

DRAFT SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2009





# User Guide – The Draft Shoalhaven LEP 2009 Instrument

The diagram below demonstrates how the draft Instrument (or written document) should be read and interpreted.

**Part 4 Principal development standards**

**4.1 Minimum subdivision lot size [optional]**

(1) The objectives of this clause are as follows:

- (a) to ensure that subdivision is compatible with and reinforces the predominant or historic subdivision pattern and character of an area,
- (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
- (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

**4.1A Exceptions to Minimum Lot Sizes for dual occupancies and multi dwelling housing**

(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.

(2) Despite clause 4.1, development consent may be granted to the subdivision of land on which development for the purpose of a dual occupancy has been carried out if the area of each resulting lot is equal to or greater than the area specified for that purpose:

- (a) 350m<sup>2</sup>, if the land is identified as Area 1 on the Minimum Lot Size Map,
- (b) 400m<sup>2</sup>, if the land is identified as Area 2 on the Minimum Lot Size Map.

(3) Subclause (2) does not apply to land to which clause 7.8 Flood Planning Land and clause 7.11 Coastal Risk Planning applies.

(4) Despite clause 4.1, development consent may be granted to the subdivision of land:

- (a) in Zone R1 General Residential or Zone R3 Medium Density Residential, and
- (b) on which development for the purpose of multi dwelling housing has been carried out, if the area of each resulting lot is equal to or greater than 350m<sup>2</sup>.

**4.1B Dual occupancy development in Zone R3**

(1) The objective of this clause is to encourage greater dwelling densities on land zoned R3.

(2) The Council shall not grant consent to dual occupancy development on an allotment of land zoned R3 unless:

- (a) the area of the allotment is less than 800 square metres; and
- (b) it is satisfied that amalgamation of the allotment with other land in that zone is not feasible

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Clauses are marked [compulsory], [optional] or [local]. Compulsory and optional clauses cannot be altered. Council may, however, add to the clauses with State approval.

**Black text** denotes mandated content that is included in the Standard Instrument and cannot be altered.

**Red text** denotes content that is additional to the Standard Instrument. These clauses were added by Council.

**Note.** The instrument also contains notes which are provide guidance but do not form part of the plan. See Clause 1.6 Notes [Compulsory].

# PUBLIC EXHIBITION DRAFT

## **Shoalhaven Local Environmental Plan 2009**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows:

Minister for Planning

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# Shoalhaven Local Environmental Plan 2009

under the

Environmental Planning and Assessment Act 1979

## Part 1 Preliminary

### 1.1 Name of Plan [compulsory]

This Plan is Shoalhaven Local Environmental Plan 2009.

### 1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in Shoalhaven in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to encourage economic and business development to increase employment opportunities;
  - (b) to work towards an ecologically sustainable future through the proper management, development, protection, restoration, enhancement and conservation of the environment, and
  - (c) to consider and plan for the potential effects of natural hazards on development and infrastructure, and
  - (d) to protect scenic and landscape qualities, places of cultural and heritage value, and the amenity and character of settlements, and coastal and rural areas, and
  - (e) to safeguard the role and efficiency of the main road system of the region, particularly by recognising the importance of primary arterial roads; and
  - (f) to protect social wellbeing and community through the implementation of appropriate economic and environmental management strategies, and
  - (g) to maintain the agricultural use of prime crop and pasture land by minimising development which has an adverse and irreversible impact on the land's agricultural potential, and
  - (h) to protect and enhance watercourses, riparian habitats, wetlands and water quality within the Sydney Catchment Authority's hydrological catchment so as to enable the achievement of the water quality objectives, and
  - (i) to ensure an appropriate mix of land uses that provides for housing choice and that enables easy access to employment and commercial, recreational, open space and community facilities.

### 1.3 Land to which Plan applies [compulsory]

This Plan applies to the land identified on the Land Application Map.

### 1.4 Definitions [compulsory]

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

### **1.5 Notes [compulsory]**

Notes in this Plan are provided for guidance and do not form part of this Plan.

### **1.6 Consent authority [compulsory]**

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

### **1.7 Maps [compulsory]**

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note** - The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the Department of Planning's website.

### **1.8 Repeal of other local planning instruments applying to land [compulsory]**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

**Note.** Shoalhaven Local Environmental Plan 1985, Shoalhaven Interim Development Order 1964 and Jervis Bay Regional Environmental Plan 1996 are repealed by this Plan.

#### **1.8A Savings provision relating to pending development approvals**

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.

### **1.9 Application of SEPPs and REPs [compulsory]**

- (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.

**Note.** Section 36 of the Act generally provides that SEPPs prevail over REPs and LEPs and that REPs prevail over LEPs. However, a LEP may (by an additional provision included in the Plan) displace or amend a SEPP or REP to deal specifically with the relationship between this Plan and the SEPP or REP.



- (2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:

*State Environmental Planning Policy No 1—Development Standards*

*State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clause 6 and Parts 3 and 4)

*State Environmental Planning Policy No 60—Exempt and Complying Development*

*State Environmental Planning Policy (Major Development) (Part 29 of Schedule 3)*

*Illawarra Regional Environmental Plan No 1 1986*

*Jervis Bay Regional Environmental Plan 1996*

### **1.9A Suspension of covenants, agreements and other instruments**

- (1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crowns Land Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)-(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones [compulsory]**

The land use zones under this Plan are as follows:

#### **Rural Zones**

RU1 Primary Production

RU2 Rural Landscape

RU3 Forestry

RU5 Village

#### **Residential Zones**

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

R5 Large Lot Residential

**Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

B7 Business Park

**Industrial Zones**

IN1 General Industrial

IN2 Light Industrial

IN4 Working Waterfront

**Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

SP3 Tourist

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Environment Protection Zones**

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E3 Environmental Management

**Waterway Zones**

W1 Natural Waterways

W2 Recreational Waterways

W3 Working Waterways

**2.2 Zoning of land to which Plan applies [compulsory]**

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

**2.3 Zone objectives and land use table [compulsory]**

- (1) The Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and
  - (b) development that may be carried out without consent, and
  - (c) development that may be carried out only with consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Table at the end of this Part:
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and

- (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

**Notes.**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development. [*see—relevant clauses may be listed here*].

**2.4 Unzoned land [compulsory]**

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting consent, the consent authority:
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land; and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

**2.5 Additional permitted uses for particular land [compulsory]**

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
  - (a) with consent; or
  - (b) if the Schedule so provides—without consent,in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

**2.6 Subdivision—consent requirements [compulsory]**

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
  - (a) widening a public road,
  - (b) a minor realignment of boundaries that does not create:
    - (i) additional lots or the opportunity for additional dwellings, or
    - (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,

- (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

**Note** - If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

### **2.6A Demolition requires consent**

The demolition of a building or work may be carried out only with consent.

**Note** -If the demolition of a building or work is identified in this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development, the Act enables it to be carried out without consent.

### **2.6B Temporary Use of Land**

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this plan, development consent may be granted for development on land in any zone for a temporary purpose for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or housing estate may exceed 52 days (whether or not consecutive days) in any period of 12 months.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

### **2.6C Earthworks**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,
  - (b) to allow earthworks of a minor nature without separate development consent.

- (2) Development consent is required for earthworks, unless:
  - (a) the work is exempt development under this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
  - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
  - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or of the soil to be excavated, or both,
  - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material or the destination of any excavated material,
  - (f) the likelihood of disturbing Aboriginal objects or other relics,
  - (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

## Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

*State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings)

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*State Environmental Planning Policy (Infrastructure) 2007* (relating to public facilities such as those for air transport, correction, education, electricity generation, health services, ports, railways, roads, waste management and water supply systems)

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*State Environmental Planning Policy (Rural Lands) 2008*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

*State Environmental Planning Policy No 50—Canal Estate Development*

*State Environmental Planning Policy No 62—Sustainable Aquaculture*

*State Environmental Planning Policy No 64—Advertising and Signage*

*State Environmental Planning Policy (Temporary Structures) 2007*

### Zone RU1 Primary Production

#### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

- To conserve and maintain the productive potential of prime crop and pasture land and the potential for economic extraction of hard rock, mineral, sand or gravel resources.

**2 Permitted without consent**

Extensive agriculture; Home occupations.

**3 Permitted with consent**

Agriculture; Air transport facilities; Boat repair facilities; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Dairies (pasture based); Depots; Dual occupancies (attached); Dwelling houses; Educational establishments; Entertainment facilities (in conjunction with tourist accommodation); Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Food and drink premises; Forestry; Group homes; Home-based child care; Home businesses; Home industries; Horticulture; Information and education facilities; Marinas; Markets; Mining; Moorings; Offensive industries; Places of public worship;; Recreational areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems.

**4 Prohibited**

Hotel and motel accommodation; Pubs; Serviced apartments; Any other development not specified in item 2 or 3.

**Zone RU2 Rural Landscape**

**1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for land uses and other development which by virtue of their character require siting away from urban areas.

**2 Permitted without consent**

Extensive agriculture; Home occupations.

**3 Permitted with consent**

Agriculture; Air transport facilities; Boat repair facilities; Boat sheds; Building identification signs; Business identification signs; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Dairies (pasture based); Depots; Dual occupancies (attached); Dwelling houses; Entertainment facilities (in conjunction with tourist accommodation); Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Food and drink premises; Forestry; Freight transport facilities; Funeral homes; Group homes; Hazardous industries; Home-based child care; Home businesses; Home industries; Horticulture; Information and education facilities; Marinas; Markets; Moorings; Offensive industries; Places of public worship; Recreational areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Tourist and

visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems.

**4 Prohibited**

Hotel and motel accommodation; Pubs; Serviced apartments; Any other development not specified in item 2 or 3.

**Zone RU3 Forestry**

**1 Objectives of zone**

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.
- To encourage the recreational use of forest resources where such use is compatible with timber production.
- To recognise the role of forest resources in providing habitat corridors and in maintaining water quality.

**2 Permitted without consent**

Uses authorised under the *Forestry Act 1916*;

**3 Permitted with consent**

Roads

**4 Prohibited**

Any other development not specified in item 2 or 3.

**Zone RU5 Village**

**1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.

**2 Permitted without consent**

Home occupations.

**3 Permitted with consent**

Attached dwellings; Boarding houses; Boat repair facilities; Boat sheds; Building identification signs; Business identification signs; Business premises; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Depots; Dual occupancies; Dwelling houses; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Function centres; Group homes; Helipads; Home-based child care; Home businesses; Home industries; Hostels; Information and education facilities; Landscape and gardening supplies; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential care facilities; Residential flat buildings; Retail premises; Roads; Rural supplies; Schools; Service stations; Sewerage systems; Shop top housing; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Vehicle body repair shops; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water supply systems.

**4 Prohibited**

Farm stay accommodation; Hospitals; Serviced apartments; Any development not specified in item 2 or 3.

**Zone R1 General Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To identify land suitable for future urban expansion.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Attached dwellings; Boarding houses; Boat launching ramps; Boat repair facilities; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes, Exhibition villages; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Jetties; Multi-dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Registered clubs; Residential care facilities; Residential flat buildings; Roads; Seniors housing; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems.

**4 Prohibited**

Farm stay accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

**Zone R2 Low Density Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide an environment primarily for detached housing and to ensure that other development is compatible with that environment.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Jetties;



Neighbourhood shops; Places of public worship; Recreational areas; Roads; Sewerage systems; Water supply systems.

**4 Prohibited**

Any other development not specified in item 2 or 3.

**Zone R3 Medium Density Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide opportunities for the development of tourist and visitor accommodation where this does not conflict with the residential environment.
- To provide for dwelling houses that form an integral part of a medium density development and maintain or enhance the residential amenity of the street.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Attached dwellings; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Home-based child care; Home businesses, Home industries; Home occupations; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Registered clubs; Residential flat buildings; Roads; Seniors housing; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems.

**4 Prohibited**

Backpackers' accommodation; Farm stay accommodation; Any other development not specified in item 2 or 3.

**Zone R5 Large Lot Residential**

**1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

- 2 **Permitted without consent**  
Home occupations.
- 3 **Permitted with consent**  
Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies (attached); Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Group homes (transitional); Home-based child care; Home businesses; Home industries; Neighbourhood shops; Recreation areas; Roads; Sewerage systems; Water supply systems.
- 4 **Prohibited**  
Any other development not specified in item 2 or 3.
- Zone B1 Neighbourhood Centre**
- 1 **Objectives of zone**
- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
  - To ensure that development is of a scale that is compatible with the character of the surrounding residential environment.
- 2 **Permitted without consent**  
Nil
- 3 **Permitted with consent**  
Backpackers' accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Food and drink premises; Hotel or motel accommodation; Neighbourhood shops; Recreation areas; Restaurants; Roads; Shop top housing; Shops; Any development not specified in item 2 or 4.
- 4 **Prohibited**  
Agriculture; Air strip; Air transport facilities; Attached dwellings; Boat launching ramps; Boat repair facilities; Boat sheds; Bulky goods premises; Canal Estate development; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Correctional centres; Depot; Dual occupancies; Dwelling houses; Electricity generating works; Entertainment centres; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Group homes; Highway service centres; Home occupations (sex services); Hostels; Helipad; Hospitals; Industrial retail outlet; Industries; Landscape and garden supplies; Jetties; Marinas; Mining; Moorings; Mortuaries; Multi dwelling housing; Port facilities; Registered clubs; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Retail premises; Restriction facilities; Restricted premises; Rural industries; Rural supplies; Rural worker's dwellings; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sex service premises; Signage; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource Management facilities; Water recreation structures.

## Zone B2 Local Centre

### 1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

### 2 Permitted without consent

Nil

### 3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Educational Establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential care facilities; Restaurants; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle; Any development not specified in item 2 or 4.

### 4 Prohibited

Agriculture; Air strip; Air transport facilities; Attached dwellings; Boat repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Canal Estate development; Caravan parks; Cemeteries; Crematoria; Charter and tourism boating facilities; Correctional centres; Depot; Dual occupancies; Dwelling houses; Electricity generating works; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Group homes; Home occupations (sex services); Helipad; Hostels; Industrial retail outlet; Industries; Landscape and garden supplies; Jetties; Marinas; Mining; Moorings; Mortuaries; Multi dwelling housing; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Restriction facilities; Restricted premises; Rural industries; Rural worker's dwellings; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sex service premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Waste or resource management facilities.

## Zone B3 Commercial Core

### 1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To allow opportunities for shop top housing.

2 Permitted without consent

Nil

3 Permitted with consent

Backpackers' accommodation; Bed and Breakfast accommodation; Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Educational Establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Sex service premises; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Attached dwellings; Boat launching ramps; Boat repair facilities; Boat sheds; Canal estate developments; Caravan parks; Cemeteries; Correctional centres; Depots; Dual occupancies; Dwelling houses; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Highway service centres; Home occupations (sex services); Hostels; Industrial retail outlets; Industries; Jetties; Landscape and garden supplies; Marinas; Mining; Moorings; Mortuaries; Multi-dwelling housing; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Restriction facilities; Restricted premises; Rural industries; Rural supplies; Rural workers dwellings; Secondary dwellings; Semi-detached dwellings;; Signage; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair shops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse and distribution centres; Waste or resource management facilities.

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure that retail uses do not compete with the commercial core.

2 Permitted without consent

Nil

3 Permitted with consent

Backpackers' accommodation; Bed and Breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Educational Establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Seniors housing; Serviced apartments; Shop top housing; Any development not specified in item 2 or 4.

#### 4 Prohibited

Agriculture; Airstrip; Air transport facilities; Attached dwellings; Boat launching ramps; Boat repair facilities; Boat sheds; Bulky goods premises; Canal Estate development; Caravan parks; Cemeteries; Correctional centres; Depot; Dual occupancies; Dwelling houses; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlet; Industries; Jetties; Marinas; Mining; Moorings; Mortuaries; Port facilities; Recreation facilities (outdoor); Research stations; Restriction facilities; Restricted premises; Rural industries; Rural supplies; Rural worker's dwellings; Secondary dwellings; Semi-detached dwellings; Sex service premises; Signage; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair shops; Waste or resource Management facilities.

### Zone B5 Business Development

#### 1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To ensure that retail uses do not compete with the commercial core.
- To allow some diversity of activities that will not:
  - (a) significantly detract from the operation of existing or proposed development; or
  - (b) significantly detract from the amenity of nearby residents; or
  - (c) have an adverse impact upon the efficient operation of the surrounding road system.

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

Animal boarding or training establishments; Backpackers' accommodation; Child care centres; Hotel or motel accommodation; Light industries; Passenger transport facilities; Roads; Self-storage units; Signage; Warehouse or distribution centres; Any development not specified in item 2 or 4.

#### 4 Prohibited

Agriculture; Airstrip; Air transport facilities; Attached dwellings; Boat launching ramp; Boat sheds; Canal Estate development; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Group Homes; Helipads; Highway service centres; Home occupations (sex services); Hostels; Industries; Jetties; Marinas; Mining; Moorings; Mortuaries; Multi-dwelling housing; Port facilities; Residential flat buildings; Restriction facilities; Restricted premises; Rural industries; Rural worker's dwellings; Secondary dwellings; Semi-detached dwellings; Seniors

housing; Sex service premises; Storage premises; Tourist and visitor accommodation; Truck depots; Waste or resource management facilities.

**Zone B7 Business Park**

**1 Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Building identification signs; Business identification signs; Child care centres; Kiosks; Light industries; Markets; Neighbourhood shops; Office premises; Passenger transport facilities; Roads; Self-storage units; Warehouse or distribution centres; Any development not specified in item 2 or 4.

**4 Prohibited**

Agriculture; Amusement centres; Attached dwellings; Boarding houses; Boat launching ramps; Boat repair facilities; Boat sheds; Bulky goods premises; Canal Estate development; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Dual occupancies; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Group homes; Highway service centres; Home-based childcare; Home businesses; Home occupations; Home occupations (sex services); Hostels; Jetties; Landscape and garden supplies; Marinas; Mining; Moorings; Mortuaries; Multi-dwelling housing; Places of public worship; Port facilities; Registered clubs; Residential flat buildings; Restriction facilities; Restricted premises; Retail premises; Rural industries; Rural supplies; Rural worker's dwellings; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sex service premises; Signage; Shop top housing; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair shops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Water recreation structures.

**Zone IN1 General Industrial**

**1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To allow some diversity of activities that will not:
  - (a) significantly detract from the operation of existing or proposed manufacturing and service industries; or
  - (b) significantly detract from the amenity of nearby residents; or
  - (c) have an adverse impact upon the efficient operation of the surrounding road system.

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Freight transport facilities; Kiosks; Light industries; Markets; Neighbourhood shops; Roads; Signage; Warehouse or distribution centres; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrips; Amusement centres; Attached dwellings; Boarding houses; Canal estate development; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Correctional centres; Dual occupancies; Dwelling houses; Educational establishments; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health services facilities; Highway service centres; Home-based childcare; Home businesses; Home occupations; Home occupations (sex services); Hostels; Information and education facilities; Marinas; Mining; Moorings; Multi-dwelling housing; Places of public worship; Port facilities; Registered clubs; Residential flat buildings; Restriction facilities; Restricted premises; Retail premises; Rural worker's dwellings; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sex service premises; Shop top housing; Tourist and visitor accommodation; Water recreation structures.

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To allow some diversity of activities that will not:
  - (a) significantly detract from the operation of existing or proposed manufacturing and service industries; or
  - (b) significantly detract from the amenity of nearby residents; or
  - (c) have an adverse impact upon the efficient operation of the surrounding road system.

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Freight transport facilities; Kiosks; Light industries; Markets; Neighbourhood shops; Roads; Signage; Take-away food and drink premises; Warehouse or distribution centres; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrips; Attached dwellings; Boarding houses; Bulky goods premises; Canal estate development; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Correctional centres; Crematoria;

Dual occupancies; Dwelling houses; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health services facilities; Highway service centres; Home-based childcare; Home businesses; Home occupations; Home occupations (sex services); Hostels; Industries; Information and education facilities; Marinas; Mining; Moorings; Multi-dwelling housing; Places of public worship; Port facilities; Registered clubs; Residential flat buildings; Restriction facilities; Restricted premises; Retail premises; Rural worker's dwellings; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sex service premises; Shop top housing; Tourist and visitor accommodation; Water recreation structures.

## Zone IN4 Working Waterfront

### 1 Objectives of zone

- To retain and encourage waterfront industrial and maritime activities.
- To identify sites for maritime purposes and for activities that require direct waterfront access.
- To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.
- To identify those areas specifically provided for boat building and repairs, and related activities.

### 2 Permitted without consent

Nil

### 3 Permitted with consent

Boat launching ramps; Boat repair facilities; Building identification signs; Business identification signs; Heliports; Jetties; Kiosks; Light industries; Markets; Roads; Any development not specified in item 2 or 4.

### 4 Prohibited

Agriculture; Airstrips; Air transport facilities; Amusement centres; Attached dwellings; Boarding houses; Bulky goods premises; Business premises; Canal estate development; Car parks; Caravan parks; Cemeteries; Child care centres; Community facilities; Correctional centres; Crematoria; Dual occupancies; Dwelling houses; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health services facilities; Highway service centres; Home occupations (sex services); Hostels; Industries; Information and education facilities; Landscape and garden supplies; Mining; Mortuaries; Multi-dwelling housing; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restriction facilities; Restricted premises; Retail premises; Rural industries; Rural supplies; Rural worker's dwellings; Schools; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sex service premises; Service stations; Shop top housing; Signage; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair shops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Wholesale supplies.



**Zone SP1 Special Activities**

**1 Objectives of zone**

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; **Environmental protection works; Research stations; Roads; Sewerage systems; Water supply systems.**

**4 Prohibited**

**Any development not specified in item 2 or 3.**

**Zone SP2 Infrastructure**

**1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

**4 Prohibited**

**Any development not specified in item 2 or 3.**

**Zone SP3 Tourist**

**1 Objectives of zone**

- To provide for a variety of tourist-oriented development and related uses.
- **To enable other compatible residential and recreational uses.**

2 Permitted without consent

Nil

3 Permitted with consent

Boat repair facilities; Building identification signs; Business identification signs; Caravan parks; Charter and tourism boating facilities; Dwelling houses; Environmental facilities; Environmental protection works; Food and drink premises; Function centres; Helipads; Heliports; Information and education facilities; Kiosks; Recreation facilities (indoor); Roads; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Water recreation structures; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3.

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Agriculture; Boat repair facilities; Boat sheds; Building identification signs; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Function centres; Helipads; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Sewerage systems; Water recreation structures; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3.

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Advertising structures; Amusement centres; Boat repair facilities; Boat sheds; Building identification signs; Business identification signs; Caravan parks; Charter and tourism boating facilities; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Food and drink premises; Function centres; Helipads, Heliports; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Sewerage systems; Tourist and visitor accommodation; Water recreation structures; Water supply systems.

4 Prohibited

Serviced apartments; Any development not specified in item 2 or 3.

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*.

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3.

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect water quality and the ecological integrity of water supply catchments.
- To protect the scenic, ecological, educational and recreational values of wetlands, rainforests, escarpment areas and fauna habitat linkages.
- To conserve and, where appropriate, restore natural vegetation in order to protect the erosion and slippage of steep slopes.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Bed and breakfast accommodation; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Home businesses; Home industries; Recreation areas; Research stations; Roads; Sewerage systems; Water recreation structures; Water supply systems.

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To protect the natural and cultural features of the landscape, including coastal and foreshore areas, which contribute to scenic value and visual amenity.
- To maintain the stability of coastal land forms and protect the water quality and ecological values of estuaries and coastal streams.

2 Permitted without consent

Home occupations;

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Boat repair facilities; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Charter and tourism boating facilities; Dual occupancies (attached); Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Forestry; Group homes; Helipads; Home-based child care; Home businesses; Home industries; Information and educational facilities; Kiosks; Markets; Recreation areas; Research stations; Roads; Roadside stalls; Secondary dwellings; Sewerage systems; Tourist and visitor accommodation; Water recreation structures; Water supply systems.

4 Prohibited

Hotel and motel accommodation; Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Serviced apartments; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.

- To provide for sustainable fishing industries and recreational fishing.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Boat launching ramps; Boat sheds; Environmental facilities; Environmental protection works; Jetties; Moorings; Natural water-based aquaculture; Research stations; Roads; Sewerage systems; Water supply systems.

**4 Prohibited**

Business premises; Canal estate development; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

**Zone W2 Recreational Waterways**

**1 Objectives of zone**

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Boat repair facilities; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Kiosks; Marinas; Moorings; Natural water-based aquaculture; Recreation areas; Recreation facilities (outdoor); Research stations; Restaurants; Roads; Sewerage systems; Water recreation structures; Water supply systems.

**4 Prohibited**

Canal estate development; Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

**Zone W3 Working Waterways**

**1 Objectives of zone**

- To enable the efficient movement and operation of commercial shipping, water-based transport and maritime industries.
- To promote the equitable use of waterways, including appropriate recreational uses.
- To minimise impacts on ecological values arising from the active use of waterways.
- To provide for sustainable fishing industries.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Aquaculture; Boat repair facilities; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Kiosks; Marinas; Moorings; Port facilities; Recreation areas; Recreation facilities (outdoor); Research stations; Restaurants; Roads; Sewerage systems; Signage; Water recreation structures; Water supply systems.

**4 Prohibited**

Any development not specified in item 2 or 3.

## Part 3 Exempt and complying development

### 3.1 Exempt development [compulsory]

**Note** - Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
  - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
  - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
  - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
  - (3) To be exempt development, the development:
    - (a) must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia, and
    - (b) must not, if it relates to an existing building, cause the building to contravene the Building Code of Australia, and
    - (c) must not be designated development, and
    - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the Heritage Act 1977 or that is subject to an interim heritage order under the Heritage Act 1977, and
    - (e) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 3.3), and
    - (f) must comply with the restrictions-as-to-user on the title of the land where the Council is the authority to release, vary or modify the restriction, and
    - (g) must not obstruct any easement or sewer lines, and
    - (h) must not be carried out within 1m of any easement, and
    - (i) must not obstruct stormwater drainage of the site on which it is carried out, and
    - (j) must have legal practical access, and
    - (k) must not restrict any vehicular or pedestrian access to or from the site.
  - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
    - (a) the building has a current fire safety certificate or fire safety statement, or
    - (b) no fire safety measures are currently implemented, required or proposed for the building.
  - (4A) A heading to an item in Schedule 2 is taken to be part of that schedule.

### 3.2 Complying development [compulsory]

**Note** - Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
  - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
  - (c) the development is designated development, or
  - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
  - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*), or
  - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
- (a) the development standards specified in relation to that development, and
  - (b) the requirements of this Part,
- is complying development.
- Note** - See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.
- (3) To be complying development, the development must:
- (a) be permissible, with consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land, **and**
  - (d) **must comply with the restrictions-as-to-user on the title of the land where the Council is the authority to release, vary or modify the restriction, and**
  - (e) **must not obstruct any easement or sewer lines, and**
  - (f) **must not be carried out within 1m of any easement, and**
  - (g) **must not obstruct stormwater drainage of the site on which it is carried out, and**
  - (h) **must have legal practical access, and**
  - (i) **must not restrict any vehicular or pedestrian access to or from the site.**
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out in Part 2 of that Schedule.
- (4A) A heading to an item in Schedule 2 is taken to be part of that Schedule.

### **3.3 Environmentally sensitive areas excluded [compulsory]**

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:



***environmentally sensitive area for exempt or complying development*** means any of the following:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which State Environmental Planning Policy No 14—Coastal Wetlands or State Environmental Planning Policy No 26—Littoral Rainforests applies,
- (d) land reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved as a state conservation area under the National Parks and Wildlife Act 1974,
- (i) land reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994,

## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
  - (a) to ensure that subdivision is compatible with and reinforces the predominant or historic subdivision pattern and character of an area,
  - (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
  - (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

### 4.1A Exceptions to Minimum Lot Sizes for dual occupancies and multi dwelling housing

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) Despite clause 4.1, development consent may be granted to the subdivision of land on which development for the purpose of a dual occupancy has been carried out if the area of each resulting lot is equal to or greater than the area specified for that purpose:
  - (a) 350m<sup>2</sup>, if the land is identified as Area 1 on the Minimum Lot Size Map,
  - (b) 400m<sup>2</sup>, if the land is identified as Area 2 on the Minimum Lot Size Map.
- (3) Subclause (2) does not apply to land to which clause 7.8 Flood Planning Land and clause 7.11 Coastal Risk Planning applies.
- (4) Despite clause 4.1, development consent may be granted to the subdivision of land:
  - (a) in Zone R1 General Residential or Zone R3 Medium Density Residential, and
  - (b) on which development for the purpose of multi dwelling housing has been carried out, if the area of each resulting lot is equal to or greater than 350m<sup>2</sup>.

### 4.1B Dual occupancy development in Zone R3

- (1) The objective of this clause is to encourage greater dwelling densities on land zoned R3.
- (2) The Council shall not grant consent to dual occupancy development on an allotment of land zoned R3 unless:
  - (a) the area of the allotment is less than 800 square metres; and
  - (b) it is satisfied that amalgamation of the allotment with other land in that zone is not feasible

#### **4.1C Exceptions to minimum lot sizes for certain residential development**

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land in the following zones:
  - (a) R1 General Residential
  - (b) R3 Medium Density Residential
- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following:
  - (a) the subdivision of land into 3 or more lots, and
  - (b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than:
    - (i) for the erection of a dwelling house- 350m<sup>2</sup>, or
    - (ii) for the erection of an attached dwelling- 350m<sup>2</sup>, or
    - (iii) for the erection of a semi-detached dwelling- 350m<sup>2</sup>.

#### **4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1 or RU2]**

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
  - (a) Zone RU1 Primary Production, and
  - (b) Zone RU2 Rural Landscape.
- (3) Land in a zone to which this clause applies may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.  
**Note -** A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

#### **4.2A Subdivision of land zoned RU1, RU2, or E3**

- (1) Where an allotment has a frontage to a main or arterial road, each separate allotment of land that will be created by the subdivision must have a frontage to that road of not less than 400 metres.
- (2) The Council may grant consent for a subdivision for the purpose of a tourist and visitor accommodation that will create more than one allotment of less than 40 hectares if:
  - (a) the subdivision is a subdivision of land under the Community Land Development Act 1989; and
  - (b) all lots created by the subdivision are in the same community, precinct or neighbourhood scheme within the meaning of the Community Land Development Act 1989.

#### **4.2B Subdivision of land fronting a watercourse**

- (1) The objective of this clause is to limit the creation of additional water entitlements as a result of subdivision of land fronting a watercourse.
- (2) This clause applies to land that is zoned RU1, RU2, RU5, R5, E2 or E3 that has a direct frontage to a watercourse.
- (3) Before determining a development application in an area to which this clause applies the consent authority must consider:
  - (a) the potential for the development to create additional allotments that front the watercourse; and
  - (b) whether reticulated water is to be supplied to those allotments.

#### **4.2C Erection of dwelling houses on land in certain zones**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development;
  - (b) to enable the replacement of lawfully erected dwelling houses in certain zones; and
  - (c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.
- (2) This clause applies to land in the following zones:  
Zone RU1 Primary Production,  
Zone RU2 Rural Landscape,  
Zone R5 Large Lot Residential  
Zone E2 Environmental Conservation,  
Zone E3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or
  - (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
  - (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.

Note. A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.
- (4) Despite any other provision of this clause development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or
  - (b) the land would have been a lot referred to in subclause (3) had it not been affected by:
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.

- (5) Council, in considering whether to grant consent for the erection of a dwelling-house in accordance with this clause on land to which clause 7.8 'Flood planning land' applies, must consider whether:
- (a) the parcel is predominantly prime crop and pasture land; and
  - (b) the Council is satisfied that the dwelling-house is essential for the proper and efficient use of the land for agriculture or turf farming.

#### 4.3 Height of buildings [optional]

- (1) The objectives of this clause are as follows:
- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,
  - (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development, and
  - (c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.
- (2) The height of a building on any land is not to exceed 11 metres except where the maximum height is shown for the land on the Height of Buildings Map.

#### 4.4 Floor space ratio [optional]

- (1) The objectives of this clause are as follows:
- (a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of a locality.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

#### 4.5 Calculation of floor space ratio and site area [optional]

##### (1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
  - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
  - (iii) require community land and public places to be dealt with separately.

##### (2) Definition of "floor space ratio"

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

##### (3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least

one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

**(4) Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

**(5) Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

**(6) Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

**(7) Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

**(8) Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

**(9) Covenants to prevent “double dipping”**

When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

**(10) Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

**4.6 Exceptions to development standards [compulsory]**

- (1) The objectives of this clause are:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Consent must not be granted under this clause for a subdivision of land in Zone RU1, RU2, RU3, R5, E2, E3 or E4 if:
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

- (8) This clause does not allow consent to be granted for development that would contravene any of the following:
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
  - (c) clause 5.4.
- (8A) This clause does not allow consent to be granted for development that would contravene 4.1A, 4.1B, 4.1C, 6.1, 6.2 and 6.3.



## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority [compulsory]

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

**Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).
- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RU1 Primary Production, Zone R1 General Residential, Zone R2 Low Density Residential, Zone B3 Commercial Core, Zone B4 Mixed Use and Zone REI Public Recreation and marked "Local road".	
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone E2 Environmental Conservation and marked "Coastal lands acquisition"	The corporation constituted under section 8 of the Act

#### 5.1A Development on land intended to be acquired for a public purpose

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.

- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the authority of the State specified opposite that land in Column 2 of the Table.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 3 of the Table to this clause.

<b>Column 1 Land</b>	<b>Column 2 Authority</b>	<b>Column 3 Development</b>
Zone R1 General Residential	Council	
Zone R2 Low Density Residential,	Council	
Zone B3 Commercial Core	Council	
Zone B4 Mixed Use	Council	

## 5.2 Classification and reclassification of public land [compulsory]

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

**Note** - Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve; and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4; and
  - (b) any reservations that except land out of the Crown grant relating to the land; and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

**Note** - In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### 5.3 Development near zone boundaries [optional]

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is **20 metres**.
- (3) This clause does not apply to:
  - (a) land zoned RE1 Public Recreation, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management or W1 Natural Waterways; or
  - (b) land within the coastal zone; or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
  - (a) the development is not inconsistent with the objectives for development in both zones; and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) The clause does not prescribe a development standard that may be varied under this Plan.

### 5.4 Controls relating to miscellaneous permissible uses [compulsory]

#### (1) Bed and breakfast accommodation

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than **5 bedrooms**.

#### (2) Home businesses

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than **60** square metres of floor area in an urban zoned area and 100 square metres of floor area in R5, RU1, RU2 and RU5 zones.

#### (3) Home industries

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the light industry must not involve the use of more than **60** square metres of floor area in an urban zoned area and 100 square metres of floor area in R5, RU1, RU2 and RU5 zones.

#### (4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) **20** % of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out; or
- (b) **400** square metres;

whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 7 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 150 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 60% of the total floor area of both the self-contained dwelling and the principal dwelling.

**Note.** The land use term 'secondary dwellings' is not listed in the land use tables in this plan and is therefore not a use permitted under this plan.

**5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]**

(1) The objectives of this clause are as follows:

- (a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development;
- (b) to implement the principles in the NSW Coastal Policy, and in particular to:
  - (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality; and
  - (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast; and
  - (iii) provide opportunities for pedestrian public access to and along the coastal foreshore; and
  - (iv) recognise and accommodate coastal processes and climate change; and
  - (v) protect amenity and scenic quality; and
  - (vi) protect and preserve rock platforms, beach environments and beach amenity; and
  - (vii) protect and preserve native coastal vegetation; and
  - (viii) protect and preserve the marine environment; and

- (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area; and
  - (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment; and
  - (xi) protect Aboriginal cultural places, values and customs; and
  - (xii) protect and preserve items of heritage, archaeological or historical significance.
- (2) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:
- (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
    - (i) maintaining existing public access and, where possible, improving that access; and
    - (ii) identifying opportunities for new public access; and
  - (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
    - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities); and
    - (ii) the location; and
    - (iii) the bulk, scale, size and overall built form design of any building or work involved; and
  - (c) the impact of the proposed development on the amenity of the coastal foreshore including:
    - (i) any significant overshadowing of the coastal foreshore; and
    - (ii) any loss of views from a public place to the coastal foreshore; and
  - (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected; and
  - (e) how biodiversity and ecosystems, including:
    - (i) native coastal vegetation and existing wildlife corridors; and
    - (ii) rock platforms; and
    - (iii) water quality of coastal waterbodies; and
    - (iv) native fauna and native flora, and their habitats, can be conserved; and
  - (f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise:
    - (i) on the proposed development; and
    - (ii) arising from the proposed development; and
  - (g) the cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:
- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore; and

- (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform; and
- (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.

#### **5.6 Architectural roof features [optional]**

- (1) The objectives of this clause are:
  - (a) to ensure that rooflines including architectural roof features respond to and are compatible with the scenic attributes of natural and built environments; and
  - (b) to ensure that rooflines including architectural roof features on or in the vicinity of a heritage item or within a heritage conservation area are designed having regard to the heritage values of that item or conservation area.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
  - (a) the architectural roof feature:
    - (i) comprises a decorative element on the uppermost portion of a building; and
    - (ii) is not an advertising structure; and
    - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area; and
    - (iv) will cause minimal overshadowing; and
  - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

#### **5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]**

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

#### **5.8 Conversion of fire alarms [compulsory]**

- (1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.
- (2) The following development may be carried out, but only with consent:
  - (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider;
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider;

- (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
  - (a) internal alterations to a building; or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:
 

***private service provider*** means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

### **5.9 Preservation of trees or vegetation [optional]**

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
 

**Note** - A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
  - (a) development consent; or
  - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
  - (a) that is or forms part of a heritage item; or
  - (b) that is within a heritage conservation area.

**Note** - As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
  - (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act; or

- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause; or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*; or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*; or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

#### **5.10 Heritage conservation [compulsory]**

**Note** - Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.

##### **(1) Objectives**

The objectives of this clause are:

- (a) to conserve the environmental heritage of Shoalhaven; and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views; and
- (c) to conserve archaeological sites; and
- (d) to conserve places of Aboriginal heritage significance.

##### **(2) Requirement for consent**

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area;
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior;
- (c) altering a heritage item that is a building by making structural changes to its interior;
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed;
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance;
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area;
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

##### **(3) When consent not required**

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area; and



- (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area; or
- (b) the development is in a cemetery or burial ground and the proposed development:
  - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers; and
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance; or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property; or
- (d) the development is exempt development.

**(4) Effect on heritage significance**

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) Heritage impact assessment**

The consent authority may, before granting consent to any development on land:

- (a) on which a heritage item is situated; or
- (b) within a heritage conservation area; or
- (c) within the vicinity of land referred to in paragraph (a) or (b);

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

**(6) Heritage conservation management plans**

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

**(7) Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent; and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(8) Places of Aboriginal heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place; and

- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

**(9) Demolition of item of State significance**

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council about the application; and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(10) Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item is facilitated by the granting of consent; and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority; and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out; and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting; and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

**5.11 Bush fire hazard reduction [compulsory]**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

**Note** - The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

**5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the State Environmental Planning Policy (Infrastructure) 2007.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

## **Part 6 Urban Release Areas**

### **6.1 Arrangements for designated State public infrastructure [local]**

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to:
  - (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

### **6.2 Public utility infrastructure**

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

### **6.3 Development control plan**

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:

- (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
  - (b) 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,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of passive and active recreational areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following development:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
  - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

#### **6.4 Relationship between Part and remainder of Plan**

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

## Part 7 Additional local provisions

### 7.1 Local infrastructure [local]

- (1) Development consent must not be granted for development unless the Council is satisfied that public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, public utility infrastructure includes infrastructure for any of the following:
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

### 7.2 Council infrastructure development [local]

- (1) Development may be carried out by or on behalf of the Council without development consent on any land, other than land in a heritage conservation area, land containing a heritage item or land that is an environmentally sensitive area for exempt and complying development.
- (2) Subclause (1) does not apply to development for the following:
  - (a) the erection of a class 1–9 building under the *Building Code of Australia*,
  - (b) development having a capital value of more than \$1,000,000.

### 7.3 Short-term accommodation [local]

Notwithstanding any other provision of this plan, development consent is not required for the use of a dwelling as short-term rental accommodation for visitors, other than for bed and breakfast accommodation.

### 7.4 Permanent occupation of tourist and visitor accommodation [local]

- (1) This clause applies to land shown on the Local Clauses Map and marked CI 7.4.
- (2) Consent may be granted for the development of land described in subclause (1) and zoned SP3 Tourist or B4 Mixed Use for the purposes of permanent residential occupation if:
  - (a) the development is an integral part of an approved tourist and visitor accommodation facility, and
  - (b) no more than 25% of the units within the facility are to be used for the purposes of permanent residential occupation.
- (3) Consent may be granted for the purposes of permanent residential occupation of a maximum of one unit under subclause (2) where the facility comprises less than four units.

## 7.5 Biodiversity [local]

- (1) The objective of this clause is to maintain terrestrial and aquatic biodiversity, including:
  - (a) protecting native flora and fauna,
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the recovery of native flora and fauna, and their habitats.
  
- (2) This clause applies to land:
  - (a) identified as a Sensitive area on the Shoalhaven Local Environmental Plan 2009 Natural Resource Sensitivity - Biodiversity Map, and
  - (b) identified as a Sensitive area on the Shoalhaven Local Environmental Plan 2009 Natural Resource Sensitivity - Water Map, and
  - (b) situated within 40m of the bank (measured horizontally from the top of the bank) of a natural waterbody on land identified in (b).
  
- (3) Before determining a development application in an area to which this clause applies, the consent authority must consider any potential adverse impact from the proposed development on:
  - (a) a native ecological community,
  - (b) a regionally significant species of flora, fauna or habitat, and
  - (c) habitat elements providing connectivity.
  
- (4) Before granting consent to development to which this clause applies, the consent authority must be satisfied that:
  - (a) the development is sited, designed and managed to avoid any potential adverse environmental impact,
  - (b) where an impact cannot be avoided, the development is sited and designed to minimise that impact, and
  - (c) where an impact cannot be minimised by the siting and design of the development, the development is managed to best minimise that impact.
  
- (5) For the purpose of this clause:

**bank** means the limit of the bed of a river.

**bed**, in relation to a natural waterbody, means the whole of the soil of the channel in which the river flows, including that portion thereof which is alternatively covered and left bare as there may be an increase or diminution in the supply of water and which is adequate to contain it at its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.

## 7.6 Water [local]

- (1) The objective of this clause is to maintain the hydrological functions of riparian land waterways and aquifers, including protecting:
  - (a) water quality,
  - (b) natural water flows,
  - (c) stability of the bed and banks of waterways, and
  - (d) groundwater systems.
  
- (2) This clause applies to land:
  - (a) identified as a Sensitive area on the Shoalhaven Local Environmental Plan 2009 Natural Resource Sensitivity - Water Map,
  - (b) within 50m of the bank of a natural waterbody identified in (a); and
  - (c) identified on a map titled 'Draft Shoalhaven Riparian Corridors Map' contained in the Shoalhaven DCP.

- (3) Before determining a development application in an area to which this clause applies, the consent authority must consider any potential adverse impact, either from, or as a result of, the proposed development in relation to the:
  - (a) natural flow regime,
  - (b) water quality of receiving waters,
  - (c) waterway's natural flow paths, and
  - (d) stability of the waterway's bed, shore and/or banks.
  
- (4) Before determining a development application on land identified as a Sensitive area - groundwater on the Shoalhaven Local Environmental Plan 2009 Natural Resource Sensitivity - Water Map, the consent authority must consider any potential adverse impact as a result of the proposed development in relation to:
  - (a) the characteristics of the groundwater present in the area,
  - (b) any potential risk of groundwater contamination from the proposed development including potential contamination from on-site storage or disposal of solid or liquid waste and chemicals, and
  - (c) any potential adverse cumulative impacts on groundwater, including the impacts on nearby groundwater extraction for potable water supply or stock water supply.
  
- (5) Before granting consent to development to which this clause applies, the consent authority must be satisfied that:
  - (a) the development is sited, designed and managed to avoid any potential adverse environmental impact,
  - (b) where an impact cannot be avoided, the development is sited and designed to minimise that impact, and
  - (c) where an impact cannot be minimised by the siting and design of the development, the development is managed to best minimise that impact.
  
- (6) For the purpose of this clause:
 

**bank** means the limit of the bed of a river.

**bed**, in relation to a natural waterbody, means the whole of the soil of the channel in which the river flows, including that portion thereof which is alternatively covered and left bare as there may be an increase or diminution in the supply of water and which is adequate to contain it at its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.

### 7.7 Scenic Protection [local]

- (1) This clause applies to land shown as a Sensitive area on the Shoalhaven Local Environmental Plan 2009 Natural Resource Sensitivity - Scenic Protection Area Map.
- (2) The objective of this clause is to protect the natural environmental and scenic amenity of land that is of high scenic value.
- (3) In deciding whether to grant development consent on any land within a Sensitive area, the Council must:
  - (a) consider the visual impact of the proposed development when viewed from a public place, and take such measures that will, in its opinion, minimise any visual impact, and
  - (b) in the case of steep land, be satisfied that the development will not be subject to slip hazard, and
  - (c) consider the number, type and location of existing trees and shrubs which are to be retained and the extent of landscaping to be carried out on the site; and
  - (d) consider the siting of the proposed buildings.

## **7.8 Flood Planning Land [local]**

- (1) The objectives of this clause are as follows:
  - (a) to maintain the existing flood regime and flow conveyance capacity,
  - (b) to enable safe occupation and evacuation of land subject to flooding,
  - (c) to avoid significant adverse impacts on flood behaviour,
  - (d) to avoid significant effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,
  - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
  
- (2) This clause applies to land shown as “flood planning area” on the Shoalhaven Council Local Environmental Plan 2009 Flood Planning Area Map and to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.
  
- (3) Development consent is required for any development on land to which this clause applies.
  
- (4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development will not:
  - (a) adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, or
  - (b) significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, or
  - (c) affect the safe occupation or evacuation of the land, or
  - (d) significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, or
  - (e) be likely to result in unsustainable social and economic costs to the community as a consequence of flooding, or
  - (f) if located in a floodway:
    - (i) be incompatible with the flow conveyance function of the floodway, or
    - (ii) cause or increase a flood hazard in the floodway.

## **7.9 Land [local]**

- (1) The objective of this clause is to maintain soil resources and the diversity and stability of landscapes, including protecting land:
  - (a) with steep slopes, and
  - (b) susceptible to other forms of land degradation.
  
- (2) This clause applies to:
  - (a) land with a slope in excess of 20% (1:5) and



- (b) land identified as a Sensitive area on the Shoalhaven Local Environmental Plan Natural Resources Sensitivity - Land Map.
- (3) Before determining a development application in the area to which this clause applies, the consent authority must consider any potential adverse impact, either from, or as a result of, the proposed development in relation to:
  - (a) the geotechnical stability of the site, and
  - (b) the probability of increased erosion, or other land degradation processes.
- (4) Before granting consent to development to which this clause applies, the consent Authority must be satisfied that:
  - (a) the development is sited, designed and managed to avoid any potential adverse environmental impact,
  - (b) where an impact cannot be avoided, the development is sited and designed to minimise that impact,
  - (c) where an impact cannot be minimised by the siting and design of the development, the development is managed to best minimise that impact.

**7.10 Acid sulfate soils [local]**

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works, except as provided by this clause.

Class of Land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:

- (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan need not be carried out for the works, and
  - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Also, development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
  - (b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
  - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Development consent is not required under this clause to carry out any works unless:
- (a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or
  - (b) the works are likely to lower the water table.

#### **7.11 Coastal risk planning [local]**

- (1) The objective of this clause are:
  - (a) to maintain existing coastal processes and to avoid significant adverse impacts from those coastal processes; and
  - (b) to enable safe evacuation of coastal risk areas in an emergency; and
  - (c) to avoid significant adverse effects on the environment; and
  - (d) to ensure uses are appropriate and compatible with coastal risks including projected sea level rise.
- (2) This clause applies to land shown as "coastal risk area" on the Shoalhaven Council Local Environmental Plan Natural Resources Sensitivity-Land Map.
- (3) Consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) will avoid, minimise or mitigate exposure to coastal processes;
  - (b) will not adversely affect coastal processes resulting in detrimental increases in coastal risk exposure of other development or properties; and
  - (c) will not significantly alter coastal processes to the detriment of the environment; and
  - (d) will make provision for safe evacuation of the land; and
  - (e) make provision for relocation or modification if required to adapt to coastal processes and projected sea level rise.
- (4) in this clause:  
**coastal risks** include coastal erosion, tidal inundation and coastal flooding.

**projected sea level rise** means the 2050 and 2100 sea level rise planning benchmarks as specified in the NSW Government's *Sea Level Rise Policy Statement 2009*.

**7.12 Development in the vicinity of extractive industries and sewerage treatment plants [local]**

- (1) This clause applies to land shown as Extractive Industry Buffer Area and Sewage Treatment Plan Buffer Area as shown on the Shoalhaven Local Environmental Plan 2009 - Buffers Map.
- (2) The objective of this clause is to protect the operational environment of that industry operating on the land.
- (3) The Council must not grant consent to the carrying out of any development on land to which this clause applies unless the Council has made an assessment of the impact of noise, odour and other emissions from any industry carried out on the land, and
  - (a) considered the potential impact of noise, odour and other emissions on any proposed activities associated with the proposed development, and
  - (b) considered any opportunities to relocate the proposed development outside the area to which this clause applies, and
  - (c) has made an assessment of whether the proposed development would adversely affect the operational environment of that industry.

**7.13 Ground floor development on land within Zone B3 Commercial Core [local]**

- (1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.
- (2) Development consent must not be granted for development on the ground floor of a building on land within Zone B3 Commercial Core unless the consent authority is satisfied that the ground floor of the building:
  - (a) will not be used for the purpose of residential accommodation, other than lobbies for any commercial, residential, serviced apartment or hotel component of the development, or
  - (b) will be used to provide access for fire services or vehicle access, or
  - (c) will be used to provide vehicle access; or
  - (d) will have at least one entrance and at least one other door or window on the front of the building facing the street other than a service lane.

**7.14 Development of the Nowra Civic Precinct [local]**

- (1) This clause applies to land shown on the Local Clauses Map and marked CI 7.14.
- (2) Before any development of the land to which this clause applies is carried out, a development control plan that applies to the land, and that complies with this clause, must be prepared.
- (3) A development control plan complies with this clause if it contains or deals with all of the following:
  - (a) urban design principles to apply to the development in relation to the built form, character and siting of buildings, building envelopes (including heights and setbacks), landscaping, the interface between buildings and the existing and proposed public domain, views, privacy, solar access and security, and other

- design elements, with an explanation of how they relate to an analysis of the land to which this clause applies and its context,
- (b) proposals for the distribution of the major land uses, including public and private access and open space,
  - (c) proposals relating to the mitigation of environmental impacts, including noise attenuation, flood mitigation, water and soil management, remediation of contaminated land, solar access, energy efficiency and environmental sustainability,
  - (d) proposals for access, including public transport, pedestrian, cycle and road access and circulation networks, as well as local traffic and parking management,
  - (e) proposals for the enhancement of, and integration with, the existing and proposed public domain,
  - (f) proposed patterns of amalgamation of lots and subdivision,
  - (g) proposals for landscaping (including any tree retention or removal),
  - (h) concept plans showing the indicative layout, form and scale of proposed buildings,
  - (i) proposals regarding heritage conservation,
  - (j) any other matter required in writing by the Council.
- (4) This clause does not prevent development being carried out before a development control plan is prepared if, in the opinion of the Council, the development is of a minor nature.

#### **7.15 Development within the Jervis Bay region [local]**

- (1) This clause applies to land in the Jervis Bay Region as shown on the Local Clauses Map and marked CI 7.15.
- (2) The aims of this clause are:
  - (a) to protect the natural and cultural values of the Jervis Bay Region, and
  - (b) to ensure that development contributes to the natural and cultural values of the Jervis Bay Region.
- (3) The Council must not consent to development within a coastal sand dune area, on a rocky headland or on a flat, well-drained area along a major creekline unless it is satisfied that there will be no significant adverse impact on the natural or cultural values of the area.
- (4) Development in the vicinity of the Point Perpendicular lighthouse group (including the lighthouse, generator, annexe, three residences and ancillary structure) must protect that group and be complementary to that group in terms of design and external colour.
- (5) Development in the vicinity of the Huskisson Tapalla Point rock platform must protect that geological site.
- (6) Development on land within a habitat corridor in the Jervis Bay Region as shown on the Shoalhaven Council Local Environmental Plan Natural Resources Sensitivity-Biodiversity Map must be designed to:
  - (a) minimise disturbance to the existing structure and species composition of native vegetation communities, and

- (b) allow native fauna and flora to feed, breed, disperse, colonise or migrate (whether seasonally or nomadically), and
- (c) regenerate and revegetate degraded lands with local native species.

Evidence of how these criteria are achieved is to be submitted with any application to develop land that is subject to this subclause.

- (7) Where an application to develop land within the Jervis Bay Region involves a public utility undertaking, or a public or private access road through a habitat corridor as shown on the Shoalhaven Council Local Environmental Plan Natural Resources Sensitivity-Biodiversity Map, before granting development consent the Council must be satisfied that there will be no significant adverse impacts on the ecology of that habitat corridor.
- (8) An application to develop land within an area identified as disturbed habitat and vegetation in the Jervis Bay Region as shown on the Shoalhaven Council Local Environmental Plan Natural Resources Sensitivity-Biodiversity Map must be designed to maximise the retention of native vegetation and the rehabilitation of degraded areas.
- (9) An application to develop tourist and visitor accommodation and ancillary facilities in the Jervis Bay Region must contribute to:
  - (a) the variety of activities and accommodation for visitors; and
  - (b) visitor appreciation of the natural and cultural values of the Jervis Bay Region.

#### **7.16 Development within HMAS Albatross airport buffer area [local]**

- (1) The objectives of this clause are to:
  - (a) prevent certain noise sensitive developments from being located near the HMAS Albatross Airport and its flight paths,
  - (b) assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
  - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
- (2) This clause applies to development that:
  - (a) is on land that:
    - (i) is near the HMAS Albatross Airport, and
    - (ii) is in the HMAS Albatross Buffer Area, and
  - (b) ... the consent authority considers is likely to be adversely affected by aircraft noise.
- (3) Before determining a development application for development to which this clause applies, the consent authority:
  - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
  - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021-2000, Acoustics-Aircraft noise intrusion- Building siting and construction, and

- (c) must be satisfied that the development will meet AS 2021—2000, Acoustics- Aircraft noise intrusion- Building siting and construction with respect to interior noise levels for the purposes of child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings, residential accommodation, business premises, hostels, hotel or motel accommodation, office premises or retail premises.
- (4) In this clause:  
**airport** means civil, military or joint civil and military airport.  
**HMAS Albatross Buffer Area** means the area as shown on the Shoalhaven Local Environmental Plan 2009 - Buffers Map.

#### **7.17 HMAS Albatross Airspace Operations [local]**

- (1) The objectives of this clause are to:
- (a) provide for the effective and on-going operation of the HMAS Albatross Airport by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface for that airport,
  - (b) protect the community from undue risk from the airport operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Systems Operations Surface Map for the [Name] Airport, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that the:
- (a) development will penetrate the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface but it has no objection to its construction, or
  - (b) development will not penetrate the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface.
- (4) The consent authority must not grant development consent for the development, if the relevant Commonwealth body advises that the development will penetrate the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface and should not be constructed.
- (5) In this clause:  
**relevant Commonwealth body** means the body that is responsible for development approvals for development that penetrates the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface for the HMAS Albatross Airport under Commonwealth legislation.

**7.18 Restriction on consent for particular sex services premises [local]**

- (1) Development consent must not be granted for development for the purposes of sex services premises if the premises will be located on land that adjoins, or that is separated only by a road from, land:
  - (a) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential, or
  - (b) used as a place of public worship or for community facilities or school uses, or
  - (c) in Zone RE1 Public Recreation.
  
- (2) In deciding whether to grant consent to any such development, the consent authority must take into account the impact that the proposed development would have on children who use the land.

## **Schedule 1 Additional permitted uses**

**(Clause 2.5)**

### **1 Use of certain land at Alma Avenue, Fisherman's Paradise**

- (1) This clause applies to land at Alma Avenue, Fisherman's Paradise, being Lot 2 DP 1086441.
- (2) Development for the purposes of service stations is permitted with consent.

### **2 Use of certain land at 1178 Comerong Island Road, Numbaa.**

- (1) This clause applies to the land at 1178 Comerong Island Road, Numbaa, being that part of Lot 2 DP 1077521.
- (2) Development for the purposes of boat repair facilities and moorings.

### **3 Use of certain land at Dolphin Point Road, Dolphin Point.**

- (1) This clause applies to the land at Dolphin Point Road, Dolphin Point, being Lot 12 DP 1104789.
- (2) Development for the purpose of a single dwelling house only (ancillary to the caravan park) on the elevated portion of the land (above 10m Australian Height Datum) as shown on the Local Clauses Map and marked Sch 1. 3.

### **4 Use of certain land at Yalwal Road, West Nowra**

- (1) This clause applies to the land at Yalwal Road, West Nowra being part of Part Lot 432 DP 723151.
- (2) Development for the purpose of Aboriginal community housing to a total of 16 dwellings.

### **5. Use of certain land at Yerriyong Lane, Yerriyong**

- (1) This clause applies to the land at Yerriyong Lane in the vicinity of HMAS Albatross at Yerriyong shown on the Local Clauses Map and marked Sch 1:5.
- (2) Development for the purposes of car parks, horticulture, landscape and garden supplies and light industry.

### **6. Use of certain land located within the Nowra-Bomaderry Urban Release Area**

- (1) This clause applies to the land at Nowra-Bomaderry Urban Release Area shown on the Local Clauses Map and marked Sch1:6.
- (2) Development for the purposes of office premises and service stations.

### **7. Use of certain land located at Manyana.**

- (1) This clause applies to the land at Manyana being Lot 204 DP 755923 (Por 204), Sunset Strip; that part of Lot 106 DP 755923 (Por 106) Inyadda Drive that is zoned E3 Environmental Management; and that part of Lot 1070 DP 836591 Curvers Drive that is zoned E3 Environmental Management, shown on the Local Clauses Map and marked Sch1:7.
- (2) Development for the purposes of advertising structures, amusement centres, community facilities, food and drink premises, function centres, helipads, heliports, recreation facilities (indoor), recreation facilities (major), recreation facilities (outdoor) and registered clubs.



**8. Use of certain land at Vincentia District Town Centre.**

- (1) This clause applies to the land at Vincentia District Town Centre shown on the Local Clauses Map and marked Sch 1:8.
- (2) Development for the purposes of timber and building supplies, bulky goods premises and landscape and gardening supplies.

## Schedule 2 Exempt development

(Clause 3.1)

### Note.

A person may carry out an activity specified in this Schedule without obtaining consent from the consent authority, if the person complies with the exemption criteria that applies to the activity (which includes the deemed-to-satisfy provisions of the Building Code of Australia). However, the activity must not contravene any condition of a development consent already applying to the land and adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities not specifically set out in this Schedule still apply. (For example, requirements relevant to this Schedule are contained in the Act, the Regulation, various State environmental planning policies, the Protection of the Environment Operations Act 1997, the Roads Act 1993 and the Swimming Pools Act 1992 etc).

### Community events

#### Dairying (pasture based)

- (1) Must be on land zoned RU1 or RU2.
- (2) Must not be on land identified as a Sensitive Area of the Shoalhaven Local Environmental Plan 2010 Natural Resource Sensitivity – Biodiversity Map.
- (3) Must not be on land identified as a Sensitive Area of the Shoalhaven Local Environmental Plan 2010 Natural Resource Sensitivity-Water Map.
- (4) Must not be on land identified as a Sensitive Area of the Shoalhaven Local Environmental Plan 2010 Natural Resource Sensitivity – Land Map.
- (5) Must not be on land identified as Acid Sulfate Soil on the Acid Sulfate Soils Map.

#### Horticulture

- (1) Must be on land zoned RU1 or RU2.
- (2) Must not be on land identified as a Sensitive Area of the Shoalhaven Local Environmental Plan 2010 Natural Resource Sensitivity – Biodiversity Map.
- (3) Must not be on land identified as a Sensitive Area of the Shoalhaven Local Environmental Plan 2010 Natural Resource Sensitivity-Water Map.
- (4) Must not be on land identified as a Sensitive Area of the Shoalhaven Local Environmental Plan 2010 Natural Resource Sensitivity – Land Map.
- (5) Must not be on land identified as Acid Sulfate Soil on the Acid Sulfate Soils Map.

#### Filming

- (1) (Repealed)
- (2) May only be carried out on land:
  - (a) on which there is a heritage item, or
  - (b) within a heritage conservation area, or
  - (c) identified in clause 3.3 as an environmentally sensitive area for exempt development,if the filming does not involve or result in any of the following:

- (d) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,
  - (e) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
  - (f) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
  - (g) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.
- (3) Must not create significant interference with the neighbourhood.
- (4) The person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000.
- (5) If the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location.
- (6) A filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):
- (a) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
  - (b) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
  - (c) the proposed location of the filming,
  - (d) the proposed commencement and completion dates for the filming at the location,
  - (e) the proposed daily length of filming at the location,
  - (f) the number of persons to be involved in the filming,
  - (g) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
  - (h) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
  - (i) proposed arrangements for parking vehicles associated with the filming during the filming,
  - (j) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
  - (k) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
  - (l) a copy of the public liability insurance policy that covers the filming at the location,
  - (m) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming at the location, such as the following:
    - (i) an approval by the Roads and Traffic Authority for the closure of a road,

- (ii) an approval by the Council for the erection or use of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
  - (iii) an approval by the Environment Protection Authority for an open fire,
  - (iv) an approval by the NSW Police Force for the discharge of firearms,
  - (v) an approval by the Department of Services, Technology and Administration for the use of Crown land,
  - (n) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming.
- (7) The person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:
- (a) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
  - (b) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
  - (c) the proposed commencement and completion dates for the filming at the location,
  - (d) the proposed daily length of filming at the location.

#### **Tents or marquees used solely for filming purposes**

- (1) May only be used in connection with filming that is exempt development.
- (2) Total floor area of all tents or marquees on location at the same time must not exceed 200m<sup>2</sup>.
- (3) Must be located within at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.
- (4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
  - (a) 1 exit if the floor area of the tent or marquee does not exceed 25m<sup>2</sup>,
  - (b) 2 exits in any other case.
- (5) Width of each exit must be at least:
  - (a) 800mm if the floor area of the tent or marquee is less than 150m<sup>2</sup>, or
  - (b) 1m in any other case.
- (6) Height of the walls must not exceed:
  - (a) 4m if erected on private land, or
  - (b) 5m in any other case.
- (7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.
- (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
  - (a) AS/NZS 1170.0:2002, Structural design actions—General principles,
  - (b) AS/NZS 1170.1:2002, Structural design actions—Permanent, imposed and other actions,

(c) AS/NZS 1170.2:2002, Structural design actions—Wind actions.

- (9) Must not remain at the location more than 2 days after the completion of the filming at the location.

### **Temporary structures (other than tents and marquees), and temporary alterations or additions to buildings or works, solely for filming purposes**

- (1) May only be erected, used, altered or added to in connection with filming that is exempt development.
- (2) Temporary structure must not be at the location for more than 30 days within a 12-month period.
- (3) Alteration or addition to the building or work must not remain in place for more than 30 days within a 12-month period.
- (4) Temporary structure, or building or work in its altered or added to form, must not be accessible to the public.

### **Lighting (external)**

- (1) Must not be for the lighting of tennis courts or sports fields.
- (2) Must not be directed onto adjoining properties or a public street.
- (3) Must not be directed onto a State Road.

### **Private electricity service pole/post**

- (1) Must be installed in accordance with the requirements of Integral Energy.

### **Public meetings**

- (1) The use of a building which is a class 9b building under the BCA for the purpose of a public meeting.

### **Hoardings**

- (1) must comply with WorkCover Authority requirements
- (2) all care must be taken to safeguard the general public
- (3) the least horizontal distance between the common boundary of the site and a footpath or public thoroughfare and the nearest parts of the structure must be greater than twice the height of the structure being erected or demolished
- (4) the vertical height above footpath level of the structure being demolished or erected must be less than 4m
- (5) must be constructed of solid materials to a height not less than 2.4m above the level of the footpath or thoroughfare
- (6) must not encroach onto public footway or thoroughfare
- (7) appropriate signage is to be provided in accordance with AS1319.

### **Solid fuel heaters**

- (1) Oil fired appliances.
- (2) Solid fuel burning appliances:
  - (a) appliance must be tested to comply with Air Emissions and Efficiency Standards AS 4012 and 4013.

- (b) oil fired appliances must be installed in accordance with AS 1691.
- (c) solid Fuel Heaters must be installed in accordance with AS 2918.
- (d) boilers and pressure vessels must be installed in accordance with AS 1200.
- (e) the flue or chimney shall not terminate in such a position as to constitute:
  - (i) a risk of fire to nearby combustibles
  - (ii) a risk of penetration of the flue gases through nearby windows or other openings, fresh air inlets, mechanical ventilation inlet or exhaust, or the like
- (f) the flue or chimney height must be at least 1.0m above the height of any structure or topographical feature within a 15m radius of the chimney with a maximum chimney height of 2m above the ridge of the roof on which it is installed.

### **Signs, advertising structures and displays**

- (1) An advertising structure and the display of an advertisement on it, or the display of an advertisement that is not affixed to an advertising structure, being a sign that displays an advertisement that relates to the premises on which it is situated, and that complies with the following:
  - (a) must not cover mechanical ventilation inlet or outlet vents,
  - (b) must relate to a lawful use of, and carried out on, the land.
  - (c) must be well maintained and content is legible, not offensive and applicable to the business at all times.
  - (d) must conform to Council's Signage Strategy and Section 3.6 of the RTA's interim Guide to Signs and Markings.
  - (e) building or site is not identified as a heritage item in any EPI, draft EPI or DCP.
  - (f) must not be located in the road reserve (unless specified otherwise below).
  - (g) illuminated signs have a minimum clearance of 2.6 metres above ground/footpath level.
- (2) Building and Business identification signs in a residential, rural, special purpose, recreation or environment protection zone must comply with the following:
  - (a) maximum size (face area) —0.75m<sup>2</sup>
  - (b) maximum height – 2.4m (ground mounted signs)
  - (c) must not be floodlit or illuminated
  - (d) only 1 sign per premises
  - (e) must be located wholly within property boundaries of the land to which the sign relates, and may be flush mounted to the front fence or front wall of a building or as a free standing sign
  - (f) for properties with more than 1 business tenant, 1 sign per tenant to a maximum combined sign face area of 1m<sup>2</sup>.
- (3) Building and Business identification signs in business and industrial zones must comply with the following:
  - (a) suspended under awning sign:
    - (i) Maximum length—2.5m
    - (ii) Maximum size (face area) —1.5m<sup>2</sup>

- (iii) maximum depth – 0.5m
  - (iv) maximum width – 0.4 (illuminated) or 0.8m (not illuminated)
  - (v) must be securely fixed by rigid metal supports
  - (vi) must be no closer than 3m from any other awning sign
  - (vii) must not project beyond the awning fascia unless the awning is wholly contained within the property boundaries
  - (viii) must be erected horizontal to the ground and at right angles to the building
  - (ix) only 1 per tenant.
- (b) vertical or horizontal projecting wall sign:
- (i) maximum size (face area) —2.5m<sup>2</sup>
  - (ii) must be securely fixed by rigid metal supports
  - (iii) only 1 per property.
- (c) flush wall sign:
- (i) maximum size (face area) —2.5m<sup>2</sup>
  - (ii) must be securely fixed
  - (iii) only 1 per property.
- (d) top hamper sign:
- (i) maximum size (face area) —2.5m<sup>2</sup>
  - (ii) must be securely fixed
  - (iii) only 1 per property.
- (e) painted awning face or return signs:
- (i) awning depth does not exceed 0.6m
  - (ii) maximum depth – 0.45m
  - (iii) 1 per property.
- (f) painted wall and façade signs (above awning, side or rear walls):
- (i) building height does not exceed 8m above natural ground level
  - (ii) maximum size – 20% of any one wall surface viewed from a public place
  - (iii) only 1 per property.
- (g) signs behind the glass line of a shop window.
- (h) small flags at head height either side of the ground floor entrance to a shop or office.
- (i) advertisements within a site but not visible from outside of that site.
- (j) free standing signs:
- (i) must not be floodlit or illuminated in any way
  - (ii) maximum size (face area) – 5m<sup>2</sup> where site frontage is up to 20m or 8m<sup>2</sup> where site frontage exceeds 20m
  - (iii) maximum height – 3.5m where public road frontage is up to 20m or 5m where public road frontage exceeds 20m
  - (iv) must have street number prominently displayed
  - (v) only 1 per property

- (vi) battleaxe properties – maximum area of 5m<sup>2</sup> and no side boundary setback.
- (k) "A" board signs:
  - (i) maximum size – 1m<sup>2</sup> each side
  - (ii) maximum width – 0.75m
  - (iii) only 1 per property.
- (l) Inflatables:
  - (i) must not be displayed for more than 10 consecutive days and not more than 3 times in any one (1) calendar year
  - (ii) airborne devices must be licensed by the appropriate authority
  - (iii) must have a dedicated 'public liability' insurance policy of \$10 million for the inflatable device.
- (4) Free standing signs on public footpaths, including all land within the public road reserve, must comply with the following:
  - (a) illuminated advertising (Identilite) signs must be erected in accordance with Council Policy
  - (b) finger blade directional signs:
    - (i) must be consistent with Council's Street Signage Policy
    - (ii) must be consistent with a design approved by Council
    - (iii) must be erected by Council on street signposts.
  - (c) signs on bus shelters and seats must be erected in accordance with Council Policy on roads under the control of Council
  - (d) street signs (name plates, directional signs, advance traffic warning signs, and warning, advisory and regulatory signs):
    - (i) must be constructed by or for Council or the Roads and Traffic Authority (RTA) in accordance with RTA Guidelines
    - (ii) must be designed, fabricated and installed in accordance with relevant SAA, RTA and Council standards.
- (5) Signs on Public land:
  - (a) informational, directions or security signs displayed by a public authority:
    - (i) maximum area (face area) urban zone) – 8m<sup>2</sup>
    - (ii) maximum area (face area) non-urban zones - 6m<sup>2</sup>.
  - (b) fence signs which are facing inwards towards a playing field or spectator enclosure and not visible beyond the site:
    - (i) must be temporary and only erected during the course of sporting fixtures
    - (ii) sign content must not relate to the use of substances which may be injurious to health such as alcoholic beverages, tobacco products and the like
    - (iii) Council has not required the sign to be removed.
- (6) Real Estate signs advertising that the premises on which they are displayed are genuinely for sale or lease must comply with the following:
  - (a) maximum size in residential, rural and environment protection zones—2.5m<sup>2</sup>
  - (b) maximum size in business or industrial zones—4.5m<sup>2</sup>



- (c) maximum — 1 sign per company where property is less than 2.5 ha, 2 signs per company where the property is 2.5 ha to 4 ha, and 4 signs per company where property is more than 4 ha.
- (d) must be located wholly within the property boundaries of the land to which the sign relates, or if within the road reserve, be within 15cm of the front property boundary
- (e) must not be displayed for more than 14 days after the commencement of the letting or settlement for the sale of the property is completed
- (f) must not be affixed to trees, power poles, guideposts, street/road directional signs and the like in road reserves
- (g) may be free standing (securely mounted on stakes driven into the ground) or erected on a fence or wall of a building
- (h) must not be illuminated
- (i) banner signs, buntings, flags and the like are securely fixed, must not be erected over a public road or public place and must be removed by 5pm daily
- (j) sign content is limited to transaction details eg 'For Sale' or 'For Lease', agent's name and contact details, a brief description of the property, auction dates etc
- (k) maximum width for side returns – 180mm
- (l) directional signs:
  - (i) may be erected at each turnoff and at each corner leading to a sales point, open house etc
  - (ii) maximum size (face area) - 0.36m<sup>2</sup>
  - (iii) must not be located within the boundaries of classified main roads and state highways
  - (iv) may be erected during the period between midday on the last working day prior to a weekend (including long weekends) and must be removed prior to midday on the first working day after a weekend
  - (v) must be well clear of the carriageway and not obstruct foot traffic.
- (m) managing Agent signs must be consistent with the requirements for a business identification sign and must not exceed 0.75m<sup>2</sup>
- (n) subdivision land sales:
  - (i) only 1 sign per subdivision
  - (ii) maximum size in rural and environment protection zones—6m<sup>2</sup>
  - (iii) maximum size in urban areas—8m<sup>2</sup>
  - (iv) must be removed after a period of 2 years
  - (v) must be erect on land within the subdivision
  - (vi) must not adversely affect traffic safety
  - (vii) must not restrict sight distances at entrance/exit to any property
  - (viii) must not obstruct sightlines to signs on adjoining property
  - (ix) must not dominate the streetscape or skyline
  - (x) must not adversely affect the amenity, character or scenic quality of the area or detract from the heritage significance of the building or place
  - (xi) must be consistent with Council's advertising Sign Design Guidelines.

- (7) Real estate signs advertising that the premises on which they are displayed are for lease for short term accommodation must comply with the following:
- (a) maximum size (face area) —0.75m<sup>2</sup>
  - (b) maximum dimension—1m
  - (c) must not be illuminated
  - (d) must not be affixed to trees, power poles, guideposts, street/road directional signs and the like in road reserves
  - (e) may be free standing (securely mounted on stakes driven into the ground) or erected on a fence or wall of a building
  - (f) sign content is limited to the managers/agents name and contact details and must include a telephone number which will be available 24 hours a day to enable contact with a local person able to provide management of the property
  - (g) the use of the site must be exempt from the need to obtain approval for short term accommodation.
- (8) Temporary signs must comply with the following:
- (a) must only announce a local event of a religious, educational, cultural, political, social or recreational character, a market or garage sale, or relate to a temporary matter in connection with the event
  - (b) must not include advertising of a commercial nature (except for the name of the event's sponsor)
  - (c) must not be displayed earlier than 28 days before the day on which the event is to take place or commence and must be removed within 7 days after the completion of the event
  - (d) maximum size (face area) – 6m<sup>2</sup>
  - (e) must not be suspended across public roads
  - (f) must not be erected on public land without the written consent of Council, or affixed to trees, light standards (other than those specifically designed and approved for the purpose), guide posts or power poles in road reserves.
  - (g) must be erected by a religious or community group, sporting club or other community based organisation recognised by Council
  - (h) directional signs for markets and garage sale:
    - (i) maximum size (face area) – 0.36m<sup>2</sup>
    - (ii) may be erected at each turnoff and at each corner but must be well clear of the carriageway and must not obstruct foot traffic
    - (iii) must not be located within the boundaries of classified main roads and state highways
    - (iv) must not be erected on roundabouts, median strips, affixed to trees, lighting standards, guideposts or power poles in road reserves
    - (v) may be erected during the period between midday on the last working day prior to a weekend (including long weekends) and must be removed prior to midday on the first working day after a weekend.
- (9) Election signs for Local, State and Federal Government elections must comply with the following:
- (a) maximum size (face area) – 0.8m<sup>2</sup>

- (b) maximum of 2 single sided signs per property or one v-shaped or double sided sign
- (c) must not detract from the heritage significance of the building or place
- (d) must be erected on or over roads or on land under the control of Local, State or Federal authorities
- (e) may be erected up to 8 weeks prior to election day
- (f) must be removed within 7 days of the conduct of an election, poll or referendum.
- (10) Advertisements on motor vehicles used principally for the conveyance of goods and passengers must comply with the following:
  - (a) vehicle must be able to be driven with the sign displayed
  - (b) vehicle must not be parked for extended periods for the purpose of an advertising structure.
- (11) Message content of a sign may be changed.

### **Tennis courts (in rural zones)**

- (1) Must be unlit and for domestic use only.
- (2) 50m minimum setback from all boundaries.
- (3) One court only.
- (4) Maximum cut or fill - 600mm.
- (5) Must not be within 20m of a watercourse or waterbody.

### **Tents or marquees used solely for filming purposes**

- (1) May only be used in connection with filming that is exempt development.
- (2) Total floor area of all tents or marquees on location at the same time must not exceed 200m<sup>2</sup>
- (3) Must be located within at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.
- (4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
  - (a) 1 exit if the floor area of the tent or marquee does not exceed 25m<sup>2</sup>
  - (b) 2 exits in any other case.
- (5) Width of each exit must be at least:
  - (a) 800mm if the floor area of the tent or marquee is less than 150m<sup>2</sup>, or
  - (b) 1m in any other case.
- (6) Height of the walls must not exceed:
  - (a) 4m if erected on private land, or
  - (b) 5m in any other case.
- (7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.
- (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
  - (a) AS/NZS 1170.0:2002, Structural design actions—General principles

- (b) AS/NZS 1170.1:2002, Structural design actions—Permanent, imposed and other actions
  - (c) AS/NZS 1170.2:2002, Structural design actions—Wind actions.
- (9) Must not remain at the location more than 2 days after the completion of the filming at the location.

## **Schedule 3 Complying development**

(Clause 3.2)

### **Part 1 Types of development**

**Note.**

A person may carry out an activity specified in this Schedule without getting a development approval from the consent authority, if the person obtains a complying development certificate and complies with the criteria that applies to the activity (which includes the deemed-to-satisfy provisions of the Building Code of Australia). However, the activity must not contravene any condition of a development consent already applying to the land and adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities not specifically set out in this Schedule still apply. (For example, requirements relevant to this Schedule are contained in the Act, the Regulation, various State environmental planning policies, the Protection of the Environment Operations Act 1997, the Roads Act 1993 and the Swimming Pools Act 1992 etc).

## Part 2 Complying development certificate conditions

### Compliance with the Building Code of Australia

1. All work must comply with the deemed to satisfy provisions of the Building Code of Australia.

### Residential Building Work

2. Building work that involves residential building work within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:

a. In the case of work to be done by a licensee under the Act:

- i. Has been informed in writing of the licensee's name and contractor licence number, and
- ii. Is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or

b. in the case of work to be done by any other person:

- i. has been informed in writing of the person's name and owner-builder permit number, or
- ii. has been given a declaration, signed by the owner of the land, that states the reasonable market cost of labour and materials involved in the work is less than the amount prescribed for the purposes of the definition or owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

#### Notes:

The amount referred to in paragraph (b) (ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount of \$12,000. As those regulations are amended from time to time, so that amount may vary.

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

### Before you begin work

3. Two days before any site works, building or demolition begins, the applicant must
  - (a) forward *Notice of Commencement of Building or Work and Appointment of Principal Certifying Authority* to the Council; and
  - (b) inform the adjoining owners in writing that work will commence.
  
4. Before any site works or building begins, the applicant must:
  - a. notify the Council of the name, address, telephone number and licence number of the builder; and
  - b. erect a sign at the front of the property with the builder's name, licence number, site address and the number given by the Council to the applicant for the complying development certificate.

**Note** This item does not impose a requirement on an applicant if it is complied with by the builder.

### Excavations and Backfilling

5. All excavations and backfilling must be executed safely and in accordance with appropriate professional standards.

All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

### Retaining Walls and Drainage

6. If soil conditions require it, suitable retaining walls with appropriate drainage shall be provided to prevent the movement of soil.

### Support for Neighbouring Buildings

7. If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. Must preserve and protect the building from damage;
  
  - b. If necessary, must underpin and support the building in an approved manner; and
  
  - c. Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

Note: An "allotment of land" includes a public road and any other public places.

### Protection of Public Places

8. If the work involved in the erection or demolition of a building:
  - a. Will cause danger to pedestrians or vehicular traffic; in a public place;
  - b. Will cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - c. Involves the enclosure of a public place,

A hoarding or fence must be erected between the building premises and the public place.

If necessary, a sufficient awning is to be erected to prevent any substance from, or in connection with, the work falling onto the public place.

The site of the building is to be kept lit between sunset and sunrise if it is likely to be a source of danger to persons using the public place.

Any such hoarding, fence or awning is to be removed when no longer required.

### Signs to be Erected on Building and Demolition Sites

9. A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
  - a. Stating that unauthorised entry to the premises is prohibited, and
  - b. Showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours.

Any such sign is to be removed when the erection or demolition of the building has been completed.

This condition does not apply to:

- a. Building work carried out inside an existing building, or
- b. Building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

### Toilet Facilities



10. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site:

Each toilet provided:

- a. Must be a standard flushing toilet, and

- b. Must be connected

- i. To a public sewer, or

- ii. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council.

The provision of toilet facilities must be completed before any other work is commenced.

Note "Accredited sewage management facility" means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation

"Approved by the Council" means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

"Public Sewer" has the same meaning as it has in the Local Government (Approvals) Regulations 1993.

### Hours of work

11. Any building work must be carried out between 7am and 6pm Monday to Friday, and 7am to 5pm Saturdays, but not including Sundays or public holidays.

### Stormwater Drainage

12. All stormwater must be discharged into Council's stormwater system. Kerb adaptors shall be used for all kerb discharge points.
13. Drainage must be designed for a 1 in 10 year recurrence interval in accordance with AS 3500 Plumbing and Drainage Code. The section of pipe between the kerb and the front boundary must be inspected and backfilled as soon as possible after installation.

### Drainage

14. An application for sewer connection, plumbing and stormwater drainage must be lodged with and approved by Council before any such work can commence. Only Council can approve such work under s68 of the Local Government Act, 1993. A compliance certificate is required.

## **Gutter and Footpath Crossings – Dwelling-houses**

15. Where kerb and gutter is provided, the driveway entrance to the property shall be a minimum of 500mm clear of all drainage structures on the kerb and gutter and is not to interfere with the existing public utility infrastructure, including Council's drainage structures, without the prior approval of Council. Vehicular gutter and footpath crossings shall be constructed to Council's specification G202605.
16. Where kerb and gutter does not exist, the external driveway to the property shall be constructed in accordance with the following standards:
  - a. an all-weather gravel surface with a minimum compacted pavement thickness of 200mm. This may impede natural stormwater flow. In such cases, a concrete vee drain shall be provided or a 375 diameter concrete pipe shall be placed under the access in line with the table drain complete with concrete headwalls and erosion protection in accordance with SC263734; or
  - b. in accordance with G202604; as appropriate according to site conditions.
17. Driveway entrances shall be a minimum of 6m from an intersection kerb return in accordance with "Austroads" Guidelines.
18. Driveways shall comply with Council's specification G202608 for maximum and minimum desirable grades.
19. A minimum of one parking space per dwelling shall be provided (either an open space or covered space) and shall be located behind the relevant building line. Such a space shall measure a minimum of 5.5m in length and have a minimum width of 2.6m.

## **Roadworks**

20. Council must approve the construction of gutter and footpath crossings and stormwater connection within the road reserve as the roads authority under Section 138 of the Roads Act, 1993. Council shall inspect the levels and formwork prior to pouring concrete. A compliance certificate for the work is required.

## **Soil and water management**

21. Temporary soil and water management controls such as silt fencing, straw bales and contour drains and/or retention ponds, must be implemented prior to earthworks commencing on the site and maintained over course of construction in accordance with Council's guidelines Environmental Protection on Construction Sites, 1993, a copy of which is available from Council offices.
22. Removal or disturbance of vegetation and top soil must be confined to within 3m of the proposed building.

## **Waste Minimisation and Management**

23. A Waste Minimisation and Management Plan (WMMP) must be prepared in accordance with the Waste Minimisation and Management section of Council's Development Control Plan. The WMMP must be approved by Council or an accredited certifier.
24. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site. Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

*Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.*

## **Gutter to be kept clear**

25. The kerb, gutter and footpath adjoining the site must be kept clear of soil and debris.

## **Damage to public assets**

26. The applicant or the applicant's agent must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

## **Survey Certificate**

27. A survey certificate must be given to the principal certifying authority in the following circumstances:
  - a. Where the distance from the building to the side and rear boundaries is within 300mm of the prescribed minimum distance:
    - i. on completion of floor slab formwork before concrete is poured or when foundations walls reach 1.0m in height, detailing the location of the structure to the boundaries; and
    - ii. on completion of the lowest floor, confirming that levels are in accordance with the certificate (which levels must relate to the datum shown on the certificate); and/or
  - b. where the height of the development comes within one (1) metre of the relevant height prescribed by Council's Development Control Plan.

## **Water and/or Sewer Contributions/Requirements**

28. A Compliance Certificate under Part 3, Division 2 of the Water Supplies Authorities Act 1987 shall be obtained to verify that the necessary requirements for the supply of water and sewerage (where applicable) to the development have been made with the Shoalhaven Water before the issue of a subdivision construction and/or occupation certificate.

## **Disabled Access**

29. Access for disabled persons must be provided in accordance with Pt D3 of the BCA and the Disability Discrimination Act, 1992. The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the BCA which references AS1428.1 – “Design for Access and Mobility”. AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia. The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

#### **Occupation Certificate**

30. An occupation certificate must be issued by the PCA before the building can be occupied or the new use may commence.

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Coolangatta	Lot 12 DP 617101, Bolong Road
Coolangatta	Lot 3 DP 597223, Bolong Road
St Georges Basin	Lot 4 DP 550354, Island Point Road
Sussex Inlet	Lot 35 DP226342, Edgewater Ave
Vincentia	Lot 2081 DP 216860, Lively Street
Shoalhaven Heads	Lot 21 DP 252581 Shoalhaven Heads Rd

### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

## Schedule 5 Environmental heritage

(Clause 5.10)

BACK FOREST	Victorian Weatherboard Farmhouse	235A Back Forest Road	Lot 1 DP 629802	Local	11.
BACK FOREST	Berry Estate former Pumping Station	255 Back Forest Road	Lot 1 DP 1064332	Local	12.
BACK FOREST	Federation Weatherboard Farmhouse and Outbuildings	37 Bailleul Lane (private)	Lot 5 DP 883117	Local	13.
BAMARANG	"Bamarang" – Homestead Cemeteries and "Bamarang" – Victorian Sandstone Homestead	72 Bamarang Road	Lot 20 DP 746233	Local	14.
BANGALEE	"Weir"—Family Graves	Bangalee Scout Camp Road	Lot 48 DP 751273	Local	15.
BARRENGARRY	"Cavan"—Dairy Farm Complex	26B Cavan Road	Lot 8 DP 869740	Local	16.
BARRENGARRY	Barrengarry Store, Post Office and Residence	2167 Moss Vale Road	Lot 11 DP 3237	Local	17.
BARRENGARRY	"Rosedale"—Victorian Farmhouse and Outbuildings	2240 Moss Vale Road	Lot 101 DP 623325	Local	18.
BARRENGARRY	* Former Barrengarry School and Schoolmaster's Residence	2565 Moss Vale Road	Lot 2565 DP 1118533	State	19.
BARRENGARRY	"Ascot"—Dairy Farm Complex	49 Upper Kangaroo River Road	Lot 18 DP 773481	Local	110.
BARRENGARRY	"Oakleigh"—(former gatehouse to Barrengarry House)	89 Upper Kangaroo River Road	Lot 1 DP 746459	Local	111.
BARRENGARRY	* "Barrengarry House"—two storey Victorian Estate Complex, including tree-lined drive and approaches	171 Upper Kangaroo River Road	Lot 1 DP 259769  Part Lot 1 DP195569	State	112.
BAWLEY POINT	Relocated Bawley Point Mill Worker's Cottage	10 Johnston Street	Lot A DP 380422	Local	113.
BAWLEY POINT	Bawley Point Guesthouse and	21 Johnston Street	Lot 43 DP 1038219	Local	114.

BAWLEY POINT	trees 1830s Colonial Road	Johnston.Stre et	Lot 7300 DP 1126283	Local	115.
BAWLEY POINT	* "Murramarang" — (former Colonial Estate House)	226 Murramarang Road	Lot 23 DP 571930	State	116.
BAWLEY POINT	Bawley Point Sawmill and Wharf (former)	Tingira Drive	Lots 120–129 DP755961 Lot 7004 DP1057514	Local	117.
BEAUMONT	Cambewarra Lookout Manager's Residence and garden	182 Cambewarra Lookout Road	Lot 2 DP 849185	Local	118.
BEECROFT PENINSULA	Wreck of the "Merimbula"	Currarong Road	Lot 7004 DP 1030104	Local	119.
BEECROFT PENINSULA	* Point Perpendicular Lighthouse Group	Lighthouse Road	Lot 51 and 52 DP 837775	State	120.
BELLAWONGARAH	Former Bellawongarah Church	869 Kangaroo Valley Road	Lots 9 and 10 DP 113374	Local	121.
BELLAWONGARAH	Bellawongarah Cemetery	Kangaroo Valley Road	Lots 1-5 DP 1115368 Lot 1 DP 115445 Lot 1 DP 1034714 Lot 7301 DP 1152357	Local	122.
BENDALONG	Archaeological Site— Red Head Timber Mill and Wharf	1 Waratah Street	Lot 187 DP 755923	Local	123.
BERRY	* Federation Weatherboard Cottage and garden	21 Albany Street	Lot 4 DP 375126	State	124.
BERRY	Inter-war Federation style Weatherboard Cottage and fence	23 Albany Street	Lot B DP 350396	Local	125.
BERRY	Victorian Georgian style Weatherboard Cottage	25 Albany Street	Lot 61 DP 826592	Local	126.
BERRY	Victorian Georgian style Weatherboard Cottage	19 Albert Street	Lot A DP 408003	Local	127.
BERRY	Federation Weatherboard Cottage	54 Albert Street	Lot 17 DP 8058 Sec 10	Local	128.
BERRY	Victorian Carpenter Gothic style Hall	69 Albert Street	Lot 1 DP 725934	Local	129.

BERRY	Former Federation Brick Butcher's Shop	14 Alexandra Street	Lot 1 DP 513688	Local	I30.
BERRY	Berry School of Arts	19 Alexandra Street	Lot 8 DP 924675	Local	I31.
BERRY	* Berry Showground Group and trees, including:  Victorian Agricultural Pavilion,  Rotunda,  Poultry Shed,  Wood chopping Arena,  Cattle yards,  Alexandra Street entrances,  Sir John Hay Memorial Fountain,  Former Berry Municipal Chambers,  Araucaria cunninghamii (Hoop Pines),  Ficus sp (Figtree),  Erythrina sp (Coral trees),  Eucalyptus sp (Eucalyptus trees),  Magnolia sp (Magnolias),  Photinia serratifolia (Photinia),  Callitris macleayana (Cypress),  Cinnamomum camphora (Camphor Laurels),	35 Alexandra Street	Lot 1 DP 940561	State	I32.



BERRY	Camellia sp (Camellias) Agathis robusta (Kauri Pine)	Alexandra Street	Road reserve in front of Lot 2 DP 17926	Local	133.
BERRY	Berry War Memorial Park including:  Sandstone War Memorial	Alexandra Street	Lot 26 DP 8058 Sec 5	Local	134.
BERRY	Avenue of Remembrance (tree-lined)	Alexandra Street	Road reserve in front of Lot 26 Sec 5 DP 8058	Local	135.
BERRY	David Berry Memorial Park, including:  David Berry Memorial Column and pedestal	Alexandra Street	Part Lot 10 DP 751268	Local	136.
BERRY	Araucaria cunninghamii (Hoop Pine)	Alexandra Street	In the road reserve adjacent to Lot A DP 411591	Local	137.
BERRY	Harley Hill Cemetery	Beach Road	Lot 1 DP 723973	Local	138.
BERRY	Coomanderry Swamp Drainage Channel	190 Coolangatta Road	Lot 5 DP 860111 Lot 2 DP 836097 Lot 6 DP 786106 Lot 12 DP 630628 Part Lot 2 DP 517528 Lot 12 DP 1047067 Lot 3 DP 805443 Lot 1 DP 706777 drainage reserve	Local	139.
BERRY	* Inter-war Group of Institutional Brick and Weatherboard Buildings and trees	660 Coolangatta Road	Lot 1 DP 1148057 Lot 1 DP 131859	State	140.
BERRY	Remnant old growth Eucalypts	George Street	Road reserve of George Street	Local	141.
BERRY	Eucalyptus pilularis (Blackbutt)	42 Kangaroo Valley Road	Lot 2 DP 773489	Local	142.

BERRY	* Berry General Cemetery	Kangaroo Valley Road	Lot 71 DP 4468	State	143.
BERRY	Syncarpia glomulifera (Turpentine Tree)	10 King Street	Lot 23 DP 375126	Local	144.
BERRY	Calodendrum capense (Cape Chestnut)	King Street	On the corner of King Street and Victoria Street in the road reserve adjacent to Lot 1 DP 710284	Local	145.
BERRY	Roman Catholic Church, including:  Grounds,  Two storey Brick Convent	80 North Street	Lot 1 DP 86897	Local	146.
BERRY	Federation Weatherboard Cottage, including:  Brick Stables,  Hedge	10 Prince Alfred Street	Lot 1 DP 572830	Local	147.
BERRY	Apex Park	12 Prince Alfred Street	Lot 2 DP 572830	Local	148.
BERRY	Liriodendron tulipifera (Tulip Tree)	20 Prince Alfred Street	Lot 11 DP 816490	Local	149.
BERRY	Former Federation Weatherboard Shop	21 Prince Alfred Street	Lot 16 DP 8058 Sec 3	Local	150.
BERRY	Former Berry Estate Bakery and Residence	23 Prince Alfred Street	Lot 2 DP 532935	Local	151.
BERRY	Federation Weatherboard Cottage	25 Prince Alfred Street	Lot A DP 380097	Local	152.
BERRY	Federation Weatherboard Cottage and trees	31 Prince Alfred Street	Lot 3 DP 932362	Local	153.
BERRY	Federation Weatherboard Cottage and garden	32 Prince Alfred Street	Lot 1 DP 970121	Local	154.
BERRY	Araucaria heterophylla (2) (Norfolk Island Pines)	40 Prince Alfred Street	Lot 1 DP 950717	Local	155.

BERRY	Georgian style Weatherboard Cottage	43 Prince Alfred Street	Lot 17 DP 8058 Sec 5	Local	156.
BERRY	Federation Weatherboard Cottage	47 Prince Alfred Street	Lot 19 DP 8058 Sec 5	Local	157.
BERRY	Victorian Georgian style Weatherboard Cottage and trees, including:  Araucaria cunninghamii (2) (Hoop Pines),  Brachychiton acerifolius (3) (Illawarra Flame Trees)	53 Prince Alfred Street	Lot 56 DP 701877	Local	158.
BERRY	Victorian Georgian style Gatekeeper's Cottage	66 Prince Alfred Street	Lot 1 DP 1022140	Local	159.
BERRY	Bill's Concrete Horse Trough	Prince Alfred Street	Road reserve on the corner of Prince Alfred Street and the Princes Highway adjacent to Lot 2 DP 572830	Local	160.
BERRY	* James Wilson Memorial Fountain	Prince Alfred Street	Road reserve on the corner of Prince Alfred Street and the Princes Highway adjacent to Lot 11 DP 816490	State	161.
BERRY	"Wyndree"—Victorian Georgian style Weatherboard Cottage and garden	A15 Princes Highway	Lot 1 DP 558065 & Lot 5 DP 600374	Local	162.
BERRY	* "Mananga"—Berry Estate Manager's Farm Complex	A40 Princes Highway	Lot 101 DP1057897	State	163.
BERRY	Inter-war Weatherboard Californian Bungalow	52 Princess Street	Lot 1 DP 304729	Local	164.

BERRY	Inter-war Weatherboard and Fibro Cottage	54 Princess Street	Lot 18 DP 8058 Sec 8	Local	165.
BERRY	Inter-war Brick Residence, including:  Doctor's Surgery,  Garden	65 Princess Street	Lot 8 DP 8058 Sec 3  Lot 9 DP 8058 Sec 3	Local	166.
BERRY	* Former two storey Anglican Rectory and garden	68 Princess Street	Lot 20 DP 840778	State	167.
BERRY	* St Luke's Anglican Church, including:  Memorial Gates,  Trees, including Araucaria heterophylla (Norfolk Island Pine)	68A Princess Street	Lot 21 DP 840778	State	168.
BERRY	Quercus virginiana (American Live Oak)	Princess Street	Lot 1012 DP 872963	Local	169.
BERRY	* Colonial style Weatherboard Store (former Wilson and Co Store), and  * Araucaria heterophylla (2) (Norfolk Island Pines)	1 Pulman Street	Lot 1 DP 724944	State	170.
BERRY	* Colonial Weatherboard Cottage (former Curate's Cottage)	3 Pulman Street	Lot 23 DP 1017132	State	171.
BERRY	* "Lynstowe"—Colonial Style Weatherboard Cottage	11 Pulman Street	Lot 20 DP 5270	State	172.
BERRY	Farmhouse and Broughton Creek Grist Mill (former Tindal's Farm)	13 Pulman Street	Lot 1 DP 629875	Local	173.

BERRY	* Pulman's Weatherboard Farmhouse	30 Pulman Street	Lots 210 & 211 DP 1124317	State	174.
BERRY	Federation Weatherboard Cottage	50 Queen Street	Lot 1 DP 530751	Local	175.
BERRY	* Mid-twentieth Century Residence, including:  Pool,  Garden	60-62 Queen Street	Lots 1 and 2 DP 1109325	State	176.
BERRY	Relocated Federation Weatherboard Cottage	65 Queen Street	Lot 1 SP 77007	Local	177.
BERRY	Inter-war Spanish Mission style Bungalow and garden	66 Queen Street	Lot 1 DP 619195	Local	178.
BERRY	Victorian Georgian style Weatherboard Residence	78 Queen Street	Lot 2 DP 270250	Local	179.
BERRY	Federation Weatherboard Cottage	81 Queen Street	Lot A DP 369043	Local	180.
BERRY	Former Federation Blacksmith's Shop, including:  Cinnamomum camphora (Camphor Laurel)	83 Queen Street	Lot B DP 369043	Local	181.
BERRY	Two storey Federation Residence and garden	89 Queen Street	Lot B DP 400209	Local	182.
BERRY	Inter-war Art Deco style Shop	102 Queen Street	Lot 1011 DP 872963	Local	183.
BERRY	Two storey Victorian Italianate style Shop	105 Queen Street	Lot 1 DP 778335	Local	184.
BERRY	Two storey Victorian Free Classical style	110 Queen Street	Lot 2 DP 209665	Local	185.

	Shop				
BERRY	Inter-war Weatherboard Shop	114–118 Queen Street	Lot 1 DP 121360 Lot X DP 418264	Local	186.
BERRY	Two storey Victorian Hotel and Detached Kitchen, including:  Acmena smithii (2) (Lilly Pilly)	120 Queen Street	Lot 1 DP 578257	Local	187.
BERRY	* Former CBC Bank, including: Fence, Trees	122 Queen Street	Lot 1 DP 742700	State	188.
BERRY	Federation Weatherboard Shop	131 Queen Street	Lot 1 DP 1009635	Local	189.
BERRY	* Former E S and A Bank and garden	135 Queen Street	Lot 1 DP 221105	State	190.
BERRY	* Victorian Free Classical style Post Office	137 Queen Street	Lots 1 and 2 DP 1111478	State	191.
BERRY	* Two storey Victorian Rendered Brick Shop	Queen Street	Lot 7 DP 825542	State	192.
BERRY	Toona australis (Australian Red Cedar)	11 Station Road	Lot 55 DP 701877	Local	193.
BERRY	* Berry Railway Station Group, including:  Victorian Georgian style Stationmaster's Cottage,  Ilex cornuta (Chinese Holly),  Gardenia thunbergia (Gardenia)	34 Station Road	Lot 2 DP 1001740	State	194.
BERRY	* David Berry Hospital	85 Tannery Road,	Part DP 924054	State	195.

	Complex, including:					
	Gatehouse, Stained glass window, Garden, Trees, Remnant rainforest					
BERRY	* "Woodside Park"— Dairy Farm Complex and Gatehouse	94A Tannery Road	Lot 2 DP 731117 Lots 1 and 2 DP 1038647	State		I96.
BERRY	Populus nigra italica (23) (Lombardy Poplars)	Tannery Road	Road reserve	Local		I97.
BERRY	Inter-war Georgian style Weatherboard Cottage	23 Victoria Street	Lot 2 DP 519970	Local		I98.
BERRY	* Former Presbyterian Manse and garden	36 Victoria Street	Lot B DP 163935	State		I99.
BERRY	Inter-war Schoolmaster's Residence	40 Victoria Street	Lot 11 DP 882716	Local		I100.
BERRY	Melaleuca decora (2) (Paper Barks)	51A Victoria Street	Lot 101 DP 1125002	Local		I101.
BERRY	Victorian Georgian style Police Residence and Lockup	56 Victoria Street	Lot 1 DP 199995	Local		I102.
BERRY	* Victorian Classical Academic style Court House, including:	58 Victoria Street	Lot 2 DP 199995	State		I103.
	Cinnamomum camphora (Camphor Laurel)					
BERRY	Federation Weatherboard Cottage	65 Victoria Street	Lot 11 DP 8058 Sec 8	Local		I104.
BERRY	Federation Weatherboard Cottage and trees	71 Victoria Street	Lot 2 DP 327819	Local		I105.

BERRY	Relocated Colonial Weatherboard School (former Broughton Creek School)	79 Victoria Street	Lot 4 DP 8058 Sec 8	Local	I106.
BERRY	Inter-war Gothic style Brick Church and fence	83 Victoria Street	Lot 2 DP 8058 Sec 8	Local	I107.
BERRY	* Victorian School and trees	Victoria Street	Lot 12 DP 882716	State	I108.
BERRY	Mark Radium Park	Victoria Street	Lot 1 DP 925241	Local	I109.
BERRY	Berry Estate Salt Wall	Wharf Road	Lot 1 DP 568280	Local	I110.
BERRY	Windsor Drive Park	Windsor Drive	Lot 24 DP 248248	Local	I111.
BERRY	Populus nigra italica (9) (Lombardy Poplars)	Woodhill Mountain Road	Road reserve	Local	I112.
BERRY MOUNTAIN	"Cobbadah"—Dairy Farm Complex, including: Garden, Dry stone walls, Survey marks	Ben Dooley Road	Lot 1210 and 1211 DP 1099097	Local	I113.
BERRY MOUNTAIN	* "Glenworth"—two storey Residence and Grounds	466 Kangaroo Valley Road	Lots 4, 7 and 8 DP 1037100	State	I114.
BEWONG	Federation weatherboard Farmhouse (McDonalds)	Princes Highway	Lot 3 DP 209048 Lot 1 DP 200251	Local	I115.
BOLONG	Berry Estate Vertical Timber Slab Cottage and Outbuildings	459 Bolong Road	Lot 10 DP 1052770	Local	I116.
BOLONG	"Beuna Vista"—Dairy Farm Complex, including: Berry Estate Vertical Timber Slab Barn	490 Bolong Road	Lot 1 DP 655442 Lot 1 DP 1034357	Local	I117.
BOLONG	Former Bolong Public	8 Jennings Lane	Lot 3 and 4 DP 1108931	Local	I118.



	School, including: Shelter shed, Relocated Bolong Carpenter Gothic style Union Church					
BOLONG	"Iolanthe"— Dairy Farm Complex	100 Jennings Lane	Lots 16, 17 and 19 DP 4266	Local	I119.	
BOLONG	Berry Estate Timber Stud Framed Flood Boatshed	Jennings Lane	Lot 1 DP 872745	Local	I120.	
BOMADERRY	Former Bomaderry Primary School and trees	5 Birriley Street	Lot 2 DP 568955	Local	I121.	
BOMADERRY	"Greenleaves"— Federation Queen Anne style Residence and grounds	59 Bolong Road	Lot 5 DP 2886 Sec 32	State	I122.	
BOMADERRY	Federation Brick and Asbestos Tile Residence	67 Bolong Road	Part Lot 2 DP 324484	Local	I123.	
BOMADERRY	Milk Factory (former)	31A Bolong Road	Lot 1 DP 189450	Local	I124.	
BOMADERRY	Group of Detached Batten Fibro Buildings (former United Aboriginal Mission)	Brinawarr Street	Lot 4 DP 2886 Sec 29 Lot 5 DP 2886 Sec 29 Lot 6 DP 2886 Sec 29	Local	I125.	
BOMADERRY	Federation Weatherboard Residence	10 Coomea Street	Lot 16 DP 2886 Sec 9	Local	I126.	
BOMADERRY	Federation Weatherboard Residence	14 Coomea Street	Lot 14 DP 2886 Sec 9	Local	I127.	
BOMADERRY	Inter-war Weatherboard Californian Bungalow	21 Coomea Street	Lot 5 DP 2886 Sec 24	Local	I128.	
BOMADERRY	Victorian Weatherboard Residence	37 Coomea Street	Lot 1 DP 613536	Local	I129.	
BOMADERRY	"Lynburn"— Timber Federation Residence and	Mattes Way	Lot 23 DP 793122	State	I130.	

	garden					
BOMADERRY	Bomaderry Presbyterian Church	7 Meroo Street	Lot 6 DP 2886 Sec 9	Local		I131.
BOMADERRY	Brick and Asbestos Tile Federation Bungalow	13 Meroo Street	Lot 9 DP 2886 Sec 9	Local		I132.
BOMADERRY	Railwaymen's Barracks	16 Meroo Street	Lot 1 DP 854131	State		I133.
BOMADERRY	Weatherboard Cottage (formerly Mrs Pallett's Residence)	77 Meroo Street	Lot 1 DP 506705	Local		I134.
BOMADERRY	*Bomaderry Railway Station and yard Group, including: Nowra-Bomaderry Railway Station and "original bar holder", Bomaderry Stationmaster's House, Bomaderry Railway Siding Group, including: Turntable, Weighbridge, Goods Crane, Water Pump	Meroo Street	Lot 3 DP 802440 Lot 1 and 2 DP 1021415 Lot 1 DP 884113	State		I135.
BOMADERRY	"Illowra"—Federation Timber Berry Estate Residence and garden	472 Princes Highway	Lot 2 DP 792770	State		I136.
BOMADERRY	Federation Georgian style Worker's Cottage	9 Tanang Street	Lot 15 DP 2886 Sec 7	Local		I137.
BOMADERRY	Victorian Weatherboard Residence	8 Tarawara Street	Lot 1 DP 552899	Local		I138.
BOMADERRY	Victorian Weatherboard Residence	6 Tarawara Street	Lot 3 DP 775937	Local		I139.
BROOMAN	Timber Cottage Group, including: Former School, Mill workers' cottages,	1295 Brooman Road	Lot 67 DP 755912	Local		I140.

	Mill manager's residence (Old Booman Town)				
BROUGHTON	"Glenvale"—Colonial Vertical Timber Slab Cottage and Farm Complex	A371 Princes Highway	Lot 12 DP 1098617	Local	I141.
BROUGHTON VALE	Drawing Room Rocks	Brogers Creek Road	Barron Grounds Nature Reserve	Local	I142.
BROUGHTON VALE	Broughton Vale Cemetery	350A Broughton Vale Road	Lot 1934 DP 1100783	Local	I143.
BROUGHTON VALE	Colonial Weatherboard Cottage	119 Bong Bong Rd,	Lot 103 DP 786955	Local	I144.
BRUNDEE	"Berry Estate"—Vertical Timber Slab Barn (former)	695A Greenwell Point Road	Lot 5 DP 632857	Local	I145.
BUANGLA	Grassy Gully Mine Site	Yalwal Road	National Park	Local	I146.
BUNDEWALLAH	Victorian Georgian style Farmhouse	218 Bundewallah Road	Lot 1 DP 706470	Local	I147.
BURRIER	* Burrier Ford	Burrier Road	Shoalhaven River in the vicinity of Lot 51 DP 862458 and Lot 2 DP 226584	State	I148.
BURRILL LAKE	Agathis robusta (Kauri Pine)	McDonald Parade	McDonald Parade road reserve adjacent to land in DP 15648	Local	I149.
	Araucaria heterophylla (Norfolk Island Pine)	4 Kendall Crescent,	Lots 307 DP 15648		
BURRILL LAKE	Post-war Pseudo Stone Burrill Lake Community Hall	Princes Highway	Lot 273 DP 415059	Local	I150.
CAMBEWARRA	Cambewarra Rainforest Reserve	Cambewarra Lookout Road	Reserve No 57023	Local	I151.
CAMBEWARRA	Colonial Vertical Timber Slab Cottage	94 Barfield Road	Lot 1 DP 573197	Local	I152.

CAMBEWARRA	Evison's Dairy Farm Complex	49 Hockeys Lane	Lot 2 DP 621553	Local	I153.
CAMBEWARRA VILLAGE	"Llanthony Lodge"— two storey Victorian Weatherboard Residence	1 Kalinga Street	Lot 101 DP 788323	State	I154.
CAMBEWARRA VILLAGE	Corrugated Iron Community Hall	75 Main Road	Lot 1 DP 725937	Local	I155.
CAMBEWARRA VILLAGE	Federation Georgian style Residence (former Post Office)	77 Main Road	Lot 2 DP 240571	Local	I156.
CAMBEWARRA VILLAGE	Weatherboard Gothic Carpenter Style Union Church	80 Main Road	Part Lot 170 DP 751273	Local	I157.
CAMBEWARRA VILLAGE	Former Weatherboard School	Main Road	Lot 2 DP 839145	Local	I158.
CAMBEWARRA VILLAGE	Former Schoolmaster's Brick Residence and garden	Tannery Road	Lot 1 DP 850699	State	I159.
COMBERTON	Comberton Grange (former Dairy Farm Complex)	Comberton Grange Road	Lot 1 DP 550098	Local	I160.
COMBERTON	Lone Grave of Thomas Speechley	Forest Road	Part Lot 101 DP 755928	Local	I161.
COMERONG ISLAND	Archaeological Site (former Coal Wharf Site)	Comerong Island Road	Comerong Island	Local	I162.
CONJOLA	Murray Family Cemetery	40 Murrays Road	Lot 4 DP 864378	Local	I163.
CONJOLA	Conjola Timber Trestle Bridge	Murrays Road	Road reserve	Local	I164.
CONJOLA	Conjola Cemetery	Princes Highway	Lot 7037 DP 93024	Local	I165.
COOLANGATTA	Victorian Georgian style Farmhouse and trees	1165 Bolong Road	Lot 3 DP 565593	Local	I166.
COOLANGATTA	Former Berry Estate	1180 Bolong Road	Lot 1 DP 657639	Local	I167.

	Brick Schoolmaster's Residence, including:				
	Garden,				
	Former Weatherboard Berry Estate School				
COOLANGATTA	Victorian Georgian style Farmhouse	1220 Bolong Road	Lot 101 DP 836951	Local	I168.
COOLANGATTA	* Coolangatta Estate Group,	Bolong Road	Lot 10 DP 580917 Lots 1 and 4 DP 15290 Lot 1 DP 525517 Lot 64B DP 7851	State	I169.
COOLANGATTA	* "Coolangatta Park"—Victorian Federation Filigree style Residence and garden	1320 Bolong Road	Part Lot 1 DP 390622	State	I170.
COOLANGATTA	* Colonial Weatherboard Cottage (former Coolangatta Estate Convict Quarters); and  * Colonial Weatherboard Cottage (former Coolangatta Estate Worker's Cottage), and  * Coolangatta Estate Gardens (remnants)	1335 Bolong Road	Lot 1 DP 223278	State	I171.
COOLANGATTA	* Colonial Weatherboard Building (former Coolangatta Estate Billiard Rooms), and  * Colonial Brick Building (former Coolangatta Estate Coachman's Quarters), and	1335 Bolong Road	Lot A DP 33346	State	I172.

	* Archaeological Site (Berry Estate homestead ruins)				
COOLANGATTA	* Colonial Brick Building (former Coolangatta Estate Office), and	Bolong Road	Part Lot 2 DP 223278	State	I173.
	* Colonial Brick Hall (former Coolangatta Estate Community Hall)				
COOLANGATTA	* Colonial Brick Building (former Coolangatta Estate Stables)	Bolong Road	Lot 3 DP 15290	State	I174.
COOLANGATTA	* Colonial Brick Building (former Coolangatta Estate Harness Room), and	Bolong Road	Part Lot 2 DP 15290	State	I175.
	* Colonial Weatherboard Building (former Coolangatta Estate Blacksmith's Shop), and				
	* Colonial Brick and Timber Building (former Coolangatta Estate Tinsmith's Shop and Residence)				
COOLANGATTA	* Berry-Hay Private Cemetery	Bolong Road	Lot 64B DP 7851	State	I176.
COOLANGATTA	Archaeological Site (Berry estate shipyard)	Bolong Road	Lot 12 DP 28128	Local	I177.
COOLANGATTA	* "Coomanderry Park" – (former Estate Manager's Residence)	100 Coolangatta Road	Lot 2 DP 805443	State	I178.
CROOBYAR	Warden Family Cemetery	Croobyar Road	Lot 1 DP 1145321	Local	I179.

CROOBYAR	"Sunny Vale"— Dairy Farm Complex	439 Croobyar Road	Lot 1 DP 725999	State	I180.
CROOBYAR	Old Croobyar Farm and tree-lined access (former Dairy Farm Complex)	46 Ringland Lane	Lot 32 DP 734992	State	I181.
CROOBYAR	Former Victorian Brick Gatehouse to Mount Airlie, including:  Elm trees,  Orchard	32 Woodstock Road	Lot 4 and 5 DP 589195	Local	I182.
CUDMIRRAH	Errol Bond Memorial	Goonawarra Drive	Lot 7003 DP 1117842	Local	I183.
CULBURRA BEACH	Moongate to former Culburra Guesthouse Site	196 Penguins Head Road	Lot 657 DP 12278 Lot C DP 357811	Local	I184.
CULBURRA BEACH	Penguin Head Geological Site	Penguins Head Road	Lot 630 DP 221746	Local	I185.
CULBURRA BEACH	* Crookhaven Lighthouse Complex	Prince Edward Avenue	Lot 7004 DP 1059066	State	I186.
CURRARONG	Early Fibro Cottage	5 Beecroft Parade	Lot 41 DP 755903	Local	I187.
CURRARONG	Inter-war Fibro Cottage	14 Fishery Road	Lot 30 DP 16854	Local	I188.
CURRARONG	Dolphin Reserve Rotunda	2 Piscator Avenue	Lot 222 DP 16854	Local	I189.
CURROWAN	* Brimbramalla Gold Mining Area	Bimberamala River		State	I190.
CURROWAN	"Black Diamond"— Gold Mine (former)	Currowan Road		Local	I191.
ENDRICK	"Rixons"— (former Coal Mine)	Clyde River	Lot 8 DP 755935	Local	I192.
EROWAL BAY	Erowal Bay Guesthouse	99 Naval Parade	Lot 20 DP 7984 Sec 2	Local	I193.
FALLS CREEK	Falls Creek School	26 Vidler Road	Lots 62 and 63 DP 755965	Local	I194.

GREENWELL POINT	Greenwell Point Brick School	75 Greenwell Point Road	Lot 1 DP 869305	Local	I195.
GREENWELL POINT	Greenwell Point Progress Hall	83 Greenwell Point Road	Lot 3 DP 24007 Sec B	Local	I196.
GREENWELL POINT	Colonial Weatherboard Cottage (former Greenwell Point Schoolhouse)	91 Greenwell Point Road	Lot 8 DP 4071 Sec A	Local	I197.
GREENWELL POINT	"Houshta"—(former Berry Estate Worker's Cottage)	93 Greenwell Point Road	Lot 7 DP 4071 Sec A	Local	I198.
GREENWELL POINT	* Archaeological Site—Greenwell Point Wharf and surrounds	Greenwell Point Road	Lot 7002 and 7003 DP 1075730	State	I199.
GREENWELL POINT	Greenwell Point Union Church	Jervis Street	Lot 2 DP 869305	Local	I200.
HUSKISSON	Lone Grave of Robert Johnson	2 Beach Street	Lot 7045 DP 1117438	Local	I201.
HUSKISSON	* Tapalla Point Geological Rock Platform	Beach Street	Lot 7012 DP 1021163 Lot 7044 DP 1117433	State	I202.
HUSKISSON	Lady Denman Heritage Complex, including:  Former relocated St Georges Basin School Buildings,  Relocated former Woollamia Union Church	11 Dent Street	Lot 138 DP 720912	Local	I203.
HUSKISSON	* Lady Denman Ferry,	11 Dent Street	Lot 138 DP 720912	State	I204.
HUSKISSON	Inter-war Holiday Cottage and trees	7 Fegen Street	Lot 1 DP 1093408	Local	I205.
HUSKISSON	Weatherboard and Fibro Boat Builder's Cottage	13 Field Street	Lot 2 DP 775346	Local	I206.
HUSKISSON	Victorian Georgian	40 Hawke Street	Lot 2 DP 323393	Local	I207.



	Weatherboard Cottage					
HUSKISSON	Jervis Bay Hotel	75 Owen Street	Lot 2 DP 209436	Local	I208.	
HUSKISSON	Victorian Weatherboard Residence	8 Park Street	Lot 8 DP 528319	Local	I209.	
HUSKISSON	Huskisson Literary Institute (former)	19 Sydney Street	Lot 7 DP 758530 Sec 19	Local	I210.	
HYAMS BEACH	The Green Cabins (Inter-war Holiday Cabins)	53 Cyrus Street	Lot 1 DP 570194	Local	I211.	
HYAMS BEACH	Inter-war Weekend Cabin	57 Cyrus Street	Lot 2 DP 285458	Local	I212.	
HYAMS BEACH	"Pacific House" (former), including:  Sandstone Monument,  Tree	58–60 Cyrus Street	Lots 7 and 8 DP 550787	Local	I213.	
HYAMS BEACH	Inter-war Weekend Cabin	59 Cyrus Street	Lot 3 DP 285458	Local	I214.	
HYAMS BEACH	Hyams Beach Bushfire Station	Rose Street	Part Lot 78 and 79 DP 755907	Local	I215.	
ILLAROO	* "Bundanon"-Homestead, including:  Outbuildings,  Natural landscape	533 Bundanon Road	Lot 118 DP 751273 Lot 12-14 DP 751273 Lot 16 and 17 DP 751273 Lot 5 DP 622583	State	I216.	
JASPERS BRUSH	Colonial style Weatherboard Farmhouse, including:  Outbuildings,  Trees	Croziers Road	Lot 148 DP 3059	Local	I217.	
JASPERS BRUSH	Former Jaspers Brush School Complex and gardens	4 O'Keeffes Lane	Lot 1 DP 872572	Local	I218.	
JERRAWANGALA	Colonial Road—Remnants (former Wool Road)	The Wool Road	Lot 100 DP 787610 Lot 33 DP 651186	Local	I219.	

			Lot 1 DP 100976 Lot 1 DP 725967 Lot 1 DP 197079 Road reserve		
KANGAROO VALLEY	* "Clinton Park"— Dairy Farm Complex	Clinton Park Road	Lot 4 DP 535456	State	I220.
KANGAROO VALLEY	Federation Weatherboard Cottage and Shop	116 Moss Vale Road	Lot 1 DP 828529	Local	I221.
KANGAROO VALLEY	Federation Weatherboard Cottage	118 Moss Vale Road	Lot 1 DP 1076386	Local	I222.
KANGAROO VALLEY	Federation Weatherboard Cottage	120 Moss Vale Road	Lot 1 DP 883219	Local	I223.
KANGAROO VALLEY	Federation Weatherboard Cottage	124 Moss Vale Road	Lot 101 DP 840159	Local	I224.
KANGAROO VALLEY	"St Joseph's" Catholic Brick Church and Hermitage	130 Moss Vale Road	Lot 1 DP 724070	Local	I225.
KANGAROO VALLEY	Relocated Victorian Weatherboard School (former Beaumont School)	138 Moss Vale Road	Lot A DP 409799	Local	I226.
KANGAROO VALLEY	Kangaroo Valley School and former Schoolmaster's Residence	140 Moss Vale Road	Lot 1 DP 122562 Lot 1 DP 913316	Local	I227.
KANGAROO VALLEY	* Anglican Church of the Good Shepherd, including:  Graveyard,  Trees,  Fence	143 Moss Vale Road	Lot 1 DP 724064	State	I228.
KANGAROO VALLEY	Kangaroo Valley Post Office	148 Moss Vale Road	Lot 2 DP 926830	Local	I229.
KANGAROO VALLEY	Victorian Georgian style Bank	158 Moss Vale Road	Lot 2 DP 559041	Local	I230.

	(former ANZ Bank)					
KANGAROO VALLEY	"Friendly Inn"—two storey Victorian Masonry Hotel	159 Moss Vale Road	Lot 4 DP 11616	Local		I231.
KANGAROO VALLEY	Victorian Weatherboard Shop and Residence	168 - 170 Moss Vale Road	Lot 8 DP 1940 Lot 2 DP 554307	Local		I232.
KANGAROO VALLEY	Federation Weatherboard Cottage	172 Moss Vale Road	Lot 9 DP 1940	Local		I233.
KANGAROO VALLEY	Weatherboard Bakery (former)	174 - 176 Moss Vale Road	Lot 10 and 11 DP 1940	Local		I234.
KANGAROO VALLEY	Federation Sandstone Courthouse, including:  Police Station,  Stables	175 Moss Vale Road	Lot 4 DP 589396	State		I235.
KANGAROO VALLEY	Federation Weatherboard Community Hall and  Kangaroo Valley Showground Complex—"Osborne Park"	177 - 181 Moss Vale Road	Lot 1 DP 1003243 Lots 1 and 2 DP 210368 Lots A and B DP 376259 Lot D DP 409219 Part Lot 1 DP909749	Local		I236.
KANGAROO VALLEY	Federation Baker's Residence and Garage (former)	178 Moss Vale Road	Lot 1 DP 576156	Local		I237.
KANGAROO VALLEY	Federation Weatherboard Cottage	1705 Moss Vale Road	Lot 7 DP 1986	Local		I238.
KANGAROO VALLEY	"Ellerslie"—Cottage and Garden	1747 Moss Vale Road	Lot 1 DP 917487 and Lot 1 DP 1101743	Local		I239.
KANGAROO VALLEY	"Pioneer Farm"—Historic Village, including Slab Cottage	2029 Moss Vale Road	Lot 7007 DP 1075462	State		I240.
KANGAROO VALLEY	Kangaroo Valley Soldiers Memorial	Moss Vale Road	Lot 1 DP 169083	Local		I241.
KANGAROO VALLEY	* "Hampden Bridge"—	Moss Vale Road	Road reserve	State		I242.

	Sandstone Suspension Bridge					
KANGAROO VALLEY	Kangaroo Valley General Cemetery	Moss Vale Road	Lot 1 DP 1101764 Lot 1 DP 1120307 Lot 1 DP 1122644 Lots 7308 & 7309 DP 1153234	Local		I243.
KANGAROO VALLEY	"Scanzi"—Colonial Timber Farmhouse and Outbuildings	770 Mt Scanzi Road	Lot 4 DP 1016737	Local		I244.
KANGAROO VALLEY	"Hilltop"—Federation Weatherboard Residence	20 Quirk Street	Lot 20 and 21 DP 2159			I245.
KANGAROO VALLEY	* Anglican Church of the Good Shepherd Rectory (former)	Rectory Park Way	Lot 9 DP 285133	State		I246.
KIOLOA	* "Kiola"—Federation Weatherboard Residence (former Post Office)	496 Murramarang Road	Lot 1 DP 782318	State		I247.
KIOLOA	Kioloa Sawmill and Wharf (former)	Murramarang Road	Lot 24 DP 755941	Local		I248.
LAKE CONJOLA	Whitaker's Island View Resort (former)	2 Aney Street	Lot 441 DP 755923	Local		I249.
LAKE CONJOLA	Trehearne Resort Holiday Cabin	37 Carroll Avenue	Lot 41 DP 221956	Local		I250.
LITTLE FOREST	* "Mimosa Farm"—Dairy Farm Complex	40 Little Forest Road	Lot 11 DP 596370	State		I251.
LITTLE FOREST	* "Woodlands"—Dairy Farm Complex	98 Little Forest Road	Lot 42 DP 777515	State		I252.
LONGREACH	"Longreach Farm"—former Dairy Farm Complex	501B Longreach Road	Lot 102 DP 710389	Local		I253.
LONGREACH	* "Wogamia"—two storey Colonial Sandstone Homestead and	170 Wogamia Road	Lot 1 DP 865094	State		I254.

	Outbuildings				
MAYFIELD	Graham Family Grave	Mayfield Road	Road Reserve UTE 68860	Local	I255.
MAYFIELD	"Monaghan's House"—Colonial Georgian Brick Cottage	Mayfield Road	Lot 2 DP 1092338	Local	I256.
MEROO MEADOW	Federation Georgian style Farmhouse	55 Fletchers Lane	Lot 8 DP 1007274	Local	I257.
MEROO MEADOW	Meroo Meadow Union Church	8 Boxsells Lane	Lot 4 DP 249776	Local	I258.
MEROO MEADOW	"Pomona"—Dairy Farm Complex	C360 Princes Highway	Lot 2 DP 620160	Local	I259.
MEROO MEADOW	Former Meroo Meadow School and Schoolmaster's Residence	C385 Princes Highway	Lot 1 DP 716569	Local	I260.
MILTON	Victorian Weatherboard Residence and garden	45 Church Street	Lot 1 DP 531839	Local	I261.
MILTON	Victorian Georgian Worker's Cottage	47 Church Street	Part Lot 10 DP 957744	Local	I262.
MILTON	Federation Weatherboard Residence	64 Church Street	Lot A DP 164647	Local	I263.
MILTON	Remnant rainforest	Church Street	Part Lot 1 DP861814 Lot 2 DP 861814 Lot 1 DP 737627	Local	I264.
MILTON	Federation Gothic Brick Catholic Church, including  Presbytery,  Grounds,  Araucaria cunninghamii (HoopPine)	Corks Lane	Lot 1 DP 230083	Local	I265.
MILTON	Milton Church of England Cemetery	12 Croobyar Road	Lot 100 DP 1033797	Local	I266.
MILTON	Victorian Gothic	38 Croobyar	Lot 1	Local	I267.

	Revival Rubblestone Church (former Congregational Church), including:	Road	DP 781179		
	Victorian Georgian Brick Manse (former Congregational Manse)				
MILTON	* Victorian Gothic Style Church and Graveyard (former Methodist Church)	71 Croobyar Road	Lot 1 DP 730746	State	I268.
MILTON	"Claydon Park"—Dairy Farm Complex	75 Croobyar Road	Lot 2 DP 109732	Local	I269.
MILTON	"Mudge's Corner"—Federation Weatherboard Residence, including:  Outbuildings,  Garden,  Fence	Croobyar Road	Lot 1 DP 192188 Sec B	Local	I270.
MILTON	"Wynella"—Victorian Weatherboard Residence	6 Gordon Street	Lot A4 DP 192832	Local	I271.
MILTON	Federation Weatherboard Residence	17 Myrtle Street	Lot A DP 384864	Local	I272.
MILTON	"Times Past"—(former Federation Weatherboard Farmhouse)	51 Princes Highway	Lot 1 DP 558698	Local	I273.
MILTON	* Federation rendered Masonry Courthouse and Police Station	64 Princes Highway	Lot 1 DP 199555	State	I274.
MILTON	Two storey Rendered Masonry Post Office	66 Princes Highway	Lot 1 DP 557669	Local	I275.
MILTON	Victorian	67 Princes	Lot 4	Local	I276.

	Georgian style Residence and Bakehouse	Highway	DP 631087		
MILTON	Inter-war rendered Masonry and Fibro Hall	69 Princes Highway	Lot 1 DP 736273	Local	1277.
MILTON	* Victorian Classical style rendered Masonry Town Hall	71 Princes Highway	Lot 2 DP 151179	State	1278.
MILTON	"The Star Hotel"—two storey rendered Masonry building	82 Princes Highway	Lot 1 DP 872508	Local	1279.
MILTON	Two storey Victorian Bakery and Residence	92 Princes Highway	Lot 11 DP 594775	Local	1280.
MILTON	"The Settlement", including:  Row of Victorian Masonry Shops,  "Frederick Halls"—Weatherboard Shop and Residence,  "H C Blackburn and Sons"—two storey Commercial Building,  Tree	93–97 Princes Highway	Lots 1 and 2 DP 980292  Lot 1 DP 741976	Local	1281.
MILTON	Victorian Weatherboard Residence and Shop	94 Princes Highway	Lot 16 DP 1064376	Local	1282.
MILTON	Federation Weatherboard Residence and Well "Garrad House"—Federation Period Farmhouse	106 Princes Highway	Lot 1 DP 1127802	Local	1283.
MILTON	* Victorian Italianate	107 Princes Highway	Lot 1 DP 1067384	State	1284.

MILTON	<p>style Bank Building (former CBC Bank)</p> <p>Milton Anglican Church Group, including:</p> <p>St Peter and St Paul Victorian Gothic Revival style Anglican Church,</p> <p>Inter-war Carpenter Gothic style Anglican Hall,</p> <p>Ulmus parvifolia (Chinese Elm)</p>	109 Princes Highway	Lot 1 DP 780778	Local	1285.
MILTON	Relocated Victorian Rendered Masonry Lighthouse Keeper's Cottage	122 Princes Highway	Lot 1 DP 85425	Local	1286.
MILTON	"Eyrie Bowrie"—two storey Victorian Regency Residence	130A Princes Highway	Lot 23 DP 1110239 Lot 24 DP 1124445 Lot 42A DP 1132331	Local	1287.
MILTON	Victorian Georgian Residence and former Dispensary	131 Princes Highway	Lot 7 DP 556082	Local	1288.
MILTON	Federation Weatherboard Residence and garden	137 Princes Highway	Lot 5 DP 78484	Local	1289.
MILTON	Inter-war Federation style Cottage	138 Princes Highway	Lot 4 DP 32536	Local	1290.
MILTON	Victorian Weatherboard Hall (former Salvation Army Hall)	141 Princes Highway	Lot 7 DP 975074 Sec B	Local	1291.
MILTON	Federation Weatherboard Residence	145 Princes Highway	Lot 9 DP 975074 Sec B	Local	1292.



MILTON	Inter-war Californian Bungalow	147 Princes Highway	Lot 10 DP 975074 Sec B	Local	I293.
MILTON	Inter-war Federation style Timber Residence and grounds	148 Princes Highway	Lot 10 DP 32536	Local	I294.
MILTON	"Melrose"—(former Dairy Farm Complex)	150 Princes Highway, 73, 83A and 83B Garrads Lane	Lot 32 DP 707677 Lot 2 DP 1135803 Lot 5 DP 260771 Lot 8 DP 848894	Local	I295.
MILTON	"Hillside"—Victorian Georgian Residence and garden	156 Princes Highway	Lot 1 DP 737774	Local	I296.
MILTON	"Candlemakers Cottage"—Colonial rendered Brick Cottage	176 Princes Highway	Lot 2 DP 543122	Local	I297.
MILTON	Two storey Victorian rendered Masonry Store	197 Princes Highway	Lot 1 DP 37905	Local	I298.
MILTON	Late Victorian Brick Residence	35 Princes Highway	Lot 2 DP 1062588	Local	I299.
MILTON	Ficus obliqua (Small leaved figtree)	Princes Highway	Lot 3 DP 548705	State	I300.
MILTON	Rendered Masonry Commercial Store, including:  Residence,  Trees	Princes Highway	Lots 1–4 SP 66659 Lot CP SP 66659	Local	I301.
MILTON	Granite Obelisk—War Memorial	Princes Highway	Lot 1 DP 150104	Local	I302.
MILTON	"Narrawilly"—Dairy Farm Complex, including:  Garden,  Rainforest,  Convict road	Princes Highway	Lots 1 and 2 DP 1018899 Lot 198 DP 1091216	State	I303.

MILTON	Avenue of Ficus macrocarpa	35 Stony Hill Lane	Lot 104 DP 1043266	Local	I304.
MILTON	Two storey Victorian former Manse and Graveyard	1 Thomas Street	Lot 55 DP 703805	Local	I305.
MILTON	Victorian rendered Masonry School and Schoolmaster's Cottage	11 Thomas Street	Lot 1 DP 861814	Local	I306.
MILTON	"Donovans Cottage"—Victorian Weatherboard Cottage and Detached Kitchen	42 Wason Street	Lot 1 DP 875432	Local	I307.
MILTON	"King House"—two storey Victorian Georgian style Residence	48 Wason Street	Lot A DP 155412	Local	I308.
MILTON	Inter-war Californian Style Bungalow	60 Wason Street	Part DP 907077	Local	I309.
MILTON	Victorian Weatherboard Corner Store	61 Wason Street	Lot 1 DP 1113658	Local	I310.
MILTON	Colonial Timber Slab Cottage	66 Wason Street	Lot 2 DP 331628	Local	I311.
MILTON	"Priaulx Villa"—late Victorian Weatherboard Residence	69 Wason Street	Lot 81 DP 577186	Local	I312.
MILTON	Victorian Weatherboard Worker's Cottage	70 Wason Street	Lot 3 DP 192188 Sec A	Local	I313.
MILTON	Late Victorian Weatherboard Residence	73 Wason Street	Lots 14 & 15 DP 1142968	Local	I314.
MILTON	"Pine View"—Federation Farmhouse Complex and trees	65 Wilfords Lane	Lot 3 DP 785757	Local	I315.
MILTON	* "Applegarth" — Dairy Farm Complex,	140 Wilfords Lane	Lot 15 DP 605477	State	I316.

	including: Garden, Cheese press				
MILTON	Victorian Georgian style Sandstone Schoolhouse (former Burrill Lake School)	270 Wilfords Lane	Lot 1 DP 726013	Local	I317.
MILTON	"Riverview"—Victorian Georgian style Farm Complex	299 Wilfords Lane	Lot 2 DP 702500	Local	I318.
MILTON	"Loch Leven"—Dairy Farm Complex, including:  Outbuildings,  Trees,  Cisterns	300 Wilfords Lane	Lot 2 DP 975557	Local	I319.
MILTON	Milton Congregational Cemetery	Woodstock Road	Lot 1 DP 781178	Local	I320.
MOLLYMOOK	Sandridge General Cemetery	Ocean Street	5.4 hectares of land located on the corner of Ocean Street and Mitchell Parade	Local	I321.
MOLLYMOOK BEACH	Silica Wharf and Railway (remnants)	Mitchell Parade	Part of Crown Reserve for Public Recreation from Bannister Point Headland to north eastern corner of Lot 838 DP 233504	Local	I322.
MONDAYONG	Rubble Sandstone Memorial (Wreck of the Walter Hood)	Bendalong Road	Lot 35 DP 755927	Local	I323.
MORTON	* Weatherboard and Vertical Slab Timber Farm Complex	Woodburn Road	Lot 5 DP 755972	State	I324.
MYOLA	Weatherboard Holiday Cottage and Outbuildings	13 Catherine Street	Lot 26 DP 19900	Local	I325.

NARRAWALLEE	Silica Wharf and Tramway	Matron Porter Drive	Lot D DP 221281 Part of Lot 7009 DP 1116370	Local	I326.
NOWRA	Pressed Metal Clad Industrial Building (former Barnes Garage)	1 Berry Street	Lot 111 DP 997750	Local	I327.
NOWRA	"The Peoples Emporium"—two storey Victorian Shop and Residence	26 Berry Street	Part Lot 1 DP 81072	Local	I328.
NOWRA	Inter-war Art Deco style Cinema and Footpath	41 Berry Street	Lot 51 DP 625969	State	I329.
NOWRA	Former Victorian Weatherboard Residence	76 Berry Street	Lot 1 DP 972573	Local	I330.
NOWRA	"Hampden Villa"—Victorian Weatherboard Residence, including: Stables, Garden	110 Berry Street	Lot 12 DP 1064853	State	I331.
NOWRA	Mechanics Institute and School of Arts	Berry Street	Lot 20 DP 801794	State	I332.
NOWRA	"Kilsyth"—Federation Weatherboard Residence	33 Bridge Road	Lot 1 DP 152217	Local	I333.
NOWRA	"Uuna"—late Victorian Weatherboard Cottage and garden	35 Bridge Road	Lot A DP 161648	Local	I334.
NOWRA	Victorian Brick Residence	45 Bridge Road	Lot 10 DP 601874	Local	I335.
NOWRA	Late Victorian Weatherboard Cottage	49 Bridge Road	Lot 8 DP 549249	Local	I336.
NOWRA	Inter-war Weatherboard Californian Bungalow	63 Bridge Road	Lot 2 DP 203275	Local	I337.
NOWRA	"Rodway's Cottage"—Inter-war Federation Style Residence and garden	86 Bridge Road	Lot 1 DP 737840	Local	I338.

NOWRA	"The Bridge" Hotel— two storey Victorian Masonry Hotel	87 Bridge Road	Lot 2 DP 843396	Local	I339.
NOWRA	Former Numbaa Red Cedar Flood Boat and Captain Cook Bicentennial Memorial	Bridge Road	Lot 5 DP 262460 Lot 7038 Dp 1107416	Local	I340.
NOWRA	Sandstone Landscape Monument (Batt's Folly)	Intersection of Bridge Road and North Street	Road reserve, between Lot 2 DP843396 and Lot 1 DP 737840	Local	I341.
NOWRA	"The Pines"— late Victorian Weatherboard Residence and trees	76 East Street	Lot 1 DP 115881	Local	I342.
NOWRA	"Cudgerie" Federation Weatherboard Residence	108 East Street	Lot 11 DP 2607	Local	I343.
NOWRA	"Moss" – Cottage (former Moss Central Hotel)	1 Ferry Lane	Lot 135 DP 1094714	Local	I344.
NOWRA	Victorian Georgian style Timber Slab Cottage	19 Ferry Lane	Lot 1 DP 193881	Local	I345.
NOWRA	Victorian Italianate Residence and garden	22 Jervis Street	Lot 11 DP 2624	State	I346.
NOWRA	"Trelawney"— Victorian Georgian Weatherboard Residence	69 Jervis Street	Lot 1 DP 998589	Local	I347.
NOWRA	"Roseville"— Federation Weatherboard Residence and figtree	49–51 Journal Street	Lots 1 and 2 DP 2607	Local	I348.
NOWRA	Federation Weatherboard Residence and trees	1 Junction Street	Lot 1 DP 21682	Local	I349.
NOWRA	Federation Weatherboard Residence	2 Junction Street	Lot W DP 405938	Local	I350.

NOWRA	Araucaria cunninghamii (Hoop Pine)	12 Junction Street	Lot 4 DP 237126	Local	I351.
NOWRA	Araucaria cunninghamii (Hoop Pine)	14 Junction Street	Lot 3 DP 237126	Local	I352.
NOWRA	Two storey Federation Timber Convent (former Sisters of the Good Samaritan Convent), including: Fence, Grounds	22 Junction Street	Lot 9 DP 237126	Local	I353.
NOWRA	"The White House"— two storey Timber Inter-war Guesthouse	30 Junction Street	Lot 13 DP 654893	Local	I354.
NOWRA	"Hillcrest"—two storey Timber Federation Residence	53 Junction Street	Lot 1 DP 580440	Local	I355.
NOWRA	Former Nowra Fire Station	55 Junction Street	Lot 1 DP 81794	Local	I356.
NOWRA	Mafeking Boer War Memorial	60 Junction Street	Lot 2 and 3 DP 363266	Local	I357.
NOWRA	Nowra Post Office (former)	72 Junction Street	Lot 1 DP 884212	Local	I358.
NOWRA	Two storey Victorian Commercial Building	76 Junction Street	Lot 1 DP 512886	Local	I359.
NOWRA	Inter-war Art Deco Commercial Building	80 Junction Street	Lot 1 DP 321055	Local	I360.
NOWRA	"P. Walsh & Sons"— two storey Victorian Commercial Building	90 Junction Street	Lot 1 DP 732396	Local	I361.
NOWRA	Junction Street Heritage Streetscape	Junction Street between Berry and West Streets		Local	I362.
NOWRA	Nowra General Cemetery	Kalandar Street	Lot 1 DP 724120 Lot 1 DP 1221276 Lots 7305 & 7306 DP 1151018 Lot 7321 DP 1155510		I363.
NOWRA	Two storey Victorian	3 Kinghorne Street	Lot 11 DP 130904	Local	I364.

	Gothic style Manse					
NOWRA	St Andrew's Presbyterian Church and Federation Gothic Style rendered Brick Hall (former Church)	5 Kinghorne Street	Lot 2 DP 567875	State		I365.
NOWRA	"Roslyn Court"— Inter-war Art Deco style rendered Shops and Offices	21 Kinghorne Street	Lot 1 DP 225562	Local		I366.
NOWRA	Victorian Commercial Bank Stables (former)	56 Kinghorne Street	Lot 1 DP 817564	Local		I367.
NOWRA	Victorian Weatherboard Residence	192 Kinghorne Street	Lot B DP 157265	Local		I368.
NOWRA	* Federation Police Residence and Lockup (former)	Kinghorne Street	Lot 1 DP 1123776	State		I369.
NOWRA	* Nowra Courthouse	Kinghorne Street	Lot 701 DP 1024854	State		I370.
NOWRA	Graham Family Cemetery	Lyrebird Drive	Lot 3 DP 328915	Local		I371.
NOWRA	Two storey Victorian Masonry Terrace House	1 Moss Street	Lot 38 DP 1607 Sec 1	Local		I372.
NOWRA	Inter-war Weatherboard Cottage and trees	2 Moss Street	Lot B DP 335109	Local		I373.
NOWRA	Victorian Weatherboard Store (former Iron Store)	3 Moss Street	Lot 37 DP 1607 Sec 1	Local		I374.
NOWRA	"Hazelmere"— Victorian Georgian Masonry Residence	7–9 Moss Street	Lot C DP 410954 Lot 34 DP 1607 Sec 1 Lot 35 DP 1607 Sec 1	Local		I375.
NOWRA	Federation Weatherboard Residence	11–15 Moss Street	Lots 31 and 32 DP 1607 Sec 1 Part Lot D DP 410954	Local		I376.
NOWRA	Late Victorian Weatherboard	21 Moss Street	Lot 1 DP 862764	Local		I377.

	Residence				
NOWRA	Late Victorian Weatherboard Residence	29 Moss Street	Lot 24 DP 1607 Sec 1	Local	I378.
NOWRA	Late Victorian Weatherboard Cottage	31 Moss Street	Lot 23 DP 963328	Local	I379.
NOWRA	St Michael's Roman Catholic Church including:  Two storey Victorian Presbytery and grounds	20 North Street	Lot 1 DP 1088531	Local	I380.
NOWRA	Two storey Victorian Shop and Residence (former Armstrong's Saddlery)	83 North Street	Lot B DP 386390	Local	I381.
NOWRA	St Michael's Roman Catholic Cemetery	North Street	Lot 1 DP 1088531	Local	I382.
NOWRA	Uniting Church (former Methodist Church)	54 Osborne Street	Lot 1 DP 714910	State	I383.
NOWRA	Wesley Centre (former Wesleyan Parsonage)	54 Osborne Street	Lot 1 DP 714910	Local	I384.
NOWRA	Victorian Georgian rendered Masonry Residence	91 Osborne Street	Lot 91 DP 847151	Local	I385.
NOWRA	Mid-Victorian Timber Residence, including: Detached Kitchen, Well, Red Cedar tree	93 Osborne Street	Lot 8 DP 758794 Sec 17	Local	I386.
NOWRA	Two storey mid-Victorian Weatherboard Residence	95 Osborne Street	Lot 3 DP 601332	Local	I387.
NOWRA	Victorian Georgian Rendered Masonry Residence	97 Osborne Street	Lot 4 DP 601332	Local	I388.



NOWRA	Late Victorian Weatherboard Residence	105 Osborne Street	Lot 1 DP 986393	Local	I389.
NOWRA	Victorian Georgian style Timber Residence	109 Osborne Street	Lot 11 DP 545053	Local	I390.
NOWRA	Graham Lodge (former Greenhills Estate Homestead) and grounds	10 Pleasant Way	Lot 1 DP 1010062	State	I391.
NOWRA	Victorian Brick Anglican Rectory	66 Plunkett Street	Lot 1 DP 1047926	Local	I392.
NOWRA	All Saints Anglican Church, including: Memorial Lychgate, Trees, Victorian Gothic style Hall (former St John's Church)	70 Plunkett Street	Lot 2 DP 1047926	Local	I393.
NOWRA	Victorian rendered Brick School and grounds	74 Plunkett Street	Lot 2 DP 863880	State	I394.
NOWRA	Victorian Weatherboard Residence	75 Plunkett Street	Lot 3 DP 213471	Local	I395.
NOWRA	Victorian Georgian Weatherboard Residence	77 Plunkett Street	Lot 4 DP 213471	Local	I396.
NOWRA	Victorian rendered Brick Residence (former Schoolmaster's Residence)	82 Plunkett Street	Lot 1 DP 863880	State	I397.
NOWRA	Police Sergeant's Residence and grounds (former Nowra Courthouse)	84 Plunkett Street	Lot 429 DP 823259	State	I398.
NOWRA	"Karinga"—Inter-war Weatherboard Residence	85 Plunkett Street	Lot 2 DP 10492	Local	I399.
NOWRA	Brick Californian Bungalow (former	87 Plunkett Street	Lot 3 DP 10492	Local	I400.

	Policeman's quarters)					
NOWRA	Federation Weatherboard Residence	89 Plunkett Street	Lot A DP 401567	Local		I401.
NOWRA	"Wernick Cottage"—Georgian style Weatherboard Cottage	102 Plunkett Street	Lot 3 DP 329271	Local		I402.
NOWRA	"Myambah"—Federation Weatherboard Bungalow and garden	134 Plunkett Street	Lot 1 DP 124486	Local		I403.
NOWRA	"Shoalhaven River Bridge"—Victorian Wrought Iron Bridge	Princes Highway	Road reserve	State		I404.
NOWRA	"Nowra Park"—early Victorian Masonry Residence and garden	124 Wallace Street	Lot 4 DP 542656	State		I405.
NOWRA	"Meroogal"—Victorian Timber Residence, including: Outbuildings, Garden	35 West Street	Part Lot F DP 403286	State		I406.
NOWRA	Nowra Showground and Sportsground Complex, including: Federation Brick Pavilion, Victorian Masonry Gate, Toilet, Hanging Rock Lookout, Inter-war Castellated Sandstone Memorial Gateway, Sculpture, "Monaghan's"—Victorian Memorial Cast Iron Fountain	West Street	Part of Lot 7039 DP1108688 Lot 374 DP 755952 Lot 1 DP 758794 Lot 702 DP 1024852 Lot 7302 DP1134093	Local		I407.
NOWRA	Ben's Walk, including: Suspension Bridge, Aboriginal Art	West and Worrigeer Streets	R70802 R67547 Part Lot 7018 DP 1024840 Lot 7019	Local		I408.

	Sites				
			DP 1016688 Part of Lot 391 and Lot 392 DP 755952 Lot 7005 DP 1023875 Lot 3 DP 585626 Part Lots 94 and 95 DP 755952 Lot 703 DP 1024833 Lot 704 DP 1024834 Lot 7036 DP 1068935 Lot 701 DP 1024852 Lot 7301 DP1134093 Part of Lot 4 DP 1136269 Part of Lot 7039 DP 1108688 Lot 7012 DP 1002643		
NOWRA	Inter-war Weatherboard Building and Timber Wharf	Wharf Road		Local	I409.
NOWRA	Federation Weatherboard Residence	26 Worrige Street	Lot 26 DP 1088027	Local	I410.
NOWRA	Inter-war Californian Bungalow	31 Worrige Street	Lot 1 DP 62072	Local	I411.
NOWRA	Inter-war Federation Style Residence	42 Worrige Street	Lot 1 DP 912561	Local	I412.
NOWRA	Inter-war Weatherboard Bungalow	47 Worrige Street	Part Lot 1 DP 152694	Local	I413.
NOWRA	Federation Weatherboard Residence	49 Worrige Street	Lot 100 DP 1102700	Local	I414.
NOWRA	Victorian Weatherboard Residence	54 Worrige Street	Lot 14 DP 976539	Local	I415.
NOWRA	Victorian Weatherboard Residence	56 Worrige Street	Lot 13 DP 976539	Local	I416.
NOWRA	Victorian Georgian Weatherboard Residence	57 Worrige Street	Lot 1 DP 780982	Local	I417.
NOWRA	Victorian Weatherboard Residence	58 Worrige Street	Lot 12 DP 976539	Local	I418.
NOWRA	Victorian Weatherboard	59 Worrige Street	Lot 1 DP 710860	Local	I419.

	Residence				
NOWRA	Victorian Weatherboard Residence	63 Worrigea Street	Lot 2 DP 736763	Local	I420.
NOWRA HILL	RANS Albatross—Military Defence Complex and Aviation Museum	489A Albatross Road	Lot 102 DP 842713 Lot 2 DP 1002996	State	I421.
NUMBAA	* Former Prefabricated Cast Iron Presbyterian Church	591 Comerong Island Road	Part Lot 2 DP 755953	State	I422.
NUMBAA	Numbaa Catholic Presbytery (former)	601 Comerong Island Road	Lot 1 DP 933179	Local	I423.
NUMBAA	"Chinaman's Cottage"—Victorian Weatherboard Cottage (former Berry Estate Cottage)	655 Comerong Island Road	Lot G DP 979245	Local	I424.
NUMBAA	Numbaa Cemetery (former)	Comerong Island Road	Lot 10 DP 2812	State	I425.
NUMBAA	Numbaa Schoolmaster's Residence (former)	766 Comerong Island Road	Lot 1 DP 550305	Local	I426.
NUMBAA	Numbaa School (former)	770 Comerong Island Road	Lot 2 DP 550305	Local	I427.
NUMBAA	* "Prairievale"—(former Berry Estate Manager's Residence)	835 Comerong Island Road	Lot 14 DP 4332	State	I428.
NUMBAA	* Lower Numbaa Barn (Berry Estate Slab Barn)	Comerong Island Road	Lot 9 DP 2812	State	I429.
NUMBAA	* Berry Estate Canal and Ferry	Comerong Island Road		State	I430.
NUMBAA	Numbaa Council Chambers (former) and Well	Comerong Island Road	Lot K DP 979245	Local	I431.
NUMBAA	Ficus macrophylla	Comerong Island Road	Road reserve between Lot K DP	Local	I432.

	(Figtree)		979245 and Lot G DP 979245		
NUMBAA	"Edinglassie Lodge" — Federation Weatherboard Farmhouse	175 Jindy Andy Lane	Lot 1 DP 208292	Local	I433.
NUMBAA	* Concrete Tub Silo	251 Jindy Andy Lane	Lot 2 DP 556830	State	I434.
NUMBAA	* Berry Estate Slab Barn	Jindy Andy Lane	Lot 26 DP 2813	State	I435.
NUMBAA	War Memorial Tree (Lophostemon confertus)	Corner of Jindy Andy Lane and Comerong Island Road	Road reserve	Local	I436.
NUMBAA	* Colonial Farm Complex, including:  Berry Estate Cottage,  Outbuildings,  Figtrees	68 Smiths Lane	Lot 26A DP 2813	State	I437.
NUMBAA	* Salt Pans	Smiths Lane	Lot 24 and 25 DP 2813	State	I438.
ORIENT POINT	Vertical Timber-lined Drydock	Orsova Parade	Part Lot 111 DP 755971	Local	I439.
ORIENT POINT	"Roseby Park"— Jerringa Aboriginal Community Complex and Tribal Burial Ground	Park Row	Lot 51 DP 755971 and Lot 98 DP 720072	Local	I440.
PARMA	* "Parma Farm	Parma Road	Lots 4 & 5 DP 1143944	State	I441.
PEBBLY BEACH	* Pebbly Beach Sawmill Complex, including:  Sawmill remnants,  Town and school site	Pebbly Beach Road	Lots 39, 47, 102– 104, 108, 114 and 115 DP 755941  Part of Murramarang National Park	State	I442.
PYREE	"Caffery's"— Roadside Tree Planting (Lophostemon confertus)	At the junction of Jindy Andy Lane, Bournes Lane and Mayfield Road	Road reserve	Local	I443.

			with Greenwell Point Road			
PYREE	"Mervalperden" — Dairy Farm Complex (former)	664 Greenwell Point Road	Lot 61 DP 2813	Local		I444.
PYREE	* Upper Numbaa Barn (former Berry Estate Grain Mill)	719 Greenwell Point Road	Lot 101 DP 629485	State		I445.
PYREE	* "Jindy Andy"— (former Berry Estate Dairy)	739 Greenwell Point Road	Lot 105 DP 773888	State		I446.
PYREE	Pyree Literary Institute	880 Greenwell Point Road	Lot 126 DP 2813	Local		I447.
PYREE	* Pyree Public Schoolmaster's Residence (former)	890 Greenwell Point Road	Lot 128 DP 821471	State		I448.
PYREE	Victorian Georgian Schoolhouse (former Pyree Public School) and Coral trees	888 Greenwell Point Road	Lot 126 DP 821471	State		I449.
PYREE	Casuarina Trees "The Avenue"	Greenwell Point Road		Local		I450.
PYREE	"Somerset House"— Federation Weatherboard Farmhouse and trees	117 Pyree Lane	Lot A DP 377595	Local		I451.
PYREE	War Memorial Tree Triangle (Lophostermon confertus)	Pyree Lane		Local		I452.
PYREE	"George Borrowdale's house"—(former Berry Estate Cottage)	Pyree Lane	Lot 2 DP 1110521	Local		I453.
PYREE	"Thistlebank"— Dairy Farm Complex	85 Ryans Lane	Lot 8 DP 876329	Local		I454.
SHOALHAVEN HEADS	Relocated Weatherboard Church (former Berry Estate Library)	126 Scott Street	Lot 1 DP 704667	Local		I455.

ST BASIN	GEORGES	Former Boarding House and St Georges Basin Post Office	23 Deane Street	Lot 1 DP 1049843	Local	1456.
ST BASIN	GEORGES	World War II Flying Boat Base	2 Island Point Road	Lot 118 DP 17823 Part of adjoining reserve	Local	1457.
ST BASIN	GEORGES	"Jessie Blacket"—Sandstone Memorial Drinking Trough	41 Tasman Road	Lot 110 DP 25769	Local	1458.
ST BASIN	GEORGES	Federation Fisherman's Cottage and garden	146 The Wool Road	Lot A DP 375526	Local	1459.
SUSSEX INLET		"Greentree's"—Holiday Cabins	158 Jacobs Drive	Lot 2 DP 574349	Local	1460.
SUSSEX INLET		Post-war fibre cement Community Hall/ Sussex Inlet Picture Theatre	173 Jacobs Drive	Lot A DP 343373	Local	1461.
SUSSEX INLET		Gothic Carpenter style relocated Church (former Termeil Wesleyan Church)	175 Jacobs Drive	Lot B DP 343373	Local	1462.
SUSSEX INLET		"Kemp's Boatshed"	River Road	Part Lot 7028 DP1052695	Local	1463.
SWANHAVEN		"The Springs"—Holiday Cabins	1A Yarroma Avenue	Lot 2 DP 554118	Local	1464.
TAPITALLEE		Good Dog Cemetery	Bangalee Road	Lots 7312 DP 1153579	Local	1465.
TERARA		"The Old House"—Weatherboard Residence and Well	3–7 Fox Street	Lots 1–5 DP 1035937	Local	1466.
TERARA		"Terara Lodge"—(former Wesleyan Parsonage)	6 Holme Street	Lot 28 DP 779285	Local	1467.
TERARA		Victorian Sandstone School and attached Residence, including:	20 Millbank Road	Lot 1 DP 725988	State	1468.

	Terara Schoolgrounds, Trees					
TERARA	"Dower House"— (former Coachman's House to Millbank)	27B Millbank Road	Lot 2 DP 313528	Local		1469.
TERARA	"Millbank Cottage"— Outbuildings and trees	31 Millbank Road	Lot 1 DP 32426	State		1470.
TERARA	'Rosebank'-Victorian Georgian style cottage.	62 Millbank Drive	Lot 6 DP770600	Local		1471.
TERARA	"Terara House", including: Chapel, Grounds, Tree-lined drive	77 Millbank Road	Lot 1 DP 579451	State		1472.
TERARA	"Rose Cottage"— (formerly Pooley's Store)	157 South Street	Lot 1 DP 735264	Local		1473.
TERARA	"Ayrton House"— (former CBC Bank)	175 South Street	Lot 11 DP 52910	State		1474.
TERARA	Timber Vertical Slab Worker's Cottage	119 Terara Road	Lot 102 DP 817248	Local		1475.
TERARA	"Woodlawn"— Victorian Weatherboard Cottage and trees	124 Terara Road	Lot 3 DP 602305	Local		1476.
TERARA	"Citrus Grove"— Victorian Residence and trees	126 Terara Road	Lot 2 DP 79001	Local		1477.
TERARA	"Solway House"— late Victorian Brick Residence and Store	10 West Berry Street and 3 Holmes Street	Lot 10 and 11 DP 1080453	State		1478.
TIANJARA	Alley Family graves	Braidwood Road	Lot 3 DP 755962	Local		1479.
TOLWONG	Tolwong Copper Mine (remnants)	Touga Road	National Park	State		1480.
TOMERONG	Tomerong Cemetery	331 Hawken Road	Lot 1 DP 812581	Local		1481.
TOMERONG	Victorian	355–359	Lot 2	Local		1482.



	Schoolmaster's Residence and School	Hawken Road	DP 725848		
TOMERONG	Interwar Community Hall	358-360 Hawken Road	Lot 100 DP 11448693	Local	1483.
TOMERONG	Tomerong Carpenter style Union Church and Hall	70 Princes Highway	Lot 47 DP 925270	Local	1484.
TOUGA	Tim's Gully Mine	Touga Road	South of Portion 16 in the vicinity of the intersection of North Oaky Creek and Tims Gully	Local	1485.
ULLADULLA	* Warden Head Lighthouse	Deering Street	Lot 290 DP 755967	State	1486.
ULLADULLA	Victorian Georgian style Sandstone School and Schoolmaster's Residence	241 Green Street	Lot 1 DP 122514	Local	1487.
ULLADULLA	Relocated Victorian Georgian Timber Slab Worker's Cottage	275 Green Street	Lot 702 DP 1056245	Local	1488.
ULLADULLA	"Mascot"—Slab Timber Cottage	56 North Street	Lot 1 DP 337491	Local	1489.
ULLADULLA	"Springfield"—ornate late Victorian Weatherboard Farmhouse	U71 Princes Highway	Lot 501 DP 1084100	Local	1490.
ULLADULLA	"Millards Cottage"—two storey Victorian rendered Masonry Building	81 Princes Highway	Lot 12 DP 565744	Local	1491.
ULLADULLA	"The Marlin"—early Post-war American Colonial Hotel	108-112 Princes Highway	Lots A and B DP 155990 Lots 11 and 12 DP 759018 Sec 2 Lot 1 DP 743246	Local	1492.
ULLADULLA	Ulladulla Cemetery (former)	Princes Highway	Lot 7012 DP 1031353	Local	1493.
ULLADULLA	Warden Head	Rennies	Lot 59	Local	1494.

	Geological Site	Beach Close	DP 237534		
ULLADULLA	Sandstone Weir—Millards Creek	St Vincent Street	Lot 702 DP 1030099	Local	1495.
ULLADULLA	Victorian Brick Residence (former Ulladulla Post Office)	23 Wason Street	Lot 50 DP 828221	Local	1496.
ULLADULLA	* Ulladulla Harbour, including:  Old pier and stone pier,  Steps,  Walls	Wason Street	Part of part Lot 1 DP 612935 Lots 3-7 & 9 DP260884	State	1497.
ULLADULLA	* Ulladulla Seawater Pool	Wason Street	Lot 376 DP 726691	State	1498.
UPPER KANGAROO RIVER	* "Yarrowooma"—Dairy Farm Complex, including Red Cedar Slab Selector's Cottage	679 Upper Kangaroo River Road	Lot 4 DP 1000686	State	1499.
UPPER KANGAROO RIVER	Upper Kangaroo River Community Hall	1009 Upper Kangaroo River Road	Lot 1 DP 224929	Local	1500.
UPPER KANGAROO RIVER	"Fern Hill"—Church of England Church (former)	Upper Kangaroo River Road	Lot 100 DP 842428	Local	1501.
UPPER KANGAROO RIVER	Relocated Weatherboard Schoolhouse (former Hillcrest School)	Upper Kangaroo River Road	Lot 1 DP 172019	Local	1502.
VINCENTIA	Greenfields Beach Cottage Site and Pine Trees	Birriga Avenue	Lot 44 DP 755907	Local	1503.
VINCENTIA	South Huskisson Wharf Sandstone Remnants	Elizabeth Drive	Lot 308 DP 24263 Part of Reserve No R64234	Local	1504.
VINCENTIA	Plantation Point Rock	Plantation Point Parade	Approximately 3 hectares of land	Local	1505.

	Platform		comprising the whole of the area depicted as "rock shelf" at Plantation Point		
WANDANDIAN	Wandandian Post Office (former) and Residence	D2625 Princes Highway	Lot 26 DP 1092958	Local	I506.
WANDANDIAN	"Dalton Park"—Farmhouse and Wandandian Cricket Ground (former)	10 Windley Road	Lot 40 DP 862334	Local	I507.
WATERSLEIGH	Condie Farm, including: Archaeological Site, Former Condies Cottage, Trees, Graves	Koloona Drive	Lot 117 DP 751273	Local	I508.
WATTAMOLLA	Brogers Creek Cemetery	515 Wattamolla Road	Lot 121 DP 1049038	Local	I509.
WATTAMOLLA	"Pinkawilinie"—(former Wattamolla School House)	539 Wattamolla Road	Lot 190 DP 751264	Local	I510.
WATTAMOLLA	Victorian Weatherboard Farmhouse and trees	545 Wattamolla Road	Lot 4 DP 258693	Local	I511.
WEST NOWRA	Inter-war Reinforced Concrete Building and Storage Dam (former Nowra water supply and filtration plant)	Filter Road	Lots 6 and 12 DP 805611 Flatrock creek Waterway	Local	I512.
WOODHILL	Corrugated Iron Building (former Wesleyan Church)	1 Brogers Creek Road	Lot 100 DP 1006659	Local	I513.
WOODHILL	Woodhill Cemetery	Wattamolla Road	Lot 3 DP 1030426	Local	I514.
WOODSTOCK	"Woodlands"—Weatherboard and Iron Farmhouse	24 Evans Lane	Lot 22 DP 623582	Local	I515.

WOODSTOCK	* "Avenal"— Dairy Farm Complex	108 Evans Lane	Lot 24 DP 863026	State	I516.
WOODSTOCK	* "Danesbank"— two storey Victorian Stone Farmhouse and garden	121 Evans Lane	Lot 9 DP 792205	State	I517.
WOODSTOCK	* "Mount Airlie"—two storey Victorian Italianate Estate Residence and trees	34A Woodstock Road	Lot 3 DP 856688	State	I518.
WOODSTOCK	Inter-war Reinforced Concrete Butter Factory	170 Woodstock Road	Lot 1 DP 529083	Local	I519.
WOODSTOCK	Federation Brick Residence (former School Residence) and trees	358 Woodstock Road	Lot 1 DP 1031696	Local	I520.
WOODSTOCK	"Woodlawn"— Federation Weatherboard Farmhouse	Woodstock Road	Lot 16 DP 827800	Local	I521.
WOOLLAMIA	Lone Grave of Sarah Coulon	22 James Farmer Grove	Lot 4 DP 1027849	Local	I522.
WOOLLAMIA	Weatherboard and fibro Holiday Cottage	759 Woollamia Road	Lots 1-2 DP 9289 Lot 54 DP 755928 Lot 3 DP 1149557	Local	I523.
WORRIGEE	Rubblestone School (former Worrigee Schoolhouse)	20 Booligal Road	Lot 15 DP 755953	Local	I524.
WORRIGEE	"Congla"— (former Mackenzie Estate Manager's Residence)	315 Greenwell Point Road	Lot 2 DP 1087811	Local	I525.
WORRIGEE	Cement Rendered Colonial (Dome) Wells (2)	361 Greenwell Point Road	Lot 2 DP 1087811	Local	I526.
WORRIGEE	* Worrigee Cemetery	Greenwell Point Road	Lot 8 DP 791226	State	I527.
WORROWING HEIGHTS	"Erowal Farm", including:	Walter Hood Parade	Lot 34 DP 1093403	Local	I528.

	Homestead (ruins),  Garden,  Trees,  Resort ruins				
YADBORO	Pidgeon House Mountain Lookout, Including:  Fire Trail,  Longfella Pass	Yadboro Road	Morton National Park	Local	I529.
YALWAL	* Former Yalwal Gold Mine and Township Site	Yalwal Road	Lot 1 and 2 DP 252335 Part of R3167 and R3168 Lot 7314 DP 1147788 Part Lots 1–7 DP 759129 Sec 5 Part Lot 12 DP 755931 Part Lot 7016 DP 1039312 Lot 7018 DP 1039313 Lot 7017 DP 1039315 Lot 13 DP 755931	State	I530.
YATTE YATTAH	The Sheaffe Family Cemetery	Pointer Road	Lot 17 DP 847482	Local	I531.
YATTE YATTAH	* Woppindally Dairy Farm Complex	E280 Princes Highway	Lot 1 DP 738631	State	I532.
YATTE YATTAH	* “Kendall Dale”— Dairy Farm Complex, including:  Homestead,  Garden	E379A Princes Highway	Lot 1 DP 725960	State	I533.
YATTE YATTAH	Quercus robur (2) (English Oak Trees) on driveway entrance	E379A Princes Highway	Lot 1 DP 725960	Local	I534.
YATTE YATTAH	* “Kirmington”— Dairy Farm Complex and Henry Kendall	E379B Princes Highway	Lot 425 DP 755923	State	I535.

	Monolith				
YATTE YATTAH	* Industrial Building (former Yatte Yattah Cheese Factory)	E380 Princes Highway	Lot 1 DP 725962	State	I536.
YATTE YATTAH	* "Boolgatta"—Dairy Farm Complex and Barn	E402D Princes Highway	Lot 71 DP 854641	State	I537.
YATTE YATTAH	"Currawar"—Victorian Georgian style Farmhouse	E435 Princes Highway	Lot 30 DP 792994	Local	I538.

#### Part 2 Heritage conservation areas

Locality	Conservation area	Address	Property Description	Significance	Conservation Area Number
BERRY	Pulman Street Heritage Conservation Area	Pulman Street/Princes Highway		State	C1
NOWRA	Plunkett Street Heritage Conservation Area	Plunkett Street		State	C2
TERARA	Terara Heritage Conservation Area	South Street/West Berry Street		Local	C3

## Dictionary

(Clause 1.4)

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**advertisement** has the same meaning as in the Act.

**Note.** The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

**Note.** The term is defined as a structure used or to be used principally for the display of an advertisement.

**affordable housing** has the same meaning as in the Act.

**Note.** The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means an industry involving the handling, treating, processing or packing of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**agriculture** means any of the following:

- (a) animal boarding or training establishments,
- (b) aquaculture,
- (c) extensive agriculture,
- (d) farm forestry,
- (e) intensive livestock agriculture,
- (f) intensive plant agriculture.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other

than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

**aquaculture** has the same meaning as in the *Fisheries Management Act 1994*.

**Note.** The term is defined as follows:

**aquaculture** means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include:

- (c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
- (d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
- (e) any other thing prescribed by the regulations (made under the *Fisheries Management Act 1994*).

This Dictionary also contains definitions of **natural water-based aquaculture**, **pond-based aquaculture** and **tank-based aquaculture**.

**archaeological site** means an area of land:

- (a) shown on the Heritage Map as an archaeological site, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) that contains one or more relics.

**attached dwelling** means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and
- (c) none of the dwellings is located above any part of another dwelling.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**backpackers' accommodation** means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

**Note.** See clause 5.4 for controls relating to the number of bedrooms.

**biodiversity** means biological diversity.

**biological diversity** has the same meaning as in the *Threatened Species Conservation Act 1995*.

**Note.** The term is defined as follows:

**biological diversity** means the diversity of life and is made up of the following 3 components:



- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

**biosolid waste application** means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 1997) and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000a).

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**boarding house** means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (d) that has rooms that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

**building** has the same meaning as in the Act.

**Note.** The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height** (or **height of building**) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bulky goods premises** means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:

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

- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

**bush fire hazard reduction work** has the same meaning as in the *Rural Fires Act 1997*.

**Note.** The term is defined as follows:

**bush fire hazard reduction work** means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note.** The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

**business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

**Note.** The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

**cellar door premises** means retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**cemetery** means a building or place for the interment of deceased persons or their ashes.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**child care centre** means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**classified road** has the same meaning as in the *Roads Act 1993*.

**Note.** The term is defined as follows:

**classified road** means any of the following:

- (a) a main road,

- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(see *Roads Act 1993* for meanings of these terms).

**clearing native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**clearing native vegetation** means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

**coastal foreshore** means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

**coastal lake** means a body of water specified in Schedule 1 to the *State Environmental Planning Policy No 71—Coastal Protection*.

**coastal waters of the State**—see section 58 of the *Interpretation Act 1987*.

**coastal zone** has the same meaning as in the *Coastal Protection Act 1979*.

**Note.** The term is defined as follows:

**coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the *Local Government Act 1993*.

**Community event** means an event such as a festival, market, concert or parade, that is open to the public, takes place on public land and is held for a temporary period of time.

**correctional centre** means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the **Shoalhaven City Council**.

**crematorium** means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy where the only restriction facilities present are the milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**demolish**, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use.

**designated State public infrastructure** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means 2 dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

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

**dwelling house** means a building containing only one dwelling.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

**educational establishment** means a building or place used for education (including teaching), being:

- (a) a school, or

- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of making or generating electricity.

**emergency services facts (facility)** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following:

- (a) the Ambulance Service of New South Wales,
- (b) New South Wales Fire Brigades,
- (c) the NSW Rural Fire Service,
- (d) the NSW Police Force,
- (e) the State Emergency Service,
- (f) the New South Wales Volunteer Rescue Association Incorporated,
- (g) the New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub, nightclub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

**estuary** has the same meaning as in the *Water Management Act 2000*.

**Note.** The term is defined as follows:

**estuary** means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or

- (b) the grazing of livestock, or
- (c) bee keeping,

for commercial purposes, but does not include any of the following:

- (d) animal boarding or training establishments,
- (e) aquaculture,
- (f) farm forestry,
- (g) intensive livestock agriculture,
- (h) intensive plant agriculture.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

**Note.** See clause 5.4 for controls relating to the number of bedrooms.

**feedlot** means a confined or restricted area used to rear and fatten cattle, sheep or other animals for the purpose of meat production, fed (wholly or substantially) on prepared and manufactured feed, but does not include a poultry farm, dairy or piggery.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the *Fisheries Management Act 1994*.

**Note.** The term is defined as follows:

**Definition of “fish”**

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
  - (a) oysters and other aquatic molluscs, and
  - (b) crustaceans, and
  - (c) echinoderms, and

(d) beachworms and other aquatic polychaetes.

(3) **Fish** also includes any part of a fish.

(4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the **Shoalhaven** Local Environmental Plan 2009 Floor Space Ratio Map.

**food and drink premises** means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

**forestry** has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

**Note.** The term is defined as follows:

**forestry operations** means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral chapel** means premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

**funeral home** means premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and



- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a dwelling that is a permanent group home or a transitional group home.

**group home (permanent) or permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**group home (transitional) or transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

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

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

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

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

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

**health services facility** means a building or place used as a facility to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

**heavy industry** means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

**Height of Buildings Map** means the Shoalhaven Local Environmental Plan 2009 Height of Buildings Map.

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

**heliport** means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

**heritage conservation area** means an area of land:

- (a) shown on the Heritage Map as a heritage conservation area or as a place of Aboriginal heritage significance, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, archaeological site, tree, place or Aboriginal object:

- (a) shown on the Heritage Map as a heritage item, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) specified in an inventory of heritage items that is available at the office of the Council.

**Heritage Map** means the Shoalhaven Local Environmental Plan 2009 Heritage Map.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**highway service centre** means a building or place used as a facility to provide refreshments and vehicle services to highway users, and which may include any one or more of the following:

- (a) restaurants or take away food and drink premises,
- (b) service stations and facilities for emergency vehicle towing and repairs,
- (c) parking for vehicles,
- (d) rest areas and public amenities.

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

**home business** means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) involve the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**Note.** See clause 5.4 for controls relating to the floor area used to carry on the business.

**home industry** means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or

- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

**Note.** See clause 5.4 for controls relating to the floor area used to carry on the light industry.

**home occupation** means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, a brothel or home occupation (sex services).

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

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

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),

- (h) chapels,
- (i) hospices,
- (j) mortuaries.

**hostel** means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**hotel or motel accommodation** means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 1982*):

- (a) comprising rooms or self-contained suites, and
- (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
- (b) is situated on the land on which the industry is carried out, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

**Note.** See clause 5.4 for controls relating to the retail floor area.

**industry** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

**intensive plant agriculture** means any of the following carried out for commercial purposes:

- (a) the cultivation of irrigated crops (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**kiosk** means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note.** See clause 5.4 for controls relating to the gross floor area.

**Land Application Map** means the Shoalhaven Local Environmental Plan 2009 Land Application Map.

**Land Reservation Acquisition Map** means the Shoalhaven Local Environmental Plan 2009 Land Reservation Acquisition Map.

**Land Zoning Map** means the Shoalhaven Local Environmental Plan 2009 Land Zoning Map.

**landscape and garden supplies** means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**light industry** means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

**liquid fuel depot** means storage premises that are used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid and at which no retail trade is conducted.

**livestock processing industry** means an industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackeries, tanneries, woolscours and rendering plants.

**Lot Size Map** means the Shoalhaven Local Environmental Plan 2009 Lot Size Map.

**maintenance**, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and
- (b) any facility for providing fuelling, sewage pump-out or other services for boats, and
- (c) any facility for launching or landing boats, such as slipways or hoists, and
- (d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and
- (e) any associated single mooring.

**market** means retail premises comprising an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

**mining** means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the *Local Government Act 1993*.

**Note.** The term is defined as follows:

**moveable dwelling** means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

**native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**Meaning of “native vegetation”**

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
  - (a) trees (including any sapling or shrub, or any scrub),
  - (b) understorey plants,
  - (c) groundcover (being any type of herbaceous vegetation),
  - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

**natural water-based aquaculture** means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during hatchery or depuration phases).

**Note.** Typical natural water-based aquaculture is fin fish culture in cages and oyster, mussel or scallop culture on or in racks, lines or cages.

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

**Note.** See clause 5.4 for controls relating to the retail floor area.

**nightclub** means premises specified in a nightclub licence under the *Liquor Act 1982*.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**NSW Coastal Policy** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

**offensive industry** means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

**offensive storage establishment** means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**operational land** has the same meaning as in the *Local Government Act 1993*.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**place of Aboriginal heritage significance** means an area of land shown on the Heritage Map that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as



initiation, ceremonial or story places or areas of more contemporary cultural significance.

**place of public entertainment** has the same meaning as in the Act.

**Note.** The term is defined as follows:

**place of public entertainment** means:

- (a) any theatre or cinema (including a drive-in or open-air theatre or cinema) that is used or intended to be used for the purpose of providing public entertainment, or
- (b) any premises the subject of a licence under the *Liquor Act 1982* or a certificate of registration under the *Registered Clubs Act 1976*, that are used or intended to be used for the purpose of providing entertainment, including public entertainment, but not including amusement provided by means of an approved gaming machine within the meaning of the *Gaming Machines Act 2001*, or
- (c) any public hall that is used or intended to be used for the purpose of providing public entertainment.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**pond-based aquaculture** means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture.

**Note.** Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

**pub** means licensed premises under the *Liquor Act 1982* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold on the premises.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public entertainment** has the same meaning as in the Act.

**Note.** The term is defined as follows:

**public entertainment** means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration:

- (a) whether or not some (but not all) persons are admitted free of charge, and
- (b) whether or not the money or other consideration is demanded:
  - (i) as a charge for a meal or other refreshment before admission is granted, or
  - (ii) as a charge for the entertainment after admission is granted.

**public land** has the same meaning as in the *Local Government Act 1993*.

**Note.** The term is defined as follows:

**public land** means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

**public reserve** has the same meaning as in the *Local Government Act 1993*.

**public utility infrastructure**, in relation to an urban release area includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

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

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

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or

periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

**relic** means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of **Shoalhaven**, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

**residential care facility** means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**restaurant** means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

**restricted dairy** means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

**restricted premises** means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and

similar premises but does not include hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**roadside stall** means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note.** See clause 5.4 for controls relating to the gross floor area.

**rural industry** means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

- (a) agricultural produce industry, or
- (b) livestock processing industry, or
- (c) use of composting facilities and works (including to produce mushroom substrate), or
- (d) use of sawmill or log processing works, or
- (e) use of stock and sale yards, or
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise,

undertaken for commercial purposes.

**rural supplies** means a building or place used for the display, sale (whether by retail or wholesale) or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**rural worker's dwelling** means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

**secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note.** See clause 5.4 for controls relating to the total floor area.

**self-storage units** means storage premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

**semi-detached dwelling** means a dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

**seniors housing** means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**sewerage system** means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

**shop top housing** means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note.** The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**spa pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note.** The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**stock and sale yard** means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note.** The term is defined as follows:

**swimming pool** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) for immediate consumption away from the premises.

**tank-based aquaculture** means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either

wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

**telecommunications facs(facility)** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

**Note.** The term is defined as follows:

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

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

**timber and building supplies** means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

**urban release area** means an area of land shown hatched and lettered "Urban Release Area" on the Urban Release Areas Map.

**Urban Release Area Map** means the Shoalhaven Local Environmental Plan 2009 Urban Release Area Map.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

**vehicle sales or hire premises** means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

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

**viticulture** means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**waste management facility** means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

**waste or resource management facility** means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**water supply system** means a water reticulation system, water storage facility, water treatment facility, or any combination of these.

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been



artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.