4(6) to replace 20m² with 50m²

Rationale - There has been discussion amongst planning staff regarding the restrictive floor space limit of 20m² for kiosks described at Clause 5.4(6) of BVLEP 2013. Under BVLEP 2002 kiosks were permitted to have a floor space of 50m². This was inadvertently reduced to 20m² in the current BVLEP 2013. A floor space of 50m² is considered an appropriate and functional size for kiosk operations. The 30m² increase in floor space will allow, for example some additional seating and better functioning kitchens. It is proposed to change the limit listed at Clause 5.4(6) of the BVLEP 2013 from 20m² to 50m².

Part 4 – Mapping

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

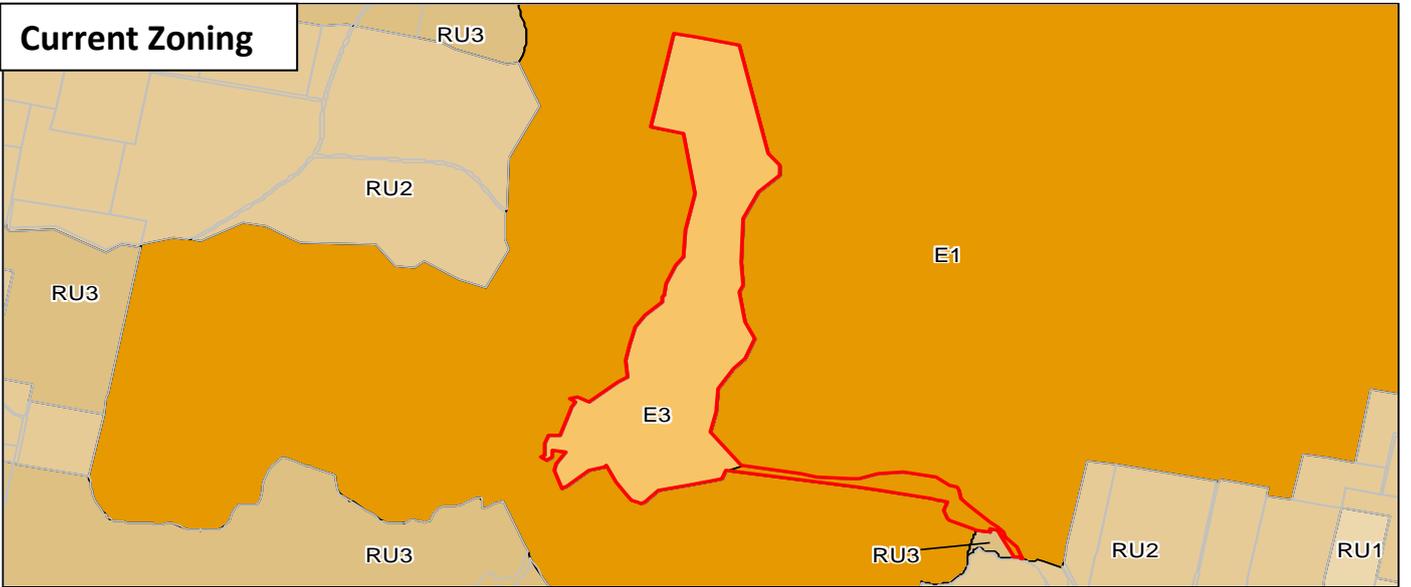
Zoning Map Amendments – Items 1 - 13

**1. Brown Mountain
Power Station**

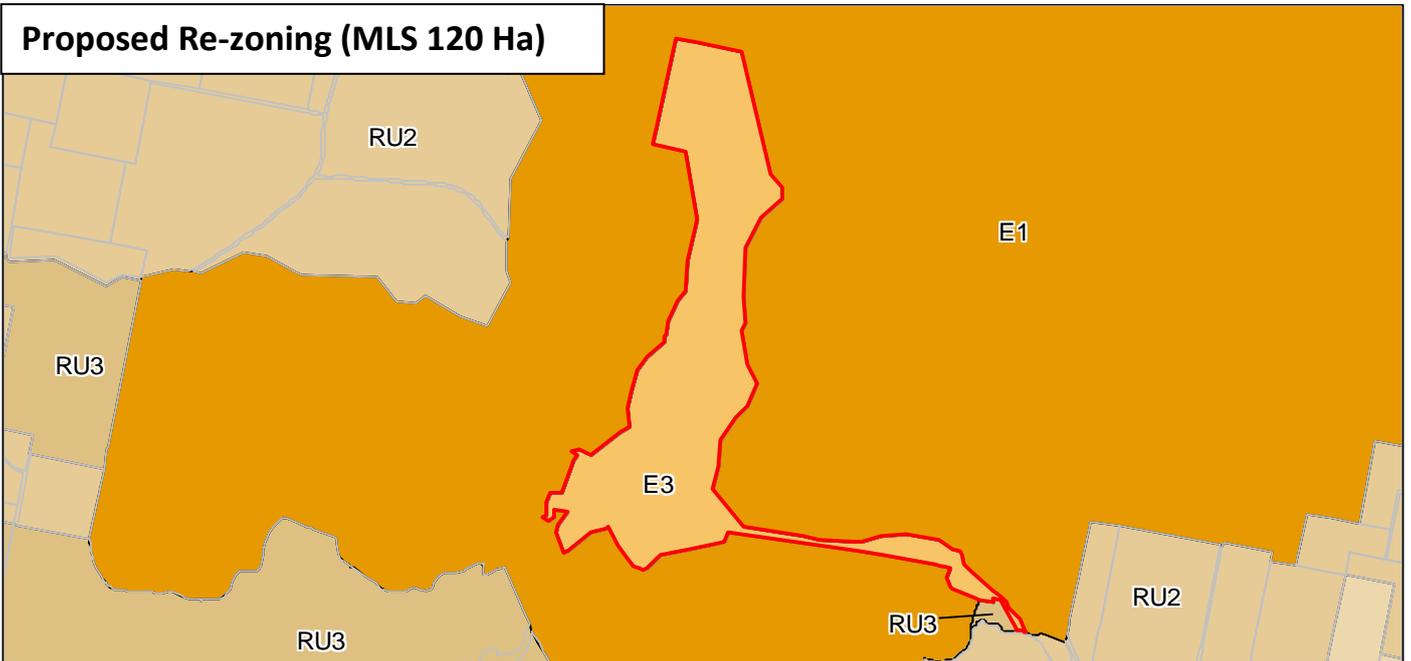
Lot 1 DP 746820



Current Zoning



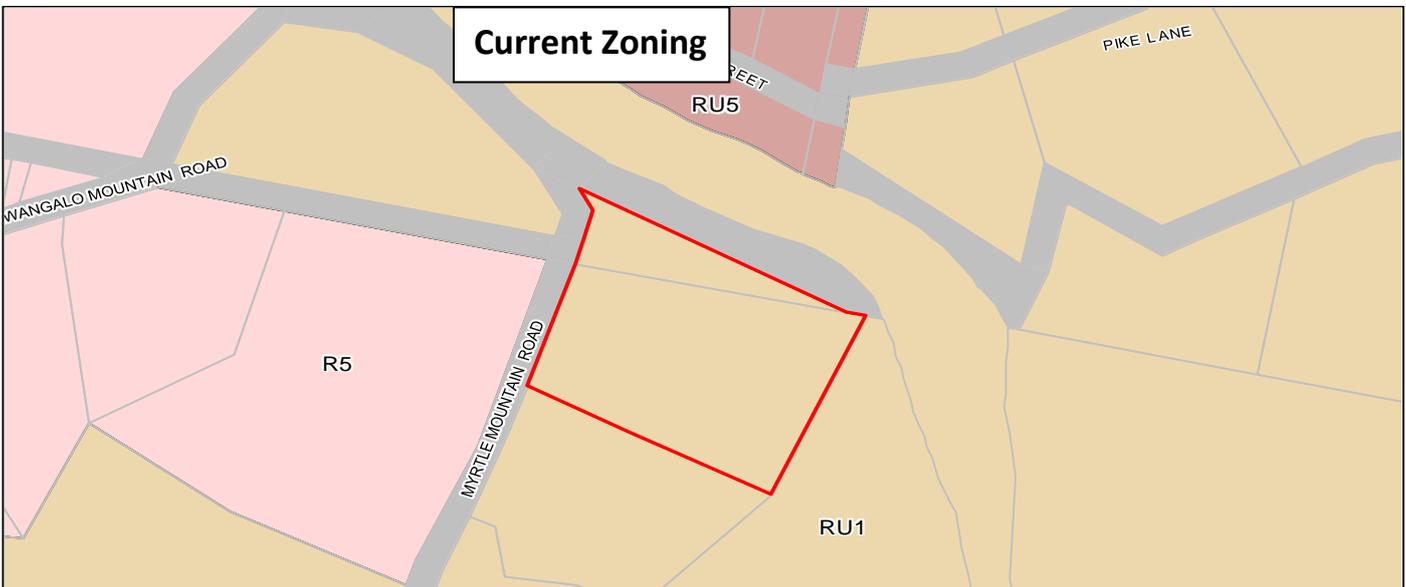
Proposed Re-zoning (MLS 120 Ha)



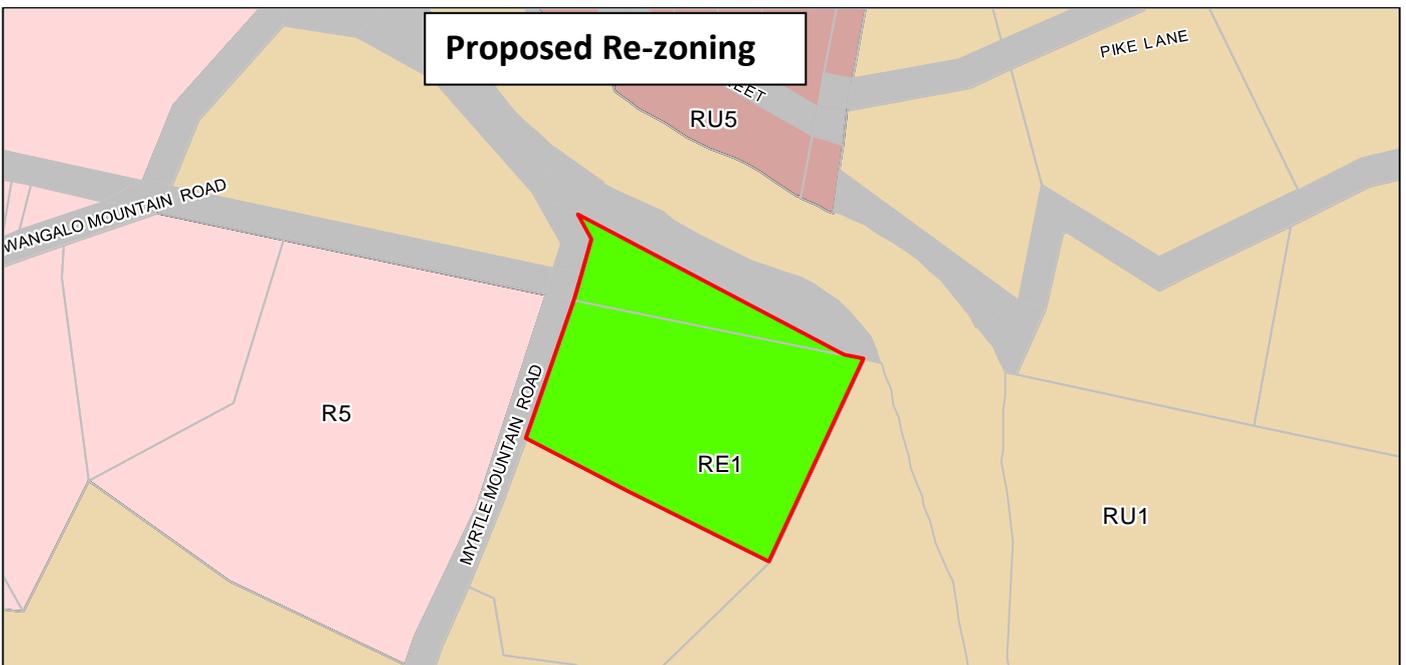
2. Candelo Swimming Pool, Myrtle Mountain Road, Candelo Lot 1 DP 811091 (southern lot) & Lot 323 DP 44296 (northern lot)



Current Zoning



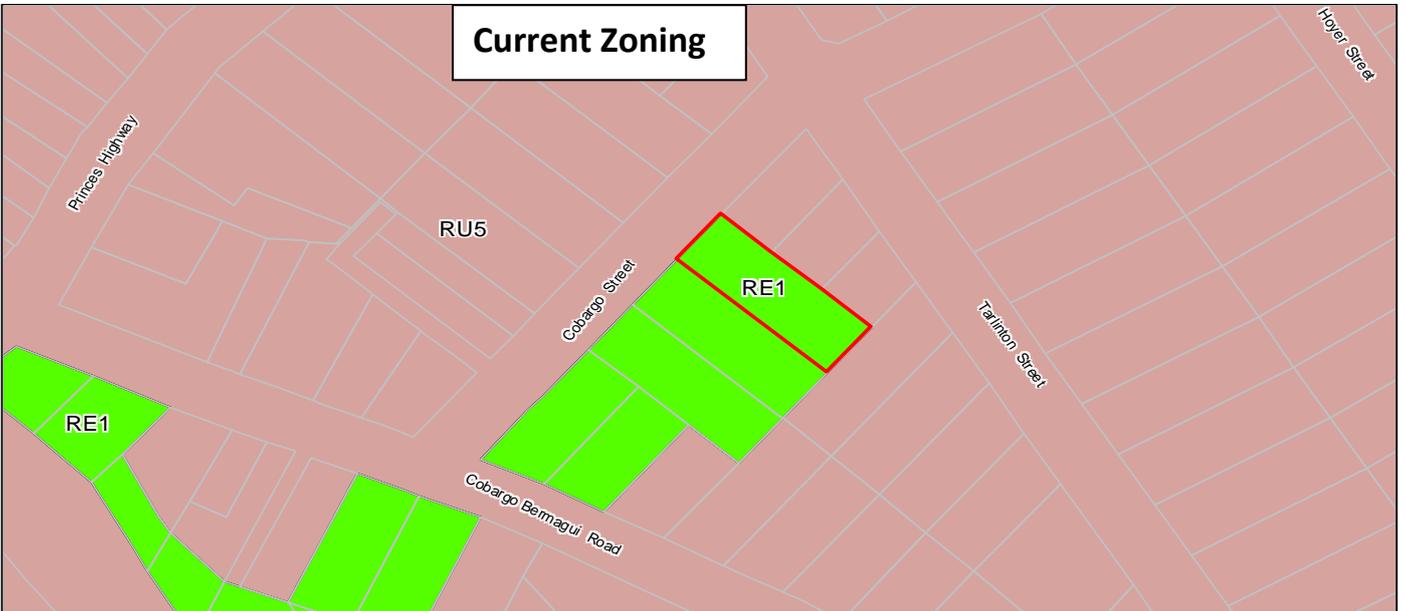
Proposed Re-zoning



3. 10 Cobargo St Cobargo Lot 22 Sec 7 DP 485



Current Zoning



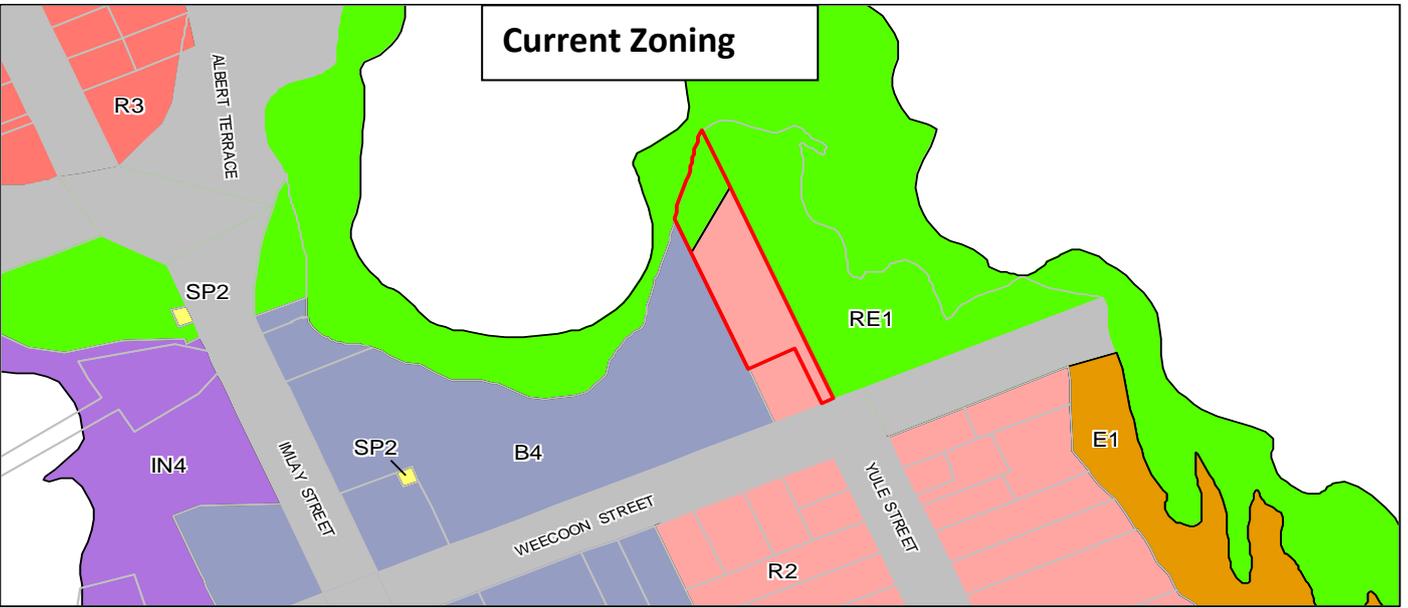
Proposed Re-zoning (MLS 1000m2)



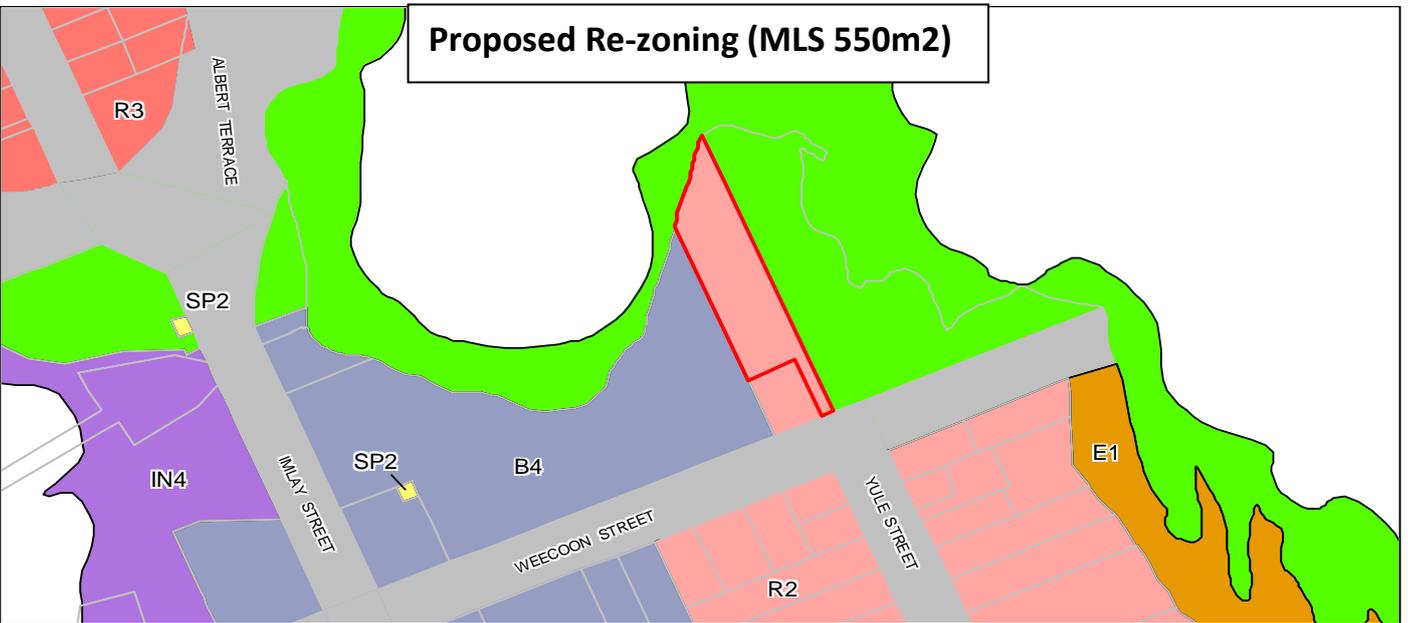
4. 1 Weecoon St. Eden Part Lot 12 DP 829854



Current Zoning



Proposed Re-zoning (MLS 550m2)

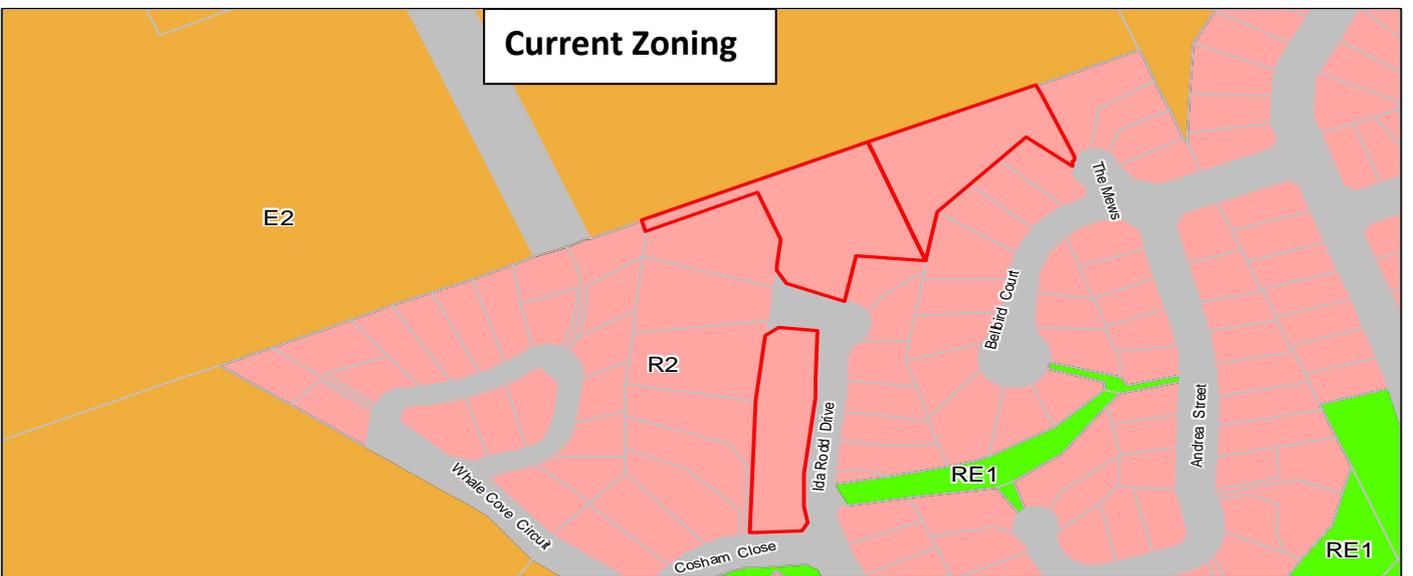


5. Bushland Reserve, Ida Rodd Drive, Eden

Lot 78 DP 809238 & Lot 30 DP 703279



Current Zoning



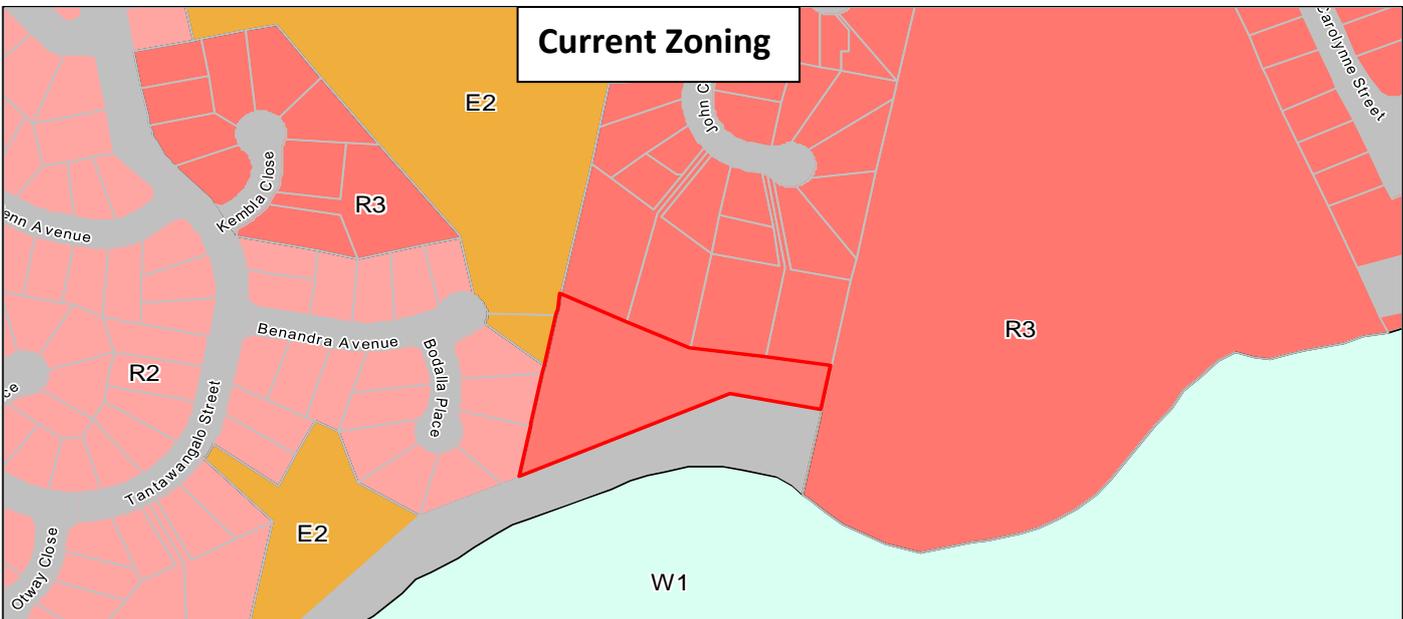
Proposed Re-zoning



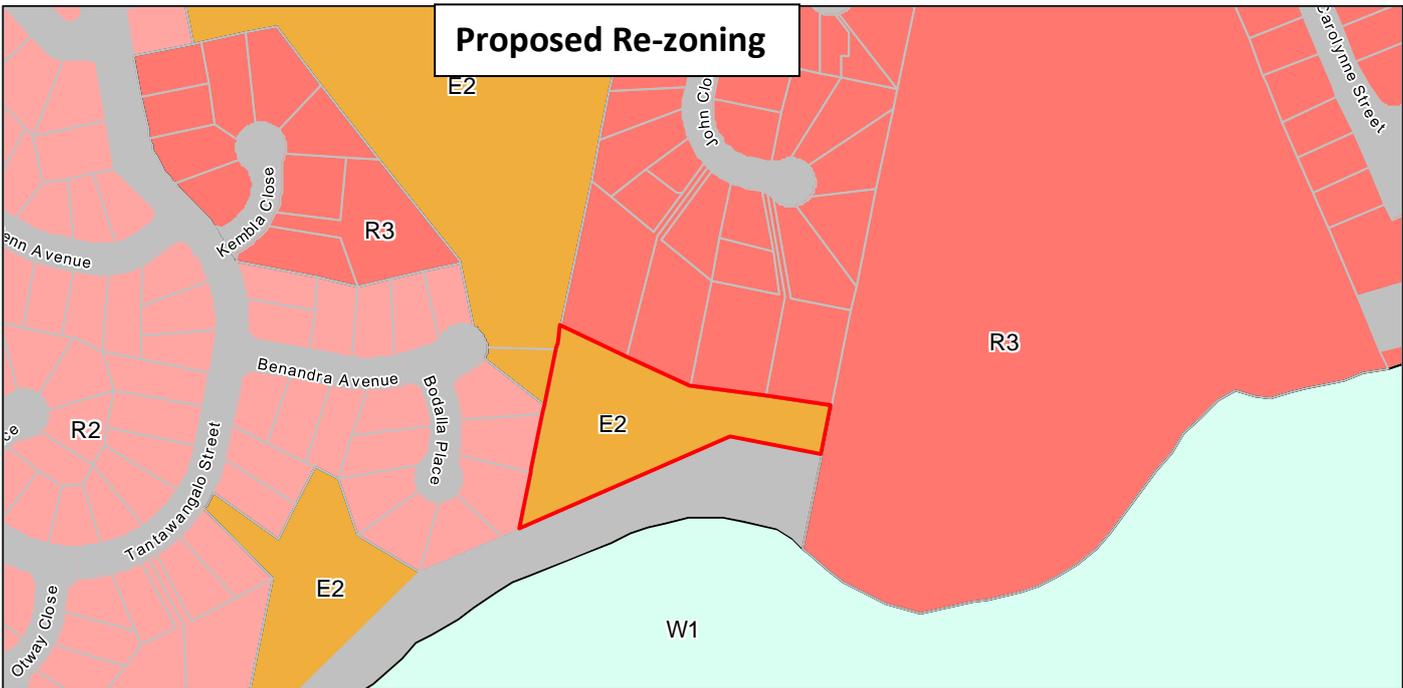
6. Bushland Reserve, Merimbula Lake, Lot 51 DP 883129



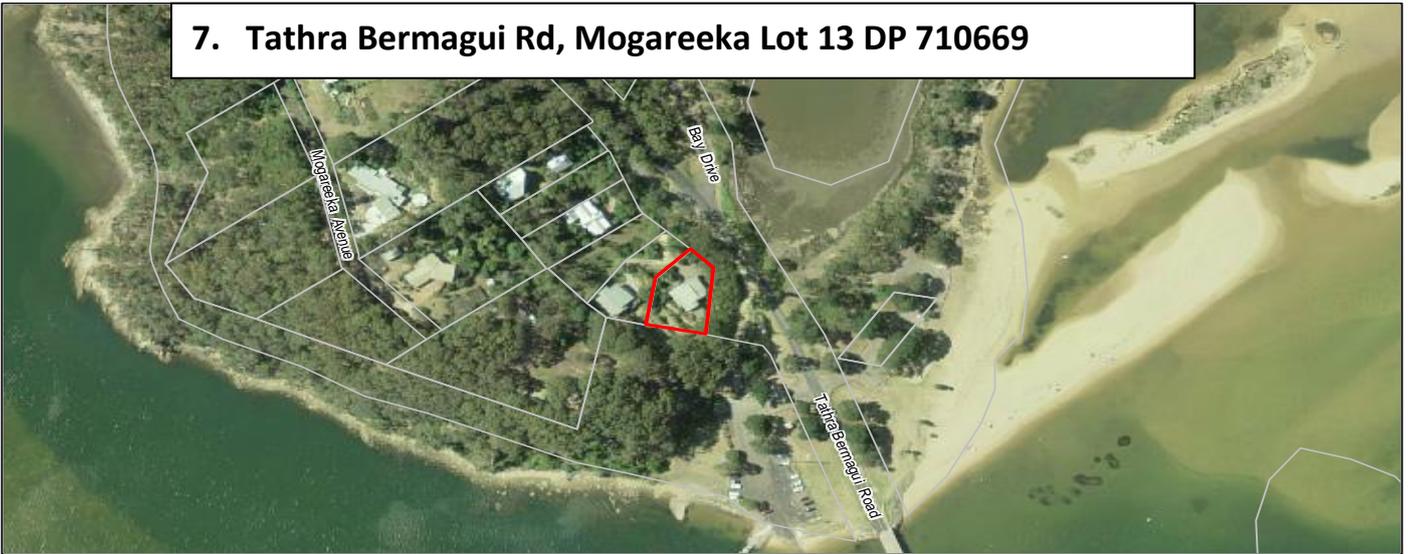
Current Zoning



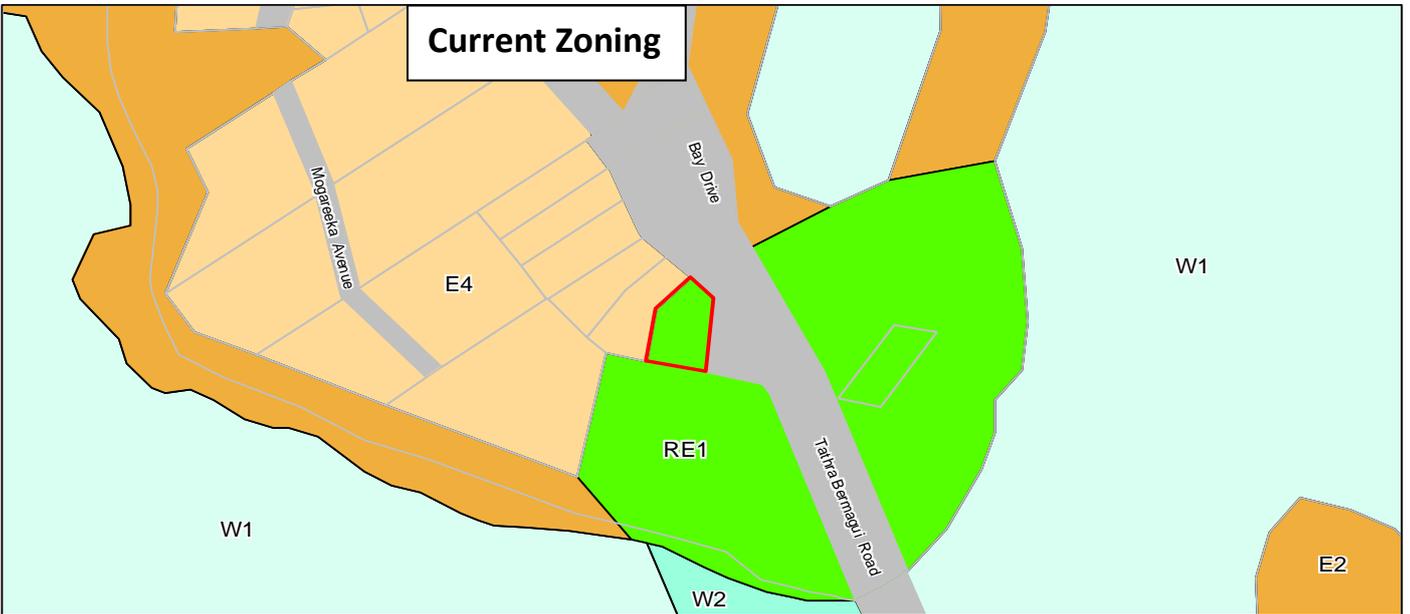
Proposed Re-zoning



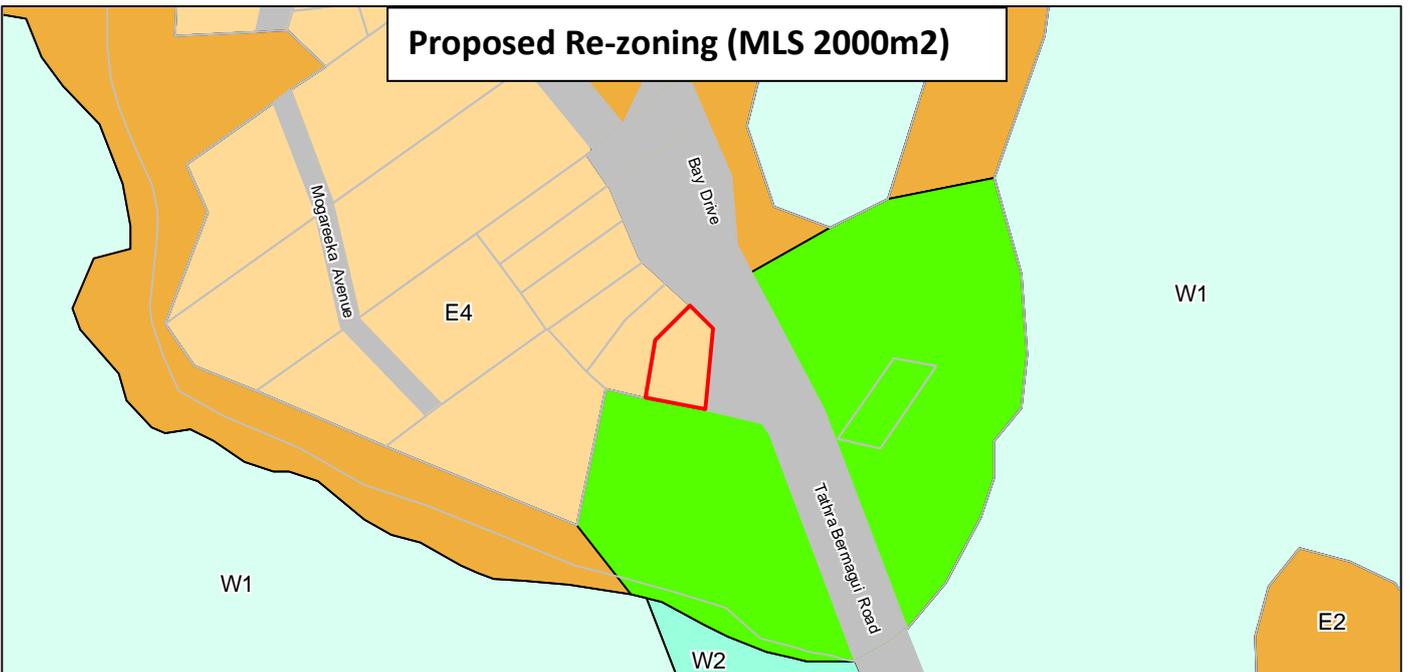
7. Tathra Bermagui Rd, Mogareeka Lot 13 DP 710669



Current Zoning



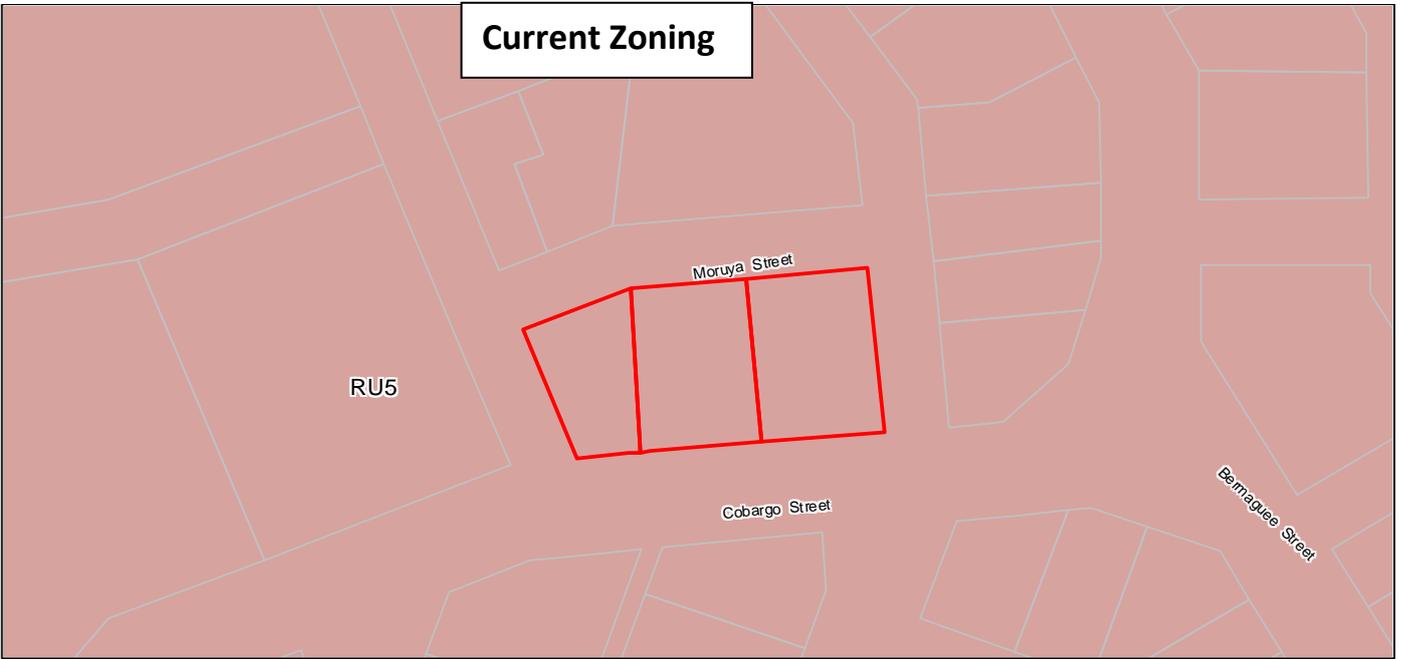
Proposed Re-zoning (MLS 2000m2)



8. Quaama Park Lots 1 – 3 Sec 8 DP 758860



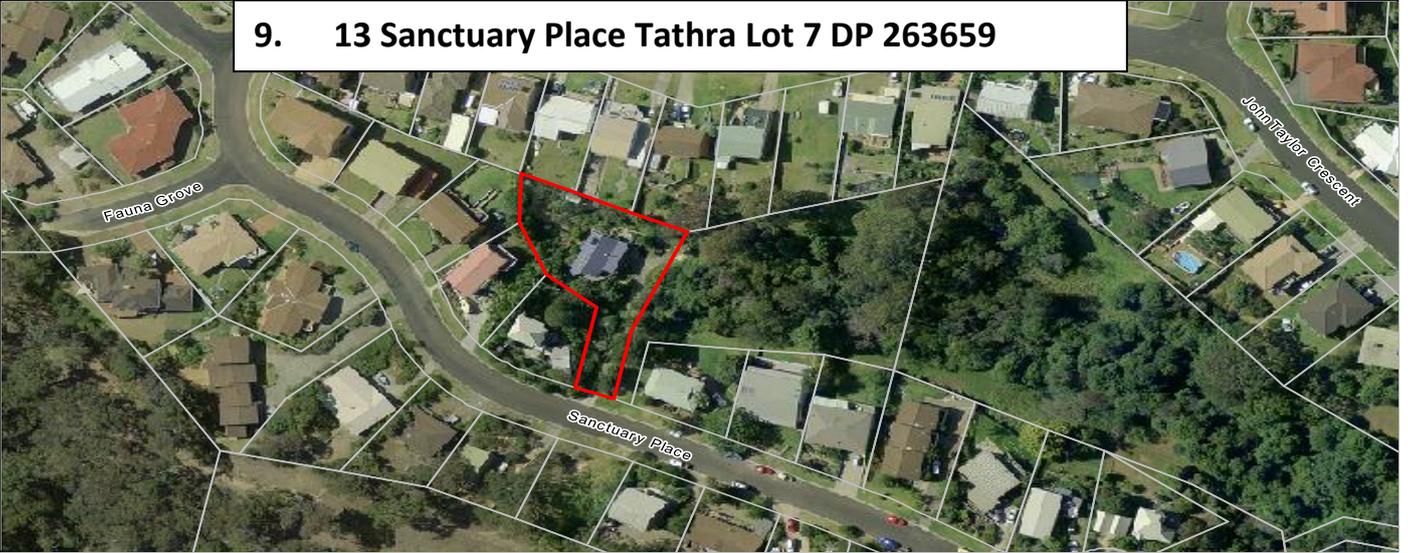
Current Zoning



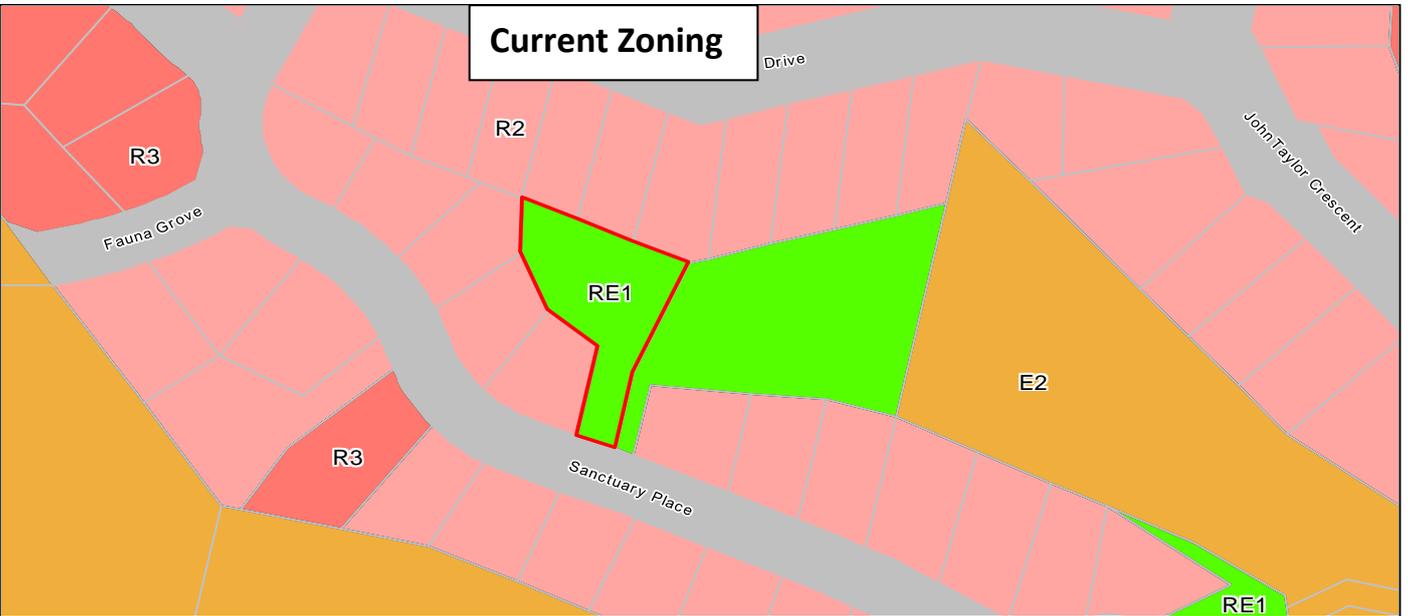
Proposed Re-zoning



9. 13 Sanctuary Place Tathra Lot 7 DP 263659



Current Zoning



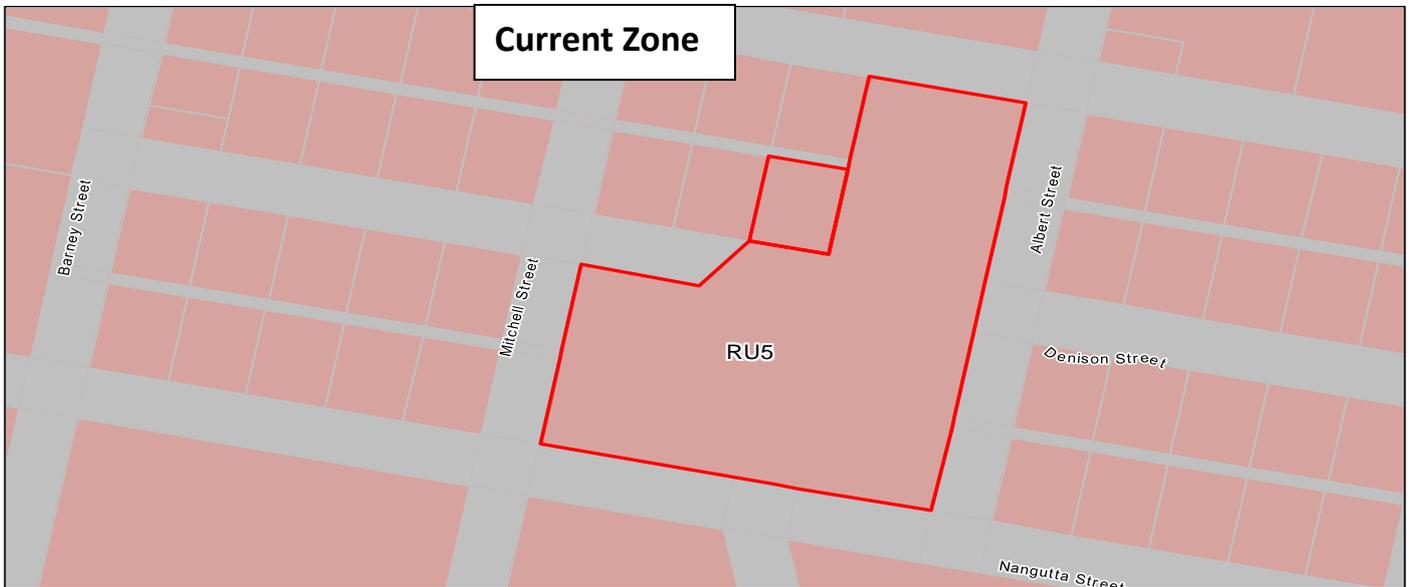
Proposed Re-zoning (MLS 550m2)



**10. Towamba Recreation Reserve and Hall Lot 8 DP 1107143
& Lot 1 DP 88578**



Current Zone



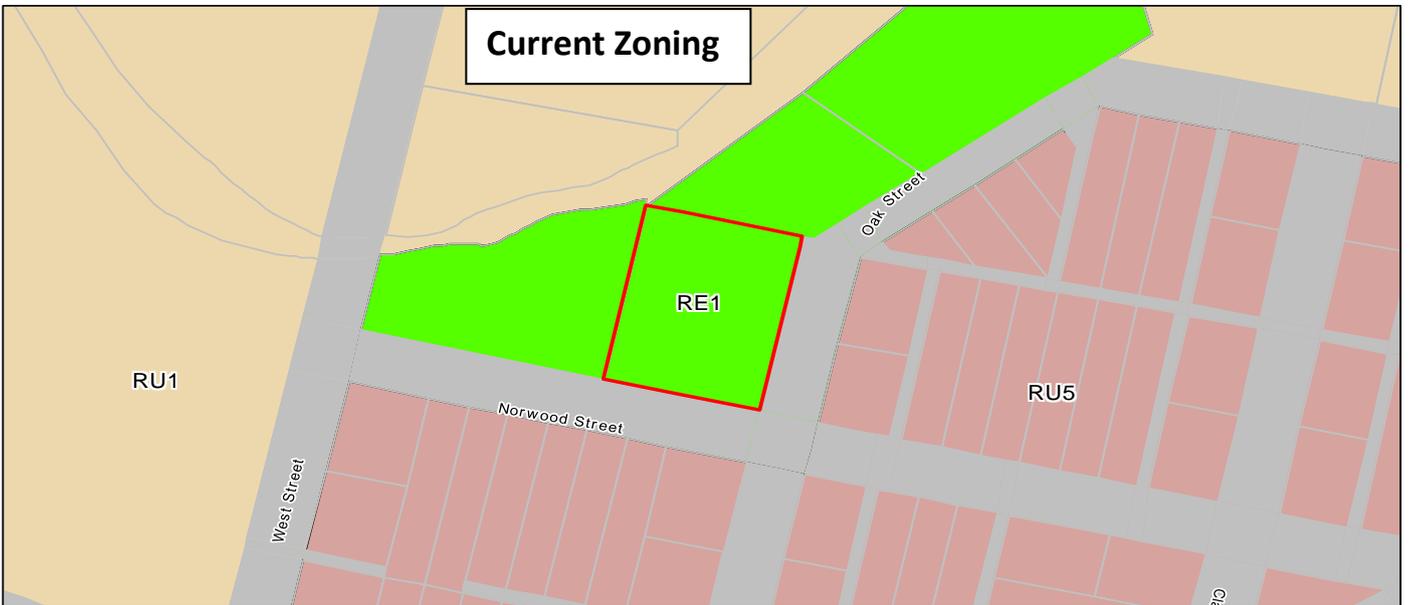
Proposed Re-zoning



11. 30 Norwood Street, Wyndham Lot 10 DP 607581



Current Zoning



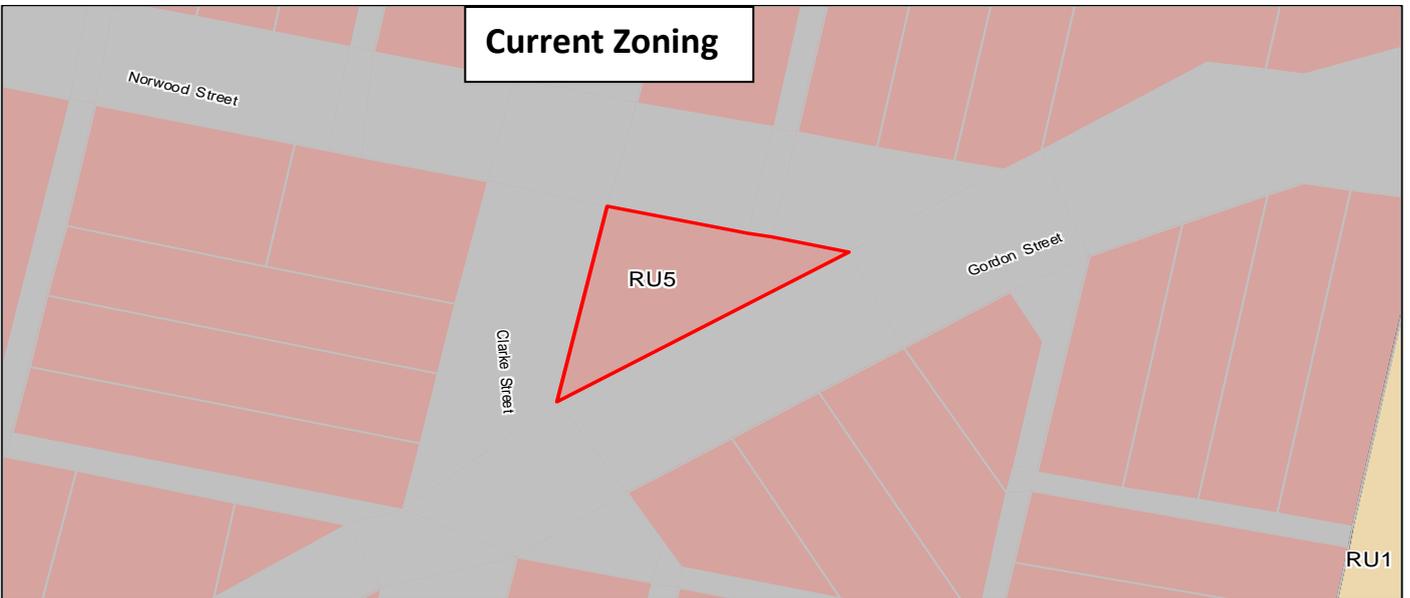
Proposed Re-zoning (MLS 2000m2)



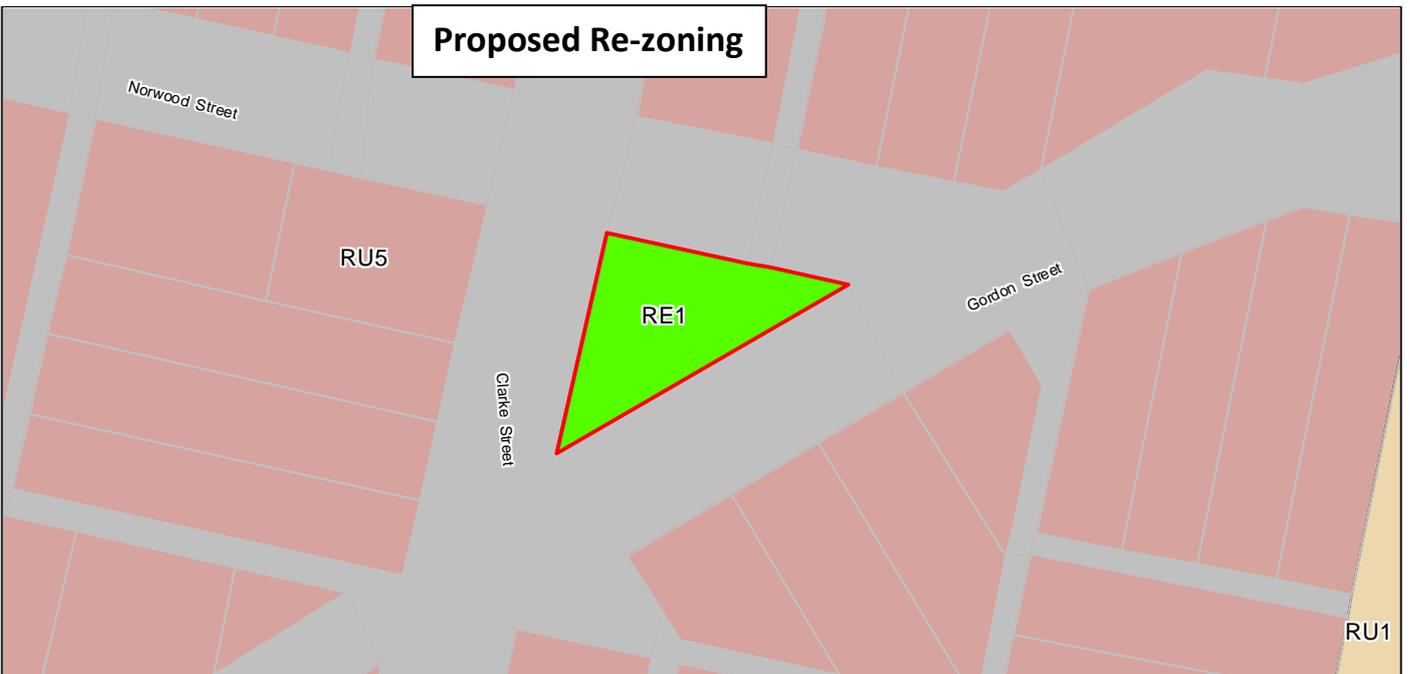
12. Gordon Street Tennis Courts, Wyndham Lot 1 DP 1172468



Current Zoning



Proposed Re-zoning



Heritage Map Amendments – Items 14 - 22

13. Old Bega Racecourse - Grandstand Only



Detail of Old Grandstand – excludes post 1970's addition.



Heritage Map Amendments – Items 14 - 23

14. & 15. Eden Ocean Swimming Pools – Aslings Beach Rock Pool and Thompsons Point Baths, Snug Cove



Heritage Map Amendments – Items 14 - 23

16. Hotel Australasia - 142-144 Imlay Street Eden Lot 14 DP 250841



Aerial image of subject site

Description (see appendix 2 for full Heritage Report)

The Hotel Australasia is a two storey rendered brick building with a large parapet across the full width of the building. The upper verandah is set back behind a solid concrete balustrade and both the verandah and upper parapet are supported on two rendered columns. The street entry is also set back from the footpath and there are several steps between the pavement and the internal floor level. Vertical double-hung timber sash windows and doors penetrate the walls and appear to be in very good condition for their age.



Proposed Heritage Mapping



Imlay Street elevation April 2013

The rendered solid brick section of the building is approximately two rooms deep. Behind that on the south side is a more recent two-storey section that is not as high as the front section. It supports the awning over the former drive-through bottle shop. On the north side is a two storey service wing.



South elevation, 2013

The south wing is fairly large and has a very industrial presentation to the rear (east). Overall, the building creates something of a U shape at the rear although this has been compromised by a series of haphazard infill structures.



Rear or east elevation may 2013

Heritage significance

The building was not assessed as part of the 2006 heritage study of Eden because its appearance from the street was of a building that had been extensively compromised by the 1960s modifications. Furthermore there had been no recommendation from the community to pursue further study or assessment.

In Australia, places are assessed against a set of criteria to determine the nature and extent of their heritage significance. The Hotel Australasia is assessed against the NSW heritage criteria below (*italicised*). The criteria have been edited to focus on Eden as the local area, although in some instances the local area might be considered to include the region or shire.

NSW Heritage Assessment Criteria

Criterion (a)

An item is important in the course, or pattern, of the cultural or natural history of the local area;

The building was constructed in 1904 – 05 by Mr John Hines for Mrs Sabina Pike. Hines had arrived in Eden in 1901 and was responsible for the construction of a number of important public and commercial buildings both in the township and throughout the district, including Bank of NSW (1904), Robinovotz's Store (1904) and the lock-up and lock-up keeper's residence (1914) in Eden, as well as the police sergeant's residence at Pambula (1901). Remaining in the district, he married Rachel Davidson of the Twofold Bay whaling family. For the Hotel Australasia he baked the bricks at a site near the cemetery and milled the timber north of Lake Curalo.

It was reported to be built on “up to date lines” in response to the expectation that Twofold Bay would become the site of Australia’s federal port. The building was described in 1906 as the largest and most modern building in Eden. Australian Governor-General Lord Northcote and his vice-regal party stayed there in 1907, followed by NSW State Governor Sir Harry Rawson. The 1912 edition of the Illawarra and South Coast Steam Navigation Company's Illustrated Handbook described it as “...one of the finest hotels in the State.” The hotel remained popular with tourists and visiting officials.

Over the years the place was owned and managed by various people. It is believed that it was during the 1960s that the facade underwent the major change to its current appearance, although other alterations and additions had occurred before and since – mostly to the rear or to service areas.

Now popularly referred to as "The Pit", it was apparently during Frank Stanmore's time from around 1980 that the name had its origins. According to one source, when it came around to official closing time, the publican would shut the premises to the public, pull sliding doors across what was then the main lounge area and continue to serve to the private party. The "Snake Pit", as this arrangement was referred to, was a common occurrence during the brisk business of the local tuna fishing season. Eventually shortened to "The Pit", this is a name that has remained in common usage locally through to the present day.

It was also around this time that the up-market roots of its early years changed radically. Becoming more working class in its clientele, the customer base tended more towards the bush workers of the timber industry, along with the rough and tumble of the seasonal tuna fishermen. In more recent years the Australasia moved to what some would perhaps consider a surprisingly egalitarian establishment where men and women from all walks of life mixed with ease and mutual respect. As one local resident recently put it, the hotel was "The heart and soul of Eden...". The Taites held the license when the historic venue closed its doors without warning on 23 May, 2010.

The Hotel Australasia is historically significant for having been a major component of Eden's hospitality industry for over 100 years from 1904 to 2010. It was one of the two main hotels operating over that time. It is also historically significant for having been erected in anticipation of Twofold Bay becoming the federal port. There had been much anticipation and speculation in various parts of the south east of NSW regarding the site of the new National Capital and its port and the name, stature and quality of the Hotel Australasia was a function of this. The hotel played a major role in fostering Eden as a tourist location in the early part of the 20th century when coastal shipping was still strong and road transport increasing in popularity. The hotel reflected a time of considerable optimism in Eden, which faltered in the latter part of the century.

The Hotel Australasia reaches the threshold for local listing against this criterion.

Criterion (b)

An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area;

The place is associated with local identity at the time of Mrs Sabina Pike (who commissioned the building), and of builder John Hines who built some very fine buildings in Eden and the wider district including contracts to the Bank of NSW and for the Justice Department. It also has an association with Australian Governor-General Lord Northcote and his vice-regal party and with NSW State Governor Sir Harry Rawson. Lord Northcote subsequently purchased a cottage in Eden.

These associations contribute to the significance of the place and help an understanding of its local importance in the early decades of the 20th century.

Criterion (c)

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area;

When constructed, and up until the 1960s, the Hotel Australasia had a high degree of aesthetic value. The building was symmetrical and well-proportioned. The mass of the external wings was balanced by the light-weight

and decorative cast-iron work to the verandah. The scale and streetscape presence was deliberately emphasised by rendering and painting the front face of the wings and by emphasising the height through the use of renderings and up-stands on the parapet, in particular the large triangles with urns, and the central scalloped entablature, also with a prominent urn.

The brickwork was an attractive mix of English and Flemish bond and was highlighted with tuck-pointing. Considerable care had been directed to the selection of cast-iron lace and associated decorative treatments to the verandah columns. If the building had retained its historic presentation there would be little doubt as to its aesthetic value.

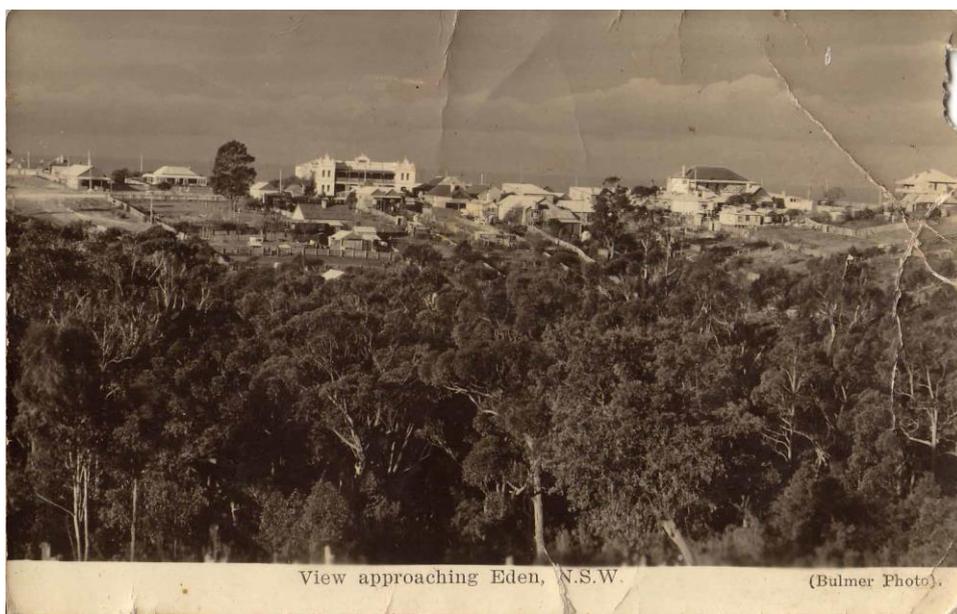


Note the decorative treatments to the upper parapet, and the interesting contrast between the rendering to the front face of the wings compared to the brickwork beneath the verandah.



Note the attention to detail in the brickwork and verandah. The privacy screen between hotel guests and bar drinkers can be seen on the lower verandah

The very generous floor to ceiling heights and the attention focussed on the upper parapet was obviously designed to impress, such that the building dominated the skyline at the time of its construction and continues to do so to the present day. It still adds a scale and robust quality to the main street that is in stark contrast to most of the surrounding buildings. To this extent it remains a physical landmark in Eden.



In its scale, bulk and decorative detail, the Hotel Australia dominated Eden's skyline

The 1960s modifications altered the external aesthetic by removing or covering much of the decorative detail and replacing it with a more 1960s stripped back 'modernist' style. The façade was re-proportioned to have a more horizontal emphasis which was achieved by adding a proud rendered course at the upper parapet and above and below the verandah openings. Aesthetically it was important that the horizontal lines projected beyond the opening.

In its original form the Hotel Australasia would be well above the threshold for local listing. In its current form it has some value for its 1960s styling and for its streetscape massing, although on external style alone the building would probably fall below threshold.

Internally the building retains some fine period detailing evident in rendered arches, kauri pine staircase, pressed metal ceilings and traditional doors with decorative trim. What is interesting is how intact these features are. Many of the hotels in the Shire have undergone such a high degree of alteration that most of the original internal detailing has been lost. The extent of surviving fabric in the 1904 part of the building (excluding bar and service areas) is rare at the local level.

Criterion (d)

An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons;

It seems there are two groups that value this building: those who drank at it or stayed in it on a regular basis; and those who value it as an important part of the historic fabric of the town or district. Social values have not been explored as part of this report but can be judged by comments, articles and letters in the local media, and by representations to councillors by individuals and groups.

It certainly seems to be the case that the patrons had strong feelings of attachment or allegiance to the place before its closure as evidenced by anecdotal stories and by features such as the carton mural in the main bar.



This very large mural apparently features all those who drank at the pub on a regular basis.

Criterion (e)

An item has potential to yield information that will contribute to an understanding of the cultural or natural history of the local area;

To some extent the significant parts of the existing building fabric have potential to assist an understanding of Eden's past, from its bold aspirations in 1904, to its subsequent service role supporting industries in timber and fishing in the second half of the 20th century.

It has also become apparent that considerable parts of original fabric remain in the structure. All of the original brickwork is likely to be intact beneath the cement render, and above the current upper verandah ceiling is the original rendered parapet complete with historic paint scheme. It is technically possible, and quite feasible, to expose this historic fabric and in fact to reinstate the historic building façade. The building has very good potential for restoration, especially of the façade, that would greatly assist an understanding of Eden's history. The implication for tourism is obvious.

It reaches the threshold for listing against this criterion

Criterion (f)

An item possesses uncommon, rare or endangered aspects of the cultural or natural history of the local area;

Sadly, there has been substantial loss of historic fabric in Eden and it is difficult to recognise its former importance as one of the oldest ports on the eastern seaboard of Australia. The Hotel Austrasia is one of the largest surviving historic structures in the town and yet is endangered with potential demolition.

It reaches the threshold for listing against this criterion

Criterion (g)

An item is important in demonstrating the principal characteristics of a class of the local area's cultural or natural environments.

In its current form the building does not meet this criterion. However in its pre 1960s configuration the front elevation would have been a good and relatively rare surviving example of a late Victorian style hotel.

Statement of significance

The Hotel Australasia is historically significant for having been constructed in 1904-05, at a time when there was optimism in the Eden's bright future. It is associated with notable local identity Sabina Pike and builder John Hines and was used by dignitaries Australia's Governor General Lord Northcote and NSW State Governor Sir Harry Rawson. The building in its current form has some aesthetic value for its scale in the main street however it has much greater significance for its restoration potential and its ability to reinstate a dramatic architectural and historic presence back into Imlay Street. In this capacity it is rare. The 1904-05 part of the building would reach the threshold for listing in a local heritage schedule.

Heritage Map Amendments – Items 14 - 23

17. Eden - Hopetoun House - Lot D//164277 contains the main house, but it is not listed in Schedule 5 or on the Heritage Maps.



Heritage Map Amendments – Items 14 - 23

18. Eden - 243 Imlay Street Should have been transferred from LEP 2002 but was not added to Schedule 5 in 2013 LEP.



Heritage Map Amendments – Items 14 - 23

19. Eden - Killer Whale Museum – Both Lots (Lot 1 DP 48609 and Lot 1 Sec 6 DP 758379) are missing from Heritage Map. Lot 1 DP 48609 is missing from Schedule 5 of LEP 2013.



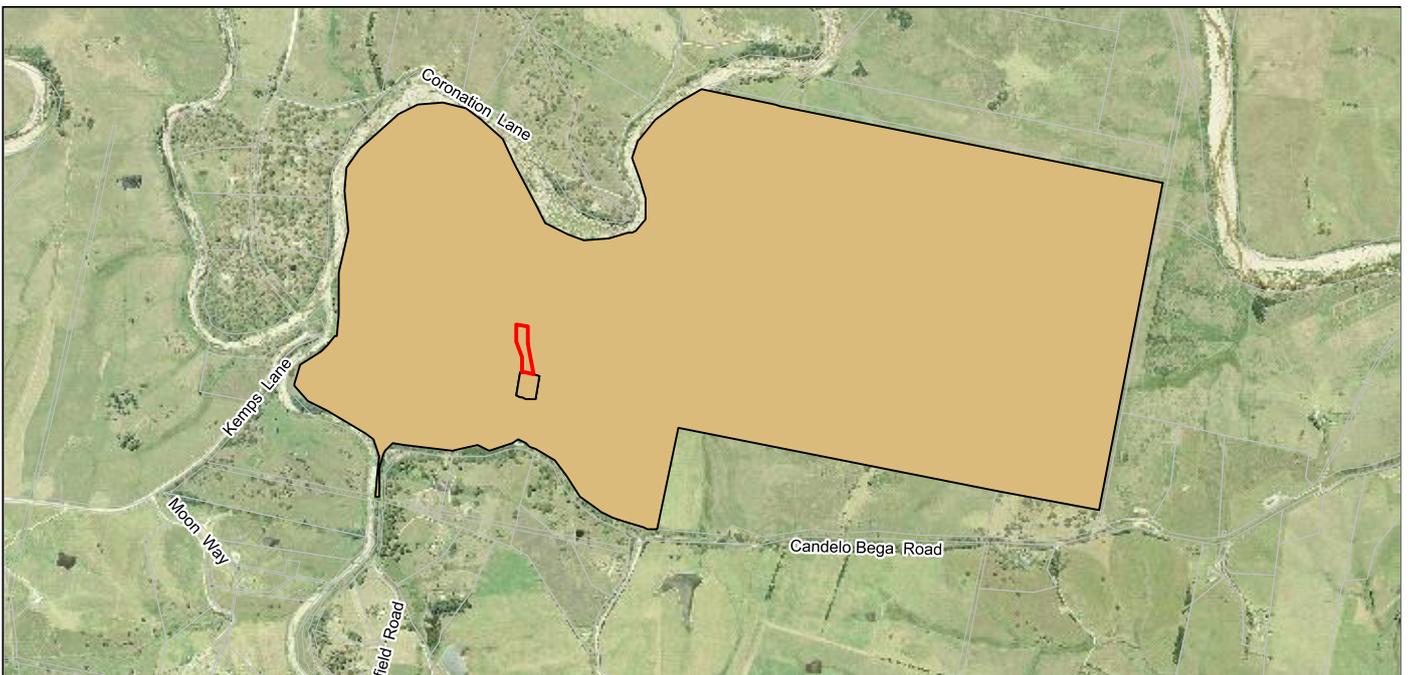
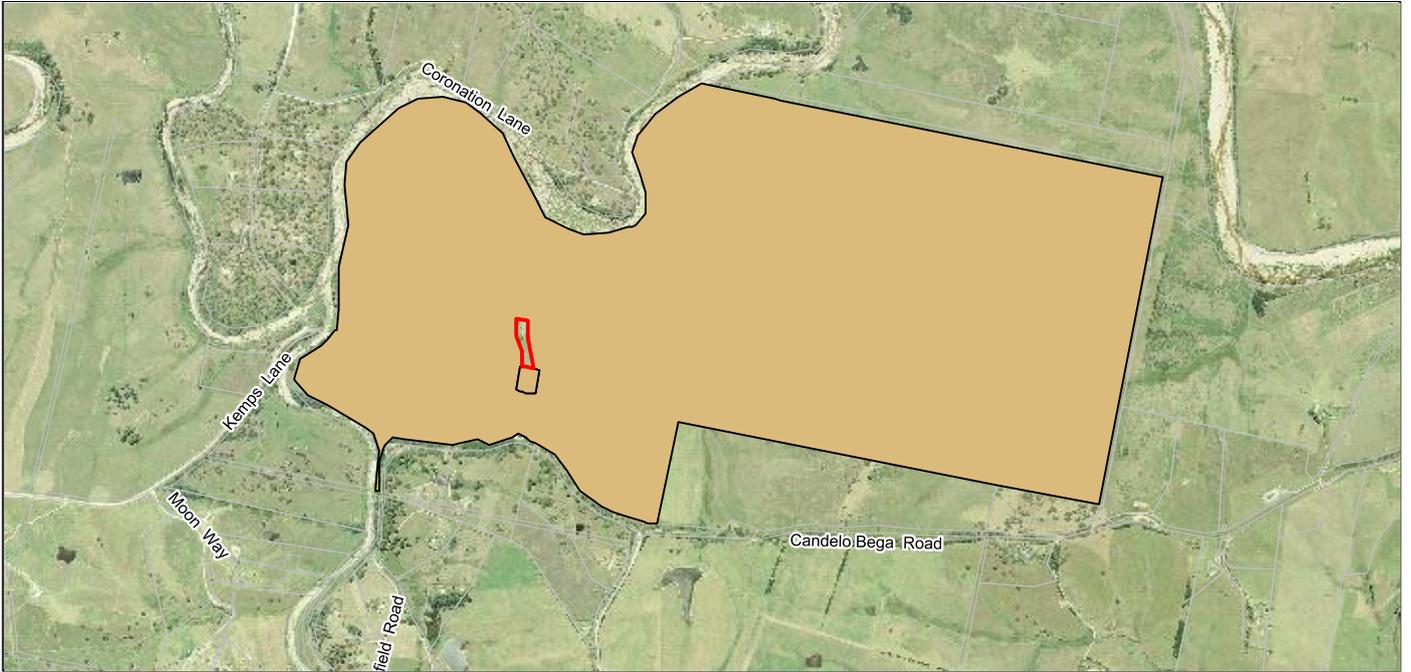
Heritage Map Amendments – Items 14 - 23

20. Boydtown - Old Church and Salting Works – Two heritage items, the church ruin and the salting works, are not mapped and are on Lot 13 DP 716162. Already listed on Schedule 5 as I031.



Heritage Map Amendments – Items 14 - 23

21. Kameruka Cemetery – part of church complex but left off heritage map and Schedule 5 - Lot 140 DP 1064610.



Heritage Map Amendments – Items 14 - 23

22. Bemboka - Kameruka Street – incorrectly mapped but has no heritage items or significance. In same ownership as Hobbs Cottage (to the immediate north).



Heritage Map Amendments – Items 14 - 23

23. Bemboka - 71 – 73 Loftus Street, Hobbs Cottage and Store – Hobbs Cottage and Store is not mapped - Lot 14 DP 805581.

The Hobbs Storage Shed (as distinct from the ‘Store’) is already mapped on Lot 5 Sec 11 DP 758087.



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 Civic Centre	Zingel Place, Bega
Tura Marrang Library	Tura Marrang Library, Tura Beach Drive, Tura Beach
Eden Library	Cnr Imlay and Mitchell St, Eden
Bermagui Library	Bunga St, Bermagui

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 June 2017.

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	November 2016
STAGE 2 – Receive Gateway Determination	December 2016
STAGE 3 – Preparation of documentation for Public Exhibition	January 2016
STAGE 4 – Public Exhibition of the planning proposal	January 2016
STAGE 5 – Review/consideration of submissions received	February 2016
STAGE 6 – Council Report	March 2017
STAGE 7 – Meetings	April 2017
STAGE 8 – Forward planning proposal to Department of Planning and Infrastructure with request amendment is made	May 2017
STAGE 9 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	June 2017
STAGE 10 – Anticipated date Council will forward Plan to the Department for notification	June 2017

Attachments

Attachment 1: Council Report Planning and Environment

Ordinary General Meeting 20 July 2016 (plus OGM of 26 March 2014 re: Hotel Australasia)

8.3 Bega Valley LEP 2013 Minor Amendments

This report requests Council to resolve to prepare a Minor Amendments Planning Proposal to rectify minor mapping errors and heritage omissions and adjust land use tables within Bega Valley CLEP 2013.

Director Planning and Environment

Background

The implementation and application of Bega Valley Local Environmental Plan 2013 (BVLEP 2013) has inadvertently resulted in a number of minor zoning and heritage mapping errors. Several heritage items require their status to be updated in the Schedules of the BVLEP 2013, whilst staff have identified the need to update land use tables to ensure certain activities are permissible. In order to make these minor amendments to BVLEP 2013, a Planning Proposal is required.

Staff have made representations to the Department of Planning and Environment, requesting that a more efficient and streamlined approach be adopted by the Department in dealing with these minor matters. At this stage there has been no response to these initiatives.

The Planning Proposal will be structured as follows;

- Zoning Map Amendments
- Heritage Map and Schedule Amendments
- Land Use Table Amendments
- BVLEP Clause Amendment.

Zoning Map Amendments

Fifteen parcels of land have been found to be incorrectly zoned on the BVLEP 2013 Land Use Zoning Maps. The zoning errors are considered minor in nature and do not have any significant economic, environmental or social impacts. Table 1 details the proposed mapping amendments.

Table 1: Land Use Zoning Map Amendments

Location	Property	Landuse	Current zoning	Amended zoning
Bega	Lot 8 Sec 2 DP 1085	Vacant	Public Recreation RE1	Light Industrial IN2
Brown Mtn	Lot 1 DP 746820	Power Station	National Park E1 (part only)	Environmental Management E3
Candelo	Lot 1 DP 811091, Lot 323 DP 44296	Candelo Swimming Pool	Rural RU1	Public Recreation RE1
Cobargo	Lot 22 Sec 7 DP 485	Dwelling	Public Recreation RE1	Village RU5
Eden	Part Lot 12 DP 829854	Dwelling	Public Recreation RE1	Low Density Residential R2
Eden	Part Lot 142 DP 567009	Dwelling	Public Recreation RE1 (part only)	Low Density Residential R2
Eden	Lot 78 DP 809238, Lot 30 DP 703279	Bushland Public Reserve	Low Density Residential R2	Environmental Conservation E2
Merimbula	Lot 51 DP 883129	Bushland Public Reserve	Low Density Residential R2	Environmental Conservation E2
Mogareeka	Lot 13 DP 710669	Dwelling	Public Recreation RE1	Environmental Living E4
Quaama	Lots 1 – 3 Sec 8 DP 758860	Quaama Park	Village RU5	Public Recreation RE1
Tathra	Lot 7 DP 263659	Dwelling	Public Recreation RE1	R2 Low Density Residential
Towamba	Lot 8 DP 107143	Towamba Rec. Reserve / Hall	Village RU5	Public Recreation RE1
Wyndham	Lot 10 DP 607581	Dwelling	Public Recreation RE1	RU5 Village
Wyndham	Lot 1 DP 1172468	Tennis Courts	Village RU5	Public Recreation RE1

d) **Heritage Map and Schedule Amendments**

Ten heritage items have been identified as needing amendment on the Heritage Mapping Overlays or Schedule 5 of the BVLEP 2013. This includes the addition of the historic public baths at the southern of Aslings Beach and 'Thompsons Point Baths' in Snug Cove, Eden. The proposed amendments are detailed in Table 2.

Table 2: Heritage Mapping and Schedule Amendments

Heritage Item	Issue	Mapping Amendment	Schedule 5
Eden Public School – building circa 1857	Heritage item mapped on wrong lot.	Amend map to correct lot	N/A
Eden Hopetoun House A//163156 3-5 Bass Street	Lot D//164277 contains the main house, but it is not listed in Schedule 5 or on the Heritage maps.	Add to map and retain listing of vacant lot to the west.	List on Schedule
Boydton	Listing and mapping incorrect. Lot 13 DP 608730 listed as Lot 18.	Amend map to correct lot	Amend Schedule
Kameruka Cemetery	Lot 140 DP 1064610 is not on the map or on the Schedule.	Add to map	List on Schedule
Eden Ocean Swimming Pools	Aslings Beach Rock Pool (formerly Eden Memorial Swimming Pool) & Thompsons Point Baths, Snug Cove	Add to map	List on Schedule
Eden Killer Whale Museum	Both lots missing from Heritage map. One of 2 lots missing from Schedule 5.	Add Lot DP 48609 & Lot 1 Sec 6 DP 758379 to Heritage Map.	Add Lot 1 DP 48609 to Schedule
Bemboka Kameruka Street Lot 10 Sec 11 DP 758087	Incorrectly mapped as Heritage but this lot has no buildings or other heritage significance.	Remove from Heritage Map	N/A
Bemboka 71 – 73 Loftus Street Hobbs Cottage and Store	Lot 14 DP 805581 containing the Hobbs Cottage and Hobbs Store is not on the Heritage map.	Add to Heritage Map	N/A
Eden 243 Imlay Street Lot 1 DP 731580	Should have been transferred from BVLEP 2002 LEP but was left off Schedule 5	Add to map	List on Schedule
Bega	Should have been	Add to map	List on Schedule

Old Bega Racecourse Grandstand Lot 320 DP 873498	transferred from BVLEP 2002 LEP but was left off Schedule 5
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e) **Land Use Table Amendments**

The following changes are recommended to the land use tables of the BVLEP:

Recommendation - Add 'information and educational facilities' to Medium Density Residential Zone (R3 zone)

Rationale – This matter was prompted by Eden Killer Whale Museum Committee which is considering an expansion of the current facility on to adjoining land. The land under consideration is zoned R3 Medium Density Residential which prohibits 'information and educational facilities'. On consideration, planning staff are of the opinion that information and educational facilities should be permitted with consent in the R3 zone across the Shire. It should be noted that information and educational facilities were previously permitted in the equivalent 2(b) Medium Density Zone under BVLEP 2002. Amenity issues generated by such land uses are generally minor and can be properly assessed at the development application stage.

Recommendation - Add 'restaurants and cafes' in Neighbourhood Centres (B1 zone)

Rationale - Currently there are several restaurants and cafes across the Shire operating on land zoned B1 Neighbourhood Centre. They are prohibited in the land use tables and operate under existing use rights. To provide future certainty for small business, it is proposed to allow 'restaurants and cafes' in the B1 Neighbourhood Centre zone.

f) **CLEP Clause Amendment**

Allowing a larger floor space for kiosks

Recommendation – amend clause 5.4(6) to replace 20m² with 50m²

Rationale - There has been discussion amongst planning staff regarding the restrictive floor space limit of 20m² for kiosks described at Clause 5.4(6) of BVLEP 2013. Under BVLEP 2002 kiosks were permitted to have a floor space of 50m². This was inadvertently reduced to 20m² in the current BVLEP 2013. A floor space of 50m² is considered an appropriate and functional size for kiosk operations. The 30m² increase in floor space will allow, for example some additional seating and better functioning kitchens. It is proposed to change the limit listed at Clause 5.4(6) of the BVLEP 2013 from 20m² to 50m².

Consultation

There has been no public consultation on these proposed changes. With Council approval, there will be a formal public exhibition period if the planning proposal proceeds past the Department of Planning's Gateway process.

Conclusion

The proposed amendments to BVLEP 2013 detailed in this report are of a minor nature. In a number of cases the proposed changes simply correct mapping or typographical errors. The proposed changes to land use tables and Clause 5.4(6) will support the activities of hospitality and tourism businesses and provide certainty for café and restaurant owners in Neighbourhood Centres (B1 zone) currently operating under existing use rights.

Recommendation

1. That Council resolves to adopt the land use zone mapping amendments as listed in Table 1 of this report.
2. That Council resolves to adopt the amendments to the Heritage mapping and Schedule 5 of Bega Valley Local Environmental Plan 2013 as detailed in Table 2 of this report.
3. That Council resolves to permit with consent 'information and educational facilities' in the Medium Density Residential Zone (R3 Zone).
4. That Council resolves to permit with consent 'restaurants and cafes' in Neighbourhood Centres (B1 Zone).
5. That Council resolves to alter the maximum floor space for 'kiosk' from 20m² to 50m² listed at Clause 5.4(6) of Bega Valley Local Environmental Plan 2013.
6. That items 1-5 above form the basis of a 'Minor Amendments Planning Proposal' to be prepared by staff and forwarded to the Department of Planning and Environment for Gateway Panel determination.

Council Minutes 20th July 2016

8.3 Bega Valley CLEP 2013 Minor Amendments

110/16 RESOLVED on the motion of Crs Britten and Seckold

1. That Council resolves to adopt the land use zone mapping amendments as listed in Table 1 of this report.
2. That Council resolves to adopt the amendments to the Heritage mapping and Schedule 5 of Bega Valley Local Environmental Plan 2013 as detailed in Table 2 of this report.
3. That Council resolves to permit with consent 'information and educational facilities' in the Low Density Residential Zone (R2 Zone) and Medium Density Residential Zone (R3 Zone).
4. That Council resolves to permit with consent 'restaurants and cafes' in Neighbourhood Centres (B1 Zone).
5. That Council resolves to alter the maximum floor space for 'kiosk' from 20m² to 50m² listed at Clause 5.4(6) of Bega Valley Local Environmental Plan 2013.
6. That items 1-5 above form the basis of a 'Minor Amendments Planning Proposal' to be prepared by staff and forwarded to the Department of Planning and Environment for Gateway Panel determination.

IN FAVOUR: Crs McBain, Hughes, Tapscott, Seckold, Britten, Mawhinney, Taylor, Fitzpatrick and Allen

AGAINST: Nil

Council Minutes 26 March 2014

RESOLVED on the motion of Crs Tapscott and Seckold

1. That Council list the Hotel Australia, located at 142-144 Imlay Street Eden, in Schedule 5 of the Comprehensive Local Environmental Plan 2013 as a heritage item as outlined in the Heritage Advisor's report.
2. That those person who requested nomination of the Hotel Australasia as a heritage item be advised of Council's decision.

IN FAVOUR: Crs Taylor, Hughes, Tapscott, Seckold, Allen and Fitzpatrick

AGAINST: Crs Mc Bain and Mawhinney

ABSENT: Cr Britten