

**NOTE**

1. This plan was prepared for the purpose and exclusive use of - (client): Jellat Pastoral Co. Pty.Ltd..... to accompany an application to Bega Valley Shire Council for approval to subdivide the land described in the plan and is not to be used for any other purpose or by any other person or corporation. Caddey Searl & Jarman and any partner or employee thereof accepts no responsibility for any loss or damage suffered

however arising to any person or corporation who may use or rely on this plan in contravention of this clause or clauses 2, 3 or 4 hereof.

2. The contours shown on this plan are by:  
 a) Authorship unknown  
 b) Taken from topographic map no.:  
 c) Caddey Searl & Jarman plan ref no.:  
 And are suitable only for the purposes of this application. The

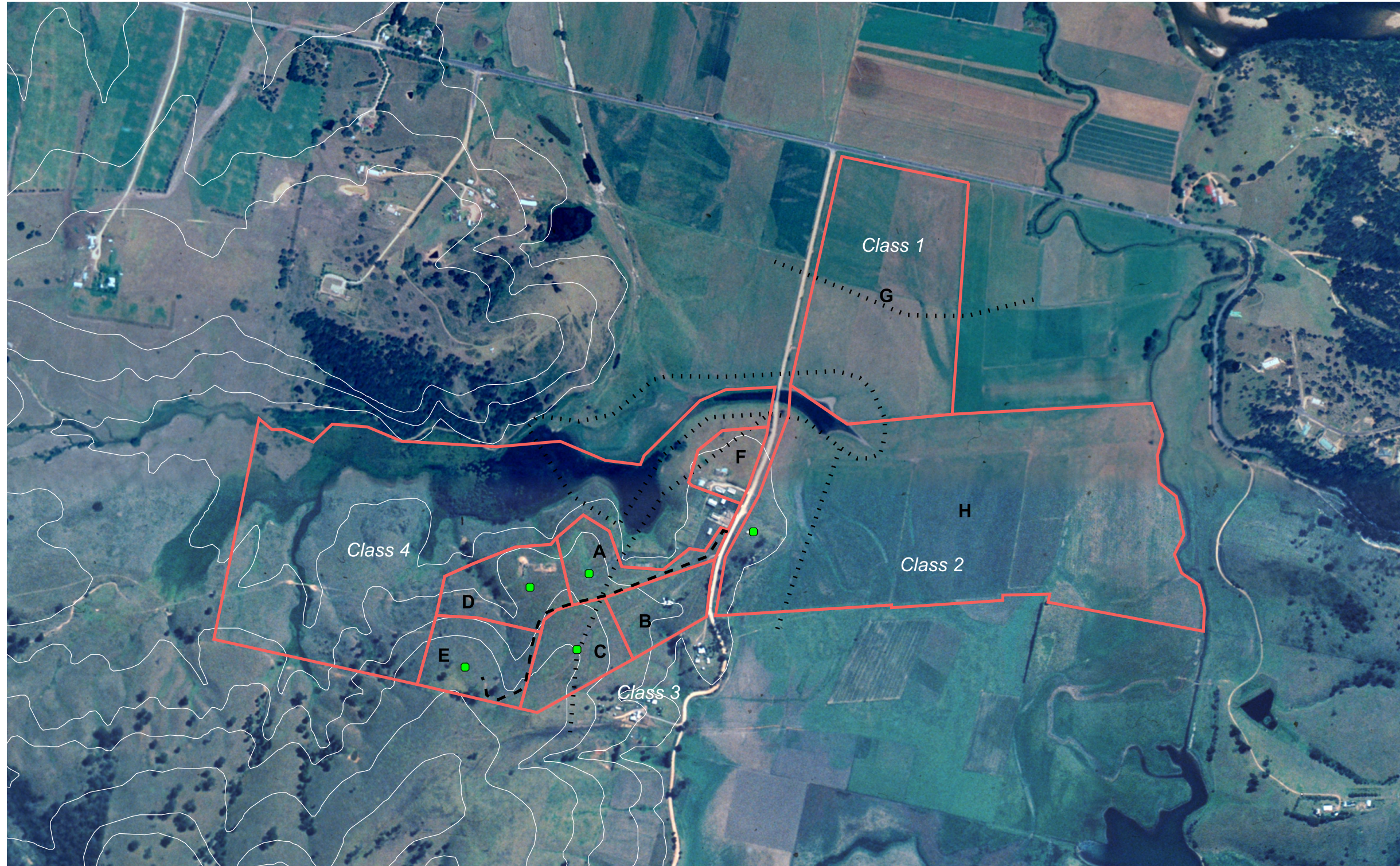
accuracy of the contours has not been verified and no reliance should be placed upon such contours for any purpose other than for the purpose of this application.

3. The dimensions, areas, size and location of improvements, flood level (if shown), number of lots and agricultural land classification shown on this plan are approximate only and may vary.

4. This plan may not be photocopied unless this note is included.

REF.: 45613  
 SCALE:  
 DATE: 11th April 2006

**PROJECT:**  
**PROPOSED SUBDIVISION OF PART PORTIONS 24, 25 & 88**  
**PARISH OF BEGA and PORTION 158 PARISH OF WALLAGOOT**



- Potential house site
- Proposed lot
- Agricultural Class bdy.  
*Class 3*

Lot	Hectares
A	3.2
B	3.0
C	4.4
D	4.5
E	4.0
F	2.1
G	19.4
H	86.4

**STAGING:**

- 1 LOTS A & B
- 2 LOTS C & D
- 3 LOT E
- 4 LOTS F, G & H

**NOTES:**

- 1. Lots A - F concessional lots.
- 2. Lot H is residue lot with dwelling permit.
- 3. Lot G is an Agricultural lot.

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REF.: 45613

SCALE: 1:10000 @ A3

DATE: 21st March 2006

**PROJECT:**

**PROPOSED SUBDIVISION OF PART PORTIONS 24, 25 & 88 PARISH OF BEGA and PORTION 158 PARISH OF WALLAGOOT**

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**Aerial view of site showing Bega River to the north, agricultural flats and surrounding residential developments.**

**PROJECT APPLICATION &  
PRELIMINARY ASSESSMENT**



# Caddey Searl & Jarman

## *Consulting Surveyors and Property Valuers*

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**C. Ferguson, AAPI (Val & Econ)**

Members: Network Property Group



**M. Collins MIS (Aust)**  
**D. Bothamley MIS (Aust)**



### Associates

**A. Jarman, MIS (Aust)**  
**C. Maxted, MIS (Aust)**  
**R. Garnock . FAPI**

**Our Reference: 45613**

**Your Reference:**

12 July 2006

Planning NSW  
GPO Box 3927  
SYDNEY NSW 2001

**ATTENTION: Mr. John Arnold**

Dear John

**RE: PROPOSED SUBDIVISION OF PART PORTIONS 24, 25 &  
88 PARISH OF BEGA and PORTION 158 PARISH OF  
WALLAGOOT  
WALLAGOOT LANE, JELLAT.  
JELLAT PASTORAL CO. PTY LTD**

Further to your letter dated 23<sup>rd</sup> May, we have enclosed: -

1. A completed Major Project application form.
2. A cheque for \$1000 being application fee.
3. Plans of the proposal.
4. On Site Sewage Management Report.
5. Bushfire report for the NSW Rural Fire Service.

The subject land is zoned Rural 1(a) under the *Bega Valley LEP 2002* and has a total area of approximately 127 hectares. It forms the residue of the Existing Holding.

This is a proposal to create 6 concessional lots pursuant to Clause 16 of the *Bega Valley LEP 2002*, an agricultural lot and a residue lot.

**Physical description.**

The land is located on Wallagoot Lane, approximately 6 kilometres east of Bega and 500 metres south of Tathra Road.

The land straddles Wallagoot Lane and in part fronts Tathra Road as shown on the sketch. The northern and eastern sections of the property are comprised of river flats and the eastern boundary abuts a small drainage line. There is an intermittent water body located adjacent to the northern boundary of the land, west of Wallagoot Lane as can be seen from the aerial photograph. This body as mentioned is intermittently wet and dry and at present is substantially dry.

The land rises to the south, with a relief of approximately 50 metres over the entire property.

The land is virtually all cleared of timber which is understandable given its long history as a farm. The land is currently used for light grazing in part, but the major use is cropping of the river flats. These flats are very fertile and productive.



View looking east over Lot H.

The land is classified as a mix of Class 1, 2, 3, 4 and 5 agricultural lands according the Department of Agriculture *Land Classification Atlas*.

Wallagoot Lane is a council maintained, two wheel drive bitumen sealed and gravel road in excellent condition. All proposed lots will gain access either direct from this road, or via Rights of Carriageway constructed to council standards connecting to this road.



Looking south along Wallagoot Lane towards subject land.

There are phone lines and overhead powerlines along the road. Only short extensions would be required to connect the proposed lots.

An estimate of the Capital Investment for the project is \$106,000 including design and construction of access, survey costs, installation of powerlines and contributions.

For Statement of Environmental Effects, see attached documentation.

This application meets all the objectives and criteria for a concessional lot subdivision. If you have any questions regarding the above please contact Michael Collins at our Bega office.

Yours faithfully  
Caddey Searl and Jarman

**Michael Collins**  
Registered Surveyor

# STATEMENT OF ENVIRONMENTAL EFFECTS

## Statement of Environmental Effects

1. Impacts.
  - a. Clearing of grasses for future house sites.
  - b. Installation of On Site Sewage Management systems.
  - c. The development will increase traffic volume along Wallagoot Lane, potentially leading to noise and visual pollution and extra road construction.
2. Actions to mitigate impacts.
  - a. Installation of appropriate soil and water management measures during construction of dwellings. Bega Valley Shire Council undertake regular inspections of house construction sites. As part of these inspections, erosion and sediment control measures are monitored. The council has also conducted education of contractors with regard to erosion controls.
  - b. On Site Sewage Management systems to be approved by council before installation. Systems are to be suitable for the site and in accordance with, or better than, as recommended in the OSSM report. Once the systems are installed, council inspectors have a program to regularly monitor their operation and maintenance.
  - c. Wallagoot Lane is partly bitumen sealed and part gravel. The proposed entry to serve Lots A – E inclusive is only 50 metres approximately from the end of the existing bitumen seal. Section 94 contributions for Local Rural Roads Fund are likely to be levied on the developer, and they can be expended on the extension of the bitumen as well as on other road works required due to the increased traffic volume.

The development is not out of character with the area. This subject land is within a commuter corridor between the main town of Bega and the villages of Kalaru and Tathra. There is a rural residential estate within 500 metres to the north and there are numerous rural subdivisions within 3 kilometres.

There are no known items of heritage or cultural significance on the site.

## **Aims and Objectives of Bega Valley Local Environmental Plan 2002.**

1. *“To encourage continued growth in the areas rural economic base.”*

Given the climate and weather patterns for the past 5 years, the only viable mechanism by which the present owners can maintain and develop the farm is to excise non productive land to continue a positive cash flow. The current negative cash flow, imposed by external conditions, can not be sustained indefinitely.

2. *“To encourage other forms of development, including tourism, that are compatible with agricultural activities and do not create undesirable environmental and cultural impacts.”*

This development is compatible with the agricultural activities of the property. The prime agricultural land, mainly river flats, is being retained as part of the farm and the proposed dwelling lots are not located near operational aspects of the farm.

There are no known sites of environmental or cultural significance on the subject land.

3. *“To protect and conserve the productive potential of prime crop and pasture land.”*

All proposed concessional lots are located outside of areas classed as prime agricultural land (Classes 1 & 2) as mapped by Department of Agriculture in their atlas.

4. *“To maintain the scenic amenity and landscape quality of the area.”*

Given the topography of the site, the main scenic amenity is to be appreciated by viewing the area from the north, along Tathra Road. Once dwellings are erected, the scenic amenity will still be unblemished.



The main feature in the view is the existing residence and outbuildings in the left foreground. Proposed dwelling sites are located well away from Tathra Road and well of Wallagoot Lane. See image above with typical dwellings superimposed on photo at proposed sites.

5. *“To promote the protection and the preservation and enhancement of natural ecological systems and processes.”*

The land is generally degraded as regards natural ecological systems, due to continued agricultural activities. The main system is the waterbody adjacent to the northern boundary. Proposed dwelling sites have been located over 150 metres away from the waters edge, and any effluent disposal systems must be of a standard at least equal to that recommended in the On Site Sewage Management Report.

A buffer of approximately 80 metres has also been provided between the boundaries of the concessional lots and the waterbody. This buffer will be retained in the residue.



View of dried out water body. Agricultural flats in background.

6. *“To provide proper and coordinated use and protection of rivers, riparian corridors and water catchment areas.”*

See comments above.

7. *“To promote the economic provision of services compatible with the nature and intensity of development and the character of the area.”*

The only service required will be overhead electricity. This can be economically provided by extensions to the existing powerline within Wallagoot Lane. This will also be at the cost of the developer and there is no burden on public funds.

8. *“To ensure that development and management of the land has minimal impact on water quality and environmental flows of receiving waters.”*

See comments above.

9. *“To maintain significant features of natural and cultural heritage.”*

There are no known features on the site.

**Clause 16(7) – *Bega Valley Local Environmental Plan 2002.***

**Concessional Lot Guidelines.**

- a) All lots have a suitable dwelling house site as shown on the attached sketch.
- b) This proposal does not adversely affect the economic viability of existing farmland. The land is not prime agricultural land being classed as 3 & 5 under the “Agricultural Land Classification Atlas”.
- c) There are no operational aspects of the farm located within the subject land.
- d) All proposed concessional lots are located on land classified as Class 3 or 4 under the “Agricultural Land Classification Atlas”.
- e) The land is not part of an inholding within a national park.
- f) The proposed dwellings would not be located within 100 metres of a national park boundary.
- g) All proposed lots will gain access from Wallagoot Lane which is council maintained, or via Rights of Carriageway leading from that road.
- h) There will be no access onto a state highway.
- i) A separate bushfire report has been prepared for lodgement with Rural Fire Service.
- j) All proposed lots can be readily connected to the existing electricity reticulation network by short connections.
- k) A separate On-Site Sewage Management Report has been prepared and is attached to this application.
- l) These lots do not contain or adjoin perennial streams and do not have access by easement for drawing water from perennial streams.

## Matters for Consideration pursuant to Part 2 of SEPP 71

- b) The subject land is approximately 9 kilometres from the coastal foreshore. There is no impact by this development on pedestrian access to and along the foreshore.
- c) As outlined above, this land will not have any influence on access to the coastal foreshore. There is no opportunity raised by this development to provide new public access to the foreshore.
- d) Subject land adjoins a Rural 1(c) estate. This development is of a lower density and has fewer lots. The proposed dwelling lots have been located within the agricultural land classified as Classes 3 & 4 leaving the prime agricultural land for primary production. The development complies with the current LEP and DCPs. Existing infrastructure such as roads and overhead powerlines can be readily extended to service the development.
- e) The proposed development will not have any detrimental impact on the amenity of the coastal foreshore.
- f) As mentioned at e) above, this development will not adversely affect views of the foreshore.
- g) The land is virtually completely cleared and farmed for many years. There is no evidence of the presence of threatened species on the site. There are no substantial pockets of vegetation and the land does not appear to provide significant habitat or food supply for native animals. Generally the site is dominated by improved pastures.



View looking south west over Lot B towards Lots C, D & F.

- h) All of the proposed dwellings are to be located approximately 200 metres from bodies of water. Any significant water bodies will remain part of the residue lot with no change in land management practices meaning no detrimental impact will be caused by this development.
- i) There are no wildlife corridors on the site. In particular, see the aerial photo attached to the report.
- j) Due to the distance from the coast, this development will not affect nor be affected by coastal processes or hazards.
- k) There is no potential for conflict between land based and water based coastal activities.
- l) The subject land does not contain any known places or items of significance to the local aboriginals.
- m) This development will have no impact on coastal waterbodies. It is in proximity to an existing lagoon which is intermittently opened to the Bega River. The current farming practices already generate a base load of nutrients into this waterbody. The average annual export rates of nitrogen and phosphorus have been estimated for the site pre- and post – development using NEXSYS software developed by CSIRO. Based on the site conditions of slope, groundcover, proximity to water body amongst others, there is no discernible change in the rates.
- n) There are no items of heritage, archaeological or historic significance on the site.

## **Part 4 – Development Control**

### Public access.

This issue has been detailed above under matters for consideration.

### Effluent Disposal.

This has been addressed by the On Site Sewage Management report. Generally, the site is suitable for on site disposal with adequate area for each proposed dwelling to have two independent sites, either site being capable of handling the expected effluent load without leading to off site discharge.

### Stormwater.

This issue has been addressed above under matters for consideration.

# CSJ

# Caddey Searl & Jarman

*Consulting Surveyors and Property Valuers*

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## **Members: Network Property Group**



*M. Collins MIS (Aust)*  
*D. Bothamley MIS (Aust)*



## Associates

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*C. Maxted, MIS (Aust)*  
*R. Garnock, FAPI*

# On Site Sewage Management Report

9 May 2006

**PROJECT NO.** 45613

**PROJECT:** PROPOSED SUBDIVISION

**CLIENT:** JELLAT PASTORAL Co. Pty Ltd.

**RE:** PART PORTIONS 24, 25 & 88 PARISH OF  
BEGA, AND PORTION 158 PARISH OF  
WALLAGOOT

**LOCATION:** WALLAGOOT LANE, JELLAT

# ON-SITE SEWAGE MANAGEMENT REPORT

9 May 2006

**CLIENT:** Jellat Pastoral Co

**Our Reference:** 45613

**RE:** Part Portion 24, 25 & 88 Parish of Bega, and Portion 158 Parish of Wallagoot

## SITE INFORMATION

**Locality of Site/Address:** Wallagoot Road, Bega

**Owner:** Client

**Developer:** Client

**Site Plan:** Attached

**Aerial Photo:**

**Intended Water Supply:** Rainwater Tank.

**Expected Wastewater Quantity:** 1000 litres/day as stipulated by council.

**Existing System in Location:** None.

This report is prepared as part of an application for subdivision by Jellat Pastoral Co. This report deals with Lots A to E, which are proposed concessional lots and Lot H which is a residue lot. See attached plan for more details.



North east from Lot A toward existing residence on Lot F.

# ON-SITE SEWAGE MANAGEMENT REPORT

## SITE ASSESSMENT – LOT A

<b>Climate:</b>	Temperate. Mean daily maximum temperature 22°C. Mean daily minimum temperature 8.3°C. Annual average rainfall 1050mm.
<b>Slope:</b>	5% at house site ~ 18% at steepest.
<b>Landform:</b>	Linear Divergent at house site to waxing divergent
<b>Aspect:</b>	North.
<b>Exposure:</b>	Excellent solar exposure all day. Sheltered from southerly winds.
<b>Erosion, Mass Movements/Slip:</b>	Nil.
<b>Boulders/Rock Outcrops:</b>	Nil.
<b>Vegetation:</b>	Totally cleared of trees. Combination of improved and native pastures only.
<b>Watercourse:</b>	Waterbody at the toe of the slope (>120m).
<b>Ground Water:</b>	Water table assumed > 2 metres below ground. No evidence of surface dampness or waterlogging and proposed house site more than 20 metres above level of waterbody.
<b>Fill:</b>	No evidence of fill.
<b>Drainage:</b>	Good.
<b>Flood Potential:</b>	Land application areas above 1 in 100 year flood level for this area.
<b>Land Application Areas:</b>	Proposed areas shown on plan.
<b>Buffer Distances:</b>	Shown on plan



Looking north from Lot A.

# ON-SITE SEWAGE MANAGEMENT REPORT

## SOIL ASSESSMENT – LOT A

**Soil Type & Major Soil Considerations:** ‘**Milligandi**’ moderately well drained infertile soils on gently undulating terraces. ‘*Soil Landscapes of the Bega-Goalen Point*’.

**Depth to Bedrock:** Assumed >1m.

### **Field Soil Assessment**

**A Horizon:** Topsoil.  
**Colour:** Black.  
**Texture:** Silty Loam.  
**Structure:** Weakly pedal.  
**Field pH:** 6.0 ~ 6.5 ‘*Soil Landscapes of the Bega-Goalen Point*’  
**Depth:** Approximate depth of 0 ~ 0.15 metres.  
**Coarse Fragments:** Nil.  
**Soil Dispersion:** Nil.  
**Soil Category:** 3  
**Indicative Permeability ( $K_{sat}$ ) m/d:** 0.5 ~ 1.5

**B Horizon:** Subsoil.  
**Colour:** Light brown.  
**Texture:** Clay loam  
**Structure:** Weakly pedal.  
**Field pH:** 6.0 ~ 7.0 ‘*Soil Landscapes of the Bega-Goalen Point*’  
**Depth:** Approximate depth of 0.15 ~ at least 0.50 metres.  
**Coarse Fragments:** Very Few (0 ~ 2%).  
**Soil Dispersion:** Nil.  
**Soil Category:** 4  
**Indicative Permeability ( $K_{sat}$ ) m/d:** 0.12 ~ 0.5



Looking at Lots A and D from Lot E.

# ON-SITE SEWAGE MANAGEMENT REPORT

## SITE ASSESSMENT – LOT C

<b>Climate:</b>	Temperate. Mean daily maximum temperature 22°C. Mean daily minimum temperature 8.3°C. Annual average rainfall 1050mm.
<b>Slope:</b>	Proposed house site on ridge. 5% along ridge ~ 12 - 15% at steepest.
<b>Landform:</b>	Waxing Divergent
<b>Aspect:</b>	North.
<b>Exposure:</b>	Excellent solar exposure all day.
<b>Erosion, Mass Movements/Slip:</b>	Nil.
<b>Boulders/Rock Outcrops:</b>	Nil.
<b>Vegetation:</b>	Open pasture only.
<b>Watercourse:</b>	Deep gully to the west of site (>130m).
<b>Ground Water:</b>	Water table assumed > 2 metres below ground. No evidence of surface dampness or waterlogging.
<b>Fill:</b>	No evidence of fill.
<b>Drainage:</b>	Good.
<b>Flood Potential:</b>	Land application areas above 1 in 100 year flood level for this area.
<b>Land Application Areas:</b>	Proposed areas shown on plan.
<b>Buffer Distances:</b>	Shown on plan



Looking at Lot C from Lot E.

# ON-SITE SEWAGE MANAGEMENT REPORT

## SOIL ASSESSMENT – LOT C

**Soil Type & Major Soil Considerations:** ‘Brogo Pass’ erodible soils on steep to rolling hills with localised bedrock outcrops. ‘*Soil Landscapes of the Bega-Goalen Point*’.

**Depth to Bedrock:** Assumed >1m.

### **Field Soil Assessment**

**A Horizon:** Topsoil.  
**Colour:** Black.  
**Texture:** Silty Loam.  
**Structure:** Weakly pedal.  
**Field pH:** 6.0 ~ 6.5 ‘*Soil Landscapes of the Bega-Goalen Point*’  
**Depth:** Approximate depth of 0 ~ 0.20 metres.  
**Coarse Fragments:** Nil.  
**Soil Dispersion:** Nil.  
**Soil Category:** 3  
**Indicative Permeability ( $K_{sat}$ ) m/d:** 0.5 ~ 1.5

**B Horizon:** Subsoil.  
**Colour:** Dark brown.  
**Texture:** Loam  
**Structure:** Weakly pedal.  
**Field pH:** 5.0 ~ 6.0 ‘*Soil Landscapes of the Bega-Goalen Point*’  
**Depth:** Approximate depth of 0.20 ~ at least 0.50 metres.  
**Coarse Fragments:** Small rock present in soil (<100mm in size)  
**Soil Dispersion:** Nil.  
**Soil Category:** 3 but due to rock, category has been raised to 4.  
**Indicative Permeability ( $K_{sat}$ ) m/d:** 0.12 ~ 0.5



View south from Lot D. Lot C is to the left and Lot E to the right.

# ON-SITE SEWAGE MANAGEMENT REPORT

## SITE ASSESSMENT – LOT D

<b>Climate:</b>	Temperate. Mean daily maximum temperature 22°C. Mean daily minimum temperature 8.3°C. Annual average rainfall 1050mm.
<b>Slope:</b>	5% along ridge ~ 15% at steepest.
<b>Landform:</b>	Waxing Divergent
<b>Aspect:</b>	West to north west.
<b>Exposure:</b>	Excellent solar exposure all day. Sheltered from southerly winds.
<b>Erosion, Mass Movements/Slip:</b>	Nil.
<b>Boulders/Rock Outcrops:</b>	Nil.
<b>Vegetation:</b>	Open pasture with remnant trees in gully.
<b>Watercourse:</b>	Deep gully to the west of site (>80m) and waterbody to the north (>150m). house site approximately 20 metres above water level.
<b>Ground Water:</b>	Water table assumed > 2 metres below ground. No evidence of surface dampness or waterlogging.
<b>Fill:</b>	No evidence of fill.
<b>Drainage:</b>	Good.
<b>Flood Potential:</b>	Land application areas above 1 in 100 year flood level for this area.
<b>Land Application Areas:</b>	Proposed areas shown on plan.
<b>Buffer Distances:</b>	Shown on plan



Cutting on Lot D indicating soil profile.

# ON-SITE SEWAGE MANAGEMENT REPORT

## SITE ASSESSMENT – LOT E

<b>Climate:</b>	Temperate. Mean daily maximum temperature 22°C. Mean daily minimum temperature 8.3°C. Annual average rainfall 1050mm.
<b>Slope:</b>	18 - 20% at steepest.
<b>Landform:</b>	Waxing Divergent
<b>Aspect:</b>	North, north east.
<b>Exposure:</b>	Excellent solar exposure all day. Northerly aspect without obstructions.
<b>Erosion, Mass Movements/Slip:</b>	Nil.
<b>Boulders/Rock Outcrops:</b>	Nil.
<b>Vegetation:</b>	Totally cleared of trees with pastoral and native grass.
<b>Watercourse:</b>	Gully to the east of site (>80m).
<b>Ground Water:</b>	Water table assumed > 2 metres below ground. No evidence of surface dampness or waterlogging.
<b>Fill:</b>	No evidence of fill.
<b>Drainage:</b>	Good.
<b>Flood Potential:</b>	Land application areas above 1 in 100 year flood level for this area.
<b>Land Application Areas:</b>	Proposed areas shown on plan.
<b>Buffer Distances:</b>	Shown on plan



Looking at Lot E from Lot C.

# ON-SITE SEWAGE MANAGEMENT REPORT

## SOIL ASSESSMENT – LOT E

**Soil Type & Major Soil Considerations:** ‘Brogo Pass’ erodible soils on steep to rolling hills with localised bedrock outcrops. ‘*Soil Landscapes of the Bega-Goalen Point*’.

**Depth to Bedrock:** Assumed >1m.

### Field Soil Assessment

**A Horizon:** Topsoil.  
**Colour:** Black.  
**Texture:** Silty Loam.  
**Structure:** Weakly pedal.  
**Field pH:** 6.0 ~ 6.5 ‘*Soil Landscapes of the Bega-Goalen Point*’  
**Depth:** Approximate depth of 0 ~ 0.20 metres.  
**Coarse Fragments:** Nil.  
**Soil Dispersion:** Nil.  
**Soil Category:** 3  
**Indicative Permeability ( $K_{sat}$ ) m/d:** 0.5 ~ 1.5

**B Horizon:** Subsoil.  
**Colour:** Dark brown.  
**Texture:** Loam  
**Structure:** Weakly pedal.  
**Field pH:** 5.0 ~ 6.0 ‘*Soil Landscapes of the Bega-Goalen Point*’  
**Depth:** Approximate depth of 0.20 ~ at least 0.50 metres.  
**Coarse Fragments:** Small rock p[resent in soil (<100mm in size)  
**Soil Dispersion:** Nil.  
**Soil Category:** 3, but due to rock the category has been raised to 4.  
**Indicative Permeability ( $K_{sat}$ ) m/d:** 0.12 ~ 0.5



Looking north from Lot C.

# ON-SITE SEWAGE MANAGEMENT REPORT

## SITE ASSESSMENT – LOT H

<b>Climate:</b>	Temperate. Mean daily maximum temperature 22°C. Mean daily minimum temperature 8.3°C. Annual average rainfall 1050mm.
<b>Slope:</b>	8% at house site.
<b>Landform:</b>	Divergent
<b>Aspect:</b>	East.
<b>Exposure:</b>	Good solar exposure from early morning till late afternoon.
<b>Erosion, Mass Movements/Slip:</b>	Nil.
<b>Boulders/Rock Outcrops:</b>	Nil.
<b>Vegetation:</b>	Scattered trees to the south of house site. Majority of lot is open cultivated flats.
<b>Watercourse:</b>	Watercourse approx 260 metres north of the proposed house site.
<b>Ground Water:</b>	Water table assumed > 2 metres below ground. No evidence of surface dampness or waterlogging.
<b>Fill:</b>	No evidence of fill.
<b>Drainage:</b>	Good.
<b>Flood Potential:</b>	Land application areas above 1 in 100 year flood level for this area.
<b>Land Application Areas:</b>	Proposed areas shown on plan.
<b>Buffer Distances:</b>	Shown on plan



View looking east over agricultural flats from proposed house site on Lot H.

# **ON-SITE SEWAGE MANAGEMENT REPORT**

It is noted that all three soil samples were the same for the purposes of this evaluation. Accordingly one set of water balance calculations have been produced for this report.

## **RECOMMENDATIONS**

### **Option 1 – Primary treated effluent & absorption trench/bed.**

Using Table 4.2A2 AS 1547:2000, a DLR of 6 mm/d is adopted for the B horizon soil.

The water balance calculation indicates an application area of 250m<sup>2</sup> is necessary for the effluent disposal. See attached calculation No.1. This area is available, however attention should be given to the following recommendations:

1. Establish vigorous plantings of high transpiration species downhill of each land application area.
2. Recommend the use of alternate sites for sequential loading.
3. Avoid heavy equipment on land application area when soils are moist or wet.
4. Minimise erosion and limit access to the land application areas during construction.
5. Reduce flow of wastewater by installing water saving devices and composting toilets.
6. Trenches may need to be benched.
7. Install interception drains uphill on the steeper sites to reduce surface infiltration.

### **Option 2 – Secondary treated effluent & absorption trench/bed.**

Using Table 4.2A2 AS 1547:2000, a DLR of 20 mm/d is adopted for the B horizon soil.

The water balance calculation indicates an application area of 55m<sup>2</sup> is necessary for the effluent disposal. See attached calculation No.2. This area is available, however attention should be given to the following recommendations:

1. Establish vigorous plantings of high transpiration species downhill of each land application area.
2. Recommend the use of alternate sites for sequential loading.
3. Avoid heavy equipment on land application area when soils are moist or wet.
4. Minimise erosion and limit access to the land application areas during construction.
5. Reduce flow of wastewater by installing water saving devices and composting toilets.
6. Trenches may need to be benched.
7. Install interception drains uphill on the steeper sites to reduce surface infiltration.

# **ON-SITE SEWAGE MANAGEMENT REPORT**

## **Option 3 – Sub surface drip irrigation.**

Sub surface drip irrigation system applying secondary treated effluent. Construction of system to be in accordance with Figure 4.5C1 AS 1547:2000. This system would concentrate effluent application into the A horizon rather than the B horizon.

A DIR of 28 mm/week or 4 mm/day has been adopted for the A Horizon from Table 4.2A4 AS 1547:2000. A value for “n” of 0.1 was used in the calculation. Based upon the water balance calculation an application area of approximately 650m<sup>2</sup> is required for these lots. See attached calculation No.3.

Attention should be given to the following recommendations:

1. Establish vigorous plantings of vegetation requiring high nutrients.
2. Minimise erosion and limit access to the land application areas during construction.
3. Reduce flow of wastewater by installing water saving devices and composting toilets.
4. Dose effluent so as to wet the soil more than once per day.
5. Install interception drains uphill on the steeper sites to reduce surface infiltration.

All Land Application Areas are to be outside of the buffers depicted on the attached sketch. Depending on final house site locations for Lots A & D, it may be necessary to provide for a means of pumping effluent uphill to enable LAAs to be constructed outside those buffers.

## **CONCLUSION:**

Based on the above, and comments below, all lots should be capable of on site sewage disposal.

This report has been prepared in accordance with AS/NZS 1547:2000. No warranty is given or implied as to the long-term performance of an on site sewage management system given the possibility of changing site conditions, installation procedures and ongoing maintenance and operation.

The options listed above are not exhaustive, and other effluent disposal systems may work satisfactorily. Due to the possible time delay until a system may be installed, and the possibility that ground conditions may vary in that time, it is recommended that an updated site assessment be undertaken prior to finally installing a system.

This report has been prepared for Jellat Pastoral Co Pty Ltd and no warranty is implied to third parties.

Caddey, Searl & Jarman  
9 May 2006

# WATER BALANCE CALCULATIONS

CLIENT: Jellat Pastoral Co.

Reference: 45613

Septic Tank Effluent and Absorption trench

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
month	pan evap.	evap.tran	rain	rain retain	DLR/mth	disposal/mth	effluent applied/mth	size area	trial area	application rate	disposal rate	remainder	increase in depth of effluent (n)	depth of effluent for mth (x-1)	add N	computed depth of effluent/ mth (x)
	E	ET=0.75E	R	RR=0.75R	DLR	ET-RR+DLR		H/G		H/J	G	K-L	M/n			
	mm/mth	mm/mth	mm/mth	mm/mth	mm/mth	mm/mth	l/mth	m2	m2	mm/mth	mm/mth	mm/mth	mm/mth	mm	mm/mth	mm
January	195.3	146.5	183.7	137.8	186	194.7	31000	159.3	250	124.0	194.7	-70.7	-235.7	0.0	-235.7	0.0
February	161.0	120.8	199.7	149.8	169.5	140.5	28250	201.1	250	113.0	140.5	-27.5	-91.7	0.0	-91.7	0.0
March	145.7	109.3	264.3	198.3	186	97.0	31000	319.6	250	124.0	97	27	90.0	0.0	90.0	90.0
April	120.0	90.0	180.2	135.2	180	134.8	30000	222.6	250	120.0	134.8	-14.8	-49.4	90.0	-49.4	40.6
May	96.1	72.1	209.1	156.9	186	101.2	31000	306.4	250	124.0	101.2	22.8	76.0	40.6	76.0	116.6
June	87.0	65.3	202.9	152.2	180	93.1	30000	322.3	250	120.0	93.1	26.9	89.7	116.6	89.7	206.3
July	96.1	72.1	144.9	108.7	186	149.4	31000	207.5	250	124.0	149.4	-25.4	-84.7	206.3	-84.7	121.6
August	127.1	95.4	135.2	101.4	180	174.0	30000	172.5	250	120.0	174	-54	-180.0	121.6	-180.0	0.0
September	150.0	112.5	130.0	97.5	180	195.0	30000	153.9	250	120.0	195	-75	-250.0	0.0	-250.0	0.0
October	176.7	132.6	161.9	121.5	186	197.1	31000	157.3	250	124.0	197.1	-73.1	-243.7	0.0	-243.7	0.0
November	183.0	137.3	146.2	109.7	180	207.6	30000	144.6	250	120.0	207.6	-87.6	-292.0	0.0	-292.0	0.0
December	213.9	160.5	181.4	136.1	186	210.4	31000	147.4	250	124.0	210.4	-86.4	-288.0	0.0	-288.0	0.0
<b>TOTAL</b>	<b>1752</b>	<b>1314.4</b>	<b>2139.5</b>	<b>1605.1</b>	<b>2185.5</b>	<b>1894.8</b>	<b>364250</b>	<b>2514.5</b>								
Average	146	109.6	178.3	133.8	182.2	157.9	30354.2	209.6								

Notes: Primary treated effluent.  
Conservative DLR adopted as per Table 4.2A1 AS 1547:2000

0.3

n=0.3(20mm)  
n=0.37(230mm trench with 20mm gravel)  
n=0.01 (gravely loam)  
n=0.4(14inch tyre with 20mm gravel)

CLIENT: Jellat Pastoral Co.

Reference: 45613

AWTS Effluent and Bed

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
month	pan evap.	evap.tran	rain	rain retain	DLR/mth	isposal/mt	effluent	size area	trial area	applicatio	disposal	remainder	increase	depth of		computed
	E	ET=0.75E	R	RR=0.75R	DLR	ET-RR+DLR	H/G			rate	rate		in depth o	effluent for	add N	depth of
	mm/mth	mm/mth	mm/mth	mm/mth	mm/mth	mm/mth	l/mth	m2	m2	mm/mth	mm/mth	mm/mth	mm/mth	mm	mm/mth	mm
January	195.3	146.5	183.7	137.8	620	628.7	31000	49.4	55	563.7	628.7	-65	-216.7	0.0	-216.7	0.0
February	161.0	120.8	199.7	149.8	565	536.0	28250	52.8	55	513.7	536	-22.3	-74.4	0.0	-74.4	0.0
March	145.7	109.3	264.3	198.3	620	531.0	31000	58.4	55	563.7	531	32.7	109.0	0.0	109.0	109.0
April	120.0	90.0	180.2	135.2	600	554.8	30000	54.1	55	545.5	554.8	-9.3	-31.0	109.0	-31.0	78.0
May	96.1	72.1	209.1	156.9	620	535.2	31000	58	55	563.7	535.2	28.5	95.0	78.0	95.0	173.0
June	87.0	65.3	202.9	152.2	600	513.1	30000	58.5	55	545.5	513.1	32.4	108.0	173.0	108.0	281.0
July	96.1	72.1	144.9	108.7	620	583.4	31000	53.2	55	563.7	583.4	-19.7	-65.7	281.0	-65.7	215.3
August	127.1	95.4	135.2	101.4	600	594.0	30000	50.6	55	545.5	594	-48.5	-161.7	215.3	-161.7	53.6
September	150.0	112.5	130.0	97.5	600	615.0	30000	48.8	55	545.5	615	-69.5	-231.7	53.6	-231.7	0.0
October	176.7	132.6	161.9	121.5	620	631.1	31000	49.2	55	563.7	631.1	-67.4	-224.7	0.0	-224.7	0.0
November	183.0	137.3	146.2	109.7	600	627.6	30000	47.9	55	545.5	627.6	-82.1	-273.7	0.0	-273.7	0.0
December	213.9	160.5	181.4	136.1	620	644.4	31000	48.2	55	563.7	644.4	-80.7	-269.0	0.0	-269.0	0.0
<b>TOTAL</b>	<b>1752</b>	<b>1314.4</b>	<b>2139.5</b>	<b>1605.1</b>	<b>7285</b>	<b>6994.3</b>	<b>364250</b>	<b>629.1</b>								
Average	146	109.6	178.3	133.8	607.1	582.9	30354.2	52.5								

Notes: Secondary treated effluent.  
DLR adopted as per Table 4.2A1 AS 1547:2000

0.3  
n=0.3(20mm)  
n=0.37(230mm trench with 20mm gravel)  
n=0.01(gravelly loam)  
n=0.4(14inch tyre with 20mm gravel)

AWTS TREATMENT BED

CLIENT: Jellat Pastoral Co.

Reference: 45613

Subsurface Drip Irrigation

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
month	pan evap.	evap.tran	rain	rain retain	DLR/mth	isposal/mt	effluent applied/mth	size area	trial area	application rate	disposal rate	remainder	increase in depth of effluent (n)	depth of effluent for mth (x-1)	add N	computed depth of effluent/ mth (x)
	E	ET=0.75E	R	RR=0.75R	DIR	ET-RR+DLR	H/G			H/J	G	K-L	M/n			
	mm/mth	mm/mth	mm/mth	mm/mth	mm/mth	mm/mth	l/mth	m2	m2	mm/mth	mm/mth	mm/mth	mm/mth	mm	mm/mth	mm
January	195.3	146.5	183.7	137.8	124	132.7	31000	233.7	650	47.7	132.7	-85	-850.0	0.0	-850.0	0.0
February	161.0	120.8	199.7	149.8	113	84.0	28250	336.4	650	43.5	84	-40.5	-405.0	0.0	-405.0	0.0
March	145.7	109.3	264.3	198.3	124	35.0	31000	885.8	650	47.7	35	12.7	127.0	0.0	127.0	127.0
April	120.0	90.0	180.2	135.2	120	74.8	30000	401.1	650	46.2	74.8	-28.6	-286.0	127.0	-286.0	0.0
May	96.1	72.1	209.1	156.9	124	39.2	31000	790.9	650	47.7	39.2	8.5	85.1	0.0	85.1	85.1
June	87.0	65.3	202.9	152.2	120	33.1	30000	906.4	650	46.2	33.1	13.1	131.0	85.1	131.0	216.1
July	96.1	72.1	144.9	108.7	124	87.4	31000	354.7	650	47.7	87.4	-39.7	-397.0	216.1	-397.0	0.0
August	127.1	95.4	135.2	101.4	120	114.0	30000	263.2	650	46.2	114	-67.8	-678.0	0.0	-678.0	0.0
September	150.0	112.5	130.0	97.5	120	135.0	30000	222.3	650	46.2	135	-88.8	-888.0	0.0	-888.0	0.0
October	176.7	132.6	161.9	121.5	124	135.1	31000	229.5	650	47.7	135.1	-87.4	-874.0	0.0	-874.0	0.0
November	183.0	137.3	146.2	109.7	120	147.6	30000	203.3	650	46.2	147.6	-101.4	-1014.0	0.0	-1014.0	0.0
December	213.9	160.5	181.4	136.1	124	148.4	31000	208.9	650	47.7	148.4	-100.7	-1007.0	0.0	-1007.0	0.0
<b>TOTAL</b>	<b>1752</b>	<b>1314.4</b>	<b>2139.5</b>	<b>1605.1</b>	<b>1457</b>	<b>1166.3</b>	<b>364250</b>	<b>5036.2</b>								
Average	146	109.6	178.3	133.8	121.5	97.2	30354.2	419.7								

0.1

- n=0.3(20mm)
- n=0.37(230mm trench with 20mm gravel)
- n=0.01(gravely loam)
- n=0.4(14inch tyre with 20mm gravel)

Notes: Secondary treated effluent.  
 DIR adopted as per Table 4.2A4 AS 1547:2000  
 See Fig. 4.5C1 AS 1547:2000 for construction

**SUBSURFACE DRIP IRRIGATION**



- Potential house site
- Proposed lot
- Proposed Access
- Land Application Area (100 sq. m indicative)
- Buffer (40m from gully; 150m from waterbody)

Lot	Hectares
A	3.2
B	3.0
C	4.4
D	4.5
E	4.0
F	2.1
G	19.4
H	86.4

**STAGING:**

- 1 LOTS A & B
- 2 LOTS C & D
- 3 LOT E
- 4 LOTS F, G & H

**NOTES:**

1. Lots A - F concessional lots.
2. Lot H is residue lot with dwelling permit.
3. Lot G is an Agricultural lot.

**NOTE**  
 1. This plan was prepared for the purpose and exclusive use of - (client):.....Jellat Pastoral Co., Pty Ltd..... to accompany an application to Bega Valley Shire Council for approval to subdivide the land described in the plan and is not to be used for any other purpose or by any other person or corporation. Caddey Searl & Jarman and any partner or employee thereof accepts no responsibility for any loss or damage suffered

howsoever arising to any person or corporation who may use or rely on this plan in contravention of this clause or clauses 2, 3 or 4 hereof.

2. The contours shown on this plan are by:  
 a) Authorship unknown  
 b) Taken from topographic map no.:  
 c) Caddey Searl & Jarman plan ref no.:  
 And are suitable only for the purposes of this application. The

accuracy of the contours has not been verified and no reliance should be placed upon such contours for any purpose other than for the purpose of this application.

3. The dimensions, areas, size and location of improvements, flood level (if shown), number of lots and agricultural land classification shown on this plan are approximate only and may vary.

4. This plan may not be photocopied unless this note is included.



REF.: 45613

SCALE: 1:5000 @ A3

DATE: 21st March 2006

**PROJECT:**

**PROPOSED SUBDIVISION OF PART PORTIONS 24, 25 & 88 PARISH OF BEGA and PORTION 158 PARISH OF WALLAGOOT**

© Caddey Searl & Jarman



# Caddey Searl & Jarman

*Consulting Surveyors and Property Valuers*

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FIRE.doc

**Our Ref.: 45613**

**Your Ref.:**

17 May 2006

Planning NSW  
GPO Box 3927  
SYDNEY NSW 2001

**PLANNING  
COPY**

**ATTENTION: DEVELOPMENT CONTROL PLANNER**

Dear Sir

**RE: PROPOSED SUBDIVISION OF PART PORTIONS 24, 25 &  
88 PARISH OF BEGA and PORTION 158 PARISH OF  
WALLAGOOT  
WALLAGOOT LANE, JELLAT.  
JELLAT PASTORAL CO. PTY LTD  
BUSHFIRE REPORT**

The subject land is part of an application for a 8 lot subdivision comprising 6 concessional dwelling lots, an agricultural lot and a residue lot. It is located approximately 500 metres south of Tathra Road, and 6 kilometres east of Bega. It is zoned Rural 1(a) under the *Bega Valley LEP 2002* and has a total area of approximately 127 hectares.



Looking south west from Wallagoot Lane towards Lots B & C.

Access to all the lots will be from Wallagoot Lane or via a Right of Carriageway constructed to council standards. Lots B, F & H have existing entries from Wallagoot Lane. Refer to attached sketch. Wallagoot Lane is bitumen sealed up to and including the frontage of Lot F. it is gravel formation from that point south.

There are existing dwellings on Lots B & F.

The vegetation on and around the proposed house sites out to 140 metres is Grassland pasture (Vegetation Group 3) as classified in Table A2.1 of the “Planning for Bushfire Protection, 2001” publication. The proposed dwelling sites are all located in (and adjacent to) areas which are classified as Vegetation Group 3.



Looking north along Wallagoot Lane from Lot H.

The land is undulating as can be seen from the attached topographic map.

A bush fire assessment has been carried out in accordance with the methods in Chapter 4 of the NSW Fire Service “Planning for Bushfire Protection, 2001” publication.

- a) For all lots, an Asset Protection Zone of 20 metres is required according to Table 4.1 regardless of the slope and construction level. This separation distance is available for all dwelling lots within the boundaries of the subdivision.
- b) All lots contain the potential for a dam site and each of the proposed lots will be required to install rainwater tanks, so the fire services should have access to dam water and / or rainwater tanks on the lots.
- c) Access to the property is from a council maintained road. It has the capacity to handle increased volumes of traffic in the event of a bushfire emergency.
- d) The access to all lots will be via a right of carriageway constructed to Bega Valley Shire Council standards. This right of carriageway accesses directly off Wallagoot Lane and will be of a sufficient standard for emergency vehicles. There will not be any section of driveway longer than 200 metres within bushland.
- e) There are no special bush fire maintenance plans or fire emergency procedures for this development site at this stage.

- f) For all lots – there are no special requirements for the level of construction (Table A2.4 and Table A3.3) as the Category of Bushfire attack is Low.
- g) There are no special fire protection measures to be incorporated into the development at this stage.

The proposed development fully conforms to the specifications set out in Chapter 4 of the NSW Fire Service “Planning for Bushfire Protection, 2001”.



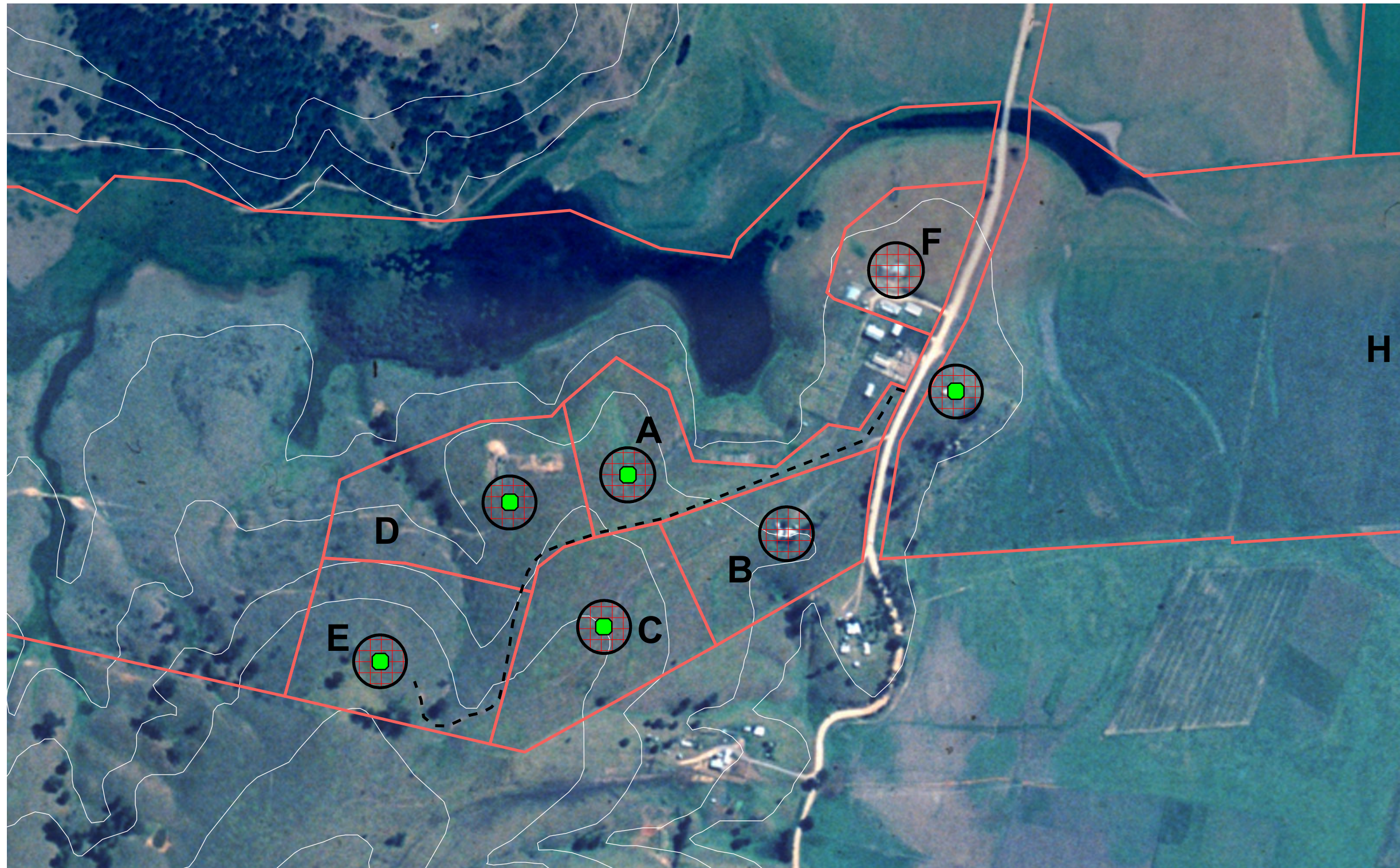
Overall view of site from Tathra Road.

If you have any queries regarding the above please contact Mr Michael Collins at our Bega office.

Yours faithfully  
Caddey Searl and Jarman

**Michael Collins**  
Registered Surveyor

Encl.: Cheque for \$250 to NSW Rural Fire Service  
Sketch showing proposed lots and dwelling sites



- Potential house site
- Proposed lot
- Proposed Access
- Asset Protection Zone

Lot	Hectares
A	3.2
B	3.0
C	4.4
D	4.5
E	4.0
F	2.1
G	19.4
H	86.4

**STAGING:**

- 1 LOTS A & B
- 2 LOTS C & D
- 3 LOT E
- 4 LOTS F, G & H

**NOTES:**

1. Lots A - F concessional lots.
2. Lot H is residue lot with dwelling permit.
3. Lot G is an Agricultural lot.

**NOTE**

1. This plan was prepared for the purpose and exclusive use of - (client):.....Jellat Pastoral Co. Pty Ltd..... to accompany an application to Bega Valley Shire Council for approval to subdivide the land described in the plan and is not to be used for any other purpose or by any other person or corporation. Caddey Searl & Jarman and any partner or employee thereof accepts no responsibility for any loss or damage suffered

howsoever arising to any person or corporation who may use or rely on this plan in contravention of this clause or clauses 2, 3 or 4 hereof.

2. The contours shown on this plan are by:  
a) Authorship unknown  
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accuracy of the contours has not been verified and no reliance should be placed upon such contours for any purpose other than for the purpose of this application.

3. The dimensions, areas, size and location of improvements, flood level (if shown), number of lots and agricultural land classification shown on this plan are approximate only and may vary.

4. This plan may not be photocopied unless this note is included.



REF.: 45613

SCALE: 1:5000 @ A3

DATE: 21st March 2006

**PROJECT:**

**PROPOSED SUBDIVISION OF PART PORTIONS 24, 25 & 88 PARISH OF BEGA and PORTION 158 PARISH OF WALLAGOOT**

© Caddey Searl & Jarman



# Bega Valley

## *Local Environmental Plan 2002*

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning,

make the following local environmental plan under the

*Environmental Planning and Assessment Act 1979. (W00/00082/PC)*

Minister for Planning

Gazetted Friday, 14 June 2002

Week No. 24/2002

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**Notes**

Notes inserted into this instrument serve to assist in the interpretation of this Plan but do not form part of the Plan.

# Bega Valley

## Local Environmental Plan 2002

### Part 1 Preliminary

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

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

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

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

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

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

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

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

Bega Valley Local Environmental Plan 1987 is repealed.

## **5 Consent authority**

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

## **6 Exempt and complying development**

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

**Refer to Council's Development Control Plan 4(98) Exempt and Complying Development.**

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

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

Zone 1 (a) (Rural General Zone)—lettered 1 (a)

Zone 1 (c) (Rural Small Holdings Zone)—lettered 1 (c)

Zone 1 (f) (Rural Forestry Zone)—lettered 1 (f)

Zone 2 (a) (Residential Low Density Zone)—lettered 2 (a)

Zone 2 (b) (Residential Medium Density Zone)—lettered 2 (b)

Zone 2 (c) (Residential Tourist Zone)—lettered 2 (c)

Zone 2 (e) (Urban Zone)—lettered 2 (e)

Zone 2 (f) (Future Urban Zone)—lettered 2 (f)

Zone 2 (v) (Village Zone)—lettered 2 (v)

Zone 3 (a) (General Business Zone)—lettered 3 (a)

Zone 3 (b) (Special Business Zone)—lettered 3 (b)

Zone 4 (a) (Industrial Zone)—lettered 4 (a)

Zone 5 (a) (Special Uses Zone)—lettered 5 (a)

Zone 6 (a) (Existing Open Space Zone)—lettered 6 (a)

Zone 6 (c) (Private Open Space Zone)—lettered 6 (c)

Zone 7 (b) (Environment Protection Foreshore Zone)—lettered 7 (b)

Zone 7 (d) (Environment Protection General Zone)—lettered 7 (d)

Zone 7 (f1) (Coastal Lands Protection Zone)—lettered 7 (f1)

Zone 7 (f2) (Coastal Lands Acquisition Zone)—lettered 7 (f2)

Zone 8 (National Parks and Nature Reserves Zone)—lettered 8

Zone 9 (c) (Arterial Road Reservation Zone)—lettered 9 (c)

Zone 9 (d) (Local Road Reservation Zone)—lettered 9 (d)

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

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

## **9 Definitions**

In this plan:

- (a) terms defined in the Dictionary at the end of this plan have the same meanings as are set out in the Dictionary, and
  - (b) a reference to a building, work or place used for a purpose includes a reference to a building, work or place proposed to be used for the purpose, and
  - (c) a reference to a map is a reference to a map kept in the office of the Council.
-

## **10 Model provisions**

- (1) This plan adopts Part 1 and clauses 5, 7, 8, 9, 10, 11, 12, 14, 24, 33 and 35 of, and Schedule 1 to, the Environmental Planning and Assessment Model Provisions 1980.
- (2) For the purposes of this plan, the Environmental Planning and Assessment Model Provisions 1980, shall be read as if clause 8 of Schedule 1 to those provisions extends to the widening of a road on land acquired by the Council for that purpose, despite anything to the contrary in that clause.

**The Model Provisions clauses adopted by subclause (1) have been included as a separate attachment at the end of the plan.**

## **11 Saving for undetermined applications**

A development application:

- (a) that relates to land to which this plan applies, and
- (b) that was lodged before the appointed day, but was not finally determined before that day, is to be determined as if the plan had been exhibited but had not been made.

**This means that development applications lodged prior to 14 June 2002 (2pm) will be assessed having regard to the provisions in Bega Valley Local Environmental Plan 1987 and consideration of the provisions of Bega Valley Local Environmental Plan 2002 as if this plan had been exhibited only.**

## Part 2 Rural zone provisions

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

#### (1) Land within the zone

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

#### (2) Objectives of the zone

The objectives of Zone 1 (a) are as follows:

- (a) to encourage continued growth in the area's rural economic base,
- (b) to encourage other forms of development, including tourism, that are compatible with agricultural activities and do not create undesirable environmental and cultural impacts,
- (c) to protect and conserve the productive potential of prime crop and pasture land,
- (d) to maintain the scenic amenity and landscape quality of the area,
- (e) to promote the protection, and the preservation and enhancement, of natural ecological systems and processes,
- (f) to provide proper and coordinated use and protection of rivers, riparian corridors and water catchment areas,
- (g) to promote the economic provision of services compatible with the nature and intensity of development and the character of the area,
- (h) to ensure that development and management of the land has minimal impact on water quality and environmental flows of receiving waters,
- (i) to maintain significant features of natural and cultural heritage.

**(3) Allowed without development consent**

Development for the purpose of:

agriculture; environmental facilities; farm forestry.

**(4) Allowed only with development consent**

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

**(5) Prohibited**

Development for the purpose of:

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

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

**(1) Land within the zone**

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

**(2) Objectives of the zone**

The objectives of Zone 1 (c) are as follows:

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

- (d) to provide opportunities for an agricultural use of the land that is compatible with surrounding residential development.

**(3) Allowed without development consent**

Development for the purpose of:

agriculture; environmental facilities.

**(4) Allowed only with development consent**

Development for the purpose of:

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

**(5) Prohibited**

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

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

**(1) Land within the zone**

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

**(2) Objectives of the zone**

The objectives of Zone 1 (f) are as follows:

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

**(3) Allowed without development consent**

Development for the purpose of:

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

**(4) Allowed only with development consent**

Development for the purpose of:

camp sites; extractive industries; mines; outdoor recreation.

**(5) Prohibited**

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

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

- (1) This clause applies to land within Zone 1 (a).
- (2) Consent may be granted to the creation of an allotment of any area for the purpose of agriculture.
- (3) However, consent must not be granted to the creation of an allotment for the purpose of agriculture if the allotment will have an area of less than 120 hectares and there will be a dwelling house on the allotment.

**Any proposals to subdivide land for agricultural purposes should be justified by the applicant to demonstrate the potential productive use of each lot for commercial agricultural use.**

**16 Limited subdivisions for the purpose of dwellings within Zone 1 (a)**

- (1) Consent may be granted pursuant to this clause to a subdivision that excises an allotment or allotments to be used for the purpose of a dwelling house from land within Zone 1 (a):

- (a) that comprises the whole of an existing holding that was in a single ownership when the development application for consent to the subdivision was made, or

**May also be known as an intact existing holding.**

- (b) that comprises the largest part of an existing holding that was in a single ownership when the development application for consent to the subdivision was made, if the whole of the existing holding was not in a single ownership at that time.

**May also be known as the residue of an existing holding. Existing holdings are mapped so that they are clearly defined. Refer to sheets 1-19, Existing Holdings Map series. It should be noted that the Existing Holdings as mapped on this series include roads and rivers that do not form part of the actual existing holding area and as such need to be excluded from any area calculations.**

- (2) Not more than one consent may be granted pursuant to this clause for the excision of land from any existing holding, whether or not the excision is made from the largest part of the existing holding.

**This means that only a single subdivision application can be made to excise concessional lots from an intact existing holding or the residue of an existing holding.**

**The intent of this clause is to ensure whole of farm planning and lessen the complexity of managing the planning provisions of the plan.**

- (3) The number of allotments excised under this clause from an existing holding shall not exceed:
- (a) 1, where the existing holding has an area of 10 hectares or more but less than 20 hectares,
- (b) 2, where the existing holding has an area of 20 hectares or more but less than 30 hectares,

- (c) 3, where the existing holding has an area of 30 hectares or more but less than 80 hectares, or
  - (d) where the existing holding has an area of 80 hectares or more, 3 plus 1 additional allotment for each 40 hectares in the existing holding. This subclause is subject to subclause (5) and clause 17 (3).
- (4) No allotment can be excised under this clause if the existing holding has an area of less than 10 hectares.
- (5) Any allotment within an existing holding and comprised of less than 120 hectares of land within Zone 1 (a) is to be treated as an excised allotment in calculating the number of allotments that may be excised from the existing holding under this clause if a dwelling lawfully exists or may be erected in accordance with this plan on the allotment.

**This means that any lot less than 120 hectares in existence that has a dwelling house or the lawful potential for a dwelling house is counted as a concessional lot for the purpose of determining any remaining concessional lot potential.**

- (6) Each allotment excised under this clause must have an area of not less than 2 hectares and not more than 10 hectares.

**This means that a concessional allotment is to be no less than 2 hectares and no greater than 10 hectares in size.**

- (7) Consent must not be granted to a subdivision of land pursuant to this clause unless the consent authority is satisfied that each allotment proposed to be excised for use for the purpose of a dwelling house:

**The following subclauses (a) – (m) are mandatory matters for consideration in the assessment of concessional lot subdivision applications.**

**There is no discretion in the application of these matters.**

- (a) has a suitable dwelling house site, and

**This means that a suitable area of land is available which has appropriate slope, aspect, access and site conditions to enable the construction of a dwelling house and any future improvements without adversely impacting on the visual and physical characteristics of the land.**

- (b) will not, because of its use, affect the economic viability of existing farmland, and

**This means that Council must be satisfied that the proposed development would not adversely impact on the present and potential operations of a farm.**

**Impacts can include restrictions on the area of land available for existing farm operations and or any future farm expansion or intensification.**

- (c) is not located near operational aspects of a farm, and

**Dwellings must not be located where the noise, smell, dust or other impacts of agricultural activities would interfere with the residential amenity of the dwellings.**

- (d) is located outside areas designated as Class 1 or 2 in the New South Wales Department of Agriculture's "Agricultural Land Classification Atlas, Far South Coast Region New South Wales" dated August 1986, and

**Copies of the land Classification Atlas can be viewed at Council's Bega office.**

- (e) will not be part of an inholding within a national park within the meaning of the National Parks and Wildlife Act 1974, and

**An inholding refers to an area of freehold land that is totally surrounded by National Park.**

- (f) will not have a dwelling located on it within 100m of the boundary of a national park or nature reserve within the meaning of the National Parks and Wildlife Act 1974, and

- (g) will have legal and practical access to an existing Council-maintained public road, and

**All concessional lots must have either direct access from an existing council maintained public road, or be connected to such a road by a formal easement for access or right of carriageway. The opening of new public roads and the development of crown public roads to Council standards are not acceptable in providing access to concessional lots given the significant costs such works generate for Council.**

**Practical access means fulltime 2WD access is achievable to the land.**

- (h) will not create a need for any additional access onto a State highway or an arterial road, and

**This means that the development does not necessitate an additional access point from a state highway or arterial road. Arterial roads are shown on sheet 31 of the LEP map series.**

**Existing access points in the form of driveways, gates, etc can be adjusted to meet engineering design standards if a more appropriate and safe location is achieved.**

- (i) will have a dwelling site located outside any areas of bushfire hazard identified by the Council, and

**Refer to guideline document "Planning for Bushfire Protection 2001". (Planning NSW and NSW Rural Fire Service). Copies can be obtained from Planning NSW direct. Council has interim mapping of fire hazard.**

- (j) will be serviced by existing electricity reticulation or short extensions from the existing reticulation network, or will utilise alternative stand-alone electric power systems, and

**Advice from Country Energy should be obtained in this regard.**

- (k) has soils suitable for on-site sewage management disposal, and

**Refer to Council's Development Control Plan No 5 On-Site Sewage Management for specific requirements.**

- (l) does not contain or adjoin perennial streams and does not have access by easement for drawing water from perennial streams, and

**See definition of “perennial stream” in the Dictionary.**

- (m) will not adversely affect important features of cultural or natural heritage or disrupt regional ecological systems or processes.

**Advice from the National Parks and Wildlife Service should be obtained in this regard. Council may require a cultural or natural heritage report if the land lies within an area mapped by Council as sensitive or it is the opinion of Council the land might be sensitive.**

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

- (1) Despite any other provision of this plan except this clause, consent must not be granted to the erection of a dwelling house on an allotment in Zone 1 (a) unless the land:
- (a) comprises an allotment of not less than 120 hectares, or
  - (b) comprises an allotment created for the purpose of a dwelling house by a subdivision for which consent has been granted,
  - (c) comprises an allotment identified as the residue in a subdivision for which consent has been granted for the excision of allotments for the purpose of a dwelling house, or
  - (d) comprises an existing holding on which there is no other dwelling house and the consent authority is satisfied that:
    - (i) the land is of sufficient size and the soils are of appropriate quality for the effective on-site disposal of domestic waste, and
    - (ii) the erection of a dwelling house will not create or increase any demand for the uneconomic provision or upgrading of roads and other utilities to that land.
- (2) Notwithstanding any other provision of this clause, consent may be granted to the erection of a dwelling house on an allotment (including a portion of a Parish or a lot in a Crown plan) within

Zone 1 (a) that was lawfully created prior to 7 January 1966 and that is not an existing holding if the consent authority is satisfied that:

- (a) the erection of the dwelling house will not create any substantial conflict with the objectives of the zone, and
- (b) the erection of a dwelling house will not create or increase demand for the uneconomic provision of services to the locality, and
- (c) the effect will be substantially the same as if the allotment had been excised under clause 16.

**This provides for crown portions to have a dwelling entitlement where a lot of similar size and impact could otherwise be created under clause 16.**

**With respect to lot area, generally the crown portion is to be commensurate with the 2-10ha requirement under clause 16 although there may be mitigating circumstances that permit a lot of larger area, provided that all other assessment criteria under the plan are satisfied.**

- (3) Where consent is granted as referred to in subclause (2), the allotment is to be treated as an excised allotment in calculating the number of allotments that may be excised under clause 16 from the existing holding.

**This clause provides that crown portion lots are counted as if they were lots subdivided under clause 16. The remaining subdivision potential of the existing holding for the purpose of lots that can contain dwellings is also reduced accordingly by this lot count.**

- (4) Consent may be granted to a development application made pursuant to subclause (2) for land within an existing holding that at 1 July 2000 was owned separately from any other land within the existing holding, even where that development application does not comply with one or more of paragraphs (e), (f), (g) and (h) of subclause (5) if a dwelling house was otherwise permissible on the land immediately prior to the commencement of this plan.

**This savings provision applies to land within an existing holding (be it an allotment or crown portion) that at 1 July 2000 was owned separately from any other land within the existing holding - such that consent may be granted to the erection of a dwelling house on such land notwithstanding non compliance with some of the mandatory matters listed in sub clause 17(5).**

- (5) Consent must not be granted to the erection of a dwelling house pursuant to subclause (2) on any land unless the consent authority is satisfied that:

**The following subclauses (a) – (m) are mandatory matters for consideration in the assessment of dwelling house applications.**

**There is no discretion in the application of these matters and application for consent have to demonstrate compliance with these subclauses.**

- (a) the land has a suitable dwelling house site, and

**This means that a suitable area of land is available which has appropriate slope, aspect, access and site conditions to enable the construction of a dwelling house and any future improvements without adversely impacting on the visual and physical characteristics of the land.**

- (b) use of the land and the dwelling house will not adversely affect the economic viability of existing farmland, and

**This means that Council must be satisfied that the proposed development would not adversely impact on the present and potential operations of a farm.**

**Impacts can include restrictions on the area of land available for existing farm operations and or any future farm expansion or intensification, plus buffers to protect "right to farm".**

- (c) the dwelling house will not be located near operational aspects of a farm, and

**Dwellings must not be located where the noise, smell, dust or other impacts of agricultural activities would interfere with the residential amenity of the dwellings.**

- (d) the land is located outside areas designated as Class 1 or 2 in the New South Wales Department of Agriculture's "Agricultural Land Classification Atlas, Far South Coast Region New South Wales" dated August 1986, and

**Copies of the land Classification Atlas can be viewed at Council's Bega branch office.**

- (e) the land is not part of an inholding within a national park within the meaning of the National Parks and Wildlife Act 1974, and

**An inholding refers to an area of freehold land that is totally surrounded by National Park.**

- (f) the dwelling house will not be located within 100m of the boundary of a national park or nature reserve within the meaning of the National Parks and Wildlife Act 1974, and

- (g) the dwelling house has legal and practical access to an existing Council-maintained public road, and

**All dwellings must have either direct access from an existing council maintained public road, or be connected to such a road by a formal easement for access or right of carriageway. The opening of new public roads and the development of crown public roads to Council standards are not acceptable in providing access to concessional lots given the significant costs such works generate for Council.**

**Practical access means fulltime 2WD access is achievable to the land.**

- (h) use of the land and the dwelling house will not create a need for any additional access onto a State highway or an arterial road, and

**This means that the development does not necessitate an additional access point from a state highway or arterial road. Arterial roads are shown on sheet 31 of the LEP map series.**

**Existing access points in the form of driveways, gates, etc can be relocated to meet engineering design standards if a more appropriate and safer location is achieved.**

- (i) the dwelling house will be located outside any areas of bushfire hazard identified by the Council, and

**Refer to guidelines document “Planning for Bushfire Protection 2001”. (Planning NSW and NSW Rural Fire Service). Copies can be obtained from Planning NSW direct. Council has mapping of bushfire hazard areas.**

- (j) the dwelling house is to be serviced by existing electricity reticulation or short extensions from the existing reticulation network, or utilises alternative stand-alone electric power systems, and

**Advice from Country Energy should be obtained and submitted with the application.**

- (k) the land has soils suitable for on-site sewage management disposal, and

**Refer to Council’s Development Control Plan No 5 On-Site Sewage Management for specific requirements.**

- (l) the land does not contain or adjoin perennial streams and does not have access by easement for drawing water from perennial streams, and

**See definition of “perennial stream” in the Dictionary.**

- (m) the dwelling house and its use will not adversely affect important features of cultural or natural heritage nor disrupt regional ecological systems or processes.

**Advice from the National Parks and Wildlife Service should be obtained in this regard. Council may require a cultural or natural heritage report if the land lies within an area mapped by Council as sensitive or it is the opinion of Council the land might be sensitive.**

- 6) Nothing in subclause (1) shall prevent the erection of a dwelling house on land in Zone 1 (a) on which another dwelling house has been lawfully erected if the first mentioned dwelling house is intended to replace the other dwelling house and is not to be occupied until the other dwelling house is demolished or its occupation has permanently ceased.
- (7) Despite any other provision of this plan, consent may be granted to the erection of a dwelling house on an allotment in Zone 1 (a) resulting from a minor boundary adjustment, consolidation, road widening or acquisition for a public purpose or a combination of these where the consent authority is satisfied that the allotment is substantially the same as the allotment that existed immediately prior to the minor boundary adjustment, consolidation, road widening or acquisition for a public purpose and the erection of a dwelling house would be permissible on that former allotment under this clause.

**This clause enables lots affected by a boundary adjustment, consolidation or road widening/acquisition to retain a dwelling entitlement but only if a dwelling house would have been previously permitted on the land subject to development consent.**

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

- (a) that does not result in the creation of any additional number of allotments, and
  - (b) that the consent authority is satisfied is of a minor nature and will not result in any significant adverse environmental effect.
- (8) In considering whether to grant consent to a development application made pursuant to subclause (6) or (7), the consent authority must have regard to the matters for consideration listed in subclause (5).

**The mandatory assessment criteria in 16(5) are to be considered in the assessment of all applications made under 16(6) and 16(7) of this plan.**

(9) Consent may be granted to the erection of a second dwelling house on any allotment in Zone 1 (a) on which a dwelling house may be erected under this clause, subject to the following:

(a) compliance with all requirements under this plan that would apply if only one dwelling house was proposed to be erected on the allotment, and

**An additional dwelling house is permitted on Zone 1(a) land:**

**(i) Being an allotment in accordance with 17(1) subject to compliance with all relevant matters under the plan and development consent.**

**(ii) Being an allotment in accordance with 17(2) subject to compliance with all relevant matters under the plan including 17(5) and development consent.**

(b) the development resulting in not more than two dwellings on the allotment, and

(c) the land not being used for an ecotourism facility or tourist accommodation.

(10) An allotment in Zone 1 (a) containing more than one dwelling house shall not be subdivided except in conformity with clause 15 or 16.

**Subdivision of a second dwelling house on Zone 1(a) land is not permitted unless the requirements for subdivision under clauses 15 and 16 are met.**

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

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

(2) Consent may be granted to the subdivision of land to create an allotment that, in the opinion of the consent authority, is intended to be used for a purpose other than agriculture or a dwelling house provided that:

(a) none of the land to be subdivided is prime crop and pasture land, and

(b) the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created, and

- (c) the purpose for which the allotment is to be used involves the supply of goods or services for which there is a demand in the locality, and
- (d) the proposed use of the allotment is consistent with the objectives of the zone.

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

- (1) Consent must not be granted to a subdivision of land within Zone 1 (c) which creates allotments intended to be used for the erection of dwelling houses, if the proposed allotments will have an area of less than 5,000 square metres.

**This clause should be read in conjunction with the provisions contained in Council's Development Control Plan No 9 Rural Residential Development.**

- (2) Before granting consent to the subdivision of land within Zone 1 (c) the consent authority must assess whether the size of each proposed allotment is appropriate. The following matters must be taken into consideration:
  - (a) the ability of the land to accommodate on-site disposal of household waste water,
  - (b) the standard and capacity of public roads serving the land, having regard to the likely volume of traffic to be generated as a consequence of the density of the subdivision and the means available to improve roads to a standard appropriate to the level of traffic likely to be generated,
  - (c) the availability of other utility services and social services, having regard to the likely demand for those services and the costs of their provision,
  - (d) the size of the proposed allotments having regard to the desirable sequence of development of land within Zone 1 (c),
  - (e) the likely impact the development will have on other land and, in particular, on land located between the land to be subdivided and major public roads and utility services,

- (f) the nature and topography of the land having regard to the density of subdivision,
  - (g) the desirability of maintaining a low density of development in the primary catchment areas of lakes and waterways, areas of relatively high agricultural production potential or other areas where intensive subdivision may create a significant risk of soil erosion or pollution of the environment,
  - (h) the desirability of providing a range and mix of allotment sizes,
  - (i) the need to maintain a semi-rural character in the area, and
  - (j) the purpose for which the land is to be used after subdivision.
- (3) In considering the design of a proposed subdivision of land within Zone 1 (c), the consent authority must have regard to:
- (a) where the land may, in the opinion of the consent authority, be suitable for long-term urban development, whether the subdivision has been designed to facilitate its possible future resubdivision, and
  - (b) the necessity for and ability to construct a dam on each proposed allotment, and
  - (c) whether the subdivision will enable the subsequent erection of dwelling houses in a manner that appropriately relates dwellings to each other and to the topography of the land, and
  - (d) the risk of bushfires, and
  - (e) the extent to which the layout and orientation of allotments and the subsequent siting of dwelling houses on those allotments will minimise potential visual, nuisance or other conflicts related to existing and potential development on land in an adjoining zone, and
  - (f) features of cultural and natural heritage and landscape elements that are important for maintaining functioning ecological systems.
- (4) Consent must not be granted to the subdivision of land within Zone 1 (c) which has frontage to an arterial road unless vehicular access

to each proposed allotment is provided by a road other than the arterial road, except where:

- (a) an existing vehicular access point to the arterial road is able to be retained or relocated to serve no more than 2 proposed allotments, or
  - (b) it is unreasonable or impracticable to provide alternative access, and, in either case, vehicular access points are located and designed so as to minimise potential traffic hazards.
- (5) A person shall not erect a dwelling house on land within Zone 1 (c) having an area of less than 5,000 square metres.
- (6) Consent must not be granted to the subdivision of attached or detached dual occupancy development within Zone 1 (c).

**This subclause expressly prohibits the subdivision of attached and detached dual occupancy development on Zone 1(c) land.**

**Land zoned 1(c) is under active review. Please check with Council's Strategic Planning section about individual planning studies that may apply to this land.**

## Part 3 Urban zone provisions

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

#### **(1) Land within the zone**

Land is within Zone 2 (a) (the Residential Low Density Zone) if it is shown lettered 2 (a) on the zoning map.

#### **(2) Objectives of the zone**

The objectives of Zone 2 (a) are as follows:

- (a) to allow residential development, including dwelling houses and attached dual occupancies,
- (b) to maintain and enhance the character of residential areas, to promote good design,
- (c) to enable development which serves the needs of people in the residential areas,
- (d) to ensure that development does not have an unacceptable impact on adjoining land, by way of shadowing, invasion of privacy, noise and the like.

#### **(3) Allowed without development consent**

Development for the purpose of:

environmental facilities.

#### **(4) Allowed only with development consent**

Development for the purpose of:

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

**(5) Prohibited**

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

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

**(1) Land within the zone**

Land is within Zone 2 (b) (the Residential Medium Density Zone) if it is shown lettered 2 (b) on the zoning map.

**(2) Objectives of the zone**

The objectives of Zone 2 (b) are as follows:

- (a) to recognise land suitable to accommodate a range of residential densities and a variety of medium density housing styles,
- (b) to encourage innovative and environmentally sustainable design and development of medium density housing which protects and enhances the streetscape,
- (c) to provide for other forms of development which may appropriately be located in the zone,
- (d) to ensure non-residential development is of a type, scale and character which will maintain an acceptable level of residential amenity.

**(3) Allowed without development consent**

Development for the purpose of:

environmental facilities.

**(4) Allowed only with development consent**

Development for the purpose of:

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

consulting rooms; recreation areas; serviced apartments; utility installations.

**(5) Prohibited**

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

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

**(1) Land within the zone**

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

**(2) Objectives of the zone**

The objectives of Zone 2 (c) are as follows:

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

**(3) Allowed without development consent**

Development for the purpose of:  
environmental facilities.

**(4) Allowed only with development consent**

Development for the purpose of:

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

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

**(5) Prohibited**

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

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

**(1) Land within the zone**

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

**(2) Objectives of the zone**

The objectives of Zone 2 (e) are as follows:

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

**(3) Allowed without development consent**

Development for the purpose of:

environmental facilities.

**(4) Allowed only with development consent**

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

**(5) Prohibited**

Development for the purpose of:

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

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

### **(1) Land within the zone**

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

### **(2) Objectives of the zone**

The objectives of Zone 2 (f) are as follows:

- (a) to identify land which is to be investigated in respect to its suitability for rezoning at a later date for urban purposes,
- (b) to ensure that development within the zone is compatible with the anticipated urban development of the land,
- (c) to ensure that development does not create unreasonable or uneconomic demands, or both, for provision or extension of public amenities or services.

### **(3) Allowed without development consent**

Nil.

### **(4) Allowed only with development consent**

Development for the purpose of:

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

**(5) Prohibited**

Any development not included in subclause (4).

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

**(1) Land within the zone**

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

**(2) Objectives of the zone**

The objectives of Zone 2 (v) are as follows:

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

**(3) Allowed without development consent**

Development for the purpose of:  
agriculture; environmental facilities.

**(4) Allowed only with development consent**

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

**(5) Prohibited**

Development for the purpose of:

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

## 26 Subdivision in urban zones

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

**Refer to zoning map series for the areas of land affected by this subclause.**

- (4) A dwelling house shall not be erected on an allotment of land referred to in subclause (1) or (2) unless the allotment has an area not less than that shown on the zoning map as applying to the proposed allotment, or the allotment was or is created for the purposes of a dwelling house in accordance with a consent granted before the appointed day.
- (5) Notwithstanding subclause (1), consent may be granted to a subdivision of land or buildings containing two or more dwellings erected with development consent so that each dwelling has a separate title.

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

- (1) A person shall not erect a dwelling house or multi unit housing on land within a zone specified in the Table to this clause unless:
  - (a) the allotment on which the dwelling house or housing is proposed to be erected has a site area of not less than the minimum site area for each dwelling specified in the Table in respect of the type of housing and zone concerned, and
  - (b) the ratio of the gross floor area of the dwelling house or housing to the site area of the allotment does not exceed the ratio identified in that Table for the relevant zone.

**See definition of gross floor area in the Dictionary.**

- (2) In all cases the minimum landscaped area for dwelling houses, and for an attached dual occupancy and other multi unit housing is 35% of the total site area.

**See definition of landscaped area in the Dictionary.**

- (3) Notwithstanding subclause (1), a person shall not erect a dwelling house or attached dual occupancy on unsewered land within a zone specified in the Table to the clause unless the Council is satisfied that the proposed allotment will be reasonably capable of disposing of on-site sewage effluent without nuisance or any likely pollution of surface or subsurface water.
- (4) A person shall not erect multi unit housing on unsewered land within any zone.

**This subclause expressly prohibits the erection of multi unit housing on unsewered**

**land in any zone.**

- (5) Despite any other provision of this plan, consent may be granted to the erection of a detached dual occupancy on land identified in Schedule 1.

**Table**

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

**Notwithstanding the above Council has a policy that requires a minimum 2000m<sup>2</sup> site area for the erection of a dwelling house on all unsewered lots in urban areas.**

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

- (1) This clause applies to all land within Zone 2 (e).

**Refer to Council's Development Control Plan No 36 Eden Urban Area for provisions relating to development in Eden.**

- (2) Before granting consent for development on land to which this clause applies, the consent authority shall have regard to:
- (a) where the land adjoins other land used for residential purposes, the manner in which the development relates

- to the residential development on the other land and to the maintenance and enhancement of the existing residential character and amenity, and
- (b) where the proposed development is for retail or commercial purposes, the manner in which it supports the role and structure of the Eden town centre and its convenience to the community, and
  - (c) where appropriate, the likely consequences of the proposed development for the provision of industrial development opportunities in the area, and
  - (d) where the land is, according to information available to the Council, affected by flooding, whether the proposed development involves a risk to life or property in the event of a flood and whether it is likely to aggravate the effects of flooding on other land, and
  - (e) whether the proposed development is likely to create a traffic hazard or reduce the traffic-carrying efficiency of a road, particularly an arterial road, and
  - (f) the extent to which the proposed development complements and enhances the existing character of the town of Eden.
- (3) Consent must not be granted to development on land to which this clause applies that adjoins or is adjacent to other land that is used or is to be used for residential purposes unless the consent authority is satisfied that:
- (a) the elevation of any building has been designed to be compatible with residential development or the building will be suitably screened, and
  - (b) the development will allow a reasonable amount of sunlight to reach residential buildings and land used as private recreational open space between the hours of 9 a.m. and 3 p.m. during the winter solstice, and
  - (c) noise from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and

- (d) the development will not otherwise cause nuisance to residents, by way of traffic movement, parking, headlight glare, security lighting or the like, and
  - (e) windows facing residential areas will be treated to avoid overlooking of private yard space or of windows in residences.
- (4) Consent must not be granted to development on land to which this clause applies for the purpose of an industry unless the consent authority is satisfied that:
- (a) the industry will be sufficiently separated from residential development to minimise any nuisance, and
  - (b) the industry will not detract from residential amenity by way of noise, odours, waste, appearance, hours of operation or traffic, or otherwise.
- (5) Consent must not be granted to any development on land to which this clause applies which has a covering of native vegetation or is otherwise in its natural state unless the consent authority is satisfied that:
- (a) any removal of vegetation necessitated by the development will be minimised, and
  - (b) the landscaping proposed will have the effect of minimising the visual impact of the development, and
  - (c) such other measures as may be considered appropriate by the consent authority will be taken to minimise the effect of the development on the existing character of the area.
- (6) Where land to which this clause applies contains or is likely to contain Aboriginal archaeological relics (on the basis of information available to the Council), consent must not be granted to development on the land unless the consent authority is satisfied that appropriate action has been taken to identify and protect such relics.
- (7) Consent must not be granted to any habitable building on land to which this clause applies which is not able to be connected to reticulated sewerage and water services unless appropriate arrangements are or have been made for:

- (a) the provision of a water supply of adequate quantity and quality for the needs of the development, and
- (b) the provision of sewage disposal facilities which:
  - (i) have adequate capacity to meet peak demand, and
  - (ii) will ensure that the quality of downstream water is maintained, particularly in relation to marine ecosystems in Twofold Bay, Lake Curalo and Cocora Lagoon.

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

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

**Land zoned 2(f) is under active review. Please check with Council's Strategic Planning section about individual planning studies that may apply to this land.**

## Part 4 Employment zone provisions

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

#### **(1) Land within the zone**

Land is within Zone 3 (a) (the General Business Zone) if it is shown lettered 3 (a) on the zoning map.

#### **(2) Objectives of the zone**

The objectives of Zone 3 (a) are as follows:

- (a) to encourage a high standard of commercial development, create compact business centres which service the population and visitors and facilitate the expansion of business activities in appropriate locations,
- (b) to set aside certain land for the provision of services required by the travelling public for the development of facilities for refreshment, accommodation, recreation and amusement,
- (c) to permit non-commercial development where such development complements the intended commercial character of the locality, including dwellings attached to commercial development.

#### **(3) Allowed without development consent**

Development for the purpose of:

environmental facilities.

#### **(4) Allowed only with development consent**

Development for the purpose of:

advertisements; business premises; car parks; child care centres; clearing of land; clubs; commercial premises; community facilities; convenience stores; dwelling houses attached to commercial premises and/or shops; educational establishments; entertainment establishments; granny flats; hospitals; hotels; kiosks; medical centres; motels; motor showrooms; multi unit housing if not at street level (other

than the entry and the like); places of public worship; plant depots; plant hire; professional consulting rooms; public buildings; reception establishments; recreation areas; recreation facilities; refreshment rooms; research facilities; retail plant nurseries; service stations; shops; transport depots; transport terminals; utility installations; vehicle repair stations; veterinary establishments.

**(5) Prohibited**

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

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

**(1) Land within the zone**

Land is within Zone 3 (b) (the Special Business Zone) if it is shown lettered 3 (b) on the zoning map.

**(2) Objectives of the zone**

The objectives of Zone 3 (b) are as follows:

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

**(3) Allowed without development consent**

Development for the purpose of:

environmental facilities.

**(4) Allowed only with development consent**

Development for the purpose of:

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

**(5) Prohibited**

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

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

**(1) Land within the zone**

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

**(2) Objectives of the zone**

The objectives of Zone 4 (a) are as follows:

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

**(3) Allowed without development consent**

Development for the purpose of:  
  
environmental facilities.

**(4) Allowed only with development consent**

Development for the purpose of:

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

**(5) Prohibited**

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

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

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

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

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

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

- (a) whether the brothel or sex shop is operating near or within view from a place of public worship, hospital or school or any place regularly frequented by children for recreational or cultural activities,
- (b) whether the brothel or sex shop would have an adverse impact on the amenity in the neighbourhood when taking into

account other brothels or sex shops operating in the neighbourhood or other land uses within the neighbourhood involving similar hours of operation and creating similar amounts of noise and vehicular and pedestrian traffic,

- (c) whether the brothel or sex shop will have suitable access,
- (d) whether the brothel or sex shop will alter the character of the neighbourhood.

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

- (1) Consent must not be granted to the carrying out of any development allowed within Zone 4 (a), other than for the purpose of light industry, on or with respect to land within Zone 4 (a) which adjoins or is adjacent to land within a residential zone, unless the consent authority has made an assessment of the likely impact of the development on the residential amenity of the land within the residential zone.
- (2) Subject to subclause (1), consent may be granted to any development on land within Zone 4 (a) which by virtue of its nature, the services provided, or the products produced, distributed or sold, in the opinion of the Council, is appropriately located on land within Zone 4 (a).

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

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

## Part 5 Special use zone provisions

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

#### **(1) Land within the zone**

Land within Zone 5 (a) (the Special Uses Zone) if it is shown lettered 5 (a) on the zoning map.

#### **(2) Objectives of the zone**

The objectives of Zone 5 (a) are as follows:

- (a) to recognise existing public land uses and enable their continued operation, growth and expansion to accommodate associated, ancillary or otherwise related use,
- (b) to restrict land uses that may conflict with, or adversely affect, the intended use of land required for public purposes.

#### **(3) Allowed without development consent**

Development for the purpose of:

environmental facilities.

#### **(4) Allowed only with development consent**

Development for the purpose of:

advertisements associated with the use of the land; car parks; clearing of land; community facilities; educational establishments; kiosks; places of public worship; public buildings; recreation areas; the particular land use specified on the zoning map; utility installations.

#### **(5) Prohibited**

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

## Part 6 Open Space zone provisions

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

#### **(1) Land within the zone**

Land is within Zone 6 (a) (the Existing Open Space Zone) if it is shown lettered 6 (a) on the zoning map.

#### **(2) Objectives of the zone**

The objectives of Zone 6 (a) are as follows:

- (a) to recognise the importance of land in the zone as open space and allow a limited range of uses compatible with the keeping of the land as open space and in public ownership,
- (b) to permit a range of uses, especially recreational uses, where those uses comply with the plan of management for the land,
- (c) to ensure that development in areas of environmental significance does not reduce that significance.

#### **(3) Allowed without development consent**

Development for the purpose of:

environmental facilities; works ordinarily incidental or ancillary to gardening or landscaping.

#### **(4) Allowed only with development consent**

Development for the purpose of:

buildings ordinarily incidental or ancillary to gardening, landscaping or recreation; child care centres; clearing of land; community facilities; kiosks; markets; outdoor recreation; racecourses; recreation areas; recreation facilities; showgrounds; utility installations.

#### **(5) Prohibited**

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

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

**(1) Land within the zone**

Land is within Zone 6 (c) (the Private Open Space Zone) if it is shown lettered 6 (c) on the zoning map.

**(2) Objectives of the zone**

The objective of Zone 6 (c) is to recognise and provide for major recreational uses carried out on land not owned by a public authority.

**(3) Allowed without development consent**

Development for the purpose of:

environmental facilities; works ordinarily incidental or ancillary to landscaping or gardening.

**(4) Allowed only with development consent**

Development for the purpose of:

buildings ordinarily incidental or ancillary to landscaping, gardening or recreation; caravan parks; clearing of land; camp sites; clubs; kiosks; picnic grounds; outdoor recreation; recreation areas; recreation facilities; refreshment rooms; tourist accommodation; utility installations.

**(5) Prohibited**

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

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

(1) Consent must not be granted to the carrying out of development on land within Zone 6 (a), unless the consent authority has considered:

(a) the need for the proposed development on that land, and

(b) the impact of the proposed development on the existing or likely future use of the land, and

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

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

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

- (i) the environment, and
  - (ii) the proposed future use of the land for open space, and
  - (iii) the amenity of adjoining property owners or residents.
- (5) The Council may, in granting consent in accordance with subclause (3), require:
- (a) the removal of structures for which it has granted consent, and
  - (b) the re-instatement of the land and the removal of any waste materials or refuse at such time as the land is acquired for open space.

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

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

## Part 7 Environment Protection zones provisions

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

#### **(1) Land within the zone**

Land is within Zone 7 (b) (the Environment Protection Foreshore Zone) if it is shown lettered 7 (b) on the zoning map.

#### **(2) Objectives of the zone**

The objectives of Zone 7 (b) are as follows:

- (a) to identify, protect and enhance areas of the foreshore and wetlands having significant natural attributes or cultural conservation value,
- (b) to ensure the development of foreshore activities and facilities does not adversely impact on any significant natural or cultural conservation value of the foreshore land or adjoining waterbody.

#### **(3) Allowed without development consent**

Development for the purpose of:

environmental facilities.

#### **(4) Allowed only with development consent**

Development for the purpose of:

agriculture; aquaculture; buildings or works associated with aquaculture; clearing of land; moorings; picnic grounds; utility installations; water recreation.

#### **(5) Prohibited**

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

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

#### **(1) Land within the zone**

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

**(2) Objectives of the zone**

The objectives of Zone 7 (d) are as follows:

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

**(3) Allowed without development consent**

Development for the purpose of:

environmental facilities.

**(4) Allowed only with development consent**

Development for the purpose of:

agriculture; bed and breakfast establishments; camp sites; clearing of land; dwelling houses; ecotourism facilities; kiosks; picnic grounds; recreation areas; utility installations.

**(5) Prohibited**

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

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

**(1) Land within the zone**

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

**(2) Objectives of the zone**

The objectives of Zone 7 (f1) are as follows:

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

**(3) Allowed without development consent**

Development for the purpose of:  
environmental facilities.

**(4) Allowed only with development consent**

Development for the purpose of:  
agriculture; animal establishments; aquaculture; bed and breakfast establishments; camping grounds; clearing of land; dwelling houses; ecotourism facilities; home businesses; home industries; utility installations.

**(5) Prohibited**

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

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

**(1) Land within the zone**

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

**(2) Objectives of the zone**

The objectives of Zone 7 (f2) are as follows:

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

**(3) Allowed without development consent**

Nil.

**(4) Allowed only with development consent**

Development for the purpose of:

agriculture; animal establishments; buildings associated with agriculture; clearing of land; environmental facilities; utility installations.

**(5) Prohibited**

Any development not included in subclause (4).

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

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

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

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

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

- (2) Consent must not be granted to development for the purpose of ecotourism facilities on land within Zone 7 (d) unless the consent authority has considered:
  - (a) a visual analysis of the proposed development from major viewpoints in the locality, and
  - (b) a detailed landscape planting plan identifying proposed plant species and their projected height, and site preparation methods proposed to be implemented in conjunction with the development.
- (3) Development for the purpose of caravan parks is prohibited on land within Zone 7 (d).

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

- (1) Consent may be granted to development (including the clearing of land) within Zone 7 (f1) or 7 (f2) only with the concurrence of the Director-General.
- (2) In considering whether to grant concurrence required by subclause (1), the Director-General shall take into consideration:
  - (a) the extent to which the development would affect the scenic qualities of the coastal landscape, headlands, dune systems and areas where the original vegetation is still dominant, and
  - (b) whether the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
  - (c) any plan, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of protecting coastal lands, and
  - (d) in the case of land within Zone 7 (f2), the imminence of acquisition of the land, and
  - (e) the objects of the Environmental Planning and Assessment Act 1979.

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

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

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

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

#### **(1) Land within the zone**

Land is within Zone 8 (the National Parks and Nature Reserves Zone) if it is shown lettered 8 on the zoning map.

#### **(2) Objectives of the zone**

The objective of Zone 8 is to identify, preserve and manage national parks and nature reserves for conservation and recreational purposes and to provide for their continued management under the National Parks and Wildlife Act 1974.

#### **(3) Allowed without development consent**

Any development carried out by or on behalf of the National Parks and Wildlife Service under the National Parks and Wildlife Service Act 1974.

#### **(4) Allowed only with development consent**

Nil.

#### **(5) Prohibited**

Any development not included in subclause (3).

## Part 9 Reservation zones provisions

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

#### **(1) Land within the zone**

Land is within Zone 9 (c) (the Arterial Road Reservation Zone) if it is shown lettered 9 (c) on the zoning map.

#### **(2) Objectives of the zone**

The objectives of Zone 9 (c) are as follows:

- (a) to provide for the acquisition and development of land principally for arterial roads,
- (b) to provide for other land uses if they do not affect the usefulness of the land for the purposes for which it is zoned.

#### **(3) Allowed without development consent**

Development for the purpose of:

arterial roads; arterial road widening.

#### **(4) Allowed only with development consent**

Development for the purpose of:

clearing of land; utility installations.

#### **(5) Prohibited**

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

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

#### **(1) Land within the zone**

Land is within Zone 9 (d) (the Local Road Reservation Zone) if it is shown lettered 9 (d) on the zoning map.

#### **(2) Objectives of the zone**

The objectives of Zone 9 (d) are as follows:

- (a) to provide for the acquisition and development of land principally for local roads,
- (b) to provide for other land uses if they do not affect the usefulness of the land for the purposes for which it is zoned.

**(3) Allowed without development consent**

Development for the purpose of:

local roads; local road widening.

**(4) Allowed only with development consent**

Development for the purpose of:

clearing of land; utility installations.

**(5) Prohibited**

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

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

- (1) The owner of any land within Zone 9 (c) may, by notice in writing, require the Roads and Traffic Authority (the RTA) to acquire the land.
- (2) On receipt of such a notice, the RTA must acquire the land if:
  - (a) the land is vacant, or
  - (b) the land is not vacant but:
    - (i) the land is included in the 5-year works program of the RTA current at the time of the receipt of the notice, or
    - (ii) the RTA has decided not to give concurrence required by subclause (3) to an application for consent to the carrying out of development on the land, or
    - (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired

within a reasonable period of time, but the RTA is not required to acquire the land if it might reasonably be required to be dedicated for public road.

- (3) A person may, with development consent granted with the concurrence of the RTA, carry out development on land within Zone 9 (c) if:
  - (a) the development may be carried out on land in an adjoining zone, or
  - (b) the development is compatible with development which may be carried out on land in an adjoining zone.
- (4) In deciding whether to grant concurrence to proposed development required by this clause, the RTA must take the following matters into consideration:
  - (a) the need to carry out development on the land for the purpose for which the land is reserved, and
  - (b) the imminence of acquisition, and
  - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.
- (5) Land acquired under this clause may be developed, with development consent, for any purpose, until such time as it is required for the purpose for which it was acquired.
- (6) In this clause:

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

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

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

- (a) the development may be carried out on land in an adjoining zone, or
  - (b) the development is compatible with development that may be carried out on land in an adjoining zone.
- (3) Conditions may be imposed on such a consent requiring:
- (a) the removal of any building or work for which consent is granted, and
  - (b) the reinstatement of the land or removal of any waste materials or refuse.

## Part 10 Heritage provisions

### 56 Aims in relation to heritage

The aims of this plan in relation to heritage are:

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

### 57 Protection of heritage items and relics

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

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

- (f) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing or having a reasonable cause to suspect that the disturbance or excavation is likely to result in a relic being damaged, disturbed or excavated, or
- (g) erecting a building on, or subdividing, land on which a heritage item is located.

**(2) What exceptions are there?**

Development consent is not required by this clause if:

- (a) in the opinion of the Council:
  - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item, and
  - (ii) the proposed development would not adversely affect the significance of the heritage item, and
- (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development consent is not otherwise required by this plan.

**(3) Development consent is not required by this clause for the following**

Development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:

- (a) the creation of a new grave or monument, or
- (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

**(4) What must be included in assessing a developed application?**

Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned.

**(5) What extra documentation is needed?**

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

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

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

**Refer to Schedule 5 of the plan for the list of heritage items affected by this clause**

**58 Advertised development**

The following development is identified as advertised development:

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

**Refer to the Environmental Planning and Assessment Regulations 2000 and Council's Development Control Plan No 3 Notification Policy for advertising requirements**

## **59 Interim heritage items**

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

**Refer to Schedule 6 of the plan for the list of heritage items affected by this clause.**

## **60 Notice of demolition to the Heritage Council**

Before granting consent for the demolishing, defacing or damaging of a heritage item, identified in Schedule 5 as being of State significance, the consent authority must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days after the notice is sent.

**Items of state significance are identified in Schedule 5 with an \***

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

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

## **62 Conservation incentives**

- (1) Consent may be granted to the use, for any purpose, of a building that is a heritage item, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if the consent authority is satisfied that:
    - (a) the proposed use would not adversely affect the heritage significance of the item or its setting, and
    - (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority, and
-

- (c) the granting of consent to the proposed use would ensure that necessary conservation work identified in the conservation management plan is carried out, and
  - (d) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent, and
  - (e) the conservation of the building depends on the granting of the consent.
- (2) When considering an application for consent to erect a building on land on which a building that is a heritage item is located, the consent authority may, for the purpose of determining:
- (a) the floor space ratio, and
  - (b) the number of parking spaces to be provided on the site, exclude the floor space of the heritage item from its calculation of the floor space of the buildings erected on the land, but only if the consent authority is satisfied that the conservation of the heritage item depends on it making the exclusion.

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

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

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

Further information relating to the legislative controls applying to Aboriginal Heritage can be obtained from the NSW National Parks and Wildlife Service.

Please note that Council will refer Development Applications in culturally sensitive locations to the relevant Aboriginal Land Council for comment as part of the Development Application process.

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

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
  - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
  - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (2) This clause does not apply if the proposed development:
  - (a) does not involve disturbance of below-ground deposits and the Council is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
  - (b) is integrated development.

Further information relating to the legislative controls applying to potential archaeological sites, relics and Non Aboriginal Heritage can be obtained from the NSW Heritage Office or Council.

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

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

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

- (xiv) traffic generation and appropriate vehicular access into and around the site, and
  - (xv) any measures necessary to mitigate any of these impacts,
- (b) the cumulative impact on the environment of:
- (i) the development, and
  - (ii) other development in the vicinity of the proposed development.

**This clause must be considered in the assessment of all development applications. Applicants note - to enable a thorough assessment of a development proposal these matters need to be addressed in the supporting documentation submitted with any development application.**

## **66 Development near zone boundaries**

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

This clause allows council to consider Development Applications for development that is not permitted in some zones if that development is permitted in the zone of the land within 50metres of the development site and the development is consistent with the objectives of the zone of the land being developed. This clause does not operate to rezone land it only allows consideration of some additional land uses where there is merit.

This clause has no effect on land to which Sepp 71 Coastal Development applies.

## **67 Subdivision**

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

Minor subdivision is listed as exempt development in Development Control Plan No 4(98). Refer to this plan for details.  
Certain types of subdivision in the Coastal Zone invoke the provisions of Sepp 71 and may require a master plan to be prepared and/or the consent of planning NSW.

Contact Council's Environment, Planning and Development Department for further clarification of site circumstances.

## **68 Reclassification of public land**

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

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

## **69 Restrictions on access**

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

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

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

## **71 Temporary use of land**

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

## **72 Tree preservation**

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

**Council's Tree Preservation Order has been included as a separate attachment at the end of the plan.**

**The removal of a few scattered trees is a matter for consideration under the Tree Preservation Order. However, clearing of part or whole of an Urban or Rural Residential block is a Development Application matter under this plan. Contact Council's EPD Department for further clarification of site circumstances.**

### **73 Unzoned land**

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

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

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

- (a) whether the site of the proposed development should be connected to public sewerage facilities, and, if so, whether the land is capable of being connected to public sewerage facilities either now or in the future, and
- (b) the suitability of the site for on-site disposal of effluent and the ability of the effluent disposal system to function effectively over the long term without causing adverse effects on adjoining land, where public sewerage facilities are not to be provided to the land, and
- (c) the likely effect of any on-site effluent disposal area on:
  - (i) any waterbodies in the vicinity, or water supply catchments, and

- (ii) groundwater resources, and
- (iii) seasonally waterlogged soils, and
- (d) the cumulative environmental impacts of all on-site systems or works in the area with respect to water quality, soil degradation and odour.

**Refer to Council's Development Control Plan No 5 On-Site Sewage Management for specific requirements.**

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

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

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

**Refer to "Planning for Bushfire Protection Manual". (Planning NSW and NSW Rural Fire Service). Copies can be obtained from Planning NSW direct. Council has mapping of Bushfire hazard areas.**

### **76 Contaminated land**

- (1) Consent must not be granted to the subdivision of land or the erection of a building on any land unless the consent authority has made an assessment of:
  - (a) any contamination of the land resulting from previous use of the land, and
  - (b) any measures to mitigate against any adverse impacts arising from the contamination of the land.
- (2) This clause does not affect any requirement made by the State Environmental Planning Policy No 55—Remediation of Land.

**Refer to Council's Development Control Plan No 8 Contaminated Land for details.**

## **77 Development along arterial roads**

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

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

## **78 Land filling and excavation**

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

- (a) any excavation or filling of land necessarily carried out to allow development for which a consent was granted under the Act, or
- (b) any excavation or filling of land which, in the opinion of the prospective consent authority, is of a minor nature, including minor landscaping works.

## **79 Ecologically sustainable development**

Before determining an application for consent to development, consideration shall be given by the consent authority to the following in so far as they are relevant to the proposed development and may promote the principles of ecologically sustainable development:

- (a) building and allotment orientation,

**Development should be planned to achieve maximum energy efficiency through building siting layout design and materials. The selection of energy and water efficient building services and equipment and appliances should also be included in the development where possible.**

- (b) conservation, protection and enhancement of natural resources (including riparian areas and remnant native vegetation),

**Development should be planned to minimise impacts on areas of high biodiversity and or Aboriginal heritage significance.**

- (c) optimisation of the use of natural features of the site,
- (d) reduction of car dependence,

**Development should provide for users of all modes of transport including public transport cycling and walking with a recognition of the need to integrate the development into the surrounding network of each mode where possible.**

- (e) use of landscaping to improve air, soil and water quality,
- (f) optimisation of energy efficiency,
- (g) waste minimisation.

**Development should be consistent with the principles of Council's waste minimization strategy and should ensure that waste is minimised through reuse recycling and reprocessing with disposal being the last resort option.**

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

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

**Refer to Council's Development Control Plan No (4) 98 for exempt development types that include some council works.**

## **81 Flood liable land**

- (1) A person shall not subdivide land or build or carry out a work on flood liable land except with development consent.
- (2) Consent must not be granted to the subdivision of, or to the erection of a building or the carrying out of a work on, flood liable land if, in the opinion of the Council, the subdivision, building or work would be likely:
  - (a) to impede the flow of flood waters on that land or land within its immediate vicinity, or
  - (b) to imperil the safety of persons or to cause damage to property on the land or land within its immediate vicinity in the event of those lands being inundated by floodwaters, or
  - (c) to aggravate the consequences of floodwaters flowing on to that land or land within its vicinity with regard to erosion, siltation or the destruction of vegetation, or
  - (d) to have an adverse effect on the water table of that land or of land within its immediate vicinity, or
  - (e) to cause pollution or contamination of floodwaters or land as a result of inundation by floodwaters.
- (3) Consent shall not be granted to development on flood liable land unless the consent authority has taken into consideration the cumulative impact of development on flooding within the area.
- (4) Before granting an application for development consent, the consent authority shall consider the possible effects of floods in excess of the flood planning level and the significance of the risk proposed by larger floods to the development.

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

### **(1) Consent usually required**

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

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

- 5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land
- 

**(2) For the purpose of the Table to subclause (1), works includes:**

- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial waterbodies (including canals, dams and detention basins) or foundations, or flood mitigation works), or
- (b) any other works that are likely to lower the watertable.

**(3) Exception following preliminary assessment**

This clause does not require consent for the carrying out of works if:

- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the Acid Sulfate Soils Assessment Guidelines has been given to the Council, and
- (b) the Council has provided written advice to the person proposing to carry out works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the Acid Sulfate Soils Assessment Guidelines.

**(4) Considerations for consent authority**

A consent required by this clause must not be granted unless the consent authority has considered:

- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the Acid Sulfate Soils Assessment Guidelines, and
- (b) the likelihood of the proposed development resulting in the discharge of acid water, and
- (c) any comments received from the Department of Land and Water Conservation within 21 days of the consent authority having sent that Department a copy of the development application and of the related acid sulfate soils management plan.

**(5) Public authorities not excepted**

This clause requires consent for development to be carried out by councils, county councils or drainage unions despite:

- (a) clause 35 and clauses 2 and 11 of Schedule 1 to the Environmental Planning and Assessment Model Provisions 1980, as adopted by this plan, and
- (b) clause 10 of State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development.

[Maps identifying the type and location of acid sulphate soils in the Shire can be viewed at Council's Bega Office.](#)

**83 Tourism development adjacent to waterways**

- (1) Consent must not be granted to the carrying out of development for the purpose of caravan parks, camping sites, ecotourism facilities, tourist accommodation or serviced apartments within 400 metres of the mean high water mark (or, where there is no mean high water mark, the top of the bank) of a river, lagoon or lake specified in Schedule 3 without the concurrence of the Director-General.
- (2) In deciding whether concurrence should be granted as required by subclause (1), the Director-General shall take into consideration the importance of:
  - (a) the development being located within close proximity to the waterway, and

- (b) the preservation and enhancement of the scenic quality of the foreshores, and
- (c) minimising the risk of pollution of any waterway involved in the development, and
- (d) the protection of foreshore ecosystems, having regard to the regional significance of the area to which the development application relates.

**Note that setbacks for other development types from nominated waterways are contained in Council's Development Control Plan No 6 Minimum Setbacks from Nominated Waterways and Roads.**

#### **84 Building lines**

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

**Refer to Council's Development Control Plan No 6 Minimum Setbacks from Nominated Waterways and Roads for details.**

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

- (1) A building shall not be erected on land to which this plan applies where:
  - (a) in the case of land within 50 metres of the mean high water mark:
    - (i) the building contains more than 2 storeys, or

- (ii) the vertical distance between any part of the building and the natural ground level exceeds 7.5 metres, or
- (b) in all other cases:
  - (i) the building contains more than 3 storeys, or
  - (ii) the vertical distance between any part of the building and the natural ground level exceeds 10 metres.
- (2) When the number of storeys in a proposed building are counted for the purposes of this clause, any storeys that are basements, cellars or similar structures and that do not protrude more than 1.2 metres above finished ground level at the perimeter of the building are excluded.
- (3) A reference in this clause to a building does not include a reference to any of the following:
  - (a) an aerial,
  - (b) a chimney stack,
  - (c) a mast,
  - (d) a pole,
  - (e) a receiving tower,
  - (f) a silo,
  - (g) a transmission tower,
  - (h) a utility installation,
  - (i) a ventilator,
  - (j) a building erected or to be erected on land within Zone 4 (a).

## **86 Development in flight paths**

- (1) A person shall not erect a building on land that is within the flight path of an airport to a height greater than 4 metres above natural ground level, except with development consent.
- (2) Such a consent may be granted only if the consent authority is satisfied, after consultation with the Civil Aviation Safety Authority,

that the building will not constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity.

- (3) Before granting such a consent, the consent authority shall give consideration to any noise exposure forecasts prepared by the Civil Aviation Safety Authority and as to whether the proposed use of the building will be adversely affected by exposure to aircraft noise.
- (4) For the purposes of this clause, the flight path of an airport shall include such land as is determined by the Civil Aviation Safety Authority and communicated to the Council.

**Consultation with the local airport authority should also be undertaken for any development applications prior to lodgement with Council.**

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

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

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

- (1) Notwithstanding any other provision of this plan, a person may, with development consent or (if specified) without development consent carry out development on land referred to in Schedule 4 if the development is specified in relation to that land in that Schedule, but only subject to such conditions, if any, as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted in respect of the development.

### **89 Granny flat development**

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

**See definition of a granny flat in the Dictionary.**

## Part 12 Provisions that apply to particular land

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

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

### **91 Development of certain land at Boydtown**

- (1) This clause applies to all of the land situated at Boydtown shown on sheet 30 of the zoning map, which is referred to in this clause as the Boydtown map.
- (2) The objectives of this clause are:
  - (a) to enable development of tourist establishments at Boydtown for holiday purposes, and
  - (b) to ensure that development is consistent with the need to protect and conserve the environmental heritage of Boydtown.

- (3) Notwithstanding any other provision of this plan, consent must not be granted for:
- (a) a marina, boat landing facilities, a marine service centre, a boat shed, wharf or jetty, a building or place for dry storage of boats, or any other building or place used for, or in connection with, recreational boating activities unless it or they will be situated on that area of the land to which this clause applies shown cross hatched on the Boydtown map, or
  - (b) a boarding house, a dwelling house (other than a dwelling house used for a caretaker employed in connection with any development permissible within Zone 2(c)) or multi unit housing (other than multi unit housing used only for holiday accommodation on land to which this clause applies within Zone 2 (c)).
- (4) Notwithstanding any other provision of this plan except subclause (5), consent may be granted for development for the purpose of a road on land to which this clause applies within Zone 6 (a) or Zone 7 (f1) shown within a black dotted line on the Boydtown map.
- (5) The Council shall not grant consent as referred to in subclause (4) for development for the purpose of a road within Zone 7 (f1) except with the concurrence of the Director-General.
- (6) In considering whether to grant concurrence required by subclause (5), the Director-General shall take into consideration:
- (a) the extent to which the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
  - (b) the extent to which the development would adversely affect the scenic qualities of the coastal landscape.
- (7) Clause 46 (1) and (7) of Bega Valley Local Environmental Plan 1987 and the definitions of council and the map for that plan (in their application only to those provisions), as in force immediately before the commencement of this plan, are not repealed by this plan, despite clause 4.

- (8) Except as provided by subclauses (9) and (13), consent must not be granted to the subdivision of land to which this clause applies within Zone 6 (a) or 7 (d).
- (9) Consent may be granted to the subdivision of land to which this clause applies:
  - (a) within Zone 6 (a) for the purpose of any land use included in clause 38 (3) or (4) or for the purposes of roads, or
  - (b) within Zone 7 (d) for the purpose of roads or outdoor recreation.
- (10) Consent must not be granted to any development on or with respect to land to which this clause applies within Zone 7 (d) which involves the clearing of land unless a detailed plan showing the trees and vegetation to be removed and retained and showing the trees to be planted has been considered by the consent authority. This clause does not apply to a subdivision for the purpose of roads.
- (11) Despite any other provision of this clause, consent may be granted to the carrying out of development on land to which this clause applies relating to the conservation of church ruins.
- (12) Consent must not be granted:
  - (a) for any development on land to which this clause applies relating to the conservation of church ruins, or
  - (b) for any development on land to which this clause applies within the Seahorse Inn or Church Hill historic precincts marked by thin broken lines on the Boydtown map, without the concurrence of the Director-General.
- (13) Consent may be granted to development for residential purposes on that part of the land to which this clause applies within Zone 7 (d) shown diagonally hatched on the Boydtown map if the area of each allotment on which that development is to take place is not less than 550 square metres.
- (14) Before granting consent to development for residential purposes referred to in subclause (13), the consent authority shall take into consideration any likely adverse impact of that

development on the scenic environment of the area as viewed from public places.

- (15) The matter that the Director-General shall take into consideration in deciding whether concurrence should be granted as required by subclause (12) is the need for the conservation of places of historic interest.

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

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

## **93 Development at Merimbula Airport**

- (1) This clause applies to Lot 1, DP 549112, at Merimbula Airport, as shown on sheet 12 of the zoning map.
- (2) Despite any other provision of this plan, a person may carry out development for the purpose of commercial, light industrial or community uses on the land to which this clause applies, but only with development consent.

- (3) Consent may be granted to a commercial, light industrial or community use of the land to which this clause applies only if:
  - (a) the use does not interfere with the effective operation of the airport, and
  - (b) the use does not detract from the commercial viability of the Merimbula Central Business District.

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

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

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

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

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

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

- (1) Notwithstanding clause 26, before consent is granted to any subdivision for residential purposes of the land as shown on sheet 14 of the zoning map, the consent authority must consider a traffic impact study for the entire proposed

development that has been carried out to the satisfaction of the Roads and Traffic Authority.

- (2) Despite any other provision of the plan, consent must not be granted to the creation of more than 150 residential lots from the land as shown on sheet 14 of the zoning map until the Council has adopted strategies for the provision of a water supply to, and for the disposal of sewage arising from use of, the proposed lots.

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

(Clause 27)

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

Lot 41, DP 1008234

Lot 42, DP 1008234

Lot 43, DP 1008234

Lot 44, DP 1008234

Lot 45, DP 1008234

Lot 46, DP 1008234

Lot 47, DP 1008234

Lot 48, DP 1008234

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

Lot 3, DP 1008235

Lot 4, DP 1008235

Lot 5, DP 1008235

Lot 6, DP 1008235

Lot 7, DP 1008235

Lot 8, DP 1008235

Lot 16, DP 880603

Lot 17, DP 880603

Lot 18, DP 880603

**The Dress Circle**

Lot 1, DP 1000531

Lot 19, DP 1004985

Lot 20, DP 1004985

Lot 21, DP 1004985

Lot 22, DP 1004985

Lot 23, DP 1004985

Lot 24, DP 1004985

Lot 25, DP 1004985

Lot 28, DP 1004985

Lot 29, DP 1004985

Lot 44, DP 1004985

Lot 45, DP 1004985

Lot 46, DP 1004985

Lot 51, DP 1004985

## Schedule 2    Reclassification of public land as operational land

(Clause 68)

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

Property description	Classification under LGA 1993
<b>Eden</b>	
Storey Avenue—Part of Lot 133, DP 750192, as shown edged with a broken heavy line and labelled "clause 68 applies" on the zoning map	Operational land
Cocora Street—Part of Lot B, DP 157709, as shown edged with a broken heavy line and labelled "clause 68 applies" on the zoning map	Operational land
<b>Bega</b>	
Church Street and Gipps Street—Lot 92, DP 565914, Lots 1, 2 and 3, DP 248175, Lot 102, DP 576466 and Part of Lot 8, section 34, as shown edged with a broken heavy line and labelled "clause 68 applies" on the zoning map	Operational land
<b>Wonboyn</b>	
Ivor Jones Drive—Lot 4, DP 614892, as shown edged with a broken heavy line and labelled "clause 68 applies" on the zoning map	Operational land

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

## **Schedule 3 Nominated waterways**

(Clause 83)

Back Lake

Baragoot Lake

Bega River (tidal sections)

Bermagui River

Blackfellows Lagoon

Curalo Lagoon

Cuttagee Lake

Little Lake

Merimbula Lake (excluding land within the town of Merimbula zoned residential or commercial)

Middle Lake

Murrah Lake

Nelson Lake

Nullica River (tidal sections)

Pambula Lake (from the confluence of Pambula River and Yowaka River to Pambula Beach)

Towamba River (tidal sections)

Wallaga Lake

Wallagoot Lake

Wapengo Lake

Wonboyn Lake (from the confluence of Wonboyn River and Bull Creek to Bay Cliff)

## Schedule 4 Additional uses

(Clause 88)

<b>Land</b>	<b>Additional development allowed</b>
Lot 1, DP 597804, Sams Corner Road, Bemboka	Development for the purpose of a joinery works and an ancillary dwelling house, subject to buildings not exceeding one storey in height or 160 square metres in area
Portion 6, Parish of Brogo	Erection of a dwelling house to be used in conjunction with the use of the land for agriculture
Lot 3, DP 252623, Parish of Bega	Development for the purpose of garaging, servicing and repair of buses
Lot 6, Section 4, Village of Bermagui South	Development for the purpose of an antique shop and associated coffee lounge
Lots 3 and 4, DP 100269, Eden Street, Bega	Development for the purpose of a sheltered workshop, therapeutic activity centre
Lots 1–6, Section 1, and lots 1 and 2, Section 2, Parish of Wallagoot, Wallagoot Lake	Erection of a dwelling house on each allotment
Lot 441, DP 45826, Tura Beach Road, Merimbula	Development for the purpose of a shop to be used in conjunction with a family entertainment centre
Lot B of the resubdivision of lot 1, Portion 73, Parish of Wallagoot, Kalaru	Development for the purpose of a bottle museum
Lots 7 and 8, Section 27, DP 2591, Avernus Street, Cobargo	Development for the purpose of a junkyard
Portion 286, Parish of Bermagui	Development for the purpose of a waste management facility
Portions 163, 164 and 266, Parish of Bermagui	Erection of 5 additional dwellings and subdivision of the land, and the provision of adequate curtilage (by way of subdivision) to each dwelling on the land, generally in accordance with the plan marked "Recommended Development and Conservation Strategies", being Figure 7 of the Environmental Study by Cowman and Royston dated December 1989, a copy of which is deposited in the office of the Council

Bega Valley Local Environmental Plan 2002

Schedule 4 Additional uses

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Lot 1, DP 220772, Princes Highway, Parish of Yowaka	Erection of a dwelling house
Lot 2, DP 589158, Valley Street, Bega	Development for the purpose of a vehicle repair station limited in scale to that of a home industry and employing only the owner of the property
Lots 1–10, DP 739255, Red Gum Close, Bega	Erection of a dwelling house on each allotment
Lot 95, DP 750236, Parish of Wallagoot	Development for the purpose of a commercial recording studio within the dwelling
Lots 5–8, Section 13, DP 758197, Pericoe Street, Burragate	Erection of a dwelling house, but only if all the land is consolidated into one lot
Lot 120, DP 847899 and Lot 1, DP 1004805 within Zone No 5 (a) situated at Arthur Kaine Drive, Merimbula	Development for the purpose of advertising structures; commercial premises; community centres; places of assembly; recreation areas; refreshment rooms; shops; recreation facilities; or any other use associated with or ancillary to community facilities erected on the land
Lot 388 DP 750227 and Lot 485 DP 728071	Development for the purpose of a medical centre, day surgery and light industry
Bega Town Hall, Lot 701 section 39 DP 758076, Bega; Bemboka Hall, Lots 4 and 5, Section 5, DP 758087, Bemboka; Bermagui Hall, Lot 704 Section 7, DP 758095, Bermagui; Brogo Hall, Lot 28 DP 659783, Brogo; Candelo Hall Lot 1, Section 13, DP 758219, Candelo; Cobargo Hall, Lots 1, 2, 23 and 24, Section 7, DP 485, Cobargo; Kiah Hall, Lot 1, DP 334799, Kiah; Murrah Hall, Lot 85, DP 752153, Murrah; Pambula Hall, Lot 19, Section 40, DP 758825, Pambula; Quaama Hall, Lot 1, Section 8, DP 758860, Quaama; Rocky Hall, Lots 17 and 18, DP 2141, Rocky Hall; Tanja Hall, Lot 1 DP 951780, Tanja; Tathra Hall Lot 6 Sec 9 DP 758955 and Lot 9 DP 859420, Tathra; Tarraganda Hall Lot 279 DP 750190, Tarraganda; Twyford Hall Lots 1 and 2 DP 504572 and Lot 511 DP 818052, Merimbula; Wandella Hall Lot 171 DP 752164, Wandella; Wolumla Hall Lot 1, Section 1, DP 3808, Wolumla; Wyndham Hall, Lot 10, Section 29, DP 759125, Wyndham	Commercial or retail uses permitted without development consent for a maximum of 10 days per calendar year on condition that no such use is undertaken during the months of December and January
Land at Bermagui as shown on the map marked "Bega Valley Local Environmental	Development for the purpose of:

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Plan 2002 (Clause 88)" available for public inspection at the office of the Council

(a) marinas, and service and commercial activities ordinarily incidental or ancillary to marinas, and

(b) tourist accommodation, but only if the scale and nature of development is complementary and ancillary to the purposes for which the land is zoned

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

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

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

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

Portion 118, Parish of Yowaka, Broadwater

Erection of a dwelling house

Lot 3 DP 258654, Part Lot 179 DP750203 and land situated in the road reserve between Fastigata Road and Wattle Road, Snowy Mountains Highway, Brown Mountain

Development for the purpose of:

(a) B-double truck parking area, and

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

(c) vehicle registration inspections.

Lot 2, DP 634021, Quarantine Bay

Development for the purpose of tourist accommodation

Lot 55, DP 750194, (and adjacent Crown land as shown diagonally hatched on the zoning map), Sapphire Coast Drive, Merimbula, Lot 312, DP 728092, Tathra—Bermagui Road, Bermagui and Lot 1, DP 507706, Princes Highway, Eden

Waste management facilities or works operated by or on behalf of the Council, without the need for development consent, for a maximum of 5 years from the appointed day, but only if that use is undertaken in accordance with an Environmental Management Plan prepared in accordance with the *Environmental Guidelines: Solid Waste Landfills (1996)* published by the Environment Protection Authority.

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# Schedule 5 Heritage items

(Dictionary)

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

## Bega Valley Local Environmental Plan 2002

### Schedule 5 Heritage Items

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

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Bega Valley Local Environmental Plan 2002

Schedule 5 Heritage Items

23*	Building (former CBC Bank)	Lot 2 DP 782452 21 Auckland Street, Bega	State Heritage Register Register of the National Estate National Trust
24	Bega Public School	Lot 513 DP 805379 21 Auckland Street, Bega	Register of the National Estate National Trust
25	Wesleyan Chapel	Lot 1 DP 121210 125 Gipps Street, Bega	
26	Littleton House	Lot 10 DP 851448 5-9 Bega Street, Bega	National Trust
27	House (former Victoria Inn)	Lot 1 DP 162455 38-40 Auckland Street, Bega	
28	Family Museum Building (former Family Hotel)	Lot 1 DP 787591 Cnr Bega and Auckland Streets, Bega	National Trust
29	House (former Westpac residence)	Lot 1 DP 134702 139 Carp Street, Bega	National Trust Bega Main Street Study 1996

**Bemboka**

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

1	Seahorse Inn	Lot 2 DP 259742 87 Boydton Park Road, Boydton	Register of the National Estate National Trust
2	Boydton's Church and grave sites	Lot 1 DP 40567 87 Boydton Park Road, Boydton <a href="#">(The land description should read Lot 13 DP 716162)</a>	Register of the National Estate National Trust
3	Boyd's Tower	Ben Boyd National Park, Edrom	Register of the National Estate National Trust
4	Salting Down House/Store site	Lot 2 DP 259742 87 Boydton Park Road, Boydton	National Trust
5	Boiling Down Works site	Lot 44 DP 716162 87 Boydton Park Road, Boydton <a href="#">(The Lot should read Lot 13)</a>	National Trust

Bega Valley Local Environmental Plan 2002

Schedule 5 Heritage Items

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6	Wool Store site	Lot 1 DP 40567 87 Boydtown Park Road, Boydtown <a href="#">(The land description should read Lot 44 DP 716162)</a>	National Trust
7	Edrom Lodge and associated buildings	Lot 1 DP 198217 Jews Head, Twofold Bay	Register of the National Estate  National Trust

**Brogo**

1	Bridge House and associated buildings	Lot 2 DP 539664, part Portion 156, Princes Highway, Brogo <a href="#">(This description should read Lot 1 DP 539664, Princes Highway, Brogo)</a>	Register of the National Estate
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**Cobargo**

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

1	Eden Log Cabin Library	Lot 4 DP 225627 38 Bass Street, Eden	
2	Matt Howard's Store	Lot A DP 164830 178 Imlay Street, Eden <a href="#">(The land description should read Lot 122 DP 1027835)</a>	
3	Eden Police Station building	Lot 22 DP 602200 229 Imlay Street, Eden	
4	House (former Courthouse)	Lot 15 Sec 1 DP 569624 2 Cocora Street, Eden <a href="#">(The DP should read DP 758379)</a>	
5	Eden Courthouse	Lot 8 Sec 1 DP 758379 231 Imlay Street, Eden	Register of the National Estate National Trust
6	House	Lot 7 DP 553117 233 Imlay Street, Eden	
7	Building	Lot 11 DP 845340 237 Imlay Street, Eden	

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## Bega Valley Local Environmental Plan 2002

### Schedule 5 Heritage Items

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8	The Crown and Anchor Inn	Lot 241 DP 811371 239 Imlay Street, Eden <a href="#">(The land description should read Lot 1 DP 1033082)</a>	National Trust
9	Georgian Building and shop	Lot 1 DP 731580 243 Imlay Street, Eden	
10*	Davidsons Whaling Station and associated buildings	Edrom Road, Edrom	State Heritage Register
11	Bittangabee Ruins	Portion 25 Bittangabee Bay, Ben Boyd National Park	Register of the National Estate
12	The Great Southern Inn	Lot 82 DP 559826 156–158 Imlay Street, Eden	National Trust
13*	Yowaka Bridge	Princes Highway	State Heritage Register

### Greencape

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

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

### New Buildings

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

1	Old Pambula Cemetery	Lot 225 DP 750227 East side of Princes Highway, Pambula	National Trust
2	Courthouse and Police Station	Lots 7 Sec 12 DP 758825 26–30 Toallo Street, Pambula	Merimbula/Pambula Strategy Study
3	"The Retreat" building	Lot 567 DP 629965 26–30 Quondola Street, Pambula	National Trust Merimbula/Pambula Strategy Study
4	The Commercial Hotel	Lot 11 Sec 11 DP 758825 18 Quondola Street, Pambula	Merimbula/Pambula Strategy Study
5	Building	Lot 9 Sec 11 DP 758825 22 Quondola Street, Pambula	Merimbula/Pambula Strategy Study
6	Masonic Temple	Lot 14 Sec 11 DP 758825 Cnr Toallo and Monaro Streets, Pambula	Merimbula/Pambula Strategy Study
7	Stone Cottage	Lots 521 and 522 DP 1002299 6 Bullara Street, Pambula	Merimbula/Pambula Strategy Study
8	Teacher Cottage	Lot 15 Sec 11 DP 758825 19 Monaro Street, Pambula	Merimbula/Pambula Strategy Study
9	St Peter's Roman Catholic Church	Lot 7 Sec 15 DP 758825 12 Monaro Street, Pambula	Merimbula/Pambula Strategy Study
10	Building (Toad Hall)	Lot 22 DP 611076 55 Toallo Street, Pambula	National Trust
11	Former Catholic Presbytery	Lot 11 Sec 13 DP 758825 14 Bega Street, Pambula	
12	Building (the former Roan Horse Inn)	Lot 11 DP 843957 Cnr Princes Highway and Bombala Road, South Pambula	Merimbula/Pambula Strategy Study

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13	The Grange building	Lot 2 DP 705648 Northview Drive, South Pambula	Merimbula/Pambula Strategy Study
14	Building	Lot 8 DP 263044 67 Blairlands Road, Lochiel	
15	Pambula Town Wells	Lot 2 DP 568201 Merimbola Street, Pambula	
16	"Oaklands" associated outbuildings and grounds	Lots 192, 202 and 221 DP 750227 and Lots 1–6 Sec 25 DP 758825 and Lots 1–3 Sec 23 DP 758825 3546 Princes Highway, Pambula ( <a href="#">The land description should read Lot 382 DP 1027113</a> )	National Trust

### Quaama

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

1	Daisybank homestead and associated outbuildings	Lot 45 DP 750190 210 Reedy Swamp Road, Tarraganda ( <a href="#">The land description should read Lot 12 DP 1030664</a> )	National Trust
2	Tarraganda Homestead	Lot D DP 380708 48 Wren-Moore Road, Tarraganda	National Trust

### Tathra

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

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**Towamba**

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

1*	Ness Property	Lots 17–19, 51 and 52 DP 752165 Wapengo Lake Road, Wapengo <a href="#">(Additional description of this property is Lot 2 DP 536123)</a>	State Heritage Register
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## Schedule 6 Interim heritage items

(Dictionary)

Item No	Property description	Address	Other details
<b>Bega</b>			
1	House and garden	Lot 6 DP 603922 21–23 Peden Street, Bega	Victorian single storey house, verandah cast iron balustrade, valance and brackets, possibly lathe and plaster Historic, aesthetic, technical significance
2	"Elmgrove" Homestead	Lot 21 DP 180469 220 Angledale Road, Bega (The land description should read Lot 1 DP 750197)	Victorian timber dairy buildings Historic, technical significance
3	"Ottonville" Homestead	Lot 12 DP 801656 35 Ottonville Road, Bega	Substantial and well detailed Victorian homestead, high degree of original intactness, good quality joinery etc, some remnant plants and old timber stables Historic, aesthetic, technical significance
4	Bega Racecourse, site and stand	Cnr Bridge and East Streets, Bega (Land description to be included is Lot 320 DP 873498)	Races from 1860s, first Bega Cup 1874 Important recreational and social area for community Historic, social significance
5	Rockleigh, homestead and garden	Lot 1 DP 333020 Hergenahns Road, Bega	c 1910 substantial brick homestead with mature plantings Historic, aesthetic significance
6	Boer War Memorial and Bega Park	Upper Street, Bega	Granite obelisk sited in parkland commemorating Bega people who went to the Boer War Historic, aesthetic, social significance
7	Building	Lot 3 DP 199257 110–116 Carp Street, Bega	Bega Main Street Study 1996
8	Building	Lot 1 DP 999750 118 Carp Street, Bega	Bega Main Street Study 1996

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Schedule 6 Interim heritage items

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9	Building	Lot 1 DP 785324 153–155 Carp Street, Bega	Bega Main Street Study 1996
10	Building	Lot 3 DP 785324 157 Carp Street, Bega	Bega Main Street Study 1996
11	Buildings	Part Lot 121 DP 626280 200–226 Carp Street, Bega	Bega Main Street Study 1996
12	Building	Lot 1 DP 999886 161 Carp Street, Bega	Bega Main Street Study 1996
13	Building	Lots 2 and 3 DP 229551 209–211 Carp Street, Bega	Bega Main Street Study 1996
14	Building	Lot 16 DP 519740 219 Carp Street, Bega	Bega Main Street Study 1996
15	Building	Lot 17 DP 519740 225 Carp Street, Bega	Bega Main Street Study 1996
16	Building	Lot 13 DP 758076 227–239 Carp Street, Bega <a href="#">(The Lot description should read Part Lot 10 Sec 33)</a>	Bega Main Street Study 1996
17	Buildings	Lot 1 DP 196678 241–247 Carp Street, Bega	Bega Main Street Study 1996
18	Yarranung Butter Factory	Lot 2 DP 582308 Angledale Road, Bega	National Trust
19	Building	Lot 91 DP 565914 14 Church Street, Bega	Bega Main Street Study 1996
20	Building	Lot 6 DP 248175 34 Church Street, Bega	Bega Main Street Study 1996
21	Durham House	Lot 12 DP 705605 42 Bega Street, Bega	National Trust Bega Main Street Study 1996
22	Parkview House	Lot A DP 341317 26 Union Street (cnr Upper Street), Bega	National Trust
23	Former Presbyterian Manse	Lot 6 DP 519471 73 Upper Street, Bega	National Trust
24	Central Hotel and associated buildings	Lot 146 DP 623646 90–94 Gipps Street, Bega	Bega Main Street Study 1996
25	Building (Kings Cinema)	Lot 4 DP 783412 104–108 Carp Street, Bega	Bega Main Street Study 1996

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26	McNamara Centennial building and shops	Lot 1 DP 850632 53–61 Church Street, Bega	National Trust Bega Main Street Study 1996
27	French's Building	Lot 11 DP 871584 45–47 Church Street, Bega	National Trust Bega Main Street Study 1996
<b>Bemboka</b>			
1	Farmhill homestead "Clydebank"	Lot 1 DP 220597 3120 Snowy Mountains Highway, Bemboka	Late 19th century brick homestead Historic, aesthetic significance
2	Bemboka War Memorial	91 Loftus Street, Bemboka	Carved marble monument Historic, aesthetic, social significance
3	Former Police Station	Lots 1 and 6 Sec 8 DP 758087 46–48 Loftus Street, Bemboka	1885
4	Christ Church Anglican Church	Lots 4 and 5 Sec 2 DP 758087 Cnr Bemboka and Hoskins Streets, Bemboka	1929 Brick church with Roman arch windows Historic, aesthetic, social significance
5	Hobb's Store (1889), cottage (c 1890) and storage shed	Lot 14 DP 805581 and Lot 5 Sec 11 DP 758087 66 Loftus Street, Bemboka	Group of three buildings demonstrating lifestyles and commercial practices of 19 <sup>th</sup> century
6	House (former Worlands Boarding House)	Lot 13 DP 805581 79 Loftus Street, Bemboka	c 1900 originally a boarding house Historic, aesthetic significance
7	Hardware Store	Lots 10 and 11 Sec 6 DP 758087 70 Loftus Street, Bemboka	Historic, aesthetic significance
8	St Columba's Catholic Church	Lots 6, 11 and 12 Sec 12 DP 993 and Lot 32 DP 575103 121 Loftus Street, Bemboka (DP 993 should read DP 943)	1908 Substantial masonry church Historic, aesthetic, social significance
9	Bemboka Primary School	Lot 186 DP 729701 Kameruka Street, Bemboka	c 1920 Historic, aesthetic, social significance
10	Former Bemboka Butter Factory	Lot 4 DP 605881 Snowy Mountains Highway, Bemboka	1927 Early 20th century factory complex Historic, aesthetic, technical significance
11	Kenya Homestead	134 Loftus Street, Bemboka	Inter-war brick homestead Historic, aesthetic significance

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12	Police Station building	Lots 6–8 Sec 13 DP 758087 Snowy Mountains Highway, (35–39 Loftus Street) Bemboka	Built c 1900 the weatherboard building comprised a police station, residence, courthouse and cell Aesthetic and social significance
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### Bermagui

1	House	Lot 672 DP 805496 22 George Street, Bermagui	c 1900 Historic, aesthetic significance
2	School and residence	Lots 3 and 4 Sec 7 DP 758094 2–4 George Street, Bermagui	Established 1876, existing buildings 1903 Historic, aesthetic, social significance
3	Union Church	Lot 3 Sec 5 DP 758095 5 West Street, Bermagui	1881 Historic, aesthetic, social significance
4	The Blue Pool	Scenic Drive, Bermagui	Represents early 20th century practice of ocean pools Aesthetic, social significance
5	Sorrento Lodge	Lot 2 DP 206232 and Lot 2 DP 335304 2–6 Lamont Street, Bermagui	c 1890 former guest house Historic, aesthetic, social significance
6	Wallaga Lake Bridge	Princes Highway, Bermagui (Location should read Wallage Lake Road)	1894 Historic, aesthetic, social significance
7	All Saints Anglican Church	Lot 10 Sec 9 DP 758095 11 Wallaga Street, Bermagui	1911 Historic, aesthetic, social significance
8	Former police station now police residence	SP 33249 5 Wallaga Street, Bermagui	Early 20th century police station Historic, aesthetic, social significance
9	Bayleaf Cottage	Lot 80 DP 608101 3 Wallaga Lake Road, Bermagui	1892 originally a store Historic, aesthetic significance
10	Bermagui War Memorial	Lamont Street, Bermagui	War memorial and memorial to Captain Cook Historic, social significance
11	Horseshoe Bay Hotel	Lots 7 and 8 Sec 8 DP 758095 10 Lamont Street, Bermagui	1891, façade 1924 Historic, aesthetic, social significance

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**Candelo**

1	Collinswood homestead	Lot 200 DP 750201 1338 Candelo- Wolumla Road, Toothdale	Substantial brick Federation homestead Historic, aesthetic significance
2	Building	Lot 13 DP 667664 27 Sharpe Street, Candelo	Timber store Contributing building Historic, aesthetic significance
3	War Memorial	Lot 311, Dr William Loftus Park, Candelo	Marble monument Historic, aesthetic, social significance
4	Kawangie Homestead	Lot 1 DP 857743 1018 Candelo- Wolumla Road, Toothdale	Victorian single storey homestead Historic aesthetic significance
5	Glenall Homestead	Lot 351 DP 1022506 South Wolumla Road via Candelo	2 storey weatherboard c 1900 Historic, aesthetic significance
6	Holy Trinity Church and Cemetery	Lot 2 DP 979162 Candelo Road, Kameruka	Church and cemetery Historic, aesthetic, social significance National Trust
7	Kameruka Group including store, hall, gate lodge, tower clock, homestead and out buildings	Lot 1207 DP 800115 Kameruka Estate Road, Kameruka (The DP should read DP 801105)	National Trust
8	Showground Pavilion	Lot 177 DP 75020, Candelo- Bega Roads Candelo	Candelo Heritage Study 1989 Item 1
9	St Joseph's Catholic Church and Catholic School	Lot 281 DP 607578 and Lots 8-10 Sec 17DP 758219 Auckland Street, Candelo	Candelo Heritage Study 1989 Item 3 and Item 4, National Trust
10	Rosemount former Catholic Convent	Lots 1 and 2 Sec 16 DP 758219, Auckland Street, Candelo	Candelo Heritage Study 1989 Item 5
11	St Peter's Anglican Church	Lots 1-3 Sec 42 DP 758219 1-7 William Street, Candelo	Candelo Heritage Study 1989 Item 6, National Trust
12	Cottage (former CBC Bank)	Lot 2 DP 910721 36 William Street, Candelo	Candelo Heritage Study 1989 Item 7, National Trust
13	Building (former Queens Hotel)	Lot 7 DP 522817 46 William Street, Candelo	Candelo Heritage Study 1989 Item 9

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14	Building and Service Station	Lot 1 DP 904072 42 William Street, Candelo	Candelo Heritage Study 1989 Item 8
15	Candelo School of Arts	Lot 1 Sec 13 DP 758219 38 William Street, Candelo	Candelo Heritage Study 1989 Item 8
16	General Store	Lot 5 Sec 13 DP 758219 William Street, Candelo	Candelo Heritage Study 1989 Item 10
17	Post Office	Lot 1 DP 1000 52 William Street, Candelo	Candelo Heritage Study 1989 Item 11
18	Buildings (former T Thomas Stores)	Lot 14 Sec 6 DP 758219 25 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 14
19	Building (former Commercial Bank)	Lot 7 Sec 4 DP 758210 23 Sharpe Street, Candelo (The DP should read DP 758219)	Candelo Heritage Study 1989 Item 15, National Trust
20	Building (former Blacksmith's Shop)	Lot 81 DP 521723 21 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 16
21	Candelo Hotel	Lot 12 Sec 4 DP 758219 9 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 17
22	Morrows Motor Garage/Corner Store	Lot 22 DP 834288 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 18
<b>Cobargo</b>			
1	Building (Cobargo Service Station)	Lot 6 Sec 6 DP 485 53 Princes Highway, Cobargo	Inter-war service station Streetscape contribution Historic, aesthetic, technical significance
2	Building (Bangles Pottery)	Lot 5 DP 1134 66 Princes Highway, Cobargo	c 1880 two storey weatherboard building, Balcony with cast iron balustrade Streetscape contribution Historic, aesthetic significance
3	Building (Simply Cobargo Tea Room)	Lot 2 DP 1134 72 Princes Highway, Cobargo	Built during 1880s two storey weatherboard building, upper storey crossed timber balustrade Streetscape contribution Historic, aesthetic significance
4	The Benny Buildings	Lot 1 DP 1134 74 Princes Highway, Cobargo (The land description should read Lot 8 DP 1005702)	Single storey group of shops built 1935 Original facade intact Streetscape contribution Historic, aesthetic, technical significance

## Schedule 6 Interim heritage items

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5	School of Arts	Lots 1 and 2 and 23 and 24 Sec 7 DP 485 18 Bermagui Road, Cobargo	1887 Substantial single storey weatherboard building, some quirky design features Historic, aesthetic, social significance
6	Building (Cobargo Newsagency)	Lots 8 and 9 DP 1134 58 Princes Highway, Cobargo	c 1892 two storey weatherboard building Streetscape contribution Historic, aesthetic significance
7	Building (Cobargo Pharmacy)	Lot 7 DP 1134 62 Princes Highway, Cobargo	Built 1906 single storey face brick building, parapet, mouldings Streetscape contribution Historic, aesthetic significance
8	Building (Gosch House)	Lots 7 and 15 Sec 6 DP 485 55 Princes Highway, Cobargo	1896 two storey weatherboard building Streetscape contribution Historic, aesthetic significance
9	Building (Shekina Gallery)	Lot 121 DP 627263 7 Bermagui Road, Cobargo	1916 single storey weatherboard shop, street verandah, timber parapet Streetscape contribution Historic, aesthetic significance
10	Building (Telefix)	Lot 122 DP 627263 9 Bermagui Road, Cobargo	Built early 1900s single storey weatherboard shop, street verandah, timber parapet Streetscape contribution Historic, aesthetic significance
11	Building (The Grain Store)	Lot 1 DP 306281 59 Princes Highway, Cobargo	Group of 4 weatherboard structures started in 1891/2 Streetscape contribution Historic, aesthetic significance
12	RSL Hall and Cobargo Soldiers Memorial	Lots 1 and 2 Sec 6 DP 485 43 Princes Highway, Cobargo	1949 Weatherboard building with unpainted brick front facade Historic, social significance Register of the National Estate
13	Building (Ex AJS Bank)	Lots 2 and 3 DP 3141 8 Bermagui Road, Cobargo	1882 former bank, single storey weatherboard building Streetscape contribution Historic, aesthetic significance
14	Roman Catholic Church	Lot 1 DP 537792 Wandellow Road, Cobargo	1896/1898 Brick, stained glass windows Part of Roman Catholic group Streetscape contribution

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			Historic, aesthetic, social significance
15	Roman Catholic Convent	Lot 4 DP 622515 Wandellow Road, Cobargo	1917 built as convent Substantial brick building with large verandahs Part of Roman Catholic group Historic, aesthetic, social significance
17	Residence	Lot 7 Sec C DP 623 50 Princes Highway, Cobargo	Late Victorian single storey weatherboard house Historic, aesthetic significance
18	Residence	Lot 1 Sec 1 DP 485 37 Princes Highway, Cobargo	Late Victorian substantial weatherboard house verandah on 3 sides Historic, aesthetic significance
19	Residence	Lot 3 Sec 18 DP 2591 31 Princes Highway, Cobargo	Late Victorian single storey weatherboard house verandah on 3 sides Historic, aesthetic significance
20	Residence	Lots 2 and 3 Sec 20 DP 2591 15 Hoyer Street, Cobargo	Late Victorian single storey weatherboard house Historic, aesthetic significance
21	Residence	Lot 1 DP 254391 3 Avernus Street, Cobargo	1890 built as cordial factory Historic, aesthetic, technical significance
22	Residence	Lot 10 Sec 17 DP 2591 30 Hoyer Street, Cobargo	Late Victorian single storey weatherboard building with symmetrical front gable and bullnose verandah Historic, aesthetic significance
23	Residence	Lot 11 Sec 17 DP 2591 32 Hoyer Street, Cobargo	Late Victorian single storey weatherboard building with symmetrical front gable and bullnose verandah Historic, aesthetic significance
24	The Gables	Lot 1 Sec 7 DP 807669 22 Tarlington Street, Cobargo (The land description should read Lot 1 DP 807669)	Late Victorian single storey weatherboard house, symmetrical gables, front verandah Historic, aesthetic significance
25	Residence (Dippity Dip)	Lots 5 and 6 Sec 11 DP 2591 73 Avernus Street, Cobargo	Late Victorian weatherboard house with corner verandah, gables Historic, aesthetic significance

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26	Residence	Lot B DP 623 4 Wandellow Road, Cobargo	Late Victorian weatherboard cottage Historic, aesthetic significance
27	Residence	Lot 3 DP 794010 5 Wandellow Road, Cobargo	Late Victorian single storey weatherboard house Historic, aesthetic significance
28	Cobargo Butter Factory and Co-op	Lot 5 DP 926970 and Lot 1 DP 921189 Bermagui Road, Cobargo	1926 brick butter factory Historic, aesthetic, technical significance
29	Cobargo Post Office	Lot 81 DP 860010 57 Princes Highway, Cobargo	1890 substantial brick building, weatherboard rear section Historic, aesthetic, social significance
30	Police Station and Courthouse	Lots 4 and 7 DP 485 24 Bermagui Road, Cobargo ( <a href="#">The Lot description should read Lots 4 and 5 Sec 7 DP 485</a> )	Built c 1885, designed by NSW Government Architect WLVernon Single storey brick with front verandah Historic, aesthetic significance
31	Roman Catholic Presbytery	Lot 1 DP 537792, Wandellow Road, Cobargo	1892/3 rendered brick building with elaborate gable fretwork Part of Roman Catholic group Historic, aesthetic, social significance
32	House (former Roman Catholic School)	Lot 3 DP 622515, Wandellow Road, Cobargo	Brick school building Part of Roman Catholic group Historic, aesthetic, social significance
33	Cobargo Public School	Lot 1 DP 541840, Lot 71 DP 752154 and Lot 1 DP 122995 Wandellow Road, Cobargo	1870 single storey brick school Historic, aesthetic, social significance
34	Christ Church	Lots 6–9 Sec 19DP 2591, 5–11 Hoyer Street, Cobargo	1920 substantial brick building with pebble dash decoration, gothic windows, coloured glass Historic, aesthetic, social significance

### Eden District

1	Anchor	Imlay Street, Eden	Monument, streetscape contribution Historic, aesthetic social significance
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2	Former Bank of NSW	Lot B DP 412563, Imlay Street, Eden	1905 Historic, aesthetic, significance
3	Former Eden Post Office	Lot 4 Sec 26 DP 758379Nos 155–157 Imlay Street, Eden	1891 Historic, aesthetic significance
4	St Georges Uniting Church	Lot 92 DP 709087 217 Imlay Street, Eden	1865 Historic, aesthetic, social significance
5	Hopetoun House	Lot A DP 163156 5 Bass Street, Eden	Early 1900s residence Historic, aesthetic significance
6	St John's Anglican Church	Lot 4 DP 740471 98 Calle Calle Street, Eden	1885 Historic, social significance
7	Star of The Sea Church	Lots 1–3 DP 758379 86–90 Calle Calle Street, Eden <a href="#">(The land description should read Lot 1-3 Sec 45 DP 758379)</a>	1864 Small timber church visited by Mary McKillop Historic, aesthetic, social significance

### Kiah

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

### Merimbula

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

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**Murrah**

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

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

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

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10	Cottage	Lot 14 Sec 16 DP 758825 3 Monaro Street (east side), Pambula	Merimbula/Pambula Strategy Study Item No 17
11	Cottage	Bombala Road, South Pambula (next to dairy factory) <a href="#">(Land description should read Lot 1 DP 797291)</a>	Merimbula/Pambula Strategy Study Item No 23
12	Cottage	Lots 1 and 2 DP 999772 11 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 31
13	Pambula Post Office	Lot 3 DP 873500 27 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 8
14	Cottage	Lot 4 DP 873500 30 Toallo Street, Pambula <a href="#">(Land description should read Lot 1 DP 986277)</a>	Merimbula/Pambula Strategy Study Item No 37
15	Cottage	Part Lot 2 Sec 40 DP 758825 51 Toalla Street, Pambula	Merimbula/Pambula Strategy Study Item No 38
16	Cottage	Lots 1 and 2 DP 780517 49 Toalla Street, Pambula	Merimbula/Pambula Strategy Study Item No 39
17	Building (former Pambula Co-operative Creamery Dairy Co Ltd)	Wyndham Road <a href="#">(Land description should read Lot 1 DP 797291)</a>	Merimbula/Pambula Strategy Study Item No 53
18	Pambula School of Arts	Part Lot 19 Sec 40 DP 758825 13 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 30
19	Building	Lot 9 Sec 11 DP 758825 22 Quondolo Street, Pambula <a href="#">(See listing in Schedule 5)</a>	Merimbula/Pambula Strategy Study Item No 12
20	Cottage	South Pambula, (first on right past bridge) <a href="#">(Land description should read Lot 501 DP 817565 Pacific Highway)</a>	Merimbula/Pambula Strategy Study Item No 32
21	Cottage	Lot 18 Sec 16 DP 758825 11 Monaro Street, Pambula	Merimbula/Pambula Strategy Study Item No 34
22	Cottage	Lot 21 DP 773158 47 Toalla Street, Pambula	Pambula Guidelines 1994 Item No 51
23	Cottage	Lot 200 DP 734922 3 Ives Street, Pambula	Merimbula/Pambula Strategy Study Item No 42
24	Cottage	Lot 8 DP 938348 1 Little Gahan Street, Pambula	Merimbula/Pambula Strategy Study Item No 43

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25	Cottage	Lot 212 DP 1014709 65 Toalla Street, Pambula	Merimbula/Pambula Strategy Study Item No 49
26	Cobandrah Farm	Lot 18 DP 32269 300 Mt Darragh Road, Lochiel	Merimbula/Pambula Strategy Study Item No 59

**Quaama**

1	Quaama Primary School	Lot 171 DP 821625 Cobargo Street, Quaama	1907 group of buildings, school, library and residence Historic, aesthetic, social significance
2	Quaama Store	Lots 12 and 13 Sec 3 DP 758860 Bega Street, Quaama	Formerly Rolfe's Hotel, built prior to 1877 Historic, aesthetic significance
3	St Saviours Church	Lot 1 Sec 2 DP 758860 1 Cobargo Street, Quaama	1907 Anglican weatherboard church Historic, aesthetic, social significance
4	House	Lot 3 Sec 5 DP 758860 and Lot 4 DP 318028 25-27 Cobargo Street, Quaama (Land description should read Lot 3 Sec 5 DP 758860 and Lot 1 DP 318028)	Weatherboard cottage
5	House	Lot3 Sec10 DP 758860 4 Bermagui Street, Quaama	Weatherboard cottage

**Rocky Hall**

1	Hall	Lots 17 and 18 DP 2141 Rocky Hall	Memorial hall built 1935 Historic, aesthetic, social significance
2	Old Rocky Hall School	Rocky Hall (Land description and location should read Lot 42 DP 750204 1325 Big jack Mountain Road)	1887 weatherboard, now community building Historic, aesthetic, social significance
3	Mataganah Bridge	Near Rocky Hall	1896 truss bridge Historic, aesthetic, technical significance
4	Nungatta Station	Lot 10 DP 750206 Nungatta Road, Nungatta	Group of farm buildings and cemetery dating from 1860s Historic, aesthetic, social significance

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**Tanja**

1	Tanja Public School	Lot 202 DP 752158 Tathra-Bermagui Road, Tanja	Weatherboard school and residence, early 20th century Historic, aesthetic, social significance
2	Tanja Community Hall	Lot 111 DP 951780 Barrabooka Road, Tanja ( <a href="#">Land description should read Lot 1 DP 951780</a> )	Large weatherboard hall, early 20th century Historic, social significance

**Tarraganda**

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

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

**Towamba**

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

**Wolumla**

1	Ayrdale Dairy Village	Lot 36 DP 787823 Ayrdale Park, Wanatta Lane, Wolumla	Dairy village dating from late 19th century to mid-20 <sup>th</sup> century Rare Historic, aesthetic, technical significance
2	House and trees (former South Wolumla School)	Lot 218 DP 750238 Atkins-Anderson Road, South Wolumla	Early 20th century school Historic, aesthetic significance
3	South Wolumla Butter Factory complex	Lot 1 DP 385392 Lot 152 DP 625455 South Wolumla Road, (both sides of road), South Wolumla	Group of early 20th century dairy buildings Streetscape value Historic, aesthetic, technical significance
4	Wolumla Anglican Church	Lot 71 DP 598510 Princes Highway, Wolumla ( <a href="#">Land description should read Lot 71 DP 598519</a> )	Brick church, leadlight windows Historic, aesthetic, social significance
5	Former Police Station	Lots 251 and 252 DP 750238 Bega Street, Wolumla	Single storey brick police station and residence designed by New South Wales Government architect Early 20th century Historic, aesthetic significance
6	Roman Catholic Church	Lot 3 DP 1270 Scott Street, Wolumla	Victorian weatherboard building, Gothic windows Historic, aesthetic, social significance

**Wyndham**

1	School of Arts Hall	Lot 10 Sec 29 DP 759125 Monaro Street, Wyndham	1888 Large weatherboard hall with stage and supper room Historic, aesthetic, social significance
2	St Joseph's Roman Catholic Church	Lot 15 Sec 29 DP 759125 Norwood Street, Wyndham	1894 Weatherboard church with decorative bargeboards Historic, aesthetic, social significance
3	Holy Trinity Anglican Church	Lot 12 Sec 29 DP 759125 Clark Street, Wyndham	1888 Weatherboard church Historic, aesthetic, social significance

4	War Memorial	Monaro Street, Wyndham	c 1922 Masonry and marble monument Historic, aesthetic, social significance
5	Robbie Burns Hotel	Lot 22 DP 810052 22 Monaro Street, Wyndham	1891 later modified Weatherboard with twin gables Historic, aesthetic, social significance
6	Residence (Brown Cow Café)	Lot 110 DP 877495 Monaro Street, Wyndham	1885 Probably built as shop and accommodation Weatherboard Historic, aesthetic significance
7	Residence (Honeysuckle Inn)	Lot A DP 64240 near Honeysuckle Bridge, Myrtle Creek, Wyndham	1855 Weatherboard Historic, aesthetic significance
8	Residence (Scots Hut)	Lot 1001 DP 710457 New Buildings Road, Wyndham	1874 Weatherboard house, sassafras lining boards Historic, aesthetic, significance
9	Residence (Greenmount)	Lot 7 DP 717419 7 New Buildings Road, Wyndham	1878 Slab homestead Historic, aesthetic, technical significance

## Dictionary

**Note: Definitions in *italics* have been included to assist in the interpretation of the plan but at this stage do not form part of the plan.**

(Clause 9)

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

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

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

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

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

***agriculture*** means:

- (a) the cultivation of pasture or crops, including cereals, fruit, nuts and vegetables or flowers, or the keeping or breeding of livestock, bees, worms, poultry or other birds, or irrigation or dry land farming practices, or
- (b) a combination of all or some of them, for a commercial purpose, but does not include use of animal establishments, or intensive horticulture or intensive livestock keeping.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) a large area for handling, storage or display, and
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase.

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

**camping grounds** should be interpreted to mean the same as camp site.

**car parks** should be interpreted to mean the same as car parking area.

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

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

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

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

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

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

- (a) that is required or expressly authorised by or in pursuance of the provisions of any Act or statutory instrument or by any statutory authority in pursuance of the provisions of any Act or statutory instrument, or

- (b) where the destruction is necessary in an emergency to prevent the spread of fire or in circumstances where the tree, shrub or plant presents a danger to life or property, or
- (c) where the destruction is necessary to enable the carrying out of a development in accordance with a consent.

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

**community centre** *should be interpreted to mean the same as community facility.*

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

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

**community land** means land classified as community land within the meaning of the *Local Government Act 1993*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**entertainment establishment** means a building or place used for the purpose of major sporting events, entertainment or exhibitions and includes:

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

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

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

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

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

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

**extractive industry** means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**hazardous industry** means a development for the purposes of an industry which, when the development is in operation and when all the measures proposed to reduce or minimise its impact on the locality have been employed (including, for

example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) the building does not occupy a floor space exceeding 60 square metres in the urban zones or 100 square metres in the rural zones and is erected within the curtilage of the dwelling house or multi unit housing occupied by the person carrying on the industry or on adjoining land owned by that person,
- (b) the industry does not:
  - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, or

- (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available to the locality,
- (c) the industry does not entail:
- (i) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or
  - (ii) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on the dwelling or land to include the name and occupation of the residents), or
  - (iii) the employment of more than one person who is not a resident of the dwelling.

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

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

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

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

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

**hotel** means the premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

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

**industry** means:

- (a) any manufacturing process, or
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business, but does not include an extractive industry.

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

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

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

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

- (a) cattle feedlots,

- (b) poultry farms,
- (c) horse training and boarding establishments,
- (d) piggeries, and
- (e) dairies,

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

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

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

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

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

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

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

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

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

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

- (a) the sale by retail of chandlery equipment, marine motors, spare parts and accessories for boats, including motor boats,
- (b) the washing and maintenance of boats,
- (c) the installation of boating accessories,
- (d) the repairing and servicing of boats involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, hull construction or restoration, panel beating, fibreglass fabrication or spray painting).

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

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

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

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

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

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

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

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

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

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

**operational land** means land classified as operational land within the meaning of the *Local Government Act 1993*.

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

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

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

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

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

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

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

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

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

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

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

**plant nursery** is to be interpreted to mean the same as retail plant nursery.

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

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

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

if more than one, practise in partnership, and who employ not more than three employees in connection with that practice.

**prostitution** has the meaning ascribed to it in the *Summary Offences Act 1988*.

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

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

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

**recreation area** means:

- (a) a children's playground, or
- (b) a building or place (or both) used for sporting activities or sporting facilities, or
- (c) a building or place (or both) used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) a building or place (or both) used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those persons, but does not include a showground or racecourse or a building or place elsewhere specifically defined in this Dictionary.

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

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

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

**relic** means:

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

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

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

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

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

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

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

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

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

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

- (a) the sale by retail of spare parts and accessories for motor vehicles,

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

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

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

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

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

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

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

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

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

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

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

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

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**the corporation** has the same meaning as in the Act. the Council means the Bega Valley Shire Council.

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

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

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

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

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

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

**utility installation** means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

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

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

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

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

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

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

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

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

**water recreation** *should be interpreted to mean a use of water for recreation purposes not involving the erection or use of a building.*

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

# Environmental Planning And Assessment Model Provisions 1980

(Clause 10)

## Section 5

### Consideration of certain applications

5 (1) The consent authority shall, in respect of an application under the Act for its consent or approval to the development of land within view of any waterway or adjacent to any main or arterial road, railway, public reserve or land zoned as open space, take into consideration the probable aesthetic appearance of the proposed building or work or that land when used for the proposed purpose and viewed from that waterway, main or arterial road, railway, public reserve or land zoned for open space.

(2) The consent authority shall, in respect of an application under the Act for its consent or approval to development for the purposes of commercial premises, shop, residential flat building, hotel, motel, service station, car repair station, place of assembly, industrial premises or caravan park or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the vicinity of that development, take into consideration:

- (a) whether adequate vehicular exits from and entrances to the sites have been provided so that vehicles using those exits and entrances will not endanger persons and vehicles using those roads;
- (b) the provision of space on the site or on land adjoining the site, other than a public road, for the parking or standing of such number of vehicles as the council may determine;
- (c) whether any representations made by the Roads and Traffic Authority have been met; and
- (d) whether adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers.

(3) The consent authority shall, in respect of an application under the Act for its consent or approval to development for the purpose of a transport terminal, consult with the Roads and Traffic Authority and shall take into consideration:

- (a) any representations made to it by the Roads and Traffic Authority;
- (b) the standard of the roads in the locality in relation to the size and the weight of the vehicles likely to use the transport terminal;
- (c) traffic conditions and facilities generally in the vicinity of the approaches to the transport terminal;
- (d) the means of ingress and egress;
- (e) the provision on land (other than a public road) of space for the parking or standing of vehicles; and
- (f) the layout of buildings on the site in relation to:
  - (i) the provision of space for the parking and standing of vehicles;
  - (ii) the provision of space for the loading, unloading or fuelling of vehicles; and
  - (iii) the traffic facilities within the site.

(4) The consent authority shall, in respect of an application under the Act for its consent or approval to development for the purpose of an extractive industry or mine, take into consideration the advisability of imposing conditions to secure the reinstatement of the land, to facilitate the removal of waste material or refuse, to secure public safety in the neighbourhood and to protect the amenity of the neighbourhood.

(5)

- (a) The consent authority shall, in respect of an application under the Act for its consent or approval to development for the purpose of a mineral sands mine or mines, consult with the Department and shall not grant or refuse consent nor attach conditions to a consent unless the Department gives its concurrence.
- (b) The Department referred to in subclause (5) (a) shall take into consideration in deciding whether concurrence should be granted,

the impact of the development on the environment and any implications therefrom.

## Section 7

### **Foreshore building line**

7. (1) The council may, by resolution, fix a line (in this clause called a "foreshore building line") in respect of any land fronting any bay, river, creek, lake, lagoon, harbour or ocean.

(2) A foreshore building line shall, when fixed in accordance with subclause (1), be marked upon a plan or clearly described in the resolution and the plan or resolution shall be available for inspection by the public during the office hours of the council.

(3) The council may alter or abolish any foreshore building line, where the levels, depth or other exceptional features of the site make it necessary or expedient to do so.

(4) A building shall not be erected between a foreshore building line and a bay, river, creek, lake or lagoon in respect of which the line is fixed.

## Section 8

### **Preservation of trees**

8. (1) Where it appears to the council that it is expedient for the purpose of securing amenity or of preserving existing amenity, it may, for that purpose and by resolution, make an order (hereinafter referred to as a "tree preservation order") and may, by like resolution, rescind or vary any such order.

(2) A tree preservation order may prohibit the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in the order except with the consent of the council and any such consent may be given subject to such conditions as the council thinks fit.

(3) A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described particularly or generally by reference to the Local Government area or any divisions thereof.

(4) The council shall forthwith upon the making of a tree preservation order cause notice of the making of the order to be published in the Gazette and in

a newspaper circulating in the area in which the land described in the order is situated.

(5) A person who contravenes or causes or permits to be contravened a tree preservation order shall be guilty of an offence.

(6) It is a sufficient defence to proceedings under this clause relating to the ring-barking, cutting down, topping, lopping, removal, injury or wilful destruction of a tree to prove:

- (a) that the tree was dying or dead or had become dangerous; or
- (b) that taking the action was reasonably necessary to protect human life, buildings or other property from imminent danger from a bush fire burning in the vicinity of the land on which the tree was situated; or
- (c) that written notice about the proposed action was given to the council of the area in which the tree was situated and the council, before the action was taken, confirmed in writing:
  - (i) that the tree was in a fuel free zone within the meaning of the document entitled "Planning for Bush Fire Protection" published by the Department of Bush Fire Services; and
  - (ii) that, if the council has classified species of trees as being likely to present a significant fire hazard, the tree was of such a species; or
- (d) that written notice about the proposed action was given to that council, a period of not less than 14 days occurred after the notice was given (and before the action was taken) and the council did not advise the person during that period that it opposed the action being taken. In this subclause, "notice" means a notice that includes the name and address of the person who gives it and that explains that a tree of a named species situated in a specified position on land described in the notice is intended to be ring-barked, cut down, topped, lopped, removed, injured or wilfully destroyed for the purpose of bush fire hazard reduction.

(7) The powers conferred on the council in pursuance of this clause shall not apply to trees in a State forest or on land reserved as a timber reserve within the meaning of the Forestry Act 1916, or to trees required to be trimmed or removed under section 48 of the Electricity Supply Act 1995. Part 5 Special Provisions Division 1 Roads

## Section 9

### **Relocation of major roads**

9. The consent authority shall not, without the approval of the Department cause to be aligned or realigned any main road or any other roads which the Roads and Traffic Authority has notified as a proposed main road.

## Section 10

### **Opening of public road**

10. (1) A road or other means of access which forms a junction or intersection with a main road shall not be opened without the consent of the consent authority.

(2) In respect of any application for consent to open a public road or other means of access forming a junction or intersection with a main road, the consent authority shall consult with the Roads and Traffic Authority and shall take into consideration:

- (a) the treatment of the junction or the intersection and its location having regard to town and country planning principles and to the safety and convenience of the public;
- (b) the effect of opening the road or other means of access on the development of the locality; and
- (c) any representations by the Roads and Traffic Authority.

## Section 11

### **Subdivision new roads**

11. Where the land is zoned for the purpose of a proposed new road, the consent authority shall not consent to a subdivision of land of which the proposed road forms part unless the subdivision makes provision for the opening of a road in reasonable conformity with the proposed road.

## Section 12

### **Land used for commercial or industrial purposes**

12. (1) This clause shall apply to all land having a frontage to a main or arterial road used or to be used for commercial or industrial purposes, whether or not it forms the site of a building.

(2) If:

- (a) there is no building on the land or the only building thereon is of a minor character the land; or
- (b) the land forms the site of a building other than one of a minor character the land between the road frontage and the buildings, shall not be used for the storage, sale or display of goods or for advertising purposes without the consent of the consent authority.

## Section 14

### **Development on public road**

14. (1) A person shall not carry out development on a public road shown uncoloured on the map or part of such road lawfully closed without the consent of the consent authority.

(2) The consent authority shall only grant its consent under subclause (1) for a purpose which may be carried out either with or without the consent of the consent authority on land adjoining that road.

Division 2 Residential Development

## Section 24

### **Railway sidings**

24. Nothing in the local environmental plan shall operate to prohibit the construction and use of any railway siding designed to serve lands in an industrial zone.

## Section 33

### Advertising structures

33. (1) A person shall not use an advertising structure on land within a residential zone for the purpose of displaying any advertisement, other than an advertisement:

- (a) which relates to that land, or to premises situated on that land or adjacent land; and
- (b) which specifies one or more of the following particulars:
  - (i) the purpose for which the land or premises is or are used;
  - (ii) the identification of a person residing or carrying on an occupation or business on the land or premises;
  - (iii) a description of an occupation or business referred to in subparagraph (ii);
  - (iv) particulars of the goods or services dealt with or provided on the land or premises.

(2) A person shall not use an advertising structure on land within a rural zone for the purpose of displaying any advertisement, other than:

- (a) an advertisement of the kind permitted by subclause (1); or
- (b) a notice directing the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest.

## Section 35

### Savings

35. Nothing in the local environmental plan shall be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:

- (a) the carrying out of development of any description specified in Schedule 1;
- (b) the use of existing buildings of the Crown by the Crown; or (c) home occupations carried on in dwelling-houses.

## Schedule 1

(Clause 35)

1. The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
  - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant; and
  - (b) the erection within the limits of a railway station of buildings for any purpose, but excluding:
  - (c) the construction of new railways, railway stations and bridges over roads;
  - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration so as materially to affect the design thereof of railway stations or bridges;
  - (e) the formation or alteration of any means of access to a road; and
  - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
  
2. The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings, that is to say:
  - (a) development of any description at or below the surface of the ground;
  - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation;
  - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the

installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks;

- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity;
- (e) the erection of service reservoirs on land acquired or in process of being acquired for the purposes thereof before the appointed day, provided reasonable notice of the proposed erection is given to the council; or
- (f) any other development except:
  - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect the design or external appearance thereof, of buildings; or
  - (ii) the formation or alteration of any means of access to a road.

3. The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

4. The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

5. The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alterations, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

6. The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

7. The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:

- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

8. The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

9. The carrying out of any forestry work by the Forestry Commission, School Forest Trust or Community Forest Authorities empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the Forestry Act 1916.

10. The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:

- (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or purposes thereof;
- (ii) any development designed to change the use or purpose of any such reserve.

11. The carrying out or causing to be carried out by a council engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the Water Act 1912, the Irrigation Act 1912, the Farm Water Supplies Act 1946 or the Rivers and Foreshores Improvement Act 1948, except:

- (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof;
- (ii) the formation or alteration of any means of access to a road.



## TREE PRESERVATION ORDER

(Note: - The Tree Preservation Order is currently under review)



(Clause 72)

**NOTICE** is hereby given that under the provisions of Clause 8 of the Environmental Planning and Assessment Model Provisions 1980, as adopted by Bega Valley Local Environmental Plan 1987, the Council of the Shire of Bega Valley has by resolution at its meeting held on 14 November 1995, made this Tree Preservation Order and repealed the previous Order dated 14 September, 1990.

### Citation

1. This Order may be cited as "Shire of Bega Valley Tree Preservation Order".

### Aims and Objectives of the Tree Preservation Order

2. This Order aims to:
  - (a) Promote the retention of trees and tree cover and to conserve as far as practical the existing pattern of vegetation;
  - (b) To maintain landscape quality and remaining natural ecosystems; and
  - (c) To encourage the planting of trees to provide integration of trees into existing land uses.

### Definitions

3. For the purposes of this Order: "Tree" – includes a tree, sapling or shrub which meets any one or more of the following standards:
  - (a) is three (3) metres or more in height;
  - (b) has a trunk circumference of 300mm or more at a height of one (1) metre above natural ground surface; or

- (c) has a branch span diameter of three (3) metres or more.

### **Land to Which the Order Applies**

4. This Tree Preservation Order applies to all land within the Shire of Bega Valley zone 1(c), 2(a), 2(b), 2(e), 2(c), 2(e), 2(v), 3(a), 3(b), 4(a), 5(a), 6(a), 6(b) or 10. Note: This Order does not apply where development consent is required under SEPP 46 or under Bega Valley LEP, 1987.

### **Land Uses to Which the Order Applies**

5. This Order requires the obtaining of a Tree Clearing Permit for all purposes except: Air Navigation Safety, Bush Fire Protection (but only with the approval of Council's FCO/DFCO or Local Brigade Captain in strict compliance with a hazard reduction plan approved by Council or created under Section 41A of the Bush Fires Act, 1949; Land Surveying; Trees classed as noxious weeds under the Noxious Weeds Act, 1993.

### **Applications**

6. An application made pursuant to this Order shall be in writing and contain a statement on proposed methods of tree removal and new plantings and, where relevant, the means of access, access construction and methods for the prevention of soil erosion.

### **General Provisions**

7. This Tree Preservation Order prohibits the ring barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree on any land or for any purposes to which this Order applies except with the prior written consent of Council.
8. Nothing in this Order prevents the Council or any other authority from removing or lopping trees necessary on the ground of public safety or the reasonable carrying out of the function of that authority (subject to the provisions of Part 5, EPA Act and SEPP46).
9. Nothing in this Order prevents a person from removing a tree which is within four (4) metres of the face of an existing residential building or proposed residential building in respect to which Council has issued a Building Approval under the Local Government Act, 1993.

## **Considerations**

10. Council is considering whether to grant consent under this Order shall consider the desirability of:
  - (a) protecting catchments which provide water for urban purposes;
  - (b) clearing of land for the purposes of reducing the bushfire risk to property and lives;
  - (c) protection of rare and endangered flora and fauna species and the protection of habitats for native flora and fauna.
  - (d) protecting wildlife corridors and vegetation links with other nearby bushland;
  - (e) protecting bushland as a natural stabiliser of the soil surface and of existing landforms such as natural drainage lines, water courses and foreshores; and
  - (f) protecting bushland for scenic values and the retention of the unique visual identity of the landscape;
  
11. Council will maintain a register of permits issued under this Order.

BEGA VALLEY SHIRE COUNCIL

# SUBDIVISION STANDARDS



Development Control Plan No.2



This version of Development Control Plan No.2 – Subdivision Standards was made pursuant to Section 72 of the Environmental Planning and Assessment Act, 1979 and approved by Council at its meeting of 12 August 2003.

### Record of Amendments

<b>Name of Amendment</b>	<b>Date Approved by Council</b>	<b>Date Plan Came into Force</b>
<b>Original Plan</b>	12 August 2003	20 August 2003
<b>Updating of references included in the plan</b>		

**Note:** This Development Control Plan repeals and replaces the former Development Control Plan No. 21 that was approved by Council on 14 April 1987.

## DEVELOPMENT CONTROL PLAN NO. 2

### Subdivision Standards

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## **PART A – PRELIMINARY**

### **1. NAME OF THE PLAN**

This plan is Development Control Plan No. 2 – Subdivision Standards.

### **2. AIMS OF THE PLAN**

The aims and objectives of this plan are to:

- Set out development standards for subdivision developments;
- Provide appropriate standards of amenity and servicing as land is subdivided and developed;
- To facilitate land development projects which minimise adverse effects on the natural and built environment;
- To contribute to sustainable economic development of the Bega Valley Shire;
- To provide certainty to the land development industry;
- To provide guidance about the processes and procedures for subdivision developments.

### **3. APPLICATION**

This plan applies to all land in the Bega Valley Shire. The standards contained within this plan apply to subdivision developments, including land subdivisions, Strata Title subdivisions and Community Titles subdivisions.

The standards contained within this plan may also be referred to in development consents for other types of development for the purpose of defining technical standards.

### **4. RELATIONSHIP TO OTHER PLANNING INSTRUMENTS AND POLICIES**

- (a) This plan should be read in conjunction with:
- Bega Valley Local Environmental Plan 2002;
  - Regional Environmental Plans;
  - State Environmental Planning Policies;
  - other Development Control Plans in force;
  - Coastal Design Guidelines for NSW
  - BVSC – Development Design Specification, and
  - BVSC – Development Construction Specification.
- (b) This plan repeals Development Control Plan No. 21 adopted by Council on 14 April 1987.
- (c) Where there is an inconsistency between this plan and another Council Development Control Plan, Policy or Code, then this plan prevails to the extent of such inconsistency.

## 5. DEFINITIONS

This plan adopts all definitions set out in Section 4(1) of the Environmental Planning and Assessment Act, 1979 and in the Bega Valley Local Environmental Plan 2002.

BVLEP means the Bega Valley Local Environmental Plan, 2002 incorporating all amendments.

BVSC means Bega Valley Shire Council

Council means Bega Valley Shire Council

EP&A Act means the Environmental Planning and Assessment Act 1979, as amended.

LGA means local government area.

PCA means Principal Certifying Authority

Regulation means the Environmental Planning and Assessment Regulation 2000

## PART B – ASSESSMENT OF PROPOSALS

### 6. DEVELOPMENT APPLICATIONS

#### 6.1 Pre-lodgement Consultations

Applicants for subdivision developments are encouraged to consult with Council staff prior to preparing and submitting development applications.

#### 6.2 Submission Requirements

Development applications must be submitted to Council in writing on Council's standard development application form, together with the appropriate application fee. Development application forms are available from Council's offices.

Development applications for subdivisions must include all of the matters listed on the form and referred to in the section entitled "Notes for Completing Development Application" on the form. Plans submitted must clearly define the details of the development proposed, must be drawn accurately to scale, and clearly show the areas and dimensions of all lots proposed. The plans must show the whole of the land that is the subject of the development application.

The plans and supporting information submitted must indicate where applicable:

- (a) location, boundary dimensions, site area and north point;
- (b) details of the existing and proposed subdivision pattern (including the number of lots, dimensions, areas and location of roads);
- (c) extent of existing vegetation on the land;
- (d) location and uses of existing buildings on the land;
- (e) existing levels of the land (contours from available mapping or site survey);
- (f) location and uses of buildings on sites adjoining the land (where likely to be affected by the development);
- (g) indicative arrangements for provision or amplification of utility services required by the proposed subdivision;
- (h) conceptual drawings indicating proposed infrastructure including roads, drainage, water, sewerage and earthworks (sufficient to allow assessment of the practicality of these works);

A minimum of six copies of the plans and supporting submission shall be submitted with each development application for subdivision. Additional copies may be required in some cases.

Applicants are encouraged to submit additional information in support of applications and to explain proposals. A comprehensive Site Analysis can be an effective way of explaining a proposed development and demonstrating that site constraints and opportunities have been addressed.

A Statement of Environmental Effects must be submitted with every development application for subdivision, including minor boundary adjustments. The matters listed on Council's Development Application form provide a guide for addressing environmental effects, however the list is not exhaustive, and other matters may need to be addressed. Where the available space on the application form is insufficient, a separate Statement of Environmental Effects should be presented (minimum 6 copies) with the development application.

Complete information submitted with a development application can assist in the assessment of the proposed development allowing shorter processing

times. Incomplete or inaccurate information can contribute to delays in the determination of development applications.

If a development application submitted is illegible or unclear as to the development consent sought, Council may reject the application pursuant to Clause 51 of the Environmental Planning and Assessment Regulation, 2000 and refund the fees paid.

Applicants may find it helpful to engage a registered surveyor or other suitably qualified and experienced professional consultant to prepare development applications, plans and submissions.

### **6.3 Approvals Pursuant to Section 68 of Local Government Act, 1993**

If a subdivision development requires approvals pursuant to Section 68 of the Local Government Act, 1993 the applicant can apply for the required approval as part of the development application for the subdivision. The particulars of any such approval sought and all relevant supporting information should be included in the development application form and accompanying documentation.

A list of relevant Section 68 approvals that are available through this process is available from Council. The approvals most relevant to subdivisions relate to the carrying out of water supply, sewerage and stormwater drainage works.

The Section 68 approvals can be obtained separately if not included into a development application.

### **6.4 Integrated Development**

If a subdivision development requires any of the approvals from NSW Government agencies as set out in Section 91 of the EP&A Act, the applicant is required to indicate the particular approval required on the development application form. The relevant NSW Government agency (approval body) is then required to either indicate the general terms on which the required approval would be given or refused, to provide certainty to the applicant.

Where an “integrated development” approval is sought, the applicant must pay the prescribed fee and submit sufficient information for the approval body to make an assessment of the application, together with additional copies of the plans, and supporting documents, if required. The Council forwards a copy of the application and the prescribed fee to the relevant agency.

### **6.5 Exempt Development**

Council has designated some minor subdivisions as exempt development under the EP&A Act. These subdivisions do not require development consent from Council, however a Subdivision Certificate must still be endorsed by Council before the plan of subdivision can be registered by the NSW Office of Land and Property Information.

If the assessment of the application for a Subdivision Certificate reveals that the proposed subdivision does not strictly conform to the exemption requirements, the applicant will be notified by Council of the need to submit a development application for that subdivision. The development application will be assessed in the normal manner and any conditions specified in the resulting development consent must be satisfied before the Subdivision Certificate can be issued.

## 7. ASSESSMENT OF DEVELOPMENT APPLICATIONS

### 7.1 Matters Considered

In assessing development applications for subdivisions, Council will consider:

- \* The matters listed in Section 79C of the Environmental Planning and Assessment Act 1979.
- \* The matters listed in Clause 50 and Schedule 1 of the Environmental Planning and Assessment Regulation 2000.
- \* The matters identified in the relevant clauses of the BVLEP and other relevant environmental planning instruments.
- \* The provisions of this plan.
- \* The provisions of other Development Control Plans applying to the land.

Every lot in each subdivision proposal will be assessed on the basis of its suitability for the use proposed in the application and any other obvious potential uses of the land.

### 7.2 Subdivisions in the Coastal Zone

State Environmental Planning Policy No.71 – Coastal Protection sets out additional requirements for subdivisions within the Coastal Zone as defined under the Coastal Protection Act 1979. In some cases subdivisions may be classified as State Significant Development so that the Minister is the consent authority.

### 7.3 Variations

Where a proposed development does not comply fully with the standards contained in this Code, a written submission must be included with the development application identifying the non-complying matters and stating reasons why a variation should be permitted. Council may support such variation(s) if it is satisfied that the development will be in accordance with the objectives of this plan and satisfies the principles of the standards.

Where a proposed development does not fully comply with the development standards set out in the BVLEP, the Council can only consider a development application if it is supported by a submission made pursuant to State Environmental Planning Policy No. 1 – Development Standards. Not all standards in the BVLEP can be varied using SEPP No.1. In considering whether to support a variation from a development standard using SEPP No. 1, Council will give consideration to the extent to which the development meets the objectives of the zone and the reasons behind the standard.

## **PART C – SUBDIVISION DESIGN STANDARDS AND PRINCIPLES**

### **8. BEGA VALLEY LOCAL ENVIRONMENTAL PLAN 2002**

The provisions of the Bega Valley Local Environmental Plan, 2002 sets out the minimum allotment areas permitted in some zones and in some cases also sets out maximum allotment areas and other provisions relating to subdivision developments.

Lot sizes, numbers or configurations may also be prescribed in other Development Control Plans.

Each lot in every subdivision must be justified pursuant to the relevant provisions of the Local Environmental Plan or other planning instrument.

### **9. ACCESS AND SERVICING**

Each lot in every subdivision must be provided with an appropriate standard of legal and practical vehicular access and access to an appropriate standard of public utility services and drainage, as set out in later clauses in this plan.

Legal access shall extend between each lot and a Council controlled public road system or State Highway. Legal access may include Council public roads, Crown public roads, rights of carriageway, easements for access or some combination of these. Council will only allow the creation of lot(s) relying upon private roads for access where it is demonstrated that the lot(s) enjoy an inalienable right to use those roads in perpetuity.

Roads created and constructed in subdivisions shall be dedicated to Council as public roads by notation on the plan of subdivision.

Council may choose not to approve the construction of Crown Roads as access where this construction would result in the transfer of control of the Crown Road to Council. Developers should consult with Council as early as possible in the planning of subdivisions involving Crown Roads.

Practical access to each lot must be wholly contained within the legal access.

Easements for services may be required to allow utility services to be connected to lots.

Electricity substations and telecommunications service multiplexers shall be located within suitable easements and shall not be located within public road reserves.

### **10. RURAL AND ENVIRONMENTAL PROTECTION ZONES**

This clause applies to land in zones 1(a), 7(b), 7(d), 7(f1) and 7(f2) zones.

Permissible allotment densities are set out in the Bega Valley Local Environmental Plan, 2002.

Where any lot is intended to have the potential for the erection of a dwelling-house, the lot must contain at least one site which is suitable for a house site, taking into account the issues of bushfire safety, vegetation clearing, flood hazards, access, servicing, on-site sewage management, land slopes and any other relevant matters.

Lots created in these zones generally are not serviced with town water or sewerage. Most rural dwellings are connected to electricity and

telecommunications services, and therefore provision for these should be made in rural subdivisions.

## 10.1 Concessional Lots

Clause 16 of the BVLEP allows the creation of lots in zone 1(a) specifically for the purpose of dwellings. These lots must have an area of not less than 2 hectares and not more than 10 hectares. Concessional lots can only be created from a complete existing holding as defined in the BVLEP or from the largest part of an existing holding in a single ownership. The number of concessional lots that may be created is related to the area of the “existing holding” as defined in the BVLEP.

The BVLEP permits only one development consent to be granted for the excision of concessional lots from each existing holding. Subdividers are advised to include all desired concessional lots in a single application for each existing holding as consent cannot be granted for any additional concessional lots at a later time. Where concessional lot subdivisions are intended to proceed in stages, the development application should set out the proposed staging of the subdivision. Proposed concessional lots that are intended to be created in later stages must form part of the residue lot at each stage.

Any lots previously created from an existing holding on which a dwelling house exists or could be erected (other than residue lots, or lots greater than 120 hectares in zone 1(a)) are deemed to be existing concessional lots for the purpose of Clause 16 of the BVLEP. Existing concessional lots cannot be resubdivided to create any additional concessional lots.

Clause 16 of the BVLEP specifies a number of criteria that must be satisfied for each concessional lot.

Each development application for the creation of concessional lots shall nominate proposed house sites on each lot so that the impacts of the development can be properly planned and assessed.

Arrangements must be made with Country Energy for electricity supply to concessional lots. Suitable easements for electricity supply lines must be created as part of the subdivision.

Council may waive the requirement for the developer to make arrangements for electricity supply to concessional lots in circumstances where it is demonstrated that alternative stand-alone electric power systems can be sustained in perpetuity and where conventional electricity supply is not practical. Lots intended for stand-alone electric power systems must have good solar access at all times of year.

## 10.2 Residue Lots

The provisions of Clause 16 of the BVLEP infer that some land will remain as the residue of an “existing holding” after the creation of concessional lots. There is no specific minimum area requirement for residue lots, although residue lots should be larger than the concessional lots created.

All of the land remaining from each existing holding and in the developer’s ownership after the excision of subdivided lots must be consolidated into a single lot identified as the residue.

Residue lots, if possible, must comply with any other relevant development standard, eg. 120 hectares in zone 1(a). Residue lots cannot be created by subdivisions under other clauses of the BVLEP as a means to achieve an additional lot for a dwelling house in addition to the number of concessional lots permitted by Clause 16 of the BVLEP.

Each lot in any other subdivision must conform to the relevant development standards set out in the BVLEP.

Electricity supply arrangements for any vacant residue lot shall be the same as for concessional lots.

### 10.3 Agricultural Lots

Clause 15 of the BVLEP allows the creation of allotments of any area for the purpose of agriculture in zone 1(a), however any lot for the purpose of agriculture containing an existing dwelling house must have an area of not less than 120 hectares.

Dwelling houses can be erected with Council consent on agricultural lots of at least 120 hectares in area.

A restrictive covenant pursuant to Section 88B of the Conveyancing Act 1919 shall be established on any agricultural lot less than 120 hectares in area, prohibiting the erection of a dwelling house on that land. Bega Valley Shire Council shall be nominated as having the sole authority to release, vary or modify this covenant.

In assessing development applications for subdivisions that include agricultural lots, Council must be satisfied that the proposed lots have some credible commercial agricultural potential.

Electricity supply is not required for agricultural lots.

## 11. RURAL RESIDENTIAL SUBDIVISIONS – ZONE 1(c)

Rural Small Holdings Zones (1(c) zones) exist to provide for low density residential and hobby farm development. A high level of servicing and residential amenity is therefore required for rural-residential subdivisions.

Every lot shall be designed so that a large dwelling can be erected at a setback of not less than 20 metres from all boundaries. This standard is to ensure that suitable separation is achieved between dwellings on adjoining lots as part of achieving a high standard of rural residential amenity. Council may accept reduced setback distances to side and rear boundaries of not less than 10 metres where specific building envelopes are designated in the development application submission and on the subdivision plan, that meet the objectives of this standard.

Roads in rural-residential subdivisions shall be constructed to a two lane sealed standard, although Council in its discretion may permit unsealed roads in low density subdivisions or some staging of road construction.

Entries to battleaxe lots shall be constructed to a single lane gravel standard, except where gradients, drainage or potential dust nuisance considerations justify bitumen sealing. Where four or more lots are serviced, a two-lane standard is required.

The width of access corridors to battleaxe lots shall be not less than 10 metres wide for access to 1 lot and 15 metres wide for access to 2 lots and 20 metres wide for more than 2 lots. These minimum widths are specified so that these access corridors are not prevented from being established as public roads in possible future subdivisions.

Access corridors widths shall be provided either as part of the allotment serviced, or alternatively by the establishment of suitable easements for

access, or rights of carriageway. Easements for services may also be required to allow connection to available public utility services.

Electricity and telecommunications services shall be provided by the subdivider to service every lot. Town water reticulation shall only be provided by the subdivider where it can be economically provided as a logical extension of Council's water reticulation system and is identified by Council as a serviced area. Reticulated sewerage systems may be required in particular cases.

Council has a number of Development Control Plans that define allowable subdivision densities and layouts.

## 12. RESIDENTIAL SUBDIVISIONS

This section applies to land in zones 2(a), 2(b), 2(c), 2(e) and 2(v).

The BVLEP specifies a minimum permissible allotment size in these zones of 550 square metres if sewered, and 2000 square metres if unsewered. This Plan sets out larger minimum lot sizes to address the following objectives:

- to ensure a high standard of residential amenity
- to achieve a range and mix of allotment sizes
- to avoid unnecessarily reducing the potential for development on lots in zones 2(b), 2(c) and those parts of zone 2(e) identified for more intensive development.
- to address limitations on development densities due to on-site sewage management in unsewered areas.

Variations to the standards in this plan will be considered where it is demonstrated that the above objectives will be satisfied.

Residential subdivisions shall be serviced with underground electricity and telecommunications reticulation and street lighting, all at no cost to Council. Street lighting shall use only the basic standard poles and light fittings maintained by Country Energy. Overhead electricity reticulation is only acceptable for small scale infill subdivisions in areas serviced only with overhead reticulation.

### 12.1 Lot Sizes in Zones 2(a), 2(e) and 2(v) With Sewerage

See section 12.3 for standards for subdivisions in Sector R2 in zone 2(e).

Corner allotments	Minimum area	650m <sup>2</sup>
	Minimum square width	20m
Battleaxe allotments (Vacant)	Minimum area (excluding access corridor)	700m <sup>2</sup> if adjoining public reserve - 800m <sup>2</sup> otherwise
	Minimum width at building site	20m
	Minimum entry width	
	- single	3.5m
	- double	5.0m
	plus 2.0m for each lot over 2	
Other allotments	Minimum area	550m <sup>2</sup>
	Average area (excluding corner and battleaxe lots)	600m <sup>2</sup>
	Minimum width at building line	15m
	Minimum depth	25m

Double and multiple battleaxe entries shall incorporate reciprocal easements for access and services.

Battleaxe lots must be designed to allow suitable separation between dwellings to provide reasonable residential amenity, privacy and solar access.

In addition to the above standards, a least 80% of lots in each proposed subdivision must have sufficient dimensions and area to contain a rectangular building of not less than 18 metres by 10 metres with the long axis aligned within 20 degrees of east-west, while maintaining normal minimum building setbacks from all boundaries. The purpose of this requirement is to ensure that houses can be aligned to achieve good solar access. Re-subdivisions of existing residential lots will not be prevented where it is not practical to comply with this standard, however subdivisions should be designed to achieve reasonable solar access to each lot wherever possible.

### 12.2 Lot Sizes in Zones 2(a), 2(e) and 2(v) Without Sewerage

Battleaxe allotments	Minimum area (excluding access corridor)	2,000m <sup>2</sup>
	Minimum width at building site and effluent disposal area	30m
	Minimum entry width	
	- single	3.5m
	- double	5.0m
	plus 2.0m for each lot over 2	
Other allotments	Minimum area	2,000m <sup>2</sup>
	Minimum width at building site and effluent disposal area	30m

Double and multiple battleaxe entries shall incorporate reciprocal easements for access and services.

Battleaxe lots must be designed to allow suitable separation between dwellings to provide reasonable residential amenity, privacy and solar access.

Any subdivision of unsewered land must address the relevant provisions of Council's plans and policies for On-site Sewage Management and the BVLEP. Areas of steep slopes, high water table, potential flooding, highly permeable or highly impermeable soils and land close to watercourses are generally not suitable for on-site effluent disposal.

### 12.3 Lot Sizes in Zones 2(b), 2(c) and Sector R2 in Zone 2(e)

Land in these zones has been identified as having potential for multi unit housing developments and tourist accommodation developments. As the amount of land in these zones is limited, Council is concerned to ensure that the potential for development of land in these zones is not significantly reduced by fragmentation into lots that are too small for economic development in accordance with the objectives of those zones.

Minimum lot size	1,000m <sup>2</sup>
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Battleaxe allotments are not generally permitted in these zones as they are not suited to multi unit housing development. Battleaxe lots in these zones will only be accepted where the access corridor is suitable to become a road

in a later subdivision (i.e. suitable width and gradient) or the subdivision forms part of the staging of a multi-unit housing development over the whole site.

## 12.4 Multi Unit Housing Development

Clause 26(5) of the BVLEP permits the subdivision of multi unit housing developments (excluding granny flats) to provide for separate ownership of each dwelling. Consent can only be given to subdivide existing multi unit housing developments or at the same time as consent is given for the multi unit housing development. In any subdivision of a multi unit housing development, each lot must have suitable legal and practical access, separate water, sewerage, drainage, electricity and telecommunications services and carparking spaces.

Subdivisions of multi unit housing developments may be effected by conventional subdivision, strata title or community title subdivision.

## 12.5 Road Widths in Residential Zones

This section is to be read in conjunction with specific provisions for roads in Part D of this Plan and the BVSC Development Design Specification.

Roads in residential subdivision developments must be arranged to provide an adequate standard of access, while maintaining an appropriate residential amenity and accommodating the traffic expected to be generated from the development of the lots in the subdivisions.

Roads shall be arranged in a logical hierarchy, which can be readily interpreted by drivers who are not familiar with the neighbourhood. Road standards will be specified in development consent conditions generally as set out below, but may vary from the following to address local circumstances.

	<b>Reserve Width (minimum)</b>	<b>Alignment (footway-carriageway- footway)</b>	<b>Max. No. of Lots Served</b>
Access Street (<10% in zones 2(a), 2(v) and sectors R1 and R3 in 2(e) )	15m	4.5m-6m-4.5m layback kerbs	15
Local Street	15m	3.5m-8m-3.5m layback kerbs	100
Collector Street includes bus route	16m	3.5m-9m-3.5m layback or upright kerbs	300 lots or up to 3000 vehicles per day
Sub-Arterial Road	20m	4.5m-11m-4.5m upright kerbs	600 lots or up to 6000 vehicles per day
Arterial Road	20m	3.5m-13m-3.5m upright kerbs	

Access streets in zones 2(a), 2(v) and sectors R1 and R3 in zone 2(e) serving more than 15 lots or with a longitudinal gradient of more than 10% require a carriageway width of 8 metres to better provide for on-street car parking and for garbage trucks and other heavy vehicles.

Cul-de-sacs in zones 2(b), 2(c) and sector R2 in zone 2(e) shall be constructed to the standard specified for local streets.

Council may accept the construction of access streets and local streets with grass swale drains in lieu of kerb and gutter in zones 2(a), 2(v) and sectors R1 and R3 in zone 2(e) only, where the longitudinal road gradient is between 2% and 5%. In these streets the road reserve width shall be sufficient to accommodate the grassed swale drains and footpaths adjacent to the road reserve boundaries, and shall be not less than 20 metres wide.

A concrete footpath 1.2 metres wide shall be provided along one side of each road at an offset of 0.6 metres from the road reserve boundary.

No footways shall have a width of less than 3.5 metres.

Cul-de-sacs shall have a circular turning area with a kerb radius of 10 metres to provide for garbage trucks and other heavy vehicles. This kerb radius may be reduced to 6.5 metres where two adjacent cul-de-sac turning areas are linked by a 3.5 metre wide heavy duty concrete driveway not more than 100 metres long, so that garbage trucks and other heavy vehicles can travel along both streets as a single loop and without needing to reverse at any point. Driveways linking cul-de-sacs shall be fully contained in road reserves not less than 6.0 metres wide and must have clear lines of sight from each end to the other.

### **13. SUBDIVISIONS IN FUTURE URBAN ZONES**

This section applies to land in zone 2(f).

The purpose of zone 2(f) is to identify land that is to be investigated in respect to its suitability for rezoning at a later date for urban or other purposes. Rezonings must follow processes defined under the EP&A Act and State Government direction. Accordingly Council must ensure that development within this zone is compatible with the anticipated future urban development of the land and that development does not create unreasonable or uneconomic demands for the provision of public amenities or services. The fragmentation of land holdings significantly complicates the orderly provision of roads and services to future subdivisions. Proper planning processes should not be pre-empted by premature subdivisions.

Land in zone 2(f) will therefore not be extensively subdivided without rezoning of the site to permit one of the other forms of development permitted under the Bega Valley Local Environmental Plan. Minor subdivision proposals will be considered only where the development satisfies the objectives and standards set out in the BVLEP for development in zone 2(f).

Subdivided lots in zone 2(f) shall be provided with road access and reticulated water, sewerage, electricity and telecommunications services to the standards specified for residential subdivisions. These standards may be varied at Council's discretion to suit the nature of specific subdivision proposals and the orderly sequencing of works to suit the anticipated future development of the locality.

### **14. COMMERCIAL LAND SUBDIVISIONS**

This section applies to land in zones 3(a), 3(b) and 4(a).

Subdivisions of land for commercial uses including shops, offices and similar must create allotments which are suitable for the intended use. Particular attention should be directed to the issues of access, carparking, loading facilities and fire protection measures as specified in the Building Code of Australia (BCA).

Roads in commercial areas shall have a minimum 20.0 metre road reserve width with 11.0 metre wide heavy duty road pavement kerbed and guttered on

both sides, and with footways paved on both sides. Rear lane access may be required to provide for deliveries to the rear of shops.

Every lot shall be provided with reticulated water, sewerage, electricity and telecommunications services.

## 15. INDUSTRIAL SUBDIVISIONS

This section applies to land in zone 4(a).

Subdivisions of land for industrial uses must create allotments that are suitable for the intended use. Particular attention is required to issues of access, carparking, loading facilities and fire protection measures as specified in the Building Code of Australia and public utility servicing.

The design of industrial subdivisions must allow for access by all forms of road vehicle including semi trailers and b-doubles.

Roads in industrial areas shall have a minimum 20.0 metre road reserve width with 11.0 metre wide heavy duty road pavement kerbed and guttered on both sides and with concrete footpaths on both sides.

The design of industrial estates should not include areas of public reserve or drainage reserves or other areas likely to accumulate rubbish or waste.

Every lot shall be provided with reticulated water, sewerage, electricity and telecommunications services.

## 16. SUBDIVISIONS ACROSS ZONE BOUNDARIES

Many land holdings in the Shire contain land which is identified in more than one zone under the BVLEP. In general it is preferred that new allotment boundaries should be designed to follow the zone boundaries resulting in lots that are contained within only one zone.

In some circumstances it may be appropriate to create allotments that contain land in more than one zone, for example where land adjoining a waterway may be contained within a 7(b) Environment Protection Foreshore Zone. Where allotments are created containing land in more than one zone the proposal must be assessed against the development standards and objectives applying to each zone and Council must be satisfied that the intended use of the resulting allotments would be conforming to the requirements of the BVLEP and all relevant Development Control Plans within the zone that permits that use.

## 17. PUBLIC RESERVE DEDICATIONS

Where land is contained within zone 6(a), the BVLEP requires the land within that zone is included in the plan of subdivision as a separate allotment which shall be identified in the plan of subdivision for dedication to Council as public reserve. The requirement for public reserve dedications in other circumstances would be specified in the conditions of the development consent relating to the proposed subdivision.

Early consultation with Council is encouraged in the planning of subdivisions involving public reserve dedications, so that the reserve areas provide benefit to the occupants of the subdivision and the community in general. Council may not accept the dedication of land that does not provide significant benefit to the subdivision and the community.

Council does not accept land dedicated as public reserve that primarily serves a stormwater drainage function as offsets against the required public reserve

acquisitions under Council's Section 94 Contributions Plans as this type of land does not meet the recreational needs of the occupants of subdivisions.

Council may require any weed infestations on proposed public reserves to be treated prior to the endorsement of the Subdivision Certificate for that development.

## **18. HAZARDS**

The design of subdivisions must take account of environmental hazards such as flooding, bushfire protection, potential for landslip and site contamination. Development Control Plans and state legislation and policies address some of these issues.

Subdivisions of bushfire prone land to create lots for residential or rural residential purposes are integrated development. (See Section 6.4) The state government publication "Planning for Bushfire Protection" should be consulted in regard to site suitability and appropriate protection measures.

In assessing subdivision proposals, it may be necessary for applicants to provide Council with technical reports from suitably qualified professional persons addressing site hazards. These reports shall be prepared at the cost of the developer.

## **19. UNSEWERED LAND**

Any proposals for subdivision of unsewered land will be assessed in accordance with the relevant provisions of Council's Development Control Plan for On-Site Sewage Management and the BVLEP.

## **20. NOXIOUS WEEDS**

Various parts of the Bega Valley Shire LGA are affected by infestations of weeds that have been proclaimed under the Noxious Weeds Act 1993. The subdivision of land leads to smaller parcels of land being transferred into separate ownerships, making it harder to achieve effective control of existing weed infestations.

Development consents for the subdivision of land affected by infestations of weeds proclaimed under the Noxious Weeds Act 1993 may include conditions requiring action to be taken to control weeds to the satisfaction of Council's Noxious Weeds Manager.

Owners of land affected by Noxious Weeds should consult with Council's Noxious Weeds Manager as part of the planning for any subdivision. Early attention to controlling weeds is recommended, as effective treatment of weeds can take significant time and may result in delays in the endorsement of Subdivision Certificates.

## **21. THREATENED SPECIES, ECOLOGICAL COMMUNITIES AND THEIR HABITATS**

Subdivisions should be designed to avoid impacts on threatened species, ecological communities and their habitats.

Various sites throughout the Bega Valley Shire may contain the habitat of threatened species or threatened ecological communities as defined under the Threatened Species Conservation Act, 1995. Section 5A of the EP&A Act sets out the eight part test of significance of the likely impacts of proposed development.

State Environmental Planning Policy No. 44 – Koala Habitat Protection also requires an assessment of potential impact of development on koala habitat for applications for development of land holdings of 1.0 hectare or more.

Council may require an applicant for subdivision to submit a report from a suitably qualified consultant where the initial assessment of a development application does not allow Council to be confident that the proposal is not likely to have an adverse impact on threatened species, ecological communities and their habitats.

In assessing potential impacts of subdivision developments, the impacts of the likely uses of the subdivided lots must be considered, in addition to the impacts of the subdivision itself and any subdivision works.

Where there is insufficient information available to Council to justify a conclusion that a development will not have a significant impact, the precautionary principle requires that Council not grant consent to that development.

All costs in the preparation of site assessments in regard to threatened species, ecological communities and their habitats shall be borne by the proponents of the developments.

## **22. STORMWATER MANAGEMENT**

Subdivisions shall be designed so that stormwater flows for rainfall events of a 100 year average recurrence interval and greater can pass without causing damage to property and infrastructure. Stormwater flows for events larger than the 5 year ARI for residential development and 10 years for commercial and industrial development are not required to be contained within piped drainage systems however the overflow path must be planned, clearly evident on the site and contained within suitable easements, public reserves and road reserves.

Subdivisions in zones 2(a), 2(b), 2(c), 2(e), 2(v), 3(a), 3(b), 4(a) and 5(a) shall be designed and constructed to produce no net increase in peak stormwater flows downstream, generally through the use of on-site stormwater detention facilities, and re-use of stormwater on site.

Interallotment drainage systems shall be provided as necessary to enable each allotment to discharge stormwater from roof and paved areas to a Council controlled drainage system or road.

Stormwater systems shall be designed, constructed and managed to minimise potential erosion, sedimentation and pollution, and generally following the principles of Water Sensitive Urban Design. Where practical, reuse of stormwater is encouraged.

Further technical requirements on stormwater drainage and erosion control and stormwater management are contained within the BVSC Development Design Specification and BVSC Development Construction Specification. The New South Wales Department of Housing publication “Managing Urban Stormwater – Soils and Construction” also contains advice about design and operation of these works.

## **23. ENERGY EFFICIENT DESIGN**

Clause 79 of the BVLEP requires that the principles of ecologically sustainable development must be considered for every development application. Allotment orientation and energy efficiency are elements of ecological sustainability that must be addressed in the design of subdivisions.

Applicants may be required to amend subdivision proposals to conform to the principles of energy efficient design.

Residential subdivisions shall be designed to provide allotments that permit future housing to be designed to optimise solar orientation, generally so that living areas in houses can be oriented towards the north. In general residential lots shall have their larger dimension oriented east-west, and their shorter dimension north-south, with due regard to the terrain. Lots on south facing slopes should be larger to improve opportunities for solar access.

The orientation of roads influences the potential to achieve good solar access to lots. It is preferable to align roads generally north-south or east-west, so that north-south roads are aligned within 20 degrees west and 30 degrees east of true north, and east-west roads are aligned within 20 degrees north and 30 degrees south of due east.

Subdivisions should generally be designed to minimise reliance on private motor vehicles and should make provision for public transport, pedestrian pathways and bicycle use.

#### **24. PUBLIC TRANSPORT – BUS ROUTES**

Public transport in the Bega Valley Shire is primarily by bus.

Subdivision design must make allowance for public transport by bus in the design of the road layout. All roads that may serve as bus routes should form loops rather than dead ends. School bus routes are required to pass within 400 metres of all houses in residential subdivisions. Temporary cul-de-sacs on bus routes in staged residential estates shall have a sufficient diameter to permit buses to turn without reversing.

Subdividers should consult with local bus operators in the initial planning of residential estates.

#### **25. NEIGHBOURHOOD DESIGN – INFILL DEVELOPMENT**

Subdivisions of land in currently developed areas must take account of the pattern of surrounding development, so that the resulting development is compatible with its surroundings. Consideration must be given to issues of privacy, overshadowing, potential noise impacts and servicing.

#### **26. SUBDIVISIONS INVOLVING BUILDINGS**

Where land containing buildings is subdivided, the subdivision must be designed so that the relationships between buildings and boundaries conform to all relevant provisions of the Building Code of Australia. Particular attention is required to setback distances from boundaries and fire resistance ratings of building elements within three metres of boundaries.

#### **27. COMMUNITY TITLE SUBDIVISIONS**

Community Titles Subdivisions are subdivisions of land and must conform to the ordinary standards set out in the BVLEP and this plan. Subdivisions carried out by community title differ from conventional subdivisions in respect to the creation of neighbourhood or community property that is jointly owned by the owners of all the other lots. The neighbourhood or community property may include access ways, services or shared recreational facilities or other facilities.

Proposals for community title subdivisions should be discussed with Council's planning staff early in the design of the development. Careful attention is required to the planning of open access ways or private access ways, utility

servicing, access for garbage collection and emergency services, and the management of shared facilities.

Community titles developments require ongoing interaction between the lot owners and associated costs beyond that required for normal subdivisions. Therefore these developments require some compelling reason or common interest that could not be achieved in a normal subdivision, in order to maintain the strength of the community in perpetuity. Where these factors do not exist, it may be more appropriate to pursue some more conventional form of development.

Council does not favour the development of “gated” estates.

## **28. CORNER SPLAYS**

Splays of minimum five metres along each road shall be dedicated as public road at each road intersection within or adjoining any subdivision, to provide for optimum sight distances at intersections.

## **29. ROAD NAMING**

All new public roads in subdivision shall be given an appropriate name with the name clearly stated on the subdivision plan. Proposed road names must be approved by Council prior to the endorsement of a subdivision certificate.

Council has a policy for road naming which indicates the acceptable principles for choosing appropriate road names. Copies of this policy can be made available on request.

Street signs shall be provided by the subdividor.

## PART D – SUBDIVISION WORKS

### 30. TECHNICAL SPECIFICATIONS

The required standards for the design and construction of subdivision works are set out in the following specifications:

1. BVSC Development Design Specification.
2. BVSC Development Construction Specification.

These documents are closely based on the AusSpec series of technical specifications. Any aspects of the design and construction of subdivision works not adequately specified in the above specifications shall be based on the standards set out in the following:

- “Road Design Guide” – Roads and Traffic Authority of NSW
- “Managing Urban Stormwater – Soils and Construction” – NSW Department of Housing
- “Australian Rainfall and Runoff” – Institution of Engineers, Australia

The latest versions of these documents shall be used.

All aspects of design and construction of subdivision works shall conform to sound engineering practice, and recognised codes and standards.

### 31. QUALITY ASSURANCE

All aspects of the design and construction of subdivision works within Bega Valley Shire shall be conducted under a Quality System, in conformity within Australian Standards ISO 9001 or ISO 9002 as appropriate. Designers and contractors must carry current third party certification for their Quality Systems and operate fully within those systems for all aspects of the design and construction of subdivision works.

Council may authorise the construction of minor works without a formal Quality System where Council is satisfied with alternative arrangements to ensure that the works are completed in conformity with the requirements of the BVSC Development Construction Specification. In any case where Council does not require a formal QA system, Council must authorise this in writing prior to the commencement of the works.

## 32. RURAL ROAD STANDARDS

The following standards are defined for reference in conditions of development consent. Refer to the BVSC Development Design Specification for more detailed requirements.

Type	Design traffic	Pavement Width	Reserve Width and status	Maximum Gradient
Gravel driveway	Up to 3 lots	4.0m gravel	Up to 20 m easement	15%
Sealed driveway	Up to 3 lots	3.0m seal with 2 x 0.5m shoulders	Up to 20 m easement	20%
Class 1 road	Up to 3 lots	4.0m gravel	20m public road	15%
Class 2 road	< 150 vehicles per day	6.4m gravel	20m public road or easement	15%
Class 3 road	> 150 vehicles per day	8.0m gravel	20m public road	15%
Class 4 road	< 1000 vehicles per day	6.0m seal plus 2 x 1.0 m sealed shoulders	20m public road	15%
Class 5 road	> 1000 vehicles per day	7.0m seal plus 2 x 1.0 m sealed shoulders	20m minimum public road	15%

Road reserves must be sufficiently wide to contain the entire width of the road formation including cuttings and embankments. Rural road reserves shall be not less than 20 metres wide.

Road shoulders on Class 4 and 5 roads shall be sealed to the same standards as the road pavement so that shoulders are not susceptible to erosion.

For design purposes allow 8 vehicles per day per lot in zone 1(c) and 6 vehicles per day per lot in zone 1(a).

### 33. RESIDENTIAL ROAD STANDARDS

The following standards are defined for reference in conditions of development consent. Refer to the design specification for more detailed requirements.

Type	Carriageway Width	Footway Width	Minimum Reserve Width	Maximum Gradient
Single battleaxe entry	3.0 m concrete	Nil	3.5 m	20% if possible. 25% max.
Dual battleaxe entry	3.0 m concrete	Nil	5.0 m	20% if possible. 25% max.
Access street up to 15 lots	6.0 m bitumen – only in zones 2(a), 2(v) and sectors R1 and R3 in zone 2(e)	2 x 4.5 m	15 m	10%
Local Street	8.0 m bitumen	2 x 3.5 m	15 m	12% desirable 16% max
Collector Street includes bus route	9.0 m bitumen	2 x 3.5 m	16 m	10% desirable 12% max
Sub Arterial road	11.0 m bitumen	2 x 4.5 m	20 m	8% desirable 10% max
Arterial road	13.0m bitumen	2 x 3.5 m	20 m	8% desirable 10% max
Access street or local street with grassed swale drains	6.0 m or 8.0 m bitumen (as above) with concrete edge strips Only in zones 2(a), 2(v) and sectors R1 and R3 in 2(e)	Variable, but not less than 4.5 m including grassed swales	20m minimum	5% max. 2% min

The carriageway width is the distance between the inverts of the gutters, or between the outer edges of the concrete edge strips where kerb and gutter is not provided.

Cul-de-sacs shall incorporate a circular turning area with a kerb radius of 10 metres to provide for garbage trucks and other heavy vehicles. This kerb radius may be reduced to 6.5 metres where two adjacent cul-de-sac turning areas are linked by a 3.5 metre wide heavy duty concrete driveway not more than 100 metres long, so that garbage trucks and other heavy vehicles can travel along both streets as a single loop and without needing to reverse at any point. Driveways linking cul-de-sacs shall be fully contained in road reserves not less than 6.0 metres wide and must have clear lines of sight from each end to the other.

Battleaxe driveways must be designed and constructed to provide practical vehicular access to the main part of the allotments, to suit future house construction. Where a single battleaxe driveway serves two or more adjacent lots, suitable provision must be made for vehicles turning from the driveway to enter each lot, so that a minimum paved width of 3.0 metres is available for each lot.

## 34. ROADS IN COMMERCIAL AND INDUSTRIAL AREAS

Roads in commercial and industrial subdivisions must accommodate heavy traffic loads, on-street car parking and must permit movements by large vehicles. The normal standard is as follows. Refer to the design specification for more detailed requirements.

### Roadway

11.0 m carriageway (with kerb and gutter) 2 x 4.5m footway 20m reserve width

### Rear access lanes

6.0 m carriageway (with kerb and gutter) 2 x 1m footway 8m reserve width

## 35. ROADS GENERALLY

Road pavements shall be designed to accommodate the predicted design traffic over a service life of not less than 25 years, taking into account the potential growth in traffic from the development of surrounding lands.

New roads in subdivisions shall be completed to a standard that should involve minimal maintenance attention from the Council for a 25 year period.

Roads shall be designed to limit vehicle speeds generally by the use of a “self enforcing” speed environment. All intersections must satisfy the sight distance criteria for the appropriate design speed environment, including Safe Intersection Sight Distance as specified in the RTA Road Design Guide. Further detail is contained in the BVSC Development Design Specification.

Road reserves shall be of sufficient width to contain the whole road formation including cut and fill batters and any retaining structures. In residential subdivisions, cut and fill batters at slopes not exceeding 1 in 4 may extend into residential lots.

All incidental works such as guideposts, line marking, guard rails, street name signs, street lighting, revegetation of earthworks and public utility installations are specifically included in the scope of works as part of the construction of roads in subdivision, even if not specifically nominated in development consent conditions.

Trees likely to be made unstable due to subdivision works and trees that may present a hazard to road users should be removed as part of the road construction works.

## 36. EXISTING CROWN PUBLIC ROADS

In order to limit the extent of Council's rural road maintenance responsibilities, Council will not accept the transfer of existing Crown Public Roads from the state. Therefore these roads generally cannot be used or upgraded to provide access to rural subdivisions.

Any exceptions to this position must be authorised by a specific Council resolution in each particular instance.

### **37. STORMWATER DRAINAGE**

Stormwater drainage works shall be designed and constructed in conformity with the standards contained in the BVSC Development Design Specification and the BVSC Development Construction Specification . Section 22 of this code outlines the principles for drainage system design.

Interallotment drainage systems shall be designed and constructed to minimise the number of allotments using each easement so that maintenance responsibilities are as simple as possible. As a general rule, each interallotment drainage easement should serve no more than two allotments, except where no feasible alternative exists.

### **38. WATER SUPPLY AND SEWERAGE**

Where land being subdivided is within an area serviced or potentially serviced with a Council town water supply or sewerage system, all lots shall be provided with access to these services. The subdividor shall provide the reticulation mains and all works necessary to enable these mains to operate, including reservoirs, trunk mains, pumping stations, telemetry systems and any associated works, all at no cost to Council.

Specific design standards are contained within the BVSC Development Design Specification.

It should be noted that Council has designated limits to the water supply service areas and that developer contributions are payable by the subdividor for every additional lot capable of being connected to the water and sewerage systems.

Water mains shall generally be laid in public roads, at an offset of 2.8 metres from the road reserve boundary. In any location where a water main must be laid within private land, or public reserves, suitable easements not less than 3.0 metres wide shall be established in favour of Bega Valley Shire Council.

Sewerage mains shall generally be laid within the allotments services, in such a position to receive sewage from likely building locations, but without unduly constraining building sites. Sewerage mains shall not be located where future buildings would be likely to require construction over sewerage mains.

Where sewerage mains are located within private lands, suitable easements to drain sewage not less than 3.0 metres wide shall be established in favour of Bega Valley Shire Council.

Where sewer rising mains are located within private lands, suitable easements to pump sewage not less than 3.0 metres wide shall be established in favour of Bega Valley Shire Council.

Where sewerage mains are located within road reserves, they shall be located at an offset of 1.7 metres from the road reserve boundary.

Other services (such as electricity, telephone, gas, etc) must not be laid in the same trench as water and sewerage mains.

## **39. MAINTENANCE PERIODS**

In order to ensure that subdivision works taken over by Council are free of defects, developers are responsible for the maintenance of the works and the rectification of any defects that may become apparent in the works within six months after the completion of all of the works. The date of issue of a Compliance Certificate evidencing satisfactory completion of all subdivision work for each development consent or separately defined stage is taken to be the date of completion.

Council may require developers to maintain specific elements of the subdivision works (such as sediment control works or stormwater runoff treatment installations) for longer periods so that the community does not incur the expense of maintaining works that form part of developments.

Developers must provide Council with monetary security to ensure satisfactory performance of their responsibilities for these maintenance periods. The amounts and periods will be specified in development consent conditions.

The normal security bond for the six month maintenance and defects liability period is 5% of the contract amount for the construction of all works transferred to Council, or the estimated value of those works as determined by the Council's Director of Engineering Services or his delegate.

The amount of the security bond for any extended maintenance period for specific elements of the subdivision works will be determined by the Council's Director of Engineering Services or his delegate based on an estimate of the costs of anticipated maintenance works plus a margin of 30%.

## **40. DESIGNERS OF SUBDIVISION WORKS**

All subdivision work shall be designed by persons holding suitable qualifications for the design of works of this type and current professional indemnity insurance. The designer's name shall be clearly stated on each plan sheet.

## **41. CONSTRUCTION CONTRACTORS' INSURANCE**

Each contractor engaged in the construction of subdivision work must hold current public liability insurance for an amount of not less than \$10,000,000 suitably endorsed to note the contractor and Council for their respective rights and interests.

Prior to the commencement of the construction of subdivision works Council must be provided with evidence of the currency of this insurance.

## 42. WORKS AS EXECUTED PLANS

In order to ensure that Council holds complete records of civil engineering works completed, the developers shall submit Works-As-Executed plans for Council's acceptance prior to the endorsement of a Subdivision Certificate (or Occupation Certificate for other developments).

The Works-As-Executed plans shall be a complete copy of the plans for the subdivision works (or other public works), clearly marked up to show all variations of the completed works from the approved design in regard to alignment, levels and other details of the works. These plans must show the location and depth of any filling placed on any lot. Works-as-executed plans must be prepared and certified by a Registered Surveyor or Chartered Professional Engineer as a complete and accurate record of the subdivision work.

Council also requires the submission of Works-As-Executed details in an electronic data format suitable for direct inclusion in Council's Geographic Information System. This data must be tied to the Map Grid of Australia. A specification for this data can be obtained from Council's Engineering Services Department. The preferred process is for the developer to engage Council's surveyor to collect and present this data on a fee for service basis.

## **PART E – PROCEDURAL MATTERS**

### **43. GENERAL**

Subdivisions and other developments are controlled under the Environmental Planning and Assessment Act, which sets out the various approvals necessary at the different steps through the process of developing land in the Bega Valley Shire.

### **44. CONSTRUCTION CERTIFICATES**

Construction Certificates are certificates issued to the effect that work completed in accordance with specified plans and specifications will comply with the requirements of the Environmental Planning and Assessment Regulation. In practice, a Construction Certificate confirms that the subdivision work or building work described in the plans and specifications referred to in that certificate will satisfy the relevant development consent conditions when constructed.

Subdivision work and building work must not be commenced before a Construction Certificate has been issued for that work.

Applications for Construction Certificates can be made to the consent authority (usually Council) or to an accredited certifier. Application forms for Construction Certificates can be obtained from Council.

Where any long service levy is payable under the Building and Construction Industry Long Service Payments Act 1986, this levy must be paid before a Construction Certificate may be issued.

Some conditions of development consents may require things to be done or monies paid before a Construction Certificate may be issued.

The engineering plans for subdivision works shall detail the location of all utility services reticulation including electricity and telecommunications works, in order that the design of the works can address the whole of the subdivision works and avoid conflicts between services.

### **45. APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY**

The EP&A Act requires the developer to appoint a Principal Certifying Authority for each development. The Principal Certifying Authority for subdivision developments within the Bega Valley Shire LGA must be the consent authority, usually the Council.

Although subdividers are not given a choice in the appointment of the PCA, the Act requires the developer to make the appointment and to notify Council. This notification may be given concurrently with the notification of intention to commence work.

### **46. NOTIFICATION OF INTENTION TO COMMENCE WORK**

The EP&A Act requires that the developer must give Council at least two days notice of intention to commence subdivision work. This notification, together with the notification of appointment of PCA shall be submitted to Council on Council's standard form for this purpose.

#### **47. COMPLIANCE CERTIFICATES**

Compliance Certificates are certificates to the effect that specified building work or subdivision work has been completed as specified in the certificate and that it complies with specified plans and specifications. They can also be used to document compliance with development consent conditions or other matters as set out in section 109C (1)(a) of the EP&A Act.

A Compliance Certificate may be issued in relation to specified work, relying upon a Compliance Certificate issued by another accredited certifier to demonstrate that earlier works comply. By way of an example, one certifier may issue a Compliance Certificate certifying that the pavement material for a road in a subdivision have been delivered, placed and compacted all in conformity with the approved plans and specifications, relying on a Compliance Certificate from another accredited certifier that the road subgrade preparation complies with the approved plans and specifications.

Council requires that a Compliance Certificate be issued to confirm satisfactory completion of subdivision works in conformity with the conditions of the development consent and the BVSC Development Construction Specification. This Compliance Certificate may be issued relying upon other Compliance Certificates for some parts of the works.

In general it is preferred that all Compliance Certificates for the subdivision works for each development are issued by the same accredited certifier or consent authority to maintain the continuity in the supervision of the works.

#### **48. SUBDIVISION CERTIFICATES**

Before the NSW Office of Land and Property Information can register a subdivision plan and issue separate title deeds for the subdivided lots, it is necessary to obtain a Subdivision Certificate. Subdivision Certificates can only be issued by the consent authority (usually Council) or by the Crown (or persons acting on behalf of the Crown) for subdivisions by the Crown.

Where the subdivision includes subdivision work, the subdivision certificate must be issued by the PCA.

The Subdivision Certificate is the primary hold point at which all consent conditions must be satisfied, all developer contributions paid and all aspects of the development must be complete, or secured to Council's satisfaction.

#### **49. ACCREDITED CERTIFIERS**

The EP&A Act and Regulation set out arrangements for the involvement of accredited certifiers in the land development process. For subdivisions within the Bega Valley Shire LGA, accredited certifiers can determine applications for Construction Certificates and Compliance Certificates.

In considering whether to issue these certificates, a certifier must determine whether the plans and specifications or works comply with the requirements set out in the development consent, the EP&A Act and Regulation, the BVSC Development Design Specification, the BVSC Development Construction Specification and this Development Control Plan.

## 50. APPEALS CONCERNING PART 4A CERTIFICATES

The EP&A Act provides that where a consent authority refuses to issue a Construction Certificate or Subdivision Certificate or does not determine an application for one of these certificates within prescribed time limits, the applicant may appeal to the Land and Environment Court.

## 51. BONDING

The EP&A Act authorises Council to impose conditions of consent requiring developers to provide security to Council for the costs of the following:

- a) making good any damage caused to any Council property as a consequence of doing anything to which the consent relates, and
- b) completing any public work required in connection with the consent, and
- c) remedying any defects in any public work that arise within six months after the work is completed.

Developers are therefore required to provide security to Council against any damage to Council property prior to the endorsement of the Construction Certificate for subdivision work. The development consent conditions specify the amount of this security for each development.

The security for remedying any defects in the subdivision work (or other public work) shall be five per cent (5%) of the contract amount for the construction of all works transferred to Council, or the estimated value of those works as determined by the Council's Director of Engineering Services or his delegate.

The amount of the security bond for any extended maintenance period for specific elements of the subdivision works will be determined by the Council's Director of Engineering Services or his delegate based on an estimate of the costs of anticipated maintenance works plus a margin of 30%.

Council requires all subdivision work to be completed prior to the endorsement of a Subdivision Certificate for each development, and therefore Council does not accept security for the completion of outstanding works.

Security for the matters outlined above can be provided either as monetary deposits with Council or as unconditional bank guarantees nominating Bega Valley Shire Council as the sole beneficiary. Bank guarantees specifying an expiry date are not acceptable to Council.

The EP&A Act authorises Council to draw on the security held to meet any costs incurred in making good any damage, completing public works or remedying defects. Any balance remaining will be refunded to the persons who provided that security.

BEGA VALLEY SHIRE COUNCIL

# ON-SITE SEWAGE MANAGEMENT

Development Control Plan No.5





I, David Jesson, General Manager, Bega Valley Shire Council, certify that this is Development Control Plan No.5 – On-site Sewage Management and was made pursuant to Section 72 of the Environmental Planning and Assessment Act, 1979 and approved by Council at its meeting on the 12 November 2002.

.....  
DAVID JESSON  
**General Manager**

### Record of Amendments

<b>Name of Amendment</b>	<b>Date Approved by Council</b>	<b>Date Plan Came into Force</b>
<b>Original Plan</b>	24 July 2001	10 August 2001
<b>Update of all references included in the plan</b>	12 November 2002	15 November 2002

## DEVELOPMENT CONTROL PLAN NO.5 ON-SITE SEWAGE MANAGEMENT

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## DEVELOPMENT CONTROL PLAN NO.5

### ON-SITE SEWAGE MANAGEMENT

#### DICTIONARY

AWTS	-	Aerated Wastewater Treatment System
AS	-	Australian Standard
BVSC	-	Bega Valley Shire Council
DCP	-	Development Control Plan
DLG	-	Department of Local Government
DLWC	-	Department of Land & Water Conservation
EHO	-	Environmental Health Officer
EPA	-	Environmental Protection Authority
OSM	-	On-site Sewage Management

**coastal zone** means:

- (a) three nautical miles seaward of the mainland and offshore islands;
- (b) one kilometre landward of the open coast high water mark;
- (c) a distance of one kilometre around:
  - \* All bays, estuaries, coastal lakes, lagoons and islands;
  - \* Tidal waters of coastal rivers to the limit of mangroves as defined by NSW Fisheries (1985) maps (see Fisheries bulletin No.2. Department of Agriculture NSW) or the tidal limit whichever is closer to the sea.

**environmentally sensitive area** means:

- (a) land identified in an environmental planning instrument as an environment protection zone such as for the protection or preservation of habitat, plant communities, escarpments, wetlands or foreshore or land protected or preserved under State Environmental Planning Policy No 14 Coastal Wetlands or State Environmental Planning Policy No 26 Littoral Rainforests, or
- (b) land reserved as national parks or historic sites or dedicated as nature reserves or declared as wilderness under the National Parks and Wildlife Act 1974, or
- (c) an area declared to be an aquatic reserve under Division 2 of Part 7 of the Fisheries Management Act 1994, or
- (d) land reserved or dedicated within the meaning of the Crown Lands Act 1989, for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
- (e) land declared as wilderness under the Wilderness Act 1987, or
- (f) any land or area:
  - (i) within 100 metres of a natural waterbody, wetland or coastal dune field, or
  - (ii) with a high watertable, or
  - (iii) with highly permeable soils or acid sulphate, sodic or saline soils, or
  - (iv) within a drinking water catchment, or

- (v) within the water catchment area of an estuary where the entrance to the sea is intermittently open.

**nominated waterway** has the same meaning as Schedule 3 of Bega Valley Local Environmental Plan 2002.

**Section 88B instrument** means a planning instrument made pursuant to Section 88B of the Conveyancing Act 1919.

## 1. TITLE

This plan is Development Control Plan No.5 – On-site Sewage Management.

## 2. LAND TO WHICH THIS PLAN APPLIES

This plan applies to all land within the Bega Valley Shire.

## 3. AIMS OF THE PLAN

The aims of this plan are to:

- Guide landholders towards sustainable on-site management of domestic sewage and wastewater, and
- Safeguard and improve the quality of public and the environmental health within the Bega Valley Shire Council area, and
- Prioritise resources for the orderly administration and monitoring of on-site sewage management systems within the Shire, and
- Minimise the number of designated *high-risk* sites over time, and
- Encourage householders to upgrade existing systems by providing incentives, and
- Facilitate ongoing education in regard to OSM, and
- To encourage innovation and waste minimisation in OSM design.

## 4. RELATIONSHIP TO OTHER PLANS & POLICIES

This is a DCP within the meaning of Section 72 of the Environmental Planning and Assessment Act, 1979.

This plan should be read in conjunction with Bega Valley Local Environmental Plan 2002 and all other codes and policies adopted by Council relating to development of land in the Shire. Where there is an inconsistency between this plan and other Council policies or codes, or Australian Standards then this plan prevails.

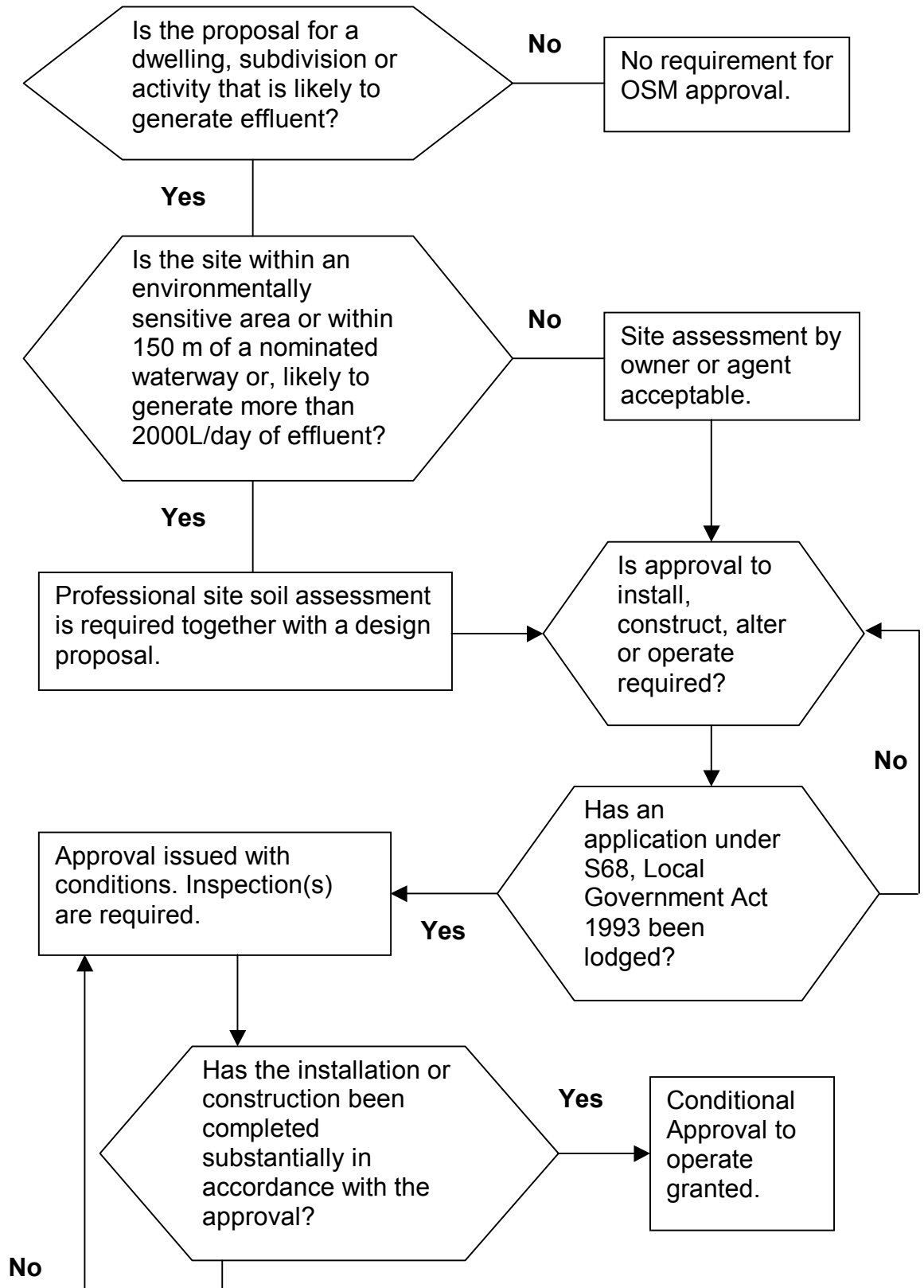
To provide for fair and consistent administration, Council has adopted an OSM Procedures Policy, which is attached as Appendix A.

## 5. WHY DO WE NEED AN ON-SITE SEWAGE MANAGEMENT PLAN?

- Management of domestic sewage and wastewater is a significant issue for the health of Bega Valley Shire residents and the environment. It necessitates a committed responsibility of both the Council and householders.
- Management of on-site sewage should not be seen as the inconsequential disposal of an unwanted problem. Wastewater, including the nutrients and organic matter it contains, must be managed judiciously and re-used whenever appropriate.

- This plan has been developed to assist the staff and community of the Bega Valley Shire Council local government area administer and manage the design, installation, operation and maintenance of on-site sewage management systems.
- This plan draws upon the principles, technical data and overall advice contained in a number of publications, some of them are listed in Section 16. These publications are available for inspection at Bega Valley Shire Council offices.
- It is the Council's intention to incorporate the OSM strategy within its Management Plan. Council's State of Environment Report will address on-site sewage management issues.

**Table 1: Development Approval that Requires OSM**



**6. IS COUNCIL REQUIRED TO APPROVE THE INSTALLATION, CONSTRUCTION, ALTERATION OR OPERATION OF OSM SYSTEMS?**

Council is required to approve these systems under Section 68 of the Local Government Act 1993 and its associated Regulations, guidelines and policy from time to time. Council will issue an approval to operate the facility only when it has been installed and inspected to Council's requirements.

Applicants must provide Council with relevant details to an appropriate standard as described by the regulations, guidelines and policy.

**7. WHAT ACTIONS WILL COUNCIL TAKE TO FACILITATE OSM?**

Council has identified the following actions as being necessary for the effective and orderly implementation of this DCP and associated Procedures Policy.

**Step 1 - Environmental Assessment Program**

Council will undertake assessment of each individual site based on the criterion contained in the site assessment form. (See Table 2). In undertaking this assessment Council officers will be mindful of the local environment in which the system is to be located, the immediate impact on the site and the cumulative impacts on the catchment. Council will consult with appropriate organisations and government departments that have an interest in the environment. Council will also take into account any planned works that may affect the site eg. future community sewerage schemes.

**Step 2 - Administration**

Council's administrative objectives, goals and the range of actions to meet these are fully detailed in the associated Procedures Policy (Appendix A).

**Step 3 - Risk Assessment**

The site risk level will be assessed according to the stated risk assessment criteria (see Table 2) together with information provided by the householder, Council's planning documents, information from relevant Authorities and knowledge of the area.

In some instances it may be possible to reduce the risk level to the lower category through a systematic upgrading of the system.

**Low-risk** sites will be subject to a compliance check every 5 years prior to continuance of operating approval and random audits during that period.

**High-risk** sites will be subject to a compliance check every 3 years prior to continuance of operating approval or more often as may be required.

**Table 2:**

<b>High Risk Criterion</b>	
<b>Identified Areas</b>	<b>Reasons</b>
Future Urban Zone 2(f)	<ul style="list-style-type: none"> <li>▪ Absorptive capacity of the land is likely to be exceeded in periods of wet weather and in winter.</li> <li>▪ Overland flows from AWTS's are likely during storm events.</li> <li>▪ Potential for contamination.</li> <li>▪ Infiltration probable.</li> <li>▪ Reticulated water supply.</li> </ul>
Village Zone 2(v) (if connected to reticulated water) <b>NB:</b> Also includes unofficial villages ie, groupings of allotments of < 2000m <sup>2</sup>	
Allotments smaller than 2000m <sup>2</sup>	
Coastal Zone.	
Systems adjacent to (<100m) or abutting permanent water or intermittent streams or dams (<40m)	
Areas with a high water table (<2m below the surface)	
Any site within an environmentally sensitive area.	
Adjacent to (<150m) a nominated waterway (see DCP 6)	

<b>Low Risk Criterion</b>	
<b>Identified Areas</b>	<b>Reason</b>
Any area not identified as high risk.	<ul style="list-style-type: none"> <li>▪ Lower environmental impact.</li> </ul>

Notes:

- i. Council may choose to include additional criteria to reflect specific issues relevant to a particular area, or other issues advised by other Government Agencies.
- ii. Council will undertake an ongoing process of review of the risk assessment criteria to ensure the protection of environmental health.

**8. WHAT TYPES OF SYSTEM CAN COUNCIL APPROVE?**

Council can approve combinations of the following methods of on-site sewage management:

- Primary treatment, eg septic tanks, dry or wet composting toilets.
- Secondary treatment & further treatments, eg AWTS, amended soil filter beds, sand filter beds, artificial wetlands or detention ponds.
- Enhancement techniques, eg water saving taps, showerheads, dual flush toilets, controlled release of effluent, greasetraps, outlet filters and lint filters.
- Land Application Areas, eg absorption trenches or beds, surface irrigation areas, subsurface irrigation areas or sand mounds.
- Collection wells to pump-out, pump to remote land application area or Councils sewer.

## 9. WHAT INFORMATION DOES COUNCIL REQUIRE TO ASSESS A SYSTEM FOR APPROVAL?

Council requires the minimum criterion for site assessment specified by the Local Government (Approvals) Regulation 1999 for all future developments requiring on-site sewage management facilities and not connected directly to Council's sewer system. These requirements include:

### A. Subdivision

- Subdivision of land, where on-site sewage management is necessary, shall be required to have a site assessment generally in compliance with the following publications,
  - *Environment and Health Protection Guidelines - On Site Sewage Management for Single Households.*
  - *Australian Standard 1547: 2000 "On site Domestic Wastewater Management."*

This will not apply in the situation where the lot(s) created contain existing dwelling(s) with a current licence to operate a system of on-site sewage management. The base figure for the calculation of daily hydraulic load shall be a minimum of 1000L/day. **This site assessment will be required to be lodged with the Development Application.**

- Where the proposed land application area/s are likely to be in, or are within 100m of an *environmentally sensitive area* or within 150m of a nominated waterway, the applicant is further required to provide Council with one firm design proposal. This shall include any associated earth works for effluent re-use on the site, as well as requirements for ongoing system maintenance, and details of nutrient assimilation and sustainable reuse. This shall be required to be lodged with the Development Application.
- At assessment stage Council is to closely scrutinise the practicalities of implementation of such a proposal.
  - Where such details are considered to be practical and economically viable, the Council may approve subdivision, however Councils prepared recommendation from such a report shall be included as a condition of development consent.
  - At a future date, when an applicant may propose a different solution to that specified at the time of subdivision, Council should not accept such an application without at least the same level of detail as the original submitted in support of the subdivision proposal.

- Should it be considered that the type of solution proposed is either impractical or onerous to the applicant, the Council may refuse the application.
- Council will at all times have the ability to reject any such studies as being invalid for these purposes, where it considers that the level of detail provided, or the accuracy of such details is irrelevant, or distorted, or inadequate, or cannot be substantiated.
- All single lot subdivisions outside of an environmentally sensitive area may be supported with site assessments complying with Section D3 below.

Where lots are created, such that part of the lot is deemed unsuitable for on-site effluent re-use, such an area shall be clearly identified on the said lots by way of an S88B instrument. In this case, Council will be the authority nominated to release, vary or modify the instrument. Nothing in this clause will prevent a future owner from constructing or installing an on-site sewage management facility on the part of the land not burdened by a S88B instrument. Nor does such a condition reflect an intention on the part of the Council to limit the development of dwellings on any such land burdened.

Where a future applicant wishes to apply to Council to modify a S88B instrument (for the purpose of constructing or installing an on-site sewage management facility) on the land so burdened, the application shall be supported as detailed and required by this Plan.

**B. Development for Other Purposes (eg. Tourist Facilities, Dairies, Aquaculture and Feedlots) or Where the Estimated Volume of Effluent Exceeds 2000L/day**

- Studies previously mentioned for subdivision shall be required prior to determination of applications for any such effluent-generating activities in unsewered areas. All studies provided for these types of proposed developments shall meet the higher level of assessment and include at least one (1) firm design proposal.
- A condition of approval for such developments is to reflect the recommendations and designs of any such study. Eg. Dairy Shed Effluent Management is to be achieved by site-specific designs prepared by the Department of Agriculture's Dairy Waste Management Division are the minimum acceptable standard for Council approval. Information relating to ongoing system maintenance is to be included.
- Where an applicant fails to provide an accurate or adequate study Council shall advise the applicant that their application will be placed in abeyance until such time as the level of detail submitted is satisfactory, or may be refused.

**C. Development where OSM is ancillary to the use (eg. staff facilities in an industrial estate)**

- In the case where the facilities are only to be used as staff amenities during lawful hours of operation site assessment is as for dwellings.
- In the case where the facilities are to be used to treat some other kind of waste (eg. agricultural vehicle wash down) the design of the system is to be specific for the intended use and may need concurrence from other relevant Government departments eg. EPA, Department of Agriculture, etc.)

**D. Dwellings, (on existing lots approved for the purpose of dwellings before July 2000 or original lots) and dual occupancies with current development approval**

Council considers that the minimum hydraulic load for a dwelling is based on a four (4) person load.

The site assessments for such lots are required to meet the following standard:

1. Where a dwelling or dual occupancy development is proposed on a lot that is wholly within an *environmentally-sensitive area*, the applicant will submit to Council a full study and a detailed, engineered design to meet the requirements for reuse of effluent on the site.
  - Such applications shall not be determined without submission of such a study and details. Where an applicant does not provide the required level of detail Council shall advise the applicant that their application will be placed in abeyance until such time as the level of detail submitted is satisfactory, or may be refused.
2. Dwellings or dual occupancy development on lots that border an *environmentally sensitive area* shall have, as far as possible, on-site sewage management facilities sited outside of the designated area. Where this is not possible, a similar level of detail to the study as point 1. above will be required. Where it is possible to locate the on-site sewage management facilities outside of the environmentally-sensitive area, the minimum level of detail that will be required on these is set out below in point 3.
3. Dwellings or dual occupancy development on lots where no *environmentally sensitive area* has been or could be defined.
  - Applications for on-site sewage management on these sites are to address the issues defined in the Regulation which will allow Council to accept site specific data that can be undertaken by the applicant or their agents.

- Such information should be provided in the form of a signed statement by the applicant, expressing their understanding of the hydrogeology, geology, topography, vegetation and climate on the site and be based on information that they could reasonably be expected to access within the local area, or through electronic media.
- A site investigation may be undertaken by the applicant, or anyone that the applicant sees as being reasonably fit to provide such information to Council for the purpose of determining their application. Council shall retain its absolute discretion to refuse the suitability of information provided by any such applicant or other nominated person.
- In this case Council is to advise the applicant that such information is not relevant, or up to date, or complete, or accurate and shall advise the applicant that their application will be placed in abeyance until such time as the level of detail submitted is satisfactory, or may be refused.
- In addition to the requirements of the Regulations, Council also requires that applicants should detail what steps they will take to reduce water consumption should the application be approved.
- Whilst this last point is a requirement of Council, it shall not be used by Council as a reason for not determining the application. However, where an applicant fails to provide such information or address these issues to the satisfaction of Council, Council will advise the applicant that such a dwelling or dual occupancy, will be regarded as a *high-risk* site until such time as those details are furnished to Council.
- **Note:** Nothing in this point provides or in any way indicates that if the measures are taken, that Council will, of necessity, reduce the risk rating of that site.

## 10. HOW IS OSM TO BE MONITORED?

The following procedure will be implemented to ensure that both existing and proposed systems are adequately monitored:

- (a) Inspections to be carried out on all existing sites ***within five (5) years.***
- (b) On-going inspections of on-site sewage management systems are to be carried out in accordance with the risk assessment criterion and site assessment procedure. (*Appendix A*).
- (c) To ensure a consistency of approach to inspections of on-site sewage management systems all EHO's will apply the risk assessment criterion and make detailed notes of any variables in line with the procedures policy.

Council will also undertake the following activities in order to monitor the impact of systems on the local environment:

- (d) Monitoring and reporting of the water environment in environmentally sensitive areas downstream of high population density areas or as otherwise identified as resources permit.
- (e) Implementation and continuing evaluation of the DCP.
- (f) Evaluation of the risk assessment criteria when more information becomes available from site assessments and EHO's assessments.
- (g) Assessment of quarterly reports of aerated systems from qualified accredited service technicians.

#### **11. WHAT IF MY SYSTEM DOESN'T COMPLY OR SATISFY COUNCIL CRITERIA?**

Council has a wide range of powers to compel a householder to bring their systems into compliance with reasonable conditions of approval.

- If Council directs you to take action (either verbally or in writing) you should urgently respond to any such direction.
- You may request a variation in writing on the basis of hardship. Council will assess all cases on their merits and advise the householder. Such a request must contain;
  - proof of the specific circumstances creating hardship or the like,
  - signature and date, and
  - a proposed date for completion of the works that is relevant to the urgency of the works.

#### **12. WHAT DOES THIS MEAN TO LANDOWNERS?**

This Plan has defined a range of responsibilities for householders in relation to OSM. As an incentive to undertake improvements (with the consent of Council), particularly on *high-risk* sites, householders who wish to do so will be rewarded with the opportunity to be reclassified to a lower risk level. The *low-risk* sites will be able to self certify as to the functioning of the system. As a further encouragement Council will approve and inspect installation of these works at no cost to the householder.

## 13. HOW WILL I KNOW ABOUT COUNCIL REQUIREMENTS WHEN PURCHASING (OR OTHERWISE ACQUIRING) A PROPERTY?

- You should carefully check the deposited plan of your property to see if any relevant restrictions apply by way of a S88B instrument on the property. If in any doubt, these areas should be authenticated on the ground by a registered surveyor.
- A notation on the 149(5) zoning certificate will indicate whether an approval to operate exists. If it does Council should be contacted for a copy of any conditions that may exist.
- If an on-site sewage management facility is or is proposed to be located in an *environmentally sensitive area* considerable extra costs may be incurred. Council's preferred option is to locate the facility outside of this area.
- Where the land is vacant Council will, where possible, seek to have the disposal areas for a new dwelling located in excess of 100 metres from an environmentally sensitive area, or 150m from a nominated waterway in Schedule 3 of the BVSC Local Environmental Plan 2002.

## 14. WHAT ARE MY RESPONSIBILITIES WHEN PURCHASING A PROPERTY?

- Clause [49(1)] of the Local Government (Approvals) Regulation 1999 provides that regardless of an approval to operate having previously been issued, that the new owner may use the system for a period of 3 months from the date of transfer.
- The person must however apply for a new approval in writing within 2 months [49(2)] or cease to operate the system at the end of the 3 months. Should this occur then the structures associated with the on-site sewage management facility would generally be unable to be used for its intended purpose, eg in the case of a dwelling it could no longer be lawfully occupied.

## 15. FURTHER READING & BIBLIOGRAPHY

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- Environmental Planning and Assessment Act 1979, NSW Government, Sydney, NSW
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- Gardener T., Geary P. and Gordon I., 1997, *Ecological sustainability and On-site Effluent Treatment Systems*, 4, Australian Journal of Environmental Management
- Healthy Rivers Commission, 1999, *Independent Inquiry Into the Bega River System: Draft Report*, Sydney, NSW
- Local Government Act 1993*, NSW Government, Sydney, NSW
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- Patterson R. A. (Ed), 1999, *Proceedings of On-site'99 Conference: Making On-site Wastewater Systems Work*, University of New England, 13-15 July, Lanfax, Armidale
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# Development Control Plan No.5

## DEVELOPMENT CONTROL PLAN NO.5

### ON-SITE SEWAGE MANAGEMENT

#### APPENDIX A – SEPTIC SAFE POLICY

##### 1. TITLE

This Policy (“the policy”) is called the Septic Safe Policy 2000

##### 2. STATUS AND PURPOSE OF THE POLICY

- a. The Policy is a local approvals policy prepared and adopted under Chapter 7, Part 3 of the Local Government Act 1993 (“the act”).
- b. The purpose of the policy is to supplement provisions of the act and the Local Government (Approvals) Regulation 1999 (“the regulation”).

##### 3. PERFORMANCE OBJECTIVES OF THE POLICY

The performance objectives of this policy are to:

➤ **Minimise the public health risk associated with on-site sewage management**

Sewage contains bacteria, viruses, parasites and other disease-causing organisms. Contact with effluent should be minimised or eliminated, particularly for children. Insects can also act as vectors for disease where they have access to effluent. Residuals, such as composted material, should be handled carefully. Treated sewage should not be used on edible crops that are consumed raw.

- **Protection of surface water**  
On-site sewage management systems should be selected, sited, designed, constructed, operated and maintained to ensure that surface waters are not contaminated by any flow from treated systems and land application areas (including effluent, rainfall run-off and contaminated groundwater flow).
- **Protection of groundwater**  
On-site sewage management systems should be selected, sited, designed, constructed, operated and maintained to ensure that groundwater will not be contaminated by any flow from either the treatment systems or land application areas.
- **Protection of land and vegetation**  
On-site sewage management systems should be selected, sited, designed, constructed, operated and maintained to ensure that land and native vegetation is not contaminated by any flow of effluent, rainfall run-off or contaminated groundwater flow.
- **Conservation and reuse of resources**  
The resources in domestic wastewater (including nutrients, organic matter and water) should be identified and utilised as much as possible within the bounds posed by the other performance objectives; water conservation should be practiced and wastewater production should be minimised.
- **Protection of community amenity**  
On-site sewage management systems should be selected, sited, designed, constructed, operated and maintained to ensure that they do not unreasonably interfere with quality of life. Where possible, such systems should enhance the local amenity – special consideration should be given to aesthetics, odour, dust, vectors and excessive noise.
- **Promotion of ecologically sustainable development**  
On-site sewage management systems should be perceived as an integral component of Councils obligations to the promotion of ecologically sustainable development principles as required by the Local Government Act 1993.

#### 4. DEFINITIONS

Council interprets the meaning of an **environmentally sensitive area** to include:

*within 100m of a natural water body, wetland or coastal dune field*

- i. Is defined to mean permanent running or still water that is usually above the ground in all seasons of the year.
- ii. Within 40m of intermittent creeks, farm dams or other types of impoundment.

**Note:** Where drainage lines are altered as a result of a road or track construction, building works, etc. this would not apply

to such drainage lines, so long as they are adequately diverted away from the land application areas.

- iii. A wetland or swamp can be either fresh or salt water, it could be naturally occurring or man made but does not apply to constructed wetlands to be used for the purpose of polishing effluent.
- iv. Coastal dune field means an area adjacent to the coast supporting the relevant plant and animal species that are dependent on this type of eco-system.

*high water table*

- i. Defined as within 2m of the natural surface at any time.
- ii. Within 250m of a ground water well whether or not such a well is on the property in question or not.

*highly permeable soils*

Defined as giving a result based on the constant head method defined in Australian Standard 1547-2000 as being greater than 2.5m per day.

*acid sulphate, sodic or saline soils*

Potential and actual occurrences of acid sulphate soils are defined on maps provided by Planning NSW and the DLWC and available for inspection at Councils offices. Sodic and saline soils need to be determined through site assessment.

*within a drinking water catchment*

Means within 100m of any permanent fresh water that any person is or is likely to be using for the purpose of drinking water whether untreated or treated and regardless of whether it is for a town supply or private use.

*within 150m of a nominated waterway*

Has the same meaning as defined in Schedule 6 of the BVSC Local Environmental Plan 2002 and the associated Development Control Plan – 6.

*high-risk site and low-risk site*

Is the same definition as On-site Sewage Management DCP 5 Table 2.

## **5. IMPORTANT CONSIDERATIONS FOR DESIGN AND OPERATION**

### **(a) Young Children**

On-site sewage management systems and their associated land application areas should take account of the curious nature of young children. Such areas shall be designed to eliminate as far as possible human contact. Any openings or inspection covers shall be fitted of a type to preclude young children accessing the system. As a general

guide such fittings shall be press fit rather than screw fit type inspection covers.

Land application areas for aerated systems shall be fenced off from young children or alternatively the design of the planting associated with such areas shall be spiny thorn bush type plantings around the perimeter of the area. Signage shall be provided in accordance with the approval. Where above surface drip irrigation is used the drippers shall be protected in a tamper proof cover. In this case signage would not be required.

## **(b) Cleaning Products**

A significant factor in the long life of land application areas is the amount of sodium applied by way of cleaning products through the system. These products are commonly used as filler in a vast number of cleaning products. Householders should be aware that by buying low sodium and low phosphorous products they will be likely to reduce environmental impacts from the system and in the case of sodium products greatly increase the likely life of any land application areas.

## **(c) Water Use**

The Bega Valley Shire strongly encourages anybody with an on-site sewage management system to make use of as many water saving devices as possible. Such devices will greatly decrease the hydraulic load on the system and therefore cut costs to the householder in the long term. Triple A water saving devices such as a low flow shower heads and taps, dual flush toilets and front loading washing machines are recommended.

## **(d) Nutrient Removal**

Where systems are approved in environmentally sensitive areas the nature and type of nutrient removal shall be carefully specified.

- Phosphorous and nitrate removal or reduction should be a key performance objectives of any system designs.
- Nitrogen removal is a defining parameter for the sizing of disposal areas. This however needs to be tempered with the ability to spread the effluent over the large area that may be required. It is therefore considered more realistic to size the land application area based on an appropriate designed water balance and allow for increased buffer zones to take up nitrogen down slope from the disposal area. Regular harvesting and composting of any such materials whether it is grass, shrubs or other plant materials, would be required to be removed from the buffer area and composted on-site at regular intervals.

## 6. STANDARDS OF PLANS

- All plans that relate to water supply, OSM systems, sanitary and stormwater drainage are to be drawn to scale (generally 1:100), in ink and colour coded ie, supply, stormwater, sanitary drainage and fire services are to be clearly differentiated. (see Appendix C for an example).

**All new works require a strategic site plan** showing the conceptual layout and progression of the site over time. Such plans must show:

- Accurate distances to any features specified in the regulation weather on the property in question or on adjoining properties.
  - Drainage lines and multiple land application areas.
  - Levels or contours.
  - Sediment and erosion controls.
  - Existing, proposed and future structures.
  - Entrances and internal carriageways.
  - Site boundaries and easements.
  - Scale (generally 1:500) and alignment.
  - Future landscaping.
  - Remnant vegetation.
- The layout of sanitary fixtures is to accompany the strategic site plan.  
**Note:** This does not apply to subdivisions.
  - Detailed calculations for the sizing of systems and components is required prior to approval to install, construct or alter OSM facilities.
  - Accurate plumbers' drainage diagrams must be received prior to approval to operate being granted.

## 7. GENERAL DESIGN CRITERIA

- System components generally require current NSW Health accreditation except when varied in accordance with Clause 42 of the regulation.
- The design of land application areas is to be as described in AS 1547 -2000 or other Council approved designs and based on **90<sup>th</sup> percentile rainfall data**.

## 8. OPERATIONAL PROCESS SUMMARY

- Desktop study of all registered OSM facilities by Council to designate a risk criterion combined with targeted ground truthing.
- Five (5) year operational approvals on sites assessed as low-risk are to be issued subsequent to Council's inspection of the premises by district EHO's.
- Low-risk OSM facilities may be self-certified after initial Council inspection subject to the landowner satisfying Council of their

understanding of the performance principles associated with the operation of their system of OSM.

- Three (3) year operational approvals on sites assessed as high-risk are to be issued subsequent to Council's inspection of the premises by district EHO's.
- Council assessment of high-risk OSM facilities are to be prioritised according to:
  - Public health risk.
  - Protection of water quality, both surface and groundwaters.
  - Maintaining the quality of estuarine waters for aquaculture and recreation.
- Voluntary improvements will be approved and inspected at no charge.
- The risk assessment process will be reviewed, as more information becomes available.

## 9. INSPECTION REGIME – APPROVALS TO OPERATE EXISTING SYSTEMS

Council's inspecting officer will take the following matters into consideration at the time of the field inspection:

1. The age of the system.
2. When the system was last pumped out or in any other way serviced.
3. The potential occupancy of the premises concerned.
4. The location of the land application area or irrigation area in regard to potential for damage by stock, vehicles or any other reason, nearness to a water body, the type and sensitivity of water body.
5. If there are any bores within the immediate locality.
6. The location of any structures on that property or any structures within 100m of an OSM system on an adjoining property.
7. The location and design of stormwater systems on that property or within 100m of OSM systems on another property.
8. Any other matters that may effect the performance of the systems eg:
  - i. If water saving devices are installed on the premises.
  - ii. Whether there are infant children on the premises.
  - iii. The reliability and source of the water supply.
9. Whether there are any arrangements in place to rest the land application area eg. multiple disposal areas.

**Note:** This should also include an assessment for the future potential of the site to accommodate additional areas or replacement land applications should the need prove necessary.
10. Whether there are any foul or offensive odours in evidence.

11. If there is any other evidence downstream of the land application area to suggest a failure ie. surface ponding of effluent or unusually luxuriant vegetation.
12. Any obvious evidence of tampering with the system. This may include unauthorised diversions or any other thing that the Council's officer feels is reasonably likely to prejudice environmental health or the systems operation.

If any such failure is noted the officer is to establish whether these have been brought to the Council's, service agents or plumbers attention in the immediate preceding period.

## 10. PRIORITIES FOR INSPECTION

- 1a. The Coastal Zone and Catchments are receiving the initial highest priority of inspections.
- 1b. Complaints that could affect a drinking water supply for any other person received by Council in regard to on-site sewage management systems that are or are perceived to be failing.
- 2a. Villages  
 Sites that are found to be failing and where there is a public health or environmental health risk will need to be upgraded regardless of any forthcoming sewerage. When approving the level of upgrading Council's officers will have wide power of discretion to take into account the relatively short-term nature of the repairs that are required prior to sewer.  
 Where a system is failing and there is no acceptable on-site re-use available a pump-out system will be required. The volume of the holding tank is designed to cater for the properties' average water usage determined from Council records.
3. Recent approvals that are within a defined environmentally sensitive area
4. OSM systems that are not in an environmentally sensitive areas.

**Note:** Where one or more properties that may be in a different category are in close proximity to one of the aforementioned categories, they are to be inspected at the same time to reduce the cost of travel and to ensure that OSM facilities are not omitted.

## 11. ACCREDITATION

Other than landowners, Council will not approve designs or works from persons not registered with Council to do these works. Should persons from other areas wish to undertake such works within the BVSC local government area they shall first approach Council to be accredited for their services prior to the signing of any contracts, etc.

Council needs to satisfy itself that any individuals or companies taking part in the design, installation, construction or operation of any on-site sewage management systems is suitably accredited and registered with Council. To this end Council will seek expressions of interest for accreditation and inclusion on a list of accredited service providers in the Bega Valley Shire Council. This will be made available to members of the public on request in the following categories:

- Engineered design of systems (environmentally sensitive areas)
- Effluent quality monitoring
- Geo-technical engineers
- Land application area design and construction
- Plumbers and drainers
- Site soil assessment (environmentally sensitive areas)
- Site soil assessment (other areas)
- System installers
- System maintenance
- System providers

On receipt of applications for one or more services in the categories mentioned Council will undertake a close scrutiny of the professional qualifications of the persons wishing to be included on the list and any professional affiliations they may have.

**Note:** Council's decision on this matter is final however applicants may request a review in writing of Council's decision in light of new information at any time.

## 12. COMPLIANCE

Council adopts the following protocols for compliance using the various orders available under the Local Government Act 1993 and the Protection of the Environment Operations Act 1997,

### **A. Order to be served in the case where an OSM facility has failed (effluent is being discharged above ground) and comes to Councils attention as the result of a complaint.**

- Council will serve Order No.22, under section 124 Local Government Act 1993, as an emergency order to be complied with in 28 days or less, depending on the circumstances.
- Where compliance with the order does not occur within the specified period or, the householder cannot prove to the Council's satisfaction that such works are in train to correct the situation in a short time-frame (no more than an additional 7 days) Council shall take steps to employ a contractor to undertake such works as are required and invoice the householder for the works.
- Council may issue a penalty infringement notice under s679 of the act and Part 2 of the Local Government (General) Regulation 1993.

- B. Order to be served in the case where an OSM facility has failed (effluent is being discharged above ground) and is brought to Councils attention by the householder.**
- If the discharge is of a minor nature or is not affecting any other property Council may issue a limited approval to operate for 12 months during which time the system is to be upgraded in consultation with Council.
  - Council will advise the householder in writing of the process that Council is required to follow to ensure prompt and binding rectification of the problem.
  - Council may serve a Notice of Intention to serve an order under Section 132 Local Government Act 1993, on the householder to be complied with in the statutory period.
  - Council will within 14 days, provide the applicant with clear advice and details of the steps necessary to improve their system to avoid future recurrence of any such failure.
  - Where compliance with the intention notice does not occur within 28 days, or the householder cannot prove to the Council's satisfaction that such works are in train to correct the situation in a short time-frame (no more than an additional 14 days) - then order (No. 22) is to be served and be complied with in 14 days.
  - At the expiration of that 14-day period, if the works still have not been substantially commenced, Council shall engage its own contractor to undertake the works and invoice the householder for the works.
  - Council may issue a penalty infringement notice under s679 of the act and Part 2 of the Local Government (General) Regulation 1993.
- C. Orders to be served on the householder where Council detects non-compliance with the conditions of the approval through its normal inspection routine.**
- If the discharge is of a minor nature or is not affecting any other property Council may issue a limited approval to operate for 12 months during which time the system is to be upgraded in consultation with Council.
  - Such orders, apart from those mentioned in A and B above, are to be served with Notice of Intention (14 days) and an additional 14 days on the order. Should the applicant fail to comply with these requests within the specified time, Council is to engage its own contractors to have the said works done and the householder invoiced for costs.
  - Council may issue a penalty infringement notice under s679 of the act and Part 2 of the Local Government (General) Regulation 1993.

**Note:** Where there is no immediate danger to public health or the environment, variations to these arrangements on the basis of demonstrable hardship may be considered. Such requests are to be lodged in writing and prior to the final date on the order. Council will respond to such requests as can be demonstrated to be genuine within 14 days of receipt. The basis for any such discretionary decisions is to be clearly noted on the property file, along with the negotiated completion date of works.

**D. Orders to be served in the case where on-site sewage management facility is in immediate likelihood of or is polluting waters.**

- Council shall immediately issue a verbal Clean up direction under the Protection of the Environment Operations Act 1997. (POEO) Such a direction shall:
  - (a) Clearly indicate to the householder that it is a Clean up Notice under the act and that it is an offence to ignore such a direction.
  - (b) Describe why such a notice is being issued.
  - (c) Describe what steps are to be taken to contain and clean up the effluent.

**Note:** Prosecutions under POEO legislation require a criminal standard of evidence.

- At the time of this direction Councils officer is to record to whom the direction was given and at what time.
- Council's officer is to liaise with DLWC, EPA and/ or Fisheries Department to establish what, if any, requirements they may have in the circumstances.
- The verbal directive is to be backed up with a written notice as per the statutory requirements of the Act along with any additional measures that may be appropriate.
- The site is to be reinspected the same day or sooner as may be appropriate in the particular circumstances. Should an inappropriate standard of works be confirmed, Councils officer shall immediately arrange to take whatever steps are necessary to effect the clean up and invoice the householder for the works.
- In the case were Councils officer considers that a recurrence of the circumstances could result in a similar pollution incident a prevention notice is to be served.
  - Council may issue one or more of the following penalty infringement notices:
    - Fail to comply with clean-up notice \$750.00 (ind) \$1500.00 (corp)

- Fail to pay clean-up notice fee	\$500.00 (ind) \$1000.00 (corp)
- Fail to comply with prevention notice	\$750.00 (ind) \$1500.00 (corp)
- Fail to pay prevention notice fee	\$500.00 (ind) \$1000.00 (corp)
- Pollute Waters	\$750.00 (ind) \$1500.00 (corp)

**Note:** Penalties are set by legislation and are subject to change.

### 13. **EVALUATION OF INNOVATIVE ON-SITE SEWAGE MANAGEMENT SYSTEMS**

As part of Council's commitment to best practice and innovation in ecologically sustainable development (ESD), Council will facilitate the trial of new and innovative OSM facilities under Clause 43(2) Local Government (Approvals) Regulation 1999.

Any such applications for approvals will be subject to an evaluation by Council.

- Generally the components of any such trials should, as far as practicable, be constructed from existing NSW Health approved components.
- Council's focus for the consideration of such system designs and trials will be based on minimum additional energy inputs, a high degree of fail-safety, reliability and significant improvements to the quality of treated effluent.

#### **a) Approvals**

Any such applications are to be dealt with as in-principle approval and all of the related design issues are to be provided to Council prior to determination.

- The type of trial or test needs to be specified at the earliest possible stage.
- If the trial is to be of a commercial nature, ie approved under 43(2)(a) of the regulation, it would need to comply with NSW Health guidelines for the testing of a system. In particular the requirements for fortnightly monitoring for six months and a domestic load of between 8 and 10 persons consistently over that period needs to be observed.

Generally approvals under Clauses 43(2)(b) or (c) of the regulation would look at quarterly monitoring during two (2) 12-month approvals. They would then, subject to the risk assessment criteria (see DCP 99 Table 1), move on to a 2-year approval or if appropriate a 5-year self-monitoring approval. This would be conditional on successful completion of the 2-year self-monitoring approval.

## b) Hydraulic Load

The minimum hydraulic design load for any such systems is to be:

- In the case of part (a) four (4) bedrooms or 1200L/day.
- In the case of parts (b) and (c) three (3) bedrooms or 900L/day.

## c) Performance Indicators

Where above ground or shallow sub-surface irrigation is required by the applicant, the treated effluent prior to application shall meet the following criteria:

- Biochemical oxygen demand: 20mg/l
- Suspended solids: 30mg/l
- Faecal coliforms: <30 cfu per 100ml

Other factors that are to be taken into account, as goals for trial systems should be:

- A reduction in total nitrogen in the treated effluent to <25mg/l.
- A reduction in total phosphorus in the treated effluent to <10mg/l.

## d) Support

Trials approved under Clause 43 2(a) of the regulation would not be available for support in monitoring. The type of support Council is prepared to offer for approvals under Clause 43 2 (b) and (c) of the regulation is technical support and at-cost monitoring for two years only subject to availability of funding resources. Some negotiation may be entered into after this period should that be necessary. Generally, if some positive results are not achieved within the first twelve months it will be assumed that unless the applicant is prepared to make alterations to meet the performance criteria, Council will not be in a position to continue the approval to operate the system.

Notwithstanding the previous comments in regard to approvals under Clause 2(a), Council may wish to form a partnership for the development of a system based on a commercial risk from time to time. To that end it would be prepared to provide technical support and at-cost monitoring as may be required only subject to availability of funding resources. The decision to do this will be made on a case-by-case basis and there must be some demonstrable end benefit to the organisation or the environment, preferably both. Such a decision would need the formal concurrence of Council.

## e) Energy Inputs

Where additional energy input is required, the applicant will need to specify where that energy is coming from and what arrangements have been put in place to ensure the supply of that energy over the life of the system.

- Where the proposal is to be connected to some form of remote area power supply the applicant shall also provide to Council the system design calculations. The power supply system must be capable of operating over the life of the related OSM facility. Generally, the total system load should not exceed 15% of the total system capacity for extended periods.
  - In the case of solar power those calculations should be based on the mean number of cloudy days from local meteorological data but the system must also be able to maintain its operation through the maximum likely number of cloudy days on a full load.
  - In the case of a wind driven power system, similar principles to solar should be employed based on local meteorological data such that the system capacity can withstand the maximum number of windless days at full load. A development application may be required for these works.
  - Where a micro-hydro is proposed, the design of the system must include information about how the system runs at times of very low flow and must be fully located on the property, the subject of the approval.

The applicant shall obtain a licence from the Department of Land & Water Conservation for the water prior to approval to operate being granted.

- Electrical components will require annual certification from a licensed electrician at the owner's cost.

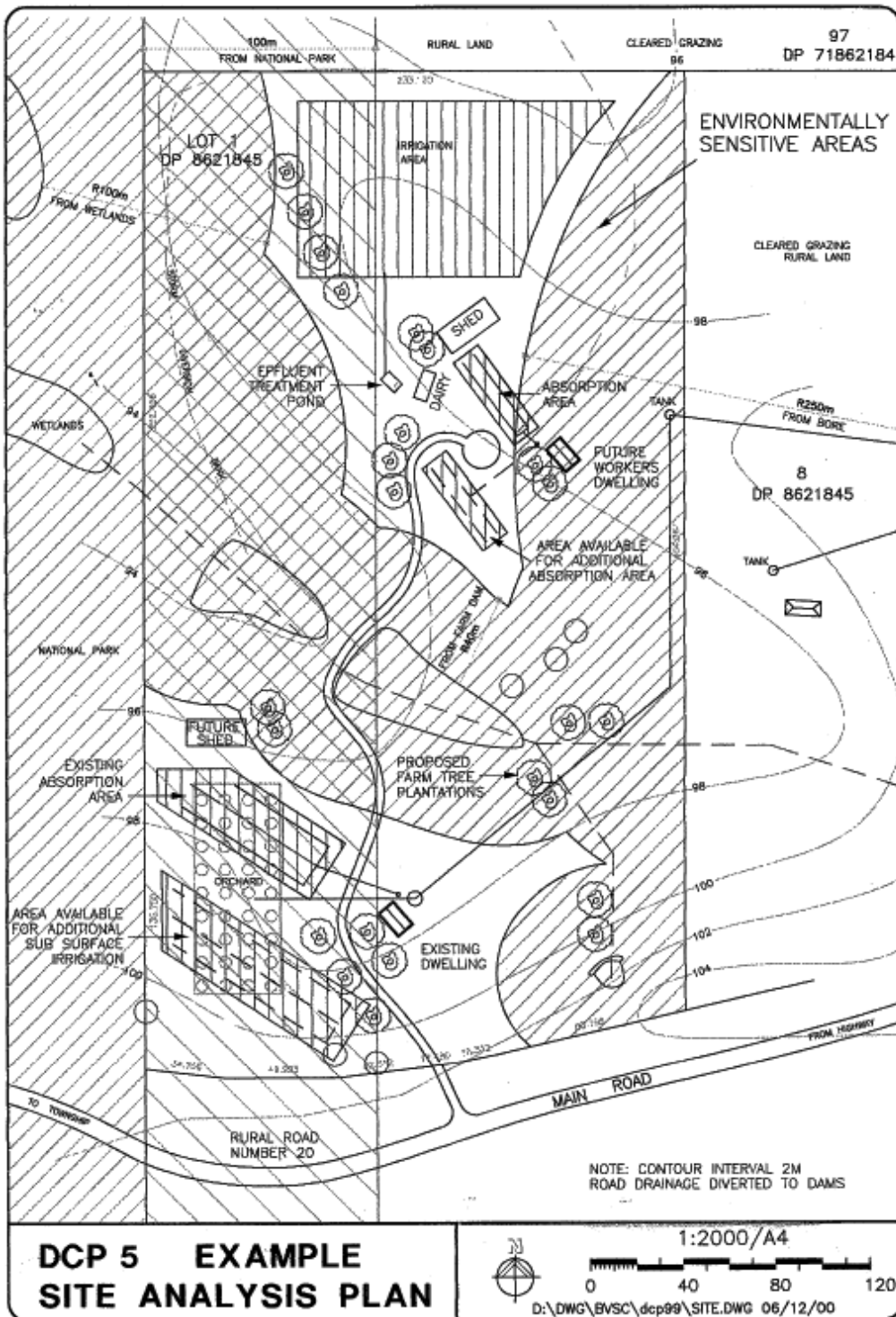
**f) Owners Manual**

A condition of approval for any such systems will be that the applicants are to produce within the first 12 months an owner's manual that in particular references the nature of any servicing arrangements for any components of the system and local area contacts for servicing.

**DEVELOPMENT CONTROL PLAN NO.5**

**ON-SITE SEWAGE MANAGEMENT**

**APPENDIX B – MODEL SITE PLAN**



# Development Control Plan No.5

## DEVELOPMENT CONTROL PLAN NO.5

### ON-SITE SEWAGE MANAGEMENT

#### APPENDIX C – MODEL SITE REPORT

##### INTRODUCTION

This report is included to demonstrate an example of the type of report that Council will accept for assessment at subdivision stage and should be submitted with a strategic site plan as modelled in Appendix B. Council is not, through the inclusion of this report, endorsing any particular computer modelling software. Due to the hypothetical nature of the report no actual soil samples were tested.

##### 1. BACKGROUND

This report provides a theoretical on-site wastewater management assessment for an example sandy loam soil on a gently sloping 2 ha. site in the Bega Valley Shire local government area. It aims to highlight the minimum reporting standards required for an on-site effluent management study.

In particular, the assessment utilises a daily soil moisture modelling approach to determine soil moisture balances and the fate of nutrients applied to the site in the form of treated wastewater. The program used for the assessment is “*ReCycle Version 2.01*”, although other similar models are also suitable for site evaluation purposes.

##### 2. EFFLUENT PROPERTIES

The design hydraulic load for the site is 1000 L/day. This is taken as being a constant mean and maximum flow rate for the effluent disposal field and typical of maximum hydraulic loads experienced in most

domestic wastewater management situations. Effluent quality from a septic tank and an aerated wastewater treatment system (AWTS) are modelled under the effluent quality characteristics provided in Table 1.

**Table 1 Septic tank and AWTS effluent properties used for site assessment purposes.**

Effluent Parameter	Septic Tank	AWTS
BOD <sub>5</sub> (mg/L)	150	20
Suspended Solids (mg/L)	100	30
Oxidised-Nitrogen (mg/L)	0	30
Ammonia-Nitrogen (mg/L)	50	20
Organic-Nitrogen (mg/L)	10	10
Total Phosphorus (mg/L)	9	9

### 3. SOIL PROPERTIES

No soil samples were collected for this study. However, soil characteristics typical of a sandy loam topsoil formed on a sandstone geology in a non-colluvium predominating environment have been used to model the interaction of effluent applied to the soil. Sample study area soil conditions are given in Table 2.

**Table 2 Soil properties used for on-site wastewater modelling purposes.**

#### SOIL WATER FACTORS

Initial soil moisture:	20 %
Wilting point moisture:	15 %
Field capacity moisture:	36 %
Water holding capacity:	21 %
Porosity (n):	42 %
Soil depth:	0.25 m

#### SURFACE WATER FACTORS

Saturated hydraulic conductivity:	0.30 m/day
SCS runoff curve number for disposal field:	61
Nominated rainfall duration:	6 hours

#### SOIL CHEMISTRY FACTORS

Cation exchange capacity (CEC):	16 cmol(+)/kg
Soil pH:	5.5
Initial oxidised nitrogen content:	1 mg/kg
Initial organic nitrogen content:	500 mg/kg
Initial ammonia nitrogen content:	5 mg/kg
Peak nitrogen mineralisation rate:	0.000822 per day
Peak nitrogen volatilisation rate:	22 %
Peak nitrogen denitrification rate:	0.0019 per day
Initial phosphorus content:	10 mg/kg
Phosphorus sorption:	560 mg/kg

## 4. WET-WEATHER STORAGE ASSESSMENT

### 4.1 Water Balance

A daily water balance was conducted for the site using the soil hydrology simulation model *ReCycle* developed by Martens & Associates Pty Ltd. This is used in preference to more simplistic monthly atmospheric water balance models as it takes account of soil moisture processes, providing detailed data for a range of effluent irrigation regimes based on soil moisture conditions, deep drainage below design soil depth, surface runoff from the dedicated effluent disposal field. Other similar models may also be used.

Fundamentally, the *ReCycle* model conducts a daily soil moisture assessment according to the following generic model (Equation 1).

$$(1) \quad M_t = (P_t - R_t) + M_{t-1} - ET_t$$

where:

- $M_t$  = Soil moisture at time t
- $P_t$  = Precipitation at time t
- $R_t$  = Runoff at time t
- $M_{t-1}$  = Soil moisture at time t-1
- $ET_t$  = Evapotranspiration at time t

In the situation where a wet-weather storage facility is utilised, application of effluent, either directly from a sewage treatment plant (STP) or from an effluent storage facility, only occurs when there is sufficient water storage capacity available within the soil profile to accept additional effluent load.

For the purposes of this example study, effluent application ceased where soil moisture reached or exceeded 90 % of field capacity. That is, effluent was applied to the re-use field at quantities that did not cause soil moisture to exceed 90% of field capacity. Under this effluent management strategy, drainage of applied effluent to soil layers below the design depth is significantly reduced. Also, effluent runoff during periods of rainfall is minimised.

Where effluent application occurs, the daily soil moisture budget is rewritten as Equation 2.

$$(2) \quad M_t = (P_t - R_t) + M_{t-1} + E_t + S_t - ET_t$$

where:

- $M_t$  = Soil moisture at time t
- $P_t$  = Precipitation at time t
- $R_t$  = Runoff at time t
- $M_{t-1}$  = Soil moisture at time t-1
- $E_t$  = Effluent from STP irrigated at time t
- $S_t$  = Effluent from storage facility irrigated at time t
- $ET_t$  = evapotranspiration at time t

For this study, a daily rainfall and evaporation data set of 28 years was available (1970 - 1997). In all, this allowed any effluent management scheme on the site to be evaluated against a historical record of 10220 days consecutive days of rainfall and evaporation data.

A longer climatic data set may be useful in order that extreme weather conditions can be evaluated. However, given that any effluent to be applied to the site is of low domestic strength, median values of ReCycle's results are considered sufficient for the design of an appropriate effluent re-use scheme on the site.

#### 4.2 Surface Runoff

Surface runoff occurs when rainfall intensity exceeds infiltration rates or when soils are already saturated and cannot absorb additional water. Surface runoff estimation is undertaken within *ReCycle* using the well-accepted United States Soil Conservation Service method (ie. US SCS) method.

Using this technique, surface runoff is modelled based on soil characteristics, land management methods and rainfall intensity. Generally, higher runoff occurs on bare soils with little vegetation, with runoff rate increasing with increasing rainfall intensity.

Conversely, runoff decreases where vegetation is well established, soils are more permeable thereby promoting infiltration, and rainfall intensities are lower. Equations 3 and 4 describe the SCS methodology.

$$(3) \quad R = \frac{(P - 0.2S)^2}{P + 0.8S}$$

$$(4) \quad S = \frac{1000}{CN} - 10$$

where: R = Surface runoff  
P = Precipitation  
S = Potential maximum retention after runoff begins  
CN = SCS curve number ranging between 30 and 100

For the sample study site, an SCS runoff curve number (CN) of 61 was adopted for the sandy loam in the theoretical proposed re-use field. Rainfall was assumed to occur over an average of 8 hours per day on wet days so that mean rainfall intensity could be adjusted for higher Australian incident rainfall intensity conditions.

Results of daily surface runoff modelling are given in Table 3 and indicate that mean and median runoff represents approximately 36 % of the total mean annual rainfall (885 mm/year based on 30 years of daily rainfall data) falling on the site. This is in agreement with widely published runoff coefficients for similar soil landscape environments.

**Table 3 Results of annual surface runoff totals (in mm runoff) estimated from daily modelling by *ReCycle* for proposed effluent re-use area. Results are given for mean, median, 75<sup>th</sup> and 90<sup>th</sup> percentile and maximum years.**

Mean	Median	75 %	90 %	Maximum
322.2	269.1	449.4	612.6	733.1

### 4.3 Wet-weather Storage

A generic model for ecologically sustainable effluent re-use defines wet-weather storage as the storage of effluent which would otherwise be applied to the re-use field during extended wet-weather or when soil moisture exceeds critical levels which may lead to excessive deep drainage.

For the purposes of this investigation, effluent application ceased where soil moisture reached or exceeded 90 % of field capacity. That is, effluent was applied to the re-use field at quantities which did not cause soil moisture to exceed 90 % of field capacity and hence increase the occurrence of drainage of soil water to deeper soil layers and potentially further to groundwater.

The results of wet-weather storage modelling are indicated below in Table 5. This provides detailed data on mean, median, 75<sup>th</sup> percentile, 90<sup>th</sup> percentile, 95<sup>th</sup> percentile and maximum storage volumes based on the 25 years of daily data. Importantly, *ReCycle* determines the maximum storage requirement for each year of record. Statistics (such as mean and median) are then calculated from annual maximum storage data.

**Table 5 Results of wet-weather storage modelling based on 1000 L/day based on a grass crop cover.**

Area	Mean	Median	75%	90%	95%	Maximum
0.01	3803	3763	5601	6686	7047	7400
0.02	2316	2237	3448	4138	4367	4583
0.03	855	729	1329	1615	1715	1807
0.04	66	64	77	108	114	142
0.05	34	33	38	61	64	102
0.06	23	19	28	44	53	90
0.07	18	12	19	36	46	80
0.08	14	11	14	32	39	71
0.09	12	9	12	28	33	61
0.10	11	9	12	25	31	55

The NSW EPA (1995) recommend that the volume of effluent storage required should vary according to the strength of treated effluent that is to be re-used by irrigation. In the case of low strength domestic effluents, storage should be determined based on median rainfall characteristics. Storage of median strength and high strength waste

streams should be based respectively on 75<sup>th</sup> and 90<sup>th</sup> percentile rainfall characteristics.

Results show that for the nominated 1000 m<sup>2</sup> grassed effluent application, there would be a wet-weather storage requirement of some 9 m<sup>3</sup>. Should the effluent disposal field be covered in a 50/50 grass / tree cover crop (Table 6), this would be reduced to 6 m<sup>3</sup>, or some 30% less than the grass only crop cover.

**Table 6 Results of wet-weather storage modelling based on 1000 L/day based on a 50% grass and 50% tree crop cover.**

Area	Mean	Median	75%	90%	95%	Maximum
0.01	3398	3352	5013	5989	6313	6629
0.02	1515	1421	2284	2750	2908	3058
0.03	99	101	131	152	179	197
0.04	37	36	43	60	62	98
0.05	23	20	28	43	52	82
0.06	16	11	17	34	43	68
0.07	12	8	13	26	35	57
0.08	10	7	11	22	30	50
0.09	9	7	10	21	27	44
0.10	9	6	9	20	24	39

## 5. NUTRIENT BALANCES

Soil nutrient balances were evaluated for both nitrogen and phosphorus, and included an evaluation for both septic tank effluent and AWTS effluent. Nutrient balances were also conducted using a daily soil moisture balancing approach (using the *ReCycle* model) so that accurate long-term estimate of the effluent disposal field could be prepared. The assessment is conducted assuming an AWTS (or similar) effluent quality, given that relatively high grade effluent is required in order that dispersal over a large effluent application area can be achieved. Results indicated that the grass crop covers perform better in terms of nutrient uptake than the mixed grass and tree crops. However, it should be noted that the partial tree crops do perform better from a moisture budgeting perspective. In terms of providing an ecologically sustainable effluent disposal field for the site, a minimum of > 500 m<sup>2</sup> for grass and > 600 m<sup>2</sup> for mixed tree and grass crops is recommended.

**Table 7 Results of daily nutrient budgeting (30 year period) for both a 50% grass and 50% tree cover, and a 100% grass cover crop (AWTS effluent assumed).**

Area (ha)	TN leached for 50/50 crop (kg/year)	Soil TP storage capacity (@ 0.25m) for 50/50 crop (years)	TN leached for grass crop (kg/year)	Soil TP storage capacity (@ 0.25m) for grass crop (years)
0.01	4.36	8	2.74	8
0.02	8.72	16	5.49	17
0.03	12.16	27	8.22	29
0.04	9.51	39	8.72	44
0.05	7.29	54	5.86	65
0.06	5.92	73	4.08	93
0.07	3.38	97	2.01	136
0.08	2.20	128	0.29	209
0.09	0.95	171	0.02	355
0.10	0.11	235	0.01	811

## 6. EFFLUENT MANAGEMENT RECOMMENDATIONS

The sample study has indicated that water balance and nutrient balance evaluations provide a useful means of determining the long-term performance of an effluent disposal field. In terms of water balances, a relatively large disposal field of say > 800 m<sup>2</sup> (for grass) would satisfy water budgeting requirements.

An effluent management system with 800 m<sup>2</sup> of grassed irrigation area would also require some form of effluent storage during wet-weather conditions when soil moisture is excessive and it is not possible to apply effluent. The volume of storage depends on crop cover but is likely to vary between 7 m<sup>3</sup> for 50 % grass / 50 % tree cover and 11 m<sup>3</sup> for a 100 % grass crop cover. Effluent wet-weather storage may consist of a dedicated wet-weather storage facility. However, this is a relatively cumbersome and expensive option to install and maintain. In preference, wet-weather storage in sub-surface trenches is a preferred means of managing effluent during high soil moisture periods.

In terms of nutrient management, should an effluent disposal field of 800 m<sup>2</sup> be used, only minimal nitrogen would be expected to leach from the application area beyond the upper 0.25 m of design soil depth. For this area, the site would also have phosphorus storage longevity of more than 50 years regardless of the nominated crop type (grass of 50/50 grass/tree).

An alternative effluent disposal field could be used to 'rest' the operating field should this be required. However, given that the life span of the 800 m<sup>2</sup> is 50 years, it would be preferential to utilise a second field only as a

reserve which could be situated downslope of the active field and act as a buffer to downslope areas.

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**DEVELOPMENT CONTROL PLAN NO.5  
ON-SITE SEWAGE MANAGEMENT**

**APPENDIX D – TYPICAL CLIMATE DATA**

	jan	feb	mar	apr	may	jun	jul	aug	sep	oct	nov	dec
<b>Pericoe (304.8m)</b>												
Decile 9 Rainfall (mm)	140.7	144.9	218.4	104.3	118.5	173.3	134.2	123.7	146.6	102.2	122.8	118.3
<b>Nalbaugh State Forest</b>												
Decile 9 Rainfall (mm)	166.4	253.5	185.9	223.0	264.4	334.9	323.8	254.2	191.3	160.6	276.3	277.6
<b>"Rosebank" Towamba (244m)</b>												
Decile 9 Rainfall (mm)	131.5	124.3	177.6	207.5	157.8	162.5	144.4	91.1	112.7	151.8	173.8	115.3
<b>Lower Towamba (76.2m)</b>												
Decile 9 Rainfall (mm)	220.3	141	92	277.3	196.6	159.1	74	152.9	114.3	65.9	325.2	249.9
<b>Canberra evaporation</b>												
Mean Daily Evaporation (mm)	8.1	7.2	5.5	3.6	2.2	1.6	1.7	2.5	3.7	5.1	6.4	8.1
<b>Canberra forestry evaporation</b>												
Mean Daily Evaporation (mm)	6.4	5.7	4.4	2.8	1.6	1.1	1.1	1.6	2.6	3.8	5.3	6.5
<b>Nowra RAN evaporation</b>												
Mean Daily Evaporation (mm)	6.3	5.7	4.7	4.0	3.1	2.9	3.1	4.1	5.0	5.7	6.1	6.9
<b>East Sale airport evaporation</b>												
Mean Daily Evaporation (mm)	6.4	5.9	4.4	2.8	1.7	1.4	1.6	2.1	3.0	4.0	5.0	6.1

Figures from Bureau of Meteorology - Decile 9 rainfall data

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	jan	feb	mar	apr	may	jun	jul	aug	sep	oct	nov	dec
<b>Montague Island</b>												
Decile 9 Rainfall (mm)	153.4	225.3	242.9	206.3	154.2	246.7	123.7	121.8	140.1	154.4	188.3	133.5
<b>Greencape Lighthouse</b>												
Decile 9 Rainfall (mm)	177.0	144.3	144.9	154.3	160.8	183.6	127.0	75.3	114.2	114.7	153.3	125.9
<b>Merimbula Airport</b>												
Decile 9 Rainfall (mm)	150.6	175.5	224.3	291.6	160.4	167.8	122.4	86.8	129.6	175.5	213.5	174.2
<b>Bega (Meringo Street)</b>												
Decile 9 Rainfall (mm)	183.7	199.7	264.3	180.2	209.1	202.9	144.9	135.2	130.0	161.9	146.2	181.4
<b>Candelo Post Office (110m)</b>												
Decile 9 Rainfall (mm)	144	178.2	228	146.7	151.3	173	130.1	112.4	102.1	115.9	135	151.8
<b>Bemboka Post Office (215m)</b>												
Decile 9 Rainfall (mm)	148.1	178.2	228	146.7	151.3	173	130.1	112.4	102.1	115.9	135	151.8
<b>Wyndham Post Office (300m)</b>												
Decile 9 Rainfall (mm)	155.5	158.1	250.7	177	196.3	223.4	171.8	175.9	122.2	149.3	173.7	158.1
<b>"Dovewood' Wyndham (315m)</b>												
Decile 9 Rainfall (mm)	195.3	207.9	329.7	199.1	259.6	236.8	57.2	96.6	105.1	202.3	175.4	133.1

Figures from Bureau of Meteorology - Decile 9 rainfall data