

**PLANNING PROPOSAL TO AMEND BEGA VALLEY
LOCAL ENVIRONMENTAL PLAN 2013**

To rezone and amend development standards that apply to Lot
210 DP 1181811 Cabarita Place, Merimbula

Prepared for and on behalf of Bega Valley Shire Council by Zenith Town Planning,

12 October 2015

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INTRODUCTION

This planning proposal has been prepared in accordance with section 55(2) of the *Environmental Planning and Assessment Act 1979*.

The purpose of the planning proposal is to amend *Bega Valley Local Environmental Plan (LEP) 2013* to rezone Lot 210 DP 1181811 Cabarita Place, Merimbula from R3 Medium Density Residential to B2 Local Centre.

The scope of this planning proposal is to describe the allotment of land and relevant attributes and to respond to matters for consideration outlined in *A guide to preparing planning proposals* issued by the Department of Planning & Infrastructure in October 2012.

The property described as Lot 210 DP 1181811, Nos 12-16 Cabarita Place, Merimbula is located within the town centre of Merimbula. It is occupied by a relatively new two storey commercial building which is currently vacant.

The site is irregular in shape and substantial earthworks have been required to construct the building as the land gradually rises towards the south-western end of the allotment. It is zoned R3 Medium Density Residential under *Bega Valley LEP 2013*. This zone is intended to facilitate the provision of multi dwelling housing, tourist accommodation and limited commercial uses. The site is adjacent land zoned B2 Local Centre which is occupied by the commercial developments fronting Market and Monaro Street. It adjoins medium density residential development facing Short Street, Ocean View Avenue and Monaro Street.

The building was formerly occupied and owned by Austwide Projects Ltd, a vocational training provider. This business has gone into voluntary administration. Council has resolved to acquire the property in order to maintain a public training venue in the region and for use by community organisations. Council is working with the NSW State Training Service to secure agreements with registered training organisations to develop and deliver training programs at the centre. Council resolved on 2 September 2015 to rezone the property to B2 Local Centre to allow a more flexible delivery of services and to classify the site as operational land upon acquisition. The facility is to be known as the Bega Valley Regional Learning Centre.

To effect a rezoning to B2 Local Centre, this planning proposal has been prepared to amend *Bega Valley LEP 2013* to alter the Land Zoning Map. Provisions of *Bega Valley LEP 2013* relevant to land zoned B2, including the land use table, would then apply.

An aerial image of the property is given below. The subject property is shown edged in red.



Figure 1: Aerial image of Lot 210 DP 1181811, Cabarita Place, Merimbula

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives of the planning proposal to amend *Bega Valley Local Environmental Plan (LEP) 2013* are to rezone the land from R3 Medium Density Residential to B2 Local Centre to facilitate the provision of the Bega Valley Regional Learning Centre.

In accordance with Council's strategy of applying controls to land zoned for commercial use in Bega Valley Shire, it is also proposed that the floor space ratio and lot size maps be amended to remove the development standards that apply to the land.

PART 2: EXPLANATION OF PROVISIONS

The proposed outcomes will be achieved by an amendment to *Bega Valley Local Environmental Plan (LEP) 2013* by rezoning Lot 210 DP 1181811 Cabarita Place, Merimbula from R3 Medium Density Residential to B2 Local Centre through an amendment to the *Bega Valley LEP 2013 Land Zoning Map Sheet LZN_020B*.

It is also proposed that:

- the Floor Space Ratio Map Sheet FSR_020B be amended to remove the 0.6:1 FSR development standard that applies to the land,
- the Lot Size Map Sheet LSZ_020B be amended to remove the 1,000 square metre minimum lot size development standard that applies to the land, and
- the Height of Buildings Map Sheet HOB_020B be amended to alter the maximum building height development standard that applies to the land from 7.5 metres to 10 metres.

PART 3: JUSTIFICATION FOR THE PLANNING PROPOSAL

Justification for the proposed amendment to *Bega Valley LEP 2013* is presented as a response to each of the questions posed in *A guide to preparing planning proposals*.

SECTION A- NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal has not resulted from a strategic study or report. However, Council has negotiated the purchase of this property over the past 12 months in order to facilitate ongoing vocational training and to assist community organisations. This is consistent with adopted strategies to promote economic development and land investment.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is no alternative to this planning proposal. A rezoning is required so that the full range of services that are proposed to be offered at the Bega Valley Regional Learning Centre, including conferencing, business meeting rooms and employment training may be permitted in the zone.

Schedule 1 – Additional permitted uses of *Bega Valley LEP 2013* could be used as an alternative to reflect the proposed future commercial uses, however it would bring no additional benefit and would add to the ambiguity in the zoning schedules. Although a valid option in some cases, it is not the preferred approach in this instance given the desirability of securing the long-term identification and use of the subject land. Further to this, the NSW Department of Planning and Environment's policy position states that additional listings in Schedule 1 should be minimised and should only proceed where a council can demonstrate that there is no other acceptable solution to progress the matter.

SECTION B- RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. 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)?

The planning proposal is consistent with the *South Coast Regional Strategy*. The importance of employment lands is acknowledged in the strategy. A relevant outcome of the strategy that relates to the site is that *economic development and employment growth ... will be facilitated by identifying suitable employment and investment opportunities and providing employment lands to support these opportunities. Councils will be proactive in identifying sufficient employment lands in suitable locations.*

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

The site is defined as a strategic land holding in Council's Land Investment Strategy, that is, land that is held in order to meet a non-financial community objective. The rezoning is consistent with this purpose in that it will facilitate the provision of a range of services to the community.

Education is a key focus of Council's Economic Development Strategy. Research indicates that there will be significant job growth in the health sector as the community transitions to an older population. Significant employment will be required to maintain existing businesses and there will be good job prospects for skilled people. Council sees itself as a long term facilitator of educational services in the region and the rezoning of the site would enable the provision of these services.

The Merimbula District Structure Report July 2008 notes that the most significant increases in employment for people live in Merimbula area in the period between 1996 and 2006 were in the industries of retail trade, property and business services and tourism. The actions of Council relating to the Commercial and Employment Lands Strategies will attempt to ensure adequate supply of land to address likely business and employment needs. The Social and Economic Strategies will attempt to ensure the broader actions available to Council beyond land use are canvassed and structured into Council's Management Plans. The planning proposal is consistent with these statements as the rezoning to enable flexible uses of the Bega Valley Regional Training Centre will assist to create the skills necessary to continue economic growth of Bega Valley Shire.

The Bega Valley Land Use Planning Strategy August 2008 foreshadows that some intensification of the current Merimbula commercial zone is envisaged including

additional living and tourism accommodation opportunities close to and in the town centre. No significant expansion of the commercial area is considered necessary for some time. The planning proposal, although an expansion of the business zone, applies to a site that adjoins the business zone and that has already been developed for a commercial purpose. It is therefore not inconsistent with the strategy.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

An assessment of the planning proposal against relevant SEPPs is provided below.

SEPP	Intent	Comment
SEPP No 55 – Remediation of Land	To provide consistent controls for the remediation of contaminated land	The site is not known to be potentially contaminated and there have been no known historical uses that would cause the site to be contaminated. It is considered that preliminary investigations are not necessary given the previous uses and current occupation of the site.
SEPP 71 – Coastal Protection	To protect and preserve coastal environments	The site at Merimbula is within the coastal zone and is a sensitive coastal location. The building has been constructed and the rezoning would not affect access to the foreshore, coastal amenity, scenic values or coastal processes.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the planning proposal against relevant Ministerial Directions is provided below.

Ministerial Direction	Objectives	Comment
1.1 Business and Industrial Zones	(a) encourage employment growth in suitable locations (b) protect employment land	It is proposed to rezone the Merimbula property to B2 Local Centre – a business zone which would support

Ministerial Direction	Objectives	Comment
	in business and industrial zones (c) support the viability of identified strategic centres	continuing commercial use to support the town centre. The site is located adjacent land zoned B2 Local Centre and is a suitable location for business use
2.2 Coastal Protection	to implement the principles in the NSW Coastal Policy	The site at Merimbula is within the coastal zone. The building has been constructed and the rezoning would not affect access to the foreshore, coastal amenity, scenic values or coastal processes.
2.3 Heritage Conservation	to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance	The property is located less than 100m from heritage item 057 'Courunga' house and grounds in Monaro Street. The heritage significance of this item is conserved by provisions of the principal planning instrument.
3.1 Residential Zones	(a) to encourage a variety and choice of housing types to provide for existing and future housing needs (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services (c) to minimise the impact of residential development on the environment and resource lands	It is proposed to rezone the Merimbula property from R3 Medium Density Residential to a business zone. The site is currently occupied by a commercial building. Residential use in the form of shop-top housing is permitted in the B2 zone.
3.5 Development Near	(a) to ensure the effective and safe operation of	The land is located within the Inner Horizontal Surface RL of

Ministerial Direction	Objectives	Comment
Licensed Aerodromes	aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise	46 metres. A maximum building height of 7.5m currently applies. It is proposed to apply a maximum building height of 10m consistent with the commercial centre of Merimbula. The property has recently been developed and a recent survey by Council has confirmed that the highest part of the building is 12m at RL17.85. The amendment to the maximum building height is of minor significance
5.1 Implementation of Regional Strategies	to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies	The planning proposal is consistent with the <i>South Coast Regional Strategy</i> . The importance of employment lands is acknowledged in the strategy and the amendment is consistent with relevant outcomes of the strategy
6.2 Reserving Land for Public Purposes	(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition	Council has resolved to acquire the Merimbula property to establish a learning centre on behalf of the business community

SECTION C- ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities,

There is no likelihood of any adverse effect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal. The site has been developed for urban uses and is located within a built-up urban area.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental effects on the site as a result of this planning proposal.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The provision of a regional training facility at Merimbula would have positive social outcomes by offering a venue for vocational training, conferences and a base for community organisations. Council has prepared a business plan on the basis that vocational education increases employment opportunities and that there are limited alternative properties to service the training market.

SECTION D- STATE AND COMMONWEALTH INTERESTS

Q10. Is there adequate public infrastructure for the planning proposal?

This property is occupied and provided with essential services, including reticulated water and sewerage, adequate stormwater drainage management, access and parking. The level of provision of public infrastructure is adequate.

Q11. What are the views of state and commonwealth public authorities consulted in accordance with the Gateway determination?

Council has not consulted with any state or commonwealth agencies prior to Gateway determination.

Further consultation with public authorities will be carried out as specified in the Gateway determination.

PART 4: MAPPING

This Planning Proposal will cause the following changes to *Bega Valley LEP 2013* maps:

- Amend LZN_020B by removing R3 Medium Density Residential and applying B2 Local Centre to Lot 210 DP 1181811 as shown in Figure 2

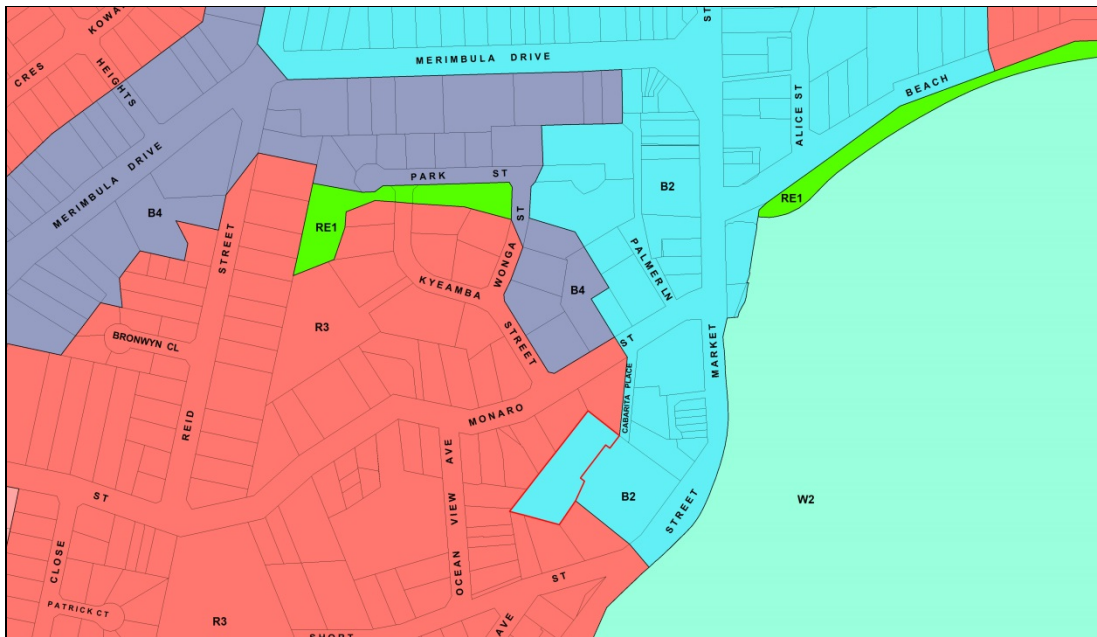


Figure 2: Proposed amendment to *Bega Valley LEP 2013* Land Zone Map Sheet LZN_020B

- Amend FSR_020B by removing F 0.6 from Lot 210 DP 1181811 as shown in Figure 3



Figure 3: Proposed amendment to *Bega Valley LEP 2013* Floor Space Ratio Map Sheet FSR_020B

- Amend LSZ_020B by removing U 1000 from Lot 210 DP 1181811 as shown in Figure 4

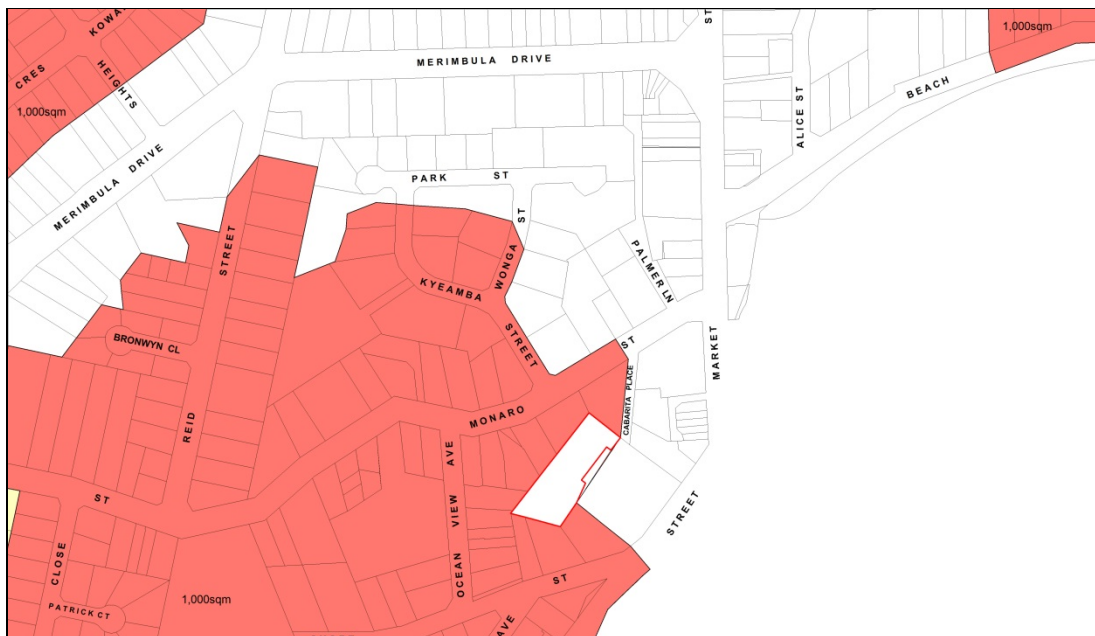


Figure 4: Extract from *Bega Valley LEP 2013* Lot Size Map Sheet LSZ_020B

- Amend HOB_020B by replacing H 7.5 with K 10 as shown in Figure 5

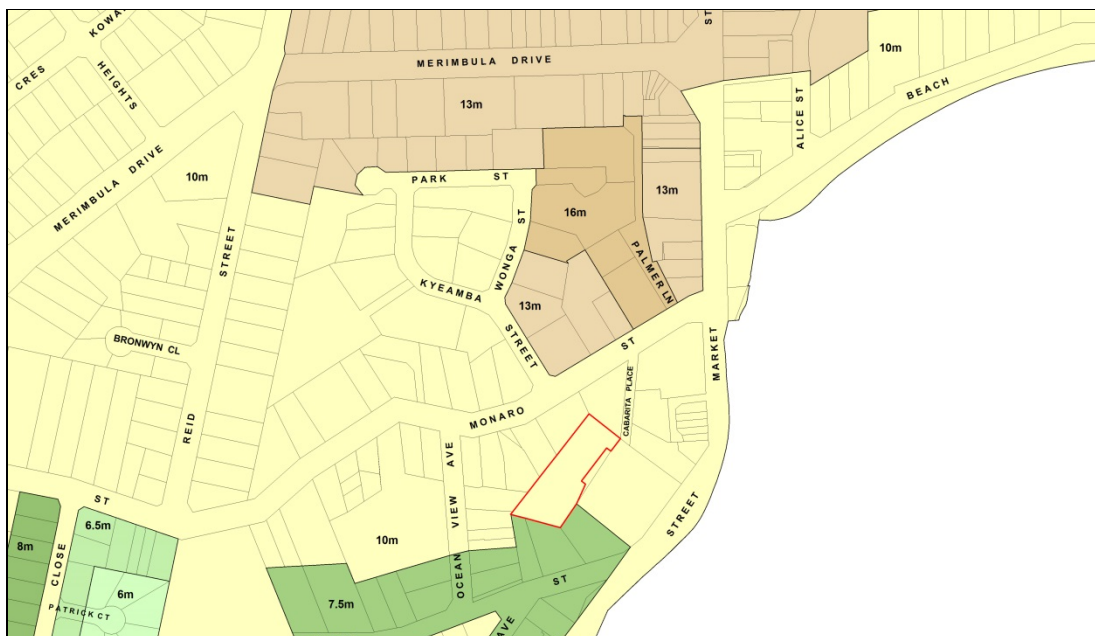


Figure 5: Proposed amendment to *Bega Valley LEP 2013* Height of Buildings Map Sheet HOB_020B

PART 5: COMMUNITY CONSULTATION

Consultation will be carried out in accordance with section 57 of the *Environmental Planning and Assessment Act 1979* and the Gateway determination.

Council intends to exhibit the planning proposal for a 28 day period following the issue of a Gateway determination and the following activities will be carried out:

- A notice is to be placed in local print media,
- Exhibition material and relevant documents are to be made available at public libraries and Council's Administration Building in Bega,
- Exhibition material and relevant documents are to be displayed on Council's website, and
- Letters are to be issued to adjoining landowners and any other relevant stakeholders as specified in the Gateway determination advising of the proposed amendments.

Any further consultation tasks as specified in the gateway determination would be carried out by Council. After exhibition, all submissions are to be considered and reported to Council for endorsement before proceeding to finalisation of the planning proposal.

PART 6: PROJECT TIMELINE

Action	Indicative month & year
Anticipated gateway determination	October 2015
Agency consultation	November 2015
Community consultation exhibition period	November 2015
Consideration of submissions	December 2015
Council endorsement	December 2015
Provision to Department of Planning & Environment to prepare instrument	January 2016
Date of notification	April 2017

ATTACHMENT

Site photographs - Lot 210 DP 1181811 Cabarita Place, Merimbula

