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Bega Valley Local Environmental Plan 2013

Planning Proposal:

Reclassification of Council Land

May 2014



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Part 1 – Objectives or Intended Outcomes

The objectives of this Planning Proposal are to:

- Reclassify several Council owned sites from 'community land' to operational land' to enable the future sale, lease or development of the sites or regularise the existing use of the land.
- Rezone a parcel of land that is deferred from Bega Valley Local Environmental Plan (LEP) 2013 and a small portion of the adjacent public reserve which is also being reclassified to regularise the existing use of the land.

Part 2 – Explanation of the Provisions

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

1. Lot 158 DP 1140729 Tura Beach Drive, Tura Beach
 - Amend Schedule 4 to include the land in Part 2 Land classified, or reclassified, as operational land – interests changed
2. Lots A & 12 DP 201599, Lot 1 DP 163768 and Lot 2 DP 91361 Market Street, Merimbula
 - Amend Schedule 4 to include the land in Part 2 Land classified, or reclassified, as operational land – interests changed
3. Lot 11 DP 735675 Waterloo Creek Road, Brogo, Lot 1 DP 1037443 Cnr Imlay and Mitchell Streets, Eden, Lot 949 DP 810986 Main Street , Merimbula, Lot 299 DP 1151525 Snowy Mountains Highway, Numbugga
 - Amend Schedule 4 to include the land in Part 1 Land classified, or reclassified, as operational land – no interests changed
4. Part Lot 182 DP 1100739 and Lot 2 DP 569005 Lake Street, Merimbula
 - Amend Schedule 4 to include part of Lot 182 DP 1100739 in Part 1 Land classified, or reclassified, as operational land – no interests changed
 - Rezoning part of Lot 182 DP 1100739 from E2 Environmental Conservation to R2 Low Density Residential and applying a maximum height of 7.5m, a minimum lot size of 550sqm and a floor space ratio of 0.5:1.
5. Lot 14 DP 249924 Moore Wrens Road, Tarraganda
 - Amend Schedule 4 to include the land in Part 2 Land classified, or reclassified, as operational land – interests changed

Part 3 – Justification

Lot 158 DP 1140729 Tura Beach Drive, Tura Beach



Figure 1: Subject Land - Lot 158 DP 1140729 Tura Beach Drive, Tura Beach

In June 2013 Council resolved to purchase the former Tura Beach Tavern site in Tura Beach Drive, Tura Beach with settlement in July 2013. In June 2013 Council resolved to classify the site as 'operational land' upon acquisition in accordance *Section 31 Classification of land acquired after 1 July 1993* of the *Local Government Act 1993* (see details of Council Reports in Attachment 2). However, classification did not occur within the respective timeframe and therefore the site was classified 'community land' by default.

The site is currently zoned B1 Neighbourhood Centre under Bega Valley LEP 2013. The objective of this Planning Proposal is to reclassify the site from 'community land' to 'operational land' to enable a number of uses for the tavern building including:

- Branch Library, office space, work room, community meeting room
- Covered outdoor community space
- Café/Reception space
- BVSC Community Service Programs
- Community meeting room
- Large multi-use community meeting spaces/community exhibition space
- Community offices for use or allocation to community groups
- Community work room
- Sapphire Coast tourism and South East Arts
- Meeting Room
- ICT Business incubator and office spaces

All potential uses are permissible within the zone and meet a number of Councils strategic and financial objectives. The location also meets a number of community access objectives.

This planning proposal will not change any interests in the land, that is, any trusts, estates, interests, dedications, conditions, restrictions or covenants that apply to Lot 158 DP 1140729 are to remain. A copy of the Certificate of Title is included in Attachment 5.

Lots A & 12 DP 201599, Lot 1 DP 163768 and Lot 2 DP 91361 Market Street, Merimbula



Figure 2: Subject Land - Lots A & 12 DP 201599, Lot 1 DP 163768 and Lot 2 DP 91361 Market Street, Merimbula

In December 2009 Council purchased the former Mobil fuel site in Market Street Merimbula, and resolved in March 2013 to classify the site as 'operational land' upon acquisition in accordance *Section 31 Classification of land acquired after 1 July 1993* of the *Local Government Act 1993* (see details of Council Reports in Attachment 2). However, classification did not occur within the respective timeframe and therefore the site was classified 'community land' by default.

The site is currently zoned B2 Local Centre under Bega Valley LEP 2013. Council purchased the site primarily to construct a Central Business District bypass and intersection and possible future sale, lease or development of the remainder of the site (see Figure 3 for details).

This planning proposal will not change any interests in the land, that is, any trusts, estates, interests, dedications, conditions, restrictions or covenants that apply to Lots A & 12 DP 201599, Lot 1 DP 163768 and Lot 2 DP 91361 are to remain. A copy of the Certificate of Title is included in Attachment 5.

Various Lots: Brogo, Eden, Merimbula and Numbugga

Lot 11 DP 735675 Waterloo Creek Road, Brogo



Figure 4: Subject Land - Lot 11 DP 735675 Waterloo Creek Road, Brogo

Lot 11 DP 735675 was acquired by Council in 1987 and is the site of the Brogo River pump station. The land is currently zoned RU2 Rural Landscape under Bega Valley LEP 2013.

The recently gazetted Bega Valley LEP 2013 included the reclassification from community land to operational land of a number of Council owned properties. These properties were identified as they are used by Council for public facilities such as fire sheds, car parks, roads and water or sewer facilities. The reclassification was to regularise the use of land for those purposes. Due to an error Lot 11 DP 735675 was not included in this process.

To rectify this error and regularise the use of the land for the purposes of a water pump station, in April 2014 Council resolved to reclassify the property from community land to operational land by including the property in Schedule 4 Part 1 of Bega Valley LEP 2013 (see details of Council Reports in Attachment 3).

This planning proposal will not change any interests in the land, that is, any trusts, estates, interests, dedications, conditions, restrictions or covenants that apply to Lot 11 DP 735675 will remain. A copy of the Certificate of Title is included in Attachment 5.

Lot 1 DP 1037443 Cnr Imlay & Mitchell Streets, Eden



Figure 5: Subject Land - Lot 1 DP 1037443 Cnr Imlay & Mitchell Streets, Eden

Lot 1 DP 1037443 was acquired by Council in 2002 and is the site of the Eden Gateway Centre. The land is currently zoned B2 Local Centre under Bega Valley LEP 2013.

The recently gazetted Bega Valley LEP 2013 included the reclassification from community land to operational land of a number of Council owned properties. These properties were identified as they are used by Council for public facilities such as fire sheds, car parks, roads and water or sewer facilities. The reclassification was to regularise the use of land for those purposes. Due to an error Lot 11 DP 735675 was not included in this process.

To rectify this error and regularise the use of the land for the purposes of public buildings and car park, in April 2014 Council resolved to reclassify the property from community land to operational land by including the property in Schedule 4 Part 1 of Bega Valley LEP 2013 (see details of Council Reports in Attachment 3).

This planning proposal will not change any interests in the land, that is, any trusts, estates, interests, dedications, conditions, restrictions or covenants that apply to Lot 1 DP 1037443 will remain. A copy of the Certificate of Title is included in Attachment 5.

Lot 949 DP 810986 Main Street, Merimbula



Figure 6: Subject Land - Lot 949 DP 810986 Main Street, Merimbula

Lot 949 DP 810986 was acquired by Council in 2012 and is the site of the Town CBD car park. The land is currently zoned RU2 Rural Landscape under Bega Valley LEP 2013.

The recently gazetted Bega Valley LEP 2013 included the reclassification from community land to operational land of a number of Council owned properties. These properties were identified as they are used by Council for public facilities such as fire sheds, car parks, roads and water or sewer facilities. The reclassification was to regularise the use of land for those purposes. Due to an error Lot 11 DP 735675 was not included in this process.

In April 2014 Council resolved to reclassify the property from community land to operational land by including the property in Schedule 4 Part 1 of Bega Valley LEP 2013 (see details of Council Reports in Attachment 3) to regularise the use of the land for the purposes of a car park.

This planning proposal will not change any interests in the land, that is, any trusts, estates, interests, dedications, conditions, restrictions or covenants that apply to Lot 949 DP 810986 will remain. A copy of the Certificate of Title is included in Attachment 5.

Lot 299 DP 1151525 Snowy Mountains Highway, Numbugga



Figure 7: Subject Land - Lot 299 DP 1151525 Snowy Mountains Highway, Numbugga

Lot 299 DP 1151525 was acquired by Council in 1977 and is the site of the Numbugga Rural Fire Service Shed. The land is currently zoned RU1 Rural Primary Production under Bega Valley LEP 2013.

The recently gazetted Bega Valley LEP 2013 included the reclassification from community land to operational land of a number of Council owned properties. These properties were identified as they are used by Council for public facilities such as fire sheds, car parks, roads and water or sewer facilities. The reclassification was to regularise the use of land for those purposes. Due to an error Lot 11 DP 735675 was not included in this process.

To regularise the use of the land for the purposes of a fire shed, in April 2014 Council resolved to reclassify the property from community land to operational land by including the property in Schedule 4 Part 1 of Bega Valley LEP 2013 (see details of Council Reports in Attachment 3).

This planning proposal will not change any interests in the land, that is, any trusts, estates, interests, dedications, conditions, restrictions or covenants that apply to Lot 299 DP 1151525 will remain. A copy of the Certificate of Title is included in Attachment 5.

Lot 182 DP 1100739 and Lot 2 DP 569005 Lake Street, Merimbula



Figure 8: Subject Land: Lot 182 DP 1100739 and part Lot 2 DP 569005 Lake Street, Merimbula

Lot 182 DP 1100739 is zoned E2 Environmental Conservation under the Bega Valley LEP 2013 and contains an area of 1,032sqm. The site is Community Land due to its dedication as a public reserve upon the registration of DP 569005 in 1974. This planning proposal only applies to a small portion (3.75sqm) of Lot 182 DP 1100739.

Lot 2 DP 569005 was deferred from Bega Valley LEP 2013 and is currently zoned 2(a) Residential Low Density under Bega Valley LEP 2002. In the Draft Bega Valley LEP 2010, the subject property was proposed to be zoned R2 Low Density Residential with a minimum lot size control on the basis that this zone represented the best fit from the existing zoning.

The owner of Lot 2 DP 569005 is pursuing the amendments contained in the planning proposal to resolve minor encroachments onto the adjoining public reserve (Lot 182 DP 1100739) caused by an existing cottage. The cottage encroaches into the public reserve by 0.16m, the eaves by 0.42m and the property fence by 0.5m at the eastern boundary of Lot 2 DP 569005 (as illustrated in Figure 9). The encroachment occurred inadvertently during construction works in 1965.

Following a submission to Draft Bega Valley LEP 2010, on 12 June 2012 Council resolved to support the reclassification, rezoning and sale of the encroachment lands to the applicant (see details of Council Reports in Attachment 4). Figure 10 illustrates the 3.75sqm of Lot 182 DP 1100739 that is proposed to be reclassified and rezoned.

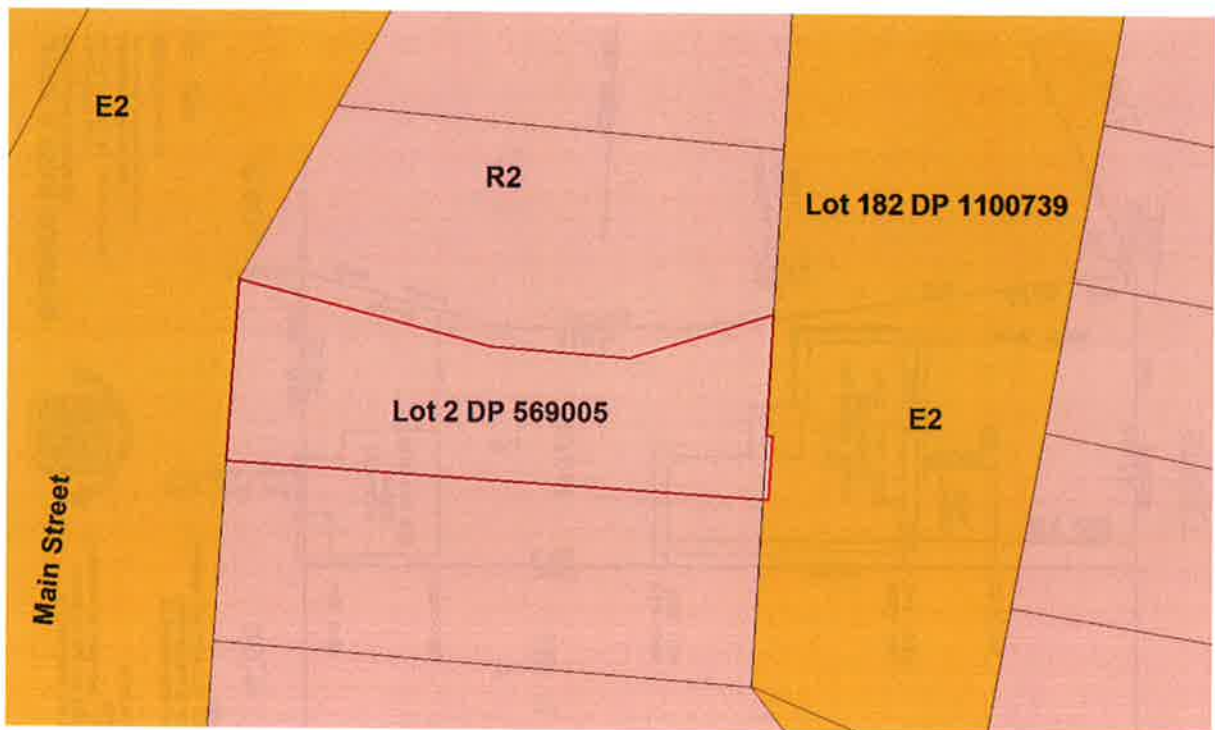


Figure 10: Proposed zone - Lot 182 DP 1100739 and part Lot 2 DP 569005 Lake Street, Merimbula



Figure 11: Proposed lot size - Lot 182 DP 1100739 and part Lot 2 DP 569005 Lake Street, Merimbula

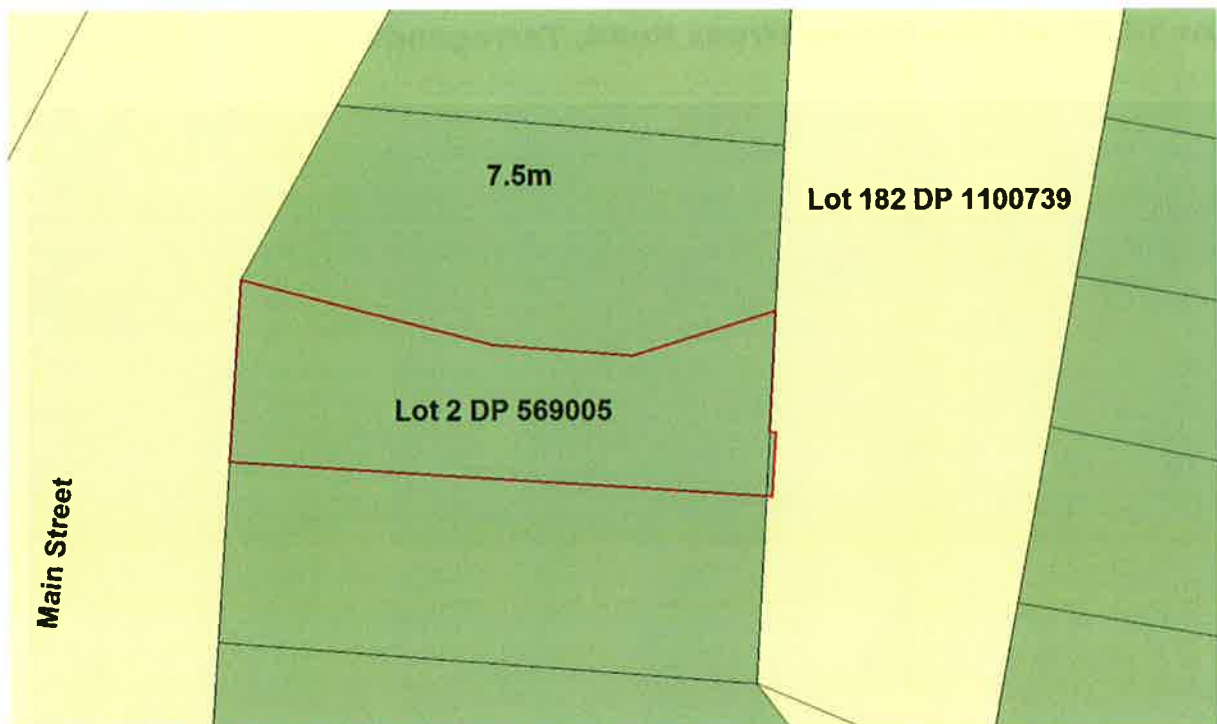


Figure 12: Proposed height of building - Lot 182 DP 1100739 and part Lot 2 DP 569005 Lake Street, Merimbula

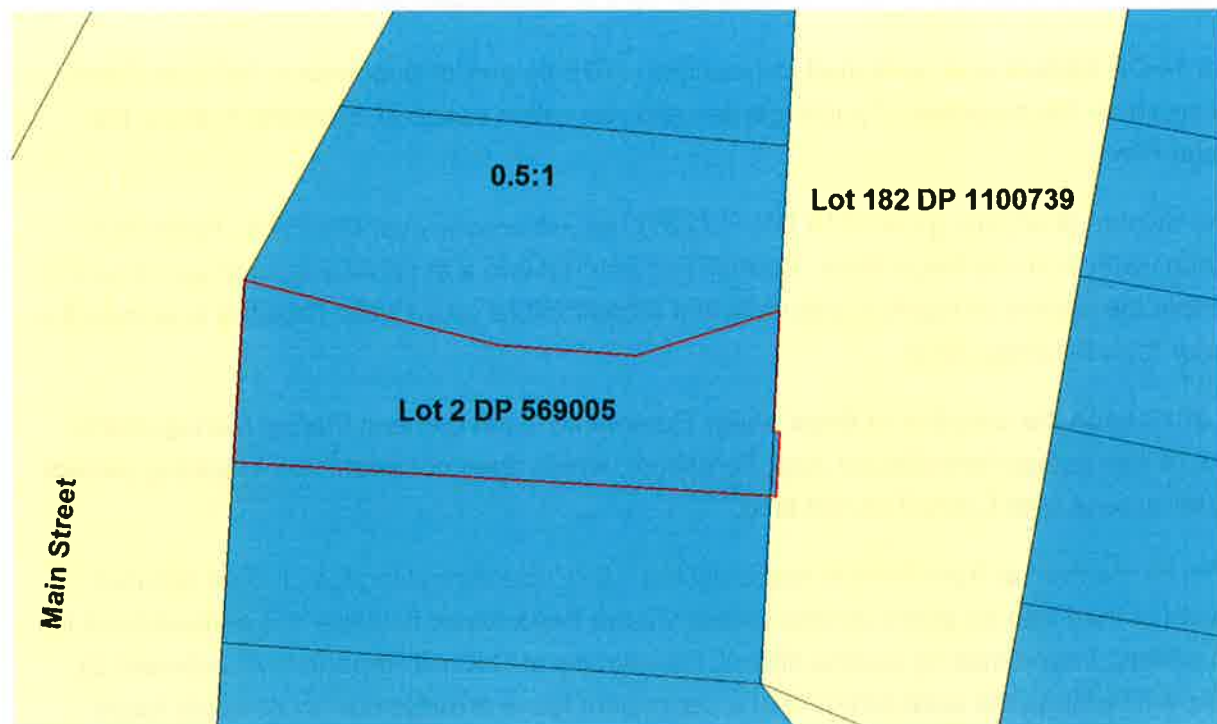


Figure 13: Proposed floor space ratio - Lot 182 DP 1100739 and part Lot 2 DP 569005 Lake Street, Merimbula

Lot 14 DP 249924 Moore Wrens Road, Tarraganda



Figure 14: Subject Land: Lot 182 DP 1100739 and Lot 2 DP 569005 Lake Street, Merimbula

Lot 14 DP 249924 was dedicated to Council in 1975 as part of Subdivision 14/75 as Public Reserve for the purposes of public garden and recreation space of a foreshore along the Bega River.

The owners of adjoining Lot 1316 DP 1172251 require access over the Public Reserve to pump water from the Bega River. Council has entered into a temporary licence agreement to enable the owners to legally construct water infrastructure over Public Reserve to access the water from the Bega River.

In 2010 upon the adoption of Bega Valley Community Land Generic Plan of Management, Lot 14 was categorised Natural Area Foreshore, which does not permit the adjoining owners water access over Council owned land.

Council resolved in April 2014 to reclassify Lot 14 to 'operational land' as it is an isolated parcel of land with no public access except via the Bega River; however the embankment is on a steep incline making access difficult (see details of Council Reports in Attachment 3). This will facilitate the establishment of a permanent lease arrangement or possible future sale of part of the land to the adjoining owners enabling permanent water access to the Bega River.

Any trusts, estates, interests, dedications, conditions, restrictions or covenants that apply to Lot 14 will be extinguished, that is; the public reserve status will be removed following the reclassification to operational land. A copy of the Certificate of Title is included in Attachment 5.

Section A – Need for the Planning Proposal

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

No, the Planning Proposal results from Council need to reclassify public land to reflect the existing uses or future development objectives of Council.

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

Yes, Section 27 of the Local Government Act 1993 requires that the reclassification of land be made by a Local Environmental Plan therefore this Planning Proposal is the only available means of reclassifying the subject land.

Lot 158 DP 1140729 Tura Beach Drive, Tura Beach and Lots A & 12 DP 201599, Lot 1 DP 163768 and Lot 2 DP 91361 Market Street, Merimbula.

Following the purchase of these sites, Council were unable to classify the land as 'operational land' within the respective timeframe as per Section 31(2) Classification of land acquired after 1 July 1993 of the Local Government Act 1993, consequently resulting in the site being classified 'community land'. Therefore this planning proposal has been prepared to implement Council's intentions.

Lot 11 DP 735675 Waterloo Creek Road, Brogo, Lot 1 DP 1037443 Cnr Imlay & Mitchell Streets, Eden, Lot 949 DP 810986 Lot 949 DP 810986 Main Street, Merimbula, Lot 299 DP 1151525 Snowy Mountains Highway, Numbugga, Lot 182 DP 1100739 Lake Street, Merimbula and Lot 14 DP 249924 Moore Wrens Road, Tarraganda.

These properties have been owned by Council for a number of years and the reclassification is to reflect the existing uses or future development objectives of Council.

Lot 2 DP 569005 Lake Street, Merimbula

This property is "deferred" from Bega Valley LEP 2013 and therefore a planning proposal is required to apply Bega Valley LEP 2013 and resolve the issue of appropriate land use controls for the subject land.

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:

- **Economic Development and Employment Growth:** The identified potential use of Lot 158 DP 1140729 as a business/ICT incubator could provide economic benefits for the Shire in terms of increasing the use of digital services by local businesses through education and training.
- **Population and Housing:** The identified uses of Lot 158 DP 1140729 as a branch library, community spaces and offices spaces will provide additional community services for a growing population and aging demographic. The proposed reclassification 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 key aims of the Community Strategic Plan:

- To provide safe, well maintained built facilities that meet the cultural, recreational, tourism and community service needs of all ages and abilities in our community.
- To ensure our people, freight and destinations are connected by road network that allows for efficient travel and is clearly marked. This enables travel around the shire in a way that is safe, accessible and environmentally sustainable.

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 No. 55 Remediation of Land

This SEPP introduces planning controls for the remediation of contaminated land. The policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.

In relation to Lots A & 12 DP 201599, Lot 1 DP 163768 and Lot 2 DP 91361 Market Street, Merimbula this planning proposal is consistent with SEPP 55. This site was formerly used as

a service station, however the *Final Report, Site Environmental Report (NO1063) December 2013* indicates that the site has been partly remediated and is deemed suitable for use as a road reserve or commercial purposes providing that the site be sealed through slab construction which an operational classification would allow.

Council's records indicate that none of the other subject land is contaminated and the provisions of this Planning Proposal will not alter the existing uses of the land.

SEPP No. 62 Sustainable Aquaculture

SEPP 62 regulates aquaculture activities and aims to encourage sustainable aquaculture, including sustainable oyster aquaculture. Specifically, Clause 15(c) requires consideration of whether a proposal will have an adverse impact on oyster aquaculture.

Lot 182 DP 110073 and Lot 2 DP 569005 Lake Street, Merimbula are within proximity to existing oyster leases that have been identified by the Department of Primary Industries (August 2006) as being within Priority Oyster Aquaculture Areas. This Planning Proposal is consistent with the SEPP as it will not result in any additional development therefore there will not be any adverse impact on aquaculture.

SEPP No. 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.

Lot 182 DP 110073 and Lot 2 DP 569005 Lake Street, Merimbula are located within the Coastal Zone. 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 does 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 or rural residential development under Bega Valley LEP 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

SEPP (Rural Lands) 2008 facilitates the orderly and economic use and development of rural lands for rural and related purposes. Clause 10(3) of SEPP (Rural Lands) 2008 prescribes a number of matters for consideration in determining development applications for rural subdivisions or rural dwellings. The Clause applies to land in a rural zone, a rural residential zone or an environment protection zone.

Lot 11 DP 735675 Waterloo Creek Road, Brogo, Lot 14 DP 249924 Moore Wrens Road, Tarraganda and Lot 299 DP 1151525 Snowy Mountains Highway, Numbugga are zoned RU1 Primary Production or RU2 Rural Landscape under Bega Valley LEP 2013. This Planning Proposal is consistent with this SEPP as the subject land is not prime crop or pasture land and will not enable any additional uses on the land which can significantly impact on agricultural land uses in the vicinity.

SEPP (Infrastructure) 2007

The aims of SEPP (Infrastructure) 2007 are to facilitate the effective delivery of infrastructure across the State by allowing for the efficient development, redevelopment or disposal of surplus government owned land.

In relation to Lots A & 12 DP 201599, Lot 1 DP 163768 and Lot 2 DP 91361 Market Street, Merimbula, this Planning Proposal is consistent with the objectives of the SEPP as it enables alterations and additions to an existing road, changing the alignment and strengthening the road enabling progress towards the design of the Merimbula Central Business District bypass.

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.

1.1 Business and Industrial Zones

This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.

Lot 158 DP 1140729, Tura Beach Drive, Tura Beach is zoned B1 Neighbourhood Centre under Bega Valley LEP 2013. This Planning Proposal is consistent with this Direction as it retains the area and location of the existing business zone. The Planning Proposal will enable Council to utilise the building for a number of potential uses that meet a number of strategic and financial objectives.

Lots A & 12 DP 201599, Lot 1 DP 163768 and Lot 2 DP 91361 Market Street, Merimbula is zoned B2 Local Centre under Bega Valley LEP 2013. This Planning Proposal is consistent with the objectives of the Direction by supporting the viability of the identified strategic centres by enabling development to improve traffic flow through Merimbula town centre.

Lot 1 DP 1037443 Cnr Mitchell and Imlay Streets and Lot 949 DP 810986 Main Street Merimbula are zoned B2 Local Centre under Bega Valley LEP 2013. This Planning Proposal

is consistent with this Direction as it retains the area and location of the existing business zone and it does not reduce the total potential floor space area for employment uses or related public services in the business zone. The proposed reclassification of the site to 'operational land' enables Council to regularise the existing use of the land for these purposes.

1.2 Rural Zones

This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone, including the alteration of any existing rural zone boundary.

The objective of this Direction is to protect the agricultural production value of rural land.

Lot 11 DP 735675 Waterloo Creek Road, Brogo, Lot 14 DP 249924 Moore Wrens Road, Tarraganda and Lot 299 DP 1151525 Snowy Mountains Highway, Numbugga are zoned RU1 Primary Production or RU2 Rural Landscape under Bega Valley LEP 2013. This Planning Proposal is consistent with this Direction as it does not contain provisions that will increase the permissible density of land within the rural zone.

1.4 Oyster Aquaculture

This Direction applies when a relevant planning authority prepares any Planning Proposal that proposes a change in land use which could result in adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.

The objectives of this Direction are to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a Planning Proposal; and protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.

Lot 182 DP 110073 and Lot 2 DP 569005 Lake Street, Merimbula are within proximity to existing oyster leases that have been identified by the Department of Primary Industries (August 2006) as being within Priority Oyster Aquaculture Areas. This Planning Proposal is consistent with this Direction as it does not contain provisions which could result in adverse impacts to an existing Priority Oyster Aquaculture Area.

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.

Lot 11 DP 735675 Waterloo Creek Road, Brogo, Lot 14 DP 249924 Moore Wrens Road, Tarraganda and Lot 299 DP 1151525 Snowy Mountains Highway, Numbugga are zoned RU1 Primary Production or RU2 Rural Landscape under Bega Valley LEP 2013. The proposed reclassification of the subject land is consistent with this Direction as it conforms to the Rural Planning and Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008 and does not compromise the production value or development of rural land for rural purposes. The proposed reclassification of the site to 'operational land' enables Council to regularise the existing use of the land for these purposes.

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.

The objective of this Direction is to protect and conserve environmentally sensitive areas.

The proposed rezoning of a small portion of Lot 182 DP 1100739 is inconsistent with this Direction as it proposes to rezone land currently zoned E2 Environmental Conservation to a residential zone. The extent of this inconsistency is, however, of minor significance due to the small area of affected land and the fact that the planning proposal will not result in any additional development as it enables the rectification of an existing encroachment issue.

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.

Lot 14 DP 249924 Moore Wrens Road, Tarraganda, Lot 1 DP 1037443 Imlay & Mitchell Streets, Eden, Lot 6949 DP 810986 Main Street, Merimbula, Lot 182 DP 1100739 and Lot 2 DP 569005 Lake Street, Merimbula, Lots A & 12 DP 201599, Lot 1 DP 163768 and Lot 2 DP 91361 Mobil Service Station site, Market Street, Merimbula are within the coastal zone.

This Planning Proposal is consistent with this Direction as it does not contradict or hinder the application of the coastal planning provisions contained in the NSW Coastal Policy, the Coastal Design Guidelines 2003 or the NSW Coastline Development Manual 1993.

3.1 Residential Zones

This direction applies when a planning authority prepares a Planning Proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary) and any other zone in which significant residential development is permitted or proposed to be permitted.

The objectives of this Direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services and to minimise the impact of residential development on the environment and resource lands.

This planning proposal is consistent with this Direction. Lot 2 DP 569005 is currently zoned 2(a) Residential Low Density under Bega Valley LEP 2002 and is proposed to be zoned R2 Low Density Residential under Bega Valley LEP 2013. In addition a small portion of Lot 182 DP 1100739 is proposed to be zoned R2 Low Density Residential.

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.

Lots A & 12 DP 201599, Lot 1 DP 163768 and Lot 2 DP 91361 Mobil Service Station site, Market Street, Merimbula are zoned B2 Local Centre under Bega Valley LEP 2013. The Planning Proposal is consistent with the Direction as it will result in amendment to street layout which will support the efficient and viable operation of public transport services and provide for the efficient movement of freight.

4.3 Flood Prone Land

This Direction applies when a relevant planning authority prepares a Planning Proposal that creates, removes or alters a zone or a provision that affects flood prone land.

The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Lot 14 DP 249924 Moore Wrens Road, Tarraganda is located within the ARI 100 year flood area. As the proposed reclassification to 'operational land' is solely to enable adjoining owner's water access, is considered that this Planning Proposal is consistent with this Direction.

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 11 DP 735675 Waterloo Creek Road, Brogo, Lot 299 DP 1151525 Snowy Mountains Highway, Numbugga, Lot 182 DP 1100739 Lake Street, Merimbula and Lot 14 DP 249924 Moore Wrens Road, Tarraganda are identified as containing bushfire vegetation within category 1 and/or 2 therefore consultation with the NSW Rural Fire Service under Section 56 of the *Environmental Planning and Assessment Act 1979* will form part of the Planning Proposal process.

This Planning Proposal is consistent with the objectives of this direction as it does not encourage the establishment of incompatible land uses and appropriate development of the land can occur through the application of the provisions contained within Planning for Bushfire Protection 2006.

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.

6.2 Reserving Land for Public Purposes

This Direction applies when a relevant planning authority prepares a planning proposal.

The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

In relation to Lot 182 DP 1100739 Lake Street, Merimbula the provisions of the Planning Proposal are inconsistent with the objectives of this Direction as they will result in the removal of the public reserve status over a small piece of land. The inconsistency is however, of minor significance given the small area of land affected and the planning proposal is to regularise the existing development on that land.

With regards to Lot 14 DP 249924, Moore Wrens Road, Tarraganda the provisions of the Planning Proposal are inconsistent with this Direction in that they seek to remove the public reserve status from the land. However, this inconsistency is minor as the planning proposal will to enable a long term lease/licence to enable water access for which the land is currently utilised.

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.

This Planning Proposal does not seek to include additional uses beyond what is permitted within the land use table and therefore it is consistent with this Direction.

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?

The subject land within this Planning Proposal has been largely cleared of all native vegetation to accommodate existing development and infrastructure. There are no known threatened species or communities on the properties 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?

Nil

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

Lots A & 12 DP 201599, Lot 1 DP 163768 and Lot 2 DP 91361 Market Street, Merimbula and Lot 158 DP 1140729, Tura Beach Drive, Tura Beach are considered to have positive social and economic effects as the planning proposal will enable the provision of public services and infrastructure to cater for existing and future public demand.

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

Part 4 – Mapping

Changes to the proposed 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 the following properties on the following Bega Valley LEP 2013 maps:

LAP_001

Amend map sheet LAP_001 by deleting DM Deferred Matter for Lot 2 DP 569005 Lake Street, Merimbula.

LZN_020B

Amend map sheet LZN_020B by applying R2 Low Density Residential Zone to Lot 2 DP 569005 and part Lot 182 DP 1100739

LSZ_020B

Amend map sheet LSZ_020B by applying K (550sqm) to Lot 2 DP 569005 and part Lot 182 DP 1100739.

FSR_020B

Amend map sheet FSR_020B by applying D (0.5:1) to Lot 2 DP 569005 and part Lot 182 DP 1100739.

HOB_020B

Amend map sheet HOB_020B by applying H (7.5m) to Lot 2 DP 569005 and part Lot 182 DP 1100739.

Part 5 – Community Consultation

The Gateway Determination will confirm community consultation requirements. It is likely that the Proposal will be exhibited for a period of not less than 28 days as it contains proposals to reclassify land.

Public exhibition of the planning proposal will include notification of 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 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 St, Merimbula NSW 2548
Eden	Cnr Imlay and Mitchell St, Eden NSW 2550
Bermagui	Bunga St, Bermagui NSW 2546

In accordance with the requirements of the Local Government Act 1993 a public hearing will be held as the planning proposal is reclassifying land from community to operational. In accordance with the Department of Planning Circular (PN09-003) the public hearing will be held after the close of the exhibition period. Notification of the public hearing in the newspapers that circulate widely in the area (Merimbula News Weekly, Eden Magnet and Bega District News) at least 21 days before the start of the public hearing.

Part 6 – Timeline

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to *Bega Valley Local Environmental Plan 2013* will be completed by January 2015.

Council requests delegation to carry out certain plan-making functions in relation to this proposal. Delegation would be exercised by Council's General Manager or Group Manager Planning and Environment.

Table A: Approximate Project Timeline

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Submit Planning Proposal to the Department	May 2014
STAGE 2 – Receive Gateway Determination	June 2014
STAGE 3 – Preparation of documentation for Public Exhibition	July 2014
STAGE 4 – Public Exhibition/Public Hearing of the Planning Proposal	August 2014
STAGE 5 – Review/consideration of submissions received	October 2014
STAGE 6 – Council Report	October 2014
STAGE 7 – Meetings	November 2014
STAGE 8 – Forward Planning Proposal to Department of Planning and Infrastructure with request amendment is made	December 2014
STAGE 9 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	January 2015
STAGE 10 – Anticipated date Council will forward Plan to the Department for notification	January 2015

Attachments

Attachment 1: Council reports and resolutions for Lot 158 DP 1140729 Tura Beach Drive, Tura Beach

Council Report: Planning and Environment Committee No. 20.1 – 12 June 2013

20.1. Merimbula Lands - Redevelopment Option

Presenting report on opportunity to purchase Tura Tavern at auction, for potential redevelopment as branch library, gallery, after school care and community rooms.

Group Manager, Planning and Environment

Background

Councillors have been briefed on the opportunity to potentially acquire the Tura Tavern (lot 154/DP746134, lot 157/811012: 3576m²) held by Tura Pty Limited (Receivers and Managers appointed as company in Liquidation), that is subject to auction on 13 June in Sydney, for its reuse as a public facility such as branch library, gallery, after school care and community rooms for example.

The property (constructed in 2006 by DA2004/0679) is offered for sale as mortgagee in possession, with estimates provided through the agent of \$1.1m. The property comprises bar, lounge, café/restaurant, commercial kitchen, play room, service areas, amenities (including disabled toilets), lift, offices, cellar/storage, delivery dock and onsite parking for 30 vehicles, in addition to disabled and staff parking. The property has security and is air conditioned.

It also has a 3 bedroom and study two storey brick residence, and carries 4 gaming entitlements estimated at \$330k. While hotel trading information is available, it has not been taken into account.

A valuation of the tavern, as well as the residence (should it be considered for subdivision and subsequent sale) has been sought and should be available at the meeting. Floor plans and contract are attached and photographs available at the meeting.

ISSUES

Strategic

The property is all in one holding including the dwelling, is currently Zoned 3(a) Business (LEP 2002) and proposed B1 Neighbourhood Centre with a 10m height limit.

That zone permits: Home businesses; Home industries; Home occupations; Boarding houses; Business premises; Child care centres; Medical centres; Neighbourhood shops; Office premises; Respite day care centres; Shop top housing.

Asset

Should Council acquire the property, it should be noted no staff assessment has been undertaken of its condition, nor has its maintenance and renewal been accounted in an AMP. However, as the property is under 7 years old, maintenance costs should be initially minimal. A building report has been requested of the agent.

With regard to the following floor areas, some internal modifications may be required to convert the property to the proposed uses:

Current use	NFA*	Proposed use
Tavern, games	325m ²	Library space
Restaurant	165m ²	Exhibition/community space
Games, outdoor landscaped	100m ²	Childrens play/after school care
Storage (x2) each	100m ²	Gallery/records storage

The furniture (comprising tables, chairs, piano etc) may be reused in community halls, while the children's play room and equipment may be used for library or after school care. The sale also comprises some electronic equipment and plant, as well as a coaster bus, that may be reused or sold.

The current library furniture and collection would move across to the new venue.

Council may wish to also contemplate reusing the quality commercial kitchen equipment and bar cabinetry in the Bega Civic Centre, and styling the kitchen and bar in the Centre to accommodate that equipment.

The dwelling may be considered for retention as office space, business incubator, affordable housing or crisis accommodation, leased and operated by a third party NGO or NFP, or sold (all subject to relevant zoning and consents). The garage (converted into offices) requires consent.

Social/ Cultural

The Merimbula branch library is housed in leasehold premises in Market Street at \$65k/year, occupying an area of 250m². Council has considered other options to sell the former library site in Main Street, using the proceeds for construction of a new library and meeting rooms, or considering a joint venture with a developer of that site or another site in the CBD to include a library under strata arrangements for example.

NSW State Library suggests an area of 500m² is appropriate for a population of Merimbula and environs, and that a branch should be sited in a population centre with access to commercial and community amenities. The tavern site is near aged care accommodation, country club and shopping complex.

Financial

While no funds have been provided in the budget to acquire the Tavern, the LTFP provides \$1.5m for the development of a new Merimbula library in 2013/14 (loan funded), while \$2m was expected to be yielded from the sale or development of the former Main Street library site (see attached).

Subject to the valuation advice, should the Tavern be acquired at say \$1.1m, (P&I @ \$140k pa; IO @ \$55k pa over 10 years), and then gaming licences be sold at say \$330k, the servicing of the remaining debt of say \$800k over 10 years (allowing for internal modifications) would be ~\$100k/year – an increase of \$35k above the current rent for the leased library space of 250m².

In addition, should council not consider utilising the dwelling for affordable or emergency housing, it could be subdivided and sold, reducing the debt by a further \$350k, with an annual servicing cost of ~\$56k.

Grants could be sought from the State Library in the 2013/2014 Country Libraries Fund for \$200k, while an additional \$45k would come from the Local Priorities Grant for specific projects. In addition, Revitalising Regional Libraries grants \$16k every two years and Council is slated to receive funds in 2014.

Senior Executive to ensure financials complete before finalising report.

Funding source	Amount
Loan (nett) – serviced from library vote @ \$100k/yr	\$ \$800k

Legal

Should Council acquire the property, there are a number of matters to be attended, including the gaming entitlements, poker machines and transfer of liquor licence. It is understood a number of items in the inventory are subject to licence or lease, and consequently subject to notification or recovery of those items by those third parties.

Operational Plan

L7.2.1 Optimise Bega library and branch libraries to provide services and spaces for children, young people, students and older people and develop as a learning centres.

CONCLUSION

On balance, the acquisition of Tura Tavern, at the (understood) mortgage value of \$1.1m presents as good value for its reuse as library and community purposes – particularly as \$1.5m was allowed for development of a new library, albeit in Merimbula CBD. It is even better value should the gambling entitlements and/or dwelling be sold, and fixtures and fittings be reused in other halls, including the Bega Civic Centre.

RECOMMENDATION

1. That the General Manager be authorised to bid at auction up to the amount contained in the valuation report, for the acquisition of the Tura Tavern property, being lot 154/DP746134, lot 157/811012.
2. If successful at auction, the General Manager be authorised to execute the contract at time of sale, for co-signing by the Mayor.
3. If acquired, the property be classified as operational land.

Council Minutes: Planning and Environment Committee No. 20.1 – 12 June 2013

20.1 Merimbula Lands - Redevelopment option

Council resolved:

1. That the General Manager be authorised to bid at auction or negotiate in private treaty up to the amount of \$1.5 million, for the acquisition of the Tura Tavern property, being lot Lot 158 / DP 1140729.
2. If successful at auction, the General Manager be authorised to execute the contract at time of sale, for co-signing by the Mayor with associated documents executed under Council seal.
3. If acquired, the property be classified as operational land.

Council Report: Planning and Environment Committee No. 9.2 – 25 September 2013

9.2 Tura facility – proposed uses submission process

The public submission process has been completed and the future uses of the site are now proposed in line with Council's intention to utilise the building for community purposes.

Acting Group Manager Community and Relationships

BACKGROUND

At its meeting of 12 June 2013 Council resolved to authorise the General Manager to purchase at auction the Tura Tavern site for community purposes. This was carried out and Council purchased the site on 13 June 2013. At its meeting of 3 July 2012 Council resolved that the preferred use of the Tavern and the dwelling be noted as: Use of the main building space:

- Branch Library, office space and work room
- Regional Gallery including storage for the Shirley Hannan Collection
- Community meeting room/youth space
- Community Services office space

Use of the dwelling:

- Offices including business, tourism and ICT incubator

Council further resolved to seek public submissions on the future use of the site and this report summarises the responses received and makes recommendations for the future use of the site.

On 29 June Council placed floor plans representing two options for the Tura Tavern on public exhibition and called for comment from the community. Copies of the floor plans were available on Council's website and hard copies were also available at Council's Zingel Place office in Bega and at library branches in Bermagui, Bega, Merimbula and Eden. Members of the community were invited to provide submissions in writing or via the Bega Valley Views on line submission tool.

Submission closed on Friday August 23. Fifteen (15) submissions were received in total.

Submissions

The majority of the submissions were in relation to the relocation of the regional gallery to the Tura facility (8/15). Most of these were opposed to the idea and preferred to see the regional gallery remain in Bega, there was some support for the Gallery to move to the Tura Facility. One submission was opposed to the relocation of the library.

Two submissions were received suggesting a café in the facility. The remaining submissions suggested spaces for children, young people, older people and shared community spaces. A late submission suggested the use of some space for a community radio station.

There was one submission in favour of the ICT incubator proposal for the residence and one against.

ISSUES

Legal

Leases/licences will be developed for any external agencies utilising space at the facility in line with Council policy and procedure. Casual hire arrangements will also be developed for bookable spaces.

Asset

Council staff have disposed of all 3rd party assets and have compiled a list of remaining fixtures and fittings. It is recommended that the remaining assets be disposed of as outlined in the Council Report of July 7, namely through identifying which assets can be used in Council facilities and selling remaining items to community organisations via an expression of interest process. Any remaining items will be sold to third parties at auction, or disposed of.

Council staff are also seeking quotes for the removal and storage of the kitchen for use in the Bega Civic Centre, final details of this will be included in a future report to Council.

Social / Cultural

The site meets the requirements of the NSW State Library, it is expected that grant funds will be available to assist with the fit out of the library section and fittings from the current Merimbula site will be utilised. The relocation of the community services section meets requirements around disability access, provides a space that suits the delivery of these specific service types and provides a community services presence in another part of the shire.

The provision of space in the residence to co-locate both Sapphire Coast Tourism and South East Arts meets some of the identified outcomes of the CSP and provides an opportunity for tourism and arts collaboration.

The lack of appropriate space in the Tura facility, given the number of uses proposed and the preference of retaining the Regional Gallery in Bega, the regional centre, would suggest that relocating the Gallery to Tura would not be appropriate. The need to find an alternative site to house the Shirley Hannan collection should be seen as a priority. Currently it is planned to provide this in appropriately controlled and designed storage space in the Bega depot redevelopment.

Economic

The conversion of part of the dwelling to an 'incubator' or other business use is supported as a low cost means of 'sponsoring' by low rentals, an ICT and digitally creative business/s with access to high speed broadband. Those initiatives are consistent with the Business Growth Strategy and Digital Economy Strategy. The relocation of the Business Growth section of Council to Tura will add value to this.

Strategic

The Tura facility offers a great opportunity to provide for a community, education and creative industries hub in the south of the shire. Eden and Bermagui both have sites with a mixture of uses supporting their communities. Merimbula/Tura/Pambula has not had the same access to a facility and into the future the opportunity offered at the Tura site has the potential to grow this hub.

Financial

The internal fit out of both the Tavern and the Residence will be funded from a number of existing sources including savings in the library development budget, sale of poker machine licences and a contribution from Community Services reserves held from the sale of the HACC building. Once a detailed design has been completed a full costing will be reported to Council for adoption.

Resources (including staff)

Council staff will be engaged to project manage the design stage of both buildings and to complete the reallocation of the remaining fixtures and fittings.

CONCLUSION

The Tura facility and residence provide an opportunity for Council to develop a space that will have real outcomes for a broad cross section of the community. Given the variety of uses proposed, retaining flexibility at the facility will be key its success, this will allow the spaces to be shared by a range of community groups and activities.

The recommended uses for the space are as follows (outlined in the attached floor plans);

Tavern Upper Level

- Branch Library, office space, work room, community meeting room
- Covered outdoor community space
- Café/Reception space
- BVSC Community Service Programs
- Community meeting room

Tavern Lower Level

- Large multi-use community meeting spaces/community exhibition space
- Community offices for use or allocation to community groups
- Community work room

Residence

- Sapphire Coast Tourism and South East Arts (downstairs)
- Meeting Room (downstairs)
- ICT Business incubator and office spaces (upstairs)

RECOMMENDATION

1. That Council adopt the proposed uses as outlined in the report
2. That a final design and costing be reported to Council for adoption
3. That where necessary, appropriate development approvals be obtained for the uses of the property adopted by Council.
4. That the remaining fixtures and fittings be dealt with as outlined in the report
5. That Council give consideration to a new name for the facility.

Council Minutes: Planning and Environment Committee No. 9.2 – 25 September 2013

9.2 Tura facility - proposed uses submission process.

Council resolved:

1. That Council adopt the proposed uses as outlined in the report:

Tavern Upper Level

- Branch Library, office space, work room, community meeting room
- Covered outdoor community space
- Café/Reception space
- BVSC Community Service Programs
- Community meeting room

Tavern Lower Level

- Large multi-use community meeting spaces/community exhibition space
- Community offices for use or allocation to community groups
- Community work room

Residence

- Sapphire Coast Tourism and South East Arts (downstairs)
- Meeting Room (downstairs)
- ICT Business incubator and office spaces (upstairs)

2. That a final design and costing be reported to Council for adoption

3. That where necessary, appropriate development approvals be obtained for the uses of the property adopted by Council.

4. That the remaining fixtures and fittings be dealt with as outlined in the report

5. That Council give consideration to a new name for the facility.

Attachment 2: Council reports and resolutions for Lots A & 12 DP 201599, Lot 1 DP 163768 and Lot 2 DP 91361 Market Street, Merimbula

Council Report: Planning and Environment Committee No. 11.6 – 20 March 2013

11.6 25-27 Market Street Merimbula - Classification of land at the Mobil Service Station Site be made operational.

Advising Council of classification of land at 25-27 Market Street Merimbula as operational.

Group Manager Infrastructure, Waste & Water

BACKGROUND

On 29 September 2009 Council resolved to bid for the former Mobil fuel site in Market Street Merimbula, subject to certification the property had been remediated to residential standard. The offer of \$1.5m plus GST was accepted, with settlement to take place by 30 November 2011. Settlement has since been deferred on 2 occasions while the remediation process continued.

Three Certificates of title were issued for this land on the 28 December 2012 for

Lot 1 DP 163738, Lot A DP 201599

Lot 12 DP 567206

Lot 2 DP 91361

All public land must be classified by council as either "community" or "operational" land. The main effect of classification is to restrict the alienation and use of the land. "Operational" land has no special restrictions other than those that may apply to any piece of land.

Council has further resolved, previously, as follows:

12 December 2012

That Council note the report and proceed to settlement of 25-27 Market Street Merimbula, with the Mayor and General Manager authorised to execute documents and apply Council's seal

That a loan of \$1.5m over 5 years be raised for the purpose of acquisition of 25-27 Market Street Merimbula, serviced by Merimbula roads and parking development contributions

That a licence to occupy be secured from Mobil and the site be turfed in preparation for the holiday season.

That the reports on this matter be declassified after settlement.

27 October 2009

That Council endorse the action of the General Manager to make the revised Expression of Interest for 25 – 27 Market Street, Merimbula as detailed in the report to Council dated 27 October, 2009, for \$1.5 million (plus GST).

That the matter be deferred for further report, subject to satisfactory resolution of the terms contained in the revised Expression of Interest.

10 November 2009

That Council note the acceptance by Mobil of its offer to purchase 27 Market Street, Merimbula, inclusive of modified clauses in the contract enabling either party to rescind should the remediation works or environmental report not be complete to standard by settlement or by extension.

That the General Manager and Mayor be authorised to execute contract documents.

That following exchange of contracts, the reports on this matter be declassified.

Legal

Any public land that is acquired by or vested in council after 1 July 1993 may be classified by resolution of council. Land must be classified on its acquisition by council or within 3 months after it acquires the land under the Local Government Act section 31(2) If not, the land is automatically classified as community (s.31(2)) (below)..

LOCAL GOVERNMENT ACT 1993 - SECT 31

Classification of land acquired after 1 July 1993

31 Classification of land acquired after 1 July 1993

(1) This section applies to land that is acquired by a council after the commencement of this Division, other than:

(a) land to which the Crown Lands Act 1989 applied before the acquisition and continues to apply after the acquisition, and

(b) land that is acquired for the purpose of a road.

(2) Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land.

(2A) Any land acquired by a council that is not classified under subsection (2) is, at the end of the period of 3 months referred to in that subsection, taken to have been classified under a local environmental plan as community land.

(2B) While the land remains unclassified:

(a) the land may not be used for any purpose other than that for which it was being used immediately before it was acquired, and

(b) the council may not dispose of any interest in the land.

(3) A council must not resolve under this section that land be classified as operational land if:

(a) the land is classified as community land immediately before its acquisition, or

(b) the resolution would be inconsistent with any other Act, the terms of any trust applying to the land or the terms of any instrument executed by the donor or transferor of the land.

CONCLUSION

The acquisition of 25-27 Market Street Merimbula had been resolved by Council on 29 September 2009. The classification of the land to operational will enable progress towards detailed design for the CBD bypass. The classification of the land will also enable Council to progress towards sale, lease or development of the site once subdivision is complete

RECOMMENDATION

That Council resolve under section 31(2) of the Local Government Act to classify the land at 25-27 Market Street Merimbula as Operational.

Council Minutes: Planning and Environment Committee No. 11.6 – 20 March 2013

Council resolved:

1. That Council resolve under section 31(2) of the Local Government Act to classify the land at 25-27 Market Street Merimbula as Operational

2. That the community be advised, via a media release, the reasons why the site cannot be accessed by the public.

Council Minutes: Planning and Environment Committee No. 11.6 – 20 March 2013

11.6 25-27 Market Street Merimbula - Classification of land at the Mobil Service Station Site be made operational.

1. That Council resolve under section 31(2) of the Local Government Act to classify the land at 25-27 Market Street Merimbula as Operational
2. That the community be advised, via a media release, the reasons why the site cannot be accessed by the public.

Attachment 3: Council reports and resolutions for Various Lots Brogo, Eden, Merimbula and Tarraganda

Council Report: Planning and Environment Committee No. 8.4 – 16 April 2014

8.4 Proposed amendment to schedule 4 of Bega Valley Local Environmental Plan 2013 to reclassify certain lands from community to operational land

The purpose of the report is to seek a Council resolution to prepare a Planning Proposal to reclassify certain lands from Community land to Operational land under Bega Valley Local Environmental Plan 2013.

Group Manager Planning & Environment

BACKGROUND

In conjunction with the preparation of the draft Bega Valley Local Environmental Plan 2013 a review of Council land was undertaken to ensure such land was correctly classified as either 'Operational land' or 'Community land' under the Local Government Act 1993, depending on the use.

This review identified a number of parcels of land that required reclassification from 'Community land' to 'Operational land' to reflect the nature of the use of the land. The mechanism for reclassification of the land was through the Bega Valley Local Environmental Plan 2013 (BVLEP 2013) gazettal process.

Schedule 4 of BVLEP 2013 lists the land that was reclassified. A review of the Schedule has identified four parcels of land, identified as part of the review to be reclassified as 'Operational land', were not included in Schedule 4. Therefore they remain classified as 'Community land'.

It should be noted that Council had previously resolved to classify the land as 'Operational land', at the time of acquisition, however as the resolution to classify was not notified in accordance with the provisions of the Local Government Act 1993, the classification of the land has reverted to 'Community land'.

Further a parcel of land at Tarraganda, that is currently classified 'Community land', is proposed to be reclassified as 'Operational land' to enable Council to enter into a long term agreement with an adjoining owner for access over the Council land, to the Bega River, for pumping purposes.

LAND TO BE RECLASSIFIED OPERATIONAL LAND:

- Lot 11 DP 735675 Waterloo Creek Road, Brogo

Lot 11 was acquired by Council in 1987 for the purposes of a sewer pump station and is currently used for the Brogo River Pump Station. Lot 11 is classified 'Community land' under BVLEP 2013 and is proposed to be reclassified to 'Operational land' to reflect the existing use of the land.

- Lot 1 DP 1037443 Cnr Imlay & Mitchell Streets, Eden

Lot 1 was acquired by Council in 2002 for the purposes of public buildings and car park area and is currently used for the Eden Gateway Centre office building. Lot 1 is currently classified 'Community land' under BVLEP 2013 and is proposed to be reclassified to 'Operational land' to reflect the existing use of the land.

- Lot 949 DP 810986 Main Street, Merimbula

Lot 949 was acquired by Council in 1991 for the purposes of a car park and is currently used for the Merimbula Town CBD car park. Lot 949 is currently classified 'Community land' under BVLEP 2013 and is proposed to be reclassified to 'Operational land' to reflect the existing use of the land.

- Lot 299 DP 1151525 Snowy Mountains Highway, Numbugga

Lot 299 was acquired by Council in 1976 for the purposes of a Rural Fire Service (RFS) shed and is currently used for the Numbugga RFS shed. Lot 299 is currently classified 'Community land' under BVLEP 2013 and is proposed to be reclassified to 'Operational land' to reflect the existing use of the land.

- Lot 14 DP 249924 Moore Wrens Road, Tarraganda

Lot 14 was dedicated to Council in 1975 for Public Reserve purposes as part of a subdivision approval and is currently classified as community land. The owners of the adjoining Lot 1316 sought approval from Council to gain access over Lot 14 to pump water from the Bega River to provide a water supply to their land. Council agreed to the request and, as a short term solution, Council entered into a temporary licence agreement to enable the owners to legally construct water infrastructure over the Public Reserve (Lot 14) to access the water from the Bega River.

However, as the land is classified as 'Community land', Council is unable to enter into a long term agreement or provide an easement for water purposes. Lot 14 is an isolated piece of land with no other access, other than

from the steep embankment of the Bega River. Staff consider that the land would be more appropriately classified as 'Operational land' to enable long term arrangements to be entered into.

CONCLUSION

Staff have identified that four parcels of Council owned land, that were identified to be classified as 'Operational land' as part of a review during the draft BVLEP 2013 process, were not included in Schedule 4 of BVLEP 2013 as reclassified land. The land remains classified as 'Community land'. The 'Community land' classification is inconsistent with the use of the land for infrastructure purposes and should be reclassified as 'Operational land'. Further Lot 14 DP 249924 is a Public Reserve and classified 'Community land'. Council has entered into a short term licence agreement to enable an adjoining owner to access water from the Bega River over Lot 14.

Lot 14 is an isolated parcel of land with very limited public access. Council is unable to enter into a long term agreement with the adjoining owner while the land is classified as 'Community land'. The reclassification of Lot 14 to 'Operational land' would provide Council with options to either establish a permanent arrangement or possible future sale of part of the land to the adjoining owner.

To facilitate the reclassification of land Council is required to prepare a Planning Proposal to formally amend Schedule 4 of BVLEP 2013 by including the land in the schedule.

As part of the reclassification of Lot 14 the public reserve status would also be extinguished and therefore Lot 14 would fall into Part 2 of Schedule 4, while the other four parcels would fall within Part 1 of Schedule 4.

RECOMMENDATION

1. That Council prepare a Planning Proposal to amend Schedule 4 Part 1 of the BVLEP 2013 by reclassifying the following lots from 'Community land' to 'Operational land':

- Lot 11 DP 735675 Waterloo Creek Road, Brogo
- Lot 1 DP 1037443 Cnr Imlay & Mitchell Streets, Eden
- Lot 949 DP 810986 Main Street, Merimbula
- Lot 299 DP 1151525 Snowy Mountains Highway, Numbugga.

2. That Council prepare a Planning Proposal to amend Schedule 4 Part 2 of the BVLEP 2013 by reclassifying Lot 14 DP 249924 Moore Wrens Road, Tarraganda from 'Community land' to 'Operational land'.

3. That the Planning Proposal be forwarded to the Department of Planning for Gateway Panel Determination.¶

Council Minutes: Planning and Environment Committee No. 8.4 – 16 April 2014

Council resolved:

1. That Council prepare a Planning Proposal to amend Schedule 4 Part 1 of the BVLEP 2013 by reclassifying the following lots from 'Community land' to 'Operational land':

- Lot 11 DP 735675 Waterloo Creek Road, Brogo
- Lot 1 DP 1037443 Cnr Imlay & Mitchell Streets, Eden
- Lot 949 DP 810986 Main Street, Merimbula
- Lot 299 DP 1151525 Snowy Mountains Highway, Numbugga.

2. That Council prepare a Planning Proposal to amend Schedule 4 Part 2 of the BVLEP 2013 by reclassifying Lot 14 DP 249924 Moore Wrens Road, Tarraganda from 'Community land' to 'Operational land'.

3. That the Planning Proposal be forwarded to the Department of Planning for Gateway Panel Determination.

Council Minutes: Planning and Environment Committee No. 8.4 – 16 April 2014

8.4 Proposed amendment to schedule 4 of Bega Valley Local Environmental Plan 2013 to reclassify certain lands from community to operational land

1. That Council prepare a Planning Proposal to amend Schedule 4 Part 1 of the BVLEP 2013 by reclassifying the following lots from 'Community land' to 'Operational land':
 - Lot 11 DP 735675 Waterloo Creek Road, Brogo
 - Lot 1 DP 1037443 Cnr Imlay & Mitchell Streets, Eden
 - Lot 949 DP 810986 Main Street, Merimbula
 - Lot 299 DP 1151525 Snowy Mountains Highway, Numbugga.
2. That Council prepare a Planning Proposal to amend Schedule 4 Part 2 of the BVLEP 2013 by reclassifying Lot 14 DP 249924 Moore Wrens Road, Tarraganda from 'Community land' to 'Operational land'.
3. That the Planning Proposal be forwarded to the Department of Planning for Gateway Panel Determination.

Attachment 4: Council reports and resolutions for Part Lot 182 DP 1100739 and Lot 2 DP 569005 Lake Street, Merimbula

Council Report: Planning and Environment Committee No. 4 - 12 June 2012

4. Bega Valley Local Environmental Plan 2012

In accordance with the Council resolution of 22 May 2012 staff have assessed both the written and oral presentations to the Council meeting regarding the Draft Comprehensive Local Environmental Plan 2010 (Draft CLEP). The staff summary is included as Appendix 7 of this report.

The report recommends amendment to the Draft CLEP and adoption of the plan. Further that the amended plan be forwarded to the Director-General requesting that the "plan be made" by the Minister for Planning.

Group Manager, Planning and Environment

Background

Council at its meeting held on 22 May 2012 gave consideration to a report on the Bega Valley Local Environmental Plan 2010 with the following staff recommendation:

"That, in regards to the draft Comprehensive Local Environmental Plan, Council resolves to:

1. Adopt the recommendations for the submissions outlined in:
 - Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a "planning proposal" is to be prepared by Council and a "gateway determination" by the Minister for Planning is required prior to re-exhibition;
 - Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
 - Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
2. Amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
3. Incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
4. Adopt the amended draft Comprehensive Local Environmental Plan as per points 2 and 3 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that "the plan be made" by the Minister for Planning.
5. Proceed with a "planning proposal" and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be "deferred", *thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002*.
6. Defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be "deferred", *thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002*.
7. Undertake further investigations into potential industrial sites in the Bega District for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.

8. Note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
 9. Advise all those persons who have made submissions of the above."
- In accordance with Council's Code of Meeting Practice the report was deferred for a further report due to addresses.

WHAT DOES THE PLAN SEEK TO ACHIEVE?

- The majority of the Shire has simply been changed to the closest comparable zone available in the standard State wide template. This means that the majority of land owners wanting to develop or improve their properties will not be affected by the draft plan.
- Where there are changes proposed, the focus is on improving opportunities for economic development and jobs in the Bega Valley town centres, through the expansion of business, mixed use and industrial zones.
- Protection of productive agricultural land through the use of RU1 Primary Production and RU2 Rural Landscape zones.
- Establishment of allotment sizes through a "Lot Size Map", thus determining subdivision and dwelling entitlements.
- Recognition of environmentally sensitive land through the use of E3 Environmental Management and E4 Environmental Living zones.
- Protection of sensitive foreshore areas and bushland public reserves through the use of E2 Environmental Conservation zone.

Addresses to Council

There were a total of 22 individual addresses to Council while Mr C Maxted of Caddey Searl & Jarman addressed on behalf of 17 client submissions as well as matters raised by Caddey Searl and Jarman relating to subdivision clauses, lot sizing and height controls. In addition 11 written addresses were received.

The issues raised in all the addresses have been reviewed by Council staff including site meetings where appropriate.

As a result of this review, the staff recommendations for 21 of the submissions subject to addresses have been revised from that which was previously recommended to the Council on 22 May 2012.

Appendix 7 to this report is the staff summary of the addresses.

Appendix 1, 2, 3 and 4 attached to this report have been updated in accordance with the staff position included in Appendix 7.

Link to Planning & Environment Report 5 - 22 May 2012

Advice from the Department of Planning

Council on 28 February 2012 gave consideration to a staff report on the draft CLEP and as part of the resolution resolved the following:

- "1. That to progress the Comprehensive Local Environmental Plan:
 - Council staff work with the Department of Planning on the proposed amendments to the exhibited CLEP that would be considered minor and not warrant further exhibition.
 - Staff report to Council on those proposed amendments that are deemed not to require further exhibition.
 - The mapping to the CLEP be amended in accordance with that subsequent Council resolution.

Council has now received a solid overall endorsement of its approach to the finalisation of the CLEP as per the response of 31 May 2012 from the Regional Director, Department of Planning (see Appendix 8).

The Department has raised two main issues for consideration which relate to Littleton Gardens and to land owned by Bermagui Country Club.

In response, the following action is proposed by staff:

1. Further justification to be provided regarding Council's intended RE1 Public Recreation zoning of Littleton Gardens.
2. The E3 zone at the Bermagui Country Club be amended to E2 in accordance with the advice.

HEIGHT CONTROLS IN MERIMBULA, BEGA AND EDEN TOWN CENTRES

Staff have reviewed the height controls in Merimbula Town Centre in consideration of a number of submissions and workshop discussions with local professionals and Councillors. For the sake of consistency across the Shire reviews are now being undertaken for Bega and Eden Town Centres.

The matter is expected to be reported to Council in July and that any proposed changes will be treated as per Appendix 2.

Planning comment

The preparation of the draft CLEP has been a lengthy and extensive process for not only Councillors and staff, but the community as a whole. The process has included the 12 weeks of exhibition, including public information sessions, and a series of workshops with Councillors over the past 9 months since the completion of the exhibition period.

Further, Council staff have held a number of meetings with officers of the Department of Planning regarding all aspects of both the written instrument and the maps. Officers of the Department have also met with Councillors on several occasions over the last 6-7 years. These meetings clarified many issues and led to the inclusion of rural worker's dwellings becoming permissible with consent in the rural zones as part of the draft CLEP.

All public submissions and addresses, as well as Government agency submission and staff recommended changes, have been considered by Councillors at workshops.

Staff are of the opinion that Council is now in a position to resolve on the submissions and addresses received.

It is proposed that Appendix 1 be adopted by Council and that the draft CLEP be amended accordingly, including the mapping, and referred to the Department of Planning requesting that "the plan be made" by the Minister for Planning.

Appendix 2 and 3 represent submissions that are agreed to and require re-exhibition or submissions that require further investigation prior to resolution by Council. In the interim, it is proposed that the subject land be "deferred" thus retaining all the existing zonings and other provisions contained in the BVLEP 2002.

Staff are of the opinion that this pathway would finalise the CLEP process for the vast majority of landholders in the Shire and give surety and confidence in the planning process and strategic direction for the Shire.

Also, those persons who made submissions that are deferred would have the confidence that there would be no change to the current status of their land under BVLEP 2002 until their submission is re-exhibited or further investigated and finally resolved by Council.

The remaining submissions are proposed to be noted and/or not to be supported at this time.

Notwithstanding extensive workshoping of all the submissions with Councillors, it is open for any submission to be debated by Council at the meeting.

It should be noted that recommendation 7 to this report refers to investigations being undertaken into Industrial Land for the Shire as a whole, not the Bega District as recommended in the report to Council on 22 May 2102. This recommendation now accurately reflects Council's previously resolved position of 28 February 2012.

Conclusion

The draft CLEP has been prepared and exhibited in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (the Act) and all submissions are now placed formally before Council for determination. A public hearing has been held in relation to the reclassification of Council owned land.

It is proposed that the draft CLEP be amended as per the recommendations of this report and referred to the NSW Department of Planning in accordance with the Act, requesting that "the plan be made" by the Minister.

Recommendation

That, in regards to the draft Comprehensive Local Environmental Plan, Council resolves to:

1. Adopt the recommendations for the submissions outlined in:
 - Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a "planning proposal" is to be prepared by Council and a "gateway determination" by the Minister for Planning is required prior to re-exhibition;
 - Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
 - Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
2. Amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
3. Incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
4. Adopt the amended draft Comprehensive Local Environmental Plan as per points 2 and 3 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that "the plan be made" by the Minister for Planning.
5. Proceed with a "planning proposal" and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
6. Defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
7. Undertake further investigations into potential industrial sites in the Bega Valley Shire for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.
8. Note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
9. Advise all those persons who have made submissions of the above.

Council Minutes: Planning and Environment Committee No. 4 - 12 June 2012

4. Bega Valley Local Environmental Plan 2012

1. That the following items be placed appropriately in Appendices 1 -4 as listed below:

That the following item be moved from Appendix 4 to Appendix 1 and thus deleted from the Heritage Schedule:

[section deleted]

2. That in regard to the draft Comprehensive Local Environmental Plan Council adopts the recommendations for the submissions outlined in:

- Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
- Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a "planning proposal" is to be prepared by Council and a "gateway determination" by the Minister for Planning is required prior to re-exhibition;
- Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
- Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.

3. That Council amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.

4. That Council incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.

5. Adopt the amended draft Comprehensive Local Environmental Plan as per points 3 and 4 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that "the plan be made" by the Minister for Planning.

6. That Council proceed with a "planning proposal" and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.

7. That Council defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be "deferred", thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.

8. That Council undertake further investigations into potential industrial sites in the Bega Valley Shire for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.

9. That Council note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.

10. That Council advise all those persons who have made submissions of the above.

Attachment 5: Certificates of Title

BOX 124E
(AH952146)



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE 158/1140729	
EDITION 3	DATE OF ISSUE 14/10/2013
CERTIFICATE AUTHENTICATION CODE SPX4-DV-6L3S	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 158 IN DEPOSITED PLAN 1140729
AT TURA BEACH.
LOCAL GOVERNMENT AREA: BEGA VALLEY.
PARISH OF BOURNDA COUNTY OF AUCKLAND
TITLE DIAGRAM: DP1140729

FIRST SCHEDULE

BEGA VALLEY SHIRE COUNCIL

(T AH952146)

SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. P981165 EASEMENT FOR WATER SUPPLY APPURTENANT TO THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN DP587140
3. Q12396 EASEMENT FOR WATER SUPPLY APPURTENANT TO THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN DP243029
4. DP262626 RESTRICTION(S) ON THE USE OF LAND
W777852 VARIATION
5. W777853 COVENANT

**** END OF CERTIFICATE ****

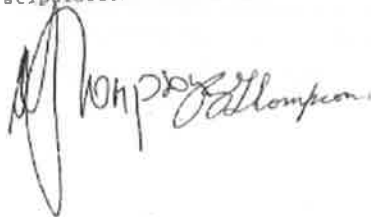
SCHEDULE THREE HEREINBEFORE REFERRED TO

Notes (n) and (9) The Transferor hereby covenants with the Transferee to the intent that this covenant shall be binding so far the Transferee may be the owner for the time being of the land hereby transferred but upon the Transferee only so long as he is the owner of the said land, that the Transferee and those deriving title under him will at all times hereafter observe and perform the restrictions and stipulations set forth hereunder:-

- (a) that all buildings to be erected on the land shall be of brick construction with steel portal framing;
- (b) that any shops to be erected shall have covered awnings over the footpath of each shop;
- (c) that all areas of car park be sealed, lighted, drained, marked with spaces and adequately landscaped;
- (d) that the land be landscaped and that all gardens shrubs and trees be maintained and replaced when appropriate.

And it is hereby declared that the land which is the subject to the burden of this covenant is the land hereby transferred and the lands to which the benefits of the restrictions and stipulations are appurtenant are lots 1502 to 1519 inclusive of D.P. 262626.

The Transferor reserves to itself the right to release modify vary or waive any restrictions or stipulations referred to herein.




This form is only to be used for the transfer of land together with the granting or reservation of easements and/or the creation of restrictive covenants. For other transfers, use Form RP 12, RP 13B, RP 13C, as appropriate.

This dealing should be marked by the Commissioner of Stamp Duties before lodgment at the Registrar General's Office.

Typewriting and handwriting should be clear, legible and in permanent black non-copying ink.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialed by the parties to the dealing.

Alterations are not to be made by erasure; all words rejected are to be ruled through, and not crossed out by any other mark.

Registered mortgagees, chargees and lessors of the servient tenement should consent to any grant or reservation of easement; otherwise the mortgage, charge or lease should be noted in the memorandum of prior encumbrances.

The signatures of the parties and the attending witnesses should appear below the last provision in the last completed schedule.

Rule up off blanks.

The following instructions relate to the side notes on the form:

- (d) Description of land.
- (1) TRANSFEROR'S TITLE REFERENCE—Insert the current Folio Identifier or Volume and Page of the Certificate of Title/Crown Grant for the land being transferred, e.g., 135/SP12345 or Vol. 8514 fol. 126.
- (2) PARTY AVAILABLE—If one party to the deal is the holder of the Register is being transferred, delete the word "WHOLES" and insert the lot and plan number, portion, B.C. See also sections 377 and 379A of the Land Conveyancing Act, 1919.
- (3) LOCATION—Insert the locality shown on the Certificate of Title/Crown Grant, e.g., in Chelms. If the locality is not shown, insert the Parish and County, e.g., Pt. Lonsdale Co. Aust.
- (e) Tenement panel—Insert the current Folio Identifier or Volume and Page of the Certificate of Title/Crown Grant for both the servient and dominant tenements of the easement, e.g., 135/SP12345 or Vol. 8514 fol. 126, &c. This panel is also to be completed for covenants by the transferor.
- (f) Show the full name, address and occupation or description.
- (g) If the estate being transferred is a lesser estate than an estate in fee simple, delete "fee simple" and insert appropriate estate.
- (h) Delete if only one transferee. If more than one transferee, delete either "joint tenants" or "tenants in common", and, if the transferees hold as tenants in common, state the shares in which they hold.
- (i) In the memorandum of prior encumbrances, state only the registered number of any mortgage, charge or lease (except where the consent of the mortgagee, chargee or lessee is furnished) and of any writ recorded in the Register.
- (j) Delete whichever words are inappropriate.
- (k) Execution.
- GENERALLY (a) Should there be insufficient space for execution of this dealing, an ex coequo sheet;
- (b) The certificate of execution under the Real Property Act, 1900 must be signed by all parties to the transfer; each party to execute the dealing in the presence of an adult witness, not having a share in the dealing, to whom he is personally known. The solicitor for the transferor may sign the certificate on behalf of the transferor, his solicitor's name (and that of his firm), as the typewritten or printed signature of his signature.
- Any person solely of legal age capable of holding title to the premises provided by section 117 of the Real Property Act, 1900.
- ATTO-RNEY (c) If the transfer is made by an attorney for the transferor, reference must be made to a registered power of attorney, the form of execution must set out the full name of the attorney, and the form of execution must indicate the source of his authority, e.g., "As by the attorney for power of attorney, as the case may be, XY pursuant to power of attorney registered Book 1234 fol. 56."
- AUTHORITY (d) If the transfer is executed pursuant to an authority (either that specified in (b)) the form of execution must indicate the authority, judicial or other, whereby permission to execute the transfer has been received.
- CORPORATION (e) If the transfer is executed by a corporation or firm, etc., the form of execution shall be in the following terms: "I, the undersigned, as secretary of the company, do hereby certify that the above is the true and correct copy of the original of the deed as it appears in the books of the company." Each person executing the deed must state his position (e.g., director, secretary) in the corporation.
- (f) Insert the name, postal address, document exchange reference, telephone number and delivery box number of the lodging party.
- (g) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List in an abbreviated form, other documents lodged, e.g., stat. doc. for statutory declaration, plan for probate, LJA for letters of administration, &c.
- (h) State the nature of the statement (see, e.g., section 81A of the Conveyancing Act, 1919) and accurately describe the site of the statement. The grant or reservation of an easement (for an easement in gross) must comply with section 88 of the Conveyancing Act, 1919. Not applicable, rule through this space.
- (i) Annexures should be of the same size and quality of paper and have the same margins as the transfer form. Each such annexure must be identified as an annexure and signed by the parties and the attesting witnesses. Any plan annexed should comply with regulation 27 of the Real Property Act regulations, 1970.
- (m) This space is provided for any restrictive covenant by the transferor (which must comply with section 88 of the Conveyancing Act, 1919). If not applicable, rule through this space.
- (n) This space is provided for any restrictive covenant by the transferee (which must comply with section 88 of the Conveyancing Act, 1919). If not applicable, rule through this space.

OFFICE USE ONLY

FIRST SCHEDULE DIRECTIONS

DIRECTION: PROP		FIRST SCHEDULE DIRECTIONS			
No. OF NAMES:		NAME AND DESCRIPTION			
(A)	FOLIO IDENTIFIER	(B) No.	(C) NAME	(D) 1	(E)
SECOND SCHEDULE & OTHER DIRECTIONS					
(A)	FOLIO IDENTIFIER SEE SECOND SCHEDULE & FOLIO IDENTIFIER	(B) DIRECTION	(C) PHOTO TYPE	(D) DEALING NUMBER	(E) DETAILS

RP 54 (177) STAMP DUTY 6.60

RELEASE OF RESTRICTION AS TO USER
 SECTION 88E (7) (a), CONVEYANCING ACT, 1919
 REAL PROPERTY ACT, 1900
 (See Instructions for Completion on back of form)

OFFICE USE ONLY
 R: A 1 of 3
 \$ 37

Torrens Title Reference	If Part Only, Delete WHOLE and Give Details
VOLUME 14738 FOLIO 42	WHOLE

DESCRIPTION OF LAND Note (a)

JENNINGS INDUSTRIES LIMITED of 690 Springvale Road Mulgrave in the State of Victoria

Note (b)

(The PRESCRIBED AUTHORITY entitled to enforce the restriction as to user created by the undermentioned dealing hereby releases the said restriction to the land above described paragraphs (i) and (j) of clause 6 in so far as such paragraphs affect the land above described

Note (c)

RESTRICTION NUMBER DP 262626

DATE OF RELEASE 10th Aug 1985

OFFICE USE ONLY
OVER RQ

EXECUTION Note (d)

I hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900
 Signed in my presence by an authorized officer of the Prescribed Authority

JENNINGS INDUSTRIES LIMITED by its Attorney
 LESLIE EDWARD HOWELL pursuant to Power of Attorney Registered Book 3364 fo. 229
 and I have no notice of the revocation of the said Power of Attorney.

TO BE COMPLETED BY LOGGING PARTY Note (e) and (f)

OFFICE USE ONLY

REED HANGAN & TURNER
 38 HUNTER ST. SYDNEY 2000
 A PO BOX 452 SYDNEY PH. 257 1500
 PHONE No 257 1511

DELIVERY BOX 205

Delivery Box Number

Extra Fee

Checked

REGISTERED 2403-10

Registrar General

LOCATION OF DOCUMENTS

CT OTHER

Relinquish

In R.G.O. with

Produced by

RA 12A 2/102

207121

BOX 1W
(AH459894)



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



TODAY'S TITLE REFERENCE	
12/567280	
OFFICE	DATE OF ISSUE
1	28/12/2012
CERTIFICATE AUTHENTICATION CODE	
QQDY-W2-KRVG	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 12 IN DEPOSITED PLAN 567260
AT MERIMBULA.
LOCAL GOVERNMENT AREA: BEGA VALLEY.
PARISH OF PAMBULA COUNTY OF AUCKLAND
TITLE DIAGRAM: DP567260

FIRST SCHEDULE

BEGA VALLEY SHIRE COUNCIL

(T AH459894)

SECOND SCHEDULE

- 1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. N572528 COVENANT

**** END OF CERTIFICATE ****



No. ① **M 572528** **\$=0075** **AM 10:01**

MEMORANDUM OF TRANSFER
 (REAL PROPERTY ACT, 1900)

OFFICIAL ONLY

2 **1200**

R.P. 124 ②

+ **VS.** **BRUCE PEMBERTON PALMER** of Kyamba Downs via Wagga Wagga, **DAVID PEMBERTON PALMER** of Kyamba South via Wagga Wagga, **COLIN PEMBERTON PALMER** of Gininderra via Wagga Wagga and **ANTONY PEMBERTON PALMER** of Kyamba via Wagga Wagga all granters

This form may be used where new restrictive covenants are imposed on property situated or where the title is transferred from a trustee.

(Transfers must be declared in the transfer)

Typing or handwriting in this instrument should not extend into any margin. The heading should be clear and legible and in permanent black non-fading ink.

All blocks should be ruled up before signing.

A fee has to be paid, and a fee in stamp duty and a fee in land tax.

(herein called transferor)

being registered as the proprietor of an estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens and interests as are notified hereunder, in consideration of the sum of **THREE THOUSAND DOLLARS**

(\$3,000.00) (the receipt whereof is hereby acknowledged) paid to us by **WERIMBULA BAKERY PTY. LTD.**

do hereby transfer to

Show in BLOCK LETTERS the full name, postal address and description of the person taking, and if more than one, whether they hold as joint tenants or tenants in common.

WERIMBULA BAKERY PTY. LTD. having its registered office at 154
 Corp Street, Bega

(herein called transferee)

The description may refer to the defined estate of the land and being subject to any mortgage or other charge shown in the Title Map issued by the Department of Land or shown in plan filed in the Office of the Registrar General of N.S.W. and being for notice.

When authorized by Reg 44, Conveyancing and Registration Act, 1966, a plan may be referred to as endorsed on this transfer form.

Are such our Estate and Interest in ALL THE land mentioned in the schedule following:—

County	Parish	Reference to Title			Description of Land (if part only)
		Whole or Part	Vol.	Pat.	
AUCKLAND	PANBULA	WHOLE	12101	90	Formerly Being Lot 1 in Deposited Plan No. 558125

72/1866G

And the transferee covenant(s) with the transferor for the benefit of the land adjoining the land hereby transferred but only during the ownership thereof by the Transferor their executors, administrators or assigns other than purchasers of sale that no fence shall be erected on the land hereby transferred to divide it from such adjoining land without the consent of the transferor their executors, administrators or assigns but such consent shall not be withheld if such fence is erected without any expense to the transferor their executors, administrators or assigns and in favour of any person dealing with the transferee or its assigns such consent shall be deemed to have been given in respect of every such fence for the time being erected and IT HEREBY DECLARED AND AGREED:-

Delete out if unnecessary, or
indisputably agreed.
b) if any conditions are to
be added or any
exceptions to be made
or
c) if the statutory provisions
are varied by the Act
are intended to be
added or modified.
Consent to this declaration with
the provisions of the Statute of
the corresponding Act, 1924.

1. This covenant may be released varied or modified by the owner or owners for the time being of such adjoining land.
2. The land bearing the burden of this covenant is the land hereby transferred.
3. The land having the benefit of this covenant is the adjoining land being

ENCUMBRANCES, &c., REFERRED TO:

Reservations and conditions, if any, contained in Land Grants.

A very short note will suffice
H.M.S. 6 17-4

A113-2 9. 629-2

N 5 7 2 5 2 8

No. _____

Lodged by

Address

Phone No.



PARTIAL DISCHARGE OF MORTGAGE
 (N.B.—Before execution read marginal note.)

I,

mortgagee under Mortgage No.
 release and discharge the land comprised in the within transfer from such mortgage and all claims
 thereunder but without prejudice to my rights and remedies as regards the balance of the land comprised
 in such mortgage.

This discharge is appropriate
 to a transfer of part of the
 land to the Mortgagee. The
 mortgagee should execute a
 formal discharge when the
 land is released in the whole
 or in the residue of the land
 in the Certificate of Title or
 Green Graph or in the whole
 of the land in the mortgage.

Dated at _____ this _____ day of _____ 19 _____

Signed in my presence by

who is personally known to me

Mortgagee.

DOCUMENTS LODGED HEREWITH
 To be filled in by person lodging dealing

1. _____	Received Docs.
2. _____	Nos. _____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____

Indented	MEMORANDUM OF TRANSFER
Checked by	<i>Subject to Consent</i>
Particulars entered in Register Book	
Passed (in S.D.B.) by	5-12-1973
Signed by	<i>Registrar General</i>

PROGRESS RECORD

	Initials	Date
Sent to Survey Branch		
Received from Records		
Draft written		
Draft examined		
Diagram proposed		
Diagram examined		
Draft forwarded		
Supt. of Engrs. and		
Construction Clerk		
Val.	For.	

LEAVE THESE SPACES FOR DEPARTMENTAL USE

BOX 1W
(AH459894)



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



TERRITORY TITLE REFERENCE AUTO CONSOL 8237-66	
EDITION 1	DATE OF ISSUE 28/12/2012
CERTIFICATE AUTHENTICATION CODE ZZQL-JR-DKJH	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
AT MERRIMBULA.
LOCAL GOVERNMENT AREA: BEGA VALLEY.
PARISH OF PAMBULA COUNTY OF AUCKLAND
TITLE DIAGRAM: SEE SCHEDULE OF PARCELS

FIRST SCHEDULE

BEGA VALLEY SHIRE COUNCIL

(T AH459894)

SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

SCHEDULE OF PARCELS

TITLE DIAGRAM

LOT 1 IN DP163768
LOT A IN DP201599

DP163768
DP201599

**** END OF CERTIFICATE ****

BOX 1W
(AH459894)



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



TORRENTITLE REFERENCE	
2/91361	
EDITION	DATE OF ISSUE
1	28/12/2012
CERTIFICATE AUTHENTICATION CODE	
QF7M-PQ-FYFF	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 2 IN DEPOSITED PLAN 91361
AT MERRIMBULA.
LOCAL GOVERNMENT AREA: BEGA VALLEY.
PARISH OF PAMBULA COUNTY OF AUCKLAND
TITLE DIAGRAM: DP91361

FIRST SCHEDULE

BEGA VALLEY SHIRE COUNCIL

(T AH459894)

SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

**** END OF CERTIFICATE ****

4770834

4770834

Certificates of Title: Mobil Site, Market Street Merimbula

BOX 124E
(AH902449)



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



TRANSFER TITLE REFERENCE	
11/735675	
EDITION	DATE OF ISSUE
3	26/7/2013
CERTIFICATE AUTHENTICATION CODE	
2CV9-RG-DJSW	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 11 IN DEPOSITED PLAN 735675
AT VERONA.
LOCAL GOVERNMENT AREA: BEGA VALLEY.
PARISH OF PUEN BUEN COUNTY OF AUCKLAND
TITLE DIAGRAM: DP735675

FIRST SCHEDULE

BEGA VALLEY SHIRE COUNCIL

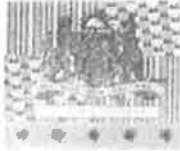
(T AH902449)

SECOND SCHEDULE

1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
2. LAND EXCLUDES THE ROAD(S) SHOWN IN THE TITLE DIAGRAM
3. DP1180759 EASEMENT FOR ELECTRICITY PURPOSES 20 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN DP1180759

**** END OF CERTIFICATE ****

BOX 1W
(AG389235)



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



TERRA'S TITLE REFERENCE	
1/1037443	
EDITION	DATE OF ISSUE
1	25/7/2011
CERTIFICATE AUTHENTICATION CODE	
K7FL-3J-3P9K	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 1 IN DEPOSITED PLAN 1037443
AT EDEN.
LOCAL GOVERNMENT AREA: BEGA VALLEY.
PARISH OF EDEN COUNTY OF AUCKLAND
TITLE DIAGRAM: DP1037443

FIRST SCHEDULE

BEGA VALLEY SHIRE COUNCIL

(CA157589)

SECOND SCHEDULE

NIL

**** END OF CERTIFICATE ****

WARNING: THIS DOCUMENT IS A COPY OF THE ORIGINAL REGISTERED DOCUMENT. IT IS NOT A VALID COPY FOR THE PURPOSES OF THE REAL PROPERTY ACT, 1900.

4117466

Certificate of Title: Lot 1 DP 1037443, Cnr Imlay & Mitchell Streets, Eden

BOX 124E
(AH900598)



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



CURRENT TITLE REFERENCE	
949/810986	
EDITION	DAYS OF ISSUE
5	25/7/2013
CERTIFICATE AUTHENTICATION CODE	
9WSN-PL-39NV	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register

REGISTRAR GENERAL



LAND

LOT 949 IN DEPOSITED PLAN 810986
AT MERIMBULA.
LOCAL GOVERNMENT AREA: BEGA VALLEY.
PARISH OF PAMBULA COUNTY OF AUCKLAND
TITLE DIAGRAM: DP810986

FIRST SCHEDULE

BEGA VALLEY SHIRE COUNCIL

(T AH900598)

SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. EASEMENT(S) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM CREATED BY:
DP810986 FOR CAR PARKING VARIABLE WIDTH
3. EASEMENT(S) APPURTENANT TO THE LAND ABOVE DESCRIBED CREATED BY:
DP810986 RIGHT OF CARRIAGE WAY 6.98 WIDE
DP810986 TO DRAIN SEWAGE 6.98 WIDE
DP810986 FOR SERVICES 6.98 WIDE

**** END OF CERTIFICATE ****

ORIGINAL BEFORE DOING WITH THIS LAND SEARCH THE EVIDENCE FOR THE REGISTER

5035116

Certificate of Title: Lot 949 DP 810986, Main Street, Merimbula

9
BOX 1W
(AG371526)



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



TRANSIT TITLE REFERENCE	
299/1151525	
SECTION	DATE OF ISSUE
1	15/7/2011
CERTIFICATE AUTHENTICATION CODE	
NV4N-Z7-JTJD	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 299 IN DEPOSITED PLAN 1151525
AT NUMBUGGA.
LOCAL GOVERNMENT AREA: BEGA VALLEY.
PARISH OF MERINGO COUNTY OF AUCKLAND
TITLE DIAGRAM: DP1151525

FIRST SCHEDULE

BEGA VALLEY SHIRE COUNCIL

(CA153149)

SECOND SCHEDULE

1. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
2. RESERVATIONS AND EXCEPTIONS OF MINERALS AND RIGHTS TO MINE. SEE GOVERNMENT GAZETTE 25.3.1977 POL 1203
3. **THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE**

**** END OF CERTIFICATE ****

WARNING: MULTIPLE USE OF THIS CERTIFICATE AND SEARCHED FOR THE PURPOSE OF THIS NOTICE

4107178

Certificate of Title: Lot 299 DP 1151525, Snowy Mountains Highway, Numbugga

BOX 1W
(AC555899)

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE	
ASSURANCE TO HOLDERS OF THE REGISTER	
DEPOSITED PLAN 182/1100739	
EDITION 1	DATE OF ISSUE 28/8/2006
CERTIFICATE AUTHENTICATION CODE 3HE5-5L-1OM9	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register



REGISTRAR GENERAL.

LAND

LOT 182 IN DEPOSITED PLAN 1100739
AT MERIMBULA
LOCAL GOVERNMENT AREA: BEGA VALLEY
PARISH OF PAMBULA COUNTY OF AUCKLAND
TITLE DIAGRAM: DP1100739

FIRST SCHEDULE

BEGA VALLEY SHIRE COUNCIL

(CA100950)

SECOND SCHEDULE

1. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
2. LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE
3. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.14) REAL PROPERTY ACT

WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER

1513016

Certificate of Title: Lot 182 DP 1100739, Lake Street, Merimbula

204 Dec. 1926 5

CERTIFICATE OF TITLE

REAL PROPERTY ACT 1900



QUALIFIED
EXAMINER'S TITLE: *S.P. 34*
Registration:

Vol. 12983 Fol. 167 ✓

EDITION ISSUED

30 1 1976

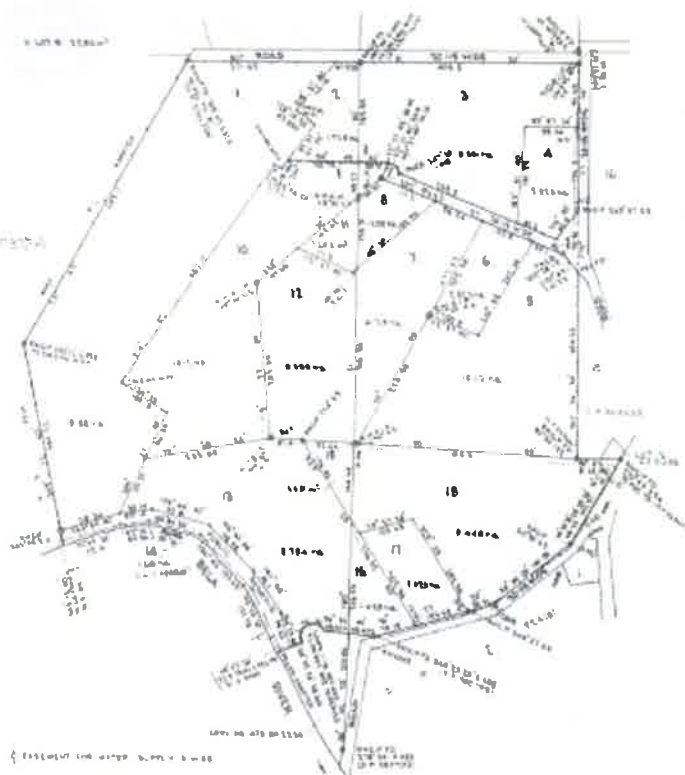
I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to and excepting encumbrances and interests as are shown in the Second Schedule.

J. A. K.
Registrar General.



PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METERS



ESTATE AND LAND REFERRED TO

Setate in Fee Simple in Lot 14 in Deposited Plan 249924 at Tarragunda in the Shire of Murrumbidgee Parish of Bega and County of Murrumbidgee being part of Portion 97 granted to Peter Lalor on 5-3-1853.

FIRST SCENARIO

THE COUNCIL OF THE EMPIRE OF AUMBULLA.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. CAUTION: The land within described is held subject to any subsisting interest (as defined in Section 28A of the Real Property Act, 1900).
3. No. K200000000 Conveyed by the Registrar General forbidding registration of instruments not authorized by the provisions of Local Government Act, 1919 relating to Public Reserves.

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED.

Attachment 6: State Environmental Planning Policies

State Environmental Planning Policy		Compliance
SEPP No. 1	Development Standard	N/A
SEPP No. 4	Development without Consent and Miscellaneous Exempt and Complying Development	N/A
SEPP No. 6	Number of Storeys in a Building	N/A
SEPP No. 14	Coastal Wetlands	N/A
SEPP No. 15	Rural Land Sharing Communities	N/A
SEPP No. 19	Bushland in Urban Areas	N/A
SEPP No. 21	Caravan Parks	N/A
SEPP No. 22	Shops and Commercial Premises	N/A
SEPP No. 26	Littoral Rainforests	N/A
SEPP No. 29	Western Sydney Recreational Area	N/A
SEPP No. 30	Intensive Agriculture	N/A
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	N/A
SEPP No. 33	Hazardous and Offensive Development	N/A
SEPP No. 36	Manufactured Home Estates	N/A
SEPP No. 38	Olympic Games and Related Projects	N/A
SEPP No. 39	Spit Island Bird Habitat	N/A
SEPP No. 41	Casino/Entertainment Complex	N/A
SEPP No. 44	Koala Habitat Protection	N/A
SEPP No. 47	Moore Park Showground	N/A
SEPP No. 50	Canal Estate Development	N/A
SEPP No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
SEPP No. 53	Metropolitan Residential Development	N/A
SEPP No. 55	Remediation of Land	Consistent
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	N/A
SEPP No. 59	Central Western Sydney Regional and Open Space and Residential	N/A
SEPP No. 60	Exempt and Complying Development	N/A
SEPP No. 62	Sustainable Aquaculture	Consistent
SEPP No. 64	Advertising and Signage	N/A
SEPP No. 65	Design Quality of Residential Flat Development	N/A
SEPP No. 70	Affordable Housing (Revised Schemes)	N/A
SEPP No. 71	Coastal Protection	Consistent
SEPP No. 74	Newcastle Port and Employment Lands	N/A
SEPP	Housing for Seniors or People with a Disability 2004	N/A
SEPP	Building Sustainability Index: BASIX 2004	N/A
SEPP	Major Development 2005	N/A
SEPP	Development on Kurnell Peninsula 2005	N/A
SEPP	Sydney Region Growth Centres 2006	N/A
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A
SEPP	Infrastructure 2007	Consistent
SEPP	Temporary Structures 2007	N/A
SEPP	Kosciuszko National Park – Alpine Resorts 2007	N/A
SEPP	Rural Lands 2008	Consistent
SEPP	Affordable Rental Housing 2009	N/A
SEPP	Western Sydney Employment Area 2009	N/A
SEPP	Exempt and Complying Development Codes 2008	N/A
SEPP	Western Sydney Parklands 2009	N/A

Attachment 7: Section 117 Ministerial Directions

Section 117 Direction	Compliance
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent
1.2 Rural Zones	Consistent
1.3 Mining, Petroleum and Extractive Industries	N/A
1.4 Oyster Aquaculture	Consistent
1.5 Rural Lands	Consistent
2. Environment and Heritage	
2.1 Environment Protection Zone	Inconsistent
2.2 Coastal Protection	Consistent
2.3 Heritage Conservation	N/A
2.4 Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	Consistent
3.5 Development Near Licensed Aerodromes	N/A
3.6 Shooting Ranges	N/A
4. Hazard and Risk	
4.1 Acid Sulphate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	Consistent
4.4 Planning for Bushfire Protection	Consistent
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent
5.2 Sydney Drinking Water Catchment	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.5 Second Sydney Airport: Badgerys Creek	N/A
6. Local Plan Making	
6.1 Approval and Referral Requirements	N/A
6.2 Reserving Land for Public Purposes	Inconsistent
6.3 Site Specific Provisions	Consistent
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A