

Eurobodalla Rural Local Environmental Plan 1987

[1987-592]



New South Wales

Status Information

Currency of version

Repealed version for 27 November 2015 to 10 October 2019 (accessed 28 September 2024 at 11:15)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

This plan was repealed by cl 1.8 (1) of the [Eurobodalla Local Environmental Plan 2012 \(333\)](#) (amended by [Eurobodalla Local Environmental Plan 2012 \(Amendment No 11\)](#)) with effect from 11.10.2019.

- **See also**

[Planning Legislation Amendment Bill 2019](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 11 October 2019

Eurobodalla Rural Local Environmental Plan 1987



New South Wales

Contents

Part 1 Preliminary	5
1 Name of plan	5
2 Aims	5
3 Objectives.....	6
4 Strategies	9
5 Land to which plan applies	10
6 (Repealed)	11
7 Adoption of Environmental Planning and Assessment Model Provisions 1980.....	11
8 Consent authority	11
9 Interpretation	11
Part 2 General restrictions on development of land	17
10 Zones indicated on the map.....	17
11 Zone objectives and development control table.....	18
Part 3 Special provisions	29
11A Exempt and complying development.....	29
12 Subdivision generally	29
13 Subdivision of land within Zone No 1 (a), 1 (a1), 7 (f1) or 7 (f2)	29
14 Dwelling-houses within Zone No 1 (a), 1 (a1) or 7 (f1).....	30
14A Alteration etc of dwelling-houses—Zones Nos 1 (a), 1 (a1), 1 (c) and 10.....	32
15 Rural workers' dwellings within Zone No 1 (a), 1 (a1) or 7 (f1)	32
16 Dual occupancy within Zone No 1 (a) or 7 (f1)	33

17 Subdivision of land within Zone No 1 (c)	33
18 Dwelling-houses within Zone No 1 (c)	34
19 Industries within Zone No 1 (a)	35
20 Exhibition homes	35
21 Recreation establishments and tourist recreation facilities within Zone No 1 (a), 1 (a1) or 1 (c)	35
22 Development within Zone No 6 (a)	36
22A Development in Zones Nos 7 (f1) and 7 (f2)	36
23 Development within Zone No 10	36
24 Development on major roads	37
25 Objectives.....	38
26 Protection of heritage items and heritage conservation areas	38
27 Advertised development.....	41
28 (Repealed)	41
28A Development affecting places or sites of known or potential Aboriginal heritage significance	41
28B Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance	41
28C Development in the vicinity of a heritage item	42
28D Conservation incentives.....	42
29 (Repealed)	43
29A Acquisition and development of land reserved for roads	43
30 Acquisition of reserved land	44
30A Development of certain land at North Batemans Bay	44
30B Development of certain land at Bingie	44
30C Development of certain land at Old South Coast Road, South Narooma	44
30D (Repealed).....	45
30E Development of certain land at Tilba	45
30F Development of certain land—Myamba Parade, Surfside	45
31 Certain development not affected by plan	45
32 Advertising of certain development applications.....	45
33 Temporary use of land	46
34 Suspension of certain laws	46
35 Development for certain additional purposes.....	46
36 Outdoor advertising.....	46

37 Classification and reclassification of public land.....	49
Schedule 1 Environmental heritage	50
Schedule 2	53
Schedule 3 Lots to which clause 14 (6) applies	53
Schedule 4 Development for certain additional purposes	54
Schedule 5 Classification and reclassification of public land	55

Eurobodalla Rural Local Environmental Plan 1987



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Eurobodalla Rural Local Environmental Plan 1987*.

2 Aims

- (1) The overall aim of this plan is to further the objects of the *Environmental Planning and Assessment Act 1979*, that is:
 - (a) to encourage:
 - (i) the proper management, development and conservation of natural and man-made resources, including agricultural land, natural areas, forests, minerals, water, cities, towns, and villages, for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment,
 - (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
 - (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

3 Objectives

(1) The general objectives of this plan are:

- (a) to encourage orderly and proper development within the Shire of Eurobodalla,
- (b) to identify zones where particular classes of development are most likely to be appropriate, having regard to the environmental characteristics of the area, servicing and access requirements and constraints, and the characteristics of the development,
- (c) to optimise the use of existing services and infrastructure and promote the efficient provision of any services and infrastructure in future in accordance with the intensity and type of development proposed for the area,
- (d) to ensure that provision is made for public amenities, public services and community facilities early in the process of development,
- (e) to ensure that no development on any land is likely to jeopardise the future orderly and economical development of the land or land in its vicinity,
- (f) to provide a broad, long-term framework of planning controls based on a strong emphasis on general, particular and zone specific statements of objectives and strategies in concert with development control plans giving expression to detailed planning provisions.

(2) The particular objectives of this plan are:

- (a) in relation to environmental protection:
 - (i) to protect coastal areas, estuaries, wetlands, rainforests and other environmentally sensitive areas from the effects of inappropriate use or development,
 - (ii) to promote the retention of trees and tree cover and to conserve as far as practicable the existing pattern of vegetation to maintain landscape quality and remaining natural ecosystems,
 - (iii) to conserve soil flora and fauna and significant natural features,
 - (iv) to provide for the existing and potential functions of water courses and floodways for domestic water supply, drainage, aquaculture, recreation and ecological purposes,
 - (v) to control development to the catchment areas of the Buckenbowra, Deua and Tuross Rivers and Deep and Dromedary Creeks to protect water quality for domestic purposes,
 - (vi) to maintain the overall scenic beauty of the rural areas of the Shire of

Eurobodalla and protect significant views from public roads, reserves and waterways,

(vii) to maintain air quality and avoid noise pollution, having regard to the nature and extent of the effects and the sensitivity of affected people or things,

(viii) to ensure that development or activity in one zone does not adversely affect environmentally sensitive land in adjacent zones,

(b) in relation to rural land management:

(i) to minimise risks to life and property from flooding, bushfires or geological hazard,

(ii) to protect and conserve agricultural land and to encourage continuing agricultural land use,

(iii) to provide for use and management of the Shire of Eurobodalla's extractive and forestry resources to meet community needs while minimising adverse environmental and social impacts,

(iv) to minimise the need for urban services and works in the non-urban area, including road works,

(v) to encourage community services and facilities for residents of non-urban areas to be located in existing villages and towns,

(c) in relation to heritage conservation—to conserve and enhance items, structures, and places of natural, historic, scientific or cultural significance, including Aboriginal relics and places,

(d) in relation to transport:

(i) to encourage the provision of a balanced transport system including safe and convenient facilities for pedestrians, cyclists, public transport users and road users generally,

(ii) to encourage the development of transportation networks and systems in a manner integrated with land use, including a hierarchy of roads to service varying transport functions,

(iii) to promote provision of roads in non-urban areas that are compatible with the nature and intensity of development and the character of the area,

(iv) to ensure that provision of roads supports and facilitates the desired pattern of development as indicated on the map,

(v) to ensure adequate reservation of land for roads and access in new

- developments,
- (vi) to minimise conflicts between the transport function of roads and the access needs of adjoining land,
 - (vii) to protect visual amenity for road users, and
 - (viii) to require adequate off-street parking to meet demand generated by redevelopment or new development,
- (e) in relation to recreation and tourism:
- (i) to promote the development of a range of recreational opportunities and facilities to meet the needs of various ages and interests at the neighbourhood, local and regional levels,
 - (ii) to provide for multiple use of public buildings and facilities,
 - (iii) to promote the provision of land for neighbourhood recreational use in or adjacent to residential areas and for local recreational use in reasonable proximity to residential areas,
 - (iv) to encourage tourist accommodation primarily in urban areas,
 - (v) to provide for tourist-related facilities and associated accommodation in non-urban areas where such facilities are related to and in harmony with the character of the area,
 - (vi) to protect the quality, accessibility and attractiveness of the Shire's natural recreational resources consistent with their environmental characteristics and sensitivity,
- (f) in relation to housing—to encourage a range of housing opportunities to meet the needs of the community for a choice of dwelling size, type, tenure, cost and location, where essential public services are available or can be provided efficiently and economically to the standard required by the nature of the development,
- (g) in relation to industry and commerce:
- (i) to encourage and facilitate commercial and industrial development primarily in urban areas, and
 - (ii) to accommodate in rural areas hazardous or offensive industries that cannot be accommodated in urban areas,
- (h) in relation to villages and towns—to encourage the development of existing towns and villages as centres of commercial activity, public facilities and indoor

recreation and entertainment, and

(i) generally:

- (i) to expand opportunities for public involvement and participation in environmental planning and assessment, and
- (ii) to minimise the need for amendments to planning controls.

4 Strategies

(1) The aims and objectives of this plan are to be achieved by the following strategies:

- (a) by generally applying land use controls and development standards in each zone or to a type or class of development,
- (b) by making development control plans regulating the carrying out of development permitted in any zone, so as to:
 - (i) restrict some or all development to a certain part of a zone, and
 - (ii) apply specific provisions, including development standards, to any part of a zone or to a type or class of development,
- (c) by preparing and adopting development control plans over all or part of land within Zone No 1 (c) and Zone No 10,
- (d) by making provisions in development control plans and conditions to development consent to further the objectives of this plan, including (but not exclusively) provisions or conditions:
 - (i) requiring sufficient set back of lot boundaries, buildings and other works from wetlands, streams, rivers, estuaries and the coast to prevent erosion, protect water quality and avoid flooding hazards,
 - (ii) requiring dedication to the public, or other suitable measures for permanent reservation from development, of land necessary to protect environmental quality or conserve natural or man-made heritage,
 - (iii) discouraging or restricting development on steep slopes, in remote areas or areas subject to bushfire hazards,
 - (iv) reserving land for public purposes, including schools, recreation, community uses, roads and drainage,
 - (v) controlling tree clearing and lopping,
 - (vi) regulating outdoor advertising,
 - (vii) setting standards for siting and visual impact of dwellings, roads, works and

- structures in rural areas,
- (viii) prohibiting permanent development over or adjacent to identified extractive resources,
 - (ix) ensuring development approval takes into account the need to provide essential public services,
 - (x) requiring an archaeological survey or similar precautions where Aboriginal relics are known or likely to be found,
 - (xi) preventing alienation of access to public recreational resources to the benefit of private individuals or exclusive groups, and
 - (xii) requiring that appropriate access and adequate amenities are provided for all groups within the community for new developments,
- (e) by minimising in this plan and in derivative development control plans the number of zones into which land is divided and the number of special provisions and definitions, and by broadening the meanings ascribed to those definitions, wherever possible,
- (f) by advertising development proposals where there is a possibility of significant impact on any individual, the environment or the general public,
- (g) by requiring full consideration of possible adverse environmental or social impacts in advance of development in accordance with provisions of the Act,
- (h) by providing sufficient flexibility in planning controls to accommodate development proposals in accordance with the objectives of this plan,
- (i) by requiring dedication of land, payment of monetary contribution or provision of a material public benefit or a combination of these as a condition of development consent where appropriate pursuant to section 94 of the Act.

5 Land to which plan applies

- (1) This plan applies to land situated in the Shire of Eurobodalla, as shown by distinctive colouring and edging on the map or shown on the map marked "*Eurobodalla Urban Local Environmental Plan 1999*" edged heavy black and identified by the letter "R".
- (2) This plan does not apply to land shown by distinctive edging on the maps marked as follows:

Eurobodalla Local Environmental Plan No 111—Sheet 1

Eurobodalla Local Environmental Plan No 120, Sheet 2

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 2) Fig A and Fig

B

- (3) To avoid doubt, this plan does not apply to or in respect of any thing on any part of land specified in Schedule 1 if that part of the land is not land to which this plan applies.

Note—

Some of the entries in Schedule 1 may comprise land that is partly under this plan and partly under [Eurobodalla Local Environmental Plan 2012](#).

6 (Repealed)

7 Adoption of [Environmental Planning and Assessment Model Provisions 1980](#)

For the purposes of this plan, the [Environmental Planning and Assessment Model Provisions 1980](#) are adopted, except for the definitions of **advertising structure**, **agriculture**, **arterial road**, **home industry**, **home occupations**, **junk yard**, **major road frontage**, **map**, **residential flat building**, and **tourist facilities** in clause 4 (1), and clauses 15, 17, 18, 19, 23, 24, 31 and 33.

8 Consent authority

The Council is the consent authority for the purposes of this plan.

9 Interpretation

- (1) In this plan:

adjacent land includes land which, but for the presence of a road or waterway, would adjoin other land.

agriculture means:

- (a) cultivating fruit, vegetable or other food, fibre or flower crops for commercial purposes, or
- (b) keeping or breeding livestock, bees or poultry or other birds for commercial food or leather production, or
- (c) cultivating plants in a wholesale nursery for commercial purposes,

but does not include aquaculture.

airport means a place used for the storage, landing, takeoff and servicing of aircraft and related passenger and freight transfer and storage facilities.

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

aquaculture means the commercial cultivation of the resources of the sea, estuarine or fresh waters for the propagation or rearing of marine, estuarine or freshwater fish

or plants or other organisms.

archaeological site means the site of one or more relics.

arterial road means any existing road indicated on the map by a continuous red line between firm black lines.

bed and breakfast establishment means a lawfully erected dwelling-house that is used (in addition to its use as a principal place of residence) for the provision of temporary accommodation for not more than 6 tourists or travellers at any one time in not more than 3 bedrooms.

community centre means a building or place used for provision of services for the physical, social, cultural, economic or intellectual welfare of the community by a body of persons associated for such purposes or by a public authority, but does not include a club registered under the [Registered Clubs Act 1976](#).

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

Council means the Council of the Shire of Eurobodalla.

demolish a heritage item, or a building, work, archaeological site, tree or place within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, archaeological site, tree or place.

demolition, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of that building or work in whole or in part.

depot means a building or place used for the principal purpose of storage of any plant, machinery, motor vehicles or stock of materials or spare parts used in the course of any one business or industrial or public utility undertaking, but does not include any part of the building or place used for sales by retail, wholesale or otherwise.

dual occupancy means the use of a single allotment or portion of land for a maximum of 2 dwellings or 2 dwelling-houses.

heritage conservation area means an area of land that is shown edged with blue broken lines on the map and includes buildings, works, archaeological sites, trees and places situated on or within the land.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation

area, or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site or place described in Schedule 1.

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

home business means a business (other than a bed and breakfast establishment) carried out in a dwelling or dwelling-house or in an ancillary building on the same lot, but only if:

- (a) the business is undertaken by the permanent residents of the dwelling or dwelling-house, and
- (b) not more than one non-resident employee is employed on the premises at any one time, and
- (c) only goods or products manufactured on the premises are sold on the premises directly to the public, and
- (d) the use does not interfere with the amenity of adjoining properties or the locality 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.

junk yard means land used:

- (a) for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods, or
- (b) for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of any parts of such automobiles, vehicles or machinery,

but does not include a waste collection centre or waste management facility.

land clearing means the destruction or removal of any native plant other than a noxious weed.

maintenance means the ongoing protective care of a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of

contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

potential archaeological site means a site:

- (a) that is specified in Schedule 1 and described in that Schedule as a potential archaeological site, or
- (b) that, in the opinion of the consent authority, has the potential to be an archaeological site, even if it is not so specified.

potential place of Aboriginal heritage significance means a place:

- (a) that is specified in an inventory of heritage items available at the office of the Council and described in the inventory as a potential place of Aboriginal heritage significance, or
- (b) that, in the opinion of the consent authority, has the potential to have Aboriginal heritage significance, even if it is not so specified.

racecourse means a place used for sporting activities involving animals or motor vehicles and associated training and servicing facilities, whether or not the place is also used for a club.

recreation area means:

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities,
- (c) an area used by the Council or other public authority to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include racecourses or showgrounds.

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 Eurobodalla Shire and that is a fixture or is wholly or partly 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 Eurobodalla Shire.

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

- (a) the making of structural changes to the inside or 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 or the painting, plastering or other decoration of the outside of the building or work.

residential flat building means a building containing 2 or more dwellings, but does not include a building containing 2 dwellings on land used for the purpose of dual occupancy.

showground means a place used for shows, exhibitions or public entertainment of a temporary duration, whether or not of a commercial nature.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network,

but does not include facilities listed in the Schedule to the [Telecommunications \(Low Impact Facilities\) Determination 1997](#) of the Commonwealth, a copy of which is held at the office of the Council.

the map means the series of maps marked “Eurobodalla Rural Local Environmental Plan 1987” deposited in the office of the Council, as amended by the 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.

Eurobodalla Local Environmental Plan No 79, Sheet 1

Eurobodalla Local Environmental Plan No 111—Sheet 2

Eurobodalla Local Environmental Plan No 120, Sheet 2

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 1)

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 2) Fig C

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 6)

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 7)

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 9)

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 10)

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 17)

Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 19)

Eurobodalla Urban Local Environmental Plan 1999

tourist accommodation means tents, caravans, vehicles or a building or buildings used or intended to be used for the provision of temporary accommodation for tourists or travellers, and includes dwellings or dwelling-houses which are used or intended to be used only for temporary accommodation of tourists or travellers, but does not include a bed and breakfast establishment.

tourist recreation facilities means an establishment providing tourist accommodation or recreational opportunities, or both, and includes any associated facilities such as shops or other services primarily intended to serve the needs of tourists and holidaymakers.

veterinary establishment means a building or place used for diagnosis and surgical or medical treatment of animals, whether or not animals are kept on the premises for the purposes of treatment.

waste collection centre means land used for the collection and temporary storage of waste materials up to a maximum of 40 cubic metres pending distribution of the collected materials for either recycling or disposal at a site approved by the Council.

waste management facility means a place used by or on behalf of a public authority to store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste, but does not include a waste collection centre or junk yard.

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose,
- (b) a reference to a map is a reference to a map deposited in the office of the Council, and

(c) a reference to land within a zone specified in clause 10 is a reference to land shown on the map in the manner indicated in the Table to clause 11.

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

Part 2 General restrictions on development of land

10 Zones indicated on the map

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone:

Zone No 1 (a) (Rural (Environmental Constraints and Agricultural) Zone)—coloured light brown or shown on the map marked “*Eurobodalla Urban Local Environmental Plan 1999*” edged heavy black and lettered “R1a”

Zone No 1 (a1) (Rural (Environmental Constraints, Water Catchment Protection and Agricultural) Zone)— shown on the map marked “*Eurobodalla Urban Local Environmental Plan 1999*” edged heavy black and lettered “R1a1”

Zone No 1 (c) (Rural Small Holdings Zone)—coloured light brown with red edging and lettered “1 (c)” or shown on the map marked “*Eurobodalla Urban Local Environmental Plan 1999*” edged heavy black and lettered “R1c”

Zone No 5 (c) (Proposed Arterial Road Zone)—broken red band edged with broken black lines

Zone No 5 (f) (Existing Arterial Road Zone)—shown by a continuous red line between firm black lines

Zone No 6 (a) (Public Open Space Zone)—coloured dark green or shown on the map marked “*Eurobodalla Urban Local Environmental Plan 1999*” edged heavy black and lettered “R6a”

Zone No 7 (a) (Environment Protection (Wetlands) Zone)—coloured orange and lettered “7 (a)” or shown on the map marked “*Eurobodalla Urban Local Environmental Plan 1999*” edged heavy black and lettered “R7a”

Zone No 7 (f1) (Environment Protection (Coastal Lands Protection) Zone)—coloured orange, with red edging and lettered “7 (f1)” or shown on the map marked “*Eurobodalla Urban Local Environmental Plan 1999*” edged heavy black and lettered “R7f1”

Zone No 7 (f2) (Environment Protection (Coastal Lands Acquisition) Zone)—coloured orange, with red edging and lettered “7 (f2)” or shown on the map marked “*Eurobodalla Urban Local Environmental Plan 1999*” edged heavy black and lettered “R7f2”

Zone No 8 (National Parks and Nature Reserves Zone)—uncoloured with dark green edging and lettered “8” or shown on the map marked “Eurobodalla Urban Local Environmental Plan 1999” edged heavy black and lettered “R8”

Zone No 10 (Urban Expansion Zone)—uncoloured with red edging and red hatching or shown on the map marked “Eurobodalla Urban Local Environmental Plan 1999” edged heavy black and lettered “R10”

11 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the headings “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
 - (a) development may be carried out without consent,
 - (b) development may be carried out only with consent, and
 - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively.
- (3) Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

Zone No 1 (a) (Rural Environmental Constraints and Agricultural Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to permanently maintain as rural, land:
 - (i) having proven or potential agricultural productivity,
 - (ii) at risk from bushfire or flooding,
 - (iii) remote from existing settlements,
 - (iv) for which it is uneconomical to provide public facilities and essential services,
 - (v) characterised by steep slopes or other environmental constraints, or

- (vi) having significant scenic, habitat or other natural or cultural conservation value,
- (b) on or in relation to land which has proven or potential agricultural productivity:
 - (i) to prevent subdivision of land holdings into parcels unsuitable in size or shape for sustained agricultural production,
 - (ii) to limit the erection of dwellings to the minimum necessary to maintain or enhance the long term agricultural viability of the land, and
 - (iii) to minimise the erection of structures and establishment of permitted non-agricultural uses on better quality agricultural land,
- (c) to permit recreational or tourist facilities only where such facilities are related to and compatible with the natural characteristics or rural activity of the zone,
- (d) to minimise development on land which has significant environmental constraints or hazards and ensure that any development in these areas makes adequate provision for maintaining environmental quality,
- (e) to ensure that subdivision of land in the zone occurs only where it is necessary to maintain or increase agricultural production or to allow the conduct of any use permitted in this zone other than dwelling-houses, dual occupancy or rural workers' dwellings,
- (f) to permit a variety of uses where these are compatible with rural activity and the capability of the land, or require a location remote from urban areas or villages, or both, and
- (g) to permit the provision, expansion or maintenance of utility services within this zone.

2 Without development consent

Agriculture (other than animal boarding, breeding or training establishments, building structures ancillary to agriculture, feed lot establishments, activities involving land clearing, pig keeping establishments and poultry farming establishments); forestry (only on Crown timber land as defined in the [Forestry Act 1916](#)).

3 Only with development consent

Agriculture (other than as permitted without consent); airline terminals; airports; aquaculture; bed and breakfast establishments; bulk stores; bus depots; child care centres; community centres; clubs ancillary to recreation areas or recreation establishments or tourist recreation facilities; depots; drainage; dual occupancy and dwelling-houses (other than as permitted without consent); educational establishments; extractive industries; forestry (other than as permitted without consent); general stores; helipads; heliports; home businesses; hospitals; industries; institutions; junk yards; land clearing; liquid fuel depots; mines; places of assembly; places of public worship; professional consulting rooms; public utility undertakings; racecourses; recreation areas; recreation establishments; recreation facilities ancillary to recreation establishments or tourist recreation facilities; retail plant nurseries; roads; road transport terminals; roadside stalls; rural industries; rural workers' dwellings; sawmills; showgrounds; stock and sale yards; stock transport terminals; telecommunications facilities; timber yards; tourist recreation facilities; utility installations; veterinary establishments; waste collection centres.

4 Prohibited

Any purpose other than a purpose permitted without development consent or a purpose which is permitted only with development consent.

Zone No 1 (a1) (Rural (Environmental Constraints, Water Catchment Protection and Agricultural) Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to permanently maintain as rural, land:
 - (i) having proven or potential agricultural productivity,
 - (ii) at risk from bushfire or flooding,
 - (iii) remote from existing settlements,
 - (iv) for which it is uneconomical to provide public facilities and essential services,
 - (v) having significant scenic, habitat or other natural or cultural

conservation value, and

- (vi) in water supply catchments significant to the local government area of Eurobodalla,
- (b) to protect water quality by limiting and controlling development in the catchment, in particular:
- (i) by limiting the erection of dwelling-houses, dual occupancies and multiple occupancies, especially in areas of scenic or conservation value,
 - (ii) by ensuring that subdivision of land in the zone occurs only where it is necessary to maintain or increase agricultural production or necessary to allow the conduct of any use permitted in the zone other than dwelling-houses, dual occupancy or rural workers' dwellings,
 - (iii) by encouraging consolidation of existing lots where possible,
 - (iv) by encouraging agricultural uses of low intensity and with a low potential to create pollution,
 - (v) by permitting recreation or tourist facilities only where such facilities are related to an compatible with the natural characteristics or rural activity of the zone, and will not adversely affect water quality,
 - (vi) by minimising construction or use of access roads and tracks across creeks, rivers and gullies, and requiring sediment and erosion controls where such crossings are essential, and
 - (vii) by limiting river gravel extraction activities to the lower catchment area, and
- (c) to ensure new development in the zone is compatible with the character of the area in which it is proposed, having regard to nearby development and to the existing landscape, particularly in areas of scenic and conservation value.

2 Without development consent

Agriculture (other than animal boarding, breeding or training establishments, building structures ancillary to agriculture, feed lot establishments, activities involving land clearing, pig keeping establishments and poultry farming establishments); forestry (only on Crown timber land as defined in the

Forestry Act 1916); utility installations.

3 Only with development consent

Advertising structures; agriculture (other than as permitted without development consent); bed and breakfast establishments; child care centres; community centres; drainage; dwelling-houses; educational establishments; extractive industries; forestry (other than as permitted without development consent); general stores; helipads; home businesses; land clearing; mines; places of assembly; places of public worship; public utility undertakings; recreation areas; recreation establishments; recreation facilities ancillary to recreation establishments or tourist recreation facilities; retail plant nurseries; roads; roadside stalls; rural industries; rural workers' dwellings; sawmills; telecommunications facilities; tourist recreation facilities; veterinary establishments.

4 Prohibited

Any purpose other than a purpose permitted without development consent or a purpose which is permitted only with development consent.

Zone No 1 (c) (Rural Small Holdings Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to provide opportunities for small scale agricultural activity,
- (b) to provide residential opportunities while retaining the scenic quality and overall character of the land and the environmental quality of any adjoining waterways, wetlands, rainforest or other environmentally sensitive areas,
- (c) to ensure that environmental impacts of development and the impact of development on land or activity in surrounding zones are fully considered in advance of any significant development,
- (d) to ensure that development is compatible in scale and density with the level of essential public services and facilities to be provided,
- (e) to permit a variety of uses where these are compatible with small scale rural activity or require a location outside urban areas or villages, and
- (f) to permit the provision, expansion or maintenance of utility services

within this zone.

2 Without development consent

Agriculture (other than animal boarding, breeding or training establishments, building structures ancillary to agriculture, feed lot establishments, activities involving land clearing, pig keeping establishments or poultry farming establishments); forestry (only on Crown timber land as defined in the [Forestry Act 1916](#)).

3 Only with development consent

Any purpose other than a purpose permitted without development consent or a purpose which is prohibited.

4 Prohibited

Boarding-houses; bulk stores; car repair stations; commercial premises; hotels; industries (other than extractive industries or rural industries); junk yards; liquid fuel depots; motor showrooms; residential flat buildings; service stations; shops (other than general stores); tourist accommodation (other than in conjunction with a recreation establishment or tourist recreation facilities); warehouses; waste management facilities.

Zone No 5 (c) (Proposed Arterial Road Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify land which is proposed for future development as arterial road by a State or local government authority, and
- (b) to prevent development of the land which would hinder future acquisition and construction of arterial roads.

2 Without development consent

Nil.

3 Only with development consent

Any purpose.

4 Prohibited

Nil.

Zone No 5 (f) (Existing Arterial Road Zone)

1 Objectives of zone

The objective of this zone is to identify land which is developed as an arterial road.

2 Without development consent

Drainage; public utility undertakings; roads; utility installations.

3 Only with development consent

Any purpose other than a purpose permitted without development consent.

4 Prohibited

Nil.

Zone No 6 (a) (Public Open Space Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify land which is owned by the Council or the Crown and which has been set aside for use by the public as open space or land in private ownership which is to be acquired by the Council for public open space,
- (b) to permit a range of uses on land within this zone normally associated with public recreation, and
- (c) to ensure that a range of recreational opportunities is provided that is compatible with the natural environment.

2 Without development consent

Maintenance works for the purpose of gardening, landscaping or bushfire hazard control.

3 Only with development consent

Buildings for the purposes of landscaping, gardening or bushfire hazard

control; drainage; public utility undertakings; recreation areas; roads; telecommunications facilities.

4 Prohibited

Any purpose other than a purpose permitted without development consent or a purpose permitted only with development consent.

Zone No 7 (a) (Environment Protection (Wetlands) Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to protect freshwater and estuarine wetlands and enable them to continue to function as breeding and feeding areas for birdlife, fish and shellfish,
- (b) to ensure the ecological, scenic and environmental attributes of functioning wetlands are not altered,
- (c) to encourage and promote rehabilitation of previously disturbed wetlands, and
- (d) to contribute to the implementation of *State Environmental Planning Policy No 14—Coastal Wetlands*.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; public utility undertakings; recreation areas; roads; telecommunications facilities; utility installations.

4 Prohibited

Any purpose other than a purpose permitted without development consent or a purpose permitted only with development consent.

Zone No 7 (f1) (Environment Protection (Coastal Lands Protection) Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify land nominated by the Coastal Council of N.S.W. for preservation under the Coastal Lands Protection Scheme,
- (b) to prevent subdivision of land holdings into parcels unsuitable in size or shape for sustained agricultural production,
- (c) to limit the erection of dwellings to the minimum necessary to maintain or enhance the long term agricultural viability of the land, and
- (d) to minimise development on land which has significant environmental constraints or hazards and ensure that any development in these areas makes adequate provision for maintaining environmental quality.

2 Without development consent

Agriculture (other than animal boarding, breeding or training establishments, building structures ancillary to agriculture, feed lot establishments, activities involving land clearing, pig keeping establishments, poultry farming establishments or the erection of non-habitable buildings).

3 Only with development consent

Agriculture (other than as permitted without consent); aquaculture; bed and breakfast establishments; drainage; dual occupancy; dwelling-houses; forestry; home businesses; land clearing; public utility undertakings; recreation areas; roads; rural workers' dwellings; telecommunications facilities; utility installations.

4 Prohibited

Any purpose other than a purpose permitted without development consent or a purpose which is permitted only with consent.

Zone No 7 (f2) (Environment Protection (Coastal Lands Acquisition) Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify and maintain as rural (pending acquisition) land nominated by the Coastal Council of New South Wales for acquisition under the Coastal Lands Protection Scheme, and
- (b) to allow rural use of the land compatible with its proposed future

acquisition.

2 Without development consent

Agriculture (other than animal boarding, breeding or training establishments, building structures ancillary to agriculture, feed lot establishments, activities involving land clearing, pig keeping establishments, poultry farming establishments or the erection of non-habitable buildings).

3 Only with development consent

Agriculture (other than as permitted without consent); aquaculture; drainage; home businesses; land clearing; public utility undertakings; recreation areas; roads; telecommunications facilities; utility installations.

4 Prohibited

Any purpose other than a purpose permitted without development consent or a purpose which is permitted only with development consent.

Zone No 8 (National Parks and Nature Reserves Zone)

1 Objectives of zone

The objective of this zone is to identify those lands included in national parks, nature reserves, Aboriginal areas and state recreation areas as advised by the Director of National Parks and Wildlife.

2 Without development consent

Any purpose authorised by or under the [National Parks and Wildlife Act 1974](#) and any purpose ancillary or incidental to such purpose.

3 Only with development consent

Telecommunications facilities.

4 Prohibited

Any purpose other than a purpose permitted without development consent.

Zone No 10 (Urban Expansion Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify areas within which urban development may be accommodated,
- (b) to ensure that consideration is given by the Council to:
 - (i) the impact of urban development on the physical environment,
 - (ii) the social and economic impact of urban development,
 - (iii) the range and pattern of land uses appropriate to the land,
 - (iv) the limits of urban development within the urban expansion zone in view of the fact that urban development will not necessarily proceed over all of the land within this zone, and
 - (v) the extent, range and capacity of services to be provided to the land and the economic, social and environmental cost of providing those services,
- (c) to ensure that adequate services and community facilities are provided with development especially but not exclusively within residential areas within this zone,
- (d) to ensure that no development is permitted within this zone which would, in the view of the Council, jeopardise the future use of any of the land within this zone for urban purposes, and
- (e) to ensure that sensitive environmental features, including wetlands, archaeological sites and areas of high scenic or scientific value, are identified and permanently conserved.

2 Without development consent

Agriculture (other than animal boarding, breeding or training establishments, building structures ancillary to agriculture, feed lot establishments, activities involving land clearing, pig keeping establishments and poultry farming establishments).

3 Only with development consent

Any purpose other than a purpose permitted without development consent.

4 Prohibited

Nil.

Part 3 Special provisions

11A Exempt and complying development

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001, is **exempt development**, despite any other provisions of this plan.
- (2) Development listed as complying development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001, is **complying development** if:
 - (a) it is local development of a kind that can be carried out with consent on the land on 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 the development standards and other requirements applied to the development by *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan—Exempt and Complying Development*, as in force when the certificate is issued.

12 Subdivision generally

The land to which this plan applies shall not be subdivided, except with the consent of the Council.

13 Subdivision of land within Zone No 1 (a), 1 (a1), 7 (f1) or 7 (f2)

- (1) This clause applies to land within Zone No 1 (a), 1 (a1), 7 (f1) or 7 (f2).
- (2) (Repealed)
- (3) If, on an allotment or portion of land to which this clause applies:
 - (a) more than one dwelling is or is proposed to be erected, the separate occupation of the several lots illustrated by a proposed strata plan (within the [Strata Titles Act 1973](#)), relating to the dwellings is prohibited,
 - (b) more than one dwelling-house is or is proposed to be erected, the allotment or portion shall not be subdivided if each dwelling-house will be located on a separate allotment created by the subdivision.
- (4) Subclause (3) does not apply to an existing parcel from which it is proposed to create

an allotment upon which a dwelling-house may be erected pursuant to clause 14 (4).

- (5) Subclause (3) and clause 16 (5) do not apply to an existing parcel on which more than one dwelling or dwelling-house is erected where:
- (a) the existing parcel has an area of more than 20 hectares,
 - (b) it is proposed to create from the existing parcel one allotment having an area of not less than 1,000 square metres and not more than one hectare upon which a dwelling is erected, and
 - (c) the Council is satisfied that the land is in agricultural use and the subdivision will not adversely affect the continued agricultural use of the land.
- (6) One and only one allotment referred to in subclause (5) (b) may be created in respect of the existing parcel referred to in that subclause.
- (7) In this clause, **existing parcel** means the total area of a parcel of adjoining or adjacent land:
- (a) that was owned by the same person or persons on 9 August 1963, and
 - (b) that is still owned by the same person or persons whether or not being the person or persons referred to in paragraph (a),
- and includes any such parcel of land to which additional adjoining or adjacent land has been added since 9 August 1963.

14 Dwelling-houses within Zone No 1 (a), 1 (a1) or 7 (f1)

- (1) This clause applies to land within Zone No 1 (a), 1 (a1) or 7 (f1).
- (2) A dwelling-house shall not be erected on land to which this clause applies, except with the consent of the Council given in accordance with this clause.
- (3) The Council may consent to the erection of a dwelling-house on land within Zone No 1 (a) or 7 (f1) that is an existing parcel and on which no other dwelling-house is erected.
- (4) The Council may consent to the erection of a dwelling-house on land within Zone No 1 (a) or 7 (f1) that comprises an allotment (not being a Parish portion):
 - (a) on which no other dwelling-house is erected,
 - (b) that has an area of not less than 1 000 square metres and not more than one hectare,
 - (c) which was, immediately before the creation of the allotment (not being an allotment referred to in subclause (6)) part of an existing parcel having an area of more than 20 hectares, and

(d) that is owned by the same person or persons who own the remainder of the land contained in the existing parcel referred to in paragraph (c),

if the Council is satisfied that the dwelling-house is intended to be occupied by the owner or a relative of the owner of the land and that the erection of the dwelling-house will not adversely affect the continued agricultural use of the remainder of the land contained in the existing parcel.

- (5) One and only one dwelling-house or dual occupancy may be consented to under subclause (4) in respect of the existing parcel referred to in paragraph (c) of that subclause.
- (6) Subject to subclause (8), the Council may consent to the erection of a dwelling-house on any land to which this clause applies which comprises an allotment on which no other dwelling-house is erected and which was created in a subdivision approved by the Council under *Interim Development Order No 1—Shire of Eurobodalla*, clause 11 of *Interim Development Order No 2—Shire of Eurobodalla*, or clause 32 (1) (a), (5) or (6), of *Interim Development Order No 3—Shire of Eurobodalla*, or which is described in Schedule 3 (subject to any conditions specified in that Schedule in relation to the land concerned).
- (7) Nothing in this plan prevents the Council from consenting to the erection of a dwelling-house on a holding of land to which this clause applies:
- (a) which has an area of not less than 40 hectares,
 - (b) on which no other dwelling-house is erected, and
 - (c) for which documentary evidence is produced to the satisfaction of the Council that the holding of land the subject of any development application is a holding within the meaning of this clause.
- (7A) The Council may consent to the erection of a dwelling-house on land within Zone No 1 (a1) on which no other dwelling-house is erected, being land shown on the map as “Land to which clause 14 (7A) of *Eurobodalla Rural Local Environmental Plan 1987* applies”.
- (8) Subclause (6) does not apply to land known as Portions 4, 5, 13, 39, 53, 54, 55, 57, 104 Parish of Buckenbowra, Portions 1, 3, 4, 5, 7, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 31, 32 Parish of Mullenderee and Lots 1 and 3 DP 221341, and Lots 115, 116 DP 704689 and Lots 1 to 12 DP 777171, and Lots 45, 46 DP 777170 and various closed roads within the Parishes of Buckenbowra and Mullenderee, located in the Buckenbowra Valley.
- (9) Nothing in this plan prevents the Council from consenting to the erection of a dwelling-house on land on which a lawfully erected dwelling-house exists, where the new dwelling-house is to replace the existing dwelling-house (whether or not in the

same location), and on occupation of the new dwelling-house, the original dwelling-house is to be demolished or rendered permanently incapable of human occupation.

(10) In this clause:

holding means the total area of any adjoining or adjacent land held in the same ownership on 11 December 1987.

existing parcel means the total area of a parcel of adjoining or adjacent land:

- (a) that was owned by the same person or persons on 9 August 1963, and
- (b) that is still owned by the same person or persons whether or not being the person or persons referred to in paragraph (a),

and includes any such parcel of land to which additional adjoining or adjacent land has been added since 9 August 1963.

(11) The Council may consent to the erection of a dwelling-house pursuant to subclause (3), (4), (6) or (7) notwithstanding:

- (a) an adjustment of the boundaries between the land and adjoining land where no additional lot is created, or
- (b) a reduction of the area of the land by subdivision creating or widening a public road or public reserve or for another public purpose where, in the opinion of the Council, there will be no increase in the number of dwelling-houses likely to be erected after the subdivision.

14A Alteration etc of dwelling-houses—Zones Nos 1 (a), 1 (a1), 1 (c) and 10

Despite clause 11, the making of alterations or additions to a dwelling-house in Zone No 1 (a), 1 (a1), 1 (c) or 10 is permitted with development consent.

15 Rural workers' dwellings within Zone No 1 (a), 1 (a1) or 7 (f1)

- (1) This clause applies to land within Zone No 1 (a), 1 (a1) or 7 (f1).
- (2) A rural worker's dwelling shall not be erected on land to which this clause applies, except with the consent of the Council given in accordance with this clause.
- (3) The Council may consent to the erection of one and only one rural worker's dwelling on any land in addition to existing dual occupancy dwellings if:
 - (a) the Council is satisfied that the rural worker's dwelling is to be used to accommodate a person or persons employed or engaged in agriculture or forestry on the land and the employment of such a person or persons is necessary in the opinion of the Council to maintain or enhance the long term agricultural viability of the land, and

- (b) the rural worker's dwelling is sited on the same portion or the same allotment as the existing dwelling-houses or dwellings, and
- (c) the Council is satisfied that one or both of the existing dwelling-houses or dwellings is used, or is to be used, to accommodate a person or persons employed or engaged in agriculture or forestry on the land.

16 Dual occupancy within Zone No 1 (a) or 7 (f1)

- (1) This clause applies to land within Zone No 1 (a) or 7 (f1).
- (2) The Council may consent to the alteration of or addition to a lawfully erected dwelling-house on land to which this plan applies for the purposes of a dual occupancy.
- (3) Where one lawfully erected dwelling-house exists on an allotment or portion of land to which this plan applies, the Council may consent to the erection of a second dwelling-house for the purposes of a dual occupancy notwithstanding clause 14.
- (4) Where the Council may consent to the erection of a dwelling-house pursuant to clause 14 on land to which this plan applies, the Council may consent to the erection of 2 dwellings or dwelling-houses for the purposes of a dual occupancy, notwithstanding clause 14.
- (5) Where, in accordance with this clause, 2 dwellings are erected or proposed to be erected or a dwelling-house is altered or added to or is proposed to be altered or added to on land in respect of which a residential flat building is prohibited, the separate occupation of the several lots illustrated by a proposed strata plan (within the meaning of the [Strata Titles Act 1973](#)) relating to the dwelling-house as so altered or added to or the 2 dwellings is prohibited.

17 Subdivision of land within Zone No 1 (c)

- (1) This clause applies to land within Zone No 1 (c).
- (2) Before determining a development application for the subdivision of land to which this clause applies, the Council shall examine:
 - (a) the consequences of carrying out that development on the pattern of land use within the zone,
 - (b) the topography of the land with regard to:
 - (i) the siting of dwelling-houses, and
 - (ii) the relationship of those dwelling-houses to one another and the topography of the land,
 - (c) the risk of bushfires,

- (d) the risk of flooding, and
 - (e) the likely impact of the proposed development on any wetland, waterway, forest or significant natural or cultural environmental feature or values.
- (3) The Council shall not consent to the subdivision of land to which this clause applies unless it is satisfied that each lot to be created by the subdivision will have an adequate area, having regard to:
- (a) the means available to provide water reticulation, and if unavailable, the capacity of the land to provide an adequate domestic water supply, including a firefighting capacity,
 - (b) the ability of the land to accommodate septic disposal of household waste,
 - (c) the standard and capacity of public roads serving the land relative to the likely volume of traffic to be generated as a consequence of development within the subdivision, and the means available to improve roads to a standard appropriate to the level of traffic likely to be generated,
 - (d) the availability of other utility services and social services relative to the likely demand for those services and the cost of their provision,
 - (e) the nature and topography of the land as related to the density of subdivision,
 - (f) the desirability of maintaining a low density of development in the primary catchments of wetlands or other areas where intensive subdivision may create a significant risk of soil erosion or pollution of the environment,
 - (g) the desirability of providing a range and mix of allotment sizes,
 - (h) the need to maintain a semi-rural character in the area,
 - (i) the purpose for which the land is proposed to be used after subdivision, and
 - (j) any other matter identified by the Council consistent with the objectives of this plan.

18 Dwelling-houses within Zone No 1 (c)

- (1) This clause applies to land within Zone No 1 (c).
- (2) A dwelling-house shall not be erected on land to which this clause applies, except with the consent of the Council given in accordance with this clause.
- (3) The Council may consent to the erection of one or more dwelling-houses on land to which this clause applies which comprises an allotment or portion.
- (4) When considering any application for the erection of a dwelling-house on land to

which this clause applies, the Council shall consider the consequences of carrying out that development on the pattern of land use within the zone.

- (5) The Council shall not consent to the erection of more than one dwelling-house on an allotment or portion pursuant to subclause (3) unless it has examined the matter set out in clause 17 (2).

19 Industries within Zone No 1 (a)

- (1) This clause applies to land within Zone No 1 (a).
- (2) Development shall not be carried out on land to which this clause applies for the purpose of any offensive or hazardous industry (not being a rural industry), except with the consent of the Council given in accordance with this clause.
- (3) The Council shall not consent to the carrying out of development on land to which this clause applies for the purpose of an offensive or hazardous industry unless it is of the opinion that:
 - (a) the industry is incapable of being rendered sufficiently safe or inoffensive for location in any other zone (including a zone within the meaning of any other environmental planning instrument relating to land within the Shire of Eurobodalla), and
 - (b) the industry will be adequately separated from development on adjoining or adjacent land.

20 Exhibition homes

- (1) The Council may consent to the use of any lawfully erected dwelling-house for the purpose of a display or exhibition home subject to any conditions it thinks fit notwithstanding any other provisions of this plan.

21 Recreation establishments and tourist recreation facilities within Zone No 1 (a), 1 (a1) or 1 (c)

- (1) This clause applies to land within Zone No 1 (a), 1 (a1) or 1 (c).
- (2) A person shall not carry out development on land to which this clause applies for the purposes of a recreation establishment or tourist recreation facilities, except with the consent of the Council given in accordance with this clause.
- (3) The Council may consent to development for the purposes of a recreation establishment or tourist recreation facilities on land to which this clause applies if the Council is satisfied that:
 - (a) except for reasonable accommodation for the manager and employees of the establishment or facilities, any proposed accommodation is for the use of tourists, and

- (b) any proposed accommodation is integrated with and ancillary to the recreational purpose of the proposed establishment or facilities, and
- (c) the proposed development is not likely to adversely affect the scenic and ecological significance of the environment, particularly the water quality or the native vegetation of the surrounding area.

(4), (5) (Repealed)

22 Development within Zone No 6 (a)

- (1) This clause applies to land within Zone No 6 (a).
- (2) The Council shall not consent to development on land to which this clause applies unless it has considered:
 - (a) the need for the proposed development on the land,
 - (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.

22A Development in Zones Nos 7 (f1) and 7 (f2)

- (1) This clause applies to land within Zone No 7 (f1) or 7 (f2).
- (2) (Repealed)
- (3) In considering whether to grant consent to development on land to which this clause applies, the Council must take into consideration:
 - (a) the extent to which the development would result in the degradation of, or restriction of access to, coastal recreation areas,
 - (b) the extent to which the development would adversely affect the scenic qualities of the coastal landscape, and
 - (c) in the case of land within Zone No 7 (f2), the imminence of acquisition of the land under the Coastal Lands Protection Scheme, and
 - (d) the potential impacts of climate change including sea level rise.

23 Development within Zone No 10

- (1) This clause applies to land within Zone No 10.
- (2) Before determining an application for development on land to which this clause applies, the Council shall consider the consequences of carrying out that development on the pattern of land use within the zone.

- (3) Any development application for consent to subdivision of land to which this clause applies shall be accompanied by a statement relating to the likely impact of that development on the environment and any steps proposed to be taken to mitigate any likely adverse environmental impact, with particular emphasis on the following matters:
- (a) the relationship of the development to the pattern of land use of the surrounding land,
 - (b) proposed arrangements for the provision of sewerage and water supply to the land,
 - (c) the nature and topography of the land,
 - (d) the social and economic effects of the development, particularly with regard to the cost of the provision of services,
 - (e) the likely impact on local and major roads of traffic likely to be generated by the development,
 - (f) an assessment of the likely bushfire and flooding risks and any other risk likely to be encountered on the land.

24 Development on major roads

- (1) In this clause:

major road means any main road or arterial road or any other road which in the opinion of the Council carries or is likely to carry a significant volume of vehicular traffic.

- (2) This clause applies to land:

- (a) having a frontage to a major road,
- (b) which relies on a major road for sole direct means of access, or
- (c) which has direct access to another road at a point less than 90 metres from the road's junction with a major road.

- (3) The Council shall not consent to development on land to which this clause applies unless it is satisfied that:

- (a) the development, by its nature, intensity or the volume and type of traffic likely to be generated, is unlikely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the major road,
- (b) the development is of a type, whether or not related to the characteristics of the land on which it is proposed to be carried out, that justifies a location in proximity

to a major road,

- (c) the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on the major road are not impeded,
- (d) the development will not prejudice future improvements or realignment to a major road as may be indicated to the Council from time to time by the Commissioner for Main Roads, or any associated intention to declare part of a road as a State highway or freeway, within the meaning of the *State Roads Act 1986*,
- (e) the development will not prejudice future improvements or realignment to a major road, particularly with regard to the number of access points to main roads, and
- (f) the views of the local traffic committee or Regional Advisory Committee (as appropriate) have been obtained and considered by the Council.

25 Objectives

The objectives of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of Eurobodalla Shire, and
- (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to ensure that the heritage conservation areas throughout Eurobodalla Shire retain their heritage significance.

26 Protection of heritage items and heritage conservation areas

- (1) **When is consent required?** The following development may be carried out only with development consent:
 - (a) demolishing or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area,
 - (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
 - (c) altering a heritage item by making structural changes to its interior,
 - (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the

disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(e) moving the whole or a part of a heritage item,

(f) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.

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

(a) in the opinion of the consent authority:

(i) the proposed development is of a minor nature or consists of maintenance of the heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and

(ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, 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 will comply with this subclause and that 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 development 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 or heritage conservation area 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) for development that would affect a **heritage item**:
- (i) the heritage significance of the item as part of the environmental heritage of Eurobodalla Shire, and
 - (ii) 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
 - (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
 - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
- (b) for development that would be carried out in a **heritage conservation area**:
- (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features would be affected by the proposed development, and
 - (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
 - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
 - (viii) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

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*).

27 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, tree or place in a heritage conservation area, and
- (b) the carrying out of any development allowed by clause 28D.

28 (Repealed)

28A 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.

28B 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 consent authority

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.

28C Development in the vicinity of a heritage item

- (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 and of any heritage conservation area within which it is situated.
- (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) that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area 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.

28D Conservation incentives

The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, 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 all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and

- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

29 (Repealed)

29A Acquisition and development of land reserved for roads

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 No 5 (c) (Proposed Arterial Road Zone) may, by notice in writing, require 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 and:
 - (i) the land is included in the 5 year works programme of the RTA current at the time of the receipt of the notice, or
 - (ii) the RTA has decided not to give concurrence under 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 time,but the RTA is not required to acquire the land if it might reasonably be required to be dedicated for public road as a condition of consent to a development application.
- (3) A person may, with the consent of the Council, carry out development on land within Zone No 5 (c):
 - (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) (Repealed)
- (5) Land acquired under this clause may be developed, with the consent of the Council for any purpose, until such time as it is required for the purpose for which it was acquired.
- (6) In this clause:

the RTA means the Roads and Traffic Authority constituted under the *Transport*

Administration Act 1988.

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.

30 Acquisition of reserved land

- (1) The owner of any land within Zone No 6 (a) or 7 (f2) may, by notice in writing, require:
 - (a) in the case of land within Zone No 6 (a)—the Council, or
 - (b) in the case of land within Zone No 7 (f2)—the Corporation,to acquire the land.
- (2) On receipt of a notice referred to in subclause (1), the public authority concerned shall acquire the land.
- (3) Nothing in subclause (1) requires the Council to acquire any land within Zone No 6 (a) that could be required to be dedicated to the Council by the owner of the land as a condition of consent to the development of the land.

30A Development of certain land at North Batemans Bay

- (1) This clause applies to Lot 6, DP 701830, Princes Highway, North Batemans Bay, as shown edged heavy black on the map marked "*Eurobodalla Local Environmental Plan No 100*" deposited in the office of the Council.
- (2) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on the land to which this clause applies for the purpose of a building or group of buildings used for storage of a maximum of 60 boats and the undertaking of ancillary boat servicing activities.

30B Development of certain land at Bingie

- (1) This clause applies to Portions 82 and 138, Parish of Congo, Priory Lane, Bingie, as shown edged heavy black on the map marked "*Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 23)*".
- (2) Nothing in clause 14 or 16 prevents the Council from granting consent to the subdivision of the land to which this clause applies into 2, but not more than 2, lots.
- (3) The minimum size of the lots so created is to be not less than 7 hectares.
- (4) Clause 16 does not apply to the lots so created.

30C Development of certain land at Old South Coast Road, South Narooma

- (1) This clause applies to Lot 3 DP 734404, Old South Coast Road, South Narooma, as shown edged heavy black on the map marked "*Eurobodalla Rural Local Environmental*

Plan 1987 (Amendment No 26)".

- (2) Nothing in this plan prevents the Council from granting consent to the subdivision of the land to which this clause applies into two lots as defined by the broken line on that map.
- (3) Clause 16 does not apply to the lots so created.

30D (Repealed)

30E Development of certain land at Tilba

- (1) This clause applies to Lots 1 and 2, DP 32408, Lots 142 and 316, DP 752155 and Lot 10, DP 806254, Parish of Narooma, as shown edged heavy black on the map marked "*Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 34)*".
- (2) Nothing in clause 14 or 16 prevents the Council from granting consent to the subdivision of the whole of the land to which this clause applies into 2, but not more than 2, lots.
- (3) The minimum size of one of the lots so created is to be not less than 1 hectare.
- (4) Clause 16 does not apply to the lots so created.
- (5) The lots so created must be capable of sustainable on-site effluent management to the satisfaction of the Council.

30F Development of certain land—Myamba Parade, Surfside

- (1) This clause applies to Lots 1 and 2, DP 875573, Myamba Parade, Surfside, Parish of East Nelligen, as shown edged heavy black on the map marked "*Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 37)*".
- (2) Nothing in this plan prevents the Council from granting consent to the subdivision of the land to which this clause applies into a maximum of 4 lots.
- (3) Clause 16 does not apply to the lots so created.

31 Certain development not affected by plan

Nothing in this plan shall prohibit or restrict the carrying out of any development or activity by a public authority for the purposes of any roadworks and bridgework or the provision of roadside furniture including bus shelters.

32 Advertising of certain development applications

Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development (not being designated development) specified in Schedule 2 in the same way as those provisions apply to and in respect of

designated development.

33 Temporary use of land

Notwithstanding any other provision of this plan, the Council may grant consent to the carrying out of development on land for any purpose for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year.

34 Suspension of certain laws

- (1) For the purpose of enabling development to be carried out in accordance with this plan or in accordance with a consent granted under the Act in relation to development carried out in accordance with this plan any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes to the extent necessary to serve that purpose, shall not apply to the development.
- (2) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of subclause (1).

35 Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 4 for a purpose specified in relation to that land in that Schedule, 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 this clause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.

36 Outdoor advertising

- (1) For the purposes of this plan:

Advertisement means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

Business identification sign means an advertisement, whether illuminated or not, which, in respect of any place or premises to which it is affixed, contains only one or more of the following:

- (a) a reference to the identity or a description of the place or premises,
- (b) a reference to the identity or a description of any person residing or carrying on an occupation at the place or premises,

- (c) particulars of any occupation carried on at the place or premises,
- (d) such directions or cautions as are usual or necessary relating to the place or premises or the occupation carried on at the place or within the premises,
- (e) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act,
- (f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises,
- (g) particulars of any activities held or to be held at the place or premises,
- (h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.

Commercial or industrial directory sign means an advertisement erected on private or public land, either privately or by the Council, providing space on which individual signs may be displayed for commercial or industrial centres located off main roads.

Fly poster means an advertisement promoting any event or activity adhered to or placed on power poles or other public property, or building hoardings and the like.

Internally illuminated street sign means a street identification sign which provides space for the advertisement of commercial premises, or the conveying of information, instructions, directions or the like.

Land estate sign means an advertisement which advertises and provides directions to land which consists of no less than 6 adjoining individual lots developed simultaneously and released for sale.

Real estate sign means an advertisement:

- (a) that contains a message that the place or premises to which it is affixed is or are for sale or letting and may also contain particulars of the sale or letting, and
- (b) in the case of a place or premises consisting of or on urban expansion, rural small holdings or rural land and an advertisement relating to sale by means other than auction or letting, that does not exceed 1.22 metres in length or 0.915 metres in height and does not have an area greater than 1.12 square metres, and
- (c) in the case of a place or premises consisting of or on urban expansion, rural small holdings or rural land and an advertisement relating to sale by auction, that does not exceed 1.83 metres in length or 1.22 metres in height and does not have an area greater than 2.30 square metres, and
- (d) in all other cases, that does not exceed 2.44 metres in length or 1.83 metres in

height and does not have an area greater than 4.50 square metres.

Temporary sign means an advertisement displayed for not more than two months and that:

- (a) announces any local event of religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event, and
- (b) does not include advertising of a commercial nature (except for the name of the event's sponsor).

Tourist directory sign means an advertisement erected by the Council, the Roads and Traffic Authority or another public authority and the purpose of which is to direct the attention of the public to services, activities, features or facilities likely to be of interest especially to travellers and tourists.

Vehicle mounted sign means an advertisement displayed on a vehicle, including a trailer or the like, where the vehicle acts as part of the supporting structure for the advertisement, but does not include an advertisement on a vehicle being used primarily for the conveyance of goods or passengers.

- (2) An advertisement (other than an advertisement identified as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001, or an advertisement prohibited by subclause (3)) may be erected on land to which this plan applies, but only with the consent of the Council. Advertisements for which consent is required include:

- (a) land estate signs,
- (b) business identification signs other than those identified as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001,
- (c) advertisements placed on land for the specific purpose of directing the travelling public to places of scientific, historic, scenic or tourist interest, but only if:
 - the advertisements relate to a building or place, and
 - the principal purpose of the advertisements is to direct the travelling public to that building or place, and
 - the size of the advertisements is not larger than would reasonably be required to direct the travelling public,
- (d) internally illuminated street signs.

- (3) The following advertisements are prohibited:

- (a) advertisements erected on land within a rural, rural small holdings, urban expansion, environmental protection or open space zone, other than:
 - (i) advertisements identified as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001,
 - (ii) land estate signs, business identification signs, internally illuminated street signs, advertisements directing the travelling public to places of scientific, historic, scenic or tourist interest expressly allowed with consent by subclause (2), and
 - (iii) advertisements on bus shelters,
 - (b) fly posters.
- (4) (Renumbered as subclause (3))

37 Classification and reclassification of public land

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

Note—

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

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

estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:

- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 5, and
- (b) any reservations that except land out of the Crown grant relating to the land, and
- (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

(6) In this clause, the **relevant classification plan**, in relation to land described in Part 2 of Schedule 5, means this plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.

(7) Before the relevant classification plan inserted a description of land into Part 2 of Schedule 5, the Governor approved of subclause (5) applying to the land.

Schedule 1 Environmental heritage

(Clause 9 (1))

Item No	Description	Location
Belowra		
1	Sutherland Babies' Grave	Lot 96, DP 752128, 3070 Belowra Road
Bendethera Valley		
1-3	(Repealed)	
4	Bridle track network	Lot 1, DP 752159, as shown in ESC Heritage Inventory 1997, Reference No BEND/R002, topographic map Snowball 8826-111-S
Buckenbowra		
1	(Repealed)	
2	Heinrich Thomsen's grave	Lot 66, DP 755969, Quartpot Road
3	(Repealed)	
Cadgee/Tinpot		
1	Byrnes, Bate and Tarlington stock routes	As shown in ESC Heritage Inventory 1997 Reference No OTHE/R001, topographic maps Nerrigundah 8825-1-N and Cadgee 8825-1-S
2	(Repealed)	
3	Port Phillip Neddie's grave	Lot 76, DP 752145, Wattlegrove Road
4	(Repealed)	
5	Old Cadgee homestead	Lot 14, DP 752135, Wattlegrove Road

Coila

- | | | |
|---|---------------------|---|
| 1 | (Repealed) | |
| 2 | Presbyterian church | Lot 96, DP 758259, 4017 Princes Highway |

Corunna/Corunna Point

- | | | |
|---|----------|---------------------------------|
| 1 | Cemetery | Lot 290, DP 752155, Old Highway |
|---|----------|---------------------------------|

Couria Creek

- | | | |
|---|----------------|--|
| 1 | (Repealed) | |
| 2 | Southam graves | Lot 2, DP 578862, 9069 Princes Highway |

Dignams Creek

- | | | |
|---|----------------------|--|
| 1 | Former post office | Lot 369, DP 752155, 9473 Princes Highway |
| 2 | Bottin family graves | Lot 40, DP 752145, 1071 Reedy Creek Road |

Eurobodalla

- | | | |
|-----|--------------------------|---|
| 1-3 | (Repealed) | |
| 4 | Waterhole Flat homestead | Lot 1, DP 752145, 1188 Eurobodalla Road |

Guerilla Bay

- | | | |
|---|--|--|
| 1 | Barlings Beach and Island complex, including intertidal zone and foreshore (a place of Aboriginal heritage significance) | So much of the southwestern part of Lot 20, DP 802598 that comprises cleared land and dirt road, George Bass Drive |
|---|--|--|

Moruya

- | | | |
|------|------------------------------|---|
| 1, 2 | (Repealed) | |
| 3 | Hunt's gold mine and battery | Lot 312, DP 47662, Dwyers Creek Road |
| 4 | Moruya silver mine | Lot 312, DP 47662, Dwyers Creek Road |
| 5 | Remains of Granite Town | Lot 92, DP 631491, North Head Drive |
| 6 | McCredie's Quarry and wharf | Lot 3, DP 1175983 and land in DP 755963, 285 North Head Drive |
| 7 | Granite Town Cottage | Lot 12, DP 599653, 297 North Head Drive |
| 8 | Ziegler's Quarry | Lot 1, DP 1190622, 306 North Head Drive |

Moruya Heads

- | | | |
|-----|------------|--|
| 1-5 | (Repealed) | |
|-----|------------|--|

6	Shipyard site	Moruya River, Map reference 240700E, 6021960N, AMG Moruya 8926-3-S
---	---------------	--

Narooma

1, 2	(Repealed)	
------	------------	--

3	Lucky Old Chief and Royal Oak mines	Lot 174, DP 752162, Rifle Range Road, Map reference 239700E, 5989460N, AMG Narooma 8925-4-S
---	-------------------------------------	---

4	(Repealed)	
---	------------	--

5	Wagonga cemetery	Lots 1 and 2, DP 725543, Wagonga Scenic Drive
---	------------------	---

6	(Repealed)	
---	------------	--

Nelligen

1	(Repealed)	
---	------------	--

2	Old Bolaro Road	Map reference 229300E, 6050600N, AMG Nelligen 8926-4-S
---	-----------------	--

Neringla

1	Woolla homestead	Lot 87, DP 752150, Neringla Road
---	------------------	----------------------------------

Nerrigundah

1	(Repealed)	
---	------------	--

2	Cemetery	DP 752156, 823 Nerrigundah Mountain Road
---	----------	--

3, 4	(Repealed)	
------	------------	--

5	Water race	Lot 4, DP 752147, Gulph Creek Road
---	------------	------------------------------------

6-12	(Repealed)	
------	------------	--

Runnyford

1	Runnyford Homestead	Part Lot 132, DP 755969, 1183 Runnyford Road
---	---------------------	--

2	May's Landing/Wray's wharf site	Lot 7001, DP 1020736 Crown Reserve 23697, Mays Road
---	---------------------------------	---

3	Convict road	Map reference 235600E, 6042880N, AMG Nelligen 8926-4-S
---	--------------	--

4	Wrayville House	Lot 48, DP 755938, Mays Road
---	-----------------	------------------------------

Tilba district

1-11	(Repealed)	
------	------------	--

11A	Najanuka heritage conservation area	Part Lot 917, DP 823239, Haxtead Road, Central Tilba Part Lot 1, DP 1196461, 90 Sherringham Lane, Central Tilba Part Lot 4, DP 583678, 198-244 Sherringham Lane, Central Tilba Part Lot 2, DP 1141039, Sherringham Lane, Central Tilba Part Lot 90, DP 752155, Princes Highway, Central Tilba Part Lot 45, DP 1171177, 8727-8729 Princes Highway, Tilba Tilba
12	"Glen Luna" residence	Part Lot 14, DP 752155, 8727-8729 Princes Highway
13	Mountain Valley farm cottage	Part Lot 14, DP 752155, 8727-8729 Princes Highway
14-40	(Repealed)	
41	Chinese drystone wall	Lot 1, DP 1017506, Mount Dromedary Trail and Lot 2, DP 1017506, Corkhill Drive
42	(Repealed)	

Tuross Head

1	(Repealed)	
2	Kyla Park grazing lands	Lots 75-79, DP 260321, Hector McWilliam Drive

Schedule 2

(Clause 32)

Development to be advertised in accordance with clause 32

All zones

Any development application in respect of an item of the environmental heritage.

Residential flat building.

Zones Nos 1 (a), 1 (a1) or 1 (c)

Any development application to which clause 21 applies.

Schedule 3 Lots to which clause 14 (6) applies

(Clause 14 (6))

- 1 Lots 1-13 inclusive, DP 32142, Parish of Bodalla, provided that the means of access to each lot is acceptable to the Council.
- 2 Lots 57 and 58, DP 585250, MR 271, Parish of Moruya.
- 3 The land shown by orange edging on internal plan 10515 in the office of the Department—Pt Lot 22, DP 594109, Dalmeny Drive, Narooma.

- 4 Lots 1 and 2, DP 614884, Tilba Tilba, Parish of Narooma.
- 5 Lots 1–16, DP 260322 and Lot 79, DP 260321, Kyla Park, Tuross Head.
- 6 “Elizabeth Farm” Lot 12 DP 12290, Parish of Bodalla, County of Dampier, Portions 8, 9, 12, 13, 108, 30, 31, 46, 102, 106, 107, Lot 31 DP854280, Parish of Nerrigundah, County of Dampier, as shown edged heavy black in Figure A on the map marked “Eurobodalla Rural Local Environmental Plan 1987—Amendment No 21” deposited in the office of the Council provided all the land is consolidated into one lot and substantial physical works consistent with a rural enterprise have been undertaken.
- 7 “Deraquin” Lot 1 DP 724040, Portions 20, 98, 19, 114, 119, 146, Part Portions 95, 115 and 145, Parish of Bodalla, County of Dampier, as shown edged heavy black in Figure B of the map referred to in item 6 provided all the land is consolidated into one lot and substantial physical works consistent with a rural enterprise have been undertaken.
- 8 Lots 1–6, DP 708709, Congo, Parish of Congo.
- 9 Lots 1 and 2, DP 875573, Myamba Parade, Surfside.

Schedule 4 Development for certain additional purposes

(Clause 35)

Portions 42, 43, 44, 49 and 51, Parish of East Nelligen as shown edged heavy black on the map marked “Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 4)” deposited in the office of the Council—subdivision of Portion 44 to create no more than 6 lots (provided that one lot is consolidated with Portions 42, 43, 49 and 51) and the erection of a dwelling-house on each lot so created.

Lot 1, DP 339402 and Lot 13, DP 3166, Whiffens Lane, Central Tilba—erection of an additional dwelling-house and subdivision into 2 lots.

Land in DP 919339, Bate Street, Central Tilba—erection of a dwelling-house.

Land in the Buckenbowra Valley, being Lot 13, DP 777171, as shown hatched on the map marked “Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 9)” —residential accommodation providing not more than 45 dwellings.

Portion 12, Parish of Buckenbowra—multiple occupancy comprising not more than four dwellings or dwelling-houses.

Lot 1, DP 807108, Princes Highway, Benandarah—service station.

Lot 3, DP 865527, Kings Highway, North Batemans Bay—motor showroom and car repair station.

Part Lot 197, DP 752131, Brou Lake Road, Bodalla, Parish of Bodalla, as shown edged heavy black on the map marked “Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 32)” —waste management facility.

Schedule 5 Classification and reclassification of public land

(Clause 37)

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

Column 1	Column 2
Locality	Description

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Bodalla		
Bumbo Road	Lot 1, DP 327858	Nil.
Kookaburra Place	Lots 15 and 18, DP 834378	Nil.
Broulee		
3 Broulee Road	Part of Lot 70, DP 831111, as shown edged heavy black on the map marked " <i>Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 39)</i> "	Nil.
Catalina		
Vista Avenue	Lot 1, DP 575683	Nil.
Central Tilba		
Princes Highway	Land in DP 752155 (former Crown Reserve 73103)	Nil.
Malua Bay		
Reservoir Road	Lot 11, DP 850712	Nil.
Moruya		
North Head Drive	Lots 91, 94 and 95, DP 631493	Nil.
Moruya Heads		

Hazel Road	Lot 10, DP 250471	Nil.
------------	-------------------	------

Narooma

Princes Highway	Part of Lot 1, DP 771633, as shown edged heavy black on the map marked " <i>Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 39)</i> "	Nil.
-----------------	---	------

Wagonga Scenic Drive	Lot 7, DP 264585	Nil.
----------------------	------------------	------

Rosedale

17 Roseby Drive	Lot 9, DP 709331	Nil.
-----------------	------------------	------

Turlinjah

Princes Highway	Lot 1, DP 125450 and Lot 1, DP 1093061	Nil.
-----------------	--	------

Part 3 Land classified, or reclassified, as community land**Column 1****Column 2****Locality****Description**