

8.1. Endorsement of Commercial Land Use Planning Proposal

A planning proposal to amend the *Bega Valley Local Environmental Plan 2013* to implement the *Bega Valley Shire Commercial Land Strategy* and provide additional opportunities for economic development and employment opportunities, outside of town centres, has been prepared. This report seeks Council's resolution to support the planning proposal and to forward it to the Minister for Planning for a 'Gateway Determination'.

Director Community Environment and Planning

Officer's Recommendation

That Council:

1. Resolve to support the Commercial Land Use Planning Proposal (Attachment 1).
2. Authorise Council officers to submit the planning proposal and supporting information to the Department of Planning, Industry and Environment requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
3. Consider a further report from staff in relation to feedback received during public exhibition undertaken as part of the Gateway process.

Executive Summary

Council officers have prepared a planning proposal which aims to amend the *Bega Valley Local Environmental Plan 2013* (BVLEP 2013) to encourage more vibrant town centres, reduce land use conflict in village zones and support economic development and employment opportunities throughout Bega Valley Shire.

The provisions within the planning proposal implement the recommendations of the recently adopted *Commercial Land Strategy 2040* for town centres. In addition, the planning proposal includes some additional uses to provide further opportunities for economic development and employment opportunities outside of town centres. The proposed additional uses that have not already been considered by Council as part of the *Commercial Land Strategy 2040* are discussed in more detail below.

Background

Commercial Land Strategy 2040

In August 2019 Council initiated a review of its commercial areas to address the future need for commercial land in Bega Valley Shire and provide a vision and framework for the development of the Shire's commercial centres over the next 20 years. The *Commercial Land Strategy 2040* was prepared on behalf of Council, with input from commercial land and business owners as well as community members and was adopted in April 2020.

The *Commercial Land Strategy 2040* sets the direction for future development within commercial centres based on their existing natural advantages and includes recommendations for changes to land use zones, building heights, land use tables and other planning controls to help revitalise commercial space and promote economic growth opportunities.

The planning proposal implements the recommendations of the *Commercial Land Strategy 2040* to amend land use tables, height of buildings map and land zoning map.

The planning proposal also seeks to include some additional uses into the land use tables as 'permitted with consent' in certain non-urban zones throughout Bega Valley Shire. These areas were outside the scope of the *Commercial Land Strategy 2040* and the proposed uses in these zones have not previously been considered by Council.

Review of non-urban land use tables

Council officers have conducted a review of the non-urban land use tables and identified four land uses that are not currently permitted under BVLEP 2013, but which are compatible with the objectives of the identified zones and the objectives of the *Commercial Land Strategy 2040*. As a result of this review, it is recommended that the following land uses are also included in the planning proposal as permitted with consent within the identified zones because they may provide an avenue for suitable development that could provide economic and employment opportunities in those areas:

- 1) Include *information and education facility* as permitted with consent in the E4 Environmental Living and R5 Large Lot Residential zones to allow for uses such as open gardens and other small-scale tourism points of interest.
- 2) Include *artisan food and drink industry* in the RU4 Primary Production Small Lots and SP3 Tourist zones to allow for boutique food and drink premises to support tourism and local food production in rural areas.
- 3) Include *medical centre* in the RU5 Village zone to meet the needs of communities within rural villages.
- 4) Include *rural supplies* in the RU1 Primary Production and RU2 Rural Landscape zones to permit the retail sale of goods and materials used in farming and primary industry production in rural zones.

Options

The planning proposal contains the adopted recommendations from the *Commercial Land Strategy 2040* which was adopted following community consultation. The additional land uses outlined in this Council report have not yet been exhibited publicly. Council could choose to engage with the community regarding these additional uses prior to lodging the planning proposal; however, due to the minor nature of the amendments to the land use tables and their potential to enable commercial opportunity on land this is not recommended in this instance.

Community Engagement

Consultation undertaken

The *Commercial Land Strategy 2040* was adopted by Council following significant stakeholder and community engagement. No community consultation has yet been undertaken for this planning proposal.

Consultation planned

The Gateway Determination will confirm community consultation requirements. It is likely that the planning proposal will be exhibited as a 'low' impact proposal for a period of not less than 14 days in accordance with Section 5.5.2 of *A Guide to Preparing Local Environmental Plans*.

Council will follow any community and agency consultation requirements as per the Gateway Determination and *Bega Valley Shire Council Community Engagement Strategy*. It is planned to notify the planning proposal on Council's website, in local newspapers and in writing to affected and adjoining landowners.

Council consideration of input

Following public and agency consultation, a report will be prepared for Council outlining feedback on the planning proposal and any recommended changes in response to submissions prior to resolving whether to proceed with amending BVLEP 2013.

Financial and resource considerations

The processing of the planning proposal and its public exhibition have been undertaken as part of Council's regular work program and within the adopted 2020-21 budget.

Funding source		Amount
General Fund	\$	500.00

Legal /Policy

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning, Industry and Environment's *A Guide to Preparing Planning Proposals* (December 2018).

Impacts on Strategic/Operational/Asset Management Plan/Risk**Strategic Alignment**

The planning proposal aims to achieve the following goals and directions of the NSW Department of Planning, Industry and Environment's *South East and Tablelands Regional Plan*:

Goal 1: A connected and prosperous economy

- Direction 2: Enhance tourism and export opportunities through the Port of Eden
- Direction 5: Promote agricultural innovation, sustainability and value-add opportunities
- Direction 8: Protect important agricultural land
- Direction 9: Grow tourism in the region
- Direction 12: Promote business activities in urban centres

Goal 4: Environmentally sustainable housing choices

- Direction 24: Deliver greater housing supply and choice
- Direction 25: Focus housing growth in locations that maximise infrastructure and services
- Direction 27: Deliver more opportunities for affordable housing

The planning proposal is consistent with the following goals of the *Bega Valley Shire Community Strategic Plan 2040*:

- Goal 3: Our economy is prosperous, diverse and supported by innovative and creative businesses
- Goal 4: We have meaningful employment and learning opportunities for people in all stages in life
- Goal 8: Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs

The planning proposal is consistent with achieving the planning priorities of the *Bega Valley Shire Local Strategic Planning Statement 2040* relating to:

- Agriculture
- Tourism
- Character
- Housing

- Town Centres

Environmental / Sustainability

The planning proposal will address the resilience outcomes of a more diverse and thriving economy including economic sustainability, sustainable development and sustainable employment opportunities.

Economic

The planning proposal implements the necessary changes to land use zones, building heights, and land use tables to implement the direction for future development within commercial centres in accordance with the *Commercial Land Strategy 2040*. The outcomes of the planning proposal will be revitalised commercial spaces, improved economic growth opportunities and a more robust, resilient economy through greater diversity and employment generating opportunities.

Risk

The planning proposal will help address risk to our existing economic and employment base, which is dependent on a small number of industry sectors, by providing increased opportunity for diversification of commercial activity.

Social / Cultural

The planning proposal will help our community become more resilient by encouraging employment generating opportunities and helping create more vibrant and activated commercial centres that facilitate community connections, recreation and cultural activities.

Attachments

1. Commercial Land Use Planning Proposal