



New South Wales

## 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.



New South Wales

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New South Wales

## Careel Bay Protection Bill 2006

No. , 2006

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### **A Bill for**

An Act to protect Careel Bay in Pittwater and to prohibit redevelopment of the marina inconsistent with the existing character of Careel Bay.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Careel Bay Protection Act 2006</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent.	5
<b>3 Interpretation</b>	6
(1) In this Act:	7
<b><i>Careel Bay</i></b> means the estuarine tributary known as Careel Bay that opens to Pittwater Estuary that opens to Broken Bay.	8 9
<b><i>Careel Bay marina development</i></b> means development for the purposes of a marina, the upgrade of a marina or the erection of new facilities at a marina, at Careel Bay.	10 11 12
(2) Words and expressions that are used in this Act and that are defined in the <i>Environmental Planning and Assessment Act 1979</i> have the same meaning as in that latter Act.	13 14 15
<b>4 Revocation of declaration as project to which Part 3A of EP&amp;A Act applies</b>	16 17
(1) Any declaration under section 75B of the <i>Environmental Planning and Assessment Act 1979</i> that the carrying out of development for the purposes of marinas is a project to which Part 3A of that Act applies that was made before the commencement of this Act is revoked to the extent to which it applies to Careel Bay marina development.	18 19 20 21 22
(2) After this Act commences, a declaration must not be made under section 75B of the <i>Environmental Planning and Assessment Act 1979</i> :	23 24
(a) that the carrying out of development for the purposes of marinas at Careel Bay is a project to which Part 3A of that Act applies, or	25 26
(b) that has the effect of making Careel Bay marina development a project or part of a project to which Part 3A of that Act applies.	27 28
(3) Any such declaration has no effect to the extent to which it applies to Careel Bay marina development.	29 30
<b>5 Pittwater Council is consent authority in relation to Careel Bay marina development</b>	31 32
(1) Careel Bay marina development cannot be carried out except with development consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> .	33 34 35

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(2)	Pittwater Council is the consent authority in relation to any Careel Bay marina development.	1 2
<b>6</b>	<b>Careel Bay marina development must be within boundaries of existing marina</b>	3 4
(1)	Careel Bay marina development may be carried out only on land or coastal water that was within the area used for the purposes of a marina at Careel Bay when this Act commenced.	5 6 7
(2)	Nothing in this section prevents the making of an environmental planning instrument that further prohibits Careel Bay marina development.	8 9 10
<b>7</b>	<b>Consent to Careel Bay marina development</b>	11
(1)	Pittwater Council must not consent to Careel Bay marina development unless:	12 13
(a)	the development is, in the opinion of Pittwater Council, consistent with the character of Careel Bay as at the commencement of this Act, and	14 15 16
(b)	Pittwater Council has had regard to the advice on the application for development consent to the development provided by the community forum established in accordance with section 8.	17 18 19
(2)	Nothing in this section prevents the making of an environmental planning instrument that imposes additional restrictions on Pittwater Council's power to consent to Careel Bay marina development.	20 21 22
<b>8</b>	<b>Community forum on proposed Careel Bay marina development</b>	23
(1)	If Pittwater Council receives a development application for consent to Careel Bay marina development, the Council must, within 2 weeks, establish a community forum in relation to that development application.	24 25 26 27
(2)	The community forum must consist of an equal number of residents of Pittwater local government area and councillors of Pittwater Council, but in any case is to have at least 6 and not more than 8 members.	28 29 30
(3)	The function of the 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.	31 32 33 34
(4)	The advice referred to in subsection (3) must be provided within 6 weeks after the development application is lodged.	35 36

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(5) For the purposes of the application of section 82 of the *Environmental Planning and Assessment Act 1979* to a development application for consent to Careel Bay marina development, and despite any regulation under that Act to the contrary, the “relevant period” in that section is taken to be 90 days.      1  
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**9 Application of Act**      6

This Act applies despite any provision of any other Act, or of any regulation or environmental planning instrument.      7  
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