



Ms Leanne Barnes
General Manager
Bega Valley Shire Council
PO Box 492
Bega NSW 2550

Our ref: PP_2016_BEGAV_001_00 (14/01249-1)

COPY

Dear Ms Barnes

Planning proposal to amend Bega Valley Local Environmental Plan 2013

I am writing in response to your Council's letter dated 28 April 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect to the planning proposal to rezone land at Tura Beach Drive, Tura Beach to B5 Business Development Zone.

As delegate of the Minister for Planning, I have now determined the planning proposal should not proceed for the reasons set out in the attached Gateway determination.

The proposal lacks strategic planning justification as Council has not undertaken a review or updated its strategic planning framework for commercial uses. The economic impact assessment submitted to support the planning proposal does not address the wider issue of whether this type of development is appropriate in the village of Tura Beach, particularly given the restrictions on retail development that both the Council and the Department have previously supported in towns and villages to promote the primacy role of Bega.

I have formed the opinion this proposal will undermine the existing neighbourhood business precinct, the village character of Tura Beach and the role of Bega as the major regional centre. There are also concerns about the potential conflicts with the adjoining seniors housing development.

If Council seeks to pursue a business zone on the subject land, it should review its strategic planning framework for commercial uses, the Bega Valley retail hierarchy and existing land for retail and bulky goods development in the Bega Valley Shire.

Should you have any queries in regard to this matter, I have arranged for Ms Meredith McIntyre of the Department's regional office to assist you. Meredith can be contacted on (02) 6229 7912.

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

15/08/2016
Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_BEGAV_001_00): to land at Tura Beach Drive, Tura Beach from 1(c) Rural Small Holdings to B5 Neighbourhood Development.

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bega Valley Local Environmental Plan (LEP) 2013 to rezone Lots 33 & 34 DP 243029, Tura Beach Drive, Tura Beach from 1(c) Rural Small Holdings to B5 Neighbourhood Development should not proceed for the following reasons:

1. The location of the proposed business zone adjoins a residential zone that contains an existing seniors living development. The planning proposal will allow a range of uses that are not compatible with adjoining uses and has the potential to introduce significant land use conflict.
2. Council has not adequately justified why the subject land is suitable for the proposed business and commercial land uses having regard to alternative sites, including sites not currently zoned for commercial use, elsewhere in Bega.
3. The proposal has not adequately justified the inconsistency with s117 Direction 1.1 Business and Industrial Zones. The objectives in this s117 Direction encourage employment growth in suitable locations and development that supports the viability of identified strategic centres. The use of the site for a major commercial development is inconsistent with the Bega Valley Shire centres hierarchy and does not support the growth of the Bega centre as a regional commercial hub.
4. The planning proposal is inconsistent with the current planning restrictions on retail development in Tura Beach and the adopted Bega Valley Shire Council Commercial Strategy 2006, the South Coast Regional Strategy and the Department commissioned study by Hill PDA in 2008, which establish the strategic role and function of the retail hierarchy in the Bega Valley, including protecting the character of Tura Beach and retaining Bega as the major regional centre.

5. The planning proposal has not adequately justified the inconsistency with s117 Direction 5.1 Implementation of Regional Strategies. The South Coast Regional Strategy requires Councils to introduce mechanisms to preserve and support the hierarchy of centres. Bega is identified as a major regional centre under the Strategy. The proposal will encourage "out-of-centre" large scale commercial development that does not preserve or support the hierarchy of centres identified in the South Coast Regional Strategy and Council's adopted commercial strategy. The Department's Draft South East and Tablelands Regional Plan maintains the Department's policy position of promoting large scale commercial development in the regional centre of Bega.

Dated 15th day of August 2016



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning