

Local Environmental Plan 1985

Gazetted 17th May 1985

(With amendments as at 18th December 1998)

Please Note

All development involving the erection or demolition of a building requires development consent to be obtained, despite provisions in Clause 9 of the LEP which state that certain development does not require consent, (as a result of changes to the Environmental Planning & Assessment Act in 1997, effective from 1st July, 1998).

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ENVIRONMENTAL PLANNING AND ASSESSMENT

ACT, 1979

CITY OF SHOALHAVEN LOCAL ENVIRONMENTAL PLAN, 1985

I, the Minister for Planning and Environment, in pursuance of section 70 of the Environmental Planning and Assessment Act, 1979, make the local environmental plan set out hereunder.

(79-3902)

BOB CARR,
Minister for Planning and Environment.

Sydney, 14th May, 1985.

PART I

PRELIMINARY

Citation

1. This plan may be cited as “City of Shoalhaven Local Environmental Plan, 1985”.

Aims, objectives, etc.

2. (1) The aim of this plan is to provide guidelines for land use management in the City of Shoalhaven which are in accordance with the objects of the Act.

(2) The objectives of this plan are—

- (a) to provide for a variety of residential life styles;
- (b) to ensure space is provided for community services and facilities as well as recreational activities;
- (c) to enable a variety of commercial uses while consolidating existing commercial centres;
- (d) to enable accommodation of industrial uses;
- (e) to ensure that the council gives due regard to the effect of natural hazards upon development;
- (f) to ensure that development and expansion of coastal villages are sympathetic to the coastal environment;
- (g) to ensure that prime crop and pasture lands remain free from urban development;
- (h) to protect items of the environmental heritage;
- (i) to provide a safe and efficient transport network connecting land use activities inside and outside the City;
- (j) to encourage the provision of adequate community facilities and services;
- (k) to ensure the social amenity and well-being of the City; and
- (l) to provide the most appropriate public utility services in the most effective manner.

NOTE: Amendments to the LEP 1985 may incorporate aims and objectives additional to those shown above. Refer to the gazetted amendment for further details.

(3) The strategy by which the aim referred to in subclause (1) and the objectives referred to in subclause (2) are to be achieved is by controlling the development of land to which this plan applies by reference to land use zones and by controlling particular types of development in those zones by reference to controls specified as applying only to those types of development or to development of certain types being carried out in respective zones.

Land to which plan applies

3. (1) Except as provided by subclause (2), this plan applies to land within the City of Shoalhaven, as shown on the map, with boundaries as indicated on the map.

(2) This plan does not apply to land shown uncoloured, edged heavy black and marked “Deferred” on the map, being land excluded from the operation of this plan pursuant to section 68(5) of the Act *and to land shown as Zone 8 (a) and Zone 8 (b) on map 5 of the Jervis Bay Regional Environmental Plan 1996.*

Amendment
J.B. R.E.P.
10 Jan 1997

Relationship to other environmental planning instruments

4. (1) This plan—

- (a) amends Interim Development Order No. 1—Shire of Shoalhaven in the manner set out in subclause (2); and
- (b) repeals Shoalhaven Local Environmental Plan Nos 1—12.

(2) Interim Development Order No. 1—Shire of Shoalhaven is amended by inserting after clause 1 the following clause:

1A. This order does not apply to land to which City of Shoalhaven Local Environmental Plan, 1985, applies.

Amendment
No. 147 –
Gazetted
11 Sept 1998

Amendment
No. 69 –
Gazetted
20 Nov 1992

Amendment
No. 129 –
Gazetted
16 May 1997

#Amendment
No. 70 –
Gazetted
5 Feb 1993

=Amendment
No. 93 –
Gazetted
2 Dec 1994

*Amendment
No. 73 –
Gazetted
19 Nov 1993

Model Provisions

5. (1) The Environmental Planning and Assessment Model Provisions, 1980 (except for the definitions of “club”, “extractive material”, “home industry”, “home occupation”, “motel”; * “residential flat building” and “units for aged persons” in clause 4(1) and clauses =15, 16, 23, 29, 30, #34, 35(c) and item 8 of Schedule 1) are adopted for the purposes of this plan.

(2) A tree preservation order made and in force immediately before the appointed day and applying to land to which this plan applies shall be deemed to be a tree preservation order made in pursuance of clause 8 of the Environmental Planning and Assessment Model Provisions, 1980, and may be rescinded or varied accordingly.

Interpretation

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

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

“appointed day” means the day upon which this plan takes effect;

Amendment
No. 149 –
Gazetted
16 Oct 1998

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

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

Amendment
No. 149 –
Gazetted
19 July 1996

Amendment
No. 147 –
Gazetted
11 Sept 1998

Amendment
No. 70 –
Gazetted
5 Feb 1993

"bed and breakfast accommodation" means the use of premises for the provision of accommodation and meals to temporary residents on a short-term basis where:

- (a) *the accommodation is, in each case, for a period not in excess of 21 days;*
- (b) *no more than 10 residents (including permanent residents) are accommodated at any one time; and*
- (c) *only permanent residents of the premises and other part-time employees are employed on the premises;*

Amendment
No. 75 –
Gazetted
29 Oct 1993

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

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

Amendment
No. 73 –
Gazetted
19 Nov 1993

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

Amendment
No. 69 –
Gazetted
20 Nov 1992

Amendment
No. 23 –
Gazetted
6 Oct 1989

"Candidate Area" means land shown on the map by dashed lines, the words "Candidate Area" and an area number;

Amendment
No. 147 –
Gazetted
11 Sept 1998

"club" means a building used as the premises of a club registered under the Registered Clubs Act 1976;

Amendment
No. 74 –
Gazetted
20 Aug 1993

"Cluster housing" means the erection on a single allotment of land of 3 or more detached dwelling-houses;

Amendment
No. 70 –
Gazetted
5 Feb 1993

"Community facility" means:

- (a) *a children's playground;*
- (b) *a place used for sporting activities or sporting facilities;*
- (c) *a place used to provide recreational facilities for the physical, cultural, social or intellectual welfare of the community or a group within the*

Amendment
No. 147 –
Gazetted
11 Sept 1998

community, being facilities provided by a public authority or a body of persons associated to promote that welfare; or

- (d) *a building or place used, whether for gain or not, as a room, meeting room or the like by a public authority or a body of persons associated as a non-profit organisation to promote the physical, cultural, social or intellectual welfare of the community or a group within the community,*

but does not include a club, racecourse or showground;

"Community facility" means:

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

~~*but does not include a racecourse or a showground;*~~

"Council" means the Council of the City of Shoalhaven;

"dual occupancy development" means development that results in 2 dwellings only (whether attached or detached), on a single allotment of land (or which would have that result were it not for the fact that the allotment is to be subdivided to create separate titles for each of the dwellings);

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

"home activity" means any activity or pursuit carried on for personal gain in or from a building or a room or a number of rooms forming part of, attached to or within the curtilage of a dwelling-house or in a dwelling in a residential flat building where—

- (a) *only goods made or produced there as a result of the activity or pursuit and ancillary goods are displayed or sold, if the activity or pursuit involves the display or sale of goods; and*
- (b) *the activity or pursuit does not—*
 - (i) *interfere with the amenity of the locality by reason*

of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;

- (ii) involve exposure to view from any public place of any unsightly matter;
- (iii) require the provision of any essential service main of a greater capacity than that available in the locality;
- (iv) if the dwelling-house or dwelling is situated within a residential zone other than Zone No. 2 (e), involve the employment of persons other than residents of the dwelling-house or dwelling;
- (v) if the dwelling-house or dwelling is situated within another zone (including Zone No. 2 (e)) within which a home activity is permitted, involve the employment of more than one person who is not a resident of the dwelling-house or dwelling; or
- (vi) involve the exhibition of any notice, advertisement or sign other than a notice or sign (not exceeding 1 metre by 0.6 metre) exhibited on the dwelling-house or dwelling indicating the name and occupation of the resident carrying on the activity or pursuit;

Amendment
No. 70 –
Gazetted
6 Feb 1993

Amendment
No. 119 –
Gazetted
19 July 1996

Amendment
No. 73 –
Gazetted
19 Nov 1993

Amendment
No. 4 –
Gazetted
12 Sept 1986

Amendment
No. 149 –
Gazetted
16 Oct 1998

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

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

"motel" means a building or buildings (other than a hotel, boarding - house or residential

Amendment
No. 129 –
Gazetted
16 May 1997

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

~~*"recreation area" means:*~~

~~*(a) a children's playground;*~~

~~*(b) a place used for sporting activities or sporting facilities; or*~~

~~*(c) a place used to provide recreational facilities for the physical, cultural or intellectual welfare of the community, being facilities provided by a public authority or a body of persons associated to promote that welfare;*~~

~~*but does not include a racecourse or a showground;*~~

"residential flat building" means a building containing 3 or more dwellings;

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

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

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

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

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

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

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

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

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

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

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

City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 13);

City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 14);

City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 15);

City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 17);

City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 18);

City of Shoalhaven Local Environmental Plan

1985 (Amendment No. 109);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 110);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 112);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 113);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 115);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 117);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 118);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 121);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 122);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 123);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 125);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 126) - Sheet 1;
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 137);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 140) - Sheet 1;
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 141);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 142);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 151);
 City of Shoalhaven Local Environmental Plan
 1985 (Amendment No. 159);

Amendment
 No. 15 –
 Gazetted
 13 Mar 1992

Amendment
 No. 69 –
 Gazetted
 20 Nov 1992

Amendment
 No. 72 –
 Gazetted
 12 Mar 1993

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

“turf farming” means the cultivation and extraction of turf whether or not for the purpose of sale;

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

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

(2) The letters and symbols “M.W.S. & D.B.” where appearing on the map mean “Metropolitan Water Sewerage and Drainage Board purposes”.

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

- (a) a reference to a map is a reference to a map deposited in the office of the Council;
- (b) a reference to land with a zone specified in clause 8 is a reference to land shown on the map in the manner indicated in that clause as the means of identifying land of the zone so specified; and
- (c) a reference to a building or place used for a purpose is a reference to a building or place intended to be used for that purpose.

Consent Authority

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

PART II.

GENERAL RESTRICTIONS ON DEVELOPMENT OF LAND

Zones indicated on the map

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

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

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

Zone No. 1 (c1) (Rural “C1” Zone)—coloured light brown with dark scarlet edging and lettered 1 (c1).

Zone No. 1 (c2) (Rural “C2” Zone)—coloured light brown with dark scarlet edging and lettered 1 (c2).

Zone No. 1 (c3) (Rural “C3” Zone)—coloured light brown with dark scarlet edging and lettered 1 (c3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Zone No. 3 (e) (Business “E” (Motels) Zone)—coloured light blue with dark scarlet edging and lettered 3 (e).

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

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

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

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

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

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

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

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

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

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

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

Zone No. 5 (d) (Special Uses “D” (Proposed Arterial

Roads Reservation and Widening of Existing Arterial Roads Reservation) Zone)—coloured by red and white bands with broken black lines on both sides of the bands, or by red and white bands with broken black lines on one side of the bands.

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

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

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

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

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

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

Zone No. 7 (b) (Environment Protection “B” (Estuarine Wetlands) Zone)—coloured orange with scarlet edging and lettered 7 (b).

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

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

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

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

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

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

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

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

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

Determination of zone boundaries

8A. (1) *Where a boundary between 2 zones as shown on the map does not correspond with a cadastral boundary, the Council may determine the zone boundary based on a survey of the land by a registered surveyor, despite clause 8.*

(2) *in determining a zone boundary under this clause:*

(a) *the Council shall have regard to the*

Amendment
No. 70 –
Gazetted
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characteristics of the land indicated by the survey and the relationship of those characteristics with the objectives of the zones on either side of the boundary to be determined; and

- (b) *a zone boundary cannot be varied by more than 20 metres from the boundary as shown on the map.*

Zone objectives and development control table

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

(2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which—

- (a) development may be carried out without development consent;
- (b) development may be carried out only with development consent; and
- (c) development is prohibited,

are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.

(3) Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on *or of* land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

TABLE

ZONE No. 1 (a) (RURAL “A” ZONE)

1. Objectives of zone

The objectives are—

- (a) to protect the agricultural potential of rural land; and
- (b) to prevent the fragmentation of viable rural holdings.

2. Without development consent

Agriculture (other than animal boarding establishments, intensive lot feeding of livestock, pig keeping and poultry farming); forestry.

3. Only with development consent

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

4. Prohibited

Boarding-houses; bulk stores; *bulky goods retailing*; car repair stations; **cluster housing*; *#dual occupancy development (other than development resulting in attached dwellings)*; generating works (involving wind-powered generators); industries (other than rural industries, extractive industries, offensive or hazardous industries); junk yards; motor showrooms; residential flat buildings ~~\$(other than those containing only 2 dwellings)~~; service stations; shops; warehouses.

ZONE No. 1 (b) (RURAL “B” ZONE)

1. Objectives of zone

The objectives are—

- (a) to protect the agriculture potential of rural land;
- (b) to prevent the fragmentation of viable rural holdings; and
- (c) to prevent the establishment of traffic generating development along main rural traffic arteries.

2. Without development consent

Agriculture (other than animal boarding establishments, intensive lot feeding of livestock, pig keeping and poultry farming); forestry.

3. Only with development consent

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

4. Prohibited

Animal boarding establishments; boarding-houses; bulk stores; *bulky goods retailing*; caravan parks; car repair stations; clubs; **cluster housing*; commercial premises; *#dual occupancy development (other than development resulting in attached dwellings)*; industries (other than rural industries); junk yards; liquid fuel depots; mines; motor showrooms; places of assembly; places of public worship; reception establishments; recreation establishments; recreation facilities; residential flat buildings ~~\$(other than those containing only 2 dwellings)~~; retail plant nurseries ~~\$(other than where a wholesale nursery is also operated on the same land and where access to the land is by a local side road and not a main road)~~; roadside stalls; sawmills; service stations; shops; stock and sale yards; timber yards; transport terminals; warehouses.

ZONE No. 1 (c1) (RURAL “C1” ZONE)

1. Objectives of zone

The objectives are to provide a zone which will increase the range of living styles and provide for rural residential, primarily for detached housing, with allotment sizes of not less than 1 hectare.

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

Abattoirs; advertising structures; amusement parks; bulk stores; *bulky goods retailing*; caravan parks; car repair stations; clubs; *#cluster housing*; commercial premises; **dual occupancy development (other than development resulting in attached dwellings)*; hospitals; hotels; industries; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; public utility undertakings;

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No. 75 –
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29 Oct 1993
*Amendment
No. 74 –
Gazetted
20 Aug 1993
#Amendment
No. 73 –
Gazetted
19 Nov 1993
\$Amendment
No. 27 –
Gazetted
15 Sep 1989
Superseded
by
Amendment
No. 61 –
Gazetted
1 May 1992

Amendment
No. 75 –
Gazetted
29 Oct 1993
*Amendment
No. 74 –
Gazetted
20 Aug 1993
Amendment
No. 150 –
Gazetted
4 Dec 1998
#Amendment
No. 73 –
Gazetted
19 Nov 1993

Amendment
No. 75 –
Gazetted
29 Oct 1993
#Amendment
No. 74 –
Gazetted
20 Aug 1993

*Amendment
No. 73 –

Gazetted
19 Nov 1993

§Amendment
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refreshment rooms; residential flat buildings ~~*(other than those containing only 2 dwellings);~~ road transport depots; roadside stalls; sawmills; service stations; shops; stock and sale yards; timber yards; tourist facilities; transport terminals; *\$turf farming*; warehouses.

ZONE No. 1 (c2) (RURAL “C2” ZONE)

1. Objectives of zone

The objectives are to provide a zone which will increase the range of living styles and provide for rural residential, primarily for detached housing, with allotment sizes of not less than 2 hectares.

2. Without development consent

Nil.

3. Only with development consent.

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

4. Prohibited

Abattoirs; advertising structures; amusement parks; bulk stores; *bulky goods retailing*; car repair stations; caravan parks; clubs; **cluster housing*; commercial premises; *#dual occupancy development (other than development resulting in attached dwellings)*; hospitals; hotels; industries; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; public utility undertakings; refreshment rooms; residential flat buildings ~~#(other than those containing only 2 dwellings);~~ road transport depots; roadside stalls; sawmills; service stations; shops; stock and sale yards; timber yards; tourist facilities; transport terminals; *\$turf farming*; warehouses.

ZONE No. 1 (c3) (RURAL “C3” ZONE)

1. Objectives of zone.

The objectives are to provide for small rural holdings with a minimum allotment size of not less than 10 hectares.

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

Advertising structures; boarding-houses; bulk stores; *bulky goods retailing*; car repair stations; **cluster housing*; commercial premises; **(other than clubs); #dual occupancy development (other than development resulting in attached dwellings);* industries (other than rural industries); junk yards; liquid fuel depots; mines; residential flat buildings ~~#(other than those containing only 2 dwellings);~~ service stations; shops; timber yards; transport terminals; warehouses.

ZONE No. 1 (d) (RURAL “D” ZONE)

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1. Objectives of zone

The objectives are to indicate areas for future urban expansion and where land uses may be approved which will not frustrate the eventual development of the area for urban expansion.

2. Without development consent

Agriculture.

3. Only with development consent

Bed and breakfast accommodation; caravan parks; **dual occupancy development (only where the development results in attached dwellings)*; dwelling-houses; dwellings and ancillary buildings ordinarily incidental or subsidiary to agriculture; extractive industries; forestry; home activities; retail plant nurseries; roads; roadside stalls; stables; timber yards; *#turf farming*; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 1 (e) (RURAL “E” ZONE)

1. Objectives of zone

The objectives are to identify those areas specifically where extractive and mineral resources exist and to protect the potential use of those resources.

2. Without development consent

Agriculture.

3. Only with development consent

Dwellings and buildings incidental to or subsidiary to agriculture; extractive industries; forestry; home activities; mines; *roads*; *turf farming*.

4. Prohibited

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

ZONE No. 1 (f) (RURAL “F” ZONE)

1. Objectives of zone

The objectives are to provide for forestry activity and certain other compatible land uses to be carried out with the consent of the Council.

2. Without development consent

Forestry.

3. Only with development consent

Agriculture; camping and caravan parks; *community facilities*; drainage; dwellings used in association with forestry; extractive industries; home

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activities; mines; ~~recreation areas~~; research establishments; roads; stables; ~~turf farming~~; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 1 (g) (RURAL "G" ZONE)

1. Objectives of zone

The objectives are to identify land liable to periodic inundation. The actual flood line has been determined from the most recent information available and in many cases further investigation is still being carried out. Development is mainly restricted to agriculture and forestry but allows certain other compatible land uses to be carried out with the consent of the Council.

2. Without development consent

Agriculture.

3. Only with development consent

Advertising structures; *bed and breakfast accommodation (but only where this is an ancillary use or where a dwelling-house would otherwise be permissible on the land)*; buildings used in conjunction with agriculture; ~~children's playgrounds~~; clearing of mangroves and saltmarsh; *community facilities*; drainage; drill grounds; dwelling-houses; extractive industries; forestry; gardens; *generating works (other than wind-powered generators)*; *home activities*; oyster farming; ~~parks; public baths; public reserves~~; racecourses; ~~recreation areas~~; roads; rural industries; showgrounds; ~~sports grounds~~; **turf farming*; uses or buildings associated with those purposes which are under the care, control and management of the Council; utility installations (other than gas holders ~~or generating works~~); *#waste treatment and disposal, in each case involving the use of water.*

4. Prohibited

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

ZONE No. 2 (a1) (RESIDENTIAL "A1" ZONE)

1. Objectives of zone

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

2. Without development consent

Dwelling-houses except those on flood liable land as indicated on the map.

3. Only with development consent

Bed and breakfast accommodation; child care

centres; child welfare centres; *community facilities*; drainage; **dual occupancy development*; dwelling-houses on flood liable land as indicated on the map; educational establishments; general stores; home activities; hospitals; open space; places of public worship; professional consulting rooms; ~~*residential flat buildings (containing only 2 dwellings)~~; roads; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 2 (a2) (RESIDENTIAL "A2" ZONE)

1. Objectives of zone

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

2. Without development consent

Dwelling-houses except for those on flood liable land as indicated on the map.

3. Only with development consent

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

4. Prohibited

Advertising structures; amusement parks; animal boarding establishments; bulk stores; *bulky goods retailing*; car repair stations; caravan parks; clubs; **cluster housing*; commercial premises; ~~#dual occupancy development (other than development resulting in attached dwellings)~~; hotels; industries; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; public utility undertakings; residential flat buildings ~~(other than those containing 2 dwellings)~~; road transport depots; roadside stalls; sawmills; service stations; timber yards; tourist facilities; transport terminals; ~~*turf farming~~; warehouses.

ZONE No. 2 (a3) (RESIDENTIAL "A3" ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

Advertising structures; amusement parks;

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animal boarding establishments; bulk stores; *bulky goods retailing*; car repair stations; caravan parks; clubs; **cluster housing*; commercial premises; *#dual occupancy development (other than development resulting in attached dwellings)*; hotels; industries; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; public utility undertakings; residential flat buildings ~~##(other than those containing only 2 dwellings)~~; road transport depots; roadside stalls; sawmills; service stations; timber yards; tourist facilities; transport terminals; *#turf farming*; warehouses.

ZONE No. 2 (a4) (RESIDENTIAL “A4” (RESTRICTED DEVELOPMENT) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 2 (b1) (RESIDENTIAL “B1” ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 2 (b2) (RESIDENTIAL “B2” ZONE)

1. Objectives of zone

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

housing and to identify opportunities for motel development.

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 2 (c) (RESIDENTIAL “C” (LIVING AREA) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 2 (d) (RESIDENTIAL “D” ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

Amusement parks; *bed and breakfast accommodation*; boarding-houses; caravan parks; drainage; dwelling-houses; *home activities*; motels; recreation facilities; roads; ~~tourist establishments~~; *tourist facilities*; units for aged or disabled persons; unlicensed clubs not exceeding 150 square metres

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gross floor area; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 2 (e) (RESIDENTIAL “E” (VILLAGE) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 3 (a) (BUSINESS “A” (RETAIL) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 3 (b) (BUSINESS “B” (TRANSITIONAL) ZONE)

1. Objectives of zone

The objectives are to provide for forms of business activities normally located on the fringe of the central business district which require large sites, including *bulky goods retailing*.

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 3 (c) (BUSINESS “C1” (NEIGHBOURHOOD) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 3 (d) (BUSINESS “D” (COMMERCIAL) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

Bed and breakfast accommodation; commercial premises; drainage; dwelling-houses and dwellings attached to and used in conjunction with any purpose specified in this Item; *home activities*;

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professional consulting rooms; public buildings; roads; shops and purposes referred to in Schedule 4; utility installations (other than gas holders or generating works);

4. Prohibited

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

ZONE No. 3 (e) (BUSINESS “E” (MOTELS) ZONE)

1. Objectives of zone

The objectives are to provide for motel development.

2. Without development consent

Nil.

3. Only with development consent

Bed and breakfast accommodation; child care centres; child welfare centres; drainage; dwelling-houses; educational establishments; home activities; hospitals; motels; places of public worship; open space; refreshment rooms; roads; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 3 (f) (BUSINESS “F” (VILLAGE) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

Bed and breakfast accommodation; **bulky goods retailing*; *caravan parks*; *#cluster housing*; *\$dual occupancy development*; dwelling-houses and dwellings (other than those attached to shops or commercial premises); industries referred to in Schedule 5; junk yards; liquid fuel depots; *¶turf farming*.

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ZONE No. 3 (g) (BUSINESS “G” (DEVELOPMENT AREA) ZONE)

1. Objectives of zone

The objectives are to provide a strategic

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

Abattoirs; *bed and breakfast accommodation*; **bulky goods retailing*; *#cluster housing*; *\$dual occupancy development*; *¶dwelling-houses (except in accordance with, or as ancillary to uses referred to in, the objectives of the zone)*; junk yards; liquid fuel depots; mines; **turf farming*.

ZONE No. 3 (h) (BUSINESS “H” (RESTRICTED DEVELOPMENT) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 4 (a) (INDUSTRIAL “A” (GENERAL) ZONE)

1. Objectives of zone

The objectives are:

(a) *to provide for a wide range of general industrial development, including*

warehousing, processing and general service industries;

- (b) to allow non-industrial uses which are ancillary to industry;
- (c) to allow for bulky goods retailing; and
- (d) to allow other non-industrial uses that do not significantly compromise the existing or potential industrial development of the area.

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

*Bed and breakfast accommodation; boarding-houses; caravan parks; *cluster housing; commercial premises; (other than clubs); #dual occupancy development; dwellings and dwelling-houses (other than those used in conjunction with industry and situated on land on which such industry is conducted); educational establishments; extractive industries; hospitals; hotels; institutions; mines; motels; places of assembly; places of public worship; roadside stalls; shops (other than those referred to in Schedule 3); stock and sale yards; §turf farming.*

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ZONE No. 4 (b) (INDUSTRIAL “B” (LIGHT) ZONE)

1. Objectives of zone

The objectives are:

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

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2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

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stock and sale yards; ¶turf farming.

ZONE No. 4 (c) (INDUSTRIAL “C” (SPECIAL) ZONE)

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1. Objectives of zone

The objectives are:

- (a) to provide special industrial areas to allow a wide range of industrial, warehousing, commercial and bulky goods retailing activities which by the nature of their operation may require ancillary activities including those for display, commercial, office, servicing or shop purposes;
- (b) to allow other purposes which in the opinion of Council will not prejudice or significantly detract from the operation of existing uses or the amenity of nearby residents;
- (c) to encourage innovative and imaginative design with particular emphasis on integration of buildings and landscaping.

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

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ZONE No. 4 (d) (INDUSTRIAL “D” (WATERFRONT) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

Ships and boat building.

4. Prohibited

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

ZONE No. 4 (e) (INDUSTRIAL “E” (RESTRICTED

DEVELOPMENT) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

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ZONE No. 5 (a) (SPECIAL USES “A” ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 5 (b) (SPECIAL USES “B” (RAILWAYS) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

Drainage; open space; parking; railways; roads; utility installations (other than gas holders or

generating works).

4. Prohibited

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

ZONE No. 5 (c) (SPECIAL USES “C” (RESERVATION) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 5 (d) (SPECIAL USES “D” (PROPOSED ARTERIAL ROADS RESERVATION AND WIDENING OF EXISTING ARTERIAL ROADS RESERVATION) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 5 (e) (SPECIAL USES “E” (PROPOSED LOCAL ROADS RESERVATION AND WIDENING OF LOCAL ROADS RESERVATION) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 6 (a) (OPEN SPACE—RECREATION “A” (EXISTING) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

Agriculture; *buildings for the purposes of landscaping, gardening or bush fire hazard reduction*; caravan parks; ~~children’s playgrounds~~; community facilities; drainage; drill grounds; forestry; ~~gardens~~; ~~golf courses~~; ~~parks~~; ~~public baths~~; ~~public reserves~~; racecourses; ~~recreation areas~~; roads; showgrounds; sports grounds; uses or buildings associated with those purposes which are under the care, control and management of the council; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 6 (b) (OPEN SPACE—RECREATION “B” (PRIVATE) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

~~Bowling greens~~; *buildings for the purposes of landscaping, gardening or bush fire hazard reduction*; caravan parks; ~~clubs~~; community facilities; ~~clubs~~; ~~golf courses~~; public utility installations (other than gas holders or generating works); ~~recreation areas~~; ~~recreation facilities~~; roads; ~~sports grounds~~; tourist facilities.

4. Prohibited

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

ZONE No. 6 (c) (OPEN SPACE—RECREATION “C” (PROPOSED) ZONE)

1. Objectives of zone

The objectives are to identify land which will

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

2. Without development consent

Nil

3. Only with development consent

Agriculture; *buildings for the purposes of landscaping, gardening or bush fire hazard reduction*; caravan parks; ~~children’s playgrounds~~; community facilities; drainage; drill grounds; forestry; ~~gardens~~; ~~golf courses~~; ~~parks~~; ~~public baths~~; ~~public reserves~~; racecourses; ~~recreation areas~~; roads; showgrounds; ~~sports grounds~~; uses or buildings associated with those purposes which are under the care, control and management of the Council; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 6 (d) (OPEN SPACE—RECREATION “D” (RESERVE) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

Agriculture; *buildings for the purposes of landscaping, gardening or bush fire hazard reduction*; caravan parks; ~~children’s playgrounds~~; community facilities; drainage; drill grounds; forestry; ~~gardens~~; ~~golf courses~~; ~~parks~~; ~~public baths~~; ~~public reserves~~; racecourses; ~~recreation areas~~; roads; showgrounds; ~~sports grounds~~; uses or buildings associated with those purposes which are under the care, control and management of the Council; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 7 (a) (ENVIRONMENT PROTECTION “A” (WETLANDS) ZONE)

1. Objectives of zone

The objectives are to protect the wetlands environment for conservation purposes.

2. Without development consent

Nil.

3. Only with development consent

Agriculture (other than dog breeding and

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Gazetted
19 July 1996

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No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 119 –
Gazetted
19 July 1996

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No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 119 –
Gazetted
19 July 1996

Amendment
No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 147 –
Gazetted
11 Sept 1998

Amendment
No. 119 –
Gazetted
19 July 1996

Amendment
No. 119 –
Gazetted

boarding, lot feeding of livestock, poultry farming or goat farming); *roads*.

4. Prohibited

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

ZONE No. 7 (b) (ENVIRONMENT PROTECTION "B" (ESTUARINE WETLANDS) ZONE)

1. Objectives of zone

The objectives are to protect the estuarine wetland environment for conservation purposes.

2. Without development consent

Nil.

3. Only with development consent

Agriculture (other than animal boarding establishments, lot feeding of livestock, poultry farming or goat farming); fishing; oyster farming; roads; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 7 (c) (ENVIRONMENT PROTECTION "C" (WATER CATCHMENT AREAS) ZONE)

1. Objectives of zone

The objectives are to identify and protect land forming part of the catchment areas of the City of Shoalhaven water supply.

2. Without development consent

Water catchment.

3. Only with development consent

Any purpose ordinarily incidental or subsidiary to water catchment; agriculture (other than animal boarding establishments or pig keeping); drainage; dwelling-houses; extractive industries; forestry; mines; parks; playing fields; roads; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 7 (d1) (ENVIRONMENT PROTECTION "D1" (SCENIC) ZONE)

1. Objectives of zone

The objectives are to identify and protect the scenic qualities of the environment which enhance the visual amenity.

2. Without development consent

Nil.

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Gazetted
5 Feb 1993

Amendment
No. 69 –
Gazetted
20 Nov 1992

3. Only with development consent

Agriculture (other than animal boarding establishments, lot feeding of livestock, pig keeping, poultry farming or goat farming); *bed and breakfast accommodation*; camping and caravan parks; clearing of trees; dams; drainage; dwelling-houses; home activities; refreshment rooms; roads; tourist facilities; *turf farming*; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 7 (d2) (ENVIRONMENT PROTECTION "D2" (SPECIAL SCENIC) ZONE)

1. Objectives of zone

The objectives are to identify and protect areas regarded as having special scenic qualities of the environment which enhance the visual amenity.

2. Without development consent

Nil.

3. Only with development consent

Agriculture (other than animal boarding establishments, lot feeding of livestock, pig keeping, poultry farming or goat farming); dams; home activities; land clearing and cultivation; roads; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 7 (e) (ENVIRONMENT PROTECTION "E" (ESCARPMENT) ZONE)

1. Objectives of zone

The objectives are to identify and protect the escarpment areas which enhance the visual amenity.

2. Without development consent

Nil.

3. Only with development consent

Agriculture; drainage; dwelling-houses; public reserves; roads; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 7 (f1) (ENVIRONMENT PROTECTION "F1" (COASTAL) ZONE)

1. Objectives of zone

The objectives are to identify and protect the coastal environment which enhances the visual amenity.

2. Without development consent

Agriculture.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 7 (f2) (ENVIRONMENT PROTECTION “F2” (COASTAL RESERVATION) ZONE)

1. Objectives of zone

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

2. Without development consent

Agriculture.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 7 (f3) (ENVIRONMENT PROTECTION “F3” (FORESHORES PROTECTION) ZONE)

1. Objectives of zone

The objectives are to identify and protect the foreshore environment which enhances the visual amenity.

2. Without development consent

Nil.

3. Only with development consent

Agriculture (other than animal boarding establishments, lot feeding of livestock, pig keeping, poultry farming or goat farming); camping; caravan parks; dams; drainage; dwelling-houses; forestry; golf courses; home activities; roads; public reserves; utility installations (other than gas holders or generating works).

4. Prohibited

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

ZONE No. 8a (NATIONAL PARKS AND NATURE RESERVES “A” ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

ZONE No. 9 (a) (NATURAL HAZARDS “A” (URBAN FLOODING) ZONE)

1. Objectives of zone

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

2. Without development consent

Nil.

3. Only with development consent

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

4. Prohibited

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

PART III.

SPECIAL PROVISIONS

DIVISION 1. — *Subdivision of land*

Subdivision generally

10. Subject to clauses 11 (10), 12 (2) and 13 (2), land to which this plan applies shall not be subdivided except with the consent of the Council.

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

11. (1) This clause applies to land within Zone No. 1 (a), 1 (b), 1 (d), 1 (g), 7 (a), 7 (b), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3).

(2) In this clause—
“concessional allotment” means—

(a) an allotment excised in accordance with clause 11 (2) or 40 (3) of Interim Development Order No. 1—Shire of Shoalhaven;

(b) an allotment excised in accordance with

Amendment
No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 25 –
Gazetted
7 Jul 1989
See **Amend-
ments – B** for
objectives

Amendment
No. 25 –
Gazetted
7 Jul 1989
See **Amend-
ments – B**
for objectives

Amendment
No. 119 –
Gazetted
19 July 1996

clause 11 (3) or (4) of Interim Development Order No. 1—Shire of Shoalhaven from land within the meaning of clause 11 (6) of that interim development order;

- (c) an allotment referred to in subclause (4) (a);
- (d) an allotment referred to in subclause (4) (b); or
- (e) an allotment referred to in subclause (4) (c);

“existing holding” means—

- (a) except as provided by paragraph (b)—the area of a lot, portion or parcel of land as it was at 28th February, 1964; or
- (b) where, as at the 28th February, 1964, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the areas of those lots, portions or parcels as they were at the 28th February, 1964.

(3) The Council may consent to an application to subdivide land to which this clause applies if each separate allotment of land created by the subdivision has—

- (a) an area of not less than 40 hectares;
- (b) a ratio of depth to frontage satisfactory to the Council having regard to the purpose for which the allotment is or is intended to be used; and
- (c) where the allotment has a frontage to a main or arterial road, a frontage to that road of not less than 400 metres.

(4) Subject to subclauses (5) and (6), the Council may consent to an application to subdivide land within Zone No. 1 (a), 1 (b) or 1 (d) (not being land which forms the whole or part of an existing holding of less than 10 hectares in area) for any one or more of the following purposes:

- (a) to create an allotment of less than 40 hectares but not less than 2 hectares if the Council is satisfied, after advice from the Department of Agriculture, that—
 - (i) the creation of the allotment will not significantly reduce the agricultural viability of the land from which it is subdivided;
 - (ii) the allotment is capable of being used for the purpose of agriculture;
 - (iii) the ratio of depth to frontage is satisfactory having regard to the intended use of the allotment for the purpose of agriculture; and
 - (iv) where the allotment has a frontage to a main road, the frontage is not less than 200 metres;
- (b) to create an allotment of not more than 2 hectares but not less than 1 hectare if—
 - (i) the Council is satisfied that the creation of the allotment will not significantly reduce the agricultural

viability of the land from which it is subdivided;

- (ii) the ratio of depth to frontage is satisfactory in the opinion of the Council;
- (iii) where the allotment has a frontage to a main road, access is not direct from the main road where alternative access is available;
- (iv) adequate access and services are available;
- (v) the development of the allotment will not have a significantly adverse visual impact on the surrounding area;
- (vi) the creation of the allotment will not lead to undue hazard from bush fires to life and property;
- (c) to create an allotment of less than 40 hectares but not less than 1 000 square metres if the Council is satisfied that a dwelling-house is or will be erected on the allotment and is or will be actually occupied by—
 - (i) the owner of the land, as at the appointed day;
 - (ii) a relative of that owner; or
 - (iii) a person employed or engaged by that owner in the use, for the purpose of agriculture, of land belonging to that owner which adjoins or is adjacent to the allotment.

(5) In any subdivision made under this clause there may be one residue from the whole of an existing holding and such residue shall not be less than the area and frontage required for a concessional allotment.

(6) The total number of concessional allotments that may be created (whether by one or more subdivisions made at any time on or after 28th February, 1964) from an existing holding is—

- (a) where the area of the existing holding is less than 20 hectares but not less than 10 hectares—1;
- (b) where the area of the existing holding is less than 30 hectares but not less than 20 hectares—2; and
- (c) where the area of the existing holding is not less than 30 hectares—3.

(6A) *An allotment or portion referred to in clause 14(2)(g) or (h) is taken to be a concessional allotment for the purposes of subclause (6) if consent has been granted (before or after the commencement of this subclause) in accordance with clause 14 for the erection of a dwelling-house on the allotment or portion.*

(7) The Council may grant consent in respect of an application to subdivide land to which this clause applies so as to create an allotment of less than 40 hectares if the Council is satisfied that—

- (a) the allotment is intended to be used for a purpose (other than agriculture, forestry or a

Amendment
No. 75 —
Gazetted
29 Oct 1993

dwelling-house) for which it may be used without or only with the consent of the Council;

- (b) the ratio of depth to frontage is satisfactory having regard to the purpose for which the allotment is intended to be used; and
- (c) where the allotment has a frontage to a main or arterial road the frontage is not less than—
 - (i) in the case of land within Zone No. 1 (a), 1 (b), 1 (d) or 1 (g)—200 metres; or
 - (ii) in the case of land within Zone No. 7 (a), 7 (b), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3)—400 metres.

(8) Where the land is within Zone No. 1 (g), 7 (a), 7 (b), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3) only one allotment of less than 40 hectares may be created under subclause (7).

(9) The Council shall not grant consent in respect of an application to subdivide land to which this clause applies so as to create an allotment other than an allotment referred to in subclause (3), (4), (7) or (10).

(10) The consent of the Council to the subdivision of land to which this clause applies is not required if the subdivision is for any one or more of the following purposes:

- (a) to open a public road (not involving the creation of an allotment referred to in subclause (3), (4) or (7)) or to widen a public road;
- (b) to make minor adjustments to common property boundaries;
- (c) to enlarge the area of an existing holding by amalgamating that existing holding with one or more existing holdings;
- (d) to rectify an encroachment upon an existing holding.

Subdivision of certain land in Parish of Coolangatta

11A (1) This clause applies to land in the Parish of Coolangatta off Backforest Road being Lots 4 and 5, DP 264581, Lots 48 and 48A, DP 5996, and Lot 4, DP 615130.

(2) The Council shall not consent to an application for consent to subdivide land identified in subclause (1) unless each separate allotment of land created by the subdivision has an area of not less than 80 hectares.

Subdivision of certain land at Milton

11B (1) This clause applies to land at Milton being Lot 314, D.P. 873036, part of Portion 198 within the Parish of Ulladulla, County of St. Vincent and parts of roads closed by notifications published in the Government Gazette on 30 September 1899 at page 7443 and on 13 August 1954 at pages 2485-2486, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 151)".

(2) A person shall not subdivide land referred

to in subclause (1) except with the consent of the Council.

(3) Consent must not be granted for a subdivision of land referred to in subclause (1) unless the Council has assessed the purpose for which each proposed allotment created by the subdivision is intended to be used.

(4) Consent must not be granted for such a subdivision if the Council is of the opinion that an allotment proposed to be created by it will include part of Portion 198 or a part of a closed road referred to in subclause (1) and will be:

- (a) a concessional allotment within the meaning of clause 11, or the residue of land remaining after the creation of such a concessional allotment; or
- (b) used for the erection of a dwelling-house or for dual occupancy development; or
- (c) used for any other purpose unless the Council, as a condition of the consent, prohibits the erection of a dwelling-house and the carrying out of dual occupancy development on each allotment created by the subdivision.

(5) The Council may consent to:

- (a) The subdivision of Lot 314, D.P. 873036 into two lots comprising one lot of about 6 hectares and one lot of about 30 hectares; and
 - (b) the erection of one dwelling-house on each lot referred to in paragraph (a).
- (6) Development consent for a building on the lot of approximately 30 hectares shall not be granted unless the building is contained within the building envelope shown on the map referred to in subclause (1).

(7) The Council shall not grant a consent pursuant to sub-clause (5)(a):

- (a) until such time as Development (Subdivision) Consents S/F 7553 and S/F 8386 have been revoked or have lapsed pursuant to the Environmental Planning and Assessment Act, 1979; or
- (b) unless it imposes a condition on the consent to the effect that development may be carried out in accordance with the consent only if those consents have been surrendered.

Subdivision—Zone Nos 1 (c1), 1 (c2) and 1 (c3)

12. (1) The Council may consent to an application to subdivide land in Zone No. 1 (c1), 1 (c2) or 1 (c3) if—

- (a) each separate allotment to be created thereby has an area of not less than—
 - (i) in the case of land within Zone No. 1 (c1)—1 hectare;
 - (ii) in the case of land within Zone No. 1 (c2)—2 hectares;
 - (iii) in the case of land within Zone No. 1 (c3)—10 hectares;
- (b) the ratio of depth to frontage of each

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No. 151 —
Gazetted
13 Mar 1992

Amendment
No. 151 —
Gazetted
11 Dec 1998

allotment is satisfactory having regard to the purposes for which it is to be used;

- (c) a contour survey satisfactory to the Council has been carried out in respect of the whole of the land proposed to be subdivided; and
- (d) any allotment so created shall not have direct frontage access to a main road, provided that the Council may permit direct access to a main road if the land is landlocked and no alternative means of access is available.

(2) The consent of the Council to the subdivision of land within Zone No. 1 (c1), 1 (c2) or 1 (c3) is not required if the subdivision is for either or both of the following purposes:

- (a) to open a public road (not involving the creation of an allotment referred to in subclause (1)) or to widen a public road;
- (b) to make minor adjustments to common property boundaries.

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

13. (1) The Council may consent to an application to subdivide land within Zone No. 2 (a2) or 2 (a3) if each separate allotment to be created thereby has an area of not less than—

- (a) in the case of land within Zone No. 2 (a2)—2 000 square metres; and
- (b) in the case of land within Zone No. 2 (a3)—4 000 square metres.

(2) The consent of the Council to the subdivision of land within Zone No. 2 (a2) or 2 (a3) is not required if the subdivision is for one or both of the following purposes:

- (a) to open a public road (not involving the creation of an allotment referred to in subclause (1)) or to widen a public road;
- (b) to make minor adjustments to common property boundaries.

DIVISION 2.—Dwelling-houses

Dwelling-houses—Zone Nos 1 (a), 1 (b) and 1 (d)

14. (1) This clause applies to land within Zone No. 1 (a), 1 (b) or 1 (d).

(2) A dwelling-house may, with the consent of the Council, be erected on land to which this clause applies if the land—

- (a) has an area of not less than 40 hectares;
- (b) comprises the whole of an existing holding within the meaning of clause 11 (or such an existing holding affected only by a subdivision made on or after the appointed day for one or more of the purposes referred to in clause 11 (10) (a)—(d)), the area of which is less than 40 hectares and on which no dwelling-house is erected and the Council has taken into consideration—
 - (i) whether or not the parcel will have adequate vehicular access;
 - (ii) whether or not the erection of the dwelling-house will create or increase the effect of ribbon

development along any main road; and

- (iii) whether or not adequate utility and other services will be available to the dwelling-house;

(c) is a concessional allotment within the meaning of paragraph (a), (b) or (d) of the definition of “concessional allotment” in clause 11 (2);

(d) is a concessional allotment within the meaning of paragraph (c) of the definition of “concessional allotment” in clause 11 (2) and the Council is satisfied that the dwelling-house is ancillary or subsidiary to the present or intended development or use of the land for the purpose of agriculture;

(e) is a concessional allotment within the meaning of paragraph (e) of the definition of “concessional allotment” in clause 11 (2) and the Council is satisfied that the dwelling-house will be actually occupied by a person referred to in clause 11 (4) (c) (i), (ii) or (iii);

(f) is the residue of the land remaining after the creation of the concessional allotments referred to in clause 11 (4) or is a residue lot created in a subdivision in accordance with clause 11 or 40 of Interim Development Order No. 1—Shire of Shoalhaven;

(g) *comprises an allotment or Crown portion lawfully created before 28th February 1964 if the allotment or portion could have been created in accordance with clause 11, had that clause been in force when the allotment or portion was created; or*

(h) *comprises an allotment created before 20th September 1974 in accordance with clause 11 (1), (2) or (3) of Interim Development Order No. 1—Shire of Shoalhaven as in force when the allotment was created.*

(3) One additional dwelling-house may, with the consent of the Council, be erected on land to which this clause applies which has an area of not less than 40 hectares for each 40 hectares of the land if the Council is satisfied that each additional dwelling-house will be actually occupied by a person employed or engaged by the owner of the land in the pursuit of agriculture on that land or on land belonging to the owner which adjoins or is adjacent to that land.

(4) An additional dwelling-house of the kind referred to in subclause (3) which, but for this subclause, could not be erected, may be erected with the consent of the Council.

(5) A dwelling-house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling-house is erected if the first-mentioned dwelling-house is intended to wholly replace the second-mentioned dwelling-house.

Amendment
No. 75 —
Gazetted
29 Oct 1993

Amendment
No. 75 –
Gazetted
29 Oct 1993

- (6) The Town Clerk of the Council may issue a certificate to the effect that land specified or described in the certificate is—
- (a) land referred to in paragraph (a), (b), (c), (d) or (e) of the definition of “concessional allotment” in clause 11 (2); or
- (b) land referred to in paragraph (a) or (b) of the definition of “existing holding” in clause 11 (2).
- (7) *Except as provided by this clause, Council shall not grant consent to a dwelling-house on land within zones 1(a), 1(b) and 1(d).*

Dwelling-houses, etc.—Zone Nos 1 (g), 7 (c), 7 (d1), 7 (e), 7 (f1), 7 (f2) and 7 (f3)

15. (1) Subject to subclauses (2) and (3), a dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone Nos 1 (g), 7 (c), 7 (d1), 7 (e), 7 (f1), 7 (f2) or 7 (f3) if the allotment—

- (a) has an area of not less than 40 hectares;
- (b) is an existing holding within the meaning of clause 11;
- (c) is a concessional allotment within the meaning of paragraph (a) or (b) of the definition of “concessional allotment” in clause 11 (2); or
- (d) comprises an allotment created under clause 11(1) of Interim Development Order No. 1—Shire of Shoalhaven before 20th September, 1974.
- (2) The Council shall not consent to the erection of a dwelling-house on any land within Zone No. 1 (g) unless the dwelling-house is essential for the proper and efficient management of the agricultural use of the land.
- (3) The Council shall not, except with the concurrence of the Director, consent to the erection of a dwelling-house or the addition to or alteration of an existing building or the establishment of a caravan park on land within Zone No. 7 (d1) or 7 (f1).
- (4) The Director, when deciding whether or not to give concurrence referred to in subclause (3), shall take into consideration the following matters:
- (a) the extent to which approval of the application would affect the scenic qualities of the landscape;
- (b) whether approval of the application would result in degradation of or restriction of access to recreation areas;
- (c) any plan, code, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of the protection of coastal lands.

Dwelling-houses on certain land in Parish of Coolangatta

15A. (1) *This clause applies to land in the Parish of*

Amendment
No. 15 –
Gazetted

13 Mar 1992

Amendment
No. 73 –
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19 Nov 1993

Amendment
No. 73 –
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19 Nov 1993

Coolangatta off Backforest Road being Lots 4 and 5, DP 264581, Lots 48 and 48A, DP 5996, and Lot 4, DP 615130.

- (2) *The Council shall not consent to an application for consent to the erection of a dwelling-house or the carrying out of dual occupancy development (only where the development results in attached dwellings); on a lot within the area identified in subclause (1) unless that lot has an area of not less than 80 hectares.*
- (3) *If such an application proposes that the dwelling-house or dual occupancy development will be located on that part of the land within Zone No. 7(f1), then the concurrence provisions of clause 15 will apply in the same way as they apply in relation to consent for the erection of a dwelling-house in accordance with that clause.*

Dwelling-houses—Zone Nos. 1 (c1), 1 (c2), 1 (c3), 2 (a2) and 2 (a3)

16. (1) One but not more than one dwelling-house may be erected on an allotment of land within Zone No. 1 (c1), 1 (c2), 1 (c3), 2 (a2) or 2 (a3), being an allotment which was lawfully created after the appointed day, or lawfully created prior to that day under the provisions of Interim Development Order No. 1—Shire of Shoalhaven or which was created in a plan of subdivision registered in the office of the Registrar-General prior to 28th February, 1964.

(2) One additional dwelling-house may, with the consent of the council, be erected on land within Zone No. 1 (c3) which has an area of not less than 10 hectares if the council is satisfied that the additional dwelling-house will be actually occupied by a person employed or engaged by the owner of the land in the pursuit of agriculture on that land or land belonging to the owner which adjoins or is adjacent to that land.

(3) *The Council shall not consent to the erection of a dwelling-house on an allotment to which the clause applies, being –*

- (a) *lot 1–6, DP 15461; or*
- (b) *lot 84 or 85, DP 15507,*

unless –

- (c) *an easement is created across the rear of the allotment to provide access from a road other than a main or arterial road; and*
- (d) *no access is provided to the allotment from a main or arterial road.*
- (4) *The Council shall not consent to the erection of a dwelling-house on an allotment to which this clause applies, being –*
- (a) *lot 2, DP 578303; or*
- (b) *lot 66, 76, 77, 82 or 83, DP 15507.*

unless dual access with recessed fencing and a 6 metre wide driveway is provided to the allotment.

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

16A. *Despite any other provision of this plan,*

Amendment
No. 14 –
Gazetted
2 Feb 1990

Amendment
No. 74 –

Gazetted
20 Aug 1993

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

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

Amendment
No. 143 –
Gazetted
19 June
1998

16AA. The Council may consent to the erection of a dwelling-house on land within Zone No. 2(b1) or 2(b2), but only if it is satisfied:

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

Restriction on subdivision

16AB. Any land on which a dwelling-house is erected in conjunction with medium density residential development must not be subdivided to create a separate legal title for the dwelling-house except under the Strata Schemes (Freehold Development) Act 1973 or the Community Land Development Act 1989.

Amendment
No. 73 –
Gazetted
19 Nov 1993

DIVISION 3.—Residential flat buildings and dual occupancy development

Residential flat buildings—density control

17. (1) In this clause—

“floor space”, in relation to a building, does not include the width of any external wall of that building;

“landscaped area”, in relation to a site area, means that part of the site area not occupied by any building or buildings, except for swimming pools or open air recreation facilities, which part is to be predominantly landscaped by way of the planting of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building erected on the site area, but does not include so much of the site area as is used for driveways, parking areas or drying yards;

“large dwelling” means a dwelling the floor space of which is more than 85 square metres;

“medium dwelling” means a dwelling the floor space of which is not less than 55 square metres and not more than 85 square metres;

“small dwelling” means a dwelling the floor space of which is less than 55 square metres.

(2) The council shall not grant consent to the erection or use of a residential flat building on an allotment of land within Zone No. 2 (b1), 2 (b2) or 2 (c) unless—

- (a) the site area of the allotment is not less than the sum of the areas (in square metres) calculated by multiplying the number of small, medium and large dwellings in the residential flat building by 170, 240 and 330, respectively; and
- (b) there is provided a landscaped area of not less than the sum of the area (in square metres) calculated by multiplying the number of small, medium and large dwellings in the residential flat buildings

by 65, 90 and 120, respectively.

Dual occupancy development

Amendment
No. 73 –
Gazetted
19 Nov 1993
Amendment
No. 106 –
Gazetted
16 Feb 1996

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

DIVISION 4.—Business and commercial uses

Minimum requirements for hotels, motels and caravan parks

19. (1) A person shall not erect a hotel—

- (a) on an allotment of land within Zone No. 1 (a) having an area of less than 2 hectares and, where that allotment has frontage to a main or arterial road, a frontage to the road of less than 120 metres; or
- (b) on an allotment of land within Zone No. 1 (b) having an area of less than 4 hectares and, where that allotment has frontage to a main or arterial road, a frontage to that road of less than 200 metres.

(2) A person shall not erect a motel—

- (a) on an allotment of land within Zone No. 1 (a) having an area of less than 2 hectares and, where that allotment has a frontage to a main or arterial road, a frontage to that road of less than 120 metres; or
 - (b) on an allotment of land within Zone No. 1 (b) having an area of less than 4 hectares and, where that allotment has a frontage to a main or arterial road, a frontage to that road of less than 200 metres.
- (3) A person shall not erect a caravan park on any allotment of land within Zone No. 1 (a) which has an area of less than 4 hectares and, where the site has frontage to a main road, a frontage of less than 200 metres.

Amendment
No. 67 –
Gazetted
23 Oct 1992

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

19A. (1) This clause applies to land situated in the City of Shoalhaven, being part of Lot 16, D.P. 707327, Princes Highway, Cambewarra Road, Bomaderry, in the Parish of Bunberrra and County of Camden, as shown edged heavy black on the map marked “City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 67)”

(2) Despite the general objectives for land within Zone No. 3 (g) set out in item 1 to the Table to clause 9, the objectives of that zone for the land to which this clause applies are:

- (a) to provide a strategic development area; and
- (b) to prevent inappropriate uses, being industrial, retail or significant traffic-generating development, motor showrooms or tourist facilities on that land; and
- (c) to allow for unobtrusive commercial office development or the like on that land; and
- (d) to allow for buildings which, through the

use of good design, materials and colours, are appropriate to the strategic location of that land and are in sympathy with the local environment; and

- (e) to require appropriate landscaping so as to significantly improve the appearance of the locality which serves as an important gateway to the Nowra urban area; and
 - (f) to ensure that vehicular access to the land is limited to Cambewarra Road at the western boundary of the land.
- (3) A person must not erect a building on the land to which this clause applies that is within 15 metres of the southern or eastern boundary of the land, as identified by the building lines on the map referred to in subclause (1).
- (4) Subclause (3) does not prevent minor encroachments on the land within 15 metres of the southern or eastern boundary if they are necessary to accommodate an exceptional building design feature.

Amendment
No. 126 —
Gazetted
18 April 1997

Tourist facilities

20. The council may consent to any development for accommodation for tourists on any land the area of which exceeds 10 hectares only in conjunction with the principal and continuing use of that land for the purpose of agriculture.

Bed and breakfast accommodation

20A. The Council shall not grant consent to development for the purpose of bed and breakfast accommodation unless it is satisfied that the development will not have a significant adverse impact on the amenity of the immediate neighbourhood.

DIVISION 5.—Miscellaneous

Development of flood liable land

21. (1) Subject to subclause (2), the Council shall not consent to an application to carry out development on land which, in its opinion, is flood liable.

(2) The Council may consent to an application to carry out development on flood liable land if—

- (a) the development is for a purpose ancillary or incidental to the use of land for the purpose of agriculture;
- (b) an environmental impact statement indicates that the development would not be contrary to the public interest;
- (c) the development comprises the extension or alteration of an existing dwelling-house; or
- (d) the land is in any urban zone under this plan.

(3) In considering an application to which subclause (2) applies, the Council shall make an assessment of—

- (a) the likely levels, velocity, sedimentation and debris carrying effects of flooding;
- (b) the structural sufficiency of any building the subject of the application and its ability to withstand flooding;
- (c) the effect which the development, if

carried out, will or is likely to have on the flow characteristics of floodwaters;

- (d) whether or not access to the site will be possible during a flood; and
- (e) the likely increased demand for assistance from emergency services during a flood.

(4) In considering an application under subclause (2), the Council may set floor levels, require filling, structural changes or additions or such other measures to mitigate the effects of flooding or to assist in emergency situations.

Residential development within RANAS Nowra airport buffer area

21A. (1) This clause applies to the land situated in the vicinity of the naval air base known as RANAS Nowra and shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 126) - Sheet 1".

- (2) The Council must not consent to subdivision of land to which this clause applies for residential purposes if the Council is satisfied that the subdivision would result in more dwellings being situated on that land than were on that land when this clause commenced.
- (3) The Council must not consent to development for residential purposes on land to which this clause applies unless it has taken into consideration an assessment of the effect on the proposed development of noise from aircraft using RANAS Nowra.

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

22. In respect of an application to erect a structure on land within Zone No. 2(a4), 3 (h) or 4 (e), the Council shall make an assessment of—

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

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

Items of the environmental heritage

23. (1) In this clause—

"demolition", in relation to an item of the environmental heritage ~~a building or work~~, means the damaging, defacing, destruction, pulling down or removal of that item ~~building or work~~, in whole or in part;

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

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

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

Amendment
No. 120 —
Gazetted
18 April 1997

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

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

- ~~(a) demolish or renovate any such building or work;~~
- ~~(b) damage or despoil any such relic or any part of any such relic;~~
- ~~(c) excavate any land for the purpose of exposing or removing any such relic; or~~
- ~~(d) carry out any development in relation to land on which any such building, work or relic is situated,~~

~~except with the consent of the Council.~~

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

- (a) demolish or renovate any such building or work; or
- (b) damage or despoil any such relic or place or any part of any such relic or place; or
- (c) excavate any land for the purpose of exposing or removing any such relic, tree or place; or
- (d) damage, deface, destroy or remove any such tree; or
- (e) carry out any development on or subdivide land on which any such building, work, relic or tree is situated or land comprising the place.

except with the consent of Council.

(3) The Council shall not grant consent pursuant to subclause (2) in respect of an item of the environmental heritage unless it has made an assessment of—

- (a) the significance of the item as an item of the environmental heritage of the City of Shoalhaven;
- (b) the extent to which the carrying out of development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site;
- (c) whether any stylistic, horticultural or archaeological features of the item or its site should be retained; and
- (d) whether the item constitutes a danger to the users or occupiers of that item or to the public.

(4) The Council shall not grant consent pursuant to subclause (2) to the renovation of a building that is an item of the environmental heritage, unless it has made an assessment of—

- (a) the colour, texture, size, style, and type of finish of any materials to be used on the exterior of the building and the effect which the use of those materials will have on the appearance of the exterior of the building and of any other building in its vicinity;
- (b) the size, style, proportion and position of openings for any windows and doors which will result from, or be affected by, the carrying out of the development; and
- (c) the pitch and form of the roof, if any.

Amendment
No. 120 —
Gazetted
18 April 1997

(5) Pursuant to clause 30 (4), the provisions of sections 84, 85, 86, 87 and 90 of the Act shall apply to and in respect of the demolition of an item of the environmental heritage in the same way as those provisions apply to and in respect of designated development.

(6) The Council shall not consent to the carrying out of development in the vicinity of an item of the environmental heritage unless it has made an assessment of the effect which the carrying out of that development would have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item of the environmental heritage and its site.

Conservation incentives

23A Nothing in this plan prevents the Council from granting consent to an application for the use, for any purpose, of a building or place, or the land on which the building is erected, if the Council is of the opinion that the building or place has historic, scientific, cultural, archaeological, architectural, natural or aesthetic significance and if the Council is satisfied:

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

Amendment
No. 78
Gazetted
26 Nov 1993

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

24. (1) A person shall not, without the consent of the Council, ringbark, cut down, top, lop or otherwise destroy any tree having a height of 3 metres or more on land within Zone No. 7(a), 7(b), 7(c), 7(d1), 7(d2), 7(e), 7(f1), 7(f2) or 7(f3).

- (2) A person shall not, on land within Zone No. 7(a) or 7(b) —

- (a) clear the land of trees;
- (b) place fill upon such land;
- (c) alter the level of the surface of such land; or
- (d) clear or remove vegetation from such land, without the consent of the Council.

Development in Zone No. 7 (c)—(Water Catchment Areas)

25. (1) Nothing in Part II prevents a person, with the consent of the Council and, where the Council is not

Amendment
No. 120 —
Gazetted
18 April 1997

the responsible water authority, the concurrence of the Metropolitan Water, Sewerage and Drainage Board, from carrying out development for the purposes of agriculture, dwelling-houses, extractive industry, forestry or open space on any land within Zone No. 7 (c) marked on the map "Water Catchment".

(2) In considering whether it should grant concurrence under subclause (1) the Metropolitan Water, Sewerage and Drainage Board shall take into account whether the development is likely to result in the pollution of stored water supplies.

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

26. The owner of land within Zone No. 5 (c), ~~5 (d)~~, 5 (e), 6 (d) or 7 (f2) may, by notice in writing, require—

- (a) in the case of land within—
 - (i) Zone No. 5 (c) and marked on the map "Community purposes", "Car park", or "Civic purposes"; or
 - (ii) Zone No. 5 (e) or 6 (d), the Council;
- (b) in the case of land within Zone No. 5 (c) and marked on the map "School" or "Technical college", the Minister for Education;
- ~~(c) in the case of land within Zone No. 5 (d), the Commissioner for Main Roads; or~~
- (d) in the case of land within Zone No. 7 (f2), the Corporation constituted by section 8 (1) of the Act,

to acquire the land.

Development in Zone No. 5(a)

26A (1) A person may develop land within Zone No. 5(a) that is not immediately required for the use designated on the map for a purpose that is permissible on land within an adjoining or adjacent zone, but only with the consent of the Council.

- (2) The Council must not give consent to development referred to in subclause (1) unless:
 - (a) in the opinion of the Council, the proposed development is compatible with the character and amenity of existing or potential development in any zone adjoining or adjacent to the land on which the development is to be carried out; and
 - (b) the authority responsible for administering the use for which the land is designated gives concurrence to the proposed development after taking into account the likely effect of the proposed development on the future use for which the land is designated

Development in Zone Nos. 5 (c), 5 (d), 5 (e), 6 (d) and 7 (f2)

27. (1) Until the land referred to in clause 26 is acquired by the public authority concerned, development for any purpose may, with the consent of the Council, be carried out on that land.

(2) The Council shall not grant consent as referred to in subclause (1) to the development of land

specified hereunder without the concurrence of the Departments' Head specified hereunder in relation to that land—

Land within Zone No. 5 (c) and marked on the map "School"—the Director-General of Education;

Land within Zone No. 5 (c) and marked on the map "Technical College"—the Director-General of Technical and Further Education;

~~Land within Zone No. 5 (d)—the Commissioner for Main Roads.~~

(3) In determining whether or not to grant concurrence under subclause (2), the Departmental Head concerned shall take into consideration—

- (a) the effect of the proposed development on the costs of acquisition;
- (b) the imminence of acquisition; and
- (c) the costs of reinstatement of the land for the purposes for which the land is to be acquired.

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

27AA (1) The owner of any land within Zone No. 5(d) may, by notice in writing, require the Roads and Traffic Authority (**the RTA**) to acquire the land.

(2) On receipt of such a notice, the RTA must acquire the land if:

- (a) the land is vacant; or
- (b) the land is not vacant, but:
 - (i) the land is included in the five-year works program of the RTA current at the time of the receipt of the notice; or
 - (ii) the RTA has decided not to give concurrence required by subclause (3) to an application for consent to the carrying out of development on the land; or
 - (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time,

but the RTA is not required to acquire the land if it might reasonably be required to be dedicated for public road.

(3) A person may, with the consent of the Council and the concurrence of the RTA, carry out development on land within Zone No. 5(d):

- (a) for a purpose for which development may be carried out on land in an adjoining zone; or
- (b) for any other purpose which is compatible with development which may be carried out on land in an adjoining zone.

(4) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:

- (a) the need to carry out development on the land for the purpose for which the land is reserved;
- (b) the imminence of acquisition;

Amendment
No. 148
Gazetted
18 Dec 1998

Amendment
No. 148
Gazetted
18 Dec 1998

Amendment
No. 148 –
Gazetted
18 Dec 1998

Amendment
No. 148 –
Gazetted
18 Dec 1998

- (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.

(5) Land acquired under this clause may be developed, with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was acquired.

(6) In this clause:

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

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

27A. The Council shall not consent to the carrying out of development on land within Zone No. 6(a), 6(b), 6(c) or 6(d), or on public reserves or on land owned or controlled by the Council, unless it has considered:

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

Ettrema Wilderness Area

28. A person shall not carry out development for the purpose of a mine on land bounded by a broken blue line on the map.

Caravan park prohibited - Inyadda Drive, Manyana

28A (1) Despite any other provision of this plan, a person shall not carry out development for the purpose of a caravan park on land fronting Inyadda Drive, Manyana, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 136)".

(2) For the purposes of this clause "caravan park" means land which is used or intended to be used for the parking of a moveable dwelling or the erection of camps, or both.

Height of buildings

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

Conversion of buildings

30. (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act—

- (a) Section 314 (1)(c) of the Local Government Act, 1919; and
- (b) Schedule 7 to the Local Government Act, 1919, shall not apply to the development.

(2) Pursuant to section 28 of the Act, before the making of this plan—

- (a) the Governor approved of subclause (1); and
- (b) the Minister for Planning and Environment concurred in writing in the

recommendation for approval of the Governor of that subclause.

Provision of services

31. (1) A person shall not carry out development on any land unless and until arrangements satisfactory to the Council have been made by the applicant (and if the applicant is not the owner, the owner also) for the provision of a water supply, facilities for the removal of sewage, and for the drainage of stormwater and other surface water from the land.

(2) The Council shall not consent to the carrying out of development on the following land involving the need for effluent disposal unless it is satisfied that any habitable building erected or to be erected on that land will be connected to a reticulated sewerage system linked to an operating sewage treatment plant for the locality:

Callala Beach, Griffin Street area - So much of the land shown on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 77)" as is within Zone No. 2(c).

Roads

31A. (1) Except as provided by subclause (2), nothing in this plan shall be taken as restricting or prohibiting a public authority from carrying out development required in connection with the construction, reconstruction, improvement, maintenance or repair of a road within an existing road reserve.

(2) Subclause (1) does not apply to any widening, realignment or relocation of an existing physically constructed road which involves works which may have a significant environmental impact.

(3) A person (other than a public authority) shall not carry out any work referred to in this clause without the consent of the Council, except for the maintenance or repair of an existing physically constructed road and where the consent of the owner of the land concerned has been obtained.

Danger of bushfire

32. (1) In respect of any application under this plan for the consent of the Council to the erection of a dwelling-house or residential building, the Council shall make an assessment of the likelihood of the dwelling-house or building being affected by bushfire, or affecting adjoining lands in cases of bushfire, and may attach conditions to any such consent requiring clearing of vegetation, and provision of access roads and additional water storage facilities in non-reticulated areas, and any other condition which in the opinion of the Council will reduce the effect and spread of bushfire.

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

Callala Beach, Griffin Street area - land shown as being within Zone No. 2(c) on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 77)".

Amendment
No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 77 –
Gazetted
1 Dec 1995

Amendment
No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 136 –
Gazetted
13 Feb 1998

Amendment
No. 77 –
Gazetted
1 Dec 1995

Building lines along main roads

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

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

Home activity

34. The Council may—

- (a) within Zone No. 1 (c1), 1 (d), 2 (a1), 2 (a2), 2 (a3), 2 (a4), 2 (b1), 2 (b2), 2 (c), 2 (d), 2 (e), 3 (a), 3 (b), 3 (c), 3 (d), 3 (e), 3 (f), 3 (g), 3 (h), 7 (d2) or 7 (f3), consent to the use of a building for the purpose of a home activity occupying a gross floor area of up to but not exceeding 60 square metres, where—
 - (i) public comment has been sought from residents who, in the opinion of the Council, could reasonably be considered to be affected by that use; and
 - (ii) the Council is satisfied that the granting of consent would not be contrary to the public interest; or

- (b) within Zone No. 1 (a), 1 (b), 1 (c2), 1 (c3), 1 (e), 1 (f), 1 (g) or 7 (d1), consent to—

- (i) the use of a building for the purpose of a home activity occupying a gross floor area of up to but not exceeding 100 square metres; and
- (ii) the sale from the building of artifacts or produce manufactured or grown on the premises or on the land on which the building is erected.

Clause
omitted
Amendment
No. 70 –
Gazetted
5 Feb 1993

~~Provision of public amenities and services~~

~~35. _____~~

Development of land shown uncoloured on the map

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

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

Suspension of covenants, agreements and instruments

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

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

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

Notification of certain development

37A (1) *All development applications require notification to be given by the Council, except those for consent to development that the Council considers to be of a minor nature.*

(2) *The form and extent of any such notification are to be determined by the Council with regard to the circumstances in each case.*

(3) *Nothing in this clause affects the giving of notice in respect of designated development.*

Community use of school facilities and sites

38. (1) Where land to which this plan applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with the consent of the Council, be used for the purposes of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for community purpose, whether or not any such use is a commercial use of the land.

(2) Nothing in this clause requires development consent to be granted for the carrying out of development on any land if that development could, but for this clause, be carried out on that land pursuant to an environmental planning instrument without

Amendment
No. 70 –
Gazetted
5 Feb 1993

development consent.

Fair trading option

Amendment
No. 141 –
Gazetted
22 May, 1998

38A. Nothing in this plan prevents a person, with the consent of Council, from carrying out development on land referred to in Schedule 8 for a purpose specified in that Schedule in relation to that land, subject to such conditions, if any, as are so specified notwithstanding that such development may be otherwise prohibited by or inconsistent with other provisions of this plan, providing the Council is satisfied that;

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

Development for certain additional purposes

39. Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 9 for a purpose specified in that Schedule in relation to that land, subject to such conditions, if any, as are so specified, notwithstanding that such development may be inconsistent with the provisions of this plan.

Development of certain land at West Nowra

Amendment
No. 52 –
Gazetted 12
Apr 1991

39A. (1) This clause applies to the land coloured yellow and lettered "Aboriginal Community Housing Purposes" on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 52)", being part lot 432, D.P. 723151, Yalwal Road, West Nowra.

(2) Development for the purpose of Aboriginal community housing on land to which this clause applies shall be limited to a total of 16 dwellings.

(3) Any application made for development of the land to which this clause applies shall be accompanied by a soil erosion and sediment control plan.

(4) In considering any development application in respect of the land to which this clause applies, the Council shall have regard to comments by the Soil Conservation Service of New South Wales.

Development of certain land at Sussex Inlet

Amendment
No. 57 –
Gazetted 16
Aug 1991

39B. (1) This clause applies to land shown by heavy black edging on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 57)" being lot 104, D.P. 26638, Sussex Inlet Road, Parish of Farnham, County of St. Vincent.

(2) The land to which this clause applies may, with the consent of the Council, be subdivided into a maximum of 6 lots and developed for the purposes of a caravan park (with not more than 5 sites for long-term residents (within the meaning of Ordinance No. 71 under the Local Government Act 1919)), retail plant nursery, Australian Village/Reception area and associated tourist facilities, including a souvenir shop and mini-golf course.

(3) Access to the proposed development

referred to in sub-clause (2) shall be by way of an extension of Flood Avenue.

(4) The Council shall not consent to development referred to in sub-clause (2) after the expiration of 4 years from the date of publication in the Gazette of City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 57).

Development of certain land at Princes Highway, Bomaderry

Amendment
No. 97 –
Gazetted
25 Aug 1995

39BA.(1) This clause applies to land shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No.97)".

(2) The Council shall not consent to any subdivision of land to which this clause applies unless the Council has taken into consideration a landscape plan that is of a standard satisfactory to the Council. The landscape plan must show how the visual quality of the land as an important gateway to the Nowra urban area is to be improved and protected through the retention of existing vegetation, extensive supplementary planting of appropriate trees and shrubs and must include a scheme for the implementation and maintenance of appropriate works.

Temporary use of land

Clause
redefined
Amendment
No. 70 –
Gazetted
5 Feb 1993

39C. (1) Notwithstanding any other provision of this plan, the Council may grant consent to the temporary use of any land for any purpose (not being designated development or development prohibited by the provisions of any other environmental planning instrument applying to the land) for a maximum period of 28 days (whether or not the days are consecutive) in any one year.

(2) In determining whether to grant consent as referred to in subclause (1), the Council shall take into consideration:

- (a) the protection of the environment and the amenity of the locality during and immediately after the carrying out of the proposed use;
- (b) whether appropriate arrangements will be made for the provision of utility services, vehicular and pedestrian access, parking and restoration of the site to the condition prevailing immediately before the carrying out of the proposed use; and
- (c) whether the period for the carrying out of the proposed use is reasonable in the circumstances or whether a lesser period would be more appropriate.

Restriction on development in respect of certain road proposals

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

Amendment
No. 14 –
Gazetted
2 Feb 1990

Development in the vicinity of regional service corridor

40A. The Council shall not, in respect of land within

the vicinity of a regional service corridor, consent to the excision of a concessional allotment under clause 11 if the creation of the allotment is for a purpose which is, or is likely to be, adversely affected by the regional service corridor.

Amendment
No. 41 –
Gazetted
28 Aug 1992

Special Requirements in respect of Expansion of Culburra Urban Area

40B. (1) This clause applies to land situated in the City of Shoalhaven, being part of the Parish of Wollumboola, County of St. Vincent, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 41)".

(2) Notwithstanding the provisions of clause 9, the Council may consent to an application for the use of areas, which in the opinion of the Council are of minor importance, for passive recreation and the construction of ancillary facilities on land to which this clause applies within Zone No. 7(b) subject to the consideration by the Council of a statement, provided by the applicant, of the environmental effects of the proposed development.

(3) The Council shall not consent to an application to subdivide land to which this clause applies unless:

- (a) plans and documentation showing the development staging have been submitted to the Council which assess the real extent of soils exposed at any one time; and
- (b) plans and documentation showing the proposals for erosion and sedimentation controls satisfactory to the Council are submitted to the Council with the application; and
- (c) designs for surface drainage works and proposals for isolation of potential contaminants during the construction phase are submitted to the Council with the application.

Amendment
No. 15 –
Gazetted
13 Mar 1992

Development in the vicinity of Mount Coolangatta

40C. (1) This clause applies to land in the Parish of Coolangatta off Bolong Road being Lot 14, D.P. 624221, and Lot 1, D.P. 520211.

(2) The Council shall not consent to an application for consent to the erection of extension of a tourist facility, motel or caravan park other than in accordance with clause 46.

(3) Nothing in clause 9 prevents the Council from granting consent to development on land to which this clause applies for the purposes of outdoor recreational facilities.

Amendment
No. 66 –
Gazetted
15 Oct 1993

Development of certain land – Princes Highway and Dolphin Point Road, Dolphin Point

40D. (1) This clause applies to part of Lots 1 and 2, D.P. 330177, part of Lot 100, D.P. 817218, Lot 9, D.P. 807320, part of Part Portion 82, part of R 25300 for water supply and part of Part R 68058 for public recreation and resting place, Parish of Woodburn, Dolphin Point, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 66)".

(2) Council shall not consent to an application to subdivide land to which this clause applies unless

plans and documentation have been submitted to the Council with the application, showing:

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

DIVISION 6. — Development in scenic preservation areas

Land to which Division applies

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

Interpretation

42. In this Division—

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

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

Consent required for certain development

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

Assessment of certain matters

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

- (a) the use on the external surfaces of the building of prescribed materials;
- (b) the number, type and location of existing trees and shrubs which are to be retained and the extent of landscaping to be carried

out on the site; and

(c) the siting of the proposed buildings.

DIVISION 7 — Development in Candidate Areas

Land to which Division applies

45. This Division applies to all land in a Candidate Area.

Consent required for certain development

46. (1) Notwithstanding any other provision of this plan, a person shall not carry out development on land within a Candidate Area or clear any of the land of vegetation or trees without the consent of the Council.

(2) When considering an application to develop land within a Candidate Area, the Council shall take into account the objectives of the Candidate Area contained in Schedule 10.

(3) Notwithstanding any other provision of this plan (subclause (4) excepted), the Council may consent to an application for consent to subdivide land for development or to carry out development on land within a Candidate Area provided the Council is satisfied that the subdivision or development is in accordance with the objectives of that Candidate Area.

(4) The Council shall not consent to an application to subdivide land within a Candidate Area unless—

(a) a contour survey satisfactory to the Council has been carried out in respect of the whole of the land proposed to be subdivided which also shows existing buildings, vegetation, water courses, dams, roads and public utility services; and

(b) an environmental impact statement has been submitted to the Council which assesses the land's capability and whether the proposed development is contrary to the public interest; and

(c) the ratio of depth to frontage of the proposed lots is satisfactory to the Council; and

(d) it has been demonstrated that the objectives set out in Schedule 10 for the Candidate Area have been met in any proposal for subdivision and any other development.

(4A) The Council must not consent to the subdivision of, or to the carrying out of other development on, land within Candidate Area 11 or 12 (Tallow Wood Road, West Burrill Lake) unless:

(a) it has taken into consideration a proposed plan, prepared by or on behalf of the applicant for consent, for the control of pollution which might arise from carrying out development on the allotments to be created by the proposed subdivision or from carrying out the other development (such plan having been referred by the Council to the Environment Protection Authority and the Department of Water Resources for comment); and

(b) if the proposed subdivision or other development appears to require vehicular access over any slope having a gradient greater than 1:5, it has taken into consideration any comment made by the Director-General of the Department of

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

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

DIVISION 8 — Classification of Public Land

Classification of public land

47. The public land specified in Schedule 11 is classified or reclassified as operational land for the purposes of the Local Government Act 1993.

Schedule 1

(Clause 9)

Agency offices other than T.A.B. agency offices.
Butcher's shop.
Chemist's shop.
Clothing shop.
Confectionery shop.
Crockery shop.
Delicatessen.
Drapery shop.
Electrical appliances shop.
Finance and property company premises.
Florist's shop.
Footwear shop.
Friendly and benefit society premises.
Fruit and vegetable shop.
Furniture shop.
Gas appliances shop.
Gift shop.
Grocery and health food shop.
Hardware shop.
Insurance offices.
Jewellery and watchmaker's shop.
Leathergoods and travel goods shop.
Musical instruments shop.
Optical goods shop.
Philatelist's shop.
Photographic apparatus and material shop.
Professional chambers.
Smallarms and ammunition shop.
Smallgoods shop.
Sports requisites shop.
Stationery shop (books and newspapers).
Tobacconist's and hairdresser's shop.
Wine and spirit merchant's shop.

Schedule 2

(Clause 9)

Beauty salon.
Boot and shoe repairing.
Bread, cake and pastry manufacture.
Dressmaking.
Dry-cleaning and dyeing agency.
Hairdressing salon.
Home activities.
Lending library.
Maintenance and repair of electrical appliances and fittings.
Professional consulting rooms.
Photographic studio.

Amendment
No. 23 —
Gazetted
6 Oct 1989

Amendment
No. 23 —
Gazetted
6 Oct 1989

Amendment
No. 87 —
Gazetted
11 Nov 1994

Amendment
No. 15 —
Gazetted
13 Mar 1992

Amendment
No. 23 —
Gazetted
6 Oct 1989

Amendment
No. 15 —
Gazetted
13 Mar 1992

Amendment
No. 65 —
Gazetted
5 Feb 1993

Refreshment rooms.
Self service coin operated laundry.
Tailoring.

Schedule 3

(Clause 9)

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

Schedule 4

(Clause 9)

Agency offices other than T.A.B. agency offices.
Beauty salon.
Chemist's shop.
Clothing shop.
Confectionery shop.
Crockery shop.
Delicatessen.
Drapery shop.
Florist's shop.
Footwear shop.
Gift shop.
Hairdressing salon.
Jewellery and watchmaker's shop.
Leathergoods and travel goods shop.
Lending library.
Motels.
Musical instruments shop.
Optical goods shop.
Philatelist's shop.
Photographic apparatus and material shop.
Professional chambers.
Professional consulting rooms.
Refreshment rooms.
Smallgoods shop.
Stationery shop (books and newspapers).
Tobacconist's and hairdresser's shop.

Schedule 5

(Clause 9)

Abattoirs.
Asbestos cement products manufacture.
Bag and sack (textile) manufacture.
Boiler manufacture.
Boiling down works.
Brick, tile, pipe manufacture.
Cement manufacture.
Electrical machinery manufacture (heavy).
Electric battery manufacture.
Extractive industry.
Fellmongery.
Fibrous plaster manufacture.
Fireclay products manufacture.
Grain milling.
Hardboard manufacture.
Heavy engineering.
Hotmix (bitumen) manufacture.
Lime storage.
Machinery manufacture (heavy).

Match manufacture.
Metal founding.
Motor body building.
Motor vehicle manufacturing and assembly.
Motor vehicle wrecking.
Offensive or hazardous industry.
Paint and varnish manufacture.
Plastics manufacture.
Ready mix concrete manufacture.
Rope and twine manufacture.
Rubber products manufacture.
Rubber reclamation.
Sawmilling.
Steel products manufacture (heavy).
Stone cutting and crushing.
Sugar refining.
Veneer manufacture.
Wallboard manufacture.
Wheel manufacture.
Wool scouring.

Schedule 6

(Clause 9)

Aerated water and cordial manufacture.
Boot and shoe repairing.
Cabinet making.
Cycle repairing.
Dressmaking.
Electrical appliance repairing.
Furniture storage and repairing.
Ice works.
Joinery workshop.
Laundry.
Lawn mower repairing.
Musical, surgical and scientific instrument and apparatus repairing.
Printing (Jobbing)
Radio and television repairing.
Signwriting.
Tailoring.
Toy making.
Upholstering.

Schedule 7

(Clause 23)

BERRY:

Former Berry Council Chambers, Alexandra Street, D.P. 940561.
Post Office, Queen Street, cnr lot 64.
Berry Museum, Queen Street, lot 1, D.P. 221105.
C.B.C. Bank, Queen Street, part portion 10.
Courthouse, Victoria Street, part portion 10.
Police Sergeant's Residence and Lock-up, Victoria Street, part portion 10.
Agricultural Pavilion, Victoria Street, D.P. 940561.
Doctor's residence, surgery and gardens, corner of Alexandra and Princess Streets, lots 8 and 9, Section 3, D.P. 8058

BOMADERRY:

Lynburn, Residence, 199 Princes Highway, lot 5 D.P.228380.

CAMBEWARRA:

Llanthony Lodge, Kalinga Street, lot 1, D.P. 242182.

*Amendment
No. 89 –
Gazetted
1 Sept 1995*

*Amendment
No. 70 –
Gazetted*

Public School and Residence, Main Street, D.P. 202849.
Cambewarra Union Church, Main Street, part portion 170.

GREENWELL POINT:

Public School, Greenwell Point Road, section C.

KANGAROO VALLEY:

Anglican Church Rectory, Moss Vale Road, lot 2, D.P. 598789.
Anglican Church of the Good Shepherd, Moss Vale Road, lot 5, F.P. 904698.
Public School, Moss Vale Road, lot 12, F.P. 904698.
Headmaster's Residence, Moss Vale Road, lot A/1, D.P. 561382.
Kangaroo Valley Hall (Showground), Moss Vale Road, "Osborne Park".

MILTON:

Methodist Church, Croobyar Road, part portion 206-119.
Courthouse, Princes Highway, lot 30, section B.
C.B.C. Bank, Princes Highway, lot 16, F.P. 52160.
Former Town Hall, Princes Highway, lot part 25, section B.
Chinese Elm (Ulmus parvifolia), part of lot 1, D.P. 780778, corner of Church Street and Princes Highway.
Hoop Pine (Araucaria cunninghamii), part of lot 1, D.P. 230083, Corks Lane.
Small Leaved Fig (Ficus obliqua), part of lot 3, D.P. 548705, Princes Highway.
Remnant rainforest, part of lot 1, D.P. 745437 and part of lot 1, D.P. 737627, Thomas Street.

NOWRA:

School of Arts, Berry Street, lot 2, D.P. 623347.
Residence, 3 Ferry Lane, lot 22, D.P. 563918.
Nowra Primary School, Plunkett Street, Primary School.
Former Residence (adjoins above), Plunkett Street, Primary School.
Police Sergeant's Residence, Plunkett Street, Police Reserve 33863.
Nowra Courthouse, Plunkett Street, Police Reserve 33863.
Museum (former police constable's residence), Plunkett Street, Police Reserve 33863.

TERARA:

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

Terara House, Millbank Road, lot 1, D.P. 579451.
The Dower House, Millbank Road, Lot 2, D.P. 313528.

ULLADULLA:

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

RURAL AREAS:

BHERWERRE (Parish):

The footings and garden elements of the former

Erowal Farm homestead, Part Portion 2, Parish of Bherwerre.

CONJOLA (Parish):

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

Two English Oak Trees (Quercus robur), part of lot 1, D.P. 725960.

COOLANGATTA (Parish):

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

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

ILLAROO (Parish):

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

NUMBAA (Parish):

Former Pyree School, Greenwell Point Road, lot 127, D.P. 2813.

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

Schedule 8

FAIR TRADING OPTION

Berry - Bundewallah Road, Lot 2, D.P. 706470, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 141)".

- (a) *subdivision of the land into four lots comprising two lots each having an area of about 1-2 hectares, one lot of approximately 4 hectares and one lot of approximately 33 hectares; and*
- (b) *the erection, with Council consent, of one dwelling-house on each lot referred to in paragraph (a) except the lot of approximately 33 hectares, but only if each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected; and*
- (c) *development consent for the subdivision referred to in paragraph (a) shall not be granted unless the subdivision makes provision for the dedication of the lot of approximately 33 hectares to the Council, at no cost to Council, as public open space to be used for part of the Illawarra Escarpment Walking Track.*

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

- (a) *subdivision of the land into five lots comprising two lots of between 1 and 2 hectares, one lot of between 4 and 5 hectares, one lot of approximately 55 hectares and one lot of approximately 41*

Amendment
No. 120 –
Gazetted 18
April 1997

Amendment
No. 120 –
Gazetted
18 April 1997

Amendment
No. 141
Gazetted
22 May 1998

Amendment
No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 142
Gazetted
22 May 1998

Amendment
No. 23 –
Gazetted
6 Oct 1989

hectares; and

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

Amendment
No. 158
Gazetted
21 May 1993

Jaspers Brush – Cedarvale Lane, Lots 1 and 2, D.P. 588431 and Lot 2, D.P. 853302, as shown edged heavy black on the map marked “City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 158)”:

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

Schedule 9

(Clause 39)

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

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

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

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

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

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

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

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

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

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

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

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

Portion 34, Parish of Termeil—dwelling.

~~Lot 17, section M, D.P. 12958, Tibbles Street, Old Erowal Bay—dwelling house.~~

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

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

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

Portion 41, Parish of Illaroo—dwelling-house.

Lot 2, D.P. 557533—subdivision into 2 allotments.

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

Portion 11, Parish of Farnham—dwelling-house.

~~Lot 139A, D.P. 15266, Knoll Parade, Woollamia—dwelling house.~~

~~Land in the vicinity of Village of Cunjurong, as shown edged heavy black on Sheet 2 of the map marked “Shoalhaven Local Environmental Plan No. 1”~~

Matter
omitted
Amendment
No. 70 –
Gazetted
5 Feb 1993

Matter
omitted
Amendment
No. 29 –
Gazetted
28 Aug 1992

~~the erection of 72 units of chalet accommodation, serviced by a package sewage treatment plant, generally in accordance with plans prepared by Phillip Abram, Architect, bearing reference 80 31-1 Proposed Manyana Country Club, as submitted to the Council and the provision of pedestrian access from that land to the adjoining beach by access points located and designed to the satisfaction of the Soil Conservation Service of New South Wales.~~

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

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

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

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

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

Lots 1-79 (inclusive), D.P. 8082 (known as Tasman Park Estate), Island Point Road, St Georges Basin, being land edged heavy black on the map marked "Shoalhaven Local Environmental Plan No. 12"—the erection on each of the allotments aforementioned of a dwelling-house and building ancillary thereto ~~or the carrying out of dual occupancy development (only where the development results in attached dwellings) on those allotments and the carrying on of home activities on any such allotment. where the Council shall not consent to the erection of buildings on, or the making of any provision to facilitate access to, land on the route for a proposed road, and any such land shall be used for no other purpose than landscaping.~~

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

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

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

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

Lot 3, D.P. 627050, lots 4, 5 and 6; D.P. 705840, Longreach—the erection of a ***dwelling-house** or ~~#the carrying out of dual occupancy development (where the development results in attached dwellings) on each allotment.~~

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

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

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

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

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

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

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

Amendment
No. 1 –
Gazetted
7 Mar 1986

*Amendment
No. 14 –
Gazetted
2 Feb 1990

#Amendment
No. 73 –
Gazetted
19 Nov 1993

Amendment
No. 3 –
Gazetted
2 May 1986

Amendment
No. 6 –
Gazetted
20 June 1986

Amendment
No. 9 –
Gazetted
9 Jan 1987

Amendment
No. 16 –
Gazetted
5 Feb 1988

Amendment
No. 19 –
Gazetted
16 Sep 1988

Amendment
No. 26 –
Gazetted
27 Oct 1989

Amendment
No. 73 –
Gazetted
19 Nov 1993

Amendment
No. 115 –
Gazetted
29 Mar 1996

Amendment
No. 49 –
Gazetted
19 Jul 1991
See
Amendment
s – B for
objectives)

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

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

Amendment
No. 59 –
Gazetted
20 Sep 1991
See
Amendment
s – B for
objectives at
front
instrument)

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

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

Amendment
No. 30 –
Gazetted
11 Oct 1991

Lot 8, D.P. 264666 and Lot 9, D.P. 631814, Kyeema Drive, Parish of Ulladulla, as shown edged heavy black on the map marked "City of Shoalhaven Local Environment Plan 1985 (Amendment No. 30)" – subdivision into a maximum of 17 rural residential lots, each having a minimum area of 1 hectare and a maximum area of 2 hectares and all located in the northern part of the land with access only off Kyeema Drive or Tallow Wood Road, together with one residue lot for the remainder of the land, and the erection of a dwelling-house or *the carrying out of dual occupancy development (where the development results in attached dwellings) on each of the 18 lots so created."

*Amendment
No. 73 –
Gazetted
19 Nov 1993

Amendment
No. 60 –
Gazetted
27 Dec 1991

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

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

Amendment
No. 15 –
Gazetted
13 Mar 1992

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

Amendment
No. 63 –
Gazetted

Lot 3, D.P. 550387, Rock Hill Road, North Nowra – subdivision of the land so as to create 2 allotments,

8 May 1992

Amendment
No. 47 –
Gazetted
14 Aug 1992

(with one lot having a maximum area of 4000 square metres and the erection of a dwelling-house to be occupied by an employee of the adjoining animal park tourist facilities on that allotment).

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

- (a) processing grapes obtained in bulk from elsewhere in Australia and blending the resulting wine (or wine obtained in bulk from elsewhere in Australia) with the wine produced from grapes grown on this land, but only if the wine produced from the grapes obtained from elsewhere (together with the wine obtained from elsewhere) constitutes a minor supplementing of the product from the vineyard on this land;
- (b) the sale of the wines referred to in paragraph (a), both by wholesale and by retail, from the winery on this land;
- (c) selling from the winery on this land fortified wines obtained from elsewhere, but only where those sales constitute a minor percentage (in litres) of the winery's sales.

Amendment
No. 65 –
Gazetted
5 Feb 1993

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

*Amendment
No. 73 –
Gazetted
19 Nov 1993

Amendment
No. 68 –
Gazetted
7 Jan 1994

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

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

Lot 15, D.P. 714135, Old Princes Highway, Termeil,

being part of the land shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 68)" – subdivision into 2 lots and erection of a dwelling-house on each of the lots created by any such subdivision.

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

Amendment
No. 83 –
Gazetted
6 May 1994

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

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

Amendment
No. 88 –
Gazetted
16 Dec 1994

Narrawallee, Lot 5, D.P. 830709, off Lake Conjola Entrance Road –

- (a) subdivision into a maximum of fourteen allotments with a minimum lot size of 1 hectare provided that prior to granting consent for any subdivision of the land the Council has considered and taken into account a surface water management and erosion control plan relating to the subdivision proposal; and
- (b) the erection of a dwelling-house on each of the lots so created provided that each dwelling-house and associated effluent disposal area is located entirely within the area within the building line shown on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 88)".

Amendment
No. 98 –
Gazetted
22 Sept 1995

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

Barrengarry

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

Bawley Point

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

Bellawongarah

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

Bendalong

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

Berry

- Lot 4, D.P. 773489, Kangaroo Valley Road.

Bomaderry

- Lot 2, D.P. 847399, Bells Lane.

Cambewarra

- Portion 68, Parish of Illaroo, Main Road.

Conjola

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

Far Meadow

- Part Lot 47, D.P. 5996, Bryce's Road.

Jaspers Brush

- Lot 3, D.P. 840940, Devitts Lane.

Kangaroo Valley

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

Milton

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

Nowra

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

Old Erowal Bay

- Lot 3, D.P. 849262, The Wool Road.

Sassafras

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

St. Georges Basin

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

Termeil

- Lot 3, D.P. 833166, Old Princes Highway.

Tomerong

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

Wandandian

- Portions 15, 16, 17, 20 and 68, Parish of Wandrawandian, Bollerang Road.

- Lot 31, D.P. 818363, Princes Highway.

Yatte Yattah

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

Amendment
No. 103 –
Gazetted
22 Sept 1995

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

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

Amendment
No. 108 –
Gazetted
2 Feb 1996

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

Amendment
No. 111 –
Gazetted
29 Mar 1996

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

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

Amendment
No. 114 –
Gazetted
29 Mar 1996

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

Amendment
No. 99 –
Gazetted
4 Apr 1996

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

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

Amendment
No. 113 –
Gazetted
4 Apr 1996

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

Amendment
No. 116 –
Gazetted
12 Apr 1996

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

Amendment
No. 105 –
Gazetted
3 May 1996

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

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

Amendment
No. 128 –
Gazetted 21
Feb 1997

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

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

Amendment
No. 138 –
Gazetted
6 March
1998

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

- (a) *this issue of vehicular and pedestrian access to the proposed development has been fully considered by it and comprehensively addressed in the design of the development; and*
- (b) *all car parking associated with the proposed development will be located on the subject land.*

Amendment
No. 144 –
Gazetted
29 May 1998

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

Amendment
No. 139 –
Gazetted
3 July 1998

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

Amendment
No. 145 –
Gazetted
28 Aug 1998

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

- (a) *all vehicular access to the subject land and the development will be via Plunkett Street,*

and direct vehicular access from that land to the Princes Highway will be denied;

- (b) *all car parking associated with the development will be located on the subject land;*
- (c) *any signage associated with the development will be kept to a minimum level acceptable to the Council; and*
- (d) *any buildings involved in the development will be of a residential scale and character in keeping with the surrounding residential buildings.*

Amendment
No. 149 –
Gazetted
16 Oct 1998

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

- (a) *the scenic integrity of Braidwood Road will be maintained by ensuring that buildings and other structures associated with the development (except signage and utility services) have an appropriate setback from Braidwood Road; and*
- (b) *the type and scale of signage associated with the development is kept to a minimum to ensure the rural character adjacent to Braidwood Road is maintained.*

Amendment
No. 133 –
Gazetted
27 Nov 1998

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

Amendment
No. 146 –
Gazetted
27 Nov 1998

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

- (a) *there will be no direct vehicular access to the proposed development from Sussex Inlet Road, and that all vehicular access will be gained via The Springs Road at a satisfactory location no less than 90 metres from Sussex Inlet Road;*
- (b) *the visual environment in the vicinity of the Sussex Inlet Road and The Springs Road will be maintained by ensuring that buildings and other structures associated with the proposed development are not located on the land within 40 metres of Sussex Inlet Road nor within 45 metres of The Springs Road (except signage and*

access);

- (c) the design of the proposed development of the site achieves the aims of City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 146);
- (d) acceptable landscape screening and buffer will be provided between the proposed development and the adjoining road, and also between the proposed development and adjacent properties;
- (e) the type and scale of signage associated with the proposed development will be kept to a minimum;
- (f) the risk of pollution to Badgee Lagoon and the surrounding area will be minimised by connecting the proposed development to the local sewerage scheme; and
- (g) only goods manufactured on the site will be retailed from the industrial building or buildings, in accordance with council policy relating to retailing from industrial premises.

Amendment
No. 154 –
Gazetted
26 Mar 1999

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

Schedule 10

(Clause 46(5))

Amendment
No. 23 –
Gazetted
6 Oct 1989

Amendment
No. 65 –
Gazetted
5 Feb 1993

CANDIDATE

AREA NO. AND NAME OBJECTIVES OF CANDIDATE AREA

1. (Near Old Errowal Bay)

The objectives are—

- (a) to allow for rural residential development in a variety of lot sizes to suit topographical and environmental conditions; and
- (b) to have larger sized lots (1 hectare) fronting The Wool Road and near the estuarine wetlands with smaller allotments (4000 square metres) elsewhere; and
- (c) to preserve as much tree cover as possible; and
- (d) to limit road access to The Wool Road to one intersection point.

*Amendment
No. 73 –
Gazetted
19 Nov 1993

Amendment
No. 14 –
Gazetted
2 Feb 1990

2.(Cabbage Tree Lane Area, Nowra Hill)

The objectives are—

- (a) to encourage rural residential development with a variety of allotment sizes appropriate to the location; and
- (b) to allow for the upgrading and realignment of Cabbage Tree Lane; and
- (c) to minimise direct access to Cabbage Tree Lane; and

- (d) to have appropriate lot sizes to the west to enable effective bushfire hazard reduction procedures; and
- (e) to have appropriate lot sizes to the south to allow for a noise transition zone; and
- (f) to protect the creek system and the areas in Flat Rock Creek catchment from sedimentation and pollution.

Amendment
No. 15 –
Gazetted
13 Mar 1992

3.Coolangatta Mountain Area, Shoalhaven Heads

The objectives are—

- (a) to allow and promote the expansion of the Coolangatta Village Motel/Tourist facility; and
- (b) to enhance the heritage items of the area; and
- (c) to allow ancillary commercial tourist activity and the sale of products especially packaged under the Coolangatta label; and
- (d) to secure safe traffic access to Bolong Road through adjoining areas.

4.Coolangatta Mountain Area, Shoalhaven Heads

The objectives are—

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

5.South Coolangatta Mountain Area, Shoalhaven Heads

The objectives are—

- (a) to allow for up to 50 tourist accommodation units of not more than 80 square metres gross floor area each; and
- (b) to retain and protect existing screen vegetation; and

- (c) to minimise removal of vegetation and ground disturbance in the development and its associated access roads; and
- (d) to minimise the height and bulk of any buildings.

6.South Coolangatta Mountain Area, Shoalhaven Heads

The objectives are—

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

*Amendment
No. 73 –
Gazetted
19 Nov 1993

*Amendment
No. 73 –
Gazetted
19 Nov 1993

7.East Coolangatta Mountain Area

The objectives are—

- (a) to allow for the creation of up to 6 rural residential lots and the erection of a dwelling house and/or the *carrying out of dual occupancy development (only where the development results in attached dwellings) on each allotment in accordance with the capability of the land to absorb effluent; and
- (b) to limit the height of any dwelling to single storey and a loft area with an overall height of 6 metres; and
- (c) to provide landscape screening to maintain the rural and scenic character of the area.

Amendment
No. 65 –
Gazetted
5 Feb 1993

*Amendment
No. 73 –
Gazetted
19 Nov 1993

*Amendment
No. 73 –
Gazetted
19 Nov 1993

8.Bryces Road Area

The objectives are—

- (a) to allow for the creation of up to 18 rural residential lots and the erection of a dwelling thereon and/or the *carrying out of dual occupancy development (only where the development results in attached dwellings)

*Amendment
No. 73 –
Gazetted
19 Nov 1993

in accordance with the ability of the land to absorb effluent; and

- (b) to provide landscape screening to maintain the rural and scenic character of the area.

9.Backforest Road Area

The objectives are—

- (a) to allow for the creation of up to 4 rural residential lots and the erection of a dwelling thereon and/or *the carrying out of dual occupancy development (only where the development results in attached dwellings) in accordance with the ability of the land to absorb effluent; and

10.North-East Coolangatta Mountain Area, Shoalhaven Heads

The objectives are—

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

11.Tallow Wood Road, West Burrill Lake

The objectives are –

- (a) to provide for up to 6 rural residential lots each with sufficient area to accommodate a dwelling-house, effluent disposal and vehicular access; and
- (b) to allow for the erection of a dwelling-house *the carrying out of dual occupancy development where the development results in attached dwellings on each of the rural residential lots created; and
- (c) to allow for the siting of buildings so as to minimise the hazard from bush fire; and
- (d) to preserve as much tree cover as possible, in particular that on the upper slopes; and
- (e) to provide for building sites with sufficient area to

accommodate a dwelling-house, effluent disposal and vehicular access, to be identified at the subdivision stage; and

- (f) to ensure that appropriate arrangements are made for the treatment and disposal of effluent; and
- (g) to ensure that appropriate arrangements are made for the treatment and disposal of surface storm water drainage.

12. Tallow Wood Road, West Burrill Lake

The objectives are –

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

Schedule 11

(Clause 47)

CLASSIFICATION OR RECLASSIFICATION OF

11 Nov 1994

PUBLIC LAND

SOUTH NOWRA

Albatross Road – Lot 11, D.P. 252482, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 87)".

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

Amendment
No. 140 –
Gazetted
1 May 1998

Amendment
No. 130 –
Gazetted 18
April 1997

NOWRA

Berry Street - part of Lot 20, D.P. 801794, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. 130)".

Collins Way - Lot 1, D.P. 526713; Lot 1, D.P. 391906; Lot 1, D.P. 508216; Lot A, D.P. 398969; and Lot B, D.P. 408997.

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

Kinghorn Street - Lot 7, D.P. 615764; and Lot 1, D.P. 840647.

Lawrence Avenue - Lot 71, D.P. 734576.

Osborne Street - Lot 7, D.P. 599793; and Lot 52, D.P. 625969.

Osborne Street - Lot 2, D.P. 581350; Lot 1, D.P. 781201; and Lot 2, D.P. 860572.

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

Worrigee Street - Lot 1, D.P. 738675; Lots 12 and 13, D.P. 738683; Lot 1 D.P. 738686; Lots 1 and 2, D.P. 738687; Lots 4 and 5, D.P. 537780; and Lot 3, D.P. 530250.

ULLADULLA:

Boree Street - Lot 1, D.P. 792523; Lot 2, D.P. 213083; Lots 250 and 251, D.P. 569873; Lot 1, D.P. 194000; and Lot 1, D.P. 213083.

South Street - Lot 11, D.P. 791198; and Lot 2, D.P. 717433.

Amendment
No. 73 –
Gazetted
19 Nov 1993

Amendment
No. 87 –
Gazetted

NOTE
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7. Consent authority.

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- 8A. *Determination of zone boundaries.*
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- 15A. *Dwelling-houses on certain land in Parish of Coolangatta.*
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- 16A. *Cluster housing – Zones Nos 2(b1), 2(b2), 2(c) and 2(e).*
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20. Tourist facilities.

20A. *Bed and breakfast accommodation.*

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Amendment
No. 67 –
Gazetted
23 Oct 1992

Amendment
No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 126 –
Gazetted
18 April 1997

Amendment
No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 148 –
Gazetted
18 Dec 1998

Amendment
No. 148 –
Gazetted
18 Dec 1998

Amendment
No. 15 –
Gazetted
13 Mar 1992

Amendment
No. 151 –
Gazetted
11 Dec 1998

Amendment
No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 136 –
Gazetted
13 Feb 1998

Amendment
No. 70 –
Gazetted
5 Feb 1993

Amendment
No. 15 –
Gazetted
13 Mar 1992

Amendment
No. 74 –
Gazetted
20 Aug 1993

Amendment
No. 143 –
Gazetted
19 June
1998

Amendment
No. 70 –
Gazetted
5 Feb 1993
(omitted)

Amendment
No. 102 –
Gazetted
18 Oct 1996

Amendment
No. 106 –
Gazetted
16 Feb 1996

Amendment
No. 141 –
Gazetted
22 May 1998

Amendment
No. 62 –
Gazetted
12 Apr 1991

Amendment
No. 57 –
Gazetted
16 Aug 1991

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Bomaderry*

Amendment
No. 97 –
Gazetted
25 Aug 1995

39C. *Temporary use of land.*

40. Restriction on development in respect of certain
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Amendment
No. 70 –
Gazetted
5 Feb 1993

40A. *Development in the vicinity of regional services
corridor.*

Amendment
No. 14 –
Gazetted
2 Feb 1990

40B. *Special Requirements in respect of Expansion of
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Amendment
No. 41 –
Gazetted
28 Aug 1992

40C. *Development in the vicinity of Mount
Coolangatta.*

Amendment
No. 15 –
Gazetted
13 Mar 1992

40D. *Development of certain land – Princes Highway
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Amendment
No. 66 –
Gazetted
15 Oct 1993

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Amendment
No. 87 –
Gazetted
11 Nov 1994

47. *Classification of Public Land*

Schedules 1-9, 10, 11