

PUBLIC EXHIBITION DRAFT

Shoalhaven Local Environmental Plan 2013

under the
Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, 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 and Infrastructure

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Part 1 Preliminary

Direction. In this standard instrument, provisions are identified as “compulsory” (including in certain cases only) or “optional” by those words being placed in brackets in connection with the clause or other discrete provision or provisions concerned. If an optional provision is adopted, it is to be adopted in the form (and in accordance with the directions) set out in this instrument. If an optional provision is not adopted, the number or other identifier of the provision is to be set out in the Plan with the words “Not adopted” or words to the same effect. If a compulsory provision is not applicable (because of the circumstances referred to in the heading to the provision), the number or other identifier of the provision is to be set out in the Plan with the words “Not applicable” or words to the same effect.

Any additional provisions (not inconsistent with the mandatory provisions) included in the Plan are generally to be included at the end of the Part, clause, subclause etc and are to be numbered in accordance with the usual protocol applicable to amendments made to existing Acts and statutory instruments.

1.1 Name of Plan [compulsory]

This Plan is **Shoalhaven** Local Environmental Plan 2013.

1.1AA Commencement [compulsory]

This Plan commences on the day on which it is published on the NSW legislation website.

Direction. If required another date may be specified for commencement.

1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in the **Shoalhaven local government area** 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 the proper management, development and conservation of natural and man-made resources;
 - b) the facilitation of the social and economic wellbeing of the community is a substantive objective;
 - c) to ensure that suitable land for beneficial and appropriate uses is made available as required;
 - d) to manage appropriate and essential public services, infrastructure and amenities for Shoalhaven;
 - e) to minimise the risk of harm to the community through the appropriate management of development and land use.

1.3 Land to which Plan applies [compulsory]

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

Direction. The Land Application Map may be a separate map or be constituted by the outer boundary of the Land Zoning Map (by an annotation on that Map).
The Plan should wherever practicable apply to the whole of the local government area.

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.

Direction. If required another person or body may be specified as the consent authority for all or any particular kind of development.

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.

Direction. In order to effect a future rezoning of land subject to the Plan (or other change to a provision having effect by virtue of an adopted map), the amending local environmental plan (or other planning instrument) would not directly amend the Plan but merely declare that the relevant adopted map is amended by a named amending map.

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 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.

Note. [compulsory if any local environmental plan is wholly repealed]The following local environmental plans are repealed under this provision:

- (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. The Shoalhaven Local Environmental Plan 1985, Shoalhaven Interim Development Order 1964, Jervis Bay Regional Environmental Plan 1996 and Part 29 of Schedule 3 of the Major Project Development SEPP area specifically repealed by this Plan.

Direction. Provision may also be included to repeal or amend specific instruments to reflect the operation of this clause.

1.8A Savings provision relating to pending development application

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.

Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

1.9 Application of SEPPs [compulsory]

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

(2) The following State environmental planning policies (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

Direction. Additional instruments (or provisions of instruments) may be added if the relevant instrument or provision is covered by this Plan.

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*.

- (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (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
- RU4 Primary Production Small Lots
- 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

E4 Environmental Living

Waterway Zones

W1 Natural Waterways

W2 Recreational Waterways

W3 Working Waterways

Direction 1. Additional zones or subzones are not to be prescribed.

Direction 2. If the land to which the Plan applies does not include any of the above zones, the reference to the zone in this clause and the provisions relating to it in the Land Use Table in clause 2.3 may, but need not, be included.

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 Land Use 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 development consent, and
 - (c) development that may be carried out only with development 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 Land Use 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 Land Use 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 development consent.
- (2) Before granting development 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 development consent, or
 - (b) if the Schedule so provides—without development 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.

Direction. While this clause and Schedule 1 are compulsory, it is not compulsory to include any items in the Schedule when the Plan is first made.

2.6 Subdivision—consent requirements [compulsory]

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

Note. If a subdivision is identified as exempt development in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note. The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

2.7 Demolition requires development consent [compulsory]

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

Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as 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 development consent.

2.8 Temporary use of land [optional]

- (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 use 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 land 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 a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Direction. Other specific exceptions to subclause (2) may be added.

2.9 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 another applicable environmental planning instrument, or
 - (b) the earthworks are ancillary to other development for which development consent has been given.
- (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.
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.

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

- Direction 1. Additional objectives may be included in a zone at the end of the listed objectives to reflect particular local objectives of development, but only if they are consistent with the core objectives for development in the zone as set out in the Land Use Table.
- Direction 2. Specified uses may be added to (but not removed from) the list of development that is permitted or prohibited in a zone. Additional uses may be added to an item of a zone even if some uses are already specified in that item. Additional permitted uses for particular land (but not all land in a particular zone) may be set out in Schedule 1.
- Direction 3. Items 2, 3 and 4 of each zone require a relevant entry to be inserted. The following may be entered:
 - (a) particular uses,
 - (b) the word “Nil”,
 - (c) the words “Any development not specified in item [*specify item number or numbers*]”,
 so long as all residual (ie non-specified) uses are covered.
- Direction 4. Respite day care centres must be permitted wherever a child care centre is permitted in the Land Use Table.
- Direction 5. Only the following types of development may be included in the Land Use Table:
 - Advertising structures; Agricultural produce industries; Agriculture; Air transport facilities; Airports; Airstrips; Amusement centres; Animal boarding or training establishments; Aquaculture; Attached dwellings
 - Backpackers’ accommodation; Bed and breakfast accommodation; Bee keeping; Biosolids treatment facilities; Boarding houses; Boat launching ramps; Boat building and repair facilities; Boat sheds; Building identification signs; Bulky goods premises; Business identification signs; Business premises
 - Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Crematoria
 - Dairies (pasture-based); Dairies (restricted); Depots; Dual occupancies; Dual occupancies (attached); Dual occupancies (detached); Dwelling houses
 - Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extensive agriculture; Extractive industries

Farm buildings; Farm stay accommodation; Feedlots; Flood mitigation works; Food and drink premises; Forestry; Freight transport facilities; Function centres; Funeral homes

Garden centres; General industries; Group homes; Group homes (permanent) or permanent group homes; Group homes (transitional) or transitional group homes

Hardware and building supplies; Hazardous industries; Hazardous storage establishments; Health consulting rooms; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Heliports; High technology industries; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Horticulture; Hospitals; Hostels; Hotel or motel accommodation

Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture

Jetties

Kiosks

Landscaping material supplies; Light industries; Liquid fuel depots; Livestock processing industries

Marinas; Markets; Medical centres; Mooring pens; Moorings; Mortuaries; Multi dwelling housing

Neighbourhood shops

Offensive industries; Offensive storage establishments; Office premises; Open cut mining

Passenger transport facilities; Places of public worship; Plant nurseries; Port facilities; Public administration buildings; Pubs

Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Residential care facilities; Residential flat buildings; Resource recovery facilities; Respite day care centres; Restaurants or cafes; Restricted premises; Retail premises; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings

Sawmill or log processing works; Schools; Secondary dwellings; Self-storage units; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sewage reticulation systems; Sewage treatment plants; Sewerage systems; Sex services premises; Shops; Shop top housing; Signage; Stock and sale yards; Storage premises

Take away food and drink premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Turf farming

Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Viticulture

Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities; Waste or resource transfer stations; Water recreation structures; Water recycling facilities; Water reticulation systems; Water storage facilities; Water supply systems; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

Zone RU1 Primary Production

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental protection works
 Farm buildings
 Intensive livestock agriculture
 Intensive plant agriculture
 Roads
 Roadside stalls

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 this zone and land uses within adjoining zones.
- To conserve and maintain productive prime crop and pasture land.
- To conserve and maintain the economic potential of the land for extractive industries.

2 Permitted without consent

Extensive agriculture; **Forestry**; Home occupations

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping ground; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments;; **Environmental facilities**; Environmental protection works; Extractive industries; Farm buildings; Food and drink premises; Flood mitigation works; Group homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Marinas; Markets; Mooring pens; Moorings; Offensive industries; **Open cut mining**; Places of public worship; Plant nurseries; Recreational areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural worker's dwellings; 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

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental protection works

Farm buildings

Roads

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.

2 Permitted without consent

Extensive agriculture; **Forestry**; Home occupations

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Food and drink premises; Freight transport facilities; Funeral homes; Group homes; Hazardous industries; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Marinas; Markets; Mooring pens; Moorings; Offensive industries; Places of public worship; Plant nurseries; Recreational areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); 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

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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 RU4 Primary Production Small Lots

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Extensive agriculture

Farm buildings

Intensive plant agriculture

Roads

Roadside stalls

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Home occupations

3 Permitted with consent

Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Landscaping material supplies; Plant nurseries; Recreation areas; Research stations; Roads; Roadside stalls; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3.

Zone RU5 Village

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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 building and 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; Flood mitigation works; Function centres; Garden centres; Group homes; Hardware and building supplies; Helipads; Home-based child care; Home businesses; Home industries; Hostels; Information and education facilities; Landscaping material supplies; Neighbourhood shops; Office premises; Places of public

worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (major); Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Rural supplies; Schools; Service stations; Sewerage systems; Shop top housing; Timber yards; Tourist and visitor accommodation; Transport depots; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water supply systems.

4 Prohibited

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

Zone R1 General Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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 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; Office premises; Places of public worship; Recreation areas; Registered clubs; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; 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

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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; Boarding houses; 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; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Jetties; Neighbourhood shops; Places of public worship; Recreational areas; Respite day care centres; Roads; Sewerage systems; Water supply systems.

4 Prohibited

Any other development not specified in item 2 or 3.

Zone R3 Medium Density Residential

Direction. The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone:

Roads

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 single dwelling houses as an ancillary, integral part of a medium density development that help maintain and 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; Respite day

care centres; Roads; Seniors housing; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems.

4 Prohibited

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

Zone R5 Large Lot Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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 lots 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 this 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; Extensive agriculture; Group homes (transitional); Home-based child care; Home businesses; Home industries; Horticulture; 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

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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; Medical centres; Neighbourhood shops; Respite day care centres; 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; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Correctional centres; Depot; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Entertainment centres; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Group homes; Heavy industrial storage establishments; Helipad; Highway service centres; Home occupations (sex services); Hostels; Hospitals; Industrial retail outlet; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Registered clubs; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Resource recovery facilities; Retail premises; Restriction facilities; Restricted premises; Rural industries; Rural worker's dwellings; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sex service premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Wharf or boating facilities.

Zone B2 Local Centre

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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

Boarding houses; Building identification signs; Business identification signs; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential care facilities; Respite day care centres; Restricted premises; Roads; Service stations; Shop

top housing; Tourist and visitor accommodation; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air strip; Air transport facilities; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Crematoria; Charter and tourism boating facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Group homes; Heavy industry storage establishment; Helipad; Highway service centres; Home occupations (sex services); Hostels; Industrial retail outlet; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Resource recovery facilities; 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 disposal facilities; Wharf or boating facilities.

Zone B3 Commercial Core

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Attached dwellings; Bed and breakfast accommodation; Boat launching ramps; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries;

Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Group homes; Heavy industry storage establishment; Highway service centres; Home industries; Home occupations (sex services); Hostels; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Multi-dwelling housing; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential care facilities; Residential flat buildings; Resource recovery facilities; Restriction facilities; Restricted premises; Rural industries; Rural supplies; Rural workers dwellings; Secondary dwellings; Semi-detached dwellings; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair shops; Vehicle repair stations; Veterinary hospitals; Warehouse and distribution centres; Waste disposal facilities; Wharf or boating facilities.

Zone B4 Mixed Use

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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.

2 Permitted without consent

Nil

3 Permitted with consent

Backpackers' accommodation; Bed and Breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted 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 building and repair facilities; Boat sheds; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depot; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industry storage establishment; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlet; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (outdoor); Research stations; Resource recovery facilities; Restriction

facilities; Restricted premises; Rural industries; Rural worker's dwellings; Secondary dwellings; Semi-detached dwellings; Sex service premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair shops; Waste disposal facilities; Wharf or boating facilities.

Zone B5 Business Development

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To allow diversity of activities to the extent that new activities will not significantly detract from the operation of existing or proposed development.

2 Permitted without consent

Nil

3 Permitted with consent

Backpackers' accommodation; Bulky goods premises; Child care centres; Hotel or motel accommodation; Light industries; Garden centres; Hardware and building supplies; Landscaping material supplies; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; 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; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Dual occupancies; Dwelling houses; Eco-tourist facilities; 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; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Multi-dwelling housing; Open cut mining; Residential flat buildings; Resource recovery facilities; 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 disposal facilities; Wharf or boating facilities.

Zone B7 Business Park

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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

Bulky goods premises; Building identification signs; Business identification signs; Child care centres; Kiosks; Light industries; Markets; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Roads; 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 building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Dwelling houses; Dual occupancies; Eco-tourist facilities; 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; Marinas; Mooring pens; Moorings; Mortuaries; Multi-dwelling housing; Open cut mining; Places of public worship; Recreational facilities (major); Recreational facilities (outdoor); Registered clubs; Residential flat buildings; Resource recovery facilities; Restriction facilities; Restricted premises; Retail premises; Rural industries; Rural worker's dwellings; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sex service premises; Signage; Shop top housing; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair shops; Vehicle repair stations; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Wharf or boating facilities.

Zone IN1 General Industrial

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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 support and protect industrial land for industrial uses.
- To allow diversity of industrial uses to the extent that new activities will not significantly detract from the operation of existing or proposed development.
- 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

Bulky goods premises; Depots; Freight transport facilities; General industries; Industrial training facilities; kiosks; Light industries; Markets; Neighbourhood shops; Roads; Signage; Take-away food and drink premises; Timber yards; Warehouse or distribution centres; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Attached dwellings; Boarding houses; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Correctional centres; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; 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; Mooring pens; Moorings; Multi-dwelling housing; Office premises; Open cut mining; Places of public worship; Registered clubs; Residential flat buildings; Respite day care centres; 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; Wharf or boating facilities.

Zone IN2 Light Industrial

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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 support and protect industrial land for industrial uses.
- To allow diversity of industrial uses to the extent that new activities will not significantly detract from the operation of existing or proposed development.

2 Permitted without consent

Nil

3 Permitted with consent

Bulky goods premises; Childcare centres; Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping

material supplies; Light industries; Markets; Neighbourhood shops; Plant nurseries; Respite day care centres; Roads; Take-away food and drink premises; Timber yards; Warehouse or distribution centres; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boarding houses; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; 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; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Multi-dwelling housing; Office premises; Open cut mining; Places of public worship; 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; Wharf or boating facilities.

Zone IN4 Working Waterfront

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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.

2 Permitted without consent

Building identification signs;

3 Permitted with consent

Boat building and repair facilities; Boat launching ramps; Heliports; Hotel and motel accommodation; Jetties; Kiosks; Light industries; Liquid fuel depots; Markets; Restaurants or cafes; Roads; Serviced apartments; Take away food and drink premises; Vehicle sales or hire premises; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Child care centres; Commercial

premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Mortuaries; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Resource recovery facilities; Respite day care centres; Restricted premises; Rural industries; Service stations; Sex service premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair shops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities.

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; Roads. .

4 Prohibited

Any development not specified in item 2 or 3.

Zone SP2 Infrastructure

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

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

Roads; 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

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To enable other compatible residential and recreational uses.
- To provide for dwelling houses that form an integral part of a tourist-oriented development.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Camping grounds; 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 areas; 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

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental facilities

Environmental protection works

Roads

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 building and repair facilities; Boat sheds; Building identification signs; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Eco-tourist 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 or cafes; Respite day care centres; Roads; Sewerage systems; Water recreation structures; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental facilities

Environmental protection works

Roads

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 building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Charter and tourism boating facilities; Community facilities; Eco-tourist 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 or cafes; 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

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental protection works

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 and other catchments and natural waterways.
- 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; Restricted premises; Retail premises; Seniors housing; Service stations;

Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E3 Environmental Management

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental protection works

Roads

Home industries, kiosks, cellar door premises, neighbourhood shops and roadside stalls may (but need not) be included as permitted with consent.

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 building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Charter and tourism boating facilities; Dual occupancies (attached); Dwelling houses; 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; 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 E4 Environmental Living

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental protection works

Roads

Home industries may (but need not) be included as permitted with consent.

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.

- To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Bee keeping; Building identification signs; Business identification signs; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Home-based childcare; Home businesses; Home industries; Roads; Roadside stalls; Water storage facilities.

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W1 Natural Waterways

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental facilities

Environmental protection works

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

Aquaculture

3 Permitted with consent

Boat launching ramps; Boat sheds; Environmental facilities; Environmental protection works; Jetties; Mooring pens; Moorings; Research stations; Sewerage systems; Water supply systems.

4 Prohibited

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

Zone W2 Recreational Waterways

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Boat sheds

Environmental facilities

Environmental protection works

Water recreation structures

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

Aquaculture

3 Permitted with consent

Boat building and repair facilities; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Sewerage systems; Water recreation structures; Water supply systems.

4 Prohibited

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

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Boat sheds

Environmental facilities

Environmental protection works

Water recreation structures

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

Aquaculture

3 Permitted with consent

Boat building and repair facilities; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Kiosks; Marinas; Mooring pens; Moorings; Port facilities; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Sewerage systems; Signage; Water recreation structures; Water supply systems; Wharf or boating facilities

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* or, if there are no such relevant provisions, must be structurally adequate, 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*.
 - (Repealed) (e)
 - (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.
 - (5) To be exempt development, the development must:
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.
- Note. A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.
- (6) A heading to an item in Schedule 2 is 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, Climate Change and Water 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 development 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
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is 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 under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (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*.

Direction. Additional areas may be added to this list.

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.

Direction. An exception to the minimum size shown on the Lot Size Map may be provided in certain circumstances, for example, in the case of land that is to be used for attached dwellings.

- (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) 350m², if the land is identified as Area 1 on the Minimum Lot Size Map,
 - (b) 400m², 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 350m².

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 consent authority 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 800m²; 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
 - (c) RU1 Primary Production
 - (d) RU2 Rural Landscape
- (3) Development consent may be granted to a single development application for development on land zoned R1 General Residential or R3 Medium Density Residential 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- 350m², or
 - (ii) for the erection of an attached dwelling- 350m², or
 - (iii) for the erection of a semi-detached dwelling- 350m².
- (4) Development consent may be granted to a subdivision of land zoned RU1 Primary Production or RU2 Rural Landscape on which multiple occupancy development has been carried out so that dwelling houses lawfully erected on the land are located on a separate lot if:
 - (a) consent for the multiple occupancy development was granted on or before 27 March 2001, and
 - (b) erection of each of the dwelling houses was commenced before 31 December 2002, and
 - (c) each separate lot is a neighbourhood lot under the *Community Land Development Act 1989*.
- (5) For the purposes of this clause, **multiple occupancy development** means development for which consent was granted pursuant to either *State Environmental Planning Policy No 15 – Multiple Occupancy of Rural Land*, Repealed by *State Environmental Planning Policy No 42 – Multiple Occupancy of Rural Land (Repeal)*, or *State Environmental Planning Policy No 15 – Rural Landsharing Communities*.

4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]

- (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,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with development 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 consent authority 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.
- (3) For the purpose of this clause ‘arterial road’ has the same meaning as a ‘classified road’ under the *Roads Act 1993*.

4.2B Subdivision of certain land zoned RU4, R5 or E4

- (1) This clause applies to land within zones RU4, R5 and E4.
- (2) Despite clause 4.1, land identified on the Local Clauses Map as ‘Prime Crop and Pasture; may only be subdivided if the consent authority is satisfied that each newly created lot contains at least 10 hectares of ‘Prime Crop and Pasture Land’.
- (3) Despite clause 4.1, the following restrictions apply to certain land within zones RU4, R5 or E4:
 - (a) land identified on the Lot Size Map as ‘Area 1’ in the vicinity of Bundewallah Road, Berry may be subdivided to a minimum lot size of 1 hectare to a maximum of 4 lots per 10 hectares;
 - (b) land identified on the Lot Size Map as ‘Area 2’ in the vicinity of Little Forest Road, Little Forest may be subdivided to a minimum lot size of 1 hectare to a maximum of 1 lot per 10 hectares north of Little Forest Road and to a maximum of 3 lots per 10 hectares south of Little Forest Road;
 - (c) land identified on the Lot Size Map as ‘Area ’ in the vicinity of Wandean Road, Wandandian may be subdivided to a minimum lot size of 2 hectares to a maximum of 1 lot per 10 hectares, or in the case of an allotment of between 4 and 19 hectares in area, into no more than 2 lots;
 - (d) land identified on the Lot Size Map as ‘Area 4’ in the vicinity of Illaroo Road, Tapitallee may be subdivided to a minimum lot size of 1 hectare to a maximum of 1 lot per 10 hectares north of Illaroo Road and to a maximum of 4 lots per 10 hectares south of Illaroo Road, or in the case of an allotment of between 3 and 5 hectares in area located south of Illaroo Road, into no more than 2 lots;
 - (e) land identified on the Lot Size Map as ‘Area 5’ in the vicinity of Yatte Yattah may be subdivided to a minimum lot size of 1 hectare to a maximum of 1 lot per 10 hectares;
 - (f) land identified on the Lot Size Map as ‘Area 6’ in the vicinity of Termeil may be subdivided into lots having an overall maximum density of one lot per 10 hectares provided that the vehicular access to any lot is via a road other than the Princes Highway; and
 - (g) land in identified on the Lot Size Map as ‘Area 7’ the vicinity of Conjola Park may be subdivided into a maximum of fourteen lots with a minimum lot size of 1 hectare provided that dwellings are

constructed at least 100m from any land zoned as E2 Environmental Conservation.

- (h) land identified on the Lot Size Map as 'Area 8' at Windward Way, Milton being Lot 1 DP 780801 may be subdivided into a maximum of 3 lots with a minimum lot size of 2 hectares.
- (4) For the purposes of this clause 'Prime Crop and Pasture Land' is defined as land identified as Class 1, 2 or 3 on the NSW Department of Primary Industries' agricultural land classification maps.

4.2C 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.

4.2D 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 RU4 Primary Production Small Lots,
 - Zone R5 Large Lot Residential,
 - Zone E2 Environmental Conservation,
 - Zone E3 Environmental Management,
 - Zone E4 Environmental Living.
- (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) Before determining a development application for the erection of a dwelling-house on land to which clause 7.8 'Flood planning land' applies, the consent authority must consider the following :
 - (a) whether the land is predominantly identified as 'Prime Crop and Pasture Land'; and
 - (b) whether the proposed dwelling-house is essential for the proper and efficient use of the land for agriculture or turf farming.
- (6) For the purposes of this clause 'Prime Crop and Pasture Land' is defined as land identified as Class 1,2 or 3 on the NSW Department of Primary Industries' agricultural land classification maps.

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 the maximum height shown for the land on the Height of Buildings Map.
- (3) Where the Height of Buildings Map does not show a maximum height, the height of any building on any land is not to exceed 11 metres.

Direction. Different heights may be shown on the map for different zones or for different land in the same zone. This Plan may also provide for specified height restrictions to be varied or modified in certain circumstances, for example, to prevent overshadowing of public open space, for air safety reasons or for the purposes of promoting design excellence.

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.

Direction. Different floor space ratios may be shown on the FSR map for different zones, for different land in the same zone or for different land uses within a building. This Plan may provide that, despite subclause (2), the maximum floor space ratio for a building is to be determined partly by the FSR map and partly by other means, or wholly by other means.

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 development 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 as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development 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) Development 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) Development 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) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living 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 development 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.

Direction. Additional exclusions may be added.

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).

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 RE1 Public Recreation and marked "Local road"	
Zone SP2 and marked as "Car park"	
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

Direction. Land is required to be shown on the Land Reservation Acquisition Map if it is expressly set apart by the Plan exclusively for a public purpose referred to in section 26 (1) (c) of the Act. However, any such land that is held by an authority of the State, or by a public company or a subsidiary of a public company (within the meaning of the *Corporations Act 2001* of the Commonwealth) is not required to be shown on that Map. An authority of the State is to be listed for all land shown on the Land Reservation Acquisition Map, but the land is not to be so reserved and the authority listed unless the authority consents to its being listed.

- (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.

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 specified in Clause 5.1.
- (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 2 of the Table to this clause.

Column 1 Land	Column 2 Development
Zone R1 General Residential	Building identification signs, Business identification signs, Flood mitigation works, Home-based child care, Home businesses, Home industries, Home occupations, Roads.
Zone R2 Low Density Residential,	Building identification signs, Business identification signs, Flood mitigation works, Home-based child care, Home businesses, Home industries, Home occupations, Roads.
Zone B3 Commercial Core	Building identification signs, Business identification signs, Car parks, Flood mitigation works, Roads.
Zone B4 Mixed Use	Building identification signs, Business identification signs, Car parks, Flood mitigation works, Roads.

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 in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (a1) land in Zone W2 Recreational Waterways, or**
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.

Direction. **Additional zones may be included by adding them in a separate paragraph numbered (a1).**

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development 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) This 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.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(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 R1, R2, R3 and RU5 Zones and 100 square metres of floor area in R5, RU1, RU2, RU4 and E3 Zones.

(3) Home industries

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 60 square metres of floor area in R1, R2, R3 and RU5 Zones and 100 square metres of floor area in R5, RU1, RU2, RU4 and E3 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 gross floor area of the industry or rural industry located on the same land as the retail outlet, 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 the principal dwelling.

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) Development 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 cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Development 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, and
 - (d) the proposed development will not:
 - (i) be significantly affected by coastal hazards, or
 - (ii) have a significant impact on coastal hazards, or
 - (iii) increase the risk of coastal hazards in relation to any other land.

5.6 Architectural roof features [optional]

- (1) The objectives of this clause are as follows:
 - (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 development 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 Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW 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 × 100mm × 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 Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation [compulsory, except subclause (9) optional]

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, 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 that is within a heritage conservation area, or
 - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,unless the Council is satisfied that the proposed activity:
 - (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
 - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or 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:
 - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
 - (ii) 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 and Spatial Information Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

Note. Permissibility may be a matter that is determined by or under any of these Acts.

- (9) Subclause (8) (a) (ii) does not apply in relation to land located within the areas shown on the Clauses Map and marked CI 5.9.

5.9AA Trees or vegetation not prescribed by development control plan [compulsory]

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

5.10 Heritage conservation [compulsory]

Note. Heritage items (if any) are listed and described in Schedule 5. The Heritage Map may also show the location of a heritage item. Heritage conservation areas (if any) must be shown on the Heritage Map as well as being described in Schedule 5.

The location and nature of Aboriginal objects and Aboriginal places of heritage significance may be described in Schedule 5 and shown on the sheet of the Heritage Map marked "Aboriginal Heritage Map".

(1) Objectives

The objectives of this clause are as follows:

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

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,

- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) 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,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development 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, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, 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 an Aboriginal place of 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 of proposed development on heritage significance

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

(5) Heritage assessment

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

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

require a heritage management document 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 heritage 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) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of 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 by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (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, or for any purpose on an Aboriginal place of heritage significance, 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 or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document 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 management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, 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 development 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 with or without development consent, or that is exempt development, under *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.

5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]

- (1) The objectives of this clause are as follows:
 - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
 - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
 - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
 - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and

- (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

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 of land that was subject of a previous development consent granted 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 consent authority 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 rental accommodation [local]

- (1) The objective of this clause is to enable the temporary use of dwellings as short-term rental accommodation for tourists and visitors without requiring development consent.
- (2) Despite any other provision of this plan, development consent is not required for the use of a dwelling as short-term rental accommodation for visitors (except bed and breakfast accommodation).
- (3) In this clause ‘short-term tourist and visitor accommodation’ is tourist and visitor accommodation that is used for a maximum period of 45 consecutive days in any 12 month period per individual or group.

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) Despite any other provision of this plan, 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 2013 Natural Resource Sensitivity - Biodiversity Map, and
 - (b) identified as a Sensitive area on the Shoalhaven Local Environmental Plan 2013 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 2013 Natural Resource Sensitivity - Water Map, and
 - (b) within 50m of the bank of a natural waterbody identified in (a).
- (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 2013 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 2013 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 with a slope in excess of 20% (1:5) as measured from the contours of a 1:25,000 topographic map, 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.
- (4) For the purpose of this clause 'Topographic Map' means a map produced by the NSW Land and Property Information.

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 2013 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 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) as measured from the contours of a 1:25,000 Topographical Map; 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.
- (5) For the purpose of this clause 'Topographic Map' means a map produced by the NSW Land and Property Information.

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) Despite subclause (2), 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, 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; and
 - (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.

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

- (1) The objective of this clause is to protect the operational environment of sewerage treatment plants and extractive industries.
- (2) This clause applies to land shown as “Extractive Industry Buffer Area and Sewage Treatment Plan Buffer Area” on the Buffers Map.
- (3) The consent authority must not grant consent to the carrying out of any development on land to which this clause applies unless the consent authority 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, and
 - (b) will be used to provide access for fire services or vehicle access, and
 - (c) 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 consent authority.
- (4) Subclause (2) does not apply if the consent authority certifies in writing that

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 consent authority 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 Military Airfield buffer area [local]

- (1) The objectives of this clause are to:
 - (a) prevent certain noise sensitive developments from being located near the HMAS Albatross Military Airfield 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 in the vicinity of the HMAS Albatross Military Airfield, 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 the ANEF Contour that applies to the land, 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:

ANEF Contour means a noise exposure contour shown as an ANEF Contour on the Noise Exposure Forecast Contour Map for that airport prepared by the Department of the Commonwealth responsible for airports.

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 2013 - 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 Military Airfield by ensuring that such operation is not

compromised by proposed development that penetrates the Limitation or 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 Limitation or Operations Surface, 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 Limitation or Operations Surface but it has no objection to its construction, or
 - (b) development will not penetrate the Limitation or 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 Limitation or Operations Surface and should not be constructed.
- (5) In this clause:

Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the HMAS Albatross Military Airfield

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 Military Airfield under Commonwealth legislation.

7.18 Location of sex services premises [local]

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) Before determining a development application to carry out development for the purposes of sex services premises, the consent authority must consider the following:
 - (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:
 - (i) in Zone R1 General Residential, R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
 - (ii) that is used for the purposes of a child care centre, a community facility, a school or a place of public worship,
 - (b) the impact the proposed development and its hours of operation would have on any place likely to be regularly frequented by children:
 - (i) that adjoins the proposed development, or
 - (ii) that can be viewed from the proposed development, or
 - (iii) from which a person can view the proposed development.

7.19 Erection of Rural worker's dwellings

- (1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.
- (2) This clause applies to land in the RU1 Primary Production Zone.
- (3) Development consent must not be granted for the erection of a rural worker's dwelling on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is ancillary to a dwelling house or dual occupancy on the same land and will be used as the principal place of residence by persons employed for the purpose of an existing agricultural or rural industry on that land, and
 - (b) the development will not impair the use of the land for agricultural or rural industries, and
 - (c) there is a demonstrated economic capacity of the agricultural or rural industry being carried out on the land to support the ongoing employment of rural workers, and
 - (d) there is a demonstrated necessity to provide on-site accommodation via a rural worker's dwelling due either to the nature of the agricultural or rural industry that the workers are employed in or because of the remote or isolated location of the land, and
 - (e) the development will not result in more than one rural worker's dwelling being erected on the land on which the agricultural or rural industry is carried out.

7.20 Development of land—Seascape Close, Narrawallee

- (1) This clause applies to part of Lot 29, DP 874275, Seascape Close, Narrawallee as shown Clauses Map and marked CI 7.20.
- (2) Consent must not be granted to the subdivision or other development of land to which this clause applies unless the consent authority is satisfied that:
 - (a) a landscape plan of management for the land that is of a standard satisfactory to the consent authority has been prepared, showing how the visual quality of the land is to be protected through the retention of existing vegetation, and
 - (c) issues relating to bushfire management, visual quality, drainage control, building bulk and scale, threatened species and habitat and control of erosion are adequately addressed and provided for in the development proposal, and
 - (d) any buildings to be erected on the land within Zone R2 Low Density Residential above the 35 metre contour as shown on a Topographical Map will be no higher than 8.5 metres above natural ground level consistent with the Height of Building Map, and

- (e) it has considered the provision of a road suitable to protect the land within Zone R2 Low Density Residential from bush fires located on the western edge of the land within Zone R2 Low Density Residential, and
 - (f) each lot on which a dwelling-house is to be erected will have an adequate area of at least 500 square metres within Zone R2 Low Density Residential, consistent with the Lot Size Map, for the dwelling-house and for ancillary development, including vehicular access to the dwelling-house and works for water quality control and drainage.
- (3) Land to which this clause applies may be subdivided with development consent:
- (a) to create one lot that is comprised partly of land on which a dwelling-house will be able to be erected within Zone R2 Low Density Residential and all of the land within Zone E2 Environmental Conservation that is situated to the west of the land within Zone R2 Low Density Residential, but only if the consent authority is satisfied that adequate measures will be taken to preserve vegetation on the land within Zone E2 Environmental Conservation, and
 - (b) to create other lots within Zone R2 Low Density Residential that are of a size that will enable the erection of a single dwelling-house on each lot.
- (4) Except as provided by subclause (3), the land within Zone E2 Environmental Conservation to which this clause applies may not be subdivided.
- (5) For the purpose of this clause 'Topographic Map' means a map produced by NSW Land and Property Information.

7.21 Development of serviced apartments in association with registered clubs

- (1) This clause applies to land in all zones that permit registered clubs.
- (2) Notwithstanding Part 2 of this plan, the consent authority may grant consent to development on the land to which this clause applies of serviced apartments in association with a registered club.

7.22 Subdivision of land - Garrads Lane, Milton and The Heights, Narrawallee

- (1) This clause applies to land at Garrads Lane, Milton being Lot 33 DP 794398 and Lot 9 DP 250361 as shown on the Clauses Map and marked C1 7.27.
- (2) Notwithstanding any other provision of this plan, Council may grant consent to the development of the land to which this clause applies for the following:
 - (a) Subdivision of the land into six lots comprising of one lot of approximately 19.4 hectares and five lots of at least 7 hectares; and
 - (b) Erection of dwelling houses on the five smaller parcels.

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 as shown on the Local Clauses Map and marked Sch 1. 1.
- (2) Development for the purposes of service stations is permitted with consent.

2. 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. 2.

3. 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 as shown on the Local Clauses Map and marked Sch 1. 3.
- (2) Development for the purpose of residential accommodation being Aboriginal community housing to a total of 16 dwellings.

4. 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 1:4.
- (2) Development for the purposes of car parks, horticulture, landscape and garden supplies and light industry.

5. 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 Sch1:5.
- (2) Development for the purposes of office premises and service stations.

6. 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 1:6.
- (2) Development for the purposes of hardware and building supplies, timber yards, bulky goods premises, garden centres, plant nurseries and landscaping material supplies.

7. Use of certain land - Princes Highway, Falls Creek

- (1) This clause applies to land at Falls Creek being Lots 68 and 69 DP 15507 Princes Highway Falls Creek as shown on the Clauses Map and marked Sch 1.7.
- (2) Development for the purpose of industry being the manufacture of timber frames and trusses and associated uses.

8. Use of certain land - 431 Princes Highway, Bomaderry

- (1) This clause applies to 431 Princes Highway, Bomaderry being Lot 1 DP 784506 as shown on the Clauses Map and marked Sch 1.8.
- (2) Development for the purpose of car parks.

9. Use of certain land - 13 Wilfords Lane, Milton

- (1) This clause applies to 13 Wilfords Lane, Milton being Lot 1 DP 531751 as shown on the Clauses Map and marked Sch 1.9.
- (2) Development for the purposes of industry being a concrete batching plant.

10. Use of certain land - Greens Road, Greenwell Point

- (1) This clause applies to land at Green Road, Greenwell Point being Lot 118 DP 45810 as shown on the Clauses Map and marked Sch 1.10.
- (2) Development for the purpose of rural industry being the processing of fish (oysters).

11. Use of certain land - 96 Albatross Road, South Nowra

- (1) This clause applies to 96 Albatross Road, South Nowra being Lot 460 DP 1062117 as shown on the Clauses Map and marked Sch 1.11.
- (2) Development for the purposes of registered clubs and tourist and visitor accommodation.

12. Use of certain land - Windward Way, Milton

- (1) This clause applies to land at Windward Way, Milton being Lot 1 DP 780801 and Lot 1 DP 737576 as shown on the local clauses map and marked Sch 1.12.
- (2) Notwithstanding any other provision of this plan, the consent authority may grant consent to the development for the purpose of seniors housing, but only if it is satisfied as to the following matters:
 - (a) 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,
 - (b) a traffic study has been prepared to assess the impact of the proposed development on the Princes Highway and the local road network.

13. Use of certain land – Bennett Place Worrige

- (1) This clause applies to land at Bennett Place, Worrige being Part of Lot 16 DP 861146 as shown on the Clauses Map and marked Sch 1.13
- (2) Development for the purpose of function centres.

14. Use of certain land – Camden Street, Ulladulla

- (1) This clause applies to land at 188 Camden Street, Ulladulla being Lot 1 DP 1137716 as shown on the Clauses Map and marked Sch 1.14.
- (2) Development for the purpose of aquaculture.

15. 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 Sch1:15.
- (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.

Schedule 2 Exempt development

(Clause 3.1)

- Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.
- Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.
- Note 3. 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.
- (3) Must not be on land identified as a Sensitive Area of the Shoalhaven Local Environmental Plan 2010 Natural Resource Sensitivity – Biodiversity Map.
- (4) Must not be on land identified as a Sensitive Area of the Shoalhaven Local Environmental Plan 2010 Natural Resource Sensitivity-Water Map.
- (5) Must not be on land identified as a Sensitive Area of the Shoalhaven Local Environmental Plan 2010 Natural Resource Sensitivity – Land Map.
- (2) 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.

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 Endeavour Energy.

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 time.
 - (d) must conform to Council's Signage Strategy and Section 3.6 of the RTA's interim Guide to Signs and Markings.
 - (e) the 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) —0.75m².
 - (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 1m².
- (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) —1.5m²
- (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) —2.5m².
 - (ii) must be securely fixed by rigid metal supports.
 - (iii) only 1 per property.
- (c) flush wall sign:
 - (i) maximum size (face area) —2.5m².
 - (ii) must be securely fixed.
 - (iii) only 1 per property.
- (d) top hamper sign:
 - (i) maximum size (face area) —2.5m²
 - (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) – 5m² where site frontage is up to 20m or 8m² 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 5m² and no side boundary setback.
- (k) “A” board signs:
 - (i) maximum size – 1m² 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) – 8m².
 - (ii) maximum area (face area) non-urban zones - 6m².
 - (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— 2.5m².
 - (b) maximum size in business or industrial zones—4.5m².
 - (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) - 0.36m².
 - (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 0.75m²
 - (n) subdivision land sales:
 - (i) only 1 sign per subdivision
 - (ii) maximum size in rural and environment protection zones—6m²
 - (iii) maximum size in urban areas—8m²
 - (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) —0.75m²
 - (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) – 6m²
 - (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) – 0.36m²
 - (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) – 0.8m²
 - (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.

Schedule 3 Complying development

(Clause 3.2)

Note. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

Part 1 Types of development

Part 2 Complying development certificate conditions

Note. Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Direction. [Other conditions may be included in this Part.](#)

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

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

Schedule 5 Environmental heritage

(Clause 5.10)

Direction. This Schedule should generally be divided into 3 parts (one for heritage items, one for heritage conservation areas and one for archaeological sites). If agreement is reached with the Aboriginal community to list Aboriginal objects or Aboriginal places of heritage significance, the Schedule should also include separate parts listing any such object or place. In all cases, the relevant matter should be listed in alphabetical order in each respective Part according to suburb or locality name (and by street name within each such suburb or locality).

The description of a heritage item should be included in a column headed "Item" and should include a brief description of those things that are part of the heritage significance of the item—for example, "House, front garden and front fence", or "Lindsey (including homestead, outbuildings, stables, Bunya Pine tree and driveway)" or "Dunmore Park (including bandstand, fountain and avenue of fig trees)". If any interior features are part of the heritage significance of a heritage item, these should also be described—for example "Lindsey (including original bathroom, dining room fireplace with mantelpiece and original detailing throughout)" or "Lindsey (including all interior features)". Any thing that is part of the heritage significance of a heritage item should also be included in the inventory of heritage items.

Heritage items cannot be identified in the Schedule as having "State significance" unless they are listed on the State Heritage Register. However, a heritage item may be listed in the Schedule as a "nominated item of State significance" (or as "State nominated") if the item has been identified as an item of potential State significance in a publicly exhibited heritage study and the Council has nominated the item in writing to the Heritage Council.

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	2565 Moss Vale Road	Lot 2565 DP 1118533	State	19.

BARRENGARRY	School and Schoolmaster's Residence "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 trees	21 Johnston Street	Lot 43 DP 1038219	Local	114.
BAWLEY POINT	1830s Colonial Road	Johnston Street	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"	Beecroft Parade	Lot 7306 DP 1128620	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	1 Waratah Street	Lot 187 DP 755923	Local	123.

BERRY	Timber Mill and Wharf * 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	77 Albert Street	Lot 100 DP 1172397	Local	129.
BERRY	Former Federation Brick Butcher's Shop	14 Alexandra Street	Lot 1 DP 513688	Local	130.
BERRY	Berry School of Arts	19 Alexandra Street	Lot 8 DP 924675	Local	131.
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 bidwilli (Bunya Pine -1)	35 Alexandra Street	Lot 1 DP 940561	State	132.

	Araucaria cunninghamii (Hoop Pines-2),				
	Ficus sp (Figtree),				
	Erythrina sp (Coral trees),				
	Eucalyptus sp (Eucalyptus trees),				
	Magnolia sp (Magnolias),				
	Photinia serratifolia (Photinia),				
	Callitris macleayana (Cypress),				
	Cinnamomum camphora (Camphor Laurels),				
	Camellia sp (Camellias)				
BERRY	Agathis robusta (Kauri Pine)	Alexandra Street	Road reserve in front of Lot 2 DP 17926	Local	I33.
BERRY	Berry War Memorial Park including:	Alexandra Street	Lot 26 DP 8058 Sec 5	Local	I34.
	Sandstone War Memorial				
BERRY	Avenue of Remembrance (tree-lined)	Alexandra Street	Road reserve in front of Lot 26 Sec 5 DP 8058	Local	I35.
BERRY	David Berry Memorial Park, including:	Alexandra Street	Part Lot 10 DP 751268	Local	I36.
	David Berry Memorial Column and pedestal				
BERRY	*Araucaria cunninghamii (Hoop Pine)	Alexandra Street	In the road reserve adjacent to Lot A DP 411591	State	I37.
BERRY	Harley Hill Cemetery	Beach Road	Lot 1 DP 723973	Local	I38.
BERRY	Coomanderry Swamp Drainage	Coolangatta Road & Shoalhaven	Lot 5 DP 860111 Lot 2	Local	I39.

	Channel	Heads Road	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		
BERRY	* Inter-war Group of Institutional Brick and Weatherboard Buildings and trees	660 Coolangatta Road	Lot 1 DP 1148057 Lot 1 DP 131859	State	I40.
BERRY	Remnant old growth Eucalypts	George Street	Road reserve of George Street	Local	I41.
BERRY	Eucalyptus pilularis (Blackbutt)	42 Kangaroo Valley Road	Lot 2 DP 773489 and the Road Reserve adjacent to Lot 2 DP 773489	Local	I42.
BERRY	* Berry General Cemetery	Kangaroo Valley Road	Lot 71 DP 4468	State	I43.
BERRY	Syncarpia glomulifera (Turpentine Tree)	10 King Street	Lot 23 DP 375126	Local	I44.
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	I45.
BERRY	Roman Catholic Church, including: Grounds, Two storey Brick Convent	80 North Street	Lot 1 DP 86897	Local	I46.
BERRY	Federation Weatherboard Cottage, including: Brick Stables, Hedge	10 Prince Alfred Street	Lot 1 DP 572830	Local	I47.

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	Prince Alfred	Road reserve on	Local	160.

	Horse Trough	Street	the corner of Prince Alfred Street and the Princes Highway adjacent to Lot 2 DP 572830		
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	"Constables Cottage"—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	State	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 and former Grist Mill	11 Pulman Street	Lot 20 DP 5270	State	172.
BERRY	*Farmhouse and Broughton Creek former Grist Mill (former Tindal's Farm)	13 Pulman Street	Lot 1 DP 629875	State	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	78 Queen Street	Lot 2 DP 270250	Local	179.

	style Weatherboard Residence					
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	Former Victorian Free Classical Style Estate Office	110 Queen Street	Lot 2 DP 209665	Local		185.
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	* Berry Museum 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 Complex, including: Gatehouse, Stained glass window, Garden, Trees, Remnant rainforest	85 Tannery Road,	Part DP 924054	State	195.
BERRY	* "Woodside Park"— Dairy Farm Complex and Gatehouse	94A Tannery Road	Lot 2 DP 731117 Lots 1 and 2 DP 1038647	State	196.
BERRY	Populus nigra italica (23) (Lombardy Poplars)	Tannery Road	Road reserve	Local	197.
BERRY	Inter-war Georgian style Weatherboard Cottage	23 Victoria Street	Lot 2 DP 519970	Local	198.
BERRY	* Former Presbyterian Manse and garden	36 Victoria Street	Lot B DP 163935	State	199.

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: Cinnamomum camphora (Camphor Laurel)	58 Victoria Street	Lot 2 DP 199995	State	I103.
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"—	Ben Dooley	Lot 1210 and	Local	I113.

	Dairy Farm Complex, including: Garden, Dry stone walls, Survey marks	Road	1211 DP 1099097		
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	500 Bolong Road	Lot 1 DP 655442 Lot 1 DP 1034357	Local	I117.
BOLONG	Former Bolong Public School, including: Shelter shed, Relocated Bolong Carpenter Gothic style Union Church	8 Jennings Lane	Lot 3 and 4 DP 1108931	Local	I118.
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 1 DP 568955 and 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	67 Bolong Road	Part Lot 2 DP 324484	Local	I123.

	Asbestos Tile Residence				
BOMADERRY	Milk Factory (former)	31A Bolong Road	Lot 1 DP 189450	Local	I124.
BOMADERRY	* Bomaderry Aboriginal Children's Homes former United Aboriginal mission	Brinawarr Street	Lot 4 DP 2886 Sec 29 Lot 5 DP 2886 Sec 29 Lot 6 DP 2886 Sec 29	State	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 garden	Mattes Way	Lot 23 DP 793122	State	I130.
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	Meroo Street	Lot 3 DP 802440 Lot 1 and 2 DP 1021415 Lot 1 DP 884113	State	I135.

		Railway Siding Group, including: Turntable, Weighbridge, Goods Crane, Water Pump				
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, Mill manager's residence (Old Booman Town)	1295 Brooman Road	Lot 67 DP 755912	Local	I140.	
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	Tannery Road	Lot 1 DP 850699	State	I159.

	garden				
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 Brick Schoolmaster's Residence, including: Garden, Former Weatherboard Berry Estate School	1180 Bolong Road	Lot 1 DP 657639	Local	I167.
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	<ul style="list-style-type: none"> * 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	<ul style="list-style-type: none"> * Colonial Weatherboard Building (former Coolangatta Estate Billiard Rooms), and * Colonial Brick Building (former Coolangatta Estate Coachman's Quarters), and * Archaeological Site (Berry Estate homestead ruins) 	1335 Bolong Road	Lot A DP 33346	State	I172.
COOLANGATTA	<ul style="list-style-type: none"> * Colonial Brick Building (former Coolangatta Estate Office), and * Colonial Brick Hall (former Coolangatta Estate Community Hall) 	Bolong Road	Part Lot 2 DP 223278	State	I173.
COOLANGATTA	<ul style="list-style-type: none"> * Colonial Brick Building (former Coolangatta Estate Stables) 	Bolong Road	Lot 3 DP 15290	State	I174.
COOLANGATTA	<ul style="list-style-type: none"> * 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: Browns Gully, Clyde Ridge and Mines Road	Currowan Road	State	I190.
CURROWAN	"Black Diamond"—Gold Mine (former)			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	Federation Period School Building	26 Vidler Road	Lots 62 and 63 DP 755965	Local	I194.
GREENWELL POINT	Single Storey Federation period Gabled School House	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 7300 -7302 DP 1165443	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 Weatherboard Cottage	40 Hawke Street	Lot 2 DP 323393	Local	I207.
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	58-60 Cyrus Street	Lots 7 and 8 DP 550787	Local	I213.

	Monument, Tree				
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 Lot 1 DP 100976 Lot 1 DP 725967 Lot 1 DP 197079 Road reserve	Local	I219.
KANGAROO VALLEY	* "Clinton Park"—Dairy Farm Complex	60 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 (former ANZ Bank)	158 Moss Vale Road	Lot 2 DP 559041	Local	I230.
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”— Sandstone Suspension Bridge	Moss Vale Road	Road reserve	State	I242.
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	496 Murramarang	Lot 1 DP 782318	State	I247.

	Weatherboard Residence (former Post Office)	Road			
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 Outbuildings	170 Wogamia Road	Lot 1 DP 865094	State	I254.
MAYFIELD	Graham Family Grave	Mayfield Road	Lot 7314 DP 1169000	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	45 Church	Lot 1	Local	I261.

	Weatherboard Residence and garden	Street	DP 531839		
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 Revival Rubblestone Church (former Congregational Church), including: Victorian Georgian Brick Manse (former Congregational Manse)	38 Croobyar Road	Lot 1 DP 781179	Local	I267.
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"—	Croobyar Road	Lot 1 DP 192188	Local	I270.

			Sec B		
	Federation Weatherboard Residence, including: Outbuildings, Garden, Fence				
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 Georgian style Residence and Bakehouse	67 Princes Highway	Lot 4 DP 631087	Local	I276.
MILTON	Inter-war rendered Masonry and Fibro Hall	69 Princes Highway	Lot 1 DP 736273	Local	I277.
MILTON	* Victorian Classical style rendered Masonry Town Hall	71 Princes Highway	Lot 2 DP 151179	State	I278.
MILTON	"The Star Hotel"— two storey rendered Masonry building	82 Princes Highway	Lot 1 DP 872508	Local	I279.
MILTON	Two storey Victorian Bakery and Residence	92 Princes Highway	Lot 11 DP 594775	Local	I280.

MILTON	<p>“The Settlement”, including:</p> <p>Row of Victorian Masonry Shops,</p> <p>“Frederick Halls”—Weatherboard Shop and Residence,</p> <p>“H C Blackburn and Sons”—two storey Commercial Building,</p> <p>Tree</p>	93–97 Princes Highway	<p>Lots 1 and 2 DP 980292</p> <p>Lot 1 DP 741976</p>	Local	I281.
MILTON	Victorian Weatherboard Residence and Shop	94 Princes Highway	Lot 16 DP 1064376	Local	I282.
MILTON	<p>Federation Weatherboard Residence and Well</p> <p>“Garrad House”—Federation Period Farmhouse</p>	106 Princes Highway	Lot 1 DP 1127802	Local	I283.
MILTON	* Victorian Italianate style Bank Building (former CBC Bank)	107 Princes Highway	Lot 1 DP 1067384	State	I284.
MILTON	<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	I285.
MILTON	Relocated Victorian Rendered Masonry	122 Princes Highway	Lot 1 DP 85425	Local	I286.

	Lighthouse Keeper's Cottage					
MILTON	"Eyre Bowrie"—two storey Victorian Regency Residence	130A Princes Highway	Lot 24 DP 1124445 Lot 42 DP 1132331 Lots 1-41 DP 1124431	Local	I287.	
MILTON	Victorian Georgian Residence and former Dispensary	131 Princes Highway	Lot 1 DP 1171862	Local	I288.	
MILTON	Federation Weatherboard Residence and garden	137 Princes Highway	Lot 5 DP 78484	Local	I289.	
MILTON	Inter-war Federation style Cottage	138 Princes Highway	Lot 4 DP 32536	Local	I290.	
MILTON	Victorian Weatherboard Hall (former Salvation Army Hall)	141 Princes Highway	Lot 7 DP 975074 Sec B	Local	I291.	
MILTON	Federation Weatherboard Residence	145 Princes Highway	Lot 9 DP 975074 Sec B	Local	I292.	
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	197 Princes	Lot 1 DP 37905	Local	I298.	

	Victorian rendered Masonry Store	Highway				
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	48 Wason Street	Lot A DP 155412	Local	I308.	

	Residence				
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	"Priaux 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, including: Garden, Cheese press	140 Wilfords Lane	Lot 15 DP 605477	State	I316.
MILTON	"Tilba Tilba" Victorian Georgian style 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,	300 Wilfords Lane	Lot 2 DP 975557	Local	I319.

	Cisterns				
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	110 Berry Street	Lot 12 DP 1064853	State	I331.

	Residence, including: Stables, Garden					
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	108 East Street	Lot 11 DP 2607	Local		I343.

	Weatherboard Residence				
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	53 Junction Street	Lot 1 DP 580440	Local	I355.

	Residence				
NOWRA	Former Nowra Fire Station	55 Junction Street	Lot 1 DP 81794	Local	I356.
NOWRA	Mafeking Boer War Memorial	60-62 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 Gothic style Manse	3 Kinghorne Street	Lot 11 DP 130904	Local	I364.
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	Kinghorne	Lot 1 DP 1123776	State	I369.

	Police Residence and Lockup (former)	Street			
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 Residence	21 Moss Street	Lot 1 DP 862764	Local	I377.
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	North Street	Lot 1 DP 1088531	Local	I382.

	Roman Catholic Cemetery					
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	70 Plunkett Street	Lot 2 DP 1047926	Local		I393.

	(former St John's Church)					
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 Policeman's quarters)	87 Plunkett Street	Lot 3 DP 10492	Local		I400.
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	124 Wallace Street	Lot 4 DP 542656	State		I405.

	Residence and garden				
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, former Victorian Masonry Entrance Gate; 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 Lot 7322 DP 1164817	State	I407.
NOWRA	Ben's Walk, including: Suspension Bridge, Aboriginal Art Sites	West and Worrigeer Streets	R70802 R67547 Part Lot 7018 DP 1024840 Lot 7019 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	Local	I408.
NOWRA	Inter-war Weatherboard	Wharf Road	Lot 7012 DP 1002643	Local	I409.

	Building and Timber Wharf					
NOWRA	Federation Weatherboard Residence	26 Worrigea Street	Lot 26 DP 1088027	Local	I410.	
NOWRA	Inter-war Californian Bungalow	31 Worrigea Street	Lot 1 DP 62072	Local	I411.	
NOWRA	Inter-war Federation Style Residence	42 Worrigea Street	Lot 1 DP 912561	Local	I412.	
NOWRA	Inter-war Weatherboard Bungalow	47 Worrigea Street	Part Lot 1 DP 152694	Local	I413.	
NOWRA	Federation Weatherboard Residence	49 Worrigea Street	Lot 100 DP 1102700	Local	I414.	
NOWRA	Victorian Weatherboard Residence	54 Worrigea Street	Lot 14 DP 976539	Local	I415.	
NOWRA	Victorian Weatherboard Residence	56 Worrigea Street	Lot 13 DP 976539	Local	I416.	
NOWRA	Victorian Georgian Weatherboard Residence	57 Worrigea Street	Lot 1 DP 780982	Local	I417.	
NOWRA	Victorian Weatherboard Residence	58 Worrigea Street	Lot 12 DP 976539	Local	I418.	
NOWRA	Victorian Weatherboard Residence	59 Worrigea Street	Lot 1 DP 710860	Local	I419.	
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	655 Comerong	Lot G DP 979245	Local	I424.	

	Cottage"— Victorian Weatherboard Cottage (former Berry Estate Cottage)	Island Road				
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)	581 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 (Figtree)	Comerong Island Road	Road reserve between Lot K DP 979245 and Lot G DP 979245	Local		I432.
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	130 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:	68 Smiths Lane	Lot 26A DP 2813	State		I437.

	Berry Estate Cottage, Outbuildings, Figtrees				
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	Lot 4 DP 1143944 Lots 3 & 4 DP 1160993	State	I441.
PEBBLY BEACH	* Pebbly Beach Sawmill Complex, including: Sawmill remnants, Town and school site	Pebbley 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 with Greenwell Point Road	Road reserve	Local	I443.
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	890 Greenwell Point Road	Lot 128 DP 821471	State	I448.

		(former)				
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	I456.
ST BASIN	GEORGES	World War II Flying Boat Base	2 Island Point Road	Lot 118 DP 17823 Part of adjoining reserve	Local	I457.
ST BASIN	GEORGES	"Jessie Blacket"—Sandstone Memorial Drinking Trough	41 Tasman Road	Lot 110 DP 25769	Local	I458.
ST BASIN	GEORGES	Federation Fisherman's Cottage and garden	146 The Wool Road	Lot A DP 375526	Local	I459.
SUSSEX INLET		"Greentree's"—Holiday Cabins	158 Jacobs Drive	Lot 2 DP 574349	Local	I460.

SUSSEX INLET	Post-war fibre cement Community Hall/ Sussex Inlet Picture Theatre	173 Jacobs Drive	Lot A DP 343373	Local	I461.
SUSSEX INLET	Gothic Carpenter style relocated Church (former Termeil Wesleyan Church)	175 Jacobs Drive	Lot B DP 343373	Local	I462.
SUSSEX INLET	"Kemp's Boatshed"	River Road	Part Lot 7028 DP1052695	Local	I463.
SWANHAVEN	"The Springs" – Holiday Cabins	1A Yarroma Avenue	Lot 2 DP 554118	Local	I464.
TAPITALLEE	Good Dog Cemetery	Bangalee Road	Lots 7312 DP 1153579	Local	I465.
TERARA	"The Old House"— Weatherboard Residence and Well	3–7 Fox Street	Lots 1–5 DP 1035937	Local	I466.
TERARA	"Terara Lodge"— (former Wesleyan Parsonage)	6 Holme Street	Lot 28 DP 779285	Local	I467.
TERARA	Victorian Sandstone School and attached Residence, including: Terara Schoolgrounds, Trees	20 Millbank Road	Lot 1 DP 725988	State	I468.
TERARA	"Dower House"— (former Coachman's House to Millbank)	27B Millbank Road	Lot 2 DP 313528	Local	I469.
TERARA	"Millbank Cottage"— Outbuildings and trees	31 Millbank Road	Lot 1 DP 32426	State	I470.
TERARA	'Rosebank'- Victorian Georgian style cottage.	62 Millbank Drive	Lot 6 DP770600	Local	I471.
TERARA	"Terara House", including: Chapel, Grounds, Tree-lined drive	77 Millbank Road	Lot 1 DP 579451	State	I472.

TERARA	“Rose Cottage”— (formerly Pooley’s Store)	157 South Street	Lot 1 DP 735264	Local	I473.
TERARA	“Ayrton House”— (former CBC Bank)	175 South Street	Lot 11 DP 52910	State	I474.
TERARA	Timber Vertical Slab Worker’s Cottage	119 Terara Road	Lot 102 DP 817248	Local	I475.
TERARA	“Woodlawn”— Victorian Weatherboard Cottage and trees	124 Terara Road	Lot 3 DP 602305	Local	I476.
TERARA	“Citrus Grove”— Victorian Residence and trees	126 Terara Road	Lot 2 DP 79001	Local	I477.
TERARA	“Solway House”— late Victorian Brick Residence and Store	10 West Berry Street and 3 Holmes Street	Lot 10 and 11 DP 1080453	State	I478.
TIANJARA	Alley Family graves	Braidwood Road	Lot 3 DP 755962	Local	I479.
TOLWONG	Tolwong Copper Mine (remnants)	Touga Road	National Park	State	I480.
TOMERONG	Tomerong Cemetery	331 Hawken Road	Lot 1 DP 812581	Local	I481.
TOMERONG	Victorian Schoolmaster’s Residence	355–359 Hawken Road	Lot 2 DP 725848	Local	I482.
TOMERONG	Interwar Community Hall former School of Arts	356 Hawken Road	Lot 100 DP 1148693	Local	I483.
TOMERONG	Tomerong Carpenter style Union Church and Hall	363 Hawken Road	Lot 47 DP 925270	Local	I484.
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	I485.
ULLADULLA	* Warden Head Lighthouse	Deering Street	Lot 290 DP 755967	State	I486.
ULLADULLA	Victorian	241 Green	Lot 1	Local	I487.

	Georgian style Sandstone School and Schoolmaster's Residence	Street	DP 122514		
ULLADULLA	Relocated Victorian Georgian Timber Slab Worker's Cottage	275 Green Street	Lot 702 DP 1056245	Local	I488.
ULLADULLA	"Mascot"—Slab Timber Cottage	56 North Street	Lot 1 DP 337491	Local	I489.
ULLADULLA	"Springfield"—ornate late Victorian Weatherboard Farmhouse	U71 Princes Highway	Lot 501 DP 1084100	Local	I490.
ULLADULLA	"Millards Cottage"—two storey Victorian rendered Masonry Building	81 Princes Highway	Lot 12 DP 565744	Local	I491.
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	I492.
ULLADULLA	Ulladulla Cemetery (former)	Princes Highway	Lot 7012 DP 1031353	Local	I493.
ULLADULLA	Warden Head Geological Site	Rennies Beach Close	Lot 59 DP 237534	Local	I494.
ULLADULLA	Sandstone Weir—Millards Creek	St Vincent Street	Lot 702 DP 1030099	Local	I495.
ULLADULLA	Victorian Brick Residence (former Ulladulla Post Office)	23 Wason Street	Lot 50 DP 828221	Local	I496.
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 Lot 7314 DP 1166835	State	I497.

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 Platform	Plantation Point Parade	Approximately 3 hectares of land comprising the whole of the area depicted as "rock shelf" at Plantation Point	Local	1505.
WANDANDIAN	Wandandian Post Office (former) and Residence	D2625 Princes Highway	Lot 26 DP 1092958	Local	1506.
WANDANDIAN	"Dalton Park"—Farmhouse and Wandandian Cricket Ground (former)	10 Windley Road	Lot 40 DP 862334	Local	1507.
WATERSLEIGH	Condie Farm, including: Archaeological Site, Former Condies Cottage,	Koloona Drive	Lot 117 DP 751273	Local	1508.

	Trees, Graves				
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 Lot 1 DP 726006	Local	I519.
WOODSTOCK	Federation Brick Residence	358 Woodstock	Lot 1 DP 1031696	Local	I520.

	(former School Residence) and trees	Road			
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 Lots 3 & 4 DP 1172636	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: Homestead (ruins), Garden, Trees, Resort ruins	Walter Hood Parade	Lot 34 DP 1093403	Local	I528.
YADBORO	Pigeon 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	State	I530.

			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 Lot 17 DP 847482		
YATTE YATTAH	The Sheaffe Family Cemetery	Pointer Road		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 Monolith	E379B Princes Highway	Lot 425 DP 755923	State	I535.
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.

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the sheet of the Heritage Map marked “Aboriginal 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 may (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.

Note. The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

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. Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

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 a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, 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.

Note. Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

agriculture means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

- Note. Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.
- 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 that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.
- Note. Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.
- 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. Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.
- archaeological site** means a place 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, and
 - (c) none of the dwellings is located above any part of another dwelling.
- Note. Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.
- 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 a building or place that:
- (a) provides temporary or short-term accommodation on a commercial basis, and
 - (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
 - (c) provides accommodation on a bed or dormitory-style basis (rather than by room).
- Note. Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.
- 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 an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:
- (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 for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

bee keeping means a building or place used for the keeping and breeding of bees for commercial purposes.

Note. Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

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.

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.

Note. Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

boarding house means a building that:

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

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

Note. Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

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.

Note. This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

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) and 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 does not include general advertising of products, goods or services.

Note. Building identification signs are a type of **signage**—see the definition of that term in this Dictionary. **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 the principal purpose of which is the sale, 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, and
- (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,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, 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.

Note. Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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

Note. Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

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 includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

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 a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most 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.

Note. Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

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 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 Chapter 12 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 hazard has the same meaning as in the *Coastal Protection Act 1979*.

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

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

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.

commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

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*.

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, whether or not it contains an associated building for conducting memorial services.

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 that is conducted on a commercial basis where the only restriction facilities present are 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).

Note. Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note. Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or 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, but does not include a farm building.

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 a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

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.

Note. Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

earthworks means excavation or filling.

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

eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note. See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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 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) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) 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 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, but does not include coastal protection works.

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 any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Note. Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

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.

Note. Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

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 a building or place that provides temporary or short-term accommodation 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.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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

Note. Feedlots are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

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 premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub.

Note. Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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 home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note. Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbeques, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note. Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note. General industries are a type of **industry**—see the definition of that term in this Dictionary.

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 permanent group home or a transitional group home.

Note. Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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.

Note. Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

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.

Note. Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note. Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

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

Note. Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

hazardous storage establishment means a building or place that is used for the storage of goods, materials or products and that would, 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 building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

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

Note. Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

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 premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note. Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

health services facility means a building or place used 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 any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

heavy industrial storage establishment means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note. Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

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 that is 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.

Note. Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

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

- (a) shown on the Heritage Map as a heritage conservation area, 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 or 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, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note. Heritage items may be shown on the Heritage Map. An inventory of heritage items is also available at the office of the Council.

heritage management document means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

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

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

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note. High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) 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 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 that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and 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 signage (other than a business identification sign), 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 for a home business.

home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (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,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (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 for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more 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, 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 signage (other than a business identification sign), 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, home occupation (sex services) or sex services premises.

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 signage, 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 a plant nursery, turf farming or viticulture.

Note. Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

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, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note. Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

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.

Note. Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and

- (b) 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.

Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, 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 or rural industry is located,

but does not include a warehouse or distribution centre.

Note. See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

industry means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

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, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note. Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),

- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

Note. Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

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 premises that are 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 of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

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.

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.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note. Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

light industry means a building or place used to carry out an industrial activity that does 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, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

Note. Light industries are a type of **industry**—(see the definition of that term in this Dictionary).

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

Note. Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

livestock processing industry means a building or place used for 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 abattoirs, knackeries, tanneries, woollscours and rendering plants.

Note. Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

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

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but 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 a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

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

market means an open-air area, or an existing building, that is 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.

Note. Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

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 premises that are 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. It may include the ancillary provision of other health services.

Note. Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

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.

Note. Mining is not a type of **industry**—see the definition of that term in this Dictionary.

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, but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing 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, each with access at ground level, but does not include a residential flat building.

Note. Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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.

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 premises used for the purposes of selling general merchandise 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 of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

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 a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity 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 existing or likely future development on other land in the locality.

- Note. Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.
offensive storage establishment means a building or place that is used for the storage of goods, materials or products 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 building or place 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 existing or likely future development on other land in the locality.
- Note. Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.
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.
- Note. Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.
open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.
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 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.
plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.
- Note. Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.
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 receival, 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 2007* the principal purpose of which is the retail 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 or entertainment is provided on the premises.

Note. Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

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 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 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 theme parks, 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 that holds a club licence under the *Liquor Act 2007*.

relic has the same meaning as in the *Heritage Act 1977*.

Note. The term is defined as follows:

relic means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

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, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors 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,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note. Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.

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, composting, 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.

Note. Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

restricted premises means 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 a pub, hotel or motel accommodation, 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 hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

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 the retail sale 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 of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note. Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note. Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note. Rural worker's dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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.

Note. Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

Note. Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

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 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 of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note. Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note. Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), 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 building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note. Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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 accommodation to tourists or visitors on a commercial basis and 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.

Note. Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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.

Note. Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

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.

Note. Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewerage system means any of the following:

- (a) biosolids treatment facility,

- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

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 premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note. Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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 any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign 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 that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note. Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

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 industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include heavy industrial storage premises or a warehouse or distribution centre.

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 premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note. Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing 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 yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note. Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or

- (g) caravan parks, or
- (h) eco-tourist facilities.

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 business, industry, shop or passenger or freight transport undertaking.

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.

Note. Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

underground mining means:

- (a) mining carried out beneath the earth’s surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth’s surface),

but does not include open cut mining.

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.

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 to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note. Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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 use in the commercial production of fresh or dried fruit or wine.

Note. Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

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.

Note. Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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.

Note. Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

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.

Note. Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

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.

Note. Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note. Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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.

Note. Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

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.

wharf or boating facilities means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (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.

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.