

Careel Bay Protection Bill 2006

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to protect Careel Bay in Pittwater and to prohibit any redevelopment of the marina at that Bay that is inconsistent with the character of Careel Bay existing on the commencement of the proposed Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 defines certain terms for the purposes of the proposed Act. In particular, **Careel Bay marina development** is defined to mean development for the purposes of a marina, the upgrade of a marina or the erection of new facilities at a marina, at Careel Bay.

Clause 4 provides that any existing declaration under section 75B of the *Environmental Planning and Assessment Act 1979 (the EP&A Act)* that development for the purposes of marinas is a project to which Part 3A of the EP&A Act applies, is revoked to the extent to which it applies to Careel Bay marina development. Such a declaration is currently made by *State Environmental Planning Policy (Major Projects) 2005*. Clause 4 also provides that such a declaration, or a declaration that has the effect of making Careel Bay marina development a project or part of a project to which Part 3A of the EP&A Act applies, cannot be made after the commencement of the proposed Act.

Clause 5 provides that Pittwater Council is the consent authority in relation to any Careel Bay marina development. Careel Bay marina development may be carried out only with development consent under Part 4 of the EP&A Act.

Clause 6 provides that Careel Bay marina development may be carried out only on land or coastal water that is within the area covered by a marina when the proposed Act commences.

Clause 7 provides that Pittwater Council must not consent to Careel Bay marina development unless the development is, in the opinion of Pittwater Council, consistent with the character of Careel Bay as at the commencement of the proposed Act and Pittwater Council has had regard to the advice on the development application provided by the community forum established in accordance with proposed section 8.

Clause 8 provides that if Pittwater Council receives an application for consent to Careel Bay marina development it must establish a community forum in relation to that development application, made up of residents and councillors of Pittwater Council. The function of a community forum is to advise Pittwater Council on the development application and, in particular, on the plans for the development, the assessment of the development application and the future monitoring of the proposed development.

Clause 9 provides that the proposed Act applies despite any provision of any other Act, or of any regulation or environmental planning instrument.