

Snug Cove and Cattle Bay, Murrah and Old Bega Hospital site amendments

Proposal Title : Snug Cove and Cattle Bay, Murrah and Old Bega Hospital site amendments

Proposal Summary : It is proposed to extend the Land Application Map so that Bega Valley LEP 2013 applies to the waters of Snug Cove and Cattle Bay at Eden. It is also proposed to alter the zone boundary between the E2 Environmental Conservation and E3 Environmental Management Zones on a property at Murrah and to rezone the Old Bega Hospital site from SP1 Special Activities to RE2 Private Recreation.

PP Number : PP_2014_BEGAV_001_00

Dop File No : 14/01254

Proposal Details

Date Planning
Proposal Received : 08-Jan-2014

LGA covered : Bega Valley

Region : Southern

RPA : Bega Valley Shire Council

State Electorate : BEGA

Section of the Act : 55 - Planning Proposal

LEP Type : Policy

Location Details

Street : Snug Cove and Cattle Bay

Suburb : Eden

City : Eden

Postcode : 2551

Land Parcel : Including Lot 2 DP 747363 and Lot 111 DP 839683

Street : Tathra Bermagui Road

Suburb : Murrah

City : Bega

Postcode : 2550

Land Parcel : Lot 360 DP 849058

Street : Princes Highway

Suburb : Bega

City : Bega

Postcode : 2550

Land Parcel : Lot 296 DP 728021

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	South Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		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 : **The waters of Snug Cove and Cattle Bay are located outside of the Bega Valley Local Government Area. Proposals for marinas have identified confusion exists regarding the appropriate assessment pathway between Part 4 and Part 5 of the EPA Act.**

The Department supports Council's intention to extend the Bega Valley LEP 2013 to cover Snug Cove and Cattle Bay so it is clear applications may be assessed by Council under Part 4 of the Act. This is considered to be the most appropriate and simplest assessment pathway by the State Agencies involved and avoids the need to obtain multiple approvals required under Part 5.

To this end, the Department is concurrently considering options including preparing a

Snug Cove and Cattle Bay, Murrah and Old Bega Hospital site amendments

External Supporting
Notes :

Ministerial Order under section 54(6) of the Act or a SEPP to designate land adjoining the LGA as part of the Bega Valley LGA for the purposes of environmental planning. Council's proposal will extend the LEP over the waters of Snug Cove and Cattle Bay.

The Order/SEPP must be in force before the LEP can be notified.

Extending the Land Application Map to include Snug Cove and Cattle Bay will mean that Council is clearly the consent authority for proposals in this area under Part 4 of the Environmental Planning and Assessment Act 1979.

The zone boundary amendment at Murrah is proposed to ensure an eco-tourist facility is located within the E3 Environmental Management Zone, rather than the E2 Environmental Conservation Zone.

The rezoning of the Old Bega Hospital site from SP1 Special Activities to RE2 Private Recreation is proposed by Council in order to reflect the range of uses currently carried out on the site and to permit a broader range of appropriate uses.

Adequacy Assessment

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

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

Comment : **The statement of objectives succinctly describes the intended outcomes of the 3 components of the proposal.**

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

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

Comment : **The explanation of provisions explains it is proposed to:**
1) Amend the Land Application Map to include Snug Cove and Cattle Bay;
2) Amend the the Land Zoning Map to adjust the boundary between the E3 and E2 Zones at a property in Murrah; and
3) Amend the Land Zoning Map to rezone the Old Bega Hospital from SP1 Special Activities to RE2 Private Recreation.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.5 Rural Lands
2.1 Environment Protection Zones
2.2 Coastal Protection
2.3 Heritage Conservation
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.3 Site Specific Provisions

* May need the Director General's agreement

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 62—Sustainable Aquaculture
SEPP No 71—Coastal Protection
SEPP (Rural Lands) 2008

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

SEPP 62 does not apply to the making of LEPs and will override the LEP in the event of any inconsistencies.

SEPP 71 applies to Snug Cove/Cattle Bay and the Murrah site which are located within the Coastal Zone. The proposal is not inconsistent with SEPP 71. The use of the Murrah site will not be altered by the proposal and any proposal for development at Snug

Cove/Cattle Bay will need to be thoroughly assessed. The proposal is satisfactory in relation to the matters for consideration under clause 8 of the SEPP.

SEPP (Rural Lands) 2008 applies to the Murrah site which is zoned E2 and E3. The proposal is consistent with the SEPP as it facilitates the continued operation of the approved eco-tourist facility which is compatible with surrounding uses and will not affect agricultural uses in the vicinity.

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

If No, explain :

S117 DIRECTIONS

Council has identified a number of s117 Directions as being relevant to the proposal.

The proposal is considered to be consistent (or any inconsistencies are only of minor significance) with the following relevant S.117 Directions:

1.5 Rural Lands - applies to the Murrah site which is zoned E2 and E3. The proposal is consistent with the s117 Direction as it is consistent with the Rural Planning and Rural Subdivision Principles in the SEPP (Rural Lands) 2008 as it facilitates the continued operation of the approved eco-tourist facility which is compatible with surrounding uses and will not affect agricultural uses in the vicinity. Minimum lot size is not altered by the proposal.

2.2 Coastal Protection - Snug Cove/Cattle Bay and the Murrah land are within the Coastal Zone. The proposal is considered to be consistent with this Direction as it is consistent with the Principles of the NSW Coastal Policy.

2.3 Heritage Conservation - applies as the Old Bega Hospital is listed as an item of local heritage significance in the LEP. The proposal to rezone the site does not affect the heritage controls which apply to the item. Greater flexibility in land use is desirable as it may facilitate uses that can generate an income to assist in the preservation of the item.

3.4 Integrating Land Use and Transport - the proposal is not inconsistent with this Direction.

4.4 Planning for Bushfire Protection - Part of the Murrah site is identified as bushfire prone land. Council will be required to consult with the NSW Rural Fire Service prior to exhibition of the plan. The proposal is not inconsistent with this Direction.

5.1 Implementation of Regional Strategies - the proposal is consistent with the South Coast Regional Strategy and with this Direction.

6.3 Site Specific Provisions - the proposal is not inconsistent with this Direction which is considered not to be relevant as no site specific provisions are proposed.

The proposal is inconsistent with s.117 Direction 2.1 Environment Protection Zones. While Council has argued that the proposal is consistent with this Direction, the proposal is considered to be inconsistent with Direction 2.1 in that 4,500 m2 of the Murrah site currently zoned E2 Environmental Conservation is proposed to be zoned E3 Environmental Management Zone, thereby slightly reducing the environmental protection standards applying to the land.

It is considered that the Director General should be satisfied that the inconsistency is of minor significance for the following reasons:

- * due to the small size of the land affected by the proposal (4,500m2),
- * as an environmental protection zone (E3) is still proposed to be applied to the land,
- * as the change in zoning is proposed to reflect the approved eco-tourist facility. The E3 zone is more appropriate for this development than E2.
- * as minimum lot size requirements are not proposed to be altered.

RECOMMENDATION: It is recommended that the Director General can be satisfied that the inconsistency with Direction 2.1 is of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The mapping, while not in accordance with the Department's guidelines, does clearly identify the proposed amendments.

Council will be required to provide maps consistent with the Department's 'Standard technical requirements for LEP maps 2013' when the plan is forwarded for finalisation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes to exhibit the proposal for 14 days which is reasonable. Council has also identified a number of State agencies it intends to consult with.

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Bega Valley LEP 2013 was notified on 2 August 2013.

Assessment Criteria

Need for planning proposal : Council has demonstrated the need for a planning proposal and has explained why this proposal is the appropriate way to achieve the intended outcomes.

Consistency with strategic planning framework : The proposal is consistent with the strategic planning framework.

The proposal is consistent with the South Coast Regional Strategy. The proposal will facilitate economic development and employment growth through the proposed extension of the LEP to cover Snug Cove and Cattle Bay which will provide a clear assessment pathway for proposals within this area.

The protection of Bega's cultural heritage will be facilitated by the proposed rezoning of the Old Bega Hospital site which will allow additional uses and may assist to preserve this heritage item.

The proposal is consistent with aims of the Bega Valley 2030 Community Strategic Plan.

Environmental social economic impacts : The proposal may have positive economic impacts through providing a clear assessment pathway for proposals at Snug Cove and Cattle Bay and by providing additional flexibility for uses on the Old Bega Hospital site. There will also be positive social benefits as the Old Bega Hospital site is used by several community groups.

The proposal will not have adverse environmental impacts.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Fishing and Aquaculture
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Ports Corporation**

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 :

No further studies are required in relation to the proposal.

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
Council covering letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council report and minutes.pdf	Proposal Covering Letter	Yes
Evaluation of SEPP's and s.117's.pdf	Proposal Covering Letter	Yes
Evaluation of Delegation Criteria.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **1.5 Rural Lands
2.1 Environment Protection Zones
2.2 Coastal Protection
2.3 Heritage Conservation
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.3 Site Specific Provisions**

Additional Information : **That Deputy Director General as the delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the**

Bega Valley LEP 2013 to:

- * amend the Land Application Map to include part of Snug Cove and Cattle Bay, Eden;
 - * amend the zone boundary between E2 and E3 Zones on Lot 360 DP 849058 Tathra Bermagui Road, Murrah; and
 - * rezone the Old Bega Hospital site from SP1 to RE2 Private Recreation;
- should proceed subject to the following conditions:

1. The maps are considered suitable for exhibition purposes, however, the maps will need to comply with the Department's 'Standard technical requirements for LEP maps' when the plan is submitted for finalisation.

2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A 1979 as follows:

- (a) The planning proposal be made publicly available for a period of 14 days; and
- (b) the relevant planning authority must comply with the notice of 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).

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

- * Office of Environment and Heritage
- * NSW Department of Primary Industry (Fisheries)
- * Transport for NSW - Roads and Maritime Services
- * Sydney Ports Corporation
- * NSW Rural Fire Service (s117 Direction 4.4)

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 it will require additional time to comment on the proposal. The public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. 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 when reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

6. Council be authorised to use the Minister's plan making delegation under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

7. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Director General can be satisfied that the planning proposal is consistent with the following s117 Directions: 1.5 Rural Lands; 2.2 Coastal Protection; 2.3 Heritage Conservation; 3.4 Integrating Land Use and Transport; and 5.1 Implementation of Regional Strategies;

(b) The Director General can be satisfied that the planning proposal is consistent with s117 Direction 4.4 Planning for Bushfire Protection once the Council has consulted with the NSW Rural Fire Service and taken into account any comments received;

(c) The Director General can be satisfied that the inconsistency with s117 Direction 2.1 Environment Protection Zones is of minor significance;

(d) The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or any inconsistencies are of minor significance; and

(e) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

Snug Cove and Cattle Bay, Murrah and Old Bega Hospital site amendments

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

The proposal is supported as it will set a clear assessment pathway for development at Cattle Bay and Snug Cove, will allow more flexibility in uses of the Old Bega Hospital and will adjust a zone boundary at Murrah in response to an approved eco-tourist facility.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

30th January 2014