

# Shoalhaven Local Environmental Plan 2014

[2014-179]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

### Notes—

- **See also**  
[Planning Legislation Amendment Bill 2019](#)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 10 July 2020

# Shoalhaven Local Environmental Plan 2014



New South Wales

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# Shoalhaven Local Environmental Plan 2014



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Shoalhaven Local Environmental Plan 2014*.

### 1.1AA Commencement

This Plan commences 14 days after it is published on the NSW legislation website.

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Shoalhaven in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - (a) to encourage the proper management, development and conservation of natural and man-made resources,
  - (b) to facilitate the social and economic wellbeing of the community,
  - (c) to ensure that suitable land for beneficial and appropriate uses is made available as required,
  - (d) to manage appropriate and essential public services, infrastructure and amenities for Shoalhaven,
  - (e) to minimise the risk of harm to the community through the appropriate management of development and land use.

### 1.3 Land to which Plan applies

- (1) This Plan applies to the land identified on the [Land Application Map](#).
- (1A) Despite subclause (1), this Plan does not apply to the land identified as “Deferred matter” on the [Land Application Map](#).



#### **1.4 Definitions**

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

#### **1.5 Notes**

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

#### **1.6 Consent authority**

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

#### **1.7 Maps**

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

**Note—**

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

#### **1.8 Repeal of planning instruments applying to land**

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

**Note—**

While the following local environmental plan no longer applies to the land to which this Plan applies, it continues to apply to the land identified as “Deferred matter” under clause 1.3(1A)—

*Interim Development Order No 1—Shire of Shoalhaven*

*Shoalhaven Local Environmental Plan 1985*

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

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

**Note—**

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

**1.8B (Repealed)**

**1.9 Application of SEPPs**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

*State Environmental Planning Policy No 1—Development Standards*

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

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and*

*Wildlife Act 1974*, or

- (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
- (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
- (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
- (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.

- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

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

### **2.1 Land use zones**

The land use zones under this Plan are as follows—

#### **Rural Zones**

- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU4 Primary Production Small Lots
- RU5 Village

#### **Residential Zones**

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential

#### **Business Zones**

- B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

B7 Business Park

**Industrial Zones**

IN1 General Industrial

IN2 Light Industrial

IN4 Working Waterfront

**Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

SP3 Tourist

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Environment Protection Zones**

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E3 Environmental Management

E4 Environmental Living

**Waterway Zones**

W1 Natural Waterways

W2 Recreational Waterways

W3 Working Waterways

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

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

### **2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

#### **Notes—**

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

### **2.4 Unzoned land**

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

## 2.5 Additional permitted uses for particular land

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

## 2.6 Subdivision—consent requirements

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

### Notes—

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

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

### Note—

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

## 2.7 Demolition requires development consent

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

### Note—

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

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

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

## Land Use Table

### Note—

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

[State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) (including provision for secondary dwellings)

[State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#)

[State Environmental Planning Policy \(Infrastructure\) 2007](#)—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

[State Environmental Planning Policy \(Mining, Petroleum Production and Extractive Industries\) 2007](#)

[State Environmental Planning Policy No 33—Hazardous and Offensive Development](#)

[State Environmental Planning Policy No 50—Canal Estate Development](#)

[State Environmental Planning Policy No 64—Advertising and Signage](#)

[State Environmental Planning Policy \(Primary Production and Rural Development\) 2019](#)

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To conserve and maintain productive prime crop and pasture land.
- To conserve and maintain the economic potential of the land within this zone for extractive industries.

### **2 Permitted without consent**

Extensive agriculture; Forestry; Home occupations

### **3 Permitted with consent**

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



#### **4 Prohibited**

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

### **Zone RU2 Rural Landscape**

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

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

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

Extensive agriculture; Forestry; Home occupations

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

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

#### **4 Prohibited**

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

### **Zone RU3 Forestry**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Uses authorised under the [Forestry Act 2012](#) or under Part 5B (Private native forestry) of the [Local Land Services Act 2013](#)

### **3 Permitted with consent**

Aquaculture; Roads

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone RU4 Primary Production Small Lots**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm

buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Landscaping material supplies; Plant nurseries; Recreation areas; Roads; Roadside stalls; Water storage facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RU5 Village**

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

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

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

Home occupations

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

Attached dwellings; Boarding houses; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Business premises; Car parks; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Depots; Dual occupancies; Dwelling houses; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Function centres; Group homes; Helipads; Home-based child care; Home businesses; Home industries; Hostels; Industrial retail outlets; Information and education facilities; Light industries; Multi dwelling housing; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential care facilities; Residential flat buildings; Respite day care centres; Retail premises; Roads; Schools; Semi-detached dwellings; Service stations; Sewerage systems; Shop top housing; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Transport depots; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water supply systems

#### **4 Prohibited**

Farm stay accommodation; Pond-based aquaculture; Any other development

not specified in item 2 or 3

## **Zone R1 General Residential**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

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

### **4 Prohibited**

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

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

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

to day needs of residents.

- To provide an environment primarily for detached housing and to ensure that other development is compatible with that environment.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Jetties; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Sewerage systems; Tank-based aquaculture; Water supply systems

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone R3 Medium Density Residential**

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

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide opportunities for development for the purposes of tourist and visitor accommodation where this does not conflict with the residential environment.

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

Nil

### **3 Permitted with consent**

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

### **4 Prohibited**

Farm stay accommodation; Pond-based aquaculture; Any other development not specified in item 2 or 3

## **Zone R5 Large Lot Residential**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies (attached); Dwelling houses; Emergency services facilities; Environmental facilities; Environmental

protection works; Exhibition homes; Extensive agriculture; Group homes (transitional); Home-based child care; Home businesses; Home industries; Horticulture; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Sewerage systems; Tank-based aquaculture; Water supply systems

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone B1 Neighbourhood Centre**

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

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure that development is of a scale that is compatible with the character of the surrounding residential environment.

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

Nil

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

Backpackers' accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Food and drink premises; Hotel or motel accommodation; Kiosks; Markets; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Respite day care centres; Roads; Roadside stalls; Shop top housing; Shops; Tank-based aquaculture; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Boat building and repair facilities; Boat launching ramps; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Correctional centres; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hospitals; Industrial retail outlets; Industrial training

facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Wharf or boating facilities

## **Zone B2 Local Centre**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential care facilities; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial



storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Wharf or boating facilities

### **Zone B3 Commercial Core**

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

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

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

Nil

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

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings;

Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Residential care facilities; Resource recovery facilities; Rural industries; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Wharf or boating facilities

## **Zone B4 Mixed Use**

### **1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive

industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Wharf or boating facilities

## **Zone B5 Business Development**

### **1 Objectives of zone**

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Backpackers' accommodation; Boarding houses; Centre-based child care facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; Serviced apartments; Shop top housing; Tank-based aquaculture; Specialised retail premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Eco-tourist facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Residential

accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sex services premises; Storage premises; Tourist and visitor accommodation; Truck depots; Waste disposal facilities; Wharf or boating facilities

## **Zone B7 Business Park**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Building identification signs; Business identification signs; Centre-based child care facilities; Garden centres; Hardware and building supplies; Kiosks; Light industries; Markets; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Specialised retail premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair

workshops; Vehicle repair stations; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Wharf or boating facilities

## **Zone IN1 General Industrial**

### **1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Specialised retail premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education

facilities; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Pond-based aquaculture; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Retail premises; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

## **Zone IN2 Light Industrial**

### **1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Roads; Specialised retail premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Environmental facilities; Exhibition villages; Extractive industries; Farm

buildings; Forestry; Function centres; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Pond-based aquaculture; Registered clubs; Residential accommodation; Restricted premises; Retail premises; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

## **Zone IN4 Working Waterfront**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Building identification signs

### **3 Permitted with consent**

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

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses;

Home occupations; Home occupations (sex services); Industries; Information and education facilities; Mortuaries; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Resource recovery facilities; Respite day care centres; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities

## **Zone SP1 Special Activities**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Aquaculture; Environmental protection works; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone SP2 Infrastructure**

### **1 Objectives of zone**

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



## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Aquaculture; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP3 Tourist**

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

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

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

Nil

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

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

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE1 Public Recreation**

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

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

- To protect and enhance the natural environment for recreational purposes.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Agriculture; Aquaculture; Boat building and repair facilities; Boat sheds; Building identification signs; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Function centres; Heliports; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Respite day care centres; Roads; Sewerage systems; Water recreation structures; Water supply systems

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE2 Private Recreation**

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

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

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

Nil

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

Amusement centres; Aquaculture; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Food and drink premises; Function centres; Helipads, Heliports; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities

(outdoor); Registered clubs; Restaurants or cafes; Roads; Sewerage systems; Signage; Tourist and visitor accommodation; Water recreation structures; Water supply systems

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone E1 National Parks and Nature Reserves**

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

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

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

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

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

Nil

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone E2 Environmental Conservation**

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

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect water quality and the ecological integrity of water supply catchments and other catchments and natural waterways.
- To protect the scenic, ecological, educational and recreational values of wetlands, rainforests, escarpment areas and fauna habitat linkages.

- To conserve and, where appropriate, restore natural vegetation in order to protect the erosion and slippage of steep slopes.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Bed and breakfast accommodation; Boat sheds; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Home businesses; Oyster aquaculture; Recreation areas; Research stations; Roads; Sewerage systems; Water recreation structures; Water supply systems

## **4 Prohibited**

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

### **Zone E3 Environmental Management**

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

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

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

Home occupations

### **3 Permitted with consent**

Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Charter and tourism boating facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Forestry; Group homes; Helipads; Home-based child care; Home businesses; Home industries; Information and educational facilities; Kiosks; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Research stations; Roads; Roadside stalls; Sewerage systems; Tank-based aquaculture; Tourist and visitor accommodation; Water recreation structures; Water supply systems

### **4 Prohibited**

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

## **Zone E4 Environmental Living**

### **1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

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

#### **4 Prohibited**

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

### **Zone W1 Natural Waterways**

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

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

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

Nil

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

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

#### **4 Prohibited**

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

### **Zone W2 Recreational Waterways**

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

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

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

Nil

### **3 Permitted with consent**

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

### **4 Prohibited**

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

## **Zone W3 Working Waterways**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

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

### **4 Prohibited**

Any development not specified in item 2 or 3

## Part 3 Exempt and complying development

### 3.1 Exempt development

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development—
  - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2-9 is exempt development only if—
  - (a) the building has a current fire safety certificate or fire safety statement, or
  - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) To be exempt development, the development must—
  - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
  - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

**Note—**

See *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Part 5A of the *Local Land Services Act 2013*.

- (6) A heading to an item in Schedule 2 is part of that Schedule.



### 3.2 Complying development

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—
  - (a) the development standards specified in relation to that development, and
  - (b) the requirements of this Part,is complying development.

**Note—**

See also clause 5.8(3) which provides that the conversion of fire alarms is complying development in certain circumstances.

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

### 3.3 Environmentally sensitive areas excluded

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

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

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or

as a marine park under the [Marine Parks Act 1997](#),

- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the [National Parks and Wildlife Act 1974](#) or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the [Crown Land Management Act 2016](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#) or declared critical habitat under Part 7A of the [Fisheries Management Act 1994](#),
- (ja) land identified as riparian land by clause 7.6(2)(a),
- (jb) land identified as “Excluded Land” on the [Terrestrial Biodiversity Map](#).

## **Part 4 Principal development standards**

### **4.1 Minimum subdivision lot size**

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

- (4) This clause does not apply in relation to the subdivision of any land—
- (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
  - (b) by any kind of subdivision under the [Community Land Development Act 1989](#), or
  - (ba) occurring as part of the closure of a public road under Part 4 of the [Roads Act 1993](#).

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

- (1) The objectives of this clause are as follows—
- (a) to provide controls for the subdivision of community schemes in order to achieve the objectives of the relevant zones.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) of land in any of the following zones—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone R5 Large Lot Residential,
  - (e) Zone E2 Environmental Conservation,
  - (f) Zone E3 Environmental Management,
  - (g) Zone E4 Environmental Living,
- but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 1989](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause applies despite clause 4.1.

**4.1A Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing**

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) Development consent may be granted to the subdivision of land on which

development for the purpose of a dual occupancy has been carried out if the area of each resulting lot will be equal to or greater than—

(a) if the land is identified as “Area 1” on the [Lot Size Map](#)—350 square metres,

(b) if the land is identified as “Area 2” on the [Lot Size Map](#)—400 square metres.

(3) Subclause (2) does not apply to land to which clause 7.3 or 7.4 applies.

(4) Development consent may be granted to the subdivision of land in Zone R1 General Residential on which development for the purpose of multi dwelling housing has been carried out if the area of each resulting lot will be equal to or greater than 350 square metres.

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

(1) The objective of this clause is to encourage greater dwelling densities on land in Zone R3 Medium Density Residential.

(2) Development consent must not be granted to development for the purpose of a dual occupancy on a lot in Zone R3 Medium Density Residential unless—

(a) the area of the lot is less than 800 square metres, and

(b) the consent authority is satisfied that amalgamation of the lot with other land in that zone is not feasible.

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

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

(2) This clause applies to development on land in Zone R1 General Residential.

(3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following—

(a) the subdivision of land into 3 or more lots,

(b) the erection of a dwelling house, an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 350 square metres.

#### **4.1D Exceptions to minimum subdivision lot sizes for multiple occupancy development on land in Zone RU1 or Zone RU2**

(1) The objective of this clause is to allow for the subdivision of rural land that has been previously granted a consent for multiple occupancy development.

(2) Development consent may be granted to the subdivision of land in Zone RU1 Primary

Production or Zone RU2 Rural Landscape on which multiple occupancy development has been carried out so that each dwelling house lawfully erected on the land is located on a separate lot if—

- (a) consent for the multiple occupancy development was granted on or before 27 March 2001, and
- (b) the erection of each dwelling house was commenced before 31 December 2002, and
- (c) each separate lot is a neighbourhood lot under the *Community Land Development Act 1989*.

(3) In this clause, **multiple occupancy development** means development for which consent was granted under any of the following—

- (a) *State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land* (before its repeal by the following State Environmental Planning Policy),
- (b) *State Environmental Planning Policy No 42—Multiple Occupancy of Rural Land*, (before its repeal by the following State Environmental Planning Policy)
- (c) *State Environmental Planning Policy No 15—Rural Landsharing Communities*.

#### **4.1E Minimum lot size for certain split zone lots**

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

- (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1 or 4.1A,
- (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

(2) This clause applies to each lot (an **original lot**) that contains—

- (a) land in Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone E4 Environmental Living or a residential, business, industrial, special purpose or recreation zone (an **urban zone**), and
- (b) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E2 Environmental Conservation or Zone E3 Environmental Management.

(3) Despite clauses 4.1 and 4.1A, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if—

- (a) in relation to an original lot containing land in Zone E2 Environmental Conservation or Zone E3 Environmental Management, one of the resulting lots will contain—

- (i) land in an urban zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
    - (ii) all of the land in Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
  - (b) in relation to an original lot containing less than 36 hectares of land in Zone RU1 Primary Production or Zone RU2 Rural Landscape but no land in Zone E2 Environmental Conservation or Zone E3 Environmental Management, one of the resulting lots will contain—
    - (i) land in an urban zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
    - (ii) all of the land in Zone RU1 Primary Production or Zone RU2 Rural Landscape that was in the original lot, and
  - (c) in relation to an original lot containing land in Zone E2 Environmental Conservation or Zone E3 Environmental Management and less than 36 hectares of land in Zone RU1 Primary Production or Zone RU2 Rural Landscape, one of the resulting lots will contain—
    - (i) land in an urban zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
    - (ii) all of the land in Zone E2 Environmental Conservation or Zone E3 Environmental Management and Zone RU1 Primary Production or Zone RU2 Rural Landscape that was in the original lot, and
  - (d) all other resulting lots will contain—
    - (i) land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, or
    - (ii) land in Zone RU1 Primary Production or Zone RU2 Rural Landscape that has an area of at least 36 hectares.
- (4) Despite subclause (3), development consent must not be granted to the subdivision of an original lot that contains flood prone land unless—
- (a) one of the resulting lots will contain—
    - (i) land in an urban zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
    - (ii) all of the flood prone land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and

- (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (5) A resulting lot referred to in subclause (3) or (4) must not be subdivided under this clause.
- (6) A dwelling cannot be erected on the part of a resulting lot referred to in subclause (3)(a)(ii), (b)(ii) or (c)(ii).
- (7) In this clause, a resulting lot contains land in an urban zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land if the consent authority is satisfied that—
  - (a) the resulting lot contains an area of land in an urban zone that is appropriate for the erection of a dwelling house, and
  - (b) the resulting lot has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to the urban zone.
- (8) In this clause, **flood prone land** means land at or below the flood planning level.

#### **4.1F Minimum subdivision lot size for community scheme and strata plan lots**

- (1) The objective of this clause is to ensure that vacant community scheme and strata plan lots are not created.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) or under the [Strata Schemes Development Act 2015](#) of land in any of the following zones—
  - (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone B4 Mixed Use,
  - (d) Zone SP3 Tourist.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property or common property) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land unless the consent authority is satisfied that each lot to be created will be used for a purpose permitted as an existing use or under an existing development consent for the land.

**Note—**

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

- (3A) This clause applies despite clause 4.1.

(4) In this clause—

**association property** has the same meaning as in the [Community Land Development Act 1989](#).

**common property** has the same meaning as in the [Strata Schemes Development Act 2015](#).

#### **4.1G Minimum subdivision lot size for boundary adjustments**

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

- (a) to permit boundary adjustment subdivision between existing lots where one or more of the resulting lots would be less than the minimum subdivision lot size,
- (b) to ensure that the subdivision does not create additional lots or additional opportunities for dwelling houses,
- (c) to ensure that the boundary adjustment subdivision will result in—
  - (i) a minimisation of further fragmentation and alienation of resource lands or lands with natural or ecological values,
  - (ii) the minimisation of land use conflict,
  - (iii) the maintenance of the rural character, environmental heritage and scenic quality of the land.

(2) This clause applies to the following land at Worrigeer—

- (a) 15 Aldous Place, being Lot 2, DP 1213693,
- (b) 23A Aldous Place, being Lot 586, DP 1048099,
- (c) 369 Worrigeer Road, being Lot 587, DP 1048099.

(2A) This clause also applies to the following land—

- (a) 16A Appleberry Close, Bomaderry, being Lot 21, DP 1113675,
- (b) 16B Appleberry Close, Bomaderry, being Lot 22, DP 1113675,
- (c) 1095 Meroo Road, Meroo Meadow, being Lot 202, DP 1180659.

(3) Despite clause 4.1, development consent may be granted for a subdivision that consists of an adjustment of boundaries between existing lots where the size of one or more of the resulting lots will be less than the minimum subdivision lot size shown on the [Lot Size Map](#) in relation to those lots, if—

- (a) the subdivision will not result in the creation of any additional lots or the opportunity for additional dwellings (or both), and



- (b) the subdivision will minimise the further fragmentation and alienation of resource lands or lands with natural and ecological values, and
- (c) the subdivision is likely to minimise actual or potential land use conflict, and
- (d) the subdivision is not likely to adversely affect the rural character, environmental heritage or scenic quality of the land, and
- (e) in the case of land referred to in subclause (2A)—at least 1 of the resulting lots has an area greater than 37.1 hectares and does not include any land in Zone R1 General Residential.

#### **4.1H Exceptions to minimum subdivision lot sizes for dual occupancies and dwelling houses on certain land in Moss Vale Road South urban release area**

- (1) This clause applies to land identified as “Clause 4.1H” on the [Lot Size Map](#).
- (2) Despite clause 4.1(3), development consent may be granted for the subdivision of land to which this clause applies into 2 or more lots (the **resulting lots**) if each resulting lot meets the following requirements—
  - (a) the lot adjoins land identified as “Public open space” on the [Development Area Map](#), or is separated from that land only by a public road, or adjoins land identified as “Tree-lined boulevard” on that Map,
  - (b) the lot has a primary street frontage,
  - (c) if the size of the lot is less than 400 square metres—the lot is accessed by vehicle using a rear lane or shared driveway,
  - (d) if a dual occupancy is proposed to be erected on the lot—the size of the lot is at least 500 square metres,
  - (e) if a dwelling house is proposed to be erected on the lot—the size of the lot is at least 300 square metres.

#### **4.2 Rural subdivision**

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (baa) Zone RU3 Forestry,

- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone RU6 Transition.

**Note—**

When this Plan was made it did not include all of these zones.

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note—**

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

**4.2A Subdivision of land in Zone RU1, Zone RU2 or Zone E3**

- (1) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone E3 Environmental Management.
- (2) Development consent may be granted for the subdivision of land to which this clause applies for the purpose of tourist and visitor accommodation if—
  - (a) the subdivision will create more than one lot of less than 40 hectares, and
  - (b) the subdivision is a subdivision of land under the [Community Land Development Act 1989](#), and
  - (c) each lot created by the subdivision is in the same community plan, precinct plan or neighbourhood plan within the meaning of the [Community Land Development Act 1989](#).
- (3) If land to which this clause applies has a frontage to a classified road under the [Roads Act 1993](#), development consent for the subdivision of land other than for a purpose specified in subclause (2) may only be granted if the lot has a frontage to that road of not less than 400 metres.

**4.2B Subdivision of certain land in Zone RU1, Zone RU2, Zone RU4, Zone R5 and Zone E4**

- (1) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone R5 Large Lot Residential,
  - (e) Zone E4 Environmental Living.
- (2) Despite clause 4.1, land identified as prime crop and pasture land in a zone to which this clause applies may only be subdivided if the consent authority is satisfied that each lot created by the subdivision will contain at least 10 hectares of prime crop and pasture land.
- (3) Despite clause 4.1—
- (a) land identified as “Locality 1” on the [Lot Size Map](#) (in the vicinity of Bundewallah Road, Berry) may be subdivided into lots with a minimum lot size of 1 hectare and a maximum of 4 lots per 10 hectares, and
  - (b) land identified as “Locality 2” on the [Lot Size Map](#) (in the vicinity of Little Forest Road, Little Forest) may be subdivided into—
    - (i) north of Little Forest Road—lots with a minimum lot size of 1 hectare and a maximum of one lot per 10 hectares, or
    - (ii) south of Little Forest Road—lots with a minimum lot size of 1 hectare and a maximum of 3 lots per 10 hectares, and
  - (c) land identified as “Locality 3” on the [Lot Size Map](#) (in the vicinity of Wandean Road, Wandandian) may be subdivided into lots with a minimum lot size of 2 hectares and a maximum of one lot per 10 hectares, or in the case of a lot with an area of between 4 and 19 hectares, into no more than 2 lots, and
  - (d) land identified as “Locality 4” on the [Lot Size Map](#) (in the vicinity of Illaroo Road, Tapitallee) may be subdivided into—
    - (i) north of Illaroo Road—lots with a minimum lot size of 1 hectare and a maximum of one lot per 10 hectares, or
    - (ii) south of Illaroo Road—lots with a minimum lot size of 1 hectare and a maximum of 4 lots per 10 hectares, or
    - (iii) in the case of a lot located south of Illaroo Road with an area of between 3 and 5 hectares—into no more than 2 lots, and
  - (e) land identified as “Locality 5” on the [Lot Size Map](#) (in the vicinity of Yatte Yattah) may be subdivided into lots with a minimum lot size of 1 hectare and a maximum

of one lot per 10 hectares, and

- (f) land identified as “Locality 6” on the [Lot Size Map](#) (in the vicinity of Termeil) may be subdivided if—
    - (i) the density of the resulting lots on the land that is to be subdivided is no more than 1 lot per 10 hectares, and
    - (ii) the vehicular access to each resulting lot is from a road other than the Princes Highway, and
  - (g) land identified as “Locality 7” on the [Lot Size Map](#) (in the vicinity of Conjola Park) may be subdivided into a maximum of 14 lots with a minimum lot size of 1 hectare, and
  - (h) land identified as “Locality 8” on the [Lot Size Map](#) (at Windward Way, Milton, being Lot 1, DP 780801) may be subdivided into a maximum of 3 lots with a minimum lot size of 2 hectares.
- (4) Each dwelling constructed on a lot created under subclause (3)(g) must be constructed at least 100m from land in Zone E2 Environmental Conservation.

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

- (1) The objective of this clause is to limit the creation of additional entitlements to take water as a result of the subdivision of land fronting a watercourse.
- (2) This clause applies to land in the following zones if the land has a direct frontage to a watercourse—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU5 Village,
  - (e) Zone R5 Large Lot Residential,
  - (f) Zone E2 Environmental Conservation,
  - (g) Zone E3 Environmental Management,
  - (h) Zone E4 Environmental Living.
- (3) Before determining a development application in relation to land to which this clause applies the consent authority must consider—
  - (a) whether the development will create additional lots that front the watercourse,

and

- (b) whether reticulated water is to be supplied to those lots.

**4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and environment protection zones**

- (1) The objectives of this clause are as follows—
  - (a) to minimise unplanned rural residential development,
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural, residential and environment protection zones,
  - (c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone R5 Large Lot Residential,
  - (e) Zone E2 Environmental Conservation,
  - (f) Zone E3 Environmental Management,
  - (g) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land—
  - (a) is a lot that has at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or
  - (b) is a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
  - (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
    - (ca) is a lot created under clause 4.1E(3)(d)(ii), or
    - (cb) is a lot created under clause 4.2B(3)(f), (g) or (h), or

- (cc) is a lot created following a boundary adjustment under clause 4.2G, or
- (d) would have been a lot or a holding referred to in paragraph (a), (b) or (c) had it not been affected by—
  - (i) a minor realignment of its boundaries that did not create an additional lot, or
  - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
  - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

**Note—**

A dwelling cannot be erected on a lot created under clause 9 of *State Environmental Planning Policy (Rural Lands) 2008* or clause 4.2.

- (4) Development consent must not be granted under subclause (3) unless—
  - (a) no dwelling house has been erected on the land, and
  - (b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and
  - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (5) Development consent may be granted for the erection of a dwelling house on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.
- (6) In considering whether to grant consent for the erection of a dwelling house in accordance with this clause on land to which clause 7.3 applies, the consent authority must—
  - (a) consider whether the land is predominantly prime crop and pasture land, and
  - (b) be satisfied that the dwelling house is essential for the proper and efficient use of the land for agriculture (including turf farming).
- (6A) This clause applies to a dual occupancy (attached) in the same way as it applies to a dwelling house.
- (7) In this clause—

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

#### **4.2E Exceptions to minimum subdivision lot sizes for certain rural and environment protection zones**

- (1) The objective of this clause is to permit the subdivision of land in certain rural and environment protection zones to create lots of an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone E2 Environmental Conservation,
  - (d) Zone E3 Environmental Management.
- (3) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land, if the consent authority is satisfied that—
  - (a) the land will not be used for the purposes of a dwelling house or a dual occupancy, and
  - (b) the land will continue to be used for the same purpose for which it was lawfully used immediately before the subdivision.
- (4) The lot may include land from more than one zone.
- (5) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that—
  - (a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and
  - (b) the subdivision is necessary for the ongoing operation of the permissible use, and
  - (c) the subdivision will not cause or increase rural land uses conflict in the locality, and
  - (d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.
- (6) A lot created under subclause (3) that has a dwelling house or dual occupancy on it may also be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

#### **4.2F Erection of rural workers' dwellings in Zone RU1**

- (1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.
- (2) This clause applies to land in Zone RU1 Primary Production.
- (3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that—
  - (a) the development will be on the same lot as an existing lawfully erected dwelling house, and
  - (b) the development will not impair the use of the land for agriculture or rural industries, and
  - (c) the agriculture or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and
  - (d) the development is necessary considering the nature of the agriculture or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.

#### **4.2G Boundary adjustments of land in certain rural and environment protection zones**

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to that land but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in any of the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone E2 Environmental Conservation,
  - (d) Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more resultant lots do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to that land if the consent authority is satisfied that—
  - (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
  - (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and



- (c) the potential for land use conflict will not be increased as a result of the subdivision, and
  - (d) the subdivision will not result in any increased bush fire risk to existing buildings, and
  - (e) if the land is in Zone RU1 Primary Production or Zone RU2 Rural Landscape, the agricultural viability of the land will not be adversely affected as a result of the subdivision.
- (4) The consent authority must not grant development consent under this clause unless a dwelling was permissible under this Plan on each lot immediately before the subdivision.
- (5) Before granting development consent to development to which this clause applies, the consent authority must—
- (a) be satisfied that the subdivision will not compromise the continued protection and long-term maintenance of any land in Zone E2 Environmental Conservation or Zone E3 Environmental Management, and
  - (b) consider the effect of the boundary adjustment on vegetation corridors and riparian corridors.

#### **4.2H Subdivision of land used for tourist and visitor accommodation**

The consent authority cannot grant development consent for the subdivision of land used for the purposes of tourist and visitor accommodation unless the subdivision—

- (a) is otherwise authorised by this Plan, and
- (b) is done under the [Community Land Development Act 1989](#) or the [Strata Schemes Development Act 2015](#).

#### **4.3 Height of buildings**

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

- (2A) If the [Height of Buildings Map](#) does not show a maximum height for any land, the height of a building on the land is not to exceed 11 metres.

#### 4.4 Floor space ratio

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

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

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to define ***floor space ratio***,
  - (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
    - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
    - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
    - (iii) require community land and public places to be dealt with separately.
- (2) **Definition of “floor space ratio”** The ***floor space ratio*** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.
- (3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the ***site area*** is taken to be—
- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
  - (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

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

- (4) **Exclusions from site area** The following land must be excluded from the site area—
- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,

- (b) community land or a public place (except as provided by subclause (7)).
- (5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.
- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If—
- (a) a covenant of the kind referred to in subclause (9) applies to any land (***affected land***), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,
- the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.
- (11) **Definition** In this clause, ***public place*** has the same meaning as it has in the [Local Government Act 1993](#).

#### **4.6 Exceptions to development standards**

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

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

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

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note—**

When this Plan was made it did not include all of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,

(ba) clause 4.1E, to the extent that it applies to land in a rural or environment protection zone,

(bb) clause 4.2B,

(c) clause 5.4,

(ca) clause 6.1 or 6.2,

(cb) clause 7.25,

(cc) clause 4.1H.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (**the owner-initiated acquisition provisions**).

**Note—**

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

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <a href="#">National Parks and Wildlife Act 1974</a>
Zone RU1 Primary Production and marked "Local road"	Council
Zone R1 General Residential and marked "Local road"	Council
Zone R2 Low Density Residential and marked "Local road"	Council
Zone B3 Commercial Core and marked "Local road"	Council
Zone B4 Mixed Use and marked "Local road"	Council

Zone RE1 Public Recreation and marked "Local road"	Council
Zone SP2 Infrastructure and marked "Car park"	Council
Zone E2 Environmental Conservation and marked "Coastal lands acquisition"	The corporation constituted under section 8 of the Act

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

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

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

Column 1 Land	Column 2 Development
Zone R1 General Residential and marked "Local road"	Building identification signs, Business identification signs, Home-based child care, Home businesses, Home industries, Home occupations, Roads
Zone R2 Low Density Residential and marked "Local road"	Building identification signs, Business identification signs, Flood mitigation works; Home-based child care, Home businesses, Home industries, Home occupations, Roads
Zone B3 Commercial Core and marked "Local road"	Building identification signs, Business identification signs, Carparks, Roads
Zone B4 Mixed Use and marked "Local road"	Building identification signs, Business identification signs, Carparks, Roads

### 5.2 Classification and reclassification of public land

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

the *Local Government Act 1993*.

**Note—**

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

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

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

### 5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.



- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to—
  - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
  - (ab) land in Zone W2 Recreational Waterways, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

#### 5.4 Controls relating to miscellaneous permissible uses

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

**Note—**

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

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 60 square metres of floor area.

**Note—**

Larger floor spaces apply in certain zones. See clause 7.18.

- (3) **Home industries** If development for the purposes of a home industry is permitted under

this Plan, the carrying on of the home industry must not involve the use of more than 60 square metres of floor area.

**Note—**

Larger floor spaces apply in certain zones. See clause 7.18.

- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
- (a) 20% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 7 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 150 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.
- (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—
- (a) 60 square metres,
  - (b) 60% of the total floor area of the principal dwelling.
- (10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—
- (a) 20% of the gross floor area of the industry, or
  - (b) 400 square metres,

whichever is the lesser.

### **5.5 (Repealed)**

### **5.6 Architectural roof features**

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

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

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

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

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

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

***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

## **5.9, 5.9AA (Repealed)**

## **5.10 Heritage conservation**

### **Note—**

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

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to conserve the environmental heritage of Shoalhaven,
  - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
  - (c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
  - (b) the development is in a cemetery or burial ground and the proposed development—
    - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
    - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—

- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
  - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
  - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
  - (e) the proposed development would not have any significant adverse effect on the

amenity of the surrounding area.

### **5.11 Bush fire hazard reduction**

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

**Note—**

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

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

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

### **5.13 Eco-tourist facilities**

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



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

#### **5.14 Siding Spring Observatory—maintaining dark sky**

[Not adopted]

#### **5.15 Defence communications facility**

[Not adopted]

#### **5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment**

**protection zones**

- (1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU3 Forestry,
  - (d) Zone RU4 Primary Production Small Lots,
  - (e) Zone RU6 Transition,
  - (f) Zone R5 Large Lot Residential,
  - (g) Zone E2 Environmental Conservation,
  - (h) Zone E3 Environmental Management,
  - (i) Zone E4 Environmental Living.
- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—
  - (a) subdivision of land proposed to be used for the purposes of a dwelling,
  - (b) erection of a dwelling.
- (4) The following matters are to be taken into account—
  - (a) the existing uses and approved uses of land in the vicinity of the development,
  - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

**5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of**

**irrigation corporations**

[Not applicable]

**5.18 Intensive livestock agriculture**

- (1) The objectives of this clause are—
  - (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
  - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.
- (2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.
- (3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—
  - (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
  - (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
  - (c) the potential for the pollution of surface water and ground water,
  - (d) the potential for the degradation of soils,
  - (e) the measures proposed to mitigate any potential adverse impacts,
  - (f) the suitability of the site in the circumstances,
  - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
  - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—

- (a) the development is of a type specified in subclause (5), and
- (b) the consent authority is satisfied that the development will not be located—
  - (i) in an environmentally sensitive area, or
  - (ii) within 100 metres of a natural watercourse, or
  - (iii) in a drinking water catchment, or
  - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
  - (v) if the development is a poultry farm—within 500 metres of another poultry farm.
- (5) The following types of development are specified for the purposes of subclause (4)—
  - (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,
  - (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
  - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,
  - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
  - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
  - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.
- (7) In this clause—

***environmentally sensitive area*** has the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

***residential zone*** means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B4 Mixed Use, Zone B6 Enterprise Corridor, Zone E3 Environmental Management or Zone E4 Environmental Living.

### **5.19 Pond-based, tank-based and oyster aquaculture**

- (1) **Objectives** The objectives of this clause are as follows—

- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
  - (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.
- (2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—
- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
  - (b) in the case of—
    - (i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and
    - (ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
    - (iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
    - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones** Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
- (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
  - (b) the development complies with the site location requirements and operational

requirements set out in Part 2 of Schedule 6.

- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—
- (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
  - (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.
- (6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas** Development for the purpose of oyster aquaculture may be carried out without development consent—
- (a) on land that is wholly within a priority oyster aquaculture area, or
  - (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.
- (7) **Definitions** In this clause—

**aquaculture industry development plan** means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

**extensive aquaculture** has the same meaning as in the *Fisheries Management (Aquaculture) Regulation 2017*.

**NSW Oyster Industry Sustainable Aquaculture Strategy** means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

**priority oyster aquaculture area** means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

## Part 6 Urban release areas

### 6.1 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban

release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

(3) Subclause (2) does not apply to—

(a) any lot identified in the certificate as a residue lot, or

(b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or

(c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or

(d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 7.1 of the Act).

## **6.2 Public utility infrastructure**

(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

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

## **6.3 Development control plan**

(1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.

(3) The development control plan must provide for all of the following—

(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,

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

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

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



## 6.5 Exceptions to minimum lot size—subdivision of land in approved land use zones

- (1) The objective of this clause is to allow for the subdivision of particular land that is wholly or partly in an urban release area to create 1 or more new lots (each a **residual lot**) of a size that is less than the minimum lot size shown on the [Lot Size Map](#) in relation to the land in particular circumstances.
- (2) This clause applies to a lot (the **original lot**) if the original lot, or part of the original lot is—
  - (a) in an urban release area, and
  - (b) in an approved land use zone.
- (3) Development consent may be granted to subdivision of the original lot to create a residual lot of a size that is less than the minimum lot size shown on the [Lot Size Map](#) in relation to the land comprising the residual lot if the residual lot is wholly within an approved land use zone.
- (4) In this clause—

**approved land use zone** means any of the following land use zones—

  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone E2 Environmental Conservation,
  - (d) Zone E3 Environmental Management.

## Part 7 Additional local provisions

### 7.1 Acid sulfate soils

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

<b>Class of land</b>	<b>Works</b>
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.

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

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

out any works if—

- (a) the works involve the disturbance of less than 1 tonne of soil, and
- (b) the works are not likely to lower the watertable.

## 7.2 Earthworks

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

### Note—

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with harming Aboriginal objects.

### 7.2A Stock mounds

- (1) The objective of this clause is to ensure that earthworks for stock mounds will not have a detrimental impact on environmental functions and processes on land at or below the flood planning level or affected by acid sulfate soils.
- (2) This clause applies to land in Zone RU1 Primary Production or Zone RU2 Rural Landscape.
- (3) Despite any other provision of this Plan, development consent is required for earthworks for the purposes of a stock mound on land to which this clause applies if—
  - (a) the land is at or below the flood planning level, or
  - (b) the land is identified as Class 1, Class 2, Class 3 or Class 4 on the [Acid Sulfate Soils Map](#) and development consent is not otherwise required for the earthworks under clause 7.1.
- (4) In this clause, **stock mound** means a raised area greater than 100 square metres for stock to move to during a flood event.

### 7.3 Flood planning

- (1) The objectives of this clause are as follows—
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
  - (a) is compatible with the flood hazard of the land, and
  - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and

(f) will not affect the safe occupation or evacuation of the land.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this Plan.

(5) (Repealed)

#### **7.4 Coastal risk planning**

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

- (a) to avoid significant adverse impacts from coastal hazards,
- (b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,
- (c) to enable the evacuation of land identified as coastal risk in an emergency,
- (d) to avoid development that increases the severity of coastal hazards.

(2) This clause applies to the land identified as “Coastal Risk Planning Area” on the [Coastal Risk Planning Map](#).

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

- (a) will avoid, minimise or mitigate exposure to coastal processes, and
- (b) is not likely to cause detrimental increases in coastal risks to other development or properties, and
- (c) is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and
- (d) incorporates appropriate measures to manage risk to life from coastal risks, and
- (e) is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, and
- (f) provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and
- (g) has regard to the impacts of sea level rise.

(4) A word or expression used in this clause has the same meaning as it has in the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this clause.

(5) In this clause—

**coastal hazard** has the same meaning as in the [Coastal Management Act 2016](#).

### 7.5 Terrestrial biodiversity

(1) The objective of this clause is to maintain terrestrial biodiversity, by—

- (a) protecting native fauna and flora,
- (b) protecting the ecological processes necessary for their continued existence, and
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.

(2) This clause applies to land—

- (a) identified as “Biodiversity—habitat corridor” or “Biodiversity—significant vegetation” on the [Terrestrial Biodiversity Map](#), and
- (b) situated within 40m of the bank (measured horizontally from the top of the bank) of a natural waterbody.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

- (a) whether the development is likely to have—
  - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
  - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
  - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
  - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the

development is designed, sited and will be managed to minimise that impact, or

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

(5) For the purpose of this clause—

**bank** means the limit of the bed of a natural waterbody.

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

## 7.6 Riparian land and watercourses

(1) The objective of this clause is to protect and maintain the following—

- (a) water quality within watercourses,
- (b) the stability of the bed and banks of watercourses,
- (c) aquatic and riparian habitats,
- (d) ecological processes within watercourses and riparian areas.

(2) This clause applies to all of the following—

- (a) land identified as “Riparian Land” on the [Riparian Lands and Watercourses Map](#),
- (b) land identified as “Watercourse Category 1”, “Watercourse Category 2” or “Watercourse Category 3” on that map,
- (c) all land that is within 50 metres of the top of the bank of each watercourse on land identified as “Watercourse Category 1”, “Watercourse Category 2” or “Watercourse Category 3” on that map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

- (a) whether or not the development is likely to have any adverse impact on the following—
  - (i) the water quality and flows within the watercourse,
  - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
  - (iii) the stability of the bed and banks of the watercourse,
  - (iv) the free passage of fish and other aquatic organisms within or along the

watercourse,

- (v) any future rehabilitation of the watercourse and its riparian areas, and
  - (b) whether or not the development is likely to increase water extraction from the watercourse, and
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
- (5) For the purpose of this clause—

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

**bed**, of a watercourse, means the whole of the soil of the channel in which the watercourse flows, including the portion that is alternatively covered and left bare with an increase or diminution in the supply of water and that is adequate to contain the watercourse at its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.

### **7.7 Landslide risk and other land degradation**

- (1) The objective of this clause is to maintain soil resources and the diversity and stability of landscapes, including protecting land—
- (a) comprising steep slopes, and
  - (b) susceptible to other forms of land degradation.
- (2) This clause applies to the following land—
- (a) land with a slope in excess of 20% (1:5), as measured from the contours of a 1:25,000 topographical map, and
  - (b) land identified as “Sensitive Area” on the [Natural Resource Sensitivity—Land Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider any potential adverse impact,



either from, or as a result of, the development in relation to—

(a) the geotechnical stability of the site, and

(b) the probability of increased erosion or other land degradation processes.

(4) Before granting consent to development on land to which this clause applies, the consent authority must be satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

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

(5) In this clause, **topographical map** means the most current edition of a topographical map, produced by Land and Property Information, a division of the Department of Finance and Services, that identifies the Council's local government area and boundary.

### 7.8 Scenic protection

(1) The objective of this clause is to protect the natural environmental and scenic amenity of land that is of high scenic value.

(2) This clause applies to land identified as “Scenic Protection” on the [Scenic Protection Area Map](#).

(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must—

(a) consider the visual impact of the development when viewed from a public place and be satisfied that the development will involve the taking of measures that will minimise any detrimental visual impact, and

(b) consider the number, type and location of existing trees and shrubs that are to be retained and the extent of landscaping to be carried out on the site, and

(c) consider the siting of the proposed buildings.

### 7.9 HMAS Albatross airspace operations

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

(a) to provide for the effective and on-going operation of the HMAS Albatross Military Airfield by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,

- (b) to protect the community from undue risk from that operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that—
  - (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
  - (b) the development will not penetrate the Limitation or Operations Surface.
- (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be carried out.
- (5) In this clause—

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

**relevant Commonwealth body** means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the HMAS Albatross Military Airfield.

#### **7.10 Development in HMAS Albatross Military Airfield buffer area**

- (1) The objectives of this clause are as follows—
  - (a) to prevent certain noise sensitive developments from being located near the HMAS Albatross Military Airfield and its flight paths,
  - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
  - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
- (2) This clause applies to development that—
  - (a) is on land that—

- (i) is in the vicinity of the HMAS Albatross Military Airfield, and
  - (ii) is identified as “HMAS Albatross” on the [Buffers Map](#), and
- (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- (3) Before determining a development application for development to which this clause applies, the consent authority—
  - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
  - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and
  - (c) must consider the ANEF contour that applies to the land on which the development is proposed, and
  - (d) for development for the purposes of centre-based child care facilities, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings, residential accommodation, business premises, hostels, hotel or motel accommodation, office premises or retail premises—must be satisfied that the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.
- (4) In this clause—

**ANEF contour** means a noise exposure contour shown as an ANEF contour on the *Noise Exposure Forecast Contour Map* for HMAS Albatross Military Airfield prepared by the Department of the Commonwealth responsible for airports.

**AS 2021—2000** means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

### 7.11 Essential services

- (1) Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage.

- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any of the services referred to in subclause (1).

### 7.12 Council infrastructure development

- (1) Development may be carried out by or on behalf of the Council without development consent on any land, other than land in a heritage conservation area, land containing a heritage item or land that is an environmentally sensitive area for exempt and complying development.
- (2) Subclause (1) does not apply to the following development—
  - (a) the erection of a class 1–9 building under the *Building Code of Australia*,
  - (b) development that is not exempt development under *State Environmental Planning Policy (Infrastructure) 2007* and has a capital value of more than \$1,000,000.

### 7.13 Short-term rental accommodation

- (1) The objective of this clause is to ensure that residential accommodation may be used as tourist and visitor accommodation for a short term without requiring development consent.
- (2) Despite any other provision of this Plan, development consent is not required for the use of residential accommodation for the purposes of tourist and visitor accommodation (except backpackers accommodation or bed and breakfast accommodation) if the use is only short-term and does not interfere generally with the amenity of the neighbourhood in any way, including by noise or traffic generation.

**Note—**

If a building or place is used for the holding of events, functions, conferences and the like it could be classified as a function centre and function centres are prohibited in all residential zones.

- (3) In this clause, **short-term** means for a maximum period of 45 consecutive days in any 12 month period.

### 7.14 Permanent occupation in mixed use developments

- (1) This clause applies to land that—
  - (a) is in Zone R3 Medium Density Residential, Zone B4 Mixed Use or Zone SP3 Tourist, and
  - (b) is identified as “CI 7.14” on the [Clauses Map](#).
- (2) Despite any other provision of this Plan, development consent may be granted for a mixed use development on land to which this clause applies if the development comprises both of the following land uses—
  - (a) residential accommodation,

- (b) tourist and visitor accommodation.
- (3) Before granting development consent under subclause (2), the consent authority must be satisfied that—
  - (a) no more than 25% of the units of the mixed use development will be used for residential accommodation, or
  - (b) in the case of a facility that contains less than 4 units, only one unit may be used for residential accommodation.
- (4) If the mixed use development comprises less than four units, development consent for residential accommodation may be granted for a maximum of one unit.

#### **7.15 Development in the vicinity of extractive industries and sewage treatment plants**

- (1) The objective of this clause is to protect the operational environment of certain industries operating on the land to which this clause applies.
- (2) This clause applies to land identified as “Extractive Industry” and “Sewage Treatment Plant” on the [Buffers Map](#).
- (3) Development consent must not be granted to the carrying out of development on land to which this clause applies unless the consent authority has—
  - (a) made an assessment of the impact of noise, odour and other emissions from any industry carried out on that land, and
  - (b) considered the potential impact of noise, odour and other emissions associated with that industry on any activities that will be associated with the development, and
  - (c) considered any opportunities to relocate the development outside that land, and
  - (d) has considered whether the development would adversely affect the operational environment of that industry.

#### **7.16 Ground floor development on land in Zone B3**

- (1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.
- (2) Development consent must not be granted to development on the ground floor of a building on land in Zone B3 Commercial Core unless the consent authority is satisfied that the ground floor of the building—
  - (a) will not be used for the purpose of residential accommodation, other than lobbies for any commercial, residential, serviced apartment or hotel component of the development, and

- (b) will be used to provide access for fire services or vehicle access, and
- (c) will have at least one entrance and at least one other door or window on the front of the building facing the street, other than a service lane.

#### **7.17 Development of serviced apartments in association with registered clubs**

- (1) The objective of this clause is to provide for serviced apartments in association with registered clubs in certain zones.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU5 Village,
  - (b) Zone R1 General Residential,
  - (c) Zone B5 Business Development,
  - (d) Zone RE2 Private Recreation.
- (3) Development consent must not be granted to development for the purpose of serviced apartments on land to which this clause applies unless the consent authority is satisfied that the serviced apartments will be part of a mixed use development that includes a registered club.

#### **7.18 Larger floor space for home businesses and home industries in certain zones**

- (1) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone R5 Large Lot Residential,
  - (e) Zone E3 Environmental Management,
  - (f) Zone E4 Environmental Living.
- (2) Despite any other provision of this Plan, if development for the purposes of a home business or a home industry is permitted under this Plan on land to which this clause applies, the carrying on of the business or industry must not involve the use of more than 100 square metres of floor area.

#### **7.19 Development of the Nowra Civic Precinct**

- (1) This clause applies to land identified as “Cl 7.19” on the [Clauses Map](#).
- (2) Before development is carried out on land to which this clause applies, there must be

a development control plan for the land that complies with subclause (3).

(3) The development control plan must deal with all of the following—

- (a) urban design principles to apply to the development in relation to the built form, character and siting of buildings, building envelopes (including heights and setbacks), landscaping, the interface between buildings and the existing and proposed public domain, views, privacy, solar access and security, and other design elements, with an explanation of how they relate to an analysis of the land and its context,
- (b) proposals for the distribution of the major land uses, including public and private access and open space,
- (c) proposals relating to the mitigation of environmental impacts, including noise attenuation, flood mitigation, water and soil management, remediation of contaminated land, solar access, energy efficiency and environmental sustainability,
- (d) proposals for access, including public transport, pedestrian, cycle and road access and circulation networks, as well as local traffic and parking management,
- (e) proposals for the enhancement of, and integration with, the existing and proposed public domain,
- (f) proposed patterns of amalgamation of lots and subdivision,
- (g) proposals for landscaping (including any tree retention or removal),
- (h) concept plans showing the indicative layout, form and scale of proposed buildings,
- (i) proposals regarding heritage conservation,
- (j) any other matter required in writing by the consent authority.

(4) Subclause (2) does not apply to development that the consent authority is satisfied is of a minor nature only, if the consent authority is satisfied that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

## **7.20 Development in the Jervis Bay region**

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

- (a) to protect the natural and cultural values of the Jervis Bay region,
- (b) to ensure that development in the region contributes to the natural and cultural values of the region.

- (2) This clause applies to land in the Jervis Bay region identified as “CI 7.20” on the [Clauses Map](#).
- (3) Development consent must not be granted to development in a coastal sand dune area, on a rocky headland or on a flat, well-drained area along a major creekline unless the consent authority is satisfied that there will be no significant adverse impact on the natural or cultural values of the area.
- (4) Development in the vicinity of the Point Perpendicular lighthouse group (including the lighthouse, generator, annexe, three residences and ancillary structure), being land to which this clause applies, must be compatible with that group and be complementary to that group in terms of design and external colour.
- (5) Development in the vicinity of the Huskisson Tapalla Point rock platform, being land to which this clause applies, must be compatible with that geological site.
- (6) Development on land to which this clause applies and identified as “Biodiversity—habitat corridor” on the [Terrestrial Biodiversity Map](#) must be designed to—
  - (a) minimise disturbance to the existing structure and species composition of native vegetation communities, and
  - (b) allow native fauna and flora to feed, breed, disperse, colonise or migrate (whether seasonally or nomadically), and
  - (c) regenerate and revegetate degraded lands with local native species.

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

- (7) If a development application for development on land to which this clause applies involves a public utility undertaking, or a public or private access road through land identified as “Biodiversity—habitat corridor” on the [Terrestrial Biodiversity Map](#), development consent must not be granted for the development unless the consent authority is satisfied that there will be no significant adverse impacts on the ecology of that habitat corridor.
- (8) Development consent must not be granted for development on land to which this clause applies and specifically identified as “Disturbed habitat and vegetation CI 7.20” on the [Terrestrial Biodiversity Map](#) unless the consent authority is satisfied that the development is designed to maximise the retention of native vegetation and the rehabilitation of degraded areas.
- (9) Development consent must not be granted for development for tourist and visitor accommodation and ancillary facilities on land to which this clause applies unless the consent authority is satisfied that the development will contribute to—



- (a) the variety of activities and accommodation for visitors, and
- (b) visitor appreciation of the natural and cultural values of the region.

#### **7.21 Development on land in the vicinity of the Western Bypass Corridor**

- (1) The objectives of this clause are as follows—
  - (a) to minimise any visual or acoustic impacts on development proposed in the vicinity of the land to which this clause applies,
  - (b) to ensure that development proposed in the vicinity of that land will not compromise, restrict or otherwise prevent the future use of that land as a road.
- (2) This clause applies to land identified as “Cl 7.21” on the [Clauses Map](#).
- (3) Despite any other provision of this Plan, development consent must not be granted for development on land in the vicinity of the land to which this clause applies unless the consent authority has assessed the following—
  - (a) the impact of noise, vibrations and other emissions from any future construction and the ongoing use of that land as a road,
  - (b) if the proposed development is a subdivision of land—whether or not the development would prejudice or otherwise restrict the future construction (including the provision of any public utility infrastructure) and operation of the proposed road.

#### **7.22 Subdivision of land at Garrads Lane, Milton and The Heights, Narrawallee**

- (1) This clause applies to land identified as “Cl 7.22” on the [Clauses Map](#), being Lot 33, DP 794398 and Lot 9, DP 250361, Garrads Lane, Milton.
- (2) Despite Part 2 of this Plan, development consent may be granted for development on the land to which this clause applies for one or more of the following purposes—
  - (a) the subdivision of the land into a total of 6 lots, one lot having an area of approximately 19.4 hectares and 5 other lots each having an area of at least 7 hectares,
  - (b) the erection of a dwelling house on each of the five smaller lots.

#### **7.23 Development on land at Seascape Close, Narrawallee**

- (1) This clause applies to land identified as “Cl 7.23” on the [Clauses Map](#), being land that is part of Lot 29, DP 874275, Seascape Close, Narrawallee.
- (2) Development consent must not be granted to the subdivision of, or other development on, land to which this clause applies unless—

- (a) a landscape plan of management for the land that is of a standard satisfactory to the consent authority has been prepared, showing how the visual quality of the land is to be protected through the retention of existing vegetation, and
  - (b) the consent authority has considered the provision of suitable access to protect the land in Zone R2 Low Density Residential from bush fires located on the western edge of the land.
- (3) Development consent may be granted to subdivide land to which this clause applies to create one lot that is comprised partly of land on which a dwelling-house may be erected in Zone R2 Low Density Residential and all of the land in Zone E2 Environmental Conservation that is situated to the west of the land in Zone R2 Low Density Residential.
- (4) Development consent may be granted under subclause (3) only if the consent authority is satisfied that adequate measures will be taken to preserve the vegetation on land in Zone E2 Environmental Conservation.

#### **7.24 Location of sex services premises**

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

#### **7.25 Development on land at Moss Vale Road, Kangaroo Valley**

- (1) This clause applies to land at Moss Vale Road, Kangaroo Valley, being Lot 14, DP 773481 (the **original lot**).

- (2) Despite any other provision of this Plan, development consent may be granted to subdivide the original lot to create other lots (the **resulting lots**) if—
  - (a) two of the resulting lots—
    - (i) will each contain land in Zone R5 Large Lot Residential that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
    - (ii) will together contain all of the land in Zone E3 Environmental Management that was in the original lot, and
  - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (3) Development consent must not be granted to the subdivision of land under subclause (2) unless the consent authority is satisfied that—
  - (a) one of the resulting lots referred to in paragraph (b) will contain multi dwelling housing that comprises no more than 6 dwellings, and
  - (b) all other resulting lots will contain a single dwelling house, and
  - (c) the subdivision will not result in more than 12 resulting lots.

#### **7.26 Increased building height Huskisson Town Centre**

- (1) The objective of this clause is to encourage the development of the Huskisson Town Centre as a business centre and a focal point for tourism.
- (2) This clause applies to land in Huskisson Town Centre as shown edged heavy black on the [Incentive Height of Buildings Map](#).
- (3) The consent authority may grant consent to development that results in a building on land to which this clause applies that has a height that exceeds that permitted by clause 4.3 if the consent authority is satisfied that—
  - (a) the building is on a site comprising a single lot with an area of greater than 2,000 square metres or comprising more than one lot, each of which has an area greater than 1,200 square metres, and
  - (b) no more than 50 percent of the building (as measured by its footprint) will have a height that exceeds that permitted by clause 4.3, and
  - (c) any part of the building with a height that exceeds that permitted by clause 4.3 will not have a height that exceeds the maximum height shown for the land on the [Incentive Height of Buildings Map](#), and
  - (d) the basement of the building will contain car parking and will provide for 2 way

traffic flow to access that car parking and will provide for the turning of vehicles, and

- (e) the design and form of the building—
  - (i) follows good urban design practice, and
  - (ii) will improve the quality and amenity of the public domain, and
  - (iii) will minimise overshadowing of public places and residential premises.

### **7.27 Dwelling houses on land in Zone SP3**

- (1) The objective of this clause is to ensure dwelling houses form an integral part of development for the purposes of tourism.
- (2) Development consent must not be granted to development for the purposes of a dwelling house on land in Zone SP3 Tourist unless the consent authority is satisfied that the dwelling house—
  - (a) forms an integral part of development for the purposes of tourism on the site, or
  - (b) will not conflict with the use of the site for the purposes of tourism.

## **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **1 Use of certain land at 431 Princes Highway, Bomaderry**

- (1) This clause applies to land identified as “Sch 1.8” on the [Clauses Map](#), being Lot 1, DP 784506, 431 Princes Highway, Bomaderry.
- (2) Development for the purposes of car parks is permitted with development consent.

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

- (1) This clause applies to land identified as “Sch 1.2” on the [Clauses Map](#), being Lot 12, DP 1104789, Dolphin Point Road, Dolphin Point.
- (2) Development, being the construction of a single dwelling house only (ancillary to the existing caravan park) on the elevated portion of the land that is above 10m Australian Height Datum, is permitted with development consent.

### **3 Use of certain land at Princes Highway, Falls Creek**

- (1) This clause applies to land identified as “Sch 1.7” on the [Clauses Map](#), being Lots 68 and 69, DP 15507, Princes Highway, Falls Creek.
- (2) Development for the purpose of industries, being the manufacture of timber frames and trusses and associated uses, is permitted with development consent.

**4 Use of certain land at Alma Avenue, Fisherman’s Paradise**

- (1) This clause applies to land identified as “Sch 1.1” on the [Clauses Map](#), being Lot 2, DP 1086441, Alma Avenue, Fisherman’s Paradise.
- (2) Development for the purpose of a service station is permitted with development consent.

**5 Use of certain land at Greens Road, Greenwell Point**

- (1) This clause applies to land identified as “Sch 1.10” on the [Clauses Map](#), being Lot 118, DP 45810, Greens Road, Greenwell Point.
- (2) Development for the purpose of rural industries, being the processing of fish (oysters), is permitted with development consent.

**6 Use of certain land at Manyana**

- (1) This clause applies to land identified as “Sch 1.15” on the [Clauses Map](#), being Lot 2, DP 1121854, Sunset Strip, Manyana, that part of Lot 106, DP 755923, (Portion 106), Inyadda Drive, Manyana that is in Zone E3 Environmental Management; and that part of Lot 2, DP 1161638, Inyadda Drive, Manyana that is in Zone E3 Environmental Management.
- (2) Development for the purposes of advertising structures, amusement centres, community facilities, food and drink premises, function centres, helipads, heliports, recreation facilities (indoor), recreation facilities (major), recreation facilities (outdoor) and registered clubs is permitted with development consent.

**7 Use of certain land at 13 Wilfords Lane, Milton**

- (1) This clause applies land identified as “Sch 1.9” on the [Clauses Map](#), being Lot 1, DP 531751, 13 Wilfords Lane, Milton.
- (2) Development for the purpose of industries, being a concrete batching plant, is permitted with development consent.

**8 Use of certain land at Windward Way, Milton**

- (1) This clause applies to land identified as “Sch 1.12” on the [Clauses Map](#), being Lot 1, DP 780801 and Lot 1, DP 737576, Windward Way, Milton.
- (2) Development for the purpose of seniors housing is permitted with development consent, but only if the consent authority is satisfied of the following—
  - (a) any public utility infrastructure that is essential for the development is available or that adequate arrangements have been made to make that infrastructure available when required,

- (b) a traffic study has been prepared to assess the impact of the development on the Princes Highway and the local road network.

**9 Use of certain land in Maisie Williams Drive, Mollymook**

- (1) This clause applies to land identified as “Sch 1.13” on the [Clauses Map](#), being Lot 621, DP 804355, Maisie Williams Drive, Mollymook.
- (2) Development for the purposes of dwelling houses or dual occupancies is permitted with development consent.

**10 Use of certain land in the Nowra-Bomaderry Urban Release Area**

- (1) This clause applies to land identified as “Sch 1.5” on the [Clauses Map](#), being land that is in the Nowra-Bomaderry Urban Release Area.
- (2) Development for the purposes of office premises and service stations is permitted with development consent.

**11 Use of certain land at 96 Albatross Road, South Nowra**

- (1) This clause applies to land identified as “Sch 1.11” on the [Clauses Map](#), being Lot 460, DP 1062117, 96 Albatross Road, South Nowra.
- (2) Development for the purposes of registered clubs and tourist and visitor accommodation is permitted with development consent.

**11A Use of certain land at Wandra and Advance Roads, Verons Estate, Sussex Inlet**

- (1) This clause applies to land identified as “Sch 1.18” on the [Clauses Map](#), being part of Lots 1-19, DP 9897, Wandra and Advance Roads, Verons Estate, Sussex Inlet.
- (2) Development for the purposes of extensive agriculture is permitted with development consent.

**12 Use of certain land at 188 Camden Street, Ulladulla**

- (1) This clause applies to land identified as “Sch 1.14” on the [Clauses Map](#), being Lot 1, DP 1137716, 188 Camden Street, Ulladulla.
- (2) Development for the purpose of aquaculture (including pond-based aquaculture) is permitted with development consent.

**13 Use of certain land at Vincentia District Town Centre**

- (1) This clause applies to the land identified as “Sch 1.6” on the [Clauses Map](#), being land that is in Vincentia District Town Centre.
- (2) Development for the purposes of specialised retail premises, garden centres, hardware and building supplies, landscaping material supplies, plant nurseries and

timber yards is permitted with development consent.

**14 Use of certain land at Yalwal Road, West Nowra**

- (1) This clause applies to land identified as “Sch 1.3” on the [Clauses Map](#), being Lot 432, DP 723151, Yalwal Road, West Nowra.
- (2) Development for the purpose of Aboriginal community housing to a total of 16 dwellings is permitted with development consent.

**15 Use of certain land at Wollumboola**

- (1) This clause applies to land identified as “Sch 1.17” on the [Clauses Map](#), being Lot 1, DP 1151723, Wollumboola.
- (2) Development for the purpose of a camping ground is permitted with development consent.

**16 Use of certain land at Braidwood Road and Yerriyong Road, Yerriyong**

- (1) This clause applies to the land identified as “Sch 1.16” on the [Clauses Map](#), being Lot 7309, DP 1148878, Braidwood Road, Yerriyong, and Lot 7308, DP 1147573 that is in Zone SP2 Infrastructure at Yerriyong Road, Yerriyong.
- (2) Development for the purpose of recreation facilities (major), being a motor sports facility, is permitted with development consent.

**17 Use of certain land at Yerriyong Lane, Yerriyong**

- (1) This clause applies to the land identified as “Sch 1.4” on the [Clauses Map](#), being land at Yerriyong Lane, Yerriyong, in the vicinity of HMAS Albatross.
- (2) Development for the purposes of car parks, garden centres, horticulture, landscaping material supplies and light industries is permitted with development consent.

**18 Use of certain land at 5C Creston Grove, Bomaderry**

- (1) This clause applies to land identified as “Sch 1.20” on the [Clauses Map](#), being Lot 393, DP 1144727, 5C Creston Grove, Bomaderry.
- (2) Development for the purposes of vehicle sales or hire premises only is permitted with development consent.

**Note—**

The development referred to in this subclause does not include, for example, any ancillary industrial activity such as the repair of, or fitting of accessories to, motor vehicles, caravans, boats, trailers, agricultural machinery and the like.

- (3) Subclause (2) does not apply to a development application lodged more than 12 months after the commencement of [Shoalhaven Local Environmental Plan 2014](#)

*(Amendment No 14).*

- (4) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that development work will physically commence on the land within 12 months after the date the consent is granted.

#### **19 Use of certain land at 9 Browns Road, South Nowra**

- (1) This clause applies to land identified as “Sch 1.19” on the [Clauses Map](#), being Lot 1, DP 1079345, 9 Browns Road, South Nowra.
- (2) Development for the purpose of caravan parks is permitted with development consent.

### **Schedule 2 Exempt development**

(Clause 3.1)

#### **Note 1—**

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

#### **Note 2—**

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners’ property rights and the common law still apply.

#### **A-frame signs**

- (1) Must be located on the footpath adjoining the building to which the sign relates.
- (2) Must not be located in a residential, rural or environmental zone unless it relates to a shop.
- (3) Maximum 1 sign per premises.
- (4) Maximum area of each face of the sign—1m<sup>2</sup>.
- (5) Maximum width—0.75m.
- (6) Must not obstruct the movement of pedestrians.
- (7) Must be removed at the close of business each day.

#### **Dairies (pasture-based)**

- (1) Must be on land in Zone RU1 Primary Production or Zone RU2 Rural Landscape.
- (2) Must not be on land identified as “Biodiversity—habitat corridor” or “Biodiversity—significant vegetation” on the [Terrestrial Biodiversity Map](#).



- (3) Must not be on land identified as “Riparian Land” on the [Riparian Lands and Watercourses Map](#).
- (4) Must not be on land identified as “Sensitive Area” on the [Natural Resource Sensitivity—Land Map](#).
- (5) Must not be on land identified as “Class 1”, “Class 2”, “Class 3”, “Class 4” or “Class 5” on the [Acid Sulfate Soils Map](#).

#### **Display of goods on footpaths**

- (1) Must be located on the footpath adjoining the building at which the goods are sold.
- (2) Maximum 2 displays per premises.
- (3) Maximum height of each display—1.8m.
- (4) Maximum width of each display—3m.
- (5) Maximum depth of each display—0.8m.
- (6) Must be stable and firmly secured.
- (7) Must not obstruct the movement of pedestrians.
- (8) Must be removed at the close of business each day.

#### **Horticulture**

- (1) Must be on land in Zone RU1 Primary Production or Zone RU2 Rural Landscape.
- (2) Must not be on land identified as “Biodiversity—habitat corridor” or “Biodiversity—significant vegetation” on the [Terrestrial Biodiversity Map](#).
- (3) Must not be on land identified as “Riparian Land” on the [Riparian Lands and Watercourses Map](#).
- (4) Must not be on land identified as “Sensitive Area” on the [Natural Resource Sensitivity—Land Map](#).
- (5) Must not be on land identified as “Class 1”, “Class 2”, “Class 3”, “Class 4” or “Class 5” on the [Acid Sulfate Soils Map](#).

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

- (1) Must not be for the lighting of tennis courts or sports fields.
- (2) Must not be directed onto adjoining properties or a road.
- (3) Must not be directed onto a classified road under the [Roads Act 1993](#).

### **Private electricity service poles**

Must be installed in accordance with the requirements of Endeavour Energy.

### **Solid fuel heaters (including oil-fired appliances)**

- (1) Must be tested to comply with AS/NZS 4012:1999 *Domestic solid fuel burning appliances—Method for determination of power output and efficiency* and AS/NZS 4013:1999 *Domestic solid fuel burning appliances—Method for determination of flue gas emission*.
- (2) Must be installed in accordance with AS/NZS 2918:2001 *Domestic solid fuel burning appliances—Installation*.
- (3) If a boiler or pressure vessel—must be installed in accordance with AS/NZS 1200:2000 *Pressure equipment*.
- (4) Flues and chimneys must not terminate in such a position as to constitute—
  - (a) a risk of fire to nearby combustibles, or
  - (b) a risk of penetration of the flue gases through nearby windows or other openings, fresh air inlets, mechanical ventilation inlets or exhausts, or the like.
- (5) Flue and chimney heights must be at least 1.0m above the height of any structure or topographical feature within a 15m radius of the chimney with a maximum chimney height of 2m above the ridge of the roof on which it is installed.

### **Temporary events on public land and public roads and associated temporary structures**

- (1) For the purposes of development specified for this clause—

**event** means any event (including, without limitation, a market, exhibition, ceremony, meeting, concert, sporting event or fete) that would, but for this clause, require development consent.
- (2) Must take place on land owned by the Council or for which the Council has care, control and management (including Crown land) or a public road for which the Council is the roads authority under the [Roads Act 1993](#).
- (3) Must not involve demolition or excavation.
- (4) Must not involve overnight accommodation on bushfire prone land.
- (5) Must not be conducted for more than 52 days (whether or not consecutive) in any period of 12 months.

#### **Note—**

The proposed event may involve activities that require approvals under the [Local Government Act 1993](#) and

other legislation. Such activities include the closure of public roads, the erection of temporary structures and activities on public land. Consultation with the Council will assist in identifying any requirements before organising such activities.

## Schedule 3 Complying development

(Clause 3.2)

### Note—

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

## Part 1 Types of development

(When this Plan was made this Part was blank)

## Part 2 Complying development certificate conditions

### Note—

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

### General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Sussex Inlet, Edgewater Avenue	Lot 35, DP 226342

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

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

Coolangatta, Bolong Road	Lot 12, DP 617101	Easement for pipeline (A785289), easement for access (B23693) and easement for pipeline (B23695), as noted on Certificate of Title Folio Identifier 12/617101
Coolangatta, Bolong Road	Lot 3, DP 597223	Nil
Shoalhaven Heads, 50 Shoalhaven Heads Road	Lot 21, DP 252581	Nil
St Georges Basin, Island Point Road	Lot 4, DP 550354	Nil
Vincentia, Lively Street	Part of Lot 2081, DP 216860, identified as "Operational Land" on the <a href="#">Land Reclassification (Part Lots) Map</a>	Nil

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

Column 1	Column 2
Locality	Description
Nil	

### Schedule 5 Environmental heritage

(Clause 5.10)

#### Part 1 Heritage items

Locality	Item	Address	Property description	Significance	Item no
Back Forest	Victorian weatherboard farmhouse	235A Back Forest Road	Lot 1, DP 629802	Local	1
Back Forest	Berry Estate former pumping station	255 Back Forest Road	Lot 1, DP 1064332	Local	2
Back Forest	Federation weatherboard farmhouse and outbuildings	37 Bailleul Lane (private)	Lot 5, DP 883117	Local	3
Bamarang	"Bamarang"—Victorian sandstone homestead and cemeteries	72 Bamarang Road	Lot 20, DP 746233	Local	4
Bangalee	"Weir"—family graves	Bangalee Scout Camp Road	Lot 48, DP 751273	Local	5
Barrengarry	"Cavan"—dairy farm complex	30 Cavan Road	Lot 7, DP 869740	Local	6

Barrengarry	Barrengarry Store, post office and residence	2167 Moss Vale Road	Lot 11, DP 3237	Local	7
Barrengarry	"Rosedale"—Victorian farmhouse and outbuildings	2240 Moss Vale Road	Lot 101, DP 623325	Local	8
Barrengarry	Former Barrengarry School and schoolmaster's residence	2565 Moss Vale Road	Lot 2565, DP 1118533	Local	9
Barrengarry	"Ascot"—dairy farm complex	49 Upper Kangaroo River Road	Lot 18, DP 773481	Local	10
Barrengarry	"Oakleigh"—(former gatehouse to Barrengarry House)	89 Upper Kangaroo River Road	Lot 1, DP 746459	Local	11
Barrengarry	"Barrengarry House"—two storey Victorian estate complex including tree-lined drive and approaches	171 Upper Kangaroo River Road	Lot 1 DP 259769; Part Lot 1, DP 195569	Local	12
Bawley Point	1830s colonial road	Johnston Street	Lot 7300, DP 1126283	Local	15
Bawley Point	Relocated Bawley Point mill worker's cottage	10 Johnston Street	Lot A, DP 380422	Local	13
Bawley Point	Bawley Point guesthouse and trees	21 Johnston Street	Lot 43, DP 1038219	Local	14
Bawley Point	"Murramarang"—former colonial estate house	226 Murramarang Road	Lot 23, DP 571930	Local	16
Bawley Point	Bawley Point sawmill and wharf (former)	Tingira Drive	Lots 120–129, DP 755961; Lot 7004, DP 1057514	Local	17
Beaumont	Cambewarra Lookout manager's residence and garden	182 Cambewarra Lookout Road	Lot 2, DP 849185	Local	18
Beecroft Peninsula	Wreck of the "Merimbula"	Beecroft Parade	Lot 7306, DP 1128620	Local	19
Beecroft Peninsula	Point Perpendicular lighthouse group	Lighthouse Road	Lots 51 and 52, DP 837775	Local	20
Bellawongarah	Bellawongarah Cemetery	Kangaroo Valley Road	Lots 1–5, DP 1115368; Lot 1, DP 115445; Lot 1, DP 1034714; Lot 7301, DP 1152357	Local	22

Bellawongarah	Former Bellawongarah Church	869 Kangaroo Valley Road	Lots 9 and 10, DP 113374	Local	21
Berry	Federation weatherboard cottage and garden	21 Albany Street	Lot 4, DP 375126	Local	24
Berry	Inter-war Federation style weatherboard cottage and fence	23 Albany Street	Lot B, DP 350396	Local	25
Berry	Victorian Georgian style weatherboard cottage	25 Albany Street	Lot 61, DP 826592	Local	26
Berry	Victorian Georgian style weatherboard cottage	19 Albert Street	Lot A, DP 408003	Local	27
Berry	Federation weatherboard cottage	54 Albert Street	Lot 17, Section 10, DP 8058	Local	28
Berry	Victorian carpenter gothic style hall	77 Albert Street	Lot 100, DP 1172397	Local	29
Berry	<i>Agathis robusta</i> (Kauri Pine)	Alexandra Street	Road reserve in front of Lot 2, DP 17926	Local	33
Berry	<i>Araucaria cunninghamii</i> (Hoop Pine)	Alexandra Street	In the road reserve adjacent to Lot A, DP 411591	Local	37
Berry	Avenue of Remembrance (tree-lined)	Alexandra Street	Road reserve in front of Lot 26, Section 5, DP 8058	Local	35
Berry	Berry War Memorial Park including sandstone war memorial	Alexandra Street	Lot 26, Section 5, DP 8058	Local	34
Berry	David Berry Memorial Park including David Berry Memorial Column and pedestal	Alexandra Street	Part Lot 10, DP 751268	Local	36
Berry	Former Federation brick butcher's shop	14 Alexandra Street	Lot 1, DP 513688	Local	30
Berry	Berry School of Arts	19 Alexandra Street	Lot 8, DP 924675	Local	31

Berry	Berry showground group and trees including Victorian agricultural pavilion, rotunda, poultry shed, wood chopping arena, cattle yards, Alexandra Street entrances, Sir John Hay Memorial Fountain, former Berry Municipal Chambers, <i>Araucaria bidwillii</i> (Bunya Pine), <i>Araucaria cunninghamii</i> (Hoop Pines), <i>Ficus sp</i> (Fig tree), <i>Erythrina sp</i> (Coral trees), <i>Eucalyptus sp</i> (Eucalyptus trees), <i>Magnolia sp</i> (Magnolias), <i>Photinia serratifolia</i> (Photinia), <i>Callitris macleayana</i> (Cypress), <i>Cinnamomum camphora</i> (Camphor Laurels) and <i>Camellia sp</i> (Camellias)	35 Alexandra Street	Lot 1, DP 940561	Local	32
Berry	Harley Hill Cemetery	Beach Road	Lot 1, DP 723973	Local	38
Berry	Victorian school and trees	1 Clarence Street	Lot 12, DP 882716	Local	108
Berry	Inter-war group of institutional brick and weatherboard buildings and trees	660 Coolangatta Road	Lot 1, DP 131859	Local	40
Berry	Remnant old growth eucalypts	George Street	Road reserve off George Street	Local	41
Berry	Berry General Cemetery	Kangaroo Valley Road	Lot 71, DP 4468	Local	43
Berry	<i>Eucalyptus pilularis</i> (Blackbutt)	42 Kangaroo Valley Road	Lot 2, DP 773489 and the adjacent road reserve	Local	42
Berry	<i>Calodendrum capense</i> (Cape Chestnut)	King Street	On the corner of King Street and Victoria Street in the road reserve adjacent to Lot 1, DP 710284	Local	45
Berry	<i>Syncarpia glomulifera</i> (Turpentine tree)	10 King Street	Lot 23, DP 375126	Local	44

Berry	Roman Catholic church including grounds and two storey brick convent	80 North Street	Lot 1, DP 86897	Local	46
Berry	Bill's concrete horse trough	Prince Alfred Street	Road reserve on the corner of Prince Alfred Street and the Princes Highway adjacent to Lot 2, DP 572830	Local	60
Berry	James Wilson Memorial Fountain	Prince Alfred Street	Road reserve on the corner of Prince Alfred Street and the Princes Highway adjacent to Lot 11, DP 816490	Local	61
Berry	Federation weatherboard cottage including brick stables and hedge	10 Prince Alfred Street	Lot 1, DP 572830	Local	47
Berry	Apex Park	12 Prince Alfred Street	Lot 2, DP 572830	Local	48
Berry	Former Federation weatherboard shop	21 Prince Alfred Street	Lot 16, Section 3, DP 8058	Local	50
Berry	Former Berry Estate Bakery and residence	23 Prince Alfred Street	Lot 2, DP 532935	Local	51
Berry	Federation weatherboard cottage	25 Prince Alfred Street	Lot A, DP 380097	Local	52
Berry	Federation weatherboard cottage and trees	31 Prince Alfred Street	Lot 3, DP 932362	Local	53
Berry	Federation weatherboard cottage and garden	32 Prince Alfred Street	Lot 1, DP 970121	Local	54
Berry	<i>Araucaria heterophylla</i> (Norfolk Island Pines-2)	40 Prince Alfred Street	Lot 1, DP 950717	Local	55
Berry	Georgian style weatherboard cottage	43 Prince Alfred Street	Lot 17, Section 5, DP 8058	Local	56
Berry	Federation weatherboard cottage	47 Prince Alfred Street	Lot 19, Section 5, DP 8058	Local	57



Berry	Victorian Georgian style weatherboard cottage and trees including <i>Araucaria cunninghamii</i> (Hoop Pines-2) and <i>Brachychiton acerifolius</i> (Illawarra Flame trees-3)	53 Prince Alfred Street	Lot 56, DP 701877	Local	58
Berry	Victorian Georgian style gatekeeper's cottage	66 Prince Alfred Street	Lot 1, DP 1022140	Local	59
Berry	"Constables Cottage"—Victorian Georgian style weatherboard cottage and garden	A15 Princes Highway	Lot 1, DP 558065; Lot 5, DP 600374	Local	62
Berry	"Mananga"—Berry Estate manager's farm complex	A40 Princes Highway	Lot 101, DP 1057897	Local	63
Berry	<i>Quercus virginiana</i> (American Live Oak)	Princess Street	Lot 1012, DP 872963	Local	69
Berry	Inter-war weatherboard Californian bungalow	52 Princess Street	Lot 1, DP 304729	Local	64
Berry	Inter-war weatherboard and fibro cottage	54 Princess Street	Lot 18, Section 8, DP 8058	Local	65
Berry	Inter-war brick residence including doctor's surgery and garden	65 Princess Street	Lots 8 and 9, Section 3, DP 8058	Local	66
Berry	Former two storey Anglican rectory and garden	68 Princess Street	Lot 20, DP 840778	Local	67
Berry	St Luke's Anglican Church including memorial gates and trees, including <i>Araucaria heterophylla</i> (Norfolk Island Pine)	68A Princess Street	Lot 21, DP 840778	Local	68
Berry	Colonial style weatherboard store (former Wilson and Co store), and <i>Araucaria heterophylla</i> (Norfolk Island Pines-2)	1 Pulman Street	Lot 1, DP 724944	Local	70
Berry	Colonial weatherboard cottage (former curate's cottage)	3 Pulman Street	Lot 23, DP 1017132	Local	71
Berry	"Lynstowe"—Colonial style weatherboard cottage and former grist mill	11 Pulman Street	Lot 20, DP 5270	Local	72

Berry	Farmhouse and Broughton Creek former grist mill (former Tindal's farm)	13 Pulman Street	Lot 1, DP 629875	Local	73
Berry	Pulman's Weatherboard Farmhouse	30 Pulman Street	Lots 210 and 211, DP 1124317	Local	74
Berry	Two storey Victorian rendered brick shop	Queen Street	Lot 7, DP 825542	Local	92
Berry	Federation weatherboard cottage	50 Queen Street	Lot 1, DP 530751	Local	75
Berry	Mid-twentieth century residence including pool and garden	60-62 Queen Street	Lots 1 and 2, DP 1109325	Local	76
Berry	Relocated Federation weatherboard cottage	65 Queen Street	Lot 1, SP 77007	Local	77
Berry	Inter-war Spanish mission style bungalow and garden	66 Queen Street	Lot 1, DP 619195	Local	78
Berry	Victorian Georgian style weatherboard residence	78 Queen Street	Lot 2, DP 270250	Local	79
Berry	Federation weatherboard cottage	81 Queen Street	Lot A, DP 369043	Local	80
Berry	Former Federation blacksmith's shop including <i>Cinnamomum camphora</i> (Camphor Laurel)	83 Queen Street	Lot B, DP 369043	Local	81
Berry	Two storey Federation residence and garden	89 Queen Street	Lot B, DP 400209	Local	82
Berry	Inter-war Art Deco style shop	102 Queen Street	Lot 1011, DP 872963	Local	83
Berry	Two storey Victorian Italianate style shop	105 Queen Street	Lot 1, DP 778335	Local	84
Berry	Former Victorian Free Classical style estate office	110 Queen Street	Lot 2, DP 209665	Local	85
Berry	Inter-war weatherboard shop	114-118 Queen Street	Lot 1, DP 121360; Lot X, DP 418264	Local	86
Berry	Two storey Victorian hotel and detached kitchen including <i>Acmena smithii</i> (Lilly Pillies-2)	120 Queen Street	Lot 1, DP 578257	Local	87
Berry	Former CBC bank including fence and trees	122 Queen Street	CP SP 93194	Local	88

Berry	Federation weatherboard shop	131 Queen Street	Lot 1, DP 1009635	Local	89
Berry	Berry Museum, former E S and A Bank and garden	135 Queen Street	Lot 1, DP 221105	State	90
Berry	Victorian Free Classical style post office	137 Queen Street	Lots 1 and 2, DP 1111478	Local	91
Berry	<i>Toona australis</i> (Australian Red Cedar)	11 Station Road	Lot 55, DP 701877	Local	93
Berry	Berry Railway Station group including Victorian Georgian style stationmaster's cottage, <i>Ilex cornuta</i> (Chinese Holly) and <i>Gardenia thunbergia</i> (Gardenia)	34 Station Road	Lot 2, DP 1001740	State	94
Berry	<i>Populus nigra italica</i> (Lombardy Poplars-23)	Tannery Road	Road reserve	Local	97
Berry	David Berry Hospital complex including gatehouse, stained glass window, garden, trees and remnant rainforest	85 Tannery Road	Part DP 924054	State	95
Berry	"Woodside Park"—dairy farm complex and gatehouse	94A Tannery Road	Lot 2, DP 731117; Lots 1 and 2, DP 1038647	Local	96
Berry	Mark Radium Park	Victoria Street	Lot 10, DP 1188080	Local	109
Berry	Inter-war Georgian style weatherboard cottage	23 Victoria Street	Lot 2, DP 519970	Local	98
Berry	Former Presbyterian manse and garden	36 Victoria Street	Lot B, DP 163935	Local	99
Berry	Inter-war schoolmaster's residence	40 Victoria Street	Lot 11, DP 882716	Local	100
Berry	<i>Melaleuca decora</i> (Paper Barks-2)	51A Victoria Street	Lot 101, DP 1125002	Local	101
Berry	Victorian Georgian style police residence and lockup	56 Victoria Street	Lot 1, DP 199995	Local	102
Berry	Victorian Classical Academic style court house including <i>Cinnamomum camphora</i> (Camphor Laurel)	58 Victoria Street	Lot 2, DP 199995	State	103

Berry	Federation weatherboard cottage	65 Victoria Street	Lot 11, Section 8, DP 8058	Local	104
Berry	Federation weatherboard cottage and trees	71 Victoria Street	Lot 2, DP 327819	Local	105
Berry	Relocated Colonial weatherboard school (former Broughton Creek School)	79 Victoria Street	Lot 4, Section 8, DP 8058	Local	106
Berry	Inter-war Gothic style brick church and fence	83 Victoria Street	Lot 2, Section 8, DP 8058	Local	107
Berry	Berry Estate salt wall	Wharf Road	Lot 1, DP 568280	Local	110
Berry	Windsor Drive Park	Windsor Drive	Lot 24, DP 248248	Local	111
Berry	<i>Populus nigra italica</i> (Lombardy Poplars-9)	Woodhill Mountain Road	Road reserve	Local	112
Berry Mountain	"Cobbadah"—dairy farm complex including garden, dry stone walls and survey marks	Ben Dooley Road	Lots 1210 and 1211, DP 1099097	Local	113
Berry Mountain	"Glenworth"—two storey residence and grounds	466 Kangaroo Valley Road	Lots 4, 7 and 8, DP 1037100	Local	114
Bewong	Federation weatherboard farmhouse (McDonalds)	Princes Highway	Lot 3, DP 209048; Lot 1, DP 200251	Local	115
Bolong	Berry Estate vertical timber slab cottage and outbuildings	459 Bolong Road	Lot 10, DP 1052770	Local	116
Bolong	"Beuna Vista"—dairy farm complex including Berry Estate vertical timber slab barn	500 Bolong Road	Lot 1; DP 655442; Lot 1, DP 1034357	Local	117
Bolong	Berry Estate timber stud framed flood boatshed	Jennings Lane	Lot 1, DP 872745	Local	120
Bolong	Former Bolong Public School including shelter shed and relocated Carpenter Gothic style Bolong Union Church	8 Jennings Lane	Lots 3 and 4, DP 1108931	Local	118
Bolong	"Iolanthe"—dairy farm complex	100 Jennings Lane	Lots 16, 17 and 19, DP 4266	Local	119
Bomaderry	Former Bomaderry Primary School and trees	5 Birriley Street	Lots 1 and 2, DP 568955	Local	121

Bomaderry	Milk factory (former)	31A Bolong Road	Lot 1, DP 189450	Local	124
Bomaderry	"Greenleaves"—Federation Queen Anne style residence and grounds	59 Bolong Road	Lot 5, Section 32, DP 2886	Local	122
Bomaderry	Federation brick and asbestos tile residence	67 Bolong Road	Part Lot 2, DP 324484	Local	123
Bomaderry	Bomaderry Aboriginal Children's Homes (former United Aboriginal Mission)	Brinawarr Street	Lots 4-6, Section 29, DP 2886	State	125
Bomaderry	"Illowra"—Federation timber Berry Estate residence and garden	125 Brinawarr Street	Lot 2, DP 792770	Local	136
Bomaderry	Federation weatherboard residence	10 Coomea Street	Lot 16, Section 9, DP 2886	Local	126
Bomaderry	Federation weatherboard residence	12-14 Coomea Street	Lots 14 and 15, Section 9, DP 2886	Local	127
Bomaderry	Inter-war weatherboard Californian bungalow	21 Coomea Street	Lot 5, Section 24, DP 2886	Local	128
Bomaderry	Victorian weatherboard residence	37 Coomea Street	Lot 1, DP 613536	Local	129
Bomaderry	"Lynburn"—timber Federation residence and garden	Mattes Way	Lot 23, DP 793122	Local	130
Bomaderry	Bomaderry Railway Station and yard group including Nowra-Bomaderry Railway Station and "original bar holder", Bomaderry stationmaster's house and Bomaderry railway siding group including turntable, weighbridge, goods crane and water pump	Meroo Street	Lot 3, DP 802440; Lots 1 and 2, DP 1021415; Lot 1, DP 884113	State	135
Bomaderry	Bomaderry Presbyterian Church	7 Meroo Street	Lot 6, Section 9, DP 2886	Local	131
Bomaderry	Brick and asbestos tile Federation bungalow	13 Meroo Street	Lot 9, Section 9, DP 2886	Local	132
Bomaderry	Railwaymen's barracks	16 Meroo Street	Lot 1, DP 854131	Local	133
Bomaderry	Weatherboard cottage (formerly Mrs Pallett's residence)	77 Meroo Street	Lot 1, DP 506705	Local	134

Bomaderry	Federation Georgian style worker's cottage	9 Tanang Street	Lot 15, Section 7, DP 2886	Local	137
Bomaderry	Victorian weatherboard residence	6 Tarawara Street	Lot 3, DP 775937	Local	139
Bomaderry	Victorian weatherboard residence	8 Tarawara Street	Lot 1, DP 552899	Local	138
Brooman	Timber cottage group including former school, mill workers' cottages and mill manager's residence (old Brooman Town)	1295 Brooman Road	Lot 67, DP 755912	Local	140
Broughton	"Glenvale"—colonial vertical timber slab cottage and farm complex	A371 Princes Highway	Lot 81, DP 1188079	Local	141
Broughton Vale	Colonial weatherboard cottage	119 Bong Bong Road	Lot 103, DP 786955	Local	144
Broughton Vale	Drawing room rocks	Brogers Creek Road	Barron Grounds Nature Reserve	Local	142
Broughton Vale	Broughton Vale Cemetery	350 Broughton Vale Road	Lot 1934, DP 1100783	Local	143
Brundee	"Berry Estate"—vertical timber slab barn (former)	695A Greenwell Point Road	Lot 5, DP 632857	Local	145
Buangla	Grassy gully mine site	Yalwal Road	Morton National Park	Local	146
Bundewallah	Victorian Georgian style farmhouse	218 Bundewallah Road	Lot 1, DP 706470	Local	147
Burrier	Burrier ford	Burrier Road	Shoalhaven River in the vicinity of Lot 51, DP 862458 and Lot 2, DP 226584	Local	148
Burrill Lake	<i>Araucaria heterophylla</i> (Norfolk Island Pine)	4 Kendall Crescent	Lot 307, DP 15648	Local	150A
Burrill Lake	<i>Agathis robusta</i> (Kauri Pine)	McDonald Parade	McDonald Parade road reserve adjacent to land in DP 15648	Local	149
Burrill Lake	Post-war pseudo stone Burrill Lake community hall	Princes Highway	Lot 273, DP 415059	Local	150
Cambewarra	Colonial vertical timber slab cottage	94 Barfield Road	Lot 1, DP 573197	Local	152

Cambewarra	Cambewarra Rainforest Reserve	Cambewarra Lookout Road	Reserve No 57023; Lot 7300, DP 1130978; Lot 7301, DP 1131110; Lot 7302, DP 1131111; Lots 7305 and 7306, DP 1154007; Part Lot 252, DP 720937; Part Lot 2, DP 223819; Lot 3, DP 221288; Lot 103, DP 739867; Lot 1, DP 1116520 (road reserve); Lots 5 and 6, DP 1117580 (road reserve)	Local	151
Cambewarra	Evison's dairy farm complex	49 Hockeys Lane	Lot 2, DP 621553	Local	153
Cambewarra Village	"Llanthony Lodge"—two storey Victorian weatherboard residence	1 Kalinga Street	Lot 101, DP 788323	Local	154
Cambewarra Village	Former weatherboard school	Main Road	Lot 2, DP 839145	Local	158
Cambewarra Village	Corrugated iron community hall	75 Main Road	Lot 1, DP 725937	Local	155
Cambewarra Village	Federation Georgian style residence (former post office)	77 Main Road	Lot 2, DP 240571	Local	156
Cambewarra Village	Weatherboard gothic carpenter style Union Church	80 Main Road	Part Lot 170, DP 751273	Local	157
Cambewarra Village	Former schoolmaster's brick residence and garden	Tannery Road	Lot 1, DP 850699	Local	159
Comberton	Comberton Grange (former dairy farm complex)	Comberton Grange Road	Lot 1, DP 550098	Local	160
Comberton	Lone grave of Thomas Speechley	Forest Road	Part Lot 101, DP 755928	Local	161
Conjola	Conjola timber trestle bridge	Murrays Road	Road reserve	Local	164
Conjola	Murray Family Cemetery	40 Murrays Road	Lot 4, DP 864378	Local	163
Conjola	Conjola Cemetery	Princes Highway	Lot 7037, DP 93024	Local	165

Coolangatta	Berry-Hay Private Cemetery	Bolong Road	Lot 64B, DP 7851	Local	176
Coolangatta	Colonial brick building (former Coolangatta Estate harness room), and Colonial weatherboard building (former Coolangatta Estate blacksmith's shop) and colonial brick and timber building (former Coolangatta Estate tinsmith's shop and residence)	Bolong Road	Part Lot 2, DP 15290	Local	175
Coolangatta	Colonial brick building (former Coolangatta Estate office) and colonial brick hall (former Coolangatta Estate community hall)	Bolong Road	Part Lot 2, DP 223278	Local	173
Coolangatta	Colonial brick building (former Coolangatta Estate stables)	Bolong Road	Lot 3, DP 15290	Local	174
Coolangatta	Coolangatta Estate group	Bolong Road	Lot 10, DP 580917; Lots 1 and 4, DP 15290; Lot 1, DP 525517	Local	169
Coolangatta	Victorian Georgian style farmhouse and trees	1165 Bolong Road	Lot 3, DP 565593	Local	166
Coolangatta	Former Berry Estate brick schoolmaster's residence including garden and former weatherboard Berry Estate school	1180 Bolong Road	Lot 1, DP 657639	Local	167
Coolangatta	Victorian Georgian style farmhouse	1220 Bolong Road	Lot 101, DP 836951	Local	168
Coolangatta	"Coolangatta Park"—Victorian Federation filigree style residence and garden	1320 Bolong Road	Part Lot 1, DP 390622	Local	170
Coolangatta	Colonial weatherboard building (former Coolangatta Estate billiard rooms) and Colonial brick building (former Coolangatta Estate coachman's quarters)	1335 Bolong Road	Lot A, DP 33346	Local	172



Coolangatta	Colonial weatherboard cottage (former Coolangatta Estate convict quarters) and colonial weatherboard cottage (former Coolangatta Estate worker's cottage) and Coolangatta Estate gardens (remnants)	1335 Bolong Road	Lot 1, DP 223278	Local	171
Coolangatta	Coomanderry Swamp drainage channel	Coolangatta Road and Shoalhaven Heads Road	Lot 6, DP 786106; Lot 12, DP 1047067; Lot 12, DP 630628; Lot 1, DP 1196368; Lot 1, DP 706777; Lot 22, DP 1028714; Lot 2, DP 836097; Lot 1, DP 1148057; Lot 3, DP 805443; Lot 5, DP 860111; so much of DP 623346 and DP 615003 that comprises drainage reserves	Local	39
Coolangatta	"Coomanderry Park" (former estate manager's residence)	100 Coolangatta Road	Lot 2, DP 805443	Local	178
Croobyar	Warden Family Cemetery	Croobyar Road	Lot 1, DP 1145321	Local	179
Croobyar	"Sunny Vale"—dairy farm complex	439 Croobyar Road	Lot 1, DP 725999	Local	180
Croobyar	Old Croobyar farm and tree-lined access (former dairy farm complex)	46 Ringland Lane	Lot 32, DP 734992	Local	181
Croobyar	Former Victorian brick gatehouse to Mount Airlie including elm trees and orchard	32 Woodstock Road	Lots 4 and 5, DP 589195	Local	182
Cudmirrah	Errol Bond Memorial	Goonawarra Drive	Lot 7003, DP 1117842	Local	183
Culburra Beach	Penguin Head geological site	Penguins Head Road	Lot 630, DP 221746	Local	185

Culburra Beach	Moongate to former Culburra guesthouse site	196 Penguins Head Road	Lot 657, DP 12278; Lot C, DP 357811	Local	184
Culburra Beach	Crookhaven lighthouse complex	Prince Edward Avenue	Lot 7004, DP 1059066; Part Lot 34, DP 755971	Local	186
Currarong	Early fibro cottage	5 Beecroft Parade	Lot 41, DP 755903	Local	187
Currarong	Inter-war fibro cottage	14 Fishery Road	Lot 30, DP 16854	Local	188
Currarong	Dolphin Reserve rotunda	2 Piscator Avenue	Lot 222, DP 16854	Local	189
Currowan	Brimbramalla gold mining area	Bimberamala River, Browns Gully, Clyde Ridge and Mines Road	Part of Bimberamala National Park	Local	190
Currowan	"Black Diamond"—gold mine (former)	Currowan Road	Part of State Forest No 820	Local	191
Endrick	"Rixons"—(former coal mine)	Clyde River	Lot 8, DP 755935	Local	192
Falls Creek	Federation period school building	26 Vidler Road	Lots 62 and 63, DP 755965	Local	193
Greenwell Point	Single storey Federation period gabled school house	75 Greenwell Point Road	Lot 1, DP 869305	Local	194
Greenwell Point	Greenwell Point progress hall	83 Greenwell Point Road	Lot 3, Section B, DP 24007	Local	195
Greenwell Point	Colonial weatherboard cottage (former Greenwell Point schoolhouse)	91 Greenwell Point Road	Lot 8, Section A, DP 4071	Local	196
Greenwell Point	"Houshta"—(former Berry Estate worker's cottage)	93 Greenwell Point Road	Lot 7, Section A, DP 4071	Local	197
Greenwell Point	Greenwell Point Union Church	Jervis Street	Lot 2, DP 869305	Local	199
Huskisson	Tapalla Point geological rock platform	Beach Street	Lot 7012, DP 1021163; Lot 7044, DP 1117433	Local	201
Huskisson	Lone grave of Robert Johnson	2 Beach Street	Lot 7045, DP 1117438	Local	200

Huskisson	Lady Denman heritage complex including relocated former St Georges Basin school buildings and relocated former Woollamia Union Church	11 Dent Street	Lot 138, DP 720912	Local	202
Huskisson	Lady Denman ferry	11 Dent Street	Lot 138, DP 720912	State	203
Huskisson	Inter-war holiday cottage and trees	7 Fegen Street	Lot 1, DP 1093408	Local	204
Huskisson	Weatherboard and fibro boat builder's cottage	13 Field Street	Lot 2, DP 775346	Local	205
Huskisson	Victorian Georgian weatherboard cottage	40 Hawke Street	Lot 2, DP 323393	Local	206
Huskisson	Jervis Bay hotel	75 Owen Street	Lot 2, DP 209436	Local	207
Huskisson	Victorian weatherboard residence	8 Park Street	Lot 8, DP 528319	Local	208
Huskisson	Huskisson Literary Institute (former)	19 Sydney Street	Lot 7, Section 19, DP 758530	Local	209
Hyams Beach	The Green Cabins (inter-war holiday cabins)	53 Cyrus Street	Lot 1, DP 570194	Local	210
Hyams Beach	Inter-war weekend cabin	57 Cyrus Street	Lot 2, DP 285458	Local	211
Hyams Beach	"Pacific House" (former), including sandstone monument and tree	58-60 Cyrus Street	Lots 7 and 8, DP 550787	Local	212
Hyams Beach	Inter-war weekend cabin	59 Cyrus Street	Lot 3, DP 285458	Local	213
Hyams Beach	Hyams Beach bushfire station	Rose Street	Part Lot 78 and Lot 79, DP 755907	Local	214
Illaroo	"Bundanon"—homestead including outbuildings and natural landscape	533 Bundanon Road	Lots 12-14, 16, 17 and 118, DP 751273; Lot 5, DP 622583	Local	215
Jaspers Brush	Colonial style weatherboard farmhouse including outbuildings and trees	245 Croziers Road	Lot 149, DP 3059	Local	216
Jaspers Brush	Former Jaspers Brush school complex and gardens	4 O'Keeffes Lane	Lot 1, DP 872572	Local	217

Jerrawangala	Colonial road—remnants (former Wool Road)	The Wool Road	Lot 100, DP 787610; Lot 33, DP 651186; Lot 1, DP 100976; Lot 1, DP 745965; Lot 1, DP 197079; Road reserve	Local	218
Kangaroo Valley	“Clinton Park”—dairy farm complex	60 Clinton Park Road	Lot 4, DP 535456	Local	219
Kangaroo Valley	Kangaroo Valley Soldiers Memorial	Moss Vale Road	Lot 1, DP 169083	Local	240
Kangaroo Valley	“Hampden Bridge”—sandstone suspension bridge	Moss Vale Road	Road reserve	Local	241
Kangaroo Valley	Kangaroo Valley General Cemetery	Moss Vale Road	Lot 1, DP 1101764; Lot 1, DP 1120307; Lot 1, DP 1122644; Lots 7308 and 7309, DP 1153234	Local	242
Kangaroo Valley	Federation weatherboard cottage and shop	116 Moss Vale Road	Lot 1, DP 828529	Local	220
Kangaroo Valley	Federation weatherboard cottage	118 Moss Vale Road	Lot 1, DP 1076386	Local	221
Kangaroo Valley	Federation weatherboard cottage	120 Moss Vale Road	Lot 1, DP 883219	Local	222
Kangaroo Valley	Federation weatherboard cottage	124 Moss Vale Road	Lot 101, DP 840159	Local	223
Kangaroo Valley	“St Joseph’s” Catholic brick church and hermitage	130 Moss Vale Road	Lot 1, DP 724070	Local	224
Kangaroo Valley	Relocated Victorian weatherboard school (former Beaumont School)	138 Moss Vale Road	Lot A, DP 409799	Local	225
Kangaroo Valley	Kangaroo Valley School and former schoolmaster’s residence	140 Moss Vale Road	Lot 1, DP 122562; Lot 1, DP 913316	Local	226
Kangaroo Valley	Anglican Church of the Good Shepherd including graveyard, trees and fence	143 Moss Vale Road	Lot 1, DP 724064	Local	227
Kangaroo Valley	Kangaroo Valley Post Office	148 Moss Vale Road	Lot 2, DP 926830	Local	228

Kangaroo Valley	Victorian Georgian style bank (former ANZ Bank)	158 Moss Vale Road	Lot 2, DP 559041	Local	229
Kangaroo Valley	"Friendly Inn"—two storey Victorian masonry hotel	159 Moss Vale Road	Lot 4, DP 11616	Local	230
Kangaroo Valley	Victorian weatherboard shop and residence	170 Moss Vale Road	Lot 1, DP 1182201	Local	231
Kangaroo Valley	Federation weatherboard cottage	172 Moss Vale Road	Lot 9, DP 1940	Local	232
Kangaroo Valley	Weatherboard bakery (former)	174-176 Moss Vale Road	Lots 10 and 11, DP 1940	Local	233
Kangaroo Valley	Federation sandstone courthouse including police station and stables	175 Moss Vale Road	Lot 4, DP 589396	Local	234
Kangaroo Valley	"Osborne Park"—Federation weatherboard community hall and Kangaroo Valley showground complex	177-181 Moss Vale Road	Lot 1, DP 1003243; Lots 1 and 2, DP 210368; Lots A and B, DP 376259; Lot D, DP 409219; Part Lot 1, DP 909749	Local	235
Kangaroo Valley	Federation baker's residence and garage (former)	178 Moss Vale Road	Lot 1, DP 576156	Local	236
Kangaroo Valley	Federation weatherboard cottage	1705 Moss Vale Road	Lot 7, DP 1986	Local	237
Kangaroo Valley	"Ellerslie"—cottage and garden	1747 Moss Vale Road	Lot 1, DP 917487; Lot 1, DP 1101743	Local	238
Kangaroo Valley	"Pioneer Farm"—historic village including slab cottage	2029 Moss Vale Road	Lot 7007, DP 1075462	Local	239
Kangaroo Valley	"Scanzi"—colonial timber farmhouse and outbuildings	770 Mt Scanzi Road	Lot 4, DP 1016737	Local	243
Kangaroo Valley	"Hilltop"—Federation weatherboard residence	20 Quirk Street	Lots 20 and 21, DP 2159	Local	244
Kangaroo Valley	Anglican Church of the Good Shepherd rectory (former)	Rectory Park Way	Lot 9, DP 285133	Local	245
Kioloa	Kioloa sawmill and wharf (former)	Murramarang Road	Lot 24, DP 755941	Local	247
Kioloa	"Kioloa"—Federation weatherboard residence (former post office)	496 Murramarang Road	Lot 1, DP 782318	Local	246

Lake Conjola	Whitaker's Island View Resort (former)	2 Aney Street	Lot 441, DP 755923	Local	248
Little Forest	"Mimosa Farm"—dairy farm complex	40 Little Forest Road	Lot 11, DP 596370	Local	249
Little Forest	"Woodlands"—dairy farm complex	98 Little Forest Road	Lot 42, DP 777515	Local	250
Longreach	"Longreach Farm"—former dairy farm complex	501B Longreach Road	Lot 102, DP 710389	Local	251
Longreach	"Wogamia"—two storey colonial sandstone homestead and outbuildings	170 Wogamia Road	Lot 1, DP 865094	Local	252
Mayfield	Graham Family Grave	Mayfield Road	Lot 7314, DP 1169000	Local	253
Mayfield	"Monaghan's House"—colonial Georgian brick cottage	Mayfield Road	Lot 2, DP 1092338	Local	254
Meroo Meadow	Meroo Meadow Union Church	8 Boxsells Lane	Lot 4, DP 249776	Local	256
Meroo Meadow	Federation Georgian style farmhouse	55 Fletchers Lane	Lot 8, DP 1007274	Local	255
Meroo Meadow	"Pomona"—dairy farm complex	C360 Princes Highway	Lot 2, DP 620160	Local	257
Meroo Meadow	Former Meroo Meadow School and schoolmaster's residence	C385 Princes Highway	Lot 1, DP 716569	Local	258
Milton	Remnant rainforest	Church Street	Part Lot 1 and Lot 2, DP 861814; Lot 1, DP 737627	Local	262
Milton	Victorian weatherboard residence and garden	45 Church Street	Lot 1, DP 531839	Local	259
Milton	Victorian Georgian worker's cottage	47 Church Street	Lot 1, DP 957744	Local	260
Milton	Federation weatherboard residence	64 Church Street	Lot A, DP 164647	Local	261
Milton	Federation gothic brick Catholic Church including presbytery, grounds and <i>Araucaria cunninghamii</i> (Hoop Pine)	Corks Lane	Lot 1, DP 230083	Local	263
Milton	Milton Church of England Cemetery	12 Croobyar Road	Lot 100, DP 1033797	Local	264

Milton	Victorian Gothic Revival rubblestone church (former Congregational Church) including Victorian Georgian brick manse (former congregational manse)	38 Croobyar Road	Lot 1, DP 781179	Local	265
Milton	Victorian Gothic style church and graveyard (former Methodist Church)	71 Croobyar Road	Lot 1, DP 730746	Local	266
Milton	"Claydon Park"—dairy farm complex	75 Croobyar Road	Lot 2, DP 1097329	Local	267
Milton	"Eyrie Bowrie"—two storey Victorian Regency residence	17 Eyrie Bowrie Drive	Lot 3, DP 1124431	Local	285
Milton	"Wynella"—Victorian weatherboard residence	6 Gordon Street	Lot A4, DP 192832	Local	269
Milton	Federation weatherboard residence	17 Myrtle Street	Lot A, DP 384864	Local	270
Milton	<i>Ficus obliqua</i> (small leaved figtree)	Princes Highway	Lot 3, DP 548705	Local	298
Milton	Granite obelisk—War memorial	Princes Highway	Lot 1, DP 150104	Local	300
Milton	"Narrawilly"—dairy farm complex including garden, rainforest and convict road	Princes Highway	Lots 1 and 2, DP 1018899; Lot 198, DP 1091216	Local	301
Milton	"Times Past"—(former Federation weatherboard farmhouse)	51 Princes Highway	Lot 1, DP 558698	Local	271
Milton	Rendered masonry commercial store including residence and trees	61 Princes Highway	Lots 1-3 and CP, SP 66659; Lots 5-8, SP 76002	Local	299
Milton	Federation rendered masonry courthouse and police station	64 Princes Highway	Lot 1, DP 199555	Local	272
Milton	Two storey rendered masonry post office	66 Princes Highway	Lot 1, DP 557669	Local	273
Milton	Victorian Georgian style residence and bakehouse	67 Princes Highway	Lot 4, DP 631087	Local	274
Milton	Inter-war rendered masonry and fibro hall	69 Princes Highway	Lot 1, DP 736273	Local	275
Milton	Victorian classical style rendered masonry Town Hall	71 Princes Highway	Lot 2, DP 151179	Local	276

Milton	“The Star Hotel”—two storey rendered masonry building	82 Princes Highway	Lot 1, DP 872508	Local	277
Milton	Two storey Victorian bakery and residence	92 Princes Highway	Lot 11, DP 594775	Local	278
Milton	“The Settlement” including row of Victorian masonry shops, “Frederick Halls”—weatherboard shop and residence, “H C Blackburn and Sons”—two storey commercial building and tree	93–97 Princes Highway	Lots 1 and 2, DP 980292; Lot 1, DP 741976	Local	279
Milton	Victorian weatherboard residence and shop	94 Princes Highway	Lot 16, DP 1064376	Local	280
Milton	Federation weatherboard residence and well, “Garrad House”—Federation period farmhouse	106 Princes Highway	Lot 1, DP 1127802	Local	281
Milton	Victorian Italianate style bank building (former CBC Bank)	107 Princes Highway	Lot 1, DP 1067384	Local	282
Milton	Milton Anglican Church group including St Peter and St Paul Victorian Gothic Revival style Anglican Church, inter-war carpenter Gothic style Anglican hall and <i>Ulmus parvifolia</i> (Chinese Elm)	109 Princes Highway	Lot 1, DP 780778	Local	283
Milton	Relocated Victorian rendered masonry lighthouse keeper’s cottage	122 Princes Highway	Lot 1, DP 85425	Local	284
Milton	Late Victorian brick residence	133 Princes Highway	Lot 1, DP 1171562	Local	297
Milton	Victorian Georgian residence and former dispensary	133 Princes Highway	Lot 1, DP 1171562	Local	286
Milton	Federation weatherboard residence and garden	137 Princes Highway	Lot 5, DP 78484	Local	287
Milton	Inter-war Federation style cottage	138 Princes Highway	Lot 4, DP 32536	Local	288
Milton	Victorian weatherboard hall (former Salvation Army hall)	141 Princes Highway	Lot 7, Section B, DP 975074	Local	289



Milton	Federation weatherboard residence	145 Princes Highway	Lot 9, Section B, DP 975074	Local	290
Milton	Inter-war Californian bungalow	147 Princes Highway	Lot 10, Section B, DP 975074	Local	291
Milton	Inter-war Federation style timber residence and grounds	148 Princes Highway	Lot 10, DP 32536	Local	292
Milton	"Melrose"—(former dairy farm complex)	150 Princes Highway and 73, 83A and 83B Garrads Lane	Lot 32, DP 707677; Lot 2, DP 1135803; Lot 5, DP 260771; Lot 8, DP 848894	Local	293
Milton	"Hillside"—Victorian Georgian residence and garden	156 Princes Highway	Lot 1, DP 737774	Local	294
Milton	"Candlemakers Cottage"—colonial rendered brick cottage	176 Princes Highway	Lot 2, DP 543122	Local	295
Milton	Two storey Victorian rendered masonry store	197 Princes Highway	Lot 1, DP 37905	Local	296
Milton	Avenue of <i>Ficus macrocarpa</i>	35 Stony Hill Lane	Lot 104, DP 1043266	Local	302
Milton	Victorian rendered masonry school and schoolmaster's cottage	Thomas Street	Lot 1, DP 861814	Local	304
Milton	Two storey Victorian former manse and graveyard	1 Thomas Street	Lot 55, DP 703805	Local	303
Milton	"Donovans Cottage"—Victorian weatherboard cottage and detached kitchen	42 Wason Street	Lot 1, DP 875432	Local	305
Milton	"King House"—two storey Victorian Georgian style residence	48 Wason Street	Lot A, DP 155412	Local	306
Milton	Inter-war Californian style bungalow	60 Wason Street	Lot 1, DP 907077	Local	307
Milton	Victorian weatherboard corner store	61 Wason Street	Lot 1, DP 1113658	Local	308
Milton	Colonial timber slab cottage	66 Wason Street	Lot 2, DP 331628	Local	309
Milton	"Priaulx Villa"—late Victorian weatherboard residence	69 Wason Street	Lot 81, DP 577186	Local	310

Milton	Victorian weatherboard worker's cottage	70 Wason Street	Lot 3, Section A, DP 192188	Local	311
Milton	Late Victorian weatherboard residence	73 Wason Street	Lots 14 and 15, DP 1142968	Local	312
Milton	"Mudges Corner"—Federation weatherboard residence including outbuildings, garden and fence	79 Wason Street	Lot 1, Section B, DP 192188	Local	268
Milton	"Pine View"—Federation farmhouse complex and trees	65 Wilfords Lane	Lot 3, DP 785757	Local	313
Milton	"Applegarth"—dairy farm complex including garden and cheese press	140 Wilfords Lane	Lot 15, DP 605477	Local	314
Milton	"Tilba Tilba"—Victorian Georgian style schoolhouse (former Burrill Lake School)	270 Wilfords Lane	Lot 1, DP 726013	Local	315
Milton	"Riverview"—Victorian Georgian style farm complex	299 Wilfords Lane	Lot 2, DP 702500	Local	316
Milton	"Loch Leven"—dairy farm complex including outbuildings, trees and cisterns	300 Wilfords Lane	Lot 2, DP 975557	Local	317
Milton	Milton Congregational Cemetery	Woodstock Road	Lot 1, DP 781178	Local	318
Mollymook	Sandridge General Cemetery	45 Ocean Street	Lots 7313 and 7314, DP 1167265	Local	319
Mollymook Beach	Silica wharf and railway (remnants)	Mitchell Parade	Part of Crown Reserve for Public Recreation from Bannister Point headland to north eastern corner of Lot 838, DP 233504	Local	320
Mundayong	Rubble sandstone memorial (wreck of the Walter Hood)	Bendalong Road	Lot 35, DP 755927	Local	321
Morton	Weatherboard and vertical slab timber farm complex	Woodburn Road	Lot 5, DP 755972	Local	322
Myola	Weatherboard holiday cottage and outbuildings	13 Catherine Street	Lot 26, DP 19900	Local	323

Narrawallee	Silica wharf and tramway	Matron Porter Drive	Lot D, DP 221281; Part of Lot 7009, DP 1116370	Local	324
Nowra	Mechanics Institute and School of Arts	Berry Street	Lot 20, DP 801794	Local	330
Nowra	Pressed metal clad industrial building (former Barnes Garage)	1 Berry Street	Lot 111, DP 997750	Local	325
Nowra	“The Peoples Emporium”—two storey Victorian shop and residence	26 Berry Street	Part Lot 1, DP 81072	Local	326
Nowra	Inter-war Art Deco style cinema and footpath	41 Berry Street	Lot 51, DP 625969	Local	327
Nowra	Former Victorian weatherboard residence	76 Berry Street	Lot 1, DP 972573	Local	328
Nowra	“Hampden Villa”—Victorian weatherboard residence including stables and garden	110 Berry Street	Lot 12, DP 1064853	Local	329
Nowra	Captain Cook Bicentennial Memorial	Bridge Road	Lot 5, DP 262460; Lot 7038, DP 1107416	Local	338
Nowra	“Kilsyth”—Federation weatherboard residence	33 Bridge Road	Lot 1, DP 152217	Local	331
Nowra	“Uuna”—late Victorian weatherboard cottage and garden	35 Bridge Road	Lot A, DP 161648	Local	332
Nowra	Victorian brick residence	45 Bridge Road	Lot 10, DP 601874	Local	333
Nowra	Late Victorian weatherboard cottage	49 Bridge Road	Lot 8, DP 549249	Local	334
Nowra	Inter-war weatherboard Californian bungalow	63 Bridge Road	Lot 2, DP 203275	Local	335
Nowra	“Rodway’s Cottage”—inter-war Federation style residence and garden	86 Bridge Road	Lot 1, DP 737840	Local	336
Nowra	“The Bridge” Hotel—two storey Victorian masonry hotel	87 Bridge Road	Lot 2, DP 843396	Local	337

Nowra	Sandstone landscape monument (Batt's Folly)	Intersection of Bridge Road and North Street	Road reserve between Lot 2, DP 843396 and Lot 1, DP 737840	Local	339
Nowra	"The Pines"—late Victorian weatherboard residence and trees	76 East Street	Lot 1, DP 115881	Local	340
Nowra	"Cudgerie" Federation weatherboard residence	108 East Street	Lot 11, DP 2607	Local	341
Nowra	"Moss"—cottage (former Moss Central Hotel)	1 Ferry Lane	Lot 135, DP 1094714	Local	342
Nowra	Victorian Georgian style timber slab cottage	19 Ferry Lane	Lot 1, DP 193881	Local	343
Nowra	Victorian Italianate residence and garden	22 Jervis Street	Lot 11, DP 2624	Local	344
Nowra	"Trelawney"—Victorian Georgian weatherboard residence	69 Jervis Street	Lot 1, DP 998589	Local	345
Nowra	"Roseville"—Federation weatherboard residence and fig tree	49-51 Journal Street	Lots 1 and 2, DP 2607	Local	346
Nowra	Heritage streetscape	Junction Street	Road reserve	Local	360
Nowra	Federation weatherboard residence and trees	1 Junction Street	Lot 1, DP 21682	Local	347
Nowra	Federation weatherboard residence	2 Junction Street	Lot W, DP 405938	Local	348
Nowra	<i>Araucaria cunninghamii</i> (Hoop Pine)	12 Junction Street	Lot 4, DP 237126	Local	349
Nowra	<i>Araucaria cunninghamii</i> (Hoop Pine)	14 Junction Street	Lot 3, DP 237126	Local	350
Nowra	Two storey Federation timber convent (former Sisters of the Good Samaritan Convent) including fence and grounds	22 Junction Street	Lot 91, DP 1182460	Local	351
Nowra	"The White House"—two storey timber inter-war guesthouse	30 Junction Street	Lot 13, DP 654893	Local	352
Nowra	"Hillcrest"—two storey timber Federation residence	53 Junction Street	Lot 1, DP 580440	Local	353

Nowra	Former Nowra fire station	55 Junction Street	Lot 1, DP 81794	Local	354
Nowra	Mafeking Boer War Memorial	60–62 Junction Street	Lots 2 and 3, DP 363266 and adjacent road reserve	Local	355
Nowra	Nowra Post Office (former)	72 Junction Street	Lot 1, DP 884212	Local	356
Nowra	Two storey Victorian commercial building	76 Junction Street	Lot 1, DP 512886	Local	357
Nowra	Inter-war Art Deco commercial building	80 Junction Street	Lot 1, DP 321055	Local	358
Nowra	“P. Walsh & Sons”—two storey Victorian commercial building	90 Junction Street	Lot 1, DP 732396	Local	359
Nowra	Nowra General Cemetery	Kalandar Street	Lot 1, DP 724120; Lot 1, DP 1221276; Lots 7305 and 7306, DP 1151018; Lot 7321, DP 1155510	Local	361
Nowra	Federation police residence and lockup (former)	Kinghorne Street	Lot 1, DP 1123776	Local	367
Nowra	Nowra courthouse	Kinghorne Street	Lot 701, DP 1024854	Local	368
Nowra	Two storey Victorian Gothic style manse	3 Kinghorne Street	Lot 11, DP 130904	Local	362
Nowra	St Andrew’s Presbyterian Church and Federation Gothic style rendered brick hall (former church)	5 Kinghorne Street	Lot 2, DP 567875	Local	363
Nowra	“Roslyn Court”—inter-war Art Deco style rendered shops and offices	21 Kinghorne Street	Lot 1, DP 225562	Local	364
Nowra	Victorian commercial bank stables (former)	56 Kinghorne Street	Lot 1, DP 817564	Local	365
Nowra	Victorian weatherboard residence	192 Kinghorne Street	Lot B, DP 157265	Local	366
Nowra	Graham Family Cemetery	Lyrebird Drive	Lot 3, DP 328915	Local	369

Nowra	Two storey Victorian masonry terrace house	1 Moss Street	Lot 38, Section 1, DP 1607	Local	370
Nowra	Inter-war weatherboard cottage and trees	2 Moss Street	Lot B, DP 335109	Local	371
Nowra	Victorian weatherboard store (former iron store)	3 Moss Street	Lot 37, Section 1, DP 1607	Local	372
Nowra	"Hazelmere"—Victorian Georgian masonry residence	7-9 Moss Street	Lot C, DP 410954; Lots 34 and 35, Section 1, DP 1607	Local	373
Nowra	Federation weatherboard residence	11-15 Moss Street	Lots 31 and 32, Section 1, DP 1607; Part Lot D, DP 410954	Local	374
Nowra	Late Victorian weatherboard residence	21 Moss Street	Lot 1, DP 862764	Local	375
Nowra	Late Victorian weatherboard residence	29 Moss Street	Lot 24, Section 1, DP 1607	Local	376
Nowra	Late Victorian weatherboard cottage	31 Moss Street	Lot 23, DP 963328	Local	377
Nowra	St Michael's Roman Catholic Cemetery	North Street	Lot 1, DP 1088531	Local	380
Nowra	St Michael's Roman Catholic Church including two storey Victorian presbytery and grounds	20 North Street	Lot 1, DP 1088531	Local	378
Nowra	Two storey Victorian shop and residence (former Armstrong's Saddlery)	83 North Street	Lot B, DP 386390	Local	379
Nowra	Uniting Church (former Methodist Church)	54 Osborne Street	Lot 1, DP 714910	Local	381
Nowra	Wesley Centre (former Wesleyan Parsonage)	54 Osborne Street	Lot 1, DP 714910	Local	382
Nowra	Victorian Georgian rendered masonry residence	91 Osborne Street	Lot 1001, DP 1220696	Local	383
Nowra	Mid-Victorian timber residence including detached kitchen, well and Red Cedar tree	93 Osborne Street	Lot 8, Section 17, DP 758794	Local	384
Nowra	Two storey mid-Victorian weatherboard residence	95 Osborne Street	Lot 3, DP 601332	Local	385

Nowra	Victorian Georgian rendered masonry residence	97 Osborne Street	Lot 4, DP 601332	Local	386
Nowra	Late Victorian weatherboard residence	105 Osborne Street	Lot 1, DP 986393	Local	387
Nowra	Victorian Georgian style timber residence	109 Osborne Street	Lot 11, DP 545053	Local	388
Nowra	Graham Lodge (former Greenhills Estate Homestead) and grounds	10 Pleasant Way	Lot 1, DP 1010062	State	389
Nowra	Victorian brick Anglican rectory	66 Plunkett Street	Lot 1, DP 1047926	Local	390
Nowra	All Saints Anglican Church including memorial lychgate, trees and Victorian Gothic style hall (former St John's Church)	70 Plunkett Street	Lot 23, DP 1190551	Local	391
Nowra	Victorian rendered brick school and grounds	74 Plunkett Street	Lot 2, DP 863880	Local	392
Nowra	Victorian weatherboard residence	75 Plunkett Street	Lot 3, DP 213471	Local	393
Nowra	Victorian Georgian weatherboard residence	77 Plunkett Street	Lot 4, DP 213471	Local	394
Nowra	Victorian rendered brick residence (former schoolmaster's residence)	82 Plunkett Street	Lot 1, DP 863880	Local	395
Nowra	Police sergeant's residence and grounds (former Nowra courthouse)	84 Plunkett Street	Lot 429, DP 823259	Local	396
Nowra	"Karinga"—inter-war weatherboard residence	85 Plunkett Street	Lot 2, DP 10492	Local	397
Nowra	Brick Californian bungalow (former policeman's quarters)	87 Plunkett Street	Lot 3, DP 10492	Local	398
Nowra	Federation weatherboard residence	89 Plunkett Street	Lot A, DP 401567	Local	399
Nowra	"Wernick Cottage"—Georgian style weatherboard cottage	102 Plunkett Street	Lot 3, DP 329271	Local	400
Nowra	"Myambah"—Federation weatherboard bungalow and garden	134 Plunkett Street	Lot 1, DP 124486	Local	401

Nowra	“Shoalhaven River Bridge”—Victorian wrought iron bridge	Princes Highway	Road reserve	Local	402
Nowra	“Nowra Park”—early Victorian masonry residence and garden	124 Wallace Street	Lot 4, DP 542656	Local	403
Nowra	Nowra showground and sportsground complex including Federation brick pavilion, Victorian masonry gate, toilet, former Victorian Masonry Entrance Gate, Hanging Rock Lookout, Inter-war Castellated Sandstone Memorial Gateway and Sculpture, “Monaghan’s”—Victorian Memorial Cast Iron Fountain	West Street	Lot 374, DP 755952; Lot 702, DP 1024852; Lot 7302, DP 1134093; Lot 7323, DP 1164817	Local	405



			Reserve No R70802; Reserve No R6754; Lot 7036, DP 1068935; Lot 7326, DP 1166983; Lot 701, DP 1025652; Lot 7005, DP 1023875; Lot 7301, DP 1134093; Lot 704, DP 1024834; Part Lots 94 and 95, DP 755952; Part Lots 1 and 2, Section 31A, DP 758794; Lot 703, DP 1024833; Part Lot 1, Section 15, DP 758794; Part Lot 4, DP 1136269; Lot 3, DP 585626; Lot 701, DP 1024852; Part of Lot 7018, DP 1024840; Lot 7322, DP 1164817; Lot 7019, DP 1016688; Lot 392 and Part Lot 391, DP 755952; Crown roads		
Nowra	Ben's Walk including Suspension Bridge and Aboriginal Art Sites	West and Worrigeer Streets		Local	406
Nowra	"Meroogal"—Victorian Timber Residence including Outbuildings and Garden	35 West Street	Part Lot F, DP 403286	State	404
Nowra	Inter-war Weatherboard Building and Timber Wharf	Wharf Road	Lot 7012, DP 1002643	Local	407
Nowra	Inter-war Californian Bungalow	31 Worrigeer Street	Lot 1, DP 62072	Local	408
Nowra	Inter-war Federation Style Residence	42 Worrigeer Street	Lot 1, DP 912561	Local	409
Nowra	Inter-war Weatherboard Bungalow	47 Worrigeer Street	Lot 2, DP 152694	Local	410

Nowra	Federation Weatherboard Residence	49 Worrigeer Street	Lot 100, DP 1102700	Local	411
Nowra	Victorian Weatherboard Residence	54 Worrigeer Street	Lot 14, DP 976539	Local	412
Nowra	Victorian Weatherboard Residence	56 Worrigeer Street	Lot 13, DP 976539	Local	413
Nowra	Victorian Georgian Weatherboard Residence	57 Worrigeer Street	Lot 1, DP 780982	Local	414
Nowra	Victorian Weatherboard Residence	58 Worrigeer Street	Lot 12, DP 976539	Local	415
Nowra	Victorian Weatherboard Residence	59 Worrigeer Street	Lot 1, DP 710860	Local	416
Nowra	Victorian Weatherboard Residence	63 Worrigeer Street	Lot 2, DP 736763	Local	417
Nowra Hill	HMAS Albatross—military defence complex and aviation museum	489A Albatross Road	Lot 102, DP 842713; Lot 2, DP 1002996	Local	418
Numbaa	Berry Estate Canal and Ferry	Comerong Island Road		Local	427
Numbaa	<i>Ficus macrophylla</i> (Fig tree)	Comerong Island Road	Road reserve between Lot K, DP 979245 and Lot G, DP 979245	Local	429
Numbaa	Numbaa Cemetery (former)	Comerong Island Road	Lot 10, DP 2812	Local	422
Numbaa	Numbaa Council Chambers (former) and Well	Comerong Island Road	Lot K, DP 979245	Local	428
Numbaa	Lower Numbaa Barn (Berry Estate Slab Barn)	581 Comerong Island Road	Lot 9, DP 2812	Local	426
Numbaa	Former Prefabricated Cast Iron Presbyterian Church	591 Comerong Island Road	Lot 591, DP 1137949	Local	419
Numbaa	Numbaa Catholic Presbytery (former)	601 Comerong Island Road	Lot 1, DP 933179	Local	420
Numbaa	“Chinaman’s Cottage”—Victorian Weatherboard Cottage (former Berry Estate Cottage)	655 Comerong Island Road	Lot G, DP 979245	Local	421
Numbaa	Numbaa Schoolmaster’s Residence (former)	766 Comerong Island Road	Lot 1, DP 550305	Local	423

Numbaa	Numbaa School (former)	770 Comerong Island Road	Lot 2, DP 550305	Local	424
Numbaa	"Prairievale"—(former Berry Estate Manager's Residence)	835 Comerong Island Road	Lot 14, DP 4332	Local	425
Numbaa	War Memorial Tree ( <i>Lophostemon confertus</i> )	Corner of Jindy Andy Lane and Comerong Island Road	Road reserve	Local	433
Numbaa	Berry Estate Slab Barn	130 Jindy Andy Lane	Lot 26, DP 2813	Local	432
Numbaa	"Edinglassie Lodge"—Federation Weatherboard Farmhouse	175 Jindy Andy Lane	Lot 1, DP 208292	Local	430
Numbaa	Concrete Tub Silo	251 Jindy Andy Lane	Lot 2, DP 556830	Local	431
Numbaa	Salt Pans	Smiths Lane	Lots 24 and 25, DP 2813	Local	435
Numbaa	Colonial Farm Complex including Berry Estate Cottage, Outbuildings and Fig trees	68 Smiths Lane	Lot 26A, DP 2813	Local	434
Orient Point	Vertical Timber-lined Drydock	Orsova Parade	Part Lot 111, DP 755971	Local	436
Orient Point	"Roseby Park"—Jerrinja Aboriginal Community Complex and Tribal Burial Ground	Park Row	Lot 51, DP 755971; Lot 98, DP 720072	Local	437
Parma	Parma Farm	Parma Road	Lot 4, DP 1143944; Lots 3 and 4, DP 1160993	Local	438
Pebbly Beach	Pebbly Beach Sawmill Complex, including Sawmill remnants, Town and school site	Pebbly Beach Road	Lots 39, 47, 102-104, 108, 114 and 115, DP 755941; Part of Murramarang National Park	Local	439

Pyree	"Caffery's"—Roadside Tree Planting ( <i>Lophostemon confertus</i> )	At the junction of Jindy Andy Lane, Bournes Lane and Mayfield Road with Greenwell Point Road	Road reserve	Local	440
Pyree	"The Avenue"—Casuarina Trees	Greenwell Point Road		Local	447
Pyree	"Mervalperden"—Dairy Farm Complex (former)	664 Greenwell Point Road	Lot 61, DP 2813	Local	441
Pyree	Upper Numbaa Barn (former Berry Estate Grain Mill)	719 Greenwell Point Road	Lot 101, DP 629485	Local	442
Pyree	"Jindy Andy" (former Berry Estate Dairy)	739 Greenwell Point Road	Lot 105, DP 773888	Local	443
Pyree	Pyree Literary Institute	880 Greenwell Point Road	Lot 126, DP 2813	Local	444
Pyree	Victorian Georgian Schoolhouse (former Pyree Public School) and Coral trees	888 Greenwell Point Road	Lot 126, DP 821471	Local	446
Pyree	Pyree Public Schoolmaster's Residence (former)	890 Greenwell Point Road	Lot 128, DP 821471	Local	445
Pyree	"George Borrowdale's house"—(former Berry Estate cottage)	Pyree Lane	Lot 6, DP 1185885; Lot 8, DP 111636	Local	450
Pyree	War Memorial Tree triangle ( <i>Lophostemon confertus</i> )	Pyree Lane		Local	449
Pyree	"Somerset House"—Federation weatherboard farmhouse and trees	117 Pyree Lane	Lot A, DP 377595	Local	448
Pyree	"Thistlebank"—Dairy Farm Complex	85 Ryans Lane	Lot 8, DP 876329	Local	451
Shoalhaven Heads	Relocated Weatherboard Church (former Berry Estate Library)	126 Scott Street	Lot 1, DP 704667	Local	452
St Georges Basin	Former Boarding House and St Georges Basin Post Office	23 Deane Street	Lot 1, DP 1049843	Local	453
St Georges Basin	World War II Flying Boat Base	2 Island Point Road	Lot 118, DP 17823; Part of adjoining reserve	Local	454

St Georges Basin	"Jessie Blacket"—Sandstone Memorial Drinking Trough	41 Tasman Road	Lot 110, DP 25769	Local	455
St Georges Basin	Federation Fisherman's Cottage and garden	146 The Wool Road	Lot A, DP 375526	Local	456
Sussex Inlet	"Greentree's"—Holiday Cabins	158 Jacobs Drive	Lot 2, DP 574349	Local	457
Sussex Inlet	Post-war fibre cement Community Hall/Sussex Inlet Picture Theatre	173 Jacobs Drive	Lot A, DP 343373	Local	458
Sussex Inlet	Gothic Carpenter style relocated Church (former Termeil Wesleyan Church)	175 Jacobs Drive	Lot B, DP 343373	Local	459
Sussex Inlet	"Kemp's Boatshed"	River Road	Part Lot 7028, DP 1052695	Local	460
Swanhaven	"The Springs"—Holiday Cabins	1A Yarroma Avenue	Lot 2, DP 554118	Local	461
Tapitallee	Good Dog Cemetery	Bangalee Road	Lot 7312, DP 1153579	Local	462
Terara	"The Old House"—Weatherboard Residence and Well	3-7 Fox Street	Lots 1-5, DP 1035937	Local	463
Terara	"Terara Lodge" (former Wesleyan Parsonage)	6 Holme Street	Lot 28, DP 779285	Local	464
Terara	Victorian Sandstone School and attached Residence including Terara School grounds and Trees	20 Millbank Road	Lot 1, DP 725988	Local	465
Terara	"Dower House" (former Coachman's House to Millbank)	27B Millbank Road	Lot 2, DP 313528	Local	466
Terara	"Millbank Cottage"—Outbuildings and trees	31 Millbank Road	Lot 1, DP 32426	Local	467
Terara	"Rosebank"—Victorian Georgian style cottage	62 Millbank Road	Lot 6, DP 770600	Local	468
Terara	"Terara House" including Chapel, Grounds and Tree-lined drive	77 Millbank Road	Lot 1, DP 579451	Local	469
Terara	"Rose Cottage" (former Pooley's Store)	157 South Street	Lot 1, DP 735264	Local	470

Terara	“Ayrton House” (former CBC Bank)	175 South Street	Lot 11, DP 52910	Local	471
Terara	Timber Vertical Slab Worker’s Cottage	119 Terara Road	Lot 102, DP 817248	Local	472
Terara	“Woodlawn”—Victorian Weatherboard Cottage and trees	124 Terara Road	Lot 3, DP 602305	Local	473
Terara	“Citrus Grove”—Victorian Residence and trees	126 Terara Road	Lot 2, DP 79001	Local	474
Terara	“Solway House”—late Victorian Brick Residence and Store	10 West Berry Street and 3 Holme Street	Lots 10 and 11, DP 1080453	Local	475
Tianjara	Alley Family graves	Braidwood Road	Lot 3, DP 755962	Local	476
Tolwong	Tolwong Copper Mine (remnants)	Touga Road	National Park	Local	477
Tomerong	Tomerong Cemetery	331 Hawken Road	Lot 1, DP 812581	Local	478
Tomerong	Victorian Schoolmaster’s Residence	355–359 Hawken Road	Lot 2, DP 725948	Local	479
Tomerong	Interwar Community Hall (former School of Arts)	356 Hawken Road	Lot 100, DP 1148693	Local	480
Tomerong	Tomerong Carpenter style Union Church and Hall	363 Hawken Road	Lot 47, DP 925270	Local	481
Touga	Tim’s Gully Mine	Touga Road	South of Portion 16 in the vicinity of the intersection of North Oaky Creek and Tims Gully	Local	482
Ulladulla	Warden Head Lighthouse	Deering Street	Lot 290, DP 755967	Local	483
Ulladulla	Victorian Georgian style Sandstone School and Schoolmaster’s Residence	241 Green Street	Lot 1, DP 122514	Local	484
Ulladulla	Relocated Victorian Georgian Timber Slab Worker’s Cottage	275 Green Street	Lot 702, DP 1056245	Local	485
Ulladulla	“Springfield”—ornate late Victorian weatherboard farmhouse	41 Kanuka Drive	Lot 146, DP 1122896	Local	487

Ulladulla	“Mascot”—Slab Timber Cottage	56 North Street	Lot 1, DP 337491	Local	486
Ulladulla	Ulladulla Cemetery (former)	Princes Highway	Lot 7012, DP 1031353	Local	490
Ulladulla	“Millards Cottage”—two storey Victorian rendered Masonry Building	81 Princes Highway	Lot 12, DP 565744	Local	488
Ulladulla	“The Marlin”—early Post-war American Colonial Hotel	108-112 Princes Highway	Lots A and B, DP 155990; Lots 11 and 12, Section 2, DP 759018; Lot 1, DP 743246	Local	489
Ulladulla	Warden Head Geological Site	Rennies Beach Close	Lot 59, DP 237534	Local	491
Ulladulla	Sandstone Weir—Millards Creek	St Vincent Street	Lot 702, DP 1030099	Local	492
Ulladulla	Ulladulla Harbour including Old pier and stone pier, Steps and Walls	Wason Street	Part of Lot 1, DP 612935; Lots 3-7 and 9, DP 260884; Part of Lot 7314, DP 1166835	Local	494
Ulladulla	Ulladulla Seawater Pool	Wason Street	Lot 376, DP 726691	Local	495
Ulladulla	Victorian Brick Residence (former Ulladulla Post Office)	23 Wason Street	Lot 50, DP 828221	Local	493
Upper Kangaroo River	“Fern Hill”—(former Church of England Church)	Upper Kangaroo River Road	Lot 100, DP 842428	Local	498
Upper Kangaroo River	Relocated Weatherboard Schoolhouse (former Hillcrest School)	Upper Kangaroo River Road	Lot 1, DP 172019	Local	499
Upper Kangaroo River	“Yarrowooma”—Dairy Farm Complex including Red Cedar Slab Selector’s Cottage	679 Upper Kangaroo River Road	Lot 4, DP 1000686	Local	496
Upper Kangaroo River	Upper Kangaroo River Community Hall	1009 Upper Kangaroo River Road	Lot 1, DP 224929	Local	497
Vincentia	Greenfields Beach Cottage Site and Pine Trees	Birrigha Avenue	Lot 44, DP 755907	Local	500
Vincentia	South Huskisson Wharf Sandstone Remnants	Elizabeth Drive	Lot 7021, DP 1117368	Local	501

Vincentia	Plantation Point Rock Platform	Plantation Point Parade	Lot 7023, DP 1117371	Local	502
Wandandian	Wandandian Post Office (former) and Residence	D2625 Princes Highway	Lot 26, DP 1092958	Local	503
Wandandian	"Dalton Park"—Farmhouse and Wandandian Cricket Ground (former)	10 Windley Road	Lot 40, DP 862334	Local	504
Watersleigh	Condie Farm including former Condies cottage, trees and graves	Koloona Drive	Lot 117, DP 751273	Local	505
Wattamolla	Brogers Creek Cemetery	515 Wattamolla Road	Lot 121, DP 1049038	Local	506
Wattamolla	"Pinkawilinie"—(former Wattamolla school house)	539 Wattamolla Road	Lot 190, DP 751264	Local	507
Wattamolla	Victorian weatherboard farmhouse and trees	545 Wattamolla Road	Lot 4, DP 258693	Local	508
West Nowra	Inter-war reinforced concrete building and storage dam (former Nowra water supply and filtration plant)	Filter Road	Lots 6 and 12, DP 805611, Flatrock Creek Waterway	Local	509
Woodhill	Corrugated iron building (former Wesleyan Church)	1 Brogers Creek Road	Lot 100, DP 1006659	Local	510
Woodhill	Woodhill Cemetery	Wattamolla Road	Lot 3, DP 1030426	Local	511
Woodstock	"Woodlands"—weatherboard and iron farmhouse	24 Evans Lane	Lot 22, DP 623582	Local	512
Woodstock	"Avenal"—dairy farm complex	108 Evans Lane	Lot 24, DP 863026	Local	513
Woodstock	"Danesbank"—two storey Victorian stone farmhouse and garden	121 Evans Lane	Lot 9, DP 792205	Local	514
Woodstock	"Woodlawn"—Federation weatherboard farmhouse	Woodstock Road	Lot 16, DP 827800	Local	518
Woodstock	"Mount Airlie"—two storey Victorian Italianate estate residence and trees	34A Woodstock Road	Lot 3, DP 856688	Local	515
Woodstock	Inter-war reinforced concrete butter factory	170 Woodstock Road	Lot 1, DP 529083; Lot 1, DP 726006	Local	516



Woodstock	Federation brick residence (former school residence) and trees	358 Woodstock Road	Lot 1, DP 1031696	Local	517
Woollamia	Lone grave of Sarah Coulon	22 James Farmer Grove	Lot 4, DP 1027849	Local	519
Woollamia	Weatherboard and fibro holiday cottage	759 Woollamia Road	Lots 1 and 2, DP 9289; Lots 3 and 4, DP 1172636	Local	520
Worrigeer	Rubblestone school (former Worrigeer schoolhouse)	20 Booligal Road	Lot 15, DP 755953	Local	521
Worrigeer	Worrigeer Cemetery	Greenwell Point Road	Lot 8, DP 791226	Local	524
Worrigeer	“Congla”—(former Mackenzie Estate manager’s residence)	315 Greenwell Point Road	Lot 2, DP 1087811	Local	522
Worrigeer	Cement rendered colonial (dome) wells (2)	361 Greenwell Point Road	Lot 2, DP 1087811	Local	523
Worrorring Heights	“Erowal Farm” including homestead (ruins), garden, trees and resort ruins	Walter Hood Parade	Lot 34, DP 1093403	Local	525
Yadboro	Pigeon House Mountain Lookout including fire trail and longfella pass	Yadboro Road	Morton National Park	Local	526
Yalwal	Former Yalwal gold mine and township site	Yalwal Road	Part Lots 1 and 2, DP 252335; Part of Reserve No R3167; Part of Reserve No R3168; Lot 7314, DP 1147788; Lot 7 and Part Lots 1-6, Section 5, DP 759129; Part Lots 12 and 13, DP 755931; Lot 7016, DP 1039312; Lot 7018, DP 1039313; Lot 7017, DP 1039315	Local	527
Yatte Yattah	The Sheaffe Family Cemetery	Pointer Road	Lot 17, DP 847482	Local	528
Yatte Yattah	Roman Catholic Church and cemetery	Princes Highway	Lot 138, DP 755923	Local	536

Yatte Yattah	Yatte Yattah Nature Reserve and 2 Waterfalls	Princes Highway and 67B Skye Farm Lane	Lot 15A, DP 755923; Lot 44, DP 806933	Local	537
Yatte Yattah	"Woppindally"—dairy farm complex	E280 Princes Highway	Lot 1, DP 738631	Local	529
Yatte Yattah	"Kendall Dale"—dairy farm complex including homestead and garden	E379A Princes Highway	Part Lot 189, DP 755923; Lot 3, DP 1193328	Local	530
Yatte Yattah	Quercus robur (English Oak trees-2) on driveway entrance	E379A Princes Highway	Part Lot 189, DP 755923; Lot 3, DP 1193328	Local	531
Yatte Yattah	"Kirmington"—dairy farm complex and Henry Kendall monolith	E379B Princes Highway	Lot 425, DP 755923	Local	532
Yatte Yattah	Industrial building (former Yatte Yattah cheese factory)	E380 Princes Highway	Lot 1, DP 725962	Local	533
Yatte Yattah	"Boolgatta"—dairy farm complex and barn	E402D Princes Highway	Lot 71, DP 854641	Local	534
Yatte Yattah	Former Yatte Yattah Public School and schoolmaster's residence	8A Tierney Road	Lot 453, DP 755923	Local	538
Yatte Yattah	"Hillview" Private Cemetery	8B Tierney Road	Lot 6, DP 32380	Local	539

## Part 2 Heritage conservation areas

Name of area	Identification on Heritage Map	Significance
Hampton Bridge Heritage Conservation Area	Shown by red hatching and labelled "C4"	Local
Nowra CBD Fringe West Heritage Conservation Area	Shown by red hatching and labelled "C5"	Local
Pulman Street Heritage Conservation Area	Shown by red hatching and labelled "C1"	Local
Plunkett Street Heritage Conservation Area	Shown by red hatching and labelled "C2"	Local
Terara Heritage Conservation Area	Shown by red hatching and labelled "C3"	Local

## Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Bendalong	Red Head timber mill and wharf	1 Waratah Street	Lot 187, DP 755923	Local	A1
Comerong Island	Former coal wharf site	Comerong Island Road	Comerong Island	Local	A2

Coolangatta	Berry Estate homestead ruins	1335 Bolong Road	Lot A, DP 33346	Local	A3
Coolangatta	Berry Estate shipyard	Bolong Road	Lot 12, DP 28128	Local	A4
Greenwell Point	Greenwell Point wharf and surrounds	Greenwell Point Road	Lots 7300-7302, DP 1165443	Local	A5
Watersleigh	Condie Farm	Koloona Drive	Lot 117, DP 751273	Local	A6

## Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

### Part 1 Pond-based and tank-based aquaculture

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
  - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
  - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

##### Note—

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

#### Division 2 Operational requirements

##### 2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the

relevant aquaculture industry development plan (within the meaning of clause 5.19).

### **3 Pond-based aquaculture that is also intensive aquaculture—pond design**

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

### **4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges**

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

### **5 Outlets from culture ponds etc**

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

### **6 Definition**

In this Division—

**intensive aquaculture** has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2017*.

## **Part 2 Extensive pond-based aquaculture**

### **Division 1 Site location requirements**

#### **7 Conservation exclusion zones**

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

#### **Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

## 8 Flood liability

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

## Division 2 Operational requirements

### 9 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

### 10 Pond design

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

### 11 Culture water

Must use freshwater.

## Dictionary

(Clause 1.4)

### Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Plan.

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

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

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

or areas of more contemporary cultural significance.

**Note—**

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

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

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

**Acid Sulfate Soils Map** means the [Shoalhaven Local Environmental Plan 2014 Acid Sulfate Soils Map](#).

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

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

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

**Note—**

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

**agriculture** means any of the following—

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

**Note—**

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

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

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

**Note—**

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

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

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

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

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

**aquaculture** has the same meaning as in the *Fisheries Management Act 1994*. It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

**Note—**

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

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

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

**Note—**

See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

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

- (a) each dwelling is attached to another dwelling by a common wall, and

- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Note—**

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

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

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

**Note—**

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

**biodiversity** or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of



biosolids from a sewage treatment plant or from a water recycling facility.

**Note—**

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

**boarding house** means a building that—

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

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

**Note—**

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

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

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

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

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

**Note—**

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

**Buffers Map** means the [Shoalhaven Local Environmental Plan 2014 Buffers Map](#).

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

**Note—**

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

**building height (or height of building)** means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes,

masts, flagpoles, chimneys, flues and the like.

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

**Note—**

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

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

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

whichever distance is the shortest.

**bush fire hazard reduction work** has the same meaning as in the [Rural Fires Act 1997](#).

**Note—**

The term is defined as follows—

**bush fire hazard reduction work** means—

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

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

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

**Note—**

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

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

**business identification sign** means a sign—

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

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

premises or place.

**Note—**

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

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

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

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

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

**Note—**

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

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

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

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

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

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

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

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

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

**catchment action plan** has the same meaning as in the [Catchment Management Authorities Act 2003](#).

**Note—**

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

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

**Note—**

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

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

**centre-based child care facility** means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

**Note—**

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but

does not include a marina.

**classified road** has the same meaning as in the [Roads Act 1993](#).

**Note—**

The term is defined as follows—

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

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

(See [Roads Act 1993](#) for meanings of these terms.)

**Clauses Map** means the [Shoalhaven Local Environmental Plan 2014 Clauses Map](#).

**clearing native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**clearing vegetation** has the same meaning as in [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#).

**coastal hazard** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal lake** means a body of water identified in Schedule 1 to [State Environmental Planning Policy \(Coastal Management\) 2018](#).

**coastal protection works** has the same meaning as in the [Coastal Management Act 2016](#).

**Coastal Risk Planning Map** means the [Shoalhaven Local Environmental Plan 2014 Coastal Risk Planning Map](#).

**coastal waters of the State**—see section 58 of the [Interpretation Act 1987](#).

**coastal zone** has the same meaning as in the [Coastal Management Act 2016](#).

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

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

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

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

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

**community land** has the same meaning as in the [Local Government Act 1993](#).

**correctional centre** means—

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

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

**Council** means the Shoalhaven City Council.

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

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

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

**Note—**

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

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

**Note—**

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

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

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or

other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

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

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

**Development Area Map** means the [Shoalhaven Local Environmental Plan 2014 Development Area Map](#).

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,

- (b) home-based child care,
- (c) school-based child care.

**earthworks** means excavation or filling.

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

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

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

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

**Note—**

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

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

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

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

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

- (a) making or generating electricity, or
- (b) electricity storage.

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

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

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,



- (g) New South Wales Mines Rescue Brigade established under the [Coal Industry Act 2001](#),
- (h) an accredited rescue unit within the meaning of the [State Emergency and Rescue Management Act 1989](#).

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

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

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

**estuary** has the same meaning as in the [Water Management Act 2000](#).

**Note—**

The term is defined as follows—

**estuary** means—

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

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

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

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

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

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

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,

- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

**Note—**

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

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

**Note—**

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

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

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

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

**Note—**

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

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

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

**Note—**

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

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

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

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

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

**fish** has the same meaning as in the [Fisheries Management Act 1994](#).

**Note—**

The term is defined as follows—

**Definition of “fish”**

(1)

**Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

**Fish** includes—

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

**Fish** also includes any part of a fish.

(4)

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

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

**flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the [Shoalhaven Local Environmental Plan 2014 Floor Space Ratio Map](#).

**food and drink premises** means premises that are used for the preparation and retail sale of food or

drink (or both) for immediate consumption on or off the premises, and includes any of the following—

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

**Note—**

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

**forestry** means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

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

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

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

**Note—**

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

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

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

**Note—**

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

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

**Note—**

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

**gross floor area** means the sum of the floor area of each floor of a building measured from the

internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
  - (b) habitable rooms in a basement or an attic, and
  - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement—
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.

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

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

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

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

**Note—**

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

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

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

but does not include development to which [State Environmental Planning Policy \(Housing for Seniors\)](#)

or *People with a Disability) 2004* applies.

**Note—**

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

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

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

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

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

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

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

**Note—**

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

this Dictionary.

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

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

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

**Note—**

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

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

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

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

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

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

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

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

**Note—**

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

**Height of Buildings Map** means the [Shoalhaven Local Environmental Plan 2014 Height of Buildings Map](#).

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

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

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

**Note—**

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

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

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

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

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

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

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

**Note—**

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

**heritage management document** means—

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

**Heritage Map** means the [Shoalhaven Local Environmental Plan 2014 Heritage Map](#).

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural,



natural or aesthetic value.

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

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

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

**Note—**

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

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

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

**home-based child care** means a family day care residence (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

**Note—**

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the [Children \(Education and Care Services\) National Law \(NSW\)](#).

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

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

- (c) the display of goods, whether in a window or otherwise, or
  - (d) the exhibition of any signage (other than a business identification sign), or
  - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,
- but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

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

- (a) the employment of persons other than those residents, or
  - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
  - (c) the exhibition of any signage, or
  - (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,
- but does not include a home business or sex services premises.

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

**Note—**

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

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

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

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

**Note—**

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

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

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

**Note—**

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

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

- (a) comprises rooms or self-contained suites, and
  - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note—**

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

**Incentive Height of Buildings Map** means the [Shoalhaven Local Environmental Plan 2014 Incentive Height of Buildings Map](#).

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

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

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

but does not include a warehouse or distribution centre.

**Note—**

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

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

**industry** means any of the following—

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

but does not include—

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

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

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

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

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

**Note—**

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

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

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

(d) viticulture.

**Note—**

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

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

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

**Note—**

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

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

**Land Application Map** means the [Shoalhaven Local Environmental Plan 2014 Land Application Map](#).

**Land Reclassification (Part Lots) Map** means the [Shoalhaven Local Environmental Plan 2014 Land Reclassification \(Part Lots\) Map](#).

**Land Reservation Acquisition Map** means the [Shoalhaven Local Environmental Plan 2014 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Shoalhaven Local Environmental Plan 2014 Land Zoning Map](#).

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

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

**Note—**

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

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

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.

**Note—**

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

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

**Note—**

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

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

**Note—**

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

**local distribution premises** means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

**Note—**

Local distribution premises are a type of **warehouse or distribution centre**—see the definition of that term in this Dictionary.

**Lot Size Map** means the [Shoalhaven Local Environmental Plan 2014 Lot Size Map](#).

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

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

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

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

**Note—**

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

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

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to

out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note—**

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

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

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

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

**mining** means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes—

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

**Note—**

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

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

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

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

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

**moveable dwelling** has the same meaning as in the [Local Government Act 1993](#).

**Note—**

The term is defined as follows—

**moveable dwelling** means—

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

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

**Note—**

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



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

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

**native vegetation** has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

**Natural Resource Sensitivity—Land Map** means the [Shoalhaven Local Environmental Plan 2014 Natural Resource Sensitivity—Land Map](#).

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

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

**Note—**

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

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

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

**Note—**

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

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

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

**operational land** has the same meaning as in the [Local Government Act 1993](#).

**oyster aquaculture** means the cultivation of any species of edible oyster for a commercial purpose.

**Note—**

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

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

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

**people who are socially disadvantaged** means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

**people with a disability** means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

**pig farm** means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

**Note—**

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

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

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

**Note—**

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

**pond-based aquaculture** means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

**Note—**

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

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

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

**poultry farm** means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

**Note—**

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

**prime crop or pasture land** means—

- (a) rural land identified by the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services as comprising Classes 1, 2 or 3 of a classification set out in the *Rural*

*Land Evaluation Manual* (ISBN 0724044868) published by the NSW Government in 1981 and available from the Department of Trade and Investment, Regional Infrastructure and Services, or

(b) other land identified by the Secretary of that Department.

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

**property vegetation plan** mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the [Biodiversity Conservation Act 2016](#)).

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

**Note—**

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

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

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

**public land** has the same meaning as in the [Local Government Act 1993](#).

**public reserve** has the same meaning as in the [Local Government Act 1993](#).

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

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

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

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

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

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

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

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

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

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

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

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

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

**registered club** means a club that holds a club licence under the [Liquor Act 2007](#).

**relic** has the same meaning as in the [Heritage Act 1977](#).

**Note—**

The term is defined as follows—

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

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

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

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

- (a) attached dwellings,

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

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

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

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

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

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

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

**Note—**

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

**Riparian Lands and Watercourses Map** means the [Shoalhaven Local Environmental Plan 2014 Riparian Lands and Watercourses Map](#).

**road** means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

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

**Note—**

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

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

**sawmill or log processing works** means a building or place used for handling, cutting, chipping,



pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Note—**

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

**Scenic Protection Area Map** means the [Shoalhaven Local Environmental Plan 2014 Scenic Protection Area Map](#).

**school** means a government school or non-government school within the meaning of the [Education Act 1990](#).

**Note—**

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

**school-based child care** means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

**Note—**

Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

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

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note—**

See clause 5.4 for controls relating to the total floor area of secondary dwellings.

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

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

**Note—**

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

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

**Note—**

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

**seniors housing** means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#), or
- (c) a group of self-contained dwellings, or

- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—
  - (e) seniors or people who have a disability, or
  - (f) people who live in the same household with seniors or people who have a disability, or
  - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
- but does not include a hospital.

**Note—**

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

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

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

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note—**

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

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated—

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note—**

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

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

**Note—**

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

**sewerage system** means any of the following—

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

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

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

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

**Note—**

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

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

**Note—**

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

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

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

but does not include a traffic sign or traffic control facilities.

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

**Note—**

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

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

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

**small bar** means a small bar within the meaning of the [Liquor Act 2007](#).

**Note—**

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

**spa pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

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

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

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

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

**Note—**

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

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

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

**Note—**

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

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

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

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

**swimming pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

The term is defined as follows—

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

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

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

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

**Note—**

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

**tank-based aquaculture** means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

**Note—**

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

**telecommunications facility** means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

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

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

**Note—**

The term is defined as follows—

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure)

is permanent), and also includes a mobile structure.

**Terrestrial Biodiversity Map** means the [Shoalhaven Local Environmental Plan 2014 Terrestrial Biodiversity Map](#).

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note—**

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

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

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

but does not include—

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

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

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

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

**Note—**

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

**underground mining** means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and

(b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**urban release area** means the area of land identified as “Urban Release Area” on the [Urban Release Area Map](#).

**Urban Release Area Map** means the [Shoalhaven Local Environmental Plan 2014 Urban Release Area Map](#).

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

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

**Note—**

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

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

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

**Note—**

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

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

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

**Note—**

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

**waste or resource management facility** means any of the following—

(a) a resource recovery facility,

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

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

**Note—**

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

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

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

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

**Note—**

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

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

**Note—**

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

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

**Note—**

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

**water supply system** means any of the following—

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



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

**Note—**

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

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

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

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

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

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

**wetland** means—

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

**wharf or boating facilities** means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

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

- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

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