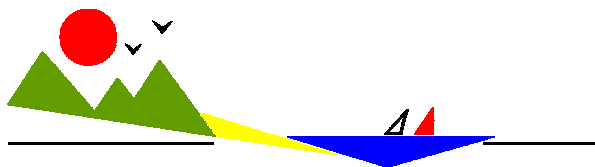


**BELLBIRD
HILL,
EDEN**



This version of Development Control Plan No.37 – Bellbird Hill, Eden was made pursuant to Section 72 of the Environmental Planning and Assessment Act, 1979 and approved by Council at its meeting on the 10 February 2004.

Record of Amendments

Name of Amendment	Date Approved by Council	Date Plan Came into Force
Original Plan	10 February 2004	23 February 2004

DEVELOPMENT CONTROL PLAN NO.37

BELLBIRD HILL, EDEN

1. INTRODUCTION

The purpose of this plan is to provide specific development controls for land at Bellbird Hill, Eden.

This land is zoned Rural 1(c) Small Holdings under Local Environmental Plan 2002.

This land is severely constrained due to its rugged terrain, lack of legal and practical access, high bushfire hazard, sensitivity of downstream waters to run off, flooding hazard and the existing land holding pattern.

The controls in this plan are necessary to ensure that any development is reasonable and responsible having regard to the characteristics and capability of the land.

2. NAME OF THE PLAN

This plan is Bega Valley Development Control Plan No.37 – Bellbird Hill, Eden.

3. AIMS OF THE PLAN

The aims of the plan are:

- a. To provide detailed guidance to those wishing to develop within the Bellbird Hill area with respect to Council's policies.
- b. To identify the major constraints that affect the development potential of this land including environmental, natural hazard and access.
- c. To impose specific development controls to reflect the true development capability of this land.

4. LAND TO WHICH PLAN APPLIES

This plan applies to land edged heavy black on Map 1 Development Control Map No.37 – Bellbird Hill, Eden.

5. RELATIONSHIP TO OTHER PLANS AND POLICIES

- a. This plan should be read in conjunction with the Bega Valley Local Environmental Plan 2002 and all other Codes and Policies adopted by Council relating to the development of land in the Shire of Bega Valley
- b. Where there is an inconsistency between this plan and other Council policies and codes, then this plan prevails.
- c. It should be noted that the provisions of State Environmental Planning Policy No 71 Coastal Development apply to some of the land in the Bellbird Hill area. This SEPP contains specific requirements for certain types of development in the coastal zone. Compliance with the requirements of the SEPP is mandatory.

6. DEVELOPMENT PRINCIPLES

- a. Permitted development in Zone 1(c), Bellbird Hill

Given the constraints that affect this land, similar densities of development that may be achieved in other 1(c) areas in the Shire cannot be achieved at Bellbird Hill.

Development therefore is to be undertaken in accordance with the opportunities and constraints identified on Map 2 subject to development consent.

Development not provided for on Map 2 is not permitted on the subject land.

- b. On-site Sewage Management

Reticulated sewer is not available to the Bellbird Hill area. As such on-site effluent disposal is to be to the satisfaction of Council in accordance with the requirements of Development Control Plan No 5 – On site Sewage Management.

All effluent disposal systems and land application areas are to be wholly contained within the development lot.

- c. Water

The Bellbird Hill area falls outside Council's service area. As such reticulated water will not be supplied to new development. Provision is to be made on site for water tanks with sufficient capacity for all domestic and fire fighting purposes.

d. Built form

- i. The building design is to conform to the requirements of the NSW Government publication Planning for Bushfire Protection.
- ii. All external building materials used in construction should also be of a non-reflective nature and blend in with the surrounding environment. The use of appropriate colours such as green-grey, olive greens, light brown is encouraged.
- iii. Roof lines of proposed developments should match the slope of the land where possible.

e. Access

Access to the Princes Highway is restricted and available only to some of the lots in accordance with clause 6 and Map 2 of the plan.

No other access to the Princes Highway will be permitted.

f. Clearing of Land

The clearing of land in the 1(c) zone requires the development consent of Council, unless undertaken in accordance with Council's Tree Preservation Order.

Applicants should consult with Council's Environment Planning & Development Department about specific requirements in this regard.

g. Soil and Water Management Plans

- i. Development is to be managed in accordance with Council's Erosion and Sediment Control Policy.
- ii. A detailed soil and water management plan for any development involving or foreshadowing the clearing of land shall be submitted with building plans or in case of subdivision with the engineering design plans, for Council's approval.
- iii. Sediment and erosion controls to the satisfaction of Council must be provided prior to commencement of development. Control measures must be maintained until after completion of site works and until all bare areas have been stabilised by suitable vegetation cover, eg. grass.

h. Bush fire prone land

All development is to comply with the requirements of the NSW Government publication Planning for Bushfire Protection.

Council staff upon receipt of any development application will undertake consultation with the Rural Fire Service.

Note: All applications for subdivision in this area are categorised as Integrated Development.

Applicants should consult with Council's Environment Planning & Development Department about specific requirements in this regard.

i. Natural Environment

New development is to be designed in harmony with the natural environment and respect the landscape value of the Bellbird Hill area.

Development is to recognise and protect significant natural landscape features and systems, primarily those relating to topography, watercourses and vegetation.

Existing mature trees are to be retained in situ where appropriate to do so. Other wise development consent for tree removal will be required.

7. DICTIONARY

For the purposes of interpreting this plan:

Bush fire Prone land: - means land that can support a bush fire or is likely to be subject to bushfire attack and is set out on a bush fire prone land map prepared under section 146 of the Environmental Planning and Assessment Act 1979.

Flood hazard: - Land susceptible to flooding and or inundation.

8. SPECIAL CONTROLS

The following table provides details of the special controls applying to land identified on Map 2.

Consent must not be granted to development on land on Map 2 unless it is consistent with the requirements of the following table and or details otherwise contained on Map 2:

Note: Lot yields specified are the maximum and may not be achievable upon full assessment of a Development Application.

Development Control Plan No.37

Item	Property details	Special Controls
1.	Lot 186 DP 750192 and Lot 1 DP747200	Up to one dwelling only per existing lot subject to the provision of legal and practical access, and an appropriately sited building envelope.
2.	Lot 166 DP 750192	One dwelling only on existing lot subject to the provision of legal and practical access, and an appropriately sited building envelope. Subdivision of Lot 166 into up to 4 lots may be considered subject to resolution of the following matters at the applicants full cost <ul style="list-style-type: none"> - development of 2 laned gravel road public road between Government Road and all allotments - sealed 2 lane road standard in Government Road west of Princes Highway and intersection treatment to satisfaction of Councils traffic committee.
3.	Lot 23 DP 607566	No dwellings. Investigate rezoning of Lot 23 for inclusion in 2(e) zone as industrial sector land.
4.	Lot 252 DP 859188	Maximum four lot subdivision each with single dwelling entitlement. No subdivision or further dwellings possible until Council has adopted Contributions plans for road improvements that proportionally distribute the actual cost of a 2 laned sealed public road amongst all potential subdivisions.
5.	Part Lot 129 DP 750192	Maximum four lot subdivision each with single dwelling entitlement subject to the provision of legal and practical access, and an appropriately sited building envelope. No new access to the highway.
6.	Lot 171 DP 750192	Maximum three lot subdivision each with single dwelling entitlement. No subdivision or further dwellings possible until Council has adopted Contributions plans for road improvements that proportionally distribute the actual cost of a 2 laned sealed public road amongst all potential subdivisions.
7.	Lot 16 Sec 2 DP 1022, 1-4 DP 134724, 11 DP 653752, 6-10 DP 455381, 3-5 DP 455380, 1-2 DP 455379	Development of land to satisfy clause 19 of Local Environmental Plan 2002. A minimum 5000m ² lot size applies to dwelling houses under this clause. Contribution will be required to access improvement.
8.	Lot 181 DP 750192	One dwelling only subject to the applicant demonstrating that the land is not contaminated and is otherwise suitable for residential use. Legal and practical access must also be provided from the approved service road.
9.	Lot 1 DP 134726, Part Lot 162 and Lots 178, 179 and 180 DP 750192	One dwelling only per existing lot subject to the provision of a single lane gravel road being constructed along the service road as shown on Map 2. Highway access to these lots is denied. Should improved access arrangements be provided to this land at owners cost, applications for additional dwellings may be considered on merit. Bushfire buffer of width acceptable to Rural Fire Service to be resolved with NPWS before any consent for future dwellings.
10.	Pt Lot 219 DP 729247, reserve land, Pt Lot 64 DP 655244, Lot 74 DP 655242, Pt Lot 85 DP 655241, Pt Lot 84 DP 655240, Pt Lot 143 DP 655243 and crown land adjacent to Lot 181, Lot 204 DP 729246.	No dwellings permitted on part of the lots identified due to environmental, natural hazard and service constraints. No future dwellings or subdivision will be permitted in the area identified on Map 2 until a bushfire strategy is prepared by land owners at their cost and has been endorsed by Council and Rural Fire Service. Such strategy is to include a Fire Trail and bushfire buffer developed at landowners cost which separates the eastern part of allotments, where dwellings would be permissible and the western part where all dwellings would be prohibited.
11.	Lot 220 and part crown land	One lot with dwelling entitlement if lot created consistent

		with Map 2 with legal and practical access and an appropriately sited building envelope. No subdivision or further dwellings possible until Council has adopted Contributions plans for road improvements that proportionally distribute the actual cost of a 2 laned sealed public road amongst all potential subdivisions.
12.	Crown land	Subdivision of land up to 5 lots and dwelling entitlement to each lot created. No subdivision or further dwellings possible until Council has adopted Contributions plans for road improvements that proportionally distribute the actual cost of a 2 laned sealed public road amongst all potential subdivisions..
13	Pt Lot 64 DP 655244	<p>Subdivision into maximum of 2 lots. No subdivision or further dwellings possible until Council has adopted Contributions plans for road improvements that proportionally distribute the actual cost of a 2 laned sealed public road amongst all potential subdivisions.</p> <p>No future dwellings or subdivision will be permitted in the area identified on map 2 until a bushfire strategy is prepared by land owners at their cost and has been endorsed by Council and Rural Fire Service. Such strategy is to include a Fire Trail and bushfire buffer developed at landowners cost which separates the eastern part of allotments, where dwellings would be permissible and the western part where all dwellings would be prohibited.</p>
14	Lots 143, 144, 84, 85 and 74	<p>Subdivision of each lot into a maximum of 2 lots and one dwelling on each lot. No subdivision or further dwellings possible until Council has adopted Contributions plans for road improvements that proportionally distribute the actual cost of a 2 laned sealed public road amongst all potential subdivisions.</p> <p>No future dwellings or subdivision will be permitted in the area identified on map 2 until a bushfire strategy is prepared by land owners at their cost and has been endorsed by Council and Rural Fire Service. Such strategy is to include a Fire Trail and bushfire buffer developed at landowners cost which separates the eastern part of allotments, where dwellings would be permissible and the western part where all dwellings would be prohibited.</p>

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