

PLANNING PROPOSAL FOR FUNCTION CENTRE

LOT 41 DP 752130, TILBA ROAD, NORTH BERMAGUI

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1.0 INTRODUCTION

KEEPLAN, Planning and Development Services has been commissioned by Noel Went to prepare a Planning Proposal in support of proposed Local Environmental Plan to permit the 'additional use' of a '*function centre*' upon a property located at lot 41 DP 752130, Tilba Road, North Bermagui.

1.1 Background

The Commonwealth Government has awarded a \$400,000 grant for the erection of pavilion style function centre upon the subject site.

A Development Application has been submitted to Bega Valley Shire Council for a '*function centre*' upon the subject site which remains undetermined. The proposed use is prohibited in the 7F1-Environmental Protection (Coastal Lands Protection) under Clause 45 of Bega Valley LEP 2002.

1.2 Structure of Planning Proposal

The rezoning submission incorporates the following:

- Description of site and planning proposal;
- Statement of Objectives & intended outcomes;
- Explanation of the Planning proposal;
- Justification of the objectives

1.3 Supporting Plans & documentation

The Planning Proposal should be read in conjunction with the following:

- Architectural plans prepared by KL & CM Drafting Service **Appendix 1**
- On-site waste water treatment report prepared by KL & CM Drafting Service; **Appendix 2**
- Bushfire Assessment Report prepared by KL & CM Drafting Service **Appendix 3**
- Merrimans Aboriginal Lands Council correspondence **Appendix 4**
- Site Photographs **Appendix 5**

2.0 SITE DETAILS

2.1 Location

The subject site is located approximately 2 kilometres north of Bermagui on the Old Tilba Road. The land is located on the western side of Tilba Road and overlooks Haywards beach.

A locality plan depicting the site in its local context is shown as Figure 1.



Figure 1-Site Locality Plan

2.2 Site Context

The subject site is located north of Bermagui in a 7F1-Environmental Protection (Coastal Lands Protection) zone and is directly adjacent to Haywards Beach. The locality contains open farmland and some limited rural residential dwellings. Adjoining the property to the north is rural residential in nature and to the south, the property adjoins the Bermagui Flora and Fauna Reserve.



Figure 2 Contextual mapping of area

2.3 Site Description

The legal description of subject land is lot 41 DP 752130.

The land is generally rectangular in shape and has an area of 16ha. The land fronts Tilba Road for approximately 400 metres and rises to the west at approximately a 1 in 12 gradient.

The subject land is well established as a farm comprising cleared grazing land. The property is known as 'Le ander Open Garden' and comprises gardens which are built around an existing farmhouse. 'Le ander Open garden' is a popular destination for visitors, tourists and locals who come to admire and enjoy the large variety of flowers, shrubs and trees that have been planted. The garden is open to the public for visitation. Photographs of site and surrounds are contained in **appendix 5**.

3.0 PLANNING PROPOSAL

The planning proposal seeks to permit the additional use of a 'function centre' as defined under the State LEP Template meaning:

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

This planning proposal is for the development of a pavilion style function centre at Leander Open Garden, Tilba Road, Bermagui as shown in figures 2 and 3.



Figure 3 -Aerial view of subject land with development overlaid



Figure 4 Elevation of pavilion style function centre

4.0 OBJECTIVES

To enable the development of a '*function centre*' upon a rural property located at lot 41 DP 752130, Tilba Road, North Bermagui.

5.0 EXPLANATION OF PROVISIONS

Amendment of Clause 88, Schedule 4 of Bega Valley Local Environmental Plan 2002 to permit the use of "*function centre*" upon the property.

6.0 JUSTIFICATION

The proposed function centre is a low impact development that is in keeping with the rural landscape and character of the area. It is extensively setback from the coastline and will not have an adverse impact upon the natural coastal qualities of the site or surrounding area.

The planning proposal is not considered to warrant preparation of any environmental or technical studies.

A detailed assessment of the planning proposal is provided below:

SECTION A- NEED FOR THE PLANNING PROPOSAL

1. Is the Planning Proposal a result of any strategic study or report?

Comment:

No

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

Comment:

A planning proposal is the only way to permit the additional use of a "*function centre*" upon the subject land.

3. Is there a net community benefit?

Comment:

Economic Impacts

Economically in the shorter term, the function centre will have a positive impact via generating employment opportunities in the construction industry and in the longer term it will create employment in the hospitality and tourism industries.

The function centre will provide further potential for the gardens to attract visitors. It will utilise the existing services infrastructure in the locality and manage on site at no cost to the community, the storage of water and the treatment and reuse of effluent on the landscaped

gardens and lawns. The function centre will help augment income within the tourist industry and therefore in-fill where the local income from the Bermagui fishing industry has been severely reduced due to Government buy backs of fishing licences.

The subject site does not contain any items of any aboriginal cultural or European significance that will be adversely impacted by the function centre. A Merrimans Aboriginal Lands Council representative has viewed the site and advised that the site of the function centre does contain any items of any Aboriginal heritage. **Appendix 4**

SECTION B-RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4. Is the Planning proposal consistent with the objectives and actions contained within the applicable regional or sub regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies)?

Comment:

There are no specific objectives or actions relevant to the planning proposal under the South Coast Strategy.

From a general provisions perspective, there are no natural hazards that constrain the planning proposal and it is generally consistent with the rural landscape and rural communities and cultural heritage provisions.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Comment:

There is no specific Council strategic plan that the function centre is inconsistent with.

The planning proposal is consistent with the Bermagui and Wallaga Lake Landuse Structure Report given it generates employment opportunities in accordance with the employment generation objectives without compromising the natural values of the coastal area. The subject land is not subject to any specific recommendations under the Bermagui and Wallaga Lake Landuse Structure Report.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Comment:

The proposal is consistent with the provisions of the following relevant State Environmental Planning Policies:

State Environmental Planning Policy No. 71-Coastal Protection (SEPP 71)

The subject land is located within the 1 kilometre "Coastal Zone" as defined under State Environmental Planning Policy No.71-Coastal Protection. The Planning proposal is consistent with relevant aims and matters for consideration under SEPP 71.

The proposed function centre will not adversely impact upon the scenic qualities of the

coastal foreshore or the coastal processes/hazards. The proposed function centre is also considered to be generally consistent with the goals and objectives of the NSW Coastal Policy.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Comment:

The following Section 117 Directions are relevant to the planning proposal:

2.1 Environment Protection Zones

Objective

(1) The objective of this direction is to protect and conserve environmentally sensitive areas.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".

Consistency

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(g) justified by a strategy which:

(i) gives consideration to the objectives of this direction,

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) is of minor significance.

Comment:

The proposed low impact function centre will not reduce the Environmental Protection standards or qualities of the subject site. The planning proposal is a relatively minor scale and will ensure the protection and conservation of environmentally sensitive areas in accordance with the Section 117 Direction 2.2-Environment Protection zone. The proposed building is sited approximately 200 metres from the Haywards Beach and on a relatively level to undulating portion of the property. There are no specific natural or environmental constraints upon the property that the function centre will adversely impact upon.

2.2 Coastal Protection

Objective

(1) *The objective of this direction is to implement the principles in the NSW Coastal Policy.*

Where this direction applies

(2) *This direction applies to the coastal zone, as defined in the Coastal Protection Act 1979.*

When this direction applies

(3) *This direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.*

What a relevant planning authority must do if this direction applies

(4) *A planning proposal must include provisions that give effect to and are consistent with:*

- (a) *the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and*
- (b) *the Coastal Design Guidelines 2003, and*
- (c) *the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).*

Consistency

(5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*

- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objective of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
- (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
- (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) *of minor significance.*

Comment:

The subject land is located within the 1 kilometre coastal zone as defined under the Coastal Protection Act 1979 and accordingly the proposal is subject to consideration of Section 117 Direction 2.2-Coastal Protection.

Coastal Design Guidelines of NSW (2003).

The critical element of the NSW Coastal Design Guidelines involves the preservation of the existing character of the locality. The subject site and surrounding context are characterised by a rural setting with cleared grazing lands with some limited rural residential development. The erection of a function centre is in keeping with the rural and coastal character of the area and generally consistent with the Coastal Guidelines of NSW 2003. The function centre is a pavilion barn style of building that is in keeping with the scenic coastal and rural qualities of the area.

The intended function centre has been sympathetically designed with attention to the development guidelines and objectives of the Coastal Design Guidelines of NSW.

NSW Coastal Policy 1997

The proposed function centre is consistent with the goals and relevant objectives of the NSW Coastal Policy as outlined below:

Goal 1 To protect, rehabilitate & improve the natural environment

Comment: The function centre is a low scale pavilion that is proposed to be constructed upon cleared grazing land and will not have an adverse impact upon the natural environment.

Goal 2 To recognise & accommodate natural processes & climate change

Comment: The low scale function centre is sited approximately 200 metres west of Haywards Beach and the not foreseen to adversely impact upon the natural processes of the area or climate change.

Goal 3 To protect and enhance the aesthetic qualities of the coastal zone

Comment: The pavilion design and low scale of the function centre is such that it is of high aesthetic quality that will be in keeping with the surrounding rural coastal character of the Haywards Beach and & retain the natural scenic qualities of the area. The property has a frontage setback of 120 metres to Old Tilba Road and the development is heavily screened by dense vegetation.

Goal 4 To protect & conserve cultural heritage

Comment: The subject site is not identified listed under Bega Valley LEP 2002 Part 10 Heritage Provisions, Schedule 5 Heritage Items or Bega Valley LEP Part 10 Heritage Provisions, Schedule 6 Interim Heritage Items.

Given the long term use of the property as a working farm no items of Aboriginal heritage are foreseen. However it is recognised that the site could have significance and members of the Local Aboriginal Lands Council will be consulted prior to commencement of site works.

Goal 5 To promote ecologically sustainable development and the use of resources

Comment: The function centre is proposed upon cleared grassland and does not necessitate removal of any forest vegetation. The proposal is consistent with ecological sustainable development principles.

Goal 6 To provide for ecologically human settlement

Comment: Ken Gordon Drafting Service has prepared an energy assessment report for the function centre and advised that the development is satisfactory with energy assessment consideration and incorporates best practice sustainability principles with the goal of producing minimal impact on the environment.

Goal 7 To provide for appropriate public access and use

Comment: The proposed function centre is sited approximately 200 metres from Haywards Beach and does not limit public access to Haywards Beach or surrounding coastal area.

Goal 8 To provide information to enable effective management

Comment: Provided with planning proposal.

Goal 9 To provide for integrated planning and management

Comment: The planning proposal is not inconsistent with any integrated planning and management provisions.

NSW Coastline Management Manual 1990

The planning proposal is consistent with the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).

4.4 Planning for Bushfire Protection

Objectives

(1) *The objectives of this direction are:*

- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) *to encourage sound management of bush fire prone areas.*

Where this direction applies

(2) *This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.*

When this direction applies

(3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.*

What a relevant planning authority must do if this direction applies

(4) *In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,*

(5) *A planning proposal must:*

- (a) *have regard to Planning for Bushfire Protection 2006,*
- (b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*

(6) *A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:*

(a) *provide an Asset Protection Zone (APZ) incorporating at a minimum:*

- (i) *an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*
- (ii) *an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,*

(b) *for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,*

(c) *contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,*

(d) *contain provisions for adequate water supply for firefighting purposes,*

(e) *minimise the perimeter of the area of land interfacing the hazard which may be developed,*

(f) *introduce controls on the placement of combustible materials in the Inner Protection Area.*

Consistency

(7) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice*

from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

Comment

The subject land is classified as “bushfire prone land” under the NSW Rural Fire Services Bushfire Classification mapping and accordingly subject to consideration of Section 117 Direction 4.4.

Accordingly a Bushfire Assessment Report has been prepared by KL & CM Drafting Service which details compliance of the planning proposal with Planning for Bushfire Protection 2006. **Appendix 2**

KL & CM Drafting Service have recommended that the function centre complies with Planning for Bushfire Protection 2006 as required under section 100B of the Rural Fires Act subject to recommendations relating to the creation of asset protection zones, access standards, building construction standards and water provision.

Accordingly the planning proposal is consistent with direction 4.4

6.3 Site Specific Provisions

Objective

(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

What a relevant planning authority must do if this direction applies

(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

- (a) allow that land use to be carried out in the zone the land is situated on, or*
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

Consistency

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

Comment

The intent of the planning proposal is to permit the use of a ‘function centre’ upon the subject land in accordance with (4)(a). No specific planning controls are proposed and accordingly the planning proposal is consistent with the terms of Section 117 Direction 6.3.

SECTION C-ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**8. 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?****Comment:**

The proposal has been considered with respect to Section 5A of the Environmental Planning & Assessment Act 1979 that requires consideration as to whether the development is likely to have "a significant effect on threatened species, populations or ecological communities, or habitats is likely.

2.(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

Comment:

The site of the function centre is located upon cleared grassland and does not necessitate removal of any forest vegetation.

The subject land shows no evidence of containing any threatened species and accordingly the function centre is not foreseen to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.

(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,

Comment:

The subject land is not mapped or known to contain any endangered populations and the site for the function centre comprises kikuya and native grasses. Accordingly the function centre is not foreseen to have an adverse impact upon the life cycle of any species that constitute an endangered population such that a viable local population of the species is likely to be placed at risk of extinction.

(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

Comment:

The site is not mapped or known to contain any endangered ecological communities or critically endangered ecological communities.

(d) in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,

Comment:

The site of the function centre comprises cleared grassland and the subdivision will not reduce habitat for any threatened species, populations or ecological community.

(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),

Comment:

No impact is foreseen.

(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,

Comment:

No recovery plan or threat abatement plan exists.

(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

Comment:

The site is fully cleared and the function centre is not considered to constitute a key threatening process or likely to result in the operation of, or increase the impact of, a key threatening process.

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

Comment:

The planning proposal is not foreseen to have any adverse impacts upon the natural or built environments. The following environmental effects are relevant of consideration for the planning proposal:

Bushfire

The subject land is classified as bushfire prone land as defined under the Rural Fires Act and accordingly a Bushfire Assessment Report has been prepared demonstrating compliance of the function centre with Planning for Bushfire Protection 2006. **Appendix 3** The proposed building is to be located a minimum of 40m from the nearest natural bushland and the building is to be Level 1 construction under AS 3959.

Waste Management

On-site_Waste water generated by the development will be treated via on-site means in accordance with Council's Development Control Plan No.5 requirements and also Australian Standards. A detailed On-site waste water treatment report has been prepared and accompanies the Planning proposal. **Appendix 2**

Scenic qualities of locality

The function centre is proposed to be erected approximately 200 metres west of the Tasman Sea. The function centre will be constructed of materials and colours that are in keeping with the rural and coastal character of the area and the proposal will be screened from Old Tilba Road with existing vegetation.

Traffic Generation And Road Capacity

The development will generate some additional traffic movements. A new vehicular access is proposed, located on a low crest on the northern length of Old Tilba Road. It services the subject land and gives access to the public reserve and Haywards beach. It is sealed, is two-way and has ample capacity for any likely increase in traffic generation.

Car Parking

Parking for 20 vehicles including 2 spaces for people with a disability is proposed. All vehicles will egress the site in a forward direction.

Stormwater Management

KL & CM Drafting Service have produced a stormwater management plan detailing stormwater management from the function centre.

The proposed development will increase the roofed and paved area which will generate an increase in run-off of stormwater. It is proposed that the roofwater be connected to tanks for reuse in the building as secondary water and for landscape maintenance.

Flood Hazard

The site is not subject to flood inundation. The lowest level on the land is AHD 10 AHD and the function centre is proposed to be sited at 13.7 AHD.

10. How has the planning proposal adequately addressed any social and economic effects?**Comment:**

The function centre will have a positive social and economic impact upon the local and regional area.

Economic Impacts

Economically in the shorter term, the function centre will have a positive impact via generating employment opportunities in the construction industry and in the longer term it will create employment in the hospitality and tourism industries.

The function centre will provide further potential for the gardens to attract visitors. It will utilise the existing services infrastructure in the locality and manage on site at no cost to the community, the storage of water and the treatment and reuse of effluent on the landscaped gardens and lawns.

The function centre will help augment income within the tourist industry and therefore in-fill where the local income from the Bermagui fishing industry has been severely reduced.

Social Impacts

The property known as 'Le ander Open garden' is a popular destination for visitors, tourists and locals who come to admire and enjoy the large variety of flowers, shrubs and trees that have been planted. The garden is open to the public for visitation.

Situated on a working farm and built around the existing farmhouse with open tracts of lawn The Garden impels visitors to return seasonally to see the transformation in the garden beds.

The proposed pavilion will provide a meeting space for visitors to the open garden to enjoy and share the impressive landscaped gardens, gain gardening knowledge, have refreshment and amenity during their visit.

The subject site does not contain any items of any aboriginal cultural or European significance that will be adversely impacted by the function centre.

SECTION D- STATE AND COMMONWEALTH INTERESTS**11. Is there adequate public infrastructure for the planning proposal?****Comment:**

The property has adequate available infrastructure consistent with a rural property available to service a function centre.

The property has legal and practical access via Old Tilba Road which is a two lane sealed access road of adequate capacity to service the development.

Reticulated town water is available to the property via a 100mm diameter water main through the property to Old Tilba road.

The site has reticulated electricity provision that has capacity to service likely demand

generated by a function centre in accordance with Country Energy requirements.

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

Comment:

A Commonwealth Grant for \$400,000 has been awarded to fund development of the function centre.

Consultation has occurred with the Regional Department of Planning Office who are in principle understood to be supportive of the planning proposal.

7.0 SUMMATION

The planning proposal seeks to permit the additional use of a '*function centre*' upon the subject land.

The function centre is a relatively low impact development that is not foreseen to have an adverse impact upon the natural or built environments in respect to maintaining the scenic qualities of the area and ensuring that the rural and coastal character of the area is maintained.

Neither are there any physical or environmental impediments to proceeding with the planning proposal. The site of the function centre consists of cleared grassland and does not clearing of any vegetation.

A representative of Merrimans Aboriginal Lands Council has viewed the site and advised that that the site of the function centre does contain any items of any Aboriginal heritage.

The rezoning submission is generally consistent with relevant considerations for a planning proposal under the Environmental Planning and Assessment Act 1979 and in particular Section 117 Directions.

In view of the above, the planning proposal is considered appropriate and it is recommended that Council resolve to prepare an LEP Amendment to Bega Valley Local Environmental Plan 2002.

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