
Planning Proposal
Reclassification and rezoning of land

Eurobodalla Shire Council
Section 55 Environmental Planning and Assessment Act, 1979

March 2011

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Part 1 – Intended Outcomes of Proposed Local Environmental Plan

This planning proposal seeks to reclassify land from community land to operational land status. In some instances a change in zone is also sought, and also an enabling clause for one parcel.

The subject land is listed below in Tables (1) and (2) and mapped in Appendix C.

The land is within the ownership of Eurobodalla Shire Council and is identified as being underutilised and surplus to Council's needs. The purpose of this reclassification is to either align with the current use or assist Council to consider long term leases, sale, subdivision or land swaps where appropriate, in relation to land that is not currently or planned to be used as community land. In many cases the rezoning and reclassifications will enable the land to be sold and provide proceeds to be reinvested into more financially sustainable Council assets and/or assets which are of more benefit to the public.

The planning proposal has been prepared to amend the Eurobodalla Urban and Rural Local Environmental Plans accordingly.

Table (1) – Land to be Reclassified and Rezoned

No	Lot and DP	Address	Suburb	Area		Current Zone	Proposed Zone under current LEP	Proposed Zone (under the Standard Instrument)	Identified through Recreation Strategy	Interests Changed	Intention
1	Lot 5 DP 748651	Paul Place	Batehaven	425.1	m	6a1	2g	R2	N	y	Subdivide and sell with remaining land returned to Open Space
2	Lot 3520 DP 719237	Grantham Road	Batehaven	2.902	Ha	6a1	2g	R2	N	y	Subdivide and sell with remaining land returned to Open Space
3	Lot 56 DP 708346	Edward Road	Batehaven	1.401	Ha	6a1	2g	R2	N	y	Subdivide and sell with remaining land returned to Open Space
4	Lot 388 DP 248840	31 Gregory Street	Batemans Bay	1.179	Ha	6a1	6a1	R3/IN2	N	y	Sell
5	Lot 23 DP 752131	3a Merriman Place	Bodalla	4104	m	6a1	2g	R2	N	y	Subdivide and sell with remaining land returned to Open Space
6	Lot 58 DP 739830	34a Iluka Street	Broulee	1217.5	m	6a1	2g	R2	Y	y	Sell
7	Lot 38 DP 718667	Train Street	Broulee	877.1	m	6a1	2g	R2	Y	y	Sell
8	Lot 2 DP 729153	61 Calga Crescent	Catalina	5.034	Ha	6a1	2g	R2	Y	y	Subdivide and sell with remaining land returned to Open Space
9	Lot 693 DP 249461	Penguin Place	Catalina	2.552	Ha	6a1	2g	R2	Y	y	Subdivide and sell with remaining land returned to Open Space
10	Lot 147 DP 882164	Hakea Place	Catalina	7806	m	6a1	2g	R2	Y	y	Subdivide and sell with remaining land returned to Open Space
11	Lot 66 DP 261646	Mummaga Lake Drive	Dalmeny	9332	m	6a1	2g	R2	Y	y	Subdivide and sell with remaining land returned to Open Space
12	Lot 13 DP 785266	White Sands Place	Denhams Beach	2050	m	6a1	2g	R2	Y	y	Sell
13	Lot 88 DP 803087	Lewana Close	Lilli Pilli	4829	m	6a1	2g	R2	N	y	Sell
14	Lot 41 DP 1061842	Bunderra Circuit	Lilli Pilli	6.095	Ha	6a1	2g	R2	N	y	Subdivide and sell with remaining land returned to Open Space
15	Lot 246 DP 569875	Maloneys Drive	Maloneys Beach	2.285	Ha	6a1	2g	R2	Y	y	Subdivide and sell with remaining land returned to Open Space
16	Lot 14 DP 701609	Maloneys Drive	Maloneys Beach	646.6	m	6a1	2g	R2	N	y	Sell

No	Lot and DP	Address	Suburb	Area		Current Zone	Proposed Zone under current LEP	Proposed Zone (under the Standard Instrument)	Identified through Recreation Strategy	Interests Changed	Intention
17	Lot 17 DP 264212	Shelley Road	Moruya	1517.26	m	6a1	4a	IN1	Y	y	Sell
18	Lot 11 DP 771497	Jeffery Place	Moruya	1518	m	6a1	2g	R2	Y	y	Sell
19	Lot 11 DP 809702	1a Panorama Parade	Moruya	1.302	Ha	6a1	2g	R2	N	y	Subdivide and sell with remaining land returned to Open Space
20	Lot 1 DP 250216	Campbell Street	Moruya	4066	m	6a1	2g	R2	N	n	Subdivide and sell with remaining land returned to Open Space
21	Lot 22 DP 260248	Bushland Road	Moruya	2.817	Ha	1a/7a	1a/7a	E3	N	y	Sell
22	Lot 51 DP 771497	9-7 Pioneer Avenue	Moruya	2289	m	6a1	2g	R2	N	y	Subdivide and sell part, gazette part as road with remaining land returned to open space
23	Lot 91 DP 631493	North Head Drive	Moruya	4789	m	1a	7a	E2	N	y	Gazette as road with remainder returned to Open Space
24	Lot 55 DP 1075538	42 Shelley Road	Moruya	5630	m	4a1	4a1	IN2	N	n	Potential future road for access to industrial expansion area
25	Lot 90 DP 713637	Rose Street	Moruya	7109	m	6a1	6a1	SP2	N	y	Cemetery expansion
26	DP 26279	Preddeys Wharf Road	Moruya Heads	63.225	m	6a1	2g	R2	N	y	Gazette as road
27	Lot 558 DP 752155	3a McMillan Road	Narooma	1796	m	6a1	2g	R2	Y	y	Sell
28	Lot 21 DP 825840	2 Chisholm Place	Narooma	862	m	6a1	2g	R2	Y	y	Sell
29	Lot 2 DP 244134	Penthouse Place	North Batemans Bay	1.498	Ha	6a1	2g	R2	N	y	Subdivide and sell with remaining land returned to Open Space
30	Lot 173 DP 262910	Hume Road	Sunshine Bay	2.505	Ha	6a1	2g	R2	Y	y	Sell
31	Lot 214 DP 830979	Wentworth Avenue	Sunshine Bay	2738	m	6a1	2g	R2	N	y	Sell
32	Lot 9 DP 774356	Sunshine Bay Road	Sunshine Bay	2411	m	6a1	2g	R2	N	y	Sell
33	Lot 216 DP 830979	Wentworth Avenue	Sunshine Bay	866.4	m	6a1	2g	R2	N	y	Sell

No	Lot and DP	Address	Suburb	Area		Current Zone	Proposed Zone under current LEP	Proposed Zone (under the Standard Instrument)	Identified through Recreation Strategy	Interests Changed	Intention
34	Lot 3 DP 622389	Beach Road	Surf Beach	501.8	m	6a1	2t	R3	N	y	Subdivide and sell part, gazette part as road with remaining land returned to open space
35	Lot 14 DP 30365	Bayview Street	Surf Beach	1929	m	6a1	2t	R3	N	y	Subdivide and sell part, gazette part as road with remaining land returned to open space
36	Lot 47 DP 262947	32 Eric Fenning Drive	Surf Beach	994.1	m	6a1	2g	R2	N	y	Sell
37	Lot 852 DP 214160	The Vista	Surf Side	347.8	m	6a1	3a	B2	Y	n	Sell
38	Lot 851 DP 214160	The Vista	Surf Side	347.8	m	6a1	3a	B2	Y	n	Sell
39	Lot 853 DP 214160	The Vista	Surf Side	347.8	m	6a1	3a	B2	Y	n	Sell
40	Lot 850 DP 214160	The Vista	Surf Side	347.8	m	6a1	3a	B2	Y	n	Sell
41	Lot 277 DP 218664	Tuross Boulevard	Tuross Head	1539	m	6a1	2g	R2	Y	y	Subdivide and sell part, gazette part as road with remaining land returned to open space

Table (2) – Land to be Reclassified

No.	Lot and DP	Address	Suburb	Area		Current Zone	Proposed Zone under current LEP	Proposed Zone (under the Standard Instrument)	Identified through Recreation Strategy	Interests Changed	Intention
42	Lot 1 DP 327858	Bumbo Road	Bodalla	1.14	Ha	1a	1a	RU1	Y	n	Gazette as road
43	Lot 1 DP 1144366	17 Imlay Street	Broulee	595.9	m	2g	2g	R2	Y	n	Sell
44	Lot 56 DP 849895	Blairs Road	Long Beach	2.561	Ha	6a1	6a1	SP2	N	y	Lease
45	Lot 127 DP 1068529	13a Litchfield Crescent	Long Beach	1702.6	m	2g	2g	R2	N	y	Sell
46	Lot 15 DP 1013717	Bergalia Street	Moruya	660.8	m	2g	2g	R2	Y	y	Sell
47	Lot 95 DP 631493	North Head Drive	Moruya	1836	m	1(a)	1(a)	E3	N	n	Sell
48	Lot 36 DP 264448	Maclean Place	Moruya	12.83	Ha	1c	1c	RU1	N	y	Subdivide and sell with remaining land returned to Open Space
49	Lot 3 DP 631315	Queen Street	Moruya	140.8	m	5b1	5b1	B2	N	y	Gazette as road
50	Lot 102 DP 710162	Queen Street	Moruya	140	m	5b1	5b1	B2	N	n	Gazette as road
51	Lot 13 DP 838695	Costin Street	Narooma	552.1	m	2g	2g	R2	N	n	Sell
52	Lot 2 DP 34654	Runnyford Road	Nelligen	126.5	m	1(c)	1(c)	SP2	N	y	No Change
53	Lot L DP 362231	95 Trafalgar Road	Tuross Head	8871.52	m	6a1	6a1	RE1	N	n	No Change
54	Part Lot 33 DP 207386	2-10 Ainslie Parade	Tomakin	2950	m	6a1	6a1	RE1	N	y	No change. Enabling Clause to legitimise use in lieu of zoning change
55	Lot 1156 DP 529665	587 George Bass Drive	Malua Bay	4.066	Ha	6a1	6a1	RE1	N	y	Gazette part as road with remaining land returned to Open Space
56	Lot 94 DP 631493	North Head Drive	Moruya	1996	m	1a	1a	SP2	N	n	Gazette as road

Part 2 – Explanation of Provisions

The purpose of this planning proposal is to amend the Eurobodalla Urban and Rural Local Environmental Plans to:

- Rezone and Reclassify the land identified in *Table 1* from community to operational land under the meaning of the *Local Government Act 1993*
- Reclassify the land identified in *Table 2* from community land to operational land under the meaning of the *Local Government Act 1993* (and also include an enabling clause in lieu of a zoning change to legitimize the current use on Part Lot 33 DP 207386 as a shop), and;

It is intended to include the land in amended Schedule 2 of the *Urban LEP 1999* and Schedule 5 of the *Rural LEP 1987* dependant on if interests are to be extinguished or not.

Notwithstanding the above, should the Draft LEP 2010 be close to finalisation prior to this planning proposal proceeding to gazettal, the planning proposal amendments will be carried over into Schedule 4 of the *Draft LEP 2010*.

The intended zoning of the subject sites under the current *Urban LEP 1999* or *Rural LEP 1987* and the *Draft LEP 2010* is shown above in *Table (1) and (2)*, in most cases zoning will be altered to match that of adjacent properties. These zones will then transfer to the appropriate zone under the standard instrument template when the *Draft LEP 2010* is finalised.

It should be noted that at this time, some of the larger parcels will be entirely reclassified to operational to allow for the efficient and logical subdivision of the land to occur, with any residue land being returned to a community land classification by Council resolution thereafter. Where this is proposed to occur a split zone will be applied to the subject properties as part of the subdivision process.

These proposed provisions are consistent with all relevant section 117 Ministerial Directions.

Part 3 – Justification

The following sets out the justification for the planning proposal.

Section A – Need for the Planning Proposal

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

Yes. The planning proposal is the direct result of a needs analysis completed to inform Council's *Recreation and Open Space Strategy 2010-2030*. This analysis included, but was not limited to, consideration of:

- the overall provision of open space for the entire Eurobodalla Shire,
- the size and shape of particular sites,
- any evidence of community use,
- the provision and quality of recreation and community facilities,
- whether a site also had other uses such as environmental, storm water, drainage,
- the proximity, characteristics and nature of alternative sources of open space

This analysis confirms that the subject sites listed in *Tables (1) and (2)* have low community usage and value, are restricted in size (mostly being pocket parks or walkways and so have low potential) and are in close proximity to alternative sites.

The 56 lots proposed to be reclassified have areas ranging from 140m² to 12.83Ha with a total area of 59.45Ha. In terms of the areas above, the reclassification would reduce the area zoned open space by about 2.1%. Given that Council currently controls 2762ha of community land and crown land for a population of 38 000 people, an abundance of open space land will remain available to residents following this process.

It should also be noted that larger lots proposed to be reclassified to operational are intended to be subdivided with the remaining land being returned to community classification through Council resolution.

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

The planning proposal is the best means of achieving the objectives outlined in Part 1. As indicated these sites are currently classified as Community Land and as such, under the provisions of the *Local Government Act 1993*, Council is not able to grant long term leases, sell, exchange or otherwise dispose of the subject sites or use or develop the sites contrary to an adopted plan of management.

3. Is there a net community benefit?

Yes. The planning proposal will result in a net community benefit by the:

- Release of Council resources to enable better management of remaining open space areas
- Provision of potential opportunities for new housing and commercial development
- Provision of an overall higher standard of open space

These benefits outweigh the loss of a number of small and poorly used pockets of community land.

Section B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The planning proposal is consistent with the *South Coast Regional Strategy* (SCRS).

The SCRS states its aim to *'increase the amount of housing in existing centres to ensure the needs of future households are better met, in particular the needs of smaller households and an ageing population.'* This is further expanded upon in the Housing section of the Strategy which states *'infill housing and new residential subdivisions located adjacent to existing well serviced centres and towns will be given priority in land release planning.'*

The subject sites are within existing urban areas and so comply with the above aim and action.

5. Is the planning proposal consistent with the local councils Community Strategic Plan, or other local strategic plan?

This planning proposal seeks to reclassify the subject sites to implement the objectives of Council's *Recreation and Open Space Strategy 2010-2030* and the *Eurobodalla Settlement Strategy* as outlined below.

Recreation and Open Space Strategy 2010-2030

Council's Recreation Strategy provides a basis for further council actions that will ultimately lead to the delivery of demand focused recreational facilities and infrastructure and the retention of appropriate open space. It outlines Council's role which is to promote future development in locations that represent the best utilisation of resources for our community and prioritise the expenditure and maintenance to obtain maximum benefit.

The needs analysis conducted to inform the strategy indicates an oversupply of recreation and open space land across the Eurobodalla Shire, the majority of which is not being actively used. It suggests the focus should be on rationalizing the amount of space and developing key spaces and facilities.

The strategy lists a number of properties for investigation for reclassification and sale, some of which are listed in Table (1) and Table (2). It is stated that *'funds raised through the disposal of recreation lands should be restricted and used to implement the strategy and obtain grants to increase available funding to invest in developing open space and recreation and community facilities.'*

Eurobodalla Settlement Strategy

At the core of the *Eurobodalla Settlement Strategy* is the belief that containing new development and accommodating population growth within compact well-planned settlements will bring social cultural, economic and environmental benefits. This is further expressed as an aim in the Settlements section of the Strategy which states that the urban footprint should be contained within defined boundaries.

Reclassifying these lands and making them available for sale will provide residential and employment land stocks within the defined settlement boundaries.

6. Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?

Yes. This planning proposal is consistent with applicable (SEPPs). Refer to Appendix A.
The relevant SEPPs are:

- SEPP32 *Urban Consolidation (Redevelopment of Urban Land)*
- SEPP71 *Coastal Protection*
- SEPP *(Housing for Seniors or People with a Disability) 2004*
- SEPP *Affordable Rental Housing 2009*
- SEPP *Exempt and Complying 2008*

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. This planning proposal is consistent with applicable s.117 directions. Refer to Appendix B.
The relevant directions are:

- 1.1 *Business and Industrial Zones*
- 2.1 *Environment Protection Zones*
- 2.2 *Coastal Protection*
- 3.1 *Residential Zones*
- 4.1 *Acid Sulfate Soils*
- 4.3 *Flood Prone Land*
- 4.4 *Planning for Bushfire Protection*
- 5.1 *Implementation of Regional Strategies*
- 6.1 *Approval and Referral Requirements*
- 6.2 *Reserving Land for Public Purposes*

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposed sites are not subject to any covenant, agreement or other similar instruments created under relevant legislation to protect critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The planning proposal will not generate any significant adverse environmental effects.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will not generate any significant adverse social or economic effects.

Section D – State and Commonwealth Interests

11. Is there adequate public infrastructure available for the planning proposal?

Yes, services are available in the vicinity of the subject sites.

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

No consultation has been carried out with State and Commonwealth public authorities. Consultation will occur with relevant public authorities identified as part of the gateway determination.

Part 4 – Community Consultation

The planning proposal will be exhibited in accordance with the NSW Department of Planning LEP Practice Note PN09-003 *Classification and Reclassification of public land through a local environmental plan* and *A guide to preparing environmental plans*(July 2009).

The public exhibition period is required to be a minimum of 28 days, Council intends to exhibit this planning proposal for a period of 42 days.

Pursuant to the provisions of the *Local Government Act 1993*, following the public exhibition Council will hold a public hearing for the reclassification of land from Community Land to Operational Land.

Notice of both the public exhibition and hearing will be given in the local newspapers, on Councils website, at Council offices, Shire libraries and through Councils E-newsletter. In addition to this Council will individually notify adjoining landholders.

Appendices

Appendix A – State Environmental Planning Policies

Table (3) – State Environmental Planning Policies

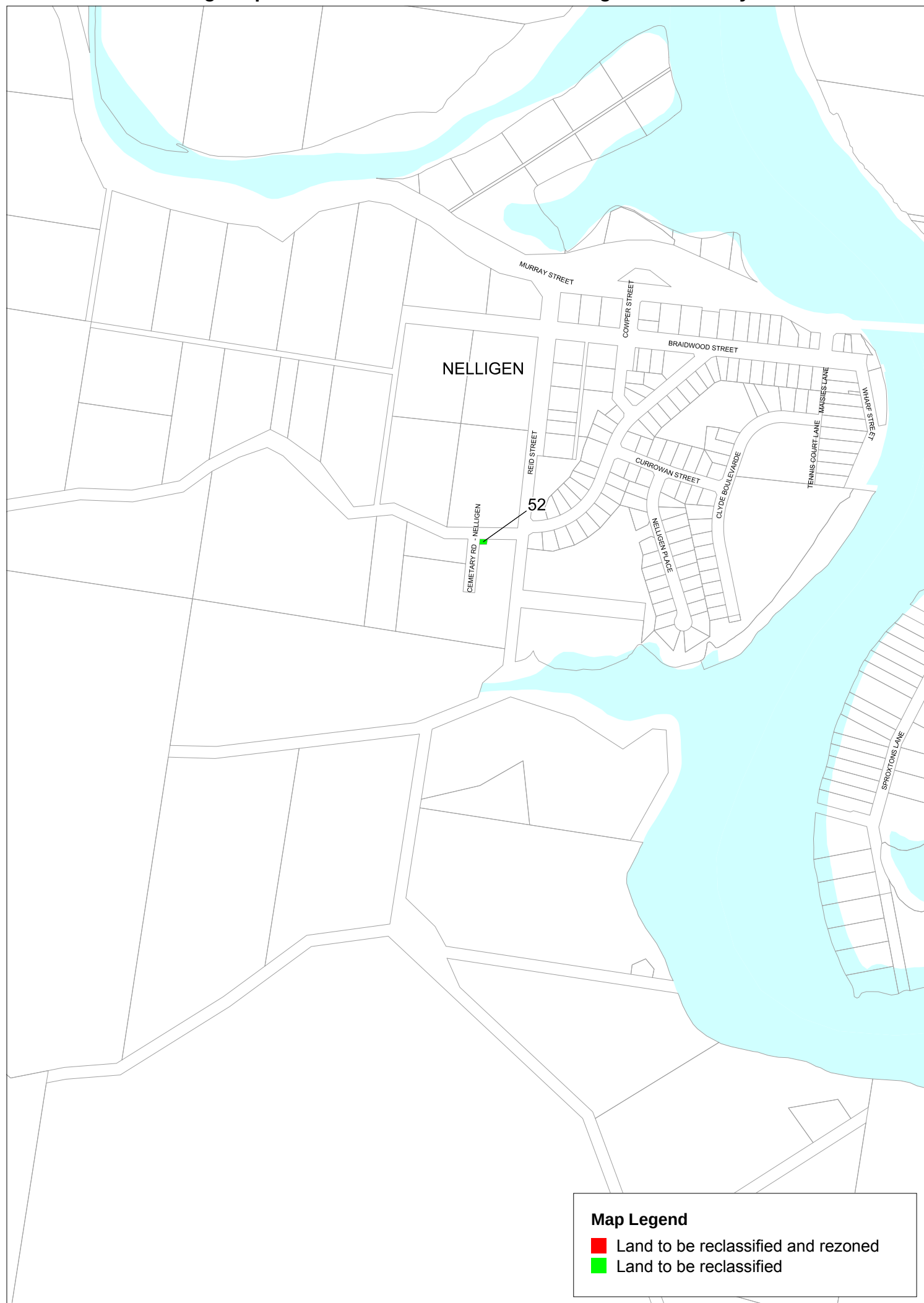
State Environmental Planning Policies		Not Relevant	Consistent
SEPP1	Development Standards	X	
SEPP4	Development without Consent and Miscellaneous Complying Development	X	
SEPP6	Number of Storeys in a Building	X	
SEPP10	Retention of Low-Cost Rental Accommodation	X	
SEPP14	Coastal Wetlands	X	
SEPP15	Rural Land-Sharing Communities	X	
SEPP19	Bushland in Urban Areas	X	
SEPP21	Caravan Parks	X	
SEPP22	Shops and Commercial Premises	X	
SEPP26	Littoral Rainforests	X	
SEPP29	Western Sydney Recreation Area	X	
SEPP30	Intensive Agriculture	X	
SEPP32	Urban Consolidation (Redevelopment of Urban Land)		X
SEPP33	Hazardous and Offensive Development	X	
SEPP36	Manufactured Home Estates	X	
SEPP39	Spit Island Bird Habitat	X	
SEPP41	Casino/Entertainment Complex	X	
SEPP44	Koala Habitat Protection	X	
SEPP47	Moore Park Showground	X	
SEPP50	Canal Estates	X	
SEPP52	Farm Dams and Other Works in Land and Water Management Plan Areas	X	
SEPP53	Metropolitan Residential Development	X	
SEPP59	Central Western Sydney Regional Open Space and Residential	X	
SEPP60	Exempt and Complying Development	X	
SEPP62	Sustainable Aquaculture	X	
SEPP64	Advertising and Signage	X	
SEPP65	Design Quality of Residential Flat Development	X	
SEPP70	Affordable Housing (Revised Schemes)	X	
SEPP71	Coastal Protection		X
SEPP	(Housing for Seniors or People with a Disability) 2004		X
SEPP	(Temporary Structures) 2007	X	
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	X	
SEPP	(Sydney Region Growth Centres) 2006	X	
SEPP	(Major Development) 2005	X	
SEPP	(Development on Kurnell Peninsula) 2005	X	
SEPP	(Building Sustainability Index: BASIX) 2004	X	
SEPP	Western Sydney Employment Area 2009	X	
SEPP	Affordable Rental Housing 2009		X
SEPP	Western Sydney Parklands 2009	X	
SEPP	Exempt and Complying 2008		X
SEPP	Rural Lands 2008	X	
SEPP	(Kosciuszko National Park - Alpine Resorts) 2007	X	

Appendix B – Section 117 Ministerial Directions

Table (4) – Section 117 Ministerial Directions

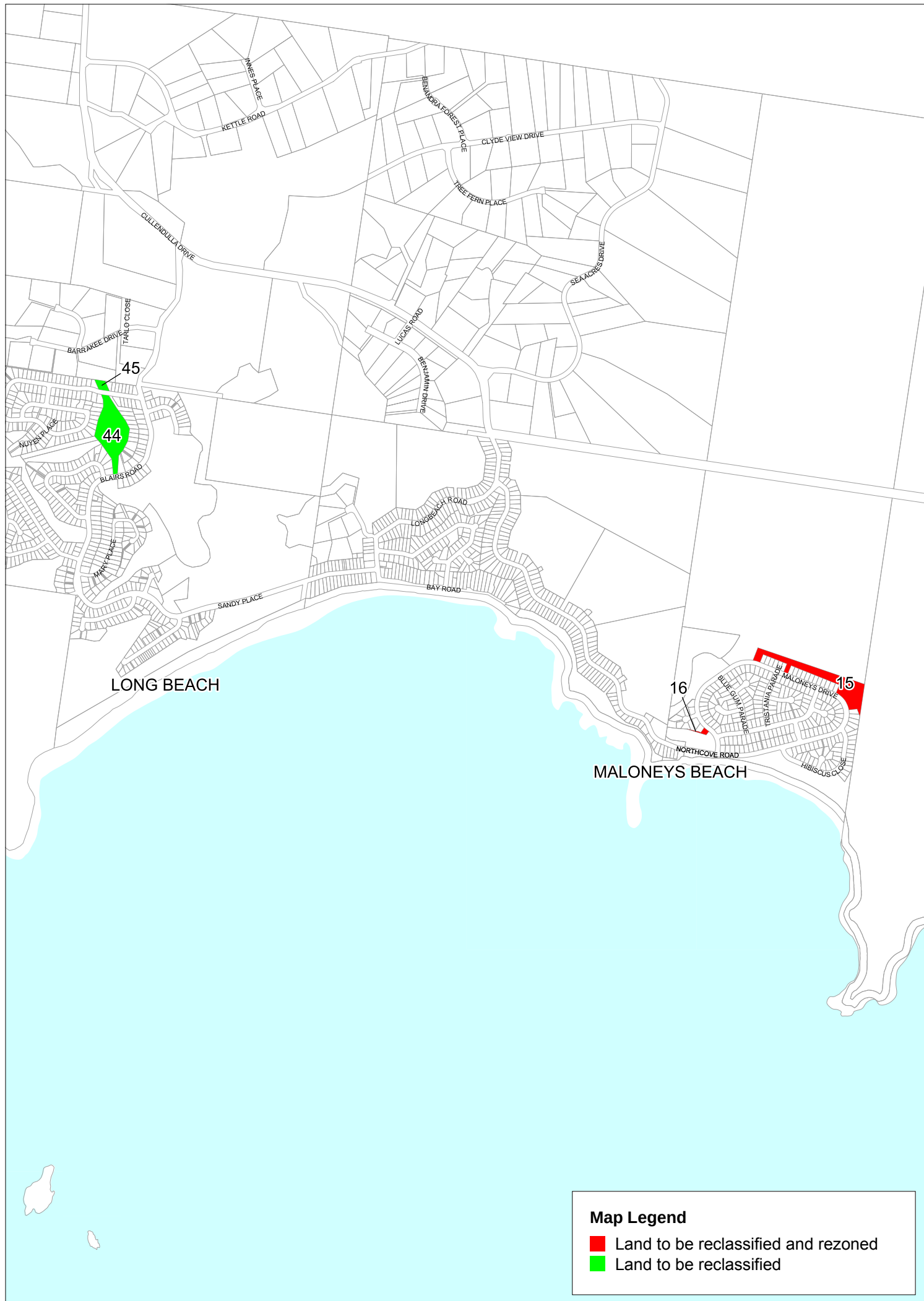
S.117 Ministerial Direction		Not Relevant	Consistent
1	Employment and Resources		
1.1	Business and Industrial Zones		X
1.2	Rural Zones	X	
1.3	Mining, Petroleum Production and Extractive Industries	X	
1.4	Oyster Aquaculture	X	
1.5	Rural Lands	X	
2	Environment and Heritage		
2.1	Environment Protection Zones		X
2.2	Coastal Protection		X
2.3	Heritage Conservation	X	
2.4	Recreation Vehicle Access	X	
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones		X
3.2	Caravan Parks and Manufactured Home Estates	X	
3.3	Home Occupations	X	
3.4	Integrating Land Use and Transport	X	
3.5	Development Near Licensed Aerodromes	X	
4	Hazard and Risk		
4.1	Acid Sulfate Soils		X
4.2	Mine Subsidence and Unstable Land	X	
4.3	Flood Prone Land		X
4.4	Planning for Bushfire Protection		X
5	Regional Planning		
5.1	Implementation of Regional Strategies		X
5.2	Sydney Drinking Water Catchments	X	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	X	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	X	
5.8	Second Sydney Airport: Badgerys Creek	X	
6	Local Plan Making		
6.1	Approval and Referral Requirements		X
6.2	Reserving Land for Public Purposes		X
6.3	Site Specific Provisions	X	
7	Metropolitan Planning		
7.1	Implementation of the Metropolitan Strategy	X	

Eurobodalla Shire Council
Planning Proposal - Reclassification and Rezoning of Community Land



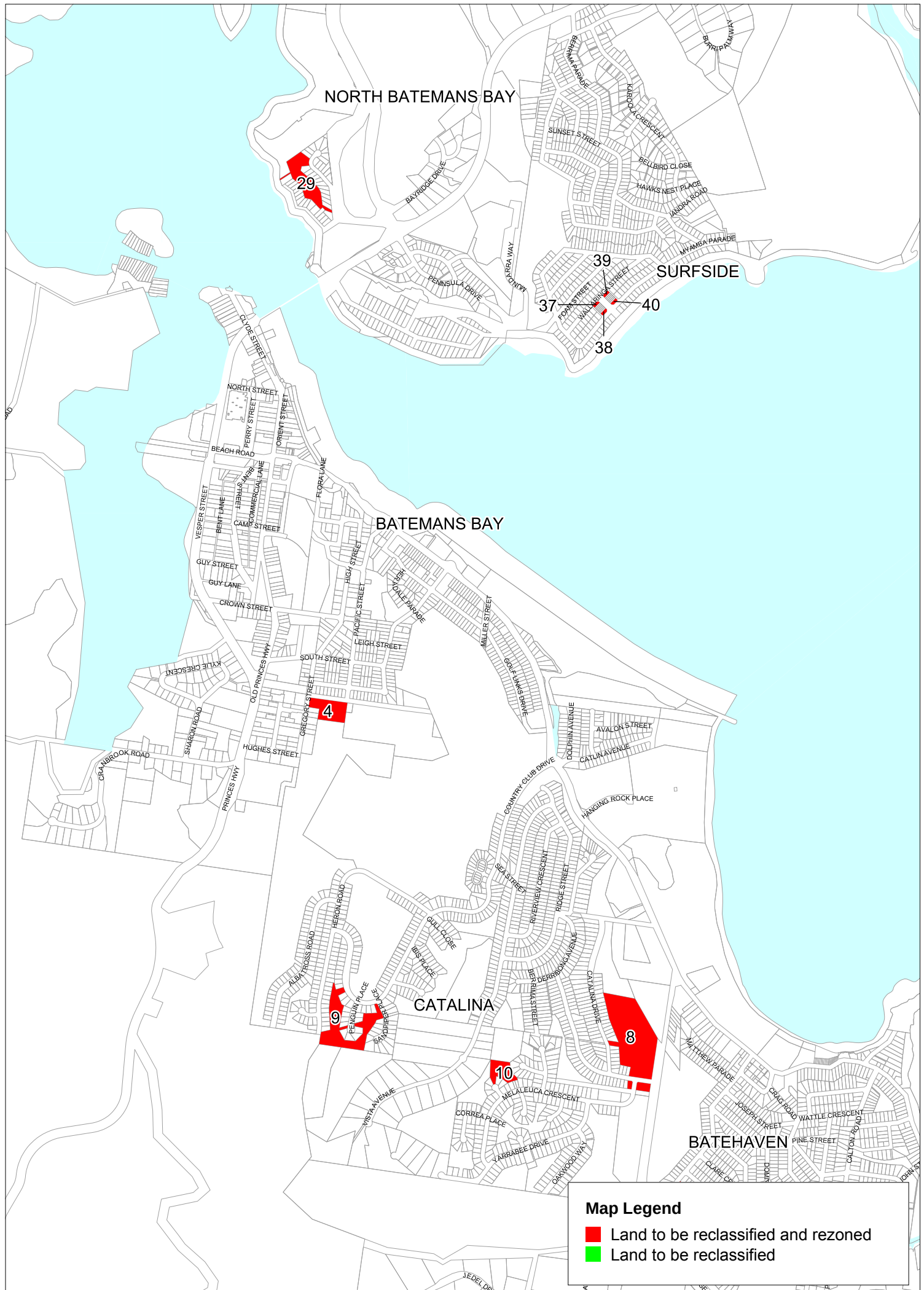
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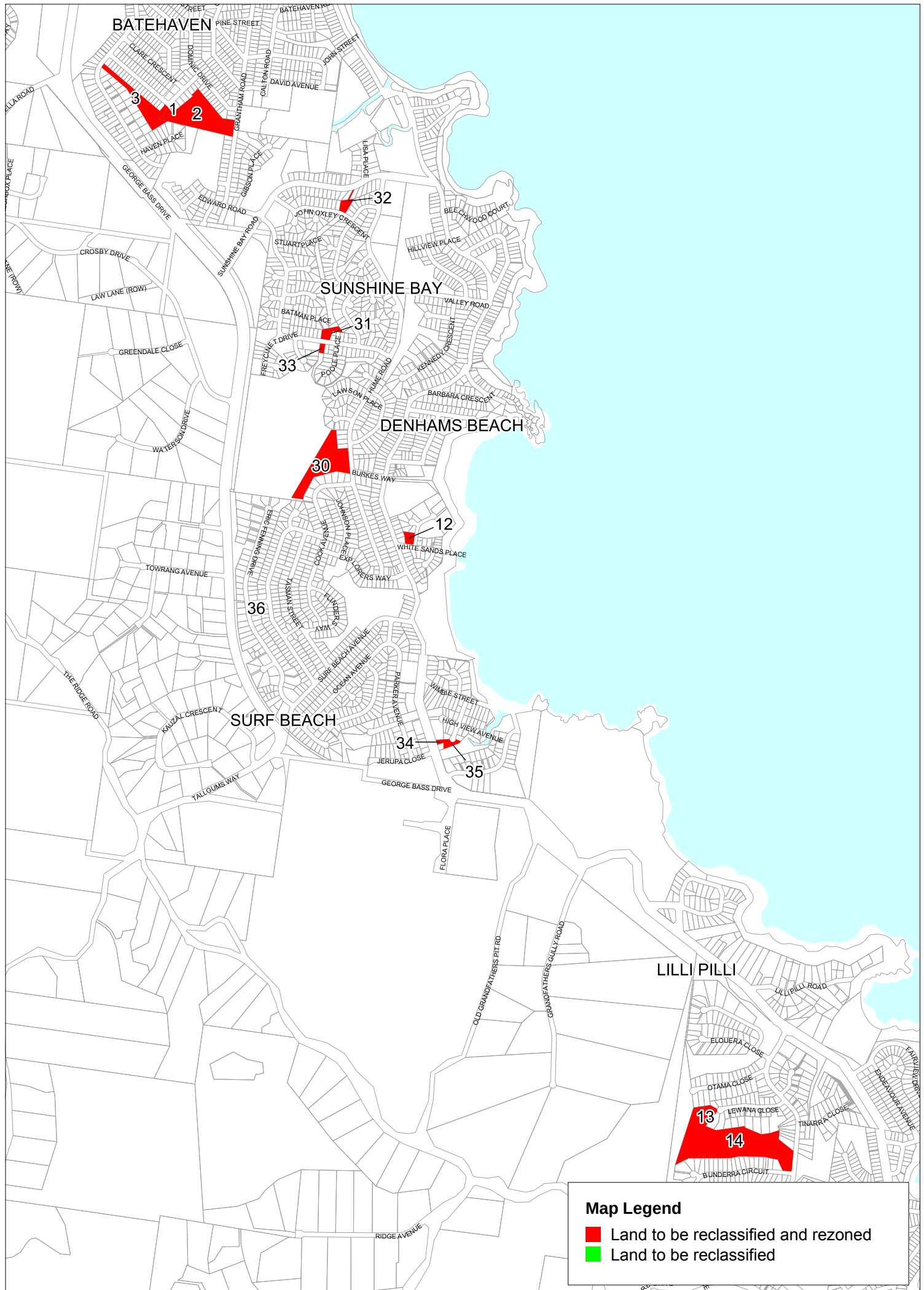
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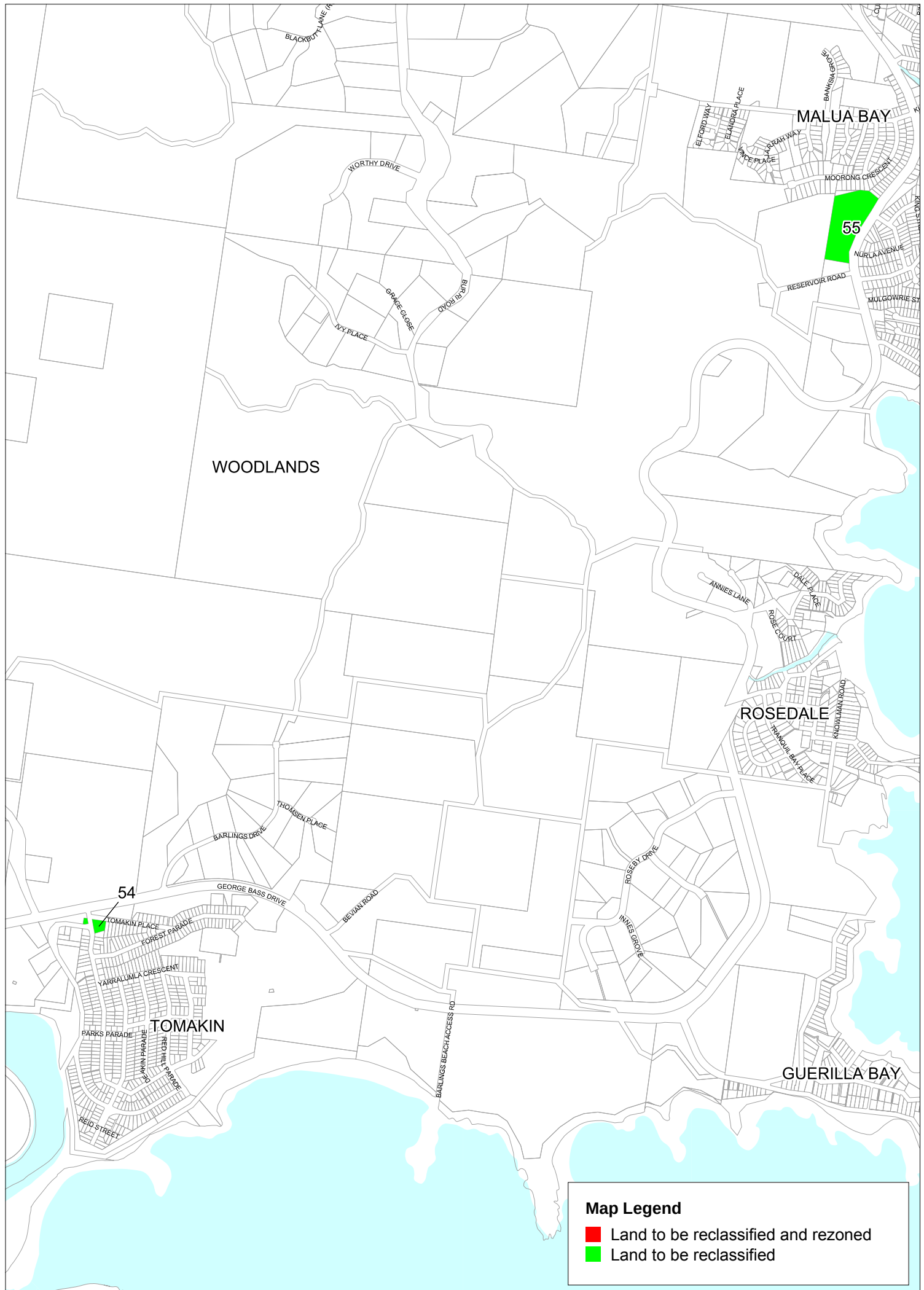
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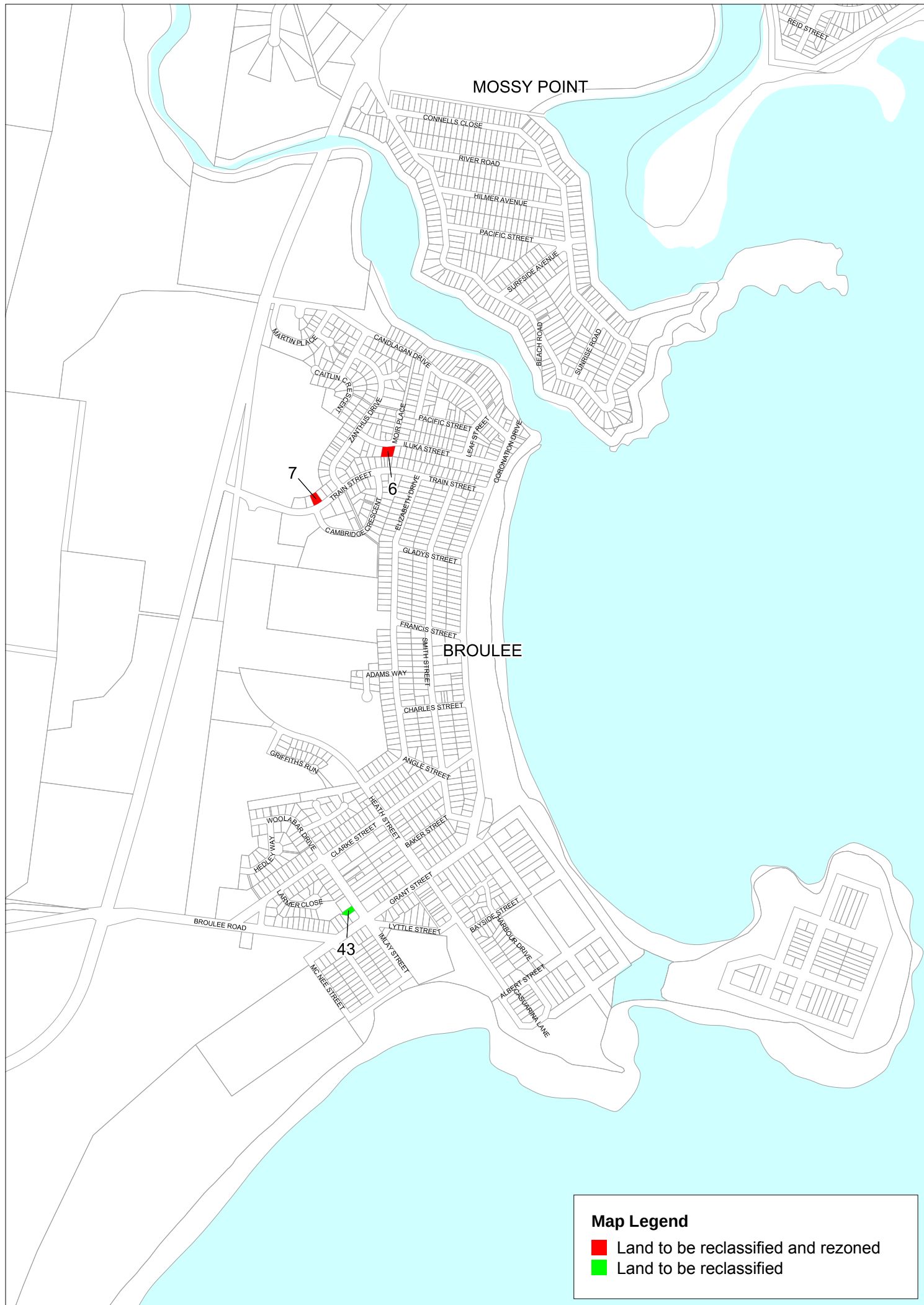
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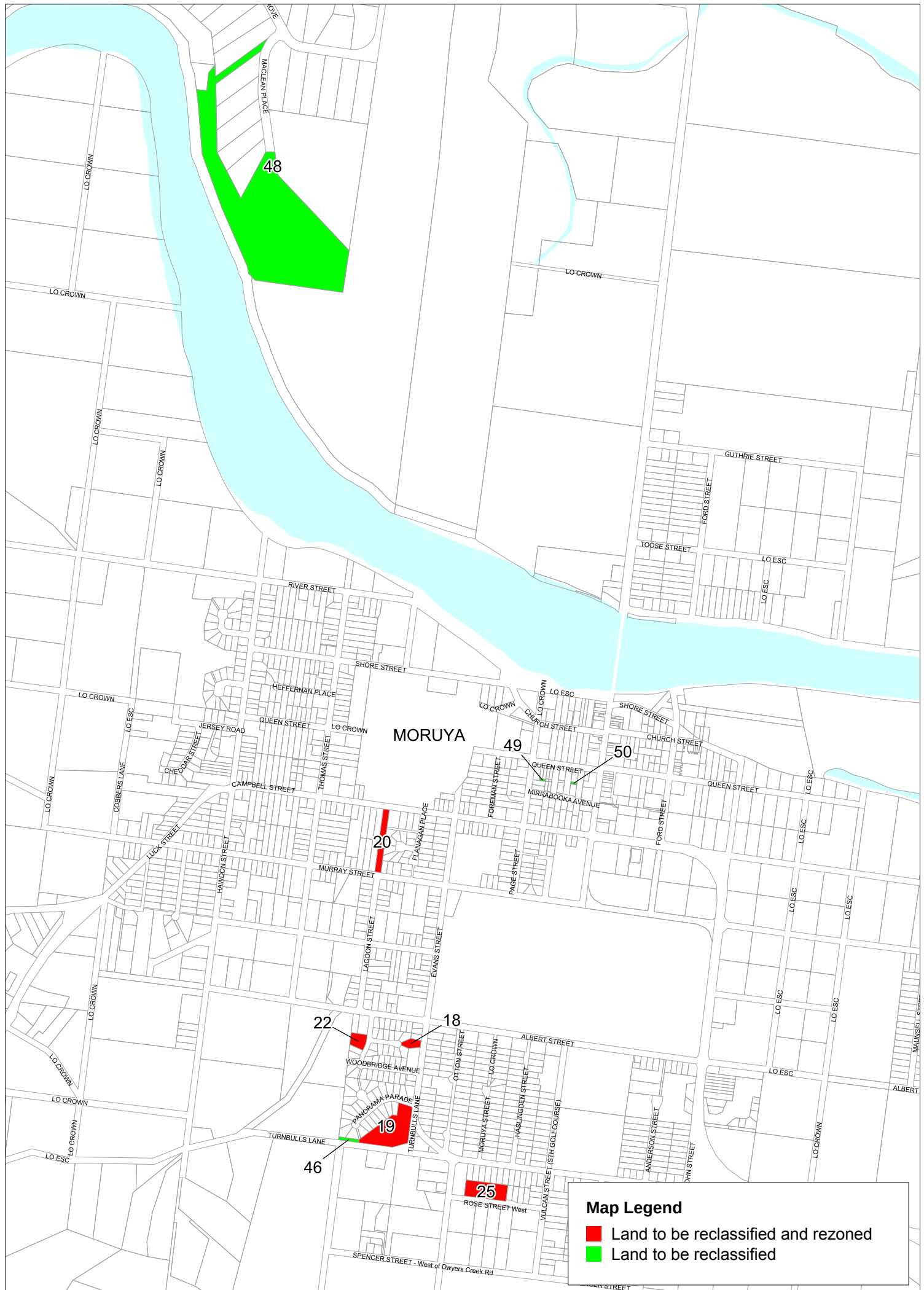
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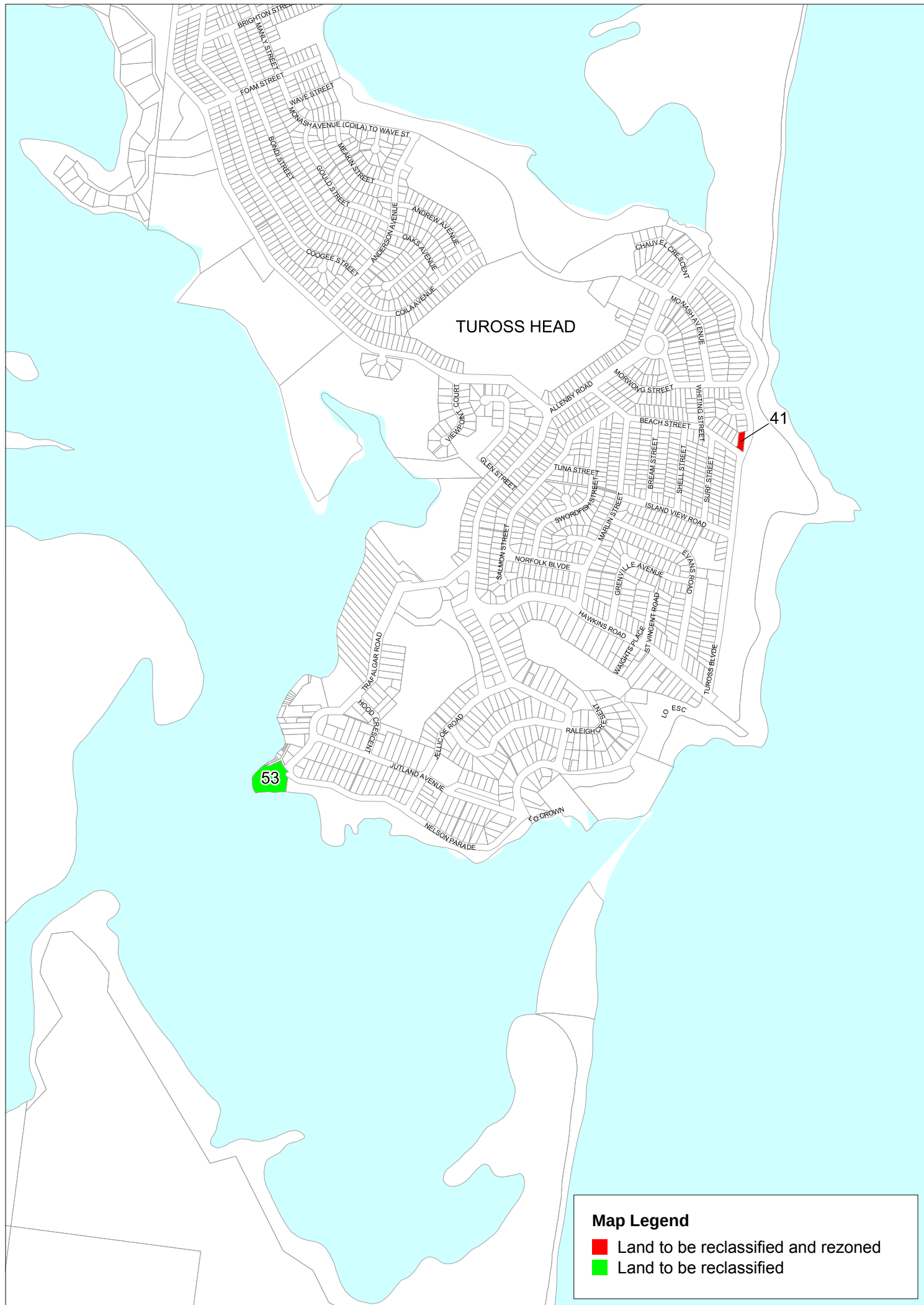


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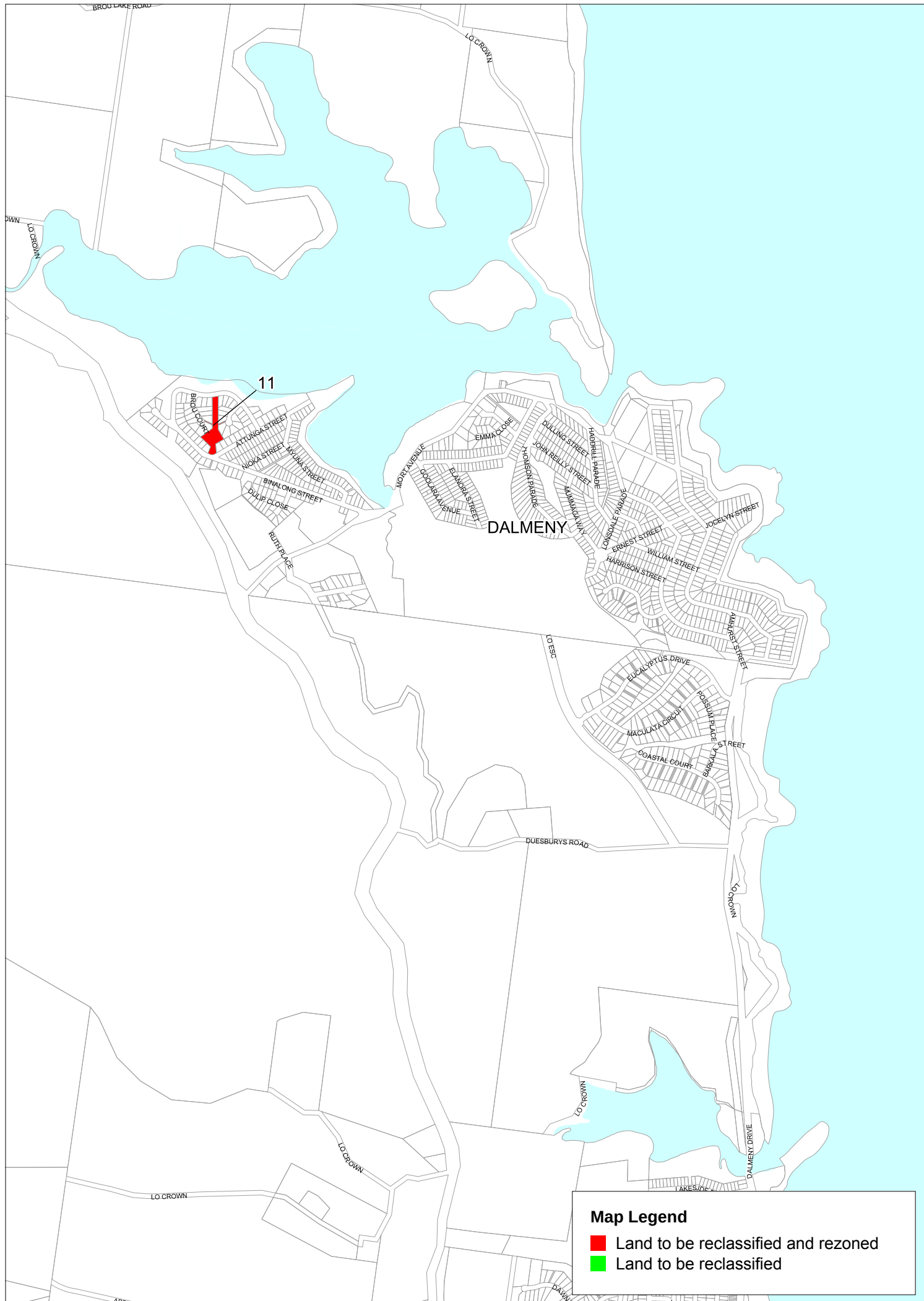


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