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Bega Valley Local Environmental Plan 2013

Planning Proposal:

Mapping Amendments No.1
(Various Properties)

January 2013



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Part 1 – Objectives or Intended Outcomes

The objectives of this Planning Proposal are to:

- amend the Land Application Map to include the waters of Snug Cove and Cattle Bay, Eden to propose a clear assessment pathway for potential marina developments.
- amend the zone boundary on Lot 360 DP 849058 Tathra Bermagui Road, Murrah to ensure the existing approved eco-tourism development is located outside the E2 Environmental Conservation Zone.
- rezone Lot 296 DP 728021 from SP1 to RE2 Private Recreation to enable the current and possible future uses of the site to be permitted with consent.

Part 2 – Explanation of the Provisions

To achieve the objectives outlined in Part 1, this Planning Proposal seeks to amend BVLEP 2013 in the following manner:

1. Waters of Snug Cove and Cattle Bay including Lot 2 DP 747363 and Lot 111 DP 839683, Eden
 - Amend map sheet LAP_001 to include the waters of Snug Cove and Cattle Bay within the LEP Land Application designated area.
2. Lot 360 DP 849058 Tathra Bermagui Road, Murrah
 - Amend map sheet LZN_018 by adjusting the E2/E3 boundary within Lot 360 DP 849058 to include an additional 4500m² area in the E3 Environmental Management Zone that is currently zoned E2 Environmental Conservation.
3. Lot 296 DP 728021 Princes Highway, Bega
 - Amend map sheet LZN_011C by rezoning Lot 296 DP728021 from SP1 Special Activities Zone to RE2 Private Recreation Zone.

Part 3 – Justification

1. Waters of Snug Cove and Cattle Bay including Lot 2 DP 747363 and Lot 111 DP 839683, Eden

Snug Cove and Cattle Bay are located within greater Twofold Bay near the town of Eden. Recently Council has discussed two proposals to develop marinas within the waters of Snug Cove and Cattle Bay.

The waters of Cattle Bay and Snug Cove are not subject to Bega Valley Local Environmental Plan 2013 (BVLEP 2013) because they are not identified on the Bega Valley Local Environmental Plan 2013 Land Application Map.

As a consequence, the marina proposals cannot be assessed and determined under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and need to be assessed under Part 5 of the Act.

Under Part 5 of the EP&A Act the marina proposals are likely to require an Environmental Impact Assessment or Environmental Impact Study for consideration by multiple determining authorities, depending on what approvals are needed (e.g. lease of Crown Lands and environmental protection licence from the Environment Protection Authority). Assessment by multiple determining authorities under Part 5 can be complex because each authority issuing an approval needs to undertake separate environmental assessment and determinations.

Approval under Part 4 of the EP&A Act provides an integrated assessment pathway as an applicant would be required to submit one development application and an Environmental Impact Study for assessment by Council. The Council would coordinate all external referrals seeking separate approvals and the final determination of the development would be made by a single government authority. As a marina development constitutes “designated development” under the provisions of the EP&A Regulation, the Southern Region Joint Planning Panel would be the determining authority.

To facilitate approval under Part 4 of the EP&A Act this planning proposal will amend the Bega Valley Local Environmental Plan Land Application Map 2013 to include the area of water covering Cattle Bay and Snug Cove where the marinas are proposed. To effect this inclusion, a line has been drawn from an appropriate geographic feature, being Cocora Beach Headland, to the boundary of Lot 1 DP 738477 which includes the existing breakwater wharf facility as shown in Figure 1 below.

It is not proposed to apply any land use zone to the area of water which will remain “unzoned land” under BVLEP 2013. Therefore, any future development application would be able to be considered on its merits in the context of the adjacent zones under Clause 2.4 of BVLEP 2013 (see Figure 2). Under Clause 2.4 development may be carried out on unzoned land, with development consent, if it is appropriate and compatible with permissible uses on adjoining land.

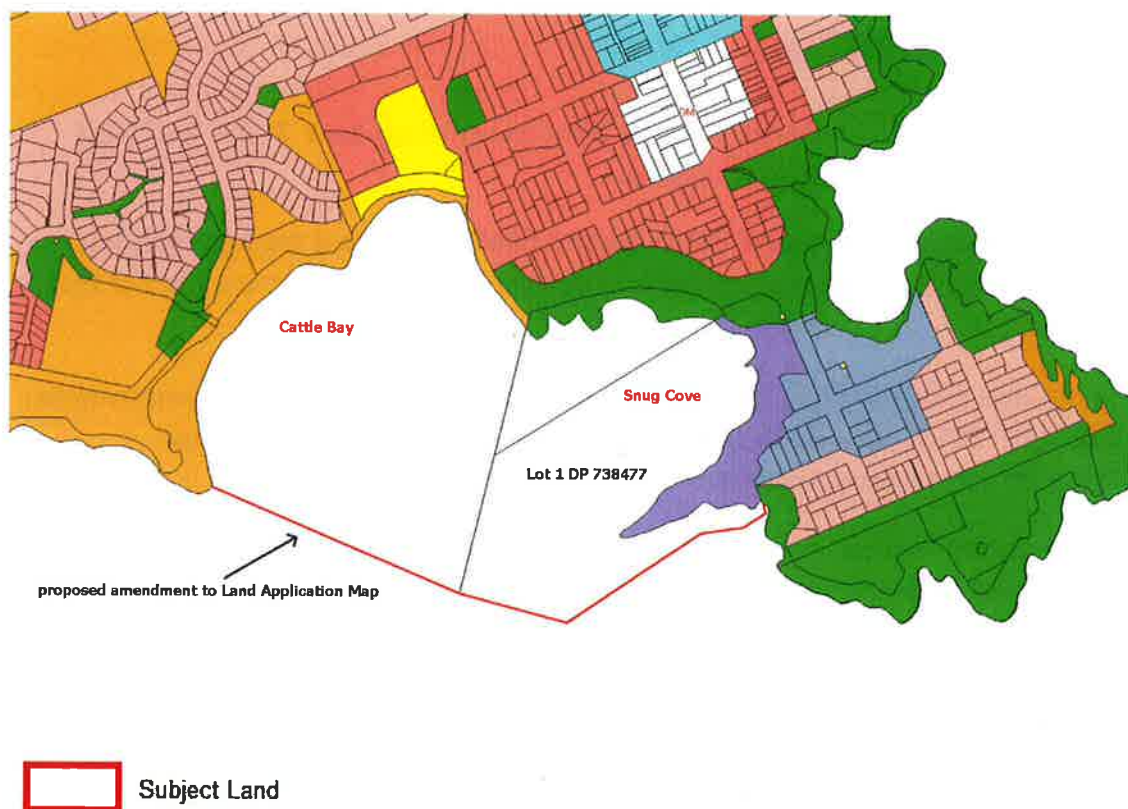


Figure 1: Cattle Bay and Snug Cove, Eden: Subject Waters Proposed Inclusion in Land Application Map

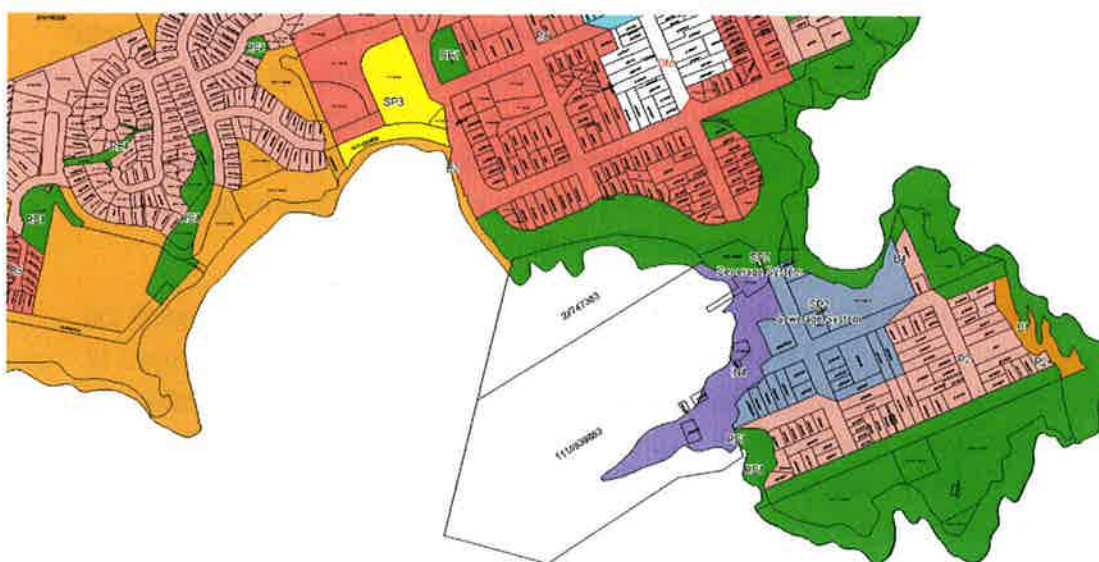


Figure 2: Cattle Bay and Snug Cove, Eden: Land Use Zones (Exhibited BVLEP 2010)

2. Lot 360 DP 849058, Tathra Bermagui Road, Murrah

The subject property is approximately 60 hectares and is located within the rural area known as Bunga between the coastal townships of Bermagui and Tathra with access from the Bermagui-Tathra Road (see Figure 3). The property is surrounded on three sides by Murrah Beach, Murrah Lagoon and Bunga Lagoon and currently contains an approved dwelling site, an eco-tourism development and associated structures.



Figure 3: Lot 360 DP 849058 Tathra Bermagui Road, Murrah

The subject property is currently zoned E3 Environmental Management under BVLEP 2013 with E2 Environmental Management zones buffering the waterways to the north and south (see Figure 4). All of the property has a 40ha minimum lot size standard under BVLEP 2013.

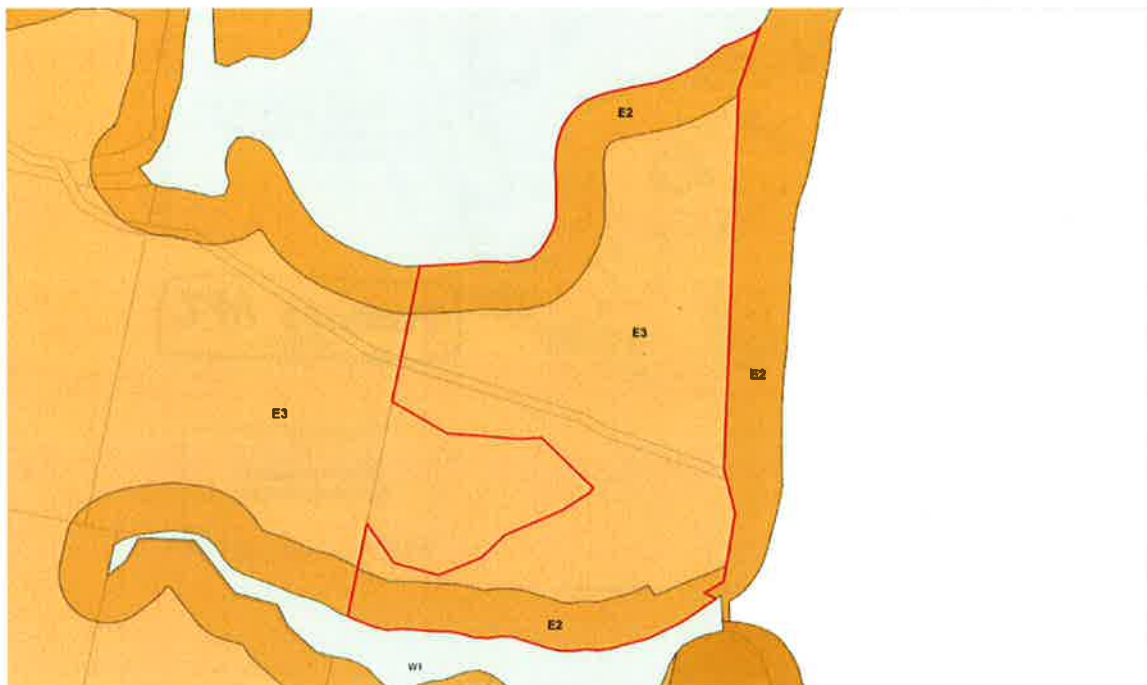


Figure 4: Lot 360 DP 849058 Tathra Bermagui Road, Murrah – BVLEP 2013 zones

This Planning Proposal seeks to amend the part of the southern E2 and E3 boundary on the subject land to ensure the eco-tourism facility (an area of approximately 4500m²) is located within the E3 zone. The existing eco-tourism facility was approved under DA2004.1037 and includes a community building, three guest huts and five tent sites, together with an asset protection zone (See Figure 5).

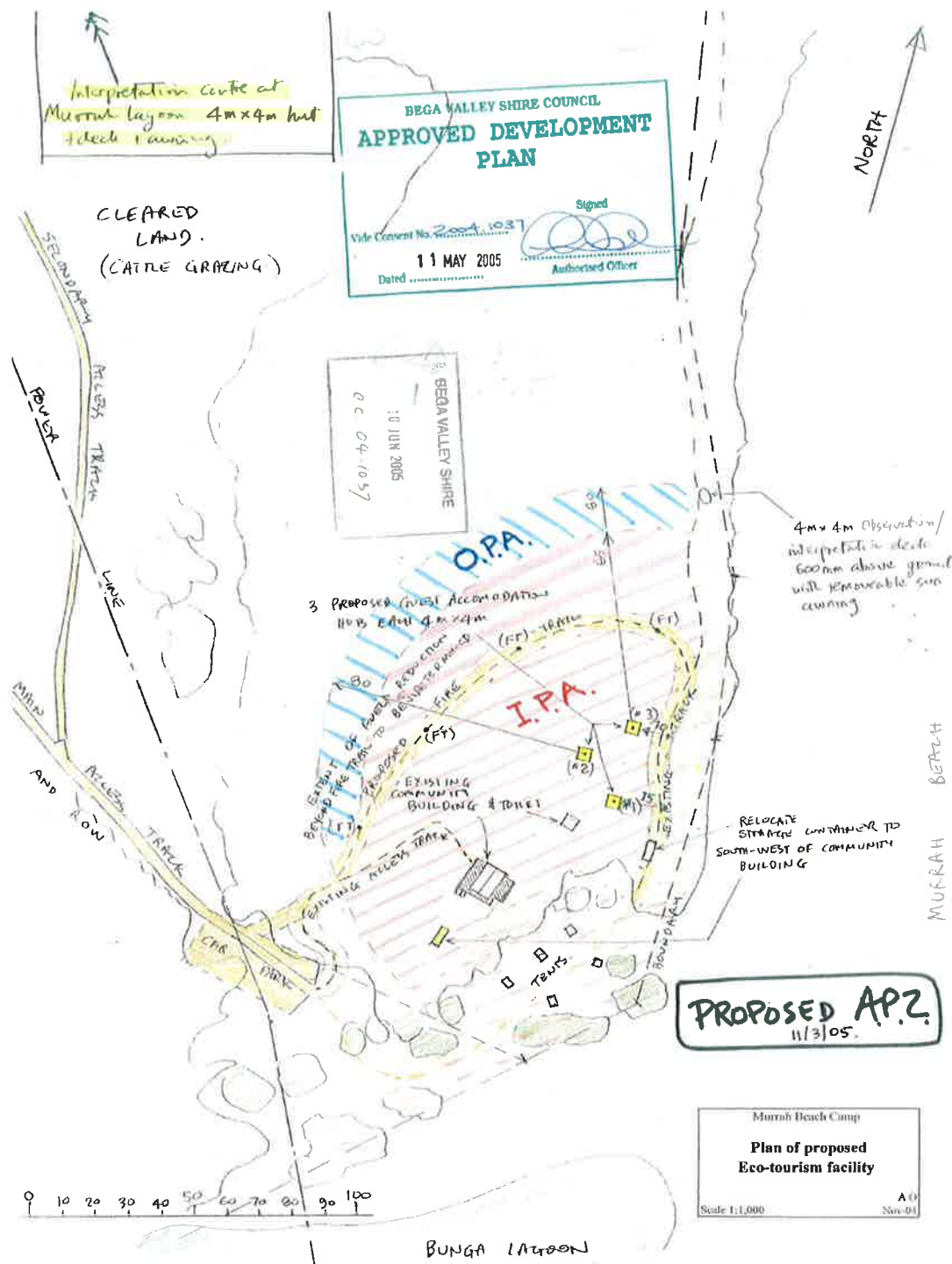


Figure 5: Lot 360 DP 849058 Tathra Bermagui Road, Murrah – Approved Ecotourism development

The current E2/E3 zone boundary places the tent sites and part of the asset protection zone within the E2 zone where camping and clearing are a prohibited use. The eco-tourism facility constitutes a *Special Fire Protection Purpose* and holds a *Bush Fire Safety Authority* under Section 100B of the Rural Fires Act 1997. The Bush Fire Safety Authority contains mandatory requirements for the clearing and maintenance of the Asset Protection Zone (APZ) and it is therefore important that the entire facility is contained within the E3 Environmental Management zone (see Figure 6).

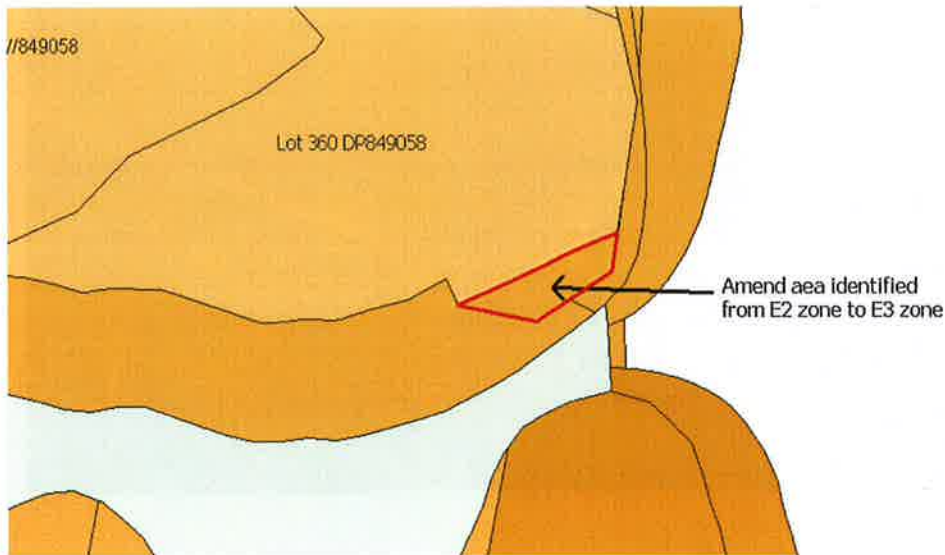


Figure 6: Lot 360 DP 849058 Tathra Bermagui Road, Murrah: Proposed amendment to E2/E3 boundary

3. Old Bega Hospital Site, Lot 296 DP 728021 Princes Highway, Bega

The subject land is located on the southern outskirts of Bega off the Princes Highway and retains the remains of the fire damaged historic Old Bega Hospital, outbuildings and landscaped grounds. It is located within a semi-rural area that retains a mixture of light industrial, residential and rural enterprises (See Figure 7).



Figure 7: Lot 296 DP 728021 Prince Highway, Bega

The subject land is owned by the Department of Crown Lands and is managed by the Old Bega Hospital Trust. The site is currently occupied by community related tenants including Bega Valley Weavers, Valley Potters, Edge FM and also as a meeting place for other small community groups. There has also been discussions regarding the establishment of a Tourist Information/Gateway Centre on the site and a development application has recently been lodged with Council for the establishment of a 'men's shed' on the site.

The site is zoned SP1 Special Activities under BVLEP 2013 with the surrounding lands designated as Deferred Matters from BVLEP 2013 pending a review of appropriate zoning (see Figure 8) with an IN1 General industrial Zone to the south-west.

The BVLEP 2013 SP1 Special Activities Land Use Table identifies the following as permitted with consent:

"Roads; the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose."

In other locations within the Bega Valley Shire (and across NSW), the SP1 zone identifies the purposes of the land on the land zone map (such as waste disposal facility or cemetery). However, the BVLEP 2013 Land Zoning Maps erroneously do not identify a purpose for the subject land. Therefore the only use currently permitted with consent on this land is 'roads'.

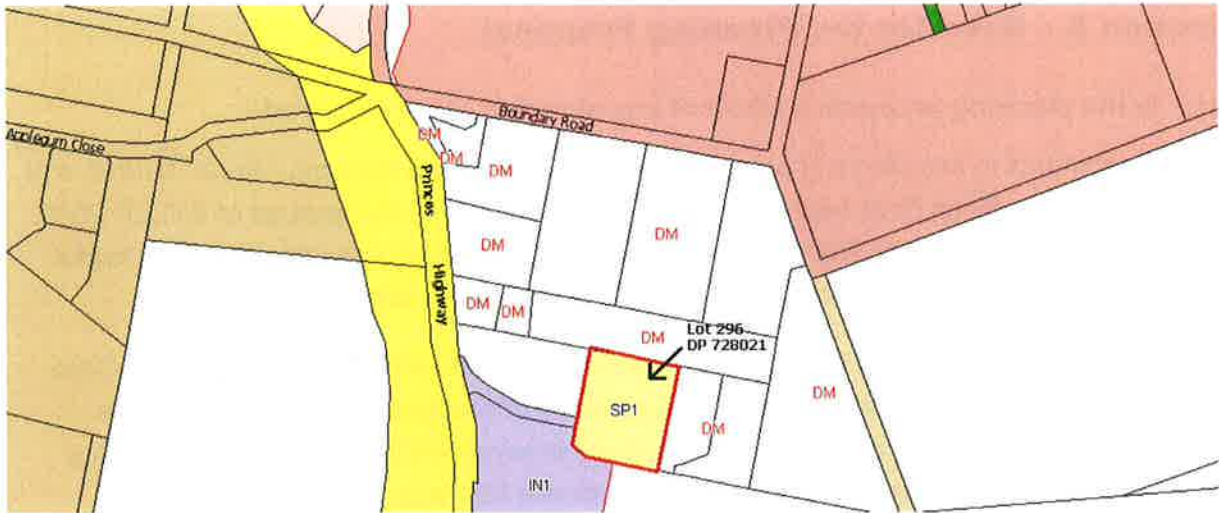


Figure 8: Lot 296 DP 728021 Prince Highway, Bega BVLEP 2013 zoning

When considering the appropriate purposes for the site as an SP1 zone, it became apparent to Council that in addition to a variety of existing uses of the site there are also a number of opportunities for the site, and that the current SP1 zone does not provide flexibility for future development of the site. Potential uses for the site include information/gateway centre, function centre, child care centre, restaurant and markets.

Based on the range of current and possible future uses of the site it is considered that the most appropriate zoning for the site is RE2 Private Recreation. The RE2 zoning would provide the flexibility required for multiple community based uses of the site, whereas the existing SP1 zone limits the use of the site to a specific purpose.

Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

The amendments in this planning proposal to the land at Tathra Bermagui Road, Murrah and Princes Highway, Bega have been identified as errors following the gazettal of BVLEP 2013. The amendments are minor and are required to resolve anomalies to permit existing lawful uses on the site at Murrah and reflect community opportunities within the Bega area.

The proposed amendment to the Land Application Map to include the waters of Snug Cove and Cattle Bay at Eden has resulted from discussions of proposals for marinas and has been proposed by Council and the Department of Planning and Infrastructure to provide a more streamlined and transparent assessment process for these developments.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Waters of Snug Cove and Cattle Bay, Eden

Yes. The proposed amendment to the Land Application Map has been determined by the Department of Planning and Infrastructure to be the best way of ensuring future marina proposals are assessed under Part 4 of the EP&A Act.

Because Twofold Bay is not an enclosed bay, it is outside the Bega Valley Shire Local Government Area LGA (LGA). Amending the boundary was discussed as a possible means to achieve the outcome, however, Clause 1.3 of BVLEP 2013 specifies that BVLEP 2013 only applies to land identified on the Land Application Map.

It is noted that before a planning proposal can have effect the subject area needs to fall within the LGA. The Department of Planning and Infrastructure have commenced the process of requesting the Minister of Planning and Infrastructure to make an order under Section 54(6) of the Environmental Planning and Assessment Act 1979 to designate the area as part of the LGA for the purposes of establishing a relevant planning authority.

Lot 360 DP 849058, Tathra Bermagui Road, Murrah

Yes. It is considered that this Planning Proposal is the only available means of achieving the intended outcome for this subject land. Prior to the gazettal of BVLEP 2013 Council resolved to amend the E3/E2 zone boundary on the southern part of the subject land. This amendment was considered by Council and the Department of Planning and Infrastructure to be minor and not requiring re-exhibition, however, due to an error the amendment to the zone map was not made prior to the gazettal of BVLEP 2013. As a result this planning proposal has been prepared to implement Council's intentions.

The small variation to the zone boundary is consistent with the Shirewide mapping strategy applied to similar developments and dwellings that are located in areas that would otherwise have been zoned E2 due to their proximity to waterways.

Schedule 1 – Additional Uses of BVLEP 2013 could be used as an alternative in permitting eco-tourism development, however, there would be no additional benefit and it would cause ambiguity on the zoning maps and in the land use table. Although a valid option in some cases, it is not the preferred approach in this instance given the desirability of securing the long-term identification and use of the subject properties for this purpose. Further to this, the NSW Department of Planning and Infrastructure’s policy is that additional listings in the LEP Schedule 1 should be minimised and should only proceed where council can demonstrate that there is no other acceptable solution to progress the matter.

Old Bega Hospital Site, Lot 296 DP 728021 Princes Highway, Bega

In relation to Lot 296 DP 728021 Old Bega Hospital site this Planning Proposal is the most appropriate means of achieving the objectives and outcomes by providing land use flexibility to the site that the SP1 zone currently limits due to the lack of a defined purpose. The SP1 zone is appropriate where the land is to be used for one or two specific purposes.

The site is listed in Schedule 5 of BVLEP 2013 as a Heritage Item. Clause 5.10 (10) of BVLEP 2013 outlines Conservation Incentives for Heritage Items. Whilst the Heritage Conservation Incentives Clause could be used to approve development on the site that would otherwise be prohibited, this would require a ‘Heritage Management Document’ to be prepared and approved for the site. Any subsequent proposed development would need to be consistent with the document and demonstrate the benefit of the Heritage Item.

With the current and likely future uses of the site being numerous and community related, activation of the conservation incentive clause is not considered on its own to be an appropriate planning process for the future development and use of the site despite the positive impacts on the heritage item that such developments may have.

Schedule 1 – Additional Uses of BVLEP 2013 could be used as an alternative in permitting community facilities, markets, and education and information facilities, however, there would be no additional benefit and it would cause ambiguity on the zoning maps and in the land use table. Although a valid option in some cases, it is not the preferred approach in this instance given the desirability of securing the long-term identification and use of the subject properties for this purpose. Further to this, the NSW Department of Planning and Infrastructure’s policy is that additional listings in the LEP Schedule 1 should be minimised and should only proceed where council can demonstrate that there is no other acceptable solution to progress the matter.

Section B – Relationship to Strategic Planning Framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

This planning proposal is consistent with the objective of the South Coast Regional Strategy to guide sustainable growth throughout the South Coast over the next 25 years. In particular this planning proposal supports the following actions:

Waters of Snug Cove and Cattle Bay, Eden

Economic Development and Employment Growth: The potential Marina developments within the waters of Snug Cove and Cattle Bay could provide economic benefits for the township of Eden and supports the hierarchy of commercial centres for the South Coast region.

Lot 360 DP 849058, Tathra Bermagui Road, Murrah

Economic Development and Employment Growth: The regularisation of zones around the existing eco-tourist development at Lot 360 DP 849058, Tathra Bermagui Road, Murrah will help achieve the action of providing tourism experiences and accommodation in rural areas.

Old Bega Hospital Site, Lot 296 DP 728021 Princes Highway, Bega

Cultural heritage: The development that may result from this planning proposal at Lot 296 DP 728021 Old Bega Hospital site could provide opportunities to sustainably develop a heritage listed site in Bega ensuring the protection of part of Bega's Cultural Heritage. The proposed rezoning is consistent with the vision set out in the South Coast Regional Strategy to create a liveable future for the South Coast and encouraging community interaction and cohesion by providing flexibility for multiple community orientated uses for the site.

Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Bega Valley 2030 Community Strategic Plan

The Community Strategic Plan identifies the long term aspirations of the Bega Valley Shire's community. This planning proposal supports the following two of the key aims of the Community Strategic Plan:

- To support a creative and innovative business community invigorating growth in employment and economic activity, in partnerships with government, and
- Eden Port upgraded and operational to suit a perceived variety of demands.

Q5. Is the Planning Proposal consistent with applicable State Environment Planning Policies?

This Planning Proposal is consistent with the applicable State Environmental Planning Policies (SEPPs). The SEPPs that are applicable to this Planning Proposal are detailed in this Section. For a complete checklist of SEPPs, refer to Attachment 2.

SEPP 62 Sustainable aquaculture

SEPP 62 regulates aquaculture activities and aims to encourage sustainable aquaculture, including sustainable oyster aquaculture.

There are existing aquaculture developments located within Twofold Bay, namely mussel farming which have developed through State Government approvals. This planning proposal is consistent with the SEPP as the inclusion of the waters of Snug Cove and Cattle Bay within the Land Application Map has been specifically designed to exclude any areas of Twofold Bay where aquaculture activities occur in order to avoid any adverse impacts on the viability of permissibility of aquaculture in the area.

SEPP 71 Coastal Protection

SEPP 71 Coastal Protection facilitates the orderly and economic use and development within the coastal zone. Clause 8 of SEPP 71 prescribes a number of matters for consideration in determining development applications for development within the coastal zone. The Clause applies to land the whole or any part of which is within the coastal zone.

The waters of Snug Cove and Cattle Bay, Eden and Lot 360 DP849058, Murrah are located within the Coastal Zone. Parts of the subject properties are also designated as sensitive coastal locations as they are located within 100 metres of the edge of the coastline or coastal lake.

This Planning Proposal is consistent with this SEPP as it does not contradict or hinder the application of the coastal planning provisions contained within the SEPP and do not promote development that will diminish or impede access to coastal foreshores, result in effluent discharge that would negatively affect water quality, or involve a discharge of untreated stormwater into the sea, a beach, an estuary or coastal lake.

The overall intent of the SEPP is to manage residential and rural residential development in sensitive coastal locations. None of the lands would be available for further residential and rural residential development under BVLEP 2013 and the types of development envisioned on these sites can conform to the requirements of Clause 8 of the SEPP.

SEPP (Rural Lands) 2008

The aims of SEPP (Rural Lands) 2008 are to facilitate the orderly and economic use and development of rural lands for rural and related purposes and to identify the Rural Planning Principles and the Rural Subdivision Principles to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic

and environmental welfare of the State. Clause 7 of SEPP (Rural Lands) 2008 prescribes the Rural Planning Principles.

In relation to Lot 360 DP 849058, Murrah a large proportion of the site is zoned E3 Environmental Management which permits extensive agriculture without consent. This Planning Proposal is consistent with the SEPP as it will enable an approved eco-tourism development on the land which is compatible with nearby existing and approved uses of land and will not significantly impact on agricultural land uses in the vicinity.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions?

This Section addresses consistency with applicable Section 117 Directions. Attachment 3 contains a complete list of all 117 Ministerial Directions applicable within the Bega Valley Shire.

1.5 Rural Lands

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone or that changes the existing minimum lot size on land within a rural or environment protection zone.

The objectives of this Direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.

The proposed amendments to BVLEP 2013 contained in this Planning Proposal are consistent with this Direction because they conform to the Rural Planning and Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008 and they do not compromise the production value or development of rural land for rural purposes. In particular, this Planning Proposal will not enable the fragmentation of high quality agricultural land or enable the potential for additional rural land use conflicts, particularly between residential land uses and other rural land uses.

2.1 Environment Protection Zone

This Direction applies when a relevant planning authority prepares a Planning Proposal. The objective is to protect and conserve environmentally sensitive areas.

Lot 360 DP 849058, Murrah, is considered ecologically sensitive and is zoned a combination of E2 Environmental Conservation Zone and E3 Environmental Management Zone under the BVLEP 2013. This Planning Proposal is consistent with this Direction as it contains provisions that relate only to changing boundary of the E2/E3 zone based on the location of an existing development and will not reduce the environmental protection standards that currently apply to the land.

2.2 Coastal Protection

This Direction applies when a relevant planning authority prepares a Planning Proposal that applies to land in the coastal zone. The objective is to implement the principles in the NSW Coastal Policy.

In relation to the waters of Cattle Bay and Snug Cove, the planning proposal is consistent with the integrated planning and management principles listed in the NSW Coastal Policy 2007. In particular, this planning proposal will provide a means of integration of state and local government policies and legislation which is fundamental to effective and efficient coastal zone management.

In relation to Lot 360 DP 849058, Murrah, the existing eco-tourism development has already been assessed in accordance with the provisions of the NSW Coastal Policy and the minor variation to the zone boundary is consistent with the Policy.

Lot 296 DP 728021, the Old Bega Hospital is located outside of the Coastal Policy area.

2.3 Heritage Conservation

This Direction applies when a relevant planning authority prepares a Planning Proposal. The objective is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

In relation to the Lot 296 DP 728021, the Old Bega Hospital and outbuildings are listed as a heritage item under Schedule 5 of BVLEP 2013. This Planning Proposal is consistent with this Direction as it encourages more varied uses of the site which can benefit the community trust who manage the site by assisting with the conservation and restoration of the Old Bega Hospital which has been severely damaged by fire.

Lot 360 DP 849058, Murrah and the waters identified in Snug Cove and Cattle Bay do not contain any designated Heritage Items under BVLEP 2013. However, Lot 360 DP 849058, Murrah is of Aboriginal cultural significance as the area was used as a traditional camp site. Merrimans Local Aboriginal Land Council (Merrimans LALC) has been involved with details of developments on the land since at least 1993.

With regard to the eco-tourist development on Lot 360 DP 849058, Murrah this Planning Proposal is consistent with this Direction as the development application was referred to the Merrimans LALC who requested an aboriginal archaeological site investigation be undertaken. The Culture and Heritage Officer of the then Department of Heritage and Conservation and the Culture and Heritage Officer of the Merrimans LALC conducted the site inspection. They requested that an Aboriginal Sites Officer from the Merrimans LALC be present at all times during the construction of the building foundations which was subsequently arranged by Council in April 2010 following approval of the development.

3.4 Integrating Land Use and Transport

This direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve a number of planning objectives.

In relation to Lot 296 DP 728021 the Old Bega Hospital this planning proposal is consistent with this Direction by providing flexibility for tourist and associated community uses for the site. The site is serviced by an existing public transport bus route, thereby creating additional opportunity for the community to utilise this facility if additional uses could be established.

In relation to the waters within Snug Cove and Cattle Bay, any future development would be located adjacent to existing urban residential, business and industrial environments of Eden. There are existing public transport bus routes that service the immediate area and further urban design for pedestrian and cycle paths can be developed and refined during lodgement of development applications for the proposed marinas.

Lot 360 DP 849058, Murrah is not urban land.

4.4 Planning for Bushfire Protection

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land.

The objectives of this Direction are 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 encourage sound management of bush fire prone areas.

Lot 360 DP849058, Murrah is defined as bushfire prone land and the existing approved eco-tourism development has been designed taking into account bushfire risk to the development and includes the provision of an Asset Protection Zone to protect the facility. The eco-tourism facility constitutes a *Special Fire Protection Purpose* and holds a *Bush Fire Safety Authority* under Section 100B of the Rural Fires Act 1997. The Bush Fire Safety Authority contains mandatory requirements for the clearing and maintenance of the Asset Protection Zone (APZ). In relation to this land this planning proposal is consistent with this direction as the purpose is to ensure that the approved Asset Protection Zone is contained within the E3 Environmental Management zone where eco-tourism is a permissible use.

Lot 296 DP 728021, Murrah, and the waters identified in Snug Cove and Cattle Bay are both located outside areas identified within the Bega Valley Shire as Bushfire Prone land.

5.1 Implementation of Regional Strategies

Planning Proposals must be consistent with a regional strategy released by the Minister for Planning.

As detailed at Q3, this Planning Proposal is consistent with the overall vision, land use strategy, policies, outcomes and actions identified in the South Coast Regional Strategy.

6.3 Site Specific Provisions

This Direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out. The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

In relation to Lot 296 DP 728021, the Old Bega Hospital, this Planning Proposal is consistent with this direction as it seeks to apply less restrictive site specific planning controls to the land than currently exist.

In relation to Lot 360 DP 849058, Murrah and the Waters of Snug Cove and Cattle Bay this Planning Proposal will allow any development that is not currently permissible to be carried out.

Section C – Environmental, Social and Economic Impact

Q7. 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?

Waters of Snug Cove and Cattle Bay, Eden

This Planning Proposal seeks to amend the Land Application Map to include the waters of Snug Cove and Cattle Bay, Eden to facilitate the development assessment process for possible marina developments within these areas under Part 4 of the Environment Planning and Assessment Act 1979. This would include detailed assessments on the likelihood of critical habitats or threatened species, populations or ecological communities within the defined area.

The waters of Snug Cove and Cattle Bay have had a long history of use, including boat mooring facilities for recreational and fishing fleet boats, wharf and cargo facilities for the now ceased cannery site and the existing wharf and breakwater facilities. Given this history it is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

Lot 360 DP 849058, Tathra Bermagui Road, Murrah

This site has had ecological surveys and assessments undertaken to support development applications, including the existing eco-tourism facility. These assessments have identified potential impacts on threatened species, including the Little Tern, Pied Oystercatcher and Hooded Plover that were identified on adjoining Murrah Beach and Lagoon.

The development application detailed suitable means to protect flora and fauna associated with the eco-tourism development and has included the development and formulation of a Vegetation Management Plan. The Vegetation Management Plan is linked to the title of land through an 88B instrument. The existing management and protection of these species will not be impacted by the rezoning detailed in this Planning Proposal.

Old Bega Hospital Site, Lot 296 DP 728021 Princes Highway, Bega

The subject land has been largely cleared of all native vegetation to accommodate the Old Bega Hospital and several other buildings and associated carparking areas. There are no known threatened species or communities on the property subject to this proposal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Waters of Snug Cove and Cattle Bay, Eden

The proposed developments that have triggered this Planning Proposal are relatively large scale and it is possible that there may be other environmental effects as a result of developments. These issues will be managed by consideration of the details of the developments including the information contained in the accompanying Environmental Impact Statement.

The assessment process under Part 4 of the Environment Planning and Assessment Act 1979 will involve approvals by a number of State and Federal Government Agencies under separate State and Federal Acts (such as the Environment Protection and Biodiversity Conservation Act and Fisheries Act) and consequently potential environmental impacts will be adequately managed through the approval process. The assessment and approval of an ammunitions wharf and facility on the other side of Twofold Bay in 2000 under Part 4 of the Environment Planning and Assessment Act 1979 demonstrates that the environmental effects of the proposed marina developments can be adequately managed.

Lot 360 DP 849058, Tathra Bermagui Road, Murrah

There are no other known environmental effects considered to be generated as a result of this planning proposal on this site.

Old Bega Hospital Site, Lot 296 DP 728021 Princes Highway, Bega

There are no other known environmental effects considered to be generated as a result of this planning proposal on this site.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Waters of Snug Cove and Cattle Bay, Eden

The proposed inclusion of the waters of Snug Cove and Cattle Bay, Eden in the Land Application Map will have positive social and economic effects through the promotion of tourism in the region with associated economic benefits and provision of boating facilities which could potentially be utilised by the local community for recreational purposes.

Lot 360 DP 849058, Tathra Bermagui Road, Murrah

In relation to Lot 360 DP 849058, Murrah the minor variation to the zoning boundary would have a neutral social and economic effect as impact of the amendment is site specific and affects an existing development.

Old Bega Hospital Site, Lot 296 DP 728021 Princes Highway, Bega

The proposed rezoning of Lot 296 DP 728021 Old Bega Hospital site to RE2 Private Recreation will have a positive social and economic effect by providing flexibility and incentives for the community to utilise the site. Additional uses undertaken on site that may assist in the maintenance and restoration of heritage items which in turn will provide social benefits through heritage retention and may minimise ongoing conservation and restoration costs to the community.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

It is not anticipated that the development that will result from this planning proposal will create additional demand for infrastructure.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with State and Commonwealth public authorities has not yet been undertaken. The level of consultation will be determined by the NSW Department of Planning and Infrastructure when it makes its Gateway Determination.

Government agencies identified for consultation with regard to this Planning Proposal are:

- NSW Department of Planning and Infrastructure
- NSW Department of Primary Industry (Fisheries)
- NSW Office of Environment and Heritage
- NSW Roads and Maritime Services
- NSW Rural Fire Service
- Sydney Ports Corporation

Part 4 – Mapping

Changes to the following map sheets will be undertaken in a suitable format for public exhibition once the Gateway Determination is issued.

This Planning Proposal will result in changes to the following properties on the following BVLEP 2013 maps:

LAP_001

Amend map sheet LAP_001 by including the waters of Cattle Bay and Snug Cove, Eden within the LEP Land Application designated area.

LZN_018

Amend map sheet LZN_018 by adjusting the E2/E3 boundary within Lot 360 DP 849058 to include an additional 4500m² area in the E3 Environmental Management zone that is currently zoned E2 Environmental Conservation.

LZN_011C

Amend map sheet LZN_011C by rezoning Lot 296 DP728021 from SP1 Special Activities Zone to RE2 Private Recreation Zone.

Part 5 – Community Consultation

The Gateway Determination will confirm community consultation requirements. If this Planning Proposal is supported, it is likely that the Proposal will be exhibited as a 'low' impact proposal for a period of not less than 14 days in accordance with Section 5.5.2 of *A Guide to Preparing LEPs*. A 'low' impact proposal is defined as *'a planning proposal that, in the opinion of the person making the Gateway determination is:*

- *Consistent with the pattern of surrounding land use zones and/or land uses;*
- *Consistent with the strategic planning framework;*
- *Presents no issues with regard to infrastructure servicing;*
- *Not a principle LEP; and*
- *Does not re-classify 'public land'.*

Public exhibition of the Planning Proposal will include notification on the Bega Valley Shire Council website, notification in the newspapers that circulate widely in the area (Merimbula News Weekly, Eden Magnet and Bega District News) and in writing to affected and adjoining landowners.

Information relating to the Planning Proposal will also be on display at the following Bega Valley Shire Council customer service centres:

Place	Address
Bega	Zingle Place, Bega NSW 2551
Merimbula	Market Street, Merimbula NSW 2548
Eden	Corner Imlay and Mitchell Streets, Eden NSW 2550
Bermagui	Bunga Street, Bermagui NSW 2546