Summary of major differences with current DCP

- Housekeeping amendment to remove reference to the Nominated Waterways table and retain the existing standards for this section.

4 Rural Development

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 to the following waterways are outlined in Table 4.1:
    - Back Lake
    - Barragoot Lake
    - Bega River (tidal sections)
    - Bermagui River
    - Blackfellows Lagoon
    - Curalo Lagoon
    - Cuttagee Lake
    - Merimbula Lake
    - Middle Lake
    - Murrah Lake
    - Nelson Lake
    - Nullica River (tidal sections)
    - 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)
    - Yowaka River

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

Table 4.1: Minimum development setback

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	20m	20m	20m
RU4 Primary Production Small Lots R5 Large Lot Residential C3 Environmental Management C4 Environmental Living	20m	10m	10m

Table 4.2: Minimum development setback from public roads and boundaries

5 General Development

Summary of major differences with current DCP

- Clarification of Council's requirements for the installation and alteration of on-site wastewater management systems for various development types.
- Guidance on what types of systems Council will consider.
- Amendments to Nominated Waterways table to include: non-tidal sections of the Bega, Nullica and Towamba Rivers; non-tidal sections of Pambula Lake; Myrtle Creek; and Kiah River. Corresponding amendments to the Chapter 4 Rural Development; 4.3 Setbacks to remove reference to the Nominated Waterways table and retain existing standards for this section.
- Encouragement to consider the value and potential reuse of wastewater and waste-solids in accordance with the principles of a circular economy.

5.7 On-site Wastewater Management

General Requirements

Application

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

Objectives

- Safeguard and improve the quality of surrounding environments and catchments including groundwater, surface water, land and vegetation through selection and maintenance of site suitable on-site wastewater systems.
- Prevent and manage current and long-term public health risks posed by on-site wastewater disposal.
- Protect drinking water supply sources and aquaculture catchments from potential effluent and nutrient contamination.
- Ensure the principles of ecologically sustainable development are upheld in decision-making processes.

Note: *Principles of ecologically sustainable development* is defined in the *Local Government Act 1993.*

Controls

1. All proposals for development requiring wastewater disposal in a non-sewered area shall be accompanied by a site and soil evaluation and engineering design at Development Application stage.
2. Site and soil evaluation and engineering is to be in accordance with Council and industry standards, including:
    a. Council's Policy 4.02 On-site Wastewater Management
    b. AS/NZS 1547:2012 On-site Domestic Wastewater Management

c. AS/NZS 1546 On-site Domestic Wastewater Treatment Units

d. AS/NZS 3500 Plumbing and Drainage

In the event of any inconsistency, Policy 4.02 On-site Wastewater Management prevails.

3. All systems of on-site wastewater management must obtain Council approval under Section 68 of the *Local Government Act 1993* for:

    a. installation/alteration, and

    b. operation.

4. Applicants who apply to Council to modify a S88B Instrument for the purpose of constructing or installing an on-site wastewater 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.
5. Before granting consent to development that will result in the generation of sewage or other wastewater, Council must consider:
    a. 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
    b. the suitability of the site for on-site disposal of wastewater and the ability of the wastewater disposal system to function effectively over the long term without causing adverse effects to adjoining land or water, and
    c. the likely effect of any on-site wastewater disposal on any water bodies, water supply catchments, groundwater resources, or seasonally waterlogged soils in the vicinity, and
    d. the likely cumulative environmental impacts of all on-site systems or works in the area with respect to water quality, soil degradation and odour.

Guidelines

- Council will consider all forms of on-site wastewater management systems, however systems must be practical, approved by or capable of being approved by NSW Health, and capable of easy maintenance by future owners.
- System design should consider the value of wastewater and waste-solids, and potential for reuse of these resources.

Residential Development

Controls

1. The hydraulic load shall be based on the number of bedrooms plus any other rooms such as studies that are able to be used as bedrooms.
2. Where feasible, residential development that is 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 wastewater from

systems of on-site wastewater management located outside of the environmentally sensitive area with an appropriate buffer area.
Note: Environmentally sensitive areas are defined as per the *Local Government (General) Regulation 2021* as:

(a) land or an area listed in the definition of environmentally sensitive area in Part 4 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*, and

(b) any land or area—

i. within 100 metres of a natural waterbody, wetland or coastal dune field, or

ii. with a high watertable, or

iii. with highly permeable soils or acid sulphate, sodic or saline soils, or

iv. within a drinking water catchment, or

v. within the water catchment area of an estuary where the entrance to the sea is intermittently open.

3. On-site wastewater management systems proposed within 100m of an environmentally sensitive area, or 150m of a nominated waterway, or within a 2-kilometre radius upstream of a town water supply shall treat wastewater to a minimum secondary standard.

Nominated waterways in the Bega Valley Shire

Back Lake	Bermagui River
Bega River	Curalo Lagoon
Blackfellows Lagoon	Merimbula Lake
Cuttagee Lake	Murrah Lake
	Myrtle Creek
Middle Lake	Nullica River
Nelson Lake	Pambula River
	Kiah River
Pambula Lake	Towamba River
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 x: Nominated Waterways in the Bega Valley Shire

Subdivision

Controls

1. The capacity of the site to provide sustainable on-site wastewater management must inform lot yields, layout and dimensions.
2. The modelled hydraulic load for each proposed lot shall be a minimum of 1200L/day where lots will have access to reticulated water, and a minimum of 1000L/day where lots will be reliant on rainwater supply.
3. The assessment shall be supported by soil sampling representative of each proposed lot.
4. A water balance for the hydraulic load shall be provided based on local rainfall and the most appropriate evaporation data.
5. Each proposed lot must have sufficient space for an equally sized primary and reserve wastewater disposal area.
6. If wastewater disposal areas are proposed within 100m of a water supply bore or within 2 kilometres radius upstream of a drinking water supply, suitable drawdown analysis or viral die-off modelling assessing this risk must accompany the proposal.
7. Where the lots are to be located within the catchment of a nominated waterway, nutrient balance modelling must accompany the proposal.
8. Based on the findings of the site and soil assessment, a wastewater disposal envelope will be clearly identified on the lots via a restriction on title (S88B instrument) with Council as the sole authority nominated to release, vary or modify the instrument.
9. Council will not support proposals for new wastewater management systems located below the 3m AHD coastal hazards contour, or within the flood planning area.
10. Council will not support the creation of new lots where:
    a) the proposed land application area is within 100m of an environmentally sensitive area; or
    b) the proposed land application area is within 150m of a nominated waterway (see Table 5.3);
    c) subdivisions creating 3 or more lots are located within 2km upstream radius of a town drinking water supply and are not accompanied by investigations sufficient to ensure no increased risk to that water supply.

Commercial and Industrial Development

Controls

1. Where collection wells and pump-out systems are proposed in non-sewered areas, the collection wells must:
    a) be sized to hold a minimum of seven days' storage plus two additional days on a minimum weekly pump-out contract

b) have an audio-visual high-level alarm and accompanying maintenance/response procedures.

2. Pre-treatment of wastewater must be in accordance with the NSW Liquid Trade Waste Guidelines.
3. Development producing an estimated wastewater volume of over 2000L/day or requiring a commercial size on-site sewage management system will:
    a. include in the site and soil evaluation and engineering design:
        i. detailed calculations of hydraulic load including peaks and troughs
        ii. characterisation of the expected inflow wastewater quality
        iii. details of sludge, solids and other waste requiring off-site disposal
    b. be supported with an On-site Wastewater Management Plan, inclusive of:
        i. clear provisions for ongoing operation and maintenance
        ii. operation manuals and staff training protocols
        iii. procedures for verification testing of treated wastewater
        iv. emergency management procedures.

Guidelines

- The design of the on-site wastewater system is to be specific for the intended use and concurrence from other relevant NSW Government departments may be required.

5.8 Planning for Hazards

Summary of major differences with current DCP

- Redrafted to reflect Council's Contaminated Land policy as it applies to development assessment.

5.8.3 Contaminated Land

Objectives

- Ensure that changes in land use do not increase the risk to human health or the environment.
- Consider the likelihood of contamination as early as possible in the development process.
- Ensure site investigation, remediation and reporting works are completed in accordance with relevant legislation and standards.

Application

This section applies to all development in Bega Valley Shire.

5.8.3.1 Requirements

1. Consideration and management of contaminated land shall be carried out in accordance with:
    - *Managing Land Contamination: Planning Guidelines: SEPP 55–Remediation of Land* or its update, and
    - *Policy 3.11 Contaminated Land Policy*.

Summary of major differences with current DCP

- Updates to reflect Council's Policy 4.10 Lands Under Council Jurisdiction and associated procedures, specifically restricting the creation of asset protection zones over Council reserves in association with new subdivisions of land.
- Clarifies how any proposed areas of revegetation, retained vegetation and riparian corridors are to be identified and considered in relation to bush fire.

5.8.4 Bush Fire Prone Land

5.8.4.1 General requirements

Objective

- Help mitigate the impact of bush fire on buildings and the community.

Application

This section applies to the land shown as Category 1, 2, 3 or Buffer on Council's Bush Fire Prone Land Maps.

Control

- Consent will not be granted to development which is subject to bush fire hazards unless Council is satisfied that the requirements of NSW Rural Fire Service's *Planning for Bush Fire Protection 2019* or its update (PBP 2019) and the provisions of the Building Code of Australia and AS3959 Construction of Buildings in Bush Fire Prone Areas have been addressed.

5.8.4.2 Subdivision

Objectives

- Design subdivisions and associated infrastructure to prioritise low hazard locations.
- Ensure new subdivisions are financially sustainable for Council and the community.

Controls

1. All bush fire planning requirements, including Asset Protection Zones (APZs) must be contained within the area of the proposed subdivision. In residential and rural residential areas, this may include adjacent Council road reserves where consistent with PBP 2019.
2. For new greenfield subdivisions, wherever possible, APZs shall be contained within private lots and not burden proposed public reserves or Council for the ongoing maintenance of these areas.
3. Proposed areas of revegetation, retained vegetation and riparian corridors shall be identified on the plan of subdivision to ensure the proper treatment of land that in future may become bush fire prone land.
4. Building envelopes shall not be located on ridge tops and steep slopes, especially on upslope lands and narrow ridge crests.

Summary of major differences with current DCP

- Clarifies when Council will permit additional driveway crossovers.
- Puts limitations on driveway crossovers on roads with speed limits greater than 70 km/h.
- Clarifies internal driveway requirements.
- Provides greater certainty regarding required road upgrades in association with new development.
- Clarifies access and internal driveway/road requirements for caravan parks, manufactured home estates and camping grounds.

5.13 Roads and access

General

Application

- This section applies to all development, excluding subdivisions. Refer to *5.10 Subdivision standards* for subdivision access controls.

Objective

- Ensure safe and efficient access to private property.

Controls

1. Access crossovers shall be designed and constructed in accordance with Council's standard drawings. The responsibility for the construction, repair and maintenance of the access crossover lies with the property owner.
2. Legal property access may be gained from a public road or formal easement for access, or a combination of these. Practical access must be wholly contained within the legal access.
3. Access shall be from the street with the lowest traffic volume. Direct access to a classified road is not permitted where access is achievable via an alternative road, laneway or easement. Access to a State Classified Road is subject to approval from Transport for NSW.
4. Driveway crossovers servicing residential dwellings will generally be limited to one per road frontage, except where the lot frontage exceeds 30m.
5. New developments accessing onto roads with a speed limit equal to or greater than 70 km/h shall be designed with a single access point. Existing crossovers must be consolidated into the single access point.
6. Batters and retaining structures to facilitate access must be wholly contained within the lots being serviced.
7. Access to parking areas will be designed to minimise conflict between active travel and traffic. Any public parking areas must be approved by Council.
8. Internal access driveway design will make provision for service vehicles where applicable.
9. Where 10 or more peak hourly vehicle trips are expected to be generated from the development, a traffic assessment is required. Either a Traffic Impact Assessment (TIA) or Traffic Impact Statement (TIS) must be prepared in accordance with the Austroads Guide to Traffic

Management Part 12 (AGTTMP12). Table 5.2 of AGTTMP12 is to be used to determine the level of assessment required.

- In speed zones ≥70 km/h, assessment of intersections against the Warrants in the Austroads Guide to Traffic Management P6 must be provided as part of the TIS/TIA or as a standalone document if a TIS/TIA is not required.
- A TIA, TIS and/or Warrant assessment may be required for any development at the discretion of Council. Typical factors influencing this decision are provided in the 'Discretion of the road agency' section of AGTTMP12.

10. Where existing roads forming part of or accessing the development do not meet the applicable Road Type standard under *Road Hierarchies* in *5.10 Subdivision standards*, the applicant shall provide improvements in accordance with Table x: *Improvements to existing roads*.

Table x: Improvements to existing roads

Zones	Development type	Improvements required to roads fronting the subject lot	Improvements required to existing roads providing access to the subject lot
R2, R3, MU1	Urban residential infill development – single dwelling houses, secondary dwellings, and ancillary development	• Where the existing access and/or frontage road is gravel or unformed, full width road construction is required in accordance with the applicable *Urban Residential Road* type in *5.10 Subdivision standards*.	
	Urban residential infill development – all other development	• Where the existing road is constructed to a two-lane sealed standard, half width road construction[2] in accordance with the relevant *Urban Residential Road* type in *5.10 Subdivision standards* is acceptable. • Where the existing road is gravel or unformed, full width road construction is required in accordance with the applicable *Urban Residential Road* type in *5.10 Subdivision standards*.	• Where the development relies on an existing unformed, single lane or gravel road to connect to the broader road network, that road must be upgraded to comply with the relevant *Urban Residential Road* type. • Where more than 10 peak hourly trips are expected to be generated from the development, the Traffic Impact Assessment/Statement must assess the wider network and detail any road and intersection upgrades required to comply with the

			Road Hierarchy tables and Council's standards.
R5, RU4, RU5, C3, C4	Village and rural residential development – single dwelling houses, secondary dwellings, farm buildings, and ancillary development[3]	• Where the existing access and/or frontage road is unformed, full width road construction is required as follows: ○ Where 4 or fewer lots have the potential to access the road, comply with the requirements for a *Rural lane/driveway* given in the *Rural Residential and Rural Roads table* in *5.10 – Subdivision standards*. The road must be sealed. ○ Where more than 4 lots have the potential to access the road, comply with the requirements for a *Rural Residential Road* given in the *Rural Residential and Rural Roads table* in *5.10 – Subdivision standards*.	
	Village and rural residential – all other development	• The road fronting and connecting the development with the broader road network (e.g. main village thoroughfare, sub arterial road) must be a two-lane sealed standard. Where it is not already a two-lane sealed standard it must be upgraded to comply with the relevant *Rural Residential and Rural Road* type.	
		• Where the surrounding road frontage has been formalised (kerb and gutter, drainage etc) the development frontage must also be formalised by way of a half width road construction[2] in accordance with the applicable *Urban Residential Road* type in *5.10 – Subdivision standards*. • Gravel roads will not be accepted fronting or accessing these types of development in association with a village (whether zone RU5 or R5)	• Where more than 10 peak hourly trips are expected to be generated from the development, the Traffic Impact Assessment/Statement must assess the wider network and detail any road and intersection upgrades required to comply with the *Road Hierarchy* tables (section x) and Council's standards.
E1, E2, E3, E4, E5, MU1	Commercial and Industrial infill development	• Full width road construction in accordance with applicable *Commercial and Industrial Road* type • Where the opposite side of the road has already been formalised generally in accordance with the applicable *Commercial and Industrial Road* type, a half	• The Traffic impact assessment/ statement must assess the wider network and detail any road and intersection upgrades required to comply with the *Road Hierarchy* tables (section x) and Council's standards.

		width road construction is acceptable.	
	Special Purpose (SP) and Recreation (RE) zones	• Merit assessment on a case-by-case basis	

1. Formalised road – generally a two-lane sealed road with kerb and gutter, footpath, piped drainage, etc.
2. See Figure x for 'Half' Width Road Construction Diagram.
3. Existing gravel roads must be two-way maintained roads to facilitate access to this type of development.
4. Where the development involves Crown Roads see *5.16 - Crown Road transfers*.

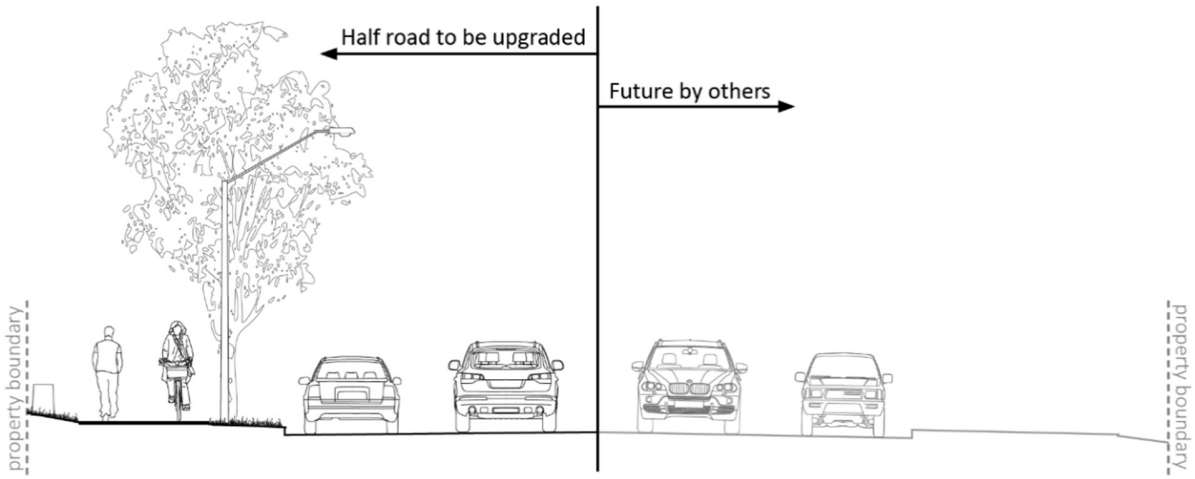

Figure x: Road cross section of 'half' road upgrade

Guidelines

- For detailed design requirements, see:
  - *Planning for Bush Fire Protection 2019*
  - Council's Specifications
  - AS2890.1.1 Parking Facilities, Part 1: Off-street car parking
  - Austroads Guides
- Under the *Roads Act 1993*, Transport for NSW maintains a record of all classified roads that is made publicly available in the Schedule of Classified Roads and Unclassified Regional Roads.
- Where Crown roads form part of the development see *5.16 Crown road transfers*.

Single dwellings and dual occupancies

Controls

1. Internal access driveways must comply with AS2890, with materials to be as per *Urban subdivisions*, *Servicing standards* in *5.10 Subdivision Standards*.

Multi-unit residential development of 3 dwellings or more, and commercial and industrial development

Controls

1. Internal access driveways must comply with AS2890. Where driveways serve more than 3 units or 30 vehicles per day, a passing bay immediately inside the property boundary as described in Clause 3.2.2 of AS2890.1 is mandatory.
2. Where driveways and loading areas will provide for service vehicles, the applicant must demonstrate safe and practical access will be provided for those vehicles.
3. Internal access driveways must be concrete unless otherwise approved by Council.

Rural and rural-residential

Controls

1. Internal access driveways in rural and rural residential settings must comply with *Planning for Bush Fire Protection 2019*.
2. The wearing course for private access driveways is to be in accordance with the *Rural Roads table* in *5.10 Subdivision standards*.

Caravan parks, manufactured home estates and camping grounds

Objective

- Ensure access to caravan parks, manufactured home estates and camping grounds is fit for purpose.

Controls

1. Access shall be provided via a single access point to a Council maintained road.
2. Internal access roads in caravan parks and manufactured housing estates are to be sealed. Rural standalone camping grounds (i.e. no caravan park) must be able to accommodate a two-wheel-drive in all-weather conditions and comply with the requirements of *Planning for Bush Fire Protection 2019*.
3. Design and construct the internal access roads in accordance with relevant BVSC Specifications and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* criteria supported by a Traffic Impact Assessment or Traffic Impact Statement.

Summary of major differences with current DCP

- Clarifies lodgement requirements for new developments.
- Clarifies standards for stormwater and soil management.
- Requires best practice standards for the management of sediment and erosion.
- Clarifies the timing and approval process for connection to Council's stormwater system for complying development.
- Provides guidance on the design of stormwater systems to minimise assets that Council is required to take on.

5.14 Stormwater and soil management

General Requirements

Application

All development within the Bega Valley Shire.

Objectives

- Maintain or enhance pre-development water quality in construction and post-development stormwater runoff.
- Mitigate the impacts of new impervious development on downstream property, infrastructure and the environment.
- Protect infrastructure and the natural environment by minimising erosion, sedimentation and water pollution.

Lodgement requirements

1. All development applications shall be supported with a stormwater concept design and drawings where required in accordance with Council's Stormwater Guidelines for development.
2. All development applications involving any permanent or temporary earthworks including filling, trenching, forming, excavation, etc shall be supported with a concept Soil and Water Management Plan.

Controls

1. New developments shall be designed to mitigate potential impacts on downstream property, infrastructure and the environment.
2. Alterations in flow rate or flow duration within the receiving waterway should be minimised.
3. Stormwater and soil controls shall be designed, constructed and implemented in accordance with Council and industry specifications, including:
    a. BVSC Stormwater Guidelines for Development
    b. BVSC Development Design Specifications (NATSPEC)
    c. BVSC Development Construction Specifications (NATSPEC)
    d. Managing Urban stormwater – Soils and Construction Vol 1 by Landcom (The Blue Book)
    e. National Construction Code (NCC)
    f. AS3500.3 – Plumbing and Drainage Part 3 – Stormwater Drainage
    g. Australian Rainfall and Run-off Guide 2019.

4. All inter-allotment drainage systems shall be contained within suitable easements. See Council's *Stormwater Guidelines for Development*.
5. Council will not accept pump out stormwater systems except where required to control basement seepage and basement driveway overflows.
6. Erosion and Sediment control plans shall be prepared in accordance with the guidelines set out in *Managing Urban Stormwater: Soils and Construction,* prepared by Landcom (the Blue Book) (as amended from time to time) and Council's specifications.
7. Sediment basins shall be designed to be converted into On Site Detention (OSD) or Stormwater Quality Improvement Devices (SQIDs) facilities, where these are required post-construction.
8. 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.
9. All excavated material removed from the site must be classified in accordance with the NSW Environmental Protection Authority's *Waste Classification Guidelines*.
10. Where drainage will rely on a new easement over neighbouring lot/s, Council recommends private negotiations are resolved prior to lodgement of the development application. See Council's *Stormwater Guidelines for Development* for timing and detailed requirements.
11. Where an appropriate method of stormwater disposal cannot be provided, the Development Application will be refused.

Complying Development Certificate Controls

1. The following types of complying development must obtain approval to connect to Council's stormwater system under Section 68 of the *Local Government Act 1993* prior to the issue of a Complying Development Certificate:
    a. Dual occupancy where the proposed impervious area is >50% of the site area
    b. Multi dwelling housing
    c. Multi dwelling housing (terraces)
    d. Manor homes
    e. Any site proposing an on-site disposal system.
2. Other types of development can obtain approval to connect to Council's stormwater system under Section 68 of the *Local Government Act 1993* prior to the connection works commencing.
3. All on-site stormwater design and connections to Council's system must comply with the requirements of AS3500.3 and Council's *Stormwater Guidelines for Development.*

Residential Development

Controls

1. The preferred approach to conveying public stormwater is via public land such as roads, reserves and waterways. Council will only accept easements to drain public water through private land where it is demonstrated to be unavoidable.
2. Inter-allotment drainage systems will be designed and constructed to minimise the number of lots using each easement. Each inter-allotment drainage easement must serve no more than four lots. Council will not accept easements for inter-allotment drainage systems favouring Council within private property.

3. For infill subdivisions where new public roads are not being created, public On Site Detention (OSD) and Stormwater Quality Improvement Devices (SQID) facilities will not be accepted. The resulting lots require a suitable covenant on title detailing the requirement for private OSD at dwelling construction stage.
4. For greenfield subdivisions where new public roads are being created:
    a. Where it is proposed that public OSD and SQID facilities will be provided at the subdivision stage, proposed timing of asset transfer and ongoing maintenance requirements must be provided for the consideration of Council. Council will only accept dedications of land and assets where consistent with Council's *Policy 4.10 Lands under Council Jurisdiction* and associated *Procedure 4.10.5 Acquisition and disposal of land or interests in land.*
    b. Where it is deemed appropriate that the provision of OSD and SQIDs will be deferred to lot development stage, the resulting lots require a suitable Positive covenant on title detailing the requirement for private OSD and SQIDs at dwelling construction stage.
5. Council will not accept retaining structures on public land.
6. Infill development will require On-Site Detention (OSD) and Stormwater Quality Improvement Devices (SQIDs) as specified in Council's *Stormwater Guidelines for Development.*

Guidelines

- For greenfield subdivisions where it is proposed to transfer OSD and SQID facilities to Council, the design should minimise concrete structures and integrate with other public spaces and riparian corridors (where permitted by WaterNSW). See WaterNSW's Guidelines for controlled activity approvals.
- Private hardstands, landings, roads and driveways created as part of the subdivision works may need to incorporate private OSD at subdivision stage.

Commercial and Industrial Development

Controls

1. Where the construction of On-Site Detention (OSD) and Stormwater Quality Improvement Devices (SQIDs) is to be carried out in association with future development, a Positive covenant on the titles detailing this requirement must be created as part of the subdivision.

Guidelines

- On Site Detention (OSD) and Stormwater Quality Improvement Devices (SQIDs) will typically be required when individual lots are developed.
- Private hardstands, landings and driveways created as part of subdivision works may need to incorporate OSD at subdivision stage.
- Where new industrial roads are being created, public OSD and SQIDs such as detention/ biofiltration basins may be required, subject to the downstream conditions, engineers' recommendations and Council assessment.

Rural and Rural Residential Development

Objective

- To establish a sustainable stormwater drainage and water quality system that integrates natural and constructed landscape elements.

Controls

1. Development in rural and rural residential areas must consider any upstream catchment impact and impact on receiving waters and downstream infrastructure (e.g. roads).
2. Rural residential subdivisions, commercial development in rural areas and other larger scale rural development must be designed considering the principles from the *Water Sensitive Design Guide for Rural Residential Subdivisions* by WaterNSW.

Summary of major differences with current DCP

- Clarifies lodgement requirements.
- Integrates Council's policies and procedures.
- Clarifies connection requirements for Torrens title subdivisions and large and small multi-unit developments.
- Provides guidance on locating underground water and sewer infrastructure and recommended timing in the development process.
- Guidance for larger developments which may need to provide additional fire-fighting infrastructure, such as hydrants.

5.15 Connecting to water and sewerage services

Lodgement requirements

- All proposals for development must be supported with a *Water Management Act 2000* Application for Certificate of Compliance.

Controls

1. Connecting to Council's water and sewer systems must be in accordance with Council's Procedure 4.07 Connecting to our water or sewer system, the Water Servicing Association of Australia (WSAA) codes and Australian Standard AS3500.
2. Each Torrens title lot within the Development Servicing Plan (DSP) area must be separately connected to the reticulated system.
3. Proposals within the Development Servicing Plan area for multiple dwellings (5 or more) on one lot, including caravan parks, manufactured home estates and seniors housing, or lots within a community title plan, are limited to one connection to the water and sewer mains.
4. Proposals within the Development Servicing Plan area for smaller residential proposals (1-4 dwellings) are required to have individual water connections (i.e. one water meter per dwelling) and one sewer connection (for the entire lot).
5. For new subdivisions, the subdivider will provide the reticulation mains and all works necessary to service the development, including reservoirs, trunk mains, pumping stations, telemetry systems and any associated works, all at no cost to Council.
6. Any existing water services and any existing internal sewer drainage lines are to be wholly within the boundaries of the lots they serve.
7. Easements may be required to allow public utility services.

Guidelines

- Section 64 of the *Local Government Act 1993* allows councils to charge financial contributions or require construction work from developers under the *Water Management Act 2000* to help cover the cost of water and sewer systems. All proposals for development will be required to submit a *Water Management Act 2000* Application for Certificate of Compliance. It is advised to lodge the application at the same time as the development application.
- For further information about connecting to Council's water and sewer network, see:

    - *Procedure 4.07.01 Connecting to our water or sewer system*
    - *Development Servicing Plan - Sewerage Services*
    - *Development Servicing Plan – Water Services*
    - Council's website

- For further information about building over water and sewer assets, see:
    - *Procedure 4.07.04 Water, sewer and stormwater asset ownership*
- Council does not hold a complete historical record of all water and sewer infrastructure location and depth data in the Bega Valley Shire. It is recommended to locate such infrastructure early in the development design process. Enquiries may be made via Dial Before You Dig, however further private investigations by an Underground Utility Locator may be required.
- Generally, rural residential and rural development is reliant on rainwater harvesting and tank water storage for domestic and non-domestic purposes, however, in accordance with *Procedure 4.07.01 Connecting to our water or sewer system*, Council will consider requests to connect to water and sewer reticulated systems (non-trunk mains) on a case-by-case basis, particularly where land is close to the Development Servicing Plan area.
- For larger or more-complex developments requiring fire-fighting infrastructure such as hydrants, it is recommended to make early enquiries with Council about fire-fighting water pressure and capacity.

Summary of major differences with current DCP

- Guidance on when a Planning Agreement is required.
- Clarifies Council's process to obtain access to private land via a Crown road.
- Clarifies Council's road forming standards for Crown roads in various development contexts.

5.16 Crown roads

Objective

- Minimise Council's maintenance liability whilst ensuring land has legal and practical access.

Application

All development involving Crown roads.

General requirements

Controls

1. Comply with Council's Policy *4.10 Lands Under Council Jurisdiction* and associated Procedure 4.10.5.
2. Where a Crown road is proposed to be transferred to Council, the landowner must enter into a Voluntary Planning Agreement (VPA) with Council prior to Council accepting transfer of the road.

Guidelines

- The VPA with Council is required to:
    - ensure the newly transferred road reserve is maintained by the landowner until the public road is constructed and Council accepts the ongoing road maintenance, or
    - ensure the landowner will maintain the road in perpetuity, in the case where Council will not accept the ongoing road maintenance.
- For more information about planning agreements, see *Policy 4.11 Planning Agreements*.

Rural land

Application

This section applies to zones C1 National Parks and Nature Reserves, C2 Environmental Conservation, C3 Environmental Management, C4 Environmental Living, C4 RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry and RU4 Primary Production Small Lots.

Controls

1. Where access is only available to an existing lot via a formed or unformed Crown road that does not meet the applicable standard under the *Rural Roads* table of *Section 5.10 Subdivision Standards*, the applicant must:
    a) apply to Crown lands to upgrade the Crown road, and/or
    b) investigate gaining access privately over adjacent land.

2. Where the Crown will not permit upgrade of the road and private access is not feasible (evidenced by way of a letter from landowner/s), Council will accept the road as public road only in the following circumstances:
    a) Where 4 or fewer lots access the road, it must comply with the requirements for a *Rural lane/driveway* detailed in Table x: *Rural Roads* in *5.10 – Subdivision standards*. The road will be accepted as an unmaintained Council road, and maintenance will be the responsibility of the users.
    b) Where more than 4 lots have the potential to access the road, it must comply with the requirements for a *Rural residential road* given in Table x: *Rural Roads* in *5.10 – Subdivision standards*.

Guidelines

- If only minor works are required to bring the access up to an acceptable standard, then approval for the road upgrade can be issued by Crown Lands. See *Administration of Crown Roads Guideline* by Crown Lands.
- As an alternative option to forming a new road to Council's standards, landowners may apply to NSW Crown Lands to purchase the crown road (with the effect of 'closing the road') and register a right of access over it (or elsewhere), thereby permitting road construction at the lesser standard of a *Rural lane/ driveway* detailed in the *Rural and Arterial Roads table* in *5.10 – Subdivision standards*. The landowner would thereafter be responsible for the maintenance of the driveway.

Urban, village, commercial and industrial land

Controls

1. Where the transfer of Crown roads to Council is required to facilitate urban residential development in zones R2 Low Density Residential, R3 Medium Density Residential and MU1 Mixed Use, the roads must be constructed to the relevant standard in accordance with the *Urban Roads table* in *Section 5.10 – Subdivision standards*.
2. Where the transfer of Crown roads to Council is required to facilitate commercial or industrial development in zones E1 Local Centre, E2 Commercial Centre, E3 Productivity Support, E4 General Industrial, E5 Heavy Industrial and MU1 Mixed Use, the roads must be constructed to the relevant standard in accordance with the *Commercial and Industrial Roads table* in *Section 5.10 – Subdivision standards*.
3. Where Crown roads are proposed to be transferred in zones R5 Large Lot Residential and RU5 Villages to facilitate infill development (defined in *5.10 Subdivision standards*), the following standards apply:
    a) Where 4 or fewer lots have the potential to access the road, it must comply with the requirements for a *Rural lane/ driveway* given in Table x: *Rural Roads* in *Section 5.10 – Subdivision standards*. The road must be sealed.
    b) Where more than 4 lots have the potential to access the road, it must comply with the requirements for a *Rural residential road* given in Table x: *Rural Roads* in *Section 5.10 – Subdivision standards*.

Summary of major differences with current DCP

- New section of DCP

5.17 Waste Management

Application

This section applies to the following development types of all sizes in all land use zones:

a) Residential flat buildings

b) Shop top housing

c) Mixed use development

d) Multi dwelling housing

General requirements

Objective

- Ensure the efficient storage, separation, collection and handling of waste to maximise resource recovery and provide safe and healthy spaces for people to live and work.

Controls

1. All development applications for residential flat buildings, shop top housing, mixed use development and multi dwelling housing resulting in 7 or more residential dwellings, or proposing to use communal 660L red or yellow lidded bins, must provide a Waste Management Plan that responds to the requirements detailed in this section. Applicants must complete the Waste Management Plan (WMP) Template and submit it as an Appendix to the Statement of Environmental Effects.
2. All other residential flat buildings, shop top housing, multi dwelling housing and mixed use developments must provide a response to the requirements detailed in this section.
3. WMPs for residential flat buildings and multi dwelling housing shall be informed by this development control plan and the ***Better Practice Guide for Resource Recovery in Residential Developments*** (EPA Guide) published by the NSW Environment Protection Agency (www.epa.nsw.gov.au).
4. WMPs for shop top housing and mixed use developments (residential developments with a commercial component) shall be informed by this development control plan, the ***Better Practice Guide for Resource Recovery in Residential Developments*** (EPA Guide) and the EPA's companion document ***Better Practice Guidelines for Waste Management and Recycling in Commercial Facilities*** (EPA Commercial Guidelines).
5. The WMP must detail how the waste system will be actively managed on a daily and weekly basis. The applicant must establish and delegate responsibility for the following ongoing management tasks:
    a) Transporting bins between the storage area and collection point on collection day and returning them promptly to the storage area following collection.

b) Regularly washing the bins and the storage area.

c) Monitoring and maintaining the chute system, where applicable.

d) Maintaining the grounds free of litter and dumped rubbish.

e) Communicating waste management issues to residents.

Guidelines

- Council offers residential waste collection services in accordance with *Procedure 3.10.01 Mandatory Waste Services*.
- Developments of up to 6 dwellings may opt to use communal 660L red and yellow lidded bins instead of individual bins. Refer to *Council's Fees and Charges* document for servicing costs per bin size.
- In developments of up to 6 dwellings with individual waste, recycling and FOGO waste bins, residents shall be responsible for wheeling bins to the kerbside for collection.

Waste generation and bin allocation

Objective

- Ensure adequate waste bin allocation to meet residents' needs and maximise waste stream separation and resource recovery.

Controls

1. Developments of up to 6 dwellings must provide space to accommodate individual 240L waste, recycling and Food Organics Garden Organics (FOGO) waste bins for each dwelling, except when proposing to use communal bins.
2. Developments of 7 or more dwellings, or developments of up to 6 dwellings opting to use communal bins, must demonstrate sufficient space to accommodate communal 660L landfill and recycling bulk bins and communal 240L FOGO bins. Refer to the WMP Template for rates and collection frequency.
3. Developments of 7 or more dwellings shall be designed to incorporate one of the following waste management systems:

    a) A waste storage room or waste chute system on each individual residential level

    b) A waste storage room within the basement footprint of the development

    c) A communal waste enclosure located externally

    d) An alternate solution that incorporates a well-designed innovative waste and resource recovery system in accordance with the EPA Guide that caters for all three waste streams: landfill, recycling and FOGO.

4. Waste chutes for transfer of FOGO waste, in-sink waste disposal units, or waste compactors are not permitted.
5. All residential flat buildings shall provide bulky waste storage (i.e. cardboard boxes and oversized household waste) at the rate of $10m^2$ of space for up to 40 dwellings and then $2m^2$ for every 10

dwellings after that. Tenants or building managers will need to separately arrange for the collection of bulky waste.

6. Mixed use and shop top housing developments must demonstrate sufficient space to accommodate landfill and recycling bins for the commercial component of shop top housing and mixed use developments. Refer to the WMP Template and EPA Commercial Guidelines for waste generation rates.

Waste storage areas and facilities

Objectives

- Ensure waste storage is safe, healthy and functional and minimises visual, noise and odour impact for residents.

Controls

1. The waste storage areas and facilities shall:
    a) Be located adjacent to high use pedestrian paths of travel within the development and within 30m walking distance of all dwellings (except for bulky waste storage).
    b) Be located in areas that discourage theft and vandalism and restrict unauthorised access to prevent illegal dumping.
    c) Mitigate noise, odour and visual impacts.
    d) Maximise waste separation and resource recovery and minimise waste going to landfill.
    e) Support safe, efficient, cost-effective and timely waste collection.
    f) Be flexible in design, to allow for future changes in waste generation rates, materials collected and collection methods.
    g) Provide for the cleaning and draining of bins.
    h) Provide sufficient lighting for nighttime access.
2. In shop top housing and mixed use developments, waste management areas for the residential component of the development must be kept separate from commercial outlets.

Waste collection

Objectives

- Provide unobstructed waste collection point(s) that are safely and efficiently accessible by waste collection vehicles.
- Ensure bins can be moved safely between storage and collection areas.

Controls

1. An on-site or on-street waste collection point shall be nominated on the site plan.

2. Using swept paths, demonstrate that a heavy rigid vehicle (standard 22.5T GVM with 10.5m length, 2.5m width and 3.9m clearance) can access the nominated waste collection point safely and without blocking access to public roads or driveways.
3. Bin transfer routes between the storage area and collection point must be at least 2.5m wide, free of steps and less than a 5% or 1:20 slope. If these grades are unachievable for the site, the applicant must detail how bins will be safely moved between these areas.
4. If bins are to be placed at the kerbside for pick-up:
    a) the collection point shall be from the street frontage with the lowest speed environment
    b) it must be demonstrated that there is sufficient available space along the property frontage for collection, with a minimum space of 0.5m between bins, and that the collection point will not create a traffic hazard or block footpaths or driveways.
5. Where waste collection vehicles are proposed to enter the property for collection purposes:
    a) waste vehicles must be able to enter and leave the premises in a forward direction
    b) access driveways must be of adequate strength to support heavy rigid vehicles.

Guidelines

- Where possible, wheeled bins should not be placed near intersections, roundabouts or along arterial roads. In these circumstances applicants should investigate whether collection is available from side or rear streets, and whether sufficient frontage is available to service the number of bins/units.
- Council offers the following collection services for residential and commercial customers:
    - Kerbside collections
    - Wheel-in and wheel-out service
    - On-site collection

Demolition and construction waste management

Objective

- To ensure that demolition and construction waste is appropriately stored on site and disposed of at an approved waste management facility.

Controls

1. Demolition, construction and subdivision waste shall be stored temporarily within the development site and not within public areas such as footpaths, public reserves or road reserves, unless separate approval has been obtained under the *Local Government Act 1993*.
2. Adequate measures including bins with tight-fitting lids shall be implemented to prevent litter from being blown from the site.

3. Any waste or materials that are transported off-site shall be transported to an approved waste management facility, in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

Guidelines

- The generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) must be undertaken in accordance with the requirements of the Environmental Protection Authority and WorkCover NSW. Section 68 of the *Local Government Act 1993* provides an approval pathway for developers to erect hoardings and store skip bins on Council managed public land. Enquiries should be directed to Council.