

# Bega Valley Local Environmental Plan 2002

[2002-364]



New South Wales

## Status Information

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### Authorisation

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New South Wales

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# Bega Valley Local Environmental Plan 2002



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan is *Bega Valley Local Environmental Plan 2002*.

### 2 Aims of plan

This plan aims to establish the framework for future development within the local government area of Bega Valley and to achieve the following objectives:

- (a) to ensure a balanced approach to development which is sensitive to both the economic and social needs of the community,
- (b) to protect and improve the economic, natural, social and cultural resources within the Council's area,
- (c) to encourage the efficient and effective delivery of services, and
- (d) to recognise, protect and improve the inherent natural and built character of the Council's area,
- (e) to ensure that development has regard to the principles of ecologically sustainable development.

### 3 Land to which plan applies

This plan applies to all land within the local government area of Bega Valley.

### 4 Effect of the plan on other environmental planning instruments

*Bega Valley Local Environmental Plan 1987* is repealed.

### 5 Consent authority

The Council is the consent authority for the purposes of this plan, subject to the Act.

### 6 Exempt and complying development

- (1) Development of minimal environmental impact listed as exempt development in

Schedule 1 to *Bega Valley Development Control Plan No 98—Exempt and Complying Development* as adopted by the Council on 27 November 2001 is exempt development, despite any other provision of this plan.

- (2) Development listed as complying development in Schedule 2 to *Bega Valley Development Control Plan No 98—Exempt and Complying Development* as adopted by the Council on 27 November 2001 is complying development if:
  - (a) it is local development of a kind that can be carried out with consent on the land which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with all development standards and other requirements applied to the development by the relevant provisions of the development control plan referred to in subclause (1) or (2).
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Schedule 3 to *Bega Valley Development Control Plan No 98—Exempt and Complying Development* as in force when the certificate is issued.

## **7 General provisions in relation to the development**

Land is within one of the following zones if it is shown on the zoning map with the relevant lettering for the zone described below:

- Zone 1 (a) (Rural General Zone)—lettered 1 (a)
- Zone 1 (c) (Rural Small Holdings Zone)—lettered 1 (c)
- Zone 1 (f) (Rural Forestry Zone)—lettered 1 (f)
- Zone 2 (a) (Residential Low Density Zone)—lettered 2 (a)
- Zone 2 (b) (Residential Medium Density Zone)—lettered 2 (b)
- Zone 2 (c) (Residential Tourist Zone)—lettered 2 (c)
- Zone 2 (e) (Urban Zone)—lettered 2 (e)
- Zone 2 (f) (Future Urban Zone)—lettered 2 (f)
- Zone 2 (v) (Village Zone)—lettered 2 (v)
- Zone 3 (a) (General Business Zone)—lettered 3 (a)
- Zone 3 (b) (Special Business Zone)—lettered 3 (b)
- Zone 4 (a) (Industrial Zone)—lettered 4 (a)



- Zone 5 (a) (Special Uses Zone)—lettered 5 (a)
- Zone 6 (a) (Existing Open Space Zone)—lettered 6 (a)
- Zone 6 (c) (Private Open Space Zone)—lettered 6 (c)
- Zone 7 (b) (Environment Protection Foreshore Zone)—lettered 7 (b)
- Zone 7 (d) (Environment Protection General Zone)—lettered 7 (d)
- Zone 7 (f1) (Coastal Lands Protection Zone)—lettered 7 (f1)
- Zone 7 (f2) (Coastal Lands Acquisition Zone)—lettered 7 (f2)
- Zone 8 (National Parks and Nature Reserves Zone)—lettered 8
- Zone 9 (c) (Arterial Road Reservation Zone)—lettered 9 (c)
- Zone 9 (d) (Local Road Reservation Zone)—lettered 9 (d)

## **8 Zone objectives and development control table**

- (1) The objectives of a zone are set out in Parts 2–9 in the clause headed “General controls for development” for the zone under the heading “Objectives of the zone”.
- (2) Except as otherwise provided by this plan, for each zone specified in a “General controls for development” clause, the development that:
  - (a) may be carried out without development consent, and
  - (b) may be carried out only with development consent, and
  - (c) is prohibited,is indicated in that clause under the headings “Allowed without development consent”, “Allowed only with development consent” and “Prohibited” respectively, appearing in the matter relating to the zone.
- (3) Consent must not be granted to development proposed within a zone unless the consent authority has taken into consideration such of the objectives of the zone as are relevant to the proposal and is satisfied that the development is consistent with those objectives.

## **9 Definitions**

- (1) In this plan:
  - (a) terms defined in the Dictionary at the end of this plan have the same meanings as are set out in the Dictionary, and
  - (b) a reference to a building, work or place used for a purpose includes a reference to

a building, work or place proposed to be used for the purpose, and

(c) a reference to a map is a reference to a map kept in the office of the Council.

(2) Notes in this plan do not form part of this plan.

## 10 Model Provisions

(1) This plan adopts Part 1 and clauses 5, 7, 8, 9, 10, 11, 12, 14, 24, 33 and 35 of, and Schedule 1 to, the *Environmental Planning and Assessment Model Provisions 1980*.

(2) For the purposes of this plan, the *Environmental Planning and Assessment Model Provisions 1980*, shall be read as if clause 8 of Schedule 1 to those provisions extends to the widening of a road on land acquired by the Council for that purpose, despite anything to the contrary in that clause.

## 11 Saving for undetermined applications

A development application:

(a) that relates to land to which this plan applies, and

(b) that was lodged before the appointed day, but was not finally determined before that day,

is to be determined as if the plan had been exhibited but had not been made.

## Part 2 Rural zone provisions

### 12 General controls for development—Zone 1 (a) (Rural General Zone)

(1) **Land within the zone** Land is within Zone 1 (a) (the Rural General Zone) if it is shown lettered 1 (a) on the zoning map.

(2) **Objectives of the zone** The objectives of Zone 1 (a) are as follows:

(a) to encourage continued growth in the area's rural economic base,

(b) to encourage other forms of development, including tourism, that are compatible with agricultural activities and do not create undesirable environmental and cultural impacts,

(c) to protect and conserve the productive potential of prime crop and pasture land,

(d) to maintain the scenic amenity and landscape quality of the area,

(e) to promote the protection, and the preservation and enhancement, of natural ecological systems and processes,

(f) to provide proper and coordinated use and protection of rivers, riparian corridors

and water catchment areas,

- (g) to promote the economic provision of services compatible with the nature and intensity of development and the character of the area,
- (h) to ensure that development and management of the land has minimal impact on water quality and environmental flows of receiving waters,
- (i) to maintain significant features of natural and cultural heritage.

(3) **Allowed without development consent** Development for the purpose of:

agriculture; environmental facilities; farm forestry.

(4) **Allowed only with development consent** Any development not included in subclause (3) or (5).

(5) **Prohibited** Development for the purpose of:

advertisements not displaying how the land is lawfully used or directional information; boarding houses; brothels; bulk stores; bulky goods retail outlets; caretakers' residences; commercial premises; detached dual occupancies; exhibition homes; granny flats; heavy industries; hostels; hotels; medical centres; motels; motor showrooms; multi unit housing; public buildings; recreation facilities; refreshment rooms; serviced apartments; sex shops; shops; warehouses.

### **13 General controls for development—Zone 1 (c) (Rural Small Holdings Zone)**

(1) **Land within the zone** Land is within Zone 1 (c) (the Rural Small Holdings Zone) if it is shown and lettered 1 (c) on the zoning map.

(2) **Objectives of the zone** The objectives of Zone 1 (c) are as follows:

- (a) to facilitate and provide rural residential development in appropriate locations, taking into account natural constraints and agricultural land,
- (b) to maintain and enhance the character, amenity and landscape quality of rural residential areas,
- (c) to control the intensity of rural residential development having regard to the physical limitations of the land and the costs and limitations of the provision of public amenities and services,
- (d) to provide opportunities for an agricultural use of the land that is compatible with surrounding residential development.

(3) **Allowed without development consent** Development for the purpose of:

agriculture; environmental facilities.

(4) **Allowed only with development consent** Development for the purpose of:

animal establishments; aquaculture; attached dual occupancies; bed and breakfast establishments; child care centres; clearing of land; community facilities; craft studios; detached dual occupancies; dwelling houses; educational establishments; farm forestry; granny flats; home businesses; home industries; intensive horticulture; places of public worship; professional consulting rooms; reception establishments; recreation areas; recreation establishments; retail plant nurseries; riding schools; tourist accommodation; utility installations; veterinary establishments.

(5) **Prohibited** Any development not included in subclause (3) or (4).

#### **14 General controls for development—Zone 1 (f) (Rural Forestry Zone)**

(1) **Land within the zone** Land is within Zone 1 (f) (the Rural Forestry Zone) if it is shown lettered 1 (f) on the zoning map.

(2) **Objectives of the zone** The objectives of Zone 1 (f) are as follows:

- (a) to enable the continuance and expansion of forestry and development for associated purposes,
- (b) to promote, encourage and facilitate the implementation of the principles of ecologically sustainable development as they relate to the activities undertaken within the zone,
- (c) to maintain the scenic amenity and landscape quality of the area.

(3) **Allowed without development consent** Development for the purpose of:

agriculture; environmental facilities; picnic grounds; roads; any land use authorised by or under the [Forestry Act 1916](#); utility installations.

(4) **Allowed only with development consent** Development for the purpose of:

camp sites; extractive industries; mines; outdoor recreation.

(5) **Prohibited** Any development not included in subclause (3) or (4).

#### **15 Controls for subdivision for the purposes of agriculture within Zone 1 (a)**

(1) This clause applies to land within Zone 1 (a).

(2) Consent may be granted to the creation of an allotment of any area for the purpose of agriculture.

(3) However, consent must not be granted to the creation of an allotment for the purpose of agriculture if the allotment will have an area of less than 120 hectares and there will be a dwelling house on the allotment.

**16 (Repealed)**

**17 Controls for erecting dwelling houses within Zone 1 (a)**

- (1) Despite any other provision of this plan except this clause, consent must not be granted to the erection of a dwelling house on an allotment in Zone 1 (a) unless the land:
  - (a) comprises an allotment of not less than 120 hectares, or
  - (b) comprises an allotment created for the purpose of a dwelling house by a subdivision for which consent has been granted,
  - (c) comprises an allotment identified as the residue in a subdivision for which consent has been granted for the excision of allotments for the purpose of a dwelling house, or
  - (d) comprises an existing holding on which there is no other dwelling house and the consent authority is satisfied that:
    - (i) the land is of sufficient size and the soils are of appropriate quality for the effective on-site disposal of domestic waste, and
    - (ii) the erection of a dwelling house will not create or increase any demand for the uneconomic provision or upgrading of roads and other utilities to that land.
- (2) Notwithstanding any other provision of this clause, consent may be granted to the erection of a dwelling house on an allotment (including a portion of a Parish or a lot in a Crown plan) within Zone 1 (a) that was lawfully created prior to 7 January 1966 and that is not an existing holding if the consent authority is satisfied that:
  - (a) the erection of the dwelling house will not create any substantial conflict with the objectives of the zone, and
  - (b) the erection of a dwelling house will not create or increase demand for the uneconomic provision of services to the locality, and
  - (c) (Repealed)
- (3) (Repealed)
- (4) Consent may be granted to a development application made pursuant to subclause (2) for land within an existing holding that at 1 July 2000 was owned separately from any other land within the existing holding, even where that development application does not comply with one or more of paragraphs (d), (e), (f), (g), (h) and (l) of subclause (5) if a dwelling house was otherwise permissible on the land immediately prior to the commencement of this plan.
- (5) Consent must not be granted to the erection of a dwelling house pursuant to

subclause (2) on any land unless the consent authority is satisfied that:

- (a) the land has a suitable dwelling house site, and
  - (b) use of the land and the dwelling house will not adversely affect the economic viability of existing farmland, and
  - (c) the dwelling house will not be located near operational aspects of a farm, and
  - (d) the land is located outside areas designated as Class 1 or 2 in the New South Wales Department of Agriculture's "*Agricultural Land Classification Atlas, Far South Coast Region New South Wales*" dated August 1986, and
  - (e) the land is not part of an inholding within a national park within the meaning of the *National Parks and Wildlife Act 1974*, and
  - (f) the dwelling house will not be located within 100m of the boundary of a national park or nature reserve within the meaning of the *National Parks and Wildlife Act 1974*, and
  - (g) the dwelling house has legal and practical access to an existing Council-maintained public road, and
  - (h) use of the land and the dwelling house will not create a need for any additional access onto a State highway or an arterial road, and
  - (i) the dwelling house will be located outside any areas of bushfire hazard identified by the Council, and
  - (j) the dwelling house is to be serviced by existing electricity reticulation or short extensions from the existing reticulation network, or utilises alternative stand-alone electric power systems, and
  - (k) the land has soils suitable for on-site sewage management disposal, and
  - (l) the land does not contain or adjoin perennial streams and does not have access by easement for drawing water from perennial streams, and
  - (m) the dwelling house and its use will not adversely affect important features of cultural or natural heritage nor disrupt regional ecological systems or processes.
- (6) Nothing in subclause (1) shall prevent the erection of a dwelling house on land in Zone 1 (a) on which another dwelling house has been lawfully erected if the first mentioned dwelling house is intended to replace the other dwelling house and is not to be occupied until the other dwelling house is demolished or its occupation has permanently ceased.
- (7) Despite any other provision of this plan, consent may be granted to the erection of a

dwelling house on an allotment in Zone 1 (a) resulting from a minor boundary adjustment, consolidation, road widening or acquisition for a public purpose or a combination of these where the consent authority is satisfied that the allotment is substantially the same as the allotment that existed immediately prior to the minor boundary adjustment, consolidation, road widening or acquisition for a public purpose and the erection of a dwelling house would be permissible on that former allotment under this clause.

In this subclause, **minor boundary adjustment** means an alteration of a boundary between allotments:

- (a) that does not result in the creation of any additional number of allotments, and
  - (b) that the consent authority is satisfied is of a minor nature and will not result in any significant adverse environmental effect.
- (8) In considering whether to grant consent to a development application made pursuant to subclause (6) or (7), the consent authority must have regard to the matters for consideration listed in subclause (5).
- (9) Consent may be granted to the erection of a second dwelling house on any allotment in Zone 1 (a) on which a dwelling house may be erected under this clause, subject to the following:
- (a) compliance with all requirements under this plan that would apply if only one dwelling house was proposed to be erected on the allotment, and
  - (b) the development resulting in not more than two dwellings on the allotment, and
  - (c) the land not being used for an ecotourism facility or tourist accommodation.
- (10) An allotment in Zone 1 (a) containing more than one dwelling house shall not be subdivided except in conformity with clause 15.

#### **17A Dwelling entitlements on existing concessional lots**

The amendment of this plan by the [State Environmental Planning Policy \(Rural Lands\) 2008](#) does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

#### **18 Controls for subdivision for other purposes within Zone 1 (a)**

- (1) This clause applies to land in Zone 1 (a).

- (2) Consent may be granted to the subdivision of land to create an allotment that, in the opinion of the consent authority, is intended to be used for a purpose other than agriculture or a dwelling house provided that:
- (a) none of the land to be subdivided is prime crop and pasture land, and
  - (b) the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created, and
  - (c) the purpose for which the allotment is to be used involves the supply of goods or services for which there is a demand in the locality, and
  - (d) the proposed use of the allotment is consistent with the objectives of the zone.

**Note—**

Clause 9 of the [State Environmental Planning Policy \(Rural Lands\) 2008](#) enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

**19 Development in Zone 1 (c)**

- (1) Consent must not be granted to a subdivision of land within Zone 1 (c) which creates allotments intended to be used for the erection of dwelling houses, if the proposed allotments will have an area of less than 5,000 square metres.
- (2) Before granting consent to the subdivision of land within Zone 1 (c) the consent authority must assess whether the size of each proposed allotment is appropriate. The following matters must be taken into consideration:
- (a) the ability of the land to accommodate on-site disposal of household waste water,
  - (b) the standard and capacity of public roads serving the land, having regard to the likely volume of traffic to be generated as a consequence of the density of the subdivision and the means available to improve roads to a standard appropriate to the level of traffic likely to be generated,
  - (c) the availability of other utility services and social services, having regard to the likely demand for those services and the costs of their provision,
  - (d) the size of the proposed allotments having regard to the desirable sequence of development of land within Zone 1 (c),
  - (e) the likely impact the development will have on other land and, in particular, on land located between the land to be subdivided and major public roads and utility services,
  - (f) the nature and topography of the land having regard to the density of subdivision,
  - (g) the desirability of maintaining a low density of development in the primary



- catchment areas of lakes and waterways, areas of relatively high agricultural production potential or other areas where intensive subdivision may create a significant risk of soil erosion or pollution of the environment,
- (h) the desirability of providing a range and mix of allotment sizes,
  - (i) the need to maintain a semi-rural character in the area, and
  - (j) the purpose for which the land is to be used after subdivision.
- (3) In considering the design of a proposed subdivision of land within Zone 1 (c), the consent authority must have regard to:
- (a) where the land may, in the opinion of the consent authority, be suitable for long-term urban development, whether the subdivision has been designed to facilitate its possible future resubdivision, and
  - (b) the necessity for and ability to construct a dam on each proposed allotment, and
  - (c) whether the subdivision will enable the subsequent erection of dwelling houses in a manner that appropriately relates dwellings to each other and to the topography of the land, and
  - (d) the risk of bushfires, and
  - (e) the extent to which the layout and orientation of allotments and the subsequent siting of dwelling houses on those allotments will minimise potential visual, nuisance or other conflicts related to existing and potential development on land in an adjoining zone, and
  - (f) features of cultural and natural heritage and landscape elements that are important for maintaining functioning ecological systems.
- (4) Consent must not be granted to the subdivision of land within Zone 1 (c) which has frontage to an arterial road unless vehicular access to each proposed allotment is provided by a road other than the arterial road, except where:
- (a) an existing vehicular access point to the arterial road is able to be retained or relocated to serve no more than 2 proposed allotments, or
  - (b) it is unreasonable or impracticable to provide alternative access, and,
- in either case, vehicular access points are located and designed so as to minimise potential traffic hazards.
- (5) A person shall not erect a dwelling house on land within Zone 1 (c) having an area of less than 5,000 square metres.
- (6) Consent must not be granted to the subdivision of attached or detached dual

occupancy development within Zone 1 (c).

### **Part 3 Urban zone provisions**

#### **20 General controls for development—Zone 2 (a) (Residential Low Density Zone)**

- (1) **Land within the zone** Land is within Zone 2 (a) (the Residential Low Density Zone) if it is shown lettered 2 (a) on the zoning map.
- (2) **Objectives of the zone** The objectives of Zone 2 (a) are as follows:
  - (a) to allow residential development, including dwelling houses and attached dual occupancies,
  - (b) to maintain and enhance the character of residential areas, to promote good design,
  - (c) to enable development which serves the needs of people in the residential areas,
  - (d) to ensure that development does not have an unacceptable impact on adjoining land, by way of shadowing, invasion of privacy, noise and the like.
- (3) **Allowed without development consent** Development for the purpose of:  
environmental facilities.
- (4) **Allowed only with development consent** Development for the purpose of:  
attached dual occupancies; bed and breakfast establishments; boarding houses; child care centres; clearing of land; community centres; convenience stores; dwelling houses; educational establishments; exhibition homes; granny flats; home businesses; home industries; hospitals; hostels; housing for older people or people with a disability; places of public worship; professional consulting rooms; recreation areas; utility installations.
- (5) **Prohibited** Any development not included in subclause (3) or (4).

#### **21 General controls for development—Zone 2 (b) (Residential Medium Density Zone)**

- (1) **Land within the zone** Land is within Zone 2 (b) (the Residential Medium Density Zone) if it is shown lettered 2 (b) on the zoning map.
- (2) **Objectives of the zone** The objectives of Zone 2 (b) are as follows:
  - (a) to recognise land suitable to accommodate a range of residential densities and a variety of medium density housing styles,
  - (b) to encourage innovative and environmentally sustainable design and development of medium density housing which protects and enhances the streetscape,

- (c) to provide for other forms of development which may appropriately be located in the zone,
- (d) to ensure non-residential development is of a type, scale and character which will maintain an acceptable level of residential amenity.

(3) **Allowed without development consent** Development for the purpose of:  
environmental facilities.

(4) **Allowed only with development consent** Development for the purpose of:

bed and breakfast establishments; boarding houses; child care centres; clearing of land; community centres; convenience stores; dwelling houses; educational establishments; exhibition homes; granny flats; guest houses; home businesses; home industries; hospitals; hostels; housing for older people or people with a disability; motels; multi unit housing; places of public worship; professional consulting rooms; recreation areas; serviced apartments; utility installations.

(5) **Prohibited** Any development not included in subclause (3) or (4).

## **22 General controls for development—Zone 2 (c) (Residential Tourist Zone)**

(1) **Land within the zone** Land is within Zone 2 (c) (the Residential Tourist Zone) if it is shown lettered 2 (c) on the zoning map.

(2) **Objectives of the zone** The objectives of Zone 2 (c) are as follows:

- (a) to provide for a variety of development opportunities intended to accommodate tourists, visitors and residents alike, and
- (b) to ensure that the scale and function of tourist development is appropriate in the context of the form of development which might otherwise occur in the zone,
- (c) to ensure that tourist development does not significantly adversely impact on the amenity of residential areas in adjacent zones and is of a scale appropriate to the need for that development.

(3) **Allowed without development consent** Development for the purpose of:  
environmental facilities.

(4) **Allowed only with development consent** Development for the purpose of:

advertisements; backpackers' hostels; bed and breakfast establishments; boarding houses; caravan parks; child care centres; clearing of land; clubs; community facilities; convenience stores; dwelling houses; ecotourism facilities; entertainment establishments; granny flats; guest houses; home businesses; home industries; hostels; kiosks; marine service centres; multi unit housing;

outdoor recreation; places of public worship; professional consulting rooms; reception establishments; recreation areas; recreation facilities; refreshment rooms; service stations; serviced apartments; shops and business premises to service other development permitted in this zone; tourist accommodation; utility installations.

(5) **Prohibited** Any development not included in subclause (3) or (4).

### **23 General controls for development—Zone 2 (e) (Urban Zone)**

(1) **Land within the zone** Land is within Zone 2 (e) (the Urban Zone) if it is shown lettered 2 (e) on the zoning map.

(2) **Objectives of the zone** The objectives of Zone 2 (e) are as follows:

- (a) to provide a flexible framework for future development within and adjoining the Eden urban area,
- (b) to allow a range of land uses within the town to stimulate the local economy without reducing the amenity or changing the character of the Eden urban area,
- (c) to provide for a range of housing opportunities appropriate in context and location of the Eden urban area.

(3) **Allowed without development consent** Development for the purpose of:  
environmental facilities.

(4) **Allowed only with development consent** Any development not included in subclause (3) or (5).

(5) **Prohibited** Development for the purpose of:

abattoirs; animal establishments; brothels; caretakers' residences; extractive industries; hazardous industries; institutions; intensive livestock keeping establishments; junkyards; mines; offensive industries; sex shops; stock and sale yards.

### **24 General controls for development—Zone 2 (f) (Future Urban Zone)**

(1) **Land within the zone** Land is within Zone 2 (f) (the Future Urban Zone) if it is shown lettered 2 (f) on the zoning map.

(2) **Objectives of the zone** The objectives of Zone 2 (f) are as follows:

- (a) to identify land which is to be investigated in respect to its suitability for rezoning at a later date for urban purposes,
- (b) to ensure that development within the zone is compatible with the anticipated urban development of the land,

(c) to ensure that development does not create unreasonable or uneconomic demands, or both, for provision or extension of public amenities or services.

(3) **Allowed without development consent** Nil.

(4) **Allowed only with development consent** Development for the purpose of:

animal establishments; bed and breakfast establishments; child care centres; clearing of land; community facilities; granny flats; dwelling houses; educational establishments; farm forestry; home businesses; home industries; places of public worship; plant nurseries; reception establishments; recreation areas; utility installations.

(5) **Prohibited** Any development not included in subclause (4).

## **25 General controls for development—Zone 2 (v) (Village Zone)**

(1) **Land within the zone** Land is within Zone 2 (v) (the Village Zone) if it is shown lettered 2 (v) on the zoning map.

(2) **Objectives of the zone** The objectives of Zone 2 (v) are as follows:

- (a) to recognise the existing villages and allow for future development of a residential nature, in relation to existing levels of services,
- (b) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services or public amenities,
- (c) to ensure future development does not impact on or restrict existing development in the area,
- (d) to ensure the existing village character of the area is maintained,
- (e) to provide for a reasonable range of activities to be carried out,
- (f) to ensure development does not adversely impact on the environment.

(3) **Allowed without development consent** Development for the purpose of:

agriculture; environmental facilities.

(4) **Allowed only with development consent** Any development not included in subclause (3) or (5).

(5) **Prohibited** Development for the purpose of:

abattoirs; animal establishments; brothels; caretakers' residences; extractive industries; hazardous industries; heliports; intensive livestock keeping establishments; junkyards; liquid fuel depots; mines; multi unit housing; offensive industries; sex shops; stock and sale yards.

## **26 Subdivision in urban zones**

- (1) Consent must not be granted to subdivision of land within Zone 2 (a), 2 (b), 2 (c), 2 (e) or 2 (v) to create an allotment which, in the opinion of the consent authority, is intended to be used for the purpose of a dwelling house unless the allotment will have a minimum area (excluding any access handle or right of way) of:
  - (a) 550m<sup>2</sup> if a seweraged lot, or
  - (b) 2,000m<sup>2</sup> if an unsewered lot.
- (2) However, consent may be granted for such an unsewered lot only where it can be shown by a site study that the proposed allotment will be reasonably capable of disposing of on-site sewage effluent without nuisance or any likely pollution of surface or subsurface water.
- (3) Notwithstanding subclause (1), land within Zone 2 (a) shown hatched black on the zoning map, shall not be subdivided unless each proposed allotment has an area of 2,000m<sup>2</sup>, 4,000m<sup>2</sup> or 8,000m<sup>2</sup> as shown on the zoning map as applying to the proposed allotment.
- (4) A dwelling house shall not be erected on an allotment of land referred to in subclause (1) or (2) unless the allotment has an area not less than that shown on the zoning map as applying to the proposed allotment, or the allotment was or is created for the purposes of a dwelling house in accordance with a consent granted before the appointed day.
- (5) Notwithstanding subclause (1), consent may be granted to a subdivision of land or buildings containing two or more dwellings erected with development consent so that each dwelling has a separate title.

## **27 Dwelling houses, dual occupancies and multi unit housing**

- (1) A person shall not erect a dwelling house or multi unit housing on land within a zone specified in the Table to this clause unless:
  - (a) the allotment on which the dwelling house or housing is proposed to be erected has a site area of not less than the minimum site area for each dwelling specified in the Table in respect of the type of housing and zone concerned, and
  - (b) the ratio of the gross floor area of the dwelling house or housing to the site area of the allotment does not exceed the ratio identified in that Table for the relevant zone.
- (2) In all cases the minimum landscaped area for dwelling houses, and for an attached dual occupancy and other multi unit housing is 35% of the total site area.
- (3) Notwithstanding subclause (1), a person shall not erect a dwelling house or attached

dual occupancy on unsewered land within a zone specified in the Table to the clause unless the Council is satisfied that the proposed allotment will be reasonably capable of disposing of on-site sewage effluent without nuisance or any likely pollution of surface or subsurface water.

- (4) A person shall not erect multi unit housing on unsewered land within any zone.
- (5) Despite any other provision of this plan, consent may be granted to the erection of a detached dual occupancy on land identified in Schedule 1.

**Table**

<b>Type of housing</b>	<b>Zone</b>	<b>Minimum site area per dwelling</b>	<b>Floor space ratio</b>
Dwelling house	2 (a), 2 (b), 2 (c), 2 (e), 2 (f) or 2 (v)	550m <sup>2</sup>	0.5:1
Attached dual occupancy	2 (a) or 2 (v)	275m <sup>2</sup>	0.5:1
Multi unit housing (other than attached dual occupancy in Zone 2 (a) or 2 (v))	2 (b), 2 (c) or 2 (e)	200m <sup>2</sup>	0.5:1

**28 Development in Zone 2 (e)**

- (1) This clause applies to all land within Zone 2 (e).
- (2) Before granting consent for development on land to which this clause applies, the consent authority shall have regard to:
  - (a) where the land adjoins other land used for residential purposes, the manner in which the development relates to the residential development on the other land and to the maintenance and enhancement of the existing residential character and amenity, and
  - (b) where the proposed development is for retail or commercial purposes, the manner in which it supports the role and structure of the Eden town centre and its convenience to the community, and
  - (c) where appropriate, the likely consequences of the proposed development for the provision of industrial development opportunities in the area, and
  - (d) where the land is, according to information available to the Council, affected by flooding, whether the proposed development involves a risk to life or property in the event of a flood and whether it is likely to aggravate the effects of flooding on other land, and

- (e) whether the proposed development is likely to create a traffic hazard or reduce the traffic-carrying efficiency of a road, particularly an arterial road, and
  - (f) the extent to which the proposed development complements and enhances the existing character of the town of Eden.
- (3) Consent must not be granted to development on land to which this clause applies that adjoins or is adjacent to other land that is used or is to be used for residential purposes unless the consent authority is satisfied that:
- (a) the elevation of any building has been designed to be compatible with residential development or the building will be suitably screened, and
  - (b) the development will allow a reasonable amount of sunlight to reach residential buildings and land used as private recreational open space between the hours of 9 am and 3 pm during the winter solstice, and
  - (c) noise from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and
  - (d) the development will not otherwise cause nuisance to residents, by way of traffic movement, parking, headlight glare, security lighting or the like, and
  - (e) windows facing residential areas will be treated to avoid overlooking of private yard space or of windows in residences.
- (4) Consent must not be granted to development on land to which this clause applies for the purpose of an industry unless the consent authority is satisfied that:
- (a) the industry will be sufficiently separated from residential development to minimise any nuisance, and
  - (b) the industry will not detract from residential amenity by way of noise, odours, waste, appearance, hours of operation or traffic, or otherwise.
- (5) Consent must not be granted to any development on land to which this clause applies which has a covering of native vegetation or is otherwise in its natural state unless the consent authority is satisfied that:
- (a) any removal of vegetation necessitated by the development will be minimised, and
  - (b) the landscaping proposed will have the effect of minimising the visual impact of the development, and
  - (c) such other measures as may be considered appropriate by the consent authority will be taken to minimise the effect of the development on the existing character of the area.



- (6) Where land to which this clause applies contains or is likely to contain Aboriginal archaeological relics (on the basis of information available to the Council), consent must not be granted to development on the land unless the consent authority is satisfied that appropriate action has been taken to identify and protect such relics.
- (7) Consent must not be granted to any habitable building on land to which this clause applies which is not able to be connected to reticulated sewerage and water services unless appropriate arrangements are or have been made for:
  - (a) the provision of a water supply of adequate quantity and quality for the needs of the development, and
  - (b) the provision of sewage disposal facilities which:
    - (i) have adequate capacity to meet peak demand, and
    - (ii) will ensure that the quality of downstream water is maintained, particularly in relation to marine ecosystems in Twofold Bay, Lake Curalo and Cocora Lagoon.

## **29 Development in Zone 2 (f)**

- (1) Consent may be granted to development of land within Zone 2 (f) only where the consent authority is satisfied that:
  - (a) the development is designed in a manner which is unlikely to prejudice the possible future subdivision and development of the land, or other land in the vicinity, for urban purposes, and
  - (b) any proposed buildings will be of a suitable size and shape for the purposes for which they are intended to be used.
- (2) Consent may be granted for development of land within Zone 2 (f) only after the consent authority has considered whether the development will create a demand for the uneconomic provision or upgrading of services to the land by the Council.
- (3) Consent may be granted to a subdivision of land within Zone 2 (f) that is intended to create an allotment around the curtilage of an existing dwelling house or other building and to enable the residue of the land to be made available for future urban development.
- (4) Consent may be granted for the erection of a dwelling house on an allotment of land created by a subdivision in accordance with this clause or on an existing allotment within Zone 2 (f) where the consent authority is satisfied that the siting of the dwelling house is unlikely to prejudice the future urban development of the land and other land in the vicinity.

## Part 4 Employment zone provisions

### 30 General controls for development—Zone 3 (a) (General Business Zone)

- (1) **Land within the zone** Land is within Zone 3 (a) (the General Business Zone) if it is shown lettered 3 (a) on the zoning map.
- (2) **Objectives of the zone** The objectives of Zone 3 (a) are as follows:
  - (a) to encourage a high standard of commercial development, create compact business centres which service the population and visitors and facilitate the expansion of business activities in appropriate locations,
  - (b) to set aside certain land for the provision of services required by the travelling public for the development of facilities for refreshment, accommodation, recreation and amusement,
  - (c) to permit non-commercial development where such development complements the intended commercial character of the locality, including dwellings attached to commercial development.
- (3) **Allowed without development consent** Development for the purpose of:  
environmental facilities.
- (4) **Allowed only with development consent** Development for the purpose of:  
advertisements; business premises; car parks; child care centres; clearing of land; clubs; commercial premises; community facilities; convenience stores; dwelling houses attached to commercial premises and/or shops; educational establishments; entertainment establishments; granny flats; hospitals; hotels; kiosks; medical centres; motels; motor showrooms; multi unit housing if not at street level (other than the entry and the like); places of public worship; plant depots; plant hire; professional consulting rooms; public buildings; reception establishments; recreation areas; recreation facilities; refreshment rooms; research facilities; retail plant nurseries; service stations; shops; transport depots; transport terminals; utility installations; vehicle repair stations; veterinary establishments.
- (5) **Prohibited** Any development not included in subclause (3) or (4).

### 31 General controls for development—Zone 3 (b) (Special Business Zone)

- (1) **Land within the zone** Land is within Zone 3 (b) (the Special Business Zone) if it is shown lettered 3 (b) on the zoning map.
- (2) **Objectives of the zone** The objectives of Zone 3 (b) are as follows:
  - (a) to provide a specialist area for a range of retailing activities which have a similar

location and access requirements,

- (b) to ensure there is suitable vehicle access for both customers and delivery vehicles and adequate provision of car parking,
- (c) to ensure development in the zone is of a high standard of design,
- (d) to provide for office premises and certain other non-retail purposes where they will not detrimentally affect the role of any other zone.

(3) **Allowed without development consent** Development for the purpose of:  
environmental facilities.

(4) **Allowed only with development consent** Development for the purpose of:

abattoirs; advertisements; brothels; bulky good retail outlets; clearing of land; clubs; commercial premises; community centres; educational establishments; entertainment establishments; hospitals; hotels; light industries; marine service centres; motels; motor showrooms; places of public worship; public buildings; recreation facilities; recreational establishments; refreshment rooms; research establishments; retail plant nurseries; sawmills; service stations; sex shops; shops ancillary to an otherwise permitted use; transport terminals; vehicle repair stations; warehouses.

(5) **Prohibited** Any development not included in subclause (3) or (4).

### **32 General controls for development—Zone 4 (a) (Industrial Zone)**

(1) **Land within the zone** Land is within Zone 4 (a) (the Industrial Zone) if it is shown lettered 4 (a) on the zoning map.

(2) **Objectives of the zone** The objectives of Zone 4 (a) are as follows:

- (a) to allocate sufficient land in suitable locations to facilitate and promote the establishment of a broad range of industrial and related uses,
- (b) to allow other forms of development where they are associated with or ancillary to industrial uses on the site,
- (c) to ensure that development does not adversely impact on the environment,
- (d) to ensure that development does not create an unreasonable or uneconomic demand for services.

(3) **Allowed without development consent** Development for the purpose of:  
environmental facilities.

(4) **Allowed only with development consent** Development for the purpose of:

advertisements; brothels; bulk stores; bulky goods retailing outlets; caretakers' residences; clearing of land; community facilities; hazardous industries; heavy industries; industries; junkyards; motor showrooms; offensive industries; panel beating workshops; plant depots; plant hire; public buildings; recreation facilities (indoor only); service stations; sex shops; shops ancillary to another permitted use; technology centres; timber yards; transport depots; transport terminals; vehicle repair stations; utility installations; veterinary establishments; warehouses.

(5) **Prohibited** Any development not included in subclause (3) or (4).

### **33 Development for the purpose of bulky goods retailing in Zones 3 (b) and 4 (a)**

Consent must not be granted to the carrying out of development for the purpose of bulky goods retail outlets in Zone 3 (b) or 4 (a) unless consideration has been given to the following:

- (a) whether the proposed development will detrimentally affect existing or future industrial development within the zone in which the land concerned is situated and whether this impact is acceptable, and
- (b) whether the number of retail outlets that exist or are proposed on land within Zone 4 (a) detract from the predominantly industrial nature of the zone.

### **34 Development for the purpose of brothels and sex shops in business and industrial zones**

Consent must not be granted to the carrying out of development for the purpose of a brothel or sex shop unless the consent authority has considered the following:

- (a) whether the brothel or sex shop is operating near or within view from a place of public worship, hospital or school or any place regularly frequented by children for recreational or cultural activities,
- (b) whether the brothel or sex shop would have an adverse impact on the amenity in the neighbourhood when taking into account other brothels or sex shops operating in the neighbourhood or other land uses within the neighbourhood involving similar hours of operation and creating similar amounts of noise and vehicular and pedestrian traffic,
- (c) whether the brothel or sex shop will have suitable access,
- (d) whether the brothel or sex shop will alter the character of the neighbourhood.

### **35 Development in Zone 4 (a)**

- (1) Consent must not be granted to the carrying out of any development allowed within Zone 4 (a), other than for the purpose of light industry, on or with respect to land within Zone 4 (a) which adjoins or is adjacent to land within a residential zone, unless the consent authority has made an assessment of the likely impact of the

development on the residential amenity of the land within the residential zone.

- (2) Subject to subclause (1), consent may be granted to any development on land within Zone 4 (a) which by virtue of its nature, the services provided, or the products produced, distributed or sold, in the opinion of the Council, is appropriately located on land within Zone 4 (a).

### **36 Subdivision in business and industrial zones**

- (1) A person shall not subdivide land in a business or industrial zone except with development consent.
- (2) Consent may be granted to a subdivision of land within a business or industrial zone only if each allotment to be created by the proposed subdivision will be of a size and will have a ratio of depth to frontage, that the consent authority considers appropriate:
  - (a) having regard to the purpose for which the allotment is intended to be used, or
  - (b) to facilitate future business or industrial development of the land.

## **Part 5 Special use zone provisions**

### **37 General controls for development—Zone 5 (a) (Special Uses Zone)**

- (1) **Land within the zone** Land within Zone 5 (a) (the Special Uses Zone) if it is shown lettered 5 (a) on the zoning map.
- (2) **Objectives of the zone** The objectives of Zone 5 (a) are as follows:
  - (a) to recognise existing public land uses and enable their continued operation, growth and expansion to accommodate associated, ancillary or otherwise related use,
  - (b) to restrict land uses that may conflict with, or adversely affect, the intended use of land required for public purposes.
- (3) **Allowed without development consent** Development for the purpose of:  
environmental facilities.
- (4) **Allowed only with development consent** Development for the purpose of:  
advertisements associated with the use of the land; car parks; clearing of land; community facilities; educational establishments; kiosks; places of public worship; public buildings; recreation areas; the particular land use specified on the zoning map; utility installations.
- (5) **Prohibited** Any development not included in subclause (3) or (4).

## Part 6 Open Space zone provisions

### 38 General controls for development—Zone 6 (a) (Existing Open Space Zone)

- (1) **Land within the zone** Land is within Zone 6 (a) (the Existing Open Space Zone) if it is shown lettered 6 (a) on the zoning map.
- (2) **Objectives of the zone** The objectives of Zone 6 (a) are as follows:
  - (a) to recognise the importance of land in the zone as open space and allow a limited range of uses compatible with the keeping of the land as open space and in public ownership,
  - (b) to permit a range of uses, especially recreational uses, where those uses comply with the plan of management for the land,
  - (c) to ensure that development in areas of environmental significance does not reduce that significance.
- (3) **Allowed without development consent** Development for the purpose of:

environmental facilities; works ordinarily incidental or ancillary to gardening or landscaping.
- (4) **Allowed only with development consent** Development for the purpose of:

buildings ordinarily incidental or ancillary to gardening, landscaping or recreation; child care centres; clearing of land; community facilities; kiosks; markets; outdoor recreation; racecourses; recreation areas; recreation facilities; showgrounds; utility installations.
- (5) **Prohibited** Any development not included in subclause (3) or (4).

### 39 General controls for development—Zone 6 (c) (Private Open Space Zone)

- (1) **Land within the zone** Land is within Zone 6 (c) (the Private Open Space Zone) if it is shown lettered 6 (c) on the zoning map.
- (2) **Objectives of the zone** The objective of Zone 6 (c) is to recognise and provide for major recreational uses carried out on land not owned by a public authority.
- (3) **Allowed without development consent** Development for the purpose of:

environmental facilities; works ordinarily incidental or ancillary to landscaping or gardening.
- (4) **Allowed only with development consent** Development for the purpose of:

buildings ordinarily incidental or ancillary to landscaping, gardening or recreation; caravan parks; clearing of land; camp sites; clubs; kiosks; picnic grounds; outdoor

recreation; recreation areas; recreation facilities; refreshment rooms; tourist accommodation; utility installations.

(5) **Prohibited** Any development not included in subclause (3) or (4).

#### **40 Development within Zone 6 (a)**

- (1) Consent must not be granted to the carrying out of development on land within Zone 6 (a), unless the consent authority has considered:
  - (a) the need for the proposed development on that land, and
  - (b) the impact of the proposed development on the existing or likely future use of the land, and
  - (c) the need to retain the land for its existing or likely future use.
- (2) Consent must not be granted to the subdivision of land of which any land within Zone 6 (a) forms part, unless the land within Zone 6 (a) is included in the plan of subdivision as a proposed separate allotment.
- (3) Notwithstanding subclause (2), where the topography of the land to be subdivided makes it necessary, consent may be granted to allow registration of a plan of subdivision in which the boundaries of an allotment referred to in that subclause do not correspond precisely with the boundaries of the land within Zone 6 (a) as shown on the zoning map, but which depart from those boundaries only to a minor extent.

#### **41 Acquisition of land within Zone 6 (a)**

- (1) The owner of any land within Zone 6 (a) may, by notice in writing, request the Council to acquire that land.
- (2) On receipt of such a notice, the Council must acquire the land
- (3) Until the land is acquired, a person may, with the consent of the Council, carry out development on land within Zone 6 (a):
  - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any other purpose which is compatible with development which may be carried out on land in an adjoining zone.
- (4) The Council shall not grant consent to a development application to which subclause (3) applies unless it has considered:
  - (a) the need for the proposed development on that land, and
  - (b) the effect of the proposed development on the costs of acquisition of the land,

and

- (c) the imminence of the acquisition, and
- (d) the likely impact of the proposed development on:
  - (i) the environment, and
  - (ii) the proposed future use of the land for open space, and
  - (iii) the amenity of adjoining property owners or residents.

(5) The Council may, in granting consent in accordance with subclause (3), require:

- (a) the removal of structures for which it has granted consent, and
- (b) the re-instatement of the land and the removal of any waste materials or refuse at such time as the land is acquired for open space.

#### **42 Parks plan of management**

Despite any other provision in this plan, development may be carried out on land within Zone 6 (a) with development consent if it is identified for the land in a plan of management adopted by the Council under the [Local Government Act 1993](#) or [Crown Lands Act 1989](#).

### **Part 7 Environment Protection zones provisions**

#### **43 General controls for development—Zone 7 (b) (Environment Protection Foreshore Zone)**

- (1) **Land within the zone** Land is within Zone 7 (b) (the Environment Protection Foreshore Zone) if it is shown lettered 7 (b) on the zoning map.
- (2) **Objectives of the zone** The objectives of Zone 7 (b) are as follows:
  - (a) to identify, protect and enhance areas of the foreshore and wetlands having significant natural attributes or cultural conservation value,
  - (b) to ensure the development of foreshore activities and facilities does not adversely impact on any significant natural or cultural conservation value of the foreshore land or adjoining waterbody.
- (3) **Allowed without development consent** Development for the purpose of:  
environmental facilities.
- (4) **Allowed only with development consent** Development for the purpose of:  
agriculture; aquaculture; buildings or works associated with aquaculture; clearing of land; moorings; picnic grounds; utility installations; water recreation.



(5) **Prohibited** Any development not included in subclause (3) or (4).

**44 General controls for development—Zone 7 (d) (Environment Protection General Zone)**

(1) **Land within the zone** Land is within Zone 7 (d) (the Environment Protection General Zone) if it is shown lettered 7 (d) on the zoning map.

(2) **Objectives of the zone** The objectives of Zone 7 (d) are as follows:

- (a) to protect and conserve important elements of the natural environment, including bushland, significant areas of natural vegetation, water catchment areas and wildlife habitats and corridors,
- (b) to encourage development compatible with and sympathetic to the conservation of the natural environment and based on principles of ecologically sustainable development,
- (c) to maintain the visual character of the coastal landscapes, hillscapes and ridgelines,
- (d) to protect threatened ecological communities or threatened species and their habitats,
- (e) to protect areas of high biodiversity value,
- (f) to strictly control any reduction of important natural areas,
- (g) to ensure that development in the zone on land adjoining land in Zones 7 (b), 7 (f1), 7 (f2) and 8 is compatible with the management objectives for that land.

(3) **Allowed without development consent** Development for the purpose of:  
environmental facilities.

(4) **Allowed only with development consent** Development for the purpose of:  
agriculture; bed and breakfast establishments; camp sites; clearing of land;  
dwelling houses; ecotourism facilities; kiosks; picnic grounds; recreation areas;  
utility installations.

(5) **Prohibited** Any development not included in subclause (3) or (4).

**45 General controls for development—Zone 7 (f1) (Coastal Lands Protection Zone)**

(1) **Land within the zone** Land is within Zone 7 (f1) (the Coastal Lands Protection Zone) if it is shown lettered 7 (f1) on the zoning map.

(2) **Objectives of the zone** The objectives of Zone 7 (f1) are as follows:

- (a) to identify, protect and enhance environmentally sensitive and scenic coastal

land,

- (b) to safeguard sections of the coast which are significantly tourist and recreation areas and to permit only environmentally and aesthetically sensitive development,
- (c) to regulate development so that it does not adversely affect and is not adversely affected by, coastal processes in both the short and long term.

(3) **Allowed without development consent** Development for the purpose of:  
environmental facilities.

(4) **Allowed only with development consent** Development for the purpose of:  
agriculture; animal establishments; aquaculture; bed and breakfast establishments; camping grounds; clearing of land; dwelling houses; ecotourism facilities; home businesses; home industries; utility installations.

(5) **Prohibited** Any development not included in subclause (3) or (4).

#### **46 General controls for development—Zone 7 (f2) (Coastal Lands Acquisition Zone)**

(1) **Land within the zone** Land is within Zone 7 (f2) (the Coastal Lands Acquisition Zone) if it is shown lettered 7 (f2) on the zoning map.

(2) **Objectives of the zone** The objectives of Zone 7 (f2) are as follows:

- (a) to protect and enhance the natural values of prominent coastal lands which are generally undeveloped and which provide aesthetic and recreational opportunities for the public,
- (b) to allow development only where:
  - (i) it can be demonstrated that it can be carried out in a manner that does not detract from the scenic quality of such land, and
  - (ii) it is unlikely to prejudice proposals for the acquisition of such land.

(3) **Allowed without development consent** Nil.

(4) **Allowed only with development consent** Development for the purpose of:  
agriculture; animal establishments; buildings associated with agriculture; clearing of land; environmental facilities; utility installations.

(5) **Prohibited** Any development not included in subclause (4).

#### **47 Subdivision of land and erection of dwelling within Zones 7 (d), 7 (f1) and 7 (f2)**

(1) Consent must not be granted to the subdivision of land within Zone 7 (d), 7 (f1) or 7 (f2) unless each allotment to be created has an area of not less than 40 hectares.

- (2) Despite any other provision of this plan, consent must not be granted to the erection of a dwelling house on an allotment within Zone 7 (d) or 7 (f1) unless the land:
  - (a) comprises an allotment of not less than 40 hectares, or
  - (b) comprises an allotment created for the purpose of a dwelling house by a subdivision pursuant to a consent granted prior to the appointed day.

#### **48 Development within Zone 7 (d)**

- (1) Consent must not be granted to the carrying out of development on land within Zone 7 (d) for the purpose of ecotourism facilities unless the consent authority is satisfied that:
  - (a) no part of the development will visually dominate the natural landscape when viewed from roads, public places and residential areas, and
  - (b) no part of the development will result in the destruction of features of natural or cultural heritage significance, and
  - (c) the development complies with the following requirements:
    - (i) any development site must be no larger than 4 hectares, with at least 25% of the site's open space remaining forested and the site must be separated from other sites by at least 50 metres of forested open space,
    - (ii) all buildings must be sited below ridgelines and hillcrests and at a downslope distance sufficient to ensure that rooftops do not intrude on the skyline,
    - (iii) all buildings must be single storey structures,
    - (iv) all buildings must be screened from outside view by on-site plantings and plant species should be the same, or closely related to, those found naturally in the vicinity of the site.
- (2) Consent must not be granted to development for the purpose of ecotourism facilities on land within Zone 7 (d) unless the consent authority has considered:
  - (a) a visual analysis of the proposed development from major viewpoints in the locality, and
  - (b) a detailed landscape planting plan identifying proposed plant species and their projected height, and site preparation methods proposed to be implemented in conjunction with the development.
- (3) Development for the purpose of caravan parks is prohibited on land within Zone 7 (d).

#### **49 Development in Zones 7 (f1) and 7 (f2)**

- (1) (Repealed)

- (2) Consent must not be granted to the carrying out of development (including the clearing of land) within Zone 7 (f1) or 7 (f2) unless the consent authority has taken into consideration:
  - (a) the extent to which the development would affect the scenic qualities of the coastal landscape, headlands, dune systems and areas where the original vegetation is still dominant, and
  - (b) whether the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
  - (c) any plan, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of protecting coastal lands, and
  - (d) in the case of land within Zone 7 (f2), the imminence of acquisition of the land, and
  - (e) the objects of the *Environmental Planning and Assessment Act 1979*, and
  - (f) the potential impacts of climate change including sea level rise.

#### **50 Acquisition of land within Zone 7 (f2)**

- (1) The owner of land within Zone 7 (f2) may, by notice in writing, require the corporation to acquire the land.
- (2) On receipt of such a notice, the corporation shall acquire the land.

### **Part 8 National Parks and Nature Reserves zone provisions**

#### **51 General controls for development—Zone 8 (National Parks and Nature Reserves Zone)**

- (1) **Land within the zone** Land is within Zone 8 (the National Parks and Nature Reserves Zone) if it is shown lettered 8 on the zoning map.
- (2) **Objectives of the zone** The objective of Zone 8 is to identify, preserve and manage national parks and nature reserves for conservation and recreational purposes and to provide for their continued management under the *National Parks and Wildlife Act 1974*.
- (3) **Allowed without development consent** Any development carried out by or on behalf of the National Parks and Wildlife Service under the *National Parks and Wildlife Service Act 1974*.
- (4) **Allowed only with development consent** Nil.
- (5) **Prohibited** Any development not included in subclause (3).

## Part 9 Reservation zones provisions

### 52 General controls for development—Zone 9 (c) (Arterial Road Reservation Zone)

- (1) **Land within the zone** Land is within Zone 9 (c) (the Arterial Road Reservation Zone) if it is shown lettered 9 (c) on the zoning map.
- (2) **Objectives of the zone** The objectives of Zone 9 (c) are as follows:
  - (a) to provide for the acquisition and development of land principally for arterial roads,
  - (b) to provide for other land uses if they do not affect the usefulness of the land for the purposes for which it is zoned.
- (3) **Allowed without development consent** Development for the purpose of:  
arterial roads; arterial road widening.
- (4) **Allowed only with development consent** Development for the purpose of:  
clearing of land; utility installations.
- (5) **Prohibited** Any development not included in subclause (3) or (4).

### 53 General controls for development—Zone 9 (d) (Local Road Reservation Zone)

- (1) **Land within the zone** Land is within Zone 9 (d) (the Local Road Reservation Zone) if it is shown lettered 9 (d) on the zoning map.
- (2) **Objectives of the zone** The objectives of Zone 9 (d) are as follows:
  - (a) to provide for the acquisition and development of land principally for local roads,
  - (b) to provide for other land uses if they do not affect the usefulness of the land for the purposes for which it is zoned.
- (3) **Allowed without development consent** Development for the purpose of:  
local roads; local road widening.
- (4) **Allowed only with development consent** Development for the purpose of:  
clearing of land; utility installations.
- (5) **Prohibited** Any development not included in subclause (3) or (4).

### 54 Acquisition of land within Zone 9 (c)

**Note—**

Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the

Act.

- (1) The owner of any land within Zone 9 (c) may, by notice in writing, require the Roads and Traffic Authority (**the RTA**) to acquire the land.
- (2) On receipt of such a notice, the RTA must acquire the land if:
  - (a) the land is vacant, or
  - (b) the land is not vacant but:
    - (i) the land is included in the 5-year works program of the RTA current at the time of the receipt of the notice, or
    - (ii) the RTA has decided not to give concurrence required by subclause (3) to an application for consent to the carrying out of development on the land, or
    - (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable period of time,but the RTA is not required to acquire the land if it might reasonably be required to be dedicated for public road.
- (3) A person may, with development consent, carry out development on land within Zone 9 (c) if:
  - (a) the development may be carried out on land in an adjoining zone, or
  - (b) the development is compatible with development which may be carried out on land in an adjoining zone.
- (4) (Repealed)
- (5) Land acquired under this clause may be developed, with development consent, for any purpose, until such time as it is required for the purpose for which it was acquired.
- (6) In this clause:

**vacant land** means land on which, immediately before the day on which a notice under subclause (1) is given, there were no buildings other than fences.

#### **55 Acquisition of land within Zone 9 (d)**

- (1) The owner of land within Zone 9 (d) may, by notice in writing, require the Council to acquire the land. On receipt of such a notice, the Council shall acquire the land.
- (2) Despite any other provision of this plan, until it is acquired, land within Zone 9 (d) may be developed with development consent if:
  - (a) the development may be carried out on land in an adjoining zone, or

(b) the development is compatible with development that may be carried out on land in an adjoining zone.

(3) Conditions may be imposed on such a consent requiring:

- (a) the removal of any building or work for which consent is granted, and
- (b) the reinstatement of the land or removal of any waste materials or refuse.

## **Part 10 Heritage provisions**

### **56 Aims in relation to heritage**

The aims of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the local government area of Bega Valley,
- (b) to conserve the heritage significance of existing significant fabric, relics, settings, and views associated with the heritage significance of heritage items,
- (c) to allow for the protection of places which have the potential to have heritage significance but are not identified as heritage items,
- (d) to integrate heritage conservation into the planning and development control processes,
- (e) to provide for public involvement in the conservation of environmental heritage, and
- (f) to ensure that any development does not adversely affect the heritage significance of heritage items and their settings.

### **57 Protection of heritage items and relics**

(1) The following development may be carried out only with development consent:

- (a) demolishing, defacing or damaging a heritage item,
- (b) altering a heritage item by making structural changes to its interior,
- (c) altering a heritage item by making structural or non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance,
- (d) moving the whole or part of a heritage item,
- (e) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic, or
- (f) disturbing or excavating a place of Aboriginal heritage significance or an

archaeological site while knowing or having a reasonable cause to suspect that the disturbance or excavation is likely to result in a relic being damaged, disturbed or excavated, or

(g) erecting a building on, or subdividing, land on which a heritage item is located.

(2) **What exceptions are there?** Development consent is not required by this clause if:

(a) in the opinion of the Council:

(i) the proposed development is of a minor nature or consists of maintenance of the heritage item, and

(ii) the proposed development would not adversely affect the significance of the heritage item, and

(b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development consent is not otherwise required by this plan.

(3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:

(a) the creation of a new grave or monument, or

(b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

(4) **What must be included in assessing a developed application?** Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned.

(5) **What extra documentation is needed?** The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a conservation management plan, if it considers the development proposed should be assessed with regard to such a plan.

(6) The minimum number of issues that must be addressed by the heritage impact statement are:

(a) the heritage significance of the heritage item as part of the environmental heritage of Bega Valley, and



- (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
- (c) the measures proposed to conserve the heritage significance of the item and its setting, and
- (d) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
- (e) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.

**Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**58 Advertised development**

The following development is identified as advertised development:

- (a) the demolition of a heritage item, and
- (b) the carrying out of any development allowed by clause 62.

**59 Interim heritage items**

- (1) A person shall not demolish an interim heritage item except with development consent.
- (2) Consent must not be granted to a development application required by subclause (1) unless the consent authority has made an assessment of:
  - (a) the significance of the item as an interim heritage item, and
  - (b) the extent to which the carrying out of the development in accordance with the consent would affect the heritage significance of the item and its site, and
  - (c) whether the setting of the item and, in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained, and
  - (d) whether the item constitutes a danger to the users or occupiers of that item or to the public, and
  - (e) measures to be taken to conserve interim heritage items, including any conservation plan prepared by the applicant.

**60 (Repealed)**

## **61 Development in the vicinity of heritage items**

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item.
- (2) This clause extends to development:
  - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
  - (b) that may undermine or otherwise cause physical damage to a heritage item, or
  - (c) if the heritage item is a place, that will otherwise have any adverse impact on the heritage significance of the place within which it is situated.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

## **62 Conservation incentives**

- (1) Consent may be granted to the use, for any purpose, of a building that is a heritage item, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if the consent authority is satisfied that:
  - (a) the proposed use would not adversely affect the heritage significance of the item or its setting, and
  - (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority, and
  - (c) the granting of consent to the proposed use would ensure that necessary conservation work identified in the conservation management plan is carried out, and
  - (d) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent, and
  - (e) the conservation of the building depends on the granting of the consent.
- (2) When considering an application for consent to erect a building on land on which a building that is a heritage item is located, the consent authority may, for the purpose

of determining:

- (a) the floor space ratio, and
- (b) the number of parking spaces to be provided on the site,

exclude the floor space of the heritage item from its calculation of the floor space of the buildings erected on the land, but only if the consent authority is satisfied that the conservation of the heritage item depends on it making the exclusion.

### **63 Development affecting places or sites of known or potential Aboriginal heritage significance**

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) of its intention to do so and take into consideration any comments received in response within 21 days after the relevant notice is sent.

### **64 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

(1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
- (b) be satisfied that any necessary excavation permit required by the [Heritage Act 1977](#) has been granted.

(2) This clause does not apply if the proposed development:

- (a) does not involve disturbance of below-ground deposits and the Council is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
- (b) is integrated development.

## **Part 11 Provisions that apply generally in Bega Valley area**

### **65 General principles for development and use of land and buildings**

- (1) Before granting consent for development within any zone, consideration shall be given by the consent authority to such of the following as are relevant to the proposed development:
  - (a) the impact of that development on:
    - (i) the water quality of waterbodies, and
    - (ii) the ability of rural land to be used for agricultural production or industry, or both, and
    - (iii) soil resources, and
    - (iv) existing vegetation, native flora and fauna and riparian corridors, and
    - (v) the topography and setting of the land, and
    - (vi) the streetscape character of the locality, and
    - (vii) the scale and design of neighbouring development, and
    - (viii) significant views enjoyed from parks, reserves, roadways, footpaths and other public places, and
    - (ix) the energy efficiency of the site and any buildings on the site, and
    - (x) the availability of a water supply to adequately provide for domestic, agricultural and fire fighting purposes and, where that proposed water supply is from a river, creek, dam or other waterway, the effect upon the other users of that water supply, and
    - (xi) waste generation, and
    - (xii) the cultural significance of the land, and
    - (xiii) the treatment of stormwater prior to discharge or the use of stormwater, and
    - (xiv) traffic generation and appropriate vehicular access into and around the site, and
    - (xv) any measures necessary to mitigate any of these impacts,
  - (b) the cumulative impact on the environment of:
    - (i) the development, and

- (ii) other development in the vicinity of the proposed development.

#### **66 Development near zone boundaries**

- (1) Development that (in the absence of this clause) would be prohibited in a zone may be carried out with development consent within 50 metres of the boundary between that zone and another zone if it is permitted in the other zone either with or without consent.
- (2) However, this clause does not allow consent to be granted to carrying out any development on land within Zone 6 (a), 7 (b), 7 (d), 7 (f1), 7 (f2) or 8.
- (3) Consent must not be granted pursuant to this clause unless the consent authority is satisfied the proposed development satisfies the objectives of the zone in which it will be carried out.
- (4) The provisions of *State Environmental Planning Policy No 1—Development Standards* do not apply to subclause (1).
- (5) For the purposes of this clause, the zone boundary is the boundary between adjoining zones as shown on the zoning map and is not affected by the application of subclause (1).

#### **67 Subdivision**

- (1) Except as provided by subclause (2), development consent is required for the subdivision of land.
- (2) Development consent is not required for subdivision which is exempt development.
- (3) Despite any other provision of this plan, consent may be granted to a boundary adjustment between existing allotments that does not create any additional number of allotments, but only where the consent authority is satisfied that use of the resulting allotments will be consistent with the uses for which the existing allotments were originally created.

#### **68 Reclassification of public land as operational land**

- (1) The land described in Part 2 of Schedule 2 is classified or reclassified as operational land for the purposes of the *Local Government Act 1993*.
- (2) In accordance with section 30 of the *Local Government Act 1993*, a parcel of 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 amending plan and, by the operation of that plan, is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:

- (aa) those trusts, estates, interests, dedications, conditions, restrictions and covenants (if any) specified in relation to the land described in Part 2 of Schedule 2, and
  - (a) any reservations that except land out of a Crown Grant relating to the land, and
  - (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (3) Before the relevant amending plan that inserted the description of a parcel of land into Part 2 of Schedule 2 was made, the Governor approved of subclause (2) applying to the land.
- (4) In this clause, ***the relevant amending plan***, in relation to a parcel of land described in Part 2 of Schedule 2, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (5) Land described in Part 1 of Schedule 2 is not affected by the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.

#### **69 Restrictions on access**

A road or other means of access which forms a junction or intersection with an arterial road shall not be formed, except with development consent.

#### **70 Community use of school facilities or sites**

- (1) Where land to which this plan applies is used for the purpose of an educational establishment, the site and facilities of the establishment may, with development consent, be used for the purpose of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community land use, whether or not such use is a commercial use of the land.
- (2) Nothing in this clause requires development consent to be granted for the carrying out of development on any land if that development could, but for this clause, be carried out on that land without development consent.

#### **71 Temporary use of land**

Despite any other provision of this plan, consent may be granted to the carrying out of development for the purpose of a street stall or carnival or to other temporary development in any zone for a maximum period of 28 days, whether consecutive or not consecutive, in any one year.

#### **72 Tree preservation**

- (1) The Council may, by resolution, make, revoke or amend a tree preservation order.
- (2) A tree preservation order, or any revocation or amendment of such an order, does not

have effect until it has been published in a newspaper circulating in the Bega Valley local government area.

- (3) A tree preservation order must specify the types or sizes of trees, or identify the locations of the trees, that are covered by the order. It may be made so as to apply to some or all of the land within the area of Bega Valley.
- (4) While a tree preservation order is in force, a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree covered by the order without development consent.
- (5) Subclause (4) does not apply:
  - (a) if the Council has issued a permit that authorises the activity concerned and the activity is carried out in accordance with any conditions set out in the permit, or
  - (b) where it can be demonstrated to the satisfaction of the consent authority that the tree is dying or dead or has become dangerous.
- (6) A tree preservation order does not apply to or in respect of:
  - (a) trees within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
  - (b) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Electricity Safety Act 1945*, the *Roads Act 1993* or the *Surveyors Act 1929*, or
  - (c) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or
  - (d) trees within a national park or nature reserve reserved under the *National Parks and Wildlife Act 1974*.

### **73 Unzoned land**

- (1) This clause applies to all land (including waterways) to which this plan applies that is not shown zoned on the zoning map.
- (2) Development shall not be carried out on land to which this clause applies except with development consent.
- (3) In determining a development application required by this clause, the consent authority must have regard to the objectives of any zone within which land abutting the unzoned land is situated.
- (4) Notwithstanding subclause (2), consent is not required for development on unzoned land for the purpose of roads or utility installations (other than railway, water or air transport, wharf or river infrastructure, gas holders or generating works).

#### **74 On-site sewage management**

Before granting consent to development that will result in the generation of sewage or other effluent, consideration shall be given by the consent authority to:

- (a) whether the site of the proposed development should be connected to public sewerage facilities, and, if so, whether the land is capable of being connected to public sewerage facilities either now or in the future, and
- (b) the suitability of the site for on-site disposal of effluent and the ability of the effluent disposal system to function effectively over the long term without causing adverse effects on adjoining land, where public sewerage facilities are not to be provided to the land, and
- (c) the likely effect of any on-site effluent disposal area on:
  - (i) any waterbodies in the vicinity, or water supply catchments, and
  - (ii) groundwater resources, and
  - (iii) seasonally waterlogged soils, and
- (d) the cumulative environmental impacts of all on-site systems or works in the area with respect to water quality, soil degradation and odour.

#### **75 Land subject to bushfire hazard**

Consent must not be granted to the subdivision of land or the erection of a building on land which is, in the opinion of the consent authority, subject to bushfire hazards unless it is satisfied that:

- (a) adequate provision will be made for access for fire fighting vehicles,
- (b) adequate safeguards will be adopted in the form of fire breaks, reserves and fire radiation zones, and
- (c) adequate water supplies will be available for fire fighting purposes as recommended by the New South Wales Rural Fire Service.

#### **76 Contaminated land**

- (1) Consent must not be granted to the subdivision of land or the erection of a building on any land unless the consent authority has made an assessment of:
  - (a) any contamination of the land resulting from previous use of the land, and
  - (b) any measures to mitigate against any adverse impacts arising from the contamination of the land.
- (2) This clause does not affect any requirement made by the *State Environmental*



*Planning Policy No 55—Remediation of Land.*

**77 Development along arterial roads**

Consent must not be granted to the development of land which has a frontage to an arterial road unless, in the opinion of the consent authority:

- (a) wherever practicable, vehicular access to that land is provided by a road other than the arterial road, and
- (b) the safety and efficiency of the arterial road will not be adversely affected by the proposed development as a result of:
  - (i) the design of the access to the proposed development, or
  - (ii) the emission of smoke or dust from the proposed development, or
  - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.

**78 Land filling and excavation**

- (1) A person shall not, without development consent, excavate or fill any land or waterbody (other than a farm dam) to which this plan applies.
- (2) Before granting an application for consent required by subclause (1), the consent authority must have regard to:
  - (a) the likely disruption of, or detrimental effect on, existing drainage patterns, vegetation, sedimentation and soil stability in the locality that would be caused by the proposed work, and
  - (b) the effect of the proposed work on the likely future use or redevelopment of the land, and
  - (c) the effect of the proposed work on the existing and likely amenity of adjoining properties.
- (3) Subclause (1) does not apply to:
  - (a) any excavation or filling of land necessarily carried out to allow development for which a consent was granted under the Act, or
  - (b) any excavation or filling of land which, in the opinion of the prospective consent authority, is of a minor nature, including minor landscaping works.

**79 Ecologically sustainable development**

Before determining an application for consent to development, consideration shall be given by the consent authority to the following in so far as they are relevant to the

proposed development and may promote the principles of ecologically sustainable development:

- (a) building and allotment orientation,
- (b) conservation, protection and enhancement of natural resources (including riparian areas and remnant native vegetation),
- (c) optimisation of the use of natural features of the site,
- (d) reduction of car dependence,
- (e) use of landscaping to improve air, soil and water quality,
- (f) optimisation of energy efficiency,
- (g) waste minimisation.

#### **80 Roads, drainage, recreational areas and parking**

Nothing in this plan prevents the Council or another public authority from carrying out, or requires the Council or another public authority to obtain consent to carry out, development on land within any zone for the purpose of roads, stormwater drainage, recreational areas, landscaping, gardening, bushfire hazard reduction, amenities buildings or parking.

#### **81 Flood liable land**

- (1) A person shall not subdivide land or build or carry out a work on flood liable land except with development consent.
- (2) Consent must not be granted to the subdivision of, or to the erection of a building or the carrying out of a work on, flood liable land if, in the opinion of the Council, the subdivision, building or work would be likely:
  - (a) to impede the flow of flood waters on that land or land within its immediate vicinity, or
  - (b) to imperil the safety of persons or to cause damage to property on the land or land within its immediate vicinity in the event of those lands being inundated by floodwaters, or
  - (c) to aggravate the consequences of floodwaters flowing on to that land or land within its vicinity with regard to erosion, siltation or the destruction of vegetation, or
  - (d) to have an adverse effect on the water table of that land or of land within its immediate vicinity, or

(e) to cause pollution or contamination of floodwaters or land as a result of inundation by floodwaters.

- (3) Consent shall not be granted to development on flood liable land unless the consent authority has taken into consideration the cumulative impact of development on flooding within the area.
- (4) Before granting an application for development consent, the consent authority shall consider the possible effects of floods in excess of the flood planning level and the significance of the risk proposed by larger floods to the development.

## 82 Development on land identified on acid sulfate soils planning maps

- (1) **Consent usually required** A person shall not, without development consent, carry out works described in the following Table on land of the class specified for those works, except as provided by subclause (3).

<b>Class of land as shown on acid sulfate soils planning maps</b>	<b>Works</b>
1	Any works
2	Works below natural ground surface Works by which the watertable is likely to be lowered
3	Works beyond 1 metre below natural ground surface Works by which the watertable is likely to be lowered beyond 1 metre below natural ground surface
4	Works beyond 2 metres below natural ground surface Works by which the watertable is likely to be lowered beyond 2 metres below natural ground surface
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land

- (2) For the purpose of the Table to subclause (1), **works** includes:
- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial waterbodies (including canals, dams and detention basins) or foundations, or flood mitigation works), or
- (b) any other works that are likely to lower the watertable.
- (3) **Exception following preliminary assessment** This clause does not require consent for the carrying out of works if:

- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment Guidelines* has been given to the Council, and
  - (b) the Council has provided written advice to the person proposing to carry out works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Assessment Guidelines*.
- (4) **Considerations for consent authority** A consent required by this clause must not be granted unless the consent authority has considered:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment Guidelines*, and
  - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
  - (c) (Repealed)
- (5) **Public authorities not exempted** This clause requires consent for development to be carried out by councils, county councils or drainage unions despite:
- (a) clause 35 and clauses 2 and 11 of Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan, and
  - (b) clause 10 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development*.

### **83 Tourism development adjacent to waterways**

The Council must not grant consent to the carrying out of development for the purpose of caravan parks, camping sites, ecotourism facilities, tourist accommodation or serviced apartments within 400 metres of the mean high water mark (or, where there is no mean high water mark, the top of the bank) of a river, lagoon or lake specified in Schedule 3 unless it has taken the following into consideration:

- (a) the consequences of the development being located within close proximity to the waterway,
- (b) the preservation and enhancement of the scenic quality of the foreshores,
- (c) minimising the risk of pollution of any waterway involved in the development,
- (d) the protection of foreshore ecosystems, having regard to the regional significance of the area to which the development application relates,
- (e) the potential impacts of climate change including sea level rise.

#### **84 Building lines**

- (1) Consent must not be granted to the erection of a building on land with frontage to a road unless the building is required to be set back from the nearest alignment of the road at a distance determined by the consent authority.
- (2) In determining a distance for the purposes of this clause, the consent authority shall have regard to:
  - (a) the nature, scale and function of the building, and
  - (b) the maximisation of sight distances for drivers using the road, including visibility of points of access to the road, and
  - (c) the minimisation of distractions to drivers using the road, and
  - (d) any possible future need to alter the road alignment, and
  - (e) the desirability of maintaining existing roadside vegetation.

#### **85 Height of buildings**

- (1) A building shall not be erected on land to which this plan applies where:
  - (a) in the case of land within 50 metres of the mean high water mark:
    - (i) the building contains more than 2 storeys, or
    - (ii) the vertical distance between any part of the building and the natural ground level exceeds 7.5 metres, or
  - (b) in all other cases:
    - (i) the building contains more than 3 storeys, or
    - (ii) the vertical distance between any part of the building and the natural ground level exceeds 10 metres.
- (2) When the number of storeys in a proposed building are counted for the purposes of this clause, any storeys that are basements, cellars or similar structures and that do not protrude more than 1.2 metres above finished ground level at the perimeter of the building are excluded.
- (3) A reference in this clause to a building does not include a reference to any of the following:
  - (a) an aerial,
  - (b) a chimney stack,
  - (c) a mast,

- (d) a pole,
- (e) a receiving tower,
- (f) a silo,
- (g) a transmission tower,
- (h) a utility installation,
- (i) a ventilator,
- (j) a building erected or to be erected on land within Zone 4 (a).

#### **86 Development in flight paths**

- (1) A person shall not erect a building on land that is within the flight path of an airport to a height greater than 4 metres above natural ground level, except with development consent.
- (2) Such a consent may be granted only if the consent authority is satisfied, after consultation with the Civil Aviation Safety Authority, that the building will not constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity.
- (3) Before granting such a consent, the consent authority shall give consideration to any noise exposure forecasts prepared by the Civil Aviation Safety Authority and as to whether the proposed use of the building will be adversely affected by exposure to aircraft noise.
- (4) For the purposes of this clause, the flight path of an airport shall include such land as is determined by the Civil Aviation Safety Authority and communicated to the Council.

#### **87 Suspension of certain laws etc**

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any covenant, agreement or similar instrument which purports to impose restrictions on the carrying out of the development, to the extent necessary to serve that purpose, shall not apply to the development.
- (2) Nothing in subclause (1) shall affect the rights or interests of any public authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of subclauses (1) and (2).

#### **88 Particular development permitted with consent**

- (1) Notwithstanding any other provision of this plan, a person may, with development

consent or (if specified) without development consent carry out development on land referred to in Schedule 4 if the development is specified in relation to that land in that Schedule, but only subject to such conditions, if any, as are so specified.

- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted in respect of the development.

## **89 Granny flat development**

- (1) Consent may be granted to the erection of a granny flat or the conversion of part of an existing dwelling house into a granny flat within any zone (except Zone 1 (a), 3 (b), 4 (a), 5 (a), 6 (a), 6 (c), 7 (b), 7 (d), 7 (f1), 7 (f2), 9 (c) or 9 (d)), but only if:
- (a) a lawfully approved dwelling house exists upon the land, and
  - (b) the land on which the granny flat is proposed to be erected has an area of not less than the minimum area required for the erection of a dwelling house, and
  - (c) the granny flat is ancillary to and associated with the principal dwelling, and
  - (d) a condition of the consent prohibits a subdivision to create a separate land title for the granny flat.
- (2) Despite any other provision of this plan, consent must not be granted to the erection of a granny flat on land on which more than one dwelling already exists.

## **Part 12 Provisions that apply to particular land**

### **90 Development of certain land within Zone 4 (a) at South Pambula**

- (1) Consent must not be granted to development on land within Zone 4 (a) that adjoins or is visible to an observer standing at ground level on land within Zone 1 (c), 2 (f) or 2 (v) or land within a residential zone under this plan or another environmental planning instrument, unless the consent authority is satisfied that appropriate measures have been taken to screen buildings and outdoor storage areas.
- (2) Consent must not be granted to development on land within Zone 4 (a) situated at South Pambula unless the consent authority is satisfied that:
- (a) any proposed buildings are adequately set back from the Pambula River, and
  - (b) the development will not cause pollution or siltation of the Pambula River, and
  - (c) the development is sited, designed and to be operated in a manner which will not prejudice agricultural activity on any land in the locality.

## 91 Development of certain land at Boydtown

- (1) This clause applies to all of the land situated at Boydtown shown on sheet 30 of the zoning map, which is referred to in this clause as **the Boydtown map**.
- (2) The objectives of this clause are:
  - (a) to enable development of tourist establishments at Boydtown for holiday purposes, and
  - (b) to ensure that development is consistent with the need to protect and conserve the environmental heritage of Boydtown.
- (3) Notwithstanding any other provision of this plan, consent must not be granted for:
  - (a) a marina, boat landing facilities, a marine service centre, a boat shed, wharf or jetty, a building or place for dry storage of boats, or any other building or place used for, or in connection with, recreational boating activities unless it or they will be situated on that area of the land to which this clause applies shown cross hatched on the Boydtown map, or
  - (b) a boarding house, a dwelling house (other than a dwelling house used for a caretaker employed in connection with any development permissible within Zone 2 (c)) or multi unit housing (other than multi unit housing used only for holiday accommodation on land to which this clause applies within Zone 2 (c)).
- (4) Notwithstanding any other provision of this plan except subclause (5), consent may be granted for development for the purpose of a road on land to which this clause applies within Zone 6 (a) or Zone 7 (f1) shown within a black dotted line on the Boydtown map.
- (5) The Council must not grant consent as referred to in subclause (4) for development for the purpose of a road within Zone 7 (f1) unless it has taken into consideration:
  - (a) the extent to which the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
  - (b) the extent to which the development would adversely affect the scenic qualities of the coastal landscape, and
  - (c) the potential impacts of climate change including sea level rise.
- (6) (Repealed)
- (7) Clause 46 (1) and (7) of *Bega Valley Local Environmental Plan 1987* and the definitions of **council** and **the map** for that plan (in their application only to those provisions), as in force immediately before the commencement of this plan, are not repealed by this plan, despite clause 4.



- (8) Except as provided by subclauses (9) and (13), consent must not be granted to the subdivision of land to which this clause applies within Zone 6 (a) or 7 (d).
- (9) Consent may be granted to the subdivision of land to which this clause applies:
  - (a) within Zone 6 (a) for the purpose of any land use included in clause 38 (3) or (4) or for the purposes of roads, or
  - (b) within Zone 7 (d) for the purpose of roads or outdoor recreation.
- (10) Consent must not be granted to any development on or with respect to land to which this clause applies within Zone 7 (d) which involves the clearing of land unless a detailed plan showing the trees and vegetation to be removed and retained and showing the trees to be planted has been considered by the consent authority. This clause does not apply to a subdivision for the purpose of roads.
- (11) Despite any other provision of this clause, consent may be granted to the carrying out of development on land to which this clause applies relating to the conservation of church ruins.
- (12), (13) (Repealed)
- (14) Before granting consent to development for residential purposes referred to in subclause (13), the consent authority shall take into consideration any likely adverse impact of that development on the scenic environment of the area as viewed from public places.
- (15) (Repealed)

## **92 Development of certain land at West Pambula**

- (1) This clause applies to land within Zone 2 (f) at West Pambula, as shown on sheet 29 of the zoning map.
- (2) Despite any other provision of this plan, a person may carry out development for the purpose of a dwelling on land to which this clause applies, but only with development consent.
- (3) Consent may be granted to the erection of a dwelling on an allotment of land to which this clause applies only if:
  - (a) in the case of an unsewered allotment:
    - (i) the allotment has an area of not less than 1,500 square metres and the consent authority is satisfied that sufficient area will be available for on-site treatment of septic waste, and
    - (ii) the siting of the dwelling will allow future re-subdivision of the land should a reticulated sewerage service become available, and

- (b) the consent authority is satisfied that adequate arrangements have been or will be made to service the development with roads, drainage and a reticulated water supply.

### **93 Development at Merimbula Airport**

- (1) This clause applies to Lot 1, DP 549112, at Merimbula Airport, as shown on sheet 12 of the zoning map.
- (2) Despite any other provision of this plan, a person may carry out development for the purpose of commercial, light industrial or community uses on the land to which this clause applies, but only with development consent.
- (3) Consent may be granted to a commercial, light industrial or community use of the land to which this clause applies only if:
  - (a) the use does not interfere with the effective operation of the airport, and
  - (b) the use does not detract from the commercial viability of the Merimbula Central Business District.

### **94 Development at Kalaru racecourse**

- (1) This clause applies to land situated at the Kalaru racecourse, as shown on sheet 10 of the zoning map.
- (2) Despite any other provision of this plan, consent may be granted to the subdivision of the land to which this clause applies for the purpose of dwelling houses if:
  - (a) the total number of allotments created by the subdivision will not exceed 19, and
  - (b) each allotment will be not less than 2,000 square metres in area and not greater than 4,000 square metres in area, and
  - (c) the land is subdivided in accordance with the [Community Land Development Act 1989](#) to create a neighbourhood scheme, and
  - (d) arrangements satisfactory to the Council have been made for providing for all neighbourhood lots an adequate and efficient means of access and effluent disposal that will both be shared by the occupiers of the neighbourhood parcel and the Sapphire Coast Turf Club.
- (3) A dwelling house is permissible with development consent on a neighbourhood lot created in accordance with this clause, but only if:
  - (a) consent has been granted for a stabling complex on land to which this clause applies, and
  - (b) the complex has been completed or will be completed before the occupation of

the dwelling.

- (4) An additional dwelling is permissible with development consent on each of those lots if:
  - (a) the floor space of the additional dwelling is less than 60 square metres in area, and
  - (b) the dwelling is used for the accommodation of persons in the employ of the owner of the dwelling house allowed by subclause (3).

#### **95 Development at Tathra Headland**

- (1) This clause applies to land known as Lots 5 and 6 DP 17764 and Lot 1 DP 859237, Gordon Street, Tathra, as shown on sheet 25 of the zoning map, which is referred to in this clause as the Tathra Headland map.
- (2) Despite any other provision of this plan, consent may be granted to development of the land only if:
  - (a) the development is for the purpose of a single storey dwelling house with a maximum wall height of 3.6 metres and maximum roof height of 2.4 metres, and
  - (b) the total maximum floor area of all buildings on the site does not exceed 50% of the area of the site shown unhatched on the Tathra Headland map, and
  - (c) all buildings are erected in the area shown unhatched on the Tathra Headland map, and
  - (d) the consent authority has considered a geotechnical and ocean attack study that supports the erection of the dwelling house on the site, and
  - (e) works related to the development are not required to be carried out on adjoining Crown land.

#### **96 Residential development at Government Road, Eden**

- (1) Notwithstanding clause 26, before consent is granted to any subdivision for residential purposes of the land as shown on sheet 14 of the zoning map, the consent authority must consider a traffic impact study for the entire proposed development that has been prepared in consultation with the local traffic committee.
- (2) Despite any other provision of the plan, consent must not be granted to the creation of more than 150 residential lots from the land as shown on sheet 14 of the zoning map until the Council has adopted strategies for the provision of a water supply to, and for the disposal of sewage arising from use of, the proposed lots.

**97 Development of certain land at Sapphire Coast Drive and Tura Beach Drive, Tura Beach**

- (1) This clause applies to Lot 32, DP 243029 and Lot 1196, DP 613596, corner of Sapphire Coast Drive and Tura Beach Drive, Tura Beach, as shown edged heavy black and lettered "3 (a)" on the map marked "*Bega Valley Local Environmental Plan 2002 (Amendment No 4)*".
- (2) Despite any other provision of this plan, a person may, with development consent, carry out development on the land to which this clause applies for the purposes of retail, commercial or community uses.
- (3) Consent may be granted to carry out the development referred to in subclause (2) only if:
  - (a) the total retail floor space on the land does not exceed 5,000 square metres in area and the total floor space of any individual retail premises does not exceed 3,200 square metres in area, and
  - (b) any proposed building is set back not less than 10 metres from the boundary of the land with Tura Beach Drive, and
  - (c) a detailed plan showing the trees and vegetation to be removed and the trees and vegetation to be planted has been considered by the consent authority, excluding any land to be set aside for the purpose of road access from Sapphire Coast Drive, and
  - (d) the consent authority is satisfied that adequate arrangements have been or will be made to service the development with roads, drainage, a reticulated water supply and effluent disposal, and
  - (e) any proposed building does not exceed 2 storeys in height and the vertical distance between any part of any such building and the natural ground level does not exceed 10 metres.
- (4) A reference in this clause to a building does not include a reference to any of the following:
  - (a) an aerial,
  - (b) a chimney stack,
  - (c) a mast,
  - (d) a pole,
  - (e) a receiving tower,
  - (f) a silo,

- (g) a transmission tower,
- (h) a utility installation,
- (i) a ventilator.

## **Schedule 1 Land suitable for detached dual occupancy development in the Residential Low Density Zone**

(Clause 27)

### **Kangaroo Run, Tura Beach**

Lot 41, DP 1008234  
Lot 42, DP 1008234  
Lot 43, DP 1008234  
Lot 44, DP 1008234  
Lot 45, DP 1008234  
Lot 46, DP 1008234  
Lot 47, DP 1008234  
Lot 48, DP 1008234

### **Pacific Way, Tura Beach**

Lot 3, DP 1008235  
Lot 4, DP 1008235  
Lot 5, DP 1008235  
Lot 6, DP 1008235  
Lot 7, DP 1008235  
Lot 8, DP 1008235  
Lot 16, DP 880603  
Lot 17, DP 880603  
Lot 18, DP 880603

### **The Dress Circle**

Lot 1, DP 1000531  
Lot 19, DP 1004985  
Lot 20, DP 1004985  
Lot 21, DP 1004985  
Lot 22, DP 1004985  
Lot 23, DP 1004985  
Lot 24, DP 1004985  
Lot 25, DP 1004985  
Lot 28, DP 1004985  
Lot 29, DP 1004985  
Lot 44, DP 1004985  
Lot 45, DP 1004985  
Lot 46, DP 1004985  
Lot 51, DP 1004985

## Schedule 2 Reclassification of public land as operational land

(Clause 68)

### Part 1 Land reclassified under original section 30 LG Act

#### Property description

#### Classification under LGA 1993

#### Eden

Storey Avenue—Part of Lot 133, DP 750192, as shown edged with a broken heavy line and labelled “clause 68 applies” on the zoning map

Operational land

Cocora Street—Part of Lot B, DP 157709, as shown edged with a broken heavy line and labelled “clause 68 applies” on the zoning map

#### Bega

Church Street and Gipps Street—Lot 92, DP 565914, Lots 1, 2 and 3, DP 248175, Lot 102, DP 576466 and Part of Lot 8, section 34, as shown edged with a broken heavy line and labelled “clause 68 applies” on the zoning map

Operational land

#### Wonboyn

Ivor Jones Drive—Lot 4, DP 614892, as shown edged with a broken heavy line and labelled “clause 68 applies” on the zoning map

Operational land

### Part 2 Land reclassified under amended section 30 LG Act

#### Bega

#### Zingel Place

Lots 32 and 33, DP 844252, Lot 4, DP 215471 and Lot 9, Section 39, DP 758076, as shown edged heavy black on Sheet 2 of the map marked “*Bega Valley Local Environmental Plan 2002 (Amendment No 5)*”.

#### Eden

#### Princes Highway

Part of Lot 1, DP 134731, known as part of Eden Golf Club, as shown edged heavy black on Sheet 3 of the map marked “*Bega Valley Local Environmental Plan 2002 (Amendment No 2)*”.

### Schedule 3 Nominated waterways

(Clause 83)

Back Lake

Baragoot Lake  
 Bega River (tidal sections)  
 Bermagui River  
 Blackfellows Lagoon  
 Curalo Lagoon  
 Cuttagee Lake  
 Little Lake  
 Merimbula Lake (excluding land within the town of Merimbula zoned residential or commercial)  
 Middle Lake  
 Murrah Lake  
 Nelson Lake  
 Nullica River (tidal sections)  
 Pambula Lake (from the confluence of Pambula River and Yowaka River to Pambula Beach)  
 Towamba River (tidal sections)  
 Wallaga Lake  
 Wallagoot Lake  
 Wapengo Lake  
 Wonboyn Lake (from the confluence of Wonboyn River and Bull Creek to Bay Cliff)

## Schedule 4 Additional uses

(Clause 88)

<b>Land</b>	<b>Additional development allowed</b>
Lot 1, DP 597804, Sams Corner Road, Bemboka	Development for the purpose of a joinery works and an ancillary dwelling house, subject to buildings not exceeding one storey in height or 160 square metres in area
Portion 6, Parish of Brogo	Erection of a dwelling house to be used in conjunction with the use of the land for agriculture
Lot 3, DP 252623, Parish of Bega	Development for the purpose of garaging, servicing and repair of buses
Lot 6, Section 4, Village of Bermagui South	Development for the purpose of an antique shop and associated coffee lounge
Lots 3 and 4, DP 100269, Eden Street, Bega	Development for the purpose of a sheltered workshop, therapeutic activity centre
Lots 1-6, Section 1, and lots 1 and 2, Section 2, Parish of Wallagoot, Wallagoot Lake	Erection of a dwelling house on each allotment
Lot 441, DP 45826, Tura Beach Road, Merimbula	Development for the purpose of a shop to be used in conjunction with a family entertainment centre
Lot B of the resubdivision of lot 1, Portion 73, Parish of Wallagoot, Kalaru	Development for the purpose of a bottle museum
Lots 7 and 8, Section 27, DP 2591, Avernus Street, Cobargo	Development for the purpose of a junkyard

Portion 286, Parish of Bermagui	Development for the purpose of a waste management facility
Portions 163, 164 and 266, Parish of Bermagui	Erection of 5 additional dwellings and subdivision of the land, and the provision of adequate curtilage (by way of subdivision) to each dwelling on the land, generally in accordance with the plan marked " <i>Recommended Development and Conservation Strategies</i> ", being Figure 7 of the Environmental Study by Cowman and Royston dated December 1989, a copy of which is deposited in the office of the Council
Lot 1, DP 220772, Princes Highway, Parish of Yowaka	Erection of a dwelling house
Lot 2, DP 589158, Valley Street, Bega	Development for the purpose of a vehicle repair station limited in scale to that of a home industry and employing only the owner of the property
Lots 1-10, DP 739255, Red Gum Close, Bega	Erection of a dwelling house on each allotment
Lot 95, DP 750236, Parish of Wallagoot	Development for the purpose of a commercial recording studio within the dwelling
Lots 5-8, Section 13, DP 758197, Pericoe Street, Burragate	Erection of a dwelling house, but only if all the land is consolidated into one lot
Lot 120, DP 847899 and Lot 1, DP 1004805 within Zone No 5 (a) situated at Arthur Kaine Drive, Merimbula	Development for the purpose of advertising structures; commercial premises; community centres; places of assembly; recreation areas; refreshment rooms; shops; recreation facilities; or any other use associated with or ancillary to community facilities erected on the land
Lot 388 DP 750227 and Lot 485 DP 728071	Development for the purpose of a medical centre, day surgery and light industry



Bega Town Hall, Lot 701 section 39 DP 758076, Bega; Bemboka Hall, Lots 4 and 5, Section 5, DP 758087, Bemboka; Bermagui Hall, Lot 704 Section 7, DP 758095, Bermagui; Brogo Hall, Lot 28 DP 659783, Brogo; Candelo Hall Lot 1, Section 13, DP 758219, Candelo; Cobargo Hall, Lots 1, 2, 23 and 24, Section 7, DP 485, Cobargo; Kiah Hall, Lot 1, DP 334799, Kiah; Murrah Hall, Lot 85, DP 752153, Murrah; Pambula Hall, Lot 19, Section 40, DP 758825, Pambula; Quaama Hall, Lot 1, Section 8, DP 758860, Quaama; Rocky Hall, Lots 17 and 18, DP 2141, Rocky Hall; Tanja Hall, Lot 1 DP 951780, Tanja; Tathra Hall Lot 6 Sec 9 DP 758955 and Lot 9 DP 859420, Tathra; Tarraganda Hall Lot 279 DP 750190, Tarraganda; Twyford Hall Lots 1 and 2 DP 504572 and Lot 511 DP 818052, Merimbula; Wandella Hall Lot 171 DP 752164, Wandella; Wolumla Hall Lot 1, Section 1, DP 3808, Wolumla; Wyndham Hall, Lot 10, Section 29, DP 759125, Wyndham

Commercial or retail uses permitted without development consent for a maximum of 10 days per calendar year on condition that no such use is undertaken during the months of December and January

Land at Bermagui as shown on the map marked "*Bega Valley Local Environmental Plan 2002* (Clause 88)" available for public inspection at the office of the Council

Development for the purpose of:  
(a) marinas, and service and commercial activities ordinarily incidental or ancillary to marinas, and

(b) tourist accommodation,

but only if the scale and nature of development is complementary and ancillary to the purposes for which the land is zoned.

Land at South Pambula as shown on the map marked "*Bega Valley Local Environmental Plan 2002* (Clause 88)" available for public inspection at the office of the Council

Dwelling houses, attached dual occupancy and granny flat development, subject to:

(a) compliance with the requirements set out in clause 26, and

(b) arrangements satisfactory to the consent authority are made for the provision of roads and drainage that meet the Council's urban design standards, a reticulated water supply and a reticulated sewerage and effluent disposal in respect of the land.

Portion 118, Parish of Yowaka, Broadwater

Erection of a dwelling house

Development for the purpose of:

(a) B-double truck parking area, and

Lot 3 DP 258654, Part Lot 179 DP 750203 and land situated in the road reserve between Fastigata Road and Wattle Road, Snowy Mountains Highway, Brown Mountain

(b) general truck and trailer parking (including B-double trucks and trailers and single trailer vehicles) but only for short periods of time not exceeding 6 hours at any one time, and

(c) vehicle registration inspections.

Lot 2, DP 634021, Quarantine Bay	Development for the purpose of tourist accommodation
Lot 55, DP 750194, (and adjacent Crown land as shown diagonally hatched on the zoning map), Sapphire Coast Drive, Merimbula, Lot 312, DP 728092, Tathra—Bermagui Road, Bermagui and Lot 1, DP 507706, Princes Highway, Eden	Waste management facilities or works operated by or on behalf of the Council, without the need for development consent, for a maximum of 10 years from the appointed day, but only if that use is undertaken in accordance with an Environmental Management Plan prepared in accordance with the <i>Environmental Guidelines: Solid Waste Landfills (1996)</i> published by the Environment Protection Authority.

## Schedule 5 Heritage items

(Dictionary)

### Item No (Items of State significance are identified by \*)

#### Bega

Item No	Property description	Address	Other details
1	Bega Courthouse	Part Lots 14 and 15 Sec 39 DP 578076 Cnr Carp and Gipps Streets, Bega	Register of National Estate National Trust Bega Main Street Study 1996
2	Warragaburra Homestead	Lot 1 DP 742074 1364 Tathra Road, Bega	National Trust
3	Building (Blomfield Chambers)	Lot 1 DP 134697 and Lots C and D DP 321364 127 Carp Street, Bega	Bega Main Street Study 1996
4	Commercial Hotel	Lot 2 DP 785324 147-151 Carp Street, Bega	Bega Main Street Study 1996
5	St John's Anglican Rectory, Church, Hall and Lychgate	Lots 12, 12A, 12B and 13 Sect 34 DP 758076 Church Street, Bega	National Trust Bega Main Street Study 1996
6	Bank Hotel	Lot 1 DP 82787 42 Church Street, Bega	Bega Main Street Study 1996
7	Masonic Centre	Lot 419 DP 803626 18 Canning Street, Bega	Bega Main Street Study 1996
8	Evershed Clock Tower Memorial	Gipps Street, Bega	Bega Main Street Study 1996
9	Old Bega Hospital (Main building and outbuildings)	Lot 296 DP 728021 277 Princes Highway, Bega	National Trust Study 1996 Bega Main Street

10	St Patrick's Church and Presbytery and St Joseph's Convent	Lots 1-3 DP 126111, Lots 1 and 2 DP 89976, Lots 1 and 2 Sec 3 DP 52526, Lot 1 DP 909278 and Lot 3 DP 664662 130 Gipps Street, Bega	National Trust Bega Main Street Study 1996
11	Building	Lot 1 DP 960316 86 Gipps Street, Bega	National Trust Bega Main Street Study 1996
12	Lawson House	Lot 1 DP 571741 53 Parker Street, Bega	National Trust Bega Main Street Study 1996
13	Morella House	Lot 2 DP 571741 55 Parker Street, Bega	National Trust Bega Main Street Study 1996
14	Jellat Jellat Homestead (garden and outbuildings)	Lot 1 DP 136753 Tathra Road, Bega	Register of the National Estate National Trust
15	Orana House	Lot 1 DP 708174 34 Tathra Road, Bega	National Trust
16	Bega Showground Pavilion	Lot 1 Sec 49 DP 758076, Lot 1 DP 667563, and Lots 1, 2 DP 744052 Upper Street, Bega	National Trust
17	Soldiers Memorial Gates, Park and artillery	Carp Street, Bega	Register of the National Estate National Trust
18	Yarranung homestead	Lot 1 DP 328851 47 Angledale Road, Bega	National Trust
19	Grand Hotel	Lot 2 DP 305721 Cnr Auckland and Carp Streets, Bega	Bega Main Street Study 1996
20	Rosevear Shop Front	Part Lot 2 Sec 34 DP 758076 165 Carp Street, Bega	Register of the National Estate National Trust
21	Building (Red Cross Centre)	Lot 13 Sec 34 DP 758076 33 Church Street, Bega	National Trust Bega Main Street Study 1996
22	House (former Rectory)	Lot 61 DP 516828 26 Glebe Avenue, Bega	National Trust
23*	Building (former CBC Bank)	Lot 2 DP 782452 21 Auckland Street, Bega	State Heritage Register Register of the National Estate National Trust
24	Bega Public School	Lot 513 DP 805379 21 Auckland Street, Bega	Register of the National Estate National Trust
25	Wesleyan Chapel	Lot 1 DP 121210 125 Gipps Street, Bega	

26	Littleton House	Lot 10 DP 851448 5-9 Bega Street, Bega	National Trust
27	House (former Victoria Inn)	Lot 1 DP 162455 38-40 Auckland Street, Bega	
28	Family Museum Building (former Family Hotel)	Lot 1 DP 787591 Cnr Bega and Auckland Streets, Bega	National Trust
29	House (former Westpac residence)	Lot 1 DP 134702 139 Carp Street, Bega	National Trust Bega Main Street Study 1996

**Bemboka**

1	Brown Mountain Power Station	Rutherford Creek, Brown Mountain	National Trust
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**Boydton**

1	Seahorse Inn	Lot 2 DP 259742 87 Boydton Park Road, Boydton	Register of the National Estate National Trust
2	Boydton's Church and grave sites	Lot 1 DP 40567 87 Boydton Park Road, Boydton	Register of the National Estate National Trust
3	Boyd's Tower	Ben Boyd National Park, Edrom	Register of the National Estate National Trust
4	Salting Down House/ Store site	Lot 2 DP 259742 87 Boydton Park Road, Boydton	National Trust
5	Boiling Down Works site	Lot 44 DP 716162 87 Boydton Park Road, Boydton	National Trust
6	Wool Store site	Lot 1 DP 4056787 Boydton Park Road, Boydton	National Trust
7	Edrom Lodge and associated buildings	Lot 1 DP 198217 Jews Head, Twofold Bay	Register of the National Estate National Trust

**Brogo**

1	Bridge House and associated buildings	Lot 2 DP 539664, part Portion 156, Princes Highway, Brogo	Register of the National Estate
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**Cobargo**

1	Building	Lot 16 DP 665637 Cnr Princes Highway and Bermagui Road, Cobargo	National Trust
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**Eden**

1	Eden Log Cabin Library	Lot 4 DP 225627 38 Bass Street, Eden	
2	Matt Howard's Store	Lot A DP 164830 178 Imlay Street, Eden	
3	Eden Police Station building	Lot 22 DP 602200 229 Imlay Street, Eden	
4	House (former Courthouse)	Lot 15 Sec 1 DP 569624 2 Cocora Street, Eden	
5	Eden Courthouse	Lot 8 Sec 1 DP 758379 231 Imlay Street, Eden	Register of the National Estate National Trust
6	House	Lot 7 DP 553117 233 Imlay Street, Eden	
7	Building	Lot 11 DP 845340 237 Imlay Street, Eden	
8	The Crown and Anchor Inn	Lot 241 DP 811371 239 Imlay Street, Eden	National Trust
9	Georgian Building and shop	Lot 1 DP 731580 243 Imlay Street, Eden	
10*	Davidsons Whaling Station and associated buildings	Edrom Road, Edrom	State Heritage Register
11	Bittangabee Ruins	Portion 25 Bittangabee Bay, Ben Boyd National Park	Register of the National Estate
12	The Great Southern Inn	Lot 82 DP 559826 156-158 Imlay Street, Eden	National Trust
13*	Yowaka Bridge	Princes Highway	State Heritage Register

**Greencape**

1	Greencape Lighthouse and residences group	Ben Boyd National Park, Greencape	National Trust
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**Merimbula**

1	Old School Museum	Lots 6 and 7 Sec 4 DP 758670 85–87 Main Street, Merimbula	National Trust
2	Merimbula Wharf and cargo sheds	Lot 475 DP 728039 Wharf Street on Long Point, Merimbula	National Trust
3	“Greenpoint” House and sheds	Lot 28 DP 850443 3211 Princes Highway, Millingandi	
4*	“Courunga” House and grounds	Lot 26 SP 21721 20 Monaro Street, Merimbula	State Heritage Register National Trust

**New Buildings**

1*	New Buildings Bridge	Wyndham (south west)	State Heritage Register
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**Pambula**

1	Old Pambula Cemetery	Lot 225 DP 750227 East side of Princes Highway, Pambula	National Trust
2	Courthouse and Police Station	Lots 7 Sec 12 DP 758825 26–30 Toallo Street, Pambula	Merimbula/Pambula Strategy Study
3	“The Retreat” building	Lot 567 DP 629965 26–30 Quondola Street, Pambula	National Trust Merimbula/Pambula Strategy Study
4	The Commercial Hotel	Lot 11 Sec 11 DP 758825 18 Quondola Street, Pambula	Merimbula/Pambula Strategy Study
5	Building	Lot 9 Sec 11 DP 758825 22 Quondola Street, Pambula	Merimbula/Pambula Strategy Study
6	Masonic Temple	Lot 14 Sec 11 DP 758825 Cnr Toallo and Monaro Streets, Pambula	Merimbula/Pambula Strategy Study
7	Stone Cottage	Lots 521 and 522 DP 1002299 6 Bullara Street, Pambula	Merimbula/Pambula Strategy Study
8	Teacher Cottage	Lot 15 Sec 11 DP 758825 19 Monaro Street, Pambula	Merimbula/Pambula Strategy Study

9	St Peter's Roman Catholic Church	Lot 7 Sec 15 DP 758825 12 Monaro Street, Pambula	Merimbula/Pambula Strategy Study
10	Building (Toad Hall)	Lot 22 DP 611076 55 Toallo Street, Pambula	National Trust
11	Former Catholic Presbytery	Lot 11 Sec 13 DP 758825 14 Bega Street, Pambula	
12	Building (the former Roan Horse Inn)	Lot 11 DP 843957 Cnr Princes Highway and Bombala Road, South Pambula	Merimbula/Pambula Strategy Study
13	The Grange building	Lot 2 DP 705648 Northview Drive, South Pambula	Merimbula/Pambula Strategy Study
14	Building	Lot 8 DP 263044 67 Blairlands Road, Lochiel	
15	Pambula Town Wells	Lot 2 DP 568201 Merimbola Street, Pambula	
16	"Oaklands" associated outbuildings and grounds	Lots 192, 202 and 221 DP 750227 and Lots 1-6 Sec 25 DP 758825 and Lots 1-3 Sec 23 DP 758825 3546 Princes Highway, Pambula	National Trust

### Quaama

1	Quaama School of Arts	Lot 1 Sec 3 DP 758860 2 Cobargo Street, Quaama	National Trust Lower South Coast Regional Environmental Study
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### Tarraganda

1	Daisybank homestead and associated outbuildings	Lot 45 DP 750190 210 Reedy Swamp Road, Tarraganda	National Trust
2	Tarraganda Homestead	Lot D DP 380708 48 Wren-Moore Road, Tarraganda	National Trust

### Tathra

1	Roman Catholic Church	Lot 1 Sec 14 DP 758955 19 Bega Street, Tathra	
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2*	Tathra Wharf and building	Lot 241 DP 750236 Wharf Road, Tathra	State Heritage Register Register of National Estate National Trust
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**Towamba**

1	St Pauls Community Church	Lot 2 Sec 6 DP 758992 Towamba Road, Towamba	National Trust
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**Wapengo**

1*	Ness Property	Lots 17-19, 51 and 52 DP 752165 Wapengo Lake Road, Wapengo	State Heritage Register
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**Schedule 6 Interim heritage items**

(Dictionary)

Item No	Property description	Address	Other details
<b>Bega</b>			
1	House and garden	Lot 6 DP 603922 21-23 Peden Street, Bega	Victorian single storey house, verandah cast iron balustrade, valance and brackets, possibly lathe and plaster Historic, aesthetic, technical significance
2	“Elmgrove” Homestead	Lot 21 DP 180469 220 Angledale Road, Bega	Victorian timber dairy buildings Historic, technical significance
3	“Ottonville” Homestead	Lot 12 DP 801656 35 Ottonville Road, Bega	Substantial and well detailed Victorian homestead, high degree of original intactness, good quality joinery etc, some remnant plants and old timber stables Historic, aesthetic, technical significance
4	Bega Racecourse, site and stand	Cnr Bridge and East Streets, Bega	Races from 1860s, first Bega Cup 1874 Important recreational and social area for community Historic, social significance



5	Rockleigh, homestead and garden	Lot 1 DP 333020 Hergenhans Road, Bega	c 1910 substantial brick homestead with mature plantings Historic, aesthetic significance
6	Boer War Memorial and Bega Park	Upper Street, Bega	Granite obelisk sited in parkland commemorating Bega people who went to the Boer War Historic, aesthetic, social significance
7	Building	Lot 3 DP 199257 110-116 Carp Street, Bega	Bega Main Street Study 1996
8	Building	Lot 1 DP 999750 118 Carp Street, Bega	Bega Main Street Study 1996
9	Building	Lot 1 DP 785324 153-155 Carp Street, Bega	Bega Main Street Study 1996
10	Building	Lot 3 DP 785324 157 Carp Street, Bega	Bega Main Street Study 1996
11	Buildings	Part Lot 121 DP 626280 200-226 Carp Street, Bega	Bega Main Street Study 1996
12	Building	Lot 1 DP 999886 161 Carp Street, Bega	Bega Main Street Study 1996
13	Building	Lots 2 and 3 DP 229551 209-211 Carp Street, Bega	Bega Main Street Study 1996
14	Building	Lot 16 DP 519740 219 Carp Street, Bega	Bega Main Street Study 1996
15	Building	Lot 17 DP 519740 225 Carp Street, Bega	Bega Main Street Study 1996
16	Building	Lot 13 DP 758076 227-239 Carp Street, Bega	Bega Main Street Study 1996
17	Buildings	Lot 1 DP 196678 241-247 Carp Street, Bega	Bega Main Street Study 1996
18	Yarranung Butter Factory	Lot 2 DP 582308 Angledale Road, Bega	National Trust
19	Building	Lot 91 DP 565914 14 Church Street, Bega	Bega Main Street Study 1996

20	Building	Lot 6 DP 248175 34 Church Street, Bega	Bega Main Street Study 1996
21	Durham House	Lot 12 DP 705605 42 Bega Street, Bega	National Trust Bega Main Street Study 1996
22	Parkview House	Lot A DP 341317 26 Union Street (cnr Upper Street), Bega	National Trust
23	Former Presbyterian Manse	Lot 6 DP 519471 73 Upper Street, Bega	National Trust
24	Central Hotel and associated buildings	Lot 146 DP 623646 90-94 Gipps Street, Bega	Bega Main Street Study 1996
25	Building (Kings Cinema)	Lot 4 DP 783412 104-108 Carp Street, Bega	Bega Main Street Study 1996
26	McNamara Centennial building and shops	Lot 1 DP 850632 53-61 Church Street, Bega	National Trust Bega Main Street Study 1996
27	French's Building	Lot 11 DP 871584 45-47 Church Street, Bega	National Trust Bega Main Street Study 1996

### **Bemboka**

1	Farmhill homestead "Clydebank"	Lot 1 DP 220597 3120 Snowy Mountains Highway, Bemboka	Late 19th century brick homestead Historic, aesthetic significance
2	Bemboka War Memorial	91 Loftus Street, Bemboka	Carved marble monument Historic, aesthetic, social significance
3	Former Police Station	Lots 1 and 6 Sec 8 DP 758087 46-48 Loftus Street, Bemboka	1885
4	Christ Church Anglican Church	Lots 4 and 5 Sec 2 DP 758087 Cnr Bemboka and Hoskins Streets, Bemboka	1929 Brick church with Roman arch windows Historic, aesthetic, social significance
5	Hobb's Store (1889), cottage (c 1890) and storage shed	Lot 14 DP 805581 and Lot 5 Sec 11 DP 758087 66 Loftus Street, Bemboka	Group of three buildings demonstrating lifestyles and commercial practices of 19th century

6	House (former Worlands Boarding House)	Lot 13 DP 805581 79 Loftus Street, Bemboka	c 1900 originally a boarding house Historic, aesthetic significance
7	Hardware Store	Lots 10 and 11 Sec 6 DP 758087 70 Loftus Street, Bemboka	Historic, aesthetic significance
8	St Columba's Catholic Church	Lots 6, 11 and 12 Sec 12 DP 993 and Lot 32 DP 575103 121 Loftus Street, Bemboka	1908 Substantial masonry church Historic, aesthetic, social significance
9	Bemboka Primary School	Lot 186 DP 729701 Kameruka Street, Bemboka	c 1920 Historic, aesthetic, social significance
10	Former Bemboka Butter Factory	Lot 4 DP 605881 Snowy Mountains Highway, Bemboka	1927 Early 20th century factory complex Historic, aesthetic, technical significance
11	Kenya Homestead	134 Loftus Street, Bemboka	Inter-war brick homestead Historic, aesthetic significance
12	Police Station building	Lots 6-8 Sec 13 DP 758087 Snowy Mountains Highway, (35-39 Loftus Street) Bemboka	Built c 1900 the weatherboard building comprised a police station, residence, courthouse and cell Aesthetic and social significance

### Bermagui

1	House	Lot 672 DP 805496 22 George Street, Bermagui	c 1900 Historic, aesthetic significance
2	School and residence	Lots 3 and 4 Sec 7 DP 758094 2-4 George Street, Bermagui	Established 1876, existing buildings 1903 Historic, aesthetic, social significance
3	Union Church	Lot 3 Sec 5 DP 758095 5 West Street, Bermagui	1881 Historic, aesthetic, social significance
4	The Blue Pool	Scenic Drive, Bermagui	Represents early 20th century practice of ocean pools Aesthetic, social significance

5	Sorrento Lodge	Lot 2 DP 206232 and Lot 2 DP 335304 2-6 Lamont Street, Bermagui	c 1890 former guest house Historic, aesthetic, social significance
6	Wallaga Lake Bridge	Princes Highway, Bermagui	1894 Historic, aesthetic, social significance
7	All Saints Anglican Church	Lot 10 Sec 9 DP 758095 11 Wallaga Street, Bermagui	1911 Historic, aesthetic, social significance
8	Former police station now police residence	SP 33249 5 Wallaga Street, Bermagui	Early 20th century police station Historic, aesthetic, social significance
9	Bayleaf Cottage	Lot 80 DP 608101 3 Wallaga Lake Road, Bermagui	1892 originally a store Historic, aesthetic significance
10	Bermagui War Memorial	Lamont Street, Bermagui	War memorial and memorial to Captain Cook Historic, social significance
11	Horseshoe Bay Hotel	Lots 7 and 8 Sec 8 DP 758095 10 Lamont Street, Bermagui	1891, façade 1924 Historic, aesthetic, social significance

### **Candelo**

1	Collinswood homestead	Lot 200 DP 750201 1338 Candelo-Wolumla Road, Toothdale	Substantial brick Federation homestead Historic, aesthetic significance
2	Building	Lot 13 DP 667664 27 Sharpe Street, Candelo	Timber store Contributing building Historic, aesthetic significance
3	War Memorial	Lot 311, Dr William Loftus Park, Candelo	Marble monument Historic, aesthetic, social significance
4	Kawangie Homestead	Lot 1 DP 857743 1018 Candelo-Wolumla Road, Toothdale	Victorian single storey homestead—historic aesthetic significance
5	Glenall Homestead	Lot 351 DP 1022506 South Wolumla Road via Candelo	2 storey weatherboard c 1900 Historic, aesthetic significance

6	Holy Trinity Church and Cemetery	Lot 2 DP 979162 Candelo Road, Kameruka	Church and cemetery Historic, aesthetic, social significance National Trust
7	Kameruka Group including store, hall, gate lodge, tower clock, homestead and out buildings	Lot 1207 DP 800115 Kameruka Estate Road, Kameruka	National Trust
8	Showground Pavilion	Lot 177 DP 750201, Candelo-Bega Roads Candelo	Candelo Heritage Study 1989 Item 1
9	St Joseph's Catholic Church and Catholic School	Lot 281 DP 607578 and Lots 8-10 Sec 17 DP 758219 Auckland Street, Candelo	Candelo Heritage Study 1989 Item 3 and Item 4, National Trust
10	Rosemount former Catholic Convent	Lots 1 and 2 Sec 16 DP 758219, Auckland Street, Candelo	Candelo Heritage Study 1989 Item 5
11	St Peter's Anglican Church	Lots 1-3 Sec 42 DP 758219 1-7 William Street, Candelo	Candelo Heritage Study 1989 Item 6, National Trust
12	Cottage (former CBC Bank)	Lot 2 DP 910721 36 William Street, Candelo	Candelo Heritage Study 1989 Item 7, National Trust
13	Building (former Queens Hotel)	Lot 7 DP 522817 46 William Street, Candelo	Candelo Heritage Study 1989 Item 9
14	Building and Service Station	Lot 1 DP 904072 42 William Street, Candelo	Candelo Heritage Study 1989 Item 8
15	Candelo School of Arts	Lot 1 Sec 13 DP 758219 38 William Street, Candelo	Candelo Heritage Study 1989 Item 8
16	General Store	Lot 5 Sec 13 DP 758219 William Street, Candelo	Candelo Heritage Study 1989 Item 10
17	Post Office	Lot 1 DP 1000 52 William Street, Candelo	Candelo Heritage Study 1989 Item 11
18	Buildings (former T Thomas Stores)	Lot 14 Sec 6 DP 758219 25 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 14

19	Building (former Commercial Bank)	Lot 7 Sec 4 DP 758210 23 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 15, National Trust
20	Building (former Blacksmith's Shop)	Lot 81 DP 521723 21 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 16
21	Candelo Hotel	Lot 12 Sec 4 DP 758219 9 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 17
22	Morrrows Motor Garage/ Corner Store	Lot 22 DP 834288 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 18

### Cobargo

1	Building (Cobargo Service Station)	Lot 6 Sec 6 DP 485 53 Princes Highway, Cobargo	Inter-war service station Streetscape contribution Historic, aesthetic, technical significance
2	Building (Bangles Pottery)	Lot 5 DP 1134 66 Princes Highway, Cobargo	c 1880 two storey weatherboard building, Balcony with cast iron balustrade Streetscape contribution Historic, aesthetic significance
3	Building (Simply Cobargo Tea Room)	Lot 2 DP 1134 72 Princes Highway, Cobargo	Built during 1880s two storey weatherboard building, upper storey crossed timber balustrade Streetscape contribution Historic, aesthetic significance
4	The Benny Buildings	Lot 1 DP 1134 74 Princes Highway, Cobargo	Single storey group of shops built 1935 Original facade intact Streetscape contribution Historic, aesthetic, technical significance
5	School of Arts	Lots 1 and 2 and 23 and 24 Sec 7 DP 485 18 Bermagui Road, Cobargo	1887 Substantial single storey weatherboard building, some quirky design features Historic, aesthetic, social significance
6	Building (Cobargo Newsagency)	Lots 8 and 9 DP 1134 58 Princes Highway, Cobargo	c 1892 two storey weatherboard building Streetscape contribution Historic, aesthetic significance

7	Building (Cobargo Pharmacy)	Lot 7 DP 1134 62 Princes Highway, Cobargo	Built 1906 single storey face brick building, parapet, mouldings Streetscape contribution Historic, aesthetic significance
8	Building (Gosch House)	Lots 7 and 15 Sec 6 DP 485 55 Princes Highway, Cobargo	1896 two storey weatherboard building Streetscape contribution Historic, aesthetic significance
9	Building (Shekina Gallery)	Lot 121 DP 627263 7 Bermagui Road, Cobargo	1916 single storey weatherboard shop, street verandah, timber parapet Streetscape contribution Historic, aesthetic significance
10	Building (Telefix)	Lot 122 DP 627263 9 Bermagui Road, Cobargo	Built early 1900s single storey weatherboard shop, street verandah, timber parapet Streetscape contribution Historic, aesthetic significance
11	Building (The Grain Store)	Lot 1 DP 306281 59 Princes Highway, Cobargo	Group of 4 weatherboard structures started in 1891/2 Streetscape contribution Historic, aesthetic significance
12	RSL Hall and Cobargo Soldiers Memorial	Lots 1 and 2 Sec 6 DP 485 43 Princes Highway, Cobargo	1949 Weatherboard building with unpainted brick front facade Historic, social significance Register of the National Estate
13	Building (Ex AJS Bank)	Lots 2 and 3 DP 3141 8 Bermagui Road, Cobargo	1882 former bank, single storey weatherboard building Streetscape contribution Historic, aesthetic significance
14	Roman Catholic Church	Lot 1 DP 537792 Wandellow Road, Cobargo	1896/1898 Brick, stained glass windows Part of Roman Catholic group Streetscape contribution Historic, aesthetic, social significance
15	Roman Catholic Convent	Lot 4 DP 622515 Wandellow Road, Cobargo	1917 built as convent Substantial brick building with large verandahs Part of Roman Catholic group Historic, aesthetic, social significance

17	Residence	Lot 7 Sec C DP 623 50 Princes Highway, Cobargo	Late Victorian single storey weatherboard house Historic, aesthetic significance
18	Residence	Lot 1 Sec 1 DP 485 37 Princes Highway, Cobargo	Late Victorian substantial weatherboard house verandah on 3 sides Historic, aesthetic significance
19	Residence	Lot 3 Sec 18 DP 2591 31 Princes Highway, Cobargo	Late Victorian single storey weatherboard house verandah on 3 sides Historic, aesthetic significance
20	Residence	Lots 2 and 3 Sec 20 DP 2591 15 Hoyer Street, Cobargo	Late Victorian single storey weatherboard house Historic, aesthetic significance
21	Residence	Lot 1 DP 254391 3 Avenus Street, Cobargo	1890 built as cordial factory Historic, aesthetic, technical significance
22	Residence	Lot 10 Sec 17 DP 2591 30 Hoyer Street, Cobargo	Late Victorian single storey weatherboard building with symmetrical front gable and bullnose verandah Historic, aesthetic significance
23	Residence	Lot 11 Sec 17 DP 2591 32 Hoyer Street, Cobargo	Late Victorian single storey weatherboard building with symmetrical front gable and bullnose verandah Historic, aesthetic significance
24	The Gables	Lot 1 Sec 7 DP 807669 22 Tarlington Street, Cobargo	Late Victorian single storey weatherboard house, symmetrical gables, front verandah Historic, aesthetic significance
25	Residence (Dippity Dip)	Lots 5 and 6 Sec 11 DP 2591 73 Avenus Street, Cobargo	Late Victorian weatherboard house with corner verandah, gables Historic, aesthetic significance
26	Residence	Lot B DP 623 4 Wandellow Road, Cobargo	Late Victorian weatherboard cottage Historic, aesthetic significance
27	Residence	Lot 3 DP 794010 5 Wandellow Road, Cobargo	Late Victorian single storey weatherboard house Historic, aesthetic significance
28	Cobargo Butter Factory and Co-op	Lot 5 DP 926970 and Lot 1 DP 921189 Bermagui Road, Cobargo	1926 brick butter factory Historic, aesthetic, technical significance



29	Cobargo Post Office	Lot 81 DP 860010 57 Princes Highway, Cobargo	1890 substantial brick building, weatherboard rear section Historic, aesthetic, social significance
30	Police Station and Courthouse	Lots 4 and 7 DP 485 24 Bermagui Road, Cobargo	Built c 1885, designed by NSW Government Architect W L Vernon Single storey brick with front verandah Historic, aesthetic significance
31	Roman Catholic Presbytery	Lot 1 DP 537792, Wandellow Road, Cobargo	1892/3 rendered brick building with elaborate gable fretwork Part of Roman Catholic group Historic, aesthetic, social significance
32	House (former Roman Catholic School)	Lot 3 DP 622515, Wandellow Road, Cobargo	Brick school building Part of Roman Catholic group Historic, aesthetic, social significance
33	Cobargo Public School	Lot 1 DP 541840, Lot 71 DP 752154 and Lot 1 DP 122995 Wandellow Road, Cobargo	1870 single storey brick school Historic, aesthetic, social significance
34	Christ Church	Lots 6-9 Sec 19 DP 2591, 5-11 Hoyer Street, Cobargo	1920 substantial brick building with pebble dash decoration, gothic windows, coloured glass Historic, aesthetic, social significance

### Eden District

1	Anchor	Imlay Street, Eden	Monument, streetscape contribution Historic, aesthetic social significance
2	Former Bank of NSW	Lot B DP 412563, Imlay Street, Eden	1905 Historic, aesthetic, significance
3	Former Eden Post Office	Lot 4 Sec 26 DP 758379 Nos 155-157 Imlay Street, Eden	1891 Historic, aesthetic significance
4	St Georges Uniting Church	Lot 92 DP 709087 217 Imlay Street, Eden	1865 Historic, aesthetic, social significance

5	Hopetoun House	Lot A DP 163156 5 Bass Street, Eden	Early 1900s residence Historic, aesthetic significance
6	St John's Anglican Church	Lot 4 DP 740471 98 Calle Calle Street, Eden	1885 Historic, social significance
7	Star of The Sea Church	Lots 1-3 DP 758379 86-90 Calle Calle Street, Eden	1864 Small timber church visited by Mary McKillop Historic, aesthetic, social significance

### Kiah

1	Former Roman Catholic Church building	Lot 68 DP 750223 Princes Highway, Kiah	Late 19th century timber church Historic, aesthetic, social significance
2	Farm buildings	Lot 19 DP 750208 Upper Kiah Road, Kiah	Early 20th century farm buildings, slab and weatherboard Historic, aesthetic, technical significance

### Merimbula

1	Twyford Hall	Lots 1 and 2 DP 504572 Lot 511 DP 818052 Market Street, Merimbula	Early 20th century community war memorial hall Historic, aesthetic, social significance
2	Residence	Lot 51 DP 16678 2 Main Street, Merimbula	Substantial inter-war brickhouse Aesthetic significance
3	Residence	Lots 42 and 43 DP 37534 45 Main Street, Merimbula	Single storey inter-war bungalow Historic, aesthetic significance
4	Residence	Lot 111 DP 626224 122 Merimbula Drive, Merimbula	Late Victorian single storey weatherboard cottage Historic, aesthetic significance

### Murrah

1	Murrah Hall	Lot 85 DP 752153 Tathra-Bermagui Road, Murrah	1902 Used in past as church and for all social occasions Historic, aesthetic, social significance
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**Nethercote**

1	Nethercote Hall	Lot 4 DP 821408 Cnr Nethercote Road and Back Creek Road, Nethercote	Historic, social significance
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**Pambula**

1	Racecourse, Grandstand and associated buildings	Lot 1 Sec 27 DP 758825 Munje Street, Pambula	Early 20th century timber grandstand Historic, aesthetic, social significance
2	Pambula Goldfield	4 km south-southwest of Pambula in the Nullica State Forest	Historic, technical significance
3	Timber Cottage	Lot 51 Sec 16 DP 777274 16 Quondolo Street (west side), Pambula	Late Victorian modest slab and weatherboard cottage Historic, aesthetic significance
4	Single storey building	Lot 232 DP 787642 5 Bullara Street, Pambula	Local Heritage Fund
5	Woodlands house	Lot 51 DP 591734 8 Bullara Street, Pambula	Merimbula/Pambula Strategy Study Item No 22 National Trust
6	St Columba's Uniting Church	Lots 1 and 2 DP 194084 and Lot 1 DP 194685 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 7
7	Building	Lot 14 DP 777556 19 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 10
8	Christ Church Anglican Church	Lot 1 DP 237308 Cnr Quondolo and Bullara Streets, Pambula	Merimbula/Pambula Strategy Study Item No 14
9	Building (McPhersons Drapery)	Lot 31 DP 861207 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 18
10	Cottage	Lot 14 Sec 16 DP 758825 3 Monaro Street (eastside), Pambula	Merimbula/Pambula Strategy Study Item No 17
11	Cottage	Bombala Road, South Pambula (next to dairy factory)	Merimbula/Pambula Strategy Study Item No 23

12	Cottage	Lots 1 and 2 DP 999772 11 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 31
13	Pambula Post Office	Lot 3 DP 873500 27 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 8
14	Cottage	Lot 4 DP 873500 30 Toallo Street, Pambula	Merimbula/Pambula Strategy Study Item No 37
15	Cottage	Part Lot 2 Sec 40 DP 758825 51 Toalla Street, Pambula	Merimbula/Pambula Strategy Study Item No 38
16	Cottage	Lots 1 and 2 DP 780517 49 Toalla Street, Pambula	Merimbula/Pambula Strategy Study Item No 39
17	Building (former Pambula Co-operative Creamery Dairy Co Ltd)	Wyndham Road	Merimbula/Pambula Strategy Study Item No 53
18	Pambula School of Arts	Part Lot 19 Sec 40 DP 758825 13 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 30
19	Building	Lot 9 Sec 11 DP 758825 22 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 12
20	Cottage	South Pambula, (first on right past bridge)	Merimbula/Pambula Strategy Study Item No 32
21	Cottage	Lot 18 Sec 16 DP 758825 11 Monaro Street, Pambula	Merimbula/Pambula Strategy Study Item No 34
22	Cottage	Lot 21 DP 773158 47 Toalla Street, Pambula	Pambula Guidelines 1994 Item No 51
23	Cottage	Lot 200 DP 734922 3 Ives Street, Pambula	Merimbula/Pambula Strategy Study Item No 42
24	Cottage	Lot 8 DP 938348 1 Little Gahan Street, Pambula	Merimbula/Pambula Strategy Study Item No 43
25	Cottage	Lot 212 DP 1014709 65 Toalla Street, Pambula	Merimbula/Pambula Strategy Study Item No 49
26	Cobandrah Farm	Lot 18 DP 32269 300 Mt Darragh Road, Lochiel	Merimbula/Pambula Strategy Study Item No 59

### Quaama

1	Quaama Primary School	Lot 171 DP 821625 Cobargo Street, Quaama	1907 group of buildings, school, library and residence Historic, aesthetic, social significance
2	Quaama Store	Lots 12 and 13 Sec 3 DP 758860 Bega Street, Quaama	Formerly Rolfe's Hotel, built prior to 1877 Historic, aesthetic significance
3	St Saviours Church	Lot 1 Sec 2 DP 758860 1 Cobargo Street, Quaama	1907 Anglican weatherboard church Historic, aesthetic, social significance
4	House	Lot 3 Sec 5 DP 758860 and Lot 4 DP 318028 25-27 Cobargo Street, Quaama	Weatherboard cottage
5	House	Lot 3 Sec 10 DP 758860 4 Bermagui Street, Quaama	Weatherboard cottage

### Rocky Hall

1	Hall	Lots 17 and 18 DP 2141 Rocky Hall	Memorial hall built 1935 Historic, aesthetic, social significance
2	Old Rocky Hall School	Rocky Hall	1887 weatherboard, now community building Historic, aesthetic, social significance
3	Mataganah Bridge	Near Rocky Hall	1896 truss bridge Historic, aesthetic, technical significance
4	Nungatta Station	Lot 10 DP 750206 Nungatta Road, Nungatta	Group of farm buildings and cemetery dating from 1860s Historic, aesthetic, social significance

### Tanja

1	Tanja Public School	Lot 202 DP 752158 Tathra-Bermagui Road, Tanja	Weatherboard school and residence, early 20th century Historic, aesthetic, social significance
2	Tanja Community Hall	Lot 111 DP 951780 Barrabooka Road, Tanja	Large weatherboard hall, early 20th century Historic, social significance

### Tarraganda

1	Eastwood homestead	Lot 5 DP 700458 507 Tarraganda Road via Bega	National Trust
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### Tathra

1	Kalaru Brickworks building	Lot 2 DP 373426 564 Snowy Mountains Highway, Kalaru	Early brickworks Historic, technical significance
2	Tathra Grocery Store	Lot 3 DP 17280 Bega Street, Tathra	Inter-war shop 1933, brick with parapet Historic, aesthetic, social significance
3	Tathra Hotel	Lot 30 DP 606559 and Lot 31 DP 600836 Bega Street, Tathra	Victorian weatherboard hotel with cast iron verandah Historic, aesthetic, social significance
4	Harbour Master's Restaurant	Lot 11 DP 593290 Bega Street, Tathra	Victorian house Historic, aesthetic significance

### Towamba

1	Towamba Public School	Lot 1 Sec 5 DP 758992 Towamba Street, Towamba	Group of weatherboard building early 20th century Historic, aesthetic, social significance
2	Old Towamba General Store	Lot 1 DP 797890 Eden-Towamba Road, Towamba	Mansard roof, weatherboard building Historic, aesthetic, social significance
3	House and associated buildings	Lot 178 DP 261496 165 Pericoe Road, Towamba	Former Towamba police station and lock-up, slab and weatherboard buildings Historic, aesthetic significance

### Wolumla

1	Ayrdale Dairy Village	Lot 36 DP 787823 Ayrdale Park, Wanatta Lane, Wolumla	Dairy village dating from late 19th century to mid-20th century Rare Historic, aesthetic, technical significance
2	House and trees (former South Wolumla School)	Lot 218 DP 750238 Atkins-Anderson Road, South Wolumla	Early 20th century school Historic, aesthetic significance

3	South Wolumla Butter Factory complex	Lot 1 DP 385392 Lot 152 DP 625455 South Wolumla Road, (both sides of road), South Wolumla	Group of early 20th century dairy buildings Streetscape value Historic, aesthetic, technical significance
4	Wolumla Anglican Church	Lot 71 DP 598510 Princes Highway, Wolumla	Brick church, leadlight windows Historic, aesthetic, social significance
5	Former Police Station	Lots 251 and 252 DP 750238 Bega Street, Wolumla	Single storey brick police station and residence designed by New South Wales Government architect Early 20th century Historic, aesthetic significance
6	Roman Catholic Church	Lot 3 DP 1270 Scott Street, Wolumla	Victorian weatherboard building, Gothic windows Historic, aesthetic, social significance

### Wyndham

1	School of Arts Hall	Lot 10 Sec 29 DP 759125 Monaro Street, Wyndham	1888 Large weatherboard hall with stage and supper room Historic, aesthetic, social significance
2	St Joseph's Roman Catholic Church	Lot 15 Sec 29 DP 759125 Norwood Street, Wyndham	1894 Weatherboard church with decorative bargeboards Historic, aesthetic, social significance
3	Holy Trinity Anglican Church	Lot 12 Sec 29 DP 759125 Clark Street, Wyndham	1888 Weatherboard church Historic, aesthetic, social significance
4	War Memorial	Monaro Street, Wyndham	c 1922 Masonry and marble monument Historic, aesthetic, social significance
5	Robbie Burns Hotel	Lot 22 DP 810052 22 Monaro Street, Wyndham	1891 later modified Weatherboard with twin gables Historic, aesthetic, social significance
6	Residence (Brown Cow Café)	Lot 110 DP 877495 Monaro Street, Wyndham	1885 Probably built as shop and accommodation Weatherboard Historic, aesthetic significance

7	Residence (Honeysuckle Inn)	Lot A DP 64240 near Honeysuckle Bridge, Myrtle Creek, Wyndham	1855 Weatherboard Historic, aesthetic significance
8	Residence (Scots Hut)	Lot 1001 DP 710457 New Buildings Road, Wyndham	1874 Weatherboard house, sassafras lining boards Historic, aesthetic, significance
9	Residence (Greenmount)	Lot 7 DP 717419 7 New Buildings Road, Wyndham	1878 Slab homestead Historic, aesthetic, technical significance

## Dictionary

(Clause 9)

**abattoir** means a building or place used for the slaughter of animals or birds, whether or not animal by-products are processed, manufactured or distributed there, and includes a knackery.

**acid sulfate soils** means actual or potential acid sulfate soils as defined in the *Acid Sulfate Soils Assessment Guidelines*.

**Acid Sulfate Soils Assessment Guidelines** means the *Acid Sulfate Soils Assessment Guidelines* as published from time to time by the NSW Acid Sulfate Soils Management Advisory Committee and adopted for the time being by the Director-General.

**acid sulfate soils planning maps** means the series of maps marked "*Bega Valley Shire Acid Sulfate Soils Planning Maps*" kept in the office of the Council.

**advertisement** has the same meaning as in the Act.

**agriculture** means:

(a) the cultivation of pasture or crops, including cereals, fruit, nuts and vegetables or flowers, or the keeping or breeding of livestock, bees, worms, poultry or other birds, or irrigation or dry land farming practices, or

(b) a combination of all or some of them, for a commercial purpose,

but does not include use of animal establishments, or intensive horticulture or intensive livestock keeping.

**agroforestry** means the inclusion of trees and shrubs into farming systems to gain direct and indirect benefits from their interaction with agriculture.

**alter**, in relation to a heritage item, means:

(a) make structural changes to the outside of the heritage item, building or work, or

(b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, not including changes resulting from maintenance.



**animal establishment** means a building or place used for the breeding, boarding, training or keeping of, or caring for, animals for commercial purposes. It may consist of or include a riding school, horse training facility, cattery or kennels, but not a building or place used for intensive livestock keeping.

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

**aquaculture** means the commercial production, including breeding, hatching, rearing or cultivation of marine, estuarine or fresh water organisms, including aquatic plants or animals (such as fin fish, crustaceans, molluscs or other aquatic vertebrates).

**arterial road** means any existing road marked distinctively on the arterial roads map as an arterial road, as altered by any realignment carried out by the Roads and Traffic Authority or the Council.

**arterial roads map** means sheet 31 of the zoning map, as amended by the maps or sheets of maps marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

**attached dual occupancy** means two dwellings on one allotment which are physically attached and characterised by having the appearance of a single house with similar roof pitch, external finishes and design features.

**backpackers' hostel** means a building or part of a building providing temporary accommodation for travellers and tourists who have their principal place of residence elsewhere, and containing two beds or more per room, and a communal kitchen, a living area and laundry facilities.

**bed and breakfast establishment** means a lawfully erected dwelling house occupied for permanent residential purposes in which a maximum of three rooms are made available by the residents for temporary holiday accommodation.

**B-double truck parking area** means an area used for the coupling and uncoupling of B-double trailers and single trailer vehicles involved in the road transport of goods.

**boarding house** means a house let in lodgings, providing permanent or semi-permanent accommodation, but does not include a motel, guest house or backpackers' accommodation.

**brothel** means premises habitually used for the purposes of prostitution, including premises used by only one person for the purposes of prostitution.

**bulk store** means a building or place used for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

**bulky goods retail outlet** means a building or place used for the sale by retail or auction, or the display of items (whether goods or materials, but not food, clothing or produce) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, and
- (b) direct vehicular access to the site of the building or place by members of the public, for the

purpose of loading items into their vehicles after purchase.

**camp site** means a place used for the pitching of tents or other like portable lightweight and temporary shelters for the short-term shelter of visitors or tourists.

**car parking area** means a building or place primarily used for the purpose of parking motor vehicles, whether operated for gain or not.

**caretaker's residence** means a dwelling used in conjunction or associated with a use of the land for which consent has been granted.

**caravan park** means land used as sites for moveable dwellings, including tents and caravans or other vehicles used for temporary accommodation.

**child care centre** means any place where a child care service (such as a service of the kind provided at a long day care centre, a pre-school centre, an occasional care centre, a children's neighbourhood centre or a multipurpose child care centre or the like) is provided for the purpose of education, minding or caring for 6 or more children (not including any children who are related to the person providing this service), and which does not include overnight accommodation for those children.

**cemetery** means a building or place used for the disposal or processing of dead human beings or animals, and includes a crematorium, burial ground and a chapel.

**clearing of land** means any manner of destruction of a tree, shrub or plant on the land other than the removal of noxious weeds, but does not involve the destruction of any tree, shrub or plant:

- (a) that is required or expressly authorised by or in pursuance of the provisions of any Act or statutory instrument or by any statutory authority in pursuance of the provisions of any Act or statutory instrument, or
- (b) where the destruction is necessary in an emergency to prevent the spread of fire or in circumstances where the tree, shrub or plant presents a danger to life or property, or
- (c) where the destruction is necessary to enable the carrying out of a development in accordance with a consent.

**club** means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes, whether of the same or a different kind and whether or not the whole or a part of such building is the premises of a club registered under the [Registered Clubs Act 1976](#).

**community facility** means a building or place owned or controlled by a public authority or a body of persons associated for the purpose of providing for the physical, social, cultural, economic or intellectual development or welfare of the local community, but does not include a building or place (other than a club) elsewhere specifically defined in this Dictionary.

**commercial premises** means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this Dictionary.

**community land** means land classified as community land within the meaning of the [Local](#)

[Government Act 1993](#).

**contaminated land** has the same meaning as in Part 7A of the Act.

**conservation management plan** means a document prepared in accordance with the requirements of the New South Wales Heritage Office that establishes the heritage significance of an item or place and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**conservation plan** means a document establishing the heritage significance of a heritage item and identifying conservation policies and management practices that are appropriate to enable that significance to be retained.

**convenience store** means a shop selling a variety of small grocery goods, whether or not goods are also available for hire there, or other associated services (including a post office, dry cleaning agency or financial agency) are provided there for the convenience of customers.

**craft studio** means a building or place used for the purpose of carrying out any occupation involving craft or artwork by not more than 3 persons, and which does not involve interference with the amenity of the neighbourhood and includes the display and sale only of items made on the premises.

**demolish** a heritage item or a building, work, archaeological site or tree means wholly or partly destroy or dismantle the heritage item or the building, work, archaeological site, tree or place.

**development** has the same meaning as in the Act.

**detached dual occupancy** means two separate dwelling houses on one allotment which may or may not have corresponding architectural features in their built form.

**dwelling** means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate residence.

**dwelling house** means a building containing one but not more than one dwelling.

**ecologically sustainable development** means development which uses, conserves and enhances the community's resources so that ecological processes on which life depends are maintained, and the total quality of life, now and in the future, can be increased.

**ecotourism facility** means any nature-based tourism, educational or interpretative activity or facility that is constructed and managed so as to be ecologically sustainable and without detrimental impact on the ecology of the area. It may include some form of guest accommodation (not caravan parks) and a manager's residence.

**educational establishment** means a building used for a school, college, tertiary institution, adult or community education, training facility, gallery, museum, display centre or the like, whether or not accommodation for staff or students is provided there or whether or not it is used for the purpose of gain.

**energy generation** means use of a building or place for the purpose of making or generating gas, electricity or any other form of energy, or for wind, hydro or solar power generation.

**entertainment establishment** means a building or place used for the purpose of major sporting

events, entertainment or exhibitions and includes:

- (a) theatres, cinemas, exhibition centres, art galleries, amusement centres, fun parks, convention centres, music halls or concert halls, and
- (b) sports stadiums, showgrounds, racecourses and motor race tracks and open areas for concerts, exhibitions, displays and the like.

**environmental facility** means a structure erected or work carried out by or for the Council or a Government agency which provides:

- (a) nature study or display facilities, such as walking tracks, boardwalks, observation decks, bird hides or the like, or
- (b) environmental management and restoration facilities, such as bush restoration, swamp restoration, erosion and run-off prevention works, dune restoration works or the like.

**exhibition home** means a building designed to be a dwelling but being initially operated as a display home for a period of up to but not more than 5 years, which is open to public inspection at regular times and may include a sales office.

**existing holding** means the combined area of one or more lots, portions or parcels of land (excluding public or Crown roads) as shown on the existing holdings map. Existing holdings may extend across the edges of adjoining sheets of that map.

**existing holdings map** means the map marked "*Bega Valley Local Environmental Plan 2002—The Existing Holdings Map*".

**extractive industry** means:

- (a) the winning of extractive material, or
- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling, or separating into different sizes of that extractive material on that land.

**extractive material** means sand, gravel, clay, turf, soil, rock, stone or similar substances.

**farm building** means a hayshed, stockyard, machinery shed, storage shed, pumphouse, shearing shed, outbuilding, utility installation or the like in association with the agricultural use of the land.

**farm forestry** means an industry that includes the use of trees on farm land to produce saleable products such as timber, oil, tannin, charcoal or carbon credits.

**farmstay establishment** means an established farming enterprise that involves the provision of accommodation and entertainment for tourists as part of the day-to-day operation of the farm.

**flood liable land** means land that is below the 1 in 100 year flood planning level.

**flood planning level** means the predicted water level of the 1 in 100 year flood for a particular site.

**floor space ratio** means the ratio of the gross floor area of a building to the site area of the land on which the building is erected or proposed to be erected.

**forestry** means arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

**gas holder** means a container designed to hold more than 500 litres of liquid petroleum gas.

**granny flat** means a small separate dwelling not greater than 60 square metres in gross floor area intended to be occupied by a relative or relatives or persons associated with the occupants of the principal dwelling on the land.

**gross floor area** means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls, as measured at a height of 1,400 millimetres above each floor level, but excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts, and
- (c) car parking needed to meet any requirements of the Council and any internal access to it, and
- (d) space for the loading and unloading of goods.

**guest house** means a dwelling providing accommodation for commercial purposes, and may also include a bed and breakfast establishment and house billeting, for travellers and tourists who have their principal place of residence elsewhere, where:

- (a) the operator of the business resides permanently on the premises and provides meals and housekeeping services for the guests, and
- (b) guest accommodation is provided on a short term basis.

**hazardous industry** means a development for the purposes of an industry which, when the development is in operation and when all the measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**hazardous storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**health care professional** means a person who renders professional health services to members of the public and includes a podiatrist, a chiroprapist, a chiropractor, a physiotherapist and an optometrist.

**heavy industry** means an industry not being an extractive, light, offensive, hazardous or rural industry.

**height**, in relation to a building, means the distance measured vertically from any point on the ridge of the building to the natural ground level.

**helicopter landing site** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public used for the taking off and landing of helicopters, whether or not it includes terminal buildings or facilities for the parking, servicing and repair of helicopters.

**heritage impact statement** means a statement demonstrating the heritage significance of an item, a property, an archaeological site or a place, an assessment of the impact that proposed development will have on that significance and the measures that are proposed to minimise that impact.

**heritage item** means a building, work, relic, tree or place described in Schedule 5.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**home-based child care** means the provision of child care in a dwelling erected with development consent and in accordance with the [Family Day Care and Home Based Child Care Services Regulation 1996](#).

**home business** means a business, profession or trade (not being a home industry or professional consulting room) carried on in part of a dwelling house, or in an ancillary building on the same lot as a dwelling house, or within the curtilage of a dwelling house, by permanent residents of the dwelling house where:

- (a) not more than two other non-resident persons are engaged in the business, profession or trade on the site or use of the site as a base (other than electronically), and
- (b) it does not occupy more than 80 square metres of floor space in the urban zones or 100 square metres in the rural zones, and
- (c) it does not interfere with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, and
- (d) it does not involve the display of goods, whether in a window or otherwise, and
- (e) it does not involve the exhibition of any notice, advertisement or sign other than a notice, advertisement or sign that does not exceed 0.8 square metre in area exhibited on or within the curtilage of the dwelling house or dwelling to indicate the name and occupation of the residents, and
- (f) it does not involve a change in the appearance of the dwelling house or land on which it is erected

that is out of character with that of the surrounding area.

**home industry** means an industry carried on in a building (other than a dwelling house or a dwelling in multi unit housing) under the following circumstances:

- (a) the building does not occupy a floor space exceeding 60 square metres in the urban zones or 100 square metres in the rural zones and is erected within the curtilage of the dwelling house or multi unit housing occupied by the person carrying on the industry or on adjoining land owned by that person,
- (b) the industry does not:
  - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil or otherwise, or
  - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available to the locality,
- (c) the industry does not entail:
  - (i) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or
  - (ii) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on the dwelling or land to include the name and occupation of the residents), or
  - (iii) the employment of more than one person who is not a resident of the dwelling.

**home occupation** means an occupation carried on in a dwelling house or in a dwelling in multi unit housing by the permanent residents of the dwelling house or dwelling which does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the residents), or
- (e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or
- (f) use of more than one room of the house or of more than 30 square metres of the floor area of the dwelling house or multi unit housing, whichever is the lesser.

**hospital** means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.

**hostel** means housing for older people or people with a disability where cooking and dining, laundering, cleaning and other facilities are provided on a shared basis, and where a person having nursing or social work experience, or other similar experience, provides services for and maintains the housing on a full-time basis.

**hotel** means the premises to which a hotelier's licence granted under the [Liquor Act 1982](#) relates.

**housing for older people or people with a disability** means residential accommodation which is or is intended to be used permanently as housing for the accommodation of older people or people with a disability which may consist of a residential care facility, a hostel or a grouping of 2 or more self-contained dwellings, or a combination of these, but does not include a hospital.

**industry** means:

- (a) any manufacturing process, or
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business,

but does not include an extractive industry.

**institution** means a penal or reformatory establishment.

**intensive horticulture** means a building or place used for the artificial propagation or growing of plants, other than an orchard or vineyard using traditional agricultural practices, and includes a building or place at which:

- (a) plants are grown by the use of hydroponics, or
- (b) indoor plants, such as crops, ornamental trees or shrubs, flowers, fruit, nuts or vegetables are grown.

**intensive livestock keeping establishment** means a building or place used to hold livestock for the purpose of breeding or nurturing by a feeding method other than natural grazing and includes:

- (a) cattle feedlots,
- (b) poultry farms,



(c) horse training and boarding establishments,

(d) piggeries, and

(e) dairies,

and the like, but does not include a building or place elsewhere specifically defined in this Dictionary or used only for the keeping of livestock for personal consumption or enjoyment by the owner or occupier of the land.

**interim heritage item** means a building, work, relic, tree or place described in Schedule 6.

**junkyard** means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of their parts.

**kiosk** means a shop with a gross floor area not exceeding 50 square metres which is intended primarily to provide food or refreshments to the users of a recreation area or recreation facility, but does not include a restaurant.

**landscaped area** means that part of a site area at ground level not occupied by any building and used for recreation, lawns, gardens and substantial planting. It does not include balconies, pools, driveways and parking areas, but includes decks where they have a direct connection to ground level and are no higher than 500mm above ground level.

**light industry** means an industry, not being extractive, rural, heavy, offensive or hazardous industry in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity or the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

**liquid fuel depot** means a place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

**maintenance**, in relation to a heritage item, means the ongoing protective care of the fabric of a heritage item and its setting.

**marina** means pontoons, jetties, piers or other structures (whether water-based or land-based) designed to provide moorings or dry storage for vessels used primarily for pleasure or recreation. It also includes (whether or not in addition to the foregoing) works such as slipways, hoists or facilities for the repair and maintenance of vessels and any associated land-based buildings or works.

**marine service centre** means a building or place used for the fuelling of motor boats involving the sale by retail of petrol, diesel fuel and other petroleum products, whether or not the building or place is also used for any one or more of the following:

- (a) the sale by retail of chandlery equipment, marine motors, spare parts and accessories for boats, including motor boats,
- (b) the washing and maintenance of boats,
- (c) the installation of boating accessories,

(d) the repairing and servicing of boats involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, hull construction or restoration, panel beating, fibreglass fabrication or spray painting).

**market** means an open air area or an existing building used for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials, and includes temporary structures and existing permanent structures used for that purpose.

**medical centre** means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

**mine** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which or by the use of which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place on which any product of the operation is stacked, stored, crushed or otherwise treated, but does not include a quarry.

**mooring** means an apparatus (single or otherwise) on or in the waterway that is used for restraining a vessel.

**motel** means a building or buildings (other than a hotel, backpackers' accommodation or a boarding house) substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

**motor showroom** means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed in or on it.

**multi unit housing** means two or more dwellings (whether attached or detached) on a single allotment of land. It includes dual occupancies, townhouses, villa houses and residential flat buildings.

**offensive industry** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge or cause an adverse impact (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development of other land in the locality.

**offensive storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development of other land in the locality.

**older people** means people aged 55 years or over.

**operational land** means land classified as operational land within the meaning of the [Local](#)

*Government Act 1993.*

**outdoor recreation** means a use of land for recreation purposes not involving the erection or use of a building.

**panel beating workshop** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, where the work involved includes:

- (a) body building, or
- (b) panel beating which may or may not involve dismantling, or
- (c) spray painting.

**parking space** means any garage, car space or part of a court available for the parking of vehicles.

**people with a disability** means people of any age who, as a result of having an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full and active life.

**perennial stream** means the streams identified as perennial on the series of topographic maps kept in the office of the Council.

**picnic ground** means an area of open space used for passive recreation (not being bushland) and may include tables, seating, BBQ's, sunshade structures and an amenity building.

**place of assembly** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl, or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

**place of public worship** means a building or place used primarily for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events or religious training related to the functioning of the building.

**plant depot** means a building or place used for the parking or servicing of moveable plant in the pursuit of an occupation or business carried on at some other location.

**plant hire** means a building or place used for the hiring out of tools, plant and equipment used by the industry, builders or "do it yourselfers" and for the storage, service and maintenance of the tools, plant and equipment.

**plantation forestry** means the use of a cleared site for the purpose of arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a sawmill, of wood and other forest products. The use may include the establishment of roads required for the removal of wood and forest products and for forest protection.

**prime crop and pasture land** means land identified as Class 1, Class 2 and Class 3 or as land of merit for special agricultural uses, on an agricultural classification map prepared by the Department of Agriculture and deposited in the Council's office, but does not include land identified to the Council as not being prime crop and pasture land by or with the agreement of the Director-General of the Department of Agriculture.

**professional consulting rooms** means a room or a number of rooms forming either the whole or part of, attached to or within the curtilage of a dwelling house and used by not more than three legally qualified medical practitioners or by not more than three dentists, or by not more than three health care professionals, who practise therein the profession of medicine, dentistry or health care respectively and, if more than one, practise in partnership, and who employ not more than three employees in connection with that practice.

**prostitution** has the meaning ascribed to it in the [Summary Offences Act 1988](#).

**public building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

**racecourse** means a place used for the organised racing of animals or vehicles and includes ancillary buildings and facilities.

**reception establishment** means a building or place used for the purpose of wedding receptions, birthday parties and the like where admission is by private invitation, but does not include a refreshment room or hotel.

**recreation area** means:

- (a) a children's playground, or
- (b) a building or place (or both) used for sporting activities or sporting facilities, or
- (c) a building or place (or both) used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) a building or place (or both) used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those persons,

but does not include a showground or racecourse or a building or place elsewhere specifically defined in this Dictionary.

**recreation establishment** means health farms, religious retreat houses, rest homes, youth camps and the like, but does not include a building or place used or intended for use for a land use elsewhere specifically defined in this Dictionary.

**recreation facility** means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.

**refreshment room** means a building or place, the principal purpose of which is the provision of food to people for consumption on the premises, whether or not takeaway meals are also provided and includes a restaurant, café, coffee shop and the like, but does not include a kiosk.

**relic** means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the local government area of Bega Valley and that is attached to or within the ground, or

- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of the local government area of Bega Valley.

**renovation**, in relation to a building or work, means:

- (a) the making of any structural changes to the outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair, plastering, or other decoration of, the outside of the building or work.

**research establishment** means a laboratory or other place where scientific or technological development is carried out.

**retail plant nursery** means a building or place used for the growing and wholesale or retail selling of plants, whether or not ancillary products are sold there.

**riding school** means land used for the renting, training, stabling and keeping of horses or the teaching of horse riding, whether or not horse riding takes place only within the land and whether or not for gain.

**roadside stall** means a building or place not exceeding 20 square metres in floor space or area, respectively, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

**rural industry** means the handling, treating, processing, packing, storage and sale of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

**sawmill** means a mill handling, cutting and processing timber from logs or baulks.

**service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products, whether or not the building or place is also used for any one or more of the following purposes:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration).

**serviced apartments** means a building containing 2 or more serviced dwellings used only for the overnight accommodation of travellers or longer term tourist accommodation.

**sex shop** means a shop in which articles primarily associated with sexual activities are sold.

**shop** means a building or place used for selling items, whether by retail or auction, for hiring items or for displaying items for the purpose of selling or hiring them out.

**showground** means land used to present organised agricultural exhibitions or cultural events to the public. It includes any incidental or ancillary buildings or works situated on the land.

**site area** means the area of land to which an application for consent under the Act relates, excluding any land upon which the development to which the application relates is not permitted by or under this plan.

**stable** means a building or place used or designed for use for the purpose of receiving, maintaining, boarding or keeping horses.

**stock and sale yard** means a building or place used for the purpose of offering animals for sale and includes a public cattle market.

**storey** means the space within a building between one floor level and the floor level next above or, if there is no floor level above, the ceiling or roof above, but does not include:

- (a) space used for car parking, laundries or storerooms, if the ceiling above the space is not more than 1.2 metre above natural ground level, or
- (b) attic space which is part of the dwelling immediately below and is incapable of being used as, or as part of, another dwelling, or
- (c) plant rooms.

**subdivision** has the same meaning as in the Act.

**technology centre** means a building or place used for telecommunications or information technology operations and includes a call centre, an internet service provider and the like.

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

**the corporation** has the same meaning as in the Act.

**the Council** means the Bega Valley Shire Council.

**the Department** has the same meaning as in the Act.

**the Director-General** means the Director-General of the Department.

**timberyard** means a place or building used for the storage, treatment and sale of timber products.

**transport depot** means a building or place used for the servicing, garaging and repair of any motor powered or motor drawn vehicle used in the connection with passenger or goods transport, business or industry.

**transport terminal** means any building or place used for the assembly and dispersal of passengers or goods.

**tourist accommodation** means a building or buildings used for the temporary accommodation of tourists, visitors or travellers which may have facilities for the convenience of patrons such as restaurants, conference facilities or recreation areas, and entertainment establishments.

**utility installation** means a building or work used by a public utility undertaking, but does not

include a building designed wholly or principally as administrative or business premises or as a showroom.

**utility undertaking** means any undertaking carried on by or by authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purpose of:

- (a) railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities, or
- (e) firefighting facilities, or
- (f) paramedical facilities.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery not being:

- (a) vehicle body building, or
- (b) panel beating which involves dismantling, or
- (c) spray painting other than of a touching-up character.

**veterinary establishment** means a building or a place used for the purpose of the medical or surgical treatment of animals, whether or not animals are kept on the premises for the purpose of treatment. It may also provide short-term accommodation for domestic pets.

**warehouse** means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in retail trade or industrial activity.

**waste** has the same meaning as in the *Protection of the Environment Operations Act 1997*. A substance is not precluded from being waste merely because it can be reprocessed, re-used or recycled.

**waste management facilities or works** means any premises used for the storage, treatment, reprocessing, recycling, sorting or the disposal of waste.

**zoning map** means the map marked “*Bega Valley Local Environmental Plan 2002—The Zoning Map*”, as amended by the maps or sheets of maps marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal or publication on the NSW legislation website. Information about the order of gazettal or publication can be determined by referring to the Historical notes at the end of the plan.

*Bega Valley Local Environmental Plan 2002 (Amendment No 1)—Sheet 1*

*Bega Valley Local Environmental Plan 2002 (Amendment No 2)—Sheets 1 and 2*

*Bega Valley Local Environmental Plan 2002 (Amendment No 4)*

*Bega Valley Local Environmental Plan 2002 (Amendment No 5)—Sheet 1*