

## 8.5. Planning Proposal for Market Street, Merimbula

This report seeks a Council resolution to submit a Planning Proposal to increase the maximum height limit for certain land at Market Street, Merimbula to the Department of Planning and Environment for Gateway Determination.

Director Community Environment and Planning

### Officer's Recommendation

1. That Council submits the Market Street, Merimbula Planning Proposal (Attachment 1) to the Department of Planning and Environment for Gateway Determination.
2. That following Gateway Determination, the Planning Proposal be placed on public exhibition.
3. That at the conclusion of the exhibition period, Council officers prepare a further report to Council if material amendments to the Planning Proposal are required to address submissions received during the exhibition period.
4. That should no material amendments to the Planning Proposal be required in response to submissions received during the exhibition period, Council officers progress the Planning Proposal to finalisation and gazettal without a further report to Council.

### Executive Summary

The purpose of this report is to seek Council's approval for a Planning Proposal for lodgement with the Department of Planning and Environment (DPE). This Planning Proposal is consistent with the *Bega Valley Shire Residential Land Strategy 2040* and the *Bega Valley Shire Commercial Land Strategy 2040*, which identifies the site as an area suitable for consideration of an increase in maximum building height.

### Background

Lot 11 DP838058 and Lot 112 DP1227927 at 29-33 Market Street, Merimbula are located on the corner of Palmer Lane and Market Street within the main commercial centre of Merimbula. The subject land is currently zoned B2 Local Centre and the combined site area is approximately 4,000m<sup>2</sup>.

Council's adopted *Commercial Land Strategy 2040* provides strategic direction for the commercial areas of the Shire. The Planning Proposal is consistent with the Strategy, which states: *'To encourage new development in Bega and Merimbula town centres, Council will consider site-specific proposals, with a land area greater than 2000m<sup>2</sup>, to increase the maximum height of buildings in Merimbula by way of a combined Planning Proposal and Development Application that allows the community to evaluate the details of each proposal.'*

The owner of the land has submitted a combined Planning Proposal and Development Application to Council that seeks to amend Bega Valley Local Environmental Plan 2013 (BVLEP 2013) by increasing the maximum building height on the subject land from 13m to 18m. Development consent is being sought for the demolition of all existing buildings and structures on site and construction of a new five storey mixed use development comprising ground floor commercial tenancies and car parking (over three levels), as well as three to four levels of residential apartments containing 52 apartments across three detached buildings, a pedestrian laneway, and street improvement and public domain works.

### Options

Options available to Council are to:

1. Resolve to support the Planning Proposal and forward it to the Department of Planning and Environment for Gateway Determination. This is the recommended option.
2. Not support the Planning Proposal.

### Community and Stakeholder Engagement

#### **Engagement undertaken**

Pre-lodgement consultation has been undertaken with Council officers and a presentation on the development concept for the site was made to Councillors during the consideration of submissions to the *draft Commercial Land Strategy*.

#### **Engagement planned**

The Gateway Determination will confirm community consultation requirements for the planning proposal. It is likely that the Planning Proposal will be exhibited for a period of 28 days. Council officers plan to exhibit the Planning Proposal and Development Application concurrently.

Council will engage with the local community and government agencies as per the Gateway Determination and Council's *Community Engagement Strategy*. This will include notification on Council's website and writing to adjacent owners.

Should agency or community feedback to the Planning Proposal be received, a further report will be prepared for Council outlining the submissions received and any changes to the Planning Proposal recommended in response to those submissions.

If no submissions to the Planning Proposal are received and no changes are required, it is recommended that Council resolve to authorise staff to proceed to finalise the proposed amendment to BVLEP 2013.

### Financial and Resource Considerations

The Planning Proposal has been prepared by the applicant and the applicable fee received in accordance with Council's adopted Fees and Charges 2021-2022. Any additional costs incurred for advertising the Planning Proposal will be met by the applicant.

### Legal /Policy

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the DPE's *Local Environmental Plan Making Guideline (December 2021)*.

### Impacts on Strategic/Operational/Asset Management Plan/Risk

#### **Strategic Alignment**

The Planning Proposal is consistent with the *Bega Valley Shire Commercial Land Strategy 2040*, Planning Priorities 11 and 12 of the *Bega Valley Shire Local Strategic Planning Statement 2040*, Strategies 16, 17 and 20 of the *Bega Valley Shire Community Strategic Plan 2040* and Directions 12, 16, 24, 25 and 27 of the *South East and Tablelands Regional Plan 2036*.

#### **Environment and Climate Change**

The Planning Proposal supports future residential and commercial growth, having regard to environmental considerations and sustainability principles.

***Economic***

The Planning Proposal supports provision of additional residential and commercial opportunities to supplement the current options available in the market.

***Risk***

The Planning Proposal is consistent with the recommendations of the adopted *Commercial Land Strategy* and does not introduce any new risks to Council.

***Social / Cultural***

The Planning Proposal supports provision of additional residential and commercial opportunities to meet the needs of the community for provision of housing, goods and services.

**Attachments**

1. Planning Proposal: Market Street, Merimbula