

Planning Proposal Attachment 8

Lot 514 DP 729979, Bateau Bay

Statement of Council's Interest in accordance with Requirements of LEPs and Council Land – Best Practice Guidelines (as exhibited)

Draft Local Environmental Plan (Amendment No. 172)

Requirements of LEPs and Council Land – Best Practice Guidelines

Where Council prepares a Draft Local Environmental Plan (dLEP) which applies to land in which Council has an interest, Council is required to comply with the requirements of the *LEPs and Council Land – Best Practice Guidelines* (January 1997).

Council has an interest in the rezoning of part of Lot 514 DP 729979, therefore, the following information is provided to satisfy the requirements of these Guidelines. A copy of these guidelines is included within the supporting documentation of the dLEP exhibition material.

Statement of Council's Interest

What is the nature of Council's interest in the land?

As part of this rezoning, 1,800m² from Lot 514 will be transferred to Council ownership for the purposes of expanding the community facilities within this locality.

How and when did Council first acquire an interest in the land?

Social planning for this Shire has identified a need for the community facilities within this locality to be expanded for some time and has been negotiating with the Crown since the late 1980's. The current 5(a) zoning is to provide in part for "Community Purposes". Given that the land is government owned and zoned for community purposes it has been proposed for such uses for some time.

Negotiations with The Crown prior to this rezoning focused on the dedication of land adjoining the existing facility (within the Stockland Bay Village Shopping Complex) so that the opportunity exists to rationalise the site between the new land and existing library site.

The Crown, in 1989, gave 'in principle' agreement for the development of Lot 514 for the following purposes:

- Expansion of the library and the (then) existing child care facility,
- A large open space/sun court area,
- Commercial and retail uses, and
- Car parking to service both the community and business uses.

The current rezoning provides an opportunity to modernise, upgrade and expand the current facilities offered at Bateau Bay. Council has retained its interest in the land for the purposes of expanding the current facilities within this current dLEP.

Purpose of the dLEP

Why is the dLEP being prepared?

Draft Local Environmental Plan (dLEP) Amendment No. 172 is being prepared to rezone part of Lot 514 DP 729979 from 5(a) (Special Uses - Clubs and Community Purposes) to 3(b) (Centre Support). This rezoning will enable the site to be used for a range of uses, including commercial purposes.

In addition, Part of Lot 514 will be transferred to Council ownership for future provision of community uses and facilities in the locality.

How will the draft plan affect planning controls?

The draft plan will remove the 5(a) (Special Use – Clubs and Community Purposes) zone from part of Lot 514 DP 729979 and replace it with the 3(b) (Centre Support) zone as indicated on the attached plan within the supporting documentation of the dLEP exhibition material.

The draft plan will change the permissible and prohibited land uses applying to the site from those of 5(a) (Special Uses – Clubs and Community Purposes) zone to those of the 3(b) (Centre Support) zone. These uses are commercially orientated. A copy of the land use tables identifying these uses and objectives for land zoned in this manner are included within supporting documentation of the dLEP exhibition material.

It is anticipated that the site will be developed as a bulky goods retail centre. In recognising the land transfer that will occur as part of the rezoning, Council has agreed to grant (subject to approval) an additional 1,800m² development bonus to the maximum floor space area of 5,000m² allowable within this locality (as specified within Council's Retail Strategy and Chapter 81 – Retail Centres). The controls for the development of the site for centre support activities are further specified within the associated draft Chapter of *DCP 2005: Draft Chapter 110 – Centre Support Development, Bateau Bay* as contained within the supporting documentation of the dLEP exhibition material.

What promoted the preparation of the dLEP?

This dLEP is a reactivated rezoning lodged with Council in 1998 by the (then) Department of Land and Water Conservation (DLWC) which sought to rezone Lot 514 from 5(a) (Special Uses – Clubs and Community Purposes) to 3(a) (General Business). This rezoning was withdrawn due to the inability of the applicant to provide a Masterplan for the site. The current rezoning was activated in 2003, proposing a rezoning of the site to 3(b) (Centre Support). This zone was supported by Council and independent economic assessment, and the required information and documentation submitted to Council in August 2005.

The original and subsequent dLEPs were requested by the (then) DLWC as the land was surplus to the Department's needs.

Anticipated Development

What actual physical or operational changes will be the result of the dLEP?

In recognising the 1,800m² to be transferred to Council as part of this rezoning, Council has agreed to grant (subject to approval) an additional 1,800m² development bonus to the maximum floor space area of 5,000m² allowable within this locality (as specified within Council's Retail Strategy and Chapter 81 – Retail Centres). This additional floor space may result in a number of design outcomes, such as a two (2) storey development on the site.

The controls for the development of the site for centre support activities are further specified within the associated draft Chapter of *DCP 2005: Draft Chapter 110 – Centre Support Development, Bateau Bay* as contained within the supporting documentation of the dLEP exhibition material.

Is the dLEP being prepared to permit a particular proposal?

The dLEP is not being prepared to permit a particular proposal. It is anticipated however that that part of Lot 514 DP 729979 not transferred to Council will be developed for the purposes of a bulky goods retail centre. Any proposed development on the site will require a Development Application and is to be consistent with those requirements of Draft DCP 2005: Chapter 110 – Centre Support Development, Bateau Bay (see supporting documentation within the dLEP exhibition material) and the other requirements contained within DCP 2005.

Current social planning has indicated that there is a demand for the expansion of the current community facilities within the Bateau Bay area, including library and customer service facilities. It is anticipated that the land transferred from Lot 514 DP 729979 into Council ownership (1,800m²) will be developed to facilitate meeting this need in this locality.

Financial Implications

Is a financial gain or loss expected as a result of the dLEP?

The land is currently owned by Department of Lands and is surplus to the Department's current needs.

It is expected that the rezoning of part of Lot 514 DP 729979 from 5(a) (Special Uses – Clubs and Community Purposes) to 3(b) (Centre Support) will result in an increase in value of that land which is rezoned.

The Department has identified that the value of the land under the proposed zone of 3(b) (Centre Support) is in the vicinity of 4 - 5 million dollars, as opposed to its current value \$250,000 as zoned 5(a) (Special Uses – Clubs and Community Purposes).

In agreeing to the transfer of 1,800m² into Council ownership, Council has also agreed that any s94 Contributions (under the *Environmental Planning and Assessment Act, 1979*) that relate to the provision of community facilities will not be applicable any development which occurs on the remainder of Lot 514 DP 729979 to be zoned 3(b) (Centre Support). All other s94 contribution requirements (e.g. for the provision of services including water and sewer) will be applicable to the development.

Council and the Department of Lands (then DLWC) have entered into a Legal Agreement which outlines the terms and conditions of these transactions.