

Shoalhaven Local Environmental Plan 1985

[1985-175]



New South Wales

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The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
City of Shoalhaven Local Environmental Plan 1985

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File last modified 22 October 2004

Shoalhaven Local Environmental Plan 1985



New South Wales

Contents

Part 1 Preliminary	8
1 Name of plan	8
1A References to City of Shoalhaven Local Environmental Plan 1985	8
2 Aims, objectives etc.....	8
3 Land to which plan applies	10
4 Relationship to other environmental planning instruments.....	10
5 Model Provisions	11
6 Interpretation	11
7 Consent authority	21
Part 2 General restrictions on development of land	21
8 Zones indicated on the map.....	21
8A Determination of zone boundaries	24
9 Zone objectives and development control table.....	24
Part 3 Special provisions	54
Division 1 Subdivision of land	54
10 Subdivision generally	54
11 Subdivision—Zones Nos 1 (a), 1 (b), 1 (d), 1 (e), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) and 7 (f3)	54
11A Subdivision of certain land in Parish of Coolangatta.....	55
11B Subdivision of certain land at Milton	55
11C Subdivision—boundary adjustments	56

12 Subdivision—Zone No 1 (c) (Rural “C” (Rural Lifestyle) Zone).....	57
12A Subdivision of certain land at Little Forest	59
12B Lot densities—Zone No 1 (c)	59
13 Subdivision—Zone Nos 2 (a2) and 2 (a3)	59
13A Subdivision of certain land at St Georges Basin	60
13B Subdivision for a public utility undertaking	60
13C Subdivision prohibited—part of Lot 2, DP 714140, Riverview Road, Nowra.....	60
Division 2 Dwelling-houses	61
14 Dwelling-houses—Zones Nos 1 (a), 1 (b), 1 (d) and 1 (g)	61
15 Dwelling-houses etc—Zone Nos 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) and 7 (f3)	63
15A Dwelling-houses on certain land in Parish of Coolangatta	64
15B Dwelling-houses within Zone No 7 (d2)	64
16 Dwelling-houses—Zones Nos 1 (c), 2 (a2) and 2 (a3).....	65
16AA Dwelling-houses within Zone No 2 (b1) or 2 (b2) in conjunction with medium density development	65
16AB Restriction on subdivision	65
16A Cluster housing—Zones Nos 2 (b1), 2 (b2), 2 (c) and 2 (e)	65
16B Dwelling-houses on part of Nebraska Estate, St Georges Basin	65
Division 3 Dual occupancy development	66
17 (Repealed)	66
18 Dual occupancy development	66
18A (Renumbered as clause 18).....	66
Division 4 Business and commercial uses	66
19 Minimum requirements for hotels, motels and caravan parks.....	66
19A Zone No 3 (g) objectives for certain land at Princes Highway/Cambewarra Road, Bomaderry.....	67
20 Tourist accommodation	67
20A Bed and breakfast accommodation	68
20B Permanent occupation of tourist facilities	68
Division 5 Environmental management	68
21 Land of ecological sensitivity.....	68
21A Vegetation linkage.....	69

22 Activities in Zone Nos 1 (c), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) and 7 (f3)	69
23 Protection of streams.....	69
23A (Repealed).....	70
24 Water catchment areas	70
25 Steep lands.....	70
26 Soil, water and effluent management	71
26A (Repealed).....	71
27 Development on acid sulfate soils.....	72
27AA, 27A (Repealed)	72
28 Danger of bush fire.....	72
28A (Repealed).....	73
29 Development of flood liable land.....	73
30 Structures in Zones Nos 2 (a4), 3 (h) and 4 (e)	74
31 Items of the environmental heritage	74
31A (Repealed).....	75
32 Conservation incentives	76
32A Milton streetscape	76
33 Height of buildings	76
33A Vehicular access to the St Georges Basin By-pass	76
33B Vehicular access to the Princes Highway (Murramerang Street), Ulladulla.....	77
34 Building lines along main roads.....	77
34A Foreshore building lines.....	78
35 (Repealed)	79
35A Buffers.....	79
Division 5A Other development.....	79
36 Development of land shown uncoloured on the map	79
37 Suspension of covenants, agreements and instruments	79
37A Notification of certain development	80
38 Community use of school facilities and sites	80
38A Fair trading option	80
39 Development for certain additional purposes.....	80
39A Development of certain land at West Nowra	81
39B Development of certain land at Sussex Inlet.....	81

39BA Development of certain land at Princes Highway, Bomaderry	81
39BB Development of certain land at Seven Mile Beach.....	82
39BC Development of certain land at Lake Conjola.....	83
39C Temporary use of land.....	83
39D Transitional arrangement for certain concessional allotments	83
39E Development of certain land at Princes Highway, Nowra	83
39F Development on certain land at Yalwal.....	84
40 Restriction on development in respect of certain road proposals.....	85
40A Development in the vicinity of regional services corridor	85
40B Special requirements in respect of expansion of Culburra urban area	85
40C Development in the vicinity of Mount Coolangatta	86
40D Development of certain land—Princes Highway and Dolphin Point Road, Dolphin Point	86
40E Special requirements in respect of expansion of Vincentia urban area	87
40F Vincentia urban area—reticulated sewerage system for certain land.....	87
40G Development of certain land at Vincentia	88
40H Special requirements in respect of expansion of Bomaderry urban area	88
40I Development of certain land at Mollymook	88
40J Development of certain land at Mollymook Beach	88
Division 6 Development in scenic preservation areas	89
41 Land to which Division applies	89
42 Interpretation	89
43 Consent required for certain development.....	89
44 Assessment of certain matters.....	89
Division 7 Development in Special Rural Lifestyle Areas	89
45 Land to which Division applies	89
46 Consent required for certain development.....	90
Division 8 Miscellaneous.....	91
47 Acquisition of land in Zones Nos 5 (c), 5 (e), 6 (d) and 7 (f2)	91
48 Development in Zone No 5 (a)	91
49 Development in Zones Nos 5 (c), 5 (e), 6 (d) and 7 (f2)	92
50 Acquisition and development of land in Zone No 5 (d).....	92
51 Development within open space zones and on public reserves or other public land.....	93

52 Roads.....	93
53 Residential development within RANAS Nowra airport buffer area.....	94
54 Caravan parks prohibited	94
54A What is exempt and complying development?.....	94
54B Subdivision—exempt development	95
54C Development without consent	95
54D Certain development by public authorities	96
54E Development in national park areas.....	96
54F Erection and use of portable classrooms	97
54G Classified roads and toll works.....	97
54H Bush fire hazard reduction	97
Division 9 Classification of public land	98
55 Classification and reclassification of public land as operational land	98
Schedule 1	98
Schedule 2	99
Schedule 3	100
Schedule 4	100
Schedule 5	100
Schedule 6	101
Schedule 7	102
Schedule 8	104
Schedule 9 Development for certain additional purposes	107
Schedule 10 Special Rural Lifestyle Areas	121
Schedule 11 Classification or reclassification of public land	125
Schedule 12 Sexual services premises land	127

Schedule 13 129

Schedule 14 Permanent occupation of tourist facilities 134

Shoalhaven Local Environmental Plan 1985



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Shoalhaven Local Environmental Plan 1985*.

1A References to City of Shoalhaven Local Environmental Plan 1985

A reference in any environmental planning instrument to *City of Shoalhaven Local Environmental Plan 1985* is taken to be a reference to *Shoalhaven Local Environmental Plan 1985*, whether the instrument was made before or after the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 213)*.

2 Aims, objectives etc

(1) The aims of this plan are:

- (a) to provide guidelines in accordance with the objects of the Act for orderly and timely development and management of land use in the City,
- (b) to enhance individual and community well-being and welfare by following a path of economic development that does not impair the welfare of future generations, and
- (c) to work towards an ecologically sustainable future through the proper management, development, protection, restoration, enhancement and conservation of the environment of the City.

(2) The objectives of this plan are:

- (a) to provide for a variety of residential life styles,
- (b) to ensure space is provided for community services and facilities as well as recreational activities,
- (c) to enable a variety of commercial uses while consolidating existing commercial centres,

- (d) to enable accommodation of industrial uses,
- (e) to ensure that the council gives due regard to the effect of natural hazards upon development,
- (f) to ensure that development and expansion of coastal villages are sympathetic to the coastal environment,
- (g) to maintain the agricultural use of prime crop and pasture land by minimising development which has an adverse and irreversible impact on the land's agricultural potential,
- (h) to protect items of the environmental heritage,
- (i) to provide a safe and efficient transport network connecting land use activities inside and outside the City,
- (j) to encourage the provision of adequate communitiy facilities and services,
- (k) to ensure the social amenity and well-being of the City,
- (l) to provide the most appropriate public utility services in the most effective manner,
- (m) to encourage appropriate forms of tourism which are sensitive to and compatible with the natural and cultural environments of the City,
- (n) to maintain the rural character of non-urban areas,
- (o) to ensure the protection of important natural and cultural environments,
- (p) to protect and enhance scenic and landscape qualities,
- (q) to ensure that the potential for winning extractive and mineral resources, where appropriate, is not compromised by other forms of development,
- (r) to ensure that development achieves the water quality or river flow objectives of ground water, rivers, estuaries, wetlands and other water bodies,
- (s) to avoid, mitigate or remedy the adverse effects of development on the environment,
- (t) to minimise energy consumption and promote energy efficient design and appliance use,
- (u) to minimise potable water consumption and promote wastewater reuse as well as water saving designs and fittings,
- (v) to minimise waste generation and promote recycling and reuse of materials, and

- (w) to minimise the clearing of native vegetation especially those local species which are poorly represented in conservation reserves.
- (3) The strategies by which the aims referred to in subclause (1) and the objectives referred to in subclause (2) are to be achieved are by:
 - (a) identifying land use zones on the map, objectives for each zone, the type of land uses appropriate for each zone and whether consent of the Council for appropriate land uses is required (Part 2),
 - (b) establishing conditions under which subdivision, dwelling-houses and other types of development may be carried out in specific zones (Part 3, Divisions 1, 2, 3 and 4),
 - (c) specifying environmental outcomes for certain types of land or within certain zones (Part 3, Divisions 5 and 6),
 - (d) specifying controls on development within certain areas (Part 3, Divisions 7, 8 and 9), and
 - (e) providing schedules containing specific references to uses or land referred to in this plan (Schedules 1-7 and 9-11).

3 Land to which plan applies

- (1) Except as provided by subclause (2), this plan applies to land within the City of Shoalhaven, as shown on the map, with boundaries as indicated on the map.
- (2) This plan does not apply to land shown uncoloured, edged heavy black and marked “Deferred” on the map, being land excluded from the operation of this plan pursuant to section 68 (5) of the Act or to land within Zone 8 (a) or 8 (b) under [Jervis Bay Regional Environmental Plan 1996](#).

4 Relationship to other environmental planning instruments

- (1) This plan:
 - (a) amends *Interim Development Order No 1—Shire of Shoalhaven* in the manner set out in subclause (2), and
 - (b) repeals *Shoalhaven Local Environmental Plan Nos 1-12*.
- (2) *Interim Development Order No 1—Shire of Shoalhaven* is amended by inserting after clause 1 the following clause:

1A This order does not apply to land to which [City of Shoalhaven Local](#)

Environmental Plan 1985 applies.

5 Model Provisions

- (1) The *Environmental Planning and Assessment Model Provisions 1980* (except for the definitions of **agriculture**, **club**, **extractive material**, **home industry**, **home occupation**, **motel**, **residential flat building** and **units for aged persons** in clause 4 (1) and clauses 15, 16, 23, 29, 30, 34, 35 (c), and item 8 of Schedule 1) are adopted for the purposes of this plan.
- (2) A tree preservation order made and in force immediately before the appointed day and applying to land to which this plan applies shall be deemed to be a tree preservation order made in pursuance of clause 8 of the *Environmental Planning and Assessment Model Provisions 1980*, and may be rescinded or varied accordingly.

6 Interpretation

- (1) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:

agriculture means the use of land for cultivation, horticulture or animal husbandry but does not include a use of land elsewhere specifically defined in this clause.

animal boarding establishment means a building or place where cats or dogs are bred, trained, accommodated or nurtured for gain or reward.

appointed day means the day upon which this plan takes effect.

aquaculture means the commercial production (breeding, hatching, rearing or cultivation) of marine, estuarine or fresh water organisms, including aquatic plants or animals (such as fin fish, crustaceans, molluscs or other aquatic invertebrates).

aviation related land use means a building or place used as an office or for other business or commercial purposes or industry related to aviation, and includes a building or place used for the provision of services related to:

- (a) the assembly, storage or land transport of air freight, or
- (b) the accommodation or transportation of passengers by air or land, or
- (c) the operation, maintenance or repair of aircraft, or
- (d) the administrative functions associated with an airport, such as airport management and security, or
- (e) the functions of government departments and authorities related to air passengers and air freight, or
- (f) services provided for air passengers, including banking, dry cleaning, hairdressing,

and the like.

bed and breakfast accommodation means the use of premises comprised of one or more buildings for the provision of accommodation and meals to temporary residents on a short-term basis where:

- (a) the accommodation is, in each case, for a period not in excess of 21 days,
- (b) no more than 12 residents (including permanent residents) are accommodated at any one time, and
- (c) only permanent residents of the premises and other part-time employees are employed on the premises.

brothel means premises habitually used for the purposes of prostitution or that are designed to be used for that purpose. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

bulky goods means large goods which are, in the opinion of the Council, of such a size and shape as to require:

- (a) a large area for handling, storage or display, and
- (b) easy and direct vehicular access to enable the goods to be collected by customers after sale,

but does not include foodstuffs, clothing or electrical appliances, whether or not sold in association with any such goods.

club means a building used as the premises of a club registered under the [Registered Clubs Act 1976](#).

cluster housing means the erection on a single allotment of land of 3 or more detached dwelling-houses.

community facility means:

- (a) a children's playground,
- (b) a place used for sporting activities or sporting facilities,
- (c) a place used to provide recreational facilities for the physical, cultural, social or intellectual welfare of the community or a group within the community, being facilities provided by a public authority or a body of persons associated to promote that welfare, or
- (d) a building or place used, whether for gain or not, as a room, meeting room or the like by a public authority or a body of persons associated as a non-profit organisation to promote the physical, cultural, social or intellectual welfare of the

community or a group within the community,

but does not include a club, racecourse or showground.

concessional allotment means:

- (a) an allotment excised in accordance with clause 11 (2) or (3) of *Interim Development Order No 1—Shire of Shoalhaven* from land within the meaning of clause 11 (6) of that Order, or
- (b) an allotment of between 2 and 40 hectares lawfully created under clause 11 (4) (a) of this plan as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)*, or
- (c) an allotment of between 1 and 2 hectares lawfully created under clause 11 (4) (b) of this plan as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)*, or
- (d) an allotment of between 4,000 square metres and less than 40 hectares lawfully created under clause 11 (4) (c) of this plan as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)*, or
- (e) an allotment or portion for which development consent for a dwelling-house was obtained under clause 14 (2) (g) of this plan as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)*, being a consent that is current.

Council means the Council of the City of Shoalhaven.

dual occupancy development means development that results in 2 dwellings only (whether attached or detached), on a single allotment of land in one of the following forms:

- (a) detached dual occupancy—two separate dwelling-houses which have parallel or corresponding architectural features in their building form,
- (b) attached dual occupancy—two dwellings which are physically attached and characterised by a continuous roof profile with identical pitch resulting in the appearance of a single dwelling-house.

extractive material means sand, gravel, clay, soil, rock, stone or similar substances, but excludes turf and any sand, soil or other material remaining attached to turf after extraction of turf is carried out.

home activity means any activity carried out for either paid or unpaid employment purposes:

- (a) in a dwelling or dwelling-house, or
- (b) from a building, or area, within the curtilage of a dwelling-house, or
- (c) from an outbuilding, or area, on a property in a rural location, or
- (d) on land adjoining, and under the same ownership as, land on which such a dwelling, dwelling-house, building, outbuilding or area is situated,

if the dominant use of the premises or land is for domestic purposes, the activity is carried out by a resident of the premises or land and the activity does not involve the use of the premises or land for the purposes of use as sexual service premises.

identified land use for a site means a land use that is not specified as being allowed in the Table to clause 9 but which is consistent with the objectives of this plan and any relevant State environmental planning policy and regional environmental plan and which is identified by the Council as suitable due to the circumstances of the site.

intensive animal husbandry means an activity carried out within a building or on land involving the keeping or nurturing of cattle, goats, horses, poultry, sheep or other livestock for commercial purposes by predominantly supplementary feeding methods and, without limiting the generality of the foregoing, includes the use of a building or land for the purpose of:

- (a) feed lots,
- (b) piggeries, or
- (c) poultry farms,

but does not include the use of a building or land for the purposes of an animal boarding establishment or for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the building or land, or intensive hand feeding of livestock as a result of natural disaster, including drought, flood or bush fire.

manufactured home estate means land on which manufactured homes are, or are to be, erected.

marina means a pontoon, jetty, pier or similar structure, designed or adapted to provide moorings for small boats used primarily for pleasure or recreation and includes ancillary works such as slipways, facilities for the repair and maintenance of boats and the provision of fuel, accessories and parts for boats, and of foodstuffs, but does not include a pontoon, jetty, pier or similar structure for private use involving 3 boats or less.

motel means a building or buildings (other than a hotel, boarding-house or residential flat building) substantially used for the overnight accommodation of travellers, or

longer term accommodation for tourists, and the vehicles used by them, whether or not the building or buildings are also used in the provision of meals to those travellers, tourists or the general public.

prime crop and pasture land means land identified as class 1, 2 or 3 on a map entitled “*Agricultural Land Classification*” produced by the Department of Agriculture, dated 1986, and available for public inspection at the office of the Council, but does not include land which the Director-General of the Department of Agriculture has notified the Council in writing is not prime crop and pasture land.

residential flat building means a building containing 3 or more dwellings.

road transport depot means a building or place used for the servicing, repair and parking of vehicles used for the purpose of a road transport undertaking and includes a bus depot, but does not include a road transport terminal.

sexual services premises means premises (including a brothel) where sexual services of any sort (including, but not limited to, sexual intercourse, but excluding services rendered by a registered medical practitioner in the proper exercise of his or her profession) are provided for fee or reward.

Special Rural Lifestyle Area means land shown on the map by dashed lines, the words “Special Rural Lifestyle Area” and an area number.

stables means any building or part of a building used to receive, maintain or keep a horse, whether for the purposes of gain or not.

the map means the map marked “*City of Shoalhaven Local Environmental Plan 1985*”, as amended by the maps marked as follows:

Editorial note—

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 2)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 4)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 5)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 7)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 8)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 10)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 11)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 12)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 13)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 14)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 15)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 17)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 18)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 20)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 21)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 22)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 23)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 24)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 28)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 29)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 31)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 32)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 33)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 34)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 35)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 36)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 37)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 38)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 39)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 40)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 41)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 42)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 43)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 44)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 46)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 48)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 50)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 51)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 52)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 53)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 54)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 55)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 56)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 58)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 62)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 63)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 64)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 65)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 66)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 67)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 68)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 72)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 76)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 77)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 79)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 80)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 82)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 83)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 84)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 85)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 86)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 87)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 88)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 89)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 91)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 92)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 95)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 96)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 97)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 101)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 104)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 107)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 109)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 110)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 112)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 113)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 115)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 117)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 118)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 121)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 122)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 123)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 125)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 126)—Sheet 1
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 131)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 132)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 137)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 140)—Sheet 1
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 141)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 142)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 151)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 152)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 155)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 156)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 158)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 159)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 161)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 162)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 166)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 167)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 169)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 170)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 171)—Sheet 1
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 175)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 176)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 177)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 178)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 180)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 182)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 183)
City of Shoalhaven Local Environmental Plan 1985 (Amendment No 184)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 189)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 193)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 194)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)—Sheet 2

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 198)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 202)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 204)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 205)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 207)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 208)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 211)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 213)

Shoalhaven Local Environmental Plan 1985 (Amendment No 214)

Jervis Bay Regional Environmental Plan 1996 (Amendment No 1)—map 5a—sheet 2

tourist accommodation unit means a dwelling used, designed, constructed or adapted to be used for the provision of holiday accommodation, not permanent occupation, being one of a group of similar dwellings forming part of a tourist facility.

turf farming means the cultivation and extraction of turf whether or not for the purpose of sale.

waste means any solid, gas or liquid, with or without matter in suspension or solution in it, which is or may be discharged from premises in the course of any process or operation carried out in connection with any trade, industry, agriculture or sewage treatment, and

water transport terminal means a building or place used for the assembly and dispersal of passengers travelling by boat or for the bulk handling of goods for transport by boat, including facilities for the loading and unloading of boats used to transport those goods.

1964 holding means land within Zone No 1 (a), 1 (b), 1 (d), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) or 7 (f3) which at 28 February 1964 was:

- (a) the area of a lot, portion or parcel of land in a separate ownership, or
 - (b) where a person then owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the areas of those lots, portions or parcels, or
 - (c) the remainder of land referred to in paragraph (a) or (b), after the excision of allotments by a subdivision allowed by:
 - (i) clause 11 (4) or (9) of *Interim Development Order No 1—Shire of Shoalhaven*, or
 - (ii) clause 11 (7) or (10) of this plan as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)*, or
 - (iii) clause 11 (3), 11 (4) or 52 of this plan, or
 - (iv) *State Environmental Planning Policy No 4—Development Without Consent*.
- (2) The letters and symbols “M.W.S. & D.B.” where appearing on the map mean “Metropolitan Water Sewerage and Drainage Board purposes”.
- (3) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:
- (a) a reference to a map is a reference to a map deposited in the office of the Council,
 - (b) a reference to land within a zone specified in clause 8 is a reference to land shown on the map in the manner indicated in that clause as the means of identifying land of the zone so specified, and
 - (c) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for that purpose.

7 Consent authority

The Council shall be the consent authority for the purposes of this plan.

Part 2 General restrictions on development of land

8 Zones indicated on the map

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone:

Zone No 1 (a) (Rural “A” (Agricultural Production) Zone)—coloured light brown.

Zone No 1 (b) (Rural “B” (Arterial and Main Road Protection) Zone)—coloured light brown with dark scarlet edging and lettered 1 (b).

Zone No 1 (c) (Rural “C” (Rural Lifestyle) Zone)—coloured light brown with dark scarlet edging and lettered 1 (c).

Zone No 1 (d) (Rural “D” (General Rural) Zone)—coloured light brown with dark scarlet edging and lettered 1 (d).

Zone No 1 (e) (Rural “E” (Extractive and Mineral Resources) Zone)—coloured light brown with dark scarlet edging and lettered 1 (e).

Zone No 1 (f) (Rural “F” (Forest) Zone)—coloured light brown with dark scarlet edging and lettered 1 (f).

Zone No 1 (g) (Rural “G” (Flood Liable) Zone)—coloured light brown with dark scarlet edging and lettered 1 (g).

Zone No 2 (a1) (Residential “A1” Zone)—coloured light scarlet.

Zone No 2 (a2) (Residential “A2” Zone)—coloured light scarlet with dark scarlet edging and lettered 2 (a2).

Zone No 2 (a3) (Residential “A3” Zone)—coloured light scarlet with dark scarlet edging and lettered 2 (a3).

Zone No 2 (a4) (Residential “A4” (Restricted Development) Zone)—coloured light scarlet with dark scarlet edging and lettered 2 (a4).

Zone No 2 (b1) (Residential “B1” Zone)—coloured light scarlet with dark scarlet edging and lettered 2 (b1).

Zone No 2 (b2) (Residential “B2” Zone)—coloured light scarlet with dark scarlet edging and lettered 2 (b2).

Zone No 2 (c) (Residential “C” (Living Area) Zone)—coloured light scarlet with dark scarlet edging and lettered 2 (c).

Zone No 2 (d) (Residential “D” Zone)—coloured light scarlet with dark scarlet edging and lettered 2 (d).

Zone No 2 (e) (Residential “E” (Village) Zone)—uncoloured with dark scarlet edging and lettered “V”.

Zone No 3 (a) (Business “A” (Retail) Zone)—coloured light blue.

Zone No 3 (b) (Business “B” (Transitional) Zone)—coloured light blue with dark scarlet edging and lettered 3 (b).

Zone No 3 (c) (Business “C” (Neighbourhood) Zone)—coloured dark blue.

Zone No 3 (d) (Business “D” (Commercial) Zone)—coloured light blue with dark scarlet

edging and lettered 3 (d).

Zone No 3 (f) (Business “F” (Village) Zone)—coloured light blue with dark scarlet edging and lettered 3 (f).

Zone No 3 (g) (Business “G” (Development Area) Zone)—uncoloured with light blue edging.

Zone No 3 (h) (Business “H” (Restricted Development) Zone)—coloured light blue with dark scarlet edging and lettered 3 (h).

Zone No 4 (a) (Industrial “A” (General) Zone)—coloured mauve.

Zone No 4 (b) (Industrial “B” (Light) Zone)—coloured mauve with dark red edging and lettered 4 (b).

Zone No 4 (c) (Industrial “C” (Special) Zone)—coloured mauve with dark red edging and lettered 4 (c).

Zone No 4 (d) (Industrial “D” (Waterfront) Zone)—coloured mauve with dark red edging and lettered 4 (d).

Zone No 4 (e) (Industrial “E” (Restricted Development) Zone)—coloured mauve with dark red edging and lettered 4 (e).

Zone No 5 (a) (Special Uses “A” Zone)—coloured yellow with scarlet lettering.

Zone No 5 (b) (Special Uses “B” (Railways) Zone)—coloured purple.

Zone No 5 (c) (Special Uses “C” (Reservation) Zone)—coloured yellow with dark green edging and scarlet lettering.

Zone No 5 (d) (Special Uses “D” (Proposed Arterial Roads Reservation and Widening of Existing Arterial Roads Reservation) Zone)—coloured by red and white bands with broken black lines on both sides of the bands, or by red and white bands with broken black lines on one side of the bands.

Zone No 5 (e) (Special Uses “E” (Proposed Local Roads Reservation and Widening of Local Roads Reservation) Zone)—coloured grey with broken black lines on both sides of the reservation, or coloured grey with a broken black line on one side of the widening.

Zone No 6 (a) (Open Space—Recreation “A” (Existing) Zone)—coloured dark green.

Zone No 6 (b) (Open Space—Recreation “B” (Private) Zone)—coloured dark green with yellow edging.

Zone No 6 (c) (Open Space—Recreation “C” (Proposed) Zone)—coloured light green with dark green edging.

Zone No 6 (d) (Open Space—Recreation “D” (Reserve) Zone)—coloured light green.

Zone No 7 (a) (Environment Protection “A” (Ecology) Zone)—coloured orange.

Zone No 7 (c) (Environment Protection “C” (Water Catchment Areas) Zone)—coloured orange with scarlet edging and lettered 7 (c).

Zone No 7 (d1) (Environment Protection “D1” (Scenic) Zone)—coloured orange with scarlet edging and lettered 7 (d1).

Zone No 7 (d2) (Environment Protection “D2” (Special Scenic) Zone)—coloured orange with scarlet edging and lettered 7 (d2).

Zone No 7 (e) (Environment Protection “E” (Escarpment) Zone)—coloured orange with scarlet edging and lettered 7 (e).

Zone No 7 (f1) (Environment Protection “F1” (Coastal) Zone)—coloured orange with scarlet edging and lettered 7 (f1).

Zone No 7 (f2) (Environment Protection “F2” (Coastal Reservation) Zone)—coloured orange with scarlet edging and lettered 7 (f2).

Zone No 7 (f3) (Environment Protection “F3” (Foreshores Protection) Zone)—coloured orange with scarlet edging and lettered 7 (f3).

Zone No 8 (a) (National Parks and Nature Reserves “A” Zone)—uncoloured with dark green edging and lettered 8.

Zone No 9 (a) (Natural Hazards “A” (Urban Flooding) Zone)—blue hatching.

8A Determination of zone boundaries

- (1) Where a boundary between 2 zones as shown on the map does not correspond with a cadastral boundary, the Council may determine the zone boundary based on a survey of the land by a registered surveyor, despite clause 8.
- (2) In determining a zone boundary under this clause:
 - (a) the Council shall have regard to the characteristics of the land indicated by the survey and the relationship of those characteristics with the objectives of the zones on each side of the boundary to be determined, and
 - (b) a zone boundary cannot be varied by more than 20 metres from the boundary as shown on the map.

9 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of Zone” appearing in the matter relating to the zone.

- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
- (a) development may be carried out without development consent,
 - (b) development may be carried out only with development consent, and
 - (c) development is prohibited,
- are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) In determining a development application, the Council must take into account the aims and objectives of this plan and the objectives of the zone within which the development is proposed.

Table

Zone No 1 (a) (Rural “A” (Agricultural Production) Zone)

1 Objectives of zone

The objectives are:

- (a) to conserve and maintain the productive potential of prime crop and pasture land,
- (b) to ensure that existing or potential agricultural land use is not jeopardised by non-agricultural land uses, and
- (c) to conserve cultural landscapes.

2 Without development consent

Agriculture (other than on land to which clause 21, 23, 25 or 27 applies).

3 Only with development consent

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

4 Prohibited

Boarding houses; bulk stores; bulky goods retailing; caravan parks; car repair stations; cluster housing; commercial premises; dual occupancy development (other than development resulting in attached dwellings);

generating works involving wind-powered generators; hotels; industries (other than rural industries or extractive industries); junk yards; motels; motor showrooms; offensive or hazardous industries (other than those which are reliant on prime crop and pasture land); residential flat buildings; service stations; sexual services premises; shops; warehouses.

Zone No 1 (b) (Rural “B” (Arterial and Main Road Protection) Zone)

1 Objectives of zone

The objectives are:

- (a) to minimise the direct and accumulative impact of development on the efficiency and safety of existing or proposed main and arterial roads,
- (b) to promote a high level of scenic quality adjacent to existing or proposed main or arterial roads, and
- (c) to encourage, where possible, the use of existing or proposed side roads as an alternative to direct vehicular access to an existing or proposed main or arterial road.

2 Without development consent

Agriculture (other than on land to which clause 21, 23, 25 or 27 applies).

3 Only with development consent

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

4 Prohibited

Boarding-houses; bulk stores; bulky goods retailing; caravan parks; car repair stations; clubs; cluster housing; commercial premises; dual occupancies (other than attached dwellings); industries (other than rural industries); junk yards; liquid fuel depots; mines; motor showrooms; places of assembly; residential flat buildings; retail plant nurseries (other than where a wholesale nursery is also operated on the same land and where access to the land is by a local side road and not a main road); sawmills; service stations; sexual services premises; shops; stock and sale yards; timber yards; transport terminals; warehouses.

Zone No 1 (c) (Rural “C” (Rural Lifestyle) Zone)

1 Objectives of zone

The objectives are:

- (a) to provide for a range of rural lifestyles suited to each area as an alternative to urban and village lifestyles development forms, and servicing levels,
- (b) to meet the reasonable lifestyle needs of residents and provide adequate public safety in relation to bushfire, flooding, landslip and traffic while promoting and sustaining a high level of environmental quality in the zone,
- (c) to integrate new and existing development and lifestyles so that conflicts between land uses and lifestyles are minimised and a high level of landscape quality is sustained, and
- (d) to foster agricultural use of prime crop and pasture land and provide for other small scale uses compatible with sustaining a rural lifestyle and an adequate level of amenity in the zone.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; aquaculture; bed and breakfast accommodation; child care centres; community facilities; dual occupancies (other than resulting in detached dwellings); dwelling-houses; general stores; home activities; roads.

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 1 (d) (Rural "D" (General Rural) Zone)

1 Objectives of zone

The objectives are:

- (a) to provide opportunities for a range of rural land uses and other development, including those which by virtue of their character require siting away from urban areas,

- (b) to recognise the potential for high intensity bush fire over wide areas of the zone and to ensure that development does not lead to significant risks to life or property from bush fire or to the implementation of bush fire mitigation measures which will have a significant environmental impact, and
- (c) to ensure that wherever possible the location, design and management of development is consistent with:
 - (i) the protection of important natural and cultural environments,
 - (ii) the conservation of renewable natural resources such as forests and prime crop and pasture land,
 - (iii) the maintenance of opportunities for economic development of important extractive resources,
 - (iv) minimising conflict between land uses, and
 - (v) any plans for public infrastructure provision or management.

2 Without development consent

Agriculture; forestry (other than on land to which clause 21, 23, 25 or 27 applies).

3 Only with development consent

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

4 Prohibited

Boarding houses; bulk stores; bulky goods retailing; car repair stations; cluster housing; dual occupancies (other than attached dwellings); generating works involving wind-powered generators; industries (other than rural industries, extractive industries, offensive or hazardous industries); junk yards; motor showrooms; residential flat buildings; service stations; sexual services premises; shops; warehouses.

Zone No 1 (e) (Rural “E” (Extractive and Mineral Resources) Zone)

1 Objective of zone

The objective is to maintain the potential for economic extraction of hard rock, mineral, sand or gravel resources.

2 Without development consent

Agriculture.

3 Only with development consent

Dwellings and buildings incidental to or subsidiary to agriculture; extractive industries; forestry; generating works (other than wind-powered generators); home activities; intensive animal husbandry; mines; roads; turf farming; utility installations (other than gas holders).

4 Prohibited

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development may be carried out only with development consent.

Zone No 1 (f) (Rural “F” (Forest) Zone)

1 Objectives of zone

The objectives are:

- (a) to conserve forest resources of State-wide significance,
- (b) to foster the harvesting of forest resources in a manner which is both economic and ecologically sustainable,
- (c) to encourage recreational use of forest resources where such use is compatible with timber production, and
- (d) to recognise the role of forest resources in providing habitat corridors and in maintaining water quality in the catchments of the City.

2 Without development consent

Forestry; any use authorised under the [Forestry Act 1916](#) which is ancillary to forestry activities.

3 Only with development consent

Agriculture; camping and caravan parks; community facilities; dwellings

used in association with forest management; extractive industries; research establishments; roads; utility installations.

4 Prohibited

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development may be carried out only with development consent.

Zone No 1 (g) (Rural “G” (Flood Liable) Zone)

1 Objectives of zone

The objectives are:

- (a) to limit the erection of structures on land subject to periodic inundation,
- (b) to ensure that dwelling-houses are erected on land subject to periodic inundation only in conjunction with agricultural use,
- (c) to ensure that the effect of inundation is not increased through development,
- (d) to restrict development and how it is carried out so that its potential to have an adverse impact on site and off site on acid sulfate soils is reduced or eliminated, and
- (e) to conserve and maintain the productive potential of prime crop and pasture land.

2 Without development consent

Agriculture (other than on land to which clause 21, 23, 25 or 27 applies).

3 Only with development consent

Advertising structures; animal boarding establishments; aquaculture; boat building industries; bed and breakfast accommodation (but only where this is an ancillary use or where a dwelling-house would otherwise be permissible on the land); buildings used in conjunction with agriculture; community facilities; drainage; dwelling-houses; extractive industries; forestry; generating works (other than wind-powered generators); home activities; intensive animal husbandry; racecourses; roads; rural industries; showgrounds; turf farming; uses or buildings associated with other lawful land uses, buildings or places which are under the care, control and

management of the Council; utility installations (other than gas holders or generating works); waste treatment and disposal, in each case involving the use of water.

4 Prohibited

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development may be carried out only with development consent.

Zone No 2 (a1) (Residential “A1” Zone)

1 Objectives of zone

The objectives are to provide an environment primarily for detached housing and to ensure that the range of other development permitted in a residential area is compatible with the residential environment.

2 Without development consent

Nil.

3 Only with development consent

Bed and breakfast accommodation; child care centres; child welfare centres; community facilities; drainage; dual occupancy development; dwelling-houses; educational establishments; general stores; home activities; hospitals; open space; places of public worship; professional consulting rooms; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development may be carried out only with development consent.

Zone No 2 (a2) (Residential “A2” Zone)

1 Objectives of zone

The objectives are to provide for a low density residential environment with a minimum allotment size of 2 000 square metres primarily for detached housing.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

4 Prohibited

Advertising structures; amusement parks; animal boarding establishments; bulk stores; bulky goods retailing; car repair stations; caravan parks; clubs; cluster housing; commercial premises; dual occupancy development (other than development resulting in attached dwellings); hotels; industries; intensive animal husbandry; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; public utility undertaking; residential flat buildings; retail plant nurseries; road transport depots; roadside stalls; sawmills; service stations; sexual services premises; timber yards; tourist facilities; transport terminals; turf farming; warehouses.

Zone No 2 (a3) (Residential “A3” Zone)

1 Objectives of zone

The objectives are to provide for a low density residential environment with a minimum allotment size of 4 000 square metres primarily for detached housing.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Advertising structures; amusement parks; animal boarding establishments; bulk stores; bulky goods retailing; car repair stations; caravan parks; clubs; cluster housing; commercial premises; dual occupancy development (other than development resulting in attached dwellings); hotels; industries; intensive animal husbandry; junk yards; liquid fuel depots; mines; motels;

motor showrooms; places of assembly; public utility undertakings; residential flat buildings; retail plant nurseries; road transport depots; roadside stalls; sawmills; service stations; sexual services premises; timber yards; tourist facilities; transport terminals; turf farming; warehouses.

Zone No 2 (a4) (Residential “A4” (Restricted Development) Zone)

1 Objectives of zone

The objectives are to identify locations in existing urban areas with development problems where special consideration will be required before development can be approved.

2 Without development consent

Nil.

3 Only with development consent

Bed and breakfast accommodation; drainage; dwelling-houses; home activities; open space; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 2 (b1) (Residential “B1” Zone)

1 Objectives of zone

The objectives are to provide for a variety of life styles by the provision of areas for residential flat buildings and to minimise the conflict with detached housing.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Advertising structures; amusement parks; animal boarding establishments;

bulk stores; bulky goods retailing; car repair stations; commercial premises (other than clubs); dwelling-houses; hotels; industries; intensive animal husbandry; junk yards; liquid fuel depots; motels; motor showrooms; refreshment rooms; retail plant nurseries; roadside stalls; sawmills; shops; service stations; sexual services premises; transport terminals; turf farming; tourist facilities; warehouses.

Zone No 2 (b2) (Residential “B2” Zone)

1 Objectives of zone

The objectives are to provide for a variety of life styles by the provisions of areas for residential flat buildings to minimise the conflict with detached housing and to identify opportunities for motel development.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Advertising structures; amusement parks; animal boarding establishments; bulk stores; bulky goods retailing; car repair stations; commercial premises (other than clubs); dwelling-houses; hotels; industries; intensive animal husbandry; junk yards; liquid fuel depots; motor showrooms; retail plant nurseries; roadside stalls; sawmills; shops; service stations; sexual services premises; transport terminals; turf farming; tourist facilities; warehouses.

Zone No 2 (c) (Residential “C” (Living Area) Zone)

1 Objectives of zone

The objectives are to provide for new residential areas with a range of housing types with provision for urban facilities to serve the local community.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Advertising structures; amusement parks; animal boarding establishments; bulk stores; bulky goods retailing; car repair stations; caravan parks; drive-in theatres; industries (other than those specified in Schedule 6); intensive animal husbandry; junk yards; liquid fuel depots; motor showrooms; retail plant nurseries; road transport depots; roadside stalls; sawmills; sexual services premises; timber yards; transport terminals; turf farming; warehouses.

Zone No 2 (d) (Residential “D” Zone)

1 Objectives of zone

The objectives are to identify land for tourist infrastructure and to encourage tourist accommodation facilities and other compatible residential uses and recreation.

2 Without development consent

Nil.

3 Only with development consent

Amusement parks; bed and breakfast accommodation; boarding-houses; caravan parks; drainage; dwelling-houses; home activities; motels; recreation facilities; roads; tourist facilities; units for aged or disabled persons; unlicensed clubs not exceeding 150 square metres gross floor area; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 2 (e) (Residential “E” (Village) Zone)

1 Objectives of zone

The objectives are to provide a village lifestyle with a range of residential accommodation and support urban facilities.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Abattoirs; advertising structures; aerodromes; agriculture; airline terminals; animal boarding establishments; bulky goods retailing; extractive industries; institutions; intensive animal husbandry; junk yards; mines; offensive or hazardous industries; sawmills; sexual services premises; turf farming.

Zone No 3 (a) (Business “A” (Retail) Zone)

1 Objectives of zone

The objectives are to allow for retail, commercial and business activities.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Amusement parks; bed and breakfast accommodation; bulk stores; bulky goods retailing; car repair stations; cluster housing; dual occupancy development; dwellings (other than those attached to shops and commercial premises); industries referred to in Schedule 5; intensive animal husbandry; junk yards; liquid fuel depots; motels (except where all accommodation is provided above ground floor retail or commercial development); motor showrooms; roadside stalls; sawmills; sexual services premises; timber yards; transport terminals (other than bus stations); turf farming; warehouses.

Zone No 3 (b) (Business “B” (Transitional) Zone)

1 Objectives of zone

The objectives are to provide for forms of business activities normally

located on the fringe of the central business district which require large sites, including bulky goods retailing.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Bed and breakfast accommodation; boarding-houses; bulk stores; cluster housing; dual occupancy development; dwelling-houses or dwellings (other than those attached to shops or commercial premises); gas holders; generating works; industries referred to in Schedule 5; intensive animal husbandry; junk yards; liquid fuel depots; roadside stalls; sexual services premises; timber yards; transport terminals (other than bus depots and bus stations); turf farming; warehouses.

Zone No 3 (c) (Business “C1” (Neighbourhood) Zone)

1 Objectives of zone

The objectives are to provide for neighbourhood retail and business development which is limited in scale to serve the needs of the local community and which is compatible with a residential environment.

2 Without development consent

Nil.

3 Only with development consent

Commercial premises; dwelling-houses and dwellings attached to commercial premises or attached to premises used for the purposes referred to in Schedule 1 or 2; home activities; motels; purposes referred to in Schedule 2; shops (other than shops used for bulky goods retailing); roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 3 (d) (Business “D” (Commercial) Zone)

1 Objectives of zone

The objectives are to provide for professional office and consulting rooms and commercial office development.

2 Without development consent

Nil.

3 Only with development consent

Bed and breakfast accommodation; commercial premises; drainage; dwelling-houses and dwellings attached to and used in conjunction with any purpose specified in this Item; home activities; professional consulting rooms; public buildings; roads; shops and purposes referred to in Schedule 4; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 3 (f) (Business “F” (Village) Zone)

1 Objectives of zone

The objectives are to provide for village retail and business development to serve the needs of the village community and which is compatible with the village environment.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Bed and breakfast accommodation; bulky goods retailing; caravan parks; cluster housing; dual occupancy development; dwelling-houses and dwellings (other than those attached to shops or commercial premises); industries referred to in Schedule 5; intensive animal husbandry; junk yards;

liquid fuel depots; sexual services premises; turf farming.

Zone No 3 (g) (Business “G” (Development Area) Zone)

1 Objectives of zone

The objectives are to provide a strategic development area providing both for a variety of uses and for varying combinations of such uses including higher density residential, commercial and tourist combinations but not including ordinary retail uses that would compete with the local retail centre. The development is subject to a development control plan which will give guidelines for the type and scale of development.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Abattoirs; bed and breakfast accommodation; bulky goods retailing; cluster housing; dual occupancy development; dwelling-houses (except in accordance with, or as ancillary to uses referred to in, the objectives of the zone); intensive animal husbandry; junk yards; liquid fuel depots; mines; sexual services premises; turf farming.

Zone No 3 (h) (Business “H” (Restricted Development) Zone)

1 Objectives of zone

The objectives are to identify locations in existing business areas with development problems and where special consideration will be required before development can be approved.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Bed and breakfast accommodation; boarding-houses; bulky goods retailing; caravan parks; caravan showrooms; child care centres; cluster housing; dual occupancy development; dwelling-houses and dwellings (other than those attached to and used in conjunction with shops or commercial premises); general stores; hotels; industries referred to in Schedule 4 or 5; intensive animal husbandry; junk yards; liquid fuel depots; motels; public buildings; residential flat buildings; roadside stalls; sexual services premises; timber yards; transport terminals; turf farming; warehouses.

Zone No 4 (a) (Industrial “A” (General) Zone)

1 Objectives of zone

The objectives are:

- (a) to provide for a wide range of general industrial development, including warehousing, processing and general service industries,
- (b) to allow non-industrial uses which are ancillary to industry,
- (c) to allow for bulky goods retailing, and
- (d) to allow other non-industrial uses that do not significantly compromise the existing or potential industrial development of the area.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Bed and breakfast accommodation; boarding-houses; caravan parks; cluster housing; commercial premises (other than clubs); dual occupancy development; dwellings and dwelling-houses (other than those used in conjunction with industry and situated on land on which such industry is conducted); educational establishments; extractive industries; hospitals; hotels; institutions; intensive animal husbandry; mines; motels; places of assembly; places of public worship; roadside stalls; sexual services premises (other than on land described in Schedule 12); shops (other than those

referred to in Schedule 3); stock and sale yards; turf farming.

Zone No 4 (b) (Industrial “B” (Light) Zone)

1 Objectives of zone

The objectives are:

- (a) to provide for a wide range of light industrial development, including warehousing, processing and general light industries but excluding offensive or hazardous industries,
- (b) to allow non-industrial uses which are ancillary to industry,
- (c) to allow for bulky goods retailing, and
- (d) to allow other non-industrial uses that do not significantly compromise the existing or potential industrial development of the area.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Bed and breakfast accommodation; boarding-houses; caravan parks; child care centres; clubs; cluster housing; commercial premises; dual occupancy development; dwelling-houses and dwellings (other than those used in conjunction with industry and situated on land on which that industry is conducted); educational establishments; hospitals; hotels; industries referred to in Schedule 5; institutions; intensive animal husbandry; junk yards; liquid fuel depots; mines; motels; offensive or hazardous industries; places of assembly; roadside stalls; sexual services premises; shops (other than those referred to in Schedule 3); stock and sale yards; turf farming.

Zone No 4 (c) (Industrial “C” (Special) Zone)

1 Objectives of zone

The objectives are:

- (a) to provide special industrial areas to allow a wide range of industrial,

warehousing, commercial and bulky goods retailing activities which by the nature of their operation may require ancillary activities including those for display, commercial, office, servicing or shop purposes,

- (b) to allow other purposes which in the opinion of Council will not prejudice or significantly detract from the operation of existing uses or the amenity of nearby residents,
- (c) to encourage innovative and imaginative design with particular emphasis on integration of buildings and landscaping.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Bed and breakfast accommodation; boarding-houses; caravan parks; child care centres; clubs; cluster housing; dual occupancy development; dwelling-houses or dwellings (other than those used in conjunction with industry and situated on land on which that industry is conducted); educational establishments; general stores; hospitals; hotels; industries referred to in Schedule 5; institutions; intensive animal husbandry; junk yards; liquid fuel depots; mines; places of assembly; roadside stalls; sexual services premises; stock and sale yards; turf farming.

Zone No 4 (d) (Industrial “D” (Waterfront) Zone)

1 Objectives of zone

The objectives are to identify those areas specifically provided for ship and boat building purposes.

2 Without development consent

Nil.

3 Only with development consent

Roads; ship and boat building.

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 4 (e) (Industrial “E” (Restricted Development) Zone)

1 Objectives of zone

The objectives are to identify locations in existing industrial areas with development problems where special consideration will be required before development can be approved.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose for which development is prohibited.

4 Prohibited

Bed and breakfast accommodation; boarding-houses; bulky goods retailing; caravan parks; child care centres; clubs; cluster housing; commercial premises; dual occupancy development; dwellings; dwelling-houses; educational establishments; hospitals; hotels; institutions; intensive animal husbandry; mines; motels; places of assembly; places of public worship; roadside stalls; sexual services premises; shops; turf farming.

Zone No 5 (a) (Special Uses “A” Zone)

1 Objectives of zone

The objectives are to identify land for certain community facilities and services including areas for off-street parking in private ownership.

2 Without development consent

Nil.

3 Only with development consent

The particular purpose indicated by scarlet lettering on the map; drainage; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 5 (b) (Special Uses “B” (Railways) Zone)

1 Objectives of zone

The objectives are to identify land for railway purposes and to allow development authorised under the [Government Railways Act 1912](#), and for certain other compatible land uses to be carried out with the consent of the council.

2 Without development consent

Nil.

3 Only with development consent

Drainage; open space; parking; railways; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 5 (c) (Special Uses “C” (Reservation) Zone)

1 Objectives of zone

The objectives are to identify land which is required for certain public purposes, the particular purposes being identified on the map.

2 Without development consent

Nil.

3 Only with development consent

The particular purpose indicated by scarlet lettering on the map; drainage; parking; purposes ancillary to the use of the land as open space; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 5 (d) (Special Uses “D” (Proposed Arterial Roads Reservation and Widening of Existing Arterial Roads Reservation) Zone)

1 Objectives of zone

The objectives are to identify lands required for proposed arterial roads or the widening of existing arterial roads.

2 Without development consent

Nil.

3 Only with development consent

Drainage; parking; purposes ancillary to the use of land as open space; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 5 (e) (Special Uses “E” (Proposed Local Roads Reservation and Widening of Local Roads Reservation) Zone)

1 Objectives of zone

The objectives are to identify land required for proposed local roads or the widening of existing local roads.

2 Without development consent

Nil.

3 Only with development consent

Drainage; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out

only with development consent.

Zone No 6 (a) (Open Space—Recreation “A” (Existing) Zone)

1 Objectives of zone

The objectives are to identify land where existing recreation facilities for the general use of the community are provided.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; buildings for the purposes of landscaping, gardening or bush fire hazard reduction; caravan parks; community facilities; drainage; drill grounds; forestry; racecourses; roads; showgrounds; uses or buildings associated with those purposes which are under the care, control and management of the council; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 6 (b) (Open Space—Recreation “B” (Private) Zone)

1 Objectives of zone

The objectives are to identify land where private recreation facilities are and may be developed.

2 Without development consent

Nil.

3 Only with development consent

Buildings for the purposes of landscaping, gardening or bush fire hazard reduction; caravan parks; clubs; community facilities; public utility installations (other than gas holders or generating works); roads; tourist facilities.

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 6 (c) (Open Space—Recreation “C” (Proposed) Zone)

1 Objectives of zone

The objectives are to identify land which will be required to be dedicated as public open space when the land is subdivided to provide for recreation for the general use of the community. The exact boundaries will be fixed at the time of subdivision.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; buildings for the purposes of landscaping, gardening or bush fire hazard reduction; caravan parks; community facilities; drainage; drill grounds; forestry; racecourses; roads; showgrounds; uses or buildings associated with those purposes which are under the care, control and management of the Council; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 6 (d) (Open Space—Recreation “D” (Reserve) Zone)

1 Objectives of zone

The objectives are to identify land reserved for future acquisition as public open space for the general recreative use of the community.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; buildings for the purposes of landscaping, gardening or bush fire

hazard reduction; caravan parks; community facilities; drainage; drill grounds; forestry; racecourses; roads; showgrounds; uses or buildings associated with those purposes which are under the care, control and management of the Council, utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 7 (a) (Environment Protection “A” (Ecology) Zone)

1 Objectives of zone

The objectives are:

- (a) to protect and conserve important elements of the natural environment, including wetland and rainforest environments,
- (b) to maintain the intrinsic scientific, scenic, habitat and educational values of natural environments,
- (c) to protect threatened species and habitats of endangered species,
- (d) to protect areas of high biodiversity value, and
- (e) to protect and enhance water quality in the catchment.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; aquaculture (other than development above high water mark); bed and breakfast accommodation; dwelling-houses; roads; structures for educational and recreational purposes which assist in promoting and interpreting the area’s ecological values; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 7 (c) (Environment Protection “C” (Water Catchment Areas) Zone)

1 Objective of zone

The objective is to protect water quality and ecological integrity within water supply catchment areas.

2 Without development consent

Water catchment.

3 Only with development consent

Any purpose ordinarily incidental or subsidiary to water catchment; agriculture; drainage; dwelling-houses; extractive industries; forestry; generating works (other than wind-powered generators); home activities; mines; parks; playing fields; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development may be carried out only with development consent.

Zone No 7 (d1) (Environment Protection “D1” (Scenic) Zone)

1 Objectives of zone

The objectives are:

- (a) to conserve and enhance scenic quality,
- (b) to protect natural and cultural features of the landscape which contribute to scenic value, and
- (c) to ensure that development is integrated with the landscape values of the area.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; bed and breakfast accommodation; camping and caravan parks;

clearing of trees; dams; drainage; dwelling-houses; generating works (other than wind-powered generators); home activities; refreshment rooms; roads; tourist facilities; turf farming; utility installations (other than gas holders).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 7 (d2) (Environment Protection “D2” (Special Scenic) Zone)

1 Objective of zone

The objective is to preserve and enhance scenic quality.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; dams; land clearing and cultivation; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 7 (e) (Environment Protection “E” (Escarpment) Zone)

1 Objectives of zone

The objectives are:

- (a) to protect scenic, ecological, educational and recreational values of escarpment areas,
- (b) to conserve and, where appropriate, reinstate the natural vegetation so as to protect steep slopes from erosion and slippage, and
- (c) to maintain the role of escarpments as habitat links between conservation areas.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; bed and breakfast accommodation; dwelling-houses; home activities; passive recreation facilities such as walking trails; roads; tourist facilities.

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 7 (f1) (Environment Protection “F1” (Coastal) Zone)

1 Objectives of zone

The objectives are:

- (a) to protect the scenic value of coastal environments,
- (b) to conserve important coastal habitats and natural environments, and
- (c) to maintain the stability of coastal land forms.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; bed and breakfast accommodation; camping grounds; caravan parks; dams; drainage; dwelling-houses; forestry; golf courses; home activities; public reserves; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development may be carried out only with development consent.

Zone No 7 (f2) (Environment Protection “F2” (Coastal Reservation) Zone)

1 Objectives of zone

The objectives are to identify foreshore areas regarded as being of such importance to the foreshore environment that they warrant public

acquisition.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; dams; drainage; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development may be carried out only with development consent.

Zone No 7 (f3) (Environment Protection “F3” (Foreshores Protection) Zone)

1 Objectives of zone

The objectives are:

- (a) to protect the foreshore environment and the visual amenity, and
- (b) to protect water quality and the ecological values of estuaries and coastal streams.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; caravan parks; dams; drainage; dwelling-houses; forestry; golf courses; home activities; public reserves; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 8 (a) (National Parks and Nature Reserves “A” Zone)

1 Objectives of zone

The objectives are to identify, preserve and manage national parks and nature reserves for conservation and recreation purposes and any other purpose authorised under the *National Parks and Wildlife Act 1974*.

2 Without development consent

Nil.

3 Only with development consent

Aboriginal areas; historic sites; national parks; nature reserves; state recreation areas; purposes for which easements or rights of way may be granted under section 153 of the *National Parks and Wildlife Act 1974*.

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Zone No 9 (a) (Natural Hazards “A” (Urban Flooding) Zone)

1 Objectives of zone

The objectives are to identify land within a floodway in urban areas and because of the potential hazard to restrict the use thereof.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; drainage; forestry; golf courses; public reserves; roads; sporting complexes.

4 Prohibited

Any purpose other than a purpose for which development may be carried out only with development consent.

Part 3 Special provisions

Division 1 Subdivision of land

10 Subdivision generally

Land to which this plan applies shall not be subdivided except with the consent of the Council.

11 Subdivision—Zones Nos 1 (a), 1 (b), 1 (d), 1 (e), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) and 7 (f3)

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d), 1 (e), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3).
- (2) The Council may consent to a subdivision of land to which this clause applies if each separate allotment of land that will be created by the subdivision:
 - (a) will have an area of not less than 40 hectares,
 - (b) in the opinion of the Council, will allow the objectives of the zone applying to the land to be met,
 - (c) will have a ratio of depth to frontage satisfactory to the Council, having regard to the purpose for which the allotment is or is intended to be used,
 - (d) where the allotment has a frontage to a main or arterial road, will have a frontage to that road of not less than 400 metres, and
 - (e) will have a vehicular access that is practical and lawful.
- (3) The Council may grant consent for a subdivision of land to which this clause applies (except land within Zone No 7 (d2) or 7 (f2)) so as to create an allotment of less than 40 hectares if the Council is satisfied that:
 - (a) the allotment proposed to be created is currently lawfully used for a purpose (other than agriculture, forestry, a dwelling-house or dwellings, or tourist accommodation under clause 20) for which it may be used without or only with the consent of the Council, or will be used for such a purpose before the plan of subdivision or strata plan is registered, and
 - (b) the ratio of depth to frontage is satisfactory having regard to the purpose for which the allotment is intended to be used, and
 - (c) only one lot for each use referred to in paragraph (a) is created, and
 - (d) where the allotment has a frontage to a main or arterial road, the frontage is not less than:

- (i) in the case of land within Zone No 1 (a), 1 (b), 1 (d), 1 (e) or 1 (g)—200 metres, or
 - (ii) in the case of land within Zone No 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) or 7 (f3)—400 metres, and
- (e) each lot has a vehicular access that is practical and lawful.
- (3A) The residue of land remaining after the creation of an allotment under subclause (3) may be less than 40 hectares.
- (4) The Council may grant consent pursuant to subclause (3) for a subdivision for the purpose of a tourist facility that will create more than one allotment of less than 40 hectares if:
- (a) the subdivision is a subdivision of land under the *Community Land Development Act 1989*, and
 - (b) all lots created by the subdivision are in the same community, precinct or neighbourhood scheme within the meaning of the *Community Land Development Act 1989*.
- (5) Despite any other provision of this clause, the Council may consent to a subdivision that will create a lot of less than 40 hectares of land to which this clause applies where the proposed lot:
- (a) has a lawfully erected dwelling-house situated on it, and
 - (b) adjoins land within a zone to which this clause does not apply which is within the same ownership as the proposed lot immediately before the creation of the proposed lot.
- (6) The Council must not grant consent for a subdivision of land to which this clause applies so as to create an allotment other than an allotment referred to in subclause (2), (3), (4) or (5).

11A Subdivision of certain land in Parish of Coolangatta

- (1) This clause applies to land in the Parish of Coolangatta off Backforest Road being Lots 4 and 5, DP 264581, Lots 48 and 48A, DP 5996, and Lot 4, DP 615130.
- (2) The Council shall not consent to an application for consent to subdivide land identified in subclause (1) unless each separate allotment of land created by the subdivision has an area of not less than 80 hectares.

11B Subdivision of certain land at Milton

- (1) This clause applies to land at Milton being Lot 314, DP 873036, part of Portion 198 within the Parish of Ulladulla, County of St Vincent and parts of roads closed by

notifications published in the Government Gazette on 30 September 1899 at page 7443 and on 13 August 1954 at pages 2485–2486, as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 151)*”.

- (2) A person shall not subdivide land referred to in subclause (1) except with the consent of the Council.
- (3) Consent must not be granted for a subdivision of land referred to in subclause (1) unless the Council has assessed the purpose for which each proposed allotment created by the subdivision is intended to be used.
- (4) Consent must not be granted for such a subdivision if the Council is of the opinion that an allotment proposed to be created by it will include part of Portion 198 or a part of a closed road referred to in subclause (1) and will be:
 - (a) a concessional allotment, or the residue of land remaining after the creation of such a concessional allotment, or
 - (b) used for the erection of a dwelling-house or for dual occupancy development, or
 - (c) used for any other purpose unless the Council, as a condition of the consent, prohibits the erection of a dwelling-house and the carrying out of dual occupancy development on each allotment created by the subdivision.
- (5) The Council may consent to:
 - (a) the subdivision of Lot 314, DP 873036 into two lots comprising one lot of about 6 hectares and one lot of about 30 hectares, and
 - (b) the erection of one dwelling-house on each lot referred to in paragraph (a).
- (6) Development consent for a building on the lot of approximately 30 hectares shall not be granted unless the building is contained within the building envelope shown on the map referred to in subclause (1).
- (7) The Council shall not grant a consent pursuant to subclause (5) (a):
 - (a) until such time as Development (Subdivision) Consents S/F 7553 and S/F 8386 have been revoked or have lapsed pursuant to the [Environmental Planning and Assessment Act 1979](#), or
 - (b) unless it imposes a condition on the consent to the effect that development may be carried out in accordance with the consent only if those consents have been surrendered.

11C Subdivision—boundary adjustments

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d), 1 (e), 1 (f), 1 (g), 7 (a), 7

(c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3).

- (2) Despite any other provision of this plan, a person may subdivide land to which this clause applies with the consent of the Council, but only if:
- (a) no additional allotments will be created by the subdivision, and
 - (b) the area of each allotment created by the subdivision is not more than 50 per cent greater than the area of the corresponding former lot immediately before the subdivision, and
 - (c) a dwelling-house has been lawfully erected, or could be lawfully erected, on each allotment created by the subdivision, and
 - (d) the subdivision will not result in any building contravening the deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (e) the Council has issued a certificate stating that the subdivision complies with its requirements regarding water, if such a certificate is required, and
 - (f) each allotment to be subdivided has been lawfully created and has an area of less than 40 hectares, and
 - (g) the objectives of the zone applying to the land are met, and
 - (h) the boundary adjustment will not affect the connectivity of riparian and vegetation corridors, and
 - (i) there is no increase in the number of lots with frontage to a watercourse, and
 - (j) the land does not encompass, or is not adjacent to, a watercourse or waterbody, and
 - (k) in the case of a subdivision involving the adjustment of the boundaries of land that, in the opinion of the Council, is bushfire prone land:
 - (i) the resulting allotments will comply with the “*Planning for Bushfire Protection*” guidelines published by the NSW Rural Fire Service, and
 - (ii) any approvals required under the *Rural Fires Act 1997* have been obtained from the NSW Rural Fire Service.
- (3) This clause does not apply to land that has been previously subdivided pursuant to this clause.

12 Subdivision—Zone No 1 (c) (Rural “C” (Rural Lifestyle) Zone)

- (1) This clause applies to land within Zone No 1 (c).
- (2) For the purpose of this clause ***environmentally constrained area*** includes:

- (a) steep land (being land with a slope generally in excess of 20% or 1:5),
 - (b) buffer areas to streams,
 - (c) flood liable land,
 - (d) buffer areas to State forests, national parks, nature reserves or any area of native vegetation which is likely to support high intensity bush fire,
 - (e) areas of actual or potential soil instability, and
 - (f) areas of native vegetation which, in the Council's opinion, have significant attributes that should be retained for the purpose of flora or fauna conservation, or landscape or other amenity or which, in the opinion of the Council, have a key role in maintaining environmental quality in the locality.
- (3) In determining an application to subdivide land to which this clause applies, the Council must ensure that:
- (a) the arrangement, number and density of lots and the design and location of roads, drainage and services will:
 - (i) recognise, protect and provide for the ongoing management of environmentally constrained areas,
 - (ii) sustain a rural lifestyle without significant adverse effects on the environmental quality of the area, and
 - (iii) recognise and be compatible with the natural, cultural and landscape features of the locality,
 - (b) each separate allotment created by the subdivision:
 - (i) contains at least one area of suitable size and physical characteristics for a dwelling, outbuildings and associated service area located within the useable site area,
 - (ii) can employ effluent treatment and disposal and soil and water management which meets the objectives set out in clause 26, and
 - (iii) is not less than 1 hectare in area, and
 - (c) where it is proposed to fragment prime crop and pasture land, each lot affected must contain at least 10 hectares of prime crop and pasture land.
- (4) The Council must not consent to any subdivision of Lot 22, DP 804103, Lot 4, DP 262082, Lot 2, DP 818184, Lot 184, DP 861191 and Lot 3, DP 791835—West Cambewarra after the land identified on the map by a distinctive edge and marked "land to be dedicated for addition to Bangalee Reserve" is transferred into the

Council's ownership.

12A Subdivision of certain land at Little Forest

- (1) This clause applies to land at Little Forest, being Portion 1, Parish of Little Forest and Lot 61, DP 732602, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 176)*".
- (2) Notwithstanding clause 12, the Council may consent to the subdivision of the land to which this clause applies so as to create a maximum of 4 lots, comprising 3 small lots of 1 to 3 hectares each and a large lot, and the erection of a dwelling-house on each lot within the building envelope identified on the map referred to in subclause (1).
- (3) The Council may grant consent under subclause (2) only if it imposes as a condition of the consent that any existing consent relating to tourist accommodation on the subject land is to be surrendered.

12B Lot densities—Zone No 1 (c)

- (1) This clause applies to land within Zone No 1 (c) as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 185)*".
- (2) Despite clause 12 (3) (b) (iii), the Council must not grant consent to the subdivision of land within Zone No 1 (c) unless:
 - (a) the proposed subdivision is consistent with the specific objectives and performance criteria for the relevant land set out in Schedule 13, and
 - (b) each lot created by the proposed subdivision has a ratio of depth to frontage that is satisfactory to the Council, and
 - (c) there will be practical and legal access to each lot created by the proposed subdivision.
- (3) In Schedule 13, **holding** means that part of a lot, portion or parcel of land within Zone No 1 (c) existing on the date of commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)* and, where a person owned two or more adjoining lots, portions or parcels of land on that day, the aggregation of those lots, portions or parcels.

13 Subdivision—Zone Nos 2 (a2) and 2 (a3)

- (1) The Council may consent to an application to subdivide land within Zone No 2 (a2) or 2 (a3) if each separate allotment to be created thereby has an area of not less than:
 - (a) in the case of land within Zone No 2 (a2)—2 000 square metres, and
 - (b) in the case of land within Zone No 2 (a3)—4 000 square metres.

- (2) The consent of the Council to the subdivision of land within Zone No 2 (a2) or 2 (a3) is not required if the subdivision is for one or both of the following purposes:
 - (a) to open a public road (not involving the creation of an allotment referred to in subclause (1)) or to widen a public road,
 - (b) to make minor adjustments to common property boundaries.

13A Subdivision of certain land at St Georges Basin

- (1) This clause applies to part of the Nebraska Estate, DP 9699, St Georges Basin, being land shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 155)*".
- (2) Notwithstanding the provisions of clause 13, the Council may consent to a subdivision of the land comprised of Lot 9, Section K, Park Road and Lots 11-15, Section K, The Wool Road, into not more than two allotments for residential purposes, if the Council is satisfied that vehicular access will only be available from Park Road to the two allotments.
- (3) Notwithstanding the provisions of clauses 11 and 13, the Council may consent to a subdivision of the land comprised of Lots 16-20, Section K, The Wool Road, into not more than two allotments for residential purposes, if the Council is satisfied that vehicular access will only be available from Park Road to the two allotments.

13B Subdivision for a public utility undertaking

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (f), 1 (g), 2 (a2), 2 (a3), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3).
- (2) Despite the provisions of Division 1, the Council may consent to the subdivision of land to which this clause applies if the purpose of the subdivision is:
 - (a) to open or widen a public road, or
 - (b) to provide an allotment for a public utility undertaking.
- (3) The residue of land remaining after the creation of an allotment under subclause (2) may be less than 40 hectares.

13C Subdivision prohibited—part of Lot 2, DP 714140, Riverview Road, Nowra

- (1) This clause applies to so much of Lot 2, DP 714140, Riverview Road, Nowra, as is within Zone No 2 (a4) and shown edged heavy black and lettered "2 (a4)" on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 208)*".
- (2) Despite any other provision of this plan, the Council must not grant consent to the subdivision of the land to which this clause applies.

Division 2 Dwelling-houses

14 Dwelling-houses—Zones Nos 1 (a), 1 (b), 1 (d) and 1 (g)

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 1 (g).
- (2) A dwelling-house may, with the consent of the Council, be erected on land within Zone No 1 (a), 1 (b) or 1 (d) if the land:
 - (a) has an area of not less than 40 hectares,
 - (b) comprises a 1964 holding of less than 40 hectares and on which no dwelling-house is erected and then only if the Council has taken into consideration:
 - (i) whether or not the land will have an adequate vehicular access that is practical and lawful,
 - (ii) whether or not the erection of the dwelling-house will create or increase the effect of ribbon development along any arterial or main road, and
 - (iii) whether or not adequate utility and other services will be available to the dwelling house,
 - (c) is a concessional allotment described in paragraph (a), (b), (c) or (e) of the definition of **concessional allotment** in clause 6 (1),
 - (d) is a concessional allotment described in paragraph (d) of the definition of **concessional allotment** in clause 6 (1) and the Council is satisfied that the dwelling-house will be actually occupied by a person referred to in clause 11 (4) (c) (i), (ii) or (iii) as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)*,
 - (e) is the residue of the land remaining after the creation of allotments referred to in clause 11 (4), or the residue created under clause 11 (5), as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)*, or is a residue lot created in a subdivision in accordance with clause 11 of *Interim Development Order No 1—Shire of Shoalhaven*,
 - (f) is an allotment created before 20 September 1974 in accordance with clause 11 (1), (2) or (3) of *Interim Development Order No 1—Shire of Shoalhaven* as in force when the allotment was created, or
 - (g) is the residue of land remaining after the creation of an allotment under clause 11 (7) as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)* or under clauses 11 (3) and 13B (2) and on which a dwelling-house could have been approved by the Council immediately before the subdivision under any of those subclauses.

- (2A) A dwelling-house may, with the consent of the Council, be erected on land within Zone No 1 (a), 1 (b) or 1 (d) if:
- (a) the land is an allotment created under clause 11 (3) or (4) for the purpose of a tourist facility, and
 - (b) there is no other dwelling-house or dwelling erected on the allotment, and
 - (c) the Council is satisfied that the dwelling-house is to provide a residence for a manager of the tourist facility and will otherwise be integral to and essential for the proper and efficient operation of the tourist facility.
- (3) Subject to subclause 4, the Council may consent to the erection of a dwelling-house in Zone No 1 (g) if the allotment:
- (a) has an area of not less than 40 hectares,
 - (b) is a 1964 holding,
 - (c) is a concessional allotment described in paragraph (a) of the definition of **concessional allotment** in clause 6 (1), or
 - (d) comprises an allotment created under clause 11 (1) of *Interim Development Order No 1—Shire of Shoalhaven* before 20 September 1974, or
 - (e) is the residue of land remaining after the creation of an allotment under clause 13B (2) and on which a dwelling-house could have been approved by the Council immediately before the subdivision under that subclause.
- (4) Subject to clause 29, the Council must not grant consent in accordance with this clause to the erection of a dwelling-house on any parcel of land within Zone No 1 (g) unless:
- (a) the parcel is predominantly prime crop and pasture land, and
 - (b) the Council is satisfied that the dwelling-house is essential for the proper and efficient use of the land for agriculture or turf farming.
- (5) Notwithstanding subclauses (3) and (4), the Council may consent to the erection of a dwelling-house on land within Zone No 1 (g) that is a concessional allotment described in paragraph (b), (c) or (d) of the definition of **concessional allotment** in clause 6 (1) or is the residue of land remaining after the creation of allotments referred to in clause 11 (4), or the residue created under clause 11 (5), as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)*, subject to the assessments specified in clause 29 (3) and may impose conditions of the same kind as specified in clause 29 (4).
- (6) A dwelling-house may, with the consent of the Council, be erected on an allotment of

land to which this clause applies and on which another lawfully erected dwelling-house is erected if the first-mentioned dwelling-house is intended to wholly replace the second-mentioned dwelling-house.

15 Dwelling-houses etc—Zone Nos 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) and 7 (f3)

- (1) Subject to subclauses (2) and (3), a dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone Nos 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) or 7 (f3) if the allotment:
- (a) has an area of not less than 40 hectares,
 - (b) is a 1964 holding,
 - (c) is a concessional allotment described in paragraph (a), (b), (c) or (e) of the definition of **concessional allotment** in clause 6 (1),
 - (d) is a concessional allotment described in paragraph (d) of the definition of **concessional allotment** in clause 6 (1) and the Council is satisfied that the dwelling-house will be actually occupied by a person referred to in clause 11 (4) (c) (i), (ii) or (iii) as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)*,
 - (e) is the residue of the land remaining after the creation of allotments referred to in clause 11 (4), or the residue created under clause 11 (5), as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)*, or is a residue lot created in a subdivision in accordance with clause 11 of *Interim Development Order No 1—Shire of Shoalhaven*,
 - (f) is an allotment created before 20 September 1974 in accordance with clause 11 (1), (2) or (3) of *Interim Development Order No 1—Shire of Shoalhaven* as in force when the allotment was created, or
 - (g) is the residue of land remaining after the creation of an allotment under clause 11 (7) as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)* or under clauses 11 (3) and 13B (2) and on which a dwelling-house could have been approved by the Council immediately before the subdivision under any of those subclauses.
- (1A) Subject to subclauses (2) and (3), a dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone No 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) or 7 (f3) if:
- (a) the allotment is created under clause 11 (3) or (4) for the purpose of a tourist facility, and
 - (b) there is no other dwelling-house or dwelling erected on the allotment, and

- (c) the Council is satisfied that the dwelling-house is to provide a residence for a manager of the tourist facility and will otherwise be integral to and essential for the proper and efficient operation of the tourist facility.
- (2) The Council must not consent to the erection of a dwelling-house or to the addition or alteration of a building or the establishment of a caravan park on land within Zone No 7 (d1) or 7 (f1) unless it has considered:
 - (a) the extent to which the development would affect the scenic qualities of the landscape,
 - (b) whether the development would result in degradation of or restriction of access to recreation areas, and
 - (c) any plan, code, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of the protection of coastal lands.
- (3) The Council must not consent to the erection of buildings on the following land:

Callala Bay, Griffin Street area—land shown as being within Zone No 7 (a) and edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 170)*”.
- (4) Notwithstanding the other provisions of this plan, the Council must not consent to the erection of a dwelling-house on the following land shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 175)*”.

15A Dwelling-houses on certain land in Parish of Coolangatta

- (1) This clause applies to land in the Parish of Coolangatta off Backforest Road being Lots 4 and 5, DP 264581, Lots 48 and 48A, DP 5996, and Lot 4, DP 615130.
- (2) The Council shall not consent to an application for consent to the erection of a dwelling-house or the carrying out of dual occupancy development (only where the development results in attached dwellings) on a lot within the area identified in subclause (1) unless that lot has an area of not less than 80 hectares.
- (3) If such an application proposes that the dwelling-house or dual occupancy development will be located on that part of the land within Zone No 7 (f1), then the concurrence provisions of clause 15 will apply in the same way as they apply in relation to consent for the erection of a dwelling-house in accordance with that clause.

15B Dwelling-houses within Zone No 7 (d2)

Despite any other provision of this plan, a dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone No 7 (d2) on which another lawfully erected dwelling-house is or has been erected if the first-mentioned dwelling-

house is to wholly replace the second-mentioned dwelling-house.

16 Dwelling-houses—Zones Nos 1 (c), 2 (a2) and 2 (a3)

- (1) A dwelling-house may be erected on an allotment of land within Zone No 1 (c), 2 (a2) or 2 (a3), being an allotment which was lawfully created after the appointed day, or lawfully created prior to that day under the provisions of *Interim Development Order No 1—Shire of Shoalhaven* as in force immediately before its repeal or, subject to subclause (2), which was created in a plan of subdivision registered in the office of the Registrar-General prior to 28 February 1964.
- (2) Despite any other provision of this plan, the Council must not grant consent for a dwelling-house on the following individual lots unless and until they have been amalgamated to form lots of at least one hectare—Lots 520 to 579 in DP 8399 and Lots 706 to 708 in DP 8399, bounded by Clarendon Crescent, Grange Road and Lusitania Avenue, Basin View.

16AA Dwelling-houses within Zone No 2 (b1) or 2 (b2) in conjunction with medium density development

The Council may consent to the erection of a dwelling-house on land within Zone No 2 (b1) or 2 (b2), but only if it is satisfied:

- (a) that the dwelling-house will form an integral part of a medium density housing development, and
- (b) that the dwelling-house will maintain or enhance the streetscape or residential amenity of surrounding land.

16AB Restriction on subdivision

Any land on which a dwelling-house is erected in conjunction with medium density residential development must not be subdivided to create a separate legal title for the dwelling-house except under the *Strata Schemes (Freehold Development) Act 1973* or the *Community Land Development Act 1989*.

16A Cluster housing—Zones Nos 2 (b1), 2 (b2), 2 (c) and 2 (e)

Despite any other provision of this plan, development for the purpose of cluster housing may be carried out on land within Zone No 2 (b1), 2 (b2), 2 (c) or 2 (e), but only with the consent of the Council.

16B Dwelling-houses on part of Nebraska Estate, St Georges Basin

- (1) This clause applies to part of the Nebraska Estate, DP 9699, St Georges Basin, being land shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 155)*”.
- (2) Despite clause 16, the Council must not consent to the erection of a dwelling-house

on Lot 9, Section K, Park Road and Lots 11-20, Section K, The Wool Road, except as provided by this clause.

- (3) The Council may consent to the erection of one and only one dwelling-house on each of not more than 2 allotments which together comprise the whole of the land in Lot 9, Section K, and Lots 11-15, Section K, The Wool Road, but only if the Council is satisfied that the only vehicular access to each of the dwelling-houses will be from Park Road.
- (4) The Council may consent to the erection of one and only one dwelling-house on each of not more than 2 allotments which together comprise the whole of the land in Lots 16-20, Section K, The Wool Road, but only if the Council is satisfied that the only vehicular access to each of the dwelling-houses will be from Park Road.

Division 3 Dual occupancy development

17 (Repealed)

18 Dual occupancy development

The Council shall not grant consent to dual occupancy development on an allotment of land within Zone No 2 (b1) or 2 (b2) unless the area of the allotment is less than 800 square metres and the Council is satisfied that amalgamation of the allotment with other land in that zone is not feasible.

18A (Renumbered as clause 18)

Division 4 Business and commercial uses

19 Minimum requirements for hotels, motels and caravan parks

- (1) A person shall not erect a hotel:
 - (a) on an allotment of land within Zone No 1 (d) having an area of less than 2 hectares and, where that allotment has frontage to a main or arterial road, a frontage to the road of less than 120 metres, or
 - (b) on an allotment of land within Zone No 1 (b) having an area of less than 4 hectares and, where that allotment has frontage to a main or arterial road, a frontage to that road of less than 200 metres.
- (2) A person shall not erect a motel:
 - (a) on an allotment of land within Zone No 1 (d) having an area of less than 2 hectares and, where that allotment has a frontage to a main or arterial road, a frontage to that road of less than 120 metres, or
 - (b) on an allotment of land within Zone No 1 (b) having an area of less than 4 hectares and, where that allotment has a frontage to a main or arterial road, a

frontage to that road of less than 200 metres.

- (3) A person shall not erect a caravan park on any allotment of land within Zone No 1 (d) which has an area of less than 4 hectares and, where the site has frontage to a main road, a frontage of less than 200 metres.

19A Zone No 3 (g) objectives for certain land at Princes Highway/Cambewarra Road, Bomaderry

- (1) This clause applies to land situated in the City of Shoalhaven, being part of Lot 16, DP 707327, Princes Highway/Cambewarra Road, Bomaderry, in the Parish of Bunberra and County of Camden, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 67)*".
- (2) Despite the general objectives for land within Zone No 3 (g) set out in item 1 to the Table to clause 9, the objectives of that zone for the land to which this clause applies are:
- (a) to provide a strategic development area, and
 - (b) to prevent inappropriate uses, being industrial, retail or significant traffic-generating development, motor showrooms or tourist facilities on that land, and
 - (c) to allow for unobtrusive commercial office development or the like on that land, and
 - (d) to allow for buildings which, through the use of good design, materials and colours, are appropriate to the strategic location of that land and are in sympathy with the local environment, and
 - (e) to require appropriate landscaping so as to significantly improve the appearance of the locality which serves as an important gateway to the Nowra urban area, and
 - (f) to ensure that vehicular access to the land is limited to Cambewarra Road at the western boundary of the land.
- (3) A person must not erect a building on the land to which this clause applies that is within 15 metres of the southern or eastern boundary of the land, as identified by the building lines on the map referred to in subclause (1).
- (4) Subclause (3) does not prevent minor encroachments on the land within 15 metres of the southern or eastern boundary if they are necessary to accommodate an exceptional building design feature.

20 Tourist accommodation

The Council may consent to development (other than subdivision) for the purpose of providing accommodation for tourists on any land used for agriculture that is greater than

10 hectares in area where such a use is prohibited by clause 9, but only in conjunction with the principal and continuing use of that land for the purpose of agriculture.

20A Bed and breakfast accommodation

The Council shall not grant consent to development for the purpose of bed and breakfast accommodation unless it is satisfied that the development will not have a significant adverse impact on the amenity of the immediate neighbourhood.

20B Permanent occupation of tourist facilities

- (1) Despite any other provision of this plan, the Council may consent to development of land described in Schedule 14 only for the purpose of:
 - (a) a tourist facility, or
 - (b) a use or activity that is an integral part of a tourist facility.
- (2) Despite any other provision of this plan (including subclause (1)), the Council may grant consent to development of land described in Schedule 14 for the purposes of permanent residential occupation if:
 - (a) the development is part of development referred to in subclause (1), and
 - (b) no more than 25% of units within the development referred to in subclause (1) are to be used for the purposes of permanent residential occupation.
- (3) The Council may grant consent for the purposes of permanent residential occupation of a maximum of one unit under subclause (2), where the development involves less than four units.

Division 5 Environmental management

21 Land of ecological sensitivity

- (1) This clause applies to land shown on the map by distinctive hatching. That land is taken to be land of ecological sensitivity.
- (2) The objective of this clause is to minimise adverse impacts of development on natural features, including flora, fauna, landforms and other physical features, and ecological processes.
- (3) Despite clause 9, the consent of the Council is required for any development, including forestry and agriculture, on land to which this clause applies.
- (4) In deciding whether to grant consent, the Council must take into account:
 - (a) the objectives of this clause, and
 - (b) the adequacy of the measures proposed by the applicant to avoid, mitigate or

remedy any adverse effects of the proposed development on the ecological values of the land and other land in its vicinity.

21A Vegetation linkage

- (1) This clause applies to land bounded by a broken black line on the map and lettered "Vegetation Linkage" but does not apply to land within a Residential 2 zone, a Business 3 zone, an Industrial 4 zone or a Special Uses 5 zone.
- (2) Development of land to which this clause applies must be designed to enhance the retention and augmentation of vegetation native to the area.

22 Activities in Zone Nos 1 (c), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) and 7 (f3)

- (1) A person must not, without the consent of the Council, ringbark, cut down, top, lop or otherwise destroy any tree having a height of 3 metres or more on land within Zone No 1 (c), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3).
- (2) A person must not, without the consent of the Council, on land within Zone No 7 (a):
 - (a) clear the land of trees,
 - (b) place fill upon such land,
 - (c) alter the level of the surface of such land, or
 - (d) clear or remove vegetation from such land.

23 Protection of streams

- (1) This clause applies to any perennial water course within Zone No 1 (a), 1 (b), 1 (c), 1 (d), 1 (e) or 1 (g).
- (2) For the purposes of this clause, a **perennial water course** means land shown by a continuous blue line on the latest version 1:25,000 scale topographic map for the land to which this clause applies produced by the NSW Land Information Centre and available for public inspection at the office of the Council.
- (3) The objectives of this clause are:
 - (a) to protect water quality,
 - (b) to protect aquatic habitats and riparian communities,
 - (c) to protect and enhance the function of perennial water courses and their associated vegetation as habitat corridors,
 - (d) to protect the scenic and recreational values of perennial water courses and their associated vegetation communities, and

- (e) to protect perennial water courses from erosion and sedimentation.
- (4) Despite clause 9, the consent of the Council is required for any development within 50 metres from the centre line of a perennial water course or, where the perennial water course is greater than 20 metres in width, from the bank of the perennial water course.
- (5) In deciding whether to grant consent, the Council must take into account:
 - (a) the objectives of the clause, and
 - (b) the adequacy of the measures proposed by the applicant to avoid, mitigate or remedy any adverse effects of the proposed development on the ecological and aesthetic values of the perennial water course concerned and of land in its vicinity.

23A (Repealed)

24 Water catchment areas

- (1) This clause applies to land bounded by a broken line on the map and lettered "Water Catchment Area".
- (2) The objective of this clause is to protect the quality of stored water that is to be used for drinking.
- (3) In determining an application for consent to development on or of land to which this clause applies, the Council must take into account the objective of this clause and the adequacy of measures proposed by the applicant to avoid or mitigate any adverse effects of the proposed development on the quality of stored water that is to be used for drinking.

25 Steep lands

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 1 (d) or 1 (e) which has a slope in excess of 20% (1:5).
- (2) The objectives of this clause are:
 - (a) to protect soils from erosion,
 - (b) to protect the water quality of surface waters, and
 - (c) to protect the visual amenity.
- (3) Despite clause 9, the consent of the Council is required for any development, including land clearing and forestry, on land to which this clause applies.
- (4) In deciding whether to grant consent, the Council must take into account:
 - (a) the objectives of this clause, and

- (b) the adequacy of any measures proposed by the applicant to avoid, mitigate or remedy any adverse affects on soils, water quality or the visual amenity.

26 Soil, water and effluent management

- (1) A person must not carry out development that relates to the habitation of land by humans unless and until arrangements satisfactory to the Council have been made by the applicant (and if the applicant is not the owner, the owner also) for the provision of a water supply, facilities for the removal of sewage, and for the drainage of stormwater and other surface water from the land.
- (2) In deciding whether arrangements for drainage of stormwater and other surface water and the treatment and disposal of effluent are satisfactory, the Council must take into account whether the proposed systems can be accomplished in a manner which meets the following objectives:
 - (a) economical feasibility and practicality in terms of design, installation and maintenance,
 - (b) protection of public heath,
 - (c) protection of surface water,
 - (d) protection of ground water,
 - (e) encouragement of the utilisation of wastewaters as a resource rather than a waste for disposal, and
 - (f) protection of community amenity.
- (3) Despite any other provision of this plan, except clauses 2, 9 (3) and 21 and the objectives of the zone in which development the subject of this clause is proposed, the Council may consent to the construction of devices which, in the opinion of the Council, are to be used principally for the purpose of soil and water management or water pollution control.
- (4) The Council must not consent to the carrying out of development on the following land involving the need for effluent disposal unless it is satisfied that any habitable building erected or to be erected on that land will be connected to a reticulated sewerage system linked to an operating sewage treatment plant for the locality:

Callala Beach, Griffin Street area

Land shown as being within Zone No 2 (c) on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 77)*".

26A (Repealed)

27 Development on acid sulfate soils

- (1) This clause applies to land identified as having high probability to be affected by acid sulfate soils on the map prepared by the Department of Land and Water Conservation entitled "*Acid Sulfate Soil Risk Map*" dated December 1997 and available for public inspection at the office of the Council.
- (2) Despite any other provision of this plan, the consent of the Council is required for any development which involves or is likely to involve, through drainage, earthworks, or any other means, the exposure to the atmosphere of any part of soil which contains iron pyrites within land to which this clause applies.
- (3) The Council must not consent to development described in subclause (2) unless it is satisfied that measures can and will be taken to avoid or mitigate the actual or potential contamination of waterways in the vicinity of the land concerned by acid from acid sulfate soils.

27AA, 27A (Repealed)

28 Danger of bush fire

- (1) In deciding whether to grant consent to any development on land which in its opinion is likely to be affected by bush fire, the Council must take into account whether:
 - (a) the development is likely to have a significant adverse effect on the implementation of any strategies for bush fire control and fuel management adopted by the Council,
 - (b) a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development or the access arrangements to and from the development,
 - (c) the increased demand for emergency services during bush fire events created by the development would lead to a significant decrease in the ability of the emergency services to effectively control major bush fires, and
 - (d) the measures proposed to avoid or mitigate the threat from bush fire, including siting of the development, design of structures and materials used, clearing of vegetation, fuel free and fuel reduced areas and landscaping and fire control aids such as roads and water supplies, are inadequate or impractical for the locality or would result in unacceptable environmental impacts.
- (1A) In deciding whether to grant consent to any development on land within Zone No 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (f), 1 (g), 2 (c), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3) that in its opinion is likely to be affected by bush fire, the Council must have regard to the publication *Planning for Bushfire Protection 2001*, published by the NSW Rural Fire Service, and must be satisfied that the requirements of that publication

have been met, as far as possible.

- (2) The Council must not consent to the erection of buildings on the following land within the set-backs identified by building lines on the map describing that land:

Callala Beach, Griffin Street area

Land shown as being within Zone No 2 (c) on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 77)*".

28A (Repealed)

29 Development of flood liable land

- (1) Subject to subclause (2), the Council must not consent to the carrying out of development on land which, in its opinion, is flood liable.
- (2) The Council may consent to the carrying out of development on flood liable land if:
- (a) the development is for a purpose ancillary or incidental to the use of land for the purpose of agriculture, or
 - (b) the development comprises the extension or alteration of an existing dwelling-house, or
 - (c) the land is in any urban zone under this plan, or
 - (d) the Council has received a flood assessment report, in relation to the land, that addresses each of the matters referred to in subclause (3), and the Council is of the opinion that the development is feasible despite the land being flood liable.
- (3) In considering an application to which subclause (2) applies, the Council must make an assessment of:
- (a) the likely levels, velocity, sedimentation and debris carrying effects of flooding,
 - (b) the structural sufficiency of any building the subject of the application and its ability to withstand flooding,
 - (c) the effect which the development, if carried out, will or is likely to have on the flow characteristics of floodwaters,
 - (d) whether or not access to the site will be possible during a flood, and
 - (e) the likely increased demand for assistance from emergency services during a flood.
- (4) In granting consent to a development application made pursuant to subclause (2), the Council may impose conditions that set floor levels, require filling, structural changes or additions or require other measures to mitigate the effects of flooding or assist in emergency situations.

30 Structures in Zones Nos 2 (a4), 3 (h) and 4 (e)

In respect of an application for consent to erect a structure on land within Zone No 2 (a4), 3 (h) or 4 (e), the Council must make an assessment of:

- (a) the likelihood of floodwaters entering the structure,
- (b) the effect of soil instability, and
- (c) the likelihood of damage due to coastal erosion,

and may attach to any consent conditions which, in the opinion of the Council, will prevent or reduce the incidence of flooding or instability.

31 Items of the environmental heritage

(1) In this clause:

demolition, in relation to an item of the environmental heritage, means the damaging, defacing, destruction, pulling down or removal of that item, in whole or in part.

item of the environmental heritage means a building, work, relic, tree or place described in Schedule 7.

relic means any deposit, object or material evidence relating to the settlement (including Aboriginal habitation) prior to 1 January 1900, of the area of the Council.

renovation, in relation to a building or work that is an item of the environmental heritage, means:

- (a) the making of structural changes to the inside or outside of the building or work,
or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, such as changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

(2) A person shall not, in respect of a building, work, relic, tree or place that is an item of the environmental heritage:

- (a) demolish or renovate any such building or work, or
- (b) damage or despoil any such relic or place or any part of any such relic or place, or
- (c) excavate any land for the purpose of exposing or removing any such relic, tree or place, or
- (d) damage, deface, destroy or remove any such tree, or

- (e) carry out any development on or subdivide land on which any such building, work, relic or tree is situated or land comprising the place,
except with the consent of the Council.
- (3) The Council must not grant consent pursuant to subclause (2) in respect of an item of the environmental heritage unless it has made an assessment of:
- (a) the significance of the item as an item of the environmental heritage of the City of Shoalhaven,
 - (b) the extent to which the carrying out of development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site,
 - (c) whether any stylistic, horticultural or archaeological features of the item or its site should be retained, and
 - (d) whether the item constitutes a danger to the users or occupiers of that item or to the public.
- (4) The Council must not grant consent pursuant to subclause (2) to the renovation of a building that is an item of the environmental heritage, unless it has made an assessment of:
- (a) the colour, texture, size, style, and type of finish of any materials to be used on the exterior of the building and the effect which the use of those materials will have on the appearance of the exterior of the building and of any other building in its vicinity,
 - (b) the size, style, proportion and position of openings for any windows and doors which will result from, or be affected by, the carrying out of the development, and
 - (c) the pitch and form of the roof, if any.
- (5) The provisions of sections 84, 85, 86, 87 and 90 of the Act as in force on 30 June 1998 apply to and in respect of the demolition of an item of the environmental heritage in the same way as those provisions applied to and in respect of designated development.
- (6) The Council must not consent to the carrying out of development in the vicinity of an item of the environmental heritage unless it has made an assessment of the effect which the carrying out of that development would have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item of the environmental heritage and its site.

31A (Repealed)

32 Conservation incentives

Nothing in this plan prevents the Council from granting consent for the use, for any purpose, of a building or place, or the land on which a building is erected, if the Council is of the opinion that a the building or place has historic, scientific, cultural, archaeological, architectural, natural or aesthetic significance and the Council is satisfied:

- (a) that the proposed use would have little or no adverse effect on the amenity of the locality or on the building or place's conservation and heritage values, and
- (b) that the conservation of the building or place depends on the Council granting that consent.

32A Milton streetscape

- (1) This clause applies to land at Milton, being Lot 5, DP 78484, Lot 1, DP 112309, Lot 2, DP 153993, Lots C and D, DP 160290, Lot 5, DP 160292, Lots 2, 4, 6, 7, 8, 9 and 10, Section B, DP 975074 and Lot 7, DP 556082, Princes Highway.
- (2) The objective of this clause is to maintain and enhance the heritage character of the streetscape and to ensure that any development is compatible with the heritage significance of the items of the environmental heritage or potential heritage items.
- (3) In deciding whether to grant consent to development of land to which this clause applies, the Council must take into account the adequacy of the measures proposed by the applicant to ensure the proposed development will meet the objectives of this clause.

33 Height of buildings

A building must not be erected to a height greater than 2 storeys, including any parking space, above natural ground level, without the consent of the Council.

33A Vehicular access to the St Georges Basin By-pass

- (1) This clause applies to a development application which proposes use of an existing or new vehicular access to the St Georges Basin By-pass from land which has a frontage to the St Georges Basin By-pass as shown on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 168)*" deposited in the office of the Council of the City of Shoalhaven.
- (2) The Council shall not consent to a development application referred to in subclause (1) unless it is satisfied that the nature and scale of the proposed development is satisfactory in terms of likely traffic generation, that no alternative access way is feasible, and that no adverse impact to public safety or the efficiency of the St Georges Basin By-pass has been identified.

33B Vehicular access to the Princes Highway (Murramerang Street), Ulladulla

- (1) This clause applies to Portion 213, Parish of Ulladulla, County of St Vincent and Lots 1, 2, 3, 4 and 5, DP 21356, Princes Highway (Murramerang Street), Ulladulla.
- (2) The Council must not consent to the development of land to which this clause applies that involves vehicular access to the Princes Highway unless the Council is satisfied:
 - (a) that, having regard to the nature and scale of the proposed development, likely traffic generation will not be excessive, and
 - (b) that there is no feasible alternative access way for vehicles, and
 - (c) that there will be no significant adverse impact to public safety or the efficiency of the Princes Highway in the area.

34 Building lines along main roads

A person must not, on an allotment of land which is within Zone No 1 (b), 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1), 7 (f2) or 7 (f3) and which has a frontage to a road:

- (a) erect a building for the purpose of a caravan park:
 - (i) where the road is a main road not less than 40 metres in width—closer than 90 metres to the nearest alignment of the road, or
 - (ii) where the road is a main road less than 40 metres in width—closer than 110 metres to the centre line of the road,
- (b) erect a building for the purpose of a hotel or motel:
 - (i) where the road is a main road not less than 40 metres in width—closer than 45 metres to the nearest alignment of the road, or
 - (ii) where the road is a main road less than 40 metres in width—closer than 65 metres to the centre line of the road,
- (c) erect a building for the purpose of a rural or extractive industry:
 - (i) where the road is a main road not less than 40 metres in width—closer than 30 metres from the nearest alignment of the road, or
 - (ii) where the road is a main road less than 40 metres in width—closer than 50 metres to the centre line of the road, or
- (d) erect a building for any other purpose:
 - (i) where the road is a main road not less than 40 metres in width—closer than 20 metres from the nearest alignment of the road, or
 - (ii) where the road is a main road less than 40 metres in width—closer than 40 metres

from the centre line of the road.

34A Foreshore building lines

- (1) The objectives of this clause are:
 - (a) the preservation and enhancement of the natural features and vegetation of the area near where land meets water, and
 - (b) the restoration of the land below the foreshore building line, so far as practicable, to a natural state, with a minimum intrusion of artificial structures, and
 - (c) the restriction of development below the foreshore building line to development specified in this clause, and
 - (d) the significant reduction in the number of structures below the foreshore building line, particularly on redevelopment of foreshore land, and
 - (e) the conservation and enhancement of waterfront development of heritage value, and
 - (f) the avoidance of pollution of, or adverse ecological effects on, waterways.
- (2) A person must not erect a building or carry out a work on land between a foreshore building line and the tidal water in respect of which the foreshore building line is fixed.
- (3) The Council must not consent to development on an allotment of land having a foreshore building line, unless it is satisfied that:
 - (a) any building or works on the allotment between the foreshore building line and the mean high water mark at the date of commencement of this clause will be removed before, or within a reasonable time after, the development is carried out, or
 - (b) it would be inconsistent with any of the objectives of this clause to require the removal of any building or works on the allotment between the foreshore building line and the mean high water mark.
- (4) Subclauses (2) and (3) do not apply to:
 - (a) single storey boat sheds, or
 - (b) boat launching and slipping facilities, or
 - (c) below-ground swimming pools, or
 - (d) works, including mechanical works, to enable pedestrian access, or
 - (e) landscaping, or

(f) barbeque facilities, or

(g) jetties, or

(h) swimming enclosures.

(5) To avoid doubt, *State Environmental Planning Policy No 1—Development Standards* applies to subclause (2) in the same way as it applies to a development standard.

(6) In this clause:

foreshore building line means the line shown on the map by a broken black line on an allotment of land, that is parallel to (and at the distance specified in the map from) the mean high water mark of tidal water as at the date of commencement of this clause, regardless of any reclamation, other works or changes occurring since that date.

35 (Repealed)

35A Buffers

(1) This clause applies to land within a buffer area identified on the map.

(2) The Council must not consent to any development on land to which this clause applies which in the opinion of the Council would lead:

(a) in relation to a quarry—to the sterilisation of the resource that is extracted at the quarry, or

(b) in relation to any other matter—to an impediment to the particular purpose indicated by scarlet lettering on the map.

Division 5A Other development

36 Development of land shown uncoloured on the map

(1) Development, including the clearing of vegetation and trees, shall not be carried out on any land shown uncoloured on the map without the consent of the Council.

(2) Notwithstanding subclause (1), a public authority does not require Council's consent to clear vegetation or trees within road reserves shown uncoloured on the map.

37 Suspension of covenants, agreements and instruments

(1) This clause applies to development on land within any zone.

(2) For the purpose of enabling development to which this clause applies to be carried out in accordance with this plan or with a consent granted under the Act, any agreement, covenant or instrument that restricts the carrying out of that development shall not apply to the extent necessary to serve that purpose.

- (3) Nothing in subclause (2) affects the rights or interests of any public authority under any registered instrument.

37A Notification of certain development

- (1) All development applications require notification to be given by the Council, except those for consent to development that the Council considers to be of a minor nature.
- (2) The form and extent of any such notification are to be determined by the Council with regard to the circumstances in each case.
- (3) Nothing in this clause affects the giving of notice in respect of designated development.

38 Community use of school facilities and sites

- (1) Where land to which this plan applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with the consent of the Council, be used for the purposes of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community purpose, whether or not any such use is a commercial use of the land.
- (2) Nothing in this clause requires development consent to be granted for the carrying out of development on any land if that development could, but for this clause, be carried out on that land pursuant to an environmental planning instrument without development consent.

38A Fair trading option

Nothing in this plan prevents a person, with the consent of Council, from carrying out development on land referred to in Schedule 8 for a purpose specified in that Schedule in relation to that land, subject to such conditions, if any, as are so specified notwithstanding that such development may be otherwise prohibited by or inconsistent with other provisions of this plan, providing the Council is satisfied that:

- (a) the development proposed will result in the dedication of land to Council, at no cost to Council, which will serve the public interest, and
- (b) the development proposed is not excessive, balanced against the public interest gained by dedication of the land to Council, and
- (c) the development proposed will not result in a significantly adverse effect on the environment.

39 Development for certain additional purposes

Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 9 for a purpose specified in that Schedule in

relation to that land, subject to such conditions, if any, as are so specified, notwithstanding that such development may be inconsistent with the provisions of this plan.

39A Development of certain land at West Nowra

- (1) This clause applies to the land coloured yellow and lettered “Aboriginal Community Housing Purposes” on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 52)*”, being part lot 432, DP 723151, Yalwal Road, West Nowra.
- (2) Development for the purpose of Aboriginal community housing on land to which this clause applies shall be limited to a total of 16 dwellings.
- (3) Any application made for development of the land to which this clause applies shall be accompanied by a soil erosion and sediment control plan.
- (4) In considering any development application in respect of the land to which this clause applies, the Council shall have regard to comments by the Soil Conservation Service of New South Wales.

39B Development of certain land at Sussex Inlet

- (1) This clause applies to land shown by heavy black edging on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 57)*” being lot 104, DP 26638, Sussex Inlet Road, Parish of Farnham, County of St Vincent.
- (2) The land to which this clause applies may, with the consent of the Council, be subdivided into a maximum of 6 lots and developed for the purposes of a caravan park (with not more than 5 sites for long-term residents (within the meaning of *Ordinance No 71* under the [Local Government Act 1919](#)), retail plant nursery, Australiana Village/Reception area and associated tourist facilities, including a souvenir shop and mini-golf course.
- (3) Access to the proposed development referred to in sub-clause (2) shall be by way of an extension of Flood Avenue.
- (4) The Council shall not consent to development referred to in sub-clause (2) after the expiration of 4 years from the date of publication in the Gazette of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 57)*.

39BA Development of certain land at Princes Highway, Bomaderry

- (1) This clause applies to land shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 97)*”.
- (2) The Council shall not consent to any subdivision of land to which this clause applies unless the Council has taken into consideration a landscape plan that is of a standard satisfactory to the Council. The landscape plan must show how the visual quality of

the land as an important gateway to the Nowra urban area is to be improved and protected through the retention of existing vegetation, extensive supplementary planting of appropriate trees and shrubs and must include a scheme for the implementation and maintenance of appropriate works.

39BB Development of certain land at Seven Mile Beach

- (1) This clause applies to land shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 166)*”.
- (2) The Council shall not consent to an application to subdivide or otherwise carry out development of land to which this clause applies unless:
 - (a) it has considered plans and documentation showing how pollution is to be controlled which might arise from carrying out development on the allotments to be created by the proposed subdivision or from carrying out the other development, and
 - (b) if the proposed subdivision or other development is of, or on, an allotment abutting Seven Mile Beach National Park—it has considered plans and documentation showing the measures to be introduced to protect the natural values of that National Park, and any comment made by the Director-General of National Parks and Wildlife within 28 days of the submission by the Council of particulars of the proposed development to that Director-General with a request for comment, and
 - (c) subdivision of Lot 4, DP 713138 does not exceed twenty-eight lots plus one lot of approximately 13 hectares to be transferred to the Minister administering the [National Parks and Wildlife Act 1974](#) in accordance with subclause (4), and
 - (d) subdivision of Lot 4, DP 604218 does not exceed fourteen lots plus one lot of approximately 53 hectares to be transferred to the Minister administering the [National Parks and Wildlife Act 1974](#) in accordance with subclause (4).
- (3) The provisions of clause 12 (3) (c) of this plan do not apply to land subject to this clause.
- (4) Development Consent for any subdivision of Lot 4, DP 713138 or Lot 4, DP 604218 shall not be granted unless the Council is satisfied that arrangements have been made for the transfer to the Minister administering the [National Parks and Wildlife Act 1974](#) under Part 11 of that Act, at no cost to that Minister, of the land identified on the map referred to in clause (1) as “area to be transferred for addition to Seven Mile Beach National Park”.
- (5) Until development consent to the subdivision of the land to which this clause applies is granted in accordance with subclauses (2)–(4), development may be carried out on the land in accordance with this plan as if the land had continued to be zoned Rural

“A” (Agricultural Production), notwithstanding the amendments made to this plan by *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 166)*.

39BC Development of certain land at Lake Conjola

- (1) This clause applies to Lot 26, DP 1016153, as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 207)*”.
- (2) The Council must not consent to the carrying out of development on land to which this clause applies for the purpose of camping grounds, caravan parks, dwelling-houses or golf courses.

39C Temporary use of land

- (1) Notwithstanding any other provision of this plan, the Council may grant consent to the temporary use of any land for any purpose (not being designated development or development prohibited by the provisions of any other environmental planning instrument applying to the land) for a maximum period of 28 days (whether or not the days are consecutive) in any one year.
- (2) In determining whether to grant consent as referred to in subclause (1), the Council shall take into consideration:
 - (a) the protection of the environment and the amenity of the locality during and immediately after the carrying out of the proposed use,
 - (b) whether appropriate arrangements will be made for the provision of utility services, vehicular and pedestrian access, parking and the restoration of the site to the condition prevailing immediately before the carrying out of the proposed use, and
 - (c) whether the period for the carrying out of the proposed use is reasonable in the circumstances or whether a lesser period would be more appropriate.

39D Transitional arrangement for certain concessional allotments

An application for consent to subdivide land in accordance with clause 11 (4), as in force immediately before the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)*, that had not been finally determined when that plan commenced is to be determined as if that plan had not been made.

39E Development of certain land at Princes Highway, Nowra

- (1) This clause applies to land at Nowra, as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 202)*” deposited in the office of the Council.
- (2) The Council must not consent to the development of land to which this clause applies,

unless:

- (a) the Council is satisfied that the nature of the development will complement the role of Nowra as a sub-regional centre, and
 - (b) a stormwater management strategy to minimise stormwater pollution has been submitted to the Council and the Council is satisfied that the strategy identifies the following:
 - (i) average annual pollutant loads from the proposed development,
 - (ii) suitable source controls to minimise the generation of excessive runoff and pollution,
 - (iii) means of reusing stormwater where possible,
 - (iv) use of stormwater infiltration.
- (3) The Council must not consent to the development of land to which this clause applies if the development provides for direct access from the development to the Princes Highway.
- (4) The Council must not consent to the development of land North of Junction Street, Nowra, as shown hatched on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 202)*" deposited in the office of the Council of the City of Shoalhaven, unless the Council is satisfied, after consultation with the Roads and Traffic Authority, that adequate provision will be made to enable access for vehicles and services from North Street to Lot 3, DP 625710.
- (5) The Council must not consent to the development of land to which this clause applies, on the section of Junction Street, Nowra that is east of the Princes Highway, unless the Council is satisfied:
- (a) that adequate arrangements have been made for the relocation of public utility services, and
 - (b) after consultation with the Roads and Traffic Authority, that:
 - (i) adequate links will be made for vehicles and services between the proposed development and the proposed East Nowra Sub-Arterial Road, and
 - (ii) the proposed development's impact on the Princes Highway will be acceptable.

39F Development on certain land at Yalwal

- (1) This clause applies to land shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 186)*".

- (2) The Council must not grant consent to development for the purpose of a dwelling (including a tourist accommodation unit) on land that is within 40 metres of Danjera Dam or any natural watercourse measured as the shortest distance between the boundary of the development site and:
 - (a) the top of the high bank, if present, or
 - (b) if no high bank is present, then:
 - (i) the mean high water mark in tidal waters, or
 - (ii) the mean water level in non-tidal waters.
- (3) The Council may consent to development for the purpose of a tourist related use (other than a tourist accommodation unit) on land that is within 40 metres of Danjera Dam or any natural watercourse measured in accordance with subclause (2), but only if the Council is satisfied that the proposed use:
 - (a) is ancillary to a tourist facility, and
 - (b) is passive in nature, and
 - (c) will not have a detrimental effect on water quality in Danjera Dam.
- (4) The Council must not grant consent to the carrying out of development involving the disposal of effluent directly into the ground water system unless the Council is satisfied that the disposal will not have a detrimental effect on the water quality of Danjera Dam.

40 Restriction on development in respect of certain road proposals

Where, on the map, a proposed new road is shown by broken black lines, the Council may not consent to the development of land of which the proposed road forms part unless the proposed development makes provision for the opening of a road in reasonable conformity with the proposed road.

40A Development in the vicinity of regional services corridor

The Council must not consent to the excision of an allotment from land within or in the vicinity of a regional services corridor, if the creation of the allotment is for a purpose which in the opinion of the Council is, or is likely to be, adversely affected by the regional services corridor.

40B Special requirements in respect of expansion of Culburra urban area

- (1) This clause applies to land situated in the City of Shoalhaven, being part of the Parish of Wollumboola, County of St Vincent, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 41)*".

- (2) Notwithstanding the provisions of clause 9, the Council may consent to an application for the use of areas, which in the opinion of the Council are of minor importance, for passive recreation and the construction of ancillary facilities on land to which this clause applies within Zone No 7 (a) subject to the consideration by the Council of a statement, provided by the applicant, of the environmental effects of the proposed development.
- (3) The Council shall not consent to an application to subdivide land to which this clause applies unless:
 - (a) plans and documentation showing the development staging have been submitted to the Council which assess the areal extent of soils exposed at any one time, and
 - (b) plans and documentation showing the proposals for erosion and sedimentation controls satisfactory to the Council are submitted to the Council with the application, and
 - (c) designs for surface drainage works and proposals for isolation of potential contaminants during the construction phase are submitted to the Council with the application.

40C Development in the vicinity of Mount Coolangatta

- (1) This clause applies to land in the Parish of Coolangatta off Bolong Road being Lot 14, DP 624221, and Lot 1, DP 520211.
- (2) The Council shall not consent to an application for consent to the erection or extension of a tourist facility, motel or caravan park other than in accordance with clause 46.
- (3) Nothing in clause 9 prevents the Council from granting consent to development on land to which this clause applies for the purposes of outdoor recreational facilities.

40D Development of certain land—Princes Highway and Dolphin Point Road, Dolphin Point

- (1) This clause applies to part of Lots 1 and 2, DP 330177, part of Lot 100, DP 817218, Lot 9, DP 807320, part of Part Portion 82, part of R 25300 for water supply and part of Part R 68058 for public recreation and resting place, Parish of Woodburn, Dolphin Point, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 66)*".
- (2) Council shall not consent to an application to subdivide land to which this clause applies unless plans and documentation have been submitted to the Council with the application, showing:
 - (a) the intended staging of the proposed development, the relationship of that staging to the capacity of the sewerage system to adequately cope with the proposed development and the measures proposed to overcome any

inadequacies, and

- (b) the measures proposed for ongoing soil and water management, including sedimentation, erosion and pollution control, to ensure maintenance of water quality in the wetland and in Burrill Lake and including rehabilitation of existing drains to and through the wetland, and
- (c) designs of surface drainage works and proposals for isolation of potential contaminants and sedimentation during the construction phase, and
- (d) existing vegetation and proposed additional planting which will enhance the value of the wetland and any artificial wetlands proposed, assist in maintaining water quality and enhance the role of streams as habitat corridors.

40E Special requirements in respect of expansion of Vincentia urban area

- (1) This clause applies to land situated in the Parish of Bherwerre, County of St Vincent, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 131)*".
- (2) The Council shall not consent to an application to subdivide land to which this clause applies, unless the Council has taken into consideration the following:
 - (a) plans and other documentation showing the proposed development staging which assess the extent of soils that will be exposed at any one time,
 - (b) plans and other documentation showing the proposals for erosion and sedimentation controls,
 - (c) designs for surface drainage works and proposals for isolation of potential contaminants during the construction phase, and
 - (d) designs for surface drainage work and proposals for the maintenance of the existing hydrology of the wetlands.

40F Vincentia urban area—reticulated sewerage system for certain land

- (1) This clause applies to land situated in the Parish of Bherwerre, County of St Vincent, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 131)*", but not land within Zone No 2 under *Interim Development Order No 1—Shire of Shoalhaven* or Zone No 2 (e) under this plan as at 17 May 1985.
- (2) In relation to land to which this clause applies, the Council shall not consent to the carrying out of development, including the subdivision of land, that creates or that the Council believes will allow a land use that will create, a need for water supply and effluent disposal, unless it is satisfied that any habitable building erected or to be erected on that land will be connected to a reticulated water supply and sewerage

system linked to an operating sewage treatment plant for the locality.

(3) Excluded from the requirements of subclause (2) is development, including the subdivision of land:

(a) for the purpose of a community facility, or

(b) for the purpose of creating a maximum of 5,000 square metres of gross commercial floor space on land within Zone No 3 (a) to which this clause applies.

40G Development of certain land at Vincentia

(1) Notwithstanding the provisions of clause 9 (3) and the objectives stated in the Table to clause 9 in Item 1 of the matter relating to Zone No 3 (a), the Council may grant consent to the carrying out of retail uses on so much of the land shown on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 131)*" as is within Zone No 3 (a).

40H Special requirements in respect of expansion of Bomaderry urban area

(1) This clause applies to land situated in the Parish of Bunberra, County of Camden, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 152)*".

(2) The Council shall not consent to a subdivision of land to which this clause applies unless the Council has taken into consideration whether adequate flood free access will be provided from that land to the adjoining urban area.

(3) In this clause **flood free access** means access by use of land that is above the 1 in 100 year flood level.

40I Development of certain land at Mollymook

(1) This clause applies to that part of Lot 621, DP 804355, Maisie Williams Drive, Mollymook within Zone No 3 (g).

(2) Despite clause 9 (3) and the objectives stated in the Table to clause 9 in Item 1 of the matter relating to Zone No 3 (g), the Council must not grant consent to the carrying out of development on land to which this clause applies unless it is satisfied the development is compatible with a higher density residential or tourist facility or both.

40J Development of certain land at Mollymook Beach

(1) This clause applies to Lot 27, DP 224117, Mitchell Parade, Mollymook Beach.

(2) Despite clause 9 (3) and the objectives stated in the Table to clause 9 in Item 1 of the matter relating to Zone No 3 (g), the Council must not grant consent to the carrying out of development on land to which this clause applies unless it is satisfied the development is for a tourist facility.

- (3) Despite subclause (2), in any development consent under this clause the Council may grant consent for up to a maximum of 25% of units within the development for the purpose of permanent residential occupation.

Division 6 Development in scenic preservation areas

41 Land to which Division applies

This Division applies to all land in a scenic preservation area as shown hatched on the map.

42 Interpretation

In this Division:

external surfaces, in relation to a building or work, includes the external walls and cladding (if any) thereon, external doors, external door and window frames, columns, roofs, fences and any other surface of the building or work visible from the exterior of that building or work.

prescribed materials means dark toned or dark coloured materials of low reflective quality or materials which are painted or similarly treated with dark toned or dark coloured paint or pigment of low reflective quality.

43 Consent required for certain development

Notwithstanding any other provision of this plan, a person shall not, without the consent of the Council, carry out any development on land within a scenic preservation area or clear any such land of vegetation or trees.

44 Assessment of certain matters

Before giving its consent to the erection of a building on land to which this Division applies, the Council shall make an assessment as to whether it should impose conditions relating to:

- (a) the use on the external surfaces of the building of prescribed materials,
- (b) the number, type and location of existing trees and shrubs which are to be retained and the extent of landscaping to be carried out on the site, and
- (c) the siting of the proposed buildings.

Division 7 Development in Special Rural Lifestyle Areas

45 Land to which Division applies

This Division applies to all land in a Special Rural Lifestyle Area.

46 Consent required for certain development

- (1) Notwithstanding any other provision of this plan, a person shall not carry out development on land within a Special Rural Lifestyle Area or clear any of the land of vegetation or trees without the consent of the Council.
- (2) When considering an application to develop land within a Special Rural Lifestyle Area, the Council shall take into account the objectives of the Special Rural Lifestyle Area contained in Schedule 10.
- (3) Notwithstanding any other provision of this plan (subclause (4) excepted), the Council may consent to an application for consent to subdivide land for development or to carry out development on land within a Special Rural Lifestyle Area provided the Council is satisfied that the subdivision or development is in accordance with the objectives of that Special Rural Lifestyle Area.
- (4) The Council shall not consent to an application to subdivide land within a Special Rural Lifestyle Area unless:
 - (a) a contour survey satisfactory to the Council has been carried out in respect of the whole of the land proposed to be subdivided which also shows existing buildings, vegetation, water courses, dams, roads and public utility services, and
 - (b) an environmental impact report has been submitted to the Council which assesses the land's capability and whether the proposed development is contrary to the public interest, and
 - (c) the ratio of depth to frontage of the proposed lots is satisfactory to the Council, and
 - (d) it has been demonstrated that the objectives set out in Schedule 10 for the Special Rural Lifestyle Area have been met in any proposal for subdivision and any other development.
- (4A) The Council must not consent to the subdivision of, or to the carrying out of other development on, land within Special Rural Lifestyle Area 11 or 12 (Tallow Wood Road, West Burrill Lake) unless:
 - (a) it has taken into consideration a proposed plan, prepared by or on behalf of the applicant for consent, for the control of pollution which might arise from carrying out development on the allotments to be created by the proposed subdivision or from carrying out the other development (such plan having been referred by the Council to the Environment Protection Authority and the Department of Water Resources for comment), and
 - (b) if the proposed subdivision or other development appears to require vehicular access over any slope having a gradient greater than 1:5, it has taken into

consideration any comment made by the Director-General of the Department of Conservation and Land Management within 28 days of the submission by the Council of particulars of the proposed development to that Director-General with a request for comment.

- (5) The objectives of a Special Rural Lifestyle Area are set out in Schedule 10 under the heading "Objectives of Special Rural Lifestyle Area" appearing opposite the number of the Special Rural Lifestyle Area shown on the map.

Division 8 Miscellaneous

47 Acquisition of land in Zones Nos 5 (c), 5 (e), 6 (d) and 7 (f2)

- (1) The owner of land within Zone No 5 (c), 5 (e), 6 (d) or 7 (f2) may, by notice in writing, require:
- (a) in the case of land within:
- (i) Zone No 5 (c) and marked on the map "Community purposes", "Car park", or "Civic purposes", or
 - (ii) Zone No 5 (e) or 6 (d),
- the Council,
- (b) in the case of land within Zone No 5 (c) and marked on the map "School" or "Technical college", the Minister for Education, or
- (c) in the case of land within Zone No 7 (f2), the Corporation constituted by section 8 (1) of the Act,
- to acquire the land.
- (2) A person required to acquire the land by such a notice must acquire the land.

48 Development in Zone No 5 (a)

- (1) A person may develop land within Zone No 5 (a), being land that is not immediately required for the use designated on the map, for a purpose that is permissible on land within an adjoining or adjacent zone, but only with the consent of the Council.
- (2) The Council must not give consent to development referred to in subclause (1) unless:
- (a) in the opinion of the Council, the proposed development is compatible with the character and amenity of existing or potential development in any zone adjoining or adjacent to the land on which the development is to be carried out, and
 - (b) the likely effect of the proposed development on the future use for which the land is designated has been taken into account.

49 Development in Zones Nos 5 (c), 5 (e), 6 (d) and 7 (f2)

- (1) Until land referred to in clause 47 is acquired by the public authority concerned, development for any purpose may, with the consent of the Council, be carried out on that land.
- (2) The Council must not grant consent as referred to in subclause (1) to the development of the following land without the concurrence of the person specified below in relation to that land:

Land within Zone No 5 (c) and marked on the map “School”—the Director-General of the Department of Education and Training,

Land within Zone No 5 (c) and marked on the map “Technical College”—the Managing Director of the TAFE Commission.

Land within Zone No 7 (f2)—the Director-General of the Department of Urban Affairs and Planning.

- (3) In determining whether or not to grant concurrence under subclause (2), the person concerned must take into consideration:
 - (a) the effect of the proposed development on the costs of acquisition,
 - (b) the imminence of acquisition, and
 - (c) the costs of reinstatement of the land for the purpose for which the land is to be acquired.

50 Acquisition and development of land in Zone No 5 (d)

- (1) The owner of any land within Zone No 5 (d) may, by notice in writing, require the Roads and Traffic Authority (**the RTA**) to acquire the land.
- (2) On receipt of such a notice, the RTA must acquire the land if:
 - (a) the land is vacant, or
 - (b) the land is not vacant, but:
 - (i) the land is included in the five-year works program of the RTA current at the time of the receipt of the notice, or
 - (ii) the RTA has decided not to give concurrence required by subclause (3) to an application for consent to the carrying out of development on the land, or
 - (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time,

but the RTA is not required to acquire the land if it might reasonably be required to be

dedicated for a public road.

- (3) A person may, with the consent of the Council and the concurrence of the RTA, carry out development on land within Zone No 5 (d):
 - (a) for the purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any other purpose which is compatible with development which may be carried out on land in an adjoining zone.
- (4) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:
 - (a) the need to carry out development on the land for the purpose for which the land is reserved,
 - (b) the imminence of acquisition, and
 - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.
- (5) Land acquired under this clause may be developed, with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was acquired.
- (6) In this clause:

vacant land means land on which, immediately before the day on which a notice under subclause (1) is given, there were no buildings other than fences.

51 Development within open space zones and on public reserves or other public land

The Council must not consent to the carrying out of development on land within Zone No 6 (a), 6 (b), 6 (c) or 6 (d), or on public reserves or on land owned or controlled by the Council, unless it has considered:

- (a) the need for the proposed development on the land,
- (b) the impact of the proposed development on the land, and
- (c) the need to retain the land for its existing or likely future use.

52 Roads

- (1) Except as provided by subclause (2), nothing in this plan restricts or prohibits a public authority from carrying out development required in connection with the construction, reconstruction, improvement, maintenance or repair of a road within an existing road reserve.

- (2) Subclause (1) does not apply to any widening, realignment or relocation of an existing physically constructed road which involves works which may have a significant environmental impact.
- (3) A person (other than a public authority) must not carry out any work referred to in this clause without the consent of the Council, except for the maintenance or repair of an existing physically constructed road and where the agreement of the owner of the land concerned has been obtained.

53 Residential development within RANAS Nowra airport buffer area

- (1) This clause applies to the land situated in the vicinity of the naval air base known as RANAS Nowra and shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 126)—Sheet 1*".
- (2) The Council must not consent to subdivision of land to which this clause applies for residential purposes if the Council is satisfied that the subdivision would result in more dwellings being situated on that land than were on that land on 18 April 1997 (the day on which *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 126)* commenced).
- (3) The Council must not consent to development for residential purposes on land to which this clause applies unless it has taken into consideration an assessment of the effect on the proposed development of noise from aircraft using RANAS Nowra.

54 Caravan parks prohibited

- (1) Despite any other provision of this plan, a person must not carry out development for the purpose of a caravan park on land fronting Inyadda Drive, Manyana, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 136)*".
- (1A) Despite any other provision of this plan, a person must not carry out development for the purpose of a caravan park or dwelling on land within Zone No 7 (f1), shown on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 193)*".
- (2) For the purposes of this clause, **caravan park** means land which is used or intended to be used for the parking of a moveable dwelling or the erection of camps, or both.

54A What is exempt and complying development?

- (1) Development listed in Schedule 1 to *Development Control Plan No 89 Exempt and Complying Development* as adopted by the Council on 23 June 2003 is **exempt development**, despite any other provision of this plan.
- (2) Development listed in Schedule 2 to *Development Control Plan No 89 Exempt and*

Complying Development as adopted by the Council on 23 June 2003 is **complying development** if:

- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it does not involve the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and
 - (c) it does not involve the change of an existing use to another use, and
 - (d) it does not involve the enlargement or expansion or intensification of an existing use.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No 89 Exempt and Complying Development* as adopted by the Council on 23 June 2003.
- (4) A complying development certificate issued for any complying development shall be subject to the conditions for the development specified in *Development Control Plan No 89 Exempt and Complying Development* adopted by the Council, as in force when the certificate is issued.

54B Subdivision—exempt development

A subdivision that is exempt development listed in *Development Control Plan No 89 Exempt and Complying Development* as adopted by the Council on 23 June 2003 is identified as being a subdivision in respect of which an accredited certifier may be a certifying authority.

54C Development without consent

Notwithstanding clause 9, development consent is not required for:

- (a) the erection or installation of bins, bus shelters, fencing, lighting (excluding of sportsgrounds), minor shelters, park and street furniture, seats or viewing platforms (not exceeding 25m² in area), or
- (b) the erection in public parks, recreation areas and reserves of barbecues, buildings or structures for the purpose of bridges, boardwalks or staircases, picnic tables or playground equipment, or
- (c) the erection or installation of goal posts, sight screens and similar ancillary sporting structures on sporting or playing facilities (excluding grandstands, dressing sheds and the like), or
- (d) the construction of pedestrian paths and cycleways, or

- (e) the erection or installation of signs (including name, directional, interpretative and regulatory warning signs in parks, foreshores and natural areas),

by or on behalf of the Council.

54D Certain development by public authorities

If, in the absence of this clause, development by or on behalf of a public authority, being:

- (a) the construction of water storage dams, or
- (b) sewage treatment works, or
- (c) electricity transmission lines,

may be carried out with development consent, the development may be carried out without that consent.

54E Development in national park areas

- (1) This clause applies to development carried out on land dedicated or reserved under the *National Parks and Wildlife Act 1974* as an Aboriginal area, historic site, national park, nature reserve, State game reserve, regional park or State recreation area.
- (2) If, in the absence of this clause, development to which this clause applies may be carried out with development consent, the development may be carried out without that consent.
- (3) A nominated authority must not carry out development to which this clause applies that is prescribed development, or cause or permit any such development to be carried out unless the nominated authority:
 - (a) has given notice in writing to the Council of the area of its intention to carry out the development or cause or permit the development to be carried out, and
 - (b) has given consideration to any matters requested by the Council, within 30 days after the Council is given notice under paragraph (a), to be taken into account before the development is carried out, being matters related to the fact that the intended development will be prescribed development.

- (4) In subclause (3):

nominated authority means the person or body having the care, control and management of the land under the *National Parks and Wildlife Act 1974*.

prescribed development means development which is likely:

- (a) to generate traffic to an extent that will:
 - (i) strain the capacity of the road system in the locality of the land on which the

development is proposed to be carried out, or

(ii) otherwise adversely affect the movement of traffic on that road system, or

(b) to otherwise have a significant environmental effect on other land in that locality.

54F Erection and use of portable classrooms

- (1) If, in the absence of this clause, the erection or use of a portable classroom on land on which a government school or a non-government school is situated may be carried out only with development consent, the development may be carried out without that consent.
- (2) Nothing in this clause authorises:
 - (a) the erection of a portable classroom having a height exceeding 1 storey, or
 - (b) the use of a portable classroom for more than 5 years after the date of its erection.
- (3) In this clause, **government school** and **non-government school** have the same meanings as in the [Education Act 1990](#).

54G Classified roads and toll works

- (1) If, in the absence of this clause, development for the purpose of a classified road or tollway, or a proposed classified road or tollway, may be carried out with development consent, the development may be carried out without that consent.
- (2) In this clause:

classified road means a classified road within the meaning of the [Roads Act 1993](#).

tollway means a work declared to be a tollway under section 52 of the [Roads Act 1993](#).

54H Bush fire hazard reduction

- (1) If, in the absence of this clause, development for the purpose of bush fire hazard reduction is prohibited or may be carried out with development consent, the development may be carried out without that consent if:
 - (a) the development is consistent with a bush fire management plan referred to in section 52 of the [Rural Fires Act 1997](#) that applies to the area or locality in which it is proposed to carry out that development, and
 - (b) the development does not include the clearing, within the meaning of clause 7 of [State Environmental Planning Policy No 14—Coastal Wetlands](#), of land to which that Policy applies.

(2) In this clause:

bush fire hazard reduction means a reduction or modification (by controlled burning or by mechanical, chemical or manual means) of material that constitutes a bush fire hazard.

Division 9 Classification of public land

55 Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 11 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) The amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993* do not apply to the land described in Part 1 of Schedule 11.
- (3) Land described in Part 2 of Schedule 11:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 11, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified opposite the land in Column 3 of Part 3 of Schedule 11.
- (5) In this clause, **the relevant amending plan**, in relation to land described in Part 3 of Schedule 11, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (6) Before the relevant amending plan inserted a description of land into Part 3 of Schedule 11, the Governor approved of subclause (4) applying to the land.

Schedule 1

(Clause 9)

Agency offices other than TAB agency offices.
Butcher's shop.
Chemist's shop.
Clothing shop.
Confectionery shop.

Crockery shop.
Delicatessen.
Drapery shop.
Electrical appliances shop.
Finance and property company premises.
Florist's shop.
Footwear shop.
Friendly and benefit society premises.
Fruit and vegetable shop.
Furniture shop.
Gas appliances shop.
Gift shop.
Grocery and health food shop.
Hardware shop.
Insurance offices.
Jewellery and watchmaker's shop.
Leathergoods and travel goods shop.
Musical instruments shop.
Optical goods shop.
Philatelist's shop.
Photographic apparatus and material shop.
Professional chambers.
Smallarms and ammunition shop.
Smallgoods shop.
Sports requisites shop.
Stationery shop (books and newspapers).
Tobacconist's and hairdresser's shop.
Wine and spirit merchant's shop.

Schedule 2

(Clause 9)

Beauty salon.
Boot and shoe repairing.
Bread, cake and pastry manufacture.
Dressmaking.
Drycleaning and dyeing agency.
Hairdressing salon.
Home activities.
Lending library.
Maintenance and repair of electrical appliances and fittings.
Professional consulting rooms.
Photographic studio.
Refreshment rooms.
Self service coin operated laundry.
Tailoring.

Schedule 3

(Clause 9)

Chemist's shop.
Confectionery shop and milk bar.
Fish and chip shop.
Fruit shop.
Newsagent's shop.
Smallgoods and sandwich shop.
Tobacconist's and hairdresser's shop.

Schedule 4

(Clause 9)

Agency offices other than TAB agency offices.
Beauty salon.
Chemist's shop.
Clothing shop.
Confectionery shop.
Crockery shop.
Delicatessen.
Drapery shop.
Florist's shop.
Footwear shop.
Gift shop.
Hairdressing salon.
Jewellery and watchmaker's shop.
Leathergoods and travel goods shop.
Lending library.
Motels.
Musical instruments shop.
Optical goods shop.
Philatelist's shop.
Photographic apparatus and material shop.
Professional chambers.
Professional consulting rooms.
Refreshment rooms.
Smallgoods shop.
Stationery shop (books and newspapers).
Tobacconist's and hairdresser's shop.

Schedule 5

(Clause 9)

Abattoirs.
Asbestos cement products manufacture.
Bag and sack (textile) manufacture.
Boiler manufacture.

Boiling down works.
Brick, tile, pipe manufacture.
Cement manufacture.
Electrical machinery manufacture (heavy).
Electric battery manufacture.
Extractive industry.
Fellmongery.
Fibrous plaster manufacture.
Fireclay products manufacture.
Grain milling.
Hardboard manufacture.
Heavy engineering.
Hotmix (bitumen) manufacture.
Lime storage.
Machinery manufacture (heavy).
Match manufacture.
Metal founding.
Motor body building.
Motor vehicle manufacturing and assembly.
Motor vehicle wrecking.
Offensive of hazardous industry.
Paint and varnish manufacture.
Plastics manufacture.
Ready mix concrete manufacture.
Rope and twine manufacture.
Rubber products manufacture.
Rubber reclamation.
Sawmilling.
Steel products manufacture (heavy).
Stone cutting and crushing.
Sugar refining.
Veneer manufacture.
Wallboard manufacture.
Wheel manufacture.
Wool scouring.

Schedule 6

(Clause 9)

Aerated water and cordial manufacture.
Boot and shoe repairing.
Cabinet making.
Cycle repairing.
Dressmaking.
Electrical appliance repairing.
Furniture storage and repairing.
Ice works.
Joinery workshop.

Laundry.
Lawn motor repairing.
Musical, surgical and scientific instrument and apparatus repairing.
Printing (Jobbing).
Radio and television repairing.
Signwriting.
Tailoring.
Toy making.
Upholstering.

Schedule 7

(Clause 31)

BERRY:

Former Berry Council Chambers, Alexandra Street, DP 940561.

Post Office, Queen Street, cnr lot 64.

Berry Museum, Queen Street, lot 1, DP 221105.

CBC Bank, Queen Street, part portion 10.

Courthouse, Victoria Street, part portion 10.

Police Sergeant's Residence and Lock-up, Victoria Street, part portion 10.

Agricultural Pavilion, Victoria Street, DP 940561.

Doctor's residence, surgery and gardens, corner of Alexandra and Princess Streets, lots 8 and 9, Section 3, DP 8058.

Former Public School Residence and Gardens, Victoria Street, Lot 11, DP 882716

BOMADERRY:

Lynburn, Residence, 199 Princes Highway, lot 5 DP 228380.

Weighbridge, 13 Railway Street, Lot 1, DP 884113.

Operator's weatherboard shed, 13 Railway Street, Lot 1, DP 884113.

CAMBEWARRA:

Llanthony Lodge, Kalinga Street, lot 1, DP 242182.

Public School and Residence, Main Street, DP 202849.

Cambewarra Union Church, Main Street, part portion 170.

GREENWELL POINT:

Public School, Greenwell Point Road, section C.

KANGAROO VALLEY:

Anglican Church Rectory, Moss Vale Road, lot 2, DP 598789.

Anglican Church of the Good Shepherd, Moss Vale Road, lot 5, FP 904698.

Public School, Moss Vale Road, lot 12, FP 904698.

Headmaster's Residence, Moss Vale Road, lot A/1, DP 561382.

Kangaroo Valley Hall (Showground), Moss Vale Road, "Osborne Park".

MILTON:

Methodist Church, Croobyar Road, part portion 206-119.

Courthouse, Princes Highway, lot 30, section B.

CBC Bank, Princes Highway, lot 16, FP 52160.

Former Town Hall, Princes Highway, lot part 25, section B.

Chinese Elm (*Ulmus parvifolia*), part of lot 1, DP 780778, corner of Church Street and Princes Highway.

Hoop Pine (*Araucaria cunninghamii*), part of lot 1, DP 230083, Corks Lane.

Small Leaved Fig (*Ficus obliqua*), part of lot 3, DP 548705, Princes Highway.

Remnant rainforest, part of lot 1, DP 745437 and part of lot 1, DP 737627, Thomas Street.

NOWRA:

School of Arts, Berry Street, lot 2, DP 623347.

Residence, 3 Ferry Lane, lot 22, DP 563918.

Nowra Primary School, Plunkett Street, Primary School.

Former Residence (adjoins above), Plunkett Street, Primary School.

Police Sergeant's Residence, Plunkett Street, Police Reserve 33863.

Nowra Courthouse, Plunkett Street, Police Reserve 33863.

Museum (former police constable's residence), Plunkett Street, Police Reserve 33863.

TERARA:

Terara House, Millbank Road, lot 1, DP 579451.

Millbank House, cottage, stables and well, Millbank Road, Lot 1, DP 32426.

The Dower House, Millbank Road, Lot 2, DP 313528.

ULLADULLA:

Ulladulla Lighthouse, Derring Street, portion 290, Parish Ulladulla.

RURAL AREAS:

BHERWERRE (Parish):

The footings and garden elements of the former Erowal Farm homestead, Part Portion 2, Parish of Bherwerre.

CONJOLA (Parish)

Garden associated with Kendall Dale, part of lot 1, DP 725960.

Two English Oak Trees (*Quercus robur*), part of lot 1, DP 725960.

COOLANGATTA (Parish):

David Berry Hospital and Gate House (original buildings), Beach Road, David Berry Hospital.

Coolangatta Estate Group, Bolong Road, lot 10, DP 580917, part lots 1 and 2, 3 and 4, DP 15290, lot 1, DP 525517, lot A, DP 33346, lot 1, part lot 2, DP 223278.

ILLAROO (Parish):

Bundanon—residence and surrounding landscape, off Budgong Road, portion 118.

NUMBAA (Parish):

Former Pyree School, Greenwell Point Road, lot 127, DP 2813.

Former Pyree School Residence, Greenwell Point Road, lot 127, DP 2813.

YALWAL

Yalwal General Cemetery

Part of Lots 1-7, Section 5, Parish of Danjera, County of St Vincent

Part Portion 12, Parish of Danjera

Schedule 8

(Clause 38A)

FAIR TRADING OPTION

Berry—Bundewallah Road, Lot 2, DP 706470, as shown edged heavy black on the map marked “City of Shoalhaven Local Environmental Plan 1985 (Amendment No 141)”:

- (a) subdivision of the land into four lots comprising two lots each having an area of about 1-2 hectares, one lot of approximately 4 hectares and one lot of approximately 33 hectares, and
- (b) the erection, with Council consent, of one dwelling-house on each lot referred to in paragraph (a) except the lot of approximately 33 hectares, but only if each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected, and

- (c) development consent for the subdivision referred to in paragraph (a) shall not be granted unless the subdivision makes provision for the dedication of the lot of approximately 33 hectares to the Council, at no cost to Council, as public open space to be used for part of the Illawarra Escarpment Walking Track.

Bellawongarah—Tourist Road, Portions 78, 107 and 120, Parish of Bunberra and Lots 1 to 6, DP 113374 and Lot 5, DP 776333, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 142)*":

- (a) subdivision of the land into five lots comprising two lots of between 1 and 2 hectares, one lot of between 4 and 5 hectares, one lot of approximately 55 hectares and one lot of approximately 41 hectares, and
- (b) the erection, with Council consent, of one dwelling-house on each lot referred to in paragraph (a), except the lot of approximately 41 hectares, but only if each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected, and
- (c) development consent for the subdivision referred to in paragraph (a) shall not be granted unless the subdivision makes provision for the dedication of the lot of approximately 41 hectares to the Council, at no cost to the Council, as public open space to be used for part of the Illawarra Escarpment Walking Track.

Jaspers Brush—Cedarvale Lane, Lots 1 and 2, DP 588431 and Lot 2, DP 853302, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 158)*":

- (a) subdivision of the land into a maximum of seven lots comprising five lots each having an area of between 1 and 2 hectares, one lot of approximately 28 hectares and one lot with a minimum area of 30 hectares, and
- (b) the erection, with the Council's consent, of one dwelling-house on each lot referred to in paragraph (a), except the lot with a minimum area of 30 hectares, but only if each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected, and
- (c) development consent for the subdivision referred to in paragraph (a) shall not be granted unless the subdivision makes provision for the dedication of the lot with a minimum area of 30 hectares to the Council, at no cost to the Council, as public open space to be used for part of the Illawarra Escarpment Walking Track.

Woodhill—Wattamolla Road, Lot 2, DP 740771 as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 174)*":

- (a) subdivision of the land into three lots comprising two lots each having an area of between 4 and 5 hectares and one lot with a minimum area of 5 hectares, and
- (b) the erection, with the Council's consent, of one dwelling-house on each lot referred to in paragraph (a), except the lot with a minimum area of 5 hectares, but only if each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected, and
- (c) development consent for the subdivision referred to in paragraph (a) shall not be granted unless the subdivision makes provision for the dedication of the lot with a minimum area of 5 hectares to the Council, at no cost to the Council, as public open space to be used for part of the Illawarra

Escarpment Walking Track.

Milton—Matron Porter Drive, Lot 2, DP 1009573—subdivision into a maximum of three lots (comprising two lots each having an area of approximately 1.1 hectares and one lot having an area of approximately 13 hectares) and the erection of one dwelling-house on each of the lots having an area of approximately 1.1 hectares, provided that:

- (a) development consent for the subdivision must not be granted unless the subdivision makes provision for the dedication of the lot of approximately 13 hectares to the Council, at no cost to the Council, as public open space, and
- (b) each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is created, and
- (c) the area used to create the lots of approximately 1.1 hectares shall generally not project north of an easterly extension of the northern boundary of Lot 1, DP 1009573.

Milton—Garrads Lane, Part Portion 4, Parish of Ulladulla and Lot 4, DP 1015161:

- (a) subdivision of the land into three lots, comprising one lot of approximately 41 hectares, one lot of approximately 6 hectares and one lot of approximately 57 hectares generally in accordance with plan marked with the reference number 11540, dated 20 September 2002, prepared by PW Rygate & West, and
- (b) development consent for any subdivision referred to in paragraph (a) or (c) must not be granted unless the subdivision makes provision for the dedication of the lot of approximately 41 hectares to the Council, at no cost to the Council, as public open space, and
- (c) subdivision of the lot of approximately 57 hectares into three lots comprising one lot of approximately 53 hectares and two lots of approximately 2 hectares each, and
- (d) the erection of one dwelling-house on each lot referred to in paragraph (c), but only if each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected.

Milton—Garrads Lane, Lot 4, DP 771597:

- (a) subdivision of the land into three lots, comprising one lot of approximately 22 hectares, one lot of approximately 16 hectares and one lot of approximately 25 hectares generally in accordance with plan marked with the reference number 11540, dated 20 September 2002, prepared by PW Rygate & West, and
- (b) development consent for any subdivision referred to in paragraph (a) or (c) must not be granted unless the subdivision makes provision for the dedication of the lot of approximately 22 hectares to the Council, at no cost to the Council, as public open space, and
- (c) subdivision of the lot of approximately 25 hectares into two lots comprising one lot of approximately 23 hectares and one lot of approximately 2 hectares, and
- (d) the erection of one dwelling-house on each lot referred to in paragraph (c), but only if each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected.

Milton—Garrads Lane, Lot 9, DP 250361 and Lot 33, DP 794398:

- (a) subdivision of the land into two lots comprising one lot of approximately 19.4 hectares and one lot of approximately 39.6 hectares generally in accordance with plan marked with the reference number 11540, dated 20 September 2002, prepared by PW Rygate & West, and
- (b) development consent for any subdivision referred to in paragraph (a) or (c) must not be granted unless the subdivision makes provision for the dedication of the lot of approximately 19.4 hectares to the Council, at no cost to the Council, as public open space, and
- (c) subdivision of the lot of approximately 39.6 hectares into five lots, and
- (d) the erection of one dwelling-house on each lot referred to in paragraph (c), but only if each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected.

Schedule 9 Development for certain additional purposes

(Clause 39)

Reserve 88460 for Public Recreation and Museum, Parish of Burrawang, County of Camden, Main Road, Kangaroo Valley—museum office.

Lot 2, DP 554118, Swanhaven Road, Swanhaven—subdivision into 2 allotments, of approximately 1.8 hectares.

Portion 38, Parish of Ulladulla, Green Street, Ulladulla—subdivision into 2 allotments and erection of a dwelling-house on each of the allotments so created.

Portion 242, Parish of Conjola—subdivision into 2 allotments and erection of a dwelling-house on each of the allotments so created.

Lot B, Part of Portion 195, Parish of Burrawang—dwelling-house.

Lot 4 in Certificate of Title, volume 5737, folio 120, Greenwell Point Road, Worrigee—subdivision into 2 allotments having areas of approximately 18.7 hectares and 9.5 hectares and the use of the 9.5 hectare allotment for a nursery and dwelling-house ancillary thereto.

Lot A, DP 399568, Princes Highway, Jaspers Brush—dwelling-house.

Lot 7, DP 228311, being part of portion 104, Parish of Termeil—subdivision into 5 allotments each of not less than 2 hectares and one allotment of not less than 10 hectares and erection of a dwelling-house on each of the allotments so created.

Portions 162 and 192, Parish of Broughton, Broughton Vale—subdivision so as to create 10 allotments, now lots 1–10, DP 258679, and erection of a dwelling-house on each of lots 1–9, DP 258679.

Lot 56, DP 29970, Calymea Street, Nowra—dwelling-house.

Lot A, FP 157754 and lot 1, DP 560028—subdivision so as to create 2 allotments, now lots 3 and 4, DP 593763, and erection of a dwelling-house on each of the allotments so created provided that the dwelling-house erected on lot 4 is erected above a reduced level of 8.08 metres Australian Height

Datum.

Lot 4, DP 226420 and part portion 293, Parish of Cambewarra—subdivision into 2 allotments subject to right of way generally in accordance with plan marked Ref No 9655 DNA prepared by Allen, Price and Associates, Surveyors of Nowra, and the erection of a dwelling-house on the proposed lot 2 shown in such plan and on lot 5, DP 226420.

Portion 34, Parish of Termeil—dwelling.

Lots 1–11, inclusive, 13–55, inclusive and 57–75, inclusive, DP 29970, Albatross Road and Calymea Street, Nowra—dwelling-house.

Lot 4, DP 522858, Illaroo Road, Cambewarra—subdivision into 2 allotments, now lots 5 and 6, DP 595984, and erection of a dwelling-house on each of the allotments so created.

Portions 37, 38 and 39, Parish of Wandrawandian, Princes Highway, Tomerong—subdivision so as to create 25 allotments, now lots 1–25, inclusive, DP 262346, and the erection of dwelling-houses on each of the allotments so created.

Portion 41, Parish of Illaroo—dwelling-house.

Lot 2, DP 557533—subdivision into 2 allotments.

Lot 2, DP 557533—subdivision into 2 allotments, now lots 3 and 4, DP 619493, and the use of lot 3 for a motel and restaurant and the use of lot 4 for the purposes of agriculture or forestry only.

Portion 11, Parish of Farnham—dwelling-house.

Lots 43–67, inclusive, DP 9289, Streamside Street, Woollamia, and lots 68, 68A, 68B, 69 and 69A inclusive, DP 15266, Streamside Street, Woollamia, Parish of Currumbene, as shown edged heavy black on the map marked "*Shoalhaven Local Environmental Plan No 8*"—erection of dwelling-houses and buildings ancillary thereto on allotments in existence on 12 August 1983, and the subdivision of land into allotments having an area of not less than 4 000 square metres and the erection of rural residential dwellings and buildings ancillary thereto on the allotments so created provided that the Council shall refuse its consent to the erection of a dwelling or other building on so much of the land which in the Council's opinion is subject to flooding at a recurrence interval of at least 1 in 100 years.

Lot 16, DP 245913, Little Forest Road, Little Forest, Parish of Little Forest, being land shown edged heavy black on the map marked "*Shoalhaven Local Environmental Plan No 9*"—subdivision of the land so as to create 5 allotments of land each having an area of not less than 1 hectare, and the erection of rural dwellings and buildings ancillary thereto on 4 of the allotments so created, and the use of, and erection of buildings on, one of the allotments so created for the purpose of tourist facilities.

Lot 1, DP 593276, McMahons Road, North Nowra, as shown edged heavy black on the map marked "*Shoalhaven Local Environmental Plan No 10*"—subdivision of the land so as to create:

- (a) not more than 3 allotments, and
- (b) an area for public reserve,

and the erection of a dwelling and buildings ancillary thereto on each allotment created in accordance with paragraph (a).

Lots 1–79 (inclusive), DP 8082 (known as Tasman Park Estate), Island Point Road, St Georges Basin, being land edged heavy black on the map marked “*Shoalhaven Local Environmental Plan No 12*”—the erection on each of the allotments aforementioned of a dwelling-house and building ancillary thereto or the carrying out of dual occupancy development (only where the development results in attached dwellings) on those allotments and the carrying on of home activities on any such allotment.

Lot 2, DP 17946, East Street, Nowra—residential flat building containing 3 dwellings.

Lot 12, DP 707327, Princes Highway, Bomaderry—commercial arts and crafts gallery.

Part lot 40, DP 706331, Princes Highway, Bomaderry—motel, restaurant and convention centre.

Lot 1, DP 112698—subdivision into not more than 3 allotments and the erection of a dwelling-house or the carrying out of dual occupancy development (where the development results in attached dwellings) on each allotment so created.

Lot 3, DP 627050, Lots 4, 5 and 6, DP 705840—the erection of a dwelling-house or the carrying out of dual occupancy development (where the development results in attached dwellings) on each allotment.

Part portions 9, 14 and 15 and portions 10, 11, 12, 13, 22, 23 and 24 and closed roads, Parish of Nowra, being in the vicinity of the Princes Highway, South Nowra, as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 3)*” deposited in the office of the Council—subdivision so as to create 15 allotments and the erection of a dwelling-house and buildings ancillary to the use of the land for agriculture on each of the allotments so created.

Lot 101, DP 629485, Parish of Numbaa, located on the corner of Jindy Andy Lane and Greenwell Point Road, Upper Numbaa via Nowra, as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 6)*” deposited in the office of the Council—use of “The Jindy Andy Mill” as a commercial art gallery and craft centre.

Part lot 27, DP 2813, Comerong Island Road, Numbaa, as shown heavy edged black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 9)*” deposited in the office of the council—boat building and repairs, the excavation of boat mooring facilities and the erection of buildings ancillary thereto.

Land being part lot 81, DP 621379, Alma Avenue, Fisherman’s Paradise, as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 16)*” deposited in the office of the Council—facilities for the sale of petrol and associated petroleum products only.

Lots A, B and C, DP 379984, Edward Street, Berry, as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 19)*”—light industry, carparking, additions and alterations to the existing building and landscaping and ancillary uses.

Lot 105, DP 773888, Greenwell Point Road, Pyree as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 26)*”—use of the former Shoalhaven Co-operative Butter Factory for any purpose (including an ancillary dwelling-house) if the Council is satisfied that:

(a) the use would have little or no adverse effect on the amenity of the area, and

(b) conservation of the building depends on the Council granting consent to that use.

Lots 5 and 6, DP 633826 as shown heavy edged black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 49)*"—subdivision into 7 lots and erection of a dwelling-house on each of the lots, to be used in conjunction with the stabling and training of horses on the subject lots and the residue which is to be held in common ownership.

Part Lot 1, DP 543268, Bolong Road, Bomaderry, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 59)*"—the erection of facilities associated with a starch mill situated on adjoining land, including a fire service tank and pumphouse, ethanol storage and recovery tanks and associated loading facilities and an employee car park, provided that the Council is satisfied that:

- (a) the capacity of the floodway to accommodate flood flows is maintained, and
- (b) all structures are designed to withstand at least a 1 in 100 year flood, and
- (c) all footings and foundations are protected against scouring, erosion and undermining, and
- (d) there will be adequate safeguards to contain and collect leaks and spillages.

Lot 5, DP 715554, Princes Highway, Parish of Termeil, County of St Vincent, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 60)*"—subdivision into 2 allotments and the erection of a dwelling house on each allotment created, subject to:

- (a) there being no direct access between either allotment and the Princes Highway, and
- (b) buildings being sited so as to minimise any adverse visual impact from the Princes Highway.

Part Lot 2, DP 235669, Bolong Road, Shoalhaven Heads—commercial horse stables and a dwelling-house located not closer than 250 metres from the eastern boundary of the subject land and located below a level of 20 metres Australian Height Datum, subject to the Council's taking into account the provisions of Division 6 of Part 3.

Lot 3, DP 550387, Rock Hill Road, North Nowra—subdivision of the land so as to create 2 allotments, (with one lot having a maximum area of 4000 square metres and the erection of a dwelling-house to be occupied by an employee of the adjoining animal park tourist facilities on that allotment).

Jaspers Brush, Lot 4, DP 776151, Princes Highway, Parish of Bunberra, County of Camden, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 47)*" deposited in the office of the Council:

- (a) processing grapes obtained in bulk from elsewhere in Australia and blending the resulting wine (or wine obtained in bulk from elsewhere in Australia) with the wine produced from grapes grown on this land, but only if the wine produced from the grapes obtained from elsewhere (together with the wine obtained from elsewhere) constitutes a minor supplementing of the product from the vineyard on this land,
- (b) the sale of the wines referred to in paragraph (a), both by wholesale and by retail, from the winery on this land,

- (c) selling from the winery on this land fortified wines obtained from elsewhere, but only where those sales constitute a minor percentage (in litres) of the winery's sales.

Lot 5, DP 264666, Tallow Wood Road, Parish of Ulladulla, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 65)*"—subdivision so as to create not more than 6 allotments within Special Rural Lifestyle Area 11 and not more than 5 allotments within Special Rural Lifestyle Area 12 (in each case in accordance with clause 46) and a remainder allotment or, if the land is subdivided under the *Community Land Development Act 1989*, then a remainder lot and a lot designated as community or neighbourhood property that has no dwelling entitlement, and provided that the erection of a dwelling-house or the carrying out of dual occupancy development (where the development results in attached dwellings) is permissible on the remainder lot.

Land in the vicinity of Termeil, (other than Lots 15 and 16, DP 714135 and Lot 2, DP 776736), being part of the land shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 68)*"—subdivision into lots having an overall maximum density of one lot per 10 hectares and erection of a dwelling-house on each of the lots created by any such subdivision, providing that vehicular access to any lot is via a road other than the Princes Highway.

Lot 16, DP 714135, Princes Highway, Termeil, being part of the land shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 68)*"—subdivision into 3 lots and erection of a dwelling-house on each of the lots created by any such subdivision, providing that vehicular access to the Princes Highway is restricted to one location.

Lot 15, DP 714135, Old Princes Highway, Termeil, being part of the land shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 68)*"—subdivision into 2 lots and erection of a dwelling-house on each of the lots created by any such subdivision.

Lot 2, DP 776736, Princes Highway, Termeil, being part of the land shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 68)*"—general store.

Narrawallee, Portion 15, Parish of Conjola and Lot 7, DP 827665, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 83)*":

- (a) subdivision into four allotments with a minimum lot size of 1 hectare, and
- (b) the erection of a dwelling-house on each of the lots so created provided that each dwelling-house and associated effluent disposal area is located entirely within the area within the building line shown on that map.

Narrawallee, Lot 5, DP 830709, off Lake Conjola Entrance Road:

- (a) subdivision into a maximum of fourteen allotments with a minimum lot size of 1 hectare provided that prior to granting consent for any subdivision of the land the Council has considered and taken into account a surface water management and erosion control plan relating to the subdivision proposal, and
- (b) the erection of a dwelling-house on each of the lots so created provided that each dwelling-house and associated effluent disposal area is located entirely within the area within the building line

shown on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 88)*”.

Each of the following parcels of land, as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 98)*”—excision of one allotment of vacant land and the erection of a dwelling-house on the vacant allotment:

Barrengarry

- Part Portion 86, Parish of Burrawang, Grahams Road.
- Portion 240, Parish of Burrawang, Carters Road.
- Lot 4, DP 831751, Carters Road.

Bawley Point

- Lot 1, DP 725902, Bawley Point Road.
- Lot 2, DP 725902, Forster Drive.

Bellawongarah

- Portion 17, Parish of Broughton, Irvines Road.
- Portions 34, 43 and 57, Parish of Cambewarra, Irvines Road.

Bendalong

- Lot 5, DP 847788, Bendalong Road.
- Lot 16, DP 834740 and Portion 13, Parish of Cudmirrah, Bendalong Road.

Berry

- Lot 4, DP 773489, Kangaroo Valley Road.

Bomaderry

- Lot 2, DP 847399, Bells Lane.

Cambewarra

- Portion 68, Parish of Illaroo, Main Road.

Conjola

- Portions 139 and 162, Parish of Conjola and Portions 14 and 28, Parish of Cudmirrah, Bendalong Road.

Far Meadow

- Part Lot 47, DP 5996, Bryce’s Road.

Jaspers Brush

- Lot 3, DP 840940, Devitts Lane.

Kangaroo Valley

- Lot 2, DP 534476, Portions 134, 136, 162, 163, 176, 239 and part Portion 287, Parish of Burrawang, Jacks Corner Road.
- Lot 1, DP 579997, Green Valley Road.
- Lot 108, DP 844654, Upper Kangaroo River Road.
- Lot 1, DP 726019, Glenmurray Road.
- Portions 102, 103, 124, 125 and 238, Parish of Bugong, Mt. Scanzi Road.
- Portions 264 and 269, Parish of Yarrawa, Upper Kangaroo River Road.
- Lot 8, DP 712693, Kellys Road.

Milton

- Lots 3, 5 and 6, DP 199802, Garrads Lane.
- Part of Lot 9, DP 792842, Croobyar Road.

Nowra

- Lot 3, DP 595480, Albatross Road.
- Portions 232, 233, 235 and 237, Parish of Nowra, The Links Road.

Old Erowal Bay

- Lot 3, DP 849262, The Wool Road.

Sassafras

- Portion 8, Parish of St. George, Braidwood Road.

St Georges Basin

- Lot 2, DP 747393, part Portion 2, Parish of Bherwerre, and Portions 84, 98 and 102, Parish of Wandrawandian, The Wool Road.

Termeil

- Lot 3, DP 833166, Old Princes Highway.

Tomerong

- Portions 26, 30, 48, 103 and 109, Parish of Tomerong, Blackbutt Range Road.
- Portion 5, Parish of Wandrawandian, Pine Forest Road.

Wandandian

- Portions 15, 16, 17, 20 and 68, Parish of Wandrawandian, Bollerang Road.
- Lot 31, DP 818363, Princes Highway.

Yatte Yattah

- Lot 1, DP 725963, Princes Highway.
- Lot 33, DP 792994, Portion 21, Parish of Conjola and Lot 1, DP 123524, Princes Highway.

Lot 106, DP 714492, Woncor Avenue, Nowra, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 103)*"—veterinary hospital, but only if the Council is satisfied:

- (a) that there will be no direct access to the proposed development from the Princes Highway and that all access will be gained via Woncor Avenue,
- (b) that the scenic integrity of the locality will be maintained by the provision of suitable landscape screening and that buildings and other structures associated with the development will be residential in style and scale, and
- (c) that the type and scale of signage associated with the development will be kept to a minimum to ensure the rural residential character is retained.

Land at Callala Bay, in the vicinity of Emmett Street, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 108)*"—the erection and use of community centre facilities and sporting facilities.

Lot 10, DP 15507, Jervis Bay Road, Falls Creek, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 111)*"—educational tourist facility, comprising mud brick craft centre, gallery and ancillary tea room provided the Council is satisfied that:

- (a) there is no direct vehicular access to the proposed development from Jervis Bay Road and that all vehicular access is gained via Gardner Road at a satisfactory location between 50 and 100 metres from the intersection of Gardner Road and Jervis Bay Road,
- (b) all car parking associated with the proposed development is located on the subject land in an appropriate location to the north-east of the existing building,
- (c) the scenic integrity of Jervis Bay Road is maintained by ensuring that buildings and other structures associated with the development (except signage and car parking) are not located on the land within 100 metres of Jervis Bay Road,
- (d) acceptable landscape screening is provided between any car park and Jervis Bay Road and between the proposed development and adjacent residences, particularly these to the west, and
- (e) the type and scale of signage associated with the development is kept to a minimum to ensure the rural-residential character adjacent to Jervis Bay Road is retained.

Lots 52 and 54, DP 263391, Burrill Street South, Ulladulla, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 114)*"—a dwelling-house on each lot.

Part Portion 146, Parish of Farnham, Sussex Inlet Road, Sussex Inlet, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 99)*":

- (a) erection of buildings and facilities for the purpose of a scout hall, and

- (b) the use of such buildings and facilities for the physical, cultural or intellectual welfare of a group or the community by a public authority or body of persons associated to promote that welfare (which use may be or include religious training).

Lot 4, DP 855500, Croobyar Road, Milton, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 113)*" subdivision to create one additional allotment and the erection of a dwelling-house on the lot so created.

Part of Lot 13, DP 16364, Quinns Lane, South Nowra, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 116)*"—motor vehicle wrecking and dismantling, provided the Council is satisfied that the proposed activities are to be carried out wholly within the factory unit situated on the land.

Lot 2, DP 833605, Marshall Street, Kangaroo Valley, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 105)*"—erection and use of a dwelling-house within the part of the land within Zone No 7 (d2) which is shown with a broken black line and identified as the varied building envelope on the map, but only if the Council is satisfied that:

- (a) the colours, materials and tonings of the dwelling-house and any other buildings on the land will be compatible with the natural scenic qualities of the locality, and
- (b) any buildings will be of single storey construction, and
- (c) there will be extensive tree planting and other landscaping around the dwelling-house and any structures on the land so as to allow the dwelling-house and any other structures to blend into the landscape, while maintaining reasonable views from the dwelling-house, and
- (d) adequate erosion control measures will be implemented during and after the erection of the dwelling-house and any other structures on the land and the construction of the access track from Marshall Street.

Lots 1, 2, 3 and 4, DP 26782, corner of Princes Highway and Hillcrest Avenue, South Nowra, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 128)*"—erection and use of a bakery and ancillary structures and facilities, but only if the Council is satisfied that:

- (a) there will be no direct vehicular access to the proposed development from the Princes Highway, and that all vehicular access will be gained via Hillcrest Avenue at a satisfactory location no less than 65 metres from the Princes Highway,
- (b) the visual environment of the Princes Highway and Hillcrest Avenue will be maintained by ensuring that buildings and other structures associated with the development are not located on the land within 20 metres of the Princes Highway (except signage) nor within 20 metres of Hillcrest Avenue (except signage and car parking),
- (c) the design of the development of the site achieves the aims of *City of Shoalhaven Local Environmental Plan (Amendment No 128)*,
- (d) acceptable landscape screening will be provided between any car park and adjoining road and also between the proposed development and adjacent properties, and

(e) the type and scale of signage associated with the development will be kept to a minimum.

Lot 32, DP 837531, Princes Highway, South Nowra, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 138)*"—educational establishment, but consent may be granted only if the Council is satisfied that:

(a) the issue of vehicular and pedestrian access to the proposed development has been fully considered by it and comprehensively addressed in the design of the development, and

(b) all car parking associated with the proposed development will be located on the subject land.

Lots 51, 52, 53 and 54, DP 864328, Turpentine Road, Wandrawandian, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 144)*"—a maximum of one dwelling-house on each lot.

Lot 1, DP 786156, corner of Donlan Road and Mitchell Parade, Mollymook Beach, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 139)*"—a real estate office, if vehicular access is only from Donlan Road and the use is restricted to a period of not more than ten years from the date of gazettal of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 139)*.

Lot B DP 156987, Plunkett Street, Nowra, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 145)*"—office to co-ordinate the servicing of business and office equipment, but only if the Council is satisfied that:

(a) all vehicular access to the subject land and the development will be via Plunkett Street, and direct vehicular access from that land to the Princes Highway will be denied,

(b) all car parking associated with the development will be located on the subject land,

(c) any signage associated with the development will be kept to a minimum level acceptable to the Council, and

(d) any buildings involved in the development will be of a residential scale and character in keeping with the surrounding residential buildings.

Land in the vicinity of R.A.N.A.S. Nowra as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 149)*"—advertising structures, agriculture (other than use of animal boarding establishments, intensive lot feeding of livestock, pig keeping and poultry farming), aviation-related land use, community facilities, drill grounds, forestry, identified land uses, parking, wholesale nursery, but only if the Council is satisfied that:

(a) the scenic integrity of Braidwood Road will be maintained by ensuring that buildings and other structures associated with the development (except signage and utility services) have an appropriate setback from Braidwood Road, and

(b) the type and scale of signage associated with the development is kept to a minimum to ensure the rural character adjacent to Braidwood Road is maintained.

Lot 2, DP 215312, corner of the Princes Highway and St Vincent Street, Ulladulla, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 133)*"—office accommodation or other purposes referred to in Schedule 2, with vehicular access

restricted to St Vincent Street only.

Lot 8, DP 731147, corner of Sussex Inlet Road and The Springs Road, Sussex Inlet, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 146)*"—erection and use of an industrial building or buildings and ancillary structures and facilities, provided any building, ancillary structure or facility is erected within the area shown edged with a broken black line and marked on that map as "building envelope" and only if the Council is satisfied that:

- (a) there will be no direct vehicular access to the proposed development from Sussex Inlet Road, and that all vehicular access will be gained via The Springs Road at a satisfactory location no less than 90 metres from Sussex Inlet Road,
- (b) the visual environment in the vicinity of the Sussex Inlet Road and The Springs Road will be maintained by ensuring that buildings and other structures associated with the proposed development are not located on the land within 40 metres of Sussex Inlet Road nor within 45 metres of The Springs Road (except signage and access),
- (c) the design of the proposed development of the site achieves the aims of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 146)*,
- (d) acceptable landscape screening and buffer will be provided between the proposed development and the adjoining road, and also between the proposed development and adjacent properties,
- (e) the type and scale of signage associated with the proposed development will be kept to a minimum,
- (f) the risk of pollution to Badgee Lagoon and the surrounding area will be minimised by connecting the proposed development to the local sewerage scheme, and
- (g) only goods manufactured on the site will be retailed from the industrial building or buildings, in accordance with council policy relating to retailing from industrial premises.

Part of Lot 22, DP 746233, off Yalwal Road, Parish of Nowra, Bamarang, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 154)*"—manufacture of mud bricks.

Lot 8, DP 865023, and Lots 76, 77 and 78, DP 878143, Willinga Road, Bawley Point—the erection of not more than one dwelling-house on each lot, the re-subdivision of the whole area of Lots 8, 76, 77 and 78 into a maximum of 4 lots, and the erection of not more than one dwelling-house on each lot so created but only if no other dwelling-house is erected on the lot.

Lot 1, DP 780801, Windward Way, Milton, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 124)*"—subdivision into a maximum of three lots, each having a minimum area of two hectares, and the erection of a dwelling-house or an attached dual occupancy building on each of the three lots so created, but only if the Council is satisfied that vehicular access to each lot created by the subdivision will be by use of a road other than the Princes Highway.

Lot 9, DP 827728, Island Point Road, St Georges Basin, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 163)*"—concrete batching

plant, but consent may be granted only if the Council is satisfied that:

- (a) the scale of the proposed development is appropriate in terms of its likely traffic generation, and
- (b) the amount and nature of traffic likely to be generated by the development can access the road network without unacceptable loss of efficiency and without jeopardising public safety, and
- (c) there will be no land clearing or vehicular access on or across that part of the land which is within Zone No 7 (d2) (the Environment Protection “D2” (Special Scenic) Zone), and
- (d) adequate pollution controls are employed to avoid any adverse impact on the locality.

Lot 1023, DP 216860, Lively Street, Vincentia—the erection of a dwelling-house.

Land at Fishermans Paradise shown edged with a heavy black line on Sheet 1 of the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 165)*”, but not including the land shown edged with a heavy black broken line on Sheet 2 of that map (**the excluded land**)—subdivision to excise from the land not more than 4 lots for rural residential purposes each with an area of at least 1 hectare and sufficient suitable land to accommodate a dwelling-house, appropriate on-site effluent disposal and vehicular access, and the erection of not more than one dwelling-house or tourist facility unit and associated buildings on each of the excised lots, but only if the excluded land is fenced to the satisfaction of the Council and dedicated to the Council free of cost for public reserve purposes and the Council is satisfied that:

- (a) buildings and access ways will be located so as to minimise the hazard from bush fire, and
- (b) effective on-site effluent disposal and soil and water control and management measures will be employed at the time of the subdivision, and during and after the erection of residential buildings, and
- (c) adequate arrangements have been or will be made for the treatment and disposal of effluent so that nutrients from treated waste water do not reach Lake Conjola, Conjola Creek or any associated wetland, and
- (d) dwelling-houses and any tourist facility units will be erected above the 1 in 100 year flood level identified for the land, and
- (e) appropriate and effective screening will be provided on lots that can be seen from Lake Conjola, and
- (f) any archaeological sites on the land will be protected or, if preservation is not appropriate, any such site will be destroyed only with the agreement of the Director-General of National Parks and Wildlife, and
- (g) forest cover and rare plants will generally be preserved, and
- (h) each existing and new lot (and the excepted land) will have access that is both legal and practical, and
- (i) the eroding creek system, which forms part of the subject land, has been adequately rehabilitated or an adequate legally binding agreement requiring its rehabilitation has been entered into prior to development consent for subdivision being granted, and

- (j) a reticulated water supply will be provided to a lot only if a reticulated sewerage system exists or will be provided for the lot.

So much of Lot 6, DP 567683, Bolong Road, Bomaderry, as is shown edged heavy black on Sheet 2 of the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 171)*"—the erection of facilities ancillary to the starch mill situated on adjoining land, including a wheat protein isolate plant, butane gas tank, office, laboratory, and associated facilities, provided the Council is satisfied that issues relating to flooding, traffic impact, risk, noise, visual impact, management of the riparian buffer zone and the potential existence of acid sulphate soils have been addressed.

Part Lot 11, DP 19407, Lot 20, DP 19407, SP 58940, Part Lot B, DP 401186 and Part Lot A, DP 376973, Princes Highway, South Nowra as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 172)*"—sale of electrical appliances in conjunction with bulky goods, provided the Council is satisfied that appropriate traffic management facilities are provided.

So much of Lot 41, DP 838125, Bolong Road, Bomaderry, as is shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 173)*"—the erection of a carbon dioxide processing and storage plant, which is ancillary to the starch mill situated on adjacent land, provided the Council is satisfied that issues relating to flooding, traffic impact, risk, noise, visual impact, management of the riparian buffer zone along Abernethys Creek and the potential existence of acid sulfate soils have been addressed.

Lots 1 and 2 DP 603770; Pt Lot 8 DP 433981; Pt Lots A and B DP 386477; Lot 6 DP 658752; Lots 1 and 2 DP 130806; Lot 1 DP 997520 Princes Highway, Nowra, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 178)*"—sale of electrical appliances in conjunction with bulky goods, provided the Council is satisfied that appropriate traffic management facilities are provided.

Lots 13–17, DP 853617, Lots 3–7, DP 862443, Lot 26, DP 883925, Lots 8–12, DP 1012244 and Lots 18 and 19, DP 1018097, Kyeema Drive, Woodstock, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 181)*"—erection of one dwelling-house or dual occupancy development (where the development results in attached dual occupancy) on each of the lots.

Lot 2, DP 245762, 63 River Road, Shoalhaven Heads, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 187)*"—charity shop.

Portion 213 in the Parish of Ulladulla, at the corner of Parsons Street and the Princes Highway, Ulladulla—sale of electrical appliances (in conjunction with bulky goods retailing).

Lot 3 DP 810820, Parish of Bherwerre—erection of one dwelling-house of not more than two storeys on south side of creek, with a maximum building height of 6.0 metres above natural ground level (or 7.5 metres above that level, if the consent authority is satisfied that the architectural merit of the building design justifies the additional height), and the retention of all trees other than those required to be removed for the purpose of the dwelling-house or bushfire protection purposes.

Land at Yalwal, in the vicinity of Danjera Dam, as shown edged heavy black on the map marked "*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 186)*"—tourist facilities, but only if the Council is satisfied that the application for consent adequately addresses the following matters:

- (a) protection of water quality and the integrity of the Danjera water supply system,
- (b) protection of the natural and cultural environments on the land from damage,
- (c) sound management of water storage on the land, and natural and cultural values of the land,
- (d) sound economic management of the proposed tourist facilities,
- (e) visual amenity of the proposed tourist facilities and surrounding land,
- (f) heritage conservation,
- (g) management of riparian buffers,
- (h) management of effluent,
- (i) control of erosion,
- (j) appropriateness of the size and scale of the proposed tourist facilities.

Lot 1, DP 1002772 and SP 66005, Superb Crescent, Callala Bay—erection of medium density residential housing.

Lot 1, DP 1006744, Graham Street, Nowra, as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 201)*”—sale by wholesale of fruit and vegetables but only if:

- (a) the Council is satisfied that the carrying out of the development will not involve a further intensification of the current use of the site, and
- (b) the use for that purpose is restricted to a period of not more than 10 years from the commencement of the [City of Shoalhaven Local Environmental Plan 1985 \(Amendment No 201\)](#).

Lot 360, DP 723099, Camden Street, Ulladulla, and identified on the map by a distinct edge and marked “Technology Park”—identified land use.

Lots 25 and 26, DP 224117, Mitchell Parade, Mollymook Beach—tourist facility or a use or activity that is an integral part of a tourist facility, provided that the land is consolidated with Lot 27, DP 224117, Mitchell Parade, Mollymook Beach.

Lots 3, 4 and 5, DP 199802, Garrads Lane, Milton—erection of a dwelling-house on each of the allotments created pursuant to Development (Subdivision) Approval Number SF7656 issued to PW Rygate & West of Ulladulla.

That part of Lot 5, DP 1027623, Royal Mantle Drive, Ulladulla, zoned Rural “B” by *City of Shoalhaven Local Environmental Plan (Amendment No 195)*—subdivision into not more than two allotments each having an area of not less than 1 hectare and the erection of a dwelling-house on each allotment, provided that each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected.

Lot 11, DP 812133, Green Street, Ulladulla—dwelling-house.

Lot 4, DP 8771, Birriga Avenue, Worroving Heights in the Parish of Bherwerre, as shown edged heavy

black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 203)*”—the erection of a dwelling-house on the northern side of the building line as indicated by a broken black line on that map.

Schedule 10 Special Rural Lifestyle Areas

(Clause 46 (5))

Special Rural Lifestyle Area No and Name	Objectives of Special Rural Lifestyle Area
1	<p>The objectives are:</p> <ul style="list-style-type: none">(a) to allow for rural residential development in a variety of lot sizes to suit topographical and environmental conditions, and(b) to have larger sized lots (1 hectare) fronting The Wool Road and near the estuarine wetlands with smaller allotments (4000 square metres) elsewhere, and(c) to preserve as much tree cover as possible, and(d) to limit road access to The Wool Road to one intersection point. <p>The objectives are:</p> <ul style="list-style-type: none">(a) to encourage rural residential development with a variety of allotment sizes appropriate to the location, and(b) to allow for the upgrading and realignment of Cabbage Tree Lane, and(c) to minimise direct access to Cabbage Tree Lane, and(d) to have appropriate lot sizes to the west to enable effective bushfire hazard reduction procedures, and(e) to have appropriate lot sizes to the south to allow for a noise transition zone, and(f) to protect the creek system and the areas in Flat Rock Creek catchment from sedimentation and pollution.
2 (Cabbage Tree Lane Area, Nowra Hill)	<p>The objectives are:</p> <ul style="list-style-type: none">(a) to allow and promote the expansion of the Coolangatta Village Motel/Tourist facility, and(b) to enhance the heritage items of the area, and(c) to allow ancillary commercial tourist activity and the sale of products especially packaged under the Coolangatta label, and(d) to secure safe traffic access to Bolong Road through adjoining areas.
3 Coolangatta Mountain Area, Shoalhaven Heads	

The objectives are:

- 4 Coolangatta Mountain Area,
Shoalhaven Heads
- (a) the objectives are to allow for creation of up to 50 residential lots and the erection of a dwelling house and/or the carrying out of dual occupancy development (only where the development results in attached dwellings) on such allotment and/or 50 tourist accommodation units, and
 - (b) to provide for landscape screening to maintain the rural and scenic character of the adjoining areas, and
 - (c) to limit the height of any dwelling or tourist accommodation to single storey and a loft not having an overall height greater than 6 metres, and
 - (d) all development to be in accordance with the ability of the land to absorb effluent.

The objectives are:

- 5 South Coolangatta Mountain
Area, Shoalhaven Heads
- (a) to allow for up to 50 tourist accommodation units of not more than 80 square metres gross floor area each, and
 - (b) to retain and protect existing screen vegetation, and
 - (c) to minimise removal of vegetation and ground disturbance in the development and its associated access roads, and
 - (d) to minimise the height and bulk of any buildings.

The objectives are:

- 6 South Coolangatta Mountain
Area, Shoalhaven Heads
- (a) to allow for the creation of up to 12 rural residential allotments and the erection of a dwelling house and/or the carrying out of dual occupancy development (only where the development results in attached dwellings) on each allotment in accordance with the ability of the land to absorb effluent, and
 - (b) to protect and enhance screening vegetation to the south, and
 - (c) to prohibit the erection of building above the 50 metre AHD contour, and
 - (d) to protect the trees above the 50 metre AHD contour.

The objectives are:

- (a) to allow for the creation of up to 6 rural residential lots and the erection of a dwelling house and/or the carrying out of dual occupancy development (only where the development results in attached dwellings) on each allotment in accordance with the capability of the land to absorb effluent, and

- 7 East Coolangatta Mountain Area
 - (b) to limit the height of any dwelling to single storey and a loft area with an overall height of 6 metres, and
 - (c) to provide landscape screening to maintain the rural and scenic character of the area, and
 - (d) to prohibit the erection of buildings above the 38 metre AHD contour.

The objectives are:

- 8 Bryces Road Area
 - (a) to allow for the creation of up to 18 rural residential lots and the erection of a dwelling thereon and/or the carrying out of dual occupancy development (only where the development results in attached dwellings) in accordance with the ability of the land to absorb effluent, and
 - (b) to provide landscape screening to maintain the rural and scenic character of the area.

The objectives are:

- 9 Backforest Road Area
 - (a) to allow for the creation of up to 4 rural residential lots and the erection of a dwelling thereon and/or the carrying out of dual occupancy development (only where the development results in attached dwellings) in accordance with the ability of the land to absorb effluent, and
 - (b) to provide landscape screening to maintain the rural and scenic character of the area.

The objectives are:

- 10 North-East Coolangatta Mountain Area, Shoalhaven Heads
 - (a) to allow up to 19 rural residential lots each and the erection of a dwelling house thereon and/or the erection of a residential flat building on two of the lots containing a total of not more than 10 dwellings all located within the building envelope shown on the map, and
 - (b) the provision of adequate screening to maintain the rural character of the surrounding area.

The objectives are:

- 11 (Tallow Wood Road, West Burrill Lake)
- (a) to provide for up to 6 rural residential lots each with sufficient area to accommodate a dwelling-house, effluent disposal and vehicular access, and
 - (b) to allow for the erection of a dwelling-house or the carrying out of dual occupancy development where the development results in attached dwellings on each of the rural residential lots created, and
 - (c) to allow for the siting of buildings so as to minimise the hazard from bush fire, and
 - (d) to preserve as much tree cover as possible, in particular that on the upper slopes, and
 - (e) to provide for building sites with sufficient area to accommodate a dwelling-house, effluent disposal and vehicular access, to be identified at the subdivision stage, and
 - (f) to ensure that appropriate arrangements are made for the treatment and disposal of effluent, and
 - (g) to ensure that appropriate arrangements are made for the treatment and disposal of surface storm water drainage.

The objectives are:

- 12 (Tallow Wood Road, West Burrill Lake)
- (a) to provide for up to 5 rural residential lots each with sufficient area to accommodate a dwelling-house, effluent disposal and vehicular access, and
 - (b) to allow the erection of a dwelling-house or the carrying out of dual occupancy development where the development results in attached dwellings on each of the rural residential lots created, and
 - (c) to allow for the siting of buildings so as to minimise the hazard from bush fire, and
 - (d) to restrict the height of buildings to 1 storey, and
 - (e) to ensure that run-off is diverted away from direct discharge to Burrill Lake by way of a contour bank, and
 - (f) to provide for building sites with sufficient area to accommodate a dwelling-house, effluent disposal and vehicular access to be identified at the sub-division stage, and
 - (g) to preserve as much tree cover as possible, and
 - (h) to ensure that appropriate arrangements are made for the treatment and disposal of effluent, and
 - (i) to ensure that appropriate arrangements are made for the treatment and disposal of surface storm water drainage.

Schedule 11 Classification or reclassification of public land

(Clause 55)

Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993

Culburra

The Marina—Lot 1061, DP 11893, as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 157)*”.

Nowra:

Berry Street—part of Lot 20, DP 801794, as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 130)*”.

Collins Way—Lot 1, DP 526713; Lot 1, DP 391906; Lot 1, DP 508216; Lot A, DP 398969; and Lot B, DP 408997.

Egans Lane—Lot 1, DP 152474; Lot 2, DP 545943; Lot 1, DP 748523; Lots 1 and 2, DP 115855; part Lot 15, Section 5, Parish Nowra; part Lot 16, Section 5, Parish Nowra; part Lot 16, Section 5, Parish Nowra; Lots C, D, E, F, G, J, M and N, DP 39259; Lot 1, DP 657192; Lot 1, DP 657193; Lot 1, DP 657195; Lot 1, DP 567875; Lots P and Q, DP 420838; Lots 3, 4, 5 and 6, DP 541050; Lot 1, DP 42870; Lot 1, DP 657194; and Lots 1 and 2, DP 200161; as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 130)*”.

Kinghorne Street—Lot 7, DP 615764; and Lot 1, DP 840647.

Lawrence Avenue—Lot 71, DP 734576.

Osborne Street—Lot 7, DP 599793; and Lot 52, DP 625969.

Osborne Street—Lot 2, DP 581350; Lot 1, DP 781201; and Lot 2, DP 860572.

Stewart Place—Lot 1, DP 434714; Lot 1, DP 115782; Lot 1, DP 434445; Lot 1, DP 45822; Lot 1, DP 528460; Lot 1, DP 738677; Lot 1, DP 738680; Lots A and B, DP 160188; Lot 1, DP 737940; Part Lot 4, DP 155687; Lots 1 and 2, DP 542438; Lots 1, 2, 3, 4, 5 and 6, DP 225912; and Lot 13, DP 550937; as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 130)*”.

Worrigea Street—Lot 1, DP 738675; Lots 12 and 13, DP 738683; Lot 1, DP 738686; Lots 1 and 2, DP 738687; Lots 4 and 5, DP 537780; and Lot 3, DP 530250.

South Nowra:

Albatross Road—Lot 11, DP 252482, as shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 87)*”.

Browns Road—So much of the land within Deposited Plan 29017 as is shown edged heavy black on Sheet 2 of the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 140)*”.

Ulladulla:

Boree Street—Lot 1, DP 792523; Lot 2, DP 213083; Lots 250 and 251, DP 569873; Lot 1, DP 194000; and Lot 1, DP 213083.

South Street—Lot 11, DP 791198; and Lot 2, DP 717433.

Vincentia:

Caroline Street—So much of the land within Lot 39, DP 777412 as is shown edged heavy black on the map marked “*City of Shoalhaven Local Environmental Plan 1985 (Amendment No 156)*”.

Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—no interests changed

Column 1	Column 2
Locality	Description
Bamarang	
Yalwal Road	Lot 1, DP 787799
Bangalee	
Illaroo Road	2,017 square metre parcel of land reserved for Nowra water supply UPN69271, as shown edged heavy black on Sheet 1 of the map marked “ <i>City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)</i> ”
Berrara	
Lakeland Avenue	Lots 1 and 2, DP 777354
Burrier	
Burrier Road	Lot 1, DP 771231
Cambewarra	
Tannery Road	Lot 1, DP 919211
Coolangatta	
Northview Close	Lot 20, DP 844288
Kangaroo Valley	
Moss Vale Road	Lot 11, DP 866737
Longreach and Mundamia	
Flatrock Road	Lot 1, DP 870268

North Nowra

Coconut Drive Lot 160, DP 844155

Nowra

Brereton Street Part of Lot 2, DP 802068, in the Parish of Nowra and County of St Vincent, as shown edged heavy black on the map marked “City of Shoalhaven Local Environmental Plan 1985 (Amendment No 209)”

St Georges Basin

Deane Street Lot 51, DP 835254

Shoalhaven Heads

Scott Street Lot 30, DP 848048

Sussex Inlet

Medlyn Avenue Lot 169, DP 726741
 The Springs Road Lot 171, DP 726741
 The Springs Road Lot 1, DP 865961

Vincentia

Moona Creek Road Lot 3, DP 816315

Yatte Yattah

Pointer Road Lot 16, DP 847482

Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
Bomaderry		
Concorde Way	Part of Lot 10, DP 245290, as shown edged heavy black on the map marked “City of Shoalhaven Local Environmental Plan 1985 (Amendment No 198)”.	Easements 8104386 and 8749756 as noted on Certificate of Title Folio Identifier 10/245290.

Schedule 12 Sexual services premises land

(Clause 9)

The areas shown edged heavy black on the map marked “City of Shoalhaven Local Environmental Plan

1985 (Amendment No 153)" and, specifically:

At South Nowra:

Lot 44 and part Lot 39, DP 802671, Norfolk Avenue

Lots 18 and 19, DP 718529, Norfolk Avenue

Lot 14, DP 622210, Norfolk Avenue

Lot 49, DP 810890, Norfolk Avenue

Lots 29, 30 and 31, DP 790535, Norfolk Avenue

Lots 32 and 33, DP 818137, Norfolk Avenue

Lots 51, 52, 53 and 54, DP 808234, Norfolk Avenue

Lots 56-67, DP 818137, Tom Thumb Avenue

Lots 70 and 71, DP 835850, Tom Thumb Avenue

Lot 50, DP 810890, Tom Thumb Avenue

Lots 17 and 18, DP 733151, Investigator Street

Lot 1, DP 809957, Investigator Street

Lot 1, DP 826506, Investigator Street

Lots 8, 9 and 10, DP 260264, Investigator Street

Lot 22, DP 786067, Cumberland Avenue

Lot 1, DP 826929, Cumberland Avenue

Lot 2, DP 809957, Cumberland Avenue

At Ulladulla:

Lot 326, DP 39468, Blackburn Road

Portions 309, 314, 315, 317, 318, 319 and 320, Blackburn Road

All land within Strata Plan 31551, Blackburn Road

Lot 332, DP 42874, Blackburn Road

Lots 342-350, DP 45761, Coller and Blackburn Roads

Lots 1 and 2, DP 807199, Blackburn Road

Lots 368-375, DP 726767, Coller Road

Lots 333, 334, 335, 336, 338 and 339, DP 42874, Aroo Road

All land within Strata Plans 39926 and 44679, Aroo Road

Schedule 13

(Clause 12B)

1 BERRY—BEACH ROAD AREA

Specific objectives

Conservation

- 1 To retain the conservation values of the remnant coastal forest vegetation in the area and to ensure that development does not reduce those values.

Lifestyle and rural character

- 2 To recognise the presence of prime crop and pasture land in the area and to provide opportunities for small scale part time farming.
- 3 To prevent ribbon development along Beach Road and Agars Lane.

Services

- 4 To provide only a basic level of services to the area in keeping with its low development potential and the potential impact of reticulated water supply on waste water volumes.

Performance criteria

Performance criteria

- 1 To ensure that:
 - (a) no lot created is less than 10 hectares in area, and
 - (b) the overall density of lots to be created from a holding is no greater than 1 lot per 10 hectares of land.

2 BERRY—BUNDEWALLAH ROAD AREA

Specific objectives

Lifestyle and rural character

- 1 To provide for a primarily non-agricultural lifestyle.

Performance criteria

Performance criteria

- 1 To ensure that:
 - (a) no lot created is less than 1 hectare in area, and
 - (b) the overall density of lots to be created from a holding is no greater than 4 lots per 10 hectares of land or part of 10 hectares of land.

3 BOMADERRY—PRINCES HIGHWAY AREA

Performance criteria

- 1 To ensure that no lot created is less than 1 hectare in area.

4 EAST NOWRA—WORRIGEE ROAD AREA

Performance criteria

- 1 To ensure that no lot created is less than 1 hectare in area.

5 FALLS CREEK—PARMA ROAD AREA

Performance criteria

- 1 To ensure that no lot created is less than 1 hectare in area.

6 KANGAROO VALLEY—NUGENTS CREEK AREA

Performance criteria

- 1 To ensure that no lot created is less than 2 hectares in area.

7 LAKE CONJOLA—CONJOLA PARK AREA

Performance criteria

- 1 To ensure that no lot created is less than 2 hectares in area.

8 MILTON—GARRADS LANE AREA

Performance criteria

- 1 To ensure that no lot created is less than 10 hectares in area.

9 MILTON—LITTLE FOREST ROAD

Specific objectives

Bush fire

- 1 To recognise the potential for periodic bush fire in the locality particularly the western part of the area adjoining State forest and to ensure that adequate protection measures are provided.

Lifestyle and rural character

- 2 To provide opportunities for a non-agricultural lifestyle at low density north of Little Forest Road and higher densities south of Little Forest Road.
- 3 To retain the wooded character of the area.
- 4 To prevent ribbon development along Little Forest Road.

Catchment management

- 5 To retain as much vegetation cover as possible and avoid development on steep slopes so as to minimise erosion potential.

Performance criteria

Performance criteria

- 1 To ensure that:
 - (a) no lot created is less than 1 hectare in area, and
 - (b) the overall density of lots created from each holding is no greater than 1 lot per 10 hectares of land or part of 10 hectares of land north of Little Forest Road, and 3 lots per 10 hectares of land or part of 10 hectares of land south of Little Forest Road, and
 - (c) development does not occur on land with slope in excess of 20% (1:5).

10 MILTON—MATRON PORTER DRIVE

Performance criteria

- 1 To ensure that no lot created is less than 1 hectare in area.

11 SOUTH NOWRA—CENTRAL AVENUE AREA

Performance criteria

- 1 To ensure that no lot created is less than 2 hectares in area.

12 WANDANDIAN—WANDEAN ROAD AREA

Specific objectives

Bush fire

- 1 To recognise the potential for periodic bush fire in the locality and to ensure that adequate bush fire protection measures are provided for the area as a whole and for each individual development.

Flooding

- 2 To recognise that the broad stream valleys in the area are subject to periodic inundation and to ensure that these are kept free from development.

Water quality and catchment management

- 3 To recognise the sensitivity of St Georges Basin to increased sediment and nutrient loads and to maintain a high quality of surface run-off and ground water leaving the area.
- 4 To retain as much as possible of the natural vegetation in the area and to minimise soil disturbance.

Rural character

- 5 To provide for a low density of lots in a relatively isolated setting with a mixture of cleared and wooded sites.

Services

- 6 To provide for only a basic level of services consistent with the relative isolation of the area and the sensitivity of the catchment.

Performance criteria

Performance criteria

- 1 To ensure that no lot created is less than 2 hectares in area, and
 - (a) the overall density of lots created from each holding is not greater than 1 lot per 10 hectares of land, or
 - (b) in the case of a holding between 4 and 19 hectares, the holding is subdivided into no more than 2 lots.

13 TAPITALLEE (FORMERLY WEST CAMBEWARRA)—ILLAROO ROAD AREA

Specific objectives

Bush fire

- 1 To recognise the potential for periodic bush fire in the locality and to ensure that adequate bush fire protection measures are provided, particularly for the area south of Illaroo Road and for each individual development in that area.

Lifestyle and rural character

- 2 To recognise the presence of prime crop and pasture land and to provide opportunities for small scale part time farming.
- 3 To provide for a non-agricultural lifestyle primarily south of Illaroo Road.
- 4 To ensure that ribbon development does not occur along Illaroo Road.

Landscape and visual management

- 5 To retain as much as possible of the native vegetation in the area.
- 6 To maintain the agricultural landscape north of Illaroo Road.
- 7 To ensure that development does not take place on prominent ridges.

Conservation/Biodiversity

- 8 To recognise the need to conserve strategic vegetation communities and the presence of biodiversity habitat south of Illaroo Road.

Services

- 9 To provide only a basic level of services to the area in keeping with its low development potential and the potential impact of reticulated water supply on waste water volumes.

Performance criteria

Performance criteria

- 1 To ensure that:
 - (a) no lot created is less than 1 hectare in area, and

- (b) the overall density of lots created from each holding is no greater than 1 lot per 10 hectares of land north of Illaroo Road, and 4 lots per 10 hectares south of Illaroo Road, or, if a holding is between 3 and 5 hectares in area and is located south of Illaroo Road, the overall number of lots created from the holding is no more than two lots, and
- (c) development will not take place on land greater than 20% (1:5) in slope so as to minimise erosion potential, and
- (d) development will not take place closer than 50 metres from Bangalee and Tapitallee Creeks and from Illaroo Road, and
- (e) subdivision will not result in more than 86 additional lots since 16 July 1999.

14 WEST ULLADULLA—SLAUGHTERHOUSE ROAD AREA

Performance criteria

- 1 To ensure that no lot created is less than 1 hectare in area.

15 YATTE YATTAH—POINTER ROAD AREA

Specific objectives

Bush fire

- 1 To recognise the potential for periodic bush fire in the locality and to ensure that adequate bush fire protection measures are provided for the area as a whole and for each individual site.

Lifestyle and rural character

- 2 To provide for non-agricultural lifestyle opportunities in a timbered setting by clustering lots to maximise bush fire protection and reduce the amount of clearing of natural vegetation.

Performance criteria

Performance criteria

- 1 To ensure that:
 - (a) no lot created is less than 1 hectare in area,
 - (b) the overall density of lots created from a holding within the area is no greater than 1 lot per 10 hectares of land or part of 10 hectares of land.

16 TOMERONG—BATTUNGA DRIVE

Specific objectives

Bush fire

- 1 To recognise the potential for periodic bush fire in the locality and to ensure that adequate bush fire protection measures are provided for the area as a whole and for each individual development.

Services

- 2 To provide only a basic level of services to the area in keeping with its low development potential.

Performance criteria

Performance criteria

- 1 To ensure that no lot created is less than 1 hectare in area.

Schedule 14 Permanent occupation of tourist facilities

(Clause 20B)

Burrill Lake

Princes Highway—Lot 2, DP 811329, Lot 5, DP 863940, and those parts of Lots 20, 21 and 22, DP 867221 zoned 3 (g) (Business “G” (Development Area)) as at the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)*.

Mollymook

Golf Avenue—Lot 101, DP 773949, Lots 9 and 10, DP 19057, Lots B and C, DP 22562, Lot 11, DP 507219 and Lot 1, DP 849431.

Ocean Street—Lots 13, 14, 15, 16, 17 and 19, DP 19057, Lot 39, DP 777766 and Lot 2, DP 805250.

Shepherd Street—Lot 22, DP 19057.

Ulladulla

Burrill Street South—Lot 7, DP 790985.

North Street—Lot 384, DP 823202.

Princes Highway—Portions 203, 211, 231, 232, 236, 237, 238, 240, 242, 243, 284, 291, 292, 293, 294, 295 and 296, Parish of Ulladulla, Lots 1 and 2, DP 532971, Lot 1, DP 739007, Lot 385, DP 823217, Lot 1, DP 784732, Lot 18, DP 805460 and Lots 1, 2, 3, 4 and 5, DP 22537.