



New South Wales

# **Eurobodalla Local Environmental Plan 2012**

under the

**Environmental Planning and Assessment Act 1979**

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

**SAM HADDAD**

As delegate for the Minister for Planning and Infrastructure

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## **Eurobodalla Local Environmental Plan 2012**

under the

Environmental Planning and Assessment Act 1979

### **Part 1 Preliminary**

#### **1.1 Name of Plan**

This Plan is Eurobodalla Local Environmental Plan 2012.

#### **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 Eurobodalla 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 preserve the urban growth boundaries of Eurobodalla as identified in the Eurobodalla Settlement Strategy,
  - (b) to ensure development embraces the principles of ecologically sustainable development and quality urban design, and encourages walking, cycling and public transport use,
  - (c) to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, which respond to lifestyle choices, emerging markets and changes in technology,
  - (d) to identify and protect the established residential neighbourhoods and ensure a sufficient supply of suitable land to meet the future residential needs of Eurobodalla,
  - (e) to restrict development of land that is subject to flooding, coastline hazard, bush fires and land slip,
  - (f) to ensure that resource lands, including agriculture, mineral resources and extractive materials are not rendered sterile from incompatible land use,

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- (g) to provide measures to protect and manage the biodiversity and environmental values of the land and waterways,
- (h) to ensure that development takes into account the environmental constraints of the land and minimises any off site and on site impacts on biodiversity, water resources and natural landforms,
- (i) to identify and protect the cultural and architectural heritage of Eurobodalla, including Aboriginal relics and places, and assist in its promotion as a tourism asset.

### 1.3 Land to which Plan applies

- (1) This Plan applies to the land identified on the Land Application Map.
- (1A) Despite subclause (1), this Plan does not apply to the land identified as “Deferred matter” 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 website of the Department of Planning and Infrastructure.

### 1.8 Repeal of 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.
- (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.

#### 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)

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

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*Lower South Coast Regional Environmental Plan No 1*

*Lower South Coast Regional Environmental Plan (No 2)*

- (3) *State Environmental Planning Policy No 50—Canal Estate Development* does not apply to certain land at Beach Road, Batemans Bay, being Lot 11, DP 870049 and Lot 11, DP 124295.

### 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 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).



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## 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
- RU3 Forestry
- RU4 Primary Production Small Lots
- RU5 Village

#### **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

#### **Industrial Zones**

- IN1 General 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
- E4 Environmental Living

#### **Waterway Zones**

- W1 Natural Waterways
- W2 Recreational Waterways

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Part 2 Permitted or prohibited development

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### 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 development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

#### Notes.

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

### 2.4 Unzoned land

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

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

### 2.5 Additional permitted uses for particular land

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

### 2.6 Subdivision—consent requirements

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

#### Notes.

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
  - 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

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

### 2.7 Demolition requires development consent

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

**Note.** If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental*

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Clause 2.8 Eurobodalla Local Environmental Plan 2012

Part 2 Land Use Table

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*Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

### 2.8 Temporary use of land

- (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 182 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 infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity

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generating works and solar energy systems, 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 this zone and land uses within adjoining zones.
- To minimise the visual impact of development on the rural landscape.
- To provide for recreational and tourist activities that support the agricultural, environmental and conservation value of the land.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home occupations

### **3 Permitted with consent**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Freight transport facilities; Funeral homes; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Liquid fuel depots; Mortuaries; Open cut mining; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities

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Part 2 Land Use Table

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(outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Tourist and visitor accommodation; Transport depots; Truck depots; Veterinary hospitals; Water supply systems

#### 4 Prohibited

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

### Zone RU3 Forestry

#### 1 Objectives of zone

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

#### 2 Permitted without consent

Environmental protection works; Uses authorised under the *Forestry Act 1916*

#### 3 Permitted with consent

Camping grounds; Eco-tourist facilities; Environmental facilities; Extractive industries; Roads; Sewerage systems; Water supply systems

#### 4 Prohibited

Any development not specified in item 2 or 3

### Zone RU4 Primary Production Small Lots

#### 1 Objectives of zone

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

#### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations

**3 Permitted with consent**

Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Landscaping material supplies; Plant nurseries; Recreational facilities (outdoor); Roads; Roadside stalls; Rural supplies; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems

**4 Prohibited**

Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

**Zone RU5 Village****1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To recognise the areas of Nelligen, Bodalla, Central Tilba and Tilba Tilba as rural villages.
- To protect and conserve the historical significance, character and scenic quality of rural village settings.

**2 Permitted without consent**

Environmental protection works; Home occupations

**3 Permitted with consent**

Backpackers' accommodation; Bed and breakfast accommodation; Building identification signs; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Depots; Dual occupancies; Dwelling houses; Environmental facilities; Flood mitigation works; Food and drink premises; Garden centres; Hardware and building supplies; Home-based child care; Home businesses; Home industries; Hotel or motel accommodation; Information and education facilities; Light industries; Markets; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care

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Part 2 Land Use Table

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centres; Roads; Rural supplies; Schools; Secondary dwellings; Service stations; Sewerage systems; Shops; Shop top housing; Vehicle repair stations; Veterinary hospitals; Water supply systems

### 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.
- To encourage residential development that is consistent with the character of the neighbourhood.

### 2 Permitted without consent

Environmental protection works; Home occupations

### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Sewerage systems; Shop top housing; Water supply systems

### 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.
- To encourage tourist and visitor accommodation in areas of demand subject to controls to ensure the adequate protection of a permanent residential housing supply and amenity.
- To encourage walking, cycling and the use of public transport.

**2 Permitted without consent**

Environmental protection works; Home occupations

**3 Permitted with consent**

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Exhibition homes; Exhibition villages; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Water supply systems

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone R5 Large Lot Residential****1 Objectives of zone**

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

**2 Permitted without consent**

Bee keeping; Environmental protection works; Home occupations

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Part 2 Land Use Table

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### 3 Permitted with consent

Building identification signs; Business identification signs; Cellar door premises; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Home-based child care; Home businesses; Home industries; Horticulture; Places of public worship; Recreation areas; Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Sewerage systems; Tourist and visitor accommodation; Viticulture; Water supply systems

### 4 Prohibited

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

## Zone B1 Neighbourhood Centre

### 1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure that development retains a scale and character consistent with the neighbourhood area.
- To ensure that development does not adversely affect the adjoining residential amenity.

### 2 Permitted without consent

Environmental protection works; Home occupations

### 3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Home businesses; Kiosks; Medical centres; Neighbourhood shops; Respite day care centres; Restaurants or cafes; Roads; Service stations; Sewerage systems; Shop top housing; Take away food and drink premises; Veterinary hospitals; Water supply systems

### 4 Prohibited

Any development not specified in item 2 or 3

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## **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 strengthen the viability of existing local centres as places for investment, employment and cultural activity compatible with their size and type of settlement.

### **2 Permitted without consent**

Environmental protection works; Home occupations

### **3 Permitted with consent**

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Highway service centres; Home businesses; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water supply systems

### **4 Prohibited**

Any development not specified in item 2 or 3

## **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 reinforce the role and function of Batemans Bay as the major regional centre in Eurobodalla.

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Part 2 Land Use Table

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### **2 Permitted without consent**

Environmental protection works; Home occupations

### **3 Permitted with consent**

Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home businesses; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Serviced apartments; Sewerage systems; Shop top housing; Signage; Veterinary hospitals; Water supply systems

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone B5 Business Development**

### **1 Objectives of zone**

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To cater specifically for uses that require a high degree of visibility and accessibility to passing traffic and that generate a high proportion of single purpose vehicle trips.
- To enable the establishment of a business, technology, bulky goods and light industrial precinct at Surf Beach.
- To encourage site amalgamation and creation of a highway service precinct on land at Batemans Bay.

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Bulky goods premises; Child care centres; Educational establishments; Funeral homes; Garden centres; Hardware and building supplies; Highway service centres; Landscaping material supplies; Light industries; Kiosks; Passenger transport facilities; Public administration buildings; Research stations; Respite day care centres; Restricted premises; Roads; Service stations; Sewerage systems; Sex services premises; Shops; Signage; Take away food and drink premises;

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Transport depots; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems

**4 Prohibited**

Any development not specified in item 2 or 3

**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 support and protect industrial land for industrial uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Boat building and repair facilities; Building identification signs; Business identification signs; Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Plant nurseries; Public administration buildings; Recreation facilities (indoor); Research stations; Restricted premises; Roads; Rural industries; Rural supplies; Self-storage units; Service stations; Sex services premises; Stock and sale yards; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water supply systems; Wholesale supplies

**4 Prohibited**

Any development not specified in item 2 or 3

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### 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.
- To ensure the ongoing economic viability and growth of Moruya Airport as a regional transport facility.
- To encourage a range of commercial, industrial, recreational and residential land uses that are directly related to and compatible with the use of Moruya Airport.

#### 2 Permitted without consent

Environmental protection works

#### 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.

#### 2 Permitted without consent

Environmental protection works; Roads

#### 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

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**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.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Airstrips; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Helipads; Heliports; Information and education facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Neighbourhood shops; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Roads; Sewerage systems; Signage; Tourist and visitor accommodation; Water recreation structures; Water supply systems; Wharf or boating facilities

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE1 Public Recreation**

**1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To conserve the scenic and environmental resources of the land including the protection of environmental assets such as remnant vegetation, waterways and wetlands, and habitats for threatened species, populations and communities.

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### 2 Permitted without consent

Environmental protection works

### 3 Permitted with consent

Airstrips; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Function centres; Heliports; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roads; Sewerage systems; Water recreation structures; Water supply systems; Wharf or boating 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.
- To conserve the scenic and environmental resources of the land including the protection of environmental assets such as remnant vegetation, waterways and wetlands, and habitats for threatened species, populations and communities.

### 2 Permitted without consent

Environmental protection works

### 3 Permitted with consent

Airstrips; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Function centres; Helipads; Heliports; Information and education facilities; Jetties; Kiosks; Marinas; Markets;



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Mooring pens; Moorings; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Roads; Sewerage systems; Water recreation structures; Water supply systems

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone 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.
- To manage items, places and landscapes of Aboriginal cultural heritage significance into the future in collaboration with the local Aboriginal community.

**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.

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- To identify sensitive coastal lakes, estuaries, wetlands, overland flow paths and riparian zones and those areas at risk from coastline hazards, including sea level rise.
- To protect and improve water quality.
- To protect and enhance the natural environment for recreation purposes.
- To manage items, places and landscapes of Aboriginal cultural heritage significance into the future in collaboration with the local Aboriginal community.

### 2 Permitted without consent

Environmental protection works

### 3 Permitted with consent

Environmental facilities; Sewerage systems; Water recreation structures; Water supply systems

### 4 Prohibited

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

## Zone 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 protect the size and shape of vegetation remnants if consistent with the protection of assets from bush fire.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To manage items, places and landscapes of Aboriginal cultural heritage significance into the future in collaboration with the local Aboriginal community.

### 2 Permitted without consent

Bee keeping; Environmental protection works; Home occupations

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**3 Permitted with consent**

Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Farm buildings; Group homes; Home-based child care; Home businesses; Home industries; Horticulture; Roads; Roadside stalls; Secondary dwellings; Sewerage systems; Tourist and visitor accommodation; Viticulture; Water supply systems

**4 Prohibited**

Backpackers' accommodation; Farm stay accommodation; Hotel or motel accommodation; Industries; Service stations; Serviced apartments; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**Zone W1 Natural Waterways**

**1 Objectives of zone**

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

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Environmental facilities; Jetties; Mooring pens; Moorings; Sewerage systems; Water recreation structures; Water supply systems

**4 Prohibited**

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

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### **Zone W2 Recreational Waterways**

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

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

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

Environmental protection works

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

Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Environmental facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Sewerage systems; Take away food and drink premises; Water recreation structures; Water supply systems; Wharf or boating facilities

#### **4 Prohibited**

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

## 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

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Part 3 Exempt and complying development

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- (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 development consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:  
***environmentally sensitive area for exempt or complying development*** means any of the following:
- (a) the coastal waters of the State,
  - (b) a coastal lake,
  - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
  - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
  - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
  - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
  - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
  - (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,

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Part 3 Exempt and complying development

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- (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*,
- (ja) land to which clause 6.7 applies,
- (jb) land identified as “Class 1” or “Class 2” on the Acid Sulfate Soils Map.



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## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
  - (a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,
  - (b) to ensure lot sizes and dimensions are able to accommodate development consistent with relevant development controls,
  - (c) to ensure that subdivision promotes effective land management practices and infrastructure provision,
  - (d) to protect native vegetation, natural watercourses and habitats for threatened species and populations, and endangered ecological communities.
- (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.
- (3A) For the purpose of calculating the size of a battle-axe lot, the area of the access handle is excluded.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

### 4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
  - (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements,
  - (b) to ensure that lot sizes and subdivision patterns for tourist and visitor accommodation provide protection for the rural and environmental values of the area.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU4 Primary Production Small Lots,
  - (c) Zone R5 Large Lot Residential,
  - (d) Zone E4 Environmental Living.

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Clause 4.1A Eurobodalla Local Environmental Plan 2012

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- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

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

- (3A) Despite subclause (3), development consent may be granted for the subdivision of land to which this clause applies resulting in lots that are less than the minimum size specified by that subclause if the consent authority is satisfied that:
- (a) the use of the land after the subdivision will be for the purposes of tourist and visitor accommodation or an eco-tourist facility permitted under an existing development consent for the land, and
  - (b) the development is complementary to the rural and environmental attributes of the land and its surrounds, and
  - (c) there is or will be appropriate vehicular access servicing the development.

### 4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation:
- (a) Zone RU1 Primary Production,
  - (b) Zone RU4 Primary Production Small Lots,
  - (c) Zone R5 Large Lot Residential,
  - (d) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

**Note.** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that strata subdivision of a building in certain circumstances is specified complying development.

**4.1B Subdivision in Zone RU5 Village**

- (1) This clause applies to land within Zone RU5 Village.
- (2) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that the land is serviced with water and sewerage or that adequate arrangements have been made to service the land.

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

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land in the following zones:
  - (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential.
- (3) Development consent may be granted to a single development application for the following development on land to which this clause applies:
  - (a) the subdivision of land into 3 or more lots,
  - (b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 300 square metres.
- (4) Despite subclause (3), development consent must not be granted under this clause unless the consent authority is satisfied that each lot will be adequately serviced with reticulated water and sewerage.

**4.1D Subdivision in environmentally sensitive areas**

- (1) The objective of this clause is to enable subdivision for certain purposes on land within environmentally sensitive areas.
- (2) This clause applies to land within an environmentally sensitive area.
- (3) Despite any other provision of this Plan, development consent may be granted for the subdivision of land to which this clause applies for the purposes of any one or more of the following to create lots of any size:
  - (a) widening a public road,
  - (b) a minor realignment of boundaries:
    - (i) that will not create additional lots or the opportunity for additional dwellings, and
    - (ii) that will not adversely affect the provision of existing services on a lot, and

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- (iii) that will not result in any increased bush fire risk to existing buildings,
  - (c) rectifying an encroachment on a lot,
  - (d) creating a public reserve,
  - (e) 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.
- (4) In this clause, *environmentally sensitive area* has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

### 4.1E Lot averaging subdivision in Zone R5 Large Lot Residential and Zone E4 Environmental Living

- (1) The objective of this clause is to ensure that lot sizes and subdivision patterns for residential accommodation conserve and provide protection for the environmental values of the land by encouraging buildings to be appropriately sited.
- (2) This clause applies to land within the following zones:
  - (a) Zone R5 Large Lot Residential,
  - (b) Zone E4 Environmental Living.
- (3) Despite clauses 4.1 and 4.1AA, development consent may be granted to the subdivision of land to which this clause applies that requires development consent (whether or not the subdivision is under the *Community Land Development Act 1989*) to create lots of any size if:
  - (a) the consent authority is satisfied that the land to be subdivided is proposed to be used for the purpose of residential accommodation, and
  - (b) the total number of lots resulting from the subdivision will not exceed the number of lots that could be created by a subdivision of the same land under clause 4.1 (3) or 4.1AA (3), and
  - (c) the consent authority is satisfied that the development retains, and is complementary to, the environmental attributes of the land and its surrounds.
- (4) Despite any other provision of this Plan, development consent must not be granted to the subdivision of a lot created under this clause unless the consent authority is satisfied that:
  - (a) the lots resulting from the subdivision will not be used for the purpose of residential accommodation, and
  - (b) the subdivision will not result in any significant adverse environmental impacts on the land being subdivided.

**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 Primary Production Small Lots,
  - (d) Zone RU6 Transition.

**Note.** When this Plan was made it did not include Zone RU2 Rural Landscape or Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.
 

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

**4.2A Erection of dwelling houses or dual occupancies on land in Zone RU1 Primary Production**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development,
  - (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in Zone RU1 Primary Production,
  - (c) to ensure that rural residential development does not create unreasonable or uneconomic demands for the provision or extension of public infrastructure.
- (2) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in Zone RU1 Primary Production, and on which no dwelling house or dual occupancy is erected, unless the land:
  - (a) is a lot that has an area of at least 40 hectares and the consent authority is satisfied that there will be appropriate vehicular access to the lot from a sealed road maintained by the consent authority, or

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- (b) is a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or
- (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
- (d) is an existing holding, or
- (e) is a 1987 holding, or
- (f) is shown as having a dwelling entitlement on the Dwelling Entitlements Map, or
- (g) would have been a lot or a holding referred to in paragraphs (a)–(e) 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.

**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.

- (3) Land ceases to be:
  - (a) an existing holding for the purposes of subclause (2) (d), or
  - (b) a 1987 holding for the purposes of subclause (2) (e),if an application for development consent referred to in subclause (2) is not made in relation to that land before the fifth anniversary of the date of commencement of this Plan.
- (4) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.
- (5) In this clause:
  - 1987 holding** means land that:
    - (a) was a holding on 11 December 1987, and
    - (b) is still held by the same owner at the time the application for development consent referred to in subclause (2) is lodged.
  - existing holding** means land that:
    - (a) was a holding on 9 August 1963, and

(b) is a holding at the time the application for development consent referred to in subclause (2) is lodged,

whether or not there has been a change in the ownership of the holding since 9 August 1963, and includes any other land adjoining that land acquired by the owner or owners since 9 August 1963.

**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 the stated date.

**holding** means all adjoining land, even if separated by a road or railway, held by the same person or persons.

#### 4.2B Dual occupancies on land in rural zones

- (1) The objectives of this clause are as follows:
  - (a) to provide alternate accommodation for rural families and itinerant workers on a property,
  - (b) to ensure development is of a scale and nature that is compatible with the rural landscape and environmental capabilities of the land.
- (2) This clause applies to land in a rural zone.
- (3) Development consent must not be granted to development for the purpose of a dual occupancy on land to which this clause applies unless the consent authority is satisfied that:
  - (a) both dwellings will use the same vehicular access from a public road, and
  - (b) the land is suitable for the proposed development, and
  - (c) the land is capable of accommodating effluent disposal areas for both dwellings.

#### 4.3 Height of buildings

- (1) The objectives of this clause are as follows:
  - (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
  - (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.
- (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

[Not adopted]

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

[Not adopted]

### 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and



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- (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note.** When this Plan was made, it did not include Zone RU2 Rural Landscape, Zone RU6 Transition or Zone E3 Environmental Management.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
  - (c) clause 5.4.

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### 5.1 Relevant acquisition authority

- (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 Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone SP2 Infrastructure and marked "Car park"	Council
Zone SP2 Infrastructure and marked "Local Road Widening"	Council
Zone E2 Environmental Conservation and marked "Coastal Lands Acquisition"	The corporation constituted under section 8 of the Act

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**5.1A Development on land intended to be acquired for public purposes**

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table.

Column 1	Column 2
Land	Development
Zone RE1 Public Recreation and marked "Local open space"	Recreation areas
Zone RE1 Public Recreation and marked "Regional open space"	Recreation areas

**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

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- (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

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
  - (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
  - (3) This clause does not apply to:
    - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
    - (b) land within the coastal zone, or
    - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- Note.** When this Plan was made, it did not include Zone E3 Environmental Management.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that

may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

- (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

#### **5.4 Controls relating to miscellaneous permissible uses**

(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 6 bedrooms.

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

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 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) 67% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 6 bedrooms.

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(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 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 125 square metres.

(8) **Roadside stalls**

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

(9) **Secondary dwellings**

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

- (a) 60 square metres,
- (b) 45% of the total floor area of the principal dwelling.

### 5.5 Development within the coastal zone

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

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

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- (iii) water quality of coastal waterbodies, and
    - (iv) native fauna and native flora, and their habitats, can be conserved, and
  - (f) the cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:
  - (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and
  - (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
  - (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
  - (d) the proposed development will not:
    - (i) be significantly affected by coastal hazards, or
    - (ii) have a significant impact on coastal hazards, or
    - (iii) increase the risk of coastal hazards in relation to any other land.

### 5.6 Architectural roof features

- (1) The objectives of this clause are as follows:
  - (a) to enable an innovative and flexible approach to roof design.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
  - (a) the architectural roof feature:
    - (i) comprises a decorative element on the uppermost portion of a building, and
    - (ii) is not an advertising structure, and



- (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
- (iv) will cause minimal overshadowing, and
- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

#### **5.7 Development below mean high water mark**

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

#### **5.8 Conversion of fire alarms**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and

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between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

- (5) In this clause:  
*private service provider* means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### 5.9 Preservation of trees or vegetation

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

(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,

unless the Council is satisfied that the proposed activity:

(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and

(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

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

(9) [Not adopted]

#### 5.9AA Trees or vegetation not prescribed by development control plan

(1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.

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- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

### 5.10 Heritage conservation

**Note.** Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

#### (1) Objectives

The objectives of this clause are as follows:

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

#### (2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or

- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

**(3) When consent not required**

However, development consent under this clause is not required if:

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

**(4) Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a

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heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) Heritage assessment**

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

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

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

**(6) Heritage conservation management plans**

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

**(7) Archaeological sites**

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

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

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

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

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and

take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items**

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

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

(10) **Conservation incentives**

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

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

**5.11 Bush fire hazard reduction**

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

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

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

- (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

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development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.

- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### 5.13 Eco-tourist facilities

- (1) The objectives of this clause are as follows:
- (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
  - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
  - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and



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- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
  - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
  - (j) the development will not adversely affect the agricultural productivity of adjoining land, and
  - (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
    - (i) measures to remove any threat of serious or irreversible environmental damage,
    - (ii) the maintenance (or regeneration where necessary) of habitats,
    - (iii) efficient and minimal energy and water use and waste output,
    - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
    - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

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Part 6 Additional local provisions

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### **Part 6 Additional local provisions**

#### **6.1 Public utility infrastructure**

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

#### **6.2 Development control plans for land release areas**

- (1) The objective of this clause is to ensure that development on land in a land 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 a land release area unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.
- (3) Subclause (2) does not apply to development on land in a land release area if a development control plan has been prepared for, and applies to, that land on the date of the commencement of this Plan.
- (4) The development control plan referred to in subclause (2) 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) an overall assessment of the conservation significance of the land and proposed measures to avoid, minimise or mitigate any impact on identified areas of significance,
  - (e) a network of passive and active recreational areas,
  - (f) stormwater and water quality management controls,

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- (g) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (h) detailed urban design controls for significant development sites,
  - (i) measures to encourage higher density living around transport, open space and service nodes,
  - (j) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (k) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (5) 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 Acid sulfate soils

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

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

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

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- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
- (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and
  - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
- (a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
  - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
  - (c) minor work, being work that costs less than \$20,000 (other than drainage work).

- 
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
- (a) the works involve the disturbance of less than 1 tonne of soil, and
  - (b) the works are not likely to lower the watertable.

#### 6.4 Earthworks

- (1) The objectives of this clause are as follows:
- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
  - (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless:
- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
  - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or 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 and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

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

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### 6.5 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,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to 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) is not likely to 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) is not likely to 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) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) Before determining a development application for development on land to which this clause applies, the consent authority must consider the potential to relocate, modify or remove the development if the land is affected by coastal processes, coastal hazards and sea level rise.
- (5) Before determining a development application for development for the purposes of residential accommodation or tourist and visitor accommodation on land within Zone B2 Local Centre and identified as "Moruya Town Centre" on the Land Zoning Map, the consent authority must consider whether or not the development:
  - (a) will increase the demand for the provision of emergency equipment, personnel, welfare facilities or other resources that may be required for an evacuation due to flooding, or
  - (b) will increase the risk to life and personal safety of any emergency service and rescue personnel who may be involved in any such evacuation, or

- (c) will adversely affect the cumulative impact of further development on potential flooding, or
  - (d) will increase the potential for pollution during flooding, or
  - (e) will increase public and private losses resulting from flooding.
- (6) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0), published in 2005 by the NSW Government, unless it is otherwise defined in this clause.
- (7) In this clause, ***flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

## 6.6 Biodiversity

- (1) The objective of this clause is to maintain terrestrial and aquatic biodiversity, including the following:
- (a) protecting native fauna and flora,
  - (b) protecting the ecological processes necessary for their continued existence,
  - (c) encouraging the recovery of native fauna and flora and their habitats,
  - (d) maximising connectivity, and minimising fragmentation, of habitat.
- (2) This clause applies to land identified as “Endangered Ecological Community”, “Extant Native Vegetation” or “Biocorridor” on the Terrestrial Biodiversity Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following:
- (a) native ecological communities,
  - (b) the habitat of any threatened species, populations or ecological community,
  - (c) regionally significant species of fauna and 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 will be managed to avoid any 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

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- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

### 6.7 Riparian lands and watercourses

- (1) The objective of this clause is to protect and maintain the following:
  - (a) water quality within watercourses,
  - (b) the stability of the bed and banks of watercourses,
  - (c) aquatic and riparian habitats,
  - (d) ecological processes within, and continuity and connectivity between, waterways and riparian areas.
- (2) This clause applies to land identified as follows on the Riparian Lands and Watercourses Map and situated within the distances specified below in relation to the top of the bank of the watercourse concerned:
  - (a) Riparian Category 1 watercourse—40 metres,
  - (b) Riparian Category 2 watercourse—20 metres,
  - (c) Riparian Category 3 watercourse—10 metres.
- (3) Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:
  - (a) will cause any adverse impact on the following:
    - (i) water quality and flows within a watercourse,
    - (ii) aquatic and riparian species, habitats and ecosystems,
    - (iii) the stability of the bed, shore and banks of a watercourse,
    - (iv) the free passage of fish and other aquatic organisms within or along a watercourse,
    - (v) any future rehabilitation of the watercourse and riparian areas, and
  - (b) will increase water extraction from a watercourse.
- (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 will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—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.



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**6.8 Wetlands**

- (1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.
- (2) This clause applies to land identified as “Wetland” on the Wetlands Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:
  - (a) whether or not the development is likely to have any significant adverse impact on the following:
    - (i) the condition and significance of the existing native fauna and flora on the land,
    - (ii) the provision and quality of habitats on the land for indigenous and migratory species,
    - (iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (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 will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably 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.

**6.9 Stormwater management**

- (1) The objective of this clause is to minimise the impact of urban stormwater on land adjoining downstream properties, native bushland and receiving waters.
- (2) This clause applies to all land in a residential, business or industrial zone.
- (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 designed to maximise the use of water permeable surfaces on the site, having regard to the soil characteristics affecting on site infiltration of water, and

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- (b) includes, where practical, on site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- (c) avoids, or where an impact cannot be avoided, minimises and mitigates, the impacts of stormwater run off on adjoining downstream properties, native bushland and receiving waters.

### 6.10 Minimum street frontage of land for buildings

- (1) The objectives of this clause are as follows:
  - (a) to ensure that, visually, buildings within Zone B4 Mixed Use have an appropriate overall horizontal proportion compared to their vertical proportions,
  - (b) to ensure that vehicular access to any such building is reasonably spaced and separated along roads and lanes,
  - (c) to provide appropriate dimensions for the design of car parking levels in any such building,
  - (d) to encourage the development of larger commercial, office, business, residential and mixed use buildings provided for under this Plan.
- (2) Development consent must not be granted for the erection of a building on land in Zone B4 Mixed Use unless the land on which the building is to be erected has at least one street frontage of 24 metres or more to a public street (excluding service laneways).
- (3) Despite subclause (2), development consent may be granted for the erection of a building on land that does not have at least one street frontage of 24 metres or more if the consent authority is satisfied that the construction of the building is:
  - (a) otherwise in accordance with the requirements of this Plan, and
  - (b) consistent with the objectives of this clause.

### 6.11 Active street frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages on land in business zones.
- (2) Development consent must not be granted to the erection of a building, or a change of use of a building, on land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

- (3) Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following:
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicle access.
- (4) In this clause, a building has an *active street frontage* if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

#### **6.12 Location of sex services premises**

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

#### **6.13 Public infrastructure buffer**

- (1) The objective of this clause is to provide appropriate buffers around certain public infrastructure to minimise potential land use conflict between existing and proposed development.
- (2) This clause applies to land identified as “Buffer” on the Public Infrastructure Buffer Map.

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- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered:
  - (a) whether the development has been designed, sited or managed to avoid any adverse odour, noise and visual impacts arising out of the authorised use and operation of any public infrastructure on adjoining land identified as “Public infrastructure” on the Public Infrastructure Buffer Map, and
  - (b) if certain adverse impacts cannot be avoided, after having taken into consideration feasible alternatives, whether the development is designed, sited or is to be managed to mitigate those impacts.

### 6.14 Design excellence in Batemans Bay

- (1) This clause applies to development involving the erection of a new building or external alterations to an existing building on land in Batemans Bay that is in Zone B4 Mixed Use.
- (2) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (c) whether the development detrimentally impacts on view corridors,
  - (d) how the development addresses the following matters:
    - (i) the suitability of the land for development,
    - (ii) existing and proposed uses and use mix,
    - (iii) heritage issues and streetscape constraints,
    - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
    - (v) bulk, massing and modulation of buildings,
    - (vi) street frontage heights,
    - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

- (viii) the achievement of the principles of ecologically sustainable development,
- (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
- (x) the impact on, and any proposed improvements to, the public domain.

**6.15 Short-term rental accommodation**

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

**6.16 Development of land at Kyla Park**

- (1) The objective of this clause is to ensure that development is of a density and scale compatible with the unique character of the Kyla Park area.
- (2) This clause applies to land identified as “Dwelling Density” on the Dwelling Density Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the dwelling density (excluding secondary dwellings) will not exceed 1 dwelling per 2 hectares.

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## Schedule 1 Additional permitted uses

(Clause 2.5)

### 1 Use of certain land at Beach Road, Batemans Bay

- (1) This clause applies to land at Beach Road, Batemans Bay, being Lot 11, DP 124295 and Lot 11, DP 870049.
- (2) Development for the purposes of shops, office premises and public administration buildings is permitted with consent.

### 2 Use of certain land at 49 Beach Road, Batemans Bay

- (1) This clause applies to land at 49 Beach Road, Batemans Bay, being Lot 2, DP 734790 and Lot 12, DP 124295.
- (2) Development for the purposes of mooring pens and moorings is permitted with consent.

### 3 Use of certain land at Hanging Rock Place, Batemans Bay

- (1) This clause applies to land at Hanging Rock Place, Batemans Bay, being Lot 3, DP 1171024.
- (2) Development for the purposes of an educational establishment is permitted with consent.

### 4 Use of certain land at Old Princes Highway and Crown Street, Batemans Bay

- (1) This clause applies to land at Old Princes Highway and Crown Street, Batemans Bay, being Lots 1–11, DP 18817, Lots 1–3, DP 385366, Lots 19 and 20, DP 17406, Lot 1, DP 118982, part of Lot 35, DP 801738, Lot 100, DP 1068268, Lot 1, DP 118980, Lots 18–21 and 27–31, DP 37507, Lot 12, DP 17406, Lots 1 and 2, DP 118978, Lot 1, DP 118979, Lots A and B, DP 159998, Lot 230, DP 624089, Lot 1, DP 121366, Lots 24–31 and 40, DP 758064 and Crown Land, DP 755902, identified as “1” on the Additional Permitted Uses Map.
- (2) Development for the purposes of office premises is permitted with consent if the premises are located on the ground floor as part of a mixed use development that includes residential accommodation.

### 5 Use of certain land at Vesper Street, Batemans Bay

- (1) This clause applies to land at Vesper Street, Batemans Bay, being Lots 14–17, 29–33 and 36, Section 3, DP 758064 and Lot 341, DP 1043224.
- (2) Development for the purposes of any development permitted in Zone B5 Business Development is permitted with consent if the consent

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authority and Roads and Maritime Services are satisfied that a suitable vehicular access road to the land can be achieved in a manner that does not impede vehicular traffic movements on, or reduce the operating efficiency of, the Princes Highway.

### **6 Use of certain land at 11191 Princes Highway, Benandarah**

- (1) This clause applies to land at 11191 Princes Highway, Benandarah, being Lot 1, DP 807108.
- (2) Development for the purposes of a service station is permitted with consent.

### **7 Use of certain land at 1554 Princes Highway, Bimbimbie**

- (1) This clause applies to land at 1554 Princes Highway, Bimbimbie, being Lots 21 and 22, DP 1063392.
- (2) Development for the purposes of an animal boarding or training establishment is permitted with consent.

### **8 Use of certain land at Bodalla**

- (1) This clause applies to land at Bodalla, being Lots 1–11, DP 32142 and Lots 12 and 13, DP 1060883.
- (2) Development for the purposes of a single dwelling on each lot is permitted with consent, if the means of access to each lot is satisfactory to the consent authority.

### **9 Use of certain land at 1166 Princes Highway, Jeremadra**

- (1) This clause applies to land at 1166 Princes Highway, Jeremadra, being Lot 1, DP 60785.
- (2) Development for the purpose of an extractive industry within the curtilage of the existing quarry is permitted with consent.

### **10 Use of certain land at Princes Highway, Mogo**

- (1) This clause applies to land at Princes Highway, Mogo, being Lot 1, DP 875990.
- (2) Development for the purposes of extractive industries within the curtilage of the existing quarry is permitted with consent.

### **11 Use of certain land at Bruce Cameron Drive (Airport Road), Moruya**

- (1) This clause applies to land at Bruce Cameron Drive (Airport Road), Moruya, being Lot 4, DP 1090948.

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- (2) Development for the purposes of commercial, tourist, residential, industrial and recreational land uses that are related to the use of Moruya Airport is permitted with consent.

**12 Use of certain land at 97 Campbell Street, Moruya**

- (1) This clause applies to land at 97 Campbell Street, Moruya, being Lot 6, DP 1089159.
- (2) Development for the purposes of industry, being specifically for a concrete batching plant, is permitted with consent.

**13 Use of certain land at 28A Evans Street, Moruya**

- (1) This clause applies to land at 28A Evans Street, Moruya, being Lot 308 (SPL 1964/13), DP 752151.
- (2) Development for the purpose of serviced apartments in association with a registered club is permitted with consent.

**14 Use of certain land at North Head Drive, Moruya**

- (1) This clause applies to land at North Head Drive, Moruya, being Lot 100, DP 1004180.
- (2) Development for the purposes of hotel or motel accommodation comprising 18 detached and semi-detached rooms or self-contained facilities, amenities and recreation hall, workshop and storage building, boiler house, BBQ shelter and a caretaker's residence is permitted with consent.

**15 Use of certain land at Old Mossy Point Road, Mossy Point**

- (1) This clause applies to land at Old Mossy Point Road, Mossy Point, being Lot 1, DP 1040724.
- (2) Development for the purposes of residential accommodation, consisting of no more than 90 dwellings, is permitted with consent.

**16 Use of certain land at Clyde Road, North Batemans Bay**

- (1) This clause applies to land at Clyde Road, North Batemans Bay, being Lot 70, DP 877865.
- (2) Development for the purposes of a building or group of buildings used for storage of a maximum of 60 boats and the undertaking of ancillary boat servicing activities is permitted with consent.

**17 Use of certain land at Kings Highway, North Batemans Bay**

- (1) This clause applies to land at Kings Highway, North Batemans Bay, being Lot 3, DP 865527.



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#### Schedule 1 Additional permitted uses

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- (2) Development for the purposes of vehicle sales or hire premises and a vehicle repair station is permitted with consent, but only in relation to motor vehicles.

#### **18 Use of certain land at 44 Tranquil Bay Place, Rosedale**

- (1) This clause applies to land at 44 Tranquil Bay Place, Rosedale, being Lot 4, DP 804658.
- (2) Development for the purposes of two attached dwellings for holiday accommodation on a casual basis for the exclusive use of terminally ill persons and their families is permitted with consent. The development must be contained within the nominated building curtilage as shown on the deposited plan.

#### **19 Use of certain land at Old South Coast Road, South Narooma**

- (1) This clause applies to land at Old South Coast Road, South Narooma, being Lot 31, DP 876114, Lots 3 and 4, DP 1042712 and Lots 4 and 5, DP 1040577.
- (2) Development for the purposes of one dwelling on each lot is permitted with consent.

#### **20 Use of certain land at 2–10 Ainslie Place, Tomakin**

- (1) This clause applies to land at 2–10 Ainslie Place, Tomakin, being part of Lot 33, DP 207386, identified as “2” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a market and storage of items for sale at that market is permitted with consent.

#### **21 Use of certain land at George Bass Drive, Tomakin**

- (1) This clause applies to land at George Bass Drive, Tomakin, being Lot 1, DP 881897, Lot 3, DP 843654 and Lot 221, DP 1111921.
- (2) Development for the purposes of residential accommodation, consisting of no more than 60 dwellings, is permitted with consent.

#### **22 Use of certain land at Trafalgar Street, Tuross Head**

- (1) This clause applies to land at Trafalgar Street, Tuross Head, being Lots D–J, DP 18055, Lot K, DP 362231, Lot 1, DP 624709, Lots 1–5, DP 28921 and part of Lot 8, DP 28921, identified as “3” on the Additional Permitted Uses Map.
- (2) Development for the purposes of restaurants or cafes, take away food and drink premises and shops is permitted with consent.

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## 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.

### Advertisements—general requirements

- (1) Must be non-moving.
- (2) If located over a public road, must be at least 3m above and 600mm from the edge of the roadway.
- (3) If located over a public footpath, must be at least 2.6m above the footpath.
- (4) Must relate to the lawful use of the building, unless it is a temporary sign and the consent of the owner of the building is obtained.
- (5) Must be within the boundaries of the property to which it applies, unless in a business or an industrial zone.
- (6) Must reflect the character and style of any building to which it is attached.
- (7) Must be structurally adequate.
- (8) Must not be detrimental to the function of the building.
- (9) Must not cause offence to the public.
- (10) Must not be on walls facing or adjoining residential premises.
- (11) Must not be on poles or hoardings.
- (12) Must obtain the consent of the owner of the property on which the sign is to be located.

### Advertisements—business identification signs in business zones

- (1) For flush wall signs and top hamper signs—maximum 3 signs per premises.
- (2) **Under awning signs**  
Sign attached to the underside of an awning other than a fascia or return end:
  - (a) Must meet the general requirements for advertisements.

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- (b) Maximum one sign per premises of ground level, street frontage.
- (c) Maximum length—2.5m.
- (d) Maximum height—0.5m.
- (e) Must not be flashing.

(3) **Projecting wall sign (excluding under awning signs)**

Sign attached to the wall of a building (other than the transom of a doorway or display window) and projecting more than 300mm:

- (a) must meet the general requirements for advertisements,
- (b) maximum one sign per premises or street frontage, whichever is greater,
- (c) maximum projection—1.5m,
- (d) maximum area—1.5m<sup>2</sup>,
- (e) must not be flashing.

(4) **Flush wall sign**

Sign attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 300mm:

- (a) must meet the general requirements for advertisements,
- (b) maximum area—2.5m<sup>2</sup>,
- (c) must not be flashing.

(5) **Top hamper sign**

Sign attached to the transom of a doorway or display window of a building:

- (a) must meet the general requirements for advertisements,
- (b) maximum area—2.5m<sup>2</sup>,
- (c) must not be flashing.

(6) **Fascia signs**

Sign attached to the fascia or return of the awning:

- (a) must meet the general requirements for advertisements,
- (b) maximum one sign per premises,
- (c) must not project more than 300mm above or below the fascia or return end of the awning,
- (d) must not be flashing.

**Advertisements—business identification signs in industrial zones**

- (1) Must meet the general requirements for advertisements.
- (2) Maximum one pole or pylon sign per premises (including any directory board for multiple occupancies).
- (3) Maximum sign height—5m.
- (4) Must be located within 5m of any public entry point to the premises.
- (5) Must not obstruct the sight line of vehicular or pedestrian traffic.
- (6) For multiple occupancy premises, one additional company sign is permitted at the entrance to each occupied unit, maximum dimensions—1.2m<sup>2</sup>.
- (7) For single occupancy premises, one additional company identification sign is permitted, maximum area—1m<sup>2</sup> per 3m of street frontage or 50m<sup>2</sup>, whichever is the lesser.

**Advertisements—business identification signs in residential zones**

- (1) Must meet the general requirements for advertisements.
- (2) Maximum one sign per premises.
- (3) Maximum area—0.75m<sup>2</sup>.
- (4) If a pole or pylon sign, maximum sign height—2m.
- (5) Must not be illuminated or flashing.

**Advertisements—business identification signs in rural zones**

- (1) Must meet the general requirements for advertisements.
- (2) Maximum one sign per premises.
- (3) Maximum area—0.75m<sup>2</sup> (except if pole or pylon sign).
- (4) If pole or pylon sign, maximum sign area—2m<sup>2</sup> and maximum sign height—2m.
- (5) Must not be illuminated or flashing.

**Advertisements—real estate signs (advertising premises or land for sale or rent) in business or industrial zones**

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—4.5m<sup>2</sup>.
- (3) Must be located wholly within the property boundary.
- (4) Must not be illuminated or flashing.

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- (5) Maximum one sign per premises.

### **Advertisements—real estate signs (advertising premises or land for sale or rent) in residential or rural zones**

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—2.5m<sup>2</sup>.
- (3) Must not be illuminated or flashing.
- (4) Maximum one sign per premises.

### **Advertisements—sign behind the glass line of a shop window**

- (1) Must meet the general requirements for advertisements.
- (2) Must not occupy more than 50% of the area of the window.
- (3) Must not be flashing.

### **Advertisements—sign on a structure that replaces one lawfully displayed on the same structure**

- (1) Must be the same size or smaller than sign being replaced.
- (2) Exterior surfaces must have non-reflective finishes.
- (3) Exterior colour is to be compatible with the surrounding environment.

### **Advertisements—sign on a vehicle used principally for conveying goods or passengers**

- (1) Must meet the general requirements for advertisements.
- (2) Must not be parked specifically for the purposes of advertising and/or promotion.

### **Advertisements—temporary banners on or over a public road**

- (1) Must meet the general requirements for advertisements.
- (2) Must not compromise commercial advertising other than the name and logo of the event's principal sponsor.
- (3) Must not be displayed earlier than 14 days before the event and removed within 48 hours after the event.

### **Advertisements—temporary signs for religious, cultural, social or recreational events**

- (1) Must meet the general requirements for advertisements.
- (2) Maximum one sign per street frontage.

- 
- (3) Maximum area—1.5m<sup>2</sup> and maximum height—1.5m in residential and rural areas.
  - (4) Maximum area—3.5m<sup>2</sup> and maximum height—2m in commercial and industrial areas.
  - (5) Must not include commercial advertising other than the name of the event sponsor.
  - (6) Must not be displayed earlier than 28 days before, or later than 14 days after, the event.
  - (7) Must not be used in relation to recurring events.
  - (8) Must not be flashing.

#### **Development on land within Zone E4 Environmental Living**

Must be prescribed as exempt development in Part 2 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* for land within Zone RU4 Primary Production Small Lots.

#### **Farm dams**

- (1) Must be on land within Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone E4 Environmental Living.
- (2) Must be permitted or authorised under the *Water Management Act 2000*.

#### **Grazing of livestock**

Must be on land within Zone R5 Large Lot Residential or Zone E4 Environmental Living.

#### **Outdoor lighting (excluding external lighting for sports fields, tennis courts or other sporting facilities and detached external lighting other than low level garden lighting)**

- (1) Must not directly light any adjoining premises, land or occupancy.
- (2) Must comply with AS 4282—*Control of the Obtrusive Effects of Outdoor Lighting*.
- (3) Must be used for recreational or security purposes only.
- (4) Must not be used for advertising purposes or the floodlighting or illumination of buildings or premises.

#### **Rural outbuildings (excluding farm buildings and garden sheds) that are ancillary to an existing dwelling on the property**

- (1) Maximum one permitted per property.

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- (2) Must be located on land within Zone RU1 Primary Production, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU5 Village.
- (3) Maximum size 100m<sup>2</sup> on properties equal to or greater than 2ha.
- (4) Maximum size 60m<sup>2</sup> on properties less than 2ha.
- (5) Maximum height 6m above ground level (existing).
- (6) Must be located at least 20m from the front boundary (road) and 12m from any side or rear property boundary.
- (7) Must be located at least 40m from any natural watercourse.
- (8) Must be located below ridgelines.
- (9) Must be located at least 10m from a dwelling.
- (10) If the structure is located on bush fire prone land, the structure must be made of non-combustible materials only.
- (11) Must not be used for commercial or habitable use.
- (12) Exterior surfaces must have non-reflective finishes.
- (13) Exterior colour is to be compatible with the surrounding environment.

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## 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

**Note.** This Part refers to complying development not specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

#### Industrial buildings and warehouses (external alterations or additions)

(1) **Application and general**

Must be the external alteration of, or adding to, an industrial or warehouse building for which a development consent is in force.

(2) **Bulk and scale**

Must meet the following requirements:

- (a) Maximum additional floor space—300m<sup>2</sup>, or 20% of the existing floor space, whichever is the lesser.
- (b) Maximum floor space ratio—0.75:1.
- (c) Height of any walls must not be more than the height of the walls of the adjoining existing building.

(3) **Setbacks and siting**

Must be setback at least 5m from each boundary.

(4) **Design, finishes and landscape**

Design, finishes and landscape, including colours, roof pitch and treatment, must be the same or similar to the existing building.

(5) **Site works**

Maximum cut or fill—500mm.

(6) **Landscaping and open space**

A landscaped strip of at least 3m to each street frontage within the front setback area must be planted with canopy trees and shrubs.

(7) **Stormwater and waste management**

Garbage, recycling and storage areas must be provided on-site and not be visible from a public place.



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Schedule 3 Complying development

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### (8) Access, parking and traffic

Must meet the following requirements:

- (a) Sealed road access must be available to the site.
- (b) Must not involve the removal of any existing car parking spaces.
- (c) Additional car parking spaces must be provided for the site to meet the following requirements:
  - (i) in relation to factories—1 car parking space per 30m<sup>2</sup> of office or showroom area and 1 car parking space per additional 100m<sup>2</sup> of gross floor area or 1 car parking space per 2 employees, whichever is the greater, or
  - (ii) in relation to warehouses—1 car parking space per additional 300m<sup>2</sup> of gross floor area.
- (d) Must not alter existing driveway access or loading and unloading access, unless the alteration is made wholly on site and does not contravene the conditions of a development consent applying to the land.

## Part 2 Complying development certificate conditions

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

### General conditions

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

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## 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
Batemans Bay	Lot 1, DP 44290, Beach Road
Batemans Bay	Lot 388, DP 248840, Gregory Street
Catalina	Lot 25, DP 793114, Vista Avenue
Central Tilba	Lot 1, DP 240467, Station Street
Moruya	Lot 1, DP 1042543, Church Street
Moruya	Part Lot 6, DP 792457, Luck Street
Moruya	Lot 102, DP 710162, Queen Street
Moruya	Lot 3, DP 631315, Queen Street
Sunshine Bay	Lot 1, DP 363010, Beach Road

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Batehaven	Part Lot 2, DP 514468, Peter Crescent	
Batemans Bay	Lot 2, DP 749983, Beach Road	
Batemans Bay	Lot 7, DP 261619, High Street	
Catalina	Part Lot 386, DP 248840, Albatross Road	
Tuross Head	Lot 131, DP 15425, Jutland Avenue	

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Schedule 4 Classification and reclassification of public land

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
Tuross Head	Part Lot 22, DP 232394, Trafalgar Road	
Narooma	Lot 4, DP 588769, Glasshouse Rocks Road	

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

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Nil	

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## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Akolele	John Young Family Vault	Bermagui Road	Lot 61, DP 752155	Local	12
Akolele	Merriwingah Recreation Ground	Youngs Road	Lot 7056, DP 1020203	Local	11
Batemans Bay	Presbyterian Cemetery	2a Beach Road	Lot 1, DP 740584	Local	13
Batemans Bay	Former Teacher's Residence	8 Beach Road	Lot 2, DP 817820	Local	14
Batemans Bay	CWA Hall/Formal Public School	10 Beach Road	Lot 31, DP 861414	Local	15
Batemans Bay	Roman Catholic Cemetery	1 Bent Street	Lot 13, Section 4, DP 758064; Lot 1, DP 126112	Local	16
Batemans Bay	Site of Coal Bunker Wharf	Clyde Street	Lot 7030, DP 1054995	Local	17
Batemans Bay	The Boatshed and Jetty	1c Clyde Street	DP 758064	Local	18
Batemans Bay	Former Courthouse, Police Station and Police Residence	3 Museum Place	Lot 101, DP 1001026	Local	19
Batemans Bay	Bay View Hotel	20 Orient Street	Lot 11, DP 740977	Local	110
Belowra (see also Cadgee, Eurobodalla, Nerrigundah, Tinpot and Yowrie)	Byrnes, Bate And Tarlington Stock Routes	3057 Belowra Road Nerrigundah Mountain Road	Lot 952, DP 605580; Lot 12, DP 752160; Lot 96, DP 752128; DP 752163	Local	111

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## Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Belowra	Sutherland's Babies' Grave Site	3070 Belowra Road	Lot 96, DP 752128	Local	112
Belowra (see also Deua and Deua River Valley)	Bendethera Bridle Tracks	Nerrigundah Mountain Road	DP 752163	Local	113
Benandarah	Paddle Wheel Punt	Durras Drive	Part Lot 2, DP 837898	Local	114
Benandarah	Timber Barn	19 Durras Drive	Lot 5, DP 872584	Local	115
Benandarah	Francis Guy's Residence	40 Durras Drive	Lot 4, DP 872584	Local	116
Benandarah	Hall/Former School and Cricket Pitch	2 Lookout Road, Princes Highway	Lot 1, DP 657300; Lot 23, DP 755904	Local	118
Benandarah	Guy's Sawmill	22 Lookout Road, 40 Durras Drive	Lot 50, DP 592940; Lot 4, DP 872584	Local	117
Benandarah	Backhouse's Mill	Princes Highway	Lot 23, DP 755904	Local	119
Benandarah	Residences associated with Backhouse's Mill	Princes Highway	Lot 23, DP 755904	Local	120
Benandarah	East Lynne tram line	As shown in Eurobodalla Shire Council Heritage Inventory 1997, Reference No BEND/R002, topographic map Nelligen 8926-4-S		Local	121
Bergalia	Former Cheese Factory	Bergalia Link Road	Lot 1, DP 945498	Local	122
Bergalia	Bergalia General Store	58 Bergalia Link Road	Lot 1, DP 159477	Local	123

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## Schedule 5

Suburb	Item name	Address	Property description	Significance	Item no
Bergalia	War Memorial	Road Reserve Corner of Beashells Lane and Bergalia Link Road		Local	I24
Bergalia	Lakeview Homestead including out buildings and Manager's cottage	120 Bingie Road	Lot 84, DP 736505	State	I25
Bingie	Wreck of SS Monaro	Bingie Road	Lot 215, DP 752137	Local	I26
Bingie	Bingie Farm	660 Bingie Road	Lot 216, DP 752137	Local	I27
Bodalla	Old Comerang Cow Bails	294 Comerang Farm Road	Lot 21, DP 12672	Local	I41
Bodalla	Bodalla Church of England Cemetery	Eurobodalla Road	Lot 1DP 1141348	Local	I28
Bodalla	School Residence, including Washhouse and Private Yard	7 Eurobodalla Road	Lot 1, DP 1102819	Local	I29
Bodalla	Heffernan's Hill Residence	142-157 Eurobodalla Road	Lot 3, DP 794098	Local	I30
Bodalla	Old Trunketabella Cheese Factory	15 Princes Highway	Lot 7, DP 835139	Local	I31
Bodalla	All Saints Anglican Church	48 Princes Highway	Lot 21, DP 752131	Local	I32
Bodalla	Bakery Oven	66 Princes Highway	Lot 44, DP 13566	Local	I33
Bodalla	Post Office and Residence	66a Princes Highway	Lot 1, DP 997476	Local	I34

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#### Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Bodalla	Bodalla Arms Hotel	73–77 Princes Highway	Lot 29, DP 13566	Local	135
Bodalla	Former Commercial Bank of Australia	73–77 Princes Highway	Lot 29, DP 13566	Local	136
Bodalla	Former Bodalla Company Estate, Doctor's/ Manager's Residence	84 Princes Highway	Lot 86, DP 584733	Local	137
Bodalla	Police Station and Lock-Up	96–100 Princes Highway	Lot 1, DP 176147	Local	138
Bodalla	Former Catholic Presbytery	157 Princes Highway	Lot 30, DP 561292	Local	139
Bodalla	St Edmunds and Our Lady Star Of The Sea Catholic Church	162 Princes Highway	Lot 1, DP 1143199	Local	140
Bodalla	Old Riverview Cow Bails	Redex Road	Lot 6, DP 752132	Local	142
Broulee	Mrs Abraham Maleber's Grave	Broulee Island	DP 758168	Local	143
Broulee	Erin-Go-Bragh Hotel Site	Broulee Island	DP 758168	Local	144
Broulee	Rail Tracks on Former Jetty	Broulee Island	DP 758168	Local	145
Broulee	Mount Oldrey Homestead	207 Broulee Road	Lot 3, DP 1013077	Local	146
Broulee	Aboriginal Canoe Tree	George Bass Drive	Lot 70, DP 831111	Local	147
Buckenbowra	Browne's Hut and Stockyard Memorial	1188–1190 Buckenbowra Road	Lot 13, DP 777171	Local	149

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Suburb	Item name	Address	Property description	Significance	Item no
Buckenbowra	Corn Trail	Kings Highway	Lot 14, DP 755951	Local	150
Buckenbowra	Heinrick Thomsen's Grave	Quartpot Road	Lot 66, DP 755969	Local	151
Cadgee (see also Belowra, Eurobodalla, Nerrigundah, Tinpot and Yowrie)	Byrnes, Bate and Tarlington Stock Routes	Wattlegrove Road	Lot 40, DP 752135; Lot 1, DP 752135; Lot 14, DP 752135; Lot 2, DP 752135; Lot 4, DP 752135; Lot 6, DP 752135	Local	111
Central Tilba	Bates' General Store	2 Bate Street	Lot 6, Section 2, DP 3166	Local	152
Central Tilba	War Memorial	Road Reserve adjacent to 2 Bate Street		Local	160
Central Tilba	School of Arts (Little Hall)	3 Bate Street	Lot 1, DP 919316; Lot 1, DP 919977	Local	153
Central Tilba	School of Arts (Large Hall)	3a Bate Street	Lot 16, Section 3, DP 3166	Local	154
Central Tilba	Former General Store	11 Bate Street	Lot 12, Section 3, DP 3166	Local	155
Central Tilba	Former Slab Residence	13 Bate Street	Lot 11, Section 3, DP 3166	Local	156
Central Tilba	Dromedary Hotel	14 Bate Street	Lot 1, Section 2, DP 3166	Local	157
Central Tilba	Former Butcher's Shop and Curtilage	25, 27 and 29 Bate Street	Lots 3-5, Section 3, DP 3166	Local	158
Central Tilba	ABC Cheese Factory	37 Bate Street	Lot 120, DP 789836	Local	159
Central Tilba	Yaringah Farm Houses	10 Corkhill Drive and 8456 Princes Highway	Lot H, DP 18411; Lot G, DP 18411	Local	161
Central Tilba	Methodist Church	32 Corkhill Drive	Lot 2, DP 548985	Local	162



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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Central Tilba	Former Police House and Doctor's Residence	47 Corkhill Drive	Lot 2, DP 843471	Local	163
Central Tilba	Former Court House	49 Corkhill Drive	Lot 1, DP 843471	Local	164
Central Tilba	Central Tilba Primary School	89 Corkhill Drive	Lot 1, DP 795357	Local	165
Central Tilba	Bellbrook Farm Buildings	106 Corkhill Drive	Lot 16, DP 807992; Lot 1, DP 591024	Local	166
Central Tilba	Marshmead Farm House and Buildings	141 Corkhill Drive	Lot 2, DP 1039689	Local	167
Central Tilba	Henkley Homestead and Farm Buildings	Haxstead Road	Lot 435, DP 752155	Local	168
Central Tilba	W E Secombe Grave	Haxstead Road	Lot 435, DP 752155	Local	169
Central Tilba	Lake View Gold Mine	Haxstead Road	Lot 2171, DP 600164	Local	170
Central Tilba	Lustleigh Park Farmhouse	Haxstead Road	Lot 231, DP 752155	Local	171
Central Tilba	Tilba Tilba District Cemetery	Haxstead Road	Lot 7051, DP 1052698	Local	172
Central Tilba	Albert Read's Grave	85 Haxstead Road	Lot 2, DP 1106180	Local	173
Central Tilba	Haxstead Homestead And Silo	131-133 Haxstead Road	Lot 8, DP 852736	Local	174
Central Tilba	Mount Dromedary Water Supply Reservoir	Princes Highway	DP 752155; Part Gulaga National Park and Part Bodalla State Forest	Local	177
Central Tilba	Mount Pleasant Farm Buildings	46 Punkalla Tilba Road	Lot 122, DP 1066032	Local	178

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Suburb	Item name	Address	Property description	Significance	Item no
Central Tilba	Slaughter Yards	94 Punkalla Tilba Road	Lot 14, DP 706210	Local	179
Central Tilba	Glenrock Farm House and Buildings	123–125 Punkalla Tilba Road	Lots A and B, DP 33792	Local	180
Central Tilba	Former Henkley Dam	58 Sherringham Lane	Lot 1, DP 1141051	Local	175
Central Tilba	Sherringham Farmhouse and Silos	198–244 Sherringham Lane	Lot 4, DP 583678	Local	176
Coila	Red Washed Grain Silo	Princes Highway	Lot 5, DP 263981	Local	181
Coila	Presbyterian Church	4017 Princes Highway	Lot 96, DP 1134972	Local	182
Congo	Maria Thompson's Grave	Congo Road	DP 751151	Local	183
Corunna	Corunna Recreation Ground and Velodrome	Mystery Bay Road	Lot 306, DP 752155	Local	184
Corunna	Cemetery and Church Site	Old Highway	Lot 290, DP 752155	Local	185
Dalmeny	Roman Catholic Church	26 Lonsdale Parade	Lot 214, DP 25668	Local	186
Deua (see also Belowra and Deua River Valley)	Bendethera Bridle Tracks	Donalds Creek Road and Wamban Road Deua	Lots 21a and 22a, DP 752134; Lots 2, 3, 4 and 20, DP 752142; Lots 2–5, DP 752138; Lots 1 and 2, DP 752159	Local	113
Deua	Alpine Homestead	Neringla Road	Lot 6, DP 752142	Local	188
Deua	Stone Bakery Oven	Wamban Road	Lot 1, DP 752159	Local	189

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Deua	George Family Member's Grave	Wamban Road	Lot 1, DP 752159	Local	190
Deua	Water Race (former)	Wamban Road	Lot 1, DP 752159	Local	191
Deua River Valley (see also Belowra and Deua)	Bendethera Bridle Tracks	Araluen Road	DP 755945	Local	113
Dignams Creek	Former Post Office	9473 Princes Highway	Lot 369, DP 752155	Local	192
Dignams Creek	Bottin Family Graves	1071 Reedy Creek Road	Lot 40, DP 752145	Local	1219
Eurobodalla	Charles Harpur and Son's Graves	Eurobodalla Road	Lot 7300, DP 1146051	Local	193
Eurobodalla	Home Farm Cheese Factory	149 Eurobodalla Road	Lot 1, DP 520313	Local	194
Eurobodalla	Former School of Arts	1043 Eurobodalla Road	Lot 180, DP 771740	Local	195
Eurobodalla (see also Belowra, Cadgee, Nerrigundah, Tinpot and Yowrie)	Byrnes, Bate and Tarlington Stock Routes	178 Reedy Creek Road	Lot 49, DP 752145	Local	111
Eurobodalla	Former Post Office	12-18 Waincourt Road	Lot 9, DP 252742	Local	196
Guerilla Bay	World War II Radar Station Number 17	Burri Point Road	Lot 7023, DP 1122598	Local	197
Kiora	Kiora Cemetery	478 Araluen Road	Lot 4, DP 192733	Local	199
Kiora	Kiora Homestead	486 Araluen Road	Lot 1, DP 521895	Local	198

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Suburb	Item name	Address	Property description	Significance	Item no
Kiora	Former Cheese Factory	495–497 Araluen Road	Lot 1, DP 607096	Local	I100
Malua Bay	Slab Hut (Rosebud Farmhouse)	520 Dunns Creek Road	Lot 3, DP 1113950	Local	I101
Mogo	Kelly's Gold Mine	Princes Highway	DP 755902	Local	I102
Mogo	Mogo Cemetery	Princes Highway	Lot 7039, DP 1020364	Local	I103
Mogo	Former Gold Counting House	874 Princes Highway	Lot 1, DP 124928	Local	I104
Mogo	Former Catholic Church	24–22 Sydney Street	Lot 70, DP 755902	Local	I106
Mogo	Residence and Shop	25 Sydney Street	Lot 45, DP 771699	Local	I107
Mogo	Former Inn, Residence and Post Office	34–36 Sydney Street	Lot 761, DP 807011	Local	I108
Mogo	Cottage	37–39 Sydney Street	Lots 581 and 582, DP 740411	Local	I105
Mogo	Former Digger's Store	42 Sydney Street	Lot 1, Section 6, DP 758688	Local	I109
Mogo	Former Inn and Post Office	44 Sydney Street	Lot 2, Section 6, DP 758688	Local	I110
Mogo	Public School and Teacher's Residence	64–72 Sydney Street	Lot 63, DP 755902	Local	I111
Moruya	Former Post Office	52 Campbell Street	Lot 111, DP 814792	Local	I112
Moruya	Residence	55 Campbell Street	Lot 11, DP 998655	Local	I113
Moruya	Former Merchant of Moruya and Moruya Examiner Building	56 Campbell Street	Lot 22, DP 543431	Local	I114

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Moruya	Prospect Residence	56 Campbell Street	Lot 22, DP 543431	Local	1115
Moruya	Vivian Cottage	60 Campbell Street	Lot 41, DP 610525	Local	1116
Moruya	Former Private Hospital	62 Campbell Street	Lot 81, DP 613866	Local	1117
Moruya	Former Shire Offices	67–71 Campbell Street	Lot 1, Section 28, DP 758710	Local	1118
Moruya	Emmott House and Gibson House	85 and 87 Campbell Street	Lots 1 and 2, DP 608571	Local	1119
Moruya	Sundial	89 Campbell Street	Lot 3, DP 608571	Local	1120
Moruya	Girl Guide Hall/Former Newstead Public School	Campbell Street, 13 Evans Street	Lots 1 and 2, Section 45, DP 758710	Local	1121
Moruya	Moruya Airport World War II Installations	111 Donnelly Drive and Bruce Cameron Drive (Airport Road)	Lots 41 and 42, DP 1036166; Lot 10, DP 771575; Lot 4, DP 1090948	Local	1122
Moruya	Cemeteries	Dwyers Creek Road	Lots 1, 2 and 3, Section 45, DP 752151	Local	1123
Moruya	Donkey Hill Gold Mine	Dwyers Creek Road	Lot 33, DP 752129	Local	1124
Moruya	Hunt's Gold Mine And Battery	Dwyers Creek Road	Lot 312, DP 47662	Local	1125
Moruya	Public School	16–28 Evans Street	Lot 1, DP 740640	Local	1126
Moruya	Residence	29 Evans Street	Lot 20, DP 580660	Local	1127
Moruya	St Stephens Presbyterian Church	31 and 31A Evans Street	Lot 11, Section 26, DP 758710; Lot 1, DP 125447	Local	1128

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Moruya	Former Cheese Factory	57 Hawdon Street	Lot 1, DP 1047608	Local	1129
Moruya	Former Gundry Hotel	63 Hawdon Street	Lot 1, DP 125177	Local	1130
Moruya	Shannon View	21 Larrys Mountain Road	Lot 1, DP 950539	Local	1131
Moruya	Glenduart Cemetery	Maclean Place	Lot 21, DP 246754	Local	1132
Moruya	Former Bakery	8, 10 and 12 North Head Drive	Lots 2, 3 and 4, DP 211794	Local	1133
Moruya	Granite Town Cottage	297 North Head Drive	Lot 12, DP 599653	Local	1134
Moruya	Moruya Quarry, Site and Structures (also incorporating Ziegler's Quarry)	330 North Head Drive	Lots 1 and 2, DP 595314; Lot 8, DP 904847	Local	1135
Moruya	Former Watch-House	3 Page Street	Lot 701, DP 1019731	Local	1136
Moruya	Uniting Church	7 Page Street	Lot 2, DP 17507	Local	1137
Moruya	Former Moruya Examiner Office	8 Page Street	Lot 2, DP 81710	Local	1138
Moruya	Former Powerhouse	10 Page Street	Lot 1, DP 999817	Local	1139
Moruya	RSL Memorial Hall	11 Page Street	Lot 53, DP 738419	Local	1140
Moruya	Former Mechanics Institute	13 Page Street	Lot 52, DP 738419	State	1141
Moruya	Former Ziegler House	15 Page Street	Lot 1, DP 712483	Local	1142

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Moruya	St John's Anglican Church Group, comprising Church, Rectory and Former School	15a Page Street	Lots 2 and 3, DP 861020; Lot 2, Section 21, DP 758710; Lot 1, DP 861020	Local	I143
Moruya	Masonic Hall	16 Page Street	Lot 1, DP 195766	Local	I144
Moruya	Residence	19 Page Street	Lot 1, DP 745402	Local	I145
Moruya	Residence	21 Page Street	Lot 1, DP 782787	Local	I146
Moruya	Residence	23 Page Street	Lot 1, DP 783612	Local	I147
Moruya	Sacred Heart Catholic Church and St Mary's Convent Group, comprising Church, Presbytery, Convent and Primary School	Queen Street	Lots 1–6, Section 11, DP 758710; Lot 7, DP 1136288	Local	I148
Moruya	Former Club House Hotel	43 Queen Street	Lot 16, DP 774456	Local	I149
Moruya	Former Kildare Hotel	51 Queen Street	Lot 101, DP 710162	Local	I150
Moruya	Adelaide Hotel	36–38 Vulcan Street	Lot 1, DP 826354	Local	I151
Moruya	Retail Store	42 Vulcan Street	Lots 1 and 2, DP 1017071	Local	I152
Moruya	Former Commonwealth Bank	51 Vulcan Street	Lot 2, DP 807857	Local	I153
Moruya	Former Bank of New South Wales	59 Vulcan Street	Lot 1, DP 125506; Lot D, DP 403684	Local	I154
Moruya	Former Commercial Banking Company	60 Vulcan Street	Lot 100, DP 731106	Local	I155

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Moruya	Court House Residence	65 Vulcan Street	Lot 9, Section 11, DP 758710	Local	1156
Moruya	Former Garnet Chewying Building	66, 68, 70 and 72 Vulcan Street	Lots 7 and 8, DP 1003486	Local	1157
Moruya	Air Raid Tavern/Former Keatings Hotel Site	73 Vulcan Street	Lot 10, DP 711342	Local	1158
Moruya	Former Amusu Theatre	78 Vulcan Street	Lot 11, DP 1003486	Local	1159
Moruya	Francis Hill Gold Mine	Wamban Road	DP 752151		1160
Moruya	Coman Family Graves	126 Wamban Road	Lot 1, DP 250960	Local	1161
Moruya Heads	Moreton Bay Fig Tree	7 and 9 Albert Street	Lots 11 and 12, Section 1, DP 37295	Local	1162
Moruya Heads	Former Granite Town Cottage	13 Albert Street	Lot 14, DP 634362	Local	1163
Moruya Heads	Toragy Point Cemetery	Elizabeth Street	Lot 300a, DP 752151	Local	1164
Moruya Heads	Wharf Remnant, Mooring Ring and Sea Wall	Elizabeth Street	DP 752151	Local	1165
Moruya Heads	Old Pilot Station and Mast of the Trident	2 Elizabeth Street	Lot 424, DP 44312	Local	1166
Moruya Heads	Louitt's Quarry, Wharf and Roadway	Spinnaker Place	Lot 117, DP 752151	Local	1168
Moruya Heads	Spike Tree	Spinnaker Place	Lot 120, DP 752151	Local	1169
Mossy Point	Anchor Monument	Annetts Parade	Lot 362, DP 15396	Local	1170



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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Mossy Point	The Wreck of the Rover Memorial	Annetts Parade	Lot 7311, DP 1147050	Local	1171
Mossy Point	Breakwater	Annetts Parade	DP 755963	Local	1172
Mossy Point	Former Timber Mill Getter's Hut	36 Annetts Parade	Lot 299, DP 15396	Local	1173
Mossy Point	Araluen Residence	105 Annetts Parade	Lot 975, DP 827504	Local	1174
Mossy Point	Amaroo Residence	127 Annetts Parade	Lot 14, DP 237051	Local	1175
Mossy Point	Remnant Rural Fencing	147 Annetts Parade	Lot 72, DP 15396	Local	1176
Mossy Point	Former RAAF Hut	167 Annetts Parade	Lot 64, DP 15396	Local	1177
Mossy Point	Greengates Residence	175 Annetts Parade	Lot D, DP 412078; Lot B, DP 413288	Local	1178
Mossy Point	Shops	1 Surfside Avenue	Lot 284, DP 15396	Local	1179
Mystery Bay	Mystery Bay Memorial	Lamont Young Drive	Lot 1, DP 125750	Local	1180
Narooma	Montague Island Lightstation	Road on Montague Island	Lot 2, DP 788421	State	1181
Narooma	Three Graves, Narooma Golf Course	3 Ballingalla Street	Lot 7007, DP 1122328	Local	1182
Narooma	Pilots Wharf and Boatshed	Bluewater Drive, Part reserve 69965	Lot 7025, DP 752155	Local	1183
Narooma	Wharf Pylon	Bluewater Drive	Lot 891, DP 729182	Local	1184
Narooma	Narooma Soldiers Memorial School of Arts	92 Campbell Street	Lot 2, DP 519890	Local	1185

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Suburb	Item name	Address	Property description	Significance	Item no
Narooma	Court House	100 Campbell Street	Lot 7057, DP 1057698	Local	1186
Narooma	Cemetery	Cemetery Road	Lot 7306, DP 1132153; Lot 7064, DP 1054955	Local	1187
Narooma	Narooma Primary School	19 Montague Street	Lot 915, DP 821650	Local	1188
Narooma	Kianga Provisional School Building	19 Montague Street	Lot 1, Section 12, DP 758754	Local	1189
Narooma (see also North Narooma)	Log Ramps (Skids), Wagonga Inlet	2 Ringlands Road	Lot 454, DP 752155; Lot 6, DP 794333; DP 759032	Local	1191
Narooma	Former Cheese Factory	34 Ringlands Road	Lot 598, DP 752155	Local	1190
Narooma	Rock Training Walls	Wagonga Inlet Map reference 241000E to 242000E, 5988000N AMG, Narooma 8925-4-S		Local	1192
Narooma	St Phillips Cemetery	Wagonga Scenic Drive	Lot 399, DP 752155	Local	1193
Narooma	Wagonga Cemetery	Wagonga Scenic Drive	Reserve 43416 and Lot 1, DP 725543	Local	1194
Narooma	War Memorial Clock	Wagonga Street	DP 758754	Local	1195
Narooma	Uniting Church Group comprising Church, Parsonage and Fence	134 Wagonga Street	Lot 8, Section 5, DP 758754	Local	1196
Nelligen	Soldiers Memorial	Braidwood Street	Lot 4, Section 4, DP 758762	Local	1197

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Nelligen	Mechanics Institute	3 Braidwood Street	Lot 5, Section 5, DP 758762	Local	1198
Nelligen	Former Post Office	7 Braidwood Street	Lot 1, DP 519317	Local	1199
Nelligen	Former Schoolhouse	11 Braidwood Street	Lot 6, Section 4, DP 758762	Local	1200
Nelligen	Former Police Station	13 Braidwood Street	Lot 5, Section 4, DP 758762	Local	1201
Nelligen	Court House	15 Braidwood Street	Lot 2, Section 4, DP 758762	Local	1202
Nelligen	Cemetery	Runnyford Road	Lots 2 and 7, DP 34654; Lot 84, DP 1140911	Local	1203
Nelligen	St Joseph's Roman Catholic Church	1 Runnyford Road	Lot 100, DP 736716	Local	1204
Neringla	Woolla Historic Homestead	Neringla Road	Lot 87, DP 752150	Local	1205
Nerrigundah	William Fletcher Grave	Belowra Road	Lot 12, Section 6, DP 758765	Local	1206
Nerrigundah	Original Cemetery	Byrnes Street	Lot 1, Section 6, DP 758765	Local	1207
Nerrigundah	Catholic Church	6 Byrnes Street	Lot 1, DP 917501	Local	1208
Nerrigundah	Chinese Oven	2813 Eurobodalla Road	Lot 40, DP 752156		1209
Nerrigundah	Constable Miles O'Grady Monument	Road Reserve junction of Moruya and Gulph Streets		Local	1210
Nerrigundah	Water Race	Gulph Creek Road	Part Lot 15, DP 752147	Local	1211
Nerrigundah	Pollock's General Store	6-8 Gulph Street	Lot 5, Section 3, DP 758765	Local	1212

Suburb	Item name	Address	Property description	Significance	Item no
Nerrigundah	Kings Battery Little Belimbla Creek Mine Site	Nerrigundah Mountain Road	DP 752163	Local	I213
Nerrigundah	Coman's Mine	Nerrigundah Mountain Road	DP 752163	Local	I214
Nerrigundah	Concrete Dam	Nerrigundah Mountain Road	DP 752163	Local	I215
Nerrigundah	Cemetery	823 Nerrigundah Mountain Road	DP 752156	Local	I216
Nerrigundah (see also Belowra, Cadgee, Eurobodalla, Tinpot and Yowrie)	Byrnes, Bate and Tarlington Stock Routes	Wattlegrove Road	DP 23994; Lots 1 and 3, DP 116116; Lots 3, 15, 27 and 53, DP 752135	Local	I11
Nerrigundah	Residence	9 William Street	Lot 1, Section 10, DP 758765	Local	I216
North Narooma	Lucky Old Chief and Royal Mine (Chinamen's Caves)	Riverview Road	Lot 101, DP 1000227	Local	I217
North Narooma (see also Narooma)	Log Ramps (Skids), Wagonga Inlet	313 Riverview Road	Lot 34, DP 752162	Local	I191
Potato Point	Wharf and Sawmill Truck Remains	Long Point Street	Lot 59, DP 208932	Local	I218
Rosedale	Rosedale Fishing Cabins	16 Knowlman Road	Lot 71, DP 612285	Local	I220
Runnyford	May's Landing, Wray's Wharf Site	Mays Road	Lot 7001, DP 1020736	Local	I221

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Runnyford	Runnyford Homestead	1183 Runnyford Road	Lot 132, DP 755969	Local	I222
South Durras	McMillan's Sawmill, Wharf and Skids	Foreshore adjoining and on, Banyandah Street, at southern end of Mill Beach	Part Lot 31, DP 755904	Local	I223
South Durras	Myrtle Beach-Wasp Head Geological Site	Approximately 20 hectares of land between Mill Beach and Myrtle Beach, comprising rock platforms and adjacent coastal cliffs to the low water mark (Refer to Register of the National Estate Database No 000999)		Local	I224
Tilba Tilba	Marengo Farm House	Corkhill Drive	Lot B, DP 940888	Local	I225
Tilba Tilba	Greenacres Farm House	229 Corkhill Drive	Lot 1, DP 191518	Local	I226
Tilba Tilba	Holy Trinity Church	242 Corkhill Drive	Lots 87 and 88, DP 752155	Local	I227
Tilba Tilba	Residence	254 and 256 Corkhill Drive	Lots 1-4, Section 1, DP 3351	Local	I228
Tilba Tilba	Former Stables	258 Corkhill Drive	Lots 5-7, Section 1, DP 3351	Local	I229
Tilba Tilba	Former Post Office	263 Corkhill Drive	Lot 2, DP 614884	Local	I230
Tilba Tilba	Former Tilba Tilba Hotel, Milton's Hotel	265 Corkhill Drive	Lot 1, DP 614884	Local	I231

Suburb	Item name	Address	Property description	Significance	Item no
Tilba Tilba	Former Tilba Tilba Store	266 Corkhill Drive	Lot 183, DP 1125875	Local	I232
Tilba Tilba	Kitty's House	267 and 269 Corkhill Drive	Lot 13, DP 790759; Lot 4, DP 3351	Local	I233
Tilba Tilba	Former Butcher's Shop	270 Corkhill Drive	Lot 2, DP 1123629	Local	I234
Tilba Tilba	Former Temperance Hall	271 Corkhill Drive	Lot 4, DP 1078549	Local	I235
Tilba Tilba	Foxglove Spires Residence and Garden	272-282 Corkhill Drive	Lots 5-9, Section 2, DP 33517; Lots 401 and 402, DP 830620	Local	I236
Tilba Tilba	Former Post Office	9067 Fairview Road	Lot 1, DP 128676	Local	I237
Tilba Tilba	Mountain View Homestead Farm Buildings and Garden	Mount Dromedary Trail, The Avenue	Lots 11 and 12, DP 1117213; Lot 1, DP 720023	Local	I238
Tilba Tilba	Glen Luna Residence	8727-8729 Princes Highway	Lot 5, DP 1078549	Local	I239
Tilba Tilba	Mountain Valley Farm Cottage	8727-8729 Princes Highway	Lot 5, DP 1078549	Local	I240
Tilba Tilba	Former Agricultural Showground Hall	8727-8729 Princes Highway	Lot 5, DP 1078549	Local	I241
Tilba Tilba	Former Cheese Factory	8731 Princes Highway	Lot 1, DP 521590	Local	I242
Tilba Tilba	Southam Graves	9069 Princes Highway	Lot 2, DP 578862	Local	I243

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Tinpot (see also Belowra, Cadgee, Eurobodalla, Nerrigundah, and Yowrie)	Byrnes, Bate and Tarlington Stock Routes	Reedy Creek Road	Lots 52 and 162, DP 752145	Local	I11
Tinpot	Port Phillip Neddie's Grave	Wattlegrove Road	Lot 76, DP 752145	Local	I244
Tomakin	Melville Point Cemetery Memorial	Red Hill Parade	Lot 353, DP 211966	Local	I245
Tuross Head	Tuross House and Norfolk Island Pine Tree	18 Coral Crescent	Lot 12, DP 1145125	Local	I246
Tuross Head	Timber Cottage	23 Hawkins Road	Lot 21, DP 15425	Local	I247
Tuross Head	Kyla Park Grazing Lands	Hector McWilliam Drive	Lots 1 and 2, DP 1081596; Lots 75, 76 and 77, DP 260321	Local	I248
Tuross Head	Tuross House Barn	221 Hector McWilliam Drive	Lot 1, DP 258730	Local	I249
Tuross Head	St David's Presbyterian Church	277 Hector McWilliam Drive	Lot 181, DP 15425	Local	I250
Tuross Head	Old Tuross Bakery	10 Hood Crescent	Lot 156, DP 15425	Local	I251
Tuross Head	Eva Mylott Memorial	Jutland Avenue	DP 752137	Local	I252
Tuross Head	Progress Association Hall	1 Jutland Avenue	Lot 131, DP 15425	Local	I253
Yowrie (see also Belowra, Cadgee, Eurobodalla, Nerrigundah and Tinpot)	Byrnes, Bate and Tarlington Stock Routes	Wattlegrove Road Belowra Road	Lots 11, 14, 15 and 31, DP 752160	Local	I11

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**Part 2 Archaeological sites**

<b>Suburb</b>	<b>Item Name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Benandarah	Former Durras Road	40 Durras Drive and 22 Lookout Road	Part DP 755904; Lot 1, DP 126113; Lot 4, DP 872584; Lot 50, DP 592940	Local	A1
Bodalla	Deraquin House Site	Princes Highway	Lot 163, DP 752131	Local	A2
Broulee Bay	Wreck of the John Penn	Map reference 245600E, 6028300N, AMG Mogo 8926-111-N		Local	A21
Buckenbowra	Old Bolaro Road	Old Bolaro Road	Lot 32, DP 755908	Local	A3
Cadgee	Ruins of Gulph Creek Dredge	Wattlegrove Road	Lot 8, DP 752135	Local	A4
Central Tilba	Monzonite Quarries	37 and 57 Punkalla Tilba Road	Lot 3 and 2, DP 626641	Local	A5
Currowan	Starch Factory Site	The River Road	Lot 7, Section 14, DP 758328	Local	A6
Currowan	Ship Building Site	560 The River Road	Lot 29, DP 755930	Local	A7
Deua River Valley	Man Made River Cutting	Araluen Road	DP 755945	Local	A8
Moruya	Remains of Granite Town	North Head Drive	Lot 91, DP 631493	Local	A9
Moruya	Site of Sunnybank Residence	Princes Highway	Lot 61, DP 1014094	Local	A10



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<b>Suburb</b>	<b>Item Name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Moruya	Braemar Farm, comprising Farmhouse, Outbuildings and Bunya Pine	1a South Head Road	Lot 50, DP 752151	Local	A11
Moruya Heads	Wreck of Sand Barge	North Head Drive Malabar Creek, Map reference 238800E, 6022800N, AMG Moruya 8926-3-S		Local	A22
Moruya Heads	Illawarra Steam Navigation Company Wharf Remnant	Preddeys Wharf Road	Lot 1, DP 1061092	Local	A12
Moruya Heads	Shipyards Site	The Anchorage	Lot 125, DP 752151	Local	A13
Narooma	Ruins of Thomas Forster's Residence	Old Highway	Lot 1, DP 742463	Local	A14
Narooma	Remains of McMillan's Mill	2 Ringlands Road	Lot 454, DP 752155	Local	A15
Narooma	Old Ferry Approaches and Crossing	Riverside Drive	Lot 7019, DP 752155; Lot 225, DP 726737	Local	A16
Narooma	Wagonga Wharf Site	Wagonga Scenic Drive	Lot 7012, DP 1056264	Local	A17
Nelligen	Convict Road	Bolaro State Forest	DP 755969	Local	A18
Tilba Tilba	Chinese Drystone Wall	Corkhill Drive	Lot 2, DP 1017506	Local	A19
Tuross Head	Kyla Park Farm Remnants	8 Hawdons Cove	Lot 8, DP 259656	Local	A20

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### Part 3 Heritage conservation areas

<b>Description</b>	<b>Identification on Heritage Map</b>	<b>Significance</b>
Hanging Rock	Shown by yellow edging and labelled "AH2"	Local
Stoney Creek—Brou Lake	Shown by yellow edging and labelled "AH3"	Local
Bengello Creek	Shown by yellow edging and labelled "AH4"	Local
Najanuka	Shown by yellow edging and labelled "AH5"	Local
Barlings Beach and Island Complex (includes Intertidal Zone and Foreshore)	Shown by yellow edging and labelled "AH6"	Local
Grandfathers Gully and Beach	Shown by yellow edging and labelled "AH7"	Local
Malabar Lagoon	Shown by yellow edging and labelled "AH8"	Local
Moruya Showground (Grandstand and Exhibits Pavilion)	Shown by red hatching and labelled "C9"	Local
Pedro Swamp	Shown by yellow edging and labelled "AH10"	Local
Smyth's Oval	Shown by yellow edging and labelled "AH11"	Local
Cullendulla Creek	Shown by yellow edging and labelled "AH12"	Local
Barlings Beach	Shown by yellow edging and labelled "AH13"	Local
Tilba Conservation Area	Shown by red hatching and labelled "C14"	Local

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## Dictionary

(Clause 1.4)

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

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

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

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

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

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

**Acid Sulfate Soils Map** means the Eurobodalla Local Environmental Plan 2012 Acid Sulfate Soils Map.

**Additional Permitted Uses Map** means the Eurobodalla Local Environmental Plan 2012 Additional Permitted Uses Map.

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

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

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

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

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

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

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

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

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

**agriculture** means any of the following:

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

**Note.** Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

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

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

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

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

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

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

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

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

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

**archaeological site** means a place that contains one or more relics.

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

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and

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(c) none of the dwellings is located above any part of another dwelling.

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

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

**backpackers' accommodation** means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

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

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

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

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

**Note.** See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

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

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

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

**biodiversity** means biological diversity.

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

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

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

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

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

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

***boarding house*** means a building that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

whichever distance is the shortest.

**bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

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

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

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

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

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

**bush fire hazard reduction work** means:

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

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

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

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

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

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

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- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

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

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

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

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

- (b) a service is provided directly to members of the public on a regular basis,

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

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

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

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

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:

(i) dwellings that are permitted on rural land, and

(ii) dwellings that are used for caretaker or staff purposes, or

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

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

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



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

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

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

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

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

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

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

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

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or

- 
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and

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

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

**commercial premises** means any of the following:

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

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

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

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

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

**correctional centre** means:

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

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

**Council** means the Eurobodalla Shire Council.

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**Crown reserve** means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Dwelling Density Map** means the Eurobodalla Local Environmental Plan 2012 Dwelling Density Map.

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***Dwelling Entitlements Map*** means the Eurobodalla Local Environmental Plan 2012 Dwelling Entitlements Map.

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

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

***earthworks*** means excavation or filling.

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

***eco-tourist facility*** means a building or place that:

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

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

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

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

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

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

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

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

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

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,

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(h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

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

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

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

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

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

**estuary** means:

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

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

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

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

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

**extensive agriculture** means any of the following:

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

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

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

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

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

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

**farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

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

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

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

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

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

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

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

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

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

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

**Definition of “fish”**

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
  - (a) oysters and other aquatic molluscs, and
  - (b) crustaceans, and
  - (c) echinoderms, and
  - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

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

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the Eurobodalla Local Environmental Plan 2012 Floor Space Ratio Map. [Not adopted. See clause 4.4.]

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

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

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

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

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

**forestry operations** means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or



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- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

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

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

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

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

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

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

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

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

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

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

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

but excludes:

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

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

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

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

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

**group home** means a permanent group home or a transitional group home.

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

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

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

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

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

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

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

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formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration

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to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

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

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

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

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

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

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

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

**Height of Buildings Map** means the Eurobodalla Local Environmental Plan 2012 Height of Buildings Map.

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

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

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

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

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

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

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

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***heritage conservation management plan*** means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

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

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

***heritage item*** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note.** An inventory of heritage items is also available at the office of the Council.

***heritage management document*** means:

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

***Heritage Map*** means the Eurobodalla Local Environmental Plan 2012 Heritage Map.

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

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

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

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- (h) any other goods, systems or components intended for use in a science or technology related field,

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

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

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

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

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

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

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

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

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

**Note.** See clause 5.4 for controls relating to the floor area used for a home business.

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

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

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

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

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

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

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

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

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

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

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

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

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

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

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

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

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

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

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

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



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- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

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

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

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

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

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

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

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

**industry** means any of the following:

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

but does not include:

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

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

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),

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- (b) feedlots,
  - (c) piggeries,
  - (d) poultry farms,

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

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

**intensive plant agriculture** means any of the following:

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

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

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

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

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

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

**Land Application Map** means the Eurobodalla Local Environmental Plan 2012 Land Application Map.

**land release area** means land identified as “land release area” on the Land Release Area Map.

**Land Release Area Map** means the Eurobodalla Local Environmental Plan 2012 Land Release Area Map.

**Land Reservation Acquisition Map** means the Eurobodalla Local Environmental Plan 2012 Land Reservation Acquisition Map.

**Land Zoning Map** means the Eurobodalla Local Environmental Plan 2012 Land Zoning Map.

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

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

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

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**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

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

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

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

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

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

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

**Lot Size Map** means the Eurobodalla Local Environmental Plan 2012 Lot Size Map.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

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

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

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

**moveable dwelling** means:

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

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**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

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

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

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

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

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

### Meaning of “native vegetation”

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

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

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

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

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

**nominated State heritage item** means a heritage item that:

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

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

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

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

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

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

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

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

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

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

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

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

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

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

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**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

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

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

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated 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 retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

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

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

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

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**Public Infrastructure Buffer Map** means the Eurobodalla Local Environmental Plan 2012 Public Infrastructure Buffer Map.

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

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

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

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

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

**public utility infrastructure**, in relation to a land release area, means infrastructure for any of the following:

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

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

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

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

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

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

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

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

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley,



ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

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

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

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

**registered club** means a club that holds a club licence under the *Liquor Act 2007*.

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

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

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

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

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

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,

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- (j) secondary dwellings,
  - (k) semi-detached dwellings,
  - (l) seniors housing,
  - (m) shop top housing,

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

**residential care facility** means accommodation for seniors or people with a disability that includes:

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

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

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

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

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

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

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

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

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

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

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

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the

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effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

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

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

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

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

**Riparian Lands and Watercourses Map** means the Eurobodalla Local Environmental Plan 2012 Riparian Lands and Watercourses Map.

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

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

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

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

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

- (a) agricultural produce industries,
- (b) livestock processing industries,

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

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

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

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

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

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

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

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

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

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

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

- (a) is established in conjunction with another dwelling (the *principal dwelling*), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

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

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

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

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

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

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

***seniors housing*** means a building or place that is:

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

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

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

but does not include a hospital.

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

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

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

***serviced apartment*** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

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

***sewage reticulation system*** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and

- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

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

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

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

**sewerage system** means any of the following:

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

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

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

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

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

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

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

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

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

but does not include a traffic sign or traffic control facilities.

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

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

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

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

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

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

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

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

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

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

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

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

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

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

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

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

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

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

**telecommunications facility** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

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

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

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

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

**Terrestrial Biodiversity Map** means the Eurobodalla Local Environmental Plan 2012 Terrestrial Biodiversity Map.

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

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

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

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

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

but does not include:

- (f) camping grounds, or
  - (g) caravan parks, or
  - (h) eco-tourist facilities.
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**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

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

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

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

**underground mining** means:

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

but does not include open cut mining.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

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

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

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

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

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

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

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from

gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

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

**waste or resource management facility** means any of the following:

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

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

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

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

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

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

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

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

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

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

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

**water supply system** means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,

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

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

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

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

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

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

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

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

**wetland** means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, 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, sedgeland 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.

**Wetlands Map** means the Eurobodalla Local Environmental Plan 2012 Wetlands Map.

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

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,

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

***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.