



planning consultants

Planning Proposal

Lot 33 and Lot 34, Corner of Sapphire Coast Drive and Tura Beach Drive, Tura Beach

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1 Introduction

1.1 Introduction

DFP has been commissioned by Bunnings Group Ltd (Bunnings) to prepare a Planning Proposal in respect of the land at Lots 33 and 34 DP 243029, corner Sapphire Drive and Tura Beach Drive, Tura Beach (the site). Bunnings is seeking to establish a small format Bunnings Warehouse on the site, which is referred to in this report as Bunnings Merimbula.

Currently the site remains a deferred matter under Bega Valley Local Environmental Plan (LEP) 2013 and retains its previous 1(c) zoning under Bega Valley LEP 2002.

The Planning Proposal seeks to rezone the site from 1(c) – Rural Small Holdings Zone under the Bega Valley Local Environmental Plan 2002 (Bega Valley LEP 2002) to R5 Large Lot Residential with the site being included in Schedule 1 to Bega Valley Local Environmental Plan 2013 (Bega Valley LEP 2013) to facilitate the development of a Bunnings Warehouse on the site as an additional permitted use.

This is consistent with the recommendations of the Southern Joint Regional Planning Panel (JRPP) and the Gateway determination issued by NSW Department of Planning and Environment on 20 December 2018.

1.2 Purpose of this Statement

The purpose of this report is update the report previously submitted to Council and the Department of Planning and Environment (DPE) to accord with the Gateway determination issued by DPE on 20 December 2018.

This report will be placed on exhibition with the other material, in accordance with the conditions of the Gateway determination,

1.3 Material Relied Upon

This report has been prepared by DFP based on information referred to herein and/or appended to this report and site inspections undertaken on 15 September 2015 and 11 April 2017.

1.4 Summary of Conclusions and Recommendations

This report concludes that the proposal to rezone the site to allow for the development of a Bunnings Warehouse:

- Is consistent with regional and subregional planning and transport strategies as well as local planning studies and draft regional planning strategies;
- Is not inconsistent or is justifiably inconsistent with relevant SEPPs and Section 9.1 Directions;
- Services the needs of the surrounding and nearby residential population and the business community; and
- Promotes job creation in Bega Valley.

Furthermore, the concept plan for the site demonstrates that environmental factors can be adequately addressed and subject to more detailed assessment at the DA stage.

The economic assessment accompanying this Planning Proposal demonstrates that the future intended use will have a positive economic impact upon the local community.

2 Background

2.1 2014 Planning Proposal

As part of its Standard Instrument LEP process, which was informed by planning strategies, Council proposed to rezone the site to R2 Low Density Residential.

The owner of the site at that time requested the land be zoned R3 Medium Density Residential and Council supported that request.

During consideration of the draft comprehensive LEP, Council received a further request from the then land owner to rezone the land to B5 Business Development. This request was subject to a report to Council on 18 December 2013. The recommendation of the report did not support the proposed B5 zoning, however, following a site inspection by Councillors, at the meeting of 12 February 2014, Council resolved to proceed with a Planning Proposal to rezone the land to B5.

The Gateway Determination issued in relation to that Planning Proposal determined that the Planning Proposal should not proceed for a number of reasons including:

- Incompatibility with the existing adjoining use (seniors housing);
- Inconsistency with the strategic framework which seeks to protect the coastal village character of Tura Beach and to retain Bega as the major regional centre;
- Council did not provide sufficient justification to demonstrate that the proposal would not potentially undermine the existing neighbourhood business precinct;
- Justification as to why appropriately zoned land in South Bega and Pambula was unsuitable had not been provided;
- The proposal would allow for the consideration of a major 'out of centre' retail development in Tura Beach.

A review of the documentation submitted with the Gateway request in relation to that Planning Proposal has revealed that Planning Proposal did not adequately consider the Local and Regional Planning Strategies nor were the potential economic impacts of a B5 zoning in this location assessed or justified.

2.2 2016 Planning Proposal

Following issue of the Gateway Determination for the previous Planning Proposal in December 2014, discussions were held with DPE's Regional General Manager at the time to ascertain what additional information would be required to accompany a new Planning Proposal to allow a Bunnings Warehouse to be developed on the land. In the absence of any review of Council's strategic plans and retail hierarchy, it was recommended by DPE's Regional Manager that a comprehensive economic impact assessment which considers the potential impacts on the network of centres be prepared.

Based on those discussions, a new Planning Proposal was lodged with Bega Valley Shire Council in February 2016. That Planning Proposal proposed to rezone the site to B5 Business Development and was submitted with a comprehensive Economic Impact Assessment which considered the potential impacts of the development of a Bunnings Warehouse in this location on the network of centres in the Bega Valley Local Government Area (LGA).

This Planning Proposal was supported by Council and submitted to DPE for a Gateway Determination. Council's support of the Planning Proposal to zone the site B5 Business Development demonstrates that Council is of the opinion that the Planning Proposal is not inconsistent with their adopted strategies.

The Gateway Determination for the Planning Proposal was issued on 15 August 2016. The delegate of the Minister for Planning determined that the Planning Proposal **should not** proceed for the following reasons:

2 Background

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.*

2.3 Gateway Review

Following issue of the Gateway Determination on 15 August 2016 in relation to the February 2016 Planning Proposal, Bunnings, as the Proponent for the Planning Proposal, submitted a request for Gateway Review in accordance with Section 5.4 of *A guide to preparing local environmental plans*.

The Gateway Review request was submitted with a Planning Report, which addressed each of the grounds of refusal in detail, supplementary economic impact advice and a revised concept plan for the proposed Bunnings warehouse development.

On 2 February 2017, the Southern Joint Regional Planning Panel (JRPP) considered the Gateway Review. As part of their consideration of the Gateway Review, the JRPP members:

- Reviewed the Planning Proposal documentation, including the planning report and the economic impact assessment (EIA) submitted with the 2016 Planning Proposal application and a copy of the planning report submitted with the request for Gateway Review (including appendices to that report)¹;
- Council's report;
- The report prepared by DPE in relation to the Gateway Determination of the 2016 Planning Proposal; and
- Copies of the following documentation including relevant strategic planning documents:
 - Draft South East and Tablelands Regional Plan.

¹ During the JRPP meeting the Panel advised that the supplementary economic impact advice submitted with the Gateway Review documentation (Appendix 4 to the DFP Planning Report) had not been provided to the Panel. A copy of the supplementary EIA prepared by Essential Economics (dated 26 September 2016) was provided to the Panel members at the meeting on 2 February 2017.

2 Background

- Bega Valley Retail Analysis Final Report January 2017, Bega Valley Shire Council.
- Review of Bega Valley Draft LEP Amendment No.4 Prepared for NSW Department of Planning February 2008.
- Economic Development Strategy, Bega Valley Shire Council adopted August 2015.
- Submission from BBC consulting planners on behalf of the adjoining owner, RSL Life.
- Development Application plans for the extension of the RSL Life aged care facility.
- Economic Impact Assessment prepared by Essential Economics on behalf of the proponent dated February 2016.
- Council's earlier report on this matter dated 20 February 2014.
- Bega Local Environmental Plan 2013 and associated maps.

In its consideration of the proposal, the Panel was of the view that *“with appropriate limits on use and appropriate measures to mitigate potential impact on neighbouring land uses, a Bunnings store could be accommodated on this site, without significant detrimental impacts on the hierarchy of centres.”*

It was the Panel's view that:

- *The site could accommodate an additional use for a hardware and building supply over a portion of the site as a Schedule 1 use – this would assist in limiting the proximity of the use to the R2 Low Density Residential, and provide a transition.*
- *The underlying zone should be changed to R5 Large Lot Residential – similar to the zoning of lands along the eastern side of Sapphire Coast Drive as a holding zone until such time as Council completes its strategic work to determine whether or not the site should support a greater range of uses.*

In forming this view, the Panel noted that:

- *The site is well located on the edge of an existing centre ... and in close proximity to Merimbula.*
- *The site is currently unused and not returning benefits to the community.*
- *The site does not appear to have significant environmental values prompting consideration of an environmental zoning.*
- *Other residential zoning (R5) further along Sapphire Coast Drive already accommodates a nursery and other commercial uses which would not be incompatible with development of a single small format hardware store with appropriate controls.*

Therefore, whilst the Panel did not support a rezoning of the site to B5 Business Development, the Panel unanimously agreed that the use of the site for the purposes of a small format hardware store was appropriate and recommended that the Proponent lodge a new Planning Proposal that proposed the following:

- *Zoning the site to R5 Large Lot Residential.*
- *Permitting the use of hardware and building supplies with approval as an additional Schedule 1 use over a portion of the site only (to ensure mandated setback and transition to use adjoining aged care facility).*
- *Imposing controls such as FSR and Height be included in LEP in relation to this site to mitigate impacts and provide a limit to development.*
- *Include controls in the DCP to address, landscape, siting, setbacks of structure, finished levels, acoustic requirements, light and light spill, and hours of operation.*

2 Background

The Panel also recommended that Council finalise its strategic work in respect to the location of employment lands and commercial hierarchy to determine the appropriate strategic framework for the site and the function of the Tura Beach centre.

That review has now taken place and is discussed in Sections 2.4 and 6.5.2 of this report. Notwithstanding that the review recommended a B5 Business Development zoning for the site, the conditions of the Gateway determination require the Planning Proposal to be in accordance with the recommendations of the JRPP and the site be zoned R5 Large Lot Residential with hardware and building supplies and garden centre being included as additional permitted uses on a portion of the site (under Schedule 1 of Bega Valley LEP 2013).

A copy of the report of the JRPP's consideration of the Planning Proposal and Gateway review is included at **Appendix 1** to this Planning Report.

2.4 Bega Valley Council's Commercial Centres Review – Review of Merimbula, Pambula and Tura Beach

In September 2017, Bega Valley Council exhibited a review of their Commercial Centres Strategy as it relates to the Merimbula, Pambula and Tura Beach catchment.

This Strategy review was prepared in response to a recommendation of the Joint Regional Planning Panel (JRPP) following the Gateway Review of the 2016 Planning Proposal by Bunnings. The JRPP recommended that *the underlying zone (of the site) should be changed to R5 Large Lot Residential, similar to the zoning of lands along the eastern side of Sapphire Coast Drive as a holding zone until such time as Council completes its strategic work to determine whether or not the site should support a greater range of uses.*

Notwithstanding the recommendation of the JRPP, DPE advised Council on 23 March 2017 that the Gateway determination would not be altered and encouraged Council to review the role of Tura Beach in the context of the 2006 Commercial Centres Strategy. The Strategy review exhibited for public comment in September 2017 was in response to this feedback from DPE.

Following exhibition of the Commercial Centres Strategy review, Council considered the submissions received and the review was formally adopted by Council at the meeting of 21 February 2018.

At the meeting Council also resolved to forward a copy of the adopted Commercial Centres Strategy – Review of the Merimbula, Pambula, Tura Beach Catchment 2017 to DPE for approval.

Discussion as to how this Planning Proposal responds to the strategic directions as set out in the review is included at Section 6.5.2 of this report.

Despite the fact that the Strategy review recommended that the most appropriate zoning for this site is B5 Business Development, in accordance with the recommendations of the JRPP and the Gateway determination, the Planning Proposal proposes to rezone the site R5 Large Lot Residential with hardware and building supplies and garden centres included as additional permitted uses in Schedule 1 of Bega Valley LEP 2013.

3 Site Context

3.1 The Site

The site is legally described as Lot 33 and Lot 34 DP 243029 (see **Figure 1**). The site has a total area of 4.0517ha and is located on the southern corner of the intersection of Sapphire Coast Drive and Tura Beach Drive. The site has a frontage of approximately 200m to Sapphire Coast Drive and a frontage of 188m to Tura Beach Drive.

The site is vacant with no built improvements. Vegetation across both allotments comprises groups of trees and ground covers, mainly bracken fern.

The site slopes down from Sapphire Coast Drive in a south easterly direction towards Tura Beach Drive.

3.2 Surrounding Development

The surrounding urban and natural context comprises:

- To the north west is Sapphire Coast Drive and bushland beyond;
- To the north east is the Tura Beach shopping centre which is anchored by a Woolworths supermarket;
- To the immediate south is the seniors living facility known as Sanananda Park comprising independent living units and a residential care facility; and
- To the immediate west is a detached dwelling on a rural residential allotment.

Land to the north of the Tura Beach local centre is zoned R5 Large Lot Residential under Bega Valley LEP 2013. There are a number of commercial land uses located on this land including a retail plant nursery (Merimbula Rainforest Nursery and Florist) and a boat sales and repairs outlet (Merimbula Outboard Service).

Figure 1 is a plan showing the location of the site.

Figure 2 is a map of the Bega Valley LGA showing the relationship of the location of the site with the Bega town centre and the rest of the LGA.

Figure 3 is a plan showing the location of the site in relation to the townships of Merimbula, Tura Beach, Eden and Bega.

Figure 4 is an aerial photograph of the site.

Figures 5 – 7 are photographs of the site.

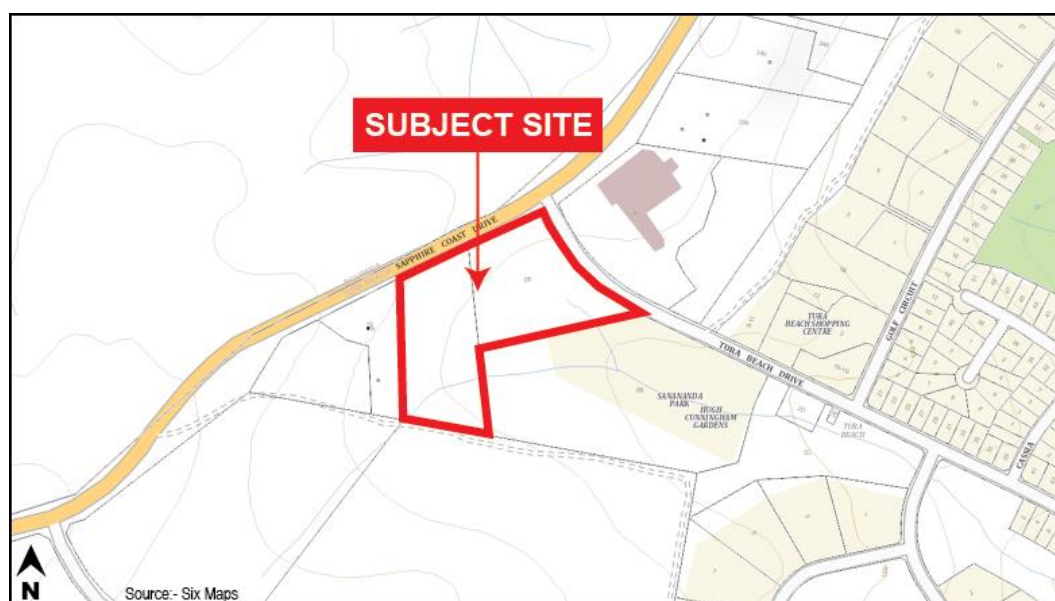


Figure 1 Location of site

3 Site Context

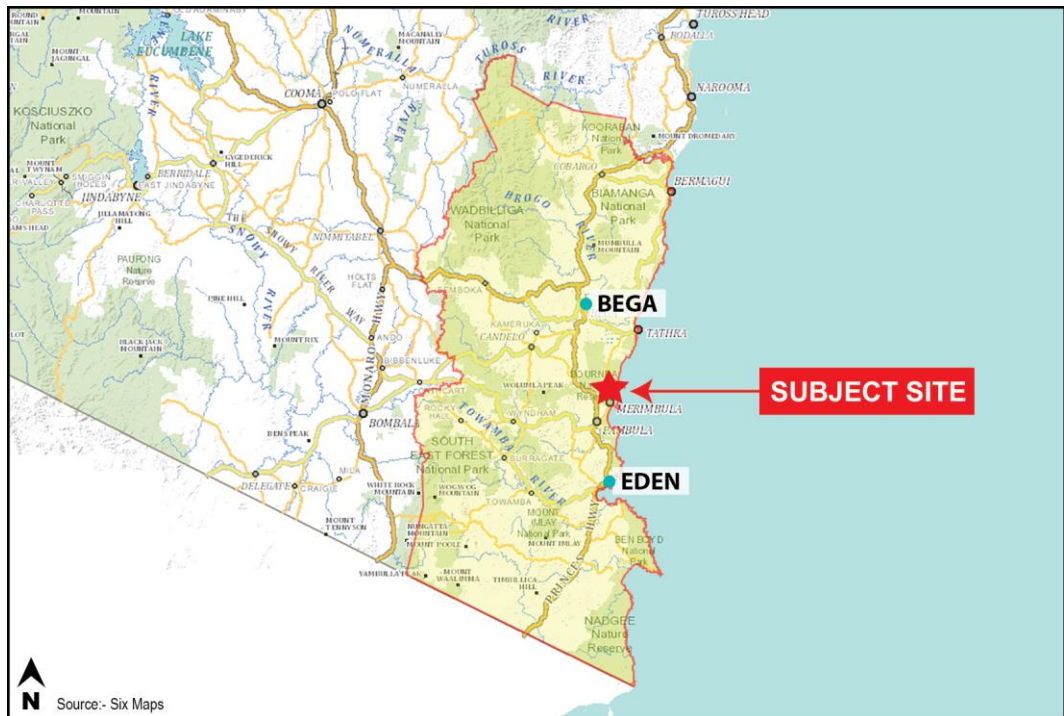


Figure 2 Location of Site in Bega Valley LGA



Figure 3 Locality plan of site

3 Site Context



Figure 4 Aerial photograph of site



Figure 5 Looking east towards Tura Beach Drive

3 Site Context



Figure 6 Looking north east towards intersection of Sapphire Coast Drive and Tura Beach Drive



Figure 7 Looking south from Tura Beach Drive towards Sanananda Park seniors housing development

3.3 Existing Zoning

The site is a deferred matter under Bega Valley LEP 2013. Pursuant to Clause 1.3 of Bega Valley LEP 2013, Bega Valley LEP 2013 does not apply to land identified as a 'deferred matter'.

Therefore, Bega Valley LEP 2002 applies to the site. Pursuant to Bega Valley LEP 2002 the site is zoned 1(c) Rural Small Holdings.

3 Site Context

Under the 1(c) Rural Small Holdings zone, the following development is permissible with consent:

animal establishments; aquaculture; attached dual occupancies; bed and breakfast establishments; child care centres; clearing of land; community facilities; craft studios; detached dual occupancies; dwelling houses; educational establishments; farm forestry; granny flats; home businesses; home industries; intensive horticulture; places of public worship; professional consulting rooms; reception establishments; recreation areas; recreation establishments; retail plant nurseries; riding schools; tourist accommodation; utility installations; veterinary establishments.

With reference to Bunnings's interests in the site, we note that the current 1(c) zoning of the site does not permit development for the following land uses on the site:

- Hardware and building supplies;
- Garden centres; and
- Bulky goods.

A Bunnings Warehouse is therefore not permissible on the site under the current zoning. An amendment to the Bega Valley LEP 2013 is therefore necessary in order to enable a Bunnings Warehouse to be permissible with consent on the site.

4 Concept Proposal

4.1 Summary and Development Statistics

A concept plan (**Appendix 2**) for a small format Bunnings on the site has been prepared. The plans are indicative only to assist in understanding the context of the likely future redevelopment of the site (and in particular the relationship with the adjoining seniors housing development) and to assist in assessment of traffic and economic impacts, which are discussed later in this report.

The location of the Bunnings Warehouse on the site has had regard to the adjoining seniors housing and the approved expansion of that development². The approved site plan for the expansion of the adjoining seniors housing development is also included at **Appendix 2** to this report.

The concept plan for the Bunnings development demonstrates that:

- There will be ample separation between the activities associated with the Bunnings Warehouse and existing and proposed buildings on the adjoining property. The concept plan demonstrates that the proposed Bunnings building will be setback approximately 57m (at its closest point) to 90m from the southern property boundary.
- The Bunnings car park will be setback between 11m to 44m from the boundary.

The rear (western) part of the adjoining seniors housing site is currently vacant. In July 2018 Council approved an application for additional seniors housing on that part of the adjoining property that is currently vacant. The approved site plan for that development indicates that the buildings on the adjoining property will be setback a minimum of 25m from the northern (Bunnings) boundary.

Therefore, the minimum separation between the Bunnings car park and the approved seniors housing dwellings will be 36m.

- Any acoustic treatments that might be required are capable of being implemented in a manner which will present an appropriate aspect when viewed from the adjoining property.
- Appropriate landscape treatments can be provided within the setback to the adjoining property – refer concept landscape plans at **Appendix 3** to this report. As previously noted, based on the concept plan, this setback varies from 11.7m to almost 50m.
- The majority of activities associated with the Bunnings Warehouse will be located away from the seniors housing units.
- The development will not impact on solar access to the adjoining property.

Condition 1 of the Gateway determination requires the Planning Proposal to be revised to *rezone the site R5 Large Lot Residential and include hardware and building supplies and garden centre as additional permitted uses under Schedule 1 of Bega Valley LEP 2013 over a portion of the site only (to ensure mandated setback and transition to use adjoining aged care facility).*

It is considered that the setbacks between the Bunnings building and car park will be sufficiently large enough to ensure the amenity of residents of the adjoining seniors housing development is not affected.

Within the setback between the car park area and access driveways, it is proposed to undertake earthworks and landscaping. Subject to confirmation that these works can be undertaken without relying on the additional permitted use provisions, that part of the site to which the additional permitted use provisions apply could be limited to those parts of the site

² The proposed expansion of the existing seniors housing development will be located to the west and south of existing development on the site. A setback of 25m is proposed to be provided to the boundary of the 'Bunnings' site and the proposed seniors housing dwellings.

4 Concept Proposal

on which the building, car park and access roads/driveways are located. As the plan at **Appendix 2** is a concept plan only, it is recommended that the additional permitted use provisions be extended beyond the edge of the car park and access roads to ensure the area available for the additional permitted uses is large enough to accommodate the proposal.

The likely future development of the site will comprise:

- Earthworks and site preparation;
- Construction, fit-out and use of a small format Bunnings hardware and building supplies building together with associated business identification signage;
- New ingress and egress to/from Tura Beach Drive;
- New left in/left out driveway onto Sapphire Coast Drive;
- Car park and associated loading dock area to be used in conjunction with the Bunnings Warehouse; and
- Landscape works.

4.2 Design Considerations

Part F of the recently adopted Commercial Centres Strategy – Review of Merimbula, Pambula, Tura Beach Catchment (adopted 21 February 2018) lists the design criteria to be considered as part of any bulky goods retail development.

Although the development proposed on the site by Bunnings is not a bulky goods retail development *per se*, the design considerations in the Strategy review have been considered in relation to the built form on the site

The building will be a small format Bunnings Warehouse which will incorporate the main warehouse and entry, timber trade sales area, bagged goods canopy and an outdoor plant nursery. The concept plan provides for at grade car parking to the south of the warehouse building. The loading dock is proposed to be located on the north-western elevation of the building, well removed from adjoining residential development.

This site planning approach will integrate well with the surrounding built form and will enable the development to be undertaken with minimal site works.

The concept plan indicates the outdoor nursery and bagged goods area at the eastern end of the site with the main warehouse building and trade centre to the west of these components.

The outdoor nursery and bagged goods area are characteristically ‘open’ sided to facilitate ventilation utilising a metal canopy which is lower than the height of the main warehouse and fabric shade sail associated with the plant nursery section. This softer presentation will be visible to the Tura Beach Drive and integrate with the landscaped area in the road reserve.

The concept plan provides for a significant setback to Sapphire Coast Drive. This will allow for retention of some of the mature trees within the road verge and setback which will assist in minimising the visual presence of the main warehouse building from Sapphire Coast Drive.

The concept plan indicates a total trading area of approximately 6,900m² (although not all of that floor area would be defined as gross floor area under Bega Valley LEP 2013 as areas such as the outdoor nursery are external spaces). The concept plan indicates that 210 car parking spaces (equating to approximately 1 space per 33m² of trading area) can be provided on site which demonstrates that the site can comfortably accommodate the car parking needs of the proposed Bunnings Warehouse.

The following is discussion as to how a future building on the site could respond to each of the design criteria in Part F.

4 Concept Proposal

Table 1 Design Considerations

General Considerations

The bulk and scale of development needs to respond to the natural features of the site and prevailing streetscape in terms of height and setbacks

The concept scheme at **Appendix 2** to this report has been designed having regard to:

- The topography of the site and existing vegetation
- The operational requirements of the Bunnings Warehouse
- The visual impact of development on the site when viewed from Sapphire Coast Drive, Tura Beach Drive and adjoining properties.

Setbacks from Sapphire Coast Drive range from 5.9m (to the canopy of the open bagged goods area) to 12.8m. However due to the width of the verge along Sapphire Coast Drive, the separation from the carriageway of Sapphire Coast Drive will be in the order of approximately 9m.

The maximum building height of the concept design will be approximately 9.1m above existing ground level at its highest point, being the south western corner of the building.

The photo montages at **Appendix 2** demonstrate how a Bunnings Warehouse development on the site might appear when viewed from various public domain vantage points in the vicinity of the site.

View 2 on Drawing No. A6-01 at **Appendix 2** is a view from Sapphire Coast Drive looking east. This view shows that at the western end of the site the building will be well below the carriageway of Sapphire Coast Drive and the building will not dominate the streetscape.

Further, and as previously noted, the verges along Sapphire Coast Drive are very wide and there is ample opportunity to undertake landscaping within the verge which will further assist in mitigating the impacts on the streetscape at the eastern end of the site.

The design of the building needs to provide a clearly identifiable sense of address and wayfinding for pedestrians, cars and large vehicles

The concept design at **Appendix 2** provides for access for cars and light vehicles from Tura Beach Drive.

Large trucks will access the site from Sapphire Coast Drive (via a left in access only) and egress via Tura Beach Drive.

The nature of the products stocked by Bunnings is such that these facilities are rarely accessed by pedestrians, however a separate pedestrian access pathway to the building from Tura Beach Drive could be provided if required.

It is unlikely that there will be a need to provide a pedestrian pathway along the Sapphire Coast Drive frontage of the site. Notwithstanding, the scale of the building when viewed from Sapphire Coast Drive will not be dominant and will respond positively to the streetscape. This level of detail can be shown on plans to be included with the development application (DA) that will be required to be submitted should Bega Valley LEP 2013 be amended as proposed.

Buildings need to achieve a level of human scale where pedestrians have a sense of space, safety and openness with the public domain

The nature of the public domain in the vicinity of the site is not considered to be pedestrian friendly. The scale of the building as depicted in the concept design at **Appendix 2** is considered to respond appropriately to the verges along Sapphire Coast Drive and Tura Beach Drive and, as demonstrated in

4 Concept Proposal

Table 1 Design Considerations

	the photomontages at Appendix 2 , will not dominate the public domain.
Building Elements	
Facades need to include a mixture of colour, texture and material where the corporate branding is not the dominant feature	<p>As demonstrated in the concept scheme elevations at Appendix 2, the building materials will include precast rendered concrete panels, pre-painted metal cladding, metal mesh and a concrete dado wall.</p> <p>A mix of colours are also proposed to be used including green and white/ecru coloured panels as shown in the montages at Appendix 2</p> <p>The signage proposed will not dominate the elevations of the building or the streetscape.</p>
The roof spaces need to be articulated with a variety of materials and colour treatments. Plant and equipment needs to be concealed and shielded from the public domain	<p>The roof materials will generally comprise pre-painted metal sheeting however the plant nursery area will be covered with fabric shade sails which will soften the roof lines along the Tura Beach Drive elevation.</p> <p>Large plant has been located adjacent to the loading dock which will be below the level of Sapphire Coast Drive and will be screened by a retaining wall.</p>
Signage should not dominate the façade and form part of the building with limited illumination	<p>As demonstrated in the concept scheme elevations and montages at Appendix 2, the proposed signage will not dominate the elevations of the building</p> <p>Details of illumination, if proposed, will be provided with the DA</p>
Colours and Materials	
Buildings need to use a colour palette that responds to the site and prevailing streetscape with a mixture of natural tones	<p>The streetscape along Sapphire Coast Drive currently comprises vegetation in the form of large trees.</p> <p>As far as possible, existing mature trees within the setback and road verge will be retained</p> <p>The building is proposed to be painted green which is the Bunnings corporate colour and white/ecru.</p> <p>As demonstrated in View 2 on Drawing No. A6-01, the building will be set below the level of the Sapphire Coast Drive carriageway and will not be a dominant feature within the streetscape.</p> <p>The proposed building will respond appropriately to the prevailing streetscape along Tura Beach Drive which comprises a mix of built forms. View 3 on Drawing No. A6-01 is a view looking north-west across the site from the driveway entry to the Tura Beach shopping centre. This view demonstrates that the combination of landscaping and materials and colours proposed to be used will result in a development that complements the existing environment.</p>
Sustainable design is encouraged through the innovative use of materials that are energy efficient, recycled or from local sources	<p>The matter of sustainability will be addressed as part of a future DA for a development on the site.</p> <p>Where possible and practical, local suppliers will be used to minimise haulage costs.</p>
The reflectivity needs to be considered in the choice of any colour or material finish	<p>The matter of reflectivity will be addressed as part of a future DA for a development on the site however the nature of the external finishes is such that reflectivity is unlikely to be an issue.</p>
Landscaping	

4 Concept Proposal

Table 1 Design Considerations

Landscaping needs to be integrated into the design and soften the appearance of the building, fencing and any hardstand areas	<p>A concept landscape design has also been provided at Appendix 3.</p> <p>This design identifies:</p> <ul style="list-style-type: none"> • Boundary landscaping, including landscaping along the Sapphire Coast Drive and Tura Beach Drive frontages • Tree planting throughout the at-grade car park • Dense planting on the landscaped batter to the adjoining seniors housing development. <p>The provision of landscaping is an important design consideration in terms of softening the appearance of the building.</p>
Any landscaping needs to enhance the overall appearance of the development with a mixture of advanced trees, shrubs and groundcovers that suit our climatic conditions with a plan for their ongoing maintenance.	This level of detail will be submitted as part of a future DA for a development on the site however the criteria will be taken into account when preparing the landscape design
Amenity	
The design and layout needs to take into account adjoining land uses, particularly in terms of noise, light and amenity	<p>The concept plan provides for at grade car parking to the south of the warehouse building. The loading dock is proposed to be located on the north-western elevation of the building, well removed from adjoining residential development.</p> <p>This plan demonstrates that a setback of between 37.6m (at its closest point) to more than 50m to the existing seniors housing units located adjacent to the common property boundary can be provided.</p>
Hours of operation, location of mechanical plant and equipment and movement of large vehicles needs to be considered within the context of any sensitive neighbouring development and existing noise sources	<p>See above</p> <p>Details regarding hours of operation and location of plant are matters that will be addressed as part of a future DA for a development on the site.</p>
Infrastructure	
Buildings need to consider connectivity with existing infrastructure including the broader street network, vehicle access and views from the public domain. Alternative transport options should be encouraged within the design	<p>The site is in a location which is well serviced in terms of infrastructure, particularly road and transport infrastructure.</p> <p>The location of the site is such that deliveries to the site will not impact on residential areas.</p> <p>Essential services such as sewer and water are already located nearby and, subject to investigations, should readily capable of being extended and augmented to service the site.</p>
Gateway Buildings and Corner Treatments	
The location of buildings at the junction of major transport corridors into a township requires careful consideration as they can impact on the character of a town and provide a sense of arrival	<p>The site is considered to be at the junction of major transport corridors and therefore the design criteria listed below will need to be taken into consideration as part of any future DA for a development on the site.</p> <p>The concept scheme plans at Appendix 2 demonstrate that the development of a Bunnings Warehouse on the site will make a positive contribution to this intersection and the character of the Tura Beach locality.</p>
<p>The following requirements apply to gateway buildings:</p> <ul style="list-style-type: none"> • Corporate colours should not dominate the visual appearance of a building and (are) 	The concept plans at Appendix 2 show a building finished in a combination of Bunnings corporate

4 Concept Proposal

Table 1 Design Considerations

<p>limited to signage space. The use of corporate colours should not be permitted outside of the nominated advertising space of a development.</p>	<p>green and white/ecru. The combination of these colours together with the variety of materials proposed to be used, particularly along the Sapphire Coast Drive and Tura Beach Drive elevations will result in a development which make a positive contribution to the character of the area without dominating the streetscape and will ensure the building complements its surroundings.</p> <p>The scale, positioning and quantity of building identification signage has been tempered having regard to the surrounding developments and the corner location of the site, ensuring that the signage, whilst not dominating the streetscapes, provides clients with sufficient wayfinding information.</p>
<ul style="list-style-type: none"> Buildings need to be constructed in a mixture of solid and lightweight building materials. The use of lightweight cladding and concrete should be rationalised. At least 20% of the façade needs to be constructed of alternative materials such as glass, bricks, wood or stone. The use of local or recycled materials is encouraged to provide some local context. 	<p>The building shown in the concept scheme plans at Appendix 2 incorporates a mix of building materials.</p>
<ul style="list-style-type: none"> The setbacks need to be provided with additional landscaping that enhances the appearance of the development and softens the impact from both street frontages 	<p>Refer landscape plans at Appendix 3.</p>

4.3 Employment Numbers

The Bunnings Warehouse is likely to generate over 70 full-time, part-time and casual positions which equates to 50 full time equivalent (FTE) positions. Furthermore, Bunnings is a significant employee of older people seeking to re-enter the workforce and those no longer working full-time but wishing to work on a casual basis.

5 Guide to Preparing Planning Proposals

5.1 Introduction

A *Guide to preparing planning proposals* (August 2016) details the information required to be provided as part of an application for a Planning Proposal.

The Guide includes a set of assessment criteria to assist proponents or a relevant planning authority in justifying a planning proposal. Some regional strategies and plans include Sustainability Criteria that provide a framework against which to consider planning proposals that might not be consistent with the strategy but may nonetheless have merit.

The assessment criteria detailed in the guide form the basis of the strategic merit and site-specific merit assessment for the rezoning review process.

Whilst this proposal is not a rezoning review, it is considered that the assessment criteria is a relevant consideration in relation to this proposal, particularly having regard to the background of previous proposals relating to this site and development (as detailed in **Section 2** of this report).

In this regard, in order to determine whether the proposal has strategic merit, this report has considered whether the Planning Proposal is:

- *Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *consistent with a relevant local strategy that has been endorsed by the Department; or*
- *responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.*

Notwithstanding that the 'test' as to whether a Planning Proposal has strategic merit does not require all three criteria to be satisfied (we note the use of 'or' in relation to the criteria, rather than 'and'), it is considered that this Planning Proposal can satisfy **all criteria** in terms of having strategic merit. Each criterion is addressed in more detail below.

5.2 Criterion 1 Consistency with Regional Plans

Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment;

With respect to **Criterion 1**, this Planning Proposal is considered to be consistent with the relevant regional plan. The relevant regional plan in relation to this Planning Proposal is the South East and Tablelands Regional Plan. The consistency with the Regional Plan is discussed in **Section 6.5.1**. However, for the purposes of responding to Criterion 1, Direction 12 of Goal 1 of the Regional Plan is a relevant consideration. Direction 12 highlights the importance of *directing retail activity to existing centres to increase centre vitality, capitalise on existing transport and community facilities, attract complementary activities, and enhance the value of existing public spaces*. The Regional Plan also acknowledges that there might be instances where development needs to be located outside of existing commercial centres. In circumstances such as this, it will be necessary to demonstrate social and economic benefits to the community.

The Regional Plan identifies Bega as a strategic centre.

This Planning report demonstrates that the development of a Bunnings Warehouse at Tura Beach will not impact on the primacy of Bega as the principal commercial, retail, cultural, civic and service centre of the region and that there are indeed social and economic benefits of

5 Guide to Preparing Planning Proposals

locating this development in an edge of centre location. In this regard, the EIA at **Appendix 4** notes that:

The sheer magnitude of Bega's retail offer and provision of community and civic infrastructure compared to Merimbula and Tura Beach means that its primacy as the regional centre will not be threatened by the development of the small-format Bunnings Warehouse at Tura Beach.

Importantly, the role of Bega as a strategic centre is defined more by the range of services provided in that centre than the quantum and type of retail offering provided. Having said that, however, it generally follows that where a wide range of services is provided in a centre, the amount of retail floorspace and variety of retail outlets in that centre is larger and more varied than it would be in a smaller centre offering fewer or no services other than retailing.

From a retail perspective, whilst a regional centre such as Bega will provide for the convenience retail needs of its local population (in much the same way that the Tura Beach local centre services its local population), Bega also includes a range of outlets such as fashion, furnishings and electrical goods, that have the ability to attract trade from a wider catchment for the purposes of comparison and leisure shopping.

A Bunnings Warehouse in this location will function independently of the established centres given that trips to a Bunnings Warehouse are targeted destination trips; they are made for the purposes of visiting that store for particular hardware and related items.

In this regard, the proposal is not at odds with the established centre hierarchy and, due to the way in which it functions as a destination facility, can sit comfortably outside a centre.

The Planning Proposal also supports the economic and employment goals for the Bega Valley LGA. The Regional Plan identifies the need to promote and support the Shire as a base for innovation and entrepreneurs and to provide jobs locally in order to reduce demand for transport services.

The Regional Plan anticipates the construction of 2,350 new dwellings in the Bega Valley Shire by 2036. The provision of a hardware and building supply facility within a location central to where the majority of this new housing is likely to be developed will support the objectives of the Regional Plan of increasing sustainability by reducing travel times.

In this regard, Bunnings has identified that the south coast area is not well serviced in terms of comprehensive hardware and building supplies outlets. Essential Economics has estimated that the primary catchment area for a Bunnings development on this site is the area comprising the urban areas of Tura Beach and Merimbula being the areas experiencing and likely to experience the highest population growth in the region within the next 10 – 15 years. Essential Economics has also considered the suitability of a number of alternative locations, including locations in and around Bega and these sites were found to be unsuitable for the proposed Bunnings Warehouse for a variety of reasons as detailed in the Essential Economics supplementary advice at **Appendix 4** and in **Section 6.6.2** of this report.

The suitability of the site for a Bunnings Warehouse development was also acknowledged by the JRPP. In this regard, the JRPP noted that:

- *The site is well located on the edge of an existing centre ... and in close proximity to Merimbula.*
- *The site is currently unused and not returning benefits to the community.*
- *The site does not appear to have significant environmental values prompting consideration of an environmental zoning.*
- *Other residential zoning (R5) further along Sapphire Coast Drive already accommodates a nursery and other commercial uses which would not be incompatible with development of a single small format hardware store with appropriate controls.*

5 Guide to Preparing Planning Proposals

Therefore, it is considered that the option of zoning land at Tura Beach to accommodate a Bunnings Warehouse development satisfies Criterion 1 in terms of strategic merit.

5.3 Criterion 2 Consistency with Council Strategies

Consistent with a relevant local strategy that has been endorsed by the Department;

With respect to **Criterion 2**, the Planning Proposal has had regard to Council's 2006 Commercial Strategy. Although this Strategy has not strictly been endorsed by the Department³, it is the current Strategy of relevance to the network of centres throughout the Bega Valley LGA.

The first issue to consider in relation to Council's Commercial Strategy is that it is more than 10 years old and has not been updated or amended in any way during the intervening period. This means it has not taken into account population growth which has occurred in the region during this 10-year period, nor does it take into consideration the significant changes in the nature of retailing (including the growth of on line retailing) which has occurred in the past decade.

The Bega Valley Commercial Strategy (2006) does not provide small area population forecasts upon which the subsequent conclusions and policy settings are based.

Although the Commercial Strategy (2006) provides some guidance on future population growth, this is for two high-level 'catchments' defined separately for Bega and Merimbula/Pambula/Tura (combined) for the year 2025.

In 2017 Council undertook a review of the Commercial Centres Strategy as it relates to the Merimbula, Pambula and Tura Beach catchment. The Strategy review has been adopted by Council and has been endorsed by DPE.

The Strategy review included updated population forecasts for the catchment and the Bega Valley LGA and found that in terms of population growth, the areas of Tura Beach, Merimbula and Pambula are expected to experience a greater population growth when compared to other areas in the LGA.

The Strategy review also noted that State Government policy relating to the hierarchy of centres in Bega Valley had evolved in the intervening period (since adoption of the 2006 Commercial Centres Strategy), and the South East and Tablelands Regional Plan 2036 specifically identified the value of strategic plans providing for flexibility so that suitable land could be rezoned if additional land was required.

The Strategy review also noted that Tura Beach was identified in the 2006 Strategy as the location to provide full district level service for Tura Beach/Merimbula/Pambula and in the 2008 Land Use Strategy as an alternative location to Merimbula for homemakers outlets and supermarkets.

At the time the 2006 Strategy was prepared, retail outlets such as the small format Bunnings stores (which were developed specifically to service smaller catchment areas of between 25,000 to 30,000 persons) did not exist and therefore the Strategy did not take the provision of such retail facilities into account and did not, consequently, consider where such facilities might be appropriately located.

The relevant policies had not anticipated the commercial success and demand for the developments such as the Bunnings warehouse format in regional areas. This is a reflection of the limitations of these policies in the current context of contemporary retail industry and consumer expectations rather than a reflection on the suitability of a Bunnings Warehouse in this location.

³ The 2017 review of the Strategy as it relates to the Merimbula, Pambula and Tura Beach centres has been endorsed by DPE.

5 Guide to Preparing Planning Proposals

These limitations have been addressed in part by the adoption of the recent Strategy review of the Commercial Centres Strategy as it relates to the Merimbula, Pambula and Tura Beach centre, which identified that:

- The development of vacant land in the vicinity of the Tura Beach shopping centre will not undermine the primacy of Bega and would reinforce the role of Tura Beach/Merimbula/Pambula as a major town with strong district functions and optimise use of existing infrastructure by co-locating like scale retail facilities.
- The retail industry is one of the most innovative and dynamic sectors of the economy and land use planning can often not keep pace with the changes that occur. There is a need to ensure that appropriate strategic land use policies are in place to accommodate different retail formats in the Merimbula/Pambula/Tura Beach catchment in a manner consistent with broader policy objectives.

In view of this, the Strategy review recognises that it is important for the Commercial Centres Strategy to provide strong policy guidance in relation to *how new, innovative retail formats and market entrants can be appropriately accommodated*.

- Council has a 'pro-growth' strategy in relation to investment, jobs and economic opportunities and encourages development which can achieve the dual goals of:
 - *Providing enhanced facilities and access to goods and services for the local community; and*
 - *Generating local jobs, investment and the 'export income' associated with local spending by non-Bega Valley shire residents.*
- Some retailers have very specific requirements in terms of site area, site topography, location, servicing and accessibility.
- It is important that retail development, including bulky goods retailing, be planned in a systematic manner which not only considers the (often) unique locational requirements of certain businesses, but also ensures that activity centres policy is not undermined and that there are no undesirable urban development outcomes as a result of the carrying out of the development.

To this end, the Strategy review considered the suitability of existing vacant land parcels in the catchment against a set of criteria.

The site the subject of this Planning Proposal was one of the sites investigated. The assessment found that this site satisfied the majority of the test criteria, with the exception of a potential land use conflict with the adjoining seniors housing development but also noted that potential conflicts could be managed through careful design consideration. It is considered that the concept plans at **Appendix 2** to this report demonstrate that adequate separation can be provided to the adjoining seniors housing development and this can be further refined as part of a future development application. Separation between the Bunnings uses and the adjoining seniors housing development is also addressed in the conditions of the Gateway determination which requires that the additional permitted use provisions only apply to a portion of the site, being that part of the site on which the Bunnings activities are to be located.

As part of the assessment of the Planning Proposal against Criterion 2, a report prepared by Hill PDA February 2008 for the then NSW Department of Planning was also considered. That report was prepared to assist the Department in relation to proposed amendments to Bega Valley LEP 2002 which proposed limiting the floor area of any one retail premise in Merimbula to 1,000sqm and to enable the expansion of the Tura Beach commercial area with a cap of 5,000sqm retail floor area.

The Hill PDA report recommended, among other things, that:

5 Guide to Preparing Planning Proposals

The first preference for bulky goods should be in Bega, preferably as close as possible to the town centre.

Other than a vague reference to protecting and promoting the role of Bega as the regional centre, there is no justification for this statement in the Hill PDA report or any assessment as to the suitability or otherwise of concentrating bulky goods development in Bega.

In this regard, it is not considered that the Hill PDA report is of relevance to this Planning Proposal, particularly given that a Bunnings Warehouse is a *hardware and building supplies* outlet and not a bulky goods outlet as defined in the Standard Instrument LEP.

This report demonstrates that zoning the site to permit the development of hardware and building supplies and a garden centre:

- Will not undermine the primacy of Bega as the principal retail, commercial, cultural, civic and service centre of the region.
- Will not alter the role and function of Tura Beach local centre. The site represents an edge-of-centre location to the Tura Beach local centre. Bunnings and the adjacent local centre will have a clear distinction in their role and function, although will share some land use synergies of the type broadly supported by the Department's Draft Centres Policy. No long-term scope exists for the Tura Beach centre to physically expand to a level likely to undermine the directions of regional land use policies that emphasise the regional role of Bega.
- Will provide a future injection of 70 direct jobs into the local economy as well as the potential indirect (or 'flow-on') jobs that will be created as a result of this development, including a potential 34 jobs to be created during the construction phase.
- Is consistent with the recent review of the Commercial Centres Strategy.

It is appropriate for a degree of policy discretion to be applied to the development of a Bunnings Warehouse on this site, in view of the age of the policies which currently apply, and that, when considered in the current context, the proposal does not undermine the key directions of those policies.

5.4 Criterion 3 Responding to a change in circumstances

Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.

This criterion has been addressed to certain extent in the discussion above relating to Criterion 2. However, in addition to the matters discussed above, and as detailed elsewhere in this report, a thorough investigation of alternative locations has failed to identify any sites which are appropriate and available for the development of a Bunnings to serve the Sapphire Coast.

This factor, combined with the considerable change in the development patterns of the Sapphire Coast which has occurred since the implementation of Council's policies, as well as evolving retail industry and consumer expectations, indicates that, in the circumstances of this case, the Planning Proposal has significant strategic merit.

5.5 Conclusion

The preceding discussion has demonstrated that this Planning Proposal can satisfy all three criterium in terms of the strategic merit assessment provisions of the DPE's *Guide to preparing planning proposals*.

Specifically, the specialised type of retail format that is proposed and the most appropriate location for that style of retail offering (considering the quite specific locational criteria for such facilities) was not contemplated when the Commercial Strategy was prepared.

6 Matters Required by s3.33 of the EP&A Act

6.1 Introduction

Section 3.33 of the EP&A Act relates to Planning Proposals and specifically, the matters that are to be addressed in a Planning Proposal. Specifically, Section 3.33 states:

- (1) *Before an environmental planning instrument is made under this Division, the planning proposal authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the planning proposal).*
- (2) *The planning proposal is to include the following:*
 - (a) *a statement of the objectives or intended outcomes of the proposed instrument,*
 - (b) *an explanation of the provisions that are to be included in the proposed instrument,*
 - (c) *the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),*
 - (d) *if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
 - (e) *details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.*
- (3) *The Secretary may issue requirements with respect to the preparation of a planning proposal.*

The following subsections of this Planning Proposal address the requirements of Section 3.33 of the EP&A Act.

6.2 Part 1 - Objectives or Intended Outcomes

6.2.1 Objectives and Outcomes

The intended objective or outcome of this Planning Proposal is to rezone the site from Zone 1(c) (Rural Small Holdings Zone) to a zone which will allow for the development of a Bunnings Warehouse on the site. In accordance with the recommendations of the JRPP, the Gateway determination requires the Planning Proposal to be amended to rezone the site to R5 Large Lot Residential with hardware and building supplies and gardens centre being included as additional permitted uses on the site under Schedule 1 of Bega Valley LEP 2013. This is despite the fact that the recently adopted review of the Commercial Centres Strategy recommended the most appropriate zoning to be applied to the site is B5 Business Development.

The JRPP recommended that the additional permitted use provisions only extend over that part of the site which will be used for the purposes of the Bunnings Warehouse development. This recommendation is reflected in the conditions of the Gateway determination.

The concept plan at **Appendix 2** identifies that the works associated with the Bunnings Warehouse (including car parking and landscaped setbacks) would be located towards the northern end of the site and extend over the boundary of Lot 33 and Lot 34. The works associated with the Bunnings Warehouse (excluding any site preparation earthworks and landscaping) would occupy approximately 2.93ha of the (approximate) 4ha of total site area. The residue of land (just over 1ha) would be effectively 'land locked' by the activities associated with the Bunnings Warehouse.

Whilst the notion of the additional permitted use provisions only applying to part of the site has some merit (in terms of ensuring appropriate separation is provided between activities associated with the Bunning Warehouse that might impact on the amenity of adjoining

6 Matters Required by s3.33 of the EP&A Act

residences and the adjoining seniors housing development) , it is considered that such an approach would, in this instance, be unnecessary.

Applying the additional permitted use provisions to the entire site area will allow for some flexibility in locating development on the site as part of a future development application. Such flexibility may be necessary in order to achieve outcomes to minimise (or negate) impacts on the adjoining seniors housing development and to maintain the flexibility in site planning.

In its consideration of the use of the site for the purposes of a hardware and building supplies and a garden centre, the JRPP noted that:

This suggests that an R5 large lot is an appropriate interim zone with an additional use to accommodate a Bunnings style development until such time as Council finalises its strategic framework.

The proposal intends to achieve the following broader objectives:

- Effectively utilise a vacant site for an economically viable land use. In this regard, the JRPP noted that

The site is currently unused and not returning benefits to the community.

- Service the needs of the surrounding residential population; and
- Promote job creation in Bega Valley by enabling a land use that will be a significant employment generator and more specifically, provide a land use that facilitates the Bunnings Warehouse development which will make use of a currently vacant site.

6.2.2 Proposed Amendments to Bega Valley LEP 2013

Land Use Zoning

Permitted uses in the R5 zone are listed below. Uses specifically relevant to the development of the site by Bunnings are **bolded** (our emphasis). Not all uses which are permitted in the R5 zone have been included below:

Permitted uses within the R5 zone include:

- Bee keeping;
- Cellar door premises;
- Dwelling houses;
- Landscaping material supplies;
- Plant nurseries;
- Roads;
- Roadside stalls
- Any other development not specified in Item 2 or 4⁴

Retail premises are a prohibited use in the R5 zone. The following land uses are a type of retail premises⁵:

- garden centres,
- hardware and building supplies,
- landscaping material supplies,
- plant nurseries,

⁴ Development for the purposes of business identification sign is not identified as a prohibited use in Item 4 of the land use table for the R5 zone and therefore is permitted with consent

⁵ Only those land uses relevant to a Bunnings Warehouse type use have been included.

6 Matters Required by s3.33 of the EP&A Act

- rural supplies,
- timber yards.

Therefore, in order for a Bunnings Warehouse to be able to be developed on the site is for the core uses of hardware and building supplies and garden centres to be included as additional permitted land uses on the site.

The objectives of the R5 zone are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

It is considered that development for the purposes of hardware and building supplies and a garden centre on this site is development which is compatible with the range of permissible uses in the R5 zone and could be undertaken in a manner that demonstrates consistency with the relevant objectives of the zone.

Height of Building Development Standard

The site is already mapped as being subject to a maximum building height of 10m under Bega Valley LEP 2013. Furthermore, other R5 zoned land in the vicinity of the site is subject to a maximum height control of 10m.

The small format Bunnings Warehouse as shown in the concept plan at **Appendix 2** to this report will be able to fit within this height limit. Therefore, no amendment to the Height of Buildings maps that relate to Bega Valley LEP 2013 will be required.

Floor Space Ratio (FSR)

The land is not currently subject to a FSR control. It is also noted that other R5 zoned land in the vicinity of the site is not currently subject to a floor space ratio under Bega Valley LEP 2013.

Notwithstanding, the Gateway determination requires that a floor space ratio control (FSR) consistent with the concept plan should apply to that part of the site that is identified as being the Land Application Area (LAA). In this regard, the conditions of the Gateway determination require a plan which includes the building, car park and associated accessways to be prepared. These components will comprise the LAA. A FSR will be applied to that part of the site to which the LAA applies. Associated earthworks and landscaping will be able to be undertaken outside the LAA. A copy of the plan identifying the LAA is included at **Appendix 5** to this report.

As the FSR will not apply to the site *per se*, it is proposed to include the FSR control within the commentary in Schedule 1 of Bega Valley LEP 2013. That commentary will also note that the FSR control only applies to the LAA.

Based on the estimated gross floor area of the building and the area of land identified as the LAA (as shown in the plan at **Appendix 5**), a FSR control of 0.3:1 is considered appropriate.

6 Matters Required by s3.33 of the EP&A Act

Minimum Lot Size

The site is currently subject to two minimum allotment sizes in relation to subdivision.

Lot 33 DP 243029 is subject to a minimum allotment size of 550m² and Lot 34 DP 243029 is subject to a minimum allotment size of 1ha. **Figure 8** which is an extract from Bega Valley LEP 2013 Lot Size maps 020B and 020C shows the existing minimum lot size provisions that apply to the site.

For consistency in relation to other R5 zoned land with frontage to Sapphire Coast Drive (adjoining the site and to the north of Tura Beach Drive), it is proposed that a minimum allotment size of 1ha be applied to the whole of the site. This will require amendment to Lot Size map 020C to show Lot 33 DP 243029 as “Y” and coloured purple on the map. No amendment to Lot Size map 020B is required.

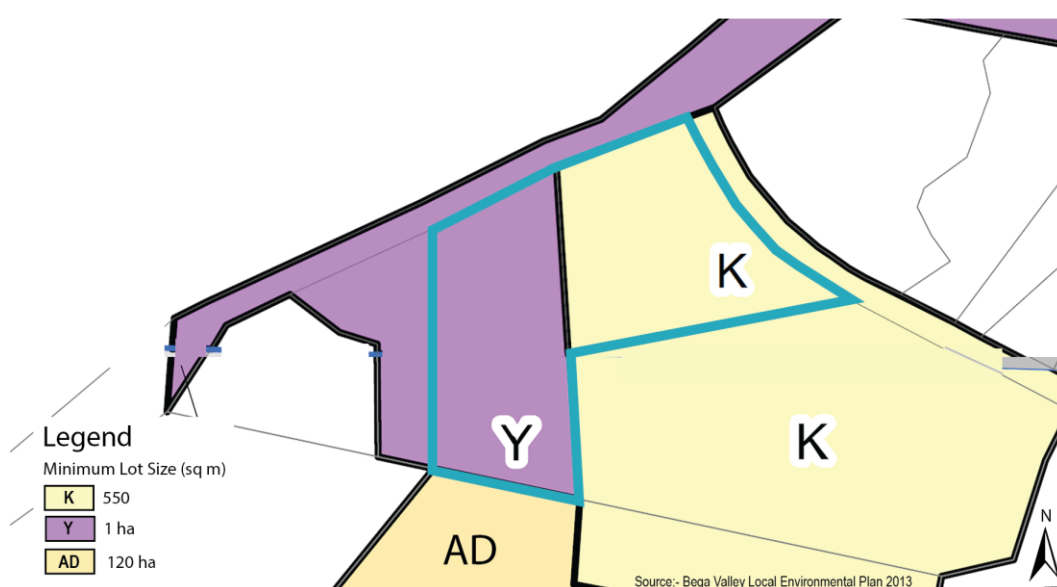


Figure 8 Extract from Bega Valley LEP Lot Size maps 020B and 020C showing the existing minimum lot size provisions that apply to the site

Other LEP Provisions

It is anticipated that, should Bega Valley LEP 2013 be amended as requested, the suite of LEP maps will be required to be amended to ensure relevant provisions of the LEP are taken into account. For example, maps relating to Additional Permitted Uses and Local Clauses would also be required to be amended to identify the site as one to which Schedule 1 applies.

The land application map will also need to be amended to identify the land as being subject to Bega Valley LEP 2013 (instead of a Deferred Matter).

The site is already mapped on the Riparian Lands and Watercourses map and Terrestrial Biodiversity maps the relate to Bega Valley LEP 2013. No amendment of these maps is required under this Planning Proposal.

6.2.3 Existing Zone objectives and permissible uses

The Zone Objectives and Land Use Table pursuant to the current version of the Bega Valley Local Environmental Plan 2002 in relation to the 1(c) zoning which currently applies to the land are as follows:

“(2) Objectives of the zone

The objectives of Zone 1 (c) are as follows:

- (a) *to facilitate and provide rural residential development in appropriate locations, taking into account natural constraints and agricultural land,*

6 Matters Required by s3.33 of the EP&A Act

- (b) *to maintain and enhance the character, amenity and landscape quality of rural residential areas,*
 - (c) *to control the intensity of rural residential development having regard to the physical limitations of the land and the costs and limitations of the provision of public amenities and services,*
 - (d) *to provide opportunities for an agricultural use of the land that is compatible with surrounding residential development.*
- 3) **Allowed without development consent**
Development for the purposes of:
Agriculture, environmental facilities.
- (4) **Allowed only with development consent**
Development for the purpose of:
animal establishments; aquaculture; attached dual occupancies; bed and breakfast establishments; child care centres; clearing of land; community facilities; craft studios; detached dual occupancies; dwelling houses; educational establishments; farm forestry; granny flats; home businesses; home industries; intensive horticulture; places of public worship; professional consulting rooms; reception establishments; recreation areas; recreation establishments; retail plant nurseries; riding schools; tourist accommodation; utility installations; veterinary establishments.
- (5) **Prohibited**
Any development not included in subclause (3) or (4)."

The meanings of words or expression within the above provisions are subject to the definitions in the *Bega Valley Local Environmental Plan 2002*.

The current 1(c) zone permits a range of non-residential activities, including uses such as a retail plant nursery⁶. Notwithstanding, development for the purposes of hardware and building supplies and a garden centre is not able to be undertaken on the site based on the current zoning of the land.

However, the current zone does permit development that is commercial in nature on this site and therefore the proposed use of the site for the purposes of a Bunnings Warehouse is a use that is entirely consistent with the uses and form of development which could currently be undertaken on the site. Further, based on the location of the site (and its surrounding context), there is a greater likelihood that uses which are more commercial in nature (rather than residential) would be developed on this land if the current 1(c) zoning remained.

6.3 Part 2 - Explanation of Provisions

6.3.1 Proposed Amendments to Bega Valley LEP 2013

The proposed outcome will be achieved by rezoning the land from Zone 1(c) (Rural Small Holdings) under Bega Valley LEP 2002 to Zone R5 under Bega Valley LEP 2013 with development for the purposes of hardware and building supplies and a garden centre being identified as additional permitted uses on this site in Schedule 1 of Bega Valley LEP 2013. Development for the purposes of business identification signs is a land use permitted with consent in the R5 zone.

Figure 9 shows the site in relation to adjoining land which is zoned under Bega Valley LEP 2013. This plan shows that the site is a deferred matter under the 2013 LEP. **Figure 8** also shows that the adjoining land to the west and land to the north-east of the Tura Beach local centre is zoned R5 Large Lot Residential. Therefore, it is considered that this is an

⁶ Bega Valley LEP 2002 defines a retail plant nursery as *being a building or place used of the growing and wholesale of retail selling of plants, whether or not ancillary products are sold there*. It is not considered that a Bunnings garden centre fits into this definition as the plants sold will not be grown on site.

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appropriate zone having regard to the objectives of the zone, the nature of the proposed use and context.

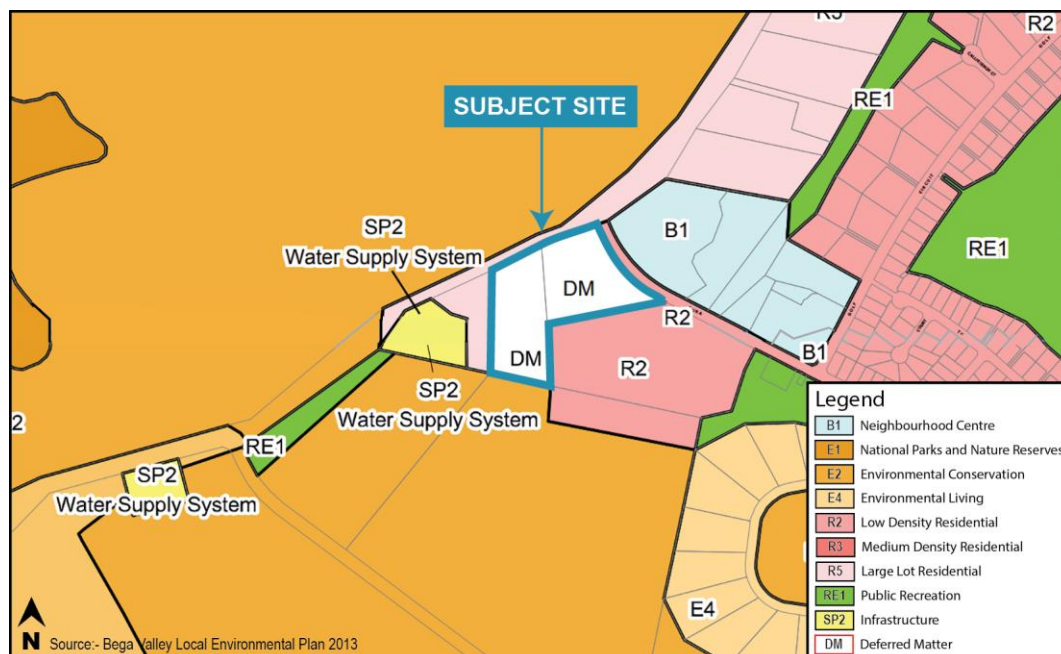


Figure 9 Extract from Bega Valley LEP Land Use zoning map showing site as a deferred matter

6.4 Part 3 – Justification

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

The proposal has not been prepared in response to any strategic study prepared by Council.

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

An amendment to the Bega Valley LEP 2013 is the best means of achieving the desired outcome to enable the development of the site for a Bunnings Warehouse. Under the current 1(c) (Rural Small Holdings Zone), development for the purposes of *hardware and building supplies* and a *garden centre* are prohibited on the site.

It is considered that rezoning of the site to R5 Large Lot Residential under Bega Valley LEP 2013, with hardware and building supplies and garden centres identified as an additional permitted use on this site in Schedule 1 of the LEP, is an appropriate planning methodology to enable the development of a Bunnings Warehouse on the site with development consent and the best means of achieving the intended outcome for the site.

6.5 Section B – Relationship to Strategic Planning Framework

6.5.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

South Coast Regional Strategy 2006-2031

NSW Department of Planning and Environment (DPE) has prepared a revised strategy for the region in which the site is located. The draft South East and Tablelands Regional Strategy has been exhibited for public comment but has not yet been adopted. The site will be located within the area to which this strategy will apply. Until that Strategy is adopted, the current South Coast Regional Strategy will continue to apply, however, the draft Strategy has nonetheless been considered.

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The South Coast Regional Strategy (the Strategy) was prepared in 2007 and provides a high-level land use vision for the region, emphasising the need to balance population growth, economic development and environmental protection.

The Strategy aims to provide for a housing demand for up to 45,600 new dwellings by 2031 to accommodate the additional 60,000 people expected in the region over the next 25 years. The Strategy estimates that there will be a need for 25,800 new jobs in the region in order to support the anticipated population growth.

The economic base of the region is changing from one of relying on traditional primary industries to wide ranging service-oriented industries. Among the economic challenges facing the region are to ensure sufficient employment lands are available in appropriate locations to accommodate growth in existing and emerging industries and businesses.

The Strategy identifies Bega as a major regional centre with the capacity to grow into a stronger regional administrative and service centre.

According to the Strategy, Bega Valley Shire is projected to grow by an additional 10,900 people (or 8,600 dwellings) over the period 2006-2031.

The Strategy identifies that, due to the supply of land in Merimbula, Tura Beach, Bermagui and Eden, the majority of growth will occur in these centres.

Section 7 of the Strategy sets out the intended economic development and employment growth for the South Coast region. The Strategy states the following directions for the region:

- The Strategy highlights the importance of concentrating commercial development in key regional centres such as Bega; and
- The Strategy states that each LGA within the region contains surplus employment lands.

Whilst these two directions could, at first blush, be construed as an impediment to a Planning Proposal for the site, the Strategy also notes the following:

Council will maintain the current net supply of zoned employment lands; however consideration will be given to zoning changes that address concerns regarding tenure, location, constraints and specific opportunities. [our emphasis]

This Planning Proposal has had regard to the existing centres hierarchy and the strategic role of the Bega regional centre in that hierarchy. This is discussed in detail in **Section 5** of this report and in the Economic Impact Assessment (EIA) prepared by Essential Economics at **Appendix 4** to this report.

The EIA includes detailed discussion in relation to alternative sites which have been investigated for the proposed Bunnings, including sites within the Bega town centre and Pambula. In this regard, it was found that there were no suitable sites for proposed development within the existing Bega town centre or appropriately zoned land within other localities primarily due to:

- Topography
- Lack of land
- Exposure to passing traffic
- Access issues.

More discussion regarding alternative sites which have been investigated is included in **Section 6.6.2** of this report.

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Further, the EIA demonstrates that the development of the Bunnings Warehouse in this location will not adversely impact the hierarchy of centres within the region nor will it impact on the capacity of Bega to continue to function as the major centre for the region.

South East and Tablelands Regional Plan 2036

The *South East and Tablelands Regional Plan 2036* was published by NSW Department of Planning and Environment in July 2017 and is a relevant Strategic Plan which applies to the site. Under the document *A Guideline for Preparing Planning Proposals*, the consistency of a Planning Proposal with objectives and actions of the applicable regional or sub-regional strategy and exhibited draft strategies is required.

The Regional Plan contains 4 Goals:

- Goal 1 – A connected and prosperous community
- Goal 2 – A diverse environment interconnected by biodiversity corridors
- Goal 3 – Healthy and connected communities
- Goal 4 – Environmentally sustainable housing choices

Goals 3 and 4 are not relevant to this proposal. The relevant provisions of Goals 1 and 2 are discussed below.

Goal 1 - A connected and prosperous community

Direction 12: Promote business activities in urban centres is relevant to this Planning Proposal.

The Regional Plan identifies that *new retail activity should be directed to existing centres to increase centre vitality, capitalise on existing transport and community facilities, attract complementary activities, and enhance the value of existing public spaces. Any retail or commercial development outside of existing commercial centres will need to demonstrate social and economic benefits to the community.*

Action 12.4 requires that future commercial and retail activity should be focussed in existing commercial centres, unless there is a demonstrated need and positive social and economic benefits to locate this activity elsewhere.

As discussed in detail in **Section 6.6.2** of this report and the EIA at **Appendix 4**, the selected site has a number of benefits. It will provide significant employment opportunities for the local population – around 21 full time equivalent (FTE) construction jobs and direct employment for over 70 people in full time, part time and casual roles which is equivalent to approximately 50 FTEs.

Notwithstanding that the site is not part of an existing centre, the site's location takes advantage of, and relates well to, the existing Tura Beach shopping centre (which is anchored by a Woolworths supermarket) on the opposite side of Tura Beach Drive. The co-location maximises use of existing infrastructure.

As part of the assessment of the suitability of this site for the purposes of a Bunnings Warehouse, detailed investigations of other appropriate zoned land within the Bega Valley LGA were undertaken. Details of these investigations are discussed in **Section 6.6.2** of this report.

Due to the specialised retail offering provided, it is considered that a Bunnings Warehouse is development which can integrate with the existing network of centres without disrupting the established hierarchy. Specifically, as demonstrated in this report and in the accompanying EIA, the development of a Bunnings Warehouse on this site will not impact on the primacy of Bega as the regional centre, nor will the role and function of Tura Beach alter with the establishment of a Bunnings Warehouse on this site.

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Given the lack of a suitable site within an existing centre, the potential positive social and economic benefits of locating this activity on this site have been considered. These include:

- Improved access to an affordable hardware store for residents in the Sapphire Coast region that represents a market gap in the provision of this hardware store format.
- Improved access for local residents and trade customers to a wide range of well-priced hardware and homeware goods.
- New jobs for the local labour force.
- Introduction of a major supplier of building/hardware supplies at a location convenient for business and trade customers within the region.
- Reduction in travel costs for those wishing to access a hardware store which provides a wide range of affordable products.
- Ability to service the hardware and homemaker retail needs of projected future residential growth of the surrounding region
- Improved access for trade and business customers to hardware and trade supplies.

In order to quantify the social and economic benefits of locating a Bunnings Warehouse facility on this site a net community benefit test has been undertaken. Details of the net community benefit assessment is provided in **Section 6.6.2** of this report.

Overall, it is considered that the development of a Bunnings Warehouse on the site is unlikely to have adverse economic impacts. The development will not impact on the role of Bega as the region's primary commercial centre nor will it be inconsistent with the established centre hierarchy. Bunnings Warehouse developments have frequently been sited on the periphery of town centres and in out of centre locations without any detrimental impacts on those centres. Examples of such developments include Batemans Bay, Goulburn, Ulladulla and South Nowra.

Therefore, it is considered that the proposal is consistent with the relevant action, being Action 12 of Goal 1 of the Regional Plan.

Goal 2 of the Regional Plan relates to the ecological and biodiversity characteristics and attributes of the Region. Whilst there are no Directions or Actions specifically relevant to the site or the Planning Proposal, in terms of the vegetation and watercourse affecting the site, the Bega Valley LEP 2013 already provides mapping to protect biodiversity and riparian areas through the Terrestrial Biodiversity and Riparian Lands and Watercourses Maps.

A more detailed assessment at a site-specific level as to how a development will address and manage those constraints are best managed through the DA process however it is not considered that this site is unsuitable for the proposed development as a result of these constraints.

6.5.2 Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Community Strategic Plan – Bega Valley 2030

According to Council's website, as part of the Community Strategic Plan, Council will achieve the following Key Directions by 2030:

E1 - Growth of our local economy:

We have increased business capacity and opportunities, generating ongoing economic development.

E2 - Enhanced tourism opportunities:

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Our tourism business opportunities are enhanced, and reflect the values of the community and natural environment.

E3 - Strong and diverse future:

Our economy is strong and diverse with vibrant regional and district centres, and our traditional industries have the opportunities to forge new futures.

E4 - Innovation supported:

We are innovative and known for our commitment, support and encouragement to new and emerging services and industries.

E5 - Confidence:

We have community and investor confidence in our local economy and local area.

This Planning Proposal facilitates the development of a Bunnings Warehouse which will contribute to the growth of the local and wider Bega Valley economy by increasing business and employment opportunities for residents, which is consistent with Key Direction E1 of the Community Strategic Plan – Bega Valley 2030.

The development of a Bunnings Warehouse in this area is also a demonstration of the confidence a major National operator has in the economy of the area. This is an indication that this Planning Proposal is consistent with Key Directions E3 and E5.

Bega Valley Shire Commercial Strategy 2006

The Bega Valley Shire Commercial Strategy identifies a commercial centres hierarchy for the LGA to provide guidance on commercial development in the Bega Shire.

The Strategy identifies a centres hierarchy for the LGA. **Bega** is the major centre for the LGA and is nominated as a regional centre. This centre includes representation by the larger chain retailers, significant Government services and a range of commercial/business services normally associated with larger centres.

There are three local centres in the LGA - Bermagui, Merimbula/Pambula/Tura Beach and Eden. The principal role of these centres is to provide for the day to day needs of residents and tourists.

In addition to these centres, there are 13 neighbourhood centres in the Bega Valley Shire.

Although the Strategy predicts that Bega will outstrip Merimbula as the region's commercial hub by 2025, it is anticipated that a significant commercial role would still be required of Merimbula/Tura Beach/Pambula into the future.

The expansion of the Tura Beach centre was identified as a short-term outcome in the Commercial Strategy and this has been achieved through the development of the Woolworths supermarket and other supporting specialty retail uses. The Strategy also identified a need to define and maintain the role of Merimbula as a town centre.

The Commercial Strategy envisaged that the site would be developed for the purposes of seniors housing. This conclusion was no doubt in response to an approved development application for seniors housing on the site. That approval has now lapsed, and no other development proposals are current for the site.

Notwithstanding the above, rezoning the site to allow for the development of hardware and building supplies and garden centres is not considered to be inconsistent with the Commercial Strategy. The proposed uses of hardware and building supplies and a garden centre will complement the range of uses already permitted within the existing 1(c) zone and will complement the adjoining local centre without allowing for competing development or providing for a de facto expansion of the local centre.

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Importantly, the EIA accompanying this Planning Proposal demonstrates that the proposed development of a Bunnings Warehouse on the site will not undermine the capacity of Bega to fulfil its role as the regional centre for the LGA and nor will it be inconsistent with the established centre hierarchy for the area.

Commercial Centres Strategy – Review of Merimbula, Pambula, Tura Beach Catchment

As noted in **Section 2.4** of this report, in February 2018 Council adopted the Commercial Centres Strategy – Review as it related to the Merimbula, Pambula, Tura Beach Catchment. The site is within the Merimbula, Pambula, Tura Beach Catchment being located adjacent to the Tura Beach local centre.

The Planning Proposal is considered to be consistent with the strategic direction for the commercial functions within Merimbula, Pambula, Tura Beach Catchment and the objectives of the Review for the following reasons:

- Rezoning the site to allow development for the purposes of hardware and building supplies and a garden centre to be undertaken will not alter the role and function of the Tura Beach local centre. The development of a Bunnings on the site will have certain synergies with the existing retail provision with the centre.
- As demonstrated in the Commercial Centres Strategy review, rezoning the site to R5 Large Lot Residential (with hardware and building supplies and a garden centre being permitted on the site as additional uses) will not impact on the primacy of the Bega town centre as the major centre of the Bega Valley Shire and would reinforce the role of the Tura Beach/Merimbula/Pambula centre.
- Allowing development for the purposes of hardware and building supplies and a garden centre on the site is a positive demonstration of the flexibility of strategic plans to accommodate new and innovative forms of development, including retail development, as advocated in the South East and Tableland Regional Plan 2026.
- Based on its location and proximity to the Tura Beach centre and connecting roads, development for the commercial purposes on this site is appropriate.
- Rezoning the site to allow development for the purposes of hardware and building supplies and a garden centre to be undertaken will result in growth of local employment opportunities in the short term (during the construction phase) and long term.

Bega Valley Shire Land Use Planning Strategy 2008

The Bega Valley Shire Land Use Planning Strategy was prepared to inform the preparation of the Comprehensive LEP (which has since been published as Bega Valley LEP 2013) and to a framework to guide Council decision making in relation to land use planning. The Land Use Strategy was informed by the Commercial Strategy and South Coast Regional Strategy.

The Strategy identifies Tura Beach as a neighbourhood centre and notes:

Council's strategy sees Tura Beach commercial area as having a retail support role for Merimbula to lessen congestion impacts on Merimbula. As such the Merimbula commercial area is proposed to expand by 5,000m² of retail floor space capacity to improve the ability of the Tura Beach centre to service many local needs and provide alternative options for homemaker and supermarket retail in the Merimbula District.

The expansion of the Tura Beach local centre has occurred in accordance with this recommendation.

The EIA accompanying this Planning Proposal has concluded that development for the purposes of hardware and building supplies and a garden centre on this site, will not alter the established retail hierarchy and directions for future development as set out in the Land Use Strategy.

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6.5.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 2 provides an assessment of the Planning Proposal's consistency with relevant State Environmental Planning Policies (SEPPs).

Table 2 Consistency with Relevant State Environmental Planning Policies		
SEPP	Response	Consistent
SEPP No.44 Koala Habitat Protection This SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas.	The site is not considered to be core Koala habitat due to the low probability of Ribbon gum or Red gums on the site.	Yes
SEPP No. 55 Remediation of Land Council and the DPE are required under SEPP 55 to consider if the land to which this Planning Proposal is contaminated and if so, whether the land is suitable for the intended use or can readily be made suitable prior to that use commencing.	The Planning Proposal is capable of complying with the SEPP. It is unlikely that contaminating land uses, namely crop farming and intensive agriculture have previously occupied the site. The conditions of the Gateway determination require a preliminary site investigation to be prepared prior to exhibition of the Planning Proposal.	Yes
SEPP 64 Advertising and Signage	The Planning Proposal does not contain provisions that would be inconsistent with or hinder the application of the SEPP. This SEPP may apply to signage associated with any future development.	Yes
SEPP Coastal Management This SEPP aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016.	The site is not located with the coastal use area and therefore the provisions of the Coastal Management SEPP do not apply. Notwithstanding, appropriate water management treatments can be provided as part of any future development to ensure there is no discharge of untreated stormwater from the site.	N/A
SEPP Housing for Seniors or People with a Disability 2004 The SEPP aims to encourage the provision of housing that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability	Approval for the development of 34 self-contained dwellings for aged persons on the site was granted in 2004 however this development was not pursued, and the consent has now lapsed. Seniors housing is not permitted in the current 1(c) zoning that applies to the land. The land is land adjoining land zoned for an urban purpose. Subject to the issue of a site compatibility certificate, development for the purposes of seniors housing could be undertaken.	Yes

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Table 2 Consistency with Relevant State Environmental Planning Policies

SEPP	Response	Consistent
SEPP (Infrastructure) 2007 Clause 101 of this SEPP relates to development with a frontage to a classified road and Clause 104 relates to assessment of traffic impacts of certain types of development, such as development with car parking supply in excess of 200 vehicles.	<p>Frontage to a Classified Road Clause 101 of the Infrastructure SEPP sets out provisions relating to development with a frontage to a classified road. Sapphire Coast Drive is a classified road and is a Council road. Any future development must ensure that there are no adverse impacts on the efficiency and ongoing operation of the road and ensure that it is appropriately located and designed to address potential traffic noise or vehicle emissions. This will be addressed at DA stage.</p> <p>Traffic Generating Development Clause 104 applies to developments of the relevant size or capacity that either:</p> <ul style="list-style-type: none"> a) <i>has direct vehicular or pedestrian access to any road, or</i> b) <i>has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection.</i> <p>The site has a frontage to Sapphire Coast Drive, a classified road. The development to which the provisions of Clause 104 applies is listed in Schedule 3 of the SEPP. Based on the concept scheme, the proposal may be required to be referred to the Roads and Maritime Service (RMS) for comment.</p>	Yes

The Planning Proposal is considered to be consistent with the relevant applicable SEPPs.

6.5.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Ministerial Directions have been considered in the preparation of this Planning Proposal report and was found to be consistent with the relevant Ministerial Directions. The main directions of relevance are discussed below.

It is noted that the Gateway determination identifies that the inconsistency of the Planning Proposal with Section 9.1 Directions 1.2 Rural Zones and 6.3 Site Specific Provisions are of minor significance and no further approval is required in relation to these Directions.

The Gateway also notes that Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of Section 9.1 Direction 4.4 Planning for Bushfire Protection.

It is likely that this requirement is triggered by the proposed residential zoning. Given that the site is proposed to be developed for a Bunnings Warehouse, it is considered that no further

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investigations are required as part of the Planning Proposal. A bushfire assessment can be provided as part of the DA.

Direction 1.1 Business and Industrial Zones

Notwithstanding the site is proposed to be zoned R5 Large Lot Residential, because retail activities are proposed to be included as additional permitted uses on the site, this Direction is a relevant consideration.

The objectives of this Direction are:

- a) encourage employment growth in suitable locations*
- b) protect employment land in business and industrial zones, and*
- c) support the viability of identified strategic centres.*

It is considered that the Planning Proposal is consistent with these objectives in that it:

- Encourages employment growth in an area close to residential development;
- Will provide opportunities for the economic development of specific land in the Tura Beach area;
- Is in a suitable location being adjacent to an existing commercial zone;
- Does not adversely impact established business and industrial zones within Bega Valley

The EIA at **Appendix 4** includes detailed discussion regarding the potential impacts the location of a Bunnings Warehouse in the proposed location might have on the role and function of the Tura Beach local centre and the capacity of Bega to fulfil its role as the regional commercial hub of the far south coast region.

The EIA at **Appendix 4** notes that there is currently an estimated 45,000m² of retail floorspace within the Bega town centre, compared to 17,500m² in Merimbula and 7,500m² in Tura Beach⁷.

In addition to this retail floorspace, Bega also performs the vital function as the civic, cultural and services centre of the region. Examples of community facilities and services represented in Bega include:

- Bega Valley Shire Council
- Bega Valley Private Hospital
- South East Regional Hospital (recently opened)
- Centrelink and Medicare Offices
- Bega Courthouse
- University of Wollongong, Bega Campus
- Illawarra TAFE Institute
- Bega High School
- Bega Valley Public School (K-6)
- St Patrick's Primary School (K-6)
- Mumbulla School for Rudolf Steiner Education (K-6)

The role of Bega should not be considered in the absence of these other services and facilities that collectively play a significant role in reinforcing Bega as a regional commercial hub.

⁷ Floorspace estimates by Essential Economics

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The proposed Bunnings Warehouse is not considered to be a major commercial development. This Planning Proposal will provide for the development of a hardware and building supplies and garden centre development of less than 7,000m². Such development and zoning will not threaten or challenge the primacy of Bega as the regional centre of the area.

The relationship between the site to which the Planning Proposal relates and the Tura Beach local centre has been considered in the context of this S9.1 Direction. Specifically, the impacts, if any, the establishment of a Bunnings warehouse development on this site might have on the centres hierarchy of the Bega Valley LGA generally and the Bega Regional Centre has been considered.

In relation to the role of Bega as the principal commercial centre of the region and its ability to continue to grow and flourish, the EIA at **Appendix 4** notes that:

The sheer magnitude of Bega's retail offer and provision of community and civic infrastructure compared to Merimbula and Tura Beach means that its primacy as the regional centre will not be threatened by the development of the Bunnings Warehouse (small format) at Tura Beach.

The EIA also found that the development of a Bunnings Warehouse in a location proximate to the existing Tura Beach local centre would not change the way in which that centre operates or how it relates to the centres network within the Bega Valley LGA.

The Tura Beach local centre will maintain its core function as the main convenience retail facility for its local population whilst the Bunnings is a specific retail destination facility that will service a much wider catchment (as discussed in the EIA).

The EIA has considered the development of a small format Bunnings Warehouse on the subject site in terms of its relationship with the Tura Beach local centre and notes as follows:

Although the proposed Bunnings will have some land use synergies with the adjacent Tura Beach local centre, in a practical sense for most customers the Bunnings will be a single-purpose shopping trip.

Our experience in retail-economic analysis undertaken for private clients and policy makers over 20 + years indicates that the presence of a Bunnings at Tura Beach would generate no more than a marginal increase in sales and visitation to the supermarket and specialty shops at Tura Beach. That is, residents of locations such as Bega and Merimbula would benefit from access to the Bunnings hardware retail format, without any significant change to their purchasing patterns for other goods and services such as supermarket and grocery shopping.

Furthermore, the recent review of the Commercial Centres Strategy has identified that this site is suitable, from a strategic planning perspective, to be zoned for business purposes.

Therefore, the Planning Proposal is consistent with the objective.

Direction 1.2 Rural Zones and Direction 1.5 Rural Lands

The objective of Direction 1.2 is to protect the agricultural production value of rural land.

The objectives of Direction 1.5 are:

- a) *protect the agricultural production value of rural land,*
- b) *facilitate the orderly and economic development of rural lands for rural and related purposes.*

A Planning Proposal may be inconsistent with these Directions if it is of minor significance.

The site comprises approximately 4ha of land. Although the land is currently zoned 1(c) Rural Small Holdings, it is not currently used for any viable agricultural use. The land adjoining the site is zoned R2 Low Density Residential and R5 Large Lot Residential and therefore it is unlikely that a viable agricultural use will be undertaken on the site.

In view of this, the Planning Proposal is considered to be justifiably inconsistent with these Directions.

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Direction 2.2 Coastal Protection

This Direction applies if the land to which the Planning Proposal applies is within a coastal zone. The objective of the direction is to implement the principles of the NSW Coastal Policy.

The site is not within the coastal use area as mapped under SEPP Coastal Protection. Therefore, the Planning Proposal is consistent with the Direction in that it does not contradict or hinder the application of the relevant coastal protection policies.

If the Planning Proposal is supported, the land will be zoned under the provisions of Bega Valley LEP 2013. Clauses 5.5 and 5.7 of Bega Valley LEP 2013 relate to development in the coastal zone and any future development on the site will be required to address the provisions of these clauses. The provisions of SEPP Coastal Protection will be considered as part of a future development application on this site.

Direction 3.1 Residential Zones

This Direction applies if the land to which the Planning Proposal applies will result in a change of zone in which residential development is currently permitted.

The objectives of this Direction are:

- 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, and*
- c) *to minimise the impact of residential development on the environment and resource lands.*

This Direction applies when a Planning Proposal affects land within:

- a) *an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
- b) *any other zone in which significant residential development is permitted or proposed to be permitted.*

The current 1(c) zoning of the site permits very limited forms of residential development (e.g. dwelling houses and dual occupancy developments) and is principally a 'rural' land use zoning.

The proposed R5 zoning would permit development for the purposes of dwelling houses. Bega Valley LEP 2013 prescribes a minimum allotment size of 1ha for the purposes of subdivision in the R5 zone. Based on the site area available, the site could be theoretically be subdivided into 4 allotments, with a dwelling able to be located on each new allotment.

The R5 zoning of the land will apply if this Planning Proposal proceeds. This zoning reflects the zoning of other land along the southern side of Sapphire Coast Drive to the east and west of Tura Beach Drive and is therefore considered to be an appropriate zoning for the land and is not contrary to the objectives of this Direction.

Direction 3.4 Integrating Land Use and Transport

This Direction applies if the Planning Proposal proposes to create, alter or remove a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) *increasing the choice of available transport and reducing dependence on cars, and*

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- (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) *supporting the efficient and viable operation of public transport services, and*
- (e) *providing for the efficient movement of freight.*

The site has frontage to two roads and the intersection of Sapphire Coast Drive and Tura Beach Drive has been designed to cater for traffic generated from residential development in Tura Beach as well as the existing shopping centre on the opposite corner of Sapphire Coast Drive and Tura Beach Drive. The site's access to Sapphire Coast Drive provides good road connections to the regional road network.

Any future development application for the site will be required to demonstrate that the existing road network is capable of accommodating any potential increase in traffic generation by way of a Traffic Impact Assessment.

As demonstrated in **Figures 2 and 3**, the site is centrally located within the Bega Valley LGA and equidistant from Bega and Eden, which are the major population centres in the Secondary North Trade Area and Secondary South Trade Area for the proposed Bunnings Warehouse. The facility will be located approximately 20km travel distance (by car) from these centres and therefore will reduce travel times. If the Bunnings was located at Bega, for example, travel times and distances would be significantly increased.

Direction 3.5 Development near Licenced Aerodromes

Although the site is within the vicinity of Merimbula Airport, it is not within an area where the Australian Noise Exposure Forecast (ANEF) exceeds 20 and any future development on the site will not provide a new hazard to aircraft.

The site protrudes above the applicable Obstacle Limitation Surface (OLS). The site will be subject to a maximum building height of 10m and development of this height will not obstruct the existing ground hazard marker.

If the Planning Proposal is supported, the land will be zoned under the provisions of Bega Valley LEP 2013. Clause 6.8 of the LEP includes provisions that aim to protect the airspace operations of Merimbula Airport. Any future development application for the site will be required to address these provisions.

Direction 4.1 Planning for Bushfire Protection

This Direction applies if the site to which the Planning Proposal applies is affected by or proximate to land mapped as bushfire prone land.

The site is identified as bushfire prone land (Category 1 bushfire vegetation) and therefore this Direction applies.

The Planning Proposal is not inconsistent with the objectives of the Direction as it does not seek to permit development which would be inappropriate on bushfire affected land. Any future development on the site will be required to comply with the provisions of Planning for Bushfire Protection 2006.

Direction 5.1 Regional Strategies

The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

The consistency of the Planning Proposal with relevant strategies has been discussed in **Sections 2.4, 6.5.1 and 6.5.2** of this report.

6 Matters Required by s3.33 of the EP&A Act

Direction 6.3 Site Specific Provisions

The site-specific circumstances of this Planning Proposal were considered in detail by the JRPP. The Panel noted that:

The site is located on a well trafficked coastal link road between Merimbula, Tathra and Bega. It is adjacent to a neighbourhood business zone.

The site is relatively level and cleared of significant vegetation. It has a significant frontage to two (2) roads to provide adequate means of access.

Adjoining the site to the south is R2 Low Density Residential zoned land which has been developed for the purposes of seniors housing. This interface has been identified as one that requires special consideration in terms of any future development of the site.

However, the Panel also noted that:

...the site is of a sufficient size to be able to accommodate a single development along with a transition to the Low Density R2 residential zoned lands on the site, and provide for mechanisms to mitigate potential impacts, such as buffer zones.

The site is considered suitable for use, but only if appropriate constraints are applied as follow:

- *Building heights should be no greater than what is permitted on adjoining land.*
- *There should be limits on total floor area.*
- *Buildings and ancillary structures including car parks should be sited so that there are significant setbacks to accommodate landscape and acoustic screens.*
- *Access arrangements should be located so as to minimise impact on adjoining residential development.*

The concept plan at **Appendix 2** to this report demonstrates that the objectives of the JRPP regarding the relationship of future development on the site with the adjoining seniors housing development can be met.

In view of this, it is considered that this Planning Proposal is consistent with this Direction.

6.6 Section C – Environmental, Social and Economic Impact

6.6.1 Employment

The development of a Bunnings Warehouse on the site will result in short term construction employment opportunities and long term employment once the facility is operational.

Based on an estimated capital investment value for the construction works, it is estimated that this project could provide for 21 full time equivalent (FTE) construction jobs, assuming a 12 month construction period and a further 34 flow on jobs during this phase of the development.

The Bunnings Warehouse itself could provide direct employment for over 70 people in full time, part time and casual roles which is equivalent to approximately 50 FTEs. In addition to these jobs, it is estimated that a further 45 indirect or flow-on jobs could also be created as a result of this development.

Therefore, the development of a Bunnings Warehouse on the site will have a positive impact from an employment perspective.

6.6.2 Economic Impacts

In order to address specific economic impact considerations, an EIA has been prepared by Essential Economics and a copy of this is included at **Appendix 4** to this report.

In addition to assessing the potential economic impacts of the establishment of a Bunnings Warehouse on this site, the EIA has also considered what effect the development of a

6 Matters Required by s3.33 of the EP&A Act

Bunnings Warehouse in this location might have on the centre hierarchy, whether there were any alternative suitable locations available for the proposal and the net community benefit of the development of a Bunnings Warehouse in this location.

Investigation of Alternative Locations

As part of the assessment of the suitability of this site for the purposes of a Bunnings Warehouse, detailed investigations of other appropriate zoned land within the Bega Valley LGA were undertaken. This included existing zoned land adjacent to Kerrisons Lane and on the Princes Highway/Newton Road in South Bega however, this land was found to be unsuitable due to a number of constraints including topography, lack of visibility and exposure and potentially unsafe traffic movements.

The recent review of the Commercial Centres Strategy also investigated the suitability of various sites within the Bega Valley LGA to accommodate large floor plate developments.

Appropriately zoned land in Pambula was also investigated as part of the EIA and found to be unsuitable for the following reasons:

- In relation to the industrial area in Pambula South, adjacent to Mount Darragh Road, this land was unsuitable due to the following:
 - Too removed from the main catchment area.
 - Lack of exposure to a main road.
 - Site constraints (flooding) which would significantly increase construction costs.
- In relation to the industrial land adjacent to Arthur Kaine Drive and Sir William McKell Drive, there was a lack of sites of sufficient size with the exposure required.

The following alternative locations have also been investigated:

Bega Town Centre

As noted in the EIA at **Appendix 4**, the town centre comprises:

Prevailing lot sizes and the density of retail and commercial development are not able to readily accommodate a hardware warehouse as per the proposed Bunnings Merimbula.

If a smaller format store (than that currently proposed) was developed, this would undermine the economic viability of the facility and reduce the catchment.

Three specific sites were identified for further testing. All three sites were found to be unsuitable for a variety of reasons including:

- Site constraints – flood impacts
- Lack of exposure
- Inadequate site area

Bega Balance

Five sites of industrially zoned land adjacent to Princes Highway and Kerrisons Lane to the south of Bega township and land to the north of Bega (and east of the Princes Highway) were also investigated.

All five sites were found to be unsuitable for a variety of reasons including:

- Steeply sloping topography which is unsuitable for large floorplate warehouse type uses
- Fragmented land ownership patterns
- Lack of exposure to passing trade

6 Matters Required by s3.33 of the EP&A Act

- Traffic safety issues associated with locating safe ingress/egress point(s) due to topography and traffic speeds.

Pambula

Land zoned for industrial, commercial and mixed uses in and adjacent to the Pambula Township and a large area of industrial zoned land located on Denisons Road west of South Pambula, was also investigated.

In all cases, the land investigated was considered to be unsuitable for the development of a Bunnings Warehouse for a number of reasons including:

- Lack of exposure to passing trade
- Poorly located in relation to the main catchment area
- Site constraints – flooding, vegetation
- Insufficient land

Conclusion

In view of the above, it is considered that the site on the corner of Tura Beach Road Drive and Sapphire Coast Drive represents the optimal location for the proposed Bunnings Warehouse development.

Impact Assessment

The EIA has estimated a potential catchment area for the Merimbula Bunnings Warehouse and considered the characteristics of the population of the catchment, together with the potential for population growth and expenditure potential.

As part of the assessment, Essential Economics has also considered the competitive environment within which the Bunnings Warehouse on this site would operate and impacts on other existing hardware outlets.

The assessment found that there is sufficient expenditure available to support the proposed Bunnings as well as existing hardware outlets. Much of the existing and future available expenditure is as a result of population growth within the Primary Trade Area. The population growth within the catchment of the Merimbula/Pambula/Tura Beach centre is discussed in detail in the recent Bega Valley Commercial Centres Strategy Review.

Overall, the assessment found that the proposed Bunnings Warehouse is supported by market demand and that trading impacts will be short-term and within the normal bounds of competitive trading. Importantly, the EIA also found that the role and competitiveness of Bega as the primary regional centre for the area will not be undermined by the establishment of a Bunnings Warehouse on the site.

Strategic Context

As noted in the EIA, despite the fact that it is now more than 10 years old, many of the general principles in Council's Commercial Strategy remain relevant. However, its application in relation to assessment of individual proposals, such as the proposed Bunnings, is limited by the passage of time and ongoing changes in the retail sector, commercial development trends and contemporary retail formats.

Bunnings, due to the specialised retail offering provided, can integrate with the existing network of centres without disrupting the established hierarchy. Specifically, as demonstrated in this report and in the accompanying EIA, the development of a Bunnings Warehouse on this site will not impact on the primacy of Bega as the regional centre, nor will the role and function of Tura Beach alter with the establishment of a Bunnings Warehouse on this site.

6 Matters Required by s3.33 of the EP&A Act

Net Community Benefit

A net community benefit test has been undertaken in order to address the potential social and economic benefits of the proposal. The net community benefit test followed the heads of consideration detailed in the Draft Centres Policy (May 2010) which included a set of evaluation criteria for rezoning proposals for commercial and retail developments.

The following table is an assessment against the evaluation criteria detailed in the Draft Centres Policy.

Table 3 Net community benefit test evaluation criteria	
Criteria	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The land to which this Planning Proposal relates is not within an area identified in a regional strategy such as a land release area, strategic corridor, or land within 800 metres of a transit node.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	If Planning Proposals in the Bega Valley LGA were to meet the strict criteria of the regional strategy, then it would preclude a wide range of potential opportunities.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	<p>The site is a corner position opposite Tura Beach shopping centre and close to other developed lands including a service station, garden centre, neighbourhood centre which are zoned B1 Neighbourhood Centre. There is no need for further rezoning of that land at this point in time.</p> <p>There is also an established seniors housing that also adjoins the site, which is developed land. Other adjoining sites that are not developed are along Sapphire Coast Drive. They are heavily vegetated thus constraining their future potential.</p> <p>The site represents an opportunity for a specific development that is unlikely to set a precedent for other adjoining landowners.</p>
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	We are not aware of other spot rezonings involving Business zoned land or rezonings that would permit business activities.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The Bunnings Warehouse will provide permanent employment in the order of 70 people in full-time, part-time and casual positions (as per the February 2016 Economic Impact Assessment prepared by Essential Economics).
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The land is a deferred matter. This Planning Proposal will not affect the supply of land available for residential development to a significant extent.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Services are already located nearby and, subject to investigations, should readily be capable of being extended and augmented to service the site.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will provide a hardware and building supply facility and garden centre in the Tura Beach region which will offer an alternative to customers within the primary trade area driving to Bega for a similar (but narrower) range of services.

6 Matters Required by s3.33 of the EP&A Act

Table 3 Net community benefit test evaluation criteria

Criteria	Comment
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The most significant government infrastructure planned for the region is the Eden Port upgrade. However, the Planning Proposal and future Bunnings Warehouse would not impact that proposal, either negatively or positively.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The site contains stands of vegetation and a watercourse which are mapped in the Bega Valley LEP 2013. The biodiversity and riparian provisions of the LEP would be addressed as part of a future DA.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	<p>The site is located opposite a B1 Neighbourhood Centre and would complement that adjoining zoning, both in terms of retail activity and built form.</p> <p>The adjoining seniors housing development will need to be considered in relation to site planning at DA stage to minimise impacts such as noise from delivery vehicles, setbacks and visual impacts. These are readily capable of being addressed at DA stage.</p>
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will increase choice, but not to the detriment of other hardware outlets in the main trade area as set out in the Economic Impact Assessment prepared by Essential Economics
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The site is opposite an existing centre – Tura Beach – and is therefore considered to be an edge-of-centre proposal
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	<p>If the Planning Proposal does not proceed, then the land will remain a deferred matter and retain its 1(c) Rural Small Holding zone which is inconsistent with the surrounding business zoning and established retail development and seniors housing development. The land is not being well utilised given its corner location opposite a shopping centre, and not proceeding will simply delay when this land could be put to a useful purpose given its surrounding context.</p> <p>The rezoning of the site to R5 Large Lot Residential and the use of the land for the development of a Bunnings Warehouse was accepted by the JRPP as an appropriate interim use pending completion of strategic work by Council to determine if the site was capable of supporting a greater range of uses.</p> <p>Not proceeding with the Planning Proposal will also result in the local jobs not being realised. A future injection of 70 direct jobs into the local economy is a significant impact on not proceeding with the Planning Proposal. This does not take into consideration the potential indirect (or 'flow-on') jobs that will be created as a result of this development, including a potential 34 jobs to be created during the construction phase.</p>

In addition to the above criteria for a net community benefit test, the following matters are also of relevance. These are discussed in greater detail in the EIA at **Appendix 4** to this report.

6 Matters Required by s3.33 of the EP&A Act

Project Investment

The development of a new Bunnings Warehouse at Tura Beach will be a capital investment of approximately \$9.5 million.

This investment will be of significant benefit to the Sapphire Coast trade and construction industries and demonstrates the confidence a large National company has in the region.

Construction Phase Employment

The site preparation and development of the Bunnings Warehouse will generate significant employment.

The ABS National Accounts and Input-Output tables estimate that \$450,000 in construction investment directly supports one full time equivalent (FTE) construction job for a year (one job year).

On this basis, a new Bunnings Merimbula would support 21 FTE construction jobs, assuming a 12-month construction period. In practical terms, a greater number of people would work at the site during the construction phase, but for less than one year.

The ABS also estimates the indirect (or flow-on) employment benefit of construction activity. For every direct FTE construction job, the indirect employment multiplier is 2.6 (ABS Type 2A). The number of flow-on jobs FTE supported by development of the proposed Bunnings Warehouse would total 34 positions during the construction phase.

Ongoing Employment

As noted above, Bunnings has indicated that the proposed store would employ over 70 people in full-time, part-time and casual positions. This new source of employment is important for young people and others to establish rewarding careers in the retail and building services sector.

Bunnings is also an important source of employment for older people seeking to re-enter the workforce, or those no longer working full-time but who are seeking casual work. This point has particular pertinence to the proposed Bunnings due to the older age profile in the region.

The FTE number of people directly employed at a new Bunnings Merimbula would total an estimated 50 positions. This level of employment would support a further 45 indirect or flow-on jobs, using ABS Type 2A retail employment multiplier of 1.9.

The employees at Bunnings could also generate sales and visitation to other nearby businesses in Tura Beach.

Other Benefits

In addition to contributing to investment and supporting job creation, the proposed Bunnings Merimbula could also generate the following benefits:

- Improved access to an affordable hardware store for residents in the Sapphire Coast region that represents a market gap in the provision of this hardware store format.
- Improved access for local residents and trade customers to a wide range of well-priced hardware and homeware goods.
- New jobs for the local labour force.
- Introduction of a major supplier of building/hardware supplies at a location convenient for business and trade customers within the region.
- Reduction in travel costs for those wishing to access a hardware store which provides a wide range of affordable products.

6 Matters Required by s3.33 of the EP&A Act

- Ability to service the hardware and homemaker retail needs of projected future residential growth of the surrounding region
- Improved access for trade and business customers to hardware and trade supplies.

Economic Considerations Conclusion

The EIA concluded that:

- The site has an extensive frontage to both Sapphire Coast Drive and Tura Beach Drive that provides clear sight lines to passing traffic.
- A main trade (catchment) area (MTA) has been defined. The MTA incorporates the Sapphire Coast region extending from the Victorian border to north of Bega/Tathra and extending west to the Bombala/Delegate region of the Monaro Plateau and Snowy Mountains. The population of the MTA is currently 30,970 persons and is forecast to increase to 33,310 persons by 2026.
- The economic impact assessment indicates that the proposed Bunnings is supported by market demand, and that trading impacts will be short-term and within the normal bounds of competitive trading.
- The role and competitiveness of Bega as the Sapphire Coast's primary regional centre will not be undermined by the new Bunnings.
- The development of a Bunnings Warehouse in this location will require a capital investment of approximately \$9.5 million. The store would employ over 70 people in full-time, part-time and casual positions. This new source of employment is important for young people and others to establish careers in the retail and building services sector and older people seeking to re-enter the workforce and those no longer working full-time but wishing to work on a casual basis.
- At present, residents of the entire MTA – including Delegate and Bombala in the west – must travel a significant distance to access a comparable hardware and home improvement offer to that supported by the proposed Bunnings. No Bunnings stores are located in the MTA. The nearest Bunnings stores are located at Batemans Bay, Canberra and Bairnsdale (in Victoria).
- Similarly, trade and business customers in the wider region will have improved access to timber, trade, garden and building supplies which will be sold at the proposed new Bunnings store.

Overall, it is considered that the development of a Bunnings Warehouse on the site is unlikely to have adverse economic impacts. The development will not impact on the role of Bega as the region's primary commercial centre nor will it be inconsistent with the established centre hierarchy. Bunnings Warehouse developments have frequently been sited on the periphery of town centres and in out of centre locations without any detrimental impacts on those centres. Examples of such developments include Batemans Bay, Goulburn, Ulladulla and South Nowra.

6.6.3 Traffic and Parking

The concept scheme for the site (**Appendix 2**) provides car parking for approximately 210 vehicles.

The car park area has been positioned to minimise traffic impacts on the adjoining retirement village development. In this regard, the concept plan indicates that setbacks ranging from 11m to almost 50m will be able to be provided between the car park and the boundary of the adjoining development. The separation between the car park and the closest building on the adjoining site will be 37.6m which will provide ample opportunities for landscaping. The provision of car parking in this location will also serve as an Asset Protection Zone (APZ) for the purposes of planning for bushfire protection.

6 Matters Required by s3.33 of the EP&A Act

The concept scheme provides for two vehicular access points – one off Tura Beach Drive and a left in/left out driveway onto Sapphire Coast Drive. The left in/left out driveway has been located away from the intersection of Tura Beach Drive and Sapphire Coast Drive to minimise any impacts on the operation of that intersection.

As part of any future development proposal for the site a Traffic Impact Assessment will be prepared to consider traffic generation and any traffic management treatments that might need to be implemented in order to reduce or eliminate potential impacts.

6.6.4 Adjoining Development

The site adjoins an existing seniors housing development. Any future development on the site for the purposes of a Bunnings Warehouse will need to have regard to this sensitive land use particularly with respect to the interface between the Bunnings building and the adjoining seniors housing development, the built form outcome and acoustic considerations. These matters are capable of being considered and addressed at the development application stage.

The relationship of the site with the adjoining seniors housing development is also acknowledged in the Gateway determination which requires the additional permitted use provisions only apply to those parts of the site on which Bunnings activities are located.

The JRPP report in relation to the Review of Gateway Determination for the previous Planning Proposal, suggested that a site specific development control plan (DCP) be prepared to address matters such as setback, landscape and siting requirements, land levels, acoustic requirements, lighting/light spill and hours of operation.

Whilst it is acknowledged that these are important considerations in relation to maintaining the amenity of the adjoining seniors housing development, it is considered that these matters can readily be dealt with as part of a future development application.

6.6.5 Contamination

In order to establish whether the site is contaminated land, a Stage 1 Preliminary Site Investigation will be undertaken. The conditions of the Gateway determination require this to be prepared prior to exhibition of the Planning Proposal.

Should that investigation reveal the potential for the site to be contaminated, a Stage 2 Detailed Site Investigation will be undertaken and if necessary, a Remediation Action Plan will be developed.

6.6.6 Water and Ecology

The Riparian Lands and Watercourses Map of the Bega Valley LEP 2013 identifies a water course on the site – see **Figure 10** below.

6 Matters Required by s3.33 of the EP&A Act

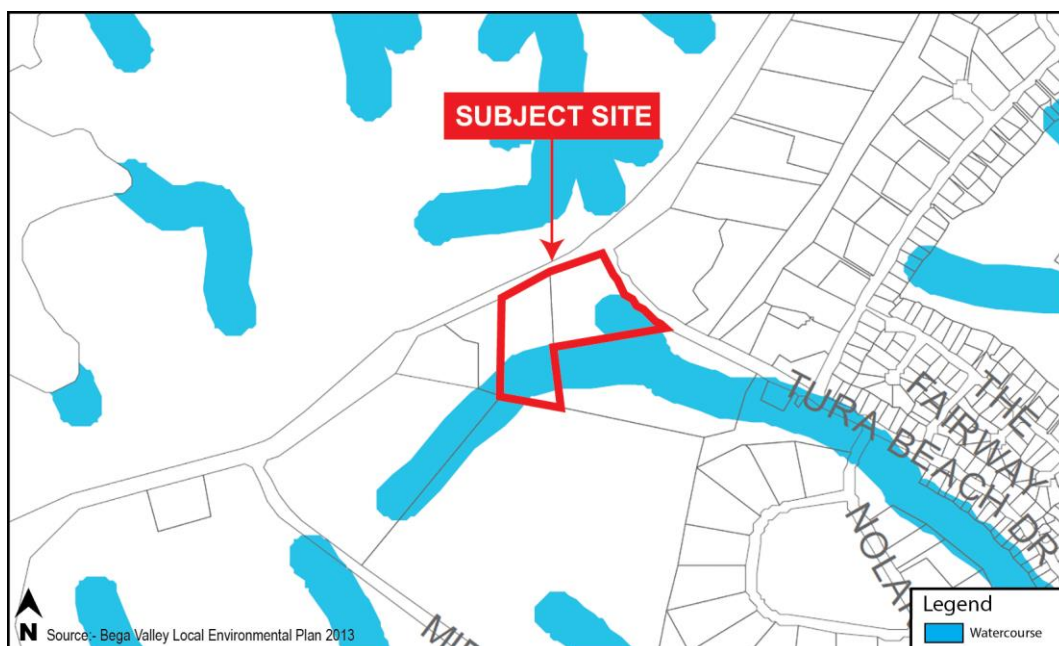


Figure 10 Extract from Bega Valley LEP 2013 Riparian Lands and Watercourses map

Any development within 40m of a watercourse on a site is “integrated development” in accordance with the provisions of Section 91 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and will require a Controlled Activity Approval under the Water Management (WM) Act 2000.

It is noted however that such mapping is necessarily ‘high level’. The location and categorisation of any watercourses on the land will be considered as part of any future development application for the site.

The concept design for the site at **Appendix 2** seeks to minimise development within the area identified as containing a watercourse.

In relation to riparian corridor widths the NSW Office of Water *Guidelines for riparian corridors on waterfront land* state that *where a watercourse does not exhibit the features of a defined channel with bed and banks, the Office of Water may determine that the watercourse is not waterfront land for the purposes of the WM Act*. It is considered that this matter can be satisfactorily addressed during the DA stage of any future development on the site.

6.6.7 Terrestrial Biodiversity

Notwithstanding that Bega Valley LEP 2013 does not apply to the site, the site is mapped as Biodiversity on the LEP Terrestrial Biodiversity Map. Clause 6.5 of the LEP includes provisions that aim to maintain terrestrial biodiversity. Any future development application for the site will be required to address these provisions.

The stand of trees along Sapphire Coast Drive is separated from larger communities by busy roads and therefore would not be part of a contiguous habitat for terrestrial animals.

6.7 Section D – State and Commonwealth Interests

6.7.1 Is there adequate public infrastructure for the planning proposal?

The urban context of the site is characterised by the following:

- Sapphire Coast Drive, a major arterial road located to the immediate north of the site and provides direct access to the site; this road is able to accommodate truck movements associated with commercial land uses and therefore is conducive to the servicing of a future Bunnings Warehouse on the site;

6 Matters Required by s3.33 of the EP&A Act

- Tura Beach Drive is a local road located to the immediate east of the site. This road is able to accommodate truck movements associated with commercial land uses and therefore is conducive to the servicing a future Bunnings Warehouse on the site.

The site has access to all essential service infrastructure. Any augmentation of services can be investigated as part of a future development application. Accordingly, the proposal is capable of being serviced by public infrastructure.

6.7.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant State and Commonwealth public authorities can be undertaken in conjunction with the exhibition of the Planning Proposal following Gateway Determination.

6.8 Part 4 – Mapping

The Planning Proposal will require amendment to the Land Application maps accompanying Bega Valley LEP 2013 (to show the land as being subject to Bega Valley LEP 2013) and Land Use Zoning maps 020B and 020C accompanying Bega Valley LEP 2013 to show the land as being zoned R5 Large Lot Residential with development for the purposes of hardware and building supplies and a garden centre being included as additional permitted uses on the site in Schedule 1 of the LEP.

Lot Size map 020C accompanying Bega Valley LEP 2013 will also need to be amended to identify Lot 33 DP243029 as being subject to a minimum lot size of 1ha (“Y” and coloured purple) instead of the current 550m² minimum lot size that applies to this lot. Lot 34 DP 243029 is already subject to a minimum lot size of 1ha.

The Local Clauses, Additional Permitted Use map will also need to be amended to identify the site as being land to which Clause 2.5 and Schedule 1 of Bega Valley LEP 2013 applies and to identify the LAA as it applies to the site.

The maps accompanying Bega Valley LEP 2002 will also need to be amended to remove the site as being subject to any provisions relating to LEP 2002.

No amendment to the Height of Buildings, Terrestrial Biodiversity or Riparian Lands and Watercourses maps accompanying Bega Valley LEP 2013 will be required.

In accordance with the Gateway determination, a FSR control on that part of the site identified as being the Land Application Area (LAA) (for the building, car park and associated access roads) is required to be applied. In accordance with the discussion in **Section 6.2.2** of this report, a FSR control of 0.3:1 is recommended. This control will be included in Schedule 1 of Bega Valley LEP 2013 and therefore the FSR maps will not be required to be amended.

6.9 Part 5 - Consultation

Consultation with the relevant statutory authorities will be required due to the nature of the Planning Proposal and the proposed end use of the site for the purposes of a Bunnings Warehouse. In accordance with the Gateway determination, the following statutory authorities will need to be consulted:

- Office of Environment and Heritage;
- Roads and Maritime Service;
- Rural Fire Service; and
- Federal Department of Infrastructure, Regional Development and Cities (Aviation).

In accordance with the Gateway determination, consultation for a period of 28 days is required.

6 Matters Required by s3.33 of the EP&A Act

6.10 Part 6 – Project Timeline

In accordance with the Gateway determination, the amendment to the Bega Valley LEP 2013 is required to be completed within 12 months of the issue of the Gateway determination.

7 Conclusion

This Planning Proposal has been prepared on behalf of Bunnings Group Pty Ltd and seeks to rezone the land at the corner of Sapphire Coast Drive and Tura Beach Drive, Tura to facilitate the development of a Bunnings Warehouse as an additional permitted use on the site.

This report and accompanying material have been prepared in accordance with Section 3.33 of the EP&A Act and relevant Departmental guidance.

This report has documented and assessed the suitability and capability of the land to be rezoned to allow development for the purposes of hardware and building supplies and a garden centre. The report concludes that the proposal:

- Is consistent with the recommendations of the JRPP in relation to a rezoning review for a previous Planning Proposal which sought to rezone the land to B5 – Business Development. In this regard, the JRPP recommended that a new Planning Proposal which proposed a R5 zoning (with hardware and building supplies (and garden centres) being permitted with approval as additional uses) be prepared;
- Is consistent with the findings of the recent Commercial Centres Strategy Review as it relates to the Merimbula, Pambula and Tura Beach centres.;
- Satisfies the assessment criteria detailed in the *Guide to preparing planning proposals* in relation to site-specific merit assessment;
- Is consistent with regional and subregional planning strategies as well as local planning studies. Specifically, even though the South Coast Regional Strategy highlights the importance of concentrating commercial development in key regional centres such as Bega, the Strategy also acknowledges that there may be occasions where *zoning changes that address concerns regarding tenure, location, constraints and specific opportunities are warranted*. This Planning Proposal is considered to address these criteria.

Further, the Planning Proposal is not considered to be inconsistent with the objectives and vision of the Strategy in that it will provide for employment, will allow for the development of a use which will complement the nearby Tura Beach local centre without changing the role and function of that centre and will not be inconsistent with the established centre hierarchy for the Bega Valley LGA.

- Rezoning of the site to allow for the development of hardware and building supplies and a garden centre is consistent with the recently adopted review of Bega Valley Shire Commercial Strategy 2006 as it relates to the Merimbula/Pambula/Tura Beach centre. The range of permissible development within the proposed R5 zone on this site will complement the adjoining local centre without allowing for competing development or providing for a de facto expansion of the local centre.
- Is not inconsistent with relevant SEPPs and Section 9.1 Directions. Specifically, in relation to s9.1 Direction 1.1, the Planning Proposal is consistent with the objectives of Direction 1.1 in that it:
 - Encourages employment growth in an area close to residential development;
 - Will provide opportunities for the economic development of specific land in the Tura Beach area;
 - Is in a suitable location being adjacent to an existing commercial zone;
 - Does not adversely impact established business and industrial zones within Bega Valley and will not be inconsistent with the centres hierarchy for the LGA.

As demonstrated in the EIA included at **Appendix 2** to this report the development of a Bunnings Warehouse on the site development will not

7 Conclusion

impact on the role of Bega as the region's primary commercial centre nor will it be inconsistent with the established centre hierarchy.

- Effectively utilises vacant land for an economically viable land use;
- Will not result in adverse economic impacts;
- Services the needs of the surrounding residential population; and
- Promotes job creation in Bega Valley.

In accordance with the Gateway determination, the Planning Proposal can be placed on public exhibition.