



Minute Paper for the Executive Council

Subject: - Approval of the Governor under section 30(2) of the Local Government Act 1993

Department of Planning and Environment

Document Number: 15/09697

*Approved by the
Executive Council,*

Clerk of the Council.

Minute No. - - 28 - -

Date 14 OCT 2015

Approved,

Governor

*His Excellency the Governor
and The Executive Council*

I RECOMMEND for the approval of His Excellency the Governor, with the advice of the Executive Council, that pursuant to section 30(2) of the *Local Government Act 1993*, the insertion of certain land into Part 2 of Schedule 4 to the *Bega Valley Local Environmental Plan 2013* by the *Bega Valley Local Environmental Plan 2013 (Amendment No 8)*.

Clause 5.2(5) of the *Bega Valley Local Environmental Plan 2013* provides that the public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all interests affecting the land or any part of the land (unless otherwise specified).

An extract of Schedule 1, clause 3 of the *Bega Valley Local Environmental Plan 2013 (Amendment No 8)* identifying the land to be reclassified is attached.

The Hon. Robert Stokes MP
Minister for Planning



Planning & Environment

Instrument of delegation

Environmental Planning and Assessment 1979

I, Rob Stokes, Minister for Planning, hereby delegate my functions referred to, and subject to the limitations set out in, Schedule 1 to the officer for the time being holding the position referred to in Schedule 2, under section 23 of *Environmental Planning and Assessment Act 1979* (the Act).

Rob Stokes
Minister for Planning

Sydney, 10th October,

2015

SCHEDULE 1

The functions of:

- (a) making a local environmental plan (with or without variation of the proposal submitted by the relevant planning authority) in the terms the delegate considers appropriate; or
- (b) deciding not to make the proposed local environmental plan,

in respect of proposed Bega Valley Local Environmental Plan 2010 (Amendment No 8), under s.59(2) of the *Environmental Planning and Assessment Act 1979*.

SCHEDULE 2

General Manager, Southern Region, Planning Services

EXPLANATORY NOTE

Proposed reclassification of land by Bega Valley Local Environmental Plan 2013 (Amendment No 8)

Clause 5.2(5) of *Bega Valley Local Environmental Plan 2013* is made pursuant to section 30 of the *Local Government Act 1993* which provides for the reclassification of community land as operational. This clause provides that the public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all interests affecting the land or any part of the land (unless otherwise specified).

The Bega Valley Local Environmental Plan 2013 (Amendment No 8) will insert Part of Lot 182 DP 1100739, Lot 299 DP 1151525 and Lot 14 DP 249924 into Part 2 of Schedule 4 to *Bega Valley Local Environmental Plan 2013*.

This will enable the reclassification of the land from community to operational land and to provide for new buildings, facilities and uses, and also provides Council with the opportunity to sell or lease some of the properties.

Section 30(2) of the *Local Government Act 1993* provides that a provision of a proposed LEP that reclassifies community land as operational has effect according to its tenor, but only if the Governor has, before the making of the LEP, approved of the provision. Accordingly, the Governor's approval is sought for Schedule 1, clause 3 of the *Bega Valley Local Environmental Plan 2013 (Amendment No 8)*.

Parliamentary Counsel has issued an Opinion dated 5 June 2015 that the Bega Valley Local Environmental Plan 2013 (Amendment No 8) may be legally made.

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New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Bega Valley Local Environmental Plan 2013 (Amendment No 8)

Your ref: Vincent Ramos 14/09064
Our ref: AH e2015-106-d04

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

Before the instrument is made, the Governor's approval should be obtained, in accordance with section 30 (2) of the *Local Government Act 1993*, of the insertion of certain land in Part 2 of Schedule 4 to *Bega Valley Local Environmental Plan 2013* by Schedule 1 [3] to the draft instrument.

A handwritten signature in black ink, appearing to read 'D. Colagiuri'.

(D COLAGIURI)
Parliamentary Counsel

5 June 2015



New South Wales

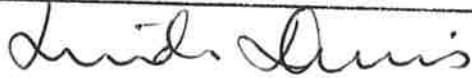
Bega Valley Local Environmental Plan 2013 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

Minister for Planning


LINDA DAVIS
ACTING GENERAL MANAGER
SOUTHERN REGION

**Delegate of the
Minister for Planning**

19/10/15

Bega Valley Local Environmental Plan 2013 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Bega Valley Local Environmental Plan 2013 (Amendment No 8)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the following land:

- (a) Lot 158, DP 1140729, Tura Beach Drive, Tura Beach,
- (b) Lot A, DP 201599, Lot 12, DP 567260, Lot 1, DP 163768 and Lot 2, DP 91361, Market Street, Merimbula,
- (c) Lot 11, DP 735675, Waterloo Creek Road, Brogo,
- (d) Lot 1, DP 1037443, corner of Imlay Street and Mitchell Street, Eden,
- (e) Lot 949, DP 810986, Main Street, Merimbula,
- (f) Lot 299, DP 1151525, Snowy Mountains Highway, Numbugga,
- (g) Lot 2, DP 569005 and part of Lot 182, DP 1100739, Lake Street, Merimbula,
- (h) Lot 14, DP 249924, Moore Wrens Road, Tarraganda.

4 Maps

The maps adopted by *Bega Valley Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Schedule 1 Amendment of Bega Valley Local Environmental Plan 2013

[1] Schedule 4 Classification and reclassification of public land

Insert in appropriate order in Part 1 in Columns 1 and 2, respectively:

Brogo	Lot 11, DP 735675, Water pump station, Waterloo Creek Road
Eden	Lot 1, DP 1037443, Public building and car park, corner of Imlay Street and Mitchell Street
Merimbula	Lot A, DP 201599, Lot 12, DP 567260, Lot 1, DP 163768 and Lot 2, DP 91361, Vacant land, Market Street
Merimbula	Lot 949, DP 810986, Car park, Main Street
Tura Beach	Lot 158, DP 1140729, Building, Tura Beach Drive

[2] Schedule 4, Part 2

Omit "Nil" from Column 1.

[3] Schedule 4, Part 2

Insert the following in Columns 1, 2 and 3, respectively:

Merimbula	Part of Lot 182, DP 1100739, Public reserve, Lake Street	Nil
Numbugga	Lot 299, DP 1151525, Fire shed, Snowy Mountains Highway	Nil
Tarraganda	Lot 14, DP 249924, Public reserve, Moore Wrens Road	Nil

Bega Valley Local Environmental Plan 2013 (Amendment No 8)

Bega Valley Shire Council
Zingel Place
Bega, NSW, 2550

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Land Application Map LAP_001	0550_COM_LAP_001_640_20150303
Land Zoning Map LZN_020B	0550_COM_LZN_020B_020_20150211
Lot Size Map LSZ_020B	0550_COM_LSZ_020B_020_20140526
Floor Space Ratio Map FSR_020B	0550_COM_FSR_020B_020_20140526
Height of Buildings Map HOB_020B	0550_COM_HOB_020B_020_20141113

The following map sheets are adopted:

Map Sheet	Map Identification Number
Land Application Map LAP_001	0550_COM_LAP_001_640_20150423
Land Zoning Map LZN_020B	0550_COM_LZN_020B_020_20150423
Lot Size Map LSZ_020B	0550_COM_LSZ_020B_020_20150423
Floor Space Ratio Map FSR_020B	0550_COM_FSR_020B_020_20150423
Height of Buildings Map HOB_020B	0550_COM_HOB_020B_020_20150423
Land Reclassification (Part Lots) Map RPL_020B	0550_COM_RPL_020B_020_20150423


ACTING GENERAL MANAGER
SOUTHERN REGION

Certified
[Title of Council Delegate]

[Date]

Delegate of the
Minister for Planning

19/10/15
[Date]



Ms Leanne Barnes
General Manager
Bega Valley Shire Council
PO Box 492
Bega NSW 2550

Our ref:15/09697

Dear Ms Barnes

Bega Valley Local Environmental Plan 2013 (Amendment No 8)

I refer to Council's submission under the *Environmental Planning and Assessment Act 1979* (the Act), requesting the Minister make *Bega Valley Local Environmental Plan 2013 (Amendment No 8)* (LEP).

I am pleased to advise that as the Minister's delegate, I have made the LEP under section 59(2) of the Act, and under section 34(5) it will take effect when published on the NSW Legislation website.

Should you have any questions regarding this matter, I have arranged for Ms Ann Martin, of the Department of Planning and Environment's Southern Office to assist you. Ms Martin may be contacted on (02) 4224 9466.

Yours sincerely

Linda Davis
Acting General Manager
Southern Region
Planning Services

19/10/15