



Planning Proposal: Commercial Land Use

December 2020



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Part 1 – Objectives and intended outcomes

This planning proposal has been prepared by Bega Valley Shire Council 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).

This planning proposal seeks to amend *Bega Valley Local Environmental Plan 2013* Land Use Tables as well as the Height of Buildings and Land Zoning Maps to implement the recommendations of the *Bega Valley Shire Commercial Land strategy 2040* and support economic development and employment opportunities throughout the Bega Valley Shire.

A copy of the *Bega Valley Shire Commercial Land strategy 2040* is included as Appendix 1 to this planning proposal.

The objectives of this planning proposal are to amend the of *Bega Valley Local Environmental Plan 2013* to:

- Encourage more vibrant town centres
- Support economic development and employment opportunities throughout the Bega Valley Shire

The intentions of this planning proposal are to:

Land Use Tables

- Include **shops** as a use that is permitted with consent in zone B1 Neighbourhood Centre to encourage business diversity
- Include **artisan food and drink industry** as a use that is permitted with consent in zones B2 Local Centre and B4 Mixed Use to add vitality to commercial centres and contribute to the foundation of centres as a destination
- Include **artisan food and drink industry** as a use that is permitted with consent in zones RU4 Primary Production Small Lots and SP3 Tourist to permit boutique food and drink premises to support local food production and tourism in rural areas
- Include **information and education facility** as a use that is permitted with consent in zones E4 Environmental Living and R5 Large Lot Residential to permit uses such as open gardens and other small-scale tourism points of interest in non-urban areas
- Include **hotel or motel accommodation** as a use that is permitted with consent in zones RU2 Rural Landscape and E3 Environmental Management to permit high quality tourist development
- Include **rural supplies** as a use that is permitted with consent in zones RU1 Primary Production and RU2 Rural Landscape
- Remove **vehicle sales or hire premises** from zone B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use as the use is inconsistent with the zones' objectives.

Height of Buildings Map

Bega

- Reduce maximum building height of certain land zoned RE1 Public Recreation over Littleton Gardens to 10 metres to be consistent with surrounding non-commercialized land

Land Zoning Map

Bega

- Rezone certain land from B4 Mixed Use land to B2 Local Centre to reduce the potential for further sprawl of commercial uses and to consolidate the business zone and existing uses
- Reduce maximum building height of certain land zoned RE1 Public Recreation over Littleton Gardens to 10 metres to be consistent with surrounding non-commercialized land

Merimbula

- Rezone certain land from B4 Mixed Use to R3 Medium Density Residential in recognition of the oversupply of land zoned B4 Mixed Use and to consolidate commercial activity.
- Rezone certain land from B4 Mixed Use land to B2 Local Centre to reflect existing commercial uses.

Eden

- Rezone certain land from B4 Mixed Use land to B2 Local Centre to reflect existing commercial uses.
- Rezone certain land from IN4 Working Waterfront to B4 Mixed Use and RE1 Public Recreation to achieve activation and harbourside renewal.

Tathra

- Rezone certain land from B1 Neighbourhood Centre land to B2 Local Centre to permit a wider range of commercial uses including retail premises on Andy Poole Drive.
- Rezone certain land from R3 Medium Density Residential land to B2 Local Centre to reflect existing commercial uses on Andy Poole Drive and Panorama Drive.
- Rezone certain land from B2 Local Centre to B4 Mixed Use on the Tathra headland to increase diversity in the commercial area and provide opportunities to bring residential development into the commercial centre, adding vibrancy and security.

Lot Size Map

Merimbula

- Introduce a Minimum Lot Size of 1,000m² to land rezoned B4 Mixed Use to R3 Medium Density Residential to apply Council's standard Minimum Lot Size to the land.

Part 2 – Explanation of provisions

Land Use Tables

The planning proposal seeks to amend the Land Use Tables in Part 2 of the *Bega Valley Shire Local Environmental Plan 2013* as follows:

Land Use Table	Add to “3 permitted with consent”	Add to “4 Prohibited”
B1 Neighbourhood Centre	Shops	Vehicle sales or hire premises
B2 Local Centre	Artisan food and drink industry	Vehicle sales or hire premises
B4 Mixed Use	Artisan food and drink industry	Vehicle sales or hire premises
E3 Environmental Management	Hotel or motel accommodation	Nil
E4 Environmental Living	Information and educational facilities	Nil
R5 Large Lot Residential	Information and educational facilities	Nil
RU1 Primary Production	Rural supplies	Nil
RU2 Rural Landscape	Hotel or motel accommodation Rural supplies	Nil
RU4 Primary Production Small Lots	Artisan Food and Drink	Nil
SP3 Tourist	Artisan Food and Drink	Nil

Height of Buildings Map

The planning proposal seeks to amend the Height of Buildings Map the *Bega Valley Shire Local Environmental Plan 2013* in accordance with the following:

Proposed change	Lot, Section & DP	Address
Reduce maximum height of buildings from 16 metres to 10 metres.	Lot 104 DP 1151462; Lot 2 DP 774319; PLT 10-13 Sec 39 DP 758076; Lot 141 DP 1168921; Lot 6 DP 231206	Bega: Littleton Gardens, Zingel Place <i>Shown by green hatching on Map 1</i>

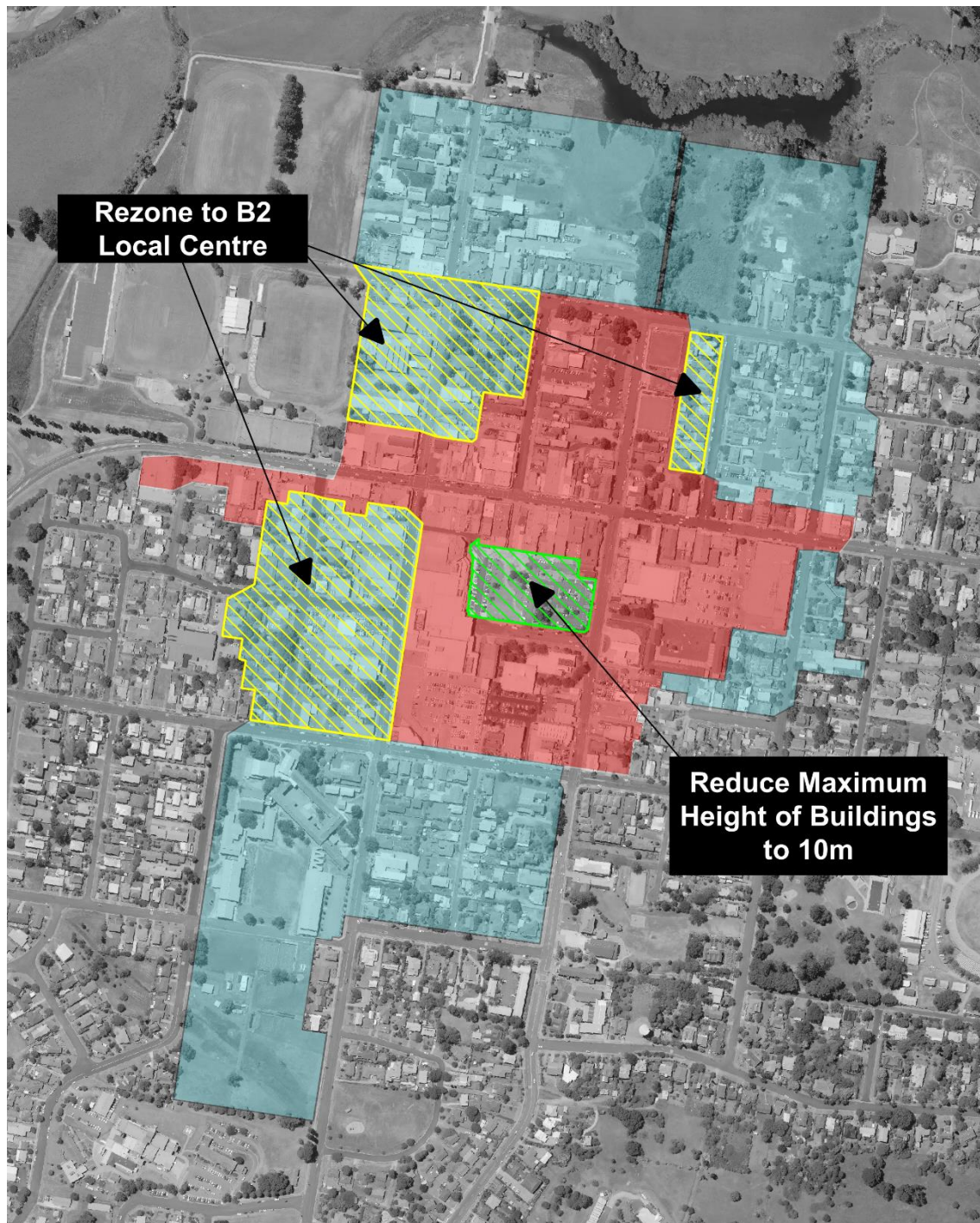
Land Zoning Map








The planning proposal seeks to amend the Land Zoning Map of the *Bega Valley Shire Local Environmental Plan 2013* in accordance with the following:

Proposed change	Lot, Section & DP	Address
Amend zone from B4 Mixed Use to B2 Local Centre	Lot 1 DP 1143894; Lot 18 DP 1132440; Lot 15 DP 118156; Lots 3-6 DP 1117586; Lot 1 DP 1113998; Lots 8&9 DP 1103241; Lot 33 DP 1094165; Lot 2 DP 1080751; Lot 1 DP 1080750; Lot 10 DP 7040876; Lot 17 DP 996322; Lots 2&3 DP 995599; Lot 1 DP 896725; Lots 2&3 DP 948040; Lot 3 DP 931057; Lots 10&12 DP 871584; Lot 11 DP 868826; Lots 20&21 DP 801317; Lots 1&2 DP 794782; Lot 100 DP 793124; Lots 1&2 DP 779045; PTL 12, 12A, 12B Sec 34 DP 758076; Lot 1 DP 745785; Lot 1 DP 745423; Lots 1&2 DP 743624; Lot 1 DP 742249; Lot 7 DP 735877; Lot 1 DP 732823; Lots 11&12 DP 616883; Lot 6 DP 603922; Lot 92 DP 602567; Lot 1 DP 566174; Lot 15 DP 542429; Lot 14 DP 537458; Lot 11 DP 530119; Lots 1&2 DP 528329; Lot 2 DP 510541; Lot 12 DP 504045; Lot 2 DP 385059; Lots 1&2 DP 381769; Lot D DP 347033; Lots 1&2 DP 308576; Lot 1 DP 305163; Lots 3&4 DP 226792; Lot 2 DP 208681; Lot 1 DP 197524; Lot B DP 164313; Lot 2 15&16 DP 163073; Lots 1&2 DP 162864; Lots E, F, G DP 156357; Lot 14 DP 137195; Lot 1 DP 121845; Lot 2 DP 112697; Lot 2 DP 883326; Lot 2 Sec 2, Lot 3 Sec 1, 2&4, Lot 4 Sec 2&4, Lot 5 Sec 2&4, Lot 6 Sec 2&4, Lot 7 Sec 2&4, Lot 8 Sec 4, 11 Sec 2, Lot 12 Sec 2, Lot 13 Sec 1&2, Lot 14 Sec 2 DP 54283; SP 18849; Lot 19 DP 1979	Bega: 51-53, 65-67, 69-71, 73, 77-79, 80, 81-85, 82, 86, 88-92, 125, 129, 131, 141-143, 145, 149, 151, 153-159, 161, 163 Auckland Street; 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 13, 25 Canning Street; 236 & 268 Carp Street; 1, 31, 33, 35 Church Street; 1, 3, 5, 20, 22 Hill Street; 2, 5, 7, 9, 11, 12, 14, 15, 19, 21-27, 29, 31 Peden Street; 93 Upper Street <i>Shown by yellow hatching on Map 1</i>
	Lots 218 & 219 DP 17033; Lot 237 DP 630719; Lot 8 DP 252400	Merimbula: 8-10, 12-16 Merimbula Drive; 9 Park Street, <i>Shown by yellow hatching on Map 2</i>
	Lot 21 DP 545540; Lot 1 DP 743994; Lots 1&2 DP 741178	Eden:

		160 & 162 Imlay Street; Chandos Street car park <i>Shown by yellow hatching on Map 3</i>
Amend zone from B4 Mixed Use to R3 Medium Density Residential and introduce a 1,000m ² minimum lot size control	Lot 251 DP 17033; Lots 5 -6, 9, 12 -13 PTL 7&8, Lot 19, 20, 23, 24-30 DP 23500; Lot 88 DP 234142; Lots 9, 11-12, 14 DP 252400; Lots 1&2 DP 378789; Lot 1 DP 507271; Lot 22 DP 532160; Lot 101 DP 589903; Lot 911 DP 600638; Lot 78 DP 712997; Lot 41 DP 715073; Lot 123 DP 773097; Lot 34 DP 787541; Lot 1 DP 788988; Lot 11 DP 87312; Lot 111 DP 1206442; SP 17014; SP 17685; SP 17800; SP 17983; SP 18209; SP 18273; SP 18440; 19570; 21098; SP 21206; SP 21470; SP 30329; SP 36432; SP 38307; SP 38976; SP 74123; SP 84407	Merimbula: 2 Kalinda Street; 8 Kyeamba Street; 24-26, 28, 30, 32, 36, 36A, 38, 40, 44, 46, 47, 49, 51, 53-57, 59, 61, 63, 65-67, 69, 71, 73, 75, 77, 79, 81 & 83 Merimbula Drive; 5&7 Monaro Street; 5, 11, 13, 15, 17, 19, 21 Park Street; 30 & 32 Reid Street; 3, 9, 11, 17, 21, 5-7, 13-15& 23-27 Sapphire Coast Drive; 2&4 Wonga Street <i>Shown by yellow hatching on Map 2</i>
Amend zone from IN4 Working Waterfront to B4 Mixed Use and RE1 Public Recreation	PTL 111 DP 835683	Eden: Snug Cove <i>Shown by yellow hatching on Map 3</i>
Amend zone from B1 Neighbourhood Centre to B2 Local Centre	Lot 51 DP 237619; Lots 1-2, 6, 15- 17 DP 23321; SP 72538; (Part) Lot 53 DP 1046269	Tathra: 29, 31, 33, 35, 37, 55, 61, 63 & 65 Andy Poole Drive <i>Shown by yellow hatching on Map 4</i>
Amend zone from R3 Medium Density Residential to B2 Local Centre	Lot 1 DP 595716	Tathra: 2A Francis Hollis Drive <i>Shown by yellow hatching on Map 4</i>
Amend zone from B2 Local Centre to B4 Mixed Use	Lot 2 DP 338686; Lot 8 DP 200008; Lot 62 DP 528923; Lots 21 & 22 DP 809023; Lot 7 DP 408983; Lot 10 DP 593290	Tathra: 5 Cliff Place; 7, 8-10, 9, Beach Street; 2 & 4 Seagrass Lane; 12 Andy Poole Drive <i>Shown by yellow hatching on Map 4</i>

Map 1: Bega - Proposed changes to land use zoning and maximum heights



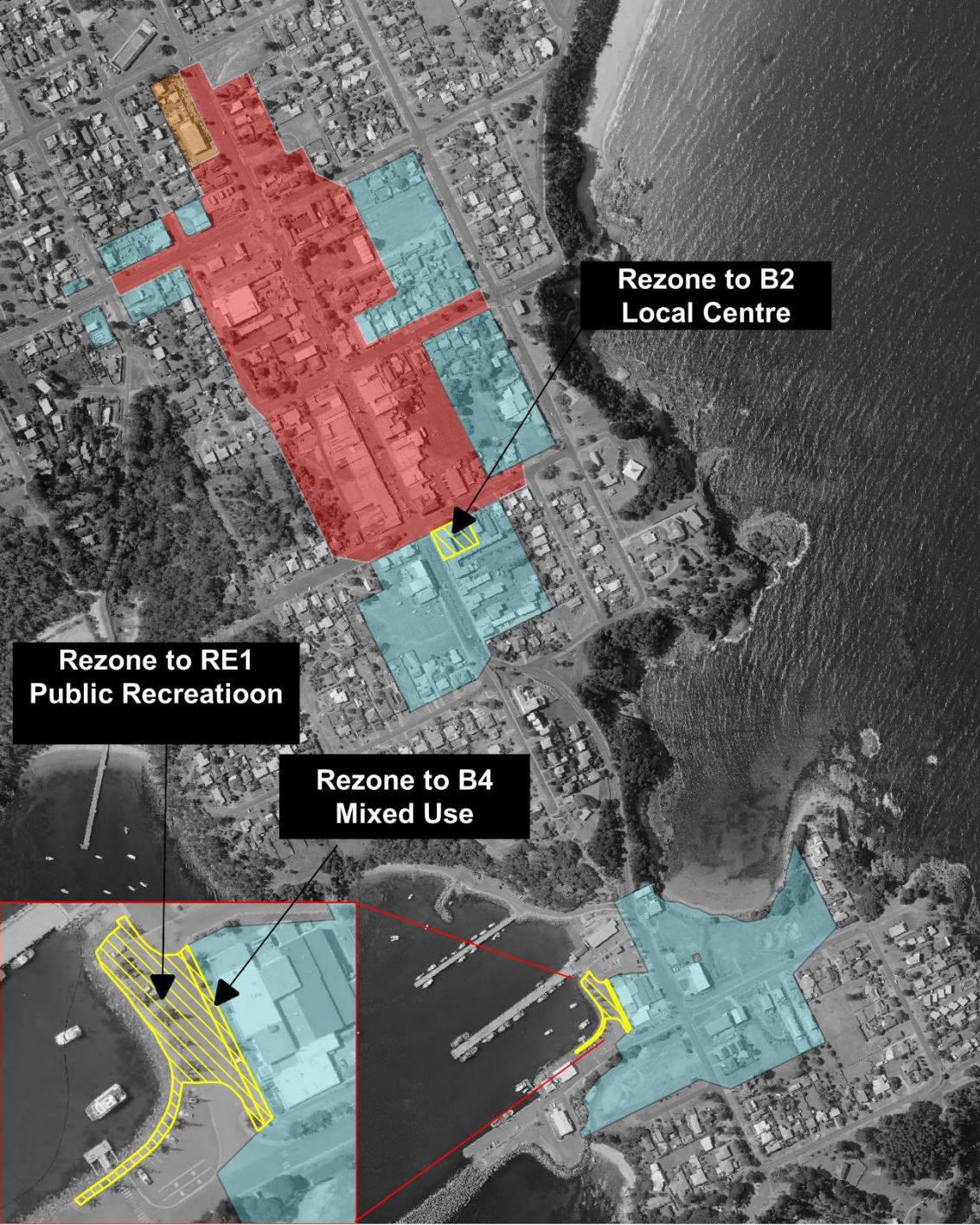
- | | |
|---|---|
| Existing Land Zoning |  Zone Change Recommendations |
|  B1 - Neighbourhood Centre |  Maximum Height of Buildings Change Recommendation |
|  B2 - Local Centre | |
|  B4 - Mixed Use | |
|  B5 - Business Development | |
|  RU5 - Village | |

Map 2: Merimbula - Proposed changes to land use zoning



- Existing Land Zoning
- B1 - Neighbourhood Centre
- B2 - Local Centre
- B4 - Mixed Use
- B5 - Business Development
- RU5 - Village
- Zone Change Recommendations

Map 3: Eden - Proposed changes to land use zoning



- Existing Land Zoning  Zone Change Recommendations
-  B1 - Neighbourhood Centre
 -  B2 - Local Centre
 -  B4 - Mixed Use
 -  B5 - Business Development
 -  RU5 - Village

Map 4: Tathra - Proposed changes to land use zoning



- Existing Land Zoning  Zone Change Recommendations
-  B1 - Neighbourhood Centre
 -  B2 - Local Centre
 -  B4 - Mixed Use
 -  B5 - Business Development
 -  RU5 - Village

Part 3 – Justification

A. Need for the planning proposal

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

Yes. 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 Bega Valley Shire Commercial Land Strategy 2040* was prepared on behalf of Council with collaboration from commercial land and business owners as well as community members.

The *Bega Valley Shire 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 *Bega Valley Shire Commercial Land Strategy 2040* recognises the importance of residential development to the economic viability of commercial development to meet changing demand for goods and services, attract new residents and provide opportunities such as top shop housing that add vitality and security. The proposed amendments in this planning proposal that relate to the R3 Medium Density Residential zone also align with and implement the *Bega Valley Shire Residential Land Strategy 2040*.

This planning proposal seeks to implement the *Bega Valley Shire Commercial Land Strategy 2040* as well as support future economic development within the Shire by permitting selected additional commercial uses in suitable zones outside of commercial centres.

The *Bega Valley Shire Commercial Land Strategy 2040* includes a hierarchy of centres. The proposed land use table and zoning changes will not contradict or weaken the established hierarchy of centres as there are no new out-of-centre zoning changes proposed, or land use table changes which would cause a major shift in employment lands.

Land Use Tables

Justification for the proposed amendments to Land Use Tables in Part 2 of the *Bega Valley Shire Local Environmental Plan 2013* contained in the following table:

Land use table zone	Add to “3 permitted with consent”	Add to “4 prohibited”	Justification
B1 Neighbourhood Centre	Shops	Vehicle sales or hire premises	Regularise existing uses and encourage business diversity by the development of further shops in the zone Remove land use that conflicts with objectives of the zone.
B2 Local Centre B4 Mixed Use	Artisan food and drink industry	Vehicle sales or hire premises	Add vitality to commercial centres and contribute to the foundation of centres as a destination.
E3 Environmental Management	Hotel or motel accommodation	Nil	Allow for high quality tourist development in non-urban areas
E4 Environmental Living	Information and education facility*	Nil	Allow for uses such as open gardens and other small-scale tourism points of interest. The zone already permits cellar door premises, restaurants or cafes, places of public worship and community facilities.
R5 Large Lot Residential	Information and education facility*	Nil	Allow for uses such as open gardens and other small-scale tourism points of interest. Allows for boutique food and drink premises to support tourism in peri-urban areas. The zone already permits cellar doors, plant nurseries and landscape material supplies.
RU1 Primary Production	Rural supplies	Nil	Allow for the retail sale of goods or materials used in farming and primary industry production.
RU2 Rural Landscape	Rural supplies Hotel or motel accommodation	Nil	Allow for the retail sale of goods or materials used in farming and primary industry production. Allow for high quality tourist development in rural areas without compromising higher quality ru1 zoned agricultural land.
RU4 Primary Production Small Lots	Artisan food and drink industry*	Nil	Allow for boutique food and drink premises to support local food production in rural areas.
SP3 Tourist	Artisan food and drink industry*	Nil	Allow for boutique food and drink premises to support tourism in rural areas.

The planning proposal implements the recommendations of the *Bega Valley Shire Commercial Land Strategy 2040* to amend land use tables, and it also seeks to include some additional uses into the land use tables as ‘permitted with consent’ in certain non-urban zones throughout the

Bega Valley Shire. These areas were outside the scope of the *Bega Valley Shire Commercial Land Strategy 2020* and are indicated by the * symbol in the above table.

These proposed inclusions were based on a review of the non-urban land use tables which identified three land uses that are not currently permitted under *Bega Valley Local Environmental Plan 2013*, but which are compatible with the objectives of the identified zones and the objectives of the *Bega Valley Shire Commercial Land Strategy 2020* and which may provide an avenue for suitable development that could provide economic and employment opportunities in those areas.

Height of Buildings

Bega

It is proposed to reduce the maximum building height of Littleton Gardens to 10 metres to be consistent with surrounding non-commercialized land.

Land Zoning Map

Bega

The planning proposal includes measures to rezone certain land from B4 Mixed Use land to B2 Local Centre to reduce the potential for further sprawl of commercial uses and to consolidate the business zone and existing uses. It is a principle of the *Bega Valley Shire Commercial Land Strategy 2040* to consolidate the commercial centre to prevent the sprawl of commercial activities beyond business zone boundaries. Considering vacant B4 zoned land, vacancy rates in zone B2 and the potential for the gradual relocation of light industries to outside the centre, there is ample business zoned land to cater to growth in the future and it is not considered necessary to rezone land adjoining the town centre (such as open space or recreational land) for commercial use.

Merimbula

The planning proposal includes measures to rezone certain land from B4 Mixed Use be rezoned to R3 Medium Density Residential in recognition of the oversupply of land zoned B4 Mixed Use and to consolidate commercial activity.

This reflects the predominance of residential and tourist accommodation uses in these areas and will provide opportunities for urban renewal and housing diversity to enable more people to live close to the town centre. It would also remove approximately five hectares from the business zone that is currently considered vacant or underutilised, however, vacant land zoned B1 Neighbourhood Centre at Tura Beach and the future occupation of vacant commercial premises is adequate to cater for the foreseeable future. Condensing the town centre may cause property values to rise and stimulate redevelopment and growth.

The *Bega Valley Shire Residential Land Strategy 2040* identified a need for greater housing diversity, better supply of for housing of older people and more affordable housing options. The strategy found that in Merimbula there is a need for more medium-rise apartments and townhouses of between two to four stories close to the commercial centre and included a recommendation to '*Identify precincts suitable for apartments, town houses and other dwelling forms such as seniors housing including opportunities for redevelopment of older motel accommodation close to the town centre*'.

The proposed additional R3 Medium Density land in central Merimbula supports the resolution of these issues by providing land capable of denser housing models very close to the CBD of

Merimbula. It is proposed to apply Council's standard Minimum Lot Size of 1,000m² to the rezoned land.

It is proposed to rezone the portion of the B4 Mixed Use Zone closest to the town centre to B2 Local Centre to reflect existing commercial uses.

Eden

The planning proposal includes measures to rezone certain land from B4 Mixed Use land to B2 Local Centre to reflect existing commercial uses as well as rezone certain land from IN4 Working Waterfront to B4 Mixed Use and RE1 Public Recreation to achieve activation and harbourside renewal. This is to assist in the activation and harbourside renewal of the Marine Discovery Centre site at 253 Imlay Street, Eden at the request from the Director, Development and Transactions, Housing and Property division of the Department of Planning, Industry and Environment. The proposed zones are consistent with the adopted Snug Cove and Environs Master Plan and promotes pedestrian access to the foreshore, a key objective of the Master Plan.

It is also proposed to rezone the portion of the B4 Mixed Use Zone adjacent to the town centre to B2 Local Centre to reflect existing commercial uses.

Tathra

The planning proposal includes measures to rezone land from B1 Neighbourhood Centre to B2 Local Centre to permit a wider range of commercial uses including retail premises on Andy Poole Drive as well as to reflect existing commercial uses on Andy Poole Drive and Panorama Drive.

The planning proposal includes measures to rezone certain land on the Tathra headland from B2 Local Centre to B4 Mixed Use to increase diversity in the commercial area and provide opportunities to bring residential development into the commercial centre, adding vibrancy and security. This action was partly supported by the NSW Department of Planning, Industry and Infrastructure following the destruction of the Cliff Place Café in the Reedy Swamp / Tathra Fire in 2018.

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

Yes. The planning proposal is the best means of achieving the objective of altering land use tables, altering minimum building heights and re-zoning land in the *Bega Valley Local Environmental Plan 2013*. These matters can only be achieved through a planning proposal.

B. Relationship to the strategic planning framework

1. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The planning proposal aims to achieve the following goals, directions and actions 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
 - Action 2.1: Promote business and industry development to attract visitors and cruise vessels to Eden.
- Direction 5: Promote agricultural innovation, sustainability and value-add opportunities
 - Action: 5.1 Promote commercial, tourism and recreational activities that support the agricultural sector.
 - Action: 5.2 Encourage value-add agricultural opportunities through flexible planning provisions in local strategies and local environmental plans.
- Direction 8: Protect important agricultural land
 - Action 8.2: Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans.
- Direction 9: Grow tourism in the region
 - Action 9.2 Encourage tourism development in natural areas that support conservation outcomes.
- Direction 12: Promote business activities in urban centres
 - Action 12.2 Encourage mixed use developments that cater for commercial, retail, residential and tourism uses through local planning controls.

Goal 4: Environmentally sustainable housing choices

- Direction 24: Deliver greater housing supply and choice
 - Action 24.2 Prepare local housing strategies consistent with the Settlement Planning Principles to provide a surplus supply of residential land to meet projected housing needs.
 - Action 24.3 Promote increased housing choice, including townhouses, villas and apartments in strategic centres and locations close to existing services and jobs.
- Direction 25: Focus housing growth in locations that maximise infrastructure and services
 - Action 25.1 Focus future settlement to locations that: maximise existing infrastructure and services and minimise the need for new services; prioritise increased densities within existing urban areas
- Direction 27: Deliver more opportunities for affordable housing
 - Action 27.1 Deliver greater housing affordability by incorporating policies and tools into local housing strategies and local planning controls that will enable a greater variety of housing types and incentivise private investment in affordable housing.
 - Action 27.2 Facilitate greater housing diversity, including studios and one- and two-bedroom dwellings, to match forecast changes in household sizes.

2. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Local Strategic Planning Strategic Statement 2040

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

- Planning Priority 5 Agriculture: Innovation within the agriculture, forestry and aquaculture sectors continues as operators diversify to capitalise on new economic opportunities and are profitable and sustainable
- Planning Priority 7 Tourism: The natural and cultural assets of the Shire have been enhanced to create a flourishing year-round tourism industry supporting local employment in a wide range of associated businesses
- Planning Priority 10 Character: The distinctive character of the landscapes, towns and villages that make our Shire unique are thriving and continue to provide a sense of place and wellbeing to residents and attract visitors
- Planning Priority 11 Housing: Residential areas provide a range of housing styles, sizes and tenures that suit people of all ages, income levels and household sizes and enable communities to stay connected and healthy as people move through the various stages in life
- Planning Priority 12 Town Centres: The vibrant and progressive town centres are attractive, green and clean and provide places for living, entertainment and socialising as well as access to a wide variety of shops and services

Community Strategic Plan 2040

Yes. 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

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

The following table identifies the applicable SEPPs and outlines this planning proposal's consistency with these.

Relevant SEPP	Consistency
State Environmental Planning Policy 64 – Advertising and Signage	Consistent. The planning proposal does not contain provisions that would hinder the application of this SEPP. This SEPP may apply to signage associated with future development.
State Environmental Planning Policy (Building Sustainability Index: BASIX 2004)	Consistent. The planning proposal does not contain provisions that would hinder the application of this SEPP. This SEPP may apply to future residential development on these sites and will be considered at the detailed development consent stage.
State Environmental Planning Policy (Coastal Management) 2018	Consistent. The change of zoning in coastal urban areas will not increase the risk of coastal hazards or unduly impact the coastal scenic or environmental values. Visual impacts of each future

	development in the vicinity of Tathra Headland can be appropriately managed at the development applications stage and is controlled by height limits in the of <i>Bega Valley Local Environmental Plan 2013</i> .
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Consistent. The planning proposal does not contain provisions that would hinder the application of this SEPP.

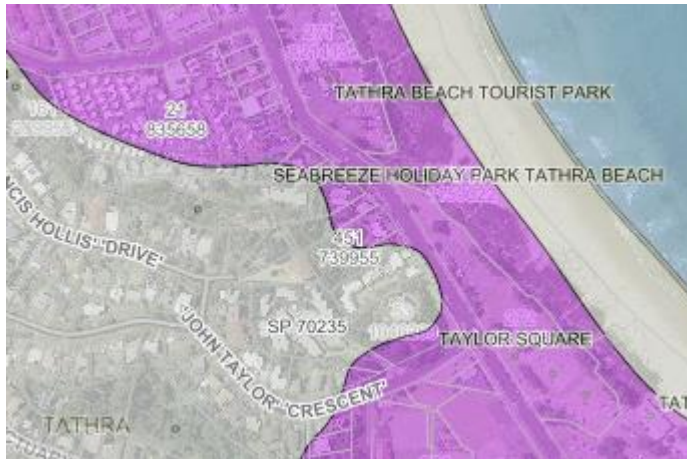
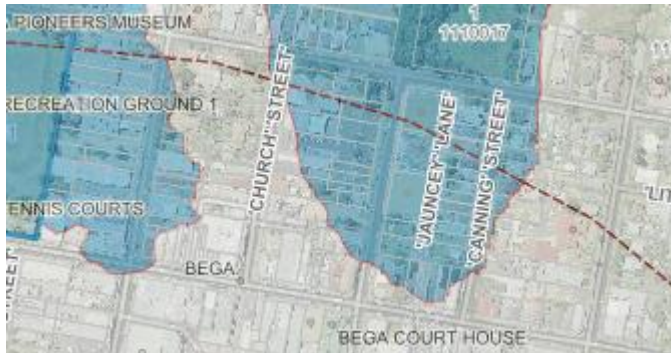
4. Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?


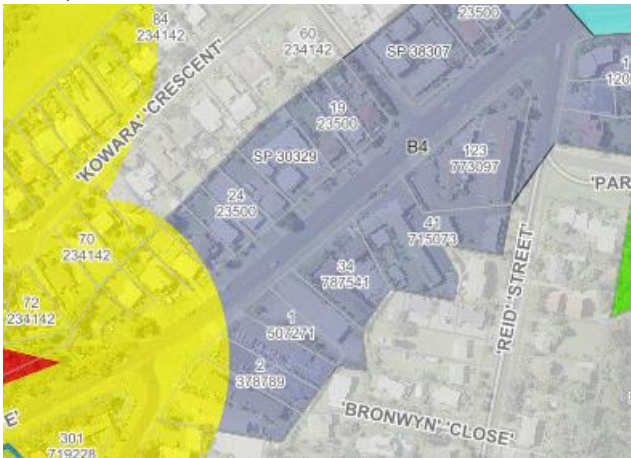
Yes. The following table identifies the applicable Section 9.1 Directions by the Minister and outlines this planning proposal's consistency with these:


No.	Direction	Comment
1. Employment & Resources		
1.1	Business and Industrial Zones	<p>This planning proposal is consistent with the objectives of the ministerial direction to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres. <p>However, the planning proposal is inconsistent with the terms of the ministerial direction because it amends the areas and locations of existing business zones.</p> <p>BEGA</p> <p>Change from B4 Mixed Use zone to B2 zone (of approximately 8 Hectares) in Bega.</p> <ul style="list-style-type: none"> • The aim of <i>Bega Valley Shire Commercial Land Strategy 2040</i> is to consolidate the commercial centres to prevent the sprawl of commercial activities beyond business zone boundaries. • Considering vacant B4 zoned land, vacancy rates in zone B2 and the potential for the gradual relocation of light industries to outside the centre, there is ample business zoned land to cater to growth in the future and it is not considered necessary to rezone land adjoining the town centre (such as open space or recreational land) for commercial use. • Future reviews of the local environmental plan, including the allocation of land use zones, may cause adjustments to the supply of commercial land in response to monitoring of development activity. <p>MERIMBULA</p> <p>Reduction of B4 business zone by approximately 5 Hectares and rezone to a) R3 Medium Residential zone and b) B2 Local Centre zone – approximately 0.5 Ha.</p> <ul style="list-style-type: none"> • The <i>Bega Valley Shire Commercial Land Strategy 2040</i> has identified that land capacity for additional commercial development exists at Merimbula and Tura Beach. That land can be used to develop commercial activities that provide goods and services to cater for lower order shopping needs as well as limited weekly comparison goods. • In recognition of the oversupply of land zoned B4 Mixed Use and to consolidate commercial activity, it is recommended that certain land zoned B4 mixed Use re-zoned to medium density residential (R3). • This reflects the predominance of residential and tourist accommodation uses in these areas and will provide opportunities for

		<p>urban renewal and housing diversity to enable more people to live close to the town centre. It would also remove approximately 5 hectares from the business zone that is currently considered vacant or underutilised, however, vacant land zoned B1 Neighbourhood Centre at Tura Beach and the future occupation of vacant commercial premises is adequate to cater for the foreseeable future. Condensing the town centre may cause property values to rise and stimulate redevelopment and growth.</p> <ul style="list-style-type: none"> • To encourage new development in Bega and Merimbula town centres, Council will consider site-specific proposals, with a land area greater than 2000m², to increase the maximum height of buildings in Merimbula by way of a combined planning proposal and Development Application that allows the community to evaluate the details of each proposal. • The development of bulky goods premises is limited to Tura Beach and the existing business zoning is retained without future expansion. <p>EDEN</p> <p>Change from B4 Mixed Use zone to B2 Local Centre zone, Imlay Street (3 lots plus BVSC car park).</p> <p>This change is required to reflect existing commercial uses.</p> <p>Change from IN4 Working Waterfront to B4 Mixed Use and RE1 Public Recreation at Snug Cove</p> <p>The additional uses permitted mapping shows this area as number '7' which allows for development applications for light industry. The additional permitted uses map is not proposed to be altered and this provision of the <i>Bega Valley Local Environmental Plan 2013</i> and associated map will remain unchanged.</p> <p>TATHRA</p> <p>Change from B2 Local Centre to B4 Mixed Use zone at Tathra Headland.</p> <p>Council support the proposed rezoning for the following reasons:</p> <ul style="list-style-type: none"> • Existing oversupply of commercial land around the Tathra headland precinct • The integrity of the main street (Bega Street) is retained • An opportunity for commercial development is still available • Creates a transition between existing commercial and residential zones • The proposal will support demand for high quality residential properties in Tathra. <p>Change from B1 Neighbourhood Shops to B2 Local Centre zone at Andy Poole Drive, Tathra</p> <ul style="list-style-type: none"> • To permit a wider range of commercial uses including retail premises on Andy Poole Drive. • It is not considered necessary to rezone additional land along Andy Poole Drive for commercial use at this point in time as further commercial development would detract from the current setting, provide excessive business zoned land taking into account the unoccupied land at Tathra headland, and would conflict with the need to retain the existing natural advantages and strengths of Tathra identified during consultation forums.
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1.2	Rural Zones	The planning proposal is consistent with the objectives of this Direction as it does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone or contain provisions that will increase the permissible density of land within a rural zone.
1.5	Rural Lands	The planning proposal is consistent with the South East and Tablelands Regional Plan 2036 and the Bega Valley Shire Local Strategic Planning Statement 2040 as it does not impact on any RU1 Primary Production zoned land, on farmers in exercising their right to farm, fragment rural land or increase the risk of land use conflict through residential uses. Nor will the provisions of the planning proposal adversely impact on the Shire's environmental values including biodiversity, protection of native vegetation, cultural heritage, and water resources.
2. Environment and heritage		
2.1	Environment Protection Zones	Consistent. The planning proposal does not include provisions would unduly impact on the protection and conservation of environmentally sensitive areas beyond that which is already permitted or reduce the environmental protection standards that apply to the land.
2.2	Coastal Management	Consistent. Some subject properties are within the Coastal Environment Area and Coastal Use Area as defined by <i>State Environmental Planning Policy (Coastal Management) 2018</i> .
2.3	Heritage Conservation	Consistent. The planning proposal intends to rezone certain land and permit additional uses in certain zones; however, this will not impact upon the future amenity of any Schedule 5 Heritage Items listed in <i>Bega Valley Shire Local Environmental Plan 2013</i> . Any Development Application following from this planning proposal will need to demonstrate the merits of the proposal against the EP&A Act 1979, which includes consideration under Clause 5.10 of <i>Bega Valley Shire Local Environmental Plan 2013</i> , being the same process for any other commercial/industrial development application.
2.6	Remediation of Contaminated Land	Consistent. The Planning Proposal does not detract from the objectives of this direction. Prior to any use or development occurring subject to a development application, land will need to be assessed against clause 7 of the State Environmental Planning Policy No 55 – Remediation of Land.
3. Housing infrastructure and urban development		
3.1	Residential zones	The planning proposal is consistent with the objectives of this Direction and will broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services, and reduce the consumption of land for housing and associated urban development on the urban fringe. The planning proposal is justifiably inconsistent with the terms of the Direction with regard to one parcel of land in Tathra at 2A Francis Holland Drive which is proposed to be rezoned from R3 Medium Density residential to B2 Local Centre as the change of use will regularise the current use general store with petrol sales.
3.3	Home occupations	Consistent. The planning proposal supports the carrying out of low-impact small businesses in dwelling houses.
3.4	Integrating Land Use and Transport	Consistent. Specifically, the planning proposal supports the objectives of the Direction to improve access to housing, jobs and services by walking, cycling and public transport, increase the choice of available transport and reducing dependence on cars and reduce travel demand including the number of trips generated by development and the distances travelled, especially by car.

		<p>The planning proposal is not inconsistent with the objectives of the Direction to provide for the efficient movement of freight and support the efficient and viable operation of public transport services.</p> <p>The planning proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>
4. Hazard and risk		
4.1	Acid sulfate soils	<p>Consistent. The planning proposal will not intensify the land uses or the natural hazard that exists on sites mapped as containing Acid Sulphate Soils Class 4. The planning proposal is consistent with the Acid Sulfate Soils Model LEP and the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning.</p> <p>The following properties in this planning proposal are impacted by Acid Sulphate Soils Class 4; 29, 31, 33, 35, 37, 55, 61, 63, 65 Andy Poole Drive, Tathra</p> 
4.3	Flood prone land	<p>The planning proposal is consistent with the objectives of this Direction, but not the terms of the Direction. The justification for inconsistency is grounded in the fact that the planning proposal does not seek to vary any of the flood control provisions currently contained in the LEP and will not result in development of flood prone land that is inconsistent with the Floodplain Development Manual 2005, nor will it result in changes to the LEP that would undermine clause 6.3 Flood Planning.</p> <p>The following properties in this planning proposal are mapped within the Flood Planning Area: 51-53; 65-67, 71, 77-79, 80-86, 88, 89-92 Auckland Street; 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25 Canning Street; 1 Church Street, Bega</p> 

4.4	Planning for bushfire protection	<p>This planning proposal is consistent with the objectives of the ministerial direction. All of the re-zonings which are proposed in Bushfire Prone mapped land are within existing urban areas and it is considered that all subsequent development will be able to meet the requirements of Planning for Bushfire Protection 2019. The planning proposal does not introduce controls that place inappropriate developments in hazardous areas, or affect land where bushfire hazard reduction is prohibited within the APZs of affected properties.</p> <p>In accordance with the Direction, Council will consult with the Commissioner of the NSW Rural Fire Service during the preparation of a draft Local Environmental Plan and take into account any comments made.</p> <p>TATHRA:</p> <p>The following properties in this planning proposal are mapped as containing bushfire prone land: 5 Cliff Place; 7-10 Beach Street; 2&4 Seagrass Lane; 12 Andy Poole Drive, Tathra.</p>  <p>MERIMBULA:</p> <p>The following properties in this planning proposal are mapped as containing bushfire prone land: 44, 46, 75, 77, 79, 81 & 83 Merimbula Drive and 2 View Street, Merimbula</p>  <p>BEGA:</p> <p>The following properties in this planning proposal are mapped as containing bushfire prone land: 51 – 53, 65 – 67, 69 – 71, 73, 77 – 79, 81, 89-91 Auckland Street, Bega</p>
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5. Regional planning			
5.10	Implementation of Regional Plans	Consistent. The South East and Tablelands Regional Plan is the plan applicable to this proposal. The planning proposal’s consistency with this plan is addressed previously under Question 4.	
6. Local plan making			
6.1	Approval and referral requirements	<p>Consistent. The planning proposal intends to alter land use tables and propose various re-zonings to consolidate CBD’s in Bega and Merimbula and make changes to business zonings in Tathra and the working waterfront zone in Eden.</p> <p>The re-zonings do not add to any additional concurrence, consultation or referral of development applications to a Minister or public authority or increase the likelihood of additional designated development.</p>	
6.2	Reserving Land for Public Purposes	<p>Consistent. The planning proposal intends to alter the height limit over a Crown Public Reserve at Littleton Gardens in Bega. Regarding this aspect of the planning proposal, Council will consult with the Director, Development and Transactions, Housing and Property division of the Department of Planning, Industry and Environment and take into account any comments made.</p> <p>The planning proposal also includes a rezoning of a Crown Public Reserve at Snig Cove at the request of the Director, Development and Transactions, Housing and Property division of the Department of Planning, Industry and Environment.</p>	

C. Environmental, social and economic impact

1. 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 planning proposal zoning changes apply to existing B1 Neighbourhood Centre, B2 Local Centre, R3 Medium Density Residential, B4 Mixed Use zoned land and IN4 Working Waterfront in urbanised areas. The Biodiversity Values Map was examined and confirmed that there are no Biodiversity Values as framed under the Part 7 of the *Biodiversity Conservation Act 2016*.

It is not anticipated that the amendments to existing land use tables will adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

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

It is not anticipated that there will be any adverse environmental effects because of this planning proposal. Future development will consider environmental impacts as part of the development application process.

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

The objective of the planning proposal is to implement the recommendations of the *Bega Valley Shire Commercial Land strategy 2040* and support economic development and employment opportunities as well as improve housing diversity and supply throughout the Bega Valley Shire. This will be achieved through the measures in the planning proposal which are specifically designed to encourage more vibrant town centres, support economic development and employment opportunities.

D. State and Commonwealth interests

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

Yes. The public infrastructure servicing the properties subject to this planning proposal is adequate. The planning proposal will not increase demand on public infrastructure.

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

Council will consult with the relevant State and Commonwealth authorities in accordance with the conditioning of the Gateway Determination.

Part 4 – Mapping

The planning proposal will require the amendment to the following *Bega Valley Local Environmental Plan 2013* map sheets:

- Bega Valley Local Environmental Plan 2013 – Zoning Map – Sheet LZN_021A
- Bega Valley Local Environmental Plan 2013 – Zoning Map – Sheet LZN_020B
- Bega Valley Local Environmental Plan 2013 – Zoning Map – Sheet LZN_019B
- Bega Valley Local Environmental Plan 2013 – Zoning Map – Sheet LZN_011B
- Bega Valley Local Environmental Plan 2013 – Height of Buildings Map – Sheet HOB_011B
- Bega Valley Local Environmental Plan 2013 – Lot Size Map – Sheet LSZ_020B

Part 5 – Community Consultation

Community engagement to date

Bega Valley Shire Commercial Land strategy 2040

Community engagement for the *Bega Valley Shire Commercial Land strategy 2040* was carried out in accordance with Council's Community Engagement Strategy and Community Engagement and Communications Toolkit. The project was assessed to be Level 3 – Involve on the IAP2 spectrum. Council has worked directly with interested and affected parties to develop a draft Strategy that contains achievable actions in the context of relevant regulations and policy.

The *Bega Valley Shire Commercial Land strategy 2040* was built on visioning work carried out by Council in the development of *Bega Valley Community Strategic Plan 2040*. The consultants engaged to prepare the *Bega Valley Shire Residential Land strategy 2040* actively collaborated with staff from across Council, including strategic planning, water and sewer services, strategic assets, and economic development.

A goal of the community engagement process was to develop the *Bega Valley Shire Commercial Land strategy 2040* in partnership with stakeholders to create ownership of the process and encourage creative thinking and solutions. Stakeholders that were involved in the development of the *Bega Valley Shire Commercial Land strategy 2040* included land owners, business owners, representatives of community groups, interested community members and Councillors.

Meetings were held with the Bega, Cobargo, Merimbula, Bermagui, Pambula and Eden business chambers in September and October 2019. Independently facilitated community workshops were held throughout August in Bega, Merimbula, Bermagui, Tathra, Pambula, Eden and Cobargo to discuss each commercial centre. A second community workshop followed in November to discuss the preliminary draft Strategy. Workshops with Councillors were held in October and November 2019.

Issues raised by stakeholders during the workshops and meetings, along with comments from the consultant who prepared the draft Strategy, formed an attachment to the *Bega Valley Shire Commercial Land strategy 2040* and were also used to inform character statements for the towns.

Formal public exhibition of the draft *Bega Valley Shire Commercial Land strategy 2040* took place over a 13-week period from 16 December 2019 to 15 March 2020. All individuals and groups that participated in the development of the draft *Bega Valley Shire Commercial Land strategy 2040* were notified directly and notices were placed in the local newspaper, Council News and on Council's social media channel. Hard copies of the draft *Bega Valley Shire Commercial Land strategy 2040* were placed in all Council libraries as well as several post offices in villages during the exhibition period.

Submissions to the draft *Bega Valley Shire Commercial Land strategy 2040* were received via email, letter and comments on the 'Have your Say' section of Council's website and several changes based on the submissions received were incorporated into the adopted Strategy.

Bega Valley Shire Local Strategic Planning Statement 2040

The relevant content of the *Bega Valley Shire Commercial Land strategy 2040* was incorporated into the Planning Priority for Town Centres and the precinct maps for Bega, Eden and Merimbula in the draft *Bega Valley Shire Local Strategic Planning Statement 2040* (LSPS). The LSPS was publicly exhibited from 23 March to 3 May 2020. Notices were placed in the local newspapers, Council News, Council's website and on Council's social media channel. Email notifications were sent to the development professional group, Local Aboriginal Land Councils, government agencies, Chambers of Commerce, participants in the development of the Commercial and Residential Land Strategies and general community contacts including schools and service, tourism and sporting groups. Due to Covid-19 restrictions, hard copies of the draft LSPS were not made available.

Submissions were received via email and on line via the 'Have your Say' section of Council's website. In addition, an online survey was hosted on Council's website, which collected a range of comments and measured support for directions in the LSPS as well as ranking planning priorities. A large number of changes based on the submissions received and survey were incorporated into the adopted LSPS, however none of the changes impacted on the recommendations of the *Bega Valley Shire Commercial Land strategy 2040*.

Community engagement planned

Community consultation for this planning proposal will be consistent with the requirements of the Gateway Determination and the consultation guidelines contained in the NSW Department of Planning, Industry and Environment's *A Guide to Preparing Local Environmental Plans* (December 2018).

Public exhibition of the planning proposal will include notification on the Bega Valley Shire Council website, notification in local newspapers that circulate widely in the area and in writing to affected landowners. Information relating to the planning proposal will also be on display at the following Bega Valley Shire Council customer service centres subject to COVID 19 restrictions:

Place	Address
Bega	Zingel Place Civic Centre, Bega NSW 2550
Tura Beach	Murrang Library, Tura Beach Drive, Tura Beach 2548
Eden	Cnr Imlay and Mitchell St, Eden NSW 2551
Bermagui	Bunga St Library, Bermagui NSW 2546

At the conclusion of the public exhibition, a report will be prepared and reported back to Council to allow for the consideration of any submissions received from the community.

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 the amendments to Bega Valley Shire Local Environmental Plan 2013 will be completed by September 2021.

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. The approximate project timeline is outlined in the following table:

Key Stages of consultation and approval	Estimated timeframe
STAGE 1 – Submit planning proposal to the Department	September 2020
STAGE 2 – Receive Gateway Determination	October 2020
STAGE 3 – Preparation of documentation for public exhibition	October 2020
STAGE 4 – Public exhibition of the planning proposal	November 2020
STAGE 5 – Review/consideration of submissions received	January 2021
STAGE 6 – Council Report	April 2021
STAGE 7 – Meetings	May 2021
STAGE 8 – Forward planning proposal to Department of Planning, Infrastructure and Environment requesting the amendment is made	June 2021
STAGE 9 – Date Council will make the plan (if delegated), including any required consultation with Parliamentary Counsel	July 2021
STAGE 10 – Anticipated date Council will forward plan to the Department for notification	August 2021

Appendix 1: Bega Valley Shire Commercial Land Strategy 2040