



New South Wales

Bega Valley Local Environmental Plan 2013 (Amendment No 39)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

DANIEL THOMPSON
As delegate for the Minister for Planning

Bega Valley Local Environmental Plan 2013 (Amendment No 39)

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1 Name of Plan

This Plan is *Bega Valley Local Environmental Plan 2013 (Amendment No 39)*.

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 the land to which *Bega Valley Local Environmental Plan 2013* applies.

Schedule 1 Amendment of Bega Valley Local Environmental Plan 2013

[1] Clause 4.2A, heading

Omit “environment protection”. Insert instead “conservation”.

[2] Clause 4.2A(1)(b)

Omit “environment protection”. Insert instead “conservation”.

[3] Clause 4.2A(2)(e)

Omit “Zone E3”. Insert instead “Zone C3”.

[4] Clause 4.2A(2)(f)

Omit “Zone E4”. Insert instead “Zone C4”.

[5] Clause 4.2A(3)(da)

Insert after clause 4.2A(3)(d)—

- (da) for the erection of a dwelling house—is a relevant lot on which the erection of a dwelling house was permissible immediately before 9 May 2008, or

[6] Clause 4.2A(3)(e)

Omit “or (d)”. Insert instead “, (d) or (da)”.

[7] Clause 4.2A(4)

Insert after clause 4.2A(3)—

- (4) Development consent must not be granted for the erection of a dwelling house on a relevant lot unless the consent authority is satisfied of the following—
 - (a) the lot is physically suitable for the erection of the dwelling house,
 - (b) the lot is capable of accommodating the on-site disposal and management of sewage for the dwelling house,
 - (c) the lot does not—
 - (i) contain or adjoin a perennial stream, or
 - (ii) have an easement to draw water from a perennial stream,
 - (d) the erection of the dwelling house will not cause a significant conflict with—
 - (i) an existing use of the land, or
 - (ii) an agricultural use of adjacent land,
 - (e) the dwelling house will not be located within 100m of the boundary of a national park or nature reserve,
 - (f) the dwelling house will have direct vehicular access to and from a public road other than a highway within the meaning of the *Roads Act 1993*,
 - (g) adequate services for the disposal and management of rubbish generated by the occupants of the dwelling house are available,
 - (h) the dwelling house will be designed, sited and managed to—
 - (i) avoid a significant adverse environmental impact on the land, or

- (ii) if an impact cannot reasonably be avoided—minimise and mitigate the impact.

[8] Clause 4.2A(6)

Insert in alphabetical order—

national park and *nature reserve* have the same meanings as in the *National Parks and Wildlife Act 1974*.

relevant lot means a lot—

- (a) with a lot size of at least 2ha and not more than 10ha, and
- (b) on land other than an area designated “Class 1” or “Class 2” in the Land and Soil Capability Mapping for NSW dataset published by the Department in February 2013 and revised in October 2021, and
- (c) not entirely enclosed by one or more of the following—
 - (i) a national park or nature reserve,
 - (ii) a state conservation area within the meaning of the *National Parks and Wildlife Act 1974*,
 - (iii) a state forest within the meaning of the *Forestry Act 2012*.