



New South Wales

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 39)

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*. (WOL2000831/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 645

Clause 1 Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 39)

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 39)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 39)*.

2 Aims of plan

This plan aims to amend *Eurobodalla Rural Local Environmental Plan 1987* to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to the following land in the local government area of Eurobodalla:

- (a) Lots 15 and 18, DP 834378, Kookaburra Place, Bodalla (being reservoir sites—Property Nos 26933 and 26934),
- (b) part of Lot 70, DP 831111, 3 Broulee Road, Broulee, (being the Candalagan bush fire station site—Property No 29086), as shown edged heavy black on the map marked “Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 39)” deposited in the office of Eurobodalla Shire Council,
- (c) Lot 1, DP 575683, Vista Avenue, Catalina (being a reservoir site—Property No 8490),
- (d) land in DP 752155 (formerly Crown Reserve 73103), Princes Highway, Central Tilba (being vacant land—Property No 27234),
- (e) Lot 11, DP 850712, Reservoir Road, Malua Bay (being partly a reservoir site and partly a bush fire station site—Property No 27651),
- (f) Lot 10, DP 250471, Hazel Road, Moruya Heads (being a reservoir site—Property No 11540),

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- (g) part of Lot 1, DP 771633, Princes Highway, Narooma (being a sewage treatment works site—Property No 23078), as shown edged heavy black on that map,
 - (h) Lot 7, DP 264585, Wagonga Scenic Drive, Narooma (being a reservoir site—Property No 21635),
 - (i) Lot 9, DP 709331, 17 Roseby Drive, Rosedale (being a reservoir site—Property No 20021),
 - (j) Lot 1, DP 125450, Princes Highway, Turlinjah (being a closed road—Property No 27856),
 - (k) Lot 1, DP 1093061, Princes Highway, Turlinjah (being vacant land, formerly a bush fire shed site—Property No 22468).

4 Amendment of Eurobodalla Rural Local Environmental Plan 1987

Eurobodalla Rural Local Environmental Plan 1987 is amended as set out in Schedule 1.

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Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 39)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 37

Insert after clause 36:

37 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council, by means of this plan, to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note. Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this plan to discharge trusts on which public reserves are held if the land is reclassified under this plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 5 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 5 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 5:
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 5, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant classification plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 5, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and

- (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (6) In this clause, the **relevant classification plan**, in relation to land described in Part 2 of Schedule 5, means this plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant classification plan inserted a description of land into Part 2 of Schedule 5, the Governor approved of subclause (5) applying to the land.

[2] Schedule 5

Insert after Schedule 4:

Schedule 5 Classification and reclassification of public land

(Clause 37)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Bodalla		
Kookaburra Place	Lots 15 and 18, DP 834378	Nil.

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Schedule 1 Amendments

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Broulee		
3 Broulee Road	Part of Lot 70, DP 831111, as shown edged heavy black on the map marked "Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 39)"	Nil.
Catalina		
Vista Avenue	Lot 1, DP 575683	Nil.
Central Tilba		
Princes Highway	Land in DP 752155 (former Crown Reserve 73103)	Nil.
Malua Bay		
Reservoir Road	Lot 11, DP 850712	Nil.
Moruya Heads		
Hazel Road	Lot 10, DP 250471	Nil.
Narooma		
Princes Highway	Part of Lot 1, DP 771633, as shown edged heavy black on the map marked "Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 39)"	Nil.
Wagonga Scenic Drive	Lot 7, DP 264585	Nil.
Rosedale		
17 Roseby Drive	Lot 9, DP 709331	Nil.
Turlinjah		
Princes Highway	Lot 1, DP 125450 and Lot 1, DP 1093061	Nil.

**Part 3 Land classified, or reclassified, as
community land**

Column 1

Column 2

Locality

Description
