NOTE:

This Strategy has been prepared as a summary of the planning research and background that has led to the preparation and public exhibition of the Draft Bega Valley Local Environmental Plan 2008/9 and associated Development Control Plan. Further detail is available in earlier reports and references quoted in this Strategy.

Council wishes to stress that while many of the proposed changes to the current land use plans have been consulted in some detail with the community, the exhibition of the package of draft new plans and this Strategy is an important opportunity for further public input to finalising the planning direction of the Shire for the coming 20 years.

Bega Valley Shire
Land use planning strategy

August 2008
Contents

Introduction 1

1. The need for a 20 year vision for land use in Bega Valley Shire 3

2. The current planning position 4

   2.1 Exhibition of a new Local Environmental Plan (LEP) and Shire wide Development Control Plan (DCP). ................................................................. 4
   2.2 Council’s 20 year plan and Social Plan .......................................................... 4
       2.2.1 Bega Valley Shire 20 Year Plan .......................................................... 4
       2.2.2 Land Use Recommendations from the 20 year plan ......................... 5
       2.2.3 Bega Valley Shire Social Plan ........................................................... 7
   2.3 The South Coast Regional Strategy ............................................................... 8
   2.4 Anticipated time line for the changes .......................................................... 8
   2.5 Consultation strategy for CLEP ...................................................................... 9

3. Population and land use demands as at 2008 and projected to 2028 11

   3.1 The current picture ....................................................................................... 11
   3.2 20 year projections ....................................................................................... 12

4. Economic Land use issues 14

   4.1 The role of Council ....................................................................................... 14
   4.2 What is the likely economic scenario for South East NSW over the next 20 years? ......................................................................................... 14
   4.3 A regional SWOT relevant to land use planning .............................................. 15
       4.3.1 Some responses to the SWOT .......................................................... 16
   4.4 Economic roles of settlements ...................................................................... 17
       4.4.1 Bega economic roles .......................................................................... 17
       4.4.2 Bega economic challenges ................................................................. 18
       4.4.3 Merimbula economic roles ................................................................. 18
       4.4.4 Merimbula economic challenges ....................................................... 18
       4.4.5 Eden economic roles: ....................................................................... 18
       4.4.6 Eden economic challenges ................................................................. 18
       4.4.7 Bermagui economic roles .................................................................. 18
       4.4.8 Bermagui economic challenges ........................................................... 19
       4.4.9 Villages ............................................................................................... 19
   4.5 Recommended outputs of the Economic Land use strategy ......................... 19
       4.5.1 Matters for the LEP ............................................................................ 19
       4.5.2 Update on proposed industrialzonings in Bega for CLEP .................. 20
       4.5.3 Matters for the CDCP / Council Policy ............................................... 20
4.5.4 Matters for general policy ................................................................. 21
4.5.5 Matters for the developer contributions plans .............................. 22
4.5.6 Short term letting ........................................................................ 22

5. Social land use and housing issues  .................................................. 23

5.1 Draft Bega Valley Shire Social and Housing Land Use Strategy
Recommendations for the LEP or subsequent amendments ............... 23
5.2 Social and Housing Land Use Strategy Recommendations for the DCP..... 24
5.3 Matters for general policy ................................................................. 25
5.4 Matters for the Contribution plan .................................................... 27

6. Protecting the Natural Environment ................................................ 28

6.1 Natural environment of Bega Valley Shire..................................... 28
6.2 State legislation ................................................................................ 28
  6.2.1 Native Vegetation Act 2003 ......................................................... 28
  6.2.2 National Parks and Wildlife Act 1979 ........................................ 28
  6.2.3 Threatened Species Conservation Act 1995 .............................. 28
6.3 Protection measures for the LEP ....................................................... 29
  6.3.1 Environmental Protection Zones ............................................... 29
  6.3.2 Biodiversity overlay ................................................................. 29
  6.3.3 Corridor overlay ...................................................................... 30
  6.3.4 Waterways overlay ................................................................. 30
  6.3.5 Soil and Topography overlay .................................................... 30
6.4 Protection measures for the DCP ..................................................... 30

7. Protecting the landscape ................................................................. 32

7.1 Introduction .................................................................................. 32
7.2 What do we mean by scenic and cultural landscapes ...................... 33
7.3 Strategy outputs ............................................................................ 33
7.4 Bega Valley Shire’s significant scenic and cultural landscapes ......... 34
7.6 Actions flowing from the Bega Valley Shire Landscape Strategy for inclusion in the comprehensive LEP ................................................................. 38
  7.6.1 LEP Actions ............................................................................ 38
7.7 Matters recommended for research as part of Council’s 5 yearly reviews of its planning controls ................................................................. 38

8. Protecting development from hazards ........................................... 40

8.1 Bushfire .......................................................................................... 40
8.2 Flooding ......................................................................................... 40
8.3 Climate change .............................................................................. 40
  8.3.1 Planning Response relating to Climate Change ......................... 40
  8.3.2 Planning response relating to energy ......................................... 42
9. Conserving our heritage

9.1 Aboriginal cultural heritage ................................................................. 43
9.2 European heritage ............................................................................. 44

10. Direction for the main town centres

10.1 Bega Regional Centre ........................................................................ 45
10.2 Merimbula Major town ....................................................................... 47
10.3 Bermagui local centre ......................................................................... 48
10.4 Eden local centre ................................................................................ 48
10.5 Tura Beach neighbourhood centre .................................................. 48
10.6 Pambula neighbourhood centre ......................................................... 49
10.7 Tathra neighbourhood centre ........................................................... 50
10.8 Villages commercial centres ............................................................... 50
    10.8.1 Cobargo ....................................................................................... 50
    10.8.2 Kalaru, Candelo, Wolumla and Quaama ................................... 50
    10.8.3 Bemboka ................................................................................... 50
    10.8.4 Wyndham ................................................................................. 50
    10.8.5 Towamba .................................................................................. 51

11. Rural Land Use Direction

11.1 About the Bega Valley Shire Rural Lands Review ........................... 52
11.2 The Rural Land Review Process ........................................................ 52
    11.2.1 Update on previous Rural Lands Review work for CLEP ............ 53
11.3 Rural Land Review Strategies and Actions ......................................... 53
    11.3.1 Protecting the Shire’s most important Primary Industry land .... 53
    11.3.2 Support for Farming and rural Enterprises .................................. 55
    11.3.3 Rural Settlement ......................................................................... 56
    11.3.4 Water Resources and Riparian Land .......................................... 57
    11.3.5 Ecologically Sustainable Development (ESD) ......................... 57
    11.3.6 Biodiversity ................................................................................ 58
    11.3.7 Hazards ..................................................................................... 58
    11.3.8 Heritage ..................................................................................... 59
    11.3.9 Mineral and Extractive Resources ............................................. 59
    11.3.10 Infrastructure and Services in Rural Areas ............................... 60
11.4 Actions flowing from the Rural Land Review for inclusion in the comprehensive LEP and DCP ................................................................. 60
    11.4.1 Issue: Protection of the Shire’s most important Primary Industries land - Use of Zones .......................................................... 61
    11.4.2 Issue: Protection of the Shire’s most important Primary Industries land - Use of Buffers .......................................................... 63
    11.4.3 Issue: Weeds ............................................................................. 63
    11.4.4 Issue: Support for Rural Industries ............................................. 64
    11.4.5 Issue: Water Resources and Riparian Land ............................... 64
11.4.6 Issue: Biodiversity ......................................................... 64
11.4.7 Issue: Mineral and Extractive Resources ...................... 65
11.4.8 Issue: Infrastructure and Services in Rural Areas .......... 65
11.5 Matters recommended for research as part of Council’s 5 yearly reviews of its planning controls ......................................................... 65
11.5.1 Transferable Development Rights .................................... 65
11.5.2 Support for Farming and rural Enterprises ...................... 66

12. Urban and rural residential land use recommendations in overview. 68

12.1 Bermagui District ................................................................. 68
12.2 Bega District ........................................................................ 68
12.3 Merimbula District ................................................................. 69
12.4 Eden District ...................................................................... 70
12.5 Large villages ..................................................................... 70
  12.5.1 Cobargo ........................................................................ 70
  12.5.2 Wolumla ....................................................................... 70
  12.5.3 Candelo ........................................................................ 71
  12.5.4 Kalaru .......................................................................... 71
12.6 Small villages ..................................................................... 71
  12.6.1 Bemboka ....................................................................... 71
  12.6.2 Wyndham ..................................................................... 71
  12.6.3 Quaama ........................................................................ 71
  12.6.4 Towamba ...................................................................... 72
  12.6.5 Mogareeka .................................................................... 72
  12.6.5 Wonboyn ..................................................................... 72

13. Summary of significant zone changes in LEP 2009 73

13.1 Eden locality ................................................................. 73
13.2 Boydtown locality ................................................................. 74
13.3 Bemboka locality ................................................................. 75
13.4 Pambula Locality ................................................................. 75
13.5 Merimbula locality ................................................................. 76
13.6 Tura locality ...................................................................... 77
13.7 Tathra locality ...................................................................... 77
13.8 Bega locality ...................................................................... 77
13.9 Bermagui locality ................................................................. 78
13.10 Wallaga Lake locality ............................................................. 79
13.11 Cobargo village ................................................................. 80
13.12 Wolumla village ................................................................. 80
13.13 Candelo village ................................................................. 81
13.14 Coastal rural localities ......................................................... 81
13.15 Wallagoot locality........................................................................................................... 82
13.16 Bald Hills locality............................................................................................................ 82
13.17 Inland rural areas............................................................................................................ 83
13.18 Other recommended zone changes................................................................................. 83
Introduction

Since 2002, Council has been developing a long range vision and set of strategies for the future development of Bega Valley Shire. The goal is to set direction for a 20 year timeline.

The past 30 to 40 years has seen quite rapid growth in the Shire. The coming 20 years will present many challenges and there is currently growing uncertainty relating to climate change, energy supplies and the directions of the world economy but regardless it would seem prudent to plan for a growth in the Shire population in the order of 1.5 % per annum over that period.

The Shire has some of the most significant natural environments in Australia and we believe it has a living environment second to none. As with most coastal areas under growth pressure, some land use mistakes have been made in the past due to a lack of forward vision and planning and Council seeks to minimise further mistakes and ensure the Community is supportive of the long range plan.

Land use planning in NSW is a shared function between local and State Government. While Council has been developing its 20 year vision, the State government has also been progressing with its planning reforms and has produced the South Coast Regional Strategy, Infrastructure Strategy and a package of plan making reforms. One of the consequences of these State level reforms is the requirement for all councils to move to a new Local Environmental Plan based on the State wide template and a new Shire wide Development Control Plan to address the State requirement of one DCP to apply to any block of land.

Council is taking the opportunity of the requirement to prepare these new plans to blend in its land use strategies to help achieve its 20 vision.

This strategy document attempts to provide an overview of the numerous studies and specific purpose strategies that Council has developed over the past 5 years, blend that with State planning requirements and summarise land use recommendations for the 2008/9 package of planning amendments. There may also be a need to set some research targets for the proposed 5 yearly plan reviews to follow the 2008/9 plans.
Figure 1.1  Shire overview
1. The need for a 20 year vision for land use in Bega Valley Shire

Society has long recognised the positive role good land use planning can play in enhancing the future direction for communities.

Growing localities need to plans for their infrastructure if they are to enjoy the savings of rationalised services.

High quality living environments like Bega Valley need careful protection measures if unsympathetic development is not to erode the living environment qualities held dear by most of the community. Developers need certainty but equally, residents and visitors want protection of defined Landscapes, cultural themes and environments.

The State Government has recently advanced long term regional planning for the south coast by producing the South Coast Regional Strategy (2007) and State Infrastructure Strategy.

The State Government is also introducing a number of land use planning reforms such as the new approach to Local Environmental plans as presented in the Standard Template. It is important Council work within the framework of this State level planning while ensuring there is sufficient recognition of local requirements to achieve the best outcomes for the Shire community.

Under the NSW planning reforms, Council has been given the target of developing its new Local Environmental Plan and associated new Development Control Plan by April 2009. As of the date of adoption of this strategy, Council is on target to meet that goal.
2. The current planning position

2.1 Exhibition of a new Local Environmental Plan (LEP) and Shire wide Development Control Plan (DCP).

As outlined above, the State Government has introduced a range of reforms to the NSW planning system. Amongst these is the requirement for a State wide template for Local Environmental plans and standardised requirements for Development Control Plans. Background on these State Government initiatives can obtained at: http://www.planning.nsw.gov.au/planningsystem/local.asp.

Bega Valley Shire has been set a target to convert its 2002 LEP and DCP to the new format by April 2009. But Council wants to seize this opportunity to also incorporate much of the 20 year land use review and vision it has been developing over the past 5 years.

Council has developed a 20 year plan, 5 year Management Plan and Social Plan. Strategies have been developed for Rural, Economic, Social, Environmental and Scenic values and land use has been reviewed for zoning needs for each district of the Shire.

Many of these specific purpose strategies have been exhibited previously. This Strategy seeks to consolidate the findings into one document and to update previous reports where they may be getting dated. But readers are also referred to the original reports for background reading.

2.2 Council’s 20 year plan and Social Plan

This section of the Strategy provides a summary of land use recommendations that were included in Council’s 20 year Plan and Social Plan. Copies of the full 20 year plan and current social plan are available on the web page or at Council’s office.

2.2.1 Bega Valley Shire 20 Year Plan

The Bega Valley Shire 20 Year Plan uses five groups or ‘themes’ to address strategies and actions to create a great 2025. The five themes are:

- Our natural environment
- Our community
- Our economy
- Our culture
- Our infrastructure

For each theme the plan identified:

- An overall strategy
- A SWOT analysis
- Topics in each of the five themes, listing the main factors
- Our specific strategy for achieving our listed aims
- Actions we need to take to achieve these aims.
2.2.2 Land Use Recommendations from the 20 year plan

To achieve the 20 Year Plan’s vision of a great 2025, Council will act according to the following:

General Land Use Strategies:

- Ensure that major new development is located only within or around existing settlements. Such development will minimise effects to the natural environment and must be fully supported by the necessary service and community infrastructure.
- Progressively expand infrastructure, services and facilities to cater for an expected population in the Shire in 2028 of approximately 43,000 people.
- A development scenario for the Shire that has:
  - Bega as the regional centre for administration, education and specialist health services.
  - Development within the existing boundaries of Merimbula, Eden, Tathra and Bermagui.
  - Expansion of existing boundaries in Bega, Boydtown, Wolumla, Cobargo and Candelo.
  - Continued rural residential living for 22-25% of the population.

Theme 1 - Our natural environment

Strategy:

To actively manage our environment to maintain its quality, effectively manage environmental degradation, restore presently degraded areas and enhance biodiversity of species.

Land Use Actions:

- Ensure that protection of our biodiversity is a key consideration in the development planning process.
- Facilitate other levels of government and government agencies to support wide-based holistic catchment management principles.
- Develop and implement with the community, non-government organisations and government agencies estuary management and stormwater management plans.
- Ensure that soil and water management is contemporary best practice. This includes minimising sedimentation from unsealed roads near waterways.
- Monitoring and integrating results into infrastructure planning.
- Implementing best practice land management practices relating to soils and weeds.
- Ensure that environmentally significant sites and features will be increasingly valued and protected.
- Developing planning controls and activities that deliver ecologically sustainable development outcomes.

Theme 2 - Our community

Strategy:
Ensure that incomes of local residents are taken into consideration in the planning and delivery of services and facilities, including affordable housing strategies.

**Land Use Actions:**
- Incorporate a review of ‘capacity to pay’ into the planning and decision making process.
- Encourage access to affordable and diverse housing types.

**Strategy:**
Create communities where people feel safe and secure.

**Land Use Actions:**
- Promote accessible communities for older people and people with a disability.

**Strategy:**
Work with transport providers to improve access between settlements.

**Land Use Actions:**
- Provide adequate car parking at settlements by implementing studies and reviewing contribution plans.

**Theme 3 - Our economy**

**Strategy:**
Assist the long-term viability of retail, maritime, agricultural and timber industries

**Land Use Actions:**
- Assisting new developments through the approval and zoning processes of Council.

**Strategy:**
Help to ensure conditions that mean local businesses are in a position to provide a range of employment opportunities

**Land Use Actions:**
- Ensure an adequate supply of commercial and industrial land.

**Theme 4 - Our Culture**

**Strategy:**
Value and respect our Aboriginal cultural heritage.

**Land Use Actions:**
- Implement actions within the spirit of Council’s Memorandum of Understanding with the local Aboriginal community.
Protect and preserve our European cultural heritage.

Land Use Actions:

- Providing protection and support for heritage buildings and structures of value such as homesteads, bridges, public halls and regionally significant items such as Tathra Wharf, through specific planning controls and maintenance strategies.

**Theme 5 - Our infrastructure**

Strategy

Construct, operate and maintain water and wastewater infrastructure to provide efficient delivery of services to our communities.

Land Use Actions

- Implement the Bega Valley Shire Sewerage Program and encourage the reuse of waste-water in dwellings and industry.
- Undertake water storage capacity, distribution and demand management projects, such as the Yellow Pinch pipeline.

Strategy

Cater for the additional demands of the annual tourist influx.

Land Use Actions

- Ensure that the capacity of the sewer and water infrastructure is sufficient to cope with peak periods.

**2.2.3 Bega Valley Shire Social Plan**

The Bega Valley Shire Social Plan contains a large number of objectives, strategies and aims that relate to land use planning. The Plan’s recommendations are summarised and included below.

**Issue**

Promoting affordable housing and diverse communities

**Strategy**

- Strengthen Council’s planning provisions to deliver a diverse range of residential opportunities
- Include requirements for social impact assessments on any proposed redevelopments of residential caravan parks or villages.
- Plan for our ageing population including guidelines for developers which encourage adaptable housing standards

**Issue**

Health and Wellbeing

**Strategy**
Bega Valley Shire

- Take into account what is needed to have a healthy and active community when making planning decisions in Council
- In partnership with others, seek opportunities to promote healthy environments for example, provision of safe walking tracks to promote a healthy lifestyle.

**Issue**

**Transport**

**Strategy**

- Working in partnership with the Bega Valley Passenger Transport Taskforce to:
- Address the key public transport issues of the community identified through consultation
- Support the use of bicycles in the Bega Valley Shire, eg provide bike racks

**Issue**

**Delivering the Plan**

**Strategy**

- The social impact assessment of some development applications could assist in achieving a more integrated approach. The development of guidelines to determine if or which development applications require social impact assessment could lead to more effective outcomes. The guidelines could cover the type of development applications requiring a social impact assessment and the measurement methods for assessment.

**Issue**

**Target Group- children and families**

- Include the needs of children in planning for and providing public spaces,
- Continue to work in partnership with Aboriginal communities through the Memorandum of Understanding between Council and the Shire’s Aboriginal communities

### 2.3 The South Coast Regional Strategy


The strategy sets broad strategic direction for the region covering the south half of Shoalhaven Shire, Eurobodalla Shire and Bega Valley Shire.

This local Strategy is consistent with the Regional Strategy but goes to local detail and more specific measures to protect natural resources and direct development to targeted areas and themes.

### 2.4 Anticipated time line for the changes

The process for completing Council’s review of plans is complex and stages involve input from State agencies. Detail on the plan making process is available from Council or on
An extract of the anticipated timeline as of August 2008 is as follows:

- September 2008. The Draft LEP and DCP are recommended to the incoming Council and to the Department of Planning for public exhibition.
- Once the required certificate is received from the Department of Planning, the above documents, this strategy, related past strategies and other background material will be exhibited for at least 6 weeks.
- After exhibition, Council will consider public submissions and may resolve to make amendments to the draft plans. Council then submits the draft LEP to the Minister for Planning for making
- Once the Minister makes the plan, it is published in the Gazette and would take over from the 2002 plan as the current Local Environmental Plan for the Shire. Council aims to have finalised the complementary DCP for adoption at the same time.
- Once the new plans are in place, Council will map out actions towards the next 5 year review of the plan- due about 2014.

2.5 Consultation strategy for CLEP

Council has consulted extensively with the public, government agencies and other organisations in the development of the numerous plans and strategies that form the basis of decisions that have informed the CLEP. This consultation has ranged from receiving submissions during exhibitions of draft documents, holding public and focus group meetings, Council workshops and targeted mail outs.

Exhibition of the CLEP

It is proposed that the draft CLEP will be on exhibition for six weeks, along with all accompanying Council strategies and other explanatory material.

It is recommended that Council adopt a public consultation strategy for the draft CLEP that includes the following:

Consultation during exhibition

- Links to all documents will be available on Council’s web site.
- Copies of the draft plans will be available for viewing at Council’s Bega office, all Council libraries and at some village businesses.
- Council write advising of the exhibition to all relevant community groups and industry associations.
- A detailed press strategy be developed to ensure a regular flow of releases promoting the exhibition and exhibition events.
- Informal public information days where exhibition material and council staff will be present be held at Bega, Bemboka, Bermagui, Eden, Merimbula and Wyndham.
Bega Valley Shire

- Planning staff be available to assist with public inquiries at Council’s Bega office during business hours throughout the exhibition.

**Consultation after exhibition**

- Council will review all submissions received to the CLEP & CDCP during the exhibition period and recommendations on those submissions will be presented to Council at a Council workshop. Following this, Council will formally resolve at a Council meeting to sign off on the draft CLEP and refer it to the Minister for Planning for approval.
- A précis of issues raised in public submissions will be made and placed on the web.
- A public hearing regarding the reclassification of public land will be held following the exhibition of the CLEP the results of which will be reported to Council.
3. Population and land use demands as at 2008 and projected to 2028

3.1 The current picture

Council has prepared a detailed community portrait based on the 2006 census. It is available at Council Libraries and office and on line at: http://www.begavalleynsw.gov.au/About/Snapshot/snapshot.htm

The following is a brief outline of some of the more significant population issues impacting on land use.

- The estimated resident population in 2001 was 30703 and in 2006 32429. An increase of 4.4% in 5 years or about 0.9% growth per annum.
- The population is aging and even faster than the NSW average. The median age in Bega Valley was 42 in 2001 and 45 in 2006. (The State median in 2006 was 37). Accommodation and care for a rapidly growing seniors population is a major issue for the coming 20 years. Lone person and couple households are above the State average and increasing.
- Median family income in 2001 was 20% below the State and 24% in 2006. This seems to reflect a large number of lower income households and the increasing proportion of pensioners and other people on fixed income.
- There is a marked loss of young adults in the 18-24 age group (Bega Valley 5.6%, NSW 9.2%). The picture is similar for the 25 to 49 year group (Bega Valley 13.4%, NSW 20.9%) This reflects limited education and employment opportunities and perhaps some of the impacts of relative isolation.
- There is a strong preference for living in separate (detached) dwellings (82% BV, 70% NSW). To house the rapidly growing senior population, and provide for starting families and youth, more small detached dwellings and units should be supplied but there is market resistance.
- 24% of dwellings in 2006 were rented in Bega Valley (State average 29%). There were 5% less home owners with mortgages than the State average which suggests less young, establishing households. The average BV mortgage was 32% lower than the State average and the average rent 31% lower. This is likely part of the reason behind lower incomes as rent and housing can be cheaper. (Although food, most goods and particularly new house costs are generally higher).
- The extent of volunteer servicing in the community is 10% above the state average and reflects the small communities and servicing challenges of a large and relatively sparsely populated Shire.
- The unemployment rate as at 2006 was only a little over 1% higher than the State average but has been higher in some previous census periods.
- The main 5 employment industries in 2006 were:
Bega Valley Shire

- Retail trade -14%
- Food and accommodation -11%
- Health and social care -11%
- Manufacturing -9%
- Construction -9%.

This reflects the importance of retail, tourism and large manufacturers such as Bega Cheese. But there are small but significant increases in home based and small business employment. Conversely, there is not likely to be any significant employment growth in the traditional aspects of the Fishing, Forestry and Agriculture industries over the next decade.

75% of workers drove private cars to work. This reflects both the scattered small settlements and lack of public transport.

3.2 20 year projections

The last two censuses would indicate a population increase in the order of 5% per 5 years. Earlier censuses have shown higher growth in some periods of around 10% in 5 years.

- At a rate of 5% each 5 years, the Shire permanent population would be approximately 40,000 in 20 years.
- At a rate of 10% it would get to approximately 47,000.
- Current projections suggest it will likely get to 43,000 by 2028.

Council is aware of the problems that can be generated by underestimating growth – particularly in the planning of land releases and infrastructure.

So Council’s strategy is to plan for 1.5% average growth per annum for the purposes of setting long term infrastructure and land use patterns but review actual servicing and land supply needs at 5 yearly intervals.

- Council has invested heavily in sewer and water infrastructure and as such there is capacity for highest likely growth rates over the coming 20 years subject to normal minor augmentations and subject to adherence to the strategy of consolidating existing settlements.
- More accommodation and services for seniors needs to be provided over the coming 20 years.
- Improved employment and local tertiary education opportunities are needed if a greater % of young people are to be retained in the Shire.
- More, lower cost housing will be needed – not just for seniors on fixed incomes but also to address the above State average of lower income earners.
• Consolidation of existing settlements can help improve a wide range of issues such as viability of public transport, economies of scale in servicing and expansion of housing choice.

• Further consideration needs to be given to increasing developer contributions under Section 94 or 94A of the Act in order to more closely match the increasing demands created by population increases through the development process.
4. Economic Land use issues

4.1 The role of Council

Council has produced a draft Economic Land Use Strategy (ELUS) and a copy can be viewed with the exhibition material.

The Economic Land Use Strategy clarifies the role of Council relative to that of the State and Federal Governments and the private sector.

“There are many aspects of the actions of Federal and State Government and even the private sector, where Local Government has little power to mitigate adverse impacts. World, national and regional economic trends are usually beyond the influence of councils but can have major local impacts.

However, visionary land use planning and local economic policy are two areas where Councils can play their part in setting a strong framework which can often buffer a local community from some of the more extreme impacts of downturns and conversely have the area well placed to capture positive market demand when it evolves.

Through its planning function, Council can minimise duplication of services and settlement roles, ensure an adequate supply of serviced land for all targeted economic activities and protect the attributes of the Shire that are valued by residents and are tourism assets.” (P4)

4.2 What is the likely economic scenario for South East NSW over the next 20 years?

Do we project the last 10 years with some adjustments and encouragements?

Will there be increasing growth of the Shire given the demand for coastal living?

Should we anticipate more radical change due to major changes in energy, transport, climate change etc?

There have been significant changes over the past 20 years, some of which were not foreseen. For example, most people in the 1980s did not predict the improvements in computer technology and the internet and the land use changes resulting from that technology (such as the significant increase in the number of people who work from home). However, even with these more significant changes, a projection of the land use demands of the previous 20 years was a useful tool in the preparation of the 1980s plans.

Council has the option to effect planning scheme adjustments at around five year intervals.
Not only will there be likely technological changes over the coming 20 years that we can not fully predict nor project their land use impacts, but there is increasing uncertainty for transport given the increasing world demand on a shrinking oil resource and given evolving impacts of climate change and possible policy attempts to redress such change. Council is currently in the process of preparing a climate change adaptation strategy.

Bega Valley Shire is heavily dependent on transport and shortages and/or major price increases in fuel will impact harder on the local economy, in-migration and tourism than on areas close to major cities.

The Shire is also mostly dependent for electricity on transmission lines from Brown Mountain that connect the Shire to the National grid. These lines are evidently approaching capacity and either additional lines will be required or recourse to more generation in the Shire will be required. Recent research into a possible gas fired plant in the Shire seems to have drawn a conclusion of it not being economic given the challenges of getting a natural gas pipeline through the National Park system to the Shire. Advice to Council from Country Energy is that Bega Valley Shire has high power consumption per capita when compared to the National average.

Council is interested in exploring the potential to maximise local generation through solar and wind but a conclusion needs to be drawn as to the economic potential for these sources to either substitute or supplement the need for a new transmission line from the west.

Council has only part of the role to play regarding electricity supply, however Council has developed a policy for the installation of generation devices on dwellings and businesses.

The physical signs of climate change may not be so dramatic over the next 20 years as to drastically change land use patterns, but experts are projecting an exponential shift as the century advances.

Given the extent of uncertainty regarding fuel and climate change and given State and Federal policy is still evolving, it is recommended Council project trends of the past decade, enhance the economic activity it sees as meeting the Shire direction, but keep a close watching brief on change and review plans and policies at five yearly intervals.

It is recommended Council project trends of the past decade, enhance the economic activity it sees as meeting the Shire direction, but keep a close watching brief on change and review plans and policies at five yearly intervals. With regard to climate change, Council should be conservative regarding encouragement of development in low lying areas.

4.3 A regional SWOT relevant to land use planning

The ELUS contains the outline of a SWOT analysis of the Shire economy. (a survey of Strengths, Weaknesses, Opportunities and Threats). The following is a summary of the responses.
4.3.1 Some responses to the SWOT

**General policy matters**

Council has established a Markets and Industries Committee which is actively reviewing broad economic policy for the Shire. The issues and concepts raised by this land use strategy should be reviewed by that committee to ensure completeness in its work.

**Tourism**

Council should define specific tourist sites in the CLEP. It should also make uses such as backpacker accommodation and ecotourism facilities permissible across a wider range of land uses.

**Seniors**

There is much to be done in the non land use issue area to address adequate services long term. Council should ensure adequate lands are zoned for seniors independent living, hostel and nursing care. “Granny” flats should be encouraged and the % of adaptable housing increased (see Council’s Social and Housing Land Use Strategy).

Independent living developments should be required to reserve suitable areas for more intensive care developments.

Increased effort is needed in planning for seniors leisure opportunities and funding same through Section 94 contributions.

The “Health park” concept needs scope for a full range of seniors health facilities and support businesses.

**The Bega Regional Commercial Centre**

The Commercial Centres Strategy and Bega Town Centre plans address land supply and development measures to ensure as wide as possible a range of opportunity for growth in Bega. Employment lands are further addressed later in this strategy.

It is vital that Bega capture most of the large floor space retail to achieve the maximum benefit of one, compact Regional Centre.

Clear economic roles, enshrined in the planning documents, are also needed for other Shire towns and villages and these are explored below.

**Rural emerging industries and value adding**

Appendix one of the ELUS contains strategies for these emerging rural industries and promotes value adding, flexibility in planning controls, clustering and incubation of ideas into viable business.
Education

Appropriate zoning provisions and possibly incentives are needed to encourage opportunities for the Marine Discovery Centre at Eden and to allow economic expansion of the University annexes in Bega.

Making the most of Council’s investment in infrastructure

Council has largely addressed projected infrastructure needs for many areas for the 20 year period. This should lead to stable costs over time and represents wider opportunities for business across most of the towns and the four larger villages. Business sites should be highlighted in the DCP as preferred areas for specified business activity. This will improve investor confidence and enable new business development with greater surety.

Development costs

Council is to an extent in competition with other council areas for new business. Development costs can be a significant factor in attracting new business. Council should consider some cross subsidy of business development against general rates and residential development. The number of business developments per year is relatively small compared to residential and some offset or deferral of contributions, could stimulate supply of businesses and employment. This topic is proposed for further review in the coming revision of Council’s Developer Contributions plan.

The DCP can be used for other incentives such as flexibility in some standards for target sites.

Energy and climate change

These issues are explored in the ELUS (appendix one) and suggestions made for an interim role for Council.

4.4 Economic roles of settlements

The following is a suggested summary of the main roles of each of the larger settlements. Council should set clear distinctions between settlements so that there is minimal duplication of resources and clear development direction. The Shire has numerous small settlements and will not likely reach the critical mass of regional population to support duplication/larger services for many years.

4.4.1 Bega economic roles

- Regional commercial centre
- Main target for regional scale industrial and retail growth
- Strong target for multi unit housing and moderate cost housing
- Growth “sponge” to lessen unacceptable impacts on the coastal settlements
Bega Valley Shire

4.4.2 Bega economic challenges

- By-pass
- Securing the bulky goods and major retail developments
- Finalising adequate and affordable land supply for business
- Hospital siting
- Expanding tertiary education

4.4.3 Merimbula economic roles

- Urban tourism focal point of the Shire
- Largest urban cluster of settlements for the next 20 years
- District retail service- weekly needs focus (includes Pambula and Tura)
- Focus of conferences
- Airport business park

4.4.4 Merimbula economic challenges

- Balancing growth against amenity and congestion
- Commercial role relative to Bega
- “Sprucing up” and remaining the major urban tourist focus of the Shire
- Improving peak period traffic flows and parking
- Improving the potential of South Pambula Industrial estate
- Can McKell drive industrial estate expand and what about Crown land west of Pambula cemetery?

4.4.5 Eden economic roles:

- An emerging tourist and seniors focus
- Port, harbour and aquaculture related industries
- Hub of Shire forestry and fishing
- Marine education/research/ tourism
- Boydtown as a premium market for tourism and lifestyle

4.4.6 Eden economic challenges

- Replacing lost unskilled and semi skilled employment
- Finalising industrial land supply at the four nominated sites
- Expanded use of the Multi Purpose Wharf
- Progression of Marine Discovery Centre
- Strategic answers and actions for- Snug Cove, Cattle Bay, and Boydtown

4.4.7 Bermagui economic roles

- Retirement industry
- Recreational fishing
- Tourism
- Interlinked with Cobargo business development
• IT home business and lifestyle

4.4.8 Bermagui economic challenges
• Retaining youth and employment generally
• Senior services
• How to increase tourism with a limited land base
• Public transport

4.4.9 Villages
Cobargo: Shire’s northern employment base, the working village with serviced employment land and marketable heritage.

Kalaru: home businesses and a small employment lands estate. A commuter settlement to Bega and Merimbula.

Other villages: mixed uses, district retail service, home business, commuter settlements.

4.5 Recommended outputs of the Economic Land use strategy
(for detail on the logic behind these recommendations- see the full ELUS document)

4.5.1 Matters for the LEP
Employment land industrial zoning. Resolve investigations in Appendix two of the ELUS and bring forward in the CLEP or later amendments as rezoning proposals, where justified.

Bulky goods containment to Bega Town Centre and review zoning strategy in more detail for the area between Boundary Road and Kerrison’s Lane.

Investigate additional permitted uses for Rural Industry Clusters like Frogs Hollow and present in Draft CDCP.

Energy efficiency. Focus on retaining existing settlements and making compact

Air transport. Review permissible uses at Merimbula Airport to improve economics of Airport. Review flight path controls for both Merimbula and Frogs Hollow to maximise long term use potential (see Appendix three ELUS).

Appropriate zoning of Aboriginal lands to assist with long term economic viability for these Communities.

Finalise consultation with the Aboriginal Land Councils during exhibition of the LEP and include a special report of consultations and rationale for rezoning Aboriginal land with report to Council following LEP exhibition.

Climate change precautions: where urban development does not already exist along estuaries, Coastal Lakes and the Coastline, foreshore buffers should be zoned for a
distance of 100 metres from the 2 metre contour. Minimal development should be permitted in these buffers and they should be zoned E2 Environmental Conservation. Following completion of Council’s Coastline Management Plan amend the DCP to identify coastal hazard zones in urban areas of estuary and open coast.

Council should not support the zoning of land for more intensive development below five metres AHD without a rigorous review process at applicant’s cost.

4.5.2 Update on proposed industrial zonings in Bega for CLEP

BVLEP 2002 Amendment No 6 relating to the supply if industrial land at North and South Bega was exhibited and reported to Council 8 April 2008. Council deferred any decision following addresses. Because of the overlap in timeframe between the processing of the amendment to the current LEP and the exhibition of the CLEP it is recommended that Amendment 6 be rolled over to the CLEP process.

Following a review of the issues associated with the proposed zone changes it is recommended the CLEP reflect the following changes to the recommendations to that report regarding North Bega.

The Ridge Street area be recommended for zoning E3 Environmental Management due to the fact that there are major engineering issues relating to flooding.

Lot 1 DP 714726 be recommended for zoning R5 Large Lot Residential with special uses of storage premises, motor showrooms, and retail plant nurseries permitted with consent. This has resulted from concerns of residents in the adjoining residential area.

The special use cluse affecting Lots 1&2 DP 743332, Lot 8 DP 244697 and Lot 1 DP 780714 be changed to storage premises, information and education facilities, motor showrooms, plant hire, refreshment rooms, retail plant nurseries and service stations to reflect the difference in land uses between the current LEP and the CLEP.

Lots 1&2 DP 701555 of the proposed southern Highway Service Centre be proposed for zoning IN1 in the CLEP. It was proposed that this site be zoned for a Highway service centre and it is felt that this is still appropriate and is proposed to be permissible with Council consent in the IN1 zone.

4.5.3 Matters for the CDCP / Council Policy

Employment lands

a) Include DCP provisions from the more detailed strategy being proposed for South Bega.

b) Include business land development guidelines for all industrial zoned land

c) Provide preference clauses for siting appropriate industries in the proposed rural cluster areas.
d) Explore DCP clauses that detail non cash incentives for target businesses.

Energy efficiency

a) Focus development in and adjacent to existing towns and villages.

b) Plan for residential development that does not rely on private transport to access services.

c) Incorporate public transport, pedestrian and bicycle travel modes into new developments

d) Encourage small-scale primary and secondary / value adding production.

e) State of the art energy efficiency measures incorporated into building codes and subdivision designs.

f) Encourage home solar and / or wind arrays.

h) Encourage local food production.

Matters from the New Horizons program

a) Information on heritage trails.

b) Weed control provisions that are to be actioned before a subdivision certificate is released.

c) Provision of a possible business incubator site at South Bega.

Climate change precautions

a) Development (both private and public) proposed for existing allotments within 5 metres of sea level may be required to provide details of possible measures to mitigate climate change impacts over the life on the structure.

b) In assessing development applications for new building works, Council should adopt a precautionary approach for any sites more exposed to wind or flash flooding and press for higher standards of construction, higher floor levels… etc, as the circumstances dictate.

4.5.4 Matters for general policy

The primary purpose of this strategy is to maximise the benefits that land use planning might bring to economic development in the Shire and in particular to make recommendations for inclusions in the CLEP and CDCP.

The strategy has touched on matters not directly related to land use planning as listed below and these matters should be referred to Council’s broader economic planning programs.

- Incentives policy
- Training and skills promotion
Bega Valley Shire

- Tourism promotion and infrastructure
- Lobbying for State and Federal inputs to roads, housing, medical, water/sewer infrastructure
- Appropriate development of Aboriginal lands. Possible joint ventures with Land Councils to develop needed industrial lands. Outline possible development strategies – especially for Aboriginal lands where the Land Council’s support business development.
- Indigenous economic advancement
- Assisting low income groups
- Climate change and energy

Council needs to continue to monitor actions and policy of State and Federal Government and trends generally and review its plans and policies at least every five years

4.5.5 Matters for the developer contributions plans

Council should explore the potential to offer some subsidy in contribution for business developments. It is appreciated this would need to come at some extra cost to rates and residential development, but targeted incentives could draw business opportunities that otherwise might not come to the Shire.

4.5.6 Short term letting

Council considered preparing a clause for the CLEP to address the permissibility of short term letting in the low density residential zone so that casual letting of eight weeks or less in any calendar 12 month period is exempt development and greater use is permissible with consent. Following a review of the associated issues it was decided not to include such a clause in the CLEP due to the difficulty in policing such a provision, together with the fact that issues such as noise and parking can be controlled by other legislation.
5. Social land use and housing issues

Social land use and housing issues have been extensively documented in a range of strategies and plans prepared by the Bega Valley Shire. These include the Bega Valley Shire Social and Housing Land Use Strategy, various structure plans and settlement strategies, the Bega Valley Shire 20 Year Plan and the Bega Valley Shire Social Plan. Copies of these strategies are available on the web page and for examination at Council offices.

5.1 Draft Bega Valley Shire Social and Housing Land Use Strategy

Recommendations for the LEP or subsequent amendments

- Council will include the standard template provisions but ensure increased clarity is given in the plan objectives to adequate social impact assessment in the development process.
- Council will liberalise the provisions for dual occupancy such that it is permissible wherever a dwelling is permissible but limit the size of second dwellings to 80m$^2$ where residential zone allotments are less than 1,200m$^2$
- Council will review exempt and complying provisions to encourage appropriate home based and other small scale employment.
- Council will improve the identification and protection of Aboriginal and non-Aboriginal Cultural heritage
- Council will endeavour to create a diversity of supply of land for employment and housing needs in its review of the LEP maps. In particular:
  - Some sites will be identified on the lot size map for smaller subdivisions of detached houses down to 400m$^2$ in the R2 zone,
  - Greater building heights up to the 14 metre limit will be examined for select areas of the B2 and B4 zones at Bega provided the top 2 stories are residential. Heights of up to 12 metres may be considered for some areas of R3 zone close to town centres.

Affordable Housing

Review the development standards to target lower cost lot areas to lessen development costs.

- Ensure adequate supply of suitably zoned land, especially in affordable areas
- Encourage adequate competition in affordable areas so supply meets demand. This can be assisted by ensuring potential land is appropriately zoned and covers several ownerships. As an example, Council has sewered Wolumla and identified at least 2 sites for village expansion.
- Retain the maximum flexibility for rental housing-retain the right of a second house for rental on most rural blocks, encourage appropriate small second dwellings all residential zones without restriction on who can reside in them. This can be achieved by making dual occupancy permissible where most
dwellings are permissible but limiting size on smaller urban lots to protect amenity. Council may also review development charges for small second dwellings to make supply more economic.

- Increase opportunities for manufactured housing estates, kit homes and cluster housing
- Retain community title provisions
- Ensure new residential development (including seniors housing) is located in and adjacent to existing towns, transport and community services.
- Provide concessions and/or other support for local Community and Social Housing providers
- Experimental developments such as the “Bend” development at Bega, are encouraged to create housing diversity.

The Commercial centres strategy has identified the desirability of encouraging more shop top housing in the commercial centres and in intensifying housing densities in residential areas close to the commercial cores. This has benefits in accessibility, improved function of the town centres, energy savings in transport and helps address further accommodation options, especially for seniors and youth.

5.2 Social and Housing Land Use Strategy Recommendations for the DCP

Social impact assessment and Housing strategy sections will be prepared and exhibited as part of the CLEP process. The DCP will include the following:

- A requirement for Social Impact Statements will be introduced for significant development.
- Incorporation of existing social and housing provisions from DCPs such as the Eden and Bega town centre DCPs
- Incorporation of measures to facilitate affordable housing options in the shire. This should include definition of target supply areas, a possible incentives clause where specified affordable housing is achieved. The DCP should identify target areas for developments such as manufactured housing estates and seniors living clusters
- Detail on specific measures to address accessibility and adaptability issues for older people and people with a disability. For subdivisions of land in urban zones with capacity or 10 or more lots, Council will seek 20% of lots to be designed to facilitate accessible housing. For multi unit dwelling developments of 5 or more dwellings, Council will seek 10% of dwellings to be fully accessible and a further 20% to be adaptable.
Social Impact Assessment

The objective of the Social Impact Assessment as proposed by the Draft Bega Valley Shire Social and Housing Land Use Strategy is to ensure proper consideration of development that may have a significant social impact on the Bega Valley community.

The DCP will define categories of development where the Council considers that a proposed development is likely to have a significant social impact. Council is to require and assess a social impact statement as part of these applications.

The objectives of the social impact assessment are to:

- identify the likely future impacts of the development on the affected community
- analyse the impacts in terms of magnitude, significance, duration, effect on current and future conditions and community services, and the like
- determine if the impacts will cause a loss of amenity within the locality due to a net reduction in community services and facilities or cause a loss of affordable housing or a need for affordable housing
- determine and assess possible measures for the management or mitigation of likely impacts.

5.3 Matters for general policy

There are many general policy matters contained in the social plan that Council is pursuing. Some of particular relevance to land use planning are:

- Revision of the MOU and cultural assessment protocols for development with the Aboriginal community
- Education and community consultation programs
- Encourage greater supply and flexibility from the Department of Housing and the Office for Community Housing
- Continued role in development assessment for the access and equity committee

It is recommended that Council continue with further research and improvement of social and housing information to be informed of best practice models.

Council will include affordable housing provisions that reflect the opportunities provided by sections 93F and 93E of the Environmental Planning and Assessment Act.

Affordable Housing

Within the context of land use planning Bega Valley Shire Council can facilitate the development of affordable housing and lessen any negative social impact of development in the Bega Valley Shire by:
Creating networks between service providers, housing providers and state and federal governments.

Actioning the following planning policy and infrastructure matters:

- Incorporate affordable housing in neighbourhood character statements
- Amend planning and development controls to confirm that social mix, made possible by availability of affordable housing, is a valued attribute of sustainability
- Require social impact assessments for significant new developments that analyse affordable housing supply, “safety by design”, impact on disadvantaged…etc
- Promote adaptable housing - housing designed to be flexible and easily modified at a later stage
- Require a minimum percentage of total residential dwellings to meet adaptable housing standards
- Land use zoning and controls through the CLEP / CDCP process (e.g. higher density, shop top and mixed use developments near transport and other services, special provisions such as making small second dwellings permissible on all suitable sites, more flexible dual occupancy, targeted use of lot size map, minimum percentage of total residential dwellings in broadacre estates be set aside for affordable housing)

Identifying and encouraging adequate supply of suitable land for housing and community service infrastructure.

Developing local laws and regulating amenity, health, safety, streets and parking.

Provide concessions and/or other support for local Community and Social Housing providers. This could include deferral or waiving of some development charges, supporting researched spot rezonings to give zoning betterment / lower cost to the providing agency, purposefully develop charges on other forms of residential development that contain some cross subsidy.

Providing community grants and seeking improved funding from State and Federal agencies.

Lobbying for an increase in the allocation of new aged care places and respite care options for the Shire.

Embedding cultural values which will inform development planning and controls

Amending the Developer Contributions Plan to provide for the development of cultural facilities.

Considering the practical requirements of public spaces for cultural pursuits.
5.4 Matters for the Contribution plan

- Developer Servicing Agreements should be negotiated for more significant developments and preferably be in place as part of the conclusion of any conceptual planning of such sites. These agreements should attempt to negotiate social and housing policy objectives in addition to basic physical infrastructure.
6. Protecting the Natural Environment

6.1 Natural environment of Bega Valley Shire

Bega Valley Shire has very significant natural resources. Over 75% of the Shire is in National Parks, State Forests or Coastal reserves. The extent and variety of native species in the Shire relative to most other local government areas in Australia creates a need to ensure future development is carried out without further significant loss of habitat.

While much of the Shire is in public ownership and under varying degrees of environmental protection, the remaining private lands contain areas of habitat not well represented in the reserves system. The better agricultural quality lands of the Shire have been extensively cleared but originally contained ecosystems of varying biodiversity to the remaining public forests.

Remnant native vegetation on private land is mostly of some long term conservation value. While in theory, its protection is enshrined in existing State legislation outlined in section 6.2, the LEP and DCP can perform important educational and development assessment roles.

6.2 State legislation

Most native vegetation and fauna on private lands in the Shire already enjoys significant statutory protection.

6.2.1 Native Vegetation Act 2003

Under this Act, consent is required from the Southern Rivers Catchment Management Board for clearing of most native vegetation in the rural zones of the Shire. Property Vegetation Plans can be prepared by landowners where some clearing may be permitted in return for conservation offsets elsewhere. But generally the offsets require a significantly larger area of similar habitat to be protected elsewhere than any area proposed for clearing.

6.2.2 National Parks and Wildlife Act 1979

Under this Act, much of the native fauna and some flora on private land is protected. Permits are required to destroy most native species of fauna.

6.2.3 Threatened Species Conservation Act 1995

This Act applies to private and public land and aims to conserve biological diversity and promote ecologically sustainable development. It empowers a scientific panel to define species that are vulnerable or endangered and to define areas of critical habitat where specified native species are threatened and empowers the preparation of recovery plans.

It is an offence to destroy threatened species or remove their habitat. Applications for development consent need to establish compliance with the Act and where there is a risk
of significant harm, a Species Impact Statement may need to be prepared and assessed as part of the DA.

### 6.3 Protection measures for the LEP

The new LEP proposes to supplement these State controls through defining environment protection zones and overlay maps.

#### 6.3.1 Environmental Protection Zones

The Standard LEP instrument allows up to 4 types of environment protection zone. All 4 zones are proposed to be utilised in Bega Valley:

- **Zone E1 National parks and Nature reserves.**
  As the name implies, this zone comprises public lands managed by DECC.

- **Zone E2 Environmental Conservation.**
  This is the most stringent of the 4 zones and would apply to more sensitive areas such as existing foreshore protection zones, wetlands and additional areas identified as having high conservation values through the LEP preparation process and consultation with DECC. This zone strictly limits development and attempts to conserve all existing habitat.

- **Zone E3 Environmental Management.**
  This zone is being proposed for private lands with environmental or scenic values where low key living and compatible uses such as extensive grazing are considered suitable. The zone is also proposed for use as a transition between areas of high conservation value and other land uses such as rural or residential. Generally further subdivision would be limited and much of the existing habitat would be proposed for protection subject to adequate protection of existing development from bushfire and reasonable protection of existing uses.

- **Zone E4 Environmental living**
  The Department of Planning has proposed this as a low density residential zone where there are some natural values. Small areas are proposed where large serviced residential lots are permissible and there are some vegetation and wildlife values.

#### 6.3.2 Biodiversity overlay

This overlay is a map in the LEP of most remnant vegetation on private land in the Shire. A clause in the LEP would require Council to try to conserve most of this existing vegetation in the course of assessing any development application. In reality such vegetation and associated fauna is already protected by the above State Legislation but the overlay process ensures there is awareness by Council and the community when contemplating new development. Figure 6.1 depicts the biodiversity overlay at regional scale. Detailed mapping is available on the LEP Biodiversity overlay map.
6.3.3 Corridor overlay

This overlay map in the LEP defines a number of key areas where it is important to retain and in some cases improve habitat links between large forest areas. Effective corridors are vital to the long term viability of many native species.

A clause in the LEP would require Council when assessing development to attempt to achieve conservation or enhancement of vegetation in the corridor areas.

Figure 6.1 depicts the corridors at regional scale. Detailed mapping of the corridors is available on the LEP Corridors overlay map.

6.3.4 Waterways overlay

This overlay map in the LEP depicts the several categories of waterway. It is important that buffers are applied to separate development from waterways and hence protect water quality and catchment values. A clause in the LEP would require Council to ensure there is adequate separation between development and mapped waterways.

6.3.5 Soil and Topography overlay

This overlay map in the LEP depicts lands where there may be soil challenges such as high erosion risks, acid sulphate soils …etc. A clause in the LEP will require Council to carefully consider the hazards that may present in this more sensitive land when assessing development proposals.

6.4 Protection measures for the DCP

A number of specific controls are proposed for the DCP to apply to development areas where there is native vegetation, wetlands and other environmental constraints. There are also sections relating to protection of significant landscapes that will have complimentary benefits for protection of natural values. The current soil and water management guidelines will be retained.
Figure 6.1 Protecting the Natural Environment
7. Protecting the landscape

7.1 Introduction.

As part of its new Comprehensive Standard Local Environment Plan (LEP), Council prepared a Scenic and Cultural Landscapes Strategy for its rural lands in 2008. A copy of that strategy is available on the web page and with the exhibition material.

The objectives of the Bega Valley Shire Rural Scenic and Cultural Landscapes Strategy are:

- To ensure that the rural landscape is managed in a manner that ensures future generations can enjoy the Shire’s special scenic and cultural qualities.
- To inform the Bega Valley Shire Comprehensive Standard LEP regarding the management of scenic and cultural amenity in a manner that:
  - retains scenic and cultural values
  - protects the Shire’s core distinguishing features contributing to the high scenic amenity
  - recognises the contribution of the Shire’s landscape values to its economy, social setting and environment
  - reduces conflict over change in the appearance of the landscape
  - adopts a considered and consistent approach to the management of change to the scenic and cultural landscape.

Council is required to address matters relating to scenic and cultural landscape values in the new Comprehensive LEP. In the new Comprehensive LEP most rural zones, waterways zones and environmental zones include mandatory objectives that refer to protecting and/or maintaining landscape character and/or rural, scenic and aesthetic character/values.

Any land within the coastal zone will, (under Clause 5.5 of the new Comprehensive Standard LEP), be required to include provisions relating to scenic and cultural landscape values. For example, consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:

- the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality
- how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected

The South Coast Regional Strategy states that:

“LEPs will include appropriate provisions to protect coastal towns and villages, ….. and associated natural and cultural landscapes and curtilages. The aim will be to
An output of the Scenic and Cultural Landscapes Strategy will be a Scenic and Cultural Landscapes section within Council’s Development Control Plan (DCP) that will provide a more detailed planning tool to complement the new Comprehensive LEP.

Planning overlays can be an appropriate mechanism for managing multiple natural and cultural resources and values requiring different planning responses. However a scenic and cultural landscape protection area overlay would be a very significant task to prepare for a Shire as diverse as Bega Valley and is currently beyond Council resources. There is also a large amount of subjectivity in what constitutes a significant landscape.

A section in Council’s proposed comprehensive development Control Plan is proposed which will set out additional considerations or standards that Council will apply before consent can be granted to a development application in identified areas of higher visual significance.

### 7.2 What do we mean by scenic and cultural landscapes

Scenic landscape amenity is a composite of two factors - scenic preference (the community’s liking for scenery) and visual exposure (the extent to which a place in the landscape is seen from important public viewing situations).

Cultural landscapes, within the context of this strategy are considered as physical areas with natural features and elements modified by human activity that have resulted in land use patterns layered in the landscape, which give a place its particular character, reflecting human relationships with and association with that landscape.

### 7.3 Strategy outputs

- Recommended clauses for inclusion in the new Bega Valley Shire Comprehensive Standard LEP.

- Scenic and Cultural landscape section in the DCP with considerations and standards that must be considered before consent may be granted to a development. For individual scenic and cultural landscape units the DCP will describe:
  - attributes, character description
  - objectives
  - planning issues
  - local planning provisions applicable to that land.

- Maps of the Shire’s most significant scenic and cultural landscape units.
7.4 Bega Valley Shire’s significant scenic and cultural landscapes

The importance of scenic and cultural landscapes, for the purpose of this Strategy, is determined by a composite of three factors:

- Visual exposure (the extent to which a place in the landscape is seen from important public viewing situations)
- Scenic values
- Landscapes with a unique character that demonstrate a human relationships with and attachment to that landscape

The extent to which a landscape is seen is largely influenced by its proximity to the principal transport routes and urban areas.

Principal regional travel routes consist of the Princess and Snowy Mountains Highways and the routes between Bermagui and Tathra, Bega and Tathra Rd, the Wyndham/Pambula/Candelo/Bega routes and Sapphire Coast Drive. Figure 7.1 depicts these routes.
LANDSCAPES IN NEED OF DEVELOPMENT MANAGEMENT

★ 1 "Gulaga" Regional Landscape
★ 2 Murrah Coastal Landscape
★ 3 Tarra Coastal Landscape
★ 4 Rural setting of Bega Regional Centre
★ 5 Pambula Rural Landscapes

BVSC STRATEGY 2008

Figure 7.1 Landscapes
The Shire’s most evident cultural landscapes tend to be related to its pastoral heritage. Physical evidence of this heritage includes pastures and paddocks (including dairying/piggery/corn cropping assemblages), homestead compounds, stand-alone dairies/cheese manufacturing buildings, plantings around homesteads or driveway entrances and cultural planting of exotic specimens at homesteads such as Kameruka.

Less evident, but no less important are the landscape values of the Aboriginal community both in the historic and current cultural settings and the historical transport and travel routes used by Aboriginal and European travellers. More detail on the cultural aspects of the landscape will be addressed in the Heritage Strategy.

Other heritage themes may relate to:

- Timber
- Fishing
- Marine transport
- Mining
- Recreation and tourism

Highly rated scenic quality and community preference for landscape has been demonstrated to be associated with:

- Greater relief and ruggedness
- A diversity of vegetation
- Greater naturalness and absence of human induced change
- Unusual features (i.e. rock outcrops, water features, etc)
- Cultural landscapes (such as the agricultural landscape where there is a strong association in the landscape with existing or past agriculture).

Visual quality of a landscape may also be assessed using criteria developed by The NSW Comprehensive Coastal Assessment –Visual Assessment. These include:

- Visual Integrity
- Diversity/contrast
- Balance/harmony
- Distinctiveness-
- Adjacent scenery
- Rarity

Applying the above criteria and using professional judgement the following rural landscapes are identified as significant scenic and cultural landscapes with high levels of scenic exposure.

- Pambula cultural landscape unit (incorporating South Pambula, Pambula River Flats, main street vistas)
- Bermagui to Tanja cultural landscape unit
- Jellat Jellat - Bega River Flats cultural landscape unit
- Steep rolling agricultural lands - principally north of Bega as viewed from the Princess Highway and west of the Princess Highway as viewed from the Snowy Mountains Highway.
- The Escarpment/ SE Forests/ Wadbilliga National park ranges and their foreground scenic landscapes
- Inland vistas as viewed from coastal vantage points (eg views from Merimbula Wharf/ Fishermen’s Lookout, Murunna Point, Bermagui)
- Vistas from popular lookouts such as the Bega Valley Lookout off the Princess Highway and Myrtle Mountain Lookout
- The north-south coastal ranges (eg Black Range and Mumbulla Mountain)
- Historic transport routes (Aboriginal and European)

Other more localised or less visually exposed scenic and cultural landscapes could include:
- Rural views from the Shire’s urban areas, such Glen Mia, Wolumla...
- Bournda at Sapphire Coast Drive
- Western foreshores of Merimbula Lake
- Towamba Valley
- Rocky Hall locality.

At this point in of time the Scenic and Cultural Landscapes Strategy is restricted to the preparation of a possible clause for the LEP and a section in the DCP as a pilot project for three rural landscape units, plus some general landscape guidelines for development. DCP clauses for additional units, including urban areas, may be prepared as resources become available. Figure 7.1 depicts many of the more significant cultural landscapes and detail planning of such areas is proposed as resources allow.

The landscape units included in this initial stage are:
- Pambula cultural landscape unit (incorporating South Pambula, Pambula River Flats, main street vistas)
- Bermagui to Tanja cultural landscape unit
- Penuca/Jellat Jellat/Bega River Flats cultural landscape unit
7.6 Actions flowing from the Bega Valley Shire Landscape Strategy for inclusion in the comprehensive LEP

7.6.1 LEP Actions

The following clause is recommended for insertion in Part 6 “Additional local provisions”

Requirements and Guidance relating to Scenic and Cultural Landscapes

Before granting consent for development involving the carrying out of any works or building construction within zones R5, RU1, RU2, E2, E3, E4, the Council must consider:

i) the impact on scenic quality of the main building and works of the development,

ii) the visual impacts of ancillary uses like driveways, fencing, electricity and other services on the wider visual catchment.

In carrying out its assessment in (1) above, the Council must consider in its assessment:

i) the height, scale and bulk of the building as well as the construction materials used in, and the colours of external surfaces of, the building will accord with the visual character of the locality, and

ii) landscaping, particularly around buildings and boundaries for screening purposes, and how it will enhance the visual character of the locality,

iii) minimising the visual impact from public places including roads,

iv) siting buildings below ridgelines so that:

- No part of the structure protrudes above the ridgeline if the site is visible from a public place
- Vegetation clearing associated with the development does not impact on the existing vegetation form and line

v) reducing impacts of driveways and services, and

vi) ensuring styles, colours and external materials of building and fences are compatible with the landscape character,

vii) if the land is defined as a Significant Cultural or Scenic Landscape, then any special provisions applying to that land defined in the Scenic and Cultural Landscapes section of the DCP adopted by the Council, are to apply.

7.7 Matters recommended for research as part of Council’s 5 yearly reviews of its planning controls

Consider the development of DCP clauses for the following rural cultural and scenic units:
- Steep rolling agricultural lands - principally north of Bega as viewed from the Princess Highway and west of the Princess Highway as viewed from the Snowy Mountains Highway.
- The Escarpment/ SE Forests/ Wadbilliga National park ranges and their foreground scenic landscapes
- Inland vistas as viewed from coastal vantage points (eg views from Merimbula Wharf/ Fishermen’s Lookout, Murunna point, Bermagui)
- Vistas from popular lookouts such as the Bega Valley Lookout off the Princess Highway and Myrtle Mountain Lookout
- The north-south coastal ranges (eg Black Range and Mumbulla Mountain)
- Historic transport routes (Aboriginal and European)

And for the following more localised or less visually exposed scenic and cultural landscapes:

- Rural views from the Shire’s urban areas, such Glen Mia, Wolumla...
- Bournda at Sapphire Coast Drive
- Western foreshores of Merimbula Lake
- Towamba Valley
- Rocky Hall locality.
8. Protecting development from hazards

8.1 Bushfire

Bega Valley Shire is one of the highest bushfire risk local Government areas in Australia.

The recent development of detailed bushfire planning requirements has seen a marked improvement in planning for bushfire protection in developments of the past 5 years.

Council currently works to a fire hazard map developed by the Rural Fire Service and the DCP will set prompts to ensure compliance with the current legislative provisions and guidelines.

Some older development does not comply with current requirements and Council will set new requirements whenever possible such as when considering DAs for further development.

8.2 Flooding

Bega Valley Shire encompasses the entire catchment of the Bega and Towamba major coastal River systems. Sections of some urban areas such as Bega have been subjected to past flooding.

Council has reasonable mapping of the 1970s major floods which are the highest flood levels recorded to date. Given the relatively minor areas of existing or proposed residential land likely to be at flood risk, Council has not been able to justify to date, a full Flood Study as proposed in the Flood Plain Management Manuals of the State Government.

Instead, Council will adopt a conservative approach to any development in the vicinity of current flood records or generally near waterways and press for at least 1 metre above likely maximum estimated flood level so as to have some allowance for possible increasing storm intensities over coming decades, due to Climate Change.

For the LEP, Council has incorporated current available flood mapping and will include requirements in the DCP for assessment near waterways and on lands in or in close proximity to mapped flood land.

8.3 Climate change

A more detailed discussion on the potential impacts of climate change is included in Council’s discussion paper on estuary and coastal zone management and the CLEP.

8.3.1 Planning Response relating to Climate Change

Council is currently developing a holistic organisational response to climate change mitigation and adaptation issues. The new CLEP has been prepared in an environment of rapidly evolving science and policy development with regard climate change.
As such the CLEP takes a precautionary approach to major adaptation issues such as sea level rise related inundation, coastal hazards and foreshore protection zones. Given that predictions of climate change are being refined, it is wise to take a precautionary principal approach as recommended by the NSW Coastal Policy and enshrined in the NSW EP&A Act. It is recommended that the new DCP be amended in the future to identify coastal hazard zones around the estuaries and open coast following the completion of Shires Coastal Management Plan.

Climate change is likely to have a major impact on the Shires rural areas and agricultural production. The LEP provides flexibility to allow for changes in agricultural practices and productions sectors, due to reduced viability of current industries that may occur as result of climate change.

The new DCP will also have sections devoted to Climate Change mitigation issues, with energy efficiency and the embracing of alternative energy generation technologies being major themes. The new DCP provides the opportunities to further reinforce the logical expansion of existing centres to reduce reliance on private transport, emerging concepts such as transition towns, peak oil and increased opportunities for locally produced food.

- Generally, Council will not zone further land for development below AHD 5 metres.
- Development (both private and public) proposed for existing allotments within 5 metres of sea level should be required to provide details of possible measures to mitigate climate change impacts over the life on the structure.
- Where urban development does not already exist along estuaries, Coastal Lakes and the Coastline, foreshore buffers should be zoned for a distance of 100 metres from the 2 metre contour. Minimal development of a long term nature should be permitted in these buffers and they should be zoned E2 Environmental Conservation.
- Following completion of Council’s Coastline Management Plan the DCP be amended to identify coastal hazard zone in urban areas of estuary and open coast. Amendments to the LEP be considered as this and other appropriate information comes to hand.
- In assessing Development applications for new building works, Council should adopt a precautionary approach for any sites more exposed to wind or flash flooding and press for higher standards of construction, higher floor levels… etc, as the circumstances dictate.
- Council should seek to maximise conservation of water and energy in new development and renovation. Council should consider incentives for building works that exceed the BASIX requirements.
- Larger subdivisions, multi-dwelling housing and commercial / industrial developments should be required to provide a study which demonstrates measures included in the development to limit impacts on energy consumption and maximise conservation of resources.

Both LEP and DCP Clauses should be drafted to implement the above controls. Given State and Federal responses continue to evolve, Council will need to keep this section of policy under regular review.
8.3.2 Planning response relating to energy

- Focus development in and adjacent to existing towns and villages.
- Plan for residential development that does not rely on private transport to access services.
- Incorporate public transport, pedestrian and bicycle travel modes into new developments.
- Encourage local food production within short hall transport of settlements.
- Encourage development of large scale renewable energy projects such as solar / wind farms.
- Ensure good quality agricultural land is retained for food and fibre production. Give preference and minimise development requirements for local food production initiatives.
- Ensure planning instrument makes provision for small-scale primary and secondary / value adding production. Allow generous provisions for home businesses and industries. Ensure roadside stalls can be encouraged for sale of local produce.
- State of the art energy efficiency measures incorporated into building codes and subdivision designs. Encourage home scale instillations for solar and wind generation of electricity.
- Encourage / lobby other levels of government to increase use of more energy efficient transport such as sea freight.
- Encourage / lobby other levels of government to invest in best possible efficiency technologies for power supply. Encourage home solar arrays.
- Encourage wood lot development as a renewable energy source for fuel, timber and fibre.
9. Conserving our heritage

Bega Valley Shire has a rich heritage with many items from Aboriginal occupation and European settlement still undisturbed. As the Shire grows it is vital to conserve the important elements of this heritage for future generations, to help communities retain their sense of place and character and as a valuable tourism asset.

During 2008, Council has developed a draft Heritage Land Use Strategy and this is available for viewing with the exhibition material.

9.1 Aboriginal cultural heritage

Bega Valley Shire was one of the early Council’s to enter into a Memorandum of Understanding (MOU) with its Aboriginal Communities. Amongst other things, the MOU commits Council to improving Aboriginal heritage assessment and consultation in the development and strategic planning processes. A DA consultation protocol was introduced in 2002 but the parties recognise further research is needed to identify and protect more significant physical heritage.

The Shire’s Aboriginal communities, DECC and Council have been developing a Shire wide Aboriginal Heritage Survey. The project has slowed over the past 2 years due to some funding and consultation issues but the parties are keen to recommence the process shortly.

The study will significantly improve the heritage data on both before and after European contact times. Like the Eurobodalla Shire studies, reports would be produced on stories, physical post contact places, spiritual landscapes and such like. Where acceptable to the Aboriginal Community, public information would be available on this rich heritage.

Appropriate heritage would be recorded on the LEP maps and in a Council register with both restricted and public sections. Restricted information would only be accessible to culturally acceptable people with appropriate training.

Access to the DECC state register of Aboriginal sites (AHIMS database) by culturally acceptable Council staff will be considered once Council has progressed the study.

Appendix four of the draft Heritage Land Use Strategy 2008 provides detail on the proposed planning processes.

In addition to the standard heritage protection measures in the LEP that would apply to Aboriginal Heritage Items and Heritage Conservation Areas in the same way European heritage is managed, there is scope for identification of culturally significant landscapes and other spiritually significant lands (eg Mumbulla Mountain complex) in the LEP and with special clause provisions.
Until the heritage study is more advanced, Council will rely on its current protocols, MOU and the standard heritage clause in the LEP.

### 9.2 European heritage

As outlined above, a draft Heritage Land Use Strategy has been prepared and provides more detailed background on the heritage aspects of the LEP and DCP.

Identification and protection of European heritage has been an incremental process over the past 2 decades, given the limitations of Council’s budget. Council’s Heritage Advisor has worked closely with the several heritage societies in the Shire and has produced a further list of items for exhibition as potential heritage items.

The current round of work completes most of the built heritage assessment of the settlements but work remains outstanding on rural and industrial heritage.

Council wrote to all owners proposed for listing and will consider submissions at the conclusion of the public exhibition of the LEP.
10. Direction for the main town centres

In 2006, Council adopted a Commercial Centres Strategy that set a theme and direction for the major centres of the Shire. A copy is available on the web page and at Council offices. Since the adoption of the Strategy there has been a need to refine some of the detail to match the State Government’s South Coast Regional Strategy, new State Government requirements and further Council research. A summary of the main themes for each town, as at the date of this strategy, is presented below.

In all the larger towns of the Shire, Council’s goal is to increase living densities, housing choice and accessibility over time. This has environmental benefits in reducing travel and energy costs, social benefits such as increased accessible housing for target groups especially the youth and aged and economic benefits in efficient delivery of infrastructure and services. The proportion of seniors in the Shire around 2028 could exceed 30% of the entire population and an increase in supply of appropriate housing close to services is an important strategic direction for at least the next decade.

10.1 Bega Regional Centre

The State Government and Council have recognised that Bega has the best long term potential to grow to be the regional service centre for the far south coast. Both the South Coast Regional Strategy and Council’s Commercial Centres Strategy point to the attributes of Bega in having ample land and appropriate infrastructure to grow to a major centre and to contain many of the health, education and general commercial services and employment opportunities—particularly in the retail and industrial sectors.

The new LEP proposes a commercial core and a large surrounding multiple use zone to redevelop and provide the support services, bulky goods and accommodation needed in a regional centre. The plan also expands employment lands to cater for possible industrial growth over the coming 20 years. Additional residential and large lot residential lands are also set aside to ensure a diversity of housing choice within easy access of the commercial core.

The strategy recognises that major retailers are proposing one or more mall style retail developments incorporating large supermarkets, discount department stores and mini-majors. It proposes Bega as the main centre for such large scale development and requires it be incorporated within the current core so as to preserve the commercial and social viability and vitality of the existing centre. Bega needs to develop as a compact and dense regional centre with highly accessible, energy efficient living, servicing and working opportunities. Figure 10.1 depicts the proposed B2 and B4 zones.
Figure 10.2  Bega Regional Commercial Centre
10.2 Merimbula Major town

The South Coast Regional Strategy recognises the importance of Merimbula as the urban tourism hub of the Shire and that it will have an ongoing role as a major town in servicing the weekly needs of the Merimbula District.

Council’s strategy seeks to achieve a close functional relationship between retail at Tura Beach, Pambula and Merimbula so as to protect the landscape and tourism qualities of the Merimbula Town centre by the other two neighbourhood shopping centres sharing some of the district retail load. Some intensification of the current Merimbula commercial zone is envisaged including additional living and tourism accommodation opportunities close to and in the town centre. No significant expansion of the commercial area is considered necessary for some time- with additional land being proposed at Tura Beach.

The Merimbula strategy also seeks to limit large floor space retail stores to less than 1,000m² unless they are supermarkets.
10.3 Bermagui local centre

Bermagui is the local retail and tourist service centre for the north east of the Shire.

Council’s strategy sees sufficient land within the current commercial area. But increased living opportunities need to be encouraged, in particular more seniors friendly housing.

The setting of Bermagui within the world class “Gulaga” landscape warrants careful design attention to re-developments in the town to ensure the integrity of this landscape is preserved.

10.4 Eden local centre

The Eden local commercial centre has been the subject of a recent planning exercise resulting in the adoption of DCP 40. The new LEP proposes some minor rationalisation of the commercial zone but generally there is currently sufficient land. The town centre is an integral part of the “Port of Eden” and is the southern service centre for tourists.

As with the other larger towns, Eden needs to increase its living opportunities in and close to the town centre. Eden in particular has some of the most spectacular coastal views from a commercial area and lends itself to quality shop top housing.

The Boydtown area has the potential to grow into a tourism and satellite residential settlement of several hundred permanent residents and peak season tourist population in excess of 2000 over the next 20 years. The role of any commercial development at Boydtown needs to compliment that of Eden and target local tourist and resident daily and holiday needs. Further master planning of Boydtown is under way and will refine the location of additional commercial lands. Council has also identified potential employment lands for industrial / business park development west of the highway.

10.5 Tura Beach neighbourhood centre

As discussed in 10.2, 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 5,000m$^2$ 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.

Council have resolved to reclassify its land within the area identified in Figure 10.3. The reclassification was exhibited but the associated public hearing has not been held. This reclassification was proposed to allow for parking in association with the proposed shopping development at Tura Beach. Given the large area which has already been rezoned Council’s land is not seen as being necessary, however the reclassification should still take place to ensue the land is available for such future uses. It is proposed to include the reclassification in Schedule 4 of CLEP and include it in the public hearing for the whole of Schedule 4 of the CLEP.
Pambula neighbourhood centre

Pambula is a neighbourhood service centre with a strong heritage and tourist theme. It also has some existing bulky goods development and some limited capacity for expansion to cover district needs.
10.7 Tathra neighbourhood centre

Tathra is a commuter settlement of Bega and Merimbula but with a significant tourism accommodation role. The current commercial areas are seen as adequate for the needs of the coming 20 years and industrial land supply is not seen as the role of this settlement.

10.8 Villages commercial centres

10.8.1 Cobargo

The Commercial area of Cobargo not only services daily retail needs but has also developed to service highway and tourist trade. Cobargo has established a name as a working village with many crafts and local produce outlets. It is the northern gateway to the Shire.

The strategy also sees Cobargo continuing to expand these established roles but also taking on more of the employment land role for the north of the Shire, given limitations for supply at Bermagui. The recent provision of sewerage gives Cobargo capacity for more than double the current population.

The existing commercial area is seen as adequate for the long term but the DCP will set provisions to encourage sympathetic infill re development. Council has bought land for expanded car parking to improve access for passing highway traffic. A formal industrial area has been identified and serviced.

10.8.2 Kalaru, Candelo, Wolumla and Quaama.

The strategy theme for commercial development in these 3 villages is to cater for daily resident needs but have recognition of the fact these are commuter villages with many residents working in the larger centres – particularly Bega and Merimbula. Adequate land exists for likely commercial needs of the coming 20 years.

Small areas of employment land have been identified and serviced in the larger 3 villages to encourage more local employment.

10.8.3 Bemboka

Bemboka is the western gateway to the Shire. It provides daily service needs for the village, surrounding rural area and passing highway traffic. There is ample land to cater for such needs for the coming 20 years.

An employment cluster site has been identified in the rural zone east of the village, to address local rural supply needs.

10.8.4 Wyndham

Wyndham has a commercial role of servicing daily needs for the village and surrounding district. It also has a modest but growing potential for tourism and crafts.
There is adequate land for such needs for the coming 20 years.

10.8.5 Towamba

Towamba is a somewhat isolated village and the challenges of funding road and other infrastructure improvements relative to other pressing service priorities in the Shire means the strategy must be to constrain growth of this settlement over the 20 year period. However it is desirable there be sufficient growth in demand to enable viability for a general store. The very isolation of the Village makes it of interest to some categories of tourist and bed and breakfast type developments, local produce and crafts would seem to have further potential.
11. Rural Land Use Direction

11.1 About the Bega Valley Shire Rural Lands Review

In 2005/6, Council developed a detailed review strategy for the rural sections of the Shire. The essential elements of this strategy have been carried over into this chapter, with some updating to address recent State policy changes. Copies of the 2005/6 strategy work can be viewed with the exhibition material or on the web.

The aims of the Bega Valley Shire Rural Lands Review were to develop a strategic framework to deliver environmentally, economically and socially sustainable land use in the Shire’s rural areas. When the Rural Land Review commenced Council’s objectives for the review were to:

- Identify a community vision for a rural and agricultural landscape of the Bega Valley Shire.
- Protect and enhance the significant biodiversity functions of rural lands in the Bega Valley Shire.
- Identify the significance of agriculture in the Bega Valley Shire both locally and regionally.
- Protect the most productive agricultural land from permanent conversion to non-agricultural land uses.
- Protect the future opportunity and provide the planning framework for a range of integrated sustainable agricultural, conservation and tourism opportunities in rural areas.
- Conserve sites of Aboriginal, natural and European heritage.
- Minimise the impact of human activity in environmentally sensitive areas.
- Manage the demand for future development of rural lands, including rural subdivision.
- Minimise land use conflicts and environmental hazards for new and existing developments.
- Maintain and enhance the Shire’s village and town harmony.
- Respond to the social needs of rural communities of the BVS.
- Identify, protect and manage mineral resources in the context of surrounding land values and end uses.
- Engage the community directly in Council planning process in order to increase community ownership of planning processes, output and outcomes.
- Develop a more simplified planning approvals process.

11.2 The Rural Land Review Process

The Rural Land Review was conducted in two stages.

First, a Rural Lands Review Issues Paper was released in April 2004 for public comment. This was followed by the Rural Lands Review Strategic Directions Paper released for public comment in December 2005.
The strategic directions paper presented a suite of strategies and actions to protect and enhance the values of the Shire’s rural lands as identified in the first stage and resolve the issues documented during the Rural Lands Review Issues Paper consultation. In developing the strategies and actions consideration was given to:

- Community values and opinion
- The Bega Valley Shire Draft 20 Year Plan
- Current BVSC Policy
- State and Commonwealth Government Legislation and Policies (including the proposed NSW State Government Standard LEP zones and provisions.)

Nine themes were addressed by the Strategic Directions Paper:

- Agriculture
- Settlement
- Water resources
- Biodiversity
- Ecologically sustainable development
- Hazards
- Heritage
- Extractive resources
- Infrastructure

11.2.1 Update on previous Rural Lands Review work for CLEP

Since the tabling of the report to Council in June 2006 on the Rural Lands Review Strategic Directions Consultation and Implications of the LEP Template and Draft South Coast Regional Strategy, there have been a number of significant developments at State level and a further revision of rural direction by Council. As such a revision of the strategy has been effected and forms the remainder of this chapter which provides an update on Council’s current position on the major recommendations for the LEP and DCP process.

11.3 Rural Land Review Strategies and Actions

11.3.1 Protecting the Shire’s most important Primary Industry land.

Land for primary industries is a finite resource and is under increasing pressure from non-agricultural development. While conditions currently may be poor for agriculture and other primary industries, it is prudent for Council to protect larger parcels of land for future agricultural production.

Objectives:

- Protect The Shire’s Most Important Agricultural Land for primary industries.
- To provide for rural living opportunities that do not reduce the production potential of primary industries in the Shire’s most important agricultural land.
- To halt or slow the spread of weeds throughout the Bega Valley Shire and thus reduce the ecological, economic and social impacts of weeds;
The Shire’s most important agricultural land should be zoned RU1 *Primary Production* under the Bega Valley Shire’s new comprehensive LEP. This land consists of irrigated river flats (Class 1 and 2 lands in the DPI and DNR classifications) and holdings which contain at least 40ha of the most important agricultural land (DPI class 1-3 land and DNR class 1-4 land).

Sufficient distance should be provided between the RU1 *Primary Production* Zone and development in adjacent zones to minimize the potential for future land use conflict.

Where dwelling houses are proposed to be located in rural areas within proximity of primary production, Council will need to be satisfied that:

- Reasonable and practicable farming practices that comply with industry-specific guidelines are protected.
- Impacts of residential development on agricultural production activities and agricultural land resources are minimised.
- Potential for complaints about agricultural activities from residential areas are minimised.
- Residents in rural lifestyle areas located adjacent to agricultural production areas are provided with acceptable environmental conditions.

Suitable buffers should be provided outside farmland areas, designed to separate the rural lifestyle activities from farming industry. The main conflicts that can occur between residential development and primary producers may involve:

- Spray drift from chemicals used in primary production
- Noise from machinery, animals (e.g. night paddocks)
- Dust from stock and/or machinery
- Odours from farm related waste, silage, etc
- Visual impact of normal farming activity

The onus should be on the developer (and subsequent owners) of the non-farming activity to avoid conflict through the provision and maintenance of buffers. Individual development proposals could be required to include:

- Provision and maintenance of planted areas in the buffer land
- Defining building envelopes for dwellings outside the buffer area
- Compliance with vegetation protection controls

Buffers should not be used as a strategy to replace zoning provision.
Weed infestation has the potential to significantly reduce productivity and the biodiversity of land and water in the Bega Valley Shire.

The huge financial cost of weeds and weed control is well known, particularly to the farmers, other landholders and local authorities that bear that cost.

- The Noxious Weeds Act 1993 should be used in association with Section 149 Certificates to ensure any land proposed for development or subdivision is inspected for noxious weeds, a weeds report is prepared, and appropriate actions specified to ensure noxious weeds are controlled, to help achieve targets set out in the relevant Regional Weed Management Plan or local weed management plans and Southern Rivers Catchment Action Plan.

- Consequently where noxious weeds are identified, the proponent of a development should be required to undertake specified weed management tasks before approval for the development is granted, and conditions of consent or a covenant placed on the land requiring that the owner undertakes an agreed program of weed control over a specified time period.

- Consideration will be given to the cost of on-going management of weeds in lands that have come under Council’s direct control as a result of a development. Controls may include annual levies/special rates specific to the development land.

**Education**

- Increase Officer and Councillor understanding of rural issues.
- Promote community awareness of the realities and responsibilities of living in the rural areas of the Shire.
- A description of surrounding land uses should be included in Section 149 certificates to purchasers of rural lands.

**11.3.2 Support for Farming and rural Enterprises**

**Objectives**

- Ensure land is available for emerging agricultural industries
- Encourage new rural industries to establish in the Bega Valley Shire
- Facilitate the acquisition of land to increase the size of Farming Enterprises

**Strategies**

- Minimum lot sizes (with dwellings) should be sufficiently flexible to allow (often smaller scale) emerging agricultural enterprises to establish on prime agricultural land.
- It is noted that this is currently permissible under Council’s Agricultural lot provisions in LEP 2002.
Allow farm subdivision of the size required for an emerging agricultural
industry but only allowing building consent once that agricultural industry is
fully established, operating and can be shown to be commercially viable.

Maintain existing economic development programs such as the Business
Development Incentive Program and the Business Incubator Site Program

Encourage the process of cluster development by seeking funding in
association with Eurobodalla, Bombala and East Gippsland Shires, for the
implementation of the New Horizons Project recommendations.

Support the growth of rural tourism through Bega Valley Shire land use policy
and economic development policy.

Liaise with Bombala, Eurobodalla and East Gippsland Shires to seek
government assistance to implement the “Alternative Land Use” strategies
identified by the New Horizons project.

Identify lands suitable for locating agriculture related industries or general
industrial activity requiring larger or lower serviced sites than currently
available in the Shire’s urban areas.

Identify suitable sites where a cluster of related or unrelated industrial businesses may be
developed. Develop evaluation criteria for identifying and assessing sites for general
industrial development in the current Rural 1(a) Zone

Draft policy guidelines should be prepared by Council for emerging industries
including Wind farms and farm forestry.

11.3.3 Rural Settlement

Objectives

To provide for rural living opportunities which do not reduce the primary
production potential of important agricultural land.

To provide for rural living opportunities which do not adversely impact on the
environmental values of the Bega Valley Shire.

Strategies

Use the next 5 year review period to carry out research such as identified in
section 6 to integrate rural settlement strategy with overall Bega Valley Shire
settlement strategy

A landscape/land capability approach should be used to plan for settlement in
any locality. Such an approach is a proactive process of settlement planning
which can locate farming and rural lifestyle uses consistent with agricultural,
landscape and environmental characteristics and constraints.
A landscape approach to land use planning gives consideration to physical,
economic and social characteristics of lands being investigated.
11.3.4 Water Resources and Riparian Land

Objectives

- Improve the health of Bega Valley Shire catchments and waterways (BVS 20 Year Plan)

Strategies

- Council will not introduce new water resources and riparian lands controls (that are optional and discretionary for Council) that duplicate existing Commonwealth, State or Regional regulatory controls. Monitoring and evaluation of riparian vegetation, water quality, biodiversity etc should, as far as possible align with monitoring undertaken by the Catchment Action Plan for the Southern Rivers Catchment.

- Review the need for additional statutory controls (eg LEP provisions, a riparian lands DCP and information required with DAs) to increase protection of water resources.

- Adopt a “Whole of Catchment” approach to land use planning in recognition of the fact that much of the damage done to waterways can be due to development in the wider catchment rather than development within or adjacent to the waterway itself.

- Council to seek advice from DPI, DNR and SRCMA on the impact of a range of land uses on water quality and solutions/ best practice guidelines to minimise such impacts.

- Ensure that land with high erosion risk or low capability is identified so that new developments have no impact on perennial streams and downstream waterways.

- Sediment flows from rural roads and tracks should be reduced

- Reduce nutrient input into water bodies

- There should be no run-off into water bodies from acid sulfate soils

- Encourage voluntary participation in riparian lands protection programs.

- New developments to have no impact on water quality of perennial streams, its ecology/ environment or upon other users of that water supply.

11.3.5 Ecologically Sustainable Development (ESD)

- ESD principles should be adhered to in land use planning

- Develop ESD performance indicators to measure achievement of ESD objectives
11.3.6 Biodiversity

Objectives

Increase protection of biodiversity values.

Strategies

- Increase community awareness and participation in identifying, protecting and enhancing biodiversity.
- Use LEP overlays to define important vegetation, wildlife corridors and other natural resource. Prepare a habitat connectivity policy guidelines/DCP.
- Apply either environment protection zones or natural resource overlays to protect significant biodiversity areas.
- Adopt the following biodiversity principles for rural subdivision development standards:
  - No net loss of habitat - preferably enhance habitat for threatened species and wildlife corridors
  - Visual impact of development not to dominate the rural landscape
  - Improve aquatic freshwater habitat
  - Development offsets to be realistic and provide incentives for rural land owners to permanently conserve higher value habitat in return for development concessions on lower value land
- Maintain and strengthen existing weed management strategies
- Council will not introduce new controls (that are optional and discretionary for Council) relating to biodiversity in rural areas that duplicate existing Commonwealth, State or Regional regulatory controls.

11.3.7 Hazards

Objectives

Maintain a planning approach that minimises the risk of identified hazards.

Strategies

- In association with the Rural Fire Service, improve the accuracy of “high fire hazard” zone mapping.
- Update Council database identifying contaminated land.
- Ensure adequate development setbacks in areas of coastal erosion risk and ocean based inundation.
11.3.8 Heritage

Objectives

➤ Protect and enhance the Aboriginal and non-Aboriginal heritage values of the Shire’s rural areas.

Strategies

➤ Promote the rural culture of Bega Valley Shire.

➤ Ensure LEP objectives and provisions are compatible with the BVS Memorandum of Understanding.

➤ Incorporate the Memorandum of Understanding into BVS cultural heritage strategies.

➤ Continue working with the Local Aboriginal Land Councils and NPWS to develop Cultural sensitivity mapping for the Shire. Incorporate into planning.

➤ Seek funding for a BVS community based heritage study. Review LEP Heritage schedules and expand items relating to rural and industrial heritage.

➤ Prepare design guidelines for owners of built heritage items relating to rural and rural industry heritage.

➤ Seek to increase the budget for Local Heritage Assistance Fund

➤ Incorporate cultural plan into Bega Valley Shire Social Plan.

➤ Incorporate recommendations of the Heritage Adviser report “Views, Vistas and Cultural Landscapes of the Bega Valley Shire” as they apply to the Rural 1a Zone into Council’s new comprehensive LEP

11.3.9 Mineral and Extractive Resources

Objective

➤ Identify, protect and manage mineral and extractive resources

➤ Minimize the risk of sterilising recoverable mineral and other extractive resources

➤ Ensure the impact of extractive industries is kept within acceptable limits.

Strategies

➤ Identify and map existing and known mineral and extractive resource sites (including road gravel)

➤ Review temporary extraction of road base gravel from construction sites provisions with a view to listing as “Exempt Development” in the new comprehensive LEP or subsequent amendment.
Prepare policy guidelines for extractive industries, particularly for the operation of quarries

11.3.10 Infrastructure and Services in Rural Areas

**Objectives**

- Plan for infrastructure and service provision based on nature, character and intensity of development
- Provide infrastructure (roads) compatible with the nature and intensity of development in an area.

**Strategies**

- Develop a “level of service” policy for the Bega Valley Shire to identify the levels of service that may be expected in the range of settlement categories.
- Planning for infrastructure and services in rural areas should be incorporated into Council’s social plan and service delivery programme.
- Continue the existing policy that requires rural sub-divisions in Zone RU1 to be self sufficient in water supply.
- The effects of developments on traffic and future demand for infrastructure should be taken into account when considering development proposals
- Review Section 94 Contribution Plan Rural Roads to ensure new development contributes adequately to road improvement
- Aim to improve the affordability and accessibility to public and community transport.

11.4 Actions flowing from the Rural Land Review for inclusion in the comprehensive LEP and DCP

This section summarises the influences of the Rural Land review process that have resulted in policy actions that have been included in the CLEP or CDCP. There are also recommendations and research that will not be able to be concluded in time for the CLEP / CDCP process. These actions are presented for research by Council as part of the normal 5 yearly reviews of Council’s plans.

Between the completion of Council’s Rural Review and the drafting of the CLEP, the State Government introduced the State Environmental Planning Policy Rural Lands. (gazetted 9 May 2008). The main impact of this policy in Bega Valley was the abolition of concessional lots. A consequence of this is that subdivision opportunity for rural living has now been curtailed to only the rural small holding zones and the more positive aspects of initiatives such as Transfer of Development Rights (see TDR discussion paper) will need to be considered in future reviews. Rural small holding estates do not address some of the smaller lot farm initiatives emerging in the region. Approved subdivisions in the rural zones should cover all likely demand over the next 5 years but Council needs to use that...
period to review options beyond that. TDR has promise as a long term technique for provision of benefits to professional farmers while ensuring protection of large areas of productive land and management strategies for marginal land.

Council needs to continue to work with the Department of Planning to try to encourage the Department to adopt a more sophisticated approach to rural planning that recognises the diversity in rural land use needs between Coastal areas and inland.

There is a clear distinction in the Shire between rural zoned lands in the coastal strip and the western 2/3 of the Shire. There is very little large scale professional agriculture in the coastal strip. Most holdings in this region are small and at best are part time or hobby farm operations. The Coastal rural lands are also under far more pressure for further small holding, environmental and future urban uses. These coastal rural lands also often have high landscape values.

In the western 2/3 of the shire there is a much greater focus on broad-acre agriculture. Even though the terms of trade for this land have been marginal for many years, it is prudent to retain the potential of this land resource for long term agriculture.

As such, 2 different zoning strategies are presented in the CLEP. In the coastal strip, the former 1(a) zone has been divided up into E2 Environmental Conservation or E3 Environmental Management where the land has environmental constraints and the remainder as RU2 Rural Landscape.

In the western 2/3 of the Shire, environmental values would be identified through the overlay process and most land would be zoned RU1 Primary Production. Smaller areas of fragmented land would be zoned RU2 Rural Landscape.

11.4.1 Issue: Protection of the Shire’s most important Primary Industries land.-Use of Zones

- Land in the western 2/3 of the Shire, consisting of the irrigated river flats (Class 1 and 2 land in the DPI and DNR classifications) and holdings in excess of 40ha, which contain at least 40ha of the most important agricultural land (DPI class 1-3 land and DNR class 1-4 land) will be zoned as RU 1 Primary Production.

- Land in the western 2/3 of the Shire, zoned 1a in LEP 2002 and not proposed to be rezoned as RU1 will mostly be zoned RU2 Rural Landscape.

- Land zoned 1a in LEP 2002 consisting of environmental living areas in the coastal strip of the Shire will be zoned either E2 environmental Conservation or E3 Environmental Management.

- Remaining lands zoned 1(a) in the LEP 2002 in the coastal catchments will be zoned RU2 Rural Landscape.

- RU2 will also be used as a holding zone for some lands immediately adjoining urban areas to preserve this land for possible long term urban.
120ha will be the general minimum lot size for dwellings in the RU1 and RU2 Zone (dwelling rights on existing smaller lots will be protected by the savings clause 6.2)

For the E3 Environmental Management Zone, the lot size will generally be 40ha where the land was previously zoned 7(d) and 120ha where it was previously 1(a).

**Figure 11.1 Rural zoning structure**
11.4.2 Issue: Protection of the Shire’s most important Primary Industries land.-Use of Buffers

**DCP Action**

**Buffer DCP/ Policy Guideline Objectives**

i) To protect the use of reasonable and practicable farming practices that comply with industry-specific guidelines.

ii) To minimise the impacts of residential development on agricultural production activities and agricultural land resources.

iii) To minimise the potential for complaints about agricultural activities from residential areas.

iv) To provide residents in rural lifestyle areas located adjacent to agricultural production areas with acceptable environmental conditions.

**Identify Need for Buffer**

i) Determine agricultural activity with potential of causing problems for residents in proposed development

ii) Identify elements that may cause conflict and its extent. (Quantify frequency, duration)

11.4.3 Issue: Weeds

**DCP Action**

The *Noxious Weeds Act 1993* will be used in association with Section 149 Certificates to ensure any land proposed for development or subdivision is inspected for noxious weeds, a weeds report is prepared, and appropriate actions specified to ensure noxious weeds are controlled, to help achieve targets set out in the relevant Regional Weed Management Plan or local weed management plans and Southern Rivers Catchment Action Plan.

Where noxious weeds are identified,

1. Development consent should not be granted for development on land in RU1, RU2, RU3, unless a weed management plan that provides for the matters specified in subclause (2) has been prepared for the land.

2. (2) The weed management plan must provide for all of the following:

   - A staging plan for the management of identified weeds
   - Proposed method of weed management
   - Monitoring
   - Reporting
11.4.4 Issue: Support for Rural Industries

**LEP Action**

- Minimum lot sizes (with dwellings) should be sufficiently flexible to allow (often smaller scale) emerging agricultural enterprises to establish on prime agricultural land. It is noted that this is currently permissible under Council’s Agricultural lot provisions in LEP 2002.

- Allow farm subdivision of the size required for an emerging agricultural industry but only allowing building consent once that agricultural industry is fully established, operating and can be shown to be commercially viable.

11.4.5 Issue: Water Resources and Riparian Land

**LEP Action**

- Ensure that land with high erosion risk or low capability is zoned so that new developments have no impact on perennial streams and downstream waterways.

11.4.6 Issue: Biodiversity

**LEP Action**

- LEP overlays to define important vegetation, wildlife corridors and other natural resource

- Apply either environment protection zones or natural resource overlays to protect significant biodiversity areas.

**DCP Action**

- Prepare habitat connectivity policy guidelines

- Adopt the following biodiversity principles for rural subdivision development standards:
  - No net loss of habitat - preferably enhance habitat for threatened species and wildlife corridors
  - Visual impact of development not to dominate the rural landscape
  - Improve aquatic freshwater habitat
  - Development offsets to be realistic and provide incentives for rural land owners to permanently conserve higher value habitat in return for development concessions on lower value land
11.4.7 Issue: Mineral and Extractive Resources

**LEP Action**

- Review temporary extraction of road base gravel from construction sites provisions with a view to listing as “Exempt Development” in the new comprehensive LEP.

**DCP Action**

- Prepare policy guidelines for mineral and extractive industries, particularly for the operation of quarries
- Attempt to identify important deposits and set buffers to prevent their sterilisation through encroachment of dwellings.

11.4.8 Issue: Infrastructure and Services in Rural Areas

**LEP Action**

- Continue the existing policy that requires rural sub-divisions in Zone RU1 to be self sufficient in water supply.
- The effects of developments on traffic and future demand for infrastructure should be taken into account when considering development proposals

11.5 Matters recommended for research as part of Council’s 5 yearly reviews of its planning controls

11.5.1 Transferable Development Rights

As a general principle, a transferable development right (TDR) is a planning tool that allows a development “right” attached to one parcel of land to be transferred to another. It has been used to redirect development from lands identified for protection (for example, for environmental or agricultural protection) to lands more suited to the development activity. It is a common planning tool in the USA, particularly for protecting prime agricultural land close to urban areas. For example, land owners in prime areas close to urban settlements are prevented from fragmenting their properties but have the right to sell a predefined number of entitlements to subdivide to owners of land where the planning strategy seeks to encourage small lot farming.

As part of its Rural Land Review, Council produced a discussion paper on Transfer of Development Potential. While the paper had an initial target as being an alternative to concessional lot provisions, it also sowed a seed for more general consideration of the provision as an alternative to the current NSW “lottery” approach to selecting lands for rural small holding development- where a few landowners get large windfall land value gains while most rural land owners get none of the benefit.

Some support for the potential of the provision has been expressed in Planning journal research and from some policy officers in the Department of Primary Industry.
Unfortunately the Department of Planning continues to have little interest in developing more sophisticated planning techniques for rural planning and seems to be generally opposed to rural living and small lot farming - even though community desires for such living remain high and the potential for self sustainability in food production would seem to warrant closer research.

As part of the 5 year review, Council should continue to propose a TDR scheme as an alternative to “lottery” rezonings of small holding land. Some fragmented RU2 zone areas could be investigated for further minor infill and the donor potential be granted to professional farmers in the more value pressured areas of prime RU1 land (for example near settlements).

**Benefits**

- Protection of the Shire’s most important agricultural land.
- Assist farmers with short to medium term viability as longer term value of agriculture slowly returns.
- A fair sharing of the costs and benefits of achieving a public good.
- Steers further rural living subdivision to areas already fragmented but with good services.

**Tasks**

Investigate the use of a TDR scheme to generate future rural small holding farming needs instead of reliance on “lottery” rezonings and only provision of rural living estates.

**11.5.2 Support for Farming and rural Enterprises**

- In association with Eurobodalla, Bombala and East Gippsland Shires, seek funding for the implementation of the “New Horizons Project” recommendations.
- Identify lands suitable for locating agriculture related industries or general industrial activity requiring larger or lower serviced sites than currently available in the Shire’s urban areas.
- Identify suitable sites where a cluster of related or unrelated industrial businesses may be developed.
- Draft policy guidelines for emerging industries including Wind farms and farm forestry.

**Rural Settlement**

Investigate the use of a landscape/land capability approach to rural settlement planning. Such an approach can be a proactive process of settlement planning which can locate farming and rural lifestyle development consistent with agricultural, landscape and environmental characteristics and constraints.

A landscape approach to land use planning gives consideration to physical, economic and social characteristics of lands being investigated.
Water Resources and Riparian Land

- Council to seek advice from DPI, DNR and SRCMA on the impact of a range of land uses on water quality and solutions/ best practice guidelines to minimise such impacts.
- Continue to liaise with appropriate agencies in regard to reducing sediment and nutrient flows into water bodies from rural roads, tracks and other rural activities.

Ecologically Sustainable Development (ESD)

- Develop ESD performance indicators to measure achievement of ESD objectives

Biodiversity

- Identify wildlife corridors considered as important for the long term protection of native flora and fauna in the Shire.

Heritage

- Continue working with the Local Aboriginal Land Councils and NPWS to develop Cultural sensitivity mapping for the Shire.
- Seek additional funding for a BVS community based heritage study. Review LEP Heritage schedule to improve protection of rural and rural industry heritage
- Prepare design guidelines for owners of built heritage items.

Mineral and Extractive Resources

- Identify and map existing and known mineral and extractive resource sites (including road gravel). Where still possible, place buffer zones to attempt to conserve the deposit
- Prepare policy guidelines for extractive industries, particularly for the operation of quarries

Infrastructure and Services in Rural Areas

- Develop a “level of service” policy for the Bega Valley Shire to identify the levels of service that may be expected in the range of settlement categories.
- Review Section 94 Contribution Plan Rural Roads to ensure new development contributes adequately to road improvement
12. Urban and rural residential land use recommendations in overview.

In addition to the specific purpose strategies like Heritage, Economy and Social Land use, Council has effected a review of land use needs for each district of the Shire.

12.1 Bermagui District

Council adopted a final version of the Bermagui Structure report in February 2008. This report makes a number of detailed recommendations for zoning and DCP actions and a copy is available for viewing with the exhibition material or on the web.

Broadly, the report concludes Bermagui will continue to grow at similar rates to the past 2 census and continue to develop as one of the highest % senior living areas of the Shire. Tourism will remain a backbone to the town and has some capacity for expansion.

Council has provided sewerage services to Wallaga Lake and augmented Bermagui, Infrastructure is either in palace or readily extended at developers cost to supply likely land use demand for the coming 20 years.

Council has supported zoning of further urban land from the Bermagui Country Club site and will explore the potential to develop Council owned urban land at Wallaga Lake.

Bermagui district has limited land for industrial or rural small holding development and a complimentary role is proposed for Cobargo.

There are opportunities for expanded tourism development – especially related to the Bermagui harbour and through consolidation and renovation of current tourist accommodation.

12.2 Bega District

In January 2006, Council adopted the Bega and District Strategic Directions Report. While some of the recommendations are now a little dated the report is mostly relevant and its recommendations are flowing through to the LEP and DCP. A copy of the report is available to view with the exhibition material and on the web.

The State Government’s South Coast Regional Strategy and Council’s 20 year planning identify a significant long term capacity for Bega to develop into the regional centre of the far south coast.

Infrastructure expansion is under active planning for major retail, medical, education and industrial activity and there is a large reservoir of suitable residential and rural residential land adjoining the current urban zones. Infilling of the current urban zones near the town centre has potential to deliver medium density and senior friendly housing close to major services.
Council has augmented sewerage services and staged expansion of planned development areas is mostly resolved. Some rationalisation of sewer and water services to south Bega Industrial land proposals needs further resolution.

Council has also identified a rural business park locality in the Frogs Hollow locality to ensure a wide range of suitable business sites and a small supply of industrial land at Kalaru.

Some back-zoning is proposed relating to rural residential zones given excess capacity and limited suitability of some currently zoned lands that have environmental constraints.

Tathra is seen as remaining an urban satellite of Bega / Merimbula with an important tourist role in peak season. There is very limited capacity to expand the settlement but further supply of residential may be approved by the Minister at Tathra River Estate.

12.3 Merimbula District

Council adopted the Merimbula Structure report in July 2008. It provides detailed recommendations for specific land use and zonings in the District and a copy is available to view with the exhibition material and on the web.

Merimbula district will remain the largest centre of population for some time but has overall limits to major expansion given the constraints of several coastal lakes, wetlands and National Parks / State Forests. As such Bega is planned to develop as the major regional centre over the 20 to 30 year period- in particular with respect to services and retail.

Merimbula District is the core area of urban tourism in the Shire and has a retirement population over the Shire average and growing. Council wants to ensure quality of life and that limits are imposed on congestion, while protection the cure district industry of tourism

Overall the report finds adequate supply in most categorise of residential, rural residential and industrial land for at least 10 years and as such defers any significant rezoning considerations for additional supply until at least the next 5 year review.

Timing for review any further supply will also be affected by the fact the Lands Department and several private owners of current urban zoned land with environmental constraints need to effect studies to resolve the extent of development potential.

Pambula Beach has some minor zone rationalisation but basically has limited capacity for further growth. Pambula has its strong heritage theme and some infill capacity.

South Pambula is proposed to move to a formal set of urban zones in the new LEP and has spare capacity to likely address mid price land supply for at least 10 years.
12.4 Eden District

Council finalised a structure report for Eden and Boydtown in 2006. While some aspects have been dated by the State Governments Planning reforms and more recent Council planning actions, most of the land use intent remains intact. A copy of the report is available for viewing with the exhibition package and on the web.

Eden experienced negative growth in the 1990s and has only recently turned around to commence slow growth, anchored to expanding tourism, retirement accommodation, stabilisation of primary industries and slow expansion of use of the multi purpose wharf.

Eden has operated to a single 2(e) urban zone for many years but, in accordance with State Government requirements will now be formatted into a mix of urban, industrial, commercial and open space zones.

With the new zone format, identification of some Crown land with low cost housing potential and Ministerial approval of significant detached housing land at Eden Cove, there is ample supply of land in Eden for all the range of housing needs. Services are generally adequate for all available areas or can be readily extended.

There is limited land available for industrial supply and new areas have been identified for investigation in Crown Land on the south western side of Eden and at Boydtown. All possible private lands are recommended for industrial zoning at the Multi purpose wharf site.

There is limited remaining capacity for rural small holding supply in the Eden district and further supply may have to be redirected to other districts and Lochiel / Nethercote.

Boydtown is seen as an area with significant tourism potential and as a residential satellite of Eden. A detailed master plan of this important site needs finalisation.

12.5 Large villages

12.5.1 Cobargo

Cobargo is the northern gateway to the Shire and with the recent provision by Council of sewerage, has the capacity to more than double current population. It is a working village and can assist Bermagui with its limited available land area, in providing employment lands for the needs of the north of the Shire. A formal Industrial zone is proposed on the Bermagui Road.

Former future urban zones adjoining the village are proposed to be added to the Village residential sector or to large lot residential.

12.5.2 Wolumla

Wolumla is seen as a commuter village for Bega and Merimbula. With the recent provision by Council of sewerage to the village, the population capacity has more than doubled.
Additional areas of the former future urban zones on the edge of the village are proposed to become Village zone and an increased area of large lot residential is to be created to the south.

12.5.3 Candelo

Like Wolumla, Candelo is a commuter Village of Bega but with some important heritage fostering a small but important tourist market. It too has recently been serviced by Council with sewerage and has capacity of at least a further 400 persons.

Adequate capacity is seen to exist within the current village boundaries for serviced lots and as such the former future urban zones to the north and south of the Village will move to large lot residential zoning.

12.5.4 Kalaru

Kalaru is expected to retain its main role as a commuter village for Bega and Merimbula. It too has recently been serviced with sewerage and as such this has allowed Council to propose a minor expansion of the Village to the North and to anticipate further infill. These actions will likely address anticipated demand for most of the 20 year horizon.

A small industrial area is planned around the former brick works site.

12.6 Small villages

12.6.1 Bemboka

Bemboka will remain the western gateway to the Shire with small but important highway tourism and local servicing roles. Some expansion of the village on the west and large lot residential to the north is proposed as a conversion of the former future urban zone.

Otherwise there is considered to be ample serviceable land for residential and village business needs.

12.6.2 Wyndham

Wyndham will likely experience only modest growth over the coming 20 years and as such the current village and proposed large lot residential area to the west should address all local needs.

12.6.3 Quaama

Quaama is a small commuter village of Bega and supplies some retirement housing.

Quaama has limitations to further growth given a lack of sewerage and uptake of most land suitable for on site disposal. Given the increased capacity at Cobargo, significant supply increase is not seen as warranted at Quaama in the 20 year period and as such the current Village zone is proposed to be maintained.
12.6.3 Towamba

Towamba is relatively isolated and Council will not likely have the resources to improve infrastructure significantly in the 20 year period. As such the current village zone is considered adequate.

12.6.4 Mogareeka

Mogareeka is in reality a small residential enclave of Tathra and lacks village infrastructure or capacity for any significant growth given environmental constraints. As such it is proposed to be zoned for environmental living.

12.6.5 Wonboyn

A portion of the existing village zone has been recommended for zoning E3 in the CLEP. This section of the current village zone has very significant environmental and bushfire constraints. It is considered little further subdivision can be justified in this area and the savings clause in the LEP would preserve existing rights to apply for a dwelling. Another small section of the current village zone is recommended for zoning R5 Large Lot residential to reflect the larger lot size requirement in the current DCP for the village.
13. Summary of significant zone changes in LEP 2009

Explanation of Chapter 13:

In addition to a straight conversion of zones as required by the State Government as Council redrafts the 2002 LEP to match the State template, Council is proposing a number of actual changes in the permissible uses for some areas. There are a range of reasons for these proposed changes as detailed in earlier chapters of this Strategy and in earlier studies referenced in the body of this report. The reasons for zone changes include measures to address land supply needs of the community in line with Council’s 20 year vision, a need to better reflect environmental, scenic and heritage constraints in some land and to place some lands in a holding zone for possible, long term future consideration as supply areas for urban or rural living needs.

This section of the report provides an overview and rationale for the more significant zoning changes proposed in the draft LEP 2009. It does not address every instance where land uses are changing and readers need to examine the specific parcels of interest to them and consult the new LEP maps and clauses relevant to that land to determine the exact impacts.

The recommendations for zone changes in this section in the main are the result of the Structure report process which Council has developed over the past few years as a tool to resolve medium term land use needs. However given continuing evolution of provisions by the Department of Planning and ongoing assessment and revision of land use needs by Council, some early recommendations of these reports have been amended.

Exhibition of the comprehensive LEP is an opportunity for public submission on these recommended new zonings.

13.1 Eden locality

Figure 13.1 covers the former Eden 2(e) zone. There is no equivalent to this zone in the new template and Council considers Eden would benefit from the clearer definition of specific urban zones as the town grows. As such the current 2(e) zone would be divided up into residential, industrial, commercial …etc. the current DCP for Eden has been used as the basis for the new zones but the following areas have been proposed for new uses.

Area 1 in figure 13.1 is forested Crown land that might have some potential for industrial uses given the shortage of physically suitable land in Eden. The environmental constraints might rule out such use but Council wishes to preserve the potential until further studies can be effected by the landowner from which a conclusive position might be resolved. As such this area is proposed for zoning IN1 General Industrial.
Bega Valley Shire

Area 2 is also forested Crown land. It has been previously identified as having some potential for lower cost residential use. It too has some constraints and needs studies to be completed before development might be proven to be possible but Council wishes to keep the opportunity for residential use preserved until such studies are completed. As such this area is proposed for zoning R2 Low Density Residential.

Some of the land between and surrounding Areas 1 and 2 is proposed for medium density residential or industrial in the existing DCP and is proposed for zoning E2 Environmental Conservation in the CLEP as it is environmentally sensitive and not suitable for development.

Area 3 is lands owned by Council and the Eden Fisherman's Club and is mostly developed golf course. The intent of the current DCP is to allow the potential for some redesign of the golf club so that tourist accommodation might be clustered in part of this area.

As such it is proposed for zoning RE2 Private Recreation.

Area 4 is land currently zoned for rural small holdings but which has been developed for industrial purposes in conjunction with adjoining industrial undertakings. As such the land justifies IN1 General Industrial zoning.

Area 5 is owned By Eden Local Aboriginal Land Council and is currently zoned 2 (e) and proposed for industrial use in the existing DCP but is mostly steep forested lands with perhaps one home site. It is therefore proposed for zoning E3 Environmental Management with allowance for a dwelling subject to DA.

Area 6 comprises the components of the current undeveloped areas at Eden Cove estate. This land is zoned 2(e) but is the subject of a master plan approved by the Minister for Planning. It is proposed to be zoned a mixture of residential and environmental protection zones to reflect the master plan.

The Crown Land south of Eden along the foreshore (except for the lot containing boat club facilities) is currently a mixture of zones and is proposed to be zoned E2 Environmental Conservation in the CLEP to rationalise the existing zones and reflect the foreshore environmental values.

13.2 Boydtown locality

Area 1 in figure 13.2 is currently zoned for rural small holdings. Council has identified the land through the Eden Structure report process as having some potential to support industrial supply for the Eden district and some employment land for the emerging settlement of Boydtown. As such it is proposed to be zoned IN1 General Industrial.

Area 2 comprises a mix of lands zoned for rural small holdings and rural. The Eden Structure Report proposed that sections of the land be held for possible future urban and eco-tourism opportunities but following consultation with DECC, the lands are proposed
for zoning E3 environmental management with a 120ha minimum standard for further subdivision for the land currently zoned 1(a) and a 10ha minimum standard for the land currently zoned 1(c) given environmental constraints seen in the land.

Area 3 is currently mostly zoned 2(c) with a prohibition on permanent accommodation. The Eden Structure Report proposed that a mix of tourist and permanent accommodation at urban scale be proposed, subject to master planning.

As at the date of this report, master planning has not proceeded to a stage where this area can be refined into tourist and permanent accommodation areas.

As an interim action, it is proposed that the area be zoned SP3 Tourist with no significant permanent accommodation.

13.3 Bemboka locality

Area 1 in figure 13.3 comprises 2 areas zoned some time ago for rural small holding development. At the time of such zoning the then Minister required that the Council review the zoning if after a period of time there was no development. This land is prime agricultural land mostly included in viable farms and that the demand for such large areas of rural residential is not justified in this locality. As such it is proposed to rezone the area RU1 Primary production with a 120ha lot size.

Area 2 comprises lands currently zoned mostly for future urban. This area has sufficient potential to cater for small holding supply for the locality for the 20 year period. As such the unconstrained section is recommended for zoning R5 large lot residential with a 4,000m² lot size, with the lands within 100 metres of Bemboka River mostly zoned E2 Environmental Conservation.

The remaining portion of 2(f) zoned land, Area 3, is recommended for RU5 Village zoning as it is a logical extension of village zone and the land subdivided into small lots with numerous owners.

13.4 Pambula Locality

Area 1 in figure 13.4 comprises lands mostly zoned rural but subject to a current special clause that allows low density residential development. Servicing and other issues have now been resolved to a stage where this area can all now be zoned R2 low density residential.

Area 2 comprises flood prone rural zoned lands now part of a wetlands trust and with areas of environmental sensitivity. As such it is proposed to zone these lands E2 environmental conservation.

Area 3 comprises forested Crown lands currently zoned rural. Given the environmental constraints of the land it is proposed to zone it E2 Environmental Conservation.
Area 4 comprises a cluster of small lots mostly in separate ownership and zoned rural. The land can access services. Council proposes to allow a dwelling on each lot that is still vacant. As such the land is proposed for zoning R5 large lot residential.

Area 5 comprises a number of lots currently zoned 1(a) which are recommended for addition to the proposed SP3 zone in the CLEP. This land is mostly currently in private ownership and developed for a range of tourist purposes including Oyster sales, restaurant and Motel. It is not agricultural land and is considered to be most suitable for zoning SP3 tourist to allow continuation and acceptable expansion of this tourist support area.

The lots owned by the Crown between the areas proposed for SP3 zoning along Arthur Kaine Drive provide an important connection as a wildlife corridor and are proposed for zoning E2 Environmental Conservation in the CLEP to reflect this.

**13.5 Merimbula locality**

Area 1 in figure 13.5 is currently zoned 5(a) and is the site of the old cultural centre proposal. Part of the site is environmentally constrained and Council is continuing with an investigation to determine the ultimate use. In the interim it is proposed for zoning SP2 airport purposes as a holding zone pending completion of studies and rationalisation of the lands to the south.

Area 2 comprises rural zoned land which is partially developed as a tourist fun park. It is proposed for zoning RE2 private recreation to allow the ongoing tourist use and consideration of some possible tourist accommodation.

Area 3 comprises forested lands near the foreshore of back lake part of which are currently zoned urban. Following consultation with DECC these areas are proposed for zoning E2 environmental conservation to provide a buffer to Back lake.

Area 4 comprises lands currently zoned 2(b) medium density residential. The commercial centres strategy has defined this land for further investigation as possible commercial. However, as of the date of the LEP, such studies have yet to be completed by the landowner and as such the land is proposed to roll over to R3 Medium Density Residential.

Area 5 comprises a developed tourist facility currently zoned private recreation. It is proposed to rezone the land SP3 tourist to reflect the current tourist use and preserve the land for ongoing tourist accommodation.

Area 6 is land currently zoned 2(c) residential tourist. Given the constraints in the land, it is proposed to zone the area R2 low density residential as a holding action pending further studies or development actions by the landowner. Similarly the land currently zoned 2(c) immediately north of Area 6 is also proposed to be zoned R2 in the CLEP to reflect existing development approvals.
13.6 Tura locality

Area 1 in figure 13.6 comprises Crown land currently zoned for urban, education and rural purposes. The land has high environmental values and constraints and is proposed for zoning E2 environmental conservation.

Area 2 comprises lands currently zoned for rural small holdings. The land has a range of environmental constraints and needs more detailed study before final uses can be resolved. In the interim it is proposed for zoning E3 environmental management with a 2ha minimum lot size.

Area 3 is Crown land currently zoned for rural small holdings. The land is heavily forested and unsuitable for development due to bushfire and natural constraints. It is proposed for zoning E2 environmental conservation.

Area 4 comprises lands currently zoned rural with significant environmental and bushfire constraints. It is proposed to zone this land E3 environmental management with a 40ha subdivision standard.

13.7 Tathra locality

Area 1 in figure 13.7 is land owned by Bega Local Aboriginal land Council. The land is currently zoned 7(d) scenic protection. In consultation with DECC, it is recommend zoning this land E2 Environmental Conservation to reflect the environmental constraints and prevent further development.

The Crown Land north of Area 1 between Tathra River Estate, the Tathra Country Club and the residential area is proposed to be zoned E2 Environmental Conservation in the CLEP. The land is steep and has high environmental values being adjacent to SEPP 14 Wetlands, part of a regional wildlife corridor and containing endangered ecological communities. The land us currently zoned a mixture of environmental protection zones and 2(a).

13.8 Bega locality

Area 1 in figure 13.8 is currently a mix of commercial, residential, industrial and special use zones. The Bega Town Centre Planning report and Commercial Centres strategy exercises have determined a need for a flexible multi purpose zone surrounding the commercial core of the Bega Regional centre. As such this area is proposed for zoning B4 Mixed use to allow a range of bulky goods, residential and educational facilities.

Area 2 is currently commercial zone and is proposed to remain so zoned as B2 Local Centre in the new LEP. It represents the core retail / commercial area of the Regional centre.

Area 3 is currently zoned as future urban as a holding strategy given parts of the land might have long term value as part of the Bega urban area. It is proposed to retain the
Bega Valley Shire

land in a holding pattern pending future 5 yearly urban reviews. The rural zone RU2 Rural Landscape is being utilised as a holding zone for lands adjoining urban centres.

Area 4 comprises land zoned future urban but already developed to rural small holdings. It is proposed to reflect this by zoning this land R5 with a 2ha lot size.

Area 5 is currently zoned future urban but is proposed for zoning R5 large lot residential with a 1ha minimum lot size. This will allow for a low density residential area as a buffer between the industrial zones and the long term residential to the east and permit home based employment. A review of the minimum lot size of 1ha might be considered if reticulated sewer is provided to this area.

Area 6 is currently zoned future urban. The Bega Planning studies have resolved that this land be proposed for industrial. As such most of the area is proposed for zoning IN1 general industry with a small area near Kerrison's lane zoned IN2 Light Industry.

Area 7 is currently zoned future urban. The Bega planning strategies concluded this is a good reservoir of land for long term urban residential and related uses. As such it is proposed to zone the land RU2 Rural Landscape as a holding pattern zone with a 120ha standard.

13.9 Bermagui locality

Area 1 in figure 13.9 comprises lands currently zoned for rural small holdings with a small foreshore protection zone. It is proposed to zone most of this area E3 in the new LEP with a 10ha lot size. It is also proposed to expand the foreshore protection (E2) zone to 100 metres. The impact improves environmental controls and limits development to the current allotments.

Area 2 comprises lands currently zoned for small holdings. It is proposed to zone this area E3 in the new LEP with a 1ha minimum lot size. This would allow some minor further subdivision of the larger lots subject to environmental assessment.

Area 3 is Council owned land currently zoned for the special purpose of waste disposal. This section has yet to be developed for waste disposal and may be surplus to those requirements. As such, subject to environmental assessment, the western portion might be developed for industrial purposes and as such the area is proposed for zoning IN1 General Industrial.

Area 4 comprises lands currently zoned for private recreation and resolved through the Bermagui Structure Report process to proceed to residential development. It is recommended the land be zoned R3 but the DCP will require a mix of medium density and lower density residential development.

Area 5 represents timbered land zoned for private recreation. The Structure report process has resolved this site be zoned for environmental and scenic protection with minimal development potential. As such it is proposed for zoning E2.
Area 6 comprises rural small holdings zone with smaller areas of foreshore protection and public recreation reserve along the water front. The area is constrained and drains to poorly flushed sections of Jagger’s Bay and has been recommended through the structure report process to be controlled to minimise further development. As such it is recommended for zoning E3 with a 5ha minimum lot size.

Area 7 comprises Crown lands currently zoned for special purposes for ports, tourist facilities and open space. This section is proposed be zoned RE1 public recreation to reflect the current use and environmental constraints such as flooding.

Area 8 comprises the working parts of the Bermagui harbour and is currently zoned the same as area 7. It is recommended that this area be zoned SP3 tourist to allow a diverse range of tourist developments and facilities around the harbour.

Area 9 comprises lands mostly zoned rural with a section of public reserve. The land is constrained for further significant development given environmental and servicing issues. As such it is proposed to constrain development to current ownerships and introduce a foreshore protection area of E2 zoning at least 100m wide. The residual area is proposed for zoning E3 with a 120ha lot size with the exception of part of Lot 93 DP 264382 which the owner has demonstrated is suitable for a dwelling and has a lot size of 4ha to facilitate this.

13.10 Wallaga Lake locality

Area 1 in figure 13.10 comprises lands mostly currently zoned for rural small holdings with a small foreshore protection zone. As resolved via the Bermagui structure report, this land has constraints which limit the small holding potential. As such it is proposed for zoning E3 environmental management with a 6ha lot size but with a 100m E2 Environmental Conservation zone around the lake foreshore.

Area 2 is currently zoned for rural small holdings and Council has previously resolved that most of the land be dedicated as public recreation (passive bushland reserve) as part of the first subdivision certificate release for development of the adjacent land (Area 3). The Minister’s expert panel recommended that the land be zoned E1 National Parks and Nature Reserves with an E2 environmental conservation zone over the 100 metre strip closest to the Lake. However given the uncertainty over public dedication or acquisition, further discussions between staff of Council and the Department of Planning has led to recommend a zoning of E3 environmental management with a minimum lot size as per current allotments but with a 100m E2 Environmental conservation zone around the lake foreshore.

Area 3 comprises land currently zoned for rural small holdings. The Minister’s expert panel has recommended this area be zoned for low density residential. As such R2 Low density residential zoning is proposed.
Area 4 comprises lands currently zoned a mix of residential tourist, foreshore protection and public reserve. The developed sections are used for tourism and sections are seen as having further development potential for some further tourist accommodation. For the economy of the area, it is important Council try to protect tourist accommodation areas. As such it is proposed to zone the capable areas SP3 tourist and the foreshore lands E2 Environmental Conservation.

Area 5 is mostly Council owned land currently zoned for medium density residential and tourism but with a narrow foreshore protection zone. The area has environmental constraints but as resolved in the Bermagui structure report, this area needs further assessment to see if there is potential to develop the eastern half for low density residential. As such the LEP proposes zoning the eastern half R2 low density residential and the lake side half RE1 public recreation.

13.11 Cobargo village

Area 1 of figure 13.11 comprises lands currently zoned future urban. It is recommended this area be added to the Village zone as part of the CLEP and as such be zoned RU5 Village with a 1,000m² minimum lot size.

Area 2 also comprises lands currently zoned for future urban but with some environmental constraints. As such it is recommended this area be zoned R5 large lot residential in the LEP with a 2ha minimum lot size.

Area 3 comprises lands currently zoned part rural and part village and it is recommended the current DCP proposals of part of the land being treated as industrial be reflected in zoning all capable land in this area IN 1 general industry but with the Narara creek frontage strip zoned E2 Environmental conservation.

13.12 Wolumla village

Area 1 in figure 13.12 comprises lands currently zoned future urban. The Bega Structure report process has resolved this is a logical extension to the village and as such is recommended for zoning RU5 Village with a 1,000m² lot size.

Area 2 is land currently zoned partly for rural small holdings and partly for future urban. The Bega Structure report process has resolved that this area be proposed for zoning E3 environmental management with a 2ha minimum lot size.

Area 3 is also currently a mix of rural residential and future urban zones. The area has environmental constraints and is proposed for zoning E2 Environmental Conservation.

Area 4 is land currently zoned for future urban. As with area 1, the structure report process has identified this land as a logical village extension and as such it is proposed for zoning RU5 Village with a 1,000m² lot size.

Area 5 is land currently zoned future urban. The structure report process has determined the area is best suited for rural small holding development.
Area 6 is land currently zoned for rural small holdings. The land has some drainage and environmental constraints. As such it is proposed to be zoned E3 Environmental management with a 10ha minimum lot size.

Area 7 is currently part of the future urban zone. It is steep land contributing to the village backdrop scenery and is considered unsuitable for dwellings. As such it is recommended for zoning E2 Environmental management.

**13.13 Candelo village**

Area 1 in figure 13.13 is land currently zoned for future urban. Following a review of the future needs of Candelo and consider the current village, now sewer has been provided, has adequate infill potential for a 20 year period. As such area 1 is considered better suited to rural small holdings to compliment the village. It is proposed in the LEP to zone this area R5 large lot residential with a minimum lot size of 2ha for most of the area and 4ha south of the Tantawangalo mountain road.

Area 2 consists of a large parcel of land in the current 2(f) zone has been recommended for inclusion in the adjoining RU1 zoning in the CLEP. The land is considered surplus to large lot residential needs and is quality agricultural land able to be used in conjunction with adjoining farm land to the west.

**13.14 Coastal rural localities**

Figures 13.14.1 through to 13.14.5 cover the coastal rural localities of the Shire and depict (diagrammatically and at small scale) the main proposed types of zonings in these coastal rural localities. For detail, readers are recommended to consult the LEP maps.

The State Coastal Policy, South Coast Regional Strategy and Council’s rural review work have established the need for a higher sensitivity in land zoning to protect natural resources and quality coastal scenery. In these localities the rural review and landscape strategy have also established that there is little full time agriculture although cleared agricultural lands in these localities often present as high value landscapes in need of conservation.

To address these issues, Council proposes to convert the current sections of these localities within coastal catchments that are zoned 1(a) rural general to a mix of E3/2 environmental zones and RU2 Rural landscape zones. The E3 zones would apply to lands with conservation values but where many existing ownerships have (and would retain) the right of consideration for a dwelling. Lot sizes are currently mostly 120ha and would remain at that size. Some areas – mostly those currently zoned 7(d) which have a current 40ha lot size would generally retain a 40ha lot size. High value lands where dwellings are considered unacceptable would be zoned E2. Some of these areas are already zoned 7(b) foreshore conservation and the E2 zone is comparable.
Bega Valley Shire

Cleared farmland would be zoned RU2 Rural Landscape and have a lot size of 120 ha. In cases where RU2 adjoins settlements, it can perform a holding zone status, retaining land use options for possible urban or rural residential use in the long term.

The impact of these new zonings would see some improvement in environmental protection and mostly a preservation of the status quo with regard to dwelling development. Any intensification of land use outside of the specific rezonings identified in this report and the LEP would need to await future 5 yearly reviews.

13.15 Wallagoot locality

The majority of Area 1 on figure 13.15 is currently zoned for rural small holdings however the land is forested and has significant environmental constraints. As such it is proposed from the Bega Structure report process to rezone this land E3 with a 40ha lot size.

Area 2 comprises lands currently zoned for small holding development. While there may be some constraints in sections due to drainage and proximity to the Monk’s creek generally the Structure report process has indicated the land still has rural living potential. As such it is proposed for zoning to R5 large lot residential with a minimum lot size of 2ha.

Area 3 is land mostly currently zoned 7(f1) Coastal protection with a 40ha lot size. Assessment and application of state plans and policies suggested this area should not be developed further given proximity to the lake. As such it is recommended for zoning E3 Environmental management with a 120ha lot size.

Area 4 comprises land currently zoned for rural small holdings which is considered to be developed mostly to its potential and to have vegetation and bushfire constraints. As such it is recommended this area be zoned E3 with a 2ha lot size.

13.16 Bald Hills locality

Area 1 on figure 13.16 is land current zoned rural. Following the Merimbula Structure Report process it is proposed to add this land to the small holding development area to the east given the fragmented nature of the land and existing road service infrastructure.

It is proposed that this area have a 2ha minimum lot size.

Area 2 comprises a mix of Crown lands and lands owned by the Eden Local Aboriginal Land Council which are currently in the 1(a) general rural zone. Given the forest cover, steep nature of the land and proximity to the Merimbula Lake, and following consultation with DECC it is recommended this area be zoned E2 environmental conservation.

Area 3 comprises Crown land currently zoned general rural. The structure report process has identified some low density rural residential may be possible and improve the bushfire situation for adjoining small holdings, subject to further studies. As such the land is recommended for zoning RU2 Rural landscape as a holding action pending further studies by the land owner.
Area 4 comprises Crown lands under claim by the Local Aboriginal Lands Council and lands owned by Merimbula Imlay Golf Club, currently zoned 1(a) rural. The Structure report process has concluded that sections of this generally forested land might accommodate further development. As such it is recommended this area be zoned RU2 Rural Landscape as a holding zone pending further studies to conclude the long term use.

13.17 Inland rural areas

The main rural localities of the Shire in terms of professional farming cover the upper Towamba Valley, much of the Bega / Bemboka river valley and the Quaama / Cobargo localities.

A significant proportion of the land in these localities represents prime agricultural land. While Councils rural review process has identified the many challenges currently facing traditional beef and dairy industries, it nonetheless concludes a strategy is needed to attempt to protect larger holdings of the better quality land which may return to viability long term and which could assist with improved local food and fibre production as transport costs escalate.

To address environmental protection in these rural localities, Council has opted for the overlay process rather than attempting to divide the area into detailed environmental, landscape and primary production sections (see discussion in chapter 7).

Some relatively small areas are proposed for zoning E3 /2 to cover higher value conservation lands near Brogo and northeast of Bega but otherwise the bulk of the lands currently zoned 1(a) rural general will move to the comparable RU1 Primary production zone.

Around the fringes of the valleys are forested lower slopes adjoining National Parks and State Forests. Some of these areas are proposed for zoning RU2 to better reflect the landscape values of this land.

13.18 Other recommended zone changes

Caravan parts in Eden, Pambula Beach, Wonboyn and Kalaru that are currently on land zoned 7(f1) Coastal Lands Protection or 1(a) Rural General are recommended for zoning SP3 Tourist to recognise and protects the existing and potential tourist infrastructure.

The Sapphire Coast Turf Club and Pambula Sports complex are currently zoned 1(a) and are recommended for zoning RE1 Public Recreation and RE2 Private Recreation respectively to reflect the existing use as the rural zoning is considered inappropriate.

Several clusters of small house lots currently zones 1(a) are recommended for zoning E3 Environmental Management in the CLEP to reflect the size and use of the lots and rationalise dwelling entitlements under the current LEP. The lots affected are the small lots west of Blackfellows Lagoon, Kalaru, the Sapphire Coast Turf Club in Kalaru and small lots north of Wallagoot and Wonboyn Lakes.