



New South Wales

# Central Darling Local Environmental Plan 2004 (Amendment No 1)

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*. (DUBO109098/PC-2)

TONY KELLY, MLC  
Minister for Planning

## **2010 No 706**

Clause 1                      Central Darling Local Environmental Plan 2004 (Amendment No 1)

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### **Central Darling Local Environmental Plan 2004 (Amendment No 1)**

under the

Environmental Planning and Assessment Act 1979

#### **1 Name of Plan**

This Plan is *Central Darling Local Environmental Plan 2004 (Amendment No 1)*.

#### **2 Commencement**

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

#### **3 Land to which Plan applies**

This Plan applies to all the land to which *Central Darling Local Environmental Plan 2004* applies and, in particular, to the land edged heavy black and marked “SP1 (Dugouts)” on the map marked “Central Darling Local Environmental Plan 2004 (Amendment No 1), Sheets 1–4” held in the office of Central Darling Shire Council.

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## **Schedule 1      Amendment of Central Darling Local Environmental Plan 2004**

**[1]    Clause 2 Aims of plan**

Insert at the end of clause 2 (h):

, and

- (i) to permit compatible development and subdivision in the existing dugout area near the township of White Cliffs that will not adversely impact on the character of the locality or the township.

**[2]    Clause 3**

Omit the clause. Insert instead:

**3    Definitions**

- (1) The Dictionary at the end of this plan defines words and expressions for the purposes of this plan.
- (2) In this plan:
  - (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
  - (b) a reference to a map is a reference to a map deposited in the office of the Council and available for inspection during office hours.
- (3) Notes in this plan are provided for guidance and do not form part of this plan.

**[3]    Clause 6 Adoption of Model Provisions**

Omit “clause 3 of this plan” from clause 6 (1) (a).

Insert instead “the Dictionary at the end of this plan”.

**[4]    Clause 6 (2) (b)**

Omit “NSW Rural Fire Service”.

Insert instead “Department of Rural Fire Service”.

**[5]    Clause 8 Zones indicated on the map**

Insert after the matter relating to Zone No 8 (a):

Zone SP1 Special Activities—edged heavy black and lettered “SP1 (Dugouts)”

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### [6] Clause 9 Zone objectives and Development Control Table

Insert after the heading “Development Control Table”:

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

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

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

*State Environmental Planning Policy (Infrastructure) 2007* (relating to public facilities such as those for air transport, correction, education, electricity generation, health services, ports, railways, roads, waste management and water supply systems)

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

*State Environmental Planning Policy (Rural Lands) 2008*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

*State Environmental Planning Policy No 50—Canal Estate Development*

*State Environmental Planning Policy No 62—Sustainable Aquaculture*

*State Environmental Planning Policy No 64—Advertising and Signage*

### [7] Clause 9, Development Control Table

Omit “agriculture (other than irrigated agriculture); farm buildings; forestry (other than pine plantations); low impact opal mining” from item 2 of the matter relating to Zone No 1 (a).

Insert instead “environmental protection works; extensive agriculture; farm buildings; forestry (other than pine plantations); home occupations; roads”.

### [8] Clause 9, Development Control Table

Omit the matter contained in item 3 of the matter relating to Zone No 1 (a).

Insert instead:

Development for the purpose of:

neighbourhood shops; any other development not included in item 2 or 4.

**[9] Clause 9, Development Control Table**

Omit “motor showrooms; residential flat buildings; shops (other than general stores)” from item 4 of the matter relating to Zone No 1 (a).

Insert instead “dugouts; multi dwelling housing; residential flat buildings; shops; vehicle sales or hire premises”.

**[10] Clause 9, Development Control Table**

Omit “agriculture (other than irrigated agriculture)” from item 2 of the matter relating to Zone No 1 (c).

Insert instead “extensive agriculture; home occupations”.

**[11] Clause 9, Development Control Table**

Omit the matter contained in item 3 of the matter relating to Zone No 1 (c).

Insert instead:

Development for the purpose of:

intensive plant agriculture; neighbourhood shops; any other development not included in item 2 or 4.

**[12] Clause 9, Development Control Table**

Omit “boarding houses; extractive industries; hotels; institutions; intensive livestock keeping establishments; liquid fuel depots; mines; motor showrooms; offensive or hazardous industries; residential flat buildings; shops (other than general stores); waste depots” from item 4 of the matter relating to Zone No 1 (c).

Insert instead “boarding houses; correctional centres; dugouts; extractive industries; hazardous industries; heavy industries; intensive livestock agriculture; liquid fuel depots; multi dwelling housing; offensive industries; residential flat buildings; shops; vehicle sales or hire premises; waste or resource management facilities”.

**[13] Clause 9, Development Control Table**

Omit “extractive industries; horse stables; intensive livestock keeping establishments; mines; offensive and hazardous industries; waste depots” from item 4 of the matter relating to Zone No 2 (t).

Insert instead “dugouts; extractive industries; hazardous industries; intensive livestock agriculture; offensive industries; waste or resource management facilities”.

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### [14] Clause 9, Development Control Table, Zone SP1 Special Activities

Insert after the matter relating to Zone No 8 (a):

#### **Zone SP1 Special Activities**

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

The objectives of the zone are:

- (a) to provide for special land uses that are not provided for in other zones, and
- (b) to provide for sites with special natural characteristics that are not provided for in other zones, and
- (c) to facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land, and
- (d) to encourage tourist and retail uses of dugouts that are compatible with and maintain the dugout character and amenity of the zone, and
- (e) to permit subdivision of existing dugout development in the area within Zone SP1 Special Activities, and
- (f) to ensure development in the zone is provided with basic utility services, and
- (g) where dugouts are to be used for habitable purposes—to ensure they are suitable for, and capable of, habitation.

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

Development for the purpose of:  
home occupations.

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

Development for the purpose of:  
depots; earthworks; environmental facilities; environmental protection works; extractive industries; home-based child care; home businesses; home industries; home occupation (sex services); recreation areas; recreation facilities (outdoor); research stations; residential accommodation; retail premises (only in conjunction with opal mining); tourist and visitor accommodation; water reticulation systems.

**4 Prohibited**

Development for the purpose of:

farm stay accommodation; hotel or motel accommodation;  
neighbourhood shops; pubs; serviced apartments; any other  
development not included in item 2 or 3.

- [15] **Clause 11 General considerations for development in Zone No 1 (a)**  
Omit “or irrigated agriculture” from clause 11 (1) (a).
- [16] **Clause 12 Subdivision of land generally**  
Omit “or irrigated agriculture” from clause 12 (2) (b).
- [17] **Clause 13 Subdivision for the purpose of agriculture in Zone No 1 (a)**  
Omit “or irrigated agriculture” wherever occurring in clause 13 (2) and (4) (a).
- [18] **Clause 13 (4) (b)**  
Omit “(in the case of agricultural use) or 20 hectares (in the case of irrigated agricultural use)”.  
Insert instead “(in the case of an extensive agricultural use, other than intensive plant agriculture) or 20 hectares (in the case of intensive plant agriculture)”.
- [19] **Clause 13 (5) (a)**  
Omit “or irrigated agricultural”.
- [20] **Clause 14 Subdivision for other purposes in Zone No 1 (a)**  
Omit “agriculture, irrigated agriculture” wherever occurring in clause 14 (1) and (2).  
Insert instead “extensive agriculture, intensive plant agriculture”.
- [21] **Clause 14 (2) (c)**  
Omit “or irrigated agricultural”.
- [22] **Clauses 15, 16, 17, 18 and 20**  
Omit “dwelling-house” wherever occurring. Insert instead “dwelling house”.
- [23] **Clause 16 Subdivision for the purpose of dwellings in Zone No 2 (t) and Zone No SP1**  
Insert “or Zone No SP1” after “Zone No 2 (t)” in clause 16 (2).
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**[24] Clause 16 (3) and (4)**

Insert after subclause (2):

- (3) Land in Zone No SP1 Special Activities may be subdivided with development consent.
- (4) The maximum number of lots that may be created by subdividing land in Zone No SP1 Special Activities must not exceed the total number of areas that were subject to a licence granted under the *Crown Lands Act 1989* at the commencement of *Central Darling Local Environmental Plan 2004 (Amendment No 1)*.

**[25] Clause 17 Dwellings in Zone No 1 (a)**

Omit “irrigated agriculture” from clause 17 (1) (a) (i).

Insert instead “intensive plant agriculture”.

**[26] Clause 17 (1) (a) (ii)**

Omit “agriculture”. Insert instead “extensive agriculture”.

**[27] Clause 17 (1) (b) (i)**

Omit “agriculture or irrigated agriculture”.

Insert instead “extensive agriculture or intensive plant agriculture”.

**[28] Clause 18A**

Insert after clause 18:

**18A Dugouts in Zone No SP1 Special Activities**

- (1) This clause applies to land in Zone No SP1 Special Activities.
- (2) Despite any other provision of this plan, development consent must not be granted to the use of land to which this clause applies for any of the following purposes unless the consent authority is satisfied that the development will be predominantly located in a dugout:
  - (a) residential accommodation,
  - (b) home-based child care,
  - (c) home business,
  - (d) home industry,
  - (e) home occupation (sex services),
  - (f) retail premises (only in conjunction with opal mining),
  - (g) tourist and visitor accommodation.



- (3) Before granting development consent under this clause, the consent authority must be satisfied that the dugout will have:
- (a) sufficient rock strength and support for its size, and
  - (b) sufficient ventilation, lighting and emergency lighting, and
  - (c) an adequate water supply (both potable and for fire fighting), and
  - (d) adequate fire safety measures, and
  - (e) an operational on-site sewage treatment plant, and
  - (f) an adequate drainage system for surface runoff, and
  - (g) the appropriate number of entries and exits, and
  - (h) a safe and practicable constructed access road to a dedicated road reserve, and
  - (i) the satisfactory provision of basic utility services.

**[29] Clause 19 Erection of additional dwellings in Zones Nos 1 (a) and 1 (c)**

Omit clause 19 (3).

**[30] Clause 20**

Omit the clause. Insert instead:

**20 Erection of replacement dwelling houses in Zones Nos 1 (a) and 1 (c)**

The consent authority may consent to the erection of a dwelling house on land in Zone No 1 (a) or No 1 (c) on which a dwelling house already exists if the dwelling house to be erected is intended only to replace the existing dwelling house, and the consent authority is satisfied that:

- (a) the replacement dwelling house will not be used as a dwelling until the existing dwelling house is demolished, or
- (b) the occupation of the existing dwelling house has permanently ceased and the existing dwelling house has been rendered uninhabitable, or
- (c) consent has been granted by the consent authority to a change of use of the existing dwelling house to another permissible use.

**[31] Clause 21 Dual occupancy in Zone No 2 (t)**

Omit “reticulated sewerage system” from clause 21 (2) (a).

Insert instead “sewage reticulation system”.

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**[32] Clause 24 Development along arterial roads**

Omit clause 24 (2).

**[33] Clause 28 Land subject to bushfire hazards**

Omit the clause.

**[34] Clause 30 Protection of heritage items**

Omit clause 30 (7).

**[35] Clause 36 Stormwater drainage**

Omit “, swamps” from clause 36 (3).

**[36] Clause 37 Roads, drainage, recreation areas and parking**

Omit “bushfire hazard reduction” from clause 37 (1).

Insert instead “bush fire hazard reduction work”.

**[37] Clause 37 (3)**

Omit the subclause.

**[38] Clause 38**

Omit the clause. Insert instead:

**38 Neighbourhood shops**

The consent authority must not consent to the carrying out of development for the purpose of a neighbourhood shop if the shop:

- (a) will sell petroleum products and is less than 10 kilometres from a service station, or
- (b) has an area devoted to retail that exceeds 75 square metres, or
- (c) is located within 400 metres of an existing neighbourhood shop.

**[39] Clauses 41 and 42**

Insert after clause 40:

**41 Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that

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development does not apply to the extent necessary to serve that purpose.

- (2) This clause does not apply:
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

#### 42 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.
- Note.** Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this plan to discharge trusts on which public reserves are held if the land is reclassified under this plan as operational land.
- (2) The public land described in Part 1 or Part 2 of Schedule 5 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 5 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.

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- (4) The public land described in Part 1 of Schedule 5:
- (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 5, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 5, 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*).

### [40] Schedule 1 Heritage items

Insert the following items in alphabetical order of locality, under the headings "Locality", "Address" and "Building/site/area", respectively:

Tilpa	Main Street	Old Tilpa Drop-Slab Post Office Kitchen
Tilpa	Main Street	Tilpa Hotel and Complex (including Jessie's Grave)
Tilpa	Wilcannia Road	Store/Old Wee Water Hotel
Tilpa	Wilcannia Road	Tilpa Cemetery
White Cliffs	Johnstone Street	Federation Park
White Cliffs	Johnstone Street	Post Office
White Cliffs	Johnstone Street	School
White Cliffs	Keraro Road	Former Police Residence and Gaol

White Cliffs	Opal Drive	Early Pioneer Cemetery and Centenary Cairns
White Cliffs	Tilpa Road	Pioneer and General Cemetery

**[41] Schedule 4 Development that must be advertised**

Omit “hotels and motels” from item 2.

Insert instead “hotel or motel accommodation and pubs”.

**[42] Schedule 4**

Omit “terminals, junk yards, liquid fuel depots, saw mills, stock and sale yards” from item 3.

Insert instead “depots, heavy industries, liquid fuel depots, stock and sale yards and waste or resource management facilities”.

**[43] Schedule 4**

Insert “and sex services premises” after “brothels” in item 4.

**[44] Schedule 4**

Omit item 5.

**[45] Schedule 5**

Insert after Schedule 4:

**Schedule 5 Classification and reclassification of public land**

(Clause 42)

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

Column 1	Column 2
Locality	Description
Nil	

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Ivanhoe	Ivanhoe Council Depot, Behring Street, Lot 1, DP 89360	
Ivanhoe	SES Shed, Raleigh Street, Lot 7, Section 15, DP 758537	
Menindee	Menindee RTC, 42 Paringa Street, Lot 6, Section 27, DP 758669	
Menindee	Menindee RTC, 51 Yartla Street, Lot 5, Section 27, DP 758669	
Wilcannia	Council Depot, 50–52 Myers Street, Lot 1, Section 54, DP 812602	
Wilcannia	Council Depot Shower Block, 38 James Street, Lot 2, Section 54, DP 812602	
Wilcannia	Council Depot Corner Block, 40 James Street, Lot 11, Section 54, DP 592750	
Wilcannia	Bank Residence, 6–8 Reid Street, Lots 8 and 9, Section 12, DP 759091	
Wilcannia	MED Residence, 59 Woore Street, Lot 11, Section 13, DP 759091	
Barrier Highway	Part of Kalyanka, Lot 53, DP 1130093	

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

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**[46] Dictionary**

Insert after Schedule 5 (as inserted by this Plan):

**Dictionary**

(Clause 3)

*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.

*agricultural produce industry* means an 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 any of the following:

- (a) animal boarding or training establishments,
- (b) aquaculture,
- (c) extensive agriculture,
- (d) farm forestry,
- (e) intensive livestock agriculture,
- (f) intensive plant agriculture.

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

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

*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.

*animal chiller* means a commercial freezer or coolroom for the purpose of storing wildlife that has been slaughtered for use in pet food or for human consumption.

*appointed day* means 14 August 2002.

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**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 a site that is specified in Part 1 of Schedule 2 as an archaeological site.

**arterial road** means an arterial road indicated on the map or a classified road within the meaning of the *Roads Act 1993*.

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

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and
- (c) none of the dwellings is located above any part of another dwelling.

**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).

**basic utility services** means sewerage, drainage, water, gas and electricity services.

**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 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.

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

**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 group home, a serviced apartment, seniors housing or hotel or motel accommodation.

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

**brothel** has the same meaning as in the Act.

**building** has the same meaning as in the Act.

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

**building 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.

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

**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.

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

***business identification sign*** means a sign:

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

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

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

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

and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

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

***cemetery*** means a building or place for the interment of deceased persons or their ashes.

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

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

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the 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

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

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

**correctional centre** means:

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

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

**Council** means the Central Darling Shire Council.

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

**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, means wholly or partly destroy, dismantle or deface the heritage item.

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**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.

**dugout** means a place comprising rooms, access ways and associated structures located either wholly or partly below the natural ground level created by mining or excavation methods.

**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.

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

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

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

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

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

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

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

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

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***extensive 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,

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

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

***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.

***farm stay accommodation*** means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

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

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

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***flood liable land*** means land inundated by the 1% flood event or by the highest known flood level determined by using the geomorphology method.

***floodplain*** means flood liable land.

***food and drink premises*** means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

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

**Note.** The term is defined as follows:

***forestry operations*** means:

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

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

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

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

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

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

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

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

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

**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 consulting rooms** means a medical centre that comprises 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.

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

- (a) day surgeries and medical centres,
- (b) community health service facilities,

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- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

**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.

**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 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) a building, work, archaeological site or place specified in an inventory of heritage items that is available at the office of the Council and the site of which is described in Schedule 1, or
- (b) a place specified in an inventory of heritage items available at the office of the Council and described in the inventory as a place of Aboriginal heritage significance and the site of which is described in Schedule 2.

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

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

- (a) the service is 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



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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,

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 more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any 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

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- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

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

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

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

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

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

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

**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 viticulture.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not

out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops 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 or motel accommodation** means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 2007*):

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

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

**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, for commercial purposes, of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted

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

**intensive livestock keeping establishment** means a building or place where livestock are held for the purposes of nurturing by a feeding method other than natural grazing and includes the following:

- (a) feedlots, other than feedlots operated during periods of declared drought, or at times of other natural disasters such as fire or flood,
- (b) piggeries,
- (c) poultry farms,
- (d) places used for fish farming (including the farming of crustaceans and oysters),

but does not include the following:

- (e) an animal boarding or training establishment,
- (f) a building or place used for the keeping of livestock intended solely for personal consumption or enjoyment by the owner or occupier of the building or place,
- (g) a building or place used for short-term feeding.

**intensive plant agriculture** means any of the following carried out for commercial purposes:

- (a) the cultivation of irrigated crops (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**land fill site** means land on which, as the principal use of the land, materials such as earth, soil, excavated earth material, demolition material or non-putrescible matter are placed as filling.

**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.

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**livestock processing industry** means an industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes 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.

**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.

**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.

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

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

**Note.** The term is defined as follows:

**moveable dwelling** means:

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

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata

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plan or community title scheme) each with access at ground level, but does not include a residential flat building.

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

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

**offensive storage establishment** means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

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**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.

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

**pine plantations** means private forestry involving the establishment of pine plantations of more than 5 hectares in area in respect of any one property.

**place of Aboriginal heritage significance** means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people (it may 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 groves), or
- (b) a natural Aboriginal sacred site or other sacred feature (it may include 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.

**Planning for Bush Fire Protection** means the document titled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.

**potential archaeological site** means a site that is specified in Part 2 of Schedule 2 as a potential archaeological site.

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

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

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

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

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

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

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes 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).

**registered club** means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force, whether or not entertainment is provided at the club.

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

- (a) that relates to the settlement of the area of Central Darling, 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.

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



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**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, but does not include an attached dwelling or multi dwelling housing.

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

**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, whether or not takeaway meals and beverages or entertainment are also provided.

**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.

**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 or motel accommodation, a pub, home occupation (sex services) or sex services premises.

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

**retail premises** means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of

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selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

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

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

**sawmill 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
- (f) people who live in the same household with seniors or people who have a disability, or

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

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

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

**sewerage system** means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

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

**shop** means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items

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of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted 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.

**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.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

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

**the map** means the map marked "Central Darling Local Environmental Plan 2004", as amended by the maps (or the specified sheets of maps) marked as follows:

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Sheets 1–4

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

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

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

**utility undertaking** means any undertaking carried out by or by authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purpose of:

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

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

**vehicle repair station** means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

**vehicle sales or hire premises** means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

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

**viticulture** means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**waste or resource management facility** means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and

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(b) treatment works, and

(c) irrigation schemes.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**water supply system** means a water reticulation system, water storage facility, water treatment facility, or any combination of these.

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

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

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

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

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

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

**wetland** means:

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

- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.