



Newey Reserve

Planning Proposal

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Abbreviations

Abbreviation	Description
Caravan Parks SEPP	<i>State Environmental Planning Policy No. 21 – Caravan Parks</i>
CL Act	<i>Crown Lands Act 1989</i>
CLM Act	<i>Crown Lands Management Act 2016</i>
Cobar LEP	<i>Cobar Local Environmental Plan 2012</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
LG Act	<i>Local Government Act 1993</i>

Executive summary

Cobar Shire Council propose to allow for primitive camping (as defined in the *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*) within the Newey Reserve which is crown Land under the care and control of Cobar Council.

The term '*primitive camping*' is not a term used in the Standard Instrument Principal Local Environmental Plan and therefore Council propose to achieve this by:

1. Inserting 'camping ground' as an additional permitted use within the Newey Reserve under Schedule 1 to *Cobar Local Environmental Plan 2012* (Cobar LEP); and
2. Preparing a Plan of Management, which provides for primitive camping in a particular part of the Reserve.

The Plan of Management for the Newey Reserve will be prepared in accordance with both Section 36 of the *Local Government Act 1993* (LG Act) and Division 3.4 of the *Crown Land Management Act 2016* (CLM Act), which is planned to come into effect 1 July 2018.

As required by Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this Planning Proposal includes the following:

- a statement of the objectives or intended outcomes of the proposed instrument;
- an explanation of the provisions that are to be included in the proposed instrument;
- the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 9.1); and
- details of the proposed community consultation.

1 Introduction

1.1 Subject Area

The Newey Reserve is located within the town of Cobar, NSW. It is bounded by Knight Drive and includes Lot 25 (DP 837494) (**Figure 1**). The Newey Reserve is surrounded by low density residential, private recreation, general industrial and primary production land uses (Cobar Shire Council, 2017a). Newey Reserve is currently Crown Land, with Cobar Shire Council as Trustee. The Reserve is zoned RE1 (Public Recreation) under *Cobar Local Environmental Plan 2012* (Cobar LEP 2012).

The *Crown Land Management Act 2016* (CLM Act), which will repeal the *Crown Lands Act 1989* (CL Act), will come into effect on 1 July 2018. In accordance with Division 3.4 of the CLM Act, Cobar Shire Council will be required to manage The Newey Reserve as if it were 'community land' under the *Local Government Act 1993* (LG Act).

1.2 Objectives and Intended Outcomes

The objective of this Planning Proposal is to amend Cobar LEP 2012 to allow for 'camping ground' in Newey Reserve, Cobar. Newey Reserve is currently zoned RE1 (Public Recreation) which prohibits 'camping ground' as this land use is not listed as being development permitted with consent or development permitted without consent.

Permitted without consent in the RE1 zone

Environmental protection works; roads

Permitted with consent in the RE1 zone

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Community facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Water recreation structures; Water supply systems

Prohibited in the RE1 zone

Water treatment facilities; Any other development not specified in item 2 or 3.

Cobar Shire Council does not however wish for 'camping ground' to be permitted with or without consent in all RE1 zoned land. Therefore Council propose to amend Cobar LEP 2012 to allow 'camping ground' in the Newey Reserve under *Schedule 1 Additional Permitted Uses*.

The term 'camping ground' is defined in the Cobar LEP 2012 as:

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

The subsequent preparation of a Plan of Management for the reserve will then provide that camping grounds within the Newey Reserve will be limited to 'primitive camping', as defined in the *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.



Figure 1: Location of Newey Reserve

2 Explanation of Provisions

2.1 Cobar Shire Council Local Environmental Plan 2012

This planning proposal will be given effect through an amendment to the Cobar LEP 2012.

It is proposed to amend Schedule 1 'Additional Permitted Uses' to include the land use 'camping ground' within the Newey Reserve.

1. *Use of land within the Newey Reserve*

1.1. This clause applies to land within the Newey Reserve, Cobar, being Lot 25 (DP 837494).

1.2. Development for the purposes of camping ground is permitted with consent.

No amendments to any maps within the Cobar LEP 2012 are proposed.

2.2 Crown Land Management Act 2016 and Local Government Act 1993

The CLM Act, which will repeal the CL Act, will come into effect on 1 July 2018. In accordance with Division 3.4 of the CLM Act, council managers are required to manage dedicated or reserved Crown land as if it were 'community land' under the LG Act. Thus, in the event that the Planning Proposal is approved, Council would look to then prepare a Plan of Management (PoM) for the Newey Reserve.

Section 36 of the LG Act requires Council to develop a PoM for community land to direct the ways in which community land can be used and managed. The use and management of community land must be consistent with its designated categories and core objectives. The categorisation of land within each reserve under the LG Act also needs to be consistent with the Cobar LEP 2012 zoning objectives.

3 Proposal Justification

3.1 Need for the planning proposal

3.1.1 Is the planning proposal a result of any strategic study or report?

Cobar Shire Council have implemented the Cobar Community Strategic Plan 2030 (Cobar Shire Council, 2017b), which addresses the key issues of social, environmental and economic sustainability, as well as civic leadership within the Local Government Area (LGA). The Planning Proposal has been prepared to address the wishes of the Cobar community, who have advocated for the allowance of camping within the Newey Reserve. Cobar Shire Council feel the allowance of primitive camping within the Newey Reserve will help achieve the outcomes of the Cobar Community Strategic Plan 2030 such as maintaining a healthy and active community and providing well managed public lands. This is further discussed in **Section 3.2.2**.

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

The planning proposal is considered to be the best manner to progress the intended use of the site.

The option of inserting 'camping ground' into the Land Use Table that is permissible in RE1 (Public Recreation) zoning generally was considered, however Council does not wish for 'camping' to be permitted in all RE1 zones. Adding 'camping ground' as a permitted use within Newey Reserve in *Schedule 1 Additional Permitted Uses* will limit camping to a particular land parcel of land rather than all RE1 zones, and therefore achieves the desired outcome with minimal strategic planning implications.

3.2 Relationship to strategic planning framework

3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is considered to be consistent with the relevant regional plan being the Far West Regional Plan 2036 (OEH, 2017). **Table 1** identifies applicable Goals and Directions identified within the Far West Regional Plan 2036.

Table 1: Applicable goals and directions within the Far West Regional Plan 2036

Goal	Direction	Planning Proposal Consistency
A diverse economy with efficient transport and infrastructure networks	Promote tourism opportunities	<p>The region appeals to domestic and international visitors as it offers an authentic outback experience. Domestic visitor numbers to outback NSW are increasing, mainly due to the popularity in camping/ driving holidays, the growing number of travelling retirees, improved mobility and accessibility, and growing appreciation of the landscape.</p> <p>In the event that the Planning Proposal is approved, the allowance of primitive camping within the Newey Reserve will further encourage the increasingly popularity of camping holidays in turn, promoting further tourism opportunities within both the LGA and the region.</p>

Exceptional semi-arid rangelands traversed by the Barwon-Darling River	Protect and manage environmental assets	In the event that the Planning Proposal is approved, a Plan of Management for the Newey Reserve will be devised which will ensure areas of native vegetation and native fauna habitat are both conserved and restored. This will include measures to manage bushfire risk, priority weeds, feral animals and threatened species.
	Respect and protect Aboriginal cultural heritage assets	In the event that the Planning Proposal is approved, an Aboriginal Due Diligence assessment will be undertaken in accordance with the Office of Environment and Heritage's <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> , as required under Part 6 of the <i>National Parks and Wildlife Act 1974</i> , before works to allow primitive camping within the Newey Reserve are undertaken. However, it is noted that as the Newey Reserve is a man-made structure, no known significant Aboriginal items or places are known to exist.
Strong and connected communities	Collaborate and partner with Aboriginal communities	In the event that the Planning Proposal is approved, and Aboriginal items or places are identified within the Aboriginal Due Diligence assessment, consultation with the Cobar Local Aboriginal Land Council will take place in accordance with the requirements of the preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR).

3.2.2 Is the planning proposal consistent with a council's local strategy, or other local strategic plan?

Cobar Shire Council have implemented the Cobar Community Strategic Plan 2030 (Cobar Shire Council, 2017b), which addresses the key issues of social, environmental and economic sustainability, as well as civic leadership within the Local Government Area (LGA). **Table 2** outlines the main strategies that are applicable to the Planning Proposal.

Table 2: Strategies of the Cobar Community Strategic Plan 2030 applicable to the Planning Proposal

Outcome	Strategy	Planning Proposal Consistency
A healthy and active community	Increase the use of Council owned and other sporting and recreational facilities across the community	In the event that the Planning Proposal is approved, the allowance of primitive camping within the Newey Reserve will increase the use of recreational facilities within the LGA by allowing a wider range of permissible uses within the Reserve. This will then encourage the community to participate in recreational activities, creating a healthy and active community.
Good quality and affordable community facilities and infrastructure	Improve recreational facilities at the water reserves	In the event that the Planning Proposal is approved, Cobar Shire Council will assess the existing infrastructure within the Newey Reserve. Opportunities to improve the recreational facilities and infrastructure will be addressed within the Plan of Management and may include the extension and upgrade of the existing toilet block and the upgrade of existing walking tracks.

Well managed public and private land	Manage the crown land and commons	In the event that the Planning Proposal is approved, Cobar Shire Council will prepare a Plan of Management for the Newey Reserve. The Plan of Management will address how the existing biodiversity, infrastructure and potential heritage significance will be managed within the Reserve and also address issues such as waste, noise and traffic generation.
	Long term management of noxious weeds	
	Long term management of noxious weeds	The Plan of Management for the Newey Reserve will provide long-term measures to manage the exotic species found within the Reserve and provide strategies to conserve and rehabilitate native vegetation communities.

3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

There are two SEPPs with provisions that are relevant to the Planning Proposal:

- *State Environmental Planning Policy No. 21 – Caravan Parks* (Caravan Parks SEPP)
- *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP)

SEPP No. 21 – Caravan Parks

The objectives of the Caravan Parks SEPP include (among other things) *the orderly and economic use of land used or intended to be used as a caravan park catering exclusively or predominantly for short term residents (such as tourists) or for long term residents, or catering for both.*

Due to definition of ‘caravan parks’ in the Caravan Parks SEPP, adding ‘camping ground’ to Schedule 1 of Cobar LEP will also make ‘caravan parks’ permissible with development consent within Newey Reserve.

Section 6 of the Caravan Parks SEPP defines ‘caravan park’ as:

Caravan park means land (including a camping ground) on which caravans and other moveable dwellings) are, or are to be, installed or placed.

Section 7 of the Caravan Parks SEPP states that:

In any environmental planning instrument (whether made before or after this Policy), references (however expressed) to caravan parks or to camping grounds, or to caravan parks and camping grounds, include references to caravan parks, within the meaning of this Policy.

Section 8 of the Caravan Parks SEPP then states that development for a ‘caravan park’ may be carried out only with development consent of the Council. This section also states that before granting consent, Council must determine the number of sites (if any) Council considers suitable for long term residence within the meaning of the *Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993*.

Section 10 of the Caravan Parks SEPP requires that Council consider various matters when assessing a DA for a caravan park, including:

- The suitability of the land as a caravan park for tourists or for long-term residence;

- Whether there is adequate provision for tourist accommodation or low-cost housing in the Cobar locality and whether existing tourist accommodation will be displaced; and
- Whether the Newey Reserve has adequate community facilities and services to support a caravan park (camping ground).

Whilst 'caravan park' would therefore become permissible with development consent within Newey Reserve, Council would limit the ability to have a caravan park through:

1. Identification of the number of sites (if any) in accordance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*
2. Preparation of a Plan of Management under the LG Act that clearly states the intended uses of Newey Reserve, including the identification of areas for primitive camping and the limitation for short and long-term accommodation.

SEPP – Infrastructure

In accordance with Section 65(2)(d) of the Infrastructure SEPP, development may be carried out without consent on land that is a Crown reserve by or on behalf of a reserve trust.

To establish the camping ground and associated facilities, an environmental assessment and determination of the proposal will be undertaken in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Cobar Shire Council would be both a public authority proponent (EP&A Act s.5) and the determining authority (EP&A Act s.5.3). A Review of Environmental Factors would be prepared in accordance with Clause 228 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

In the event that the planning proposal is approved, Council will ensure that the provision of 'primitive camping' within the Newey Reserve is consistent with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. In particular, Part 3, Division 9, Clause 132, which states:

(1) *The following conditions apply to a primitive camping ground:*

- (a) *the maximum number of caravans, campervans and tents permitted to use the camping ground at any one time is not to exceed 2 for each hectare of the camping ground,*
- (b) *a caravan, annexe or campervan must not be allowed to be installed closer than 6 metres to any other caravan, annexe, campervan or tent,*
- (c) *a tent must not be allowed to be installed closer than 6 metres to any caravan, annexe or campervan or closer than 3 metres to any other tent,*
- (d) *the camping ground must be provided with a water supply, toilet and refuse disposal facilities as specified in the approval for the camping ground,*
- (e) *unoccupied caravans, campervans and tents are not to be allowed to remain in the camping ground for more than 24 hours,*
- (f) *if a fee is charged for camping, a register must be kept in accordance with clause 55,*

(g) such firefighting facilities as may be specified in the approval are to be provided at the primitive camping ground.

(2) The provisions of Divisions 1–8 do not apply to a primitive camping ground.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

Section 9.1 Ministerial Directions were assessed, and applicable Directions are listed and addressed within **Table 3**. No inconsistencies have been identified.

Table 3: Section 9.1 Directions

1. Employment and Resources	
1.1. Business and Industrial Zones	
Objective	Response
<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) encourage employment growth in suitable locations, b) protect employment land in business and industrial zones, and c) support the viability of identified centres. 	<p>This Planning Proposal will not affect land within an existing or proposed business or industrial zone. Thus, this Direction is not applicable.</p>
1.2. Rural Zones	
Objective	Response
<p>The objective of this direction is to protect the agricultural production value of rural land.</p>	<p>This Planning Proposal will not affect land within an existing or proposed rural zone. Thus, this Direction is not applicable.</p>
1.3. Mining, Petroleum and Extractive Industries	
Objective	Response
<p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p>This Planning Proposal will not prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance. Thus, this Direction is not applicable.</p>
1.4. Oyster Aquaculture	
Objective	Response

<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers. 	<p>This Planning Proposal will not affect any Priority Oyster Aquaculture Areas or oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i>. Thus, this Direction is not applicable.</p>
1.5. Rural Lands	
Objective	Response
<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) protect the agricultural production value of rural land, b) facilitate the orderly and economic development of rural lands for rural and related purposes. 	<p>The <i>State Environmental Planning Policy (Rural Lands) 2008</i> does not apply to this Planning Proposal. Thus, this Direction is not applicable.</p>
2. Environment and Heritage	
2.1. Environment Protection Zones	
Objective	Response
<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>This Planning Proposal will not affect land within an environment protection zone or land otherwise identified for environment protection purposes in the Cobar LEP. Thus, this Direction is not applicable.</p>
2.2. Coastal Management	
Objective	Response

The objective of this direction is to protect and manage coastal areas of NSW.	This Planning Proposal will not affect land within a coastal zone, as defined under the <i>Coastal Management Act 2016</i> or identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i> . Thus, this Direction is not applicable.
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2.3. Heritage Conservation

Objective	Response
The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>No areas of Heritage Conservation, as defined on the Cobar LEP Heritage Map, have been identified within the Newey Reserve. In accordance with the Office of Environment and Heritage's <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i>, an Aboriginal Due Diligence assessment will be undertaken, as required under Part 6 of the <i>National Parks and Wildlife Act 1974</i>, before works to allow primitive camping within the Newey Reserve are undertaken. The Aboriginal Due Diligence assessment will:</p> <ul style="list-style-type: none"> • identify whether or not Aboriginal objects are, or are likely to be, present in an area; • determine whether or not their activities are likely to harm Aboriginal objects (if present); and • determine whether an Aboriginal Heritage Impact Permit (AHIP) or further assessment is required.

2.4. Recreation Vehicle Areas

Objective	Response
The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	This Planning Proposal does not intend to enable land to be developed for the purpose of a recreation vehicle area, as defined within the <i>Recreation Vehicles Act 1983</i> . Thus, this Direction is not applicable

2.5. Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs

Objective	Response
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The objective of this direction is to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.

This Planning Proposal is not within the local government areas of Ballina, Byron, Kyogle, Lismore or Tweed. Thus, this Direction is not applicable.

3. Housing, Infrastructure and Urban Development

3.1. Residential Zones

Objective	Response
<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> a) to encourage a variety and choice of housing types to provide for existing and future housing needs, b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c) to minimise the impact of residential development on the environment and resource lands. 	<p>This Planning Proposal will not affect land within an existing or proposed residential zone. Thus, this Direction is not applicable.</p>

3.2. Caravan Parks and Manufactures Home Estates

Objective	Response
<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> a) to provide for a variety of housing types, and b) to provide opportunities for caravan parks and manufactured home estates. 	<p>This Planning Proposal is within Crown land reserved to Cobar Shire Council under the CL Act (being repealed by the CLM Act, which will come into effect on 1 July 2018). The Newey Reserve is not reserved for accommodation purposes.</p>

3.3. Home Occupations

Objective	Response
<p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	<p>This Planning Proposal will not prevent home occupations to be carried out in dwelling houses. Thus, this Direction is not applicable.</p>

3.4. Integrating Land Use and Transport

Objective	Response
<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> a) improving access to housing, jobs and services by walking, cycling and public transport, and b) increasing the choice of available transport and reducing dependence on cars, and c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and d) supporting the efficient and viable operation of public transport services, and e) providing for the efficient movement of freight 	<p>This Planning Proposal does not intend to create, alter or remove a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. Thus, this Direction is not applicable.</p>

3.5. Development Near Licensed Aerodromes

Objective	Response
<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> a) to ensure the effective and safe operation of aerodromes, and b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. 	<p>This Planning Proposal does not intend to create, alter or remove a zone or a provision relation to land in the vicinity of a licensed aerodrome. Thus, this Direction is not applicable.</p>

3.6. Shooting Ranges

Objective	Response
<p>The objectives are:</p> <ul style="list-style-type: none"> a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. 	<p>This Planning Proposal does not intend to create, alter or remove a zone or a provision relation to land adjacent to and/ or adjoining an existing shooting range. Thus, this Direction is not applicable.</p>
4. Hazard and Risk	
4.1. Acid Sulfate Soils	
Objective	Response
<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>This Planning Proposal is not within land that has a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Cobar LEP mapping. Thus, this Direction is not applicable.</p>
4.2. Mine Subsidence and Unstable Land	
Objective	Response
<p>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	<p>This Planning Proposal is not within a Mine Subsidence District proclaimed pursuant to section 15 of the <i>Mine Subsidence Compensation Act 1961</i> or has been identified as unstable land. Thus, this Direction is not applicable.</p>
4.3. Flood Prone Land	
Objective	Response
<p>The objectives of this direction are:</p>	<p>This Planning Proposal will not create, remove or alter a zone or a provision that affects flood prone land. Thus, this Direction is not applicable.</p>

<p>a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	
4.4. Planning for Bushfire Protection	
Objective	Response
<p>The objectives of this direction are:</p> <p>a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>b) to encourage sound management of bush fire prone areas.</p>	<p>This Planning Proposal will not affect or is not in proximity to land mapped as bushfire prone land. Thus, this Direction is not applicable.</p>
5. Regional Planning	
5.1. Implementation of Regional Strategies (Revoked)	
5.2. Sydney Drinking Water Catchment	
Objective	Response
<p>The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</p>	<p>This Planning Proposal is not within land within the Sydney drinking water catchment. Thus, this Direction is not applicable.</p>
5.3. Farmland of State and Regional Significance on the NSW Far North Coast	
Objective	Response

<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre, b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas. 	<p>This Planning Proposal is not within land mapped as state significant farmland, regionally significant farmland or significant non-contiguous farmland. Thus, this Direction is not applicable.</p>
5.4. Commercial and Retail Development along the Pacific Highway, North Coast	
Objective	Response
<p>The objectives for managing commercial and retail development along the Pacific Highway are:</p> <ul style="list-style-type: none"> a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route; b) to prevent inappropriate development fronting the highway; c) to protect public expenditure invested in the Pacific Highway; d) to protect and improve highway safety and highway efficiency; e) to provide for the food, vehicle service and rest needs of travellers on the highway; and f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns. 	<p>This Planning Proposal is not within areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council or land in the vicinity of the existing and/or proposed alignment of the Pacific Highway. Thus, this Direction is not applicable.</p>
5.5. Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked)	
5.6. Sydney to Canberra Corridor (Revoked)	
5.7. Central Coast (Revoked)	
5.8. Second Sydney Airport Badgerys Creek	

Objective	Response
The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek	This Planning Proposal is not within land shown within the boundaries of the proposed airport site and within the 20 ANEF contour. Thus, this Direction is not applicable.
5.9. North West Rail Link Corridor Strategy	
Objective	Response
<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans 	This Planning Proposal is not within Hornsby Shire Council, the Hills Shire Council or Blacktown City Council or within land within the North West Rail Link Corridor, as identified in the NWRL Corridor Strategy and Structure Plans. Thus, this Direction is not applicable.
5.10. Implementation of Regional Plans	
Objective	Response
The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	This Planning Proposal is consistent with the Far West Regional Plan 203 (OEH, 2017).
6. Local Plan Making	
6.1. Approval and Referral Requirements	
Objective	Response
The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority and is not considered designated development. Thus, this Direction is not applicable.
6.2. Reserving Land for Public Purposes	

Objective	Response
<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> a) to facilitate the provision of public services and facilities by reserving land for public purposes, and b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. 	<p>This Planning Proposal does not intend to create, alter or reduce existing zonings or reservations of land for public purposes. Thus, this Direction is not applicable.</p>
6.3. Site Specific Provisions	
Objective	Response
<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p>	<p>This Planning Proposal is intended to only allow the use 'camping ground' within the Newey Reserve and not all RE1 (Public Recreation) zones. However, this will not impose on any development standards or requirements in addition to those already contained in the Cobar LEP, which is proposed to be amended. Furthermore, such provisions are thought to be of minor significance.</p>
7. Metropolitan Planning	
7.1. Implementation of A Plan for Growing Sydney	
Objective	Response
<p>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</p>	<p>This Planning Proposal is not within land comprising of the relevant local government areas. Thus, this Direction is not applicable.</p>
7.2. Implementation of Greater Macarthur Land Release Investigation	
Objective	Response

The objective of this direction is to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan (the Preliminary Strategy).	This Planning Proposal is not within either the Campbelltown or Wollondilly local government areas or within the Greater Macarthur Land Release Investigation Area, as identified in the Preliminary Strategy. Thus, this Direction is not applicable.
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7.3. Parramatta Road Corridor Urban Transformation Strategy

Objective	Response
<p>The objectives of this Direction are to:</p> <ul style="list-style-type: none"> a) facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November 2016) and the Parramatta Road Corridor Implementation Tool Kit, b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure 	<p>This Planning Proposal is not within the relevant local government areas nor within the Parramatta Road Corridor as identified within the Parramatta Road Corridor Urban Transformation Strategy. Thus, this Direction is not applicable.</p>

7.4. Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan

Objective	Response
The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).	This Planning Proposal is not within the Blacktown, The Hills Shire or Hawkesbury local government areas or within land identified as the North West Priority Growth Area. Thus, this Direction is not applicable.

7.5. Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

Objective	Response
The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta	This Planning Proposal is not within land contained within the Greater Parramatta Priority Growth Area. Thus, this Direction is not applicable.

Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan).

7.6. Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

Objective	Response
The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.	This Planning Proposal is not within the Wollondilly local government area or on land within the Wilton Priority Growth Area. Thus, this Direction is not applicable.

7.7. Implementation of Glenfield to Macarthur Urban Renewal Corridor

Objective	Response
The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.	This Planning Proposal is not within the Campbelltown local government area or between the Glenfield and Macarthur precincts. Thus, this Direction is not applicable.

3.3 Environmental, social and economic impact

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land subject of this planning proposal is zoned RE1 (Public Recreation). It permits certain development to enhance public recreation facilities such as the construction of boat ramps, boat sheds, site amenities, moorings etc. The Newey Reserve is a regenerated man-made area. Vegetation within the subject site consists mainly of exotic species with limited native vegetation (Cobar Shire Council, 2017b).

No impact to threatened ecological communities, flora or fauna is anticipated. However, Cobar Shire Council will prepare a PoM under the LG Act for the Newey Reserve, which will address the future management of the site. This will include the dedication of a biodiversity and conservation area to protect existing native vegetation and improve/enhance the area by arranging community-based revegetation and conservation programs (Cobar Shire Council, 2017b). The PoM will also address mitigating measures to conserve and improve native fauna habitat for threatened bird species that are known to occur within the area.

3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal and subsequent increase in the use and foot traffic of the Newey Reserve has the potential to impact on other environmental effects. Such effects may include increases in generation, potential impacts on amenity (views, noise), overcrowding of the Reserve's facilities such as picnic areas, access paths and playgrounds and an increased pressure on the Reserve's infrastructure.

Such environmental effects will be addressed and managed in accordance with the PoM. Options to increase the amount of both infrastructure and facilities within the Newey Reserve will be discussed during the development of the PoM to determine the most appropriate plan. Furthermore, the establishment of the camping ground will be assessed via an environmental assessment under Part 5 of the EP&A Act.

3.3.3 Has the planning proposal adequately addressed any social and economic effects?

The provision of primitive camping in Newey Reserve will encourage both locals and tourists to utilise further recreational facilities within Cobar. In turn, this will boost tourism within the local government area and region. The Planning Proposal has been prepared to address the wishes of the Cobar community, who have advocated for the allowance of camping within the Newey Reserve. Cobar Shire Council feel the allowance of primitive camping within the Newey Reserve will help achieve the outcomes of the Cobar Community Strategic Plan 2030 such as maintaining a healthy and active community and providing well managed public lands. The allowance of primitive camping within the Reserve may also boost other recreational activities that the Reserve provides such as fishing within the lake by the Cobar Fishing Club or boating activities.

3.4 State and Commonwealth interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

Existing infrastructure within the Newey Reserve includes:

- Informal bitumen areas designated for parking with speed limit signage;
- Picnic and barbeque area including 2 barbeques, and 4 picnic tables;
- Bitumen walking track around part of the lake; and

- 1 toilet block containing 1 female and male toilet compartment. However, there is no electricity within this toilet block;

Options for the infrastructure required to support primitive camping will be addressed within the Plan of Management. Such options will address additional picnic and barbeque areas, the extension of the walking track around the entire perimeter of the lake, and the upgrading and extension of the existing toilet block to accommodate an increase in potential community use. This may include the addition of more toilet compartments and facilities such as showers and changing rooms. Such options will also ensure that the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* are met.

4 Mapping

It is intended that the planning proposal will be an amendment to the Cobar LEP by way of adding the land use term 'primitive camping' within the Newey Reserve to *Schedule 1 Additional Permitted Uses*. Thus, no map changes to the Cobar LEP are proposed.

5 Community Consultation

It is intended to publicly exhibit the both the Planning Proposal and Plan of Management for a minimum of 28 days. During this time, residents of the Cobar Shire Council LGA will have the opportunity to provide comment upon the documentation and the plans for management of the Newey Reserve.

Council intends to consult with the following agencies in respect to the planning proposal during the exhibition period:

- Office of Environment and Heritage;
- Crown Lands;
- Rural Fire Service; and
- NSW Police.

It is not expected that there will be any need to formally consult with any agencies prior to the public exhibition period of the Planning Proposal. Notwithstanding this, consultation will take place is required as a condition of the gateway determination.

6 Project Timeline

An indicative timeframe is shown in **Table 4**.

Table 4: Indicative timeframe

Action	Timeframe
Planning Proposal report to Council	28 June 2018
Issue Gateway determination	July 2018

Prepare any outstanding studies and finalise Plan of Management	July 2018
Consult with required State Agencies	July 2018
Exhibition of Planning Proposal and associated technical studies	July 2018
Report to Council following exhibition	August / September 2018
Planning Proposal sent back to Department requiring that the draft Cobar LEP be prepared	September 2018

References

Cobar Shire Council, 2017a. *Draft 'The Newey' Land Use Master Plan*.

Cobar Shire Council, 2017b. *Community Strategic Plan Cobar Shire 2030*.

Office of the Environment and Heritage, 2017. *Far West Regional Plan 2036*.



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