



New South Wales

Mid-Western Regional Interim Local Environmental Plan 2008

under the

Environmental Planning and Assessment Act 1979

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

FRANK SARTOR, M.P.,
Minister for Planning

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Mid-Western Regional Interim Local Environmental Plan 2008

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of Plan

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

2 Aims of Plan

The aims of this Plan are as follows:

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

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

3 Land to which Plan applies

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

4 Definitions

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

5 Notes

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

6 Consent authority

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

7 Maps

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

8 Repeal of other local planning instruments applying to land

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

9 Application of SEPPs and REPs

- (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:
State Environmental Planning Policy No 1—Development Standards
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
(clause 6)

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Part 2 Permitted or prohibited development

Part 2 Permitted or prohibited development

10 Land use zones

The land use zones under this Plan are as follows:

Residential Zones

Low Density Residential
Medium Density Residential
Rural Residential
Village

Rural Zones

Agriculture
Intensive Agriculture
Rural Small Holdings
Investigation

Business Zones

Neighbourhood Business
Mixed Use
Commercial Core

Industrial Zones

Light Industrial
General Industrial

Special Purpose Zones

Special Uses
Infrastructure

Recreation Zones

Local Open Space—Public
Local Open Space—Private

Environment Protection Zones

Natural Areas
Conservation

11 Zoning of land to which Plan applies

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

12 Zone objectives and land use table

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

- (b) development that may be carried out without consent, and
 - (c) development that may be carried out only with consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Table at the end of this Part:
- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 15 requires consent for subdivision of land.
- 5 Parts 5 and 6 contain other provisions which require consent for particular development.

13 Unzoned land

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

14 Additional permitted uses for particular land

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

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Part 2 Land Use Table

- (a) with consent, or
 - (b) if the Schedule so provides—without consent,
in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

15 Subdivision—consent requirements

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

Land Use Table

Low Density Residential Zone

1 Objectives of zone

- To provide neighbourhoods of low density housing.

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

2 Permitted without consent

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

3 Permitted with consent

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

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Part 2 Land Use Table

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

4 Prohibited

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

Medium Density Residential Zone

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

Rural Residential Zone**1 Objectives of zone**

- To provide rural residential housing, while preserving environmentally sensitive locations and the scenic quality of the area.
- To ensure that allotments created in rural residential estates do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To permit the development of rural residential allotments adjoining the existing Mudgee and Gulgong urban areas which can be efficiently serviced with reticulated water and sewerage, electricity, telephone and tar sealed roads.
- To encourage low density rural residential activities which maintain the residential amenity and semi-rural character of land within the zone.

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Part 2 Land Use Table

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

Village Zone

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

Agriculture Zone

1 Objectives of zone

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

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Part 2 Land Use Table

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

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

Intensive Agriculture Zone**1 Objectives of zone**

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

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Part 2 Land Use Table

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

Rural Small Holdings Zone

1 Objectives of zone

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

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

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

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Part 2 Land Use Table

Investigation Zone

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

Neighbourhood Business Zone

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

Mixed Use Zone

1 Objectives of zone

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

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Part 2 Land Use Table

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

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

Commercial Core Zone

1 Objectives of zone

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

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

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

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Part 2 Land Use Table

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

Light Industrial Zone

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

General Industrial Zone

1 Objectives of zone

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

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Part 2 Land Use Table

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

Airports; Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Bulky goods premises; Business premises; Caravan parks; Cellar door premises; Cemeteries; Child care centres; Commercial vineyards; Community facilities; Craftsman's studios; Dual occupancies—attached; Dual occupancies—detached; Dwelling houses; Educational establishments; Farm buildings; Feedlots; Granny flats; Group homes; Hazardous industries; Hazardous storage establishments; Hostels; Hotel accommodation; Intensive livestock agriculture; Intensive plant agriculture; Kiosks; Land fill; Manufactured home estates; Manufactured homes; Medical centres; Mining; Offensive industries; Offensive storage establishments; Office premises; Pond based aquaculture; Pubs; Reception centres; Registered clubs; Residential flat buildings; Restaurants; Restriction facilities; Retail premises; Rural produce sales; Schools; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture.

Special Uses Zone

1 Objectives of zone

- To permit land uses that are not provided in other zones.
- To recognise the importance of sites with special land uses or natural characteristics.
- To protect and enhance those identified land uses or natural characteristics.
- To allow additional development that will not detract from existing development or have an adverse impact on surrounding land.

2 Permitted without consent

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

3 Permitted with consent

The purpose shown on the map, including any development that is ordinarily incidental or ancillary to development for that purpose.

Drainage; Roads; Telecommunications facilities.

4 Prohibited

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

Infrastructure Zone

1 Objectives of zone

- To provide for required infrastructure and facilities.
- To prevent the development of the identified land for any uses that are not compatible with or that may detract from the provision of required infrastructure and facilities.

2 Permitted without consent

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

3 Permitted with consent

The purpose shown on the map, including any development that is ordinarily incidental or ancillary to development for that purpose.

Drainage; Roads; Telecommunications facilities.

4 Prohibited

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

Local Open Space—Public Zone

1 Objectives of zone

- To enable land that is or is to be owned by the Council to be used for open space or recreational purposes.
- To enable development to be carried out for the recreational needs of the local community.
- To enable related uses that will encourage the enjoyment of the land for recreational purposes.
- To enhance, restore and protect the natural environment for recreational purposes.

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Clause 15 Mid-Western Regional Interim Local Environmental Plan 2008

Part 2 Land Use Table

2 Permitted without consent

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

3 Permitted with consent

Caravan parks; Child care centres; Community facilities; Drainage; Earthworks; Environmental facilities; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Telecommunications facilities.

4 Prohibited

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

Local Open Space—Private Zone

1 Objectives of zone

- To enable land to be used for private open space, recreational and associated purposes.
- To enable development to be carried out for the recreational needs of the local community.
- To enable related uses that will encourage the enjoyment of the land for recreational purposes.
- To enhance, restore and protect the natural environment for recreational purposes.

2 Permitted without consent

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

3 Permitted with consent

Advertising structures; Biosolid waste applications; Business identification signs; Caravan parks; Child care centres; Community facilities; Drainage; Earthworks; Educational establishments; Entertainment facilities; Environmental facilities; Filling; Flood mitigation works; Hotel accommodation; Kiosks; Markets; Public halls; Public reserves; Reception centres; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants; Restriction facilities; Roads; Schools; Signage; Telecommunications facilities.

4 Prohibited

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

Natural Areas Zone**1 Objective of zone**

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974*.

2 Permitted without consent

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

3 Permitted with consent

Nil.

4 Prohibited

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

Conservation Zone**1 Objectives of zone**

- To conserve areas of environmental significance.
- To conserve biological diversity, native vegetation corridors, Aboriginal heritage or other social or cultural values of the areas, and their scenic qualities.
- To prevent development that could destroy or damage areas of environmental, social or cultural significance.
- To protect and preserve the landscape and environmental setting of the local government area of the Mid-Western Region, particularly the forested hill slopes, floodplain and floodways.
- To conserve natural areas and habitats and discourage clearing, subdivision and incompatible development in the zone.
- To ensure that development within this zone adjoining land within the Natural Areas Zone is compatible with the management objectives for that land.
- To ensure that development allowed in the zone will not adversely affect the environmental sensitivity of land in the zone.
- To recognise and conserve areas considered to have historical and archaeological significance, particularly relating to mining heritage.
- To prevent development which might adversely affect such historical and archaeological significance of the areas identified.

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Clause 15 Mid-Western Regional Interim Local Environmental Plan 2008

Part 2 Land Use Table

- To promote the conservation of productive agricultural land within the floodplain.
- To permit the development of recreational and ancillary land uses which do not result in increased flood hazard and damage potential or adversely affect the amenity of adjoining living areas.

2 Permitted without consent

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

3 Permitted with consent

Advertising structures; Backpackers' accommodation; Bed and breakfast accommodation; Biosolid waste applications; Community facilities; Craftsman's studios; Drainage; Dual occupancies—detached; Dwelling houses; Earthworks; Eco generating works; Educational establishments; Environmental facilities; Filling; Flood mitigation works; Forestry; Granny flats; Home industries; Manufactured homes; Markets; Mining; Public administration buildings; Public halls; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restriction facilities; Roads; Roadside stalls; Rural produce sales; Signage; Telecommunications facilities.

4 Prohibited

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

Part 3 Exempt and complying development

16 Exempt development

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

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development:
 - (a) the development must:
 - (i) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (ii) if it relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9, the building must have a current fire safety certificate or fire safety statement or the building must be a building for which no fire safety measures are currently implemented, required or proposed, and
 - (b) the development must not:
 - (i) if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, or
 - (ii) create interference with the neighbourhood because it is noisy, causes vibrations, or creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil, or
 - (iii) be designated development, or
 - (iv) be development on land that comprises, or on which there is, an item of environmental heritage that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.

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Clause 17 Mid-Western Regional Interim Local Environmental Plan 2008

Part 3 Exempt and complying development

- (4) To be exempt development, the development must be carried out at least one metre from any easement or sewer main.

17 Complying development

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

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
 - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
 - (c) the development is designated development, or
 - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*).
- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Schedule 3 that is carried out in compliance with the applicable development standards listed in that Schedule and that complies with the requirements of section 76A (6) of the Act and the requirements of this Part is complying development.
- (3) To be complying development, the development must:
- (a) be permissible, with consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.

18 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

-
- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development
means:
- (a) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention, or
 - (b) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
 - (c) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*, or
 - (d) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
 - (e) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

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Clause 19 Mid-Western Regional Interim Local Environmental Plan 2008

Part 4 Principal development standards

Part 4 Principal development standards

19 Minimum subdivision lot size

- (1) Subject to this Plan, consent must not be granted to the subdivision of any land within a zone shown in the Lot Size Table to this clause unless the consent authority is satisfied that the size of any lot resulting from any such subdivision of land is not to be less than the minimum size shown on the Lot Size Table in relation to that land.
- (2) This clause does not apply to a subdivision of land in any zone (other than in the Agriculture, Intensive Agriculture, Rural Small Holdings or Investigation Zone) that takes place under the *Strata Schemes (Freehold Development) Act 1973*, the *Strata Schemes (Leasehold Development) Act 1986* or the *Community Land Development Act 1989*.
- (3) This clause does not apply to a subdivision for the purpose of a public utility undertaking.

Lot Size Table

Zone	Minimum allotment size
Low Density Residential Zone	10ha
Medium Density Residential Zone	600m ²
Rural Residential Zone	2ha
Village Zone	2,000m ²
Agriculture Zone	100ha
Intensive Agriculture Zone	20ha
Rural Small Holdings Zone	10ha
Investigation Zone	400ha
Light Industrial Zone	2,000m ²
General Industrial Zone	2,000m ²

20 Height of buildings in certain areas

The height of a building is not to exceed:

- (a) on an allotment of land within the heritage conservation area of Mudgee or Gulgong—1 storey and 5 metres in height, or
- (b) on any other allotment of land within the Low Density Residential, Medium Density Residential or Rural Residential Zone—2 storeys and 8.5 metres in height.

21 Exceptions to development standards

- (1) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause or of *State Environmental Planning Policy No 1—Development Standards*.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

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Clause 21 Mid-Western Regional Interim Local Environmental Plan 2008

Part 4 Principal development standards

- (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
 - (6) Consent must not be granted under this clause for a subdivision of land in the Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation, Natural Areas or Conservation Zone if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note.** As of the commencement of this Plan subdivision of land in the Agriculture Zone is prohibited: see clause 36.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
 - (8) This clause does not allow consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 58.

Part 5 Miscellaneous provisions

22 Land acquisition within certain zones

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

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

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

Type of land shown on map	Authority of the State
Local Open Space—Public Zone and marked “Local open space”	Council
Local Open Space—Public Zone and marked “Regional open space”	The corporation constituted under section 8 of the Act
Infrastructure Zone and marked “Classified road”	Roads and Traffic Authority

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

23 Development on proposed classified road

- (1) Consent for development on land reserved for the purposes of a classified road may, before the land becomes a classified road, be granted only if:
- the development is carried out with the concurrence of the Roads and Traffic Authority (**the RTA**), and
 - the development is of a kind, or is compatible with development of a kind, that may be carried out on land in an adjoining zone.

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Clause 24 Mid-Western Regional Interim Local Environmental Plan 2008

Part 5 Miscellaneous provisions

- (2) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:
- (a) the need to carry out development on the land for the purposes of a classified road or a proposed classified road,
 - (b) the imminence of acquisition of the land by the RTA,
 - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.

24 Classification and reclassification of public land

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

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

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant classification Plan and, by the operation of that Plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

- (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (6) In this clause, the ***relevant classification Plan***, in relation to land described in Part 2 of Schedule 4, means this Plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant classification Plan inserted a description of land into Part 2 of Schedule 4, the Governor approved of subclause (5) applying to the land.

25 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.
- (3) This clause does not apply to:
- (a) land within the Rural Residential, Agriculture, Intensive Agriculture, Rural Small Holdings, Special Uses, Infrastructure, Local Open Space—Public, Local Open Space—Private, Natural Areas or Conservation Zone, or
 - (b) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
- (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

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Clause 26 Mid-Western Regional Interim Local Environmental Plan 2008

Part 5 Miscellaneous provisions

- (5) The clause does not prescribe a development standard that may be varied under this Plan.

26 Community use of educational establishments and child care centres

- (1) The objective of this clause is to allow the use of educational establishments and child care centres, including their site and facilities, for other community purposes.
- (2) An educational establishment or child care centre (including the site and facilities) may, with consent, be used for any other community purpose, whether or not any such use is a commercial use of the land.
- (3) Nothing in this clause requires consent to carry out development on any land if that development could, but for this clause, be carried out on that land without consent.

27 Classified roads

- (1) The objectives of this clause are:
- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads.
- (2) Consent must not be granted to the development of land that has a frontage to a classified road unless the consent authority is satisfied that:
- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the proposed development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development.

- (3) The consent authority must not consent to development on land that has a frontage to a classified road unless it is satisfied that the development incorporates mitigation measures to ameliorate potential traffic noise in accordance with any noise control guidelines of the Department of Environment and Climate Change.

28 Development in proximity to a rail corridor

- (1) The objective of this clause is to ensure that development for the purpose of residential accommodation, places of public worship, hospitals, educational establishments or other noise sensitive buildings in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.
- (2) This clause applies to land comprising, or within 60 metres of, an operating railway line or land reserved for the construction of a railway line (referred in this clause as a *rail corridor*).
- (3) Development consent must not be granted to development:
 - (a) that is within a rail corridor, and
 - (b) that the consent authority considers is, or is likely to be, adversely affected by rail noise or vibration,unless the consent authority is satisfied that the proposed development incorporates all practical mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales for development of that kind.

29 Development in flight paths

- (1) The objectives of this clause are:
 - (a) to provide for the effective and on-going operation of airports, and
 - (b) to ensure that any such operation is not compromised by proposed development within the flight path of an airport.
- (2) Development consent is required to erect a building:
 - (a) that is on land within the flight path of an airport, and
 - (b) the proposed height of which would exceed the obstacle height limit determined by the Department of the Commonwealth responsible for airports.
- (3) Any such consent must not be granted unless the consent authority is satisfied that the building will not constitute an obstruction or hazard to aircraft flying in the vicinity.

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Clause 30 Mid-Western Regional Interim Local Environmental Plan 2008

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- (4) Before granting any such consent, the consent authority must consider:
 - (a) any comment made by that Commonwealth Department within 28 days of its having been given notice of the proposed development by the consent authority, and
 - (b) any aircraft noise exposure forecasts of that Commonwealth Department, and
 - (c) whether the proposed use of the building will be adversely affected by aircraft noise.
- (5) For the purposes of this clause, the flight path of an airport is such land as is determined to be within that flight path by that Commonwealth Department and notified to the consent authority.

30 Development in areas subject to airport noise

- (1) The objective of this clause is to ensure that development for residential purposes, or for any other purpose involving regular human occupation, on land subject to significant exposure to aircraft noise incorporates appropriate mitigation measures.
- (2) This clause applies to land where the ANEF contour exceeds 20.
- (3) Development consent is required for the erection of a building on land to which this clause applies if it is erected for residential purposes or for any other purpose involving regular human occupation.
- (4) Any such consent must not be granted unless the consent authority is satisfied that measures to mitigate aircraft noise will be taken that accord with section 3 of AS 2021.
- (5) For the purpose of this clause, the extent of aircraft noise reduction is to be estimated in accordance with clause 3.2.2 of AS 2021.
- (6) In this clause:

ANEF means a relevant Australian Noise Exposure Forecast contour map showing the forecast of aircraft noise levels that is expected to exist in the future produced in accordance with the *Guidelines for the Production of Noise Contours for Australian Airports* published by Airservices Australia.

AS 2021 means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

31 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

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- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

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

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item, or
- (b) that is within a heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 32 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

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- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

32 Heritage conservation

(1) Objectives

The objectives of this clause are:

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

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) **When consent not required**

However, consent under this clause is not required if:

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

(4) **Heritage impact assessment**

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

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

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

(5) **Heritage conservation management plans**

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

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(6) **Archaeological sites**

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

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

(7) **Places of Aboriginal heritage significance**

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

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

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

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

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

(9) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan if the consent authority is satisfied that:

- (a) the conservation of the heritage item is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and

- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

33 Bush fire hazard reduction

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

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

34 Development for group homes

- (1) The objective of this clause is to facilitate the establishment of:
 - (a) permanent group homes in which disabled persons or socially disadvantaged persons may live in an ordinary residential household environment instead of an institutional environment, and
 - (b) transitional group homes that provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of an institutional environment for such purposes as alcohol or drug rehabilitation and half-way rehabilitation for persons formerly living in institutions and refuges for men, women or young persons.
- (2) If development for the purpose of a dwelling house or a dwelling in a residential flat building may lawfully be carried out in accordance with this Plan, development for the purposes of a group home may, subject to this clause, be carried out.
- (3) Consent is required to carry out development for the purposes of a transitional group home.
- (4) Consent is required to carry out development for the purposes of a permanent group home that contains more than 5 bedrooms.
- (5) Consent is required to carry out development for the purposes of a permanent group home that contains 5 or less bedrooms and that is occupied by more residents (including any resident staff) than the number equal to the number calculated by multiplying the number of bedrooms in that home by 2.

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- (6) Consent may not be refused under this clause unless an assessment has been made of the need for the group home concerned.
- (7) Nothing in this clause requires consent to be obtained by the Department of Housing (or by a person acting jointly with the Department of Housing) to carry out development for the purposes of a transitional group home.

35 Crown development and public utilities

- (1) Nothing in this Plan is to be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:
 - (a) the carrying out of development of any description specified in subclauses (2)–(12), or
 - (b) the use of existing buildings of the Crown by the Crown.
- (2) The carrying out by persons carrying on railway undertakings, on land comprised in their undertakings, of:
 - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
 - (b) the erection within the limits of a railway station of buildings for any purpose,but excluding:
 - (c) the construction of new railways, railway stations and bridges over roads, and
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
 - (e) the formation or alteration of any means of access to a road, and
 - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- (3) The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
 - (a) development of any description at or below the surface of the ground,

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- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the commencement of this Plan of any plant or other structures or erections required in connection with the station or substation,
 - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housing of stone, concrete or brickworks,
 - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
 - (e) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose before the commencement of this Plan, provided reasonable notice of the proposed erection is given to the consent authority,
 - (f) any other development, except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (ii) the formation or alteration of any means of access to a road.
- (4) The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (5) The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic

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- by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (6) The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (7) The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (8) The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:
- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (9) The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

- (10) The carrying out of any forestry work by the Forestry Commission or Community Forest Authorities empowered under relevant Acts to undertake afforestation, the construction of roads, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
- (11) The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purposes, and
 - (b) any development designed to change the use or purpose of any such reserve.
- (12) The carrying out or causing to be carried out by the consent authority, where engaged in flood mitigation works, or by any Government Department, of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Water Management Act 2000*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvement Act 1948*, except:
- (a) the erection of buildings, and installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, and
 - (b) the formation or alteration of any means of access to a road.

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Part 6 Special provisions

Part 6 Special provisions

Division 1 Subdivision

36 Consent not to be given to subdivision of land within the Agriculture Zone

Except as provided by clause 46, the subdivision of land within the Agriculture Zone is prohibited.

37 Subdivision of land within Intensive Agriculture, Rural Small Holdings and Investigation Zones—general requirements

The consent authority must not consent to the subdivision of any land within the Intensive Agriculture, Rural Small Holdings or Investigation Zone unless it has considered the purpose for which each allotment created by the subdivision is intended to be used.

38 Subdivision of land within Intensive Agriculture Zone for the purpose of intensive plant agriculture or aquaculture

- (1) Subclause (2) applies to a subdivision of land within the Intensive Agriculture Zone where, in the opinion of the consent authority, it is intended that an allotment created by the subdivision is to be used for the purpose of intensive plant agriculture or aquaculture.
- (2) The consent authority, before granting consent to a subdivision to which this subclause applies, must consider the following matters:
 - (a) the effect on the existing and potential capability of the land and adjacent land to produce food or fibre or to be used for any agricultural purposes,
 - (b) whether legal and practical access to any proposed lot can be provided to an existing dedicated road reserve,
 - (c) the effect of the proposed use on adjoining existing development,
 - (d) the effect of the proposed use on the natural environment, including water resources,
 - (e) the effect of the proposed development on vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the availability, quality and stability of watercourses and ground water storage and riparian rights),
 - (f) the protection of areas of significance for nature conservation or of high scenic or recreational value,
 - (g) the potential for land use conflict with adjoining or adjacent uses where the new allotments, and any resulting potential future development, are likely to inhibit or give rise to complaints about

normal farming practice (such as pesticide spraying, noxious weeds and feral animal control, bush fire hazard reduction work, noise, separation from noxious odours and the like).

- (3) The consent authority must not consent to the subdivision of land within the Intensive Agriculture Zone where it is intended that an allotment created by the subdivision will be used for the erection of any dwelling, unless it is satisfied that:
- (a) the use of the dwelling will be ancillary to, and necessary for, the use of the allotment for the purpose of intensive plant agriculture or aquaculture, and
 - (b) the allotment will be provided with adequate vehicular access, and
 - (c) adequate public utility services are available to the allotment and the land is suitable for an on-site effluent disposal system, and
 - (d) an adequate area is available on the allotment to permit the erection of a dwelling that will be free from the hazards of bush fire, flooding, soil erosion, landslip and similar hazards, and
 - (e) the erection of the dwelling on the land will not commence until after any required infrastructure is in place for, and the land is being used for, the carrying out of development for the purpose of intensive plant agriculture or aquaculture.
- (4) In this clause, *required infrastructure*, for the carrying out of any development means:
- (a) the connection of electricity, and
 - (b) irrigation works (including any necessary water licences), and
 - (c) buildings,
- necessary for the carrying out of that development.

39 Subdivision of land within Intensive Agriculture Zone for purposes other than agriculture, intensive plant agriculture, aquaculture or dwellings

- (1) This clause applies to a subdivision of land within the Intensive Agriculture Zone where, in the opinion of the consent authority, it is intended that no allotments created by the subdivision will be used for the purpose of agriculture, intensive plant agriculture, aquaculture or any dwelling.
- (2) Clause 19 (Minimum subdivision lot size) does not apply to a subdivision to which this clause applies.
- (3) The consent authority, before granting consent to a subdivision to which this clause applies, must:

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- (a) be satisfied that:
 - (i) the size of the proposed allotment and its future use will be consistent with the objectives of the zone, and
 - (ii) the level of demand for any goods and services that are to be supplied from the allotment, and for any activities that are to be carried out on the allotment, and the extent to which the allotment is proposed to be used to meet that demand, justify the creation of the allotment, and
 - (iii) the creation of the allotment is unlikely to adversely affect the existing and potential capability of the adjoining and adjacent land to be used for other permissible land uses in that zone, and
 - (iv) the allotment to be created and any subsequent development on the allotment is unlikely to have the effect of creating a demand for uneconomic provision of public infrastructure and utilities, and
 - (v) the allotment to be created is of an adequate area and has appropriate topography and geology to facilitate an on-site effluent disposal system, and
 - (vi) the future use of the allotment will not result in land use conflict or degradation of natural resources, including water resources, and
- (b) consider:
 - (i) the effect of the subdivision on the existing and potential capability of the land and adjacent land to produce food or fibre or to be used for agricultural purposes, and
 - (ii) whether legal and practical access to any proposed lot can be provided to an existing dedicated road reserve, and
 - (iii) the effect of the proposed use on adjoining existing development, and
 - (iv) the effect of the proposed use on the natural environment, including water resources, and
 - (v) the effect of the proposed development on vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the availability, quality and stability of watercourses and ground water storage and riparian rights), and
 - (vi) the protection of areas of significance for nature conservation or of high scenic or recreational value, and
 - (vii) the potential for rural land use conflict with adjoining uses where the new allotments, and any resulting potential future development, are likely to inhibit or give rise to

complaints about normal farming practice (such as pesticide spraying, noxious weeds and feral animal control, bush fire hazard reduction work, noise, separation from noxious odours and the like).

40 Subdivision of land within Rural Small Holdings Zone

The consent authority must not consent to the subdivision of land within the Rural Small Holdings Zone unless it is satisfied that:

- (a) the ratio of depth to frontage of each proposed allotment is adequate, having regard to the purpose for which each allotment is, in the opinion of the consent authority, intended to be used, and
- (b) adequate arrangements exist for connecting each proposed allotment to telephone services, electricity supply and a reticulated water supply system, where available, and
- (c) adequate arrangements exist for an on-site effluent disposal system, and
- (d) the subdivision will not result in the need for an additional vehicular access to a main road, and
- (e) the proposed allotments have, or provision is made for each allotment to have, a tar sealed road frontage.

41 Subdivision of land within Low Density Residential and Rural Residential Zones

(1) The consent authority must not consent to the subdivision of land within the Low Density Residential or Rural Residential Zone unless:

- (a) the ratio of depth to frontage of each proposed allotment is adequate, having regard to the purpose for which each allotment is, in the opinion of the consent authority, intended to be used, and
- (b) adequate arrangements exist for connecting each allotment to telephone services, electricity supply and a reticulated water supply system, where available, and
- (c) adequate arrangements exist for an on-site effluent disposal system, and
- (d) the subdivision will not result in the need for an additional vehicular access to a main road, and
- (e) the allotments have, or provision is made for each allotment to have, a tar sealed road frontage.

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- (2) Despite clause 19, the consent authority may consent to the subdivision of land to create allotments each of not less than the following sizes if each proposed allotment will be connected to a reticulated sewerage system:
- (a) 2,000 square metres—for land within the Low Density Residential Zone, or
 - (b) 4,000 square metres—for land within the Rural Residential Zone.

42 Subdivision of land within Medium Density Residential Zone

The consent authority must not consent to the subdivision of land within the Medium Density Residential Zone unless it is satisfied that:

- (a) the ratio of depth to frontage of each proposed allotment is adequate, having regard to the purpose for which each allotment is, in the opinion of the consent authority, intended to be used, and
- (b) adequate arrangements exist for connecting each proposed allotment to telephone services, electricity supply and reticulated water supply and sewerage system, and
- (c) the proposed allotments have, or provision is made for each allotment to have, a tar sealed road frontage.

43 Subdivision of land within Village Zone

The consent authority must not consent to the subdivision of land within the Village Zone unless it is satisfied that:

- (a) the ratio of depth to frontage of each proposed allotment is adequate, having regard to the purpose for which each allotment is, in the opinion of the consent authority, intended to be used, and
- (b) adequate arrangements exist for connecting each proposed allotment to telephone services, electricity supply and a reticulated water supply, where available, and the land is suitable for an on-site effluent disposal system, and
- (c) each allotment has frontage to a formed public road.

44 Subdivision of land within the Light Industrial and General Industrial Zones

- (1) The consent authority must not consent to the subdivision of land within the Light Industrial or General Industrial Zone unless it is satisfied that:
- (a) rigid trucks can enter and leave the site in a forward direction, and

- (b) the ratio of depth to frontage of each proposed allotment is adequate having regard to the purpose for which each allotment is, in the opinion of the consent authority, intended to be used.
- (2) Despite subclause (1), the consent authority must not consent to the subdivision of land that has frontage to the Castlereagh Highway unless it can be demonstrated, to the consent authority's satisfaction, that any new access to each allotment to be created by the subdivision will provide safe and efficient movement of vehicles onto and off the site.

45 Consent not to be given to subdivision of land within Conservation Zone

Except as provided by clause 15 (2), the subdivision of land within the Conservation Zone is prohibited.

46 Subdivision for farm adjustment

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in certain zones to allow land owners a greater chance to achieve the objectives of the relevant zone.
- (2) This clause applies to land within the Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation and Conservation Zones.
- (3) Consent may be granted to the subdivision of land for a boundary adjustment between adjoining lots, but only if:
 - (a) the subdivision will not result in a net increase in the number of lots or the opportunities for additional dwellings, and
 - (b) the number of dwellings on, or the opportunity for dwellings for, each lot after the subdivision is the same as before the subdivision, and
 - (c) the net outcome of the subdivision is likely to assist in achievement of the objectives for development in the zone, and
 - (d) the subdivision design will not set up a situation where the relative position of existing or proposed improvements and rural activities on the new lots is likely to result in conflict, and
 - (e) the area of each lot that results from the boundary adjustment is not less than the minimum size shown on the Lot Size Table to clause 19 in relation to the land.

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47 Subdivision—lots not supplied with reticulated water

- (1) This clause applies to a subdivision of land:
 - (a) where it is intended that an allotment created by the subdivision is to be used for the purpose of the erection of a dwelling, and
 - (b) a reticulated water supply is not available for the proposed dwelling.
- (2) Consent must not be granted to a subdivision to which this clause applies unless the consent authority is satisfied that:
 - (a) there will be an adequate potable water supply for any such lot in the subdivision and an adequate water supply for fire fighting purposes, and
 - (b) use of the proposed water supply will not have an adverse impact on the quality and quantity of surface and groundwater resources.

Division 2 Dwellings

48 Dwellings—minimum lot sizes

- (1) Subject to this Plan, consent must not be granted to development for the purposes of a dwelling on land within the Agriculture, Intensive Agriculture, Rural Small Holdings or Investigation Zone unless the consent authority is satisfied that the land is, or will be consolidated into, a single allotment that has an area not less than the minimum size shown on the Lot Size Table to clause 19 in relation to that zone.
- (2) Despite subclause (1), the consent authority may consent to the erection of a dwelling house on land within the Rural Small Holdings Zone if the land is, or will be consolidated into, a single allotment that has an area of not less than 5 hectares.
- (3) The consent authority may consent to the erection of a dwelling house on land within the Conservation Zone only if the land is, or will be consolidated into, a single allotment that has an area of at least 400 hectares.

49 Dwellings in Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation and Conservation Zones

- (1) A dwelling may be erected on land within the Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation or Conservation Zone only with the consent of the consent authority.
- (2) A dwelling must not be erected on land within the Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation or Conservation Zone unless the consent authority is satisfied that:

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- (a) the allotment of land on which the dwelling is to be erected:
- (i) is a vacant lot, and
 - (ii) was created by a subdivision that had received development consent before the commencement of this Plan, and
 - (iii) is:
 - (A) if within the Agriculture Zone—being used for the purpose of agriculture, or
 - (B) if within the Intensive Agriculture Zone—being used for the purpose of intensive plant agriculture or aquaculture, and
 - (iv) is a lot on which the dwelling could lawfully have been erected before the commencement of this Plan, or
- (b) the allotment of land on which the dwelling is to be erected was created:
- (i) with the intention that:
 - (A) if within the Agriculture Zone—it be used for the purpose of agriculture and a dwelling, or
 - (B) if within the Intensive Agriculture Zone—it be used for the purpose of intensive plant agriculture, or aquaculture, and a dwelling, and
 - (ii) by a subdivision that received development consent after the commencement of this Plan, or
- (c) the allotment of land on which the dwelling house is to be erected:
- (i) is a vacant lot, and
 - (ii) was not created in accordance with this Plan or any other environmental planning instrument, and
 - (iii) existed as a separate lot at the date of commencement of this Plan, and
 - (iv) was separately owned from any adjoining or adjacent land at that date, and
 - (v) has an area of 100ha or greater.
- (3) Despite subclause (2), the consent authority may consent to the erection of a dwelling on land within the Intensive Agriculture Zone only if the consent authority is satisfied that:
- (a) the use of the dwelling will be ancillary to and necessary for the use of that land for the purpose of intensive plant agriculture or aquaculture, and

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- (b) a report by a qualified agricultural economist demonstrates that the land is capable of sustaining the proposed agricultural activity, and
 - (c) the land is or will be subject to irrigation requiring a water licence under the *Water Act 1912* or *Water Management Act 2000* or that is accessed from another source, and
 - (d) the erection of the dwelling on the land will not commence until after any required infrastructure is in place for, and the land is being used for, the carrying out of development for the purpose of intensive plant agriculture or aquaculture.
- (4) In this clause, ***required infrastructure***, for the carrying out of any development means:
 - (a) the connection of electricity, and
 - (b) irrigation works (including any necessary water licences), and
 - (c) buildings,necessary for the carrying out of that development.
- (5) The consent authority must not consent to the erection of a dwelling on land within the Intensive Agriculture Zone where the land is being used for the purpose of intensive plant agriculture unless the consent authority is satisfied that:
 - (a) an adequate potable water supply and an adequate water supply for fire fighting is available for the proposed dwelling house, and
 - (b) adequate access can be provided to the land and dwelling house site, and
 - (c) adequate provision can be made for electricity and telecommunications services to the dwelling house to the requirements of the relevant supply authorities.
- (6) The consent authority, before granting consent under this clause, must consider the following matters:
 - (a) the effect of the proposed dwelling on the existing and potential capability of the land and adjacent land to produce food or fibre or to be used for any agricultural purposes,
 - (b) whether legal and practical access to any proposed dwelling can be provided to an existing dedicated road reserve,
 - (c) the effect of the proposed dwelling on adjoining existing development,
 - (d) the effect of the proposed dwelling on the natural environment, including water resources,

- (e) whether the allotment is of an adequate area and has appropriate topography and geology to facilitate on site effluent disposal,
- (f) the effect of the proposed dwelling on vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the availability, quality and stability of watercourses, ground water storage and riparian rights),
- (g) the protection of areas of significance for nature conservation or of high scenic or recreational value,
- (h) the potential for land use conflict with adjoining or adjacent uses where the new allotments, and any resulting potential future development, are likely to inhibit or give rise to complaints about normal farming practice (such as pesticide spraying, noxious weeds and feral animal control, bush fire hazard reduction work, noise, separation from noxious odours and the like).

50 Dwellings in Low Density Residential, Medium Density Residential, Rural Residential and Village Zones

- (1) The consent authority may consent to the erection of a dwelling on a vacant lot:
 - (a) within the Low Density Residential Zone:
 - (i) on land that has an area of not less than 2 hectares, or
 - (ii) on a lot that has an area of not less than 2,000 square metres and has all weather vehicular access, if the consent authority is satisfied that the land will be connected to a reticulated sewerage system, and
 - (b) within the Medium Density Residential Zone, if that lot has been created by a subdivision for the purpose of erecting a dwelling, and
 - (c) within the Rural Residential Zone:
 - (i) on land that has an area of not less than 2 hectares, or
 - (ii) on a lot that has an area of not less than 4,000 square metres and has all weather vehicular access, if the consent authority is satisfied that the land will be connected to a reticulated sewerage system, and
 - (d) within the Village Zone on a lot, portion or parcel that has an area of not less than 2,000 square metres and has all weather vehicular access, if the consent authority is satisfied that adequate public utility services are available to the allotment and the land is suitable for on site disposal of domestic wastewater.

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- (2) Despite subclause (1) (a), (b) and (c), the consent authority must not consent to the erection of a dwelling on land referred to in those paragraphs if, in the opinion of the consent authority, the location of the proposed dwelling will hinder the future subdivision of the land for urban purposes.

51 Dual occupancy development

- (1) Despite clause 50 (1) (b), the consent authority must not consent to development for the purpose of a dual occupancy on land within the Medium Density Residential Zone unless the area of the allotment on which the dual occupancy is to be erected or created is:
- (a) in the case of a dual occupancy—attached—not less than 600 square metres, and
 - (b) in the case of a dual occupancy—detached—not less than 800 square metres.
- (2) If development for the purpose of a dual occupancy may be carried out on an allotment within the Medium Density Residential Zone, a person may, with consent, subdivide the allotment to create a separate land title for each of the 2 dwellings. A consent to that subdivision may be granted at the same time as the consent to the dual occupancy development or at a later time.
- (3) The consent authority must not grant consent to development for the purposes of a dual occupancy on land within the Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation or Conservation Zone unless the consent authority is satisfied that:
- (a) the proposed development is for the purposes of a dual occupancy—detached and comprises the erection of a dwelling house on land in addition to an existing dwelling house, and
 - (b) the additional dwelling house is located on the same allotment as the existing dwelling house and the additional dwelling house will not be capable of being excised by way of transfer of a new or existing title, and
 - (c) the dwelling houses share a common access to a public road, and
 - (d) the dwelling houses are located no further than 200 metres apart where no physical constraints to meeting this requirement exist, and
 - (e) if reticulated sewer services are not available, the allotment has an adequate area and has appropriate topography and geology for an on-site effluent disposal system.

52 Replacement dwelling houses

Despite any other provision of this Plan, the consent authority may grant consent to the erection of a dwelling house on land within a zone to replace an existing lawful habitable dwelling house, or a former lawful habitable dwelling house (within 12 months of it becoming uninhabitable), on the land, but only if the consent authority imposes a condition on the consent that, prior to occupation of the new dwelling house, the existing or former dwelling house:

- (a) is to be demolished, or
- (b) is to be altered so that it may be used as a building that is not a dwelling, or
- (c) is to become the subject of a consent for development that is permitted in the zone.

53 Dwelling houses ancillary to permissible uses

The consent authority may grant consent to the erection on an allotment of an additional dwelling house where its use will be ancillary to another use of the allotment for which consent has been granted (not being agriculture or intensive plant agriculture), but only if the consent authority is satisfied that:

- (a) the use of the additional dwelling house will be necessary for the other use of the land for which consent has been granted and is consistent with the objectives for the zone in which the dwelling house is to be located, and
- (b) the dwelling house will be located on the same allotment as the other land use for which consent has been granted and the land on which the additional dwelling house will be erected will not be capable of being excised by way of transfer of a new or existing title, and
- (c) the dwelling house shares a common access to a public road with the other land use for which consent has been granted, and
- (d) if reticulated sewer services are not available, the allotment is of an adequate area and has an appropriate topography and geology to facilitate on site effluent disposal.

Division 3 Urban release areas**54 Aims of Division**

This Division aims:

- (a) to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance on land within urban release areas, and

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- (b) to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of such land to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

55 Relationship between Division and remainder of Plan

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

56 Application of Division

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

57 Designated State public infrastructure

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

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

58 Arrangements for designated State public infrastructure

- (1) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (2) Subclause (1) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose, or

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- (c) a subdivision for the purpose only of rectifying an encroachment on any existing allotment.

59 Public utility infrastructure

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

Division 4 Other provisions

60 Transitional—saving of undetermined development applications

- (1) Any development application lodged but not finally determined prior to the commencement of this Plan is to be assessed and determined under the provisions of the applicable environmental planning instruments that were in force immediately before that commencement.
- (2) However, when assessing and determining a development application to which subclause (1) applies, the consent authority must have regard to the provisions of this Plan as if it had been exhibited under the Act but had not been made or approved.
- (3) Subclauses (1) and (2) do not apply to a development application if the applicant has given the consent authority a written request for the application to be assessed and determined under this Plan.

61 Telecommunications facilities

- (1) The objective of this clause is to minimise the impacts of telecommunications facilities and retain streetscape amenity.
- (2) Consent is required to carry out development for the purpose of a telecommunications facility if it includes:
- (a) the erection of a structure or facility, or

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- (b) the carrying out of work for the purpose of a telecommunications facility.
- (3) The consent authority must consider the following before determining an application for any such consent:
 - (a) potential to install the facility underground,
 - (b) potential to co-locate the facility with existing facilities or other structures,
 - (c) impact of the facility on visual amenity,
 - (d) impact of the facility on the heritage significance of the area,
 - (e) impact of the facility on vegetation and street infrastructure.
- (4) This clause does not apply to the following:
 - (a) installation of low impact facilities (as listed in the *Telecommunications (Low-impact Facilities) Determination 1997* of the Commonwealth) and subscriber cabling, including cabling across streets,
 - (b) installation of defence facilities,
 - (c) installation of facilities authorised by a facility installation permit issued by the Australian Communications Authority,
 - (d) inspection of land, including making surveys, sinking bores, digging pits and examining soil,
 - (e) maintenance of telecommunications facilities, including the alteration, removal, repair or replacement of the whole or part of the facility, and the cutting down or lopping of vegetation.

62 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental impacts.
- (2) Despite any other provision of this Plan, consent may be granted to development on land within any zone for any temporary purpose for a maximum period of 28 days, whether or not consecutive days, in any period of 12 months.
- (3) Any such consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use is necessary and reasonable for the economic use of the land pending its subsequent development in accordance with this Plan and other relevant environmental planning instruments, and

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- (b) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any such other instrument, and
 - (c) the temporary use does not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (d) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (e) at the end of the temporary use period, the use and any associated structures will be removed and the site appropriately restored.

63 Excavation and filling of land

- (1) The objectives of this clause are:
 - (a) to ensure that any land excavation or filling work will not have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural or heritage items and features, and
 - (b) to allow land excavation or filling work of a minor nature without separate development consent.
- (2) Development consent is required to excavate or fill land.
- (3) Before granting any such consent, the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or of the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material or the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,
 - (h) the potential for the hydrology of adjacent and nearby wetlands to be altered.
- (4) Any such consent is not required for the excavation or filling of land that, in the opinion of the consent authority, is of a minor nature.

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64 Managing salinity in urban areas

- (1) The objective of this clause is to protect natural hydrological systems by minimising disturbance and ensuring appropriate land use and management where urban development may affect the process of salinisation, or where the land is affected by groundwater salinity.
- (2) This clause applies to development in existing or proposed urban areas that may affect the process of salinisation, or where the land is affected by groundwater salinity.
- (3) Consent must not be granted for development to which this clause applies unless the consent authority has considered:
 - (a) the impact of the proposed development on local and regional salinity processes, and
 - (b) the impact of salinity on the proposed development.

65 Development on flood prone land

- (1) The objectives of this clause are:
 - (a) to maintain the existing flood regime and flow conveyance capacity, and
 - (b) to enable safe occupation of flood prone land, and
 - (c) to avoid significant adverse impacts upon flood behaviour, and
 - (d) to avoid significant adverse affects on the floodplain environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
 - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) This clause applies to flood prone land.
- (3) Development consent is required for the following:
 - (a) subdivision of land,
 - (b) filling and earthworks,
 - (c) the erection of a building,
 - (d) the carrying out of a work,
 - (e) flood mitigation works,on land to which this clause applies.

- (4) Consent required by subclause (3) must not be granted unless the consent authority is satisfied that the development:
- (a) will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, and
 - (c) will enable safe occupation of the flood prone land, and
 - (d) will not significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation, destruction of sensitive aquatic habitats or a reduction in the stability of the riverbank/watercourse, and
 - (e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and
 - (f) is compatible with the flow conveyance function of the floodway, and
 - (g) is compatible with the flood hazard within the floodway.

66 Specific development requiring consent

The following development must not be carried out without consent:

- (a) erection of a building that contains more than 2 floors,
- (b) development on land that forms part of a wetland or a waterbody.

67 Mining heritage areas

- (1) This clause applies to that land identified as a mining heritage area on the map.
- (2) A person must not carry out the following development on land to which this clause applies except with the consent of the consent authority:
 - (a) damage or despoil a relic or part of a relic, or
 - (b) excavate for the purpose of exposing or removing a relic, or
 - (c) erect a building.
- (3) The consent authority must not consent to the carrying out of development on land to which this clause applies unless it has made an assessment as to the extent to which the carrying out of the development would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the Mid-Western Regional local government area.

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Part 6 Special provisions

- (4) The consent authority must not consent to the carrying out of development on land to which this clause applies unless it has made an assessment of the potential for land subsidence problems in the vicinity of the proposed development.

68 Floodplain conservation land

- (1) This subclause applies to that land identified on the map as “Floodplain Conservation”.
- (2) The objective of this clause is to preserve and protect the riverine environment from inappropriate development.
- (3) The consent authority must not consent to the carrying out of development on the land to which this clause applies unless it has made an assessment of the impact of the proposed development on the following:
 - (a) the natural conservation landscape values of the riverine environment such as scenic and ecological protection,
 - (b) the potential erosion and run-off as a result of the proposed development,
 - (c) the effect of the use of any impermeable materials in the design or construction of the proposed development,
 - (d) the continuing use of the land for agriculture.

69 Development for the purpose of sex services premises

Consent must not be granted to development for the purpose of sex services premises unless the consent authority is satisfied that:

- (a) the development will not be adjacent to or adjoin, or be within 100 metres of, the following:
 - (i) an educational establishment,
 - (ii) a child care centre,
 - (iii) a recreation area,
 - (iv) a place of public worship,
 - (v) a hospital,
 - (vi) any other place regularly frequented by children for recreational or cultural activities, and
- (b) the development does not have a frontage to, or direct vehicular access from, a main road.

70 Suspension of covenants, agreements and instruments

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

the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

- (2) This clause does not apply:
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).

71 Development above the 520 AHD contour and on environmentally sensitive land

- (1) The objective of this clause is to protect the visual and environmentally significant upper slopes south of the town of Mudgee and land within the Conservation Zone from inappropriate development.
- (2) This clause applies to the following land:
- (a) land above the 520 metre AHD contour as shown on the map,
 - (b) land within the Conservation Zone.
- (3) Consent must not be granted to the carrying out of development on land to which this clause applies unless the consent authority has made an assessment of the following:
- (a) the likely impact of the proposed development on skyline views in the locality,
 - (b) the extent of timber clearing that is likely to be necessary in order to enable the proposed development to be carried out,
 - (c) the relationship between the proposed development and the surrounding landscape,
 - (d) the susceptibility of the proposed development to the hazards of bush fire, soil erosion, landslips and similar hazards.

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Part 6 Special provisions

72 Development on land within Investigation Zone

- (1) The objective of this clause is to ensure that land within the Investigation Zone is developed in a manner which does not restrict, isolate or sterilise that land from future urban development.
- (2) This clause applies to land within the Investigation Zone.
- (3) The consent authority must not consent to development on land to which this clause applies unless it has made an assessment of the likely impact of the proposed development on the future expansion of the town to which the land adjoins.

73 Resort development on land within Agriculture Zone

- (1) Despite any other provisions of this Plan, the consent authority may consent to development for the purposes of a resort on land within the Agriculture Zone.
- (2) Consent referred to in subclause (1) must not be granted unless it is satisfied that the proposed development meets the following criteria:
 - (a) the proposed development site has access to a legal formed and bitumen sealed road, mains electricity and telecommunications facilities,
 - (b) the proposed development site will have access to a secure water supply for domestic, landscaping and fire fighting purposes,
 - (c) the proposed development will avoid flood prone land, saline soils, and medium or high risk bush fire lands,
 - (d) the proposed development will not be located within 500 metres of the boundary of any land within the Intensive Agriculture Zone or an existing intensive agricultural activity, mine or quarry on land not associated with the proposed development site,
 - (e) the proposed development will not be located above the 520 metre AHD contour adjacent to the urban area of Mudgee,
 - (f) the proposed development site is capable of supporting, establishing and maintaining an adequate on-site effluent disposal system.
- (3) In determining an application for a resort development, the consent authority must consider the following matters:
 - (a) the suitability of the site for the proposed development,
 - (b) the likely impact of the proposed development on adjoining and adjacent land by reason of noise, odour, dust, smoke, hours of operation, traffic, light emissions etc,
 - (c) site specific soil assessment across the proposed development site,

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- (d) existing or potential salinity issues on the proposed development site and adjoining sites, including monitoring and ongoing management,
 - (e) the effect of the proposed development on flora and fauna, including threatened species, on the proposed development site and adjoining and adjacent land,
 - (f) the Aboriginal archaeological values of the proposed development site,
 - (g) the impact of the proposed development on traffic and transport, including traffic volumes, and how the development will feed into the existing urban transport system,
 - (h) the impacts of the proposed development on the rural scenic quality of the site and adjoining land including potential impacts on significant vistas and ridgelines.

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Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses

(Clause 14)

No	Land	Address/Location	Use	Special provisions
1	Lots 11–14 and Pt Lots 15–18, DP 755434 Pt Lots 233 and 234, DP 755434 Lots 320, 402, 135, 361, 353, and 367, DP 755434 Lot 15, Section 88, DP 758482	Lot 11 Black Lead Lane GULGONG Lots 12 and 13 Nandoura Street GULGONG Lot 14 Tallawang Street GULGONG Pt Lot 15 Tallawang Street GULGONG Pt Lot 16 Tallawang Street GULGONG Pt Lot 17 and 18 Black Lead Lane GULGONG Pt Lots 233 and 234 Medley Street GULGONG Lots 320 and 402 Nandoura Street GULGONG Lot 135 and 353 Barneys Reef Road GULGONG Lot 361 Black Lead Lane GULGONG Lot 367 Hideaway Lane GULGONG Lot 15, Section 88 Tallawang Street GULGONG	Subdivision to create an allotment having an area of not less than 4 hectares for the purpose of erecting a dwelling house	Nil
2	Lot A, DP 162225 Lot 168, DP 755418	Lot A Spring Flat Road SPRING FLAT Lot 168 Henry Lawson Drive BOMBIRA	Development for the purpose of a motel comprised of 56 rooms and restaurant.	Nil
3	Lot 1, DP 174385 and Lot 1, DP 1003242	Guntawang Road GALAMBINE	Hotel and associated facilities	Nil

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Additional permitted uses

Schedule 1

No	Land	Address/Location	Use	Special provisions
4	Lot 12, DP 1077777	Lions Drive MUDGEE	Caravan Park	Nil
5	Lot 1, DP 808587	Broadhead Road MUDGEE	Retail Plant Nursery	Nil
6	Lot 5, DP 265664	Ulan Road PUTTA BUCCA	Hotel and associated facilities including Conference Centre	Nil
7	Lots 1 and 2, DP 566076 Lots 2, 32, 323, 379, 380 and 381, DP 756894	Lot 1 Robertson Road MUDGEE Lot 2 Broadhead Road MUDGEE Lot 32 Robertson Road MUDGEE Lot 323 Broadhead Road MUDGEE Lot 379 Sawpit Road MUDGEE Lots 380 and 381 Robertson Road MUDGEE	Single Dwelling	Nil
8	Lots 158, 159, 160, 161, and 249, DP 755433 Lots 53, 91, 105, 162, 163, 227, 228 and 230, DP 755433, Parish of Gulgong	Lots 158, 159, 160 and 161 Flirtation Hill Lane GULGONG Lot 249 Canadian Lead Road GULGONG Lots 53 and 105 Canadian Lead Road GULGONG Lots 91, 227 and 230 Flirtation Hill Lane GULGONG Lot 162 Ridout Lane GULGONG Lot 163 Ridout Lane GULGONG Lot 228 Homer Street GULGONG	Single Dwelling	Nil

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Schedule 1 Additional permitted uses

No	Land	Address/Location	Use	Special provisions
9	Lots 39, 40, 43, 48 and 49, DP 756894 Lot A and B, DP 162225 Lot 1, DP 724827 Lot 1, DP 725541	Lots 39, 40 and 43 Bruce Road SPRING FLAT Lots 48 and 49 Spring Flat Road SPRING FLAT Lot A and B Spring Flat Road SPRING FLAT Lot 1 Broadhead Road SPRING FLAT Lot 1 Spring Flat Road SPRING FLAT	Single Dwelling	Nil
10	Lot 1, DP 876505, Parish of Eurundury Lot 530, DP 850390, Parish of Eurundury Lots 12, DP 1020501, Parish of Eurundury Lot 241, DP 756923, Parish of Windeyer Lot 6, DP 756923, Parish of Windeyer Lot 17, DP 82018, Parish of Windeyer Lot 18, DP 82018, Parish of Windeyer Lot 19, DP 82018, Parish of Windeyer Lot 20, DP 82018, Parish of Windeyer Lot 22, DP 756923, Parish of Windeyer	Lot 1 Black Springs Road BUDGEE BUDGEE Lot 530 Ulan Road BUDGEE BUDGEE Lot 12 Church Lane BUDGEE BUDGEE Lot 241 Mudgee Street WINDEYER Lot 6 Mudgee Street WINDEYER Lot 17 Mudgee Street WINDEYER Lot 18 Mudgee Street WINDEYER Lot 19 Mudgee Street WINDEYER Lot 20 Mudgee Street WINDEYER Lot 22 Mudgee Street WINDEYER Lot 25 Mudgee Street WINDEYER Lot 51 Mudgee Street WINDEYER Lot 2 Old Mill Road GULGONG	Single Dwelling	Nil

No	Land	Address/Location	Use	Special provisions
	Lot 25, DP 756923, Parish of Windeyer			
	Lot 51, DP 756923, Parish of Windeyer			
	Lot 2, DP 1006125, Parish of Guntawang			

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Schedule 2 Exempt development

Schedule 2 Exempt development

(Clause 16)

Exempt development		Circumstances for Exemption (Compliance with all criteria necessary)
Access Ramps for people with disabilities	Not exempt if the building is a heritage item. In a heritage conservation area, the work is exempt only if undertaken at the rear of the premises.	Maximum height: 1 metre above finished ground level. The structure complies with the current AS 1428.1. The structure complies with the <i>Building Code of Australia</i> . The development is located wholly within the boundaries of the allotment.
Advertising Signs	Signs (including business identification and building signs) on land zoned Agriculture, Intensive Agriculture, Rural Small Holdings or Conservation	The sign must relate to a lawful or approved use of the land and be located on the land where the activity is carried out and there are no other signs existing. Signs must describe premises and be located on private land, not in the road reserve. Maximum of one sign only per site. Maximum height of 2.5m and maximum area 2m ² . Made of non-reflective material. Must be free standing. Must be set back 3m if located on a corner or intersection of a road. Not illuminated. Any signage erected to satisfy the requirements of WorkCover and/or OH&S or the like.

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Signs in Industrial Zones	<p>One pole, pylon or post supported sign (including directory boards for multiple occupancies) per site not exceeding 4m² in area and no more than 4.5m in height.</p> <p>Must be wholly located on the site.</p> <p>The sign does not flash or include moving components.</p> <p>Does not obscure entry/exit sight distance from the premises.</p> <p>For multiple occupancies, one additional company identification sign not exceeding 1.2m² at the entrance to each occupied unit.</p> <p>For single occupancies, one additional identification sign affixed to the building with an area that does not exceed 2.5m².</p> <p>One sandwich board sign to be located wholly within the property that is a business identification sign (not containing product advertisement or endorsement). Maximum size 2m² per side of sign.</p> <p>Any signage erected to satisfy the requirements of WorkCover and/or OH&S or the like.</p>
Real Estate Signs (advertising premises/land for sale or rent)	<p>Residential land zoned Low Density Residential, Medium Density Residential, Village or Rural Residential:</p> <p>(a) Only one sign per agent per street frontage, and</p> <p>(b) Size: not to exceed 2.0m².</p> <p>Industrial /Business land zoned Light Industrial, General Industrial, Commercial Core or Mixed Use:</p> <p>(a) One sign per agent per street frontage, and</p> <p>(b) Size: not to exceed 4.5m².</p> <p>Contained wholly on site or attached to the front fence and does not pose a risk to public safety.</p>

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Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Temporary Signs	<p>Announcing an approved local event on land, and does not include advertising of a commercial nature, other than the name of the event, and sponsors.</p> <p>Is not to be displayed earlier than 28 days prior to the event and is to be removed immediately after the event.</p> <p>Does not pose a risk to the safety of the public.</p> <p>Note. Council reserves the right to require the removal of damaged or offensive signs.</p>
Public Information Signs	<p>A public notice for public information displayed by the Council giving directions or information about the area and community services provided.</p>
Traffic Signs on or adjacent to public roads	<p>Street name signs, directional or traffic control signs displayed by Council in accordance with AS 1742.1—2003, <i>Manual of Uniform Traffic Control Devices</i> on a public road being:</p> <ul style="list-style-type: none">• guide sign• warning sign• temporary warning sign• regulatory sign• parking sign• hazardous marker• service symbol• tourist information signs
Signs on land zoned Commercial Core, Mixed Use and Neighbourhood Business	<p>Window Signs—temporary signs greater than 25% of the glazed area of the window for promotional purposes for a maximum of 2 weeks.</p> <p>The advertisement is below the awning or verandah and replaces one for which consent has been granted but only where there is no increase in the area of the sign or intensity of illumination.</p> <p>Any signage erected to satisfy the requirements of WorkCover and/or OH&S or the like.</p>

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)	
Signs in Residential Zones	<p>The advertising sign must be a business identification sign and relate to a lawful or approved use of the land and be located wholly within the site.</p> <p>Must not be illuminated.</p> <p>Maximum dimensions 1,000mm width and 300mm depth.</p> <p>Maximum height 1m above ground level or located on the building below the height of the eaves.</p> <p>Any signage erected to satisfy the requirements of WorkCover and/or OH&S or the like.</p>	
<p>Ancillary Residential Development The development complies with the <i>Planning for Bushfire Protection 2001</i> and AS 3959, <i>Construction of Buildings in bushfire-prone areas.</i></p>	<p>Aerials/Antennae (not including satellite dishes and microwave antennae—dealt with as separate provision below)</p>	<p>For domestic use only.</p> <p>Maximum height 8m from natural ground level.</p> <p>Roof or Wall mounted in residential and commercial areas.</p>
<p>Air conditioning units for dwellings attached to external wall</p>	<p>The building is not a heritage item.</p> <p>If the unit is within a heritage conservation area and it is not visible from a public place or does not reduce the fire resistance level (FRL) of a structural member.</p> <p>Noise level should not exceed 5dBA above ambient noise level measured at property boundary.</p> <p>Building work must not reduce the structural integrity of the building.</p> <p>Any opening created is to be adequately weatherproofed.</p>	

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Air conditioning units for dwellings ground mounted	<p>If the unit is alongside a heritage item or within a heritage conservation area and it is not visible from a public place or does not reduce the fire resistance level (FRL) of a structural member.</p> <p>Noise level should not exceed 5dBA above ambient noise level measured at property boundary.</p> <p>Building work must not reduce the structural integrity of the building.</p> <p>Any opening created is to be adequately weatherproofed.</p>
Awnings on Dwellings Excluding a dwelling that is a Heritage Item.	<p>Maximum area: 20m².</p> <p>Setback 450mm from side and rear boundaries.</p> <p>Located at the rear of building.</p>
Balconies, decks and patios (unroofed and attached to dwellings)	<p>In the case of a building which is a heritage item or within a heritage conservation area the structure is not to be visible from a public place or involves the alteration to window or door openings of the building.</p> <p>Maximum Area: 20m² dwelling.</p> <p>Finished surface level not greater than 1m above existing ground level.</p> <p>Required boundary setbacks to be 450mm.</p>
Barbecues	<p>Maximum area: 10m².</p> <p>Maximum chimney height: 2.5m.</p> <p>The structure is not located within 900mm of the side or rear boundary and does not contravene the building line.</p>
Bird Aviaries excluding pigeon lofts and fowl houses	<p>Maximum floor area: 2m².</p> <p>Maximum height: 2.4m.</p> <p>Location: to the rear of the building and not over stormwater access pits.</p> <p>Limit of one building per property.</p> <p>The structure is not located within 900mm of the side or rear boundary.</p>

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Clothes Line/Hoists	Installed to manufacturer's specification. Location: Behind front building line and not within a minimum of 900mm from the property boundary.
Cubby Houses and Playground Equipment	Maximum Height: 2.4m. Maximum Area: 10m ² . Location: Rear of building. Structurally sound and installed to manufacturer's instructions. Does not require any cut or fill. The structure is not located within 900mm of the side or rear boundary.
Letter Boxes	Maximum height: 1.2m. Located within the property boundary. Consistent with streetscape and character.
Garden Sheds	Free standing. Maximum floor area: 10m ² . Maximum height: 2.4m. Location: to the rear of the building. May be located at the side of the building set back a minimum of 10m from the front building line. Non-reflective materials. Does not require any cut or fill. The structure is not located within 450mm of the side or rear boundary.

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Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Minor alterations to domestic single dwellings	<p>The building is not to be a heritage item.</p> <p>Non-structural work only such as:</p> <ul style="list-style-type: none">• replacement of doors, walls, ceiling or floor linings,• renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes. <p>Applies only to alterations or renovations to previously completed buildings.</p> <p>Work not to include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means.</p> <p>Works not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosures of open areas.</p>
Paving (associated with dwellings)	<p>Surface is to be graded to allow water to drain to a drainage system and discharge into Council's stormwater system.</p> <p>At least 50% of the area in front of the building line is retained for lawn and gardens.</p>
Pergola (open)	<p>Located behind the front building line.</p> <p>Maximum area: 20m².</p> <p>Maximum height: 2.4m from natural ground level.</p> <p>Maintain boundary setbacks a minimum of 450mm.</p>
Recladding of roofs or walls	<p>Building not to be located within a heritage conservation area or be a heritage item.</p> <p>Replace existing materials with similar materials.</p> <p>Recladding not to involve structural alterations.</p>

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Retaining Walls	<p>Maximum height 1 m.</p> <p>Masonry walls to comply with the following:</p> <ul style="list-style-type: none"> (a) AS 3700—2001, <i>Masonry Structures</i>, (b) AS 3600—2001, <i>Concrete Structures</i>, (c) AS 1170.4—1003, <i>Minimum design loads on structures</i>. <p>Timber walls to comply with:</p> <ul style="list-style-type: none"> (a) AS 1720.1—1007, <i>Timber Structures</i>, (b) AS 1170.4—1003, <i>Minimum design loads on structures</i>. <p>All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage/run off.</p>
Water Heaters/Water Softeners	<p>Installed to manufacturer's specifications and requirements by a licensed person.</p> <p>Located behind the front building line.</p> <p>The building work does not reduce the structural integrity of the building or involve structural alterations.</p> <p>Does not affect the front facade or notable features of a heritage item.</p>
Water Heater—Solar	<p>Not to be located on a heritage item</p> <p>Installed to manufacturer's specifications and requirements by a licensed person.</p> <p>The building work does not reduce the structural integrity of the building or involve structural alterations.</p>
Skylight roof windows (including solartube or a similar installation)	<p>Not to be located on a heritage item or within a heritage conservation area.</p> <p>Maximum area: 1m².</p> <p>Location: Not less than 900mm from a boundary and not less than 900mm from a wall separating attached dwellings.</p> <p>Building work must not reduce the integrity of the building or structural alterations.</p> <p>Any openings must be waterproofed.</p> <p>Installation to manufacturer's instructions.</p>

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Exempt development		Circumstances for Exemption (Compliance with all criteria necessary)
Ancillary Rural Development	<p>Silos, sheds, stables, stockyards, earthworks, filling and the like</p> <p>Excludes land zoned Rural Residential</p>	<p>Any structure complies with Council boundary setback dwelling policy.</p> <p>Structures to be used for storage of materials, feed and machinery only.</p> <p>Maximum size of building: 100m².</p> <p>Maximum height: 10 metres.</p> <p>Not located on flood prone land.</p> <p>Located below ridge lines.</p> <p>Complies with relevant regulations under the <i>Local Government Act 1993</i>.</p> <p>Any spillage of chemicals or fuel stored within the structure to be caught by an adequately sized bund.</p> <p>Stock yards not limited in size but not to be located within 100 metres of a dwelling on an adjoining property and not to be used for a regular commercial purpose.</p>
	<p>Dams only on land zoned Agriculture and Intensive Agriculture</p>	<p>Compliance with the Farm Dams policy (Refer to the relevant Government Department).</p> <p>Capacity of up to 25ML.</p>
Building Alterations		<p>The development complies with <i>Planning for Bushfire Protection 2001</i> and AS 3959, <i>Construction of Buildings in bushfire-prone areas</i>.</p> <p>Building alterations (but not the making of, or an alteration to the size of, any opening in a wall or roof of a building, such as a skylight, doorway or window) comprising:</p> <ul style="list-style-type: none"> • Non-structural alterations to the exterior of a building that is not a heritage item or within a heritage conservation area, such as painting, plastering, cement rendering, cladding, attaching fittings and decorative work, or • Non-structural alterations to the interior of a building that do not result in the current load-bearing capacity of the building being exceeded.

Exempt development		Circumstances for Exemption (Compliance with all criteria necessary)
Bus Depot	Agriculture, Intensive Agriculture and Rural Small Holdings zones	Small scale operation with a maximum of two buses. The building in which it is stored has an area of not more than 100m ² .
Change of use of an existing lawful business —a different use of a building but not including alterations unless allowed by other provisions in this Schedule	Excludes a use which is operating under the existing use provisions of the Act.	The new use is consistent with the classification of the building under the <i>Building Code of Australia</i> and replaces a former use being carried out in accordance with a development consent, and: <ul style="list-style-type: none"> (a) it is not actually or potentially a hazardous or offensive industry, and (b) it is not actually or potentially a hazardous or offensive storage establishment, and (c) it does not involve the preparation of food for sale or consumption, and (d) it is not prohibited by any provision. The new use results from a change of building use from retail premises to office premises or from office premises to retail premises that is not in the business of preparing food for sale or consumption, where: <ul style="list-style-type: none"> (a) the new use replaces a former use being carried out in accordance with development consent, and (b) the use of not more than 200 square metres of floorspace is changed, and (c) the new use is not prohibited by any provision.
Home-based Child Care	Agriculture, Intensive Agriculture, Investigation and Rural Small Holdings zones	Development is not on bush fire prone land.

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Exempt development		Circumstances for Exemption (Compliance with all criteria necessary)
Demolition of Exempt Items	Only applies to the demolition of items whose erection would have been exempt development under clause 16 of the Plan and this Schedule	The building is not a heritage item or located on the site of a heritage item or located within a heritage conservation area. Demolition is to be carried out to AS 2601—2001, <i>Demolition of Structures</i> .
Depot	Agriculture, Intensive Agriculture and Rural Small Holdings zones	Primarily used for the operation of an existing or proposed rural undertaking on the same site. Where the depot is used for storage of equipment which is primarily used on site but is also hired or contracted to a third party, the building in which it is stored has: (a) an area of not more than 100m ² , and (b) no more than two pieces of machinery.
Fences other than those covered by the <i>Swimming Pools Act 1992</i> Excludes fences in front of the rear building line in heritage items, heritage conservations areas All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage	Front Boundary Fences (between the building line and street or any other public place) Side or rear boundary fences (between the building line and the rear boundary)	Maximum height: 1.2m if constructed of timber, metal or light weight materials. Front fences must be constructed of materials consistent with streetscape character. Maximum height: 1.8m if constructed of timber, sheet metal, colourbond or light weight materials. Consistent with the <i>Dividing Fences Act 1991</i> . Must not present a danger to the public by use of barbed wire, electric fencing or other materials where it adjoins public land.

Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Masonry or Brick Fences	Maximum height: 600mm. Complies with the following: (a) AS 3700—2001, <i>Masonry Structures</i> , (b) AS 3600—2001, <i>Concrete Structures</i> ,
Security fences for industrial and business uses	Not to be erected in front of the building line. Installed in accordance with manufacturer's specifications.
Security Screens, roller /shutter doors in business zones	Surface finish to match shop front/window decor. Screen must be open weave construction. Located behind shop front.
Flagpoles	Not located within the heritage conservation area, or on a heritage item. Maximum height: 6m above natural ground level. Must be structurally adequate. Located wholly within the property. Installed to manufacturer's specifications. The number of flag poles does not exceed one per site. Associated flags are not to be used to display business identification or advertising.
Home Child Care	Carried out in a building which is a permanent residence. Provided by a carer licensed by the NSW Department of Community Services. The hours of operation do not exceed 7 am–8 pm.
Horticulture	Within the Agriculture, Intensive Agriculture or Rural Small Holdings zones. Does not include development for the purpose of a commercial vineyard (refer to specific exemption) or plant nurseries.
Intensive Plant Agriculture	Within the Agriculture, Intensive Agriculture or Rural Small Holdings zones. Does not include development for the purpose of a commercial vineyard (refer to specific exemption).

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Exempt development	Circumstances for Exemption (Compliance with all criteria necessary)
Microwave Antennae	For domestic use only. One per dwelling. Maximum height: 8m from natural ground level.
Satellite Dishes	Not located on a heritage item. Exempt development in the rural zones where erected within the curtilage of a dwelling and limited to one per dwelling in all other zones. The dish is not visible from a public place on the site of a heritage item or in a heritage conservation area. The dish is not mounted on the front facade or roof of a building being the front elevation of the building. The dish installation is not to project above the ridge line of the building. The development does not extend closer than 1 metre from the side or rear boundaries. For development on the land within Zones R1 Low Density Residential and R3 Rural Residential the diameter of the dish does not exceed 900mm. For development on land within any other zone the diameter of the dish does not exceed 1.5m.
Temporary Buildings	Including portable school buildings, site sheds or temporary accommodation on the land while approved work is being carried out on the permanent building. Not on bush fire prone land. For a lawful use of the land. To be removed upon occupation of the replacement permanent structure or within six months which ever occurs first. Location: Not to affect approved landscape, car parking or loading areas.

Exempt development		Circumstances for Exemption (Compliance with all criteria necessary)
Truck Depot	Agriculture, Intensive Agriculture and Rural Small Holdings zones	Limited to two pieces of machinery. The building in which it is stored has an area of not more than 100m ² .
Water Tanks		If a heritage item, or located within a heritage conservation area, the tank must be located behind the rear building. Maximum diameter: 2m. Maximum height: 2.5m. For rural development (other than land zoned Rural Residential) there is no size limit. Location: behind the building or between the building and side boundary. Installed to the manufacturers specifications.
Commercial Vineyards	Development for the purpose of new commercial vineyards or re-planting and expansion of existing vineyards on land zoned Agriculture and Intensive Agriculture.	<p>Development Area</p> <ul style="list-style-type: none"> Maximum planted area not exceeding 20ha for new or expanded vineyards, <p>Buffers</p> <ul style="list-style-type: none"> There is a minimum distance of 50m between the development and the property boundary, Vineyard development is not to be within 100m of any habitable building not associated with the development. <p>Site Access</p> <ul style="list-style-type: none"> The development does not involve a new access onto a public road.

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(Clause 17)

Complying development	Development standards
Bed and breakfast accommodation	
Excluding self contained accommodation. Not on bush fire prone land.	Up to four paying guests accommodated in no more than two bedrooms provided in an existing free standing dwelling house (does not include semi detached or attached dwellings). A minimum of 2 bathrooms. A smoke detection system that complies with AS 3786—1993, <i>Smoke alarms</i> and AS 3000—1991, <i>Electrical Installations—Buildings, structures and premises</i> (known as the SAA wiring rules) is in the house. A fire extinguisher and fire blanket provided in the kitchen. Must have a potable water supply. Must be connected to a reticulated sewerage system where available, or an approved on-site effluent disposal system.
Commercial Uses and Building Alterations	
A change of use from retail premises to office premises, or from office premises to retail premises. Internal alterations (and any necessary demolition associated with the alteration).	The building is not a heritage item. The total floor area involved is not more than 2,000m ² . If a change of building use, the new use must replace a former use with a development consent. Complies with any existing development consent conditions. Internal fit-out only which does not increase the gross floor area of the building. The use does not involve the sale of food.

Complying development	Development standards
Dwellings and Alterations— Urban	<p data-bbox="687 577 900 607">Site Requirements</p> <ul data-bbox="687 613 1283 1104" style="list-style-type: none"> <li data-bbox="687 613 1283 696">• The development is not a heritage item or within a heritage conservation area, or adjoining a heritage item. <li data-bbox="687 703 1214 757">• The development is proposed on a legally created allotment. <li data-bbox="687 763 1270 817">• Carrying out the development will not result in more than one dwelling house on the land. <li data-bbox="687 824 1270 878">• Any cut must not exceed 1 metre below natural ground level. <li data-bbox="687 884 1270 938">• Any fill must not exceed 1 metre above natural ground level. <li data-bbox="687 945 1270 999">• The edge of any cut or filled material must not be closer than 1 metre to any boundary. <li data-bbox="687 1005 1283 1104">• The edge of the building placed on a cut or fill must not be located closer than 1 metre from the edge of the cut or fill. <p data-bbox="687 1111 820 1140">Streetscape</p> <ul data-bbox="687 1146 1203 1238" style="list-style-type: none"> <li data-bbox="687 1146 1203 1176">• Minimum setback from road: 7.5 metres. <li data-bbox="687 1182 1193 1238">• External building materials must have a non-reflective surface finish. <p data-bbox="687 1245 863 1274">Bulk and Scale</p> <ul data-bbox="687 1281 1283 1543" style="list-style-type: none"> <li data-bbox="687 1281 1283 1364">• The maximum distance between the floor level of the structure at any point and the natural ground level is not more than 1 metre. <li data-bbox="687 1370 1270 1424">• The height between the floor and ceiling is not more than 2.7 metres. <li data-bbox="687 1431 1283 1543">• The external walls of the house are at least 900mm from the side and rear boundaries and all related development is at least 450mm from the side and rear boundaries.

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Complying development	Development standards
	Energy Efficiency
	<ul style="list-style-type: none">• New Dwelling• Has a BASIX Certificate.• Alterations and Additions• Alterations and Additions shall be provided with R2 Ceiling insulation and R1.5 wall insulation.• Shading of north, east and west facing glazing shall be provided. External devices such as eaves, blinds, shutters or a pergola can achieve this. Alternatively, insulated internally with opaque, close fitting curtains preferably with pelmets but external devices are preferable.
	Open Space and Landscaping
	<ul style="list-style-type: none">• A minimum of 20% of the lot is soft landscaped at the rear of the lot, that is, not a hard surface.• No more than 30% of the front yard is paved or sealed.
	For at least 3 hours between 9am and 5pm on June 21 at least 50% of the neighbouring property's main area of private open space is not in shadow, or where this standard is not currently met, no additional overshadowing occurs.

Complying development	Development standards
Dwellings and Alterations—Rural Residential	
Rural Residential—Dwellings located in Rural Residential Zone including:	If on bush fire prone land, the development complies with <i>Planning for Bushfire Protection 2001</i> and AS 3959, <i>Construction of Buildings in bushfire-prone areas</i>.
(a) detached single storey house (including single storey additions and alterations to detached single storey houses), or	Minimum lot sizes for houses <ul style="list-style-type: none"> • The area of the lot is equal to or more than the relevant minimum lot standards specified in this Plan.
(b) development related to detached single storey houses where not previously addressed in this Schedule (for example carports and garages).	Streetscape <ul style="list-style-type: none"> • Site area 1 hectare or larger: <ul style="list-style-type: none"> • Minimum setback from the road is 30 metres or in line with the building on the adjoining property. • Minimum setback to side and rear boundary 20 metres. • Site area less than 1 Hectare: <ul style="list-style-type: none"> • Minimum setback from the road is in line with the building on the adjoining property. • Minimum setback to side and rear boundary 5 metres.
	Bulk and Scale <ul style="list-style-type: none"> • The maximum distance between the floor level of the structure at any point and the natural ground level is not more than 1 metre. • The height between the floor and ceiling is not more than 2.7 metres (except the garage).
	Energy Efficiency <ul style="list-style-type: none"> • Has a BASIX Certificate.
	Open Space and Landscaping <ul style="list-style-type: none"> • No more than 30% of the front yard is paved or sealed.

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Complying development	Development standards
Rural—Dwellings in the Agriculture, Intensive Agriculture and Rural Small Holdings Zones, including	If on bush fire prone land, the development complies with <i>Planning for Bushfire Protection 2001</i> and AS 3959, <i>Construction of Buildings in bushfire-prone areas</i>.
(a) detached single or two storey house (including single or two storey additions and alterations to detached single storey houses), or	Minimum lot sizes for houses <ul style="list-style-type: none">• The area of the lot is equal to or more than the relevant minimum lot standards specified in Part 4.
(b) development related to detached single or two storey houses where not previously addressed in this Schedule. (for example carports and garages).	Energy Efficiency <ul style="list-style-type: none">• Has a BASIX Certificate. Visual Amenity <ul style="list-style-type: none">• Minimum setback from:<ul style="list-style-type: none">• The Castlereagh Highway—200 metres,• Any Regional Road—100 metres,• Any Local Road—60 metres.Side and rear setbacks a minimum of 20 metres. Buffers (Does not apply in Rural Small Holdings zone) <ul style="list-style-type: none">• There is a minimum distance of 150 metres between the house and any land used for agricultural purposes that is not in the same ownership as the land on which the house is to be built. Site Access <ul style="list-style-type: none">• Minimum site distance at point of site access to public road 170 metres. Site Issues <ul style="list-style-type: none">• Not located within 60 metres of a watercourse.• Site slope less than 20%. Note. An application will be required for disposal of on site waste.

Complying development	Development standards
Home Industry	<p data-bbox="687 573 1278 629">Carried out in any building other than a residential premises under the following circumstances:</p> <ul data-bbox="687 640 1278 965" style="list-style-type: none"> <li data-bbox="687 640 1278 786">• The building does not have a floor space exceeding 50m² and is erected within the curtilage of the residential premises occupied by the person carrying on the industry or on adjoining land owned by that person, and <li data-bbox="687 797 1278 965">• The industry does not: <ol data-bbox="762 819 1278 965" style="list-style-type: none"> <li data-bbox="762 819 1278 909">(a) Require the provision of any essential service main of a greater capacity than that available in the locality, or <li data-bbox="762 909 1278 965">(b) Does not involve the sale of goods from the premises.
<p data-bbox="304 981 671 1160">Industrial and Warehouse buildings</p> <p data-bbox="304 1025 671 1160">Complying development relates to the erection of the building and not the use. Industrial use of the building may require development consent.</p> <p data-bbox="304 1171 671 1245">Excludes development on land adjoining a main road (eg Sydney Road).</p>	<p data-bbox="687 1025 783 1055">Setback</p> <ul data-bbox="687 1066 1278 1117" style="list-style-type: none"> <li data-bbox="687 1066 1278 1117">• Each part of the structure is set back not less than 15 metres from the front boundary. <p data-bbox="687 1128 895 1158">Floor Space Ratio</p> <ul data-bbox="687 1169 1278 1243" style="list-style-type: none"> <li data-bbox="687 1169 1278 1243">• The floor space ratio (ratio of the total floor space in the buildings to the site area) is not more than 1:1. <p data-bbox="687 1254 863 1283">Building height</p> <ul data-bbox="687 1294 1278 1429" style="list-style-type: none"> <li data-bbox="687 1294 1278 1368">• The height of any wall is not greater than 7.2 metres above ground level excluding any parapet. <li data-bbox="687 1379 1278 1429">• The site is not cut or filled so as to alter its level by more than 1 metre. <p data-bbox="687 1440 799 1469">Drainage</p> <ul data-bbox="687 1480 1278 1644" style="list-style-type: none"> <li data-bbox="687 1480 1278 1554">• All roof and surface water is drained to a drainage system and then discharged into the Council's nearest stormwater drainage system. <li data-bbox="687 1565 1278 1644">• The drainage system is designed for a 1 in 20 year storm event, and so that any excess water will flow over land to the street.

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Complying development	Development standards
	Garbage and Storage areas <ul style="list-style-type: none">• Garbage and storage areas are on site, behind the building line and adequately screen from public view.
	Landscaping <ul style="list-style-type: none">• A landscaped strip of at least 3 metres in width to each road frontage is planted with trees and shrubs and the minimum landscaped area is 25% of the site area.• The driveway is a maximum width of 8 metres.
	Parking Loading and Unloading <ul style="list-style-type: none">• Car parking on-site is provided at the rate of at least one space for each 75m² of gross floor area, or one space for every two employees, whichever is the greater, and all spaces are separately accessible.• There is space for the loading and unloading of vehicles on site.• Driveway widths and turning circles on-site comply with the Road and Traffic Authority standards.• All vehicles can enter and leave the site in a forward manner.
	General <ul style="list-style-type: none">• The development complies with the <i>Development Control Plan for Industrial Development</i>.
Outbuildings <p>Outbuildings located in the Low Density Residential, Medium Density Residential, Village and Rural Residential Zones.</p> <p>Must be associated with an existing dwelling.</p> <p>Excludes development on land that is within a heritage conservation area or is a heritage item.</p>	<p>Must be located behind the rear building line.</p> <p>Maximum floor area:</p> <ul style="list-style-type: none">(a) for a lot less than 600m² in size—50m², and(b) for a lot 600m² in size or greater, but less than 1,200m²—65m², and(c) for a lot 1,200m² or greater in size—80m². <p>Maximum wall height: 2.7m.</p> <p>Maximum roof pitch: 20°.</p> <p>Any external metal cladding, including roof cladding, to be colourbond pre-finished or painted.</p>

Complying development	Development standards
Swimming Pools	<p>Any cut must not exceed 300mm below natural ground level.</p> <p>Any fill must not exceed 1m above natural ground level.</p> <p>The edge of any cut or filled material must not be closer than 1m to any boundary.</p> <p>The edge of the building placed on a cut or fill must not be located 1m from the edge of the cut or fill.</p> <p>Setbacks</p> <ul style="list-style-type: none"> • Minimum 900mm from side and rear boundaries in Low Density Residential, Medium Density Residential and Village zones. • Minimum setback of 5m from side and rear boundaries on land zoned Rural Residential with area less than 1ha. • Minimum setback of 20m from side and rear boundaries on land zoned Rural Residential with an area greater than 1ha. <p>The dwelling to which the swimming pool is ancillary is not a heritage item.</p> <p>Ancillary to a dwelling house for private use only.</p> <p>Located behind the front building line of the dwelling house.</p> <p>Coping and decking around the pool is no more than 750mm above natural ground level.</p> <p>The pool is at least 900mm from the side and rear boundaries.</p> <p>The noise level of any filtration equipment and pumps does not exceed 5dBA above ambient background level measured at the property boundary.</p>

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Schedule 3 Complying development

Complying development	Development standards
	<p>The installation and construction of the pool complies, where relevant, with the following:</p> <ul style="list-style-type: none">• AS/NZS 1838:1994, <i>Swimming pools—Premoulded fibre-reinforced plastics—Design and fabrication</i>,• AS/NZS 1839:1994, <i>Swimming pools—Premoulded fibre-reinforced plastics—Installation</i>,• AS 2783—1992, <i>Use of reinforced concrete for small swimming pools</i>. <p>The pool and surrounding structures comply with AS 1926.2—1995, <i>Swimming pool safety—Location of fencing for private swimming pools</i>.</p>

Schedule 4 Classification and reclassification of public land

(Clause 24)

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

Column 1	Column 2
Locality	Description

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

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

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

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Schedule 5 Environmental heritage

Schedule 5 Environmental heritage

(Clause 32)

Mudgee Town

- 2070001 “Lawson Park Hotel”, 1 Church Street, Mudgee
- 2070002 “Regent Theatre”, 3 Church Street, Mudgee
- 2070003 Catholic Church, southeast corner of Church & Market Streets, Mudgee
- 2070004 Convent and hall, corner Church & Market Streets, Mudgee
- 2070005 Catholic Presbytery, corner Church & Market Streets, Mudgee
- 2070006 Catholic Church Hall, 13 Church Street, Mudgee
- 2070007 Store, “Town Centre”, 19–41 Church Street, Mudgee
- 2070008 Shop, “Mercer’s Pharmacy”, 22 Church Street, Mudgee
- 2070009 Shop, (previously cafe), 26 Church Street, Mudgee
- 2070010 Shop, “Woolleys Butchery”, 47 Church Street, Mudgee
- 2070011 Shop/Hotel, 49–51 Church Street (cnr Mortimer Street), Mudgee
- 2070012 Shop, Travel Agency, 58–62 Church Street, Mudgee
- 2070013 House, “Afton”, 63 Church Street, Mudgee
- 2070014 Gallery/shop, “Busy Hands”, 71 Church Street, Mudgee
- 2070015 Office/residence, 89 Church Street, Mudgee
- 2070016 House, 93 Church Street, Mudgee
- 2070017 House, 95 Church Street, Mudgee
- 2070018 Shop, “F S Pharmacy”, 96 Church Street, Mudgee
- 2070019 Shop, “Settler’s Coffey Lounge”, 98 Church Street, Mudgee
- 2070020 Terrace houses, 110–112 Church Street, Mudgee
- 2070021 Terrace houses, 125–127 Church Street, Mudgee
- 2070022 House, 129 Church Street, Mudgee
- 2070023 Shop/residence, “Macs Corner Store”, northeast corner Church & Horatio Streets, Mudgee
- 2070024 Old Fire Station (now Dentists), 136 Church Street, Mudgee
- 2070025 Terrace houses, 150–152 Church Street, Mudgee
- 2070026 House/commercial rooms, 154 Church Street, Mudgee
- 2070027 House, 182 Church Street, Mudgee

2070028	House, 184 Church Street, Mudgee
2070029	House, "Cranford", 195 Church Street, South Mudgee
2070030	House, 4 Clifton Avenue, South Mudgee
2070031	House, 8 Cox Street, Mudgee
2070032	Terrace houses, 8–10 Court Street, Mudgee
2070033	House, 14 Court Street, Mudgee
2070034	House, 48 Court Street, Mudgee
2070035	House, 64 Court Street, Mudgee
2070036	Technical College, 74–76 Court Street, Mudgee
2070037	House, 78 Court Street, Mudgee
2070038	House, 30 Denison Street, Mudgee
2070039	Terrace house, 32 Denison Street, Mudgee
2070040	Terrace houses, 41–43 Denison Street, Mudgee
2070041	Terrace houses, 52–54 Denison Street, Mudgee
2070042	House, 53 Denison Street, Mudgee
2070043	House, "Ludgate", 56 Denison Street, Mudgee
2070044	House, 58 Denison Street, Mudgee
2070045	House, "Mooltan", 63 Denison Street, Mudgee
2070046	House, 97 Denison Street, Mudgee
2070047	House, 109 Denison Street, Mudgee
2070048	House, 116 Denison Street, Mudgee
2070049	House, 9 Douro Street, Mudgee
2070050	Duplex houses, 11–13 Douro Street, Mudgee
2070051	Duplex houses, 15–17 Douro Street, Mudgee
2070052	House, "Rexton", 18 Douro Street, Mudgee
2070053	House, 28 Douro Street, Mudgee
2070054	House, 82 Douro Street, Mudgee
2070055	Memorial Park, Douro Street (opposite Lovejoy Street), Mudgee
2070056	House, 17 Gladstone Street, Mudgee
2070057	House, 30 Gladstone Street, Mudgee
2070058	House, 44 Gladstone Street, Mudgee

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2070059	House, 54 Gladstone Street, Mudgee
2070060	House, 55 Gladstone Street, Mudgee
2070061	House, 57 Gladstone Street, Mudgee
2070062	House, 61 Gladstone Street, Mudgee
2070063	House, 68 Gladstone Street, Mudgee
2070064	House, 69 Gladstone Street, Mudgee
2070065	House, 79 Gladstone Street, Mudgee
2070066	House, 83 Gladstone Street, Mudgee
2070067	House, 104 Gladstone Street, Mudgee
2070068	House, 106 Gladstone Street, Mudgee
2070069	House, 156 Gladstone Street, Mudgee
2070070	House, 176 Gladstone Street, Mudgee
2070071	House, 210 Gladstone Street, Mudgee
2070072	House, 44 Horatio Street, Mudgee
2070073	House, 60 Horatio Street, Mudgee
2070074	Terrace houses, 81–83 Horatio Street, Mudgee
2070075	House, 99 Horatio Street, Mudgee
2070076	House, 105 Horatio Street, Mudgee
2070077	Guesthouse, “Hillsborough”, 141–143 Horatio Street, Mudgee
2070078	House, 149 Horatio Street, Mudgee
2070079	High school, corner Horatio and Douro Streets, Mudgee
2070080	House, 7 Inglis Street, Mudgee
2070081	House, 8 Inglis Street, Mudgee
2070082	Terrace houses, 9–11 and 13–15 Inglis Street, Mudgee
2070083	Railway buildings (excluding engine shed), railway station site, Inglis Street, Mudgee
2070084	Railway station, Inglis Street, Mudgee
2070085	House, 25 Inglis Street, Mudgee
2070086	Hotel, 34–36 Inglis Street, Mudgee
2070087	House, 3 Lawson Street, Mudgee
2070088	House and stables, “Bleak House”, 5–7 Lawson Street, Mudgee
2070089	House, 24 Lawson Street, Mudgee

2070090	House, 25 Lawson Street, Mudgee
2070091	House, 45 Lawson Street, Mudgee
2070092	Terrace house, 48 Lawson Street, Mudgee
2070093	Terrace houses, 49–51 Lawson Street, Mudgee
2070094	House, 50 Lawson Street, Mudgee
2070095	House, 55 Lawson Street, Mudgee
2070096	House, 64 Lawson Street, Mudgee
2070097	House, 65 Lawson Street, Mudgee
2070098	House, “Whitton Lodge”, 72 Lawson Street, Mudgee
2070099	Commercial building, “Lewis Street Tyre Service”, 1 Lewis Street, Mudgee
2070100	Hotel, “Oriental Tavern”, 6 Lewis Street (cnr Mortimer Street), Mudgee
2070101	Storeroom (old Wells & Co Store), 13 Lewis Street, Mudgee
2070102	House, “Mandalay”, 14 Lewis Street, Mudgee
2070104	House, “Koolabah”, 18 Lewis Street, Mudgee
2070105	House, 25 Lewis Street, Mudgee
2070106	House, (nursery) 49 Lewis Street, Mudgee
2070107	Shop/residence, 52 Lewis Street, Mudgee
2070108	Houses, 67, 69 and 71 Lewis Street, Mudgee
2070109	House, 73 Lewis Street, Mudgee
2070110	House, 83 Lewis Street, Mudgee
2070111	Offices, 1 Lovejoy Street, Mudgee
2070112	Clubhouse, “Mudgee Club”, 5 Lovejoy Street, Mudgee
2070113	House, 25 Madeira Road, South Mudgee
2070114	Terrace houses, 17–19 Market Street, Mudgee
2070115	Terrace houses, 21–25 Market Street, Mudgee
2070116	House, “Kojinup”, 26 Market Street, Mudgee
2070117	House, 27 Market Street, Mudgee
2070118	Shop, “Craigmoor Wines”, 30 Market Street, Mudgee
2070119	Shop/residence, 42–44 Market Street, Mudgee
2070120	Two shops, 43–45 Market Street, Mudgee
2070121	Shop/residence, 46 Market Street, Mudgee

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2070122	Shops, 52–54 Market Street, Mudgee
2070123	Commercial building, “Beaurepaires Tyres”, 54 Market Street (corner of Church and Market Streets), Mudgee
2070124	Shop, 56 Market Street, Mudgee
2070125	Anglican Church, corner of Market and Church Streets, Mudgee
2070126	Westpac Bank, 59 Market Street, Mudgee
2070127	State Bank, 62 Market Street, Mudgee
2070128	Town Hall, 64 Market Street, Mudgee
2070129	Clubhouse Hotel, 67 Market Street, Mudgee
2070130	Old bank building (now Accountants), 70 Market Street, Mudgee
2070131	Shop, 73 Market Street, Mudgee
2070132	Shops, 81–83 Market Street, Mudgee
2070133	Post Office, 80 Market Street, Mudgee
2070134	Police Station and stables, 82 Market Street, Mudgee
2070135	House, 88 Market Street, Mudgee
2070136	Government Offices (old Council Chambers), 90 Market Street, Mudgee
2070137	Court House annex, Market Street, Mudgee
2070138	Court House, 96 Market Street, Mudgee
2070139	Shop, 97 Market Street (corner Market and Perry Streets), Mudgee
2070140	Bandstand, Robertson Park, Market Street, Mudgee
2070141	Parkview Guesthouse, 99 Market Street, Mudgee
2070142	Courthouse Hotel, 111 Market Street, Mudgee
2070143	Museum, 126 Market Street, Mudgee
2070144	House, 141 Market Street, Mudgee
2070145	House, 144 Market Street, Mudgee
2070146	Old stables (now house), 146 Market Street, Mudgee
2070147	Terrace houses, 155–159 Market Street, Mudgee
2070148	House, 177 Market Street, Mudgee
2070149	House, “Loneragans”, 18 Mortimer Street (cnr Mortimer Street and Burrundulla Avenue), Mudgee
2070150	Terrace houses, 63–69 Mortimer Street, Mudgee
2070151	House, 64 Mortimer Street, Mudgee

2070152	Double storey residential building, 70–72 Mortimer Street, Mudgee
2070153	House, 82A Mortimer Street, Mudgee
2070154	Theatre, “Civic Theatre”, 84 Mortimer Street, Mudgee
2070155	Uniting Church, 87 Mortimer Street, Mudgee
2070156	Terrace houses, 100–106 Mortimer Street, Mudgee
2070157	Presbyterian Church, 103 Mortimer Street, Mudgee
2070158	House, 112 Mortimer Street, Mudgee
2070159	Shop, 131 Mortimer Street, Mudgee
2070160	House, 133 Mortimer Street, Mudgee
2070161	House, 152 Mortimer Street, Mudgee
2070162	House, 185 Mortimer Street, Mudgee
2070163	Commercial building, “Mudgee Guardian”, 9 Perry Street, Mudgee
2070164	Shop (previously Masonic Temple), 16 Perry Street, Mudgee
2070165	Salvation Army Citadel, 19 Perry Street, Mudgee
2070166	House, 24 Perry Street, Mudgee
2070167	House, 26 Perry Street, Mudgee
2070168	House, 28–30 Perry Street, Mudgee
2070169	Shops, 37–39 Perry Street, Mudgee
2070170	“Mechanics Institute”, School of Arts (now residence), 40 Perry Street, Mudgee
2070171	Hotel, “Paragon”, 38 Perry Street, Mudgee
2070172	Mudgee Public School, 44 Perry Street, Mudgee (additions)
2070173	Mudgee Public School, 44 Perry Street, Mudgee (original building)
2070174	Terrace houses, 47–49 Perry Street, Mudgee
2070175	House, Headmaster’s residence, 48 Perry Street, Mudgee
2070176	House, “Onohan”, 55 Perry Street, Mudgee
2070177	House, 57 Perry Street, Mudgee
2070178	Doctor’s surgery and dwelling, 19 Short Street, Mudgee
2070179	House, “The Willows”, 29 Short Street, Mudgee
2070180	Lawson Park, Short Street, Mudgee
2070181	Robertson Park, Market Street, Mudgee
2070182	Memorial Park, Douro Street, Mudgee

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- 2070183 River Red Gum tree, southwest corner of Lot 2, DP 777991, corner Perry and Short Streets, Mudgee
- 2070184 River Red Gum tree, Lot 4, Section 67, Short Street, Police Station property, Mudgee
- 2070185 Clock Tower, corner Church and Market Streets, Mudgee
- 2070186 Postal Pillar Box, Church Street, corner Moufarrige Mall, Mudgee
- 2070187 Pitched stone kerb and gutter, west side Court Street, between Nos 50 and 76
- 2070188 Tomb memorial to James Blackman and family, Blackman Park, Park Street, Mudgee

Gulgong Town

- 2070189 House, 16 Bayly Street (corner Nandoura Street—Lot 1, Section 72)
- 2070190 House, 22 Bayly Street (Lots 5 and 6, Section 54)
- 2070191 House, 29 Bayly Street (Lot 1, Section 53)
- 2070192 Old Flour Mill, 31 Bayly Street (southwest corner White Street—Lot 7, Section 5)
- 2070193 House, 32 Bayly Street (Lot 9, Section 54)
- 2070194 House, 42 Bayly Street (Lot 6, Section 12)
- 2070195 St Andrews Presbyterian Church, 46 Bayly Street (Lot 3, Section 20)
- 2070196 Catholic School, 49 Bayly Street (Lot 1, Section 19)
- 2070197 House, 53 Bayly Street (Lots 2 and 3, Section 19)
- 2070198 St Luke's Anglican Church, 54 Bayly Street (southeast corner Bulga Street—Lot 4, Section 20)
- 2070199 Church of St John the Baptist, 55 Bayly Street (Lots 4 and 6, Section 19)
- 2070200 House, 29 Belmore Street (Lot 13, DP 35627)
- 2070201 House, 35 Belmore Street (Lot 16, DP 35627)
- 2070202 House, 47 Belmore Street (Lot 1, Section 57)
- 2070203 House, 63 Belmore Street (Lot 5, Section 40)
- 2070204 Row of four houses, 68–74 Belmore Street (Lots 1–4, Section 41)
- 2070205 House, 73 Belmore Street (Lot 2, Section 40)
- 2070206 House, 84 Belmore Street (Lot 7, Section 13)
- 2070207 House, 85 Belmore Street (Lot 5, Section 14)
- 2070208 House, 86 Belmore Street (Lot 6, Section 14)
- 2070209 House, 88 Belmore Street (Lot 7, Section 14)

2070210	Uniting Church, 89 Belmore Street (southeast Medley Street—Lot 9, Section 13)
2070211	House, 90 Belmore Street (Lot 8, Section 14)
2070212	House, 104 Belmore Street (northeast corner Bulga Street—Lot 1, DP 521414)
2070213	House, 5 Bowman Street (Lot 5, Section 51)
2070214	House, 8 Bowman Street (Lots 31 and 32, Section 59)
2070215	House, 6 Bulga Street (Lot 3, DP 570476)
2070216	Catholic Rectory, 57 Bulga Street (southeast corner Bayly Street—Lots 5 and 7, Section 19)
2070217	House, Bulga Street (northeast corner Little Bayly Street—Lot 12, Section 21)
2070218	House, 2 Cainbil Street (southwest corner Rouse Street—Lot 4, DP 23799)
2070219	House, 18 Cainbil Street (Lot 2, DP 17320)
2070220	House, 24 Cainbil Street (Lot 5, DP 17320)
2070221	House, 26 Cainbil Street (Lot 6, DP 17320)
2070222	House, Caledonian Street (Portions 116 and 117 and Part Lot 2, Parish of Guntawang)
2070223	House, Canadian Street (Lot 4, Section 87)
2070224	House, “Tarrawonga”, corner Canadian Lead Road and Homer Street (Part Portion 249, Parish of Gulgong)
2070225	House, 5 Cooyal Street (southeast corner Stuart Street—Lot 3, Section 90)
2070226	House, 22 Cooyal Street (northeast corner Scully Street—Lot 3, Section 63)
2070227	House, “Red Hill House”, Cooyal Street (southeast corner White Street—Lot 1, Section 80)
2070228	House, 10 Fitzroy Street (Lot 3, Section 86)
2070229	House, 17 Herbert Street (Lot 1, Section 43)
2070230	House, 20 Herbert Street (Lot 10, Section 16)
2070231	Commercial building, 25 Herbert Street (southeast corner Station Street—Lot 18, Section 10)
2070232	House, 27 Herbert Street (Lot 19, Section 10)
2070233	House, 26 Herbert Street (Lot 11, Section 16)
2070234	House, 32 Herbert Street (Lots 6 and 8, Section 16)
2070235	House, 50 Herbert Street (Lot 32, Section 15)

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- 2070236 Gulgong Pioneer Museum, 57–73 Herbert Street (Lots 1A, 1B, 2, 3, 4, 5, 6A, 6B and 6C, Section 6)
- 2070237 House, 57 Herbert Street (Lot 2A, Section 7)
- 2070238 Shop and residence, 62 Herbert Street (Lots 1 and 2, Section 14)
- 2070239 House, 70 Herbert Street (Lots 1 and 2, Section 13)
- 2070240 House, 74 Herbert Street (Lot 2A, Section 12)
- 2070241 Commercial building, 74A Herbert Street (Lot 28, Section 12)
- 2070242 “Golden West Trading Post” and house, 75 Herbert Street (Lots 1A and 1B, Section 5)
- 2070243 Gulgong Dry Cleaners, 77 Herbert Street (Lot 1A, Section 5)
- 2070244 Commercial building, 78 Herbert Street (Lot 1, Section 12)
- 2070245 Commercial building, 79–83 Herbert Street (Lots 1, 2, 2A, 2B and 3A, Section 5)
- 2070246 Farmers & Graziers Co-op, 85 Herbert Street (Lot 2, Section 5)
- 2070247 Commercial building, 87 Herbert Street (northeast corner Queen Street—Lot 1, Section 5)
- 2070248 “Davies Butchery”, 89 Herbert Street (southeast corner Queen Street—Part Lot 8A, Section 4)
- 2070249 Post Office, 94 Herbert Street (southwest corner Robinson Street—Lot 2, DP 206281)
- 2070250 “Post Office Hotel”, 97 Herbert Street (southeast corner Robinson Street—Lots 1–3, Section 27)
- 2070251 Court House, 98 Herbert Street (Lot 3, Section 28)
- 2070252 Ulan County Council, 100 Herbert Street (Lot 17, Section 28)
- 2070253 “Australian Joint Stock Bank”, 101 Herbert Street (Lots 4 and 5, Section 27)
- 2070254 Fire Station, 102 Herbert Street (Lot 5, Section 28)
- 2070255 House, 105 Herbert Street (Lot 6, Section 27)
- 2070256 “Wyaldra Shire Hall”, 109 Herbert Street (Lot 8, Section 27)
- 2070257 House, 113 Herbert Street (Lot 4, Section 65)
- 2070258 Silos and house, Homer Street (Portion 37, Parish of Gulgong)
- 2070259 House, “Haleys Cottage”, Little Belmore Street (southeast corner White Street—Lot 2, Section 42)
- 2070260 House, 41 Loftus Street (Lot 4, Section 69)
- 2070261 House, 8 Lynne Street (Lot 2, Section 46, DP 51302)

2070262	House, 10 Lynne Street (Lot 21, DP 56813)
2070263	House, 11 Lynne Street (Lot 4, Section 23)
2070264	House, 24 Mayne Street (Lot 2, DP 595785)
2070265	House, 27 Mayne Street (Portion 219, Parish of Gulgong)
2070266	House, 38 Mayne Street (Lot 41, Section 45)
2070267	House, 45 Mayne Street (Lot 2, Section 44)
2070268	House, 46 Mayne Street (Lot 1, Section 45)
2070269	House, 49 Mayne Street (Lot 7, Section 32)
2070270	House, 51 Mayne Street (Lot 6, Section 32)
2070271	House, 56 Mayne Street (Lot 2, Section 31)
2070272	House, 59 Mayne Street (Lot 1, Section 32)
2070273	House, 74 Mayne Street (Lots 6 and 7, Section 30)
2070274	House, "Loyola", 77 Mayne Street (Lot D, Section 29)
2070275	House, 78 Mayne Street (Lot 4, Section 30)
2070276	House, 80 Mayne Street (Lot 3, Section 30)
2070277	Shop, 88 Mayne Street (Lot 2B, Section 4)
2070278	House, 89 Mayne Street (Lot 15, Section 29)
2070279	"Jas Loneragan", 90–100 Mayne Street, (northeast corner Herbert Street— Lots 5–7, Section 4)
2070280	St Vincent de Paul shop and residence, 91 Mayne Street (Lot 9, Section 1)
2070281	House, 93 Mayne Street (Lot 8, Section 1)
2070282	Prince of Wales Hotel, 97 Mayne Street (Lots 5 and 6, Section 1)
2070283	"Prince of Wales Opera House", 99 Mayne Street (Lot 4, Section 1)
2070284	"CBC Bank", 101–103 Mayne Street (Lot 3, Section 1)
2070285	Commercial building, 102 Mayne Street (northwest corner Herbert Street— Section 3)
2070286	Commercial building, 104 Mayne Street (Lot 6, Section 3)
2070287	Commercial building, 107 Mayne Street (southeast corner Herbert Street— Lots 1–3, Section 1)
2070288	"Greatest Wonder of the World", 123 Mayne Street (Part Lot 4, Section 2)
2070289	"American Tobacco Warehouse", 125 Mayne Street (Part Lot 4, Section 2)
2070290	Commercial building, 127 Mayne Street (Lot 5A, Section 2)

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2070291	Commercial building, 128–132 Mayne Street (northeast corner Medley Street—Lots 1A, 2B and 2C, Section 3)
2070292	Commercial building, 131–133 Mayne Street (Lots 6A, 6B and 6C, Section 2)
2070293	The Coffee House, 137 Mayne Street (Lot 7A, Section 2)
2070294	Commercial building, 139 Mayne Street (northwest corner Medley Street) (Lot 7, Section 2)
2070295	Centennial Hotel, 145 Mayne Street (corner Medley Street—Lots 1 and 2, Section 17)
2070296	“The Henry Lawson Centre”, 147 Mayne Street (Part Lot 3, Section 17)
2070297	House, 148 Mayne Street (Lots 6 and 7, Section 18)
2070298	House, 149 Mayne Street (Lot 5B, Section 17)
2070299	House, 153 Mayne Street (Lot 6, Section 17)
2070300	House, 155 Mayne Street (Lot 7, Section 17)
2070301	“Cullengoral”, 156 Mayne Street (Lot 21, Section 18)
2070302	House, 161 Mayne Street (Lot 12, Section 17)
2070303	House, 162 Mayne Street (Lot 1, Section 24)
2070304	House, 164 Mayne Street (Lot 2, Section 24)
2070305	Shop, 165 Mayne Street (Lot 14, Section 17)
2070306	House, 166 Mayne Street (Lot 3, Section 24)
2070307	House, 167 Mayne Street (Lot 15, Section 17)
2070308	“Ten Dollar Town Motel”, Mayne Street (northwest corner Medley Street—Lot 1, Section 18)
2070309	House, 169 Mayne Street (Lot 5, Section 25)
2070310	House, 192 Mayne Street (Lot 22, DP 598308)
2070311	House, 200 Mayne Street (Portion 436, Parish of Guntawang)
2070312	“Gulgong District Hospital”, 206 Mayne Street (Portion 196, Parish of Guntawang)
2070313	House, Main Road No 55 (near Medley Street) (Portion 143, Parish of Guntawang)
2070314	House, 33 Medley Street (Lot 24, Section 16)
2070315	House, 35 Medley Street (Lot 4, Section 15)
2070316	House, 37 Medley Street (Lot 1, Section 15)
2070317	House, 39 Medley Street (Lot 5, Section 15)

2070318	House, 44 Medley Street (Lot 3, Section 23)
2070319	House, 45 Medley Street (Lot 8A, Section 12)
2070320	House, 51 Medley Street (Lot 2, Section 11)
2070321	House, 56 Medley Street (Lot 3, Section 21)
2070322	House, 58–60 Medley Street (Lots 21 and 22, Section 21)
2070323	Police station, 61 Medley Street (Lot 2, Section 28)
2070324	House, 62 Medley Street (Lot 1, Section 21)
2070325	Uniting Church Hall, 64 Medley Street (Part Lot 2, Section 20)
2070326	House, “Albury House”, 68 Medley Street (northwest corner Bayly Street—Lot 1, Section 20)
2070327	House, 75 Medley Street (Lot 1, Section 39)
2070328	“Phonograph Museum” and residence, 78 Medley Street (Lots 14 and 15, Section 18)
2070329	House, 86 Medley Street (Lot 2, Section 33)
2070330	House, “Merry”, 100 Medley Street (Lot 4, Section 35)
2070331	House, 104 Medley Street (Lot 2, Section 36)
2070332	House, 108 Medley Street (Part Lot 2, Section 38)
2070333	House, 110 Medley Street (Lot 3, Section 38)
2070334	House, 2 Moonlight Street (Lot 10, Section 60)
2070335	House, Nandoura Street (Lot 2, Section 73)
2070336	Commercial building (Loneragans Garage), 33 Queen Street (Lot 6, Section 5)
2070337	Commercial building, 35 Queen Street (Lot 5, Section 5)
2070338	House, 40 Queen Street (Lot 102, Section 53)
2070339	House, 56 Queen Street (northwest corner Bulga Street—Lot 2, resubdivision of Portion 182, Parish of Guntawang)
2070340	House, 60 Queen Street (Lot 2, resubdivision of Portion 181, Parish of Guntawang)
2070341	House, 62 Queen Street (Part of Lot 181, Section 84)
2070342	House, Railway Street (Lot 22, DP 802634)
2070343	Reef Street (northwest corner Canadian Street—Lot 4, Section 87)
2070344	House, 1 Robinson Street (Lot 12, Section 27)
2070345	House, 3 Robinson Street (Lot 11, Section 27)

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- 2070346 Old "Central School", Robinson Street (corner Cooyal Street—Part Lot 2, Section 64)
- 2070347 House, Robinson Street (corner Loftus Street—Lot 4, Section 69)
- 2070348 House, Scully Street (corner of Cooyal Street—Part Lot 2, Section 64)
- 2070349 Railway station and stationmaster's house, Saleyards Lane, Parishes of Gulgong and Guntawang
- 2070350 "Loneragans Flour Mill", 2 Station Street (Portions 388, 406 and 428, Parish of Guntawang)
- 2070351 House, 9 Station Street (Lot 2, Section 73)
- 2070352 House, Lot 66, Station Street, Gulgong
- 2070353 House, 23 Tallawang Street (southeast corner Prince Street—Lot 1, Parish of Guntawang)
- 2070354 House, 29 Tallawang Street (southeast corner Prince Street—Lot 1, Section 48)
- 2070355 House, corner Tallawang and Bligh Streets (Lot 3, Section 49)
- 2070356 House, 11 White Street (northeast corner Lynne Street—Lot 1, Section 47)
- 2070357 House, corner Wilbertree and McDonald Streets (Lot 1, Section 85)
- 2070358 House, unnamed road off Wellington Road (Main Road No 233) (Portion 148, Parish of Guntawang)
- 2070359 Gulgong Grandstand, Victoria Park (Portion 91, Parish of Guntawang)
- 2070360 Showground (Portions 86, 90 and 419, Parish of Guntawang)

Rural Areas

Parish of Arthur

- 2070361 Lue Station Homestead, Portion 30
- 2070362 John Riley's Grave, Lue Station

Parish of Bara

- 2070363 Railway station and stationmaster's house, Village of Lue
- 2070364 Hotel and residence, Part Portion 28, Village of Lue
- 2070365 Shop, "John Thompson's Butcher/Draper/Grocer 1913", Cox Street, Village of Lue
- 2070366 366 Railway viaduct, east end of Village of Lue

Parish of Barigan

- 2070367 367 Barigan homestead, Portions 65 and 142

Parish of Biraganbil

2070368 Biraganbil homestead, Lot 2, DP 534376, Wellington Road

2070369 Morrowolga homestead, Portion 28

Parish of Bumberra

2070370 370 Roth homestead, Lot 15, DP 2858

2070371 Loneragan homestead (Putta Bucca), Lot 23, Putta Bucca Estate

2070372 Gawthorne Cottage, Portion 42

2070373 Wilgowra homestead, Portion 56

2070374 Oakfields homestead, Portion 80

2070375 Mudgee Brickworks, Home Rule Road

2070376 Mudgee Cemetery, Cassilis Road

2070377 Avenue of trees, Cassilis Road (northern extension of Church Street)

Parish of Derale

2070378 "Melrose Park" homestead, Lot 1, DP 736756

2070379 Havilah homestead, chapel and shearing sheds, Portion 65

Parish of Erudgere

2070380 "Erudgere" Winery, Portions 74 and 76, Hargraves-Hill End Road

Parish of Eurundury

2070381 Henry Lawson Memorial, Henry Lawson Drive, Lot 1, DP 368450

2070382 "Loaded Dog Inn", Lot 2, DP 778714

2070383 "Craigmoor Wines", Portion 39, Craigmoor Road

2070384 "Budgee Budgee Shop", Part Portion 268

Parish of Goodiman

2070385 "Spring Ridge" homestead, Lot 2, DP 612712, Spring Ridge

Parish of Grattai

2070386 "Beragoo" homestead, Lot 8, DP 253524

Parish of Gulgong

2070387 House, "Niven's Springridge Hotel", Lot 1, DP 591912, Lot 112, DP 721220, Spring Ridge Road, Tallawang

2070388 Gulgong Cemetery (dedicated 14.2.1873), Parish of Gulgong

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2070389 Old Railway Dam and Pump Shed (Crown Land south of Portion 37, Parish of Gulgong)

Parish of Guntawang

2070390 Guntawang homestead, Lot 2, DP 534376

2070391 "The Lagoon" homestead, Portion 8, off Dunedoo Road

2070392 Old gold mine, Portion 412

Parish of Hargraves

2070393 "National School", Bowen Street, Village of Hargraves

2070394 St Stephen's Church of England, Portion 124, corner Merinda and Church Streets, Section 6

Village of Hargraves

2070395 House (old Court House and Police Station), Merinda Street

2070396 House, Lot 1, Section 6 (next to Court House), Merinda Street

2070397 Terrace houses, Lot 1, Section 3, Merinda Street

2070398 Catholic Church, Merinda Street

2070399 House, Section 24, Bowen Street

2070400 Hargraves Cemetery, Portions 100–106, Parish of Hargraves

Parish of Mudgee

2070401 Wallinga homestead, Lot 11, DP 581380

2070402 Burrundulla Station and homes, Portion 182

2070403 "Caerleon Park" homestead, Portion 288, Lot A, Gulgong Road

2070404 Redbank Dam, South Mudgee, Parish of Mudgee

2070405 "Kenny's Brickworks", east side of Sawpit Road, South Mudgee

Parish of Munna

2070406 Menah homestead, Portion 55

2070407 Explorers' Tree "Camping Tree", Wilbertree Road

2070408 River Red Gum, Wilbertree Road

Parish of Piambong

2070409 Binawee homestead and outbuildings, Lot 1, DP 151500

2070410 "Wandu" Limosin Stud, Portion 182, Gulgong Road

Parish of Pyramul

2040411 Catholic Church and Graveyard, Pyramul

Parish of Tambaroora

2070412 Tambaroora—Hill End Cemetery, Catholic/Chinese, Part of Section 16, Town of Tambaroora

Parish of Wilbertree

2070413 Wilbertree homestead and outbuildings, Lot 60, DP 32365

Parish of Windeyer

2070414 Anglican Church, Lot 4, Plan C161, 1984, Village of Windeyer

2070415 School and schoolmaster's house, Section 9, Village of Windeyer

2070416 Hotel, "Gold and Fleece", Lot 1, DP 771751, Village of Windeyer

2070417 Windeyer Cemetery, Mudgee Street on Meroo Creek, Part Portion 287

Parish of Wollar

2070418 St Luke's Church of England, Portion 61A

2070419 Catholic Church, Part Lots 6–8, Section 4, Village of Wollar

Parish of Wyaldra

2070420 Home Rule School residence, Home Rule, Portions 140 and 141

Parish of Yarrobil

2070421 Yamble homestead and outbuildings, Portion 223

Additional items—Rural Areas

2071003 Old School/Church at Lot 1, DP 304767 Lue Road

2071013 Chinese Water Race

2070982 Wollara Homestead

2070982, 2070976–78 Triamble Homestead & Woolshed, Beechworth Homestead, St Matthew's Anglican Church and Wingvee Homestead & Woolshed

2071028 "The Elders" Miners Cottage on Lot 7, DP 756885

2071029 Empire Hall, Hargraves

2071030 "Old Warry" Merinda Street, Hargraves

2070998 Ben Buckley Homestead & Woolshed

2071000 Uamby Cemetery

2070999 Goolma Primary School

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2070992	Pineview Homestead & Woolshed at 889 Goolma Road, Goolma
2070989	Tinja Homestead
2070988	Burrinah Homestead on Lot 1, DP 72342 Wilbertree Road Wandoona Homestead, Wollar
2070980	Red Doors Former Butcher Shop on Lot 2, Section 3, DP 758501, Merinda Street, Hargraves
2070998	St Mark's Anglican Church at Lot 146, DP 750777, Goolma Ellersly Homestead on Lot 53, DP 756897
2070984	Gold Mining Race, Old Hargraves Road, Windeyer
2070516	Chinese Cemetery and Ovens, Clarke Road, Windeyer
2070979	Quartz Roasting Pits, Tambaroora
2070410	Cullenbone (Former School) House, Lot 182, DP 756901 Castlereagh Highway Goulburn River National Park Munghorne Gap Nature Reserve Talbragar Reserve
2071004	Old School, Sydney Road, Tannabutta
2071005	Tannabutta Cemetery
2070518	Cudgegong General Cemetery
2070534	Havilah Cemetery
2070532	St Andrews Anglican Church Cemetery Linburn Ln, Cooyal
2070519	St Lukes Anglican Church Cemetery, Wollar Fletchers Shaft, Gulgong Scully's Shaft, Gulgong

Dictionary

(Clause 4)

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

advertisement has the same meaning as in the Act.

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

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

affordable housing has the same meaning as in the Act.

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

agricultural machinery showroom means a building or place used for the display or sale of agricultural machinery whether or not agricultural machinery accessories are sold or displayed at the building or place.

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

agriculture means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or
- (b) the grazing of livestock, or
- (c) bee keeping, or
- (d) farm forestry,

for commercial purposes, but does not include any of the following:

- (e) intensive plant agriculture,
- (f) intensive livestock agriculture,
- (g) aquaculture,
- (h) animal boarding or training establishments.

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

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

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

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

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

Note. The term is defined as follows:

aquaculture means:

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

but does not include:

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

archaeological site means the site (as listed in Schedule 5) of one or more relics.

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

backpackers' accommodation means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

bank in relation to a waterbody (natural) means:

- (a) in the case of the non-tidal section of a watercourse, the highest edge of the channel that normally contains the watercourse flow, or
- (b) in the case of a lake or wetland, the shoreline at the highest recorded water level.

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

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for a maximum of 4 guest bedrooms and:

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

biodiversity means biological diversity.

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

Note. The term is defined as follows:

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

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

biosolid waste application means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 1997) and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000a).

boarding house means a building:

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

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

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure) or a temporary structure within the meaning of the *Local Government Act 1993*.

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

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

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

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

whichever distance is the shortest.

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

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

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

bus depot means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

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

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

Note. The term is defined as follows:

bush fire hazard reduction work means:

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

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

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

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

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

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

business premises means a building or place at which an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis.

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

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

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

cemetery means a building or place for the interment of deceased persons or pets or their ashes, and includes a funeral chapel or crematorium.

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

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

but does not include:

- (c) a family day care home or home-based child care home, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or

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- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

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

Note. The term is defined as follows:

classified road means any of the following:

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

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

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

Note. The term is defined as follows:

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

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

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

commercial vineyard means a plantation of grape vines, commercially grown for grape or wine production purposes.

community facility means a building or place owned or controlled by a public authority and used for the physical, social, cultural or intellectual development or welfare of the community.

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

correctional centre means a correctional centre under the *Crimes (Administration of Sentences) Act 1999* or a detention centre under the *Children (Detention Centres) Act 1987*.

Council means the Mid-Western Regional Council.

craftsman's studio means a building or place used for the purpose of carrying out any occupation involving craft or artwork by not more than 3 persons, and which does not involve interference with the amenity of the neighbourhood.

crematorium means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) land within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*, but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

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

dairy (pasture based) means a dairy where the only restriction facilities present are the milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

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

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

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

dual occupancy means 2 dwellings (whether attached or detached) on one lot of land, but does not include a lot with a dwelling and a granny flat.

dual occupancy—attached means dual occupancy dwellings attached to each other by a common wall or ceiling or floor where the dwellings maintain the appearance of a single building.

dual occupancy—detached means dual occupancy free standing dwellings.

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

dwelling house means a building containing only one dwelling.

earthworks means excavation or filling.

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eco generating works means a generating works that produces energy, power or fuel by using:

- (a) renewable resources, such as solar, wind or tidal energy and the like, or
- (b) resources such as methane gas produced from land fill operations, or
- (c) agricultural produce or by products.

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

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

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall, amusement centre and the like.

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

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

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

Note. The term is defined as follows:

estuary means:

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

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

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

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

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

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

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

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

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does significantly alter the shape, natural form or drainage of the land, or
- (b) a waste disposal landfill operation.

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

Note. The term is defined as follows:

Definition of “fish”

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

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

flood prone land means the land shown as such on the map.

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

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or

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

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

funeral chapel means business premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

funeral home means business premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

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

granny flat means a dwelling the use and occupation of which is connected and subordinate to another larger dwelling on the same lot, whether physically connected to the other dwelling or not.

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

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

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and

- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

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

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

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

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

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

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

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

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

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

health consulting rooms means one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

heavy industry means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

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

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

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

heritage conservation area means:

- (a) an area of land that is shown as a heritage conservation area on the map (including any heritage items situated on or within that conservation area), or
- (b) a place of Aboriginal heritage significance shown on the map.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

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

heritage item means a building, work, archaeological site, tree, place or Aboriginal object specified in an inventory of heritage items that is available at the office of the Council and the site and nature of which is described in Schedule 5.

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

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

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

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

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

- (c) involve the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, or
- (f) the use of more than 50 square metres of floor area to carry on the business, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, or
- (f) the use of more than 50 square metres of floor area to carry on the light industry,

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

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or

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- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

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

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

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

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

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or the cultivation of a commercial vineyard.

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

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) retail premises or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

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

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and

- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel accommodation means a building (whether or not a hotel within the meaning of the *Liquor Act 1982*) that provides tourist and visitor accommodation consisting of rooms or self-contained suites, but does not include backpackers' accommodation, bed and breakfast accommodation, a boarding house or a serviced apartment.

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

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

intensive plant agriculture means:

- (a) the cultivation of irrigated crops (excluding irrigated pasture and fodder crops), or
- (b) horticulture, or
- (c) the cultivation of a commercial vineyard, or
- (d) turf farming,

for commercial purposes.

kiosk means retail premises with a gross floor area not exceeding 10 square metres and that provides food, light refreshments and other small convenience items such as newspapers, films and the like.

land fill means use of land for the purpose of disposing of waste, including use of a site for the collection and disposal of industrial, trade or domestic waste.

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

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

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

livestock processing industry means a rural industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or

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the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackeries, tanneries, woolscours and rendering plants.

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

manufactured home has the same meaning as in the *Local Government Act 1993*.

manufactured home estate has the same meaning as in the *Local Government Act 1993*.

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

materials recycling or recovery centre means a building or place used for the recycling or recovery of resource materials (excluding sludge-like material) from waste materials, and that involves separating and sorting, processing (such as baling, crushing, shredding and composting), transferring and the sale of recycled or recovered material, but that does not involve the re-manufacture, chemical manufacture or incineration of the material.

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

mezzanine means an intermediate floor within a room.

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

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

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

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

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

motor showroom means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed there.

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

Note. The term is defined as follows:

moveable dwelling means:

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

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land.

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

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

Note. The term is defined as follows:

Meaning of “native vegetation”

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

neighbourhood shop means retail premises used for the purpose of selling foodstuffs, personal care products and other small daily convenience goods for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank, newsagency or dry cleaning.

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

offensive storage establishment means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on

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

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

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

permanent group home means a dwelling:

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

but does not include a building to which *State Environmental Planning Policy (Seniors Living) 2004* applies or a transitional group home.

place of Aboriginal heritage significance means an area of land shown on the map that is:

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

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

plant nursery means a building or place at which horticulture involving the growing of nursery products (such as trees, shrubs, bulbs, seeds and propagating material) is carried out for sale by retail or wholesale, and may include the ancillary sale of landscape supplies (including earth products) or other landscape and horticulture products.

pond based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include aquaculture in a waterbody (natural).

Note. Typical pond based aquaculture is the pond culture of prawns, yabbies or silver perch.

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

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

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

Note. The term is defined as follows:

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

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

public authority has the same meaning as in the Act.

public administration building means a building used as office premises or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

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

Note. The term is defined as follows:

public entertainment:

- (a) means entertainment to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission and an entertainment does not cease to be a public entertainment merely because:
 - (i) some (but not all) persons may be admitted to the entertainment otherwise than on payment of money, or other consideration, as the price or condition of admission, or
 - (ii) such payment, or other consideration, is demanded as the charge for a meal or other refreshment, or for any other service or thing, before admission to the entertainment is granted or as the charge for the entertainment after admission to the entertainment has been granted, and
- (b) includes a public meeting.

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

Note. The term is defined as follows:

public hall means any building or part of a building that is used or intended to be used for the purpose of providing public entertainment or conducting public meetings.

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

Note. The term is defined as follows:

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

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

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

Note. The term is defined as follows:

public meeting means an assembly held for a public purpose to which admission may ordinarily be gained by members of the public (whether or not on payment of money, or other consideration, as the price or condition of admission), but does not include an assembly held for the purpose of religious worship only.

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

Note. The term is defined as follows:

public reserve means:

- (a) a public park, or
- (b) any land conveyed or transferred to the council under section 340A of the *Local Government Act 1919*, or
- (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the *Local Government Act 1919*, or
- (d) any land dedicated or taken to be dedicated under section 49 or 50, or
- (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the *Crown Lands Consolidation Act 1913*, or
- (f) any land vested in the council, and declared to be a public reserve, under section 76 of the *Crown Lands Act 1989*, or
- (g) a Crown reserve that is dedicated or reserved:
 - (i) for public recreation or for a public cemetery, or
 - (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the *Crown Lands Act 1989*,
being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or
- (h) land declared to be a public reserve and placed under the control of a council under section 52 of the *State Roads Act 1986*, or
- (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the *Roads Act 1993*,

and includes a public reserve of which a council has the control under section 344 of the *Local Government Act 1919* or section 48, but does not include a common.

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

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

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

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

reception centre means a building or place used for the holding of functions or occasions that involve the consumption of food (which may or may not be prepared on site) in the building or at the place, including wedding receptions, celebratory functions, conferences or the like.

Note. In the Land Use Table at the end of Part 2 of the Plan, reception centre does not include a building or place specifically referred to in that Table.

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

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

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

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

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

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

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

registered club means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

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

- (a) that relates to the settlement of the area of Mid-Western Regional local government area, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

residential accommodation means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

residential care facility means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

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

not being a dwelling, hospital or psychiatric facility.

residential flat building means a building containing 3 or more dwellings.

resort means a building or place that provides accommodation for tourists together with an ancillary restaurant, a convention facility and recreation facilities (indoor) and recreation facilities (outdoor).

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

restricted dairy means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

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

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

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

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

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

roadside stall means a place or temporary structure with a gross floor area not exceeding 15 square metres used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

rural industry means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

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

undertaken for commercial purposes.

rural produce sales means a building or part of a building used for retail selling of rural produce or hand crafted goods (or both) primarily produced from the property on which the business is situated.

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

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

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or

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- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

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

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

serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

sewage treatment works means works or land used for the collection, treatment and disposal of sewage by or for a public authority.

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

sex services premises means premises used primarily for the provision of sex services, but does not include home occupation (sex services).

shop top housing means mixed use development comprising one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

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

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

but does not include traffic signs or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

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

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food or drink premises means food or drink premises that are predominantly used for the preparation and sale of food or drink for immediate consumption away from the premises.

tank-based aquaculture means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

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

2007 No 34

Mid-Western Regional Interim Local Environmental Plan 2008

Dictionary

the map means the series of maps marked “Mid-Western Regional Interim Local Environmental Plan 2008”, as amended by the maps (or specified sheets of maps) marked as follows:

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel accommodation, serviced apartments, bed and breakfast accommodation and backpackers’ accommodation.

transitional group home means a dwelling:

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

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

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

urban release area means the area of land identified as “Urban Release Area” on the map.

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

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

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

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

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does

not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow water body (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

winery means a building used for the purposes of manufacturing and storing wine.