

CERTIFIED FOR EXHIBITION AUGUST 2011

Draft Mid Western Regional Local Environmental Plan 2011

under the
Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows: [10/08708]

Minister for Planning

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Part 1 Preliminary

1.1 Name of Plan [compulsory]

This Plan is **Mid Western Regional Local Environmental Plan 2011**

1.1AA Commencement [compulsory]

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

1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in **the local government area of Mid Western Regional** in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to promote growth and provide for a range of living opportunities throughout the region.
 - (b) to encourage the proper management, development and conservation of resources within the region by protecting, enhancing and conserving:
 - (i) land of significance to agricultural production, and
 - (ii) soils, water, minerals and other natural resources, and
 - (iii) native plants and animals, and
 - (iv) places and buildings of heritage significance, and
 - (v) the scenic values of the region.
 - (c) to provide a secure future for agriculture through protecting of agricultural land capability and maximising opportunities for sustainable rural and primary production pursuits,
 - (d) to foster a sustainable and vibrant economy that supports and celebrates the area's rural, natural and heritage attributes,
 - (e) to protect the settings of Mudgee, Gulgong, Kandos and Rylstone by:
 - (i) managing the urban/rural interface, and
 - (ii) preserving land that has been identified for future long term urban development, and
 - (iii) to promote the location of urban and rural uses to minimise land use conflict and adverse impacts on amenity.
 - iv) conserving the significant visual elements contributing to the character of the towns such as elevated land and the rural character of the main entry corridors into the towns, and
 - (f) matching residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure.
 - (g) to promote development that minimises the impacts of salinity on infrastructure, buildings and the landscape.

1.3 Land to which Plan applies [compulsory]

This Plan applies to the land identified on the Land Application Map.

1.4 Definitions [compulsory]

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

1.5 Notes [compulsory]

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

1.6 Consent authority [compulsory]

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

1.7 Maps [compulsory]

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

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

1.8 Repeal of planning instruments applying to land [compulsory]

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

Note. The following local environmental plans are repealed under this provision:

Mid-Western Regional Interim Local Environmental Plan 2008

Merriwa Local Environmental Plan 1992

Rylstone Local Environmental Plan 1996

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

1.8A Savings provisions relating to development applications [local]

- (1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has

not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

1.9 Application of SEPPs [compulsory]

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and Parts 3 and 4)

State Environmental Planning Policy No 60—Exempt and Complying Development

1.9A Suspension of covenants, agreements and instruments [local]

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of *the Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones [compulsory]

The land use zones under this Plan are as follows:

Rural Zones

RU1 Primary Production
RU3 Forestry
RU4 Primary Production Small Lots
RU5 Village

Residential Zones

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

Business Zones

B1 Neighbourhood Centre
B2 Local Centre
B3 Commercial Core
B4 Mixed Use
B5 Business Development

Industrial Zones

IN1 General Industrial
IN2 Light Industrial
IN3 Heavy Industrial

Special Purpose Zones

SP2 Infrastructure
SP3 Tourist

Recreation Zones

RE1 Public Recreation
RE2 Private Recreation

Environment Protection Zones

E1 National Parks and Nature Reserves
E3 Environmental Management

2.2 Zoning of land to which Plan applies [compulsory]

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table [compulsory]

- (1) The Land Use Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without development consent, and

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

Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development. [see—*Clauses 5.9 Preservation of trees or vegetation, 5.10 Heritage conservation*].

2.4 Unzoned land [compulsory]

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

2.5 Additional permitted uses for particular land [compulsory]

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

2.6 Subdivision—consent requirements [compulsory]

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

Notes.

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

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

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

2.7 Demolition requires development consent [compulsory]

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

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

2.8 Temporary use of land [optional]

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Land Use Table

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

State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

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

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

Zone RU1 Primary Production

Direction. The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone:

Environmental protection works

Farm buildings

Intensive livestock agriculture

Intensive plant agriculture

Roads

Roadside stalls

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the visual amenity and landscape quality by preserving the area’s open rural landscapes, environmental and cultural heritage values.
- to promote the unique rural character of Mid Western Regional Council and facilitate a variety of tourist land uses.

2 Permitted without consent

Beekeeping; Dairy (pasture based); Environmental Protection works; Extensive agriculture; Home business; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems;

3 Permitted with consent

Building identification signs; Business identification signs; Dwelling houses; Extractive industries; Farm buildings; Home based child care; Home industries; Intensive livestock agriculture; Open cut mining

Any development not specified in item 2 or 4

4 Prohibited

Advertising structure; Amusement centres; Attached dwellings; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Bulky goods premises; Business premises; Car parks; Child care centres; Commercial premises; Correctional centres; Crematoria; Dual occupancy (detached); Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Group homes; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Hostels; Industrial retail outlets; Industries; Kiosks; Marinas; Markets; Mortuaries; Multi dwelling housing; Office premises; Passenger transport facilities ; Places of public worship; Port facilities; Public administration buildings; Pubs; Recreational facilities (indoor); Registered clubs; Research stations; Residential flat buildings; Resource recovery facilities; Respite day care centres; Restricted premises; Retail premises; Rural supplies; Secondary dwellings; Semi-detached dwellings ; Seniors housing; Service stations; Sex services premises; Shops; Shop top housing; Signage; Storage premises; Take-away food & drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies.

Zone RU3 Forestry

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

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

2 Permitted without consent

Uses authorised under the *Forestry Act 1916*

3 Permitted with consent

4 Prohibited

Any development not specified in item 2 or 3

Zone RU4 Primary Production Small Lots

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Extensive agriculture

Farm buildings

Intensive plant agriculture

Roads

Roadside stalls

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems;

3 Permitted with consent

Dwelling houses; Farm buildings; Home based child care; Home industries; Plant nurseries; Roadside stalls

Any development not specified in item 2 or 4

4 Prohibited

Advertising structure; Air transport facilities; Airport; Amusement centres; Attached dwellings; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Business premises; Car parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Crematoria; Dual occupancy (detached); Entertainment facilities; Exhibition homes; Exhibition villages; Food and drink premises; Freight transport facilities; Garden centres; Group homes; Hardware and building supplies; Heavy industrial storage establishments; Helipad; Highway service centres; Home occupation (sex services); Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Jetties; Kiosks; Landscaping material supplies; Livestock processing industries; Marinas; Markets; Moorings; Mooring pens; Mortuaries; Multi dwelling housing; Office premises; Open cut

mining; Passenger transport facilities ; Places of public worship; Port facilities; Public administration buildings; Pubs; Recreation facilities; Registered clubs; Residential flat buildings; Respite day care centres; Restaurants or cafes; Restricted premises; Retail premises; Rural supplies; Sawmill or log processing industries; Secondary dwellings; Semi-detached dwellings ; Seniors housing; Service stations; Sex services premises; Shops; Shop top housing; Signage; Stock and sale yards; Storage premises; Take-away food & drink premises; Timber yards; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal facilities; Wharf or boating facilities; Wholesale supplies.

Zone RU5 Village

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To promote development that is sustainable in terms of the capacity of infrastructure within villages.

2 Permitted without consent

Environmental protection works; Home based child care; Home business; Home occupations; Roads; Water reticulation systems.

3 Permitted with consent

Bee keeping; Child care centres; Community facilities; Dwelling houses; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools

Any development not specified in item 2 or 4

4 Prohibited

Advertising structure; Agriculture; Airstrip; Air transport facilities; Animal boarding or training establishments; Biosolids treatment facility; Boat building and repair facilities; Cellar door premises; Correctional centres; Crematoria; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Hazardous industries; Hazardous storage establishments; Heavy industries; Jetties; Livestock processing industries; Offensive industries; Offensive storage establishments; Open cut mining; Port facilities; Rural workers dwellings; Sawmill or log processing industries; Secondary dwellings; Sex services premises; Stock and sale yards; Waste disposal facilities; Waste or resources transfer stations; Water recreations structures; Wharf or boating facilities.

Zone R1 General Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Home based child care; Home business; Home occupations; Water reticulation systems.

3 Permitted with consent

Attached dwellings; Building identification signs; Business identification signs; Boarding houses; Caravan parks; Child care centres; Community facilities; Dual occupancy; Dwelling houses; Education establishments; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition Villages; Flood mitigation works; Function centres; Funeral homes; Group homes; Health services facilities; Home industry; Hostels; Information and education facilities; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Tourist and visitor accommodation, Water recreation structures; Water recycling facilities; Water storage facilities.

4 Prohibited

Advertising structure; Farm stay accommodation

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Home based child care; Home business; Home occupations; Roads; Water reticulation systems.

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Boarding houses; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Education establishments; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition Villages; Flood mitigation works; Garden centre; Group homes; Health consulting rooms; Home industries; Hospitals; Hostels; Information and education facilities; Markets; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Secondary dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage; Water recreation structures; Water recycling facilities; Water storage facilities.

4 Prohibited

Advertising structure; Dual occupancy (detached)

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage higher density residential development that is sympathetic to and compatible with the existing character of the Mudgee Heritage Conservation Area

2 Permitted without consent

Environmental protection works; Home based child care; Home business; Home occupations; Roads; Water reticulation systems.

3 Permitted with consent

Attached dwellings; Building identification signs; Business identification signs; Boarding houses; Child care centres; Community facilities; Dual occupancy; Dwelling house; Education establishments; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition Villages; Flood mitigation works; Group homes; Health services facilities; Home industry; Hostels; Information and education facilities; Markets; Multi

dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Residential flat buildings; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Tourist and visitor accommodation, Water recreation structures; Water recycling facilities; Water storage facilities.

4 Prohibited

Advertising structures; Farm stay accommodation; Hotel or motel accommodation; Rural workers dwellings

Any development not specified in item 2 or 3

4 Prohibited

Zone R5 Large Lot Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

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

2 Permitted without consent

Bee keeping; Extensive agriculture; Home based child care; Home business; Home occupations; Roads; Water reticulation systems.

3 Permitted with consent

Aquaculture; Bed and breakfast accommodation; Cellar door premises; Dual occupancies; Dwelling houses; Education establishments; Garden centres; Home industries; Intensive plant agriculture; Landscaping material supplies; Markets; Neighbourhood shops;; Plant nurseries; Roadside stalls; Secondary dwellings; Waste or resource transfer stations; Water recycling facilities; Water storage facilities.

Any development not specified in item 2 or 4

4 Prohibited

Advertising structure; Agriculture; Airstrips; Air transport facilities; Amusement centres; Attached dwellings; Boat building and repair facilities;

Boat launching ramps; Animal boarding and training establishments; Boarding houses; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairy (pasture based); Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupation (sex services); Industries; Industrial retail outlets; Industrial training facilities; Intensive livestock agriculture; Jetties; Marinas; Mooring; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; recreation areas (indoor); Recreations areas (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Warf or boating facilities; Waste or resource management facilities; Water supply systems; Water treatment facilities; Wholesale supplies.

Zone B1 Neighbourhood Centre

Direction. The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone:

Roads

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Roads;

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Hostels; Medical centres; Neighbourhood shops; Respite day care centres; Shop top housing.

Any development not specified in item 2 or 4

4 Prohibited

Advertising structure; Agriculture; Air transport facilities ; Airstrips; Animal boarding or training establishments; Backpackers' accommodation; Biosolids treatment facilities; Boat launching ramps; Boat building and repair facilities; Boat sheds; Bulky goods premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating

facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities ; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewage reticulation systems; Sewage treatment plants; Sex services premises; Storage premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities ; Wharf or boating facilities; Wholesale supplies.

Zone B2 Local Centre

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To maintain the built integrity of the area enabling development that is sympathetic to the existing heritage buildings and elements.

2 Permitted without consent

Environmental protection works; Home occupations; Roads; Water reticulation system.

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; High technology industries; Home industries; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tourist and visitor accommodation.

Any development not specified in item 2 or 4

4 Prohibited

Advertising structure; Agriculture; Air transport facilities ; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat building and repair facilities; Boat sheds; Camping grounds; Cemeteries; Charter and tourism boating facilities; Correctional

centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Hostels; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Multi-dwelling housing; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Rural industries; Rural worker's dwellings; Sewage systems; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities ; Water storage facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.

Zone B3 Commercial Core

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To promote the central business district of Mudgee as the major focus for retail and commercial activity in the Mid-Western local government area.
- To consolidate business development in the town centre and avoid unnecessary or inappropriate expansion of business related land uses into surrounding residential neighbourhoods.
- To ensure that new development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core.
- To ensure that the form and layout of new development is designed to encourage free pedestrian movement and connectivity within the commercial core.

2 Permitted without consent

Environmental protection works; Roads; Water reticulation systems

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing.

Any development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities ; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home based child care; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Service stations; Sewerage supply systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities ; Wharf or boating facilities; Wholesale supplies.

Zone B4 Mixed Use

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure a form of development that is consistent with the character of the adjoining residential neighbourhoods.

2 Permitted without consent

Environmental protection works; Home based child care; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Water recycling facilities.

Any development not specified in item 2 or 4

4 Prohibited

Advertising structure; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat building and repair facilities; Boat sheds; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Research stations; Rural industries; Rural workers dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities ; Wharf or boating facilities.

Zone B5 Business Development

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To promote a visually attractive entry point for Mudgee from the south east.
- To enable development which does not undermine the primacy retailing role of the Mudgee commercial core area.

2 Permitted without consent

Environmental protection works; Roads; Water reticulation systems

3 Permitted with consent

Food and drink premises; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Liquid fuel depots; Plant nurseries; Roadside stalls; Rural supplies; Timber yards; Vehicle sales or hire premises;

Any development not specified in item 2 or 4

4 Prohibited

Agriculture; Airport; Airstrips; Animal boarding or training establishments; Backpackers' accommodation; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes;

Exhibition villages; Farm buildings; Farm stay accommodation; Forestry; Function centres; General industries; Group homes; Hazardous industries; Health services facilities; Heavy industries; Heavy industrial storage establishments; Highway service centres; Home based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Landscaping and buildings supplies; Marinas; Markets; Mooring pens; Moorings; Mortuaries; Offensive industries; Office premises; Open cut mining; Plant nurseries; Port facilities; Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural industries; Rural workers dwellings; Seniors housing; Sex services premises; Shop top housing; Shops; Tourist and visitor accommodation; Waste or resource management facilities; Wharf or boating facilities.

Zone IN1 General Industrial

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To promote a safe and efficient network for the movement of to minimise the intrusion of heavy vehicles into nearby residential areas.

2 Permitted without consent

Environmental protection works; Home based child care; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Depots; Freight transport facilities; Food and drink premises; Funeral homes; Garden centres; General industries; Hardware and building supplies; Home business; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Offensive storage establishments; Plant nurseries; Rural supplies; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres.

Any development not specified in item 2 or 4

4 Prohibited

Agriculture; Airport; Airstrips; Amusement centre; Animal boarding and training establishments; Backpackers' accommodation; Boat launching ramps; Boat sheds; Bulky goods premises; Business premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Childcare centres; Commercial premises; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes;

Exhibition villages; Farm buildings; Forestry; Function centre; Health services facilities; Heavy industrial storage establishments; Home based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Retail premises; Roadside stalls; Shops; Tourist and visitor accommodation; Waste or resource management facilities ; Wharf or boating facilities.

Zone IN2 Light Industrial

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

3 Permitted with consent

Depots; Food and drink premises; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Plant nurseries; Roadside stalls; Rural supplies; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres.

Any development not specified in item 2 or 4

4 Prohibited

Agriculture; Airport; Airstrips; Animal boarding or training establishments; Backpackers' accommodation; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Business premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Childcare centres; Commercial premises; Eco-tourist facilities; Educational establishments; Environmental facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Farm stay accommodation; Forestry; Function centres; General industries; Group homes; Hazardous industries; Health services facilities; Heavy industries; Heavy industrial storage establishments; Highway service centres; Home based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Mortuaries; Offensive

industries; Office premises; Open cut mining; Places of public worship; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Retail premises; Roadside stalls; Rural industries; Rural workers dwellings; Seniors housing; Sex services premises; Shop top housing; Shops; Tourist and visitor accommodation; Waste or resource management facilities; Wharf or boating facilities.

Zone IN3 Heavy Industrial

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To support and protect industrial land for industrial uses.
- To promote the location of heavy industry to compliment the demand generated by resource based industries such as mining.

2 Permitted without consent

3 Permitted with consent

Depots; Food and drink premises; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Hazardous storage establishments; Heavy industries; Landscaping material supplies; Offensive storage establishments; Plant nurseries; Rural supplies; Vehicle sales or hire premises; Warehouse or distribution centre.

Any development not specified in item 2 or 4

4 Prohibited

Agriculture; Airport; Airstrips; Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Business premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Childcare centres; Commercial premises; Community facilities; Crematorium; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Farm stay accommodation; Forestry; Function centres; Group homes; Health services facilities; Highway service centres; Home based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Places of public worship; Port facilities; Public

administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Retail premises; Roadside stalls; Rural workers dwellings; Seniors housing; Sex services premises; Shop top housing; Shops; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals; Wharf or boating facilities.

Zone SP2 Infrastructure

Direction. The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone:

Roads

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To protect the water storage of Windemere and Burrendong Dams.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Roads; Water reticulation systems.

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in two 2 or 3.

Zone SP3 Tourist

Direction. The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone:

Roads

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.

2 Permitted without consent

Environmental protection works; Home based childcare; Home businesses; Home occupations; Roads; Water reticulation systems.

3 Permitted with consent

Airstrips; Amusement centres; Aquaculture; Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Child care centres; Dual occupancy; Eco-tourism facilities; Entertainment facilities; Food and drink premises; Flood mitigation works; Function centres; Health consulting rooms; Helipads; Hostels; Information and education facilities; Kiosks;

Multi dwelling housing; Places of public worship; Tourist and visitor accommodation; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Roadside stalls; Secondary dwellings; Semi detached dwellings; Shop top housing; Timber yards; Viticulture; Water recreation structures.

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental facilities

Environmental protection works

Roads

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Roads; Water reticulation systems.

3 Permitted with consent

Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Community facilities; Environmental facilities; Flood mitigation works; Helipads; Information and education facilities; Kiosks; Recreation areas; Recreations areas; Recreation facilities (indoor); Recreation facilities (major); recreation facilities (outdoor); Research stations; Restaurants or cafes; Sewerage treatments plants; Signage; Water recreation structures; Water recycling facilities; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental facilities

Environmental protection works

Roads

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.

- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Extensive agriculture; Roads; Water reticulation systems.

3 Permitted with consent

Airstrips; Amusement centres; Backpackers accommodation; Boat launching ramps; Boat sheds; Camping grounds; caravan parks; Charter and tourism boating facilities; Eco-tourism facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Emergency services facilities; Flood mitigation works; Food and drink premises; Function centres; Helipads; Hotel and motel accommodation; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation areas (major); Recreation areas (outdoor); Registered clubs; Restaurants or cafes; Roadside stalls; Seniors housing; Sewerage treatments plants; Signage; Timber yards; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone E3 Environmental Management

Direction. The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone:

Environmental protection works

Roads

Home industries, kiosks, cellar door premises, neighbourhood shops and roadside stalls may (but need not) be included as permitted with consent.

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To manage development within water supply catchment lands of Windemere and Burrendong Dams to conserve and enhance the district's water resources

2 Permitted without consent

Bee keeping; Extensive agriculture; Home-based child care; Home occupations; Mooring

3 Permitted with consent

Aquaculture; Dairy (pasture-based); Bed and breakfast accommodation; Building identification signs; Business identification signs; ; Boat sheds; Camping grounds; Caravan parks; Community facilities; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; ; Dwelling houses; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipad Home businesses; Home industries; Horticulture; Information and education facilities; Open cut mining; Recreations areas; Recreation facilities (major); recreation facilities (outdoor); Research stations; Secondary dwellings; Water recreation structures; Water recycling facilities; Water storage facilities; Roads.

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres

Any other development not specified in item 2 or 3

Part 3 Exempt and complying development

3.1 Exempt development [compulsory]

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
 - (Repealed) (e)
 - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
 - (5) To be exempt development, the development must:
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

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

3.2 Complying development [compulsory]

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
 - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
 - (c) the development is designated development, or
 - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
 - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
- (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part,
- is complying development.

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

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

3.3 Environmentally sensitive areas excluded [compulsory]

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

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Part 4 Principal development standards

4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
 - (a) to ensure subdivision of land occurs in a manner that promotes suitable land uses and development,
 - (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
 - (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls,
 - (d) to ensure rural lands are not fragmented in a manner that threatens either their future use or the use of neighbouring land for agricultural production, and
 - (e) to ensure subdivision does not have inappropriate impacts on the natural environment, and
 - (f) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(3A) Despite subclause (3), the size of any lot resulting from the subdivision of land shown on the Lot Size Map to be within Area A or Area B, must not be less than the area shown in Column 2 of the table to this subclause opposite the relevant Area, if the lot will be connected to reticulated sewer and water.

Column 1	Column 2
Area A.....	2000m ²
Area B	4000m ²

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]

(1) The objective of this clause is to ensure land to which this clause applies is not fragmented.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:

- (a) Zone RU1 Primary Production,
- (b) Zone RU4 Primary Production Small Lots
- (c) Zone E3 Environmental Management

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

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

4.1B Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings

(1) The objective of this clause is to achieve planned residential density in certain zones.

(2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table:

Column 1	Column 2/	Column 3
Dual occupancy (attached)	R1 General Residential R3 Medium Density Residential RU5 Village – Rylstone or Kandos only	600 m ²
Dual occupancy (detached)	R1 General Residential R3 Medium Density Residential RU5 Village - Rylstone or Kandos only	800 m ²
Multi dwelling housing	R1 General Residential R3 Medium Density Residential	1200 m ²

	RU5 Village- Rylstone or Kandos only	
Residential flat building	R1 General Residential R3 Medium Density Residential RU5 Village - Rylstone or Kandos only	1200 m2

Drafting Direction

The only zones that may be listed in column 2 are those for which the housing types mentioned in Column 1 are permissible.

Different minimum lot sizes may be applied for the same type of development but in different zones by adding a new row to the Table.

4.1C Exceptions to minimum lot sizes for certain residential development

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land in the following zones:
 - (a) Zone R1 General Residential
 - (b) Zone R3 Medium Density Residential
 - (c) Zone RU5 Village (Rylstone and Kandos)
- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following:
 - (a) the subdivision of land into **[insert a number not less than 2]** or more lots,
 - (b) the erection of a dual occupancy, multi dwelling housing or residential flat buildings on each lot resulting from the subdivision, if the size of each lot is equal to or greater than:
 - (i) for the erection of a dual occupancy (attached) - **[insert number in m2]**, or
 - (ii) for the erection of a dual occupancy (detached)- **[insert number in m2]**, or
 - (iii) for the erection of a multi dwelling housing - **[insert number in m2]**, or
 - (iv) for the erection of a residential flat building - **[insert number in m2]**.

NOTE COUNCIL TO INSERT NUMBER/ AREA

4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

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

4.2A Dwelling houses in zone RU4 Primary Production Small Lots. [local]

- (1) The objective of this clause is to ensure dwelling houses are developed only where they support the permitted agricultural use of the land.
- (2) This clause applies to development for the purpose of dwelling houses on land in zone RU4 Primary Production Small Lots.
- (3) Before granting consent to development to which this clause applies, the consent authority must be satisfied that:
 - (a) the land is being used or is intended to be used for the purpose of intensive plant agriculture and irrigated pasture and fodder crops.
 - (b) the dwelling house will be required to support the carrying out of the intensive plant agriculture and irrigated pasture and fodder crop development.
 - (c) the dwelling house is not likely to cause any land use conflict with existing agricultural uses being undertaken on neighbouring properties in the zone; and
 - (d) services for the supply of water and electricity to support the agricultural activity are available or adequate arrangements have been made to make them available when required.

4.2C Erection of dwelling houses and dual occupancies in certain residential, rural and environmental protection zones

- (1) The objectives of this clause are as follows:
 - (a) to minimise unplanned rural residential development, and
 - (b) to enable the replacement of lawfully erected dwelling houses in rural zones, and
 - (c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots,
 - (c) Zone RU5 Village,
 - (d) Zone R5 Large Lot Residential,
 - Zone E3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
 - (a) a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or
 - (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 - (c) a lot resulting from a subdivision for which development consent (or its equivalent) was granted before this Plan commenced and on which the

erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or

(d) an *existing holding*, or

(e) in the case of a land within the R5 Large Lot Residential Zone;

(i) on a lot that has an area not less than 5ha, or

(ii) on an existing holding that has an area not less than 2ha and has all weather vehicle access, if Council is satisfied adequate public utility services are available to the lot and the land is suitable for on-site disposal of domestic wastewater, or

This subclause has been retained for public exhibition purposes only. Council has prepared an Explanatory Note outlining the intent of this subclause to seek public comment.

(f) on an existing lot located partly or wholly within 500m of a RU5 Village Zone that has an area of not less than 5ha, and provision is made for the lot to have a tar sealed road frontage and that the lot is connected to the sealed road network, or

This subclause has been retained for public exhibition purposes only. Council has prepared an Explanatory Note outlining the intent of this subclause to seek public comment.

(g) on a lot created on which a dwelling house would have been permissible under an environmental planning instrument prior to Mudgee Local Environmental Plan 1998 and Merriwa Local Environmental Plan 1992 having a area not less than 40ha.

This subclause has been retained for public exhibition purposes only. Council has prepared an Explanatory Note outlining the intent of this subclause to seek public comment.

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

(4) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies if:

(a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or

(b) the land would have been a lot or a holding referred to in sub clause (3) had it not been affected by:

(i) a minor realignment of its boundaries that did not create an additional lot, or

(ii) a subdivision creating or widening a public road or public reserve or for another public purpose,

(iii) a consolidation with adjoining public road, a public reserve or for another public purpose.

(5) In this clause:

existing holding means all adjoining land, even if separated by a road or railway, held in the same ownership on the relevant date.

relevant date means

(a) in relation to land which the former Mid-Western Regional Interim Local Environmental Plan 2008 applied— 29 November 1967, or

(b) in relation to land which the former Merriwa Local Environmental Plan 1992 applied— 18 April 1975, or

(c) in relation to land that was transferred from the Shire of Cudgong to the former Shire of Rylstone on 1 January 1974— 24 November 1967, or

(d) in relation to land that was in the balance of the former Shire of Rylstone on 1 January 1974— 31 July 1970,

as shown on the *Former LEP Boundaries Map*.

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

4.3 Height of buildings [optional]

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

(a) to establish a maximum height limit to which buildings can be designed in particular locations,

(b) to enable infill development of similar height to existing buildings and consistent with the heritage character of the towns

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Direction. Different heights may be shown on the map for different zones or for different land in the same zone. This Plan may also provide for specified height restrictions to be varied or modified in certain circumstances, for example, to prevent overshadowing of public open space, for air safety reasons or for the purposes of promoting design excellence.

4.4 Floor space ratio [optional]-

[Not adopted]

4.5 Calculation of floor space ratio and site area [optional]

[Not adopted]

4.6 Exceptions to development standards [compulsory]

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4.
- (ca) clause 6.2 or 6.3.

Direction. Additional exclusions may be added.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority [compulsory]

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

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

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

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

Direction. Land is required to be shown on the Land Reservation Acquisition Map if it is expressly set apart by the Plan exclusively for a public purpose referred to in section 26 (1) (c) of the Act. However, any such land that is held by an authority of the State, or by a public company or a subsidiary of a public company (within the meaning of the *Corporations Act 2001* of the Commonwealth) is not required to be shown on that Map. An authority of the State is to be listed for all land shown on the Land Reservation Acquisition Map, but the land is not to be so reserved and the authority listed unless the authority consents to its being listed.

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

5.2 Classification and reclassification of public land [compulsory]

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

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

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

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

5.3 Development near zone boundaries [optional]

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is **50 metres**.
- (3) This clause does not apply to:
 - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (a1) **Zone RU1 Primary Production, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone R2 Low Density Residential, Zone R5 Large Lot Residential, Zone IN2 Light Industrial and Zone SP3 Tourist, or**
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.

Direction. Additional zones may be included by adding them in a separate paragraph numbered (a1).

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
- (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses [compulsory]

(1) Bed and breakfast accommodation

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

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

(2) Home businesses

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 40 square metres of floor area.

(3) Home industries

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 40 square metres of floor area.

(4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 30% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 400 square metres,
- whichever is the lesser.

(5) Farm stay accommodation

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

(6) Kiosks

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 75 square metres.

(7) Neighbourhood shops

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

(8) Roadside stalls

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

(9) Secondary dwellings

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

- (a) 60 square metres,
- (b) 50 % of the total floor area of the principal dwelling.

5.5 Development within the coastal zone

[Not applicable]

5.6 Architectural roof features

[Not adopted]

5.7 Development below mean high water mark

[Not adopted]

5.8 Conversion of fire alarms [compulsory]

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

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

5.9 Preservation of trees or vegetation [compulsory, except subclause (9) optional]

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
 - (a) development consent, or
 - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
 - (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
 - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,unless the Council is satisfied that the proposed activity:
 - (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
 - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

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

- (8) This clause does not apply to or in respect of:
 - (a) the clearing of native vegetation:
 - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
 - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

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

- (9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential or E3 Environmental Management.

5.9AA Trees or vegetation not prescribed by development control plan [compulsory]

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

5.10 Heritage conservation [compulsory]

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

The location and nature of Aboriginal objects and Aboriginal places of heritage significance may be described in Schedule 5 and shown on the Heritage Map (see the direction to Schedule 5).

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of the **local government area of Mid Western Regional**,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,

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

(3) When consent not required

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

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

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area

concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

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

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

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

(6) Heritage conservation management plans

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

(7) Archaeological sites

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

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

(8) Aboriginal places of heritage significance

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

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

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

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

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is

erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

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

5.11 Bush fire hazard reduction [compulsory]

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

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

5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]

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

5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]

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

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

Part 6 Urban release areas

6.1 Arrangements for designated State public infrastructure [local]

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director- General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

6.2 Public utility infrastructure [local]

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

6.3 Development control plan [local]

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

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

6.4 Relationship between Part and remainder of Plan [local]

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

Part 7 Local provisions

7.1 Managing salinity in urban areas [local]

- (1) The objective of this clause is to provide for appropriate management of land which has the potential to affect the process of land salinisation, and/or be affected by salinity.
- (2) This clause applies to development that may affect the process of salinisation or on land affected by groundwater salinity.
- (3) Before determining a development application the consent authority must consider the impact of:
 - (a) the development on the salinity processes, and
 - (b) salinity on the proposed development.
 - (c) appropriate measures to avoid or reduce the impacts referred to in paragraphs (a) and (b).

7.2 Development on flood prone land [local]

- (1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
 - (a) land that is shown as "Flood planning area" on the Flood Planning Map, and
 - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is compatible with the flood hazard of the land; and
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.
- (5) In this clause:

flood planning area means the land shown as "Flood planning area" on the Flood Planning Map

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5metres freeboard.

Flood Planning Map means Mid-Western Regional Local Environment Plan 2011 Flood Planning Map.

7.3 Earthworks [local]

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

- (a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,
- (b) to allow earthworks of a minor nature without separate development consent.

(2) Development consent is required for earthworks, unless:

- (a) the work is ancillary to other development for which development consent is required or has been given, or
- (b) the work is of a minor nature.

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

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or of the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material or the destination of any excavated material,
- (f) the likelihood of disturbing Aboriginal objects or other relics,
- (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area

7.4 Natural resources – waterways [local]

(1) The objectives of this clause are to protect or improve:

- (a) water quality within waterways, and
- (b) stability of the bed and banks of waterways, and
- (c) aquatic and riparian habitats, and
- (d) ecological processes within waterways and riparian areas, and
- (e) threatened aquatic species, communities, populations and their habitats, and
- (f) scenic and cultural heritage values of waterways and riparian areas.

(2) This clause applies to land that is:

- (a) identified as a "Sensitive area" on the Natural Resources Sensitivity Water Map, or
- (b) situated within 40 metres of the bank or shore (measured horizontally from the top of the bank or shore), of a waterway on land identified in subclause (a).

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered a report that addresses the following matters:

- (a) identification of any potential adverse impact on any of the following:
 - (i) water quality within the waterway,
 - (ii) aquatic and riparian habitats and ecosystems,

- (iii) stability of the bed, shore and banks of the waterway,
 - (iv) the free passage of fish and other aquatic organisms within or along the waterway,
 - (v) habitat of any threatened species, population or ecological community,
 - (b) the likelihood that the development will increase water extraction from the waterway for domestic or stock use and the potential impact of any extraction on the waterway,
 - (c) a description of all proposed measures that may be undertaken to ameliorate any potential adverse impact.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and:
- (a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or
 - (b) if a potential adverse impact cannot be avoided, the development:
 - (i) is designed and sited so as to have minimum adverse impact, and
 - (ii) incorporates effective measures so as to have minimal adverse impact, and
 - (iii) mitigates any adverse impact through the restoration of any existing disturbed area on the site.

7.5 Natural resources - groundwater [local]

- (1) The objective of this clause is to protect and preserve groundwater sources.
- (2) This clause applies to land that is identified as a "Sensitive area" on the Natural Resources Sensitivity Water Map.
- (3) Development consent must not be granted for development specified for the purposes of this clause on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is unlikely to adversely impact on existing groundwater sources, and
 - (b) is unlikely to adversely impact on future extraction from groundwater sources for domestic and stock water supplies, and
 - (c) is designed to prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.
- (4) The following development is specified for the purposes of this clause:
 - (a) aquaculture,
 - (b) intensive livestock agriculture
 - (c) industries,
 - (d) liquid fuel depots,
 - (e) mines,
 - (f) rural industries,
 - (g) service stations,
 - (h) sewerage systems,
 - (i) turf farming,

- (j) waste or resource management facilities,
- (k) water supply systems,
- (l) works comprising waterbodies (artificial).

7.6 Natural resources - biodiversity [local]

- (1) The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation, including:
 - (a) protecting biological diversity of native flora and fauna, and
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the recovery of threatened species, communities or populations and their habitats.
- (2) This clause applies to development on land that is identified as a "Sensitive area" on the Natural Resources Sensitivity Biodiversity Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered a report that addresses the following matters:
 - (a) identification of any potential adverse impact of the proposed development on any of the following:
 - (i) a native vegetation community,
 - (ii) the habitat of any threatened species, population or ecological community,
 - (iii) a regionally significant species of plant, animal or habitat,
 - (iv) a habitat corridor,
 - (v) a wetland,
 - (vi) the biodiversity values within a reserve, including a road reserve or a stock route, and
 - (b) a description of any proposed measures to be undertaken to ameliorate any such potential adverse impact.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and:
 - (a) the development is designed, sited and managed to avoid the potential adverse environmental impact, or
 - (b) if a potential adverse impact cannot be avoided, the development:
 - (i) is designed and sited so as to have minimum adverse impact, and
 - (ii) incorporates effective measures so as to have minimal adverse impact, and
 - (iii) mitigates any residual adverse impact through the restoration of any existing disturbed or modified area on the site.

7.7 Restriction on consent for particular sex services premises [local]

- (1) Consent must not be granted for development for the purposes of sex services premises that will be located on land that adjoins, or that is separated only by a road from, land:
 - (a) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential, or
 - (b) used as a place of public worship or for community or school uses, or
 - (c) in Zone RE1 Public Recreation.
- (2) In deciding whether to grant consent to any such development, the consent authority must take into account the impact that the proposed development would have on children who use the land.

7.8 Active street frontage

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B3 Commercial Core.
- (2) This clause applies to certain land identified as 'Active street frontage' on the *Active Street Frontage Map*.
- (3) Development consent must not be granted to the erection of a building or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that:
 - (a) faces a service lane; or
 - (b) is used for any of the following:
 - (i) entrances and lobbies (including as part of mixed use development) or
 - (ii) access for fire services; or
 - (iii) vehicle access.
- (5) In this clause, a building has an **active street frontage** if any part of the ground floor of the building facing the street is used for the purposes of business premises or retail premises.

7.9 Airport Operation- Mudgee Airport [local]

- (1) The objectives of this clause are as follows:
 - (a) to provide for the effective and on-going operation of the Mudgee Airport by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface for that airport,
 - (b) to protect the community from undue risk from the airport operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Systems Operations Surface Map for the Mudgee Airport, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) Development consent may be granted to development if the relevant Commonwealth body advises the consent authority that:
 - (a) the development will penetrate the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface but it has no objection to its construction, or
 - (b) the development will not penetrate the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface.

- (4) Development consent must not be granted if the relevant Commonwealth body advises that the development will penetrate the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface and should not be constructed.
- (5) In this clause:
relevant Commonwealth body means the body that is responsible for development approvals for development that penetrates the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface for the Mudgee Airport.

7.10 Essential Services [local]

- (1) Development consent must not be granted to development unless the consent authority is satisfied that those of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:
- (a) the supply of water
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage
 - (d) stormwater drainage or on-site conservation,
 - (e) suitable road access

7.11 Land above the 520 metre AHD contour near Mudgee [local]

- (1) The objective of this clause is:
- (a) to protect the visual and environmentally significant upper slopes on the urban fringe south of the town of Mudgee, and
- (2) This clause applies to the following land:
- (a) land above the 520 metre AHD contour as shown on the *Local Provisions Map*
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
- (a) will compliment the visual setting forming the backdrop to Mudgee; and
 - (b) will be located to avoid visibility above ridgelines and any visual intrusion will be minimised through design, colours, materials and landscaping.

This clause has been retained for public exhibition purposes only. Council has prepared an Explanatory Note outlining the intent of this subclause to seek public comment.

Schedule 1 Additional permitted uses

(Clause 2.5)

Schedule 2 Exempt development

(Clause 3.1)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

Depot

- (1) Depot on land zoned RU1, RU4 and R5
The standards specified for that development are that the development must:
 - (a) small scale operation with a maximum of 2 vehicles, and
 - (b) be not higher than 7m above ground level (existing), and
 - (b) not have an area of more than 200m² and
 - (c) be located at least 20m from the primary road frontage of the lot and at least 10m from the other lot boundaries, and
 - (d) not be constructed or installed within 50m of a dwelling on an adjoining property, and
 - (e) be located at least 50m from a waterbody (natural), and
 - (f) to the extent it is comprised of metal components—be designed by, and constructed in accordance with the specifications of, a professional engineer.

Water storage facilities

- (1) Water storage facilities on land zoned RU1, or RU4.
- (2) Minimum distance from property boundary at closest point 10m.
- (3) Minimum fill embankment crest width – 3m.
- (4) Maximum water storage capacity 25 megalitres.

Note: Farm dams must comply with the NSW Farm Dams Policy refer Department Water and Energy

Viticulture

- (1) Development for the purposes of a new commercial vineyard on land within the RU1 or RU4 Zones.
- (2) Maximum planted area of 20 ha for new or expanding vineyards.
- (3) There is a minimum distance of 50m between the development and the property boundary.

(4) The vineyard development is not to be within 100m of any habitable building not associated with the development.

(5) The development does not involve the creation of a new access onto a public road.

Schedule 3 Complying development

(Clause 3.2)

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

Part 1 Types of development

Part 2 Complying development certificate conditions

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

General conditions

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

Direction. Other conditions may be included in this Part.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1

Column 2

Locality

Description

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

Column 1

Column 2

Column 3

Locality

Description

Any trusts etc not discharged

Part 3 Land classified, or reclassified, as community land

Column 1

Column 2

Locality

Description

Schedule 5 Environmental heritage

(Clause 5.10)

Direction. This Schedule should generally be divided into 3 parts (one for heritage items, one for heritage conservation areas and one for archaeological sites). If agreement is reached with the Aboriginal community to list Aboriginal objects or Aboriginal places of heritage significance, the Schedule should also include separate parts listing any such object or place. In all cases, the relevant matter should be listed in alphabetical order in each respective Part according to suburb or locality name (and by street name within each such suburb or locality).

The description of a heritage item should be included in a column headed "Item" and should include a brief description of those things that are part of the heritage significance of the item—for example, "House, front garden and front fence", or "Lindsey (including homestead, outbuildings, stables, Bunya Pine tree and driveway)" or "Dunmore Park (including bandstand, fountain and avenue of fig trees)". If any interior features are part of the heritage significance of a heritage item, these should also be described—for example "Lindsey (including original bathroom, dining room fireplace with mantelpiece and original detailing throughout)" or "Lindsey (including all interior features)". Any thing that is part of the heritage significance of a heritage item should also be included in the inventory of heritage items.

Heritage items cannot be identified in the Schedule as having "State significance" unless they are listed on the State Heritage Register. However, a heritage item may be listed in the Schedule as a "nominated item of State significance" (or as "State nominated") if the item has been identified as an item of potential State significance in a publicly exhibited heritage study and the Council has nominated the item in writing to the Heritage Council.

COUNCIL TO INCLUDE AND DESCRIBE HERITAGE CONSERVATION AREAS

COUNCIL INSERT FOLLOWING STATE HERITAGE REGISTER ITEMS:-

Insert the following State Heritage Register items in Schedule 5:

- 'Binnawee Homestead and Outbuildings' (SHR01780) and
- 'Bridge View Inn' (SHR00438)

List the following items as 'State' in Schedule 5:

- Gold Mining Water Race (2070984)
- Gulgong Railway Station and yard group (2070349)
- Hobsons Shops Golden West Trading Post (2070242)
- Lue Railway Station group (2070363)
- Quartz Roasting Pits Complex (2070979)
- Rylstone Railway Station and yard group (29 in Rylestone LEP)

• St. Mary's Roman Catholic Church, Presbytery, Convent & Hall (2070003, 2070004, 2070005, 2070006)

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Mudgee	"Lawson Park Hotel"	1-3 Church Street	Lot1 DP82856 & Lot 1 DP86378	Local	I1
Mudgee	"Regent Theatre"	3 - 5 Church Street	Lot 1 Sec 3 DP633977	State (not listed but identified as)	I2
Mudgee	Catholic Church	southeast corner of Church & Market Streets, Mudgee	Lots 19 & 20 Sec 11 DP158721	Local	I3
Mudgee	Convent and hall	corner Church & Market Streets, Mudgee	Lot 17 & 18 Sec 11 DP158721	Local	I4
Mudgee	Catholic Presbytery	corner Church & Market Streets, Mudgee (address is 57 Market St)	Lot 17 & 18 Sec 11 DP158721	Local	I5
Mudgee	Catholic Church Hall	13 Church Street, Mudgee	Lot 17 Sec 11 DP158721	Local	I6
Mudgee	Store, "Town Centre"	19-41 Church Street, Mudgee	Lot 11 Sec 11 DP719577	Local	I7
Mudgee	Shop, "Mercer's Pharmacy"	22 - 24 Church Street, Mudgee	Lot12 DP1041494	Local	I8
Mudgee	Shop, (previously cafe)	26 Church Street, Mudgee	Lot 1 DP744764	Local	I9
Mudgee	Shop, "Woolleys Butchery"	47 Church Street, Mudgee	Lot 2 DP503897	Local	I10
Mudgee	Shop/Hotel	49-51 Church Street (cnr Mortimer Street), Mudgee	Lot 2 Sec 11 DP332516	Local	I11
Mudgee	Shop, Travel Agency	56-62 Church Street, Mudgee	Lot 21 & 22 DP809582, Lot 2 Sec 10 DP208895	Local	I12
Mudgee	House, "Afton"	63 Church Street, Mudgee	Lot 2 DP830698	Local	I13
Mudgee	Gallery/shop, "Busy Hands"	71 Church Street, Mudgee	Lot 1 DP780555	Local	I14
Mudgee	Office/residence	89 Church Street, Mudgee	Lot 1 DP1125495	Local	I15

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Mudgee	House	93 Church Street, Mudgee	Lot 2 DP1125495	Local	I16
Mudgee	House	95 Church Street, Mudgee	Lot 4 DP1125495	Local	I17
Mudgee	Shop, "F S Pharmacy"	96 Church Street, Mudgee	Lot 2 Sec 17 DP739068	Local	I18
Mudgee	Shop, "Settler's Coffey Lounge"	98 Church Street, Mudgee	Lot 1 DP152701	Local	I19
Mudgee	Terrace houses	110-112 Church Street, Mudgee	Lot B & Lot D Sec 17 DP163315	Local	I20
Mudgee	Terrace houses	125-127 Church Street, Mudgee	Lot 3 & Lot 4 Sec 32 DP745127	Local	I21
Mudgee	House	129 Church Street, Mudgee	Lot 2 DP1009027	Local	I22
Mudgee	Shop/residence, "Macs Corner Store"	northeast corner Church & Horatio Streets, Mudgee	Lot 1 Sec 32 DP797677	Local	I23
Mudgee	Old Fire Station (now Dentists)	136 Church Street, Mudgee	Lot 1 DP79472	Local	I24
Mudgee	Terrace houses	150-152 Church Street, Mudgee	Lot 2 DP812473	Local	I25
Mudgee	House/commercial rooms	154 Church Street, Mudgee	Lot 3 Sec 26 DP770737	Local	I26
Mudgee	House	182 Church Street, Mudgee	Lot 2 Sec 65 DP621579	Local	I27
Mudgee	House	184 Church Street, Mudgee	Lot 62 DP588050	Local	I28
Mudgee	House	"Cranford", 195 Church Street, South Mudgee	Lot 124 DP579311	Local	I29
Mudgee	House	4 Clifton Avenue, South Mudgee	Lot 2 DP713943	Local	I30
Mudgee	House	8 Cox Street, Mudgee	Lot 1 DP998518	Local	I31
Mudgee	Terrace houses	8-10 Court Street, Mudgee	Lot A DP156704	Local	I32
Mudgee	House	14 - 16 Court Street, Mudgee	Lot 1 DP747160	Local	I33

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Mudgee	House	48 Court Street, Mudgee	Lot 1 DP758721	Local	I34
Mudgee	House	64 Court Street, Mudgee	Lot 14 DP758721	Local	I35
Mudgee	Technical College	70-76 Court Street, Mudgee	Lot 1 Sec 36 DP739918	Local	I36
Mudgee	House	78 Court Street, Mudgee	Lot 14 Sec 36 DP758721	Local	I37
Mudgee	House	30 Denison Street, Mudgee	Lot 2 DP1105808	Local	I38
Mudgee	Terrace house	32 - 34 Denison Street, Mudgee	Lot 1 DP195728 & Lot 1 DP999093	Local	I39
Mudgee	Terrace houses	41-41A Denison Street, Mudgee	Lot 31 & Lot 31 Sec31 DP609574	Local	I40
Mudgee	Terrace houses	50-52 Denison Street, Mudgee	Lot 11 & Lot 12 DP873162	Local	I41
Mudgee	House	53 Denison Street, Mudgee	Lot 1 DP794928	Local	I42
Mudgee	House, "Ludgate"	56 Denison Street, Mudgee	Lot C Sec 27 DP70326	Local	I43
Mudgee	House	58 Denison Street, Mudgee	Lot B Sec 27 DP70326	Local	I44
Mudgee	House	"Mooltan", 63 Denison Street, Mudgee	Lot 4 DP39051	Local	I45
Mudgee	House	97 Denison Street, Mudgee	Lot 2 Sec 35 DP758721	Local	I46
Mudgee	House,	109 Denison Street, Mudgee	Lot 1 DP742431	Local	I47
Mudgee	House	116 Denison Street, Mudgee	Lot 1 Sec 22 DP743222	Local	I48
Mudgee	House	9 Douro Street, Mudgee	Lot 2 & Lot 3 DP921495	Local	I49
Mudgee	Duplex houses	13 Douro Street, Mudgee	Lot 1 DP525941	Local	I50
Mudgee	Duplex houses	17 Douro Street, Mudgee	Lot 9 & 10 Sec 18 DP455013	Local	I51
Mudgee	House, "Rexton"	18 Douro Street, Mudgee	Lot 1 DP521204	Local	I52

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Mudgee	House	28 Douro Street, Mudgee	Lot 1 DP196609	Local	I53
Mudgee	House	80-82 Douro Street, Mudgee	Lot 1 & lot 2 DP1096219	Local	I54
Mudgee	Memorial Park	Douro Street (opposite Lovejoy Street), Mudgee	Lot 19 & 20 Sec 8 DP758721	Local	I55
Mudgee	House	17-19 Gladstone Street, Mudgee	Lot 13 Sec 29 DP153883	Local	I56
Mudgee	House	30 Gladstone Street, Mudgee	Lot 30 DP1055200	Local	I57
Mudgee	House	42-44 Gladstone Street, Mudgee	Lot 22 Sec 16 DP702449	Local	I58
Mudgee	House	54 Gladstone Street, Mudgee	Lot 2 DP305741	Local	I59
Mudgee	House	55 Gladstone Street, Mudgee	Lot 4 DP1099063	Local	I60
Mudgee	House	57 Gladstone Street, Mudgee	Lot 1 DP199187	Local	I61
Mudgee	House	61 Gladstone Street, Mudgee	Lot 1 DP1064183	Local	I62
Mudgee	House	68 Gladstone Street, Mudgee	Lot 1 DP198118	Local	I63
Mudgee	House	69 Gladstone Street, Mudgee	Lot 1 DP731585	Local	I64
Mudgee	House	79 Gladstone Street, Mudgee	Lot 10 Sec 25 DP716500	Local	I65
Mudgee	House	83 Gladstone Street, Mudgee	Lot 2 Dec 25 DP974978	Local	I66
Mudgee	House	104 Gladstone Street, Mudgee	Lot 1 DP531145	Local	I67
Mudgee	House	106 Gladstone Street, Mudgee	Lot 1 Sec 19 DP703379	Local	I68
Mudgee	House	156 Gladstone Street, Mudgee	Lot 2 DP1061477	Local	I69
Mudgee	House	176 Gladstone Street, Mudgee	Lot 12 Sec 6 DP770287	Local	I70
Mudgee	House	210 Gladstone Street, Mudgee	Lot 4 DP566202	Local	I71
Mudgee	House	44 Horatio Street, Mudgee	Lot 1 DP770364	Local	I72

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Mudgee	House	60 Horatio Street, Mudgee	Lot 1 Sec 32 DP157325	Local	I73
Mudgee	Terrace houses	81–83 Horatio Street, Mudgee	81 is Lot 1 Sec 43 DP783371 and 83 is Lot 1 DP770585	Local	I74
Mudgee	House	99 Horatio Street, Mudgee	Lot 3 Sec 42 DP758721	Local	I75
Mudgee	House	105 Horatio Street, Mudgee	Lot 60 Sec 42 DP819521	Local	I76
Mudgee	Guesthouse, "Hillsborough"	141–143 Horatio Street, Mudgee	Lot 1 DP560021	Local	I77
Mudgee	House	149 Horatio Street, Mudgee	Lot B Sec 40 DP157929	Local	I78
Mudgee	High school	corner Horatio and Douro Streets, Mudgee	Lot 2 DP814188	Local	I79
Mudgee	House	7 Inglis Street, Mudgee	Lot 2 DP807267 (has this now been demolished)	Local (may have been on State Register)	I80
Mudgee	House	6-8 Inglis Street, Mudgee	Lot 9 Sec 45 DP758721	Local	I81
Mudgee	Terrace houses	9–11 and 13–15 Inglis Street, Mudgee	Lot 2 & Lot 3 DP818204 and Lot 4 & Lot 5 DP818204	Local	I82
Mudgee	Railway buildings (excluding engine shed), railway station site	Inglis Street, Mudgee	No identified land parcel – railway reserved land	State	I83
Mudgee	Railway station	Inglis Street, Mudgee	No identified land parcel – railway reserved land	State	I84
Mudgee	House	25 Inglis Street, Mudgee	Lot 2 Sec 49 DP758721	Local	I85
Mudgee	Hotel	34–36 Inglis Street, Mudgee	Lot 20 Sec 43 DP758721	Local	I86

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Mudgee	House	3 Lawson Street, Mudgee	Lot 2 Sec 1 DP153157	Local	I87
Mudgee	House and stables, "Bleak House"	5-7 Lawson Street, Mudgee	Lot A Sec 1 DP153641	Local	I88
Mudgee	House	24 Lawson Street, Mudgee	Lot 1 Sec 15 DP702222	Local	I89
Mudgee	House	25 Lawson Street, Mudgee	Lot 1 DP737884	Local	I90
Mudgee	House	45 Lawson Street, Mudgee	Lot 7 Sec 29 DP758721	Local	I91
Mudgee	Terrace house	48 Lawson Street, Mudgee	Lot 18 DP741978	Local	I92
Mudgee	Terrace houses	49-51 Lawson Street, Mudgee	49 is Lot 21 DP573727 and 51 is Lot 22	Local	I93
Mudgee	House	50 Lawson Street, Mudgee	Lot 17 Sec 28 DP758721	Local	I94
Mudgee	House	55 Lawson Street, Mudgee	Lot 2 DP615824	Local	I95
Mudgee	House	64 Lawson Street, Mudgee	Lot 1 DP735817	Local	I96
Mudgee	House	65 Lawson Street, Mudgee	Lot 1 DP797025	Local	I97
Mudgee	House, "Whitton Lodge"	72 Lawson Street, Mudgee	Lot1 DP593835	Local	I98
Mudgee	Commercial building, "Lewis Street Tyre Service"	1 Lewis Street, Mudgee	Lot 1 Sec 2 DP593835	Local	I99
Mudgee	Hotel, "Oriental Tavern"	6 Lewis Street (cnr Mortimer Street), Mudgee	Lot 1 DP732911	Local	I100
Mudgee	Storeroom (old Wells & Co Store)	13 Lewis Street, Mudgee	Lot 2 DP818101	Local	I101
Mudgee	House, "Mandalay"	14 Lewis Street, Mudgee	Lot 1 DP949925	Local	I102
Mudgee	House, "Koolabah"	18 Lewis Street, Mudgee	Lot 1 DP830698	Local	I104

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Mudgee	House	25 Lewis Street, Mudgee	Lot X Sec 15 DP385399	Local	I105
Mudgee	House, (nursery)	49 Lewis Street, Mudgee	Lot 6 Sec 28 DP258279	Local	I106
Mudgee	Shop/residence	52 Lewis Street, Mudgee	Lot 3 Sec 27 DP548836	Local	I107
Mudgee	Houses	67, 69 and 71 Lewis Street, Mudgee	67 is Lot 8 DP1043589, 69 is Lot 1 Sec 31 DP999357, 71 is Lot 1 DP735813	Local	I108
Mudgee	House	73 Lewis Street, Mudgee	Lot 2 DP197701 & Lot 1 Sec 31 DP197701	Local	I109
Mudgee	House	83 Lewis Street, Mudgee	Lot 12 DP998556	Local	I110
Mudgee	Offices	1 Lovejoy Street, Mudgee	Lot 1 & Lot 2 DP737071	Local	I111
Mudgee	Clubhouse, "Mudgee Club"	5 Lovejoy Street, Mudgee	Lot 2 DP1107328	Local	I112
Mudgee	House	25 Madeira Road, South Mudgee	Lot 23 DP244319	Local	I113
Mudgee	Terrace houses	17-19 Market Street, Mudgee	Lot 100 Sec 12 DP818735	Local	I114
Mudgee	Terrace houses	21-25 Market Street, Mudgee	21 is Lot 3 Sec 12 DP210071 & 23 is Lot 2 Sec 12 DP210071 & 25 is Lot 1 Sec 12 DP210071	Local	I115
Mudgee	House, "Kojinup"	26 Market Street, Mudgee	Lot 2 Sec 3 DP68326	Local	I116
Mudgee	House	27 Market Street, Mudgee	Lot 27 DP1096567	Local	I117
Mudgee	Shop, "Craigmoor Wines"	30 Market Street, Mudgee	Lot 7 Sec 3 DP1651	Local	I118
Mudgee	Shop/residence	42-44 Market Street, Mudgee	42 is Lot 3A Sec 3 DP389431 &	Local	I119

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
			44 is Lot X DP389432		
Mudgee	Two shops	43–45 Market Street, Mudgee	43 is Lot 2 DP802702 & 45 is Lot 1 DP802702	Local	I120
Mudgee	Shop/residence	46 Market Street, Mudgee	Lot 1 Sec 3 DP596907	Local	I121
Mudgee	Shops	52–54 Market Street, Mudgee	Lot 1 DP770608	Local	I122
Mudgee	Commercial building, "Beaurepaires Tyres"	58 Market Street (corner of Church and Market Streets), Mudgee	Lot 1 Sec 3 DP731541	Local	I123
Mudgee	Shop	56 Market Street, Mudgee	Lot 1 DP782453	Local	I124
Mudgee	Anglican Church	6 Church St corner of Market and Church Streets, Mudgee	Part Lot 1 DP1043650	Local	I125
Mudgee	Westpac Bank	59 Market Street, Mudgee	Lot 1 Sec 10 DP217403	Local	I126
Mudgee	State Bank	62 Market Street, Mudgee	Lot 1 DP73990	Local	I127
Mudgee	Town Hall	64 Market Street, Mudgee	Lot 5 Sec 55 DP758721	State	I128
Mudgee	Clubhouse Hotel	67 Market Street, Mudgee	Lot 11 DP240238	Local	I129
Mudgee	Old bank building (now Accountants)	70 Market Street, Mudgee	Lot 4 Sec 55 DP758721 & Lot 3 DP1052954	Local	I130
Mudgee	Shop	71 - 73 Market Street, Mudgee	Lot 9 DP240238	Local	I131
Mudgee	Shops ?????	81–83 Market Street, Mudgee (Sarah has this as 79 Market ST – Colonial Mecca building)	81 is Lot 6 DP1026343 and 83 is Lot 5 DP1026343	Local	I132
Mudgee	Post Office	80 Market Street, Mudgee	Lot 11 Sec 54 DP786618	State	I133
Mudgee	Police Station and stables	82 Market Street, Mudgee	Lot 1 DP819971	Local	I134
Mudgee	House	88 Market Street, Mudgee	Lot 9 DP824137	Local	I135

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Mudgee	Government Offices (old Council Chambers)	90 Market Street, Mudgee	Lot 113 DP48439	Local	I136
Mudgee	Court House annex	94 Market Street, Mudgee	Lot 4 Sec 67 DP758721	Local	I137
Mudgee	Court House	96 Market Street, Mudgee	Lot 5 Sec 67 DP758721	Local	I138
Mudgee	Shop	97 Market Street (corner Market and Perry Streets), Mudgee	Lot 1 Sec 10 DP61325	Local	I139
Mudgee	Bandstand, Robertson Park	Market Street, Mudgee	Lot 4 Sec 68 DP727197	Local	I140
Mudgee	Parkview Guesthouse	99 Market Street, Mudgee	Lot 4 DP270016	Local	I141
Mudgee	Courthouse Hotel	111 Market Street, Mudgee	Lot 1 DP874233	Local	I142
Mudgee	Museum	126 Market Street, Mudgee	Lot 111 DP850558	Local	I143
Mudgee	House	141 Market Street, Mudgee	Lot 3 Sec 1 DP355899	Local	I144
Mudgee	House	144 Market Street, Mudgee	Lot 42 DP703056	Local	I145
Mudgee	Old stables (now house)	146 Market Street, Mudgee	Lot 41 DP703056	Local	I146
Mudgee	Terrace houses	155–159 Market Street, Mudgee	Lot 1 DP883949	Local	I147
Mudgee	House	177 Market Street, Mudgee	Lot 1 DP718081	Local	I148
Mudgee	House, "Loneragans"	18 Mortimer Street	Lot 2 DP836115	Local	I149
Mudgee	Terrace houses	63–69 Mortimer Street, Mudgee	Lots 1, 2, 3 & 4 DP817985	Local	I150
Mudgee	House	64 Mortimer Street, Mudgee	Lot 17 DP758721	Local	I151
Mudgee	Double storey residential building	70 Mortimer Street, Mudgee	Lot 1 DP1132208	Local	I152

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Mudgee	House	82A Mortimer Street, Mudgee	Lot 2 DP735096	Local	I153
Mudgee	Theatre, "Civic Theatre"	84 – 88 Mortimer Street, Mudgee	Lot 1 DP1056499	Local	I154
Mudgee	Uniting Church	87 Mortimer Street, Mudgee	Lot 2 DP833884	Local	I155
Mudgee	Terrace houses	100–106 Mortimer Street, Mudgee	100 is Lot 1 Sec 9 DP778954; 102 is Lot 1 Sec 9 DP745507; 104 is Lot 1 Sec 9 DP745180; 106 is Lot 1 DP790217	Local	I156
Mudgee	Presbyterian Church	103 Mortimer Street, Mudgee	Lot 1 DP589892	Local	I157
Mudgee	House	114 Mortimer Street, Mudgee	Lot 1 Sec 9 DP745237	Local	I158
Mudgee	Shop	131 Mortimer Street, Mudgee	Lot 2 DP837945	Local	I159
Mudgee	House	133 Mortimer Street, Mudgee	Lot 1 DP837945	Local	I160
Mudgee	House	152 Mortimer Street, Mudgee	Lot 16 Sec 2 DP393	Local	I161
Mudgee	House	185 Mortimer Street, Mudgee	Lot 1 Sec 7 DP732081	Local	I162
Mudgee	Commercial building, "Mudgee Guardian"	9 Perry Street, Mudgee	Lots 1 & 2 DP1094462	Local	I163
Mudgee	Shop (previously Masonic Temple)	18 Perry Street, Mudgee	Lot 1 Sec 9 DP707405	Local	I164
Mudgee	Salvation Army Citadel	19 Perry Street, Mudgee	Lot 1 Sec 10 DP910612	Local	I165
Mudgee	House	24 Perry Street, Mudgee	Lot 2 Sec 18 DP595449	Local	I166
Mudgee	House	26 Perry Street, Mudgee	Lot D Sec 18 DP81982	Local	I167
Mudgee	House	28–30 Perry Street, Mudgee	Lot 1 Sec 18 DP85623	Local	I168

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Mudgee	Shops	37–39 Perry Street, Mudgee	37 is Lot 1 DP807813 and 39 is Lot 1 Sec 17 DP734887	Local	I169
Mudgee	“Mechanics Institute”, School of Arts (now residence)	40 Perry Street, Mudgee	Lot 11 Sec 25 DP716500	Local	I170
Mudgee	Hotel, “Paragon”	38 Perry Street, Mudgee	Lot 2 DP730123	Local	I171
Mudgee	Mudgee Public School	44 Perry Street, Mudgee (additions)	Lot 1 DP814188	Local	I172
Mudgee	Mudgee Public School	44 Perry Street, Mudgee (original building)	Lot 1 DP814188	Local	I173
Mudgee	Terrace houses	49 Perry Street, Mudgee	Lot 5 Sec 26 DP758721	Local	I174
Mudgee	House, Headmaster's residence	48 Perry Street, Mudgee	Lot 1 DP814188	Local	I175
Mudgee	House, “Onohan”	55 Perry Street, Mudgee	Lot 71 DP1129312	Local	I176
Mudgee	House	57 Perry Street, Mudgee	Lot 8 Sec 26 DP758721	Local	I177
Mudgee	Doctor's surgery and dwelling	19 Short Street, Mudgee	Lot 1 DP986022	Local	I178
Mudgee	House, “The Willows”	29 Short Street, Mudgee	Lot 3 DP1103896	Local	I179
Mudgee	Lawson Park	Short Street, Mudgee	Sec 74 DP758721; Sec 54A DP758721 & Lot 1 Sec 54A DP787930	Local	I180
Mudgee	Robertson Park	Market Street, Mudgee	Lot 4 Sec 68 DP727197	Local	I181
Mudgee	Memorial Park	Douro Street, Mudgee	Lot 19 & 20 Sec 8 DP758721	Local	I182
Mudgee	River Red Gum tree	corner Perry and Short Streets, Mudgee	Southwest corner of Lot 2 DP777991	Local	I183

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Mudgee	River Red Gum tree	Short Street, Police Station property, Mudgee	Lot 4 Sec 67 DP758721	Local	I184
Mudgee	Clock Tower	corner Church and Market Streets, Mudgee		Local	I185
Mudgee	Postal Pillar Box	Church Street, corner Moufarrige Mall, Mudgee	Lot 12 & 13 DP240238	Local	I186
Mudgee	Pitched stone kerb and gutter,	west side Court Street, between Nos 50 and 76		Local	I187
Mudgee	Tomb memorial to James Blackman and family	Blackman Park, Park Street,	Lot 394 DP756894	Local	I188
Gulgong	House	16 Bayly Street (corner Nandoura Street—Lot 1, Section 72)	Lot q Sec 72 DP33960	Local	I189
Gulgong	House	22 Bayly Street (Lots 5 and 6, Section 54)	Lots 5 & 6 Sec 54 DP758482	Local	I190
Gulgong	House	29 Bayly Street (Lot 1, Section 53)	Lot 1 DP131408	Local	I191
Gulgong	Old Flour Mill	31- 35 Bayly Street (southwest corner White Street)	Lots 5, 6 & 7 Sec 5 DP758482	Local	I192
Gulgong	House	32 Bayly Street (Lot 9, Section 54)	Lot 9 Sec 54 DP758482 & Lot 1 A DP328975	Local	I193
Gulgong	House	42 Bayly Street (Lot 6, Section 12)	Lot 6 Sec 12 DP758482	Local	I194
Gulgong	St Andrews Presbyterian Church	54 Bayly Street (Lot 3, Section 20)	Lot 3 Sec 20 DP 758482	Local	I195
Gulgong	Catholic School	49 Bayly Street (Lot 1, Section 19)	Lot 1 Sec 19 DP758482 And part Lot 2 Sec 19 DP758482	Local	I196
Gulgong	Building	53 Bayly Street	Lot 2 Sec 19 DP758482	Local	I197
Gulgong	St Luke's Anglican Church	64 Bayly Street (southeast corner Bulga Street)	Lot 1 DP 724452	Local	I198
Gulgong	Church of St John the Baptist	55-59 Bayly Street	Lots 3, 4, 5, 6 & 7 Sec 19 DP758482	Local	I199

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Gulgong	House	29 Belmore Street	Lot 13 DP35627	Local	I200
Gulgong	House	35 Belmore Street	Lot 16 DP35627	Local	I201
Gulgong	House	47 Belmore Street	Lot 1 Sec 57 DP758482	Local	I202
Gulgong	House	63 Belmore Street	Lot 2 Sec 40 DP774736	Local	I203
Gulgong	Row of four houses	68–74 Belmore Street (Lots 1–4, Section 41)	68 is Lot 4, 70 is Lot 3, 72 is Lot 2 & 74 is Lot 1 Sec 41 DP329007	Local	I204
Gulgong	House	73 Belmore Street (Lot 2, Section 40)	Lot 2 Sec 40 DP758482	Local	I205
Gulgong	House	84 Belmore Street	Lot 5 Sec 14 DP758482	Local	I206
Gulgong	House	85 Belmore Street demolished	Lot 7 Sec 13 DP758482	Local	I207
Gulgong	House	86 Belmore Street	Lot 6 Sec 14 DP758482	Local	I208
Gulgong	House	88 Belmore Street	Lot 2 DP357981	Local	I209
Gulgong	Uniting Church	89 Belmore Street (southeast corner Medley Street)	Lot 9 Sec 13 DP758482	Local	I210
Gulgong	House	90 Belmore Street	Lot 8 Sec 14 DP758482	Local	I211
Gulgong	House	104 Belmore Street (northeast corner Bulga Street)	Lot 1 DP521414	Local	I212
Gulgong	House	5 Bowman Street (Lot 5, Section 51)	(5 Bowman is Lot 2 Sec 61 DP520568 but the one in Expo is House 5 which is Lot 5 Sec 60 DP75848) ???? need to check	Local	I213
Gulgong	House	8 Bowman Street	Lot 31 Sec 59 DP611931	Local	I214
Gulgong	House	6 Bulga Street	Lot 3 DP570476	Local	I215

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Gulgong	Catholic Rectory and church buildings	53 – 59 Bulga Street (southeast corner Bayly Street)	Lots 1, 2, 3, 4, 5, 6, & 7 Sec 19 DP758482	Local	I216
Gulgong	House	1 Bulga Street (northeast corner Little Bayly Street)	Lot 12 Sec 21 DP758482	Local	I217
Gulgong	House	2 Cainbil Street (southwest corner Rouse Street)	Lot 4 DP23799	Local	I218
Gulgong	House	18 Cainbil Street	Lot 2 DP17320	Local	I219
Gulgong	House	24 Cainbil Street	Lot 5 DP17320	Local	I220
Gulgong	House	26 Cainbil Street	Lot 6 DP17320	Local	I221
Gulgong	House	Caledonian Street (Portions 116 and 117 and Part Lot 2, Parish of Guntawang)	Lot 3 DP1107097 & Lot 2 DP607166	Local	I222
Gulgong	House	Canadian Street	Lot 12 DP807607	Local	I223
Gulgong	House, "Tarrowonga"	corner Canadian Lead Road and Homer Street	Lot 249 DP755433	Local	I224
Gulgong	House	5 Cooyal Street	Lot 3 Sec 90 DP758482	Local	I225
Gulgong	House	1 Scully Street	Lot 3 Sec 63 DP758482	Local	I226
Gulgong	House "Red Hill House",	Robinson St (southeast corner White Street—Lot 1, Section 80)	Lot 483 & Lot 486 DP46131 and Lot 1 Sec 80 DP758482	Local	I227
Gulgong	House	10 Fitzroy Street	Lot 3 Sec 86 DP758482	Local	I228
Gulgong	House	17 Herbert Street (Cnr with Rouse St)	Lot 1 Sec 43 DP758482	Local	I229
Gulgong	House	28 Herbert Street (Lot 10, Section 16)	Lot 10 & 10A Sec 16 DP758482	Local	I230
Gulgong	Commercial building	25 Herbert Street (southeast corner Station Street) demolished	Lot 18, Section 10 DP 758482	Local	I231
Gulgong	House	27 Herbert Street (Lot 19, Section 10)	Lot 19, Section	Local	I232

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
		<i>demolished</i>	<i>10 DP 758482</i>		
Gulgong	House	26 Herbert Street (Lot 11, Section 16)	Lot 11 Sec 16 DP758482	Local	I233
Gulgong	House	32 Herbert Street	Lot 8 & 7 Sec 16 DP758482	Local	I234
Gulgong	House	50 Herbert Street (Cnr with Lynne St)	Lot 32 Sec 15 DP591214	Local	I235
Gulgong	Gulgong Pioneer Museum	59-61 & 63-73 Herbert Street (Lots 1A, 1B, 2, 3, 4, 5, 6A, 6B and 6C, Section 6)	Lots 1A & 1B, 2, 3, 6A, 6B & 6C Sec 6 DP758482, Lot 1 DP1088767, Lot 1 DP103042 and Lots 1 & 2 DP1110254	Local	I236
Gulgong	House	57 Herbert Street	Lot A Sec 7 DP372437	Local	I237
Gulgong	Shop and residence	62 Herbert Street (Lots 1 and 2, Section 14)	Lot 1 DP904818 and Lots 1B & 2 Sec 14 DP758482	Local	I238
Gulgong	House	70 Herbert Street)	Lots 1 & 2 Sec 13 DP758482	Local	I239
Gulgong	House	74 Herbert Street	Lot 2A Sec 12 DP758482	Local	I240
Gulgong	Commercial building	74A Herbert Street	Lot 2B Sec 12 DP758482	Local	I241
Gulgong	"Golden West Trading and house Post"	75 Herbert Street	Lots 1C & 1B Sec 5 DP758482	Local	I242
Gulgong	Gulgong Dry Cleaners	77 Herbert Street (Lot 1A, Section 5)	Lot 1 DP663000	Local	I243
Gulgong	Commercial building	78 Herbert Street	Lot 1 Sec 12 DP758482	Local	I244
Gulgong	Commercial building	79-81 Herbert Street	Lots 2A & 2B Sec 5 DP758482 and Lot 31 Sec 5 DP635531	Local	I245
Gulgong	Farmers & Graziers Co-op	83 - 85 Herbert Street	Lot 2 Sec 5	Local	I246

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
			DP583142		
Gulgong	Commercial building	87 Herbert Street	Lot 11 Sec 5 DP715378	Local	I247
Gulgong	"Davies Butchery"	89 Herbert Street (southeast corner Queen Street)	Lot 1 Sec 4 DP981816	Local	I248
Gulgong	Post Office	94 Herbert Street (southwest corner Robinson Street)	Lot 2 Sec 28 DP206281	Local	I249
Gulgong	"Post Office Hotel"	97 Herbert Street (southeast corner Robinson Street)	Lots 1, 2 & 3 Sec 27 DP758482	Local	I250
Gulgong	Court House	98 Herbert Street	Lot 3 Sec 28 DP758482	Local	I251
Gulgong	Ulan County Council	102 Herbert Street	Lot 1 DP1011525	Local	I252
Gulgong	"Australian Joint Stock Bank"	101-103 Herbert Street	Lot 4 & 5 Sec 27 DP758482	Local	I253
Gulgong	Fire Station	104 Herbert Street	Lot 5 Sec 28 DP758482	Local	I254
Gulgong	House	105 Herbert Street	Lot 6 Sec 27 DP758482	Local	I255
Gulgong	"Wyaldra Shire Hall"	109 Herbert Street (Lot 8, Section 27)	Lot 1 DP831594	Local	I256
Gulgong	House	113 Herbert Street	Lot 3 Sec 65 DP758482	Local	I257
Gulgong	Silos and house	Homer Street	Lot 102 DP818674	Local	I258
Gulgong	House, "Haleys Cottage"	2 Little Belmore Street (southeast corner White Street)	Lot 2 Sec 42 DP591934	Local	I259
Gulgong	House	4 Loftus Street	Lot 4 Sec 69 DP758482	Local	I260
Gulgong	House	12 Lynne Street (Lot 2, Section 46, DP 51302)	Lot 2 Sec 46 DP513027	Local	I261
Gulgong	House	14 Lynne Street (Lot 21, DP 56813)	Lot 21 Sec 46 DP568136	Local	I262
Gulgong	House	11 Lynne Street (Lot 4, Section 23)	Lot 4 Sec 23 DP 568136	Local	I263

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Gulgong	House	24 Mayne Street (Lot 2, DP 595785)	Lot 2 DP 595785	Local	I264
Gulgong	House	23 Mayne Street (Portion 219, Parish of Gulgong)	Lot 102 DP 1095103	Local	I265
Gulgong	House	38 Mayne Street (Lot 41, Section 45)		Local	I266
Gulgong	House	45 Mayne Street (Lot 2, Section 44)		Local	I267
Gulgong	House	46 Mayne Street (Lot 1, Section 45)		Local	I268
Gulgong	House	49 Mayne Street (Lot 7, Section 32)		Local	I269
Gulgong	House	51 Mayne Street (Lot 6, Section 32)		Local	I270
Gulgong	House	56 Mayne Street (Lot 2, Section 31)		Local	I271
Gulgong	House	59 Mayne Street (Lot 1, Section 32)		Local	I272
Gulgong	House	74 Mayne Street (Lots 6 and 7, Section 30)		Local	I273
Gulgong	House	"Loyola", 77 Mayne Street (Lot D, Section 29)		Local	I274
Gulgong	House	78 Mayne Street (Lot 4, Section 30)		Local	I275
Gulgong	House	80 Mayne Street (Lot 3, Section 30)		Local	I276
Gulgong	Shop	88 Mayne Street (Lot 2B, Section 4)		Local	I277
Gulgong	House	89 Mayne Street (Lot 15, Section 29)		Local	I278
Gulgong	"Jas Loneragan"	90–100 Mayne Street, (northeast corner Herbert Street—Lots 5–7, Section 4)		Local	I279
Gulgong	St Vincent de Paul shop and residence	91 Mayne Street (Lot 9, Section 1)		Local	I280
Gulgong	House	93 Mayne Street (Lot 8, Section 1)		Local	I281
Gulgong	Prince of Wales Hotel	97 Mayne Street (Lots 5 and 6, Section 1)		Local	I282
Gulgong	"Prince of Wales Opera House"	99 Mayne Street (Lot 4, Section 1)		Local	I283
Gulgong	"CBC Bank"	101–103 Mayne Street (Lot 3, Section 1)		Local	I284
Gulgong	Commercial building	102 Mayne Street (northwest corner Herbert Street) (Section 3)		Local	I285

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Gulgong	Commercial building	104 Mayne Street (Lot 6, Section 3)		Local	I286
Gulgong	Commercial building	107 Mayne Street (southeast corner Herbert Street—Lots 1–3, Section 1)		Local	I287
Gulgong	“Greatest Wonder of the World”	123 Mayne Street (Part Lot 4, Section 2)		Local	I288
Gulgong	“American Tobacco Warehouse”	125 Mayne Street (Part Lot 4, Section 2)		Local	I289
Gulgong	Commercial building	127 Mayne Street (Lot 5A, Section 2)		Local	I290
Gulgong	Commercial building	128–132 Mayne Street (northeast corner Medley Street—Lots 1A, 2B and 2C, Section 3)		Local	I291
Gulgong	Commercial building	131–133 Mayne Street (Lots 6A, 6B and 6C, Section 2)		Local	I292
Gulgong	The Coffee House	137 Mayne Street (Lot 7A, Section 2)		Local	I293
Gulgong	Commercial building	139 Mayne Street (northwest corner Medley Street) (Lot 7, Section 2)		Local	I294
Gulgong	Centennial Hotel	145 Mayne Street (corner Medley Street—Lots 1 and 2, Section 17)		Local	I295
Gulgong	“The Henry Lawson Centre”	147 Mayne Street (Part Lot 3, Section 17)		Local	I296
Gulgong	House	148 Mayne Street (Lots 6 and 7, Section 18)		Local	I297
Gulgong	House	149 Mayne Street (Lot 5B, Section 17)		Local	I298
Gulgong	House	153 Mayne Street (Lot 6, Section 17)		Local	I299
Gulgong	House	155 Mayne Street (Lot 7, Section 17)		Local	I300
Gulgong	“Cullengoral”	156 Mayne Street (Lot 21, Section 18)		Local	I301
Gulgong	House	161 Mayne Street (Lot 12, Section 17)		Local	I302
Gulgong	House	162 Mayne Street (Lot 1, Section 24)		Local	I303
Gulgong	House	164 Mayne Street (Lot 2, Section 24)		Local	I304

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Gulgong	Shop	165 Mayne Street (Lot 14, Section 17)		Local	I305
Gulgong	House	166 Mayne Street (Lot 3, Section 24)		Local	I306
Gulgong	House	167 Mayne Street (Lot 15, Section 17)		Local	I307
Gulgong	"Ten Dollar Town Motel"	Mayne Street (northwest corner Medley Street—Lot 1, Section 18)		Local	I308
Gulgong	House	169 Mayne Street (Lot 5, Section 25)		Local	I309
Gulgong	House	192 Mayne Street (Lot 22, DP 598308)		Local	I310
Gulgong	House	200 Mayne Street (Portion 436, Parish of Guntawang)		Local	I311
Gulgong	"Gulgong District Hospital"	206 Mayne Street (Goolma Road)	Portion 196, (Parish of Guntawang)	Local	I312
Gulgong	House	Main Road No 55 (near Medley Street) (Portion 143, Parish of Guntawang)		Local	I313
Gulgong	House	33 Medley Street (Lot 24, Section 16)		Local	I314
Gulgong	House	35 Medley Street (Lot 4, Section 15)		Local	I315
Gulgong	House	37 Medley Street (Lot 1, Section 15)		Local	I316
Gulgong	House	39 Medley Street (Lot 5, Section 15)		Local	I317
Gulgong	House	44 Medley Street (Lot 3, Section 23)		Local	I318
Gulgong	House	45 Medley Street (Lot 8A, Section 12)		Local	I319
Gulgong	House	51 Medley Street (Lot 2, Section 11)		Local	I320
Gulgong	House	56 Medley Street (Lot 3, Section 21)		Local	I321
Gulgong	House	58–60 Medley Street (Lots 21 and 22, Section 21)		Local	I322
Gulgong	Police station	61 Medley Street (Lot 2, Section 28)		Local	I323
Gulgong	House	62 Medley Street (Lot 1, Section 21)		Local	I324
Gulgong	Uniting Church Hall	64 Medley Street (Part Lot 2, Section 20)		Local	I325
Gulgong	House, "Albury House"	68 Medley Street (northwest corner		Local	I326

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
		Bayly Street—Lot 1, Section 20)			
Gulgong	House	75 Medley Street (Lot 1, Section 39)		Local	I327
Gulgong	"Phonograph Museum" and residence	78 Medley Street (Lots 14 and 15, Section 18)		Local	I328
Gulgong	House	86 Medley Street (Lot 2, Section 33)		Local	I329
Gulgong	House, "Merry", 100 Medley Street (Lot 4, Section 35)			Local	I330
Gulgong	House	104 Medley Street (Lot 2, Section 36)		Local	I331
Gulgong	House	108 Medley Street (Part Lot 2, Section 38)		Local	I332
Gulgong	House	110 Medley Street (Lot 3, Section 38)		Local	I333
Gulgong	House	2 Moonlight Street (Lot 10, Section 60)		Local	I334
Gulgong	House	Nandoura Street (Lot 2, Section 73)		Local	I335
Gulgong	Commercial building (Loneragans Garage)	33 Queen Street (Lot 6, Section 5)		Local	I336
Gulgong	Commercial building	35 Queen Street (Lot 5, Section 5)		Local	I337
Gulgong	House	40 Queen Street (Lot 102, Section 53)		Local	I338
Gulgong	House	56 Queen Street (northwest corner Bulga Street—Lot 2, resubdivision of Portion 182, Parish of Guntawang)		Local	I339
Gulgong	House	60 Queen Street (Lot 2, resubdivision of Portion 181, Parish of Guntawang)		Local	I340
Gulgong	House	62 Queen Street (Part of Lot 181, Section 84)		Local	I341
Gulgong	House	Railway Street (Lot 22, DP 802634)		Local	I342
Gulgong	Reef Street	(northwest corner Canadian Street—Lot 4, Section 87)		Local	I343
Gulgong	House	1 Robinson Street (Lot 12, Section 27)		Local	I344

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Gulgong	House	3 Robinson Street (Lot 11, Section 27)		Local	I345
Gulgong	Old "Central School"	Robinson Street (corner Cooyal Street—Part Lot 2, Section 64)		Local	I346
Gulgong	House	Robinson Street (corner Loftus Street—Lot 4, Section 69)		Local	I347
Gulgong	House	Scully Street (corner of Cooyal Street—Part Lot 2, Section 64)		Local	I348
Gulgong	Railway station and stationmaster's house,	Saleyards Lane, Parishes of Gulgong and Guntawang		Local	I349
Gulgong	"Loneragans Flour Mill"	2 Station Street (Portions 388, 406 and 428, Parish of Guntawang)		Local	I350
Gulgong	House	9 Station Street (Lot 2, Section 73)		Local	I351
Gulgong	House	Lot 66, Station Street, Gulgong		Local	I352
Gulgong	House	23 Tallawang Street (southeast corner Prince Street—Lot 1, Parish of Guntawang)		Local	I353
Gulgong	House	29 Tallawang Street (southeast corner Prince Street—Lot 1, Section 48)		Local	I354
Gulgong	House	corner Tallawang and Bligh Streets (Lot 3, Section 49)		Local	I355
Gulgong	House	11 White Street (northeast corner Lynne Street—Lot 1, Section 47)		Local	I356
Gulgong	House	corner Wilbertree and McDonald Streets (Lot 1, Section 85)		Local	I357
Gulgong	House	unnamed road off Wellington Road (Main Road No 233) (Portion 148, Parish of Guntawang)		Local	I358
Gulgong	Gulgong Grandstand	Victoria Park (Portion 91, Parish of Guntawang)		Local	I359
Gulgong	Showground	(Portions 86, 90 and 419, Parish of Guntawang)		Local	I360

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Paris of Arthur	Lue Station Homestead	Portion 30		Local	I361
Parish of Arthur	John Riley's Grave	Lue Station		Local	I362
Parish of Barra	Railway station and stationmaster's house	Village of Lue		Local	I363
Parish of Barra	Hotel and residence, Part Portion 28	Village of Lue		Local	I364
Parish of Barra	Shop, "John Thompson's Butcher/Draper/Grocer 1913"	Cox Street, Village of Lue		Local	I365
Parish of Barra	366 Railway viaduct	east end of Village of Lue		Local	I366
Parish of Barigan	367 Barigan homestead	Portions 65 and 142		Local	I367
Parish of Brigabil	Biraganbil homestead	Lot 2, DP 534376, Wellington Road		Local	I368
Parish of Brigabil	Morrowolga homestead	Portion 28		Local	I369
Parish of Bumberra	370 Roth House	Cnr Cassilis Rd and Henry Lawson Drive	Lot 1 DP858020	Local	I370
Parish of Bumberra	Loneragan homestead (Putta Bucca)	Putta Bucca Rd, Mudgee	Lot 23 DP????	Local	I371
Parish of Bumberra	Gawthorne Cottage	Lue Road, Mudgee	Lot 1 DP800689	Local	I372
Parish of Bumberra	Wilgowra homestead	Lue Road, Mudgee	Lot 1 DP304767	Local	I373
Parish of Bumberra	Oakfields homestead	Lue Road, Mudgee	Lot 231 DP791836	Local	I374
Parish of Bumberra	Mudgee Brickworks	Home Rule Road		Local	I375
Parish of Bumberra	Mudgee Cemetery	Cassilis Road		Local	I376
Parish of Bumberra	Avenue of trees	Cassilis Road (northern extension of Church Street)		Local	I377
Parish of Derale	"Melrose Park" homestead	Lot 1, DP 736756		Local	I378
Parish of Derale	Havilah homestead, chapel and shearing sheds	Portion 65		Local	I379
Parish of Erudgere	"Erudgere" Winery	Portions 74 and 76, Hargraves-Hill End Road		Local	I380

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Parish Eurundury of	Henry Lawson Memorial, Henry Lawson Drive		Lot 1, DP 368450	Local	I381
Parish Eurundury of	"Loaded Dog Inn"		Lot 2, DP 778714	Local	I382
Parish Eurundury of	"Craigmoor Wines"	Portion 39, Craigmoor Road		Local	I383
Parish Eurundury of	"Budgee Budgee Shop"		Lot 1 DP 1095527	Local	I384
Parish Goodiman of	"Spring Ridge" homestead	Spring Ridge	Lot 2, DP 612712,	Local	I385
Parish of Grattai	"Beragoo" homestead		Lot 8, DP 253524	Local	I386
Parish Gulgong of	House, "Niven's Springridge Hotel"	,Spring Ridge Road, Tallawang	Lot 1, DP 591912, Lot 112, DP 721220	Local	I387
Parish Gulgong of	Gulgong Cemetery (dedicated 14.2.1873)	Parish of Gulgong		Local	I388
Parish Gulgong of	Old Railway Dam and Pump Shed	(Crown Land south of Portion 37, Parish of Gulgong)		Local	I389
Parish Guntawang of	Guntawang homestead	Lot 2, DP 534376		Local	I390
Parish Guntawang of	"The Lagoon" homestead	Portion 8, off Dunedoo Road		Local	I391
Parish Guntawang of	Old gold mine	Portion 412		Local	I392
Parish Hargraves of	"National School"	Bowen Street, Village of Hargraves		Local	I393
Village Hargraves of	St Stephen's Church of England	Portion 124, corner Merinda and Church Streets, Section 6		Local	I394
Village Hargraves of	House (old Court House and Police Station)	Merinda Street		Local	I395
Village Hargraves of	House	Lot 1, Section 6 (next to Court House), Merinda Street		Local	I396
Village Hargraves of	Terrace houses	Lot 1, Section 3, Merinda Street		Local	I397
Village Hargraves of	Catholic Church	Merinda Street		Local	398
Village Hargraves of	House	Section 24, Bowen Street		Local	I399

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Village of Hargraves	Hargraves Cemetery	Lots 100-106 DP 756885		Local	I400
Parish of Mudgee	Wallinga homestead,	Lot 11, DP 581380		Local	I401
Parish of Mudgee	Burrundulla Station and homes	Portion 182		Local	I402
Parish of Mudgee	"Caerleon Park" homestead	Gulgong Road	Portion 288, Lot A,	Local	I403
Parish of Mudgee	Redbank Dam, South Mudgee	Parish of Mudgee		Local	I404
Parish of Mudgee	"Kenny's Brickworks"	east side of Sawpit Road, South Mudgee		Local	I405
Parish of Munna	Menah homestead	Portion 55		Local	I406
Parish of Munna	Explorers' Tree "Camping Tree"	Wilbertree Road		Local	I407
Parish of Munna	River Red Gum	Wilbertree Road		Local	I408
Parish of Piambong	Binawee homestead and outbuildings	111 Lesters Lane Mudgee	Part Lot 4 DP 8266646	state	I409
Parish of Piambong	"Wandu" Limosin Stud	Portion 182, Gulgong Road		Local	I410
Parish of Pyramul	Catholic Church and Graveyard	Pyramul		Local	I411
Parish of Tambaroora	Tambaroora— Hill End Cemetery, Catholic/Chinese	Part of Section 16, Town of Tambaroora		Local	I412
Parish of Wilbertree	Wilbertree homestead and outbuildings	Lot 60, DP 32365		Local	I413
Parish of Windeyer	Anglican Church, Lot 4, Plan C161, 1984	Village of Windeyer		Local	I414
Parish of Windeyer	School and schoolmaster's house	Section 9, Village of Windeyer		Local	I415
Parish of Windeyer	Hotel, "Gold and Fleece"	Village of Windeyer	Lot 1, DP 771751,	Local	I416
Parish of Windeyer	Windeyer Cemetery	Mudgee Street on Meroo Creek, Part Portion 287		Local	I417
Parish of Wollar	St Luke's Church of England	Portion 61A		Local	I418

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Parish of Wollar	Catholic Church	Part Lots 6–8, Section 4, Village of Wollar		Local	I419
Parish of Wyaldra	Home Rule School residence, Home Rule	Portions 140 and 141		Local	I420
Parish of Yarrobil	Yamble homestead and outbuildings	Portion 223		Local	I421
Additional items—Rural Areas	Old School/Church	Lue Road	Lot 1, DP 304767	Local	I1003
Additional items—Rural Areas	Chinese Water Race			Local	I1013
Additional items—Rural Areas	Wollara Homestead			Local	I982
Additional items—Rural Areas	Triamble Homestead & Woolshed, Beechworth Homestead, St Matthew's Anglican Church and Wingvee Homestead & Woolshed			Local	I1976-1978
Additional items—Rural Areas	"The Elders" Miners Cottage on Lot 7, DP 756885			Local	I1028
Additional items—Rural Areas	Empire Hall	Hargraves		Local	I1029
Additional items—Rural Areas	"Old Warry"	Merinda Street, Hargraves		Local	I1030
Additional items—Rural Areas	Ben Buckley Homestead & Woolshed			Local	I998
Additional items—Rural Areas	Uamby Cemetery			Local	I1000
Additional items—Rural Areas	Goolma Primary School	Goolma		Local	I999
Additional items—Rural Areas	Pineview Homestead & Woolshed at 889	Goolma Road, Goolma		Local	I992
Additional items—Rural Areas	Tinja Homestead			Local	I989

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Additional items—Rural Areas	Burrnah Homestead	Lot 1, DP 72342 Wilbertree Road		Local	I988
Additional items—Rural Areas	Wandoona Homestead	Wollar		Local	I996
Additional items—Rural Areas	Red Doors Former Butcher Shop	Merinda Street, Hargraves	Lot 2, Section 3, DP 758501,	Local	I980
Additional items—Rural Areas	St Mark's Anglican Church	Goolma	Lot 146, DP 750777,	Local	I997
Additional items—Rural Areas	Ellersly Homestead		Lot 53, DP 756897	Local	I995
Additional items—Rural Areas	Gold Mining Race	Old Hargraves Road, Windeyer		Local	I984
Additional items—Rural Areas	Chinese Cemetery	Ovens, Clarke Road, Windeyer		Local	I516
Additional items—Rural Areas	Quartz Roasting Pits	Tambaroora		Local	I979
Additional items—Rural Areas	Cullenbone (Former School) House	Castlereagh Highway	Lot 182 DP756901	Local	I410
Additional items—Rural Areas	Goulburn River National Park			Local	I994
Additional items—Rural Areas	Munghorne Gap Nature Reserve			Local	I993
Additional items—Rural Areas	Talbragar Reserve			Local	I991
Additional items—Rural Areas	Old School	Sydney Road, Tannabutta		Local	I1004
Additional items—Rural Areas	Tannabutta Cemetery			Local	I1005
Additional items—Rural Areas	Cudgegong General Cemetery			Local	I518
Additional items—Rural Areas	Havilah Cemetery			Local	I534
Additional items—Rural Areas	St Andrews Anglican Church Cemetery	Linburn Ln, Cooyal		Local	I532

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Additional items—Rural Areas	St Lukes Anglican Church Cemetery	Wollar		Local	I519
Additional items—Rural Areas	Fletchers Shaft	Gulgong		Local	I990
Additional items—Rural Areas	Scully's Shaft	Gulgong		Local	I987
Kandos	Uniting Church	Dunn St	Lots 13/14 Sec 24	Local	I1R
Kandos	Band Rotunda	Pub Res, Angus Ave		Local	I2R
Kandos	Anglican Church	Angus Ave	Lot 11 Sec 9	Local	I3R
Kandos	Post Office	Angus Ave	Lot 1 Sec 5	Local	I4R
Kandos	Museum	Angus Ave	Lot 10 Sec 1	local	I5R
Kandos	Court House	21 Ilford Road	Lot 7007 DP1023908	local	I6R
Kandos	School	Fleming St	Lot 3 & 4 Sec 17	local	I7R
Kandos	Railway Station	Ilford Road	SRA Ref 930448	local	I8R
Kandos	Catholic Church	Fleming St	Lot 5 Sec 4, DP9750	local	I9R
Parish of Warrangunia	Uniting Church		Pt Por 22	local	I10R
Parish Hearne	Stone Church		Por 144	local	I11R
Parish Warrangunia	Church of England		Pt Por 25	local	I12R
Parish Warrangunia	Catholic Church		Por 255	local	I13R
Parish Budden	Church of England and Cemetery		Pt Por 5	local	I14R
Parish Crudine	School		Por 24	local	I15R
Parish Crudine	Cemetery		Por 43/46	local	I16R
Parish Warrangunia	Cemetery		Pors 107/110	local	I17R
Parish Hearne	Cemetery		Pt Por 27	local	I18R

Suburb/Parish	Item name	Address	Property description	Significance	Item Number
Rylstone	Dwelling (Anglican Rectory)	Mudgee St	Lot 7/10 Sec 6,	local	I20R
Rylstone	Anglican Church	Mudgee St	Lot 7/10 Sec 6	local	I21R
Rylstone	Catholic Church	Louee St	Lot 4/5 Sec 5A	local	I22R
Rylstone	Police Residence	Louee St	Pt Lots 4/5 Sec 5	local	I23R
Rylstone	Police Station	Louee St	Lot 1 / 2 Sec 5	local	I24R
Rylstone	Court House	Louee St	Pt Lots 3 / 4 Sec 5	local	I25R
Rylstone	Post Office	Louee St	Lot 10 DP776797	local	I26R
Rylstone	Shire Office	Louee St	Lot 8 Sec 5	local	I27R
Rylstone	Hall	Louee St	Lots 9 / 10 & 21 Sec 5	local	I28R
Rylstone	Railway Station	SRA Ref 227462		local	I29R
Clandulla	Railway Station	SRA 205564		local	I30R
Ilford	School Residence	Parish Warrangunia	Pt Por 260	local	I31R
Ilford	Wishing Well	Road Reserve at Cherry Tree Hill		local	I33R

Dictionary

(Clause 1.4)

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

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

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

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

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

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

advertisement has the same meaning as in the Act.

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

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act.

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

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

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

agriculture means any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

backpackers' accommodation means a building or place that:

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

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

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

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

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

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

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

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

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

biodiversity means biological diversity.

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

Note. The term is defined as follows:

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

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

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

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

boarding house means a building that:

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

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

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

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

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

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

brothel has the same meaning as in the Act.

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

building has the same meaning as in the Act.

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

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

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

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

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

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

whichever distance is the shortest.

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

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

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

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

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

Note. The term is defined as follows:

bush fire hazard reduction work means:

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

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

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

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

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

business identification sign means a sign:

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

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

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

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

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

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and

the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

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

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

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

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

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

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

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

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

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

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

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

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

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

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

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

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

Note. The term is defined as follows:

classified road means any of the following:

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

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

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

Note. The term is defined as follows:

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

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

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

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

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

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

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

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

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

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

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

commercial premises means any of the following:

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

community facility means a building or place:

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

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

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

correctional centre means:

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

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

Council means the **Mid Western Regional Council**

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

Crown reserve means:

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

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

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

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are

constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

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

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

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

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

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

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

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

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

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

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

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

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

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

dwelling house means a building containing only one dwelling.

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

earthworks means excavation or filling.

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

eco-tourist facility means a building or place that:

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

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

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

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

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

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

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

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

emergency services organisation means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

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

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

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

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

Note. The term is defined as follows:

estuary means:

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

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

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

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

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

extensive agriculture means any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Note. The term is defined as follows:

Definition of “fish”

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

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

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the **Mid Western Regional Local Environmental Plan 2011 Floor Space Ratio Map**.

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

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

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

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

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

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

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

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

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

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

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

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

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

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

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

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

but excludes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

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

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

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

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

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

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

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

Height of Buildings Map means the **Mid Western Regional Local Environmental Plan 2011** Height of Buildings Map.

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

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

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

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

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

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

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

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

heritage impact statement means a document consisting of:

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

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

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

heritage management document means:

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

Heritage Map means the **Mid Western Regional Local Environmental Plan 2011** Heritage Map.

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

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

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

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

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

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

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

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

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,

- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

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

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

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

industrial retail outlet means a building or place that:

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

but does not include a warehouse or distribution centre.

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

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

industry means any of the following:

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

but does not include:

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

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

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

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

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

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

intensive plant agriculture means any of the following:

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

(d) viticulture.

Note. Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.
jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

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

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

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

Land Application Map means the **Mid Western Regional Local Environmental Plan 2011** Land Application Map.

Land Reservation Acquisition Map means the **Mid Western Regional Local Environmental Plan 2011** Land Reservation Acquisition Map.

Land Zoning Map means the **Mid Western Regional Local Environmental Plan 2011** Land Zoning Map.

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

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

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

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

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

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

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

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

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

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

Lot Size Map means the **Mid Western Regional Local Environmental Plan 2011** Lot Size Map.

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

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

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,

- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

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

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

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

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

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

mezzanine means an intermediate floor within a room.

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

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

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

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

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

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

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

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

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

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

Note. The term is defined as follows:

moveable dwelling means:

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

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

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

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

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

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

Note. The term is defined as follows:

Meaning of “native vegetation”

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

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

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

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

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

nominated State heritage item means a heritage item that:

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

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

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

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

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

offensive storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on

other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

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

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

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

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

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

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

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

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

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

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

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

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

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

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

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

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

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

public authority has the same meaning as in the Act.

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

Note. The term is defined as follows:

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

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

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

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

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

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

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

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

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

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

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

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

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp,

go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

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

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

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

Note. The term is defined as follows:

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

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

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

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

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) ruralworkers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

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

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

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

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

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

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

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

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

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

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

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

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

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

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note. Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

Note. Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that:

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

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

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

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note. Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

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

seniors housing means a building or place that is:

- (a) a residential care facility, or

- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
 - (c) a group of self-contained dwellings, or
 - (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
 - (e) seniors or people who have a disability, or
 - (f) people who live in the same household with seniors or people who have a disability, or
 - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
- but does not include a hospital.

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

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note. Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note. Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

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

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,

- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

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

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

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

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note. Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

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

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

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

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

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

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

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

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

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

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

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

underground mining means:

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

but does not include open cut mining.

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

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

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

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

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

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

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

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

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

waste or resource management facility means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note. Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

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

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

Note. Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note. Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note. Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

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

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

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