

Attachment 1: Exhibition of Commercial Land Strategy Planning Proposal: Summary of Community and Stakeholder Engagement

Abbreviations in document:

- *Bega Valley Shire Council Commercial Land Strategy 2040* (Commercial Land Strategy)
- *Bega Valley Shire Council Residential Land Strategy 2040* (Residential Land Strategy)
- Central Business District (CBD)

No.	Name	Summary of submission	Staff comment
1.	State agency response - Rural Fire Service	No objection to planning proposal providing Council is satisfied the Asset Protection Zones, which will include an area of unformed road reserve, can be maintained to benefit future residential development. The land being rezoned from B2 Local Centre zone to B4 Mixed Use zone on Tathra Headland are exposed to forest hazard with an effective slope of 15-20 degrees. To comply with the acceptable solutions of Planning for Bush Fire Protection 2019, a 56 metre asset protection zone will be required for future development.	Noted. Planning for Bush Fire Protection 2019 cover requirements for residential infill development and increased residential densities respectively. Compliance with Planning for Bush Fire Protection 2019 is part of the normal development assessment process for any development application on bushfire prone mapped land.
2.	State agency response - Department Primary Industries – Agriculture	Supports the inclusion of <i>rural supplies</i> as a permitted use in the RU1 Primary Production and RU2 Rural Landscape zones and <i>artisan food and drink industries</i> as a permitted use in the RU4 Primary Production Small Lots zone. These uses are consistent with the zones objectives, are a component of the supply chain for agriculture production and enable increased rural employment. Suggest to develop appropriate planning controls on the scale and nature of artisan food and drink industries to assist with potential land use conflict with agriculture uses.	Noted.
		Does not support the inclusion of hotel or motel accommodation as a permitted use in the RU2 Rural Landscape zone as there is a risk that this type of land use would dominate the primary production function of rural land and increase potential land use conflict with agriculture uses. There are a number of tourist and visitor accommodation permitted land uses that are generally small scale, low impacts and provide supplementary income to	Removal of <i>hotel and motel accommodation</i> will not limit meeting the objectives of the Commercial Land Strategy. Recommendation: Remove hotel motel accommodation as a permitted use in the RU2 Rural Landscape zone from the planning proposal.

		agriculture. The permitted use Ecotourist facilities may already provide the accommodation style being sought particularly where and is near to natural parks.	
		Recommends Council consider additional permitted land uses in rural zones in the context of a rural land use strategy to enable Council to more broadly consider appropriate land uses and include ratify existing permitted land uses.	Noted.
3.	State agency response Department Planning, Industry and Environment - Biodiversity and Conservation	Does not support the general inclusion of <i>hotel motel accommodation</i> in E3 Environmental Management zones as it generally will not meet the objectives off the zoning. This is insufficient evidence provided to support this type of scale of development, is not justified with a supporting study or has supporting planning provisions that facilitate the protection and conservation of environmental sensitive area.	Removal of <i>hotel and motel accommodation</i> will not limit meeting the objectives of the Commercial Land Strategy. Recommendation: Remove <i>hotel motel accommodation</i> as a permitted land use in the E3 zone from the planning proposal.
		Concerns regarding the proximity of mapped Serious and Irreversible Impact biodiversity values on proposed zoning changes at Merimbula Drive. Biodiversity values on Tathra headland have not been identified or specifically addressed in the planning proposal.	Noted. Further Biodiversity values studies will be conducted through later stages of the planning process.
4.	Community (written)	Questions if there are any changes of building height in all zones in Merimbula?	There are no height variations for any zones in Merimbula in the planning proposal. Littleton Gardens in RE1 Public Recreation zone in Bega is the only land that is proposed to have a reduced maximum building height to 10 metres to be consistent with surrounding non-commercial zone land.
5.	Community (written)	Supports the proposed rezoning from B2 Local Centre to B4 Mixed Use Tathra headland area as developing to commercial land uses is not a viable option in the current economic times.	Noted.
		Questions how long a rezoning might take to process?	Enquirer was advised that the approximately timeframe for the determination of a planning proposal is twelve months.

6.	Community (written)	<p>Does not support the rezoning from B2 Local Centre to B4 Mixed Use Tathra headland area as it will result in high density (units). Development should cascade from low density (on Cliff Place), to medium density and then commercial.</p> <p>Compares the proposal to facilitating development like the Gold Coast which is full of units with height restrictions watered down over time.</p>	<p>The <i>Commercial Land Strategy</i> includes character statements to assist the vision and framework for the development of the Shire’s commercial centres over the next 20 years. Tathra is to encourage development that is sympathetic with coastal setting and to protect key elements within the streetscape including view corridors that contribute to the uniqueness of Tathra.</p> <p>There are several development assessment controls that will ensure that new development will be in keeping with the Tathra character statement.</p>
7.	Community (written)	Supports the proposed rezoning in Merimbula.	Noted.
		Supports the proposal to reduce the building height in Littleton Gardens in Bega.	Noted.
		<p>Does not support the amount of area to be rezoned from B4 Mixed Use to B2 Local Centre in Bega. It will be detrimental for the future development of Bega and will negatively impact the interests of many owners by removing flexibility for land to be developed either commercial or residential minimising flexibility for land use to adapt to market change, the B2 Local Centre zone will prohibit the conversion of commercial buildings to residential if this is the best identified market option. There is an oversupply of small-scale retail <300 m2 on the fringe of the CBD. Recent community trends such as online shopping and working from home will likely exacerbate this oversupply.</p>	<p>The intention of the rezoning from B4 to B2 is to ensure that the commercial centre of Bega is positioned to be able to cater to commercial growth for the 20-year projection. It aims to enable the expansion of commercial uses into the future around the existing commercial core and to consolidate the business zone and existing commercial uses. This will clearly define the Bega town centre and ensure that it can deliver a diverse range of employment opportunities as well as a broad range of cultural, artistic, administrative, retail, business, health and education opportunities into the future.</p> <p>The B2 Local Centre zone does include the residential land use <i>shop top housing</i> as a permissible use which will facilitate greater housing diversity and residential supply in Bega CBD. A recommendation of the Commercial Land Strategy is to investigating incentives to encourage this type of development.</p>
		Residential demand has increased. Need to make provisions for medium density residential development within walking distance to Bega CBD. The B2 Local Centre zone will prohibit medium density residential.	Council’s Residential Land Strategy provides principles for guiding future housing provisions and directions about how and where residential growth can occur to support the growing population. The Residential Land Strategy recommendations include investigating rezoning land for higher densities on sites adjacent to the commercial centre.
		There is a lack of large-scale commercial land within walking distance of the Bega CBD. The proposal will result in a reduction	In developing the Commercial Land Strategy, vacant B4 Mixed Use zone land, vacancy rates in B2 Local Centre zone and the potential for the gradual relocation of light industries to outside the centre were considered

		<p>in B4 Mixed Use land when there is already a large amount of B4 land that isn't available for development.</p> <p>Need to provide suitable industrial land on the fringes so that the current rural and industrial uses in the Bega CBD that should be relocated thereby making their current sites available for larger scale retain/commercial development.</p>	<p>into the rezoning proposal. The planning proposal includes removal of vehicle sales or hire premises as a permitted use and continues the prohibition of light industries in the B2 Local Centre zone to assist with the relocation of these uses to an industrial area as the highest and best use of each commercial property and land values change.</p>
		<p>Planning proposal will result in a number of non-conforming land uses especially in Canning Street and western side of Peden Street in Bega where there are a number of older cottages. Impossible to convert cottages that have been established as offices back into residential use if there is little demand for office space as is the current case.</p>	<p>Any current uses that have been lawfully permitted can continue to operate legally under the Existing Use Rights provisions of the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulations 2000</i>, regardless of any changes in land uses permitted within a zone.</p> <p>The rezoning of land does not automatically require land to be development to suit the zoning, it will guide any future development.</p>
		<p>Given the Heritage conservation in Canning Street Bega and a large number of older cottages, suggests retaining the residential use.</p>	<p>There are several examples of Heritage Items being converted to businesses in Canning Street which is consistent with the proposed commercial zone</p>
8.	Community (written)	<p>Does not support proposed rezoning B4 Mixed Use zone to B2 Local Centre zone along western side of Canning Street Bega because heritage preservation order overrides Council directions and limits major commercial repurposing of these buildings and difficult to understand how limiting rezoning to one side of the street will transpose into future uses or help preserve heritage value.</p>	<p>The Commercial Land Strategy identifies that a focus on unique assets contributes to the ongoing viability of the commercial centre. Development of commercial land uses sympathetic to this heritage conservation would increase activities in these areas and would increase exposure to heritage assets and contribute to the viability of the commercial centre.</p>
		<p>Rezoning would preclude owners renting or selling cottage for residential use which impacts land owners response to economic conditions especially given the current oversupply of commercial properties in Bega.</p>	<p>Any current uses that have been lawfully permitted can continue to operate legally under the Existing Use Rights provisions of the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulations 2000</i>, regardless of any changes in land uses permitted within a zone.</p> <p>The rezoning of land does not automatically require land to be development to suit the zoning, it will guide any future development.</p>

		<p>What effect will rezoning of the short row of houses on Canning Street Bega have on reinvigorating the CBD of Bega. Many commercial vacancies due to global changes in the way retail and business are conducted. It will impact unfairly on owners of these properties and reduce the supply of much needed residential accommodation within walking distance of Bega CBD.</p>	<p>The intention of the rezoning from B4 to B2 is to ensure that the commercial centre of Bega is positioned to be able to cater to commercial growth for the 20-year projection. It aims to enable the expansion of commercial uses into the future around the existing commercial core and to consolidate the business zone and existing commercial uses. This will clearly define the Bega town centre and ensure that it can deliver a diverse range of employment opportunities as well as a broad range of cultural, artistic, administrative, retail, business, health and education opportunities into the future.</p>
9.	Community (written)	<p>Neutral on the planning proposal.</p> <p>Questions changing zoning from B4 Mixed Use zone to B2 Local Centre zone in Bega if it will impact the listing of a heritage item, development controls or owner's obligations? Questions if the change of zoning will modify the valuation if continue with the existing use, for example residential?</p>	<p>Enquirer was advised that heritage control overlays will not be modified. The proposed zoning is for new development and new development must consider heritage significance of a heritage item. Land values are as per NSW land value guidelines and may be valued to its highest entitled use.</p>
10	Community (written)	<p>Request for all or the northern part of Lot 411 DP 1138508, 1-7 Bega Street, Tathra to be rezoned from B2 to B4 Mixed use as per adjacent property in planning proposal.</p> <p>Consultation with development industry has advised owner that currently no demand for new commercial development in Tathra and unlikely to be in the future given limited opportunities for the population to increase from the lack of supply of land for residential development.</p> <p>Undeveloped portion of site suitable for residential or mixed-use development and current shortage of available residential land means B4 represents a more appropriate zone than B4 and provides increased development options.</p>	<p>The aim of the planning proposal was to implement the amendments to BVLEP 2013 in accordance with the adopted Commercial Land Strategy 2040. The rezoning request contained in the submission is a significant departure from the recommendations of the strategy and if supported would require a review of the strategy, as well as revision and re-exhibition of the planning proposal itself should the amendment be approved by the Gateway Panel following re-adoption of the strategy.</p> <p>The strategy currently being implemented aims to ensure enough supply of commercial land for the next 20 years. It is a recommendation of the strategy that: "A watching brief will be kept to monitor the demand for and supply of vacant and occupied commercial land in Tathra to determine the appropriate time for further zoning of B4 or B2 land." These subsequent reviews will consider the site and may recommend an amendment to the zone should it be warranted.</p> <p>The Residential Land Strategy 2040 did not make any recommendations for rezoning land in Tathra.</p>

			It is noted that under the NSW Planning Framework landowners may proceed to prepare and lodge planning proposals to rezone land and this option is also available in this instance.
11.	Community (written)	Does not support proposed rezoning B4 Mixed Use zone to R3 Medium Density Residential zone for the area that includes 3 Sapphire Coast Drive because the intersection of Sapphire Coast Drive and Merimbula Drives is unsafe for residential use, the area is part of an established commercial strip which is unpleasant for residential use and the area contains many purpose built or modified buildings for commercial space which are not suitable or adaptable for residential use.	The planning proposal proposes to rezone a large area west and south west of the Merimbula CBD from B4 to R3. This includes the properties in the vicinity of 3 Sapphire Coast Drive on the western side of Sapphire Coast Drive from the intersection of Sapphire Coast Drive and Merimbula Drives to the tennis courts on the corner of Kalinda Street.
		The R3 zone would limit future use of the building at 3 Sapphire Coast Drive which was purpose built as office space to medical uses only, this is unfair as will limit resale and prevent a wide range of suitable rental uses.	Additional residential development in this area resulting from the planning proposal is anticipated to be minimal as there are only three non-residential uses in this area (being the National Parks office, a physiotherapy practice and a police station). The B2 zone on the eastern side of this area is not included in the planning proposal and is not proposed for rezoning to residential use. Any current uses that have been lawfully permitted can continue to operate legally under the Existing Use Rights provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000, regardless of any changes in land uses permitted within a zone. The B4 and R3 zones are similar in terms of which forms of residential and tourist accommodation uses are permitted, however the range of commercial uses permitted is limited to child care and respite facilities, medical centres and health consulting rooms.
		Difficult to understand how rezoning will achieve aim of supporting economic development and employment opportunities.	The intention of the change in zone from B4 to R3 is to respond to the oversupply of land zoned B4 Mixed Use and to consolidate commercial activity within the Merimbula commercial centre. This will encourage a more vibrant town centre and support employment

			opportunities in the core business area as well provide opportunities for urban renewal and housing diversity to enable more people to live close to the town centre.
12	Community (written)	Request for all or the northern part of Lot 411 DP 1138508, 1-7 Bega Street, Tathra to be rezoned from B2 to B4 Mixed use as per adjacent property in planning proposal.	The aim of the planning proposal is to amend BVLEP 2013 in accordance with the recommendations of the adopted Commercial Land Strategy 2040. The rezoning request contained in the submission is not consistent with the recommendations of the strategy and if supported would require a review of the strategy. Also, revision and re-exhibition of the planning proposal would be required should the amendment be approved by the Gateway Panel following re-adoption of the strategy.
		Consultation with development industry has advised owner that currently no demand for new commercial development in Tathra and unlikely to be in the future given limited opportunities for the population to increase from the lack of supply of land for residential development.	The strategy currently being implemented aims to ensure enough supply of commercial land for the next 20 years. It is a recommendation of the strategy that: "A watching brief will be kept to monitor the demand for and supply of vacant and occupied commercial land in Tathra to determine the appropriate time for further zoning of B4 or B2 land." Any subsequent review will consider the site and may recommend an amendment to the zone should it be warranted.
		Undeveloped portion of site suitable for residential or mixed-use development and current shortage of available residential land means B4 represents a more appropriate zone than B2 and provides increased development options.	The Residential Land Strategy 2040 did not make any recommendations for rezoning land in Tathra. It is noted that under the NSW Planning Framework landowners may proceed to prepare and lodge planning proposals to rezone land and this option is also available in this instance.