



New South Wales

# **Bathurst Regional (Interim) Local Environmental Plan 2005**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (DUB0108026/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

---

# Contents

	Page
<b>Part 1 Preliminary</b>	
1 Name of plan	4
2 Aims of plan	4
3 Land to which plan applies	4
4 Relationship with other environmental planning instruments	4
5 Consent authority	5
5A Definitions	5
<b>Part 2 Zoning control table</b>	
6 Zoning control table	6
<b>Part 3 Special provisions</b>	
7 Crown development	23
8 Certain requirements not to apply	23
9 Subdivision—general requirements	23
10 Advertised development	24
11 Tree preservation order	24
12 Mount Panorama environs	24
13 Land liable to flood	25
14 Scenic protection area	25
15 Bathurst airport environs	26
16 Development for the purpose of advertisements	27
17 Brothels	28
18 Additional uses of land	28
19 Gasworks	28
20 What is exempt and complying development?	28
21 William Street Car Park	29
22 Bushfire prone land	29
<b>Part 4 Heritage provisions</b>	
23 Protection of environmental heritage	30
24 Conservation incentives	32
25 Heritage Council to be given prior notice of demolition consent	33
26 Advertising of heritage applications	33

---

	Page	
<b>Part 5</b>	<b>Rural provisions</b>	
27	Subdivision—rural zones	35
28	Dwelling-houses—rural zones	36
29	Development of land within the Parishes of Sofala and Wiagdon	37
30	Holiday cabins—Zone No 1 (d)	39
31	Subdivision—Zone No 1 (f)	39
<b>Schedule 1</b>	<b>Crown development</b>	41
<b>Schedule 2</b>	<b>Advertised development</b>	45
<b>Schedule 3</b>	<b>Advertisements allowed without consent</b>	46
<b>Schedule 4</b>	<b>Additional uses of land</b>	48
<b>Schedule 5</b>	<b>Heritage items</b>	49
<b>Dictionary</b>		59

## **2006 No 196**

Clause 1 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 1 Preliminary

---

# **Bathurst Regional (Interim) Local Environmental Plan 2005**

under the

Environmental Planning and Assessment Act 1979

## **Part 1 Preliminary**

### **1 Name of plan**

This plan is *Bathurst Regional (Interim) Local Environmental Plan 2005*.

### **2 Aims of plan**

- (1) The aims of this plan are as follows:
  - (a) to provide interim or transitional planning controls for the local government area of Bathurst Regional,
  - (b) to facilitate the orderly and economic development of land,
  - (c) to promote the well-being of the community of Bathurst,
  - (d) to promote and strengthen the role of Bathurst as a regional centre,
  - (e) to enhance the environmental qualities of the area,
  - (f) to allow detailed provisions to be made to control development by means of development control plans.
- (2) The particular objectives and strategies applicable to land within a zone are set out in relation to the respective zone in the zoning control table.

### **3 Land to which plan applies**

This plan applies to all land within the local government area of Bathurst Regional.

### **4 Relationship with other environmental planning instruments**

- (1) This plan repeals the following:
  - (a) *Bathurst Local Environmental Plan 1997*,
  - (b) *Interim Development Order No 1—Evans*,
  - (c) *Evans Local Environmental Plan No 1*,

- (d) *Evans Local Environmental Plan No 2,*
  - (e) *Evans Local Environmental Plan No 3,*
  - (f) *Evans Local Environmental Plan No 4,*
  - (g) *Evans Local Environmental Plan No 5,*
  - (h) *Evans Local Environmental Plan No 6,*
  - (i) *Evans Local Environmental Plan No 7,*
  - (j) *Evans Local Environmental Plan No 9,*
  - (k) *Evans Local Environmental Plan No 11,*
  - (l) *Evans Local Environmental Plan No 13,*
  - (m) *Evans Local Environmental Plan No 16,*
  - (n) *Evans Local Environmental Plan No 24,*
  - (o) *Evans Local Environmental Plan No 25,*
  - (p) *Evans Local Environmental Plan No 26,*
  - (q) *Oberon Local Environmental Plan 1998,*
  - (r) all other local environmental plans and deemed environmental planning instruments that, immediately before the appointed day, applied to the land to which this plan applies.
- (2) This plan repeals the instruments listed in subclause (1) only in so far as those instruments apply to the local government area of Bathurst Regional.
  - (3) This clause does not operate so as to reclassify, or to alter or revoke the classification of, any land classified as operational land under the *Local Government Act 1993*.

**5 Consent authority**

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

**5A 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 deposited in the office of the Council.

## 2006 No 196

Clause 6 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 2 Zoning control table

---

### Part 2 Zoning control table

#### 6 Zoning control table

- (1) The zoning control table to this clause describes the objectives of each zone and (except as otherwise provided by this plan) the development that is permitted without development consent or only with development consent and the development that is prohibited on land in each zone.
- (2) A description of how each zone is shown on the land use map is listed below:
  - Zone No 1 (a) (Inner Rural Zone)—coloured light brown
  - Zone No 1 (b) (Market Garden Zone)—coloured khaki
  - Zone No 1 (c) (Rural Residential Zone)—coloured light orange
  - Zone No 1 (d) (Rural Special Purposes Zone)—coloured dark brown
  - Zone No 1 (e) (Outer Rural Zone)—coloured brown
  - Zone No 1 (f) (Special Rural Small Holdings Zone)—coloured dark orange
  - Zone No 2 (a) (Residential Zone)—coloured light scarlet
  - Zone No 2 (v) (Village Zone)—coloured red
  - Zone No 3 (a) (General Business Zone)—coloured light blue
  - Zone No 3 (b) (Service Business Zone)—coloured dark blue
  - Zone No 4 (a) (Industrial Zone)—coloured purple
  - Zone No 5 (a) (Special Uses—Public Purposes Zone)—coloured yellow
  - Zone No 6 (a) (Local Recreation Zone)—coloured dark green
  - Zone No 6 (b) (Regional Recreation Zone)—coloured light green
- (3) Consent must not be granted to the carrying out of development within a particular zone unless the consent authority has taken the objects of the zone into account and:
  - (a) is satisfied that the proposed development is consistent with one or more of those objects, or
  - (b) if the proposed development is development of the kind that is identified by this plan as usually not consistent with those objects—is satisfied that, in the particular circumstances of the case, it is appropriate that the proposed development be carried out.

**Zoning control table**

**Zone No 1 (a) Inner Rural Zone**

**1 Objectives of zone**

- (1) The objectives of the zone are as follows:
  - (a) to support and maintain the continued viability of agricultural development in rural areas located near the urban fringe areas of Bathurst,
  - (b) to enable development that is appropriate for broad acre productive land used for grazing and cropping to be carried out,
  - (c) to provide for a range of compatible land uses to be carried out on land within the zone that are in keeping with the rural character of the locality and do not unnecessarily convert prime crop and pasture land to non-agricultural land uses,
  - (d) to protect and conserve the scenic environment by controlling the location of buildings and materials used, particularly in development adjacent to a major road or located within a scenic protection area or within an identified remnant bushland area,
  - (e) to protect and conserve valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development to enable the efficient extraction of those deposits.
- (2) Development for the purpose of the following is usually not consistent with the objectives of this zone:

boarding houses, bulky goods salesrooms or showrooms, generating works, motor showrooms, road transport terminals, service stations, vehicle body repair workshops, vehicle repair stations, warehouses.

**2 Without development consent**

Development for the purpose of:  
agriculture, bushfire hazard reduction, outbuildings (constructed with exteriors of non-reflective materials).

**3 Only with development consent**

Any development not included in Item 2 or 4.

## 2006 No 196

Clause 6 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 2 Zoning control table

---

### 4 Prohibited

Development for the purpose of:  
advertisements (except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted), commercial premises, dual occupancies, gas holders, industries (other than extractive, high technology, home or rural industries), residential units, shops.

### Zone No 1 (b) Market Garden Zone

#### 1 Objectives of zone

The objectives of the zone are as follows:

- (a) to promote and maintain efficient sustainable agricultural utilisation of land, particularly vegetable culture,
- (b) to conserve land that is identified by the Department of Primary Industries as Class 1 or Class 2 agricultural land by ensuring that it is not unnecessarily converted to non-agricultural land uses and that any lot created is capable of sustaining a range of agricultural land uses,
- (c) to enable development that is sympathetic to the environmental characteristics of the land, and is appropriate in a location suitable for market gardening, to be carried out,
- (d) to permit the erection of buildings only on land on which the carrying out of such development will not increase the flood hazard rating or likely flood damage to any other property and is consistent with the objectives of the *Bathurst Floodplain Management Plan* or the *Bathurst Floodplain Development Policy*, whichever applies.

#### 2 Without development consent

Development for the purpose of:  
agriculture, bushfire hazard reduction, intensive agriculture.

#### 3 Only with development consent

Any development not included in Item 2 or 4.

#### 4 Prohibited

Development for the purpose of:  
abattoirs, advertisements (except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted), boarding houses, bulky goods salesrooms or



---

showrooms, clubs, commercial premises, dual occupancies, gas holders, generating works, industries (other than home and rural industries), intensive animal husbandry, junk yards, motor showrooms, refuges, residential units, road transport terminals, service stations, shops, technology businesses, vehicle body repair workshops, vehicle repair stations, warehouses, waste disposal or recycling depots.

**Zone No 1 (c) Rural Residential Zone**

**1 Objectives of zone**

- (1) The objectives of the zone are as follows:
  - (a) to enable rural residential housing and other compatible land uses to be carried out on land that is suitable and is not of prime agricultural value,
  - (b) to ensure that lots created in rural residential estates do not hinder the proper and orderly development of urban areas in the future,
  - (c) to allow detailed provision to be made, by means of a development control plan, to specify the location of dwelling-houses and associated structures and the height, scale, bulk, construction material and colours of the exteriors of all structures, in order to protect and conserve the scenic value and rural amenity of the area,
  - (d) to ensure that development is sympathetic to the environmental character of the land so that the scenic quality of the land, particularly prominent ridge tops, is maintained and disturbances to the landscape are minimised,
  - (e) to ensure that lots created in rural residential estates are adequate for the disposal of effluent and that any on-site effluent generated does not enter adjoining lands or impact on surface or ground water resources.
- (2) Development for the purpose of the following is usually not consistent with the objectives of this zone:  
boarding houses.

**2 Without development consent**

Development for the purpose of:  
agriculture, bushfire hazard reduction.

## 2006 No 196

Clause 6 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 2 Zoning control table

---

### 3 Only with development consent

Any development not included in Item 2 or 4.

### 4 Prohibited

Development for the purpose of:

abattoirs, advertisements (except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted), bulky goods salesrooms or showrooms, commercial premises, dual occupancies, educational establishments, forestry, fun parlours, gas holders, generating works, industries (other than home and rural industries), institutions, intensive animal husbandry, junk yards, liquid fuel depots, mines, motor showrooms, residential units, road transport terminals, sawmills, service stations, shops, stock and sale yards, technology businesses, timber yards, vehicle body repair workshops, vehicle repair stations, warehouses.

## Zone No 1 (d) Rural Special Purposes Zone

### 1 Objectives of zone

- (1) The objectives of the zone are as follows:
  - (a) to enable the carrying out of development that is complementary to existing rural activities and sympathetic with the environmental characteristics of the land,
  - (b) to encourage and promote development in the vicinity of Mount Panorama that is compatible with motor racing activities,
  - (c) to discourage development that may prejudice Mount Panorama as an international motor racing circuit,
  - (d) to conserve prime crop and pasture land by ensuring that it is not unnecessarily converted to non-agricultural land uses.
- (2) Development for the purpose of the following is usually not consistent with the objectives of this zone:  
animal establishments, motor showrooms, service stations, vehicle body repair workshops, vehicle repair stations.

### 2 Without development consent

Development for the purpose of:

agriculture, bushfire hazard reduction.

**3 Only with development consent**

Any development not included in Item 2 or 4.

**4 Prohibited**

Development for the purpose of:

abattoirs, advertisements (except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted), boarding houses, bulky goods salesrooms or showrooms, child care centres, commercial motor race hosting, commercial premises, dual occupancies, educational establishments, fun parlours, gas holders, general stores, generating works, hospitals, industries (other than home and rural industries), institutions, intensive animal husbandry, junk yards, liquid fuel depots, mines, passenger transport terminals, places of public worship, professional chambers, refuges, residential units, road transport terminals, sawmills, shops, stock and sale yards, technology businesses, timber yards, warehouses.

**Zone No 1 (e) Outer Rural Zone**

**1 Objectives of zone**

- (1) The objectives of the zone are as follows:
  - (a) to support and maintain the continued viability of agricultural development in rural lands located in the outer rural areas of the local government area of Bathurst Regional,
  - (b) to enable the carrying out of development that is appropriate for broad acre productive land used for grazing and cropping,
  - (c) to protect and conserve the scenic environment by controlling the location of buildings and materials used, particularly in respect of development adjacent to a major road or located within a scenic protection area or within an identified remnant bushland area,
  - (d) to protect and conserve valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development to enable the efficient extraction of those deposits.

## 2006 No 196

Clause 6 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 2 Zoning control table

---

- (2) Development for the purpose of the following is usually not consistent with the objectives of this zone:

boarding houses, bulky goods salesrooms or showrooms, generating works, industries (other than extractive, high technology, home or rural industries), motor showrooms, road transport terminals, service stations, shops, vehicle body repair workshops, vehicle repair stations, warehouses.

### **2 Without development consent**

Development for the purpose of:

agriculture, bushfire hazard reduction, outbuildings (constructed with exteriors of non-reflective materials).

### **3 Only with development consent**

Any development not included in Item 2 or 4.

### **4 Prohibited**

Development for the purpose of:

advertisements (except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted), commercial premises, dual occupancies, gas holders, residential units.

## **Zone No 1 (f) Special Rural Small Holdings Zone**

### **1 Objectives of zone**

- (1) The objectives of the zone are as follows:
- (a) to promote development of the land for rural residential or hobby farm development,
  - (b) to ensure that lots created are of an appropriate area and size that enables the provision of an adequate water supply, enables effective disposal of domestic waste and does not adversely affect water quality,
  - (c) to ensure that development is sensitive to the environmental characteristics of the land,
  - (d) to minimise the cost to the community of providing, extending and maintaining public services and amenities,
  - (e) to ensure that rural small holdings do not adversely impact on agricultural activities in the locality,

(f) to permit development for a range of purposes that are compatible with the environmental capabilities of the land and that are unlikely to adversely affect land water quality for other development in the vicinity or create unanticipated demands for service infrastructure.

(2) Development for the purpose of the following is usually not consistent with the objectives of this zone:

animal establishments.

**2 Without development consent**

Development for the purpose of:

agriculture, bushfire hazard reduction.

**3 Only with development consent**

Any development not included in Item 2 or 4.

**4 Prohibited**

Development for the purpose of:

abattoirs, advertisements (except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted), bulky goods salesrooms or showrooms, commercial premises, dual occupancies, educational establishments, forestry, fun parlours, gas holders, generating works, industries (other than home and rural industries), institutions, intensive animal husbandry, junk yards, liquid fuel depots, mines, motor showrooms, residential units, road transport terminals, sawmills, service stations, shops (other than general stores), stock and sale yards, technology businesses, timber yards, vehicle body repair workshops, vehicle repair stations, warehouses.

**Zone No 2 (a) Residential Zone**

**1 Objectives of zone**

(1) The objectives of the zone are as follows:

(a) to allow a variety of appropriately designed housing types within existing and new residential areas,

(b) to permit development for the purpose of residential units and dual occupancies to be carried out only in those locations where such development is appropriate in terms of the surrounding residential density and, in this regard, to allow detailed provision to be made, by means of a

## 2006 No 196

Clause 6 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 2 Zoning control table

---

development control plan, to set aside specific areas within the zone where medium density developments and dual occupancies may be carried out,

- (c) to protect and conserve the historical and scenic quality of Bathurst,
  - (d) to allow development within the zone for purposes other than housing, being development that is appropriate to a residential zone and that does not detrimentally affect the character or amenity of the locality,
  - (e) to enable development for the purpose of convenience shops to be carried out to provide for the minor incidental shopping needs of the residents of the locality,
  - (f) to protect and conserve the low density rural atmosphere of the villages of Eglinton, Raglan and Perthville.
- (2) Development for the purpose of the following is usually not consistent with the objectives of this zone:  
animal establishments, commercial premises, roadside stalls, shops (other than general stores), take-away food outlets.

### **2 Without development consent**

Development for the purpose of:  
playground equipment.

### **3 Only with development consent**

Any development not included in Item 2 or 4.

### **4 Prohibited**

Development for the purpose of:  
advertisements (except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted), bulky goods salesrooms or showrooms, fun parlours, gas holders, generating works, high density developments, industries (other than home industries), institutions, junk yards, liquid fuel depots, motor showrooms, road transport terminals, sawmills, technology businesses, timber yards, vehicle body repair workshops, vehicle repair stations, warehouses.

---

**Zone No 2 (v) Village Zone**

**1 Objectives of zone**

- (1) The objectives of the zone are as follows:
- (a) to allow appropriately designed housing types within a low density residential settlement environment,
  - (b) to ensure that lots created do not hinder the proper and orderly development of the villages,
  - (c) to ensure that adequate provision is made for the disposal of effluent in relation to new lots created or new development and that any on-site effluent generated does not enter adjoining lands or impact on surface or groundwater resources,
  - (d) to protect and conserve the historical significance and scenic quality of the village settings,
  - (e) to allow development to be carried out within the zone for purposes other than housing, being development that is appropriate to a village zone and that does not detrimentally affect the character or amenity of the locality and that enhances the economic viability of the village,
  - (f) to enable development for the purpose of convenience shops to be carried out to provide for the minor incidental shopping needs of the residents of the locality and to provide for minor shopping needs related to tourism and arts and craft related activities,
  - (g) to protect and conserve the rural atmosphere of the village areas.
- (2) Development for the purpose of the following is usually not consistent with the objectives of this zone:  
animal establishments, take-away food outlets, vehicle body repair workshops.

**2 Without development consent**

Development for the purpose of:  
bushfire hazard reduction, playground equipment.

**3 Only with development consent**

Any development not included in Item 2 or 4.

## 2006 No 196

Clause 6 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 2 Zoning control table

---

### 4 Prohibited

Development for the purpose of:

abattoirs, advertisements (except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted), bulky goods salesrooms or showrooms, dual occupancies, forestry, fun parlours, gas holders, generating works, high density developments, institutions, intensive animal husbandry, junk yards, liquid fuel depots, mines, motor showrooms, offensive or hazardous industries, residential units, road transport terminals, sawmills, stock and sale yards, timber yards, warehouses.

### Zone No 3 (a) General Business Zone

#### 1 Objectives of zone

- (1) The objectives of the zone are as follow:
  - (a) to enable a diverse range of development within the zone for retail, commercial and professional land uses,
  - (b) to encourage comprehensive development and growth that will reinforce the role of the Bathurst Central Business District as the retail, commercial and administrative centre of Bathurst and its region,
  - (c) to protect and conserve the historic and scenic quality of the Bathurst Central Business District,
  - (d) to accommodate the establishment of retail, commercial and professional services in appropriate locations within residential neighbourhoods if the scale and type of development is compatible with the amenity of the surrounding residential areas and does not prejudice the status and viability of the Bathurst Central Business District as the retail, commercial and administrative centre of Bathurst,
  - (e) to ensure that commercial development or other permitted development is consistent with the provisions of any development control plan adopted by the Council for localities within the zone.
- (2) Development for the purpose of the following is usually not consistent with the objectives of this zone:

animal establishments, vehicle body repair workshops, warehouses (other than those used in conjunction with a permissible use).



**2 Without development consent**

Nil.

**3 Only with development consent**

Any development not included in Item 2 or 4.

**4 Prohibited**

Development for the purpose of:

advertisements (except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted), gas holders, generating works, high density developments, industries (other than home and service industries), junk yards, liquid fuel depots, roadside stalls, road transport terminals, sawmills, timber yards.

**Zone No 3 (b) Service Business Zone**

**1 Objectives of zone**

- (1) The objectives of the zone are as follows:
  - (a) to permit a range of development to be carried out within the zone for service business activities and associated land uses,
  - (b) to encourage appropriate, functional and aesthetic development and improvements along major roads,
  - (c) to encourage the establishment of service business activities (such as bulky goods salesrooms or showrooms) away from the Bathurst Central Business District,
  - (d) to ensure that the type of retail activity does not prejudice the status and viability of the Bathurst Central Business District as the retail centre of Bathurst,
  - (e) to ensure that commercial development or other permitted development is consistent with the provisions of any development control plan adopted by the Council for localities within the zone.
- (2) Development for the purpose of the following is usually not consistent with the objectives of this zone:

animal establishments, junk yards, roadside stalls, warehouses (other than those used in conjunction with a permissible use and situated on the land on which that use is conducted).

## 2006 No 196

Clause 6 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 2 Zoning control table

---

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any development not included in Item 2 or 4.

### **4 Prohibited**

Development for the purpose of:

advertisements (except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted), boarding houses, dual occupancies, dwellings (other than those used in conjunction with a permissible use and situated on the land on which that use is conducted), gas holders, generating works, industries (other than high technology, home and service industries), liquid fuel depots, mines, residential units, road transport terminals, sawmills, shops (unless ancillary to development permitted in the zone or catering to the local needs of the business area).

## **Zone No 4 (a) Industrial Zone**

### **1 Objectives of zone**

- (1) The objectives of the zone are as follows:
  - (a) to provide fully serviced land that is suitable for industrial uses,
  - (b) to encourage development that will contribute to economic growth and employment opportunities to be carried out,
  - (c) to ensure that industrial or other permitted development is consistent with the provisions of any development control plan adopted by the Council for localities within the zone,
  - (d) to permit retail development to cater for the needs of the workforce within the industrial area, if such development does not prejudice the status and viability of the business areas within Bathurst,
  - (e) to promote development that does not adversely impact on the natural and built environment,
  - (f) to provide and protect a passenger and freight transport corridor, transport terminals and associated activities,
  - (g) to protect and conserve the scenic quality of the area.

- (2) Development for the purpose of the following is usually not consistent with the objectives of this zone:

abattoirs, boarding houses, bulky goods salesrooms or showrooms, granny flats, motor showrooms, offensive or hazardous industries, offensive or hazardous storage establishments, roadside stalls.

**2 Without development consent**

Nil.

**3 Only with development consent**

Any development not included in Item 2 or 4.

**4 Prohibited**

Development for the purpose of:

advertisements (except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted), commercial premises, dual occupancies, dwelling-houses (other than those used in conjunction with a permitted use and situated on the land on which that use is conducted), forestry, intensive animal husbandry, mines, residential units, shops (unless ancillary to development permitted in the zone or catering to the local needs of the industrial area).

**Zone No 5 (a) Special Uses—Public Purposes Zone**

**1 Objectives of zone**

The objectives of the zone are as follows:

- (a) to identify land that may be used for a particular public purpose, whether by a government or non-government body,
- (b) to provide for the cultural and social needs of the community.

**2 Without development consent**

Nil.

## 2006 No 196

Clause 6 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 2 Zoning control table

---

### 3 Only with development consent

Development for the purpose of:

advertisements (displayed in conjunction with a permissible use and situated on the land on which that use is conducted), child care centres, community buildings, drainage, entertainment facilities, public facilities or buildings, recreation facilities or areas, roads, technology businesses, utility installations (other than gas holders or generating works).

### 4 Prohibited

Any development not included in Item 2 or 3.

## Zone No 6 (a) Local Recreation Zone

### 1 Objectives of zone

- (1) The objectives of the zone are as follows:
  - (a) to ensure that there is adequate open space to meet the needs of the community and to enable land to be used for recreational purposes in a way that will not detrimentally affect the amenity of surrounding areas,
  - (b) to set aside land for future recreational needs, active or passive, for the community,
  - (c) to encourage a diversity of recreational settings and facilities and other community facilities,
  - (d) to sustain the use of privately owned land for recreational purposes,
  - (e) to protect and conserve the historical and scenic quality of Bathurst.
- (2) Development for the purpose of the following is usually not consistent with the objectives of this zone:  
animal establishments, fun parlours, general stores, heliports, roadside stalls.

### 2 Without development consent

Development for the purpose of:  
agriculture, playground equipment.

### 3 Only with development consent

Any development not included in Item 2 or 4.

#### **4 Prohibited**

Development for the purpose of:

abattoirs, advertisements (except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted), airports, bulky goods salesrooms or showrooms, commercial premises, dual occupancies, dwelling-houses (unless ancillary to development permitted in the zone), gas holders, generating works, industries, institutions, intensive animal husbandry, junk yards, liquid fuel depots, mines, residential units, road transport terminals, sawmills, service stations, shops (unless ancillary to development permitted in the zone), stock and sale yards, technology businesses, vehicle body repair workshops, vehicle repair stations, warehouses, waste disposal or recycling depots.

#### **Zone No 6 (b) Regional Recreation Zone**

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

- (1) The objectives of the zone are as follows:
  - (a) to enable development that is complementary to or for the purpose of motor speed contests and associated activities, sports or recreation,
  - (b) to protect and conserve scenic value by controlling the siting of buildings and materials used and ensuring that development is sympathetic to the environmental characteristics of the land,
  - (c) to encourage and promote the development of Mount Panorama as a regional recreation facility and as an international motor racing circuit,
  - (d) to discourage development that may prejudice Mount Panorama as an international motor racing circuit.
- (2) Development for the purpose of the following is usually not consistent with the objectives of this zone:

animal establishments, fun parlours, general stores, roadside stalls, service stations, vehicle body repair workshops, vehicle repair stations.

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

Development for the purpose of:

agriculture, bushfire hazard reduction.

## **2006 No 196**

Clause 6 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 2 Zoning control table

---

### **3 Only with development consent**

Any development not included in Item 2 or 4.

### **4 Prohibited**

Development for the purpose of:

abattoirs, airports, bulky goods salesrooms or showrooms, commercial premises, dual occupancies, dwelling-houses, gas holders, generating works, industries, institutions, intensive animal husbandry, junk yards, liquid fuel depots, mines, residential units, road transport terminals, sawmills, shops (unless ancillary to development permitted in the zone), stock and sale yards, warehouses.

---

## Part 3 Special provisions

### 7 Crown development

- (1) The Crown may carry out the following development without development consent:
  - (a) use of buildings owned or leased by the Crown,
  - (b) development specified in Schedule 1.
- (2) This plan does not restrict or prohibit any such development.

### 8 Certain requirements not to apply

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any agreement, covenant or similar instrument imposing restrictions on development, to the extent necessary to serve that purpose, does not apply to the development.
- (2) Nothing in subclause (1) affects the rights or interests of the Council under any registered instrument.
- (3) Pursuant to section 28 of the Act, the Governor approved of subclauses (1) and (2) before the making of this plan.

### 9 Subdivision—general requirements

- (1) Despite the zoning control table, a person must not carry out subdivision without the consent of the consent authority.
- (2) The consent authority may grant consent to the subdivision of land within Zone No 2 (a) only if all necessary services, particularly water, sewerage and drainage services, that will be required for use of the land after that subdivision will be available to the land immediately after the subdivision.
- (3) Nothing in this plan prevents consent being granted to the subdivision of land along a zone boundary if:
  - (a) at least one of the lots created by the subdivision is intended for future residential, business or industrial development, and
  - (b) the consent authority is satisfied that there are no constraints (such as a lack of water, sewerage and drainage services) preventing the subsequent development of that lot for residential, business or industrial purposes.

## 2006 No 196

Clause 10 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 3 Special provisions

---

### 10 Advertised development

- (1) The consent authority must not grant consent to development described in Schedule 2 unless the application for consent has been placed on public exhibition in accordance with subclause (2).
- (2) Before determining an application referred to in subclause (1), the consent authority must:
  - (a) place the application on public exhibition for a period of at least 14 days (public holidays excluded) at the office of the Council,
  - (b) give public notice of the exhibition at the commencement of the period referred to in paragraph (a) in a newspaper circulating in the locality, and
  - (c) take into consideration any submission lodged during that period in respect of the proposed development.

### 11 Tree preservation order

- (1) The consent authority may make, revoke or amend a tree preservation order.
- (2) A person must not ringbark, cut down, lop, top or remove a tree to which a tree preservation order applies or carry out any other activity that may result in the demise of any tree without the consent of the consent authority.
- (3) This clause does not apply to or in respect of:
  - (a) trees within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
  - (b) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Electricity Safety Act 1945*, the *Roads Act 1993* or the *Surveying Act 2002*, or
  - (c) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

### 12 Mount Panorama environs

- (1) This clause applies to the land identified on the land use map by red hatching and the words “50dBA Noise Contour”.
- (2) Despite any other provision of this plan, the only development for residential purposes that may be carried out on the land to which this clause applies is development that could have been carried out on that land under *Bathurst Local Environmental Plan 1997* as in force immediately before the appointed day.



**13 Land liable to flood**

- (1) This clause applies:
  - (a) to land shown as being below the one percent AEP flood line on the map marked “Bathurst One Percent AEP Flood Inundation Map” dated 1992, and
  - (b) to any land identified or known by the Council as having the possibility of flooding.
- (2) Despite any other provision of this plan, a person must not carry out any work or erect any structure on land to which this clause applies, except with the consent of the consent authority.
- (3) The consent authority must not grant a consent required by subclause (2) unless it is satisfied that:
  - (a) the proposed development will not increase the flood hazard rating of, or likely flood damage to, any other property or persons, and
  - (b) the proposed development generally complies with the *Bathurst Floodplain Management Plan* or *Bathurst Floodplain Development Policy* (whichever applies), copies of which are available at the offices of the Council.
- (4) Development consent is not required by this clause if:
  - (a) the proponent has notified the consent authority in writing of the proposed development, and
  - (b) the consent authority has formed the opinion that the proposed development is of a minor nature, and
  - (c) the consent authority is satisfied that the proposed development meets the requirements of subclause (3), and
  - (d) the consent authority has advised the proponent in writing before the development is carried out that it is satisfied that development consent is not required because of the exception created by this subclause.

**14 Scenic protection area**

- (1) This clause applies to land shown on the land use map by black diagonal hatching and the words “Scenic Protection Area”.
- (2) Despite any other provision of this plan, a person must not carry out development of land to which this clause applies except with the consent of the consent authority.
- (3) The consent authority must not grant a consent required by subclause (2) unless it has made an assessment of the following:

## 2006 No 196

Clause 15 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 3 Special provisions

---

- (a) the height of any structures resulting from the proposed development and any effect this might have on views or vistas,
- (b) the colours of materials to be used,
- (c) the effect that the carrying out of the proposed development will have on (and, in particular, its visual impact on) approaches to Bathurst, places of visual significance, views and parklands,
- (d) the visual impact that carrying out of the proposed development will have on the environment generally,
- (e) whether adequate provision has been made for the preservation of existing trees and landscaping of the site on which the development is proposed to be carried out.

### 15 Bathurst airport environs

- (1) A person must not, without the consent of the consent authority, erect a structure (such as a building) of a height exceeding the obstacle limitation surface height shown on the Obstacle Limitation Surface Plan.
- (2) The consent authority must not grant a consent required by subclause (1) unless it has given notice of the proposal to the Civil Aviation Safety Authority and taken into consideration any comments received from that Authority within 28 days after the notice was sent.
- (3) The consent authority must not consent to the development of land for the purpose of a building specified in the Table to this subclause if the ANEF for the land exceeds the maximum noise level set by the Table for that building.

#### Table

Building	Maximum noise level
church, dwelling-house, hospital, school or theatre	25dB(A)
hotel, motel, office or public building other than a public building listed elsewhere in this Table	30dB(A)

---

- (4) The consent authority must not consent to the development of land for the purpose of a building specified in the Table to this subclause if the ANEF for the land is within the noise level range set by the Table for that building unless the consent is subject to conditions specifying measures to be taken to insulate the development from noise, being measures based on the provisions of Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* published by Standards Australia in 2000.

**Table**

<b>Building</b>	<b>Noise level</b>
dwelling-house	20dB(A) or more but less than 25dB(A)
hotel, motel, office or public building	25dB(A) or more but less than 30dB(A)
commercial or industrial premises	30dB(A) or more

- (5) In this clause:
- ANEF* means the Australian Noise Exposure Forecast, as shown on the ANEF plan.
- ANEF plan* means the plan titled *Australian Noise Exposure Forecast Plan for the Bathurst Aerodrome* deposited in the office of the Council.

**16 Development for the purpose of advertisements**

- (1) Despite the zoning control table, development for the purpose of an advertisement described in Schedule 3 may be carried out without development consent, but only if:
- the advertisement is displayed in conjunction with a permissible use and situated on the land on which that use is conducted, and
  - the development is carried out in accordance with the conditions (if any) imposed by Schedule 3, and
  - the proponent has consulted the consent authority and has been informed that, in the opinion of the consent authority, the advertisement will not be visually detrimental to the streetscape.
- (2) Despite any other provision of this plan, the consent authority may grant consent to the erection of an advertisement on any land for the specific purpose of directing the travelling public to tourist facilities and places of scientific, historic or scenic interest, if the consent authority is satisfied that:
- the advertisement relates to a specific building or place within the local government area of Bathurst Regional, and
  - the principal purpose of the advertisement is to direct the travelling public to that building or place, and
  - the dimensions and overall size of the advertisement are not larger than would reasonably be required so to direct the travelling public.

## 2006 No 196

Clause 17 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 3 Special provisions

---

### 17 Brothels

- (1) Despite any other provision of this plan, the consent authority must not grant consent to development of land within Zone No 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (f), 2 (a), 2 (v), 3 (a), 3 (b), 5 (a), 6 (a) or 6 (b) for the purpose of a brothel.
- (2) The consent authority may grant consent to development of land within Zone No 4 (a) for the purpose of a brothel, but only if the proposed development will be carried out no closer than 500 metres to a dwelling, educational establishment, place of public worship, recreation facility, shop or any other place where children may congregate.

### 18 Additional uses of land

Despite the zoning control table, development may be carried out, with the consent of the consent authority, in accordance with Schedule 4.

### 19 Gasworks

Despite any other provision of this plan, the consent authority must not consent to the use of land being Pt Lot 8 DP 758065 Section 104, located on the corner of Russell Street and Acheron Street, Bathurst, except for the purpose of a gasworks.

### 20 What is exempt and complying development?

- (1) Development of minimal environmental impact listed in *Bathurst Regional Council Development Control Plan—Exempt Development* as adopted by the Council on 20 April 2005 is **exempt development**, despite any other provisions of this plan.
- (2) Development listed in *Bathurst Regional Council Development Control Plan—Complying Development* as adopted by the Council on 20 April 2005 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) it 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 respectively by *Bathurst Regional Council Development Control Plan—Exempt Development* and *Bathurst Regional Council Development Control Plan—Complying Development* as adopted by the Council on 20 April 2005.

- 
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Bathurst Regional Council Development Control Plan—Complying Development* adopted by the Council, as in force when the certificate is issued.

#### **21 William Street Car Park**

For so long as the land described in SP 35451 (*the access land*) is in different ownership from the land known as the William Street Car Park, and for so long as the access land continues to be used as a retail shopping centre, in considering whether or not to grant any development consent in respect of the William Street Car Park, the consent authority must take into consideration the following matters:

- (a) the extent to which provision has been made for the free movement of pedestrians from the William Street Car Park through and to SP 35451,
- (b) the ease with which pedestrians may move from the William Street Car Park to and through SP 35451.

#### **22 Bushfire prone land**

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (f) or 2 (v) that has been identified as bushfire-prone land on the map marked “Bushfire-Prone Land Map”.
- (2) Despite any other provision of this plan, a person must not carry out development of land to which this clause applies, except with the consent of the consent authority.
- (3) Development consent is not required by this clause if:
  - (a) the proponent has notified the consent authority in writing of the proposed development, and
  - (b) the consent authority has formed the opinion that the proposed development is of a minor nature, including minor additions to a residential building or ancillary development, and
  - (c) the consent authority is satisfied that the proposed development conforms to the specifications and requirements of *Planning for Bushfire Protection*, ISBN 0 9585987 89, produced by the NSW Rural Fire Service that are relevant to the development, and
  - (d) the consent authority has advised the proponent in writing before the development is carried out that it is satisfied that development consent is not required because of the exception created by this subclause.

## 2006 No 196

Clause 23 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 4 Heritage provisions

---

### Part 4 Heritage provisions

#### 23 Protection of environmental heritage

- (1) Despite any other provision of this plan, the following development may be carried out only with development consent:
  - (a) demolishing or moving a heritage item or a building, work, relic or place within a heritage conservation area,
  - (b) altering a heritage item or a building, work, relic or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
  - (c) altering a heritage item by making structural changes to its interior,
  - (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic or Aboriginal object being discovered, exposed, moved, damaged or destroyed,
  - (e) erecting a building on, or subdividing, land on which a heritage item is located or that is within a heritage conservation area.
- (2) Development consent is not required by this clause if:
  - (a) the proponent has notified the consent authority in writing of the proposed development, and
  - (b) in the opinion of the consent authority:
    - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item, place of Aboriginal heritage significance or archaeological site or of the building, work, relic or place within a heritage conservation area, and
    - (ii) the proposed development would not adversely affect the significance of the heritage item, place of Aboriginal heritage significance, archaeological site or of the building, work, relic or place within a heritage conservation area, and
  - (c) the consent authority has advised the proponent in writing before the development is carried out that it is satisfied that development consent is not required because of the exception created by this subclause.

- 
- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:
- (a) the creation of a new grave or monument,
  - (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.
- (4) The consent authority must not grant consent to development of land on which a heritage item is located, within the vicinity of a heritage item, or within a heritage conservation area, unless it is satisfied that the impact of the proposed development on the heritage significance of the relevant heritage item or of the heritage conservation area is acceptable to the consent authority.
- (5) In the case of proposed development that requires consent under this clause, being development that would affect a heritage item, the assessment in subclause (4) must include consideration of a heritage impact statement that addresses the following matters:
- (a) the heritage significance of the item as part of the environmental heritage of the local government area of Bathurst Regional,
  - (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or cultural features,
  - (c) the measures proposed to conserve the heritage significance of the item and its setting,
  - (d) the extent to which the carrying out of the proposed development will affect the form of any historic subdivision.
- (6) In the case of proposed development in a heritage conservation area that requires consent under this clause, the assessment in subclause (4) must include consideration of a heritage impact statement that addresses the following:
- (a) the heritage significance of the heritage conservation area and the contribution that any building, work, relic or place affected by the proposed development makes to that heritage significance,
  - (b) the impact that the proposed development will have on the heritage significance of the heritage conservation area,
  - (c) the compatibility of the proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development,
  - (d) the measures proposed to conserve the heritage significance of the heritage conservation area and its setting,
-

## 2006 No 196

Clause 24 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 4 Heritage provisions

---

- (e) whether any landscape or horticultural features will be affected by the proposed development,
  - (f) the extent to which the carrying out of the proposed development in accordance with the consent will affect any historic subdivision pattern.
- (7) In assessing a development application to carry out work on a heritage item or within a heritage conservation area, the consent authority may require the preparation of a conservation management plan.
- (8) Before granting consent for development required by this clause that will be carried out in a place of Aboriginal heritage significance, the consent authority must:
  - (a) consider the effect on the heritage significance of the place and any Aboriginal object known, or reasonably likely, to be located at the place, and
  - (b) unless the proposed development requires the consent of the Director-General of the Department of Environment and Conservation under section 90 of the *National Parks and Wildlife Act 1974*, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of the Department of Environment and Conservation of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (9) Before granting consent for development required by this clause that will be carried out on an archaeological site (whether or not it is also the site of an Aboriginal object), the consent authority must:
  - (a) consider the effect on the heritage significance of any relic known, or reasonably likely, to be located at the site, and
  - (b) notify the Heritage Council of its intention and take into consideration any response received within 28 days after the notice is sent.

This subclause does not apply to land that is listed on the State Heritage Register under the *Heritage Act 1977* or to which an interim heritage order under that Act applies.

### 24 Conservation incentives

- (1) The consent authority may grant consent to the use for any purpose of a building that is a heritage item or is within a heritage conservation area or, in the opinion of the consent authority, is a building of heritage significance, or of the land on which such a building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:



- (a) the retention of the building depends on the granting of consent, and
  - (b) the proposed development is in accordance with a conservation management plan that has been endorsed by the consent authority, and
  - (c) the granting of consent to the proposed development would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
  - (d) the proposed development would not adversely affect the heritage significance of the building or its setting, and
  - (e) the proposed development would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.
- (2) When considering an application for consent to erect a building on land on which a heritage item is located or on land within a heritage conservation area, the consent authority may, for the purpose of determining:
- (a) the floor space ratio, and
  - (b) the number of parking spaces to be provided on the site, exclude the floor space of the building from its calculation of the floor space of the buildings erected on the land, but only if the consent authority is satisfied that the conservation of the building depends on its making the exclusion.

**25 Heritage Council to be given prior notice of demolition consent**

Before granting consent to development involving the demolishing, defacing or damaging of a heritage item, the consent authority must notify the Heritage Council of its intention to do so and take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**26 Advertising of heritage applications**

- (1) Except as provided by this clause, the provisions of clause 10 apply to and in respect of an application for consent for:
- (a) the demolition of a heritage item, or
  - (b) the demolition of a building, work, relic or place within a heritage conservation area, or
  - (c) the use of a building or land referred to in clause 24 for a purpose that, but for that clause, would be prohibited under this plan.

## **2006 No 196**

Clause 26 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 4 Heritage provisions

---

- (2) This clause does not apply to the partial demolition of a heritage item or the demolition of a building or work within a heritage conservation area if, in the opinion of the consent authority, the partial demolition or demolition will be of a minor nature and will not adversely affect the environmental heritage of the local government area of Bathurst Regional.

---

## Part 5 Rural provisions

### 27 Subdivision—rural zones

- (1) The consent authority must not consent to an application for consent to subdivide, for the purposes of agriculture, land within one of the zones specified in the Table to this subclause unless each of the lots to be created by the proposed subdivision will have at least the minimum area set by the Table for a lot in the zone concerned.

**Table**

<b>Zone No</b>	<b>Minimum area per lot</b>
1 (a)	200 ha
1 (b)	20 ha
1 (c)	1 ha
1 (d)	200 ha
1 (e)	100 ha

- (2) Despite subclause (1), the consent authority may grant consent to an application for consent to subdivide land in Zone No 1 (c) to create a lot of not less than 0.4 hectare if the lot is to be connected to the Council's sewerage reticulation and water reticulation systems and is not located on land identified on the land use map by red hatching and the words "50dBA Noise Contour".
- (3) Despite subclause (1) (but subject to subclause (2)), the consent authority may grant consent to an application for consent to subdivide land so as to create lots of less than the minimum areas specified in the Table to subclause (1) if the consent authority is satisfied that each such proposed lot is intended otherwise than for use for the purpose of agriculture or a dwelling-house.
- (4) Despite subclause (1), the consent authority may grant consent to an application for consent to subdivide land so as to create one or more lots in Zone No 1 (a), 1 (d) or 1 (e) of less than the relevant minimum area specified in subclause (1) (but not less than 20 hectares) if the consent authority is satisfied that each such proposed lot is intended for use for the purpose of intensive agriculture.
- (5) The consent authority must not grant consent to an application referred to in subclause (4) unless the consent authority has considered a property development plan that will enable the consent authority to fully consider the impact of the subdivision on the agricultural output of the land, and the consent authority is satisfied that:

## 2006 No 196

Clause 28 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 5 Rural provisions

---

- (a) the land will be used for the purpose of intensive agriculture, and
  - (b) the subdivision will not significantly reduce the agricultural viability of the land from which the proposed lots are to be excised, and
  - (c) the subdivision will permit proper soil conservation management practices that will ensure the long-term suitability of any intensive agricultural pursuit.
- (6) In this clause:
- property development plan*** means a plan prepared for a specific holding of land that outlines how the land is to be developed and used for an economically, environmentally and socially sustainable intensive agricultural undertaking in accordance with *Bathurst Regional Council Development Control Plan—Rural Lands* adopted by the Council on 20 April 2005 and amended on 14 December 2005.

### 28 Dwelling-houses—rural zones

- (1) The consent authority must not consent to the erection of a dwelling-house within one of the zones specified in the Table to this subclause unless the lot on which the dwelling-house is proposed to be erected:
- (a) has an area not less than the minimum area set by the Table for a lot in that zone, and is vacant, or
  - (b) comprises the whole of an existing holding, the area of which is less than the minimum area set by the Table for a lot in that zone, and is vacant, or
  - (c) comprises a lot created pursuant to clause 27 (4) and is used for intensive agriculture and is vacant, or
  - (d) comprises a lot that was created in accordance with a consent granted before the appointed day, being a lot on which a dwelling-house could have been lawfully erected immediately before the appointed day, and is vacant.

**Table**

<b>Zone No</b>	<b>Minimum area for erection of dwelling-house</b>
1 (a)	200 ha
1 (b)	20 ha
1 (c)	1 ha
1 (d)	200 ha
1 (e)	100 ha

---

- 
- (2) Despite subclause (1), the consent authority may grant consent to the erection of a dwelling-house on a lot within Zone No 1 (c) if the lot:
- (a) has an area of not less than 0.4 hectare, and
  - (b) is connected to the Council's sewerage reticulation and water reticulation systems, and
  - (c) is vacant.
- (3) Despite subclause (1), the consent authority may grant consent to the erection of a dwelling-house on a lot within Zone No 1 (a), 1 (b) or 1 (e) that is not vacant if the proposed dwelling-house:
- (a) is intended to be used as a rural worker's dwelling, or
  - (b) is to be located within 100 metres of any other existing dwelling-house on the land and the lot is not less than 1 hectare in area, or
  - (c) is intended to replace a dwelling-house that is proposed to be demolished, or is proposed to be altered so that it may be used for a land use (other than as a dwelling-house) ancillary to the use of the land for the purpose of agriculture.
- (4) In this clause:
- existing holding** means:
- (a) the area of a lot, portion or parcel as it was at the relevant date, or
  - (b) if, as at the relevant date, a person owned 2 or more adjoining or adjacent lots, portions or parcels, the aggregation of the areas of those lots, portions or parcels as they were at the relevant date.
- relevant date** means:
- (a) 27 March 1987, in relation to land within the former local government area of the City of Bathurst, or
  - (b) 19 April 1968, in relation to land within the former local government area of Evans Shire Local Government Area to which *Interim Development Order No 1—Shire of Turon* applied, or
  - (c) 31 March 1967, in relation to land within the former local government area of Evans Shire Local Government Area to which *Interim Development Order No 2—Shire of Abercrombie* applied.
- vacant** means devoid of a dwelling-house.

## 29 Development of land within the Parishes of Sofala and Wiagdon

- (1) This clause applies to land within the Parishes of Sofala and Wiagdon, County of Roxburgh, as shown edged heavy black on Sheet No 4 of the land use map.

## 2006 No 196

Clause 29 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 5 Rural provisions

---

- (2) Despite any other provision of this plan, the consent authority may grant consent to the erection of a dwelling-house in accordance with this clause on a vacant lot of land lawfully created before the appointed day and on which a dwelling-house could have been lawfully erected immediately before the appointed day, or on a vacant lot varied in accordance with subclause (3).
- (3) Despite any other provision of this clause, a person may, with the consent of the consent authority, subdivide the land to which this clause applies, but only by way of boundary adjustment so as to create no additional lots.
- (4) The consent authority must not grant consent to the erection of a dwelling-house on a lot of land to which this clause applies that is situated wholly within the floodplain.
- (5) The consent authority must not grant consent to the erection of a dwelling-house on a lot of land to which this clause applies that is situated wholly outside the floodplain and drainage plain unless the area of the lot is not less than 1,000 square metres.
- (6) The consent authority must not grant consent to the erection of a dwelling-house on a lot of land to which this clause applies that is situated partially within the floodplain or the drainage plain unless:
  - (a) the area of the lot is not less than 2,000 square metres, and
  - (b) the dwelling-house is not erected on any part of the lot within the floodplain, and
  - (c) the floor of the dwelling-house is at a height of not less than 300 millimetres above ground level, and
  - (d) the effluent disposal system for the dwelling-house is not located within the floodplain or drainage plain.
- (7) The consent authority must not permit direct vehicular access to Trunk Road 54 from a dwelling-house erected in accordance with consent granted under this clause except for those properties shown hatched black on the map referred to in subclause (1).
- (8) The provisions of *State Environmental Planning Policy No 1—Development Standards* do not apply to land to which this clause applies.
- (9) In this clause:

**floodplain** means the land shown edged and hatched blue on the map referred to in subclause (1).

**drainage plain** means the land shown edged with a broken blue line on the map referred to in subclause (1).

**30 Holiday cabins—Zone No 1 (d)**

- (1) This plan does not prevent a person, with the consent of the consent authority, from carrying out development for the purpose of a holiday cabin on land within Zone No 1 (d).
- (2) The consent authority must not grant such a consent unless it is satisfied that:
  - (a) the cabin will be erected:
    - (i) on land on which there already is a dwelling-house, and
    - (ii) within 50 metres of a dwelling-house situated on that land, and
    - (iii) not closer than 40 metres to the boundary of the Mount Panorama racing circuit, and
  - (b) use of the cabin will not result in the construction of any additional vehicular access point to a public road.
- (3) The consent authority must not grant such a consent unless it includes a condition that a holiday cabin on any such land must not be used as a dwelling by the same person for more than a total of 6 weeks (whether consecutive or not) in any calendar year.
- (4) In this clause, *holiday cabin* means a cabin:
  - (a) that is capable of being used as a dwelling, and
  - (b) that does not have more than 120 square metres of gross floor area.

**31 Subdivision—Zone No 1 (f)**

- (1) This clause applies to land within Zone No 1 (f) identified as 1 (f) Mount Haven Estate on the land use map.
- (2) Despite any other provision of this plan, the consent authority must not consent to an application for consent to subdivide land to which this clause applies unless the subdivision is created under the provisions of the *Community Land Development Act 1989* and the land is subdivided so as to create no more than:
  - (a) 42 dwelling lots having an average area of not more than 4 hectares, a minimum area of not less than 2 hectares, and a maximum area of not more than 6 hectares, and
  - (b) 6 lots having an area of not less than 1 hectare, and
  - (c) 5 neighbourhood property lots having an area of not less than 1 hectare, and
  - (d) a community property lot, and

## 2006 No 196

Clause 31 Bathurst Regional (Interim) Local Environmental Plan 2005

Part 5 Rural provisions

---

- (e) a farm lot and associated dwelling having an area of not less than 480 hectares.
- (3) The consent authority must not consent to a stage of subdivision of land to which this clause applies after the initial stage unless the consent authority is satisfied that at least 60 per cent of lots created in the initial or previous stage under subclause (2) (a) and (b) have been sold and the consent authority is satisfied that the common effluent disposal system for the initial or previous stage is functioning satisfactorily.
- (4) Despite any other provision of this plan, the consent authority may grant consent to an application for consent to erect a dwelling-house on a lot created in accordance with subclause (2) (a) or (b).
- (5) Despite any other provision of this plan, the consent authority must not consent to an application for consent to erect a dwelling-house on a lot created in accordance with subclause (2) (c) or (d).



---

## Schedule 1 Crown development

(Clause 7)

### 1 Rail transport

The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
- (b) the erection within the limits of a railway station of buildings for any purpose,

but excluding:

- (c) the construction of new railways, railway stations and bridges over roads, and
- (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration of railway stations or bridges so as materially to affect their design, and
- (e) the formation or alteration of any means of access to a road, and
- (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

### 2 Water, sewerage, drainage, electricity and gas

The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:

- (a) development of any description at or below the surface of the ground,
- (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,
- (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

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

Schedule 1 Crown development

---

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 the process of being acquired for that purpose before the appointed day, provided reasonable notice of the proposed erection is given to the consent authority,
- (f) any other development, except:
  - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (ii) the formation or alteration of any means of access to a road.

### 3 Air transport

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, works and plant required for the purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

### 4 Road transport

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 ways, buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

**5 Mines**

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 and the reconstruction or alteration of buildings, so as materially to affect their design or external appearance, or
- (b) the formation of any means of access to a road.

**6 Roads**

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 a road.

**7 Forestry**

The carrying out of any forestry work by the Forestry Commission empowered under an Act to undertake afforestation, roading, protection, cutting and marketing of timber and other forestry purposes under those Acts or on any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.

**8 Pastures protection**

The carrying out by a Rural Lands Protection Board of any development required for the improvement and maintenance of travelling stock and water reserves, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their function, design or external appearance, or
- (b) any development designed to change the use or purpose of any such reserve.

**9 Water resources**

The carrying out or causing to be carried out by a council engaged in flood mitigation works or by the Department of Lands 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 Management Act 2000*, the *Farm Water Supplies Act 1946*, or the *Rivers and Foreshores Improvement Act 1948*, except:

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

Schedule 1 Crown development

---

- (a) the erection of buildings, the installation or erection of plant or other structures or the erection and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

---

## Schedule 2    Advertised development

(Clause 10)

- 1        In respect of land within Zone No 2 (a) or Zone No 2 (v), development for the purpose of:
  - (a)    clubs, or
  - (b)    home industries, or
  - (c)    motels, or
  - (d)    institutions, or
  - (e)    making alterations or additions to a building the use of which is lawful only because it is an existing use.
  
- 2        In respect of any zone in which development for the purposes of any of the following is permissible with development consent, development for the purpose of:
  - (a)    fun parlours, or
  - (b)    premises licensed to sell fermented or spiritous liquor, or
  - (c)    residential units, or
  - (d)    boarding houses, or
  - (e)    commercial premises, other than a newsagency or pharmacy, if:
    - (i)    publications classified Category 1 restricted, Category 2 restricted or RC (Refused Classification) under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise made accessible or available to the public, or
    - (ii)   a business to which section 578E of the *Crimes Act 1900* applies is conducted, or
  - (f)    brothels.

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

Schedule 3 Advertisements allowed without consent

---

### Schedule 3 Advertisements allowed without consent

(Clause 16)

Description of advertisement	Conditions to be met
<b>Advertisement within a site</b> , being an advertisement that is not visible from outside the site on which it is displayed.	Such an advertisement must not be displayed on a heritage item.
<b>Business identification sign</b> , being an advertisement that displays information relating to the place or premises to which it is fixed.	Such a sign must not: (a) be located above awning level, or (b) be displayed on a heritage item, or (c) exceed 0.75 square metre in area.
<b>Fascia sign, under-awning sign or top hamper sign</b>	Not to be displayed outside Zone No 3 (a), 3 (b) or 4 (a).
<b>Flush wall sign</b>	When displayed within Zone No 3 (b) or 4 (a), such a sign: (a) must not exceed 6 square metres in area, and (b) must be the only flush wall sign attached to the wall, and (c) must not be able to be seen from a State highway.
<b>Pole or pylon sign</b>	When displayed within Zone No 3 (b) or 4 (a), such a sign: (a) must not exceed a height of 5 metres, and (b) must not incorporate a sign panel exceeding 4.5 square metres in area, and (c) must not be able to be seen from a State highway, and (d) must be the only pole or pylon sign located on the site, and (e) must not exceed the obstacle limitation surface shown on the Obstacle Limitation Surface Plan, and (f) if illuminated, must only be internally illuminated, and (g) must be certified by a structural engineer as structurally sound.

---

<b>Description of advertisement</b>	<b>Conditions to be met</b>
<b>Public notice</b> , being an advertisement displayed by a public authority and giving information or directions about the services provided by the public authority.	None.
<b>Real estate sign</b>	Such a sign must not: (a) be located above the roof or parapet of a building, or (b) project outwards from a wall above awning level.
<b>Temporary sign</b>	None.
<b>Window sign</b>	None.

---

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

Schedule 4 Additional uses of land

---

### Schedule 4 Additional uses of land

(Clause 18)

<b>Address/Location</b>	<b>Land description</b>	<b>Development and conditions, if any</b>
Gormans Hill Road	Lots 22 and 24, DP 830868	Development for the purpose of one dwelling-house on each lot.
Gormans Hill Road	Lot 5, DP 712527	Development for the purpose of a dwelling-house.
Havannah Street	Lot 1, DP 195507	Development for the purpose of residential units.
Woodside Drive (Mount Rankin)	Lots 1–13, DP 263393 and Lots 1 and 2, DP 788400	Subdivision of the land to create no more than 13 lots of not less than 4.015 hectares, one public reserve of 2.216 hectares and a residual lot of 223.6 hectares. Further subdivision is prohibited.
Mid-Western Highway (Evans Plains)	Lots 1–9, DP 817711	Subdivision of the land to create no more than 8 lots of not less than 10 hectares and not more than 15 hectares and no more than 1 lot of more than 300 hectares. Further subdivision is prohibited.
Limekilns Road	Lot 1, DP 86141, Lot 25 DP 870643 and Lot 31, DP 1037113	Subdivision of the land to create no more than 2 lots, of 6.3 hectares and 6.8 hectares respectively, accessed from Koonong Place, and no more than one residual lot of 294.3 hectares. Development for the purpose of erection of no more than one dwelling-house on each of the two smaller lots. Further subdivision and the erection of a dwelling-house is prohibited on the residual lot.



---

## Schedule 5 Heritage items

(Definition of "heritage item" in Dictionary)

<b>Item No</b>	<b>Property description</b>	<b>Property address</b>	<b>Name or historical name (item description)</b>
1	DP 750385 Por Pt 38	Goulburn Rd, Perthville	Perthville Hotel (previously Bridge Hotel)
2	Lots 5, 6 and 11 DP 758840, Sec 16, Lot 5 DP 758840, Sec 15, Lots 4–6 DP 111494, Lots 1, 2 and 8–12 DP 758840, Sec 20, Lots 295, 296 and 322 DP 750354	Bathurst St, Perthville	St Joseph's Convent
3	Lot 2 DP 758840	22 Rockley St, Perthville	Inter-War Gothic Church
4	DP 750357 Por Pt 31	838 Vale Rd, Perthville	The Perthville Church (Uniting Church)
5	DP 750357 Por Pt 31	829 Vale Rd, Perthville	Roselands
6	DP 840186 Lot Pt 3	720 Vale Rd, Perthville	Rainham
7	Lot 5 DP 794352	135 Lagoon Rd, Bathurst	Morovia (Moreauvia)
8	Lot Pt 1 DP 854205	622 Vale Rd, Bathurst	Orton Park
9	Lot 201 DP 791124	White Rock Rd, Bathurst	Soldier Settlers' Cottage (including toilet and barn)
10	Lot 141 DP 771779	218 Gormans Hill Rd, Bathurst	Merembra Homestead
11	Lot 9 DP 603425	23 Ethelton Ave, Bathurst	Ethelton Cottage (including garden and outbuilding)
12	Lot Pt 7 DP 758719	Blayney Rd, Evans Plains	Presbyterian Church
13	Lot 2 DP 758719	Stewart St, Evans Plains	House (formerly shop)
14	Lot 4 DP 758719, Sec 9	Stewart St, Evans Plains	Brooklyn (formerly Post Office)
15	Lot Pt 1 DP 852012	Stewart St, Evans Plains	House (formerly convent)
16	Lot 1 DP 533876	311 Ophir Rd, Bathurst	Abercrombie House
17	DP 750397 Por Pt 1	296 Ophir Rd, Bathurst	Strath (Mt Pleasant)
18	Lot 6 DP 594198	192 Mill Lane, Eglinton	Westbourne
19	Lot Pt 4 DP 16832	20 Mill Lane, Eglinton	Kellosheil

## 2006 No 196

### Bathurst Regional (Interim) Local Environmental Plan 2005

#### Schedule 5 Heritage items

---

<b>Item No</b>	<b>Property description</b>	<b>Property address</b>	<b>Name or historical name (item description)</b>
20	DP 755779 Por Pt 72	27 Alexander St, Eglinton	St Luke's Anglican Church
21	Lot 55 DP 829571	Loren St, Eglinton	Late Victorian Homestead
22	Lot 1 DP 855150	135 Thomas Dr, Eglinton	Alloway Bank
23	Lot 1 DP 745859	310 Eleven Mile Dr, Eglinton	Cangoura
24	Pt DP 446613	Peel Rd, Kelso	Ardsley
25	Lot 332 DP 812100	Ophir Rd, Bathurst	Walmer
26	Lot 2 DP 806085	Ophir Rd, Bathurst	Avoca
27	Lot 21 DP 804072	158 Eleven Mile Dr, Eglinton	Former Blackdown Mill
28	Lot 22 DP 804072	90 Eleven Mile Dr, Eglinton	Blackdown
29	Lot 1 DP 808063	Ophir Rd, Bathurst	Llanarth
30	Lot 41 DP 849516	Ophir Rd, Bathurst	Ermington Park (formerly Excelsior)
31	Lot B1 DP 163005 DP 750357 Pt Por 141	Ophir Rd, Bathurst	Bradwardine All Saints Administration Building and Chapel
32	Lot 1 DP 125776 and Lot 1 DP 724302	Howick St, Bathurst	Bathurst Base Hospital (excluding later additions to northeast and cancer care cottage)
33		Browning St, Bathurst	Bathurst Gaol and Residence
34	Lot Pt D DP 154122 and Lot B DP 347292	268 Keppel St, Bathurst	Monteagle
35	Lot 1 DP 194919, Lot 2 DP 630185 and Lot C DP 376285	281 Keppel St, Bathurst	Blair Athol
36	Lot B2 DP 162336 Sec 66	320 Russell St, Bathurst	Delaware
37	Lot 1 DP 741263 Sec 65	101 Hope St, Bathurst	Yarras (formerly Waranang)
38	Lots 1 and 2 DP 513035 Sec 44	294 Russell St, Bathurst	Oakstead (formerly Presbyterian Manse)
39	Lot 1 DP 153252 Sec 45	130 Hope St, Bathurst	House

<b>Item No</b>	<b>Property description</b>	<b>Property address</b>	<b>Name or historical name (item description)</b>
40	Lot 1 DP 701196 Sec 28	218 Keppel St, Bathurst	Pentilly
41	Lot 1 DP 112322 and Lot A DP 150593	321 Russell St, Bathurst	Miss Trail's House (formerly All Saints Rectory, Entally and Wyoming)
42	Lot A DP 159516 Sec 25	156 Durham St, Bathurst	Antique Shop (formerly Belle-Maine Hotel)
43	Lot 1 DP 741334 Sec 19	60 Stewart St, Bathurst	House
44	Lot A DP 157954 Sec 20	25 Rankin St, Bathurst	House
	Lot 2 DP 629708 Sec 20	27 Rankin St, Bathurst	House
	Lot 1 DP 629708 Sec 20	29 Rankin St, Bathurst	House
	Lot 1 DP 795046 Sec 20	31 Rankin St, Bathurst	House
45	Lot 11 DP 758065 Sec 17	117, 119 and 121 Rankin St, Bathurst	Rankin Cottage
46	Lot 13 DP 592774 Sec 112	361 Rankin St, Bathurst	The Tamarisks
47	Lot 1 DP 998618 Sec 7	162 Rankin St, Bathurst	Cottage
	Lot 3 DP 557358 Sec 7	164 Rankin St, Bathurst	Terrace of Cottages
	Lot 2 DP 557358 Sec 7	166 Rankin St, Bathurst	
	Lot 1 DP 557358 Sec 7	168 Rankin St, Bathurst	
48	Lot D DP 160016 Sec 14	227 George St, Bathurst	Variety Store (formerly Barber's Shop)
49	Lot A DP 371946 Sec 14	221 George St, Bathurst	Two Storey Commercial Building (formerly residences)
50	Lot 3 DP 747536 Sec 14	124 Keppel St, Bathurst	The Bathurst Hall (formerly Oddfellows Hall)
51	Lot 2 DP 202916	121A Keppel St, Bathurst	Webbs Store Group include warehouses, emporium and surrounds
	Lot 12 DP 748606	181A George St, Bathurst	Bassett House
	Lot 11 DP 748606	181 George St, Bathurst	
	Lot 6 DP 221430	179 George St, Bathurst	
	Lots 5, 7 and 8 DP 221430	173 George St, Bathurst	

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

Schedule 5 Heritage items

---

<b>Item No</b>	<b>Property description</b>	<b>Property address</b>	<b>Name or historical name (item description)</b>
	Lot 9 DP 221430	169 George St, Bathurst	
	Lot 1 DP 125440	191 George St, Bathurst	
52	Lot 1 and 2 DP 788005	1 George St and 16 Stanley St, Bathurst	Old Government House Group
53	Lot 1 DP 247891 and Lot 26 DP 758065	29 William St, Bathurst	Bathurst Bowling Club (formerly police barracks)
54	Lot 10 DP 848312	165 Howick St, Bathurst	Two Storey Victorian Commercial Buildings
	Lot 3 DP 22751 Sec 2	169 Howick St, Bathurst	
	Lot A and B DP 390461 Sec 2	171a Howick St, Bathurst	
	Lot 5 DP 22751 Sec 2	173 Howick St, Bathurst	
	Lot 6 DP 22751 Sec 2	175 Howick St, Bathurst	
55	Lot Pt 1 DP 230882 Sec 151	Howick St, Bathurst	St Stephen's Presbyterian Church
56	Lots 1 and 2 DP 856918 Sec 151	83 William St, Bathurst	Technical College Group, include Technical College Annex (formerly Public School), Former Headmaster's Residence (excluding timber and brick additions) and open space to Howick St
57	Lot B DP 158600 Sec 151	93 William St, Bathurst	Commercial Buildings
58	DP 154723 Sec 151	101 William St, Bathurst	Commercial Buildings
59	DP 758065 Sec Pt 151	Church St, Bathurst	Cathedral Hall (formerly All Saints Parochial School and residence)
60	DP 758065 Sec Pt 151 and Lot 1 DP 126062	Church St, Bathurst	All Saints Cathedral (Chancel only)
61	DP 758065 Sec 71	Russell St, Bathurst	Kings Parade include Carillion Tower
62	Lots 2, 3, 5, 6 and 7 DP 758065 Sec 6	Russell St, Bathurst	Bathurst Court House

<b>Item No</b>	<b>Property description</b>	<b>Property address</b>	<b>Name or historical name (item description)</b>
63	Lot 11 DP 851096 Sec 6	William St, Bathurst	Machattie Park including Machattie Park Cottage and Machattie Park Drinking Fountain
64	Lots Pts 2–4 DP 758065 Sec 13	84 George St, Bathurst	Roman Catholic Chancery Office
65	Lots Pts 19 and 20 DP 758065 Sec 13	William St, Bathurst	Cathedral of St Michael and St John
66	Lot 1 DP 150787 Sec 13	121 William St, Bathurst	House
	Lot 1 DP 567544 Sec 13	125 William St, Bathurst	House
	Lot 2 DP 567544 Sec 13	127 and 129 William St, Bathurst	Attached Residences
67	Lot A DP 150995 Sec 37	182 George St, Bathurst	Houses
	Lot 1 DP 150765 Sec 79	184 George St, Bathurst	
	Lot A DP 158812 Sec 78	196 Rocket St, Bathurst	
68	Lots 1 and 2 DP 715979 and Lot 8 DP 758065	198 George St, Bathurst	Hatherley
69	Lots 1 and 2 DP 194438 Sec 79	205 William St, Bathurst	House (formerly Methodist Parsonage)
70	Lot 1 DP 509777 Sec 79	219 William St, Bathurst	House (formerly Morven)
71	Lot 1 DP 798720 Sec 79	227 William St, Bathurst	The Lindens
72	Lot 236 DP 750357	Browning St, Bathurst	Dormitory Block, Administration Block, Ponton Theatre and Secretary's Residence, CSU
73	Lots 242 and 251 DP 750357	Browning St, Bathurst	Brick Farm Buildings (cow shed, barn and stables) Charles Sturt University
74	Lot 11 DP 258529 Sec 119	306 William St, Bathurst	Holmhurst (formerly Catholic Presbytery and St Joseph's Orphanage)
75	Lot 1 DP 542931 Sec 80	292 William St, Bathurst	House (formerly Bishop's Court)
76	Lot 11 DP 793618 Sec 80	280 William St, Bathurst	Kennington
77	Lot 2 DP 535506 Sec 80	247 Bentinck St, Bathurst	House

## 2006 No 196

### Bathurst Regional (Interim) Local Environmental Plan 2005

#### Schedule 5 Heritage items

---

<b>Item No</b>	<b>Property description</b>	<b>Property address</b>	<b>Name or historical name (item description)</b>
78	Lot 1 DP 719457 Sec 36	110 Lambert St, Bathurst	Adar
79	Lot 1 DP 744180 Sec 33	208 William St, Bathurst	Cottage Terraces
	Lots Pts 11 and 12 DP 758065 Sec 33	210 William St, Bathurst	
	Lots Pts 11 and 12 DP 758065 Sec 33	212 William St, Bathurst	
	Lots Pts 11 and 12 DP 758065 Sec 33	214 William St, Bathurst	
	Lot 1 DP 737817 Sec 33	216 William St, Bathurst	Corner Shop
80	Lot 1 DP 329668 Sec 12	William St, Bathurst	Oxford Hotel
81	Lot 1 DP 998115 Sec 12	89 Piper St, Bathurst	House
82	Lot Pt 7 DP 758065 and Lot 1 DP 530137	164 William St, Bathurst	Restaurant and residence (formerly Cuzner's Shop)
83	Lot A DP 163678 Sec 5 (SP 13030, SP 21060, SP 22568)	142 William St, Bathurst	Brooke Moore Centre (formerly Methodist Parsonage and Brooke Moore Residence)
84	Lot B DP 163678 Sec 5	113 Keppel St, Bathurst	Hollydene (formerly Methodist Parsonage)
85	Lot 21 DP 227089 Sec 5	99 Keppel St, Bathurst	Carrington House (formerly Masonic Hall)
86	Lots 1–3 DP 783440 Sec 5	William St, Bathurst	Uniting Church (formerly Methodist Church) and Bathurst Community Day Centre (formerly Methodist Chapel and Methodist Hall)
87	Lot 1 DP 79955 Sec 5	126 William St, Bathurst	Lamplighters Restaurant (formerly Galloping Grape, AMP Society Building)
	Lot 1 DP 75330 Sec 5	116 William St, Bathurst	Commonwealth Bank
88	Lots 1 and 3–11 DP 748377 Sec 4	108 William St, Bathurst	Royal Hotel
89	Lot 7 DP 602566 Sec 4	86 William St, Bathurst	Westpac Bank (formerly Bank of NSW)
90	Lot 4 DP 34660 Sec 4	73 Bentinck St, Bathurst	Bentinck and Howick Group of terrace cottages and commercial buildings

<b>Item No</b>	<b>Property description</b>	<b>Property address</b>	<b>Name or historical name (item description)</b>
	Lot 1 DP 196982 Sec 4	71 Bentinck St, Bathurst	
	Lot 1 DP 794613 Sec 4	67 Bentinck St, Bathurst	
	Lot 1 DP 708789 Sec 4	194 Howick St, Bathurst	
	Lot 2 DP 34660 Sec 4	196 Howick St, Bathurst	
	Lot 1 DP 34660 Sec 4	198 Howick St, Bathurst	
	Lots 100 and 101 DP 618290	200–202 Howick St, Bathurst	
91	Lots 1 and 2 DP 758065 and Lot Pt 2 DP 257276	Kendall Ave, Bathurst	Bathurst Showground Group, including Beau Brown, Trevitt, Howard, Sinclair, Leitch and CES English (formerly caged birds) Pavilions, Caretaker's residence and Showground environs and trees
92	Lot 103 DP 803065	4–8 Stephens Lane, Kelso	House
93		Macquarie River	Denison Bridge
94	DP 499587 Sec 9 DP 582025	52–60 Bentinck St, Bathurst	Gladstone Terrace
	Lot 50 Sec 9	62 Bentinck St, Bathurst	House
95	Lots 1–4, 19–25, 28 and 30 DP 2067 and Lot 2 DP 184456 Sec 9	50 Bentinck St, Bathurst	Dairy Farmers Factory (formerly Convict Hospital)
96	Lots A–C DP 161775	81–85 Keppel St, Bathurst	Sparta Corner (formerly Gladiator Building)
97	Lot 21 DP 591199	46–8 Piper St, Bathurst	Attached Residences (formerly Railway Hotel)
98	Lots 1–3 DP 125813, DP 750357 Por 226 and 161, DP 758065 Sec 118, and Lots 11–20 Sec 117	Bentinck St, Bathurst	St Stanislaus College and Curtilage
99	Lot 24 DP 192843 Sec 85	91 Havannah St, Bathurst	Havannah St Group, includes Federation House and Terraces
	Lot 1 DP 734173 Sec 85	93 Havannah St, Bathurst	
	Lot 1 DP 798297 Sec 85	95 Havannah St, Bathurst	

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

Schedule 5 Heritage items

---

<b>Item No</b>	<b>Property description</b>	<b>Property address</b>	<b>Name or historical name (item description)</b>
	Lot E DP 39282 Sec 85	97 Havannah St, Bathurst	
	Lot D DP 39282 Sec 85	99 Havannah St, Bathurst	
	Lot C DP 39282 Sec 85	101 Havannah St, Bathurst	
	Lot B DP 39282 Sec 85	103 Havannah St, Bathurst	
	Lot A DP 39282 Sec 85	105 Havannah St, Bathurst	
		107 Havannah St, Bathurst	
		109 Havannah St, Bathurst	
		111 Havannah St, Bathurst	
		113 Havannah St, Bathurst	
		115 Havannah St, Bathurst	
100	Lot 8 DP 623425 Sec 85	46 Keppel St, Bathurst	Loxley House
101	Lot 11 DP 569151 Sec 85	38 Keppel St, Bathurst	Centennial Terraces
	Lot 10 DP 569151 Sec 85	40 Keppel St, Bathurst	
	Lot 9 DP 569151 Sec 85	42 Keppel St, Bathurst	
102	Lot Pt 15 DP 192843 Sec 85	20 Keppel St, Bathurst	Terraces
	Lot 1 DP 794598 Sec 85	22 Keppel St, Bathurst	
	Lot 24 DP 707128 Sec 85	24 Keppel St, Bathurst	
	Lot Pt 14 DP 192843 Sec 85	26 Keppel St, Bathurst	
103	Lot 1 DP 782323 and Lot A DP 389015	7 Keppel St, Bathurst	Tremain's Mill (formerly Victoria Mill)
	Lot 1 DP 126084 and Lot 1 DP 66860	3 Keppel St, Bathurst	Victoria Hotel
104		Macquarie River	Bathurst-Kelso Railway Bridge
105		Keppel St, Bathurst	Railway Station and Station Master's House
106	Lot 1 DP 846171	26 Bant St, Bathurst	Shop (Bant St Pottery)
107	Lot 5 DP 573241 and DP 750357 Por Pt 95	Bant St, Bathurst	St Barnabas Anglican Church
108	Lot 27 and Lot Pt 26 DP 978692	10 Busby St, Bathurst	Ben Chifley Cottage



<b>Item No</b>	<b>Property description</b>	<b>Property address</b>	<b>Name or historical name (item description)</b>
109	Lot Pt 1 DP 724177	Gormans Hill Rd, Bathurst	St Vincent's Hospital
110	Lot Pt 1 DP 197914	84 Gormans Hill Rd, Bathurst	Gorman's Hill Inn
111	DP 750357 Por Pt 8	Gormans Hill Rd, Bathurst	Waterworks and Bathurst Pumping Station
112	Lot 11 DP 634392	White Rock Rd, Kelso	Wallaroi (formerly Claremont)
113	Lot 1 DP 997809	Oberon Rd, Kelso	Littlebourne
114	Lot 2 DP 738760	37 Sydney Rd, Kelso	The Kelso Hotel
115	Lot 8 DP 555024	67 Sydney Rd, Kelso	Antique Shop and Residence (formerly Roman Catholic Church and Schoolhouse and Hereford)
116	Lot 2 DP 571712	Sydney Rd, Kelso	Kelso Post Office Group, including Butcher's Shop, Post Office and General Store
	Lot 1 DP 571712	54 Sydney Rd, Kelso	
	Lot 1 DP 738707	48 Sydney Rd, Kelso	
117	Lot 82 DP 789992	30 Sydney Rd, Kelso	Kelsoville (formerly Broombee), including Stables and Coach House
118	Lot 43 DP 258319	138 Sydney Rd, Kelso	Lifeline/Kelso Community Centre (formerly All Nations Hotel)
119	Lot 2 DP 841361	24 Gilmour St, Kelso	Woolstone
120	Lot 1 DP 531750	4 Allambie Blvde, Kelso	House
121	DP 755781 Por Pt 82	81 Gilmour St, Kelso	Rectory and Cemetery Holy Trinity Church
	Lot 1 DP 650680	75 Gilmour St, Kelso	Holy Trinity Church
	Lot 61 DP 816507	Gilmour St, Bathurst	Holy Trinity Church School and Hall
122	Lot 79 DP 861977	7 Robina Close, Kelso	The Wolery
123	Lot 1 DP 620397	131 Gilmour St, Kelso	Rosemont

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

Schedule 5 Heritage items

---

<b>Item No</b>	<b>Property description</b>	<b>Property address</b>	<b>Name or historical name (item description)</b>
124	Lot 131 DP 788491	French Smith Place	Holy Family School (formerly Marsden School)
125	Lot Pt 4 DP 601407	Raglan	Raglan Railway Station
126	DP 755781 Por Pt 75	Sydney Rd, Kelso	Violet Hill (formerly Springdale and Abbotsford)
127	Lot 1 DP 848201	Piper St, Bathurst	Crago Mill
128		George St (between Howick and Keppel Sts), William St (between Durham and Keppel Sts), Howick St (between George and William Sts), and Keppel St (between George and Havannah Sts including the light standard in front of the Bathurst Railway Station)	Central Lamp Standards
129	Lot 2 DP 998878	266 Piper St, Bathurst	Two Storey Residence
130	DP 750357 Por Pt 31	Evans Plains Rd, Perthville	Hen and Chicken Inn
131	Lot 1 and 2 DP 858464	St Johns Rd, Georges Plains	Georges Plains Church and cemetery

---

## Dictionary

(Clause 5A (1))

**abattoir** means a building or place used for the slaughter of animals or for the processing of animal carcasses or by-products, and includes a knackery.

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

**advertisement** means a display, by the use of symbols, messages or other devices, for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure, the use of a stationary motor vehicle (other than a registered vehicle on the formed carriageway of a public street) instead of a structure or the carrying out of a work.

**agriculture** means:

- (a) the cultivation of crops, including cereals, fruit and vegetables and flower crops, or
- (b) the keeping or breeding of livestock, bees or poultry or other birds,

for commercial purposes but, in the zoning control table, does not include intensive animal husbandry or any other land use elsewhere specifically defined in this Dictionary.

**animal establishment** means a building or place used for the breeding, boarding, training or keeping of, or for caring for, animals for commercial purposes (except in connection with the use of land for the purposes of agriculture), and includes a riding school and a kennel or cattery.

**appointed day** means the day on which this plan takes effect.

**archaeological site** means the site of one or more relics.

**artificial waterbody** means an artificial waterbody designated as designated development by Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

**attic** means that space within a building that is situated between the ceiling of the highest floor and the underside of the roof structure.

**basement** means that space within a building between one floor level and the floor level next above, where the greatest part of the space is below natural ground level.

**boarding house** means a residential building (other than a single dwelling) let in lodgings where accommodation, meals and laundry facilities are provided to residents of the boarding house or place, but that is not licensed to sell liquor within the meaning of the *Liquor Act 1982*, and includes a hostel, lodging house and bed and breakfast establishment (if they are not Class 1a or 1b buildings within the meaning of the *Building Code of Australia*).

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

Dictionary

---

**brothel** means a building or place used for commercial gain for the purpose of prostitution and includes premises used by only one prostitute for the purpose of prostitution.

**bulky goods salesroom or showroom** means a building or place used primarily for the sale by retail or auction, or the hire or the display, of items (whether goods or materials) that are of such 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,

but does not include a building or place used primarily for the sale of foodstuffs or clothing.

**bushfire hazard reduction** means a reduction or modification (by controlled burning or mechanical or manual means) of material that constitutes a bushfire hazard.

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

- (a) placing moveable dwellings (as defined in the *Local Government Act 1993*) for permanent accommodation or for the temporary accommodation of tourists, or
- (b) the erection, assembly or placement of cabins for the temporary accommodation of tourists.

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

**child care centre** means a building or place used for the purpose of supervising or caring for children that:

- (a) caters for 5 or more under school age children, whether or not those children are related to the owner or operator of the building or place, and
- (b) may include an educational function, and
- (c) may be operated for the purpose of gain,

but does not include a building or place providing residential care for those children (other than those related to the owner or operator).

**club** means a building or place 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 part of the building or place is the premises of a club registered under the *Registered Clubs Act 1976*.

**commercial motor race hosting** means the use of land to provide viewing areas for motor racing for a fee or reward to 13 or more persons. It may or may not include the provision of accommodation, food or drink.

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

**community building** means a building or place used to provide for the physical, social, cultural or intellectual development or welfare of the local community and may include such things as:

- (a) a public library, or
  - (b) public health, welfare or information services, or
  - (c) rest rooms, or
  - (d) meeting or recreation facilities, or
  - (e) child minding facilities,
- or any similar facilities.

**conjoint shop** means a shop physically attached to or situated on the same land as a building used for the purpose of an industry, a warehouse or a bulk store and in which shop only goods manufactured or produced in that building are exposed or offered for sale, or sold, by retail.

**conservation management plan** means a document, including diagrams, establishing the heritage significance of a heritage item or a heritage conservation area and identifying the conservation policies and management mechanisms that are appropriate to enable that heritage significance to be retained.

**Council** means the Council of the local government area of Bathurst Regional.

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

**dual occupancy** means development that results in 2 dwellings (whether attached or detached) on a single lot of land (or that would be on a single lot were it not for the fact that the lot is to be subdivided as part of the development), but does not include development for the purpose of a granny flat.

**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 that contains one but not more than one dwelling.

**educational establishment** means a building or place used for education and includes:

- (a) a school, and
- (b) a tertiary institution, being a university, TAFE establishment or other tertiary establishment providing formal education, that is constituted by or under an Act, and
- (c) an art gallery or museum that is not used to sell the items displayed in it, whether or not accommodation for staff or students, or both, is provided and whether or not used for the purpose of gain.

**entertainment facilities** means buildings or places used for the purpose of sport, entertainment, exhibitions or displays and includes:

- (a) sports stadiums, showgrounds, racecourses and the like, and

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

Dictionary

---

- (b) theatres, cinemas, music halls, concert halls, open air theatres, drive-in theatres and the like.

**exhibition home** means a dwelling-house used for display purposes 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 which is converted for use solely as a dwelling-house within 12 months after the final building inspection following its original construction has been completed.

**extractive industry** means:

- (a) development involving the winning or removal of extractive material from the land, or
- (b) an industry or undertaking (other than a mine) that depends for its operation on the winning or removal of extractive material from the land on which it is carried out.

**extractive material** means a substance such as sand, soil, gravel, clay, turf, rock or stone, but does not include coal, shale, petroleum, uranium or other mineral within the meaning of the *Mining Act 1992*.

**fascia sign** means an advertising structure attached to the fascia or return of an awning.

**floor** means the space within a building that is situated between one floor level and the floor level next above or, if there is no floor level above, the ceiling above or, if there is no ceiling above, the underside of the roof structure, but does not include an attic or a basement.

**flush wall sign** means an advertising structure attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 300 millimetres from the wall.

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

**fun parlour** means a building or place open to the public for which the dominant use is the operation, playing or viewing of amusement devices that are coin operated.

**general store** means a shop trading principally in groceries, smallgoods and associated small items for residents in its vicinity.

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

**granny flat** means a dwelling connected (and subordinate) to another larger dwelling on the same lot of land, whether physically attached to the other dwelling or not, with a gross floor area not exceeding 60 square metres.

**gross floor area** means the sum of areas of each floor of a building, where the area of the floor is taken to be the area within the outer face of the external enclosing walls when measured at a height of 1.4 metres above each floor level, excluding:

- 
- (a) columns, fin walls, sun control devices, awnings 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 air-conditioning ducts, and
  - (c) carparking to meet any requirement of the Council and any internal access to it, and
  - (d) space for the loading and unloading of goods, and
  - (e) internal public arcades and thoroughfares, terraces and balconies with outer walls less than 1.4 metres high.

**height**, in relation to a building, means the vertical distance between the finished ground level abutting the front wall of the building and the underside of the ceiling of the topmost floor of the building immediately above the point of measurement.

**helipad** means an area or place not open to public use that is authorised by the Commonwealth Department of Transport and set apart for the taking off and landing of helicopters.

**heliport** means an area or place open to public use that is licensed by the Commonwealth Department of Transport for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

**heritage conservation area** means land shown edged black and marked "Heritage Conservation Area" on the land use map.

**heritage impact statement** means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or of a building, work, relic or place within a heritage conservation area, an assessment of the impact that proposed development will have on that heritage significance and proposals for measures to minimise that impact.

**heritage item** means a building, work, relic, tree or place described in Schedule 5.

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

**high density development** means residential development in the form of residential units where the residential density is greater than 110 persons per hectare.

**high technology industry** means the manufacturing of goods for commercial purposes that requires the use of technologically advanced buildings, machinery or techniques but, in the zoning control table, does not include development elsewhere defined in this Dictionary.

**home industry** means a light industry carried on in a building other than a dwelling, if:

- (a) the building is erected on the lot on which the dwelling is located, and
- (b) the light industry does not occupy an area of more than 50 square metres, and
- (c) the light industry is undertaken by the permanent residents of the dwelling whether or not others are employed, and

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

Dictionary

---

- (d) the light industry does not interfere in any way with the amenity of adjoining properties or the locality in which the dwelling is situated, and
- (e) the light industry does not involve exposure to view from any adjacent premises or from any public place of any unsightly matter, and
- (f) the light industry does not require the provision of any essential service main of a greater capacity than that available in the locality.

**home occupation** means an occupation carried out in a dwelling if the occupation does not involve:

- (a) the employment of persons other than the residents of the dwelling, or
- (b) interference in any way with the amenity of adjoining properties or the locality in which the dwelling is situated, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the display of a sign, other than a non-illuminated sign not exceeding 50 centimetres in width or 25 centimetres in height indicating 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 at the dwelling.

**horse training complex or facility** means land used for the breeding, keeping or training of racehorses, for gain or reward.

**hospital** means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to people and may include ancillary facilities for accommodation, shops and educational and research facilities.

**hotel** means the premises specified or proposed to be specified in a hotelier's licence granted under the *Liquor Act 1982*, whether or not accommodation is provided at the premises.

**industry** means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing, formulating, transforming or adapting of goods or any articles for commercial purposes but, in the zoning control table, does not include a use of land specifically elsewhere defined in this Dictionary.

**institution** means a penal or reformatory establishment.

**intensive agriculture** means the use of land for highly productive commercial agricultural activities that rely on a suitable quality of land and a secure water supply and that may involve cultivation by irrigation, and includes the following activities:

- (a) market gardening,
- (b) orcharding,
- (c) turf farms,
- (d) vineyards,
- (e) plant propagation,



- (f) plant breeding,
- (g) hydroponics,
- (h) flower crops,

and similar activities, but does not include animal establishments, intensive animal husbandry or other similar uses or any other land use elsewhere specifically defined in this Dictionary.

***intensive animal husbandry*** means any concentrated, confined animal-growing commercial operation for meat, milk or egg production located in pens or houses in which the animals are provided with externally sourced feed, but does not include intensive hand feeding of livestock as a result of natural disaster, including drought, flood or bushfire or any other land use elsewhere specifically defined in this Dictionary.

***junk yard*** means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, bottles or other scrap materials or goods, or land used for the collecting, dismantling, storage, salvaging, or abandonment of cars or other vehicles or machinery or for the sale of their parts.

***land use map*** means the series of maps marked “Bathurst Regional (Interim) Local Environmental Plan 2005”, as amended by the maps (or sheets of maps) marked as follows:

***light industry*** means an industry (other than an offensive or hazardous industry) in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

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

***maintenance*** means the ongoing protective care of a heritage item or a building, work, relic or place within a heritage conservation area but does not include alterations, such as carrying out extensions or additions or the introduction of new materials or technology.

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

***medium density development*** means residential units designed to be occupied by no more than 100 persons per site hectare.

***mine*** means a place that depends for its operation on the winning or removal of any material to which the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991* applies, and includes a place used for the storage and primary processing of the material obtained.

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

Dictionary

---

***motel*** means premises (other than a hotel, boarding house or residential units) used for the temporary or short-term accommodation of travellers, whether or not the premises are also used in the provision of meals to those travellers or the general public.

***motor showroom*** means a building or place used or intended for use for the display or sale of motor vehicles, caravans or boats and their accessories.

***motor speed contest and associated activities*** means motor sport events approved by the Council and other associated activities determined by the Council to be appropriate for any motor sport event.

***Obstacle Limitation Surface Plan*** means the map marked “Obstacle Limitation Surface Plan for the Bathurst Aerodrome”.

***occasional markets*** means a building or place jointly used by a group of retailers for the selling of goods on a temporary basis, being a building or place so used not more than 25 times in any one calendar year.

***offensive or hazardous industry*** means an industry that, if in operation and when all measures proposed to reduce or minimise its impact on the locality were employed (such as measures to isolate the industry from existing or likely future development of other land in the locality), would:

- (a) emit a polluting discharge (such as noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development of other land in the locality, or
- (b) pose a significant risk to human health, life, property or the biophysical environment.

***offensive or hazardous storage establishment*** means any establishment at which goods, materials or products are stored and that, if in operation and when all measures proposed to reduce or minimise its impact on the locality were employed (such as measures to isolate the establishment from existing or likely future development of other land in the locality), would:

- (a) emit a polluting discharge (such as noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development of other land in the locality, or
- (b) pose a significant risk to human health, life, property or the biophysical environment.

***one percent AEP flood*** means the one per cent annual exceedence probability flood.

***outbuilding***, in relation to land used for the purpose of agriculture, means any building the use of which is ancillary to the use of the land for that purpose, but does not include a dwelling-house, a building used for or in association with a rural industry, or a roadside stall.

***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 facilities required for parking, manoeuvring, storage or routine servicing of any vehicle forming part of that undertaking.

***place of Aboriginal heritage significance*** means:

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

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

***pole or pylon sign*** means an advertising structure erected on a pole or pylon and independent of any building or other structure.

***professional chambers*** means a room or a number of rooms forming part of, attached to, or within the curtilage of, a dwelling-house and used or intended for use by not more than 3 professionally qualified practitioners who practise their profession there and who, if more than one, practise in partnership, and employ not more than 3 employees in connection with that practice.

***public facility or building*** means the use of land or a building for a purpose such as an aerodrome, educational establishment, car park, church, hospital, institution, office, stock and sale yard, railway or like purpose of social benefit to the community, by the Crown, a statutory body, a council, a county council or an organisation established for public purposes.

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

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

and a reference to a person carrying on a public utility undertaking is taken to include a reference to a council, county council, Government department, corporation, firm or authority carrying on the undertaking.

***real estate sign*** means an advertising structure in respect of a place, premises or land that contains only a notice that the place, premises or land is or are for sale or letting, together with particulars of the sale or letting, that is not displayed for more than 14 days after letting or completion of the sale of the place, premises or land to which the sign relates.

***recreation facility or area*** means a building, place or area intended for use:

- (a) as a children's playground, or

## 2006 No 196

### Bathurst Regional (Interim) Local Environmental Plan 2005

#### Dictionary

---

- (b) for sporting activities or sporting facilities, or
- (c) to provide facilities for recreational or leisure activities that promote the physical, cultural or intellectual welfare of the community,

but, in the zoning control table, does not include a building, place or area elsewhere specifically defined in this Dictionary.

**refreshment room** means a restaurant, cafe, tearoom, eating house or the like, but does not include a take-away food outlet.

**refuge** means a dwelling, dwelling-house or boarding house in which persons referred to in *State Environmental Planning Policy No 9—Group Homes* as “socially disadvantaged persons” reside.

**relic** means any deposit, object or material evidence:

- (a) that relates to the settlement of the local government area of Bathurst Regional, not being Aboriginal settlement, and
- (b) that is more than 50 years old.

**residential units** means 3 or more dwellings (whether attached or detached) on a single lot of land (or that would be on a single lot were it not for the fact that the lot is to be subdivided as part of the proposed development).

**retail plant nursery** means a building or place used for growing and selling plants, whether or not it is also used for the sale of landscape supplies (including earth products) or other landscape and horticultural products.

**roadside stall** means a building or place (not exceeding 20 square metres in floor space or area) where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

**road transport terminal** means a building or place used mainly for the bulk handling of goods for transport by road, and includes facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

**rural industry** means a business activity involving:

- (a) the handling, treating, processing or packing of primary products, or
- (b) the regular servicing or repairing of plant or equipment used for the purpose of agriculture or for the purpose of a business activity referred to in paragraph (a).

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

- (a) located on land on which a dwelling-house is located, and
- (b) used as the place of residence by persons whose principal employment is for the purpose of agriculture or a rural industry on that land.

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

**service industry** means a trade or industry and associated business activity having as its main purpose the cleaning, dismantling, maintenance, repair, re-assembly, renovation, refurbishing or repainting of goods, but does not include development elsewhere specifically defined in this Dictionary.

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

- (a) the retail selling or the installing of spare parts and accessories for motor vehicles,
- (b) the washing and greasing of motor vehicles,
- (c) the repairing and servicing of motor vehicles (other than body building, panel beating and spray painting),
- (d) the hiring of trailers,
- (e) the retail selling or hiring of small consumer goods.

**shop** means a building or place used for selling goods or materials, whether by retail or auction, or for hiring or displaying goods or materials for the purpose of selling or hiring them, but, in the zoning control table, does not include a building or place elsewhere specifically defined in this Dictionary.

**showground** means a place used for agricultural and horticultural shows, camping areas, exhibitions of animals, goods and services, parking, public entertainment, specialised stock sales, sporting activities (including training activities) and stabling of animals, or for auctions (but not used on a permanent basis as a stock and sale yard).

**site area**, in relation to development, means the area of land to which an application for consent to carry out development relates, exclusive of any land on which the development is prohibited by any environmental planning instrument.

**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).

**take-away food outlet** means a food outlet, other than a refreshment room, offering as its primary activity a take-away food service, whether or not seating is also provided for on-site food consumption, and may also include provision for drive-through service.

**technology business** means a business, carried on in a building or at a place used as an office or for other business, commercial or manufacturing purposes, that has as its core activity or activities one or more of the following:

- (a) the development or production (or both) of computer software or hardware (or both),
- (b) scientific research,
- (c) economic research,
- (d) social research,

## 2006 No 196

Bathurst Regional (Interim) Local Environmental Plan 2005

Dictionary

---

(e) environmental research,  
whether or not educational activities, short-term accommodation or the sale of products form an ancillary component of that business.

**temporary sign** means an advertising structure of a temporary nature that:

- (a) announces any local event of a religious, educational, cultural, political, social, sporting or recreational character or relates to any temporary matter in connection with such an event, and
- (b) does not include advertising of a commercial nature (except for the name of an event's sponsor), and
- (c) is not displayed for more than 28 days before or after the event.

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

**timber yard** means a place used for storing or cutting milled timber, or both.

**top hamper sign** means a sign attached to the transom of a doorway or display window of a building.

**tourist facility** means an establishment providing for holiday accommodation or recreation (such as a camping ground, caravan park, holiday cabins, hotel, houseboat or motel) and may include a boat shed, boat landing facilities, a marina, playground, refreshment room, water sport facilities or the like or a club used in conjunction with any such activity.

**under-awning sign** means a sign attached to the underside of an awning (other than the fascia or return end).

**utility installation** means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

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

**vehicle repair station** means a building or place used for carrying out repairs or selling and fitting accessories to vehicles or agricultural machinery, but does not include a building or place used for:

- (a) body building, or
- (b) panel beating that involves dismantling, or
- (c) spray painting other than of a touching-up character.

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

**warehouse** means a building or place used mainly for storing or handling items (whether goods or materials) that have been produced or manufactured for distribution to other premises.

***waste disposal or recycling depot*** means a building or place used for the disposal or recycling (or both) of waste materials whether domestic, commercial or industrial.

***wholesale market*** means a building or place used for the sale of goods to retailers, but does not include a warehouse.

***window sign*** means an advertising structure attached to, or displayed on, the shop window.

***zoning control table*** means the Table to clause 6.