



Bega Valley Development Control Plan 2013

As amended July 2024



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1 Preliminary

1.1 Name of this plan

This plan is called the Bega Valley Shire Development Control Plan. This plan has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act 1979 (the EP&A Act).

1.2 Date of adoption

This plan was originally adopted by Bega Valley Shire Council (Council) on 4 September 2013 and came into on 11 September 2013.

This plan is subject to amendment, refer to the list of amendments in Section 1.8 of this plan for details.

1.3 Purpose of this plan

This plan will be used together with the LEP.

The LEP provides the legal framework by which Council's development decisions are made. It sets out Council's vision and seeks to implement this by way of objectives, policies, zoning tables and zoning and heritage conservation maps.

This plan supplements the LEP by providing detailed reasoning, guidelines, requirements and general information relating to the decision making process and ensures that future development is consistent with the desired future character and community vision for the Bega Valley Shire's towns, villages, urban settlements and rural areas.

While the LEP provides the standards that apply to development within the Shire, this plan provides further parameters in which development needs to be designed and considered. Satisfying only the minimum development standards will not necessarily achieve a positive result in terms of an overall good design. Any development must demonstrate that the objectives and requirements of the DCP have also been met.

Together these documents form the land use planning and development controls for the Bega Valley Shire local government area.

Council promotes the principles of ecologically sustainable development and encourages innovation. Any variation to the guidelines and requirements in this plan must demonstrate that an exceptional design and/or a superior environmental outcome will be achieved.

1.4 Land to which this plan applies

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

1.5 Other planning policies and instruments

This plan supports the provisions of the LEP.

This plan is to be read in conjunction with other planning instruments, Council policies, codes and technical specifications to specific design aspects of a proposal.

Where there is an inconsistency between this plan and any environmental planning instrument applying to the same land, the provisions of the planning instrument apply.

In addition to the above and the provisions of this Plan, in assessing development proposals, Council must consider all those matters specified in Section 79C of the EP&A Act.

1.6 Structure of this plan

This development plan is structured in the following manner:

1. Preliminary – comprises the administrative elements of this plan, including the name of this plan, the date of adoption, the purpose of this plan, the land to which this plan applies, and the relationship of this plan to other relevant planning policies and instruments.
2. Commercial and industrial development – identifies the objectives and key development controls for commercial and industrial development.
3. Residential development – identifies the objectives and key development controls for residential development within urban areas.
4. Rural development – identifies the objectives and key development controls for development within rural areas.
5. General development requirements – identifies the controls which apply to most forms of development.
6. Engineering requirements – identifies special provisions for the consideration of engineering requirements.
7. Site specific requirements – identifies particular controls for development within certain areas of the Bega Valley Shire local government area.
8. Notification and advertising – explains when development applications are notified or advertised.

1.7 Development Applications

Council provides a detailed guideline and [Matrix](#) to assist applicants in preparing and submitting a Development Application (DA). All applicants are strongly urged to obtain and follow the guidelines in the kit.

For all DAs, a formal Statement of Environmental Effects is required that addresses any impacts of the proposed development and the relevant parts of this plan and any requirements or guidelines in the other plans and policies applying to the land. A proforma is available for all developments relating to a single dwelling house (which includes alterations and additions). For more complex development, applicants are requested to seek professional assistance.

1.8 Variations to requirements

When circumstances warrant, Council may consent to an application which departs from the provisions of this plan. In such cases, a written submission must be lodged with the development application outlining the variation, how the variation provides an equal or higher standard than indicated, or demonstrating how the standard is unreasonable or unnecessary in the circumstances of the case, and setting out how the objectives of the particular provision or an adopted and current land use planning strategy are satisfied by the proposal.

1.9 List of amendments

The following list details the amendments to this plan that have been effected after the original adoption of the plan.

Name of Amendment	Date Approved by Council	Date Plan Came into Force
Original Plan	4 September 2013	11 September 2013
CDB Design Guidelines	22 October 2014	
Commercial Car Parking	10 June 2015	
Tree and Vegetation Preservation	20 July 2016	3 August 2016
Wolumla	13 July 2019	11 September 2019
Tura Beach Lots 33 and 34 DP 243029	28 August 2019	11 September 2019
Repeal Chapter 8 Notification and Advertising	27 November 2019	
Tree and Vegetation Preservation	26 August 2020	
Aboriginal Heritage	16 December 2020	
South Imlay Street Eden Heritage Conservation Area	24 November 2021	25 January 2022
Off-street Car and Bicycle Parking	16 November 2022	29 November 2022
Merimbula Airport General Aviation Precinct	28 June 2023	4 July 2023
Mixed Use Development	14 December 2022	1 August 2023
Employment Zones	16 March 2022	1 August 2023
Housing diversity	14 December 2022	5 July 2024
Flooding and sea level rise	24 July 2024	5 August 2024

1.10 Definitions

Unless specifically stated in this plan, all definitions are as per the LEP.

2 Commercial and Industrial Development

This chapter describes the desired future character and specific requirements for development in the town centres of Bega, Eden, Merimbula and Pambula. Following this are a set of general requirements for all commercial and industrial development in the Shire (including the above town centres) as well as specific requirements for commercial and industrial development.

2.1 Bega Town Centre

Objective

- Establish a set of requirements to realise the Desired Future Character for Bega Town Centre.

Application

This Section applies to the area of Bega zoned E2 Commercial Centre and MU1 Mixed Use. These requirements are in addition to the provisions detailed in Sections 2.6 and 2.7 of this plan.

2.1.1 History of development

From its earliest days Bega grew as a settlement with a rural focus. This focus consolidated over the years as it emerged to service the rural communities of the Bega Valley. Today Bega is the administrative and service centre of the Shire.

2.1.2 Locality characteristics

Bega functions as the Regional Centre of the Bega Valley Shire and provides the range of commercial, retail and public services expected of a centre servicing the entire Shire, and, to some extent, the surrounding region. Bega is one of 32 Major Regional Centres in the State and one of three in the South Coast.

Different areas of Bega exhibit distinct character values and development potential based on the nature and form of existing land use activities and the physical improvements which are attached to such developments. Bega can be divided into a number of functional areas, being the Commercial Core, surrounding Town Centre Support area, residential and open space areas. The Commercial Core and Town Centre Support areas can be further divided into precincts based on particular roles and functions, as illustrated in Figure 2.1.



Figure 2.1: Bega Town Centre Precincts

2.1.3 Existing character

Bega has the following positive characteristics: inspiring topographical context, ability to integrate with landscape setting, relatively intact Main Street, strong grid layout, significant development/redevelopment opportunities, relative lack of inappropriate development, compact town centre with the associated energy savings and pedestrian accessibility, central community focused Civic Precinct, mature country town atmosphere, welcoming community culture, strong indigenous tradition, higher order education and sports focus, cultural hub, foundations of a public art program, service centre to an expansive hinterland, capacity to generate developer funded infrastructure improvements and capacity to expand tourism focus.

2.1.3.1 Commercial Core

The commercial core comprises Precincts 1, 2, 3 and 8.

- **Precinct 1 – Carp Street (Commercial Main Street)**

Carp Street performs the function of a traditional main street shopping/commercial strip which anchors the commercial core. The strip largely comprises two storey buildings or single storey buildings with extended parapets, with generally continuous awning treatments and shop fronts and advertising in various states of repair. No one architectural style dominates the main street landscape.

- **Precinct 2 – Civic Precinct/Littleton Gardens**

The Civic Centre Precinct is bounded by Carp, Auckland, Gipps and Upper Streets, including Zingel Place, and is the location of Littleton Gardens, a town square enclosed by civic, community and retail land uses. The Civic Centre Precinct forms an integral part of the Town Centre. The precinct includes a number of civic uses providing a range of services and facilities including Littleton Gardens, public car parking, toilet facilities and shopping facilities.

This area comprises the community soul of Bega. It is dominated by community and civic activities in public buildings and a revitalised landscape setting. Council has the dominant presence and anchors the range of civic facilities and amenities. The area has an important local memorial role and is of importance in terms of indigenous cultural heritage. A small shopping mall terminates at this area and a large retail complex fronts onto the site.

- **Precinct 3 – ‘Coles’ Upper, Gipps and Parker Streets**

This area comprises the eastern prolongation of the commercial core and rises upslope in a southerly direction. The Central Hotel/Coles/Town Centre Motel area provides a site capable of redevelopment.

- **Precinct 8 – Lower Gipps, Bega and Church Streets**

This precinct, apart from the church dominance (north-western corner), is the subject of modest development. It lends itself to low-rise generally street aligned redevelopment with integrated parking, which respects a reasonable church curtilage. The north-eastern area of the precinct is subject to inundation by floodwaters. It is the site of a significant willow tree and of major cultural significance to the local indigenous community.

2.1.3.2 Town Centre Support

The support area provides a mix of supporting commercial style development, residential development and support infrastructure.

- **Precinct 4 – Eden, Upper (Southern), Auckland, Little Church and Gipps Streets**

This area is dominated by educational facilities, public purposes, and in particular the Bega High School and Police Station. Other educational facilities and commercial activities will potentially cluster in this locality over time as it assumes a mixed-use character.

- **Precinct 5 – Auckland Street north of Carp Street**

The Auckland Street area north of Carp Street has a strong community focus evidenced in the existing school, museum and educational/child care facilities.

- **Precinct 6 – Lower Parker Street (West), Bega and Gipps Streets**

This precinct comprises an intact cottage precinct, which has undergone incremental transformation as cottages have been converted and expanded for professional office functions, particularly medical. Limited aged care/hospital facilities are present. On-site and kerbside parking provision exists.

- **Precinct 7 – The Spenco Site**

The Spenco site is a large currently disused site on the northern fringe of town bounded by the Bega River which is capable of redevelopment.

- **Precinct 9 – Auckland Street (West), Corner Carp Street and Peden Streets and Peden Street East**

This precinct is rather mixed in nature with many lower profile lower density buildings, and generally modest capital improvements. The northern extremity has a general rural service feel. The western side of Peden Street has a distinctive cottage character.

2.1.3.3 Residential Support

The residential support area (consisting of the residential areas fringing the Commercial Core and Town Centre Support) is currently dominated by a diverse array of residential premises, with principally a domestic scale and detached character. The prevailing residential amenity is generally sensitive to this scale and character and the existing streetscapes have positive qualities including more substantial/heritage buildings and associated landscape settings.

2.1.3.4 Open Space Support

This multi-purpose open space area aligns with the Bega River floodplain, and coupled with the more expansive flood affected areas and wetlands, provides a buffer and pleasant transition between the town and the countryside. It offers further scope for community and recreation activities, improved access for cyclists and pedestrians and beautification/enhancement.

2.1.4 Desired future character

Bega has ample land and appropriate infrastructure to grow to a major centre and to contain many of the health, education, general commercial services and employment opportunities of the region- particularly in the tertiary education, retail, bulky goods and industrial sectors.

Bega, in effect can be the “growth sponge” for the Shire – lessening the more unacceptable impacts of growth on the coastal settlements.

The commercial core and a large surrounding mixed use zone will enable Bega to redevelop and provide the support services, bulky goods and accommodation needed in a regional centre. The LEP also expands employment lands to cater for possible industrial growth over the coming years. Large parts of the land proposed for industrial development is highly visible

from the Princes Highway approach to Bega and will require careful planning to preserve the quality of landscapes in the area.

Bega is the main centre for large scale mall style retail development and requires such developments be incorporated within the current core so as to preserve the commercial and social viability and vitality of the existing town centre. Bega needs to develop as a compact and dense regional centre with highly accessible, energy efficient living, servicing and working opportunities.

The unique heritage qualities of Bega's Town Centre must be conserved and embellished to anchor the character of the town centre as it evolves.

The areas adjoining Carp Street are typified by low-rise, generally street aligned development with mixed use commercial/residential development and commercial activities, eateries and education facilities, this character must be retained.

The Parker/Canning/Gipps Street area north of Carp Street comprises an intact cottage precinct containing many professional offices and some aged care/hospital facilities. The small cottage character of the street must be retained.

2.1.4.1 Development Principles

Section 7 of the *Bega Town Centre Planning Report (2007)* contains the full Structure Plan and must be referred to when considering significant development within Bega. Below is an outline of the principles of the plan which must be used to guide all future development in Bega:

- **River and Mountain Principle:**

Development must enhance the wetland and river setting of the Town Centre through buildings which present a form and appearance that protect vistas to and from the river and in particular Mount Mumbulla and ensure the protection of water quality and treatment of stormwater from the Town Centre.

- **Commercial Centre Principle:**

The compact 'main street' shopping centre model will be retained to provide a retail and commercial environment which will allow Bega to develop as the regional commercial centre of the Shire and beyond.

- **Housing Principle:**

Housing (especially medium density housing) must be provided within and close to the Town Centre to address Shire-wide housing needs in a sustainable manner and to create a more vibrant, higher density and prosperous town centre.

- **Accessibility and Mobility Principle:**

The built environment in the town centre must enhance public accessibility to facilities and services in the Shire and cater for people with reduced personal mobility and personal mobility aids.

- **Buildings Principle:**

New buildings and redevelopment must achieve better performance in the areas of environmental design, residential amenity and building form. The town centre is to contain buildings that are appropriate to a regional centre that reflect best practice in architectural and environmental design and have regard to heritage aspects of the existing built form.

- **Public Domain Principle:**

Development within the private domain must support and respond to the public domain by providing active frontages to key open spaces and streets, new pedestrian linkages through sites and buildings exhibiting a high quality of design. The potential redevelopment of Littleton Gardens as an expanded “Town Square” will further enhance the town centre as a meeting and celebration place for the community.

- **Ecology Principle:**

More stringent standards for the environmental performance of buildings will facilitate development that better reflects the climate of the area and manages water more efficiently and effectively.

- **Energy Principle:**

New development and redevelopment will need to achieve significantly higher levels of energy efficiency than current development if the communities’ goals and general environmental targets are to be met.

- **Cultural Heritage Principle:**

The site of Bega town centre was an important part of the Country of the Monaro Aboriginal Nation and remains a place of cultural significance to all local Koori people. Important elements of Bega’s European heritage and culture can be conserved within a thriving, emerging Regional Centre.

2.1.5 General Requirements

2.1.5.1 Height

Refer to Section 2.7.1.3 of this plan for the objectives and requirements for heights in the Bega Town Centre.

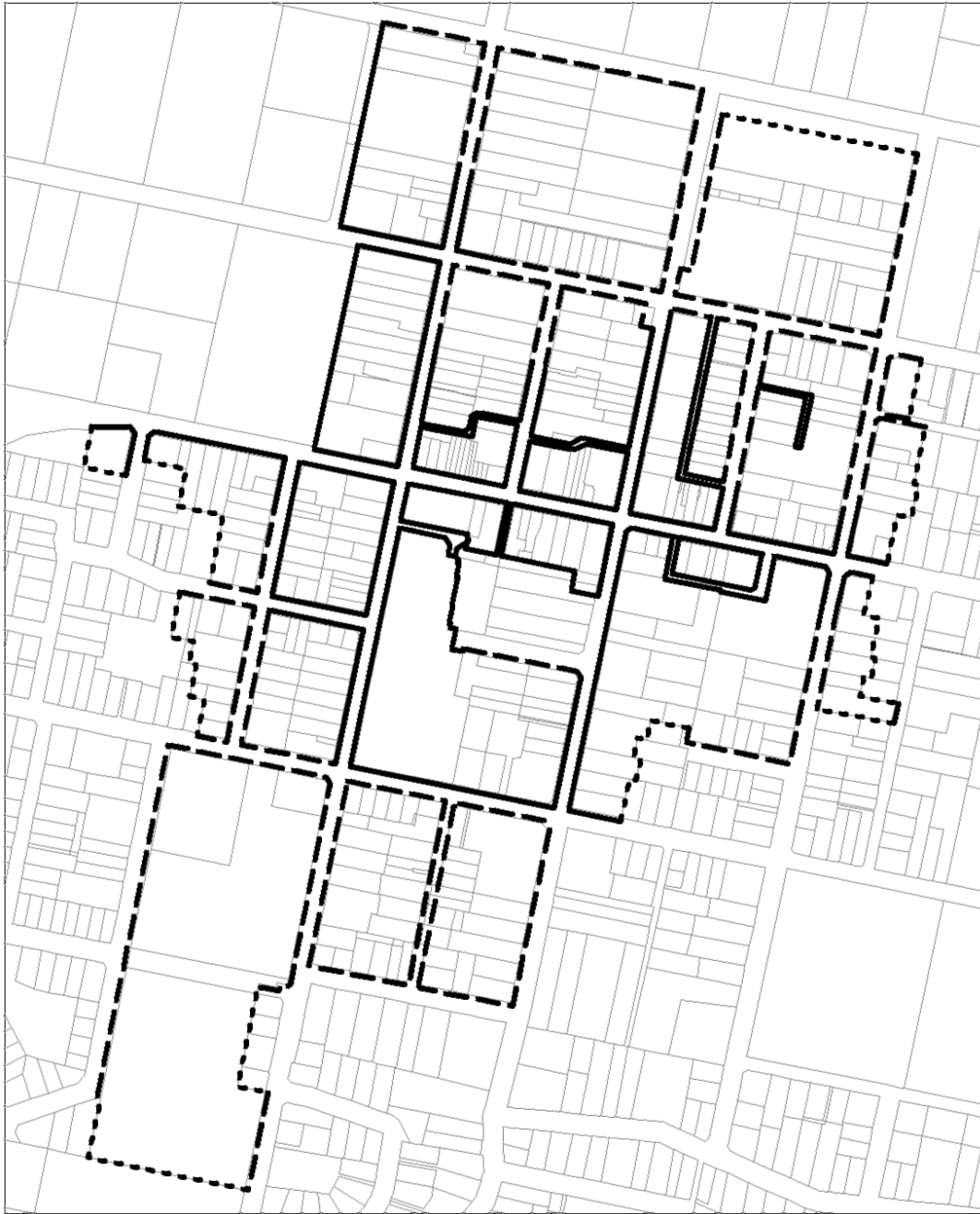
2.1.5.2 Setbacks

Refer to Section 2.7.2.3 of this plan for the objectives and requirements for setbacks in the Bega Town Centre.

- The minimum building setback to all boundaries for the ground and first floor is zero or as nominated in Figure 2.3



Figure 2.2: Bega building height limits



- Minimum 3m rear or side setback
- - - - - Minimum 3m front setback or align with existing neighbouring buildings
- 0m front setback

Figure 2.3: *Bega Town Centre setback requirements.*

2.1.6 Precinct Specific Requirements – Commercial Core

2.1.6.1 Precinct 1 – Carp Street (Commercial Main Street)

Requirements:

- Awnings will be incorporated into the façade of buildings wherever practical. Buildings will have a full width weatherproof awning or verandah that seals with adjoining awnings (where possible), is of sufficient width to enable its use for advertising signage and is of a similar design to those surrounding it.
- Full frontage roller doors are prohibited.
- New development will provide for decorative detailing to the upper façade level. (This might involve using raised, recessed or decorative panelling, cornices or string coursing, small stamped decorative motifs and the like).
- Where the opportunity arises, street elevations of buildings must be returned to their historic character.
- Significant parapet skylines will be retained.
- New buildings must include a suitable parapet skyline that makes a positive contribution to the streetscape.
- Significant shopfront details will be retained, including glazing pattern, mullions, tiling treatments etc.
- New buildings must reflect good architectural design and be of the period in which they are designed.
- The scale of infill buildings will respect the height of nearby significant buildings and will be in harmony with the overall scale of the commercial precinct.
- The building form and detail will remain the dominant element above the awning.

2.1.6.2 Precinct 2 – Civic Precinct/Littleton Gardens

Requirements:

- Awnings will be incorporated into the façade of buildings where practical. Buildings will have a full width weatherproof awning or verandah that seals with adjoining awnings (where possible), is of sufficient width to enable its use for advertising signage and is of a similar design to those surrounding it.
- Development will not present a blank wall facing Littleton Gardens.
- Public vistas to the North to Mumbulla Mountain are to be maintained and enhanced.
- The total number and area of specialty shops, including mini-majors, in any development will be limited to a total of 10 specialty shops, the total area of which will be limited to 2,000m² of gross leasable floor area, unless Council has reviewed an independent economic study of the proposal funded by the proponent, and is satisfied that the economic impacts on the existing town centre are sustainable.

2.1.6.3 Precinct 3 – ‘Coles’ Upper, Gipps and Parker Streets

Requirements:

- Awnings will be incorporated into the façade of buildings where practical. Buildings will have a full width weatherproof awning or verandah that seals with adjoining awnings (where possible), is of sufficient width to enable its use for advertising signage and is of a similar design to those surrounding it.
- Service facilities will not dominate the streetscape.
- Appropriate decontamination of the site will occur where required.
- Buildings rising up the slope from Carp Street will respect the fall of the land and ensure building bulk is not excessive.
- An appropriate interface treatment is required where the southern interface abuts residential development.
- The total number and area of specialty shops, including mini-majors, in any development will be limited to a total of 10 specialty shops, the total area of which will be limited to 2,000m² of gross leasable floor area, unless Council has reviewed an independent economic study of the proposal funded by the proponent, and is satisfied that the economic impacts on the existing town centre are sustainable.

2.1.6.4 Precinct 8 – Lower Gipps, Bega and Church Streets

Requirements:

- Awnings will be incorporated into the façade of buildings where practical. Buildings will have a full width weatherproof awning or verandah that seals with adjoining awnings (where possible), which is of sufficient width to enable its use for advertising signage and is of a similar design to those surrounding it.
- Development will provide decorative detailing to the upper façade level. (This might involve using raised, recessed or decorative panelling, cornices or string coursing, small stamped decorative motifs and the like).
- Parking areas will be integrated and shared wherever possible.
- Full frontage roller doors are prohibited.
- The total number and area of specialty shops, including mini-majors, in any development will be limited to a total of 10 specialty shops, the total area of which will be limited to 2,000m² of gross leasable floor area, unless Council has reviewed an independent economic study of the proposal funded by the proponent, and is satisfied that the economic impacts on the existing town centre are sustainable

2.1.7 Precinct Specific Requirements - Town Centre Support

2.1.7.1 Precinct 4 – Eden, Upper (Southern), Auckland, Little Church and Gipps Streets

Requirements:

- Buildings with a residential component may be considered under the principles of SEPP 65 (NSW Residential Flat Design Code).

2.1.7.2 Precinct 5 – Auckland Street north of Carp Street

Requirements:

- Awnings will be incorporated into the façade of buildings where practical. Buildings will have a full width weatherproof awning or veranda that seals with adjoining awnings (where possible), which is of sufficient width to enable its use for advertising signage and is of a similar design to those surrounding it.
- The design of side walls of any development that may adjoin the church property will avoid long blank walls.
- Vistas from the northern section of this precinct to the Bega River and adjoining reserves and open space must be preserved and new development present sympathetically to the river.

2.1.7.3 Precinct 6 – Lower Parker Street (West), Bega and Gipps Streets

Requirements:

- Parking will be provided behind the building line and wherever possible must be confined to the rear.
- The restoration and conservation of each building's individual character will be encouraged and adverse modification discouraged. This will be particularly important for the front elevations of buildings, and some side elevations that are particularly visible or significant.
- Decayed fabric will be replaced with items that closely match the material, detail and proportion of the original.
- Additions must generally occur to the rear of buildings and be sympathetic in form and character.
- Alterations to achieve BCA and functional requirements must be done in a way that fits with building character and minimises impact on the streetscape.
- Signage boards must be on free-standing panels with a maximum height of 1.8m above ground and a maximum width of 900mm. The style of the board must reflect the character of the building and precinct.
- Front fences to be no higher than 1.2m above ground and must be of a "see through" character (e.g. pickets) or wire fencing in combination with vegetation. Solid or sheet metal fencing is not to be used forward of the building line.
- Front yards must remain landscaped with no more than 50% covered with hard paving.
- The verge must remain a footpath with grass edging to the gutter.

- Tree planting within the verge and street must be done in a way that allows views of the significant buildings.

2.1.7.4 Precinct 7 – The Spenco Site

Requirements:

- New development will be screened by landscaping and noise barriers from adjoining residential land to the east and south.
- New development must encourage pedestrian access and connect pedestrians with the town centre.
- New development will blend in with the general landform when viewed from the north or west and will incorporate perimeter landscaping and architectural elements to reduce the dominance of bulky buildings.
- The section of Gipps St adjoining the precinct will be kept for drainage and landscaping purposes.

2.1.7.5 Precinct 9 – Auckland Street (West), Corner Carp Street and Peden Streets and Peden Street East

Requirements:

- Awnings will be incorporated into the façade of buildings where practical. Buildings will have a full width weatherproof awning or veranda that seals with adjoining awnings (where possible), which is of sufficient fascia width to enable its use for advertising signage and is of a similar design to those surrounding it.
- Car parking will be at the rear of the site.
- Consolidation and pooling of car parking is encouraged.

Additional Requirements for the Peden Street Heritage Conservation Area:

- The significant buildings will be retained.
- Alterations to those parts of the building visible from the street will be done in a manner that is in keeping with the building's historic and aesthetic character, form and detail.
- New structures and additions to the existing buildings will be located so that they will not adversely impact on the appearance of the group from Peden or Upper Street. Generally this will mean that new structures will be set back an appropriate distance behind the front face of the building.
- Subdivision and the development consequences arising from subdivision will not compromise the curtilage or setting of significant places.
- Development within the group will be done in harmony with the scale of the existing buildings.
- Front fences are to be no higher than 1.2m above ground and must be of a "see through" character (e.g. pickets) or wire fencing in combination with vegetation. Solid or sheet metal fencing must not be used forward of the building line.
- No more than 50% of the area forward of the front building face will be paved with impervious material.

- Granite kerbing must be retained and maintained in situ as part of the street's historic fabric.
- The grass verge will be maintained between the footpath and kerb.

2.2 Bermagui Town Centre

Objective

- Establish a set of requirements to realise the Desired Future Character for Bermagui Town Centre.

Application

This Section applies to the areas of Bermagui zoned E1 Local Centre.

These requirements are in addition to the provisions detailed in Sections 2.6 and 2.7 of this plan.

2.2.1 Existing Character

Bermagui was originally established as a port and has retained its maritime focus with both recreational and commercial fishers utilising the existing harbour area and a recent commercial development by the Fisherman's Co-op. Bermagui is a neighbourhood service centre with a strong maritime and tourist theme. Both the retail and surrounding residential development is low scale.

The main commercial area of Bermagui stretches along Murrah Street to the intersection with Lamont Street and then east along Lamont Street, including some commercial development along Wallaga Street. The area contains a vibrant mixture of local service and tourism oriented businesses with one small arcade. The businesses fronting Lamont Street face onto an elevated pedestrian walkway overlooking the foreshore area and ocean with views to Gulaga Mountain.

The Horseshoe Bay Hotel and Sorrento Lodge in the Lamont Street commercial area have interesting architectural and historical associations that contribute to the town's heritage, aesthetic and social values.

A small section of mixed commercial development is also located north of the bridge on Wallaga Lake Road.

2.2.2 Desired Future Character

Future commercial development enhances the existing built environment with building scale and heights that will maintain amenity and character while allowing design flexibility.

Development in the vicinity of buildings with historical importance is compatible with the form and scale of those buildings.

Bermagui is a seaside village that is seeking to reinforce its character through the use of a building language borrowed from timber wharf construction. Bermagui's existing building stock has a good degree of texture and character in the use of cladding and building materials.

Future development is of a scale that fits successfully into the existing local small-scale commercial and residential building stock.

Management of the town's streetscapes and foreshore recreation areas is consistent with the town's existing character.

2.3 Eden Town Centre

Objective

- Establish a set of requirements to realise the Desired Future Character for Eden Town Centre.

Application

This Section applies to the area of Eden zoned E1 Local Centre and MU1 Mixed Use.

These requirements are in addition to the provisions detailed in Sections 2.6 and 2.7 of this plan.

2.3.1 History of development

Eden's history is characterised by fluctuations in vibrancy and relative prosperity over time. This past has been largely a response to variations in its economic underpinning or more particularly variations in local industry and support services. Further, its relative remoteness has meant that the influence of mainstream urbanisation and tourism trends have been severely diluted by the time of their impact in Eden.

2.3.2 Locality characteristics

Eden has an emerging tourist, industry and seniors living focus. Its port, harbour and aquaculture related industries have growth potential. Eden district is the hub of Shire forestry and fishing. Eden is also a centre for Marine education/research/ and related tourism. Small scale industry has growth potential.

As a designated District Centre, Eden provides for the daily and weekly needs of an expanding local and tourist population.

2.3.3 Existing character

The Eden town centre and immediate environs, like any centre, is characterised by a range of opportunities and constraints.

Positive aspects of Eden's existing character include the: relative abundance of development/redevelopment opportunities, relative lack of inappropriate development, picturesque natural setting, magnificent ocean, bay and forested hinterland views, commanding ridge top and facing slope setting, capacity to generate developer funding for infrastructure and public domain upgrades, industry rationalisation/restructure funding availability, some good footpath paving, foundations of a public art program.

Negative aspects of Eden's existing character include the: "tired" look of buildings and public domain, lack of engineering infrastructure and poor appearance of much existing infrastructure, limited funding for redressing infrastructure deficiencies, lack of "high end" accommodation facilities, undeveloped and minimal tourist facilities.

2.3.4 Desired future character

There is a strong desire for Eden to maintain its maritime influence and to strongly reflect it in a vibrant contemporary manner in the emergence of the new "Port of Eden".

As with the other larger towns, Eden needs to increase its living opportunities in and close to the town centre. Eden in particular has some of the most spectacular coastal views from a commercial area and lends itself to quality shop top housing.

This plan will encourage and facilitate the realisation of the vision for the Port of Eden (POE) as developed and documented in the “Port of Eden Urban Design Blueprint and Design Principles and Statement of Desired Future Character”. This will be achieved by providing objectives and requirements which focus on achieving built forms and quality urban design solutions that complement and integrate with the public domain and amenity of the area.

2.3.4.1 Statement of Desired Future Character

“The Port of Eden has evolved as a dynamic, mixed-use centre, which respects its environmental and heritage contexts and capitalises upon its coastal setting. It highlights a reinvigorated working Port and functions as a service centre for an expanded and diversified local and broader hinterland population and business interests. It caters for an ever expanding tourist trade and retirees looking for a convenient, vibrant “downtown” residential setting.

A tree lined Princes Highway leads to a focal point at the termination of Imlay Street, in the form of an embellished roundabout, which in turn invites people with eye-catching directional signage and enticing framework and lower profile planting.

Rationalised service infrastructure, new kerb aligned streetlights and enhanced central median masts with maritime themed banners, integrated parking provision and footpath widening with enhanced paving and street furniture, contribute to the level of attraction of a revitalised maritime centre.

This enhanced public realm context will complement a rejuvenated largely two-storey mixed-use commercial strip dominated by a continuous colonnade and awning treatment of street aligned buildings of maritime architectural influence. Existing lower stature buildings will be enhanced and heightened or redeveloped as part of realising this new built form image.

Radiating out from Imlay Street, the public realm context retains the same qualities, but with somewhat lesser stature. The colonnade effect is similarly diminished.

The “downtown” shopping precinct is a lively place to be and is enhanced by shop top housing and direct resident interaction. Mixed-use activities dominate this precinct, grading away to medium density residential precincts, which thrive upon proximity to the commercial core and capture the magnificent views. Isolated higher density residential apartments blocks command sensitive sites.

Glimpses of the sparkling waters of Twofold Bay and the Pacific Ocean and the working port, together with views of the forested surrounding hills, provide an ever present captivating and relaxing and energising context.

Improved vehicle and pedestrian movement and connectivity underpin the introduction of a “finer grained” accessibility network servicing the redeveloped centre. An important long term addition is an access way between Bass and Chandos Streets and ultimately Mitchell Street servicing a redeveloped car park precinct. Opportunities to improve vehicle/pedestrian access in the vicinity of the “Killer Whale” Museum have been pursued. Warren’s Walk is embellished as a heritage trail and integrated with the Museum Precinct and the Maritime Discovery Centre.

Convenient accessible parking is fostered throughout the Centre. Imlay Street is the focus of a rationalised parking scheme, which sees the retention of kerbside parking and centre island parking in a reconfigured manner that integrates with footpath widening and integrated landscape treatment to define groups of spaces.

2.3.4.2 Design Principles

The following principles are designed to facilitate the realisation of the vision for the Port of Eden:

- **Built Form and Character**
 - To establish a clear identity and maritime image for the POE as a working port, tourist centre and mixed service centre incorporating diverse residential activities and an enhanced public domain.
 - To foster the creation of a sense of place and sustainable community through the promotion of a mix of land uses and activities.
 - To promote a quality built environment which is responsive to community desires.
- **Urban design and Image**
 - To encourage high quality urban design.
 - To positively contribute to the perception of the Port and generate positive images and experiences relevant to its role and associated vision.
 - To promote a distinctive and memorable “Maritime Port” character, and ‘sense of place’.
- **Accessibility**
 - To foster and reinforce the Port’s potential competitive advantage centred on its highway and Port context, coastal facilities and natural environment.
 - To manage the traffic and parking for the benefit of visitors, residents and businesses ensuring that both elements are functional.
 - To accommodate new Port related activities, new retail, tourism, leisure, commercial and residential activities.
- **Economic**
 - To provide appropriate controls and incentives to attract sustainable investment to the Bega Valley Shire and POE.
 - To represent an efficient use of land and infrastructure.
 - To ensure an experience for tourists and residents that represents value in economic and social terms.
- **Employment**
 - To promote employment generation in the POE and Bega Valley Shire relevant to the character and vision of the town’s retail, commercial and tourist based employment.
- **Environment**
 - To encourage ecologically sustainable development.
 - To manage environmental features which dominate the port’s setting and environs.
 - To improve water quality entering the bay and ocean and ensure visual compatibility with the vision for the port.
 - To maintain/create reasonable acoustic amenity for residents.
- **Quality of life and amenity**
 - To encourage a well-designed, safe and active public domain that contributes to the wellbeing of the community and visitors and overall maritime port image.
 - To improve the quality and safety/accessibility of public places and views to the bay and ocean.

- To prevent/limit overshadowing of public places.
- To promote safety and security through casual surveillance and appropriate building design.
- **Strategic policy**
 - To contribute to the acknowledged strategic objectives for the development of Eden as expressed in local and strategic planning documents.
 - To ensure Eden promotes a unique district centre role and scale.
- **Lifestyle**
 - To establish a diverse range of retail choice for residents and visitors.
 - To provide a range of entertainment and other related activities.
 - To enhance and add value to residential areas and communities adjoining the port through maintenance and improvement in useable open spaces, recreation facilities and access to a wide range of leisure activities.
 - To encourage more permanent living and tourist accommodation opportunities in the port.
- **Equity**
 - To ensure that development serves all community groups using the port.
 - To ensure the design of the area as far as possible does not discriminate against anyone who needs to use its facilities and services.

2.3.5 General Requirements

2.3.5.1 Setbacks

Refer to Section 2.7.2.3 of this plan for the objectives and requirements for setbacks in the Eden Town Centre.

- The minimum building setback to all boundaries for the ground and first floor is zero or as nominated in Figure 2.4

2.3.5.2 Height

Refer to Section 2.7.1.3 of this plan for the objectives and requirements for heights in the Eden Town Centre.

2.3.5.3 Public Domain

Requirement:

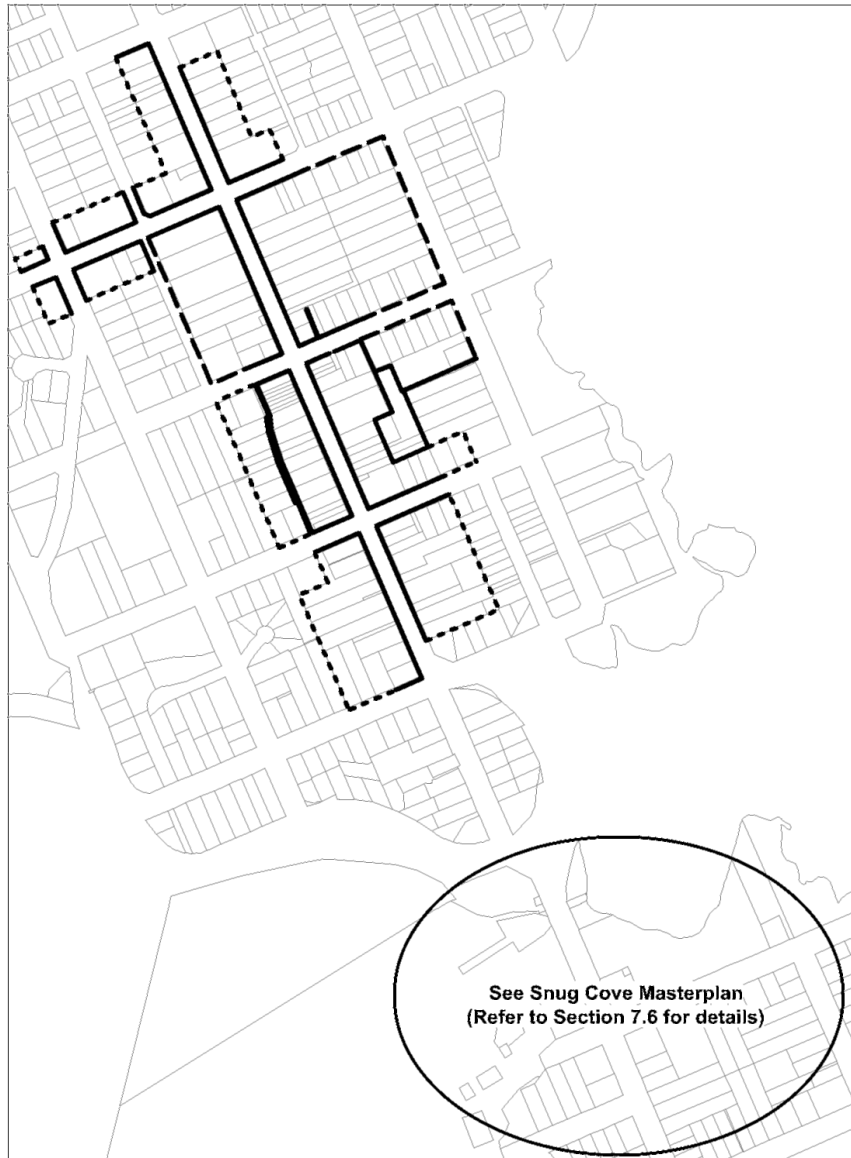
- Developments impacting on the public domain will be required to effect works adjoining the property frontage, in accordance with the Port Of Eden: Urban Design – Blueprint And Design Principles and at the developers cost.

2.3.5.4 Signature Buildings

Requirement:

- Signature buildings having a significant impact will be conserved and enhanced. New buildings performing such functions will be encouraged and existing buildings “retrofitted”.

- Existing Eden landmarks must be preserved and established views to and from them protected. New view corridors must be created to assist in Eden’s memorability, legibility and character where possible.



- Minimum 3m rear or side setback
- - - - - Minimum 3m front setback or align with existing neighbouring buildings
- 0m front setback

Figure 2.4 **Eden setbacks**



Figure 2.5 Eden building height limit

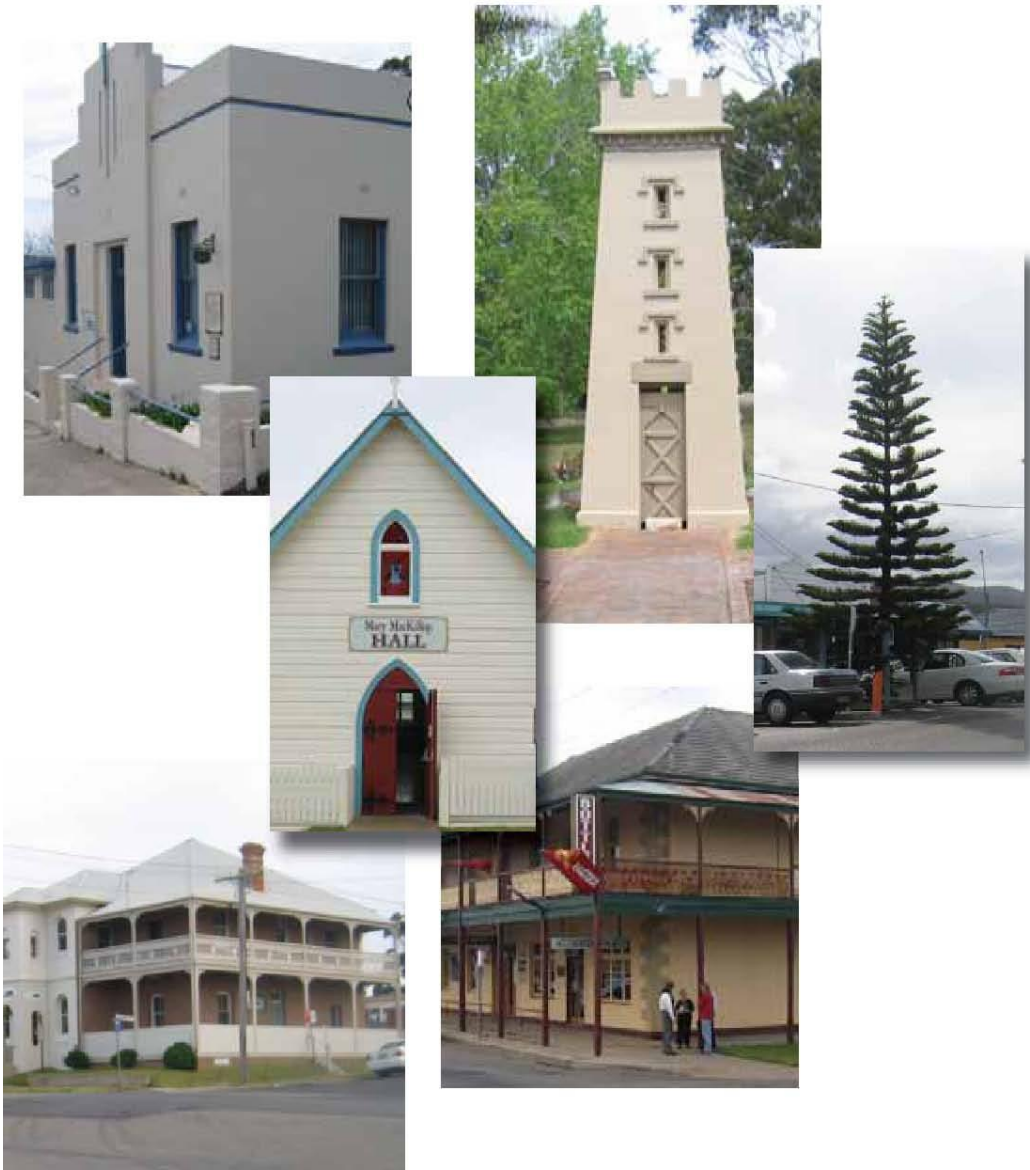


Figure 2.6: Existing Eden landmarks .

2.3.6 Precinct Specific Requirements

Additional Requirements for the South Imlay Street Eden Heritage Conservation Area:

Objective:

- Retain the heritage and streetscape character of the South Imlay Street Heritage Conservation Area

Requirements:

- The existing heritage listed buildings (significant buildings) will be retained.

- Alterations and additions to those parts of a significant buildings visible from the street will be done in a manner that is in keeping with the building's historic and aesthetic character, form and detail.
- New structures and additions to all existing buildings will be located so that they do not adversely impact the appearance of the conservation area when viewed from Imlay Street or Snug Cove and either flank of the elevated area of Imlay Street. Generally, this will mean that new structures will be set back an appropriate distance behind the front face of any associated or adjacent building and not obstruct important views or vistas to significant buildings.
- Front setbacks to new buildings or additions shall not be forward of any adjacent heritage listed buildings.
- Roof form is a prominent visual feature of significant buildings and new buildings or additions will incorporate a roof form that is predominately hipped or gabled and sympathetic in terms of materials, colour and detailing.
- New buildings or additions will be responsive to the topography of the site by using appropriately scaled, detached and articulated built form and will not result in structures that are visually prominent in the landscape.
- New buildings or additions including subdivision will not compromise the curtilage or setting of significant buildings.

2.4 Merimbula Town Centre

Objective

- Establish a set of requirements to realise the Desired Future Character for Merimbula Town Centre.

Application

This Section applies to the area of Merimbula zoned E2 Commercial Centre.

These requirements are in addition to the provisions detailed in Sections 2.6 and 2.7 of this plan.

2.4.1 History of development

In the 1960's, Merimbula was a tiny coastal village and the town centre was a small scattering of shops. Development pressures have been accelerated by the growing desire for coastal living and transformed Merimbula into a district centre, servicing not only Merimbula residents but also the Tura Beach and Pambula settlements and a significant tourist market.

2.4.2 Locality characteristics

The Merimbula Town Centre, in conjunction with the Tura Beach shopping centre, supplies district level shopping services to cater for the weekly needs of residents and tourists within the Merimbula catchment.

Different areas of Merimbula exhibit distinct character values and development potential based on the nature and form of existing land use activities and the physical improvements which are attached to such developments. These areas have been identified as a set of precincts illustrated in Figure 2.7.

2.4.3 Existing character

Merimbula is characterised by a relatively dense urban settlement pattern and large town centre. The town is spread out around Merimbula Lake and the strong tourist tradition helps create a resort atmosphere in the town.

Parking, traffic flow for cars and pedestrians and the landscaping and presentation of public places all need strategies to improve current amenity and cater for the targeted growth.

2.4.4 Desired future character

The strong desire is for Merimbula to retain its “coastal village charm”. The challenge is to try to blend that style and character into a district service centre with an anticipated resident “shopper” catchment population in the order of 11,000 persons by 2025. This population of “shoppers” more than doubles in the peak tourist season.

The theme for Merimbula is to function as a large coastal village providing district level commercial services for the section of the Shire from Tura Beach to South Pambula.

2.4.4.1 Statement of Desired future Character

The Merimbula town centre will exhibit a distinctive Australian coastal village character comprising the elements of built form, streets, public spaces surrounding residential and commercial areas. It will offer choice in resident and tourist accommodation and non-

residential activities. It will exhibit a high quality hospitality oriented lifestyle for both residents and visitors.

Attractive buildings will distinguish development. Building heights may be higher in places than those that currently exist in the area. Such buildings will be appropriately located and set within attractive streetscapes so that their visual appearance fits in with the coastal town character and lake front setting.

The Merimbula town centre will be a prominent mixed-use area containing offices, residential above ground level, motel/hotel and leisure/entertainment uses. Market Street and the lake foreshore will be the physical and perceptual heart of the commercial centre.

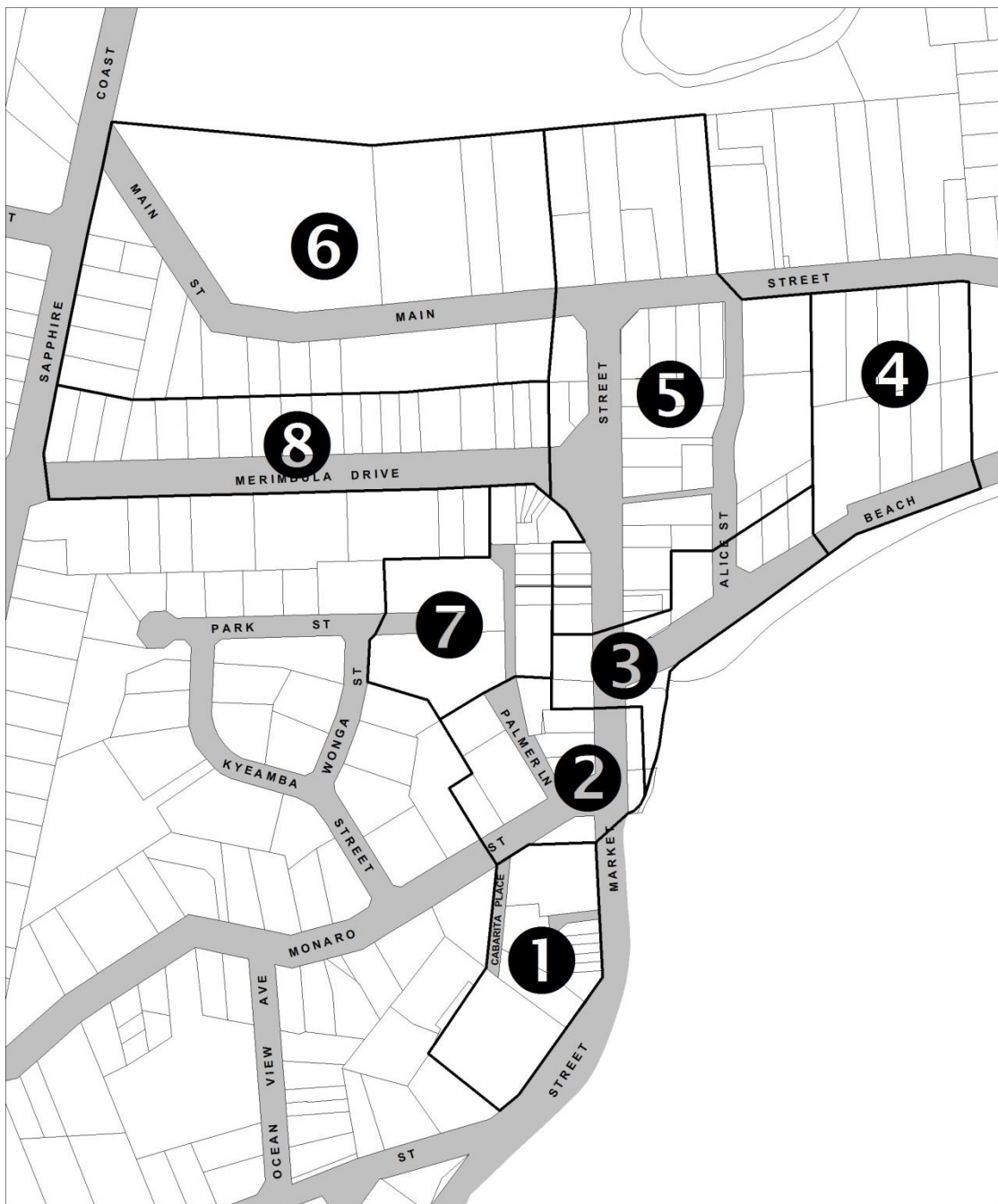


Figure 2.7: Merimbula Town Centre Precincts

2.4.4.2 Design Principles

The following design principles are designed to facilitate the realisation of the community vision for the Merimbula town centre by providing development guidelines which focus on achieving desirable buildings and a quality urban design that complements the amenity of the area making pedestrians feel at ease.

- **Built form and character**
 - To establish a clear identity and image for the Merimbula town centre as a district focus for leisure, retail and tourism, together with associated business and residential activities.
 - To foster the creation of a sustainable community through the promotion of a mix of land uses and activities.
 - To promote a quality built environment which is responsive to community desires.
- **Urban design and image**
 - To encourage high quality urban design as appropriate to the presentation, perception and development of the centre.
 - To positively contribute to Merimbula and generate images and experiences relevant to its role and vision.
 - To promote a distinctive “coastal village” character.
- **Accessibility**
 - To maintain and reinforce the centre’s existing competitive advantage, centred on accessibility, coastal facilities and natural environment.
 - To manage the traffic and parking for the benefit of visitors, residents and businesses ensuring that both are easy to understand, and follow.
 - To accommodate new retail, tourism, leisure, commercial and residential activities that might otherwise locate in areas more remote from transport, infrastructure, the town centre and Merimbula district residents.
- **Economic**
 - To provide appropriate controls and incentives to attract sustainable investment to the Bega Valley Shire and Merimbula town centre.
 - To represent an efficient use of land and infrastructure.
 - To ensure an experience for tourists and residents that represents value in economic and social terms.
- **Employment**
 - To promote employment in the Merimbula town centre and Bega Valley Shire relevant to the character and vision. This will give emphasis to retail, commercial and tourist based employment but limit industrial development to industrial areas.
- **Environment**
 - To encourage ecological sustainable development.
 - To manage environmental features located within and adjoining the centre.
 - To improve water quality entering the lake and soften the look of development adjoining the lake and residential areas.

- **Quality of life and amenity**
 - To encourage well designed, safe and active public areas that contribute to the well-being of the community and visitors.
 - To improve the quality and safety/accessibility of public places and views to the Lake.
 - To prevent/limit overshadowing of public places.
 - To promote safety and security through casual surveillance and appropriate building design.

- **Strategic policy**
 - To ensure Merimbula retains its role in the Shire.
 - To establish a diverse range of retail choice for residents and visitors.
 - To provide a range of entertainment and related activities.
 - To enhance residential areas and communities adjoining the Centre through maintenance and improvement of useable open space, recreation facilities and access to a wide range of leisure activities.
 - To encourage more permanent living and tourist accommodation opportunities in Merimbula Town Centre.

- **Equity**
 - To ensure that development serves all groups that may use the centre.
 - To ensure the design of the area does not discriminate against anyone using its facilities and services.

- **Building form**
 - The Merimbula town centre should not be viewed as a collection of disconnected developments. It is the integration of buildings which relate to one another and define an area. The outcomes sought in the town centre are based on a built form that is designed to a lower scale and produces a character unique to Merimbula.

- **Public Domain**
 - Streetscape and landscape works within public areas should be coordinated to reinforce the character of the centre and ensure the development of attractive, high quality, memorable and comfortable public places.

- **Land Adjoining Foreshore**
 - Development and activities should facilitate the use and appreciation of the foreshore as a valuable recreation and visual asset to the centre.

- **Traffic and access**
 - Residents, users and visitors to the centre will be offered a vehicle and pedestrian network that offers choice, is comprehensive and connected, easy to understand and comfortable and inviting to use.

2.4.4.3 Precinct Specific Objectives

- **Precinct 1 – Southern Gateway**

The southern gateway will continue to develop as an entertainment, dining and recreation precinct area including Merimbula jetty.

The areas sensitivity as the gateway to Merimbula town centre will be addressed through distinctive coastal style architecture.

Uses that take advantage of the foreshore location will be encouraged including retail, office with residential above but subject to height limits.

- **Precinct 2 – Monaro Street**

Monaro Street will develop as a primary area in Merimbula, with high activity mixed uses that will enhance the areas retail focus.

Mixed uses including commercial retail, together with other commercial uses such as offices and residential uses on the first and second floors are encouraged in this area.

- **Precinct 3 – Town square**

The town square will continue to develop as the heart of Merimbula town centre, with commercial, residential and civic uses adding to the recreational opportunities of the foreshore. It will develop in such a way so that buildings interact with the open spaces and the foreshore positively, allowing for a vibrant community space with a wide range of activity possibilities.

The town square precinct will develop according to the desired future character of the site, promoting style and landscaping that is distinctively coastal Australia. This future character will aid to improve visual amenity of the area when viewed from numerous sites in other parts of Merimbula.

A mix of high activity uses, including residential uses, with encouragement being given to appropriate night time uses, which address the open spaces of the square and ensure a vibrant, safe and well-used square precinct.

- **Precinct 4 – Beach Street**

The Beach Street area that is within the retail/commercial area should develop as a mixed residential and commercial area, allowing restaurant uses on the ground floor to take advantage of the foreshore location and to encourage usage of the foreshore open space.

The area will develop with the highest quality and most, appropriate architecture. Its desired future character is an important foreshore area with visual amenity from the southern gateway and Fishpen.

- **Precinct 5 – Market Street Village**

The Market Street area will continue to develop as the main retail centre in Merimbula, providing small floor space retail outlets and uses that enhance the retail focus.

Uses compatible with the retail focus of the street, including cafes, commercial offices and civic buildings will develop in order to support a pedestrian oriented town centre as the retail focus.

The visual sensitivity of the streetscape as Merimbula's main street will be supported through strong visual images developed according to the desired character of Merimbula as a coastal town.

Pedestrian connections within Merimbula will be maintained and enhanced where possible in order to increase the possibilities for movement and exploration of the town centre.

- **Precinct 6 – Main Street**

Main Street will continue to develop as the main daily shopping and retail centre in Merimbula, providing a mix of large and small retail outlets and uses that enhance the retail focus. The proximity of the area within the town centre requires that design and development needs to respond to the coastal village character of Merimbula.

Uses that will detract from the role of Main Street and other areas in Merimbula (such as entertainment, medical offices, commercial offices and tourist uses) should not to be located in the Main Street area but should be sited within the Market Street Village or Monaro Street areas.

- **Precinct 7 – Palmer Street**

Palmer Street will develop as a vibrant mix of car parking and commercial land uses. Commercial uses and the public domain will be highly active, to capitalise on the high pedestrian numbers generated by car parking.

Tourist accommodation land uses are also encouraged in this precinct above ground level in order to increase the safety and security of the precinct after dark.

- **Precinct 8 – Merimbula Drive and the Western Entrance**

Merimbula Drive and the Western Entrance will continue to develop as a tourist accommodation centre within Merimbula, providing tourist accommodation, residential and commercial retail uses that will contribute to the precincts pedestrian oriented focus.

Uses that will support the principles of pedestrian oriented development (such as convenience retail) are encouraged in this precinct.

2.4.5 General Requirements

2.4.5.1 Setbacks

Refer to Section 2.7.2.3 of this plan for the objectives and requirements for setbacks in the Merimbula Town Centre.

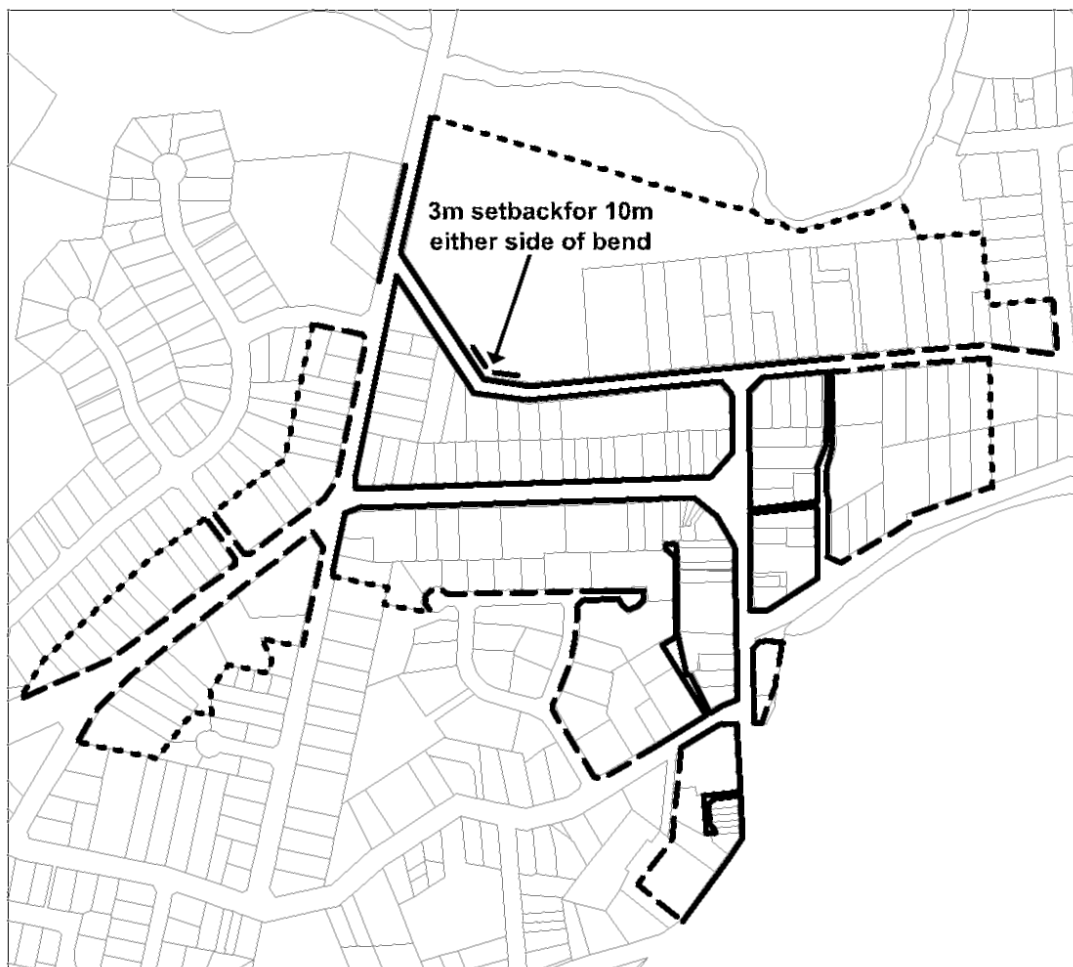
- The minimum building setback to all boundaries for the ground and first floor is zero or as nominated in Figure 2.8

2.4.5.2 Height

Refer to Section 2.7.1.3 of this plan for the objectives and requirements for heights in the Merimbula Town Centre.

2.4.5.3 Building form

- Medium rise buildings will contain highly articulated façade elements to break down the scale of the street wall, clearly showing a “base”, “middle” and “top”.



- Minimum 3m rear or side setback
- - - - - Minimum 3m front setback or align with existing neighbouring buildings
- 0m front setback

Figure 2.8: Merimbula setbacks

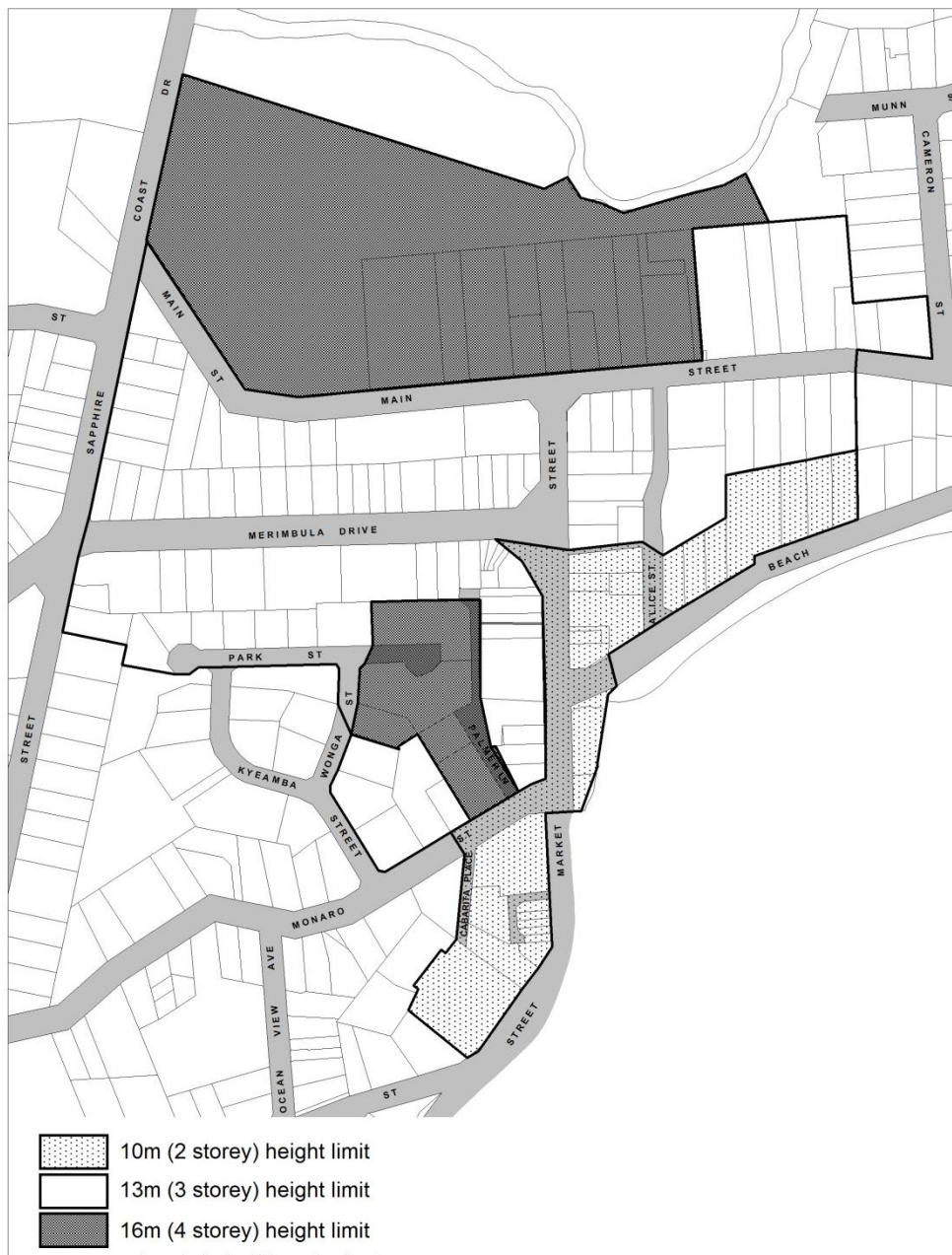


Figure 2.9: Merimbula building height limits

2.4.5.4 Public Domain

- The design of all development in the public areas will reflect and enhance the natural character of the Merimbula area as demonstrated by the Fishpen to Merimbula walkway.
- Engineering and traffic management works will adopt a high quality of design and promote an attractive and comfortable streetscape and public areas.
- All pedestrian paved areas will be designed to accommodate structural loads associated with emergency services and waste and resource recovery collection vehicles.
- The provision of street trees and public area landscaping must be consistent with the themes and strategy adopted for the centre. If planting into the road is proposed it must be protected with tree grates or bollards. Where there is not space required for planter beds, or as traffic requirements dictate; or in built out tree bays, with a minimum width of 100mm, at centres appropriate to the tree species selected.
- Larger trees will be used along the side of streets without power lines, and small species used under power lines, as appropriate to provide shade. Advanced plantings are to be utilised.
- The provision of paving and street furniture will follow the natural theme as seen at Fishpen. Street furniture can be custom designed, or a propriety item with a more natural character than the existing blue powder coated items.
- Paving must be a continuation of the existing program, to replace concrete paving with brick paving. The paving details must be used to highlight incidents along the path, for example; outside shops, or indicating and intersecting pathway.

2.4.5.5 Land Adjoining Foreshore

- Development will address the foreshore zone in an appropriate way and ensure environmental values are maintained and/or rehabilitated.
- Development will address the foreshore with active frontages at ground floor and balconies/terraces above ground floor.
- No structures, car parking or external storage will be permitted within the area facing the foreshore.
- Existing and possible views and vistas from the Centre to the foreshore will be maintained or established and not obstructed by the alignment and setbacks, façade treatments, advertising signage and vegetation or new buildings and/or redevelopment.

2.4.5.6 Traffic and access

- Vehicular access and service access into and through the town centre will be in accordance with Figure 2.10.
- The first order traffic arteries would carry large traffic flows. Intersection controls (lights or roundabouts or other median devices) would be installed progressively. Some reduction in on-street car parking would likely be required to improve the through flow while accommodating turning lanes at intersections.

- Possible use of clearways for peak periods of flow in tourist season may be necessary.
- Second order arteries will take some load off the first order arteries and will ensure improved direct access to public parking areas from the fringes of the town centre. (Thus lessening loads on the first order arteries within the centre).

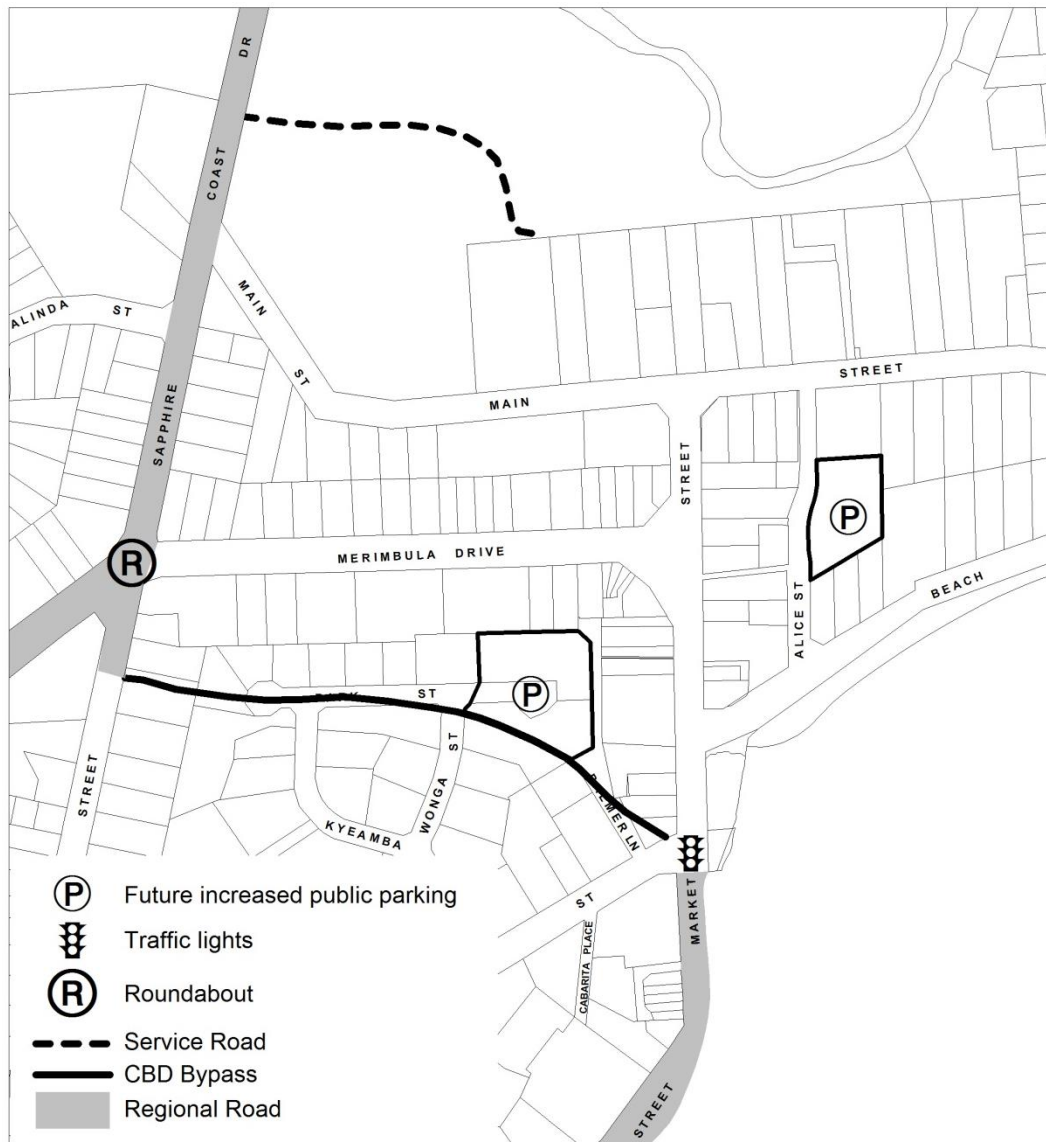


Figure 2.10: Merimbula Town Centre: Traffic Access and Principles

2.4.6 Precinct Specific Requirements

2.4.6.1 *Precinct 1 – Southern Gateway*

- Protection of car parking behind Market Street in Cabarita Street
- Protection and enhancement of marine activities at Merimbula Jetty
- Ensure that visually sensitive lots are well designed and respond to the different streetscapes that they address
- Ensure that visual amenity from Long Point, Beach Street and Fishpen is enhanced
- Ensure that development is well connected to the street and contributes to accessibility of the public domain
- Increased pedestrian safety through safe pedestrian crossing areas
- Improvement of pedestrian sightlines wherever possible
- Enhance street plantings to contribute to Merimbula town character, enhance view corridors and provide shade.

2.4.6.2 *Precinct 2 – Monaro Street*

- Promotion of view corridors or visually permeable sections of buildings with foreshore frontages in order to increase visual and physical access to the foreshore from Monaro Street and pedestrian pathways
- Improve pedestrian amenity in all main streets with liberal provision of public seating opportunities between frontages and the footpath
- Protect laneway development in foreshore developments in order to protect number of access points to the foreshore boardwalk.

2.4.6.3 *Precinct 3 – Town square*

- Allow for outdoor spaces for use by high activity uses such as restaurants and cafes
- Ensure that all development addresses town square, with open outdoor spaces to increase the visible activity of the site
- Encourage night time uses that will increase the security and safety of the area after dark
- Maintain and enhance view corridors to the foreshore wherever possible
- Connection with paths and visual style to passive recreation area at Beach Street
- Town Square to exhibit design which can facilitate a variety of community activities
- Public seating sufficient for people to interact with the foreshore.

2.4.6.4 *Precinct 4 – Beach Street*

- Ensure quality architecture that fits into a coastal setting
- Materials appropriate to a coastal town must be used.
- Retain existing setbacks in order to maintain leafy character of the street and allow for outdoor uses such as dining
- Protect foreshore reserve
- Maintain pedestrian safety levels for crossing of Beach Street to foreshore reserve

- Improve public lighting to increase safety and security during night time hours.

2.4.6.5 *Precinct 5 – Market Street Village*

- Increased setbacks to allow for café seating and public seating adjacent to the road verge
- Encourage development of roof open spaces for activities at roof level
- Protection and enhancement of laneways with active frontages as paths to other areas and car parking in the centre
- Ensure that awnings are constructed of lightweight and thin materials which do not clutter visual images in either direction
- Sensitive and subtle signage treatments and placement
- Ensure well designed, responsive, buildings at the end of the view corridors of Market Street and Merimbula Drive to improve termination of the view corridor from Merimbula Drive and facilitate development of activity node
- Protection and enhancement of views to Merimbula Lake.

2.4.6.6 *Precinct 6 – Main Street*

- Provision of traffic control measures at the Main Street/Market Street intersection.
- Ensure development facing Main Street provides a streetscape that is comfortable for pedestrians
- Ensure development is well connected to the street and provides easy access to public areas.
- Ensure that development is well connected to other areas in the centre via safe and, interesting pathways
- Ensure that building designs do not detract from view of Merimbula as a whole, when viewed from lower areas and Fishpen
- Ensure building designs divide the buildings into clear divisions of bottom, middle and top
- Ensure that building materials or treatment of materials are appropriate for a coastal setting
- Wholly contain any lift overruns and service plant equipment within roof structure or rooflines
- Minimise the impact of roofs and their potential for overshadowing
- Relate roofs to the size and scale of the building, the building elevation and three-dimensional form
- Ensure that signage is kept to a minimum
- Integrate the location and design of car parking with the design of the site and the building.

2.4.6.7 *Precinct 7 – Palmer Street*

- Protect or increase pedestrian connections through developments to Market Street
- Ensure that development on large lots comprises smaller building sections connected by outdoor spaces or alleyways in order to break up the visual bulk of the buildings and achieve pedestrian access ways

- Ensure that car parking design is integrated with the site and surrounding buildings and provides sufficient space for active uses on the ground floor.

2.4.6.8 *Precinct 8 – Merimbula Drive and the Western Entrance*

- New development to blend in with the topography of Merimbula Drive
- Ensure that development at the intersection of Merimbula Drive and Market St is well designed and responds to the streetscapes of both streets
- Protection and creation of view corridors through development to Merimbula Lake from footpaths and vehicle ways
- Ensure pedestrian access to Palmer Street and Main Street car parks is well signposted and maintained.
- Ensure pedestrian access to other areas in the town centre are protected and enhanced
- Ensure views from Palmer Street and southern residential precincts is enhanced
- Ensure that development with frontages onto Merimbula Drive, Reid Street and Sapphire Coast Drive is well designed, displays appropriate gateway characteristics in keeping with those streets.
- Street planting must reinforce entrance characteristics and allow for solar access in winter and shade in summer.

2.5 Pambula Town Centre

Objective

- Establish a set of requirements to realise the Desired Future Character for Pambula Town Centre.

Application

This Section applies to the area of Pambula zoned E1 Local Centre, MU1 Mixed Use and R3 Medium Density Residential.

These requirements are in addition to the provisions detailed in Sections 2.6 and 2.7 of this plan.

2.5.1 Existing Character

Pambula is one of the oldest villages in the Bega Valley Shire and has retained some of its early heritage buildings as well as a village atmosphere. This is reflected in the low scale residential and retail development and small size of the village. Pambula is a neighbourhood service centre with a strong heritage and tourist theme.

Many of the buildings in and around Pambula have interesting architectural and historical associations that contribute to the town's heritage, aesthetic and social values. Members of the community and Council are keen to foster the areas heritage buildings, streetscapes and visual character to ensure that Pambula remains a living, working community.

The core precinct of heritage interest in Pambula can be divided into four precincts, each of which has a particular role and function (see Figure 2.11).

- **Precinct 1 – Main Street Commercial**

The main commercial precinct centres around the intersection of Quondolo and Toallo Streets. The precinct has a strong historical character with a high degree of harmony with the form and scale of buildings housing retailing, office space, and other commercial enterprises which service local, regional and tourism needs.

- **Precinct 2 – Mixed Residential / Commercial**

Located to the east of the main street commercial precinct is an area containing a mix of low scale residential and commercial land uses. There is growing interest in redevelopment for seniors living and retail development in this precinct.

- **Precinct 3 – Special Business**

South of the main street commercial area, on the outskirts of the village is an area of commercial and industrial development stretching along Bullara Street. Development in this precinct is typified by large scale structures which have the potential to compromise the historic, natural and aesthetic values, including views of the Pambula flood plain both from and towards the village.



Figure 2.11: Pambula Town Centre Precincts

- **Precinct 4 – Residential**

Surrounding these three precincts (except to the south) is a residential precinct with a strong historic grid street pattern containing low scale residential development. Many historic buildings are prominent in the streetscapes and most other development is in harmony with the form and scale of those buildings.

2.5.2 Desired Future Character

Pambula’s local heritage significance is conserved by protecting heritage items and ensuring that future development does not detract from the heritage character of the town. Development in the vicinity of buildings with historical importance is compatible with the form and scale of those buildings.

The management of the town's streetscapes is consistent with the town's historic character, and the management of the town's perimeter and setting is consistent with its historic and aesthetic values.

Future residential development enhances the existing built environment with boundary setbacks and building heights that will maintain residential amenity and heritage values while allowing design flexibility.

Future business development is in keeping with the heritage character of Pambula, in particular, development in the commercial area of Quondolo and parts of Toallo Street will

strongly reflect the existing distinctive heritage character in the streets. Commercial development outside the identified precincts is limited, especially on the approach roads (other than on the link road to Merimbula).

2.5.3 Precinct Specific Objectives

- **Precinct 1 – Main Street Commercial**

The historical character of the main and adjacent streets and the contributory and individual significance of the individual heritage items within it is conserved, development in the vicinity of buildings with historical importance is in harmony with the form and scale of those buildings, and the location of retailing, office space, and other commercial enterprises which service local, regional and tourism needs is encouraged.

- **Precinct 2 – Mixed Residential / Commercial**

A mix of residential and commercial land uses continues.

- **Precinct 3 – Special Business**

Development does not compromise historic, natural and aesthetic values, the scale and visual impact of large structures is minimized, views of the Pambula flood plain between buildings are retained / promoted, the interface between development and the flood plain is visually appealing, and historic buildings and their curtilage (surrounds) are not compromised by unsympathetic development.

- **Precinct 4 – Residential**

The historic pattern of Pambula as a village is continued, historic buildings are not adversely impacted by new development and remain visually prominent in the streetscape, historically significant items, views and streetscapes are conserved, and development in the vicinity of buildings with historical importance is in harmony with the form and scale of those buildings.

2.5.4 Precinct Specific Requirements

2.5.4.1 Precinct 1 – Main Street Commercial

- New development will:
 - not be visually dominant in the streetscape
 - not obscure significant views of adjacent buildings
 - be no higher than the maximum height of the adjacent building
 - have a maximum height (top of ridge) of 7.5m above natural ground level, unless it can be demonstrated that a second storey is well set back from the main street and will have little or no adverse visual impact on the historic streetscape. In the latter case the maximum height from natural ground to top of ridge will not exceed 10m
 - be sympathetic to and consistent with the historic built form evident in the main street.
- New or restored shopfronts must adopt an historic form and palette of materials that is evident elsewhere in the main street. A useful set of built forms is illustrated in the “Pambula Urban Design Guidelines” available from the Council library.
- Existing verandas and upper-floor balconies will not be enclosed or removed.
- Where visible from a public place, the roof form and pitch for new buildings, alterations and additions will be similar to or sympathetic with historic examples found elsewhere in the main street.

- External signage may require Council approval and examples can be found in the “Pambula Urban Design Guidelines” available from the Council library.
- Specific circumstances relating to each block may require an increased front or side boundary set back, e.g. proximity of adjacent building, historic foot print, rear lane access etc. New development will not compete with, or detract from, adjacent historic structures and in these circumstances Council may require greater setbacks for new or unsympathetic structures.
- Generally setbacks will follow those of the existing building unless existing setbacks are clearly unsympathetic, in which case the requirements in the clause above must apply.
- Where buildings in Quondolo and Toallo Streets are currently set well back from the street, Council may allow up to 50% of the frontage to have zero setback if the building form is entirely in keeping with historic streetscape character.
- Any setback from the street alignment is not to be used for car parking or similar purposes, but may be considered for café seating etc.

2.5.4.2 Precinct 2 – Mixed Residential / Commercial

- New development will not have an adverse visual impact on streetscapes
- If adjacent to an historic building, new development will be no further forward than the heritage listed building, unless it can be demonstrated to Council’s satisfaction that the development will not adversely impact on the heritage structure.

2.5.4.3 Precinct 3 – Special Business

- Buildings must be set back from at least one side boundary by a minimum of 15% of the block width.
- If adjacent to an historic property, the most forward setback from the street will be equal to or greater than that of the historic property.
- The bulk and mass of large structures will be reduced by “breaking up” or articulating forms, and by varying the use of shape, colour and texture.
- The continuation of Quondolo Street will not be built over or surface-hardened (e.g. paved or concreted). A small-scaled pedestrian path may be appropriate.
- Any landscaping work undertaken at the margin of the floodplain will be of a high quality, and in keeping with the floodplain’s visual and natural character.
- Tree planting and vegetation screens are to be used to soften the impact of large structures, their car parks and external areas and allow for solar access in winter and shade in summer.

2.5.4.4 Precinct 4 – Residential

- In general, two storey structures are not desirable but single storey may include an attic or split level development within the roofline.
- As a guideline, the desired maximum heights for development in the residential precinct are:
 - from natural ground level to top of ridge 7.2m
 - from top of finished ground floor to the underside of eaves 4.5m.

- New development will not be located such that it blocks views of heritage listed structures from the centreline of the street at a distance of 100m from the nearest corner of the heritage building.
- Open single width carports may abut the side boundary if they are no further forward than the existing building.
- Enclosed garages may abut the side boundary if free standing (not attached to a dwelling or another structure), and set back behind the dwelling.

2.6 General Commercial and Industrial Development

Objective

- Provide general design and development requirements for commercial and retail development within towns and villages and industrial development to achieve the desired future character of an area, and preserve existing amenity.

Application

This Section applies to E1 Local Centre, E2 Commercial Centre, MU1 Mixed Use, E3 Productivity Support, E4 General Industrial and E5 Heavy Industrial as well as RU5 Village zones where appropriate.

Floor Space Ratio requirements on bulk and scale are found in Clauses 4.4 and 4.5 of the LEP.

Specific requirements for development involving heritage items, within Heritage Conservation Areas and within the proximity of heritage items are detailed in Section 5.2 of this plan.

Requirements for advertising and signage are detailed in Section 5.11 of this plan.

Application Requirements

For developments proposing significant commercial development Council may seek a peer review from an independent design consultant with respect to meeting the design guidelines contained in this plan.

2.6.1 Design

2.6.1.1 Roofs

Objectives:

- Reduce the perceived height and bulk of buildings when viewed from the public domain.
- Provide quality roof designs which contribute to the overall design quality and performance of buildings and foster interesting roofscapes across town centres.

Requirements:

- Buildings are to include distinctive roof forms that contribute to the architectural design of a building. Elements such as parapets, skillion roofs, eaves must be utilised where appropriate.
- Roof forms must not result in excessive bulk and overshadowing.
- The design of the roof will be integrated into the overall façade and building composition.
- All plant and equipment and any other potentially intrusive elements are to be concealed within roof forms to minimise visual impact.
- The use of the roof for the following sustainable functions will be considered:
 - rainwater tanks
 - renewable energy applications
 - innovative design solutions, such as water features or ‘green’ roofs
 - solar hot water.
- Note that lighter coloured roofs absorb less heat which may result in energy savings.

2.6.1.2 Fencing and retaining walls

Objective:

- Ensure that fencing/retaining walls are compatible with the character and scale of development within the streetscape and other public domain areas in the locality.
- Promote surveillance and define the interface between the public and private domain.

Requirements:

- Screen walls which face a road, pedestrian walkway, reserve or public place will be constructed from high quality materials. Consideration is to be given to sight lines for vehicles.
- Large expanses of continuous masonry or timber fencing having frontage to a street, public reserve or other public place is not permitted.
- Bonded sheet metal fencing is not permitted at any location other than alongside and rear boundaries shared with other private property, where such fencing is not directly visible from the street, public reserve or other public place.
- Fencing to rear and side boundaries (behind the building alignment) will be a maximum 1.8m in height.
- In the case of a corner allotment, fencing placed on the secondary building alignment will be located behind the primary building alignment. The fence will be articulated, incorporate landscaped treatment and complement the design and finish of the development. Fencing on corner allotments will not obstruct the sight distance of traffic.
- Security fencing must be of high quality materials, integrated with walling and appropriate low-scale landscaping to reduce visual impact.
- No barbed wire, razor wire (or the like) fencing will be placed on any land where such fencing is visible from a public place.
- Fencing will not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.
- Cut and fill and the associated use of retaining walls will be minimised.
- Any retaining wall visible from a public place will be sited, designed and constructed in materials and colours to ensure that the retaining wall complements the development as well as the character and quality of the streetscape.

2.6.2 Amenity

2.6.2.1 Setbacks

Objectives:

- Establish the desired spatial proportions of the street and to define the street edge.
- Facilitate active and casual visual interaction and surveillance between the street and buildings.
- Minimise the impact of development on light, air, privacy and outlook for neighbouring properties.

- Contribute to the public domain by strengthening the visual character and the continuity of street facades.

Requirements:

- In IN1 and IN2 zones the minimum building setback is 3m to public roads or front boundaries. Council will consider reduced setbacks due to site constraints and location where appropriate.
- Refer to Section 2.7.2.3 of this plan for the objectives and requirements for setbacks in the B2 and B4 zones.

2.6.2.2 Access and Equity

Objectives:

- Provide equitable pedestrian access to buildings while maintaining a coherent street interface and having due consideration to heritage and financial hardship impacts.
- Maintain an even grade or provide minor transition between the footpath and building entries.

Requirements:

- Access is to be provided for people with a disability in accordance with the requirements of Section 5.3 of this plan.
- Any new development must be designed to allow equitable access to all people, including people with disabilities by ensuring an accessible path of travel from the footpath.
- Integrated and shared access ramps for adjoining sites will be provided wherever possible.
- Accessible paths of travel will be provided linking public buildings, open space and accessible car parking.
- The cross fall of footpaths across driveways will not exceed 2.5%.
- A centrally located power point for recharging electric wheelchair or scooter batteries shall be provided in every large commercial development.
- One well-located accessible public payphone, designated by signage, must be provided in every large commercial development.
- Where an accessible lift is required by the BCA, Council require that the lift be a passenger lift designed to provide for the turning of wheelchairs and prams and independent operation by people with disabilities.
- Council prefer that designated accessible toilets are unisex and include baby changing facilities that do not impact on the circulation space and are raised to the highest level (approximately 480mm. Electronic sliding doors operated by a toggle switch are preferred or inward facing doors.

2.6.2.3 Traffic and access

Objectives:

- Choice, efficiency, legibility, convenience and safety for pedestrians, cyclists and vehicles.
- Ensure developments have suitable loading and service access and facilities.

- Minimise the visual impact of car park entries and service / delivery areas.

Requirements:

- New streets, laneways and pathways through large blocks, must be incorporated into development designs where this can improve access and function of the centre. (See Section 2.4 of this plan for detailed access requirements applicable in Merimbula town centre).
- Pedestrian arcade style development will provide an inviting width of not less than 6m, be lined with active shop fronts on both sides, be straight and maintain a line of sight through the arcade and be open for extended periods.
- Footpath will be provided along all street frontages.
- Street and public space lighting will be provided at the cost of the developer along key pedestrian routes and adjoining the development in accordance with Council specifications.
- Pedestrian and vehicle access to buildings will be separated where achievable.
- Access to parking and loading facilities will be provided from secondary streets or laneways where possible to protect the amenity of the public domain and reduce conflicts.
- Finished levels for all external and internal pedestrian spaces surrounding and within buildings will connect directly with the natural ground floor level of any development and adjoining footpath space.
- Service lanes and access ways can either be in the form of a public road or as a private road but must have the appearance of a 'public road' with street tree planting, pedestrian footpaths and appropriate directional signage.
- All service and delivery activities are to be accessed from an access way where one is required.

Explanation:

An enhanced access network is critical to realising an efficient, safe and more amenable town centre as it expands. It is essential that people can move about a town centre with reasonable ease and safety by a variety of alternative modes.

2.6.3 Environment

2.6.3.1 Energy conservation and solar access

Objective:

- Achieve energy efficient and environmentally sensitive development.

Requirements:

- The design of buildings will have regard to siting, layout and construction methods that minimise the need for fossil fuel based heating, cooling and lighting, and encourage the use of water saving features and energy efficient heating systems.
- Roof pitch and orientation of all buildings will be suitable for the installation of solar collectors.

- All development must demonstrate how sustainable design principles and features have been incorporated into the proposed development in accordance with Section 5.5 of this plan.

Explanation:

The ability of development to optimise thermal performance, thermal comfort and daylight will contribute to the energy efficiency of the buildings, provide increased amenity to occupants and reduce greenhouse emissions and, with them, the cost of supplying energy.

2.6.3.2 Landscaping

Objectives:

- Define the street edge or space as well as creating a strong visual character link with the public domain.
- Recognise and enhance the sense of place.
- Enhance air quality and reduce the heat retaining effect of hard surfaces.

Requirements:

- Landscaping is to be appropriately scaled and located relative to building bulk.
- All landscaping work is to enhance the existing natural features of the site and adjoining unfenced areas.
- All parts of the site not built-upon or paved are to be landscaped with grass, trees, shrubs and/or other vegetation. As many trees as possible are to be retained on the site.
- Development is to contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management, for example by:
 - using plants with low water demand to reduce mains consumption
 - using plants with low fertiliser requirements
 - using plants with high water demand, where appropriate, to reduce run off from the site
 - utilising permeable surfaces
 - using water features
 - incorporating wetland filter systems.
- Active rooftop spaces will be landscaped.
- Deep soil planting zones, where available, are required within development sites to facilitate the accommodation of mature tree planting.
- Any portion of a development site that remains unused or vacant following development will be landscaped or turfed and maintained.
- Planting adjacent to intersections and driveways will be less than 900mm high (to maintain sightlines for safety purposes).
- All outdoor at-grade car parking areas must be provided with 1 tall branching mature shade tree for every 10 linear car spaces.
- In streetscape works, trees will be tall branching, and ground covers and shrubs will have a maximum height of 0.6m to maintain clear pedestrian, resident and vehicle sightlines.

- The provision of street trees and public area landscaping must be consistent with the themes and strategy adopted for the place.

Note: Guidelines on site appropriate landscaping and preparation of landscaping plans are available in Council's Landscaping publication.

2.6.3.3 Waste management

Objective:

- Reduce impacts on the public domain, contribute to the amenity of the building and limit the potential harmful impacts to the environment by minimising waste from development.

Requirements:

- Developments will demonstrate appropriate resource recovery and recycling strategies and actions.
- Waste and recycling systems are to be easy to use and, where necessary, collection vehicles are able to safely access buildings to remove waste and other resources.
- Practices for the storage, handling and collection of waste and recycling materials are healthy and safe.
- Stormwater pollution that may occur as a result of poor waste storage and management arrangements is prevented.

Note: Waste management refers to all stages of development from construction and use through to demolition. It also includes the way in which waste is stored and collected.

2.6.3.4 Potable water and stormwater

Objectives:

- Encourage better management of water resources by minimising potable water consumption for utility purposes (such as toilet flushing, gardens or cleaning of driveways) and by re-using water which would otherwise be lost as run-off or wastewater.
- Reduce the environmental impact of development upon the surrounding water catchments.
- Minimise the discharge of sediment and other pollutants to the urban stormwater drainage system during construction and after completion of development.

Requirements:

- Developments are to incorporate the principles of water sensitive urban design. These include minimisation of impervious surfaces, and use of integrated systems that are used for collecting, reusing, flood controlling and applying treatment to stormwater runoff. Internally, water minimisation measures that reduce the demand on potable supplies are to be incorporated.
- The objectives of water management are to be consistent with the BASIX tool and incorporate the 40% reduction targets in potable water usage through reduction methods and/or rainwater utilisation. This may be achieved by the:

- installation of a rainwater tank that meets Councils requirements
- connection of a rain water tank to at least 1 external outdoor tap and for the flushing for internal toilets.
- All developments are required to demonstrate that they will not have an adverse impact on the stormwater flows / flooding of any adjoining properties.
- Development must incorporate water efficient fixtures such as taps, showerheads and toilet suites. The fixtures must be rated to at least AAA under the National Water Conservation Rating and Labelling Scheme.
- Where a site proposed for development is unable to discharge stormwater to the street frontage and on site detention is not practical, the DA must include the written agreement from all downstream property owners stating that they have no objection to the discharge of stormwater through their properties to reach Council's drainage system nor do they have objection to the creation of necessary easements over the pipelines.

2.7 Specific Requirements - Commercial and Retail Development

The town centres of the Bega Valley Shire are a core element of the community fabric. They are the setting for community and social interaction and are places of employment and retail / service provision. As such, detailed planning of development in town centres and the requirement for higher standards of finish, accessibility and general public use and enjoyment, is justified. Town centres need to be pleasant and attractive places to visit and in which to work, do business and live.

In addition to the provisions in Section 2.6 of this plan, the following requirements apply to commercial and retail developments.

2.7.1 Design

2.7.1.1 Context and articulation

Objectives:

- Ensure that building exteriors reinforce the character and continuity of the existing town centre streetscape.
- Achieve a human scale in the town centre where the built form does not dominate streets so that pedestrians have a sense of space, safety and openness in the public domain areas.

Requirements:

- Overt (strong) non-complimentary colours or buildings painted a specific non-complimentary colour to suit advertising requirements will not be supported.
- A palette of roof colours ranging from red to subtle greens, greys and off white or natural galvanised iron must be considered in new development.
- Alterations and additions to existing facades must have consideration for the existing style, materials and finishes.

2.7.1.2 Built form

Objectives:

- Establish the scale, dimensions, form and separation of buildings consistent with the applicable future character vision.
- Achieve a high quality and sustainable urban environment.
- Provide active street frontages with good physical and visual connections between buildings and the street.

Requirements:

- Buildings and structures will be appropriately modulated and articulated in their facade and adjoining walls to provide well-proportioned elevations and human scale.
- Buildings will demonstrate continuity with the streetscape and surrounding buildings through the use of similar floor/ceiling and awning heights, materials, colours, building elements and architectural styles.
- Large expanses of blank, featureless walls and curtain walling will be avoided.

- Garage doors/loading docks will be recessed so that they are not the dominant element in the overall presentation of the development.
- The visibility, functionality and safety of building entrances must be optimised by:
 - facing entrances towards the public street
 - providing clear lines of sight between entrances, foyers and the street
 - providing direct and well-lit access between car parks and lift lobbies and to all entrances
 - designing buildings to overlook streets and public and communal spaces to provide casual surveillance
 - facing living areas with views over public or common open space areas, where possible
 - using bay windows and balconies, which protrude beyond the main facade and enable a wider angle of vision to the street
 - using corner windows that provide oblique views of the street
- The use of roller shutters or the like is not permitted on doors and windows facing the street or public open space. Any security railings must be designed to complement the architecture of the building.
- Adequate lighting and directional signage is to be provided to all pedestrian and access ways, building entries, driveways and car parks.
- All developments are to incorporate the principles of Crime Prevention through Environmental Design.

2.7.1.3 Building height

Objectives:

- Strengthen the urban form, image and character of town centres with generally consistent street wall heights and distinctive street character.
- Achieve comfortable street and public space environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.
- To provide a suitable building envelope for the development or redevelopment of buildings.
- To minimize the potential for overlooking and overshadowing of business development on residential development.

Requirements:

- The maximum building height is defined in the LEP. In addition, the maximum rise (or number) of storeys in the Bega, Eden and Merimbula Town Centres will be limited in relation to the maximum height as defined in the LEP as follows:
 - 10m height limit – maximum 2 storeys
 - 13m height limit – maximum 3 storeys
 - 16m height limit – maximum 4 storeys

- Development above two storeys will generally only be considered in Heritage Conservation Areas at the rear of properties, particularly in Carp Street, Bega, in order to maintain the two storey character of the streetscape.
- Where any portion of a basement protrudes 500mm or more above existing ground level, it will be counted as a storey for the purposes of determining the maximum rise in storeys. All applications that propose a basement level that protrudes above existing ground level must demonstrate that the protrusion is necessary due to topographical constraints and that the design is in keeping with the bulk and scale of adjoining development.
- A portion of the roof of a development may encroach the maximum height stipulated under the LEP to encourage articulation of roof form. Such encroachments are subject to LEP Clause 4.6 and are only permitted where the roof projects no more than 1000mm above the maximum height limit, achieves an average height encroachment of no more than 500mm, and complies with the relevant setback requirements. Figures 2.12 – 2.17 illustrate examples of permissible roof encroachments for 2, 3 and 4 storey development.
- Where a roof volume is used as an attic, mezzanine or storey, it will be counted as a storey for the purposes of establishing the maximum rise in storeys of a development.

2.7.1.4 Awnings

Objectives:

- Provide shelter for public streets where most pedestrian activity occurs.
- Provide a consistent building element along the streetscape.

Requirements:

- Continuous awnings are to be provided where there are ground floor retail uses and active frontages are required. See Section 2.1 of this plan for requirements relating to the Bega Town Centre.
- Awnings are to be horizontal or near horizontal to the footpath.
- Adjoining awnings are to be of a consistent height and depth, allowing for variations in the camber of roads where required.

Explanation:

Awnings encourage pedestrian activity along streets and, in conjunction with active edges such as retail frontages, support and enhance the vitality of the local area. Awnings, like building entries, provide a public presence and interface within the public domain and contribute to the identity of a development.

2.7.1.5 Corner elements

Objectives:

- Ensure that corner buildings (which by their location are often highly visible) are well designed and respond to the different characteristics of the streets they address.
- Highlight the location of intersections, and define a clear skyline.

Requirements:

- Provide vertical elements to the building design by concentrating the tallest portion of the building on the corner itself. Utilise design devices such as increased wall heights, splayed corner details, expression of junction of building planes and other architectural features to reinforce the way finding attributes of street corners.
- Design corners to add variety and interest to the street and clarify the street hierarchy.
- Present each frontage of a corner building as a main street frontage.
- Shopfronts will be wrapped around corners.

2.7.1.6 Landmark buildings

Objectives:

- Promote landmark features to accentuate the streetscape and add to the character of the town centre.

Requirements:

- Buildings occupying corner sites, at the termination of vistas along streets, at key bends in a street will be of a larger scale and include elements such as:
 - articulated tall elements, e.g. towers
 - entrances
 - balconies
 - strong sense of material and colour
 - roof forms
 - articulated parapets or gables
 - built elements encroaching on the setback of an upper level.

Explanation:

The character of many country towns is a product in part of its landmark features in their unique contextual settings. These buildings and features must anchor the emergence of new town centres.

2.7.1.7 Street frontages

Objectives:

- Promote pedestrian activity and safety in the public domain.
- Maximise commercial exposure for retail spaces.
- Define the street edge by creating a clear transition between private and public spaces along the street frontage.

Requirements:

- Active street frontages must enable direct contact (visual and physical) between the street and the interior of an adjoining building.
- Active ground floor uses are to be accessible and at the same level as the footpath.

- An active frontage must not accommodate fire exits, service cupboards, and vehicle or service entrances unless there are no other feasible alternatives.
- Shopfronts are not to be concealed behind heavy colonnade structures that would restrict the visibility of any commercial tenant from the road, or limit natural daylight along footpaths.

2.7.2 Amenity

2.7.2.1 Views

Objectives:

- Conserve the scenic quality of town centres' natural and built environments.
- Protect and reinforce significant views and vistas from and to public places and landscape icons.

Requirements:

- Development will appropriately respond to important views and vistas.
- Existing landmarks/landscapes must be preserved, with established vistas to and from them protected.
- Views along public streets to the distant surrounding landscape or seascape will be retained and embellished through appropriate tree planting, landscaping and the like.
- Opportunities for new access corridors must be pursued with a prospect of providing further view opportunities.
- Opportunities to preserve and enhance strategic plantings in the centre and immediate environs must be pursued.
- The concept of "view sharing" must be considered in the design of development proposals (see Section 3.2.2.6 of this plan).
- Large-scale buildings will generally blend in with other developments in the town centre when viewed from a distance.
- Buildings will generally be site responsive, stepping down slopes.
- The removal, relocation and / or screening of features and buildings, which detract from the ambience and views of the centre and environs, will be promoted.
- Signature buildings/structures having a significant impact will be conserved and enhanced, whilst new buildings performing such functions will be encouraged and existing buildings "retrofitted".

2.7.2.2 The public domain

Objectives:

- Provide a quality, diverse and safe public domain to underpin town character.
- Ensure an appropriate interface between the private and public domains.
- Recognise and contribute to the town centres' role as a civic centre through the provision of public art.

Requirements:

- Clear boundaries between the public and private domain will be provided.
- Public spaces will be designed to provide an appropriate interface with commercial activity, adequate opportunities for integrated public facilities, public art and relevant recreational experiences.
- All use of public areas by business requires an Approval under the Local Government Act and compliance with Local Approvals Policy No. 1 “Use of Public Land”.
- Lighting and directional signage will be provided to all pedestrian paths, car park areas, building entries, and public spaces.
- Linkages between public assets and the broader community will be enhanced.
- New community facilities will generally be multipurpose in nature.
- Specific additional requirements for Merimbula town centre are detailed in Section 2.4 of this plan.
- All development with floor area greater than 1,000m² will provide creative, innovative, attractive and distinctive public art works in streets and public spaces in accordance with Council’s Public Art Policy.

2.7.2.3 Setbacks

Objectives:

- Establish the desired spatial proportions of the street and to define the street edge.
- Facilitate active and casual visual interaction and surveillance between the street and buildings.
- Minimise the impact of development on light, air, privacy and outlook for neighbouring properties.
- Contribute to the public domain by strengthening the visual character and the continuity of street facades.
- To protect the established character of a neighbourhood or street.

Requirements:

- The minimum building setback to all boundaries for the ground and first floor is zero or as nominated in the Sections 2.1, 2.3 and 2.4 of this plan for Bega, Eden and Merimbula town centres.
- Where buildings are required to maintain a minimum front setback of 3.0m or align with existing neighbouring buildings the following applies:
 - Where adjacent buildings have a similar setback, the front setback of the existing adjacent buildings applies.
 - Where adjacent buildings have different front setbacks, the average setback of the two adjacent buildings applies.

- Where there are no existing buildings adjacent to a proposed development, a 3m front setback applies.
- Where a proposed development abuts a residential zone boundary, a minimum 3m setback for all floors will apply between the proposed development and the residential zone boundary.
- Appropriate setbacks will apply to developments adjacent to heritage listed buildings:
- To provide sufficient separation between a new development and an existing heritage listed building. In this regard the required setback will increase in proportion to the difference in bulk, height and scale of the proposed development in comparison to the existing heritage listed building.
- Setbacks for development adjacent to heritage listed buildings will be in accordance with the requirements of Section 5.2.3.1 of this Plan.
- Where a zero setback to the front boundary is proposed, the building above the first floor must be setback a minimum of 5m from the main street frontage. No balconies are permitted to encroach into this setback. Window awnings and other architectural treatments within the 5m setback will be considered if they contribute to the building's design and streetscape. Figures 2.14 and 2.16 illustrate examples of front setbacks for 3 and 4 storey development.
- Where a zero setback to the side and rear boundaries is permitted for 3 storey developments, setbacks for all residential development above the second floor will be in accordance with the principles of SEPP 65 Design Quality of Residential Flat Development. Figures 2.14 and 2.15 illustrate examples of side, front and rear setbacks for 3 storey development.
- Where a zero setback to the side and rear boundaries is permitted for 4 storey developments, all development above the second floor must be set back a minimum of 6m from the rear boundary, and development above the third floor will be setback a minimum of 6m from the side boundaries. In this regard, the principles of SEPP 65 Design Quality of Residential Flat Development will be taken into consideration. Figures 2.16 and 2.17 illustrate examples of side, front and rear setbacks for 4 storey development.

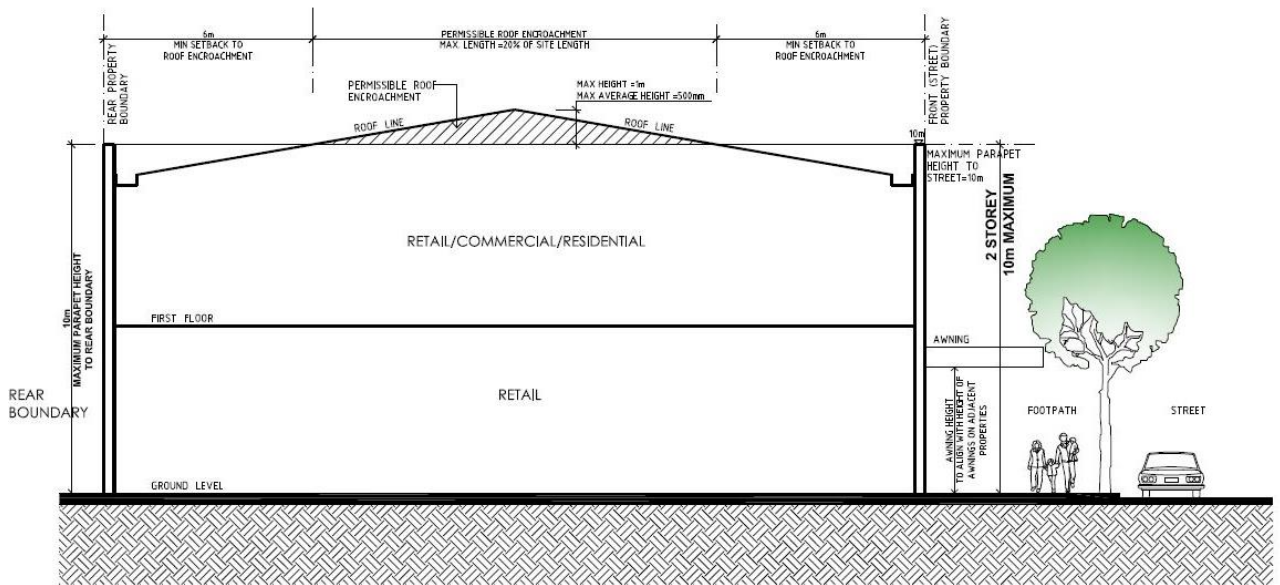


Figure 2.12: 10m maximum height limit: example of 2 storey development – front / rear setbacks

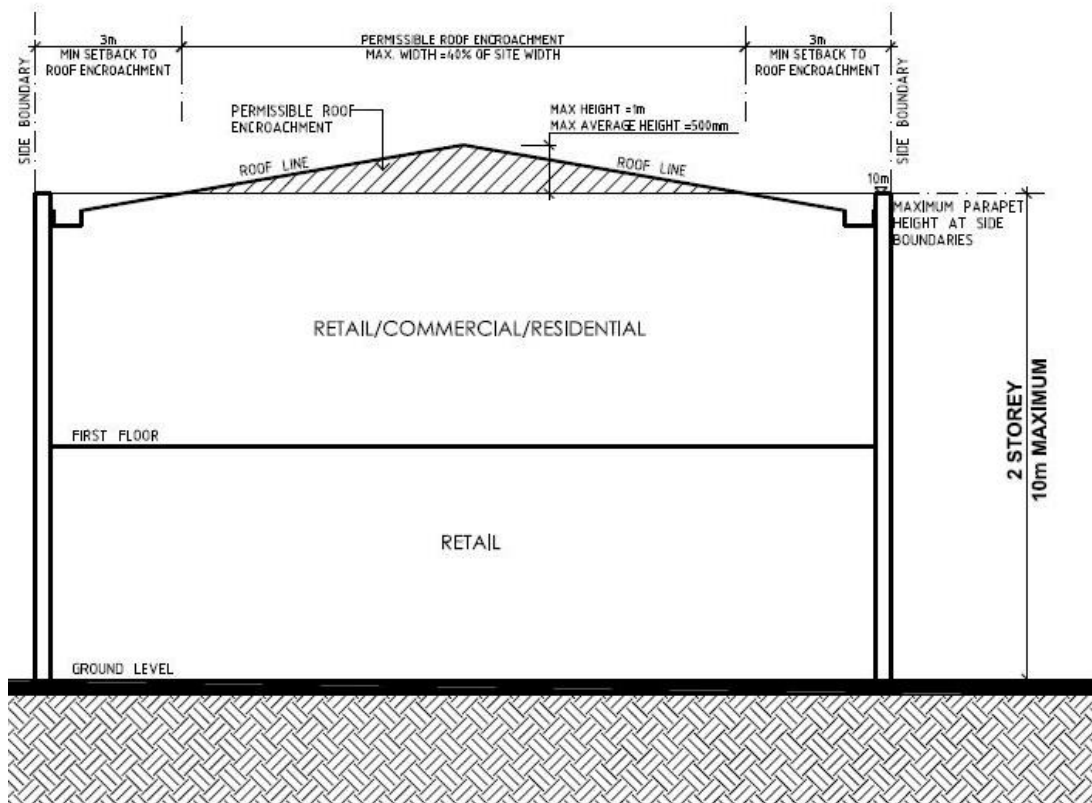


Figure 2.13: 10m maximum height limit - example of 2 storey development – side setbacks

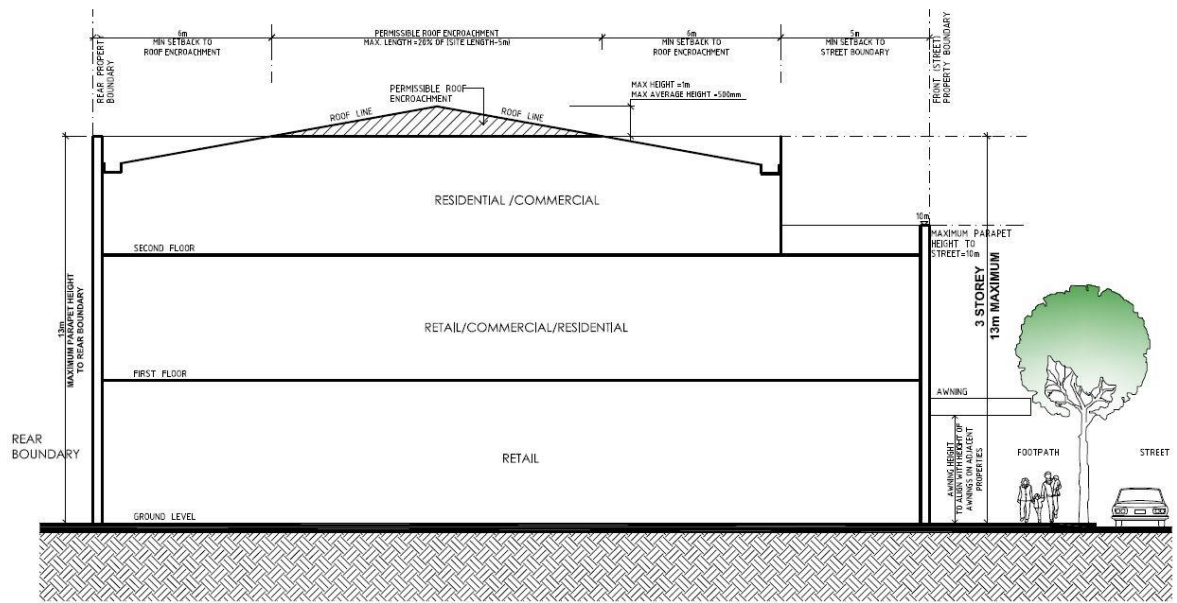


Figure 2.14: 13m maximum height limit: Example of 3 storey development – front / rear setbacks

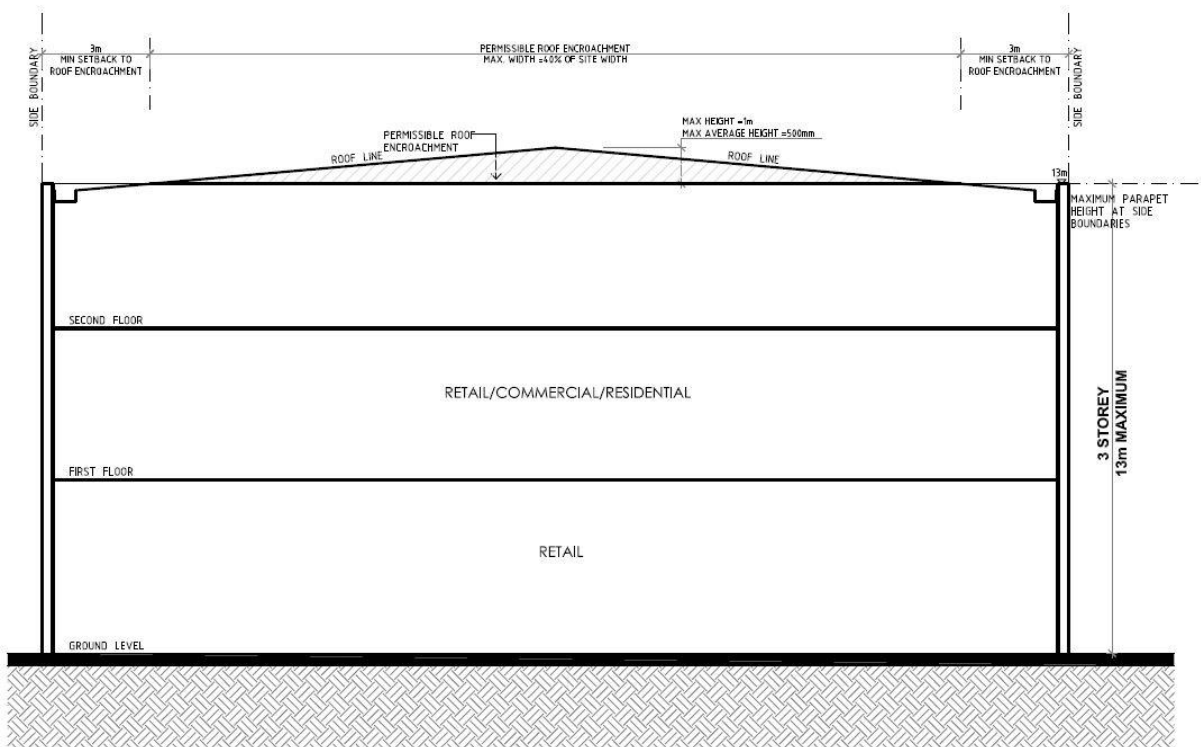


Figure 2.15: 13m maximum height limit: Example of 3 storey development – side setbacks

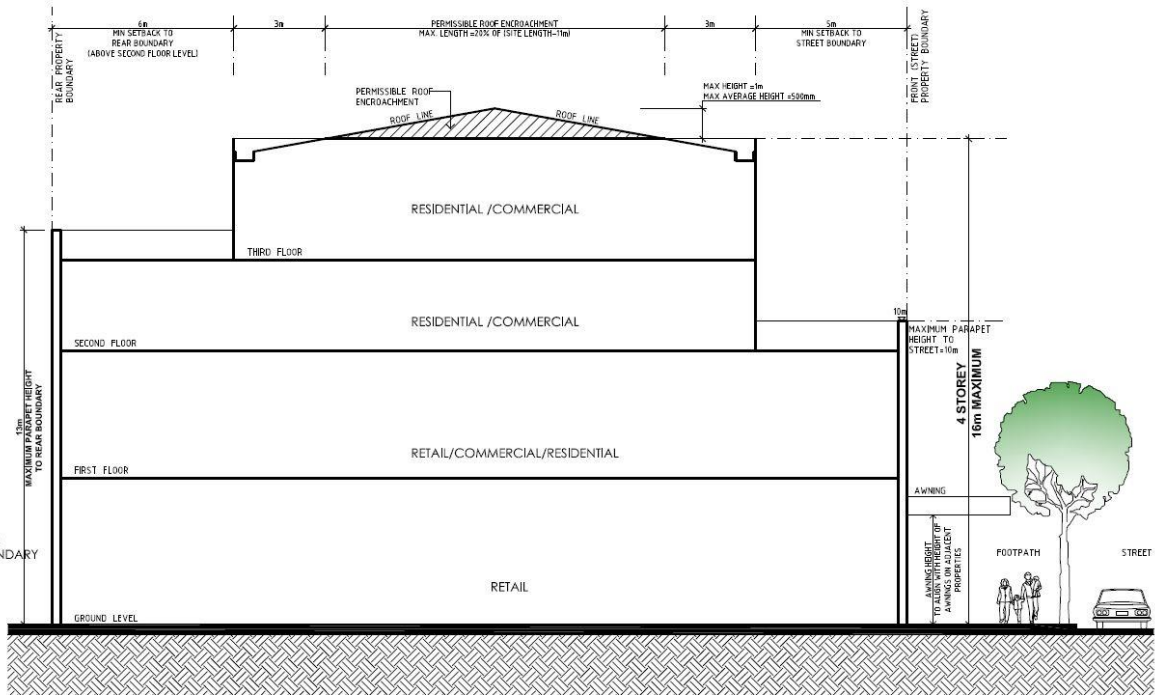


Figure 2.16: 16m maximum height limit: Example of 4 storey development – front / rear setbacks

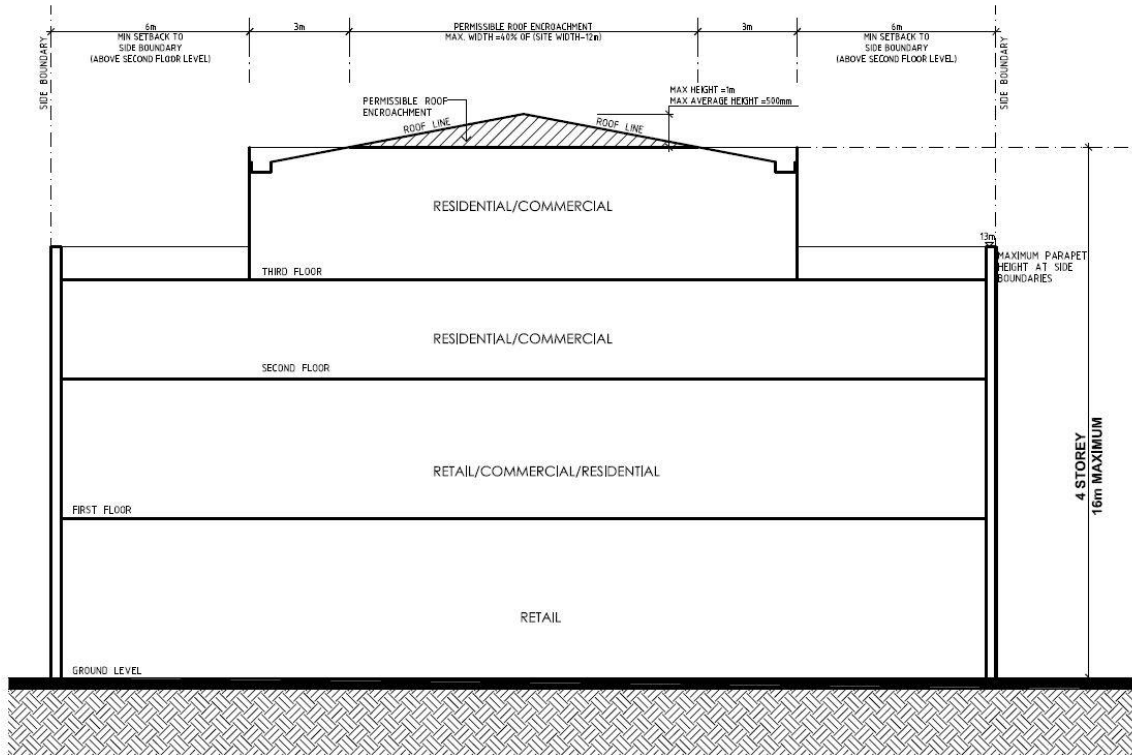


Figure 2.17: 16m maximum height limit: Example of 4 storey development – side setbacks

2.8 Specific Requirements - Industrial Development

In addition to the provisions in Section 2.6 of this plan, the following requirements apply to industrial developments.

2.8.1 Design

2.8.1.1 Context and articulation

Objectives:

- Encourage building design which allows energy efficient development and good solar access.
- Promote the use of appropriate external finishes and innovative use of materials.
- Ensure that industrial development contributes to the streetscape and visual aesthetics of the area.

Requirements:

- Large blank wall surfaces visible from a public place (e.g. road) will be articulated by structural variations and/or blend of external finishes.
- Prominent elevations and visually prominent locations are to have a building form of significant architectural and design merit, with special attention to scale, form, external finishes, setbacks, height limits and landscaping.
- The external walls of industrial buildings will be profiled colour treated cladding or masonry materials, or a combination of both and incorporate visual relief elements.
- Particular consideration will be given to the design and use of materials for the street elevation of industrial buildings.
- Where the side or rear elevation of an industrial building is visible from residential or public areas, colours and wall profiles must be selected to minimise their visual impact.

2.8.2 Amenity

2.8.2.1 Visual quality

Objectives:

- Identify areas of visual importance.
- Limit external storage of goods.

Requirements:

- External storage areas are to be either located behind a building or suitably screened (with dense landscaping and/or solid fencing).
- In assessing development applications involving external storage of goods, Council will take into consideration:
 - height and arrangement of stored goods
 - safety issues
 - access arrangements
 - aesthetics and ease of maintenance

2.8.2.2 Noise and vibration

Objectives:

- Minimise the impact of noise and vibration by proposed operations and on proposed developments of existing and projected future sources of noise and vibration.
- Council recommends applicants utilise the following documents to assist them in making decisions relating to acceptable noise levels for noise generating and noise sensitive developments:
 - NSW Industrial Noise Policy
 - Environmental Criteria for Road Traffic Noise
 - Noise Guide for Local Government

The above documents are available from the Office of Environment and Heritage website: www.environment.nsw.gov.au/noise

- The impact of noise generated by a proposal can be minimised to comply with the statutory requirements in different ways. The following guidelines address means of achieving the standards:
 - Incorporate sound proofing for machinery or activities considered likely to create a noise nuisance during design development.
 - Locate noisy operational equipment within a noise insulated building away from residential areas.
 - Design logistically efficient business practises to minimise the use of equipment, movements per site, and number of vehicle movements per site per day.
 - Where sites adjoin a residential area, limit the number of hours and times at which mechanical plant and equipment is used in conjunction with the measures described above.
 - Ameliorate the noise and vibration impact of transport operations by using appropriate paving or track mounting and installing acoustic barriers as required to meet standards on neighbouring uses.
 - Incorporate appropriate noise and vibration mitigation measures into the site layout, building materials, design, orientation and location of work areas of all developments proposed in areas adversely impacted upon by road related noise and vibration.

Explanation:

Council is the appropriate regulatory authority for noise related activities under the Protection of the Environment Operations Act 1997. In most cases, if development sensitive to noise were to be approved on adjacent properties to the noise source, Council will be responsible for regulating any resulting noise impacts.

2.8.3 Environment

2.8.3.1 Air pollution

Objectives:

- Minimise air pollution caused by new development.

Requirements:

- The operation of any new premises and any machinery or plant to be installed or any process to be used must not cause emissions contrary to the Protection of the Environment Operations Act 1997 and Regulations. Applicants will need to demonstrate that these standards are met. Approvals may also be required from the Office of Environment and Heritage for some types of development.
- Machinery and operations must be designed to minimise the emission of air impurities. This includes minimising vehicular movements to and from the site.
- Restricting the hours of operation may reduce any emissions to an acceptable level.

2.8.3.2 Water pollution

Objectives:

- Minimise water pollution caused by new development.

Requirements:

- To ensure all potential water pollutants are controlled and dealt with on site. Council may require devices such as:
 - effective bunding
 - retention pits
 - grease traps
 - booms and trash racks
 - silt and litter arrester pits
 - siltation ponds

This list is not exhaustive and may vary as innovative products and methods are developed.

- The pollution of any waters is prohibited. Discharges from premises of any matter, whether solid, liquid or gaseous into any waters is required to conform with the Protection of the Environment Operations Act 1997 and its Regulations, or an environment protection licence issued by the Office of Environment and Heritage for Scheduled Premises.

3 Residential Development

Application

This Section applies to the following types of development: Attached dwellings, Dual occupancies, Dwelling houses, Multi dwelling housing, Residential flat buildings, Secondary dwellings, Shop top housing, Serviced apartments and residential components in mixed use development, in the following zones: RU5 Village, R2 Low Density Residential, R3 Medium Density Residential, E1 Local Centre, E2 Commercial Centre and MU1 Mixed Use.

Related Policy

The following NSW Government policies may also apply to the development:

- NSW Coastal Policy 1997
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy 65 Design Quality of Residential Flat Development
- State Environmental Planning Policy 71 Coastal Protection

Exempt Development

The provisions of this chapter do not apply to development that is classified as being either exempt or complying under SEPP (Exempt and Complying Development Codes) 2008 or a 'residential flat building' under SEPP 65.

3.1 Residential Character Statements

3.1.1 Bega

3.1.1.1 Existing Character

The history, locality characteristics and existing character of the Bega town centre is detailed in Section 2.1 of this plan. Residential development may occur as mixed use development in the Commercial Core and surrounding Town Centre Support Area, or as stand-alone residential development in the Town Centre Support area and surrounding residential zones.

The residential areas are currently dominated by a diverse array of residential premises, with principally a domestic scale and detached character. The prevailing residential amenity is generally sensitive to this scale and character and the existing streetscapes have positive qualities including more substantial/heritage buildings and associated landscape settings.

3.1.1.2 Desired Future Character

Bega needs to develop as a compact and dense regional centre with highly accessible, energy efficient living, servicing and working opportunities.

The unique heritage qualities of parts of Bega's residential areas and individual heritage places must be conserved and embellished to enhance a sense of place and maintain a connection with the past.

The residential areas are typified by low-rise, generally street aligned development and this character must be retained.

Section 2.1.4.1 of this plan contains an outline of the principles which must be used to guide all future development in Bega, the two which particularly apply to residential development are:

- Housing Principle:

Housing (especially medium density housing) must be provided within and close to the Town Centre to address Shire-wide housing needs in a sustainable manner and to create a more vibrant, higher density and prosperous town centre.

- Buildings Principle:

New buildings and redevelopment must achieve better performance in the areas of environmental design, residential amenity and building form. The town centre is to contain buildings that are appropriate to a regional centre that reflect best practice in architectural and environmental design and have regard to heritage aspects of the existing built form.

- Sections 2.1.5 and 2.1.7 of this plan contain requirements which specifically apply to residential development in Bega. These requirements are in addition to the general requirements in this Chapter of the plan.

3.1.2 Bermagui

3.1.2.1 Existing Character

The town is sited in a nationally significant landscape and has some of the most spectacular coastal scenery in the Shire. Bermagui is an important commercial and recreational fishing hub and tourism plays a major role in the local economy.

Bermagui offers a wide variety of housing styles from the large red brick family homes to the weatherboard cottages and holiday retreats. It is hard to single out one dominating style specific to the coastal environment that surrounds Bermagui.

The current settlement is characterised by low-key development that fits well into the coastal landscape. Built form in Bermagui has generally developed in an eclectic manner, as is evident by the variety of styles and scales of dwellings. This is largely a result of the history of development in the town. Development has been characterised by a number of single dwellings seeking to achieve desirable northerly views. A lot of these dwellings are used for holiday accommodation.

Retail development is located on Lamont and Bunga Streets south of the river and Wallaga Lake Road north of the river.

3.1.2.2 Desired Future Character Bermagui

In the next 10 years, Bermagui is seen as retaining its current low-key style and character as a large coastal “village” with important roles in tourism and independent retirement living. Retaining the current settlement style with low visual impact buildings of two storeys or less and a “leafy” feel will ensure that new development will blend reasonably well into one of

Australia's most significant coastal landscapes. It is important that building location, bulk and scale, particularly in prominent areas is controlled.

New dwellings that front the ocean or lake need to be responsive to site orientation and solar access, the available view, the effect on dwellings adjacent to and behind the site also seeking of a view, the climate and prevailing winds and the topography.

Houses must generally be designed to incorporate the acceptable design elements suitable for and typical of "beach" or "coastal" homes therefore historical reproduction styles and mixtures of styles are not desirable.

New housing proposed within the central area of Bermagui where many houses from its fishing village past remain, may consider utilising traditional design cues from that period (lightweight weatherboard cladding, gabled metal roofs, dormer windows etc.) to be a more appropriate and sympathetic design response.

Houses located in the inland areas of Bermagui could be considered to be in a more "bushland" environment where subtly different architectural themes and colours may be appropriate. These elements are often mixed with more solid earthy elements such as rendered block, stone and brick. "Project home" style designs or historical reproduction styles are not favoured, because they are intended for more urban locations. In particular "box like" project home plans are not desirable.

3.1.2.3 Desired Future Character Bermagui Country Club Estate

The evident eclecticism of housing styles in Bermagui presents an opportunity for the proposed development to create a unifying style contributing to the coastal landscape character of the area. An innovative design proposal can complement the existing and proposed landscape character and existing built form and character of Bermagui.

Integration of the proposed development into the Bermagui township structure is a critical design feature of the development. As such, open space plays a key role as a communal recreation facility – an attractant to draw people into the site. Therefore, good visual and physical access to this open space from adjoining residential areas is essential. Further, the design of the open space – its layout, its features, its circulation and linkages, etc. – needs to be strong enough to draw the public to this feature. The park is seen not only as a major asset for the development itself, but also for the Bermagui Township as a whole.

The landscape character of the development will reflect both the coastal nature of Bermagui and the existing site features of woodland, wetland and golf course. As with the architectural styles, a lack of one dominating style of landscape character provides an opportunity to create a unifying style for Bermagui.

3.1.3 Bemboka

3.1.3.1 Existing Character

Loftus Street, the main road through Bemboka, lies along the ridge of a small rise in the Bega Valley. The many surviving historic buildings are set against spectacular views of the surrounding escarpment. The town plan comprises two adjacent rectangular grids laid over the hilly topography. The easterly grid was the town "Colombo", surveyed by the government,

with the town of “Littleton” to the west. The grids abut at Broad Street, just west of the Community Hall. However the main road predated the plans, and bends slightly in response to the ridge.

Most of Loftus Street’s historic buildings are concentrated either side of the road on the two blocks between Hoskins and Adams Streets, although there are prominent historic buildings before and after the main cluster. The views between the buildings and down the side streets reveal several buildings of historic form and character in addition to the more recent stock. When driving through Bemboka there is an overwhelming sense of being in an historic village. The sense is enhanced by the attractive buildings and their dramatic setting. When travelling from the west, Bemboka is the first town encountered in the Bega Valley Shire. The drive down the main street enables a good introduction to the Shire’s history and character.

3.1.3.2 Desired Future Character

The objective of this plan is to recognise and encourage the conservation of those buildings within the town that have good historic form and character, especially where they contribute to streetscape and vista.

Additionally the core cluster of buildings in the centre of Loftus Street will be managed as a precinct. This will mean that new development within the precinct must be sympathetic to the precinct’s historic and aesthetic character.

3.1.4 Burragate

3.1.4.1 Existing Character

Burragate is a very attractive low density settlement located within a rugged landscape of grazing slopes and naturally wooded hills. The main building cluster is along Perico Street and consists of half a dozen or so small weatherboard cottages on the north side of the road and two on the south side. The cottages are generally set behind trees and shrubs, affording only limited glimpses of their walls and corrugated iron roofs.

The native and exotic plantings along Perico Street combine with the soft roadside verge, historic cottages and distant views to create delightful vistas in both directions. The patinated form and character of the buildings in their landscape is distinctively Australian.

3.1.4.2 Desired Future Character

Sympathetic management of development and landscaping within the heritage precinct will help retain the historic and aesthetic streetscape of Burragate.

3.1.5 Candelo

3.1.5.1 Existing Character

Candelo spreads across the slopes of a short contained river valley, with the village’s commercial buildings located either side of the river and residences rising up the slope behind. The few civic buildings are located on the eastern slope, including the school, police stations, two churches, current shops and former hospital. There is additional (and increasing) development beyond the central visual catchment. The village grew around the river crossing, and major roads are defined by the river and ridgelines. The subsequent rectilinear street grid-pattern laid over steep topography is arguably inappropriate, but nevertheless contributes to Candelo’s unique character.

As a consequence of the village’s setting, buildings sit behind and above the ones closer to the river and create something of an amphitheatre, with each side effectively “looking” at the other. The steeply pitched roofs of the 19th century structures and the dominant gables of the

Inter-War houses combine with the exotic vegetation and gardens to create an urban environment that is rare in NSW. The survival of such a high proportion of pre WWII structures endows Candelo with a very high historic character. This is made even stronger by the near absence of late 20th century buildings in the core area.

The form, character and patina of the buildings in conjunction with their landscaped and topographic setting have resulted in a village of high aesthetic quality that is valued by many of the Candelo's residents as well as tourists.

3.1.5.2 Desired Future Character

All pre 1950 buildings, and significant vegetation, that contribute to Candelo's distinctive historic and aesthetic character are conserved.

Additions and new structures will satisfactorily address the key factors contributing to the existing character. Modern architecture that also addresses the contributing factors is permitted. New buildings in William and Sharpe Streets will fit seamlessly with their neighbours. New buildings will generally be set back further than historic structures and may be required to be of a lower height and scale. Retention of existing vegetation screening and/or framing is encouraged for subdivisions.

Council will assess the visual impact on the townscape of all development, especially that within the heritage precincts.

3.1.6 Cobargo

3.1.6.1 Existing Character

Cobargo has operated as a village since the late 1860's. It has long been known as a "working village" on the crossroads of the Princes Highway and the road to the fishing and tourist town of Bermagui. Cobargo has a visual and urban character that has resulted from the large number of historic buildings that survive from the late 19th and early 20th centuries. This is particularly evident in the main street (Princes Highway) and along the Bermagui Road, and to some extent in the early houses in the back streets.

Fortunately for Cobargo, a large number of 19th century buildings have survived in both the commercial and residential areas. In addition there is an interesting selection of early 20th century to pre-World War II buildings which are tangible evidence of Cobargo's past and its periods of development. Cobargo is a village relatively unaffected by obtrusive modern development. Some of the more recently constructed buildings, through the efforts of the community and Council, have been built in sympathy with the heritage characteristics of the village.

Cobargo has an important role to play in local tourism and conversely, attracting tourists to Cobargo is important for the local economy. The identification and sympathetic management of the town's historic charm and character will promote its future economic wellbeing.

3.1.6.2 Desired Future Character

The unique heritage qualities of Cobargo will be conserved and embellished so that the precincts and individual buildings retain their significant characteristics while allowing for sensitive adaptation of existing structures, and infill development on vacant land.

The integrity of Cobargo's main street is very high and warrants careful management. There is capacity for infill development, however this will have to be done in a sympathetic manner if new development is not to degrade or compromise existing heritage character. In recognition of its heritage value, and to assist its long term management, a Main Street precinct has been

identified and included in the proposed heritage list along with the individual items that occur within the precinct.

Bermagui Road has a high proportion of interesting buildings dating from about the 1880s through to the 1920s and 30s. The high aesthetic and historic character of Bermagui Road must also be managed carefully and a Bermagui Road heritage precinct has been created for this purpose.

As the management of the Main Street precinct and the Bermagui Road precinct are essentially the same for heritage purposes, and as they join at the road junction, the two precincts have been linked and treated as one.

The Roman Catholic Group on Wandella Road has exceptional integrity and is visible from a number of vantage points. Future development must be done in a manner that does not compromise the group as a result of the height or proximity of new structures.

Historic cottages occur throughout the village but not in any distinct pattern. Their aesthetic and historic values enhance the town's character and their ongoing maintenance is encouraged. All of the cottages can be extended and up-graded as necessary to meet the needs of the owners, however such work must be done in a manner that is sympathetic to the building's architectural and historic character.

3.1.7 Eden

3.1.7.1 Existing Character

Eden's character has evolved from its natural setting and the history of the development of the area. The views and vistas, associated with Eden's coastal setting and forested backdrop set Eden apart as a unique place.

Residential development in Eden is typified by low density detached housing. Eden Cove is a developing residential area in which development is guided by an accompanying Masterplan. A Masterplan has also been approved for the mixed use redevelopment of the Snug Cove area. A major project including tourist and residential development has also been approved at Cattle Bay.

3.1.7.2 Desired Future Character

New dwellings in Eden can be of reasonable height bulk and scale, but must have regard to existing view corridors and must positively contribute to the built environment of Eden.

The adoption of a common "maritime themed" architectural style and colour palette both for new dwellings and the renovation of existing buildings is encouraged to develop coherency and sympathy in the towns' buildings (as detailed in the *Port Of Eden: Urban Design – Blueprint and Design Principles* Planning Report).

Maritime buildings are personified by lightweight timber clad structures, with reasonably pitched metal gable roofs (often with multiple pitches), well-proportioned windows and either finished in a white or pastel colour with contrasting trims. Other appropriate contemporary materials not comprising face brick may equally be used.

The traditional material used in maritime buildings is lapped weatherboard, combined with plain or coloured gable metal roofing. These boards may be traditional timber, "weathertex" or James Hardies FC "Linea" weatherboard range. Other materials such as rendered brick or blockwork are equally suitable however any new development must contain a well-considered mix of materials. Windows must preferably be of timber construction however well detailed powder coated aluminium windows are equally suitable. External features in buildings may

include stone walling, rendered finishes, however face brickwork is not encouraged as an external wall treatment.

3.1.8 Kalaru

3.1.8.1 Existing Character

Kalaru is a commuter residential village to Bega and Merimbula. It has prospects to provide small scale business and industrial opportunities. While close to the coast, it has potential to provide more affordable housing than Tathra.

It has an attractive rural setting with much adjacent forest of importance to biodiversity both as a location of significant vegetation and use as a wildlife corridor and landscape.

3.1.8.2 Desired Future Character

New development contributes to the existing small scale village environment and protects the biodiversity and landscape attributes of the surrounding landscape.

3.1.9 Quaama

3.1.9.1 Existing Character

Quaama is a small settlement that is based around the former Princes Highway as it curved to follow a spur down to Dry Creek. The highway bypass has left Quaama as a quiet village with a settlement pattern that follows the former highway and landform, rather than a formal rectangular grid as seen in other locations.

Building stock is primarily residential and dates from the late 19th century through to the present time. Cobargo Street (the village's main street) has soft formed edges bordered in parts by shrubs and trees. The built forms are well maintained, as are the gardens and streetscape, and there is a strong sense of local civic care. The prominence of the heritage buildings imparts a strong historic flavour to Quaama.

3.1.9.2 Desired Future Character

The Cobargo Street Precinct will be managed in a way that is sympathetic to its aesthetic and historic character. The conservation of identified individually significant places is encouraged.

3.1.10 Merimbula

3.1.10.1 Existing Character

Merimbula is characterised by a relatively dense urban settlement pattern and large town centre. The town is spread out around Merimbula Lake and the strong tourist tradition helps create a resort atmosphere in the town.

Merimbula offers a huge variety of housing styles including low scale residential housing, multi-dwelling housing development, shop-top housing in mixed use development, old fibro shacks and modern architect designed holiday homes. It is hard to single out one dominating style specific to the coastal environment that surrounds Merimbula.

Built form in Merimbula has generally developed in an eclectic manner, as is evident by the variety of styles and scales of dwellings. This is largely a result of the history of the development of the town and its strong emphasis on tourism and holiday homes.

Development in Merimbula is characterised by dwellings seeking to achieve desirable ocean views, both close to the coast and in the elevated areas surrounding the town centre.

3.1.10.2 Desired Future Character

The strong desire is for Merimbula to retain its "coastal village charm".

New dwellings that front the ocean or lakes need to be responsive to site orientation and solar access, the available view, the effect on dwellings adjacent to and behind the site also seeking of a view, the climate and prevailing winds and the topography.

Houses must generally be designed to incorporate the acceptable design elements suitable for and typical of “beach” or “coastal” homes therefore historical reproduction styles and mixtures of styles are not desirable.

Houses located in the non-oceanfront section of Merimbula are considered to be in a more “bushland” environment where subtly different architectural themes and colours may be appropriate. These elements include but are not limited to: extensive use of lightweight construction, extensive glazed areas often protected by louvers, natural timber finishes, bonded sheet metal cladding, off form concrete, natural stone, zincalume steel, fibre cement, plywood cladding.

3.1.11 Mirador

3.1.11.1 Existing Character

Mirador is a new residential development situated between the settlements of Tura Beach and Merimbula, overlooking the ocean and Merimbula Township.

3.1.11.2 Desired Future Character

Houses located in Mirador are considered to be in a “coastal bushland” environment where architectural themes and elements that may be appropriate include (but are not limited to): extensive use of lightweight construction, extensive glazed areas often protected by louvers, natural timber finishes, bonded sheet metal cladding, off form concrete, natural stone, zincalume steel, fibre cement, plywood cladding.

3.1.12 Pambula

3.1.12.1 Existing Character

Pambula is one of the oldest villages in the Bega Valley Shire and has retained some of its early heritage buildings as well as a village atmosphere. This is reflected in the low scale residential and retail development and small size of the village.

Many of the dwellings in and around Pambula have interesting architectural and historical associations that contribute to the town's heritage, aesthetic and social values. Members of the community and Council are keen to foster the areas heritage buildings, streetscapes and visual character.

Residential development in Pambula is low scale even when combined with commercial land uses. The residential areas have a strong historic grid street pattern. Many historic buildings are prominent in the streetscapes and most other development is in harmony with the form and scale of those buildings.

3.1.12.2 Desired Future Character

Pambula's local heritage significance is conserved by protecting heritage items and ensuring that future development does not detract from the heritage character of the town. Development in the vicinity of buildings with historical importance is compatible with the form and scale of those buildings.

The management of Pambula's streetscapes is consistent with the town's historic character, and the management of the town's perimeter and setting is consistent with its historic and aesthetic values.

Future residential development enhances the existing built environment with boundary setbacks and building heights that will maintain residential amenity and heritage values while allowing design flexibility.

The historic pattern of Pambula as a village is continued, historic buildings are not adversely impacted by new development and remain visually prominent in the streetscape, historically significant items, views and streetscapes are conserved, and development in the vicinity of buildings with historical importance is in harmony with the form and scale of those buildings.

- Sections 2.5.4.2 and 2.5.4.4 of this plan contain requirements which specifically apply to residential development in Pambula. These requirements are in addition to the general requirements in this Chapter of the plan.

3.1.13 Pambula Beach

3.1.13.1 Existing Character

Pambula Beach is a village characterised by low density residential development, with some tourist development and limited retail activity. The village is located between National Park and the ocean.

3.1.13.2 Desired Future Character

New dwellings addressing the ocean in Pambula Beach are responsive to site orientation and solar access, the available view, the effect on dwellings adjacent to and behind the site also seeking of a view, the climate and prevailing winds and the topography.

Houses located in the non-oceanfront section of Pambula Beach are considered to be in a more “bushland” environment where subtly different architectural themes and colours may be appropriate. These elements include but are not limited to: extensive use of lightweight construction, extensive glazed areas often protected by louvres, natural timber finishes, bonded sheet metal cladding, off form concrete, natural stone, zincalume steel, fibre cement, plywood cladding.

3.1.14 South Pambula

3.1.14.1 Existing Character

South Pambula is a relatively new settlement, separated from Pambula by the Pambula River Flats and dairy pasture. South Pambula is fairly small with no retail activity and a large industrial area adjoining the western edge. The existing capacity for expansion and infill development of the South Pambula residential zone is limited.

3.1.14.2 Desired Future Character

Future development in South Pambula complements the spacious urban style of settlement.

3.1.15 Tathra

3.1.15.1 Existing Character

The Tathra area comprises a mix of older more established housing on the headland and ridge area surrounding Bega Street, and newer residential development in the beach flat area and slopes running up against the areas of Council managed Crown Public Recreation Reserve, the Tathra Wildlife Reserve and areas of vacant Crown Land. Wide grassed footpaths and low density housing create the impression of an open spacious coastal town.

Small pockets of commercial development are located in both the headland and beach flat areas.

The town is surrounded by ocean, forest and National Parks which include a range of natural habitats that provide an attractive backdrop to the developed areas. Tourism is an important part of the local economy with large caravan parks, tourist accommodation and holiday letting spread throughout the town but concentrated in the beach flat area with large numbers of visitors and Shire residents attracted to the town especially during summer.

Tathra has very limited areas of remaining vacant urban zoned land and while some further urban development may occur on these lands, the majority of the remaining potential for Tathra lies in infill development.

There are two areas in Tathra that demonstrate historic heritage value. The headland remains relatively undeveloped other than the very significant Wharf, and the Hotel. The area includes natural heath vegetation, memorials and commemorative areas and some modern housing and shops. The relatively undeveloped area around the wharf greatly enhances its significance and the ability to appreciate it as it might have appeared in the 19th and early 20th centuries.

The historic elevations of the hotel are able to be appreciated on approach against the dramatic background off the headland and ocean, without it having to compete with over-scaled modern buildings.

The area either side of Bega Street between Wallagoot and Tathra Streets, with the addition of the Harbour master's restaurant and general store, contain some fine single storey buildings from circa 1900 to about 1930. These are most of Tathra's surviving buildings from the period and create an attractive streetscape with strong historic references.

3.1.15.2 *Desired Future Character*

New dwellings that face the ocean or Bega River need to be responsive to site orientation and solar access, the available view, the effect on dwellings adjacent to and behind the site also seeking a view, the climate and prevailing winds and the topography.

Houses must generally be designed to incorporate the acceptable design elements suitable for and typical of "beach" or "coastal" homes therefore historical reproduction styles and mixtures of styles are not desirable.

Houses located in the non-oceanfront sections of Tathra are considered to be in a more "bushland" environment where subtly different architectural themes and colours may be appropriate. These elements include but are not limited to: extensive use of lightweight construction, extensive glazed areas often protected by louvres, natural timber finishes, bonded sheet metal cladding, off form concrete, natural stone, zincalume steel, fibre cement, plywood cladding.

The height of development to the north west of Beach Street will be less than the general height of surrounding natural vegetation. The intention is for trees rather than buildings to form the skyline as seen from distant Tathra Beach. Some recent two storey developments in other parts of Tathra have proved to be over-scaled and it will be necessary to qualitatively assess the visual impact of future development.

The cultural heritage, natural values and streetscape character of Tathra will be maintained by managing individually significant heritage places, the Bega Street Conservation Area and the headland beyond Beach Street, as well as preserving significant tree plantings including Norfolk Island pine trees and the figs along Bega Street.

3.1.16 Towamba

3.1.16.1 *Existing Character*

Towamba has a well laid out rectangular town grid, however building density is quite low. The township is on the south side of the river and not traversed by the Towamba Road, which is to the north. The tightest concentration of buildings is around the church and the school, both of which have heritage significance. The buildings either side of the church also have historic and aesthetic value. The rise from the bridge or from Pericoe Road up to the building cluster is attractive.

There are a few ruins of early timber buildings and sheds, including split timber sheds, in the landscape surrounding the settlement that contribute to Towamba's character and indicate its early agricultural use. The set of buildings on the north side of the river are distinctive and have high landmark value, but don't really contribute to the town on the south side.

3.1.16.2 *Desired Future Character*

Because of Towamba's low settlement density, there are no clearly identifiable precincts that warrant specific management. The strategy is, therefore, to identify buildings of heritage significance and encourage their sympathetic management.

3.1.17 Tura Beach

3.1.17.1 *Existing Character*

Tura Beach is a relatively new urban area characterised by low density housing and an area of commercial development. Tura Beach still has some supply of vacant land which is currently zoned residential.

3.1.17.2 *Desired Future Character*

New dwellings constructed within Tura Beach (especially within the "Dolphin Point" area) need to be responsive to site orientation and solar access, the available view, the effect on dwellings adjacent to and behind the site also seeking views, the climate and prevailing winds and the topography.

Houses located in the non-oceanfront section of Tura Beach could be considered to be in a more "bushland" environment where subtly different architectural themes and colours may be appropriate. These elements include but are not limited to: extensive use of lightweight construction, extensive glazed areas often protected by louvres, natural timber finishes, bonded sheet metal cladding, off form concrete, natural stone, zincalume steel, fibre cement, plywood cladding.

3.1.18 Wallaga Lake

3.1.18.1 *Existing Character*

The Wallaga Lake area contains the urban settlements of Fairhaven, Beauty Point and Wallaga Lake Heights. Interspersed amongst these residential areas are a number of tourist developments including several caravan parks. Apart from small convenience stores within the caravan parks there are no shopping facilities in the Wallaga Lake area. There is also an area of rural land comprising bushland and farming areas along the southern shore of the Lake at Meads Bay, which extends up the Narira Creek.

Urban development of Wallaga Lake, Beauty Point and the western part of Fairhaven, is typically detached dwelling houses on lots around 600 -700 m² in area. Larger residential lots

between 2000 and 4000 m² by contrast, typify the balance of Fairhaven, although many remain undeveloped.

There are few dedicated parks in the area, the lake foreshores essentially serving this role.

Wallaga Lake evokes the low key holiday retreat, although this is slowly changing as the number of permanent residents and substantial homes grow. Despite this growth its peaceful/rural atmosphere, at least outside holiday times, probably best describes its present character.

There is limited future urban development remaining in the Wallaga Lake area beyond some infill development due to the existing lot sizes, topography, development configuration, lake environs and existing servicing.

3.1.18.2 *Desired Future Character*

New development contributes to the existing urban characteristics of the area.

3.1.19 Wolumla

3.1.19.1 *Existing Character*

Scott Street (Wolumla's main street) reveals a superb vista when entering from the south. The steeply pitched historic roof forms frame and enhance the foreground, with the views carrying through to the distant hills that define the Bega Valley. The slight curve to the street contains the view, which opens out just past the community hall, with the small historic cottage on the rise highlighted by the open foreground and the wooded hills behind.

A high proportion of historic buildings sit close to Scott Street and provide strong references to the past. This is enhanced by a scatter of early building forms to be found throughout Wolumla, including along Philip, Bega and Smith Streets. With the exception of Scott Street, historic buildings are probably in the minority, with numerous buildings from the mid to late 20th century having been constructed.

The character therefore is one of a historic main street with the back streets having mixed cottage development that has evolved over the course of the 20th century and with notable references to its 19th century origins.

3.1.19.2 *Desired future character*

Scott Street will be managed for its vistas and collection of good historic buildings. The retention, conservation and adaptation of the contributory buildings located throughout the village is encouraged and the heritage values of individually significant places is managed.

3.1.20 Wonboyn

3.1.20.1 *Existing Character*

Wonboyn is a remote coastal settlement with very high environmental and wilderness values. It is important for tourism with many dwellings being casually let as well as permanent tourist accommodation. It has important aquaculture industry and recreational fishing.

3.1.20.2 *Desired future character*

Enhance and maintain aesthetic values of Wonboyn and ensure new development contributes to the distinctive coastal village environment.

3.1.21 Wyndham

3.1.21.1 Existing Character

Wyndham has a strong historic character of weatherboard walls and steeply pitched corrugated iron (cgi) roofs, with most of the buildings having some degree of heritage significance. A number of new buildings have adopted the traditional form of walls clad in splayed weatherboard and roofs of steeply pitched corrugated iron.

3.1.21.2 Desired future character

Manage the main street (Monaro and Gordon Streets) as an historic streetscape from the police station in the east through to West Street in the west. Encourage contributory buildings within the streetscape to be upgraded and new development in the streetscape to reflect traditional form and materials.

3.2 General Requirements

(Excludes residential development in business zones)

Objectives

- Achieve residential development that is responsive to the existing amenity and desired future character of an area and to encourage innovative and efficient design that responds well to its environment.
- Promote a high level of residential amenity in building design for the occupants of buildings through daylight access, acoustic control, privacy protection, natural ventilation, passive security design, outdoor living, landscape design, indoor amenity and storage provision.
- Encourage a diversity of housing choices for our local community now and into the future.

3.2.1 Design

Design refers to the overall appearance of the development.

3.2.1.1 Building Footprint

Objective:

- Ensure development is appropriate for the site.

Requirement:

- The bulk and scale of the development must be in keeping with the size and shape of the allotment.

Explanation:

The trend with development is to maximise the size and footprint to the point where the building dominates its site, reducing landscaping and open space, and causing issues with overshadowing, view blocking, visual amenity, bulk and scale.

Figures 3.1 and 3.2 provide examples of inappropriate and appropriate bulk and scale for a typical urban allotment.

Note: You will need to calculate the floor space ratio for your development. These requirements are detailed under Clause 4.4 and 4.5 of the LEP.

3.2.1.2 Streetscape

Objective:

- Establish a design consistent with the surrounding streetscape.

Requirement:

- The development must be well proportioned when viewed from neighbouring properties and the street.
- Dwellings on lots smaller than 550m² must be no more than two storeys in height.
- Multi dwelling housing in the R2 and RU5 zone will present a low-density detached character when viewed from the street. Dwellings adjacent the primary street frontage will be oriented to the street.

Note: The specific requirements for building height are detailed under Clause 4.3 of the LEP.

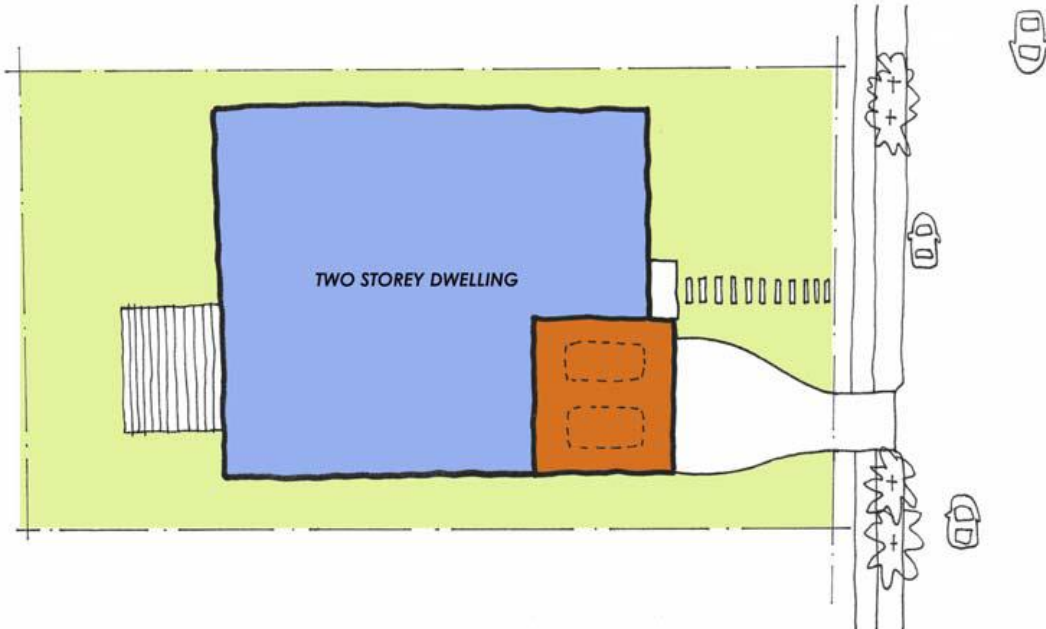


Figure 3.1: Example of inappropriate building footprint

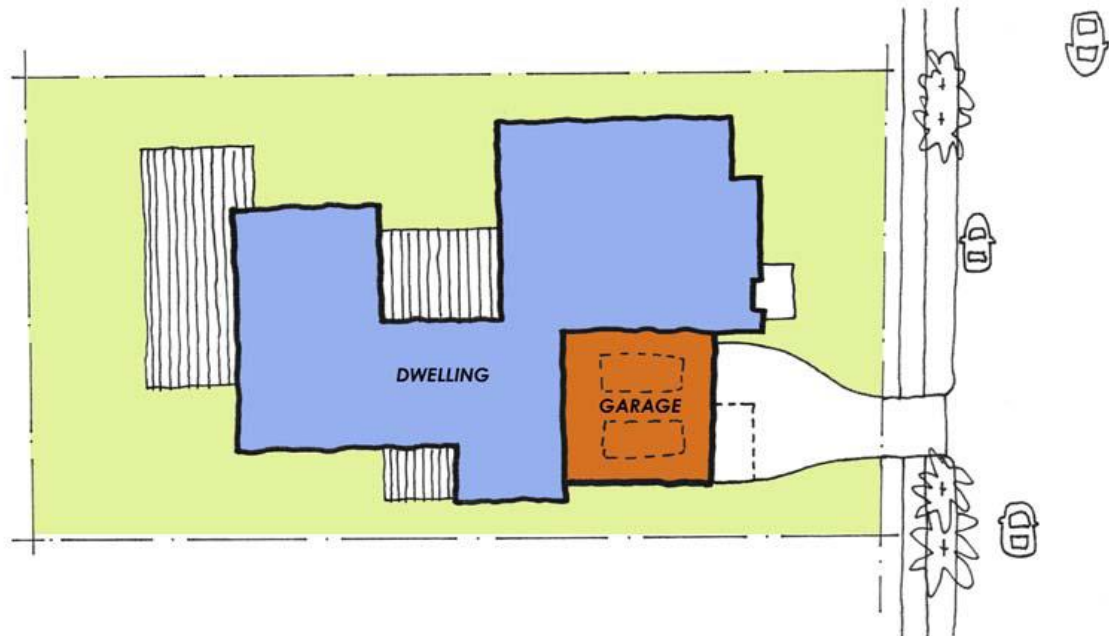


Figure 3.2: Example of appropriate building footprint

3.2.1.3 Character and Form

Objective:

- Ensure a high quality contemporary design.

Requirements:

- The design will use a variety of building materials and colours that take into account the appearance of the development and the reflectivity of the finish.
- The predominate 'base' colours must be light, natural and earthy. Highlight colours must be considered on features such as window frames, doors, letterboxes, feature walls and down pipes to create contrast.
- The roof profile and design of a development will be appropriately detailed. The pitch of the roof in terms of height or flatness will be in keeping with the proportions of the building and be able to accommodate solar panels
- The design will minimise the use of hard surface materials and the visual impact of driveways and parking areas from public vantage points and the street. Specifically:
 - Driveways in urban areas with kerb and guttering will be sealed and use materials other than plain concrete or bitumen. Reinforced permeable surface stabilising treatments are also acceptable. Driveway crossovers in the road reserve must meet Council's design specification.
 - Where driveways and hardstand areas will exceed 50% of the front setback area due to site specific constraints, the design will incorporate alternative permeable surface stabilising treatments.
 - Parking and manoeuvring areas for multi dwelling housing should be located away from the primary street frontage and screened from view of streets.
- The mirror imaging of facades is not acceptable.
- The design of windows and decks will be integrated into the overall architectural form and provide for the casual surveillance of the street.

Explanation:

The design of any new development needs to provide for a variety of building materials that is contemporary in its architectural detail. Figure 3.3 provides an example of appropriate character and form.

Lodgement Requirement:

A schedule of building colours and materials will accompany the development application.

Note: The specific requirements for dual occupancy development in the RU5, R2, R3 and B4 Zones are detailed under Clause 4.1B of the LEP.

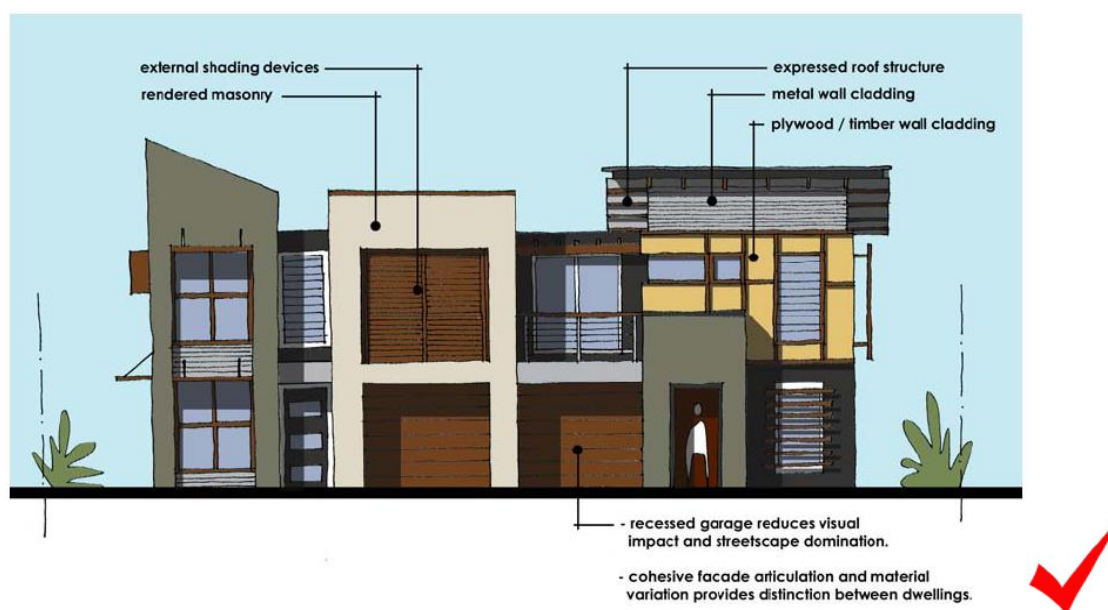


Figure 3.3: Example of façade treatment that is consistent with the design requirements for coastal housing

3.2.1.4 Context and Articulation

Objectives:

- To ensure development is not visually overwhelming within the streetscape and allows for relief between buildings.
- To provide street edges which reinforce the desired future street character with a clear transition between public and private space. Development must be oriented towards the street.
- To facilitate active and casual surveillance between the development and the public domain.
- To ensure new development is designed, sited and oriented to contribute positively to the public domain.

Requirements:

- New development adjacent to public open space will consider how the development interacts with the public open space, including visual privacy for residents, opportunities for passive surveillance, opportunities to reduce overshadowing, and clear delineation between private and public domains.
- Each dwelling will have a sense of address with a clearly defined entry. Fencing and walls separating private and public land must be compatible with the character of the locality and the interface with public spaces will be adequately considered.
- The maximum unbroken length of any external wall will not exceed 10m. Walls proposed to be longer than 10m in the same material and colour must be broken with an indentation of at least 1 metre in depth for a distance of 2.5m.

- Front fences must have a maximum height of 1.2m if solid or 1.8m if the fence has openings which make it at least 50% transparent. Solid fences to a height of 1.8m may be permitted to a street frontage where noise from high traffic or other amenity impacts may justify a greater height.
- A fence and any associated retaining wall located behind the setback area from a primary road or any side or rear boundary fence must not be more than 1.8m above existing ground level.
- Carports and garage doors must be recessed behind the main face of the building and occupy not more than 40% of the front elevation (taking into consideration the whole façade, inclusive of any upper storey). Where the above requirement cannot be met and more than one car parking space is required, a tandem parking arrangement shall be provided.

Explanation:

Any development needs to be articulated with reference to the street and take into consideration its relationship to neighbouring properties. Figures 3.4 and 3.5 provide examples of appropriate context and articulation for a typical urban allotment.

Note: Council will consider garages or carports forward of the primary building façade or of greater than 40% of front elevation on sloping sites where land slope prohibits a garage being provided within the main structure or other practical location. The applicant is required to demonstrate to Council that the visual impact is minimised by providing a façade treatment that is considered to be of high architectural merit.

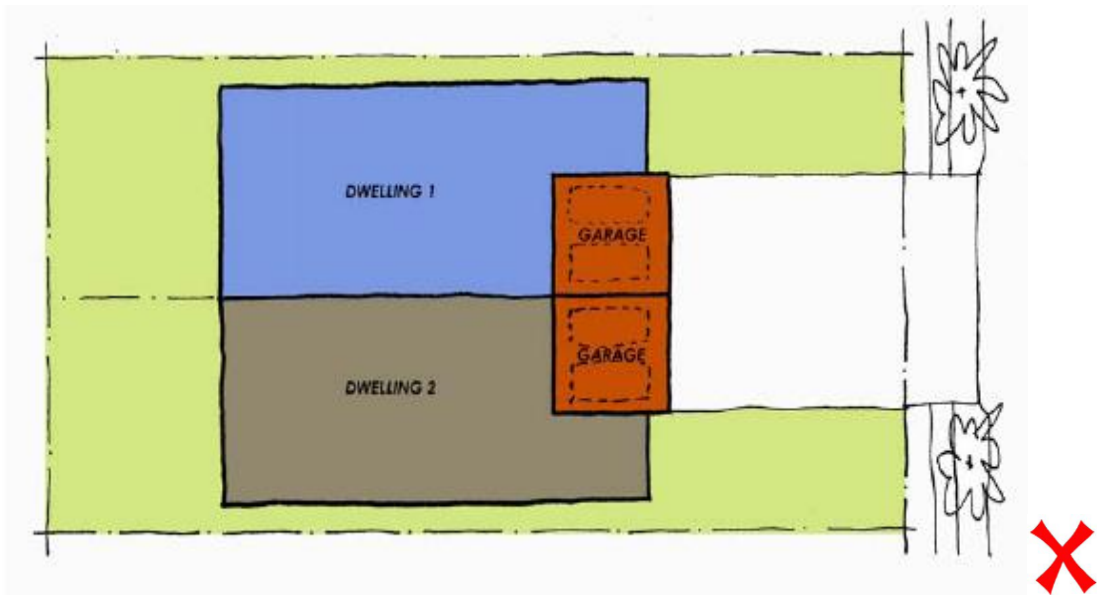


Figure 3.4: Example of inappropriate building articulation

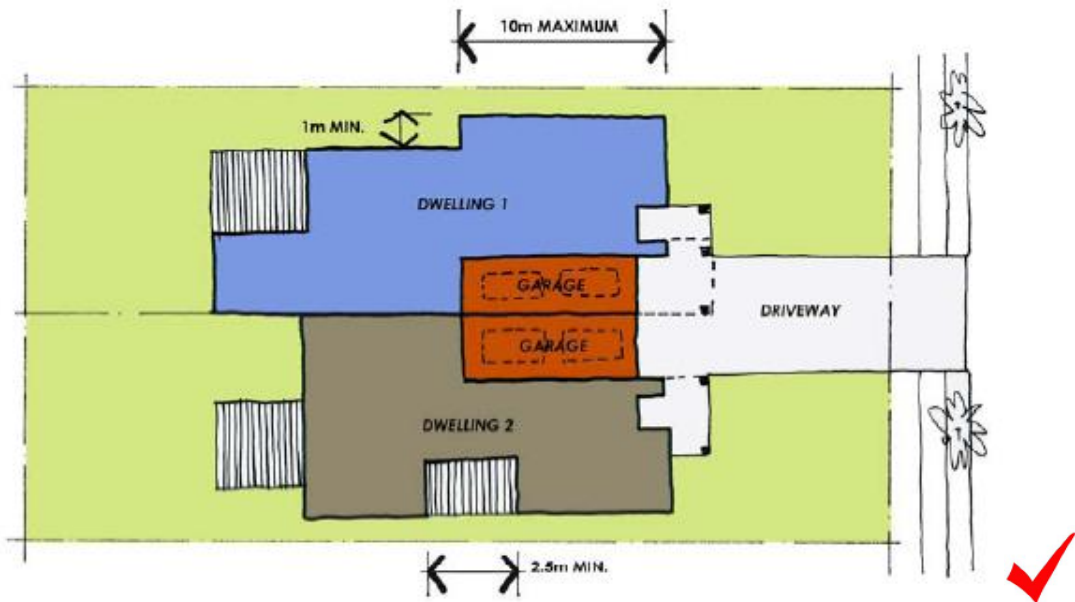


Figure 3.5: Example of appropriate building articulation

3.2.2 Amenity

Amenity refers to the relationship of a development with the site and surrounding properties. This includes privacy, views and overshadowing.

3.2.2.1 Privacy

Objective:

- Ensure that the location and design of development achieves visual and acoustic privacy for indoor and outdoor living spaces.

Requirements:

- Buildings will be designed and orientated to minimise overlooking of adjoining development and private recreation areas. Roof top terraces are not an acceptable design solution due to the visual and acoustic impact.
- The placement of windows, decks and external recreation space, including pools, will have regard to the visual and acoustic privacy needs of the future occupants and neighbouring development.
- Design elements such as obscure glass or privacy screens will be incorporated where side or rear openings required for light and ventilation overlook or intrude upon adjoining residences. Privacy screens may be required for raised side or rear decks, balconies, patios, terraces or verandas that overlook adjoining residences or principle private open space areas and where boundary fencing is insufficient. In certain circumstances additional landscape screening may be required.
- Driveways and parking areas will be located and designed to minimise noise disturbance and visual intrusion upon neighbours.

3.2.2.2 Open Space

Objective:

- Ensure that open space is provided for all development that is an appropriate size and quality to meet the expected user requirements and activities.

Requirements:

- Private open space will be enhanced by landscaping, screening, walls and fences to minimise overlooking and must be connected to and accessible from the main habitable rooms of the development.
- It may only be located within the front setback if it can be demonstrated that no other site option exists. In this instance the private open space must be landscaped and screened to provide privacy.
- Dwellings achieve a minimum of 3 hours direct sunlight to an area of private open space between 8am and 4pm on 21 June (mid winter).
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 3 hours between 8am and 4pm on 21 June (mid winter).
- Communal open space shall be accessible, attractive and allow for a range of activities.

- Communal open space is designed to maximise safety and will be well-lit and readily visible from habitable rooms and private open space areas.
- Each dwelling at ground level must provide a minimum area of private open space with a minimum dimension of no less than 3m, as follows:

Development Type	Number of bedrooms	Minimum Private Open Space
Dwelling house, dual occupancies, secondary dwelling, attached dwellings, semi-detached dwellings	-	50m ²
Multi dwelling housing (R2 and RU5 zone)	Studio/1 bedroom	25m ²
	2 bedrooms	35m ²
	3+ bedrooms	50m ²
Multi dwelling housing (R2 and RU5 zone) - dwellings constructed in accordance with the Liveable Housing Design Guidelines	-	25m ²
Residential Flat Buildings and Multi dwelling housing (R3 zone)	Studio/1 bedroom	15m ²
	2 bedrooms	15m ²
	3+ bedrooms	25m ²

- For developments with 2 or more dwellings entirely above ground level:
 - each occupancy entirely above ground level must contain a balcony with a minimum area and depth as follows:

Dwelling Type	Minimum Area	Minimum Depth	Communal Open Space
Studio/1 bedroom	8m ²	2m	10m ²
2 bedrooms	12m ²	2.4m	15m ²
3+ bedrooms	15m ²	2.4m	25m ²

- Each occupancy must also contribute towards an area of communal open space as detailed in the table or 25% of the total site area, whichever is the lesser. This communal open space will have a minimum dimension of 3m and must be provided at ground level.

Note: Where the provision for private open space is limited at ground level on steeply sloping sites, provision must be made for additional private open space above ground level, in the form of decks, balconies or the like.

3.2.2.3 Overshadowing

Objective:

- Ensure that overshadowing of new development on the principal living areas and private open space of adjoining development is avoided.

Requirements:

- Living areas and principal open space areas of adjoining dwellings must not be overshadowed for more than 3 hours between 9am and 3pm on June 21.
- A design will be amended where a minor change would significantly reduce the impact on overshadowing and an alternative design is practical.

3.2.2.4 Facilities

Objective:

- To provide adequate facilities to meet user requirements.

Requirements:

- In addition to storage in kitchens and bedrooms, the following storage with a minimum dimension of 500mm is provided:
 - 1 bed: 6m²
 - 2 bed: 8m²
 - 3+ bed: 10m²

At least 50% of the required storage is located inside the dwelling. External storage must be secure, weatherproof, screened from view of the street, and clearly allocated to specific dwellings if in a common area.

- An adequate waste and recycling area will be provided for each development that is easily accessible and visually screened from the street.
- Open air and secure clothes drying facilities will be provided for each dwelling. They will have good solar access and be visually screened from the street and recreation areas.
- Letterboxes will be provided on-site and must not detract from the development.

3.2.2.5 Accessibility

Repealed.

3.2.2.6 Views

Objective:

- Ensure that views are shared through sympathetic design.

Requirement:

- The principles of view sharing will be used in the assessment of the proposed development application as detailed in Table 3.1:

Principle	Explanation
Principle 1: Assessment of views to be affected.	This assessment must take into account what view is currently enjoyed by a property, what view would be lost and how much of the view would be retained.
Principle 2: Assessment of what part of the property the views are obtained.	Views obtained across side boundaries or from a sitting position are harder to protect than those obtained from a standing position. The expectation that side and sitting views are retained is often unrealistic.
Principle 3: Assessment of the extent of the impact.	The views obtained from living spaces are often more critical than those obtained from rooms with less occupation. The extent of view loss must be

Principle 4: Assessment of the reasonableness of the proposal that is causing the impact.	assessed qualitatively as negligible, minor, moderate, severe or devastating. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.
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Table 3.1: Principles of view sharing

Lodgement requirement:

Where a development may have an impact on the view loss, you must provide Council with a view loss assessment that addresses the matters outlined in this Section. As part of this assessment, Council may require Australian Height Datum (AHD) and/or relative levels of adjoining properties, balconies or the erection of height poles on the site.

3.2.2.7 Setbacks

Objectives:

- To specify the minimum setback for buildings, carports and garages
- To ensure development is designed to have minimal impact on neighbouring properties in terms of building dominance (bulk and scale), sunlight access, visual and acoustic privacy, views and streetscape
- To ensure development provides adequate space for landscaping and parking, and quality private open space
- To consider the position of adjacent buildings, their character, and the location of existing vegetation
- To ensure adequate sightlines and visibility for pedestrians and vehicles
- To be suitable to the size, shape and orientation of the lot
- To ensure compliance with the Building Code of Australia

Requirements:

- The minimum setback for buildings/structures (including carports and garages) from public roads and front, rear and side property boundaries are outlined in Table 3.2.
- An additional setback may be required where Council is aware of relevant matters such as possible road widening or frontage to a main road.
- New development must complement the existing setback pattern in the street, be it uniform or varied.
- Existing setback distances must be maintained where view lines could be affected.
- Where neighbouring developments are not consistent in their front and side setback line, the development in the vicinity of the development must be used as the benchmark.
- A variation from the minimum side and rear boundary setback may be considered for minor building elements such as garages and outbuildings based on:

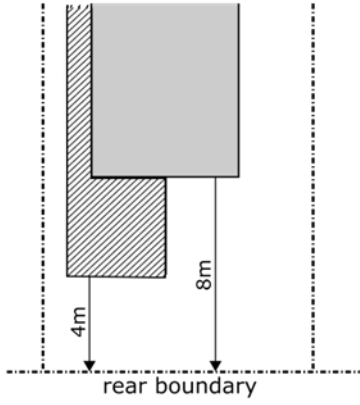
- The quality of the design
 - Impact on adjoining properties
 - Building Code of Australia requirements.
- The following building elements may encroach into the front setback forward of the building line by up to 1.5m for up to 25% of the width of the front building elevation, provided they don't impact on neighbouring property's view lines, sunlight access or privacy, or extend above the height of the gutter line of the building by more than 1m:
 - An entry feature or portico
 - A balcony, deck, pergola or verandah
 - A window box treatment
 - A bay window or similar feature
 - An awning or other feature over a window
 - A sun shading feature
 - An eave.

Dwelling Type/Zone	Lot Size	Minimum setback				
		Public roads or front boundary	Corner lots, secondary frontage	Rear boundary	Side boundaries	
Residential accommodation in zones: R2 Low Density Residential RU5 Village	350-550m ²	Average of 2 nearest dwellings within 40m on same side of the road (but no greater than 6m), or 4.5m	2m	4m 8m where building higher than 4.5m	R2: Single storey	900mm
	550-900m ²	5m or the average distance between the two nearest dwellings	3m	4m 8m where building higher than 4.5m	R2: 2-storey	1.8m
	900m ² +	6 m or the average distance between the two nearest dwellings	3m	5m 12m where building higher than 4.5m	R2: 3-storey	2.5m
		Battle-axe lots: 3m setback from the rear boundary of the lot in front		As above	RU5	2m
Residential accommodation in zone R3 Medium Density Residential	Any size	6m for ground floor and second storey A further 3m for the third storey	3m	4 m or in context with neighbouring development	2.5 m	

Table 3.2: Minimum development setback

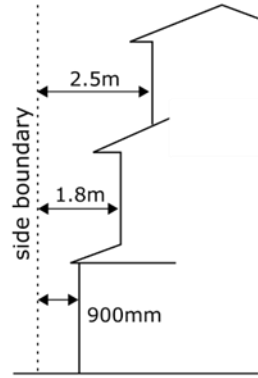
Rear Boundaries

E.g. 350-900sqm lot



- height greater than 4.5m
- ▨ height 4.5m or less

Side Boundaries



Battle-axe lots

E.g. 350-900sqm lot

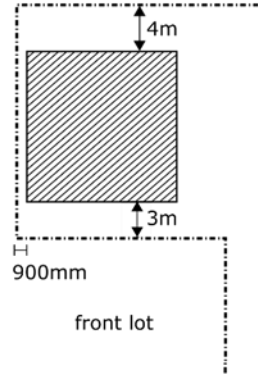


Figure 3.6: Setbacks

3.2.3 Environment

3.2.3.1 Energy Conservation and Solar Access

Objectives:

- Ensure that new development is orientated to receive adequate solar access in living areas and private open space areas.
- Reduce dependence on non-renewable energy and achieve energy efficient and environmentally sensitive development.

Requirements:

- Building design and site layout will ensure adequate sunlight and solar access for the proposed development and adjoining properties.
- Ensure the size, proportion and orientation of windows and decks are responsive to climatic conditions, such as wind and sunlight without having a detrimental impact on neighbouring properties.

Explanation:

All new developments must consider the position of the principal living space so that it receives adequate solar access. The diagrams below, give an indication of how solar access can be achieved for various site orientations.

Solar access can be achieved through the use of materials or other design features. The proper orientation and layout of a building with reference to the site and a northerly aspect, is often the most important design outcome.

Figures 3.6-9 contain examples of efficient solar design for different aspects which may be incorporated into design.

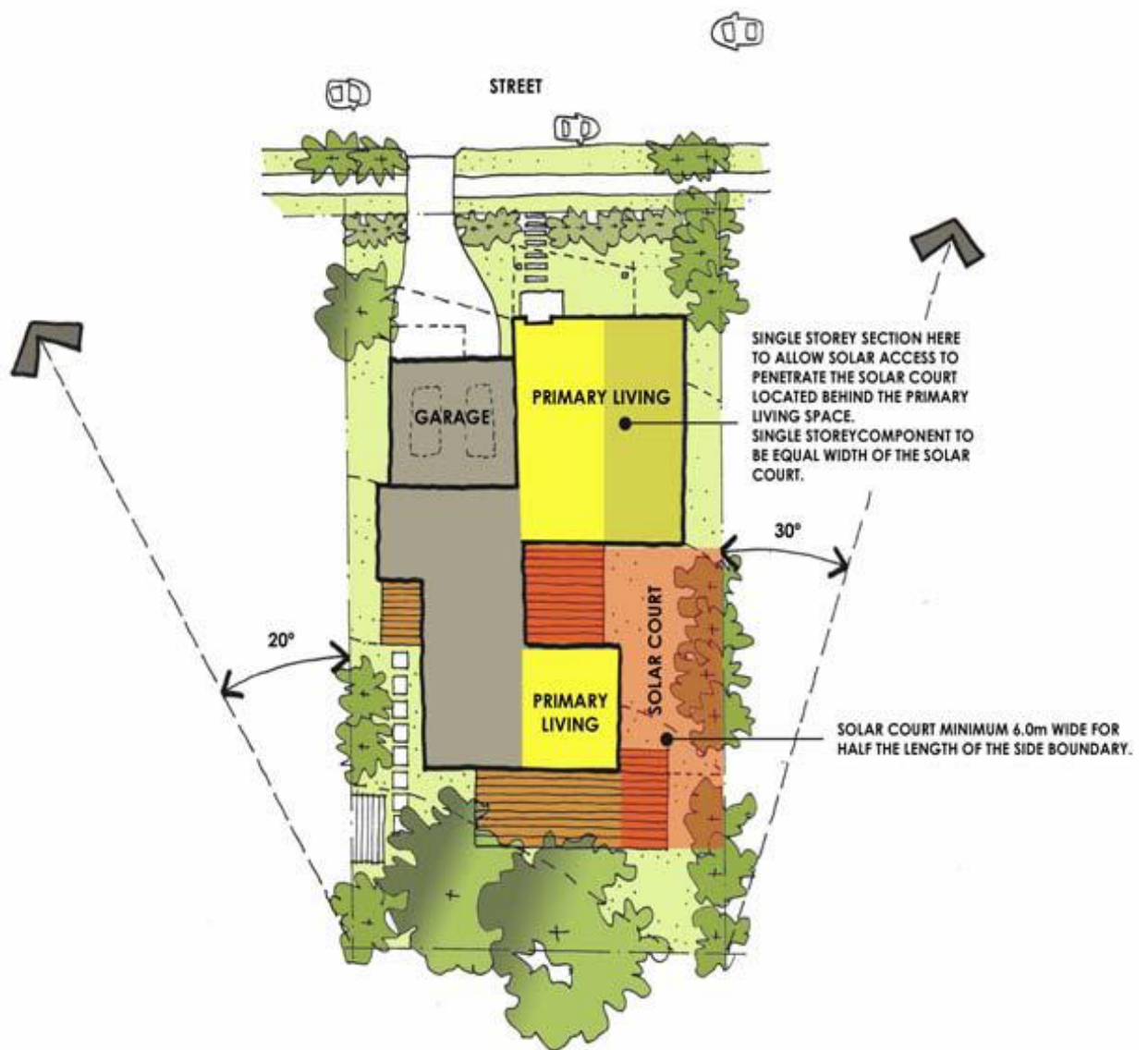


Figure 3.6: Example of good design for solar access on north facing allotment

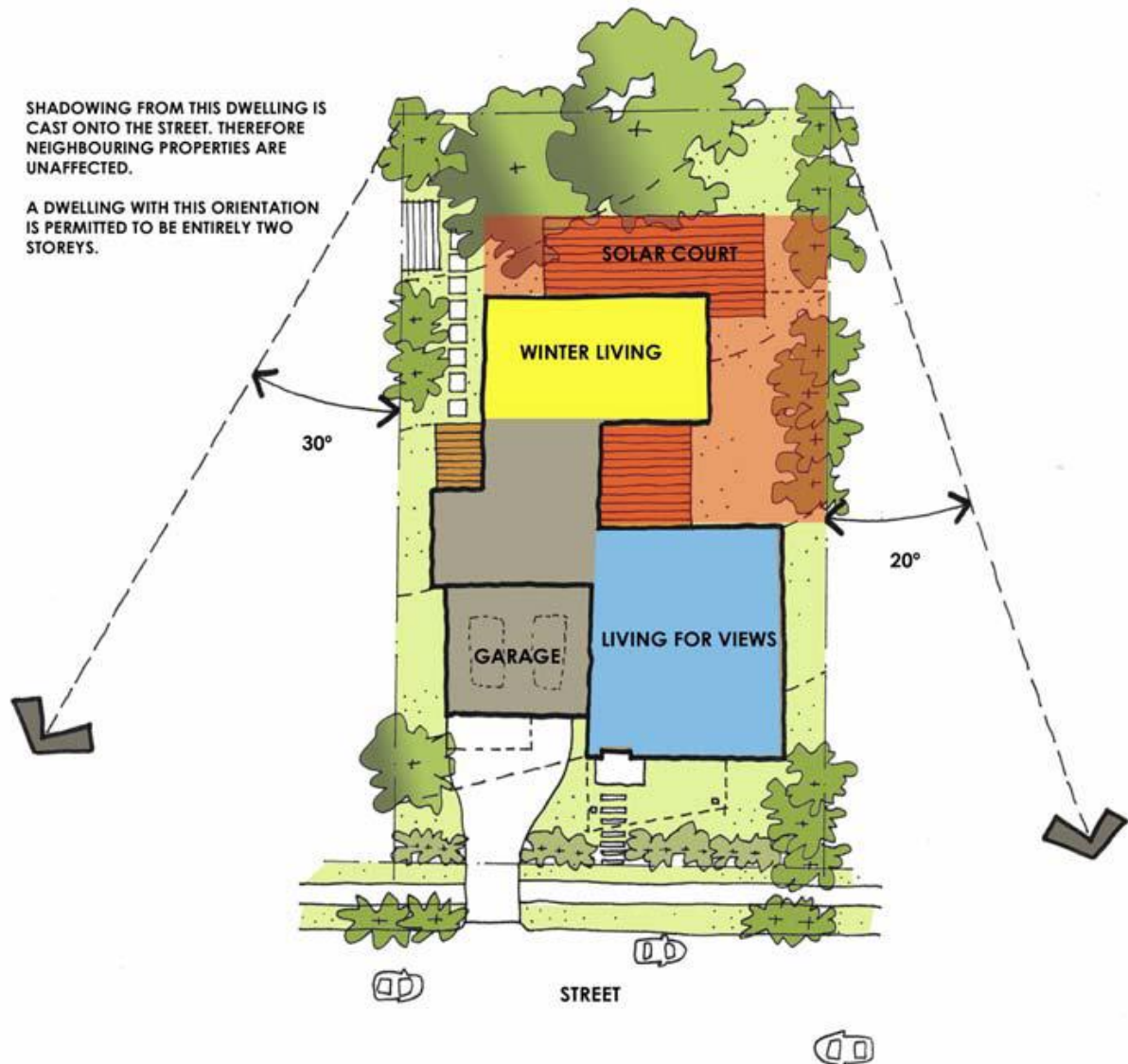


Figure 3.7: Example of good design for solar access on south facing allotment

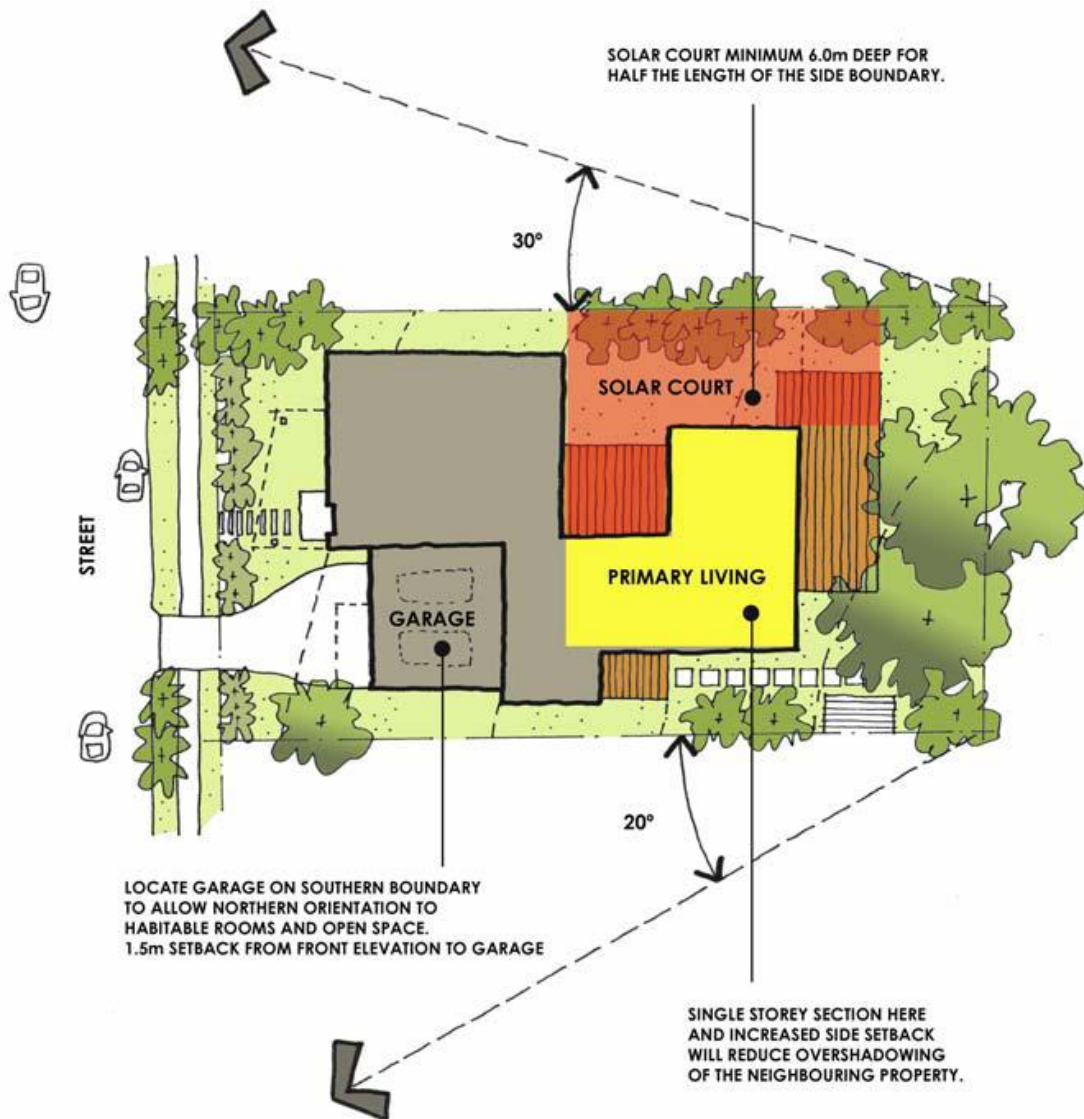


Figure 3.8: Example of good design for solar access on west facing allotment

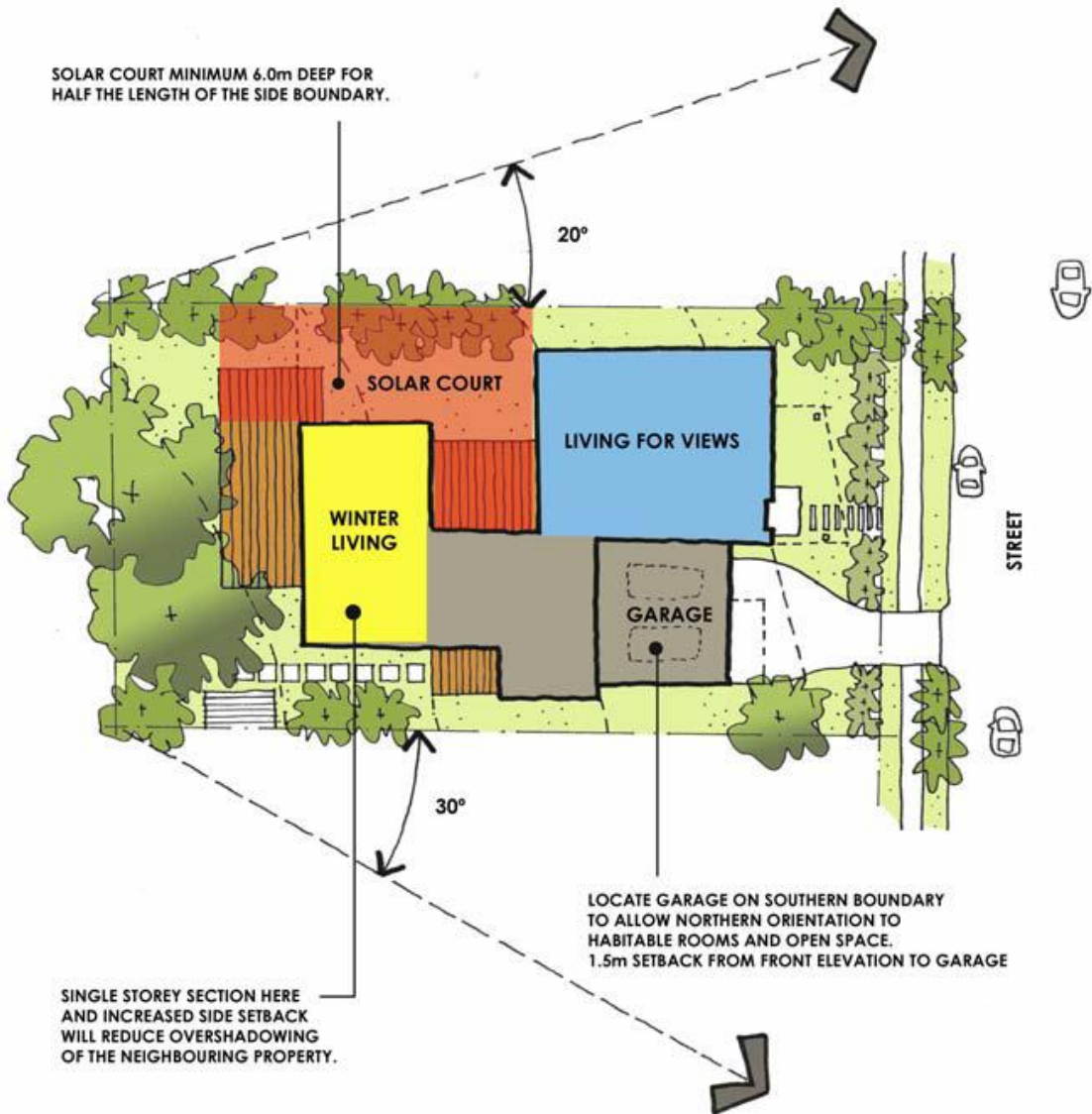


Figure 3.9: Example of good design for solar access on east facing allotment

3.2.3.2 Landscaping

Objective:

- Ensure that the landscaped area of the site contributes to: the overall appearance of the development; mitigating the impacts of urban heat and extreme hot weather events through provision of summer shade; and contributes to the existing streetscape.

Requirements:

- Landscaping must be designed to enhance the natural features of the site and compliment the development.
- The landscaped area must include deep soil zones to the equivalent of 15% of the site area, where each deep soil zone has minimum dimensions of 4m and at least 50% of the deep soil zone is located behind the front building line. A minimum of two deep soil zones will be nominated on the plan. Co-location of deep soil zones with existing significant vegetation, or tree-planting in the deep soil zone, is encouraged.
- Existing vegetation and landscape elements, such as significant trees, rock formations and watercourses must be considered and integrated with the landscape design where possible.
- Landscape design will assist in microclimate management through the location and selection of deciduous trees to permit winter sunlight access to living areas and summer shade to north and west facing exposed dwelling walls and windows.
- The landscape plan will incorporate native plant species and ensure that any existing vegetation, particularly significant flora species or habitat trees are retained where practical.
- The reuse and recycling of vegetation is encouraged and may be incorporated into the soil and water management of the land.
- The co-location of visitor parking (where required to be provided) and grassy landscaped area through use of a highly permeable grid surface treatment (not pavers) incorporating grass is acceptable, provided that the area will receive adequate solar access to support grass survival.

Note: Consideration will be given to the mature height of plant species within the Obstacle Limitation Surface as defined by Clause 6.8 of the LEP.

Landscaped area is defined in the LEP Dictionary.

Deep soil zone means a landscaped area with no buildings or structures above or below the ground.

Guidelines on site appropriate landscaping and preparation of landscaping plans are available in Council's Landscaping publication.

3.2.3.3 Excavation

Objectives:

- Building design must respond to the natural slope and drainage of the site.

- Ensure the development is designed to suit the topography of individual sites with cut and fill minimised.

Guideline:

- To achieve a satisfactory design outcome split level development is encouraged. Split level design solutions may include slab on ground or elevated lightweight solutions. Excessive void areas beneath a building should be avoided or treated with appropriate screening or landscaping.

The following diagrams provide examples of the cut and fill requirements.

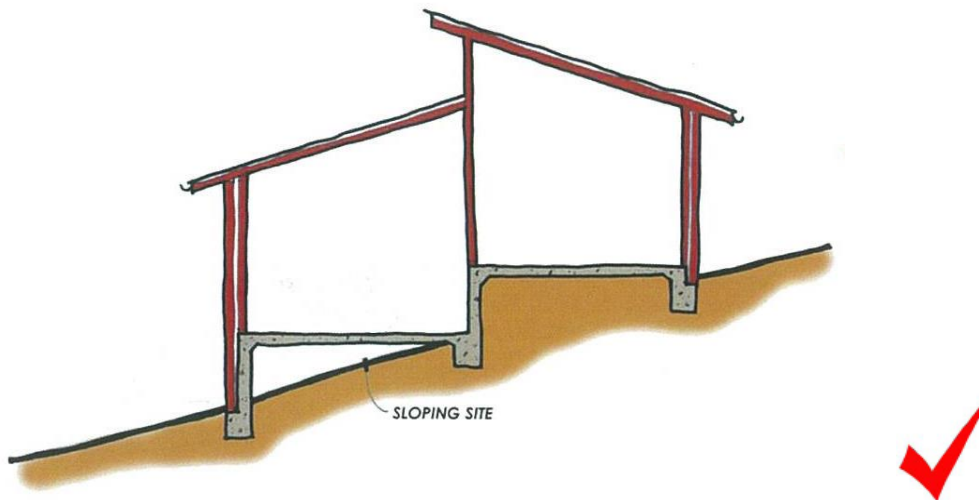


Figure 3.10: An example of an acceptable split level design

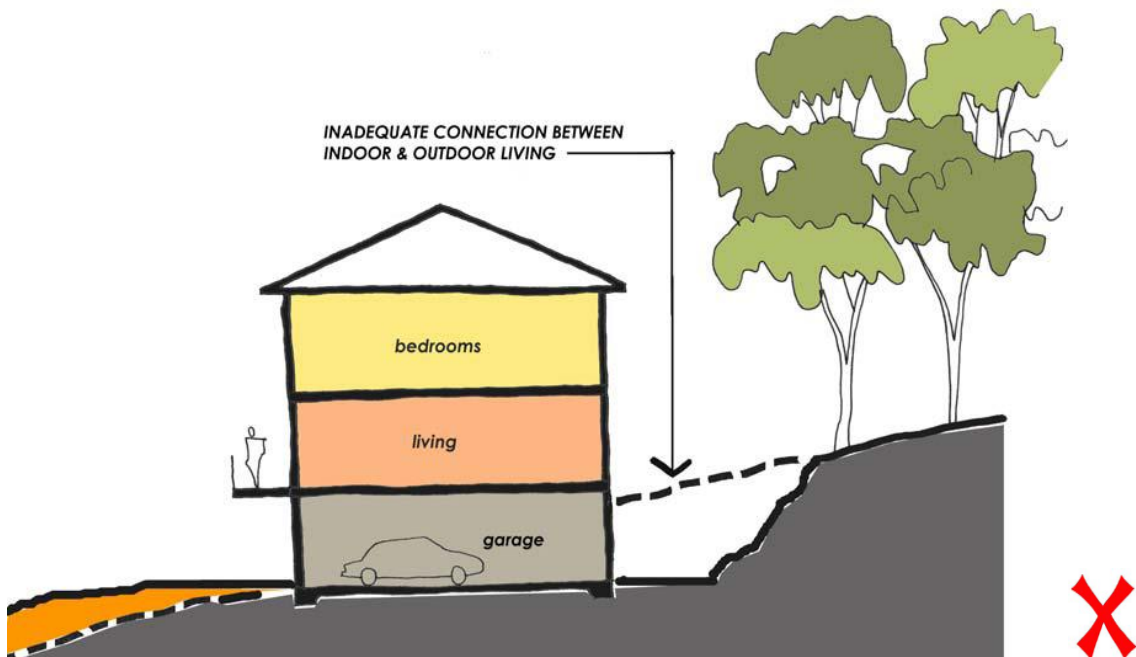


Figure 3.11: Example of an unacceptable hill-side building practice

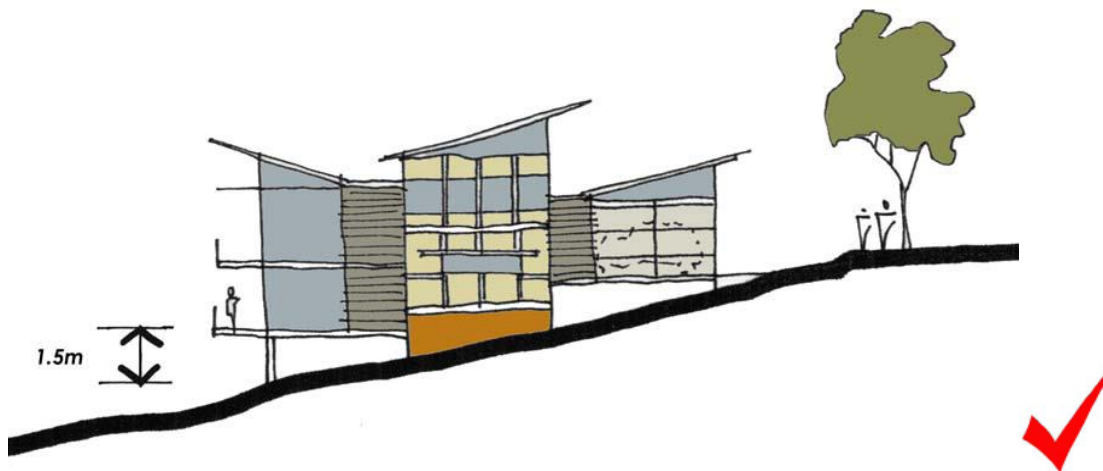


Figure 3.12: Example of good hill-side building practice

Note: You must check whether your property is subject to environmental risks. These requirements are outlined under Part 6 of the LEP.

For coastal development you must review NSW Coastal Policy 1997, SEPP 71 – Coastal Protection and the NSW Government’s Sea Level Rise Policy.

If your property is located within a bushfire prone area you will need to lodge a bushfire risk assessment report in accordance with the Planning for Bushfire Protection Guidelines.

3.2.3.4 Waste Management

Objectives:

- The reuse or recycling of building material is encouraged where practical

Requirements:

- The demolition of any existing structure will not have a detrimental impact on neighbouring properties or Council infrastructure
- The storage, handling and collection of waste will be undertaken in a safe and efficient manner.

Explanation:

The minimisation of waste from development can reduce the impact on the public domain, amenity of the dwelling and limit the potential harmful impact on the environment. Waste management refers to all stages of development from the construction and use, through to the demolition. It also includes the way in which waste is stored and collected.

Lodgement requirement:

A Waste Management Plan is required for demolition with information regarding the type and amount of waste/recyclable material to be generated, how waste/recyclable materials will be stored and treated on site and how disposal of waste/recyclable materials will take place.

3.3 Specific Requirements - Mixed Use Development

This Section refers to mixed use development that includes a residential component.

Mixed use development integrates uses either horizontally, with different uses adjacent to each other, or more commonly in residential flat buildings, vertically with different uses stacked within the same building. Well-designed mixed use development can preserve heritage and character, provide centrally located dwellings and respond to market fluctuations.

Mixed use developments create more active, lively and secure streets and urban areas, which encourage pedestrian movement, service the needs of the residents and increase the area's employment base. The residential component at ground floor can be of particular benefit to the elderly and disabled as they are required to be accessible.

It is important to endeavour to facilitate dwelling mix to provide for the current and projected housing needs of the community and objectives of higher density living close to and in town centres. While Council will be guided by the requirements for residential development in this Section, more flexibility is available for residential living in commercial areas where the town centre objectives can be achieved in quality mixed use building, of architectural merit.

Note: This Section must be read in conjunction with the objectives for the E1 Local Centre, E2 Commercial Centre and MU1 Mixed Use Zones detailed within Council's LEP and Chapter 2 of this plan.

Objectives:

- Ensure the integration of appropriate housing with retail and commercial uses.
- Maintain residential amenity and safety and preserve compatibility between uses.
- Increase living densities in and near town centres and provide a diversity of dwelling from small studio or one bedroom dwellings to larger 3-4 bedroom dwellings.
- Ensure ground floor development in an employment zone contributes to an active street frontage and safe pedestrian environment.
- Design flexible ground floor spaces to accommodate future changes of use.

3.3.1 Design

Requirements:

- The residential component will not affect the lawful consent of existing non-residential land uses.
- Ensure the building positively contributes to the streetscape by:
 - addressing the street with active uses along commercial streets
 - locating dwellings above active uses and ground floor dwellings to the rear
 - Note: active uses include commercial premises, health services facility, amusement centres, early education & care facilities, information and education facilities and recreation facilities (indoor).
 - locating adaptable live-work premises on the ground floor of a corner lot development that fronts both a commercial and residential street, with direct access to the residential street and softening the interface of the building to the residential street through use of at-grade landscaped private open space/courtyards

- Avoiding the use of blank walls to the street at the ground level.
- Design circulation systems which ensure the safety of users by:
 - providing accessible and seamless paths of travel with appropriate lighting, stair and pathway recognition
 - isolating commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook
 - locating clearly identified residential entries directly from the public street and separate from commercial / retail entries
 - providing secure entries to private areas, including car parks and internal courtyards
 - providing safe pedestrian routes through the site, where required.
- Pedestrian entries to the residential component of a mixed use development are to be separated from other uses in a building.
- The car parking will be exclusive of any proposed or existing car parking required in respect of the non-residential component of the development and be accessible at all times.
- Car parking may not be accessed directly from Carp Street in Bega, Market Street in Merimbula, or Lamont Street in Bermagui.

3.3.2 Amenity

Requirements:

- The residential component will be designed with reference to the existing and/ or proposed commercial uses in terms of:
 - Hours of operation
 - Noise
 - Privacy
 - Solar Access and light spill
 - Pedestrian and vehicular traffic
 - Service deliveries
- The design and location of all mechanical plant and equipment (such as air conditioning units, mechanical ventilation, duct work and exhausts) will be considered early in the design process. The commercial use will not have a detrimental impact on the residential use in terms of noise or odour.
- Address acoustic requirements for each use by:
 - separating residential uses, where possible, from ground floor leisure or retail uses by utilising an intermediate quiet-use barrier, such as offices
 - design for acoustic privacy from the beginning of the development to ensure that future services, such as air conditioning, do not cause acoustic problems later.
- Ensure loading bays, waste and recycling collection areas, noise and odour generating aspects of buildings are located away from sensitive receivers (such as residential and some forms of commercial and retail activities).
- Each dwelling at ground level must provide a minimum area of private open space with a minimum dimension of no less than 3m, as follows:

Studio/1 bedroom	15m ²
2 bedrooms	15m ²
3+ bedrooms	25m ²

- For developments with 2 or more dwellings entirely above ground level, each occupancy entirely above ground level must contain a balcony with a minimum area and depth as follows:

Dwelling Type	Minimum Area	Minimum Depth
Studio/1 bedroom	8m ²	2m
2 bedrooms	10m ²	2.4m
3+ bedrooms	12m ²	2.4m

- Private open space should be located to maximise solar access in winter. Where possible, dwellings achieve a minimum of 3 hours direct sunlight to an area of private open space between 8am and 4pm on 21 June (mid winter).
- New development adjacent public open space will consider how the development interacts with the public open space, including visual privacy for residents, opportunities for passive surveillance, opportunities to reduce overshadowing, and clear delineation between private and public domains.

3.3.3 Environment

Requirements:

- Building design and site layout will ensure adequate sunlight access to the internal living spaces of the proposed development and adjoining properties.
- Any residential development must consider the historical use of the site with particular reference to potential site contamination.

3.3.4 Accessibility and adaptability

Requirements:

- Proposals for all ground floor land uses (commercial and residential) in employment zones will be supported with a Building Code of Australia compliance report demonstrating how the building can be adapted in future to accommodate a range of active land uses within the ground level design, including commercial spaces requiring mechanical ventilation, food premises requiring exhaust fans and live/work premises. Design features that provide for flexible ground level land uses include higher ceiling heights (2.8-3.4m), use of tall windows to increase solar access, accessible paths of travel from accessible car parking spaces,

provision of ground floor accessible toilets or the demonstrated ability to provide accessible toilet facilities in any future adaptive reuse.

3.4 Summary of Requirements

Table 3.3 contains a summary of development standards required by Council for all types of residential development.

Element	Details	Requirement
External wall		max unbroken length 10m
Fences	front	max height 1.2m if solid / 1.8m if 50% transparent
	behind setback	max height 1.8m
Carports and garages		max 40% front elevation
Car Parking		Refer to table 5.5
Open Space	dwelling at ground level	min 50m ² / min dimension 3m
	multi dwelling housing, residential flat buildings	See 3.2.2.2 Open Space
	mixed use development and shop top housing	See 3.3.2 Amenity
Overshadowing	living areas / principal open space	not overshadowed more than 3 hours between 9am and 3pm on June 21
Storage space	dwelling	1 bed: 6m ² 2 bed: 8m ² 3+ bed: 10m ²
	zones R2, R3 and RU5	See Table 3.2

Table 3.3: Summary of requirements for residential development

4 Rural Development

4.1 Rural Development Objectives

4.1.1 Agriculture and Primary Produce

This plan seeks to ensure that rural living and agricultural operations will continue as key land uses across the Bega Valley Shire.

Based on environmental conditions, it is likely that dairying and grazing will form the primary agricultural land uses within the Shire, although there is also scope for the expansion of small lot intensive operations such as market gardens.

This plan aims to promote areas suitable for agricultural operations and ensure these operations minimise potential for land use conflict, unnecessary fragmentation or the alienation of existing land uses.

4.1.2 Natural Resources

The natural resources of the Bega Valley Shire are of regional and national significance. The forests, mountains and coastal landscapes are the cornerstone of the Shire's tourism industry and the natural ground cover is a vital component of efforts to preserve and improve water quality and prevent soil erosion.

While over two thirds of the Bega Valley Shire is public land with habitat value, the private natural areas are vital for protecting ecosystems that are not well represented in the public lands with regard to catchment protection and landscape quality. They also perform a vital role as corridors to allow native wildlife to move between public natural areas.

This plan seeks to maintain and enhance bio-diversity, landscape quality and soil / water quality in the Bega Valley Shire. This can be achieved through the use of offsets to development and fostering ownership and management.

4.2 Rural Land Use Conflict

Objective

- Protect productive agricultural land and rural living amenity in rural areas.

The popularity of rural living opportunities in the Bega Valley Shire has resulted in residential development in rural areas adjacent to land used for primary industry. The different amenity expectations of people who live in rural areas for lifestyle reasons and farmers who have traditionally lived in these areas can cause conflict.

Elements which contribute to this conflict include:

- Agricultural chemical spray
- Noise from machinery, vehicles and animals
- Dust, smoke and ash from stock and/or machinery
- Odours from farm related waste, silage and animals
- Visual impact of normal farming activity.

Factors that affect the above elements include topography, wind, cold air and drainage.

Where dwellings are proposed in rural areas, Council needs to be satisfied that normal farming practices on adjacent land are not restricted.

Application

This Section applies to all land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, R5 Large Lot Residential, C3 Environmental Management and C4 Environmental Living.

4.2.1 Requirements

4.2.1.1 Buffers

- Dwellings must be located the maximum practical distance from any potential source of rural land use conflict.
- A suitable buffer must be provided on the land subject to the development proposal designed to separate the rural lifestyle activities from farming industry.
- In assessing whether a proposed buffer is acceptable, Council will take into consideration:
 - the extent, nature and intensity of the adjoining land use
 - the operational characteristics of the adjoining land use
 - proposed methods of mitigating adverse impact
 - the external effects likely to be generated by the adjoining land use (i.e. dust, fumes, odour, spray drift, light and noise) and their potential to cause conflict
 - the potential of adjoining land to be used for various commercial activities including agriculture, quarries, rural industries, any topographical features or vegetation which may act to reduce the likely impacts of an adjoining land use
 - prevailing wind conditions and any other climatic characteristics
 - any other mitigating circumstances
- Council will not accept the imposition of restrictions on the use of adjoining rural lots in lieu of appropriate buffers.
- Where vegetation buffers are proposed, the vegetation needs to be established along the relevant boundaries prior to release of the Subdivision Certificate (in the case of subdivision) or prior to commencement of other uses.

4.2.1.2 Agricultural buffer management

- Applications for development consent for dwellings in rural areas that are likely to be affected by agricultural practices must be accompanied by a details on how potential conflicts between residential and agricultural land uses will be managed, including the design, planting and maintenance of a vegetated buffer between the dwelling and specified agricultural activity including the:
 - extent of the buffer
 - location and spacing of existing and proposed trees and shrubs to be planted
 - native species list of trees and shrubs to be planted
 - means by which the buffer is to be maintained.

4.3 Setbacks

Objective

- Specify minimum setback for rural development to protect rural landscape characteristics, water quality and residential amenity.

Application

This Section applies to all land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, R5 Large Lot Residential, C3 Environmental management and C4 Environmental Living.

4.3.1 Requirements

4.3.1.1 Non-residential development setbacks

- The minimum setbacks for development nominated waterways (as identified in Section 5.7) are outlined in Table 4.1:

Development type/location	Minimum setback
Intensive livestock keeping establishment	150m from nominated waterways
All other development	75m from nominated waterways

Table 4.1: Minimum development setback from nominated waterways

4.3.1.2 Residential development setbacks

- The minimum setback for buildings/structures (including carports and garages) from public roads and front, rear and side property boundaries are outlined in Table 4.2. Development must be setback in accordance with the requirements of Table 4.2 or the average distance between the two nearest dwellings. Council will consider reduced setbacks on existing allotments where it can be demonstrated that they will result in better outcomes.
- An additional setback may be required where Council is aware of relevant matters such as possible road widening or frontage to a main road.
- New development must complement the existing setback pattern in the area.
- Where neighbouring developments are not consistent in their front and side setback line, the development in the vicinity of the development must be used as the benchmark.

Zone	Minimum setback		
	Public roads or front boundary	Side boundaries	Rear boundary
RU1 Primary Production RU2 Rural Landscape	20 m	20 m	20 m
RU4 Primary Production Small Lots R5 Large Lot Residential C3 Environmental management C4 Environmental Living	20 m	10 m	10 m

Table 4.2: Minimum development setback from public roads and boundaries

4.4 Conservation Zones

Objectives

- Maintain or re-establish vegetation links where possible.
- Maintain and enhance indigenous vegetation through appropriate regeneration and replanting.
- Design and constructed new development to effectively integrate with the natural topography of the site.
- Maintain the established streetscape setting of the locality.

Background

Land zoned C3 and C4 has been identified as having biodiversity and/or natural landscape qualities that are important in contributing to the Shires environmental setting and as such need to be protected. In these conservation zones, it is important to recognise that the bushland setting significantly adds to the character of the streetscape and the locality in general.

In order to meet the objectives of these zones, consideration needs to be given to the design and location of any development on the land.

Application

This Section applies to all land zoned C3 Environmental management and C4 Environmental Living.

Applicable Policy

In most cases, clearing works proposed in these areas trigger the requirements of the Native Vegetation Act 2003 and involves obtaining consent for the clearing works from the Southern Rivers Catchment Management Authority (SRCMA), as well as any consent needed under the Environmental Planning and Assessment Act 1979.

The Threatened Species Conservation Act (1995) also applies to many of these lands and an assessment of biodiversity may be a requirement to accompany any development application where clearing or other surface disturbance is involved.

Land owners with potential to further improve biodiversity are encouraged to consider participating in offset trading with developers elsewhere in the locality and/ or as a consideration for possible rezoning to increase development on land in the same ownership outside of the conservation zones (consult SRCMA for details).

4.4.1 General Requirements

- Identify and protect any sensitive or significant vegetation present on the site.
- Locate development outside environmentally sensitive areas.
- Choose a building site that has been cleared or disturbed, wherever possible.
- Maintain habitat and habitat corridors and avoid fragmentation of such.
- Retain as much native vegetation as possible. View the uncleared areas as a resource to be conserved.

- Maintain links between adjacent bush and the garden to provide a corridor for fauna movement. Do not fence wildlife corridors. If this is not possible, then design fences so that they facilitate effective fauna movement.
- Rehabilitate disturbed areas with indigenous plants.
- Salvage plants and bush rock where possible for onsite landscape works that contribute to the streetscape character of the locality.
- Use indigenous species in landscape design, where possible.
- Place fences to stop the introduction of domestic pets or livestock to parts of the site where they may impact on the survival, movement or habitat of native fauna and flora.

4.5 Mineral and Extractive Industries

Objectives

- Minimise adverse environmental impacts of quarrying activities and mitigate potential conflict with other land uses, particularly those of a residential nature, and some farming activities.
- Prevent the sterilisation of existing and potential extractive resources.

Application

This Section applies to all land zoned RU1 Primary Production.

Applicable Policy

Development must also comply with the requirements of State Environment Planning Policies (Mining, Petroleum Production and Extractive Industries) 2007, State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 3 Designated Development of the Environment Planning and Assessment Regulations 2000.

4.5.1 Requirements

4.5.1.1 Buffers

Extractive industries involve the use of an extensive range of plant and equipment which creates noise, dust and odour. In some cases blasting is used to extract material.

- To minimise any potential land use conflict a buffer will be constructed around quarries.
- Buffer sizes are affected by topographic, climatic, site conditions or production techniques.
- Council will generally not approve residential development within buffer areas to existing quarries and extraction sites unless Council reviews the deposit and concludes that further extraction is unlikely.

4.5.1.2 Setbacks

- Extractive industry development must be setback a suitable distance from adjoining property boundaries, public roads, water storage areas and watercourses, sites of cultural significance and dwellings:
- Setbacks will vary depending upon the nature and location of extractive industries and greater setbacks may be required to minimise environmental impact.

- Council will encourage a maximum building setback to haulage roads, to reduce noise and dust nuisance.
- Residential and rural lifestyle development along or near unsealed quarry haulage routes will require suitable design measures such as acoustic treatments in building construction and appropriate setbacks and landscaping to minimise noise and dust impacts.

4.5.1.3 Quarry Rehabilitation

- Appropriate rehabilitation measures are required to be undertaken once extraction activities cease. Council's aim is to ensure rehabilitated areas can return to a beneficial use appropriate for the zone and locality.
- Quarries must be progressively rehabilitated by initially removing and storing topsoil for replacement onto extraction sites. Extraction areas must be reshaped, stabilised, topsoiled and replanted to prevent erosion and sedimentation and enable the land to be returned to agricultural or other appropriate uses. Stock must not have access to areas being rehabilitated.

4.5.1.4 Extractive Industry Management Plans

- Applications for development consent for an extractive industry must be accompanied by an Extractive Industry Management Plan describing how the extractive activities are to be carried out, machinery, processes and methods to be utilised, staging of quarrying and rehabilitation, transport of materials, site management and measures by which adverse environmental impacts are to be minimised.
- Council, as a condition of development approval for all extractive industries, requires the developer to prepare a management plan for the continuing operation and rehabilitation of the extractive industry and site.
- In addition a condition of consent may include a requirement to report annually to Council.

4.6 Rural Landscapes

Objective

- Protect existing cultural landscape form and scenic values from the potentially adverse impacts of rural lifestyle developments and the construction of unsympathetic rural or rural industrial buildings and related structures.

Application

This Section applies to all land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, R5 Large Lot Residential, C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living. Additional requirements also apply to the premium rural landscapes of Pambula, Jellet Jellat, Tanja and Murrah.

4.6.1 Character Statement

4.6.1.1 Existing Character

The Bega Valley Shire has some of the most significant rural, coastal and native forest scenery in New South Wales with many world class landscapes.

The quality of the scenic landscape is a significant factor in the attraction of the area for tourism and in the lifestyle quality for residents.

The significance of some of the Bega Shire's landscapes was recognised in a recent initiative by Tourism Australia and Parks Australia to identify Australia's iconic landscapes. As part of the National Landscapes Program an area from Bermagui in the north of the Shire to Lakes Entrance in Victoria was identified. The aim of the program is to achieve national and regional conservation, social and economic outcomes.

The area from Bermagui to Lakes Entrance is designated 'Australia's Wilderness Coast' and is described in the "National Landscapes" publication by the Australian Government and Tourism Australia as '*A rare and relatively untouched region with an unspoilt wilderness coastline, [which] provides authentic year-round experiences relating to landscapes, natural history and living culture.... Australia's Coastal Wilderness encompasses stunning coastal and wilderness walks, rich with diverse flora and fauna*'.¹

Inland, many of the Shire's rural landscapes are 'cultural landscapes' - physical areas with natural features and elements modified by human activity that have resulted in land use patterns layered in the landscape, which give a place its particular character, reflecting human relationships with association with that landscape.

The Shire's most evident cultural landscapes tend to be related to its pastoral heritage. Physical evidence of this heritage includes pastures and paddocks (including dairying/ piggery/

¹http://www.tourism.australia.com/content/aussie_experiences/2008/National_Landscapes_Brochure_0608.pdf

corn cropping assemblages), homestead compounds, stand-alone dairies/ cheese manufacturing buildings, plantings around homesteads or driveway entrances and cultural planting of exotic flora at homesteads such as Kameruka.

Less evident, but no less important, are the landscape values of the Aboriginal community both in the historic and current cultural settings and the historical transport and travel routes used by Aboriginal and European travellers.

4.6.1.2 Desired Future Character

This plan aims to protect and maintain the Bega Valley Shire's natural and cultural rural landscapes by preserving and protecting their key qualities.

The following rural landscapes are identified as significant scenic and cultural landscapes with high levels of scenic exposure:

- Pambula cultural landscape unit (incorporating South Pambula, Pambula River Flats, main street vistas)
- Bermagui to Tanja cultural landscape unit
- Jellat Jellat - Bega River Flats cultural landscape unit
- Steep rolling agricultural lands- principally north of Bega as viewed from the Princes Highway and west of the Princes Highway as viewed from the Snowy Mountains Highway.
- The Escarpment/ SE Forests/ Wadbilliga National park ranges and their foreground scenic landscapes
- Inland vistas as viewed from coastal vantage points (e.g. views from Merimbula Wharf/ Fishermen's Lookout, Murunna point, Bermagui)
- Vistas from popular lookouts such as the Bega Valley Lookout off the Princes Highway and Myrtle Mountain Lookout
- The north-south coastal ranges (e.g. Mount Imlay, Black Range and Mumbula Mountain)
- Historic transport routes (Aboriginal and European)

Other more localised or less visually exposed rural landscapes include:

- Rural views from the Shire's urban areas
- Bournda at Sapphire Coast Drive
- Western foreshores of Merimbula Lake
- Towamba Valley
- Rocky Hall locality

4.6.1.3 Definition of vantage point

For the purposes of this Section 'vantage point' is defined as a location in the landscape that is generally accessible to the public such as urban areas, beaches, public lookouts, rivers, parks and off-shore areas.



Figure 4.1 Desired future character – Rural Landscapes (Photo acknowledgements: Stig Virtanen)

4.6.2 General Requirements

- New buildings in the rural landscape must be in a style (design, height, scale, bulk, materials and external colours) sympathetic to the landscape character.
- Buildings must be constructed from a non-reflective material and must blend in with locality landscape.
- Visibility of new buildings from regionally or locally significant public roads and vantage points must be minimised by planting trees and shrubs between the view sites and the structure and immediately adjacent to the structure. Landscape planting must reflect existing landform and

natural vegetation. Buildings can be partly set into the natural surface on slopes and/or be split level.

- Roads, driveways and other excavations visible from regionally or locally significant public roads and vantage points must follow contours and natural vegetation lines and not be at right angles to contours. Excessive cut and fill is to be avoided.
- The erection of a building on a ridgeline is discouraged if the building would be visible from a regionally or locally significant public road or vantage point and appears as a skyline structure from that location.
- The following strategies are considered appropriate to reduce negative impacts of development on scenic values:
 - Design modification following the above requirements
 - Increasing the distance between the development and significant public roads or vantage points
 - Locating the structure on a site that is partly or fully hidden from significant public roads or vantage points
 - Siting development in less prominent areas such as on the side slopes and in the natural depressions
 - Reducing the height and width of the structure that presents to the public road or vantage points
 - Planting and maintaining screening vegetation as ongoing performance conditions of consent.
- Where landscape planting is an important part of the mitigation strategy for any development, Council will impose ongoing performance conditions for the land owner to achieve and maintain the intent of the provision.

4.6.3 Specific requirements - Premium Rural Landscapes

In addition to the provisions in Section 4.6.1, the following objectives and requirements also apply to some of the premium landscapes of the Bega Valley Shire.

4.6.3.1 Pambula Rural Landscape

Application:

This Section applies to the land shown on Figure 4.2.

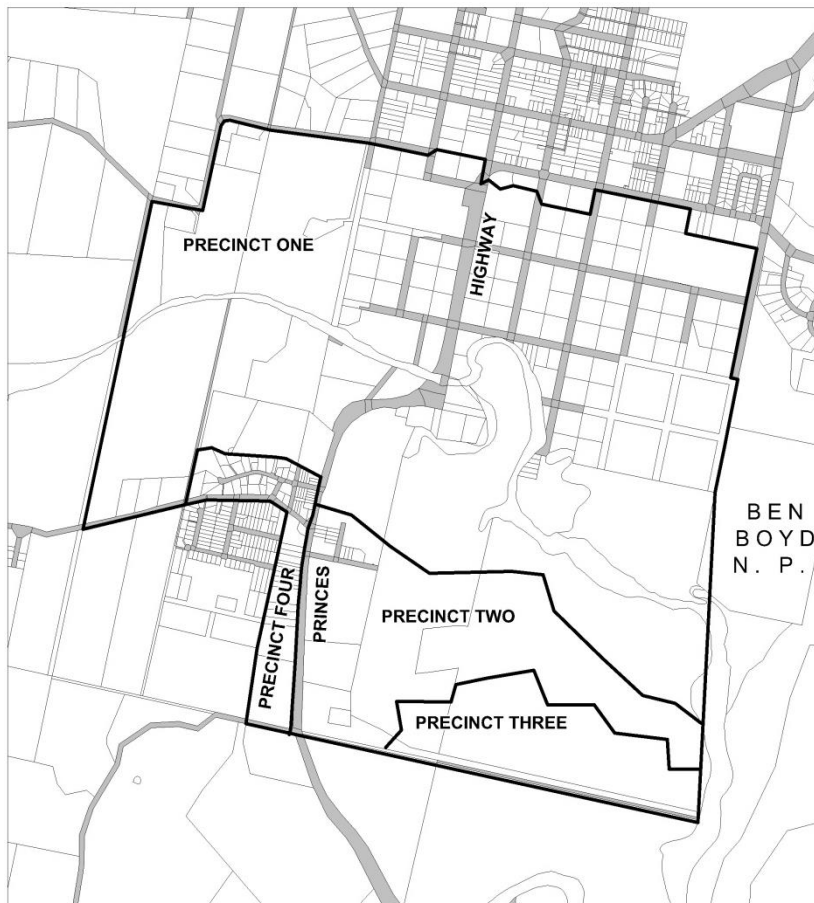


Figure 4.2: Pambula Rural Landscape

Objectives:

- Conserve the visual value of the Pambula Main Street vista.
- Retain the Pambula River Flats and lower slopes as open space between Pambula and South Pambula.
- Conserve the cultural integrity of the Pambula River Flats and South Pambula Rural Landscape.

Landscape Attributes:

- Aesthetic value of the river flats as viewed from both Pambula and South Pambula. River flat pastures adjacent to undulating pasture fringed by native vegetation. Exotic vegetation and older farm structures provide links with the area's agricultural heritage.
- The historic values of individual buildings and the streetscape are reinforced by the rural/natural setting mix of the River Flats and the hills immediately to the south.
- High quality views from Pambula township and from south Pambula.
- The area has complex natural and historic values. (Oaklands, the Grange, Memorial trees, graveyard, original Pambula settlement, racecourse) and cultural landscape.
- The landscape form is intrinsically linked with the area's history. It was the alluvial plain, that lead to settlement here and gave it long term survival. The floodplain survives as a remarkably intact cultural landscape reflective of its state in the late 1840s following construction of Oaklands.

- The area east of the highway at South Pambula comprises cleared grazing land with a backdrop of native forest. The area contains buildings dating from the late 19th and early 20th century and presents as a historic cultural landscape that clearly represents longstanding rural practice. The landform reinforces the integrity of the area.

Planning Issues:

Development on the south side of the Pambula River Flats has the potential to adversely affect:

- The rural views from Quondolo Street and other elevated viewing points in Pambula
- The historic values of Quondolo Street
- The quality landscape viewed from the Princes Highway.

Ability to Absorb Change:

A large part of this landscape is within the visual foreground zone (within 1km of the viewing location) and seen from many viewing locations. The frequency of viewing is high, given that the principal viewing locations are the Princes Highway and Pambula.

It is therefore considered that this landscape has a low ability to accept change and maintain its key visual values.

Requirements:

- Precinct One: Pambula River Flats and Adjacent Grazing Land
 - Maintain the exotic vegetation plantations associated with historic homesteads, boundary plantings and driveways.
 - Retain existing Casuarina tree row across the flood plain.
- Precinct Two: South Pambula Rural Landscape
 - The built landscape, if visible from the Princes Highway, must reflect a theme of the late 19th early 20th Century rural cottage style.
 - Visibility of new dwellings from regionally or locally significant public roads and vantage points (principally the Princes Highway) must be minimised by planting trees and shrubs between the view site and the structure and immediately adjacent to the structure.
- Precinct Three: Forested Backdrop
 - The wooded backdrop to the landscape area must be conserved as forest and where possible extended.
- Precinct Four: Residential Strip Adjoining the Highway and Mt Darragh Road
 - All development must improve landscaping so that there is partial screening of this South Pambula urban area while preserving reasonable views for residents.

4.6.3.2 Jellat Jellat Rural Landscape

Application:

This Section applies to the land shown on Figure 4.3

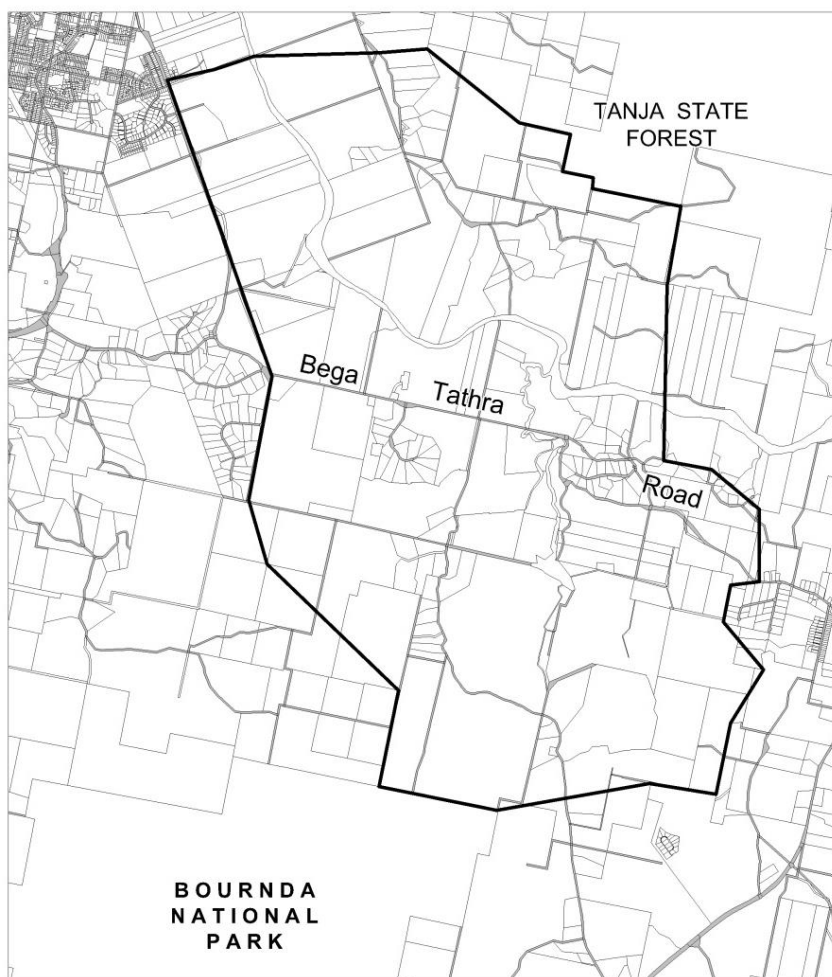


Figure 4.3: Jellat Jellat Rural Landscape

Objectives:

- Conserve the scenic and cultural values of the river flats and adjoining hills in the Bega-Tathra Road visual catchment.
- Conserve evidence in the landscape of its historic association with dairying in the Bega Valley Shire.
- Ensure the appropriate siting and design of development, buildings and works to preserve the rural landscape and heritage values of the locality.
- To conserve the agricultural production character of the landscape.
- To conserve the natural riparian vegetation, forest verges, remnant native forest stands and landscape plantings.

Landscape Attributes:

- Penuca, Jellat Jellat, the Bega River flats and the adjacent hills are culturally and scenically significant in the Bega Valley Shire. The flats provide a tangible link with Bega Valley’s dairying heritage. The unit is a contiguous open space landscape between the urban areas of Tathra/Kalaru and Bega and a landscape that has a high level of visual exposure to tourists and residents.

- The Landscape Unit has a strong functional association with dairying industry and heritage. An association important to the Shire's sense of place and tourism industry.
- This landscape unit contains iconic examples of fertile agricultural lands associated with dairying typical of the Bega Valley irrigated river flats.
- The built landscape retains much of its early settlement pattern of clustered buildings (farmhouses, dairy, sheds and associated infrastructure) built on elevated lands adjacent to and overlooking the alluvial river flats.
- The agricultural landscape is largely intact with only limited visual intrusion from rural residential development.
- The Jellat Jellat flats and Penuca Swamp form picturesque foregrounds to extensive vistas of the coastal ranges and escarpment national parks.

Planning Issues:

- Strong demand for rural residential/rural small holding type developments on the elevated lands adjoining the flats.
- Rural residential development impacting on the visual integrity of the Jellat Jellat and Penuca landscape.
- Loss of historically evolved settlement pattern, form and style.
- The Jellat Jellat and Bega River Flats landscapes demonstrate a very strong association with the Shire's past and current agriculture. Dairying in particular is an activity that tourism promotion strongly associates with the Bega Valley Shire. A loss of scenic and cultural landscape integrity of this Unit may have an adverse impact on the tourism industry in the long term.

Ability to Absorb Change:

The Penuca Jellat Jellat/Bega River Cultural Landscape has a varied capacity to absorb change in the landscape.

The greatest visual exposure of the landscape and sensitivity to change is largely in the foreground and middle ground.

The hills that border Jellat Jellat and that lie between Penuca Swamp and the Bega-Tathra Road, because of their visual prominence, have a limited capacity to absorb development.

Requirements:

- New dwelling sites need to have minimum possible impact on the Jellat landscape as viewed from the Bega-Tathra Road.
- The existing line and form of the forested ridgelines in the background distance zone must be maintained and not be opened by development.
- The visual impact of existing developments overlooking Jellat Jellat must be minimised by landscaping and plantings for visual screening.
- Materials must be compatible with the agricultural landscape character of the locality.

4.6.3.3 Tanja & Murrah Rural Landscapes

Application:

This Section applies to the land shown on Figure 4.4 and 4.5.

Objectives:

- Conserve the evolved agricultural character of the Murrah and Tanja area.
- Ensure the appropriate siting, scale and design of development, buildings and works to preserve the rural landscape and heritage values of the locality.
- Preserve the remnant native forest stands and continuous vegetation cover that border this landscape unit and give it its special character and important bio-diversity values. To improve vegetation connectivity.
- Recognise importance of and conserve the traditional buildings and settlement form of the area.

Landscape Attributes:

- The road between Bermagui and Tanja is a well-recognised scenic route. The road winds its way over a series of bushland crests and spurs, each of which is interspersed with cleared and grazed river flats.
- This landscape unit consists of a pleasant mix of bushland crests and spurs interspersed with cleared and grazed river flats.
- The vegetation is a blend of native vegetation and farming pasture land in mostly informal settings.
- A pattern of historic farm cottages, mature gardens, outbuildings, cattle yards and landscapes was established over a hundred years ago and little changed since then.
- The cultural landscape is enhanced and reinforced by a number of timber bridges set within grazed river flats with a backdrop of bushland.
- The historic and visual integrity of the area is both distinctive and increasingly rare. It is considered to be of high cultural landscape significance.

Planning Issues:

- Scenic and cultural landscape character is reliant on the retention of the settlement and vegetation pattern, built form and style and low-density development.
- Loss of historic settlement form and clustered farm buildings.
- Pressures for new development within view corridor may impact adversely on the public visual and cultural landscape.

Ability to Absorb Change:

The Bermagui to Tanja Cultural Landscape has recently undergone a significant change in its level of visual exposure. Since the sealing of the road between Bermagui and Tathra, the road has experienced a significant increase in traffic and hence the increase in visual exposure of the landscape.

The landscape unit has a varied capacity to absorb change in the landscape.

The greatest visual exposure and sensitivity to change is in the foreground and middle ground. However some change may be absorbed due to the undulating and forested nature of the landscape.

Requirements:

- New buildings must be located so as to minimise visual impact from the Bermagui-Tathra Road visual catchment, be sympathetic in scale and materials, and of a style that does not conflict with the rural and heritage character of the locality.
- Traditional farm dwellings and sheds must be conserved to retain the historic built style and settlement form.
- Additional structures, buildings and roads must be designed in keeping with the current ratios of development densities and pattern. Generally this will mean that additional buildings must either be out of sight or become parts of an existing pattern of building clusters or groups and or be hidden by existing and or new tree plantings.
- Rural character of the landscape must be maintained as seen from middle ground as well as foreground views through the screening or visual integration of all structural elements such as housing, other buildings, roads, fences, drive ways and letter boxes.



Figure 4.4: Tanja Rural Landscape

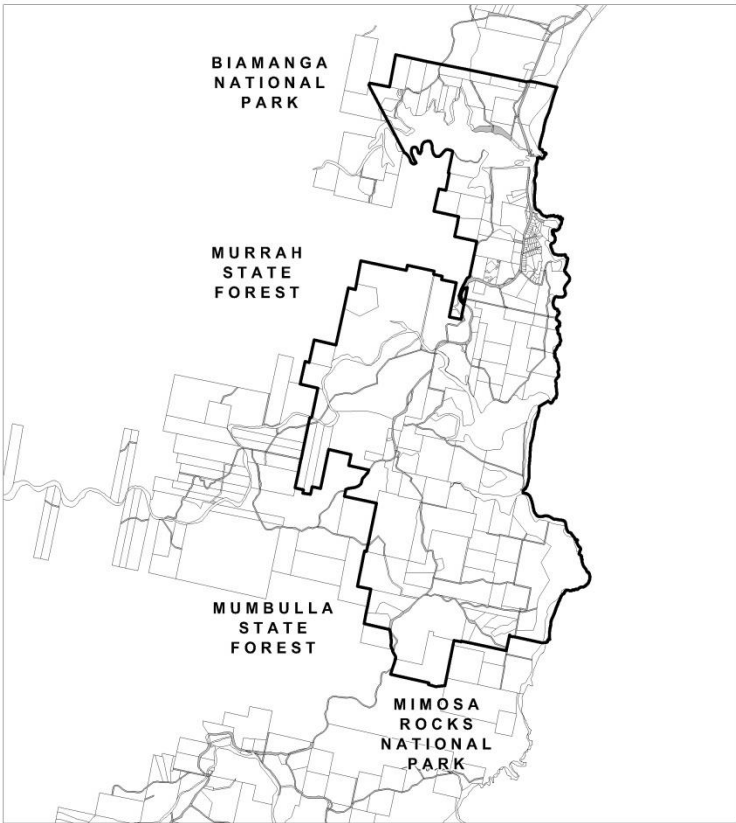


Figure 4.5: Murrah Rural Landscape

5 General Development

5.1 Aboriginal Heritage

Objectives

- Protect and conserve Aboriginal cultural and spiritual sites within the Shire
- Ensure the impact of a proposed development on the heritage significance of an Aboriginal place, cultural value, landscape value or object is considered by adequate investigation and assessment processes.
- Guide the preparation of Due Diligence assessments
- Outline considerations for and levels of assessment of Aboriginal cultural heritage for development applications

Background

Aboriginal cultural heritage consists of places, traditions, beliefs, customs, values and objects that represent the living history of past Aboriginal generations and are of important cultural and heritage significance to Aboriginal people. It includes tangible and intangible values, such as Song Lines, Dreaming stories and ceremonies passed from generation to generation, as well as physical objects and places (source: NSW Department of Planning, Industry and Environment 2019)

Any activity that impacts on the landscape may impact on Aboriginal cultural heritage. In NSW protection of Aboriginal cultural heritage is provided by the *Environmental Planning and Assessment Act 1979*, *National Parks and Wildlife Act 1974* and *Heritage Act 1977*. Land owners, developers, contractors and the general public have obligations regarding Aboriginal cultural heritage under these Acts.

Due Diligence Code of Practice

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* sets out a process for individuals and organisations to follow to determine whether an Aboriginal object will be harmed by an activity, whether further investigation is needed, and whether the application to harm requires an Aboriginal heritage impact permit. Following this code of practice is regarded as 'due diligence'. A person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution if they later unknowingly harm an object without an Aboriginal heritage impact permit.

Application

This Section applies to all development in the Bega Valley Shire that could impact upon Aboriginal objects and/or cultural or spiritual values.

5.1.1 Application requirements

Due Diligence Assessment

Where a development will disturb the ground surface and/or may impact on Aboriginal cultural or spiritual values, the development application must demonstrate that a Due Diligence assessment has been undertaken by the applicant or a suitably qualified person. This includes (but is not limited to) submitting the following documentation in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW:

- A statement and results of a basic 200m AHIMS search. Where a site is identified within 200m of the development site the results of an extensive AHIMS search are required.

- A statement identifying whether the development site is partially or wholly within the area identified as having a high probability of Aboriginal cultural heritage values on the Aboriginal Cultural Heritage Landscape Map (see Figure 5.1b).
- A statement indicating whether there are landscape features that indicate the potential presence of Aboriginal objects. Landscape features include foreshore areas, creek lines, rocky areas, wetlands, ridge tops, ridgelines, headlands, sand dunes and caves. Figure 5.1a illustrates several landscape features where there is potential for Aboriginal sites to occur.
- A statement indicating if previous Aboriginal Cultural Heritage studies have been undertaken on the subject land
Note: if any previous Aboriginal Cultural Heritage studies demonstrate that adequate Due Diligence was undertaken at that time, those reports can be taken into consideration. Council staff may be able to assist you in locating any previous reports.
- A statement indicating if the development site is within a declared Aboriginal Place of Significance as listed in Schedule 5 of the Bega Valley Local Environmental Plan 2013.

Due Diligence Report

If the results of the Due Diligence Assessment find that there is the potential for Aboriginal objects or cultural heritage values on the land and that the development may impact these values or objects a comprehensive Due Diligence Report must be prepared by a suitably qualified person such as an archaeologist or someone with training in recognising Aboriginal landscapes and values

Aboriginal Cultural Heritage Assessment Report (ACHAR)

An Aboriginal Heritage Impact Statement or Aboriginal Cultural Heritage Assessment Report prepared in accordance with the Office of Environment and Heritage *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales*, may be required where:

- The Due Diligence Report has identified the potential for the site to contain an Aboriginal object or place of significance, or
- The development will have an impact on a known Aboriginal object or place.

Aboriginal Heritage Impact Permit

Where a proposal seeks to destroy, remove or impact on an Aboriginal object, any development will be Integrated Development for the purposes of the Environmental Planning and Assessment Act 1979 as approval is required under the National Parks and Wildlife Act 1974.

Figure 5.1a: Landscape features where there is potential for Aboriginal sites to occur.

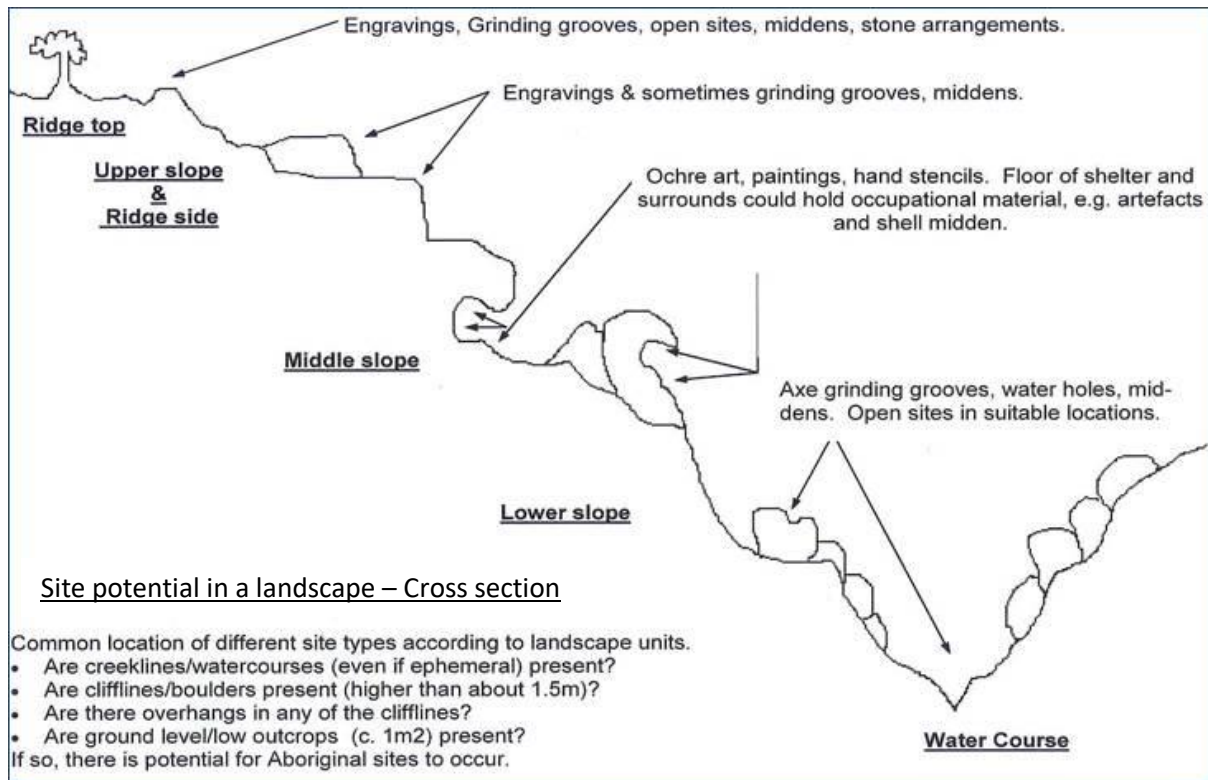
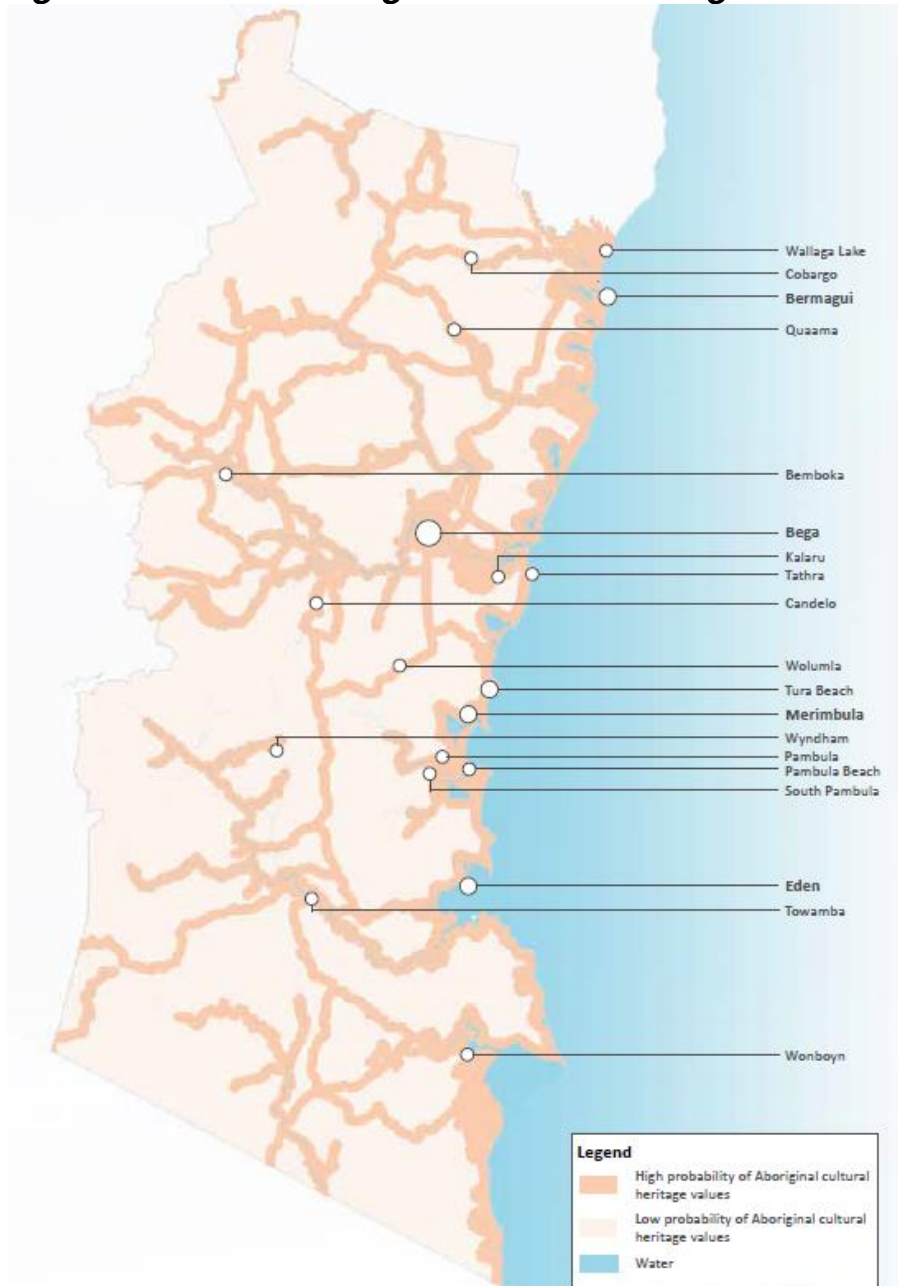


Figure 5.1b contains the Aboriginal Cultural Heritage Landscape Map which indicates areas which have a high probability of Aboriginal cultural heritage values, this includes land within:

- 500m from identified Aboriginal travel routes
- 500m from natural waterbodies and watercourses
- 500m from major waterways
- 1km from estuaries
- 1km from the coastline

Figure 5.1b: Aboriginal Cultural Heritage Landscape Map



For higher resolution maps please visit Council's website

5.2 Non Aboriginal Heritage

Objectives

- Conserve and enhance the heritage significance of individual heritage items that have been entered in Schedule 5 of the LEP.
- Allow for sensitive adaptation of existing structures and infill development where appropriate.
- Retain the heritage and streetscape character of Heritage Conservation Areas.
- Ensure that development to a non-heritage item within a Heritage Conservation Area, and development adjacent to a heritage item must consider its potential impact on the item or group.

Application

This Section provides requirements for development in Heritage Conservation Areas and to heritage items or items within their vicinity. Heritage Items and Heritage Conservation Areas are indicated on the current LEP Heritage Map.

Works planned to a heritage item, in a Heritage Conservation Area or to a property within the proximity of an item or Heritage Conservation Area must be discussed with Council's planning staff prior to design preparation.

5.2.1 Conservation incentives

Council will consider variations to the requirements of this Plan or standards in the LEP that are permitted under Clause 4.6 'Exemptions to development standards' where it is demonstrated that the proposed development meets the objectives of this section of the plan.

5.2.2 Requirements for Heritage Listed Items

The following requirements apply to alterations and additions to heritage listed items identified in Schedule 5 of the LEP.

5.2.2.1 General Requirements

- In accordance with Clause 5.10 of the LEP, Council will not grant consent to a development application unless it has made an assessment of the impact of the proposal on the heritage significance of the place, including historic, architectural, aesthetic, cultural, social, technological, landscape, archaeological or other features of the place including its setting.
- Where a development may have significant impact on a heritage item or Heritage Conservation Area, Council may request the applicant to provide a full Heritage Impact Assessment prepared by an appropriately qualified person.

5.2.2.2 Heritage Inventory information

Objective:

- Ensure that a building's historic character and heritage significance is addressed in the design stage of a development proposal.

Requirement:

- Council will not grant consent to proposed development affecting a heritage item unless available information has been considered and Council has sought and taken into consideration any advice provided by its Heritage Advisor.

Explanation:

Many of the heritage listed buildings in the Shire have an inventory record that identifies their significance and may also include historic photographs along with other information. Copies of the inventory relating to specific properties are available from Council's planning department.

5.2.2.3 Building style and character

Objective:

- Ensure that a building's heritage significance, including style and character are appropriately managed when alterations and additions are planned.

Requirements:

- Architectural and design elements that contribute to the heritage significance of the item or the surrounding area are to be maintained and respected in any development.
- Alterations and additions including contemporary architectural designs must not compromise, dominate or detract from a place's significant heritage attributes including its style and character form, detail, finish and setting.
- Additions to buildings must not appear larger or more dominant than the original building when seen from the public domain.
- Extensions must respect the form, symmetry and location on the block of the existing dwelling or structure.

Explanation:

A building's style, character and setting are key components of its heritage value. This can include all elevations and contributing buildings on the site.

5.2.2.4 Alterations to significant elevations, and location of additions

Objectives:

- Encourage management of all elevations in keeping with the heritage value of the whole building.
- Locate additions so that the front façade of the building retains its integrity and remains dominant.

Requirements:

- Additions forward of the building facade can compromise heritage values and may not meet these objectives unless they are of a minor nature, e.g. porches, pergolas and awnings and will not have an adverse impact on the significance of the item or the streetscape.
- The front elevation of a listed building (and any other elevation considered by Council to be important to the significance of the item) must not be substantially altered except for:
 - restoring the facade to its original form, detail and condition

- removing previous alterations or additions that are unsympathetic or detract from the heritage significance of the place
 - minor alterations that are in keeping with the form, style and character of the place
 - general maintenance
- Additions to the side of buildings must be set back from the facade by a minimum of 900 mm.
 - Extensions must not prevent vehicle access to the rear of the allotment where such access is available.
 - Extensions must respect the form, symmetry and location on the block of the existing dwelling or structure and the relationship between the existing dwelling and any secondary buildings on the site or buildings in the vicinity.

Explanation:

A historic dwelling's front elevation is often its most important façade, having been designed with streetscape presentation in mind. It is usually well composed and detailed and can reveal considerable information about the building's age, style, scale and resources available at the time of construction and this must be respected in the design of new development.

A heritage item is rarely only significant for the appearance of its front elevation, and other elevations can also be important in understanding the item. In some instances previous alterations may have added an additional layer of heritage value.

A buildings presentation to the street is an important component of the streetscape in a Heritage Conservation Area.

5.2.2.5 Building Scale

Objective:

- Ensure that the scale of new work is compatible with, and does not dominate, that of the original building or its setting.

Requirements:

- Extensions must appear to be of a lesser scale than the original.
- The height of extensions must be no higher than the primary existing ridgeline.
- The vertical and horizontal scale of walls must be consistent with that of the existing building.
- Large additions are often best done as a pavilion that is linked back to the original structure. Those of a differing scale must adopt the "pavilion" model of additions (see Figure 5.1 below).
- The primary roof form must remain dominant with new additions set back and having lower ridge height (see Figure 5.2 below).

Explanation:

In general, buildings may be extended by:

- increasing the bulk or form of the existing building at ground level, or
- constructing a linked pavilion to the rear of the main dwelling

The former may be more appropriate where the extension is not large and will not distort the scale of the original. Extensions of this type must closely follow the detail of the original building with ridge-lines of the addition no higher than the original.

The pavilion model is suited to extensions to small cottages, or where minimal disturbance of original fabric is desired. The pavilion model enables a modern interpretation of the original, often using modern materials and details that reflect historic scale and roof pitch, and is suitable where the new ridgeline will be higher than the original.

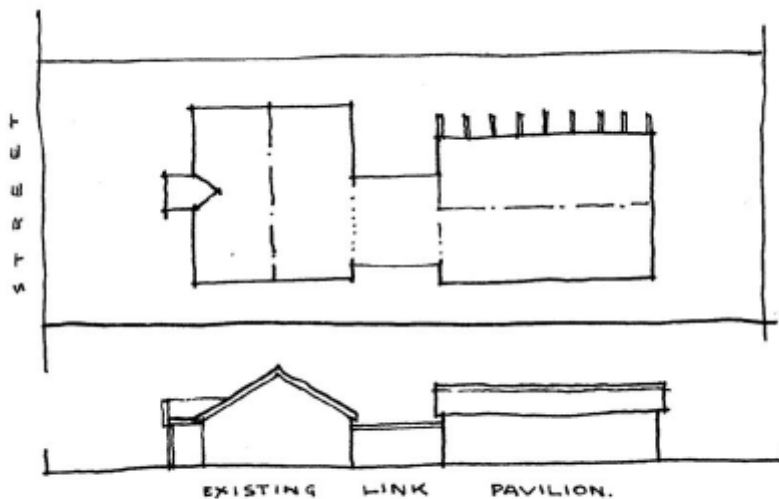


Figure 5.1: Large additions are often best done as a pavilion that is linked back to the original structure

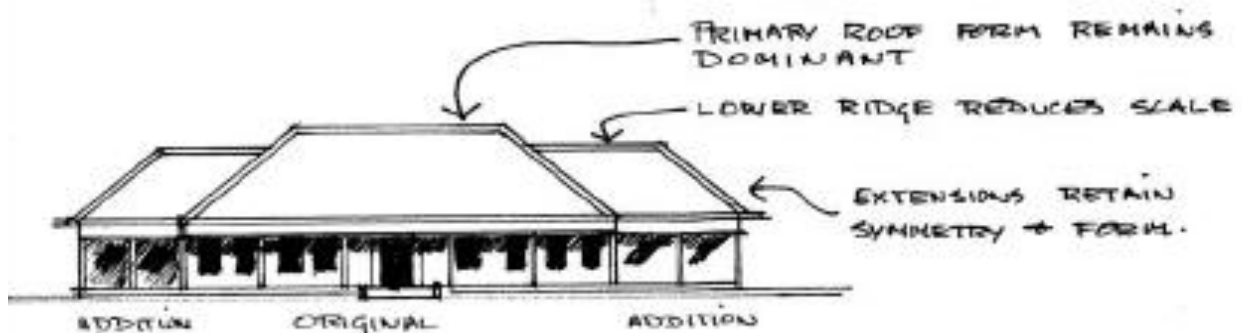


Figure 5.2: The primary roof form must remain dominant with the new additions set back and having lower ridge height

5.2.2.6 Height of additions

Objective:

- Allow for two storey additions only in those situations where it is appropriate for the historic style and form of the buildings and there will not be an adverse impact on historic scale, character, form streetscape or other aesthetic value.

Requirement:

- Extensions are to be a maximum of a single storey except where:
 - new work will have minimal effect on the streetscape or townscape
 - the extension is to an existing two storey structure
 - the extension consists of the creation of an attic within existing roof space
 - the extension is sited behind an existing building and will not be readily visible above the ridge of the building when viewed from the public domain.

Explanation:

Second storey additions to historic buildings are rarely if ever satisfactory in terms of retaining historic style and proportion. Two-storey additions will only be considered if abutting an existing two-storey structure and/or Council is satisfied that the addition will not compromise the heritage significance of the item or the streetscape.

5.2.2.7 Roof form, scale and material

Objectives:

- Retain the existing roof shapes and proportions of nineteenth and early twentieth century houses.
- Ensure that extensions are sited to minimise the impact on existing roofs.
- Ensure that the appearance of a roof is consistent with a building's historic character.

Requirements:

- New roofs over extensions must be designed so that the original roof form remains evident.
- New roofs will utilise the existing pitch, form and material of the original roof where possible.
- The pitch of skillions must be adjusted to the circumstances of the new extension.
- New roofs must be appropriate to the style and period of the house.
- Extensions to existing roofs must not be higher than the original.
- Pavilion-style extensions must be used where appropriate when the existing roof form is intact and contributes to the item's heritage significance and/or when a contemporary-styled extension is proposed, or where a historic roof would have to be substantially altered to accommodate an extension.
- The scale of roof extensions must appear to be less than that of the original roof. The scale of large roofs can be reduced by the addition of extra hips and ridges.
- Garage roofs must have lower ridge and eave heights than the parent building.
- Council encourages owners to reinstate historic materials such as timber shingles, short sheets of corrugated galvanised iron and 'ogee" profile gutters particularly where photographic or other evidence indicates these were once used.
- Modern roofing profiles, such as 'Kliplock' and ribbed decking, must not be used where they will be visible from the public domain.
- Skylights must be located within the roof plane and preferably on roofs that are not readily visible from the public domain.
- Protruding skylights must not be readily visible from the public domain.
- Where possible, solar collectors and modern technological equipment must be located where they will not be readily visible from the public domain.

Explanation:

The original roof form is often a dominant element of an historic building's character. The pitch, form and materials of the roof are key elements to be considered when ensuring that additions are sympathetic to the original building. They differ slightly in detail throughout the town depending on the ages and style of the building, but are generally characterised by groups of small yet complex roof shapes and arrangements. This must be continued in the design of new development.

5.2.2.8 Walls

Objective:

- Ensure that walls continue to reflect historic characteristics.

Requirements:

- Surviving weatherboard walls are to be maintained in situ.
- If replacement is necessary, then Australian Hardwood weatherboard walls must be restored using Australian Hardwood weatherboards. Western-Red Cedar weatherboards have different characteristics are not a preferred replacement.
- Weatherboards must not be replaced by brick veneer. The use of lightweight over-cladding systems over existing walls, such as plastic or metal 'weatherboards' is not appropriate.
- Brick walls that have not been painted must remain un-painted.
- Brick walls that have never been rendered must remain un-rendered.
- Repairs to brick walls must be made using lime-rich mortar, not cement-rich mortars, which can cause serious long-term damage to soft nineteenth century bricks.
- New bricks must be chosen to blend with the colour and texture of any original brickwork.

Explanation:

New building materials must be sympathetic to the original. It is not always possible (nor desirable) to match early profiles and details, but similarly proportioned and textured contemporary materials must be used wherever possible. Materials and colours of the existing house or that of surrounding buildings need not be copied, but used instead as a point of reference. Modern materials can be considered for use if their proportions and details are harmonious within the local context.

5.2.2.9 Chimneys

Objective:

- Retain chimneys that are significant historic or design elements.

Requirements:

- Chimneys on heritage items must not be removed unless they are structurally unsound and unable to be restored.
- Chimneys that are part of the architectural composition of a building's exterior must be retained in situ.

Explanation:

Chimneys make a significant visual contribution to historic character and architectural composition.

5.2.2.10 Window and door openings

Objective:

- Retain the important contribution that windows and doors make to listed items especially where visible from the public domain.

Requirements:

- Where relevant, timber windows must be replaced with new timber windows of similar proportions and design.
- Where visible from the street, the original window and door arrangements within the wall must be retained, especially on the front elevation. There is more latitude for variation further back on side elevations.
- Where additional windows are desired to obtain extra light in a room, it is often best to install two windows of the original proportion rather than one large window of modern proportion.
- Windows and doors on additions must reflect the external proportion and relationship to the wall as the original and be appropriate for the style of the house.
- Contemporary materials such as aluminium framing to windows are not appropriate for heritage items unless in a contemporary styled extension.

Explanation:

The scale, proportion and materials used in windows and doors can have a major impact on the success of new work in terms of its impact on the heritage significance of the property and the streetscape. Historic window sashes used fine glazing bars and mullions that must, if possible, be restored rather than replaced.

5.2.2.11 Verandas

Objective:

- Ensure that verandas continue to make an important contribution to the townscape.

Requirements:

- Original front verandas are to be retained in all new work.
- The reconstruction of lost verandas based on evidence of the fabric or early photographs or drawings is encouraged.
- If no evidence is available then reconstructions must be based on the original forms of similar cottages elsewhere in the town.
- Verandas must not be enclosed unless based on historical evidence.

Explanation:

Verandas are important components of historic buildings and streetscapes and their retention, restoration and reconstruction is encouraged. Proportions and details varied and were usually carefully designed components of a building's façade. Reconstruction must be based on evidence and closely follow original proportions. Cast iron and other decoration must only be added where it is known to have existed originally.

Decorative details such as timber valances, decorative barge boards and fascias, fluting on columns, veranda pickets etc. must generally be based on evidence, or on the style of the building's period.

5.2.2.12 Finishes

Objective:

- Retain external building finishes that contribute to a place's heritage value.

Requirements:

- Existing building finishes that contribute to a structure's historic character must be retained and maintained.
- Additions that abut or join onto historically finished buildings must not compromise the integrity of the original finish.
- Additions may be designed in an alternative material or finish.
- A junction line must be incorporated to distinguish new from old finishes.

Explanation:

Finishes refer to the surface treatment of the building, and can include paints, lime-washes, oils, exposed face brickwork, exposed and pointed stone work, rendered masonry, unpainted or painted roof iron etc. The type of finish chosen was often a function of design intention, materials, availability of skill and trades, availability of resources and budgets. The finishes are the visible face of the building and play an important part in its perception.

5.2.2.13 *Garages and carports visible from the street*

Objective:

- Reduce the visual impact that new garages and carports can have on heritage items and streetscapes.

Requirements:

- On listed buildings, fully-enclosed garages must not connect with the dwelling other than through a link.
- Where garages will be visible from the street they must preferably be located toward the rear of the property.
- Enclosed garages will not be constructed forward of the dwelling.
- Garages and carports will be of a smaller scale than the dwelling where visible from the street.
- Garage and carport design must be sympathetic to the period of the building, including roof pitch and roof and wall materials, and will not compromise the design or form of the original building.
- Carports tend to have a lower impact on the appearance of a historic place and may be located adjacent to the building.
- Prefabricated garages visible from the street will have a minimum roof pitch of 25 degrees and will not use modern profile ribbed metal cladding. Traditional mini-orb and custom-orb cladding are suitable.

Explanation:

Garages and buggy sheds were generally located to the rear of historic properties. It is only in more recent times that garages have been constructed at the front of the allotment or under the roofline of the main dwelling.

5.2.2.14 *Fences*

Objective:

- Ensure that fences reinforce the aesthetic and historic values of individual places and streetscapes.

Requirements:

- The reconstruction of known original fences using traditional technology and materials is encouraged.
- The style, detail and materials of fences must be consistent with the period of the building.
- Except hedges, all fencing in front of the main elevation of the house must be able to be seen through (i.e. not a solid wall). Maximum height of solid wall will be 0.6m above ground level.
- Front fences must not exceed 1.2 m in height.
- Modern style ribbed metal panel fences must not be used forward of the building line or on the street-side elevation of corner blocks.

Explanation:

Fences play an important role in Heritage Conservation Areas and in the proximity of heritage items and can reinforce the historic and aesthetic value of buildings and streetscapes, particularly the front fence, the side fences that are forward of the building line, and sometimes the fences between the dwelling and its side boundary.

Typical traditional front fences and side fences forward of the building line could have been post and rail timber, strand wire with or without netting, woven wire on a timber frame, low palings, milled pickets or occasionally low height masonry in combination with steel or timber. Hedges or garden beds were often integrated with the fence. Tall front fences that could not be seen over would have been rare. Rear and side fences behind the building line would typically have been timber palings or in some areas post and rail, timber pickets or strand wire.

5.2.2.15 Driveways

Objective

- Ensure that driveways do not have an adverse visual impact on heritage items and Heritage Conservation Areas.

Requirements:

- Concrete driveways must not extend the full width between the side of the house and the boundary.
- Large areas of concrete must be visually “broken up using surface patterning, other surface treatments or inserts.
- Excessively large areas of concrete must be avoided.
- Desirable driveway materials for heritage buildings include:
 - gravel
 - recycled brick
 - stone
 - pavers
 - bitumen
 - paired concrete strips
 - combinations of the above.

Explanation:

The material, design and scale of a driveway can have a substantial impact on a place and on the overall character of a Heritage Conservation Area. Early driveways were often gravel, bitumen or paired concrete strips. Driveways did not extend the full width between the side of a dwelling and

the boundary. Consequently their visual impact was low. In contrast, modern concrete driveways, with extensive surface area can have a substantial adverse visual impact.

5.2.2.16 Landscaping

Objective:

- Manage landscapes in a sympathetic manner.

Requirement:

- Development that may impact on a significant landscape will need to demonstrate how the significant landscape values will be managed into the future.

Explanation:

In many instances the landscape, including immediate garden, is a part of the place's significance.

5.2.2.17 Demolition

Guidelines:

The demolition of heritage listed dwellings will generally not be permitted except in exceptional circumstances, including where:

- The dwelling is so structurally unsound as to be beyond reasonable economic repair. The application must include a professional structural assessment in support of demolition
- The existing condition poses a significant health or safety risk that is beyond reasonable economic repair. The application must include a professional structural or health assessment demonstrating that conservation is not a practical option
- In the opinion of Council, the integrity of the built form and street elevations of an original dwelling has been extensively and irreversibly diminished by unsympathetic alterations and additions
- Except where a dwelling presents an immediate threat to public safety, the total demolition of an identified dwelling shall not be permitted unless an application for a replacement dwelling has been approved
- Where in the opinion of Council, neglect of an identified building has contributed to it becoming structurally unsound so as to necessitate total demolition; redevelopment of the site shall not exceed the gross floor area of the identified building. Additions to the replacement structure shall not be permitted within 3 years of its completion.
- The partial demolition of original external building fabric of identified dwellings shall only be permitted in the context of permitted alteration or additions. Alteration to, or demolition of, internal building fabric of identified dwellings may be permitted provided the external building fabric of the dwelling is not adversely affected.

Note: Under Clause 5.10.2 of the LEP the demolition or partial demolition of a heritage listed item requires Council approval.

5.2.3 Requirements for development in the vicinity of heritage items

In urban areas 'in the vicinity' is considered to be the adjoining and adjacent allotments as well as those opposite the heritage item (see Figure 5.3).



Figure 5.3: Example of allotments in the vicinity of a heritage item

5.2.3.1 General Requirements

Objective:

- Ensure that development in the vicinity of a heritage item does not have an adverse impact on the significance of the listed place.

Requirement:

- Subdivision and the development consequences arising from subdivision will not compromise the curtilage or setting of significant places.
- New development within the vicinity of heritage places will have due regard to the character and significance of the heritage place and will be sympathetic in terms of character, scale, height, form, siting, materials, colour and detailing. For more detail see the publication *Design in Context – Guidelines for Infill Development in the Historic Environment* available free from the NSW Heritage Office website.
- New buildings in the vicinity must not dominate the heritage item by virtue of their height, scale, bulk or proximity and in general will be of a similar height or less than the neighbouring heritage place.
- New buildings may "borrow" architectural elements or design from its historic neighbours such as roof pitch, corrugated iron roofing or weatherboard walls. However in some instances it may be acceptable to interpret traditional design concepts in a modern way, rather than copy existing buildings.
- New development will not obstruct important views or vistas to buildings and places of historic and aesthetic significance.
- Front setbacks will generally be equal to or greater than adjacent heritage buildings so that heritage buildings remain the prominent items in the streetscape.
- Where a structure is unable to achieve a suitable design standard, for example because of its utilitarian or specific nature, it is to be lower, set back from adjacent structures and incorporate screening.
- Side setbacks, where applicable, will be generous to ensure that new development does not compromise heritage buildings nor their curtilage or setting.
- Visible side elevations must be articulated (broken up) if greater than 15 metres or so in length. The articulation can take the form of a rebate in the wall, possibly in combination with a full height change of wall material.

- Fence requirements for listed items will apply to the common boundaries of the listed place and places in its vicinity.
- Depending on the scale of work proposed, Council may require a building and streetscape character analysis, elevation, and definition of suitable envelope, all of which must be discussed with Council prior to undertaking detailed design.

Explanation:

Development in the vicinity of a heritage item can have an adverse impact on the listed item's heritage values, typically by virtue of its scale, bulk and location on the allotment.

5.2.4 Requirements for development of non-heritage listed places in Heritage Conservation Areas

5.2.4.1 General Requirements

Objective:

- Ensure that the development of contributory places (those that have some heritage significance but for one reason or another have not been formally listed in Schedule 5 of the LEP) and non-significant places does not adversely impact on the overall heritage characteristics of the Heritage Conservation Area.

Requirements:

- New or infill development on vacant land in a Heritage Conservation Area will be sympathetic with surrounding heritage buildings. For more detail see the publication Design in Context – Guidelines for Infill Development in the Historic Environment available free from the NSW Heritage Office website.
- New buildings may be “of the time in which they are built” and not reproductions of earlier historic building styles.
- The height, scale and bulk of new development will not adversely impact on heritage places within the Heritage Conservation Area or on the character of the Heritage Conservation Area in general.
- New development will maintain the historically significant pattern of development within the Heritage Conservation Area.
- Materials and colour of new buildings must be sympathetic with the prevailing heritage character of the area.
- Front setbacks will generally be equal to or greater than prevailing setbacks so that heritage and contributory buildings remain the prominent items in the streetscape.
- Side setbacks will generally be consistent with prevailing setbacks elsewhere in the Heritage Conservation Area.
- New development will not obstruct important views or vistas to buildings and places of historic and aesthetic significance.
- Fences within Heritage Conservation Areas and around individually significant buildings must reflect the style of fence that was typical of the historic period.
- Ribbed metal sheet fencing must not be used within Heritage Conservation Areas or around a significant place unless it is at the rear of the property and will not be readily visible from the public domain. Traditional corrugated galvanized iron may be appropriate if suitably detailed.

- Contributory items must be sympathetically restored so that their contribution to the overall character of the Heritage Conservation Area or streetscape is enhanced.
- Where a structure is unable to achieve a suitable design standard, for example because of its utilitarian or specific nature, it is to be lower, set back from adjacent structures and incorporate suitable screening.

Explanation:

Heritage Conservation Areas usually contain a mix of places, some of which are heritage items, some are contributory places that have little or no heritage value, and possibly vacant or undeveloped land.

5.2.4.2 Garages

Objective:

- Ensure that garages are designed as a "lesser" element in the composition of a building façade.

Requirements:

- Attached garages to new dwellings must be set back a minimum of 900mm from the front face of the dwelling.
- Where facing the street, the roof form of a garage attached to a new dwelling must not be a continuation of the main roof, but rather be articulated to reduce its scale and bulk.
- Garages facing the street must be set beneath an awning or verandah roof to further reduce their visual impact.
- Garage doors, (especially double garage doors) must be selected / designed to harmonise with the house and the streetscape.

Explanation:

Garages and carports must generally conform with requirements for the addition of garages to heritage listed buildings. Whether under the same roof or separate, garaging must not have a visually dominant impact on the streetscape.

5.2.4.3 Significant streetscape elements

Objective:

- Ensure streetscape elements in Heritage Conservation Areas and in the proximity of heritage Items are protected and enhanced.

Requirements:

- Significant streetscape features including footpaths, grass verges, granite kerbs, gutters and formal street planting will be managed to conserve their contribution to the heritage value of items, areas and streetscapes.
- New work such as driveway cross-overs will be done in a manner that minimises adverse impacts on the heritage value of the streetscape.

Explanation:

Streetscape elements such as footpaths, grass verges, granite kerbs, gutters and formal street planting may be important components of Heritage Conservation Areas and help to define its individual or specific character.

5.2.5 Additional requirements for rural village Heritage Conservation Areas:

Many of the rural towns and settlements in the Bega Valley Shire have retained a very high, and in some instances exceptional, degree of integrity.

Following a series of detailed studies, the core areas of some villages have been identified as Heritage Conservation Areas, for which the following requirements have been prepared to assist in the design of alterations, extensions and new structures.

The requirements are in addition to the requirements in Sections 5.2.1-3.

Note that conservation areas in Pambula and Bega are covered by requirements in Chapter 2 of this plan.

Objective:

- Retain the distinctive character of individual rural villages.

5.2.5.1 Additional requirements for village Heritage Conservation Areas

- Roofs will be predominantly pitched or skillion in form. Flat roofs are generally not appropriate in the village Heritage Conservation Areas.
- Roof pitch will generally be in excess of 25 degrees although shallower slopes are appropriate for skillions, verandas etc.
- New roof material will be corrugated metal. Neither tiles nor modern ribbed metal sheet profiles are appropriate for the Heritage Conservation Area, other than in restoration work.
- Buildings within the Heritage Conservation Area will generally be single storey, although undercrofts are appropriate where slope permits and where not readily visible from the public domain.
- The use of attic spaces and dormer windows may be appropriate and must be modelled on historic examples in the Heritage Conservation Areas.
- The height of new buildings and additions above natural ground will not exceed that of the average of adjacent heritage buildings.
- The palette of building materials will generally draw on those used in the village for which development is proposed.

5.2.5.2 Candelo: William and Sharp Street Heritage Conservation Areas - Additional requirements (see Figure 5.4)

The core part of Candelo is recognised as having exceptional heritage value. The aim of the following additional requirements is to minimise the impact of new development.

- Where possible new buildings are to be located behind existing structures.
- New buildings will have a greater front setback than adjacent heritage buildings.
- New buildings that are visible from the street will adopt traditional form and detail and be designed to fit seamlessly into the streetscape.

5.2.5.3 Candelo: Candelo Heritage Area - Additional requirements (see Figure 5.4)

Candelo was recognised by the National Trust as having special values in 1989. Development will need to address the general and special requirements listed above for Heritage Conservation Areas, as well as:

- All development will be assessed for its impact on the aesthetic and historic quality of the area, including its impact on William and Sharp Streets.
- Development will need to be carefully sited to the landscape and topography to avoid excessive excavation, and excessive height of piers.
- Garages and sheds must be carefully designed to harmonise with Candelo’s special historic character. So called “off-the-rack” garages and sheds rarely meet the objectives of this plan.

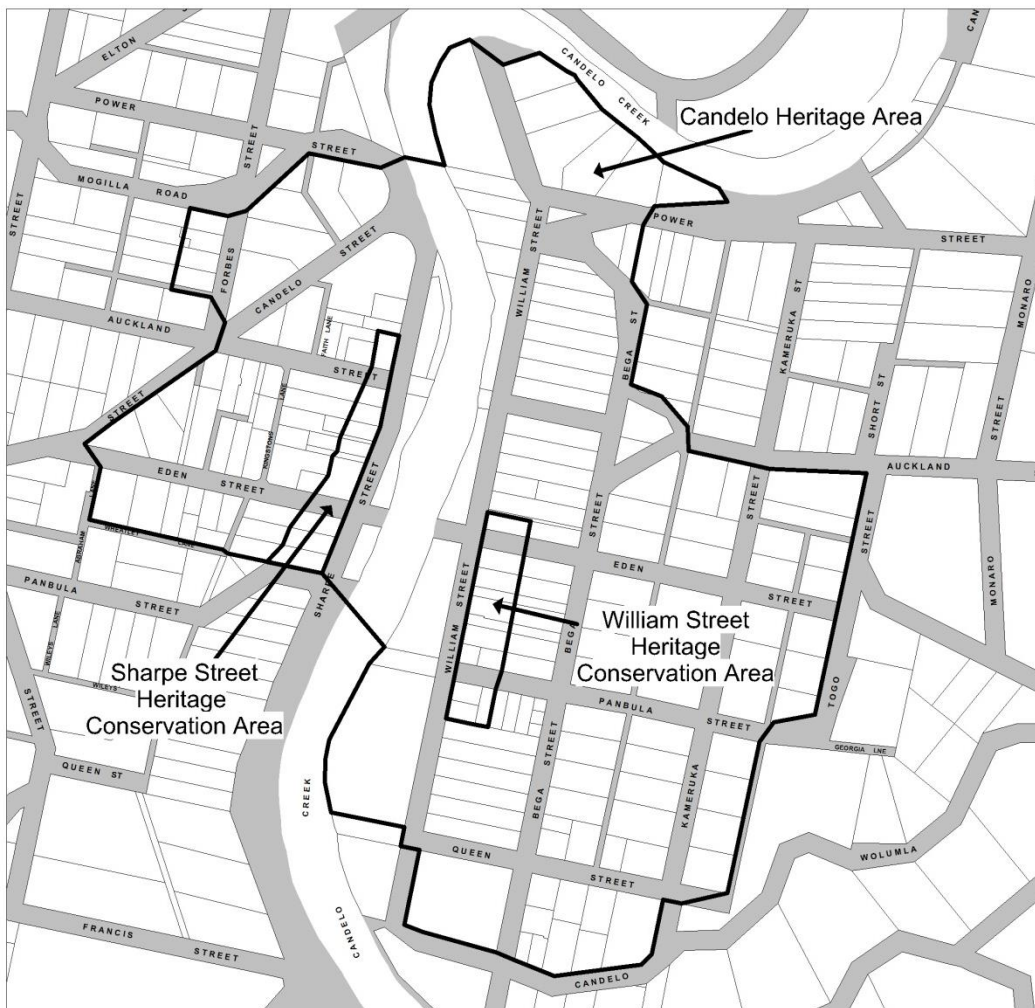


Figure 5.4 Candelo: William and Sharp Street Heritage Conservation Areas and Candelo Heritage Area

5.2.5.4 Wolumla: Scott Street Heritage Conservation Area - Additional requirements (See Figure 5.5)

- Development in Scott Street or beyond must be designed and sited to minimize any adverse impact on the vista north from Scott Street by virtue of size, bulk appearance, location or other factors.

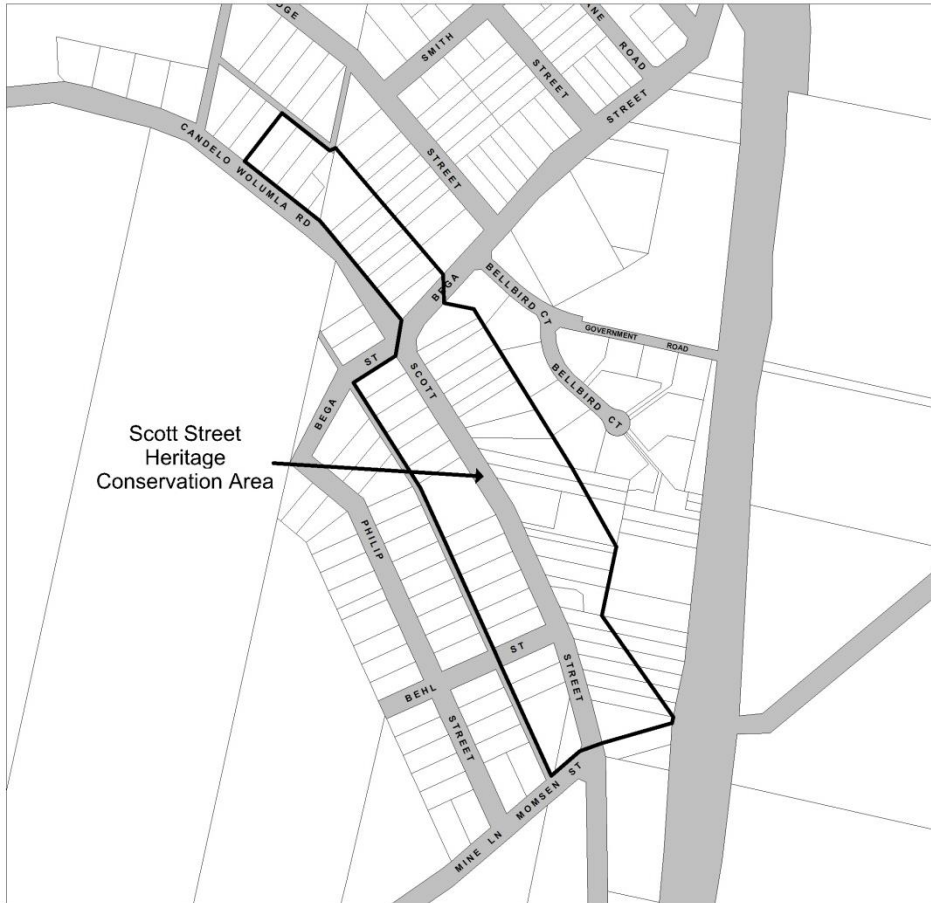


Figure 5.5 Wolumla: Scott Street Heritage Conservation Area

5.3 Access and Mobility

Objective

- Improve physical access to the built environment which includes all public access buildings, paths of travel, streetscapes, accessible parking, amenities and Council facilities.

Background

43% of the Bega Valley Shire's population needs improved access and mobility to facilities and services due to ageing, disability or parents using prams. Over the next 20 years the ageing population in the Bega Valley will more than double and there is a need to ensure the built environment becomes more accessible for older people to continue to move around independently. All of these people need improved paths of travel and access into and around buildings and Council's aim is to improve the 'liveability' for all residents of, or visitors to, the Shire now and into the future.

Application

This Section applies to the following types of development:

Dwellings used for short-term holiday accommodation, Boarding houses, Hostels, Group homes, Tourist and visitor accommodation, Residential flat buildings, Seniors housing, Commercial premises, Car parks, Health services facilities, Educational Establishments and any other building intended for use by the public or development proposal deemed by Council to have likely access and mobility impacts.

5.3.1 Access and mobility impact assessment

The Commonwealth Disability Discrimination Act 1992 and accompanying Disability (Access to Premises-Building) Standards 2010 set out the requirements for equitable access to buildings, facilities and services in Australia.

- When assessing development applications Council requires compliance with Australian Standards 1428 - Design for Access and Mobility (Parts 1 and 2) and the intent and implications of the Disability Discrimination Act 1992, as well as the relevant requirements of this plan.
- Supporting documentation concerning the impacts on access and mobility may be required by Council in the form of an Access and Mobility Assessment lodged with the development application. In some cases a formal assessment by a suitably qualified person in relation to access and mobility assessment and compliance with the Disability Discrimination Act 1992 will be required.
- Council may refer specific public space development applications to its Access Advisory Committee for comment.

5.3.1.1 Access Management Plan

An access management plan outlines the ways services can be offered to people who, due to a disability, would be unable to gain access to the premises where such services are normally offered.

Council may require an access management plan:

- For a change of use of existing premises where minimal alterations and additions are proposed
- In cases where it may be difficult to physically configure an existing building or space so as to provide access for people with a disability
- An access management plan submitted to Council must:
 - identify the type of service (or operation) being proposed in the development application
 - identify where the service would not be accessible in the proposed premises
 - identify alternative methods of providing the service
 - if alternative (accessible) premises are proposed for providing the service, identify the arrangements that need to be put in place to ensure that those premises are able to be used
 - identify the methods by which the alternative service can be promoted to potential clients
 - identify what can be done over time (such as through a building upgrade plan) to improve the accessibility of the primary premises.

5.4 Social and Economic Impacts

Objective

- Ensure the impacts of certain developments on social and economic factors are considered.

Application

This Section applies to the following development types: Residential development for twenty dwellings or more, Residential subdivision for twenty or more allotments, Affordable housing projects including caravan parks with permanent accommodation, Boarding houses, Housing for seniors or people with a disability, Child care centres, Commercial development with a gross floor area of more than 1500sqm, Commercial uses in non-commercial zones, Tourist facilities and rural tourist facilities providing overnight accommodation for twenty or more persons, Permanent Places of Public Entertainment approval, Entertainment facilities/events, Licensed premises, including hotels and bottle shops, Service stations and any development proposal deemed by Council to have likely significant social or economic impacts.

5.4.1 Social and Economic Impact Assessment

- In order to assess the impact of certain developments on the community a statement of the social and economic impacts of the development, known as a socio-economic impact assessment, will be provided with the development application for applicable development types.
- The objectives of requiring a Socio-Economic Impact Assessment are to ensure that:
 - The amenity created by services and facilities is preserved.
 - A liveable and sustainable community is achieved by considering both environmental and economic issues.
 - The views of the people most affected are taken into account.
 - Effective community/local government participation is promoted.
 - Positive and negative impacts are identified early so as to allow the proper consideration of proposed developments.
 - Determine and assess possible measures for the management or mitigation of likely impacts.
 - The impacts on amenity are equitably distributed in the community.
 - The applicant can present the anticipated effects of the development in a detailed and balanced form for Council consideration, showing how it will meet Council's Social Plan and other relevant planning instruments and policies.
 - Impacts that are acceptable to the community can be identified.

5.4.1.1 Socio-economic Impact Assessment Requirements

Where a Socio-Economic Impact Assessment is required applicants must contact Council to arrange a pre-application meeting. The purpose of this meeting will be to determine the scope of the SIA and to provide advice to the applicant as to the groups and people potentially impacted by the development. Council will provide the applicant with a pro-forma which will aid in identifying the issues for consideration and the most appropriate consultation methods.

The Socio-Economic Impact Assessment will address the following:

- State the objectives of the development or activity proposed.
- Analyse any feasible alternatives to the carrying out of the development, including the consequences of not carrying out the development.
- Identify the likely impacts of the development, their nature and extent, in terms of issues identified for the specific development.
- Evaluate the social and economic impacts by;
 - Scoping: identify issues and affected groups
 - Profiling: data collection, historic trends, assessing current social and economic context
 - Predicting: identify possible future impacts
 - Assessing: analyse the impacts
- Consult with the community and other local agencies to determine the acceptable limits of impacts associated with the development.
- Justify the carrying out of the development with respect to social and economic considerations.

5.5 Sustainable Design Principles

Objective

- Ensure that sustainable design principles are considered in developments.

Background

Ecologically Sustainable Development (ESD) is a requirement of the Local Government Act (1993) as well as the Environment Protection and Biodiversity Conservation Act (1999). The definition, taken from the National Strategy for Ecologically Sustainable Development² is:

'using, conserving and enhancing 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'

The four principles of ESD are:

- The Precautionary Principle
- Intergenerational equity
- Conservation of biological diversity and ecological integrity
- Improved valuation of environmental resources

The application of the principles of ESD to the design of built form has produced sustainable design principles (SDPs).

Council encourages proponents to consider SDPs at an early design stage of the development process in order to achieve the following efficiencies and benefits:

- Easier compliance with building requirements through passive design
- Reduction of life cycle of building costs
- Improved housing affordability and running costs
- Improved amenity and liveability
- More ecologically sustainable built form

If SDPs are not considered at the time of development or subdivision approval, the ability to achieve ecologically sustainable outcomes is compromised. The median individual income in the Bega Valley is 20% less than the rest of NSW (Census 2006), therefore, rising energy and water costs disproportionately affect residents in the Shire. Additionally, over the next 20 years the ageing population in the Bega Valley will more than double and there is a need to ensure the built environment is sustainable, cost effective to run and operate and is thermally comfortable to provide high amenity. The Bega Valley Shire prides itself on its pristine natural environment and its protection and perseveration for future generations and SDPs plays an important part in maintaining this important amenity and environmental diversity.

Resources available to assist with sustainable design include:

- Your Home Technical Manual, Australian Government, www.yourhome.gov.au
- Green Star Tools: Multi Residential, Office, Retail Centre and Communities, www.gbca.org.au
- Best Practice Guide for Greener Subdivisions – Western Sydney, NSW Department for Land and Water Conservation.

² Available at <http://www.environment.gov.au/about/esd/index.html>

Application

This Section applies to all development within the Bega Valley Shire. All development must consider SDPs from subdivision through to construction and operation.

5.5.1 Sustainable Design Requirements

- All development is encouraged to achieve best practice in addressing SDPs from the design stage through to construction and operation.
- A Sustainable Design Management Plan (SDMP) is required for the following developments: commercial development greater than 1,500m², development of 4 or more storeys, residential subdivision for 5 or more allotments and developments of 10 or more dwellings (including units).
- The principles of sustainable design are outlined in Table 5.1

5.5.1.1 Sustainable Design Management Plan (SDMP)

Where an SDMP is required applicants must contact Council to arrange a pre-application meeting. The purpose of this meeting will be to determine the scope of the SDMP and to provide advice to the applicant regarding its preparation.

- A report completed by a suitably qualified engineer, professional or architect detailing the sustainable design features of the proposal may be required by Council.
- Sustainable design related features / items / technologies must be clearly marked on the approved building plans.
- Council may condition the SDMP as part of granting development approval.
- The SDMP will address the following:
 - Identify the relevant strategic or other documented sustainability targets or performance standards.
 - Document the means by which the appropriate target or performance standard will be achieved (e.g. through sustainable design tools including but not limited to Green Star, NABERs, Basix, MUSIC etc.).
 - Demonstrate that the design elements, technologies and operational practices that comprise the SDMP can be maintained over time.

Energy	ensure solar passive design including subdivision and layout of building/s on the property
	ensure the efficient use of energy
	reduce energy peak demand
	encourage renewable energy generation
	reduce total operating greenhouse gas emissions
	encourage building materials with low embodied energy
Water resources	protect and enhance natural waterways and bodies
	encourage the collection and reuse of stormwater
	ensure the efficient use of water
	reduce total operating potable water use
	encourage the appropriate use of alternative water sources (e.g. greywater)
Ecology	protect and enhance biodiversity
	protect and enhance existing natural landscapes, heritage, amenity (including visual) and

	neighbourhood character
	provide ecologically sustainable landscapes and natural habitats
	protect and manage all remnant indigenous plant communities
	encourage the planting of indigenous vegetation
	encourage productive gardens
Stormwater Management	reduce the impact of stormwater run-off
	improve the water quality of stormwater run-off
	achieve best practice stormwater quality outcomes
	incorporate the use of water sensitive urban design, including stormwater re-use
Transport	ensure that the built environment is designed to promote the use of walking, cycling and public transport in that order
	ensure accessibility for all ages and capabilities
	minimise car dependency
	promote the use of low emissions vehicle technologies and supporting infrastructure
Waste management	ensure waste avoidance, reuse and recycling during the design, construction and operation stages of the development
	consider the durability and long term reusability of building materials
	design the built environment to adapt to future needs in a waste-efficient manner
Indoor Environment Quality	achieve a healthy indoor environment quality for the wellbeing of building occupants, including the provision of fresh air intake, cross ventilation, natural daylight, external views and appropriate levels of lighting
	achieve thermal comfort levels with minimised need for mechanical heating, ventilation and cooling
	reduce indoor air pollutants by use of materials with low toxic chemicals, minimal off-gassing and production of allergens
	reduce reliance on mechanical heating, ventilation, cooling and lighting systems
	use flexible internal controls for any mechanical systems
	minimise noise levels and noise transfer within and between buildings and associated external areas
Innovation and Area	encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings and the surrounding area
	integrate effectively buildings with accessibility, landscaping, open spaces, community facilities, natural areas, public and active transport and safety

Table 5.1: Sustainable design principles

5.6 Tree and Vegetation Preservation

Purpose

To give effect to State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 by declaring trees and vegetation for which clearing is exempt or requires approval by Council or other agencies.

To ensure consistency with the SEPP such that the biodiversity and amenity values of trees and other vegetation in the Bega Valley Local Government Area are protected.

Objectives

- To protect and enhance trees and vegetation in non-rural areas including street trees, park trees (including bushland) and trees on private property as an important, environmental, community and tourism asset
- To facilitate the removal or pruning of undesirable exotics, environmental weeds, noxious weeds, dangerous trees and any other inappropriate plantings e.g. that are causing damage to buildings or other infrastructure
- To facilitate the removal or pruning of vegetation for maintenance of existing rural infrastructure
- To minimise impacts to vegetation with high environmental value e.g. threatened ecological communities, threatened species and their habitats.

Definitions

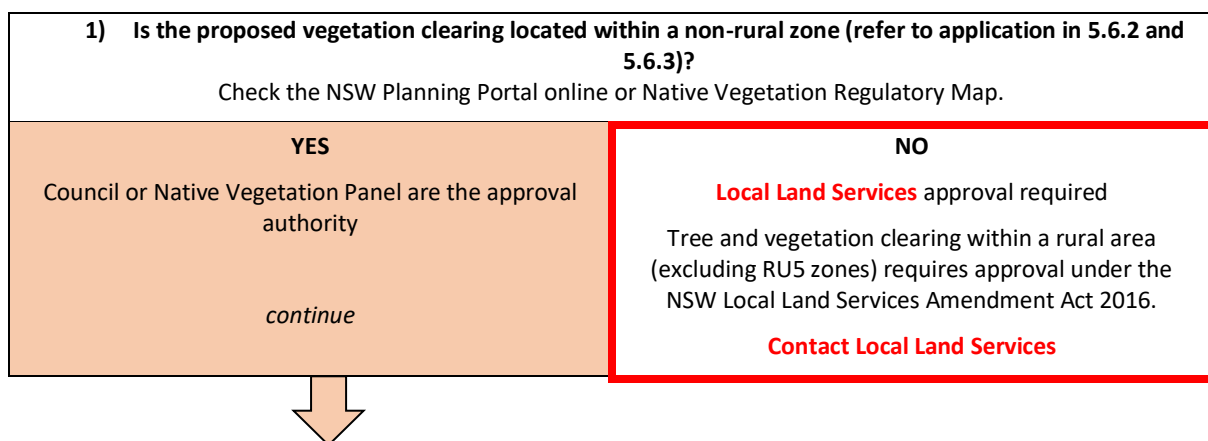
For the purposes of this section;

Native Vegetation has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

To remove or clear vegetation has the same meaning as to **clear** vegetation in the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

5.6.1 Vegetation clearing approval process

The following flow chart should be used as a guide for identification of the appropriate vegetation clearing approvals that are not associated with a development that requires development consent from Council (under Part 4 of the Environmental Planning and Assessment Act 1979). The red boxes highlight when specific approvals or licences are required from State Government Agencies or Council. Should an applicants scenario require one of these red box approvals, they do not need to continue through the flow chart.



2) Does the proposed clearing trigger Biodiversity Offset Scheme (BOS) thresholds, i.e. the area is mapped on the Biodiversity Values Map <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap> or exceeds the Area Threshold Table (below)

2a) Determine the mapped minimum lot size of for the property in the BVLEP 2013.	2b) Does the total area of proposed clearing exceed the below thresholds?
Below 1ha	0.25 ha
1ha - 40ha	0.5ha
40ha - 1,000ha	1ha
1,000ha or more	2ha

<p>NO</p> <p>Council Assessment is still required.</p> <p><i>continue</i></p>	<p>YES</p> <p>Native Vegetation Panel approval required</p> <p>If thresholds are triggered, approval from the Native Vegetation Panel (NVP) is required. A Biodiversity Assessment Report is required as part of the application from an accredited assessor.</p> <p>Contact Local Land Services</p>
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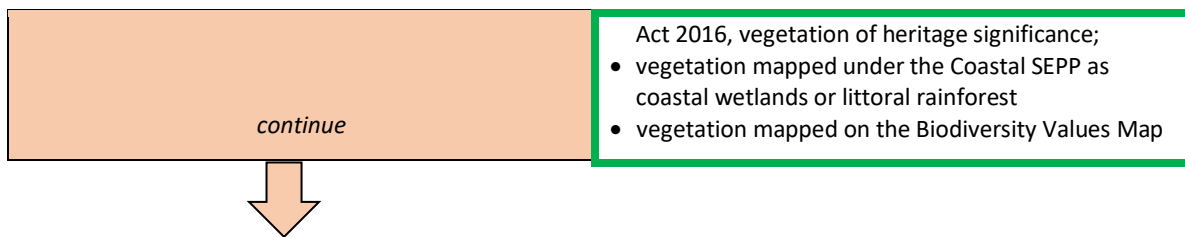
3) Does the proposed clearing damage habitat of threatened species or an endangered ecological community and therefore require issuing of Licence under Biodiversity Conservation Act (2016)?
 Check if the vegetation is listed under the Biodiversity Conservation Act 2016. An ecologist may be required to identify the presence of threatened species habitat and prepare a 'Test of Significance'.

<p>YES</p> <p>Licence required</p> <p>A Biodiversity Conservation Licence under the Biodiversity Conservation Act 2016 is required.</p> <p>Contact NSW Dept. Planning, Industry & Environment</p> <p>Note: Check if the clearing is a Matter of National Environmental Significance under the Environment Protection and Biodiversity Conservation Act 1999.</p>	<p>NO</p> <p>Licence not required</p> <p><i>continue</i></p>
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4) Does the proposed clearing require the approval of Council?
 Check if the proposal meets the exemptions listed in 5.6.6 (taking note of when these exceptions cannot be used). Additional information may be required such as a Hazard Reduction Certificate or a report from a qualified ecologist.

<p>YES</p> <p>Council approval required</p>	<p>NO</p> <p>Approval not required – clearing can proceed</p> <ul style="list-style-type: none"> The vegetation clearing can be undertaken in accordance with the exempt requirements. Excludes; works approved under Part 4 (Development Applications) or 5 of the EPA Act 1979; species listed under the Biodiversity Conservation
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5) Does the proposed clearing satisfy the tree/vegetation permit assessment criteria? Check if the species impacted by the clearing proposal are listed under the Biodiversity Conservation Act 2016, of heritage significance or under the Coastal SEPP as coastal wetlands or littoral rainforest*.	
Yes Tree / Vegetation Permit Issued	NO Development Application required* Contact Council Development Hub

5.6.2 Council Approval Process – Tree Permit (1 to 5 trees)

Application

The following is prescribed vegetation for which clearing requires a Tree Permit to be issued by Council.

All trees, native or exotic, are declared for the purposes of this part.

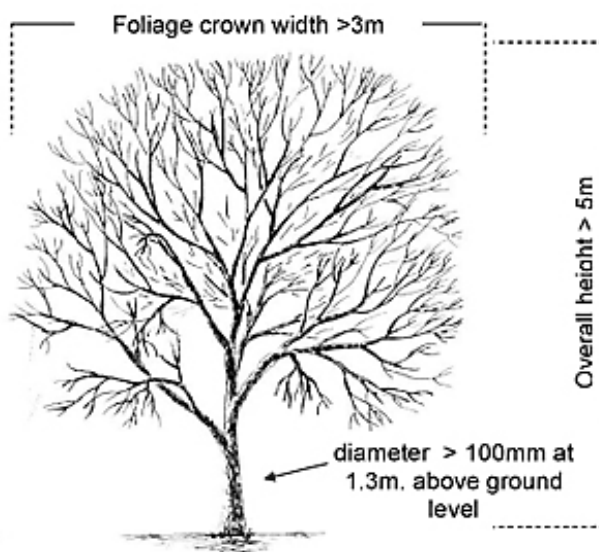
This Section applies to requests for the removal of between **1 to 5 native trees** or **any number of exotic trees** (not listed as exempt species in 5.6.6.2) in the following zones:

RU5 Village, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, E1 Local Centre, E2 Commercial Centre, MU1 Mixed Use, SP3 Tourism, RE1 Public Recreation, RE2 Private Recreation, C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living.

1. A permit is required for the removal of between 1 and 5 native trees or any number of exotic trees that meet all of the following criteria (refer to Figure 5.6):

- is 5m or more in height, and
- Has a trunk diameter of 100mm or more at 1.3m above natural ground surface, and
- A branch span with a diameter of 3m or more.

Figure 5.6: Applicable trees



2. Removal of a tree or vegetation of **any size** that is:
- a) A species listed under the Biodiversity Conservation Act 2016.
Note: A Biodiversity Conservation Licence is required to damage habitat of threatened species or ecological community. Clearing may also be a Matter of National Environmental Significance under the Environment Protection and Biodiversity Conservation Act 1999.
 - b) Part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, only where Council is satisfied:
 - (i) Is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) Would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area.

For the avoidance of doubt, where Council determines that the vegetation removal does not satisfy 2(b) above, a Development Application is required

5.6.3 Council Approval Process – Vegetation Permit

The following is prescribed vegetation for which clearing requires a Vegetation Permit to be issued by Council.

All native vegetation is declared for the purposes of this part.

Native vegetation including the following types of plants native to New South Wales:

- a) Trees (including sapling or shrub or any scrub)
- b) Understorey plants
- c) Groundcover (being any type of herbaceous vegetation)
- d) Plants occurring in a wetland.

Application

This Section applies to requests for the clearing of native vegetation in the following zones;

This Section applies to land in the following zones: RU5 Village, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, E1 Local Centre, E2 Commercial Centre, MU1 Mixed Use, E4 General Industrial, E5 Heavy Industrial, SP2 Infrastructure, SP3 Tourism, RE1 Public

Recreation, RE2 Private Recreation, C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living.

5.6.4 Assessment Criteria

The following table lists the criteria to be considered when assessing a tree/vegetation permit or development application.

Table 5.6.1 Criteria for assessing a council tree/vegetation permit or development application

Criteria	Explanation
Amenity or aesthetic value	The significance of the tree or vegetation to its setting within the site or streetscape. Whether an amenity tree fulfils its original purpose within the landscape.
Ecological significance	The value of the tree or vegetation in terms of its ecology within the local or regional context and potential impact on flora, fauna or habitat.
Weed management	Natural propagation methods and potential ecological/economic impacts through weed establishment
Condition and life expectancy	The condition of the tree and safe useful life expectancy with respect to practical remedial actions and mature size.
Solar access	The demonstrated need for reasonable passive solar access or interference with photovoltaic systems.
Potential hazards	The risk of retaining the tree within the context of the site, neighbours and streetscape. Medical documentation may be required to substantiate an illness or allergy.
Compensatory planting	The need for replacement with more desirable species.
Previous approvals	The amount of vegetation approved to be removed by Council in the previous 5 years is cumulatively less than the Biodiversity Offsets Scheme Threshold.
Cultural significance	The value of the tree or vegetation in terms of its cultural significance within the local or regional context.

The following reasons are **NOT** to be used to justify the clearing of a tree or vegetation:

- a) Enhance or create views
- b) Improving the value of a property
- c) Increasing natural light to a building or garden area
- d) To improve street lighting of private property
- e) Leaf drop into gutters, downpipes or pools
- f) Minimise fruit, resin or bird droppings on cars or buildings and driveways
- g) Minor lifting of driveways or garden paths by tree roots
- h) Potential damage to sewer mains unless supported by written expert advice where reasonable alternatives are not feasible

5.6.5 Lodgement Details

The following information may be required by Council as part of a permit application:

- a) Physical marking or identification of the trees/vegetation
- b) Site plan clearly showing all vegetation to be removed and vegetation to be retained (including quantification of the total area of native vegetation to be cleared)
- c) Photographic documentation of the trees/vegetation to be removed
- d) Report from a qualified arborist
- e) Soil and water management plan

- f) Flora and Fauna Assessment and/or 'Test of Significance'
- g) A plan for compensatory planting

5.6.6 Exemptions

Note The following exemptions and Allowable Maintenance Activities do not equal an exemption under other legislation controlling the clearing or pruning of trees and other vegetation. The following exemptions cannot be used for clearing or pruning of vegetation that:

- a) is required to be retained by a development consent or a Section 88B restriction to user instrument.
- b) is related to a heritage item, Aboriginal object, Aboriginal place of heritage significance, or on land within a heritage conservation area.
- c) is mapped as Coastal Wetland or Littoral Rainforest by the State Environmental Planning Policy (Coastal Management) 2018.
- d) exceeds the Biodiversity Offsets Scheme thresholds (exceeds area threshold, is mapped on the Biodiversity Values Map or causes significant impact to threatened species, populations or communities listed under the *Biodiversity Conservation Act 2016*)
- e) causes impacts to threatened species, populations or communities listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

5.6.6.1 General Exemptions

Council tree and/or vegetation approval is not required where the work is carried out by or with the consent of the tree or vegetation owner/s for the following:

- a) Clearing of vegetation in accordance with approved Property Vegetation Plan (PVP)
- b) Crown maintenance works to a maximum of 20% of the canopy in any two year period that is carried out by a suitably qualified arborist in accordance with the Australian Standard for Pruning of Amenity Trees
- c) When evidence is provided by a suitably qualified arborist that there is an imminent risk to human life or property³
- d) Individual tree removal or pruning as required as part of Council infrastructure maintenance programs
- e) Clearing of trees grown for the purpose of fruit or nut production
- f) Clearing within 4m measured from the closest point of the trunk at 1.3m above natural ground surface to the eave and guttering of an approved existing building.
- g) To achieve the objectives of 'protection of the community from undue risk' from airport operations under Clause 6.8 of the BVLEP 2013
- h) The clearing of a tree that council is satisfied is dead or dying and is not required as the habitat of native animals, for example it does not contain hollows.
- i) The clearing of vegetation that is authorised under other legislation listed in Section 600 of the *Local Land Services Act 2013* includes;
 - Planning approval e.g. development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*
 - Other planning authorisation e.g. an activity carried out by a determining authority under part 5 of the *Environmental Planning and Assessment Act 1979*
 - Biodiversity conservation authorisation under the *Biodiversity Conservation Act 2016*

³ Council recommends that the tree assessment is undertaken by an arborist that is not employed or in any way associated with the company contracted to remove the vegetation

- Rural fires authorisation under the *Rural Fires Act 1997* e.g. in accordance with NSW Rural Fire Services 10/50 code
- Electricity network operator bush fire risk mitigation direction under the *Electricity Supply Act 1995*
- State emergency authorisation under the *State Emergency and Rescue Management Act 1989* or the *State Emergency Service Act 1989* and was reasonably necessary in order to avoid a threat to life or property
- Biosecurity authorisation under the *Biosecurity Act 2015*
- Plantation operations authorisation under the *Plantations and Reafforestation Act 1999*
- Forestry operations authorisation under the *Forestry Act 2012*
- Water management authorisation under the *Water Management Act 2000*
- Mining/petroleum authorisation under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*
- Fisheries management authorisation under the *Fisheries Management Act 1995*
- Survey work under the *Surveying and Spatial Information Act 2002* and carried out under the direction of a surveyor
- Roads authorisation under the *Roads Act 1993*
- Private land conservation agreement under the *Biodiversity Conservation Act 2016*

5.6.6.2 Tree Permit Exemptions

A tree permit from Council is not required for the removal of trees of the species listed in Table 5.6.2 below.

Table 5.6.2: Tree Permit exempt species

Common Name	Botanical Name
Cootamundra Wattle	<i>Acacia baileyana</i>
Black Wattle	<i>Acacia mearnsii</i>
Queensland Silver Wattle	<i>Acacia podalyriifolia</i>
Box Elder	<i>Acer negundo</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Cape Leeuwin Wattle	<i>Albizia lophantha</i>
Alders	<i>Alnus spp.</i>
Tree Lucerne	<i>Chamaecytisus spp</i>
Camphor Laurel	<i>Cinnamomum camphora</i>
New Zealand Cabbage Palm	<i>Cordyline australis</i>
Cotoneaster	<i>Cotoneaster spp.</i>
Hawthorn	<i>Crataegus monogyna</i>
Indian Coral Tree	<i>Erythrina x sykesii</i>
Rubber Tree	<i>Ficus elastica</i>
Honey Locust	<i>Gleditsia triacanthos</i>
Norfolk Island Hibiscus	<i>Lagunaria Patersonia</i>
Privet	<i>Ligustrum spp.</i>
African Olive	<i>Olea europea ssp. africanus</i>
Paulownia	<i>Paulownia tomentosa</i>
Canary Island Date Palm	<i>Phoenix canariensis</i>

Radiata Pine	<i>Pinus radiata</i>
Sweet Pittosporum	<i>Pittosporum undulatum</i>
Poplars	<i>Populus spp.</i>
Cherry Laurel	<i>Prunus laurocerasus</i>
Orange Firethorn	<i>Pyracantha angustifolia</i>
Black Locust	<i>Robinia pseudoacacia</i>
Willows	<i>Salix spp.</i>
Common Elder (Elderberry)	<i>Sambucus nigra</i>
Wild tobacco bush	<i>Solanum mauritianum</i>
Rhus	<i>Toxicodendron succudaneum</i>

5.6.6.3 Allowable Maintenance Activities - rural infrastructure

If the land is zoned C4 Environmental Living, C3 Environmental Management, C2 Environmental Conservation or R5 Large Lot Residential clearing native vegetation for the following purposes does not require a permit from council:

Clearing for the maintenance of existing permanent rural infrastructure. The minimum extent of clearing necessary for carrying out the activity is permitted up to the distances from the infrastructure below:

- a) Fences - 1 metre either side (note that landholders permission is necessary),
- b) road or track - 1 metre either side from edge of road,
- c) pipeline - 3 metres total width of clearing,
- d) shed - 3 metres from the outer edge of the structure,
- e) tank - 3 metres from the outer edge of the structure,
- f) dam - 3 metres from the outer edge of the structure
- g) stockyards - 3 metres from the outer edge of the structure,
- h) bore - 3 metres from the outer edge of the structure,
- i) pump - 3 metres from the outer edge of the structure,
- j) water point - 3 metres from the outer edge of the structure,
- k) windmill - 3 metres from the outer edge of the structure.

The continuation of existing cultivation, grazing or rotational farming practices does not require a permit from council if it does not involve the clearing of native vegetation.

Sustainable grazing that is not likely to result in the substantial long-term decline in the structure and composition of native vegetation is permitted without a permit from council if it does not involve the clearing of native vegetation.

5.6.7 Development Application requirements

The following is vegetation for which clearing requires development consent

1. A development application is required for the following;
 - a) Removal of a tree or vegetation that forms part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, which Council is **NOT** satisfied:
 - (i) Is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) Would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area.

- b) Removal of a tree or vegetation within areas mapped as coastal wetlands or littoral rainforests under SEPP (Coastal Management) 2018.

5.7 On-site Sewerage Management

Objective

- Safeguard and improve the quality of public and environmental health within the Bega Valley Shire by regulating the approval of systems of on-site sewage management.

Application

This Section applies to all land in the Bega Valley Shire where a reticulated sewerage service approved by Council is not available.

5.7.1 OSM Assessment

This Section must be read in conjunction with Council's On-site Sewerage Management Policy and related procedures, guidelines and forms.

In this Section an environmentally sensitive area is that land described in the Local Government (General) Regulations 2005 and Council's On-site Sewerage Management Policy.

- Council will consider all forms of OSM systems proposed by applicants, however systems must be practical and be capable of easy maintenance by future owners.
- Before granting consent to development that will result in the generation of sewage or other effluent, consideration must be given by the consent authority to:
 - whether the site of the proposed development must 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, or
 - 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 to adjoining land or water, and
 - the likely effect of any on-site effluent disposal on any water bodies, water supply catchments, groundwater resources, or seasonally waterlogged soils in the vicinity, and
 - the likely cumulative environmental impacts of all on-site systems or works in the area with respect to water quality, soil degradation and odour.

5.7.2 Requirements

5.7.2.1 Subdivision

- Subdivision creating one additional lot outside of an environmentally sensitive area may be supported with basic site and soil assessments provided by a licensed plumber.
- A detailed site and soil assessment is required for the subdivision of land for the purpose of multiple lots where the lot(s) created do not contain existing dwelling(s) with a current approval to operate a system of OSM. The base figure for the calculation of daily hydraulic load will be a minimum of 1000L/day per lot.
- Where lots are created, and part of the lot is deemed unsuitable for on-site effluent re-use, this area will be clearly identified on the lots in a restriction on title- S88B instrument. In this case, Council will be the authority nominated to release, vary or modify the instrument. Applicants who apply to Council to modify a S88B instrument for the purpose of constructing or installing an on-site sewage management facility must demonstrate consistency with the original site and soil assessment and provide a revised detailed site and soil assessment in accordance with this plan.
- Council will not support the following types of subdivision proposals with OSM:

- Where the proposed land application area/s are within 100m of an environmentally sensitive area; or
- Where the proposed land application area/s are within 150m of a nominated waterway (see Table 5.3); or
- For a multi-lot subdivision where the proposed land application area/s are within 2 kilometres flow path upstream from a town water supply.

5.7.2.2 Dwellings and Dual Occupancies

- The minimum hydraulic load for a single dwelling is generally based on a four person load with standard water reduction as defined in Australian Standard 1547 – 2012 On-site domestic wastewater.
- Where it is possible to locate the system of OSM facilities wholly outside of an environmentally sensitive area a basic site and soil assessment is required.
- Where feasible, dwellings or dual occupancy development that are proposed within 100m of an environmentally sensitive area, or 150m of a nominated waterway (see Table 5.3), or within a 2 kilometre radius upstream from a town water supply, will have the final reuse of treated effluent from systems of OSM located outside of the environmentally sensitive area with an appropriate buffer area. Generally a minimum secondary treatment standard would be required. Such applications require a basic site and soil assessment, generally provided by a licensed plumber.
- Where a dwelling or dual occupancy development is proposed on a lot that is wholly within an environmentally sensitive area, the applicant will submit a detailed site and soil assessment and a detailed, engineered design for the reuse of effluent on the site. Generally a minimum secondary treatment standard would be required if approved.
- Where the application is within 150m of a nominated waterway (see Table 5.3) or within a 2 kilometre radius upstream from a town water supply the applicant will submit a detailed site and soil assessment and a detailed, engineered design for the reuse of effluent on the site. A minimum advanced secondary treatment standard including appropriate nutrient reduction is required.

5.7.2.3 Industrial Development

- A detailed site and soil assessment is required for any application for industrial development in unsewered areas.
- Routine pump-out systems are encouraged in Industrial Zones. Such proposals do not require a site and soil assessment for the purpose of OSM.
- The design of the on-site sewage system is to be specific for the intended use and concurrence from other relevant Government departments may be required.

5.7.2.4 *Development for all other purposes or where the estimated volume of effluent exceeds 2000l/day.*

- A detailed site and soil assessment is required for any applications for effluent-generating activities in unsewered areas. Reports provided for proposed developments will also include at least one firm design proposal. The figure for the calculation of daily hydraulic load will be based on the specific load of the proposal.

- The recommendations and designs of any such study will be incorporated into the development proposal. Information relating to ongoing system maintenance is to be included.
- The design of the on-site sewer system is to be specific for the intended use and concurrence from other relevant Government departments may be required.

Nominated waterways in the Bega Valley Shire

Back Lake	Bermagui River
Bega River (tidal sections)	Curalo Lagoon
Blackfellows Lagoon	Merimbula Lake
Cuttagee Lake	Murrah Lake
Middle lake	Nullica River (tidal sections)
Nelson Lake	Pambula River
Pambula Lake (tidal sections)	Towamba River (tidal sections)
Wallaga Lake	Wallagoot Lake
Wapengo Lake	Wonboyn Lake (from the confluence of Wonboyn River and Bull Creek to Bay Cliff)
Barragoot Lake	Yowaka River

Table 5.3: Nominated Waterways in the Bega Valley Shire

5.8 Planning for Hazards

5.8.1 Flood Planning

Objectives

- Ensure that new development does not interfere with existing flood flow, channel capacity or flood storage areas
- Reduce the impact of flooding and flood liability on owners and occupiers of flood prone land
- Reduce private and public losses from flooding by ensuring adverse and cumulative impacts on flood behaviour and the environment are managed
- Improve public safety with respect to flooding, including the safe occupation and efficient evacuation of people in flood events.
- As far as practical, ensure new development does not increase risk to life and property
- Deal equitably and consistently with all matters requiring Council approval on flood affected land, in accordance with the principles of the latest version of the *NSW Flood Risk Management Manual (2023)* or its update.
- Applicants must have regard to the provisions of Clause 5.21 and 5.22 of the Bega Valley Shire Local Environmental Plan 2013.

Definitions

Critical Uses and Facilities	Critical infrastructure including hospitals and utilities that provide essential services such as key power sub-stations, key sewage treatment plants, key potable water treatment/supply facilities, key telecommunications stations, evacuation centres and the like
Non-Urban Development	Development on land zoned RU1 Primary Production, RU2 Rural landscape, RU4 Primary Production Small Lots, R5 Large Lot Residential, C2 Environmental Conservation, C3 Environmental Management, C4 Environmental Living, W1 Natural Waterways, W2 Recreational Waterways, W3 Working Waterways and W4 Working Waterfront.
Sensitive Uses and Facilities	Sensitive development including schools, medical facilities , childcare, aged care facilities and the like

All other definitions in this section are as per the *NSW Flood Risk Management Manual (2023)* or its update.

Application

This section applies to the flood and/or sea level rise affected portion of flood control lots. Lots that meet any of the following criteria are considered flood control lots:

- within or partially within a Flood Planning Area (FPA) or Probable Maximum Flood (PMF) extent where a Flood Study exists
- within or partially within the Flood Planning Area (FPA) for the Bermagui River floodplain
- within 100m of the coastline
- below 3m AHD along the coastline and estuarine foreshores

For land within catchments that has not had contemporary flood studies or flood risk management plans and studies prepared, development in the following areas may require additional flood information to support any development proposal:

- within 40m of a creek
- within 10m of a major drainage system.

Until the Flood Study and Flood Risk Management Plan for the Bermagui River are completed, the habitable floor level for new residential development in Bermagui will remain at 3m AHD (incorporating 0.5m freeboard).

Where lots are partially impacted by flooding or have varying levels of flood risk the applicable controls for a proposed development will be determined by the location (development footprint) of the proposed building or structure, not the lot. For example, if the lot has a portion affected by flooding, but the proposed development footprint is located outside of this area, flood related development controls do not apply to the proposed development. Where different flood risk or flood planning constraint categories (FPCC) exist within a single lot, the development controls applied to the proposed development will be based on the footprint location of the structure.

Note: Council’s Policy: Flood and Sea Level Rise provides further information about the meaning of key terms used in the section.

5.8.1.1 Mainstream flooding

Development controls for mainstream flooding are applied based on the FPCC at the location of the proposed development, and the type of development proposed. Where no FPCC mapping is available, the appropriate FPCC category is applied to land as identified in Table 5.4a:

Table 5.4a: Applicable Flood Planning Constraint Categories for unmapped land

Flood planning constraint category	Where no FPCC mapping is available, development controls apply to:
FPCC1	<ul style="list-style-type: none"> • DFE* Floodway and Flood Storage • DFE H6 Hazard
FPCC2	<ul style="list-style-type: none"> • Outside of FPCC1 • 0.5% AEP Floodway • DFE H5 Hazard • Isolated areas (if known)
FPCC3	<ul style="list-style-type: none"> • Outside of FPCC2 • Within the Flood Planning Area (FPA) (DFE plus a Freeboard of 0.5m) •
FPCC4	<ul style="list-style-type: none"> • Outside of FPCC3 • Within the Probable Maximum Flood (PMF)

*DFE = Defined Flood Event

Flood related development controls for various flood risks associated with mainstream flooding and development types are set out in the following flood planning matrix:

Table 5.4b: Flood Planning Matrix

Planning Considerations	Flood Planning Constraint 1 (FPCC 1)							Flood Planning Constraint 2 (FPCC 2)							Flood Planning Constraint 3 (FPCC 3)							Flood Planning Constraint 4 (FPCC 4)																																
	Critical Uses and Facilities	Sensitive Uses and Facilities	Land Subdivision	Increasing dwelling density	Residential	Commercial and Industrial	Recreational and Non-Urban	Alterations and Additions	Critical Uses and Facilities	Sensitive Uses and Facilities	Land Subdivision	Increasing dwelling density	Residential	Commercial and Industrial	Recreational and Non-Urban	Alterations and Additions	Critical Uses and Facilities	Sensitive Uses and Facilities	Land Subdivision	Increasing dwelling density	Residential	Commercial and Industrial	Recreational and Non-Urban	Alterations and Additions	Critical Uses and Facilities	Sensitive Uses and Facilities	Land Subdivision	Increasing dwelling density	Residential	Commercial and Industrial	Recreational and Non-Urban	Alterations and Additions																						
Minimum Floor Level							A1	A4										A2	x	A2	A2	A5	A1	A4		A2																												
Minimum Ground Level							I1	I1										I2	I3	I2	I2	I2	I1	I1		I3	I2																											
Building Components							B1	B1										B2	x	B1	B1	B1	B1	B1		B2	B2	x	x	x	x	x	x	x	x	x	x																	
Structural Soundness							C2	C3										C2	x	C1	C1	C1	C2	C1		C3	C3	x	x	x	x	x	x	x	x	x																		
Flood Affection							D1	D1										D1	D1	D1	D1	D1	D2	D2		D2	D2	D1	D2	D2	D2	D2	D2	D2	D2	D2																		
Emergency Response							E3	E2										E1	E3	E1	E1	E2	E3	E2		E1	E1	E3	E2	E2	E3	E3	E3	x	x	x	x																	
Management and Design							F2	F2	F3	F3								F2	F3	F2	F2	F3	F2	F2		F2	F2	F1	F2	F2	F3	F3	F4	F2	F2	F2	F2																	
Parking and Driveway Access							H2	H4	H6	H7	H8								H1	H3	H5	H6	H7	H7		H1	x	H1	H3	H5	H6	H7		H1	H1	H1	H1	H2	H4	H6	H7	H8		H3	H3	x	x	x	x	x	x	x	x	x
	x	Not Relevant																																																				
		Unsuitable Land Use																																																				

Minimum Floor Level

A1	Floor levels will be set no lower than the 5% AEP + 0.3m Freeboard or a minimum 2m AHD whichever is higher, unless justified by site specific assessment. The applicant must demonstrate why the floor level at or higher than the requirements cannot be achieved.
A2	Floor levels will be set no lower than the DFE + 0.5m Freeboard (FPL)
A3	Floor levels will be set no lower than the DFE + 0.5m Freeboard or PMF, whichever is higher
A4	Floor levels will be as close to the DFE + 0.5m Freeboard as practical, and no lower than the existing floor level when undertaking concessional development or a minimum 2m AHD whichever is higher, unless justified by site specific assessment assessed by Council.
A5	Floor levels to be as close to the DFE + 0.3m Freeboard as practical, but no lower than the 5% AEP + 0.3m Freeboard or 2m AHD (whichever is higher). In situations where the floor level is set below the DFE + 0.3m Freeboard, a mezzanine area equal to 30% of the total floor area is to be provided, the elevation of which is to be set no lower than the DFE AEP + 0.3m Freeboard

Building Components and Method

B1	All structures will have flood compatible building components below the DFE + 0.5m Freeboard
B2	All structures will have flood compatible building components below the DFE + 0.5m Freeboard or PMF, whichever is higher

Structural Soundness

C1	An engineer's report is required to certify that any structure can withstand the forces of floodwater, debris and buoyancy up to and including the DFE + 0.5m Freeboard
C2	The applicant must demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to and including the DFE + 0.5m Freeboard, alternatively PMF (if higher than DFE + 0.5m Freeboard) if required to satisfy emergency response criteria (see below).
C3	An engineer's report is required to certify that any structure can withstand the forces of floodwater, debris and buoyancy up to and including the DFE + 0.5m Freeboard or PMF, whichever is higher

Flood Affection

D1	<p>An engineer's report is required to certify that the development will not result in a significant increase of flood risk elsewhere in the floodplain for a full range of flood events up to the 1% AEP flood event (with and without sea level rise and rainfall changes), having regard to: a) loss of flood storage, b) changes in flood levels, flows and velocities upstream, downstream and adjacent to the site, c) cumulative impact of multiple development in the vicinity. Evaluation of flood events beyond the 1% AEP event may be required dependent on scale and location of the development proposal.</p> <p>Generally, flood level increases less than 10mm may be appropriate, however consideration of an impact greater than this, or where velocities may increase, must be justified by the proponent and assessed by Council, noting that what constitutes a significant increase in flood risk will be dependent on site specific conditions.</p>
D2	The impact of the development on flooding elsewhere to be considered

Emergency Response

E1	<p>Flood free egress in a PMF event for pedestrians or vehicles is required from the building to an area of refuge above the DFE + 0.5m Freeboard or PMF (whichever is higher). Where flood free egress cannot be provided, shelter in place refuge may be considered, where suitable conditions can be satisfied. These conditions may include:</p> <ul style="list-style-type: none"> • The duration for flood inundation is less than six hours • The development is not located in an area of high-risk (e.g. floodways and H5 or H6 flood hazard areas up to the PMF) • Access to on-site systems to provide power, water services during and beyond the event for the full range of flooding • The location of storage of food, water and medical emergency for shelter in place purposes will be above the PMF level and available during and beyond the event for the full range of flooding • Shelter in place floor level is above PMF • Shelter in place provides a minimum 2m² floor space per person • Shelter in place must be structurally safe and accessible during floods up to the PMF.
E2	<p>Reliable egress for pedestrians or vehicles is required from the building to an area of refuge above the DFE + 0.5m Freeboard or PMF (whichever is higher). Reliable access refers to H1 and H2 Hazard Classifications up to and including the PMF. Where reliable egress cannot be provided, shelter in place refuge may be considered, where the suitable conditions can be satisfied. These may include:</p> <ul style="list-style-type: none"> • The duration for flood inundation is less than six hours • The development is not located in an area of high-risk (e.g., floodways and H5 or H6 flood hazard areas up to the PMF) • Access to on-site systems to provide power, water services during and beyond the event for the full range of flooding • The location of storage of food, water and medical emergency for shelter in place purposes will be above the PMF level and available during and beyond the event for the full range of flooding • Shelter in place floor level is above PMF • Shelter in place provides a minimum 2m² floor space per person • Shelter in place must be structurally safe and accessible during floods up to the PMF.
E3	<p>The development will be consistent with any relevant flood evacuation strategy or similar plan</p>
E4	<p>The applicant must demonstrate that there is rising road egress/access from all allotments internal to the subdivision (with a minimum level no lower than the DFE level) to land which lies above the DFE + 0.5m or PMF, whichever is higher.</p>

Management and Design

F1	<p>The applicant must demonstrate that the potential development resulting from a subdivision or development proposal can be undertaken in accord with the relevant flood controls</p>
F2	<p>A Flood Safe Plan (home or business or farmhouses) is required to address safety and property damage issues (including goods storage and stock management) considering the full range of flood risk</p>
F3	<p>A Site Emergency Response Flood Plan is required which considers the full range of flood risk</p>
F4	<p>No external storage of materials below the Minimum Habitable Floor Level which may cause pollution or be potentially hazardous during any flood is permitted</p>

Parking and Driveway Access

H1	The minimum ground level of open car parking spaces or carports and garages will be as high as practical, but no lower than the 5% AEP flood, 2m AHD or crest level of the road at the location where the site has access (whichever is higher).
H2	The minimum ground level of open car parking spaces, carports or garages will be as high as practical considering minimum ground level criteria below
H3	Garages or enclosed car parking, capable of accommodating more than three motor vehicles, must be protected from inundation by floods up to the DFE + 0.5m Freeboard.
H4	The driveway providing access between the road and parking space will be as high as practical and generally rising in the egress direction
H5	The level of the driveway providing access between the road and parking space will be no lower than 0.3 m below the 1% AEP flood or such that the depth of inundation during a 1% AEP flood is not greater than either the depth at the road or the depth at the car parking space. A lesser standard may be accepted for single detached dwelling houses where it can be demonstrated that risk to human life would not be compromised.
H6	Where basement carparking is proposed, the entry crest level will be as high as possible but no lower than the 1% AEP flood, 2m AHD or 300mm above the road crest level at the location where the site has access (whichever is higher). If the level of the PMF is higher than the proposed entry crest level a Flood Emergency Response Plan is required to be prepared to demonstrate how flood risk in the car park can be managed. This includes signage and access/egress for the full range of floods and may incorporate adequate flood warning.
H7	Restraints or vehicle barriers will be provided to prevent floating vehicles leaving the site during a 1% AEP flood
H8	Driveway and parking space levels will be no lower than the design ground/floor levels but greater than 2m AHD. Where this is not practical, a lower level may be considered. In these circumstances, the level is to be as high as practical, and, when undertaking concessional development, no lower than existing levels

Minimum Ground Levels (applies to land below 2m AHD)

I1	Where appropriate, the ground level of development will be as high as practical and merit based, considering the development type, design life and future groundwater, inundation and tide levels (i.e. the High High Water Spring Solstice, coastal inundation)maximum natural berm heights with sea level rise (without artificial intervention)+ Freeboard (0.3m). If permissible flood impacts cannot satisfy flood affectation criteria (see above) design alternatives must be justified by the proponent and assessed by Council
I2	The minimum ground level of the building footprint and partial frontage (between building footprint and road including access/driveway) will be greater than 2m AHD. If permissible flood impacts cannot satisfy flood affectation criteria (see above), alternative designs must be justified by the proponent and assessed by Council
I3	DFE or 2m AHD, whichever is higher

5.8.1.2 Local Overland flow

Local overland flow is inundation by local run-off on its way to a waterway, rather than overbank flow from a waterway. A waterway can include a watercourse, creek, river, lake, or dam.

Where a watercourse has been filled or piped, flooding resulting from overflows from the filled/piped watercourse is considered mainstream flooding and not local overland flow.

Local overland flow paths were identified in the Merimbula, Bega, and Eden Towamba Flood Studies and Flood Risk Management Plans. The potential presence of overland flow on a site outside these areas will need to be inferred from local topography.

Consideration must be given in any development application to the impact on overland flow paths:

- Development must not obstruct overland flow paths.
- Development applications must demonstrate that any overland flow path is maintained for the 1% AEP event.
- Where Council has undertaken overland flow modelling, floor levels for all new development, including alternations and additions, will be set 0.3m above the 1% AEP overland flow level.
- In an overland flow path, where the difference between the PMF and 1% flood level is greater than 0.3m, freeboard of 0.5m to the 1% flood applies.

A merit based approach will be undertaken when assessing development applications that affect overland flow and, where the level of risk is considered significant, the mainstream flooding development controls may also be applied.

Where Council is of the opinion that overland flow may result in high hazard flood risk (i.e. H5 or H6 Hazard Classifications) the applicant may be required to undertake a site specific Flood Impact and Risk Assessment.

5.8.1.3 Flood reports and assessments

Flood Management Report

A Flood Management Report, by a qualified professional engineer, undertaken to assess the flood risk to life and property and demonstrate how a proposed development will comply with flood planning requirements as set out in Table 5.2a and 5.4b, must be submitted with a development application for:

- Residential or commercial development on land identified within the FPCC1, FPCC2 and FPCC3 areas
- Vulnerable or critical development within any FPCC.

A formal Flood Management Report may not be required in some instances. Examples where this may apply include:

- If all proposed works are located outside the relevant FPCC extent
- First floor addition only, where the floor level is above the PMF level
- Internal works only, where habitable floor areas below the FPL are not being increased

Note that all development on flood prone land will be assessed for compliance with the DCP and LEP and may be subject to flood related development controls.

Flood impact and risk assessment

A Flood Impact and Risk Assessment (FIRA), undertaken by an appropriately qualified professional engineer, may be required by Council to support a development application when development is proposed on land that is considered to have flood risk but no existing flood study exists, or in locations where the overland flow hazard is considered high. In these cases

the FIRA would need to demonstrate that the proposed development complies with the development controls set out in Council's LEP and DCP.

Additionally, a FIRA may be required where development is proposed within the floodplain and may have adverse impacts on flood risk (e.g. an increase in flood level or hazard on an adjacent property), or to provide information and define flood behaviour and constraints where there are gaps in available information.

FIRAs must be prepared in accordance with the *NSW Flood Impact and Risk Assessment Guideline (2023)* or its update and planning levels in a FIRA must apply sea level rise benchmarks and rainfall climate change factors in accordance with Council's *Flood and Sea Level Rise Policy*.

5.8.2 Coastal Hazards

Objectives

- Manage development in the coastal zone
- Protect the environmental assets of the coast
- Protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience.

Background

This Section of the Plan provides information and requirements to prepare and assess development applications on areas at risk of coastal erosion, tidal and coastal inundation including wave overtopping, coastal lake or watercourse entrance instability, erosion and inundation of estuary foreshores, and cliff or slope instability.

Areas at risk from coastal hazards are identified in Council's adopted flood studies, coastal processes and hazards definition study and coastal management programs, catchment management plans and other coastal hazard information held by Council.

Application

This Section applies to all land within 100m of the coastline or below 3m AHD.

5.8.2.1 General Requirements

- Applicants must have regard to the provisions of Clause 6.4 of the LEP.
- Building or works will be engineered to withstand current and projected coastal hazards for the design life of the building or works.
- Measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.
- Development incorporates appropriate measures to manage risk to life and public safety from coastal hazards.
- Development does not reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development.

5.8.3 Contaminated Land

Objective

- Safeguard and improve the quality of public and environmental health by ensuring that any land contamination issues are resolved early in the planning process.

Application

This Section applies to any development in the Shire where a previous use has resulted in potential land contamination issues.

5.8.3.1 Requirements

- Development will only be approved on land where Council has made an assessment of any land contamination that may have resulted from a previous use.
- Where contamination is identified, remediation will be undertaken in accordance with the Managing Land Contamination Planning Guidelines, SEPP55 – Remediation of Land and the Contaminated Land Management Act 1997 and a Verification Report provided to Council.

5.8.4 Bushfire Prone Land

Objective

- Help mitigate the impact of bush fire on buildings and the community within the Bega Valley Shire.

Application

This Section applies to the land shown as bushfire prone on Council's Bushfire Prone Land Map.

5.8.4.1 Requirements

- Consent will not be granted to the subdivision of land or the erection of a building on land which is subject to bushfire hazards unless Council is satisfied that the requirements of NSW Rural Fire Service's *Planning for Bushfire Protection 2006* and the provisions of the Building Code of Australia AS3959 Construction of Buildings in Bushfire Prone Areas have been addressed.
- Additional requirements for asset protection zones are outlined in Section 5.10.1.4.

5.8.5 Climate Change

Objectives

- Provide information on the impact of climate change related to housing design

Background

This Plan recognises that climate change will become an increasingly relevant issue for housing design in coming years. As new homes will be affected by climate change within their normal expected lifetime, it is timely for new home owners to consider the potential consequences of climate change in designing their new homes. This will be particularly relevant if people

anticipate remaining in their new homes over the next 20 years or more during which time the impacts of a changing climate are likely to be more noticeable.

Application

This Section applies to all residential development in the Shire.

5.8.5.1 Guidelines

Council recognises the likely impacts of climate change including; increased hot days, increased severe weather, more extreme droughts and floods and storm surges.

Council is not yet in a position to determine what land may be impacted by sea level rise, coastal processes, flooding and rising water table, or impacts of higher temperatures, possibility of bushfire events. Until the required investigations and studies are completed, this Plan recommends that people building new homes in any low lying area near the coast or a waterway, or in the more remote and vegetated areas should exercise caution and discretion in commissioning designs for new homes and design and construct development to ensure environmentally sustainable buildings that can more easily cope with climate change over time.

In some locations as knowledge is improved, climate change impacts may require mandatory controls to be applied.

The introduction of the carbon tax and a growing awareness of gasses that impact on climate change will increase the costs of carbon rich goods and services, particularly the cost of energy from non-renewable resources and new building materials. This plan includes requirements and guidelines to enable small scale renewable energy generation and reduce energy consumption as well as encourage the reuse of building materials.

Note: Council acknowledges the [Kiama Development Control Plan 2012 Chapter 2 Section 3](#) as a reference for this Section of the Plan.

5.9 Off-street Car and Bicycle Parking

Objectives

- Determine the number of off-street parking spaces provided on the site to alleviate undue congestion in adjacent streets.
- Provide secure and accessible parking on site to meet the needs of residents and visitors.

Application

This Section applies to any development in the Shire where there is a change proposed for the parking arrangements of the land.

5.9.1 General requirements

- Development applications of a traffic generating nature may be referred to the relevant Traffic Authorities. Council may determine parking requirements for such developments with due regard to the representations made by these authorities.
- Where off-street parking for business or industrial developments cannot be provided in accordance with this Section, Council may accept a financial contribution instead in accordance with Council's Planning Agreements Policy.
- Any car parking matters not considered in this Section will be provided in accordance with "Guide to Traffic Generating Developments" from the New South Wales Government's Roads and Maritime Services.
- Parking spaces must be designed in accordance with Australian Standards 2890.1 and 2890.2 for the 99th percentile vehicle.
- The minimum vertical clearance for car parking areas is 2.3m. A larger vertical clearance may be required for the provisions of delivery or other vehicles.
- Bicycle parking facilities will be designed in accordance with Australian Standard 2890.3 1993.

5.9.2 Specific requirements – development types

5.9.2.1 Residential development

- All parking will be provided on-site.
- The design of driveways and parking areas will minimise the visual impact of hard paved areas when viewed from public streets and places.

5.9.2.2 Dual occupancy and multi dwelling housing

- Where vehicular access is provided to the rear of a site or over an existing right of carriageway or proposed right of access, parking areas in multi dwelling housing developments will be designed so that all vehicles enter and leave the subject land in a forward direction.
- Long straight driveways are to be avoided.
- The use of pavers or stamped concrete or other alternate surface materials including gravel with appropriate and sustainable drainage is encouraged as part of an alternative design approach.

5.9.2.3 Residential flat buildings

- Stacked parking may be considered but only where more than one car parking space is required per dwelling.
- No car parking is to be provided within the front setback.
- Parking areas will be designed so that all vehicles enter and leave the subject land in a forward direction.
- Car parking areas are to be well lit and visible to allow for surveillance.
- Bicycle storage facilities are to be provided in a convenient location and be clearly visible and accessible to pedestrian entries to encourage use.

5.9.2.4 Commercial developments

- Of the car parking spaces required, 1 per 25 must be accessible car parking spaces in accordance with the Australian Standard 2890.6, with a minimum of one accessible car parking space per development
- In developments requiring 50 or more car parking spaces, of the car parking spaces required, 3 in 50 car spaces are to be designated for seniors, and 2 in 50 car parking spaces for parents with prams.
- Parking spaces designated for accessible car parking, seniors and parents with prams shall be located as near as possible to the main accessible entrance of the building and linked to the development by an accessible path of travel.
- Pedestrian flow in car parking areas will be an integral part of the design and pedestrians must be separated from vehicular traffic wherever possible. Use of lighting must be considered where night use is involved. Parking will be located on the site of the development in places where readily accessible to principal staff and/or customer entrances and will not be located within any setback area to a street.
- In developments requiring 50 or more car parking spaces, car parks will be designed to be user friendly and attractive with pedestrian pathways and landscaping elements integrated into the design.
- Car parking may not be accessed directly from Carp Street in Bega, Market Street in Merimbula, or Lamont Street in Bermagui.
- Where rear laneway or alternative access to allotments facing Carp Street in Bega, Market Street in Merimbula or Lamont Street in Bermagui cannot be achieved, Council will consider negotiating a planning agreement to enable a payment in lieu of the provision of the on-site parking required for retail and commercial floor space in the development in accordance with Council's Planning Agreements Policy.
- All car parking for residential floor space in mixed use developments must be provided on-site and no payment for these spaces will be accepted.
- Council may accept car parking on adjoining or nearby land owned by the applicant provided that the adjoining or nearby land is:
 - appropriately zoned; and

- consolidated with lands the subject of the development, or a restriction to user placed on nearby land to tie the land to the development; and
- the parking provided is of equal benefit as if it were on the development site.
- Visitor spaces will be clearly marked and will not be used for stacked parking.
- The layout of parking areas will be designed so that parking spaces remain available and accessible. Residents must always have unrestricted access to designated parking areas.

5.9.3 Calculating the required number of car parking spaces

- The number of off-street parking spaces to be provided on-site for specified land use is set out in Table 5.5. Council will determine a requirement for uses not referred to in the table according to the “Guide to Traffic Generating Developments” from the New South Wales Government’s Roads and Maritime Services or, if not specified, assessed on the merits of the case.
- All development applications will contain a calculation plan that maps and shows the area in m² of each section of the gross floor area.
- Where it can be demonstrated that in mixed use developments the time of a peak demand for the various facilities do not coincide, Council will consider a reduction from the requirements for the individual uses assessed separately.
- Requests to vary car parking requirements for commercial uses will be considered where the proposed land use activates a town centre outside of 9am-5pm Monday-Friday business hours.
- Depending on land use type, parking for delivery/service vehicles, courier vehicles, bicycles, buses, taxis may also be required.
- For mixed use developments the number of car and bicycle parking spaces must be calculated on the basis of each separate use, e.g., shops with housing above would be calculated on the basis of the number of dwellings and gross floor area.
- Calculations must be rounded upwards to the nearest whole number e.g., if the calculation determines that 2.3 spaces are required then 3 spaces would be required.
- Where the nature of the development requires the preparation of a parking study, the applicant will be required to review the parking demands of a similar development in a similar location as a basis for establishing the likely parking demands for the proposed development.

5.9.3.1 Car parking requirements for alterations to and replacement of existing developments

- An existing building that is proposed to be altered, extended or remodelled, with or without change of land use, may be required to comply with the provisions of this Section.
- Council will determine the extent of additional parking provisions required in each case, having regard to the extent of the alteration, extensions and/or remodelling and the nature of the altered land use.

- Council will calculate the new gross parking requirement of the development based on the proposed uses; however, additional spaces will not be required for existing lawful development in accordance with Table 5.4:

Existing development type	Parking spaces considered to have already been provided
Residential accommodation	1 parking space per dwelling
All other development: ground floor	1 parking space per 25m ² of gross floor area
All other development: above ground floor	1 parking space per 40m ² of gross floor area

Table 5.4: Car parking requirements for alterations to existing developments and replacement of existing developments.

- For the purposes of this Clause, “existing” means a lawful development in existence as of the date of lodgement of the application, or a lawful development demolished with the formal development approval of the Council, or where the existing lawful development was destroyed or damaged by accidental occurrence of fire, flood or such like.
- Where a development has previously paid contributions for car parking Council will recognise the number of spaces paid.
- Where an application proposes a major redevelopment of 2,000m² or greater, Council will require a detailed traffic and parking study to accompany the application to analyse the impacts on car parking of the site before redevelopment and after.
- In the case of heritage listed items or development with benefits for the public, Council may consider lesser car parking requirements in any application.

Car and bicycle parking requirements

1) Residential land uses

Land use		Car / bicycle parking requirements
Dwelling house, Dual occupancy, Attached dwelling, Semi-detached dwelling	1-2 bedroom	1 parking space per dwelling
	3+ bedroom	2 parking spaces per dwelling
Secondary Dwelling		No additional parking required
Boarding house, Group home, Co-living housing		In accordance with the relevant State Environmental Planning Policy 1 bicycle storage space per bedroom
Seniors housing		In accordance with the relevant State Environmental Planning Policy
Multi dwelling housing, Residential flat buildings and Shop top housing in and within 600 metres walking distance of B2 zones in Bega, Merimbula, Eden via a Council road or pathway	1-2 bedroom	1 parking space per dwelling 1 bicycle storage space per dwelling
	3 bedroom	1.5 parking spaces per dwelling 1 bicycle storage space per dwelling
	4+bedroom	2 parking spaces per dwelling 1 bicycle storage space per dwelling

Land use	Car / bicycle parking requirements	
	Visitor parking	1 visitor space for every 5 dwellings or part thereof
All other Multi dwelling housing, Residential flat buildings and Shop top housing	1 bedroom	1 parking space per dwelling 1 bicycle storage space per dwelling
	2 bedroom	1 parking space per dwelling plus 1 additional parking space per 5 dwellings 1 bicycle storage space per dwelling
	3+bedroom	2 parking spaces per dwelling plus 1 additional parking space per 5 dwellings 1 bicycle storage space per dwelling
	Visitor parking	1 visitor space for every 5 dwellings or part thereof

2) Commercial land uses

Land use	Car / bicycle parking requirements	
Business and Office Premises, Shops		1 parking space per 25m ² gross floor area ground floor, 1 parking space per 40 m ² gross floor area above ground floor except for retail which will be 1 space for 25m ² 1 bicycle storage space per 200m ² of gross floor area for development or redevelopment of over 1000m ² of total floor space 1 recharge point for scooters and e-bikes for developments over 1,000m ² gross floor area 1 adaptable power plug and designated parking space for electric vehicles for developments over 1,000m ² gross floor area
Restaurant or café, Small bar, Artisan food and drink premises, Take away food and drink premises, Entertainment facilities		1 parking space per 25m ² gross floor area
Garden centre, Hardware and building supplies, Plant Nurseries, Rural Supplies, Specialised retail premises, Timber yards		1 parking space per 50m ² gross floor area
All other Heavy, Light or General industry	General	1 space per 100m ² gross floor area with a minimum of 3 spaces per premise
	Multiple occupancy	1 parking space per 50m ² gross floor area with a minimum of 3 parking spaces per occupant
Function centre		1 parking space per 4m ² of assembly area or 1 parking space per 10 seats, whichever is greater
Service station, Highway Service Centre, Vehicle body repair workshop, Vehicle repair station	Repair	6 parking spaces per bay
	Retail	1 parking space per 25m ² gross floor area
	Restaurants	1 parking space per 10m ² gross floor area

Land use	Car / bicycle parking requirements
Registered club, Pub	<p>1 parking space per 10m² of public area for auditoriums/function room/beer garden</p> <p>1 parking space per 30m² gross floor area for Dining.</p> <p>1 parking space per 4m² public area of a Bar/Lounge</p> <p>1 parking space per 4m² public area for Gaming (net of fixtures)</p> <p>Bicycle parking to be assessed on merit</p> <p>Notes:</p> <p>*Provision must be made for emergency vehicles i.e., ambulance, police, fire, to gain ready access to club.</p> <p>*Provision must be included for courtesy bus parking.</p> <p>*Assessment of car parking requirements for registered clubs and related licensed premises will be open to a merit review by Council and discount below code where pooling of uses within the club or licensed premises can be shown and where the premises proposes to provide a formal and regular bus service for patrons to Council's satisfaction.</p>

3) Health, Education and Recreation land uses

Land use	Car / bicycle parking requirements						
Centre based child care, school based child care	<p>1 parking space per every 8 children in attendance</p> <p>Provision of a safe set-down and pick-up area is to be provided. If this is provided on site, consideration must be given to the safe ingress and egress as well as manoeuvring of vehicles on the site.</p>						
School	<p>1 parking space per 10 students in year 12</p> <p>1 parking space per 30 students for visitors</p> <p>1 parking space per 20 students for staff parking</p> <p>1 bicycle storage space per 20 employees</p> <p>1 bicycle storage space per 10 full time students</p>						
Other educational establishments	<p>1 parking space per employee</p> <p>1 parking space per 10 students</p> <p>1 parking space per 10 seats in assembly hall</p> <p>1 bicycle storage space per 20 employees</p> <p>1 bicycle storage space per 10 full time students</p>						
Health consulting rooms, Medical centre	<table border="1"> <thead> <tr> <th>Zone</th> <th>Requirements</th> </tr> </thead> <tbody> <tr> <td>B2 and B4 zones</td> <td>1 parking space per 25m² gross floor area</td> </tr> <tr> <td>All other zones</td> <td>3 parking spaces per professional consulting room</td> </tr> </tbody> </table>	Zone	Requirements	B2 and B4 zones	1 parking space per 25m ² gross floor area	All other zones	3 parking spaces per professional consulting room
Zone	Requirements						
B2 and B4 zones	1 parking space per 25m ² gross floor area						
All other zones	3 parking spaces per professional consulting room						
Information and education facility	Assessed on merit. As a minimum 1 space per staff member						
Community facility, Recreation facilities (indoor)	1 parking space per 25m ² gross floor area						

4) Tourist and Visitor Accommodation land uses

Land use		Car / bicycle parking requirements
Hotel or motel accommodation	Accommodation	1 parking space per unit 1 parking space per 10 units for employees
	Restaurant	1 parking space per 25m ² gross floor area
	Function room	1 parking space per 5 seats
Bed and breakfast accommodation		1 parking space per guest bedroom 1 resident parking space
Serviced apartment		1 parking space per unit 1 parking space per 10 units for employees
Caravan Park		1 parking space per van site 1 visitor parking space per 10 sites

Table 5.5: Car and bicycle parking requirements

5.10 Subdivision Standards

Objectives

- Ensure that land is subdivided and developed in accordance with the principles of ecologically sustainable development.
- Facilitate development that is integrated with the landscape while ensuring the conservation of identified ecological, scenic and cultural values.
- Ensure new subdivisions provide for housing diversity and the housing needs of the community.

Application

This Section applies to all land in the Bega Valley Shire. The standards contained within this plan apply to subdivision developments including land subdivisions, Strata Title subdivisions and Community Title subdivisions.

Related Policy

State Environmental Planning Policy (Major Projects) sets out additional requirements for subdivisions within the Coastal Zone as defined under the Coastal Protection Act 1979. In some cases subdivisions may be classified as State Significant Development so that the Minister of Planning is the consent authority, or Regionally Significant Development so that the Joint Regional Planning Panel is the consent authority.

The clearing of native vegetation on rural and rural residential lands is subject to the Native Vegetation Act 2003. Applicants must contact the Southern Rivers Catchment Management Authority prior to lodgement of a development application.

A subdivision of bushfire prone land to create lots for residential or rural residential purposes is integrated development which requires both development consent and approval under the Rural Fires Act 1997 for the development to be carried out.

Various sites throughout the Bega Valley Shire may contain the habitat of threatened species or as defined under the Threatened Species Conservation Act, 1995.

State Environmental Planning Policy No. 44 – Koala Habitat Protection requires an assessment of potential impact of development on koala habitat for applications for development of land holdings of 1.0 hectare or more.

The required standards for the design and construction of subdivision works are set out in the following documents: BVSC Development Design Specification and BVSC Development Construction Specification.

5.10.1 General Requirements

5.10.1.1 Access and servicing

- Minimum development standards for subdivision requiring development consent are contained in Clauses 4.1, 4.1A-C, 4.2, 4.2A-B of the LEP, including the Lot Size Map.

- Each lot in every subdivision must be provided with an appropriate standard of legal and practical vehicular access and access to an appropriate standard of public utility services and drainage as set out in this plan.
- Legal access will extend between each lot and a Council controlled public road or State Highway. Legal access may include Council public roads, rights of carriageway, rights of access, easements for access or some combination of these.
- Council will only allow the creation of lot(s) relying upon private roads for access where it is demonstrated that the lot(s) enjoy a legal right to use those roads in perpetuity.
- Direct access to a classified road is not permitted where access is practicable via an alternative road.
- Practical access to each lot must be wholly contained within the legal access.

5.10.1.2 Subdivisions across zone boundaries

- In general it is preferred that new allotment boundaries be designed to follow the zone boundaries resulting in lots that are contained within only one zone.
- In some circumstances it may be appropriate to create allotments that contain land in more than one zone. Where allotments are created containing land in more than one zone the proposal must be assessed against the development standards and objectives applying to each zone and Council must be satisfied that the intended use of the resulting allotments conforms to the requirements of the LEP and all other relevant provisions of this plan.

5.10.1.3 Public reserve dedications

- Early consultation with Council is encouraged in the planning of subdivisions involving public reserve dedications, so that the reserve areas provide benefit to the occupants of the subdivision and the community in general. Council will not accept the dedication of land that does not provide significant benefit to the subdivision and the community.
- The requirement for public reserve dedications will be specified in the conditions of the development consent relating to the proposed subdivision.

5.10.1.4 Hazards

- The design of subdivisions must take account of environmental hazards such as flooding, bushfire protection, coastal hazards, dunal migration, steep slopes, and soil erosion potential for landslip and site contamination. Refer to Section 5.8 for additional information.
- The state government publication “Planning for Bushfire Protection” must be consulted in regard to site suitability and appropriate protection measures.
- All proposed bushfire Asset Protection Zones must be achieved within the property to be subdivided and be incorporated into affected lots. Asset Protection Zones may not be accepted on neighbouring properties, existing Council Reserves, other public lands or in reserves proposed to be dedicated through the subdivision

- In assessing subdivision proposals, it may be necessary for applicants to provide Council with technical reports from suitably qualified professional persons addressing site hazards. These reports will be prepared at the cost of the developer.

5.10.1.5 *Threatened species, significant and Endangered Ecological Communities*

- Subdivisions must be designed to avoid impacts on threatened species, significant and endangered ecological communities and their habitats.
- Council may require an applicant for subdivision to submit a report from a suitably qualified consultant where the initial assessment of a development application does not allow Council to be confident that the proposal is not likely to have an adverse impact on threatened species, significant and endangered ecological communities and their habitats. This will generally apply to lots proposed in E zones or areas included in the Natural Resource – Biodiversity or Water and Wetlands Maps of the LEP.
- Where there is insufficient information available to Council to justify a conclusion that a development will not have a significant impact, the precautionary principle requires that Council not grant consent to that development.
- All costs in the preparation of site assessments in regard to threatened species, significant and Endangered Ecological Communities and their habitats will be borne by the proponents of the developments.

5.10.1.6 *Riparian areas, estuaries and wetlands*

- The NSW Office of Water provides for the protection and/or estimation of individual water courses and their vegetated buffer zones based on watercourse order as classified under the Strahler System. The riparian areas of the Shire have been described and mapped into three categories of protection with Core Riparian Zone widths from 10 to 40m from the top of the bank according to their relative importance within the catchment.
- Applications for subdivisions adjoining riparian areas will identify the appropriate Core Riparian Zone and vegetated buffer along the water course and may be required to carry out rehabilitation works such as erosion control, fencing and planting necessary to meet objectives of the buffer. The Southern Rivers Catchment Management Authority may provide advice to Council on subdivision applications adjoining riparian areas.
- Where wetlands are attached to the main waterway they are considered to be part of the waterway and appropriate riparian buffers will be extended from the edge of the wetland. Buffers to disconnected wetlands will be treated on the merit of their relative importance in the catchment.
- Subdivisions adjacent to or in the immediate catchment of an estuary and wetland need to ensure that the maintenance or enhancement of the ecological and hydrological health of the estuary and wetland is a primary consideration in planning and design of the subdivision.
- Applications for urban subdivisions adjoining estuarine areas may require accompanying stormwater modelling studies and may need to demonstrate a 'no net increase' in pollutants and limitations on volumetric runoff.

- Bega Valley Shire has Estuary Management Plans for Wallaga Lake, Merimbula and Back Lakes, Lake Curralo, Wonboyn Lake and the Bega River. These documents must be referenced by applicants if the proposed subdivision falls within the immediate catchment of the estuary or wetland.

5.10.1.7 Weeds

- Development consents for the subdivision of land affected by infestations of weeds proclaimed under the Noxious Weeds Act 1993 will include conditions requiring action to be taken to control weeds to the satisfaction of Council as a condition of approval.
- Owners of land affected by Noxious Weeds must consult with Council's Noxious Weeds Manager as part of the planning for any subdivision. Early attention to controlling weeds is recommended, as effective treatment of weeds can take significant time and may result in delays in the endorsement of Subdivision Certificates.

5.10.1.8 Energy efficient design

- Residential subdivisions will be designed to provide allotments that permit future housing to be designed to optimise solar orientation, generally so that living areas in houses can be oriented towards the north.
- Residential lots will have their larger dimension oriented east-west, and their shorter dimension north-south, with due regard to the terrain. Lots on south facing slopes must be larger to improve opportunities for solar access.
- The orientation of roads influences the potential to achieve good solar access to lots. It is preferable to align roads generally north-south or east-west, so that north-south roads are aligned within 20 degrees west and 30 degrees east of true north, and east-west roads are aligned within 20 degrees north and 30 degrees south of due east.
- Urban subdivisions must generally be designed to minimise reliance on private motor vehicles and must make provision for public transport, pedestrian pathways and bicycle use.

5.10.1.9 Neighbourhood design – infill development

- Subdivisions of land in currently developed areas must take account of the pattern of surrounding development so that the resulting development is compatible with its surroundings. Consideration must be given to issues of privacy, overshadowing, potential noise impacts and servicing.
- Subdivision and the development consequences arising from subdivision will not compromise the curtilage or setting of significant heritage places.

5.10.1.10 Neighbourhood design – greenfield development

- The design of urban release areas must provide for an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.
- Urban release areas will include a network of passive and active recreational areas.

5.10.1.11 Neighbourhood design – integrating small lots

- For the purposes of this section, small lots are lots smaller than the mapped minimum lot size and narrow lots are lots with a width less than 15m.
- Narrow lots shall be located on north-south streets with the long axis running east-west to ensure optimum solar access.
- When it is necessary for small lots to be located with the long axis running north-south they shall be located on the south side of the block to ensure the private open space receives good solar access to the north.
- Small lots on south-facing land must nominate a building footprint that demonstrates adequate solar access for the lot and adjoining lots in mid winter (June 21).
- Small lots can be front loaded or rear loaded (from a laneway).
- Narrow lots shall be interspersed through larger lots to reduce the impact of driveways on streetscape. The maximum number of narrow lots in a cluster is six (in the same street) with a minimum 50m gap before the next cluster of narrow lots.
- Small lots between 350-450 sqm shall be located close to areas of high amenity such as open space, shops or public transport, where such services are available.
- Location of small lots in cul de sac bulbs is not acceptable.
- Services and easements are better located on larger lots.

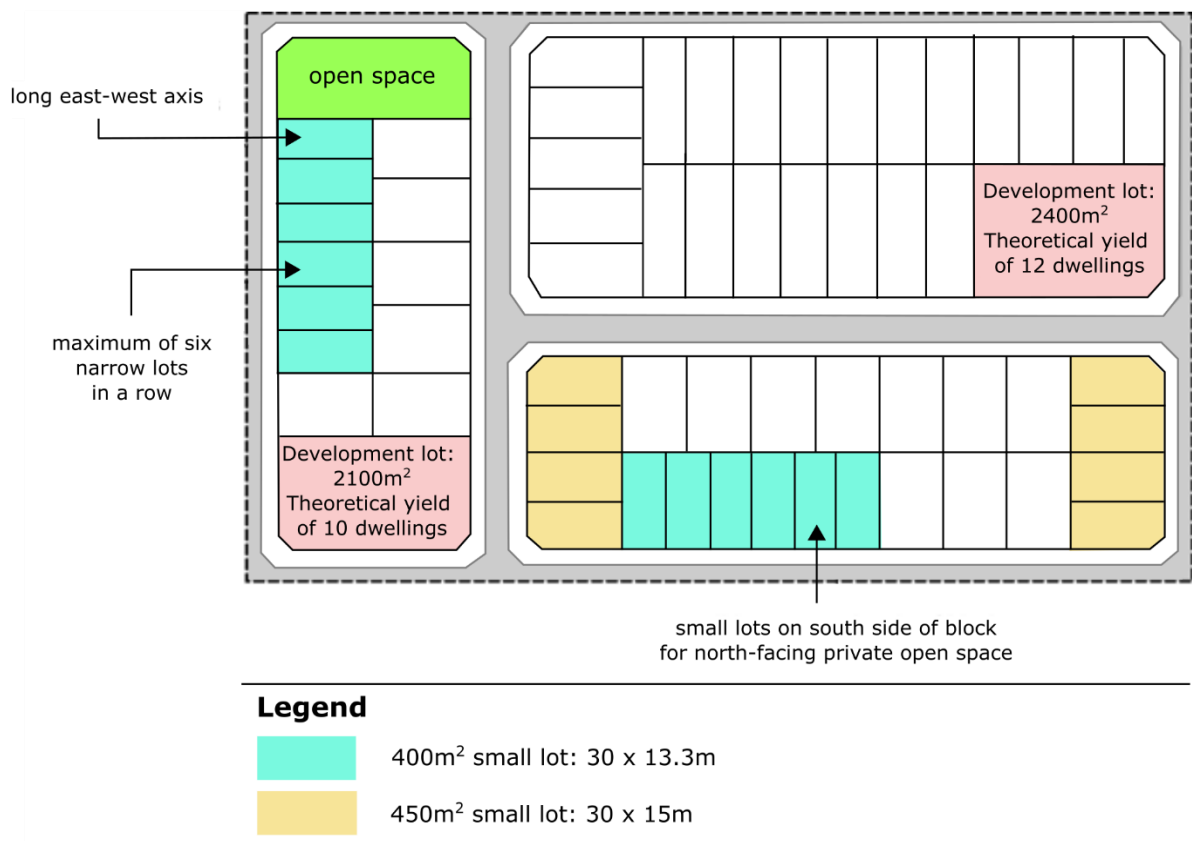


Figure 5.6: Example – integrating small lots

5.10.1.12 Subdivisions involving buildings

- Where land containing buildings is subdivided, the subdivision must be designed so that the relationships between buildings and boundaries conform to all relevant provisions of the Building Code of Australia. Particular attention is required to setback distances from boundaries and fire resistance ratings of building elements within 3m of boundaries.

5.10.2 Specific requirements - development type

5.10.2.1 Rural and Rural Residential Subdivisions

This Section applies to land in zones R5, E3, E4, RU1 RU2 and RU4.

- Subdivision must be designed to contain new structures and major infrastructure and any asset protection within cleared land.
- Where any lot is intended to have the potential for the erection of a dwelling, the lot must identify at least one site which is suitable for a house site.
- Subdivision design will have regard to the requirements of Section 4.2.1 regarding land use conflict.
- A maximum of 4 allotments in a rural residential subdivision will be serviced via battle axe configuration. The battle axe handle may not be used for access to other lots.
- The maximum number of lots that can be serviced by a right of access or right of carriageway is four. This includes existing and proposed lots using the same physical access.
- A restrictive covenant pursuant to Section 88B of the Conveyancing Act 1919 will be established on any agricultural lot less than the lot size area specified in the LEP Lot Size Map, prohibiting the erection of a dwelling house on that land. Bega Valley Shire Council will be nominated as having the sole authority to release, vary or modify this covenant.
- All applications proposing the creation of agricultural allotments will require the submission of an agronomists report to demonstrate that the allotment can operate as a standard alone agricultural enterprise. Such applications will be referred to the Department of Primary Industries.

5.10.2.2 Residential, village and subdivisions

This Section applies to land in zones R2 Low Density Residential, R3 Medium Density Residential and RU5 Village zones.

- a. Subdivision must be designed to contain new structures and major infrastructure and any asset protection within cleared land.
- b. Subdivision design must incorporate a range of lot sizes that reflect the diversity of residential land uses that are able to be undertaken in the zone.
- c. Where multi dwelling housing and/or residential flat buildings are permitted in the zone, land subdivisions of 1ha or more will create larger development lots of no less than 2,000m² to cater for these land uses, with a theoretical yield of 1 dwelling per 200m². Development lots shall be: sited on land suitable for multi dwelling housing in relation to slope and sunlight access; provided with two-street access with feasible internal

connectivity; and serviced with adequate electricity, telecommunications, water, sewerage and stormwater drainage infrastructure in accordance with the theoretical yield.

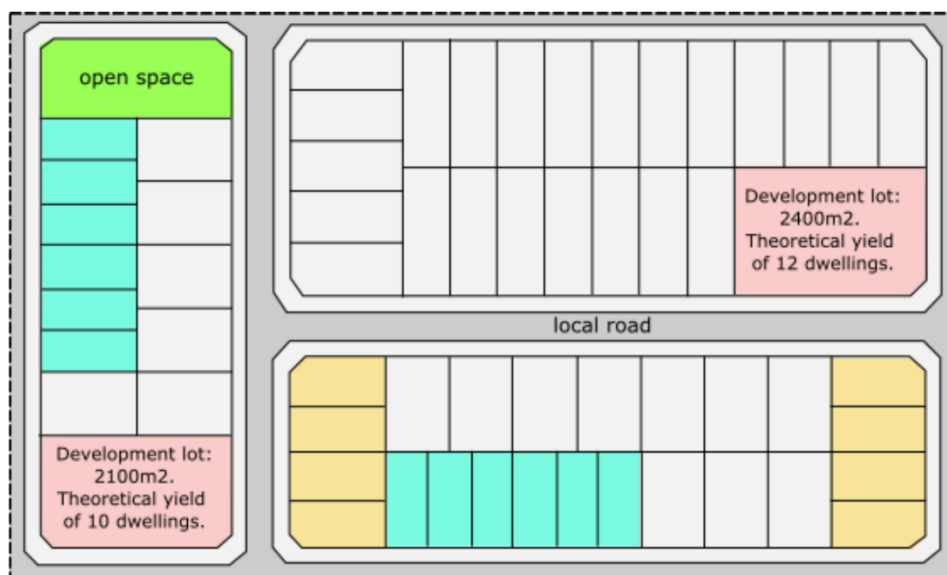
- d. Subdivision development yields will respond to the site constraints, however, as a guide the densities detailed in Table 5.7 are desirable. *Note: the provision of development lots may be necessary to achieve the target density for the zone.*

Zone	Target Density (dwellings per hectare)
R2 Low Density Residential	15
R3 Medium Density Residential	35
RU5 Village	10

Table 5.7: Desirable minimum dwelling density targets by zone

Note: for the purpose of calculating the anticipated dwellings per hectare density, lots smaller than 2,000m² will count as one dwelling

- e. New development lots created under this part will have a covenant placed on the title identifying the land as a development lot for the purposes of this part and restricting development on the land to multi dwelling housing or residential flat buildings as permitted in the zone.



Plan colour	Lot dimensions	Lot type	Yield	Percent	
	30 x 13.3m	small lot (399m ²)	12	19.7%	} small lots make up 32.8% of total lot yield
	30 x 15m	small lot (450m ²)	8	13.1%	
	variable	development lot	2	3.2%	
	30 x 20m	standard	16	26.2%	
	40 x 15-16m	standard	23	37.7%	

Study Boundary	Lot Yield	Dwelling Yield (anticipated)	Density
5.25ha (excl. open space)	61 lots	83 dwellings	15.8 dwellings/ha

Figure 5.8: Example - calculating site density

- In any subdivision of a multiple dwelling development, each lot or strata dwelling lot must have suitable legal and practical access, separate water, sewerage, drainage, electricity and telecommunications services and car parking spaces.
- Battle axe lots must be designed to allow suitable separation between dwellings to provide reasonable residential amenity, privacy and solar access.
- Battle axe allotments are not generally desirable in R3 and SP3 zones as they are not suited to multi dwelling housing, residential flat development and tourist style development. Battle axe lots in these zones will only be accepted where the access corridor is suitable to become a road in a later subdivision (i.e. suitable width and gradient) or the subdivision forms part of the staging of such development over the whole site.

- Table 5.9 sets out minimum lot dimensions to locate infrastructure services so that the future development potential of the allotment is not unduly restricted.
- Each proposed lot in the R2, R3 and RU5 zones where possible should have sufficient dimensions and area to contain a building envelope with the long axis aligned within 20 degrees of east-west, while maintaining normal minimum building setbacks from all boundaries.

Note: The purpose of this requirement is to ensure that houses can be aligned to achieve good solar access.

Allotment type		R2	R3	R2 and RU5 without Sewerage	RU5 zoned villages with Sewerage
Corner allotments	Minimum boundary width	15m	25m	-	-
Battle axe allotments	Minimum width at building site (and effluent disposal area if applicable)	20m	-	30m	20m
Other allotments	Minimum width at building line (and effluent disposal area if applicable)	15m	-	30m	15m
	Minimum depth	25m	-	-	25m
Small lots (lots between 350-550m ²)	Minimum width at building line	12.6m	-	-	-
	Minimum depth	25m	-	-	-

Table 5.9: Minimum allotment dimensions in R2, R3 and RU5 zones

5.10.2.3 Commercial and Industrial Subdivisions

This Section applies to land in zones B1, B2, B4, IN1 and IN2

- Subdivision of land for industrial and commercial uses must create allotments that are suitable for the intended use. Particular attention is required to issues of access, car parking, loading facilities, waste management and fire protection measures as specified in the Building Code of Australia and public utility servicing.
- The design of industrial estates must not include areas of public reserve or drainage reserves or other areas likely to accumulate rubbish or waste.

5.11 Signage and Advertising

Objective

- Ensure that the design and location of signage complements the development on which it is displayed and the amenity and character of the surrounding area.

Application

This plan applies to all land in the Bega Valley Shire.

5.11.1 General Requirements

5.11.1.1 Amenity

- Signage must be planned and integrated to avoid the appearance of clutter, add-ons and afterthoughts. Where there is more than one shop or business within a building, signs must be coordinated in height, shape, size and colour.
- Materials, colours and placement of signage must be compatible with the existing building and streetscape.
- Projecting wall signs obscure the view of neighbouring buildings and dominate the streetscape and are therefore not permitted.
- Above awning signage can conflict with the architectural characteristics of the building and is not permitted except where the design of the building incorporates an advertising panel.
- Signage must be located on the land to which they refer. Pole and pylon signs will be considered where building setbacks make them appropriate.
- The use of corporate colours as advertising will be limited to an appropriate section of a building façade and not dominate the streetscape.
- Colour schemes are to be compatible with the character of the adjoining and nearby buildings in the surrounding area.
- When a change of use takes place, the signage of the outgoing occupant must be removed. The exception is where significant signs are fixed to and part of the building and recognisable as part of an historic building.
- Signage will be maintained in good structural condition, kept clean, neatly painted and be of a professional standard of design and finish.

5.11.1.2 Illuminated Signs

- Illuminated signs are not to detract from the architecture of the host building throughout the daylight hours.
- Flashing or intermittently illuminated signs are not permitted.
- All luminaries used to externally illuminate advertising signs will be top mounted and directed downwards.
- Where there is potential for light spill to adjoining properties, all illuminated signage will be fitted with a timer switch to ensure that its illumination is extinguished when the relevant business is not trading.
- Where it is essential for business to be operating after 11.00pm, dimmer switches may be required to reduce the potential impact on adjoining properties.

5.11.1.3 Bulk, scale, shape and size

- Signage must conform to the desired future character of the area and not dominate the streetscape or view.
- Signage must complement the character, architectural design and period of construction of the building and surrounding buildings.
- Signage must be clear, simple and concise. In some instances, graphic symbols may be more effective than words.
- Signage will not extend beyond the dimensions of the building (or features they are mounted on in terms of width or length e.g. awning fascia).
- Not more than 40% of any wall surface visible from a public place or reserve will be covered by signage.
- At least 50% of front windows will remain uncovered by signage (including lifestyle signage).
- Designated signage panels must be allocated to each tenancy on the façade of all new buildings. Such panels must be appropriately sized and placed to compliment the architectural features of the building.
- The shape of the signage can be varied to create a distinctive image, however, care is needed to ensure larger signage fit rather than dominate their surroundings.

5.11.1.4 Number of Signs

- On commercial buildings the total number of signs, including those signs which have been identified as exempt development, will not exceed 5 per site. Of these 5 signs, a maximum of 4 are permitted at ground level or on the ground floor façade of the building, and 1 on the upper storey façade of the building.
- Single occupant industrial buildings are permitted 1 freestanding sign within the landscaped area of the site and 1 façade sign, located no higher than the building roof line.
- For multi-tenancy industrial sites, a directory board located near the entry to the development or within the landscaped area of the site is permitted, indicating the product or service offered and each occupant of the site. In addition 1 façade sign per tenancy is permitted, not exceeding 1.2m x 0.6m, of uniform size, shape and construction, in a position common to all units and no higher than the roofline.

Note: Fewer signs are encouraged with the interests of reducing clutter, improving amenity and improving sign efficiency. With too many signs the message is lost in the clutter.

5.11.1.5 Colour, lettering and style for heritage buildings

- Colours, lettering and style must be appropriate to the historic period of the building. Council's Heritage Advisor is available to provide advice during the design process and may be consulted by Council during the assessment of the development application.
- Early commercial buildings were often designed to incorporate signage and, where possible, signage must be located in the position provided. Care must be taken to ensure that signage does not obscure architectural features of the building.

- Dark or muted colours are preferred e.g. maroon, dark green, terracotta, brown, charcoal and highlighted creams with pinks, ochres, or earth tones. Primary colours must only be used sparingly.
- Traditional sign materials such as painted work and flat metal panels must be used rather than materials, like plastic, three dimensional or bas relief metal, Styrofoam and similar moulded synthetic materials, reflective and opalescent paints. Lighting must be recessed or concealed spotlighting.

5.11.1.6 Safety

- Signage must be designed and located so that they do not obscure driver's views of other cars, pedestrians, traffic signals and signage.
- Signage must not resemble road signs in colour, shape layout or wording in any way that may confuse motorists.
- Signs and their supporting structures need to be designed, constructed and maintained so that they are secure and safe. Suspended signage attached to existing awnings will require certification from a suitably qualified engineer.
- Variable message signs must comply with the Department of Infrastructure document *Transport Corridor Outdoor Advertising and Signage Guidelines and Roads* and Maritime Service document *TDT2005/02b Guidelines for the location and Placement of VMS*.

5.11.2 Specific Requirements - Highway Promotional Signs

- All highway promotional sign proposals must refer to the Roads and Traffic Authority Policy 99/3 Management of Illuminated Street Name and Advertising Sign Proposals, and the Austroads Guide to Road Design.

5.11.2.1 Assessment Criteria

- In addition to the information required in Section 5.11.4 of this plan, each proposal for highway promotional signage will undertake a design analysis for the specific locality that identifies the:
 - existing character of locality
 - key scenic qualities and features of the locality
 - desired future character of the locality.

5.11.2.2 Locality Criteria - General

- Tourism promotional signage must direct the travelling public to a tourist facility or building or place of scientific, historical or scenic interest within the area. The signage may contain the name of the facility, activity or place, logo and motto, attractions offered, a distance in metres or kilometres and directional information, but not the names or any proprietary products or services of sponsoring businesses. A maximum of 2 signs per business are permitted.
- Tourism promotional signage will be designed in harmony with the surroundings in terms of style, colour, size, materials, text and location. The signage must maintain uninterrupted views to the rural landscape, avoid clutter and repetition.

5.11.2.3 *Locality Criteria - Rural Areas*

- Tourism promotional signage is permitted in the RU5 Village Zone adjacent to a highway or regional road on the approach to a locality.
- Tourism promotional signage in rural zones must advertise a facility, activity or service located on the land. The sign may only specify the current use of the land, the name of the resident(s), describe their occupation or business and give particulars of the goods and services dealt with or provided on site. The dimensions are not permitted to exceed 6m² in area.

5.11.2.4 *Locality Criteria - Urban Areas*

- Third party signage, including general and tourism promotional signage, is permitted in the B1, B2, B4, IN1 and IN2 zones adjacent to a highway or a regional road.
- The signage must not:
 - project over the carriageway
 - be prejudicial to the safety of the public
 - flash, move or cause glare
- One third party advertisement per property is permitted.
- The sign must be incorporated with any other business identification signage at the site.
- The dimensions are not permitted to exceed 6m² in area.

5.11.3 Design Assessment Criteria – SEPP 64 Advertising and Signage

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) sets out matters for consideration that must be addressed before Council can approve a development application for any signage. Figure 5.7 is a flowchart for the application of SEPP 64.

5.11.3.1 Advertising Design Analysis

- Pursuant to Clause 29 of SEPP 64, Council has undertaken an analysis of the following:
 - the existing character of the area or locality, including built forms and landscapes,
 - the key positive features of the existing character of the area or locality,
 - the desired future character of the area or locality,
 - the role of outdoor advertising.

5.11.3.2 Assessment Criteria

- Under SEPP 64 Council must not grant consent to an application to display an advertisement to unless the advertisement or signage:
 - is consistent with the objectives of SEPP 64, and
 - has been assessed in accordance with the assessment criteria in Schedule 1 of SEPP 64 and Council is satisfied that the proposal is acceptable in terms of its impacts, and
 - satisfies any other relevant requirements of SEPP 64.

5.11.4 Applications for Signage

- The requirements for lodging a development application depend on the type and function of the specific signage. Applications for signage must include the following:
 - A description of the signage.
 - A diagram showing full colour scheme, wording and or graphics.
 - A site plan showing the location of the signage and, where freestanding, the height and location of adjacent buildings.
 - Where the signage is attached to building; elevations showing windows, verandahs and other major architectural features in relation to the signage.
 - Signage is required to be supported in a suitable manner to withstand wind loadings. In the case of a large or complex structure, a registered professional engineer will be required to certify the structural adequacy of the sign and its supporting structure.

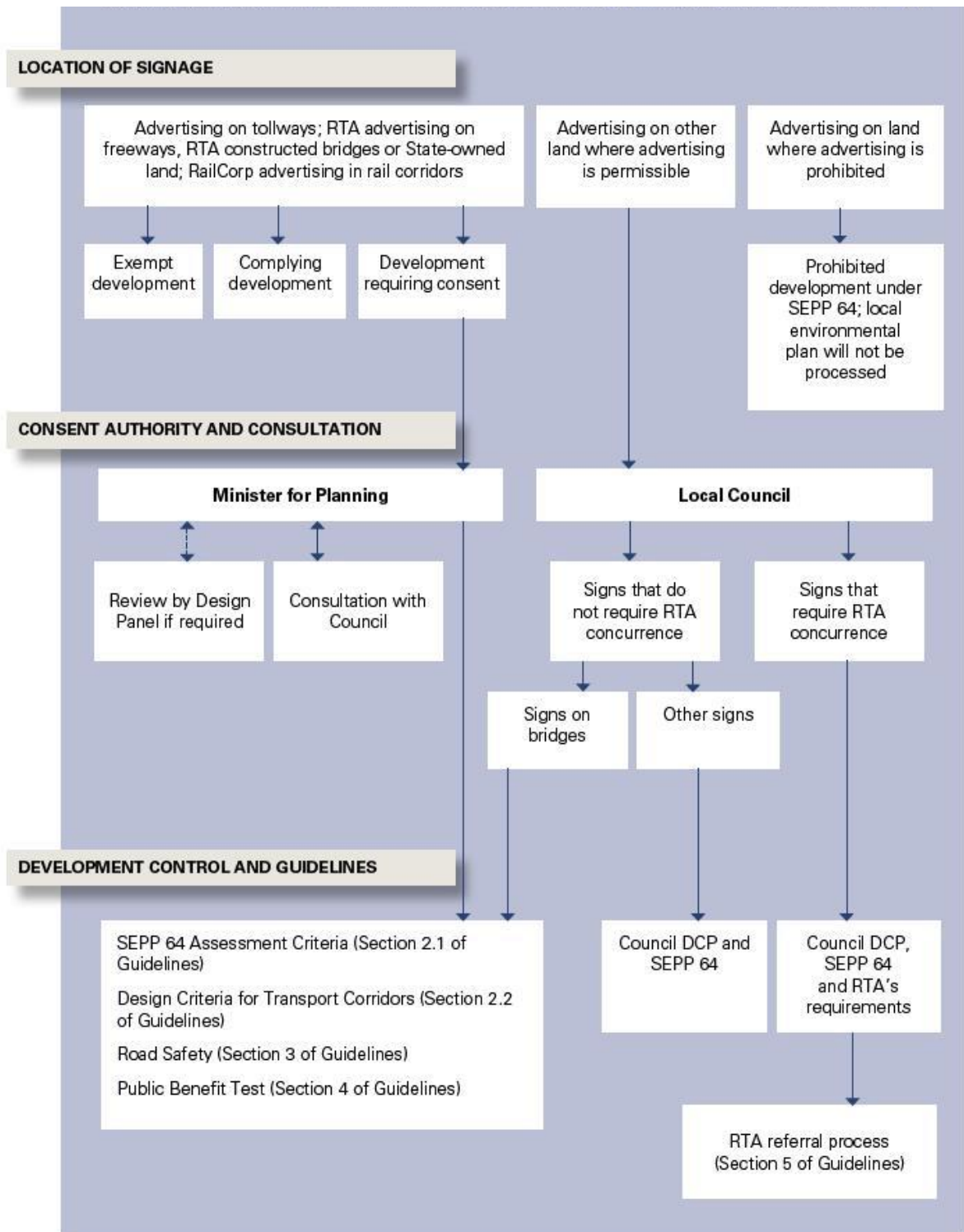


Figure 5.7: Outdoor advertising and signage applications under SEPP 64

5.12 Tourist Accommodation and Caravan Parks

UNDER REVIEW

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6 Engineering Requirements

Objectives

- Ensure all aspects of design and construction of subdivision and development works conform to sound engineering practice, and recognised codes and standards.
- Implement best practice water quality controls.

The required standards for the design and construction of subdivision works are set out in the following specifications which are available from Council:

- BVSC Development Design Specification.
- BVSC Development Construction Specification.

These documents are closely based on the AusSpec series of technical specifications. Any aspects of the design and construction of subdivision works not adequately specified in the above specifications will be based on the standards set out in the latest versions of the following:

- *Guide to Road Design* – Austroads
- *Managing Urban Stormwater – Soils and Construction* – NSW Department of Housing
- *Australian Rainfall and Runoff* – Institution of Engineers, Australia

Application

This Section of this plan applies to all development, including subdivision, where permissible within the Bega Valley Shire.

6.1 Roads and Easements

Application

The following standards apply in all zones.

6.1.1 General Requirements

- Road pavements will be designed to accommodate the predicted design traffic over a service life of not less than 25 years, taking into account the potential growth in traffic from the development of surrounding lands.
- Council will not accept the transfer of existing Crown Public Roads from the state unless the road is constructed to Council's current standards.
- Roads created and constructed in subdivisions will be dedicated to Council as public roads by notation on the plan of subdivision.
- Roads will be designed to limit vehicle speeds generally by the use of a "self-enforcing" speed environment. All intersections must satisfy the sight distance criteria for the appropriate design speed environment, including Safe Intersection Sight Distance as specified in Austroads Guide to Road Design.
- Road reserves will be of sufficient width to contain the whole road formation including cut and fill batters and any retaining structures. In residential subdivisions, cut and fill batters at slopes not exceeding 1 in 4 may extend into residential lots.

- All incidental works such as guideposts, line marking, guard rails, street name signs, street lighting, revegetation of earthworks and public utility installations are included in the scope of works as part of the construction of roads in subdivision, even if not specifically nominated in development consent conditions.
- Trees likely to be made unstable due to subdivision works and trees that may present a hazard to road users must be removed as part of the road construction works.
- Subdivisions must be designed so that roads have a minimal impact on native vegetation. Waterway crossing must be built to comply with Department of Primary Industries' requirements.
- Splays may be required to be dedicated as public road at each road intersection within or adjoining any subdivision, to provide for optimum sight distances at intersections.
- All new public roads in subdivisions will be given an appropriate name with the name clearly stated on the subdivision plan. Proposed road names must be approved by Council prior to the endorsement of a Subdivision Certificate.
- All new rights of carriageways or rights of access servicing 3 or more allotments will be named as part of the subdivision and referred to as lanes in accordance with Council's road naming policy and its amendments.
- Street signs will be provided by the subdivider.
- Subdivision design must make allowance for public transport by bus in the design of the road layout. All roads that may serve as bus routes must form loops rather than dead ends. School bus routes are required to pass within 400m of all houses in residential subdivisions. Temporary cul-de-sacs on bus routes in staged residential estates will have a sufficient diameter to permit buses to turn without reversing.
- Applicants must consult with local bus operators in the initial planning of residential estates.

6.1.2 Specific Requirements – Development Type

6.1.2.1 Rural and Rural Residential Subdivisions

This Section applies to land in zones RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, R5 Large Lot Residential, C3 Environmental Management and C4 Environmental Living.

- Road reserves and easements must be sufficiently wide to contain the entire width of the road formation including cuttings and embankments and public utility services
- Minimum road reserve widths in Rural and Rural Residential zones are detailed in Table 6.1.
- Roads constructed for subdivision of land creating lots of 120ha or greater in the RU1 and RU2 zones will be constructed to meet the standards required by the Planning for Bushfire Guidelines.
- Roads in rural-residential subdivisions in Zones E3, E4, RU4 and R5 will be constructed to a two lane sealed standard.
- The maximum number of allotments that can be serviced by a right of access is 4 lots. Battle axe lots must gain access from a Council public road.

- Access corridor widths will be provided either as part of the allotment serviced, or alternatively by the establishment of suitable easements for access. Easements for public utility services may also be required.

Access type	Max. number of lots serviced	Min. road reserve width
Road reserve		20m
Corridors to battle axe lots	1 lot	10m
	2 - 4 lots	20m
Right of access	1 lot	10m
	2 lots	15m
	3 - 4 lots	20m

Table 6.1: *Road Widths in Rural and Rural Residential Zones*

6.1.2.2 Development of Crown Portions with dwelling-house entitlements in RU1 and RU2 zoned land

This clause applies to dwelling-houses, dual occupancies and bed and breakfast development

Where access is only available to a crown portion, with a dwelling-house entitlement, via a crown road alternative access arrangement via a right of carriageway should be provided. This could involve the purchase of the crown road and registration of a right of carriageway.

Where access is only available by the crown road and Council will be required to accept the road as a public road the following standards shall apply;

- Where the number of potential dwelling-house entitlements that could be serviced by the road is 4 or less a gravel road with a 4m width constructed in accordance with Council's Technical Standard will be required
- Where the number of potential dwelling-house entitlements that could be serviced by the road is 5 or greater a 6.4 metre wide bitumen sealed pavement will be required. This means that the first dwelling-house would be required to provide a bitumen sealed road to the frontage of the portion and there is no exemption for the first 4 developed portions.
- Evidence will need to be submitted with the development application that the use of the crown road is the only alternative.

6.1.2.3 Residential and Village Subdivisions

This Section applies to land in zones R2 Low Density Residential, R3 Medium Density Residential, SP3 Tourist and RU5 Village zones.

- The layout of new streets in residential subdivision developments must create a legible street layout which improves connectivity by utilising a grid-style pattern and minimise use of cul-de-sacs.
- Roads will be arranged in a logical hierarchy, which can be readily interpreted by drivers who are not familiar with the neighbourhood.
- Footpaths and shared pathways and associated nature strips must be of sufficient width and quality to allow safe and comfortable passage for people with wheelchairs, people with prams, learner cyclists and people walking comfortably side by side.

- Double and multiple battle axe entries will incorporate reciprocal easements for access and services.
- The maximum number of allotments that can be serviced by a right of access is 4 lots. Services for lots adjacent to Council roads must be serviced from the street rather than a battle axe driveway.
- Cul-de-sacs are to be avoided wherever possible but where necessary will incorporate a circular turning area with a minimum kerb radius of 12.5m to provide for waste and recycling collection trucks and other heavy vehicles.
- Minimum road reserve widths in Residential, Village and Tourist zones are detailed in Table 6.2
- Any roadside tree planting will be at an offset of 1m from the road reserve boundary or an easement for plantation created on the allotments.

Access type	Max. number of dwellings serviced	Min. road reserve width
Access Street	15	15m
Local Street	100	15m
Collector Street includes bus route	300 or up to 3000 vehicles per day	16m
Sub-Arterial Road	600 or up to 6000 vehicles per day	20m
	Max. lots serviced	Min. entry width
Battle axe allotments	1	3.5m
	2	5m
	3 or more	5m plus 2m per additional lot

Table 6.2: Road Widths in Residential and Village Zones

6.1.2.4 Commercial and Industrial subdivisions

This Section applies to land in zones E1 Local Centre, E2 Commercial Centre, MU1 Mixed Use, E4 General Industrial and E5 Heavy Industrial.

- A concrete footpath of 1.2m wide along both sides of the road is required.
- Rear lane access may be required to provide for deliveries to the rear of shops.
- The design of industrial subdivisions must allow for access by all forms of road vehicles including semi-trailers and b-doubles.
- Minimum road reserve widths in Commercial and Industrial zones are detailed in Table 6.3

Access type	Min. road reserve width
Road reserves	20m
Rear lane access	8m

Table 6.3: Road Widths in Commercial and Industrial Zones

6.1.2.5 Caravan parks

- Will provide a single access point to a Council maintained road.
- Access to accommodation facilities is to be flood free, and suitable for its intended use to accommodate a two-wheel drive vehicle in all weather conditions.

- Design and construct the internal access roads in accordance with relevant AUSPEC criteria based on predicted traffic flows sourced from the Road and Maritime Services Guidelines for Traffic Generating Development, or in accordance with civil engineer certified design. .

6.2 Parking and Driveways

6.2.1 General Requirements

- Access to parking areas will be designed to minimise conflict between pedestrians, cyclists and traffic. Council may require road and traffic management works to ensure safe access to parking areas. Where developments front a busy road, access to rear lanes (if available) must be provided.
- Driveways will be located to the street with the lowest traffic volume. In particular, driveways will not be located opposite a 'T' intersection or closer than 6m to an intersecting street as measured from the property boundary, but preferably 9m to an intersecting street as measured from the property boundary.
- Parking areas and driveways are to be designed, surfaced and graded to reduce run off and allow stormwater to be controlled on site or disposed of to the Council controlled drainage system.
- Driveway design will make provision for service vehicles where applicable.

6.3 Soil and Stormwater management

6.3.1 General Requirements

- The development will incorporate the principles of water sensitive urban design. These include minimisation of impervious surfaces and provision for the collection, reuse and management of stormwater to reduce reliance on potable water and ensure that pre-development water quality is maintained or enhanced in post-development runoff.
- The management of water must address cumulative environmental impacts and be carried out in accordance with the objectives of integrated water cycle management.
- In order to minimise land degradation, water pollution and damage to infrastructure from accumulated sediment, development must be constructed in a manner which minimises erosion and sedimentation to current best practice.
- Interallotment drainage systems will be designed and constructed to minimise the number of allotments using each easement so that maintenance responsibilities are as simple as possible. As a general rule, each interallotment drainage easement must serve no more than two allotments, except where no feasible alternative exists.
- Subdivisions will be designed so that stormwater flows for rainfall events of a 100 year average recurrence interval (ARI) and greater can pass without causing damage to property and infrastructure. Stormwater flows for events larger than the 5 year ARI for residential development and 10 years for commercial and industrial development are not required to be contained within piped drainage systems however the overflow path must be planned, clearly evident on the site and contained within suitable easements, public reserves and road reserves.

- Subdivisions in zones R2, R3, RU5, B1, B2, B4, IN1, IN2, SP2 and SP3 will be designed and constructed to produce no net increase in peak stormwater flows downstream, generally through the use of on-site stormwater detention facilities, and re-use of stormwater on site.
- The development of land within Wonboyn Village must achieve best practice soil and water management controls as detailed in the report: “Stormwater, Septic and Water Leachate Management Plan Wonboyn Lake” 4 April 2005. The report is available on request from Council.

Note: Technical requirements on stormwater drainage and erosion control and stormwater management are contained within the BVSC Development Design Specification and BVSC Development Construction Specification. The New South Wales Department of Housing publication “Managing Urban Stormwater – Soils and Construction Vol 1” also contains advice about design and operation of these works.

6.4 Utility Services

6.4.1 General Requirements

- Where land being subdivided is identified by Council as being within the Development Servicing Plan for Water Supply or identified by Council as being within the Development Servicing Plan for Sewerage all lots will be provided with access to these services.
- The subdivider will provide the reticulation mains and all works necessary to enable these mains to operate, including reservoirs, trunk mains, pumping stations, telemetry systems and any associated works, all at no cost to Council.
- Any existing water services and any existing internal sewer drainage lines are to be wholly within the boundaries of the allotment they are to serve.
- Easements for services may be required to allow public utility services.
- Electricity substations and telecommunications service multiplexers will be located within suitable easements and will not be located within public road reserves.
- Where development other than subdivision requires sewerage or water supply works outside of normal connection to existing mains, Council will select the appropriate equivalent service requirements.

6.4.2 Specific Requirements – Development Type

6.4.2.1 Rural and Rural residential subdivisions

This Section applies to land in zones RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, R5 Large Lot Residential, C3 Environmental Management and C4 Environmental Living.

- Electricity and telecommunications services will be provided by the subdivider to service every lot, with the exception of agricultural lots.
- Town water reticulation is to supplement on-site tank water storage but will only be provided by the subdivider where it can be economically provided as a practical extension of Council’s water reticulation system and is included in Council’s Developer Servicing Plans.
- Reticulated sewerage systems may be required in particular cases.

6.4.2.2 Residential, village and tourist subdivisions

This Section applies to land in zones R2 Low Density Residential, R3 Medium Density Residential, SP3 Tourist and RU5 Village zones.

- Residential subdivisions will be serviced with telecommunications and underground electricity reticulation and street lighting, all at no cost to Council.
- Overhead electricity reticulation is only acceptable for small scale infill subdivisions in areas serviced with existing overhead reticulation.
- Street lighting will use only the basic standard poles and light fittings maintained by the local electricity authority.

6.4.2.3 Commercial and Industrial subdivisions

This Section applies to land in zones E1 Local Centre, E2 Commercial Centre, MU1 Mixed Use, E4 General Industrial and E5 Heavy Industrial.

- Every lot must be provided with reticulated water, sewerage, electricity and telecommunications services where provided and/or where land is nominated in Council's adopted Development Servicing Plan.

7 Site Specific Requirements

7.1 Arthur Kane Drive

Objectives

- Minimise the visual impact of development and hazardous traffic movements in Arthur Kane Drive
- Enhance biodiversity and wildlife connectivity with adjacent natural lands.

Application

This Section applies to the land shown edged heavy black on Figure 7.1.

Where there is an inconsistency between this section and any other sections of this Plan the controls in this section prevail to the extent of the inconsistency.

7.1.1 Requirements

- Buildings will be setback a minimum of 10m from the forward property boundary and this setback will be utilised for landscaping and native vegetation retention to limit the visual impact of development and assist biodiversity.
- Access driveways from Arthur Kane Drive will be designed to provide access to more than one allotment wherever practical.
- New development will not further compromise and will enhance wildlife connectivity between Ben Boyd National Park and the forested lands to the south of the Merimbula Golf Club.

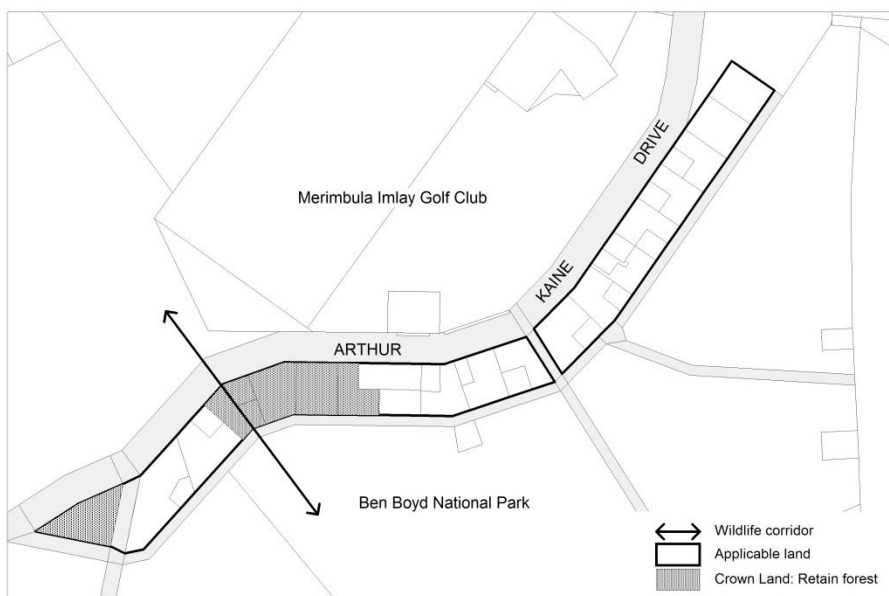


Figure 7.1: Arthur Kane Drive DCP area

7.2 Beare's Beach

Objective

- Limit development in the E2 zone at Beare's Beach that is privately owned and contains residential development due to the ecological sensitivity of the area.

Application

This Section applies to the land shown edged heavy black on Figure 7.2.

Where there is an inconsistency between this section and any other sections of this Plan the controls in this section prevail to the extent of the inconsistency.

7.2.1 Guidelines

- Development in the E2 zone will preferably be limited to beach access tracks, fencing and garden maintenance.
- One earthen pedestrian beach access track is recommended within each allotment and maintenance of vegetation along access tracks should be limited to the minimum amount necessary to facilitate single file pedestrian use.
- Maintenance of existing garden areas or within 5m of the R2 Low Density Residential Zone boundary is recommended for the purpose of view protection and fire hazard reduction.
- Native vegetation should be retained and enhanced.
- Building works are recommended to be limited to only that fencing necessary to delineate existing gardens and property boundaries, beach access tracks and garden maintenance.
- Vegetation removal for fencing to the extent of existing garden areas is recommended to be restricted to a maximum total width of 3m.
- The State Government will continue to acquire the coastal section of the E2 Zone as defined in the Coastal Lands Acquisition Scheme.



Figure 7.2: Beare's Beach DCP area

7.3 Bermagui Country Club Estate

Objective

- Establish a set of requirements to realise the Desired Future Character for the Bermagui Country Club residential subdivision as outlined in the Chapter 3 of this plan.

Application

This Section applies to the land edged heavy black on Figure 7.3.

These requirements apply in addition to the requirements for residential development in Chapter 3. Where there is an inconsistency between this Section and Chapter 3 the requirements in this Section prevail to the extent of the inconsistency.



Figure 7.3: Bermagui Country Club DCP area

7.3.1 Development aims

- Be an attractive, safe and friendly area for young and old, where people and wildlife can move freely within a landscaped setting by:
 - Maintaining clear view corridors, retaining treed areas and providing environmentally responsible housing.
 - Maintaining natural site features and incorporate a diverse mix of housing types.
- Stimulate higher quality residential development, thereby leading to a better quality public domain by:
 - Encouraging the development of a variety of appropriate building types and patterns, sited within a well landscaped setting surrounding a large public park.

- Consolidate the lands of the Bermagui Country Club by stimulating more efficient land and resource uses by:
 - Increasing development potential on unused land holdings, thus providing better connections between residential areas and the town centre.
- Integrate the development into the existing urban fabric of Bermagui, thereby reconnecting Bermagui Heights to the rest of the town by:
 - Providing road, cycle and pedestrian connections that relate to the existing street and development pattern of Bermagui.
 - Ensuring the housing layout is similar to West Street (which extends into the site) and adjacent streets.
 - Controlling the density of the development along the ridges near Parbery Avenue and Nutley’s Creek Road and generally locating the medium density development around the large central public open space and adjacent to the golf course.
- Provide guidance in the development of Bermagui, and further activate the town by adding a diverse demographic mix by:
 - Utilising specific controls to support an increased density and range of building types, to ensure the development is a positive addition to Bermagui and contributes to making it a vibrant exciting area of the Sapphire Coast.

7.3.2 Public Space Requirements

7.3.2.1 Streetscape

- A mixture of native and deciduous tree species will be used through the development. Table 7.1 contains indicative plant species for the streetscape.
- All site boundaries are to be planted with native / indigenous species to reflect the surrounding woodland.
- Additional native tree planting on lot boundaries will soften the impact of the development in long distance views.
- Deciduous exotics may be employed within the development to provide additional interest and colour in the streetscape and improve solar management for buildings and public space.

Medium - large indigenous trees	Corymbia maculata Spotted Gum Eucalyptus globoidea White Stringybark Eucalyptus longifolia Woollybutt Angophora floribunda Rough Barked Apple
Small - medium indigenous trees	Acmena smithii Lillypilly Banksia integrifolia Coastal Banksia Eleocarpus reticulatus Blueberry Ash Pittosporum undulatum Sweet Pittosporum
Deciduous and feature trees	Ficus rubiginosa Port Jackson Fig Fraxinus aurea Golden Ash Fraxinus oxycarpa "Raywoodii" Claret Ash Ulmus parvifolia Chinese Elm

Table 7.1 Indicative plant species - Streetscape

7.3.2.2 Park

- Extensive external visual and physical links have been designed to tie the reserve into the surrounding areas of Bermagui as illustrated in Figures 7.4-9.
- The design aim of the park is both environmentally and functionally based, with the key element being a major water feature system, also acting as a key environmental aid to water cleansing.
- The water feature travels eastwards through a number of small pools cascading down to a large water body, bounded by board walks. Pumps recirculate water to the top again, thus aiding water quality.
- Activities such as BBQ's, gathering areas and seating are concentrated around a large and sculptural terrace located at the western end of the park. Large open kick about / informal play areas adjoin the terrace area.
- As one moves east through the park, the use is more informal and large areas of indigenous planting reflect the vegetation that once existed on site. Board walks and smaller walking tracks allow for individual exploration of the area.
- Suggested materials include stone gabions, hardwood timbers and indigenous planting. These are to reflect the rural/coastal nature of the surroundings, as well as allowing for contemporary forms that reflect the proposed architectural style of the development.
- Table 7.1 contains indicative plant species for the Park.
- The applicant is to enter into an agreement with Council that it will construct and maintain all open space areas in accordance with an approved plan and following completion of the final stage of the development dedicate these areas free of charge to Council.

Large indigenous feature trees	Corymbia maculata Spotted Gum Eucalyptus viminalis Ribbon Gum Ficus rubiginosa Port Jackson Fig
Indigenous gully trees	Acmena smithii Lillypilly Allocasuarina littoralis Black She Oak Backhousia myrtifolia Grey Myrtle Banksia integrifolia Coastal Banksia Eleocarpus reticulatus Blueberry Ash Eucalyptus elata River Peppermint

Table 7.2: Indicative plant species - Park

7.3.2.3 Wetland

- A wetland habitat will be created through the centre of the open space reserve. This will act as an environmental aid to treat stormwater from adjoining residential areas and a detention system, as well as provide a valuable visual focus for the reserve.
- The water feature will carry out the role of water treatment through a combination of the following:
 - Macrophyte planting that provide the function of nutrient stripping
 - Settlement ponds designed for the removal of suspended particles in the water
 - Cascades that provide aeration to the water
 - A pump system will recirculate water, ensuring a constant flow over cascades
 - The installation of water level control devices that allow periodical access to ponds to remove sediment build up.
- Extensive indigenous planting will surround the water feature, with public access at key points.



Figure 7.4 Bermagui Country Club Park - proposed concept

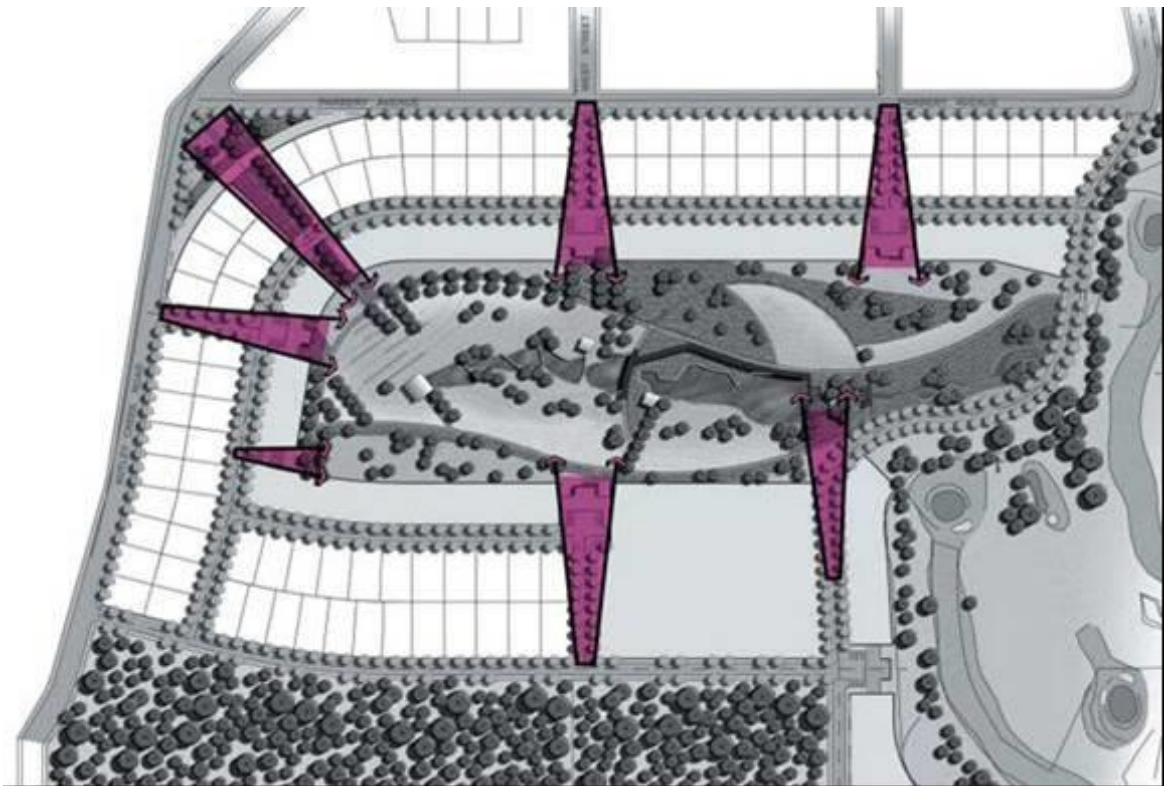


Figure 7.5: Bermagui Country Club Park – view corridors into site

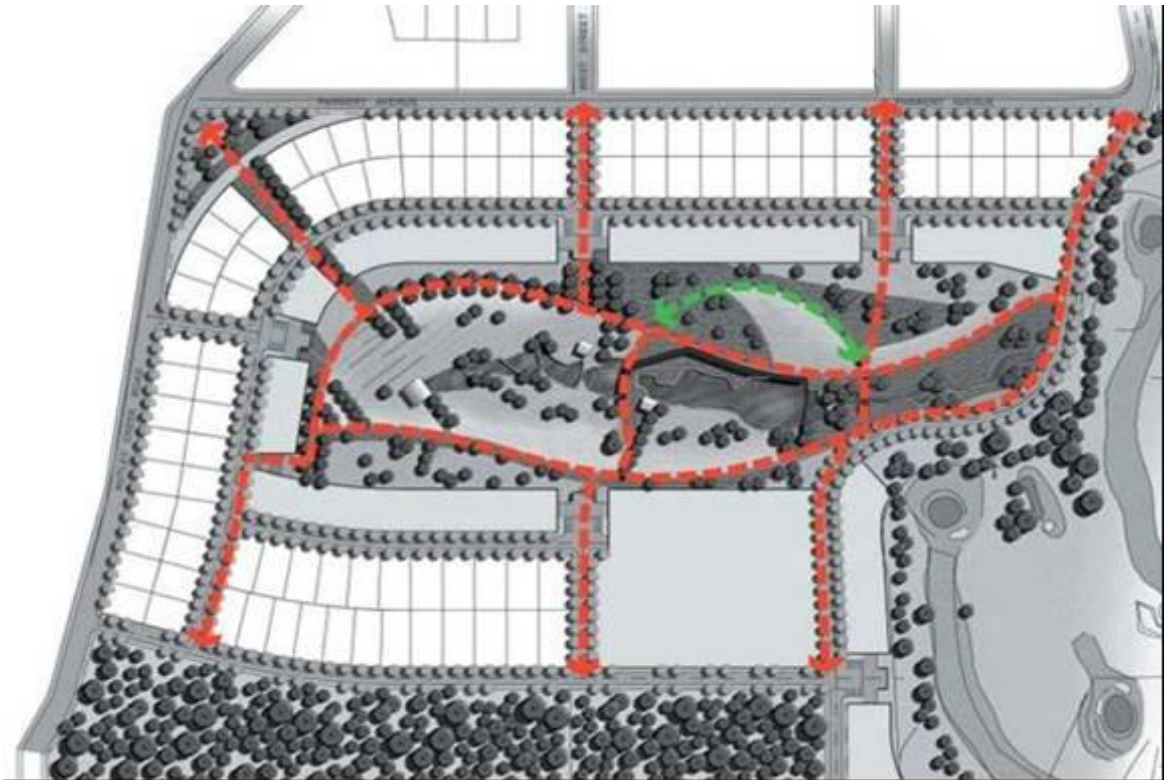


Figure 7.6: Bermagui Country Club Park – circulation

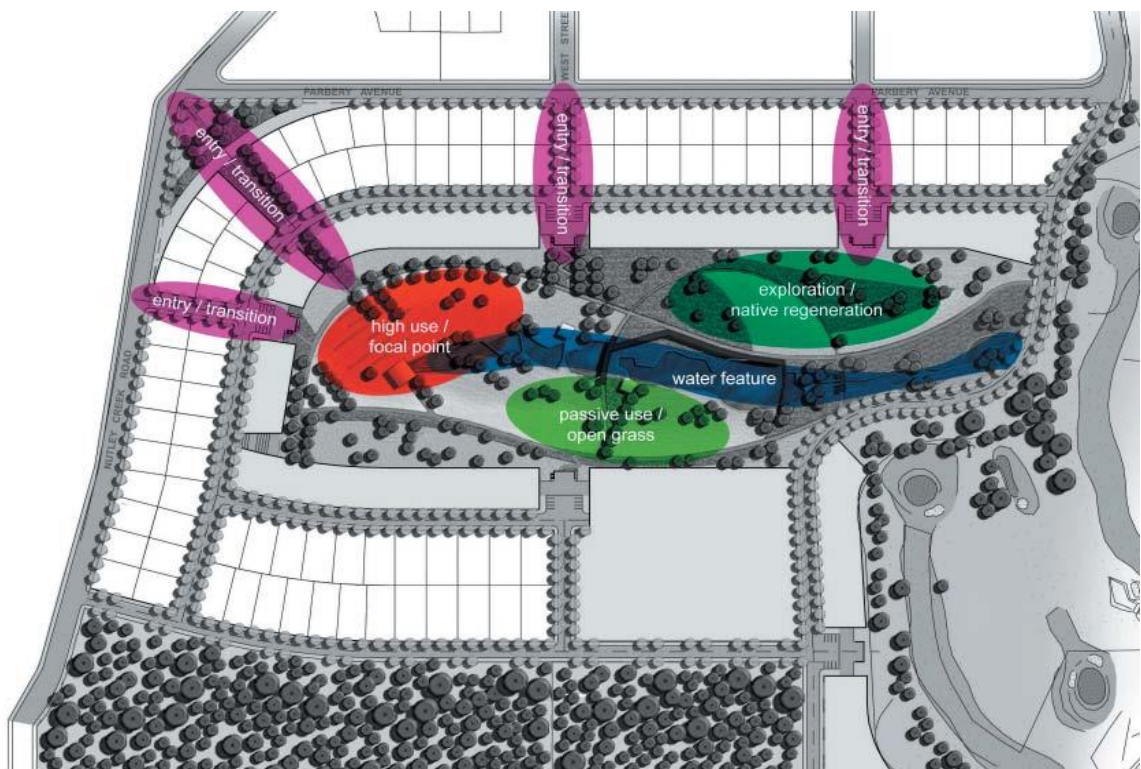


Figure 7.7: Bermagui Country Club Park – land use

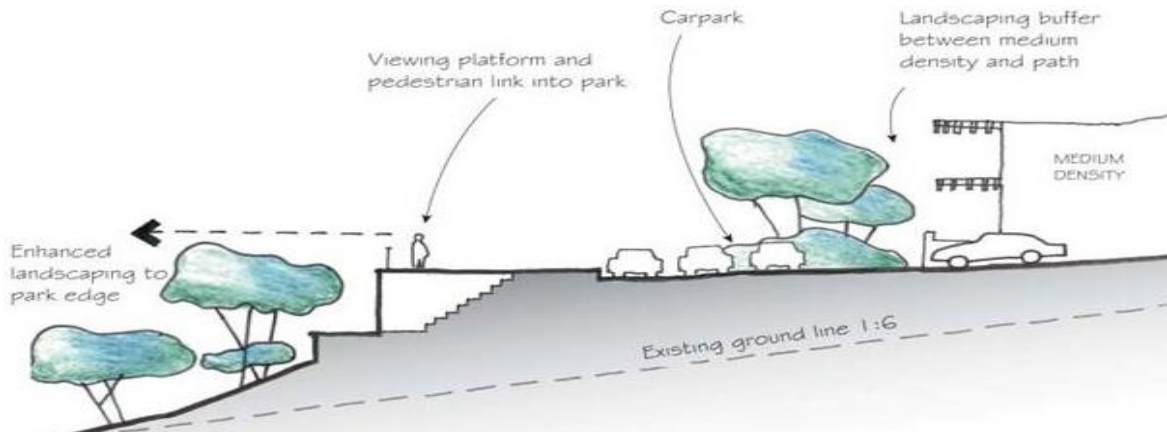


Figure 7.8: Detail of cul-de-sac access to Bermagui Country Club Park - section



Figure 7.9: Detail of access to Bermagui Country Club Park - plan

7.3.3 Subdivision concept

- The maximum number of dwellings that can be located on the subject land is 400.
- The theoretical maximum number of dwellings that will be located on the site is as follows (see Figure 7.10):

Dwelling houses	= 64 (70% of total lots)
Dual occupancy dwellings	= 56 (30% of total lots x 2)
Medium density housing	= 265 (53,177m ² divided by 200)
Total	= 385

- There will be no more than 100 dwellings in any one stage of the development and no stage will be commenced until such time as occupation certificates for the preceding stage have been issued on not less than 30% of dwellings.

- The maximum amount of total housing stock within the site that will be dual occupancy development is anticipated to be 30%.
- A minimum one third of all dwelling houses and dual occupancy development will be designed to be adaptable housing.



Figure 7.10: Subdivision concept

7.3.4 Effluent disposal

- Any application lodged for development of the subject land is to include plans for the reticulation and treatment of sewage via Council’s sewerage system and the on-site application of treated effluent generated by the development.

7.3.5 Residential Development Requirements

7.3.5.1 Streetscape

Objective:

- Ensure the bulk and scale of the new development reinforces positive neighbourhood character through the appropriate location of buildings in relation to its lot, the street edge and the neighbouring development.
- Contribute to the character of the street and ensure that buildings respond to local environmental conditions such as noise, sun breezes, privacy and views through the design and massing of entries, awnings, facade modulation and other architectural elements.

Requirements:

- Buildings will be sited on the lot so that they address the front and the rear of the lot so as to:
 - maximise surveillance of the street
 - retain remnant vegetation at the rear of the site
 - maximise the distance between buildings at the rear
 - minimise the opportunity for noise to travel externally between buildings
 - maximise the opportunity for visual privacy, and
 - maximise the provision for well-configured open space.
- Examples of desired streetscape character (as illustrated in Figures 7.11 a and b):
 - recessed entry or portico evident from street front, single storey
 - simple shapes freely composed, clean lines
 - low pitched rooves, varying styles encouraged
 - hipped rooves not the preferred roof form
 - recessing or projecting architectural elements
 - modulated facades, no wall greater than 8m without articulation
 - awnings or other features over windows
 - large glazing areas, minimise ‘punch hole’ windows
 - indoor / outdoor living elements to building facades
 - hierarchy of shapes, harmonious visual arrangement
 - bottom / middle / top architectural arrangement
 - garages under buildings and/or recessed, minimise visual impact
 - wide eaves where window awnings or verandahs not prevalent
 - open or slat screened verandahs
 - verandahs, pergolas or similar ‘active’ features above garage doors
 - adjacent dwellings not to be the same or too similar in style
 - mixture of materials and textures to be used as per palette selection

7.3.5.2 Materials

Objectives:

- Ensure all materials and finishes used are durable in the coastal environment.

Requirements:

- Timber/ Cladding: Where timber is used, durability varies with species and finish. Generally the more dense the timber, the greater the durability. For ecological sustainability reasons, the use of sustainably harvested plantation grown and recycled timbers is encouraged throughout the development.
- Other cladding materials are also encouraged such as premium grade ‘eco panel’ or similar plywood panelling and pre-finished fibreboard cladding products.

- Bonded sheet metal: This material has a high durability rating. A roof pitch greater than 12 degrees is recommended to ensure self-washing. Aluminium window frames are suitable as long as they receive regular maintenance to avoid corrosion.
- Rendered Masonry: Where masonry is used, primarily at entrances and for lower level building cladding, the adoption of rendered and painted surfaces within an acceptable range of colours would be encouraged.

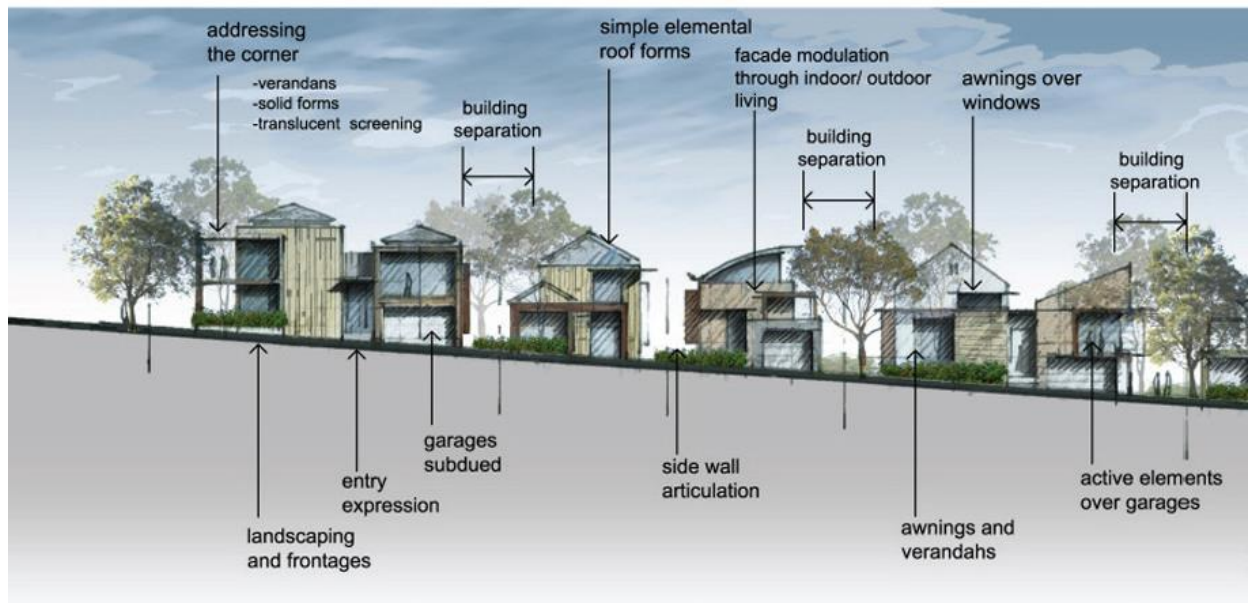


Figure 7.11a: Example of desired streetscape character for Bermagui Country Club development



Figure 7.11b: Example of desired streetscape character for Bermagui Country Club development

- Glass: Special consideration would be taken with the use of glass to avoid glare and reflection. Extreme care would be taken to ensure the glass recedes into the landscape, particularly where the sun could be reflected.

7.3.5.3 Colours

Objectives:

- Maintain and enhance the coastal landscape character of the area as expressed in the dominant colours and textures found in the surrounding environment.

Requirements:

- Colours and textures must relate to those of the surrounding vegetation, soil and rocks where extensive outcropping occurs. Where possible, an effort is made for materials which occur naturally in the surrounding landscape to be used and their surfaces left unpainted.
- Bold colours and textures, not found in the surrounding area, would be used sparingly and only where they contribute to the overall effect of the development.
- Figure 7.12 illustrates an indicative colour palette.

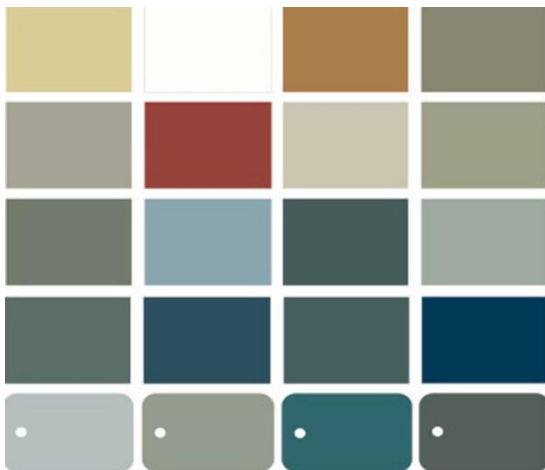


Figure 7.12: Indicative colour palette

7.3.5.4 Roof forms

- Roof design must generate an interesting skyline and enhance views from adjoining developments. They are to relate to the size and scale of the building, the building elevations and the building's form.
- Roof materials need to respond to those of other buildings in the street and /or the identified neighbourhood character. As an element of the structure, the roof would match or be sympathetic to the dominant colours and textures of the landscape elements.
- Roofs are to fulfil their primary function of protecting the building from water and harvesting water.
- Roof forms will vary to allow roof pitches of between 12-30° with minimal flat roof forms.
- Roof eaves will predominantly be large to provide sun shading and be lightweight.

- In sloping locations, split-level buildings with roof lines following the slopes will be appropriate.

7.3.5.5 Edges

Objectives:

- Create entrances which provide identifiable, desirable residential identity for the development and to orientate the visitor
- Define boundaries between areas within the development having different functions or owners
- Define the edges between public and private land.

Requirements:

- Entrances must be a clearly identifiable element of the development in the street, provide a physical and visual connection between the public realm and the residences
- Fences will respond to the identifiable architectural character of the area
- Edges will be designed to provide privacy, security whilst not eliminating views, outlook, light and air
- Edges must assist to create the desired future character of the area.

7.3.5.6 Facade composition

Objectives:

- Ensure the new development has well-articulated facades that define the public domain.
- Ensure the exterior of the housing reinforces the character and continuity of proposed streetscapes.
- Ensure building elements such as balustrades, sun shading devices and awnings are integrated.

Requirements:

- Facade composition is to be designed with a balance of horizontal and vertical elements.
- Facades must reflect the uses of the building.
- Cladding will be predominantly lightweight, light toned, durable and textured. Brickwork will be limited to building bases and entry elements and could be rendered and/or painted.

7.3.5.7 Front yards

Objective:

- Ensure front garden landscaping contributes positively to the streetscapes in the development. In this coastal village setting, the selection of appropriate plant species and landscape materials are essential to work with the building design and its elements, the character established for the streetscape, and the need to conserve water.

Requirements:

- At least one advanced tree of an appropriate species will be planted between the front building line and the street boundary.
- Within the front garden area, a mulched and permanently edged garden bed(s) with a minimum area of 10m² and a minimum width of 1m is to be established. Each garden bed will be planted at the rate of two shrubs per square metre.
- All turf areas are to be a minimum of 2m in width. Turf however has higher water requirements than does landscape areas planted with native species.
- Letter boxes to be preferably masonry pier form, with either a render finish, a stone face finish or a face brick finish – all matching or blending with the house colour.
- Driveways are to be coloured concrete, exposed aggregate or brick or stone paved on a concrete base.
- Front fencing will not be permitted. If retaining walls are required they are to be either of masonry construction with either a render finish, a stone face finish or a face brick finish all matching or blending with the house colour.
- Landscaping to the front gardens is to be completed within 6 months of Certificate of Occupancy.

7.3.5.8 Land adjoining reserves and golf course

Objective:

- Provide a themed finish for areas where residential boundaries meet public reserves or golf course areas. Material selection needs to be relatively consistent so that the public perception is not one of a patchwork of differing materials.

Requirements:

- Boundary grade separation between private and public spaces must be promoted.
- Stone gabion walls are the preferred medium for this separation.
- Fencing will be 1200mm height black metal picket pool style fencing, combined with hedge planting of a singular species. The aim is for the hedge to provide privacy while the fence provides the security.
- Fence gates will only be permitted on boundaries facing public reserves. They will not be permitted on properties with golf course frontage.

7.3.5.9 Stormwater management

Objective:

- Minimise the impacts of development on the total water cycle and maximise the multiple use benefits of a stormwater system through the preservation of existing topographic and natural features, including watercourses and wetlands and protection of surface water and groundwater resources.

Requirements:

- Impervious areas will be minimised by:
 - Use of pervious or open pavement materials
 - Retention of runoff from roofs and balconies for reuse, and draining of forecourts driveways etc. to infiltration zones or bio-filtration trenches
- Stormwater reuse is to be through collection and use of stormwater from impervious areas for on-site reuse, such as toilet flushing, car washing or garden watering.

7.3.5.10 Water conservation

Objective:

- Rationalise the use of potable water.

Requirements:

- Water will be harvested on site and reused for toilet flushing and irrigation. Water tanks could be visible as part of the building form. Water collection features would contribute to the quality of the public spaces as integrated into the park's landscape design.
- Water use is to be minimised by:
 - 'Economiser' shower roses in all bathrooms
 - Rainwater is used for car washing and watering, clothes washing and toilet flushing
 - Dual flush toilets using harvested/ rain water
 - Kitchen and basin tap aerators and spray taps
 - Grey water recycling for landscape irrigation.

7.4 Eden Cove

Objective

- Guide the redevelopment of Eden Cove residential estate.

Application

This Section applies to the land shown edged heavy black on Figure 7.13.

Where there is an inconsistency between this section and any other sections of this Plan the controls in this section prevail to the extent of the inconsistency.

7.4.1 Requirement

- Figure 7.13 defines the Eden Cove residential estate. This area is the subject of an approved master plan by the Minister for Planning. Development within the area identified on this map needs to comply with the master plan.

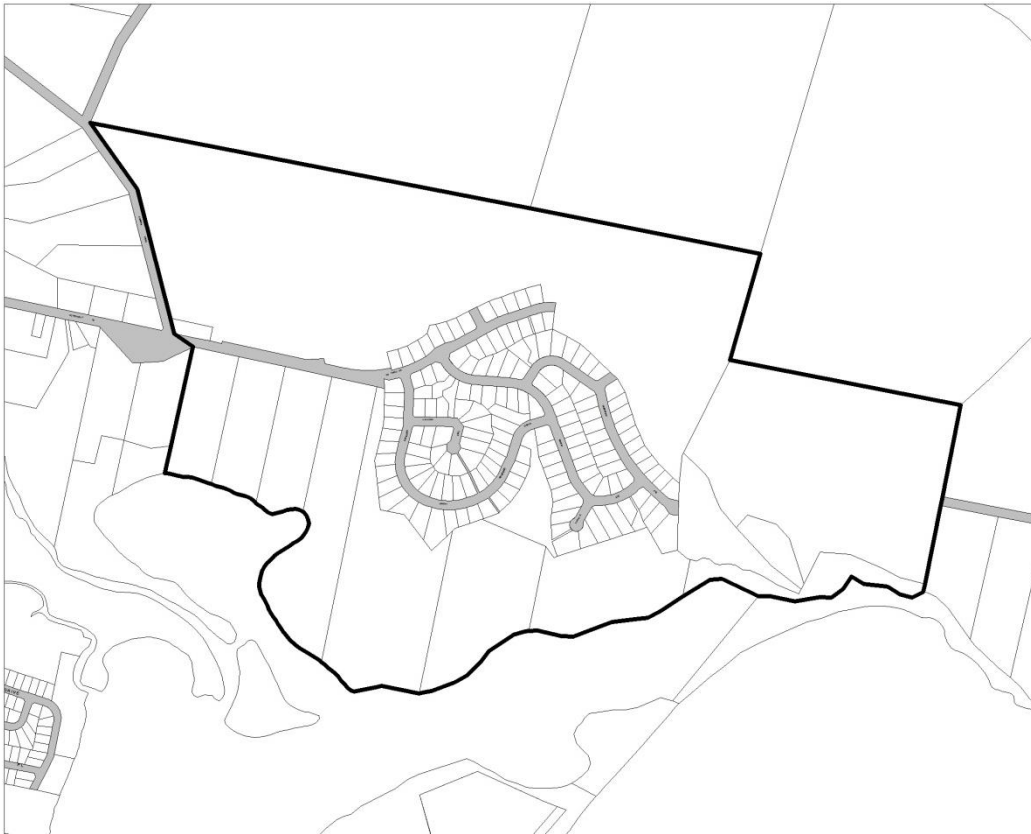


Figure 7.13: Eden Cove Master Plan Area

7.5 Sapphire Coast Turf Club

Objective

- Facilitate the economic and orderly development of stabling complexes and associated dwellings at the Kalaru racecourse
- Ensure as far as possible the use of the land for bona fide horse training establishments.

Application

This Section applies to the land shown edged heavy black on Figure 7.14.

Where there is an inconsistency between this section and any other sections of this Plan the controls in this section prevail to the extent of the inconsistency.

7.5.1 Requirements

- Stabling complexes must be able to contain at least five horses in individual stalls.
- The maximum number of horses (stables) per lot is calculated at a ratio of 1 for every 200 square metres of land area.
- The minimum size for each stable will be 3.8m x 3.8m (although 3.8m x 5.0m is preferred for horse safety).
- The provision of a tack/feed room will also be included with the Construction Certificate plans. This room will not be used for domestic storage, human habitation or industrial purposes.
- Stabling facilities to be brick, timber or bonded sheet metal material with a concrete floor able to be enclosed on three sides.
- Walls will be capable of withstanding damage. Walls will be of masonry, concrete or solid timber construction to a height of at least 1.2m. Above this, other solid materials such as good quality steel profile sheeting may be acceptable. Materials such as flat iron and asbestos will not be approved.
- The walls will be lined with plywood sheets or rubber conveyor belting to prevent injury to horses and also to protect the walls from pawing and kicking.
- Concrete block walls will be reinforced with vertical steel rods and the cores filled with concrete.
- Wall height will be 2.75m with water proof damp course included.
- Cracks, crevices and hollows will be avoided because these provide breeding places for pests.
- No building to exceed 2 storeys in height.
- All buildings to be setback a minimum of 5.5m from the front property boundaries.
- Side and rear setbacks minimum of 3m.
- Lot boundary fencing will be built to a height of 1.7m and constructed of sawn timber posts (or similar material approved by Council) of three rails not less than 150mm wide.
- The community titles scheme is to include an agreement that dry waste from stables will be disposed of by the management of the community titles scheme. The agreement is to satisfactorily address the frequency and method of collection and disposal of waste from stables.

- Wherever possible efforts must be made to retain existing mature tree species.
- The following plant species or similar which are reflective of local species are recommended for planting:
 - Eucalyptus gummifera (Bloodwood)
 - Eucalyptus pilularis (Blackbutt)
 - Eucalyptus longifolia (Woollybutt)
 - Allocasuarina litloralis (Black She oak)
 - Banksia serrata (Saw Banksia)
 - Banksia spinulosa (Hairpin Banksia)
- Works within the development area and measures taken to protect assets must not directly impinge on the adjoining natural vegetation, which is required as a wildlife corridor. In particular:
 - materials, landscape supplies or vehicles must not be dumped in the adjoining vegetative buffer required as part of the racecourse development
 - trees, other vegetative material or soil must not be felled or pushed into the adjoining vegetative buffer
 - measures for fire prevention and control must occur within the subject lot and not the adjoining wildlife corridor, and
 - any exotic plant species introduced to the land for landscaping purposes must be contained within the subject lot and controlled if they spread into the wildlife corridor.

Note: The NSW Animal Welfare Code of Practice No. 3 - Horses in Riding Centres and Boarding Stables is referred for your consideration from NSW Department of Agriculture.

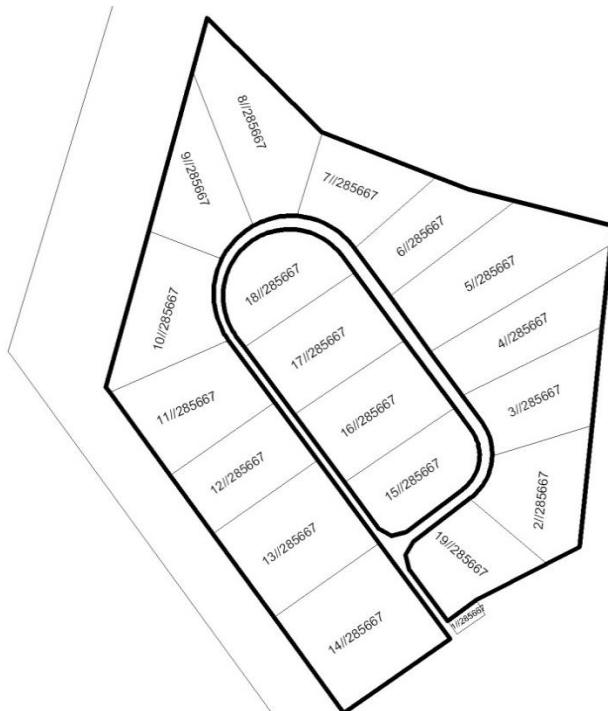


Figure 7.14: Area to which the requirements for Sapphire Coast Turf Club apply

7.6 Snug Cove

Objective

- Guide the redevelopment of Snug Cove towards a multipurpose area focusing on a working waterfront that integrates opportunities for recreational boating, tourism and other mixed use development.

Application

This Section applies to the land shown edged heavy black on Figure 7.15.

Where there is an inconsistency between this section and any other sections of this Plan the controls in this section prevail to the extent of the inconsistency.

7.6.1 Requirement

- The area defined in Figure 7.15 is the subject of the Snug Cove Masterplan 2005. This master plan has been approved by the Minister for Planning. Development within the area identified on this map must comply with the master plan.

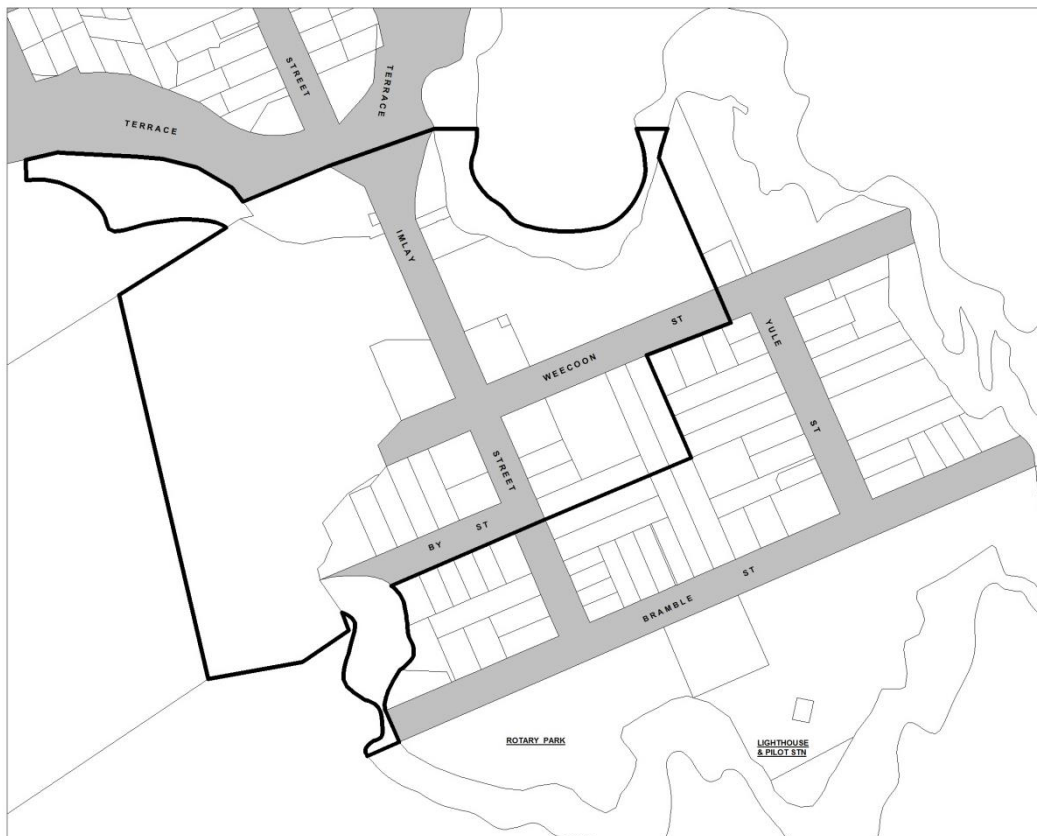


Figure 7.15: Snug Cove Master Plan Area

7.7 Wonboyn

Objective

- Establish a set of requirements to realise the Desired Future Character for Wonboyn as outlined in the Chapter 3 of this plan.

Application

This Section applies to the land in Wonboyn zoned RU5 Village.

Where there is an inconsistency between this section and any other sections of this Plan the controls in this section prevail to the extent of the inconsistency.

7.7.1 Requirements

- Where colours and textures used in the surrounding development compliment or contribute to the landscape character of the area, these must be used as the basis for selection in new development.
- Primary colours must be avoided.
- The existing character of Wonboyn is typified by a lack of front fences. Wherever possible front fences must not be used, or must be visually permeable and constructed from non-combustible materials.
- Views to the coast and views to the lake from residences, roads, and other public places must be preserved as far as possible.
- Buildings must be sited so as not to be visually obtrusive when viewed from the lake.
- Buildings must not break the line of existing landforms such as ridge lines and tree canopies.
- In general no development will be approved on major landscape features such as cliffs, ridges and headlands.
- Private roads must be screened with native vegetation to limit their view from public places or from the lake.
- Planting of vegetation adjacent to the roadside must be designed to limit concealment opportunities.

7.8 Wolumla

Objective

- Guide the future development of Wolumla.

Application

This Section applies to the land shown edged heavy black on Figure 7.16.

Where there is an inconsistency between this section and any other sections of this Plan the controls in this section prevail to the extent of the inconsistency.

Figure 7.16 defines the future growth residential area of Wolumla.

7.8.1 Masterplan

The identified area requires the lodgement and approval of a masterplan prior to any future subdivision of this land.

- This masterplan must include a Traffic Impact Study and outline any future servicing requirements for each individual site numbered 1-3. Should a masterplan be prepared for an individual site, the masterplan shall take into consideration the cumulative impact on servicing arrangements and traffic from the other sites. The masterplan will need to be lodged and endorsed by Council prior to the lodgement of any subdivision application.

7.8.2 Traffic Impact Study

The RTA Guide to Traffic Generating Developments outlines the key issues that may be considered in preparing a Traffic Impact Study.

- Where road infrastructure upgrades are identified, strategic designs and costings must be developed and details of the proposed planning mechanism to fund and deliver the required road network upgrades provided.
- Strategic designs for any identified road infrastructure should detail the scope of works and demonstrate that the works can be constructed within the road reserve.



Figure 7.16: Wolumla DCP area

7.9 Tura Beach

Objective

- Guide the future development of Lots 33 and 34 DP 243029.

Application

Where there is an inconsistency between this section and any other sections of this Plan the controls in this section prevail to the extent of the inconsistency.

7.9.1 Design Controls

General requirements

- The bulk and scale of development needs to respond to the natural features of the site and prevailing streetscape in terms of height and setbacks.
- The design of the building needs to provide a clearly identifiable sense of address and wayfinding for pedestrians, cars and large vehicles.
- Buildings need to achieve a level of human scale where pedestrians have a sense of space, safety and openness within the public domain.

Building elements

- Facades need to include a mixture of colour, texture and materials where the corporate branding is not the dominant feature.
- The roof spaces need to be articulated with a variety of materials and colour treatments. Plant and equipment needs to be concealed and shielded from the public domain.
- Signage should not dominate the façade and form part of the building with limited illumination.

Colours and materials

- Buildings need to use a colour palette that responds to the site and prevailing streetscape with a mixture of natural tones.
- Sustainable design is encouraged through the innovative use of materials that are energy efficient, recycled or from local sources.
- The reflectivity needs to be considered in the choice of any colour or material finish.
- Corporate colours should not dominate the visual appearance of a building and limited to signage space. The use of corporate colours should be limited to the nominated advertising space of the development.
- Buildings need to be constructed in a mixture of solid and lightweight building materials. The use of lightweight cladding and concrete should be rationalised. At least 20% of the façade needs to be constructed in alternative materials such as glass, bricks, wood or stone. The use of local or recycled materials is encouraged to provide some local context.

Landscaping elements

- Landscaping needs to be integrated into the design and soften the appearance of the building, fencing and any hardstand areas.

- Any landscaping needs to enhance the overall appearance of the development with a mixture of advanced trees, shrubs and groundcovers that suit our climatic conditions with a plan for their ongoing maintenance.
- Setbacks need to be provided with additional landscaping that enhances the appearance of the development and softens the impact from both street frontages.

Amenity

- The design and layout needs to take into account adjoining land uses, particularly in terms of noise, light and amenity.
- Hours of operation, location of mechanical plant and equipment and movement of large vehicles needs to be considered within the context of any sensitive neighbouring development and existing noise sources.

Infrastructure

- Buildings need to consider connectivity with existing infrastructure including the broader street network, vehicle access and views from the public domain. Alternative transport options should be encouraged within the design.

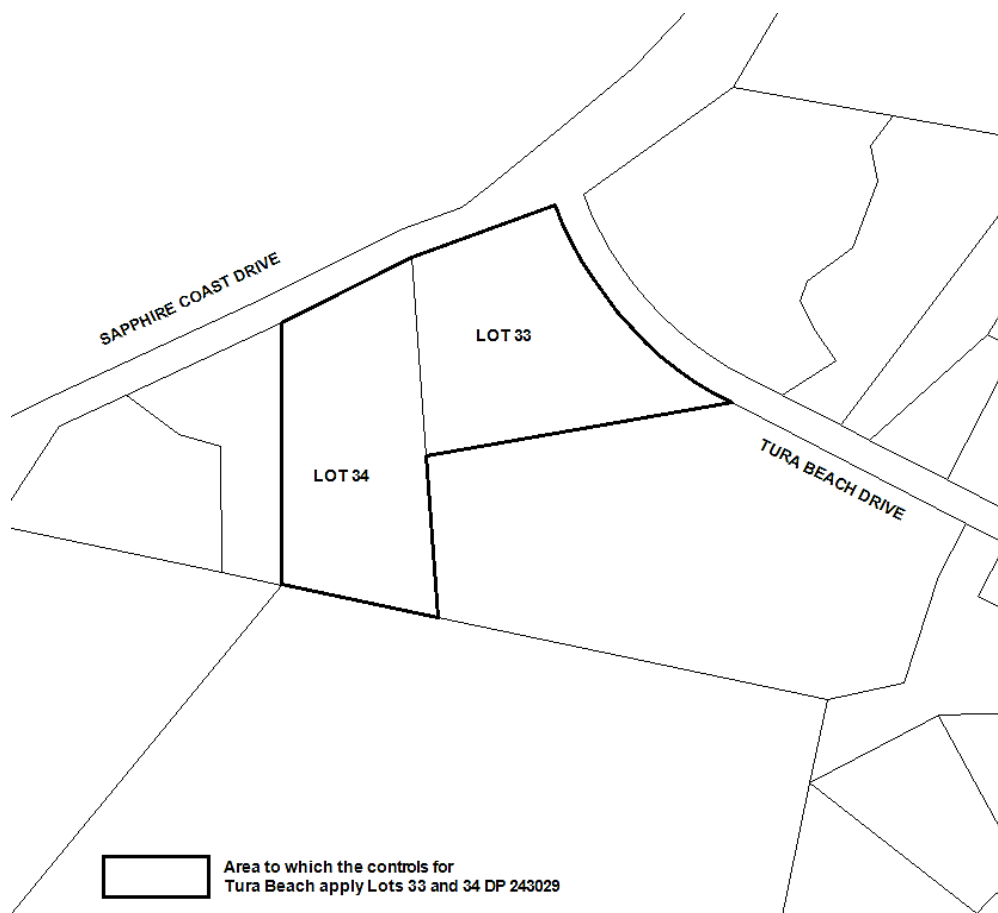


Figure 7.17: Tura Beach DCP area

7.10 Merimbula Airport General Aviation Precinct

The Merimbula Airport Master Plan incorporates plans for both the airside and landside areas of the Airport. The General Aviation Precinct (GA Precinct) is a site within the airport land dedicated to the development of aeronautical, aeronautical related and employment and business uses.

Permitted Uses

Merimbula Airport is zoned SP2 Infrastructure (Air Transport Facility). Under LEP 2013 aquaculture, roads, and air transport facilities (including any development that is ordinarily incidental or ancillary to air transport facilities) are permitted with consent in the SP2 Zone. In addition, LEP 2013 Schedule 1 'Additional Permitted Uses' No. 12 provides that development for the purposes of commercial premises, community facilities and light industries is permitted with consent if it does not interfere with the effective operation of the airport and will not adversely affect the commercial viability of the central business district of Merimbula.

Part 2.3 Division 1 Clause 2.25 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* provides that development for the following purposes may be carried out with consent if the development is ancillary to the air transport facility: passenger transport facilities, facilities for the receipt, forwarding or storage of freight, hangars for aircraft storage or maintenance, commercial premises, industries, recreation areas, recreation facilities (indoor) or recreation facilities (outdoor), residential accommodation and tourist and visitor accommodation.

Objectives

- Ensure aircraft operations are safe and efficient
- Ensure the form and character of development within the GA Precinct at Merimbula Airport makes a positive contribution to the built environment
- Encourage the design of contemporary, versatile and functional buildings that will establish a unified precinct identity and enhance Merimbula Airport as a gateway to the Sapphire Coast

Application

This Section applies to the private lease areas identified in Figure 7.18.

Chapters 1, 5 and 6 of this Plan also apply to development on this land. Where there is an inconsistency between this section and any other sections of this Plan the controls in this section prevail to the extent of the inconsistency.

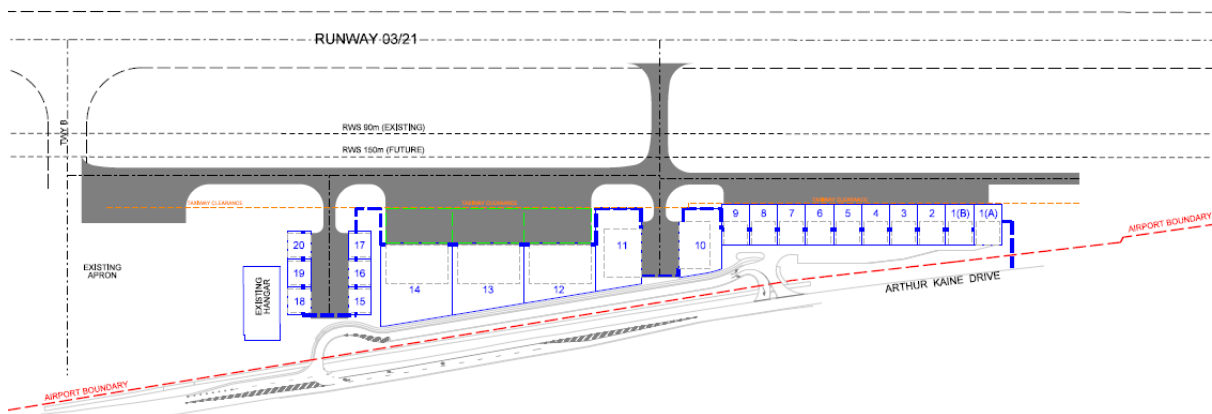


Figure 7.18: Merimbula Airport General Aviation Precinct DCP area

7.10.1 Airspace planning considerations

Objective:

- Maintain the viability and safety of the airport by protecting its airspace, operational and security areas.

Requirements:

- a) Buildings or structures must not create an obstruction or potential hazard, by way of attracting birds, emitting bright lights, smoke, or any other activity or air emissions hazardous to aircraft movements.
- b) The effect on occupants of buildings or structures within the GA precinct resulting from the movement of aircraft needs to be considered in development applications.
- c) Developments shall be designed to not impact on the Obstacle Limitation Surfaces. This includes all building components, including roof mounted structures such as air conditioning units, antennas and exhaust systems.
- d) The effect of turbulence and windshear generated by buildings in the vicinity of the runway needs to be considered in development applications and mitigated where appropriate.

7.10.2 Built form

7.10.2.1 Building setbacks and articulation

Objective:

- Ensure all buildings in the GA Precinct contribute positively to the built environment and blend into the surrounding bushland and coastal environment.

Requirements:

- a) All buildings must be set back at least 1.5m from the side boundaries of lease areas or, where lease areas are consolidated, 1.5m from the side boundary of the consolidated lease area.
- b) Where building separation is required to be more than the shared separation distance of 3m, side setbacks shall be increased so that the adjacent lease area/s are not restricted by the development.

- c) Office premises, accommodation and public-facing parts of developments are to address Arthur Kaine Drive and utilise greater articulation within facades including generous use of glazing. Articulation can be achieved through building setbacks or projecting building elements, and by varying roof forms, building materials, finishes and colours.
- d) Main entrances are to be clearly articulated and visible from the GA precinct road.
- e) Entrance points to the buildings are to be designed as focus points and must provide protection for pedestrians with integrated verandas, canopies or colonnades.
- f) Buildings must be bird proofed by incorporating measures such as minimising ledges and perches for birds to congregate and enclosing eaves to reduce bird roosting.

7.10.2.2 Roof forms

Objective:

- Ensure aircraft can access hangars.
- Reduce the perceived height and bulk of buildings when viewed from the public domain and integrate roof forms into the overall design of the building.

Requirements:

- a) Utilise varied roof forms to provide visual interest to Arthur Kaine Drive. Avoid flat, bulky or highly detailed roof forms.
- b) Gable and skillion roof forms and steeper pitched roof elements are encouraged to reduce the apparent bulkiness of large roof areas.
- c) Roof forms should be designed to complement existing roof forms in the GA precinct.
- d) Utilise roof forms to differentiate between the various elements of the building.
- e) All plant and equipment and any other potentially visually intrusive elements are to be concealed within roof forms to minimise visual impact.

7.10.2.3 Car parking and loading docks

Objective:

- Provide sufficient parking on site to meet the needs of businesses, visitors and any associated uses, such as deliveries or warehouse handling and manoeuvring.

Requirements:

- a) All parking requirements must be integrated on individual lease areas outside or within buildings, or on airport grounds in agreement with the airport owner and in accordance with a lease or licensing arrangement.
- b) Vehicle crossovers must be constructed at the developer's expense.
- c) All parking and manoeuvring spaces shall be concrete. Engineering design plans prepared and certified by a suitably qualified and experienced chartered professional engineer (or equivalent) will be required for all on-site car parking, loading/unloading areas and their associated driveways.
- d) Loading docks must not be visible from Arthur Kaine Drive or the taxiway and be of an appropriate size to adequately service on site operations without overspill to roadways.

7.10.3 Visual amenity

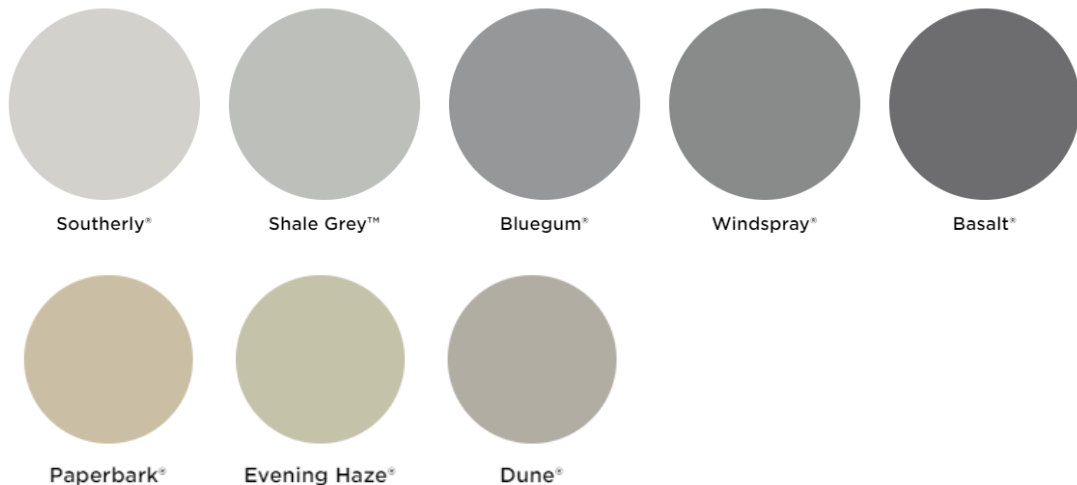
7.10.3.1 Colours, materials and finishes

Objectives:

- Establish a cohesive and consistent design character by using a co-ordinated palette of colours, materials and finishes.
- Ensure that building design does not impact airport operations.

Requirements:

- a) Utilise materials that reinforce the bushland and coastal built form and landscape such as corrugated iron, unpainted timber and textured concrete. Avoid excessive use of heavy looking materials and unfinished pre-cast concrete walls.
- b) Large building components such as sheds or hangars visible from Arthur Kaine Drive or the taxiway shall provide articulation and utilise a mix of building materials, colours and textures to provide visual interest and reduce bulkiness.
- c) The use of corporate colours on buildings is prohibited except on approved signage.
- d) All roofs must be 'Shale Grey' or equivalent.
- e) Main wall elevations, gable treatments, gutters and other building elements may be any combination of Southerly, Bluegum, Windspray or Basalt or equivalent.
- f) Small highlight areas of Evening Haze, Dune or Paperbark or equivalent are permitted on buildings to bring in references to other elements in the landscape.



7.10.3.2 Landscaping

Objectives:

- Soften the appearance of buildings, fencing, carparking and hardstand areas by integrating landscaping into the design.
- Ensure appropriate siting of landscaping elements with consideration of airport operations and security and proximity to underground services.
- Enhance air quality and reduce the heat retaining effect of hard surfaces.

Requirements:

- a) Development applications must be supported with a landscape plan.

- b) The location and type of planting within landscaping must not impede the function of, or access to, services (including underground infrastructure), facilities and sight lines for vehicle movements and airport operations, or impact the Obstacle Limitation Surfaces when mature. In some circumstances, root guards may be required for larger plants.
- c) Landscaping selection is limited to vegetation that does not attract birds. As a guide, the following species are acceptable:

Botanical name	Common name
<i>Carex apressa</i>	Tall sedge
<i>Ficinnia nodosa</i>	Knobbly club rush
<i>Juncus usitatus</i>	Common rush
<i>Juncus krausii</i>	Sea rush
<i>Lomandra glauca</i>	Pale mat-rush
<i>Lomandra longifolia</i> 'Tanika'	'Tanika' mat-rush
<i>Lomandra longifolia</i>	Common mat-rush
<i>Poa labillardierei</i>	Common tussock grass
<i>Grevillea</i> 'Royal Mantle'	Grevillea groundcover
<i>Tristaniopsis laurina</i>	Water gum
<i>Syzygium australe</i> 'Hinterland gold'	Gold lilly pilly
<i>Elaeocarpus reticulatis</i>	Blueberry ash

- d) Planting and landscape design shall reinforce entries and parking areas.
- e) For security reasons, planting must be at least 1.5m clear of the airside/landside boundary.
- f) Landscaping or screening must be provided around car park areas and loading docks and, to provide visual relief from long building facades visible from Arthur Kaine Drive or the taxiway.
- g) Any portion of a development site that remains unused or vacant following development will be landscaped or turfed and maintained in a tidy condition.

7.10.3.3 Signage

Objectives:

- Ensure signage and advertising is designed and located to avoid visual clutter.
- Provide appropriate visual exposure for businesses and wayfinding for visitors.

Requirements:

- a) Single occupant leased areas are permitted 1 freestanding sign not exceeding 2.5sqm within the landscaped area of the site with a maximum height of 5m above existing ground level and 1 façade sign, not exceeding 5sqm, located no higher than the parapet or eaves of the building to which it is attached.
- b) Signage must be attached to the building in which the business identified in the sign is located.
- c) For multi-tenancy sites, a directory board located near the entry to the development or within the landscaped area of the site is permitted, indicating the product or service offered and each occupant of the site. In addition, 1 façade sign per tenancy is permitted, not exceeding 5sqm, of uniform size, shape and construction, in a position common to all units and no higher than the parapet or eaves of the building to which it is attached.

- d) The use of corporate colours is limited to the nominated signage space of the development.
- e) The following is not permitted:
 - signage attached to front fences
 - A-Frame signage within the road reserve
 - roof signs
 - signs that cover any window, door or architectural feature
 - projecting signs
 - flashing or illuminated signs
 - signs with information that does not relate to the site or its tenants
 - signs which rotate or move
 - sequins and glitter.

7.10.3.4 *Lighting*

Objective:

- Provide sufficient lighting for the privately leased areas of the GA Precinct without compromising airfield operations.

Requirements:

- a) Lighting must be provided to the external entry path, building entryway/s, common lobby, driveway, and car parking using vandal resistant, high mounted light fixtures.
- b) Development must avoid the creation of a lighting hazard through the appropriate design, lighting colour, position, pattern and intensity of lighting.
- c) All lighting must be consistent with the provisions of Regulation 94 of *the Civil Aviation Regulation 1988*.
- d) No freestanding lighting shall impact the Obstacle Limitation Surfaces.
- e) No coloured lights are allowed as they may interfere with airport operations.
- f) No external lighting shall be directed beyond the lease boundary.
- g) High efficiency or more sustainable lighting sources should be utilised where appropriate. Timer controls or motion sensors are encouraged both internally and externally.

7.10.4 *Fencing*

Objective:

- Provide adequate security for airport operations and businesses in the GA Precinct whilst promoting the cohesive visual appeal of the streetscape.

Requirements:

- a) Security fencing of the diplomat style and black in colour is to be installed and maintained to all airside interfaces within the lease area (see image below).
- b) Large expanses of continuous masonry, bonded sheet metal or timber fencing are not permitted.
- c) Barbed wire, razor wire (or the like) fencing is not permitted unless required for aviation security reasons.

- d) Security fencing must be of high-quality materials, integrated with walling and, include appropriate low-scale landscaping to reduce visual impact.



Figure 7.19: Diplomat style fencing

7.10.5 External service, wash down bays, rubbish and storage areas

Objectives:

- Minimise the potential for the activities within the GA Precinct to attract birds or vermin or impact visual amenity.
- Ensure compliant stormwater services infrastructure.

Requirements:

- a) All developments must carry out the necessary works to connect to existing sewer, water, stormwater, communications and electricity services.
- b) New development will be designed so that stormwater flows are managed in accordance with the Building Code of Australia, Council's stormwater management guidelines and the GA precinct's stormwater infrastructure design. On-site stormwater detention facilities and re-use of stormwater on site may be required.
- c) All developments must provide an appropriate waste storage area.
- d) Waste and recycling systems are to be healthy, safe and easy to use and, where necessary, collection vehicles are able to safely access buildings or sites to remove waste and other resources.
- e) Rubbish bin storage areas must not be on the airside frontage. Where located on the street-side they shall be enclosed and structurally screened.
- f) All services such as water storage tanks shall be integrated with the building design and placed in a non-visually prominent location with respect of the taxiway and Arthur Kaine Drive.
- g) Wash down areas shall be connected to the mains water and sewer.
- h) The front setback shall not be used for the storage of any goods or materials or be used for any use other than its approved use.

7.10.6 Energy efficiency

Objective:

- Achieve energy efficient and environmentally sensitive development.

Requirements:

- a) The design of buildings will have regard to siting, layout and construction methods that minimise the need for fossil fuel based heating, cooling and lighting. The use of water saving features and energy efficient heating systems is encouraged.

7.10.7 Aboriginal archaeology

Objective:

- Ensure the impact of a proposed development on the heritage significance of an Aboriginal place, cultural value, landscape value or object is considered by adequate investigation and assessment processes.

Requirements:

- a) All development must comply with the requirements of Aboriginal Heritage Impact Permit AHIP number 4796.