



New South Wales

# Tamworth Regional Local Environmental Plan 2010

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows (10/05322)

TONY KELLY, MLC  
Minister for Planning

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## **Tamworth Regional Local Environmental Plan 2010**

under the

Environmental Planning and Assessment Act 1979

### **Part 1 Preliminary**

#### **1.1 Name of Plan**

This Plan is *Tamworth Regional Local Environmental Plan 2010*.

#### **1.1AA Commencement**

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

#### **1.2 Aims of Plan**

- (1) This Plan aims to make local environmental planning provisions for land in the Tamworth Regional Council area in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to encourage the orderly management, development and conservation of natural and other resources within the Tamworth region by protecting, enhancing or conserving:
    - (i) important agricultural land, and
    - (ii) timber, minerals, soil, water and other natural resources, and
    - (iii) areas of significance for nature conservation, and
    - (iv) places and buildings of archaeological or heritage significance,
  - (b) to allow flexibility in the planning framework so as to encourage orderly, economic and equitable development while safeguarding the community's interests and residential amenity,
  - (c) to manage and strengthen retail hierarchies and employment opportunities, promote appropriate tourism development, guide affordable urban form and provide for the protection of heritage items,

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- (d) to promote ecologically sustainable urban and rural development and control the development of flood liable land, and
- (e) to secure a future for agriculture by expanding Tamworth's economic base and minimising the loss or fragmentation of productive agricultural land.

### 1.3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.

### 1.4 Definitions

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

### 1.5 Notes

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

### 1.6 Consent authority

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

### 1.7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note.** The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the Department of Planning's website.

**1.8 Repeal of other local planning instruments applying to land**

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

**Note.** The following local environmental plans are repealed under this provision:

*Tamworth Local Environmental Plan 1996*

*Manilla Local Environmental Plan 1988*

*Nundle Local Environmental Plan 2000*

- (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.

**1.8A Savings provision relating to development applications**

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

**Note.** However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument is made, and the consent authority may consider the application. The Division requires the joint notification (if practicable) of the development application and the draft environmental planning instrument allowing the development.

**1.9 Application of SEPPs**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails 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 and Parts 3 and 4)

*State Environmental Planning Policy No 60—Exempt and Complying Development*

Clause 9 of *State Environmental Planning Policy (Rural Lands) 2008*

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### 1.9A 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 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*, 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 *Environmental Planning and Assessment Act 1979*.
- (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).



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## Part 2 Permitted or prohibited development

### 2.1 Land use zones

The land use zones under this Plan are as follows:

#### **Rural Zones**

- RU1 Primary Production
- RU3 Forestry
- RU4 Rural Small Holdings
- RU5 Village
- RU6 Transition

#### **Residential Zones**

- R1 General Residential
- R2 Low Density Residential
- R5 Large Lot Residential

#### **Business Zones**

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park

#### **Industrial Zones**

- IN1 General Industrial
- IN3 Heavy Industrial

#### **Special Purpose Zones**

- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist

#### **Recreation Zones**

- RE1 Public Recreation
- RE2 Private Recreation

#### **Environment Protection Zones**

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management

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Part 2 Permitted or prohibited development

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### 2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

### 2.3 Zone objectives and Land Use Table

- (1) The Land Use 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 Land Use 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 Land Use 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 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

### 2.4 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.

### **2.5 Additional permitted uses for particular land**

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

### **2.6 Subdivision—consent requirements**

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (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) a minor realignment of boundaries that does not create:
    - (i) additional lots or the opportunity for additional dwellings, or
    - (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,
  - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
  - (d) rectifying an encroachment on a lot,
  - (e) creating a public reserve,
  - (f) 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 toilets.

**Note.** If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

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Clause 2.6AA Tamworth Regional Local Environmental Plan 2010

Part 2 Land Use Table

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### 2.6AA Demolition requires consent

The demolition of a building or work may be carried out only with consent.

**Note.** If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without consent.

### 2.6BB Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 182 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) 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
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## Land Use Table

**Note.** A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental

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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*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To permit subdivision only where it is considered by the Council to be necessary to maintain or increase agricultural production.
- To restrict the establishment of inappropriate traffic generating uses along main road frontages.
- To ensure sound management of land which has an extractive or mining industry potential and to ensure that development does not adversely affect the extractive industry.
- To permit development for purposes where it can be demonstrated that suitable land or premises are not available elsewhere.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home occupations; Moorings; Roads

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Clause 2.6BB Tamworth Regional Local Environmental Plan 2010

Part 2 Land Use Table

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### 3 Permitted with consent

Cellar door premises; Dual occupancy (attached); Dwelling houses; Extractive industries; Farm buildings; Kiosks; Mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### 4 Prohibited

Amusement centres; Bulky goods premises; Business premises; Cemeteries; Child care centres; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Function centres; Health services facilities; Home occupations (sex services); Industrial retail outlets; Mortuaries; Office premises; Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural supplies; Service stations; Serviced apartments; Sex services premises; Storage premises; Timber and building supplies; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Wholesale supplies

## Zone RU3 Forestry

### 1 Objectives of zone

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

### 2 Permitted without consent

Roads; Uses authorised under the *Forestry Act 1916*

### 3 Permitted with consent

Nil

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone RU4 Rural Small Holdings

### 1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To maintain the rural and scenic character of the land.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Moorings; Roads

## **3 Permitted with consent**

Agricultural produce industries; Cellar door premises; Dual occupancy (attached); Dwelling houses; Farm Buildings; Horticulture; Kiosks; Light industries; Markets; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

## **4 Prohibited**

Amusement centres; Backpackers' accommodation; Bulky goods premises; Business premises; Cemeteries; Child care centres; Crematoria; Entertainment facilities; Exhibition villages; Home occupations (sex services); Industrial retail outlets; Industries; Intensive livestock agriculture; Mortuaries; Office premises; Recreation facilities (major); Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Serviced apartments; Sex services premises; Storage premises; Timber and building supplies; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Wholesale supplies

### **Zone RU5 Village**

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

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To encourage a range of housing types in appropriate locations.
- To enable development for retail, commercial and light industrial purposes for the local and nearby rural community in appropriate locations and scale within the zone.

#### **2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations; Moorings; Roads

#### **3 Permitted with consent**

Child care centres; Community facilities; Dwelling houses; Neighbourhood shops; Places of public worship; Recreation areas;

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Clause 2.6BB Tamworth Regional Local Environmental Plan 2010

Part 2 Land Use Table

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Recreation facilities (indoor); Recreation facilities (outdoor); Schools;  
Any other development not specified in item 2 or 4

### 4 Prohibited

Forestry; Home occupations (sex services); Intensive livestock agriculture; Multi dwelling housing; Residential flat buildings; Restricted premises; Rural workers' dwellings; Sex services premises

## Zone RU6 Transition

### 1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

### 2 Permitted without consent

Extensive agriculture; Roads

### 3 Permitted with consent

Animal boarding or training establishments; Dwelling Houses; Electricity generating works; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Home occupations; Recreation areas; Recreation facilities (indoor); Research stations; Sewage treatment plants; Signage; Water supply systems

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone R1 General Residential

### 1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

### 2 Permitted without consent

Home-based child care; Home occupations; Moorings; Roads



**3 Permitted with consent**

Attached dwellings; Boarding houses; Child care centres; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

**4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Boat repair facilities; Bulky goods premises; Business premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Marinas; Mining (open cut); Mortuaries; Office premises; Passenger transport facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Retail premises; Rural industries; Rural supplies; Rural workers' dwellings; Service stations; Sex services premises; Storage premises; Timber and building supplies; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Waste or resource management facilities; Wholesale supplies

**Zone R2 Low Density Residential****1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

**2 Permitted without consent**

Home-based child care; Home occupations; Roads

**3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Dwelling houses; Group homes; Health consulting rooms; Home industries; Neighbourhood shops; Any other development not specified in item 2 or 4

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### 4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Boat repair facilities; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Health services facilities; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Marinas; Mining (open cut); Moorings; Mortuaries; Office premises; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Waste or resource management facilities; Water recreation structures; Wholesale supplies

### Zone R5 Large Lot Residential

#### 1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential allotments 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 minimise conflict between land uses within the zone and land uses within adjoining zones.

#### 2 Permitted without consent

Home-based child care; Home occupations; Moorings; Roads

#### 3 Permitted with consent

Backpackers' accommodation; Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Home industries; Markets; Neighbourhood shops; Any other development not specified in item 2 or 4

**4 Prohibited**

Advertising structures; Air transport facilities; Amusement centres; Boat repair facilities; Boat sheds; Bulky goods premises; Business premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Forestry; Freight transport facilities; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Intensive livestock agriculture; Landscape and garden supplies; Marinas; Mortuaries; Office premises; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Turf farming; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Water recreation structures; Wholesale supplies

**Zone B1 Neighbourhood Centre****1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

**2 Permitted without consent**

Home-based child care; Home occupations; Roads

**3 Permitted with consent**

Boarding houses; Business premises; Child care centres; Community facilities; Home industries; Neighbourhood shops; Shop top housing; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Highway service centres; Home occupations (sex services); Hospitals; Industrial retail outlets; Industries; Marinas; Mining (open cut); Moorings; Mortuaries; Office premises; Recreational facilities (major); Registered clubs; Research stations; Roadside stalls; Rural industries; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport

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Part 2 Land Use Table

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depots; Vehicle body repair workshops; Vehicle sales or hire premises;  
Waste or resource management facilities; Water recreation structures;  
Wholesale supplies

### Zone B2 Local Centre

#### 1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure quality of design of buildings and public spaces to achieve a locality that is safe and accessible.
- To ensure that the size and functions of both retail and commercial facilities are established in accordance with the Council's preferred hierarchy of retail and commercial centres for the region.

#### 2 Permitted without consent

Home-based child care; Home occupations; Moorings; Roads

#### 3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Self-storage units; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Cemeteries; Correctional centres; Crematoria; Exhibition villages; Extractive industries; Farm buildings; Forestry; Industries; Mining (open cut); Rural industries; Rural workers' dwellings; Sex services premises; Storage premises

## Zone B3 Commercial Core

### 1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

### 2 Permitted without consent

Roads

### 3 Permitted with consent

Attached dwellings; Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Multi dwelling housing; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Shop top housing; Any other development not specified in item 2 or 4

### 4 Prohibited

Agriculture; Air transport facilities; Bed and breakfast accommodation; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Highway service centres; Industries; Liquid fuel depots; Marinas; Mining (open cut); Moorings; Mortuaries; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Rural industries; Rural workers' dwellings; Service stations; Sex services premises; Storage premises; Vehicle body repair workshops; Veterinary hospitals; Waste or resource management facilities; Water recreation structures

## Zone B4 Mixed Use

### 1 Objectives of zone

- To provide a mixture of compatible land uses.

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- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

### 2 Permitted without consent

Roads

### 3 Permitted with consent

Attached dwellings; Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Multi dwelling housing; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

### 4 Prohibited

Agriculture; Air transport facilities; Cemeteries; Correctional centres; Crematoria; Depots; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Industries; Mining (open cut); Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Rural industries; Sex services premises; Storage premises; Vehicle body repair workshops; Waste or resource management facilities

## Zone B5 Business Development

### 1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.

### 2 Permitted without consent

Roads

### 3 Permitted with consent

Child care centres; Light industries; Liquid fuel depots; Passenger transport facilities; Self-storage units; Shop top housing; Warehouse or distribution centres; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Bed and breakfast accommodation; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Farm stay accommodation; Forestry; Hazardous storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Liquid fuel depots; Marinas; Moorings; Offensive storage establishments; Places of public worship; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Roadside stalls; Rural industries; Sex services premises; Vehicle body repair workshops; Vehicle repair stations; Water recreation structures

**Zone B7 Business Park****1 Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

**2 Permitted without consent**

Roads

**3 Permitted with consent**

Child care centres; Food and drink premises; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Self-storage units; Shop top housing; Warehouse or distribution centres; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Airports; Amusement centres; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Hazardous industries; Hazardous storage establishments; Heavy industries; Home-based child care; Home occupations (sex services); Information and education facilities; Liquid fuel depots; Marinas; Moorings; Offensive industries; Offensive storage establishments; Pubs; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Retail

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premises; Rural industries; Sex services premises; Tourist and visitor accommodation; Water recreation structures

### Zone IN1 General Industrial

#### 1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To enable land uses that provide facilities or services to meet the day to day needs of workers in the area.

#### 2 Permitted without consent

Roads

#### 3 Permitted with consent

Depots; Freight transport facilities; Light industries; Neighbourhood shops; Shop top housing; Take away food and drink premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Boat sheds; Bulky good premises; Business premises; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Correctional centres; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Hazardous industries; Hazardous storage establishments; Health services facilities; Heavy industries; Home-based child care; Home businesses; Home occupations (sex services); Information and education facilities; Marinas; Moorings; Offensive industries; Offensive storage establishments; Office premises; Places of public worship; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Retail premises; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures

### Zone IN3 Heavy Industrial

#### 1 Objectives of zone

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.



- To minimise any adverse effect of heavy industry on other land uses.

## **2 Permitted without consent**

Roads

## **3 Permitted with consent**

Depots; Freight transport facilities; Hazardous industries; Hazardous storage establishments; Heavy industries; Offensive industries; Offensive storage establishments; Take away food and drink premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Airports; Amusement centres; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Moorings; Office premises; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural supplies; Self-storage units; Sex services premises; Timber and building supplies; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures

## **Zone SP1 Special Activities**

### **1 Objectives of zone**

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- 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.

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### 2 Permitted without consent

Nil

### 3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone SP2 Infrastructure

### 1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

### 2 Permitted without consent

Nil

### 3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone SP3 Tourist

### 1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To facilitate development that recognises the unique characteristics of the nationally and regionally significant tourist precincts that are the Australian Equine Livestock and Events Centre (AELEC) and the Tamworth Regional Racing Precinct.

### 2 Permitted without consent

Home occupations; Moorings; Roads

**3 Permitted with consent**

Amusement centres; Animal boarding or training establishments; Boat sheds; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Helipads; Highway service centres; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Retail premises; Sewage treatment plants; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems

**4 Prohibited**

Cellar door premises; Roadside stalls; Shops; Any other development not specified in item 2 or 3

**Zone RE1 Public Recreation****1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

**2 Permitted without consent**

Environmental protection works; Moorings; Roads

**3 Permitted with consent**

Boat sheds; Building identification signs; Business identification signs; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Crematoria; Electricity generating works; Entertainment facilities; Environmental facilities; Function centres; Helipads; Information and education facilities; Kiosks; Medical centres; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Retail premises; Sewage treatment plants; Waste or resource management facilities; Water recreation structures; Water supply systems

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### 4 Prohibited

Cellar door premises; Neighbourhood shops; Pubs; Roadside stalls; Take away food and drink premises; Any other development not specified in item 2 or 3

## Zone RE2 Private Recreation

### 1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

### 2 Permitted without consent

Environmental protection works; Moorings; Roads

### 3 Permitted with consent

Community facilities; Environmental facilities; Food and drink premises; Kiosks; Medical centres; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Shops; Any other development not specified in item 2 or 4

### 4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Boat repair facilities; Bulky good premises; Business premises; Cemeteries; Correctional centres; Depots; Educational establishments; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Marinas; Mortuaries; Office premises; Passenger transport facilities; Places of public worship; Pubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sex services premises; Storage premises; Timber and building supplies; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Wholesale supplies

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## Zone E1 National Parks and Nature Reserves

### 1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

### 2 Permitted without consent

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

### 3 Permitted with consent

Nil

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone E2 Environmental Conservation

### 1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

### 2 Permitted without consent

Nil

### 3 Permitted with consent

Building identification signs; Business identification signs; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Recreation areas; Research stations

### 4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations;

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Warehouse or distribution centres; Any other development not specified in item 2 or 3

### Zone E3 Environmental Management

#### 1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

#### 2 Permitted without consent

Home occupations

#### 3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Dwelling houses; Electricity generating works; Environmental facilities; Environmental protection works; Extensive agriculture; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Information and education facilities; Kiosks; Neighbourhood shops; Recreation areas; Research stations; Roads; Roadside stalls; Secondary dwellings; Sewage treatment plants; Water supply systems

#### 4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

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## Part 3 Exempt and complying development

### 3.1 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, the development:
    - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
    - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
    - (c) must not be designated development, and
    - (d) must not be carried out on land that comprises, or on which there is, an item 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*.
  - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
    - (a) the building has a current fire safety certificate or fire safety statement, or
    - (b) no fire safety measures are currently implemented, required or proposed for the building.
  - (5) To be exempt development, the development must:
    - (a) be installed in accordance with the manufacturer's specifications, if applicable, and

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Part 3 Exempt and complying development

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- (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

**Note.** A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

### 3.2 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, Climate Change and Water 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*)), or
  - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
  - (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
    - (a) the development standards specified in relation to that development, and
    - (b) the requirements of this Part,is complying development.

**Note.** See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.



- (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.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 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 any of the following:
- (a) the coastal waters of the State,
  - (b) a coastal lake,
  - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
  - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
  - (e) 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,
  - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
  - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
  - (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,

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Part 3 Exempt and complying development

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- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

## **Part 4 Principal development standards**

### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that new subdivisions are consistent with the predominant lot sizes and holding patterns of the surrounding locality,
  - (b) to ensure that lot sizes have a practical and efficient layout to meet the intended use of the lot,
  - (c) to prevent the fragmentation of rural lands.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

#### **4.1A Minimum subdivision lot size for Zones R1 and RU5**

Despite clause 4.1, the size of any lot resulting from a subdivision of land in Zone R1 General Residential or Zone RU5 Village may be less than the minimum lot size shown on the Lot Size Map in relation to that land, but not less than 450 square metres (excluding access handles), if:

- (a) the land is connected to a reticulated sewerage system, and
- (b) development consent has been granted in respect of the subdivision for the purposes of any of the following:
  - (i) dual occupancy,
  - (ii) multi dwelling housing,
  - (iii) attached dwellings,
  - (iv) semi-detached dwellings.

#### **4.1B Minimum subdivision lot sizes for certain split zones**

- (1) The objectives of this clause are:
  - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1, and
  - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

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- (2) This clause applies to each lot (an *original lot*) that contains:
  - (a) land in a residential, business or industrial zone, and
  - (b) land in Zone RU1 Primary Production, Zone RU4 Rural Small Holdings, Zone RU6 Transitions, Zone E2 Environmental Conservation or Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if:
  - (a) one of the resulting lots will contain:
    - (i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
    - (ii) all of the land in Zone RU1 Primary Production, Zone RU4 Rural Small Holdings, Zone RU6 Transitions, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
  - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

### 4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Rural Small Holdings,
  - (d) Zone RU6 Transition.

**Note.** When this Plan was made it did not include Zone RU2 Rural Landscape.
- (3) Land in a zone to which this clause applies may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note 1.** A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

**4.2A Lot size exceptions for certain rural subdivisions**

Land in a zone to which clause 4.2 applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use permitted under the existing development consent for the land (other than for the purpose of a dwelling house or a dual occupancy).

**4.2B Erection of dwelling houses on land in certain rural and environmental protection zones**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU4 Rural Small Holdings,
  - (c) Zone RU6 Transition.
- (3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, and on which no dwelling house has been erected, unless the land is:
  - (a) a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or
  - (b) a lot created pursuant to clause 13, 14, 15 or 16 of *Barraba Local Environmental Plan 1990* and, if the lot was created pursuant to clause 14 or 15, development consent has been granted for the purpose for which it was created, or
  - (c) a lot created pursuant to clause 14, 15, 16 or 17 of *Manilla Local Environmental Plan 1988* and, if the lot was created pursuant to clause 15 or 17, development consent has been granted for the purpose for which it was created, or
  - (d) a lot created pursuant to clause 12, 13 or 15 of *Nundle Local Environmental Plan 2000* and, if the lot was created pursuant to clause 13 or 15, development consent has been granted for the purpose for which it was created, or
  - (e) a lot created pursuant to clause 13, 15, 16 or 17A of *Parry Local Environmental Plan 1987* and, if the lot was created pursuant to clause 16 or 17A, development consent has been granted for the purpose for which it was created, or

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(f) a lot created pursuant to clause 11 or 12 of *Tamworth Local Environmental Plan 1996* and, if the lot was created pursuant to clause 12, development consent has been granted for the purpose for which it was created, or

(g) an existing holding.

**Note.** A dwelling cannot be erected on a lot created under clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* or clause 4.2.

(4) Land ceases to be an existing holding for the purposes of subclause (3) (g) if an application for development consent referred to in that subclause is not made in relation to that land before 2 years after the commencement of this Plan.

(5) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land to which this clause applies if:

(a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased, or

(b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by:

(i) a minor realignment of its boundaries that did not create an additional lot, or

(ii) a consolidation of lots, but not so as to reduce the area of the land on which the dwelling house will be erected, or

(iii) a subdivision creating or widening a public road or public reserve or for another public purpose, or

(c) the dwelling house will replace a lawfully erected dwelling house that was either:

(i) removed from the site, or

(ii) partially or completely destroyed,

less than 2 years before the lodgement of a development application under this plan for the purpose of a dwelling house.

(6) In this clause:

**existing holding** means all adjoining land, even if separated by a road or railway, held in the same ownership:

(a) on the relevant date, and

(b) at the time of lodging a development application for the erection of a dwelling house under this clause,

and includes any other land adjoining that land acquired by the owner since the relevant date.

**relevant date** means:

- (a) in relation to land to which *Manilla Local Environmental Plan 1988* applied—13 May 1988, or
- (b) in relation to land to which *Nundle Local Environmental Plan 2000* applied—14 November 1982, or
- (c) in relation to land to which *Parry Local Environmental Plan 1987* applied—9 October 1986.

#### **4.2C No strata plan or community title subdivision in certain rural and environmental zones**

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU4 Rural Small Holdings,
  - (c) Zone RU6 Transition,
  - (d) Zone E2 Environmental Conservation,
  - (e) Zone E3 Environmental Management.
- (3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan or community title scheme that would create lots below the minimum size shown on the Lot Size Map for that lot.

#### **4.3 Height of buildings**

Not adopted

#### **4.4 Floor space ratio**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that the bulk and scale of new buildings is appropriate in relation to the development pattern of surrounding uses and buildings.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

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### 4.5 Calculation of floor space ratio and site area

#### (1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
  - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
  - (iii) require community land and public places to be dealt with separately.

#### (2) Definition of “floor space ratio”

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

#### (3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

#### (4) Exclusions from site area

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

#### (5) Strata subdivisions

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only



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to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”**

When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

## 2011 No 27

Clause 4.6 Tamworth Regional Local Environmental Plan 2010

Part 4 Principal development standards

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(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

### 4.6 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.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

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- (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Rural Small Holdings, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living 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.** When this Plan was made, it did not include Zone RU2 Rural Landscape or Zone E4 Environmental Living.
- (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 5.4,
  - (c1) clause 6.1 or 6.2.

## 2011 No 27

Clause 5.1 Tamworth Regional Local Environmental Plan 2010

Part 5 Miscellaneous provisions

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## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (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 on the Land Reservation Acquisition 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
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone B3 Commercial Core and marked "Carparking"	Council
Zone R1 General Residential and marked "Local road widening"	Council
Zone R5 Large Lot Residential and marked "Local road widening"	Council

**Note.** When this Plan was made no land in Zone RE1 Public Recreation, Zone SP2 Infrastructure or Zone E1 National Parks and Nature Reserves was included on the Land Reservation Acquisition Map.

- (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.

**Note.** If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

#### 5.1A Development on land intended to be acquired for public purposes

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of the Table.

Column 1	Column 2
Land	Development
Zone B3 Commercial Core and marked "Car parking"	Earthworks, Car parking
Zone R1 General Residential and marked "Local road widening"	Earthworks, Roads
Zone R5 Large Lot Residential and marked "Local road widening"	Earthworks, Roads

#### 5.2 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.

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Clause 5.3 Tamworth Regional Local Environmental Plan 2010

Part 5 Miscellaneous provisions

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- (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 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 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*).

**Note.** In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### 5.3 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 20 metres.
- (3) This clause does not apply to:
  - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or

- (a1) land in Zone RU6 Transition, or
  - (b) land within the coastal zone, or
  - (c) 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.
- (5) The clause does not prescribe a development standard that may be varied under this Plan.

#### **5.4 Controls relating to miscellaneous permissible uses**

(1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

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Clause 5.5 Tamworth Regional Local Environmental Plan 2010

Part 5 Miscellaneous provisions

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(b) 400 square metres,  
whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 4 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 150 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 12 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling.

**5.5 Development within the coastal zone**

Not applicable

**5.6 Architectural roof features**

Not adopted

**5.7 Development below mean high water mark**

Not applicable

**5.8 Conversion of fire alarms**

- (1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.



- (2) The following development may be carried out, but only with consent:
- (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
- (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:
- private service provider*** means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

### 5.9 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.
- (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.

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Clause 5.9 Tamworth Regional Local Environmental Plan 2010

Part 5 Miscellaneous provisions

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- (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 5.10 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
  - (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*.

**5.10 Heritage conservation**

**Note.** Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.

**(1) Objectives**

The objectives of this clause are:

- (a) to conserve the environmental heritage of the Tamworth region, 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

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Clause 5.10 Tamworth Regional Local Environmental Plan 2010

Part 5 Miscellaneous provisions

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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) Effect on heritage significance**

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) 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.

**(6) 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.

(7) **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 under the *Heritage Act 1977* 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.

(8) **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.

(9) **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 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 from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives**

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

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

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Clause 5.11 Tamworth Regional Local Environmental Plan 2010

Part 5 Miscellaneous provisions

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

### 5.11 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.

### 5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without consent, or that is exempt development, under the *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

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## Part 6 Urban release areas

### 6.1 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) 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.
- (3) Subclause (2) does not apply to:
  - (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

### 6.2 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

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Clause 6.3 Tamworth Regional Local Environmental Plan 2010

Part 6 Urban release areas

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### **6.3 Relationship between Part and remainder of Plan**

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



## Part 7 Additional local provisions

### 7.1 Earthworks

- (1) The objectives of this clause are as follows:
  - (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
  - (b) to allow earthworks of a minor nature without separate development consent.
- (2) Development consent is required for earthworks unless:
  - (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, 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 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 and 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.

**Note.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

### 7.2 Flood planning

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,

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Clause 7.3 Tamworth Regional Local Environmental Plan 2010

Part 7 Additional local provisions

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- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
  - (a) land that is shown as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual*, published by the NSW Government in 2005, unless it is otherwise defined in this clause.
- (5) In this clause:
  - flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.
  - Flood Planning Map*** means the Tamworth Regional Local Environmental Plan 2010 Flood Planning Map.

### 7.3 Erection of rural workers' dwellings on land in Zone RU1 and RU4

- (1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,

- (b) Zone RU4 Rural Small Holdings.
- (3) Development consent must not be granted for the erection of a rural worker's dwelling unless the consent authority is satisfied that:
  - (a) the development will not impair the use of the land for agricultural and rural industries, and
  - (b) there is a demonstrated economic capacity of the agricultural or rural industry being carried out on the land to support the ongoing employment of rural workers, and
  - (c) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land, and
  - (d) the development will not result in more than 1 rural worker's dwelling being erected on the land comprising the agricultural or rural industry.

#### **7.4 Development in Zone B1 and Zone B4**

- (1) The objective of this clause is to ensure that proposed business premises, office premises and retail premises are located within the Tamworth CBD and other local centres in the region, other than in Zone B1 Neighbourhood Centre or Zone B4 Mixed Use.
- (2) Development consent must not be granted to development for the purposes of business premises, office premises or retail premises on land in Zone B1 Neighbourhood Centre or Zone B4 Mixed Use if the development would result in a building or premises having a gross floor area of more than 2,500 square metres.
- (3) This clause does not apply to the following:
  - (a) Lot 8, DP 773136 at 67–81 Bridge Street, Tamworth,
  - (b) Lots 1 and 2, DP 563441 and Lot 3, DP 222686 at Kathleen Street, Tamworth.

#### **7.5 Development within a designated buffer area**

- (1) The objective of this clause is to protect the operational environment of sewage treatment plants, waste disposal facilities and water treatment facilities.
- (2) This clause applies to land identified as "STP", "WDF" and "WTF" on the Sewage Treatment Plant Map, Waste Disposal Facility Map and Water Treatment Facilities Map.

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Clause 7.6 Tamworth Regional Local Environmental Plan 2010

Part 7 Additional local provisions

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- (3) Before granting development consent for development on land to which this clause applies, the consent authority must consider the following matters:
  - (a) the impact that any noise and other emissions associated with existing land uses would have on the proposed development,
  - (b) any proposed measures incorporated into the development that limit the impact of such noise and other emissions associated with the existing land use,
  - (c) any opportunities to relocate the proposed development outside the land to which this clause applies,
  - (d) whether the proposed development would adversely affect the operational environment of any existing development on the land to which this clause applies.

### 7.6 Development in flight path

- (1) The objectives of this clause are:
  - (a) to provide for the effective and on-going operation of the Tamworth Airport, and
  - (b) to ensure that any such operation is not compromised by proposed development in the flight path of that airport.
- (2) Development consent must not be granted to erect a building on land in the flight path of the Tamworth Airport if the proposed height of the building would exceed the obstacle height limit determined by the relevant Commonwealth body.
- (3) Before granting development consent to the erection of a building in the flight path of the Tamworth Airport, the consent authority must:
  - (a) give notice of the proposed development to the relevant Commonwealth body, and
  - (b) consider any comment made by the relevant Commonwealth body within 28 days of the body having been given notice of the proposed development, and
  - (c) consider whether the proposed use of the building will be adversely affected by the exposure to aircraft noise.
- (4) For the purposes of this clause, land is in the *flight path of the Tamworth Airport* if the relevant Commonwealth body has notified the consent authority that the land is in such a flight path.
- (5) In this clause:  
*obstacle height limit* means the land shown as “Obstacle Height Limitation” on the Obstacle Height Limitation Surface Height Map.

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**relevant Commonwealth body** means the body that is responsible for development approvals for development that penetrates the Obstacle Height Limitation for the Tamworth Airport under Commonwealth legislation.

### 7.7 Development in areas subject to aircraft noise

- (1) This clause applies to development that:
  - (a) is on land that:
    - (i) is near an airport, and
    - (ii) is in an ANEF contour of 20 or greater, and
  - (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- (2) Before determining a development application for development to which this clause applies, the consent authority:
  - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
  - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*, and
  - (c) must be satisfied that the development will meet AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* with respect to interior noise levels for the purposes of:
    - (i) if the development will be in an ANEF contour of 20 or greater—child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation, and
    - (iii) if the development will be in an ANEF contour of 25 or greater—business premises, hostels, hotel or motel accommodation, office premises or retail premises.
- (3) Before issuing a development consent to development on land identified as “Flight Training Path” on the Flight Training Path Map, the consent authority must consider measures for the insulation of any building on that land from aircraft noise
- (4) In this clause:
 

**airport** means a civil, military or joint civil and military airport.

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Clause 7.8 Tamworth Regional Local Environmental Plan 2010

Part 7 Additional local provisions

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*ANEF contour* means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for that airport prepared by the Department of the Commonwealth responsible for airports.

### 7.8 Location of sex services premises and restricted premises

- (1) The objective of this clause is to ensure that sex services premises and restricted premises are not visually prominent from public places or other locations regularly frequented by children.
- (2) Development consent must not be granted to development for the purposes of sex services premises or restricted premises if the premises would be located on land that adjoins land, or is separated only by a road from land:
  - (a) in Zone R1 General Residential or Zone RE1 Public Recreation, or
  - (b) that is used for community, school (including pre-school and child care centres), church or children's sporting or recreational activities, or
  - (c) that is used for sex services premises or restricted premises.
- (3) Development consent must not be granted to development for the purposes of sex services premises or restricted premises located in a mixed use development that contains a dwelling unless the consent authority is satisfied that the primary entrance of the premises is not on the same floor as the dwelling or any other place regularly frequented by children for recreational or cultural activities.
- (4) In deciding whether to grant consent for the purposes of sex services premises or restricted premises, the consent authority must take into account the impact the proposed development would have on any place that is regularly frequented by children for educational, recreational or cultural activities that adjoins or is in view of the proposed development.

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## **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **1 Use of certain land at 1 Edgeroy Street, South Tamworth**

- (1) This clause applies to Lot 17/E, DP 223116 in Zone R1 General Residential at 1 Edgeroy Street, South Tamworth.
- (2) Development for the purposes of bulky goods premises.

### **2 Use of certain land at Goonoo Goonoo Road, Tamworth**

- (1) This clause applies to Lot 1, DP 501210 at 452–462 Goonoo Goonoo Road, Tamworth.
- (2) Development for the purposes of office premises only to the extent of its existing building envelope.

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Tamworth Regional Local Environmental Plan 2010

Schedule 2 Exempt development

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## Schedule 2 Exempt development

(Clause 3.1)

**Note 1.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

**Note 2.** Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

### Advertising structures

- (1) All signs must not:
  - (a) cover mechanical ventilation inlet or outlet vents, or
  - (b) be on an item listed in Schedule 5, or
  - (c) be on land to which clause 7.2 (flood planning) applies.
- (2) Business identification signs or building identification signs must comply with the following:
  - (a) Maximum area—1m<sup>2</sup>.
  - (b) Only 1 per property.
  - (c) Must be secure and stable.
- (3) A-frame signs on private land in Zone B2 Local Centre and used in conjunction with existing premises for which consent has been granted, must comply with the following:
  - (a) Only 1 per property.
  - (b) Must not have flashing lights or the like.
  - (c) Must only be erected in an area that immediately adjoins the premises.
  - (d) Must not obstruct access to the premises or to any adjacent premises.
  - (e) Maximum display area (on each side)—0.5m<sup>2</sup>.
  - (f) Must be secure and stable.
  - (g) Must not involve construction work.
  - (h) Must be temporary and must be removed at the close of business each day.
- (4) Change of message on existing sign, must comply with the following:
  - (a) Sign must have been previously consented to by the consent authority or erected as exempt development.



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- (b) Must not change signage illumination.
  - (c) New message must comply with any content requirements of any existing consent.
- (5) Fascia signs, must comply with the following:
- (a) Must be attached to an existing fascia and fixed flush with the fascia.
  - (b) Must not extend above or below the fascia or return end of the awning.
  - (c) Must not be illuminated.
  - (d) Only 1 per property.
- (6) Flush wall signs, must comply with the following:
- (a) Maximum area—2.5m<sup>2</sup>.
  - (b) Must be securely fixed to an existing wall.
  - (c) Maximum height—3.5m above ground level (existing).
  - (d) Must not be illuminated.
  - (e) Only 1 per property in Zone R1 General Residential and Zone RU5 Village.
  - (f) Maximum of 2 per property in all other zones.
  - (g) Must only identify the subject premises or describe the subject premises, activities or professional affiliations of the occupation conducted in the building to which the sign is attached.
- (7) Pole or pylon signs, must comply with the following:
- (a) Maximum height—6m.
  - (b) Maximum area of advertising panel (per side)—2.5m<sup>2</sup>.
  - (c) Only 1 per property.
  - (d) May only be in industrial zones.
  - (e) Must be built in accordance with an engineer's certification for the structure and footings.
  - (f) Must be located clear of any sewer main or stormwater main by a minimum distance of 1 metre from the main centreline or the equivalent invert depth of the main, whichever is the greater.
  - (g) Must not encroach onto any registered easement.
- (8) Real estate signs, must comply with the following:
- (a) Maximum area (per side):
    - (i) single dwelling house—2.5m<sup>2</sup>,

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### Tamworth Regional Local Environmental Plan 2010

#### Schedule 2 Exempt development

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- (ii) multi dwelling development of less than 10 dwelling houses—5m<sup>2</sup>,
  - (iii) multi dwelling development of 10 or more dwelling houses—10m<sup>2</sup>,
  - (iv) commercial building—5m<sup>2</sup>,
  - (v) rural property—10m<sup>2</sup>,
  - (vi) subdivision of less than 20 lots—10m<sup>2</sup>,
  - (vii) subdivision of 20 lots or more—15m<sup>2</sup>.
- (b) Must not be erected until development approval for the building or subdivision has been granted.
  - (c) Must contain only a notice that the building or site to which it is fixed is for sale or for lease.
  - (d) Maximum of 1 sign for each property or subdivision stage.
  - (e) Must not be illuminated.
  - (f) Must be removed within 14 days of the property being sold or leased, or in the case of subdivisions, when 90% of lots are sold, or within 5 years, whichever occurs first.
  - (g) Maximum height for subdivision signs—8m.
  - (h) Only 1 directional sign with a maximum area of 1m<sup>2</sup> in Zone RU1 Primary Production to direct people to the site or for auction or inspection purposes.
  - (i) Must not interfere with sight distances for vehicles approaching intersections.
- (9) Temporary signs (including signs announcing a local event for religious, educational, cultural, political or recreational purposes), must comply with the following:
    - (a) Maximum height—3m.
    - (b) Must not be higher than the building it is mounted on.
    - (c) Maximum area—3m<sup>2</sup>.
    - (d) Must not be illuminated.
    - (e) Any sponsor's names or logos must be less prominent than the message.
    - (f) Must not be displayed earlier than 28 days before an event.
    - (g) Must not be displayed later than 14 days after an event.
  - (10) Top hamper signs (including signs attached to the transom of a doorway or display window of a building), must comply with the following:
    - (a) Must be fixed flush to the wall.

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- (b) Must be securely fixed.
  - (c) Must not extend below the head of the doorway or window to which it is attached.
  - (d) Must not extend more than 0.2m beyond any building alignment.
  - (e) Must not be illuminated.
- (11) Under awning signs, must comply with the following:
- (a) May only be located in Zone B2 Local Centre.
  - (b) Must not be less than 2.6m from the ground or footpath to the underside of the sign.
  - (c) Maximum length—2.5m.
  - (d) Only 1 per property.
  - (e) Must be securely fixed to awning.
  - (f) Must not project beyond the awning.
  - (g) Must be erected horizontal to the ground.
  - (h) Must be located more than 3m from another under awning sign.
- (12) Window signs in Zone B2 Local Centre and industrial zones, must comply with the following:
- (a) Must not cover more than 75% of shop window.
  - (b) Must be illuminated.
  - (c) Must be located on the ground level facade.
  - (d) Only 1 per shop window.

**Dams (Zone RU1 Primary Production)**

- (1) Embankment fill batter grades must not be steeper than 1:2.5 (vertical:horizontal).
- (2) Minimum distance from all property boundaries at closest point—10m.
- (3) Maximum fill embankment crest width—3m.
- (4) Minimum height difference between the embankment crest level and the spillway level—1m.
- (5) Maximum fill embankment height—3m (measured from ground level (existing) immediately down slope of the embankment to the top of the embankment crest level).
- (6) No trees may be removed or damaged for the construction.
- (7) Maximum water storage capacity—3ML.

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Schedule 2 Exempt development

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### Filming

- (1) **Note.** Provision repealed under the Standard Instrument (Local Environmental Plans) Order 2006.
- (2) May only be carried out on land:
  - (a) on which there is a heritage item, or
  - (b) within a heritage conservation area, or
  - (c) identified in clause 3.3 as an environmentally sensitive area for exempt development,if the filming does not involve or result in any of the following:
  - (d) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,
  - (e) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
  - (f) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
  - (g) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.
- (3) Must not create significant interference with the neighbourhood.
- (4) The person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000.
- (5) If the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location.
- (6) A filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):
  - (a) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
  - (b) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),

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- (c) the proposed location of the filming,
  - (d) the proposed commencement and completion dates for the filming at the location,
  - (e) the proposed daily length of filming at the location,
  - (f) the number of persons to be involved in the filming,
  - (g) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
  - (h) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
  - (i) proposed arrangements for parking vehicles associated with the filming during the filming,
  - (j) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
  - (k) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
  - (l) a copy of the public liability insurance policy that covers the filming at the location,
  - (m) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming at the location, such as the following:
    - (i) an approval by the Roads and Traffic Authority for the closure of a road,
    - (ii) an approval by the Council for the erection or use of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
    - (iii) an approval by the Environment Protection Authority for an open fire,
    - (iv) an approval by the NSW Police Force for the discharge of firearms,
    - (v) an approval by the Land and Property Management Authority for the use of Crown land,
  - (n) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming.
- (7) The person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in

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writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:

- (a) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
- (b) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
- (c) the proposed commencement and completion dates for the filming at the location,
- (d) the proposed daily length of filming at the location.

### **Silos (Zone RU1 Primary Production)**

- (1) Must be associated with primary production activities occurring on the subject land.
- (2) Must be constructed of prefabricated metal.
- (3) Must be transported to the site as a single unit, excluding ancillary attachments.
- (4) Must be freestanding and must not rely on other structures for support.
- (5) Must be erected in accordance with the manufacturer's specifications or engineer's certification.
- (6) Must not be erected within 20m of the street boundary.
- (7) Must be set back from other property boundaries at least a distance equal to the height of the silo plus 1m.
- (8) Must not encroach on any registered easements.

### **Temporary structures (other than tents and marquees), and temporary alterations or additions to buildings or works, solely for filming purposes**

- (1) May only be erected, used, altered or added to in connection with filming that is exempt development.
- (2) Temporary structure must not be at the location for more than 30 days within a 12-month period.
- (3) Alteration or addition to the building or work must not remain in place for more than 30 days within a 12-month period.
- (4) Temporary structure, or building or work in its altered or added to form, must not be accessible to the public.

**Tennis courts**

- (1) Must only be for private or non-commercial use on a rural zoned property and associated with a dwelling house.
- (2) Site must be greater than 1ha.
- (3) Must not have lighting.
- (4) Only 1 court per property.
- (5) Must not interfere with any approved on-site effluent disposal or treatment system.
- (6) Maximum cut and fill—600mm.
- (7) Stormwater must be disposed of without causing nuisance to adjoining premises.
- (8) Must be located behind front setback of dwelling from street.
- (9) Must be located at least 1500mm from any manhole, riser, inspection shaft or the like.
- (10) Must not be on an item listed in Schedule 5.

**Tents or marquees used solely for filming purposes**

- (1) May only be used in connection with filming that is exempt development.
- (2) Total floor area of all tents or marquees on location at the same time must not exceed 200m<sup>2</sup>.
- (3) Must be located within at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.
- (4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
  - (a) 1 exit if the floor area of the tent or marquee does not exceed 25m<sup>2</sup>,
  - (b) 2 exits in any other case.
- (5) Width of each exit must be at least:
  - (a) 800mm if the floor area of the tent or marquee is less than 150m<sup>2</sup>,  
or
  - (b) 1m in any other case.
- (6) Height of the walls must not exceed:
  - (a) 4m if erected on private land, or

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Schedule 2 Exempt development

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- (b) 5m in any other case.
- (7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.
- (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
  - (a) AS/NZS 1170.0:2002, Structural design actions—General principles,
  - (b) AS/NZS 1170.1:2002, Structural design actions—Permanent, imposed and other actions,
  - (c) AS/NZS 1170.2:2002, Structural design actions—Wind actions.
- (9) Must not remain at the location more than 2 days after the completion of the filming at the location.



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## Schedule 3 Complying development

(Clause 3.2)

**Note.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

### Part 1 Types of development

(When this Plan was made this Part was blank)

### Part 2 Complying development certificate conditions

**Note 1.** Complying development must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and this Plan.

(When this Plan was made this Part was blank)

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Schedule 4 Classification and reclassification of public land

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### Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Lower Somerton Rd, Attunga	Lot 34, DP 833404 Attunga Water Supply
Lower Somerton Rd, Attunga	Lot 111, DP 834487 Attunga Pump Station
68 Alice St, Barraba	Lot 1, DP 515756 Sewerage Pump Station—Alice St SPS
7 Askin Ave, Barraba	Lot 12, DP 243321 Vacant Land
Bent St, Barraba	Lot 1, DP 258804 Airstrip
Bent St, Barraba	Lot 3, DP 258804 Airstrip
Bent St, Barraba	Lot 5, DP 258804 Airstrip
Callose Dr, Barraba	Lot 43, DP 241078 Drainage Reserve
6–10 Cherry La, Barraba	Lot 5, Section 20, DP 758059 Drainage Reserve
6–10 Cherry La, Barraba	Lot 6, Section 20, DP 758059 Drainage Reserve
6–10 Cherry La, Barraba	Lot 7, Section 20, DP 758059 Drainage Reserve
77 Cherry St, Barraba	Lot 4, Section 10, DP 758059 Barraba Works Depot
77 Cherry St, Barraba	Lot 770, DP 1093104 Barraba Works Depot
77 Cherry St, Barraba	Lot 771, DP 1093104 Barraba Works Depot
77 Cherry St, Barraba	Lot 772, DP 1093104 Barraba Works Depot
7–9 Cooper St, Barraba	Lot 6, DP 238800 Rental Property
7–9 Cooper St, Barraba	Lot 7, DP 238800 Rental Property
14 Cooper St, Barraba	Pt Lot 8, Section 30, DP 758059 Sewerage Pump Station
14 Cooper St, Barraba	Pt Lot 9, Section 30, DP 758059 Sewerage Pump Station

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Douglas St, Barraba	Lot 24, DP 236685 Drainage Reserve
Douglas St, Barraba	Lot 107, DP 236308 Gotha Drainage Reserve
Fitzroy St, Barraba	Lot 3, DP 507700 Drainage Reserve
15 Fitzroy St, Barraba	Lot 110, DP 236308 Drainage Reserve
15 Fitzroy St, Barraba	Lot 113, DP 236308 Drainage Reserve
15 Fitzroy St, Barraba	Lot 116, DP 236308 Drainage Reserve
15 Fitzroy St, Barraba	Lot 119, DP 236308 Drainage Reserve
65 Fitzroy St, Barraba	Lot 10, Section 6, DP 758059 Blacksmiths Court
79 Fitzroy St, Barraba	Lot 3, DP 547823 Vacant Land
79 Fitzroy St, Barraba	Lot 4, DP 547823 Vacant Land
79 Fitzroy St, Barraba	Lot 5, DP 547823 Vacant Land
Gotha St, Barraba	Lot 1, DP 311579 Vacant Land, Old Quarry
Gotha St, Barraba	Lot 2, DP 1039760 Vacant Land, Old Quarry
Gotha St, Barraba	Lot 106, DP 236308 Gotha Drainage Reserve
42 Henry St, Barraba	Lot 2, Section 18, DP 758059 Vacant Land
73 Henry St, Barraba	Lot 1, DP 243640 Vacant Land
10 Lockrey St, Barraba	Lot 9, DP 243146 Rental Property
11 Lockrey St, Barraba	Lot 11, DP 243146 Vacant Land
Manilla Rd, Barraba	Lot 14, DP 1046176 Main Rd No 63 (north)
Manilla Rd, Barraba	Lot 15, DP 1046176 Main Rd No 63 (north)
7–11 Maude St, Barraba	Lot 2, DP 506315 RFS Shed
8–10 Maude St, Barraba	Lot B, DP 390175 Medical Centre
8–10 Maude St, Barraba	Lot 1, DP 927285 Medical Centre
42 Queen St, Barraba	Lot 20, Section 18, DP 758059 Vacant Land
44 Queen St, Barraba	Lot 19, Section 18, DP 758059 Vacant Land
108 Queen St, Barraba	Lots 1 and 2, DP 22936 Barraba Library

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Tamworth Regional Local Environmental Plan 2010

Schedule 4 Classification and reclassification of public land

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<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
110 Queen St, Barraba	Lot 3, DP 22936 Barraba Library and Bus Stop
146 Queen St, Barraba	Lot 1, DP 62014 Barraba Pre School
146 Queen St, Barraba	Lot 2, DP 62014 Barraba Pre School
146 Queen St, Barraba	Lot 1, DP 210364 Barraba Swimming Pool
22–24 Railway St, Barraba	Lot 12, DP 655682 Vacant Land
22–24 Railway St, Barraba	Lot 147, DP 664981 Vacant Land
22–24 Railway St, Barraba	Lot 4, DP 806998 Vacant Land
25–27 Range St, Barraba	Lot 1, DP 569618 Range Street Reservoir
34–60 Range St, Barraba	Lot 4, DP 584812 Water Treatment— Barraba
Williams St, Barraba	Lot 1, DP 434465 Sewerage Treatment and Effluent Re-use
19 Wilson Ave, Barraba	Lot 331, DP 810945 Vacant Land
Woodsreef Road, Barraba	Lot 1, DP 780587 Connors Creek Dam Pump Station
Eagle Ave, Calala	Lot 79, DP 1116672 Drainage Reserve
3 Harrier Pde, Calala	Lot 1, DP 629588 Sewerage Pump Station No 3
66 Harrier Pde, Calala	Lot 40, DP 1073420 Drainage Reserve
41a Raglan St, East Tamworth	Lot 4, DP 781317 Currawong Park Drainage Reserve
Greg Norman Dr, Hillvue	Lot 232, DP 806047 Warwick Road Reserve
Greg Norman Dr, Hillvue	Lot 20, DP 844211 Greg Norman Drive Reserve
Greg Norman Dr, Hillvue	Lot 37, DP 802373
Greg Norman Dr, Hillvue	Lot 13, DP 843895 Greg Norman Drive Reserve
Greg Norman Dr, Hillvue	Lot 17, DP 844052 Warwick Road Reserve
The Heights, Hillvue	Lot 35, DP 1097972 Drainage Reserve
Warwick Rd, Hillvue	Lot 12, DP 843895 Warwick Road Reserve
Warwick Rd, Hillvue	Lot 38, DP 882452 Warwick Road Reserve

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
New England Hwy, Kootingal	Lot 2, DP 804438 Kootingal Sewerage Works
Court St, Manilla	Lot 16, DP 238644 Vacant Land
Court St, Manilla	Lot 14, DP 238644 Louis Johnson House
Court St, Manilla	Lot 15, DP 238644 Louis Johnson House
Dowe St, Manilla	Lot 221, DP 752178 Manilla STP
Ratcliffe Ave, Manilla	Lot B, DP 328435
Ratcliffe Ave, Manilla	Lot 220, DP 752178 Manilla STP
Ratcliffe Ave, Manilla	Lot 222, DP 752178 Manilla STP
Ratcliffe Ave, Manilla	Lot 223, DP 752178 Manilla STP
Ratcliffe Ave, Manilla	Lot 224, DP 752178 Manilla STP
Rowan St, Manilla	Lot 6, Section 4, DP 758644 Part Road Reserve
Station St, Manilla	Lot 5, DP 1016767 SES/RFS Headquarters
Station St, Manilla	Lot 7, DP 1016767 VRA Building
Strafford St, Manilla	Lot 20, Section 26, DP 758644 Fire Brigade Shed
Strafford St, Manilla	Lot 20, Section 26, DP 758644 Fire Brigade Shed
Browns La, Moore Creek	Lot 156, DP 1110030 Drainage Reserve
Moore Creek Rd, Moore Creek	Lot 17, DP 1116435 Drainage Reserve
Moore Creek Rd, Moore Creek	Lot 18, DP 1116435 Drainage Reserve
Moore Creek Rd, Moore Creek	Lot 19, DP 1116435 Drainage Reserve
Sequoia Dr, Moore Creek	Lot 157, DP 1110030 Drainage Reserve
Calala La, Nemingha	Lot 2, DP 621747 Peel River Pump Station—Water
Calala La, Nemingha	Lot 3, DP 621747 Peel River Pump Station—Water
Calala La, Nemingha	Lot 4, DP 621747 Peel River Pump Station—Water
New England Highway, Nemingha	Lot 3, DP 859744 Vacant Land—Water

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### Tamworth Regional Local Environmental Plan 2010

#### Schedule 4 Classification and reclassification of public land

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<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Bourke St, North Tamworth	Lot 1, DP2306–3100 Victoria Park Reservoir
Browns La, North Tamworth	Lot 9, DP 1085867 Drainage Reserve
Daruka Rd, North Tamworth	Lot 11, DP 1009519 Two Way Radio Tower
North St, North Tamworth	Lot 1, DP 337204 Drainage Reserve
North St, North Tamworth	Lot 2, DP 618469 Drainage Reserve
4 North St, North Tamworth	Lot 1, DP 337151 Drainage Reserve
Dungowan Dam Rd, Ogunbil	Lot 61, DP 234569 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 1, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 10, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 11, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 12, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 14, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 16, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 18, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 2, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 20, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 27, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 28, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 32, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 34, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 4, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 7, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 9, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 23, DP 755351 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 24, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 28, DP 755351 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 29, DP 755339 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 30, DP 755351 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 33, DP 755351 Dungowan Dam

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Dungowan Dam Rd, Ogunbil	Lot 35, DP 755351 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 48, DP 755351 Dungowan Dam
Dungowan Dam Rd, Ogunbil	Lot 49, DP 755351 Dungowan Dam
51–67 Higgins La, Oxley Vale	Lot 39, DP 1022942 Drainage Reserve
62a Manilla Rd, Oxley Vale	Lot 15, DP 247496 Deny Access
Orley Dr, Oxley Vale	Lot 41, DP 1099892 Drainage Reserve
Hillvue Rd, South Tamworth	Lot 161, DP 1048366 Drainage Reserve
6–44 Britten Rd, Taminda	Lot 4, DP 32550 Swan St STP Utilisation Area
6–44 Britten Rd, Taminda	Lot 5, DP 32550 Swan St STP Utilisation Area
6–44 Britten Rd, Taminda	Lot 6, DP 32550 Swan St STP Utilisation Area
6–44 Britten Rd, Taminda	Lot 7, DP 32550 Swan St STP Utilisation Area
6–44 Britten Rd, Taminda	Lot 8, DP 32550 Swan St STP Utilisation Area
6–44 Britten Rd, Taminda	Lot 9, DP 32550 Swan St STP Utilisation Area
63–65 Hume St, Taminda	Lot 80, DP 47195 Ring Road
Jewry St, Taminda	Lot 42, DP 975280 Carter St Sporting Fields
Jewry St, Tamworth	Lot 142, DP 1109647 Carter St Sporting Fields
Plain St, Tamworth	Lot 143, DP 1109647 Carter St Sporting Fields
Showground Rd, Tamworth	Lot 1, DP 633198 Drainage Reserve
Cole Rd, West Tamworth	Lot 36, DP 773014 Ring Road
58–60 Frederick St, Woolomin	Lot 5, DP 759117 Woolomin RFS Shed

## 2011 No 27

Tamworth Regional Local Environmental Plan 2010

Schedule 4 Classification and reclassification of public land

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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
38 Ridge St, Attunga	Lot 3, DP 793161	Nil
Maude St, Barraba	Section 7, DP 758059 Unnumbered Lot	Nil
71 Queen St, Barraba	Lot 2, DP 583209 Nandewar Historical Society	Nil
80 Wittens La, Barraba	Lot 205, DP 752197 Old Rubbish Depot	Nil
Wittens La, Barraba	Lot 122, DP 873257 New Rubbish Depot	Nil
12–16 Campbell Rd, Calala	Lot 2, DP 793151 Village Park	Nil
410 Armidale Rd, East Tamworth	Lot 10, DP 237064 Armidale Road Reserve	Nil
24 Carinya Ave, Manilla	Lot 174, DP 584540 Manilla Pre School	Nil
123a Forest Rd, Moore Creek	Lot 1, DP 876543 Tamworth Rubbish Depot	Nil
Ogunbil Rd, Ogunbil	Lot 1, DP 587343 Dungowan Water Main Pump	Nil
Ogunbil Rd, Ogunbil	Lot 2, DP 587343 Dungowan Water Main Pump	Nil
Ogunbil Rd, Ogunbil	Lot 1, DP 212610 Ogunbil RFS Shed	Nil
Hillvue Rd, South Tamworth	Lot 21, DP 808368 Hillvue Rd Reserve	Nil
64–68 Wilburtree St, South Tamworth	Lot 16, DP 258197 Wilga Park	Nil
561 Peel St, Tamworth	Lot 93, DP 832628 Visitors Information Centre and H. Jacks	Nil
Cole Road, West Tamworth	Lot 11, DP 261929 Park No 48	Nil



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Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
62 Northview St, West Tamworth	Lot 52, DP 218403 Hathaway Park	Nil

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

Column 1	Column 2
Locality	Description
Nil	

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Tamworth Regional Local Environmental Plan 2010

Schedule 5 Environmental heritage

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### Schedule 5 Environmental heritage

(Clause 5.10)

Locality	Item name	Address	Property description	Significance	Item no
Appleby	“Matilda Park”	Appleby Lane	Corner Lot 12, DP 850174	Local	I001
Appleby	“Silverweir”	Appleby Lane	Lots 1 and 2, DP 162586	Local	I002
Attunga	Attunga Hall	Attunga Street	Part Lot 16, DP 728377	Local	I003
Attunga	Attunga Silos	Attunga Street	Lot 1, DP 814784	Local	I004
Attunga	Attunga Youth Hall	11–15 Attunga Street	Lots 6–8, Sec 7, DP 758039	Local	I006
Attunga	“Innes Cottage”	23 Attunga Street	Lot 2, Sec 7, DP 758039	Local	I007
Attunga	Old Police Station	40 Attunga Street	Lot 1, Sec 1, DP 758039	Local	I009
Attunga	Old Bakery and Residence	62 Attunga Street	Lot 4, DP 4927	Local	I010
Attunga	“Wyaralong” Homestead	Manilla Road	Lot 102, DP 715168; Lot 2, DP 226084	Local	I012
Attunga	Attunga Hotel	1–3 Manilla Road	Lots 7 and 8, Sec 4, DP 758039	Local	I013
Attunga	Attunga Cemetery	Ridge Street	Lots 10–14, DP 114775; unnumbered lots, DP 753834	Local	I014
Attunga	Christ Church Anglican	Ridge Street	Lot 12, DP 635002; Lot 269, DP 758039	Local	I015
Attunga	Roman Catholic Church	Ridge Street	Corner Lot 9, Sec 2, DP 758039	Local	I016
Attunga	Sulcor Limestone Mine Kilns	Sulcor Road	Lot A, DP 398256; Lot 1, DP 187223; Lot 1, DP 312169; Lots 1 and 2, DP 559907; Lot 10, DP 706592	Local	I017
Barraba	Residence	11 Alice Street	Lot 1, DP 80632	Local	I018

Locality	Item name	Address	Property description	Significance	Item no
Barraba	Residence	24 Alice Street	Lot 1, Sec 9, DP 758059	Local	I019
Barraba	Residence	69 Cherry Street	Lot 10, DP 667567	Local	I020
Barraba	Residence	25 Cooper Street	Lot 1, DP 238800; Lot 1, DP 546390	Local	I021
Barraba	“Ivanhoe” Residence	37 Edward Street	Lots 102 and 104, DP 608118	Local	I022
Barraba	Residence	55 Edward Street	Lot 5, DP 238577	Local	I023
Barraba	Barraba Senior Citizens Centre	50 Fitzroy Street	Lot 1, DP 67137; Lot 1, DP 156909; Lot 2, DP 515755	Local	I024
Barraba	St Laurence’s Church of England, Church Vicarage, Parish Hall	52–54 Fitzroy Street	Part Lots 15 and 16; Lots 17–19, Sec 9, DP 758059; Lot A, DP 404169	Local	I025
Barraba	Residence	53 Fitzroy Street	Lot 1, DP 798695; Lot A, DP 931678	Local	I026
Barraba	St John’s Catholic Church, Hall and Residence	58–64 Fitzroy Street	Lots 17–19, Sec 5, DP 758059	Local	I027
Barraba	Residence	63 Fitzroy Street	Lot 1, DP 4118	Local	I028
Barraba	Residence	97 Fitzroy Street	Lot 3, DP 70849	Local	I029
Barraba	Barraba District Hospital	Gotha Street	Lot 1, DP 114837; Lots 1–3, DP 618268; Lots 12–15 and 18, Sec 16, DP 758059	Local	I030
Barraba	Barraba Primary School	Gotha Street	Lot 188, DP 729694	Local	I031
Barraba	Residence	43 Gotha Street	Lot 10, Sec 7, DP 758059	Local	I032
Barraba	Residence	31 Henry Street	Lot B, DP 328629	Local	I034
Barraba	Tarpoly Creek Railway Bridge	Main Road 63— 20.25km south of Barraba	Lot 7009, DP 1056182	Local	I035

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### Tamworth Regional Local Environmental Plan 2010

#### Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Barraba	Residence	34 Maude Street	Lot 1, DP 405116; Lot 8, Sec 6, DP 758059	Local	I036
Barraba	Residence	38 Maude Street	Lot 6, Sec 6, DP 758059	Local	I037
Barraba	Barraba Showground and Racecourse	Mulwaree Road	Lot 8, DP 258804; Lots 233 and 234, DP 577664; Lot 71, DP 606756	Local	I038
Barraba	Great War Memorial (clock tower)	Queen and Maude Streets intersection	Road Segment No 135277	Local	I039
Barraba	Residence	48 Queen Street	Lot 17, Sec 18, DP 758059	Local	I040
Barraba	Uniting Church	53–55 Queen Street	Lot 12, DP 576670	Local	I041
Barraba	Nandewar Historical Society Building	71 Queen Street	Lot 2, DP 583209	Local	I042
Barraba	Service Station	73 Queen Street	Lot 1, DP 580054; Lot 1, DP 583209	Local	I043
Barraba	The Claypan & Fuller Gallery	74 Queen Street	Lots A–C, DP 161796	Local	I044
Barraba	Shop	79 Queen Street	Lot C, DP 390775	Local	I045
Barraba	Victoria Hotel	82 Queen Street	Lot 1, DP 555447	Local	I046
Barraba	Shop	83 Queen Street	Lot 1, DP 228573	Local	I047
Barraba	Wold's Buildings	84–88 Queen Street	Lot 1, DP 199605	Local	I048
Barraba	Treloar Building	85–87 Queen Street	Lots 2 and 3, DP 228573	Local	I049
Barraba	Shop	92 Queen Street	Part Lot 103, DP 853536	Local	I050
Barraba	Shop	99 Queen Street	Lot 92, DP 802301	Local	I051
Barraba	Clifton Hall	100 Queen Street	Lot 2, DP 301428	Local	I052

Locality	Item name	Address	Property description	Significance	Item no
Barraba	Shop and library	102 and 108 Queen Street	Lot 1, DP 301428; Lot B, DP 307344; Lots 1 and 2, DP 22936	Local	I053
Barraba	Jacob's Building (Barraba Information Centre)	114–116 Queen Street	Lot 5, DP 22936	Local	I054
Barraba	Hotel	121 Queen Street	Lot 1, DP 195910; Lot 2, DP 81384	Local	I055
Barraba	Former Court House	127 Queen Street	Part Lot 6, Sec 5, DP 758059	Local	I056
Barraba	Bank	129 Queen Street	Lot 7, DP 137242	Local	I057
Barraba	Commercial Hotel	136 Queen Street	Lot 1, DP 205458	Local	I059
Barraba	Residence	29 Rodney Street	Lot C, DP 942620	Local	I060
Barraba	Morrow's Row (residence)	1–3 Savoy Street	Lot 11, Sec 4, DP 758059	Local	I061
Barraba	Morrow's Row (residence)	5 Savoy Street	Lot 9, DP 38154	Local	I062
Barraba	Morrow's Row (residence)	7 Savoy Street	Lot 8, DP 38154	Local	I063
Barraba	Morrow's Row (residence)	9 Savoy Street	Lot 7, DP 38154	Local	I064
Barraba	Morrow's Row (residence)	11 Savoy Street	Lot 6, DP 38154	Local	I065
Barraba	Morrow's Row (residence)	13 Savoy Street	Lot 5, DP 38154	Local	I066
Barraba	Morrow's Row (residence)	15 Savoy Street	Lot 4, DP 38154	Local	I067
Barraba	Morrow's Row (residence)	17 Savoy Street	Lot 3, DP 38154	Local	I068
Barraba	Morrow's Row (residence)	19 Savoy Street	Lot 2, DP 38154	Local	I069
Barraba	Morrow's Row (residence)	21 Savoy Street	Lot 1, DP 38154	Local	I070
Barraba	Residence	26 Savoy Street	Lot 2, DP 219840	Local	I071

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### Tamworth Regional Local Environmental Plan 2010

#### Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Barraba	Barraba Cemetery	West Street	R 63304	Local	I073
Barraba	“Angelsea” Residence	Woodsreef Road	Lots 7 and 8, DP 114267; Part Lots 43 and 53, Lots 60, 61, 56, 66 and 79, DP 752200	Local	I074
Bective	“Bon Accord”	Corner Appleby Lane and Oxley Highway	Lot 13, DP 849425	Local	I075
Bective	Bective Station	Bective Station Oxley Highway	Lots 7–11, 14–17, 19, 32, 37, 44, 50–56, 74–77, 88–92, 96, 97, 116, 117, 157, 158, 172, 179 and 189, and Part Lots 13 and 33, DP 753833; Lots 1–3, DP 127874; Lots 1–6, DP 127895; Lot 1, DP 205381	Local	I076
Bective	Brigalow Reserve	Bective Station Oxley Highway Reserve No 200016	Lot 1, DP 128153; Lot 14, DP 127893; Lot 186, DP 755319; Lot 7, DP 127893; Lot 7003, DP 1028534; Lot 7004, DP 1028534	Local	I077
Bendemeer	“Airlie” Station House, “Airlie” Station Woolshed	Airlie Station Road	Lots 52, 72, 97, 98 and 103–109, DP 753831	Local	I078
Bendemeer	St Stephen’s Anglican Church	Caroline Street	Corner Lot 1, Sec 19, DP 758090	Local	I080
Bendemeer	Bendemeer Cemetery	Caroline Street	Lots 3, 4, 7, 8, 10 and 11, DP 264250; Lots 1–3, Sec 35 and Lots 1–5, Sec 36, DP 758090	Local	I081
Bendemeer	Residence	50 Caroline Street	Lot 11, DP 817466	Local	I082
Bendemeer	Residence	72 Caroline Street	Lot 8, Sec 21, DP 758090	Local	I083

<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Bendemeer	Bendemeer Hall	87–89 Caroline Street	Lots 18 and 19, Sec 19, DP 758090	Local	I084
Bendemeer	Former Bendemeer Post Office	99–102 Caroline Street	Lots 4 and 5, Sec 23, DP 758090	Local	I085
Bendemeer	General Store and Stable	109–111 Caroline Street	Lots 14 and 15, Sec 17, DP 758090	Local	I079
Bendemeer	Bendemeer Hotel	112–130 Caroline Street	Lots 1–10, Sec 24, DP 758090	Local	I086
Bendemeer	Former Bendemeer Butchery and Residence	113–115 Caroline Street	Lot 13, Sec 17, DP 758090	Local	I087
Bendemeer	Church	135–139 Caroline Street	Lots 8–11, Sec 16, DP 758090	Local	I088
Bendemeer	Bendemeer Cafe	141–143 Caroline Street	Lots 15–18, Sec 15, DP 758090	Local	I089
Bendemeer	Blair Graves	155 Caroline Street	Lots 8 and 9, Sec 15, DP 758090	Local	I090
Bendemeer	Bendemeer Police Station	157 Caroline Street	Lot 702, DP 1125520	Local	I091
Bendemeer	Bendemeer Public School	Charles Street	Lots 234 and 235, DP 729430	Local	I092
Bendemeer	Timber Bridge over Macdonald River	Havannah Street		Local	I093
Bendemeer	“Haning” and “Haning” Graveyard	Longford Retreat Road	Lots 2–5, 15, 16, 20–23, 26–28, 30–32, 45 and 104–105, Part Portion 29, DP 753839; Lots 3–8, DP 251609	Local	I094
Bendemeer	“Longford Station”	Longford Retreat Road	Lots 2, 4, 9, 10, 12–17, 19, 33–35, 38, 39, 41, 44–47, 50, 53, 88, 93, 94, 120 and 124, Part Portions 48 and 49, DP 753850; Lot 1, DP 778828	Local	I095

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### Tamworth Regional Local Environmental Plan 2010

#### Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Bendemeer	“Bendemeer” Station, “Bendemeer” Station Graves, “Bendemeer” Station Woolshed	New England Highway	Lot 2, DP 156594	Local	I096
Bendemeer	“Yaccamunda”	Rocky Gully Road	Lot 1, DP 1101440	Local	I097
Bithramere	Old School	Bithramere Lane	Lot 44, DP 548924	Local	I098
Bowling Alley Point	Bowling Alley Point Cemetery	Anderson’s Flats	Lot 7013, DP 96292	Local	I099
Bowling Alley Point	Bowling Alley Point School	Bowling Alley Point	Lot 56, DP 755324	Local	I100
Bowling Alley Point	Iron Footbridge	Recreation Reserve Chaffey Dam	Within DP 755324	Local	I101
Bowling Alley Point	Uniting Church	River Road	Lot 41, DP 755324	Local	I102
Bowling Alley Point	Bowling Alley Point Geological Site	River Road	Lot 282, DP 755324	Local	I103
Daruka	Daruka Station	80 Wyndham Close	Lot 200, DP 1040669	Local	I104
Dungowan	Dungowan Store and Bakery	Nundle Road	Part Portion 22, DP 755337; Lot 1, DP 254341	Local	I106
Dungowan	Former Butchery	Nundle Road	Lot 1, DP 375009	Local	I108
Dungowan	Former Manvell’s Bakery	Nundle Road	Lot 1, DP 307297	Local	I109
Dungowan	Roman Catholic Church, former Catholic Convent, former Catholic School Site	Nundle Road	Lot 2, DP 24002; Lot 1, DP 950284	Local	I110



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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Dungowan	Dungowan Cemetery	Ogunbil Road	Lot 139, DP 755337	Local	I111
Dungowan	Dungowan Memorial Hall	Ogunbil Road	Lot 35, DP 755337	Local	I112
Dungowan	St Thomas' Anglican Church	Ogunbil Road	Lot 143, DP 755337	Local	I113
Dungowan	Dungowan Public School	137 Ogunbil Road	Lots 1 and 38, DP 755337	Local	I114
Duri	Duri Silos	Duri Street	Lot 1, DP 819872	Local	I116
Duri	Duri Community Hall	2 Duri Street	Lots 6–8, Sec 13, DP 758368	Local	I117
Duri	Former Catholic Church	Corner Tangaratta Street and Warral Road	Corner Lot 5, Sec 10, DP 758368	Local	I120
Garthowen	"Glenview"	Garthowen Road	Lot 1, DP 957571	Local	I123
Gidley	Gidley Silos	968 Wallamore Road	Lot 1, DP 819859	Local	I124

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### Tamworth Regional Local Environmental Plan 2010

#### Schedule 5 Environmental heritage

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Locality	Item name	Address	Property description	Significance	Item no
Goonoo Goonoo	Goonoo Homestead and Associated Outbuildings, Shearing Shed, The Inn, The Graves, The Chapel, Cottage Number 1—The Cook's House, Cottage Number 2—The Jackaroo's Quarters, Cottage Numbers 3, 4, 5, 7, 8, 9, 10, 11, Shearer's Quarters, Stables, Farrier's Shed, Car Shed, Machinery Shed, Machine Workshop, Smoko Room, Office, Main Homestead, Dairy, Stone Store and Post Office, Cool Room, Tack Room, The Church	New England Highway via Tamworth	Lot 1, DP 1102382; Lot 64, DP 755343	Local	I125
Gowrie	"The Church"	Gowrie Road	Lot 191, DP 755327	Local	I126
Gowrie	Old Gowrie School	Sweenys Lane	Lots 203 and 204, DP 39485	Local	I127
Hallsville	Former Hallsville Hall	Manilla Road	Lot 48, DP 753851	Local	I128
Hallsville	Former School	Manilla Road	Lot 2, DP 48671	Local	I129
Hallsville	Methodist Church and Cemetery	Manilla Road	Lots 2 and 3, DP 164098; Lot 1, DP 195874	Local	I130

Locality	Item name	Address	Property description	Significance	Item no
Hallsville	Oxley Memorial Anchor	Corner Manilla and Anchor Roads (Public Reserve)	Lots 22 and 23, DP 240530	Local	I131
Hallsville	Old Post Office, "Glenlui"	1265 Manilla Road	Lot 3, DP 231618	Local	I132
Hallsville	School Residence	327 Meldorn Lane	Lot 1, DP 48671	Local	I133
Hanging Rock	Black Snake Gold Mine	Barry Road	Lot 440, DP 822503	Local	I134
Hanging Rock	Sheba Dam Gatekeeper's Slab Cottage	Barry Road, Sheba Dam	Lot 7003, DP 96506	Local	I135
Hanging Rock	Residence	751 Barry Road	Lot 4, DP 626927	Local	I136
Hanging Rock	Hanging Rock Historic Cemetery	Forest Way	Lot 7002, DP 1030465	Local	I137
Kootingal	Limbri Church	Church Street	Lot 80, DP 791481	Local	I139
Kootingal	Former Limbri Store and Post Office	3 Church Street	Lots 77 and 120, DP 753837	Local	I140
Kootingal	Moonby House, Out House and Graves	52 Churchill Drive, Moonbi	Lot 4, DP 706876; Lots 78 and 79, DP 37123	State	I141
Kootingal	Kootingal Police Station	Denman Avenue	Lot 261, DP 753841	Local	I142
Kootingal	Kootingal School	Denman Avenue	Lots 199 and 210, DP 758584; Lot 283, DP 821670	Local	I143
Kootingal	War Memorial—Memorial Park	Denman Avenue	Lots 1 and 2, Sec 2, DP 758584	Local	I144
Kootingal	St Luke's Uniting Church	Corner Denman Avenue and Sandy Roads	Lot 14, Sec 1, DP 758584	Local	I146
Kootingal	St Andrew's Anglican Church	Corner Gate Street and Denman Avenue	Lots 1 and 2, DP 597443	Local	I147

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#### Schedule 5 Environmental heritage

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Kootingal	Kootingal Gate House	Gate Street	Lot 1, DP 814708	Local	I148
Kootingal	Kootingal Hotel	18–20 Gate Street	Lot 41, DP 5695	Local	I149
Kootingal	Limbri Gatehouse	Corner Limbri Road and Mulla Creek Road	Lot 44, DP 846377	Local	I152
Kootingal	Limbri School	Limbri Road	Lot 1, DP 1089996	Local	I155
Kootingal	“Tyronne” Residence	10 Limbri Road	Lots 108–113 and 132–135, DP 753837	Local	I156
Kootingal	“Kissing Gate”	Railway Land—Limbri Village		Local	I154
Loomberah	Loomberah War Memorial Hall	Corner Duri and Dungowan Roads	Lot 273, DP 587455	Local	I157
Manilla	Manilla Central School	Arthur Street	Lot 204, DP 752191	Local	I158
Manilla	Residence	94 Arthur Street	Lot 1, DP 313167; Lot 1, DP 329932	Local	I159
Manilla	Residence	96 Arthur Street	Lots 180 and 181, DP 758644; Lot C, DP 101081	Local	I160
Manilla	The Sunken Dairy on the property known as “Buena Vista”	Buena Vista Road	Lots 1–3, DP 722207; Lots 8, 9, 15, 47–50, 92, 96 and 97, DP 752199; Part Lot 12 and Lots 15, 17–19, 35 and 36, DP 752204	Local	I161
Manilla	Factory	Court Street	Lot 22, DP 554245	Local	I162
Manilla	Manilla RSL	Court Street	Lot 21, DP 554245	Local	I163
Manilla	Original Manilla Hospital Building	Court Street	Lot 14, DP 814059	Local	I164
Manilla	St Michael’s Catholic Church	Court Street	Lots 189 and 192, DP 752191; Lot 10, DP 1002217	Local	I165
Manilla	Residence/Police Station	Court Street	Lot 701, DP 93885	Local	I174

Locality	Item name	Address	Property description	Significance	Item no
Manilla	Manilla Masonic Centre	56 Court Street	Lot D, DP 3681	Local	I166
Manilla	Girl Guides Manilla	68 Court Street	Lot B, DP 102992	Local	I167
Manilla	Residence	78 Court Street	Lot 1, DP 577480	Local	I168
Manilla	Residence	92 Court Street	Lot 9, Sec 3, DP 5787	Local	I169
Manilla	Residence	94 Court Street	Lot 10, Sec 3, DP 5787	Local	I170
Manilla	Grantham's Stone Bridge	102–106 Court Street	Lot 2, DP 564484	Local	I171
Manilla	Residence	105 Court Street	Lot 2, DP 736232	Local	I172
Manilla	Residence	113 Court Street	Lots 1 and 2, DP 619206	Local	I173
Manilla	Residence	5 Hill Street	Lot 6, Sec 2, DP 5787	Local	I175
Manilla	Residence	8 Hill Street	Lot 151, DP 546573	Local	I176
Manilla	Holy Trinity Anglican Church	10 Hill Street	Lots 19 and 20, Sec 1, DP 5787	Local	I177
Manilla	Residence	14 Hill Street	Lot 18, Sec 1, DP 5787	Local	I178
Manilla	Upper Manilla Road Bridge	Main Road 63		Local	I180
Manilla	Manilla St Clock	Centre Manilla and Stafford Streets intersection	Manilla Stafford Road Segment No 130369	Local	I181
Manilla	German Machine Gun and Russian Canon (Memorial) Rotary Park	Manilla Street	Lot 7, DP 664044; Lot 6, Sec 24, DP 758644	Local	I182
Manilla	Manilla Courthouse	64 Manilla Street	Part Reserve 12927	Local	I184
Manilla	Courthouse Hotel	85 Manilla Street	Lot 1, DP 920421	Local	I185
Manilla	Shops	103 Manilla Street	Part Lot B, DP 384820	Local	I186
Manilla	Residence	119–121 Manilla Street	Lot 1, DP 310250	Local	I187

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Manilla	Residence	127 Manilla Street	Lot 1, DP 3458; Lot 1, DP 1101836	Local	I188
Manilla	Post Office Hotel	146 Manilla Street	Lot 11, DP 604620	Local	I189
Manilla	Bank of New South Wales Building	147 Manilla Street	Lot A, DP 928271	Local	I190
Manilla	Royal Hotel	153–159 Manilla Street	Part Lot 5, Sec 21, DP 758644	Local	I191
Manilla	Manilla Post Office	164 Manilla Street	Lot 1, DP 619891	Local	I192
Manilla	New England Credit Union Building	168 Manilla Street	Lot 1, DP 334874; Lot 2, DP 955341	Local	I193
Manilla	Manilla and District Soldiers Memorial Hall	193 Manilla Street	Lot 13, Sec 21, DP 758644	Local	I194
Manilla	Residence	194–196 Manilla Street	Lot B, DP 367103	Local	I195
Manilla	Butcher shop	195 Manilla Street	Lot 2, DP 662653	Local	I196
Manilla	Royce Cottage, Yarramanbully School Building (Upper Manilla School) and Chinese Pioneers Memorial Garden	197 Manilla Street	Lot 1, DP 652667; Lot 1, DP 659730; Lot 1, DP 659730	Local	I197
Manilla	Shop	200 Manilla Street	Lot A, DP 367103	Local	I198
Manilla	Manilla Pharmacy Building	204–208 Manilla Street	Lot 62, DP 559389	Local	I199
Manilla	Residence	227 Manilla Street	Lot 5, DP 167643	Local	I200
Manilla	Imperial Hotel	230–238 Manilla Street	Lot 81, DP 603639; Lot 9, Sec 26, DP 758644	Local	I201

Locality	Item name	Address	Property description	Significance	Item no
Manilla	Manilla Motors	240 Manilla Street	Lot 1, Sec 3, DP 8900; Lot 1, DP 715588	Local	I202
Manilla	Residence	272 Manilla Street	Lot 7, Sec 10, DP 758644	Local	I203
Manilla	Residence	44 Market Street	Lot 3, DP 105048	Local	I205
Manilla	Manilla General Cemetery	Namoi River Road	DP 752201	Local	I206
Manilla	Railway Viaduct across the flood plain	East to West from Namoi Street to Main Road 357		Local	I207
Manilla	Residence	64 Namoi Street	Lot 7A, DP 369222	Local	I208
Manilla	Residence	67 Namoi Street	Lot 15, Sec 26, DP 758644	Local	I209
Manilla	Residence	73 Namoi Street	Lot 131, DP 715040	Local	I210
Manilla	Residence	104 Namoi Street	Lot 6, DP 1133213	Local	I211
Manilla	Residence "Avonlea"	13 Railway Parade	Lot 6, DP 758644	Local	I212
Manilla	Residence "Conurra"	Ratcliffe Avenue	Lots 228–230, DP 752178	Local	I213
Manilla	Junction of Manilla and Namoi Rivers	River Street	Lot 56, DP 752201	Local	I214
Manilla	Manilla Historical Cemetery	River Street	Lot 2, Sec 42, DP 758644	Local	I215
Manilla	Manilla Showground	River Street	Lot 277, DP 752191	Local	I216
Manilla	Residence	83 River Street	Lot 1, DP 196021	Local	I217
Manilla	Residence	98 River Street	Lot 212, DP 752191	Local	I218
Manilla	St Andrew's Presbyterian Church	Rowan Street	Lots A and B, DP 3681	Local	I219
Manilla	The Abbey	43–45 Rowan Street	Lot 11, DP 1002217	Local	I220

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Manilla	Residence "Ngundi"	64 Rowan Street	Lot C, DP 310836	Local	I221
Manilla	Residence	80 Rowan Street	Lot 1, DP 300965	Local	I222
Manilla	Residence	94 Rowan Street	Lots 81 and 82, DP 527575	Local	I224
Manilla	Residence	106 Rowan Street	Lot 2, DP 326746	Local	I225
Manilla	Residence "Mayvale"	Rushes Creek Road	Lot A, DP 393149	Local	I228
Manilla	Manilla Railway Station	South Street	Land Number 301545	Local	I229
Manilla	Scout Hall	Strafford Street	Lots 18 and 19, Sec 26, DP 758644	Local	I230
Manilla	Uniting Church and Uniting Church Hall	Strafford Street	Lot 11, DP 789958	Local	I231
Manilla	Garages	38-40 Strafford Street	Lots 2 and 3, DP 871939	Local	I232
Manilla	Residence	42 Strafford Street	Lot 1, DP 570131	Local	I233
Manilla	Residence	46-48 Strafford Street	Lot 1, DP 924060	Local	I234
Manilla	Residence	50 Strafford Street	Lot 1, DP 919838	Local	I235
Manilla	Residence	56 Strafford Street	Lot 6, DP 664043	Local	I237
Manilla	Residence	57 Strafford Street	Lot 4, DP 570463	Local	I238
Manilla	Residence	67 Strafford Street	Lots 1-3, Sec 2, DP 5787	Local	I239
Manilla	Residence	68 Strafford Street	Lots 3 and 4, Sec 5, DP 5787	Local	I240
Manilla	Residence	78 Strafford Street	Lot 9, Sec 6, DP 5787	Local	I241
Manilla	Residence	79 Strafford Street	Lot 3, Sec 3, DP 5787	Local	I242



Locality	Item name	Address	Property description	Significance	Item no
Manilla	Manilla Road Bridge/Namoi River Bridge	Main Road 63 Manilla Street— Over the Namoi River between Market Street and Charles Street		Local	I243
Moonbi	Moonbi War Memorial Hall and Recreation Reserve	49–73 Gill Street	Lot 8, DP 1107105	Local	I245
Moonbi	Kootingal/Moonbi Cemetery and Chinaman's Grave Trees	Corner Mathew Street and Thomas Street	Lot 1–7, DP 1041237	Local	I246
Moonbi	Cellar storeroom of Coach and Horses Inn	New England Highway	Lots 1 and 2, Sec 2, DP 758701	Local	I247
Moonbi	Moonbi Lookout	New England Highway North	Lot 11, DP 263358	Local	I248
Moonbi	Concrete Bridge, New England Highway North (Monier Arch Bridge)	New England Highway North— Adjacent to Highway deviation between two Moonbi Hills (Kootingal)		Local	I249
Moore Creek	“Australia Arms”	Corner of Arthur and Holroyd Street	Lots 1, 2 and 13–16, Sec 20, DP 758702; Lots 1–5, 9 and 10, Sec 23, DP 758702	Local	I250
Moore Creek	Old tobacco shed at “Hillstone”	Davidsons Lane	Lots 7–9, 12, 30, 48, 62, 63 and 85, Part Lots 10, 11 and 12, DP 753830; Lots 1 and 2, DP 926649; Lot 331, DP 997737; Lot 11, DP 111888	Local	I251
Moore Creek	Moore Creek War Memorial Hall	Moore Creek Road	Lot 265, DP 753830	Local	I252

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Moore Creek	Slab side hut	Tregarthen Road	Lot 8, DP 1050219	Local	I253
Moore Creek	Moore Creek Dam	Upper Moore Creek Road	Lot 7002, DP 94291; Lot 7015, DP 94293; Lot 9001, DP 94290; Lot 7008, DP 94292	Local	I254
Nemingha	Nemingha Hall	Kootingal Road	Lot 1, DP 329581	Local	I255
Nemingha	Nemingha School	Nundle Road	Lot 4, DP 48402; Lot 1, DP 232840	Local	I256
Nemingha	Nemingha Anglican Church	Nundle Road	Part Portion 31, DP 755334	Local	I257
Niangala	Former store and old butcher shop	Healy Street	Lot 15, Sec 1, DP 758774	Local	I258
Niangala	Niangala War Memorial Hall	Niangala Road	Lots 7 and 8, Sec 1, DP 758774	Local	I261
Niangala	Niangala Cemetery	Niangala— Weabonga Road	Lot 7002, DP 96287	Local	I262
Niangala	Niangala Weir	Niangala— Weabonga Road		Local	I263
Niangala	Port Stephens Cutting	Nowendoc Road		Local	I264
Niangala	Five Head Stamping Battery	27 Toby Road	Lots 61 and 62, DP 42102; Part Lots 30, 44, 49–51 and 58, DP 755346; Lots 1–6, Sec 5, DP 758774	Local	I265
Nundle	Church	63 Gill St	Lot 1, DP 770383	Local	I268
Nundle	St Peter's Catholic Church	15 Innes St	Lot 1, DP 786993	Local	I269
Nundle	Former Courthouse/ Museum and Police Station and Residence	38–40 and 41–43 Jenkins Street	Lot 701, DP 96508	Local	I270
Nundle	Nundle Shire Office	58 Jenkins Street	Lot 1 and Part Lot 2, Sec 21, DP 758798	Local	I271
Nundle	All Saints Church of England	70 Jenkins Street	Part Lot 4, Sec 3, DP 758798	Local	I272

<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Nundle	Residence	79 Jenkins Street	Lot 2, DP 591822; Lots 12 and 13, Sec 2, DP 758798	Local	I273
Nundle	Odgers and McClelland Exchange Stores	81 Jenkins Street	Lot 172, DP 1072542	Local	I274
Nundle	Jenkins St Antiques, Odgers and McClelland General Store	83 Jenkins Street	Lot 101, DP 598667	Local	I275
Nundle	Jenkins St Guest House (Former Bank of New South Wales)	85 Jenkins Street	Lot 171, DP 1072542	Local	I276
Nundle	Peel Inn	89 Jenkins Street	Lot A, DP 369396; Lots 1–3, DP 997480	Local	I277
Nundle	Old Church Boutique Primitive Methodist Church	90–92 Jenkins Street	Lots 6 and 13, Sec 31, DP 758798	Local	I278
Nundle	Nundle Post Office	91 Jenkins Street	Lot 1, DP 714004	Local	I279
Nundle	Nundle Public School	93–97 Jenkins Street	Lot 1, DP 123390; Lot 9, Sec 30A, DP 758798	Local	I280
Nundle	Nundle Memorial Hall and Library	101 Jenkins Street	Lots 8 and 10, Sec 30A, DP 758798	Local	I281
Nundle	Nundle Cemetery	Nundle Creek Road	Lot 7001, DP 1030464	Local	I282
Ogunbil	Ogunbil Brick Shearing Shed and Silo	Ogunbil Road	Lots 158 and 234, DP 755350; Lot 1, DP 807846	Local	I283
Piallamore	Old Piallamore School Building	Nundle Road	Lot 183, DP 733065	Local	I285
Piallamore	St Martin's Anglican Church	Nundle Road	Lot 1, DP 928322	Local	I286

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Retreat	Retreat Main House and Granite Store at Retreat Station	Kingstown Road	Portions 4, 15, 16 and 24, Part Lot 25, DP 753845	Local	I287
Retreat	“West Retreat”	Longford—Retreat Road	Lot 3, DP 46437; Lot 11, DP 602467; Lot 4, DP 700812; Lots 15 and 16, DP 753844	Local	I288
Retreat	West Retreat Bridge	Retreat Road		Local	I289
Somerton	Somerton Cemetery	Being Point	PO 74/1, DP 758910	Local	I290
Somerton	Slab Hut	Bloomfield Street	Lot 167, DP 755340; Lot 1, DP 128155	Local	I291
Somerton	Somerton Police Station	93–97 Bloomfield Street	Lot 17, Sec 4, DP 758910	Local	I292
Somerton	“Stratharlie”	Oxley Highway West	Lot 42, DP 1056638	Local	I293
Somerton	Somerton Racecourse	Racecourse Road	Lot 209, DP 257191	Local	I294
Somerton	Former Somerton Post Office and Store	Scotland Street	Lot 4, DP 737067	Local	I295
Somerton	St Mark’s Anglican Church	Scotland Street	Lot 4, Sec 5, DP 758910	Local	I296
Somerton	St Mathew’s Presbyterian Church	Scotland Street	Lot 8, Sec 4, DP 758910	Local	I297
Somerton	Somerton Hall	Scotland Street	Lot 9, Sec 19, DP 758910	Local	I298
Somerton	Somerton School	Corner Scotland and Milkmaid Streets	Lot 2, Sec 6, DP 758910	Local	I299
Tamworth	East Tamworth Station Pedestrian Bridge	Over Bourke Street		Local	I300

Locality	Item name	Address	Property description	Significance	Item no
Tamworth	Office building	12A Bourke Street	Lot 10, DP 1044770	Local	I301
Tamworth	Tamworth House	34 Bourke Street	Lot 19, DP 456158	Local	I302
Tamworth	House	38 Bourke Street	Lot 10, DP 651752	Local	I303
Tamworth	House	100 Bourke Street	Lot 101, DP 548846	Local	I304
Tamworth	St Paul's Church, house beside Retreat Theatre and Retreat Theatre	63 Bridge Street	Lots 2–4 and 7–9, DP 91043; Lots 11 and 12, DP 131248	Local	I305
Tamworth	House	65 Bridge Street	Lot 1, Sec D, DP 194218	Local	I306
Tamworth	Entrance to Endeavour Drive off Brisbane Street—street lights	Brisbane Street	Lot 1, DP 1108482	Local	I308
Tamworth	Anzac Park gates, gazebo and street lamps	Brisbane Street	Lot 1, DP 668906	Local	I309
Tamworth	“Regent” Cinema	3–5 Brisbane Street	Lot 1, DP 583861	Local	I310
Tamworth	Shopfront glass	78–80 Brisbane Street	Lot 1, DP 318176; Lot 1, DP 323786	Local	I311
Tamworth	Mechanics Institute	87–93 Brisbane Street	Lot 81, DP 818564; Lot 1, DP 356314	Local	I312
Tamworth	Tamworth Railway Station (also known as Tamworth Railway Station, yard group, and yard group moveable relics)	100 Brisbane Street	Lot 37, DP 1006137; RLY 279074; Part Lot 38, DP 1006137	State	I313
Tamworth	House	102 Brisbane Street	Lot 1, Sec 34, DP 758951	Local	I314
Tamworth	House “Glen Moor”	106 Brisbane Street	Lot 10, DP 668914	Local	I315

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Tamworth	House	123 Brisbane Street	Lot 1, DP 104631	Local	I316
Tamworth	House	129 Brisbane Street	Lot 4, DP 17530	Local	I317
Tamworth	Main School Building “Calrossy”	136–142 Brisbane Street	Lot 100, DP 800972	Local	I318
Tamworth	House	141A–141B Brisbane Street	Lot 2, Sec 62, DP 344900	Local	I319
Tamworth	House	149 Brisbane Street	Lot A, DP 17553	Local	I320
Tamworth	Grandstand (at race track)	Britten Road	Lot 92, DP 259787	Local	I307
Tamworth	Original AA Building Site	Calala Lane	Lot 5, DP 1103706	Local	I321
Tamworth	House	43 Carthage Street	Lot 1, DP 197435	Local	I322
Tamworth	House	45 Carthage Street	Lot 1, DP 197221	Local	I323
Tamworth	House	47 Carthage Street	Lot 2, DP 137243	Local	I324
Tamworth	House	64 Carthage Street	Lot 1, Sec 48, DP 304624	Local	I325
Tamworth	House	75 Carthage Street	Lot 1, Sec 34, DP 318909	Local	I326
Tamworth	House	77 Carthage Street	Lot 1, Sec 34, DP 182227	Local	I327
Tamworth	House	79 Carthage Street	Lot 1, DP 199709; Lot 9, DP 652919	Local	I328
Tamworth	House	81 Carthage Street	Lot 1, DP 914393	Local	I329
Tamworth	Baptist Church	86 Carthage Street	Part Lot 2, Sec 46, DP 318909	Local	I330
Tamworth	House	89 Carthage Street	Lot 1, Sec 34, DP 983675	Local	I331
Tamworth	House “Salona”	90 Carthage Street	Lot 1, DP 552394	Local	I332

Locality	Item name	Address	Property description	Significance	Item no
Tamworth	House	92 Carthage Street	Lot B, Sec 46, DP 365446	Local	I333
Tamworth	House	94–96 Carthage Street	Lot 1, Sec 46, DP 170599; Lot 1, Sec 46, DP 170696	Local	I334
Tamworth	House	95 Carthage Street	Lot 95, DP 1077096	Local	I335
Tamworth	House	100 Carthage Street	Lot 8A, DP 409537	Local	I336
Tamworth	St John's Church	102 Carthage Street	Lot 4, DP 136014; Lots 5 and 6, DP 136015; Lot 3, DP 664318	Local	I337
Tamworth	House	134 Carthage Street	Lot 72, DP 525590	Local	I338
Tamworth	House	138 Carthage Street	Lot 2, DP 5740	Local	I339
Tamworth	House	140 Carthage Street	Lot 1, Sec 43, DP 5740	Local	I340
Tamworth	House	142 Carthage Street	Lot A, DP 320339	Local	I341
Tamworth	House	150 Carthage Street	Lot A, DP 334501	Local	I342
Tamworth	House	153 Carthage Street	Lot 1, Sec 39, DP 531644	Local	I343
Tamworth	House	170 Carthage Street	Lot 1, DP 500490	Local	I344
Tamworth	House	178 Carthage Street	Lot 43, DP 632655	Local	I345
Tamworth	House	65 Church Street	Lot 401, Sec K, DP 620487	Local	I346
Tamworth	House	75 Church Street	Lot A, Sec K, DP 152966	Local	I347
Tamworth	House	77 Church Street	Lot B, Sec K, DP 152966	Local	I348
Tamworth	House	79 Church Street	Lot C, Sec K, DP 152966	Local	I349

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Tamworth	House	95 Crown Street	Lot 3, Sec G, DP 329729	Local	I350
Tamworth	House	97 Crown Street	Lot 4, Sec G, DP 329729	Local	I351
Tamworth	House	8 Darling Street	Lot 100, Sec 18, DP 805150	Local	I352
Tamworth	House	10 Darling Street	Lot 1, DP 782584	Local	I353
Tamworth	House	16 Darling Street	Lot 2, Sec 18, DP 933812	Local	I354
Tamworth	Railway House	20 Darling Street	Sec 32, Departmental Residence	Local	I355
Tamworth	House	61 Darling Street	Lot 1, Sec 53, DP 325982	Local	I356
Tamworth	House	63 Darling Street	Lot 2, DP 325982	Local	I357
Tamworth	House	65 Darling Street	Lot 3, Sec 53, DP 325982	Local	I358
Tamworth	House	67 Darling Street	Lot 2, DP 336908	Local	I359
Tamworth	House	69 Darling Street	Lot 1, DP 336908	Local	I360
Tamworth	Main group of hospital buildings	31 Dean Street	Lot 2, DP 533835; Lot 99, Part Lot 109, DP 753848	Local	I361
Tamworth	House	67 Denison Street	Lot 1, DP 199229	Local	I362
Tamworth	House	89 Denison Street	Lot 4, Sec F, DP 11334	Local	I363
Tamworth	House	91 Denison Street	Lot 3, Sec F, DP 11334	Local	I364
Tamworth	House	99 Denison Street	Lot 2D, DP 162035	Local	I365
Tamworth	House “Carrick”	120 Denison Street	Lot 1, DP 784438	Local	I366
Tamworth	House “Calala Cottage”, slab hut and beehive building	138–144 Denison Street	Lots 10–12, DP 38477	Local	I367
Tamworth	House	93 Denne Street	Lot 2, Sec V, DP 510902	Local	I368



Locality	Item name	Address	Property description	Significance	Item no
Tamworth	House	95 Denne Street	Lot 1, Sec V, DP 510902	Local	I369
Tamworth	House	115 Denne Street	Lot 6A, DP 157655	Local	I370
Tamworth	Main Northern Railway over the Peel River— Viaduct West of the Peel River, Railway Bridge, Viaduct East of the Peel River and the Railway Overbridge over Peel Street	From Ebsworth Street— Macquarie Street		State	I371
Tamworth	Lands Office	25 Fitzroy Street	Lot 22, Sec 14, DP 758951	Local	I373
Tamworth	Town Hall	26–28 Fitzroy Street	Lot 26, DP 1099518	Local	I374
Tamworth	House	59 Fitzroy Street	Lot 12, Sec 44, DP 304762	Local	I375
Tamworth	House	76 Fitzroy Street	Lot 22, Sec 45, DP 758951	Local	I376
Tamworth	House	96 Fitzroy Street	Lot 2, DP 513224	Local	I377
Tamworth	House	98 Fitzroy Street	Lots 49 and 50, DP 507; Lots 1–4, DP 456473	Local	I378
Tamworth	House	122 Fitzroy Street	Lot A, DP 27254	Local	I379
Tamworth	War Memorial	Gipps Street	Road Seg No 100506	Local	I380
Tamworth	House	11 Gipps Street	Lot B, Sec I, DP 155275	Local	I381
Tamworth	House	14 Gipps Street	Lot 3, Sec V, DP 510902	Local	I382
Tamworth	House	15 Gipps Street	Lot C, Sec H, DP 162520	Local	I383
Tamworth	House	17 Gipps Street	Lot B, Sec H, DP 162520	Local	I384
Tamworth	House	19 Gipps Street	Lot A, Sec H, DP 162520	Local	I385

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Tamworth	House	21 Gipps Street	Lot 1, DP 151413	Local	I386
Tamworth	House	22 Gipps Street	Lot 1, Sec U, DP 743407	Local	I387
Tamworth	House	26 Gipps Street	Lot A, DP 153716	Local	I388
Tamworth	House	98 Goonan Street	Lot 11, DP 1113663	Local	I372
Tamworth	Cottage	37 Griffin Avenue	Lot A, Sec 33, DP 156986	Local	I389
Tamworth	Cottage	39 Griffin Avenue	Lot B, DP 156986	Local	I390
Tamworth	Cottage	46 Griffin Avenue	Lot A, Sec 33, DP 377663	Local	I393
Tamworth	Cottage	47 Griffin Avenue	Lot B, Sec 33, DP 402188	Local	I394
Tamworth	Cottage	48 Griffin Avenue	Lot B, DP 377663	Local	I395
Tamworth	Cottage	51 Griffin Avenue	Lot 5, DP 301132	Local	I396
Tamworth	Cottage	56 Griffin Avenue	Lot B, DP 329817	Local	I397
Tamworth	House	68 Griffin Avenue	Lot 100, DP 802488	Local	I398
Tamworth	House	94 Griffin Avenue	Lot 141, Sec 35, DP 602361	Local	I399
Tamworth	House	96 Griffin Avenue	Lot 142, Sec 35, DP 602361	Local	I400
Tamworth	House "The Pines"	28 Hill Street	Lots 4 and 7, DP 37897	Local	I401
Tamworth	House	33 Hill Street	Lots 3-5, DP 1104909	Local	I402
Tamworth	House	43 Hill Street	Lot 1, DP 330939	Local	I403
Tamworth	House	65 Hill Street	Lots 18-20, DP 1097911	Local	I404
Tamworth	West Tamworth Railway Station	In and Out Streets	Lot 42, DP 1006078	Local	I405

Locality	Item name	Address	Property description	Significance	Item no
Tamworth	Tamworth Correctional Centre	152–160 Johnston Street	Lots 4–6, DP 809662	Local	I406
Tamworth	House	King George V Avenue	Lot A, DP 161615	Local	I407
Tamworth	House	King George V Avenue	Lot 8, DP 755334	Local	I408
Tamworth	Wells and Pumping Station off Peel River	King George V Avenue and Scott Road, south bank of Peel River	Lot 1, DP 152642; Lot 1, DP 755334; Lot 229, DP 755334, Old Scott Road—Road Reserve	State	I412
Tamworth	House	2–24 King George V Avenue	Lots 21 and 22, DP 557775	Local	I409
Tamworth	Tobacco Kiln	73–95 King George V Avenue	Lot 9, DP 755334	Local	I410
Tamworth	Tobacco Kiln	119–139 King George V Avenue	Lot 13, DP 62854	Local	I411
Tamworth	House	16 Macquarie Street	Lot A, Sec 51, DP 415711	Local	I413
Tamworth	House	18 Macquarie Street	Lot 2, DP 3151	Local	I414
Tamworth	House	86 Marius Street	Lot 1, DP 1100592	Local	I415
Tamworth	Hospital “Allambie”	100 Marius Street	Lot 1, DP 663144; Lot 1, DP 745341	Local	I416
Tamworth	House “Marius Cottage”	112 Marius Street	Lot 51, Sec 31, DP 518883	Local	I417
Tamworth	House	123 Marius Street	Lot 1, Sec 17, DP 743803	Local	I418
Tamworth	House “St Austel”	130 Marius Street	Lot 1, DP 719438	Local	I419
Tamworth	House “The Cottage”	141 Marius Street	Lot 1, DP 620964	Local	I420
Tamworth	Old hotel building	143–145 Marius Street	Lot 3, DP 629335	Local	I421

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Tamworth	Wesleyan Church and house	144 Marius Street	Lot 1, Sec 33, DP 724125	Local	I422
Tamworth	Tamworth Hotel	147 Marius Street	Lot 1, Sec 16, DP 79182	Local	I423
Tamworth	Church	150, 152–154 and 156 Marius Street	Lots 10–12, DP 874106	Local	I424
Tamworth	Northern Daily Leader	179 Marius Street	Lot 1, DP 56457; Lot B, DP 333474	Local	I425
Tamworth	Imperial Hotel	181–195 Marius Street	Lot 89, Sec 15, DP 812988	Local	I426
Tamworth	House	204–208 Marius Street	Lot 10, DP 789014	Local	I427
Tamworth	Old convent building (also known as Dominican Roman Catholic Convent)	223–227 Marius Street	Lot 102, DP 629477	State	I428
Tamworth	Power House Motel and monument	248 Marius Street	Lot 40, DP 736594	Local	I429
Tamworth	House	29 Napier Street	Lot 18A, Sec 56, DP 435295	Local	I430
Tamworth	House	31 Napier Street	Lot 171, DP 210747	Local	I431
Tamworth	House	46–48 Napier Street	Lots 2–3, DP 7697; Lot A, DP 950251	Local	I432
Tamworth	House “Girrawilla”	62 Napier Street	Lot A, Sec 62, DP 376291	Local	I433
Tamworth	House “Avondale”	66 Napier Street	Lot 41, DP 582260	Local	I434
Tamworth	House	66A Napier Street	Lots 5 and 6, DP 249132; Lot 4, DP 581260	Local	I435
Tamworth	House	114 North Street	Lot 267, DP 716674	Local	I436
Tamworth	House	116 North Street	Lot 1, DP 19805	Local	I437
Tamworth	House	130 North Street	Lot B, DP 362159	Local	I438

Locality	Item name	Address	Property description	Significance	Item no
Tamworth	House	132 North Street	Lot Y, DP 381871	Local	I439
Tamworth	House "Glenbrook"	28 Nundle Road	Lot 1, DP 117363	Local	I440
Tamworth	House	29 Parry Street	Lot 36, DP 21859	Local	I441
Tamworth	House	48–50 Peel Street	Lot 16, DP 527133	Local	I442
Tamworth	Former brewery building	130–138 Peel Street	Lot 130, DP 1044562	Local	I443
Tamworth	Hotel Tattersalls	146–148 Peel Street	Lot 6, Sec 28, DP 620371	Local	I444
Tamworth	Group of shops	164 Peel Street	Lot 4, Sec 28, DP 733156	Local	I445
Tamworth	Former Square Man Hotel and old flour mill	165–179 Peel Street	Lot 165, DP 1124940	Local	I446
Tamworth	Old courthouse building	212 Peel Street	Lot 21, Sec 18, DP 758951	Local	I447
Tamworth	Community Centre (also known as Tamworth Peel Barracks)	214 Peel Street	Lot 21, DP 778033	State	I448
Tamworth	Commercial building	226 Peel Street	Lot 1, DP 783751	Local	I449
Tamworth	Courthouse Hotel	232 Peel Street	Lot 1, Sec 17, DP 744585	Local	I450
Tamworth	Group of shops	235 and 237 Peel Street	Lot 235, DP 1015836; Lot 237, DP 1015836	Local	I451
Tamworth	Group of shops	239 Peel Street	Lot 1, Sec 2, DP 194694	Local	I452
Tamworth	Shop	265–267 Peel Street	Lot 1, DP 201532	Local	I453
Tamworth	Shop	277 Peel Street	Lots 1–3, DP 196730	Local	I454
Tamworth	Central Hotel	330–334 Peel Street	Lots 1–8, DP 19100	Local	I455
Tamworth	Hotel and shops	395–401 Peel Street	Lot 1, DP 555615	Local	I456

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Tamworth	National Australia Bank Building	400–402 Peel Street	Lot B, Sec 15, DP 154125	Local	I457
Tamworth	Post Office	402A Peel Street	Lot 1, DP 773787	State	I458
Tamworth	Commonwealth Bank Building	404 Peel Street	Lot 1, DP 154810; Lot 1, DP 197246; Lot 2, DP 510893	Local	I459
Tamworth	Former ANZ Bank Building	429 Peel Street	Lot 13, DP 253033	Local	I460
Tamworth	Masonic Temple	462–464 Peel Street	Lot 1, Sec 13, DP 976614	Local	I461
Tamworth	Shops	465–469 Peel Street	Lot 2, DP 81235	Local	I462
Tamworth	Monument	Corner Piper and Peel Streets	Lot 11, DP 739273	Local	I463
Tamworth	House	28 Piper Street	Lot 11, DP 509962	Local	I464
Tamworth	House	42 Raglan Street	Lots 45, A1 and A4, DP 736980	Local	I465
Tamworth	House	64 Raglan Street	Lot 1, DP 203220	Local	I466
Tamworth	House	10 Rawson Avenue	Lot 15, DP 1575	Local	I467
Tamworth	House	14 Rawson Avenue	Lot 13, DP 1575	Local	I468
Tamworth	House	19 Rawson Avenue	Lot 6, DP 9342	Local	I469
Tamworth	House	21 Rawson Avenue	Lot 5, DP 9342	Local	I470
Tamworth	House	23 Rawson Avenue	Lot 4, DP 9342	Local	I471
Tamworth	House	62 Rawson Avenue	Lot 1, DP 772206; Lot 1, DP 930911	Local	I472
Tamworth	House	35 Roderick Street	Lot B, DP 412256; Lot 1, DP 942053	Local	I473
Tamworth	House	65 Roderick Street	Lot 18, Sec 59, DP 758951	Local	I474

Locality	Item name	Address	Property description	Significance	Item no
Tamworth	House	79 Roderick Street	Lot 18, Sec 66, DP 758951	Local	I475
Tamworth	Tobacco kiln	Scott Road	Lot 35, DP 826572	Local	I476
Tamworth	Monuments at the Tamworth Cemetery	Showground Road	Lot 1, DP 724326; Lot 3, DP 152850; Lot 7004, DP 1030068	Local	I477
Tamworth	Tamworth Primary School and residence	Corner Upper and Brisbane Streets	Lots 1–11, Sec 54, DP 758951; Lots 418 and 419, DP 821635	Local	I487
Tamworth	House	24 Upper Street	Lot 11, DP 2908	Local	I478
Tamworth	House “Shield Hill”	32 Upper Street	Lot 1, DP 16452	Local	I479
Tamworth	House	38 Upper Street	Lot 51, DP 525256	Local	I480
Tamworth	House	40 Upper Street	Lot 52, DP 525256	Local	I481
Tamworth	House	44 Upper Street	Lot 54, DP 543039	Local	I482
Tamworth	House	51 and 53 Upper Street	Lots 21 and 22, DP 881281	Local	I483
Tamworth	House	55 Upper Street	Lot 1, Sec 46, DP 281	Local	I484
Tamworth	House	57 Upper Street	Lot 6, Sec 46, DP 281	Local	I485
Tamworth	House	59 Upper Street	Lot 7, Sec 46, DP 281	Local	I486
Tamworth	House	83 Upper Street	Lot 1, Sec 45, DP 14279	Local	I488
Tamworth	House	89 Upper Street	Lot 3, DP 315498	Local	I489
Tamworth	House	117 Upper Street	Lot 131, Sec 43, DP 504991	Local	I490
Tamworth	House	119 Upper Street	Lot 12, DP 666152	Local	I491
Tamworth	House	121 Upper Street	Lot A, Sec 43, DP 398327	Local	I492
Tamworth	St Nicholas Church	18 White Street	Lot 103, Sec 14, DP 629477	Local	I493
Tamworth	House	34 White Street	Lot 1, DP 6927970; Lot 13, DP 4457	Local	I494
Tamworth	House	46A White Street	Lot 2, Sec 56, DP 414091	Local	I495

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Tamworth	House	46 White Street	Lot 3, Sec 56, DP 414091	Local	I496
Tamworth	House	47 White Street	Lot 1, Sec 43, DP 202888	Local	I497
Tamworth	House	48 White Street	Lot A, Sec 56, DP 954555	Local	I498
Tamworth	House	50 White Street	Lot B, Sec 56, DP 309312	Local	I499
Tamworth	House	52 White Street	Lot C, Sec 56, DP 954555	Local	I500
Tamworth	House "Glen Evilly"	53-55 White Street	Lot 55, DP 1081363	Local	I501
Tamworth	House	56 White Street	Lot 12, DP 666082	Local	I502
Tamworth	House "Minna-murra"	69 White Street	Lot 11, DP 519459	Local	I503
Tamworth	House	71 White Street	Lot 1, Sec 64, DP 977444	Local	I504
Tamworth	House "Broms-grove"	72 White Street	Lot 12, DP 666080	Local	I505
Tamworth	House	77 White Street	Lot A, Sec 64, DP 346149	Local	I506
Tamworth	House	79 White Street	Lot 1, Sec 64, DP 120697	Local	I507
Timbumburi	Timbumburi School	New England Highway South	Lot 1, DP 810934	Local	I508
Tintinhull	Railway bridge at road deviation	Road Reserve New England Highway North		Local	I509
Tintinhull	"Tintinhull Farm"	Tintinhull Road	Lot 47, DP 1072871	Local	I510
Tintinhull	Tintinhull School	Tintinhull Road	Lots 97 and 191, DP 753848	Local	I511
Upper Manilla	Dingley Dell Uniques	Main Road	Lot 14, DP 1110090	Local	I179



Locality	Item name	Address	Property description	Significance	Item no
Upper Manilla	Oakey Creek Rail Bridge	State Road 63 Barraba Branch Railway, 14km North-Northwest of Upper Manilla		State	I072
Watsons Creek	Former Watsons Creek School	25 Old School Road	Lot 102, DP 753839	Local	I512
Watsons Creek	Lost Boy's Grave "Bantry"	8 Den Mountain Road	Lot 121, DP 753839	Local	I513
Watsons Creek	Miners cottage	Lower Watsons Creek Road	Lot 67, DP 753839	Local	I514
Watsons Creek	Watsons Creek Hall	Watsons Creek Road	Lot 42, DP 753839	Local	I516
Watsons Creek	Former store "Gunadoo"	2 Watsons Creek Road	Lot 73, DP 753839	Local	I515
Watsons Creek	Former Post Office "Craiggwan"	2444 Watsons Creek Road	Lot 63, DP 753839	Local	I517
Weabonga	Catholic Church	Britten Street	Lots 4, 5 and 18, Sec 2, DP 759062	Local	I518
Weabonga	Former Anglican Church	Mitchell Street	Lot 9, Sec 1, DP 759062	Local	I520
Weabonga	Weabonga Hall	Mitchell Street	Lot 10, Sec 2, DP 759062	Local	I521
Weabonga	Old courthouse kitchen and police station	Frappell Street	Lots 2 and 3, Sec 3, DP 759062	Local	I522
Weabonga	Weabonga School	Mitchell Street	Lot 6, Sec 8, DP 759062	Local	I523
Weabonga	Weabonga Cemetery	Weabonga Road	Reserve Number 14193; Lot 7003, DP 96286	Local	I524
Winton	"Dalblair" homestead	Dalblair Lane	Lots 18-25, 28, 31, 34-41, 51-52 and 57-58, DP 755330; Lot 1, DP 243629; Lot 1, DP 664998	Local	I525
Winton	North/South Stock Route	Hardigan's Lane		Local	I526

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<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Winton	Winton Cemetery	Old Winton Road	Lot 7001, DP 1026359	Local	I527
Woodsreef	Woodsreef Cemetery	Old Bundarra Road	Lot 46, DP 752205	Local	I528
Woodsreef	St John's Anglican Church	Woodsreef Road	Lot 73, DP 752205	Local	I529
Woolbrook	"Trainview" residence	Back Woolbrook Road	Lot 1, DP 538519	Local	I530
Woolbrook	Old cottage—rear of "Trainview" residence	Daisy Street	Lot 1, DP 538519	Local	I531
Woolbrook	Woolbrook Hall	Limbri-Woolbrook Road	Portion 151, DP 753846	Local	I532
Woolbrook	Woolbrook Rail Bridge over McDonald River	Main Northern Railway	Main Northern Railway	State	I539
Woolbrook	Former Commonwealth Bank "Curlew"	11 Singh Street	Lots 155 and 199, DP 753846	Local	I533
Woolbrook	"Riverview" residence	14 Singh Street	Lots 184 and 185, DP 753846	Local	I534
Woolomin	St Mary's Anglican Church	50-52 Frederick Street	Lot 3, Sec 8, DP 759117	Local	I536
Woolomin	Residence	Corner Munro Street and Gap Road	Lot 222, DP 755350	Local	I537
Woolomin	Residence	86-88 Nundle Road	Lot 1, DP 127996; Lots 1 and 14, Sec 14, DP 759117	Local	I538

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## Dictionary

(Clause 1.4)

**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.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**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 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.

**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.

**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).

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***airstrip*** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

***amusement centre*** means a building or place (not being part of a pub or registered club) 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*).

This Dictionary also contains definitions of ***natural water-based aquaculture***, ***pond-based aquaculture*** and ***tank-based aquaculture***.

***archaeological site*** means an area of land:

- (a) shown on the Heritage Map as an archaeological site, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) that contains one or more relics.

***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.

***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.

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**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).

**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 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.

**Note.** See clause 5.4 for controls relating to the number of bedrooms.

**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).

**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 may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

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(d) that has rooms, some or all of which may have private kitchen and bathroom facilities, 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.

**boat repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**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 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.

**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 or display of bulky goods.

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***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.

***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.

***canal estate development*** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or

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- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**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.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

**Note.** The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

**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 their ashes.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**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 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



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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.

**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.)

**coastal foreshore** means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

**coastal lake** means a body of water specified in Schedule 1 to the *State Environmental Planning Policy No 71—Coastal Protection*.

**coastal waters of the State**—see section 58 of the *Interpretation Act 1987*.

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**coastal zone** has the same meaning as in the *Coastal Protection Act 1979*.

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

**coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

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

**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 Tamworth Regional Council.

**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) lands 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

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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.

**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 or bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

**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 (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

**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.

**ecologically sustainable development** has the same meaning as in the Act.

**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.

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**electricity generating works** means a building or place used for the purpose of making or generating electricity.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following:

- (a) the Ambulance Service of New South Wales,
- (b) New South Wales Fire Brigades,
- (c) the NSW Rural Fire Service,
- (d) the NSW Police Force,
- (e) the State Emergency Service,
- (f) the New South Wales Volunteer Rescue Association Incorporated,
- (g) the New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**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.

**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.

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**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.

**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.

**Note.** See clause 5.4 for controls relating to the number of bedrooms.

**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

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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.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or  
(b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or  
(c) recording images as a visitor or tourist for non-commercial purposes, or  
(d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**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*.

**Flight Training Path Map** means the Tamworth Regional Local Environmental Plan 2010 Flight Training Path Map.

**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.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the Tamworth Regional Local Environmental Plan 2010 Floor Space Ratio Map.

**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.

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**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.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral chapel** means 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 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.

**gross floor area** means the sum of the floor area of each floor 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, and
- (b) habitable rooms in a basement or an attic, 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

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- (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.

**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.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

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

**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,
- (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.

**Height of Buildings Map** [Not applicable].

**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.

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***heritage conservation area*** means an area of land:

- (a) shown on the Heritage Map as a heritage conservation area or as a place of Aboriginal heritage significance, and
  - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

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

***heritage impact statement*** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, 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:

- (a) shown on the Heritage Map as a heritage item, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) specified in an inventory of heritage items that is available at the office of the Council.

***Heritage Map*** means the Tamworth Regional Local Environmental Plan 2010 Heritage Map.

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

***highway service centre*** means a building or place used as a facility to provide refreshments and vehicle services to highway users, and which may include any one or more of the following:

- (a) restaurants or take away food and drink premises,
- (b) service stations and facilities for emergency vehicle towing and repairs,
- (c) parking for vehicles,
- (d) rest areas and public amenities.

***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 licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,

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- (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) 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.

**Note.** See clause 5.4 for controls relating to the floor area used to carry on the business.

**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
- (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.

**Note.** See clause 5.4 for controls relating to the floor area used to carry on the home industry.

**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

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- (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.

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
- (b) is situated on the land on which the industry is carried out, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

**Note.** See clause 5.4 for controls relating to the retail floor area.

**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.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

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

**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),

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- (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.

**kiosk** means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note.** See clause 5.4 for controls relating to the gross floor area.

**Land Application Map** means the Tamworth Regional Local Environmental Plan 2010 Land Application Map.

**Land Reservation Acquisition Map** means the Tamworth Regional Local Environmental Plan 2010 Land Reservation Acquisition Map.

**Land Zoning Map** means the Tamworth Regional Local Environmental Plan 2010 Land Zoning Map.

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

**landscaped area** means a part of a 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 storage premises that are 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 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, woollscours and rendering plants.

**Lot Size Map** means the Tamworth Regional Local Environmental Plan 2010 Lot Size Map.

**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.

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**marina** means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and
- (b) any facility for providing fuelling, sewage pump-out or other services for boats, and
- (c) any facility for launching or landing boats, such as slipways or hoists, and
- (d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and
- (e) any associated single mooring.

**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.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**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.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

**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.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

**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.

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

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

***moveable dwelling*** means:

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

***multi dwelling housing*** means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

***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 flora*** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

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

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

**Meaning of “native vegetation”**

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

***natural water-based aquaculture*** means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during hatchery or depuration phases).

**Note.** Typical natural water-based aquaculture is fin fish culture in cages and oyster, mussel or scallop culture on or in racks, lines or cages.

***navigable waterway*** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

***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.

**Note.** See clause 5.4 for controls relating to the retail floor area.

**Noise Exposure Forecast Contour Map** means the Tamworth Regional Local Environmental Plan 2010 Noise Exposure Forecast Contour Map.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**NSW Coastal Policy** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

**Obstacle Limitation Surface Map** means the Tamworth Regional Local Environmental Plan 2010 Obstacle Limitation Surface Map.

**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.

**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*.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**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.

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***place of Aboriginal heritage significance*** means an area of land shown on the Heritage 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.

***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 natural water-based aquaculture.

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

***port facilities*** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

***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.

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**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 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.

**public authority** has the same meaning as in the Act.

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

**public utility infrastructure** in relation to an urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

**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.

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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).

**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** has the same meaning as in the *Registered Clubs Act 1976*, 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 the Tamworth Regional Council 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.

**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.

**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 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.

**Note.** See clause 5.4 for controls relating to the gross floor area.

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**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 supplies** means a building or place used for the display, sale (whether by retail or wholesale) or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**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*.

**secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note.** See clause 5.4 for controls relating to the total floor area.

**self-storage units** means storage premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

**semi-detached dwelling** means a dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

**seniors housing** means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or

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- (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
  - (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.

**Sewage Treatment Plant Map** means the Tamworth Regional Local Environmental Plan 2010 Sewage Treatment Plant Map.

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

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

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

**shop top housing** means 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, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note.** The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**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.

**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.



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**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 and drink premises** means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) 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 Act.

**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*.

**timber and building supplies** means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel

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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.

**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 an area of land identified as "Urban Release Area" on the Urban Release Area Map.

**Urban Release Area Map** means the Tamworth Regional Local Environmental Plan 2010 Urban Release Area Map.

**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 Disposal Facility Map** means the Tamworth Regional Local Environmental Plan 2010 Waste Disposal Facility Map.

**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.

**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
- (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.

**Water Treatment Facilities Map** means the Tamworth Regional Local Environmental Plan 2010 Water Treatment Facilities Map.

**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

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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.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.