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.
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
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.
Bega Valley Shire

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.
BVSC STRATEGY 2008
Figure 13.1 Eden Locality
Bega Valley Shire

BVSC STRATEGY 2008
Figure 13.3 Bemboka Locality
BVSC STRATEGY 2008
Figure 13.6 Tura Locality
Bega Valley Shire

BVSC STRATEGY 2008
Figure 13.7 Tathra Locality
Bega Valley Shire

BVSC STRATEGY 2008
Figure 13.9 Bermagui Locality
BVSC STRATEGY 2008
Figure 13.11 Cobargo Village
Figure 13.12 Wolumla Locality
BVSC STRATEGY 2008
Figure 13.14.1 Bunga to Tanja
Coastal Locality
Bega Valley Shire

BVSC STRATEGY 2008
Figure 13.14.2 Kalaru to Wallagoot
Coastal Locality
BVSC STRATEGY 2008
Figure 13.14.3 Tura to Nethercote
Coastal Locality
Figure 13.14.5 Wonboyn
Rural Locality
BVSC STRATEGY 2008
Figure 13.15 Wallagoot Locality
Figure 13.16 Bald Hills Locality