

Reclassification of Land - Cattle Bay, Eden

Proposal Title : **Reclassification of Land - Cattle Bay, Eden**

Proposal Summary : **To reclassify Part Lot 4 DP 1138056, Cattle Bay Eden, from 'community' land to 'operational' land (interests changed) to enable access for a proposed marina.**

PP Number : **PP_2015_BEGAV_005_00**

Dop File No : **15/11851**

Proposal Details

Date Planning Proposal Received : **03-Aug-2015**

LGA covered : **Bega Valley**

Region : **Southern**

RPA : **Bega Valley Shire Council**

State Electorate : **BEGA**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street :

Suburb : **Cattle Bay**

City : **Eden**

Postcode :

Land Parcel : **Part Lot 4 DP 1138056**

DoP Planning Officer Contact Details

Contact Name : **Ann Martin**

Contact Number : **42249465**

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RPA Contact Details

Contact Name : **Sophie Thomson**

Contact Number : **64002246**

Contact Email : **sthomson@begavalley.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **George Curtis**

Contact Number : **0242249465**

Contact Email : **george.curtis@planning.nsw.gov.au**

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub Regional Strategy : **South Coast Regional Strategy**

Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **To reclassify Part Lot 4 DP 1138056, Cattle Bay Eden, from 'community' land to 'operational' land to enable access for a proposed marina.**

External Supporting Notes : **To reclassify Part Lot 4 DP 1138056, Cattle Bay Eden, from 'community' land to 'operational' land to enable access for a proposed marina.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Provides for intended objective of proposal to reclassify subject land.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Provides for how provisions will be drafted to reclassify subject land.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

5.1 Implementation of Regional Strategies

* May need the Director General's agreement

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

e) List any other matters that need to be considered :

Council will need to hold a public hearing under the Local Government Act 1993 given the proposal to reclassify 'community' land to 'operational'.

SEPP (Major Development)2005 is also considered to be relevant because the site is covered by a concept approval for a mixed tourist and residential development that was

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determined by the Department of Planning on 22 August 2008. The Concept Approval identifies the subject land as public open space to be dedicated to Bega Valley Council. It is considered that the planning proposal is consistent with the Concept Plan issued under the SEPP.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Indicative mapping only but suitable for public exhibition.
Formal reclassification LEP maps identifying the subject part lot will need to be prepared prior to making of the plan.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has provided a project timeline but no timeframe for the actual public exhibition. It is recommended the plan be exhibited for a minimum of 28 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **It is noted that there is an error in the proposed project timeline which indicates that the LEP will be completed by March 2015. It is recommended that this error is corrected prior to the proposal being placed on exhibition.**

Proposal Assessment

Principal LEP:

Due Date : **August 2013**

Comments in relation to Principal LEP : **The land is currently zoned SP3 Tourist Zone under the Bega Valley LEP 2013.**

Assessment Criteria

Need for planning proposal : **The planning proposal will facilitate access of infrastructure and services (electricity, water and sewer) to a proposed marina. It will address the error in the current community land classification of the land under the Bega Valley LEP 2013 which was not resolved when the subject land was dedicated to the Council to fulfill a condition of the 2008 Major Project Concept Approval for a mixed tourist and residential development for the broader site.**

Consistency with strategic planning framework : **Consistent with the Snug Cove Master Plan, Eden Structure Plan and South Coast Regional Strategy which identify the site as significant employment land.**

Environmental social economic impacts : **Will assist in promoting economic development in this location with associated positive social effects. Environmental impacts associated with the reclassification will be minimal.**

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **Nil**

Public Authority Consultation - 56(2) (d) : **Sydney Ports Corporation Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Public hearing required under Local Government Act 1993.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Bega Valley Shire Council_03-08-2015_Planning Proposal - Reclassification of land at Cattle Bay_.pdf	Proposal Covering Letter	Yes
20150803 - Council meeting minutes -Cattle Bay Planning Proposal.pdf	Proposal Covering Letter	Yes
20150803 - Cattle Bay Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **5.1 Implementation of Regional Strategies
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions**

Additional Information : **That the General Manager - Southern Region, as delegate of the Minister for Planning and Environment, determine under section 56(2) of the EP&A Act that an amendment to the Bega Valley Local Environmental Plan 2013 to reclassify Part Lot 4 DP 1138056, Cattle Bay, Eden from Community Land to Operational Land, should proceed subject to the following conditions.**

1. Community consultation is required under sections 56(2)(c) and 57 of the

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Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * Sydney Ports Authority
- * Department of Primary Industry - Crown Lands

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or as required here when reclassifying land).

It is noted this proposal is to reclassify land and Council will need to fulfil any obligations under the Local Government Act 1993.

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. As the draft plan will need to be forwarded to the Governor, Council cannot use its delegation to finalise the LEP. Following public consultation, Council should forward all final documentation to the Regional Office requesting the plan be made.

6. The Secretary's delegate can be satisfied that the planning proposal is consistent with all relevant s117 Directions or that any inconsistencies are of minor significance.

No further consultation or referral is required in respect of s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

Consistent with strategic planning framework. Merits of reclassification will be further determined when public hearing is held.

Signature:

George Curtis *A / Team leader*

Printed Name:

George Curtis Date: *10 / 8 / 15*

ENDORSED

Brett Whitworth

11/8/15

Brett Whitworth
General Manager
SOUTHERN REGION

