



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Proclamations



New South Wales

Commencement Proclamation

under the

Crimes Amendment Act 2007 No 38

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (2) of the *Crimes Amendment Act 2007*, do, by this my Proclamation, appoint 15 February 2008 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 13th day of February 2008.

By Her Excellency's Command,

JOHN HATZISTERGOS, M.L.C.,
Attorney General

L.S.

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Crimes Amendment Act 2007*. The provisions concerned relate to the following:

- replacing "malicious" as a fault element for offences under the *Crimes Act 1900* with the modern fault element of "intention" or "recklessness",
- replacing existing blackmail/extortion offences in that Act with offences based on the Model Criminal Code (and making a related consequential amendment),
- ensuring that for all offences under that Act the infliction of grievous bodily harm includes causing a person to contract a grievous bodily disease,
- extending the offence under that Act of breaking and entering dwelling-houses or certain other commercial or government buildings and committing (or intending to commit) a serious indictable offence to buildings of any kind.



New South Wales

Commencement Proclamation

under the

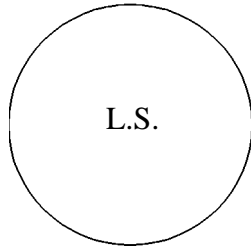
Crimes (Forensic Procedures) Amendment Act 2007 No 71

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Crimes (Forensic Procedures) Amendment Act 2007*, do, by this my Proclamation, appoint 25 March 2008 as the day on which that Act commences.

Signed and sealed at Sydney, this 13th day of February 2008.

By Her Excellency's Command,



JOHN HATZISTERGOS, M.L.C.,
Attorney General

GOD SAVE THE QUEEN!



New South Wales

Commencement Proclamation

under the

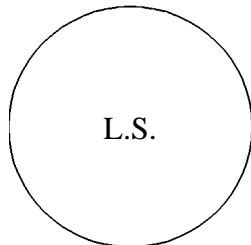
Succession Act 2006 No 80

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Succession Act 2006*, do, by this my Proclamation, appoint 1 March 2008 as the day on which that Act commences.

Signed and sealed at Sydney, this 13th day of February 2008.

By Her Excellency's Command,



JOHN HATZISTERGOS, M.L.C.,
Attorney General

GOD SAVE THE QUEEN!

Regulations



New South Wales

Lotteries and Art Unions Amendment Regulation 2008

under the

Lotteries and Art Unions Act 1901

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Lotteries and Art Unions Act 1901*.

GRAHAM WEST, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to amend the *Lotteries and Art Unions Regulation 2007*:

- (a) to increase the maximum value of certain prizes to \$25,000, and
- (b) to increase from \$300 to \$500 the value of a single major prize that may be offered in a not-for-profit promotional raffle, and
- (c) to decrease the proportion of the gross proceeds of an art union that are required to be paid into the funds of the institution or non-profit organisation for the aid or support of which the art union was formed.

This Regulation is made under the *Lotteries and Art Unions Act 1901*, including sections 4, 4C, 4G, 6 and 23 (the general regulation making power).

Clause 1 Lotteries and Art Unions Amendment Regulation 2008

Lotteries and Art Unions Amendment Regulation 2008

under the

Lotteries and Art Unions Act 1901

1 Name of Regulation

This Regulation is the *Lotteries and Art Unions Amendment Regulation 2008*.

2 Amendment of Lotteries and Art Unions Regulation 2007

The *Lotteries and Art Unions Regulation 2007* is amended as set out in Schedule 1.

Lotteries and Art Unions Amendment Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

- [1] **Clause 37 Maximum Prizes**
Omit "\$5,000". Insert instead "\$25,000".
- [2] **Clause 40 Proceeds to be devoted to fundraising object**
Omit "40%". Insert instead "30%".
- [3] **Clause 50 Maximum value of prizes**
Omit "\$5,000" from clause 50 (2). Insert instead "\$25,000".
- [4] **Clause 117 Value of prizes**
Omit "\$300" from clause 117 (3). Insert instead "\$500".
- [5] **Clause 142 Maximum value of prizes**
Omit "\$10,000". Insert instead "\$25,000".



New South Wales

Succession Regulation 2008

under the

Succession Act 2006

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Succession Act 2006*.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

Explanatory note

The object of this Regulation is to prescribe the fee that must accompany a will that is deposited with the Registrar under section 51 of the *Succession Act 2006*.

This Regulation is made under the *Succession Act 2006*, including sections 51 and 57 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature.

Clause 1 Succession Regulation 2008

Succession Regulation 2008

under the

Succession Act 2006

1 Name of Regulation

This Regulation is the *Succession Regulation 2008*.

2 Commencement

This Regulation commences on 1 March 2008.

3 Definition

In this Regulation:

the Act means the *Succession Act 2006*.

4 Fee for deposit of a will

For the purposes of section 51 (3) of the Act, the prescribed fee to accompany a will that is deposited is \$102.



New South Wales

World Youth Day Regulation 2008

under the

World Youth Day Act 2006

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *World Youth Day Act 2006*.

JOHN WATKINS, M.P.,
Deputy Premier

Explanatory note

The object of this Regulation is to prescribe the following persons and bodies as persons and bodies to whom or to which directions may be given under section 44C (Directions in aid of use of Randwick Racecourse) of the *World Youth Day Act 2006*:

- (a) the Australian Jockey Club (the *AJC*),
- (b) the Chairman of the *AJC*,
- (c) the Committee of the *AJC*,
- (d) any member of the Committee of the *AJC*,
- (e) any other person or body who or which is an officer, employee, contractor, delegate or agent of the *AJC* (or the Committee of the *AJC*) or who or which is otherwise acting under the authority of the *AJC* (or the Committee of the *AJC*).

This Regulation is made under the *World Youth Day Act 2006*, including sections 44C (1) and 58 (the general regulation-making power).

Clause 1 World Youth Day Regulation 2008

World Youth Day Regulation 2008

under the

World Youth Day Act 2006

1 Name of Regulation

This Regulation is the *World Youth Day Regulation 2008*.

2 Definition

(1) In this Regulation:

the Act means the *World Youth Day Act 2006*.

(2) Notes included in this Regulation do not form part of this Regulation.

3 Prescribed persons and bodies for purposes of directions under section 44C of Act

The following are prescribed for the purposes of section 44C (1) of the Act:

- (a) the AJC,
- (b) the Chairman of the AJC,
- (c) the Committee of the AJC,
- (d) any member of the Committee of the AJC,
- (e) any other person or body who or which is an officer, employee, contractor, delegate or agent of the AJC (or the Committee of the AJC) or who or which is otherwise acting under the authority of the AJC (or the Committee of the AJC).

OFFICIAL NOTICES**Appointments****BOXING AND WRESTLING CONTROL ACT 1986**

Department of the Arts, Sport and Recreation

Appointment of member to the Boxing Authority of New South Wales

I recommend for the approval of Her Excellency the Governor, with the advice of the Executive Council that pursuant to Section 4(3) of the Boxing and Wrestling Control Act 1986, Mr Haris Mores be appointed to the office of Member of the Boxing Authority of NSW for a term of office from the date of the Governor's approval until 30 June 2008.

GRAHAM WEST, M.P.,
Minister for Gaming and Racing
Minister for Sport and Recreation

**THE UNIVERSITY OF TECHNOLOGY, SYDNEY
ACT 1989**

Notification of Appointment to the Council

I, JOHN DELLA BOSCA, Minister for Education and Training, in pursuance of section 9(1)(b) of the University of Technology, Sydney, Act 1989, appoint the following person:

- Mr Ross Anthony Laidlaw

as member of the Council of the University of Technology, Sydney for a term of office expiring on 31 October 2008.

JOHN DELLA BOSCA, M.L.C.,
Minister for Education and Training

Department of Lands

DUBBO OFFICE

142 Brisbane Street (PO Box 865), Dubbo NSW 2830

Phone: (02) 6883 3300 Fax: (02) 6882 6920

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
The person for the time being holding the office of Vice-President, Wellington Horse and Pony Club (ex-officio member) Martin Andrew Whiteley (new member)	Geurie Racecourse and Recreation Reserve Trust	Reserve No. 86381 Public Purpose: Racecourse Public Recreation Notified: 11 August 1967

File Reference: DB80R68/6 For a term commencing this day and expiring 19 May 2010.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Sydney James Craythorn (new member)	Mount Arthur (R85000) Reserve Trust	Reserve No. 85000 Public Purpose: Public Recreation Notified: 4 September 1964

File Reference: DB81R234/5 For a term commencing this day and expiring 31 December 2009.

GOULBURN OFFICE

159 Auburn Street (PO Box 748), Goulburn NSW 2580

Phone: (02) 4828 6725 Fax: (02) 4828 6730

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder described is closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

DESCRIPTION

SCHEDULE 1

*Parish – Bransby;
County – Beresford;
Land District – Cooma;
LGA – Cooma-Monaro*

Lot 1, DP 1115964 (not being land under the Real Property Act).

File Reference: GB 04 H 46:JK.

NOTE: On closing, the title for the land in Lot 1, DP 1115964 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder described is closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

SCHEDULE 1

*Parish – Breadalbane;
County – Argyle;
Land District – Goulburn;
LGA – Goulburn Mulwaree*

Lot 6, DP 1106501 (not being land under the Real Property Act).

File Reference: 07/3054:JK.

Note: On closing, the title for the land in Lot 6, DP 1106501 remains vested in the State of New South Wales as Crown land.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Robert Keith Lance (new member)	Alison Hone Reserve Trust	Reserve No. 94993 Public Purpose: Promotion of The Study and the Preservation of Native Flora and Fauna Notified: 29 May 1981
Brian Faulkner (new member)		
Gina Guinane (new member)		
William Norris Wilkes (re-appointment)		Reserve No. 130024 Public Purpose: Environmental Protection Notified: 25 March 1988 File Reference: GB82R29/2
Rodney Alexander Falconer (re-appointment)		
Patrick Guinane (re-appointment)		

For a term commencing 21 March 2008 and expiring 20 March 2013.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder described is closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon closing, title to the land comprising the former public road, vests in the body specified hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

DESCRIPTION

*Parish – Nanima;
County – Murray;
Land District – Yass;
LGA – Yass Valley Council*

Lot: 1, DP: 1116518 (not being land under the Real Property Act).

File Reference: GB 06 H 327 . BA.

Note: On closing, the title for the land in Lot 1 DP 1116518 remains vested in Yass Valley Council as operational land.

In accordance with Section 44 of the Roads Act 1993, the Crown consents to the land in Lot 1 DP 1116518 being vested in the Yass Valley Council as operational land, to be given by the Council as compensation for other land acquired by the Council for the purpose of the Roads Act.

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 5375

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

Land District;
LGA – Clarence Valley

Roads Closed: Lots 4 & 5 DP 1083768, (not being land held under the Real Property Act) at Glenugie, Parish Lavadia, County Clarence.

File Reference: GF06H593.

Schedule

On closing, the land within Lots 4 & 5 DP 1083768 becomes vested in Clarence Valley Council as operational land for the purposes of the Local Government Act 1993.

Councils reference: Six Mile Lane.

RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

Column 1

Land District: Lismore
Local Government Area:
Ballina Shire Council
Locality: Lennox Head

<i>Lot</i>	<i>Sec.</i>	<i>D.P. No.</i>	<i>Parishes</i>	<i>County</i>
7300	1122060 #		Ballina	Rous
			&	
			Newrybar	

Area: About 401ha
File Reference: 07/5733/1

Notes: Existing Reservations under the Crown Lands Act are not revoked.

Disclaimer: # Please note that the above Lot numbers marked # are for Departmental use only.

Column 2

Reserve No. 1014308
Public Purpose:
Surfing Recreation

ESTABLISHMENT OF A RESERVE TRUST AND APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

- PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 2 of the Schedule is established under the name stated in that column and is appointed as trustee of the reserve specified in Column 1 of the Schedule.
- PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 3 of the Schedule is appointed to manage the affairs of the reserve trust specified in Column 2 of the Schedule for the term specified in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

Column 1

Part of Reserve 1012188 for the public purpose of access and public requirements, rural services, tourism purposes and environmental and heritage conservation notified 15 August 2006 being Lot 498 DP 729418, Lot 7058 DP 1113649 and Lot 7065 DP 1119891 Parish Ballina County Rous File No: GF07R3

Column 2

North Creek Wetland Reserve Trust

Column 3

Lands Administration Ministerial Corporation

ERRATUM

IN the New South Wales Government Gazette of 2nd November 2007, folio 8223, under the heading of "Transfer of Crown Road to a Council – Schedule 1 Parish of Mooball; County Rous" the reference to Lot 255, DP100349 should have read Lot 255, DP 1003549.

ERRATUM

Land District – Bellingen;
Council – Bellingen

THE notification appearing in the *Government Gazette* of 1 May 1992, Folio 3034, under the heading "Addition to Reserved Crown Land" in respect of Reserve 16030, is hereby withdrawn. GF90R38.

TONY KELLY, M.L.C.,
Minister for Lands

ERRATUM**CROWN LANDS ACT 1989**

*Land District – Casino;
LGA – Kyogle Council*

THE notification appearing in the *Government Gazette* of 18 January 2008, Folio 89, under the heading “Reservation of Crown Land” in respect of Reserve 1013709, is hereby withdrawn. GF04H32.

TONY KELLY, M.L.C.,
Minister for Lands

ERRATUM

THE notification appearing in the New South Wales Government Gazette of 14 December 2007, Folio 9623, under the heading “Revocation of Reservation of Crown Land” in respect of Reserve 56146, should be disregarded and is hereby withdrawn. 07/2529.

TONY KELLY, M.L.C.,
Minister for Lands

ERRATUM**ROADS ACT 1993**

*Land District – Casino;
LGA – Kyogle Council*

THE notification appearing in the *Government Gazette* of 18 January 2008, Folio 89, under the heading “Notification of Closing of Road”, is hereby withdrawn. GF04H61.

TONY KELLY, M.L.C.,
Minister for Lands

MAITLAND OFFICE

Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323

Phone: (02) 4937 9300 Fax: (02) 4934 2252

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Singleton Council	Burdekin Park R-57415 Reserve Trust	Reserve No. 57415 Public Purpose: Municipal Purposes Notified: 5 September 1924 File Reference: MD06R30/1

For a term commencing the date of this notice

ESTABLISHMENT OF RESERVE TRUST

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Burdekin Park R-57415 Reserve Trust	Reserve No. 57415 Public Purpose: Municipal Purposes Notified: 5 September 1924 File Reference: MD06R30/1

MOREE OFFICE**Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6752 5055 Fax: (02) 6752 1707****APPOINTMENT OF ADMINISTRATOR TO
MANAGE A RESERVE TRUST**

PURSUANT to section 117, crown Lands Act 1989, the person specified in Column 1 of the schedule hereunder, is appointed as administrator for the term also specified in Column 1, of the reserve trust specified in Column 2, which is trustee of the reserve referred to in Column 3 of the schedule

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Terence John Bone	Moree	Reserve No: 160035
Term of Office	Showground	Public Purpose:
For a term	Trust	Showground
commencing		Notified: 6 April 1990
4th February 2008		Dedication No: 560029
and expiring		Public Purpose:
4th August 2009		Showground
		Notified: 14 January 1891
		File No: ME79 R 10

ORANGE OFFICE**92 Kite Street (PO Box 2146), Orange NSW 2800****Phone: (02) 6391 4300 Fax: (02) 6362 3896****APPOINTMENT OF TRUST BOARD MEMBERS**

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
William Edward Klower	Burruga Recreation Reserve Trust	Reserve No. 4212
(re-appointment)		Public Purpose:
Leon George Booth		Public Recreation
(re-appointment)		Notified: 29 October 1887
Neil Michael Francis		File Reference:
(re-appointment)		OE80R347/2

For a term commencing 21 March 2008 and expiring 20 March 2013.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Britt Cullen-Ward	Peel Native Flora & Fauna Reserve Trust	Reserve No. 91214
(re-appointment)		Public Purpose:
		Promotion of the study and the Preservation of Native Flora and Fauna
		Notified: 4 August 1978
		File Reference: OE90R17

For a term commencing the date of this notice and expiring 3 January 2013.

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 8836 5300 Fax: (02) 8836 5365

**APPOINTMENT OF CORPORATION TO MANAGE
 RESERVE TRUST**

SCHEDULE

PURSUANT to Section 95 of the Crown Lands Act 1989, the corporations specified in Column 1 of the Schedules hereunder are appointed to manage the affairs of the reserve trust specified thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedules.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Randwick City Council	Yarra Recreation (R23068) Reserve Trust	Reserve No. 23068 Public Purpose: Public Recreation Notified: 30 November 1895 File Ref.: MN93R88/1

TONY KELLY, M.L.C.,
 Minister for Lands

For a term commencing the date of this notice.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Land Administration Ministerial Corporation	Chifley Athletic Sports (D500014) Reserve Trust	Area at Chifley dedicated for the purpose of Athletic Sports (Women) in the Government Gazettes of 2 December 1955 File No.: MN88R83/6

Term of Office:

For a term commencing 4 October 2007 and expiring on 21 February 2008.

TAMWORTH OFFICE**25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance to the provisions of the Roads Act 1993, the road hereunder specified is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Locality – Quirindi;
Land District – Tamworth;
L.G.A. – Liverpool Plains*

Road Closed: Lot 1 in Deposited Plan 1113250, Parish Coeypolly, County Buckland.

File Reference: TH05H85.

Note: On closing title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

Description

*Locality – Upper Manilla;
Land District – Tamworth;
L.G.A. – Tamworth Regional*

Road closed: Lots 1 and 2 in Deposited Plan 1120082, Parish Tarpoly, County Darling.

File Reference: TH05H247.

Note: On closing title to the land comprised in Lots 1 & 2 will remain vested in the State of New South Wales as Crown Land.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance to the provisions of the Roads Act 1993, the road hereunder specified is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Locality – Quirindi;
Land District – Quirindi;
L.G.A. – Liverpool Plains Shire Council*

Road Closed: Lot 1 in Deposited Plan 1120295, Parish Gunnadilly & Borambil, County Buckland.

File Reference: 07/2904.

Note: On closing title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance to the provisions of the Roads Act 1993, the road hereunder specified is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Locality – Big Jacks Creek;
Land District – Quirindi;
L.G.A. – Liverpool Plains Shire Council*

Road Closed: Lot 1 in Deposited Plan 1120297, Parish Gregson, County Buckland.

File Reference: 07/2905.

Note: On closing title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

TAREE OFFICE
98 Victoria Street (PO Box 440), Taree NSW 2430
Phone: (02) 6591 3500 Fax: (02) 6552 2816

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder is added to the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Taree	Reserve No: 1011970
Local Government Area: Great Lakes Council	Public Purpose: Access and Public
Parish: Forster	Requirements, Tourism
County: Gloucester	Purposes and
Locality: Forster	Environmental and
Lots 434 & 435 DP257034	Heritage Conservation
Lots 1 & 2 DP1086929	Notified: 28 July 2006
Area: 492m2	
File: TE06R30	
Notes: (1) Existing reservations under the Crown Lands Act are not revoked.	
(2) This addition is effective as from 7 December 2007.	

WAGGA WAGGA OFFICE**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder specified is closed, the road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,
Minister for Lands

Description

Parish – Pulletop;
County – Mitchell;
Land District – Wagga Wagga;
City – Wagga Wagga

Road Closed: Lot 1 in DP 1119180 at Burrandana.

File No: WA05H90.

Note: On closing, the land within Lot 1 in DP 1119180 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder specified is closed, the road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,
Minister for Lands

Description

Parish – Tara & Trickett;
County – Bourke;
Land District – Temora;
Shire – Temora

Road Closed: Lots 1 & 2 in DP 1115233 at Bectric.

File No: WA05H44.

Note: On closing, the land within Lots 1 & 2 in DP 1115233 remains vested in the State of New South Wales as Crown land.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Allan John Breust (re-appointment)	Bectric Recreation Reserve Trust	Reserve No. 37084 Public Purpose: Public Recreation Notified: 30 January 1904 File Reference: WA82R76/2
Ian William Thompson (re-appointment)		
David Eric Breust (re-appointment)		
Albert George Breust (re-appointment)		
Daryl John Moore (re-appointment)		
Glen Malcolm Breust (re-appointment)		

For a term commencing the date of this notice and expiring 30 September 2012.

WESTERN REGION OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Walgett North	Reserve No. 1014508
Local Government Area: Walgett Shire Council	Public Purpose: Community Purposes
Locality: Lightning Ridge	
<i>Lot Sec. D.P. No. Parish County</i>	
5 1100315 Wallangulla Finch	
Area: About 5672m2	
File Reference: 08/1169/1	

Notes: This Reserve revokes that part of Reserve 230083 and Reserve 230053 previously over Lot 5 DP 1100315

ESTABLISHMENT OF RESERVE TRUST

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Ella Nagy Youth Hall Reserve Trust	Reserve No. 1014508
	Public Purpose: Community Purposes
	Notified: This Day
	File Reference: 08/1169/1/1

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Barriekneal Housing & Community Ltd	Ella Nagy Youth Hall Reserve Trust	Reserve No. 1014508
		Public Purpose: Community Purposes
		Notified: This Day
		File Reference: 08/1168/1

For a term commencing the date of this notice.

ALTERATION OF CORPORATE NAME OF RESERVE TRUST

PURSUANT to section 92(3) of the Crown Lands Act 1989, the corporate name of the reserve trust specified in Schedule 1 hereunder, which is trustee of the reserve referred to in Schedule 2, is altered to the corporate name specified in Schedule 3.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

Balranald War Memorial Reserve Trust.

SCHEDULE 2

Reserve No. 89042.
Public Purpose: War Memorial.
Notified: 12 October 1973.
File Reference: WL90R13/2.

SCHEDULE 3

Balranald War Memorial Park Reserve Trust.

Department of Planning



New South Wales

Armidale Dumaresq Local Environmental Plan 2008

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/00885)

FRANK SARTOR, M.P.,
Minister for Planning

Armidale Dumaresq Local Environmental Plan 2008

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Armidale Dumaresq Local Environmental Plan 2008

Clause 1

Preliminary

Part 1

Armidale Dumaresq Local Environmental Plan 2008

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of Plan

This Plan is *Armidale Dumaresq Local Environmental Plan 2008*.

2 Aims of Plan

The aims of this Plan are:

- (a) to provide a single local environmental plan for Armidale Dumaresq, and
- (b) to facilitate stimulation of demand for a range of residential, enterprise and employment opportunities, and
- (c) to ensure that development is sensitive to both the economic and social needs of the community, and
- (d) to provide a choice of living opportunities and types of settlements, and
- (e) to encourage the proper management, development and conservation of resources in Armidale Dumaresq by protecting, enhancing and conserving:
 - (i) land of significance to agricultural production, and
 - (ii) timber, minerals, soils, water and other natural resources, and
 - (iii) areas of high scenic or recreational value, and
 - (iv) native plants and animals, and
 - (v) places and buildings of heritage significance, and
- (f) to ensure that development has regard to the principles of ecologically sustainable development.

3 Land to which Plan applies

This Plan applies to all land in the local government area of Armidale Dumaresq.

Clause 4 Armidale Dumaresq Local Environmental Plan 2008

Part 1 Preliminary

4 Definitions

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

5 Notes

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

6 Consent authority

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

7 Adoption of Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980*, except clauses 4, 7, 8, 15, 16, 19 (in its application to car repair stations), 28, 29, 31, 32 and 34, are adopted for the purposes of this Plan.

8 Repeal of other local planning instruments applying to land

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

9 Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a 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

Armidale Dumaresq Local Environmental Plan 2008

Clause 9

Preliminary

Part 1

-
- (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*.
- (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).

Clause 10 Armidale Dumaresq Local Environmental Plan 2008
 Part 2 General restrictions on the development of land

Part 2 General restrictions on the development of land

10 Zones indicated on the map

For the purposes of this Plan, land to which this Plan applies is in a zone specified below if the land is shown on the map in the manner specified below in relation to that zone:

Zone	Description
No 1 (a) General Rural	coloured light brown and lettered 1 (a)
No 1 (b) Rural Living	coloured light brown and lettered 1 (b)
No 1 (c) Rural Fringe	coloured light brown and lettered 1 (c)
No 1 (d) Urban Fringe	coloured light brown and lettered 1 (d)
No 1 (f) Forestry	coloured light brown and lettered 1 (f)
No 2 (a) Residential	coloured light scarlet and lettered 2 (a)
No 2 (b) Low Density Residential	coloured dark scarlet and lettered 2 (b)
No 2 (c) Future Residential	coloured dark scarlet and lettered 2 (c)
No 2 (v) Village	coloured light scarlet and lettered 2 (v)
No 3 (a) General Business	coloured light blue and lettered 3 (a)
No 4 (a) Industrial	coloured dark purple and lettered 4 (a)
No 4 (b) Industrial (Highway)	coloured dark purple and lettered 4 (b)
No 5 (a) Special Uses	coloured yellow with red "use" notation and lettered 5 (a)
No 5 (b) Special Uses (Railway)	coloured blue-purple and lettered 5 (b)
No 5 (c) Special Uses (Controlled Access Road)	coloured yellow and lettered 5 (c)
No 6 (a) Open Space (Public)	coloured green and lettered 6 (a)
No 6 (b) Open Space (Private)	coloured light green and lettered 6 (b)
No 7 (a) Environment Protection (Prime Scenic)	coloured orange and lettered 7 (a)
No 7 (b) Environment Protection (Support Scenic)	coloured light orange and lettered 7 (b)
No 7 (c) Environment Protection (Rural Scenic)	coloured orange and lettered 7 (c)

Armidales Dumaresq Local Environmental Plan 2008

Clause 11

General restrictions on the development of land

Part 2

Zone	Description
No 8 (a) National Parks and Nature Reserves	coloured dark green and lettered 8 (a)
No 9 (a) Reservations	coloured light green and lettered 9 (a)
No 10 (a) Enterprise	coloured light purple and lettered 10 (a)

11 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility if 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:
 - (a) 20 metres for:
 - (i) Zone No 1 (d) Urban Fringe,
 - (ii) Zone No 2 (a) Residential,
 - (iii) Zone No 2 (b) Low Density Residential,
 - (iv) Zone No 2 (c) Future Residential,
 - (v) Zone No 2 (v) Village,
 - (vi) Zone No 3 (a) General Business,
 - (vii) Zone No 4 (a) Industrial,
 - (viii) Zone No 4 (b) Industrial (Highway),
 - (ix) Zone No 5 (a) Special Uses
 - (x) Zone No 5 (b) Special Uses (Railway),
 - (xi) Zone No 6 (b) Open Space (Private),
 - (xii) Zone No 9 (a) Reservations,
 - (xiii) Zone No 10 (a) Enterprise, or
 - (b) 100 metres for:
 - (i) Zone No 1 (a) General Rural,
 - (ii) Zone No 1 (b) Rural Living,
 - (iii) Zone No 1 (c) Rural Fringe,
 - (iv) Zone No 1 (f) Forestry.
- (3) This clause does not apply to:
 - (a) land in Zone No 5 (c), 6 (a), 7 (a), 7 (b), 7 (c) or 8 (a), or

Clause 12 Armidale Dumaresq Local Environmental Plan 2008

Part 2 General restrictions on the development of land

- (b) land proposed to be developed for the purpose of restricted premises or sex services premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, 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.

12 Exempt and complying development

- (1) Development meeting the criteria for exempt development in *Armidale Dumaresq Development Control Plan 2007*, as in force on the commencement of this Plan, being development of minimal environmental impact, is exempt development for the purposes of the Act.
- (2) Local development that complies with the standards and any other requirements specified for complying development in *Armidale Dumaresq Development Control Plan 2007*, as in force on the commencement of this Plan, is complying development for the purposes of the Act.

13 Zone objectives and development controls

- (1) The objectives and development controls for each zone are set out in clauses 14–36 of this Plan.
- (2) The objectives for each zone are set out under the heading “Zone objectives” appearing in the clause relating to the zone.
- (3) Except as otherwise provided by this Plan, in relation to land in a zone specified in clauses 14–36 of this Plan, the development (if any) that:
 - (a) may be carried out without development consent, or
 - (b) may be carried out only with development consent, or
 - (c) is prohibited,

Armidales Dumaresq Local Environmental Plan 2008

Clause 14

General restrictions on the development of land

Part 2

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

- (4) In clauses 14–36, 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.
- (5) The development controls that are specific to development on land in each zone are set out in the clause relating to the zone.
- (6) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land in the zone.

14 Zone No 1 (a) General Rural

(1) Zone objectives

The objectives for development in this zone are:

- (a) to encourage sustainable primary industries now and into the future, and
- (b) to prevent the fragmentation of agricultural land, and
- (c) to avoid land use conflict, and
- (d) to allow for non-agricultural uses that will not restrict the use of other rural land in the locality for agricultural purposes, and
- (e) to protect natural ecological systems and processes.

(2) Without development consent

Construction camps; dams; forestry; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) Only with development consent

Development not included in subclause (2) or (4)

(4) Prohibited

Boarding houses; bulky goods premises; car parking stations; commercial premises; group of convenience shops; hazardous industries; hazardous storage establishments; integrated housing; multi dwelling housing; offensive industries; offensive storage establishments; restricted premises; sex services premises; shops (other than convenience shops); vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouses or distribution centres

Clause 14 Armidale Dumaresq Local Environmental Plan 2008

Part 2 General restrictions on the development of land

(5) **Area for hatchet shaped lots**

A reference in subclauses (7), (8) and (10) to the area of a lot does not include the area of an access corridor for a hatchet shaped lot.

(6) **Existing holdings**

For the purposes of subclause (8), *existing holding* means:

- (a) a holding comprising a lot or parcel of land as it was on 26 July 1974, or
- (b) if, on 4 June 1985, a person owned 2 or more adjoining or adjacent lots or parcels of land, a holding comprising the aggregation of the areas of those lots or parcels as they were on 26 July 1974.

(7) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have:
 - (i) an area of at least 200 hectares, and
 - (ii) a ratio of depth to frontage satisfactory to the consent authority, having regard to the purpose for which the lot is used, or is intended to be used, and
 - (iii) if the lot will have a frontage to an arterial road, a frontage to that road of at least 400 metres.
- (c) Consent may be granted to subdivide land in this zone so as to create a lot with an area of less than 200 hectares, but not less than 2 hectares, if the consent authority is satisfied that:
 - (i) the lot is intended to be used for intensive agriculture and is of a size capable of being used for that purpose, and
 - (ii) creation of the lot will not adversely affect the agricultural viability or potential of the residue of the land subdivided and the residue is capable of economically supporting an agricultural use of a type common in the locality, and
 - (iii) the proposed use to which the lot will be put is economically viable, having regard to the size and layout of the lot, and
 - (iv) an adequate water supply is available, or can be made available, to the proposed lot, and is of a suitable capacity for the proposed use, and
 - (v) adequate all-weather vehicular access is available, or can be made available, to the lot, and

Armidale Dumaresq Local Environmental Plan 2008

Clause 14

General restrictions on the development of land

Part 2

- (vi) the proposed use will not adversely affect the amenity of the land surrounding the proposed lots, and
 - (vii) if the lot will have a frontage to an arterial road, the frontage to that road will be at least 200 metres.
 - (d) Consent may be granted to subdivide land in this zone so as to create a lot with an area of less than 200 hectares if the consent authority is satisfied that:
 - (i) the lot is intended to be used for a purpose (other than agriculture or a dwelling house) for which it may be used without or with development consent, and
 - (ii) the ratio of depth to frontage of the lot is satisfactory having regard to the purpose for which the lot is intended to be used, and
 - (iii) if the lot will have a frontage to an arterial road, the frontage to that road will be at least 200 metres.
 - (e) Despite the other provisions of this clause, the consent authority may grant consent to subdivide land for the purpose of transferring land to an adjoining landowner if the subdivision will not result in the creation of any additional lots.
 - (f) In considering whether to grant consent under paragraph (e), the consent authority must take into consideration the effect of the subdivision on the agricultural use or potential agricultural use of the land.
- (8) **Dwelling houses**
- (a) Except as provided by this clause, consent may not be granted to erect a dwelling house.
 - (b) Consent may be granted for a dwelling house to be erected on a lot in this zone if:
 - (i) the lot has an area of at least 200 hectares, or
 - (ii) the lot is a lot referred to in subclause (7) (c) and the consent authority is satisfied that the dwelling house will be ancillary or subsidiary to the present or intended development or use of the land for the purpose of agriculture.
 - (c) Consent may be granted, for an application lodged with the consent authority within 3 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after 4 June 1985 for the purposes referred to in clause 6 of *State Environmental Planning Policy No 4—Development Without*

Clause 14 Armidale Dumaresq Local Environmental Plan 2008

Part 2 General restrictions on the development of land

Consent and Miscellaneous Exempt and Complying Development) that is less than 200 hectares and on which no dwelling house is erected and the consent authority is satisfied that:

- (i) there will be adequate vehicular access to the dwelling house, and
 - (ii) the erection of the dwelling house will not create or increase ribbon development along a main or arterial road, and
 - (iii) adequate utility services are or will be available to the existing holding.
- (d) Consent may also be granted, for an application lodged with the consent authority within 3 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land is a lot lawfully created before 31 July 1992 being a lot on which a dwelling house could have been erected under Dumaresq Local Environmental Plan No 1, 2, 3, 4, 5 or 6.

(9) Replacement of an existing dwelling house

Consent may be granted to erect a dwelling house on a lot in this zone on which there is an existing dwelling house only if the proposed dwelling house will wholly replace the existing dwelling house.

(10) Additional dwellings

Consent may be granted to the erection of an additional dwelling on land in this zone only if:

- (a) the development comprises the alteration of an existing dwelling house to create 2 dwellings, or
- (b) the additional dwelling will be separate to the existing dwelling house on the land and the following are satisfied:
 - (i) the land has an area of at least 40 hectares and will be consolidated into one lot,
 - (ii) the additional dwelling is located on the same land as the existing dwelling house and the additional dwelling will not be capable of being excised by way of transfer of a new or existing title,
 - (iii) the dwellings share a common access to a public road, if practicable.

(11) Industrial development

Consent must not be granted to development for the purposes of an industry unless the consent authority is satisfied that:

Armidales Dumaresq Local Environmental Plan 2008

Clause 14

General restrictions on the development of land

Part 2

-
- (a) the development could not reasonably be located in Zone No 4 (a), 4 (b) or 10 (a) because of its proximity to other development or other specific requirements related to the development, and
 - (b) adequate utility services are, or can be made, available to the proposed development, and
 - (c) the development will not adversely affect the amenity of land in the locality.

(12) **Setbacks to arterial roads**

- (a) If land in this zone has a frontage of 40 metres or more to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road, is:
 - (i) 45 metres for a motel, or
 - (ii) 30 metres for a building for an industry, or
 - (iii) 18 metres for any building other than a motel or for an industry.
- (b) If land in this zone has a frontage of less than 40 metres to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road, is:
 - (i) 65 metres for a motel, or
 - (ii) 50 metres for a building for an industry, or
 - (iii) 38 metres for any building other than a motel or for an industry.
- (c) Despite paragraphs (a) and (b), a person may, with consent, erect a building for a purpose incidental to the use of land for agriculture within a lesser setback than that set out in those paragraphs if, in the opinion of the consent authority, the erection of the building will not:
 - (i) cause a traffic hazard, or
 - (ii) create or tend to create ribbon development along the arterial road to which the site has frontage.

(13) **Hotels, motels, caravan parks**

Consent must not be granted to erect a hotel, motel or caravan park on land in this zone if the land has a frontage of less than 200 metres to a main or an arterial road.

(14) **Convenience shops**

Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot:

Clause 15 Armidale Dumaresq Local Environmental Plan 2008

Part 2 General restrictions on the development of land

- (a) has a frontage to an arterial road, or
- (b) is less than 800 metres from another convenience shop, shop or group of convenience shops.

(15) **Water cycle management**

If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

- (a) the proposed water supply is adequate, and
- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
- (c) any adverse impact of water use on environmental and human health is minimised.

15 Zone No 1 (b) Rural Living

(1) **Zone objectives**

The objectives for development in this zone are:

- (a) to allow dwellings to be constructed on the land subject to the land's capability, and
- (b) to protect the amenity of existing residents by ensuring future land uses are compatible with residential living areas, and
- (c) to ensure that buildings do not detract from the scenic landscape quality of the area, and
- (d) to protect and improve the water quality of receiving streams, and
- (e) to encourage the preservation and enhancement of native vegetation, including habitat linkages, and
- (f) to minimise the potential for land use conflict by discouraging development that is incompatible with existing development on adjoining land or other land in the locality, to the extent that proposed development is likely to adversely affect existing residential amenity or the viability of existing activities or works being carried out.

(2) **Without development consent**

Construction camps; dams; forestry; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

Armidaire Dumaresq Local Environmental Plan 2008

Clause 15

General restrictions on the development of land

Part 2

(3) **Only with development consent**

Development not included in subclause (2) or (4)

(4) **Prohibited**

Abattoirs; boarding houses; bulky goods premises; commercial premises; hazardous industries; hazardous storage establishments; high technology industries; highway service centres; hotels; industries (other than home industries or rural industries); integrated housing; landing areas; light industries (other than home industries or rural industries); motels; multi dwelling housing; offensive industries; offensive storage establishments; restricted premises; road transport terminals; sex services premises; shops (other than convenience shops); stock and saleyards; vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouses or distribution centres; waste depots; waste disposal facilities

(5) **Development generally**

Consent must not be granted to carry out development on land in this zone unless the consent authority is satisfied that:

- (a) the development is in keeping with the existing character of the locality, and
- (b) the development, including dwelling houses, will not adversely affect the use of the adjoining land, and
- (c) adequate and suitable services, including water supply, effluent disposal and access are, or can be made, available to the development.

(6) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent must not be granted to subdivide land in this zone if:
 - (i) a lot to be created will be 200 hectares or more and have a frontage to an arterial road of less than 400 metres, or
 - (ii) a lot to be created will be less than 200 hectares and have a frontage to an arterial road of less than 200 metres.
- (c) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have an area of at least 40 hectares.
- (d) Consent may be granted to subdivide land in this zone so as to create a lot with an area of less than 40 hectares, but not less than 2 hectares, if the consent authority is satisfied that:
 - (i) the lot is intended to be used for intensive agriculture and is of a size capable of being used for that purpose, and

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- (ii) creation of the lot will not adversely affect the agricultural viability or potential of the residue of the land subdivided and the residue is capable of economically supporting an agricultural use of a type common in the locality, and
 - (iii) the proposed use to which the lot will be put is economically viable, having regard to the size and layout of the lot, and
 - (iv) an adequate water supply is available, or can be made available, to the proposed lot and is of a suitable capacity for the proposed use, and
 - (v) adequate all-weather vehicular access is available, or can be made available, to the lot, and
 - (vi) the proposed use will not adversely affect the amenity of the land surrounding the proposed lots, and
 - (vii) if the lot will have a frontage to an arterial road, the frontage to that road will be at least 200 metres.
- (e) Despite the other provisions of this clause, the consent authority may grant consent to subdivide land for the purpose of transferring land to an adjoining landowner if the subdivision will not result in the creation of any additional lots.
- (f) In considering whether to grant consent under paragraph (e), the consent authority must take into consideration the effect of the subdivision on the agricultural use or potential agricultural use of the land.
- (7) **Dwelling houses**
- (a) Except as provided by this clause, consent may not be granted to erect a dwelling house.
 - (b) Consent may be granted for a dwelling house to be erected on a lot in this zone if:
 - (i) the lot has an area of at least 40 hectares, or
 - (ii) the lot is a lot lawfully created before the commencement of this Plan in accordance with clause 11 of *Dumaresq Local Environmental Plan No 1*, as amended, or *Dumaresq Local Environmental Plan No 3, 5 or 17*, or
 - (iii) the lot is a lot referred to in subclause 6 (d) and the consent authority is satisfied that the dwelling house is ancillary or subsidiary to the present or intended development or use of the lot for the purpose of agriculture, or
 - (iv) the lot is a holding with the same configuration as it had on 1 July 2004.

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- (c) Consent may be granted, for an application lodged with the consent authority within 3 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after 4 June 1985 for the purposes referred to in clause 6 of *State Environmental Planning Policy No 4—Development Without Consent Miscellaneous Exempt and Complying Development*) that is less than 40 hectares and on which no dwelling house is erected and the consent authority is satisfied that:
- (i) there will be adequate vehicular access to the dwelling house, and
 - (ii) the erection of the dwelling house will not create or increase ribbon development along a main or arterial road, and
 - (iii) adequate utility services are or will be available to the existing holding.
- (d) Consent may also be granted, for an application lodged with the consent authority within 3 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land is a lot lawfully created before 31 July 1992 being a lot on which a dwelling house could have been erected under *Dumaresq Local Environmental Plan No 1, 2, 3, 4, 5 or 6*.
- (e) Consent may be granted, for an application lodged with the consent authority within 2 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land is a lot that:
- (i) was created before 1 July 2004, and
 - (ii) is located between the Main Northern Railway Line and Long Swamp Road and is shown with orange diagonal hatching on the map.
- (f) In this subclause, ***existing holding*** means:
- (a) a holding comprising the area of a lot or parcel of land as it was at 26 July 1974, or
 - (b) if, as at 4 June 1985, a person owned 2 or more adjoining or adjacent lots or parcels of land, a holding comprising the aggregation of the areas of those lots or parcels as they were as at 26 July 1974.
- (8) **Replacement of an existing dwelling house**
- Consent may be granted to the erection of a dwelling house on a lot on which there is an existing dwelling house only if the proposed dwelling house will wholly replace the existing dwelling house.

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(9) **Additional dwellings**

Consent may be granted to the erection of an additional dwelling on land in this zone only if:

- (a) the development comprises the alteration of an existing dwelling house to create 2 dwellings, or
- (b) if the additional dwelling will be separate to the existing dwelling house on the land and the following are satisfied:
 - (i) the land has an area of at least 40 hectares and will be consolidated into one lot,
 - (ii) the additional dwelling is located on the same parcel of land as the existing dwelling house and the additional dwelling will not be capable of being excised by way of transfer of a new or existing title,
 - (iii) the dwellings share a common access to a public road, if practicable.

(10) **Setbacks to arterial roads**

- (a) If land in this zone has a frontage of 40 metres or more to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road, is:
 - (i) 45 metres for a motel, or
 - (ii) 30 metres for a building for an industry, or
 - (iii) 18 metres for any building other than a motel or for an industry.
- (b) If land in this zone has a frontage of less than 40 metres to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road, is:
 - (i) 65 metres for a motel, or
 - (ii) 50 metres for a building for an industry, or
 - (iii) 38 metres for any building other than a motel or for an industry.
- (c) Despite paragraphs (a) and (b), a person may, with consent, erect a building for a purpose incidental to the use of the land for agriculture within a lesser setback than that set out in those paragraphs if, in the opinion of the consent authority:
 - (i) the levels, depths or other exceptional physical conditions of the site make it necessary or expedient to do so, and

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- (ii) the erection of the building will not cause a traffic hazard, or create, or tend to create, ribbon development along the main or arterial road to which the site has frontage.

(11) **Caravan parks**

Consent must not be granted to carry out development for the purpose of a caravan park on land in this zone if the land has a frontage of less than 200 metres to a main or an arterial road.

(12) **Convenience shops**

Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot:

- (a) has a frontage to an arterial road, or
- (b) is less than 800 metres from another convenience shop, shop or group of convenience shops.

(13) **Water cycle management**

If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

- (a) the proposed water supply is adequate, and
- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
- (c) any adverse impact of water use on environmental and human health is minimised.

(14) **Subdivision of Lots 1, 192, 494, 554, 555 and 767, DP 66672 and Lot 2, DP 569410 prohibited**

Despite any other provision of this Plan, subdivision for the purpose of erecting a dwelling house on land comprising Lots 1, 192, 494, 554, 555 and 767, DP 66672 and Lot 2, DP 569410 is prohibited.

(15) **Additional uses**

Despite any other provision of this Plan, consent may be granted for land identified in Column 1 of the following table, to be used for the development specified in Column 2, subject to any conditions detailed in Column 3:

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Column 1 Land	Column 2 Development	Column 3 Conditions
11087–11097 New England Highway and 4 Link Road, Armidale being Lot 23, DP 1060819 and Lot 20, DP 829599.	Development for the purposes of a vehicle showroom, vehicle body repair workshop, vehicle repair station, shop and commercial premises.	Development is ancillary to a transport museum on the land and is for the display, sale or repair of Veteran, Vintage or Classic motor vehicles only. Veteran motor vehicle refers to any motor vehicle built up to and including 1918, Vintage motor vehicle refers to any motor vehicle built between January 1919 and December 1930, and Classic motor vehicle refers to any motor vehicle that is 25 years or older.
11132 New England Highway, Armidale being Lot 1, DP 200277.	Development for the purpose of a bus depot.	The development does not service, repair or garage more than 3 buses.
49–57 Inces Road, Armidale being Lot 3, DP 240862.	Development for the purpose of a dwelling house.	

16 Zone No 1 (c) Rural Fringe

(1) Zone objectives

The objectives for development in this zone are:

- (a) to allow subdivision of the land subject to the land's capability, and
- (b) to protect the amenity of existing residents by ensuring that future land uses are compatible with residential living areas, and
- (c) to ensure that buildings do not detract from the scenic landscape quality of the area, and
- (d) to protect and improve the water quality of receiving streams, and
- (e) to encourage the preservation and enhancement of native vegetation, including habitat linkages, and
- (f) to minimise land use conflicts by discouraging intensive agricultural pursuits.

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(2) **Without development consent**

Construction camps; dams; forestry; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) **Only with development consent**

Development not included in subclause (2) or (4)

(4) **Prohibited**

Abattoirs; airline terminals; airports; bulky goods premises; car parking stations; commercial premises; entertainment facilities; extractive industries; general advertising; generating works; hazardous industries; hazardous storage establishments; helipads; heliports; highway service centres; hotels; industries (other than home industries or rural industries); institutions; integrated housing; intensive livestock agriculture; intensive plant agriculture; light industries (other than home industries); liquid fuel depots; materials recycling facilities; mines; multi dwelling housing; offensive industries; offensive storage establishments; passenger transport terminals; recreation vehicle areas; restricted premises; road transport terminals; sawmills; sex services premises; shops (other than convenience shops); stock and sale yards; transport depots; vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouse or distribution centres; waste depots; waste disposal facilities

(5) **Development generally**

Consent must not be granted to carry out development on land in this zone unless the consent authority is satisfied that:

- (a) the development is in keeping with the existing character of the locality, and
- (b) the development, including dwelling houses, will not adversely affect the use of the adjoining land, and
- (c) adequate and suitable services including water supply, effluent disposal and access are, or can be made, available to the development.

(6) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have an area of at least 40 hectares.
- (c) Consent may be granted to subdivide land in this zone so as to create a lot with an area of less than 40 hectares, in the area shown with blue cross hatching on the map, if:

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- (i) the lot to be created by the subdivision is, or will be, connected to a reticulated water supply, and
 - (ii) if the lot is not connected to a reticulated sewerage system, the area of the lot is at least 2 hectares, or, if the lot is to be connected to a reticulated sewerage system, the area of the lot is at least 1 hectare.
- (d) Before granting consent under paragraph (c), the consent authority must be satisfied that:
- (i) soil erosion and sedimentation is controlled, and
 - (ii) the disposal of effluent will not result in the contamination of soil or groundwater, and
 - (iii) the density of the proposed development is consistent with the land capability, and
 - (iv) access to the lot created is not by direct access to an arterial road, and
 - (v) the development will not lead to conflict with agricultural operations on surrounding land, and
 - (vi) Aboriginal heritage values associated with the land are not adversely affected by the proposed development, and
 - (vii) if the land is contaminated as a result of past or present land uses, it is suitable or can be remediated to accepted standards for the proposed development.
- (e) Despite the other provisions of this clause, the consent authority may grant consent to subdivide land for the purpose of transferring land to an adjoining landowner if the subdivision will not result in the creation of any additional lots.
- (f) In considering whether to grant consent under paragraph (e), the consent authority must take into consideration the effect of the subdivision on the agricultural use or potential agricultural use of the land.
- (7) **Dwelling houses**
- (a) Except as provided by this clause, consent may not be granted to erect a dwelling house.
 - (b) Consent may be granted for a dwelling house to be erected on vacant land in this zone if:
 - (i) the land is a holding with an area of at least 40 hectares, or
 - (ii) the land is a holding with the same configuration as it had on 1 July 2004, or
 - (iii) the land is a lot created in accordance with subclause (6) (d), or

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- (iv) the land is a lot lawfully created before the commencement of this Plan in accordance with clause 11 of *Dumaresq Local Environmental Plan No 1*, as amended or *Dumaresq Local Environmental Plan No 3 or 17*.
 - (c) Consent may be granted, for an application lodged with the consent authority within 3 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after 4 June 1985 for the purposes referred to in clause 6 of *State Environmental Planning Policy No 4—Development Without Consent Miscellaneous Exempt and Complying Development*) that is less than 40 hectares and on which no dwelling house is erected and the consent authority is satisfied that:
 - (i) there will be adequate vehicular access to the dwelling house, and
 - (ii) the erection of the dwelling house will not create or increase ribbon development along a main or arterial road, and
 - (iii) adequate utility services are or will be available to the existing holding.
 - (d) Consent may also be granted, for an application lodged with the consent authority within 3 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land is a lot lawfully created before 31 July 1992 being a lot on which a dwelling house could have been erected under *Dumaresq Local Environmental Plan No 1, 2, 3, 4, 5 or 6*.
 - (e) In this subclause:

existing holding means:

 - (a) a holding comprising the area of a lot or parcel of land as it was at 26 July 1974, or
 - (b) if, as at 4 June 1985, a person owned 2 or more adjoining or adjacent lots or parcels of land, a holding comprising the aggregation of the areas of those lots or parcels as they were as at 26 July 1974.

vacant land means land on which no dwelling is erected.
- (8) **Replacement of an existing dwelling house**
- Consent may be granted to the erection of a dwelling house on a lot on which there is an existing dwelling house only if the proposed dwelling house will wholly replace the existing dwelling house.

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(9) **Additional dwellings**

Consent may be granted to the erection of an additional dwelling on land in this zone only if:

- (a) the development comprises the alteration of an existing dwelling house to create 2 dwellings, or
- (b) if the additional dwelling will be separate to the existing dwelling house on the land and the following are satisfied:
 - (i) the land has an area of at least 40 hectares and will be consolidated into one lot,
 - (ii) the additional dwelling is located on the same parcel of land as the existing dwelling house and the additional dwelling will not be capable of being excised by way of transfer of a new or existing title,
 - (iii) the dwellings share a common access to a public road, if practicable.

(10) **Convenience shops**

Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot:

- (a) has a frontage to an arterial road, or
- (b) is less than 800 metres from another convenience shop, shop or group of convenience shops.

(11) **Water cycle management**

If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

- (a) the proposed water supply is adequate, and
- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
- (c) any adverse impact of water use on environmental and human health is minimised.

(12) **Additional uses**

Despite any other provision of this Plan, consent may be granted for land identified in Column 1 of the following table, to be used for the development specified in Column 2, subject to any conditions detailed in Column 3:

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Column 1	Column 2	Column 3
Land	Development	Conditions
Uralla Road and Kurrawatha Avenue, Armidale, being Lots 640, 641, 642, 643, 661, 662 and 663, DP 755808 and Lot 1, DP 129672.	Development for the purpose of erecting a dwelling house on each lot.	

17 Zone No 1 (d) Urban Fringe**(1) Zone objectives**

The objectives for development in this zone are:

- (a) to provide for appropriate agricultural activities in proximity to the urban area of Armidale, and
- (b) to contribute to the rural setting of Armidale, and
- (c) to avoid land use conflict between urban development and agricultural uses, and
- (d) to allow for non-agricultural uses such as recreation areas that will not restrict the use of other rural land in the locality for agricultural purposes, and
- (e) to protect natural ecological systems and processes.

(2) Without development consent

Dams; forestry; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) Only with development consent

Development not included in subclause (2) or (4)

(4) Prohibited

Airports; boarding houses; bulky goods premises; car parking stations; commercial premises; group of convenience shops; hazardous industries; hazardous storage establishments; heliports; industries (other than rural industries); institutions; integrated housing; landing areas; multi dwelling housing; offensive industries; offensive storage establishments; restricted premises; sex services premises; shops (other than convenience shops); vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouse or distribution centres

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(5) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent may be granted to subdivide land in this zone for the purpose of agriculture or a dwelling house if each lot to be created by the subdivision will have an area of at least 5 hectares.
- (c) Consent may be granted to subdivide land in this zone so as to create a lot for a purpose other than agriculture or a dwelling, if the consent authority is satisfied that:
 - (i) the proposed use to which the lot will be put is environmentally sustainable and economically viable, having regard to the size and layout of the lot, and
 - (ii) adequate services are available, or can be made available, to the lot to satisfy the demand of the proposed use, and
 - (iii) adequate all-weather vehicular access is available, or can be made available, to the lot, and
 - (iv) the proposed use will not adversely affect the existing or potential capability of land in the locality to produce food or fibre, and
 - (v) no other land in the locality could reasonably be used for that purpose.
- (d) Despite the other provisions of this clause, the consent authority may grant consent to subdivide land for the purpose of transferring land to an adjoining landowner if the subdivision will not result in the creation of any additional lots.
- (e) In considering whether to grant consent under paragraph (d), the consent authority must take into consideration the effect of the subdivision on the agricultural use or potential agricultural use of the land.

(6) **Dual occupancy**

Consent may be granted for dual occupancy on a lot in this zone only if:

- (a) in the case of a lot that cannot be subdivided in accordance with this Plan, the dwellings comprise an attached dual occupancy, or in the case of a detached dual occupancy, the lot has an area of at least 10 hectares, and
- (b) the lot can be connected to the sewer or the consent authority is satisfied that the lot is of sufficient size and the soils are of appropriate quality for the effective on-site disposal of domestic sewage and waste water.

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(7) **Convenience shops**

Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot:

- (a) has a frontage to an arterial road, or
- (b) is less than 800 metres from another convenience shop, shop or group of convenience shops.

(8) **Water cycle management**

If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

- (a) the proposed water supply is adequate, and
- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
- (c) any adverse impact of water use on environmental and human health is minimised.

18 Zone No 1 (f) Forestry

(1) **Zone objectives**

The objective of this zone is to provide for forestry uses and other compatible uses in State forests.

(2) **Without development consent**

Dams; forestry; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) **Only with development consent**

Ancillary dwellings; depots; energy generating facilities; extractive industries; generating works; institutions; intensive plant agriculture; mines; recreation areas; recreation facilities; rural industries; sawmills; telecommunications facilities; tourist facilities

(4) **Prohibited**

Development not included in subclause (2) or (3)

19 Zone No 2 (a) Residential

(1) **Zone objectives**

The objectives for development in this zone are:

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- (a) to allow for diversity and choice of housing types and locations, appropriate to the zone and other essential needs of all households, and
 - (b) to encourage the development of predominantly residential areas, and
 - (c) to provide an environment where people can live and work in home businesses and professional services while maintaining the residential amenity of the surrounding area, and
 - (d) to enable retail development that is compatible with the predominantly residential characteristics of this zone and which serve the local neighbourhood, and
 - (e) to enable development of land in this zone that is appropriate to the surrounding residential area where the scale, height, type, operation and traffic-generating characteristics of the development are compatible with the character and amenity of the surrounding residential area and with existing or proposed development nearby.
- (2) **Without development consent**
Dams; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings
- (3) **Only with development consent**
Development not included in subclause (2) or (4)
- (4) **Prohibited**
Abattoirs; airports; animal boarding, breeding or training establishments; aquaculture; bulky goods premises; bulk stores; car parking stations; commercial premises; depots; entertainment facilities; extractive industries; general advertising; generating works; hazardous industries; hazardous storage establishments; helipads; heliports; highway service centres; hotels; industries (other than home industries); institutions; intensive livestock agriculture; intensive plant agriculture; light industries (other than home industries); liquid fuel depots; materials recycling facilities; mines; offensive industries; offensive storage establishments; passenger transport terminals; places of public entertainment; professional consulting offices (other than livestock breed society headquarters); recreation vehicle areas; restaurants; restricted premises; road transport terminals; sawmills; service stations; sex services premises; shops (other than convenience shops); stock and saleyards; take away food outlets; tourist facilities; transport depots; vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouse or distribution centres; waste depots; waste disposal facilities

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(5) **Area for hatchet shaped lots**

A reference in subclauses (6), (7) and (8) to the area of a lot does not include the area of an access corridor for a hatchet shaped lot.

(6) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have an area of at least 400 square metres.
- (c) Consent may be granted to subdivide land in this zone for the purposes of integrated housing if the total number of lots to be created by the subdivision is at least 5 and each lot will have an area of at least 232 square metres.

(7) **Dwelling houses**

- (a) Consent must not be granted for a dwelling house to be erected on a lot in this zone unless the area of the lot is 400 square metres or more.
- (b) Consent must not be granted to carry out integrated housing development on a lot in this zone unless each proposed lot will have an area of 230 square metres or more.

(8) **Dual occupancy**

Consent may be granted for dual occupancy on a lot in this zone only if:

- (a) in the case of an attached dual occupancy, the lot will have an area of at least 400 square metres, or
- (b) in the case of a detached dual occupancy, the lot will have an area of at least 600 square metres.

(9) **Convenience shops**

Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot is less than 400 metres from another convenience shop, a shop, a business zone or a group of convenience shops.

(10) **Additional uses**

Despite any other provision of this Plan, consent may be granted for land identified in Column 1 of the following table, to be used for the development specified in Column 2, subject to any conditions detailed in Column 3:

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Column 1	Column 2	Column 3
Land	Development	Conditions
80 Brown Street, Armidale being Lot A, DP 696046	Development for the purpose of an agriculture commodity trading business.	
Land in the area bounded by Jessie Street, Barney Street, Butler Street and Rusden Street, Armidale	Development for the purpose of a professional consulting office.	
Glen Innes Road (New England Highway), Armidale, being Lots 1 and 2, DP 826910	Development for the purpose of a professional consulting office.	
Corner Grafton Road and Canambe Street, Armidale, being Lots 204 and 205, DP 755808	Development for the purpose of bulky goods retailing (including a single major tenancy and additional smaller tenancies).	The gross floor area of the single major bulky goods retailing tenancy must not be less than 2,000 square metres. The gross floor area of any additional smaller bulky goods retailing tenancy must not be less than 500 square metres.
2-4 Stephen Street (corner with Mann), Armidale, being Lot 3, DP 520645	Development for the purpose of storage units used for the storage of goods, merchandise or materials.	

20 Zone No 2 (b) Low Density Residential

(1) Zone objectives

The objectives for development in this zone are:

- (a) to facilitate development primarily for the purposes of low density residential uses and associated activities on large and semi-rural lots in or adjoining urban areas, and
- (b) to ensure the type and intensity of development is appropriate to and compatible with the environmental characteristics of the land, and

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(c) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities and services, and

(d) to facilitate development for the purposes of small businesses and other activities in association with residential development on the same land.

(2) **Without development consent**

Dams; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) **Only with development consent**

Development not included in subclause (2) or (4)

(4) **Prohibited**

Abattoirs; airline terminals; airports; bulky goods premises; car parking stations; commercial premises; entertainment facilities; extractive industries; general advertising; generating works; hazardous industries; hazardous storage establishments; helipads; heliports; highway service centres; hotels; industries (other than home industries or rural industries); institutions; integrated housing; intensive livestock agriculture; intensive plant agriculture; light industries (other than home industries); liquid fuel depots; materials recycling facilities; mines; multi dwelling housing; offensive industries; offensive storage establishments; passenger transport terminals; recreation vehicle areas; restricted premises; road transport terminals; sawmills; sex services premises; shops (other than convenience shops); stock and sale yards; take away food outlets; transport depots; vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouse or distribution centres; waste depots; waste disposal facilities

(5) **Area for hatchet shaped lots**

A reference in subclauses (7), (8) and (9) to the area of a lot does not include the area of an access corridor for a hatchet shaped lot.

(6) **Development generally**

Consent must not be granted to carry out development on land in this zone unless the consent authority is satisfied that:

(a) the development is in keeping with the existing character of the locality, and

(b) adequate and suitable services including water supply, effluent disposal and access are, or can be made, available to the development.

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(7) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent must not be granted to subdivide land in this zone for a purpose that is likely to generate sewage, unless each lot to be created by the subdivision is, or will be, connected to the sewer, or the consent authority is satisfied that:
 - (i) each lot to be created by the subdivision has an adequate area and is suitable for the disposal of effluent on site, and
 - (ii) the use of on-site effluent management systems will not contribute to an adverse cumulative impact on soils and water in the area.
- (c) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have an area of at least 4,000 square metres.

(8) **Dwelling houses**

Consent must not be granted for a dwelling house to be erected on a lot in this zone unless the lot can be connected to a sewer or the consent authority is satisfied that the lot is of sufficient size and the soils are of appropriate quality for the effective on-site disposal of domestic sewage and waste water and:

- (a) the lot was created before the commencement of this Plan and has an area of at least 400 square metres, or
- (b) the lot was created in accordance with subclause (7).

(9) **Dual occupancy**

Consent may be granted for dual occupancy on a lot in this zone only if the lot can be connected to a sewer or, if the lot is unsewered, the consent authority is satisfied that the lot is of sufficient size and the soils are of appropriate quality for the effective on-site disposal of domestic sewage and waste water and:

- (a) in the case of an attached dual occupancy, a dwelling house could be erected on the lot in accordance with subclause (8), or
- (b) in the case of a detached dual occupancy, the lot has an area of at least 8,000 square metres.

(10) **Convenience shops**

Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot is less than 400 metres from another convenience shop, a shop, a business zone or a group of convenience shops.

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(11) **Water cycle management**

If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

- (a) the proposed water supply is adequate, and
- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
- (c) any adverse impact of water use on environmental and human health is minimised.

21 Zone No 2 (c) Future Residential

(1) **Zone objectives**

The objectives for development in this zone are:

- (a) to identify areas for future urban purposes that have the capacity to absorb additional population and are capable of being serviced in the longer term, and
- (b) to ensure that development on land that has been identified for future urban purposes does not compromise or restrict the potential for the land to be used for those purposes, and
- (c) to ensure that development is compatible with existing uses as well as future use of the land for predominantly residential purposes.

(2) **Without development consent**

Dams; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) **Only with development consent**

Development not included in subclause (2) or (4)

(4) **Prohibited**

Abattoirs; airports; animal boarding, breeding or training establishments; aquaculture; bulk stores; bulky goods premises; car parking stations; commercial premises; depots; entertainment facilities; extractive industries; general advertising; generating works; hazardous industries; hazardous storage establishments; helipads; heliports; highway service centres; hotels; industries (other than home industries); institutions; intensive livestock agriculture; intensive plant agriculture; light industries (other than home industries); liquid fuel depots; materials recycling facilities; mines; offensive industries; offensive storage establishments; passenger transport terminals; places of public

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entertainment; professional consulting offices; restaurants; restricted premises; road transport terminals; sawmills; service stations; sex services premises; shops (other than convenience shops); stock and sale yards; take away food outlets; transport depots; vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouse or distribution centres; waste depots; waste disposal facilities

(5) **Area for hatchet shaped lots**

A reference in subclause (7) to the area of a lot does not include the area of an access corridor for a hatchet shaped lot.

(6) **Development generally**

Consent must not be granted to carry out development on land in this zone unless the consent authority is satisfied that:

- (a) the development is compatible with existing development and likely future urban development, in particular residential development, and
- (b) adequate and suitable services including water supply, effluent disposal and access are, or can be made, available to the development, and
- (c) any buildings will be sited so as not to prejudice future subdivision and development of land for urban purposes.

(7) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent must not be granted to subdivide land in this zone for a purpose that is likely to generate sewage, unless each lot to be created by the subdivision is, or will be, connected to the sewer, or the consent authority is satisfied that:
 - (i) each lot to be created by the subdivision has an adequate area and is suitable for the disposal of effluent on site, and
 - (ii) the use of on-site effluent management systems will not contribute to an adverse cumulative impact on soils and water in the area.
- (c) Consent may be granted to subdivide land in this zone if:
 - (i) each lot to be created by the subdivision will have an area of at least 2 hectares, or
 - (ii) the subdivision is for residential purposes and:
 - (A) at least 25 residential lots will be created by the subdivision, and
 - (B) each residential lot to be created is not more than 1,500 square metres, and

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(C) each residential lot to be created is connected to a reticulated water supply and sewer.

(8) **Dual occupancy**

Consent may be granted for a detached dual occupancy on a lot in this zone only if the lot can be subdivided in accordance with subclause (7) (c).

(9) **Convenience shops**

Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot is less than 400 metres from another convenience shop, a shop, a business zone or a group of convenience shops.

(10) **Water cycle management**

If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

- (a) the proposed water supply is adequate, and
- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
- (c) any adverse impact of water use on environmental and human health is minimised.

22 Zone No 2 (v) Village

(1) **Zone objectives**

The objectives for development in this zone are:

- (a) to promote development in existing villages that reflects or enhances their character, and
- (b) to enable development for residential, retail, commercial and tourist uses and other urban purposes associated with a town or village, and
- (c) to ensure that the amenity of existing or proposed nearby developments is not adversely affected by new development.

(2) **Without development consent**

Dams; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) **Only with development consent**

Development not included in subclause (2) or (4)

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(4) **Prohibited**

Abattoirs; airports; extractive industries; general advertising; hazardous industries; hazardous storage establishments; helipads; heliports; highway service centres; institutions; intensive livestock agriculture; landing areas; mines; offensive industries; offensive storage establishments; sex services premises; waste depots; waste disposal facilities

(5) **Area for hatchet shaped lots**

A reference in subclauses (7) and (8) to the area of a lot does not include the area of an access corridor for a hatchet shaped lot.

(6) **Development generally**

Consent must not be granted to carry out development on land in this zone unless the consent authority is satisfied that:

- (a) the development is in keeping with the existing character of the locality, and
- (b) adequate and suitable services including water supply, effluent disposal and access are, or can be made, available to the development.

(7) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have:
 - (i) an area of at least 1,000 square metres, and
 - (ii) an adequate area that is suitable for the on-site disposal of effluent.

(8) **Dual occupancy**

Consent may be granted for a detached dual occupancy on a lot in this zone only if the lot has an area of at least 2,000 square metres.

(9) **Water cycle management**

If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

- (a) the proposed water supply is adequate, and
- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and

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- (c) any adverse impact of water use on environmental and human health is minimised, and
- (d) the use of on-site effluent management systems will not contribute to an adverse cumulative impact on soils and water in the area.

23 Zone No 3 (a) General Business

(1) Zone objectives

The objectives for development in this zone are:

- (a) to provide for the development and expansion of business activities that will contribute to local economic growth and employment opportunities, and
- (b) to identify the Central Business District and other established commercial business precincts in the City of Armidale as the appropriate location for retail, commercial, service and other compatible activities, in a way that respects the City's environmental attributes and heritage significance, and
- (c) to ensure that the Central Business District of Armidale is the main focus for commercial and retail activity and that development in other established business precincts does not compromise the role and diminish the viability of the Central Business District, and
- (d) to protect ground floor premises with street frontages in this zone for use as shops and commercial premises, and
- (e) to encourage a diversity of financial, commercial, civic administration, cultural and entertainment uses in the Central Business District of Armidale that contribute to its vitality as a precinct for business and community activities, and
- (f) to allow industry in commercial areas if it is compatible with the character of the locality and will not cause loss of amenity to occupants of nearby land, and
- (g) to allow residential development that is compatible with or benefits from its proximity to business and community activities in the town centre.

(2) Without development consent

Dams; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) Only with development consent

Development not included in subclause (2) or (4)

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(4) **Prohibited**

Abattoirs; airports; animal boarding, breeding or training establishments; aquaculture; bulk stores (with a floor space more than 500 square metres); cemeteries; extractive industries; general agriculture; generating works; hazardous industries; hazardous storage establishments; heliports; highway service centres; industries (with a floor space more than 500 square metres); intensive livestock agriculture; intensive plant agriculture; landing areas; light industries (with a floor space more than 500 square metres); liquid fuel depots; materials recycling facilities; mines; offensive industries; offensive storage establishments; roadside stalls; rural industries; rural workers' dwellings; sawmills; stock and sale yards; warehouse or distribution centres (with a floor space more than 500 square metres); waste depots; waste disposal facilities

(5) **Subdivision**

Land in this zone may be subdivided, but only with consent.

(6) **Overshadowing of the Mall in Beardy Street, Armidale**

- (a) In this subclause, *height*, in relation to a building, means the greatest vertical distance between the footpath level abutting the frontage of the site on which that building is located and the topmost point of that building at the footpath alignment
- (b) Consent must not be granted to erect a building on land abutting the northern side of Beardy Street between Dangar and Marsh Streets exceeding 10 metres in height unless that part of the building exceeding that height is set back one metre from the boundary of the footpath on the northern side of Beardy Street for each metre by which the building exceeds 10 metres in height.

(7) **Development on land bounded by Queen Elizabeth Drive, Golgotha Street, Niagara Street and Tancredi Street, Armidale**

- (a) This subclause applies to land in this zone bound by Queen Elizabeth Drive, Golgotha Street, Niagara Street and Tancredi Street, Armidale.
- (b) Consent may be granted to development for the purpose of a shop, commercial premises or bulky goods premises only if the gross floor area of the shop or premises is not more than 1,500 square metres.

(8) **Development on Lot 1, DP 799192 and Lot 19, Sections 601, 118 and 120, Niagara Street, Armidale**

- (a) This subclause applies to Lot 1, DP 799192 and Lot 19, Sections 601, 118 and 120, Niagara Street, Armidale.

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- (b) Consent may be granted to development for the purpose of a shop or bulky goods premises on the land to which this clause applies only if the gross floor area of the shop or premises is not more than 100 square metres.

24 Zone No 4 (a) Industrial

(1) Zone objectives

The objectives for development in this zone are:

- (a) to provide for the development and expansion of industrial activities that will contribute to local economic growth and employment opportunities, and
- (b) to facilitate development for the purposes of industrial, warehousing, transport, servicing and other compatible employment activities, and
- (c) to allow development of specific office and support or ancillary activities in association with the primary industrial uses in this zone, and
- (d) to ensure that development in this zone does not compromise the viability of the Central Business District as the main focus for commercial and retail activity in Armidale, and
- (e) to ensure that non-industrial land uses do not prejudice the availability of land for long term industrial requirements.

(2) Without development consent

Dams; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) Only with development consent

Development not included in subclause (2) or (4)

(4) Prohibited

Bed and breakfast accommodation; boarding houses; caravan parks; cemeteries; child care centres; commercial premises (other than ancillary offices or showrooms); dual occupancies; dwelling houses (but not ancillary dwellings); hazardous industries; hazardous storage establishments; integrated housing; manufactured home estates; mines; motels; multi dwelling housing; offensive industries; offensive storage establishments; restaurants; roadside stalls

(5) Subdivision

- (a) Land in this zone may be subdivided, but only with consent.

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(b) Consent must not be granted to subdivide land in this zone for a purpose other than a public road if any lot created by the subdivision will have direct vehicular access to an arterial road.

(6) Bulky goods premises

Consent must not be granted to development for the purposes of bulky goods premises on land in this zone unless the consent authority is satisfied that:

- (a) suitable land for the development is not available in Zone No 3 (a), and
- (b) to grant consent would not, because of the number of retail outlets that exist or are proposed on land in this zone, defeat the objective of providing a variety of developments for industrial purposes allowed in this zone, and
- (c) the proposed development will not detrimentally affect the viability of the Central Business District of Armidale.

(7) Offices, showrooms and shops

Consent may be granted to development in this zone for the purposes of offices, showrooms or shops only if the consent authority is satisfied that:

- (a) in relation to offices or showrooms, or both:
 - (i) the use of the office or showroom is ancillary or incidental to a use permitted in this zone and is on the same land, and
 - (ii) the area of the office or showroom, or both, is not more than 25% of the total gross floor area of the development, and
 - (iii) adequate on-site parking is available to accommodate the parking needs of the office or showroom, or both, or
- (b) in relation to shops:
 - (i) the use of the shop is ancillary or incidental to a use permitted in this zone and is on the same land, and
 - (ii) the gross floor area of the shop is not more than 100 square metres.

(8) Development on Lot 16, DP 755808, 15–25 Grafton Road, Armidale

Consent must not be granted to development on Lot 16, DP 755808, unless the consent authority is satisfied that the development is unlikely to detract from the existing residential amenity of the locality, taking into consideration:

- (a) the hours of operation of the development, and

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- (b) the location, siting, bulk, scale, height, density, design or external appearance of the development, and
- (c) the proposed means of access for the development and any provision for loading, unloading, manoeuvring and parking of vehicles in the development or on the land, and
- (d) the amount of traffic likely to be generated by the development, and
- (e) any matter that is likely to affect the residential amenity of the locality.

25 Zone No 4 (b) Industrial (Highway)

(1) Zone objectives

The objectives for development in this zone are:

- (a) to set aside certain land adjacent to the Armidale Regional Airport for a range of industrial and employment generating developments, and
- (b) to provide for development that serves the travelling public and highway users, and
- (c) to provide for bulky goods retailing, warehousing, light industrial and trade activities that would not jeopardize the viability or function of the business or industrial areas in Armidale, and
- (d) to provide for development if its activities complement those of Armidale Regional Airport or benefit from being located in proximity to the Armidale Regional Airport.

(2) Without development consent

Dams; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) Only with development consent

Development not included in subclause (2) or (4)

(4) Prohibited

Abattoirs; boarding houses; caravan parks; clubs; dual occupancies; dwelling houses (but not ancillary dwellings); educational establishments; entertainment facilities; hazardous industries; hazardous storage establishments; hospitals; hotels; institutions; integrated housing; intensive livestock agriculture; intensive plant agriculture; manufactured home estates; mines; multi dwelling housing; offensive industries; offensive storage establishments; places of public entertainment; places of worship; restaurants; roadside stalls; shops

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(other than shops ancillary or incidental to a permitted use); vehicle showrooms; waste disposal facilities

(5) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent must not be granted to subdivide land in this zone for a purpose other than a public road if any lot created by the subdivision will have direct vehicular access to an arterial road.

(6) **Bulky goods premises**

Consent must not be granted to development for the purposes of bulky goods premises on land in this zone unless the consent authority is satisfied that:

- (a) suitable land for the development is not available in Zone No 3 (a), and
- (b) to grant consent would not, because of the number of retail outlets that exist or are proposed on land in this zone, defeat the objective of providing a variety of developments for highway related and industrial purposes allowed in this zone, and
- (c) the proposed development will not detrimentally affect the viability of the Central Business District of Armidale.

(7) **Offices, showrooms and shops**

Consent may be granted to development in this zone for the purposes of offices, showrooms or shops only if the consent authority is satisfied that:

- (a) in relation to offices or showrooms, or both:
 - (i) the use of the office or showroom is ancillary or incidental to a use permitted in this zone and is on the same land, and
 - (ii) the area of the office or showroom, or both, is not more than 25% of the total gross floor area of the development, and
 - (iii) adequate on-site parking is available to accommodate the parking needs of the office, showroom or both, or
- (b) in relation to shops:
 - (i) the use of the shop is ancillary or incidental to a use permitted in this zone and is on the same land, and
 - (ii) the gross floor area of the shop is not more than 100 square metres.

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26 Zone No 5 (a) Special Uses

(1) Zone objectives

The objectives for development in this zone are:

- (a) to facilitate the development of land in this zone for a range of community service uses whether provided publicly or privately and including, but not limited to, educational establishments, places of worship, health care services, utility services and ancillary activities, and
- (b) to provide for development of land in this zone, not required for community services, that reflects adjoining or nearby land uses, provided that the viability of the business and industrial zones is not compromised.

(2) Without development consent

Dams; general agriculture; home occupations; maintenance dredging; public utility undertakings

(3) Only with development consent

Building identification signs; business identification signs; depots; energy generating facilities; telecommunications facilities; the particular purpose indicated by red lettering on the zoning map and purposes associated with or ancillary to the particular purpose indicated on the zoning map

(4) Prohibited

Development not included in subclause (2) or (3)

(5) Subdivision

Land in this zone may be subdivided, but only with consent.

(6) Airport related development

- (a) In this subclause, *airport related development* means the primary use of a building or place as an office or for other business or commercial purposes functionally related to an airport, and includes uses or services related to but not restricted to the following:
 - (i) the assembly, storage and land transport of air freight,
 - (ii) the transportation of passengers by air or land,
 - (iii) training,
 - (iv) the provision of services for passengers and operators, including accommodation and food outlets,
 - (v) the operation, maintenance or repair of aircraft and associated equipment and machinery,

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- (vi) administrative functions associated with the airport, such as airport management and security,
 - (vii) the functions of government departments and authorities related to air passengers and air freight,
 - (viii) services provided for hotel or motel guests, including banking, dry cleaning, hairdressing, and the like, that are located within the confines of the hotel or motel building.
- (b) Consent may be granted to airport related development on land in the Special Uses 5 (a) zone and shown with red "Airport" notation on the map.

27 Zone No 5 (b) Special Uses (Railway)

(1) **Zone objectives**

The objectives for development in this zone are:

- (a) to facilitate the use and development of land in this zone for railways and ancillary purposes, and
- (b) to allow land that is no longer required for railway purposes to be used for purposes that are consistent with those permissible in adjoining zones and compatible with any remaining railway activity.

(2) **Without development consent**

Dams; general agriculture; home occupations; maintenance dredging; public utility undertakings; railways

(3) **Only with development consent**

Building identification signs; business identification signs; development for a purpose ancillary to a railway; energy generating facilities; telecommunications facilities

(4) **Prohibited**

Development not included in subclause (2) or (3)

(5) **Subdivision**

Land in this zone may be subdivided, but only with consent.

28 Zone No 5 (c) Special Uses (Controlled Access Road)

(1) **Zone objectives**

The objective of this zone is to provide for development in this zone for road purposes.

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- (2) **Without development consent**
Construction camps; dams; public utility undertakings; roads
- (3) **Only with development consent**
Telecommunications facilities
- (4) **Prohibited**
Development not included in subclause (2) or (3)
- (5) **Subdivision**
Land in this zone may be subdivided, but only with consent.

29 Zone No 6 (a) Open Space (Public)

- (1) **Zone objectives**
The objectives for development in this zone are:
 - (a) to identify land that is used, or intended to be used, for public open space, recreation and associated purposes, and
 - (b) to protect and, if appropriate, enhance the environmental characteristics of this zone, including landscape quality and flora and fauna habitat, and to safeguard ecological processes, and
 - (c) to enable development for purposes other than recreation only if it can be demonstrated that the proposed use will not adversely affect the long-term use of the land for recreation.
- (2) **Without development consent**
Dams; general agriculture; home occupations; maintenance dredging; public utility undertakings
- (3) **Only with development consent**
Ancillary dwellings; building identification signs; bus stations; business identification signs; car parking stations; caravan parks; child care centres; clubs; community facilities; energy generating facilities; entertainment facilities; markets; recreation areas; recreation facilities; refreshment rooms; telecommunications facilities; tourist facilities
- (4) **Prohibited**
Development not included in subclause (2) or (3)
- (5) **Subdivision**
Land in this zone may be subdivided, but only with consent.

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(6) **Development generally**

Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration:

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

(7) **Armidale Showground**

The Armidale Showgrounds may be used without consent for the purposes of trade stands, livestock pens, judging rings and pavilions involving the occasional display of goods for sale or exhibition.

30 Zone No 6 (b) Open Space (Private)

(1) **Zone objectives**

The objectives for development in this zone are:

- (a) to identify land used or to be used for private open space, recreation and associated purposes that is not owned by Council or another public authority, and
- (b) to enable development of the land for recreational purposes and uses associated with recreation.

(2) **Without development consent**

Dams; home occupations; maintenance dredging; public utility undertakings

(3) **Only with development consent**

Ancillary dwellings; building identification signs; bus stations; business identification signs; car parking stations; child care centres (ancillary to permissible use); clubs; community facilities; energy generating facilities; entertainment facilities; general agriculture; helipads; markets; recreation areas; recreation facilities; refreshment rooms; restaurants; telecommunications facilities; tourist facilities

(4) **Prohibited**

Development not included in subclause (2) or (3)

(5) **Subdivision**

Land in this zone may be subdivided, but only with consent.

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31 Zone No 7 (a) Environment Protection (Prime Scenic)

(1) Zone objectives

The objectives for development in this zone are:

- (a) to conserve and enhance the biodiversity, visual and recreational values of the hilltops and ridges surrounding Armidale, and
- (b) to enable development only if it can be shown that the development will not damage or compromise the ecological or scenic attributes of the locality, and
- (c) to preserve and re-establish native bushland in areas that exhibit predominantly bushland character, and
- (d) to encourage the retention and re-establishment of native bushland along significant fauna corridors and in areas of high visual significance.

(2) Without development consent

General agriculture; home occupations; maintenance dredging; public utility undertakings

(3) Only with development consent

Animal boarding, breeding or training establishments; aquaculture; bed and breakfast accommodation; boarding houses; building identification signs; business identification signs; child care centres; community facilities; dams; dual occupancies; dwelling houses; educational establishments; energy generating facilities; forestry; home businesses; home industries; recreation areas; refreshment rooms; retail plant nurseries; rural industries; telecommunications facilities; veterinary hospitals

(4) Prohibited

Development not included in subclause (2) or (3)

(5) Development generally

- (a) Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration the impact of the development on biodiversity conservation, including wildlife corridors linking remaining areas of native vegetation in and surrounding Armidale.
- (b) Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration, with respect to its scenic impact:
 - (i) the extent to which the proposed development would affect the scenic qualities of the site or the locality, and

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- (ii) the pitch and form of the roof of any building to be erected, and
- (iii) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of any building are compatible with materials used in the existing buildings on the site or in the locality.

(6) Subdivision

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision has an area of at least 4 hectares.
- (c) If land to be subdivided is in both Zone No 7 (a) and Zone No 7 (b), then, despite any other provision of this Plan, consent may be granted to subdivide the land if:
 - (i) the number of lots to be created does not exceed the total number of lots allowed under this Plan, and
 - (ii) the lots may be otherwise designed without regard to the minimum lot sizes required in this Plan, if the subdivision includes provisions so that no development may be permitted in the area of the subdivision zoned 7 (a), and
 - (iii) the consent authority is satisfied that the zone objectives and requirements will be met.

(7) Dual occupancy

Consent may be granted for dual occupancy on a lot in this zone only if:

- (a) in the case of land that cannot be subdivided in accordance with subclause (6) (b), the dwellings comprise an attached dual occupancy, and
- (b) in the case of land that can be subdivided in accordance with subclause (6) (b):
 - (i) the dwellings are either an attached or detached dual occupancy, and
 - (ii) in the case of a detached dual occupancy, the lot on which the dwellings are to be located cannot be sold separately unless the lot is subdivided in accordance with subclause (6) (b).

(8) Removal or clearing of vegetation

- (a) A person must not, on land in this zone, cut down or lop live trees that are not native vegetation and have a height of 3 metres or more without consent.

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- (b) A person must not clear, cut down, top, lop, prune, remove, injure or wilfully destroy any native vegetation on land in this zone without consent.
 - (c) Despite paragraphs (a) and (b), consent is not required in relation to:
 - (i) the removal or clearing of any vegetation in association with the construction or use of a building or work for which development consent has been granted, or
 - (ii) the removal or trimming of any vegetation in accordance with Part 11 of the *Electricity Supply (General) Regulation 2001*, or
 - (iii) the removal or trimming of any vegetation in accordance with sections 88, 107, 138 and 139 of the *Roads Act 1993*, or
 - (iv) the removal or clearing of any vegetation in conjunction with works approved under Part 5 of the Act, or
 - (v) the removal or clearing of vegetation in accordance with the *Surveying Act 2002* or any regulation made under that Act, between properties for the purpose of enabling a survey to be carried out along that boundary by a registered surveyor if no alternative survey method is feasible, or
 - (vi) the removal or clearing of vegetation in accordance with an order issued by the Council under the *Local Government Act 1993*, or
 - (vii) the removal or clearing of any vegetation, but not trees, for maintenance of a garden, within its existing boundaries, or
 - (viii) the removal or clearing of any vegetation, but not trees, for the maintenance of existing cleared areas or areas for which consent has been granted authorising clearing, or
 - (ix) a tree if its condition constitutes an immediate threat to life or property, or
 - (x) vegetation included in any current list of noxious plants from time to time published by the New England Weeds Authority, or
 - (xi) a tree, if the trunk of the tree is located no more than 3 metres from any part of any habitable building or no more than 3 metres from any underground utility service mains, or
 - (xii) work that involves only minor pruning that is necessary to promote growth or fruit production, or to improve the shape of the tree's canopy and is not likely to jeopardize the tree's existence, or

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- (xiii) the removal or clearing of native vegetation in accordance with development consent granted or a property vegetation plan approved under the *Native Vegetation Act 2003*, or
- (xiv) the removal or clearing of native vegetation, but not trees, for the purpose of creating gardens if the area to be cleared:
 - (A) is within 35 metres of a dwelling for which consent or a building approval has been granted on the same lot as the proposed clearing, and
 - (B) is not more than 500 square metres.
- (d) The consent authority must not grant consent to the removal or clearing of native vegetation on land in this zone unless it has taken into consideration:
 - (i) the adequacy of vegetation retention and future landscape proposals, and
 - (ii) the contribution of the vegetation to wildlife corridors or as habitat for native fauna, and
 - (iii) the contribution of the vegetation to the scenic qualities of the locality, and
 - (iv) the effect of any vegetation clearing on the viability and quality of the bushland and, in particular, the likelihood of the spread of weeds or of undesirable and exotic species in the bushland, and
 - (v) protection of vegetation to be retained on the site of development from activities that may reduce the safe useful life expectancy of that vegetation, and
 - (vi) protection of all vegetation to be retained on the site during the construction process.
- (9) **Setbacks to arterial roads**
 - (a) If land in this zone has a frontage of 40 metres or more to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road, is 18 metres.
 - (b) If land in this zone has a frontage of less than 40 metres to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road, is 38 metres.
 - (c) Despite paragraphs (a) and (b), a person may, with consent, erect a building for a purpose incidental to the use of land for agriculture within a lesser setback than that set out in those paragraphs if, in the opinion of the consent authority:

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- (i) the levels, depths or other exceptional physical conditions of the site make it necessary or expedient to do so, and
- (ii) the erection of the building will not cause a traffic hazard, or create, or tend to create, ribbon development along the arterial road to which the site has frontage.

(10) **Flora and fauna**

Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration a site analysis plan that includes, or is accompanied by, supporting information, if appropriate, about the site and its surrounds in accordance with the following:

- (a) with respect to flora and fauna:
 - (i) the location and identity of any threatened species, populations or ecological communities on the site, including scientific and common names, and
 - (ii) the location and identity of any rare species of flora on the site, including scientific and common names, and
 - (iii) whether the site contains or forms part of a fauna corridor, and
 - (iv) the location and identity of all vegetation to be removed, including scientific and common names, and
 - (v) the total area of vegetation to be removed in square metres, and
 - (vi) details of the qualifications and experience of the person who supplied the particulars required by this paragraph,
- (b) with respect to other environmental characteristics:
 - (i) the location of, and measures proposed to protect, vegetation to be retained, and
 - (ii) the location of all existing and proposed hard or impervious surfaces on the site, including areas covered by buildings, sealed driveways or paving, and
 - (iii) the total area of the lot covered or proposed to be covered by hard or impervious surfaces in square metres and the percentage of the lot that will be covered by hard surfaces when the proposed development has been carried out.

(11) **Water cycle management**

If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into

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consideration an integrated water cycle management plan and is satisfied that:

- (a) the proposed water supply is adequate, and
- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
- (c) any adverse impact of water use on environmental and human health is minimised.

32 Zone No 7 (b) Environment Protection (Support Scenic)

(1) Zone objectives

The objectives for development in this zone are:

- (a) to protect and enhance the visual amenity and setting of the prime scenic hilltop lands that positively contribute to the landscape character and setting of the district, and
- (b) to conserve and enhance the biodiversity values of land on the urban fringe of Armidale, and
- (c) to provide a transitional area between the built-up urban area of Armidale and the hills and ridges on the edges of the City, and
- (d) to preserve and re-establish native bushland in areas that exhibit predominantly bushland character, and
- (e) to encourage the retention and re-establishment of native bushland along significant fauna corridors and in areas of high visual significance.

(2) Without development consent

General agriculture; home occupations; maintenance dredging; public utility undertakings

(3) Only with development consent

Aquaculture; bed and breakfast accommodation; building identification signs; business identification signs; caravan parks; cemeteries; child care centres; community facilities; convenience shops; dams; dual occupancies; dwelling houses; educational establishments; energy generating facilities; exhibition homes; forestry; intensive plant agriculture; manufactured home estates; medical centres; mortuaries; motels; recreation areas; recreation facilities; refreshment rooms; retail plant nurseries; telecommunications facilities; tourist facilities; veterinary hospitals

(4) Prohibited

Development not included in subclause (2) or (3)

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(5) **Development generally**

- (a) Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration the impact of the development on biodiversity conservation, including wildlife corridors linking remaining areas of native vegetation in and surrounding Armidale.
- (b) Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration, with respect to its scenic impact:
 - (i) the extent to which the proposed development would affect the scenic qualities of the site, the locality and any land in Zone No 7 (a) adjoining the site, and
 - (ii) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of any building are compatible with materials used in the existing buildings on the site or in the locality.

(6) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have an area of at least 1 hectare.
- (c) If land to be subdivided is in Zone No 7 (a) and Zone No 7 (b), then, despite any other provision of this Plan, consent may be granted to subdivide the land if:
 - (i) the number of lots to be created does not exceed the total number of lots allowed under this Plan, and
 - (ii) the lots may be otherwise designed without regard to the minimum lot sizes required in this Plan, if the subdivision includes provisions so that no development may be permitted in the area of the subdivision zoned 7 (a), and
 - (iii) the consent authority is satisfied that the zone objectives and requirements will be met.

(7) **Dual occupancy**

Consent may be granted for dual occupancy on a lot in this zone only if:

- (a) in the case of a lot that cannot be subdivided in accordance with subclause (6) (b) the dwellings are an attached dual occupancy, and
- (b) in the case of a lot that can be subdivided in accordance with subclause (6) (b):

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- (i) the dwellings are either an attached or detached dual occupancy, and
 - (ii) in the case of a detached dual occupancy the lot on which the dwellings are located cannot be sold separately unless the lot is subdivided in accordance with subclause (6) (b).
- (8) **Removal or clearing of vegetation**
- (a) A person must not, on land in this zone, cut down or lop live trees that are not native vegetation and have a height of 3 metres or more without consent.
 - (b) A person must not clear, cut down, top, lop, prune, remove, injure or wilfully destroy any native vegetation on land in this zone without consent.
 - (c) Despite paragraphs (a) and (b), consent is not required in relation to:
 - (i) the removal or clearing of any vegetation in association with the construction or use of a building or work for which development consent has been granted, or
 - (ii) the removal or trimming of any vegetation in accordance with Part 11 of the *Electricity Supply (General) Regulation 2001*, or
 - (iii) the removal or trimming of any vegetation in accordance with sections 88, 107, 138 and 139 of the *Roads Act 1993*, or
 - (iv) the removal or clearing of any vegetation in conjunction with works approved under Part 5 of the Act, or
 - (v) the removal or clearing of vegetation in accordance with the *Surveying Act 2002* or any regulation made under that Act, between properties for the purpose of enabling a survey to be carried out along that boundary by a registered surveyor if no alternative survey method is feasible, or
 - (vi) the removal or clearing of vegetation in accordance with an order issued by the Council under the *Local Government Act 1993*, or
 - (vii) the removal or clearing of any vegetation, but not trees, for maintenance of a garden, within its existing boundaries, or
 - (viii) the removal or clearing of any vegetation, but not trees, for the maintenance of existing cleared areas or areas for which consent has been granted authorising clearing, or
 - (ix) a tree if its condition constitutes an immediate threat to life or property, or

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- (x) vegetation included in any current list of noxious plants from time to time published by the New England Weeds Authority, or
 - (xi) a tree if the trunk of the tree is located no more than 3 metres from any part of any habitable building or no more than 3 metres from any underground utility service mains, or
 - (xii) work that involves only minor pruning that is necessary to promote growth or fruit production, or to improve the shape of the tree's canopy and is not likely to jeopardize the tree's existence, or
 - (xiii) the removal or clearing of native vegetation in accordance with development consent granted or a property vegetation plan approved under the *Native Vegetation Act 2003*, or
 - (xiv) the removal or clearing of native vegetation, but not trees, for the purpose of creating gardens if the area to be cleared:
 - (A) is within 35 metres of a dwelling for which consent or a building approval has been granted on the same lot as the proposed clearing, and
 - (B) is not more than 500 square metres.
- (d) The consent authority must not grant consent to the removal or clearing of native vegetation on land in this zone unless it has taken into consideration:
- (i) the adequacy of vegetation retention and future landscape proposals, and
 - (ii) the contribution of the vegetation to wildlife corridors or its habitat for native fauna, and
 - (iii) the contribution of the vegetation to the scenic qualities of the locality, and
 - (iv) the effect of any vegetation clearing on the viability and quality of the bushland and, in particular, the likelihood of the spread of weeds or of undesirable and exotic species in the bushland, and
 - (v) protection of vegetation to be retained on the site of development from activities that may reduce the safe useful life expectancy of that vegetation, and
 - (vi) protection of all vegetation to be retained on the site during the construction process.

(9) **Flora and fauna**

Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration a site

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analysis plan that includes, or is accompanied by, supporting information, if appropriate, about the site and its surrounds in accordance with the following:

- (a) with respect to flora and fauna:
 - (i) the location and identity of any threatened species, populations or ecological communities on the site, including scientific and common names, and
 - (ii) the location and identity of any rare species of flora on the site, including scientific and common names, and
 - (iii) whether the site contains or forms part of a fauna corridor, and
 - (iv) the location and identity of all vegetation to be removed, including scientific and common names, and
 - (v) the total area of vegetation to be removed in square metres, and
 - (vi) details of the qualifications and experience of the person who supplied the particulars required by this paragraph,
- (b) with respect to other environmental characteristics:
 - (i) the location of, and measures proposed to protect, vegetation to be retained, and
 - (ii) the location of all existing and proposed hard or impervious surfaces on the site, including areas covered by buildings, sealed driveways or paving, and
 - (iii) the total area of the lot covered or proposed to be covered by hard or impervious surfaces in square metres and the percentage of the lot that will be covered by hard surfaces when the proposed development has been carried out.

(10) **Water cycle management**

If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

- (a) the proposed water supply is adequate, and
- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
- (c) any adverse impact of water use on environmental and human health is minimised.

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33 Zone No 7 (c) Environment Protection (Rural Scenic)

(1) Zone objectives

The objectives for development in this zone are:

- (a) to conserve and enhance the biodiversity and scenic values of the hills and ridges beyond Armidale in the predominantly rural areas, and
- (b) to enable development only if it can be shown that the development will not damage or compromise the ecological or scenic attributes of the locality, and
- (c) to preserve and re-establish native bushland in areas that exhibit predominantly bushland character, if consistent with the protection of assets from bush fire, and
- (d) to encourage the retention and re-establishment of native bushland along significant fauna corridors and in areas of high visual significance.

(2) Without development consent

Dams; general agriculture; home occupations; maintenance dredging; public utility undertakings

(3) Only with development consent

Animal boarding, breeding or training establishments; aquaculture; bed and breakfast accommodation; boarding houses; building identification signs; business identification signs; cemeteries; community facilities; dual occupancies; dwelling houses; educational establishments; energy generating facilities; extractive industries; forestry; helipads; intensive livestock agriculture; intensive plant agriculture; medical centres; mines; mortuaries; recreation areas; recreation facilities; retail plant nurseries; roadside stalls; rural industries; rural workers' dwellings; telecommunications facilities; tourist facilities; veterinary hospitals

(4) Prohibited

Development not included in subclause (2) or (3)

(5) Development generally

Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration:

- (a) the extent to which the proposed development would affect the scenic or environmental qualities of the site or the locality, and
- (b) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of any building are compatible with the natural surroundings of the locality.

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(6) Subdivision

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision has an area of at least 40 hectares.
- (c) Consent may be granted to subdivide land in this zone so as to create a lot with an area of less than 40 hectares, but not less than 2 hectares, if the consent authority is satisfied that:
 - (i) the lot is intended to be used for intensive livestock, intensive plant agriculture or a purpose that is permitted in this zone, other than agriculture or a dwelling house, and
 - (ii) the proposed use to which the lot will be put is economically viable, having regard to the size and layout of the lot, and
 - (iii) an adequate water supply is available, or can be made available, to the proposed lot, and is of a suitable capacity for the proposed use, and
 - (iv) adequate all-weather vehicular access is available, or can be made available, to the lot, and
 - (v) the proposed use will not adversely affect the amenity of the land surrounding the proposed lots, and
 - (vi) if the lot will have a frontage to an arterial road, the frontage to that road will be at least 200 metres.

(7) Dwelling houses

Consent may be granted for a dwelling house to be erected on land in this zone if:

- (a) the land does not have a dwelling house erected on it and is part of a holding that has an area of at least 40 hectares, or
- (b) the holding has the same configuration as it had on 4 June 1985, other than where it has been affected by any of the following:
 - (i) consolidation with adjoining land,
 - (ii) subdivision for the purposes of road widening,
 - (iii) a minor boundary adjustment, or
- (c) it is ancillary or incidental to the use of the land for a use permitted in this zone, other than general agriculture, or
- (d) the lot on which the dwelling is to be erected was created between 4 June 1985 and 31 July 1992 and a dwelling house could have been lawfully erected on the lot when it was created, or
- (e) there is an existing dwelling house on the lot and the proposed dwelling house will wholly replace the existing dwelling house.

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(8) **Additional dwellings**

Consent may be granted to the erection of an additional dwelling on land in this zone only if:

- (a) the development comprises the alteration of an existing dwelling house to create 2 dwellings, or
- (b) the additional dwelling will be separate to the existing dwelling house on the land and the following are satisfied:
 - (i) the land has an area of at least 40 hectares and will be consolidated into one lot,
 - (ii) the additional dwelling is located on the same land as the existing dwelling house and the additional dwelling will not be capable of being excised by way of transfer of a new or existing title,
 - (iii) the dwellings share a common access to a public road, if practicable.

(9) **Setbacks to arterial roads**

- (a) If land in this zone has a frontage of 40 metres or more to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road is 18 metres.
- (b) If land in this zone has a frontage of less than 40 metres to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road is 38 metres.
- (c) Despite paragraphs (a) and (b), a person may, with consent, erect a building for a purpose incidental to the use of land for agriculture within a lesser setback than that set out in those paragraphs if, in the opinion of the consent authority:
 - (i) the levels, depths or other exceptional physical conditions of the site make it necessary or expedient to do so, and
 - (ii) the erection of the building will not cause a traffic hazard, or create or tend to create ribbon development along the main or arterial road to which the site has frontage.

(10) **Flora and fauna**

Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration a site analysis plan that includes, or is accompanied by, supporting information, if appropriate, about the site and its surrounds in accordance with the following:

- (a) with respect to flora and fauna:

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- (i) the location and identity of any threatened species, populations or ecological communities on the site, including scientific and common names, and
- (ii) the location and identity of any rare species of flora on the site, including scientific and common names, and
- (iii) whether the site contains or forms part of a fauna corridor, and
- (iv) the location and identity of all vegetation to be removed, including scientific and common names, and
- (v) the total area of vegetation to be removed in square metres, and
- (vi) details of the qualifications and experience of the person who supplied the particulars required by this paragraph,
- (b) with respect to other environmental characteristics:
 - (i) the location of, and measures proposed to protect, vegetation to be retained, and
 - (ii) the location of all existing and proposed hard or impervious surfaces on the site, including areas covered by buildings, sealed driveways or paving, and
 - (iii) the total area of the lot covered or proposed to be covered by hard or impervious surfaces in square metres and the percentage of the lot that will be covered by hard surfaces when the proposed development has been carried out.

(11) **Water cycle management**

If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

- (a) the proposed water supply is adequate, and
- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
- (c) any adverse impact of water use on environmental and human health is minimised.

34 Zone No 8 (a) National Parks and Nature Reserves

(1) **Zone objectives**

The objectives are:

- (a) to identify land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and

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(b) to allow for the management and appropriate use of land as provided by that Act.

(2) **Without development consent**

Any land use authorised by the *National Parks and Wildlife Act 1974* and any land use incidental or ancillary to such a land use

(3) **Only with development consent**

Nil

(4) **Prohibited**

Any development not included in subclause (2) or (3)

35 Zone No 9 (a) Reservations

(1) **Zone objectives**

The objectives for development in this zone are:

- (a) to identify land proposed to be acquired by the council or another public authority for public purposes such as community facilities, flood mitigation and arterial roads, and
- (b) to enable land to be used for the purpose for which it was acquired, and
- (c) to allow land to be used temporarily for a purpose other than that for which the land was reserved if the council or another public authority does not require immediate use, and
- (d) to ensure that temporary use of the land does not restrict or compromise the future use of the land for which it was reserved.

(2) **Without development consent**

Dams; forestry; general agriculture; home occupations; maintenance dredging; public utility undertakings

(3) **Only with development consent**

Building identification signs; business identification signs; temporary uses that are consistent with the zone objectives; telecommunications facilities; the particular purpose indicated by black lettering on the map and any purpose ordinarily incidental or subsidiary to that purpose

(4) **Prohibited**

Development not included in subclause (2) or (3)

(5) **Subdivision**

Land in this zone may be subdivided, but only with consent.

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(6) **Development generally**

Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration:

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

36 Zone No 10 (a) Enterprise

(1) **Zone objectives**

The objectives for development in this zone are:

- (a) to facilitate development for the purposes of high technology industry and research and other compatible employment activities, provided the activities are not of a nature that would be offensive or hazardous in the locality, and
- (b) to ensure that development in this zone does not compromise the viability of the Central Business District as the main focus for commercial and retail activity in Armidale City.

(2) **Without development consent**

Dams; general agriculture; home occupations; maintenance dredging; public utility undertakings

(3) **Only with development consent**

Development not included in item (2) or (4)

(4) **Prohibited**

Abattoirs; airports; animal boarding, breeding or training establishments; bed and breakfast accommodation; bulky goods premises; caravan parks; cemeteries; clubs; dual occupancies; dwelling houses (other than ancillary dwellings); entertainment facilities; group of convenience shops; hazardous industries; hazardous storage establishments; heliports; highway service centres; hotels; institutions; integrated housing; manufactured home estates; markets; mines; multi dwelling housing; offensive industries; offensive storage establishments; passenger transport terminals; places of public entertainment; places of public worship; refreshment rooms; restaurants; retail plant nurseries; restricted premises; road transport terminals; roadside stalls; sawmills; service stations; sex services premises; shops (other than convenience shops); stock and sale yards; take away food outlets; transport depots; vehicle body repair workshops; vehicle repair stations; vehicle showrooms; waste depots; waste disposal facilities

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(5) **Subdivision**

Land in this zone may be subdivided, but only with consent.

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Part 3 Special provisions

Part 3 Special provisions

Division 1 Development on land subject to constraints or particular consideration

37 Development on land below flood planning level

- (1) The objectives of this clause are:
 - (a) to maintain the existing flood regime and flow conveyance capacity, and
 - (b) to enable safe occupation of land below the flood planning level, and
 - (c) to avoid significant adverse impacts on flood behaviour, and
 - (d) to avoid significant adverse affects on the flood plain environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
 - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) Development may be carried out for the following purposes, on land below the flood planning level, but only with consent:
 - (a) subdivision of land,
 - (b) filling and earthworks,
 - (c) the erection of a building,
 - (d) the carrying out of a work,
 - (e) flood mitigation works.
- (3) Consent under subclause (2) must not be granted unless the consent authority is satisfied that the development:
 - (a) will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the flood plain, and
 - (c) will enable safe occupation of land below the flood planning level, and
 - (d) will not significantly detrimentally affect the flood plain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and

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- (e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and
 - (f) is compatible with the flow conveyance function of the flood way, and
 - (g) is compatible with the flood hazard within the flood way.
- (4) In this clause, ***flood planning level*** means the 1% AEP flood level, shown on the flood maps for Armidale held in the offices of the Council, + 0.5 metres.

38 Land acquisition in certain zones

- (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.

Land to be acquired	Authority of the State
Zone No 6 (a) Open Space (Public) for “public open space purposes”	Council
Zone No 9 (a) Reservations for “road purposes” or “flood mitigation purposes”	Council

- (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.

39 Development on land in riparian buffer areas

- (1) In this clause, a ***riparian buffer area*** means land:
- (a) within 50 metres of a permanent waterbody, or
 - (b) within 20 metres of an intermittent waterbody.

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Part 3	Special provisions

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- (2) Consent must not be granted to carry out development on land in a riparian buffer area, unless the consent authority is satisfied that adequate measures have been, or will be, taken to offset the likely effects of the development on stream bank instability, stream water quality and aquatic habitat.
 - (3) Adequate measures referred to in subclause (2) include (if practicable):
 - (a) retention of endemic vegetation,
 - (b) new plantings comprising endemic riparian vegetation, including emergent vegetation,
 - (c) replacing exotic vegetation with endemic vegetation,
 - (d) protecting instream vegetation, including trees, snags, macrophytes and algae,
 - (e) keeping hard surfaces, such as cycle ways and footpaths, to a minimum and constructing these surfaces from permeable material, and
 - (f) staging development so that improvements to the riparian buffer areas are in place and acting to minimise erosion and runoff prior to carrying out the remainder of the development.

40 Bush fire hazard reduction

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

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

41 Development in the airport buffer area

- (1) Consent must not be granted to carry out development for the purposes of a caravan park or manufactured home estate in the airport buffer area.
- (2) Development may be carried out for the following purposes, on land in the airport buffer area, but only with consent:
 - (a) a dam (not being a water storage dam for a public authority),
 - (b) the handling or storage of grain,
 - (c) the disposal of refuse,
 - (d) an abattoir,
 - (e) a stock and sale yard,
 - (f) intensive plant agriculture or intensive livestock agriculture,
 - (g) a wind turbine or windfarm, or

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Clause 42

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- (h) planting trees, if clearance from natural ground level to the obstacle limitation surface height shown on the Obstacle Limitation Surface Plan is less than 40 metres.

42 Development that exceeds the height specified in the Obstacle Limitation Surface Plan

- (1) Consent must not be granted to erect a building or structure of a height that exceeds the limitation specified in the Obstacle Limitation Surface Plan unless the application for consent has been referred to the Civil Aviation Safety Authority for comment.
- (2) In considering whether to grant consent, the consent authority must consider any comment made by the Civil Aviation Safety Authority within 28 days (or such longer period as may be agreed on before or after the expiration of the 28 day period) after referral of the application.

43 Tall structures that may affect aircraft operations

- (1) This clause applies to the erection or alteration of a structure if the finished height of the structure will be at least 110 metres above natural ground level.
- (2) Consent must not be granted to carry out development described in subclause (1), unless the consent authority has taken into consideration evidence that the Civil Aviation Safety Authority has been notified of the development, and any assessment by the Civil Aviation Safety Authority of the effect of the proposal on aircraft operations.

44 Lighting structures in the vicinity of Armidale Regional Airport

Consent must not be granted for lighting structures or fixtures within 4.5 kilometres of the runway ends, and 750 metres of the runway centreline extension, of the Armidale Regional Airport unless the consent authority has considered the requirements of the Civil Aviation Safety Authority for Lighting in the Vicinity of Aerodromes.

45 Development in areas affected by aircraft related noise

- (1) This clause applies to all land in the area bounded by the 20 ANEF contour as shown on a plan or plans of Armidale Regional Airport and surrounding land prepared to the specifications set by the Civil Aviation Safety Authority, a copy of which is retained in the office of the Council.
- (2) A building may be erected on land to which this clause applies, but only with consent.
- (3) Consent must not be granted to erect the following on land to which this clause applies:

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Part 3 Special provisions

-
- (a) a building to be used for residential purposes if the ANEF exceeds 25,
 - (b) a school, hospital, place of public worship or entertainment facility if the ANEF exceeds 20,
 - (c) a hotel, motel, office or public building if the ANEF exceeds 30.
- (4) Consent must not be granted for the following development on land to which this clause applies:
- (a) a building to be used for residential purposes if the ANEF is between 20 and 25,
 - (b) a hotel, motel, office or public building if the ANEF is between 25 and 30,
 - (c) a building to be used for commercial or industrial purposes if the ANEF is above 30,
- unless the development meets AS 2021–2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* regarding interior noise levels.

46 Development affected by rail related noise and vibration

- (1) In this clause *noise-sensitive development* means development that may be adversely affected by rail noise, including residential development, places of public worship, hospitals, nursing homes, educational establishments, passive recreation areas and mixed use developments.
- (2) Consent must not be granted to noise-sensitive development within 60 metres of an operating railway track unless the development incorporates noise attenuation measures to the satisfaction of the consent authority, that are consistent with advice from the State Rail Authority and Rail Infrastructure Corporation.
- (3) Consent must not be granted to any other development that, in the opinion of the consent authority, may be adversely affected by rail noise and vibration unless the development incorporates noise attenuation measures to the satisfaction of the consent authority.

47 Development in the waste water treatment facility buffer area

Consent must not be granted to erect a dwelling house, motel, caravan park or manufactured home estate in the waste water treatment facility buffer area.

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48 Development adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974

- (1) This clause applies to land that is adjacent to land reserved or dedicated under the *National Parks and Wildlife Act 1974*.
- (2) The consent authority must not grant consent to develop land that, in the opinion of the consent authority, has the potential to adversely impact on land reserved or dedicated under the *National Parks and Wildlife Act 1974*, unless:
 - (a) it has referred the application to the Director-General of the Department of Environment and Climate Change for comment, and
 - (b) it has had regard to any response given to it by the Director-General of the Department of Environment and Climate Change within 28 days of the referral of the application.

49 Remediation of land at former gasworks site and adjoining land, Armidale

- (1) This clause applies to land bound by Beardy Street, Jessie Street, Allingham Street and Dumaresq Street and Dumaresq Creek, comprising Lots 13 and 14, DP 574307, Lots 11–13, DP 251514, Lots 2–5 and 11, DP 25398, Lot 12, DP 567720, Lots 18 and 19, DP 594665 and Lots 21–23, DP 621344 (*the former gasworks site*).
- (2) In this clause, a reference to the *remediation strategy* for the land is a reference to the remediation strategy for contaminated land at the former gasworks site and adjoining land for which consent has been granted and that comprises construction of a containment cell over the former gasworks site and capping of the residue of the land.
- (3) Despite any other provision of this Plan, consent is required for development that would result in penetration of the capping layer installed over Lots 13 and 14, DP 574307, Lots 11–13, DP 251514 and Lots 2–5, DP 25398 as part of the remediation strategy for the land.
- (4) Consent must not be granted to development referred to in subclause (3) unless the consent authority has taken into consideration the impact of carrying out the development on human health and the environment resulting from the disturbance or exposure to potentially contaminated land on the site.
- (5) Despite any other provision of this Plan, development that would penetrate the containment cell erected, as part of the remediation strategy, on Lot 11, DP 25398, Lot 12, DP 567720, Lots 18 and 19, DP 594665 and Lots 21–23, DP 621344 is prohibited.

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- (6) Development referred to in subclause (5) does not include repair, maintenance or contingency works that are part of the remediation strategy for the land.

Division 2 Urban release areas

50 Aims of Division

This Division aims:

- (a) to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance on land in urban release areas, and
- (b) to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of such land to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

51 Relationship between Division and remainder of Plan

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

52 Application of Division

This Division applies to land in an urban release area, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

53 Designated State public infrastructure

In this Division:

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

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

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Clause 54

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Part 3

54 Arrangements for designated State public infrastructure

- (1) 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.
- (2) Subclause (1) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose, or
 - (c) a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (3) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.

55 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, *public utility infrastructure* includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

Division 3 Arterial roads

56 Development along arterial roads

- (1) This clause applies to land:
 - (a) having frontage to an arterial road, or

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Part 3	Special provisions

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- (b) that relies on an arterial road for its sole means of access, or
 - (c) that has access to a road that intersects with an arterial road, if the point of access is within 90 metres of the intersection of the road and the arterial road.
- (2) Consent must not be granted to development on land to which this clause applies unless the consent authority has taken the following into consideration:
- (a) whether access to that land can be provided other than by the arterial road, wherever practical or essential,
 - (b) the amount of traffic that is generated by the development and its potential to have an impact on the traffic using the road,
 - (c) the access arrangements to the site and its adequacy for the proposal,
 - (d) the internal access and movement patterns for the development,
 - (e) the potential for the development to cause ribbon development along the arterial road.

57 Development on land potentially affected by traffic related noise

Consent must not be granted for development on land near an arterial road unless the consent authority has taken into consideration the impact of traffic noise from the arterial road on the proposed development and any measures required to mitigate such impacts.

Division 4 Special provisions relating to Armidale Dumaresq generally

58 Tree preservation

- (1) Except as provided by subclause (2), a person must not ringbark, cut down, top, lop, remove, injure, poison or wilfully destroy a tree with an overall height of 5 metres or more on a lot in the following zones, except with consent:
- (a) Zone No 1 (d) Urban Fringe,
 - (b) Zone No 2 (a) Residential,
 - (c) Zone No 2 (b) Low Density Residential,
 - (d) Zone No 2 (c) Future Residential,
 - (e) Zone No 3 (a) General Business,
 - (f) Zone No 4 (a) Industrial,
 - (g) Zone No 4 (b) Industrial (Highway),
 - (h) Zone No 5 (a) Special Uses,

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- (i) Zone No 6 (b) Open Space (Private),
 - (j) Zone No 9 (a) Reservations, or
 - (k) Zone No 10 (a) Enterprise.
- (2) Consent referred to in subclause (1) is not required if:
- (a) the tree is dead, or
 - (b) the tree's condition constitutes an immediate threat to life or property, or
 - (c) the tree is included in any current list of noxious plants from time to time published by the New England Weeds Authority, or
 - (d) the trunk of the tree is located no more than 3 metres from any part of any habitable building or no more than 3 metres from any underground utility service mains, or
 - (e) the work involves only minor pruning that is necessary to promote growth or fruit production, or to improve the shape of the tree's canopy and is not likely to jeopardize the tree's existence, or
 - (f) the work involves the removal or trimming of any vegetation in accordance with Part 11 of the *Electricity Supply (General) Regulation 2001*, or
 - (g) the work involves the removal or trimming of any vegetation in accordance with sections 88, 107, 138 and 139 of the *Roads Act 1993*, or
 - (h) the work involves the removal or clearing of any vegetation in conjunction with works approved under Part 5 of the Act, or
 - (i) the work involves the removal or clearing of vegetation in accordance with the *Surveying Act 2002* or any regulation made under that Act, between properties for the purpose of enabling a survey to be carried out along that boundary by a registered surveyor if no alternative survey method is feasible, or
 - (j) the work involves the removal or clearing of vegetation in accordance with an order issued by the Council under the *Local Government Act 1993*, or
 - (k) the tree is in a State forest or on Crown-timber lands within the meaning of the *Forestry Act 1916*.
- (3) Consent must not be granted for any action referred to in subclause (1) unless the consent authority has assessed the following matters:
- (a) the reason for the proposed work,
 - (b) the visibility and contribution of the tree or trees in the local landscape or streetscape,

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- (c) the type and rarity of the species,
- (d) the number of trees in the vicinity,
- (e) whether the tree may become dangerous or damage property or utility services,
- (f) whether new plantings are proposed or are desirable,
- (g) the effect of the tree or trees on local views, on solar access to properties and on local amenity,
- (h) any heritage significance of the tree, and
- (i) soil conservation and erosion issues.

59 Roads, bridges, footpaths, cycleways, drainage, recreation areas and parking

- (1) Subject to subclause (3), nothing in this Plan prevents the Council, or any person acting on the Council's behalf, from carrying out development on land in any zone for the purposes of roads, cycleways, stormwater drainage (or other utility service infrastructure), recreation areas, landscaping, gardening or parking.
- (2) The reference in subclause (1) to the carrying out of development for the purpose of roads includes a reference to the winning of extractive material in the road reserve by a public authority for the purpose of road construction.
- (3) Nothing in subclause (1) permits any development without consent if the proposed development is to be carried out on land on which a heritage item is situated.

60 Fish passages in natural watercourses

- (1) Subject to subclause (2), nothing in this Plan prevents the provision of fish passages in natural watercourses that has been authorised by the Department of Primary Industries, including the removal of weirs or other man made barriers, or the construction of fishways, fish ladders or fish bypasses.
- (2) Nothing in subclause (1) permits any development without consent if the proposed development is to be carried out on land on which a heritage item is situated.

61 Waste management

Before granting consent to any development, the consent authority must take into consideration any of the following matters relating to waste management that are relevant to the application:

- (a) re-use and recycling of building and construction materials,

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Clause 62

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Part 3

-
- (b) re-use and recycling of household, commercial and industrial waste,
 - (c) site storage requirements for construction, and for managing household, commercial and industrial waste.

62 Community use of educational establishments

Nothing in this Plan prevents the consent authority from granting consent to:

- (a) the community use of the facilities and sites of educational establishments, and
- (b) the commercial operation of those facilities and sites, and
- (c) the carrying out of development for community purposes on land used for the purposes of educational establishments, whether or not the development is ancillary to any such purpose.

63 Solar access as a matter for consideration

Consent must not be granted for the purposes of erecting a building on land if, in the opinion of the consent authority, the building would significantly affect the access of solar radiation between the hours of 9 am and 3 pm Eastern Standard Time (as measured on 21 June) to existing or likely developments on adjoining land or on other land in the locality.

64 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for any temporary purpose for a maximum period of 12 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 is necessary and reasonable for the economic use of the land pending its subsequent development in accordance with this Plan and other relevant environmental planning instruments, and
 - (b) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any such other instrument, and

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Part 3 Special provisions

- (c) the temporary use does not adversely impact on any adjoining land or the amenity of the neighbourhood, and
- (d) 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
- (e) at the end of the temporary use period, the use and any associated structures will be removed and the site appropriately restored.

65 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council, by means of this Plan, 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 1 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 1 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 1:
- (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 1, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant classification Plan and, by the operation of that Plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 1, and

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- (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*).
- (6) In this clause, the *relevant classification Plan*, in relation to land described in Part 2 of Schedule 1, means this Plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant classification Plan inserted a description of land into Part 2 of Schedule 1, the Governor approved of subclause (5) applying to the land.

66 Savings provisions

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 been exhibited but had not commenced.

Division 5 Heritage conservation

67 Heritage conservation

(1) Objectives

The objectives of this clause are:

- (a) to conserve the environmental heritage of Armidale Dumaresq, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree in a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place in a heritage conservation area including (in the case of a building) by making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building by making structural changes to its interior,

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- (d) 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,
- (e) erecting a building on land on which a heritage item is located or that is in a heritage conservation area,
- (f) subdividing land on which a heritage item is located or that is in a heritage conservation area.

(3) **When consent is not required**

However, 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, archaeological site or a building, work, relic, tree or place in a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, 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
- (c) the development is limited to the removal of a tree or other vegetation if a matter listed in clause 58 (2) (a)–(k) of this Plan applies, or
- (d) the development is exempt development.

(4) **Heritage impact assessment**

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

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

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would

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affect the heritage significance of the heritage item or heritage conservation area concerned.

(5) **Heritage conservation management plan**

The consent authority may require, after considering the 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.

(6) **Archaeological sites**

The consent authority must, before granting consent 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 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.

(7) **Demolition of item of State significance**

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 2 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

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

(8) **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, 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 is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan 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 conservation management plan is carried out, and

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- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse affect on the amenity of the surrounding area.

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Classification and reclassification of public land

Schedule 1

Schedule 1 Classification and reclassification of public land

(Clause 65)

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

Column 1	Column 2
Locality	Description
Nil	Nil

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

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

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	Nil

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Schedule 2 Heritage items

Schedule 2 Heritage items

(Clause 67 (7))

Note In this Schedule, items marked * are of State heritage significance (other than items already listed on the State Heritage Register).

Part 1 Individual buildings

Street No	Building/Site details	Property description
Barney Street		
No 88 (Part)	Southall	Lot 5, DP 880142
No 88 (Part)	SH Smith House including grounds (also Landscape Item)	Lot 5, DP 880142
Nos 140–146	(Corner Allingham Street)	Lots 1–4, DP 241777
No 166	ASCA building (corner Markham Street)	Lot 2, DP 550693
Beardy Street		
No 62	JB Moriarty Store (corner Douglas Street)	Lot 3, DP 846893
Nos 88–90		Part Lots 3 and 4, Sec 11, DP 533726
Nos 134–136		Lot 21, DP 540778
Nos 135–137	AMP Society	Lot 1, Sec 7, DP 758032
No 139	Westpac (corner Faulkner Street)	Lot 2, DP 322378
Nos 142–156	Imperial Hotel (corner Faulkner Street)*	Lot 1, DP 900121
Nos 143–145	Court House (100 Faulkner Street)*	Lot 4, Sec 2, DP 758032
No 157		Lots 5 and 6, DP 1094193
Nos 158–160	Armidale Post Office (corner Faulkner Street)	Lot 11, Sec 5, DP 758032
Nos 164–166	Former CBA Bank	Lot 1, DP 123572
No 174	Tattersall's Hotel	Lot 7, DP 564754
No 176	Commonwealth Bank	Lot B, DP 332918
Nos 194–198	New England Hotel (corner Dangar Street)	Lot 3, DP 597852
No 195	J Richardson and Co (corner Dangar Street)*	Lot 7, DP 1012314
Nos 207–209	Former Cinema	Lot 31, DP 610678
No 208	State Bank*	Lot 16, DP 707571

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Heritage items

Schedule 2

Street No	Building/Site details	Property description
No 261	Victoria Cottage	Lot 14, DP 737932
No 282	(Corner Butler Street)	Lot 1, DP 383157
No 307	(Corner Ohio Street)	Lot 1, DP 650806
Bona Vista Road		
Nos 36–46	Bona Vista and Grounds (Landscape Item)	Lots 669 and 670, DP 755808
Bracken Street		
No 130	Eleanora Mine Chimney, Former Eleanora Mine	Lot 2, DP 597107
	Baker's Creek Mine Chimney, Former Baker's Creek Mine	Crown Land
	Baker's Creek Winding Engine House, Former Baker's Creek Mine	Lot 407, DP 755834
	Baker's Creek Mine Surface Buildings, Former Baker's Creek Mine	Crown Land
	Garibaldi Mine Chimney, Hillgrove	Crown Land
Brown Street		
Nos 82–84	Trelawney (corner Taylor Street) including garden (also Landscape Item)	Lot 13, Sec 32, DP 758032
No 89	Wiluna	Lot 7, Sec 17, DP 83824
Nos 91–93	Including garden and hedge (also Landscape Item)	Lots 5 and 6, DP 1058810
No 98		Lot 37, DP 581120
No 108	Birida (corner Marsh Street) including garden (also Landscape Item)	SP 39370
No 111	House and Stable	Lot 5, DP 542804
No 113		Lot 18, DP 550823
No 131		Lot 14, DP 832730
No 134		Lot 1, DP 78722
No 138		Lot 13, Sec 29, DP 758032
No 166	(Corner Allingham Street)	Lot 1, DP 781376
No 193		Lot 22, DP 716198
No 195		Lot 21, DP 716198
No 196	Arelo	Lot 1, DP 522220

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Schedule 2 Heritage items

Street No	Building/Site details	Property description
No 198		Lot 1, DP 1066037
No 216	(Refer Armidale Railway Station)	
No 247	Former Police Lock-up (Refer to Railway Parade)	Lot 16, Sec 52, DP 758032
Butler Street		
	Armidale High School (corner Kentucky Street) including grounds (also Landscape Item)	Lot 1, DP 196298; Lot 704, DP 755808; Lots 1 and 2, Sec 49, DP 758032; Lot 1, Sec 161, DP 758032; Lot 1151, DP 821627
No 102	(Corner Brewery Lane)	Lot 27, DP 855958
No 163		Lot A, Sec 40, DP 157084
Chapel Street		
	(Refer Galloway Street)	
Crescent Street		
Nos 1–3	Former Trim and Co Store	Lot 16, DP 814532
Dangar Street		
No 114		Lot 1, DP 88590
No 133	Arran Cottage	Lot 1, DP 37407
Nos 135–137		Lots 1 and 2, DP 319350
Nos 159–161	(Refer Reginald Avenue) “Kilbucho”	Lots 1 and 2, DP 503487
No 160	Former Hilton School (Corner Brown Street)	Lots 1 and 2, Sec 29, DP 996619
No 176	(Corner Mann Street) Including trees (also Landscape Item)	Lot 56, DP 1064237
No 194	(Corner Mossman Street)	Lot A, DP 184339
Dangarsleigh Road		
Nos 345–347	“Palmerston”	Lot 494, DP 66672; Lot 2, DP 569410; Lot 192, DP 66672; Lot 1, DP 66672; Lots 554 and 555, DP 66672; Lot 767, DP 66672
No 643	“Chevy Chase”	Lots 59 and 60, DP 4356
No 755	War Memorial	Lot 1, DP 809402

Armidaale Dumaresq Local Environmental Plan 2008

Heritage items

Schedule 2

Street No	Building/Site details	Property description
Donnelly Street		
No 118	(Refer Nos 68–70 Faulkner Street)	Lot Y, DP 161586
Dorothy Avenue		
Nos 3–3A		Lots 54 and 55, DP 596242
Douglas Street		
Nos 98–106 (excluding No 102)	“Beverley”, “Lutton”, “Stanley” and “Sutton”.	Lot 1, DP 784408; Lot 1, DP 999245; Part Lot 10, DP 758032; Lot 1, DP 709855
Dumaresq Street		
No 93	Former Hotel	Lot 2, DP 617526
No 263		Lot 15, DP 579467
Nos 269–271		Lot 1, DP 199547
Dumaresq Road		
	Dumaresq Railway Station	Old System Conveyance Book 261–220 (20 Dec 1882)
No 530	Dumaresq Railway Stationmaster’s Residence	Lot 1, DP 792093
Faulkner Street		
No 54	“Yarrobindi”, house and grounds	Lot 1, DP 504855
Nos 68–70	(also known as 118 Donnelly Street)	Lot Y, DP 161586
No 89	Legacy House	Lot 30, DP 788185
No 110	Police Station (corner Moore Street)	Lot 6, Sec 2, DP 758032
No 111	Pastoral Chambers	Lot 1, DP 104630
No 115	Highbury (Corner Mann Street) including hedge and trees (also Landscape Item)	Lot 4, DP 339610
No 118	Lands Office (corner Cinders Lane)	Lot 6, Sec 5, DP 758032
No 120	Former State Emergency Services Office (corner Cinders Lane)	Lot 17, DP 837491
No 121		Lot 11, DP 791397
No 122	Folk Museum (corner Rusden Street)	Lot 13, Sec 5, DP 758032
No 128	Lindsay House (corner Barney Street)	Lot 1, DP 880142

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Schedule 2 Heritage items

Street No	Building/Site details	Property description
No 132	Denham Cottage including garden (also Landscape Item)	Lot 1, DP 974137
No 137	Johnstone Memorial Hall*	Lot 15, Sec 9, DP 758032
No 137	St Paul's Presbyterian Church including grounds, fence, trees and hedge (also Landscape Item)*	Lot 15, Sec 9, DP 758032
No 139		Lot 1, DP 743281
No 147A	Masonic Hall	Lot 2, DP 582526
No 157	(Corner Brown Street) including hedge and garden layout (also Landscape Item)	Lot 1, Sec 18, DP 758032
No 160	Uloola (corner 2A Reginald Avenue) including garden (also Landscape Item)	Lot 20, DP 1046000
No 169	(Corner St Andrews Avenue)	Lot 12, DP 234220
Galloway Street		
No 65	Corner Chapel Street including garden (also Landscape Item)	Lot 23, DP 621218
Glen Innes Road		
No 69	(Corner Simpson Avenue)	Lot 7, DP 232385
No 101	Canoindra including garden setting (also Landscape Item)	Lot 5, DP 608284
Golgotha Street (South)		
No 96		Lot 2, DP 867101
Grafton Road		
No 20		Lot 2, DP 39091
No 3138	"St Helena" Homestead	Lots 9 and 10, 12-18, 26, 32, 42, 53, 57 and 58, 73, 75 and 76, 96, DP 755828
No 7120	"Milamba" Original Guy Fawkes Post Office and Sheep Dip	Lots 27, 28, 49 and Part Lots 30 and 31, DP 751462
No 7314	"Kotupna"	Lot 2, DP 830823
Jeffrey Street		
No 79		Lot 1, DP 735455
No 83		Lot 1, DP 730537
No 95		Lot 1, DP 517875

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Heritage items

Schedule 2

Street No	Building/Site details	Property description
No 109		Lot 2, DP 130007
Jessie Street		
No 168		Lot 2, DP 153868
No 170	Sturry (corner Mann Street) including garden (also Landscape Item)	Lot 1, DP 153868
Kellys Plains Road		
No 478	St John's Church of England, Kellys Plains	Lot 850, DP 755808
Kennedy Street		
No 27		Lot 1, DP 712397
Kentucky Street		
Nos 116–122	Former Public School Buildings (Opposite the CB Newling Centre of the University of New England)	Lot 1, DP 1055438
No 46	(Corner Chapel Street)	Lot 8, DP 616255
Kirkwood Street		
No 160		Lot 1, DP 524851
No 187	(Corner Markham Street)	Lot 1, DP 562034
Lambs Avenue		
No 29	Former Railway Gatekeeper's Cottage	Lot 5, DP 805771
Mann Street		
Nos 65–65A	Opawa including garden and trees (also Landscape Item)	Lots B and C, DP 364214
Nos 108–110	Teringa	Lot 5, DP 239922
No 118	Loombra (corner Faulkner Street) including garden and cedar tree (also Landscape Item)	Lot 9, DP 564560
No 128	including garden, hedge and fence (also Landscape Item)	Lots 1 and 3, DP 212280
No 146	Linden Hall	Lot A, Sec 36, DP 410290
No 200	Carlisle	Lot 14, DP 576854
Markham Street		
No 123		Lot 72, DP 815369
No 129	Owlscoot (corner Barney Street)	Lot 27, DP 881189

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Schedule 2 Heritage items

Street No	Building/Site details	Property description
No 136	(Corner Butler Lane)	Lot 1, DP 196798
No 208	(Corner Murray Avenue)	Lot 18, DP 701223
No 236	Hepplegate	Lot 5, DP 1064920
Marsh Street		
No 45		Lot 1, Sec 113, DP 12546
No 49		Lot 2, DP 998907
No 129	St Kilda Cellars	Lot 2, DP 578182
No 175		Lot Y, DP 371436
No 179	(Corner Mann Street) including Himalayan Cypress Trees (also Landscape Item)	Lot 1, DP 745132
No 32	Cotswold, including fence and grounds (also Landscape Item)	Lot 22, DP 610117
No 168	Belmore Cottage (corner Brown Street) including garden, trees and hedge (also Landscape Item)	Lot A, DP 155192
No 184	Comeytrowe (corner Mann Street) including garden and trees (also Landscape Item)	Lot 23, DP 590445
No 192	(Corner Drummond Avenue)	Lot 1, DP 334596
Martin Street		
No 32		Lot 1, DP 194023
Metz Road		
	Tattersalls Hotel Brick Outbuildings (Corner of Phillips and Moore Streets, see Metz village map)	Lot 97, DP 2345
Millie Street		
Nos 16–20	Kiola	Lot 1, DP 709983
Moore Street		
No 32	The Stables (corner Dangar Street)	Lot 1, DP 903351
No 100	Former Sheriff's cottage (corner Faulkner Street—at rear of Court House)	Lot 4, Sec 2, DP 758032
Moore Park Lane		
No 63	Moore Park Inn	Lot 1, DP 881813
Mossman Street		

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Heritage items

Schedule 2

Street No	Building/Site details	Property description
No 113		Lot B, Sec 34, DP 389072
No 144		Lot 7, Sec 75, DP 14312
No 145	The Turrets including garden (also Landscape Item)	Lot A, Sec 36, DP 370218
New England Highway		
	Saumarez Homestead (Refer Saumarez Road)	
	Moore Park Inn (Refer Moore Park Road)	
	Bishopscourt (Refer to Uralla Road)	
	“Canowindra” (Refer to Glen Innes Road)	
	“Pinch Flat”	Lot 5, DP 876537
No 11312	“Tilbuster” Homestead	Lot 20, DP 1066162
Newholme Road		
No 495	“Newholme”	Lot 2, DP 597896; Lots 2, 3, 5, 7, 11, 12, 23, 24, 27–31, 33, 34, 38–50, 58, 59, 77, 86–90, 99, 101–105, 109, 110, 112, 114, 117, 118, 142, 145, 150, 152, 161–163, 165, 172, 173, 175, 176, 178, 179, 181, 194 and 195, DP 755819; Lot 1131, DP 1032729; Lot 1, DP 1035499; Lot 94, DP 1034700
Niagara Street		
No 120	Johnson and Kennedy Service Station (corner Rusden Street)	Lot 19, DP 1076915
Ohio Street		
No 66		Lot 2, DP 506901
Point Lookout Road		
	Cement Weir	Lot 41, DP 751462
Reginald Avenue		
Nos 1–3	Mongoola	Lot 1, DP 663177

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Schedule 2 Heritage items

Street No	Building/Site details	Property description
No 10	Kilbucho, including garden (also Landscape Item) (corner Dangar Street, also known as 161 Dangar Street)	Lots 1–2, DP 503487
Rockvale Road		
No 1062	“Thalgarrah”	Part Lot 1, DP 706601
Roseneath Lane		
No 36	“Roseneath”	Lot 1, DP 526699
Rowlands Road		
No 47	“Wood Park Cottage”	Lot 20, DP 871384
Rusden Street		
	Town Hall	Part Lot 12, DP 758032
No 69		Lot 1, DP 859091
No 94	Mallam House	Lot 1, DP 815479
Nos 102–104	St Kilda Hotel (corner Marsh Street)	Lots 1, DP 567726
No 116	Former St Peter’s Church Hall*	Lot 1, DP 605314
No 161	Minto Building (Former Central Hotel) (corner Jessie Street)	Lot 1, DP 795233
Nos 163–165	Baptist Church and Hall (corner Jessie Street)	Sec 28, DP 907495
No 222	Railway Hotel	Lot 26, DP 706203
No 277	(corner Niagara Street)	Lot A, DP 156827
No 286	St Mary’s Anglican Church	Lot 26, DP 208029
Sandon Road		
No 41	Cottage	Lot 330, DP 755834
Saumarez Road		
No 230	Saumarez Homestead (including outbuildings, gardens, grounds and driveway)	Lot 5, DP 731015
Short Street		
No 16	Wyevale	Lot 4, DP 810419
Soudan Terrace		
No 3	Soudan	Lot 1, DP 253268

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Heritage items

Schedule 2

Street No	Building/Site details	Property description
Stoneleigh Road		
No 46	“Stoneleigh”, Machinery Shed	Lots 27–30, DP 755840; Part Lot 93, DP 4356
Taylor Street		
No 7		Lot 8, DP 247309
Nos 36–36A		Lot 1125, DP 39933; Lot A, Sec 132, DP 393048
No 150		Lot 1, DP 745627
The Boulevarde		
	Former St Patrick’s Orphanage including grounds (also Landscape Item)	SP 49700
Uralla Road		
Nos 2–14	Former Bishopscourt and grounds (also Landscape Item)	Lots 701 and 702, DP 834291

Part 2 Buildings in groups or located on special sites

Street No	Building/Site details	Property description
Armidales Cemetery (bounded by O’Connor Street, Lambs Avenue and Lynchs Road)		
	Armidales Cemetery	Lots 576–584, DP 755808
	Cemetery buildings (also Landscape Item)	Lot 2, DP 1036752; Lot 7020, DP 94139; Lot 7019, DP 1073343; Lot 3, DP 1036750; Lot 7036, DP 1073329
Armidales Racecourse (Grafton Road/Douglas Street)		
	Jockeys’ rooms (also Landscape Item)	Lot 1130, DP 39842
Armidales Railway Station (Brown Street)		
	Railway Station	Lot 33, DP 883524
No 216	Pair of Railway Cottages (216 Brown Street)	Lot 31, DP 883524
	Former Stationmaster’s residence (also Archaeological Site)	Lot 2, DP 818123
Armidales Showground (Bounded by Dumaresq, Kennedy, Kirkwood and Canambe Streets) (also Landscape Item)		

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Schedule 2 Heritage items

Street No	Building/Site details	Property description
	Grandstands; The Queen Victoria Jubilee Urinal; Twin Chimneys; Main Pavilion	Lots 1 and 2, DP 875013
Catholic Church School Convent Group Listings include grounds, particularly churchyard (also Landscape Item) and convent grounds (also Landscape Item) (bounded by Dangar, Barney, Jessie and Rusden Streets)*		
	Cathedral of St Mary and St Joseph (corner Dangar and Barney Streets)*; Bishop's House; Former Church hall St Mary's School (124 Dangar Street); Merici House (Dangar Street); Former St Ursula's College (Barney Street); Chapel, Ursuline Convent (Corner Barney and Jessie Streets); Ursuline Convent (Jessie Street); St Anne's Building, St Mary's School (Jessie Street); St Mary's School, 1959 Building (156 Rusden Street, corner Jessie Street)	Sec 7, DP 758032; Lot 15, DP 1048143
CB Newling Centre of the University of New England Listing includes grounds (also Landscape Item) (Bounded by Mossman, Faulkner, Kentucky and Dangar Streets)		
	CB Newling Centre of the University of New England; Former Teachers' College, Main Building; Residence	Lot 1, Sec 78, DP 758032
New England Girls' School Group (New England Highway)		
	New England Girls' School Group	Lot 613–616, DP 755808
	Akaroa	Lot 619, DP 755808
	Chapel	Lot 621, DP 755808; Lot 22, DP 112882
	Dining Room Complex	Lot 620, DP 755808
	Music Building	Lot 618, DP 755808
	St John's Junior School*	Lot 615, DP 755808
O'Connor Catholic High School Group Listing includes Kirkwood Street entry gates, avenue of trees and grounds (also Landscape Item) (Bounded by Kirkwood, Kennedy, Donnelly and Canambe Streets)		
No 37	De La Salle Brothers Residence (37 Kirkwood Street); Original Main Building; 1920's classroom building	Lots 1–4, DP 522525; Lot 10, DP 112882

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Heritage items

Schedule 2

Street No	Building/Site details	Property description
St Peter's Church Group Listing includes churchyard and rectory garden (also Landscape Item) (Bounded by Dangar, Tingcombe, Faulkner and Rusden Streets)		
No 131	Former St Peter's Church Hall (31 Faulkner Street)*	Lot 1, DP 605314
	St Peter's Anglican Cathedral Church (Dangar Street)*	Lot 100, DP 869687
	Deanery*	Lot 100, DP 869687
No 118	The Diocesan Registry (118 Rusden Street, corner Faulkner Street)*	Lot 100, DP 869687
The Armidale School Listing includes grounds (see Landscape Item) 87 Douglas Street (Bounded by Douglas, Barney, Chapel and Mann Streets and Black Gully)		
	Original Main Building including classrooms, library, dormitory and headmaster's residence*; Chapel (Douglas Street)*; Wakefield House (Barney Street)	
The University of New England Listing includes grounds to Booloominbah and Trevenna (also Landscape Items)		
	Booloominbah; The Lodge (Enquiries Cottage)*; Sub-Lodge; Science Block (Library Road); Shingled cottage (Library Road); Trevenna*	Lot 3, DP 549961; Lots 5 and 6, DP 871514; Lots 1 and 2, DP 1074902
Uniting Church Group Listing includes grounds and gardens of Parsonage (also Landscape Item) (Nos 112–114 Rusden Street)		
No 112	Wesley Hall (112 Rusden Street)	Lot 12, DP 758032
No 114	Uniting Church (114 Rusden Street)	Lot 13, DP 758032

Part 3 Archaeological sites

Street No	Building/Site details	Property description
Armidale Cemetery (bounded by O'Connor Street, Lambs Avenue and Lynches Road)		
	Armidale Cemetery	Lots 576–584, DP 755808
	Cemetery buildings (also Landscape Item)	Lot 2, DP 1036752; Lot 7020, DP 94139; Lot 7019, DP 1073343; Lot 3, DP 1036750; Lot 7036, DP 1073329

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Schedule 2 Heritage items

Street No	Building/Site details	Property description
Beardy Street		
	Timber suspension footbridge and former pool entrance building	Lot 4, DP 877846; Part 1, Sec 171, DP 758032
	Site of Edward Allingham's Mill (corner Allingham Street)	Lot 1, DP 781352
Brewery Lane		
	Site of Simpson's Brewery	Lot 3, DP 625057; Lot 5, DP 832288
Brown Street		
	Former boiler for footwarmers, Armidale Railway Station	Lot 33, DP 883524
	Turntable—Armidale Railway Station	Lot 33, DP 883524
Crescent Street		
	Stone Kerbing (Crescent Street Road Reserve)	
Dumaresq Street		
	Site of Tuck's Brewery (between Butler and O'Dell Streets)	Lot 11, DP 596544
Faulkner Street		
	Site of Trim's Store (corner Dumaresq Street)	Lot 16, DP 814532
Lambs Avenue/Lynches Road		
	General Cemetery	
Markham Street		
No 136	Site of Cordial Factory and cottage (corner Butler Lane)	Lot 1, DP 196798
Rusden Street		
No 237	Domed cistern	Lot 24, DP 716036
Tancredi Street		
	Site of B A Moses' Tannery	Lot 4, DP 590416
Taylor Street		
	Site of Robert Kirkwood's Mill	Lot 4, DP 758032

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Heritage items

Schedule 2

Street No	Building/Site details	Property description
	Site of Commissioner's Quarters Macdonald Park	Lot 1, DP 758032

Part 4 Landscape items

Note. This list does not include landscape items already identified elsewhere in this Schedule.

Street No	Building/Site details	Property description
Barney Street		
	Smith House and trees located along eastern boundary of 125 Brown Street being SP 64758 (Refer to Heritage Item)	SP 64758; Lot 5, DP 880142
Beardy Street		
	Monument and tree (east side of Court House)	Lot 4, DP 758032
Bona Vista Road		
	Bona Vista House and Garden	Lots 669 and 670, DP 755808
No 19	Trees and garden	Lot 43, DP 1054738
Brown Street		
No 84	'Trelawney' Garden (Refer to Heritage Item)	Lot 13, DP 758032
Nos 91–93	Garden and Hedge	Lot 6, DP 1058810
No 108	"Birida" Garden (Refer to Heritage Item)	SP 70597
Butler Street		
	Armidale High school Grounds (Refer to Heritage Item)	Lots 1 and 2, DP 758032; Lot 1, DP 196298; Lot 705, DP 755808; Lot 1151, DP 821627
Cooks Road		
Nos 90–92	Maroombra garden (200m south of Erskine Street)	Lot 12, DP 777282
Dangar Street		
NE corner Rusden Street	Victorian cast iron post box	
	Central Park, including rotunda	Lot 16, DP 1048143

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Schedule 2 Heritage items

Street No	Building/Site details	Property description
	Armidale City Public School grounds (bounded by Faulkner, Brown and Dangar Streets)	Sec 30, DP 758032
No 146	Himalayan Cedar tree (corner Barney Street)	Lot 1, DP 782856
No 161	“Kilbucho” Garden	Lots 1 and 2, DP 503487
Nos 184–188	Hedges and tree	Lot 20, DP 627295
Dangarsleigh Road		
	Terangan grounds	Lots 1–6, DP 857997
Douglas Street		
Corner Dumaresq Street	Armidale Sportsground (corner Dumaresq Street)	Lot 1129, DP 39842
Elm Avenue		
	Entrance to University of New England	Elm Avenue Road Reserve
Erskine Street		
No 125	Presbyterian Ladies’ College grounds (bounded by Glen Innes Road, Duval Street and Crest Road)	
Faulkner Street		
No 132	Denman Cottage including Garden (Refer to Heritage Item)	Lot 1, DP 974137
No 137	St Paul’s Presbyterian Church including grounds, fence, trees and hedge (Refer to Heritage Item)	Lot 15, Sec 9, DP 758032
No 157	Hedge and Garden (Refer to Heritage Item)	Lot 1, Sec 18, DP 758032
No 160	“Uloola” including Garden (Refer to Heritage Item)	Lot 20, DP 1046000
No 177	“Highbury” Hedge and trees (Refer to Heritage Item)	Lot 4, DP 339610
No 187	Garden, trees and hedge	Lot 1, DP 129759
No 189	Hedge	Lot 1, DP 119181
No 201 (corner College Ave)	Garden (corner College Avenue)	Lot 2, DP 324646

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Heritage items

Schedule 2

Street No	Building/Site details	Property description
No 140	Elm trees	Lot 2, DP 573158
Galloway Street		
No 65	Garden (Refer to Heritage Item)	Lot 23, DP 621281
Glen Innes Road		
	“Canowindra”	Lot 5, DP 608284
Jessie Street		
No 170	“Sturry” Garden	Lot 1, DP 153868
No 174	Eucalyptus tree	Lot 11, DP 758032
No 178	Garden	Lot 1, DP 995365
Lambs Avenue/Lynches Road		
	Armidale Cemetery	Lot 2, DP 1036752; Lot 7020, DP 94139; Lot 7019, DP 1073343; Lot 3, DP 1036750; Lot 7036, DP 1073329
Lynches Road		
No 68 (corner Barclay Road)	Trees in garden (corner Barclay Road)	Lot 1, DP 242027
Mann Street		
No 65	Opawa including garden and trees (Refer to Heritage Item)	Lot C, DP 364214
No 89	Garden	Lot 48, DP 632165
Nos 91–93	Gardens, hedge and fence	Lot 10, DP 557652; Lot 13, DP 559703
No 112	Garden	Lot 1, DP 130024
No 116	Cedar Trees	Lot 10, DP 564560
No 118 (corner Faulkner Street)	Loombra (Corner Faulkner Street) Garden and Cedar Tree (Refer to Heritage Item)	Lot 9, DP 564560
No 128	Garden, Hedge and Fence (Refer to Heritage Item)	Lots 1 and 3, DP 212280
No 150	Hedge and peppercorn tree	Lot 14, Sec 46, DP 758032

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Schedule 2 Heritage items

Street No	Building/Site details	Property description
No 157	Garden	Lots 3 and 4, Sec 28, DP 758032
No 164	Garden	Lot 1, DP 555691
Marsh Street		
No 139	Two Himalayan Cedar Trees	Lot 1, DP 1102010
Nos 159–163	Hedge, fence, garden trees	Lot 1, DP 711560; Part Lot 1, Sec 17, DP 758032
No 189	Garden	Lot A, DP 330161
No 34	“Cotswold” including fence and grounds (Refer to Heritage Item)	Lot 22, DP 610117
No 179	Garden	Lot 1, DP 745132
No 168	“Belmore Cottage” Garden, Trees and Hedge (corner Brown Street) (Refer to Heritage Item)	Lot A, DP 155192
No 184	“Comeytrowe” (including garden and trees)	Lot 23, DP 590445
Middlefarm Road		
	Eucalyptus tree	Road reserve
Mossman Street		
No 120	Yo-Merrie garden (corner Faulkner Street)	Lot 1, DP 327470
No 145	The Turrets Garden (Refer to Heritage Item)	Lot A, DP 370218
Rusden Street		
No 291	Cypress trees in garden	Lot 10, DP 1036607
	Drummond School grounds and trees	Sec 59, DP 758032
Taylor Street		
	CB Newling Administration Centre and playing fields grounds	Lot 3, DP 1046262
	Indigenous eucalypts	Lot 3, DP 1046262
The Boulevarde		
	Former St Patrick’s Orphanage including grounds (Refer to Heritage Item)	SP 49700
Uralla Road		

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Heritage items

Schedule 2

Street No	Building/Site details	Property description
	Former Bishopscourt and grounds (Refer to Heritage Item)	Lot 701, DP 834291
Schools, public places		
Armidale Cemetery		
	Cemetery Grounds (refer Heritage Item)	
Armidale Racecourse		
	(refer Heritage Item)	Lot 1130, DP 39842
Armidale Showground		
	Including trees (refer Heritage Item)	Lot 2, DP 875013
Catholic Church—Convent		
	Churchyard	Sec 7, DP 758032
	Convent Grounds (refer Heritage Item)	Sec 7, DP 758032
CB Newling Centre of the University of New England		
	Including Grounds (refer Heritage Item)	Lot 1, Sec 78, DP 758032
O'Connor Catholic College		
	Entry gates, avenue of trees and grounds (refer Heritage Item)	Lots 1–4, DP 522525; Lot 10, DP 112882
St Peter's Church Group		
	Includes Churchyard and rectory garden (refer Heritage Item)	Lot 100, DP 869687
Uniting Church Group		
	Uniting Church Grounds and grounds of Parsonage (refer Heritage Item)	Lots 10–13, DP 758032
University of New England		
	Grounds to Booloominbah; Grounds to Trevenna; Elm Avenue of Trees (refer Heritage Item)	Lot 3, DP 549961; Lots 5 and 6, DP 871514; Lots 1 and 2, DP 1074902

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Dictionary

Dictionary

(Clause 5)

abattoir means a building or place used for the slaughter of animals, whether or not animal by-products are processed, manufactured or distributed at or from the building of place, and includes a knackery.

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.

adjoining, in relation to an area, means abutting or separated only by a public reserve, road, river, watercourse, or tidal or non-tidal water, or other like division.

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.

airline terminal means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods to or from an airport or an aerodrome.

airport means a place used for the landing, taking-off or parking of aeroplanes (including terminals, buildings for the parking or maintenance of aeroplanes, associated installations and movement areas), and includes heliports.

airport buffer area means the area around Armidale Regional Airport as shown by diagonal hatching on the map.

alignment means the boundary line between any public place and any land abutting that place.

ancillary dwelling means a dwelling that is fundamental, but subordinate, to the operation of a non-residential use that is permitted on the land, but does not include a rural worker's dwelling.

ANEF means Australian noise exposure forecast within the meaning of Australian Standard AS 2021–2000, *Aircraft Noise Intrusion—Building siting and construction*.

animal boarding, breeding 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 clinic.

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

Note. The term is defined as follows:

aquaculture means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include:

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Dictionary

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- (c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
 - (d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
 - (e) any other thing prescribed by the regulations (made under the *Fisheries Management Act 1994*).

archaeological site means the site (as listed in Part 3 of Schedule 2) of one or more relics.

arterial road means an existing road shown on the map as a continuous red band on white between firm black lines.

attached dual occupancy means a dual occupancy where the 2 dwellings share a common wall and roofline so as to give the appearance of a single building.

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for guests and:

- (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.

boarding house means a building:

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

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

brothel has the same meaning as in the Act.

Note. The term is defined as a brothel within the meaning of the *Restricted Premises Act 1943* (ie premises habitually used for the purposes of prostitution, or that have been used for that purpose and are likely to be used again for that purpose), but excludes premises used or likely to be used for the purposes of prostitution by no more than one prostitute.

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) or a temporary structure within the meaning of the *Local Government Act 1993*.

building identification sign means a sign that identifies or names a building and that may include the name of a business or building, the street name and number of a

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building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

bulky goods premises means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) goods that are of such size or weight as to require:

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

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale of bulky goods.

bulk store means a building or place used for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

bus station means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

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 *Environmental Planning and Assessment Act 1979*.

bushland means land on which there is vegetation that is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person, and
 - (ii) 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 include any advertising relating to a person who does not carry on business at the premises or place.

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car parking station means a building or place, whether operated for gain or not, used for parking vehicles not specifically for use in relation to another use, and includes any manoeuvring space and access from or to the building or place.

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.

cemetery means a building or place designed to be used for the burial, cremation or processing of human corpses, and includes a chapel, crematorium and burial ground but does not include a family burial ground.

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 family day care home or home-based child care home, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Office of 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 section 200 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.

clearing means:

- (a) cutting down, felling, thinning, logging, removing or transplanting vegetation, or

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- (b) killing, destroying, poisoning, ringbarking, uprooting or burning vegetation, or
 - (c) severing, topping, lopping or pruning branches, limbs, stems or trunks of vegetation, or
 - (d) substantially damaging or injuring vegetation in any other way.

club means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or a different kind and whether or not the whole or a part of any such building is the premises of a club registered under the *Registered Clubs Act 1976*.

commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used for a purpose elsewhere specifically defined in this Dictionary.

community facility means a building or place owned or controlled by a public authority or community organisation and used for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place elsewhere defined in this Dictionary.

construction camp means a temporary camp site for workers involved in a construction activity.

convenience shop means a shop that:

- (a) trades principally in the retail sale of groceries, takeaway foods, smallgoods and household items and services and may include the facilities of a post office, and
- (b) may be attached to or form part of a dwelling, and
- (c) does not have an area devoted to retailing that exceeds 75 square metres.

Council means Armidale Dumaresq Council.

Crown land has the same meaning as in the *Crown Lands Act 1989*.

Note. This term is defined as follows:

Crown land means land that is vested in the Crown or was acquired under the Closer Settlement Acts as in force before their repeal, not in either case being:

- (a) land dedicated for a public purpose, or
- (b) land that has been sold or lawfully contracted to be sold and in respect of which the purchase price or other consideration for the sale has been received by the Crown.

Crown reserve means a reserve within the meaning of section 78 of the *Crown Lands Act 1989*.

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 in a heritage conservation area, that contributes to its heritage significance.

dam means an excavation in which water is stored by the use of earthen walls or walls made of other materials.

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

depot means a building or place used for the storage (but not sale) of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place, but does not include a building or place elsewhere defined in this Dictionary.

display, in relation to signage, means the erection of a structure for the purposes of display and the use of land, or a building on land, for the purposes of display.

dredging work means:

- (a) any work that involves excavating water land, or
- (b) any work that involves the removal of material from water land that is prescribed by the regulations to the *Fisheries Management Act 1994* as being dredging work to which Division 3 of Part 7 of the *Fisheries Management Act 1994* applies.

drive-in theatre means any place or structure:

- (a) that is used or intended to be used for the purpose of exhibiting or screening films in the open air, and
- (b) in respect of which provision is made for the parking or accommodation of motor vehicles from which such films are to be viewed, and
- (c) to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission,

and includes any building used or intended to be used in connection with the place or structure.

dual occupancy means 2 dwellings (whether attached or detached) on a single lot.

dwelling means a building or part of a building used as a self-contained residence.

dwelling house means a building containing 1 but not more than 1 dwelling.

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

- (a) a school or tertiary institution, whether or not accommodation for staff and students is provided and whether or not used for the purposes of gain, and
- (b) an art gallery or museum,

with ancillary facilities such as shops and restaurants.

energy generating facility means a structure or work that is privately supplied and generates energy for consumption by a development or activity on the same site, but does not include generating works or public utility undertakings.

entertainment includes:

- (a) amusement provided by means of any ride or device or by any other means (such as pin-ball machines and video games), and

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(b) an exhibition, sporting event or contest, but does not include amusement provided by means of an approved gaming machine within the meaning of the *Gaming Machines Act 2001*.

entertainment facility means a building or place used for the purpose of sport, entertainment, exhibition, displays, or cultural events, and includes:

- (a) sports stadiums, showgrounds, race courses and the like, and
- (b) theatres, cinemas, music halls, concert halls, open air theatres, drive-in theatres and the like.

exhibition home means a dwelling house or other dwelling used temporarily for display purposes.

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.

extractive material means sand, gravel, clay, soil, rock, stone or similar substance.

floor means that space in 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.

floor area, of a building, means the total floor area of the building measured from the outside of the external walls or the centre of a common wall.

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.

frontage means a boundary of a lot that abuts a road.

general advertising means all signage except for the following:

- (a) business identification signs,
- (b) building identification signs,
- (c) signage, the display of which is exempt development,
- (d) signage on vehicles,

and includes any structure for the advertising.

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general agriculture means the rearing of animals using grazing as a feeding method or the growing of plants using natural rainfall (except for irrigated pasture and fodder crops), but does not include intensive livestock or intensive plant agriculture.

generating works means a building or place used for the purpose of making or generating gas, electricity or other forms of energy, but does not include energy generating facilities or public utility undertakings.

gross floor area means the sum of the areas of each floor of a building if the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400mm above each floor level excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall,
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts,
- (c) car-parking needed to meet any requirements of the council and any internal access thereto,
- (d) space for the loading and unloading of goods.

group of convenience shops means a group of no more than 4 shops that are:

- (a) located on adjoining land, and
- (b) not located closer than 400m to another shop or business zone or group of convenience shops.

group home means a dwelling that is a permanent group home or a transitional group home.

hazardous industry means an industry that, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

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

hazardous storage establishment means any establishment where goods, materials or products are stored that, in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality:

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

health care professional means a person who provides professional health care services to members of the public.

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

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heliport means a place open to the public regularly 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.

heritage conservation area means an area of land that is shown edged by a broken blue line on the map (including any heritage items situated on or in that conservation area).

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning 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, archaeological site 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, archaeological site, tree, place or Aboriginal object specified in an inventory of heritage items that is available at the office of the Council and the site and nature of which is described in Schedule 2.

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

high technology industry means an industry or associated commercial activity that is directly associated with the activities of a research establishment or tertiary educational establishment or that predominantly involves the use, development or production of advanced technologies.

highway service centre means development that has direct access to a freeway or controlled access road and that may include petrol and diesel fuel outlets, toilets, restaurant facilities (for either sit-down or take-away meals, or both), parking for cars, buses and trucks, and emergency repair facilities.

holding means:

- (a) except as provided by paragraph (b), the area of a lot or parcel of land, or
- (b) if a person owns 2 or more adjoining or adjacent lots or parcels of land, the aggregation of the areas of those lots or parcels.

home business means a business undertaken by the permanent residents of a dwelling, if no more than 3 other persons are also employed.

home industry means an industry carried on in a building (other than a dwelling) under the following circumstances:

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- (a) the building does not occupy floor space exceeding 50 square metres and is erected in the curtilage of the dwelling house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person, and
 - (b) the industry does not:
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,
 - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more the permanent residents of the dwelling 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 or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), 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, a brothel or home occupation (sex services).

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 notice, advertisement or sign, 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.

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

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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 or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

hotel means licensed premises under the *Liquor Act 1982* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include accommodation and whether or not food is sold on the premises.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include an extractive industry or a mine.

institution means a correctional centre within the meaning of the *Crimes (Administration of Sentences) Act 1999*, and includes a correctional complex within the meaning of that Act.

integrated housing means the subdivision of land into at least 5 lots, each having an area of at least 232 square metres, and the erection of a single dwelling on each of those lots.

intensive livestock agriculture means the keeping or breeding of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or general agriculture or aquaculture.

intensive plant agriculture means the commercial cultivation of fruit, flowers, nuts, vegetables, mushrooms or turf, and includes vineyards, wholesale plant nurseries or the use of hydroponic horticultural systems but does not include where the produce is grown for personal household consumption or enjoyment.

land includes:

- (a) the sea or an arm of the sea,

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- (b) a bay, inlet, lagoon, lake or body of water, whether inland or not and whether tidal or non-tidal, and
 - (c) a river, stream or watercourse, whether tidal or non-tidal, and
 - (d) a building erected on the land.

landing area means an area of ground suitable for the take-off and landing of aeroplanes and associated aeroplane operations.

light industry means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do 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.

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

maintenance in relation to a heritage item, or a building, work, archaeological site, tree or place in a heritage conservation area, means ongoing protective care. It 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.

maintenance dredging means the winning or removal and the disposal of extractive material from the bed of a watercourse to enable the watercourse:

- (a) to continue to function as a watercourse, or
- (b) to resume its function as a watercourse.

manufactured home means a self contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) that comprises 1 or more major sections, and
- (b) that is not a registrable vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*,

and includes any associated structures that form part of the dwelling.

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

market means premises comprising an open-air area or an existing building 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.

materials recycling facility means a building or place used for collecting, dismantling, storing or recycling of second-hand or scrap materials, goods or machinery for the purpose of resale, reuse or transfer.

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medical centre means a building or place used for the purpose of providing professional health services (such as preventative care, diagnosis, medical or surgical treatment, or counselling) to outpatients only.

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.

mineral has the same meaning as in the *Mining Act 1992*.

mining means obtaining (by methods including excavating, quarrying, dredging, tunnelling or drilling) or removing minerals, petroleum or natural gas and includes the storage and processing of the material obtained.

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

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.

motel means premises used for the temporary or short-term accommodation of travellers but does not include premises defined elsewhere in this Dictionary.

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.

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.

natural wetland includes marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow watercourse (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with

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fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities.

Obstacle Limitation Surface Plan means the plan entitled *Obstacle Limitation Surface Plan* approved by the Commonwealth Civil Aviation Safety Authority and held in the office of the Council.

offensive industry means any development for the purpose of an industry that would, when the development is 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 development 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 the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored 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 establishment 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 the existing or likely future development on other land in the locality.

passenger transport terminal 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 entertainment has the same meaning as in the Act.

Note. The term is defined as follows:

place of public entertainment means:

- (a) any theatre or cinema (including a drive-in or open-air theatre or cinema) that is used or intended to be used for the purpose of providing public entertainment, or
- (b) any premises the subject of a licence under the *Liquor Act 1982* or a certificate of registration under the *Registered Clubs Act 1976*, that are used or intended to be used for the purpose of providing entertainment, including public entertainment, but not including amusement provided by means of an approved gaming machine within the meaning of the *Gaming Machines Act 2001*, or
- (c) any public hall that is used or intended to be used for the purpose of providing public entertainment.

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.

permanent group home means a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and with or without payment for board and lodging being required,

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

premises means any of the following:

- (a) a building of any description or any part of it and the appurtenances to it,
- (b) a manufactured home, moveable dwelling and associated structure,
- (c) land, whether built on or not,
- (d) a shed or other structure,
- (e) a tent,
- (f) a swimming pool,
- (g) a ship or vessel of any description (including a houseboat), or
- (h) a van.

professional consulting office means a building or place used for the purpose of professional or like activities that do not involve dealing with members of the public on a direct and regular basis or otherwise than by an appointment, except if this is a minor activity ancillary to the main purpose for which the building or place is used.

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

Note. The term is defined as follows:

public road means:

- (a) any road that is opened or dedicated as a public road, whether under this or any other Act or law, and
- (b) any road that is declared to be a public road for the purposes of this Act.

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,

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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.

railway means a fixed rail transport route for conveying passengers and goods.

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.

recreation facility means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include an entertainment facility.

recreation vehicle area has the same meaning as in the *Recreation Vehicles Act 1983*.

refreshment room means a cafe, tea room, eating house, kiosk or the like that has a floor space of less than 75 square metres, but does not include a restaurant.

relic means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of Armidale Dumaresq, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly in the ground.

restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

restricted premises means commercial premises or shops 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 hotel, a motel, a pub, home occupation (sex services) or sex services premises.

retail plant nursery means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

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

road transport terminal means a building or place used for the bulk handling of goods for transport by motor vehicle, and includes the loading and unloading of containers.

Armisdale Dumaresq Local Environmental Plan 2008

Dictionary

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

rural industry means an industry that involves the handling, treating, production, processing or packing of primary products, and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality, but does not include an extractive industry or mining.

rural worker's dwelling means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

sawmill 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.

service station means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following:

- (a) the hiring of trailers,
- (b) the retail selling or the installing of spare parts and accessories for motor vehicles,
- (c) the washing and greasing of motor vehicles,
- (d) the repairing or servicing of motor vehicles (not involving body building, panel beating or spray painting),
- (e) the retail selling or hiring of small consumer goods.

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.

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 a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

signage means all signs, notices, devices, representations and advertisements that advertise or promote 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:

- (a) building identification signs, and
- (b) business identification signs, and

Armidale Dumaresq Local Environmental Plan 2008

Dictionary

(c) advertisements,

but does not include traffic signs or traffic control facilities.

stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

take away food outlet means a shop that is predominantly for the preparation of food and refreshments for consumption elsewhere.

telecommunications facility means a building, structure, or thing, including telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit or pole, that is used 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.

the Act means the *Environmental Planning and Assessment Act 1979*.

the map means the map marked "Armidale Dumaresq Local Environmental Plan 2007", as amended by the maps (or sheets of maps) marked as follows:

threatened species, populations or ecological communities means species, populations or ecological communities specified in Schedule 1, 1A or 2 of the *Threatened Species Conservation Act 1995* or Schedules 4, 4A or 5 of the *Fisheries Management Act 1994*.

tourist facility means an establishment providing for holiday accommodation or recreation and may include a boatshed, boat handling facilities, camping ground, caravan park, holiday cabins, hotel, house boat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any tourist activities.

transitional group home means a dwelling:

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

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

transport depot means a building or space used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

urban release area means an area of land shown hatched and lettered "Urban Release Area" on the Urban Release Area Map.

Urban Release Area Map means Sheet 4 of the map.

Armidale Dumaresq Local Environmental Plan 2008

Dictionary

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 or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

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

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 purposes of treatment and may include laboratory facilities.

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 depot means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

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.

waste water treatment facility buffer area means the area within 900 metres of MGA Zone 56 (GDA 94) Coordinates E 376487.97 N 6623317.44.

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

Note. The term is defined as follows:

water land means land submerged by water:

- (a) whether permanently or intermittently, or
- (b) whether forming an artificial or natural body of water,
- (c) and includes wetlands and any other land prescribed by the regulations as water land to which this Division applies.

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:

Armidale Dumaresq Local Environmental Plan 2008

Dictionary

- (a) a river, creek or stream that is named or is shown as a permanent watercourse on 1:25,000 topographic maps prepared by the Department of Lands, or
- (b) a lake, lagoon, natural wetland, estuary, bay or inlet.

waterbody (artificial) 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.

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).



New South Wales

Mid-Western Regional Interim Local Environmental Plan 2008

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S06/01012/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Mid-Western Regional Interim Local Environmental Plan 2008

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Mid-Western Regional Interim Local Environmental Plan 2008

Clause 1

Preliminary

Part 1

Mid-Western Regional Interim Local Environmental Plan 2008

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of Plan

This Plan is *Mid-Western Regional Interim Local Environmental Plan 2008*.

2 Aims of Plan

The aims of this Plan are as follows:

- (a) to encourage development that builds community pride, reinforces existing social networks and promotes community cohesion and well-being,
- (b) to promote development that best balances the interrelated goals of economic prosperity, social equity and environmental quality for the land to which this Plan applies,
- (c) to manage urban and rural settlement in a way that achieves the orderly and efficient use of land while maintaining and conserving resources for future generations,
- (d) to foster a sustainable and vibrant economy that supports and celebrates the area's rural, natural and heritage attributes,
- (e) to encourage development of the area's resources and a broadening of its economic base, with particular emphasis on growth of employment generating activities such as retailing, tourism, mining, industries, viticulture and agriculture,
- (f) to provide a secure future for agriculture by protection of agricultural land capability and maximise opportunities for sustainable rural and primary production pursuits,
- (g) to strengthen the role of Mudgee and Gulgong as the primary service centres serving the surrounding region,
- (h) to encourage sound land management practices and to protect land subject to environmental hazards from inappropriate development,

Clause 3 Mid-Western Regional Interim Local Environmental Plan 2008
 Part 1 Preliminary

- (i) to protect the settings of Mudgee and Gulgong by:
 - (i) managing the urban/rural interface, and
 - (ii) preserving land that has been identified for future long term urban development, and
 - (iii) conserving the significant visual elements contributing to the character of the towns (such as elevated lands and rural landscapes), and
 - (iv) conserving the visual amenity and rural character of the main road entry corridors into Mudgee and Gulgong,
- (j) to promote both the sustainable economic development and the residential amenity of the villages,
- (k) to match residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure,
- (l) to achieve the Government endorsed water quality and river flow environmental values of the Cudgegong, Macquarie and Goulburn Rivers,
- (m) to protect and conserve the area's environmental and scenic values and natural features and attributes,
- (n) to protect and conserve the area's indigenous and non-indigenous heritage values.

3 Land to which Plan applies

This Plan applies to the land within the Mid-Western Regional local government area identified on the map.

4 Definitions

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

5 Notes

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

6 Consent authority

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

7 Maps

A reference in this Plan to a map is a reference to a map deposited in the office of the Council.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 8

Preliminary

Part 1

8 Repeal of other local planning instruments applying to land

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

9 Application of SEPPs and REPs

- (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail 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)

Clause 10	Mid-Western Regional Interim Local Environmental Plan 2008
Part 2	Permitted or prohibited development

Part 2 Permitted or prohibited development

10 Land use zones

The land use zones under this Plan are as follows:

Residential Zones

Low Density Residential
Medium Density Residential
Rural Residential
Village

Rural Zones

Agriculture
Intensive Agriculture
Rural Small Holdings
Investigation

Business Zones

Neighbourhood Business
Mixed Use
Commercial Core

Industrial Zones

Light Industrial
General Industrial

Special Purpose Zones

Special Uses
Infrastructure

Recreation Zones

Local Open Space—Public
Local Open Space—Private

Environment Protection Zones

Natural Areas
Conservation

11 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the map.

12 Zone objectives and land use table

- (1) The Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 13

Permitted or prohibited development

Part 2

- (b) development that may be carried out without consent, and
 - (c) development that may be carried out only with 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 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 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 15 requires consent for subdivision of land.
- 5 Parts 5 and 6 contain other provisions which require consent for particular development.

13 Unzoned land

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting 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.

14 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:

Clause 15	Mid-Western Regional Interim Local Environmental Plan 2008
Part 2	Land Use Table

- (a) with consent, or
 - (b) if the Schedule so provides—without 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.

15 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- Note.** Clause 36 provides that, subject to an exception, the subdivision of land within the Agriculture Zone is prohibited. Clause 45 provides that, except as provided by subclause (2), the subdivision of land within the Conservation Zone is prohibited.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
- (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.
- (3) Subclause (2) does not apply to land within the Agriculture, Intensive Agriculture, Rural Small Holdings or Investigation Zone.
- Note.** If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

Land Use Table

Low Density Residential Zone

1 Objectives of zone

- To provide neighbourhoods of low density housing.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 15

Land Use Table

Part 2

-
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To identify land that can accommodate the future population growth of Mudgee and Gulgong in a manner that both optimises infrastructure planning and delivery and satisfactorily responds to environmental attributes.
 - To provide for larger-lot residential development in visually sensitive locations and in buffer areas to adjacent rural zones.
 - To protect and improve the amenity of residential neighbourhoods, particularly in terms of limiting the effects of noise, odour, overshadowing, overlooking and vehicular traffic.
 - To permit development in residential neighbourhoods that is of a domestic scale and that preserves the character and visual amenity of those neighbourhoods.
 - To allow a limited range of non-residential land uses that are low scale and that are compatible with, and would not adversely affect the existing amenity of, lower density residential neighbourhoods.
 - To facilitate the provision of a variety of housing types, forms and styles.
 - To encourage the relocation of industrial and other incompatible uses out of residential areas.
 - To promote development (including subdivision) that minimises the impacts of salinity on infrastructure, buildings and the landscape.
 - To promote the development of lower density residential subdivisions that incorporate the principles of water-sensitive urban design, that maximise opportunities for energy efficiency, that create permeable access networks, and provide for (where appropriate) sufficient areas of usable open space.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care; Home occupations; Public utility undertakings; Utility installations.

3 Permitted with consent

Advertising structures; Agriculture; Bed and breakfast accommodation; Caravan parks; Child care centres; Community facilities; Craftsman's studios; Drainage; Dual occupancies—attached; Dwelling houses; Earthworks; Educational establishments; Environmental facilities; Flood mitigation works; Granny flats; Group homes; Home businesses;

Clause 15	Mid-Western Regional Interim Local Environmental Plan 2008
Part 2	Land Use Table

Home industries; Hospitals; Hostels; Manufactured homes; Neighbourhood shops; Office premises; Places of public worship; Public halls; Public reserves; Recreation areas; Roads; Schools; Seniors housing; Serviced apartments; Signage; Telecommunications facilities.

4 Prohibited

Any other development not otherwise specified in Item 2 or 3.

Medium Density Residential Zone

1 Objectives of zone

- To provide a variety of housing types.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To identify land that can accommodate the future population growth of Mudgee and Gulgong in a manner that both optimises infrastructure planning and delivery and satisfactorily responds to environmental attributes.
- To protect and improve the amenity of residential neighbourhoods, particularly in terms of limiting the effects of noise, odour, overshadowing, overlooking and vehicular traffic.
- To permit development in residential neighbourhoods that is of a domestic scale and that preserves the character and visual amenity of those neighbourhoods.
- To allow a limited range of non-residential land uses that are low scale and that are compatible with, and would not adversely affect the existing amenity of, urban residential neighbourhoods.
- To facilitate the provision of a variety of housing types, forms and styles.
- To encourage the relocation of industrial and other incompatible uses out of residential areas.
- To promote development (including subdivision) that minimises the impacts of salinity on infrastructure, buildings and the landscape.
- To promote the development of urban residential subdivisions that incorporate the principles of water-sensitive urban design, that maximise opportunities for energy efficiency, that create permeable access networks, and that provide for (where appropriate) sufficient areas of usable open space.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 15

Land Use Table

Part 2

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care; Home occupations; Public utility undertakings; Utility installations.

3 Permitted with consent

Advertising structures; Agriculture; Bed and breakfast accommodation; Boarding houses; Caravan parks; Child care centres; Community facilities; Craftsman's studios; Drainage; Dual occupancies—attached; Dual occupancies—detached; Dwelling houses; Earthworks; Educational establishments; Environmental facilities; Filling; Flood mitigation works; Funeral chapels; Funeral homes; Granny flats; Group homes; Home businesses; Home industries; Hospitals; Hostels; Hotel accommodation; Manufactured home estates; Manufactured homes; Medical centres; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Public halls; Public reserves; Recreation areas; Residential flat buildings; Roads; Schools; Seniors housing; Serviced apartments; Signage; Telecommunications facilities.

4 Prohibited

Any other development not otherwise specified in Item 2 or 3.

Rural Residential Zone

1 Objectives of zone

- To provide rural residential housing, while preserving environmentally sensitive locations and the scenic quality of the area.
- To ensure that allotments created in rural residential estates 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 permit the development of rural residential allotments adjoining the existing Mudgee and Gulgong urban areas which can be efficiently serviced with reticulated water and sewerage, electricity, telephone and tar sealed roads.
- To encourage low density rural residential activities which maintain the residential amenity and semi-rural character of land within the zone.

Clause 15 Mid-Western Regional Interim Local Environmental Plan 2008

Part 2 Land Use Table

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care; Home occupations; Public utility undertakings; Utility installations.

3 Permitted with consent

Advertising structures; Agriculture; Backpackers' accommodation; Bed and breakfast accommodation; Caravan parks; Child care centres; Community facilities; Craftsman's studios; Drainage; Dual occupancies—attached; Dwelling houses; Earthworks; Educational establishments; Environmental facilities; Farm buildings; Flood mitigation works; Granny flats; Group homes; Home businesses; Home industries; Horticulture; Hospitals; Hostels; Intensive plant agriculture; Manufactured homes; Neighbourhood shops; Office premises; Places of public worship; Public halls; Public reserves; Recreation areas; Roads; Schools; Seniors housing; Serviced apartments; Signage; Telecommunications facilities.

4 Prohibited

Any other development not otherwise specified in Item 2 or 3.

Village Zone

1 Objectives of zone

- To provide for a mix of housing, community uses, business and light industries in the villages which combine to provide both a distinct village character and which serve the surrounding rural communities.
- To ensure that development in village areas is compatible with the environmental capability of the land, particularly in terms of the capacity of that land to accommodate on site effluent disposal facilities.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care; Home occupations; Public utility undertakings; Utility installations.

3 Permitted with consent

Any other development not otherwise specified in Item 2 or 4.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 15

Land Use Table

Part 2

4 Prohibited

Agricultural produce industries; Airports; Animal boarding or training establishments; Backpackers' accommodation; Biosolid waste applications; Cellar door premises; Commercial vineyards; Extractive industries; Feedlots; Forestry; Hazardous industries; Hazardous storage establishments; Heavy industries; Helipads; Heliports; Home occupation (sex services); Industries; Intensive livestock agriculture; Kiosks; Land fill; Liquid fuel depots; Livestock processing industries; Mining; Offensive industries; Offensive storage establishments; Restricted premises; Road transport terminals; Rural industries; Sewage treatment works; Sex services premises; Tank-based aquaculture.

Agriculture Zone

1 Objectives of zone

- To protect and maintain land for agriculture and other rural purposes.
- To avoid the fragmentation of agricultural land and conflict between land uses, and to restrict unnecessary dwellings and incompatible development.
- To provide for other rural land uses, such as mining, extractive industries, forestry and energy generation.
- To provide for the protection, enhancement and conservation of areas of significance for nature conservation, of habitat of threatened species, populations and ecological communities and of other areas of native vegetation.
- To maintain the scenic amenity and landscape quality of the area.
- To promote the sustainable management, use and development of certain land for agriculture, mining and other primary industries.
- To promote the conservation of productive agricultural land for agricultural purposes, particularly cropping and grazing.
- To preserve the area's open rural landscapes and environmental and cultural heritage values by the maintenance of large holdings accommodating both intensive and extensive forms of agriculture.
- To avoid development that would conflict with or unreasonably impact upon the efficient use of land for rural or other primary industries, such as small lot rural residential subdivision and hobby farms.
- To protect the residential and visual amenity of existing and future residents of rural areas by applying appropriate building siting and design controls.

Clause 15	Mid-Western Regional Interim Local Environmental Plan 2008
Part 2	Land Use Table

-
- To ensure that development does not significantly detract from the existing rural character or create unreasonable or uneconomic demands for provision or extension of public amenities and services.
 - To permit some non-agricultural land uses and agricultural support facilities, such as rural industries and tourist facilities, which are in keeping with the other zone objectives and which will not adversely affect agricultural capability or capability of the land the subject of the development (or adjoining land).
 - To encourage high quality advertising signs in association with approved uses that provide business identification, that are appropriately integrated into the site development, and that contribute positively to the visual amenity of the surrounding area.

2 Permitted without consent

Agriculture; Biosolid waste applications; Bush fire hazard reduction work; Drainage; Environmental protection works; Forestry; Home industries; Home occupations; Public utility undertakings; Restriction facilities; Utility installations.

3 Permitted with consent

Any other development not otherwise specified in Item 2 or 4.

4 Prohibited

Agricultural machinery showrooms; Backpackers' accommodation; Boarding houses; Bulky goods premises; Bus stations; Business premises; Car parks; Caravan parks; Child care centres; Dual occupancies—attached; Entertainment facilities; Heavy industries; Home occupation (sex services); Hospitals; Hostels; Hotel accommodation; Industries; Kiosks; Light industries; Manufactured home estates; Medical centres; Motor showrooms; Office premises; Places of public worship; Pubs; Reception centres (except where ancillary to an approved use); Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Restaurants (except where ancillary to an approved use); Restricted premises; Retail premises; Road transport terminals; Seniors housing; Service stations; Sex services premises; Shop top housing; Tourist and visitor accommodation.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 15

Land Use Table

Part 2

Intensive Agriculture Zone

1 Objectives of zone

- To protect and maintain crop and pasture land that has been identified as suitable for intensive agricultural activities.
- To prevent the inappropriate development of land with a high potential for agricultural productivity.
- To promote the sustainable management, use and development of certain land for intensive agriculture, particularly horticulture, viticulture and irrigation farms for specialised agriculture, which can take advantage of high land quality and availability of a reliable water supply.
- To protect land within the zone from inefficiencies posed by excessive and non-productive improvements, fragmentation of holdings and conflict between land uses.
- To permit some non-agricultural land uses and agricultural support facilities, such as rural industries and tourist facilities, which are in keeping with the other zone objectives and which will not adversely affect agricultural capability and/or capability of the land the subject of the development (or adjoining land).
- To encourage high quality advertising signs in association with approved uses that provide business identification, that are appropriately integrated into the site development, and that contribute positively to the visual amenity of the surrounding area.
- To ensure that development maintains and contributes to the rural character of the locality and to agricultural activity.
- To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities and services.
- To promote the protection, enhancement and conservation of areas of significance for nature conservation, habitat of threatened species, populations and communities and areas of native vegetation.
- To protect the agricultural capability and visual amenity of intensive agriculture areas by applying appropriate building siting and design controls.

Clause 15 Mid-Western Regional Interim Local Environmental Plan 2008

Part 2 Land Use Table

2 Permitted without consent

Agriculture; Biosolid waste applications; Bush fire hazard reduction work; Drainage; Environmental protection works; Forestry; Home industries; Home occupations; Public utility undertakings; Restriction facilities; Utility installations.

3 Permitted with consent

Any other development not otherwise specified in Item 2 or 4.

4 Prohibited

Agricultural machinery showrooms; Airports; Backpackers' accommodation; Boarding houses; Bulky goods premises; Bus depots; Bus stations; Business premises; Car parks; Caravan parks; Cemeteries; Child care centres; Community facilities; Crematoriums; Dual occupancies—attached; Entertainment facilities; Feedlots; Freight transport facilities; Funeral chapels; Funeral homes; Hazardous industries; Hazardous storage establishments; Heavy industries; Heliports; Home occupation (sex services); Hospitals; Hostels; Hotel accommodation; Industries; Intensive livestock agriculture; Kiosks; Land fill; Light industries; Liquid fuel depots; Livestock processing industries; Manufactured home estates; Materials recycling or recovery centres; Medical centres; Mortuaries; Motor showrooms; Neighbourhood shops; Offensive industries; Offensive storage establishments; Office premises; Places of public worship; Public administration buildings; Pubs; Reception centres (except where ancillary to an approved use); Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Restaurants (except where ancillary to an approved use); Restricted premises; Retail premises; Road transport terminals; Sawmills or log processing works; Seniors housing; Service stations; Sex services premises; Shop top housing; Tourist and visitor accommodation.

Rural Small Holdings Zone

1 Objectives of zone

- To enable small-scale commercial agriculture.
- To maintain the rural character of the land.
- To provide for rural living opportunities on existing allotments greater than 5 hectares and new allotments of at least 10 hectares as one component in the housing choices available in the area the subject of this Plan.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 15

Land Use Table

Part 2

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- To ensure that development maintains and contributes to the rural character of the locality and minimises disturbances to the landscape and to agricultural activity.
 - To ensure that development does not adversely affect the rural and residential amenity of the locality.
 - To ensure that development in rural living areas is compatible with the environmental capability of the land, particularly in terms of the capacity of that land to accommodate on site effluent disposal facilities.
 - To allow a limited range of non-residential and ancillary land uses that are compatible with, and would not adversely affect, the amenity and environmental characteristics of rural small holding areas.

2 Permitted without consent

Agriculture; Bush fire hazard reduction work; Drainage; Environmental protection works; Home industries; Home occupations; Public utility undertakings; Restriction facilities; Utility installations.

3 Permitted with consent

Any other development not otherwise specified in Item 2 or 4.

4 Prohibited

Agricultural machinery showrooms; Airports; Backpackers' accommodation; Boarding houses; Bulky goods premises; Bus depots; Bus stations; Business premises; Car parks; Caravan parks; Cemeteries; Child care centres; Crematoriums; Dual occupancies—attached; Entertainment facilities; Feedlots; Freight transport facilities; Funeral chapels; Funeral homes; Hazardous industries; Hazardous storage establishments; Heavy industries; Heliports; Home occupation (sex services); Hospitals; Hostels; Hotel accommodation; Industries; Intensive livestock agriculture; Kiosks; Land fill; Light industries; Liquid fuel depots; Livestock processing industries; Manufactured home estates; Materials recycling or recovery centres; Medical centres; Mining; Mortuaries; Motor showrooms; Offensive industries; Offensive storage establishments; Office premises; Public administration buildings; Pubs; Reception centres; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Restaurants; Restricted premises; Retail premises; Road transport terminals; Sawmills or log processing works; Seniors housing; Service stations; Sex services premises; Shop top housing; Tourist and visitor accommodation.

Clause 15	Mid-Western Regional Interim Local Environmental Plan 2008
Part 2	Land Use Table

Investigation Zone

1 Objectives of zone

- To protect, and prevent the fragmentation and inappropriate development of, land that may have potential for future urban expansion.
- To identify land adjoining the urban areas of Mudgee and Gulgong which may have the potential for future urban expansion.
- To ensure that adequate site suitability and capability assessment is undertaken prior to redevelopment of this land for urban expansion.
- To ensure that future land use planning in respect of this zone includes an assessment of the availability and viability of necessary infrastructure and servicing.

2 Permitted without consent

Agriculture; Bush fire hazard reduction work; Drainage; Environmental protection works; Forestry; Home industries; Home occupations; Public utility undertakings; Restriction facilities; Utility installations.

3 Permitted with consent

Advertising structures; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Craftsman's studios; Dual occupancies—detached; Dwelling houses; Earthworks; Eco generating works; Environmental facilities; Extractive industries; Farm buildings; Filling; Flood mitigation works; Generating works; Granny flats; Helipads; Home-based child care; Horticulture; Intensive livestock agriculture; Intensive plant agriculture; Manufactured homes; Markets; Plant nurseries; Public reserves; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural produce sales; Sawmills or log processing works; Sewage treatment works; Spa pools; Swimming pools; Telecommunications facilities.

4 Prohibited

Any other development not otherwise specified in Item 2 or 3.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 15

Land Use Table

Part 2

Neighbourhood Business Zone

1 Objectives of zone

- To provide small-scale retail and commercial development that serves the surrounding neighbourhood.
- To ensure a high degree of design is maintained that is consistent with the low density nature of the surrounding development.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care; Home occupations; Public utility undertakings; Utility installations.

3 Permitted with consent

Any other development not otherwise specified in Item 2 or 4.

4 Prohibited

Agricultural machinery showrooms; Agricultural produce industries; Agriculture; Airports; Animal boarding or training establishments; Biosolid waste applications; Caravan parks; Cellar door premises; Cemeteries; Commercial vineyards; Crematoriums; Extractive industries; Farm buildings; Feedlots; Forestry; Freight transport facilities; Hazardous industries; Hazardous storage establishments; Heavy industries; Helipads; Heliports; Home occupation (sex services); Horticulture; Industries; Intensive livestock agriculture; Intensive plant agriculture; Kiosks; Land fill; Liquid fuel depots; Livestock processing industries; Manufactured home estates; Materials recycling or recovery centres; Mining; Motor showrooms; Offensive industries; Offensive storage establishments; Pond based aquaculture; Restricted premises; Restriction facilities; Road transport terminals; Rural industries; Rural produce sales; Sawmills or log processing works; Service stations; Sewage treatment works; Sex services premises; Stock and sale yards; Tank-based aquaculture.

Mixed Use Zone

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable employment, residential, retail and commercial development in accessible locations so as to maximise public transport patronage and encourage travel by foot and bicycle from surrounding areas.

Clause 15 Mid-Western Regional Interim Local Environmental Plan 2008

Part 2 Land Use Table

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- To ensure a high degree of design is maintained that is consistent with the low density nature of the surrounding development.
 - To provide safe and efficient access between the development site and the public road.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care; Home occupations; Public utility undertakings; Utility installations.

3 Permitted with consent

Any other development not otherwise specified in Item 2 or 4.

4 Prohibited

Agricultural machinery showrooms; Agricultural produce industries; Agriculture; Airports; Animal boarding or training establishments; Biosolid waste applications; Caravan parks; Cellar door premises; Cemeteries; Crematoriums; Extractive industries; Farm buildings; Feedlots; Forestry; Freight transport facilities; Hazardous industries; Hazardous storage establishments; Heavy industries; Helipads; Heliports; Home occupation (sex services); Horticulture; Industries; Intensive livestock agriculture; Intensive plant agriculture; Kiosks; Land fill; Liquid fuel depots; Livestock processing industries; Manufactured home estates; Materials recycling or recovery centres; Mining; Motor showrooms; Offensive industries; Offensive storage establishments; Pond based aquaculture; Restricted premises; Restriction facilities; Road transport terminals; Rural industries; Rural produce sales; Sawmills or log processing works; Service stations; Sewage treatment works; Sex services premises; Stock and sale yards; Tank-based aquaculture.

Commercial Core Zone

1 Objectives of zone

- To provide a wide range of retail, commercial and entertainment facilities.
- To promote the town centres of Mudgee and Gulgong as the primary locations for the provision of retail, commercial and other services to the Mid-Western Local Government Area community.
- To promote the central business district of Mudgee as the focus for major retail and commercial undertakings in the Mid-Western Local Government Area.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 15

Land Use Table

Part 2

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- To permit the development of a range of land uses that are ancillary to or supportive of the retail and service functions of Mudgee and Gulgong town centres, including tourism and higher density residential land uses.
 - To consolidate business development in the town centres and avoid unnecessary or inappropriate expansion of business land uses into surrounding residential neighbourhoods.
 - To protect the historic building character and streetscapes of the town centres, and promote new and infill development that complements the scale and built form of existing buildings.
 - To promote a safe and efficient network for the movement of pedestrians, cyclists and vehicles in and around the town centres.
 - To minimise the loss of existing housing and the intrusion of business-related traffic into surrounding residential areas.
 - To encourage relocation of incompatible development out of the town centres and to make sites available predominantly for commercial, retail and community development that is sympathetic to the individual character of the respective town centres.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care; Home occupations; Public utility undertakings; Utility installations.

3 Permitted with consent

Any other development not otherwise specified in Item 2 or 4.

4 Prohibited

Agricultural machinery showrooms; Agricultural produce industries; Agriculture; Airports; Animal boarding or training establishments; Biosolid waste applications; Caravan parks; Cellar door premises; Cemeteries; Commercial vineyards; Craftsman's studios; Crematoriums; Extractive industries; Farm buildings; Feedlots; Forestry; Freight transport facilities; Hazardous industries; Hazardous storage establishments; Heavy industries; Helipads; Heliports; Home occupation (sex services); Horticulture; Industries; Intensive livestock agriculture; Intensive plant agriculture; Kiosks; Land fill; Liquid fuel depots; Livestock processing industries; Manufactured home estates; Materials recycling or recovery centres; Mining; Motor showrooms; Offensive industries; Offensive storage establishments; Pond based aquaculture; Restricted premises; Restriction facilities; Road transport terminals; Rural industries; Rural produce sales; Sawmills or log

Clause 15	Mid-Western Regional Interim Local Environmental Plan 2008
Part 2	Land Use Table

processing works; Service stations; Sewage treatment works; Sex services premises; Stock and sale yards; Tank-based aquaculture.

Light Industrial Zone

1 Objectives of zone

- To establish a broad range of light industrial land uses.
- To minimise any adverse effect of industry on land uses in other zones.
- To encourage the establishment of new light industry on land which has good road access and can be economically serviced.
- To provide for high quality in the design and landscaping of development fronting Sydney Road and a visually attractive entry point for vehicles entering Mudgee from the south east.
- To identify appropriate locations for the provision of bulky goods premises and major business premises.
- To enable development of non-industrial uses, such as bulky goods premises, along Sydney Road to promote the improvement of the visual aesthetics of the entrance to the town of Mudgee, whilst recognising the dominant retailing role of the central business district of the town.
- To enable development that is associated with, ancillary to or supportive of light industry.
- To encourage the development of light industrial and non-industrial uses that are not compatible with residential or business areas.
- To promote a safe and efficient network for the movement of pedestrians, cyclists and vehicles in and around the industrial areas, and minimise the intrusion of heavy vehicles into nearby residential areas.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Public utility undertakings; Utility installations.

3 Permitted with consent

Any other development not otherwise specified in Item 2 or 4.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 15

Land Use Table

Part 2

4 Prohibited

Airports; Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Biosolid waste applications; Boarding houses; Business premises; Caravan parks; Cellar door premises; Cemeteries; Child care centres; Craftsman's studios; Dual occupancies—attached; Dual occupancies—detached; Dwelling houses; Educational establishments; Farm buildings; Feedlots; Granny flats; Group homes; Hazardous industries; Hazardous storage establishments; Heavy industries; Helipads; Heliports; Home occupation (sex services); Hostels; Hotel accommodation; Intensive livestock agriculture; Intensive plant agriculture; Kiosks; Land fill; Liquid fuel depots; Livestock processing industries; Manufactured home estates; Manufactured homes; Mining; Offensive industries; Offensive storage establishments; Pond based aquaculture; Reception centres; Registered clubs; Residential flat buildings; Restricted premises; Restriction facilities; Retail premises; Rural produce sales; Schools; Seniors housing; Serviced apartments; Sewage treatment works; Sex services premises; Shop top housing; Tank-based aquaculture.

General Industrial Zone

1 Objectives of zone

- To establish a broad range of industrial and warehouse land uses (other than offensive or hazardous industries).
- To minimise any adverse effect of industry on land uses in other zones.
- To encourage the establishment of new industry on land which is well separated from residential areas, has good road and/or rail access and can be economically serviced.
- To encourage a broad range of industries and other land uses that are not compatible with residential or business areas.
- To enable development on land in the zone that is associated with, ancillary to or supportive of an industry.
- To promote a safe and efficient network for the movement of pedestrians, cyclists and vehicles in and around the industrial areas, and minimise the intrusion of heavy vehicles into nearby residential areas.
- To ensure that industrial development creates areas which are pleasant to work in and are safe and efficient in terms of transportation, land utilisation and services distribution.

Clause 15	Mid-Western Regional Interim Local Environmental Plan 2008
Part 2	Land Use Table

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Public utility undertakings; Utility installations.

3 Permitted with consent

Any other development not otherwise specified in Item 2 or 4.

4 Prohibited

Airports; Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Bulky goods premises; Business premises; Caravan parks; Cellar door premises; Cemeteries; Child care centres; Commercial vineyards; Community facilities; Craftsman's studios; Dual occupancies—attached; Dual occupancies—detached; Dwelling houses; Educational establishments; Farm buildings; Feedlots; Granny flats; Group homes; Hazardous industries; Hazardous storage establishments; Hostels; Hotel accommodation; Intensive livestock agriculture; Intensive plant agriculture; Kiosks; Land fill; Manufactured home estates; Manufactured homes; Medical centres; Mining; Offensive industries; Offensive storage establishments; Office premises; Pond based aquaculture; Pubs; Reception centres; Registered clubs; Residential flat buildings; Restaurants; Restriction facilities; Retail premises; Rural produce sales; Schools; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture.

Special Uses Zone

1 Objectives of zone

- To permit land uses that are not provided in other zones.
- To recognise the importance of sites with special land uses or natural characteristics.
- To protect and enhance those identified land uses or natural characteristics.
- To allow additional development that will not detract from existing development or have an adverse impact on surrounding land.

2 Permitted without consent

Agriculture; Bush fire hazard reduction work; Environmental protection works; Public utility undertakings; Utility installations.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 15

Land Use Table

Part 2

3 Permitted with consent

The purpose shown on the map, including any development that is ordinarily incidental or ancillary to development for that purpose.

Drainage; Roads; Telecommunications facilities.

4 Prohibited

Any other development not otherwise specified in Item 2 or 3.

Infrastructure Zone

1 Objectives of zone

- To provide for required infrastructure and facilities.
- To prevent the development of the identified land for any uses that are not compatible with or that may detract from the provision of required infrastructure and facilities.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Home-based child care; Public utility undertakings; Utility installations.

3 Permitted with consent

The purpose shown on the map, including any development that is ordinarily incidental or ancillary to development for that purpose.

Drainage; Roads; Telecommunications facilities.

4 Prohibited

Any other development not otherwise specified in Item 2 or 3.

Local Open Space—Public Zone

1 Objectives of zone

- To enable land that is or is to be owned by the Council to be used for open space or recreational purposes.
- To enable development to be carried out for the recreational needs of the local community.
- To enable related uses that will encourage the enjoyment of the land for recreational purposes.
- To enhance, restore and protect the natural environment for recreational purposes.

Clause 15	Mid-Western Regional Interim Local Environmental Plan 2008
Part 2	Land Use Table

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Public utility undertakings; Utility installations.

3 Permitted with consent

Caravan parks; Child care centres; Community facilities; Drainage; Earthworks; Environmental facilities; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Telecommunications facilities.

4 Prohibited

Any other development not otherwise specified in Item 2 or 3.

Local Open Space—Private Zone

1 Objectives of zone

- To enable land to be used for private open space, recreational and associated purposes.
- To enable development to be carried out for the recreational needs of the local community.
- To enable related uses that will encourage the enjoyment of the land for recreational purposes.
- To enhance, restore and protect the natural environment for recreational purposes.

2 Permitted without consent

Bush fire hazard reduction work; Environmental protection works; Public utility undertakings; Utility installations.

3 Permitted with consent

Advertising structures; Biosolid waste applications; Business identification signs; Caravan parks; Child care centres; Community facilities; Drainage; Earthworks; Educational establishments; Entertainment facilities; Environmental facilities; Filling; Flood mitigation works; Hotel accommodation; Kiosks; Markets; Public halls; Public reserves; Reception centres; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants; Restriction facilities; Roads; Schools; Signage; Telecommunications facilities.

4 Prohibited

Any other development not otherwise specified in Item 2 or 3.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 15

Land Use Table

Part 2

Natural Areas Zone

1 Objective of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974*.

2 Permitted without consent

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

3 Permitted with consent

Nil.

4 Prohibited

Any other development not otherwise specified in Item 2 or 3.

Conservation Zone

1 Objectives of zone

- To conserve areas of environmental significance.
- To conserve biological diversity, native vegetation corridors, Aboriginal heritage or other social or cultural values of the areas, and their scenic qualities.
- To prevent development that could destroy or damage areas of environmental, social or cultural significance.
- To protect and preserve the landscape and environmental setting of the local government area of the Mid-Western Region, particularly the forested hill slopes, floodplain and floodways.
- To conserve natural areas and habitats and discourage clearing, subdivision and incompatible development in the zone.
- To ensure that development within this zone adjoining land within the Natural Areas Zone is compatible with the management objectives for that land.
- To ensure that development allowed in the zone will not adversely affect the environmental sensitivity of land in the zone.
- To recognise and conserve areas considered to have historical and archaeological significance, particularly relating to mining heritage.
- To prevent development which might adversely affect such historical and archaeological significance of the areas identified.

Clause 15	Mid-Western Regional Interim Local Environmental Plan 2008
Part 2	Land Use Table

- To promote the conservation of productive agricultural land within the floodplain.
- To permit the development of recreational and ancillary land uses which do not result in increased flood hazard and damage potential or adversely affect the amenity of adjoining living areas.

2 Permitted without consent

Agriculture; Bush fire hazard reduction work; Environmental protection works; Farm buildings; Home-based child care; Home occupations; Public utility undertakings; Utility installations.

3 Permitted with consent

Advertising structures; Backpackers' accommodation; Bed and breakfast accommodation; Biosolid waste applications; Community facilities; Craftsman's studios; Drainage; Dual occupancies—detached; Dwelling houses; Earthworks; Eco generating works; Educational establishments; Environmental facilities; Filling; Flood mitigation works; Forestry; Granny flats; Home industries; Manufactured homes; Markets; Mining; Public administration buildings; Public halls; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restriction facilities; Roads; Roadside stalls; Rural produce sales; Signage; Telecommunications facilities.

4 Prohibited

Any other development not otherwise specified in Item 2 or 3.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 16

Exempt and complying development

Part 3

Part 3 Exempt and complying development

16 Exempt development

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:
 - (a) the development must:
 - (i) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (ii) if it relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9, the building must have a current fire safety certificate or fire safety statement or the building must be a building for which no fire safety measures are currently implemented, required or proposed, and
 - (b) the development must not:
 - (i) if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, or
 - (ii) create interference with the neighbourhood because it is noisy, causes vibrations, or creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil, or
 - (iii) be designated development, or
 - (iv) be development on land that comprises, or on which there is, an item of environmental heritage 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*.

Clause 17	Mid-Western Regional Interim Local Environmental Plan 2008
Part 3	Exempt and complying development

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- (4) To be exempt development, the development must be carried out at least one metre from any easement or sewer main.

17 Complying development

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 and Climate Change 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*).
- (1) The objective of this clause is to identify development as complying development.
 - (2) Development specified in Schedule 3 that is carried out in compliance with the applicable development standards listed in that Schedule and that complies with the requirements of section 76A (6) of the Act and the requirements of this Part is complying development.
 - (3) To be complying development, the development must:
 - (a) be permissible, with 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.

18 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 18

Exempt and complying development

Part 3

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- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development
means:
- (a) 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, or
 - (b) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
 - (c) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*, or
 - (d) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
 - (e) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Clause 19 Mid-Western Regional Interim Local Environmental Plan 2008

Part 4 Principal development standards

Part 4 Principal development standards

19 Minimum subdivision lot size

- (1) Subject to this Plan, consent must not be granted to the subdivision of any land within a zone shown in the Lot Size Table to this clause unless the consent authority is satisfied that the size of any lot resulting from any such subdivision of land is not to be less than the minimum size shown on the Lot Size Table in relation to that land.
- (2) This clause does not apply to a subdivision of land in any zone (other than in the Agriculture, Intensive Agriculture, Rural Small Holdings or Investigation Zone) that takes place under the *Strata Schemes (Freehold Development) Act 1973*, the *Strata Schemes (Leasehold Development) Act 1986* or the *Community Land Development Act 1989*.
- (3) This clause does not apply to a subdivision for the purpose of a public utility undertaking.

Lot Size Table

Zone	Minimum allotment size
Low Density Residential Zone	10ha
Medium Density Residential Zone	600m ²
Rural Residential Zone	2ha
Village Zone	2,000m ²
Agriculture Zone	100ha
Intensive Agriculture Zone	20ha
Rural Small Holdings Zone	10ha
Investigation Zone	400ha
Light Industrial Zone	2,000m ²
General Industrial Zone	2,000m ²

20 Height of buildings in certain areas

The height of a building is not to exceed:

- (a) on an allotment of land within the heritage conservation area of Mudgee or Gulgong—1 storey and 5 metres in height, or
- (b) on any other allotment of land within the Low Density Residential, Medium Density Residential or Rural Residential Zone—2 storeys and 8.5 metres in height.

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 21

Principal development standards

Part 4

21 Exceptions to development standards

- (1) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) 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 or of *State Environmental Planning Policy No 1—Development Standards*.
- (3) 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) 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

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- (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) Consent must not be granted under this clause for a subdivision of land in the Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation, Natural Areas or Conservation Zone if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note.** As of the commencement of this Plan subdivision of land in the Agriculture Zone is prohibited: see clause 36.
- (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 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 58.

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22 Land acquisition within certain zones

- (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 as reserved on the 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
Local Open Space—Public Zone and marked “Local open space”	Council
Local Open Space—Public Zone and marked “Regional open space”	The corporation constituted under section 8 of the Act
Infrastructure Zone and marked “Classified road”	Roads and Traffic Authority

- (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.

23 Development on proposed classified road

- (1) Consent for development on land reserved for the purposes of a classified road may, before the land becomes a classified road, be granted only if:
- the development is carried out with the concurrence of the Roads and Traffic Authority (**the RTA**), and
 - the development is of a kind, or is compatible with development of a kind, that may be carried out on land in an adjoining zone.

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- (2) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:
- (a) the need to carry out development on the land for the purposes of a classified road or a proposed classified road,
 - (b) the imminence of acquisition of the land by the RTA,
 - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.

24 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council, by means of this Plan, 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 on the commencement of the relevant classification Plan and, by the operation of that Plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

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- (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*).
- (6) In this clause, the *relevant classification Plan*, in relation to land described in Part 2 of Schedule 4, means this Plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant classification Plan inserted a description of land into Part 2 of Schedule 4, the Governor approved of subclause (5) applying to the land.

25 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.
- (3) This clause does not apply to:
- (a) land within the Rural Residential, Agriculture, Intensive Agriculture, Rural Small Holdings, Special Uses, Infrastructure, Local Open Space—Public, Local Open Space—Private, Natural Areas or Conservation Zone, or
 - (b) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, 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.

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- (5) The clause does not prescribe a development standard that may be varied under this Plan.

26 Community use of educational establishments and child care centres

- (1) The objective of this clause is to allow the use of educational establishments and child care centres, including their site and facilities, for other community purposes.
- (2) An educational establishment or child care centre (including the site and facilities) may, with consent, be used for any other community purpose, whether or not any such use is a commercial use of the land.
- (3) Nothing in this clause requires consent to carry out development on any land if that development could, but for this clause, be carried out on that land without consent.

27 Classified roads

- (1) The objectives of this clause are:
- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads.
- (2) Consent must not be granted to the development of land that has a frontage to a classified road unless the consent authority is satisfied that:
- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the proposed development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development.

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- (3) The consent authority must not consent to development on land that has a frontage to a classified road unless it is satisfied that the development incorporates mitigation measures to ameliorate potential traffic noise in accordance with any noise control guidelines of the Department of Environment and Climate Change.

28 Development in proximity to a rail corridor

- (1) The objective of this clause is to ensure that development for the purpose of residential accommodation, places of public worship, hospitals, educational establishments or other noise sensitive buildings in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.
- (2) This clause applies to land comprising, or within 60 metres of, an operating railway line or land reserved for the construction of a railway line (referred in this clause as a *rail corridor*).
- (3) Development consent must not be granted to development:
- (a) that is within a rail corridor, and
 - (b) that the consent authority considers is, or is likely to be, adversely affected by rail noise or vibration,
- unless the consent authority is satisfied that the proposed development incorporates all practical mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales for development of that kind.

29 Development in flight paths

- (1) The objectives of this clause are:
- (a) to provide for the effective and on-going operation of airports, and
 - (b) to ensure that any such operation is not compromised by proposed development within the flight path of an airport.
- (2) Development consent is required to erect a building:
- (a) that is on land within the flight path of an airport, and
 - (b) the proposed height of which would exceed the obstacle height limit determined by the Department of the Commonwealth responsible for airports.
- (3) Any such consent must not be granted unless the consent authority is satisfied that the building will not constitute an obstruction or hazard to aircraft flying in the vicinity.

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- (4) Before granting any such consent, the consent authority must consider:
- (a) any comment made by that Commonwealth Department within 28 days of its having been given notice of the proposed development by the consent authority, and
 - (b) any aircraft noise exposure forecasts of that Commonwealth Department, and
 - (c) whether the proposed use of the building will be adversely affected by aircraft noise.
- (5) For the purposes of this clause, the flight path of an airport is such land as is determined to be within that flight path by that Commonwealth Department and notified to the consent authority.

30 Development in areas subject to airport noise

- (1) The objective of this clause is to ensure that development for residential purposes, or for any other purpose involving regular human occupation, on land subject to significant exposure to aircraft noise incorporates appropriate mitigation measures.
- (2) This clause applies to land where the ANEF contour exceeds 20.
- (3) Development consent is required for the erection of a building on land to which this clause applies if it is erected for residential purposes or for any other purpose involving regular human occupation.
- (4) Any such consent must not be granted unless the consent authority is satisfied that measures to mitigate aircraft noise will be taken that accord with section 3 of AS 2021.
- (5) For the purpose of this clause, the extent of aircraft noise reduction is to be estimated in accordance with clause 3.2.2 of AS 2021.
- (6) In this clause:

ANEF means a relevant Australian Noise Exposure Forecast contour map showing the forecast of aircraft noise levels that is expected to exist in the future produced in accordance with the *Guidelines for the Production of Noise Contours for Australian Airports* published by Airservices Australia.

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

31 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

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- (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:
- development consent, or
 - 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:
- that is or forms part of a heritage item, or
 - that is within a heritage conservation area.
- Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 32 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
- the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - 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
 - 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

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- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

32 Heritage conservation

(1) Objectives

The objectives of this clause are:

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

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building by making structural changes to its interior,
- (d) 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,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

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(3) **When consent not required**

However, 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, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, 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 a place of Aboriginal 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) **Heritage impact assessment**

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

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

require a heritage impact statement 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.

(5) **Heritage conservation management plans**

The consent authority may require, after considering the 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.

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(6) **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 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.

(7) **Places of Aboriginal heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal 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, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

(8) **Demolition of item of State significance**

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

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

(9) **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, 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 is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and

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- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
 - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
 - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

33 Bush fire hazard reduction

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

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

34 Development for group homes

- (1) The objective of this clause is to facilitate the establishment of:
 - (a) permanent group homes in which disabled persons or socially disadvantaged persons may live in an ordinary residential household environment instead of an institutional environment, and
 - (b) transitional group homes that provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of an institutional environment for such purposes as alcohol or drug rehabilitation and half-way rehabilitation for persons formerly living in institutions and refuges for men, women or young persons.
- (2) If development for the purpose of a dwelling house or a dwelling in a residential flat building may lawfully be carried out in accordance with this Plan, development for the purposes of a group home may, subject to this clause, be carried out.
- (3) Consent is required to carry out development for the purposes of a transitional group home.
- (4) Consent is required to carry out development for the purposes of a permanent group home that contains more than 5 bedrooms.
- (5) Consent is required to carry out development for the purposes of a permanent group home that contains 5 or less bedrooms and that is occupied by more residents (including any resident staff) than the number equal to the number calculated by multiplying the number of bedrooms in that home by 2.

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- (6) Consent may not be refused under this clause unless an assessment has been made of the need for the group home concerned.
- (7) Nothing in this clause requires consent to be obtained by the Department of Housing (or by a person acting jointly with the Department of Housing) to carry out development for the purposes of a transitional group home.

35 Crown development and public utilities

- (1) Nothing in this Plan is to be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:
 - (a) the carrying out of development of any description specified in subclauses (2)–(12), or
 - (b) the use of existing buildings of the Crown by the Crown.
- (2) The carrying out by persons carrying on railway undertakings, on land comprised in their undertakings, of:
 - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
 - (b) the erection within the limits of a railway station of buildings for any purpose,but excluding:
 - (c) the construction of new railways, railway stations and bridges over roads, and
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
 - (e) the formation or alteration of any means of access to a road, and
 - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- (3) The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
 - (a) development of any description at or below the surface of the ground,

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- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the commencement of this Plan of any plant or other structures or erections required in connection with the station or substation,
 - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housing of stone, concrete or brickworks,
 - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
 - (e) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose before the commencement of this Plan, provided reasonable notice of the proposed erection is given to the consent authority,
 - (f) any other development, except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (ii) the formation or alteration of any means of access to a road.
- (4) The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (5) The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic

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by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (6) The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (7) The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (8) The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:
- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (9) The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

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- (10) The carrying out of any forestry work by the Forestry Commission or Community Forest Authorities empowered under relevant Acts to undertake afforestation, the construction of roads, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
- (11) The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purposes, and
 - (b) any development designed to change the use or purpose of any such reserve.
- (12) The carrying out or causing to be carried out by the consent authority, where engaged in flood mitigation works, or by any Government Department, of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Water Management Act 2000*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvement Act 1948*, except:
- (a) the erection of buildings, and installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, and
 - (b) the formation or alteration of any means of access to a road.

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Part 6 Special provisions

Part 6 Special provisions

Division 1 Subdivision

36 Consent not to be given to subdivision of land within the Agriculture Zone

Except as provided by clause 46, the subdivision of land within the Agriculture Zone is prohibited.

37 Subdivision of land within Intensive Agriculture, Rural Small Holdings and Investigation Zones—general requirements

The consent authority must not consent to the subdivision of any land within the Intensive Agriculture, Rural Small Holdings or Investigation Zone unless it has considered the purpose for which each allotment created by the subdivision is intended to be used.

38 Subdivision of land within Intensive Agriculture Zone for the purpose of intensive plant agriculture or aquaculture

- (1) Subclause (2) applies to a subdivision of land within the Intensive Agriculture Zone where, in the opinion of the consent authority, it is intended that an allotment created by the subdivision is to be used for the purpose of intensive plant agriculture or aquaculture.
- (2) The consent authority, before granting consent to a subdivision to which this subclause applies, must consider the following matters:
 - (a) the effect on the existing and potential capability of the land and adjacent land to produce food or fibre or to be used for any agricultural purposes,
 - (b) whether legal and practical access to any proposed lot can be provided to an existing dedicated road reserve,
 - (c) the effect of the proposed use on adjoining existing development,
 - (d) the effect of the proposed use on the natural environment, including water resources,
 - (e) the effect of the proposed development on vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the availability, quality and stability of watercourses and ground water storage and riparian rights),
 - (f) the protection of areas of significance for nature conservation or of high scenic or recreational value,
 - (g) the potential for land use conflict with adjoining or adjacent uses where the new allotments, and any resulting potential future development, are likely to inhibit or give rise to complaints about

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normal farming practice (such as pesticide spraying, noxious weeds and feral animal control, bush fire hazard reduction work, noise, separation from noxious odours and the like).

- (3) The consent authority must not consent to the subdivision of land within the Intensive Agriculture Zone where it is intended that an allotment created by the subdivision will be used for the erection of any dwelling, unless it is satisfied that:
- (a) the use of the dwelling will be ancillary to, and necessary for, the use of the allotment for the purpose of intensive plant agriculture or aquaculture, and
 - (b) the allotment will be provided with adequate vehicular access, and
 - (c) adequate public utility services are available to the allotment and the land is suitable for an on-site effluent disposal system, and
 - (d) an adequate area is available on the allotment to permit the erection of a dwelling that will be free from the hazards of bush fire, flooding, soil erosion, landslip and similar hazards, and
 - (e) the erection of the dwelling on the land will not commence until after any required infrastructure is in place for, and the land is being used for, the carrying out of development for the purpose of intensive plant agriculture or aquaculture.
- (4) In this clause, **required infrastructure**, for the carrying out of any development means:
- (a) the connection of electricity, and
 - (b) irrigation works (including any necessary water licences), and
 - (c) buildings,
- necessary for the carrying out of that development.

39 Subdivision of land within Intensive Agriculture Zone for purposes other than agriculture, intensive plant agriculture, aquaculture or dwellings

- (1) This clause applies to a subdivision of land within the Intensive Agriculture Zone where, in the opinion of the consent authority, it is intended that no allotments created by the subdivision will be used for the purpose of agriculture, intensive plant agriculture, aquaculture or any dwelling.
- (2) Clause 19 (Minimum subdivision lot size) does not apply to a subdivision to which this clause applies.
- (3) The consent authority, before granting consent to a subdivision to which this clause applies, must:

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- (a) be satisfied that:
- (i) the size of the proposed allotment and its future use will be consistent with the objectives of the zone, and
 - (ii) the level of demand for any goods and services that are to be supplied from the allotment, and for any activities that are to be carried out on the allotment, and the extent to which the allotment is proposed to be used to meet that demand, justify the creation of the allotment, and
 - (iii) the creation of the allotment is unlikely to adversely affect the existing and potential capability of the adjoining and adjacent land to be used for other permissible land uses in that zone, and
 - (iv) the allotment to be created and any subsequent development on the allotment is unlikely to have the effect of creating a demand for uneconomic provision of public infrastructure and utilities, and
 - (v) the allotment to be created is of an adequate area and has appropriate topography and geology to facilitate an on-site effluent disposal system, and
 - (vi) the future use of the allotment will not result in land use conflict or degradation of natural resources, including water resources, and
- (b) consider:
- (i) the effect of the subdivision on the existing and potential capability of the land and adjacent land to produce food or fibre or to be used for agricultural purposes, and
 - (ii) whether legal and practical access to any proposed lot can be provided to an existing dedicated road reserve, and
 - (iii) the effect of the proposed use on adjoining existing development, and
 - (iv) the effect of the proposed use on the natural environment, including water resources, and
 - (v) the effect of the proposed development on vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the availability, quality and stability of watercourses and ground water storage and riparian rights), and
 - (vi) the protection of areas of significance for nature conservation or of high scenic or recreational value, and
 - (vii) the potential for rural land use conflict with adjoining uses where the new allotments, and any resulting potential future development, are likely to inhibit or give rise to

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complaints about normal farming practice (such as pesticide spraying, noxious weeds and feral animal control, bush fire hazard reduction work, noise, separation from noxious odours and the like).

40 Subdivision of land within Rural Small Holdings Zone

The consent authority must not consent to the subdivision of land within the Rural Small Holdings Zone unless it is satisfied that:

- (a) the ratio of depth to frontage of each proposed allotment is adequate, having regard to the purpose for which each allotment is, in the opinion of the consent authority, intended to be used, and
- (b) adequate arrangements exist for connecting each proposed allotment to telephone services, electricity supply and a reticulated water supply system, where available, and
- (c) adequate arrangements exist for an on-site effluent disposal system, and
- (d) the subdivision will not result in the need for an additional vehicular access to a main road, and
- (e) the proposed allotments have, or provision is made for each allotment to have, a tar sealed road frontage.

41 Subdivision of land within Low Density Residential and Rural Residential Zones

(1) The consent authority must not consent to the subdivision of land within the Low Density Residential or Rural Residential Zone unless:

- (a) the ratio of depth to frontage of each proposed allotment is adequate, having regard to the purpose for which each allotment is, in the opinion of the consent authority, intended to be used, and
- (b) adequate arrangements exist for connecting each allotment to telephone services, electricity supply and a reticulated water supply system, where available, and
- (c) adequate arrangements exist for an on-site effluent disposal system, and
- (d) the subdivision will not result in the need for an additional vehicular access to a main road, and
- (e) the allotments have, or provision is made for each allotment to have, a tar sealed road frontage.

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- (2) Despite clause 19, the consent authority may consent to the subdivision of land to create allotments each of not less than the following sizes if each proposed allotment will be connected to a reticulated sewerage system:
- (a) 2,000 square metres—for land within the Low Density Residential Zone, or
 - (b) 4,000 square metres—for land within the Rural Residential Zone.

42 Subdivision of land within Medium Density Residential Zone

The consent authority must not consent to the subdivision of land within the Medium Density Residential Zone unless it is satisfied that:

- (a) the ratio of depth to frontage of each proposed allotment is adequate, having regard to the purpose for which each allotment is, in the opinion of the consent authority, intended to be used, and
- (b) adequate arrangements exist for connecting each proposed allotment to telephone services, electricity supply and reticulated water supply and sewerage system, and
- (c) the proposed allotments have, or provision is made for each allotment to have, a tar sealed road frontage.

43 Subdivision of land within Village Zone

The consent authority must not consent to the subdivision of land within the Village Zone unless it is satisfied that:

- (a) the ratio of depth to frontage of each proposed allotment is adequate, having regard to the purpose for which each allotment is, in the opinion of the consent authority, intended to be used, and
- (b) adequate arrangements exist for connecting each proposed allotment to telephone services, electricity supply and a reticulated water supply, where available, and the land is suitable for an on-site effluent disposal system, and
- (c) each allotment has frontage to a formed public road.

44 Subdivision of land within the Light Industrial and General Industrial Zones

- (1) The consent authority must not consent to the subdivision of land within the Light Industrial or General Industrial Zone unless it is satisfied that:
- (a) rigid trucks can enter and leave the site in a forward direction, and

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- (b) the ratio of depth to frontage of each proposed allotment is adequate having regard to the purpose for which each allotment is, in the opinion of the consent authority, intended to be used.
 - (2) Despite subclause (1), the consent authority must not consent to the subdivision of land that has frontage to the Castlereagh Highway unless it can be demonstrated, to the consent authority's satisfaction, that any new access to each allotment to be created by the subdivision will provide safe and efficient movement of vehicles onto and off the site.

45 Consent not to be given to subdivision of land within Conservation Zone

Except as provided by clause 15 (2), the subdivision of land within the Conservation Zone is prohibited.

46 Subdivision for farm adjustment

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in certain zones to allow land owners a greater chance to achieve the objectives of the relevant zone.
- (2) This clause applies to land within the Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation and Conservation Zones.
- (3) Consent may be granted to the subdivision of land for a boundary adjustment between adjoining lots, but only if:
 - (a) the subdivision will not result in a net increase in the number of lots or the opportunities for additional dwellings, and
 - (b) the number of dwellings on, or the opportunity for dwellings for, each lot after the subdivision is the same as before the subdivision, and
 - (c) the net outcome of the subdivision is likely to assist in achievement of the objectives for development in the zone, and
 - (d) the subdivision design will not set up a situation where the relative position of existing or proposed improvements and rural activities on the new lots is likely to result in conflict, and
 - (e) the area of each lot that results from the boundary adjustment is not less than the minimum size shown on the Lot Size Table to clause 19 in relation to the land.

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47 Subdivision—lots not supplied with reticulated water

- (1) This clause applies to a subdivision of land:
 - (a) where it is intended that an allotment created by the subdivision is to be used for the purpose of the erection of a dwelling, and
 - (b) a reticulated water supply is not available for the proposed dwelling.
- (2) Consent must not be granted to a subdivision to which this clause applies unless the consent authority is satisfied that:
 - (a) there will be an adequate potable water supply for any such lot in the subdivision and an adequate water supply for fire fighting purposes, and
 - (b) use of the proposed water supply will not have an adverse impact on the quality and quantity of surface and groundwater resources.

Division 2 Dwellings

48 Dwellings—minimum lot sizes

- (1) Subject to this Plan, consent must not be granted to development for the purposes of a dwelling on land within the Agriculture, Intensive Agriculture, Rural Small Holdings or Investigation Zone unless the consent authority is satisfied that the land is, or will be consolidated into, a single allotment that has an area not less than the minimum size shown on the Lot Size Table to clause 19 in relation to that zone.
- (2) Despite subclause (1), the consent authority may consent to the erection of a dwelling house on land within the Rural Small Holdings Zone if the land is, or will be consolidated into, a single allotment that has an area of not less than 5 hectares.
- (3) The consent authority may consent to the erection of a dwelling house on land within the Conservation Zone only if the land is, or will be consolidated into, a single allotment that has an area of at least 400 hectares.

49 Dwellings in Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation and Conservation Zones

- (1) A dwelling may be erected on land within the Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation or Conservation Zone only with the consent of the consent authority.
- (2) A dwelling must not be erected on land within the Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation or Conservation Zone unless the consent authority is satisfied that:

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- (a) the allotment of land on which the dwelling is to be erected:
- (i) is a vacant lot, and
 - (ii) was created by a subdivision that had received development consent before the commencement of this Plan, and
 - (iii) is:
 - (A) if within the Agriculture Zone—being used for the purpose of agriculture, or
 - (B) if within the Intensive Agriculture Zone—being used for the purpose of intensive plant agriculture or aquaculture, and
 - (iv) is a lot on which the dwelling could lawfully have been erected before the commencement of this Plan, or
- (b) the allotment of land on which the dwelling is to be erected was created:
- (i) with the intention that:
 - (A) if within the Agriculture Zone—it be used for the purpose of agriculture and a dwelling, or
 - (B) if within the Intensive Agriculture Zone—it be used for the purpose of intensive plant agriculture, or aquaculture, and a dwelling, and
 - (ii) by a subdivision that received development consent after the commencement of this Plan, or
- (c) the allotment of land on which the dwelling house is to be erected:
- (i) is a vacant lot, and
 - (ii) was not created in accordance with this Plan or any other environmental planning instrument, and
 - (iii) existed as a separate lot at the date of commencement of this Plan, and
 - (iv) was separately owned from any adjoining or adjacent land at that date, and
 - (v) has an area of 100ha or greater.
- (3) Despite subclause (2), the consent authority may consent to the erection of a dwelling on land within the Intensive Agriculture Zone only if the consent authority is satisfied that:
- (a) the use of the dwelling will be ancillary to and necessary for the use of that land for the purpose of intensive plant agriculture or aquaculture, and

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- (b) a report by a qualified agricultural economist demonstrates that the land is capable of sustaining the proposed agricultural activity, and
 - (c) the land is or will be subject to irrigation requiring a water licence under the *Water Act 1912* or *Water Management Act 2000* or that is accessed from another source, and
 - (d) the erection of the dwelling on the land will not commence until after any required infrastructure is in place for, and the land is being used for, the carrying out of development for the purpose of intensive plant agriculture or aquaculture.
- (4) In this clause, ***required infrastructure***, for the carrying out of any development means:
- (a) the connection of electricity, and
 - (b) irrigation works (including any necessary water licences), and
 - (c) buildings,
- necessary for the carrying out of that development.
- (5) The consent authority must not consent to the erection of a dwelling on land within the Intensive Agriculture Zone where the land is being used for the purpose of intensive plant agriculture unless the consent authority is satisfied that:
- (a) an adequate potable water supply and an adequate water supply for fire fighting is available for the proposed dwelling house, and
 - (b) adequate access can be provided to the land and dwelling house site, and
 - (c) adequate provision can be made for electricity and telecommunications services to the dwelling house to the requirements of the relevant supply authorities.
- (6) The consent authority, before granting consent under this clause, must consider the following matters:
- (a) the effect of the proposed dwelling on the existing and potential capability of the land and adjacent land to produce food or fibre or to be used for any agricultural purposes,
 - (b) whether legal and practical access to any proposed dwelling can be provided to an existing dedicated road reserve,
 - (c) the effect of the proposed dwelling on adjoining existing development,
 - (d) the effect of the proposed dwelling on the natural environment, including water resources,

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- (e) whether the allotment is of an adequate area and has appropriate topography and geology to facilitate on site effluent disposal,
 - (f) the effect of the proposed dwelling on vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the availability, quality and stability of watercourses, ground water storage and riparian rights),
 - (g) the protection of areas of significance for nature conservation or of high scenic or recreational value,
 - (h) the potential for land use conflict with adjoining or adjacent uses where the new allotments, and any resulting potential future development, are likely to inhibit or give rise to complaints about normal farming practice (such as pesticide spraying, noxious weeds and feral animal control, bush fire hazard reduction work, noise, separation from noxious odours and the like).

50 Dwellings in Low Density Residential, Medium Density Residential, Rural Residential and Village Zones

- (1) The consent authority may consent to the erection of a dwelling on a vacant lot:
 - (a) within the Low Density Residential Zone:
 - (i) on land that has an area of not less than 2 hectares, or
 - (ii) on a lot that has an area of not less than 2,000 square metres and has all weather vehicular access, if the consent authority is satisfied that the land will be connected to a reticulated sewerage system, and
 - (b) within the Medium Density Residential Zone, if that lot has been created by a subdivision for the purpose of erecting a dwelling, and
 - (c) within the Rural Residential Zone:
 - (i) on land that has an area of not less than 2 hectares, or
 - (ii) on a lot that has an area of not less than 4,000 square metres and has all weather vehicular access, if the consent authority is satisfied that the land will be connected to a reticulated sewerage system, and
 - (d) within the Village Zone on a lot, portion or parcel that has an area of not less than 2,000 square metres and has all weather vehicular access, if the consent authority is satisfied that adequate public utility services are available to the allotment and the land is suitable for on site disposal of domestic wastewater.

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- (2) Despite subclause (1) (a), (b) and (c), the consent authority must not consent to the erection of a dwelling on land referred to in those paragraphs if, in the opinion of the consent authority, the location of the proposed dwelling will hinder the future subdivision of the land for urban purposes.

51 Dual occupancy development

- (1) Despite clause 50 (1) (b), the consent authority must not consent to development for the purpose of a dual occupancy on land within the Medium Density Residential Zone unless the area of the allotment on which the dual occupancy is to be erected or created is:
- (a) in the case of a dual occupancy—attached—not less than 600 square metres, and
 - (b) in the case of a dual occupancy—detached—not less than 800 square metres.
- (2) If development for the purpose of a dual occupancy may be carried out on an allotment within the Medium Density Residential Zone, a person may, with consent, subdivide the allotment to create a separate land title for each of the 2 dwellings. A consent to that subdivision may be granted at the same time as the consent to the dual occupancy development or at a later time.
- (3) The consent authority must not grant consent to development for the purposes of a dual occupancy on land within the Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation or Conservation Zone unless the consent authority is satisfied that:
- (a) the proposed development is for the purposes of a dual occupancy—detached and comprises the erection of a dwelling house on land in addition to an existing dwelling house, and
 - (b) the additional dwelling house is located on the same allotment as the existing dwelling house and the additional dwelling house will not be capable of being excised by way of transfer of a new or existing title, and
 - (c) the dwelling houses share a common access to a public road, and
 - (d) the dwelling houses are located no further than 200 metres apart where no physical constraints to meeting this requirement exist, and
 - (e) if reticulated sewer services are not available, the allotment has an adequate area and has appropriate topography and geology for an on-site effluent disposal system.

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52 Replacement dwelling houses

Despite any other provision of this Plan, the consent authority may grant consent to the erection of a dwelling house on land within a zone to replace an existing lawful habitable dwelling house, or a former lawful habitable dwelling house (within 12 months of it becoming uninhabitable), on the land, but only if the consent authority imposes a condition on the consent that, prior to occupation of the new dwelling house, the existing or former dwelling house:

- (a) is to be demolished, or
- (b) is to be altered so that it may be used as a building that is not a dwelling, or
- (c) is to become the subject of a consent for development that is permitted in the zone.

53 Dwelling houses ancillary to permissible uses

The consent authority may grant consent to the erection on an allotment of an additional dwelling house where its use will be ancillary to another use of the allotment for which consent has been granted (not being agriculture or intensive plant agriculture), but only if the consent authority is satisfied that:

- (a) the use of the additional dwelling house will be necessary for the other use of the land for which consent has been granted and is consistent with the objectives for the zone in which the dwelling house is to be located, and
- (b) the dwelling house will be located on the same allotment as the other land use for which consent has been granted and the land on which the additional dwelling house will be erected will not be capable of being excised by way of transfer of a new or existing title, and
- (c) the dwelling house shares a common access to a public road with the other land use for which consent has been granted, and
- (d) if reticulated sewer services are not available, the allotment is of an adequate area and has an appropriate topography and geology to facilitate on site effluent disposal.

Division 3 Urban release areas

54 Aims of Division

This Division aims:

- (a) to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance on land within urban release areas, and

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- (b) to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of such land to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

55 Relationship between Division and remainder of Plan

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

56 Application of Division

This Division applies to land in an urban release area, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

57 Designated State public infrastructure

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

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

58 Arrangements for designated State public infrastructure

- (1) 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.
- (2) Subclause (1) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose, or

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- (c) a subdivision for the purpose only of rectifying an encroachment on any existing allotment.

59 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the consent authority 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) In this clause, *public utility infrastructure* includes infrastructure for any of the following:
- (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

Division 4 Other provisions

60 Transitional—saving of undetermined development applications

- (1) Any development application lodged but not finally determined prior to the commencement of this Plan is to be assessed and determined under the provisions of the applicable environmental planning instruments that were in force immediately before that commencement.
- (2) However, when assessing and determining a development application to which subclause (1) applies, the consent authority must have regard to the provisions of this Plan as if it had been exhibited under the Act but had not been made or approved.
- (3) Subclauses (1) and (2) do not apply to a development application if the applicant has given the consent authority a written request for the application to be assessed and determined under this Plan.

61 Telecommunications facilities

- (1) The objective of this clause is to minimise the impacts of telecommunications facilities and retain streetscape amenity.
- (2) Consent is required to carry out development for the purpose of a telecommunications facility if it includes:
- (a) the erection of a structure or facility, or

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- (b) the carrying out of work for the purpose of a telecommunications facility.
- (3) The consent authority must consider the following before determining an application for any such consent:
 - (a) potential to install the facility underground,
 - (b) potential to co-locate the facility with existing facilities or other structures,
 - (c) impact of the facility on visual amenity,
 - (d) impact of the facility on the heritage significance of the area,
 - (e) impact of the facility on vegetation and street infrastructure.
- (4) This clause does not apply to the following:
 - (a) installation of low impact facilities (as listed in the *Telecommunications (Low-impact Facilities) Determination 1997* of the Commonwealth) and subscriber cabling, including cabling across streets,
 - (b) installation of defence facilities,
 - (c) installation of facilities authorised by a facility installation permit issued by the Australian Communications Authority,
 - (d) inspection of land, including making surveys, sinking bores, digging pits and examining soil,
 - (e) maintenance of telecommunications facilities, including the alteration, removal, repair or replacement of the whole or part of the facility, and the cutting down or lopping of vegetation.

62 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental impacts.
- (2) Despite any other provision of this Plan, consent may be granted to development on land within any zone for any temporary purpose for a maximum period of 28 days, whether or not consecutive days, in any period of 12 months.
- (3) Any such consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use is necessary and reasonable for the economic use of the land pending its subsequent development in accordance with this Plan and other relevant environmental planning instruments, and

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- (b) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any such other instrument, and
 - (c) the temporary use does not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (d) 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
 - (e) at the end of the temporary use period, the use and any associated structures will be removed and the site appropriately restored.

63 Excavation and filling of land

- (1) The objectives of this clause are:
 - (a) to ensure that any land excavation or filling work will not have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural or heritage items and features, and
 - (b) to allow land excavation or filling work of a minor nature without separate development consent.
- (2) Development consent is required to excavate or fill land.
- (3) Before granting any such consent, 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 relics,
 - (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,
 - (h) the potential for the hydrology of adjacent and nearby wetlands to be altered.
- (4) Any such consent is not required for the excavation or filling of land that, in the opinion of the consent authority, is of a minor nature.

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64 Managing salinity in urban areas

- (1) The objective of this clause is to protect natural hydrological systems by minimising disturbance and ensuring appropriate land use and management where urban development may affect the process of salinisation, or where the land is affected by groundwater salinity.
- (2) This clause applies to development in existing or proposed urban areas that may affect the process of salinisation, or where the land is affected by groundwater salinity.
- (3) Consent must not be granted for development to which this clause applies unless the consent authority has considered:
 - (a) the impact of the proposed development on local and regional salinity processes, and
 - (b) the impact of salinity on the proposed development.

65 Development on flood prone land

- (1) The objectives of this clause are:
 - (a) to maintain the existing flood regime and flow conveyance capacity, and
 - (b) to enable safe occupation of flood prone land, and
 - (c) to avoid significant adverse impacts upon flood behaviour, and
 - (d) to avoid significant adverse affects on the floodplain environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
 - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) This clause applies to flood prone land.
- (3) Development consent is required for the following:
 - (a) subdivision of land,
 - (b) filling and earthworks,
 - (c) the erection of a building,
 - (d) the carrying out of a work,
 - (e) flood mitigation works,on land to which this clause applies.

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- (4) Consent required by subclause (3) must not be granted unless the consent authority is satisfied that the development:
- (a) will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, and
 - (c) will enable safe occupation of the flood prone land, and
 - (d) will not significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation, destruction of sensitive aquatic habitats or a reduction in the stability of the riverbank/watercourse, and
 - (e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and
 - (f) is compatible with the flow conveyance function of the floodway, and
 - (g) is compatible with the flood hazard within the floodway.

66 Specific development requiring consent

The following development must not be carried out without consent:

- (a) erection of a building that contains more than 2 floors,
- (b) development on land that forms part of a wetland or a waterbody.

67 Mining heritage areas

- (1) This clause applies to that land identified as a mining heritage area on the map.
- (2) A person must not carry out the following development on land to which this clause applies except with the consent of the consent authority:
 - (a) damage or despoil a relic or part of a relic, or
 - (b) excavate for the purpose of exposing or removing a relic, or
 - (c) erect a building.
- (3) The consent authority must not consent to the carrying out of development on land to which this clause applies unless it has made an assessment as to the extent to which the carrying out of the development would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the Mid-Western Regional local government area.

Clause 68	Mid-Western Regional Interim Local Environmental Plan 2008
Part 6	Special provisions

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- (4) The consent authority must not consent to the carrying out of development on land to which this clause applies unless it has made an assessment of the potential for land subsidence problems in the vicinity of the proposed development.

68 Floodplain conservation land

- (1) This subclause applies to that land identified on the map as “Floodplain Conservation”.
- (2) The objective of this clause is to preserve and protect the riverine environment from inappropriate development.
- (3) The consent authority must not consent to the carrying out of development on the land to which this clause applies unless it has made an assessment of the impact of the proposed development on the following:
- the natural conservation landscape values of the riverine environment such as scenic and ecological protection,
 - the potential erosion and run-off as a result of the proposed development,
 - the effect of the use of any impermeable materials in the design or construction of the proposed development,
 - the continuing use of the land for agriculture.

69 Development for the purpose of sex services premises

Consent must not be granted to development for the purpose of sex services premises unless the consent authority is satisfied that:

- the development will not be adjacent to or adjoin, or be within 100 metres of, the following:
 - an educational establishment,
 - a child care centre,
 - a recreation area,
 - a place of public worship,
 - a hospital,
 - any other place regularly frequented by children for recreational or cultural activities, and
- the development does not have a frontage to, or direct vehicular access from, a main road.

70 Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Plan or with a consent granted under

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 71

Special provisions

Part 6

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*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).

71 Development above the 520 AHD contour and on environmentally sensitive land

- (1) The objective of this clause is to protect the visual and environmentally significant upper slopes south of the town of Mudgee and land within the Conservation Zone from inappropriate development.
- (2) This clause applies to the following land:
 - (a) land above the 520 metre AHD contour as shown on the map,
 - (b) land within the Conservation Zone.
- (3) Consent must not be granted to the carrying out of development on land to which this clause applies unless the consent authority has made an assessment of the following:
 - (a) the likely impact of the proposed development on skyline views in the locality,
 - (b) the extent of timber clearing that is likely to be necessary in order to enable the proposed development to be carried out,
 - (c) the relationship between the proposed development and the surrounding landscape,
 - (d) the susceptibility of the proposed development to the hazards of bush fire, soil erosion, landslips and similar hazards.

Clause 72	Mid-Western Regional Interim Local Environmental Plan 2008
Part 6	Special provisions

72 Development on land within Investigation Zone

- (1) The objective of this clause is to ensure that land within the Investigation Zone is developed in a manner which does not restrict, isolate or sterilise that land from future urban development.
- (2) This clause applies to land within the Investigation Zone.
- (3) The consent authority must not consent to development on land to which this clause applies unless it has made an assessment of the likely impact of the proposed development on the future expansion of the town to which the land adjoins.

73 Resort development on land within Agriculture Zone

- (1) Despite any other provisions of this Plan, the consent authority may consent to development for the purposes of a resort on land within the Agriculture Zone.
- (2) Consent referred to in subclause (1) must not be granted unless it is satisfied that the proposed development meets the following criteria:
 - (a) the proposed development site has access to a legal formed and bitumen sealed road, mains electricity and telecommunications facilities,
 - (b) the proposed development site will have access to a secure water supply for domestic, landscaping and fire fighting purposes,
 - (c) the proposed development will avoid flood prone land, saline soils, and medium or high risk bush fire lands,
 - (d) the proposed development will not be located within 500 metres of the boundary of any land within the Intensive Agriculture Zone or an existing intensive agricultural activity, mine or quarry on land not associated with the proposed development site,
 - (e) the proposed development will not be located above the 520 metre AHD contour adjacent to the urban area of Mudgee,
 - (f) the proposed development site is capable of supporting, establishing and maintaining an adequate on-site effluent disposal system.
- (3) In determining an application for a resort development, the consent authority must consider the following matters:
 - (a) the suitability of the site for the proposed development,
 - (b) the likely impact of the proposed development on adjoining and adjacent land by reason of noise, odour, dust, smoke, hours of operation, traffic, light emissions etc,
 - (c) site specific soil assessment across the proposed development site,

Mid-Western Regional Interim Local Environmental Plan 2008

Clause 73

Special provisions

Part 6

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- (d) existing or potential salinity issues on the proposed development site and adjoining sites, including monitoring and ongoing management,
 - (e) the effect of the proposed development on flora and fauna, including threatened species, on the proposed development site and adjoining and adjacent land,
 - (f) the Aboriginal archaeological values of the proposed development site,
 - (g) the impact of the proposed development on traffic and transport, including traffic volumes, and how the development will feed into the existing urban transport system,
 - (h) the impacts of the proposed development on the rural scenic quality of the site and adjoining land including potential impacts on significant vistas and ridgelines.

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Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses

(Clause 14)

No	Land	Address/Location	Use	Special provisions
1	Lots 11–14 and Pt Lots 15–18, DP 755434 Pt Lots 233 and 234, DP 755434 Lots 320, 402, 135, 361, 353, and 367, DP 755434 Lot 15, Section 88, DP 758482	Lot 11 Black Lead Lane GULGONG Lots 12 and 13 Nandoura Street GULGONG Lot 14 Tallawang Street GULGONG Pt Lot 15 Tallawang Street GULGONG Pt Lot 16 Tallawang Street GULGONG Pt Lot 17 and 18 Black Lead Lane GULGONG Pt Lots 233 and 234 Medley Street GULGONG Lots 320 and 402 Nandoura Street GULGONG Lot 135 and 353 Barneys Reef Road GULGONG Lot 361 Black Lead Lane GULGONG Lot 367 Hideaway Lane GULGONG Lot 15, Section 88 Tallawang Street GULGONG	Subdivision to create an allotment having an area of not less than 4 hectares for the purpose of erecting a dwelling house	Nil
2	Lot A, DP 162225 Lot 168, DP 755418	Lot A Spring Flat Road SPRING FLAT Lot 168 Henry Lawson Drive BOMBIRA	Development for the purpose of a motel comprised of 56 rooms and restaurant.	Nil
3	Lot 1, DP 174385 and Lot 1, DP 1003242	Guntawang Road GALAMBINE	Hotel and associated facilities	Nil

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Additional permitted uses

Schedule 1

No	Land	Address/Location	Use	Special provisions
4	Lot 12, DP 1077777	Lions Drive MUDGEE	Caravan Park	Nil
5	Lot 1, DP 808587	Broadhead Road MUDGEE	Retail Plant Nursery	Nil
6	Lot 5, DP 265664	Ulan Road PUTTA BUCCA	Hotel and associated facilities including Conference Centre	Nil
7	Lots 1 and 2, DP 566076 Lots 2, 32, 323, 379, 380 and 381, DP 756894	Lot 1 Robertson Road MUDGEE Lot 2 Broadhead Road MUDGEE Lot 32 Robertson Road MUDGEE Lot 323 Broadhead Road MUDGEE Lot 379 Sawpit Road MUDGEE Lots 380 and 381 Robertson Road MUDGEE	Single Dwelling	Nil
8	Lots 158, 159, 160, 161, and 249, DP 755433 Lots 53, 91, 105, 162, 163, 227, 228 and 230, DP 755433, Parish of Gulgong	Lots 158, 159, 160 and 161 Flirtation Hill Lane GULGONG Lot 249 Canadian Lead Road GULGONG Lots 53 and 105 Canadian Lead Road GULGONG Lots 91, 227 and 230 Flirtation Hill Lane GULGONG Lot 162 Ridout Lane GULGONG Lot 163 Ridout Lane GULGONG Lot 228 Homer Street GULGONG	Single Dwelling	Nil

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Schedule 1 Additional permitted uses

No	Land	Address/Location	Use	Special provisions
9	Lots 39, 40, 43, 48 and 49, DP 756894 Lot A and B, DP 162225 Lot 1, DP 724827 Lot 1, DP 725541	Lots 39, 40 and 43 Bruce Road SPRING FLAT Lots 48 and 49 Spring Flat Road SPRING FLAT Lot A and B Spring Flat Road SPRING FLAT Lot 1 Broadhead Road SPRING FLAT Lot 1 Spring Flat Road SPRING FLAT	Single Dwelling	Nil
10	Lot 1, DP 876505, Parish of Eurundury Lot 530, DP 850390, Parish of Eurundury Lots 12, DP 1020501, Parish of Eurundury Lot 241, DP 756923, Parish of Windeyer Lot 6, DP 756923, Parish of Windeyer Lot 17, DP 82018, Parish of Windeyer Lot 18, DP 82018, Parish of Windeyer Lot 19, DP 82018, Parish of Windeyer Lot 20, DP 82018, Parish of Windeyer Lot 22, DP 756923, Parish of Windeyer	Lot 1 Black Springs Road BUDGEE BUDGEE Lot 530 Ulan Road BUDGEE BUDGEE Lot 12 Church Lane BUDGEE BUDGEE Lot 241 Mudgee Street WINDEYER Lot 6 Mudgee Street WINDEYER Lot 17 Mudgee Street WINDEYER Lot 18 Mudgee Street WINDEYER Lot 19 Mudgee Street WINDEYER Lot 20 Mudgee Street WINDEYER Lot 22 Mudgee Street WINDEYER Lot 25 Mudgee Street WINDEYER Lot 51 Mudgee Street WINDEYER Lot 2 Old Mill Road GULGONG	Single Dwelling	Nil

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Additional permitted uses

Schedule 1

No	Land	Address/Location	Use	Special provisions
	Lot 25, DP 756923, Parish of Windeyer			
	Lot 51, DP 756923, Parish of Windeyer			
	Lot 2, DP 1006125, Parish of Guntawang			

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Schedule 2 Exempt development

Schedule 2 Exempt development

(Clause 16)

Exempt development		Circumstances for Exemption (Compliance with all criteria necessary)
Access Ramps for people with disabilities	Not exempt if the building is a heritage item. In a heritage conservation area, the work is exempt only if undertaken at the rear of the premises.	Maximum height: 1 metre above finished ground level. The structure complies with the current AS 1428.1. The structure complies with the <i>Building Code of Australia</i> . The development is located wholly within the boundaries of the allotment.
Advertising Signs	Signs (including business identification and building signs) on land zoned Agriculture, Intensive Agriculture, Rural Small Holdings or Conservation	The sign must relate to a lawful or approved use of the land and be located on the land where the activity is carried out and there are no other signs existing. Signs must describe premises and be located on private land, not in the road reserve. Maximum of one sign only per site. Maximum height of 2.5m and maximum area 2m ² . Made of non-reflective material. Must be free standing. Must be set back 3m if located on a corner or intersection of a road. Not illuminated. Any signage erected to satisfy the requirements of WorkCover and/or OH&S or the like.

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Exempt development

Schedule 2

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Signs in Industrial Zones	<p>One pole, pylon or post supported sign (including directory boards for multiple occupancies) per site not exceeding 4m² in area and no more than 4.5m in height.</p> <p>Must be wholly located on the site.</p> <p>The sign does not flash or include moving components.</p> <p>Does not obscure entry/exit sight distance from the premises.</p> <p>For multiple occupancies, one additional company identification sign not exceeding 1.2m² at the entrance to each occupied unit.</p> <p>For single occupancies, one additional identification sign affixed to the building with an area that does not exceed 2.5m².</p> <p>One sandwich board sign to be located wholly within the property that is a business identification sign (not containing product advertisement or endorsement). Maximum size 2m² per side of sign.</p> <p>Any signage erected to satisfy the requirements of WorkCover and/or OH&S or the like.</p>
Real Estate Signs (advertising premises/land for sale or rent)	<p>Residential land zoned Low Density Residential, Medium Density Residential, Village or Rural Residential:</p> <p>(a) Only one sign per agent per street frontage, and</p> <p>(b) Size: not to exceed 2.0m².</p> <p>Industrial /Business land zoned Light Industrial, General Industrial, Commercial Core or Mixed Use:</p> <p>(a) One sign per agent per street frontage, and</p> <p>(b) Size: not to exceed 4.5m².</p> <p>Contained wholly on site or attached to the front fence and does not pose a risk to public safety.</p>

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Schedule 2 Exempt development

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Temporary Signs	<p>Announcing an approved local event on land, and does not include advertising of a commercial nature, other than the name of the event, and sponsors.</p> <p>Is not to be displayed earlier than 28 days prior to the event and is to be removed immediately after the event.</p> <p>Does not pose a risk to the safety of the public.</p> <p>Note. Council reserves the right to require the removal of damaged or offensive signs.</p>
Public Information Signs	<p>A public notice for public information displayed by the Council giving directions or information about the area and community services provided.</p>
Traffic Signs on or adjacent to public roads	<p>Street name signs, directional or traffic control signs displayed by Council in accordance with AS 1742.1—2003, <i>Manual of Uniform Traffic Control Devices</i> on a public road being:</p> <ul style="list-style-type: none"> • guide sign • warning sign • temporary warning sign • regulatory sign • parking sign • hazardous marker • service symbol • tourist information signs
Signs on land zoned Commercial Core, Mixed Use and Neighbourhood Business	<p>Window Signs—temporary signs greater than 25% of the glazed area of the window for promotional purposes for a maximum of 2 weeks.</p> <p>The advertisement is below the awning or verandah and replaces one for which consent has been granted but only where there is no increase in the area of the sign or intensity of illumination.</p> <p>Any signage erected to satisfy the requirements of WorkCover and/or OH&S or the like.</p>

Mid-Western Regional Interim Local Environmental Plan 2008

Exempt development

Schedule 2

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Signs in Residential Zones	<p>The advertising sign must be a business identification sign and relate to a lawful or approved use of the land and be located wholly within the site.</p> <p>Must not be illuminated.</p> <p>Maximum dimensions 1,000mm width and 300mm depth.</p> <p>Maximum height 1m above ground level or located on the building below the height of the eaves.</p> <p>Any signage erected to satisfy the requirements of WorkCover and/or OH&S or the like.</p>
<p>Ancillary Residential Development The development complies with the <i>Planning for Bushfire Protection 2001</i> and AS 3959, <i>Construction of Buildings in bushfire-prone areas.</i></p>	<p>Aerials/Antennae (not including satellite dishes and microwave antennae—dealt with as separate provision below)</p>
<p>Air conditioning units for dwellings attached to external wall</p>	<p>For domestic use only.</p> <p>Maximum height 8m from natural ground level.</p> <p>Roof or Wall mounted in residential and commercial areas.</p> <p>The building is not a heritage item.</p> <p>If the unit is within a heritage conservation area and it is not visible from a public place or does not reduce the fire resistance level (FRL) of a structural member.</p> <p>Noise level should not exceed 5dBA above ambient noise level measured at property boundary.</p> <p>Building work must not reduce the structural integrity of the building.</p> <p>Any opening created is to be adequately weatherproofed.</p>

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Schedule 2 Exempt development

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Air conditioning units for dwellings ground mounted	<p>If the unit is alongside a heritage item or within a heritage conservation area and it is not visible from a public place or does not reduce the fire resistance level (FRL) of a structural member.</p> <p>Noise level should not exceed 5dBA above ambient noise level measured at property boundary.</p> <p>Building work must not reduce the structural integrity of the building.</p> <p>Any opening created is to be adequately weatherproofed.</p>
Awnings on Dwellings Excluding a dwelling that is a Heritage Item.	<p>Maximum area: 20m².</p> <p>Setback 450mm from side and rear boundaries.</p> <p>Located at the rear of building.</p>
Balconies, decks and patios (unroofed and attached to dwellings)	<p>In the case of a building which is a heritage item or within a heritage conservation area the structure is not to be visible from a public place or involves the alteration to window or door openings of the building.</p> <p>Maximum Area: 20m² dwelling.</p> <p>Finished surface level not greater than 1m above existing ground level.</p> <p>Required boundary setbacks to be 450mm.</p>
Barbecues	<p>Maximum area: 10m².</p> <p>Maximum chimney height: 2.5m.</p> <p>The structure is not located within 900mm of the side or rear boundary and does not contravene the building line.</p>
Bird Aviaries excluding pigeon lofts and fowl houses	<p>Maximum floor area: 2m².</p> <p>Maximum height: 2.4m.</p> <p>Location: to the rear of the building and not over stormwater access pits.</p> <p>Limit of one building per property.</p> <p>The structure is not located within 900mm of the side or rear boundary.</p>

Mid-Western Regional Interim Local Environmental Plan 2008

Exempt development

Schedule 2

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Clothes Line/Hoists	Installed to manufacturer's specification. Location: Behind front building line and not within a minimum of 900mm from the property boundary.
Cubby Houses and Playground Equipment	Maximum Height: 2.4m. Maximum Area: 10m ² . Location: Rear of building. Structurally sound and installed to manufacturer's instructions. Does not require any cut or fill. The structure is not located within 900mm of the side or rear boundary.
Letter Boxes	Maximum height: 1.2m. Located within the property boundary. Consistent with streetscape and character.
Garden Sheds	Free standing. Maximum floor area: 10m ² . Maximum height: 2.4m. Location: to the rear of the building. May be located at the side of the building set back a minimum of 10m from the front building line. Non-reflective materials. Does not require any cut or fill. The structure is not located within 450mm of the side or rear boundary.

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Schedule 2 Exempt development

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Minor alterations to domestic single dwellings	<p>The building is not to be a heritage item.</p> <p>Non-structural work only such as:</p> <ul style="list-style-type: none"> • replacement of doors, walls, ceiling or floor linings, • renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes. <p>Applies only to alterations or renovations to previously completed buildings.</p> <p>Work not to include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means.</p> <p>Works not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosures of open areas.</p>
Paving (associated with dwellings)	<p>Surface is to be graded to allow water to drain to a drainage system and discharge into Council's stormwater system.</p> <p>At least 50% of the area in front of the building line is retained for lawn and gardens.</p>
Pergola (open)	<p>Located behind the front building line.</p> <p>Maximum area: 20m².</p> <p>Maximum height: 2.4m from natural ground level.</p> <p>Maintain boundary setbacks a minimum of 450mm.</p>
Recladding of roofs or walls	<p>Building not to be located within a heritage conservation area or be a heritage item.</p> <p>Replace existing materials with similar materials.</p> <p>Recladding not to involve structural alterations.</p>

Mid-Western Regional Interim Local Environmental Plan 2008

Exempt development

Schedule 2

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Retaining Walls	<p>Maximum height 1 m.</p> <p>Masonry walls to comply with the following:</p> <ul style="list-style-type: none"> (a) AS 3700—2001, <i>Masonry Structures</i>, (b) AS 3600—2001, <i>Concrete Structures</i>, (c) AS 1170.4—1003, <i>Minimum design loads on structures</i>. <p>Timber walls to comply with:</p> <ul style="list-style-type: none"> (a) AS 1720.1—1007, <i>Timber Structures</i>, (b) AS 1170.4—1003, <i>Minimum design loads on structures</i>. <p>All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage/run off.</p>
Water Heaters/Water Softeners	<p>Installed to manufacturer's specifications and requirements by a licensed person.</p> <p>Located behind the front building line.</p> <p>The building work does not reduce the structural integrity of the building or involve structural alterations.</p> <p>Does not affect the front facade or notable features of a heritage item.</p>
Water Heater—Solar	<p>Not to be located on a heritage item</p> <p>Installed to manufacturer's specifications and requirements by a licensed person.</p> <p>The building work does not reduce the structural integrity of the building or involve structural alterations.</p>
Skylight roof windows (including solartube or a similar installation)	<p>Not to be located on a heritage item or within a heritage conservation area.</p> <p>Maximum area: 1m².</p> <p>Location: Not less than 900mm from a boundary and not less than 900mm from a wall separating attached dwellings.</p> <p>Building work must not reduce the integrity of the building or structural alterations.</p> <p>Any openings must be waterproofed.</p> <p>Installation to manufacturer's instructions.</p>

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Schedule 2 Exempt development

Exempt development		Circumstances for Exemption (Compliance with all criteria necessary)
Ancillary Rural Development	<p>Silos, sheds, stables, stockyards, earthworks, filling and the like</p> <p>Excludes land zoned Rural Residential</p>	<p>Any structure complies with Council boundary setback dwelling policy.</p> <p>Structures to be used for storage of materials, feed and machinery only.</p> <p>Maximum size of building: 100m².</p> <p>Maximum height: 10 metres.</p> <p>Not located on flood prone land.</p> <p>Located below ridge lines.</p> <p>Complies with relevant regulations under the <i>Local Government Act 1993</i>.</p> <p>Any spillage of chemicals or fuel stored within the structure to be caught by an adequately sized bund.</p> <p>Stock yards not limited in size but not to be located within 100 metres of a dwelling on an adjoining property and not to be used for a regular commercial purpose.</p>
Building Alterations	<p>Dams only on land zoned Agriculture and Intensive Agriculture</p>	<p>Compliance with the Farm Dams policy (Refer to the relevant Government Department).</p> <p>Capacity of up to 25ML.</p> <p>The development complies with <i>Planning for Bushfire Protection 2001</i> and AS 3959, <i>Construction of Buildings in bushfire-prone areas</i>.</p> <p>Building alterations (but not the making of, or an alteration to the size of, any opening in a wall or roof of a building, such as a skylight, doorway or window) comprising:</p> <ul style="list-style-type: none"> • Non-structural alterations to the exterior of a building that is not a heritage item or within a heritage conservation area, such as painting, plastering, cement rendering, cladding, attaching fittings and decorative work, or • Non-structural alterations to the interior of a building that do not result in the current load-bearing capacity of the building being exceeded.

Mid-Western Regional Interim Local Environmental Plan 2008

Exempt development

Schedule 2

Exempt development		Circumstances for Exemption (Compliance with all criteria necessary)
Bus Depot	Agriculture, Intensive Agriculture and Rural Small Holdings zones	Small scale operation with a maximum of two buses. The building in which it is stored has an area of not more than 100m ² .
Change of use of an existing lawful business —a different use of a building but not including alterations unless allowed by other provisions in this Schedule	Excludes a use which is operating under the existing use provisions of the Act.	The new use is consistent with the classification of the building under the <i>Building Code of Australia</i> and replaces a former use being carried out in accordance with a development consent, and: <ul style="list-style-type: none"> (a) it is not actually or potentially a hazardous or offensive industry, and (b) it is not actually or potentially a hazardous or offensive storage establishment, and (c) it does not involve the preparation of food for sale or consumption, and (d) it is not prohibited by any provision. The new use results from a change of building use from retail premises to office premises or from office premises to retail premises that is not in the business of preparing food for sale or consumption, where: <ul style="list-style-type: none"> (a) the new use replaces a former use being carried out in accordance with development consent, and (b) the use of not more than 200 square metres of floorspace is changed, and (c) the new use is not prohibited by any provision.
Home-based Child Care	Agriculture, Intensive Agriculture, Investigation and Rural Small Holdings zones	Development is not on bush fire prone land.

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Schedule 2 Exempt development

Exempt development		Circumstances for Exemption (Compliance with all criteria necessary)
Demolition of Exempt Items	Only applies to the demolition of items whose erection would have been exempt development under clause 16 of the Plan and this Schedule	The building is not a heritage item or located on the site of a heritage item or located within a heritage conservation area. Demolition is to be carried out to AS 2601—2001, <i>Demolition of Structures</i> .
Depot	Agriculture, Intensive Agriculture and Rural Small Holdings zones	Primarily used for the operation of an existing or proposed rural undertaking on the same site. Where the depot is used for storage of equipment which is primarily used on site but is also hired or contracted to a third party, the building in which it is stored has: (a) an area of not more than 100m ² , and (b) no more than two pieces of machinery.
Fences other than those covered by the <i>Swimming Pools Act 1992</i> Excludes fences in front of the rear building line in heritage items, heritage conservations areas All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage	Front Boundary Fences (between the building line and street or any other public place) Side or rear boundary fences (between the building line and the rear boundary)	Maximum height: 1.2m if constructed of timber, metal or light weight materials. Front fences must be constructed of materials consistent with streetscape character. Maximum height: 1.8m if constructed of timber, sheet metal, colourbond or light weight materials. Consistent with the <i>Dividing Fences Act 1991</i> . Must not present a danger to the public by use of barbed wire, electric fencing or other materials where it adjoins public land.

Mid-Western Regional Interim Local Environmental Plan 2008

Exempt development

Schedule 2

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Masonry or Brick Fences	<p>Maximum height: 600mm. Complies with the following:</p> <p>(a) AS 3700—2001, <i>Masonry Structures</i>, (b) AS 3600—2001, <i>Concrete Structures</i>,</p>
Security fences for industrial and business uses	<p>Not to be erected in front of the building line. Installed in accordance with manufacturer's specifications.</p>
Security Screens, roller /shutter doors in business zones	<p>Surface finish to match shop front/window decor. Screen must be open weave construction. Located behind shop front.</p>
Flagpoles	<p>Not located within the heritage conservation area, or on a heritage item. Maximum height: 6m above natural ground level. Must be structurally adequate. Located wholly within the property. Installed to manufacturer's specifications. The number of flag poles does not exceed one per site. Associated flags are not to be used to display business identification or advertising.</p>
Home Child Care	<p>Carried out in a building which is a permanent residence. Provided by a carer licensed by the NSW Department of Community Services. The hours of operation do not exceed 7 am–8 pm.</p>
Horticulture	<p>Within the Agriculture, Intensive Agriculture or Rural Small Holdings zones. Does not include development for the purpose of a commercial vineyard (refer to specific exemption) or plant nurseries.</p>
Intensive Plant Agriculture	<p>Within the Agriculture, Intensive Agriculture or Rural Small Holdings zones. Does not include development for the purpose of a commercial vineyard (refer to specific exemption).</p>

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Schedule 2 Exempt development

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Microwave Antennae	For domestic use only. One per dwelling. Maximum height: 8m from natural ground level.
Satellite Dishes	Not located on a heritage item. Exempt development in the rural zones where erected within the curtilage of a dwelling and limited to one per dwelling in all other zones. The dish is not visible from a public place on the site of a heritage item or in a heritage conservation area. The dish is not mounted on the front facade or roof of a building being the front elevation of the building. The dish installation is not to project above the ridge line of the building. The development does not extend closer than 1 metre from the side or rear boundaries. For development on the land within Zones R1 Low Density Residential and R3 Rural Residential the diameter of the dish does not exceed 900mm. For development on land within any other zone the diameter of the dish does not exceed 1.5m.
Temporary Buildings	Including portable school buildings, site sheds or temporary accommodation on the land while approved work is being carried out on the permanent building. Not on bush fire prone land. For a lawful use of the land. To be removed upon occupation of the replacement permanent structure or within six months which ever occurs first. Location: Not to affect approved landscape, car parking or loading areas.

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Exempt development

Schedule 2

Exempt development		Circumstances for Exemption (Compliance with all criteria necessary)
Truck Depot	Agriculture, Intensive Agriculture and Rural Small Holdings zones	Limited to two pieces of machinery. The building in which it is stored has an area of not more than 100m ² .
Water Tanks		If a heritage item, or located within a heritage conservation area, the tank must be located behind the rear building. Maximum diameter: 2m. Maximum height: 2.5m. For rural development (other than land zoned Rural Residential) there is no size limit. Location: behind the building or between the building and side boundary. Installed to the manufacturers specifications.
Commercial Vineyards	Development for the purpose of new commercial vineyards or re-planting and expansion of existing vineyards on land zoned Agriculture and Intensive Agriculture.	<p>Development Area</p> <ul style="list-style-type: none"> Maximum planted area not exceeding 20ha for new or expanded vineyards, <p>Buffers</p> <ul style="list-style-type: none"> There is a minimum distance of 50m between the development and the property boundary, Vineyard development is not to be within 100m of any habitable building not associated with the development. <p>Site Access</p> <ul style="list-style-type: none"> The development does not involve a new access onto a public road.

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Schedule 3 Complying development

Schedule 3 Complying development

(Clause 17)

Complying development	Development standards
Bed and breakfast accommodation	
Excluding self contained accommodation. Not on bush fire prone land.	<p>Up to four paying guests accommodated in no more than two bedrooms provided in an existing free standing dwelling house (does not include semi detached or attached dwellings).</p> <p>A minimum of 2 bathrooms.</p> <p>A smoke detection system that complies with AS 3786—1993, <i>Smoke alarms</i> and AS 3000—1991, <i>Electrical Installations—Buildings, structures and premises</i> (known as the SAA wiring rules) is in the house.</p> <p>A fire extinguisher and fire blanket provided in the kitchen.</p> <p>Must have a potable water supply.</p> <p>Must be connected to a reticulated sewerage system where available, or an approved on-site effluent disposal system.</p>
Commercial Uses and Building Alterations	
<p>A change of use from retail premises to office premises, or from office premises to retail premises.</p> <p>Internal alterations (and any necessary demolition associated with the alteration).</p>	<p>The building is not a heritage item.</p> <p>The total floor area involved is not more than 2,000m². If a change of building use, the new use must replace a former use with a development consent.</p> <p>Complies with any existing development consent conditions.</p> <p>Internal fit-out only which does not increase the gross floor area of the building.</p> <p>The use does not involve the sale of food.</p>

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Complying development

Schedule 3

Complying development	Development standards
Dwellings and Alterations— Urban	<p>Site Requirements</p> <ul style="list-style-type: none"> • The development is not a heritage item or within a heritage conservation area, or adjoining a heritage item. • The development is proposed on a legally created allotment. • Carrying out the development will not result in more than one dwelling house on the land. • Any cut must not exceed 1 metre below natural ground level. • Any fill must not exceed 1 metre above natural ground level. • The edge of any cut or filled material must not be closer than 1 metre to any boundary. • The edge of the building placed on a cut or fill must not be located closer than 1 metre from the edge of the cut or fill. <p>Streetscape</p> <ul style="list-style-type: none"> • Minimum setback from road: 7.5 metres. • External building materials must have a non-reflective surface finish. <p>Bulk and Scale</p> <ul style="list-style-type: none"> • The maximum distance between the floor level of the structure at any point and the natural ground level is not more than 1 metre. • The height between the floor and ceiling is not more than 2.7 metres. • The external walls of the house are at least 900mm from the side and rear boundaries and all related development is at least 450mm from the side and rear boundaries.

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Schedule 3 Complying development

Complying development	Development standards
	<p data-bbox="687 577 895 607">Energy Efficiency</p> <ul data-bbox="687 613 1279 949" style="list-style-type: none"> <li data-bbox="687 613 922 642">• New Dwelling <li data-bbox="687 649 1038 678">• Has a BASIX Certificate. <li data-bbox="687 685 1062 714">• Alterations and Additions <li data-bbox="687 721 1279 786">• Alterations and Additions shall be provided with R2 Ceiling insulation and R1.5 wall insulation. <li data-bbox="687 792 1279 949">• Shading of north, east and west facing glazing shall be provided. External devices such as eaves, blinds, shutters or a pergola can achieve this. Alternatively, insulated internally with opaque, close fitting curtains preferably with pelmets but external devices are preferable. <p data-bbox="687 956 1031 985">Open Space and Landscaping</p> <ul data-bbox="687 992 1279 1111" style="list-style-type: none"> <li data-bbox="687 992 1279 1057">• A minimum of 20% of the lot is soft landscaped at the rear of the lot, that is, not a hard surface. <li data-bbox="687 1064 1279 1111">• No more than 30% of the front yard is paved or sealed. <p data-bbox="687 1120 1279 1254">For at least 3 hours between 9am and 5pm on June 21 at least 50% of the neighbouring property's main area of private open space is not in shadow, or where this standard is not currently met, no additional overshadowing occurs.</p>

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Complying development

Schedule 3

Complying development	Development standards
Dwellings and Alterations—Rural Residential	
Rural Residential—Dwellings located in Rural Residential Zone including:	If on bush fire prone land, the development complies with <i>Planning for Bushfire Protection 2001</i> and AS 3959, <i>Construction of Buildings in bushfire-prone areas</i>.
(a) detached single storey house (including single storey additions and alterations to detached single storey houses), or	Minimum lot sizes for houses
(b) development related to detached single storey houses where not previously addressed in this Schedule (for example carports and garages).	<ul style="list-style-type: none"> • The area of the lot is equal to or more than the relevant minimum lot standards specified in this Plan.
	Streetscape
	<ul style="list-style-type: none"> • Site area 1 hectare or larger: <ul style="list-style-type: none"> • Minimum setback from the road is 30 metres or in line with the building on the adjoining property. • Minimum setback to side and rear boundary 20 metres. • Site area less than 1 Hectare: <ul style="list-style-type: none"> • Minimum setback from the road is in line with the building on the adjoining property. • Minimum setback to side and rear boundary 5 metres.
	Bulk and Scale
	<ul style="list-style-type: none"> • The maximum distance between the floor level of the structure at any point and the natural ground level is not more than 1 metre. • The height between the floor and ceiling is not more than 2.7 metres (except the garage).
	Energy Efficiency
	<ul style="list-style-type: none"> • Has a BASIX Certificate.
	Open Space and Landscaping
	<ul style="list-style-type: none"> • No more than 30% of the front yard is paved or sealed.

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Schedule 3 Complying development

Complying development	Development standards
Rural—Dwellings in the Agriculture, Intensive Agriculture and Rural Small Holdings Zones, including	If on bush fire prone land, the development complies with <i>Planning for Bushfire Protection 2001</i> and AS 3959, <i>Construction of Buildings in bushfire-prone areas</i>.
(a) detached single or two storey house (including single or two storey additions and alterations to detached single storey houses), or	Minimum lot sizes for houses <ul style="list-style-type: none"> • The area of the lot is equal to or more than the relevant minimum lot standards specified in Part 4.
(b) development related to detached single or two storey houses where not previously addressed in this Schedule. (for example carports and garages).	Energy Efficiency <ul style="list-style-type: none"> • Has a BASIX Certificate. Visual Amenity <ul style="list-style-type: none"> • Minimum setback from: <ul style="list-style-type: none"> • The Castlereagh Highway—200 metres, • Any Regional Road—100 metres, • Any Local Road—60 metres.
	Side and rear setbacks a minimum of 20 metres.
	Buffers (Does not apply in Rural Small Holdings zone)
	<ul style="list-style-type: none"> • There is a minimum distance of 150 metres between the house and any land used for agricultural purposes that is not in the same ownership as the land on which the house is to be built.
	Site Access
	<ul style="list-style-type: none"> • Minimum site distance at point of site access to public road 170 metres.
	Site Issues
	<ul style="list-style-type: none"> • Not located within 60 metres of a watercourse. • Site slope less than 20%.
	Note. An application will be required for disposal of on site waste.

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Complying development

Schedule 3

Complying development	Development standards
Home Industry	<p>Carried out in any building other than a residential premises under the following circumstances:</p> <ul style="list-style-type: none"> • The building does not have a floor space exceeding 50m² and is erected within the curtilage of the residential premises occupied by the person carrying on the industry or on adjoining land owned by that person, and • The industry does not: <ol style="list-style-type: none"> (a) Require the provision of any essential service main of a greater capacity than that available in the locality, or (b) Does not involve the sale of goods from the premises.
<p>Industrial and Warehouse buildings</p> <p>Complying development relates to the erection of the building and not the use. Industrial use of the building may require development consent.</p> <p>Excludes development on land adjoining a main road (eg Sydney Road).</p>	<p>Setback</p> <ul style="list-style-type: none"> • Each part of the structure is set back not less than 15 metres from the front boundary. <p>Floor Space Ratio</p> <ul style="list-style-type: none"> • The floor space ratio (ratio of the total floor space in the buildings to the site area) is not more than 1:1. <p>Building height</p> <ul style="list-style-type: none"> • The height of any wall is not greater than 7.2 metres above ground level excluding any parapet. • The site is not cut or filled so as to alter its level by more than 1 metre. <p>Drainage</p> <ul style="list-style-type: none"> • All roof and surface water is drained to a drainage system and then discharged into the Council's nearest stormwater drainage system. • The drainage system is designed for a 1 in 20 year storm event, and so that any excess water will flow over land to the street.

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Schedule 3 Complying development

Complying development	Development standards
<p>Outbuildings</p> <p>Outbuildings located in the Low Density Residential, Medium Density Residential, Village and Rural Residential Zones.</p> <p>Must be associated with an existing dwelling.</p> <p>Excludes development on land that is within a heritage conservation area or is a heritage item.</p>	<p>Garbage and Storage areas</p> <ul style="list-style-type: none"> Garbage and storage areas are on site, behind the building line and adequately screen from public view. <p>Landscaping</p> <ul style="list-style-type: none"> A landscaped strip of at least 3 metres in width to each road frontage is planted with trees and shrubs and the minimum landscaped area is 25% of the site area. The driveway is a maximum width of 8 metres. <p>Parking Loading and Unloading</p> <ul style="list-style-type: none"> Car parking on-site is provided at the rate of at least one space for each 75m² of gross floor area, or one space for every two employees, whichever is the greater, and all spaces are separately accessible. There is space for the loading and unloading of vehicles on site. Driveway widths and turning circles on-site comply with the Road and Traffic Authority standards. All vehicles can enter and leave the site in a forward manner. <p>General</p> <ul style="list-style-type: none"> The development complies with the <i>Development Control Plan for Industrial Development</i>. <p>Must be located behind the rear building line.</p> <p>Maximum floor area:</p> <ol style="list-style-type: none"> for a lot less than 600m² in size—50m², and for a lot 600m² in size or greater, but less than 1,200m²—65m², and for a lot 1,200m² or greater in size—80m². <p>Maximum wall height: 2.7m.</p> <p>Maximum roof pitch: 20°.</p> <p>Any external metal cladding, including roof cladding, to be colourbond pre-finished or painted.</p>

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Complying development

Schedule 3

Complying development	Development standards
Swimming Pools	<p>Any cut must not exceed 300mm below natural ground level.</p> <p>Any fill must not exceed 1m above natural ground level.</p> <p>The edge of any cut or filled material must not be closer than 1m to any boundary.</p> <p>The edge of the building placed on a cut or fill must not be located 1m from the edge of the cut or fill.</p> <p>Setbacks</p> <ul style="list-style-type: none"> • Minimum 900mm from side and rear boundaries in Low Density Residential, Medium Density Residential and Village zones. • Minimum setback of 5m from side and rear boundaries on land zoned Rural Residential with area less than 1ha. • Minimum setback of 20m from side and rear boundaries on land zoned Rural Residential with an area greater than 1ha. <p>The dwelling to which the swimming pool is ancillary is not a heritage item.</p> <p>Ancillary to a dwelling house for private use only.</p> <p>Located behind the front building line of the dwelling house.</p> <p>Coping and decking around the pool is no more than 750mm above natural ground level.</p> <p>The pool is at least 900mm from the side and rear boundaries.</p> <p>The noise level of any filtration equipment and pumps does not exceed 5dBA above ambient background level measured at the property boundary.</p>

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Schedule 3 Complying development

Complying development	Development standards
	<p>The installation and construction of the pool complies, where relevant, with the following:</p> <ul style="list-style-type: none"> • AS/NZS 1838:1994, <i>Swimming pools—Premoulded fibre-reinforced plastics—Design and fabrication</i>, • AS/NZS 1839:1994, <i>Swimming pools—Premoulded fibre-reinforced plastics—Installation</i>, • AS 2783—1992, <i>Use of reinforced concrete for small swimming pools</i>. <p>The pool and surrounding structures comply with AS 1926.2—1995, <i>Swimming pool safety—Location of fencing for private swimming pools</i>.</p>

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Classification and reclassification of public land

Schedule 4

Schedule 4 Classification and reclassification of public land

(Clause 24)

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

Mid-Western Regional Interim Local Environmental Plan 2008

Schedule 5 Environmental heritage

Schedule 5 Environmental heritage

(Clause 32)

Mudgee Town

- 2070001 “Lawson Park Hotel”, 1 Church Street, Mudgee
- 2070002 “Regent Theatre”, 3 Church Street, Mudgee
- 2070003 Catholic Church, southeast corner of Church & Market Streets, Mudgee
- 2070004 Convent and hall, corner Church & Market Streets, Mudgee
- 2070005 Catholic Presbytery, corner Church & Market Streets, Mudgee
- 2070006 Catholic Church Hall, 13 Church Street, Mudgee
- 2070007 Store, “Town Centre”, 19–41 Church Street, Mudgee
- 2070008 Shop, “Mercer’s Pharmacy”, 22 Church Street, Mudgee
- 2070009 Shop, (previously cafe), 26 Church Street, Mudgee
- 2070010 Shop, “Woolleys Butchery”, 47 Church Street, Mudgee
- 2070011 Shop/Hotel, 49–51 Church Street (cnr Mortimer Street), Mudgee
- 2070012 Shop, Travel Agency, 58–62 Church Street, Mudgee
- 2070013 House, “Afton”, 63 Church Street, Mudgee
- 2070014 Gallery/shop, “Busy Hands”, 71 Church Street, Mudgee
- 2070015 Office/residence, 89 Church Street, Mudgee
- 2070016 House, 93 Church Street, Mudgee
- 2070017 House, 95 Church Street, Mudgee
- 2070018 Shop, “F S Pharmacy”, 96 Church Street, Mudgee
- 2070019 Shop, “Settler’s Coffey Lounge”, 98 Church Street, Mudgee
- 2070020 Terrace houses, 110–112 Church Street, Mudgee
- 2070021 Terrace houses, 125–127 Church Street, Mudgee
- 2070022 House, 129 Church Street, Mudgee
- 2070023 Shop/residence, “Macs Corner Store”, northeast corner Church & Horatio Streets, Mudgee
- 2070024 Old Fire Station (now Dentists), 136 Church Street, Mudgee
- 2070025 Terrace houses, 150–152 Church Street, Mudgee
- 2070026 House/commercial rooms, 154 Church Street, Mudgee
- 2070027 House, 182 Church Street, Mudgee

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Environmental heritage

Schedule 5

2070028	House, 184 Church Street, Mudgee
2070029	House, "Cranford", 195 Church Street, South Mudgee
2070030	House, 4 Clifton Avenue, South Mudgee
2070031	House, 8 Cox Street, Mudgee
2070032	Terrace houses, 8–10 Court Street, Mudgee
2070033	House, 14 Court Street, Mudgee
2070034	House, 48 Court Street, Mudgee
2070035	House, 64 Court Street, Mudgee
2070036	Technical College, 74–76 Court Street, Mudgee
2070037	House, 78 Court Street, Mudgee
2070038	House, 30 Denison Street, Mudgee
2070039	Terrace house, 32 Denison Street, Mudgee
2070040	Terrace houses, 41–43 Denison Street, Mudgee
2070041	Terrace houses, 52–54 Denison Street, Mudgee
2070042	House, 53 Denison Street, Mudgee
2070043	House, "Ludgate", 56 Denison Street, Mudgee
2070044	House, 58 Denison Street, Mudgee
2070045	House, "Mooltan", 63 Denison Street, Mudgee
2070046	House, 97 Denison Street, Mudgee
2070047	House, 109 Denison Street, Mudgee
2070048	House, 116 Denison Street, Mudgee
2070049	House, 9 Douro Street, Mudgee
2070050	Duplex houses, 11–13 Douro Street, Mudgee
2070051	Duplex houses, 15–17 Douro Street, Mudgee
2070052	House, "Rexton", 18 Douro Street, Mudgee
2070053	House, 28 Douro Street, Mudgee
2070054	House, 82 Douro Street, Mudgee
2070055	Memorial Park, Douro Street (opposite Lovejoy Street), Mudgee
2070056	House, 17 Gladstone Street, Mudgee
2070057	House, 30 Gladstone Street, Mudgee
2070058	House, 44 Gladstone Street, Mudgee

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Schedule 5 Environmental heritage

2070059	House, 54 Gladstone Street, Mudgee
2070060	House, 55 Gladstone Street, Mudgee
2070061	House, 57 Gladstone Street, Mudgee
2070062	House, 61 Gladstone Street, Mudgee
2070063	House, 68 Gladstone Street, Mudgee
2070064	House, 69 Gladstone Street, Mudgee
2070065	House, 79 Gladstone Street, Mudgee
2070066	House, 83 Gladstone Street, Mudgee
2070067	House, 104 Gladstone Street, Mudgee
2070068	House, 106 Gladstone Street, Mudgee
2070069	House, 156 Gladstone Street, Mudgee
2070070	House, 176 Gladstone Street, Mudgee
2070071	House, 210 Gladstone Street, Mudgee
2070072	House, 44 Horatio Street, Mudgee
2070073	House, 60 Horatio Street, Mudgee
2070074	Terrace houses, 81–83 Horatio Street, Mudgee
2070075	House, 99 Horatio Street, Mudgee
2070076	House, 105 Horatio Street, Mudgee
2070077	Guesthouse, “Hillsborough”, 141–143 Horatio Street, Mudgee
2070078	House, 149 Horatio Street, Mudgee
2070079	High school, corner Horatio and Douro Streets, Mudgee
2070080	House, 7 Inglis Street, Mudgee
2070081	House, 8 Inglis Street, Mudgee
2070082	Terrace houses, 9–11 and 13–15 Inglis Street, Mudgee
2070083	Railway buildings (excluding engine shed), railway station site, Inglis Street, Mudgee
2070084	Railway station, Inglis Street, Mudgee
2070085	House, 25 Inglis Street, Mudgee
2070086	Hotel, 34–36 Inglis Street, Mudgee
2070087	House, 3 Lawson Street, Mudgee
2070088	House and stables, “Bleak House”, 5–7 Lawson Street, Mudgee
2070089	House, 24 Lawson Street, Mudgee

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Environmental heritage

Schedule 5

2070090	House, 25 Lawson Street, Mudgee
2070091	House, 45 Lawson Street, Mudgee
2070092	Terrace house, 48 Lawson Street, Mudgee
2070093	Terrace houses, 49–51 Lawson Street, Mudgee
2070094	House, 50 Lawson Street, Mudgee
2070095	House, 55 Lawson Street, Mudgee
2070096	House, 64 Lawson Street, Mudgee
2070097	House, 65 Lawson Street, Mudgee
2070098	House, “Whitton Lodge”, 72 Lawson Street, Mudgee
2070099	Commercial building, “Lewis Street Tyre Service”, 1 Lewis Street, Mudgee
2070100	Hotel, “Oriental Tavern”, 6 Lewis Street (cnr Mortimer Street), Mudgee
2070101	Storeroom (old Wells & Co Store), 13 Lewis Street, Mudgee
2070102	House, “Mandalay”, 14 Lewis Street, Mudgee
2070104	House, “Koolabah”, 18 Lewis Street, Mudgee
2070105	House, 25 Lewis Street, Mudgee
2070106	House, (nursery) 49 Lewis Street, Mudgee
2070107	Shop/residence, 52 Lewis Street, Mudgee
2070108	Houses, 67, 69 and 71 Lewis Street, Mudgee
2070109	House, 73 Lewis Street, Mudgee
2070110	House, 83 Lewis Street, Mudgee
2070111	Offices, 1 Lovejoy Street, Mudgee
2070112	Clubhouse, “Mudgee Club”, 5 Lovejoy Street, Mudgee
2070113	House, 25 Madeira Road, South Mudgee
2070114	Terrace houses, 17–19 Market Street, Mudgee
2070115	Terrace houses, 21–25 Market Street, Mudgee
2070116	House, “Kojinup”, 26 Market Street, Mudgee
2070117	House, 27 Market Street, Mudgee
2070118	Shop, “Craigmoor Wines”, 30 Market Street, Mudgee
2070119	Shop/residence, 42–44 Market Street, Mudgee
2070120	Two shops, 43–45 Market Street, Mudgee
2070121	Shop/residence, 46 Market Street, Mudgee

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Schedule 5 Environmental heritage

2070122	Shops, 52–54 Market Street, Mudgee
2070123	Commercial building, “Beaurepaires Tyres”, 54 Market Street (corner of Church and Market Streets), Mudgee
2070124	Shop, 56 Market Street, Mudgee
2070125	Anglican Church, corner of Market and Church Streets, Mudgee
2070126	Westpac Bank, 59 Market Street, Mudgee
2070127	State Bank, 62 Market Street, Mudgee
2070128	Town Hall, 64 Market Street, Mudgee
2070129	Clubhouse Hotel, 67 Market Street, Mudgee
2070130	Old bank building (now Accountants), 70 Market Street, Mudgee
2070131	Shop, 73 Market Street, Mudgee
2070132	Shops, 81–83 Market Street, Mudgee
2070133	Post Office, 80 Market Street, Mudgee
2070134	Police Station and stables, 82 Market Street, Mudgee
2070135	House, 88 Market Street, Mudgee
2070136	Government Offices (old Council Chambers), 90 Market Street, Mudgee
2070137	Court House annex, Market Street, Mudgee
2070138	Court House, 96 Market Street, Mudgee
2070139	Shop, 97 Market Street (corner Market and Perry Streets), Mudgee
2070140	Bandstand, Robertson Park, Market Street, Mudgee
2070141	Parkview Guesthouse, 99 Market Street, Mudgee
2070142	Courthouse Hotel, 111 Market Street, Mudgee
2070143	Museum, 126 Market Street, Mudgee
2070144	House, 141 Market Street, Mudgee
2070145	House, 144 Market Street, Mudgee
2070146	Old stables (now house), 146 Market Street, Mudgee
2070147	Terrace houses, 155–159 Market Street, Mudgee
2070148	House, 177 Market Street, Mudgee
2070149	House, “Loneragans”, 18 Mortimer Street (cnr Mortimer Street and Burrundulla Avenue), Mudgee
2070150	Terrace houses, 63–69 Mortimer Street, Mudgee
2070151	House, 64 Mortimer Street, Mudgee

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Environmental heritage

Schedule 5

2070152	Double storey residential building, 70–72 Mortimer Street, Mudgee
2070153	House, 82A Mortimer Street, Mudgee
2070154	Theatre, “Civic Theatre”, 84 Mortimer Street, Mudgee
2070155	Uniting Church, 87 Mortimer Street, Mudgee
2070156	Terrace houses, 100–106 Mortimer Street, Mudgee
2070157	Presbyterian Church, 103 Mortimer Street, Mudgee
2070158	House, 112 Mortimer Street, Mudgee
2070159	Shop, 131 Mortimer Street, Mudgee
2070160	House, 133 Mortimer Street, Mudgee
2070161	House, 152 Mortimer Street, Mudgee
2070162	House, 185 Mortimer Street, Mudgee
2070163	Commercial building, “Mudgee Guardian”, 9 Perry Street, Mudgee
2070164	Shop (previously Masonic Temple), 16 Perry Street, Mudgee
2070165	Salvation Army Citadel, 19 Perry Street, Mudgee
2070166	House, 24 Perry Street, Mudgee
2070167	House, 26 Perry Street, Mudgee
2070168	House, 28–30 Perry Street, Mudgee
2070169	Shops, 37–39 Perry Street, Mudgee
2070170	“Mechanics Institute”, School of Arts (now residence), 40 Perry Street, Mudgee
2070171	Hotel, “Paragon”, 38 Perry Street, Mudgee
2070172	Mudgee Public School, 44 Perry Street, Mudgee (additions)
2070173	Mudgee Public School, 44 Perry Street, Mudgee (original building)
2070174	Terrace houses, 47–49 Perry Street, Mudgee
2070175	House, Headmaster’s residence, 48 Perry Street, Mudgee
2070176	House, “Onohan”, 55 Perry Street, Mudgee
2070177	House, 57 Perry Street, Mudgee
2070178	Doctor’s surgery and dwelling, 19 Short Street, Mudgee
2070179	House, “The Willows”, 29 Short Street, Mudgee
2070180	Lawson Park, Short Street, Mudgee
2070181	Robertson Park, Market Street, Mudgee
2070182	Memorial Park, Douro Street, Mudgee

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Schedule 5 Environmental heritage

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- 2070183 River Red Gum tree, southwest corner of Lot 2, DP 777991, corner Perry and Short Streets, Mudgee
 - 2070184 River Red Gum tree, Lot 4, Section 67, Short Street, Police Station property, Mudgee
 - 2070185 Clock Tower, corner Church and Market Streets, Mudgee
 - 2070186 Postal Pillar Box, Church Street, corner Moufarrige Mall, Mudgee
 - 2070187 Pitched stone kerb and gutter, west side Court Street, between Nos 50 and 76
 - 2070188 Tomb memorial to James Blackman and family, Blackman Park, Park Street, Mudgee

Gulgong Town

- 2070189 House, 16 Bayly Street (corner Nandoura Street—Lot 1, Section 72)
- 2070190 House, 22 Bayly Street (Lots 5 and 6, Section 54)
- 2070191 House, 29 Bayly Street (Lot 1, Section 53)
- 2070192 Old Flour Mill, 31 Bayly Street (southwest corner White Street—Lot 7, Section 5)
- 2070193 House, 32 Bayly Street (Lot 9, Section 54)
- 2070194 House, 42 Bayly Street (Lot 6, Section 12)
- 2070195 St Andrews Presbyterian Church, 46 Bayly Street (Lot 3, Section 20)
- 2070196 Catholic School, 49 Bayly Street (Lot 1, Section 19)
- 2070197 House, 53 Bayly Street (Lots 2 and 3, Section 19)
- 2070198 St Luke's Anglican Church, 54 Bayly Street (southeast corner Bulga Street—Lot 4, Section 20)
- 2070199 Church of St John the Baptist, 55 Bayly Street (Lots 4 and 6, Section 19)
- 2070200 House, 29 Belmore Street (Lot 13, DP 35627)
- 2070201 House, 35 Belmore Street (Lot 16, DP 35627)
- 2070202 House, 47 Belmore Street (Lot 1, Section 57)
- 2070203 House, 63 Belmore Street (Lot 5, Section 40)
- 2070204 Row of four houses, 68–74 Belmore Street (Lots 1–4, Section 41)
- 2070205 House, 73 Belmore Street (Lot 2, Section 40)
- 2070206 House, 84 Belmore Street (Lot 7, Section 13)
- 2070207 House, 85 Belmore Street (Lot 5, Section 14)
- 2070208 House, 86 Belmore Street (Lot 6, Section 14)
- 2070209 House, 88 Belmore Street (Lot 7, Section 14)

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Schedule 5

2070210	Uniting Church, 89 Belmore Street (southeast Medley Street—Lot 9, Section 13)
2070211	House, 90 Belmore Street (Lot 8, Section 14)
2070212	House, 104 Belmore Street (northeast corner Bulga Street—Lot 1, DP 521414)
2070213	House, 5 Bowman Street (Lot 5, Section 51)
2070214	House, 8 Bowman Street (Lots 31 and 32, Section 59)
2070215	House, 6 Bulga Street (Lot 3, DP 570476)
2070216	Catholic Rectory, 57 Bulga Street (southeast corner Bayly Street—Lots 5 and 7, Section 19)
2070217	House, Bulga Street (northeast corner Little Bayly Street—Lot 12, Section 21)
2070218	House, 2 Cainbil Street (southwest corner Rouse Street—Lot 4, DP 23799)
2070219	House, 18 Cainbil Street (Lot 2, DP 17320)
2070220	House, 24 Cainbil Street (Lot 5, DP 17320)
2070221	House, 26 Cainbil Street (Lot 6, DP 17320)
2070222	House, Caledonian Street (Portions 116 and 117 and Part Lot 2, Parish of Guntawang)
2070223	House, Canadian Street (Lot 4, Section 87)
2070224	House, “Tarrawonga”, corner Canadian Lead Road and Homer Street (Part Portion 249, Parish of Gulgong)
2070225	House, 5 Cooyal Street (southeast corner Stuart Street—Lot 3, Section 90)
2070226	House, 22 Cooyal Street (northeast corner Scully Street—Lot 3, Section 63)
2070227	House, “Red Hill House”, Cooyal Street (southeast corner White Street—Lot 1, Section 80)
2070228	House, 10 Fitzroy Street (Lot 3, Section 86)
2070229	House, 17 Herbert Street (Lot 1, Section 43)
2070230	House, 20 Herbert Street (Lot 10, Section 16)
2070231	Commercial building, 25 Herbert Street (southeast corner Station Street—Lot 18, Section 10)
2070232	House, 27 Herbert Street (Lot 19, Section 10)
2070233	House, 26 Herbert Street (Lot 11, Section 16)
2070234	House, 32 Herbert Street (Lots 6 and 8, Section 16)
2070235	House, 50 Herbert Street (Lot 32, Section 15)

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Schedule 5 Environmental heritage

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- 2070236 Gulgong Pioneer Museum, 57–73 Herbert Street (Lots 1A, 1B, 2, 3, 4, 5, 6A, 6B and 6C, Section 6)
- 2070237 House, 57 Herbert Street (Lot 2A, Section 7)
- 2070238 Shop and residence, 62 Herbert Street (Lots 1 and 2, Section 14)
- 2070239 House, 70 Herbert Street (Lots 1 and 2, Section 13)
- 2070240 House, 74 Herbert Street (Lot 2A, Section 12)
- 2070241 Commercial building, 74A Herbert Street (Lot 28, Section 12)
- 2070242 “Golden West Trading Post” and house, 75 Herbert Street (Lots 1A and 1B, Section 5)
- 2070243 Gulgong Dry Cleaners, 77 Herbert Street (Lot 1A, Section 5)
- 2070244 Commercial building, 78 Herbert Street (Lot 1, Section 12)
- 2070245 Commercial building, 79–83 Herbert Street (Lots 1, 2, 2A, 2B and 3A, Section 5)
- 2070246 Farmers & Graziers Co-op, 85 Herbert Street (Lot 2, Section 5)
- 2070247 Commercial building, 87 Herbert Street (northeast corner Queen Street—Lot 1, Section 5)
- 2070248 “Davies Butchery”, 89 Herbert Street (southeast corner Queen Street—Part Lot 8A, Section 4)
- 2070249 Post Office, 94 Herbert Street (southwest corner Robinson Street—Lot 2, DP 206281)
- 2070250 “Post Office Hotel”, 97 Herbert Street (southeast corner Robinson Street—Lots 1–3, Section 27)
- 2070251 Court House, 98 Herbert Street (Lot 3, Section 28)
- 2070252 Ulan County Council, 100 Herbert Street (Lot 17, Section 28)
- 2070253 “Australian Joint Stock Bank”, 101 Herbert Street (Lots 4 and 5, Section 27)
- 2070254 Fire Station, 102 Herbert Street (Lot 5, Section 28)
- 2070255 House, 105 Herbert Street (Lot 6, Section 27)
- 2070256 “Wyaldra Shire Hall”, 109 Herbert Street (Lot 8, Section 27)
- 2070257 House, 113 Herbert Street (Lot 4, Section 65)
- 2070258 Silos and house, Homer Street (Portion 37, Parish of Gulgong)
- 2070259 House, “Haleys Cottage”, Little Belmore Street (southeast corner White Street—Lot 2, Section 42)
- 2070260 House, 41 Loftus Street (Lot 4, Section 69)
- 2070261 House, 8 Lynne Street (Lot 2, Section 46, DP 51302)

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Schedule 5

2070262	House, 10 Lynne Street (Lot 21, DP 56813)
2070263	House, 11 Lynne Street (Lot 4, Section 23)
2070264	House, 24 Mayne Street (Lot 2, DP 595785)
2070265	House, 27 Mayne Street (Portion 219, Parish of Gulgong)
2070266	House, 38 Mayne Street (Lot 41, Section 45)
2070267	House, 45 Mayne Street (Lot 2, Section 44)
2070268	House, 46 Mayne Street (Lot 1, Section 45)
2070269	House, 49 Mayne Street (Lot 7, Section 32)
2070270	House, 51 Mayne Street (Lot 6, Section 32)
2070271	House, 56 Mayne Street (Lot 2, Section 31)
2070272	House, 59 Mayne Street (Lot 1, Section 32)
2070273	House, 74 Mayne Street (Lots 6 and 7, Section 30)
2070274	House, "Loyola", 77 Mayne Street (Lot D, Section 29)
2070275	House, 78 Mayne Street (Lot 4, Section 30)
2070276	House, 80 Mayne Street (Lot 3, Section 30)
2070277	Shop, 88 Mayne Street (Lot 2B, Section 4)
2070278	House, 89 Mayne Street (Lot 15, Section 29)
2070279	"Jas Loneragan", 90–100 Mayne Street, (northeast corner Herbert Street— Lots 5–7, Section 4)
2070280	St Vincent de Paul shop and residence, 91 Mayne Street (Lot 9, Section 1)
2070281	House, 93 Mayne Street (Lot 8, Section 1)
2070282	Prince of Wales Hotel, 97 Mayne Street (Lots 5 and 6, Section 1)
2070283	"Prince of Wales Opera House", 99 Mayne Street (Lot 4, Section 1)
2070284	"CBC Bank", 101–103 Mayne Street (Lot 3, Section 1)
2070285	Commercial building, 102 Mayne Street (northwest corner Herbert Street) (Section 3)
2070286	Commercial building, 104 Mayne Street (Lot 6, Section 3)
2070287	Commercial building, 107 Mayne Street (southeast corner Herbert Street— Lots 1–3, Section 1)
2070288	"Greatest Wonder of the World", 123 Mayne Street (Part Lot 4, Section 2)
2070289	"American Tobacco Warehouse", 125 Mayne Street (Part Lot 4, Section 2)
2070290	Commercial building, 127 Mayne Street (Lot 5A, Section 2)

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2070291	Commercial building, 128–132 Mayne Street (northeast corner Medley Street—Lots 1A, 2B and 2C, Section 3)
2070292	Commercial building, 131–133 Mayne Street (Lots 6A, 6B and 6C, Section 2)
2070293	The Coffee House, 137 Mayne Street (Lot 7A, Section 2)
2070294	Commercial building, 139 Mayne Street (northwest corner Medley Street) (Lot 7, Section 2)
2070295	Centennial Hotel, 145 Mayne Street (corner Medley Street—Lots 1 and 2, Section 17)
2070296	“The Henry Lawson Centre”, 147 Mayne Street (Part Lot 3, Section 17)
2070297	House, 148 Mayne Street (Lots 6 and 7, Section 18)
2070298	House, 149 Mayne Street (Lot 5B, Section 17)
2070299	House, 153 Mayne Street (Lot 6, Section 17)
2070300	House, 155 Mayne Street (Lot 7, Section 17)
2070301	“Cullengoral”, 156 Mayne Street (Lot 21, Section 18)
2070302	House, 161 Mayne Street (Lot 12, Section 17)
2070303	House, 162 Mayne Street (Lot 1, Section 24)
2070304	House, 164 Mayne Street (Lot 2, Section 24)
2070305	Shop, 165 Mayne Street (Lot 14, Section 17)
2070306	House, 166 Mayne Street (Lot 3, Section 24)
2070307	House, 167 Mayne Street (Lot 15, Section 17)
2070308	“Ten Dollar Town Motel”, Mayne Street (northwest corner Medley Street—Lot 1, Section 18)
2070309	House, 169 Mayne Street (Lot 5, Section 25)
2070310	House, 192 Mayne Street (Lot 22, DP 598308)
2070311	House, 200 Mayne Street (Portion 436, Parish of Guntawang)
2070312	“Gulgong District Hospital”, 206 Mayne Street (Portion 196, Parish of Guntawang)
2070313	House, Main Road No 55 (near Medley Street) (Portion 143, Parish of Guntawang)
2070314	House, 33 Medley Street (Lot 24, Section 16)
2070315	House, 35 Medley Street (Lot 4, Section 15)
2070316	House, 37 Medley Street (Lot 1, Section 15)
2070317	House, 39 Medley Street (Lot 5, Section 15)

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Schedule 5

2070318	House, 44 Medley Street (Lot 3, Section 23)
2070319	House, 45 Medley Street (Lot 8A, Section 12)
2070320	House, 51 Medley Street (Lot 2, Section 11)
2070321	House, 56 Medley Street (Lot 3, Section 21)
2070322	House, 58–60 Medley Street (Lots 21 and 22, Section 21)
2070323	Police station, 61 Medley Street (Lot 2, Section 28)
2070324	House, 62 Medley Street (Lot 1, Section 21)
2070325	Uniting Church Hall, 64 Medley Street (Part Lot 2, Section 20)
2070326	House, “Albury House”, 68 Medley Street (northwest corner Bayly Street—Lot 1, Section 20)
2070327	House, 75 Medley Street (Lot 1, Section 39)
2070328	“Phonograph Museum” and residence, 78 Medley Street (Lots 14 and 15, Section 18)
2070329	House, 86 Medley Street (Lot 2, Section 33)
2070330	House, “Merry”, 100 Medley Street (Lot 4, Section 35)
2070331	House, 104 Medley Street (Lot 2, Section 36)
2070332	House, 108 Medley Street (Part Lot 2, Section 38)
2070333	House, 110 Medley Street (Lot 3, Section 38)
2070334	House, 2 Moonlight Street (Lot 10, Section 60)
2070335	House, Nandoura Street (Lot 2, Section 73)
2070336	Commercial building (Loneragans Garage), 33 Queen Street (Lot 6, Section 5)
2070337	Commercial building, 35 Queen Street (Lot 5, Section 5)
2070338	House, 40 Queen Street (Lot 102, Section 53)
2070339	House, 56 Queen Street (northwest corner Bulga Street—Lot 2, resubdivision of Portion 182, Parish of Guntawang)
2070340	House, 60 Queen Street (Lot 2, resubdivision of Portion 181, Parish of Guntawang)
2070341	House, 62 Queen Street (Part of Lot 181, Section 84)
2070342	House, Railway Street (Lot 22, DP 802634)
2070343	Reef Street (northwest corner Canadian Street—Lot 4, Section 87)
2070344	House, 1 Robinson Street (Lot 12, Section 27)
2070345	House, 3 Robinson Street (Lot 11, Section 27)

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Schedule 5 Environmental heritage

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- 2070346 Old “Central School”, Robinson Street (corner Cooyal Street—Part Lot 2, Section 64)
- 2070347 House, Robinson Street (corner Loftus Street—Lot 4, Section 69)
- 2070348 House, Scully Street (corner of Cooyal Street—Part Lot 2, Section 64)
- 2070349 Railway station and stationmaster’s house, Saleyards Lane, Parishes of Gulgong and Guntawang
- 2070350 “Loneragans Flour Mill”, 2 Station Street (Portions 388, 406 and 428, Parish of Guntawang)
- 2070351 House, 9 Station Street (Lot 2, Section 73)
- 2070352 House, Lot 66, Station Street, Gulgong
- 2070353 House, 23 Tallawang Street (southeast corner Prince Street—Lot 1, Parish of Guntawang)
- 2070354 House, 29 Tallawang Street (southeast corner Prince Street—Lot 1, Section 48)
- 2070355 House, corner Tallawang and Bligh Streets (Lot 3, Section 49)
- 2070356 House, 11 White Street (northeast corner Lynne Street—Lot 1, Section 47)
- 2070357 House, corner Wilbertree and McDonald Streets (Lot 1, Section 85)
- 2070358 House, unnamed road off Wellington Road (Main Road No 233) (Portion 148, Parish of Guntawang)
- 2070359 Gulgong Grandstand, Victoria Park (Portion 91, Parish of Guntawang)
- 2070360 Showground (Portions 86, 90 and 419, Parish of Guntawang)

Rural Areas**Parish of Arthur**

- 2070361 Lue Station Homestead, Portion 30
- 2070362 John Riley’s Grave, Lue Station

Parish of Bara

- 2070363 Railway station and stationmaster’s house, Village of Lue
- 2070364 Hotel and residence, Part Portion 28, Village of Lue
- 2070365 Shop, “John Thompson’s Butcher/Draper/Grocer 1913”, Cox Street, Village of Lue
- 2070366 366 Railway viaduct, east end of Village of Lue

Parish of Barigan

- 2070367 367 Barigan homestead, Portions 65 and 142

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Schedule 5

Parish of Biraganbil

2070368 Biraganbil homestead, Lot 2, DP 534376, Wellington Road

2070369 Morrowolga homestead, Portion 28

Parish of Bumberra

2070370 370 Roth homestead, Lot 15, DP 2858

2070371 Loneragan homestead (Putta Bucca), Lot 23, Putta Bucca Estate

2070372 Gawthorne Cottage, Portion 42

2070373 Wilgowra homestead, Portion 56

2070374 Oakfields homestead, Portion 80

2070375 Mudgee Brickworks, Home Rule Road

2070376 Mudgee Cemetery, Cassilis Road

2070377 Avenue of trees, Cassilis Road (northern extension of Church Street)

Parish of Derale

2070378 "Melrose Park" homestead, Lot 1, DP 736756

2070379 Havilah homestead, chapel and shearing sheds, Portion 65

Parish of Erudgere

2070380 "Erudgere" Winery, Portions 74 and 76, Hargraves-Hill End Road

Parish of Eurundury

2070381 Henry Lawson Memorial, Henry Lawson Drive, Lot 1, DP 368450

2070382 "Loaded Dog Inn", Lot 2, DP 778714

2070383 "Craigmoor Wines", Portion 39, Craigmoor Road

2070384 "Budgee Budgee Shop", Part Portion 268

Parish of Goodiman

2070385 "Spring Ridge" homestead, Lot 2, DP 612712, Spring Ridge

Parish of Grattai

2070386 "Beragoo" homestead, Lot 8, DP 253524

Parish of Gulgong

2070387 House, "Niven's Springridge Hotel", Lot 1, DP 591912, Lot 112, DP 721220, Spring Ridge Road, Tallawang

2070388 Gulgong Cemetery (dedicated 14.2.1873), Parish of Gulgong

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Schedule 5 Environmental heritage

2070389 Old Railway Dam and Pump Shed (Crown Land south of Portion 37, Parish of Gulgong)

Parish of Guntawang

2070390 Guntawang homestead, Lot 2, DP 534376

2070391 “The Lagoon” homestead, Portion 8, off Dunedoo Road

2070392 Old gold mine, Portion 412

Parish of Hargraves

2070393 “National School”, Bowen Street, Village of Hargraves

2070394 St Stephen’s Church of England, Portion 124, corner Merinda and Church Streets, Section 6

Village of Hargraves

2070395 House (old Court House and Police Station), Merinda Street

2070396 House, Lot 1, Section 6 (next to Court House), Merinda Street

2070397 Terrace houses, Lot 1, Section 3, Merinda Street

2070398 Catholic Church, Merinda Street

2070399 House, Section 24, Bowen Street

2070400 Hargraves Cemetery, Portions 100–106, Parish of Hargraves

Parish of Mudgee

2070401 Wallinga homestead, Lot 11, DP 581380

2070402 Burrundulla Station and homes, Portion 182

2070403 “Caerleon Park” homestead, Portion 288, Lot A, Gulgong Road

2070404 Redbank Dam, South Mudgee, Parish of Mudgee

2070405 “Kenny’s Brickworks”, east side of Sawpit Road, South Mudgee

Parish of Munna

2070406 Menah homestead, Portion 55

2070407 Explorers’ Tree “Camping Tree”, Wilbertree Road

2070408 River Red Gum, Wilbertree Road

Parish of Piambong

2070409 Binawee homestead and outbuildings, Lot 1, DP 151500

2070410 “Wandu” Limosin Stud, Portion 182, Gulgong Road

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Schedule 5

Parish of Pyramul

2040411 Catholic Church and Graveyard, Pyramul

Parish of Tambaroora

2070412 Tambaroora—Hill End Cemetery, Catholic/Chinese, Part of Section 16, Town of Tambaroora

Parish of Wilbertree

2070413 Wilbertree homestead and outbuildings, Lot 60, DP 32365

Parish of Windeyer

2070414 Anglican Church, Lot 4, Plan C161, 1984, Village of Windeyer

2070415 School and schoolmaster's house, Section 9, Village of Windeyer

2070416 Hotel, "Gold and Fleece", Lot 1, DP 771751, Village of Windeyer

2070417 Windeyer Cemetery, Mudgee Street on Meroo Creek, Part Portion 287

Parish of Wollar

2070418 St Luke's Church of England, Portion 61A

2070419 Catholic Church, Part Lots 6–8, Section 4, Village of Wollar

Parish of Wyaldra

2070420 Home Rule School residence, Home Rule, Portions 140 and 141

Parish of Yarrobil

2070421 Yamble homestead and outbuildings, Portion 223

Additional items—Rural Areas

2071003 Old School/Church at Lot 1, DP 304767 Lue Road

2071013 Chinese Water Race

2070982 Wollara Homestead

2070982, Triamble Homestead & Woolshed, Beechworth Homestead, St
2070976–78 Matthew's Anglican Church and Wingvee Homestead & Woolshed

2071028 "The Elders" Miners Cottage on Lot 7, DP 756885

2071029 Empire Hall, Hargraves

2071030 "Old Warry" Merinda Street, Hargraves

2070998 Ben Buckley Homestead & Woolshed

2071000 Uamby Cemetery

2070999 Goolma Primary School

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Schedule 5 Environmental heritage

2070992	Pineview Homestead & Woolshed at 889 Goolma Road, Goolma
2070989	Tinja Homestead
2070988	Burrinah Homestead on Lot 1, DP 72342 Wilbertree Road Wandoona Homestead, Wollar
2070980	Red Doors Former Butcher Shop on Lot 2, Section 3, DP 758501, Merinda Street, Hargraves
2070998	St Mark's Anglican Church at Lot 146, DP 750777, Goolma Ellersly Homestead on Lot 53, DP 756897
2070984	Gold Mining Race, Old Hargraves Road, Windeyer
2070516	Chinese Cemetery and Ovens, Clarke Road, Windeyer
2070979	Quartz Roasting Pits, Tambaroora
2070410	Cullenbone (Former School) House, Lot 182, DP 756901 Castlereagh Highway Goulburn River National Park Munghorne Gap Nature Reserve Talbragar Reserve
2071004	Old School, Sydney Road, Tannabutta
2071005	Tannabutta Cemetery
2070518	Cudgegong General Cemetery
2070534	Havilah Cemetery
2070532	St Andrews Anglican Church Cemetery Linburn Ln, Cooyal
2070519	St Lukes Anglican Church Cemetery, Wollar Fletchers Shaft, Gulgong Scully's Shaft, Gulgong

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Dictionary

Dictionary

(Clause 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.

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.

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 machinery showroom means a building or place used for the display or sale of agricultural machinery whether or not agricultural machinery accessories are sold or displayed at the building or place.

agricultural produce industry means a rural industry involving the handling, treating, processing or packing of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes 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.

agriculture means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or
- (b) the grazing of livestock, or
- (c) bee keeping, or
- (d) farm forestry,

for commercial purposes, but does not include any of the following:

- (e) intensive plant agriculture,
- (f) intensive livestock agriculture,
- (g) aquaculture,
- (h) animal boarding or training establishments.

airport means a place used for the landing, taking off or parking of aeroplanes (including terminals, buildings for the parking or maintenance of aeroplanes, associated installations and movement areas), and includes heliports.

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Dictionary

amusement centre means a building or place (not being part of a hotel or pub) 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. The term is defined as follows:

aquaculture means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include:

- (c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
- (d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
- (e) any other thing prescribed by the regulations (made under the *Fisheries Management Act 1994*).

archaeological site means the site (as listed in Schedule 5) of one or more relics.

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 tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

bank in relation to a waterbody (natural) means:

- (a) in the case of the non-tidal section of a watercourse, the highest edge of the channel that normally contains the watercourse flow, or
- (b) in the case of a lake or wetland, the shoreline at the highest recorded water level.

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).

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Dictionary

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for a maximum of 4 guest bedrooms and:

- (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.

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.

biosolid waste application means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 1997) and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000a).

boarding house means a building:

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

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

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) or a temporary structure within the meaning of the *Local Government Act 1993*.

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

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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 that does not include general advertising of products, goods or services.

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 used primarily for the sale by retail, wholesale or auction of (or for the 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, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire of bulky goods.

bus depot means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

bus station means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

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.

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

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- (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 include any advertising relating to a person that does not carry on business at the premises or place.

business premises means a building or place at which 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.

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.

cellar door premises means retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all 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.

cemetery means a building or place for the interment of deceased persons or pets or their ashes, and includes a funeral chapel or crematorium.

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 family day care home or home-based child care home, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of 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

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- (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 section 200 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.)

commercial vineyard means a plantation of grape vines, commercially grown for grape or wine production purposes.

community facility means a building or place owned or controlled by a public authority and used for the physical, social, cultural or intellectual development or welfare of the community.

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

correctional centre means a correctional centre under the *Crimes (Administration of Sentences) Act 1999* or a detention centre under the *Children (Detention Centres) Act 1987*.

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Council means the Mid-Western Regional Council.

craftsman's studio means a building or place used for the purpose of carrying out any occupation involving craft or artwork by not more than 3 persons, and which does not involve interference with the amenity of the neighbourhood.

crematorium means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

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) land 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 where the only restriction facilities present are the 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).

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

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 2 dwellings (whether attached or detached) on one lot of land, but does not include a lot with a dwelling and a granny flat.

dual occupancy—attached means dual occupancy dwellings attached to each other by a common wall or ceiling or floor where the dwellings maintain the appearance of a single building.

dual occupancy—detached means dual occupancy free standing dwellings.

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.

earthworks means excavation or filling.

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eco generating works means a generating works that produces energy, power or fuel by using:

- (a) renewable resources, such as solar, wind or tidal energy and the like, or
- (b) resources such as methane gas produced from land fill operations, or
- (c) agricultural produce or by products.

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 college, that provides formal education and is constituted by or under an Act.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall, amusement centre and the like.

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.

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.

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.

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

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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.

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

fill or **filling** 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 significantly alter the shape, natural form or drainage of the land, or
- (b) a waste disposal landfill operation.

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

Note. The term is defined as follows:

Definition of “fish”

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

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

flood prone land means the land shown as such on the map.

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

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- (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.

funeral chapel means business premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

funeral home means business premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

generating works means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

granny flat means a dwelling the use and occupation of which is connected and subordinate to another larger dwelling on the same lot, whether physically connected to the other dwelling or not.

gross floor area means the sum of the floor area of each storey 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 within the storey, and
 - (b) habitable rooms in a basement, 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

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- (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 dwelling that is a permanent group home or a transitional group home.

hazardous industry means development for the purpose of an industry that, when the development is 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 development from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

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

hazardous storage establishment means any establishment where goods, materials or products are stored that, 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 establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

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

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

health consulting rooms means one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

heavy industry means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

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

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heliport means a place open to the public 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.

heritage conservation area means:

- (a) an area of land that is shown as a heritage conservation area on the map (including any heritage items situated on or within that conservation area), or
- (b) a place of Aboriginal heritage significance shown on the map.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning 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, archaeological site, place of Aboriginal heritage significance or other 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, archaeological site, tree, place or Aboriginal object specified in an inventory of heritage items that is available at the office of the Council and the site and nature of which is described in Schedule 5.

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

home-based child care or **family day care home** 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 appropriately 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 carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling 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

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- (c) involve the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
 - (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), 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, or
 - (f) the use of more than 50 square metres of floor area to carry on the business, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling 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 exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), 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, or
- (f) the use of more than 50 square metres of floor area to carry on the light industry,

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

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling 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 notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or

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- (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 or home occupation (sex services).

home occupation (sex services) means the provision of sex services in a dwelling, or in a building ancillary to 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 notice, advertisement or sign, 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 retail sales or the cultivation of a commercial vineyard.

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) retail premises or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

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

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- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel accommodation means a building (whether or not a hotel within the meaning of the *Liquor Act 1982*) that provides tourist and visitor accommodation consisting of rooms or self-contained suites, but does not include backpackers' accommodation, bed and breakfast accommodation, a boarding house or a serviced apartment.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

intensive livestock agriculture means the keeping or breeding of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

intensive plant agriculture means:

- (a) the cultivation of irrigated crops (excluding irrigated pasture and fodder crops), or
- (b) horticulture, or
- (c) the cultivation of a commercial vineyard, or
- (d) turf farming,

for commercial purposes.

kiosk means retail premises with a gross floor area not exceeding 10 square metres and that provides food, light refreshments and other small convenience items such as newspapers, films and the like.

land fill means use of land for the purpose of disposing of waste, including use of a site for the collection and disposal of industrial, trade or domestic waste.

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

light industry means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do 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.

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

livestock processing industry means a rural industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or

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the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackereries, tanneries, woollscours and rendering plants.

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

manufactured home has the same meaning as in the *Local Government Act 1993*.

manufactured home estate has the same meaning as in the *Local Government Act 1993*.

market means retail premises comprising an open-air area or an existing building 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.

materials recycling or recovery centre means a building or place used for the recycling or recovery of resource materials (excluding sludge-like material) from waste materials, and that involves separating and sorting, processing (such as baling, crushing, shredding and composting), transferring and the sale of recycled or recovered material, but that does not involve the re-manufacture, chemical manufacture or incineration of the material.

medical centre means business premises 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, and may include the ancillary provision of other health services.

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.

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.

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

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.

motor showroom means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed there.

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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.

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 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.

neighbourhood shop means retail premises used for the purpose of selling foodstuffs, personal care products and other small daily convenience goods 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, newsagency or dry cleaning.

offensive industry means any development for the purpose of an industry that would, when the development is 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 development 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 the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored 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 establishment from existing or likely future development on

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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 the existing or likely future development on other land in the locality.

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.

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

permanent group home means a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Seniors Living) 2004* applies or a transitional group home.

place of Aboriginal heritage significance means an area of land shown on the 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 can (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.

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 at which horticulture involving the growing of nursery products (such as trees, shrubs, bulbs, seeds and propagating material) is carried out for sale by retail or wholesale, and may include the ancillary sale of landscape supplies (including earth products) or other landscape and horticulture products.

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pond based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include aquaculture in a waterbody (natural).

Note. Typical pond based aquaculture is the pond culture of prawns, yabbies or silver perch.

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 1982* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel accommodation and whether or not food is sold on the premises.

public authority has the same meaning as in the Act.

public administration building means a building used as office premises or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

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

Note. The term is defined as follows:

public entertainment

- (a) means entertainment to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission and an entertainment does not cease to be a public entertainment merely because:
 - (i) some (but not all) persons may be admitted to the entertainment otherwise than on payment of money, or other consideration, as the price or condition of admission, or
 - (ii) such payment, or other consideration, is demanded as the charge for a meal or other refreshment, or for any other service or thing, before admission to the entertainment is granted or as the charge for the entertainment after admission to the entertainment has been granted, and
- (b) includes a public meeting.

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

Note. The term is defined as follows:

public hall means any building or part of a building that is used or intended to be used for the purpose of providing public entertainment or conducting public meetings.

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

Note. The term is defined as follows:

public meeting means an assembly held for a public purpose to which admission may ordinarily be gained by members of the public (whether or not on payment of money, or other consideration, as the price or condition of admission), but does not include an assembly held for the purpose of religious worship only.

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

Note. The term is defined as follows:

public reserve means:

- (a) a public park, or
- (b) any land conveyed or transferred to the council under section 340A of the *Local Government Act 1919*, or
- (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the *Local Government Act 1919*, or
- (d) any land dedicated or taken to be dedicated under section 49 or 50, or
- (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the *Crown Lands Consolidation Act 1913*, or
- (f) any land vested in the council, and declared to be a public reserve, under section 76 of the *Crown Lands Act 1989*, or
- (g) a Crown reserve that is dedicated or reserved:
 - (i) for public recreation or for a public cemetery, or
 - (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the *Crown Lands Act 1989*,
being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or
- (h) land declared to be a public reserve and placed under the control of a council under section 52 of the *State Roads Act 1986*, or
- (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the *Roads Act 1993*,

and includes a public reserve of which a council has the control under section 344 of the *Local Government Act 1919* or section 48, but does not include a common.

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:

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- (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.

reception centre means a building or place used for the holding of functions or occasions that involve the consumption of food (which may or may not be prepared on site) in the building or at the place, including wedding receptions, celebratory functions, conferences or the like.

Note. In the Land Use Table at the end of Part 2 of the Plan, reception centre does not include a building or place specifically referred to in that Table.

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 include 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).

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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 in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

relic means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of Mid-Western Regional local government area, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

residential accommodation means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

residential care facility means accommodation for seniors (people aged 55 years or more) 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,

not being a dwelling, hospital or psychiatric facility.

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

resort means a building or place that provides accommodation for tourists together with an ancillary restaurant, a convention facility and recreation facilities (indoor) and recreation facilities (outdoor).

restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

restricted dairy means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

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.

restricted premises means business premises or retail 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 hotel accommodation, a pub, home occupation (sex services) or sex services premises.

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

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

road transport terminal means a building or place used for the bulk handling of goods for transport by motor vehicles and includes any area used for the loading and unloading of containers.

roadside stall means a place or temporary structure with a gross floor area not exceeding 15 square metres used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

rural industry means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

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

undertaken for commercial purposes.

rural produce sales means a building or part of a building used for retail selling of rural produce or hand crafted goods (or both) primarily produced from the property on which the business is situated.

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.

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

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or

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- (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 residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

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 tourist and visitor accommodation 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.

sewage treatment works means works or land used for the collection, treatment and disposal of sewage by or for a public authority.

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

sex services premises means premises used primarily for the provision of sex services, but does not include home occupation (sex services).

shop top housing means mixed use development comprising one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

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:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs 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.

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.

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stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

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

tank-based aquaculture means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be 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 *Local Government Act 1993*.

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*.

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the map means the series of maps marked “Mid-Western Regional Interim Local Environmental Plan 2008”, as amended by the maps (or specified sheets of maps) marked as follows:

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel accommodation, serviced apartments, bed and breakfast accommodation and backpackers’ accommodation.

transitional group home means a dwelling:

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

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

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.

urban release area means the area of land identified as “Urban Release Area” on the map.

utility installation means a building, work or place used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

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.

waste management facility means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does

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not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow water body (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

winery means a building used for the purposes of manufacturing and storing wine.

Department of Primary Industries

NOTICE OF RECEIPT OF APPLICATION FOR AQUACULTURE LEASE

Notification under s.163 (7) of the Fisheries Management Act 1994, and Cl.33 of the Fisheries Management (Aquaculture) Regulation 2007

NSW Department of Primary Industries (NSW DPI) advises an application has been received for a new aquaculture lease over public water land for the purpose of cultivating Sydney rock oysters. Location is the Karuah River in Port Stephens, described as follows:

- Approx. 0.4255 hectares over former oyster lease OL67/227

NSW DPI is calling for written submissions from any person supporting or objecting to the oyster lease proposal, citing reasons for the support/objection. NSW DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purpose of aquaculture. An expression of interest must be in the form of a written response referring to lease number OL67/227 to be signed and dated with a return address. If additional expressions of interest are received, NSW DPI may offer the area for leasing through a competitive public tender process, auction or ballot.

If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act, 1994. Specific details of the proposed lease can be obtained, or enquiries made with NSW DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification.

Director, Fisheries Conservation & Aquaculture Branch,
Aquaculture Administration Section, Port Stephens Fisheries
Centre, Locked Bag 1, NELSON BAY, NSW, 2315.

BILL TALBOT,
Director, Fisheries Conservation & Aquaculture Branch
Department of Primary Industries

NOTICE OF RECEIPT OF APPLICATION FOR AQUACULTURE LEASE

Notification under s.163 (7) of the Fisheries Management Act 1994, and Cl.33 of the Fisheries Management (Aquaculture) Regulation 2007

NSW Department of Primary Industries (NSW DPI) advises an application has been received for a new aquaculture lease over public water land for the purpose of cultivating Sydney rock oysters. Location is Wallis Lake, described as follows:

- Approx. 0.2583 hectares over former oyster lease OL66/326

NSW DPI is calling for written submissions from any person supporting or objecting to the oyster lease proposal, citing reasons for the support/objection. Submissions must be in the form of a written response referring to lease number OL66/326 to be signed and dated with a return address.

If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act, 1994. Specific details of the proposed lease can be obtained, or enquiries made with NSW DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232. Objections for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification.

Director, Fisheries Conservation & Aquaculture Branch,
Aquaculture Administration Section, Port Stephens Fisheries
Centre, Locked Bag 1, NELSON BAY, NSW, 2315.

BILL TALBOT,
Director, Fisheries Conservation & Aquaculture Branch
Department of Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T08-0041)

No. 3441, ALKANE RESOURCES LTD (ACN 000 689 216), area of 60 units, for Group 1, dated 6 February, 2008. (Orange Mining Division).

(T08-0042)

No. 3442, M. A. ROCHE GROUP PTY. LTD. (ACN 060 536 441) AND WALLACE GEORGE SAUL, area of 73 units, for Group 1, dated 6 February, 2008. (Armidale Mining Division).

(T08-0043)

No. 3443, MUDGEE STONE CO. PTY LIMITED (ACN 100 974 365), area of 2 units, for Group 2, dated 7 February, 2008. (Orange Mining Division).

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(06-7097)

No. 2965, now Exploration Licence No. 7022, CLAYMOR RESOURCES PTY LTD (ACN 009 282 777), Counties of Kennedy, Narromine and Oxley, Map Sheet (8433), area of 776 units, for Group 1, dated 20 January, 2008, for a term until 20 January, 2010.

(07-139)

No. 3034, now Exploration Licence No. 7019, ROBERTSCONSULTING PTY LTD (ACN 105 435 050), Counties of Bland and Monteagle, Map Sheets (8529, 8530), area of 43 units, for Group 1, dated 20 January, 2008, for a term until 20 January, 2010.

(07-141)

No. 3036, now Exploration Licence No. 7015, NSW TIN PTY LIMITED (ACN 126 083 967), Counties of Cooper, Dowling and Gipps, Map Sheet (8230), area of 99 units, for Group 1, dated 20 January, 2008, for a term until 20 January, 2010.

(07-154)

No. 3049, now Exploration Licence No. 7016, NSW TIN PTY LIMITED (ACN 126 083 967), Counties of Bland, Bourke and Gipps, Map Sheets (8329, 8330), area of 100 units, for Group 1, dated 20 January, 2008, for a term until 20 January, 2010.

(07-156)

No. 3051, now Exploration Licence No. 7020, ALKANE RESOURCES LTD (ACN 000 689 216), County of Ashburnham, Map Sheet (8631), area of 50 units, for Group 1, dated 20 January, 2008, for a term until 20 January, 2010.

(07-214)

No. 3109, now Exploration Licence No. 7050, NEA KAMENI PTY LTD (ACN 009 282 875), Counties of Hawes and Vernon, Map Sheets (9235, 9335), area of 100 units, for Group 6, dated 30 January, 2008, for a term until 30 January, 2010.

(07-275)

No. 3172, now Exploration Licence No. 7023, TRI ORIGIN MINING PTY LIMITED (ACN 115 529 112), County of Ashburnham, Map Sheets (8431, 8531), area of 25 units, for Group 1, dated 20 January, 2008, for a term until 20 January, 2010.

(07-312)

No. 3209, now Exploration Licence No. 7069, ANTHONY GILBERT MARTIN, County of Beresford, Map Sheet (8725), area of 48 units, for Group 1 and Group 8, dated 7 February, 2008, for a term until 7 February, 2010.

(07-314)

No. 3211, now Exploration Licence No. 7014, HILL END GOLD LIMITED (ACN 072 692 365), Counties of Bathurst and Roxburgh, Map Sheet (8731), area of 2 units, for Group 1, dated 20 January, 2008, for a term until 20 January, 2010.

(07-321)

No. 3217, now Exploration Licence No. 7021, HARDIE INFRASTRUCTURE PTY LTD (ACN 105 959 804), County of Narran, Map Sheet (8239), area of 56 units, for Group 7, dated 20 January, 2008, for a term until 20 January, 2010.

(07-350)

No. 3248, now Exploration Licence No. 7013, METALLURGICAL REFINING & DEVELOPMENT PTY LTD (ACN 009 756 414) AND JAMES MACAULAY, County of Gunderbooka, Map Sheet (8038), area of 91 units, for Group 1, dated 20 January, 2008, for a term until 20 January, 2010.

(07-355)

No. 3253, now Exploration Licence No. 7051, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), County of Blaxland, Map Sheet (8132), area of 43 units, for Group 1, dated 1 February, 2008, for a term until 1 February, 2010.

(07-362)

No. 3260, now Exploration Licence No. 7017, HILL END GOLD LIMITED (ACN 072 692 365), County of Wellington, Map Sheet (8832), area of 87 units, for Group 1, dated 20 January, 2008, for a term until 20 January, 2010.

(07-390)

No. 3287, now Exploration Licence No. 7018, FOUR POINTS EXPLORATION LIMITED (ACN 101 168 343), Counties of Ewenmar and Narromine, Map Sheet (8533), area of 80 units, for Group 1, dated 20 January, 2008, for a term until 20 January, 2010.

(T07-0451)

No. 3308, now Exploration Licence No. 7054, HARDIE INFRASTRUCTURE PTY LTD (ACN 105 959 804), Counties of Finch and Narran, Map Sheets (8339, 8439), area of 52 units, for Group 7, dated 1 February, 2008, for a term until 1 February, 2010.

(T07-0463)

No. 3322, now Exploration Licence No. 7051, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), County of Blaxland, Map Sheet (8132), area of 43 units, for Group 1, dated 1 February, 2008, for a term until 1 February, 2010.

MINERAL CLAIM APPLICATIONS

(06-116)

Cobar No. 70, now Mineral Claim No. 322 (Act 1992) JOHN LESLIE LOVE, Parish of South Peak, County of Blaxland, area of about 1.995 hectares, to mine for gold and silver, dated 17 January, 2008, for a term until 17 January, 2013.

(06-117)

Cobar No. 71, now Mineral Claim No. 323 (Act 1992) JOHN LESLIE LOVE, Parish of South Peak, County of Blaxland, area of about 1.995 hectares, to mine for gold and silver, dated 17 January, 2008, for a term until 17 January, 2013.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(07-379)

No. 3276, HILL END GOLD LIMITED (ACN 072 692 365), Counties of Phillip and Wellington, Map Sheets (8732, 8733, 8832). Withdrawal took effect on 8 February, 2008.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications for renewal have been received:

(05-272)

Exploration Licence No. 6514, BORAL MONTORO PTY LIMITED (ACN 002 944 694), area of 4 units. Application for renewal received 7 February, 2008.

(05-266)

Exploration Licence No. 6517, MINEX (AUST) PTY LTD (ACN 091 546 708), area of 83 units. Application for renewal received 6 February, 2008.

(05-265)

Exploration Licence No. 6528, INDEPENDENCE GROUP NL, area of 27 units. Application for renewal received 11 February, 2008.

(05-268)

Exploration Licence No. 6529, GUM RIDGE MINING PTY LIMITED (ACN 108 530 650), area of 3 units. Application for renewal received 7 February, 2008.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T02-0457)

Exploration Licence No. 6090, COMPASS RESOURCES N.L. (ACN 010 536 820), Counties of Forbes and Gipps, Map Sheet (8430), area of 17 units, for a further term until 19 June, 2009. Renewal effective on and from 11 February, 2008.

(T03-0081)

Exploration Licence No. 6149, PEAK GOLD MINES PTY LIMITED (ACN 001 533 777), County of Mouramba, Map Sheet (8134), area of 8 units, for a further term until 16 November, 2009. Renewal effective on and from 8 February, 2008.

(T03-0104)

Exploration Licence No. 6161, BIG ISLAND MINING LIMITED (ACN 112 787 470), Counties of Canbelego and Cowper, Map Sheet (8135), area of 45 units, for a further term until 20 November, 2009. Renewal effective on and from 12 February, 2008.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(06-7089)

Exploration Licence No. 6786, MINERAL SANDS LIMITED (ACN 103 006 542), County of Waradgery, Map Sheets (7728, 7828, 7829, 7928), area of 560 units. Cancellation took effect on 5 February, 2008.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

TRANSFER OF PART OF AN AUTHORITY

(07-7339)

Consolidated Coal Lease No. 768 (Act 1973), held by ILLAWARRA COAL HOLDINGS PTY LTD (ACN 093 857 286) has been transferred in part to GUJARAT NRE FCGL PTY LTD (ACN 111 928 762). The transfer was registered on 19 December, 2007.

Pursuant to Section 123 of the Mining Act 1992:

- (1) Consolidated Coal Lease No. 768 (Act 1973) has been cancelled as to the area transferred; and
- (2) Mining Lease No. 1596 (Act 1992) has been granted to GUJARAT NRE FCGL PTY LTD (ACN 111 928 762) over the area transferred for a period until 18 October, 2010.

Description of area part transferred

An area of about 11074 hectares. For further information contact Titles Branch.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

COAL MINE HEALTH AND SAFETY ACT 2002

Instrument of Appointment

I, ALAN COUTTS, Deputy Director-General of NSW Department of Primary Industries - Mineral Resources, with the delegated authority of the Minister for Mineral Resources and the Director-General of the NSW Department of Primary Industries pursuant to sections 212(1) and 214(2) of the Coal Mine Health and Safety Act 2002 (the Act) and pursuant to section 145 of the Act hereby appoint Franz Robert Charles MYATT and Geoffrey Daniel POWELL as mine safety officers.

Dated this 5th day of February 2008.

ALAN COUTTS,
Deputy Director-General
NSW Department of Primary Industries
Mineral Resources

EXHIBITED ANIMALS PROTECTION ACT 1986

Erratum

THE notice appearing in the Government Gazette of the 8 February 2008, folio 680, Gazette No. 14, with heading Exhibited Animals Protection Act 1986, Appointment of Member, Exhibited Animals Advisory Committee, appointment of Linda Crawley should have been dated 7th day of January 2008 not 7th day of January 2007. This erratum now amends that error and the Gazettal date remains 8 February 2008.

FISHERIES MANAGEMENT ACT 1994

Re-appointment of Members of Total Allowable Catch Setting and Review Committee

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 27(1) of the Fisheries Management Act 1994, hereby appoint Keith Sainsbury, Warren Musgrave and Stephen McCormack to the Total Allowable Catch Setting and Review Committee for a term commencing on the date of this appointment and expiring on 31 December 2009.

Dated this 13th day of November 2007.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

FISHERIES MANAGEMENT ACT 1994

Appointment of Members to the Advisory Council on
Recreational Fishing (ACoRF)

I, IAN MACDONALD MLC, Minister for Primary Industries,
pursuant to section 229(2) of the Fisheries Management
Act 1994 (“the Act”), appoint the persons listed in the
schedule below as members of the Advisory Council on
Recreational Fishing, for a period of three years from date
of appointment.

Schedule

WAYNE, Adrian
CROKER, Ronald
GLASKIN, Sanchia
CASTLE, Max

Dated this 17th day of December 2007.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

PLANT DISEASES ACT 1924

Appointment of Inspector

I, RICHARD FREDERICK SHELDRAKE, Director-General
of the NSW Department of Primary Industries, pursuant to
section 11(1) of the Plant Diseases Act 1924 (“the Act”) appoint
Esther Elizabeth BATES as an inspector for the
purposes of the Act:

Dated this 7th day of February 2008.

R F SHELDRAKE,
Director-General
NSW Department of Primary Industries

STOCK DISEASES ACT 1923

Appointment of Inspector

Notification No: 486

I, RICHARD FREDERICK SHELDRAKE, Director-General
of the New South Wales Department of Primary Industries,
pursuant to section 6(1) of the Stock Diseases Act 1923, (“the
Act”), hereby appoint Ross GARLAND and Mark WATSON
as inspectors for the purposes of the Act.

Dated this 7th day of February 2008.

R F SHELDRAKE,
Director-General
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Section 8 and Section 11 Notification – Fishing Closure Belmore River

I, IAN MACDONALD, Minister for Primary Industries, do by this notification:

1. pursuant to section 11 of the *Fisheries Management Act 1994* (“the Act”), revoke the notification titled “Belmore River” published in *Government Gazette* No. 108 of 31 August 2007 at page 6672 (and any notification revived as a result of this revocation);
1. pursuant to section 8 of the Act, prohibit the taking of all species of fish by the class of persons specified in Column 1 of the Schedule to this notification, by the methods of fishing specified opposite in Column 2 of the Schedule, from the waters described opposite in Column 3 of the Schedule.

SCHEDULE

Column 1 Class of Persons	Column 2 Methods of Fishing	Column 3 Waters
All endorsement holders in the Estuary General Fishery.	By means of nets and traps of every description, except the landing net and the eel trap, as prescribed by clauses 53 and 65 respectively of the General Regulation.	The whole of the waters of that part of the Belmore River and its creeks, tributaries and inlets, upstream from the road bridge at Gladstone to the Belmore River flood gate (being waters that are part of the estuarine system of the Macleay River).
	By means of nets and traps of every description, except the landing net, as prescribed by clause 53 of the General Regulation.	The whole of the waters of that part of the Belmore River and its creeks, tributaries and inlets, upstream from the Belmore River flood gate to its source (being waters that are part of the estuarine system of the Macleay River).
All recreational fishers.	By means of nets and traps of every description, except the dip or scoop net (prawns), the landing net and the bait trap, as prescribed by clauses 51, 53 and 62 respectively of the General Regulation.	The whole of the waters of that part of the Belmore River and its creeks, tributaries and inlets, upstream from the road bridge at Gladstone to its source (being waters that are part of the estuarine system of the Macleay River).

In this fishing closure:

“Estuary General Fishery” means the share management fishery of that name, as described in Schedule 1 to the *Fisheries Management Act 1994*.

“General Regulation” means the *Fisheries Management (General) Regulation 2002*.

The provisions of this fishing closure in respect of endorsement holders in the Estuary General Fishery have effect despite any provision in the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*.

This fishing closure is effective from the date of publication of this notification for a period of five (5) years unless sooner amended or revoked.

Dated this 5th day of February 2008.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification - Fishing Closure

Caulerpa taxifolia

Narrawallee Inlet, Burrill Lake, Lake Conjola and Berringer Lake, Pittwater, Lake Macquarie and St Georges Basin

I, IAN MACDONALD, NSW Minister for Primary Industries, do by this notification pursuant to section 8 of the *Fisheries Management Act 1994*, prohibit the taking of fish by all fishers, by the methods of fishing specified in Column 1 of the Schedule to this notification, from the waters described opposite in Column 2 of the Schedule.

Schedule

Schedule 1

Narrawallee Inlet and its tributaries

Column 1 Methods	Column 2 Waters
By means of nets of every description other than a landing net as prescribed by clause 53 of the General Regulation.	The waters bordered by: <ol style="list-style-type: none"> 1. On the east, by a line extending due north from the public boat ramp at the end of Normandy St in the township of Narrawallee to a point on the north bank of Narrawallee Inlet; and 2. From the line described in 1. above upstream to where the Narrawallee Creek begins to bend toward a north west direction (a distance of approximately 1 kilometre along the northern bank), as identified as <i>Caulerpa taxifolia</i> closure areas in the map at Attachment 1 to this notification.

Schedule 2

Burrill Lake and its tributaries

Column 1 Methods	Column 2 Waters
By means of nets of every description other than a landing net as prescribed by clause 53 of the General Regulation.	The waters extending over the whole of Burrill Lake and its tributaries and bays upstream of a line located at the eastern end of oyster lease OL74/027, perpendicular to the banks of the channel, as identified as <i>Caulerpa taxifolia</i> closure areas in the map at Attachment 2 to this notification.

Schedule 3

Lake Conjola and Berringer Lake and their tributaries

Column 1 Methods	Column 2 Waters
By means of nets of every description other than a landing net as prescribed by clause 53 of the General Regulation.	The waters extending over the whole of Lake Conjola and its tributaries and bays other than in Pattimores Lagoon upstream of the Lake Conjola Entrance Road, as identified as <i>Caulerpa taxifolia closure</i> areas in the map at Attachment 3 to this notification.

Schedule 4

Pittwater and its tributaries

Column 1 Methods	Column 2 Waters
By means of nets of every description other than a landing net as prescribed by clause 53 of the General Regulation.	The waters east of a line drawn from the western most point of Barrenjoey Head south to the western most port marker off Observation Point and then south to the northern most point of Stokes Point, as identified as <i>Caulerpa taxifolia closure</i> areas in the map at Attachment 4 to this notification.

Schedule 5

Chain Valley Bay and Surrounding Waters (Lake Macquarie)

Column 1 Methods	Column 2 Waters
By means of nets of every description other than a landing net as prescribed by clause 53 of the General Regulation.	The waters bordered by a line drawn north from the western point of the Vales Point Power Station inlet, meeting a line drawn due east from the northern-most tip of Vales Point, as identified as <i>Caulerpa taxifolia closure</i> areas in the map at Attachment 5 to this notification.

Schedule 6

St Georges Basin and its tributaries

Column 1 Methods	Column 2 Waters
By means of nets of every description other than a landing net as prescribed by clause 53 of the General Regulation.	<ol style="list-style-type: none"> 1. The waters west of a line drawn from the most south-westerly point of the Basin View boat ramp, to the most easterly point of the small island west of Picnic Point, but excluding Wandanian Creek and Tullarwalla Inlet; and 2. The waters of Pats Bay west of a line drawn from the most south-easterly point of Tallyan Point to the end of Panorama St on the northern shoreline, as identified as <i>Caulerpa taxifolia closure</i> areas in the map at Attachment 6 to this notification.

In this fishing closure:

“General Regulation” means the *Fisheries Management (General Regulation) 2002*.

The provisions of this fishing closure in respect of endorsement holders in the Estuary General Fishery have effect despite any provision in the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*.

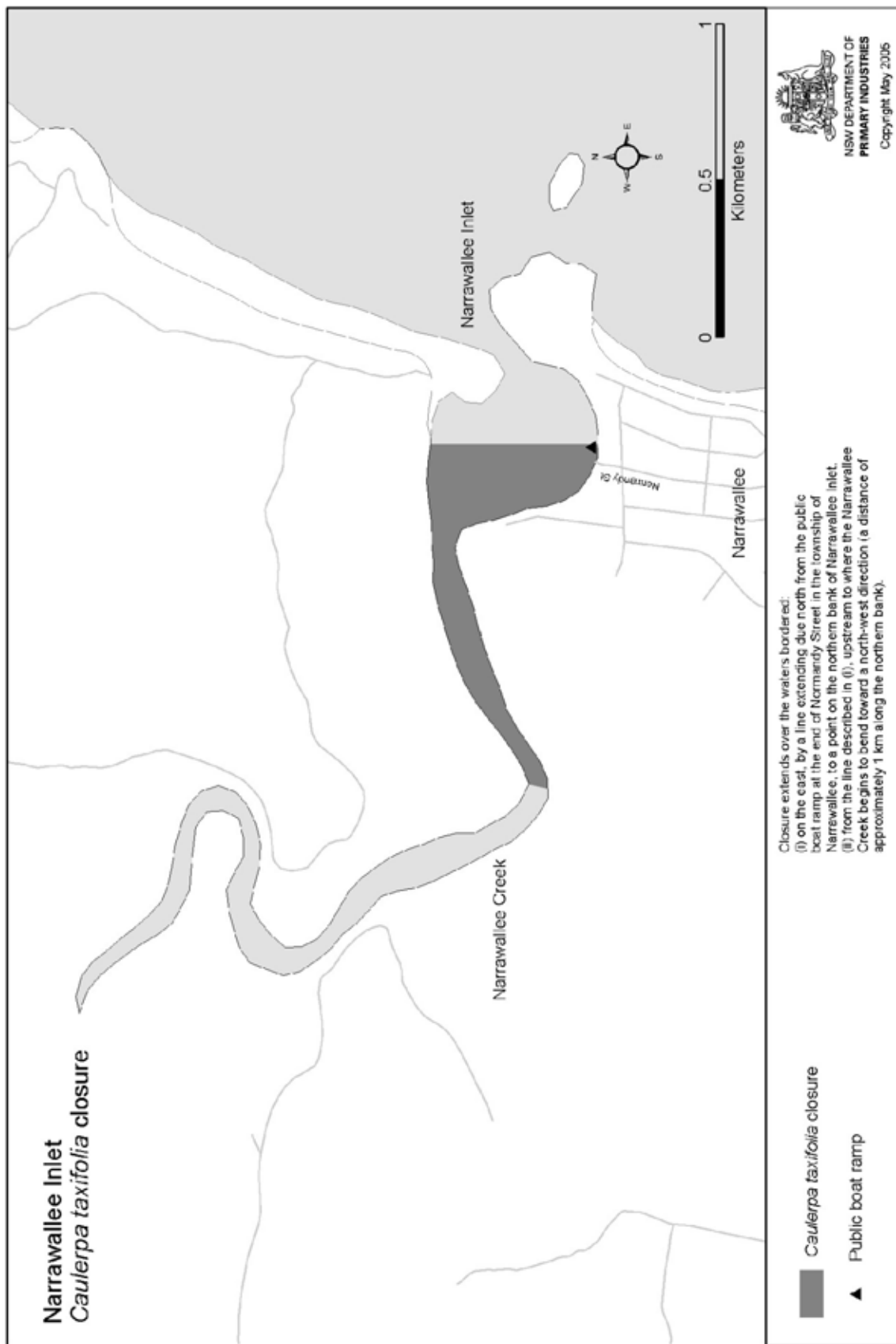
This fishing closure is effective from the date of publication of this notification for a period of twelve (12) months unless sooner amended or revoked.

Dated this 5th day of February 2008.

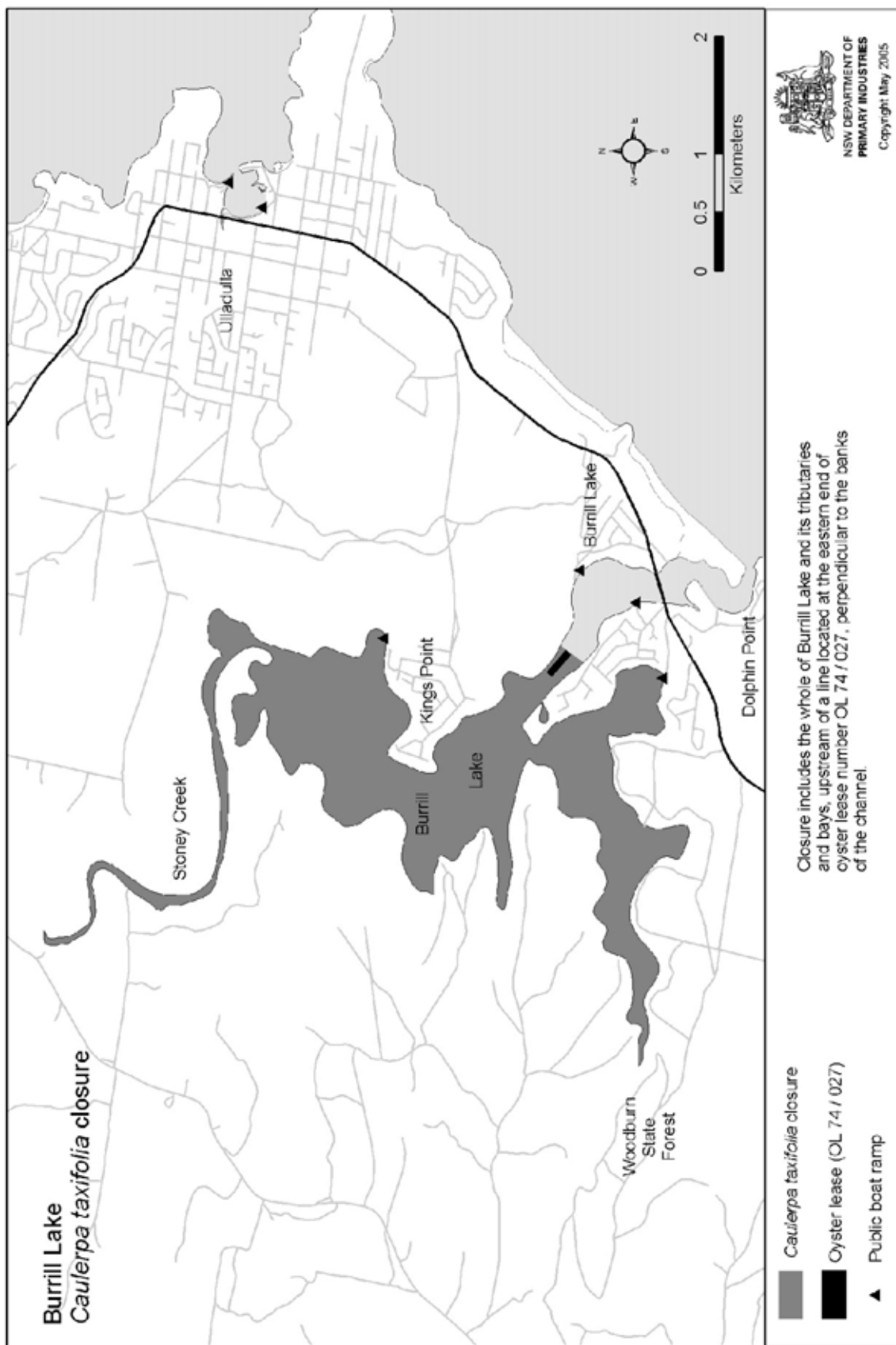
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**IAN MACDONALD MLC
MINISTER FOR PRIMARY INDUSTRIES**

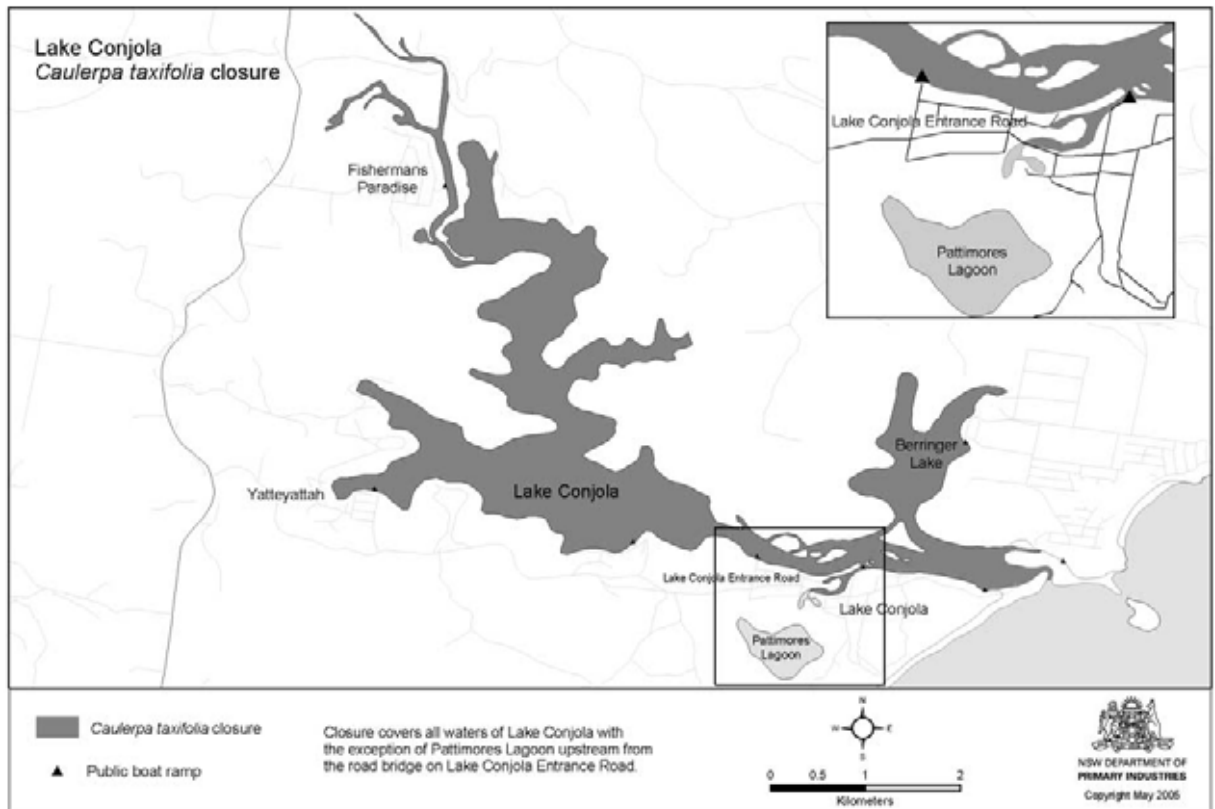
Attachment 1



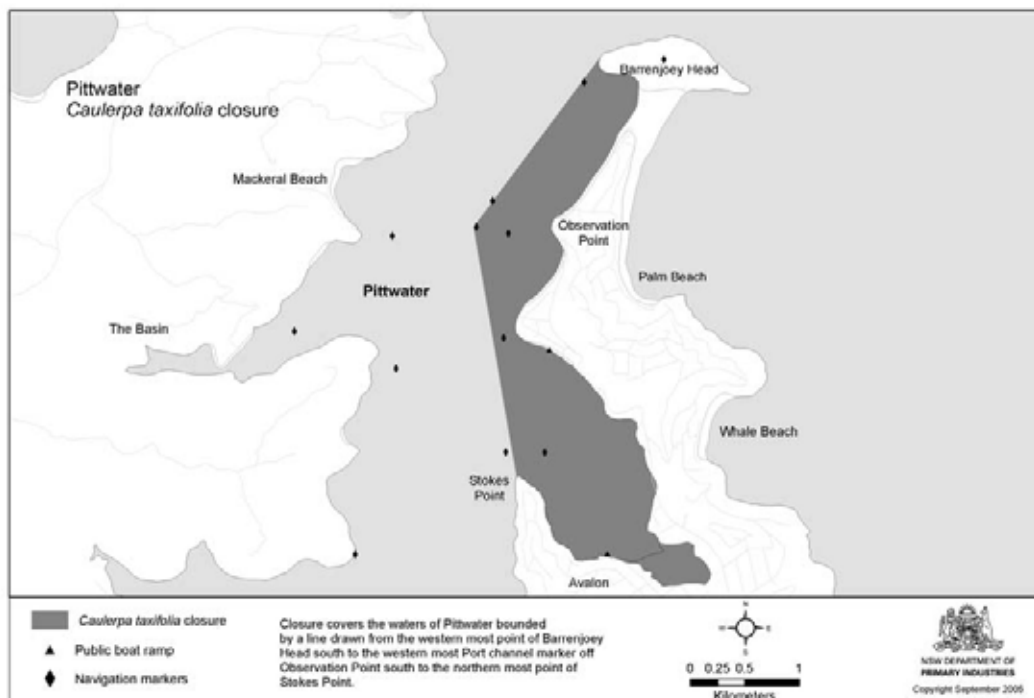
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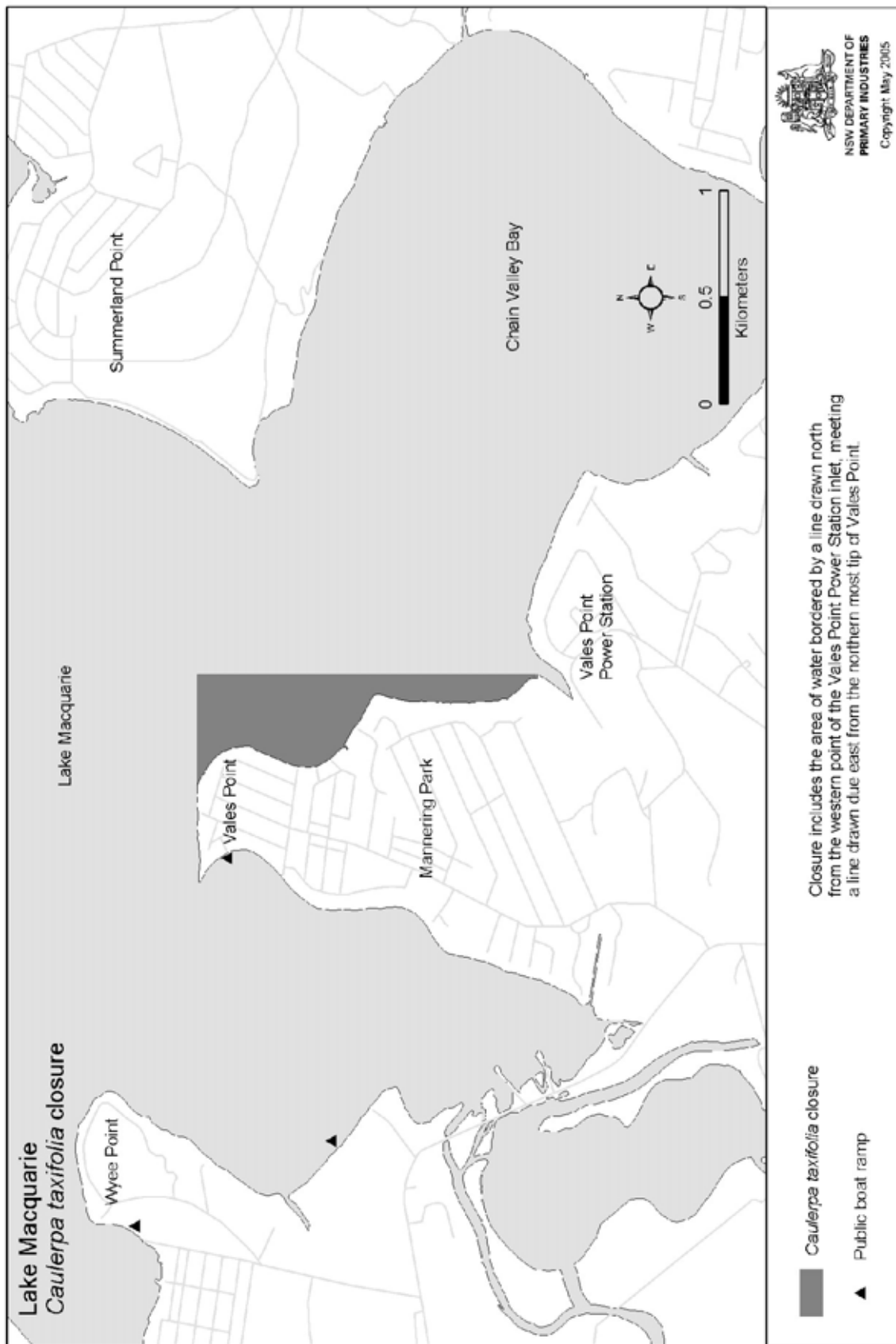
Attachment 3



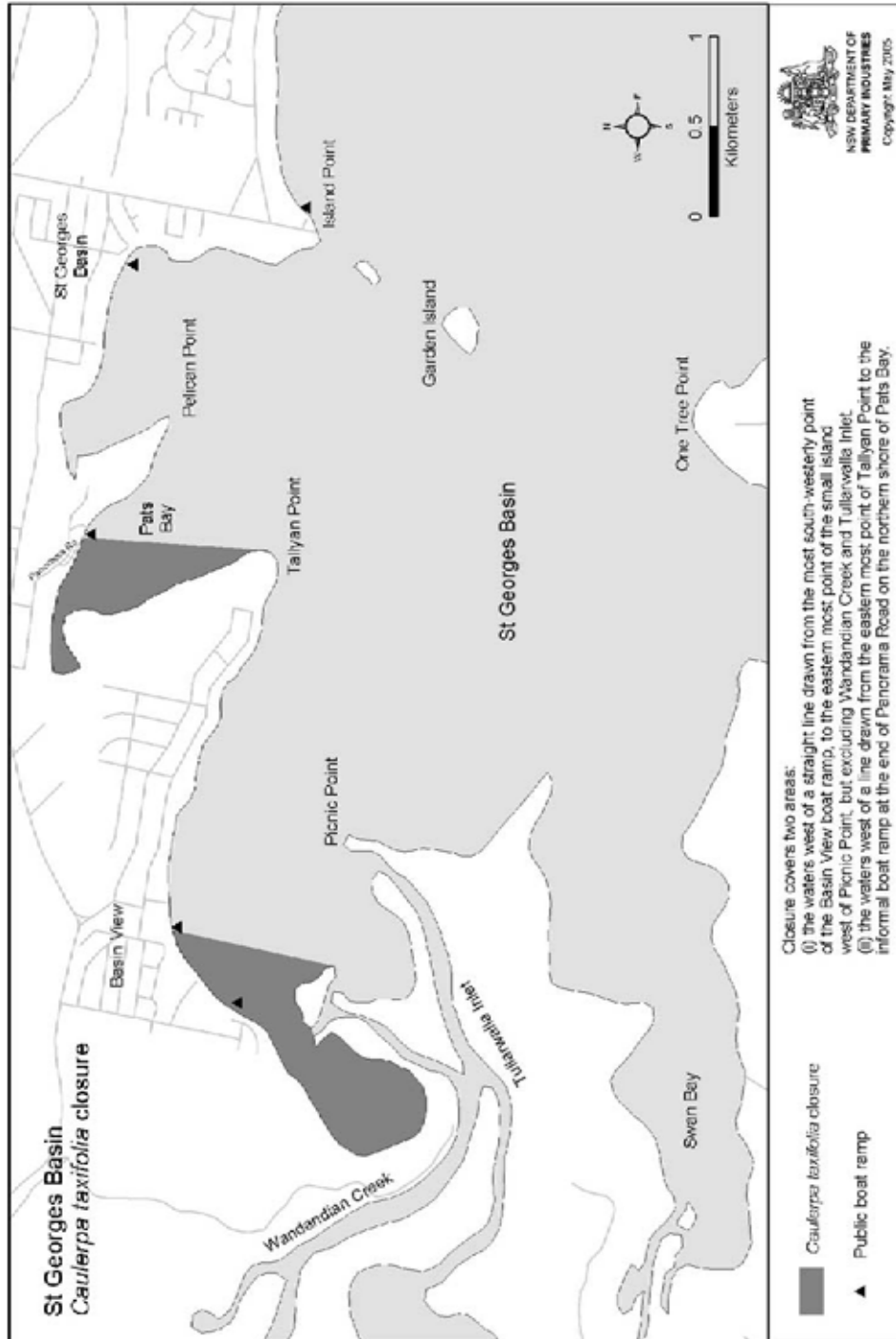
Attachment 4



Attachment 5



Attachment 6



Roads and Traffic Authority

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Tabletop
in the Albury City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

—————

SCHEDULE

ALL that piece or parcel of public road situated in the Albury City Council area, Parish of Yambla and County of Goulburn, shown as Lot 59 Deposited Plan 1119851.

(RTA Papers FPP 8M66; RO 4.1079)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Currans Hill and Narellan in the Camden Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

—————

SCHEDULE

ALL those pieces or parcels of land situated in the Camden Council area, Parish of Narellan and County of Cumberland, shown as:

Lots 3 to 6 inclusive, 8, 10, 11, 13, 21 and 26 Deposited Plan 234386;

Lots 1 to 8 inclusive Deposited Plan 246096; and

Lot 3 Deposited Plan 529349.

(RTA Papers: FPP 76.187; RO 76.187)

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Road Transport (Mass, Loading and Access) Regulation, 2005

WAGGA WAGGA CITY COUNCIL, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25 metre B-Double vehicles may be used.

STEPHEN DUNSHEA
Acting General Manager
Wagga Wagga City Council
(by delegation from the Minister for Roads)

Date: 12 February 2008

SCHEDULE**1. Citation**

This Notice may be cited as the Wagga Wagga City Council 25metre B-Double Repeal Notice No. 03/2008

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

The General B Double Permit Notice 2005 is amended by omitting the following from appendix 2 of that Notice:

Type	Road	Starting point	Finishing point
25	Red Hill Road, Wagga Wagga	Full length – Koorungal Road	Olympic Highway

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation, 2005

WAGGA WAGGA CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

STEPHEN DUNSHEA
Acting General Manager
Wagga Wagga City Council
(by delegation from the Minister for Roads)

Date: 12 February 2008

SCHEDULE**1. Citation**

This Notice may be cited as Wagga Wagga City Council 25 Metre B-Double route Notice No 2/2008

2. Commencement

This Notice takes effect from the date of gazettal

3. Effect

This Notice remains in force until 30th September 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25	000	Red Hill Road, Wagga Wagga	Olympic Hwy	Koorungal Road	For use in emergency situations when directed by RTA, Police or Wagga Wagga City Council
25	000	Koorungal Road	Red Hill Road	Copland Street	For use in emergency situations when directed by RTA, Police or Wagga Wagga City Council

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation, 2005

MUSWELLBROOK SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Steve McDonald
General Manager
Muswellbrook Shire Council
(by delegation from the Minister for Roads)

Date: 8th February 2008

SCHEDULE
1. Citation

This Notice may be cited as Muswellbrook Shire Council, 25 Metre B-Double route Notice No 1/2008

2. Commencement

This Notice takes effect on 27 February 2008.

3. Effect

This Notice remains in force until 29 February 2008. unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25		Rosemount Road,	Rosemount Winery	Golden Highway (HW27) / Crinoline Street intersection via Virginia Street Denman	<p>Route is only to be used when the Golden Highway is closed for road / emergency works.</p> <p>B-doubles must be escorted from Rosemount Winery for a distance of 6km with traffic restricted to one way and controlled by traffic controllers</p> <p>B-doubles will be speed restricted to 40km/h.</p> <p>Under planned road works route not to be used between 10.00pm and 6.00am.</p> <p>Traffic control required to move B-doubles through Virginia / Crinoline Street intersection.</p> <p>No left hand turn from Crinoline Street onto Golden Highway permitted by B-Doubles.</p>

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation, 2005

BELLINGEN SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which **25 metre B-Doubles** may be used subject to any requirements or conditions set out in the Schedule.

MIKE COLREAVY,
General Manager
Bellingen Shire Council
(by delegation from the Minister for Roads)

Date: 12th February 2008

SCHEDULE

Citation

This Notice may be cited as *Bellingen Shire Council 25 Metre B-Double* route Notice No 01/2008

Commencement

This Notice takes effect on the date of gazettal.

Effect

This Notice remains in force until **30th September 2010** unless it is amended or repealed earlier.

Application

This Notice applies to those **25 metre B-Double** vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

Routes

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25		Hydes Creek Road	Intersection with Passlows Road.	Intersection with Timboon/Valery Road.	Operation permitted only during daylight hours. Vehicles are restricted to a maximum speed of 40km/hr

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation, 2005

BELLINGEN SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which **25 metre B-Doubles** may be used subject to any requirements or conditions set out in the Schedule.

MIKE COLREAVY
General Manager
Bellingen Shire Council
(by delegation from the Minister for Roads)

Date: 12th February 2008

SCHEDULE
Citation

This Notice may be cited as *Bellingen Shire Council 25 Metre B-Double* route Notice No 02/2008

Commencement

This Notice takes effect the date of gazettal.

Effect

This Notice remains in force until **30th September 2010** unless it is amended or repealed earlier.

Application

This Notice applies to those **25 metre B-Double** vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

Routes

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25		Valery Road	Intersection with Hydes Creek Road.	Intersection with McMullens Road.	Operation permitted only during daylight hours. Vehicles are restricted to a maximum speed of 40km/hr

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation, 2005

ALBURY CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which **25 metre B-Doubles** may be used subject to any requirements or conditions set out in the Schedule.

Mr LES TOMICH,
General Manager
Albury City Council
(by delegation from the Minister for Roads)

Date: 14 January 2008

SCHEDULE
Citation

This Notice may be cited as Albury City Council 25 Metre B-Double route Notice No 1/2008

Commencement

This Notice takes effect on the date of gazettal.

Effect

This Notice remains in force until **30th September 2010** unless it is amended or repealed earlier.

Application

This Notice applies to those **25 metre B-Double** vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

Routes

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25	000	Schubach St	East St	200m south of intersection (at access to 271 Schubach Street)	

Department of Water and Energy

WATER ACT 1912

APPLICATIONS under Part 2 within a Proclaimed (declared) Local Area under Section 5(4) of the Water Act, 1912. Applications for an authority under Section 20 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

Murrumbidgee Valley

Jason SHIMITRAS and Jason and Helen Margaret SHIMITRAS for a 80mm centrifugal pump on Murrumbidgee River, Lot 1 DP 751806, Parish Bumbalong, County Cowley, and a 100mm centrifugal pump on Murrumbidgee River, Lot 21 DP 751806, Parish Bumbalong, County Cowley, for the supply of water for irrigation purposes. (Reference: 40SA005638). Replacement of licence 40SL028332.

Any enquires regarding the above should be directed to the undersigned on (02) 6953 0700. Written objections, specifying grounds, must be lodged with the Department of Water and Energy, PO Box 156, Leeton NSW 2705, within 28 days of the date of publication. GA2:537421.

S.F. WEBB,
Licensing Manager

WATER ACT 1912

An APPLICATION for a licence under Part 5 of the Water Act, 1912, as amended, has been received as follows;

Murrumbidgee Valley

Paul Francis Connellan, Gregory Thomas Connellan and Richard Anthony Connellan for a bore on Lot 19 DP 751187, Parish Geraki, County Caira for a water supply for Stock and domestic purposes and irrigation (Pastures to 300 hectares). New Licence. (Ref. 40BL216159)

Any enquiries regarding the above should be directed to the undersigned on (02) 6953 0700. Written objections, specifying grounds, must be lodged with the Department of Water and Energy, PO Box 156, Leeton NSW 2705, within 28 days of the date of publication. GA2:537422.

S.F. WEBB,
Licensing Manager

WATER ACT 1912

AN application for a license under Part 2 of the Water Act 1912 being within a Proclaimed (declared) Local Area under section 5(4) of the Water Act, 1912.

Border River Valley

Application for a license Under Section 10 of Part 2 of the Water Act, has been received as follows:

Bruce Sydney LONGWORTH and Janice Rhonda LONGWORTH for a pump on Whalan Creek on Lot 9 DP 750502 Parish Turrawah, County Benarba for irrigation of 200 hectares (cotton, wheat, barley, chickpeas, sorghum, sunflowers). (New licence; water entitlement obtained by way of the permanent transfer scheme) (Ref: 90SL100913)

An application under Part 8 of the Water Act, 1912, being within a proclaimed (declared) local area under section 5(4) of the Water Act, 1912.

MacIntyre River Valley

An application for approval of controlled works under section 167 of the Water Act within a proclaimed local area has been received as follows:

Brian Alexander SULLIVAN, Pamela Mae SULLIVAN and Alexander Bede SULLIVAN for controlled works consisting of levees, earthen water storages and head ditches on the MacIntyre Floodplain on Lots 2, 6, 10, 12, 22, 23, 25, 26, 39, 116 DP 756029 and Lot 3 DP 884094 Parish Whalan, Lot 58 DP 755982 Parish Boonal and Lot 1 DP 1066964 Parish Whalan and Parish Boonal, all County Jamison, on the property known as "Mullala" for prevention of inundation of land by floodwater and irrigation development on the floodplain. (New approval for existing works) (Ref:90CW810959).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed area whose interests may be affected and must be lodged with the Department of Water and Energy, Locked Bag 10, Grafton NSW 2460 within 28 days of the date of publication.

DENNIS MILLING,
Manager Licensing

WATER MANAGEMENT ACT 2000

Order under section 323

Temporary Water Restriction Order

New South Wales Murray Regulated River

PURSUANT to section 323 of the Water Management Act 2000, I, David Harriss, as delegate for the Minister for Climate Change, Environment and Water, on being satisfied that it is necessary in the public interest to do so because of water shortage, do by this Order direct that the taking of water under regulated river (high security) access licences, regulated river (general security) access licences and regulated river (conveyance) access licences from the New South Wales Murray Regulated River as defined in the Water Sharing Plan for New South Wales Murray and Lower Darling Regulated Rivers Water Source 2003 be restricted as set out in Schedule 1 to this Order.

This Order revokes the previous Order dated 14th January 2008 made under s323 of the Water Management Act 2000 for the New South Wales Murray Regulated River.

* The Order dated 14th January 2008 and repealed by this Order was not published in the *New South Wales Government Gazette*.

This Order takes effect on the date of first broadcast and remains in force until 30th June 2008 unless repealed or modified earlier.

Dated at Sydney this 4th day of February 2008.

DAVID HARRISS,
Deputy Director General,
Water Management
Department of Water and Energy

SCHEDULE 1

1. All regulated river (high security) access licences, regulated river (general security) access licences and regulated river (conveyance) access licences are restricted to 90% of the volume of water in the water allocation account as at 1 July 2007.
2. Any water credited to a water allocation account for the category of licences referred to in paragraph 1 after 1 July 2007 by an order under Section 59 of the Water Management Act 2000 is not subject to the restrictions in paragraph 1.
3. Any water credited to a water allocation account after 1 July 2007 by an assignment dealing from an access licence is not subject to the restrictions in paragraph 1.

Other Notices

ERRATUM

THE Other Notices Section of the *Government Gazette* published on the 8 February 2008, Gazette No. 14, folios 693 to 696 contained an error in the header.

The date in the header showed "9 February 2008" this should have been "8 February 2008". This erratum now amends that error.

CO-OPERATIVES ACT 1992

Erratum

THE Co-Operatives Act 1992 which appeared in the Government Gazette of the 28 December 2007, Gazette No. 186, folio 10865 was incorrect and has no effect. The notice is now republished in full.

CO-OPERATIVES ACT 1992

Notice of Class Order under section 244

Exemption of some co-operatives from some requirements of the Co-operatives Regulation 2005

I, Lyn Baker, Commissioner for Fair Trading, being the Registrar of Co-operatives, pursuant to section 244 of the Co-operatives Act 1992, hereby make an Order in relation to the class of co-operatives specified in Schedule A, relieving a co-operative in that class and the directors and auditors of that co-operative from compliance with the requirements of the Co-operatives Regulation 2005 as specified in Schedule B ON CONDITION that co-operatives comply with the requirements specified in Schedule C.

SCHEDULE A

A co-operative (not being a holding co-operative) that records in its audited financial statements (not more than 18 months old), lodged with the Registrar in accordance with section 252 of the Act:

- (a) total assets that do not exceed \$750,000, and
- (b) the expenses that do not exceed \$300,000 (including any cost of goods sold).

SCHEDULE B

The following provisions of the Corporations Act 2001 applied by the Co-operatives Regulation 2005:

1. Sections 295(2)(a) (Contents of annual financial report) – the cash flow statement required by accounting standards; and section 300 (10) (Annual directors' report – specific information).
2. Any requirements to appoint a registered company auditor.

SCHEDULE C

- (a) The co-operative has resolved by special resolution that the auditor need not be a registered company auditor.
- (b) The rules of the co-operative do not require the appointment of a registered company auditor.

- (c) The person appointed to audit the co-operative's accounts is:
 - a member of the Institute of Chartered Accountants of Australia, or
 - a member of CPA Australia, or
 - a person approved by the Registrar.
- (d) The directors shall cause to be attached to, or endorsed upon, the accounts in relation to the co-operative a statement to the effect "the accounts have been prepared in accordance with the terms of this Class Order and a special resolution of the co-operative dated (*)".
- (e) The auditors' report on the accounts records whether the auditor is a member of the Institute of Chartered Accountants of Australia or CPA Australia or has been approved by the Registrar of Co-operatives to be an auditor of the co-operative.

Dated at Sydney this 4th day of February 2008.

LYN BAKER,
Registrar of Co-operatives

CORPORATIONS ACT 2001

Notice under section 601AB of the Corporations Act 2001 as applied by section 325 of the Co-Operatives Act 1992

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when two months have passed since the publication of this notice.

Five Rivers Energy Co-operative Limited

Dated this thirteenth day of February 2008.

C. GOWLAND,
Delegate of the Registrar of Co-Operatives

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical name listed hereunder.

Assigned Name:	Allan Fairhall Reserve
Designation:	Reserve
L.G.A.:	Dungog Shire Council
Parish:	Houghton
County:	Durham
L.P.I. Map:	Paterson
1:100,000 Map:	Newcastle 9232
Reference:	GNB 5185

The position and the extent for this feature is recorded and shown within the Geographical Names Register of New

South Wales. This information can be accessed through the Board's Web Site at www.gnb.nsw.gov.au

WARWICK WATKINS,
Chairperson

Geographical Names Board
P O Box 143
Bathurst NSW
Ph. 1800 025 700

GEOGRAPHICAL NAMES ACT 1966

Erratum

THE notice in NSW Government Gazette of 11 August 1995, Folio 4150, that refers to the assignment of a geographical name Bulgilbone is in error. The correct name should be Bugilbone. This notice corrects that error.

W. WATKINS,
Chairman

Geographical Names Board
PO Box 143
Bathurst NSW 2795

GEOGRAPHICAL NAMES ACT 1966

Erratum

IN the notice referring to the assignment of the name Corr Neighbourhood Centre, Folio 9265, 1 December 1978. The notice incorrectly stated the designation as a Landscape Feature. The correct designation for this name is Urban Place.

In the notice referring to the assignment of the name Coulton Walk, Folio 85, 10 January 1997. The notice incorrectly stated the designation as a Landscape Feature. The correct designation for this name is Track.

In the notice referring to the assignment of the name Mike Shaw Park, Folio 4476, 2 August 1996. The notice incorrectly stated the designation as a Landscape Feature. The correct designation for this name is Reserve.

In the notice referring to the assignment of the name Remembrance Park, Folio 4477, 2 August 1996. The notice incorrectly stated the designation as a Landscape Feature. The correct designation for this name is Reserve.

In the notice referring to the assignment of the name East Maitland Rotary Park, Folio 6452, 20 September 1996. The notice incorrectly stated the designation as a Landscape Feature. The correct designation for this name is Reserve.

In the notice referring to the assignment of the name Leap Park, Folio 7515, 15 November 1996. The notice incorrectly stated the designation as a Landscape Feature. The correct designation for this name is Reserve.

WARWICK WATKINS,
Chairman

Geographical Names Board
P O Box 143
BATHURST 2795

**LOCAL GOVERNMENT ACT 1993 –
PROCLAMATION**

MARIE BASHIR, Governor.

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 218B of the Local Government Act 1993, hereby alter the boundaries of the Area of Mid-Western Regional as described by Proclamation in Government Gazette No. 140 of 18 November 2005 and the Area of the City of Lithgow as described by Proclamation in Government Gazette No. 57 of 11 May 2005 by taking the part of the Area of Mid-Western Regional described in

Schedule A hereto and adding it to the Area of the City of Lithgow so that the boundaries of the Area of Mid-Western Regional and the Area of the City of Lithgow shall be as described in Schedules B and C hereto. Mid-Western Regional Council and Lithgow City Council are to make provision for the rates and charges over the parcel of rateable land affected by this Proclamation in the manner outlined in Schedule D hereto.

Signed and sealed at Sydney this 6th day of February 2008.

By Her Excellency's Command,

Hon PAUL LYNCH, M.P.,
Minister for Local Government

GOD SAVE THE QUEEN!

SCHEDULE A**Area to be transferred from the Area of Mid-Western Regional to the Area of the City of Lithgow**

Area about 15 hectares, being Lot 61, DP 755791.

SCHEDULE B**Area of Mid-Western Regional (as altered)**

Area about 8745.95 square kilometres. Commencing at the confluence of the Macquarie River and Tambaroora Creek: and bounded thence by that creek, upwards to the generally western boundary of Hill End – Tambaroora Common; by that boundary and the northern boundary of that Common, generally northerly and easterly to a point 50 metres offset on the south-eastern side of Dixons Long Point Road; by that 50 metre offset, generally south-easterly to the south-western boundary of Lot 78, DP 756873; by part of that boundary, the north-western boundary of that lot and its prolongation, north-westerly and north-easterly to the generally south-eastern side of the road from Hill End to Hargraves; by that side of that road, generally north-easterly to, again the generally eastern boundary of the Parish of Tambaroora; by part of that boundary, generally northerly to, again the south-eastern side of the road from Hill End to Hargraves; by that side of that road, generally north-easterly to Green Valley Creek; by that creek, upwards to the generally northern boundary of the Parish of Cunningham; by part of that boundary generally easterly to Crudine River; by that river downwards and Turon River aforesaid, and Round Swamp Creek upwards to the southern prolongation of the generally western boundary of Lot 61, DP 755791; by that prolongation, boundary and its prolongation, generally northerly to again, Round Swamp Creek; by that creek upwards to the western prolongation of the southern boundary of Portion 34, Parish of Hearne, County of Roxburgh; by that prolongation and boundary, the southern and eastern boundaries of Portion 85, the eastern boundary of Portion 96 and part of the western boundary of Portion 152 easterly and northerly and the western prolongation of the northernmost boundary of the last-mentioned portion westerly for a distance of approximately 217 metres; by lines northerly 370 metres, easterly 80 metres and again northerly 446 metres to the western prolongation of the southern boundary of Portion 156; by that prolongation easterly and the western and part of the northern boundaries of that portion northerly and easterly to the generally western boundary of the Parish of Airly; by part of that boundary and part of the generally northern boundary of that parish, generally northerly and

generally easterly, part of the western, the southern and eastern boundaries of Lot 72, DP 755757, southerly, easterly and northerly, again, part of the generally northern boundary of the Parish of Airly, generally easterly, the generally eastern and northern boundaries of Lot 63, DP 755765, generally northerly and westerly, a line, the southern and western boundaries of Lot 137, DP 755765, westerly and northerly, the western boundaries of Lot 1, DP 871703 and Lot 135, DP 755765, northerly, the southern and south-eastern boundaries of Lot 2, DP 353049, easterly and north-easterly, the northern and part of the generally eastern boundaries of Lot 1, DP 353049, easterly and generally southerly, the western prolongation of the southern boundary of Lot 62, DP 755777 and that boundary, easterly to the Great Dividing Range, aforesaid; by part of that range, generally north-easterly to the north-western corner of Lot 22, DP 733055; by the northern and part of the eastern boundaries of that lot, easterly and southerly, the generally northern boundary of the Parish of Goongal, generally easterly, the generally north-eastern boundary of Lot 75, DP 755777, generally south-easterly, part of the northern boundary of Lot 35, DP 755777, easterly and the north-western boundary of Lot 74, DP 755777, north-easterly to the Great Dividing Range, aforesaid; by part of that range, generally easterly to the generally south-western boundary of Lot 60, DP 755775; by part of that boundary and the generally southern boundary of that lot, generally south-easterly and generally easterly, the generally southern boundary of Lot 32, DP 753777, generally easterly to the Great Dividing Range, aforesaid; by part of that range, generally north-easterly and generally north-westerly to the source of Coricudgy Creek at Mount Coricudgy; by that creek and Widdin Brook downwards to the southern prolongation of the western boundary of Portion 31, Parish of Pomany, County of Phillip; by that prolongation, boundary and its prolongation northerly to the range forming the eastern watershed of Emu Creek; by that range generally northerly to the eastern prolongation of the southern boundary of Portion 72, Parish of Simpson; by that prolongation easterly for a distance of approximately 115 metres; by a line northerly to the eastern prolongation of the southern boundary of Portion 44, Parish of Widdin; by that prolongation westerly and the eastern and northern boundaries of that portion northerly and westerly to its north-western corner; by a line north-westerly to Cedar Creek; by a line westerly to The Livery Stable; by part of the generally north-western boundary of the Parish of Simpson generally north-easterly to the eastern prolongation of the generally southern boundary of the Parish of Bylong; by that prolongation westerly to the range forming the eastern watershed of Reedy, Wattle and Stockyard Creeks; by that range and the range forming the north-western watershed of Birds Creek and Kerrabee Arm generally north-easterly to the western boundary of Portion 34, Parish of Kerrabee; by part of that boundary and the northern boundary of that portion and its prolongation northerly and easterly to Goulburn River; by that river, upwards to the southern prolongation of the western boundary of Lot 55, DP 704134; by that prolongation, boundary and the western boundary of Lot 56, DP 704134 and its prolongation, northerly to, again, Goulburn River; by that river, upwards to the eastern prolongation of the southern boundary of Lot 43, DP 755422; by that prolongation and boundary, westerly, the generally south-western boundaries of the previous lot and Lot 44, DP 755422, generally north-westerly, the western and part of the northern boundaries of Lot 53, DP 704125, northerly and easterly, the western and northern boundaries of Lot 20, DP 755422, northerly and easterly, part of the western and part of the northern

boundaries of Lot 29, DP 755422, northerly and easterly, the western boundary of Lot 17, DP 755422, northerly, the western and northern boundaries of Lot 18, DP 755422 and its prolongation, northerly and easterly to, again, Goulburn River; by that river and Munmurra River, upwards to generally south-eastern boundary of the Parish of Tomimbil; by part of that boundary, generally south-westerly to the southern prolongation of the western boundary of Lot 92, DP 750769; by that prolongation, boundary and part of the northern boundary of that lot, northerly and easterly, the western boundaries of Lots 91 and 21, DP 750769, northerly, part of the southern boundaries of Lots 51 and 20, DP 750769, westerly, the eastern, southern and western boundaries of Lot 3, DP 820707, southerly, westerly and northerly, the western boundary of Lot 98, DP 750769, northerly, part of the southern boundary of Lot 63, DP 750769, westerly, the northern prolongation of the eastern boundary of Lot 6, DP 256129, that boundary, a line, the eastern boundary of Lot 7, DP 256129 and its prolongation, southerly, the eastern and southern boundaries of Lot Pt 96, DP 750769, southerly and westerly, the southern boundary of Lot 94, DP 750769, westerly, part of the eastern and the southern boundaries of Lot 99, DP 750748 and its prolongation southerly and westerly, part of the south-eastern and the western boundaries of Lot 29, DP 750748, south-westerly and northerly, the southern boundaries of Lots 30, 37, 20 and 72, DP 750748, westerly, part of the eastern, the southern and western boundaries of Lot 76, DP 750748, southerly, westerly and northerly, the generally south-western boundary of Lot 153, DP 750748, generally north-westerly, the generally southern and part of the generally western boundaries of Lot 160, DP 750748, generally westerly and generally northerly, part of the northern boundary of Lot 134, DP 750748 westerly and the western boundary of Lot 128, DP 750748, northerly to the Great Dividing Range; by that range, generally south-westerly, the generally south-eastern boundary of the Parish of Nandoura, generally south-westerly, the northern, the generally north-western and the generally south-western boundaries of Portion 138, westerly, generally south-westerly and generally south-easterly, again, the generally south-eastern boundary of the Parish of Nandoura, generally southerly, the generally northern boundary of the Parish of Bligh, generally westerly and part of the eastern boundary of the Parish of Bungaba, northerly to the Talbragar River, aforesaid; by that river, downwards to the generally southern boundary of the Parish of Wargundy; by part of that boundary, generally westerly and generally southerly, the north-eastern, north-western and south-western boundaries of land Ms 16980e, north-westerly, south-westerly and south-easterly, again, the generally southern boundary of the Parish of Wargundy, generally westerly, part of the generally south-eastern boundary of the County of Lincoln, generally southerly, the eastern boundaries of Portions 119, 29, a line, 23 and 24, Parish of Rouse, County of Bligh, southerly, the eastern, southern and part of the western boundaries of Portion 25, southerly, westerly and northerly, part of the southern boundary of Portion 26, westerly, the northern prolongation of the eastern boundary of Portion 184, that boundary, southerly, the southern boundaries of the last mentioned portion and Portions 33 and 44, westerly, again, part of the generally south-eastern boundary of the County of Lincoln, generally south-westerly, the generally southern boundary of the Parish of Worobil, County of Bligh, generally easterly to the Cudgegong River; by that river, downwards and Meroo Creek; upwards to the northern prolongation of the eastern boundaries of Portions Pt 17 and 51, Parish of Canning, County of Wellington; by that prolongation and

boundaries, southerly, the generally south-western boundaries of Portions 34, 20, 22, 32 and 31 generally, south-easterly, the generally north-eastern boundaries of Portions 10, 14 and 21, Parish of Suttor, generally south-westerly, the northern and eastern boundaries of Portion 12, easterly and southerly, the eastern boundary of Portion 11 and its prolongation, southerly to Gundowda Creek; by that creek, downwards and Black Willow Creek, upwards to the northern prolongation of the generally western boundary of Portion 39, Parish of Walters; by that boundary and part of the southern boundary of that portion, generally southerly and easterly, the western boundaries of Portions 60 and 50, southerly and part of the northern boundary of the Parish of Triamble, westerly to the Macquarie River; by that river, aforesaid, upwards to the point of commencement.

SCHEDULE C

Area of the City of Lithgow (as altered)

Area about 4508.47 square kilometres. Commencing at the intersection of the northern boundary of Lot 1, DP 798788 and the eastern boundary of Portion 4, Parish of Eusdale, County of Roxburgh: and bounded thence by part of the latter boundary, northerly, by part of the southern boundary and the western and northern boundary of portion 108, Parish of Thornshope, westerly, northerly and easterly; by the generally eastern boundary and a northern boundary of portion 124 generally northerly and westerly to the eastern boundary of portion 58; by part of that boundary, the northern boundary of that portion and the northernmost northern boundary of the said portion 124 northerly and westerly to the eastern boundary of portion 2, Parish of Eusdale; by part of that boundary and the eastern and northern boundaries of portion 3 northerly and westerly; by a line along part of the eastern boundary of portion 6, Parish of Eusdale, and the eastern boundary of portion 28, Parish of Castleton, northerly to a southern boundary of portion 83, Parish of Falnash; by boundaries of that portion westerly, northerly and easterly to the southwestern corner of portion 40; by a line along the western boundary of that portion northerly to a southern boundary of portion 82; by part of that boundary and the generally western boundary of that portion westerly and generally northerly to the westernmost northwestern corner of that portion; by a line north to the southern boundary of portion 64, Parish of Castleton; by part of that boundary and part of the northern boundary of portion 236 westerly to the southeastern corner of portion 248; by the eastern boundary of that portion and part of the western boundary of portion 228 northerly to the southwestern corner of portion 62; by the southern and eastern boundaries of that portion easterly and northerly; by the road forming the generally northern boundary of portion 86, parish of Falnash, northeasterly to its intersection with a line along the eastern boundary of portion 74, Parish of Castleton; by that line northerly to the southern boundary of portion 241; by boundaries of that portion westerly, northerly and easterly to its intersection with the said line along the eastern boundary of portion 74; by that line northerly to the northeastern corner of the said portion 74; by part of the generally eastern boundary and the generally northeastern boundary of the Parish of Castleton generally northerly and generally northwesterly to the westernmost corner of portion 57, Parish of Turon; by the westernmost northern and western boundaries of that portion, the western boundary of portions 55 and 39 and part of the western boundary of portion 16 easterly and northerly to the southeastern corner of portion 70; by the southern boundary of that portion and the southernmost southern boundary of

portion 77 westerly to Palmers Oaky Creek; by that creek downwards to the southeastern corner of portion 159, Parish of Jesse; by the eastern and generally northern boundaries of that portion, the generally northeastern boundary of portion 166, the generally northern boundary of portion 165 and 134, the northernmost boundary of portion 138, the generally northeastern boundary of portion 155 and the generally eastern boundary and the northern boundary of portion 62 northerly, generally north-westerly, again northerly and westerly to the road from Bathurst to Upper Turon; by that road generally northerly to the Turon River; by that river and Round Swamp Creek upwards to the southern prolongation of the generally western boundary of Lot 61, DP 755791; by that prolongation, boundary and its prolongation, generally northerly to again, Round Swamp Creek; by that creek upwards to the southwestern corner of portion 34, parish of Hearne; by the southern boundary of that portion and portion 85 easterly; by the western boundary of portion 152 northerly; by part of the southern boundary, the western boundary and part of the northern boundary of portion 37 westerly, northerly and easterly to its intersection with a line along the western boundary of portion 5; by that line, part of the southern boundary of portion 42 and the western boundary of portion 156 northerly, easterly and again northerly to the southern boundary of portion 1; by part of that road forming the northern boundary of the said portion 1 westerly to the easternmost corner of portion 157; by the generally eastern boundary of that portion, the generally northeastern boundary of portion 158 and the generally eastern boundary of portion 159, generally northerly, part of the generally western and part of the generally northern boundaries of the Parish of Airly, generally northerly and generally easterly, part of the western, the southern and eastern boundaries of Lot 72, DP 755757, southerly, easterly and northerly, again, part of the generally northern boundary of the Parish of Airly, generally easterly, the generally eastern and northern boundaries of Lot 63, DP 755765, generally northerly and westerly, a line, the southern and western boundaries of Lot 137, DP 755765, westerly and northerly, the western boundaries of Lot 1, DP 871703 and Lot 135, DP 755765, northerly, the southern and south-eastern boundaries of Lot 2, DP 353049, easterly and north-easterly, the northern and part of the generally eastern boundaries of Lot 1, DP 353049, easterly and generally southerly, the western prolongation of the southern boundary of Lot 62, DP 755777 and that boundary, easterly to the Great Dividing Range, aforesaid; by part of that range, generally north-easterly to the north-western corner of Lot 22, DP 733055; by the northern and part of the eastern boundaries of that lot, easterly and southerly, the generally northern boundary of the Parish of Goongal, generally easterly, the generally north-eastern boundary of Lot 75, DP 755777, generally south-easterly, part of the northern boundary of Lot 35, DP 755777, easterly and the north-western boundary of Lot 74, DP 755777, north-easterly to the Great Dividing Range, aforesaid; by part of that range, generally easterly to the generally south-western boundary of Lot 60, DP 755775; by part of that boundary and the generally southern boundary of that lot, generally south-easterly and generally easterly, the generally southern boundary of Lot 32, DP 753777, generally easterly to the Great Dividing Range, aforesaid; by part of that range, generally easterly to the Great Dividing Range; by that range generally easterly and Wollembi Range, generally south-easterly to the generally northern boundary of the Parish of Innes, County of Hunter; by that boundary and the generally northern boundary of the Parish of Wirraba, generally easterly to Wollemi Creek; by that creek and the Colo River downwards and Wollangambe Creek upwards to

its intersection with a line along the northern boundary of M.L. 3, Parish of Wollangambe, County of Cook; by that line westerly to the eastern boundary of M.L. 2, by part of that boundary and the northern boundary of the said M.L. 2 northerly and westerly to the eastern boundary of M.L. 21, Parish of Clwydd; by part of that boundary and the northern boundary of the said M.L. 21 northerly and westerly to the eastern boundary of portion 162; by boundaries of that portion northerly, westerly and southerly to the southern-most corner of portion 33; by part of the southwestern boundary of that portion northwesterly to its intersection with a line along the southern boundary of portion 212, Parish of Lett; by that line and the southernmost southern boundary of portion 236 westerly; by boundaries of portion 252 northerly, westerly, southerly and easterly to the northwestern corner of portion 190, Parish of Hartley; by the western boundary of that portion southerly; by part of a northern boundary of portion 219, a line along the easternmost eastern boundary of that portion and the eastern boundary of portions 125 and 222 easterly and southerly to the southeastern corner of the said portion 222; by a line along the southernmost southern boundary of that portion and the southern boundary of portion 94 westerly to the easternmost northeastern corner of portion 99; by boundaries of that portion southerly, westerly, again southerly and again westerly to the southeastern corner of R.52031 for Public Recreation; by the eastern and northern boundaries of that reserve northerly and westerly; by part of the eastern boundary and the northern boundary of portion 188 northerly and westerly; by a line along the eastern boundary of portions 163 and 166, part of the southern boundary of the said portion 166 and part of the eastern boundary of portion 31 southerly, westerly and again southerly to the northwestern corner of portion 109; by a line along the northern boundary of that portion and portions 111 and 278 easterly to Mount York Road; by that road southeasterly to the western boundary of portion 348; by part of that boundary, part of the northern, the western and part of the southern boundaries of portion 113, the western and part of the southern boundaries of portion 74 and the eastern boundary of portion 263 southerly, westerly, again southerly, easterly, again southerly, again easterly and again southerly; by a line southeasterly to the 75 mile post on the southern side of the Great Western State Highway; by that highway generally easterly to the northwestern corner of portion 292; by a line along the westernmost western boundary and by the southernmost southern boundary of that portion and by part of the southernmost southern boundary of portion 272 southerly and easterly to the northwestern corner of R.53927 for Public Recreation; by the western and southern boundaries of that reserve and part of the westernmost western boundaries and the southernmost southern boundary of R.52037 for Public Recreation southerly, easterly, again southerly and again easterly to the western boundary of portion 356; by part of that boundary, the southern boundary of that portion and part of the southern boundary of portion 354 southerly and easterly to its intersection with a line along the western boundary of portion 339; by that line and part of the northern boundary and the generally western boundary of R.52041 for Public Recreation southerly, westerly and generally southerly to the northernmost northern boundary of R. 67625 for Public Recreation, parish of Kanimbla; by part of that boundary and a western boundary of that reserve partly forming the eastern boundary of portion 163 westerly and southerly; by the generally southern boundary of the said portion 163 generally westerly to the southwestern corner of that portion; by boundaries of R.52047 for Public Recreation westerly, southerly and easterly to the westernmost corner

of portion 61; by the generally southwestern boundary of that portion and portions 51 and 53 generally southeasterly to the southwestern corner of the said portion 53; by a line south to the generally northern boundary of portion 43; by part of that boundary generally westerly to an eastern boundary of R.52065 for Public Recreation; by part of that boundary, the northernmost northern and western boundaries of that reserve and the westernmost western boundary of portion 164 northerly, westerly and southerly to the northernmost northern boundary of portion 153; by part of that boundary, the northern and part of the western boundaries of portion 157 and a line along the northern boundary of portion 156 westerly, southerly and again westerly to the eastern boundary of portion 8; by part of that boundary and the southern boundary of that portion southerly and westerly to Cox's River; by that river downwards to the southeastern corner of portion 30, Parish of Ganbenang, County of Westmoreland; by part of the generally southern boundary of the Parish of Ganbenang and the Mini Mini Range generally westerly to the generally eastern boundary of the Parish of Bindo; by part of that boundary and the generally southern boundary of that parish generally southerly and generally westerly to the Fish River; by that river downwards the southern prolongation of the western boundary of Portion 5, Parish of Eusdale, County of Roxburgh; by that prolongation, boundary and the northern boundary of that portion, northerly and westerly, part of the western and northern boundaries of Lot 1 DP 798788, northerly and easterly to the point of commencement.

SCHEDULE D

Rates and charges

- (1) Appropriate arrangements are to be made in relation to the rates and charges over the rateable parcel of land affected by this Proclamation. The General Manager of Mid-Western Regional Council and the General Manager of Lithgow City Council are to reach a negotiated agreement on the nature of those arrangements.
- (2) In the event that the General Managers of Mid-Western Regional Council and Lithgow City Council cannot come to a negotiated agreement on the matter of rates and charges, the Minister for Local Government will make a determination on that matter.

Such a determination may be made:

- (a) by referral to the Minister for Local Government by Mid-Western Regional Council or by Lithgow City Council or by both of those Councils; or
- (b) without referral from those Councils if the Minister for Local Government is satisfied that the matter of rates and charges cannot be determined by agreement between Mid-Western Regional Council and Lithgow City Council or if the Minister is not satisfied with an agreement between Mid-Western Regional Council and Lithgow City Council.

LOCAL GOVERNMENT ACT 1993

Erratum

MARIE BASHIR, Governor.

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, do amend the Proclamation published in Government Gazette

No 121 of 14 September 2007, altering the boundaries of the Areas of Deniliquin and Conargo in the manner outlined in the schedule below.

Signed and sealed at Sydney, this 6th day of February 2008.

By Her Excellency's Command,
Hon PAUL LYNCH, M.P.,
Minister for Local Government

GOD SAVE THE QUEEN!

SCHEDULE

Omitting from Line 7 Schedule B "Area of Deniliquin (as altered)" the reference to "DP 258496" and replacing it with a reference to "DP 877116".

NATIONAL PARKS AND WILDLIFE ACT, 1974

Notice of Reservation of a Nature Reserve

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Dananbilla Nature Reserve, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 30th day of January, 2008.

MARIE BASHIR,
Governor

By Her Excellency's Command,

PHIL KOPERBERG,
Minister for Climate Change,
Environment and Water

GOD SAVE THE QUEEN

SCHEDULE

Land District and LGA – Young

County Monteagle, Parish Murringo North, about 984 hectares, being lot 1 in DP1119490; inclusive of that part of the bed of Bendick Murrell Creek within lot 1, exclusive of Crown Public roads: DECC/04/08963.

POISONS AND THERAPEUTIC GOODS ACT 1966

ORDER UNDER CLAUSE 171(1),

**POISONS AND THERAPEUTIC GOODS
REGULATION 2002**

Withdrawal of Drug Authority

IN accordance with the provisions of clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002 an order has been made on Jocelyn Dunkak Davis 1/5 Streeton Place, Lambton 2299 prohibiting her, until further notice, as a nurse from having possession of and supplying drugs of addiction as authorised by clauses 101 and 103 of the Regulation. This order is to take effect on and from 25 October 2007

Professor DEBORA PICONE, AM,
Director-General

Department of Health, New South Wales
Sydney, 23 October 2007.

POISONS AND THERAPEUTIC GOODS ACT 1966

Order Under Clause 171(1),

Poisons and Therapeutic Goods Regulation 2002

Withdrawal of Drug Authority

IN accordance with the provisions of clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002 an order has been made on Rosemary Victoria Gray of 72 Illaroo Road, North Nowra NSW 2541 prohibiting her, until further notice, as a nurse from having possession of and supplying drugs of addiction as authorised by clauses 101 and 103 of the Regulation. This order is to take effect on and from 15 February 2008.

Professor DEBORA PICONE, AM,
Director-General

Department of Health, New South Wales
Sydney, 12 February 2008.

RURAL FIRES ACT 1997

PURSUANT to Section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation: Kempsey FCC Incorporating:
Kempsey Shire Council

The Local Bush Fire Danger period has been revoked for the period 22 February until 31 March 2008.

During this period permits pursuant to Section 87 of the Rural Fires Act 1997 as amended will not be required for the lighting of fire for the purposes of land clearance or fire breaks.

SHANE FITZSIMMONS, AFSM,
Commissioner

RURAL FIRES ACT 1997

PURSUANT to Section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation: Nambucca FCC Incorporating:
Nambucca Shire Council

The Local Bush Fire Danger period has been revoked for the period 22 February until 31 March 2008.

During this period permits pursuant to Section 87 of the Rural Fires Act 1997 as amended will not be required for the lighting of fire for the purposes of land clearance or fire breaks.

SHANE FITZSIMMONS, AFSM,
Commissioner

RURAL FIRES ACT 1997

PURSUANT to Section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation: Mid North Coast Team Incorporating:
Bellingen Shire Council
Coffs Harbour City Council

The Local Bush Fire Danger period has been revoked for the period 22 February until 31 March 2008.

During this period permits pursuant to Section 87 of the Rural Fires Act 1997 as amended will not be required for the lighting of fire for the purposes of land clearance or fire breaks.

SHANE FITZSIMMONS, AFSM,
Commissioner

TRANSPORT ADMINISTRATION ACT 1988

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement Interests in Land for the purposes of The Transport Infrastructure Development Corporation

THE Transport Infrastructure Development Corporation, with the approval of Her Excellency the Governor with the advice of the Executive Council, declares that Interests in Land described in Schedule 1 also affecting the Land Interests described in Schedule 2 hereto are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of the Transport Infrastructure Development Corporation as authorised by the Transport Administration Act 1988, being for the Chatswood Transport Interchange.

Dated this 6th day of February 2008.

CHRIS LOCK,
Chief Executive Officer

SCHEDULE 1

(Interests in Land)

All that piece or parcel of land situated at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales defined as part of Lot 135 DP 1111762, shown as the stratum easement "WW – Proposed Right of Footway and Fire Egress" in plan and section on Sheet 9 of DP 1111762 and described in Memorandum AD656676, held in the offices of Land & Property Information of New South Wales, said to be in the possession of The Council of the City of Willoughby.

All that piece or parcel of land situated at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 38 DP 2983, Lot 1

DP 917815, Lot 1 DP 917219 and Lot 1 DP 917107, shown as "WF – Proposed Easement for Fire Egress" in plan and section on Sheet 9 of DP 1111762 and described in Memorandum AD656677, held in the offices of Land & Property Information of New South Wales, said to be in the possession of The Council of the City of Willoughby.

All that piece or parcel of land situated at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales defined as part of Lot 133, part of Lot 134 and part of Lot 135, DP 1111762) shown as "DC – Proposed Easement for Support and Encroachment" in plan and section on Sheets 7 & 9 of DP 1111762 and described in Memorandum AD656678, held in the offices of Land & Property Information of New South Wales, said to be in the possession of The Council of the City of Willoughby.

All that piece or parcel of land situated at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, defined as part of Lot 134, part of Lot 135 and part of Orchard Road vide DP 790011 shown as "DB – Proposed Temporary Easement for Construction" in plan and section on Sheet 7 & 9 DP 1111762 and described in Memorandum AD618240, held in the offices of Land & Property Information of New South Wales, said to be in the possession of The Council of the City of Willoughby.

All that piece or parcel of land situated at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, defined as Lot 134, Lot 135 DP 1111762 and Orchard Road vide DP 790011 and 18/776447 noted on Sheet 9 DP 1111762, as "Proposed Temporary Easement for Access for Construction" and described in Memorandum AD618241, held in the offices of Land & Property Information of New South Wales, said to be in the possession of The Council of the City of Willoughby.

SCHEDULE 2

(Land Interests Affected)

All those parts of leases and land interests situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being:

1. Willoughby City Council Head Lease of Lot 134 DP1111762 comprising Lot 13 DP817116 to the "Water Board" (ie Sydney Water) expiring 20 June 2088 (registered Y654747)
2. Willoughby City Council Head Lease Lot 135 DP1111762 comprising Lot 1 DP790011 to Eureka Funds Management Limited expiring 20 June 2088 [transfer of lease Y910526 from Mirvac Funds Limited], subject to the following Subleases:
 - (a) Plaza Level Area A to Nick and Mary Tourvas expiring 14 April 201. (Registered AD126851).
 - (b) Levels 1 & 2 to Micropay Pty Ltd expiring 31 December 2011 with a 5 year option to renew (registered AB159421).
 - (c) Level 3 to Research International Australia Pty Ltd expiring 31 December 2012 (registered AC120722).
 - (d) Suite 401 on Level 4 to Adobe Systems Pty Ltd expiring 30 November 2008 (registered AC483789).
 - (e) Suite 402 Level 4 to Adobe Systems Pty Ltd expiring 31 October 2008 (registered AA495274).
 - (f) Level 5 to St George Bank Limited expiring 30 June 2011 with a 5 year option to renew (registered AB682203).
 - (g) Suite 602 on Level 6 to Currie & Brown (Australia) Pty Ltd expiring 29 August 2009 (registered AB159420).
 - (h) Suite 702 on Level 7 to Foye Financial Services Pty Ltd expiring 14 October 2008 (registered AD126850).
 - (i) Suites 701 and 703 on Level 7 to Australia and New Zealand Banking Group Ltd expiring 28 February 2013 (registered AC483831).
 - (j) Level 8 (excluding suite 8.01) & Level 9 to Quintiles Pty Ltd expiring 30 June 2010 with a 6 year option to renew (registered AA673509). The Sublease of

- Level 8 (excluding suite 8.01) has been under leased to Innovex Pty Ltd (now Pharmedlink Pty Limited) pursuant to Under-Lease expiring 29 June 2010 with a 6 year option to renew (registered AC117943).
- (k) Level 10 to Solutions from Silicon Pty Ltd expiring 21 May 2009 (registered AA724376).
 - (l) Suite 1101 on Level 11 to Her Most Gracious Majesty Queen Elizabeth II expiring 31 July 2008 with an option to renew for 5 years (registered AA12071).
 - (m) Suite 1102 on Level 11 to Equant Australia Pty Ltd which expired 31 May 2007 (registered AA901908)
 - (n) Suite 1201 on Level 12 to the Commonwealth of Australia expiring 30 April, 2008 (registered AA342946).
 - (o) Suite 1202 on Level 12 to PMP Limited expiring 30 September, 2009 with a 7 year option to renew (registered AA12072). This Sublease has been under leased to Asia-Pacific Space Centre Pty Limited (now Soft Star Aerospace Pty Limited) pursuant to Under-Lease, expiring 29 September, 2009 (registered AD1117).
 - (p) Level 13 to PMP Print Pty Limited expiring 30 September 2009 with a 7 year option to renew (registered 8986706).
 - (q) Level 14 to Grove International Pty Ltd expiring 31 December 2009 (registered AB413402).
 - (r) Level 15 to PMP Limited expiring 30 September 2009 with a seven (7) year option to renew (registered 8986765).
 - (s) Basement Levels 1, 2 & 3 to Mirvac Parking Pty Limited expiring 30 June 2008 (registered AC262042).
 - (t) Suite 601 on level 6 to Sage Business Solutions Pty Limited expiring 31 December 2011 with 5 year option to renew (registered AD1126)
3. Lease to Sydney Electricity of Substation Premises No.6668 on Ground Floor together with a right of way and easement for electricity purposes and a right of way over other parts of the land (registered I700137).
4. Mortgage of Lease Y910526 Tasovac Pty Limited (Dealing AD126864).
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TENDERS

Department of Commerce

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

PRIVATE ADVERTISEMENTS

ERRATUM

THE Private Advertisements Section of the *Government Gazette* published on the 8 February 2008, Gazette No. 14, folios 698 to 702 contained an error in the header.

The date in the header showed "8 January 2008" this should have been "8 February 2008". This error only appeared in the printed version of the gazette and not the online version. This erratum now amends that error.

COUNCIL NOTICES

COFFS HARBOUR CITY COUNCIL

Roads Act 1993, Section 10

NOTICE is hereby given that Coffs Harbour City Council dedicates the land described in the Schedule below as public road under section 10 of the Roads Act 1993. General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450.

SCHEDULE

All that piece or parcel of land known as Lot 10 DP 1106887, Lot 1 DP 1106917, Lot 2 DP 1106917 at Coffs Harbour, Parish of Moonee, County of Fitzroy. [3771]

GREAT LAKES COUNCIL

Roads Act 1993, Section 162

Roads (General) Regulation 2000

Naming of Roads

NOTICE is hereby given that Great Lakes Council, pursuant to the aforementioned Act and Regulation, has named the roads described hereunder. KEITH O'LEARY, General Manager, Great Lakes Council, Breese Parade, Forster, NSW 2428.

<i>Description</i>	<i>Name</i>
The existing lane running off Minnow Street, Bungwahl, between Carrington Street and Barrack Street has been named Barrack Lane.	Barrack Lane, Bungwahl

[3772]

PORT MACQUARIE-HASTINGS COUNCIL

Roads Act 1993, Section 10.

Dedication of Land as Public Road

NOTICE is hereby given that pursuant to Section 10 of the Roads Act 1993, the Port Macquarie-Hastings Council dedicates the land owned by it described in the Schedule below as public road. BERNARD SMITH, General Manager, Port Macquarie-Hastings Council, corner Lord and Burrawan Streets, Port Macquarie, N.S.W., 2444.

SCHEDULE

That part of Lot 1 Deposited Plan 523499 (Volume 10537 Folio 11) described as Lot 1 Deposited Plan 1122022 being land in the Parish and County of Macquarie and situated in Ocean Drive, Port Macquarie.

That part of Lot 17 Deposited Plan 788589 described as Lot 2 Deposited Plan 1122022 being land in the Parish and County of Macquarie and situated at 79 Ocean Drive, Port Macquarie.

That part of Lot 3 Deposited Plan 608880 (Volume 14140 Folio 135) described as Lot 4 Deposited Plan 1122022 being land in the Parish and County of Macquarie and situated in Ocean Drive, Port Macquarie.

That part of Lot 5 Deposited Plan 1086187 described as Lot 9 Deposited Plan 1122022 being land in the Parish and County of Macquarie and situated at 30 Ocean Drive, Port Macquarie. [3773]

WARREN SHIRE COUNCIL

Naming of Roads in the Warren Shire Council Area under the Roads Act 1993

NOTICE is hereby given that Warren Shire Council, in pursuance of section 162 of the Roads Act 1993, resolved to name the roads within the Warren Shire as defined on the Warren Shire Council Road Map 2008. This map is available from Warren Shire Council Offices, 115 Dubbo Street, Warren. ASHLEY WIELINGA, General Manager, PO Box 6, Warren NSW 2824. [3774]

ESTATE NOTICES

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of KEITH STANLEY PHIPPS, late of 28 Raimonde Road, Eastwood, in the State of New South Wales, who died on 10 September 2007, must send particulars of his claim to the executrix, c.o. John S. Fordham, Solicitor, 12 Station Street, West Ryde NSW 2114, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 4 February 2008. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde NSW 2114 (PO Box 107, West Ryde NSW 1685) (DX 27551, West Ryde), tel.: (02) 9858 1533. Reference: JSF.CT.07285. [3775]

NOTICE of intended distribution of estate.–Any person having any claim upon the estate of RITA FLORENCE GRAY, late of Bernard Austin Lodge, Liverpool, in the State of New South Wales, home duties, who died on 24th August 2007, must send particulars of his/her claim to the executor, Dorothy Margaret Ramsay, c.o. Doherty Partners Pty Ltd, Solicitors, Level 1, 4/259 Northumberland Street, Liverpool NSW 2170, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executor has notice. Probate was granted in New South Wales on 31st January 2008. DOHERTY PARTNERS PTY LTD, Solicitors, Level 1, 4/259 Northumberland Street, Liverpool NSW 2170. [3776]

