



New South Wales

Eurobodalla Local Environmental Plan 2012 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

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

Minister for Planning

Jeff Morgan 18/8/16

JEFFREY ROBERT MORGAN

DIVISIONAL MANAGER, STRATEGIC SERVICES

signed under delegation for Eurobodalla Shire Council

As delegate for the Minister for Planning



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Eurobodalla Local Environmental Plan 2012 (Amendment No 8)

Your ref: Mark Hitchenson
Our ref: JF e2016-018.d10

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

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

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

(D COLAGIURI)
Parliamentary Counsel
17 August 2016

Eurobodalla Local Environmental Plan 2012 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Eurobodalla Local Environmental Plan 2012 (Amendment No 8)*.

2 Commencement

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

3 Land to which Plan applies

This Plan applies to land to which *Eurobodalla Local Environmental Plan 2012* applies.

4 Maps

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

Schedule 1 Amendment of Eurobodalla Local Environmental Plan 2012

[1] Clause 2.8 Temporary use of land

Omit “182 days” from clause 2.8 (2). Insert instead “52 days”.

[2] Land Use Table

Insert “Boat building and repair facilities;” in alphabetical order in item 3 of the matter relating to Zone RU1 Primary Production.

[3] Clause 4.1F

Insert after clause 4.1E:

4.1F Minimum lot sizes for certain split zones

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.
- (2) This clause applies to each lot (an *original lot*) that contains:
 - (a) land in a residential, business or industrial zone or in Zone E4 Environmental Living, and
 - (b) land in a rural zone or Zone E2 Environmental Conservation.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if:
 - (a) one of the resulting lots will contain:
 - (i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (ii) all of the land in a rural zone or Zone E2 Environmental Conservation that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

[4] Schedule 1 Additional permitted uses

Omit clause 4 (2). Insert instead:

- (2) Development for the purposes of funeral homes, information and education facilities, office premises, public administration buildings and veterinary hospitals is permitted with consent.

[5] Schedule 1

Insert at the end of the Schedule with appropriate clause numbering:

Use of certain land at Church Street and Queen Street, Moruya

- (1) This clause applies to land at 33 and 35 Church Street, being Lots 2 and 3, DP 700880, 37 Church Street, being Section 13, Lot 7, DP 758710, 41 and 43 Church Street, being Lots 1 and 2, DP 800767, 78 Queen Street, being

Lot 1, DP 700880, 88 Queen Street, being Section 13, Lot 8, DP 758710 and 88 and 90 Queen Street, being Lots 3 and 4, Lot 4, DP 800767.

- (2) Development for the purposes of community facilities, information and education facilities, office premises, recreation facilities (indoor), restaurants or cafes, shop top housing and veterinary hospitals is permitted with consent.

Use of certain land in Zones R2, R3 and E4 at Moruya

- (1) This clause applies to land identified as “4” on the Additional Permitted Uses Map.
- (2) Development for the purposes of funeral homes, information and education facilities, office premises, public administration buildings and veterinary hospitals is permitted with consent.

Use of certain land in Zones R2 and R3 at Narooma

- (1) This clause applies to land identified as “6” on the Additional Permitted Uses Map.
- (2) Development for the purposes of funeral homes, information and education facilities, office premises, public administration buildings and veterinary hospitals is permitted with consent.

Use of certain land in Zone R3 at Narooma

- (1) This clause applies to land identified as “5” on the Additional Permitted Uses Map.
- (2) Development for the purposes of entertainment facilities, food and drink premises, function centres, funeral homes, information and education facilities, office premises, public administration buildings and veterinary hospitals is permitted with consent.

[6] Schedule 2 Exempt development

Insert in alphabetical order in Schedule 2:

Commercial use of public land (including waterways on public land) for personal or group training, water sports, swimming or surf schools and the like or for sightseeing or recreational tours

- (1) Must not permanently occupy the public land or waterway.
- (2) Must not involve the construction of any permanent structures on, in or above the public land or waterway.
- (3) Must only be carried out between 7 am and 7 pm any day.
Note. The proponent must have obtained any required lease, licence or other authorisation from the relevant public authority.

[7] Schedule 4 Classification and reclassification of public land

Insert the following in appropriate order in Part 1:

Malua Bay	Lot 71, DP 601741, 521 George Bass Drive
Mogo	Lot 1, DP 1173024, Law Lane
Moruya	Part of Lot 4, DP 1090948, Bruce Cameron Drive, identified as “Operational Land” on the Land Reclassification (Part Lots) Map

Moruya	Part of Lot 45, DP 1151309, 1 Evans Street, identified as "Operational Land" on the Land Reclassification (Part Lots) Map
Narooma	Lot 13, DP 838695, Costin Street

[8] Schedule 4, Part 2

Omit the matter relating to Part Lot 2, DP 514468, Peter Crescent, Batehaven, Part Lot 386, DP 248840, Albatross Road, Catalina and Part Lot 22, DP 232394, Trafalgar Road, Tuross Head.

Insert in appropriate order:

Batehaven	Part of Lot 2, DP 514468, Peter Crescent, identified as "Operational Land" on the Land Reclassification (Part Lots) Map
Catalina	Part of Lot 386, DP 248840, Albatross Road, identified as "Operational Land" on the Land Reclassification (Part Lots) Map
Tuross Head	Part of Lot 22, DP 232394, Trafalgar Road, identified as "Operational Land" on the Land Reclassification (Part Lots) Map

[9] Schedule 5 Environmental heritage

Insert the following in appropriate order in Part 1:

Coila	Presbyterian Church	4017 Princes Highway	Lot 96, DP 1134972	Local I82
Tuross Head	Kyla Park Grazing Lands	Hector McWilliam Drive	Lot 3, DP 1081596	Local I248
Mogo	Eurobodalla Regional Botanic Gardens (curtilage of Wallace Herbarium)	Deep Creek Dam Drive	DP 755902	Local I318
Narooma	Headmaster's Residence (former)	253 Princes Highway	Lot A, DP 367304	Local I319

[10] Schedule 5, Part 1

Omit the matter relating to item nos I71, I223 and I236. Insert in appropriate order:

Central Tilba	Lustleigh Park Farmhouse	Haxstead Road	Lot 1, DP 1196461	Local I71
South Durras	McMillan's Sawmill, Wharf and Skids	Foreshore adjoining and on, Banyandah Street, at southern end of Mill Beach	Lot 311, DP 1202989	Local I223
Tilba Tilba	Foxglove Spires Residence and Garden	282 Corkhill Drive	Part Lot 1, DP 1152145	Local I236

[11] Dictionary

Insert in alphabetical order:

Land Reclassification (Part Lots) Map means the Eurobodalla Local Environmental Plan 2012 Land Reclassification (Part Lots) Map.

