



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Eurobodalla Local Environmental Plan 2012 (Amendment No 7)

Your ref: Mark Hitchenson
Our ref: MA e2015-297.d06

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to read 'D Colagiuri'.

(D COLAGIURI)
Parliamentary Counsel

2 November 2015



New South Wales

Eurobodalla Local Environmental Plan 2012 (Amendment No 7)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

 **JEFFREY ROBERT MORGAN**
Minister for Planning 3/11/2015

Eurobodalla Local Environmental Plan 2012 (Amendment No 7)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Eurobodalla Local Environmental Plan 2012 (Amendment No 7)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to:

- (a) the land to which *Eurobodalla Local Environmental Plan 2012* applies, and
- (b) the land to which clause 30D of *Eurobodalla Rural Local Environmental Plan 1987* applies, and certain land at Central Tilba and Tilba Tilba, and
- (c) the land to which *Eurobodalla Urban Local Environmental Plan 1999* applies.

4 Maps

The maps adopted by *Eurobodalla Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

5 Amendment of Eurobodalla Rural Local Environmental Plan 1987

(1) Clause 30D Prohibition on dual occupancy development—Kyla Park Estate

Omit the clause.

(2) Schedule 1 Environmental heritage

Insert before item 12 in the matter relating to Tilba district:

11A Najanuka heritage conservation area	Part Lot 917, DP 823239, Haxtead Road, Central Tilba Part Lot 1, DP 1196461, 90 Sherringham Lane, Central Tilba Part Lot 4, DP 583678, 198–244 Sherringham Lane, Central Tilba Part Lot 2, DP 1141039, Sherringham Lane, Central Tilba Part Lot 90, DP 752155, Princes Highway, Central Tilba Part Lot 45, DP 1171177, 8727–8729 Princes Highway, Tilba Tilba
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6 Repeal of Eurobodalla Urban Local Environmental Plan 1999

Eurobodalla Urban Local Environmental Plan 1999 is repealed.

Schedule 1 Amendment of Eurobodalla Local Environmental Plan 2012

[1] Land Use Table

Insert “Home-based child care;”, “Home businesses;”, “Home industries;” and “Secondary dwellings;” in alphabetical order in item 3 of Zone R3 Medium Density Residential.

[2] Land Use Table, Zone B5, item 3

Insert “Plant nurseries;” in alphabetical order.

[3] Land Use Table, Zone IN1, item 3

Insert “Bulky goods premises;” in alphabetical order.

[4] Land Use Table, Zone E2, item 3

Insert “Camping grounds;” and “Roads;” in alphabetical order.

[5] Clause 3.3 Environmentally sensitive areas excluded

Omit paragraph (ja) from the definition of *environmentally sensitive area for exempt or complying development* in clause 3.3 (2).

[6] Clause 4.2A Erection of dwelling houses or dual occupancies on land in Zone RU1 Primary Production

Omit the definition of *1987 holding* from clause 4.2A (5). Insert instead:

1987 holding means land that:

- (a) was a holding on 11 December 1987, and
- (b) is a holding at the time the application for development consent referred to in subclause (2) is lodged,

whether or not there has been a change in the ownership of the holding since 11 December 1987, and includes any other land adjoining that land acquired by the owner or owners since 11 December 1987.

Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

[7] Clause 6.16 Development of land at Kyla Park

Omit “2 hectares” from clause 6.16 (3). Insert instead “lot”.

[8] Schedule 1 Additional permitted uses

Insert after clause 15:

15A Use of certain land at Wharf Street, Nelligen

- (1) This clause applies to the following parcels of land at Nelligen:
 - (a) the parcel of land comprising 1 Wharf Street, being Lot 15, Section 6, DP 758762,
 - (b) the parcel of land comprising 3, 5, 7 and 9 Wharf Street, being Lots 11–13, Section 6, DP 758762, Lot 1, DP 125591 and Lot 1, DP 1038903,
 - (c) the parcel of land comprising 11 Wharf Street, being Lot 10, Section 6, DP 758762,

- (d) the parcel of land comprising 13 and 15 Wharf Street, being Lots 8 and 9, DP 571676,
- (e) the parcel of land comprising 17 and 19 Wharf Street, being Lots 6 and 7, Section 6, DP 758762.
- (2) Development for the purposes of a single dwelling house (and any associated bed and breakfast accommodation, health consulting rooms, home-based child care, home business, home industry or secondary dwelling) is permitted with consent on each of the parcels of land specified in subclause (1).

[9] Schedule 1, clause 20 (1)

Omit "Place". Insert instead "Parade".

[10] Schedule 2 Exempt development

Omit all matter relating to Advertisements.

[11] Schedule 3 Complying development

Omit the matter relating to Industrial buildings and warehouses (external alterations or additions) from Part 1.

[12] Schedule 5 Environmental heritage

Omit "Lot 29, DP 13566" from item no I35 in Part 1. Insert instead "Lot 1, DP 1194082".

[13] Schedule 5, Part 1, item nos I43–I45

Omit "DP 758168" wherever occurring. Insert instead "Lot 1189, DP 1188374".

[14] Schedule 5, Part 1, item no I50

Omit "Lot 14, DP 755951". Insert instead "Lot 14, DP 1196039".

[15] Schedule 5, Part 1, item no I73

Omit "Lot 2, DP 1106180". Insert instead "Lot 12, DP 1190088".

[16] Schedule 5, Part 1, item no I103

Omit "Lot 7039, DP 1020364". Insert instead "Lot 7323, DP 1162462".

[17] Schedule 5, Part 1, item no I120

Omit "Lot 3, DP 608571". Insert instead "Lot 2, DP 1161705".

[18] Schedule 5, Part 1, item no I124

Omit "Lot 33, DP 752129". Insert instead "Lot 7306, DP 1166059".

[19] Schedule 5, Part 1, item no I129

Omit "Lot 1, DP 1047608". Insert instead "Lot 11, DP 1149894".

[20] Schedule 5, Part 1, item no I148

Omit "Sacred Heart Catholic Church and St Mary's Convent Group, comprising Church, Presbytery, Convent and Primary School" and "Lots 1–6, Section 11, DP 758710; Lot 7, DP 1136288".

Insert instead "Catholic Church, Presbytery, Convent and School Group" and "Lots 1–3, DP 1184190", respectively.

- [21] **Schedule 5, Part 1, item no I183**
Omit "Boatshed" and "Lot 7025, DP 752155".
Insert instead "Boatshed remains" and "Lot 7313, DP 1166286", respectively.
- [22] **Schedule 5, Part 1, item no I231**
Omit "Lot 1, DP 614884". Insert instead "Lot 442, DP 1180207".
- [23] **Schedule 5, Part 1, item no I235**
Omit "Lot 4, DP 1078549". Insert instead "Lot 441, DP 1180207".
- [24] **Schedule 5, Part 1, item nos I239 and I240**
Omit "Lot 5, DP 1078549" wherever occurring. Insert instead "Lot 45, DP 1171177".
- [25] **Schedule 5, Part 1, item no I241**
Omit "Lot 5, DP 1078549". Insert instead "Lot 7, DP 1176656".
- [26] **Schedule 5, Part 1, item no I251**
Omit "Lot 156, DP 15425". Insert instead "Lot 1, DP 1159384".
- [27] **Schedule 5, Part 1, item no I253**
Omit the item.
- [28] **Schedule 5, Part 2, item no A11**
Omit "Farmhouse" and "Lot 50, DP 752151".
Insert instead "Farmhouse remains" and "Lot 2, DP 1164518", respectively.
- [29] **Schedule 5, Part 2, item no A16**
Omit "Lot 7019, DP 752155".
Insert instead "Lot 7319, DP 1166668".