

Lower South Coast Regional Environmental Plan (No 2) (1992 EPI 372)

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New South Wales

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Contents

Part 1 Preliminary	5
1 Name of plan	5
2 Aims, objectives etc.....	5
3 Land to which plan applies	5
4 Relationship to other environmental planning instruments	6
5 Definitions	6
6 Duties of certain public authorities in relation to plan preparation and development consents.....	7
Part 2 The environment	8
Division 1 Natural areas	8
7 Definitions	8
8 Objectives.....	8
9 Policies for plan preparation	8
Division 2 Coastal and waterway environments	9
10 Definition.....	9
11 Objectives.....	9
12 Policies for plan preparation	9
13 Policies for development control.....	10
Division 3 Environmental hazards	11
14 Objective	11

15 Policies for plan preparation	11
Division 4 Heritage	13
16 Objective	13
17 Policies for plan preparation	13
Part 3 Rural land	14
18 Definition.....	14
19 Objectives.....	14
20 Policies for plan preparation	14
21 Policies for development control.....	16
Part 4 Natural resources	16
Division 1 Water resources	16
22 Objective	16
23 Policies for plan preparation	16
24 Policies for development control.....	16
Division 2 Geological resources	17
25 Objective	17
26 Policies for plan preparation	17
Division 3 Fishery resources	17
27 Objective	17
28 Policies for plan preparation	17
29 Policies for development control.....	17
Division 4 Forestry resources	18
30 Objective	18
31 Policies for plan preparation	18
Part 5 Urban land	18
Division 1 Strategic planning	18
32 Objectives.....	18
33 Policies for plan preparation	18

Division 2 Residential development	19
34 Objective	19
35 Policies for plan preparation	19
Division 3 Commercial and industrial development	20
36 Objective	20
37 Policies for plan preparation	20
Part 6 Tourism and recreation	21
38 Objectives.....	21
39 Policies for plan preparation	21
40 Policies for development control.....	23
Part 7 Regional services	23
Division 1 Transport	23
41 Objectives.....	23
42 Policies for plan preparation	24
Division 2 Utility services	25
43 Objective	25
44 Policies for plan preparation	25
Division 3 Community services	25
45 Objective	25
46 Policies for plan preparation	25
Part 8 Miscellaneous	26
47 Policies for plan preparation	26
Schedule 1 Waterways	27
Schedule 2 Guidelines for development in waterway catchments	29

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New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Lower South Coast Regional Environmental Plan (No 2)*.

2 Aims, objectives etc

(1) The aims of this plan are:

- (a) to develop regional policies that protect the natural environment and promote the orderly and economic development and use of land and other resources in the region, consistent with conservation of natural and man-made features,
- (b) to consolidate and amend various existing policies applying to the region, to make them more appropriate to regional needs, and to place them in the context of regional policy,
- (c) to provide a basis for the coordination of activities related to growth in the region and to encourage optimum economic and social benefit to the local community and visitors to the region, and
- (d) to establish a regional planning framework for identifying priorities for further investigation to be carried out by the Department of Planning and other agencies.

(2) The aims will be implemented in this plan by specifying:

- (a) objectives for the future planning, development and use of land within the region, and
- (b) regional policies to guide the preparation of local environmental plans and for development control.

3 Land to which plan applies

This plan applies to the land within the Shires of Bega Valley and Eurobodalla declared by

order, published in Gazette No 142 of 5 October 1984, to be a region called “The Lower South Coast Region” for the purposes of the Act.

4 Relationship to other environmental planning instruments

- (1) In the event of an inconsistency between this plan and another environmental planning instrument (other than a State environmental planning policy) applying to the land to which this plan applies, this plan shall prevail to the extent of the inconsistency.
- (2) In so far as a provision of this plan indicates that any matter or thing should be undertaken by a council or another consent authority as a condition precedent to the granting of a development consent in accordance with any local environmental plan, the provision does not operate so as to render a development consent unlawful or ineffective by reason only of a failure to observe the condition.
- (3) In so far as a provision of this plan indicates that a local environmental plan should include, or should refrain from including, a particular requirement (whether as a condition subsequent to the inclusion in such a plan of some other requirement of a specified kind, or otherwise):
 - (a) the provision has effect in relation to all local environmental plans applying to any land within the region, with the intent that a failure of any draft plan to comply with the provision constitutes an inconsistency, as mentioned in section 68 (4) (d) (iii) of the Act, between this plan and the draft local environmental plan concerned, and
 - (b) the provision does not, however, operate so as to render any such plan, if otherwise duly made, unlawful or ineffective by reason of such an inconsistency.

5 Definitions

- (1) In this plan:

appointed day means the day on which this plan takes effect.

council, in relation to a local government area within the region, means the council of that area.

the Act means the [Environmental Planning and Assessment Act 1979](#).

the region means the land referred to in clause 3.

waterway means a water body listed in Schedule 1.

- (2) Where, pursuant to a provision of this plan, the council is required to consult with a specified body in deciding whether to grant consent to the carrying out of development, the provision shall be construed as requiring the council to have regard

to any representations made to it by any such body and received by it within 28 days of the date of referral to the body of the development application.

- (3) In this plan, unless the context or subject-matter otherwise indicates or requires, a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose.

6 Duties of certain public authorities in relation to plan preparation and development consents

Where:

- (a) an environmental planning instrument applying to the region or a part of the region provides (or is deemed to have provided) that development specified in the instrument may not be carried out except with consent under the Act being obtained, and an application is made to carry out that development,
- (b) under an environmental planning instrument applying to the region or a part of the region, certain development specified in the instrument cannot be carried out because of a development standard applying to the development but nevertheless application for consent to carry out that development is made to the consent authority pursuant to the provisions of *State Environmental Planning Policy No 1—Development Standards*,
- (c) a council decides or is directed to prepare a draft local environmental plan applying to a part or to the whole of the region,
- (d) the Minister, pursuant to section 101 of the Act, gives a direction in writing to a consent authority to refer to the Secretary for determination by the Minister a particular development application or development applications of a particular class or description applying to the region or a part of the region, or
- (e) an environmental planning instrument applying to the region or a part of the region provides that development specified in the instrument may be carried out without the consent of the council, or without the necessity for consent under the Act being obtained from a consent authority, and that development, being development that is an activity within the meaning of Part 5 of the Act, is proposed to be carried out,

then a consent authority, the Director, the Minister or a determining authority (as the case may be) should, in carrying out its or his or her function under the Act or under the instrument concerned, and for the purpose of advancing the aims of this plan enumerated in clause 2, consider the aims, objectives, policies and principles contained in this plan and relevant to the matter.

Part 2 The environment

Division 1 Natural areas

7 Definitions

In this Division:

bushland means land on which there is vegetation which is either a remainder of the native vegetation of the land or, if altered, is still representative of the structure and floristics of the vegetation.

wetland means an area of land subject to permanent or periodic inundation and substantially retaining a cover of natural vegetation which generally displays hydrophytic characteristics or an area of land capable of regenerating vegetation to fulfill that criteria.

8 Objectives

The objectives of this plan in relation to planning strategies concerning natural areas are:

- (a) to protect natural areas of ecological, scenic or scientific interest,
- (b) to strictly control any reduction in the extent of important natural areas, and
- (c) to protect and preserve bushland:
 - (i) within urban areas, or
 - (ii) which provides a natural buffer between settlements.

9 Policies for plan preparation

In the preparation of draft local environmental plans, the council shall:

- (a) retain existing provisions allowing the making of tree preservation orders and require development consent for land clearing (other than of an incidental nature or where authorised under any other Act or instrument made under an Act) in areas where original vegetation types are still prominent and where such clearance is likely to have an adverse impact on the natural environment,
- (b) not alter or remove:
 - (i) existing provisions zoning or identifying land for scenic protection, environmental protection, escarpment protection, foreshore protection, water catchment or wetland purposes, or
 - (ii) existing subdivision and other development controls applying to land zoned or identified for those purposes,

unless full consideration has been given to environmental factors to determine

whether there will be any adverse environmental effects resulting from such action, and

- (c) in order to protect bushland, important wetlands, significant areas of natural vegetation, water catchment areas and wildlife habitats and corridors, include environmental protection zones for appropriate areas as described in the “Rural Lands Evaluation Manual” of the Department of Planning (revised edition 1988), copies of which are available to the public at the offices of the Department.

Division 2 Coastal and waterway environments

10 Definition

In this Division:

coastal areas means the area one kilometre landward from low water mark as described in the Government publication entitled “New South Wales Coast Government Policy” or such area as may be determined by the Director of Planning as provided for in that policy.

11 Objectives

The objectives of this plan in relation to coastal areas and waterways are:

- (a) to minimise changes to natural coastal processes resulting from development,
- (b) to protect water quality,
- (c) to minimise risks to people and property resulting from coastal processes,
- (d) to maintain the visual quality of the coastal and waterway environments,
- (e) to provide for the appropriate recreational use of beaches, other coastal lands and waterways, and
- (f) to maintain or enhance public access to and use of beaches, other coastal attractions and waterways in appropriate locations.

12 Policies for plan preparation

- (1) In the preparation of draft local environmental plans applying to coastal areas, the council shall:
 - (a) include provisions that give effect to and are consistent with the Government publication entitled “New South Wales Coast Government Policy”,
 - (b) not permit development on frontal dunes, beaches and undeveloped headlands,
 - (c) include provisions to ensure that the height and scale of buildings are appropriate to the landscape, and

(d) control development so as to minimise risks to life and property from coastal hazards and minimise impacts on coastal processes.

(2) Draft local environmental plans applying to:

(a) land within Zone No 1 (e) or 1 (f) under *Interim Development Order No 3—Shire of Eurobodalla*, or

(b) land within Zone No 7 (f1) or 7 (f2) under *Bega Valley Local Environmental Plan 1987*, or

(c) land within Zone No 7 (f1) or 7 (f2) under *Eurobodalla Rural Local Environmental Plan 1987*,

shall retain existing zonings and the environment protection controls applying to the land on the date on which this plan takes effect unless:

(i) the land has been acquired by a public authority under the Coastal Lands Protection Scheme and any proposed rezoning is to reflect the public purpose for which the land is being used or is proposed to be used, or

(ii) the council has carried out an environmental analysis to determine the effects of such an action.

13 Policies for development control

(1) In considering any application for development in coastal areas, the council shall take into account:

(a) the “Coastline Management Manual” published by the New South Wales Government,

(b) the “South Coast Design Guidelines” issued by the Department of Planning,

(c) any other guidelines issued by the Department of Planning in relation to development in coastal areas,

(d) the “Estuarine Habitat Management Guidelines” or “Freshwater Habitat Management Guidelines” issued by NSW Fisheries, or both, and

(e) the “Crown Lands Coastal Policy” issued by the Department of Conservation and Land Management, where relevant.

(2) In considering any application for development, including land/water based development, on land in the vicinity of waterways, the council shall take into account:

(a) whether the development will cause pollution or siltation of the waterway and measures to minimise any adverse impacts,

- (b) whether the development will have adverse effects on terrestrial or aquatic fauna, flora or their habitats,
 - (c) the need to maintain or improve the water quality of the waterway,
 - (d) whether the development will have an adverse effect on drainage patterns or cause shoreline erosion,
 - (e) the appearance of the development from the waterway and its foreshores,
 - (f) the desirability of requiring the dedication of appropriate land for open space or waterway access purposes for the purpose of ensuring public access to the waterway and its foreshores,
 - (g) whether the development will cause excessive congestion of, or generate conflicts between, people using the waterway or nearby land, and
 - (h) the noise likely to be generated by the development and the effect that any such noise would have on existing beneficial uses of the waterway or nearby land.
- (3) An application for consent to carry out development for the purpose of heavy mineral sand mining on land comprising a beach or incipient dune shall be referred by the council to the Director of Planning for concurrence prior to the determination of the application.
- (4) In deciding whether to grant concurrence under this clause, the Director shall take into account the extent of previous and existing disturbances and modifications to the land and whether the development is likely to adversely affect any significant scientific, cultural or environmental aspects of the land and its environs.

Division 3 Environmental hazards

14 Objective

The objective of this plan in relation to environmental hazards is to encourage development on land that is free from flooding, coastal hazards, high bushfire risks, airborne pollution or other hazards.

15 Policies for plan preparation

- (1) In the preparation of draft local environmental plans for land which is, or is likely to be, subject to any of the following hazards, the council shall assess the extent of the hazard and include provisions in that plan to minimise the effects of the hazard:
- (a) coastal processes,
 - (b) river processes and bank erosion,
 - (c) bush fire,

- (d) flooding,
 - (e) geological or soil instability, and
 - (f) airborne pollution in close proximity to sewage treatment works.
- (2) A draft local environmental plan which applies to coastal areas (within the meaning of clause 10) shall have regard to the management principles contained in the “Coastline Management Manual”.
- (3) In the event of bush fire hazard being identified for land on which urban development is to be permitted, the draft plan should, where appropriate:
- (a) provide for the creation of a perimeter road or reserve which circumscribes the hazard side of the land intended for that development,
 - (b) provide for the creation of a fire radiation zone managed for hazard reduction and located on the bushland side of the perimeter road,
 - (c) minimise the perimeter of the area of land which may be developed for urban purposes, and
 - (d) introduce controls which avoid placing inappropriate developments in hazardous areas.
- (4) In the event of bush fire hazard being identified for land on which rural residential development is to be permitted, the draft plan should, where appropriate, provide for the creation of:
- (a) a road through that land to which individual access roads are linked, and
 - (b) fire trails which link with individual access roads or a through road.
- (5) A draft local environmental plan which applies to flood liable land identified in accordance with the principles contained in the “Floodplain Development Manual” last published in the Gazette in pursuance of section 582A (4) of the *Local Government Act 1919*:
- (a) shall not rezone flood liable land from a zone described as special uses—flood liable, rural, open space, scenic protection, conservation, environmental protection or water catchment, or by a similar description, to a zone described as residential, business, industrial, or village, or by a similar description, or to special uses for other purposes,
 - (b) shall not contain provisions which apply to flood liable land and which:
 - (i) permit a significant increase in the development of that land,
 - (ii) are likely to result in a substantially increased requirement for Government

spending on flood mitigation measures, on infrastructure or on services, or

- (iii) permit development to be carried out without development consent, except development for the purposes of agriculture (but not including dams, drainage canals, levees, buildings or structures in floodways, high hazard flood fringe or high hazard flood storage areas) minor development and additions as defined in the “Flood Plain Development Manual”, and

- (c) shall zone high hazard flood liable lands or floodways as special uses—high hazard flood liable or special uses—floodway, rural, open space, scenic protection, conservation, environment protection or water catchment or so as to be within a zone having a similar description—

except where a detailed assessment of the flood hazard has been carried out and the provisions of the plan are substantially in accordance with the principles contained in the “Flood Plain Development Manual”.

- (6) A draft local environmental plan which applies to land in the vicinity of a sewage (water pollution control) plant should include provisions to restrict development likely to be adversely affected by proximity to that plant.

Division 4 Heritage

16 Objective

The objective of this plan in relation to heritage items is to protect, preserve and enhance heritage items and precincts of cultural or environmental significance to the community.

17 Policies for plan preparation

In the preparation of draft local environmental plans, the council shall, where the plan applies to:

- (a) land on which a building, work or relic is situated or which comprises a place, being a building, work, relic or place of historic, scientific, cultural, social, natural, architectural, archaeological or aesthetic significance for the local government area,
- (b) an area which is of ecological significance for the local government area,
- (c) heritage precincts where a number of important sites or buildings are located, or where the character of an item or area and its surroundings are closely integrated, or
- (d) aboriginal sites,

ensure that the plan contains provisions to facilitate the conservation of that building, work, relic, place or area.

Part 3 Rural land

18 Definition

In this Part:

rural residential smallholdings means allotments which have an area less than the minimum area referred to in clause 20 (1) (a) and are intended primarily for residential purposes.

19 Objectives

The objectives of this plan in relation to rural land are:

- (a) to conserve better quality agricultural lands for the purposes of agriculture,
- (b) to facilitate farm adjustments,
- (c) to enable other forms of development associated with, or compatible with, rural activity in appropriate locations, and
- (d) to minimise the cost to the community of fragmented and isolated development.

20 Policies for plan preparation

- (1) A draft local environmental plan for rural land:
 - (a) shall control subdivision by including an appropriate minimum subdivision area,
 - (b) should make provision for subdivision which does not meet the minimum area referred to in paragraph (a) where such subdivision is for farm adjustment or amalgamation,
 - (c) shall require development consent for the erection of dwellings except where the land is zoned to permit rural residential smallholdings or the land has an area greater than the minimum area specified in paragraph (a) and there is no dwelling erected on the land in which case the need for consent may be waived, and
 - (d) shall provide, where appropriate, a buffer or other means of separating agricultural use from residential or other incompatible uses.
- (2) A draft local environmental plan applying to land which is suitable for inclusion in an agricultural protection zone shall include that land in an agricultural protection zone and adopt provisions that:
 - (a) control development for purposes other than commercial agriculture, and
 - (b) set minimum holding sizes for farm dwelling entitlements,consistent with protecting the long term use of the land for efficient sustainable

agricultural production.

- (3) In determining whether land is suitable for inclusion in an agricultural protection zone, the Council shall have regard to the maps entitled "*Agricultural Land Classification Map—Lower South Coast Region*", prepared by the Department of Agriculture copies of which are deposited in the office of the Council.
- (4) A draft local environmental plan providing for rural residential smallholdings shall be prepared only after the council has adopted a strategy for rural residential development within the whole of the local government area (or such part of the area as may be agreed upon between the council and the Director of Planning and to which the plan applies) which takes into account:
 - (a) the legitimate demands for such development,
 - (b) accessibility to community facilities and services,
 - (c) proximity to urban centres,
 - (d) provision of infrastructure and services,
 - (e) the risk of environmental hazards as described in Division 3 of Part 2,
 - (f) land capability and agricultural land classification,
 - (g) likely effects on waterways and water catchment areas,
 - (h) the need to avoid sterilisation of valuable mineral deposits or other extractive materials, and
 - (i) such other matters (if any) as may be advised by the Director of Planning—
being a strategy which has been agreed upon between the council and the Director of Planning.
- (5) A draft local environmental plan may contain provisions permitting the erection of dwelling-houses on any or all of the following kinds of allotments of rural land:
 - (a) an allotment within a zone identified as being primarily for the purpose of rural smallholdings,
 - (b) an allotment legally created, or approved for that purpose, under the previous planning provisions applying to the land,
 - (c) an **existing holding** or **existing parcel** as defined in the relevant environmental planning instrument applying to the land at the day on which that instrument takes effect and on which a dwelling could be erected under that instrument,
 - (d) a holding larger than the minimum size referred to in subclause (1) (a) where

there is no existing dwelling.

- (6) A draft local environmental plan containing provisions permitting the erection of dwelling-houses on rural land may make provision for a dwelling-house to be converted or extended to form a building containing two dwellings.

21 Policies for development control

Councils, before granting consent to the development of rural land for purposes other than agriculture must, where the land is classified as Class 1, 2 or 3 on the maps marked "*Agricultural Land Classification Map—Lower South Coast Region*" copies of which are deposited in the office of the councils, be satisfied that the development will not significantly reduce the agricultural potential of the land or adjoining lands.

Part 4 Natural resources

Division 1 Water resources

22 Objective

The objective of this plan in relation to water quality and water resources is to encourage the effective use and the protection of the quality of the region's water resources.

23 Policies for plan preparation

Draft local environmental plans affecting land in the vicinity of surface water or groundwater supplies:

- (a) should be prepared only after the council has considered likely impacts on water quality and availability, and
- (b) should only permit development which is compatible with the maintenance of acceptable water quality standards.

24 Policies for development control

In considering a development application relating to land in the vicinity of surface or groundwater water supplies, the council shall:

- (a) consider the impact the proposed development is likely to have on water quality and availability, and
- (b) only consent to the application if satisfied that adequate water quality and availability will be maintained if the proposed development is carried out.

Division 2 Geological resources

25 Objective

The objective of this plan in relation to geological resources is to prevent the sterilisation of resources by inappropriate development on or near to potential extraction sites.

26 Policies for plan preparation

Draft local environmental plans affecting known or prospective areas of significant mineral or extractive materials shall contain provisions controlling and locating development in a manner that does not render the evaluation and extraction of those deposits difficult or costly.

Division 3 Fishery resources

27 Objective

The objective of this plan in relation to fisheries is to preserve and enhance recreational and commercial fishing activity.

28 Policies for plan preparation

- (1) In the preparation of draft local environmental plans for land containing fishery habitats or their catchments, the council shall include provisions to protect those habitats and catchments.
- (2) A local environmental plan for land containing fishery habitats should:
 - (a) include fishery habitats and sufficient land to separate adjoining land uses from the fishery habitats in an appropriate environmental protection zone, and
 - (b) include provisions requiring development consent for the clearing of vegetation, the filling or draining of land, the construction of levees and for such other development as is likely to have an adverse impact on fishery habitat within the zone referred to in paragraph (a).

29 Policies for development control

In considering an application to carry out development for any purpose within, adjoining or upstream of a fishery habitat area or within the drainage catchment of a fishery habitat area, the council shall consider:

- (a) the need to maintain or improve the quality or quantity of flows of water to the habitat,
- (b) the need to conserve the existing amateur and commercial fisheries,
- (c) any loss of habitat which will or is likely to be caused by carrying out the

development,

- (d) whether the development would result in pollution of the waters and any measures to eliminate pollution,
- (e) the proximity of aquatic reserves dedicated under the *Fisheries and Oyster Farms Act 1935* and the effect the development will have on those reserves, and
- (f) the need to ensure that native vegetation surrounding the fishery habitat area is conserved.

Division 4 Forestry resources

30 Objective

The objective of this plan in relation to forest resources is to manage the resources of the region in a manner which sustains their productivity and condition while ensuring that adverse environmental impacts are minimised.

31 Policies for plan preparation

Draft local environmental plans should:

- (a) contain provisions to maintain State forestry resources, and
- (b) require development consent for private forestry and include provisions to control adverse environmental impacts.

Part 5 Urban land

Division 1 Strategic planning

32 Objectives

The objectives of this plan in relation to urban development are:

- (a) to facilitate the orderly and economic provision and development of land,
- (b) to facilitate the economic provision and use of utility services,
- (c) to facilitate the economic provision of community and welfare services,
- (d) to minimise the impact of development on the natural environmental quality of the region, and
- (e) to encourage a diversity of urban roles, functions and character.

33 Policies for plan preparation

- (1) Before preparing a draft local environmental plan to rezone rural land for urban

expansion, the council shall prepare an urban settlement strategy for the whole of the local government area.

- (2) The draft local environmental plan shall be based on the strategy as agreed between the council and the Director of Planning.
- (3) The strategy shall have regard to the following principles:
 - (a) future urban expansion should be concentrated in areas adjoining existing settlements which already have a full range of urban services and facilities,
 - (b) urban development should be located in a manner which will maintain the environmental and visual quality of the surrounding area,
 - (c) a wide range of services and facilities should be encouraged in the principal townships to cater for regional urban growth,
 - (d) the rural character and purpose of villages and their heritage values, where applicable, should be protected,
 - (e) the character, role and function of small coastal settlements should be maintained,
 - (f) buffer areas between urban centres should be maintained to prevent ribbon coastal development,
 - (g) the water quality of waterways in or adjacent to urban areas should be improved and protected,
 - (h) sites of regional, historic or environmental significance should be protected from the impact of urban expansion,
 - (i) future urban land should be located in areas which provide adequate accessibility to regional services such as regional health and education facilities, and
 - (j) the efficiency of the regional road access routes should be safeguarded.

Division 2 Residential development

34 Objective

The objective of this plan in relation to residential development is to promote the provision of a range of adequate, affordable and suitable housing to meet the needs of the region's population.

35 Policies for plan preparation

In the preparation of draft local environmental plans involving residential development, the council should:

- (a) enable dual occupancy to be carried out in appropriate areas,
- (b) allow as wide a range of housing types and densities as is practicable and compatible with the environmental capacity of the area,
- (c) require that development for residential purposes shall not take place until land is adequately serviced with water and sewerage (or arrangements satisfactory to the council have been made to service the land),
- (d) retain existing provisions to enable a dwelling-house to be erected on an existing allotment,
- (e) not require development consent for a dwelling-house in a residential zone except where there are special environmental or hazard considerations, and
- (f) not include provisions which will result in a reduction of permissible residential densities, except where justified on environmental, hazard or economic grounds.

Division 3 Commercial and industrial development

36 Objective

The objective of this plan is to encourage an adequate supply of zoned land in appropriate locations for employment activities.

37 Policies for plan preparation

In the preparation of draft local environmental plans for urban areas, the council:

- (a) shall take into consideration the following principles:
 - (i) the relocation or development of industry should not be restricted by virtue of inflexible land use controls,
 - (ii) there should be an adequate supply of zoned land in suitable locations that can be developed for industry at reasonable cost,
 - (iii) industrial areas should be located where they can be adequately serviced by transport systems and are accessible from urban areas,
 - (iv) industrial areas should be located where they can be adequately serviced with water supply and sewerage,
 - (v) there should be provisions to preserve the integrity of main business areas and future commercial zonings should preferably occur adjoining or adjacent to existing town centres wherever possible,
 - (vi) commercial and business zones should be sufficiently flexible to enable the development of light service industries and other similar activities near central

business areas, and

- (b) shall not substantially reduce the amount of land zoned for industrial development unless the council has made an assessment of land available within the relevant area and is satisfied that there will remain an adequate supply of land zoned for industrial development in the locality, and
- (c) shall not substantially alter the location of existing zonings or substantially reduce the amount of land zoned for business development unless the council has made an assessment of the relevant area and is satisfied that the change will not have a detrimental impact on the existing or potential function of the area as a business centre.

Part 6 Tourism and recreation

38 Objectives

The objectives of this plan in relation to tourism and recreation are:

- (a) to provide opportunities for establishing a wide range of tourist and recreational opportunities within the region,
- (b) to encourage tourism activity that will complement the existing natural and man made features of the region and be of positive benefit to the region's economy,
- (c) to encourage the location of tourism facilities to complement transport services, infrastructure, other tourism attractions and urban facilities, and
- (d) to encourage the adoption of planning controls containing incentives for tourism development where appropriate.

39 Policies for plan preparation

(1) In this clause:

major destination resorts means high standard self-contained tourist resort complexes outside, and not adjacent to, urban areas which provide a high level of services generally but not necessarily for the exclusive use of patrons.

major tourist developments means high standard tourist developments in or adjacent to urban areas, whether or not providing accommodation and may include associated commercial and recreational facilities or speciality projects such as major tourist attractions.

natural area development means low density, low impact development providing holiday accommodation in the form of cabins, caravan parks or camping sites.

(2) In the preparation of draft local environmental plans which include provisions to

facilitate tourist development, the council should have regard to the following principles:

- (a) major tourist developments should be located within or close to existing urban areas with an identifiable resort role and where there is potential for developing a wide range of quality tourism services on a year round basis,
 - (b) major tourist developments should only be permitted where there is adequate access, reticulated water and sewerage or where satisfactory arrangements can be made for the provision of those facilities from the commencement of development,
 - (c) natural area development should be encouraged in or close to small coastal settlements or major natural attractions to provide low scale budget accommodation with a low level of servicing,
 - (d) major destination resorts should be located only where there is:
 - (i) good access by road or air,
 - (ii) access to beach or coastal areas or other natural attractions which are capable of supporting high intensity usage, and
 - (iii) capacity to support major development with minimal adverse environmental impacts,
 - (e) the redevelopment of sites within towns which are suitable for tourist development and which are not developed to their full potential should be encouraged,
 - (f) the provision of permanent residential accommodation should only be allowed in a tourism development where the land is zoned for urban purposes.
- (3) In the preparation of draft local environmental plans, the council should encourage development for tourism purposes in appropriate locations having regard to the principles in subclause (2) and any tourism strategies or plans prepared for the region by the Tourism Commission of New South Wales.
- (4) A draft local environmental plan shall not zone land or enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the *Recreation Vehicles Act 1983*):
- (a) where the land is within a coastal lands acquisition, coastal lands protection, conservation, scenic, water catchment, wetland or any environment protection zone or where the land comprises a beach or a dune adjacent to or adjoining a beach, or
 - (b) where the land is not within an area or zone referred to in paragraph (a), unless

the council has taken into consideration:

- (i) the provisions of the guidelines entitled "Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas", published by the Soil Conservation Service, dated September 1985,
 - (ii) the provisions of the guidelines entitled "Recreation Vehicles Act 1983: Guidelines for Selection, Design and Operation of Recreation Vehicle Areas", published by the State Pollution Control Commission, dated September 1985, and
 - (iii) the Crown Lands Recreation Vehicle Areas Policy, where relevant.
- (5) Draft local environmental plans should, in respect of land reserved or zoned for public recreation (other than that under the control of the National Parks and Wildlife Service), provide that:
- (a) the only development which may be carried out without consent on that land is gardening, landscaping and bushfire hazard control, and
 - (b) in respect of development which may be carried out only with development consent, consent shall not be granted unless consideration has been given to:
 - (i) the need for the proposed development on that land,
 - (ii) the impact of the proposed development on the existing or likely future use of the land, and
 - (iii) the need to retain the land for its existing or likely future use.

40 Policies for development control

In considering an application for tourist development, the council shall have regard to any guidelines published by the Department of Planning in relation to such development and any tourism strategies or plans prepared for the region by the Tourism Commission of New South Wales.

Part 7 Regional services

Division 1 Transport

41 Objectives

The objectives of this plan in relation to transport are:

- (a) to safeguard the role and efficiency of the main road system of the region, particularly by recognising the importance of primary arterial roads, and
- (b) to identify priorities for the maintenance and improvement of road and air transport in

the region.

42 Policies for plan preparation

- (1) In the preparation of draft local environmental plans, the council shall, in consultation with the Roads and Traffic Authority, identify arterial and main roads as advised by the Roads and Traffic Authority and include provisions that promote the safety and efficiency of those roads.
- (2) The provisions should, in rural areas:
 - (a) control direct access on to such roads,
 - (b) restrict high traffic generating development where that development will be adjacent to or adjoining a road where traffic operates at high speed, and
 - (c) control advertising signs and structures adjacent to or adjoining roads where safety would be impaired by the erection of those signs or structures.
- (3) Draft local environmental plans applying to land in the vicinity of an aerodrome licensed by the Commonwealth Civil Aviation Authority:
 - (a) shall include provisions that:
 - (i) control the height of buildings taking into account the obstacle limitation surface for the particular licensed aerodrome, and
 - (ii) minimise the risk of obstacles to aircraft, such as bird strike, by requiring consent for development in the vicinity of airports which may increase such risk, and
 - (b) should, where an Australian Noise Exposure Forecast has been prepared for the area by that Authority, provide that the council may grant consent to the erection of a residential building or a building intended for human occupation only where it is satisfied that measures will be taken:
 - (i) which accord with the guidelines in the code AS 2021—1985 entitled *“Acoustics—Aircraft Noise Intrusion—Building Siting and Construction”* (Second Edition 1985) published by the Standards Association of Australia, and
 - (ii) which are adequate for the insulation of the building from aircraft noise, where the frequency of aircraft operation warrants preventative noise protection measures.
- (4) In the preparation of draft local environmental plans involving the rezoning of land which could give rise to the need for bus services or the revision of existing bus services, the council shall take into consideration the guidelines set out in Technical Bulletin No 19 of 1989 published by the Department of Planning.

Division 2 Utility services

43 Objective

The objective of this plan in relation to utility services is to facilitate the economic and orderly provision of utility services to new urban and residential areas.

44 Policies for plan preparation

In the preparation of draft local environmental plans to zone land for urban purposes, the council shall:

- (a) make optimal use of existing services,
- (b) give preference to areas which are economical to service, subject to environmental suitability, and which are consistent with any urban release strategy,
- (c) require that the land is or will be adequately serviced with water and sewerage or arrangements satisfactory to the council have been made to service the land, and
- (d) have regard to the need to incorporate appropriately designed sewerage and stormwater systems in waterway catchments based on relevant guidelines in Schedule 2.

Division 3 Community services

45 Objective

The objective of this plan in relation to community services is to encourage the provision of a high level of facilities in the region.

46 Policies for plan preparation

- (1) In determining the location of residential development in draft local environmental plans (including rural residential development) the council shall:
 - (a) consider the need for adequate access to be available to health and education facilities and community services, and
 - (b) encourage development to be located where there are existing facilities and services.
- (2) Draft local environmental plans, insofar as they refer to schools, colleges or other educational institutions, shall contain provisions that:
 - (a) allow community use of the facilities and sites of schools, colleges and other educational institutions whether for profit or not,
 - (b) allow any person to carry out development for the purposes of community uses on land used for the purposes of schools, colleges or other educational institutions

whether or not the development is ancillary to those purposes, and

(c) allow child care centres in a rural, residential, business or industrial zone.

(3) Draft local environmental plans applying to urban residential areas shall, where necessary, provide sites, or require their early provision by development control plans, for health and education facilities and other community services where projected population increases are unable to be satisfied by the existing facilities or services within the region.

Part 8 Miscellaneous

47 Policies for plan preparation

In the preparation of all draft local environmental plans, the council:

- (a) shall adopt the provisions of the latest set of model provisions made under section 33 of the Act in so far as those provisions are relevant to the aims, objectives, principles and strategies of that plan,
- (b) shall have regard to any Circular to Councils issued from time to time by the Department which is applicable to the council's area and which is relevant to the aims, objectives, principles and strategies of that plan,
- (c) shall not create, alter or remove an existing reservation or zoning for any public purpose such as national park or main or arterial road or alter provisions relating to subdivision and development control of land zoned or reserved for public purposes without the approval of the relevant public authority,
- (d) shall include such zones and reservations as are requested by public authorities, unless the council has consulted the Director of Planning and been advised to the contrary,
- (e) shall not remove an existing requirement or introduce a new requirement to obtain the approval or concurrence of a Minister or public authority without the approval of the relevant Minister or public authority,
- (f) shall include any consultation, approval or concurrence provisions requested by a Minister or public authority unless the council has consulted the Director of Planning and been advised to the contrary,
- (g) shall not:
 - (i) alter existing provisions for the acquisition of land by a Minister or a public authority, or
 - (ii) include a provision nominating a Minister or public authority as responsible for acquisition of land,

without the approval of the Minister or public authority,

(h) shall not alter or remove the existing savings provisions relating to:

(i) development by public authorities or public utility undertakings,

(ii) use by the Crown of existing buildings, or

(iii) home occupations, and

(i) shall not identify development as designated development unless it is likely to have a significant impact on the environment.

Schedule 1 Waterways

(clause 5)

1 Durras Lake

2 Clyde River

3 Cullendulla Creek

4 Tomaga River

5 Candlagan Creek

6 Waldrons Swamp

7 Racecourse Swamp

8 Moruya River

9 Congo Creek

10 Meringo Creek

11 Meringo Beach

12 Coila Lake

13 Tuross Lake and River

14 Lake Brunderee

15 Lake Tarourga

16 Lake Brou

17 Lake Mummuga (Dalmeny)

18 Kianga Lake

19 Wagonga Inlet

- 20 Little Lake (Narooma Beach)
- 21 Bullengella Lake
- 22 Nangudga Lake
- 23 Nargal Lake
- 24 Corunna Lake
- 25 Tilba Tilba Lake
- 26 Little Lake
- 27 Wallaga Lake
- 28 Long Swamp
- 29 Bermagui River
- 30 Barragoot Lake
- 31 Cuttagee Lake (and Little Lake)
- 32 Murrah Lagoon
- 33 Bunga Lagoon
- 34 Wapengo Lake
- 35 Middle Lagoon
- 36 Nelson's Lagoon
- 37 Bega River
- 38 Wallagoot Lake
- 39 Bondi Lake (Bournda)
- 40 Sandy Beach Creek
- 41 Short Point Beach
- 42 Back Lagoon
- 43 Merimbula Lake
- 44 Merimbula Beach Wetlands
- 45 Pambula Lake and River estuary
- 46 Curalo Lagoon
- 47 Shadrach's Creek

- 48 Nullica River
- 49 Towamba River
- 50 Fisheries Creek
- 51 Saltwater Creek
- 52 Woodburn Creek
- 53 Bittangabee Creek
- 54 Wonboyn Lake and River
- 55 Merrica River
- 56 Newton's Beach Lagoon
- 57 Little Creek
- 58 Nadgee River
- 59 Nadgee Lake
- 60 Tantawanglo Creek
- 61 Wandella Creek
- 62 Couria Creek

Schedule 2 Guidelines for development in waterway catchments

(clause 44)

A Matters for consideration relating to water quality and hydrology:

- 1 Limiting the amount of bare soil in a catchment or part of a catchment at any one time.
- 2 The construction of sediment control devices, such as wet retention basins, retardation basins, settling ponds, sediment traps, sediment basins, filter strips and others.
- 3 The construction of devices to control the sources of sediment, such as porous pavements, porous drainways, infiltration areas and others.
- 4 The construction of erosion control devices, such as catch, diversion and batter toe drains and energy dissipation devices.
- 5 Limiting the amount of paved, impervious or hard standing areas.
- 6 The stabilisation and revegetation of disturbed and bared areas.

B References which will assist in the consideration of the matters referred to in A:

State Pollution Control Commission (1987)—A MANUAL OF POLLUTION CONTROL FOR URBAN

STORMWATER IN NEW SOUTH WALES.

Department of Environment and Planning (1983)—GUIDELINES FOR DUAL USE OF DRAINAGE/ OPEN-SPACE RESERVES. Circular to Councils No 57, 30 August, 1983.

Soil Conservation Service (1978)—URBAN EROSION AND SEDIMENT CONTROL.

Lynch and Clarke—eds (1990)—PREPARING SOIL AND WATER MANAGEMENT PLANS FOR URBAN, INDUSTRIAL AND RESORT DEVELOPMENTS.

Department of Main Roads (1981)—SPECIFICATION FOR REVEGETATION OF BATTERS AND ROADSIDE AREAS. (South Coast Division).

Department of Main Roads (1984)—INTERIM GUIDELINES FOR CONTROL OF EROSION AND SEDIMENTATION IN ROADWORK.

Department of Housing (1985)—CONSTRUCTION SPECIFICATION.

Institution of Engineers, Australia (1985)—GUIDELINES FOR THE DESIGN OF DETENTION BASINS AND GRASSED WATERWAYS FOR URBAN DRAINAGE SYSTEMS.