



New South Wales

# **Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)**

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*. (WOL2000656/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2008 No 65

Clause 1 Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)

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### **Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)**

under the

Environmental Planning and Assessment Act 1979

#### **1 Name of plan**

This plan is *Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)*.

#### **2 Aims of plan**

This plan aims to amend *Eurobodalla Urban Local Environmental Plan 1999 (the 1999 plan)*:

- (a) to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993* so as:
  - (i) to regularise the current uses of part of the land for carparks, pathways, roads, bush fire stations, reservoirs and the like, and
  - (ii) to enable the remainder of the land to be sold, and
- (b) to rezone part of the land to which this plan applies from the 6a1 Public Open Space zone to the 2g Residential—General zone, and
- (c) to update the provisions relating to the classification and reclassification of public land within the meaning of the *Local Government Act 1993*.

#### **3 Land to which plan applies**

This plan applies:

- (a) with respect to the aims referred to in clause 2 (a) and (b), to land identified in the provision to be inserted by Schedule 1 [2] to this plan, and
- (b) with respect to the aim referred to in clause 2 (c), to the whole of the land to which the 1999 plan applies.

#### **4 Amendment of Eurobodalla Urban Local Environmental Plan 1999**

*Eurobodalla Urban Local Environmental Plan 1999* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 78

Omit the clause (including the table to the clause). Insert instead:

#### 78 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 2 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 2 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 2:
- (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 2, 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 2, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and

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Schedule 1 Amendments

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- (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 2, 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 2, the Governor approved of subclause (5) applying to the land.

### [2] Schedule 2

Insert after Schedule 1:

## Schedule 2 Classification and reclassification of public land

(Clause 78)

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

Column 1	Column 2
Locality	Description

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

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#### Batehaven

Corrigan Crescent	Lot 2, DP 789121	Nil.
Edward Road	Lots 1 and 3, DP 734916	Nil.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
John Street	Part of Lot 100, DP 29032, as shown edged heavy black on Sheet 2 of the map marked "Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)"	Nil.
<b>Batemans Bay</b>		
Beach Road	Lot 11, DP 711474	Nil.
2A Beach Road	Lot 1, DP 740584	Nil.
15 Beach Road	Lot 1, DP 628982	Nil.
Flora Crescent	Lot 2, DP 261619	Nil.
72 Golf Links Drive	Lot 80, DP 31086	Nil.
Orient Street	Lot 3, DP 603159	Nil.
Orient Street	Lot 1, DP 711075	Nil.
36 Orient Street	Lot 1, DP 121366	Nil.
38 Orient Street	Lot 24, Section 4, DP 758064	Nil.
54 Orient Street	Lot 40, Section 4, DP 758064	Nil.
55A Orient Street	Lot 42, DP 613326	Nil.
<b>Bodalla</b>		
109 Princes Highway	Lot 13, DP 263277	Nil.
<b>Central Tilba</b>		
46 Corkhill Drive	Lot 1, DP 874575	Nil.
<b>Dalmeny</b>		
Goolara Avenue	Part of Lot 21, DP 264293, as shown edged heavy black on Sheet 2 of the map marked "Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)"	Nil.

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Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)

Schedule 1 Amendments

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
<b>Malua Bay</b>		
Tallawang Avenue	Part of Lot 11, DP 22787, as shown edged heavy black on Sheet 2 of the map marked "Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)"	Nil.
<b>Moruya</b>		
30 Campbell Street	Lot 11, Section 22, DP 758710	Nil.
Church Street	Lot 1, DP 807857	Nil.
Church Street	Lot 1, DP 825980	Nil.
Church Street	Lot 45, DP 702686	Nil.
Ford Street	Lots 203–205, DP 855112	Nil.
Princes Highway	Lot 2, DP 715453	Nil.
63 Queen Street	Lot 85, DP 842670	Nil.
69A Queen Street	Lot 831, DP 819571	Nil.
Vulcan Street	Lot 86, DP 717693	Nil.
<b>Mossy Point</b>		
42 Annetts Parade	Lot 296, DP 15396	Nil.
<b>Narooma</b>		
Field Street	Lot 913, DP 821427	Nil.
<b>Nelligen</b>		
15 Runnyford Road	Part of Lot 113, DP 238007, as shown edged heavy black on Sheet 3 of the map marked "Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)"	Nil.
<b>North Batemans Bay</b>		
Penthouse Place	Lot 28, DP 244134	Nil.
<b>North Narooma</b>		
33A Hillcrest Avenue	Lot 1, DP 379832	Nil.

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
<b>Sunshine Bay</b>		
13 Pleasurelea Drive	Lot 7, DP 215957	Nil.
<b>Surf Beach</b>		
Beach Road	Part of Lot 123, DP 243186, as shown edged heavy black on Sheet 2 of the map marked "Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)"	Nil.
<b>Surfside</b>		
Timbara Crescent	Part of Lot 3, DP 1044536, as shown edged heavy black on Sheet 1 of the map marked "Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)"	Nil.
Timbara Crescent	Lot 900, DP 214160	Nil.
<b>Tuross Head</b>		
Drake Street	Part of Lot 1, DP 720069, as shown edged heavy black on Sheet 3 of the map marked "Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)"	Nil.
Hood Crescent	Lot 1, DP 504784	Nil.
12 Hood Crescent	Lot 3, DP 529919	Nil.
Trafalgar Road	Part of Lot 18, DP 22825, as shown edged heavy black on Sheet 3 of the map marked "Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)"	Nil.
Trafalgar Road	Part of Lot 1, DP 546850, as shown edged heavy black on Sheet 3 of the map marked "Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)"	Nil.

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Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Trafalgar Road	Part of Lot 177, DP 15425, as shown edged heavy black on Sheet 3 of the map marked "Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)"	Nil.

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

Column 1	Column 2
Locality	Description

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**[3] Dictionary**

Insert in appropriate order in the definition of *Land use map*:

Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 19)—Sheets 1 and 2