

Bega Valley

Local Environmental Plan 2002

Part 1 Preliminary

1 Name of plan

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

2 Aims of plan

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

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

3 Land to which plan applies

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

4 Effect of the plan on other environmental planning instruments

Bega Valley Local Environmental Plan 1987 is repealed.

5 Consent authority

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

6 Exempt and complying development

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

[Refer to Council's Development Control Plan 4\(98\) Exempt and Complying Development.](#)

7 General provisions in relation to the development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 Zone objectives and development control table

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

9 Definitions

In this plan:

- (1)
 - (a) terms defined in the Dictionary at the end of this plan have the same meanings as are set out in the Dictionary, and
 - (b) a reference to a building, work or place used for a purpose includes a reference to a building, work or place proposed to be used for the purpose, and
 - (c) a reference to a map is a reference to a map kept in the office of the Council.
- (2) Notes in this plan do not form part of this plan*

* Amendment: Rural Lands SEPP

10 Model provisions

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

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

11 Saving for undetermined applications

A development application:

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

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

Amendments to Bega Valley Local Environmental Plan 2002

No.	Gazettal date	Description of LEP
1	6 January 2006	Amendment to zoning map: Wallaga Lake Rd, Bermagui to 1(a)
2	27 July 2007	Amendment to zoning map: Berrambool Drive, Merimbula to 2(a)
		Amendment to zoning map: Quondolo St, Pambula to 2(b)
		Reclassification: Princes Hwy, Eden to operational
		Amendment to Clause 17(4)
3	31 August 2007	Amendment to Clause Schedule 4

*	9 April 2008	State Environmental Planning Policy (Rural Lands) 2008 required changes
4	20 June 2008	Amendment to zoning map: Tura Beach Drive, Tura Beach to 3(a)
		Addition of Clause 97
#	12 December 2008	State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008 required changes