

REF: 620 M
DATE: 3/2006

SUPPLEMENTARY INFORMATION FOR

APPLICATION FOR DEVELOPMENT

**THE ERECTION OF
ADDITIONAL MOTEL UNITS
& ALTERATION TO LOT BOUNDARY**

AT

TATHRA HOTEL MOTEL

**LOT 30 DP 606559
& LOT 31 DP 600836**

BEGA STREET

TATHRA

**KL & CM GORDON
DRAFTING SERVICE
PO BOX 320
BEGA 2550
PH: 02 6492 1723
FX: 02 6492 3293
Email>gordons @ acr.net.au**



ADDITIONAL MOTEL UNITS & ALTERATION TO LOT BOUNDARY
AT TATHRA HOTEL MOTEL, LOT 30 DP 606559 & LOT 31 DP 600836
BEGA STREET, TATHRA

COUNCIL FILE NO. : 575.14.132
DEPT. FILE NO. : W00 / 00082
UNDER SEC. 65 E. P. A. ACT DATE 30 / 7 / 2001

N
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J. W. W.
PLANNING OFFICER

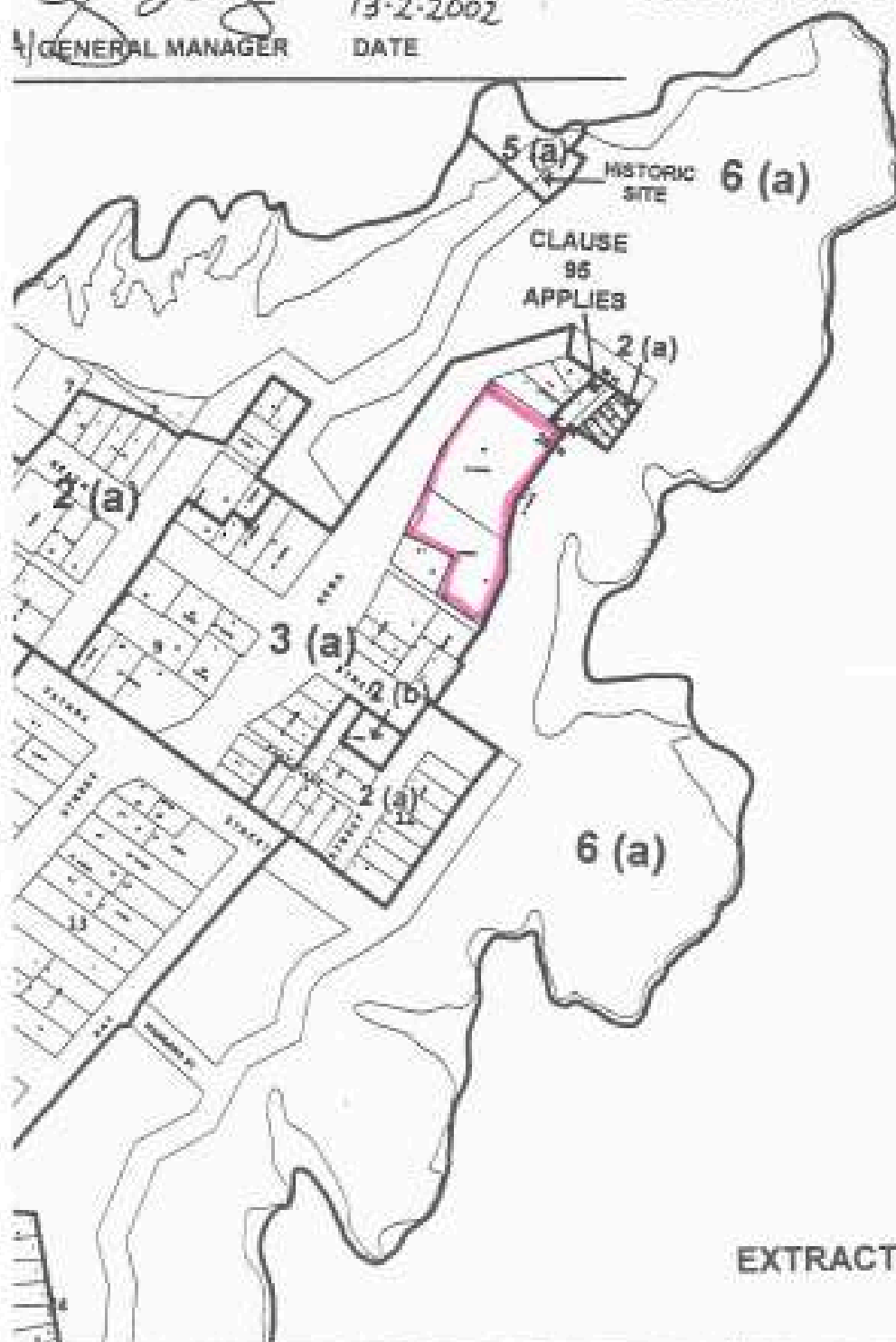
SCALE 1 : 5 000 & 1 : 10 000

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT
1979, AND REGULATIONS.

MAPS PREPARED BY BEGA VALLEY SHIRE COUNCIL
FROM CADASTRE MADE AVAILABLE BY THE
LAND INFORMATION CENTRE

MAPS PUBLISHED BY BEGA VALLEY SHIRE COUNCIL 2002

J. W. W.
13-2-2002
GENERAL MANAGER DATE



EXTRACT OF ZONING PLAN

ADDITIONAL MOTEL UNITS & ALTERATION TO LOT BOUNDARY
AT TATHRA HOTEL MOTEL, LOT 30 DP 606559 & LOT 31 DP 600836
BEGA STREET, TATHRA

BEGA VALLEY LOCAL ENVIRONMENTAL PLAN 2002.

Clause 1 Name of plan

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

Clause 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.

Clause 3 Land to which plan applies.

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

Clause 4 Effect of the plan on other environmental planning instruments.

Bega Valley Local Environmental Plan 1987 is repealed.

Clause 5 Consent authority.

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

Clause 6 Exempt and complying development.

The development is neither exempt nor complying.

- (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.

MAJOR PROJECTS 05_0010

EXTENSION OF TATHRA HOTEL MOTEL – BEGA STREET, TATHRA

Clause 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)

The land is within this 3(a) Zone. Refer to attached Zoning Map.

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) (Environmental Protection Foreshore Zone) – lettered 7(b)

Zone 7(d) (Environmental 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)

Clause 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 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.

Clause 9 Definitions

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

Clause 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 the land acquired by the Council for that purpose, despite anything to the contrary in that Clause.

Clause 11 Saving for undetermined applications.

A development application:

- (a) that relates to land to which this plan applies, and
- (b) that was lodged before the appointed day, but was not finally determined before that day,

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

Clause 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,

The proposed development of the additional Motel Units will be a high standard of commercial development. It is located in the Tathra general business area. It will meet demand for visitors and facilitate the expansion of business activities in a location that is appropriate because of its long history of use as a Hotel and Accommodation Facility at Tathra.

- (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,

The land is already set aside in the 3(a) General Business Zone. This development will provide services provided by the travelling public for accommodation; including refreshment, recreation and amusement at the existing adjoining Tathra Hotel.

- (c) To permit non-commercial development where such development compliments the intended commercial character of the locality, including dwellings attached to commercial development.

This Clause is not applicable.

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

MAJOR PROJECTS 05_0010

EXTENSION OF TATHRA HOTEL MOTEL – BEGA STREET, TATHRA

- (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.

The development of the additional Motel Units is allowed with Development Consent.

- (5) Prohibited

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

Clause 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.

This applications includes a minor alteration to a lot boundary. It creates no additional lots and is required to facilitate the orderly location of the proposed building in relation to existing and proposed car parking. Refer to Plan No 820 – SUB01 Dated 12/4/05 in the originally submitted documentation.

Clause 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.

Schedule 6 of Bega Valley LEP2002, under Tathra; lists in Item 3 Property Description – Tathra Hotel Address: Lot 30 DP606559 and Lot 31 DP600838, Bega Street Tathra. Other details: Victorian weatherboard Hotel with cast iron verandah Historic, aesthetic, social significance.

Clause 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 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 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 as 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.

Not applicable, as the item is listed "Interim Heritage Item".

MAJOR PROJECTS 05_0010

EXTENSION OF TATHRA HOTEL MOTEL – BEGA STREET, TATHRA

Clause 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.

This application, for the additional Motel Units & minor alteration to lot boundary, is not located at the weatherboard Hotel building.

The proposal does not affect the historic, aesthetic or social significance of the Interim Heritage item.

Clause 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

The proposed development has no impact on the setting of the Interim Heritage item. It will not affect significant views from or to the item, nor will it overshadow the item.

- (b) that may undermine or otherwise cause physical damage to a heritage item, or

The proposal will not undermine or otherwise cause physical damage to the Interim Heritage item.

- (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

The item is a building.

- (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.

To date, no Heritage Impact Statement has been prepared for the proposed Motel Addition and alteration to Lot Boundary. (A Statement of Heritage Impact was prepared and considered and consented to by BVSC for recent Alterations and Additions to the Tathra Hotel. DA#03.0790)

This Application relates to the building of additional Motel Units and Alteration to Lot Boundary that is to be located approximately 65m away and remote from the Interim 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.

MAJOR PROJECTS 05_0010

EXTENSION OF TATHRA HOTEL MOTEL – BEGA STREET, TATHRA

Clause 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.

*Refer to Aboriginal Archaeological Assessment by NSW Archaeology P/L (Julie Dibden)
Dated March 2005 which was included in the originally submitted bound documentation.*

Clause 65 General principles for development and use of land and buildings.

- (1) Consideration of matters relevant to the proposed development:
 - (a) Impacts of the proposed 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 & 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
 - (xi) where the proposed water supply is from a river, creek, dam or other waterway; the effect upon the other users of that water supply, and
 - (xii) waste generation, and
 - (xiii) the cultural significance of the land, and
 - (xiv) the treatment of stormwater prior to discharge or the use of stormwater, and
 - (xv) traffic generation and appropriate vehicular access into and around the site, and
 - (xvi) any measures necessary to mitigate any of these impacts,
 - (b) the cumulative impact on the environment of:
 - (i) the development, and
 - (ii) any other development in the vicinity of the proposed development.

Refer to Statement of Environmental Effects in the originally submitted bound documentation

Clause 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 Statement of Environmental Effects in the originally submitted bound documentation

Clause 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

The site is not located within 400m of any river, lagoon or lake specified in Schedule 3. Concurrence not required.

- (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.

Clause 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

The proposed building is within 50m of high water mark and the building contains only 2 storeys. The design maximum height of the ridge above natural ground level at any point is 7m.

- (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).

MAJOR PROJECTS 05_0010

EXTENSION OF TATHRA HOTEL MOTEL – BEGA STREET, TATHRA

Clause 95 Development at Tathra Headland.

- (1) This clause applies to land known as Lots 5 & 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.

This clause applies to other land that adjoins the northeast corner of the Tathra Hotel lot. It does not apply to this proposed development.

- (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 hatched 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.

MAJOR PROJECTS 05_0010

EXTENSION OF TATHRA HOTEL MOTEL – BEGA STREET, TATHRA

BEGA VALLEY SHIRE COUNCIL

DEVELOPMENT CONTROL PLANS.

(current as at March 2006)

- 1 RESIDENTIAL DEVELOPMENT - *Does not apply to Motels.*
- 2 SUBDIVISION STANDARDS - *The application complies.*
- 3 NOTIFICATION POLICY - *Notification is required, probably Type B. (At the discretion of the Development Assessment Officer.)*
- 4 EXEMPT AND COMPLYING DEVELOPMENT - *Not Applicable.*
- 5 ONSITE SEWAGE MANAGEMENT - *Not Applicable.*
- 6 MINIMUM SET BACKS TO ROADS & NOMINATED WATERWAYS - *Nominated Waterways: Not within 75 or 150m of any nominated waterway. Roads: In Business Zones - Nil Setback required.*
- 7 PARKING CODE - *Complies*
- 8 CONTAMINATED LAND - *Not contaminated. Refer to Geotechnical Site Investigation Report in originally submitted bound documentation.*
- 10 RURAL WATER SUPPLY AREAS - *Not Applicable.*
- 11 BED AND BREAKFAST ESTABLISHMENTS - *Not Applicable.*
- 12 PRIMITIVE CAMPING - *Not Applicable.*
- 13 BENT ST LANEWAY BERMAGUI - *Not Applicable.*
- 14 MURRAH LAMONT TUROSS CARNAGO STS BERMAGUI - *Not Applicable.*
- 15 BEARES BEACH - *Not Applicable.*
- 16 COBARGO VILLAGE - *Not Applicable.*
- 17 TARRAGANDA 1C ZONE - *Not Applicable.*
- 18 KALARU VILLAGE - *Not Applicable.*
- 19 MOGAREEKA VILLAGE - *Not Applicable.*
- 20 TATHRA HEADLAND - *This land the subject of this Application is not affected by DPC20 as shown on Map 1 of that DCP.*
- 21 Tathra River Estate Stage 1 - *Not Applicable.*
- 22 Sapphire Coast Turf Club Training Establishment - *Not Applicable.*
- 23 GREATER MERIMBULA AREA HEIGHT CONTROLS - *Not Applicable.*
- 24 Elizabeth Parade TURA BEACH - *Not Applicable.*
- 25 The Dress Circle, North Tura Beach Density Controls - *Not Applicable.*
- 26 Golf Circuit - Tura Beach - *Not Applicable.*
- 27 Kangaroo Run Precinct Tura Beach Development Controls - *Not Applicable.*
- 28 IMLAY AND MONARO STS MERIMBULA - *Not Applicable.*
- 29 ARTHUR KAINE DRIVE MERIMBULA - *Not Applicable.*
- 30 REPEALED
- 31 MERIMBULA AIRPORT LAND - *Not Applicable.*
- 32 West Pambula - Future Urban - *Not Applicable.*
- 33 BROADWATER - *Not Applicable.*
- 34 EDEN URBAN AREA - *Not Applicable.*
- 35 SOUTH EDEN 1C - *Not Applicable.*
- 36 WONBOYN VILLAGE - *Not Applicable.*
- 37 BELBIRD HILL - *Not Applicable.*
- 38 BOYDTOWN DRAFT - *Not Applicable.*
- 44 PROSPECT ESTATE, SOUTH PAMBULA - *Not Applicable.*