

**Minor Mapping Amendments No 3**

Proposal Title : **Minor Mapping Amendments No 3**

Proposal Summary : **The objectives of the planning proposal are to rectify a number of minor zone and lot size map anomalies and some inconsistencies within two of the land use tables.**

PP Number : **PP\_2015\_BEGAV\_006\_00**

Dop File No : **15/12733**

**Proposal Details**

Date Planning Proposal Received : **02-Sep-2015**

LGA covered : **Bega Valley**

Region : **Southern**

RPA : **Bega Valley Shire Council**

State Electorate : **BEGA**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

**Location Details**

Street : **Various lots**

Suburb : **Wonboyn**

City :

Postcode : **2551**

Land Parcel : **Various Lots zoned RU5**

Street : **Glen Mia Estate**

Suburb : **Bega**

City :

Postcode : **2550**

Land Parcel : **Various lots on Glen Mia Drive, Bridle Place, Dennison Close and Koma Cct.**

Street : **High Street**

Suburb : **Bega**

City :

Postcode : **2550**

Land Parcel : **Lot 1 DP 377455**

Street : **Bay Drive**

Suburb : **Mogareeka**

City :

Postcode : **2550**

Land Parcel : **Lot 304 DP 821500**

## Minor Mapping Amendments No 3

### DoP Planning Officer Contact Details

Contact Name : **Ann Martin**  
Contact Number : **0242249466**  
Contact Email : **ann.martin@planning.nsw.gov.au**

### RPA Contact Details

Contact Name : **Sophie Thomson**  
Contact Number : **0264992246**  
Contact Email : **athomson@begavalley.nsw.gov.au**

### DoP Project Manager Contact Details

Contact Name : **Graham Towers**  
Contact Number : **0242249467**  
Contact Email : **graham.towers@planning.nsw.gov.au**

### Land Release Data

Growth Centre :	<b>N/A</b>	Release Area Name :	<b>N/A</b>
Regional / Sub Regional Strategy :	<b>South Coast Regional Strategy</b>	Consistent with Strategy :	<b>Yes</b>
MDP Number :		Date of Release :	
Area of Release (Ha) :	<b>0.00</b>	Type of Release (eg Residential / Employment land) :	<b>N/A</b>
No. of Lots :	<b>0</b>	No. of Dwellings (where relevant) :	<b>0</b>
Gross Floor Area :	<b>0</b>	No of Jobs Created :	<b>0</b>

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

### Supporting notes

Internal Supporting Notes : **The proposed changes correct mistakes and anomalies made during the drafting of the Bega Valley LEP 2013. The mapping corrections include corrections to:**

**1. The minimum lot size for Wonboyn Village, which is unsewered, should have had a minimum lot size of 2,000 sqm, consistent with clause 4.1A which specifies that development consent for a dwelling house may not be granted on a site less than 2,000sqm unless serviced by a sewerage system.**

**2. Glen Mia Estate, Bega- Located on the south eastern boundary of the Bega urban area and covers an area of 38 hectares. The subdivision was given consent in 2003, and was the subject of extensive consultation with state government agencies to ensure the**

## Minor Mapping Amendments No 3

subdivision pattern, and minimum lot sizes were designed and developed with strong environmental considerations. When BVLEP 2013 was made the land was zoned R2 Low Density Residential and a 550sqm MLS was applied in accordance with Councils protocol for the R2 zone, and the approval considerations were not factored in to the MLS, which makes it possible for larger lots to be subdivided. It is proposed to amend the MLS for parts of the estate with lots in excess of 1,000m<sup>2</sup> from 550sqm to 4,000sqm to ensure no additional subdivision can be undertaken.

3. Lot 1 DP 377455 High Street Bega- the property is privately owned but was incorrectly zoned RE1 Public Recreation in BVLEP 2013. It is proposed that the land be rezoned R2 Low Density Residential, consistent and with the surrounding area, with a minimum lot size of 550sqm and a FSR of 0.5:1.

4. Lot 304 DP 821500 Bay Dr, Mogareeka- this is a privately owned lot, approximately 930sqm and is currently partially developed for a dwelling. The lot was incorrectly zoned E1 National Park and Nature Reserve Zone in BVLEP 2013. The lot is immediately adjacent to the Mimosa Rocks National Park. It is proposed to zone the lot E4 Environmental Living, with a MLS of 2,000sqm in keeping with the surrounding land.

5. R2 Low Density Residential Zone- the R2 Zone currently permits Health Consulting Rooms with Council consent. The use was permitted in the former LEP and was rolled over in BVLEP 2013. In the broader context across the Shire the use is considered by Council to be inconsistent with a low density urban area as it could lead to land use conflicts, and there is ample available zones in town centres across the Shire for the use to be provided. Council seeks to delete Health Consulting rooms from the R2 Low Density Residential zone.

6. R3 Medium Density Residential Zone- The land use table for the R3 Zone currently permits "Business Premises" with Council consent. Council considers that this use is not appropriate in the R3 Medium Density Zone as it includes uses like funeral homes, banks, post offices, hairdressers, dry cleaners, betting agencies and the like. This is also contrary to Council's desire to consolidate commercial uses within and around the Shires CBDs to encourage vibrant and viable town centres. "Business Premises" are a type of "Commercial Premises" in the standard LEP template definition. "Office Premises" and "Retail Premises" are a subset of "Commercial Premises" and are currently prohibited in the R3 Zone. It is proposed to delete "Office Premises" and "Retail Premises" from "prohibited" and replace with the group term "Commercial Premises". This will prohibit all three of the uses from the R3 Medium Density Residential Zone.

### External Supporting Notes :

The proposed changes correct mistakes and anomalies made during the drafting of the Bega Valley LEP 2013. The mapping corrections include corrections to:

1. The minimum lot size for Wonboyn Village.
2. Minimum lot sizes applying to Glen Mia Estate, Bega.
3. Lot 1 DP 377455 High Street Bega - It is proposed that the land be rezoned R2 Low Density Residential, consistent and with the surrounding area, with a minimum lot size of 550sqm and a FSR of 0.5:1.
4. Lot 304 DP 821500 Bay Dr, Mogareeka- It is proposed to zone the lot E4 Environmental Living, with a MLS of 2,000sqm in keeping with the surrounding land.
5. R2 Low Density Residential Zone- prohibit Health Consulting rooms in the R2 Low Density Residential Zone.
6. R3 Medium Density Residential Zone - prohibit "Business premises"

## Adequacy Assessment

## Minor Mapping Amendments No 3

### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives of the planning proposal are:**

- to resolve a number of minor zone and lot size map anomalies; and
- to correct inconsistencies in a number of uses currently permitted in the R3 Medium Density Residential and R2 Low Density Residential Zones to ensure that a range of commercial uses are consistent with Council's Commercial Strategy which encourages business, retail and commercial uses in existing town centres.

**It is considered that the objectives of the planning proposal are adequate.**

### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **To achieve the objectives outlined in Part 1, this Planning Proposal seeks to amend BVLEP 2013 in the following manner:**

**1. Various lots Wonboyn village**

- Amend map sheet LSZ\_022A by removing U 1000sqm and applying V 2000sqm to various lots on North St, Wonboyn Rd and Acacia Ave, Wonboyn

**2. Various lots Glen Mia Estate, Bega**

- Amend map sheet LSZ\_011C by removing K 550sqm and applying W 4000sqm to various lots on Glen Mia Dr, Bridle Pl, Dennison Cl and Koma Cct, Glen Mia Estate, Bega

**3. Lot 1 DP 377455 High St, Bega**

- Amend map sheet LZN\_011B by removing RE1 Public Recreation and applying R2 Low Density Residential to Lot 1 DP 377455 High St, Bega
- Amend map sheet LSZ\_011B by applying K 550sqm to Lot 1 DP 377455 High St, Bega
- Amend map sheet FSR\_011B by applying D 0.5:1 to Lot 1 DP 377455 High St, Bega

**4. Lot 304 DP 821500 Bay Drive, Mogareeka**

- Amend map sheet LZN\_019B by removing E1 National Parks and Nature Reserves and applying E4 Environmental Living to Lot 304 DP 821500 Bay Drive, Mogareeka
- Amend map sheet LSZ\_019B by applying V 2000sqm to Lot 304 DP 821500 Bay Drive, Mogareeka

**5. BVLEP 2013 Land Use Table for Zone R2 Low Density Residential**

- Remove 'Health Consulting Rooms' from Item 3 Permitted with consent

**6. BVLEP 2013 Land Use Table for Zone R3 Medium Density Residential**

- Remove 'Office Premises' and 'Retail Premises' and insert 'Commercial Premises' into Item 4 Prohibited.

### Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

**2.1 Environment Protection Zones**

**2.2 Coastal Protection**

\* May need the Director General's agreement

**3.1 Residential Zones**

**4.4 Planning for Bushfire Protection**

**5.1 Implementation of Regional Strategies**

**6.2 Reserving Land for Public Purposes**

**6.3 Site Specific Provisions**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land**

**SEPP No 71—Coastal Protection**

e) List any other matters that need to be considered :

Council has requested the use of the Minister's delegations to make the LEP.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

**S117 Directions**

**2.1 ENVIRONMENT PROTECTION ZONES:** This Direction does apply to the planning proposal as it will affect land within an environment protection zone or land otherwise identified for environment protection purposes.

The proposal is considered to be **INCONSISTENT** with this direction as it reduces the environmental protection standards that apply to the land. Given the land has been incorrectly zoned, and is in fact private land ( Mogareeka site)the inconsistency is minor.

**RECOMMENDATION:** The Secretary can be satisfied that the inconsistency is of minor significance.

**2.2 COASTAL PROTECTION:** This Direction does apply to the planning proposal as the subject land is within the coastal zone.

The proposal is considered to be **CONSISTENT** with this direction.

**3.1 RESIDENTIAL ZONES:** This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

The proposal is considered to be **INCONSISTENT** with this direction as it reduces the amount of land in the instance of Wonboyn and the Glen Mia estate available for development.

**RECOMMENDATION:** The Secretary can be satisfied that the inconsistency is of minor significance as in the case of both locations, each area was incorrectly mapped with an inadequate minimum lot size, and both locations require changes to ensure the environmental viability of the existing development and village areas.

**4.4 PLANNING FOR BUSHFIRE PROTECTION:** This Direction does apply to the planning proposal as it will affect/is in close proximity to land mapped as bushfire prone land. At this stage of the Planning Proposal, it is neither consistent nor inconsistent as the Direction requires consultation with the RFS post Gateway determination and prior to exhibition.

**RECOMMENDATION:** The Secretary will need to be satisfied that the requirements of the Direction have been met. A condition should be included in the Gateway determination that consultation should be undertaken with the Rural Fire Service in accordance with the Direction.

**5.1 IMPLEMENTATION OF REGIONAL STRATEGIES:** This Direction does apply to the planning proposal as the South Coast Regional Strategy applies to the land. The proposal is considered to be **CONSISTENT** with this Direction.

**6.2 RESERVING LAND FOR PUBLIC PURPOSES :** This Direction does apply to the planning proposal as it will reduce existing zonings of land for public purposes and requires the approval of the relevant public authority and the Secretary of the Department.

The proposal is considered to be **CONSISTENT** with this direction as the Gateway determination will issue the necessary approval.

**RECOMMENDATION:** The Secretary of the Department approves of the proposal to alter the zonings of land for public purposes as the land is in fact private land and was

## Minor Mapping Amendments No 3

incorrectly zoned.

**6.3 SITE SPECIFIC PROVISIONS:** This Direction does apply to the planning proposal as it allows a particular development to be carried out.

The proposal is considered to be **CONSISTENT** with this Direction.

### State Environmental Planning Policies (SEPPs)

#### SEPP No. 55 Remediation of Land:

The planning proposal states that Council's records indicate that none of the subject land is identified as contaminated. Council has also assessed that the subject land is highly unlikely to be contaminated as a result of past or existing land uses. The planning proposal also does not seek to alter the existing uses of the subject land.

#### SEPP No.71 Coastal Protection:

The planning proposal identifies that the Mogareeka and Wonboyn Village sites are located within the Coastal Zone but the proposal does not seek to allow development that will be contrary to the objectives of the SEPP.

**Recommendation:** The Secretary can be satisfied that the planning proposal is consistent with the applicable SEPPs.

It is proposed to prohibit Health Consulting Rooms in the R2 zone. This is not inconsistent with the Infrastructure SEPP which does not permit this use in this zone.

### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The mapping provided is suitable for exhibition. The maps will need to be revised so that they are consistent with the LEP Mapping Guidelines prior to notification.

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The Proposal will be exhibited for 14 days.

### Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

## Proposal Assessment

### Principal LEP:

Due Date : **August 2013**

Comments in relation to Principal LEP : The Planning Proposal seeks to correct and resolve a number of mapping, zoning and Land Use Table mistakes made during the drafting of Bega LEP 2013. This includes changes to ensure consistency with issues of permissibility of some activities in the R2 Low Density Zone, and the R3 Medium Density Zone.

## Minor Mapping Amendments No 3

### Assessment Criteria

Need for planning proposal :	<b>The planning proposal corrects anomalies and mistakes, including those affecting private land that has been incorrectly zoned Public Recreation and National Parks and Nature Reserves. The proposed changes to the R3 Medium Density Zone, and the R2 Large Lot Residential Zone will ensure consistency with Council's desire to encourage business and commercial activity in town centres where those activities can be centralised and to protect residential amenity.</b>
Consistency with strategic planning framework :	<b>The changes ensure the Land Use Tables are consistent with Council's Commercial Strategy and Structure Plans which are the strategic planning documents for each town. The PP is not inconsistent with the South Coast Regional Strategy and relevant SEPP's. Any inconsistencies with s117 Directions are of minor significance.</b>
Environmental social economic impacts :	<b>The PP is likely to have positive environmental impacts by ensuring that unsewered land at Glen Mia Estate Bega and Wonboyn village has an appropriate lot size to enable on site waste water treatment. The proposal is also likely to have positive environmental and social impacts, as it will minimise land use conflicts in the R2 and R3 Residential Zones and provide economic benefits by supporting commercial centres.</b>

### Assessment Process

Proposal type :	<b>Consistent</b>	Community Consultation Period :	<b>14 Days</b>
Timeframe to make LEP :	<b>18 months</b>	Delegation :	<b>RPA</b>
Public Authority Consultation - 56(2) (d) :	<b>NSW Rural Fire Service</b>		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

**No further studies are required.**

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

### Documents

Document File Name	DocumentType Name	Is Public
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## Minor Mapping Amendments No 3

Cover Letter Minor amendments 3.pdf  
PP Mapping Amendments Sep 2015.pdf

Proposal Covering Letter  
Proposal

Yes  
Yes

### Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 3.1 Residential Zones**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information : It is **RECOMMENDED** that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Bega Valley LEP 2013 to undertake a number of minor amendments and mapping corrections, should proceed subject to the following conditions:

**1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**

(a) the planning proposal must be made publicly available for 14 days; and  
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.

**2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**

\* **NSW Rural Fire Service (s117 Direction 4.4 - prior to consultation)**

The NSW Rural Fire Service (RFS) is to be provided with a copy of the planning proposal and any relevant supporting material. It is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. The RFS may request additional information or additional matters to be addressed in the planning proposal.

**3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).**

**4. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.**

**5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.**

**6. SECTION 117 DIRECTIONS - It is recommended that:**

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 2.2 Coastal Protection Zones, 5.1 Implementation of Regional Strategies, 6.3 Site Specific Provisions.

(b) In respect to the planning proposals inconsistencies with s117 Direction 3.1 Residential Zones and 2.1 Environmental Zones, the Secretary can be satisfied that the inconsistencies are of minor significance;

(c) In respect to S117 Direction 6.2 Reserving Land for Public Purposes, the Secretary's



**Minor Mapping Amendments No 3**

delegate approves of the proposal to alter the zonings of land for public purposes on the basis that the land was incorrectly zoned Public Recreation when Bega Valley LEP 2013 was made, and the land is in private ownership.

(d) The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, when Council has consulted with the Rural Fire Service prior to undertaking community consultation;

(e) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(f) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

The planning proposal addresses a number of mapping errors on private property, and also provides Council with the opportunity to better refine where commercial and business services should be located, consistent with Council's Commercial strategy and structure plans for its town centres.

Signature:



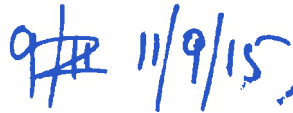
Printed Name:

GRAHAM TOWERS

Date:

11/9/15

**ENDORSED**  

**Brett Whitworth**  
General Manager  
SOUTHERN REGION