



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Proclamations

Roman Catholic Church Communities' Lands Act 1942 No 23—Proclamation

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (2) of the *Roman Catholic Church Communities' Lands Act 1942*, do, by this my Proclamation, add the canonical name of "Pontifical Mission Societies, otherwise known as Catholic Mission" to Column 1 of the Second Schedule to that Act, and add to Column 2 of that Schedule opposite that name the corporate name "Catholic Mission".

Signed and sealed at Sydney, this 12th day of June 2002.

By Her Excellency's Command,

L.S.

BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

The Second Schedule to the *Roman Catholic Church Communities' Lands Act 1942* contains canonical and corporate names of certain Roman Catholic orders, congregations, communities, associations and societies. By virtue of being listed in that Schedule, each such organisation is a community as defined in the Act, and by virtue of the Act, the trustees for the community become a body corporate and acquire the powers conferred by the Act in relation to property held by them.

This proclamation adds the Pontifical Mission Societies (otherwise known as Catholic Mission) and the corporate name of the trustees of that organisation to the Second Schedule to the Act.

Regulations

Protection of the Environment Operations (Waste) Amendment (Contributions) Regulation 2002

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

CARMEL TEBBUTT, M.L.C.,
Minister for the Environment

Explanatory note

Part 6 of the *Protection of the Environment Operations (Waste) Regulation 1996* prescribes the contributions required to be paid by the occupiers of scheduled waste facilities in respect of waste received at the facilities.

The object of this Regulation is to amend the *Protection of the Environment Operations (Waste) Regulation 1996* to increase the amount of the contributions payable by providing for an indexed series of regular increases, subject to a maximum of \$25 (indexed) per tonne of waste.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 88 and 323 (the general regulation-making power).

Clause 1 Protection of the Environment Operations (Waste) Amendment
(Contributions) Regulation 2002

Protection of the Environment Operations (Waste) Amendment (Contributions) Regulation 2002

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Waste) Amendment (Contributions) Regulation 2002*.

2 Commencement

This Regulation commences on 1 July 2002.

3 Amendment of Protection of the Environment Operations (Waste) Regulation 1996

The *Protection of the Environment Operations (Waste) Regulation 1996* is amended as set out in Schedule 1.

Protection of the Environment Operations (Waste) Amendment
(Contributions) Regulation 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 18 Payment of contributions

Insert before clause 18 (1):

(1A) In this clause:

CPI means the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

ERA means extended regulated area.

SMA means Sydney metropolitan area.

year means a year beginning on 1 July and ending on 30 June.

[2] Clause 18 (1)

Omit the subclause. Insert instead:

- (1) For the purposes of section 88 (2) of the Act, the following contributions are prescribed as the contributions required to be paid by the occupiers of scheduled waste facilities:
 - (a) the SMA amount for the year in which the waste is received for each tonne of waste that is received in that year at a scheduled waste facility located in the Sydney metropolitan area,
 - (b) the ERA amount for the year in which the waste is received for each tonne of waste:
 - (i) that is received in that year at a scheduled waste facility located in the extended regulated area, and
 - (ii) that has been generated in that area,
 - (c) the SMA amount for the year in which the waste is received for each tonne of waste:
 - (i) that is received in that year at a scheduled waste facility located in the extended regulated area, and
 - (ii) that has been generated in the Sydney metropolitan area,

Page 3

Protection of the Environment Operations (Waste) Amendment
(Contributions) Regulation 2002

Schedule 1 Amendments

- (d) the SMA amount for the year in which the waste is received for each tonne of waste:
 - (i) that is received in that year at a scheduled waste facility located outside the Sydney metropolitan area and the extended regulated area, and
 - (ii) that has been generated in the Sydney metropolitan area,
- (e) the ERA amount for the year in which the waste is received for each tonne of waste:
 - (i) that is received in that year at a scheduled waste facility located outside the Sydney metropolitan area and the extended regulated area, and
 - (ii) that has been generated in the extended regulated area.

[3] Clause 18 (3)–(11)

Insert after clause 18 (2):

- (3) The SMA amount is as follows:
 - (a) for the year beginning 1 July 2002—\$18.20,
 - (b) for a year, beginning on or after 1 July 2003 and ending on or before 30 June 2010—the lower of:
 - (i) the amount, in dollars and cents, calculated for the year in accordance with the formula in subclause (5), or
 - (ii) the amount, in dollars and cents, calculated for the year in accordance with the formula in subclause (7),
 - (c) for a year, beginning on or after 1 July 2010—the amount, in dollars and cents, calculated for the year in accordance with the formula in subclause (8).
- (4) The ERA amount is as follows:
 - (a) for the year beginning 1 July 2002—\$9.60,
 - (b) for a year, beginning on or after 1 July 2003 and ending on or before 30 June 2013—the lower of:
 - (i) the amount, in dollars and cents, calculated for the year in accordance with the formula in subclause (6), or

Protection of the Environment Operations (Waste) Amendment
(Contributions) Regulation 2002

Amendments

Schedule 1

- (ii) the amount, in dollars and cents, calculated for the year in accordance with the formula in subclause (7),
- (c) for a year, beginning on or after 1 July 2013—the amount, in dollars and cents, calculated for the year in accordance with the formula in subclause (9).
- (5) The formula is:

$$G = (P + \$1.00) \times \left(1 + \left(\frac{A - B}{B} \right) \right)$$

where:

G is the amount, in dollars and cents, being calculated.

P is the SMA amount, in dollars and cents, for the year previous to the year for which the calculation is being made.

A is the CPI number for the March quarter of the year previous to the year for which the calculation is being made.

B is the CPI number for the March quarter of the year 2 years previous to the year for which the calculation is being made.

- (6) The formula is:

$$H = (M + \$1.50) \times \left(1 + \left(\frac{A - B}{B} \right) \right)$$

where:

H is the amount, in dollars and cents, being calculated.

M is the ERA amount, in dollars and cents, for the year previous to the year for which the calculation is being made.

A is the CPI number for the March quarter of the year previous to the year for which the calculation is being made.

B is the CPI number for the March quarter of the year 2 years previous to the year for which the calculation is being made.

Protection of the Environment Operations (Waste) Amendment
(Contributions) Regulation 2002

Schedule 1 Amendments

(7) The formula is:

$$M = \$25.00 \times \left(1 + \left(\frac{C - D}{D} \right) \right)$$

where:

M is the amount, in dollars and cents, being calculated.

C is the CPI number for the March quarter of the year previous to the year for which the calculation is being made.

D is the CPI number for the December quarter of the year beginning 1 July 2001.

(8) The formula is:

$$S = T \times \left(1 + \left(\frac{X - Y}{Y} \right) \right)$$

where:

S is the amount, in dollars and cents, being calculated.

T is the SMA amount, in dollars and cents, for the year beginning 1 July 2009.

X is the CPI number for the March quarter of the year previous to the year for which the calculation is being made.

Y is the CPI number for the March quarter of the year beginning 1 July 2008.

(9) The formula is:

$$E = F \times \left(1 + \left(\frac{X - Z}{Z} \right) \right)$$

where:

E is the amount, in dollars and cents, being calculated.

F is the ERA amount, in dollars and cents, for the year beginning 1 July 2012.

X is the CPI number for the March quarter of the year previous to the year for which the calculation is being made.

Protection of the Environment Operations (Waste) Amendment
(Contributions) Regulation 2002

Amendments

Schedule 1

Z is the CPI number for the March quarter of the year beginning 1 July 2011.

- (10) The SMA amount and the ERA amount are to be rounded to the nearest 10 cents, and if the amount to be rounded is 5 cents, rounded up.
- (11) If, at any time, the Australian Statistician issues a CPI number in substitution for a CPI number previously issued, the issue of the later CPI number is to be disregarded for the purposes of this clause.

Westpac Banking Corporation (Transfer of Incorporation) Amendment Regulation 2002

under the

Westpac Banking Corporation (Transfer of Incorporation) Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Westpac Banking Corporation (Transfer of Incorporation) Act 2000*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

Under the *Westpac Banking Corporation (Transfer of Incorporation) Act 2000*, the Attorney General may by order specify a day on which Westpac is taken to be a public company limited by shares under the *Corporations Act 2001* of the Commonwealth. The Attorney General may make such an order only if the Attorney General is satisfied of a number of matters, including whether Westpac has complied with section 5H (2) and (3) of the *Corporations Act 2001* of the Commonwealth within the period prescribed by the regulations after the shareholders of Westpac resolved that Westpac be registered as a public company under the *Corporations Act 2001*.

The *Westpac Banking Corporation (Transfer of Incorporation) Regulation 2001* prescribed the period of 18 months as that prescribed period. The object of this Regulation is to extend that prescribed period to 30 months.

This Regulation is made under the *Westpac Banking Corporation (Transfer of Incorporation) Act 2000*, including sections 5A and 13 (the general regulation-making power).

Clause 1 Westpac Banking Corporation (Transfer of Incorporation) Amendment
Regulation 2002

Westpac Banking Corporation (Transfer of Incorporation) Amendment Regulation 2002

1 Name of Regulation

This Regulation is the *Westpac Banking Corporation (Transfer of
Incorporation) Amendment Regulation 2002*.

2 Amendment of Westpac Banking Corporation (Transfer of Incorporation) Regulation 2001

The *Westpac Banking Corporation (Transfer of Incorporation)
Regulation 2001* is amended as set out in Schedule 1.

Westpac Banking Corporation (Transfer of Incorporation) Amendment
Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 4

Omit the clause. Insert instead:

4 Prescribed period for purposes of section 5A of the Act

The period of 30 months after the date on which the transfer resolution was passed is prescribed for the purposes of paragraph (b) of the definition of *prescribed period* in section 5A (8) of the Act.

Rules



Supreme Court Rules (Amendment No 360) 2002

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 20 May 2002.

Steven Jupp

Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend the *Supreme Court Rules 1970* to extend the hours of the Supreme Court Registry from 4 pm to 5 pm.

Rule 1 Supreme Court Rules (Amendment No 360) 2002

Supreme Court Rules (Amendment No 360) 2002

under the

Supreme Court Act 1970

1 Name of rules

These rules are the *Supreme Court Rules (Amendment No 360) 2002*.

2 Commencement

These rules commence on 1 July 2002.

3 Amendment of Supreme Court Rules 1970

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

Supreme Court Rules (Amendment No 360) 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Rule 2)

Part 2, rule 6

Omit “4 in the afternoon” wherever occurring from rule 6 (1).

Insert instead “5 in the afternoon”.

OFFICIAL NOTICES

Appointments

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

State Electoral Office

Appointment of Returning Officers

HER Excellency the Governor, with the advice of the Executive Council, and in pursuance of section 75 of the Parliamentary Electorates and Elections Act 1912 has approved of:

1. the appointment of Returning Officers for all electoral districts being terminated; and
2. the appointment of Returning Officers to these electoral districts as per set out below:

<i>Electorate</i>	<i>Returning Officer</i>	<i>Electorate</i>	<i>Returning Officer</i>
Albury	MEARS, Peter Joseph	Hornsby	PETRAS, Michael John
Auburn	COPE, Carol Ann	Illawarra	FINDLAY, Robert Stephen
Ballina	SMITH, Kathleen Mary	Keira	RAYMOND, Arthur John
Bankstown	ARIDAH, Mazen	Kiama	HARDY, Alan Warren
Barwon	JARDINE, Sally	Kogarah	PATRICK, Kristine Jane
Bathurst	EVENNETT, Stuart Cecil	Ku-ring-gai	FLANAGAN, Darrell John
Baulkham Hills	EGAN, David Roy	Lachlan	LEWIS, Peter John
Bega	GARDNER, John Keith	Lake Macquarie	MCKINNON, Bruce Campbell
Blacktown	RAY, Carol Anne	Lakemba	LUEDECKE, Sharon Lea
Bligh	ARNOLD, John Francis	Lane Cove	MCGRAIL, Jennifer Rhonda
Blue Mountains	FRATER, Andrew David	Lismore	ARTHUR, John Allan
Burrinjuck	WHITTAKER, Ross Samuel	Liverpool	LEONELLO, Rocco
Cabramatta	SWEENEY, Paul James	Londonderry	POOLE, John Anthony
Camden	TOKARCZYK, Ted Michael	Macquarie Fields	SALIBA, Mario Francis
Campbelltown	BZADOUGH, Gay Elizabeth	Maitland	BEVAN, Lloyd Owyn
Canterbury	ZERBO, Pauline	Manly	MANNERS, Dawn Valerie
Cessnock	CHANEY, Malcolm Raymond	Maroubra	MELLOR, Stephen Gerard
Charlestown	EDWARDS, Robert James	Marrickville	WRIGHT, Neil Fredric
Clarence	ENDEAN, Raymond Peers	Menai	BURKE, William John
Coffs Harbour	MARSHMAN, Ronald John	Miranda	SAMUELS, David Myer
Coogee	LENNON, David Michael	Monaro	SELMES, Jonathon Samuel
Cronulla	CROKER, Peter William	Mount Druitt	MORTIMER, Garry William
Davidson	PURVIS, Maxwell Michael	Mulgoa	WYDEMAN, Carl
Drummoyne	WHALE, Mark Timothy	Murray-Darling	ROWLANDS, Carolyn Ann
Dubbo	SEAR, Russell John	Murrumbidgee	QUAYLE, Raymond Matthew
East Hills	MOORE, Michael Edward	Myall Lakes	DONNELLY, Noel Sydney
Epping	BENJAMIN, Neil	Newcastle	DUNN, Paul Francis
Fairfield	MYERS, Peter Terence	North Shore	WARD, John Lindsay
Georges River	BEWES, Ian Leslie	Northern Tablelands	O'CONNOR, Marcella
Gosford	STREET, Kevin James	Orange	BAKER, Ross David
Granville	SHAW, Judith Anne	Oxley	BAKER, Patricia Margaret
Hawkesbury	ROSEN, Maryanne	Parramatta	SCUTTS, John
Heathcote	PARKER, Kenneth William	Peats	ALCHIN, Ronald Geoffrey
Heffron	CRAWFORD, Kerry Richard	Penrith	DEUTSCHER, Louis Allan
		Pittwater	MCGUCKIN, Christopher Edmund
		Port Jackson	LARKIN, Peter Lindsay
		Port Macquarie	HOFFMAN, Arthur John
		Port Stephens	SMITH, Warwick Michael
		Riverstone	GALLEN, Vicki Anne
		Rockdale	REINTEN, Alan Johannes
		Ryde	WILSON, Malcolm
		Smithfield	WATKINS, Barry John
		South Coast	CRAKANTHORP, Christopher Churchill
		Southern Highlands	SEARLE, Gregory John
		Strathfield	FERGUSON, Jeanette Anne

*Electorate**Returning Officer***PUBLIC SECTOR MANAGEMENT ACT 1988**

Swansea	MCMORROW, John Bernard
Tamworth	COURTNEY, Leanne
The Entrance	ALCHIN, Karen Marelle
The Hills	BELLAM, Lise
Tweed	SPARREBOOM, Leendert Marinus
Upper Hunter	OLIVER, Paul Richard
Vaucluse	HADDOCK, Kathleen Margaret
Wagga Wagga	COOMBS, Marian Alma
Wakehurst	GRIFFITHS, Diana Edith
Wallsend	COLLINS, Terrence Paul
Wentworthville	BARDSLEY, David John
Willoughby	FYFE, John
Wollongong	DUNN, Alison Jane
Wyong	STARLING, Catherine Ann

Appointment of Acting General Manager

Office of the Board of Studies

HER Excellency the Governor, with the advice of the Executive Council, pursuant to section 10B of the Public Sector Management Act 1988, has appointed Dr John BENNETT to act as General Manager, Office of the Board of Studies on and from 11 June 2002 until and including 14 June 2002.

JOHN WATKINS, M.P.,
Minister for Education and Training

BOB CARR, M.P.,
Premier

Department of Land and Water Conservation

Land Conservation

GOULBURN OFFICE

Department of Land and Water Conservation
159 Auburn Street (PO Box 748), Goulburn, NSW 2580
Phone: (02) 4828 6725 Fax: (02) 4828 6730

APPOINTMENT OF MEMBERS OF LOCAL LAND BOARDS

IN pursuance of the provisions of the Crown Lands Act 1989, the persons specified in Column 1 have been appointed as Members of the Local Land Board for the Land Districts particularised in Column 2 for a term commencing on 1 January 2002 and expiring on 31 December 2003.

JOHN AQUILINA, M.P.,
 Minister for Fair Trading
 Minister for Land and Water Conservation

Members Appointed

Column 1	Column 2
Charles Tony GARNOCK	Bombala
George Henry COTTERILL	Bombala
John William BUNN	Braidwood
Peter Jeremy CAMPBELL-DAVYS	Braidwood
Greg RUSSELL	Cooma
Oliver Pierce CAMPBELL	Crookwell
Charles Wayne O'BRIEN	Crookwell
Keith Grenfell SIMPSON	Goulburn
Noel Raymond LAWTON	Goulburn
Thomas Kelly HEFFERNAN	Gunning
Kevin John TULLY	Gunning
Nicholas GOODALL	Moss Vale
Thomas Lancelot LEWIS	Moss Vale
Andrew William DOUGLAS	Queanbeyan
Kenneth John HARDY	Queanbeyan
Michael GROGAN	Yass
Edward Bernard McREYNOLDS	Yass
John Frederick WALKER	Young

GRIFFITH OFFICE

Department of Land and Water Conservation
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith, NSW 2680
Phone: (02) 6962 7522 Fax: (02) 6962 5670

ERRATUM

The notice appearing in the *Government Gazette* of 24 May 2002, folio 3242, under the heading of "Notification of Closing of a Road" is amended by adding the words 'not being land under the Real Property Act' after the words 'County Cooper'.

File No. GH01H141

JOHN ACQUILINA, M.P.,
 Minister for Land and Water Conservation

NOWRA OFFICE
Department of Land and Water Conservation
64 North Street (PO Box 309), Nowra, NSW 2541
Phone: (02) 4423 0122 Fax: (02) 4423 3011

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Thomas Michelsen (re-appointment)	Narooma Pre-School	Reserve No. 89012 Public Purpose:
Laurelle Doris Pacey (re-appointment)	Kindergarten Trust	Kindergarten Notified: 7 September 1973
Susan Zalewski (re-appointment)		File Reference: NA80R474/1
Sally Anne Ritchie (re-appointment)		

For a term commencing the date of this notice and expiring
 13 June 2007.

TAREE OFFICE
Department of Land and Water Conservation
102-112 Victoria Street (PO Box 440), Taree, NSW 2430
Phone: (02) 6552 2788 Fax: (02) 6552 2816

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

Description

Parish – Warrell; County – Raleigh;
Land District – Kempsey;
Local Government Area – Nambucca

Road being Lot 1 DP1041130 (not under the real Property Act).

Note: On closing the land within the former road remains vested in Nambucca Shire Council as operational land.

TE01 H 158 Council Ref: R6 Mr Moore

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

IN pursuant of the provisions of section 151 of the Act, the Crown roads specified in Schedule 1 are transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the roads specified in Schedule 1 cease to be Crown roads.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE 1

The Crown public roads known as North Street (between Armidale Road and south east corner Lot 155 DP752439, Kempsey Racecourse), Warwick Street, Nancy Ellis Street, David Sands Street, Lionel Rose Street, Frank Archibald Street, Marramah Street, Hand Lane and Old Greenhills Ferry Road in the village of Kempsey.

SCHEDULE 2

Roads Authority: Kempsey Shire Council.

File No: TE02H88

RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE**COLUMN 1**

Land District: Port Macquarie
 Local Government Area:
 Hastings Council
 Locality: Wauchope
 Lot DP
 7032 1039811
 Parish: Koree
 County: Macquarie
 Area: 2.04ha
 File: TE02R45

COLUMN 2

Reserve No: 1003568
 Public Purpose: Public
 Recreation and Community
 Purpose

ESTABLISHMENT OF RESERVE TRUST AND

Appointment of Corporation to Manage the Reserve Trust PURSUANT to section 92 (1) and 95 of the Crown Lands Act 1989 the reserve trust specified in Column 1 hereunder is established under the name stated in that Column and is appointed as trustee of the reserve specified thereto in Column 3 and the corporation specified in Column 2 hereunder is appointed to manage the affairs of the reserve trust specified in Column 1 of the Schedule.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE**COLUMN 1**

Bain Park Reserve
 (R1003568) Trust

COLUMN 2

Hastings Council

COLUMN 3

Reserve No: 1003568
 Public Purpose: Public
 Recreation and
 Community Purposes
 Notified: This Day
 File: TE02R45

RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE**COLUMN 1**

Land District: Kempsey
 Local Government Area:
 Kempsey Shire Council
 Locality: Goolawah
 Lot DP
 366 754441
 7025 1040738
 7004 754441
 374 722695
 7024 1040737
 7027 1040744
 Parish: Palmerston
 County: Macquarie
 Area: 232ha
 File: TE02R46

COLUMN 2

Reserve No: 1003588
 Public Purpose: Environmental
 Protection

Water Conservation

SUBORDINATE LEGISLATION ACT 1989

NOTICE is given under the Subordinate Legislation Act 1989 of the Department's intention to make a Regulation under the Lake Illawarra Authority Act 1987. The proposed Regulation will repeal and remake with no changes the Lake Illawarra Authority Regulation 1997. The objects of the proposed Lake Illawarra Authority Regulation 2002 are:

- To include construction of amenities and educational study centres within the 'development works' functions of Lake Illawarra Authority, and
- To allow the Authority to grant leases and licences relating to construction and use of buildings and facilities to non-commercial community or charitable organisations or groups.

Copies of the draft Regulation and the Regulatory Impact Statement may be obtained from Mr Garry Clarke, Level 3, 84 Crown Street, Wollongong 2500, telephone (02) 4224 9613, fax (02) 4224 9651 or website <http://www.dlwc.nsw.gov.au/>.

Comments or submissions are invited and should be sent to Mr Clarke by 8 July 2002.

NOEL KESBY,
Acting Regional Director,
Sydney South Coast

WATER MANAGEMENT ACT 2000

Benerembah Irrigation District Environment
Protection Trust

Drainage Service Charges 2002-2003

THE Benerembah Irrigation District Environment Protection Trust in pursuance of section 315 of the Water Management Act 2000 and in accordance with the Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 2001, makes the following Determination in respect of its charging year commencing 1 July 2002.

- A. It proposes to raise an amount of \$395,000 by way of drainage service charges levied on land within its area of operations.
- B. The factor according to which land within the area of operations is classified for the purposes of levying service charges is the nature and extent of water supply to the land.
- C. The basis according to which service charges are to be levied is the former Water Administration Ministerial Corporation's water allocation to the land from the works of the Benerembah Domestic and Stock Water Supply and Irrigation District.
- D. The rates at which service charges are to be levied on land within the area of operations of the Trust are:
 - (a) operational rate of \$1.80 per megalitre of former allocation for holdings with access to existing surface drainage;

- (b) operational rate of \$0.90 per megalitre of former allocation for those holdings which need to pump more than 50% of that holding's drainage to the surface drain;
- (c) maintenance rate of \$0.25 per megalitre of former allocation for holdings referred to in (a) and (b);
- (d) rate of \$0.50 per megalitre of former allocation for holdings not falling within (a) or (b) that have not reached the ceiling of \$2 per megalitre per holding.

Dated this 23rd day of April 2002.

The seal of the Benerembah Irrigation District Environment Protection Trust was affixed pursuant to a resolution of the Trust in the presence of two members whose signatures are below.

B. BARBER
P. LITTLE

WATER ACT 1912

APPLICATIONS under Part 2 of the Water Act 1912, being within a Proclaimed (declared) local area under section 5 (4) of the Act.

Applications for licences under section 10 of Part 2 of the Water Act has been received as follows:

Murray River Valley

David Hugh and Diana ROSS for a block bank and pump on the Spring Flat Creek, Lot 4/814481, Parish of Bringenbrong, County of Selwyn, for water conservation for water supply for stock, domestic, farming and irrigation purposes. (Replacement licence only, no increase in entitlement) (GA2:494913) (Ref:50SL075510).

Timothy Robert and Ariel Anne ARNOTT for a dam and diversion pipe on an unnamed watercourse (tributary of Forest Creek), Lot 156/753338, Parish of Forest Creek, County of Goulburn, for water supply for stock purposes (GA2:494914) (Ref:50SL075462).

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6041 6777).

Written objections to the application specifying the grounds thereof, may be made by any statutory authority or local occupier within the proclaimed area whose interests may be affected, and must be lodged with the Department office at Albury by no later than the 12 July 2002.

C. PURTLE,
Natural Resource Officer,
Murray Region
(02) 6041 6777

Department of Land and Water Conservation
PO Box 829, ALBURY NSW 2640.

WATER ACT 1912

AN APPLICATION for a licence under Part 5 of the Water Act 1912, as amended has been received from:

GOONDABLUIE BORE WATER TRUST for a proposed artesian bore, Lot 3961, DP766434 (WLL8291), Parish of Boorara, County of Finch for water supply for stock and domestic purposes within the trust district (new licence) (80BL239676) (GA2: 494456).

Any inquiries regarding the above should be directed to the undersigned (tel.: (02) 6872 2144).

Formal objections with grounds stating how your interests may be affected must be lodged by the 9 July 2002, as prescribed by the Act.

ALLAN AMOS,
Natural Resource Project Officer
(Resource Access)

Department of Land and Water Conservation
PO Box 342, BOURKE NSW 2840

WATER ACT 1912

APPLICATION under Part 2 of the Water Act 1912 being within a proclaimed (declared) local area under section 5 (4) of the Act.

Application for an Authority under section 20 of Part 2 of the Water Act 1912 has been received as follows:

Murrumbidgee River Valley

RIVERINA RURAL LANDS PROTECTION BOARD and F. S. FALKINER & SONS PTY LIMITED for a pump on the Billabong Creek, on Crown land east of Lot 112, DP 756268, Parish of Coarngo, County of Townsend, for water supply for stock purposes (GA2: 504542) (Ref: 57SA7510).

Any enquiries regarding the above should be directed to the undersigned (Tel.: (03) 5881 2122).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged at the Department's Office at Deniliquin within twenty-eight (28) days of the date of this publication.

L. J. HOLDEN,
Acting Senior Natural Resource Officer,
Murray Region

Department of Land and Water Conservation
PO Box 205, DENILIQIN NSW 2710

Department of Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T02-0086)

No. 1926, Alan Robert CAMERON and Sylvia May CAMERON, area of 11 units, for Group 2, dated 4 June 2002. (Orange Mining Division).

(T02-0087)

No. 1927, CENTRAL WEST GOLD N.L. (ACN 003 178 591) and MOUNT CONQUEROR MINERALS N.L. (ACN 003 312 721), area of 24 units, for Group 1, dated 5 June 2002. (Orange Mining Division).

(T02-0090)

No. 1928, CENTRAL WEST GOLD N.L. (ACN 003 178 591) and MOUNT CONQUEROR MINERALS N.L. (ACN 003 312 721), area of 24 units, for Group 1, dated 6 June 2002. (Orange Mining Division).

(T02-0091)

No. 1929, CARBON MINERALS N.L. (ACN 001 836 586), area of 25 units, for Group 5, dated 7 June 2002. (Armidale Mining Division).

(T02-0092)

No. 1930, BROKEN HILL OPERATIONS PTY LIMITED (ACN 054 920 893), area of 14 units, for Group 1, dated 7 June 2002. (Broken Hill Mining Division).

MINING LEASE APPLICATION

(C99-0842)

No. 209, COALEX PTY LIMITED (ACN 000 694 315), area of about 616 hectares, to mine for coal, dated 31 May 2002. (Orange Mining Division).

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T01-0204)

No. 1821, now Exploration Licence No. 5949, AURIONGOLD EXPLORATION PTY LIMITED (ACN 067 813 932), County of Bourke, Map Sheet (8229), area of 12 units, for Group 6, dated 28 May, 2002, for a term until 27 May 2004.

(T01-0205)

No. 1822, now Exploration Licence No. 5945, AURIONGOLD EXPLORATION PTY LIMITED (ACN 067 813 932), County of Bland, Map Sheet (8329, 8429), area of 6 units, for Group 6, dated 27 May, 2002, for a term until 26 May 2004.

(T01-0205)

No. 1822, now Exploration Licence No. 5946, AURIONGOLD EXPLORATION PTY LIMITED (ACN 067 813 932), Counties of Bland and Clarendon, Map Sheet (8428, 8429), area of 33 units, for Group 6, dated 27 May 2002, for a term until 26 May 2004.

(T01-0214)

No. 1829, now Exploration Licence No. 5948, GODS GOLDEN CHI PTY LIMITED (ACN 087 384 012), County of Northumberland, Map Sheet (9131), area of 25 units, for Group 1, dated 27 May 2002, for a term until 26 May 2004. As a result of the grant of this title, Exploration Licence No. 5925 has ceased to have effect.

(T01-0225)

No. 1840, now Exploration Licence No. 5950, MOUNT ISA MINES LIMITED (ACN 009 661 447), County of Wellington, Map Sheet (8631), area of 8 units, for Group 1, dated 29 May 2002, for a term until 28 May 2004.

(T02-0009)

No. 1854, now Exploration Licence No. 5947, GATEWAY MINING N.L. (ACN 008 402 391), Counties of Clarendon and Harden, Map Sheet (8427, 8428, 8528), area of 33 units, for Group 1, dated 27 May 2002, for a term until 26 May 2004.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications for renewal have been received:

(T82-1711)

Exploration Licence No. 2033, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), area of 42 units. Application for renewal received 6 June 2002.

(T82-1488)

Exploration Licence No. 3767, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), area of 19 units. Application for renewal received 6 June 2002.

(UNKNOWN)

Mining Lease No. 1480 (Act 1992), POWERCOAL PTY LIMITED (ACN 052 533 070), area of 14.49 hectares. Application for renewal received 4 June 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(M86-1111)

Authorisation No. 394, LIDDELL TENEMENTS PTY LIMITED (ACN 051 529 876), County of Durham, Map Sheet (9133), area of 172 hectares, for a further term until 18 December, 2006. Renewal effective on and from 24 May 2002.

(T98-1089)

Exploration Licence No. 5550, RIMFIRE PACIFIC MINING N.L. (ACN 006 911 744), County of Murchison, Map Sheet (9037, 9038), area of 28 units, for a further term until 26 January 2004. Renewal effective on and from 18 April 2002.

(T98-1090)

Exploration Licence No. 5551, RIMFIRE PACIFIC MINING N.L. (ACN 006 911 744), County of Darling, Map Sheet (9036, 9037), area of 19 units, for a further term until 26 January 2004. Renewal effective on and from 18 April 2002.

(T98-1223)

Exploration Licence No. 5652, TRI ORIGIN AUSTRALIA N.L. (ACN 062 002 475), Counties of Argyle and Murray, Map Sheet (8827), area of 12 units, for a further term until 5 December 2003. Renewal effective on and from 13 May 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T98-1051)

Exploration Licence No. 5507, ALKANE EXPLORATION LIMITED (ACN 000 689 216), County of Gordon, Map Sheet (8532), area of 10 units. Cancellation took effect on 29 May 2002.

(T00-0130)

Exploration Licence No. 5803, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Cairns and County of Wakool, Map Sheet (7627, 7628, 7727), area of 163 units. Cancellation took effect on 9 May 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

COAL MINES REGULATION ACT 1982 AS AMENDED SECTION 5 (4) (a) (ii) DECLARATION THAT A PLACE BE DEEMED NOT PART OF A MINE

IT is hereby notified by virtue of delegated authority from the Minister that a certain area described in the Schedule hereunder within Bayswater No. 2 Colliery is deemed not to be part of the Mine pursuant to section 5 (4) (a) (ii) of the Coal Mines Regulation Act 1982 as amended.

SCHEDULE

Formerly that part of the Bayswater No. 2 Colliery Holding having the place, known as the Mount Arthur Coal Construction Area, shown by diagonal hatching, within ML 1487, MPL263, CCL744 and CL396 on Drawing No. 300031, and described by survey co-ordinates contained in table "EL Extension Areas Mt Ogilvie Area".

ROB REGAN,
Chief Inspector of Coal Mines

COAL MINES REGULATION ACT 1982

REVOCATION OF APPROVAL

Revoked Approval No: MDA Ex ia 14029
File No: C94/0045
Date: 16 May 2002

IT is hereby notified that the Chief Inspector of Coal Mines, pursuant to the provisions of Clause 70 of the Coal Mines (General) Regulation 1999, has REVOKED the approval number quoted herein. This means that the apparatus to which that approval number applied is no longer deemed to be approved for use in the hazardous zones of underground coal mines in New South Wales.

Description: Solenoid Valve Actuator
Identification: Tiefenbach, type iE7

This approval was issued to,

Name: Bartim Pty Limited
Address: Unit 3 / 59D Darvall Road, WEST RYDE,
NSW 2114

The approval was notified in the *Government Gazette* No. 58, Dated 15 April 1994.

S. MILLINGTON,
Acting Senior Inspector of Electrical Engineering
FOR CHIEF INSPECTOR OF COAL MINES

Page 1 of 1
Prepared by: P. de Gruchy

Document No: rev020516
Date of Issue: 12/06/02

Department of Planning

Albury Local Environmental Plan 2000 (Amendment No 9)

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. (S01/01119/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Albury Local Environmental Plan 2000 (Amendment No 9)

Albury Local Environmental Plan 2000 (Amendment No 9)

1 Name of plan

This plan is *Albury Local Environmental Plan 2000 (Amendment No 9)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies (being Council-owned land) from the Open Space Zone to the Living Area Zone under *Albury Local Environmental Plan 2000*, and
- (b) to reclassify the land from community to operational land within the meaning of the *Local Government Act 1993*, with the effect that its public reserve status will cease, and
- (c) to restrict development of the land to aged care accommodation, and
- (d) to impose development requirements for the Kremur Street Reserve.

3 Land to which plan applies

This plan applies to land situated in the City of Albury, being Lot 2001, DP 702800, Kremur Street, West Albury, as shown distinctively coloured on the map marked “Albury Local Environmental Plan 2000 (Amendment No 9)” deposited in the offices of Albury City Council.

4 Amendment of Albury Local Environmental Plan 2000

Albury Local Environmental Plan 2000 is amended as set out in Schedule 1.

Albury Local Environmental Plan 2000 (Amendment No 9)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Albury Local Environmental Plan 2000 (Amendment No 9)

[2] Clause 63A

Insert after clause 63:

63A Aged care accommodation, Kremur Street, West Albury

- (1) This clause applies to Lot 2001, DP 702800, Kremur Street, West Albury, as shown distinctively coloured on the map marked “Albury Local Environmental Plan 2000 (Amendment No 9)”.
- (2) Despite any other provision of this plan, the consent authority must not grant consent to development on land to which this clause applies except for the purpose of aged care accommodation.
- (3) The consent authority must not grant consent to the development of the land for that purpose until:
 - (a) a development control plan relating to the land has been approved by the consent authority, and
 - (b) the consent authority has taken the provisions of the development control plan into consideration.
- (4) The development control plan must make provision for at least the following matters:
 - (a) the building site coverage on the land is not to exceed 50%,
 - (b) the height of buildings is to be limited to two storeys on lower areas of the site and one storey on rising ground,
 - (c) building envelopes are to be defined so as to provide for side and rear boundary setbacks with buffer zone landscaping,

Page 3

Albury Local Environmental Plan 2000 (Amendment No 9)

Schedule 1 Amendments

- (d) suitable pedestrian access is to be provided from Bonnie Doon Park across Pemberton Street to the Kremur Street Reserve,
 - (e) the Kremur Street Reserve is to be improved, with such improvements to include a children's playground, an off-the-leash area for dogs and extensive landscaping,
 - (f) a pedestrian link is to be provided from Park Lane, across the land to which this clause applies to the Kremur Street Reserve.
- (5) In this clause, ***Kremur Street Reserve*** means the land edged with a heavy black broken line on the map referred to in subclause (1).

[3] Schedule 7 Classification or reclassification of public land as operational

Insert at the end of Part 2 of the Schedule:

Lot 2001, DP 702800, Kremur Street, West Albury—*Albury Local Environmental Plan 2000 (Amendment No 9)*

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)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Bega Valley Local Environmental Plan 2002

Contents

Contents

		Page
Part 1	Preliminary	
	1 Name of plan	7
	2 Aims of plan	7
	3 Land to which plan applies	7
	4 Effect of the plan on other environmental planning instruments	7
	5 Consent authority	7
	6 Exempt and complying development	8
	7 General provisions in relation to the development	8
	8 Zone objectives and development control table	9
	9 Definitions	10
	10 Model provisions	10
	11 Saving for undetermined applications	10
Part 2	Rural zone provisions	
	12 General controls for development—Zone 1 (a) (Rural General Zone)	11
	13 General controls for development—Zone 1 (c) (Rural Small Holdings Zone)	12
	14 General controls for development—Zone 1 (f) (Rural Forestry Zone)	13
	15 Controls for subdivision for the purposes of agriculture within Zone 1 (a)	13
	16 Limited subdivisions for the purpose of dwellings within Zone 1 (a)	14
	17 Controls for building dwelling houses within Zone 1 (a)	16
	18 Controls for subdivision for other purposes within Zone 1 (a)	19
	19 Development in Zone 1 (c)	19
Part 3	Urban zone provisions	
	20 General controls for development—Zone 2 (a) (Residential Low Density Zone)	22

Page 2

Bega Valley Local Environmental Plan 2002

Contents

	Page
21 General controls for development—Zone 2 (b) (Residential Medium Density Zone)	23
22 General controls for development—Zone 2 (c) (Residential Tourist Zone)	23
23 General controls for development—Zone 2 (e) (Urban Zone)	24
24 General controls for development—Zone 2 (f) (Future Urban Zone)	25
25 General controls for development—Zone 2 (v) (Village Zone)	26
26 Subdivision in urban zones	27
27 Dwelling houses, dual occupancies and multi unit housing	28
28 Development in Zone 2 (e)	29
29 Development in Zone 2 (f)	31
Part 4 Employment zone provisions	
30 General controls for development—Zone 3 (a) (General Business Zone)	32
31 General controls for development—Zone 3 (b) (Special Business Zone)	33
32 General controls for development—Zone 4 (a) (Industrial Zone)	34
33 Development for the purpose of bulky goods retailing in Zones 3 (b) and 4 (a)	34
34 Development for the purpose of brothels and sex shops in business and industrial zones	35
35 Development in Zone 4 (a)	35
36 Subdivision in business and industrial zones	36
Part 5 Special use zone provisions	
37 General controls for development—Zone 5 (a) (Special Uses Zone)	37
Part 6 Open Space zone provisions	
38 General controls for development—Zone 6 (a) (Existing Open Space Zone)	38
39 General controls for development—Zone 6 (c) (Private Open Space Zone)	38
40 Development within Zone 6 (a)	39
41 Acquisition of land within Zone 6 (a)	39
42 Parks plan of management	40

Bega Valley Local Environmental Plan 2002

Contents

	Page
Part 7 Environment Protection zones provisions	
43 General controls for development—Zone 7 (b) (Environment Protection Foreshore Zone)	41
44 General controls for development—Zone 7(d) (Environment Protection General Zone)	41
45 General controls for development—Zone 7 (f1) (Coastal Lands Protection Zone)	42
46 General controls for development—Zone 7 (f2) (Coastal Lands Acquisition Zone)	43
47 Subdivision of land and erection of dwelling within Zones 7 (d), 7 (f1) and 7 (f2)	44
48 Development within Zone 7 (d)	44
49 Development in Zones 7 (f1) and 7 (f2)	45
50 Acquisition of land within Zone 7 (f2)	46
Part 8 National Parks and Nature Reserves zone provisions	
51 General controls for development—Zone 8 (National Parks and Nature Reserves Zone)	47
Part 9 Reservation zones provisions	
52 General controls for development—Zone 9 (c) (Arterial Road Reservation Zone)	48
53 General controls for development—Zone 9 (d) (Local Road Reservation Zone)	48
54 Acquisition of land within Zone 9 (c)	49
55 Acquisition of land within Zone 9 (d)	50
Part 10 Heritage provisions	
56 Aims in relation to heritage	51
57 Protection of heritage items and relics	51
58 Advertised development	53
59 Interim heritage items	53
60 Notice of demolition to the Heritage Council	54
61 Development in the vicinity of heritage items	54
62 Conservation incentives	54
63 Development affecting places or sites of known or potential Aboriginal heritage significance	55
64 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance	56

Page 4

Bega Valley Local Environmental Plan 2002

Contents

	Page
Part 11 Provisions that apply generally in Bega Valley area	
65 General principles for development and use of land and buildings	57
66 Development near zone boundaries	58
67 Subdivision	58
68 Reclassification of public land	58
69 Restrictions on access	59
70 Community use of school facilities or sites	59
71 Temporary use of land	60
72 Tree preservation	60
73 Unzoned land	61
74 On-site sewage management	61
75 Land subject to bushfire hazard	62
76 Contaminated land	62
77 Development along arterial roads	62
78 Land filling and excavation	63
79 Ecologically sustainable development	63
80 Roads, drainage, recreational areas and parking	64
81 Flood liable land	64
82 Development on land identified on acid sulfate soils planning maps	65
83 Tourism development adjacent to waterways	66
84 Building lines	67
85 Height of buildings	67
86 Development in flight paths	68
87 Suspension of certain laws etc	69
88 Particular development permitted with consent	69
89 Granny flat development	69
Part 12 Provisions that apply to particular land	
90 Development of certain land within Zone 4 (a) at South Pambula	71
91 Development of certain land at Boydtown	71
92 Development of certain land at West Pambula	73
93 Development at Merimbula Airport	74
94 Development at Kalaru racecourse	74
95 Development at Tathra Headland	75
96 Residential development at Government Road, Eden	76

Page 5

Bega Valley Local Environmental Plan 2002

Contents

	Page
Schedules	
1 Land suitable for detached dual occupancy development in the Residential Low Density Zone	77
2 Reclassification of public land as operational land	79
3 Nominated waterways	80
4 Additional uses	81
5 Heritage items	85
6 Interim heritage items	94
Dictionary	116

Bega Valley Local Environmental Plan 2002

Clause 1

Preliminary

Part 1

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.

Clause 6 Bega Valley Local Environmental Plan 2002

Part 1 Preliminary

6 Exempt and complying development

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

7 General provisions in relation to the development

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

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

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

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

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

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

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

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

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

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

Bega Valley Local Environmental Plan 2002

Clause 7

Preliminary

Part 1

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.

Clause 9 Bega Valley Local Environmental Plan 2002

Part 1 Preliminary

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.

10 Model provisions

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

11 Saving for undetermined applications

A development application:

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

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

Bega Valley Local Environmental Plan 2002

Clause 12

Rural zone provisions

Part 2

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).

Clause 12 Bega Valley Local Environmental Plan 2002

Part 2 Rural zone provisions

(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

Bega Valley Local Environmental Plan 2002

Clause 13

Rural zone provisions

Part 2

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.

Clause 15 Bega Valley Local Environmental Plan 2002

Part 2 Rural zone provisions

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

16 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
 - (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.
- (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.
- (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.

Bega Valley Local Environmental Plan 2002

Clause 16

Rural zone provisions

Part 2

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- (6) Each allotment excised under this clause must have an area of not less than 2 hectares and not more than 10 hectares.
- (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:
- (a) has a suitable dwelling house site, and
 - (b) will not, because of its use, affect the economic viability of existing farmland, and
 - (c) is not located near operational aspects of a farm, and
 - (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
 - (e) will not be part of an inholding within a national park within the meaning of the *National Parks and Wildlife Act 1974*, and
 - (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
 - (h) will not create a need for any additional access onto a State highway or an arterial road, and
 - (i) will have a dwelling site located outside any areas of bushfire hazard identified by the Council, and
 - (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
 - (k) has soils suitable for on-site sewage management disposal, and
 - (l) does not contain or adjoin perennial streams and does not have access by easement for drawing water from perennial streams, and
 - (m) will not adversely affect important features of cultural or natural heritage or disrupt regional ecological systems or processes.

Clause 17 Bega Valley Local Environmental Plan 2002

Part 2 Rural zone provisions

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.
- (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.
- (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

Bega Valley Local Environmental Plan 2002

Clause 17

Rural zone provisions

Part 2

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.

- (5) Consent must not be granted to the erection of a dwelling house pursuant to subclause (2) on any land unless the consent authority is satisfied that:
- (a) the land has a suitable dwelling house site, and
 - (b) use of the land and the dwelling house will not adversely affect the economic viability of existing farmland, and
 - (c) the dwelling house will not be located near operational aspects of a farm, and
 - (d) the land is located outside areas designated as Class 1 or 2 in the New South Wales Department of Agriculture's "Agricultural Land Classification Atlas, Far South Coast Region New South Wales" dated August 1986, and
 - (e) the land is not part of an inholding within a national park within the meaning of the *National Parks and Wildlife Act 1974*, and
 - (f) the dwelling house will not be located within 100m of the boundary of a national park or nature reserve within the meaning of the *National Parks and Wildlife Act 1974*, and
 - (g) the dwelling house has legal and practical access to an existing Council-maintained public road, and
 - (h) use of the land and the dwelling house will not create a need for any additional access onto a State highway or an arterial road, and
 - (i) the dwelling house will be located outside any areas of bushfire hazard identified by the Council, and
 - (j) the dwelling house is to be serviced by existing electricity reticulation or short extensions from the existing reticulation network, or utilises alternative stand-alone electric power systems, and
 - (k) the land has soils suitable for on-site sewage management disposal, and
 - (l) the land does not contain or adjoin perennial streams and does not have access by easement for drawing water from perennial streams, and

Clause 17 Bega Valley Local Environmental Plan 2002

Part 2 Rural zone provisions

- (m) the dwelling house and its use will not adversely affect important features of cultural or natural heritage nor disrupt regional ecological systems or processes.
- (6) Nothing in subclause (1) shall prevent the erection of a dwelling house on land in Zone 1 (a) on which another dwelling house has been lawfully erected if the first mentioned dwelling house is intended to replace the other dwelling house and is not to be occupied until the other dwelling house is demolished or its occupation has permanently ceased.
- (7) Despite any other provision of this plan, consent may be granted to the erection of a dwelling house on an allotment in Zone 1 (a) resulting from a minor boundary adjustment, consolidation, road widening or acquisition for a public purpose or a combination of these where the consent authority is satisfied that the allotment is substantially the same as the allotment that existed immediately prior to the minor boundary adjustment, consolidation, road widening or acquisition for a public purpose and the erection of a dwelling house would be permissible on that former allotment under this clause.
- In this subclause, *minor boundary adjustment* means an alteration of a boundary between allotments:
- (a) that does not result in the creation of any additional number of allotments, and
- (b) that the consent authority is satisfied is of a minor nature and will not result in any significant adverse environmental effect.
- (8) In considering whether to grant consent to a development application made pursuant to subclause (6) or (7), the consent authority must have regard to the matters for consideration listed in subclause (5).
- (9) Consent may be granted to the erection of a second dwelling house on any allotment in Zone 1 (a) on which a dwelling house may be erected under this clause, subject to the following:
- (a) compliance with all requirements under this plan that would apply if only one dwelling house was proposed to be erected on the allotment, and
- (b) the development resulting in not more than two dwellings on the allotment, and
- (c) the land not being used for an ecotourism facility or tourist accommodation.

Bega Valley Local Environmental Plan 2002

Clause 17

Rural zone provisions

Part 2

-
- (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.

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.
- (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,

Clause 19 Bega Valley Local Environmental Plan 2002

Part 2 Rural zone provisions

- (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

Bega Valley Local Environmental Plan 2002

Clause 19

Rural zone provisions

Part 2

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- (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).

Clause 20 Bega Valley Local Environmental Plan 2002

Part 3 Urban zone provisions

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).

Bega Valley Local Environmental Plan 2002

Clause 21

Urban zone provisions

Part 3

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.

Clause 22 Bega Valley Local Environmental Plan 2002

Part 3 Urban zone provisions

(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.

Bega Valley Local Environmental Plan 2002

Clause 23

Urban zone provisions

Part 3

(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.

Clause 24 Bega Valley Local Environmental Plan 2002

Part 3 Urban zone provisions

(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).

Bega Valley Local Environmental Plan 2002

Clause 25

Urban zone provisions

Part 3

(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 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) 550m² if a sewerred lot, or
 - (b) 2,000m² if an unsewerred lot.
- (2) However, consent may be granted for such an unsewerred 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 2,000m², 4,000m² or 8,000m² as shown on the zoning map as applying to the proposed allotment.
- (4) A dwelling house shall not be erected on an allotment of land referred to in subclause (1) or (2) unless the allotment has an area not less than that shown on the zoning map as applying to the proposed allotment, or the allotment was or is created for the purposes of a dwelling house in accordance with a consent granted before the appointed day.
- (5) Notwithstanding subclause (1), consent may be granted to a subdivision of land or buildings containing two or more dwellings erected with development consent so that each dwelling has a separate title.

Clause 27 Bega Valley Local Environmental Plan 2002

Part 3 Urban zone provisions

27 Dwelling houses, dual occupancies and multi unit housing

- (1) A person shall not erect a dwelling house or multi unit housing on land within a zone specified in the Table to this clause unless:
 - (a) the allotment on which the dwelling house or housing is proposed to be erected has a site area of not less than the minimum site area for each dwelling specified in the Table in respect of the type of housing and zone concerned, and
 - (b) the ratio of the gross floor area of the dwelling house or housing to the site area of the allotment does not exceed the ratio identified in that Table for the relevant zone.
- (2) In all cases the minimum landscaped area for dwelling houses, and for an attached dual occupancy and other multi unit housing is 35% of the total site area.
- (3) Notwithstanding subclause (1), a person shall not erect a dwelling house or attached dual occupancy on unsewered land within a zone specified in the Table to the clause unless the Council is satisfied that the proposed allotment will be reasonably capable of disposing of on-site sewage effluent without nuisance or any likely pollution of surface or subsurface water.
- (4) A person shall not erect multi unit housing on unsewered land within any zone.
- (5) Despite any other provision of this plan, consent may be granted to the erection of a detached dual occupancy on land identified in Schedule 1.

Table

Type of housing	Zone	Minimum site area per dwelling	Floor space ratio
Dwelling house	2 (a), 2 (b), 2 (c), 2 (e), 2 (f) or 2 (v)	550m ²	0.5:1
Attached dual occupancy	2 (a) or 2 (v)	275m ²	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 ²	0.5:1

Bega Valley Local Environmental Plan 2002

Clause 28

Urban zone provisions

Part 3

28 Development in Zone 2 (e)

- (1) This clause applies to all land within Zone 2 (e).
- (2) Before granting consent for development on land to which this clause applies, the consent authority shall have regard to:
 - (a) where the land adjoins other land used for residential purposes, the manner in which the development relates to the residential development on the other land and to the maintenance and enhancement of the existing residential character and amenity, and
 - (b) where the proposed development is for retail or commercial purposes, the manner in which it supports the role and structure of the Eden town centre and its convenience to the community, and
 - (c) where appropriate, the likely consequences of the proposed development for the provision of industrial development opportunities in the area, and
 - (d) where the land is, according to information available to the Council, affected by flooding, whether the proposed development involves a risk to life or property in the event of a flood and whether it is likely to aggravate the effects of flooding on other land, and
 - (e) whether the proposed development is likely to create a traffic hazard or reduce the traffic-carrying efficiency of a road, particularly an arterial road, and
 - (f) the extent to which the proposed development complements and enhances the existing character of the town of Eden.
- (3) Consent must not be granted to development on land to which this clause applies that adjoins or is adjacent to other land that is used or is to be used for residential purposes unless the consent authority is satisfied that:
 - (a) the elevation of any building has been designed to be compatible with residential development or the building will be suitably screened, and
 - (b) the development will allow a reasonable amount of sunlight to reach residential buildings and land used as private recreational open space between the hours of 9 a.m. and 3 p.m. during the winter solstice, and

Clause 28 Bega Valley Local Environmental Plan 2002

Part 3 Urban zone provisions

- (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:

Bega Valley Local Environmental Plan 2002

Clause 28

Urban zone provisions

Part 3

-
- (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.

Clause 30 Bega Valley Local Environmental Plan 2002

Part 4 Employment zone provisions

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.

Bega Valley Local Environmental Plan 2002

Clause 30

Employment zone provisions

Part 4

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- (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).

Clause 32 Bega Valley Local Environmental Plan 2002

Part 4 Employment zone provisions

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:

Bega Valley Local Environmental Plan 2002

Clause 33

Employment zone provisions

Part 4

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- (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).

Clause 36 Bega Valley Local Environmental Plan 2002

Part 4 Employment zone provisions

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.

Bega Valley Local Environmental Plan 2002

Clause 37

Special use zone provisions

Part 5

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).

Clause 38 Bega Valley Local Environmental Plan 2002

Part 6 Open Space zone provisions

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.

Bega Valley Local Environmental Plan 2002

Clause 39

Open Space zone provisions

Part 6

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- (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:
- the need for the proposed development on that land, and
 - the impact of the proposed development on the existing or likely future use of the land, and
 - 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.

Clause 41 Bega Valley Local Environmental Plan 2002

Part 6 Open Space zone provisions

- (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*.

Bega Valley Local Environmental Plan 2002

Clause 43

Environment Protection zones provisions

Part 7

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.

Clause 44 Bega Valley Local Environmental Plan 2002

Part 7 Environment Protection zones provisions

(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, hillsides 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.

Bega Valley Local Environmental Plan 2002

Clause 45

Environment Protection zones provisions

Part 7

(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

Clause 46 Bega Valley Local Environmental Plan 2002

Part 7 Environment Protection zones provisions

(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

Bega Valley Local Environmental Plan 2002

Clause 48

Environment Protection zones provisions

Part 7

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- (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

Clause 49 Bega Valley Local Environmental Plan 2002

Part 7 Environment Protection zones provisions

- (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.

Bega Valley Local Environmental Plan 2002

Clause 51

National Parks and Nature Reserves zone provisions

Part 8

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).

Clause 52 Bega Valley Local Environmental Plan 2002

Part 9 Reservation zones provisions

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.

Bega Valley Local Environmental Plan 2002

Clause 53

Reservation zones provisions

Part 9

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- (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

Clause 54 Bega Valley Local Environmental Plan 2002

Part 9 Reservation zones provisions

- (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.

Bega Valley Local Environmental Plan 2002

Clause 56

Heritage provisions

Part 10

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

Clause 57 Bega Valley Local Environmental Plan 2002

Part 10 Heritage provisions

- (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

Bega Valley Local Environmental Plan 2002

Clause 57

Heritage provisions

Part 10

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.

58 Advertised development

The following development is identified as advertised development:

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

59 Interim heritage items

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

Clause 59 Bega Valley Local Environmental Plan 2002

Part 10 Heritage provisions

- (e) measures to be taken to conserve interim heritage items, including any conservation plan prepared by the applicant.

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.

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:

Bega Valley Local Environmental Plan 2002

Clause 62

Heritage provisions

Part 10

- (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

Clause 63 Bega Valley Local Environmental Plan 2002

Part 10 Heritage provisions

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.

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.

Bega Valley Local Environmental Plan 2002

Clause 65

Provisions that apply generally in Bega Valley area

Part 11

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.

Clause 66 Bega Valley Local Environmental Plan 2002

Part 11 Provisions that apply generally in Bega Valley area

66 Development near zone boundaries

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

67 Subdivision

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

68 Reclassification of public land

- (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

Bega Valley Local Environmental Plan 2002

Clause 68

Provisions that apply generally in Bega Valley area

Part 11

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.

Clause 71 Bega Valley Local Environmental Plan 2002

Part 11 Provisions that apply generally in Bega Valley area

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*.

Bega Valley Local Environmental Plan 2002

Clause 73

Provisions that apply generally in Bega Valley area

Part 11

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.

Clause 75 Bega Valley Local Environmental Plan 2002

Part 11 Provisions that apply generally in Bega Valley area

75 Land subject to bushfire hazard

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

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

76 Contaminated land

(1) Consent must not be granted to the subdivision of land or the erection of a building on any land unless the consent authority has made an assessment of:

- (a) any contamination of the land resulting from previous use of the land, and
- (b) any measures to mitigate against any adverse impacts arising from the contamination of the land.

(2) This clause does not affect any requirement made by the *State Environmental Planning Policy No 55—Remediation of Land*.

77 Development along arterial roads

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

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

Bega Valley Local Environmental Plan 2002

Clause 78

Provisions that apply generally in Bega Valley area

Part 11

78 Land filling and excavation

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

79 Ecologically sustainable development

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

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

Clause 80 Bega Valley Local Environmental Plan 2002

Part 11 Provisions that apply generally in Bega Valley area

80 Roads, drainage, recreational areas and parking

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

81 Flood liable land

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

Bega Valley Local Environmental Plan 2002

Clause 82

Provisions that apply generally in Bega Valley area

Part 11

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).

Class of land as shown on acid sulfate soils planning maps	Works
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.

Clause 82	Bega Valley Local Environmental Plan 2002
Part 11	Provisions that apply generally in Bega Valley area

(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*.

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

Bega Valley Local Environmental Plan 2002

Clause 83

Provisions that apply generally in Bega Valley area

Part 11

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.

84 Building lines

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

85 Height of buildings

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

Clause 85 Bega Valley Local Environmental Plan 2002

Part 11 Provisions that apply generally in Bega Valley area

- (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.

Bega Valley Local Environmental Plan 2002

Clause 86

Provisions that apply generally in Bega Valley area

Part 11

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- (4) For the purposes of this clause, the flight path of an airport shall include such land as is determined by the Civil Aviation Safety Authority and communicated to the Council.

87 Suspension of certain laws etc

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

88 Particular development permitted with consent

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

89 Granny flat development

- (1) Consent may be granted to the erection of a granny flat or the conversion of part of an existing dwelling house into a granny flat within any zone (except Zone 1 (a), 3 (b), 4 (a), 5 (a), 6 (a), 6 (c), 7 (b), 7 (d), 7 (f1), 7 (f2), 9 (c) or 9 (d)), but only if:
- (a) a lawfully approved dwelling house exists upon the land, and
- (b) the land on which the granny flat is proposed to be erected has an area of not less than the minimum area required for the erection of a dwelling house, and
- (c) the granny flat is ancillary to and associated with the principal dwelling, and

Clause 89	Bega Valley Local Environmental Plan 2002
Part 11	Provisions that apply generally in Bega Valley area

- (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.

Bega Valley Local Environmental Plan 2002

Clause 90

Provisions that apply to particular land

Part 12

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

Clause 91 Bega Valley Local Environmental Plan 2002

Part 12 Provisions that apply to particular land

- (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 Boydton 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

Bega Valley Local Environmental Plan 2002

Clause 91

Provisions that apply to particular land

Part 12

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:

Clause 92 Bega Valley Local Environmental Plan 2002

Part 12 Provisions that apply to particular land

- (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

Bega Valley Local Environmental Plan 2002

Clause 94

Provisions that apply to particular land

Part 12

-
- (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

Clause 95 Bega Valley Local Environmental Plan 2002

Part 12 Provisions that apply to particular land

- (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.

Bega Valley Local Environmental Plan 2002

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

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

Bega Valley Local Environmental Plan 2002

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

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

Bega Valley Local Environmental Plan 2002

Reclassification of public land as operational land

Schedule 2

Schedule 2 **Reclassification of public land as operational land**

(Clause 68)

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

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

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

Page 79

Bega Valley Local Environmental Plan 2002

Schedule 3 Nominated waterways

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)

Bega Valley Local Environmental Plan 2002

Additional uses

Schedule 4

Schedule 4 Additional uses

(Clause 88)

Land	Additional development allowed
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

Bega Valley Local Environmental Plan 2002

Schedule 4 Additional uses

Land	Additional development allowed
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
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 Valley Local Environmental Plan 2002

Additional uses

Schedule 4

Land	Additional development allowed
<p>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</p>	<p>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</p>
<p>Land at Bermagui as shown on the map marked "Bega Valley Local Environmental Plan 2002 (Clause 88)" available for public inspection at the office of the Council</p>	<p>Development for the purpose of:</p> <ul style="list-style-type: none"> (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.

Bega Valley Local Environmental Plan 2002

Schedule 4 Additional uses

Land	Additional development allowed
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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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 <i>Environmental Guidelines: Solid Waste Landfills (1996)</i> published by the Environment Protection Authority.

Bega Valley Local Environmental Plan 2002

Heritage items

Schedule 5

Schedule 5 Heritage items

(Dictionary)

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

Bega Valley Local Environmental Plan 2002

Schedule 5 Heritage items

Item No (Items of State significance are identified by *)	Property description	Address	Other details
9	Old Bega Hospital (Main building and outbuildings)	Lot 296 DP 728021 277 Princes Highway, Bega	National Trust Study 1996 Bega Main Street
10	St Patrick's Church and Presbytery and St Joseph's Convent	Lots 1-3 DP 126111, Lots 1 and 2 DP 89976, Lots 1 and 2 Sec 3 DP 52526, Lot 1 DP 909278 and Lot 3 DP 664662 130 Gipps Street, Bega	National Trust Bega Main Street Study 1996
11	Building	Lot 1 DP 960316 86 Gipps Street, Bega	National Trust Bega Main Street Study 1996
12	Lawson House	Lot 1 DP 571741 53 Parker Street, Bega	National Trust Bega Main Street Study 1996
13	Morella House	Lot 2 DP 571741 55 Parker Street, Bega	National Trust Bega Main Street Study 1996
14	Jellat Jellat Homestead (garden and outbuildings)	Lot 1 DP 136753 Tathra Road, Bega	Register of the National Estate National Trust
15	Orana House	Lot 1 DP 708174 34 Tathra Road, Bega	National Trust
16	Bega Showground Pavilion	Lot 1 Sec 49 DP 758076, Lot 1 DP 667563, and Lots 1, 2 DP 744052 Upper Street, Bega	National Trust
17	Soldiers Memorial Gates, Park and artillery	Carp Street, Bega	Register of the National Estate National Trust

Bega Valley Local Environmental Plan 2002

Heritage items

Schedule 5

Item No (Items of State significance are identified by *)	Property description	Address	Other details
18	Yarranung homestead	Lot 1 DP 328851 47 Angledale Road, Bega	National Trust
19	Grand Hotel	Lot 2 DP 305721 Cnr Auckland and Carp Streets, Bega	Bega Main Street Study 1996
20	Rosevear Shop Front	Part Lot 2 Sec 34 DP 758076 165 Carp Street, Bega	Register of the National Estate National Trust
21	Building (Red Cross Centre)	Lot 13 Sec 34 DP 758076 33 Church Street, Bega	National Trust Bega Main Street Study 1996
22	House (former Rectory)	Lot 61 DP 516828 26 Glebe Avenue, Bega	National Trust
23*	Building (former CBC Bank)	Lot 2 DP 782452 21 Auckland Street, Bega	State Heritage Register Register of the National Estate National Trust
24	Bega Public School	Lot 513 DP 805379 21 Auckland Street, Bega	Register of the National Estate National Trust
25	Wesleyan Chapel	Lot 1 DP 121210 125 Gipps Street, Bega	
26	Littleton House	Lot 10 DP 851448 5-9 Bega Street, Bega	National Trust
27	House (former Victoria Inn)	Lot 1 DP 162455 38-40 Auckland Street, Bega	
28	Family Museum Building (former Family Hotel)	Lot 1 DP 787591 Cnr Bega and Auckland Streets, Bega	National Trust

Bega Valley Local Environmental Plan 2002

Schedule 5 Heritage items

Item No (Items of State significance are identified by *)	Property description	Address	Other details
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
Boydton			
1	Seahorse Inn	Lot 2 DP 259742 87 Boydton Park Road, Boydton	Register of the National Estate National Trust
2	Boydton's Church and grave sites	Lot 1 DP 40567 87 Boydton Park Road, Boydton	Register of the National Estate National Trust
3	Boyd's Tower	Ben Boyd National Park, Edrom	Register of the National Estate National Trust
4	Salting Down House/Store site	Lot 2 DP 259742 87 Boydton Park Road, Boydton	National Trust
5	Boiling Down Works site	Lot 44 DP 716162 87 Boydton Park Road, Boydton	National Trust
6	Wool Store site	Lot 1 DP 4056787 Boydton Park Road, Boydton	National Trust
7	Edrom Lodge and associated buildings	Lot 1 DP 198217 Jews Head, Twofold Bay	Register of the National Estate National Trust

Bega Valley Local Environmental Plan 2002

Heritage items

Schedule 5

Item No (Items of State significance are identified by *)	Property description	Address	Other details
Brogo			
1	Bridge House and associated buildings	Lot 2 DP 539664, part Portion 156, Princes Highway, Brogo	Register of the National Estate
Cobargo			
1	Building	Lot 16 DP 665637 Cnr Princes Highway and Bermagui Road, Cobargo	National Trust
Eden			
1	Eden Log Cabin Library	Lot 4 DP 225627 38 Bass Street, Eden	
2	Matt Howard's Store	Lot A DP 164830 178 Imlay Street, Eden	
3	Eden Police Station building	Lot 22 DP 602200 229 Imlay Street, Eden	
4	House (former Courthouse)	Lot 15 Sec 1 DP 569624 2 Cocora Street, Eden	
5	Eden Courthouse	Lot 8 Sec 1 DP 758379 231 Imlay Street, Eden	Register of the National Estate National Trust
6	House	Lot 7 DP 553117 233 Imlay Street, Eden	
7	Building	Lot 11 DP 845340 237 Imlay Street, Eden	
8	The Crown and Anchor Inn	Lot 241 DP 811371 239 Imlay Street, Eden	National Trust
9	Georgian Building and shop	Lot 1 DP 731580 243 Imlay Street, Eden	

Bega Valley Local Environmental Plan 2002

Schedule 5 Heritage items

Item No (Items of State significance are identified by *)	Property description	Address	Other details
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
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

Bega Valley Local Environmental Plan 2002

Heritage items

Schedule 5

Item No (Items of State significance are identified by *)	Property description	Address	Other details
New Buildings			
1*	New Buildings Bridge	Wyndham (south west)	State Heritage Register
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

Bega Valley Local Environmental Plan 2002

Schedule 5 Heritage items

Item No (Items of State significance are identified by *)	Property description	Address	Other details
10	Building (Toad Hall)	Lot 22 DP 611076 55 Toallo Street, Pambula	National Trust
11	Former Catholic Presbytery	Lot 11 Sec 13 DP 758825 14 Bega Street, Pambula	
12	Building (the former Roan Horse Inn)	Lot 11 DP 843957 Cnr Princes Highway and Bombala Road, South Pambula	Merimbula/Pambula Strategy Study
13	The Grange building	Lot 2 DP 705648 Northview Drive, South Pambula	Merimbula/Pambula Strategy Study
14	Building	Lot 8 DP 263044 67 Blairlands Road, Lochiel	
15	Pambula Town Wells	Lot 2 DP 568201 Merimbola Street, Pambula	
16	“Oaklands” associated outbuildings and grounds	Lots 192, 202 and 221 DP 750227 and Lots 1–6 Sec 25 DP 758825 and Lots 1–3 Sec 23 DP 758825 3546 Princes Highway, Pambula	National Trust
Quaama			
1	Quaama School of Arts	Lot 1 Sec 3 DP 758860 2 Cobargo Street, Quaama	National Trust Lower South Coast Regional Environmental Study

Bega Valley Local Environmental Plan 2002

Heritage items

Schedule 5

Item No (Items of State significance are identified by *)	Property description	Address	Other details
Tarraganda			
1	Daisybank homestead and associated outbuildings	Lot 45 DP 750190 210 Reedy Swamp Road, Tarraganda	National Trust
2	Tarraganda Homestead	Lot D DP 380708 48 Wren-Moore Road, Tarraganda	National Trust
Tathra			
1	Roman Catholic Church	Lot 1 Sec 14 DP 758955 19 Bega Street, Tathra	
2*	Tathra Wharf and building	Lot 241 DP 750236 Wharf Road, Tathra	State Heritage Register Register of National Estate National Trust
Towamba			
1	St Pauls Community Church	Lot 2 Sec 6 DP 758992 Towamba Road, Towamba	National Trust
Wapengo			
1*	Ness Property	Lots 17–19, 51 and 52 DP 752165 Wapengo Lake Road, Wapengo	State Heritage Register

Bega Valley Local Environmental Plan 2002

Schedule 6 Interim heritage items

Schedule 6 Interim heritage items

(Dictionary)

Item No	Property description	Address	Other details
Bega			
1	House and garden	Lot 6 DP 603922 21–23 Peden Street, Bega	Victorian single storey house, verandah cast iron balustrade, valance and brackets, possibly lathe and plaster Historic, aesthetic, technical significance
2	“Elmgrove” Homestead	Lot 21 DP 180469 220 Angledale Road, Bega	Victorian timber dairy buildings Historic, technical significance
3	“Ottonville” Homestead	Lot 12 DP 801656 35 Ottonville Road, Bega	Substantial and well detailed Victorian homestead, high degree of original intactness, good quality joinery etc, some remnant plants and old timber stables Historic, aesthetic, technical significance
4	Bega Racecourse, site and stand	Cnr Bridge and East Streets, Bega	Races from 1860s, first Bega Cup 1874 Important recreational and social area for community Historic, social significance
5	Rockleigh, homestead and garden	Lot 1 DP 333020 Hergenhans Road, Bega	c 1910 substantial brick homestead with mature plantings Historic, aesthetic significance

Bega Valley Local Environmental Plan 2002

Interim heritage items

Schedule 6

Item No	Property description	Address	Other details
6	Boer War Memorial and Bega Park	Upper Street, Bega	Granite obelisk sited in parkland commemorating Bega people who went to the Boer War Historic, aesthetic, social significance
7	Building	Lot 3 DP 199257 110–116 Carp Street, Bega	Bega Main Street Study 1996
8	Building	Lot 1 DP 999750 118 Carp Street, Bega	Bega Main Street Study 1996
9	Building	Lot 1 DP 785324 153–155 Carp Street, Bega	Bega Main Street Study 1996
10	Building	Lot 3 DP 785324 157 Carp Street, Bega	Bega Main Street Study 1996
11	Buildings	Part Lot 121 DP 626280 200–226 Carp Street, Bega	Bega Main Street Study 1996
12	Building	Lot 1 DP 999886 161 Carp Street, Bega	Bega Main Street Study 1996
13	Building	Lots 2 and 3 DP 229551 209–211 Carp Street, Bega	Bega Main Street Study 1996
14	Building	Lot 16 DP 519740 219 Carp Street, Bega	Bega Main Street Study 1996
15	Building	Lot 17 DP 519740 225 Carp Street, Bega	Bega Main Street Study 1996
16	Building	Lot 13 DP 758076 227–239 Carp Street, Bega	Bega Main Street Study 1996

Bega Valley Local Environmental Plan 2002

Schedule 6 Interim heritage items

Item No	Property description	Address	Other details
17	Buildings	Lot 1 DP 196678 241–247 Carp Street, Bega	Bega Main Street Study 1996
18	Yarranung Butter Factory	Lot 2 DP 582308 Angledale Road, Bega	National Trust
19	Building	Lot 91 DP 565914 14 Church Street, Bega	Bega Main Street Study 1996
20	Building	Lot 6 DP 248175 34 Church Street, Bega	Bega Main Street Study 1996
21	Durham House	Lot 12 DP 705605 42 Bega Street, Bega	National Trust Bega Main Street Study 1996
22	Parkview House	Lot A DP 341317 26 Union Street (cnr Upper Street), Bega	National Trust
23	Former Presbyterian Manse	Lot 6 DP 519471 73 Upper Street, Bega	National Trust
24	Central Hotel and associated buildings	Lot 146 DP 623646 90–94 Gipps Street, Bega	Bega Main Street Study 1996
25	Building (Kings Cinema)	Lot 4 DP 783412 104–108 Carp Street, Bega	Bega Main Street Study 1996
26	McNamara Centennial building and shops	Lot 1 DP 850632 53–61 Church Street, Bega	National Trust Bega Main Street Study 1996
27	French's Building	Lot 11 DP 871584 45–47 Church Street, Bega	National Trust Bega Main Street Study 1996

Bega Valley Local Environmental Plan 2002

Interim heritage items

Schedule 6

Item No	Property description	Address	Other details
Bemboka			
1	Farmhill homestead "Clydebank"	Lot 1 DP 220597 3120 Snowy Mountains Highway, Bemboka	Late 19th century brick homestead Historic, aesthetic significance
2	Bemboka War Memorial	91 Loftus Street, Bemboka	Carved marble monument Historic, aesthetic, social significance
3	Former Police Station	Lots 1 and 6 Sec 8 DP 758087 46-48 Loftus Street, Bemboka	1885
4	Christ Church Anglican Church	Lots 4 and 5 Sec 2 DP 758087 Cnr Bemboka and Hoskins Streets, Bemboka	1929 Brick church with Roman arch windows Historic, aesthetic, social significance
5	Hobb's Store (1889), cottage (c 1890) and storage shed	Lot 14 DP 805581 and Lot 5 Sec 11 DP 758087 66 Loftus Street, Bemboka	Group of three buildings demonstrating lifestyles and commercial practices of 19th century
6	House (former Worlands Boarding House)	Lot 13 DP 805581 79 Loftus Street, Bemboka	c 1900 originally a boarding house Historic, aesthetic significance
7	Hardware Store	Lots 10 and 11 Sec 6 DP 758087 70 Loftus Street, Bemboka	Historic, aesthetic significance
8	St Columba's Catholic Church	Lots 6, 11 and 12 Sec 12 DP 993 and Lot 32 DP 575103 121 Loftus Street, Bemboka	1908 Substantial masonry church Historic, aesthetic, social significance

Bega Valley Local Environmental Plan 2002

Schedule 6 Interim heritage items

Item No	Property description	Address	Other details
9	Bemboka Primary School	Lot 186 DP 729701 Kameruka Street, Bemboka	c 1920 Historic, aesthetic, social significance
10	Former Bemboka Butter Factory	Lot 4 DP 605881 Snowy Mountains Highway, Bemboka	1927 Early 20th century factory complex Historic, aesthetic, technical significance
11	Kenya Homestead	134 Loftus Street, Bemboka	Inter-war brick homestead Historic, aesthetic significance
12	Police Station building	Lots 6–8 Sec 13 DP 758087 Snowy Mountains Highway, (35–39 Loftus Street) Bemboka	Built c 1900 the weatherboard building comprised a police station, residence, courthouse and cell Aesthetic and social significance
Bermagui			
1	House	Lot 672 DP 805496 22 George Street, Bermagui	c 1900 Historic, aesthetic significance
2	School and residence	Lots 3 and 4 Sec 7 DP 758094 2–4 George Street, Bermagui	Established 1876, existing buildings 1903 Historic, aesthetic, social significance
3	Union Church	Lot 3 Sec 5 DP 758095 5 West Street, Bermagui	1881 Historic, aesthetic, social significance
4	The Blue Pool	Scenic Drive, Bermagui	Represents early 20th century practice of ocean pools Aesthetic, social significance
5	Sorrento Lodge	Lot 2 DP 206232 and Lot 2 DP 335304 2–6 Lamont Street, Bermagui	c 1890 former guest house Historic, aesthetic, social significance

Bega Valley Local Environmental Plan 2002

Interim heritage items

Schedule 6

Item No	Property description	Address	Other details
6	Wallaga Lake Bridge	Princes Highway, Bermagui	1894 Historic, aesthetic, social significance
7	All Saints Anglican Church	Lot 10 Sec 9 DP 758095 11 Wallaga Street, Bermagui	1911 Historic, aesthetic, social significance
8	Former police station now police residence	SP 33249 5 Wallaga Street, Bermagui	Early 20th century police station Historic, aesthetic, social significance
9	Bayleaf Cottage	Lot 80 DP 608101 3 Wallaga Lake Road, Bermagui	1892 originally a store Historic, aesthetic significance
10	Bermagui War Memorial	Lamont Street, Bermagui	War memorial and memorial to Captain Cook Historic, social significance
11	Horseshoe Bay Hotel	Lots 7 and 8 Sec 8 DP 758095 10 Lamont Street, Bermagui	1891, façade 1924 Historic, aesthetic, social significance
Candelo			
1	Collinswood homestead	Lot 200 DP 750201 1338 Candelo-Wolumla Road, Toothdale	Substantial brick Federation homestead Historic, aesthetic significance
2	Building	Lot 13 DP 667664 27 Sharpe Street, Candelo	Timber store Contributing building Historic, aesthetic significance
3	War Memorial	Lot 311, Dr William Loftus Park, Candelo	Marble monument Historic, aesthetic, social significance

Bega Valley Local Environmental Plan 2002

Schedule 6 Interim heritage items

Item No	Property description	Address	Other details
4	Kawangie Homestead	Lot 1 DP 857743 1018 Candelo-Wolumla Road, Toothdale	Victorian single storey homestead—historic aesthetic significance
5	Glenall Homestead	Lot 351 DP 1022506 South Wolumla Road via Candelo	2 storey weatherboard c 1900 Historic, aesthetic significance
6	Holy Trinity Church and Cemetery	Lot 2 DP 979162 Candelo Road, Kameruka	Church and cemetery Historic, aesthetic, social significance National Trust
7	Kameruka Group including store, hall, gate lodge, tower clock, homestead and out buildings	Lot 1207 DP 800115 Kameruka Estate Road, Kameruka	National Trust
8	Showground Pavilion	Lot 177 DP 750201, Candelo-Bega Roads Candelo	Candelo Heritage Study 1989 Item 1
9	St Joseph's Catholic Church and Catholic School	Lot 281 DP607578 and Lots 8–10 Sec 17 DP 758219 Auckland Street, Candelo	Candelo Heritage Study 1989 Item 3 and Item 4, National Trust
10	Rosemount former Catholic Convent	Lots 1 and 2 Sec 16 DP 758219, Auckland Street, Candelo	Candelo Heritage Study 1989 Item 5
11	St Peter's Anglican Church	Lots 1–3 Sec 42 DP 758219 1–7 William Street, Candelo	Candelo Heritage Study 1989 Item 6, National Trust
12	Cottage (former CBC Bank)	Lot 2 DP 910721 36 William Street, Candelo	Candelo Heritage Study 1989 Item 7, National Trust

Bega Valley Local Environmental Plan 2002

Interim heritage items

Schedule 6

Item No	Property description	Address	Other details
13	Building (former Queens Hotel)	Lot 7 DP 522817 46 William Street, Candelo	Candelo Heritage Study 1989 Item 9
14	Building and Service Station	Lot 1 DP 904072 42 William Street, Candelo	Candelo Heritage Study 1989 Item 8
15	Candelo School of Arts	Lot 1 Sec 13 DP 758219 38 William Street, Candelo	Candelo Heritage Study 1989 Item 8
16	General Store	Lot 5 Sec 13 DP 758219 William Street, Candelo	Candelo Heritage Study 1989 Item 10
17	Post Office	Lot 1 DP 1000 52 William Street, Candelo	Candelo Heritage Study 1989 Item 11
18	Buildings (former T Thomas Stores)	Lot 14 Sec 6 DP 758219 25 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 14
19	Building (former Commercial Bank)	Lot 7 Sec 4 DP 758210 23 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 15, National Trust
20	Building (former Blacksmith's Shop)	Lot 81 DP 521723 21 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 16
21	Candelo Hotel	Lot 12 Sec 4 DP 758219 9 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 17

Bega Valley Local Environmental Plan 2002

Schedule 6 Interim heritage items

Item No	Property description	Address	Other details
22	Morrrows Motor Garage/Corner Store	Lot 22 DP 834288 Sharpe Street, Candelo	Candelo Heritage Study 1989 Item 18
Cobargo			
1	Building (Cobargo Service Station)	Lot 6 Sec 6 DP 485 53 Princes Highway, Cobargo	Inter-war service station Streetscape contribution Historic, aesthetic, technical significance
2	Building (Bangles Pottery)	Lot 5 DP 1134 66 Princes Highway, Cobargo	c 1880 two storey weatherboard building, Balcony with cast iron balustrade Streetscape contribution Historic, aesthetic significance
3	Building (Simply Cobargo Tea Room)	Lot 2 DP 1134 72 Princes Highway, Cobargo	Built during 1880s two storey weatherboard building, upper storey crossed timber balustrade Streetscape contribution Historic, aesthetic significance
4	The Benny Buildings	Lot 1 DP 1134 74 Princes Highway, Cobargo	Single storey group of shops built 1935 Original facade intact Streetscape contribution Historic, aesthetic, technical significance
5	School of Arts	Lots 1 and 2 and 23 and 24 Sec 7 DP 485 18 Bermagui Road, Cobargo	1887 Substantial single storey weatherboard building, some quirky design features Historic, aesthetic, social significance
6	Building (Cobargo Newsagency)	Lots 8 and 9 DP 1134 58 Princes Highway, Cobargo	c 1892 two storey weatherboard building Streetscape contribution Historic, aesthetic significance

Bega Valley Local Environmental Plan 2002

Interim heritage items

Schedule 6

Item No	Property description	Address	Other details
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

Bega Valley Local Environmental Plan 2002

Schedule 6 Interim heritage items

Item No	Property description	Address	Other details
14	Roman Catholic Church	Lot 1 DP 537792 Wandellow Road, Cobargo	1896/1898 Brick, stained glass windows Part of Roman Catholic group Streetscape contribution Historic, aesthetic, social significance
15	Roman Catholic Convent	Lot 4 DP 622515 Wandellow Road, Cobargo	1917 built as convent Substantial brick building with large verandahs Part of Roman Catholic group Historic, aesthetic, social significance
17	Residence	Lot 7 Sec C DP 623 50 Princes Highway, Cobargo	Late Victorian single storey weatherboard house Historic, aesthetic significance
18	Residence	Lot 1 Sec 1 DP 485 37 Princes Highway, Cobargo	Late Victorian substantial weatherboard house verandah on 3 sides Historic, aesthetic significance
19	Residence	Lot 3 Sec 18 DP 2591 31 Princes Highway, Cobargo	Late Victorian single storey weatherboard house verandah on 3 sides Historic, aesthetic significance
20	Residence	Lots 2 and 3 Sec 20 DP 2591 15 Hoyer Street, Cobargo	Late Victorian single storey weatherboard house Historic, aesthetic significance
21	Residence	Lot 1 DP 254391 3 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

Bega Valley Local Environmental Plan 2002

Interim heritage items

Schedule 6

Item No	Property description	Address	Other details
23	Residence	Lot 11 Sec 17 DP 2591 32 Hoyer Street, Cobargo	Late Victorian single storey weatherboard building with symmetrical front gable and bullnose verandah Historic, aesthetic significance
24	The Gables	Lot 1 Sec 7 DP 807669 22 Tarlington Street, Cobargo	Late Victorian single storey weatherboard house, symmetrical gables, front verandah Historic, aesthetic significance
25	Residence (Dippity Dip)	Lots 5 and 6 Sec 11 DP 2591 73 Avernus Street, Cobargo	Late Victorian weatherboard house with corner verandah, gables Historic, aesthetic significance
26	Residence	Lot B DP 623 4 Wandellow Road, Cobargo	Late Victorian weatherboard cottage Historic, aesthetic significance
27	Residence	Lot 3 DP 794010 5 Wandellow Road, Cobargo	Late Victorian single storey weatherboard house Historic, aesthetic significance
28	Cobargo Butter Factory and Co-op	Lot 5 DP 926970 and Lot 1 DP 921189 Bermagui Road, Cobargo	1926 brick butter factory Historic, aesthetic, technical significance
29	Cobargo Post Office	Lot 81 DP 860010 57 Princes Highway, Cobargo	1890 substantial brick building, weatherboard rear section Historic, aesthetic, social significance

Bega Valley Local Environmental Plan 2002

Schedule 6 Interim heritage items

Item No	Property description	Address	Other details
30	Police Station and Courthouse	Lots 4 and 7 DP 485 24 Bermagui Road, Cobargo	Built c 1885, designed by NSW Government Architect W L Vernon Single storey brick with front verandah Historic, aesthetic significance
31	Roman Catholic Presbytery	Lot 1 DP 537792, Wandellow Road, Cobargo	1892/3 rendered brick building with elaborate gable fretwork Part of Roman Catholic group Historic, aesthetic, social significance
32	House (former Roman Catholic School)	Lot 3 DP 622515, Wandellow Road, Cobargo	Brick school building Part of Roman Catholic group Historic, aesthetic, social significance
33	Cobargo Public School	Lot 1 DP 541840, Lot 71 DP 752154 and Lot 1 DP 122995 Wandellow Road, Cobargo	1870 single storey brick school Historic, aesthetic, social significance
34	Christ Church	Lots 6-9 Sec 19 DP 2591, 5-11 Hoyer Street, Cobargo	1920 substantial brick building with pebble dash decoration, gothic windows, coloured glass Historic, aesthetic, social significance
Eden District			
1	Anchor	Imlay Street, Eden	Monument, streetscape contribution Historic, aesthetic social significance
2	Former Bank of NSW	Lot B DP 412563, Imlay Street, Eden	1905 Historic, aesthetic, significance

Bega Valley Local Environmental Plan 2002

Interim heritage items

Schedule 6

Item No	Property description	Address	Other details
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	1864 Small timber church visited by Mary McKillop Historic, aesthetic, social significance
Kiah			
1	Former Roman Catholic Church building	Lot 68 DP 750223 Princes Highway, Kiah	Late 19th century timber church Historic, aesthetic, social significance
2	Farm buildings	Lot 19 DP 750208 Upper Kiah Road, Kiah	Early 20th century farm buildings, slab and weatherboard Historic, aesthetic, technical significance
Merimbula			
1	Twyford Hall	Lots 1 and 2 DP 504572 Lot 511 DP 818052 Market Street, Merimbula	Early 20th century community war memorial hall Historic, aesthetic, social significance
2	Residence	Lot 51 DP 16678 2 Main Street, Merimbula	Substantial inter-war brickhouse Aesthetic significance

Bega Valley Local Environmental Plan 2002

Schedule 6 Interim heritage items

Item No	Property description	Address	Other details
3	Residence	Lots 42 and 43 DP 37534 45 Main Street, Merimbula	Single storey inter-war bungalow Historic, aesthetic significance
4	Residence	Lot 111 DP 626224 122 Merimbula Drive, Merimbula	Late Victorian single storey weatherboard cottage Historic, aesthetic significance
Murrah			
1	Murrah Hall	Lot 85 DP 752153 Tathra-Bermagui Road, Murrah	1902 Used in past as church and for all social occasions Historic, aesthetic, social significance
Nethercote			
1	Nethercote Hall	Lot 4 DP 821408 Cnr Nethercote Road and Back Creek Road, Nethercote	Historic, social significance
Pambula			
1	Racecourse, Grandstand and associated buildings	Lot 1 Sec 27 DP 758825 Munje Street, Pambula	Early 20th century timber grandstand Historic, aesthetic, social significance
2	Pambula Goldfield	4 km south-southwest of Pambula in the Nullica State Forest	Historic, technical significance
3	Timber Cottage	Lot 51 Sec 16 DP 777274 16 Quondolo Street (west side), Pambula	Late Victorian modest slab and weatherboard cottage Historic, aesthetic significance
4	Single storey building	Lot 232 DP 787642 5 Bullara Street, Pambula	Local Heritage Fund

Bega Valley Local Environmental Plan 2002

Interim heritage items

Schedule 6

Item No	Property description	Address	Other details
5	Woodlands house	Lot 51 DP 591734 8 Bullara Street, Pambula	Merimbula/Pambula Strategy Study Item No 22 National Trust
6	St Columba's Uniting Church	Lots 1 and 2 DP 194084 and Lot 1 DP 194685 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 7
7	Building	Lot 14 DP 777556 19 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 10
8	Christ Church Anglican Church	Lot 1 DP 237308 Cnr Quondolo and Bullara Streets, Pambula	Merimbula/Pambula Strategy Study Item No 14
9	Building (McPhersons Drapery)	Lot 31 DP 861207 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 18
10	Cottage	Lot 14 Sec 16 DP 758825 3 Monaro Street (eastside), Pambula	Merimbula/Pambula Strategy Study Item No 17
11	Cottage	Bombala Road, South Pambula (next to dairy factory)	Merimbula/Pambula Strategy Study Item No 23
12	Cottage	Lots 1 and 2 DP 999772 11 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 31
13	Pambula Post Office	Lot 3 DP 873500 27 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 8
14	Cottage	Lot 4 DP 873500 30 Toallo Street, Pambula	Merimbula/Pambula Strategy Study Item No 37

Bega Valley Local Environmental Plan 2002

Schedule 6 Interim heritage items

Item No	Property description	Address	Other details
15	Cottage	Part Lot 2 Sec 40 DP 758825 51 Toalla Street, Pambula	Merimbula/Pambula Strategy Study Item No 38
16	Cottage	Lots 1 and 2 DP 780517 49 Toalla Street, Pambula	Merimbula/Pambula Strategy Study Item No 39
17	Building (former Pambula Co-operative Creamery Dairy Co Ltd)	Wyndham Road	Merimbula/Pambula Strategy Study Item No 53
18	Pambula School of Arts	Part Lot 19 Sec 40 DP 758825 13 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 30
19	Building	Lot 9 Sec 11 DP 758825 22 Quondolo Street, Pambula	Merimbula/Pambula Strategy Study Item No 12
20	Cottage	South Pambula, (first on right past bridge)	Merimbula/Pambula Strategy Study Item No 32
21	Cottage	Lot 18 Sec 16 DP 758825 11 Monaro Street, Pambula	Merimbula/Pambula Strategy Study Item No 34
22	Cottage	Lot 21 DP 773158 47 Toalla Street, Pambula	Pambula Guidelines 1994 Item No 51
23	Cottage	Lot 200 DP 734922 3 Ives Street, Pambula	Merimbula/Pambula Strategy Study Item No 42
24	Cottage	Lot 8 DP 938348 1 Little Gahan Street, Pambula	Merimbula/Pambula Strategy Study Item No 43

Bega Valley Local Environmental Plan 2002

Interim heritage items

Schedule 6

Item No	Property description	Address	Other details
25	Cottage	Lot 212 DP 1014709 65 Toalla Street, Pambula	Merimbula/Pambula Strategy Study Item No 49
26	Cobandrah Farm	Lot 18 DP 32269 300 Mt Darragh Road, Lochiel	Merimbula/Pambula Strategy Study Item No 59
Quaama			
1	Quaama Primary School	Lot 171 DP 821625 Cobargo Street, Quaama	1907 group of buildings, school, library and residence Historic, aesthetic, social significance
2	Quaama Store	Lots 12 and 13 Sec 3 DP 758860 Bega Street, Quaama	Formerly Rolfe's Hotel, built prior to 1877 Historic, aesthetic significance
3	St Saviours Church	Lot 1 Sec 2 DP 758860 1 Cobargo Street, Quaama	1907 Anglican weatherboard church Historic, aesthetic, social significance
4	House	Lot 3 Sec 5 DP 758860 and Lot 4 DP 318028 25-27 Cobargo Street, Quaama	Weatherboard cottage
5	House	Lot 3 Sec 10 DP 758860 4 Bermagui Street, Quaama	Weatherboard cottage
Rocky Hall			
1	Hall	Lots 17 and 18 DP 2141 Rocky Hall	Memorial hall built 1935 Historic, aesthetic, social significance
2	Old Rocky Hall School	Rocky Hall	1887 weatherboard, now community building Historic, aesthetic, social significance

Bega Valley Local Environmental Plan 2002

Schedule 6 Interim heritage items

Item No	Property description	Address	Other details
3	Mataganah Bridge	Near Rocky Hall	1896 truss bridge Historic, aesthetic, technical significance
4	Nungatta Station	Lot 10 DP 750206 Nungatta Road, Nungatta	Group of farm buildings and cemetery dating from 1860s Historic, aesthetic, social significance
Tanja			
1	Tanja Public School	Lot 202 DP 752158 Tathra-Bermagui Road, Tanja	Weatherboard school and residence, early 20th century Historic, aesthetic, social significance
2	Tanja Community Hall	Lot 111 DP 951780 Barrabooka Road, Tanja	Large weatherboard hall, early 20th century Historic, social significance
Tarraganda			
1	Eastwood homestead	Lot 5 DP 700458 507 Tarraganda Road via Bega	National Trust
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

Bega Valley Local Environmental Plan 2002

Interim heritage items

Schedule 6

Item No	Property description	Address	Other details
Towamba			
1	Towamba Public School	Lot 1 Sec 5 DP 758992 Towamba Street, Towamba	Group of weatherboard building early 20th century Historic, aesthetic, social significance
2	Old Towamba General Store	Lot 1 DP 797890 Eden-Towamba Road, Towamba	Mansard roof, weatherboard building Historic, aesthetic, social significance
3	House and associated buildings	Lot 178 DP 261496 165 Pericoe Road, Towamba	Former Towamba police station and lock-up, slab and weatherboard buildings Historic, aesthetic significance
Wolumla			
1	Ayrdale Dairy Village	Lot 36 DP 787823 Ayrdale Park, Wanatta Lane, Wolumla	Dairy village dating from late 19th century to mid-20th century Rare Historic, aesthetic, technical significance
2	House and trees (former South Wolumla School)	Lot 218 DP 750238 Atkins-Anderson Road, South Wolumla	Early 20th century school Historic, aesthetic significance
3	South Wolumla Butter Factory complex	Lot 1 DP 385392 Lot 152 DP 625455 South Wolumla Road, (both sides of road), South Wolumla	Group of early 20th century dairy buildings Streetscape value Historic, aesthetic, technical significance
4	Wolumla Anglican Church	Lot 71 DP 598510 Princes Highway, Wolumla	Brick church, leadlight windows Historic, aesthetic, social significance

Bega Valley Local Environmental Plan 2002

Schedule 6 Interim heritage items

Item No	Property description	Address	Other details
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

Bega Valley Local Environmental Plan 2002

Interim heritage items

Schedule 6

Item No	Property description	Address	Other details
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

Bega Valley Local Environmental Plan 2002

Dictionary

Dictionary

(Clause 9)

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

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

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

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

advertisement has the same meaning as in the Act.

agriculture means:

- (a) the cultivation of pasture or crops, including cereals, fruit, nuts and vegetables or flowers, or the keeping or breeding of livestock, bees, worms, poultry or other birds, or irrigation or dry land farming practices, or
- (b) a combination of all or some of them, for a commercial purpose,

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

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

alter, in relation to a heritage item, means:

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

Bega Valley Local Environmental Plan 2002

Dictionary

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.

Bega Valley Local Environmental Plan 2002

Dictionary

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

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

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

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

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

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

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

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

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

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

Bega Valley Local Environmental Plan 2002

Dictionary

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

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

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

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

community land means land classified as community land within the meaning of the *Local Government Act 1993*.

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

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

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

convenience store means a shop selling a variety of small grocery goods, whether or not goods are also available for hire there, or other

Bega Valley Local Environmental Plan 2002

Dictionary

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.

Bega Valley Local Environmental Plan 2002

Dictionary

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.

Bega Valley Local Environmental Plan 2002

Dictionary

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

Bega Valley Local Environmental Plan 2002

Dictionary

(d) space for the loading and unloading of goods.

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

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

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

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

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

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

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

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

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

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

Bega Valley Local Environmental Plan 2002

Dictionary

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

Bega Valley Local Environmental Plan 2002

Dictionary

- (f) it does not involve a change in the appearance of the dwelling house or land on which it is erected that is out of character with that of the surrounding area.

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

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

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or

Bega Valley Local Environmental Plan 2002

Dictionary

- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the residents), or
- (e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or
- (f) use of more than one room of the house or of more than 30 square metres of the floor area of the dwelling house or multi unit housing, whichever is the lesser.

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

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

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

hotel means the premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

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

Bega Valley Local Environmental Plan 2002

Dictionary

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.

Bega Valley Local Environmental Plan 2002

Dictionary

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).

Bega Valley Local Environmental Plan 2002

Dictionary

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.

Bega Valley Local Environmental Plan 2002

Dictionary

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.

Bega Valley Local Environmental Plan 2002

Dictionary

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 yourselves” and for the storage, service and maintenance of the tools, plant and equipment.

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

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

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

prostitution has the meaning ascribed to it in the *Summary Offences Act 1988*.

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

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

Bega Valley Local Environmental Plan 2002

Dictionary

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

Bega Valley Local Environmental Plan 2002

Dictionary

- (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,

Bega Valley Local Environmental Plan 2002

Dictionary

- (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.

Bega Valley Local Environmental Plan 2002

Dictionary

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.

Bega Valley Local Environmental Plan 2002

Dictionary

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

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

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

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

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

Cabonne Local Environmental Plan 1991 (Amendment No 19)

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*. (S02/00181/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Cabonne Local Environmental Plan 1991 (Amendment No 19)

Cabonne Local Environmental Plan 1991 (Amendment No 19)

1 Name of plan

This plan is *Cabonne Local Environmental Plan 1991 (Amendment No 19)*.

2 Aims of plan

This plan aims to reinforce certain provisions of the *Cabonne Rural Settlement Strategy 1999* by amending *Cabonne Local Environmental Plan 1991* to provide that the Council must not consent to subdivision of land to which this plan applies unless the area of each allotment is at least 2 hectares.

3 Land to which plan applies

This plan applies to land within the investigation areas identified on Map A to the *Cabonne Rural Settlement Strategy 1999* (adopted by the Cabonne Council on 17 May 1999), that is within Zone No 1 (c), and that was so zoned after the Council adopted that Strategy.

4 Amendment of Cabonne Local Environmental Plan 1991

Cabonne Local Environmental Plan 1991 is amended:

(a) by inserting after clause 16 (1):

(1A) This subclause applies to land within the investigation areas identified on Map A to the *Cabonne Rural Settlement Strategy 1999*, that is within Zone No 1 (c), and that was so zoned after the Council adopted that Strategy.

Despite subclause (1), the Council must not consent to an application to subdivide land to which this subclause applies unless the area of each allotment which the Council is satisfied will be used primarily for the purposes of a dwelling-house has an area of 2 hectares or more.

Cabonne Local Environmental Plan 1991 (Amendment No 19)

Clause 4

-
- (1B) A reference in subclause (1A) to the *Cabonne Rural Settlement Strategy 1999* is a reference to the document so entitled that was adopted by the Council on 17 May 1999.
- (b) by inserting “or (1A)” after “subclause (1)” in clause 16 (2).

Canterbury Local Environmental Plan No 138—Canterbury Precinct (Amendment No 8)

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. (S01/01413/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Canterbury Local Environmental Plan No 138—Canterbury Precinct
(Amendment No 8)

Canterbury Local Environmental Plan No 138—Canterbury Precinct (Amendment No 8)

1 Name of plan

This plan is *Canterbury Local Environmental Plan No 138—Canterbury Precinct (Amendment No 8)*.

2 Aims of plan

This plan aims to include two properties as heritage items under *Canterbury Local Environmental Plan No 138—Canterbury Precinct*.

3 Land to which plan applies

This plan applies to land known as 67 Floss Street, Hurlstone Park (Euston House) and 128 Croydon Avenue, Croydon Park (Montrose House), as shown edged heavy black on the map marked “Canterbury Local Environmental Plan No 138—Canterbury Precinct (Amendment No 8)” deposited in the office of Canterbury City Council.

4 Amendment of Canterbury Local Environmental Plan No 138—Canterbury Precinct

Canterbury Local Environmental Plan No 138—Canterbury Precinct is amended by inserting at the end of Schedule 1 under the headings of “**Name**”, “**Address**” and “**Suburb**”, respectively, the following matter:

Euston House	67 Floss Street	Hurlstone Park
Montrose House	128 Croydon Avenue	Croydon Park

Inverell Local Environmental Plan 1988 (Amendment No 9)

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*. (S02/00655/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Inverell Local Environmental Plan 1988 (Amendment No 9)

Inverell Local Environmental Plan 1988 (Amendment No 9)

1 Name of plan

This plan is *Inverell Local Environmental Plan 1988 (Amendment No 9)*.

2 Aims of plan

This plan aims to correct an error in clause 39 of *Inverell Local Environmental Plan 1988* (as inserted by *Inverell Local Environmental Plan 1988 (Amendment No 5)*) relating to granting consent to the erection of residential buildings, where the words “the eastern boundary of” had been unintentionally omitted from the provision.

3 Land to which plan applies

This plan applies to Lot 2, DP 840398.

4 Amendment of Inverell Local Environmental Plan 1988

Inverell Local Environmental Plan 1988 is amended by omitting clause 39 (8) (d) and by inserting instead the following paragraph:

- (d) any residential buildings associated with the integrated development are proposed to be erected more than 300 metres from the eastern boundary of the land consolidated under subclause (8) (a).

Kiama Local Environmental Plan 1996 (Amendment No 54)

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*. (W98/00006/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Kiama Local Environmental Plan 1996 (Amendment No 54)

Kiama Local Environmental Plan 1996 (Amendment No 54)

1 Name of plan

This plan is *Kiama Local Environmental Plan 1996 (Amendment No 54)*.

2 Aims of plan

This plan aims:

- (a) to allow, with the consent of the Council of the Municipality of Kiama, the erection of a tourist facility on the land to which this plan applies, comprising two buildings, that provide tourist accommodation and related facilities, having:
 - (i) maximum heights of 4.5 and 2.5 storeys, respectively, above ground level, and
 - (ii) a maximum floorspace ratio of 1:1, exclusive of the former Kiama Infants School building (*the former school*) situated on the land, and
- (b) to encourage the conservation of the former school and its conversion to an art gallery, including exhibition, conference and function rooms and associated amenities, and
- (c) to encourage public access, including disabled persons' access, to the land and the former school, and
- (d) to ensure any proposed development of the land is of an appropriate design having regard to the need to retain the former school, and
- (e) to protect trees that the Council considers to be significant on, and adjacent to, the land, and
- (f) to prohibit the erection of a residential flat building on the land, even if the residential flat building is proposed to be attached to a commercial or retail building, and
- (g) to prohibit any proposed tourist accommodation building referred to in paragraph (a) being used as a residential flat building, even if the tourist accommodation building is attached to a commercial or retail building.

Kiama Local Environmental Plan 1996 (Amendment No 54)

Clause 3

3 Land to which plan applies

This plan applies to land situated in the local government area of Kiama, being Lots 1 and 2, DP 869103, at the corner of Minnamurra and Shoalhaven Streets, Kiama, as shown edged heavy black on the map marked "Kiama Local Environmental Plan 1996 (Amendment No 54)" deposited in the office of the Council of the Municipality of Kiama.

4 Amendment of Kiama Local Environmental Plan 1996

Kiama Local Environmental Plan 1996 is amended as set out in Schedule 1.

Kiama Local Environmental Plan 1996 (Amendment No 54)

Schedule 1 Amendment

Schedule 1 Amendment

(Clause 4)

Clause 23A

Insert after clause 23:

23A Tourist and other facilities on land within Zone No 3 (b)—former Kiama Infants School site

- (1) This clause applies to land within Zone No 3 (b) and situated at the corner of Minnamurra and Shoalhaven Streets, Kiama, being Lots 1 and 2, DP 869103, and known as the former Kiama Infants School site, as shown edged heavy black on the map marked “Kiama Local Environmental Plan 1996 (Amendment No 54)”.
- (2) Despite the general objectives for Zone No 3 (b) as set out in the Land Use Table to clause 9, the objectives for the land to which this clause applies are as follows:
 - (a) to allow, with the consent of the Council, the erection of a tourist facility on the land, comprising two buildings, that provide tourist accommodation and related facilities, having:
 - (i) maximum heights of 4.5 and 2.5 storeys, respectively, above ground level, and
 - (ii) a maximum floorspace ratio of 1:1, exclusive of the former school,
 - (b) to encourage the conservation of the former school situated on the land and its conversion to an art gallery, including exhibition, conference and function rooms and associated amenities,
 - (c) to encourage public access, including disabled persons’ access, to the land and the former school,
 - (d) to ensure any proposed development of the land is of an appropriate design having regard to the need to retain the former school,
 - (e) to protect trees that the Council considers to be significant on, and adjacent to, the land,

Kiama Local Environmental Plan 1996 (Amendment No 54)

Amendment

Schedule 1

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- (f) to prohibit the erection of a residential flat building on the land, even if the residential flat building is proposed to be attached to a commercial or retail building,
- (g) to prohibit any proposed tourist accommodation building referred to in paragraph (a) being used as a residential flat building, even if the tourist accommodation building is attached to a commercial or retail building.
- (3) Despite any other provision of this plan, the Council may consent to the erection of a tourist facility on the land to which this clause applies if the tourist facility provides for:
- (a) the erection of a tourist accommodation building comprising hotel suites (located generally to the west of the former school) having:
- (i) a maximum height of 4.5 storeys above ground level, and
- (ii) a maximum roof height of RL 26.30m AHD, exclusive of parapets, plant rooms and lift towers, and
- (b) the erection of a tourist accommodation building comprising serviced apartments (located generally to the east of the former school) having:
- (i) a maximum average height of 2.5 storeys above ground level, taken as the average of the building heights at its southeastern and northwestern corners, and
- (ii) a maximum height of 2 storeys adjacent to the Shoalhaven Street frontage, and
- (iii) a maximum roof height of RL 17.10m AHD, exclusive of parapets, plant rooms and lift towers, and
- (c) a public refreshment room, and
- (d) the conservation of the former school and its conversion to an art gallery, including exhibition, conference and function rooms and associated amenities, and
- (e) public access, including disabled persons' access, to the land and the former school, and

Kiama Local Environmental Plan 1996 (Amendment No 54)

Schedule 1 Amendment

- (f) a maximum floorspace ratio of 1:1, exclusive of the former school.
- (4) The Council must not grant consent to a development application for a tourist facility in accordance with subclause (3) unless it has considered:
- (a) the height, scale, siting and design of the tourist accommodation buildings, and
 - (b) the relationship between the proposed tourist accommodation buildings and the former school, and
 - (c) the protection of trees that the Council considers to be significant on, and adjacent to, the land, and
 - (d) the impact of rail-related noise and vibration and any mitigation measures which may be incorporated into the development to overcome those impacts.
- (5) Despite any other provision of this plan:
- (a) residential flat buildings (even if attached to a commercial or retail building) are prohibited on the land to which this clause applies, and
 - (b) any proposed tourist accommodation building referred to in this clause (even if attached to a commercial or retail building) must not be used for the purpose of a residential flat building.
- (6) In this clause:
the former school means the blue stone building formerly known as the Kiama Infants School.

Lismore Local Environmental Plan 2000 (Amendment No 6)

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. (G00/00177/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Lismore Local Environmental Plan 2000 (Amendment No 6)

Lismore Local Environmental Plan 2000 (Amendment No 6)

1 Name of plan

This plan is *Lismore Local Environmental Plan 2000 (Amendment No 6)*.

2 Aims of plan

This plan aims to remove anomalies and other inconsistencies in *Lismore Local Environmental Plan 2000* and to introduce a consolidated list of definitions in Schedule 7 to that plan.

3 Land to which plan applies

This plan applies to all land within the Lismore local government area.

4 Amendment of Lismore Local Environmental Plan 2000

Lismore Local Environmental Plan 2000 is amended as set out in Schedule 1.

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5

Omit the clause. Insert instead:

5 Adoption of model provisions

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan, with the exception of clauses 4, 8, 14, 15, 16, 17, 23, 29, 32, 33, 34, and 35 (c) of, and clause 11 of Schedule 1 to, those Provisions.

[2] Clause 11

Omit the clause. Insert instead:

11 Subdivision of land generally

Except as otherwise provided in this plan, a person may not subdivide land to which this plan applies except with development consent.

[3] Clause 18 Preservation of trees

Omit "A person shall not" from clause 18 (2).

Insert instead "Despite any other provision of this plan, a person must not".

[4] Clause 19 Development of land near adjoining zones

Omit clause 19 (1). Insert instead:

- (1) This clause applies to land within 50 metres of a boundary between any two zones under this plan, or between land zoned under this plan and land to which this plan applies that is not zoned under this plan. However, this clause does not allow development within Zone No 7 (a) or 7 (b).

[5] Clause 23 Irrigation, forestry and flood mitigation works

Omit "reafforestation" from clause 23 (d). Insert instead "reforestation".

Page 3

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

[6] Clause 24 Development for the purpose of advertisements

Omit clause 24 (1) and (2) and the Table to the clause 24. Insert instead:

- (1) **Erection or display of advertisements**
Development for the purpose of the erection or display of an advertisement in a zone is development that:
- (a) may be carried out without development consent if it is listed under the heading “Without development consent” for that zone, or
 - (b) may be carried out only with development consent if it is listed under the heading “Only with development consent” for that zone, or
 - (c) is prohibited if it is listed under the heading “Prohibited” for that zone,

in the Table to clause 6 of *Lismore Development Control Plan No 36* as adopted by the Council on 14 August 2001.

[7] Clause 25 Development along main roads

Insert “1 (r),” after “1 (d),” in clause 25 (2).

[8] Clauses 27 and 28

Omit the clauses. Insert instead:

27 Temporary use of public land

- (1) In this clause, *public land* means land vested in the Crown, a Minister of the Crown, a statutory body, the Council or an organisation established for a public purpose.
- (2) Despite any other provision of this plan, a person may, without development consent, use public land for any purpose (not being a regular or recurrent country market) for a maximum period of 6 days (whether consecutive or not) in a calendar year, unless the use of the land for the purpose:
 - (a) would involve the carrying out of designated development, or
 - (b) would involve the erection of or alteration of any structure, being a structure or an alteration that is or is intended to be permanent.

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

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- (3) Nothing in this clause permits a person to use land:
- (a) without the agreement of the owner or any trustees controlling the land, or
 - (b) without complying with other legislation in force in relation to the land or the proposed use of the land.

28 Additional development on certain land

Despite any other provision of this plan, a person may, with development consent, carry out development on land specified in Column 1 of Schedule 4, if the development is specified in Column 2 of that Schedule opposite the land, subject to compliance with the development standards or other conditions (if any) specified in Column 3 of that Schedule opposite the land.

[9] Clause 28B

Insert after clause 28A:

28B Demolition of a building or work

A person must not demolish any building or work except with development consent, unless:

- (a) the demolition is authorised by a condition of consent for a subdivision or other development, or
- (b) an order to demolish has been issued by the Council under Division 2A of Part 6 of the Act, or
- (c) the building or work is exempt development.

[10] Clause 30 Zone No 1 (a) (General Rural Zone)

Omit clause 30.1. Insert instead:

30.1 Objectives of zone

The objectives are:

- (a) to maintain and encourage sustainable agricultural activities within the zone, and

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

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- (b) to enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment, and
 - (c) to discourage the fragmentation of rural land, and
 - (d) to restrict the establishment of inappropriate traffic generating uses along main road frontages, and
 - (e) to enable the provision of rural tourist accommodation and facilities only where such facilities are compatible with the form and density of the nature of the locality.

[11] Clause 30.4

Insert in alphabetical order:

- abattoirs
- extractive industries
- generating works
- institutions
- liquid fuel depots
- mines
- offensive or hazardous industries

[12] Clause 30.5

Omit “(unless allowed with consent)” and “and shops ancillary to a permitted use”.

[13] Clause 30.5

Insert in alphabetical order:

- boarding houses
- car repair stations

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

[14] Clause 31 Zone No 1 (b) (Agricultural Zone)

Omit clause 31.1. Insert instead:

31.1 Objectives of zone

The objectives are:

- (a) to preserve areas of higher quality agricultural land for agricultural production, and
- (b) to permit a range of activities that support the agricultural industries being conducted on the land and limit development that may, in the opinion of the Council, reduce the agricultural production potential of the land, and
- (c) to discourage the fragmentation of rural land, and
- (d) to control development that may restrict the function of, or create a traffic hazard along, classified roads, and
- (e) to enable tourist facilities to be provided that promote an appreciation of the rural environment and associated agricultural and horticultural activities, while ensuring the continued economic viability of the land.

[15] Clause 31.4

Omit:

- abattoirs
- airfields
- caravan parks for non-permanent occupation
- helipads
- heliports
- tourist facilities (other than rural tourist facilities)

[16] Clause 31.5

Omit:

- large scale generating works
- shops (unless allowed with consent)

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

[17] Clause 31.5

Insert in alphabetical order:

- abattoirs
- airfields
- generating works
- helipads
- heliports
- liquid fuel depots
- recreation facilities
- service stations
- shops (other than convenience shops)
- tourist facilities (other than rural tourist facilities)

[18] Clause 32 Zone No 1 (c) (Rural Residential Zone)

Omit “restaurants” from clause 32.4. Insert instead “refreshment rooms”.

[19] Clause 32.5

Omit:

- animal saleyards
- large scale generating works

[20] Clause 32.5

Insert in alphabetical order:

- extractive industries
- generating works
- offensive or hazardous industries

[21] Clause 33 Zone No 1 (d) (Investigation Zone)

Insert in alphabetical order in clause 33.3:

- art and craft galleries
- bed and breakfast establishments

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

-
- communications facilities
 - recreation facilities

[22] Clause 33.4

Omit “restaurants”. Insert instead “refreshment rooms”.

[23] Clause 35 Zone No 1 (r) (Riverlands Zone)

Omit clause 35.1. Insert instead:

35.1 Objectives of zone

The objectives are:

- (a) to encourage the use of the land for its optimum productive potential, and
- (b) to permit a range of activities that support the agricultural industries being conducted on the land and limit development that may, in the opinion of the Council, reduce the agricultural production potential of the land, and
- (c) to discourage the fragmentation of rural land, and
- (d) to control development that may restrict the function of, or create a traffic hazard along, classified and other formed roads, and
- (e) to limit the development of non-agricultural uses, except those which will not be adversely affected by flooding.

[24] Clause 35.4

Insert in alphabetical order:

- extractive industries
- mines

[25] Clause 35.5

Insert in alphabetical order:

- recreation facilities

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

[26] Clause 36 Subdivision and development in rural zones

Insert “(see Note 1 to this Table)” after “20 ha” in Column 2 of the Table to clause 36 (1).

[27] Clause 36 (1), Table

Insert “(see Note 2 to this Table)” after “0.2 ha” in Column 2.

[28] Clause 36 (1), Table

Insert after the Table:

Note 1. See also subclause (2).

Note 2. See also clause 40 (2) (e).

[29] Clause 36 (4)

Omit “the purpose of a building, work, place or land use lawfully allowed”.
Insert instead “a permissible use”.

[30] Clause 36 (4)

Insert “a retail and wholesale plant nursery, rural tourist facility,” after “forestry,”.

[31] Clause 36 (5) (d)

Insert “and in subclause (2)” at the end of the paragraph.

[32] Clause 37 Rural dwellings and rural dual occupancy

Omit clause 37 (4) (b) and (c). Insert instead:

- (b) consists of an allotment that was lawfully created in accordance with clause 36 (2), or
- (c) consists of an allotment of any size that was lawfully created, or approved by the Council or consented to, before 27 March 1992 (the date of commencement of *Lismore Local Environmental Plan 1992*) and on which the dwelling-house could have been lawfully erected immediately before that date, or

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

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- (d) consists of an allotment consented to for use for residential purposes, in accordance with the provisions of *Lismore Local Environmental Plan 1992*, or
 - (e) consists of an allotment created in accordance with paragraph (a), (b), (c) or (d), the boundaries of which have been subsequently altered:
 - (i) in accordance with clause 36 (5), or
 - (ii) through the opening or widening of a public road in accordance with the *Roads Act 1993*.

[33] Clause 37 (5)

Omit “subclause (4) (a)”. Insert instead “subclause (4) (a) and (b)”.

[34] Clause 37 (7)

Insert after clause 37 (6):

- (7) Where, in accordance with this clause, development for the purpose of a dwelling-house may be carried out on an allotment of land, a person may, with development consent:
 - (a) erect a dual occupancy building on the allotment, or
 - (b) alter or add to a dwelling-house erected on the allotment so as to create a dual occupancy building.

[35] Clause 39 Rural workers’ dwellings

Omit clause 39 (2). Insert instead:

- (2) Rural workers’ dwellings may, with consent, be erected on a parcel of land to which this clause applies provided:
 - (a) each dwelling is on the same parcel of land as the principal farm dwelling and the principal farm dwelling is occupied by the landowner or manager or someone engaged in the operation of the farm, and
 - (b) each dwelling is to be occupied by a worker directly engaged in agricultural employment on that land, and
 - (c) the applicant demonstrates that the nature, scale and output of the agricultural enterprise generates enough income to support an employee who is to be housed in the dwelling, and

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

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- (d) evidence is provided showing how the employee will assist in the operation of the farm and that no alternative local labour or housing is likely to be available, and
 - (e) any other dwellings on that land are used by persons substantially engaged in agricultural employment on that land, and
 - (f) the erection of each dwelling will not significantly reduce the suitability of the land for agriculture or create conflict with adjoining land uses, and
 - (g) each dwelling shares the same access road as the principal farm dwelling.

[36] Clause 39 (3)

Omit “number of dwellings”.

Insert instead “number of rural workers’ dwellings”.

[37] Clause 41 Development on ridgetops in rural areas

Omit clause 41 (3) (f).

[38] Clause 42 Rural dual occupancy

Omit the clause.

[39] Clause 45 Water catchment and inundation area for proposed dam near Dunoon

Omit “County Council” from clause 45 (2), (4), (5) and (6).

Insert instead “Water”.

[40] Clause 45 (3)

Omit the subclause. Insert instead:

- (3) Despite subclause (2), the concurrence of Rous Water is not required for development for the purpose of a dwelling-house unless the development is to be carried out on land shown hatched on the map (being the land to be inundated by the Dunoon dam).

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

[41] Clause 46 Bed and breakfast establishments in rural zones

Omit clause 46 (1). Insert instead:

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 1 (d) or 1 (r).

[42] Clause 46 (3)

Omit the subclause.

[43] Clause 47 Temporary use of land in private ownership in Zones Nos 1 (a), 1 (b), 1 (d) and 1 (r)

Omit the clause.

[44] Clause 48 Zone No 2 (a) (Residential Zone)

Omit from clause 48.4:

- institutions
- restaurants

[45] Clause 48.4

Insert in alphabetical order:

- refreshment rooms

[46] Clause 48.5

Omit:

- animal saleyards
- home offices

[47] Clause 48.5

Insert in alphabetical order:

- art and craft galleries
- institutions
- offensive or hazardous industries
- recreation facilities

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

[48] Clause 49 Zone No 2 (f) (Residential (Flood Liable) Zone)

Re-number clauses 48.1, 48.2, 48.3, 48.4 and 48.5 (where occurring after the heading to clause 49) as clauses 49.1, 49.2, 49.3, 49.4 and 49.5.

[49] Clause 49.4 (as renumbered)

Insert in alphabetical order:

- recreation facilities
- refreshment rooms

[50] Clause 49.5 (as renumbered)

Omit:

- animal saleyards
- home offices
- restaurants

[51] Clause 49.5 (as renumbered)

Insert in alphabetical order:

- dual occupancies
- offensive or hazardous industries

[52] Clause 50 Zone No 2 (v) (Village Zone)

Omit from clause 50.4:

- home offices
- institutions

[53] Clause 50.4

Insert in alphabetical order:

- recreation facilities

[54] Clause 50.5

Omit from clause 50.5:

- animal saleyards
- extractive, offensive or hazardous industries

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

[55] Clause 50.5

Insert in alphabetical order:

- caravan parks (unless connected to a reticulated sewerage system or sewage package treatment plant)
- extractive industries
- institutions
- offensive or hazardous industries

[56] Clause 51

Omit the clause. Insert instead:

51 Subdivision of land in Zones Nos 2 (a) and 2 (v)

- (1) This clause applies to land within Zone No 2 (a) or 2 (v).
- (2) Consent must not be granted to subdivision of land to which this clause applies unless the consent authority has had regard to the matters relating to environmental impact specified in Schedule 5.
- (3) If the land is within Zone No 2 (a), consent must not be granted to the subdivision of land unless:
 - (a) each separate lot of land to be created by the subdivision has an area of not less than 400 square metres, and
 - (b) arrangements satisfactory to the consent authority have been made for the provision of a reticulated water supply, an electricity supply and disposal of stormwater and sewage effluent on each lot to be created, and
 - (c) the consent authority is satisfied that the number of lots to be created by the subdivision has been maximised, having regard to the matters listed in Schedule 5.
- (4) Notwithstanding subclause (3) (a), consent may be granted for a subdivision to create lots with an area of less than 400 square metres if the proposed plan of subdivision shows the proposed location on the proposed lots of any proposed dwellings and involves the concept of zero lot lines and reduced boundary setbacks.

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

[57] Clause 53 Dwellings and dual occupancies in urban areas

Omit “, 2 (f)” from clause 53 (1).

[58] Clause 54 Urban dual occupancy

Omit the clause.

[59] Clause 57 Bed and breakfast establishments in urban areas

Omit clause 57 (1). Insert instead:

- (1) This clause applies to land within Zone No 2 (a), 2 (f) or 2 (v).

[60] Clause 57 (3)

Omit the subclause.

[61] Clause 58 Zone No 3 (a) (Business Zone)

Insert in alphabetical order in clause 58.4:

- generating works

[62] Clause 58.5

Omit:

- animal saleyards
- dual occupancy buildings
- home offices

[63] Clause 58.5

Omit “dwelling-houses”. Insert instead “dwellings”.

[64] Clause 58.5

Insert in alphabetical order:

- extractive industries

[65] Clause 59 Zone No 3 (b) (Neighbourhood Business Zone)

Omit from clause 59.3:

- restaurants (up to 150 square metres in floor area)

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

[66] Clause 59.3

Insert in alphabetical order:

- art and craft galleries
- communications facilities
- home offices
- recreational facilities
- refreshment rooms (up to 150 square metres in floor area)

[67] Clause 59.5

Omit:

- animal saleyards
- home offices

[68] Clause 59.5

Insert in alphabetical order:

- amusement parlours

[69] Clause 59.5

Omit “dwelling-houses”. Insert instead “dwellings”.

[70] Clause 60 Zone No 3 (f) (Services Business (Flood Liable) Zone)

Omit from clause 60.5:

- animal saleyards
- dwelling-houses (other than lawfully erected prior to 27 March 1992 or physically attached to and used in conjunction with buildings or uses allowed with development consent)
- exhibition homes
- home offices
- liquor outlets

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

[71] Clause 60.5

Insert in alphabetical order:

- dwellings (other than where physically attached to and used in conjunction with buildings or uses allowed with development consent)
- exhibition dwellings
- extractive industries
- offensive or hazardous industries

[72] Clause 62 Bed and breakfast establishments in business areas

Omit the clause.

[73] Clause 63 Zone No 4 (a) (Industrial Zone)

Insert in alphabetical order in clause 63.4:

- abattoirs
- restricted premises

[74] Clause 63.5

Omit:

- animal saleyards
- restricted premises

[75] Clause 63.5

Insert in alphabetical order:

- dual occupancies
- exhibition dwellings
- stock and saleyards

[76] Clause 66 Zone No 5 (b) (Special Uses (Technology Park) Zone)

Omit from clause 66.5:

- animal saleyards

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

[77] Clause 66.5

Insert in alphabetical order:

- helipads

[78] Clause 67 Zone No 6 (a) (Recreation Zone)

Omit “(other than gas holders or generating works)” from clause 67.3.

[79] Clause 67.4

Insert in alphabetical order:

- art and craft galleries

[80] Clause 67.4

Omit “restaurants”. Insert instead “refreshment rooms”.

[81] Clause 68 Zone No 6 (b) (Private Recreation Zone)

Insert in alphabetical order in clause 68.3:

- art and craft galleries

[82] Clause 68.4

Insert in alphabetical order:

- recreation facilities

[83] Clause 68.4

Omit “restaurants”. Insert instead “refreshment rooms”.

[84] Clause 70 Acquisition of land

Insert “imposed in accordance with section 94 of the Act” after “development consent” in clause 70 (4).

[85] Clause 75 Temporary use of public land

Omit the clause.

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

[86] Clause 76 Temporary use of land in private ownership in Zone No 6 (b)

Omit the clause.

[87] Schedule 3 Development with restricted access to roads in rural and environment protection zones

Omit:

- animal saleyards
- junk yards

[88] Schedule 3

Insert in alphabetical order:

- art and craft galleries

[89] Schedule 3

Omit "restaurants". Insert instead "refreshment rooms".

[90] Schedule 4

Omit the Schedule. Insert instead:

Schedule 4 Additional development on certain land

(Clause 28)

Column 1	Column 2	Column 3
Land	Purpose	Development standards or conditions
Lot 1, DP 609846, as shown edged heavy black on the map marked "Lismore Local Environmental Plan 2000"	Development for the purpose of a motel	

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

Column 1	Column 2	Column 3
Land at the south-eastern corner at the junction of Holland Street and the Bruxner Highway, as shown edged heavy black on the map marked "Lismore Local Environmental Plan 2000"	Development for the purpose of a service station	
Lot 1, DP 373463 and Lot 392, DP 755718, being Nos 77 and 73 Uralba Street, Lismore, as shown edged heavy black on the map marked "Lismore Local Environmental Plan 2000"	Development for the purpose of a medical centre	Not less than 3 practitioners
Lot 3, DP 595145, being No 162 Ballina Road, Goonellabah, as shown edged heavy black on the map marked "Lismore Local Environmental Plan 2000"	Development for the purpose of a medical centre	No more than 5 practitioners
Lot 2, DP 830354, being No 254 Keen Street, Lismore, as shown edged heavy black on the map marked "Lismore Local Environmental Plan 2000"	Development for the purpose of the storage and retail sale of second-hand building materials	No demolition or manufacturing is to be carried out on site and use of the land for the purposes listed in Column 2 is limited to 8 a.m. to 5 p.m. on Mondays to Fridays and to 9 a.m. to 12.30 p.m. on Saturdays

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

Column 1	Column 2	Column 3
Lot 42, DP 827203, being No 6 Funnel Drive, Modanville, as shown edged heavy black on Sheet 2 of the map marked "Lismore Local Environmental Plan 2000"	Development for the purpose of shops	
Lot 6, DP 549575, Bruxner Highway, Goonellabah, as shown edged heavy black on the map marked "Lismore Local Environmental Plan 2000"	Development for the purpose of a service station	

[91] Schedule 7 Definitions

Omit the Schedule. Insert instead:

Schedule 7 Definitions

(Clause 6 (1))

In this plan:

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.

agriculture means horticulture, the cultivation of land including crop raising, stock raising and the use of land for any purpose of animal husbandry, including the keeping or breeding of livestock, poultry or bees, and the growing of fruit, vegetables or the like, but does not include animal establishments.

alter, in relation to a heritage item or to a building or work within a heritage conservation area, means:

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

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

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- (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 that maintain the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

amusement parlour means any premises where more than four amusement devices, consisting of either pinball machines, pool tables, billiard tables, or coin operated amusement devices or the like, are provided for the entertainment of the public, with the exception of any premises the subject of a hotelier's licence under the *Liquor Act 1982*.

animal establishment means an establishment in which animals are intensively housed, fed or slaughtered and includes an abattoir, a cattle feedlot, an intensive piggery, a chicken farm, and an intensive aquaculture farm.

art and craft gallery means a building or place used for the display and sale of items of art and craft.

bed and breakfast establishment means a dwelling-house used by its permanent residents (including the owner) to provide short term paid accommodation (which may include meals) and includes ancillary buildings within the curtilage of the dwelling-house.

boarding house includes a house let in lodgings or a hostel but does not include a motel.

brothel means a building or place habitually used for the purpose 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 showroom means a building or place used for the sale by retail or auction, the hire or the display of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

- (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,

but does not include a building or place used for the sale of foodstuffs or clothing or a motor showroom.

bush fire hazard reduction means a reduction or modification (by controlled burning or mechanical or manual means) of material that constitutes a bush fire hazard.

caravan park means a site:

- (a) on which moveable dwellings (as defined in the *Local Government Act 1993*) are placed for the purpose of providing permanent accommodation or for the purpose of providing temporary accommodation for tourists, or
- (b) used for the purpose of the erection, assembly or placement of cabins for temporary accommodation by tourists.

car repair station means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, including panel beating and spray painting.

child care establishment means a building or place used for the purpose of caring for or supervising children which:

- (a) caters for more than five under school age children who are not related to the owner, and
- (b) may include an educational function, and
- (c) may operate for the purpose of gain,

but does not include a building or place providing residential care for those children.

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 of a different kind and whether or not the whole or a part of such a building is the premises of a club registered under the *Registered Clubs Act 1976*.

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

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 Schedule or a building or place used for a purpose elsewhere specifically defined in this Schedule.

communications facility means a facility used for communications, other than “low impact” facilities as described in the *Telecommunications Act 1997* of the Commonwealth.

community facility means a building owned by a public authority or a body of persons which may be used for the physical, social, cultural, or intellectual development or welfare of the local community, and includes a health centre, an information centre, a kiosk, a museum, a library, a youth centre, restroom, a neighbourhood centre, a welfare centre and a senior citizens centre or the like, but does not include a building or place elsewhere specifically defined in this Schedule.

complying development—see clause 9.

convenience shop means a shop selling or hiring out a variety of small consumer goods which may include a place used for the fuelling of motor vehicles and the retail sale of petrol, oil and petroleum products, a café, a take-away food service, postal services, and video hire services where the gross floor area does not exceed 100 square metres.

Council means the Council of the City of Lismore.

craft studio means a building or place used for the purpose of carrying out any 1 or more of the occupations referred to below by not more than 3 persons, being an occupation the carrying out of which does not involve 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, and includes the display and sale only of items made on the premises:

- (a) art,
- (b) design,
- (c) handicrafts,
- (d) photography,
- (e) pottery,

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

- (f) sculpture,
- (g) weaving,
- (h) a like occupation involving craft or art work.

demolition, in relation to a heritage item or to a building, work, relic or place within a heritage conservation area, means the damaging, defacing, destruction, pulling down or removal of the heritage item, building, work, relic or place in whole or in part.

dual occupancy building means a building containing 2 dwellings only.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

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

educational establishment means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care establishment.

environmental facilities means:

- (a) a structure or work which provides for nature or scientific study or display facilities, such as walking tracks, board walks, observation decks, bird hides or the like, or
- (b) environmental management or restoration facilities, such as those for bush regeneration, swamp restoration, erosion and runoff prevention works or the like.

exempt development—see clause 9.

exhibition dwelling means a new dwelling-house not used as a dwelling, that is used for a pre-determined period for the exhibition of the dwelling-house or interior household appliances or products, whether or not the dwelling-house includes a sales office.

extractive industry means:

- (a) the winning of extractive material, or

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

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- (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.

flood affected land means the land that would be inundated by the 1% AEP (Annual Exceedance Probability) flood, as shown on a map kept at the office of the Council.

flood standard means the flood level established by the 1% AEP (Annual Exceedance Probability) flood, as determined by the Council.

floodway means the area marked “FW” on the sheet of the map marked “Map No 7, Development Control Plan No 7—Flood Prone Lands”.

forestry includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, other 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.

generating works means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

goods transport terminal means a building or place used for the principal purpose of the bulk handling of goods for transport by road, rail, river or air, including facilities for the loading and unloading of vehicles or craft used to transport those goods and for the parking, servicing and repair of those vehicles or craft.

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, excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall, and

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

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- (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 that car parking, and
 - (d) space for the loading and unloading of goods.

health care professional means a person who provides professional health services to members of the public, and includes:

- (a) a podiatrist registered under the *Podiatrists Act 1989*, and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the *Chiropractors and Osteopaths Act 1991*, and
- (c) a physiotherapist registered under the *Physiotherapists Registration Act 1945*, and
- (d) an optometrist registered under the *Optometrists Act 1930*.

helipad means an area or place not open to public use which is authorised by the Department of Transport and which is set apart for the taking off and landing of helicopters.

heliport means an area or place open to public use which is licensed by the Department of Transport for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

heritage conservation area means land described in Schedule 2 and shown edged heavy black on the map marked “Lismore Local Environmental Plan 2000 (Amendment No 2)—Conservation Area” specified in that Schedule in respect of that land.

heritage item means a building, work, relic, tree or place (which may or may not be situated on or within land that is a heritage conservation area) described in Schedule 1 and shown edged heavy black on the map marked “Lismore Local Environmental Plan 2000 (Amendment No 2)—Heritage Items”.

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

home industry means an industry carried on in a building (other than a dwelling-house or a dwelling in a residential building) under the following circumstances:

- (a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person, and
- (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 or grit, 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 in the locality.

home occupation means an occupation carried on in a dwelling-house or in a dwelling in a residential building by the permanent residents of the dwelling-house or dwelling that does not involve:

- (a) anything that would have required the registration of the building under the *Shops and Industries Act 1962* immediately before the repeal of section 11 of that Act, or
- (b) the employment of more than one person other than those residents, or
- (c) 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 or grit, oil or otherwise, or
- (d) the display of goods, whether in a window or otherwise, or

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

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- (e) 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 resident), or
 - (f) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail from the premises.

home office means a building or place:

- (a) which is attached to, forms part of, or is in the vicinity of, a dwelling, and
- (b) which is used for the purpose of carrying on a business by the permanent residents of the dwelling, and
- (c) at which not more than one person other than those residents is employed, and
- (d) which is not used for the display of goods, whether in a window or otherwise, and
- (e) the use of which does not involve the exhibition of any notice, advertisement or sign, and
- (f) which is not used for the sale of any goods.

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

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

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

industry means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or any articles for a commercial purpose, but (in a table providing general zoning controls) does not include development elsewhere defined in this Schedule.

institution means a penal or reformatory establishment.

landscape means character or visual quality of the environment of a particular location or area and may include both natural and man-made elements.

licensed premises means a building or place which is licensed under the *Liquor Act 1982* to permit the sale of liquor for consumption both on and away from the building or place, and includes a hotel, tavern or registered club, but does not otherwise include a liquor outlet.

light industry means an industry, not being an 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 of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise

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

liquor outlet means a building or place which is licensed under the *Liquor Act 1982* to permit the sale of liquor for consumption away from the licensed premises.

main road means a road that is declared to be a main road by an order in force under the *Roads Act 1993*.

marina means a pontoon, jetty, pier or the like used, or intended to be used, to provide moorings for boats used for pleasure or recreation, whether or not operated for the purpose of gain, which may be used for the provision of:

- (a) slipways, and
- (b) facilities for the repair, maintenance and fuelling of boats, or the supply of accessories and parts for boats or boating enthusiasts, and

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

(c) foodstuffs,

but does not include a shop.

materials recycling yard means a building or place used for collecting, dismantling, storing, abandoning, recycling or sale of secondhand or scrap materials, but does not include recycling drop-off centres operated by, or on behalf of, the Council.

medical centre means a building or place used for the purpose of providing professional health services (such as 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, in or by 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 mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

motel means a building or buildings (other than a hotel, boarding-house or residential flat building) substantially used for the overnight accommodation of travelers 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 the building or place.

offensive or hazardous industry means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

passenger transport terminal means any building or place used for the assembly, dispersal and convenience of passengers travelling by any form of passenger transport, and includes associated facilities for parking, manoeuvring, storing or routinely servicing any vehicle forming part of that undertaking.

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

place of assembly means a public hall, theatre, cinema, conference or reception centre, 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 church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training.

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.

public utility undertaking means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking is to be construed as including a reference to a council, county council, Government department, corporation, firm or authority carrying on the undertaking.

recreation area means an area used for outdoor sporting, leisure or recreation activities and may include clubhouse facilities, spectator facilities or shelters, but (in a table providing general zoning controls) does not include a building or place elsewhere specifically defined in this Schedule.

recreation establishment means a health farm, religious retreat house, rest home, youth camp and the like but does not include a building or place elsewhere specifically defined in this Schedule.

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

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 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.

recreation vehicle area means an area designated as a recreation vehicle area by the Environment Protection Authority under the *Recreation Vehicles Act 1983*.

refreshment room means a restaurant, café, tea room, eating house or the like.

relic means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the City of Lismore which is 50 or more years old.

residential building means a building or group of buildings erected on one lot of land and containing three or more dwellings.

restricted premises means a building or place used or intended for use as a shop in which:

- (a) any classified publications (other than unrestricted publications) within the meaning of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* are available for sale or rental to the public, or
- (b) a business is conducted involving selling or disposing of products to which section 578E of the *Crimes Act 1900* applies, or
- (c) a business is conducted, an object of which is the display or exhibition of any article that is primarily concerned with sexual behaviour, but which is not printed matter.

retail plant nursery means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are also sold in that building or place.

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

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 or packing of primary products unless such activity is part of the agricultural activity of the property concerned and also includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

rural tourist facility means a small scale establishment providing basic holiday accommodation or basic recreational or educational facilities and includes a camping ground, guest house, hostel, 3 or more cabins, educational facility or the like, being facilities which are integrated with or designed to complement the rural activities or attractions on the site or in the surrounding locality, but does not include a bed and breakfast establishment.

rural workers' dwelling means a dwelling that is on land on which there is already erected a dwelling and that is occupied by persons engaged in rural occupation on that land.

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 and the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following purposes:

- (a) the hiring of trailers, or
- (b) the retail selling or the installing of spare parts and accessories for motor vehicles, or
- (c) the washing and greasing of motor vehicles, or
- (d) the repairing and servicing of motor vehicles (but not the body building, panel beating, or spray painting of motor vehicles), or
- (e) the retail selling or hiring out of small convenience consumer goods, but only if the gross floor area used for such selling or hiring is not greater than 100 square metres.

Lismore Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

shop means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a purpose elsewhere specifically defined in this Schedule.

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

the Act means the *Environmental Planning and Assessment Act 1979*.

the map means the map marked “Lismore Local Environmental Plan 2000” as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of maps) marked as follows:

Lismore Local Environmental Plan 2000 (Amendment No 3)

Lismore Local Environmental Plan 2000 (Amendment No 4)—Sheet 5

Lismore Local Environmental Plan 2000 (Amendment No 6)—Sheets 1 and 2

tourist facilities means an establishment providing for holiday accommodation or recreation and may include a boat shed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, house boat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities, but does not include a bed and breakfast establishment.

transport depot means a building or place used for the parking or storage of motor powered or motor drawn vehicles used in connection with a passenger or goods transport undertaking.

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.

veterinary hospital means a building or place used for diagnosing or for surgically or medically treating animals, whether or not the animals are kept on the premises for the purposes of treatment.

Lismore Local Environmental Plan 2000 (Amendment No 6)

Amendments

Schedule 1

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

wholesale plant nursery means a building or place used for either the growing or storage of plants, pending their sale in large quantities for the purposes of resale or agriculture.

Maclean Local Environmental Plan 2001 (Amendment No 4)

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*. (G01/00162/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Maclean Local Environmental Plan 2001 (Amendment No 4)

Maclean Local Environmental Plan 2001 (Amendment No 4)

1 Name of plan

This plan is *Maclean Local Environmental Plan 2001 (Amendment No 4)*.

2 Aims of plan

This plan aims:

- (a) to amend the definitions of *agriculture* and *intensive animal husbandry*, and
- (b) to permit the use of land, with development consent, for the purposes of a livestock keeping establishment only within the 1 (a) Rural (Agricultural Protection) Zone, the 1 (b) Rural (General Rural Land) Zone, the 1 (i) Rural (Investigation) Zone, the 1 (r) Rural (Residential) Zone, the 1 (s) Rural (Small Holdings) Zone and the 1 (t) Rural (Tourist) Zone.

3 Land to which plan applies

This plan applies to land within the local government area of MacLean.

4 Amendment of Maclean Local Environmental Plan 2001

The *Maclean Local Environmental Plan 2001* is amended as set out in Schedule 1.

Maclean Local Environmental Plan 2001 (Amendment No 4)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Dictionary

Insert at the end of the definition of *agriculture* in clause 7 (1):

or the use of land solely for keeping or breeding livestock, poultry or bees for personal use or enjoyment by the owner or occupier of the land.

[2] Clause 7 (1), definition of “intensive animal husbandry”

Insert at the end of the definition:

, but does not include use of livestock keeping establishments.

[3] Clause 7 (1)

Insert in alphabetical order:

livestock keeping establishment means a building or place in which livestock or poultry are kept:

- (a) for the purpose of nurturing by a feeding method other than natural grazing, and
- (b) in a manner that does not involve interference with the amenity of the locality by reason of the generation of traffic or waste or the emission of noise, odour, dust or the like,

and includes poultry farms, horse training and boarding establishments and piggeries, but does not include buildings or places used for keeping livestock or poultry intended solely for personal use or enjoyment by the owners or occupiers of the buildings or places.

[4] Clause 31 Rural zones applying in this plan, zone objectives and development control table

Insert “livestock keeping establishments;” in appropriate order in the Table to clause 31 under the heading “Only with development consent” in respect of Zones 1 (a), 1 (b), 1 (i), 1 (r), 1 (s) and 1 (t).

Page 3

Maclean Local Environmental Plan 2001 (Amendment No 4)

Schedule 1 Amendments

[5] Clause 46 Residential, business and industrial zones applying in this plan, zone objectives and development control table

Insert “livestock keeping establishments;” before “total destination resorts” in the Table to Clause 46 under the heading “Prohibited” in respect of Zone 2 (t).

Manly Local Environmental Plan 1988 (Amendment No 48)

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. (S01/02395/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Manly Local Environmental Plan 1988 (Amendment No 48)

Manly Local Environmental Plan 1988 (Amendment No 48)

1 Name of plan

This plan is *Manly Local Environmental Plan 1988 (Amendment No 48)*.

2 Aims of plan

This plan aims to rezone surplus land from Zone No 5 the Special Uses Zone to Zone No 2 the Residential Zone under *Manly Local Environmental Plan 1988*.

3 Land to which plan applies

This plan applies to land known as part of the Seaforth Public School site, Yatama and Benelong Streets, Seaforth, as shown coloured light scarlet and edged heavy black on the map marked “Manly Local Environmental Plan 1988 (Amendment No 48)” deposited in the office of Manly Council.

4 Amendment of Manly Local Environmental Plan 1988

Manly Local Environmental Plan 1988 is amended by inserting in appropriate order in the definition of *the map* in clause 7 (1) the following words:

Manly Local Environmental Plan 1988 (Amendment No 48)

Randwick Local Environmental Plan 1998 (Amendment No 26)

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. (S01/02557/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Randwick Local Environmental Plan 1998 (Amendment No 26)

Randwick Local Environmental Plan 1998 (Amendment No 26)

1 Name of plan

This plan is *Randwick Local Environmental Plan 1998 (Amendment No 26)*.

2 Aims of plan

The aim of this plan is to allow land to be developed for the purpose of hotel accommodation.

3 Land to which this plan applies

This plan applies to land in the local government area of Randwick, comprising Lot 7, DP 1829 and Lot 1, DP 100108, known as 11 Cuthill Street, Randwick.

4 Relationship to other environmental planning instruments

This plan amends *Randwick Local Environmental Plan 1998* in the manner set out in clause 5.

5 Amendment of Randwick Local Environmental Plan 1998

Randwick Local Environmental Plan 1998 is amended by inserting at the end of columns 1, 2 and 3 of Schedule 2 the following matter:

Lot 7, DP 1829 and Lot 1, DP 100108 (No. 11 Cuthill Street, Randwick).	Development for the purpose of hotel accommodation.	That the heritage item listed as a Victorian house in Schedule 3 be conserved to the satisfaction of the Council.
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City of Shoalhaven Local Environmental Plan 1985 (Amendment No 188)

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. (W01/00024/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 City of Shoalhaven Local Environmental Plan 1985 (Amendment No 188)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 188)

1 Name of plan

This plan is *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 188)*.

2 Aims of plan

This plan aims:

- (a) to allow the residue of land remaining after the creation of an allotment under clause 11 (3) of *City of Shoalhaven Local Environmental Plan 1985* to be less than 40 hectares, and
- (b) to allow the Council of the City of Shoalhaven to grant consent to a subdivision under clause 11 (3) before the allotment proposed to be created is lawfully used for a purpose nominated under that provision, if the Council is satisfied that the allotment will be used for such a purpose before the plan of subdivision or strata plan is registered, and
- (c) to allow the Council to consent to the erection of a dwelling-house on an allotment created for the purpose of a tourist facility under clause 11 (3) or (4) of that Plan, to provide a residence for a manager of the tourist facility, and
- (d) to vary the additional purposes for which development may be carried out on the land described in clause 3 (b).

3 Land to which plan applies

This plan applies:

- (a) to land situated in the City of Shoalhaven within Zones Nos 1 (a), 1 (b), 1 (d), 1 (e), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) and 7 (f3) under *City of Shoalhaven Local Environmental Plan 1985*, in relation to the amendments made by Schedule 1 [1]–[4], and
- (b) to Lot 8, DP 865023, and Lots 76, 77 and 78, DP 878143, Willinga Road, Bawley Point, in relation to the amendment made by Schedule 1 [5].

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 188)

Clause 4

4 Amendment of City of Shoalhaven Local Environmental Plan 1985

City of Shoalhaven Local Environmental Plan 1985 is amended as set out in Schedule 1.

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 188)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

- [1] **Clause 11 Subdivision—Zones Nos 1 (a), 1 (b), 1 (d), 1 (e), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) and 7 (f3)**

Insert “, or will be used for such a purpose before the plan of subdivision or strata plan is registered” after “with the consent of the Council” in clause 11 (3) (a).

- [2] **Clause 11 (3A)**

Insert after subclause (3):

- (3A) The residue of land remaining after the creation of an allotment under subclause (3) may be less than 40 hectares.

- [3] **Clause 14 Dwelling-houses—Zones Nos 1 (a), 1 (b), 1 (d) and 1 (g)**

Omit “only” where first occurring in clause 14 (2).

- [4] **Clause 14 (2A)**

Insert after clause 14 (2):

- (2A) A dwelling-house may, with the consent of the Council, be erected on land within Zone No 1 (a), 1 (b) or 1 (d) if:
- (a) the land is an allotment created under clause 11 (3) or (4) for the purpose of a tourist facility, and
 - (b) there is no other dwelling-house or dwelling erected on the allotment, and
 - (c) the Council is satisfied that the dwelling-house is to provide a residence for a manager of the tourist facility and will otherwise be integral to and essential for the proper and efficient operation of the tourist facility.

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 188)

Amendments

Schedule 1

[5] Clause 15 Dwelling-houses etc—Zones Nos 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) and 7 (f3)

Insert after clause 15 (1):

- (1A) Subject to subclauses (2) and (3), a dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone No 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) or 7 (f3) if:
- (a) the allotment is created under clause 11 (3) or (4) for the purpose of a tourist facility, and
 - (b) there is no other dwelling-house or dwelling erected on the allotment, and
 - (c) the Council is satisfied that the dwelling-house is to provide a residence for a manager of the tourist facility and will otherwise be integral to and essential for the proper and efficient operation of the tourist facility.

[6] Schedule 9

Omit the matter relating to Lot 8, DP 865023 and Lots 76, 77 and 78, DP 878143, Willinga Road, Bawley Point. Insert instead:

Lot 8, DP 865023, and Lots 76, 77 and 78, DP 878143, Willinga Road, Bawley Point—the erection of not more than one dwelling-house on each lot, the re-subdivision of the whole area of Lots 8, 76, 77 and 78 into a maximum of 4 lots, and the erection of not more than one dwelling-house on each lot so created but only if no other dwelling-house is erected on the lot.

Woollahra Local Environmental Plan 1995 (Amendment No 37)

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. (S01/01823/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Woollahra Local Environmental Plan 1995 (Amendment No 37)

Woollahra Local Environmental Plan 1995 (Amendment No 37)

1 Name of plan

This plan is *Woollahra Local Environmental Plan 1995 (Amendment No 37)*.

2 Aims of plan

This plan aims:

- (a) to reclassify the land to which this plan applies, being public land owned by Woollahra Municipal Council, from community land to operational land within the meaning of the *Local Government Act 1993*, and
- (b) to rezone the land from Zone No 6 (the Open Space Zone) to Zone No 2 (a) (the Residential "A" Zone) under *Woollahra Local Environmental Plan 1995*, and
- (c) to apply a maximum height limit of 9.5 metres to the land, and
- (d) to apply a minimum allotment size standard of 675m² to the land.

3 Land to which plan applies

This plan applies to part of Lot 3, DP 81467, being land adjoining (but not forming part of) 51 and 53 Suttie Road, Double Bay, as shown by distinctive colouring, edging, lettering or hatching on the 4 sheets of the map marked "Woollahra Local Environmental Plan 1995 (Amendment No 37)" deposited in the office of Woollahra Municipal Council.

4 Amendment of Woollahra Local Environmental Plan 1995

Woollahra Local Environmental Plan 1995 is amended as set out in Schedule 1.

Woollahra Local Environmental Plan 1995 (Amendment No 37)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 1 Definitions

Insert in appropriate order in the definition of *density map*:

Woollahra Local Environmental Plan 1995 (Amendment No 37)—Density Map

[2] Schedule 1, definition of “height map”

Insert in appropriate order:

Woollahra Local Environmental Plan 1995 (Amendment No 37)—Height Map

[3] Schedule 1, definition of “land use map”

Insert in appropriate order:

Woollahra Local Environmental Plan 1995 (Amendment No 37)—Land Use Map

[4] Schedule 4 Classification and reclassification of public land as operational land

Insert at the end of Part 3, under the headings of “**Locality**”, “**Description**” and “**Trusts etc not discharged**”, respectively:

Double Bay

Land adjoining (but not forming part of) 51 and 53 Suttie Road

Part of Lot 3, DP 81467, Nil as shown edged heavy black on the map marked “Woollahra Local Environmental Plan 1995 (Amendment No 37)—Classification Map”—*Woollahra Local Environmental Plan 1995 (Amendment No 37)*

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – DECLARATION

I, the Minister for Planning, under section 76A(7)(b)(iii) of the *Environmental Planning and Assessment Act 1979*, having formed an opinion that development of a class set out in the Schedule to this Declaration is of regional environmental planning significance, declare it to be State Significant Development.

Andrew Refshauge MP
Deputy Premier
Minister for Planning
Minister for Aboriginal Affairs
Minister for Housing

Sydney, 27 May 2002

SCHEDULE

Development of the “Accelerated Goulburn Sewerage Scheme”, located within the Goulburn City and Mulwaree Shire local government areas, and generally comprising the following works:

- Ø Desalination of effluent for the racetrack;
- Ø Upgrading of effluent irrigation system;
- Ø Augmentation of effluent processes at the Ross Street, Goulburn, sewage treatment plant;
- Ø Increasing disinfection volumes;
- Ø Augmentation of sludge lagoons and installation of dewatering facilities;
- Ø Installation of phosphorus facilities at Gorman Road, North Goulburn;
- Ø Provision of chemical laboratories and amenities at Gorman Road, North Goulburn;
- Ø Construction of two intermittently decanted extended aeration (IDEA) units at Gorman Road, North Goulburn;
- Ø Decommissioning of filters at the Ross Street sewage treatment plant.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**REVOCATION OF NOTIFICATION PLACING LAND UNDER
CARE, CONTROL AND MANAGEMENT OF THE COUNCIL
OF BLACKTOWN**

Pursuant to Section 11 of the Environmental Planning and Assessment Act, 1979, the notification made by the Department of Planning published in Government Gazette of 3 March, 1995 folio 1109 placing land under the care, control and management of the Council of Blacktown is revoked as regards to the land described in the Schedule below.

Dated at Sydney this 14th June, 2002.

G Prattley
Executive Director
Metropolitan Planning
Department of Planning

SCHEDULE

All those pieces or parcels of land situated in the Blacktown Local Government area, Parishes of Gidley and Prospect and County of Cumberland land in Certificate of Title Folio Identifier 2/589154, 1/59686 and part of land in 4/420086.

PlanningNSW File No. P91/01137/001

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**REVOCATION OF NOTIFICATION PLACING LAND UNDER
CARE, CONTROL AND MANAGEMENT OF THE COUNCIL
OF SUTHERLAND**

Pursuant to Section 11 of the Environmental Planning and Assessment Act, 1979, the notification made by the Department of Urban Affairs and Planning published in Government Gazette of 19 February, 1999 folio 863 placing land under the care, control and management of the Council of Sutherland is revoked as regards to the land described in the Schedule below.

Dated at Sydney this 14th June, 2002.

G Prattley
Executive Director
Metropolitan Planning
Department of Planning

SCHEDULE

All that pieces or parcels of land situated in the Sutherland Local Government area, Parish of Holsworthy and County of Cumberland land in Certificate of Title Folio Identifier 1/816772 and 2/816772.

PlanningNSW File No. R91/00951/002

Roads and Traffic Authority

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Karuah in the Port Stephens Council area.

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

D J Lorsch
Manager Statutory Processes
Roads and Traffic Authority
of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Port Stephens Council area, Parish of Tarean and County of Gloucester, shown as part Lot 32 and Lot 34 Deposited Plan 1024344, being the whole of the land revoked from Karuah Nature Reserve by the National Parks and Wildlife (Adjustment of Areas) Act 2001 No 49, excluding that part of Lot 32 Deposited Plan 1024344 within the land dedicated as Wallaroo State Forest No 781, No 2 Extension by proclamation in Government Gazette No 109 of 10 November 1944 on page 1957 that was excluded from Karuah Nature Reserve.

The land is said to be in the possession of the Minister administering the National Parks and Wildlife Act 1974.

ALSO, all those pieces or parcels of land situated in the Port Stephens Council area, Parish of Tarean and County of Gloucester, shown as Lots 16, 19, 21 and 22 Deposited Plan 1024343 and part Lot 32 Deposited Plan 1024344 being parts of the land dedicated as Wallaroo State Forest No 781, No 2 Extension by proclamation in Government Gazette No 109 of 10 November 1944 on page 1957 and not included in Karuah Nature Reserve by notification in Government Gazette No 25 of 26 February 1999 on page 1437.

The land is said to be in the possession of the Forestry Commission of New South Wales.

(RTA Papers FPP 2M1363 & 2M1411; RO 10/362.1662 & 10/362.1663)

Sydney Water

SEWER MAINS

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF CAMDEN, AT CURRANS HILL: Contract Number 976812S1, Project Number 3002684. Property connection sewer lines 1 - 2, inclusive and its appurtenant junctions, serving FARMHOUSE PLACE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

KEVIN ADAMS,
Developer Activity Officer,
Liverpool Commercial Centre.

Dated: 14th June 2002.

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF BLACKTOWN, AT OAKHURST: Contract Number 967598S9, Project Number 3001286. Line 1 to 2, inclusive and its appurtenant junctions, sidelines and inlets serving ROTUMA STREET, GALE PLACE and LUXFORD ROAD.

CITY OF BLACKTOWN, AT MT DRUITT: Contract Number 968910S5, Project Number 3002532. Line 1 to 3, inclusive and its appurtenant junctions, sidelines and inlets serving MOREHEAD ROAD and WOODSTOCK AVENUE.

CITY OF PENRITH, AT EMU PLAINS: Contract Number 976106S2, Project Number 3002805. Line 1, inclusive and its appurtenant junctions, sidelines and inlets serving BROUGHAM STREET, GREAT WESTERN HIGHWAY and FORBES STREET.

CITY OF PENRITH, AT CRANEBROOK: Contract Number 976240S3, Project Number 3003037. Line 1, inclusive and its appurtenant junctions, sidelines and inlets serving ANDREWS ROAD and CASTLEREAGH ROAD

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

ROBERT ROACH,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 14th June 2002.

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

FAIRFIELD COUNCIL, AT CABRAMATTA: Project No. 3002460, Contract No. 972062S3. Line 1, sideline inclusive and its appurtenant junctions, sidelines and inlets serving CABRAMATTA ROAD WEST.

FAIRFIELD COUNCIL, AT WETHERILL PARK: Project No 3002933, Contract No 976906SA. Line 1, inclusive and its appurtenant junctions, sidelines and inlets serving ELIZABETH STREET and DANIEL STREET.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

KATHY HANSEN,
Developer Activity Officer
Liverpool Commercial Centre

Dated: 14th June 2002.

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF FAIRFIELD, AT BOSSLEY PARK: Contract Number 943751SA, Project Number 370919. Property connection sewer line 1, inclusive and its appurtenant junctions, serving QUARRY ROAD.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

VALDIS VIKSNE,
Developer Activity Officer
Liverpool Commercial Centre

Dated: 14th June 2002.

WATER MAINS

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

CITY OF BLACKTOWN, AT MT DRUITT: Contract Number 968910W9, Project Number 1001139. Water mains are now laid and capable of serving identified properties in MOREHEAD ROAD and WOODSTOCK AVENUE

CITY OF PENRITH, AT EMU PLAINS: Contract Number 976106W6, Project Number 1001245. Water mains are now laid and capable of serving identified properties in BROUGHAM STREET, GREAT WESTERN HIGHWAY and FORBES STREET.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

ROBERT ROACH,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 14th June 2002.

Other Notices

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Erratum

IN the notice regarding the VTO relating to the recognised traineeship vocation of Information Technology in the *Government Gazette* of 7 June 2002, the term of training (full-time) given for traineeship training undertaken as part of an information technology cadetship pathway and leading to a diploma level qualification is a nominal term of 18 months. It should be 24 months.

CHARITABLE TRUSTS ACT 1993

Order Under Section 12 Cy-pres Scheme Relating To The JT Sheldon Sunshine Trust For Mittagong

IN 1922 Mr JT Sheldon made a will leaving the residue of his estate 'to be held by my Trustee upon trust (to be known as the JT SHELDON SUNSHINE TRUST FOR MITTAGONG) and the income thereof.....shall be applied in providing...a picnic outing or some other form of amusement and presents for the poor children of Mittagong.....AND if in the opinion of my Trustee the amount available for expenditure is more than sufficient for the purposes...the surplus moneys may be paid in my name to the Royal Alexandra Hospital for Children or such other institution or purposes which in the opinion of my Trustee is of a similar character.'

Mr Sheldon died in 1923. The Trustee appointed under the will transferred this trusteeship to the Public Trustee by Deed dated 30 December 1929. At that time all assets had been realised and capital of £2700 was transferred to the Public Trustee. The Public Trustee presently holds \$5247 in its common fund.

Income has been distributed from the Trust between 1932 and 1998. However the Public Trustee advises that increased fees and taxes, and a reduction in the rate of interest, will exceed the interest earned on the capital in 2003. The income will soon become entirely consumed by fees and taxes.

I have formed the view that the gift 'to provide a picnic outing or some other form of amusement and presents for the poor children of Mittagong' is a gift for charitable purposes and I have approved a recommendation that the Attorney General establish a cy-pres scheme pursuant to section 12 (1) (a) of the Charitable Trusts Act 1993 to enable the Public Trustee to distribute, in addition to the Trust income, one third of the capital each year until the capital of the Trust is extinguished.

Therefore, pursuant to section 12 of the Charitable Trusts Act, I hereby order that the gift 'to the poor children of Mittagong' in the Testator's Will be amended *cy pres* to enable the Public Trustee to apply trust capital as well as income for the existing purposes of the JT Sheldon Sunshine Trust for Mittagong, such order to take effect 21 days after its publication in the *Government Gazette*, in accordance with section 16 (2) of the Charitable Trusts Act.

Date of Order: 11 June 2002.

M. G. SEXTON, S.C.,
Solicitor General
Under delegation from the Attorney General

DISTRICT COURT OF NEW SOUTH WALES

Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at the place and time shown as follows:

Gosford	10.00 a.m.	2 June 2003 (3 weeks) In lieu of 10 June 2003 (3 weeks)
Lismore	10.00 a.m.	2 June 2003 (3 weeks) In lieu of 10 June 2003 (3 weeks)
Lismore	10.00 a.m.	11 November 2002 (3 weeks)
Newcastle	10.00 a.m.	19 May 2003 (5 weeks) In lieu of 26 May 2003 (5 weeks)
Wollongong	10.00 a.m.	2 June 2003 (3 weeks) In lieu of 10 June 2003 (3 weeks)

Dated this 6th day of June 2002.

The Hon. Justice R. O. BLANCH,
Chief Judge

DISTRICT COURT OF NEW SOUTH WALES

Amendment to Practice Note 61

THIS Practice Note also applies to actions commenced between 20 March 2002 and 28 May 2002 in anticipation that the Civil Liability legislation might not be made retrospective.

The Hon. Justice R. O. BLANCH,
Chief Judge

ELECTRICITY SUPPLY ACT 1995

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Electricity Transmission Lines" in Memorandum No. 8170899M filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of Crown land situate in the Local Government Areas of Canterbury and Marrickville, Parishes of St George and Petersham and County of Cumberland, being that part of the bed of Cooks River comprised within the site of the proposed easement for electricity purposes 20 metres wide and designated (B) as shown in Deposited Plan 1036326 and said to be in the possession of The Minister for Land and Water Conservation.

(P.50280) (File PS/4788)

ELECTRICITY SUPPLY ACT 1995**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Electricity Transmission Lines" in Memorandum No.7453319J filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of Crown land situate in the Local Government Area of Canterbury, Parish of St George and County of Cumberland, being that part of R.88731 comprised within the site of the proposed easement for electricity purposes 20.115 metres wide and designated (A) as shown in Deposited Plan 1026115.

(P.50214)

Also, all that piece or parcel of Crown land situate in the Local Government Areas of Bankstown and Hurstville, Parishes of Bankstown and St George and County of Cumberland, being that part of the reserves 30.48 metres wide abutting Salt Pan Creek, comprised within the site of the proposed easement for electricity purposes 6 metres wide and designated (G) as shown in Deposited Plan 1032831.

(P.50237)

And also, all that piece or parcel of Crown land situate in the Local Government Area of Hurstville, Parish of St George and County of Cumberland, being that part of Peakhurst Park Reserve, comprised within the site of the proposed easement for electricity purposes 10 metres wide and designated (A) as shown in Deposited Plan 1033503.

(P.50262) (File PS/4788)

ELECTRICITY SUPPLY ACT 1995**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Electricity Transmission Lines" in Memorandum No.8532191U filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of land situate in the Local Government Area of Canterbury, Parish of St George and County of Cumberland, being that part of Lots 1,2 and 3, Deposited Plan 124179 (A.C. 6589-56), that part of Lot 4, Deposited Plan 124179 (A.C. 5949-80), that part of Lots 52, 53 and 54, Deposited Plan 16629 (A.C. 5161-91) and that part of Lot 1, Deposited Plan 124178 (A.C. 5794-56) comprised within the site of the proposed easement for electricity purposes 7.14 metres wide and variable and designated (A) as shown in Deposited Plan 1028825 and said to be in the possession of The Council of the Municipality of Canterbury.

(P.50226)

Also, all that piece or parcel of land situate in the Local Government Area of Canterbury, Parish of St George and County of Cumberland, being that part of Lots 4 to 8 inclusive, Deposited Plan 190386 (A.C. 5161-91), comprised within the site of the proposed easement for electricity purposes of variable width and designated (B), as shown in Deposited Plan 1032191 and said to be in the possession of The Council of the Municipality of Canterbury.

(P.50251)

ELECTRICITY SUPPLY ACT 1995**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Electricity Transmission Lines" in Memorandum No.7453319J filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of land situate in the Local Government Area of Bankstown, Parish of Bankstown and County of Cumberland, being that part of Lot 1, Deposited Plan 127646 (F.I. 1/127646), comprised within the site of the proposed easement for electricity purposes 6 metres wide and designated (G) as shown in Deposited Plan 1032831 and said to be in the possession of The Council of the City of Bankstown.

(P.50237)

Also, all that piece or parcel of land situate in the Local Government Area of Canterbury, Parish of St George and County of Cumberland, being that part of Lot 3, Deposited Plan 123743 (A.C.7227 - 19) and that part of Lot 2, Deposited Plan 345535 (A.C.7227 - 19) comprised within the site of the proposed easement for electricity purposes 6 metres wide and designated (A) as shown in Deposited Plan 1032004 and said to be in the possession of The Minister Administering the Environmental Planning and Assessment Act 1979.

(P.50238)(File PS4788)

ELECTRICITY SUPPLY ACT 1995

**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Access" in Memorandum No.7753746Q filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of Crown land situate in the Local Government Area of Bankstown, Parish of Bankstown and County of Cumberland, being that part of the Reserve 30.48 metres wide abutting Salt Pan Creek, comprised within the site of the proposed easement for access and designated (F) as shown in Deposited Plan 1032831.

(P.50237) (File PS/4788)

ELECTRICITY SUPPLY ACT 1995
**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Electricity Transmission Lines" in Memorandum No.8532191U filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of land situate in the Local Government Area of Marrickville, Parish of Petersham and County of Cumberland, being that part of Lot 9, Deposited Plan 130964 (A/C 10014-209), that part of Lot 43, section 2, Deposited Plan 272 (A.C. 4249-84), and that part of Lot 46, section 2, Deposited Plan 272 (A.C. 4249-85), comprised within the site of the proposed easement for electricity purposes 6 metres wide and variable width and designated (A), as shown in Deposited Plan 1036326 and said to be in the possession of the Council of the Municipality of Marrickville.

(P.50280) (File PS/4788)

ELECTRICITY SUPPLY ACT 1995
**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms

Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Electricity Transmission Lines" in Memorandum No.8532192S filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of Crown land situate in the Local Government Areas of Canterbury and Marrickville, Parishes of St George and Petersham and County of Cumberland, being that part of the Reservation R.45842-3, and that part of R.83765 (known as Marrickville Golf Course), comprised within the site of the proposed easement for electricity purposes 20 metres wide and designated (B) as shown in Deposited Plan 1036326 and said to be in the possession of The Council of The City of Canterbury, The Minister of Public Works and The Council of The City of Marrickville and another.

(P.50280) (File PS/4788)

ELECTRICITY SUPPLY ACT 1995

**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Access" in Memorandum No.7753746Q filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of land situate in the Local Government Area of Bankstown, Parish of Bankstown and County of Cumberland, being that part of Lot 1, Deposited Plan 127646 (F.I. 1/127646), comprised within the site of the

proposed easement for access 6.095 metres wide and designated (F) as shown in Deposited Plan 1032831 and said to be in the possession of The Council of the City of Bankstown.

(P.50237) (File PS/4788)

ELECTRICITY SUPPLY ACT 1995

**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Electricity Transmission Lines" in Memorandum No.7462913U filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of Crown Land situate in the Local Government Area of South Sydney, Parish of Alexandria and County of Cumberland, being that part of the Stormwater Canal, comprised within the site of the proposed easement for electricity purposes and designated (A) as shown in Plan lodged as Deposited Plan 1037082 and said to be vested in The Sydney Water Corporation.

(P.50284)(File PS/4788)

ELECTRICITY SUPPLY ACT 1995

**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Electricity Transmission Lines" in Memorandum No.7453319J filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of land situate in the Local Government Area of Hurstville, Parish of St. George and County of Cumberland, being that part of Lot 1, Deposited Plan 660754 (F.I. 1/660754), that part of Lot 483, Deposited Plan 14854 (F.I. 483/14854), that part of Lots 484 to 486 inclusive, Deposited Plan 14854 (A.C. 5608-47), that part of Lot 487, Deposited Plan 14854 (A.C. 5510-116) and that part of Lot B, Deposited Plan 102550 (F.I. B/102550), comprised within the site of the proposed easement for electricity purposes 6 metres wide and designated (A), as shown in Deposited Plan 1037201 and said to be in the possession of the Council of the Municipality of Hurstville.

(P.50286) (File PS/4788)

ELECTRICITY SUPPLY ACT 1995**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Electricity Transmission Lines" in Memorandum No.8532191U filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of Crown land situate in the Local Government Areas of Marrickville and Canterbury, Parishes of Petersham and St. George and County of Cumberland, being that part of R 83765 (known as Marrickville Golf Course) and that part of R45842-3, comprised within the site of the proposed easement for electricity purposes 6 metres wide and variable width and designated (A) as shown in Deposited Plan 1036326 and said to be vested in The Minister for Land and Water Conservation and The Council of The City of Marrickville and another.

(P.50280) (PS4788)

ELECTRICITY SUPPLY ACT 1995**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Electricity Transmission Lines" in Memorandum No.7462913U filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of Crown land situate in the Local Government Area of Canterbury, Parish of St George and County of Cumberland, being that part of the bed of Wollie Creek comprised within the site of the proposed easement for electricity purposes 6 metres wide and designated (A) as shown in Deposited Plan 1032004.

(P.50238)(File PS/4788)

ELECTRICITY SUPPLY ACT 1995**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Electricity Transmission Lines" in Memorandum No.7453319J filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of Crown land situate in the Local Government Area of Bankstown, Parish of Bankstown and County of Cumberland, being that part of Mars Street comprised within the site of the proposed easement for underground cable 10 metres wide and designated (A) as shown in Deposited Plan 1028828 and said to be vested in The Council of The City of Bankstown.
(P.50223) (File PS/4788)

ELECTRICITY SUPPLY ACT 1995**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter Zahra, declares, with the approval of Her Excellency the Governor, that the interest described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 12th day of June 2002.

J. P. ZAHRA,
Manager/Corporate

SCHEDULE 1

Easement rights as described under the heading "Easement for Electricity Transmission Lines" in Memorandum No.7462913U filed in the Land and Property Information NSW pursuant to section 80A of the Real Property Act 1900.

SCHEDULE 2

All that piece or parcel of Crown land situate in the Local Government Areas of Bankstown and Hurstville, Parishes of Bankstown and St George and County of Cumberland, being that part of Salt Pan Creek, comprised within the site of the proposed easement for electricity purposes 6 metres wide and designated (G) as shown in Deposited Plan 1032831.
(P.50237)

GEOGRAPHICAL NAMES ACT 1966

Revised Notice of Proposal to Assign Geographical Names and Determine the Extent of Localities Within Gunning Shire

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign geographical names listed below to the areas indicated on map GNB3770. The map may be viewed at Gunning Shire Council Chambers, the Post Offices at Gunning, Gundaroo and Dalton, Collector General Store, Bushranger Hotel at Collector, Gundaroo Wine Bar and the office of the Geographical Names Board, Land and Property Information, Panorama Avenue, Bathurst.

The nineteen bounded Locality names proposed to be assigned, to be used as the address are:

Bellmount Forest, Bevendale, Biala, Blakney Creek, Breadalbane, Broadway, Collector, Cullerin, Dalton, Gundaroo, Gunning, Gurrundah, Jerrawa, Lade Vale, Lake George, Lerida, Merrill, Oolong and Rye Park.

Any person objecting to this proposal may within one (1) month of the date of this notice, give to the Secretary of the Board notice in writing of the objection, setting out the grounds of the objection.

W. WATKINS,
Chairperson

Geographical Names Board
PO Box 143 BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical name listed hereunder.

Assigned Name:	Chisholm Hill
Designation:	Hill
L.G.A.:	Wingecarribee Shire Council
Parish:	Mittagong
County:	Camden
L.P.I.Map:	Mittagong
100,000 Map:	Burratorang 8929
Reference:	GNB 4857

The position and the extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at www.lpi.nsw.gov.au/geog/

W. WATKINS,
Chairperson

Geographical Names Board
PO Box 143 BATHURST NSW 2795

HEALTH SERVICES ACT 1997

Scale of Fees

For Hospital and Other Health Services

PURSUANT to section 69 of the Health Services Act 1997, I, ROBERT DONALD MCGREGOR, Acting Director-General of the Department of Health, acting as the duly appointed delegate of the Minister for Health, do by this notice hereby amend the currently applying Scale of Fees for hospital services and other health services to the extent and in the manner set forth in the following Schedule to take effect on and from the date of gazettal of this notice.

ROBERT MCGREGOR,
Acting Director-General

SCHEDULE

Add to 'PART 1- ACCOMMODATION AND MISCELLANEOUS HOSPITAL SERVICES', immediately after item 1C.2., the following item:

ID. TREATMENT FEE

Treatment fee applicable to ineligible inpatients, other than compensable patients, (refer item 1A.4.), in addition to the current applicable accommodation charge, in situations where the ineligible inpatient receives medical treatment under arrangement with a public hospital rather than an individual practitioner

Daily Fee \$ 200

with the exception of:

1. A visitor to Australia who holds a temporary entry permit, and who has applied for but has not yet been issued with an entry permit granting permanent residence.
2. A Norfolk Island resident who is admitted to a public hospital under the Norfolk Island Health Care Scheme (refer item 1A.8.).
3. A person who is admitted to a public hospital under the Asylum Seeker Assistance Scheme (refer item 1A.9.)
4. Persons entitled to free public hospital treatment under the terms of a Reciprocal Health Care Agreement between Australia and their country.

Note: The above daily fee is applicable irrespective of the number of treating practitioners.

HUNTER WATER ACT 1991**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Erratum

IN the notice referring to the Compulsory Acquisition for the West Lakes Sewerage Scheme in *Government Gazette* No 57 of 8 March 2002 at folio 1551 the words "(B) PROPOSED EASEMENT FOR SEWERAGE PIPELINE AND ACCESS THERETO 5 WIDE in Deposited Plan 267810 within Lot 220 in Deposited Plan 1021925 being the land in Certificate of Title Identifier 202/1021925" should have read "(B) PROPOSED EASEMENT FOR SEWERAGE PIPELINE AND ACCESS THERETO VARIABLE WIDTH in Deposited Plan 267810 within Lot 220 in Deposited Plan 1021925 being the land in Certificate of Title Identifier 220/1021925". This notice corrects that error.

KIMBERLY MAXWELL YEADON, M.P.,
Minister for Information Technology,
Minister for Energy, Minister for Forestry
and Minister for Western Sydney.

(C5/12284)

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice

I, the Hon MORRIS IEMMA, M.P., Minister for Public Works and Services, pursuant to section 60 (2) (b) of the Land Acquisition (Just Terms Compensation) Act 1991, notify the amount of \$19,133.00 as the maximum amount of compensation in respect of solatium for land acquisitions taking effect on or after 1 July 2002.

Dated at Sydney, this 5th day of June 2002.

The Hon MORRIS IEMMA, M.P.,
Minister for Public Works and Services

LOCAL GOVERNMENT ACT 1993

Cancellation of Appointment to the Local Government Boundaries Commission

HER Excellency the Governor with advice of the Executive Council, and in accordance with Clause 5 (1) of Schedule 2 to the Local Government Act 1993, has cancelled the appointment of Councillor William Bawden Bott as a member of the Local Government Boundaries Commission and declared vacant that position with effect from 11 October 2001.

HARRY WOODS, M.P.,
Minister for Local Government

Department of Local Government
Sydney.

LOCAL GOVERNMENT ACT 1993

Registration of a Political Party

IT is hereby notified that pursuant to the provisions of the Local Government Act 1993 the undermentioned political parties are registered:

Community First Alliance
Protect Our Garden Shire
Totally Locally Committed Party

J. WASSON,
Electoral Commissioner

State Electoral Office
Level 20, 207 Kent Street
Sydney 2000
4 June 2002

LOCAL GOVERNMENT ACT 1993

Coffs Harbour Northern Areas Sewerage

Vesting of Easements in Coffs Harbour City Council

THE Minister for Land and Water Conservation of the State of New South Wales, declares that the easements described in the Schedule hereto, which were acquired for the purpose of the Coffs Harbour Northern Areas Sewerage Scheme are vested in Coffs Harbour City Council.

RICHARD AMERY, M. P.,
Minister for Agriculture
and Minister for Land and Water Conservation

SCHEDULE

Interest in Land

Easement rights as described under the heading Sewer Pipeline in Memorandum E931212 filed in the Land Titles Office over the site shown in:

Deposited Plan 1015768 (SB55100) as:

'(D) PROPOSED EASEMENT FOR SEWER PIPELINE 5 WIDE & VARIABLE' within Lot 6 in Deposited Plan 252223
DPWS Reference 109

**LOCAL GOVERNMENT ACT 1993
LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of
Easements Over Land

THE Shoalhaven City Council declares, with the approval of Her Excellency the Governor, that the easements described in Schedule 1 below are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of a water supply pipeline. The easements are subject to the terms and conditions in Schedule 2 below.

Dated at Nowra this 19th day of February 2002.

GRAHAM NAPPER,
General Manager

SCHEDULE 1

Easement for water pipeline 10 wide and variable identified as "A" in Deposited Plan 1030197, excluding those parts within Lot 36 Deposited Plan 855664, Lot 3 Deposited Plan 715337, Lot 1 Deposited Plan 631599, the road between Lots 1 and 2 Deposited Plan 631599, Lot 37 Deposited Plan 855664, Portion 156 and Part Lot 8 Deposited Plan 715337

Easement for water pipeline 10 wide and variable identified in Deposited Plan 1033588, excluding those parts within Lot 55 Deposited Plan 755965 and Yerriyong State Forest No. 920 Extension No.8 notified in *Government Gazette* dated 4 February 1983

Easement for water pipeline 10 wide and variable identified in Deposited Plan 1032565

Easement for water pipeline 10 wide in Deposited Plan 1032615

SCHEDULE 2

FULL AND FREE RIGHT AND LIBERTY for the Authority benefited its officers servants and agents and every person authorised by it to lay down pipes and necessary surface valves for water supply purposes and use and maintain such pipes and valves through and under the easement TOGETHER WITH FULL AND FREE RIGHT AND LIBERTY from time to time and at all times to inspect the condition of the pipes and to cleanse maintain mend repair and relay such pipes or valves or any part thereof and for such purposes or any of them at all reasonable times with or without surveyors workmen materials machinery implements and other persons and things to pass and re-pass and with or without vehicles to enter into and upon the servient tenement and to bring and place and have thereon to remove therefrom carry away use and leave any of the clay, sand, gravel, stones and earth which shall be taken out of the land comprising the servient tenement and to do all such

acts and things which may be deemed necessary for the above purpose by the Authority benefited PROVIDED THAT in carrying out or performing any such inspection, cleansing, maintenance, mending, renewing, repairing, relaying or replacing of such lines of pipes and valves and excavating, taking up, renewing, repairing, relaying or replacing the surface of the servient tenement the Authority benefited shall make as little disturbance on or do as little damage as possible to the servient tenement and shall with all practicable speed restore and make good all or any such damage or disturbance and as far as practicable and with all reasonable speed restore the surface of the servient tenement to its former state and condition as existed prior to the undertaking of any works on the servient tenement.

DPWS Reference 135

**NSW NATIONAL PARKS AND WILDLIFE
SERVICE**

Notice of Exhibition of the Draft Black-eared Miner
Recovery Plan

THE National Parks and Wildlife Service hereby gives notice of the exhibition of the draft Black-eared Miner (*Manorina melanotis*) Recovery Plan. Public submissions are invited from 17 June to 26 July 2002. Exhibition details will be published on 14 June 2002 in the *Sydney Morning Herald*, the *Sunraysia Daily*, and on 15 June 2002 in the *Barrier Daily Truth*.

JOSHUA GILROY,
Acting Manager,
Conservation Programs and Planning
Western Directorate

POISONS AND THERAPEUTIC GOODS ACT 1966

Restoration of Drug Authority

IN accordance with the provisions of Clause 151 (1) of the Poisons and Therapeutic Goods Regulation 1994, a direction has been issued that the Order prohibiting Dr Kirtikumar SHAH of 5 Macquarie Road, Fennell Bay 2283 from supplying or having possession of drugs of addiction as authorised by Clause 103 of the Regulation and issuing a prescription for a drug of addiction as authorised by Clause 79 of the Regulation, for the purpose of his profession as a medical practitioner, shall cease to operate from Friday, 7 June 2002.

ROBERT MCGREGOR,
Acting Director-General

Department of Health, New South Wales
Sydney, 3 June 2002

POISONS AND THERAPEUTIC GOODS ACT 1966

Order Under Clause 151(1)

**POISONS AND THERAPEUTIC GOODS
REGULATION 1994**

Withdrawal of Drug Authority

IN accordance with the provisions of Clause 151 (1) of the Poisons and Therapeutic Goods Regulation 1994 an Order has been made on Kelly RICHARDS of 75 Wedmore Road,

Emu Heights 2750 prohibiting her until further notice, as a nurse from having possession of and supplying drugs of addiction as authorised by Clauses 103 and 105 of the Regulation.

This Order is to take effect on and from Wednesday, 12 June 2002.

ROBERT MCGREGOR,
Acting Director-General

Department of Health, New South Wales
Sydney, 4 June 2002

POISONS AND THERAPEUTIC GOODS ACT 1966

Restoration of Drug Authority

IN accordance with the provisions of Clause 151 (1) of the Poisons and Therapeutic Goods Regulation 1994, a direction has been issued that the withdrawal of authority of Jocelyn Clare ARGUE, of 413 President Avenue, Kirrawee 2232, to be in possession of or supply drugs of addiction as authorised by Clauses 103 and 105 of the Regulation for the purposes of her profession as a nurse, shall cease to operate from 14 June 2002.

ROBERT MCGREGOR,
Acting Director-General

Department of Health, New South Wales
Sydney, 11 June 2002

SURVEYORS ACT 1929

Restoration to the Register of Surveyors

PURSUANT to the provisions of section 9B of the Surveyors Act 1929, the undermentioned persons have been restored to the Register of Surveyors with the effective dates of restoration as shown.

Name / Address	Effective Date of Restoration	Original Date of Registration
RAWLING, Stephen 46/227 – 241 Princes Highway Kogarah NSW 2217	9 April 2002	21 March 1978
HEAD, Walter John PO Box 3121 Weston Creek ACT 2611	10 April 2002	14 September 1970
KIRKWOOD, Michael Manus 92 Kings Road Five Dock NSW 2046	18 April 2002	21 March 1978

W. A. WATKINS,
President

G. K. A. LEATHERLAND,
Registrar

SURVEYORS ACT 1929

Registration of Surveyors

PURSUANT to the provisions of section 8 of the Surveyors Act 1929, the undermentioned persons have been Registered as Surveyors in New South Wales from the date shown.

Name Date	Address	Effective
BARR, Stephen Andrew	163 Morgan Street Merewether NSW 2291	12 April 2002
HAWKINS, Charles Anthony	3 Kentia Street Mount Gravatt East QLD 4122	23 April 2002
KANEVA, Violetta Konstantinova	1/12 Pangari Place Lambton NSW 2299	11 April 2002
LAWRENCE, Shane Michael	9/38 - 40 Bream Street Coogee NSW 2034	15 April 2002
LE CLERC, Shawn Maurice	29 Brooke Street Engadine NSW 2233	8 April 2002
MONARDO, Joseph	23 Stephen Street Hornsby NSW 2077	2 April 2002
POLLOCK, Helen Julie	756 Pimlico Road Pimlico NSW 2478	2 April 2002
ROBSON, Craig	12 Foothills Road Corrimal NSW 2518	2 May 2002

W. A. WATKINS,
President

G. K. A. LEATHERLAND,
Registrar

SURVEYORS (GENERAL) REGULATION 1999

Granting of Emeritus Status

PURSUANT to the provisions of Clause 32 (1) of the Surveyors (General) Regulation 1999, the undermentioned Surveyor has been granted Emeritus Status in recognition of his long service and contribution to the surveying profession in New South Wales, with effect 24 May 2002.

Name	Date of Original Registration	Removed from Register
DAVIDSON, Ronald Alexander	29 September 1969	1 November 2001

W. A. WATKINS,
President

G. K. A. LEATHERLAND,
Registrar

TENDERS

Department of Public Works and Services

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

TENDERS for the undermentioned Period Contracts, Supplies and Services, required for the use of the Public Service, will be received by the Department of Public Works and Services, Level 3, McKell Building, 2-24 Rawson Place, Sydney, N.S.W. 2000, up til 9.30 am on the dates shown below:

19 June 2002

- 024/901** PHARMACEUTICALS. DOCUMENTS: \$110.00 PER SET
025/7260 SALARY PACKAGING SCHEME. DOCUMENTS: \$110.00 PER SET
025/451 TIMBER, BUILDING BOARDS, AND ASSOCIATED PRODUCTS. DOCUMENTS: \$110.00 PER SET
025/7260 SALARY PACKAGING SCHEME. DOCUMENTS: \$110.00 PER SET

26 June 2002

- S01/00293 (1557)** CLEANING GOSFORD GOVT OFFICES FOR A PERIOD OF UP TO 3 YEARS. DOCUMENTS: \$27.50 PER SET
S01/00293 (1557) CLEANING GOSFORD GOVT OFFICES FOR A PERIOD OF UP TO 3 YEARS. DOCUMENTS: \$27.50 PER SET
S02/00110 (6033) CLEANING DOCS OFFICES AT CAMPBELLTOWN AND BRADBURY FOR 3 YEARS. CATEGORY D. INSPECTION DATE & TIME: 7/06/2002 @ 2:00 AM SHARP. AREA: 1752 SQ. METERS. DOCUMENTS: \$27.50 PER SET
025/7259 NSW SPECTACLES PROGRAM. DOCUMENTS: \$110.00 PER SET

27 June 2002

- 201910** NON-SES SALARY PACKAGING ADMINISTRATION SERVICES. DOCUMENTS: \$0.00 PER SET

3 July 2002

- IT 01/2824** PROVISION AND INSTALLATION OF A LAND INFORMATION SYSTEM. DOCUMENTS: \$220.00 PER SET

TENDER DOCUMENT FEE

Tender documents for inspection and purchase, and application forms for Expression of Interest are available at the address above. Where charges apply for tender documents, they are not refundable, cheques and credit cards (Bankcard, Mastercard and Visa) only are acceptable, payable to Department of Public Works and Services. NO CASH payments will be accepted. Documents can be Express Posted on request at an extra cost. Non attendance of mandatory site meetings will render tenders informal.

Further Information is available on the Internet (<http://www.dpws.nsw.gov.au/tenders>)

Government Printing Service

TENDERS FOR PRINTING

TENDERS will be received up to 9.30 am on the date specified for the undermentioned printing. Envelopes containing tenders must be addressed to: Government Printer Unit 5 Block V 391 Park Road REGENTS PARK NSW 2143, and have legibly endorsed upon the face thereof the items and description of the printing for which the tender is submitted.

Tender Closing 24th June 2002

- Tender No: 28576** Tenders are invited for a term contract to produce the NSW Government Gazette. The *Government Gazette* is published 52 weeks of the year together with 2 Freedom of Information Gazettes (1 in June and 1 in December). Full details are available from Gavin Potter on Ph: 9743 8777.

Tender Closing 9.30am 1st July 2002

Tender No: 28533 Tenders are invited for the supply of the following goods for the period specified against each item. Such provision of goods is subject to and in accordance with the Terms and Conditions of Tender as set out on within this document.

Design, Print and Binding of Seniors Cards Booklet 2003

Enquiries: Gavin Potter 9743 8777

Tenders must be in a plain envelope endorsed as follows and form GPSF72 signed to be valid:

Tender Number 28533

Tender Box

NSW Government Printing Service

Unit 5 Block V

391 Park Road

Regents Park NSW 2143

Quantity: 725,000 copies or 800,000 copies

Kinds: Central and North Coast, Metropolitan Sydney, Southern Sydney, Western Sydney and Southern NSW.

Content: 96pp + cover

Size: 210 x 100mm (DL)

Cover: Printed 4 process colours 2 sided (full bleeds) on 130gsm A2 Matt Art.

Text: Printed 4 process colours throughout (full bleeds) on 65gsm Light Weight Coated.

Binding: Fold collate stitched and trimmed to size.

Artwork: Supplied on disk by designer – Mac – PDF Files.

Proofing: Digital proofs to be supplied by contractor.

Delivery: 2 Sydney Metropolitan Addresses in 2 parts.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BAULKHAM HILLS SHIRE COUNCIL

Roads Act 1993, Section 39

Closure of Temporary Public Road – Road Linking
Princess Avenue to Rosebery Road, Kellyville

THE Baulkham Hills Shire Council hereby advises that pursuant to section 39 of the Roads Act 1993, it intends to close to vehicular traffic the temporary public road linking Princess Avenue to Rosebery Road, Kellyville. The temporary public road is situated at Lots 4 and 9, DP 1032627. On publication of this notice the temporary public road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. Dated at Castle Hill this 7th day of June 2002. D. MEAD, General Manager, Baulkham Hills Shire Council, PO Box 75, Castle Hill, NSW 1765.

[0454]

BYRON SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads – Veterans Lane, Riversea
Lane, Steamer Lane and Dolphin Lane

NOTICE is hereby given that in accordance with section 162 (1) and (2) of the Roads Act 1993, Council has named the following roads as described below:

<i>Location</i>	<i>Name</i>
Rear of RSL premises, between Fawcett and Mullumbimbi Streets, extending from Tweed to Park Streets, Brunswick Heads.	Veterans Lane.
East-west lane between North Head Road and The Esplanade, New Brighton, and extending west of North Head Road for approximately 140 meters.	Riversea Lane.
North-south lane west of North Head Road and south of Brunswick Street, crossing Riversea Lane, New Brighton.	Steamer Lane.
North-south lane between North Head Road and The Esplanade, crossing Riversea Lane, New Brighton.	Dolphin Lane.

ROBIN READ, General Manager, Byron Shire Council, PO Box 219, Mullumbimby, NSW 2482

[0455]

FAIRFIELD CITY COUNCIL

Proposed Intersection Treatment - Fairfield Street,
Fairfield, at Victory Street

NOTICE is hereby given that Council proposes to modify the intersection of Victory and Fairfield Streets, Fairfield. Council is proposing to implement one of the following

options: (1) Banning right turn movements into and out of Victory Street at Fairfield Street through the provision of a median island in Fairfield Street; or (2) Banning the right turn movement into Victory Street through a half seagull treatment in Victory Street; or (3) Full closure of Victory Street at Fairfield Street; or (4) Retention of the existing intersection layout. Council is now seeking submissions on the preferred proposal from residents and other interested parties within the area. Submissions in writing, either by way of support or objection to any of the proposals, must reach Council no later than Friday, 19th July, 2002 (please quote Council's reference G10-03-050). Further information can be obtained by contacting Council's Traffic and Road Safety Branch on (02) 9725 0874. A. YOUNG, City Manager, Fairfield City Council, PO Box 21, Fairfield, NSW 1860.

[0439]

GUNDAGAI SHIRE COUNCIL

Roads Act 1993

Naming of Public Road – Punch Street

THE Gundagai Shire Council, in pursuance of section 162 of the abovementioned Act, and the Roads (General) Regulation 2000 has resolved to name the road as shown hereunder:

Description	Proposed Name
The road that goes in a north-westerly direction from the intersection of Punch Street and Mackellar Street to Burra Road at the north-western corner of Lot 1, DP 503958 at the 100/60 speed restriction signs.	Punch Street.

Authorised by resolution of Council on 14th May, 2002. G. A J. TICKNER, General Manager, Gundagai Shire Council, PO Box 34, Gundagai, NSW 2722.

[0440]

PENRITH CITY COUNCIL

Roads Act 1993, Section 10

Notice of Dedication of Land as Public Road

THE Council of the City of Penrith dedicates the land described in the Schedule below as public road pursuant to section 10, Roads Act 1993. Dated at Penrith this 5th day of June, 2002. A. TRAVERS, General Manager, Penrith City Council, PO Box 60, Penrith, NSW 2751.

SCHEDULE

Lots 1-8 (inclusive), DP 847200.

[0441]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ALICE MAUDE GRACE, late of Little Bay, in the State of New South Wales, widow, who died on 1st January, 2002, must send particulars of his claim to the executor, John Cleary, c.o. John H. Hastings, Solicitor, Level 8, 159 Kent Street, Sydney, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 30th May, 2002. JOHN H. HASTINGS, Solicitor, Level 8, 159 Kent Street, Sydney, NSW 2000 (DX 10313, Sydney Stock Exchange), tel.: (02) 9251 2138. [0442]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOHN HENRY ALTY, late of Griffith, in the State of New South Wales, retired farmer, who died on 6th February, 2002, must send particulars of his claim to the executors, Mary McRae Alty and Brian John Alty, c.o. Olliffe & McRae, Solicitors, PO Box 874, Griffith, NSW 2680, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 21st May, 2002. OLLIFFE & McRAE, Solicitors, PO Box 874, Griffith, NSW 2680 (DX 5901, Griffith), tel.: (02) 6962 1744. [0443]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of GEORGE ELIA, late of Wesley Heights Nursing Home, 47 Birkley Road, Manly, in the State of New South Wales, retired, who died on 2nd April, 2002, must send particulars of his claim to the executor, Demetrious Georgiou Elias, c.o. Abigails Solicitors, 400 Sydney Road, Balgowlah, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. ABIGAILS SOLICITORS, 400 Sydney Road, Balgowlah, NSW 2093, tel.: (02) 9948 0264. [0444]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of EDWIN PERCY COLLIER, late of Banks Lodge, 26 Bridgeview Road, Beverly Hills, in the State of New South Wales, who died on 30th January, 2002, must send particulars of his claim to the executor, Douglas Edwin Collier, c.o. Colin J. Duff, Solicitor, 7 Morts Road, Mortdale, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 3rd May, 2002. COLIN J. DUFF, Solicitor, 7 Morts Road, Mortdale, NSW 2223 (DX 11307, Hurstville), tel.: (02) 9570 2022. [0456]

COMPANY NOTICES

NOTICE of members' voluntary winding up.—JULBAR PTY LIMITED, ACN 000 951 020.—At an extraordinary general meeting of the members of the company held at 434 Elizabeth Street, Surry Hills, NSW on 6th June, 2002 a special resolution appointing me as a liquidator of the company was passed. B. E. NEEDS, Liquidator, c.o. Miller Needs, Chartered Accountants, 434 Elizabeth Street, Surry Hills, NSW 2010, tel.: (02) 9318 2755. [0445]

NOTICE of members' voluntary winding up.—BERRY GONE PTY LIMITED, ACN 000 902 723.—At an extraordinary general meeting of the members of the company held at 434 Elizabeth Street, Surry Hills, NSW on 6th June, 2002 a special resolution appointing me as a liquidator of the company was passed. B. E. NEEDS, Liquidator, c.o. Miller Needs, Chartered Accountants, 434 Elizabeth Street, Surry Hills, NSW 2010, tel.: (02) 9318 2755. [0446]

NOTICE of members' voluntary winding up.—JARBY HOLDINGS PTY LIMITED, ACN 000 902 732.—At an extraordinary general meeting of the members of the company held at 434 Elizabeth Street, Surry Hills, NSW on 6th June, 2002 a special resolution appointing me as a liquidator of the company was passed. B. E. NEEDS, Liquidator, c.o. Miller Needs, Chartered Accountants, 434 Elizabeth Street, Surry Hills, NSW 2010, tel.: (02) 9318 2755. [0447]

NOTICE of members' voluntary winding up.—BARRETT ENTERPRISES PTY LIMITED, ACN 001 387 211.—At an extraordinary general meeting of the members of the company held at 434 Elizabeth Street, Surry Hills, NSW on 6th June, 2002 a special resolution appointing me as a liquidator of the company was passed. B. E. NEEDS, Liquidator, c.o. Miller Needs, Chartered Accountants, 434 Elizabeth Street, Surry Hills, NSW 2010, tel.: (02) 9318 2755. [0448]

NOTICE of extraordinary general meeting of members.—TT ENGINEERING PTY LIMITED (In voluntary liquidation), ACN 000 829 087.—Notice is hereby given that at an extraordinary general meeting of members of the above company held on 11th May, 2002 it was resolved that the company be wound up voluntarily and that Albert Ernest Vidler of 2 Linton Avenue, West Ryde be appointed liquidator. Notice is also given that after twenty-one (21) days from this date I shall proceed to distribute the assets of the company. All creditors having any claim against the company should furnish particulars of same by that date. Dated 6th June, 2002. A. E. VIDLER, Liquidator, c.o. Walker, Vidler & Co., Chartered Accountants, 6th Floor, 491 Kent Street, Sydney, NSW 2000, tel.: (02) 9261 2600. [0449]

NOTICE of voluntary winding up pursuant to section 491 (2) of the Corporations Law.—INDEPENDENT PROPERTIES PTY LIMITED, ACN 000 874 877.—Notice is hereby given that an extraordinary general meeting of the abovenamed company was held at 60 York Street, Sydney, NSW on 1st May, 2002 the following special resolution was passed: “That the company be wound up as a members’ voluntary liquidation and that Gabriel Elliott be appointed liquidator”. Dated 7th June, 2002. G. ELLIOTT, Liquidator, c.o. G. A. Elliott & Co., Chartered Accountants, Level 1, 60 York Street, Sydney, NSW 2000, tel.: (02) 9262 2844. [0450]

NOTICE of voluntary winding up pursuant to section 491 (2) of the Corporations Law.—JAMES ROSE PTY LIMITED, ACN 001 051 485.—Notice is hereby given that an extraordinary general meeting of the abovenamed company was held at 60 York Street, Sydney, NSW on 1st May, 2002 the following special resolution was passed: “That the company be wound up as a members’ voluntary liquidation and that Gabriel Elliott be appointed liquidator”. Dated 7th June, 2002. G. ELLIOTT, Liquidator, c.o. G. A. Elliott & Co., Chartered Accountants, Level 1, 60 York Street, Sydney, NSW 2000, tel.: (02) 9262 2844. [0451]

NOTICE of voluntary liquidation pursuant to section 491 (2) of the Corporations Law.—WEONGA INVESTMENTS PTY LIMITED (In liquidation), ACN 000 868 002.—At a general meeting of the abovenamed company, duly convened and held at Lot 5, Old Emu Mountain Road, Peregian Beach, QLD 4573 on 31st May, 2002 at 10.00 a.m. the following special resolution passed: “That the company be wound up as a members’ voluntary liquidation and that the assets of the company may be distributed in whole or in part to the members in specie should the liquidators so desire”. Dated 31st May, 2002. I. PERRY, Liquidator, c.o. K. H. Perry & Co., Chartered Accountants, Suite 12 Westlakes Arcade, 108-112 The Boulevard, Toronto, NSW 2283. [0453]

OTHER NOTICES

COUNTRY ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995. Dated at Port Macquarie this 5th day of June, 2002. RON CRAGGS, Company Secretary, Country Energy, PO Box 786, Port Macquarie, NSW 2444.

SCHEDULE

An easement for electricity purposes 20 metres wide and variable marked ‘(E)’, as detailed in Deposited Plan 1032010 over that part of Crown reserve at Bungawalbin, Local Government area of Richmond River Shire, Parish of Bungawalbin, County of Richmond, the terms of which easement are contained in Parts A, H and I of Memorandum 3820073 filed at the Land Titles Office Sydney. [0452]

