



New South Wales

# Gilgandra Local Environmental Plan 2004

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S99/01041/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## 2004 No 901

Gilgandra Local Environmental Plan 2004

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## **2004 No 901**

Clause 1            Gilgandra Local Environmental Plan 2004

Part 1             Preliminary

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## **Gilgandra Local Environmental Plan 2004**

under the

Environmental Planning and Assessment Act 1979

### **Part 1        Preliminary**

#### **1    Name of plan**

This plan is *Gilgandra Local Environmental Plan 2004*.

#### **2    Aim of plan**

The aim of this plan is to provide a framework of controls for development that will:

- (a) promote the orderly and economic use and development of land within the Gilgandra local government area, and
- (b) encourage the proper management of the natural and human-made resources of the Gilgandra local government area by protecting, enhancing or conserving:
  - (i) agricultural land, and
  - (ii) timber, minerals, soils, water and other natural resources, and
  - (iii) areas of significance for nature conservation, and
  - (iv) areas of high scenic or recreational value, and
  - (v) places and buildings of archaeological or heritage significance, and
- (c) result in development that will benefit the community by providing a range of development opportunities in ways that contribute to the social, economic and environmental resources of the Gilgandra local government area and that are consistent with the principles of ecologically sustainable development, and
- (d) minimise land use conflicts and adverse environmental impacts, and

- (e) reduce the incidence of damage and hazards in areas subject to flooding by restricting inappropriate development on land below the flood planning level (that is, the level 500 millimetres above the designated flood level, in this case being the 1% AEP), and
- (f) increase employment opportunities within the Gilgandra local government area through the efficient use of resources and the expansion of the tourism industry, and
- (g) provide a secure future for agriculture by expanding Gilgandra's economic base and minimising the loss or fragmentation of agricultural land, and
- (h) allow development control plans to supplement the broad controls in this plan.

### 3 Definitions

- (1) The Dictionary at the end of this plan defines certain words used in this plan.
- (2) In this plan, a reference to a map is a reference to a map kept in the office of the Council.

### 4 Land to which plan applies

This plan applies to all land within the Gilgandra local government area.

### 5 Relationship to other environmental planning instruments

- (1) This plan repeals *Gilgandra Local Environmental Plan 1998*.  
**Note.** Maps from 1998 LEP are being retained. See definition of **zoning map**.
- (2) This plan amends *State Environmental Planning Policy No 60—Exempt and Complying Development* by omitting “Gilgandra” from Part 2 of Schedule 1.
- (3) *Orana Regional Environmental Plan No 1—Siding Spring* prevails to the extent of any inconsistency between that plan and this plan.

### 6 Consent authority

The Gilgandra Shire Council is the consent authority for the purposes of this plan, subject to the Act.

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### 7 What is exempt development and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Gilgandra Development Control Plan No 1—Exempt and Complying Development* as adopted by the Council on 17 July 2003 is **exempt development** despite any other provision of this plan.
- (2) Development listed as complying development in *Gilgandra Development Control Plan No 1—Exempt and Complying Development* as adopted by the Council on 17 July 2003 is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Gilgandra Development Control Plan No 1—Exempt and Complying Development* as adopted by the Council on 17 July 2003.
- (4) A complying development certificate issued for any development is to be subject to the conditions for the development specified in *Gilgandra Development Control Plan No 1—Exempt and Complying Development* adopted by the Council as in force when the certificate is issued.

### 8 What development is not restricted or prohibited by this plan?

Nothing in this plan prohibits, restricts or requires development consent for, or allows the Council to prohibit or restrict:

- (a) the use of existing buildings of the Crown by the Crown, or
- (b) the carrying out by any public authority of any development described in Schedule 1.

### 9 Designated development needs consent

Despite any other provision of this plan (except clause 8), development that is declared to be designated development by the *Environmental Planning and Assessment Regulation 2000* may be carried out only with development consent.

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## Part 2 Zoning and development control table

### 10 What zones apply?

Land is within one of the following zones if shown as within that zone on the zoning map:

Zone 1 (r)—Rural Zone, shown edged heavy black and lettered “1 (r)”,

Zone 1 (s)—Small Rural Holdings Zone, shown edged heavy black and lettered “1 (s)”,

Zone 2 (v)—Village Zone, shown edged heavy black and lettered “2 (v)”,

**Note.** The locality of land in the Village Zone is also specified on the zoning map.

Zone 4 (i)—Industrial Zone, shown edged heavy black and lettered “4 (i)”,

Zone 8 (a)—National Parks Zone, shown edged heavy black and lettered “8 (a)”.

### 11 Zone objectives and development control table

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

(2) Except as otherwise provided by this plan, the development (if any):

(a) that may be carried out in a zone without development consent, or

(b) that may be carried out in a zone only with development consent, or

(c) that is prohibited in a zone,

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

(3) Consent must not be granted to development in a zone unless the consent authority has considered whether the development is consistent with the zone objectives.

**Note.** Before granting a consent, the consent authority must also take into consideration all development control plans that have been approved by the Council.

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Part 2 Zoning and development control table

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### Table

#### Zone 1 (r) Rural Zone

##### 1 Objectives of zone

This zone applies to all agricultural land in the Gilgandra local government area that has varying degrees of capability for agricultural production and has the potential to cater for a wide range of land uses.

The objectives of this zone are:

- (a) to promote the proper management and utilisation of resources, and
- (b) to enable development for the purpose of land uses that are:
  - (i) appropriate in a rural location, and
  - (ii) appropriate for agriculturally productive lands, and
  - (iii) sympathetic with the environmental characteristics of the land, and
- (c) to provide a secure future for agriculture by expanding Gilgandra's economic base and to minimise the loss or fragmentation of agricultural land, and
- (d) to encourage development that will contribute to economic growth and employment opportunities, particularly by value-adding to agricultural products and tourism, and
- (e) to ensure development proposals are based on sustainable resource management principles.

##### 2 Without development consent

Exempt development.

Development for the purpose of:

agriculture (other than intensive agriculture or ancillary dwelling-houses)

biosolid waste disposal

bushfire hazard reduction works

environmental conservation

forestry (other than ancillary dwelling-houses or pine plantations)

home based childcare establishments

home occupations

utility undertakings

##### 3 Only with development consent

Any development not included in item 2 or 4.

##### 4 Prohibited

Development for the purpose of:

brothels

bulky goods sales rooms or showrooms

business premises



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entertainment facilities  
hotels  
industries  
material recycling depots  
medical centres  
motels  
motor vehicle dealerships  
offices  
passenger transport terminals  
places of assembly  
professional consulting rooms  
residential flat buildings  
restaurants (except where ancillary to a use granted consent)  
restricted premises  
semi-detached housing  
shops (except where ancillary to a use granted consent)  
taverns  
vehicle body repair workshops  
vehicle repair workshops  
warehouses  
waste disposal facilities

### **Zone 1 (s) Small Rural Holdings Zone**

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

This zone applies to land that has been identified by the Council as being suitable for small rural holding development and suitable for lifestyle pursuits.

The objectives of this zone are:

- (a) to promote the development of land identified as suitable for hobby farm or lifestyle purposes and low density rural residential development, and
- (b) to provide an increased range of living options, and
- (c) to enable a range of land uses to be carried out in association with the rural residential or lifestyle use of the land where those land uses are compatible with the environmental capability of the land and the amenity of the area, and
- (d) to ensure development is based on sustainable natural resource management principles.

#### **2 Without development consent**

Exempt development.

Development for the purpose of:

bush fire hazard reduction works  
environmental conservation

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Part 2 Zoning and development control table

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home based child care establishments  
home occupations  
utility undertakings

**3 Only with development consent**

Any development not included in item 2 or 4.

**4 Prohibited**

Development for the purpose of:

abattoirs  
aerodromes  
aircraft facilities  
animal establishments  
biosolid waste disposal  
boarding houses  
brothels  
bulk stores  
bulky goods sales rooms or showrooms  
business premises  
cabin or caravan sites  
camp sites  
caravan parks  
cemeteries  
clubs  
correctional centres  
educational establishments  
entertainment facilities  
extractive industries  
fast food outlets  
fuel depots  
generating works  
hazardous industries  
hazardous storage facilities  
helicopter landing sites  
heliports  
hotels  
industry  
institutions  
intensive agriculture  
intensive livestock keeping establishments  
kennels  
light industries  
machinery dealerships

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materials recycling depots  
medical centres  
mines  
motels  
motor vehicle dealerships  
offensive industries  
offensive storage facilities  
offices  
passenger transport terminals  
places of assembly  
places of worship  
professional consulting rooms  
public buildings  
recreation facilities  
residential flat buildings  
restaurants  
restricted premises  
road transport depots  
sawmills  
semi-detached housing  
serviced apartments  
service stations  
shops  
stock and sale yards  
taverns  
technology centres  
transfer stations  
treated waste applications  
vehicle body repair workshops  
vehicle repair workshops  
veterinary hospitals  
warehouses  
waste disposal facilities  
waste management facilities  
water treatment sludge applications

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Part 2 Zoning and development control table

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### Zone 2 (v) Village Zone

#### 1 Objectives of zone

This zone applies to land that provides the main urban functions for the Gilgandra local government area.

The objectives of this zone are:

- (a) to promote development in existing villages in a manner that is compatible with their urban function, and
- (b) to promote development in a manner that is consistent with the role of servicing the needs of the Gilgandra local government area, and
- (c) to ensure development proposals are based on sustainable natural resource management principles, and
- (d) to permit service activities that meet the recreational, cultural and commercial needs of the community, and
- (e) to assist in meeting the needs of the tourist industry.

#### 2 Without development consent

Exempt development.

Development for the purpose of:

bushfire hazard reduction works  
environmental conservation  
home based child care establishments  
home occupations  
utility undertakings

#### 3 Only with development consent

Any development not included in item 2 or 4.

#### 4 Prohibited

Development for the purpose of:

abattoirs  
aerodromes  
aircraft facilities  
animal establishments  
biosolid waste disposal  
brothels  
extractive industries  
forestry  
fuel depots  
hazardous industries  
hazardous storage facilities  
helicopter landing sites (other than for emergency and medical purposes)  
heliports

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intensive agriculture  
intensive livestock keeping establishments  
kennels  
landforming  
materials recycling depots  
mines  
offensive industries  
offensive storage facilities  
residential flat buildings on land in Tooraweenah and Armatree  
road transport depots  
sawmills  
stock and sale yards  
transfer stations  
treated waste applications  
waste disposal facilities  
waste management facilities  
water treatment sludge applications

**Zone 4 (i) Industrial Zone**

**1 Objectives of zone**

This zone applies to land identified as being suitable for industrial development.

The objectives of this zone are:

- (a) to provide fully serviced land that is suitable for industrial and ancillary uses, and
- (b) to encourage new development that will generate employment and contribute to the needs of the locality, and
- (c) to provide suitable protection to industries and ancillary uses that presently exist within the zone, and
- (d) to ensure development is based on sustainable natural resource management principles.

**2 Without development consent**

Exempt development.

Development for the purpose of:

bushfire hazard reduction works  
environmental conservation  
utility undertakings

**3 Only with development consent**

Any development not included in item 2 or 4.

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Clause 11 Gilgandra Local Environmental Plan 2004

Part 2 Zoning and development control table

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### 4 Prohibited

Development for the purpose of:

- bed and breakfast accommodation
- boarding houses
- cabin and caravan sites
- camp sites
- caravan parks
- cemeteries
- child care centres
- dwelling-houses (except where ancillary to a use granted consent and located on the same land as that use)
- exhibition homes (except where ancillary to a use granted consent and located on the same land as that use)
- farmstay establishments
- group homes
- guest houses or hostels
- home based child care establishments
- hospitals
- housing for seniors or people with a disability
- intensive agriculture
- intensive livestock keeping establishments
- medical centres
- motels
- offices (except where ancillary to a use granted consent and located on the same land as that use)
- professional consulting rooms refreshment areas (except where ancillary to a use granted consent)
- residential flat buildings
- semi-detached housing
- serviced apartments
- shops (except where ancillary to a use granted consent)
- waste disposal facilities

### Zone 8 (a) National Parks Zone

#### 1 Objectives of zone

The objectives of this zone are:

- (a) to identify land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (b) to allow for the management and appropriate use of the land in accordance with that Act.

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**2 Without development consent**

Development for the purpose of:  
any building, work, place or land use authorised by or under the  
*National Parks and Wildlife Act 1974*  
environmental conservation

**3 Only with development consent**

Nil.

**4 Prohibited**

Development not included in item 2.

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Part 3                Special provisions

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### **Part 3            Special provisions**

#### **Division 1        Subdivision**

##### **12    Consent required for subdivision**

Land may be subdivided only with development consent.

##### **13    Factors to be considered before consent to subdivision**

Consent must not be granted to the subdivision of land within Zone 1 (r), 1 (s), 2 (v) or 4 (i) unless the consent authority has considered all relevant information in relation to all of the following:

- (a) the primary purpose for which each allotment to be created by the subdivision is intended to be used under the provisions of this plan,
- (b) whether there is a dwelling-house on any proposed allotment and the location of any such dwelling-house,
- (c) whether the proposed subdivision maintains sustainable natural resource management principles.

##### **14    Control of subdivision for agriculture**

- (1) Consent may be granted to the creation of a vacant allotment of any area for the purpose of agriculture.
- (2) Consent may be granted to the creation of an allotment for the purpose of agriculture that is occupied or will be occupied by an ancillary dwelling-house only if the allotment has an area of not less than 500 hectares.
- (3) However, consent may be granted to the creation of an allotment of land within Zone 1 (r) that has an area of less than 500 hectares that is occupied by a dwelling-house and that is being or will be used for agriculture, but only if the consent authority is satisfied that the requirements of clause 21 are satisfied.
- (4) On and from the fifth anniversary of the commencement of this plan, the references in subclause (2) and (3) to 500 hectares are to be read as references to 1,000 hectares if the Director-General has not, before that day, approved a land use strategy for the local government area of Gilgandra.



**15 Control of subdivision for dwelling-houses**

Land in a zone may be subdivided, where it is occupied or is intended to be occupied by a dwelling-house, if each allotment created has an area not less than the area specified for the zone as follows:

- (a) 2 hectares in Zone 1 (s),
- (b) 700 metres<sup>2</sup> in Zone 2 (v), where the allotment is serviced by a reticulated sewer system,
- (c) 2,000 metres<sup>2</sup> in Zone 2 (v), where the allotment is not serviced by a reticulated sewer system.

**16 Control of subdivision for permissible purposes other than agriculture or dwelling-houses**

Despite clauses 14 and 15, land in a zone may be subdivided to create an allotment of any area, either vacant or occupied by a dwelling-house that is ancillary to a use granted consent, if the consent authority is satisfied that the allotment is being used or will be used for a purpose (other than agriculture or a dwelling-house) permitted on the land in that zone, but only if the consent authority is also satisfied that:

- (a) the size and purpose of the proposed allotment is consistent with the objectives of the zone, and
- (b) the level of demand for the goods or services that are to be supplied from the allotment, and the extent to which that allotment is proposed to be used to meet that demand, justifies the creation of the allotment, and
- (c) the purpose for which the allotment is to be used can meet sustainable natural resource management principles, and
- (d) 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 purposes in that zone, and
- (e) 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 services by the Council.

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Part 3                Special provisions

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### **17 Control of subdivision for industrial purposes**

Consent must not be granted to the subdivision of land for industrial purposes unless that subdivision creates an allotment of at least 2,000 metres<sup>2</sup>.

### **18 Restriction on frontages to certain highways and roads**

Consent must not be granted to the subdivision of land in Zone 1 (r) or 1 (s) if any allotment created by the subdivision will have a frontage of 200 metres or less to any State Highway, National Highway, main road or collector road.

### **19 Boundary changes**

Nothing in this plan prevents consent being granted to a subdivision that changes a boundary between allotments if the boundary change is consistent with the objectives of the zone and:

- (a) does not create an additional allotment, and
- (b) does not create an allotment with an area less than the minimum area specified for the zone, and
- (c) does not facilitate the transfer of a second dwelling onto a separate allotment that is below the minimum area for the zone, and
- (d) ensures there is sufficient land within each allotment, on which a dwelling-house exists or could exist, for the satisfactory disposal of effluent on each allotment, and
- (e) ensures there is a separation (where possible) between dwelling-houses or dwelling-house sites and adjoining agricultural property boundaries of at least 150 metres on land in Zone 1 (r).

## **Division 2 Dwelling-houses**

### **20 Dwelling-houses on land in general**

- (1) Despite any other provision of this plan, a dwelling-house may be erected on vacant land only with development consent.
- (2) Despite any other provision of this plan, consent may be granted to the erection of a dwelling-house on an allotment of land:

- 
- (a) if the consent authority is satisfied that a dwelling-house could have been lawfully erected on that allotment immediately before the date of commencement of this plan by reason that the allotment was created by a subdivision for which consent was granted in accordance with a previous environmental planning instrument or deemed environmental planning instrument, or
  - (b) that comprises an allotment created for the purpose of a dwelling-house by a subdivision for which consent was granted under this plan.
- (3) Despite any other provision of this plan, consent may be granted to the erection of a dwelling-house on land to replace an existing habitable dwelling-house 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 dwelling-house:
- (a) will be demolished, or
  - (b) will be altered so that it may be used as a building that is not a dwelling, or
  - (c) will become the subject of development consent for a use that is permitted in the zone.

## 21 Dwelling-houses in the Rural Zone

- (1) Consent may be granted to the erection of a dwelling-house on land within Zone 1 (r) only if:
- (a) the use of the dwelling-house will be ancillary to and necessary for use of the land for the purpose of agriculture, and
  - (b) either:
    - (i) the land is, or will be consolidated into, a single vacant allotment that has an area of not less than 500 hectares, or
    - (ii) the land is, or will be consolidated into, a single vacant allotment that has an area of less than 500 hectares and:
      - (A) the Council is satisfied that the land is being or will be used for the purpose of agriculture as identified in a property development plan that has been approved by the Council and was prepared in accordance with *Gilgandra Shire Council Development Control Plan No 2B—Guidelines for Preparing Property Development Plans*, as

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Part 3 Special provisions

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adopted by the Council on 18 September 2003, demonstrating that the proposed dwelling-house will be ancillary to sustainable agricultural production, and

- (B) a condition is imposed on that consent that prohibits the erection of a dwelling-house before the commencement of the use of the land for the purpose of that sustainable agricultural activity, and
  - (c) the land has an adequate area suitable for the disposal of effluent on site as demonstrated by a geotechnical or water balance report, prepared by a person who is considered by the Council to be suitably qualified, and
  - (d) an adequate potable and fire fighting water supply is available for the proposed dwelling-house, and
  - (e) adequate access can be provided to the allotment and dwelling-house site, and
  - (f) adequate provision can be made for electricity and telecommunications services to the dwelling-house to the requirements of the relevant supply authorities.
- (2) On and from the fifth anniversary of the commencement of this plan, the references in subclause (1) (b) to 500 hectares are to be read as references to 1,000 hectares if the Director-General has not, before that day, approved a land use strategy for the local government area of Gilgandra.

### 22 Dwelling-houses in Small Rural Holdings Zone

Consent must not be granted to the erection of a dwelling-house on land within Zone 1 (s) unless:

- (a) the land comprises, or will be consolidated into, a single allotment that has an area of not less than 2 hectares, and
- (b) the consent authority is satisfied:
  - (i) by a geotechnical or water balance report, prepared by a person who is considered by the Council to be suitably qualified, that the land has adequate area and is suitable for the disposal of effluent on site, and
  - (ii) that an adequate water supply is available for domestic and fire fighting purposes, and

- (iii) that adequate access can be provided to the allotment and dwelling-house site, and
- (iv) that adequate provision can be made for electricity and telecommunications services.

### **23 Dwelling-houses in the Village Zone at Gilgandra**

Consent must not be granted to the erection of a dwelling-house on land within Zone 2 (v) identified on the zoning map as Gilgandra unless:

- (a) the land comprises, or will be consolidated into, a single allotment that has an area of not less than 700 metres<sup>2</sup> that is serviced by a reticulated sewer system, or
- (b) if a reticulated sewer system is not available or connected to the land—the land comprises, or will be consolidated into, a single allotment that has an area of not less than 2,000 metres<sup>2</sup> and the Council is satisfied by a geotechnical or water balance report, prepared by a person who is considered by the Council to be suitably qualified, that the land has adequate area and is suitable for the disposal of effluent on site,

and the Council is satisfied that:

- (c) the dwelling-house will have an adequate water supply for domestic and fire fighting purposes, and
- (d) adequate access can be provided to the allotment and dwelling-house site, and
- (e) adequate provision can be made for electricity and telecommunications services.

### **24 Dwelling-houses in the Village Zone at Tooraweenah and Armatree**

Consent must not be granted to the erection of a dwelling-house on vacant land within Zone 2 (v) identified on the zoning map as Tooraweenah or Armatree unless:

- (a) the land comprises, or will be consolidated into, a single allotment that has an area of not less than 2,000 metres<sup>2</sup>, and
- (b) if a reticulated sewer system is not available to the land, the Council is satisfied by a geotechnical or water balance report, prepared by a person who is considered by the Council to be suitably qualified, that the land has adequate area and is suitable for the disposal of effluent on site, and

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Part 3              Special provisions

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- (c) the Council is satisfied that:
  - (i) an adequate water supply is available for domestic and fire fighting purposes, and
  - (ii) adequate access can be provided to the allotment and dwelling-house site, and
  - (iii) adequate provision can be made for electricity and telecommunications services.

### 25 Additional dwelling-house in the Rural Zone

Consent may be granted to the erection of one additional dwelling-house on land within Zone 1 (r) but only if:

- (a) 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
- (b) the dwelling-houses share a common access to a public road, and
- (c) the Council is satisfied:
  - (i) that the nature of the agricultural activity being undertaken on the land can financially support and requires a rural worker to be on site as a permanent resident, or
  - (ii) that the additional dwelling-house will be inhabited by a member of the landowner's family, and
- (d) the Council is also satisfied:
  - (i) by a geotechnical or water balance report, prepared by a person who is considered to be suitably qualified by the Council, that the land has adequate area and is suitable for the disposal of effluent on site (having regard to sustainable natural resource management principles), and
  - (ii) that an adequate water supply is available for domestic and fire fighting purposes, and
  - (iii) that electricity and telecommunications services can be provided to the land.

**26 Additional dwelling-house in Small Rural Holdings and Village Zones**

Consent may be granted to the erection of one additional dwelling-house on land within Zone 1 (s) or 2 (v) but only if:

- (a) 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
- (b) the dwelling-houses share a common access to a public road, and
- (c) the Council is satisfied that the additional dwelling-house will be occupied by a member of the family of the landowner, and
- (d) the capacity of the urban reticulated sewer service is sufficient to cater for the proposed additional development or, where a reticulated sewerage system is not available to the land, the Council is satisfied by a geotechnical or water balance report, prepared by a person who is considered by the Council to be suitably qualified, that the land has adequate area and is suitable for the disposal of effluent on site (having regard to sustainable resource management principles), and
- (e) an adequate water supply is available for domestic and fire fighting purposes, and
- (f) the Council is satisfied that adequate area is provided on the land for recreation by the occupants of the dwelling-houses.

**27 Dwelling-houses ancillary to permissible uses**

Consent may be granted to the erection of additional dwelling-houses the use of which will be ancillary to another use of the land for which consent has been granted (not being agriculture), but only if:

- (a) the use of the dwelling-houses will be necessary for the other use of the land for which consent has been granted and sustainable resource management principles can be met, and
- (b) the dwelling-houses will be located on the same parcel of land as the other land use for which consent has been granted, and
- (c) the capacity of the urban reticulated sewer service is sufficient to cater for the proposed additional development or, where a reticulated sewerage system is not available to the land, the Council is satisfied by a geotechnical or water balance report prepared by a person who is considered by the Council to be suitably qualified, that the land has adequate area and is

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- suitable for the disposal of effluent on site having regard to sustainable resource management principles, and
- (d) an adequate water supply is available for domestic and fire fighting purposes, and
  - (e) the dwelling-houses share a common access to a public road with the other land use for which consent has been granted, and
  - (f) electricity and telecommunications services can be provided to the dwelling-houses.

### **Division 3        Conservation of heritage items**

#### **28    Protection of heritage items and relics**

- (1) The following development may be carried out only with development consent:
  - (a) demolishing, defacing, damaging or moving a heritage item,
  - (b) altering a heritage item by making structural changes to its exterior,
  - (c) altering a heritage item by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care that does not adversely affect its heritage significance,
  - (d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic,
  - (e) erecting a building on, or subdividing, land on which a heritage item is located.
- (2) Development consent is not required by this clause if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or relic concerned.
- (3) Consent must not be granted to a development application required by subclause (1) unless the consent authority has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.



**29 Demolition of heritage items**

Consent must not be granted to the demolition of a heritage item unless the consent authority has taken into consideration a plan or description of any building that is proposed to take the place of the heritage item to be demolished.

**30 Conservation incentives relating to heritage items**

- (1) Nothing in this plan prevents consent from being granted to the use, for any purpose, of a building that is a heritage item or of the land on which any such building is erected, if the consent authority is satisfied that:
  - (a) the proposed use would have little or no adverse effect on the use of adjoining or adjacent land, and
  - (b) the conservation of the building depends on consent being granted as referred to in this clause.
- (2) When considering an application for consent for the erection of a building on a site on which there is a building that is a heritage item, the consent authority may:
  - (a) exclude the floor space of the heritage item from its calculation of the floor space of the buildings erected on the land for the purpose of determining the number of parking spaces to be provided on the land, or
  - (b) reduce the minimum site area requirements for the purpose of determining the number of dwellings permissible on the land,but only if the consent authority is satisfied that the conservation of the building depends on the exclusion of the floor space of the item or on reducing the minimum site area requirements.

**31 Heritage advertisements and notifications**

- (1) The following development is identified as advertised development for the purposes of the Act:
  - (a) the demolition of a building or work that is a heritage item,
  - (b) the use of a building that is a heritage item for a purpose that would not be consistent with the zone objectives of the zone in which the building is located,
  - (c) the use of land on which there is a building that is a heritage item for a purpose that would not be consistent with the zone objectives of the zone in which the land is located.

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- (2) Consent must not be granted to the demolition of a building or work that is a heritage item unless the consent authority:
  - (a) has notified the Heritage Council of its intention to grant consent, and
  - (b) has taken into consideration any objection notified to it by the Heritage Council not later than 30 days after the Heritage Council received notice of the intention to grant consent.
- (3) This clause does not apply to the partial demolition of a heritage item if, in the opinion of the consent authority, the partial demolition:
  - (a) will be of a minor nature, and
  - (b) will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the Gilgandra local government area, and
  - (c) is likely to facilitate the sympathetic redevelopment of the remainder of the heritage item or its site.

### 32 Development in the vicinity of heritage items

Consent must not be granted to the carrying out of development on land in the vicinity of a heritage item unless the consent authority has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

### 33 Archaeology

- (1) Consent must not be granted to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place, or an Aboriginal object, within the meaning of the *National Parks and Wildlife Act 1974*) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance unless the consent authority:
  - (a) has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of the Department of Environment and Conservation, and

- (b) has notified that Director-General of its intention to do so and taken into consideration any comments received from that Director-General within 28 days after the notice was sent.
- (2) Consent may be granted to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if the consent authority:
  - (a) has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Heritage Council, and
  - (b) has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent.

#### **Division 4      Miscellaneous**

##### **34    Land subject to flooding**

- (1) In this clause, *flood prone land* means:
  - (a) land in the area of flood inundation as shown on the map marked "Gilgandra Flood Inundation Map 1984", or
  - (b) land inundated by the 1955 flood event.
- (2) A person must not carry out any development for the purpose of the erection of a building or the carrying out of works on flood prone land except with development consent.
- (3) Before granting a consent required by subclause (2), the consent authority must be satisfied that the development is unlikely:
  - (a) to alter significantly the flow of flood water on the land or on adjoining land, or
  - (b) to imperil the safety of persons on the land or on adjoining land in the event of those lands being inundated, or
  - (c) to aggravate the consequences of floodwater flowing on the land or adjoining land with regard to erosion, siltation or the destruction of vegetation, or
  - (d) to have an adverse effect on the water table in relation to the land or adjoining land.

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- (4) Before granting a consent required by subclause (2), the consent authority must take the following into consideration:
- (a) the cumulative effect of the proposed development on flood behaviour,
  - (b) the risk of pollution to waterways caused by the proposed development,
  - (c) the availability of flood free sites on the land,
  - (d) the availability of access to the proposed development.

### 35 Land subject to bushfire hazards

- (1) Consent must not be granted to development on land that is subject to bushfire hazards or any adjacent land that may be susceptible to bush fire unless, in the opinion of the consent authority:
- (a) the design of the subdivision and the siting of future dwellings on the land conforms with the specifications and requirements set out in the December 2001 publication *Planning for Bush Fire Protection* produced by the Department and the Rural Fire Service, and
  - (b) adequate provision is made for safe access for fire fighting and emergency vehicles at all times, and
  - (c) adequate safeguards are adopted in the form of fire breaks, reserves, asset protection zones and alternate access routes, and
  - (d) adequate water supplies are readily available from a reticulated water supply or, where a reticulated water supply is not available, from a reliable supplementary water supply.
- (2) Consent must not be granted to development on land that is subject to bushfire hazards unless the development incorporates effective measures within the boundaries of the site that are satisfactory to the Council to ensure that the development is designed and sited, taking into account site conditions, to minimise:
- (a) the potential for loss of life or property, and
  - (b) any environmental impact from the bush fire hazard reduction work.
- (3) For the purposes of this clause, land is ***subject to bushfire hazards*** if it is identified as such by the Gilgandra LGA—Bush Fire Prone Land Map (a copy of which is held in the office of the Council).

**36 Development along National Highways, State Highways, main roads or collector roads**

Consent must not be granted to the development of land with frontage to a National Highway, State Highway, main road or collector road unless the consent authority has considered:

- (a) any comments made by the Roads and Traffic Authority, and
- (b) the likely impact of the development, including its visual impact, on the safety, efficiency and function of the road, and
- (c) whether access can be provided to the site of the development by another road, and
- (d) the adequacy of the access location and whether any measures are required to alleviate noise impacts from the adjoining road.

**37 Landforming**

Consent must not be granted to landforming unless the consent authority has made an assessment of:

- (a) the flooding characteristics of the land, and
- (b) the likely effect of flooding on adjoining land or other land in the locality, as a result of the proposed landforming or use of the land, and
- (c) the risk of soil erosion or other land degradation, and
- (d) any likely loss of significant vegetation systems and native wildlife habitats, and
- (e) the allowance for suitable water distribution to and from flood dependent environments.

**38 Advertisements and advertising structures**

A person must not display an advertisement, except with development consent and as provided by *State Environmental Planning Policy No 64—Advertising and Signage*.

**39 Access**

A person, other than the Council, must not construct a road that has access to a public road except with development consent.

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### **40    Roads, drainage, recreation areas and parking**

The Council or any other public authority may carry out development on land within any zone for the purpose of roads, stormwater drainage, recreation areas, landscaping, gardening, bushfire hazard reduction or parking without development consent.

### **41    Temporary use of land**

Despite any other provision of this plan, consent may be granted for the temporary use of land for any purpose (other than designated development, or development contrary to the provisions of any other environmental planning instrument) for a maximum period of 28 days, whether consecutive or not consecutive, in any one year.

### **42    Development near Gilgandra and Tooraweenah Airports**

- (1) Consent must not be granted to the carrying out of development on land that is within the flight path of Gilgandra and Tooraweenah Airports, as identified on a map held in the office of the Council, unless the consent authority has made an assessment of:
  - (a) the effect of the development on aerodrome height limitations and runway surface conditions, and
  - (b) the effect of aircraft noise on the development, and
  - (c) the effect of the lighting associated with carrying out the development on local night-time flying operations, and
  - (d) any bird hazard likely to be generated by carrying out the development in respect of the aerodrome.
- (2) A person must not, on land identified as being within the flight path of Gilgandra and Tooraweenah Airports on a map held in the office of the Council:
  - (a) erect a structure that exceeds the height limitations identified on the Gilgandra and Tooraweenah airport flight path maps held in the office of the Council, or
  - (b) carry out development for the purpose of:
    - (i) a dam or reservoir, or
    - (ii) the handling or storage of grain, or
    - (iii) the disposal of refuse, or
    - (iv) a sewage treatment plant or effluent ponds, or
    - (v) an abattoir, or
    - (vi) a stock yard complex, or

- (vii) the provision or enhancement of a habitat likely to attract birds that may be a hazard to aircraft, or
- (viii) any other land use that as a result of the creation or disposal of waste foodstuffs could, in the opinion of the Council, constitute an attraction to birds,

except with development consent.

- (3) The consent authority must refer to the Civil Aviation Safety Authority any application for consent to carry out development referred to in subclause (2) where a building or structure is proposed the height of which would exceed the height of the obstacle limitation surface, if any, that has been specified by that Authority.
- (4) Before granting consent to development referred to in subclause (3), the consent authority must take into consideration any comments furnished by the Civil Aviation Safety Authority to the Council within 30 days after referral of the application to that Authority.

#### **43 Covenants, agreements and similar instruments**

- (1) If any covenant, agreement or similar instrument prohibits a use of land allowed by this plan, then that covenant, agreement or similar instrument does not apply to that use to the extent necessary to allow that use.
- (2) Nothing in subclause (1) affects the rights or interests under any registered instrument in favour of the Council or any other public authority.
- (3) In accordance with section 28 of the Act, the Governor approved of subclauses (1) and (2) before this plan was made.

#### **44 Advertised development**

Development described in Schedule 2 is advertised development for the purposes of the Act.

#### **45 Additional use of land**

- (1) Despite any other provision of this plan, a dwelling-house may be erected, with development consent, on land identified in Schedule 3.
- (2) Consent must not be granted to the erection of a dwelling-house as referred to in subclause (1) if the development application is lodged after the fifth anniversary of the date of commencement of this plan.

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Schedule 1 Development that does not require consent

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### **Schedule 1 Development that does not require consent**

(Clause 8 (b))

#### **Development by public authorities**

- 1** 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,
  - (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 the design thereof of railway stations or bridges,
  - (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.
  
- 2** 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, that is to say:

  - (a) development of any description at or below the surface of the ground,
  - (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 appointed day of any plant or other structures or erections required in connection with the station or substation,



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- (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 housings 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 process of being acquired for the purposes thereof before the appointed day, provided reasonable notice of the proposed erection is given to the council, or
  - (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, so as materially to affect the design or external appearance thereof, of buildings, or
    - (ii) the formation or alteration of any means of access to a road.
- 3** 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 the design or external appearance thereof, or
  - (b) the formation or alteration of any means of access to a road.
- 4** 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

## 2004 No 901

Gilgandra Local Environmental Plan 2004

Schedule 1 Development that does not require consent

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or transport of passengers, livestock or goods at a wharf or the movement of traffic 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 the design or external appearance thereof, 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 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, alterations, 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 the design or external appearance thereof, 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 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 the design or external appearance thereof, or
- (b) the formation or alteration of any means of access to a road.

**7** 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

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- extension of buildings, so as materially to affect the design or external appearance thereof, or
- (b) the formation or alteration of any means of access to a road.
- 8** 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.
- 9** The carrying out of any forestry work by the Forestry Commission or school forest trust empowered under relevant Acts to undertake afforestation, roading, 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*.
- 10** 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 the design or purposes thereof,
- (b) any development designed to change the use or purpose of any such reserve.
- 11** The carrying out or causing to be carried out by a council engaged in flood mitigation works or by the Department of Land and Water Conservation 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 *Soil Conservation Act 1938*, the *Farm Water Supplies Act 1946*, the *Rivers and Foreshores Improvement Act 1948* or the *Water Management Act 2000*, except:
- (a) 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 the design or external appearance thereof,
- (b) the formation or alteration of any means of access to a road.

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Gilgandra Local Environmental Plan 2004

Schedule 2      Advertised development

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### Schedule 2    Advertised development

(Clause 44)

- 1      Development for the purpose of the following, but only if carried out on land within Zone 2 (v) other than the area identified for business on the map marked “Gilgandra Development Control Map”:
  - animal cemeteries,
  - aquaculture,
  - artificial waterbodies,
  - bulk stores,
  - bulky goods sales rooms or showrooms,
  - bus depots,
  - cabin or caravan sites,
  - camp sites,
  - caravan parks,
  - cemeteries,
  - clubs,
  - convenience service stations,
  - corner stores,
  - correctional centres,
  - dams,
  - depots,
  - educational establishments,
  - energy generation facilities,
  - entertainment facilities,
  - generating works,
  - guest houses or hostels,
  - home industries,
  - hospitals,
  - hotels,
  - industries,
  - institutions,
  - kennels,
  - light industries,

machinery dealerships,  
offices,  
passenger transport terminals,  
places of assembly,  
places of worship,  
plant nurseries,  
professional consulting rooms,  
public buildings,  
recreation areas,  
recreation facilities,  
residential flat buildings,  
restricted premises,  
restaurants,  
rural industries,  
service stations,  
shops,  
taverns,  
technology centres,  
tourist facilities,  
turf farming,  
vehicle body repair workshops,  
vehicle repair workshops,  
veterinary hospitals,  
warehouses.

- 2** Development for the purpose of the following, but only if carried out on land within Zone 4 (i):
- animal cemeteries,
  - aquaculture,
  - artificial waterbodies,
  - brothels,
  - correctional centres,
  - energy generation facilities.

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Schedule 3 Additional use of land

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### Schedule 3 Additional use of land

(Clause 45)

Reference	Address	Property description
1849.0082	394 Doorambah Road	Lot 50 DP 876761, Parish of Tonderbrine
0173.0	439 Castlereagh Highway	Lot 2662 DP 719235, Gilgandra
1317.02	5940 Newell Highway	Lot 292 DP 264112, Gilgandra
2060.1	23 Flora Reserve Road	Lot 492 DP 576349
2053.1	186 Avondale Road	Lot 39 DP 753411, Parish Bidon
1891.0	233 Jack Renshaw Parkway	Lot 100 DP 1007379, Tooraweenah

Gilgandra Local Environmental Plan 2004

Heritage items

Schedule 4

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## **Schedule 4 Heritage items**

(Dictionary)

**Note.**

There were no heritage items at the commencement of this plan.

## Dictionary

(Clause 3 (1))

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

**additional dwelling** means a dwelling-house located on land on which another dwelling-house is or is intended to be located.

**aerodrome** has the same meaning as in the *Civil Aviation Act 1988* of the Commonwealth.

**agriculture** means the broad scale production of crops or fodder, or the grazing of livestock, or both, but (in the Table to clause 11) does not include any other use elsewhere defined in this Dictionary.

**aircraft facility** means a place used for the taking off and landing of aircraft, whether or not it includes:

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

**ancillary use** means a use that is secondary or subsidiary to, and supportive of, the primary use on the same site, but does not include designated development as identified in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

**animal cemetery** means premises used on a commercial basis for the interment of deceased pets, including dogs, cats and other animals kept as domestic pets.

**animal establishment** means a building or place used for the breeding, boarding or training of, or keeping of, or caring for, animals for commercial purposes and includes stables and riding schools, horse training facilities and catteries, but does not include kennels, intensive livestock keeping establishments or veterinary hospitals.

**aquaculture** has the same meaning as in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

**artificial waterbody** has the same meaning as in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

**asset protection zone** means an area surrounding a development designed to reduce the bush fire hazard to an acceptable level.



***bed and breakfast accommodation*** means a dwelling-house that:

- (a) provides temporary overnight accommodation for the short-term traveller, and
- (b) offers at least breakfast for guests, and
- (c) does not accommodate more than 8 guests, and does not contain facilities in rooms for the preparation of meals by guests, and
- (d) is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the temporary accommodation and who normally reside in the dwelling-house.

***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 disposal*** refers to the application of sludge or other semi-solid products from human sewage treatment plants on land for the purpose of improving land productivity that is undertaken in accordance with the NSW Environment Protection Authority's guidelines entitled *Environmental Guidelines: Use and Disposal of Biosolids Products* dated October 1997, but does not include the use of land for the disposal of biosolids.

***boarding house*** means a building or place where accommodation, meals and laundry facilities are provided to long-stay residents of the building or place, but (in the Table to clause 11) does not include a building or place elsewhere specifically defined in this Dictionary.

***brothel*** means premises used for the purpose of prostitution or, on a commercial basis, for sexual gratification, including those where only one person is engaged in prostitution or any such sexual gratification at any one time.

**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 but (in the Table to clause 11) does not include a building or place elsewhere specifically defined in this Dictionary.

**bulky goods sales room or showroom** means a building or place used for the sale of goods by retail or auction, the hire or the display of items (whether goods or materials) that are of such a size, shape or weight as to require:

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

and that may also be used for the display and sale of motor powered or motor drawn vehicles, but is not used for any sale of foodstuffs or clothing.

**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.

**bush fire hazard** means the potential for a bushfire, the severity of which is usually measured in terms of intensity (kW/m), and which is influenced by weather patterns, vegetation (fuel quantity, distribution and moisture) and slope.

**bush fire hazard reduction work** means a reduction or modification (by controlled burning or mechanical or manual means) of material that constitutes a bush fire hazard and where the main purpose is to reduce such hazards.

**business identification sign** has the same meaning as in *State Environmental Planning Policy No 64—Advertising and Signage* and includes 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 does not include any advertising relating to a person who does not carry on business at the premises or place.

**business premises** means a building or place in which there is carried on an occupation, a profession, a light industry or a trade that provides a service directly and regularly to the public, but (in the Table to clause 11) does not include a building or place elsewhere defined in this Dictionary.

**cabin or caravan site** means a site used for the purpose of:

- (a) placing moveable dwelling-houses for the temporary accommodation of tourists, or
- (b) the erection, assembly or placement of cabins for the temporary accommodation of tourists.

**camp site** means a place used for the pitching of tents or other like portable, lightweight and temporary shelter for the short-term shelter of visitors or tourists.

**car park** means a building or place used for parking vehicles, and any manoeuvring space and access to it, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which moveable dwelling-houses, including tents and caravans and other vehicles used for temporary or permanent accommodation, are, or are to be, placed or erected.

**cemetery** means a place used for interment of the deceased, but does not include an animal cemetery.

**child care centre** means a building or place used (whether or not for profit) for the purpose of educating, supervising, minding or caring for 6 or more children (whether or not any of the children are related to the owner or operator) who are aged under 6 years or who do not normally attend school, and includes an early childhood centre, long day care centre, preschool, occasional care centre, children's neighbourhood centre, or multi-purpose child care centre, but:

- (a) (in the Table to clause 11) does not include a home based childcare establishment or a dwelling-house, and
- (b) does not include a building or place providing residential care for those children.

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**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 of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the *Registered Clubs Act 1976*, that may in addition offer refreshment, entertainment and leisure facilities to members and guests.

**collector road** means a road identified as such on a map that is held in the office of the Council.

**communications facilities** means a building, structure, work or place used primarily for transmitting or receiving signals for the purposes of communication, and includes radio masts and towers and satellite disks, and similar structures.

**community centre** means a building or place owned, leased or subleased by the Council, another public authority or any other body, being a building or place that provides for the physical, social, cultural or intellectual development or welfare of the local community, but (in the Table to clause 11) does not include a building or place elsewhere defined in this Dictionary.

**contaminated land** has the same meaning as in Part 7A of the Act and includes land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents risk of harm to human health or any other aspect of the environment.

**convenience service station** means a retail establishment where motorists refuel vehicles and that includes a shop with an area in excess of 50 square metres in which food and household necessities are sold.

**corner store** means a shop that has a floor space of not more than 150 square metres, that sells a variety of merchandise mostly of a convenience type and that may consist of, or include, a post office, chemist's shop, newsagency, milk bar, take-away food shop, general store, video shop, butcher's shop or baker's shop or be used for any similar use or combination of uses.

**correctional centre** means a penal or reformatory establishment.

**cultural centre** means a gallery or museum and may include a performance space and ancillary facilities.

**dam** means all works associated with artificial waterbodies, including stormwater retention basins, filling and excavation, involved in the permanent or temporary storage of water on land that alters the shape, natural form or drainage of land.

**demolition** means the damaging, defacing, destruction, pulling down or removal of a building or work in whole or in part.

**depot** means a building or place used only for the storage (but not for sale) of any plant, machinery, materials or goods used or intended to be used by the owner or occupier of the building or place (but not necessarily for use on the site), but (in the Table to clause 11) does not include a building or place elsewhere defined in this Dictionary.

**drainage** means the management of stormwater by means of any engineering method.

**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 one, but not more than one, dwelling.

**educational establishment** means a building or place principally used for education and training and includes a school, college, TAFE establishment, academy or lecture hall whether or not accommodation for staff or students is provided there and whether or not it is used for the purpose of gain, but does not include a building used wholly or principally as a child care centre or tourist facility.

**energy generation facility** means a building or place used for the purpose of making or generating wind, hydro or solar power forms of energy.

**entertainment facility** means a building or place used for the purpose of entertainment, exhibitions or displays and includes theatres, cinemas, music halls, concert halls, drive-in theatres and the like.

**environmental conservation** means the protection, rehabilitation or restoration of land which is consistent with practices agreed to or authorised by:

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- (a) the Department of Infrastructure, Planning and Natural Resources (in relation to erosion control, management of drainage corridors and other activities the responsibility of that Department), or
- (b) the Department of Primary Industries (in relation to conservation farming and other activities the responsibility of that Department), or
- (c) the Department of Environment and Conservation (in relation to conservation of sites of archaeological significance, flora or fauna habitat and other activities the responsibility of that Department), or
- (d) the Council, in any case.

**exhibition home** means a dwelling-house constructed for display and marketing purposes that is open to the public to demonstrate aspects of housing form, design, construction, materials and the like and that may or may not be used for an ancillary purpose, such as a site office used for purposes related to house sales, and that is intended to be sold as a private dwelling-house after it has been used as an exhibition home.

**extractive industry** means an industry or undertaking, not being a mine, that depends for its operations on the winning of extractive material from the land on which it is carried on and includes an associated industry for the purposes of the processing of the extractive material (such as washing, crushing, grinding, milling or separating into separate grades and sizes of that range of material) on that land.

**extractive material** means sand, gravel, clay, turf, soil, rock, stone and similar substances.

**farmstay establishment** means an established farming enterprise that:

- (a) provides accommodation and entertainment for tourists, and
- (b) forms part of the day-to-day farming operations of the farm.

**fast food outlet** means a building or place used for serving take-away food, whether or not food is also consumed on the premises, that requires car parking and facilities for the convenience of motorists, and that may include a drive through service.

**floor** means that 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.

**floor area** has the same meaning as in Volume 1A (Housing Provisions) of the *Building Code of Australia*.

**forestry** includes arboriculture, silviculture, forest protection, the cutting, dressing or preparation, otherwise than in a sawmill, of wood and associated forest products and the establishment of roads required for the removal of wood and forest products or for forest protection.

**fuel depot** means a building or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

**generating works** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy other than wind, hydro or solar energy.

**gross floor area** means the sum of the areas of each floor of a building where 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 1,400 millimetres above each floor level, but excluding:

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

**group home** means a dwelling-house that is a permanent group home or a transitional group home as defined in *State Environmental Planning Policy No 9—Group Homes*.

**guest house or hostel** means a building that:

- (a) provides temporary overnight accommodation for the short-term traveller, and
- (b) offers at least breakfast for guests, and
- (c) does not contain facilities in rooms for the preparation of meals by guests, and

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- (d) is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the temporary accommodation (who may normally reside in the building).

***hazardous industry*** means an industry that, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (such as measures to isolate the development 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 facility*** 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 (such as measures to isolate the development 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.

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

***helicopter landing site*** means an area or place not open to public use for the taking off and landing of helicopters.

***heliport*** means an area or place open to public use for the taking off and landing of helicopters and includes terminal buildings and facilities for parking, servicing and repair of helicopters.

***heritage item*** means a building, work place, relic or tree referred to in Schedule 4.

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

***home based childcare establishment*** means a dwelling-house providing care for up to 7 children (including the care giver's own children) in the premises where the care giver resides.

***home industry*** means an industry carried on in a building (other than a dwelling-house or a dwelling in a residential flat building) under the following circumstances:



- 
- (a) the building does not occupy a floor space exceeding 50 square metres and is erected within 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,
  - (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, grit or oil, or otherwise, or
    - (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 to the locality,
  - (c) the industry does not entail:
    - (i) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or
    - (ii) the exhibition of any notice other than a business identification sign, or
    - (iii) the employment of more than one person who is not a resident of the dwelling-house or dwelling.

**home occupation** means an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling that would not have required the registration of the building under the *Shops and Industries Act 1962* immediately before the repeal of sections 10–13 of that Act and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, 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-house or dwelling to indicate the name and occupation of the residents), or
- (e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or

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- (f) use of more than one room of the house or of more than 30 square metres of the floor area of the dwelling-house or dwelling, whichever is the lesser, or
- (g) prostitution, or
- (h) regular visits by clientele.

**hospital** means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care of people with developmental disabilities, psychiatric care, counselling and other 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:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for related or ancillary educational or research purposes, whether or not they are used only by the hospital staff or health care workers, and whether or not any such use is a commercial use.

**hotel** means any premises specified in a hotelier's licence granted under the *Liquor Act 1982*.

**housing for seniors or people with a disability** means residential accommodation intended to be used permanently as housing for the accommodation of seniors or people with a disability as defined in *State Environmental Planning Policy (Seniors Living) 2004* and includes ancillary facilities.

**industry** means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or any articles, materials, liquids or gases for commercial purposes, but (in the Table to clause 11) does not include any other use elsewhere defined in this Dictionary.

**institution** means a building or place used as a corrective centre, remand centre or reformatory facility.

***intensive agriculture*** means:

- (a) the use of a building or place predominantly for the commercial production of fibre, flowers, fruits, mushrooms, pastures or fodder, timber, turf, vegetables, viticulture or the like, or
- (b) the commercial keeping or breeding (or both) of livestock that are substantially dependent on high quality forage produced from the land, such as horse studs, free range poultry farms, facilities for raising other birds or bees or similar enterprises,

but does not include the use of animal establishments or artificial water bodies, aquaculture, intensive livestock keeping establishments or turf farming.

***intensive livestock keeping establishment*** means a building or place used for commercial operation where animals are nurtured substantially on feed not produced on the land or feed that is wholly, or substantially, manufactured (excluding temporary feeding during and as a result of drought, fire, flood or similar emergency and livestock kept solely for personal consumption or enjoyment by the owner or occupier of the land) where the animals are penned or housed and includes cattle feed lots, poultry sheds, piggeries, worm farms and the like.

***kennel*** means a building or place used for the keeping or breeding (or both) of dogs for commercial purposes.

***land degradation*** means soil erosion involving the loss of productive capacity, stream turbidity and siltation, decline and loss of native vegetation or adverse changes in vegetation balance, salinisation of the soil or streams, or the deleterious effects of pesticides and fertilisers.

***landforming*** means all works or activities involved in the placement of fill on land, or excavation of land, for the purpose of altering the shape, natural form or drainage of land works and that are associated with the agricultural or other use of the land, but does not include tilling and ploughing.

***light industry*** means an industry, not being an offensive or hazardous industry, in which the processes carried on, or 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.

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***machinery dealership*** means a building or place used for the sale by retail or auction, the hire or the display of agricultural, earthmoving or road transport machinery and equipment and includes the ancillary sale and fitting of parts and accessories and the servicing and repair of such items.

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

***materials recycling depot*** means a building or place used for the collection, dismantling, storage, recycling or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods, or used for the collecting, dismantling, storage or salvaging of motor vehicles or machinery or for the sale of their parts.

***medical centre*** means a building or place used for the purpose of providing professional health care and medical services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

***mine*** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which or by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

***mining*** includes a mine and any form of mining, including surface mining (whether by open-cut or any other method) and underground mining.

***motel*** means a building or buildings substantially used for the overnight or short-term accommodation of travellers and the vehicles used by them whether or not meals are also provided to those travellers or the general public, but does not include a building or place elsewhere specifically defined in this Dictionary.

***motor vehicle dealership*** means a building or place used for the sale by retail or auction, the hire or the display of cars, motor cycles, caravans, boats, trailers and the like as well as the ancillary sale and fitting of parts and accessories and the servicing and repair of such items.

***natural ground level*** means the level of land as if no development has taken place.

***occupied***, in relation to land or an allotment, in the context of the subdivision of land or the erection of dwelling-houses, means land or an allotment on which a dwelling-house is erected.

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

***offensive storage facility*** 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 emit a polluting discharge (including noise) in a manner that would have a significant adverse impact on the locality or on existing or likely future development on other land in the locality.

***office*** means a building or place used for the purpose of administration, or for clerical, technical, professional or like activities (except for dealing with members of the public on a direct and regular basis or otherwise than by appointment), but (in the Table to clause 11) does not include a building or place elsewhere defined in this Dictionary.

***parking space*** includes the use of an area designed, marked or signposted for the parking of motor vehicles.

***passenger transport terminal*** means any building or place used for the assembly and dispersal of passengers travelling by any form of passenger transport, including any ancillary facilities required for parking, manoeuvring, storage or routine servicing of any vehicle forming part of that undertaking.

***place of assembly*** means a cinema, concert hall, public hall, dance hall, open-air theatre, or any other building of a like character used as such and whether used for the purpose of gain or not, but (in the Table to clause 11) does not include a place of worship, an educational establishment, entertainment facility or any other building or place elsewhere defined in this Dictionary.

***place of worship*** means a building or place used for the purpose of religious worship, whether in the Christian faith or not, and whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group.

***plant nursery*** means a building or place used for both the growing and selling by retail of plants, whether or not landscape supplies (including earth products) and other landscape and horticultural products are also sold there.

***prime crop and pasture land*** means land of merit for special agricultural use as confirmed by the Department of Primary Industries, whether or not landscape supplies (including earth products) and other landscape and horticultural products are also sold there.

***principles of ecologically sustainable development*** means the principles derived from the following statements:

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:
  - (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
  - (ii) an assessment of the risk-weighted consequences of various options,
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,
- (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
  - (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and

- (ii) the users of goods and services should pay prices based on the costs involved in the full cycle providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and
- (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

**professional consulting rooms** means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of, a dwelling-house and used by not more than 3 legally qualified medical practitioners or by not more than 3 dentists within the meaning of the *Dentists Act 1989*, or by not more than 3 health care professionals, who practise there the profession of medicine, dentistry or health care, respectively, and, if more than one, practise in partnership, and who employ not more than 3 employees in connection with that practice.

**public building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a local council or an organisation established for public purposes.

**recreation area** means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, including parks, reserves and ovals, or
- (c) an area used to provide facilities for recreational activities that promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by the Council or on behalf of the Council, or a body of persons associated for the purpose of the physical, cultural or intellectual welfare of persons within the community,

and includes the aesthetic enhancement by way of tree planting and other landscaping of such areas, but does not include entertainment facilities.

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**recreation facility** means a building or place used for sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain, and includes sports stadiums, showgrounds, racecourses, swimming pools, golf courses, basketball courts, gun clubs, paint ball parks and the like, but (in the Table to clause 11) does not include a building or place elsewhere defined in this Dictionary.

**refreshment area** means a building or place that is ancillary to another use of the site granted consent that provides refreshments to visitors of the site and includes a wine tasting room and a kiosk and the like.

**relic** means any deposit, object or material evidence (not being a handicraft made for sale, but that may consist of, or include, human remains) relating to:

- (a) the use or settlement of the local government area of Gilgandra, being a deposit, object or material evidence that is more than 50 years old, and
- (b) indigenous or European habitation of land within the local government area of Gilgandra, being habitation, either prior to or concurrent with the occupation of that land by persons of indigenous or European extraction.

**renovate**, in relation to a building or work, means:

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

**residential flat building** means 2 or more dwellings on a site where each dwelling has an individual entrance and direct private access to private open space for the exclusive use of the occupants of the building, and includes villas, terraces, town-houses, cluster housing, integrated housing, mobile home parks and the like.

**restaurant** means a building or place such as a cafe, tea room, eating house, take-away or drive-through service or the like, the purpose of which is to provide food for consumption and beverages on the premises whether or not take-away meals are also provided.



***restricted premises*** means business premises or a shop that, due to its nature, restricts access to customers over 18 years of age and includes sex shops and the like, but does not include a tavern, hotel or brothel.

***retail*** means the sale of commodities to households or ultimate consumers.

***road*** means a public thoroughfare used for the passage of humans, vehicles or animals.

***road transport depot*** means a building or place used for the principal purpose of the bulk handling of goods for transport by road, whether or not the building or place is also used for the storage of goods, parking, servicing or repair of those vehicles used in connection with the road transport operation.

***roadside stall*** means a building or place not exceeding 20 square metres in floor area used for the purpose of offering for sale by retail agricultural goods produced on the allotment on which the place is located or on allotments in the immediate locality.

***rural industry*** means:

- (a) the handling, selling, treating, processing or packing of rural products, or
- (b) the regular servicing or repairing of plant or equipment used for the purpose of a rural activity operating in the locality.

***rural worker's dwelling*** means a dwelling-house:

- (a) located on land on which another dwelling-house is or is intended to be located, or
- (b) used as the principal place of residence by persons employed in agriculture, aquaculture, intensive agriculture, turf farming or a rural industry conducted on that land.

***sawmill*** means a mill handling, cutting and processing timber from logs or baulks.

***semi-detached housing*** means a building containing 2, but not more than 2, dwelling-houses on a single allotment of land.

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

- (a) the hire of trailers,

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- (b) the sale by retail of spare parts and accessories for motor vehicles,
- (c) the cleaning, washing and greasing of motor vehicles,
- (d) the repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing that involves top overhaul of motors, body building, panel repair, spray painting or suspension, transmission or chassis restoration),
- (e) the retail sale or hire of other goods within an ancillary area.

**serviced apartment** means a dwelling that is cleaned and otherwise serviced or maintained on a regular basis by a non-resident owner or manager of the building or an agent.

**shop** means a building or place used for the purpose of selling items, whether by retail or auction, or for hiring or displaying goods or materials for the purpose of selling or hiring them, but (in the Table to clause 11) does not include any building or place elsewhere defined in this Dictionary.

**State Highway** means a road identified as such on the zoning map and on a map that is held in the office of the Council.

**stock and sale yard** means a building or place used for the purpose of offering livestock or poultry for sale (whether by auction or otherwise).

**sustainable** means existing and proposed activities that, in the Council's opinion, being an opinion formed after considering advice provided to the Council by relevant government authorities, satisfy the environmental objectives of this plan.

**sustainable natural resource management** means ensuring that the health, diversity and productivity of the nation's natural resources are maintained or enhanced for the benefit of future generations through the conservation of biological diversity and the integrity of ecosystems.

**tavern** means premises licensed under the *Liquor Act 1982* for the sale of liquor but that do not provide overnight accommodation on a commercial basis.

**technology centre** means a building or place used for telecommunications or information technology operations and includes a call centre, internet service provider centre and the like.

**telecommunications facility** means any part of the infrastructure of a telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use 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.

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

**the Council** means the Gilgandra Shire Council.

**tourist facilities** means a building or place designed or used for rendering service to travellers, tourists or persons engaged in recreational pursuits and providing for holiday accommodation or recreation, but (in the Table to clause 11) does not include any other building or place elsewhere defined in this Dictionary.

**transfer station** means a place set aside for the collection and transfer of domestic and commercial waste.

**transport depot** means a building or place used for the parking or storage of motor vehicles used in connection with a passenger transport undertaking, business, industry or shop.

**treated waste application** means the application or disposal of liquid effluent, sludge or other semi-solid organic waste products to or on land, but (in the Table to clause 11) does not include biosolid waste application, landfilling or water treatment sludge application or any activity that is reasonably and normally ancillary to another use elsewhere defined in this Dictionary.

**turf farming** means the commercial cultivation, and removal from land, of turf.

**utility installation** means a building or work used by a utility undertaking.

**utility undertaking** means any undertaking carried on for the purpose of:

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

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- (d) firefighting facilities, or
- (e) paramedical facilities, or
- (f) emergency services facilities, operations centres and the like.

***vacant land*** or ***vacant allotment*** means land or an allotment of land on which no habitable dwelling-house is located.

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

***vehicle repair workshop*** means a building or place used for the purpose of carrying out repairs or the sale and fitting of accessories to vehicles or machinery, not being a vehicle body repair workshop.

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

***visitor facilities*** means the provision of walking tracks, information, interpretative signs, lookouts, picnics, facilities, toilet facilities, access for the disabled and ancillary parking for the general public.

***warehouse*** means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

***waste*** has the same meaning as it has in the *Protection of the Environment Operations Act 1997 (POEO Act)* and means:

- (a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- (b) any discarded, rejected, unwanted, surplus or abandoned substance, or
- (c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance, or
- (d) any substance prescribed by the regulations under the POEO Act to be waste for the purposes of that Act.

**Note.** A substance is not precluded from being waste for the purposes of the POEO Act merely because it can be reprocessed, reused or recycled.

**waste disposal facility** means a place set aside for the disposal of domestic and commercial waste to landfill, but (in the Table to clause 11) does not include any place elsewhere defined in this Dictionary.

**waste management facility** means a place used for the disposal or treatment, or both, of waste and includes a sewage treatment plant, but (in the Table to clause 11) does not include a waste disposal landfill site or other place elsewhere defined in this Dictionary.

**water treatment sludge application** means the application to land of solid or semi-solid materials generated by the process of water treatment, at a scale and in a manner that are consistent with the principles that apply to biosolid waste applications as detailed in the NSW Environment Protection Authority's guidelines entitled *Environmental Guidelines: Use and Disposal of Biosolids Products* dated October 1997.

**zoning map** means Sheets 1 and 2 of the map marked "Gilgandra Local Environmental Plan 1998", as amended by the maps, or sheets of maps, marked as follows: