



New South Wales

# Wingecarribee Local Environmental Plan 2010

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the Environmental Planning and Assessment Act 1979, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows. (WOL2001083/PC-1)

TONY KELLY, MLC  
Minister for Planning

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

---

# Contents

	Page
<b>Part 1 Preliminary</b>	
1.1 Name of plan	4
1.1AA Commencement	4
1.2 Aims of Plan	4
1.3 Land to which Plan applies	6
1.4 Definitions	6
1.5 Notes	6
1.6 Consent authority	6
1.7 Maps	6
1.8 Repeal of other local planning instruments applying to land	7
1.8A Savings provision relating to development applications	7
1.9 Application of SEPPs	7
1.9A Suspension of covenants, agreements and instruments	8
<b>Part 2 Permitted or prohibited development</b>	
2.1 Land use zones	9
2.2 Zoning of land to which Plan applies	10
2.3 Zone objectives and Land Use Table	10
2.4 Unzoned land	10
2.5 Additional permitted uses for particular land	11
2.6 Subdivision—consent requirements	11
2.6BB Temporary use of land	12
<b>Land Use Table</b>	13
<b>Part 3 Exempt and complying development</b>	
3.1 Exempt development	33
3.2 Complying development	34
3.3 Environmentally sensitive areas excluded	35
<b>Part 4 Principal development standards</b>	
4.1 Minimum subdivision lot size	37
4.2 Rural subdivision	37
4.3 Height of buildings	39
4.4 Floor space ratio	39
4.5 Calculation of floor space ratio and site area	40
4.6 Exceptions to development standards	42

		Page
<b>Part 5</b>	<b>Miscellaneous provisions</b>	
5.1	Land acquisition within certain zones	45
5.2	Classification and reclassification of public land	46
5.3	Development near zone boundaries	47
5.4	Controls relating to miscellaneous permissible uses	47
5.5	Development within the coastal zone	48
5.6	Architectural roof features	48
5.7	Development below mean high water mark	48
5.8	Conversion of fire alarms	48
5.9	Preservation of trees or vegetation	49
5.10	Heritage conservation	50
5.11	Bush fire hazard reduction	54
5.12	Infrastructure development and use of existing buildings of the Crown	54
<b>Part 6</b>	<b>Urban release areas</b>	
6.1	Arrangements for designated State public infrastructure	55
6.2	Development control plan	55
6.3	Relationship between Part and remainder of Plan	56
<b>Part 7</b>	<b>Additional local provisions</b>	
7.1	Development on existing lots in Zones R2, R3 and R5	57
7.2	Requirements for subdividing dual occupancies in Zones R2 and B1	57
7.3	Earthworks	58
7.4	Natural resources sensitivity—biodiversity	59
7.5	Natural resources sensitivity—water	59
7.6	Extractive materials	60
7.7	Subdivision applications for Exeter Quarry	61
7.8	Subdivision land adjoining Vine Lodge, Exeter	61
7.9	Flood planning	61
7.10	Public utility infrastructure	62
<b>Schedule 1</b>	<b>Additional permitted uses</b>	64
<b>Schedule 2</b>	<b>Exempt development</b>	70
<b>Schedule 3</b>	<b>Complying development</b>	75
<b>Schedule 4</b>	<b>Classification and reclassification of public land</b>	78
<b>Schedule 5</b>	<b>Environmental heritage</b>	79
<b>Dictionary</b>		107

## **2010 No 245**

Clause 1.1 Wingecarribee Local Environmental Plan 2010

Part 1 Preliminary

---

## **Wingecarribee Local Environmental Plan 2010**

under the

Environmental Planning and Assessment Act 1979

### **Part 1 Preliminary**

#### **1.1 Name of plan**

This plan is *Wingecarribee Local Environmental Plan 2010*.

#### **1.1AA Commencement**

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

#### **1.2 Aims of Plan**

- (1) This Plan aims to make local environmental planning provisions for land in Wingecarribee 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 conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Wingecarribee,
  - (b) to maintain Wingecarribee's original settlement pattern of towns and villages dispersed throughout a rural and native vegetation landscape,
  - (c) to encourage the efficient use and development of urban land, minimising the spread of urban areas into rural and native vegetation environments, thereby increasing the accessibility of the population to urban facilities and services,
  - (d) to provide opportunities for development and land use activities that:
    - (i) make an effective contribution towards the economic wellbeing of the community in a socially and environmentally responsible manner, and
    - (ii) do not adversely impact on natural systems and processes and the overall quality of Wingecarribee's natural environment, and

- 
- (iii) retain the critical natural, rural and built environmental landscape elements that make up the scenic and cultural heritage value of Wingecarribee,
  - (e) to provide opportunities for a range of new housing and housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities, including opportunities for the provision of adaptable and affordable housing,
  - (f) to provide for a range of living opportunities that address differing lifestyle needs without compromising the environmental quality of Wingecarribee, and the value of its natural resources such as water, biodiversity and agricultural land,
  - (g) to strengthen the viability of Wingecarribee's business centres as central places for investment, employment and cultural activity, and encourage a majority of future housing opportunities to be located in relatively close proximity to those centres,
  - (h) to promote the economic wellbeing of the community in a socially and environmentally responsible way, focusing new employment growth at identified employment hubs like business centres and enterprise zones that can be better accessed by public and private transport,
  - (i) to protect the primary production potential of suitable rural land, and prevent the fragmentation of agricultural holdings,
  - (j) to conserve the Aboriginal and European cultural and environmental heritage of Wingecarribee,
  - (k) to protect areas of high scenic landscape value,
  - (l) to develop an ecologically sustainable future for Wingecarribee through the conservation, rehabilitation and regeneration of native vegetation (particularly threatened species populations and ecological communities), soil, waterways, riparian land and water quality (surface and groundwater),
  - (m) to prevent loss of life and property by bush fires, by discouraging the establishment of incompatible uses in bush fire prone areas and incorporating as part of compatible developments protective measures that minimise bush fire risk without unacceptable environmental degradation,
  - (n) to provide for a range of sustainable development opportunities in harmony with recreation and lifestyle choices, emerging markets and changes in technology, and capitalise on Wingecarribee's regional distinctiveness and existing tourism asset base,

## 2010 No 245

Clause 1.3 Wingecarribee Local Environmental Plan 2010

Part 1 Preliminary

---

- (o) to ensure that extractive resources and mineral deposits are not rendered sterile by future development, but at the same time ensuring that subsequent extraction, mining and transportation activities are undertaken in a way that maintains residential amenity,
- (p) to protect and enhance waterways, riparian land and water quality in the drinking water catchments of Wingecarribee.

### 1.3 Land to which Plan applies

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

### 1.4 Definitions

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

### 1.5 Notes

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

### 1.6 Consent authority

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

### 1.7 Maps

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

**Note.** The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements*

*for LEP maps and Standard requirements for LEP GIS data which are available on the Department of Planning's website.*

### 1.8 Repeal of other local planning instruments applying to land

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

**Note.** The following local environmental plans are repealed under this provision:

*Wingecarribee Local Environmental Plan 1989*

- (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.
- (3) *Illawarra Regional Environmental Plan No 1* is amended by omitting “the Cities of Shoalhaven and Wollongong, the Municipalities of Kiama and Shellharbour and the Shire of Wingecarribee” from clause 4 and inserting instead “the Cities of Shellharbour, Shoalhaven and Wollongong and the Municipality of Kiama”.

#### 1.8A Savings provision relating to development applications

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 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

- (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)

## 2010 No 245

Clause 1.9A Wingecarribee Local Environmental Plan 2010

Part 1 Preliminary

---

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

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

- (1) For the purpose of enabling development on land in 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 *Crown Lands 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*, or
  - (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) Under 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

The land use zones under this Plan are as follows:

#### **Rural Zones**

- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU4 Rural Small Holdings

#### **Residential Zones**

- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential

#### **Business Zones**

- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- B5 Business Development
- B7 Business Park

#### **Industrial Zones**

- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial

#### **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

## **2010 No 245**

Clause 2.2 Wingecarribee Local Environmental Plan 2010

Part 2 Permitted or prohibited development

---

### **2.2 Zoning of land to which Plan applies**

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**

- (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 consent, and
  - (c) development that may be carried out only with consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the 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.

### **2.4 Unzoned land**

- (1) Development may be carried out on unzoned land only with consent.

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

### 2.5 Additional permitted uses for particular land

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

### 2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
  - (a) widening a public road,
  - (b) a minor realignment of boundaries that does not create:
    - (i) additional lots or the opportunity for additional dwellings, or
    - (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,
  - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
  - (d) rectifying an encroachment on a lot,
  - (e) creating a public reserve,
  - (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

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

## 2010 No 245

Clause 2.6BB Wingecarribee Local Environmental Plan 2010

Part 2 Permitted or prohibited development

---

### 2.6AA Demolition requires consent

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

**Note.** If the demolition of a building or work is identified in 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 consent.

### 2.6BB Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 12 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).

## 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*

### Zone RU1 Primary Production

#### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing and integrates with tourism.

#### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roadside stalls

#### 3 Permitted with consent

Agriculture; Airstrips; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Health

## 2010 No 245

Clause 2.6BB Wingecarribee Local Environmental Plan 2010

Part 2 Land Use Table

---

consulting rooms; Helipads; Home businesses; Home industries; Information and education facilities; Landscape and garden supplies; Mining; Places of public worship; Recreation areas; Recreation facilities (outdoor); Roads; Rural industries; Secondary dwellings; Signage

#### 4 Prohibited

Any development not specified in item 2 or 3

### Zone RU2 Rural Landscape

#### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide opportunities for employment-generating development that is compatible with, and adds value to, local agricultural production through food and beverage processing and that integrates with tourism.

#### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

#### 3 Permitted with consent

Agricultural produce industries; Agriculture; Airstrips; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Health consulting rooms; Helipads; Home businesses; Home industries; Information and education facilities; Landscape and garden supplies; Places of public worship; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Signage

#### 4 Prohibited

Intensive livestock agriculture; Any development not specified in item 2 or 3

---

### Zone RU3 Forestry

#### 1 Objectives of zone

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

#### 2 Permitted without consent

Roads; Uses authorised under the *Forestry Act 1916*

#### 3 Permitted with consent

Nil

#### 4 Prohibited

Any development not specified in item 2 or 3

### Zone RU4 Rural Small Holdings

#### 1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To maintain the rural and scenic character of the land.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To provide for a restricted range of employment-generating development opportunities that are compatible with adjacent or nearby residential and agricultural development.
- To avoid additional degradation or fragmentation of the natural environment caused by further clearing of native vegetation, high intensity development and land use.
- To maintain flora and fauna species and habitats, communities and ecological processes that occupy land in the zone, ensuring that development minimises any off and on site impacts on biodiversity, water resources and natural landforms.
- To conserve and enhance the quality of potentially valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

## 2010 No 245

Clause 2.6BB Wingecarribee Local Environmental Plan 2010

Part 2 Land Use Table

---

- To provide for the effective management of remnant native vegetation within the zone, including native vegetation regeneration, noxious and environmental weed eradication and bush fire hazard reduction.

### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

### 3 Permitted with consent

Aquaculture; Bed and breakfast accommodation; Cellar door premises; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental facilities; Farm buildings; Flood mitigation works; Home businesses; Home industries; Horticulture; Landscape and garden supplies; Places of public worship; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Signage; Viticulture; Water storage facilities

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone R2 Low Density Residential

### 1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

### 2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Seniors housing; Serviced apartments; Signage



---

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone R3 Medium Density Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

**2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations

**3 Permitted with consent**

Attached dwellings; Boarding houses; Child care centres; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Seniors housing; Any development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Amusement centres; Backpackers' accommodation; Bulky goods premises; Business premises; Car parks; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Funeral homes; Home occupation (sex services); Hotel or motel accommodation; Industrial retail outlets; Industries; Landscape and garden supplies; Mortuaries; Office premises; Passenger transport facilities; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Retail premises; Rural industries; Rural supplies; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Timber and building supplies; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies

## 2010 No 245

Clause 2.6BB Wingecarribee Local Environmental Plan 2010

Part 2 Land Use Table

---

### Zone R5 Large Lot Residential

#### 1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To provide a restricted range of opportunities for employment development and community facilities and services that do not unreasonably or significantly detract from:
  - (a) the primary residential function, character and amenity of the neighbourhood, and
  - (b) the quality of the natural and built environments.

#### 2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

#### 3 Permitted with consent

Bed and breakfast accommodation; Dual occupancies (attached); Dwelling houses; Group homes; Roads; Any development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Bulky goods premises; Business premises; Car parks; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Landscape and garden supplies; Mortuaries; Office premises; Passenger transport facilities; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops;

---

Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies

### **Zone B1 Neighbourhood Centre**

#### **1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To generally conserve and enhance the unique sense of place of business centre precincts in villages and towns by ensuring that new development integrates with the distinct village scale, character, cultural heritage and landscape setting of those places.
- To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas.

#### **2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations

#### **3 Permitted with consent**

Boarding houses; Business premises; Child care centres; Community facilities; Information and education facilities; Neighbourhood shops; Roads; Shop top housing; Any development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Amusement centres; Attached dwellings; Bulky goods premises; Caravan parks; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Home occupations (sex services); Hospitals; Hostels; Industrial retail outlets; Industries; Landscape and garden supplies; Mortuaries; Multi dwelling housing; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Roadside stalls; Rural industries; Rural workers' dwellings; Seniors housing; Sex services premises; Shops; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Waste or resource management facilities; Water recreation structures; Water supply systems

## **2010 No 245**

Clause 2.6BB Wingecarribee Local Environmental Plan 2010

Part 2 Land Use Table

---

### **Zone B2 Local Centre**

#### **1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To generally conserve and enhance the unique sense of place of business centre precincts by ensuring that new development integrates with the distinct urban scale, character, cultural heritage and landscape setting of those places.
- To provide opportunities for a compatible mix of residential living above retail, commercial, recreational, cultural and community activities at street level.
- To ensure that adequate provision is made for infrastructure that supports the viability of business centre precincts, including public car parking, traffic management facilities, public transport facilities, cyclist facilities, pedestrian access paths, amenities, facilities for older people and people with disabilities and general public conveniences.
- To maximise the efficient use of land in business centre precincts to promote more compact and accessible places.
- To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas.

#### **2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations

#### **3 Permitted with consent**

Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Home occupation (sex services); Industrial retail outlets; Industries; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Seniors housing; Sewage treatment plants; Storage premises; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems

**Zone B4 Mixed Use****1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas.

**2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations

**3 Permitted with consent**

Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Landscape and garden supplies; Light industries; Medical centres; Mortuaries; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Seniors housing; Shop top housing; Any development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Amusement centres; Caravan parks; Cemeteries; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations;

## 2010 No 245

Clause 2.6BB Wingecarribee Local Environmental Plan 2010

Part 2 Land Use Table

---

Restricted premises; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems

### Zone B5 Business Development

#### 1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas.
- 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.

#### 2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

#### 3 Permitted with consent

Child care centres; Passenger transport facilities; Roads; Warehouse or distribution centres; Any development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Boarding houses; Caravan parks; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Educational establishments; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Group homes; Hazardous storage establishments; Home occupations (sex services); Industries; Liquid fuel depots; Offensive storage establishments; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restricted premises; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewage treatment plants; Sex services premises; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems

---

## **Zone B7 Business Park**

### **1 Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas.

### **2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations

### **3 Permitted with consent**

Child care centres; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Roads; Warehouse or distribution centres; Any development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Amusement centres; Caravan parks; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Hazardous storage establishments; Home occupations (sex services); Industries; Liquid fuel depots; Offensive storage establishments; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Sewage treatment plants; Sex services premises; Shops; Waste or resource management facilities; Water recreation structures; Water supply systems

## **Zone IN1 General Industrial**

### **1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To allow a range of non-industrial land uses, including selected commercial activities, that provide direct services to the industrial activities and their workforce or that, due to their type,

## 2010 No 245

Clause 2.6BB Wingecarribee Local Environmental Plan 2010

Part 2 Land Use Table

---

nature or scale, are appropriately located in the zone without impacting on the viability of business and commercial centres in Wingecarribee.

- To ensure that new development and land uses incorporate measures that take account of their spatial context and mitigate any potential impacts on neighbourhood amenity and character, or the efficient operation of the local or regional road system.

### 2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

### 3 Permitted with consent

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

### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Bulky goods premises; Business premises; Cemeteries; Correctional centres; Crematoria; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Hazardous storage establishments; Health services facilities; Highway service centres; Home occupations (sex services); Industries; Liquid fuel depots; Offensive storage establishments; Port facilities; Residential accommodation; Restricted premises; Retail premises; Schools; Sex services premises; Tourist and visitor accommodation; Water recreation structures

## Zone IN2 Light Industrial

### 1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To allow a range of non-industrial land uses, including selected commercial activities, that provide direct services to the industrial activities and their workforce or that, due to their type,



nature or scale, are appropriately located in the zone without impacting on the viability of business and commercial centres in Wingecarribee.

- To ensure that new development and land uses incorporate measures that take account of their spatial context and mitigate any potential impacts on neighbourhood amenity and character or the efficient operation of the local or regional road system.

## **2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations

## **3 Permitted with consent**

Agricultural produce industries; Aquaculture; Depots; Light industries; Neighbourhood shops; Roads; Take away food and drink premises; Warehouse or distribution centres; Any development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Business premises; Cemeteries; Correctional centres; Crematoria; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Hazardous storage establishments; Health services facilities; Highway service centres; Home occupations (sex services); Industries; Liquid fuel depots; Offensive storage establishments; Port facilities; Residential accommodation; Restricted premises; Retail premises; Rural industries; Schools; Sex services premises; Tourist and visitor accommodation; Water recreation structures

### **Zone IN3 Heavy Industrial**

#### **1 Objectives of zone**

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.

#### **2 Permitted without consent**

Environmental protection works

## **2010 No 245**

Clause 2.6BB Wingecarribee Local Environmental Plan 2010

Part 2 Land Use Table

---

### **3 Permitted with consent**

Depots; Freight transport facilities; Hazardous industries; Hazardous storage establishments; Heavy industries; Offensive industries; Offensive storage establishments; Roads; Warehouse or distribution centres; Any development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Bulky goods premises; Business premises; Car parks; Caravan parks; Cemeteries; Child care centres; Community facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Information and education facilities; Landscape and garden supplies; Mortuaries; Office premises; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural supplies; Self-storage units; Service stations; Sex services premises; Timber and building supplies; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Water recreation structures

## **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.

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone SP2 Infrastructure**

**1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure that the scale and character of infrastructure is compatible with the landscape setting and built form of surrounding development.

**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; Roads

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone SP3 Tourist**

**1 Objectives of zone**

- To provide for a variety of tourist-oriented development and related uses.
- To ensure that development is sympathetic with the rural setting and landscape features of the site and minimises impact on the scenic values of nearby development and land use activity.

**2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations

## 2010 No 245

Clause 2.6BB Wingecarribee Local Environmental Plan 2010

Part 2 Land Use Table

---

### 3 Permitted with consent

Aquaculture; Dwelling houses; Food and drink premises; Roads; Secondary dwellings; Tourist and visitor accommodation; Any development not specified in item 2 or 4

### 4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Bulky goods premises; Business premises; Car parks; Cemeteries; Child care centres; Community facilities; Correctional centres; Crematoria; Depots; Educational establishments; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Health services facilities; Home occupations (sex services); Industrial retail outlets; Landscape and garden supplies; Mortuaries; Office premises; Passenger transport facilities; Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Rural supplies; Service stations; Sewage treatment plants; Sex services premises; Shops; Storage premises; Timber and building supplies; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Water supply systems; Wholesale supplies

## Zone RE1 Public Recreation

### 1 Objectives of zone

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

### 2 Permitted without consent

Environmental protection works

### 3 Permitted with consent

Caravan parks; Child care centres; Community facilities; Entertainment facilities; Environmental facilities; Function centres; Kiosks; Markets; Places of public worship; Recreation areas; Recreation facilities (indoor); Restaurants; Roads; Signage; Take away food and drink premises; Water storage facilities

---

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE2 Private Recreation**

**1 Objectives of zone**

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

**2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

**3 Permitted with consent**

Airstrips; Aquaculture; Caravan parks; Cellar door premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Farm buildings; Flood mitigation works; Food and drink premises; Function centres; Helipads; Kiosks; Markets; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Roadside stalls; Signage; Tourist and visitor accommodation; Water storage facilities

**4 Prohibited**

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.

## 2010 No 245

Clause 2.6BB Wingecarribee Local Environmental Plan 2010

Part 2 Land Use Table

---

### **2 Permitted without consent**

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

### **3 Permitted with consent**

Nil

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone E2 Environmental Conservation**

### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Environmental facilities; Flood mitigation works; Roads

### **4 Prohibited**

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

## **Zone E3 Environmental Management**

### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.
- To minimise the proliferation of buildings and other structures in these sensitive landscape areas.

- To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee's longer term economic sustainability.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

## **3 Permitted with consent**

Airstrips; Aquaculture; Bed and breakfast accommodation; Community facilities; Dairies (pasture-based); Dual occupancies (attached); Dwelling houses; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Health consulting rooms; Helipads; Home businesses; Horticulture; Information and education facilities; Landscape and garden supplies; Places of public worship; Recreation areas; Recreation facilities (outdoor); Roads; Secondary dwellings; Signage; Viticulture; Water storage facilities

## **4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Zone E4 Environmental Living**

### **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.
- To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.
- To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture and other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.

## 2010 No 245

Clause 2.6BB Wingecarribee Local Environmental Plan 2010

Part 2 Land Use Table

---

- To manage land in a way that minimises impact on its environmental and scenic value from adjacent and nearby development and land use activity.
- To minimise the proliferation of buildings and other structures in these sensitive landscape areas.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

### **3 Permitted with consent**

Aquaculture; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Health consulting rooms; Home businesses; Horticulture; Landscape and garden supplies; Places of public worship; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Signage; Viticulture; Water storage facilities

### **4 Prohibited**

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



---

## Part 3 Exempt and complying development

### 3.1 Exempt development

**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*.
  - (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

## 2010 No 245

Clause 3.2 Wingecarribee Local Environmental Plan 2010

Part 3 Exempt and complying development

---

- (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

**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 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.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:  
***environmentally sensitive area for exempt or complying development*** means any of the following:
- (a) the coastal waters of the State,
  - (b) a coastal lake,
  - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
  - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
  - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
  - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
  - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
  - (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,

## 2010 No 245

Clause 3.3 Wingecarribee Local Environmental Plan 2010

Part 3 Exempt and complying development

---

- (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*,
- (j1) land identified as riparian land in paragraphs (a) or (b) of clause 7.5 (5),
- (j2) land that forms part of the “Regional Wildlife Habitat Corridor” mapped on the Natural Resources Sensitivity Map,
- (j3) land that is declared to be a special area under the *Sydney Water Catchment Management Act 1998*.

---

## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
  - (a) to identify minimum lot sizes,
  - (b) to ensure that the subdivision of land to create new lots is compatible with the character of the surrounding land and does not compromise existing development or amenity.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

### 4.2 Rural subdivision

- (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 Rural Small Holdings,
  - (d) Zone RU6 Transition.

**Note.** When this Plan was made it did not include Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note.** A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

## 2010 No 245

Clause 4.2 Wingecarribee Local Environmental Plan 2010

Part 4 Principal development standards

---

### 4.2A Erection of dwelling houses on land in certain rural and environmental protection zones

- (1) The objectives of this clause are as follows:
  - (a) to minimise the introduction of unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural zones.
- (2) This clause applies to land in the following zones:
  - Zone RU1 Primary Production,
  - Zone RU2 Rural Landscape,
  - Zone RU4 Rural Small Holdings,
  - 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 its 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, or
  - (d) an existing holding.

**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 or a holding 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) In this clause:
 

**existing holding** means all adjoining land, even if separated by a road or railway, held in the same ownership at the time of lodging a development application for the erection of a dwelling house under this clause:

  - (a) in relation to land to which the former *Bowral Planning Scheme Ordinance* applied—on 8 October 1954, or
  - (b) in relation to land to which the former *Interim Development Order No 1*—Shire of Wingecarribee applied—on 18 January 1963, or
  - (c) in relation to land to which the former *Burradoo and Environs Planning Scheme Ordinance* applied—on 23 July 1965, or
  - (d) in relation to land to which the former *Shire of Mittagong Planning Scheme Ordinance* applied—on 16 February 1968,

and includes any other land adjoining that land acquired by the owner since the date mentioned in paragraph (a), (b), (c) or (d).

**Note.**

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on a stated date.

**4.3 Height of buildings**

- (1) The objectives of this clause are as follows:
  - (a) to identify maximum heights of buildings,
  - (b) to ensure that the heights of buildings are compatible with the character of the existing development within the surrounding area.
- (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.

**4.4 Floor space ratio**

- (1) The objectives of this clause are as follows:
  - (a) to identify maximum floor space ratios in major centres,

## 2010 No 245

Clause 4.5 Wingecarribee Local Environmental Plan 2010

Part 4 Principal development standards

---

- (b) to ensure that floor space ratios provide development opportunities that are compatible with building heights,
  - (c) to encourage development in locations readily accessible to public transport and services that will provide increased employment opportunities.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

### 4.5 Calculation of floor space ratio and site area

#### (1) Objectives

The objectives of this clause are as follows:

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

#### (2) Definition of “floor space ratio”

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

#### (3) Site area

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

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

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



---

(4) **Exclusions from site area**

The following land must be excluded from the site area:

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

(5) **Strata subdivisions**

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

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

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

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

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

(8) **Existing buildings**

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

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

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

## 2010 No 245

Clause 4.6 Wingecarribee Local Environmental Plan 2010

Part 4 Principal development standards

---

(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

- (1) The objectives of this clause are:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

- 
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
    - (b) the concurrence of the Director-General has been obtained.
  - (5) In deciding whether to grant concurrence, the Director-General must consider:
    - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
    - (b) the public benefit of maintaining the development standard, and
    - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
  - (6) Consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Rural Small Holdings, 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.

**Note.** When this Plan was made it did not include Zone RU6 Transition.
  - (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
  - (8) This clause does not allow consent to be granted for development that would contravene any of the following:
    - (a) a development standard for complying development,
    - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,

## **2010 No 245**

Clause 4.6 Wingecarribee Local Environmental Plan 2010

Part 4 Principal development standards

---

- (c) clause 5.4,
- (c1) clause 6.1 or 7.10.

---

## Part 5 Miscellaneous provisions

### 5.1 Land acquisition within certain zones

- (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 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 SP2 Infrastructure and marked "Local road"	Council
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

**Note.** If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the

## 2010 No 245

Clause 5.2 Wingecarribee Local Environmental Plan 2010

Part 5 Miscellaneous provisions

---

purpose for which it is reserved, be carried out, with development consent, for any purpose.

### 5.2 Classification and reclassification of public land

- (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**

Not adopted

**5.4 Controls relating to miscellaneous permissible uses****(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 3 bedrooms.

**(2) Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 100 square metres of floor area.

**(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 100 square metres of floor area.

**(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) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
  - (b) 400 square metres,
- whichever is the lesser.

**(5) Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**(6) Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 15 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 100 square metres.

## 2010 No 245

Clause 5.5 Wingecarribee Local Environmental Plan 2010

Part 5 Miscellaneous provisions

---

(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) 25% of the total floor area of both the self-contained dwelling and the principal dwelling.

**5.5 Development within the coastal zone**

Not applicable

**5.6 Architectural roof features**

Not adopted

**5.7 Development below mean high water mark**

Not applicable

**5.8 Conversion of fire alarms**

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



- (3) Development to which subclause (2) applies is complying development if it consists only of:
- (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 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 New South Wales Fire Brigades to monitor fire alarm systems.

#### 5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
- Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
- (a) development consent, or
  - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

## 2010 No 245

Clause 5.10 Wingecarribee Local Environmental Plan 2010

Part 5 Miscellaneous provisions

---

- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
- (a) that is or forms part of a heritage item, or
  - (b) that is within a heritage conservation area.
- Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
  - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
  - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
  - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
  - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

### 5.10 Heritage conservation

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

#### (1) Objectives

The objectives of this clause are:

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

**(2) Requirement for consent**

Development consent is required for any of the following:

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

**(3) When consent not required**

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
  - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
  - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or

## 2010 No 245

Clause 5.10 Wingecarribee Local Environmental Plan 2010

Part 5 Miscellaneous provisions

---

- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) **Effect on heritage significance**

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

(5) **Heritage impact assessment**

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

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

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

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

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

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

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

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

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

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

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

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

(10) **Conservation incentives**

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

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

## 2010 No 245

Clause 5.11 Wingecarribee Local Environmental Plan 2010

Part 5 Miscellaneous provisions

---

### 5.11 Bush fire hazard reduction

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

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

### 5.12 Infrastructure development and use of existing buildings of the Crown

- (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 consent, or that is exempt development, under the *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

---

## Part 6 Urban release areas

### 6.1 Arrangements for designated State public infrastructure

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

## 2010 No 245

Clause 6.3 Wingecarribee Local Environmental Plan 2010

Part 6 Urban release areas

---

- (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.

### 6.3 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 Development on existing lots in Zones R2, R3 and R5**

- (1) This clause applies to lots in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and R5 Large Lot Residential that were created before the commencement of this Plan and:
  - (a) have an area that is at least the minimum lot size specified for that lot on the Lot Size Map, or
  - (b) on which the erection of a dwelling house was permissible immediately before that commencement, or
  - (c) if located in Zone R2 Low Density Residential at Hill Top, have:
    - (i) an area of not less than 700 square metres, and
    - (ii) a width of not less than 20 metres at the front alignment of the dwelling house, or
  - (d) if located in R5 Large Lot Residential west of Cumberteen Street, Hill Top, have an area of not less than 4,000 square metres.
- (2) Despite any other provision of this Plan, development consent may be granted for the erection of a dwelling house, dual occupancy development or multi dwelling housing on a lot to which this clause applies, if the development is permissible with consent on the land.
- (3) Development consent may only be granted under this clause for development on lots referred to in subclause (1) (d) if the lots, in the opinion of the consent authority, are suitable for such a purpose having regard to:
  - (a) the availability of vehicular access to the land, and
  - (b) the availability of public utility services to the land, and
  - (c) the physical, geotechnical, drainage, flooding and bush fire risk characteristics of the land.

### **7.2 Requirements for subdividing dual occupancies in Zones R2 and B1**

- (1) The objectives of this clause are as follows:
  - (a) to provide opportunities for housing on smaller lots in suitable locations on land in Zone R2 Low Density Residential and Zone B1 Neighbourhood Centre,
  - (b) to protect the heritage significance of the historic village of Berrima.

## 2010 No 245

Clause 7.3 Wingecarribee Local Environmental Plan 2010

Part 7 Additional local provisions

---

- (2) Despite any other provision of this Plan, development consent may be granted for the subdivision of a lawfully erected dual occupancy in Zone R2 Low Density Residential, only if the development:
  - (a) is on a corner allotment of not less than 1,000 square metres, and
  - (b) has access to a reticulated town water supply and sewerage system.
- (3) Despite subclause (2), development consent must not be granted for the subdivision of a lawfully erected dual occupancy on land in Zone R2 Low Density Residential or Zone B1 Neighbourhood Centre if the land is located within the Berrima Conservation Area as shown on the Heritage Map.

### 7.3 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 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 does not alter the ground level (existing) by more than 800 millimetres, or
  - (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or
  - (c) the work is ancillary to other development for which development consent has been granted.
- (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.

#### **7.4 Natural resources sensitivity—biodiversity**

- (1) The objective of this clause is to maintain terrestrial and aquatic biodiversity, including:
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the recovery of native fauna and flora, and their habitats.
- (2) This clause applies to land identified as “Regional Wildlife Habitat Corridor” on the Natural Resources Sensitivity Map.
- (3) Before granting development consent for development on land to which this clause applies, the consent authority must consider any potential adverse impact of the proposed development on the following:
  - (a) the native ecological community,
  - (b) the habitat of any threatened species, population or ecological community,
  - (c) any regionally significant species of fauna, flora or habitat,
  - (d) habitat elements providing connectivity.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or
  - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### **7.5 Natural resources sensitivity—water**

- (1) The objective of this clause is to maintain the hydrological functions of riparian land waterways and aquifers, including:
  - (a) protecting water quality, and
  - (b) protecting natural water flows, and

## 2010 No 245

Clause 7.6 Wingecarribee Local Environmental Plan 2010

Part 7 Additional local provisions

---

- (c) protecting stability of the bed and banks of waterways, and
- (d) protecting groundwater systems.
- (2) This clause applies to riparian land or land identified as “Natural Waterbodies” on the Natural Resources Sensitivity Map.
- (3) Before granting development consent for development on land to which this clause applies, the consent authority must consider any potential adverse impact of the proposed development on the following:
  - (a) the natural flow regime,
  - (b) the water quality of receiving waters,
  - (c) the waterway’s natural flow paths,
  - (d) the stability of the waterway’s bed, shore and banks,
  - (e) the flow, capacity and quality of groundwater systems.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or
  - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
- (5) In this clause, *riparian land* means land identified as “Riparian Land” on the Natural Resources Sensitivity Map and adjoining a natural waterbody that is:
  - (a) within 50 metres from the top of bank of Category 1 streams (marked red on the Natural Resources Sensitivity Map), or
  - (b) within 30 metres from the top of bank of Category 2 streams (marked blue on the Natural Resources Sensitivity Map), or
  - (c) within 10 metres from the top of bank of Category 3 streams (marked green on the Natural Resources Sensitivity Map).

### 7.6 Extractive materials

- (1) The objective of this clause is to provide for the proper management and development of mineral and extractive resources for the purpose of promoting social and economic benefits to Wingecarribee and the State.
- (2) This clause applies to land identified on the Minerals and Extractive Resources Land Map as “Identified and Potential Extractive Material” or “Identified and Potential Extractive Material-Buffer Zone”.

- 
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the following:
- (a) whether the proposed development would have any adverse impact on the availability of mineral or extractive resources, and
  - (b) whether there would be any adverse impact on the proposed development arising from the extractive industries or associated activities.

#### **7.7 Subdivision applications for Exeter Quarry**

- (1) This clause applies to Lot 1, DP 611935, part Lot 1, DP 857562, Lot 2, DP 537292, Lot B, DP 395847, Lots 4, 5, 6 and part Lot 7, Section 1, DP 978852 and the road reserve, as shown edged heavy black and marked "Exeter Quarry" on the Local Clauses Map.
- (2) Despite any other provision of this Plan, development consent may be granted to the subdivision of land to which this clause applies for the creation of:
  - (a) not more than 25 rural residential lots, each with an area of not less than 2 hectares, and
  - (b) one other lot, with an area of not less than 2 hectares.
- (3) Despite any other provision of this Plan, a person may, with development consent, erect a single dwelling house on each of the rural residential lots created.

#### **7.8 Subdivision land adjoining Vine Lodge, Exeter**

- (1) This clause applies to Lot A, DP 927745 and Lot 4, DP 660174, as shown edged heavy black and marked "Vine Lodge" on the Local Clauses Map.
- (2) Despite any other provision of this Plan, development consent may be granted to the subdivision of land to which this clause applies for the creation of not more than 25 lots.
- (3) Despite any other provision of this Plan, a person may, with development consent, erect a single dwelling house on each of the lots created.

#### **7.9 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,

## 2010 No 245

Clause 7.10 Wingecarribee Local Environmental Plan 2010

Part 7 Additional local provisions

---

- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
- (a) land that is shown as "Flood Planning Area" on the Flood Planning Area Map, and
  - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
- (a) is compatible with the flood hazard of the land, and
  - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) will not be likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.
- (5) In this clause:
- flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.
- Flood Planning Area Map*** means the Wingecarribee Local Environmental Plan 2010 Flood Planning Area Map.

### 7.10 Public utility infrastructure

- (1) This clause applies to land in urban release areas and also to land in Zone RU4 Rural Small Holdings, R2 Low Density Residential, R5 Large Lot Residential and E4 Environmental Living.
- (2) Development consent must not be granted for development on land to which this clause applies 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 it is required.

- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Schedule 1 Additional permitted uses

---

### Schedule 1 Additional permitted uses

(Clause 2.5)

**Note.** The land on which the following additional permitted uses are permitted is shown on the Schedule 1 Map and edged in red and numbered as indicated for the following clause numbers.

#### **1 Use of certain land at Emily Street, Balmoral**

- (1) This clause applies to land at Emily Street, Balmoral, being Lots 21–24, Section 4, DP 2500.
- (2) Development for the purposes of a dwelling house is permitted with consent.

#### **2 Use of certain land at Gibraltar Road, Bowral**

- (1) This clause applies to land at Gibraltar Road, Bowral, being Lot 106, DP 15496.
- (2) Development for the purposes of a dwelling house is permitted with consent.

#### **3 Use of certain land at David Street, Bowral**

- (1) This clause applies to land at Berida Manor, David Street, Bowral, being SP 36297.
- (2) Development for the purposes of tourist and visitor accommodation is permitted with consent.

#### **4 Use of certain land at Centennial Road, Bowral**

- (1) This clause applies to land at Centennial Road, Bowral, being Lots 4–11, DP 1109214 and Lots 1 and 2, DP 1101892.
- (2) Development for the purposes of seniors housing is permitted with consent.

#### **5 Use of certain land at Wingecarribee Street, Bowral**

- (1) This clause applies to land at 52 Wingecarribee Street, Bowral, being Lot 1, DP 801605.
- (2) Development for the purposes of office premises is permitted with consent.



---

**6 Use of certain land at Braemar Avenue, Braemar**

- (1) This clause applies to land at Braemar Lodge, Braemar Avenue, Braemar, being Lot 8, DP 261563.
- (2) Development for the purposes of tourist and visitor accommodation is permitted with consent.

**7 Use of certain land at Old Hume Highway, Braemar**

- (1) This clause applies to land at Old Hume Highway, Braemar, being Lot 14, Section 1, DP 793, Lot 1, DP 1036857 and Lots 1 and 2, DP 1078394.
- (2) Development for the purposes of business premises and retail premises is permitted with consent.

**8 Use of certain land at Moss Vale Road, Burradoo**

- (1) This clause applies to land at Corner Charlotte Street and Moss Vale Road, Burradoo, being Lot 1, DP 793738 and Lots 1 and 8, DP 2144.
- (2) Development for the purposes of seniors housing is permitted with consent.

**9 Use of certain land at Tugalong Road, Canyonleigh**

- (1) This clause applies to land at Tugalong Road, Canyonleigh, being Lot 100, DP 1049040.
- (2) Development for the purposes of animal boarding or training establishments, tourist and visitor accommodation and associated uses is permitted with consent.
- (3) Development for the purposes of a community scheme for a tourist facility and associated uses that include the subdivision of land for the following is permitted with consent:
  - (a) community association common property lots with a minimum lot size of 5 ha,
  - (b) 60 private lots for individual detached guest accommodation units with a minimum lot size of 1 ha.

**10 Use of certain land at Tugalong Road, Canyonleigh**

- (1) This clause applies to land at Tugalong Road, Canyonleigh, being Lot 1, DP 852803.
- (2) Development for the purposes of a child care centre, health services facility, office premises (for the purposes of a real estate office), restaurant, shop (for the provision of beauty and hair salon) and shop (for the sale of wine and produce) is permitted with consent.

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Schedule 1 Additional permitted uses

---

### **11 Use of certain land at Drapers Road, Colo Vale**

- (1) This clause applies to land at Drapers Road, Colo Vale, being Lot 2, DP 700350.
- (2) Development for the purposes of a dwelling house is permitted with consent.

### **12 Use of certain land at Kangaloon Road, Glenquarry**

- (1) This clause applies to land at Kangaloon Road, Glenquarry, being Lot 1, DP 787665.
- (2) Development for the purposes of a dwelling house is permitted with consent.

### **13 Use of certain land at Wattle Ridge Road, Hill Top**

- (1) This clause applies to land at Wattle Ridge Road, Hill Top, being Lot 104, DP 751271.
- (2) Development for the purposes of a 2 lot subdivision with a single dwelling house on each lot is permitted with consent.

### **14 Use of certain land at Joadja Road, Joadja**

- (1) This clause applies to land at Joadja Road, Joadja, being Lots 122–124 and 126–131, DP 751276.
- (2) Development for the purposes of intensive livestock agriculture being a piggery and associated waste management and disposal activities is permitted with consent.

### **15 Use of certain land at Joadja Road, Joadja**

- (1) This clause applies to land at Joadja Road, Joadja, being Lots 138–141, 173, 182 and 183, DP 751276.
- (2) Development for the purposes of intensive livestock agriculture being the disposal of waste, composted material and effluent from Boen Boe piggery activities is permitted with consent.

### **16 Use of certain land at Old Hume Highway, Mittagong**

- (1) This clause applies to land at Melrose Motel, Old Hume Highway, Mittagong, being Lot 11, DP 621435.
- (2) Development for the purposes of hotel or motel accommodation and shops is permitted with consent.

---

**17 Use of certain land at Old Hume Highway, Mittagong**

- (1) This clause applies to land at Mittagong Motel, Old Hume Highway, Mittagong, being Lots 1–3, Section 12, DP 1031364.
- (2) Development for the purposes of hotel or motel accommodation is permitted with consent.

**18 Use of certain land at Picton-Mittagong Loop Line**

- (1) This clause applies to land at Picton-Mittagong, being part of the Picton-Mittagong Loop Line adjacent to the eastern side of Lot 172, DP 751267 and Lots 7310 and 7311, DP 1145892.
- (2) Development for the purposes of extractive industries is permitted with consent.

**19 Use of certain land at Argyle Street, Moss Vale**

- (1) This clause applies to land at 609 Argyle Street, Moss Vale, being Lot 1, DP 531671.
- (2) Development for the purposes of a service station and food and drink premises is permitted with consent.

**20 Use of certain land at Elizabeth Street, Moss Vale**

- (1) This clause applies to land at Elizabeth Street, Moss Vale, being Lot 1, DP 1003779.
- (2) Development for the purposes of office premises is permitted with consent.

**21 Use of certain land at Moss Vale Industrial Corridor**

- (1) This clause applies to land known as the Moss Vale Industrial Corridor, edged red on the Schedule 1 Map and numbered 21.
- (2) Development for the purposes of tourist and visitor accommodation is permitted with consent.

**22 Use of certain land at Yarrawa Street, Moss Vale**

- (1) This clause applies to land at 19 Yarrawa Street, Moss Vale, being Lot 100, DP 1037724 and Lot B, DP 161550.
- (2) Development for the purposes of a registered club is permitted with consent.

**23 Use of certain land known as Renwick Urban Release Area**

- (1) This clause applies to land known as the Renwick Urban Release Area, edged red on the Schedule 1 Map and numbered 30.

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Schedule 1 Additional permitted uses

---

- (2) Development for the following purposes is permitted with consent:
  - (a) on land in Zone R5 Large Lot Residential—exhibition villages,
  - (b) on land in Zone B1 Neighbourhood Centre—attached dwellings, exhibition homes, exhibition villages, multi dwelling housing, shops.

### **24 Use of certain land at Illawarra Highway, Robertson**

- (1) This clause applies to land at Corner Illawarra Highway and East Street, Robertson, being Lots 5 and 6, DP 805522.
- (2) Development for the purposes of landscape and garden supplies is permitted with consent.

### **25 Use of certain land at Vandenberg Road, Robertson**

- (1) This clause applies to land at Vandenberg Road, Robertson, being Lots 52–57, DP 30332.
- (2) Development for the purposes of a dwelling house is permitted with consent.

### **26 Use of certain land at Hume Highway, Sutton Forest**

- (1) This clause applies to land at Sutton Forest Service Centre, Hume Highway, being Lots 7 and 10, DP 811912 and Lot 11 and part Lot 12, DP 857127.
- (2) Development for the purposes of a caravan park (with holiday cabins), highway service centre, hotel or motel accommodation, information and education facility, markets, neighbourhood shop and recreation area is permitted with consent.

### **27 Use of certain land at Illawarra Highway, Sutton Forest**

- (1) This clause applies to land at Illawarra Highway, Sutton Forest, being Lot 1, DP 64663.
- (2) Development for the purposes of hotel or motel accommodation and function centre is permitted with consent.

### **28 Use of certain land at Old Hume Highway, Welby**

- (1) This clause applies to land at Old Hume Highway, Welby, being Lots 3 and 8, Section 6, DP 759070 and Lot 2, DP 1019107.
- (2) Development for the purposes of landscape and garden supplies is permitted with consent.

---

**29 Use of certain land at Bresnahans Lane, Wildes Meadow**

- (1) This clause applies to land at Bresnahans Lane, Wildes Meadow, being Lot 3, DP 1015257.
- (2) Development for the purposes of a dwelling house is permitted with consent.

**30 Use of part road reserve, Hume Highway, Yerrinbool**

- (1) This clause applies to part road reserve, Hume Highway, Yerrinbool, being Lots 15 and 17, DP 245509 and part Lot 7301, DP 1146841.
- (2) Development for the purposes of extractive industries is permitted with consent.

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Schedule 2 Exempt development

---

## 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.

### Cemeteries or burial grounds

- (1) Development must only involve:
  - (a) the creation of a new grave or monument, or
  - (b) an excavation or disturbance of land for the purpose of carrying out the conservation or repair of a monument or grave marker.
- (2) Must not disturb human remains, relics in the form of grave goods or a place of Aboriginal heritage significance.

### Filming

- (3) **Note.** Provision repealed under the *Standard Instrument (Local Environmental Plans) Order 2006*.
- (4) May only be carried out on land:
  - (a) on which there is a heritage item, or
  - (b) within a heritage conservation area, or
  - (c) identified in clause 3.3 as an environmentally sensitive area for exempt development,if the filming does not involve or result in any of the following:
  - (d) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,
  - (e) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
  - (f) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
  - (g) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.

- 
- (5) Must not create significant interference with the neighbourhood.
  - (6) The person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000.
  - (7) If the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location.
  - (8) A filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):
    - (a) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
    - (b) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
    - (c) the proposed location of the filming,
    - (d) the proposed commencement and completion dates for the filming at the location,
    - (e) the proposed daily length of filming at the location,
    - (f) the number of persons to be involved in the filming,
    - (g) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
    - (h) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
    - (i) proposed arrangements for parking vehicles associated with the filming during the filming,
    - (j) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
    - (k) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
    - (l) a copy of the public liability insurance policy that covers the filming at the location,
-

## 2010 No 245

### Wingecarribee Local Environmental Plan 2010

#### Schedule 2 Exempt development

---

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

#### **Lighting (external)**

- (1) Must not be for the lighting of tennis courts or sports fields.
- (2) Must not cause glare to adjoining properties or streets.

#### **Public events**

Use of public land (including a public reserve or public road) for public events, including stalls, meetings, exhibitions, entertainment or similar community, cultural or commercial purposes:

- (a) proposed event must be consistent with any applicable plan of management under the *Local Government Act 1993* for the land,



- 
- (b) development must be carried out in accordance with a licence or hire agreement granted by the Council,
  - (c) must not be located on bush fire prone land.

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

- (1) May only be used in connection with filming that is exempt development.
- (2) Total floor area of all tents or marquees on location at the same time must not exceed 200m<sup>2</sup>.
- (3) Must be located within at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.
- (4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
  - (a) 1 exit if the floor area of the tent or marquee does not exceed 25m<sup>2</sup>,
  - (b) 2 exits in any other case.
- (5) Width of each exit must be at least:
  - (a) 800mm if the floor area of the tent or marquee is less than 150m<sup>2</sup>, or
  - (b) 1m in any other case.
- (6) Height of the walls must not exceed:
  - (a) 4m if erected on private land, or
  - (b) 5m in any other case.
- (7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.
- (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
  - (a) AS/NZS 1170.0:2002, Structural design actions—General principles,
  - (b) AS/NZS 1170.1:2002, Structural design actions—Permanent, imposed and other actions,
  - (c) AS/NZS 1170.2:2002, Structural design actions—Wind actions.
- (9) Must not remain at the location more than 2 days after the completion of the filming at the location.

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Schedule 2 Exempt development

---

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

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

### **Wind monitoring towers**

- (1) Must be a temporary structure that is removed within 30 months of being erected.
- (2) Maximum height—110m.
- (3) Must not be erected within 1km of a school.
- (4) Must not be erected within 1km of a dwelling (except with the prior consent in writing of the owner of the dwelling).
- (5) Must not be erected within 100m of a public road.
- (6) Must not be erected within 1km of another wind monitoring tower.
- (7) Must not be erected within 500m of an item that is listed on the State Heritage Register under the *Heritage Act 1977*.
- (8) Must be erected in accordance with the manufacturer's specifications.
- (9) Site must be enclosed by a fence that prevents unauthorised persons from entering the site.

---

## 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

#### Recreation facilities (tennis courts)

- (1) Must be on land on which a dwelling house is erected.
- (2) Must only be for private use.
- (3) Must be set back at least 2m from each property boundary.
- (4) Must be located behind the building line.
- (5) Maximum height of perimeter protective netting or wire—3m above ground level (existing).
- (6) Must not be illuminated.
- (7) Must be constructed so that it drains directly into the constructed on-site stormwater drainage system.
- (8) Perimeter protective netting must be installed in accordance with the manufacturer's specifications.

#### Recreation facilities (hit-up walls)

- (1) Must be on land on which a dwelling house is erected.
- (2) Must only be for private use.
- (3) Must be set back at least 2m from each property boundary.
- (4) Must be located behind the building line.
- (5) Bulk and scale:
  - (a) maximum height —3m above ground level (existing),
  - (b) maximum length—7m.
- (6) Must not be illuminated.
- (7) Paved area associated with the wall must be constructed so that it drains directly into the constructed on-site stormwater drainage system.
- (8) Perimeter protective netting must be installed in accordance with the manufacturer's specifications.

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Schedule 3 Complying development

---

- (9) The window of any habitable room of a dwelling house, a clothes drying area or designated barbecue, playground or primary recreation area, including a swimming pool, located on adjoining land must not be in the shadow of the development between 10.00 am and 3.00 pm on 21 June.

## Part 2 Complying development certificate conditions

**Note 1.** Complying development must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and this Plan.

**Note 2.** A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

### Before work begins

The person having the benefit of the complying development certificate must:

- (a) give any occupier of adjoining premises at least 2 days' notice before work begins, and
- (b) provide a temporary on-site toilet or access to an existing toilet on site.

### Site management

- (1) Vegetation and top soil that is more than 3m from the site of the proposed building must not be disturbed or removed.
- (2) Run-off and erosion controls must be implemented to prevent erosion, water pollution or the discharge of loose sediment onto land surrounding the site.

### Construction hours

- (1) Work that is audible in adjoining premises must only be carried out between the following hours:
  - (a) Monday–Friday—7.00 am and 7.00 pm,
  - (b) Saturday—8.00 am and 4.00 pm,and no work is to be carried out on a Sunday or a public holiday.
- (2) Work involving the use of jackhammers, rock breakers or other heavy machinery may only occur between 7.00 am and 6.00 pm Monday to Friday.

**Approved plans**

Work must be carried out in accordance with the plans approved and appropriately certified by the consent authority.

**Materials and finishes**

- (1) The colour, texture and substance of all external materials must be as shown in the application.
- (2) Work involving lead paint removal must not cause air, ground or water contamination.

**Certified plans and specifications on site**

Certified plans, specifications and the consent must be available on site at all times during construction.

**Notification to Council on completion**

The Council must be notified that all works have been completed within a reasonable time after the completion of the works.

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Schedule 4 Classification and reclassification of public land

---

### 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
Nil	Nil

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

Column 1	Column 2	Column 3
Locality	Description	Any trust etc not discharged
Braemar	Lot 12, DP 788983, Government Road	Nil
Hill Top	Lots 16 and 17, Sec 3, DP 6221, 104–106 Wilson Drive (Hill Top Memorial Hall)	Nil
Mittagong	Lot 33, DP 9299, Rainbow Road and Old Hume Highway (Mineral Springs Reserve)	Nil

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

Column 1	Column 2
Locality	Description
Bowral	Lot 20, DP 862590, Oxley Drive

---

**Schedule 5 Environmental heritage**

(Clause 5.10)

**Part 1 Heritage items**

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Alpine	Forest Lodge House and outbuildings	Hume Highway	Lot 1, DP 605509	Local	I616
Berrima	Superintendent's House	Argyle Street	Lot 7304, DP 1146099	Local	I107
Berrima	Berrima Correctional Centre (formerly Gaol)	Corner Argyle and Wilshire Streets	Lot 7304, DP 1146099	State	I109 I110 I484
Berrima	Stone Cottage	Corner Argyle and Wilshire Streets	Lot 7304, DP 1146099	Local	I236
Berrima	Church of the Holy Trinity	5-13 Argyle Street	Lot 10, Sec 3, DP 758098; Lots 101-104, DP 1004483; Part Lot 2, Sec 3, DP 758098	State	I147
Berrima	Sovereign Cottage	8 Argyle Street	Lot B, DP 181309	Local	I214
Berrima	Cottage	10 Argyle Street	Lot A, DP 181309	Local	I143
Berrima	Finlayson Memorial Presbyterian Church	12 Argyle Street (corner Oxley Street and Argyle Street)	Lot 2, Sec 35, DP 758098	Local	I146
Berrima	Ardleigh Cottage	14 Argyle Street (corner Argyle and Oxley Streets)	Lot 16, Sec 37, DP 758098	Local	I211
Berrima	Berrima Cemetery	Berrima Road	Lot 312, DP 751252; Lot 311, DP 999883	Local	I122

**2010 No 245**

## Wingecarribee Local Environmental Plan 2010

## Schedule 5 Environmental heritage

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Berrima	The First Bank	12 Jellore Street	Lot 1, DP 871727	State	I129
Berrima	Munday Cottage (former Jellore Cottage)	16 Jellore Street	Lot 6, Sec 2, DP 758098	State	I237
Berrima	Berrima House	19 Jellore Street	Lot 3, Sec 5, DP 758098	State	I131
Berrima	Former Victoria Inn	20–22 Jellore Street	Lot 104, DP 717120; Lot 3, Sec 2, DP 758098	State	I128
Berrima	Riverview Cottage	23 Jellore Street	Lot 6, Sec 5, DP 758098	State	I130
Berrima	Former Coach and Horses Inn	24 Jellore Street	Lot 1, DP 780565	State	I133
Berrima	McMahons Inn (former Berrima Inn)	26 Jellore Street	Lot 1, DP 643496	State	I132
Berrima	Nurse's Cottage	Market Place	Lot B, DP 378459	State	I228
Berrima	White Horse Inn	3 Market Place	Lot A, DP 378459	State	I123
Berrima	Magistrate's House	5–7 Market Place	Lot 51, DP 1021473	State	I125
Berrima	Lennox Bridge stonework	Market Place Reserve	518–30	Local	I474
Berrima	The Gunyah	Odessa Street	Lot 201, DP 751252	Local	I251
Berrima	Slab cottage	7–9 Oldbury Street	Lot 1, DP 806686	Local	I230
Berrima	Former Crown Inn	Old Hume Highway	Lot 118, DP 870922	Local	I141
Berrima	Former Levy's Store	Old Hume Highway	Lot 3, DP 1102396; Lot 7017, DP 93056	Local	I137



<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Berrima	Former Taylor's Butcher Shop	Old Hume Highway (adjoins Pound Green)	Lot 3, DP 1102396; Lot 7017, DP 93056	Local	I216
Berrima	Glebe Cottage	Old Hume Highway	Lot 1, DP 875157	Local	I177
Berrima	"Mereworth" house and garden	Old Hume Highway	Lot 100, DP 839316; Lot 200, DP 839314	Local	I351
Berrima	Market Place	Old Hume Highway Public Reserve	518-30	Local	I233
Berrima	St Francis Xavier Roman Catholic Church	Corner Old Hume Highway and Oldbury Street	Lots 1 and 2, Sec 44, DP 758098	State	I120
Berrima	Sandstone and timber cottage	Corner Old Hume Highway and Raglan Street)	Lot 7, Sec 40, DP 758098	Local	I239
Berrima	Bramber Cottage (former Post Office)	7 Old Hume Highway (corner Oxley Street)	Lot 20, DP 552150	Local	I218
Berrima	Harper's Cottage	8 Old Hume Highway	Lot 1, DP 791464	Local	I134
Berrima	Woodley Cottage (or Telegraph Office)	12-16 Old Hume Highway	Lot 1, DP 724201; Lot 1, DP 538751	Local	I208
Berrima	Former Cobb and Co timber buildings	13 Old Hume Highway (rear of General Store)	Lot 100, DP 805720	Local	I210 I344
Berrima	Former Bakery	17-19 Old Hume Highway (corner Wingecarribee Street)	Lot 1, DP 568701	Local	I142
Berrima	Old Breens Inn (former Colonial Inn)	24 Old Hume Highway	Lot 4, Sec 15, DP 758098; Lot 1, DP 741287	Local	I140

## 2010 No 245

### Wingecarribee Local Environmental Plan 2010

#### Schedule 5 Environmental heritage

---

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Berrima	Surveyor General Inn	26 Old Hume Highway	Lot 14, Sec 2, DP 758098	Local	I139
Berrima	Berrima Post Office	30 Old Hume Highway	SP 75992	State	I138
Berrima	Brick house	35 Old Hume Highway	Lots 3 and 4, Sec 33, DP 758098	Local	I232
Berrima	Sandstock and timber house	35 Old Hume Highway	Lot 43, Sec 33, DP 758098	Local	I231
Berrima	Berrima Glen Cottage (former Simon's Cottage)	Old Mandemar Road	Lot 346, DP 751252	Local	I127
Berrima	Greenwood House (former Taylor's Farmhouse)	Old Mandemar Road	Lot 7, DP 788363	Local	I126
Berrima	Bellevue House	Oxley Street	Lots 13 and 14, Sec 37, DP 758098	Local	I118
Berrima	Berrima Public School and residence	Oxley Street	Lots 1-3, Sec 31, DP 758098; Lot 1, DP 782713	Local	I114
Berrima	Parsley Cottage	14 Oxley Street	Lot 150, DP 1022425	Local	I117
Berrima	Armfield Cottage	22 Oxley Street	Lot 12, Sec 37, DP 758098	Local	I115
Berrima	Cottage	31 Oxley Street	Lot 5, Sec 35, DP 758098	Local	I116
Berrima	The Old Rectory	Corner Quarry and Wingecarribee Streets	Lots 8-12, DP 80581	Local	I105
Berrima	Makin Cottages	Stockade Street	Lot 4, DP 711365	State	I227
Berrima	Hillside Cottage	Corner Wilkinson and Oxley Streets	Lots 6, 7 and 11, Sec 36, DP 758098	Local	I209

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Berrima	Harper's Mansion	9 Wilkinson Street	Lot 5, DP 258420	State	I113
Berrima	Police Sergeant's Residence	Wilshire Street	Lot 5, DP 823508	Local	I112
Berrima	Bull's Head Drinking Fountain	Wilshire Street, on outside wall of Gaol	Lot 7304, DP 1146099	Local	I111
Berrima	Berrima Court House	Corner Wilshire and Argyle Streets	Lot 18, Sec 35, DP 758098	Local	I108
Berrima	Former Rectory	5 Wingecarribee Street	Lot 2, DP 600090	Local	I104
Berrima	Former Warden's Cottage	10 Wingecarribee Street	Lot 1, DP 196369	Local	I220
Berrima	Pickering Cottage	12 Wingecarribee Street	Lot 34, DP 1063847	Local	I219
Berrima	Love In The Mist Cottage	15 Wingecarribee Street	Lot 161, DP 525573	Local	I222
Berrima	German Dam	Wingecarribee River at end of Oxley Street		Local	I179
Berrima	Lambie's Well	Adjacent to Wingecarribee River at end of Wilshire Street		Local	I234
Bong Bong	Christ Church	Argyle Street (corner Church Street)	Lot 1, DP1125578	State	I163
Bong Bong	The Briars Inn	Moss Vale Road	Lot 9, SP 50905	Local	I153
Bowral	Former Roman Catholic Church	Banyette Street (corner Argyle Lane)	Lot 2, DP 1064294	Local	I465
Bowral	Bowral Public School	Bendooley Street	Lot 1, DP 802776	Local	I464
Bowral	Former School of Arts	Bendooley Street	Lot 1, DP 1003910	Local	I157

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Schedule 5 Environmental heritage

---

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Bowral	Town Hall	Bendooley Street	Lot 1, DP 1003910	Local	I081
Bowral	Bowral Uniting Church	Bendooley Street (corner Boolwey Street)	Lots 1 and 2, DP 995850; Lot 1, DP 155385	Local	I471
Bowral	Former Bowral Court House, including fence	Bendooley Street (corner Wingecarribee Street)	Lot 1, Sec 8, DP 111234	Local	I088
Bowral	Uniting Church Centre and house	28 Bendooley Street	Lots 1 and 2, DP 995850; Lot 1, DP 155385	Local	I472
Bowral	Stafford Cottage	22 Bendooley Street	Lot 1, DP 1003910	Local	I156
Bowral	St Jude's Anglican Church Group, including Rectory, Church Hall, Lych Gate and Cemetery	34 Bendooley Street	Lot 1, DP 587573	Local	I082
Bowral	Eldon Cottage	42 Bendooley Street	Lot 1, DP 782042	Local	I086
Bowral	Cottage	44 Bendooley Street	Lot 17, DP 997145	Local	I087
Bowral	House	46 Bendooley Street	Lot 3, DP 72703	Local	I1819
Bowral	House	49 Bendooley Street	Lot 2, DP 802776	Local	I1814
Bowral	House	53 Bendooley Street	Lot 1, DP 198128	Local	I1813
Bowral	House	60 Bendooley Street	Lot A, DP 342460	Local	I1799
Bowral	House	62 Bendooley Street	Lot B, DP 342460	Local	I1798
Bowral	House	64 Bendooley Street	Lot C, DP 342460	Local	I1797

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Bowral	House	67 Bendooley Street	Lot 2, DP 313891	Local	I1805
Bowral	House	70 Bendooley Street	Lot 1, DP 546532	Local	I1793
Bowral	House	71 Bendooley Street	Lot 122, DP 606350	Local	I1803
Bowral	House	73 Bendooley Street	Lot 121, DP 606350	Local	I1802
Bowral	House	74–76 Bendooley Street	Lot 15, Sec D, DP 3807	Local	I1791
Bowral	House	75 Bendooley Street	Lot 293, DP 832739	Local	I1800
Bowral	House	82 Bendooley Street	Lot 171, DP 520153	Local	I1787
Bowral	Solliden House	86 Bendooley Street	Lot 21, DP 714938	Local	I1783
Bowral	Coach House	91A Bendooley Street	Lot 51, DP 880942	Local	I1788
Bowral	Inverary House	93 Bendooley Street	Lot 62, DP 555560	Local	I1786
Bowral	Walden House and garden	91 Bendooley Street	Lot 50, DP 880942	Local	I516
Bowral	Commonwealth Bank	294 Bong Bong Street	Lot 1, DP 68288	Local	I079
Bowral	Berrima District Credit Union (former Ambulance Station)	411–415 Bong Bong Street	Lot 32, DP 1076738	Local	I238
Bowral	“Rift” house and garden	12 Carlisle Street	Lots 1 and 2, DP 1128023	Local	I334 I078
Bowral	Centennial Park	Centennial Road	Lots 90 and 91, DP 751282	Local	I538
Bowral	“Hopewood” house and grounds	Centennial Road	Lot 6, DP 634569	Local	I240 I532

## 2010 No 245

### Wingecarribee Local Environmental Plan 2010

#### Schedule 5 Environmental heritage

---

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Bowral	“Neerim” house and garden	24 Centennial Road	Lots 17–19, DP 20797	Local	I535 I536
Bowral	“Kurkulla” house	Evans Lane	Part Lot 1, DP 1059929	State	I186
Bowral	“Lynthorpe” house	17 Gladstone Road	Lot 1, DP 996892	Local	I077
Bowral	“Bradman’s Cottage” and grounds	20 Glebe Street	Lot 16, Sec E, DP 11838	Local	I181
Bowral	Mount Hamilton house	7 Hamilton Avenue	Lot 82, DP 1065886	Local	I076
Bowral	“Milton Park” house, grounds and outbuildings	Horderns Road	Lot 307, DP 1040419; Lot 308, DP 1104965; SP 78022; Lot 11, DP 264572	Local	I493 I331 I330 I071 I494
Bowral	“Heritage Park” house (former Iverbucks)	Kangaloon Road	Lots 1 and 8, DP 270566	Local	I180
Bowral	Wingecarribee House, grounds and outbuildings	Kirkham Road	Part Lot 1, DP 404276; Lot 4, DP 614505	Local	I333 I332 I075
Bowral	“Yarrow” house	33 Loftus Street	Lot 1, DP 621947	Local	I524
Bowral	Carter Terraces	18–20 Merrigang Street	SP 49491	Local	I543
Bowral	Corbett Gardens	21 Merrigang Street	Lots 9 and 10, Sec 2, DP 111234; Lot 8, DP 1133515; Lots 1 and 2, DP 150769; Lot 1, DP 708866	Local	I529
Bowral	“Weston Green” house	41 Merrigang Street	Lot A, DP 368491	Local	I511

Suburb	Item name	Address	Property description	Significance	Item No
Bowral	“Laurel” house and garden	47 Merrigang Street	Lot 2, DP 205435	Local	I343 I073
Bowral	“Bidura” house	139–145 Merrigang Street	Lot 9, DP 585581; Lots 1–3, Sec A, DP 192732; Lots 52–54, Sec A, DP 192732	Local	I166
Bowral	“Cooperdale” and “Ben Nevis” semi-detached houses	98–100 Mittagong Road	Lot 1, DP 196994	Local	I339
Bowral	“Hazelton” house	132 Mittagong Road	Lot 1, DP 867401	Local	I338
Bowral	“Retford Park” house, grounds and outbuildings	Old South Road, Bowral	Lot 1, DP 860647; Lot 20, DP 1001806	Local	I496 I495 I152
Bowral	Mount Gibraltar and quarries	Corner Oxley Drive and King Street	Lots 24 and 26, DP 111222; Lot 22, DP 856512	Local	I154 I571
Bowral	“Robin Wood” house and garden	32–34 Oxley Drive	Lots 41 and 42, DP 1061156	Local	I537
Bowral	Bowral High School and residence	Corner Park and Aitken Roads	Lot 1, DP 794075	Local	I503
Bowral	“Earlsbrae” house	15 Queen Street	Lot 1, DP 68028; Lot 1, DP 57490	Local	I074
Bowral	“Glen Ridge” house	101 Shepherd Street	Lots 1–6 and 19, DP 165091; Lot 1, DP 507617; Lot 25, DP 612928	Local	I167

## 2010 No 245

### Wingecarribee Local Environmental Plan 2010

#### Schedule 5 Environmental heritage

---

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Bowral	Buskers End garden	14 St Clair Street	Lot 122, DP 876917	Local	I534
Bowral	Bradman Museum Collection and Grandstand	Glebe Park, St Jude Street	Lot 11, DP 787940	State	I469
Bowral	Bradman Oval	Glebe Park, St Jude Street	Lot 12, DP 787940	State	I541
Bowral	Cottage	52 Shepherd Street	Lot 1, DP 784321	Local	I213
Bowral	House	89 Shepherd Street	Lot 1, DP 741811	Local	I069
Bowral	Bowral Railway Station	Station Street	Part Lot 3, DP 808842; Part Lot 200, DP 1012642; Part of the Main Southern Railway	Local	I058
Bowral	Former Station Master's residence	21 Station Street	Lot 1, DP 855131	Local	I392
Bowral	House	54 Station Street	Lot 1, DP 195377	Local	I340
Bowral	Original "Gib Railway Tunnel"	Old section of the Main Southern Line between Mittagong and Bowral		Local	I185
Bowral	St Andrew's Church and Hall	20 Wingecarribee Street (corner Bendooley Street)	Lot A, DP 367514; Lots 1 and 2, DP 1084271	Local	I470
Braemar	Kamilaroi (part of Braemar Garden World)	Hume Highway	Lot 117, DP 659149	Local	I191
Braemar	Poplars Restaurant Inn	Hume Highway	Lot 32, DP 550667; Lot 5, DP 248501	Local	I160



Suburb	Item name	Address	Property description	Significance	Item No
Braemar	Braemar Lodge	Corner Hume Highway and Braemar Avenue	Lot 8, DP 261563	Local	I190
Bullio	Bullio Tunnel	Wombeyan Caves Road		Local	I597
Bundanoon	The Highlander (former Gasthof and Pill Factory)	12 Anzac Parade	Lot 1, DP 183174	Local	I584
Bundanoon	Holly Cottage	Blue Gum Road	Lot 1, DP 510721	Local	I1718
Bundanoon	Holy Trinity Anglican Church, Hall and Cemetery	15–17 Church Street	Lot 119, DP 751289	Local	I365 I038 I1207
Bundanoon	Governors Street	Governors Street	from the intersection with Church Street to the east 360 metres	Local	I1822
Bundanoon	Jackman's Cottage	3 Governors Street	Lot 14, DP 1032	Local	I1371
Bundanoon	Erith Coal Mine	Morton National Park	Lots 30 and 33, DP 751259	Local	I454
Bundanoon	Bundanoon Railway Station and yards	Railway Avenue	Main Southern Railway	State	I583 I1759 I1215
Bundanoon	"Tree Tops" guest house	101–105 Railway Avenue	Lot 1, DP 735674	Local	I585
Burradoo	Cooliatta Farm house, grounds and outbuildings	Burradoo Road	Lot 2, DP 1012113	Local	I512
Burradoo	"Burlington" house and garden	29–31 Burradoo Road	Lot 410, DP 580733	Local	I158 I578
Burradoo	"Abergeldie" house and garden	75–79 Burradoo Road	Lots 4 and 5, DP 620319	Local	I501 I370

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Schedule 5 Environmental heritage

---

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Burradoo	“Eridge Park” gate lodge, grounds and outbuildings	Eridge Park Road	Lot 1, DP 310807	Local	I155
Burradoo	“Moidart” house and garden	Eridge Park Road	Lot 1, DP 174985; Lot 1, DP 667017	Local	I241 I347 I348
Burradoo	Hartzer Park Convent, garden, outbuildings and ancillary buildings	25–27 Eridge Park Road	Lot 1, DP 258453; Lot 1, DP 805803	Local	I519 I364 I187 I363
Burradoo	“Greyleaves” house and garden	13–15 Greyleaves Avenue	Lot 121, DP 800058	Local	I072 I342
Burradoo	Links House	17 Links Road	Lot 1, DP 1080423	Local	I527
Burradoo	“Wintersloe” house and garden	45 Links Road	Lot B, DP 336167	Local	I182 I497
Burradoo	Chevalier College (former Riversdale group of buildings and garden)	Moss Vale Road	Lot 12, DP 748370	Local	I189
Burradoo	“Laurel Park” house and garden	Moss Vale Road	Lot 12, DP 734353	Local	I521
Burradoo	“Chelsea Park” house	589 Moss Vale Road	Lot 5, DP 20004	Local	I526
Burradoo	“Ostler’s Lodge” house	603 Moss Vale Road	Lot 12, DP 1008336	Local	I215
Burradoo	Riverside Park garden	127 Osborne Road	Lots 5–7, DP 262034; Lot 21, DP 1034316	Local	I374
Burradoo	Banyula garden	8–10 Riversdale Avenue	Lot 10, DP 241015	Local	I514
Burradoo	“Werrington” house and garden	5–7 Werrington Street	Lot 112, DP 559455	Local	I520

Suburb	Item name	Address	Property description	Significance	Item No
Burradoo	“Anglewood” house, grounds and outbuildings	17–19 Yean Street	Lot 1, DP 1044596	State	I366 I188
Burradoo	Haling Cottage	58–68 Yean Street	Lot 3, DP 1066621	Local	I523
Burrawang	Old Burrawang School House	33 Church Street	Lot 410, DP 821781	Local	I617
Burrawang	Burrawang Cafe (former General Store)	11 Hoddle Street	Lot F, DP 399071	Local	I589
Burrawang	Burrawang Hotel	14–16 Hoddle Street	Lot 1, DP 198682	Local	I590
Burrawang	Mauger’s Butcher Shop	21 Hoddle Street	Lot 1, DP 590264	Local	I588
Colo Vale	“Wensleydale” house, grounds and outbuildings	Corner Wilson Drive and Church Avenue	Lots A and B, DP 395606; Lot 13, DP 245456	Local	I367 I176
Exeter	“Cherrydell” house and garden (formerly part of “Invergowrie”)	Bundanoon Road	Lot 2, DP 522290	Local	I372 I591
Exeter	“Invergowrie” house and garden	Bundanoon Road	Lot 1, DP 522290; Lot 2, Sec 7, DP 58913	Local	I372 I591
Exeter	“Redcourt” house	Bundanoon Road	Lots 6 and 7, DP 3371	Local	I594
Exeter	Exeter School of Arts Hall	Exeter Road	Pt Lot 4, Sec C, DP 3170	Local	I593 I1341
Exeter	St Aiden’s Church and Memorial Hall	Exeter Road	Lots 9 and 10, Sec 5, DP 3373; Lot 1, DP 952304	Local	I375 I376
Exeter	“Vine Lodge” house, grounds and outbuildings	Exeter Road	Lot 1, DP 596495	Local	I354 I204 I355

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Schedule 5 Environmental heritage

---

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Exeter	Exeter Railway Station, signal box and cottage	Main Southern Line	Lots 1 and 2, DP 852888	State	I607 I610
Exeter	Romsey Cottage and garden	Ringwood Road	Lot 131, DP 790655	Local	I592
Glenquarry	“Leylanda Green” house and garden (former Shepherd’s Cottage)	Kangaloon Road (opposite Sproules Lane)	Lot 47, DP 1056092	Local	I427
Glenquarry	Glenquarry Cemetery, (former Gilwarra Private Cemetery)	Tourist Road	Lot 1, DP 1057419	Local	I207
Glenquarry	Roberton Park house, grounds and outbuildings	Tourist Road	Lot 71, DP 541472	Local	I159
High Range	Mt Jellore	Nattai National Park		Local	I572
High Range	“High Range” house and grounds	Wombeyan Caves Road	Lot 2, DP 746331	Local	I1194
Joadja	Former Joadja Schoolhouse	Joadja Road	Lot 13, DP 858859	Local	I378
Joadja	Joadja Cemetery	Joadja Road	Lot 8, DP 858859	Local	I377
Joadja	Joadja Village Shale Oil Mine and Refinery	Joadja Road	Lot 11, DP 858859	State	I384 I205
Joadja	Winding Machine	Joadja Road	Lot 23, DP 1023493	Local	I205
Kangaloon	Former Kangaloon School House	Kangaloon Road	Lot 1, DP 724175	Local	I1195
Kangaloon	Uniting Church and Cemetery	Kangaloon Road	Part Lot 1, DP 181535; Lot 1, DP 903422	Local	I445
Kangaloon	Nepean Dam Wall and Valve House	Moresby Hill Road	Part Lot 12, DP 1092321	State	I1823

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mittagong	Uniting Church	1–7 Albert Street	Lots 201–204, Sec S, DP 20	Local	I136
Mittagong	House	25 Albert Street,	Lot 1, DP 911097; Lot 1, DP 966346	Local	I565
Mittagong	House	43 Alfred Street,	Lot 106, Sec J, DP 1289	Local	I557
Mittagong	House	45 Alfred Street,	Lot 105, Sec J, DP 1289	Local	I558
Mittagong	House	54 Alfred Street,	Lot 148, Sec O, DP 1289	Local	I559
Mittagong	Stone stables	Alice Street	Lot 7, DP 550518	Local	I548
Mittagong	St Paul's Presbyterian Church	1 Alice Street (corner Edward Street)	Part Lot 152, DP 931663; Lot 1, DP 931666	Local	I553
Mittagong	Sunshine Lodge	5 Alice Street	Lots 145–147, Sec O, DP 1289	Local	I554
Mittagong	Former Renwick Institution, including brick silo, pair of mass concrete silos and silo precinct	Bong Bong Road	Lot 5, DP 1131771	Local	I618 I275
Mittagong	Goodlet Cottage	Bong Bong Road	Lot 53, DP 1040663	Local	I277 I275
Mittagong	Kennerton Green garden	Bong Bong Road	Lot 5, DP 2836	Local	I575
Mittagong	Rowe Cottage	Bong Bong Road	Lot 1, DP 846419	Local	I276 I275
Mittagong	Suttor Cottage	Bong Bong Road	Lot 52, DP 1040663	Local	I194 I275
Mittagong	Willow Run wells, barn and outbuildings	Bong Bong Road	Lot 115, DP 1067955	Local	I1193

**2010 No 245**

## Wingecarribee Local Environmental Plan 2010

## Schedule 5 Environmental heritage

---

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mittagong	School of Arts and Memorial Hall	Corner Bowral Road and Main Street (rear of 114–116 Main Street)	Lot 1, Sec 5, DP 1289	Local	I144 I270
Mittagong	Semi-detached houses	9–11 Bowral Road	Lot 6, Sec 6, DP 1289	Local	I567
Mittagong	Mittagong Fire Station	10 Bowral Road	Lot 8, DP 258852	Local	I569
Mittagong	“Melrose” house	50 Bowral Road	Lot B, DP 415847	Local	I566
Mittagong	“Fitzroy Inn” (former “Oaklands”)	1 Ferguson Crescent	Lot 16, DP 1005636	Local	I099
Mittagong	Anglican Rectory	Corner Louisa and Main Streets	Lot 2, DP 622996	Local	I124
Mittagong	Memorial Clock Tower	Main Street		Local	I278
Mittagong	Victoria House	49 Main Street	Lot 215, DP 654533	Local	I550
Mittagong	Forbes Building	67 Main Street	Lot 1, DP 789814	Local	I064
Mittagong	Mealings Building	69 Main Street	Lot 5, DP 240187	Local	I060
Mittagong	Lion Rampant Hotel	75 Main Street	Lot 4, DP 240187	Local	I546
Mittagong	Shops	77–79 Main Street	Lots 1 and 2, DP 524097	Local	I192
Mittagong	Former National Australia Bank building	83 Main Street	Lot 238, DP 650500	Local	I101
Mittagong	Esco Pazzo Restaurant (former Hume House)	84 Main Street	Lot 1, Sec 1, DP 1289	Local	I549
Mittagong	Bunters Shop	85–87 Main Street	Lot 1, DP 735671	Local	I106

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mittagong	Mittagong Hotel	89 Main Street	Lot 236, Sec V, DP 20	Local	I547
Mittagong	St Stephen's Anglican Church and grounds	106 Main Street	Lot 1, DP 78607	Local	I170
Mittagong	The Boston Ivy	107 Main Street	Lot 21, DP 777984	Local	I100
Mittagong	Whyte's Corner Store	108 Main Street	Lot 3, Sec 3, DP 1289	Local	I432
Mittagong	Former Mittagong Shire Council Building	114-116 Main Street (corner Bowral Road)	Lot 1, Sec 5, DP 1289	Local	I193
Mittagong	Fitzroy Ironworks	Corner Old Hume Highway and Bessemer Street	Lot A, DP 26366	Local	I457
Mittagong	Cutter's Inn (former Hassal and Jefferis Cottages)	Old South Road	Lot 16, DP 879494	State	I195 I196
Mittagong	Marist Brothers Centre	Old South Road	Lots 1-4, DP 804746	Local	I169
Mittagong	Mt Alexandra Reserve	Pioneer Street	Lot 16, DP 831498	Local	I066
Mittagong	Mittagong Public Library	Corner Queen and Albert Streets	Lots 220 and 221, Sec U, DP 20	Local	I564
Mittagong	House	3 Queen Street	Lot C, DP 979880	Local	I552
Mittagong	Leslie Cottage	8 Queen Street	Lot 1, DP 906385	Local	I563
Mittagong	House	10 Queen Street	Lots 1-4, DP 1083442	Local	I562
Mittagong	Former Station Master's Residence	1 Railway Parade	Lot 1, DP 743008	Local	I198

**2010 No 245**

## Wingecarribee Local Environmental Plan 2010

## Schedule 5 Environmental heritage

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Mittagong	Frensham School Group (East Wing, North and West Wings, South Wing, and West Wing garden)	Range Road	Lots 4–6 and 8–10, Sec 19, DP 1289; Part Lot 1, DP 1133695; Part Lot 14, DP 866594	Local	I272 I273 I171 I274
Mittagong	“Luggie Bank” house and outbuildings	Range Road	Lot 12, DP 1010798	Local	I468
Mittagong	Mittagong Railway Station	Regent Street		State	I197
Mittagong	Railway goods shed	Regent Street		Local	I267
Mittagong	Winifred West Park	Regent and Main Streets and Church Lane	Lots 1–3 and 16–21, Sec 2, DP 1289; Lot 1, DP 668762	Local	I039
Mittagong	The Maltings	Southey, Colo and Ferguson Streets	Lot 21, DP 1029384	Local	I103
Mittagong	Police Station	1–3 Station Street	Lot 8, DP 618569	Local	I161
Mittagong	Former Post Office	5 Station Street	Lot 1, DP 746469	State	I1492
Mittagong	Shops	7–11 Station Street	Lot 5, DP 356938; Lot 2, DP 664262	Local	I135
Mittagong	House	1 Victoria Street	Lot 193, DP 667168	Local	I560
Mittagong	House	3 Victoria Street	Lot 1, DP 312786	Local	I561
Mittagong	Picton-Mittagong Loop Line railway line			Local	I473
Moss Vale	Former Post Office	Argyle Street	Lot 1, DP 612545	Local	I248



<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Moss Vale	JM Alcorn Memorial	Argyle Street		Local	I397
Moss Vale	Leighton Gardens	Argyle Street	Lot 9, DP 832397	Local	I400
Moss Vale	Leighton Gardens pavilion	Argyle Street	Lot 9, DP 832397	Local	I172
Moss Vale	Moss Vale Railway Station	Argyle Street	Lot 4, DP 1101186	State	I244
Moss Vale	Moss Vale Rail Underbridge	Argyle Street		State	I178
Moss Vale	“Cardrona” (former Eagleroo) grounds	Corner Argyle Street and Kater Road	Lots 1 and 2, DP 1081472	Local	I352
Moss Vale	Jemmy Moss Inn	Corner Argyle and Waite Streets	Lot 1, DP 568356	Local	I396
Moss Vale	Former Station Master’s Residence	247 Argyle Street	Lot 8, DP 832397	Local	I47
Moss Vale	Moss Vale Court House	356–364 Argyle Street	Lot 2, DP 198566	Local	I173
Moss Vale	Whytes shop	426 Argyle Street	Lot 426, DP 111119	Local	I612
Moss Vale	St Paul’s International College (former Dominican Convent)	463 Argyle Street	Lot 1, DP 775152	Local	I042
Moss Vale	Hereford House	465–469 Argyle Street	Lot 14, DP 1027521	Local	I418
Moss Vale	Former School of Arts	471 Argyle Street	Lot 12, DP 129056	Local	I043
Moss Vale	Former National Australia Bank	478 Argyle Street	Lot 1, DP 1083885	Local	I045
Moss Vale	Argyle House	479 Argyle Street	Lot 2, DP 502003	Local	I040
Moss Vale	Semi-detached houses	587 and 587A Argyle Street	Lots 1 and 2, DP 209719	Local	I318

**2010 No 245**

## Wingecarribee Local Environmental Plan 2010

## Schedule 5 Environmental heritage

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Moss Vale	Glendalough	598 Argyle Street	Lot 13, DP 593630	Local	I200
Moss Vale	Lynton	618–620 Argyle Street	Lot 1, DP 217785	Local	I413
Moss Vale	Coach House Antiques	10 Yarrowa Street (corner Argyle Street)	Lot 11, DP 543869	Local	I403
Moss Vale	Dormie House guest house	Arthur Street	Lot 1, DP 198551	Local	I402
Moss Vale	“Willow Grange” house and grounds	34 Berrima Road	Lot 9, DP 1138934	Local	I1192
Moss Vale	Former St John’s Anglican Rectory	Corner Browley and Waite Streets	Lot 72, DP 628810; Lot 1, DP 825847	Local	I223
Moss Vale	St John’s Anglican Church	Corner Browley and Waite Streets	Lots 21 and 22, Sec 1, DP 38	Local	I175
Moss Vale	St Andrew’s Presbyterian Church	7 Browley Street	Lot 8, Sec 2, DP 38	Local	I407
Moss Vale	Moss Vale Public School	12 Browley Street	Lots 23–25, Sec 1, DP 38; Lot 1, DP 323450; Lot B, DP 329683	Local	I201
Moss Vale	Kalaurgan	24 Browley Street	Lot A, DP 329683	Local	I406
Moss Vale	Throsby Cottage	Church Road	Lot 4, DP 730956	State	I150
Moss Vale	“Woodside” house, grounds and outbuildings	Farnborough Drive	Lots 1 and 2, DP 1042522	Local	I263 I149
Moss Vale	Catholic Presbytery	Garrett Street	Part Lot 1, DP 227903	Local	I404
Moss Vale	St Paul’s Roman Catholic Church	Garrett Street	Lot 1, DP 227903	Local	I408

Suburb	Item name	Address	Property description	Significance	Item No
Moss Vale	Annabelle's Cottage (former Gundagai Cottage)	Illawarra Highway	Lot 1, DP 155806	Local	I145
					I151
Moss Vale	Tudor House School	Illawarra Highway	Part Lot 1, DP 529711	Local	I046
Moss Vale	The Barn (former Throsby Park Barn)	Corner Illawarra Highway and Church Road	Lot 5, DP 730956	State	I053
Moss Vale	"Peppers" (former Mt Broughton) house, grounds and outbuildings	Kater Road	Lot 1, DP 236285	Local	I488
					I486
					I487
					I489
Moss Vale	"Mali Brae" hatch cottage and outbuildings	429 Nowra Road	Lot 220, DP 651063	Local	I450
Moss Vale	"Bonheur" house, grounds and outbuildings	Oldbury Road	Lot 5, DP 979138	Local	I049
Moss Vale	"Browley" house, grounds and outbuildings	Oldbury Road	Lot 4, DP 215782; Lot 10, DP 10658; Lots 1 and 2, DP 1123580; Lot 1, DP 74651; Lot 1, DP 1095023	Local	I056
Moss Vale	"Highfield" house, grounds and outbuildings	Oldbury Road	Lot 1, DP 58837; Lot 1, DP 59375; Lot 1, DP 59165;	Local	I246
					I247
					I054

**2010 No 245**

Wingecarribee Local Environmental Plan 2010

Schedule 5 Environmental heritage

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Moss Vale	“Oldbury” house, grounds and outbuildings	Oldbury Road	Lot 1, DP 98673; Lot 3, DP 1046976; Lot 1, DP 559345; Lot 30, DP 654489; Lots 191 and 192, DP 1010278	State	I353 I057 I164
Moss Vale	“Whitley” house, grounds and outbuildings	Oldbury Road	Lot 2, DP 123550	State	I361 I360 I055
Moss Vale	“Austermere”, (former SCEGGS School) house and grounds	Suttor Road	Lot 3, DP 873240	Local	I398
Moss Vale	The Mill	Throsby Park Road	Lot H, DP 109154	Local	I417
Moss Vale	“Throsby Park” house, grounds and outbuildings	Throsby Park Road	Lot K, DP 109154; Lot 1, DP 580481	State	I050 I262 I052 I261 I245
Moss Vale	Throsby Manor, (former Council Chambers)	Throsby Street	Lot 1, DP 617915	Local	I041
Moss Vale	“Redbraes” house and garden	Valetta Street	Lot 102, DP 1036347	Local	I405
Penrose	Sylvan Glen Guest Farm house and grounds	Kareela Road	Lot 2, DP 1055825	Local	I611
Penrose	“Woodhouselea” (former Methodist Church)	Kareela Road	Lots D and E, DP 17031	Local	I595
Penrose	Penrose Public School	Penrose Road	Lots 110 and 111, DP 751259	Local	I579

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Penrose	Paddy's River Ford (Site 1)	Penrose State Forest		Local	I434
Robertson	Robertson Public School	53 Hoddle Street	Lots 1, 2, 6, 7 and 8, Sec 14, DP 758882; Lots 407 and 408, DP 821032	Local	I600
Robertson	Robertson School of Arts	59 Hoddle Street	Lot 3, Sec 14, DP 758882	Local	I599
Robertson	Police Station and former Courthouse	61 Hoddle Street	Lot 4, Sec 14, DP 758882	Local	I206
Robertson	Wingecarribee swamp	Illawarra Highway	Lot 2, DP 879403	State	I1186
Robertson	"Fountaindale Manor", grounds and railway siding	135 Illawarra Highway (corner Fountaindale Road)	Lot 2, DP 610676	Local	I601 I603
Robertson	Robertson Cemetery	Missingham Parade	Lot 7010, DP 1001536	Local	I441
Robertson	Robertson Railway Station	Moss Vale—Unanderra Railway Line		Local	I463
Robertson	Mount Murray Railway Station Group	Mount Murray	Moss Vale—Unanderra Railway Line	State	I024
Sutton Forest	"Eccleston Park" house and outbuildings	Canyonleigh Road	Lots 7 and 9, DP 805624	Local	I017
Sutton Forest	Charlie Grey's Cottage	Conflict Street	Lots 9 and 10, Sec 3, DP 758938	Local	I014

**2010 No 245**

## Wingecarribee Local Environmental Plan 2010

## Schedule 5 Environmental heritage

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Sutton Forest	“Boscobel” house, grounds and outbuildings	Exeter Road	Lots 1 and 2, Sec 9, DP 758938; Lots 1–19, Sec 8, DP 758938; Lot 1, DP 1094302; Lot 1, DP 63523	Local	I013
Sutton Forest	Everything Store, former Butcher Shop (A Little Piece of Scotland) and General Store	Corner Exeter Road and Illawarra Highway	Lot 1, DP 722533; Lot 1, DP 984053	Local	I490
Sutton Forest	“Bunya Hill” house, grounds and outbuildings	Golden Vale Road	Lot 1, DP 995642; Lot 1, DP 130301	Local	I018
Sutton Forest	“Golden Vale” house, grounds and outbuildings	Golden Vale Road	Lot 1, DP 1118652	State	I003 I005 I001 I002
Sutton Forest	“Montrose” house and grounds	Greenhills Road	Lot 2, DP 620221	Local	I006
Sutton Forest	Black Bob’s Bridge	Black Bob’s Creek, Hume Highway	Lot 5, DP 614690	Local	I019
Sutton Forest	“Black Horse” farm house, grounds and outbuildings (former Black Horse Inn)	Hume Highway	Lot 105, DP 1087612	Local	I020
Sutton Forest	“Comfort Hill” house, grounds and outbuildings	Hume Highway	Lot 1, DP 744544	Local	I357 I356 I021
Sutton Forest	“Eling Forest Winery” house, grounds and outbuildings	Hume Highway	Lot 2, DP 806934	Local	I004 I009 I010

Suburb	Item name	Address	Property description	Significance	Item No
Sutton Forest	All Saints Anglican Church, hall and cemetery	Illawarra Highway	Lots 1 and 2, DP 999587	Local	I026
					I022
					I025
					I350
Sutton Forest	“Clover Hill” house, grounds and outbuildings	Illawarra Highway	Lot 1, DP 56241	Local	I203
Sutton Forest	Cottage	Illawarra Highway	Lots 8 and 9, DP 32	Local	I028
Sutton Forest	“Hillview” house, grounds and outbuildings	Illawarra Highway	Lot 12, DP 260417	State	I008
					I007
					I358
					I359
Sutton Forest	“Rosedale” house and grounds	Illawarra Highway	Lot 2, DP 250747; Lot 6, DP 250743; Lots 7 and 8, DP 11147	Local	I031
Sutton Forest	“Rotherwood” house, grounds and outbuildings	Illawarra Highway	Lot 1, DP 1068950	Local	I033
					I032
Sutton Forest	“Spring Grove Farm” house, grounds and outbuildings	Illawarra Highway	Lot 2, DP 250746; Lot 2, DP 1127380	Local	I492
Sutton Forest	St Patrick’s Roman Catholic Church and cemetery	Illawarra Highway	Lot 1, DP 513739	Local	I034
Sutton Forest	“Sutton Farm” house, grounds and outbuildings (former Red Cow Inn)	Illawarra Highway	Lot 1, DP 783660	Local	I349
					I023
					I035
Sutton Forest	Sutton Forest Inn (former Royal Hotel)	Illawarra Highway	Lot 1, DP 64663	Local	I1187

## 2010 No 245

### Wingecarribee Local Environmental Plan 2010

#### Schedule 5 Environmental heritage

---

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item No</b>
Sutton Forest	“The Harp” (former “Bindagundra” house, grounds and outbuildings)	Illawarra Highway	Lot 1, DP 1028147	Local	I027
Sutton Forest	“The Pines” slab cottage	Illawarra Highway	Lot 1, DP 160149	Local	I029
Sutton Forest	Former Post Office	Corner Illawarra Highway and Exeter Road	Lot 1, DP 334187; Lot 83, DP 665633	Local	I016
Sutton Forest	“Summerlees” house and grounds	219 Illawarra Highway	Lot 1, DP 58843	Local	I362 I037
Sutton Forest	“Newbury Farm” house, grounds and outbuildings	7300 Illawarra Highway	Lot 1, DP 301672; Lot 1, DP 176414; Lot 32, DP 665400	Local	I202 I036
Werai	Werai Railway Station gatehouse	Greenhills Road	Lot 1, DP 563083; Lot 1, DP 250899; Lot 1, DP 1091104; Lot 2, DP 242757; Lot 1, DP 798065; Lot 1, DP 243124	Local	I605
Wingello	Former St Andrew’s Anglican Church	5 Bumballa Street	Lot 15, Sec 1, DP 759097	Local	I606
Wingello	Wingello Railway Station Group	Main Southern Railway		State	I1188
Yerrinbool	Avon Dam	Avon Dam Road	Lot 32, DP 1138149	State	I224
Yerrinbool	Yerrinbool Community Hall	45 Sunrise Road	Lot 68, DP 9882	Local	I1190

---



---

## Part 2 Heritage conservation areas

<b>Suburb</b>	<b>Item name</b>	<b>Item No</b>
Berrima	Berrima Conservation Area	C148
Berrima	Berrima Landscape Conservation Area	C1843
Bowral	Bowral Conservation Area	C059 C089 C235
Bundanoon	Bundanoon Conservation Area	C1835
Burradoo	Anglewood Conservation Area	C199
Burradoo	Burradoo Landscape Conservation Area	C1834
Burrawang	Burrawang Conservation Area	C438
Joadja	Joadja Conservation Area	C1842
Mittagong	Mittagong Conservation Area	C1844
Mittagong	The Maltings Conservation Area	C1845
Moss Vale	Argyle Street North Conservation Area	C1836
Moss Vale	Argyle and Browley Streets Conservation Area	C1837
Moss Vale	East Street Conservation Area	C1839
Moss Vale	Throsby and Arthur Streets Conservation Area	C1838
Moss Vale	Throsby Park Conservation Area	C1841
Moss Vale	Valetta Street Conservation Area	C1840

---

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Schedule 5 Environmental heritage

---

### Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item No
Bong Bong	Bong Bong Common	Moss Vale Road	Lot 5, DP 258446; Lot 42, DP 850568; Lots 5-6, DP 736552	Local	A1191
Bong Bong	Bong Bong Settlement Marker (Obelisk)	Moss Vale Road	Lot 2, DP 1023574	Local	A221
Bowral	Mount Gibraltar and quarries	Corner Oxley Drive and King Street	Lots 24 and 26, DP 111222; Lot 22, DP 856512	Local	A154 A571
Joadja	Joadja Refinery	Joadja Road	Lot 11, DP 858859	State	A384
Joadja	Joadja Village	Joadja Road	Lot 11, DP 858859	State	A205
Mittagong	Fitzroy Ironworks	Corner Old Hume Highway and Bessemer Street	Lot A, DP 26366	Local	A457
Mittagong	Former Fitzroy Iron Works remains	197 Old Hume Highway	Lot 11, DP 1091676	Local	A1711
Mittagong	Mt Alexandra Reserve	Pioneer Street	Lot 16, DP 831498	Local	A066

---

## Dictionary

(Clause 1.4)

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

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

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

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

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

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

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

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

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

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

**agriculture** means any of the following:

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

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

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

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

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.** The term is defined as follows:

***aquaculture*** means:

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

but does not include:

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

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

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

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

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

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

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

---

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

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

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

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

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

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

**biodiversity** means biological diversity.

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

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

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

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

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

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

**boarding house** means a building:

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

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Dictionary

---

(d) that 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, a serviced apartment, seniors housing or hotel or motel accommodation.

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

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

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

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

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

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

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

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

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

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

whichever distance is the shortest.

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

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

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

---

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

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

***bush fire hazard reduction work*** means:

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

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

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

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

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

***business identification sign*** means a sign:

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

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

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

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

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

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or

## 2010 No 245

### Wingecarribee Local Environmental Plan 2010

#### Dictionary

---

- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

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

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

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

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

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

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

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

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

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

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the 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 lake** means a body of water specified in Schedule 1 to the *State Environmental Planning Policy No 71—Coastal Protection*.

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

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Dictionary

---

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

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

**coastal zone** means:

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

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

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

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

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

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

**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 Wingecarribee Shire Council.

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

**Crown reserve** means:

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

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

---

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

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

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

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

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

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

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

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

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

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

**earthworks** means excavation or filling.

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

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

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

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Dictionary

---

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

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

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

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

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

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

**estuary** means:

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

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

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

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

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

**extensive agriculture** means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or
- (b) the grazing of livestock, or
- (c) bee keeping,

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

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

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

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

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

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

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

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

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

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 Wingecarribee Local Environmental Plan 2010 Floor Space Ratio Map.

---

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

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

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

**forestry operations** means:

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

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

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

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

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

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

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

but excludes:

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

## 2010 No 245

### Wingecarribee Local Environmental Plan 2010

#### Dictionary

---

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

***Height of Buildings Map*** means the Wingecarribee Local Environmental Plan 2010 Height of Buildings Map.

## 2010 No 245

### Wingecarribee Local Environmental Plan 2010

#### Dictionary

---

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

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

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

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

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

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

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

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

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

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

**Heritage Map** means the Wingecarribee Local Environmental Plan 2010 Heritage Map.

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

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

- (a) restaurants or take away food and drink premises,
- (b) service stations and facilities for emergency vehicle towing and repairs,

- (c) parking for vehicles,
- (d) rest areas and public amenities.

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

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

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

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

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

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

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

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

## 2010 No 245

### Wingecarribee Local Environmental Plan 2010

#### Dictionary

---

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation or sex services premises.

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

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

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

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

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

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

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

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

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

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,

- 
- (c) accommodation for persons receiving health care or for their visitors,
  - (d) shops or refreshment rooms,
  - (e) transport of patients, including helipads, ambulance facilities and car parking,
  - (f) educational purposes or any other health-related use,
  - (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
  - (h) chapels,
  - (i) hospices,
  - (j) mortuaries.

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

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

**hotel or motel accommodation** means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 2007*):

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

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

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

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

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

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

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

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Dictionary

---

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

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

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

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

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

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

***Land Application Map*** means the Wingecarribee Local Environmental Plan 2010 Land Application Map.

***Land Reservation Acquisition Map*** means the Wingecarribee Local Environmental Plan 2010 Land Reservation Acquisition Map.

***Land Zoning Map*** means the Wingecarribee Local Environmental Plan 2010 Land Zoning Map.

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

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

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

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

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

***Local Clauses Map*** means the Wingecarribee Local Environmental Plan 2010 Local Clauses Map.

***Lot Size Map*** means the Wingecarribee Local Environmental Plan 2010 Lot Size Map.

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

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

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

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

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

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

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

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

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Dictionary

---

**Minerals and Extractive Resources Land Map** means the Wingecarribee Local Environmental Plan 2010 Minerals and Extractive Resources Land Map.

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

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

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

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

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

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

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

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

**moveable dwelling** means:

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

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

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

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

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

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

**Meaning of “native vegetation”**

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
  - (a) trees (including any sapling or shrub, or any scrub),
  - (b) understorey plants,



## Wingecarribee Local Environmental Plan 2010

## Dictionary

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

**Natural Resources Sensitivity Map** means the Wingecarribee Local Environmental Plan 2010 Natural Resources Sensitivity Map.

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

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

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

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

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

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

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

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

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

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

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.

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

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

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

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

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

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

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

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

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

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,

- 
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
  - (e) sea walls or training walls,
  - (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

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

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

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

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

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

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

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

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

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

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

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

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

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

**public utility infrastructure** includes infrastructure for any of the following:

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

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Dictionary

---

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

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

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

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** has the same meaning as in the *Registered Clubs Act 1976*, whether or not entertainment is provided at the club.

**relic** means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of Wingecarribee, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

**residential care facility** means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

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

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**restaurant** means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises, whether or not takeaway meals and beverages or entertainment are also provided.

**restricted dairy** means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

**restricted premises** means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

Dictionary

---

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**roadside stall** means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

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

**rural industry** means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

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

undertaken for commercial purposes.

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

**rural worker's dwelling** means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Schedule 1 Map** means the Wingecarribee Local Environmental Plan 2010 Schedule 1 Map.

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

**secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

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

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

**semi-detached dwelling** means a dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

**seniors housing** means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

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.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**sewerage system** means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

**shop top housing** means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note.** The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.



**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**spa pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note.** The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**stock and sale yard** means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the *Swimming Pools Act 1992*.

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

**swimming pool** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

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

**tank-based aquaculture** means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

## 2010 No 245

### Wingecarribee Local Environmental Plan 2010

#### Dictionary

---

**telecommunications facility** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

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

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

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**timber and building supplies** means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**urban release area** means an area of land shown hatched and lettered "Urban Release Area" on the Urban Release Area Map.

**Urban Release Area Map** means the Wingecarribee Local Environmental Plan 2010 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 or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

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

***veterinary hospital*** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

***viticulture*** means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

***warehouse or distribution centre*** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

***waste disposal facility*** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

***waste management facility*** means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

***waste or resource management facility*** means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

***waste or resource transfer station*** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

***water recreation structure*** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

***water recycling facility*** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

## 2010 No 245

Wingecarribee Local Environmental Plan 2010

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.

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

**water supply system** means a water reticulation system, water storage facility, water treatment facility, or any combination of these.

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.