



IRF22/2887

Gateway determination report – PP-2022-2009

Permit Tourist and Visitor Accommodation at 173
Arthur Kaine Drive, Pambula Merimbula Golf Club,
Merimbula

September 22



Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2022-2009

Subtitle: Permit Tourist and Visitor Accommodation at 173 Arthur Kaine Drive, Pambula Merimbula Golf Club, Merimbula

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Council report and Minutes 17 August 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Bega Valley
PPA	Bega Valley Council
NAME	Pambula Merimbula Golf Club additional use
NUMBER	PP-2022-2009
LEP TO BE AMENDED	Bega Valley LEP 2013
ADDRESS	173 Arthur Kaine Drive, Merimbula
DESCRIPTION	Lot 374 DP 750227, Lots 1&2 DP 1047807 and Part Lot 355 DP 41837
RECEIVED	18/08/2022
FILE NO.	IRF22/2887
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend Bega LEP 2013 to permit *tourist and visitor accommodation* at 173 Arthur Kaine Drive, Pambula Merimbula Golf Club, Merimbula.

The objectives of this planning proposal are clear and adequate.

The planning proposal seeks to amend Schedule 1 of the Bega Valley LEP 2013 to permit *tourist and visitor accommodation* at 173 Arthur Kaine Drive, Pambula Merimbula Golf Club, Merimbula. Council does not want to permit this use throughout the entire RE1 zone.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.3 Site description and surrounding area

The site comprises approximately 2.23ha of land at the southern end of Pambula Merimbula Golf Club (27 holes) and includes the clubhouse that has direct frontage to Arthur Kaine Drive. A commercial strip of land comprising a mix of tourist, restaurant, and service businesses, including the Fairway Motel, is located on the opposite side of Arthur Kaine Drive and is zoned B5 Business

Development Zone. Merimbula Airport and the Merimbula Sewerage Treatment Plant are located to the east.

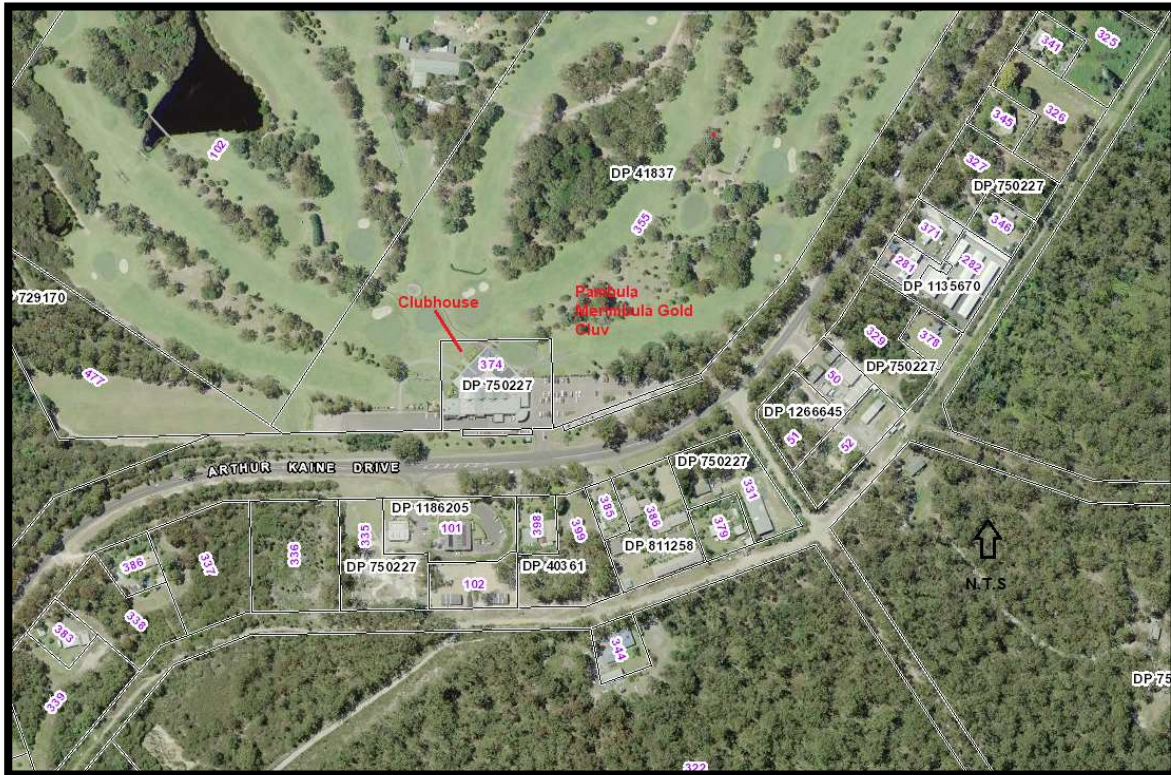


Figure 1 Subject site and surrounds (source: NSW SixMap 2022)

1.4 Mapping

The planning proposal includes mapping that identifies the location of the site. The proposal acknowledges that the amendment to Schedule 1 of the LEP will also require the site be identified in the LEP Additional Permitted Uses Map.



Figure 2 Site red outline (source: Planning Proposal)

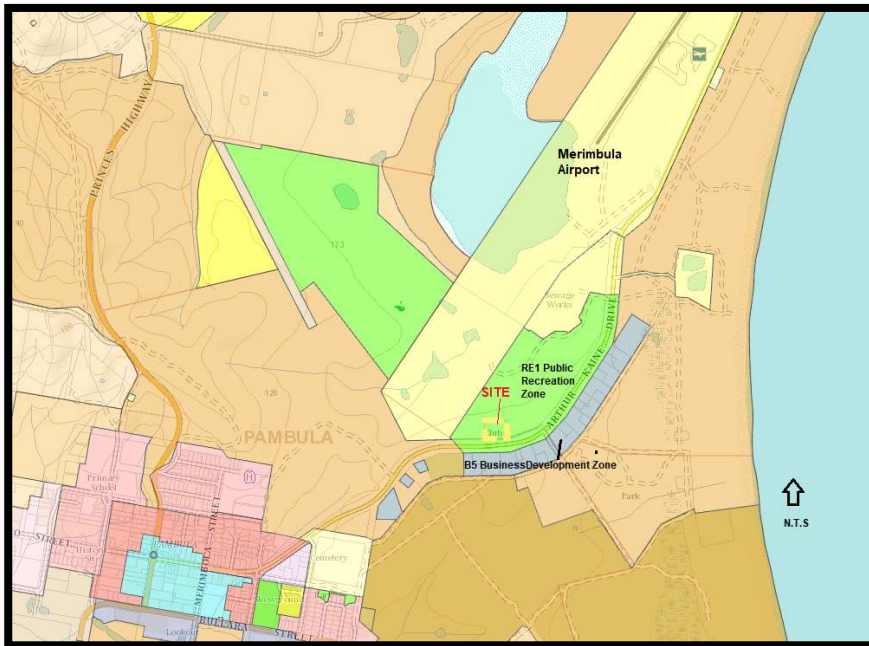


Figure 3 Current zoning map

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The proposed change to Schedule 1 is not the result of a strategic plan/strategy. This is a minor change to permit an additional use on a single site therefore justification by the preparation of a strategy is not required.

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

An amendment to Schedule 1 of the LEP is the only method that *tourist and visitor accommodation* can be permitted on this particular site as council does not want to permit this use in the RE1 Public Recreation zone generally.

3 Strategic assessment

3.1 Regional and Local Plan

The proposal it is not inconsistent with the South East and Tablelands Regional Plan or the Bega Valley Local Strategic Planning Statement. It is consistent with Direction 9 of the SETRP, *Grow tourism in the region* under Goal 1, *A connected and prosperous economy*.

3.2 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	Consistent with Direction 9 of the South East and Tablelands Regional Plan – ‘Grow tourism in the region’.
4.3 Planning for Bushfire Protection	Yes	PP acknowledges that the site is on and near bush fire prone land and that consultation is required with NSW Rural Fire Service.
5.3 Development Near Regulated Airports and Defence Airfields	Yes	PP acknowledges that the site is within an area mapped as an Obstacle Limitations Surface for the Merimbula Airport and triggers a requirement to consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport.

3.3 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs. The site is already used as the clubhouse for the Pambula Merimbula Golf Club. The proposal will permit *tourist and visitor accommodation* within 2.2 ha of land including the building footprint of the current clubhouse which has an area of approximately 4,970 sqm.

4 Site-specific assessment

4.1 Environmental, Social and Economic

The 2.2 ha site comprises the existing clubhouse, carpark and some surrounding green space currently used as part of the Pambula Merimbula Golf Club (approximately 70 ha). The proposal will permit *tourist and visitor accommodation* within building footprint and curtilage of the current clubhouse which has an area of approximately 4,970 sqm.

The Pambula Merimbula Golf Club’s preferred option “*is to enable the redevelopment of the clubhouse and its immediate environs for a use which is considered to be compatible with the golf course, namely Tourist and Visitor Accommodation. A redevelopment would also provide the opportunity for a modern, well designed, and functional smaller golf clubhouse that better suits the needs of club members and visitors.*”

The Club currently leases all land within the Pambula Merimbula golf course from the NSW Department of Planning, Industry and Environment – Crown Lands. The PMGC currently holds two leases with the Department. The PP states that “*Discussions with the Department of Planning, Industry and Environment (Crown Lands) has indicated it has no objection, in principle, to this Planning Proposal being lodged.*” The PP acknowledges that formal consultation will be required with Crown Lands once the Gateway has been issued. A condition of and Gateway determination should therefore require formal consultation with Crown Lands.

The site is within the Obstacle Limitation Surface map for the Merimbula Airport (RL40 and RL45) and the PP indicates that the highest point of the two level clubhouse is 37.34 RL. The PP acknowledges OLS Map triggers the requirement to consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport.

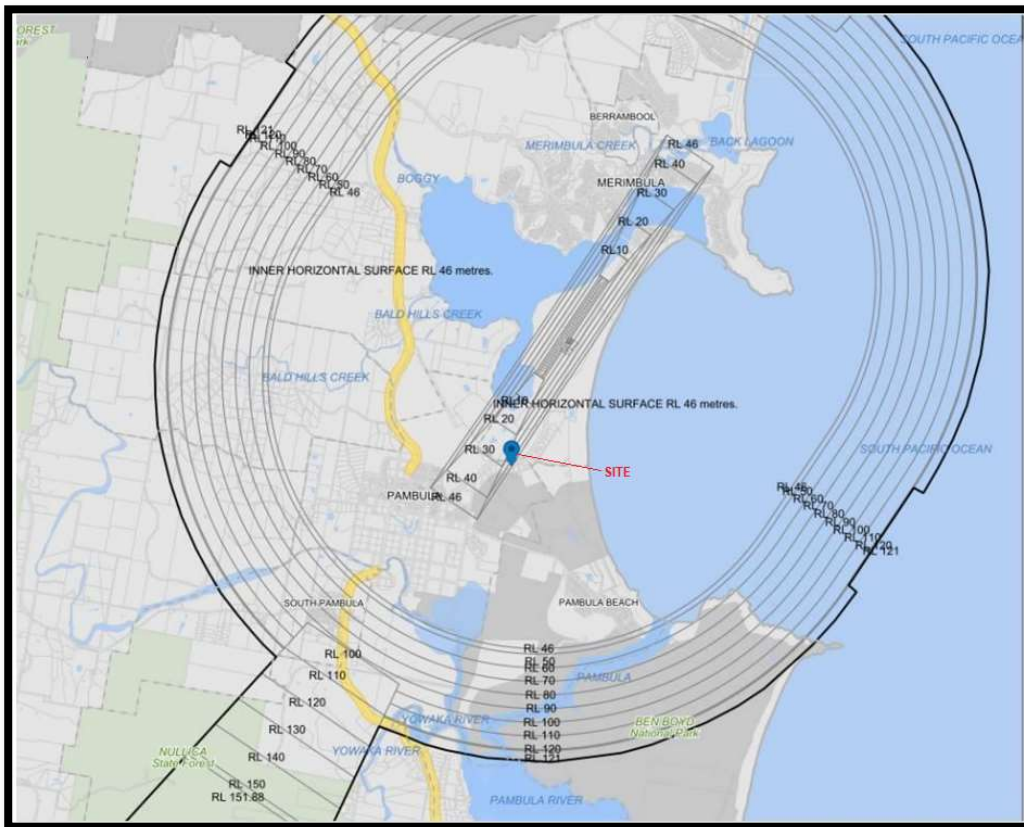


Figure 4 Location of site and Obstacle Limitation Surface maps (source: Planning proposal)

The site is partly mapped as bush fire prone land (buffer area) and the PP acknowledges that this triggers a requirement for consultation with the NSW Rural Fire Service.

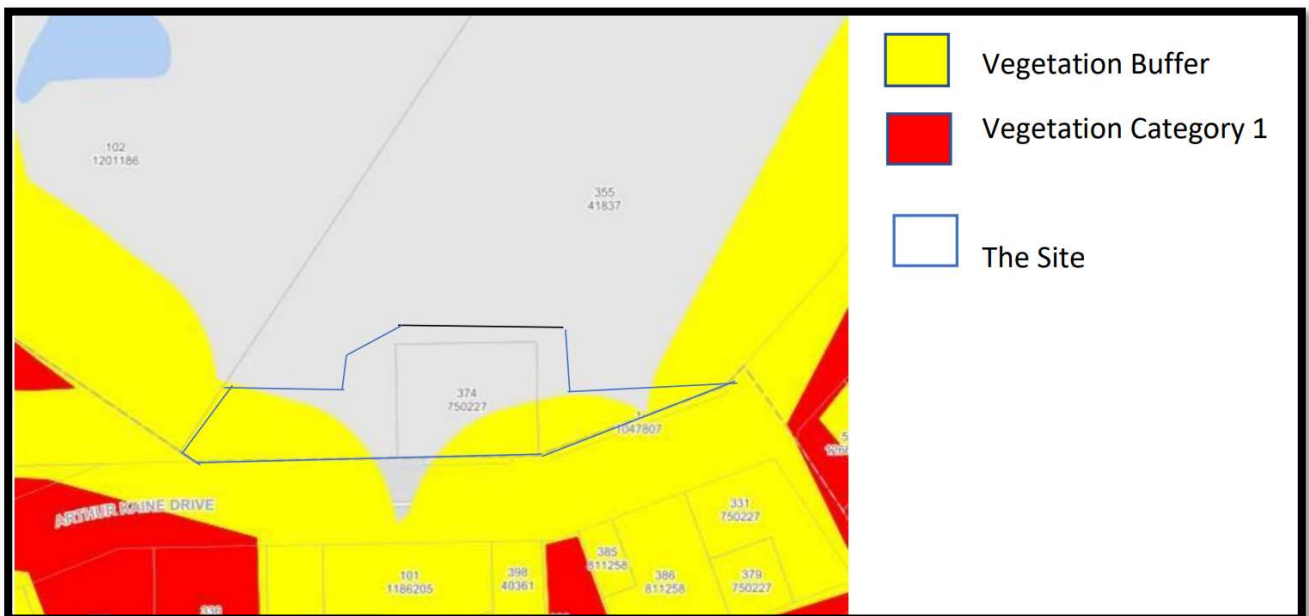


Figure 5 Location of site and bush fire prone land (source: Planning proposal).

It is unlikely that the proposal will generate any significant adverse environmental, social, or economic impacts because the proposal only relates to the redevelopment of the area generally occupied by the existing club house to accommodate a smaller clubhouse in conjunction with tourist and visitor accommodation.

4.2 Infrastructure

The existing clubhouse is already serviced by essential services.

The site has frontage to a classified road (Arthur Kaine Drive) therefore it is recommended that consultation be undertaken with Transport for NSW.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 working days.

The exhibition period proposed is considered appropriate , and forms the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- NSW Rural Fire Service
- Department Primary Industries (Crown Land)
- Airport Protection and Airport Safety Branch, Commonwealth Department of Infrastructure Transport, Regional Development and Communication
- Civil Aviation Safety Authority
- Transport for NSW

Consultation is also required with the following organisations

- Lessee/Operator of Merimbula Airport.

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is does not considered to raise any significant state or regional issues the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions as the proposal seeks redevelopment of an existing golf club to accommodate a smaller club and tourist and visitor accommodation. The small scale of the change is therefore unlikely to create any significant adverse impacts.

The planning proposal is considered to be of minor significance and does not raise any significant state or regional planning issues.

Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 5.2 Reserving Land for Public Purposes are minor and justified.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

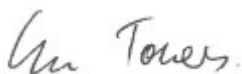
1. Consultation is required with the following public authorities:

- NSW Rural Fire Service
- Department Primary Industries (Crown Land)
- Airport Protection and Airport Safety Branch, Commonwealth Department of Infrastructure Transport, Regional Development and Communication
- Civil Aviation Safety Authority
- Transport for NSW

Consultation is also required with the following organisations

- Lessee/Operator of Merimbula Airport.

2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



5/9/22

Graham Towers

Manager, Southern Region

A handwritten signature in blue ink, appearing to read 'D Thompson', is shown within a light blue rectangular border.

(Signature)

5/9/2022 (Date)

Daniel Thompson
Director, Southern Region

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