

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 this amendment to *Bega Valley Local Environmental Plan 2013* will be completed by September 2014.

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 Group Manager Planning and Environment.

Table A: Approximate Project Timeline

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Submit Planning Proposal to the Department	January 2014
STAGE 2 – Receive Gateway Determination	February 2014
STAGE 3 – Preparation of documentation for Public Exhibition	March 2014
STAGE 4 – Public Exhibition of the Planning Proposal	March 2014
STAGE 5 – Review/consideration of submissions received	April 2014
STAGE 6 – Council Report	May 2014
STAGE 7 – Meetings	June 2014
STAGE 8 – Forward Planning Proposal to Department of Planning and Infrastructure with request amendment is made	July 2014
STAGE 9 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	August 2014
STAGE 10 – Anticipated date Council will forward Plan to the Department for notification	September 2014

Attachments

Attachment 1: Council reports and resolutions

Council Report: Planning and Environment Committee No. 4 - 12 June 2012

4. Bega Valley Local Environmental Plan 2012

In accordance with the Council resolution of 22 May 2012 staff have assessed both the written and oral presentations to the Council meeting regarding the Draft Comprehensive Local Environmental Plan 2010 (Draft CLEP). The staff summary is included as Appendix 7 of this report.

The report recommends amendment to the Draft CLEP and adoption of the plan. Further that the amended plan be forwarded to the Director-General requesting that the "plan be made" by the Minister for Planning.

Group Manager, Planning and Environment

Background

Council at its meeting held on 22 May 2012 gave consideration to a report on the Bega Valley Local Environmental Plan 2010 with the following staff recommendation:

"That, in regards to the draft Comprehensive Local Environmental Plan, Council resolves to:

1. Adopt the recommendations for the submissions outlined in:
 - Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a "planning proposal" is to be prepared by Council and a "gateway determination" by the Minister for Planning is required prior to re-exhibition;
 - Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
 - Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
2. Amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
3. Incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
4. Adopt the amended draft Comprehensive Local Environmental Plan as per points 2 and 3 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that "the plan be made" by the Minister for Planning.
5. Proceed with a "planning proposal" and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be "deferred", *thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.*
6. Defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
7. Undertake further investigations into potential industrial sites in the Bega District for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.
8. Note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
9. Advise all those persons who have made submissions of the above."

In accordance with Council's Code of Meeting Practice the report was deferred for a further report due to addresses.

WHAT DOES THE PLAN SEEK TO ACHIEVE?

- The majority of the Shire has simply been changed to the closest comparable zone available in the standard State wide template. This means that the majority of land owners wanting to develop or improve their properties will not be affected by the draft plan.
- Where there are changes proposed, the focus is on improving opportunities for economic development and jobs in the Bega Valley town centres, through the expansion of business, mixed use and industrial zones.
- Protection of productive agricultural land through the use of RU1 Primary Production and RU2 Rural Landscape zones.
- Establishment of allotment sizes through a "Lot Size Map", thus determining subdivision and dwelling entitlements.
- Recognition of environmentally sensitive land through the use of E3 Environmental Management and E4 Environmental Living zones.
- Protection of sensitive foreshore areas and bushland public reserves through the use of E2 Environmental Conservation zone.

Addresses to Council

There were a total of 22 individual addresses to Council while Mr C Maxted of Caddey Searl & Jarman addressed on behalf of 17 client submissions as well as matters raised by Caddey Searl and Jarman relating to subdivision clauses, lot sizing and height controls. In addition 11 written addresses were received.

The issues raised in all the addresses have been reviewed by Council staff including site meetings where appropriate.

As a result of this review, the staff recommendations for 21 of the submissions subject to addresses have been revised from that which was previously recommended to the Council on 22 May 2012.

Appendix 7 to this report is the staff summary of the addresses.

Appendix 1, 2, 3 and 4 attached to this report have been updated in accordance with the staff position included in Appendix 7.

Link to Planning & Environment Report 5 - 22 May 2012

Advice from the Department of Planning

Council on 28 February 2012 gave consideration to a staff report on the draft CLEP and as part of the resolution resolved the following:

"1. That to progress the Comprehensive Local Environmental Plan:

- Council staff work with the Department of Planning on the proposed amendments to the exhibited CLEP that would be considered minor and not warrant further exhibition.
- Staff report to Council on those proposed amendments that are deemed not to require further exhibition.
- The mapping to the CLEP be amended in accordance with that subsequent Council resolution.

Council has now received a solid overall endorsement of its approach to the finalisation of the CLEP as per the response of 31 May 2012 from the Regional Director, Department of Planning (see Appendix 8).

The Department has raised two main issues for consideration which relate to Littleton Gardens and to land owned by Bermagui Country Club.

In response, the following action is proposed by staff:

1. Further justification to be provided regarding Council's intended RE1 Public Recreation zoning of Littleton Gardens.
2. The E3 zone at the Bermagui Country Club be amended to E2 in accordance with the advice.

HEIGHT CONTROLS IN MERIMBULA, BEGA AND EDEN TOWN CENTRES

Staff have reviewed the height controls in Merimbula Town Centre in consideration of a number of submissions and workshop discussions with local professionals and Councillors. For the sake of consistency across the Shire reviews are now being undertaken for Bega and Eden Town Centres.

The matter is expected to be reported to Council in July and that any proposed changes will be treated as per Appendix 2.

Planning comment

The preparation of the draft CLEP has been a lengthy and extensive process for not only Councillors and staff, but the community as a whole. The process has included the 12 weeks of exhibition, including public information sessions, and a series of workshops with Councillors over the past 9 months since the completion of the exhibition period.

Further, Council staff have held a number of meetings with officers of the Department of Planning regarding all aspects of both the written instrument and the maps. Officers of the Department have also met with Councillors on several occasions

over the last 6-7 years. These meetings clarified many issues and led to the inclusion of rural worker's dwellings becoming permissible with consent in the rural zones as part of the draft CLEP.

All public submissions and addresses, as well as Government agency submission and staff recommended changes, have been considered by Councillors at workshops.

Staff are of the opinion that Council is now in a position to resolve on the submissions and addresses received.

It is proposed that Appendix 1 be adopted by Council and that the draft CLEP be amended accordingly, including the mapping, and referred to the Department of Planning requesting that "the plan be made" by the Minister for Planning.

Appendix 2 and 3 represent submissions that are agreed to and require re-exhibition or submissions that require further investigation prior to resolution by Council. In the interim, it is proposed that the subject land be "deferred" thus retaining all the existing zonings and other provisions contained in the BVLEP 2002.

Staff are of the opinion that this pathway would finalise the CLEP process for the vast majority of landholders in the Shire and give surety and confidence in the planning process and strategic direction for the Shire.

Also, those persons who made submissions that are deferred would have the confidence that there would be no change to the current status of their land under BVLEP 2002 until their submission is re-exhibited or further investigated and finally resolved by Council.

The remaining submissions are proposed to be noted and/or not to be supported at this time.

Notwithstanding extensive workshoping of all the submissions with Councillors, it is open for any submission to be debated by Council at the meeting.

It should be noted that recommendation 7 to this report refers to investigations being undertaken into Industrial Land for the Shire as a whole, not the Bega District as recommended in the report to Council on 22 May 2102. This recommendation now accurately reflects Council's previously resolved position of 28 February 2012.

Conclusion

The draft CLEP has been prepared and exhibited in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (the Act) and all submissions are now placed formally before Council for determination. A public hearing has been held in relation to the reclassification of Council owned land.

It is proposed that the draft CLEP be amended as per the recommendations of this report and referred to the NSW Department of Planning in accordance with the Act, requesting that "the plan be made" by the Minister.

Recommendation

That, in regards to the draft Comprehensive Local Environmental Plan, Council resolves to:

1. Adopt the recommendations for the submissions outlined in:
 - Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a "planning proposal" is to be prepared by Council and a "gateway determination" by the Minister for Planning is required prior to re-exhibition;
 - Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
 - Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
2. Amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
3. Incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
4. Adopt the amended draft Comprehensive Local Environmental Plan as per points 2 and 3 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that "the plan be made" by the Minister for Planning.
5. Proceed with a "planning proposal" and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the

subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.

6. Defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
7. Undertake further investigations into potential industrial sites in the Bega Valley Shire for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.
8. Note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
9. Advise all those persons who have made submissions of the above.

Council Minutes: Planning and Environment Committee No. 4 - 12 June 2012

4. Bega Valley Local Environmental Plan 2012

1. That the following items be placed appropriately in Appendices 1 -4 as listed below:
That the following item be moved from Appendix 4 to Appendix 1 and thus deleted from the Heritage Schedule: [section deleted]
2. That in regard to the draft Comprehensive Local Environmental Plan Council adopts the recommendations for the submissions outlined in:
 - Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a "planning proposal" is to be prepared by Council and a "gateway determination" by the Minister for Planning is required prior to re-exhibition;
 - Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
 - Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
3. That Council amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
4. That Council incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
5. Adopt the amended draft Comprehensive Local Environmental Plan as per points 3 and 4 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that "the plan be made" by the Minister for Planning.
6. That Council proceed with a "planning proposal" and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
7. That Council defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
8. That Council undertake further investigations into potential industrial sites in the Bega Valley Shire for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.
9. That Council note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
10. That Council advise all those persons who have made submissions of the above.

Council Report: Planning and Environment Committee No. 8.2 – 16 October 2013

8.2. Proposed amendment to Bega Valley Local Environmental Plan 2013 Land Application Map to include the waters of Snug Cove and Cattle Bay

The report proposes a clear assessment pathway for potential marina developments in Cattle Bay and Snug Cove by amending the Bega Valley Local Environmental Plan 2013 Land Application Map.

Group Manager, Planning and Environment

Background

At the meeting of 4 September 2013 Council considered a report on the Eden Port Regional Development Australia Fund (RDAF) 4 Project Update. The report discussed proposals for marinas and associated developments by Eden Hotel Resorts in Cattle Bay and Port of Eden Marina Inc. in Snug Cove. A third proposal involves extending the existing breakwater wharf facility and associated works within the Port of Eden. This report discusses procedural issues associated with assessment and determination of such developments.

STATUTORY PLANNING POSITION

The proposed extension of the existing breakwater wharf facility is within the Port of Eden designated area which is under the responsibility of Sydney Ports (a State port corporation). Under the State Environmental Planning Policy (Infrastructure) proposals undertaken by, or on behalf of, a Port Corporation are permissible without consent under the Environmental Planning and Assessment Act 1979. Instead, they are subject to a State-based approval process. The proposed marinas, however, do not fall under this category of development.

The NSW Department of Planning and Infrastructure has advised Council that Twofold Bay is outside the Bega Valley Shire LGA, as it is not an enclosed bay. This was established in the Land and Environment Court decision in *Boydton Pty Ltd v Bega Shire Council* (1994 LEC 39). Therefore the waters of Cattle Bay and Snug Cove are not subject to Bega Valley Local Environmental Plan 2013 which only applies to land identified on the Bega Valley Local Environmental Plan 2013 Land Application Map. As a consequence, the marina proposals are not a category of development that is assessed and determined under Part 4 of the Environmental Planning and Assessment Act 1979 and, instead, are assessed under Part 5 of the Act.

Under Part 5 the marina proposals are likely to require an Environmental Impact Assessment or Environmental Impact Study for consideration by multiple determining authorities, depending on what approvals are needed (e.g. lease of Crown Lands and environmental protection licence from the Environment Protection Authority). Assessment by multiple determining authorities under Part 5 can be complex because each authority issuing an approval needs to undertake separate environmental assessment and determinations.

Approval under Part 4 is a more integrated assessment pathway as an applicant is required to submit a development application and Environmental Impact Study for assessment by Council. The Council coordinates all external referrals and determination is by a single consent authority. As a marina development constitutes "designated development" under the provisions of the Environmental Planning and Assessment Regulation, the Southern Region Joint Planning Panel would be the determining authority.

To facilitate this process, it is proposed to prepare a planning proposal to amend the Land Application Map 2013 to include the area of water covering the proposed Cattle Bay and Snug Cove marinas. To this effect a line has been drawn from an appropriate geographic feature, being Cocora Beach Headland, to the boundary of Lot 1 DP 738477 which includes the existing breakwater wharf facility as shown on the map below.

The area of water is "unzoned land" under BVLEP 2013 which is proposed to be retained. Any future development application would be able to be considered on its merits in the context of the adjacent zones under Clause 2.4 of BVLEP 2013. Under Clause 2.4 development may be carried out on unzoned land, with development consent, if it is appropriate and compatible with permissible uses on adjacent land.

Should a development application be lodged within the subject area, the approval process for the planning proposal and development application could run concurrently depending on timing of completion of the necessary environmental studies by the proponent. However, as a minor amendment to the Land Application Map, it is likely that the planning proposal will be concluded before such a development application is ready for determination.

ISSUES

Legal

The NSW Department of Planning has advised that the location of the proposed marinas is outside the Bega Valley Shire Local Government Area. Legal advice obtained by the proponent of the Cattle Bay development indicates that Council is currently unable to deal with a development application for a marina and associated development under Part 4 of the Environmental Planning and Assessment Act 1979.

The Department has advised that amending the Land Application Map would provide greater certainty for proponents of development in this area and facilitate consideration of proposals under Part 4 of the Environment Planning and Assessment Act 1971. It is noted that amendment of the Land Application Map does not constitute an amendment to the LGA boundary; it only enables assessment of development applications under Part 4 of the Environmental Planning and Assessment Act 1979.

Consultation

Any planning proposal is required to be referred to the NSW Department of Planning Gateway Panel for determination. The Gateway Determination, if approved, will confirm community consultation requirements. Public exhibition of the planning proposal is likely to include notification on the Bega Valley Shire Council website and in local newspapers; and writing to relevant government agencies and adjoining landowners and community groups.

Conclusion

Amending the BVLEP 2013 Land Application Map will enable Council to consider and assess any development applications for marina developments in Cattle Bay and Snug Cove under Part 4 of the Environmental Planning and Assessment Act 1979, thereby providing a clear assessment pathway for prospective applicants.

Recommendation

That Council resolves to prepare a planning proposal to amend the Bega Valley Shire Land Application Map 2013 to include the area between Cocora Beach Headland and Lot 1 DP 738477 (inclusive) and forward to the NSW Department of Planning Gateway Panel for determination.

Council Minutes: Planning and Environment Committee No. 8.1 – 6 November 2013

Proposed amendment to Bega Valley Local Environmental Plan 2013 Land Application Map to include the waters of Snug Cove and Cattle Bay

That Council resolves to prepare a planning proposal to amend the Bega Valley Shire Land Application Map 2013 to include the area between Cocora Beach Headland and Lot 1 DP 738477 (inclusive) and forward to the NSW Department of Planning Gateway Panel for determination.

Council Report: Planning and Environment Committee No. 8.1 – 6 November 2013

8.1 Old Bega Hospital Site, Princes Highway, Bega – Proposed Amendment to the Land Zone Map under Bega Valley Local Environmental Plan 2013 to zone the land RE2 Private Recreation

The aim of the report is for Council to resolve to prepare a Planning Proposal to amend the zoning of the Old Bega Hospital site under BVLEP 2013 from SP1 Special Activities to RE2 Private Recreation.

Group Manager, Planning and Environment

Background

The Old Bega Hospital site is zoned SP1 Special Activities under Bega Valley Local Environmental Plan 2013 (BVLEP 2013).

The SP1 zoning table identifies the following as permitted with consent:

"Roads; the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose."

In other locations within the Bega Valley Shire (and across NSW), an SP1 zone identifies the purposes of the land on the land zone map, such as waste disposal facility or cemetery; however there is no identified purpose for Lot 296 on the map. Therefore, currently, the only permitted use with consent on this land is "roads".

As part of the assessment process for determining the most appropriate purpose for the site, it has become evident to planning staff that there are a number of opportunities for the site and that the current SP1 zone, which limits the use to a specific purpose, did not provide the flexibility for the development of this site.

This report identifies possible potential development opportunities for the site and recommends an appropriate zone amendment.

CURRENT USES OF THE SITE

The Old Bega Hospital site is owned by the Crown and managed by the Old Bega Hospital Trust.

The site is currently occupied by community related tenants including Bega Valley Weavers, Valley Potters, Edge FM and also as a meeting place for other small community groups.

There has also been discussions regarding the establishment of a Tourist Information/Gateway Centre on the site and a development application has recently been lodged for the establishment of a 'men's shed' on the site.

Bega Valley Local Environmental Plan 2013 Status

As previously outlined in the report, the site being Lot 296 DP 728021, is zoned SP1 "Special Activities" under BVLEP 2013, with only roads permitted with consent on the land, as the "special" purpose of the land is not identified on the land zone map.

The Old Bega Hospital and outbuildings are listed in Schedule 5 of BVLEP 2013 as a Heritage Item. Clause 5.10 (10) of BVLEP 2013 outlines Conservation Incentives for Heritage Items as follows:

"(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) The conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) The proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) The proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) The proposed development would not have any significant adverse effect on the amenity of the surrounding area."*

Whilst the Heritage Conservation Incentives Clause could be used to approve development on the site, that would otherwise be prohibited, this would require a 'Heritage Management Document' to be prepared and approved for the site. Any

subsequent proposed development would need to be consistent with the document and demonstrate the benefit of the Heritage Item.

With the current use of the site being community related, activation of the conservation incentive clause is not considered, on its own, to be an appropriate planning process for the future development and use of the site.

CONSIDERATION OF APPROPRIATE USES FOR THE SITE

An important consideration in determining the most appropriate uses for the site is the opportunity for restoration of the Old Bega Hospital and potential use of the restored building – that is, flexibility in zoning to permit appropriate and complementary development opportunities.

Current uses of the site include community groups and, as previously outlined in the report, a development application has been lodged for the establishment of a 'men's shed' on the site.

It is considered suitable potential uses for the site would include information/gateway centre, function centre, child care centre, restaurant, markets and the like.

Based on the current and potential future uses of the site it is considered that the most appropriate zoning for the site is RE2 "Private Recreation".

The RE2 zoning table is included below:

Zone RE2 Private Recreation

1 Objectives of zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure that the scale and character of private recreational development is compatible with the surrounding land uses.*

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Tourist and visitor accommodation; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

The RE2 zoning would provide the flexibility for multiple uses of the site, whereas the existing SP1 zone limits the use of the site to a specific purpose.

CONCLUSION

Lot 296 DP 728021 Princes Highway Bega, being the Old Bega Hospital site, is zoned SP1 "Special Activities" under BVLEP 2013. Permitted uses in the zone include roads and any purpose identified in the Land Zone map. The land zone map for Lot 296 does not identify any purpose. Therefore only roads are permitted with consent.

The SP1 zone is an appropriate zone where a lot is to be used for one specific purpose, for example a cemetery or a waste disposal facility.

The Old Bega Hospital site is currently used for a number of community related activities and there is potential for future development of the site for a number of complementary uses.

The existing SP1 zone does not provide the flexibility for the development of the site and based on current and future potential uses it is considered that a RE2 "Private Recreation" zone would be more appropriate.

RECOMMENDATION

1. That Council prepare a Planning Proposal to amend the zoning of Lot 296 DP728021, Princes Highway, Bega under Bega Valley Local Environmental Plan 2013 from SP1 "Special Activities" to RE2 "Private Recreation".
2. That the Planning Proposal be forwarded to the Department of Planning and Infrastructure for Gateway Panel Determination.

Council Minutes: Planning and Environment Committee No. 8.1 – 6 November 2013

Old Bega Hospital Site Princes Highway, Bega - Proposed Amendment to the Land Zone Map under Bega Valley Local Environmental Plan 2013 to zone the land RE 2 Private Recreation

1. That Council prepare a Planning Proposal to amend the zoning Lot 296 DP 728021, Princes Highway, Bega under Bega Valley Local Environmental Plan 2013 from SP1 "Special Activities" to RE2 "Private Recreation".
2. That the Planning Proposal be forwarded to the Department of Planning and Infrastructure for Gateway Panel determination.