

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

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.

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

Supporting Reasons : 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.

Panel Recommendation

Recommendation Date : **06-Feb-2014**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 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 LEPs (Department of Planning & Infrastructure 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
- NSW Department of Primary Industries (Fisheries)
- Transport for NSW – Roads and Maritime Services
- Sydney Ports Corporation
- NSW Rural Fire Service

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Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body 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 if reclassifying land).

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

The Minister delegated his plan making powers to councils in October 2012. Council has requested to be issued with delegation for this planning proposal. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

12/2/14