

Wingecarribee Local Environmental Plan 2010

[2010-245]



New South Wales

Status Information

Currency of version

Historical version for 20 October 2023 to 31 October 2023 (accessed 22 April 2024 at 19:51)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

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](#).

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 20 October 2023

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New South Wales

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Wingecarribee Local Environmental Plan 2010



New South Wales

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Wingecarribee Local Environmental Plan 2010*.

1.1AA Commencement

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

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Wingecarribee in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - (a) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Wingecarribee,
 - (b) to maintain Wingecarribee's original settlement pattern of towns and villages dispersed throughout a rural and native vegetation landscape,
 - (c) to encourage the efficient use and development of urban land, minimising the spread of urban areas into rural and native vegetation environments, thereby increasing the accessibility of the population to urban facilities and services,
 - (d) to provide opportunities for development and land use activities that—
 - (i) make an effective contribution towards the economic wellbeing of the community in a socially and environmentally responsible manner, and
 - (ii) do not adversely impact on natural systems and processes and the overall

quality of Wingecarribee's natural environment, and

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

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

1.3 Land to which Plan applies

This Plan applies to the land identified on the [Land Application Map](#).

1.4 Definitions

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

1.5 Notes

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

1.6 Consent authority

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

1.7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—
 - (a) approved by the 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 NSW Planning Portal. 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.

Note—

The following local environmental plans are repealed under this provision—

[Wingecarribee Local Environmental Plan 1989](#)

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

1.8A Savings provisions relating to development applications

- (1) 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 3.5 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.

- (2) If a development application has been made before the commencement of [Wingecarribee Local Environmental Plan 2010 \(Amendment No 53\)](#) in relation to land to which that Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Plan had not commenced.
- (3) An amendment made to this Plan by [Wingecarribee Local Environmental Plan 2010 \(Amendment No 56\)](#) does not apply to a development application made but not finally determined before the commencement of the amendment.
- (4) An amendment made to this Plan by [Wingecarribee Local Environmental Plan 2010 \(Amendment No 58\)](#) does not apply to a development application made but not finally determined before the commencement of the amendment.
- (5) An amendment made to this Plan by [Wingecarribee Local Environmental Plan 2010](#)

(Amendment No 65) does not apply to a development application made but not finally determined before the commencement of the amendment.

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—

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

Residential Zones

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

Employment Zones

- E1 Local Centre
- E3 Productivity Support
- E4 General Industrial
- E5 Heavy Industrial

Mixed Use Zones

- MU1 Mixed Use

Special Purpose Zones

- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Conservation Zones

- C1 National Parks and Nature Reserves

C2 Environmental Conservation

C3 Environmental Management

C4 Environmental Living

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 60 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).
- (6) Despite subclause (2), development consent may not be granted under that subclause for development for the purposes of function centres.

2.9 Canal estate development prohibited

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
 - (a) a constructed canal, or other waterway or waterbody, that—
 - (i) is inundated by surface water or groundwater movement, or
 - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and

- (b) the erection of a dwelling, and
- (c) one or both of the following—
 - (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,
 - (ii) excavation to create a waterway.
- (3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—
 - (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
 - (b) limited to the minimum reasonable size and capacity.
- (4) In this clause—

flood planning area has the same meaning as in clause 5.21.

Land Use Table

Note—

State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

[State Environmental Planning Policy \(Housing\) 2021](#)

[State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2—relating to infrastructure facilities, including 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 \(Resources and Energy\) 2021](#), Chapter 2

[State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Industry and Employment\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Primary Production\) 2021](#), Chapter 2

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 provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing and integrates with tourism.

2 Permitted without consent

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

3 Permitted with consent

Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Health consulting rooms; Helipads; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Rural industries; Secondary dwellings; Signage

4 Prohibited

Any development not specified in item 2 or 3

Zone RU2 Rural Landscape

1 Objectives of zone

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

food and beverage processing and that integrates with tourism.

2 Permitted without consent

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

3 Permitted with consent

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Health consulting rooms; Helipads; Home businesses; Home industries; Information and education facilities; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Signage

4 Prohibited

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

Zone RU3 Forestry

1 Objectives of zone

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

2 Permitted without consent

Roads; 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

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.
- To provide for a restricted range of employment-generating development opportunities that are compatible with adjacent or nearby residential and agricultural development.
- To avoid additional degradation or fragmentation of the natural environment caused by further clearing of native vegetation, high intensity development and land use.
- To maintain flora and fauna species and habitats, communities and ecological processes that occupy land in the zone, ensuring that development minimises any off and on site impacts on biodiversity, water resources and natural landforms.
- To conserve and enhance the quality of potentially valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.
- To provide for the effective management of remnant native vegetation within the zone, including native vegetation regeneration, noxious and environmental weed eradication and bush fire hazard reduction.

2 Permitted without consent

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

3 Permitted with consent

Agritourism; Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Cellar door premises; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Flood mitigation works; Home

businesses; Home industries; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Signage; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

Bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Seniors housing; Serviced apartments; Signage; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

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

3 Permitted with consent

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Camping grounds; Car parks; Caravan parks; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Home occupations (sex services); Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.

- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide a restricted range of opportunities for employment development and community facilities and services that do not unreasonably or significantly detract from—
 - (a) the primary residential function, character and amenity of the neighbourhood, and
 - (b) the quality of the natural and built environments.

2 Permitted without consent

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

3 Permitted with consent

Bed and breakfast accommodation; Dual occupancies (attached); Dwelling houses; Group homes; Oyster aquaculture; Pond-based aquaculture; Roads; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Camping grounds; Car parks; Caravan parks; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Local distribution premises; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone E1 Local Centre

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To generally conserve and enhance the unique sense of place of business centre precincts by ensuring new development integrates with the distinct urban scale, character, cultural heritage and landscape setting of the precincts, particularly when located within a heritage conservation area or where the development may impact a heritage item.
- To ensure adequate provision is made for infrastructure that supports the viability of business centre precincts, including public car parking, traffic management facilities, public transport facilities, cyclist facilities, pedestrian access paths, amenities, facilities for older people and people with disabilities and general public conveniences.
- To maximise the efficient use of land in business centre precincts to promote more compact and accessible places.
- To ensure new development has regard to the character and amenity of adjacent and nearby residential areas.

2 Permitted without consent

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

3 Permitted with consent

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings;

Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Rural industries; Rural workers' dwellings; Sewage treatment plants; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone E3 Productivity Support

1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To ensure new development has regard to the character and amenity of adjacent and nearby residential areas.

2 Permitted without consent

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

3 Permitted with consent

Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; Depots, Function centres; Garden centres; Hardware and building supplies; Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Multi dwelling housing; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Respite day care centres; Rural supplies; Service stations; Shop top housing; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Open cut mining; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Sewage treatment plants; Sex services premises; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone E4 General Industrial

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.

- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To allow non-industrial land uses, including certain commercial activities, that, because of the type, scale or nature of the use, are appropriately located in the zone and will not impact the viability of business and commercial centres in Wingecarribee.
- To ensure new development and land uses incorporate measures that take into account the spatial context and mitigate potential impacts on neighbourhood amenity and character and the efficient operation of the local and regional road system.

2 Permitted without consent

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

3 Permitted with consent

Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Rural supplies; Specialised retail premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Business premises; Camping grounds; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industries; Open cut mining; Residential accommodation; Restricted premises; Retail premises; Schools; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

Zone E5 Heavy Industrial

1 Objectives of zone

- To provide areas for industries that need to be separated from other land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Data centres; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industries; Industrial training facilities; Offensive storage establishments; Oyster aquaculture; Tank-based aquaculture; 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; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Information and education facilities; Local distribution premises; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Self-storage units; Service stations; Sex services premises; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Wharf or boating facilities

Zone MU1 Mixed Use

1 Objectives of zone

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure new development has regard to the character and amenity of adjacent and nearby residential areas.

2 Permitted without consent

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

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial training facilities; Industries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Waste or resource management facilities; Water recreation structures; Water

supply systems; Wharf or boating 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; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose.

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the [Land Zoning Map](#), including any development that is

ordinarily incidental or ancillary to development for that purpose; Aquaculture; Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone SP3 Tourist

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

Agricultural produce industries; Aquaculture; Artisan food and drink industries; Dwelling houses; Extensive agriculture; Food and drink premises; Intensive plant agriculture; Roads; Secondary dwellings; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Business premises; Car parks; Cemeteries; Centre-based child care facilities; Community facilities; Correctional centres; Crematoria; Depots; Educational establishments; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Garden centres; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Landscaping material supplies; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Plant nurseries; Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Rural supplies; Service stations; Sewage treatment plants; Sex services premises; Shops; Specialised retail premises; Storage premises; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource

management facilities; Water supply systems; Wharf or boating facilities;
Wholesale supplies

Zone RE1 Public Recreation

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Function centres; Kiosks; Markets; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

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

2 Permitted without consent

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

Home occupations

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone C1 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 C2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or

aesthetic values.

- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Emergency services facilities; Environmental facilities; Flood mitigation works; Oyster aquaculture; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; 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 C3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.
- To minimise the proliferation of buildings and other structures in these sensitive landscape areas.
- To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee's longer term economic sustainability.

2 Permitted without consent

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

3 Permitted with consent

Agricultural produce industries; Agritourism; Airstrips; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dairies (pasture-based); Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Health consulting rooms; Helipads; Home businesses; Horticulture; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Signage; Tank-based aquaculture; Viticulture; Water storage facilities

4 Prohibited

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

Zone C4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.
- To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture and other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.
- To manage land in a way that minimises impact on its environmental and scenic value from adjacent and nearby development and land use activity.
- To minimise the proliferation of buildings and other structures in these

sensitive landscape areas.

2 Permitted without consent

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

3 Permitted with consent

Agritourism; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Health consulting rooms; Home businesses; Horticulture; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Signage; Tank-based aquaculture; Viticulture; Water storage facilities

4 Prohibited

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

Part 3 Exempt and complying development

3.1 Exempt development

- (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 (Biodiversity and Conservation) 2021*, Chapter 2 and the *Local Land Services Act 2013*, Part 5A.

- (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 in paragraphs (a) or (b) of clause 7.5(5),
- (jb) land that forms part of the “Regional Wildlife Habitat Corridor” mapped on the

[Natural Resources Sensitivity Map](#),

(jc) land that is declared to be a special area under the [Water NSW Act 2014](#).

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows—
 - (a) to identify minimum lot sizes,
 - (b) to ensure that the subdivision of land to create new lots is compatible with the character of the surrounding land and does not compromise existing development or amenity.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of 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 2021](#).

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows—
 - (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 2021](#) 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 C3 Environmental Management,

(f) Zone C4 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 2021](#)) 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 Minimum subdivision lot size for strata plan schemes in certain rural and residential zones

(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation—

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape,

(c) Zone RU4 Primary Production Small Lots,

(d) Zone R5 Large Lot Residential,

(e) Zone C3 Environmental Management,

(f) Zone C4 Environmental Living.

(3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the [Strata Schemes Development Act 2015](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

Note—

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

(4) This clause does not apply in relation to the subdivision of any land by any kind of subdivision under the [Community Land Development Act 1989](#).

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 Zone RU6 Transition.

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

Note—

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

4.2A Erection of dwelling houses and dual occupancies on land in certain rural and conservation zones

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

- (a) to minimise the introduction of unplanned rural residential development, and
- (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural zones.

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

- Zone RU1 Primary Production,
- Zone RU2 Rural Landscape,
- Zone RU4 Primary Production Small Lots,
- Zone C3 Environmental Management,
- Zone C4 Environmental Living.

- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on a lot in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the lot is—
- (a) a lot that is at least the minimum lot size specified for that lot by the [Lot Size Map](#), or
 - (ab) a lot created under clause 4.2C(3)(a) or clause 4.2C(5)(b), or
 - (ac) a lot resulting from a subdivision permitted under clause 4.6, or
 - (b) a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or
 - (c) a lot resulting from a subdivision for which development consent (or its equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (d) an existing holding.

Note—

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

- (3A) Despite subclause (3), development consent may be granted to the erection of a single dwelling house on a lot facing Diamond Fields Road resulting from the alteration of lot boundaries and subdivision of Lot 11, DP 1226788 and Lot 841, DP 1253894, Old South Road, Mittagong.
- (4) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies if—
- (a) there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy, or
 - (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.

- (5) In this clause—

existing holding means land that—

- (a) was a holding—
 - (i) in relation to land to which the former *Bowral Planning Scheme Ordinance* applied—on 8 October 1954, or
 - (ii) in relation to land to which the former *Interim Development Order No 1—Shire of Wingecarribee* applied—on 18 January 1963, or
 - (iii) in relation to land to which the former *Burradoo and Environs Planning Scheme Ordinance* applied—on 23 July 1965, or
 - (iv) in relation to land to which the former *Shire of Mittagong Planning Scheme Ordinance* applied—on 16 February 1968, and
- (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,

whether or not there has been a change in the ownership of the holding since the date mentioned in paragraph (a)(i), (ii), (iii) or (iv), and includes any other land adjoining that land acquired by the owner since that date.

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

Note—

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

4.2B Boundary changes between lots in certain rural, residential and conservation zones

- (1) The objective of this clause is to permit the boundary between 2 lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.
- (2) This clause applies to land in any of 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 R5 Large Lot Residential,
 - (f) Zone C2 Environmental Conservation,

- (g) Zone C3 Environmental Management,
 - (h) Zone C4 Environmental Living.
- (3) Despite clause 4.1(3), development consent may be granted to the subdivision of 2 adjoining lots, being land to which this clause applies, if the subdivision will not result in—
- (a) an increase in the number of lots, and
 - (b) an increase in the number of dwelling houses, secondary dwellings or dual occupancies on, or dwelling houses, secondary dwellings or dual occupancies that may be erected on, any of the lots, and
 - (c) if each lot is at least 2 hectares before the subdivision—a lot that is less than 2 hectares.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following—
- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
 - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) This clause does not apply—
- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
 - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

4.2C Exceptions to minimum subdivision lots sizes for certain split zones

- (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,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.
- (2) This clause applies to each lot (an **original lot**) that contains land in more than one zone.
- (3) Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (**resulting lots**) unless—
 - (a) one of the resulting lots will contain—
 - (i) land in Zone RU4 Primary Production Small Lots, in Zone C4 Environmental Living or in a residential 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 all other zones 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.
- (4) For the purposes of calculating an area of land under subclause (3), the area of any access handle used for the purpose of providing vehicular access from the lot to a road is not to be included.
- (5) Despite subclause (3), development consent may be granted to subdivide an original lot if—
 - (a) the lots to be created from the subdivision will each contain land in only one zone, or
 - (b) the lots to be created from the subdivision will each contain land in more than one zone and any land in Zone RU4 Primary Production Small Lots, in Zone C4 Environmental Living or in a residential zone will have an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
- (6) A lot created under subclause (5)(b) must not be further subdivided under this clause.

4.2D Exceptions to minimum subdivision lot sizes for certain rural subdivisions

- (1) The objective of this clause is to enable the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of permissible uses other than for the purpose of dwelling houses or dual occupancies.

- (2) This clause applies to the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone C3 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 the use of the land after the subdivision will be the same use (other than a dwelling house or a dual occupancy) permitted under any existing development consent for the land.
- (4) 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 is appropriate having regard to the natural and physical constraints affecting the land.

4.2E Erection of dual occupancies on land in Zone R2 or R3

- (1) The objective of this clause is to ensure development for the purposes of dual occupancies is compatible with the character of existing development in the surrounding area.
- (2) This clause applies to land in the following zones—
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential.
- (3) Development consent must not be granted to the erection of a dual occupancy unless the area of the lot on which the dual occupancy will be erected is at least 1,000m².

4.2F Subdivision of land for dual occupancies in Zone R2 or R3

- (1) The objectives of this clause are as follows—
 - (a) to ensure development for the purposes of dual occupancies is compatible with the character of existing development in the surrounding area,
 - (b) to provide opportunities for housing on smaller lots in suitable locations on land in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,

- (c) to protect the heritage significance of the historic village of Berrima.
- (2) This clause applies to land in the following zones—
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential.
- (3) Land on which a dual occupancy is, or will be, erected may be subdivided if the consent authority is satisfied—
 - (a) for land that is a corner lot—the lot has an area of at least 1,000m², or
 - (b) otherwise—the area of each lot resulting from the subdivision will be—
 - (i) at least 50% of the minimum lot size shown for the land on the Lot Size Map, and
 - (ii) at least 600m².
- (4) Development consent must not be granted to the subdivision of land under subclause (3) unless the consent authority is satisfied—
 - (a) there will be no more than 1 dwelling on each resulting lot, and
 - (b) each resulting lot will be serviced by a water reticulation system and sewage reticulation system.
- (5) Subdivision permitted under this clause must not occur before an occupation certificate is issued for each dwelling forming part of the dual occupancy.
- (6) Subclause (3)(a) does not apply to land in the Berrima Conservation Area as shown on the Heritage Map.

4.3 Height of buildings

- (1) The objectives of this clause are as follows—
 - (a) to identify maximum heights of buildings,
 - (b) to ensure that the heights of buildings are compatible with the character of the existing development within the surrounding area.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

4.4 Floor space ratio

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

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

4.5 Calculation of floor space ratio and site area

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to define **floor space ratio**,
 - (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
 - (iii) require community land and public places to be dealt with separately.
- (2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.
- (3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—
- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
 - (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.
- In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.
- (4) **Exclusions from site area** The following land must be excluded from the site area—
- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
 - (b) community land or a public place (except as provided by subclause (7)).
- (5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others

in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When 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 C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note—

When this Plan was made it did not include Zone RU6 Transition.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (caa) clause 5.5,
 - (ca) clause 6.1 or 7.10.

Part 5 Miscellaneous provisions

5.1 Land acquisition within certain zones

- (1) The objective of this clause is to identify, for the purposes of section 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"	Transport for NSW
Zone SP2 Infrastructure and marked "Local road"	Council
Zone C1 National Parks and Nature Reserves and marked "National Park"	Minister administering the National Parks and Wildlife Act 1974

Note—

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

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

5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

Note—

Under the [Local Government Act 1993](#), "public land" is generally land vested in or under the control of a council (other than roads 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

[Not adopted]

5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 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 100 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under

this Plan, the carrying on of the home industry must not involve the use of more than 100 square metres of floor area.

- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
- (a) 67% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 400 square metres,
- whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 8 bedrooms in buildings.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 15 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.
- (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 on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, 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) 33% 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 Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—
- (a) 67% of the gross floor area of the industry, or
 - (b) 400 square metres,

whichever is the lesser.

5.5 Controls relating to secondary dwellings on land in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
 - (i) 60 square metres,
 - (ii) 33% of the total floor area of the principal dwelling, and
- (b) the distance between the secondary dwelling and the principal dwelling must not exceed 50 metres.

5.6 Architectural roof features

[Not adopted]

5.7 Development below mean high water mark

[Not applicable]

5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by 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 Dwelling house or secondary dwelling affected by natural disaster

(1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.

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

- (a) RU1 Primary Production,
- (b) RU2 Rural Landscape,
- (c) RU4 Primary Production Small Lots,
- (d) R2 Low Density Residential,
- (e) R3 Medium Density Residential,
- (f) R5 Large Lot Residential,
- (g) E1 Local Centre,
- (h) (Repealed)
- (i) MU1 Mixed Use,
- (j) E3 Productivity Support,
- (k) SP3 Tourist,
- (l) C3 Environmental Management,
- (m) C4 Environmental Living.

(3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be

repaired or replaced if—

- (a) the dwelling house or secondary dwelling was lawfully erected, and
- (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

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 Wingecarribee,
- (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 (Transport and Infrastructure) 2021*, Chapter 2.
- (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 conservation 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 conservation 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 C2 Environmental Conservation,
 - (h) Zone C3 Environmental Management,

- (i) Zone C4 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) for a poultry farm used for breeding poultry—within 5km of another poultry farm, or
 - (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5km of a poultry farm used for breeding poultry, or
 - (B) within 1km of a poultry farm not used for breeding poultry, or
 - (vii) for a pig farm—within 3km of another pig 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 E3 Productivity Support, Zone MU1 Mixed Use, Zone C3 Environmental Management or Zone C4 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 in 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 E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use—that the development is for the purpose of small scale aquarium fish production, and
 - (ii) pond-based aquaculture in Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
 - (iii) tank-based aquaculture in 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 C3 Environmental Management or Zone C4 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.

5.19A Function centres

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

(a) to provide appropriate opportunities for development for functions and conferences, including weddings and corporate retreats,

(b) to provide for function centres that are sensitively located and designed so as not to adversely impact on the agricultural production, natural resources, ecological values or visual, scenic, environmental or residential amenity values of land on which development for the purposes of function centres is carried out,

(c) to minimise risk to life, property and the environment from bushfire events.

(2) The consent authority must not grant development consent to development for the purposes of a function centre unless the consent authority is satisfied the development—

(a) will not result in the clearing of native vegetation, and

- (b) will be carried out having regard to the management of biodiversity outcomes set out in a biodiversity assessment report, and
- (c) will complement the rural or environmental attributes of the land and its surrounds, and
- (d) will not adversely affect the agricultural productivity of adjoining land, and
- (e) will not adversely affect the amenity of the neighbourhood, and
- (f) will be serviced by adequate access roads taking into account the scale of the development, and
- (g) will provide for access to adequate wastewater systems to service the land without having an adverse impact on the water quality of the area, and
- (h) will have adequate provision for stormwater management measures to service the land without having an adverse impact on the water quality of the area, and
- (i) if the function centre has a gross floor area of more than 500 square metres—will not be carried out in an isolated area that is accessed by traversing—
 - (i) through rugged and heavily timbered country, or
 - (ii) along bushland for more than 200 metres on a dead-end road, and
- (j) will address the potential impacts of bushfires and floods, and
- (k) will not create a land use conflict due to visual impact or impact on noise, traffic, privacy or other amenities, and
- (l) will provide for, or will be subject to a management strategy for minimising the development's impact on the natural environment or neighbourhood amenity that will provide for, the following—
 - (i) measures to remove threats of serious or irreversible environmental damage,
 - (ii) mechanisms for monitoring and reviewing the effect of the development on the amenity of the neighbourhood, including impact on noise or traffic.

(3) In this clause—

biodiversity assessment report has the same meaning as in the [*Biodiversity Conservation Act 2016*](#).

5.20 Standards that cannot be used to refuse consent—playing and performing music

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—

- (a) the playing or performance of music, including the following—
 - (i) the genre of music played or performed, or
 - (ii) whether the music played or performed is live or amplified, or
 - (iii) whether the music played or performed is original music, or
 - (iv) the number of musicians or live entertainment acts playing or performing, or
 - (v) the type of instruments played,
 - (b) whether dancing occurs,
 - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
 - (d) the direction in which a stage for players or performers faces,
 - (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.
- (3) In this clause—
- licensed premises*** has the same meaning as in the [Liquor Act 2007](#).

5.21 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 flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and

- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
 - (b) the intended design and scale of buildings resulting from the development,
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.
- (5) In this clause—

Considering Flooding in Land Use Planning Guideline means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the Floodplain Development Manual.

Floodplain Development Manual means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

5.22 Special flood considerations

[Not adopted]

5.23 Public bushland

[Not adopted]

5.24 Farm stay accommodation

[Not adopted]

5.25 Farm gate premises

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

- (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,
- (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.

(2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—

- (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
- (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

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, or
 - (e) an urban release area for which a planning agreement was adopted or other satisfactory arrangement made before the commencement of this Plan.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a region within the meaning of the Act, Division 7.1, Subdivision 4.

6.2 Development control plan

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following—

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

6.3 Relationship between Part and remainder of Plan

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

Part 7 Additional local provisions

7.1 Development on existing lots in Zones R2, R3 and R5

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

7.2 (Repealed)

7.3 Earthworks

- (1) The objectives of this clause are as follows—
 - (a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land,

(b) to allow earthworks of a minor nature without separate development consent.

(2) Development consent is required for earthworks unless—

(a) the work does not alter the ground level (existing) by more than 600 millimetres, or

(b) the work is exempt development under this Plan or another applicable environmental planning instrument, or

(c) the work is ancillary to other development for which development consent has been granted.

(2A) Despite subclause (2), development consent is required for earthworks—

(a) carried out on land identified as “Flood Planning Area” on the [Flood Planning Area Map](#), or

(b) involving an area greater than 2,500 square metres on land in the Sydney Drinking Water Catchment under [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 6.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

(c) the quality of the fill or of the soil to be excavated, or both,

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material or the destination of any excavated material,

(f) the likelihood of disturbing Aboriginal objects or other relics,

(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

7.4 Natural resources sensitivity—biodiversity

(1) The objective of this clause is to maintain terrestrial and aquatic biodiversity, including—

(a) protecting native fauna and flora, and

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

7.5 Natural resources sensitivity—water

- (1) The objective of this clause is to maintain the hydrological functions of riparian land waterways and aquifers, including—
- (a) protecting water quality, and
 - (b) protecting natural water flows, and
 - (c) protecting stability of the bed and banks of waterways, and
 - (d) protecting groundwater systems.
- (2) This clause applies to riparian land or land identified as “Natural Waterbodies” on the [Natural Resources Sensitivity Map](#).
- (3) Before granting development consent for development on land to which this clause applies, the consent authority must consider any potential adverse impact of the proposed development on the following—

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

7.6 Extractive materials

- (1) The objective of this clause is to provide for the proper management and development of mineral and extractive resources for the purpose of promoting social and economic benefits to Wingecarribee and the State.
- (2) This clause applies to land identified on the [Minerals and Extractive Resources Land Map](#) as “Identified and Potential Extractive Material” or “Identified and Potential Extractive Material-Buffer Zone”.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the following—
 - (a) whether the proposed development would have any adverse impact on the availability of mineral or extractive resources, and

- (b) whether there would be any adverse impact on the proposed development arising from the extractive industries or associated activities.

7.7 Subdivision applications for Exeter Quarry

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

7.8 Subdivision land adjoining Vine Lodge, Exeter

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

7.9 (Repealed)

7.10 Public utility infrastructure

- (1) This clause applies to land in urban release areas and also to land in Zone RU4 Primary Production Small Lots, R2 Low Density Residential, R5 Large Lot Residential and C4 Environmental Living.
- (2) Development consent must not be granted for development on land to which this clause applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

7.11 Development in local centres

- (1) The objectives of this clause are as follows—
 - (a) to ensure the scale and function of development in local centres are appropriate for the location,
 - (b) to ensure development in local centres is compatible with the desired future character and amenity of surrounding residential areas.
- (2) This clause applies to land identified as “Area A” on the [Land Zoning Map](#).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—
 - (a) the impact of the development on—
 - (i) the amenity of surrounding residential areas, and
 - (ii) the desired future character of the local centre, and
 - (b) whether the development is consistent with the hierarchy of centres.

Schedule 1 Additional permitted uses

(Clause 2.5)

Note—

The land on which the following additional permitted uses are permitted is shown on the [Schedule 1 Map](#) and edged in red and numbered as indicated for the following clause numbers.

1 Use of certain land at Emily Street, Balmoral

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

1AA Use of certain land at Compton Park Road, Berrima

- (1) This clause applies to part of the land known as Round Hill, 341 Compton Park Road, Berrima, being Lot 100, DP 1006276.
- (2) Development for the purposes of recreation facilities (indoor) and tourist and visitor accommodation is permitted with consent.

1A Use of certain land at Old Hume Highway, Berrima

- (1) This clause applies to part of 3483 Old Hume Highway, Berrima, being Lots 10–14 and 17, Section 40, DP 758098.

(2) Development for the purposes of a vehicle repair station is permitted with consent.

2 Use of certain land at Gibraltar Road, Bowral

(1) This clause applies to land at Gibraltar Road, Bowral, being Lot 106, DP 15496.

(2) Development for the purposes of a dwelling house is permitted with consent.

3 Use of certain land at David Street, Bowral

(1) This clause applies to land at Berida Manor, David Street, Bowral, being SP 36297.

(2) Development for the purposes of tourist and visitor accommodation is permitted with consent.

4 Use of certain land at Centennial Road, Bowral

(1) This clause applies to land at Centennial Road, Bowral, being Lots 4-11, DP 1109214 and Lots 1 and 2, DP 1101892.

(2) Development for the purposes of seniors housing is permitted with consent.

4A (Repealed)

5 Use of certain land at Wingecarribee Street, Bowral

(1) This clause applies to land at 52 Wingecarribee Street, Bowral, being Lot 1, DP 801605.

(2) Development for the purposes of office premises is permitted with consent.

6 Use of certain land at Braemar Avenue, Braemar

(1) This clause applies to land at Braemar Lodge, Braemar Avenue, Braemar, being Lot 8, DP 261563.

(2) Development for the purposes of tourist and visitor accommodation is permitted with consent.

7 Use of certain land at Old Hume Highway, Braemar

(1) This clause applies to land at Old Hume Highway, Braemar, being Lot 14, Section 1, DP 792, Lot 1, DP 1036857 and Lots 1 and 2, DP 1078394.

(2) Development for the purposes of business premises and retail premises is permitted with consent.

8 Use of certain land at Moss Vale Road, Burradoo

(1) This clause applies to land at the corner of Charlotte Street and Moss Vale Road, Burradoo, being Lot 1, DP 793738 and Lots 1 and 8, Section A, DP 2144.

- (2) Development for the purposes of seniors housing is permitted with consent.

9 Use of certain land at Tugalong Road, Canyonleigh

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

10 Use of certain land at Tugalong Road, Canyonleigh

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

11 Use of certain land at Drapers Road, Colo Vale

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

12 Use of certain land at Kangaloon Road, Glenquarry

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

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

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

14 Use of certain land at Joadja Road, Joadja

- (1) This clause applies to land at Joadja Road, Joadja, being Lots 122-124 and 126-131, DP 751276.

- (2) Development for the purposes of intensive livestock agriculture being a piggery and associated waste management and disposal activities is permitted with consent.

15 Use of certain land at Joadja Road, Joadja

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

16 Use of certain land at Old Hume Highway, Mittagong

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

17 Use of certain land at Old Hume Highway, Mittagong

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

18 Use of certain land at Picton-Mittagong Loop Line

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

19 Use of certain land at Argyle Street, Moss Vale

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

20 Use of certain land at Elizabeth Street, Moss Vale

- (1) This clause applies to land at Elizabeth Street, Moss Vale, being Lot 1, DP 1003729.
- (2) Development for the purposes of office premises is permitted with consent.

20A Use of certain land at Spring Street, Moss Vale

- (1) This clause applies to land at 18 Spring Street, Moss Vale, being Lot 90, DP 751253.
- (2) Development for the purposes of a shop is permitted with consent.

21 Use of certain land at Moss Vale Industrial Corridor

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

22 (Repealed)

23 Use of certain land known as Renwick Urban Release Area

- (1) This clause applies to land known as the Renwick Urban Release Area, edged red on the [Schedule 1 Map](#) and numbered 23.
- (2) Development for the following purposes is permitted with consent—
 - (a) on land in Zone R5 Large Lot Residential—exhibition villages,
 - (b) on land in Zone E1—exhibition homes or exhibition villages.

24 Use of certain land at Illawarra Highway, Robertson

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

25 Use of certain land at Vandenberg Road, Robertson

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

26 Use of certain land at Hume Highway, Sutton Forest

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

27 Use of certain land at Illawarra Highway, Sutton Forest

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

28 Use of certain land at Old Hume Highway, Welby

- (1) This clause applies to the following land at Old Hume Highway, Welby—
 - (a) Lots 1, 2, 3, 8, 9 and 10, Section 6, DP 759070,
 - (b) Lot 1, DP 1006005,
 - (c) Lot 2, DP 1019107.
- (2) Development for the following purposes is permitted with development consent—
 - (a) community facilities,
 - (b) garden centres,
 - (c) landscaping material supplies,
 - (d) light industries,
 - (e) plant nurseries.

29 Use of certain land at Bresnahans Lane, Wildes Meadow

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

30 Use of part road reserve, Hume Highway, Yerrinbool

- (1) This clause applies to part road reserve, Hume Highway, Yerrinbool, being Lots 15 and 17, DP 245509, Lot 7311, DP 1147309 and part of Lot 171, DP 751267.
- (2) Development for the purposes of extractive industries is permitted with consent.

31 Use of certain land at Cliff Street, Bowral

- (1) This clause applies to land at 2A Cliff Street, Bowral, being Lot 50, DP 556644.
- (2) Development for the purposes of a subdivision to create not more than 2 lots is permitted with consent.

32 Use of certain land at Wilson Drive, Hill Top

- (1) This clause applies to land at 2 Wilson Drive, Hill Top, being Lot 109, DP 664112.
- (2) Development for the purposes of a dwelling house is permitted with consent.

33 Use of certain land at Nathan Street, Berrima (Lots 55-58, DP 751252)

- (1) This clause applies to land at Nathan Street, Berrima, being Lots 55-58, DP 751252.
- (2) Development for the purposes of a dwelling house is permitted with consent, but only if the consent authority is satisfied that—
 - (a) the relevant development application provides for the amalgamation of the land to which this clause applies into 1 lot, and
 - (b) no more than 1 dwelling house will be erected on the amalgamated lot.

34 Use of certain land at Nathan Street, Berrima (Lots 59, 60 and 64, DP 751252)

- (1) This clause applies to land at Nathan Street, Berrima, being Lots 59, 60 and 64, DP 751252.
- (2) Development for the purposes of a dwelling house is permitted with consent, but only if the consent authority is satisfied that no more than 1 dwelling house will be erected on each lot.

35 Use of certain land at Odessa Street, Berrima

- (1) This clause applies to land at Odessa Street, Berrima, being Lots 194, 195, 198-200, 202-211, 213 and 214, DP 751252 and Lot 212, DP 1095845.
- (2) Development for the purposes of a dwelling house is permitted with consent, but only if the consent authority is satisfied that—
 - (a) in the case of development on land comprising Lots 194, 195, 198-200 and 202-207, DP 751252—
 - (i) the relevant development application provides for the amalgamation of that land into 2 lots, and
 - (ii) no more than 1 dwelling house will be erected on each amalgamated lot, and
 - (b) in the case of development on land comprising Lots 208-211, 213 and 214, DP 751252 and Lot 212, DP 1095845—
 - (i) the relevant development application provides for the amalgamation of that land into 2 lots, and
 - (ii) no more than 1 dwelling house will be erected on each amalgamated lot.

36 Use of certain land at Wiseman Road senior housing site

- (1) This clause applies to land known as the Wiseman Road senior housing site, edged red on the [Schedule 1 Map](#) and numbered 36.
- (2) Development for the purposes of seniors housing is permitted with consent.

37 Use of certain land at 2 Park Avenue, Aylmerton

- (1) This clause applies to land at 2 Park Avenue, Aylmerton, being Lot 2, DP 854905.
- (2) Development for the purposes of a dwelling house is permitted with 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.

Cemeteries or burial grounds

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

Lighting (external)

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

Public events

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

- (a) proposed event must be consistent with any applicable plan of management under the [Local Government Act 1993](#) for the land,
- (b) development must be carried out in accordance with a licence or hire agreement granted by the Council,
- (c) must not be located on bush fire prone land.

Wind monitoring towers

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

Schedule 3 Complying development

(Clause 3.2)

Note—

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

Part 1 Types of development

Recreation facilities (tennis courts)

- (1) Must be on land on which a dwelling house is erected.
- (2) Must only be for private use.
- (3) Must be set back at least 2m from each property boundary.
- (4) Must be located behind the building line.

- (5) Maximum height of perimeter protective netting or wire—3m above ground level (existing).
- (6) Must not be illuminated.
- (7) Must be constructed so that it drains directly into the constructed on-site stormwater drainage system.
- (8) Perimeter protective netting must be installed in accordance with the manufacturer's specifications.

Recreation facilities (hit-up walls)

- (1) Must be on land on which a dwelling house is erected.
- (2) Must only be for private use.
- (3) Must be set back at least 2m from each property boundary.
- (4) Must be located behind the building line.
- (5) Bulk and scale—
 - (a) maximum height—3m above ground level (existing),
 - (b) maximum length—7m.
- (6) Must not be illuminated.
- (7) Paved area associated with the wall must be constructed so that it drains directly into the constructed on-site stormwater drainage system.
- (8) Perimeter protective netting must be installed in accordance with the manufacturer's specifications.
- (9) The window of any habitable room of a dwelling house, a clothes drying area or designated barbecue, playground or primary recreation area, including a swimming pool, located on adjoining land must not be in the shadow of the development between 10.00 am and 3.00 pm on 21 June.

Part 2 Complying development certificate conditions

Note—

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
Bowral	Part of Lot 8, DP 241836, Beavan Place, identified as "Operational Land" on the Land Reclassification (Part Lots) Map
Bowral	Lots 3 and 4, DP 550860, Park Road
Bowral	Lot 42, DP 911852, 16 Una Street
Bundanoon	Lot 1, DP 1246504, 7-11 Burgess Street
Glenquarry	Lots 11-13, DP 1150964, "Calwalla", Sheepwash Road
Paddys River	Lot 1, DP 1128360, being a public reserve, Hume Highway
Welby	Lot 6, Section 11, DP 759070, 82 Mittagong Street (corner of Jellore Street)

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

Column 1	Column 2	Column 3
Locality	Description	Any trust etc not discharged
Berrima	Lot 6, DP 249793, Old Hume Highway	Nil
Bowral	Part of Lots 1 and 2, DP 1138229, Boardman Road, identified as "Operational Land" on the Land Reclassification (Part Lots) Map	Nil
Bowral	Part of Lot 38, DP 882935, Rowland Road identified as "Operational Land" on the Land Reclassification (Part Lots) Map	Nil
Braemar	Lot 12, DP 788983, Government Road	Nil
Hill Top	Lots 16 and 17, Sec 3, DP 6221, 104-106 Wilson Drive (Hill Top Memorial Hall)	Nil

Mittagong	Lot 33, DP 9299, Rainbow Road and Old Hume Highway (Mineral Springs Reserve)	Nil
Moss Vale	Lot 126, DP 263356, Anembo Street	Nil
Moss Vale	Lot 13, DP 601369, Kirkham Street	Nil

Part 3 Land classified, or reclassified, as community land

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

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item No
Alpine	Forest Lodge House and outbuildings	Hume Highway	Lot 1, DP 605509	Local	I616
Alpine, Mittagong, Bowral and Burradoo	Old South Road	Old South Road/ Eridge Park Road/ Moss Vale Road (from Old Hume Highway, Alpine to Briars Inn, Burradoo)		Local	I102
Avoca	Avoca Public School—stone school building and residence	961 Sheepwash Road	Lot 291, DP 751303	Local	I1871
Berrima	Superintendent's House	Argyle Street	Lot 7304, DP 1146099	Local	I107
Berrima	Berrima Correctional Centre (formerly Gaol)	Corner Argyle and Wilshire Streets	Lot 7304, DP 1146099	State	I109 I110 I484
Berrima	Stone Cottage	Corner Argyle and Wilshire Streets	Lot 7304, DP 1146099	Local	I236

Berrima	Church of the Holy Trinity	5-13 Argyle Street	Lot 10, Sec 3, DP 758098; Lots 101-104, DP 1004483; Part Lot 2, Sec 3, DP 758098	State	I147
Berrima	Sovereign Cottage	8 Argyle Street	Lot B, DP 181309	Local	I214
Berrima	Cottage	10 Argyle Street	Lot A, DP 181309	Local	I143
Berrima	Finlayson Memorial Presbyterian Church	12 Argyle Street (corner Oxley Street and Argyle Street)	Lot 2, Sec 35, DP 758098	Local	I146
Berrima	Ardleigh Cottage	14 Argyle Street (corner Argyle and Oxley Streets)	Lot 16, Sec 37, DP 758098	Local	I211
Berrima	Berrima Cemetery	Berrima Road	Lot 312, DP 751252; Lot 311, DP 999883	Local	I122
Berrima	The First Bank	12 Jellore Street	Lot 1, DP 871727	State	I129
Berrima	Munday Cottage (former Jellore Cottage)	16 Jellore Street	Lot 6, Sec 2, DP 758098	State	I237
Berrima	Berrima House	19 Jellore Street	Lot 3, Sec 5, DP 758098	State	I131
Berrima	Former Victoria Inn	20-22 Jellore Street	Lot 104, DP 717120; Lot 3, Sec 2, DP 758098	State	I128
Berrima	Riverview Cottage	23 Jellore Street	Lot 6, Sec 5, DP 758098	State	I130
Berrima	Former Coach and Horses Inn	24 Jellore Street	Lot 1, DP 780565	State	I133
Berrima	McMahons Inn (former Berrima Inn)	26 Jellore Street	Lot 1, DP 643496	State	I132
Berrima	Nurse's Cottage	Market Place	Lot B, DP 378459	State	I228
Berrima	White Horse Inn	3 Market Place	Lot A, DP 378459	State	I123
Berrima	Magistrate's House	5-7 Market Place	Lot 51, DP 1021473	State	I125

Berrima	Lennox Bridge stonework	Market Place Reserve	518-30	Local	I474
Berrima	The Gonyah	Odessa Street	Lot 201, DP 751252	Local	I251
Berrima	Slab cottage	7-9 Oldbury Street	Lot 1, DP 806686	Local	I230
Berrima	Former Crown Inn	Old Hume Highway	Lot 118, DP 870922	Local	I141
Berrima	Former Levy's Store	Old Hume Highway	Lot 3, DP 1102396; Lot 7017, DP 93056	Local	I137
Berrima	Former Taylor's Butcher Shop	Old Hume Highway (adjoins Pound Green)	Lot 3, DP 1102396; Lot 7017, DP 93056	Local	I216
Berrima	Glebe Cottage	Old Hume Highway	Lot 1, DP 875157	Local	I177
Berrima	"Mereworth" house and garden	Old Hume Highway	Lot 100, DP 839316; Lot 200, DP 839314	Local	I351
Berrima	Remembrance Driveway plantings	Old Hume Highway	Lot 1, DP 225190; Lot 1, DP 399452; Lot 1, DP 402230	Local	I485
Berrima	Market Place	Old Hume Highway Public Reserve	518-30	Local	I233
Berrima	St Francis Xavier Roman Catholic Church	Corner Old Hume Highway and Oldbury Street	Lots 1 and 2, Sec 44, DP 758098	State	I120
Berrima	Sandstone and timber cottage	Corner Old Hume Highway and Raglan Street)	Lot 7, Sec 40, DP 758098	Local	I239
Berrima	Bramber Cottage (former Post Office)	7 Old Hume Highway (corner Oxley Street)	Lot 20, DP 552150	Local	I218
Berrima	Harper's Cottage	8 Old Hume Highway	Lot 1, DP 791464	Local	I134
Berrima	Woodley Cottage (or Telegraph Office)	12-16 Old Hume Highway	Lot 1, DP 724201; Lot 1, DP 538751	Local	I208

Berrima	Former Cobb and Co timber buildings	13 Old Hume Highway (rear of General Store)	Lot 100, DP 805720	Local	I210 I344
Berrima	Former Bakery	17-19 Old Hume Highway (corner Wingecarribee Street)	Lot 1, DP 568701	Local	I142
Berrima	Old Breens Inn (former Colonial Inn)	24 Old Hume Highway	Lot 4, Sec 15, DP 758098; Lot 1, DP 741287	Local	I140
Berrima	Surveyor General Inn	26 Old Hume Highway	Lot 14, Sec 2, DP 758098	Local	I139
Berrima	Berrima Post Office	30 Old Hume Highway	SP 75992	State	I138
Berrima	Brick house	35 Old Hume Highway	Lots 3 and 4, Sec 33, DP 758098	Local	I232
Berrima	Sandstock and timber house	35 Old Hume Highway	Lot 43, Sec 33, DP 758098	Local	I231
Berrima	"The Old Rose Cottage"	3444 Old Hume Highway	Lots 53 and 54, DP 751252	Local	I1382
Berrima	Berrima Glen Cottage (former Simon's Cottage)	Old Mandemar Road	Lot 346, DP 751252	Local	I127
Berrima	Greenwood House (former Taylor's Farmhouse)	Old Mandemar Road	Lot 7, DP 788363	Local	I126
Berrima	Bellevue House	Oxley Street	Lots 13 and 14, Sec 37, DP 758098	Local	I118
Berrima	Berrima Internment Group	Oxley Street, Berrima River Reserve	Part of Lot 450, DP 751252; Lots 7033 and 7034, DP 1125727; Lots 7026-7028, DP 1026280; Lot 2, DP 833934; Lot 7316, DP 1178372; Part of Lot 7018, DP 1123913; Part of a Crown Reserve; Part of Wingecarribee River	State	I1882

Berrima	Berrima Public School and residence	Oxley Street	Lots 1-3, Sec 31, DP 758098; Lot 1, DP 782713	Local	I114
Berrima	Parsley Cottage	14 Oxley Street	Lot 150, DP 1022425	Local	I117
Berrima	Armfield Cottage	22 Oxley Street	Lot 12, Sec 37, DP 758098	Local	I115
Berrima	“Oaklea” cottage	24 Oxley Street	Lot 11, Sec 37, DP 758098	Local	I250
Berrima	Cottage	31 Oxley Street	Lot 5, Sec 35, DP 758098	Local	I116
Berrima	The Old Rectory	Corner Quarry and Wingecarribee Streets	Lots 8-12, DP 80581	Local	I105
Berrima	Makin Cottages	Stockade Street	Lot 4, DP 711365	State	I227
Berrima	Hillside Cottage	Corner Wilkinson and Oxley Streets	Lots 6, 7 and 11, Sec 36, DP 758098	Local	I209
Berrima	Harper’s Mansion	9 Wilkinson Street	Lot 5, DP 258420	State	I113
Berrima	Police Sergeant’s Residence	Wilshire Street	Lot 5, DP 823508	Local	I112
Berrima	Bull’s Head Drinking Fountain	Wilshire Street, on outside wall of Gaol	Lot 7304, DP 1146099	Local	I111
Berrima	Berrima Court House	Corner Wilshire and Argyle Streets	Lot 18, Sec 35, DP 758098	Local	I108
Berrima	Former Rectory	5 Wingecarribee Street	Lot 2, DP 600090	Local	I104
Berrima	Former Warden’s Cottage	10 Wingecarribee Street	Lot 1, DP 196369	Local	I220
Berrima	Pickering Cottage	12 Wingecarribee Street	Lot 34, DP 1063847	Local	I219
Berrima	Love In The Mist Cottage	15 Wingecarribee Street	Lot 161, DP 525573	Local	I222
Berrima	German Dam	Wingecarribee River at end of Oxley Street		Local	I179

Berrima	Lambie's Well	Adjacent to Wingecarribee River at end of Wilshire Street		Local	I234
Bong Bong	Christ Church	Argyle Street (corner Church Street)	Lot 1, DP 1125578	State	I163
Bong Bong	The Briars Inn	Moss Vale Road	Lot 9, SP 50905	Local	I153
Bong Bong	Bong Bong Causeway	Moss Vale Road, Wingecarribee River, Bong Bong Common		Local	I1879
Bowral	Aitken Road Interwar Housing Group	25-27, 33-37 and 39-41 Aitken Road	Lots 24 and 25, DP 11348; Lots 19-21, DP 11348; Lot 11, DP 633966	Local	I7001
Bowral	Former Roman Catholic Church	Banyette Street (corner Argyle Lane)	Lot 2, DP 1064294	Local	I465
Bowral	Bowral Public School	Bendooley Street	Lot 1, DP 802776	Local	I464
Bowral	Former School of Arts	Bendooley Street	Lot 1, DP 1003910	Local	I157
Bowral	Town Hall	Bendooley Street	Lot 1, DP 1003910	Local	I081
Bowral	Bowral Uniting Church	Bendooley Street (corner Boolwey Street)	Lots 1 and 2, DP 995850; Lot 1, DP 155385	Local	I471
Bowral	Former Bowral Court House, including fence	Bendooley Street (corner Wingecarribee Street)	Lot 1, Sec 8, DP 111234	Local	I088
Bowral	Uniting Church Centre and house	28 Bendooley Street	Lots 1 and 2, DP 995850; Lot 1, DP 155385	Local	I472
Bowral	Stafford Cottage	22 Bendooley Street	Lot 1, DP 1003910	Local	I156

Bowral	St Jude's Anglican Church Group, including Rectory, Church Hall, Lych Gate and Cemetery	34 Bendooley Street	Lot 1, DP 587573	Local	I082
Bowral	Eldon Cottage	42 Bendooley Street	Lot 1, DP 782042	Local	I086
Bowral	Cottage	44 Bendooley Street	Lot 17, DP 997145	Local	I087
Bowral	House	46 Bendooley Street	Lot 3, DP 72703	Local	I1819
Bowral	House	49 Bendooley Street	Lot 2, DP 802776	Local	I1814
Bowral	House	53 Bendooley Street	Lot 1, DP 198128	Local	I1813
Bowral	House	60 Bendooley Street	Lot A, DP 342460	Local	I1799
Bowral	House	62 Bendooley Street	Lot B, DP 342460	Local	I1798
Bowral	House	64 Bendooley Street	Lot C, DP 342460	Local	I1797
Bowral	House	67 Bendooley Street	Lot 2, DP 313891	Local	I1805
Bowral	House	70 Bendooley Street	Lot 1, DP 546532	Local	I1793
Bowral	House	73 Bendooley Street	Lot 121, DP 606350	Local	I1802
Bowral	House	74-76 Bendooley Street	Lot 15, Sec D, DP 3807	Local	I1791
Bowral	House	75 Bendooley Street	Lot 293, DP 832739	Local	I1800
Bowral	House	82 Bendooley Street	Lot 171, DP 520153	Local	I1787
Bowral	Solliden House	86 Bendooley Street	Lot 21, DP 714938	Local	I1783
Bowral	Coach House	91A Bendooley Street	Lot 51, DP 880942	Local	I1788
Bowral	Inverary House	93 Bendooley Street	Lot 62, DP 555560	Local	I1786

Bowral	Walden House and garden	91 Bendooley Street	Lot 50, DP 880942	Local	I516
Bowral	Commonwealth Bank	294 Bong Bong Street	Lot 1, DP 68288	Local	I079
Bowral	"Empire Cinema"	325-327 Bong Bong Street	Lot 51, DP 1136482	Local	I467
Bowral	Berrima District Credit Union (former Ambulance Station)	411-415 Bong Bong Street	Lot 32, DP 1076738	Local	I238
Bowral	"Hathaway" house	75A Bowral Street	Lot 1, DP 362634	Local	I1811
Bowral	"Rift" house and garden	12 Carlisle Street	Lots 1 and 2, DP 1128023	Local	I334 I078
Bowral	Centennial Park	Centennial Road	Lots 90 and 91, DP 751282	Local	I538
Bowral	"Hopewood" house and grounds	Centennial Road	Lot 6, DP 634569	Local	I240 I532
Bowral	"Neerim" house and garden	24 Centennial Road	Lots 17-19, DP 20797	Local	I535 I536
Bowral	Cricket pitch	11 Edward Street	Lot 5, DP 1188597	Local	I1892
Bowral	Victorian cottage	13 Elm Street	Lot 24, DP 1104423	Local	I1272
Bowral	"Kurkulla" house	Evans Lane	Part Lot 1, DP 1059929	State	I186
Bowral	"Lynthorpe" house	17 Gladstone Road	Lot 1, DP 996892	Local	I077
Bowral	"Bradman's Cottage" and grounds	20 Glebe Street	Lot 16, Sec E, DP 11838	Local	I181
Bowral	Mount Hamilton house	7 Hamilton Avenue	Lot 82, DP 1065886	Local	I076
Bowral	"Milton Park" house, grounds and outbuildings	Horderns Road	Lot 307, DP 1040419; Lot 308, DP 1104965; SP 78022; Lot 11, DP 264572	Local	I493 I331 I330 I071 I494

Bowral	"Heritage Park" house (former Iverbucks)	Kangaloon Road	Lots 1 and 8, DP 270566	Local	I180
Bowral	"Yarrabin" house and garden, including horse chestnut tree (<i>Aesculus hippocastanum</i>)	32 Kangaloon Road	Lot 40, DP 862808	Local	I7532
Bowral	Bowral Cemetery	109 Kangaloon Road	Lot 1, DP 723879	Local	I070
Bowral	Wingecarribee House, grounds and outbuildings	Kirkham Road	Part Lot 1, DP 404276; Lot 4, DP 614505	Local	I333 I332 I075
Bowral	"Yarrow" house	33 Loftus Street	Lot 1, DP 621947	Local	I524
Bowral	Carter Terraces	18-20 Merrigang Street	SP 49491	Local	I543
Bowral	Corbett Gardens	21 Merrigang Street	Lots 9 and 10, Sec 2, DP 111234; Lot 8, DP 1133515; Lots 1 and 2, DP 150769; Lot 1, DP 708866	Local	I529
Bowral	"Weston Green" house	41 Merrigang Street	Lot A, DP 368491	Local	I511
Bowral	"Laurel" house and garden	47 Merrigang Street	Lot 2, DP 205435	Local	I343 I073
Bowral	"Brahan Bank" house	57-59 Merrigang Street	Lot 3, DP 527768	Local	I1408
Bowral	"Bidura" house	139-145 Merrigang Street	Lot 9, DP 585581; Lots 1-3, Sec A, DP 192732; Lots 52-54, Sec A, DP 192732	Local	I166
Bowral	"Cooperdale" and "Ben Nevis" semi-detached houses	98-100 Mittagong Road	Lot 1, DP 196994	Local	I339
Bowral	"Hazelton" house	132 Mittagong Road	Lot 1, DP 867401	Local	I338

Bowral	"Retford Park" house, grounds and outbuildings	Old South Road, Bowral	Lot 23, DP 1163429	Local	I496 I495 I152
Bowral	Mount Gibraltar and Trachyte Quarries Complex	Oxley Drive	Lot 1, DP 1208300; Lot 2, DP 1174086; Lots 1-6, DP 259828; Lot 1, DP 133145; Lot 2, DP 169019; Lots 31 and 32, DP 771155; Lot 1, DP 784884; Lot 2, DP 1118702; Lot 21, DP 856512; Lot 1, DP 159328	State	I154 I571
Bowral	"Robin Wood" house and garden	32-34 Oxley Drive	Lots 41 and 42, DP 1061156	Local	I537
Bowral	Bowral High School and residence	Corner Park and Aitken Roads	Lot 1, DP 794075	Local	I503
Bowral	"Earlsbrae" house	15 Queen Street	Lot 1, DP 68028; Lot 1, DP 57490	Local	I074
Bowral	"Glen Ridge" house	101 Shepherd Street	Lots 1-6 and 19, DP 165091; Lot 1, DP 507617; Lot 25, DP 612928	Local	I167
Bowral	Buskers End garden	14 St Clair Street	Lot 122, DP 876917	Local	I534
Bowral	Bradman Museum Collection and Grandstand	Glebe Park, St Jude Street	Lot 11, DP 787940	State	I469
Bowral	Bradman Oval	Glebe Park, St Jude Street	Lot 12, DP 787940	State	I541
Bowral	Cottage	52 Shepherd Street	Lot 1, DP 784321	Local	I213
Bowral	House	89 Shepherd Street	Lot 1, DP 741811	Local	I069

Bowral	Bowral Railway Station	Station Street	Part Lot 3, DP 808842; Part Lot 200, DP 1012642; Part of the Main Southern Railway	Local	I058
Bowral	Former Station Master's residence	21 Station Street	Lot 1, DP 855131	Local	I392
Bowral	Former industrial buildings, including former Milk Factory	31-37 Station Street	Lots 3 and 4, DP 1114582	Local	I1364
Bowral	House	54 Station Street	Lot 1, DP 195377	Local	I340
Bowral	Original "Gib Railway Tunnel"	Old section of the Main Southern Line between Mittagong and Bowral		Local	I185
Bowral	St Andrew's Church and Hall	20 Wingecarribee Street (corner Bendooley Street)	Lot A, DP 367514; Lots 1 and 2, DP 1084271	Local	I470
Braemar	Kamilaroi (part of Braemar Garden World)	Hume Highway	Lot 117, DP 659149	Local	I191
Braemar	Poplars Restaurant Inn	Hume Highway	Lot 32, DP 550667; Lot 5, DP 248501	Local	I160
Braemar	Braemar Lodge	Corner Hume Highway and Braemar Avenue	Lot 8, DP 261563	Local	I190
Bullio	Bullio Tunnel	Wombeyan Caves Road		Local	I597
Bundanoon	The Highlander (former Gasthof and Pill Factory)	12 Anzac Parade	Lot 1, DP 183174	Local	I584
Bundanoon	Holly Cottage	Blue Gum Road	Lot 1, DP 510721	Local	I1718
Bundanoon	Bundanoon Public School—former residence, 1909 library and toilet blocks	6-14 Church Street	Lot 123, DP 751289; Lot 101, DP 857483	Local	I1756

Bundanoon	Holy Trinity Anglican Church, Hall and Cemetery	15-17 Church Street	Lot 119, DP 751289	Local	I365 I038 I1207
Bundanoon	Dorothy Friend's House	1 Dorothy Friend Place	Lot 22, DP 250169	Local	I1762
Bundanoon	Governors Street	Governors Street	from the intersection with Church Street to the east 360 metres	Local	I1822
Bundanoon	Jackman's Cottage	3 Governors Street	Lot 14, DP 1032	Local	I1371
Bundanoon	Erith Coal Mine	Morton National Park	Lots 30 and 33, DP 751259	Local	I454
Bundanoon	"Rochester Park" house and garden	102-104 Old Wingello Road	Lot 32, DP 1205423	Local	I1200
Bundanoon	Former racecourse sandstone gate posts	152 Quarry Road, Ferndale Reserve	Lot 7006, DP 1032260	Local	I1419
Bundanoon	Bundanoon Railway Station and yards	Railway Avenue	Main Southern Railway	State	I583 I1759 I1215
Bundanoon	"Tree Tops" guest house	101-105 Railway Avenue	Lot 1, DP 735674	Local	I585
Burradoo	Burradoo Cemetery	Burradoo Road	Lot 2, DP 1178699	Local	I1703
Burradoo	Cooliatta Farm house, grounds and outbuildings	Burradoo Road	Lot 2, DP 1012113	Local	I512
Burradoo	"Burlington" house and garden	29-31 Burradoo Road	Lot 410, DP 580733	Local	I158 I578
Burradoo	"Abergeldie" house and garden	75-79 Burradoo Road	Lots 4 and 5, DP 620319	Local	I501 I370
Burradoo	"Eridge Park" gate lodge, grounds and outbuildings	Eridge Park Road	Lot 1, DP 310807	Local	I155

Burradoo	"Moidart" house and garden	Eridge Park Road	Lot 1, DP 174985; Lot 1, DP 667017	Local	I241 I347 I348
Burradoo	Hartzer Park Convent, garden, outbuildings and ancillary buildings	25-27 Eridge Park Road	Lot 1, DP 258453; Lot 1, DP 805803	Local	I519 I364 I187 I363
Burradoo	"Greyleaves" house and garden	13-15 Greyleaves Avenue	Lot 121, DP 800058	Local	I072 I342
Burradoo	"Uplands" house	Links Road	Part of Lot 12, DP 270760	Local	I1385
Burradoo	"Bellevue Park" house including interiors	9 Links Road	Lot 101, DP 1012917	Local	I1778
Burradoo	Links House	17 Links Road	Lot 1, DP 1080423	Local	I527
Burradoo	"Wintersloe" house and garden	45 Links Road	Lot B, DP 336167	Local	I182 I497
Burradoo	Chevalier College (former Riversdale group of buildings and garden)	Moss Vale Road	Lot 12, DP 748370	Local	I189
Burradoo	"Laurel Park" house and garden	Moss Vale Road	Lot 12, DP 734353	Local	I521
Burradoo	"Karrara" house (former "Mt Gladstone")	510 Moss Vale Road	Lot 11, DP 270760	Local	I1384
Burradoo	"Southdown" house, garden and trees	559 and 563-565 Moss Vale Road	Lot 1011, DP 617269; Lot 52, DP 238031	Local	I1374
Burradoo	"Chelsea Park" house	589 Moss Vale Road	Lot 5, DP 20004	Local	I526
Burradoo	"Capernwray" (formerly "Wongabri") including interiors	596-598 Moss Vale Road	Lot 5, DP 775976	Local	I174

Burradoo	"Ostler's Lodge" house	603 Moss Vale Road	Lot 12, DP 1008336	Local	I215
Burradoo	Riverside Park garden	127 Osborne Road	Lots 5-7, DP 262034; Lot 21, DP 1034316	Local	I374
Burradoo	"Kerever Park" (formerly "Knogle") house including interiors and garden	2-4 Ranelagh Road and 24 Hurlingham Avenue	Lots 1-3, DP 1219070	Local	I498 I499
Burradoo	"Gwandalan" house	5 Riversdale Avenue	Lot 47, DP 76242	Local	I1375
Burradoo	Banyula garden	8-10 Riversdale Avenue	Lot 10, DP 241015	Local	I514
Burradoo	Club cottage	17 Riversdale Avenue	Lot 151, DP 740461	Local	I1859
Burradoo	"Werrington" house and garden	5-7 Werrington Street	Lot 112, DP 559455	Local	I520
Burradoo	"Anglewood" house, grounds and outbuildings	17-19 Yean Street	Lot 1, DP 1044596	State	I366 I188
Burradoo	Haling Cottage	58-68 Yean Street	Lot 3, DP 1066621	Local	I523
Burrawang	General Cemetery	Church Street	Lot 9, DP 1127584	Local	I1360
Burrawang	The Old Parsonage	20 Church Street	Lot 100, DP 1002406	Local	I1432
Burrawang	Old Burrawang School House	33 Church Street	Lot 410, DP 821781	Local	I617
Burrawang	Former Burrawang Presbyterian Church	36 Church Street	Lot 5, Sec 3, DP 2660	Local	I1361
Burrawang	"Range Villa" house	14-16 Crown Street	Lots 3 and 4, Sec 4, DP 2660	Local	I1430
Burrawang	Burrawang Cafe (former General Store)	11 Hoddle Street	Lot F, DP 399071	Local	I589
Burrawang	Former E. S. and A. Bank	13-17 Hoddle Street	Lot 1, DP 907129	Local	I1363

Burrawang	Burrawang Hotel	14-16 Hoddle Street	Lot 1, DP 198682	Local	I590
Burrawang	Mauger's Butcher Shop	21 Hoddle Street	Lot 1, DP 590264	Local	I588
Burrawang	Burrawang School of Arts	33-35 Hoddle Street	Lot 1, DP 906789; Lot 2, Sec 2, DP 2660	Local	I1184
Burrawang	Cottage	64-66 Hoddle Street	Lots 13 and 14, DP 1694	Local	I1428
Colo Vale	"Wensleydale" house, grounds and outbuildings	Corner Wilson Drive and Church Avenue	Lots A and B, DP 395606; Lot 13, DP 245456	Local	I367 I176
Exeter	"Cherrydell" house and garden (formerly part of "Invergowrie")	Bundanoon Road	Lot 2, DP 522290	Local	I372 I591
Exeter	"Invergowrie" house and garden	Bundanoon Road	Lot 1, DP 522290; Lot 2, Sec 7, DP 58913	Local	I372 I591
Exeter	"Redcourt" house	Bundanoon Road	Lots 6 and 7, DP 3371	Local	I594
Exeter	Exeter School of Arts Hall	Exeter Road	Pt Lot 4, Sec C, DP 3170	Local	I593 I1341
Exeter	St Aiden's Church and Memorial Hall	Exeter Road	Lots 9 and 10, Sec 5, DP 3373; Lot 1, DP 952304	Local	I375 I376
Exeter	"Vine Lodge" house, grounds and outbuildings	Exeter Road	Lot 1, DP 596495	Local	I354 I204 I355
Exeter	Badgery Memorial, Exeter Park	16 Exeter Road	Lot 1, DP 1205191	Local	I1229
Exeter	Exeter Park	16 Exeter Road	Lot 1, DP 1205191	Local	I1233
Exeter	War Memorial Gates, Exeter Park	16 Exeter Road	Lot 1, DP 1205191	Local	I1238
Exeter	Exeter Railway Station, signal box and cottage	Main Southern Line	Lots 1 and 2, DP 852888	State	I607 I610

Exeter	Romsey Cottage and garden	Ringwood Road	Lot 131, DP 790655	Local	I592
Exeter	Exeter Public School—1907 classroom, former residence, and trees	School Lane	Lots 1 and 2, DP 795381	Local	I1346
Glenquarry	“Leylanda Green” house and garden (former Shepherd’s Cottage)	Kangaloon Road (opposite Sproules Lane)	Lot 47, DP 1056092	Local	I427
Glenquarry	Glenquarry Cemetery, (former Gilwarra Private Cemetery)	Tourist Road	Lot 1, DP 1057419	Local	I207
Glenquarry	Roberton Park house, grounds and outbuildings	Tourist Road	Lot 71, DP 541472	Local	I159
Glenquarry	Glenquarry Public School—1892 library and residence	35 Tourist Road	Lot 1, DP 797630	Local	I226
High Range	“Kanangra” house	401 Black Spring Road	Lot 42, DP 1148339	Local	I1365
High Range	Mt Jellore	Nattai National Park		Local	I572
High Range	“High Range” house and grounds	Wombeyan Caves Road	Lot 2, DP 746331	Local	I1194
Hill Top	War Memorial Hall and Memorial Wall	104–106 Wilson Drive	Lots 16 and 17, Sec 3, DP 6221	Local	I1439
Joadja	Former Joadja Schoolhouse	Joadja Road	Lot 13, DP 858859	Local	I378
Joadja	Joadja Cemetery	Joadja Road	Lot 8, DP 858859	Local	I377
Joadja	Joadja Village Shale Oil Mine and Refinery	Joadja Road	Lot 11, DP 858859	State	I384 I205
Joadja	Winding Machine	Joadja Road	Lot 23, DP 1023493	Local	I205

Kangaloon	Former Kangaloon School House	Kangaloon Road	Lot 1, DP 724175	Local	I1195
Kangaloon	Uniting Church and Cemetery	Kangaloon Road	Part Lot 1, DP 181535; Lot 1, DP 903422	Local	I445
Kangaloon	Milk Stand and <i>Pinus radiata</i> (opposite hall)	1515 Kangaloon Road and Kangaloon Road road reserve	Lot 1, DP 790608	Local	I1347
Kangaloon	Nepean Dam Wall and Valve House	Moresby Hill Road	Part Lot 12, DP 1092321	State	I1823
Mittagong	Uniting Church	1-7 Albert Street	Lots 201-204, Sec S, DP 20	Local	I136
Mittagong	Guide Hall	10 Albert Street	Lot 176, DP 751267	Local	I1440
Mittagong	House	25 Albert Street,	Lot 1, DP 911097; Lot 1, DP 966346	Local	I565
Mittagong	House	43 Alfred Street,	Lot 106, Sec J, DP 1289	Local	I557
Mittagong	Bungalow	44 Alfred Street	Lot 159, Sec P, DP 1289	Local	I1452
Mittagong	House	45 Alfred Street,	Lot 105, Sec J, DP 1289	Local	I558
Mittagong	St Michael's School and Presbytery	51-55 Alfred Street	Lot 1, DP 814098	Local	I555
Mittagong	House	54 Alfred Street,	Lot 148, Sec O, DP 1289	Local	I559
Mittagong	St Michael's Catholic Church	57 Alfred Street	Lot 18, DP 778468	Local	I063
Mittagong	Stone stables	Alice Street	Lot 7, DP 550518	Local	I548
Mittagong	St Paul's Presbyterian Church	1 Alice Street (corner Edward Street)	Part Lot 152, DP 931663; Lot 1, DP 931666	Local	I553
Mittagong	Sunshine Lodge	5 Alice Street	Lots 145-147, Sec O, DP 1289	Local	I554

Mittagong	Former Renwick Institution, including brick silo, pair of mass concrete silos and silo precinct	Bong Bong Road	Lot 5, DP 1131771	Local	I618 I275
Mittagong	Goodlet Cottage	Bong Bong Road	Lot 53, DP 1040663	Local	I277 I275
Mittagong	Kennerton Green garden	Bong Bong Road	Lot 5, DP 2836	Local	I575
Mittagong	Rowe Cottage	Bong Bong Road	Lot 1, DP 846419	Local	I276 I275
Mittagong	Suttor Cottage	Bong Bong Road	Lot 52, DP 1040663	Local	I194 I275
Mittagong	Willow Run wells, barn and outbuildings	Bong Bong Road	Lot 115, DP 1067955	Local	I1193
Mittagong	School of Arts and Memorial Hall	Corner Bowral Road and Main Street (rear of 114-116 Main Street)	Lot 1, Sec 5, DP 1289	Local	I144 I270
Mittagong	Semi-detached houses	9-11 Bowral Road	Lot 6, Sec 6, DP 1289	Local	I567
Mittagong	Mittagong Fire Station	10 Bowral Road	Lot 8, DP 258852	Local	I569
Mittagong	"Melrose" house	50 Bowral Road	Lot B, DP 415847	Local	I566
Mittagong	Catholic Cemetery	65 Diamond Fields Road	Lot 1, DP 805819	Local	I090
Mittagong	Victorian cottage	3 Edward Lane	Lot C, DP 377284	Local	I1468
Mittagong	Alexandra Square including trees and rotunda	Edward Street	Lot 1, Sec N, DP 1289	Local	I1509
Mittagong	"New Sheffield" house	9 Edward Street	Lot 1, DP 518942	Local	I1474
Mittagong	"Plum Cottage"	10 Edward Street	Lot 205, Sec T, DP 1289	Local	I1475
Mittagong	"Lake View" house	17 Edward Street	Lot 1, DP 515854	Local	I1477
Mittagong	Nattai Creek Bridge	Ferguson Crescent	Nattai Creek	Local	I1885

Mittagong	"Fitzroy Inn" (former "Oaklands")	1 Ferguson Crescent	Lot 16, DP 1005636	Local	I099
Mittagong	Anglican Rectory	Corner Louisa and Main Streets	Lot 2, DP 622996	Local	I124
Mittagong	"Hillside" house	16 Louisa Street	Lot 1, DP 1040292	Local	I1488
Mittagong	Memorial Clock Tower	Main Street		Local	I278
Mittagong	Victoria House	49 Main Street	Lot 215, DP 654533	Local	I550
Mittagong	Forbes Building	67 Main Street	Lot 1, DP 789814	Local	I064
Mittagong	Mealings Building	69 Main Street	Lot 5, DP 240187	Local	I060
Mittagong	Lion Rampant Hotel	75 Main Street	Lot 4, DP 240187	Local	I546
Mittagong	Shops	77-79 Main Street	Lots 1 and 2, DP 524097	Local	I192
Mittagong	Former National Australia Bank building	83 Main Street	Lot 238, DP 650500	Local	I101
Mittagong	Esco Pazzo Restaurant (former Hume House)	84 Main Street	Lot 1, Sec 1, DP 1289	Local	I549
Mittagong	Bunters Shop	85-87 Main Street	Lot 1, DP 735671	Local	I106
Mittagong	Mittagong Hotel	89 Main Street	Lot 236, Sec V, DP 20	Local	I547
Mittagong	St Stephen's Anglican Church and grounds	106 Main Street	Lot 1, DP 78607	Local	I170
Mittagong	The Boston Ivy	107 Main Street	Lot 21, DP 777984	Local	I100
Mittagong	Whyte's Corner Store	108 Main Street	Lot 3, Sec 3, DP 1289	Local	I432
Mittagong	Former Mittagong Shire Council Building	114-116 Main Street (corner Bowral Road)	Lot 1, Sec 5, DP 1289	Local	I193
Mittagong	Fitzroy Ironworks	Corner Old Hume Highway and Bessemer Street	Lot A, DP 26366	Local	I457

Mittagong	Bethel Cottage	38 Old Hume Highway	Lot 4, Sec 3, DP 33	Local	I1849
Mittagong	"Ironstone Cottage"	185 Old Hume Highway	Lot 4, DP 1142703	Local	I1712
Mittagong	Cutter's Inn (former Hassal and Jefferis Cottages)	Old South Road	Lot 16, DP 879494	State	I195 I196
Mittagong	Marist Brothers Centre	Old South Road	Lots 1-4, DP 804746	Local	I169
Mittagong	Lake Alexandra Reserve	Pioneer Street/ Queen Street	Lots 121-126, Sec L, DP 20; Lots 7 and 8, Sec A, DP 20; Lots 61, 62, 67 and 68, Sec F, DP 20; Lot 1, DP 1091716; Lots 1 and 2, DP 1132143; Lot 1, DP 130513; Queen Street/ Alfred Street road reserve; unformed road reserve between Queen and Pioneer Streets	Local	I458
Mittagong	Mt Alexandra Reserve	Pioneer Street	Lot 16, DP 831498	Local	I066
Mittagong	Semi-detached sandstone cottage	3 Pioneer Street	Lot 15, DP 597853	Local	I092
Mittagong	Brick cottage	12 Pioneer Street	Lot 1, DP 928363	Local	I097
Mittagong	Mittagong Public Library	Corner Queen and Albert Streets	Lots 220 and 221, Sec U, DP 20	Local	I564
Mittagong	House	3 Queen Street	Lot C, DP 979880	Local	I552
Mittagong	"Lakeview" house	5 Queen Street	Lot A, DP 979880	Local	I1497
Mittagong	Leslie Cottage	8 Queen Street	Lot 1, DP 906385	Local	I563
Mittagong	House	10 Queen Street	Lots 1-4, DP 1083442	Local	I562

Mittagong	Former Station Master's Residence	1 Railway Parade	Lot 1, DP 743008	Local	I198
Mittagong	Chalybeate Spring site	14 Rainbow Road	Lot 33, DP 9299	Local	I576
Mittagong	Frensham School Group (East Wing, North and West Wings, South Wing, and West Wing garden)	Range Road	Lots 4-6 and 8-10, Sec 19, DP 1289; Part Lot 1, DP 1133695; Part Lot 14, DP 866594	Local	I272 I273 I171 I274
Mittagong	"Luggie Bank" house and outbuildings	Range Road	Lot 12, DP 1010798	Local	I468
Mittagong	Mittagong Railway Station	Regent Street		State	I197
Mittagong	Railway goods shed	Regent Street		Local	I267
Mittagong	Winifred West Park	Regent and Main Streets and Church Lane	Lots 1-3 and 16-21, Sec 2, DP 1289; Lot 1, DP 668762	Local	I039
Mittagong	The Maltings	Southey, Colo and Ferguson Streets	Lot 21, DP 1029384	Local	I103
Mittagong	"Wandevan" house including interiors	20-24 Southey Street	Lot 8, DP 1201829	Local	I1747
Mittagong	Police Station	1-3 Station Street	Lot 8, DP 618569	Local	I161
Mittagong	Former Post Office	5 Station Street	Lot 1, DP 746469	State	I1492
Mittagong	Shops	7-11 Station Street	Lot 5, DP 356938; Lot 2, DP 664262	Local	I135
Mittagong	House	1 Victoria Street	Lot 193, DP 667168	Local	I560
Mittagong	House	3 Victoria Street	Lot 1, DP 312786	Local	I561
Mittagong	Picton-Mittagong Loop Line railway line			Local	I473

Moss Vale	Former Post Office	Argyle Street	Lot 1, DP 612545	Local	I248
Moss Vale	JM Alcorn Memorial	Argyle Street		Local	I397
Moss Vale	Leighton Gardens	Argyle Street	Lot 9, DP 832397	Local	I400
Moss Vale	Leighton Gardens pavilion	Argyle Street	Lot 9, DP 832397	Local	I172
Moss Vale	Moss Vale Railway Station	Argyle Street	Lot 4, DP 1101186	State	I244
Moss Vale	Moss Vale Rail Underbridge	Argyle Street		State	I178
Moss Vale	"Cardrona" (former Eagleroo) grounds	Corner Argyle Street and Kater Road	Lots 1 and 2, DP 1081472	Local	I352
Moss Vale	Jemmy Moss Inn	Corner Argyle and Waite Streets	Lot 1, DP 568356	Local	I396
Moss Vale	Former Station Master's Residence	247 Argyle Street	Lot 8, DP 832397	Local	I47
Moss Vale	Moss Vale Court House	356-364 Argyle Street	Lot 2, DP 198566	Local	I173
Moss Vale	Whytes shop	426 Argyle Street	Lot 426, DP 111119	Local	I612
Moss Vale	St Paul's International College (former Dominican Convent)	463 Argyle Street	Lot 1, DP 775152	Local	I042
Moss Vale	Hereford House	465-469 Argyle Street	Lot 14, DP 1027521	Local	I418
Moss Vale	Former School of Arts	471 Argyle Street	Lot 12, DP 129056	Local	I043
Moss Vale	Former National Australia Bank	478 Argyle Street	Lot 1, DP 1083885	Local	I045
Moss Vale	Argyle House	479 Argyle Street	Lot 2, DP 502003	Local	I040
Moss Vale	Victorian shop, painted wall signs and house	561 Argyle Street	Lot 5, Sec 1, DP 38	Local	I1534
Moss Vale	Semi-detached houses	587 and 587A Argyle Street	Lots 1 and 2, DP 209719	Local	I318

Moss Vale	Glendalough	598 Argyle Street	Lot 13, DP 593630	Local	I200
Moss Vale	Lynton	618-620 Argyle Street	Lot 1, DP 217785	Local	I413
Moss Vale	Coach House Antiques	10 Yarrowa Street (corner Argyle Street)	Lot 11, DP 543869	Local	I403
Moss Vale	Dormie House guest house	Arthur Street	Lot 1, DP 198551	Local	I402
Moss Vale	Sandstone kerb and guttering	Arthur Street/Throsby Street		Local	I1547
Moss Vale	"Willow Grange" house and grounds	34 Berrima Road	Lot 9, DP 1138934	Local	I1192
Moss Vale	Cottage	15 Broughton Street	Lot 5, DP 38888	Local	I1512
Moss Vale	Former St John's Anglican Rectory	Corner Browley and Waite Streets	Lot 72, DP 628810; Lot 1, DP 825847	Local	I223
Moss Vale	St John's Anglican Church	Corner Browley and Waite Streets	Lots 21 and 22, Sec 1, DP 38	Local	I175
Moss Vale	St Andrew's Presbyterian Church	7 Browley Street	Lot 8, Sec 2, DP 38	Local	I407
Moss Vale	Moss Vale Public School	12 Browley Street	Lots 23-25, Sec 1, DP 38; Lot 1, DP 323450; Lot B, DP 329683	Local	I201
Moss Vale	Kalaurgan	24 Browley Street	Lot A, DP 329683	Local	I406
Moss Vale	"Cottesbrooke" house	9 Caber Street	Lot 4, DP 1026113	Local	I1516
Moss Vale	Throsby Cottage	Church Road	Lot 4, DP 730956	State	I150
Moss Vale	"Karingal" interwar bungalow and garden, including brick and trachyte fence	26 Elizabeth Street	Lot 1, DP 986025; Lot 110, DP 877316	Local	I1521
Moss Vale	"Woodside" house, grounds and outbuildings	Farnborough Drive	Lots 1 and 2, DP 1042522	Local	I263 I149

Moss Vale	Catholic Presbytery	Garrett Street	Part Lot 1, DP 227903	Local	I404
Moss Vale	St Paul's Roman Catholic Church	Garrett Street	Lot 1, DP 227903	Local	I408
Moss Vale	Annabelle's Cottage (former Gundagai Cottage)	Illawarra Highway	Lot 1, DP 155806	Local	I145 I151
Moss Vale	Tudor House School	Illawarra Highway	Part Lot 1, DP 529711	Local	I046
Moss Vale	The Barn (former Throsby Park Barn)	Corner Illawarra Highway and Church Road	Lot 5, DP 730956	State	I053
Moss Vale	"Peppers" (former Mt Broughton) house, grounds and outbuildings	Kater Road	Lot 1, DP 236285	Local	I488 I486 I487 I489
Moss Vale	Federation house	2-4 Lovelle Street	Lot 1, DP 505606	Local	I1515
Moss Vale	"Park Hill" house	48 Narellan Road	Lot 12 and part of Lot 14, Sec 4, DP 977031	Local	I1525
Moss Vale	"Mali Brae" hatch cottage and outbuildings	429 Nowra Road	Lot 220, DP 651063	Local	I450
Moss Vale	"Bonheur" house, grounds and outbuildings	Oldbury Road	Lot 5, DP 979138	Local	I049
Moss Vale	"Browley" house, grounds and outbuildings	Oldbury Road	Lot 4, DP 215782; Lot 10, DP 10658; Lots 1 and 2, DP 1123580; Lot 1, DP 74651; Lot 1, DP 1095023	Local	I056
Moss Vale	"Highfield" house, grounds and outbuildings	Oldbury Road	Lot 1, DP 58837; Lot 1, DP 59375; Lot 1, DP 59165;	Local	I246 I247 I054

Moss Vale	"Oldbury" house, grounds and outbuildings	Oldbury Road	Lot 1, DP 98673; Lot 3, DP 1046976; Lot 1, DP 559345; Lot 30, DP 654489; Lots 191 and 192, DP 1010278	State	I353 I057 I164
Moss Vale	"Whitley" house, grounds and outbuildings	Oldbury Road	Lot 2, DP 123550	State	I361 I360 I055
Moss Vale	Moss Vale Showground	18-46 Robertson Road	Lot 33, DP 736050; Lot 1, DP 738800; Lots 4 and 5, DP 6103	Local	I615
Moss Vale	Federation cottage	27 Spring Street	Lot 1, DP 552560	Local	I1596
Moss Vale	"Austermere", (former SCEGGS School) house and grounds	Suttor Road	Lot 3, DP 873240	Local	I398
Moss Vale	The Mill	Throsby Park Road	Lot H, DP 109154	Local	I417
Moss Vale	"Throsby Park" house, grounds and outbuildings	Throsby Park Road	Lot K, DP 109154; Lot 1, DP 580481	State	I050 I262 I052 I261 I245
Moss Vale	Throsby Manor, (former Council Chambers)	Throsby Street	Lot 1, DP 617915	Local	I041
Moss Vale	Victorian worker's cottage	7 Throsby Street	Lot 6, Sec 1, DP 975495	Local	I1604
Moss Vale	"Redbraes" house and garden	Valetta Street	Lot 102, DP 1036347	Local	I405
Moss Vale	"Cherry Hinton" house	35 Valetta Street	Lot 5, DP 812075	Local	I1657
Moss Vale	Interwar bungalow	21 Yarrowa Street	Lot 1, DP 1078405	Local	I1674
Moss Vale	Interwar transitional bungalow	22 Yarrowa Street	Lot 3, DP 37492	Local	I1675

Penrose	Sylvan Glen Guest Farm house and grounds	Kareela Road	Lot 2, DP 1055825	Local	I611
Penrose	"Woodhouselea" (former Methodist Church)	Kareela Road	Lots D and E, DP 17031	Local	I595
Penrose	Penrose Public School	Penrose Road	Lots 110 and 111, DP 751259	Local	I579
Penrose	Paddy's River Ford (Site 1)	Penrose State Forest		Local	I434
Renwick	"Challoner Cottage" (former Renwick Institution)	82 Bong Bong Road	Lot 611, DP 1208908	State	I1880
Robertson	Robertson Manse	37 Hoddle Street	Lot 32, DP 534111	Local	I1704
Robertson	Robertson Public School	53 Hoddle Street	Lots 1, 2, 6, 7 and 8, Sec 14, DP 758882; Lots 407 and 408, DP 821032	Local	I600
Robertson	Robertson School of Arts	59 Hoddle Street	Lot 3, Sec 14, DP 758882	Local	I599
Robertson	Police Station and former Courthouse	61 Hoddle Street	Lot 4, Sec 14, DP 758882	Local	I206
Robertson	Wingecarribee swamp	Illawarra Highway	Lot 2, DP 879403	State	I1186
Robertson	"Fountaindale Manor", grounds and railway siding	135 Illawarra Highway (corner Fountaindale Road)	Lot 2, DP 610676	Local	I601 I603
Robertson	Robertson Cemetery	Missingham Parade	Lot 7010, DP 1001536	Local	I441
Robertson	Robertson Railway Station	Moss Vale—Unanderra Railway Line		Local	I463
Robertson	Mount Murray Railway Station Group	Mount Murray	Moss Vale—Unanderra Railway Line	State	I024

Sutton Forest	"Eccleston Park" house and outbuildings	Canyonleigh Road	Lots 7 and 9, DP 805624	Local	I017
Sutton Forest	Charlie Grey's Cottage	Conflict Street	Lots 9 and 10, Sec 3, DP 758938	Local	I014
Sutton Forest	"Boscobel" house, grounds and outbuildings	Exeter Road	Lots 1 and 2, Sec 9, DP 758938; Lots 1-19, Sec 8, DP 758938; Lot 1, DP 1094302; Lot 1, DP 63523	Local	I013
Sutton Forest	Everything Store, former Butcher Shop (A Little Piece of Scotland) and General Store	Corner Exeter Road and Illawarra Highway	Lot 1, DP 722533; Lot 1, DP 984053	Local	I490
Sutton Forest	"Bunya Hill" house, grounds and outbuildings	Golden Vale Road	Lot 1, DP 995642; Lot 1, DP 130301	Local	I018
Sutton Forest	"Golden Vale" house, grounds and outbuildings	Golden Vale Road	Lot 1, DP 1118652	State	I003 I005 I001 I002
Sutton Forest	"Montrose" house and grounds	Greenhills Road	Lot 2, DP 620221	Local	I006
Sutton Forest	Black Bob's Bridge	Black Bob's Creek, Hume Highway	Lot 5, DP 614690	Local	I019
Sutton Forest	"Black Horse" farm house, grounds and outbuildings (former Black Horse Inn)	Hume Highway	Lot 105, DP 1087612	Local	I020
Sutton Forest	"Comfort Hill" house, grounds and outbuildings	Hume Highway	Lot 1, DP 744544	Local	I357 I356 I021
Sutton Forest	"Eling Forest Winery" house, grounds and outbuildings	Hume Highway	Lot 2, DP 806934	Local	I004 I009 I010

Sutton Forest	All Saints Anglican Church, hall and cemetery	Illawarra Highway	Lots 1 and 2, DP 999587	Local	I026
					I022
					I025
					I350
Sutton Forest	"Clover Hill" house, grounds and outbuildings	Illawarra Highway	Lot 1, DP 56241	Local	I203
Sutton Forest	Cottage	Illawarra Highway	Lots 8 and 9, DP 32	Local	I028
Sutton Forest	"Hillview" house, grounds and outbuildings	Illawarra Highway	Lot 12, DP 260417	State	I008
					I007
					I358 I359
Sutton Forest	Remembrance Driveway plantings	Illawarra Highway	Lots A and B, DP 415370	Local	I1691
Sutton Forest	"Rosedale" house and grounds	Illawarra Highway	Lot 2, DP 250747; Lot 6, DP 250743; Lots 7 and 8, DP 11147	Local	I031
Sutton Forest	"Rotherwood" house, grounds and outbuildings	Illawarra Highway	Lot 1, DP 1068950	Local	I033
					I032
Sutton Forest	"Spring Grove Farm" house, grounds and outbuildings	Illawarra Highway	Lot 2, DP 250746; Lot 2, DP 1127380	Local	I492
Sutton Forest	St Patrick's Roman Catholic Church and cemetery	Illawarra Highway	Lot 1, DP 513739	Local	I034
					I349
					I023
Sutton Forest	"Sutton Farm" house, grounds and outbuildings (former Red Cow Inn)	Illawarra Highway	Lot 1, DP 783660	Local	I035
Sutton Forest	Sutton Forest Inn (former Royal Hotel)	Illawarra Highway	Lot 1, DP 64663	Local	I1187
Sutton Forest	"The Harp" (former "Bindagundra" house, grounds and outbuildings)	Illawarra Highway	Lot 1, DP 1028147	Local	I027

Sutton Forest	“The Pines” slab cottage	Illawarra Highway	Lot 1, DP 160149	Local	1029
Sutton Forest	Former Post Office	Corner Illawarra Highway and Exeter Road	Lot 1, DP 334187; Lot 83, DP 665633	Local	1016
Sutton Forest	“Summerlees” house and grounds	219 Illawarra Highway	Lot 1, DP 58843	Local	1362 1037
Sutton Forest	“Newbury Farm” house, grounds and outbuildings	7300 Illawarra Highway	Lot 1, DP 301672; Lot 1, DP 176414; Lot 32, DP 665400	Local	1202 1036
Sutton Forest	Sutton Forest Public School—1879 classroom and toilets and 1912 classroom	7366 Illawarra Highway	Lot 1, DP 794882	Local	1030
Sutton Forest to Penrose	Old Argyle Road	Old Argyle Road (from Illawarra Highway, Sutton Forest to Paddys River, Penrose)		Local	1436
Werai	Werai Railway Station gatehouse	Greenhills Road	Lot 1, DP 563083; Lot 1, DP 250899; Lot 1, DP 1091104; Lot 2, DP 242757; Lot 1, DP 798065; Lot 1, DP 243124	Local	1605
Wildes Meadow	Sandstone cottage	1262 Belmore Falls Road	Lot 2, DP 317716	Local	11684
Wildes Meadow	Wesleyan Cemetery	Myra Vale Road	Lot 4, DP 912419	Local	11349
Wingello	Former St Andrew’s Anglican Church	5 Bumballa Street	Lot 15, Sec 1, DP 759097	Local	1606
Wingello	Wingello Railway Station Group	Main Southern Railway		State	11188
Wingello	Wingello Public School—1913 timber classroom	591 Murrimba Road	Lot 76, DP 751298	Local	11696
Wingello	Mechanics Institute Hall	65 Railway Parade	Lot 5, Sec 2, DP 759097	Local	11694

Wingello	Former General Store	75 Railway Parade	Lot 6, Sec 1, DP 759097	Local	I1695
Yerrinbool	Avon Dam	Avon Dam Road	Lot 32, DP 1138149	State	I224
Yerrinbool	Yerrinbool Community Hall	45 Sunrise Road	Lot 68, DP 9882	Local	I1190

Part 2 Heritage conservation areas

Suburb	Item name	Item No
Berrima	Berrima Conservation Area	C148
Berrima	Berrima Landscape Conservation Area	C1843
Bowral	Aitken Road Conservation Area	C7065
Bowral	Bowral Conservation Area	C059 C089 C235
Bundanoon	Bundanoon Conservation Area	C1835
Burradoo	Anglewood Conservation Area	C199
Burradoo	Burradoo Landscape Conservation Area	C1834
Burrawang	Burrawang Conservation Area	C438
Joadja	Joadja Conservation Area	C1842
Mittagong	Mittagong Conservation Area	C1844
Mittagong	The Maltings Conservation Area	C1845
Moss Vale	Argyle Street North Conservation Area	C1836
Moss Vale	Argyle and Browley Streets Conservation Area	C1837
Moss Vale	East Street Conservation Area	C1839
Moss Vale	Throsby and Arthur Streets Conservation Area	C1838
Moss Vale	Throsby Park Conservation Area	C1841
Moss Vale	Valetta Street Conservation Area	C1840

Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item No
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Berrima	Berrima Internment Group	Oxley Street, Berrima River Reserve	Part of Lot 450, DP 751252; Lots 7033 and 7034, DP 1125727; Lots 7026-7028, DP 1026280; Lot 2, DP 833934; Lot 7316, DP 1178372; Part of Lot 7018, DP 1123913; Part of a Crown Reserve; Part of Wingecarribee River	State	A1882
Bong Bong	Bong Bong Common	Moss Vale Road	Lot 5, DP 258446; Lot 42, DP 850568; Lots 5-6, DP 736552	Local	A1191
Bong Bong	Bong Bong Settlement Marker (Obelisk)	Moss Vale Road	Lot 2, DP 1023574	Local	A221
Bowral	Mount Gibraltar and Trachyte Quarries Complex	Oxley Drive	Lot 1, DP 1208300; Lot 2, DP 1174086; Lots 1-6, DP 259828; Lot 1, DP 133145; Lot 2, DP 169019; Lots 31 and 32, DP 771155; Lot 1, DP 784884; Lot 2, DP 1118702; Lot 21, DP 856512; Lot 1, DP 159328	State	A154 A571
Joadja	Joadja Refinery	Joadja Road	Lot 11, DP 858859	State	A384
Joadja	Joadja Village	Joadja Road	Lot 11, DP 858859	State	A205
Mittagong	Fitzroy Ironworks	Corner Old Hume Highway and Bessemer Street	Lot A, DP 26366	Local	A457
Mittagong	Former Fitzroy Iron Works remains	197 Old Hume Highway	Lot 11, DP 1091676	Local	A1711

Mittagong Mt Alexandra Pioneer Street Lot 16, DP Local A066
Reserve 831498

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 handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

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

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

Note—

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

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

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

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—

- (aaa) agritourism,
- (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](#).

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note—

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

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) 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,
- (c) facilities for holding tastings, tours or workshops.

Note—

See clause 5.4 for controls in certain 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 or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

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

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

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

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

brothel has the same meaning as in the Act.

Note—

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

building has the same meaning as in the Act.

Note—

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

building height (or height of building) means—

- (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 funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, 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, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

canal estate development—see clause 2.9.

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 an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

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 **farm gate 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.

Note—

Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

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.)

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 \(Biodiversity and Conservation\) 2021](#), Chapter 2.

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

coastal lake means a body of water identified in [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Schedule 1.

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

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](#).

co-living housing means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

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

Note—

Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

commercial farm means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the [Local Government Act 1993](#), section 515, or
- (b) a primary production business within the meaning of the [Income Tax Assessment Act 1997](#) of the

Commonwealth, or part of a primary production business, including a business that—

- (i) was a primary production business, and
- (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

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 Wingecarribee Shire Council.

creative industry means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

Note—

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

crematorium means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place 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.

data centre means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

Note—

Data centres are a type of **high technology industry**—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).

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 experience premises means a building or place—

- (a) on a commercial farm, and

- (b) ancillary to the farm, and
- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—
 - (i) horse riding,
 - (ii) farm tours,
 - (iii) functions or conferences,
 - (iv) farm field days.

Note—

Farm experience premises are a type of **agritourism**—see the definition of that term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a commercial farm, and
 - (ii) ancillary to the farm, and
 - (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) 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,
 - (C) tastings or workshops,
 - (D) the provision of information or education related to the products, and
- (b) includes cellar door premises.

Note—

Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

Note—

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 Area Map means the [Wingecarribee Local Environmental Plan 2010 Flood Planning Area Map](#).

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the [Wingecarribee Local Environmental Plan 2010 Floor Space Ratio Map](#).

food and drink premises means 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.

goods repair and reuse premises means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

Note—

Goods repair and reuse premises are a type of **business premises**—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 \(Housing\) 2021](#), Chapter 3, Part 5 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 \(Housing\) 2021](#), Chapter 3, Part 5 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 [Wingecarribee Local Environmental Plan 2010 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 [Wingecarribee Local Environmental Plan 2010 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,

and includes a data centre, 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 1—

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 \(NSW\)](#).

Note 2—

Home-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

home business means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because 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 adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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 an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because 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 adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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.

independent living unit means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) used to house seniors or people with a disability, and
- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

Note—

Independent living units are a type of **seniors housing**—see the definition of that term in this Dictionary.

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

industrial retail outlet means a building or place that—

- (a) is used in conjunction with an industry (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.

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 [Wingecarribee Local Environmental Plan 2010 Land Application Map](#).

Land Reclassification (Part Lots) Map means the [Wingecarribee Local Environmental Plan 2010 Land Reclassification \(Part Lots\) Map](#).

Land Reservation Acquisition Map means the [Wingecarribee Local Environmental Plan 2010 Land Reservation Acquisition Map](#).

Land Zoning Map means the [Wingecarribee Local Environmental Plan 2010 Land Zoning Map](#).

landholding means an area of land—

- (a) constituted or worked as a single property, and
- (b) if comprising more than 1 lot—the lots are—
 - (i) contiguous, or
 - (ii) separated only by a road or watercourse.

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,
- (d) creative 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.

Local Clauses Map means the [Wingecarribee Local Environmental Plan 2010 Local Clauses Map](#).

Lot Size Map means the [Wingecarribee Local Environmental Plan 2010 Lot Size Map](#).

maintenance, in relation to a heritage item, 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.

manufactured home has the same meaning as in the [Local Government Act 1993](#).

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](#).

Minerals and Extractive Resources Land Map means the [Wingecarribee Local Environmental Plan 2010 Minerals and Extractive Resources Land Map](#).

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

primitive camping ground means a camping ground approved under the [Local Government Act 1993](#), Chapter 7, Part 1 as a primitive camping ground.

Note—

Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

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 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](#).

registered community housing provider has the same meaning as in the [Community Housing Providers \(Adoption of National Law\) Act 2012](#), section 13.

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,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (Repealed)
- (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, co-living housing 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, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

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), (b) (Repealed)
- (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 farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

Note—

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

road means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

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

Note—

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

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

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

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

Note—

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

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

Note—

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

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

Note—

Rural 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.

Schedule 1 Map means the [Wingecarribee Local Environmental Plan 2010 Schedule 1 Map](#).

school means a government school or non-government school within the meaning of the [Education Act 1990](#).

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 1—

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.

Note 2—

School-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note—

See clauses 5.4 and 5.5 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 *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5, or
- (c) a group of independent living units, 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 the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

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, local distribution premises or a warehouse or distribution centre.

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

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

swimming pool has the same meaning as in the [Swimming Pools Act 1992](#).

Note—

The term is defined as follows—

swimming pool means an excavation, structure or vessel—

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

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

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

Note—

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

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.

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.

urban release area means an area of land shown hatched and lettered “Urban Release Area” on the [Urban Release Area Map](#).

Urban Release Area Map means the [Wingecarribee Local Environmental Plan 2010 Urban Release Area Map](#).

underground mining means—

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

but does not include open cut mining.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

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

Note—

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

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

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

Note—

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

warehouse or distribution centre means a building or place used mainly or exclusively for storing

or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include 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, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

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

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

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