

PLANNING PROPOSAL



Lot 1 DP 1040724 and Lots 1 & 2 DP 63437 Old Mossy Point Road, Mossy Point in the Eurobodalla Shire Council Local Government Area

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Introduction

The purpose of the planning proposal is to enable the redevelopment of the existing "Oaks Ranch" tourist facility to facilitate the proposed 90 dwelling residential component of an integrated tourist resort.

The site of approximately 244ha includes a heavily wooded area of 126ha the majority of which will be retained as a conservation eco tourism and recreation reserve.

The proposed development is for 276 dwellings comprising of 120 two storey short stay apartments, 66 single storey short stay villas and 90 one or two storey single permanent residential dwellings. The overall density of the development is one dwelling unit per 8,840m² of site area.

An 18-hole championship class golf course is proposed on predominantly cleared land adjoining the Tomaga River and Candlagan Creek. Equine facilities are proposed comprising Olympic size indoor and outdoor arenas, holding yards, stables and associated facilities.

Distinctive and discrete precincts have been identified which are considered for a range of tourist accommodation and permanent residences. Each precinct has a frontage to the Golf Course or conservation area. Precincts are focused on a centrally located area of open space containing recreation facilities.

The tourism components of the proposed development concept are generally in line with adopted strategic planning reports such as the Eurobodalla Settlement Strategy and the South Coast Regional Strategy. Existing and expected Local Environmental Plans would permit the tourism components of the proposed development concept so they do not form part of this planning proposal in terms of the need for a rezoning of the land.

The proposal for the subject land includes 90 permanent residential dwellings that would be a unique form of housing in Eurobodalla because future residents would be offered high quality architectural residential structures in a resort style living environment. There are no existing types of this proposed housing within the Eurobodalla Shire.

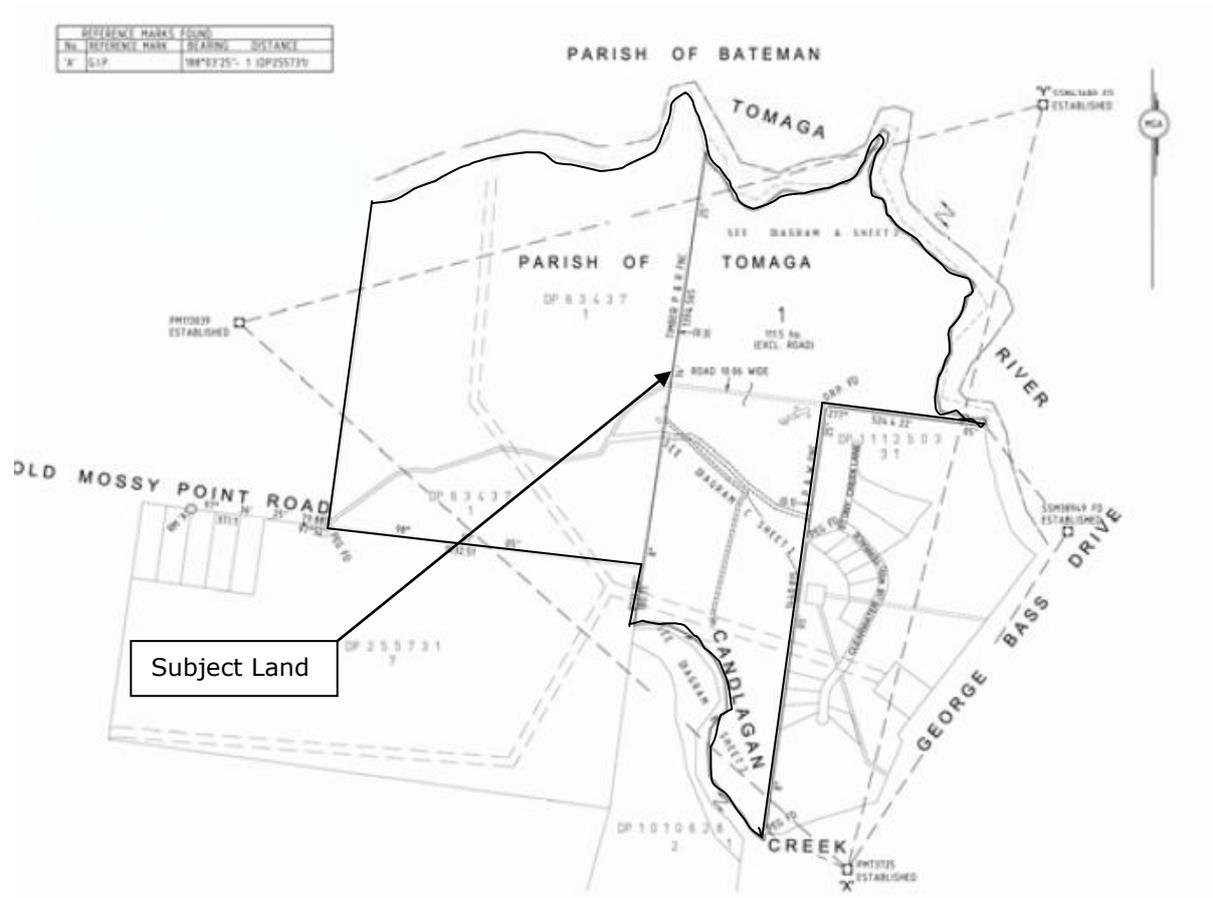
That proposed permanent residential component is not consistent with the Eurobodalla Settlement Strategy and the South Coast Regional Strategy. It would not be permitted under the Eurobodalla Rural Local Environmental Plan 1987 (LEP 87) or the exhibited Draft Eurobodalla Local Environmental Plan 2009 (DLEP).

A rezoning of the land would be required to permit the proposed permanent residential dwellings.

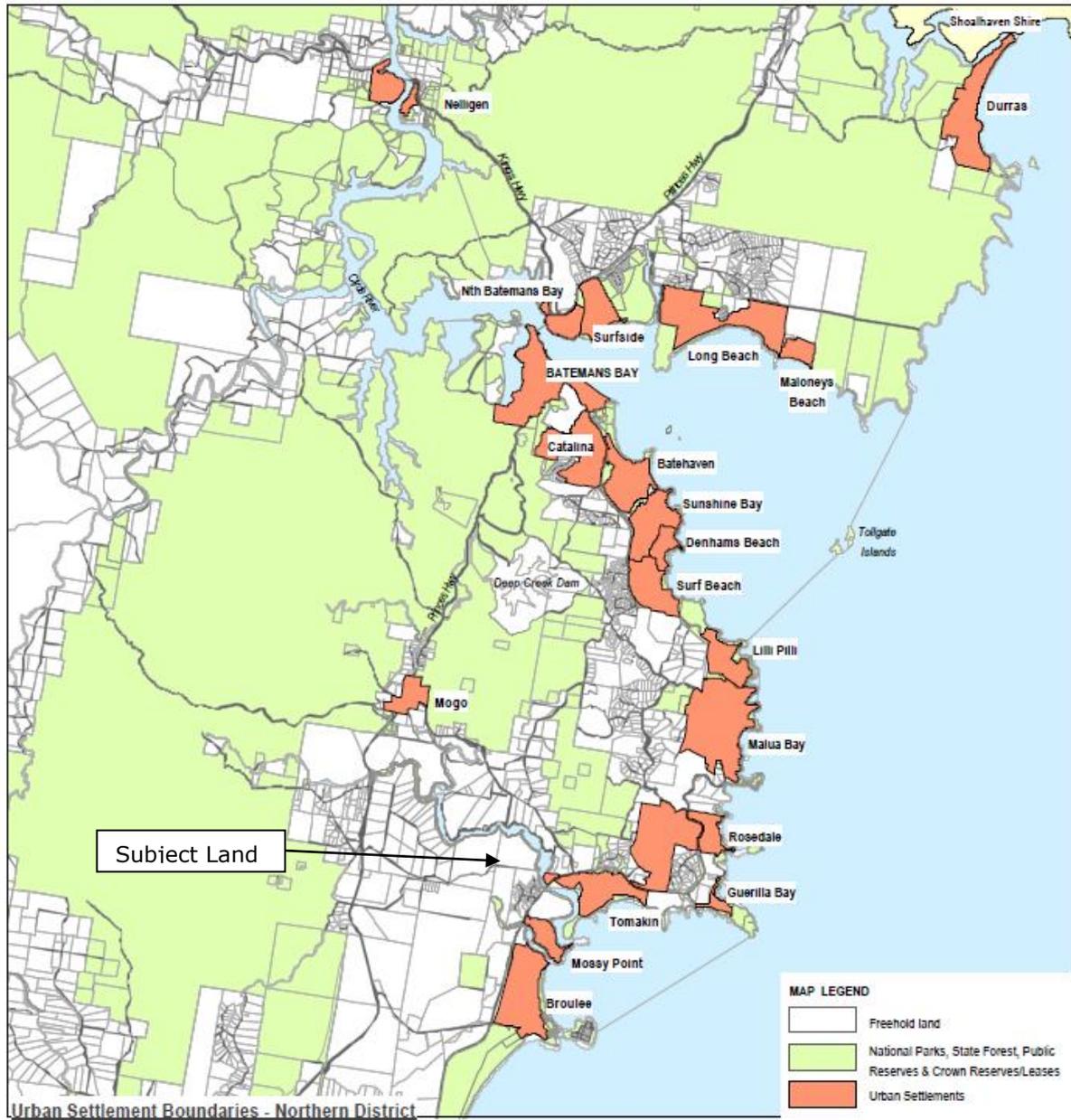
The Subject Land

Plans below describe the subject land described as Lot 1 DP 1040724 and Lots 1 and 2 DP 63437 Old Mossy Point Road, Mossy Point within the Eurobodalla Shire Council (ESC) Local Government area on the NSW South Coast. The total area of the land is 244 hectares (ha).

Survey Plan of the Site



Location Plan (taken from ESC Eurobodalla Settlement Strategy)



Existing Development

The existing “Oaks Ranch” site uses are associated with the Oaks Ranch & Country Club Resort which until recently had operated for a number of years. The resort provides the following on site facilities:

- 15 Motel units
- Licensed restaurant and bar (group bookings)
- Meeting room and conference equipment
- 9 hole golf course
- Swimming pool
- Tennis Court
- Horse riding

Proposed Permanent Residential Component of the Development Concept

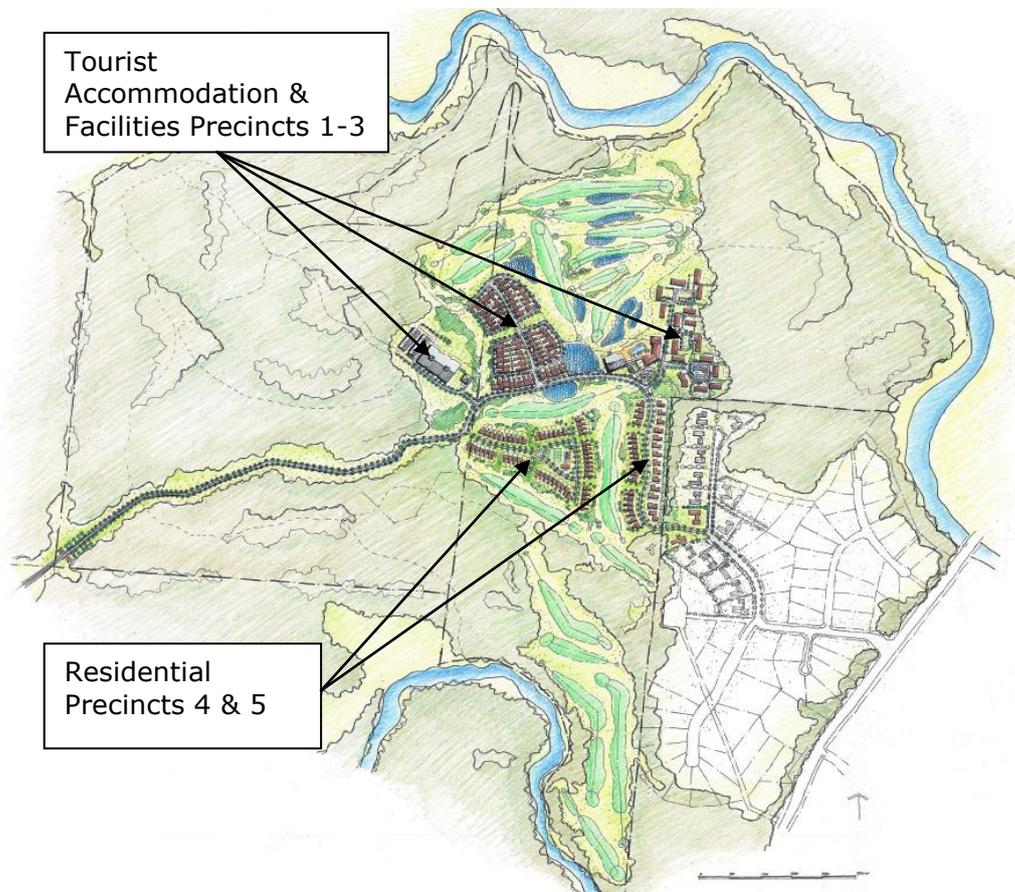
90 individual dwellings that can be utilised for permanent housing are proposed for Precincts 4 and 5.

Precinct 4 is proposed to contain higher density residential development.

Precinct 5 being adjacent to the adjoining rural residential development known as "The Estuary" will contain lower density development adjacent to "The Estuary" with an increase in density to the west.

Precincts 4 & 5 would be available for purchase by individual owners and possibly may be for tourist accommodation as part of a rental pool managed by the Golf Resort/Conference Centre development operator. Strict urban design controls to be prepared by the architects, Cox Richardson will be incorporated into a community title plan of management to ensure a consistent high quality design for each dwelling while allowing the opportunity for variety and individual preference. Facilities such as tennis courts; a pool, and meeting room will be provided for use by the residents of the precincts and tourists who rent the individual dwellings.

Sketch Development Concept Plan (Cox Richardson)



Sketch Proposed Permanent Residential Precinct (Cox Richardson)



The proposed permanent residential development is immediately south of the tourist accommodation and built facilities. It adjoins "The Estuary" estate to the east.

Existing Zoning

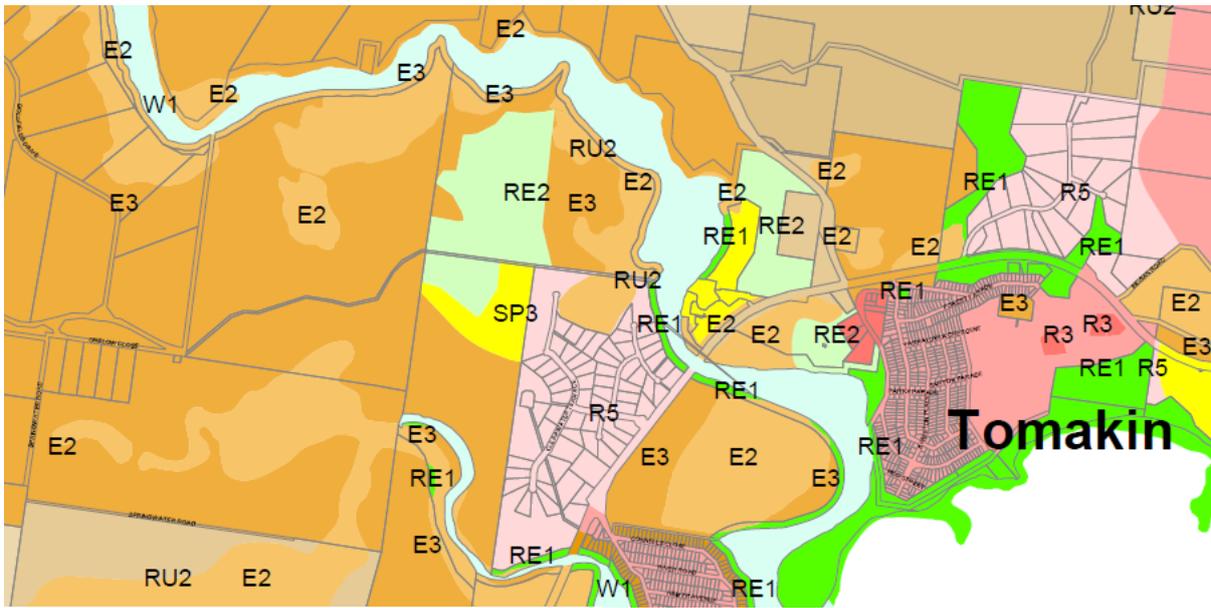
The land is predominantly zoned 1(a) (Rural (Environmental Constraints and Agricultural) Zone) in the Eurobodalla Rural Local Environmental Plan 1987 (LEP 87). Subdivision for urban development is prohibited in the zone.

A small section of the south eastern corner of the site appears to be zoned 7(a) (Environmental Protection (Wetlands) Zone).

Proposed Zoning Under Draft Eurobodalla Local Environmental Plan 2009 (DLEP)

Eurobodalla Shire Council exhibited Draft Eurobodalla Local Environmental Plan 2009 (DLEP) in 2009. The following zoning map is taken from the DLEP.

Proposed Zoning (Map taken from ESC DLEP)



Land Zoning Map - sheet LZN-011

Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B4** Mixed Use
- B5** Business Development
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- E3** Environmental Management
- E4** Environmental Living
- IN1** General Industrial
- IN2** Light Industrial
- R2** Low Density Residential
- R3** Medium Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU3** Forestry
- RU4** Rural Small Holdings
- RU5** Village
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- W1** Natural Waterways
- W2** Recreational Waterways
- W3** Working Waterways

Cadastre

Cadastre 16/9/08 © Eurobodalla Shire Council

The map shows that it was proposed to zone the site a mixture of the following zones:

- E2 Environmental Conservation
- E3 Environmental Management
- RE2 Private Recreation
- SP3 Tourist

The configuration of the proposed zoning on the site would not allow the proposed tourist facilities as proposed in the Sketch Development Concept Plan on Page 4. A submission to Council requested that the SP3 Tourist Zone be expanded on the site to cover the building footprints shown in the Sketch Development Concept Plan. Further the RE2 Private Recreation Zone area be expanded to cover the golf course and outdoor equestrian facilities. Council planning staff indicated in writing their agreement with this change.

The proposed 90 permanent residential dwellings would not be permitted under any of the zones proposed for the land under the DLEP. If this component were to be agreed to by Council and the Department of Planning (DoP) then it is considered a special clause would be required.

No minimum subdivision lot size is specified over that part of the land that would house the building footprints so it is assumed that the tourist facilities could be subdivided (probably under community title) to facilitate investors to fund the development.

It is understood that the DLEP will be re-exhibited by Council.

PART 1 - Objectives or Intended Outcomes

To enable the redevelopment of the existing "Oaks Ranch" tourist facility to facilitate the proposed development of 90 permanent residential dwellings that would be a unique form of housing in Eurobodalla because future residents would be offered high quality architectural residential structures in a resort style living environment. There are no existing types of this proposed housing within the Eurobodalla Shire.

PART 2 - Explanation of Provisions

The permanent residential component could be included in "Schedule 1-Additional Permitted Uses" allowing a maximum of 90 permanent residential dwellings on Lot 1 DP 1040724.

PART 3 - Justification

Section A - Need for the Planning Proposal.

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

The planning proposal is not a result of any strategic study or report. The proposed permanent residential component can only be consistent with the South Coast Regional Strategy if the Sustainability Criteria listed in Appendix 1 of that document can be adequately addressed.

A report addressing the Sustainability Criteria specified in the South Coast Regional Strategy forms an attachment to this planning proposal. Also a report prepared by Urbis JHD titled "Mossy Point Development-Economic Benefit Assessment" is attached to the planning proposal.

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

The planning proposal is the most transparent way of achieving the proponents' objective of achieving a unique form of permanent housing not currently provided in the Eurobodalla Shire Council (ESC) area.

This is especially so because ESC is about to re-exhibit the DLEP for the whole local government area.

3. Is there a net community benefit?

The Sustainability Criteria Report referred to above addresses net community benefit of both the permanent residential and tourist components of the proposal. It states:

"The proposed development concept would contribute significant environmental, social and economic benefits to the immediate locality, the Eurobodalla Local Government Area, the South Coast Region, and the State of NSW. These benefits include:

- *Creation of a small amount of unique housing that offers an additional lifestyle opportunity.*
- *New residents would increase revenue into the local economy annually by about \$670,000.*
- *Provision of a significant boost to the tourism infrastructure in the Eurobodalla Region especially in terms of conference facilities, high quality accommodation, a championship standard golf course and high quality equine facilities.*
- *Potentially providing threshold of facilities that would encourage tourists to visit the Eurobodalla Region for golfing package holidays.*
- *A net increase of tourists that would generate an estimated \$10.5 million into the local economy annually.*
- *Direct and indirect revenue increase during the construction phase estimated to be \$177.8 million with about \$106.7 million remaining within the Eurobodalla Shire.*
- *Employment generation during the construction phase in excess of 820 jobs (320 direct and over 500 indirect) and 70 long term permanent positions (40 direct and 30 indirect)." (Page 3)*

"Reticulated water and sewer can be provided to the site. Council's General Manager verbally indicated there was capacity in Council's systems at the meeting held with staff from the Department of Planning (DoP) on 8th July 2009." (Page 10)

"The 'Oaks Ranch' site is readily accessible utilising the existing road network." (Page 14)

"In addition to the pure economic benefits there are broader social and economic advantages created by the proposal for the local Mossy Point and wider Eurobodalla Region communities. These include:

- *Enhancing the local economy.*
- *Providing housing choice.*

- *Creating improved active and passive recreational facilities.*
- *Promoting economic activity and therefore increasing the viability of existing infrastructure and services.*
- *Improving environmental amenity through the preservation of significant areas of sensitive ecological communities and vegetated lands.” (Page 27)*

Section B - Relationship to Strategic Planning Framework.

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

The proposed permanent residential component can only be consistent with the Strategy if the Sustainability Criteria listed in Appendix 1 can be adequately addressed.

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

The proposed permanent residential component is not consistent with the ESS as it is not located within the existing urban settlement boundaries or identified urban expansion areas in the Eurobodalla local government area as outlined on pages 65-74 of the Strategy.

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

The following table indicates the consistency and applicability of State Environmental Planning Policies.

Planning Proposal Checklist State Environmental Planning Policies			Level of Consistency		
SEPP	Date	Subject	Inconsistent	Not Inconsistent	Not Applicable
1	17.10.80	Development standards		✓	
4	4.12.81	Development without consent		✓	
6	10.12.82	Number of storeys in building		✓	
14	12.12.85	Coastal wetlands		✓	
21	24.4.92	Caravan parks			✓
22	9.1.87	Shops and commercial premises			✓
26	5.2.88	Littoral rainforests			✓
30	8.12.89	Intensive agriculture			✓
32	15.11.91	Urban consolidation (redevelopment of urban land)			✓
33	13.3.92	Hazardous and offensive development			✓
36	16.7.93	Manufactured home estates			✓
44	6.1.95	Koala habitat protection			✓
45	4.8.95	Permissibility of mining			✓
50	10.11.97	Canal estate Development			✓
55	28.8.98	Remediation of land			✓
62	25.9.00	Sustainable aquaculture			✓

64	16.3.01	Advertising and signage		✓	
65	26.7.02	Design quality of residential flat development			✓
71	1.11.02	Coastal protection		✓	
	31.3.04	Housing for Seniors or People with a Disability			✓
	25.6.04	BASIX 2004		✓	
	1.8.05	Major Development 2005		✓	
	16.2.07	Mining, Petroleum Production and Extractive Industries 2007			✓
	26.10.07	Temporary Structures and Places of Public Entertainment 2007			✓
	1.1.08	Infrastructure 2007		✓	
	9.5.08	Rural Lands 2008	✓		
	27.2.09	Exempt & Complying Development Codes 2008		✓	
	31.7.09	Affordable Rental Housing 2009			✓

Inconsistency with State Environmental Planning Policy (Rural Lands) 2008 lies in the fact that the proposal is inconsistent with relevant Section 117 Directions. The next section addresses those inconsistencies.

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

The following table summarises the planning proposal’s consistency with the relevant Section 117 Directions.

Planning Proposal Checklist Section 117(2) Directions		Level of Consistency		
Direction No:	Subject	Inconsistent	Not Inconsistent	Not Applicable
1	Employment and Resources			
1.1	Business and Industrial Zones			✓
1.2	Rural Zones	✓		
1.3	Mining, Petroleum Production and Extractive Industries			✓
1.4	Oyster Aquaculture			✓
1.5	Rural Lands	✓		
2	Environment and Heritage			
2.1	Environmental Protection Zones		✓	
2.2	Coastal Protection		✓	
2.3	Heritage Conservation		✓	
2.4	Recreation Vehicle Areas		✓	
3	Housing, Infrastructure and Urban Development			
3.1	Residential Zones		✓	
3.2	Caravan Parks and Manufactured Home Estates			✓
3.3	Home Occupations		✓	
3.4	Integrating Land Use and Transport		✓	
3.5	Development Near Licensed Aerodromes			✓
4	Hazard and Risk			

4.1	Acid Sulfate Soils		✓	
4.2	Mine Subsidence and Unstable Land			✓
4.3	Flood Prone Land		✓	
4.4	Planning for Bushfire Protection		✓	
5	Regional Planning			
5.1	Implementation of Regional Strategies	✓		
5.2	Sydney Drinking Water Catchments			✓
6	Local Plan Making			
6.1	Approval and Referral Requirements		✓	
6.2	Reserving Land for Public Purposes		✓	
6.3	Site Specific Provisions		✓	

As previously stated the land is predominantly zoned 1(a) (Rural (Environmental Constraints and Agricultural) Zone) under the Eurobodalla Rural Local Environmental Plan 1987 (LEP 87). Therefore the planning proposal is inconsistent with Directions 1.2 Rural Zones and 1.5 and Rural Land as it is proposed to rezone rural land in part for residential purposes. The planning proposal can be considered in this instance because:

- The site currently adjoins a high density existing rural residential development known as "The Estuary".
- An existing tourist establishment is located on part of the land.
- Agricultural pursuits are not practised on the property.
- The majority of the land is proposed to be retained in its natural state.
- The proposed residential use would not create conflicts with lands used for agricultural purposes in the locality.
- Servicing of the site is possible.
- Proposed permanent residential use included in the planning proposal is unlikely to create significant demand for additional services and facilities in the immediate locality or the ESC area.
- Facilities proposed to be provided on-site will add diversity of choice to the existing housing stock.
- Economic impacts would be positive especially in respect of increased employment opportunities.
- The latest Population NSW Bulletin No 12 April 2010 states "*Amongst the Regional Strategy areas, the greatest projected growth is for the South Coast and the Sydney-Canberra Corridor (each increasing by 42% between 2006 and 2036), and the Central Coast.*"
- Population projections in the for the Eurobodalla LGA have been increased in the Population NSW Bulletin No 12 April 2010 as compared to those in the Eurobodalla Settlement Strategy (ESS). For example the population growth figures for 2021 and 2031 have increased from 45,576 and 51,300 (ESS) to 46,500 and 54,900 (Bulletin 12) respectively.
- There are no suitable sites within the existing identified urban areas in the northern part of the Eurobodalla LGA for the type of integrated tourist and permanent residential development proposed.
- The Sustainability Criteria included in the South Coast Regional Strategy have been addressed and that report is attached to this proposal.

Section C - Environmental, Social and Economic Impact.

8. 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?

In respect of habitat and threatened species the Sustainability Criteria Report states:

"Keystone Ecological Pty Ltd studied the site that currently houses the 'Oaks Ranch' and prepared a report in July 2005 that detailed the ecological assets of the 'Oaks Ranch' site and provided guiding ecological principles. The land contains many significant ecological attributes including three endangered ecological communities (Coastal Saltmarsh, Swamp Oak Floodplain Forest, Bangalay sand forest), a wetland (protected by State Environmental Planning Policy 14 – Coastal Wetlands) and three threatened species of fauna (Powerful Owl, Masked Owl, Yellow-bellied Glider).

The site also supports suitable potential habitat for many more threatened species of both flora and fauna. Indeed the woody vegetation on site has been identified by Eurobodalla Shire Council as habitat for the Yellow-bellied Glider in particular and as a wildlife corridor in general." (Page 30)

The planning proposal responds to the environmental attributes of the site by locating the proposed buildings and golf course on predominantly the cleared areas of the land. Once again the Sustainability Criteria Report outlines the response to ecological attributes of the site which are:

*"• Protection of significant vegetation communities by prohibition of development activity within or near these areas.
• Protection of threatened species by habitat retention and enhancement
• Vegetation retention as a general principle.
• Revegetation within damaged and cleared lands for soil and biodiversity conservation;
• Nutrient control and water management to protect down slope environments; and
• Removal of threatening processes such as grazing and unmanaged tracks and trails."*
(Page 32)

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

The location of the proposed buildings avoids those parts of the site that are flood liable and may contain acid sulphate soils.

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

NSW Archaeology undertook an archaeological survey of part of the property in 2005. Artefact and midden sites were found in locations identified on the map on the following page.

The survey summarises the finds as follows:

"A total of nine sites comprised of three small middens, one of which contains stone artefacts, and six low density stone artefact sites have been recorded."

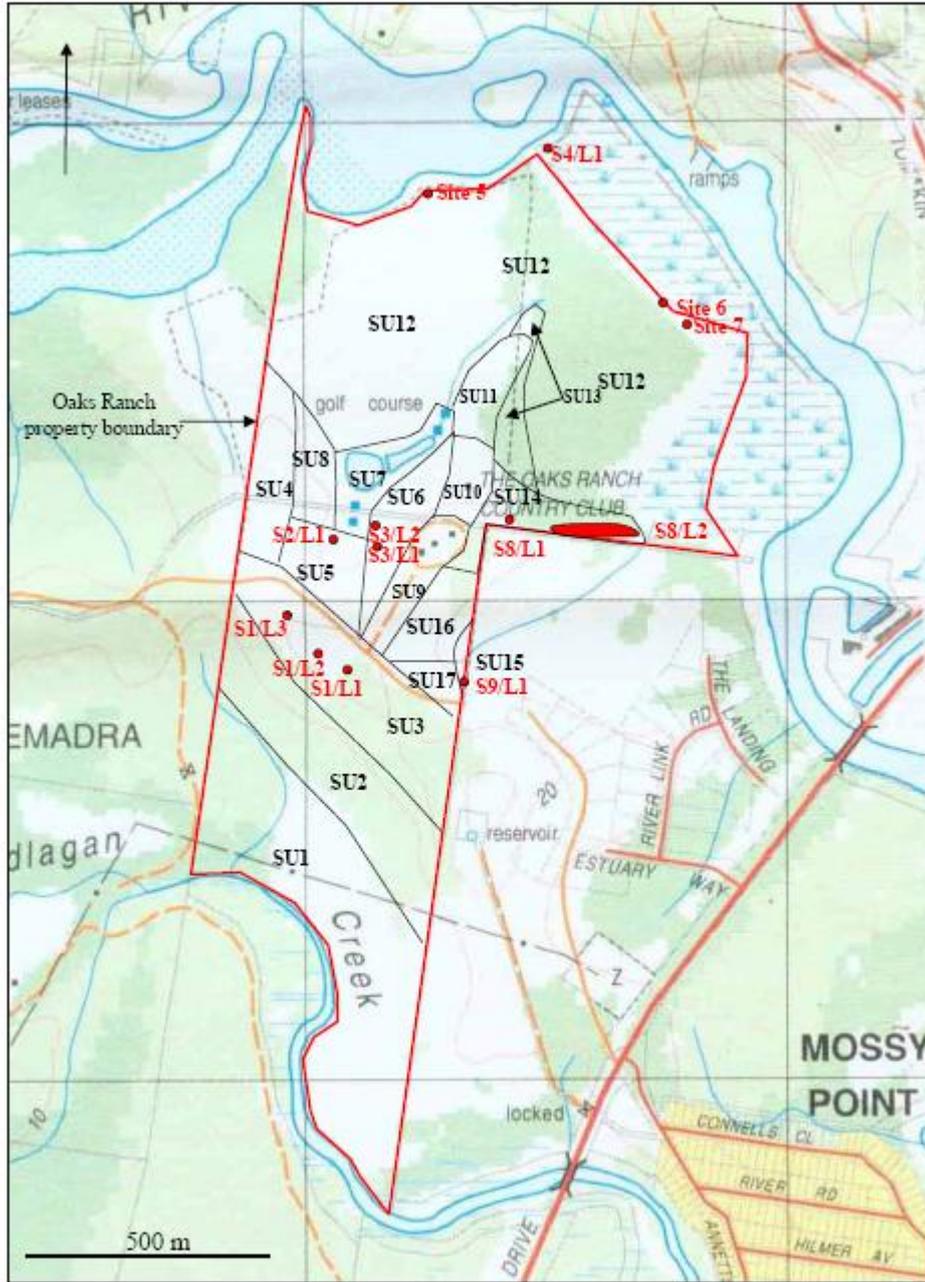


Figure 5. Location of survey units and Aboriginal sites.

The archaeology report assesses the significance of the finds in the following table:

Site Name	Scientific Significance Rating	Criteria
Site 1	Low significance in a local context	Low density, disturbed artefact distribution; Low potential to contain intact subsurface deposit; Potential to contain additional artefacts in low density only
Site 2	Low significance in a local context	Low density, disturbed artefact distribution; Low potential to contain intact subsurface deposit; Potential to contain additional artefacts in low density only
Site 3	Low significance in a local context	Low density, disturbed artefact distribution; Low potential to contain intact subsurface deposit; Potential to contain additional artefacts in low density only
Site 4	Low significance in a local context	Low density, disturbed artefact distribution; Low potential to contain intact subsurface deposit; Potential to contain additional artefacts in low density only
Site 5	Moderate significance in a local context	Relatively intact, although eroded (by natural processes), midden. Potential for site to extend further south.
Site 6	Moderate significance in a local context	Apparently intact, although deflated midden.
Site 7	Moderate significance in a local context	Apparently intact, although deflated midden.
Site 8	Low significance in a local context	Low density, disturbed artefact distribution; Low potential to contain intact subsurface deposit; Potential to contain additional artefacts in low density only
Site 9	Low significance in a local context	Low density, disturbed artefact distribution; Low potential to contain intact subsurface deposit; Potential to contain additional artefacts in low density only

Table 3. Scientific significance rating of recorded sites

The report recommendations are summarised in the table on the following page.

Survey Unit	Aboriginal Sites Present	Potential for subsurface archaeological deposit	Recommended management strategy	Advice
SU1	None recorded, however, low effective survey coverage	Low	Further archaeological investigation	Program of subsurface investigation aimed at determining whether or not subsurface archaeological deposits are present
SU2	None recorded, however, low effective survey coverage	Very low	NO Further archaeological investigation	Much of the land situated within this survey unit will be exempt from impacts given the bush will be retained as a wildlife corridor. The survey unit has a low potential to contain Aboriginal objects and therefore there are no archaeological constraints relating to the unit
SU3	Site 1	Low	Further archaeological investigation	Program of subsurface investigation aimed at determining whether or not subsurface archaeological deposits are present
SU4	None recorded, however, low effective survey coverage	Low	Further archaeological investigation	Program of subsurface investigation aimed at determining whether or not subsurface archaeological deposits are present
SU5	Site 2	Low	NO Further archaeological investigation	If impacts proposed for Site 2 s90 required This survey unit has been substantially disturbed by prior golf course construction. Any additional artefacts in the unit are predicted to be distributed at low density. Therefore subsurface investigation is not warranted.
SU6	Site 3	Low	NO further archaeological investigation	If impacts proposed for Site 3 s90 required This survey unit has been substantially disturbed by prior golf course construction. Any additional artefacts in the unit are predicted to be distributed at low density. Therefore subsurface investigation is not warranted.
SU7	None recorded, however, low effective survey coverage	Very low	NO Further archaeological investigation	This survey unit has been substantially disturbed by prior golf course and dam construction. Any artefacts in the unit are predicted to be distributed at very low density. Therefore subsurface investigation is not warranted.
SU8	None recorded, however, low effective survey coverage	Low	NO further archaeological investigation	This survey unit has been substantially disturbed by prior golf course construction. Any artefacts in the unit are predicted to be distributed at low density. Therefore subsurface investigation is not warranted.
SU9	None recorded, however, low effective survey coverage	Low	NO further archaeological investigation	This survey unit has been substantially disturbed by prior road and resort construction. Any artefacts in the unit are predicted to be distributed at low density. Therefore subsurface investigation is not warranted.
SU10	None recorded, however, low effective survey coverage	Low	NO Further archaeological investigation	This survey unit has been substantially disturbed by prior road and resort construction. Any artefacts in the unit are predicted to be distributed at low density. Therefore subsurface investigation is not warranted.
SU11	None recorded, however, low effective survey coverage	Low	Further archaeological investigation	Program of subsurface investigation aimed at determining whether or not subsurface archaeological deposits are present.
SU12	Site 4 Site 5 Site 6 Site 7	Low	Further archaeological investigation	The four sites in this survey unit are not situated within zones of direct development impact. Accordingly these sites will be conserved within the context of the development. It is advised that Conservation Management Plans should be formulated for these sites so as to ensure that they are protected and not inadvertently impacted as a result of the development
SU13	None recorded, however, low effective survey coverage	Low Some potential for Aboriginal burials	Further archaeological investigation	Program of subsurface investigation aimed at determining whether or not subsurface archaeological deposits are present. Management of the potential for Aboriginal burials will need to be formulated pending the results of subsurface test excavation
SU14	Site 8	Low	Further archaeological investigation	Program of subsurface investigation aimed at determining whether or not subsurface archaeological deposits are present.
SU15	Site 9	Low	Further archaeological investigation	Program of subsurface investigation aimed at determining whether or not subsurface archaeological deposits are present.
SU16	None recorded, however, low effective survey coverage	Low	Further archaeological investigation	Program of subsurface investigation aimed at determining whether or not subsurface archaeological deposits are present.
SU17	None recorded, however, low effective survey coverage	Low	Further archaeological investigation	Program of subsurface investigation aimed at determining whether or not subsurface archaeological deposits are present.

Table 3 Summary of recommendations

Section D - State and Commonwealth Interests.

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

It is considered likely that there is adequate public infrastructure to service the planning proposal. In this regard the Sustainability Criteria Report on pages 41-44 states:

"Hospitals are located in both Batemans Bay and Moruya. Doctors' surgeries occur at Batemans Bay (10 doctors), Batehaven (5 doctors), Surf Beach (1 doctor) and Moruya (14 doctors).

The Greater Batemans Bay Structure Plan covering the urban areas from Maloneys Beach to Malua Bay prepared by Eurobodalla Shire states the following:

'There is a wide range of retail, commercial, transportation, recreation, tourism and housing services in Greater Batemans Bay. It has the largest range of commercial operations in the Shire and creates economic and social benefits for this area and the Shire as a whole. These services include the following:

- Numerous large retail outlets, supermarkets, and specialty stores within the Greater Batemans Bay area that provide a wide range of purchasing and employment choices.*
- Neighbourhood centres in the villages, with shops, services and facilities meeting the day-to-day needs of residents.*
- Transport infrastructure that includes a major highway, regional roads (Spine Road) and feeder roads, as well as smaller roads and bike paths.*
- Other transportation services include the community buses provided by Council for the elderly and others with mobility problems, club buses as well as bus and taxi vouchers for youth.*
- Schools and higher education facilities and sporting facilities.*
- A youth café, skate park, pool, and library.*
- A range of tourist accommodation (e.g. hotels, motels and caravan parks).*
- Numerous parks, playing fields and places of worship.*
- A family community health centre, hospital, and private specialised medical services.*
- A range of social housing services to meet immediate, medium term and long-term needs.'*

Open space (both passive and active) is well catered for in the Greater Batemans Bay area. In this regard the Structure Plan espouses:

'Greater Batemans Bay has a vast amount and range of public open space and recreation areas. When looking at the size of Greater Batemans Bay's population and visitor numbers, there are few areas in Australia that would surpass the amount of public open space and recreation areas that it provides.

Greater Batemans Bay is very well serviced by sporting facilities. It has bowling clubs, tennis courts, a 27-hole golf course, basketball courts, swimming pools for children and adults, a skate park and numerous sporting fields located within the Hanging Rock and Mackay Park reserves. There is also an extensive network of reserves for passive recreation.'

The Moruya Structure Plan prepared by the Council also addresses the facilities available in Moruya:

'An extensive open space network exists within Moruya. This is historically attributed to the extent of land subject to localised flooding. This system of reserves is a great recreational and amenity asset for the community.

Moruya is well-serviced by sporting facilities. It has a bowling club, tennis courts, 18-hole golf course, basketball courts, swimming pool, skate park and numerous sporting fields. There is an extensive network of reserves for passive recreation.

There is good access to the river foreshore available from Cheshier Park in the west to Riverside Park in the east. The reserves are linked by a 1.25km cycle/walkway along the riverbank.'

It needs to be recognised that many of the facilities in Greater Batemans Bay and Moruya are sub-regional or regional facilities within the Eurobodalla Shire.

The immediate localities to the subject land of Tomakin, Mossy Point and Broulee provide a range of sporting, commercial and community facilities. There is an abundance of passive open space.

A community hall is located at Tomakin. The Tomakin Sports and Social Club is a licensed premises that also provides bowling greens and tennis courts. There is also a general store/cafe at Tomakin. Mossy Point has a cafe.

Broulee has a neighbourhood shopping centre and a general store. Active open space is provided that is used for netball, soccer and rugby union. Community buildings are located adjacent to the active open space area. A surf life saving club is also located adjacent to Broulee Beach.

A public primary school, an Anglican primary/high school and a catholic high school are all located at Broulee.

Additional Permanent Residents

If a total of 90 permanent dwellings were built on the subject land the potential permanent population could be 207 (assuming an occupancy rate of 2.3 persons per dwelling). Eurobodalla Shire Council has predicted that occupancy rates will fall to two persons per dwelling. Thus the estimated population for the proposal is likely to be somewhere between 180 and 207 people.

If the development was to be constructed in stages then an average of about 21 lots would be sold annually. Assuming the higher and predicted dwelling occupancy rates means that from 2011 there would be an annual permanent population increase created by the development of 42 to 48 persons over a four year period.

Assuming the higher figure (48 persons) about 5.5% or three people are likely to be in the 0-4 age category potentially creating a minor increased annual demand for child care facilities.

Approximately 20% or 10 persons would be school age (both high and primary school). That means that it is possible that on an annual basis over a four year period the two local Broulee primary schools and two high schools at Broulee plus perhaps the public high school at Moruya would share the extra annual demand created by the proposal."

The demand for additional child care, primary and high school places could be less than the figures espoused above due to the attraction of the resort style living proposed to the "baby boomer" generation.

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

Consultation with the DoP has occurred at this stage. The Department has taken the position that the Sustainability Criteria contained in the South Coast Regional Strategy needs to be satisfactorily addressed if the permanent residential component of the proposal is to be pursued.