



New South Wales

Armidale Dumaresq Local Environmental Plan 2012

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, 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.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

Contents

	Page
Part 1 Preliminary	
1.1 Name of Plan	5
1.1AA Commencement	5
1.2 Aims of Plan	5
1.3 Land to which Plan applies	6
1.4 Definitions	6
1.5 Notes	6
1.6 Consent authority	6
1.7 Maps	6
1.8 Repeal of planning instruments applying to land	7
1.8A Savings provision relating to development applications	7
1.9 Application of SEPPs	7
1.9A Suspension of covenants, agreements and instruments	8
Part 2 Permitted or prohibited development	
2.1 Land use zones	9
2.2 Zoning of land to which Plan applies	9
2.3 Zone objectives and Land Use Table	10
2.4 Unzoned land	10
2.5 Additional permitted uses for particular land	11
2.6 Subdivision—consent requirements	11
2.7 Demolition requires development consent	11
2.8 Temporary use of land	11
Land Use Table	12
Part 3 Exempt and complying development	
3.1 Exempt development	30
3.2 Complying development	31
3.3 Environmentally sensitive areas excluded	32
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	34
4.1AA Minimum subdivision lot size for community title schemes	34
4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones	35
4.1B Subdivision in Zone E3 and Zone E4	35
4.1C Exceptions to minimum lot sizes for certain rural subdivisions	36

	Page
4.1D Minimum lot sizes for certain split zones	36
4.2 Rural subdivision	37
4.2A Erection of dwelling houses or dual occupancies on land in certain rural, residential and environment protection zones	38
4.2B Erection of rural workers' dwellings in certain rural and environment protection zones	39
4.3 Height of buildings	40
4.4 Floor space ratio	40
4.5 Calculation of floor space ratio and site area	40
4.6 Exceptions to development standards	40
Part 5 Miscellaneous provisions	
5.1 Relevant acquisition authority	43
5.2 Classification and reclassification of public land	44
5.3 Development near zone boundaries	44
5.4 Controls relating to miscellaneous permissible uses	46
5.5 Development within the coastal zone	47
5.6 Architectural roof features	47
5.7 Development below mean high water mark	47
5.8 Conversion of fire alarms	47
5.9 Preservation of trees or vegetation	48
5.9AA Trees or vegetation not prescribed by development control plan	50
5.10 Heritage conservation	50
5.11 Bush fire hazard reduction	53
5.12 Infrastructure development and use of existing buildings of the Crown	53
5.13 Eco-tourist facilities	54
Part 6 Additional local provisions	
6.1 Earthworks	56
6.2 Flood planning	56
6.3 Airspace operations	57
6.4 Development in areas subject to aircraft noise	58
6.5 Development within a designated buffer	59
6.6 Essential services	60
6.7 Location of sex services premises	60
6.8 Remediation of land at former gasworks site and adjoining land, Armidale	60
6.9 Development on land bounded by Queen Elizabeth Drive, Golgotha Street, Niagara Street and Tancredi Street, Armidale	61
6.10 Development on land at 118 and 120 Niagara Street, Armidale	61

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Contents

	Page	
Schedule 1	Additional permitted uses	62
Schedule 2	Exempt development	63
Schedule 3	Complying development	67
Schedule 4	Classification and reclassification of public land	68
Schedule 5	Environmental heritage	69
Dictionary		90

Armidale Dumaresq Local Environmental Plan 2012

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Armidale Dumaresq Local Environmental Plan 2012*.

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 Armidale Dumaresq 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 resources by protecting, enhancing and conserving:
 - (i) land of significance for agricultural production, and
 - (ii) timber, minerals, soils, water and other natural resources, and
 - (iii) areas of high scenic or recreational value, and
 - (iv) native plants and animals, including threatened species, populations and ecological communities, and their habitats, and
 - (v) places and buildings of heritage significance,
 - (b) to provide a choice of living opportunities and types of settlements,
 - (c) to facilitate development for a range of business enterprises and employment opportunities,

2012 No 589

Clause 1.3 Armidale Dumaresq Local Environmental Plan 2012

Part 1 Preliminary

- (d) to ensure that development is sensitive to both the economic and social needs of the community, including the provision of community facilities and land for public purposes,
- (e) to ensure that development has regard to the principles of ecologically sustainable development and to areas subject to environmental hazards and development constraints,
- (f) to provide for flexibility in applying certain development standards, where compliance with such standards may be unreasonable or unnecessary in the circumstances of a particular development, and there is sufficient justification for varying the standards on environmental planning grounds.

1.3 Land to which Plan applies

- (1) This Plan applies to the land identified on the Land Application Map.
- (1A) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as “Deferred matter”.

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 website of the Department of Planning and Infrastructure.

1.8 Repeal of planning instruments applying to land

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

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

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 public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

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)

2012 No 589

Clause 1.9A Armidale Dumaresq Local Environmental Plan 2012

Part 1 Preliminary

State Environmental Planning Policy No 60—Exempt and Complying Development

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 Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

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 Primary Production Small Lots

RU5 Village

Residential Zones

R1 General Residential

R2 Low Density Residential

R5 Large Lot Residential

Business Zones

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

B7 Business Park

Industrial Zones

IN1 General Industrial

IN2 Light Industrial

Special Purpose Zones

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Environment Protection Zones

E1 National Parks and Nature Reserves

E3 Environmental Management

E4 Environmental Living

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.

2012 No 589

Clause 2.3 Armidale Dumaresq Local Environmental Plan 2012

Part 2 Permitted or prohibited development

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 development consent, and
 - (c) development that may be carried out only with development 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 development consent.
- (2) Before granting development 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 development consent, or
 - (b) if the Schedule so provides—without development 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 development consent.

Notes.

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
 - 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note. The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

2.7 Demolition requires development consent

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

2.8 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

2012 No 589

Clause 2.8 Armidale Dumaresq Local Environmental Plan 2012

Part 2 Land Use Table

- 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 28 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 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 infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, 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 this zone and land uses within adjoining zones.
- To allow for non-agricultural land uses that will not restrict the use of other land in the locality for agricultural purposes.

2 Permitted without consent

Airstrips; Environmental protection works; Extensive agriculture; Forestry; Helipads; Home occupations; Home occupations (sex services); Intensive plant agriculture; Roads

3 Permitted with consent

Air transport facilities; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Function centres; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Neighbourhood shops; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Service stations; Tourist and visitor accommodation; Transport depots; Truck depots; Turf farming; Veterinary hospitals; Water recreation structures; Water supply systems

2012 No 589

Clause 2.8 Armidale Dumaresq Local Environmental Plan 2012

Part 2 Land Use Table

4 Prohibited

Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

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 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises; particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home occupations; Home occupations (sex services); Roads

3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist

facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Function centres; Funeral homes; Helipads; Heliports; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Intensive plant agriculture; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Neighbourhood shops; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Service stations; Tourist and visitor accommodation; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Hotel or motel accommodation; Livestock processing industries; Serviced apartments; Any other development not specified in item 2 or 3

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 promote businesses and neighbourhood activities that serve the needs of the local community.
- To enhance the village character and amenity.

2 Permitted without consent

Extensive agriculture; Home occupations; Roads

3 Permitted with consent

Agricultural produce industries; Amusement centres; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Dwelling houses; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Helipads; Home businesses; Home occupations (sex services); Horticulture; Industrial retail outlets; Industrial training facilities; Information and education facilities; Jetties; Light industries; Liquid fuel depots; Marinas; Mooring pens; Moorings; Mortuaries; Neighbourhood shops; Open cut mining; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation

2012 No 589

Clause 2.8 Armidale Dumaresq Local Environmental Plan 2012

Part 2 Land Use Table

areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Schools; Service stations; Sewage treatment plants; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Viticulture; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Bee keeping; Bulky goods premises; Dairies (pasture-based); Farm stay accommodation; Rural workers' dwellings; Any other 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 occupations; Roads

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Plant nurseries; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport

facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating 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 occupations; Roads

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Neighbourhood shops; Places of public worship; Plant nurseries; Residential accommodation; Respite day care centres; Water reticulation systems

4 Prohibited

Attached dwellings; Hostels; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 3

2012 No 589

Clause 2.8 Armidale Dumaresq Local Environmental Plan 2012

Part 2 Land Use Table

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 lots 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 this zone and land uses within adjoining zones.

2 Permitted without consent

Extensive agriculture; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Building identification signs; Business identification signs; Cellar door premises; Dwelling houses; Home industries; Neighbourhood shops; Plant nurseries; Roadside stalls; Rural supplies; Sewage reticulation systems; Sewage treatment plants; Any other development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bee keeping; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sewerage systems; Sex services premises; Shop top housing; Signage;

Storage premises; Transport depots; Truck depots; Turf farming; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; 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 encourage development in existing town centres that reflects or enhances their character.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; High technology industries; Hostels; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Sewage reticulation systems; Shop top housing; Tourist and visitor accommodation; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industries; Jetties; Marinas; Mooring pens;

2012 No 589

Clause 2.8 Armidale Dumaresq Local Environmental Plan 2012

Part 2 Land Use Table

Moorings; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

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.
- To provide for residential uses, but only as part of a mixed use development.
- To encourage residential accommodation over commercial uses to bring a higher level of vibrancy to the centre of Armidale Dumaresq.

2 Permitted without consent

Environmental protection works; Home occupations; Roads

3 Permitted with consent

Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; High technology industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Seniors housing; Sewage reticulation systems; Shop top housing; Waste or resource transfer stations; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional

centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Rural industries; Sewerage systems; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- 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

Environmental protection works; Home occupations; Roads

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Self-storage units; Seniors housing; Sewage reticulation systems; Shop top housing; Waste or resource transfer stations; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial

2012 No 589

Clause 2.8 Armidale Dumaresq Local Environmental Plan 2012

Part 2 Land Use Table

storage establishments; Helipads; Highway service centres; Home industries; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Rural industries; Rural workers' dwellings; Sewerage systems; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone B5 Business Development

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Roads

3 Permitted with consent

Bulky goods premises; Child care centres; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Light industries; Passenger transport facilities; Plant nurseries; Respite day care centres; Rural supplies; Self-storage units; Sewage reticulation systems; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource transfer stations; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Storage premises;

Tourist and visitor accommodation; Transport depots; Truck depots; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

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.
- To provide for high technology industry and research and other compatible employment activities, provided the activities are not of a nature that would be offensive or hazardous in the locality.

2 Permitted without consent

Environmental protection works; Roads

3 Permitted with consent

Child care centres; Kiosks; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Sewage reticulation systems; 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; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Industrial retail outlets; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Storage premises;

2012 No 589

Clause 2.8 Armidale Dumaresq Local Environmental Plan 2012

Part 2 Land Use Table

Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

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 support and protect industrial land for industrial uses.
- 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

Environmental protection works; Extensive agriculture; Home occupations; Home occupations (sex services); Roads

3 Permitted with consent

Bee keeping; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Heliports; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Plant nurseries; Rural supplies; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Hazardous industries; Health services facilities; Heavy industrial storage establishments; Home-based child care; Home businesses; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Offensive industries; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Tourist and

visitor accommodation; Water recreation structures; Wharf or boating facilities

Zone IN2 Light Industrial

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations; Home occupations (sex services); Roads

3 Permitted with consent

Bee keeping; Depots; Garden centres; Hardware and building supplies; Heliports; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Plant nurseries; Rural supplies; Sewage reticulation systems; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Dairies (pasture-based); Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Home-based child care; Home businesses; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential

2012 No 589

Clause 2.8 Armidale Dumaresq Local Environmental Plan 2012

Part 2 Land Use Table

accommodation; Respite day care centres; Sewerage systems; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities

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

Roads

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 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 facilities; Roads

3 Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Cemeteries; Community facilities; Emergency services facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Food and drink premises; Heliports; Information and education facilities; Jetties; Kiosks; Markets; Moorings; Passenger

transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Sewerage systems; Water recreation structures; Water supply systems

4 Prohibited

Bee keeping; Dairies (pasture-based); Pubs; 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 facilities; Extensive agriculture; Roads

3 Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Child care centres; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Sewerage systems; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

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.

2012 No 589

Clause 2.8 Armidale Dumaresq Local Environmental Plan 2012

Part 2 Land Use Table

- 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 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; Roads

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Health consulting rooms; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Jetties; Recreation areas; Research stations; Roadside stalls; Rural workers' dwellings; Sewage reticulation systems; Veterinary hospitals; Water recycling facilities; 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

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for a limited range of uses that does not adversely affect the special environmental values or residential amenity of the area.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Neighbourhood shops; Plant nurseries; Recreation areas; Respite day care centres; Roadside stalls; Seniors housing; Sewage reticulation systems; Sewage treatment plants; Veterinary hospitals; Water recycling facilities; Water reticulation systems

4 Prohibited

Bee keeping; Dairies (pasture-based); Industries; Service stations; Turf farming; Warehouse or distribution centres; Any other development not specified in item 2 or 3

2012 No 589

Clause 3.1 Armidale Dumaresq Local Environmental Plan 2012

Part 3 Exempt and complying development

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

- (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.

2012 No 589

Clause 3.3 Armidale Dumaresq Local Environmental Plan 2012

Part 3 Exempt and complying development

- (3) To be complying development, the development must:
 - (a) be permissible, with development 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 or referred to 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 under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,

-
- (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*.

2012 No 589

Clause 4.1 Armidale Dumaresq Local Environmental Plan 2012

Part 4 Principal development standards

Part 4 Principal development standards

4.1 Minimum subdivision lot size

The objectives of this clause are as follows:

- (a) to ensure that lot sizes are compatible with local environmental values, constraints and permissible uses,
 - (b) to facilitate the efficient use of land and its resources for residential and other human purposes,
 - (c) to minimise potential land use conflicts.
- (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.
 - (4A) Despite subclause (3), land within Zone R5 Large Lot Residential may be subdivided to create lots of at least 1 hectare, but only if the consent authority is satisfied that each lot is, or will be, serviced by a water reticulation system and sewerage system.

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
 - (a) 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 a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots,
 - (c) Zone R5 Large Lot Residential,
 - (d) Zone E3 Environmental Management,
 - (e) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is

not to be less than the minimum size shown on the Lot Size Map in relation to that land.

4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection 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 is proposed to be used, for residential accommodation or tourist and visitor accommodation:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots,
 - (c) Zone R5 Large Lots Residential,
 - (d) Zone E3 Environmental Management,
 - (e) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Note. Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that strata subdivision of a building in certain circumstances is specified complying development.

4.1B Subdivision in Zone E3 and Zone E4

- (1) The objective of this clause is to ensure that lot sizes and subdivision patterns in certain environmental zones allow buildings to be sited to better protect the environmental values of the area.
- (2) This clause applies to each lot (an **original lot**) that contains land in both Zone E3 Environmental Management and Zone E4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) that are less than the minimum size shown on the Lot Size Map for the land if:
 - (a) the consent authority is satisfied that:
 - (i) no buildings will be erected on any resulting lots that contain land in Zone E3 Environmental Management, and
 - (ii) the subdivision will not result in any significant adverse environmental impacts on the land being subdivided, and

2012 No 589

Clause 4.1C Armidale Dumaresq Local Environmental Plan 2012

Part 4 Principal development standards

- (b) the number of resulting lots will not exceed the number of lots that could be created by a subdivision of land under clause 4.1.

4.1C Exceptions to minimum lot sizes for certain rural subdivisions

- (1) The objective of this clause is to enable the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of permissible uses other than for the purpose of dwelling houses or dual occupancies.
- (2) This clause applies to land in the following rural zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots.
- (3) Land to which this clause 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, where 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).
- (3) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:
 - (a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and
 - (b) the subdivision is necessary for the ongoing operation of the permissible use, and
 - (c) the subdivision will not cause a conflict between the use of the land subdivided and the use of the surrounding land in the locality, and
 - (d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.

4.1D Minimum lot sizes for certain split zones

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (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 Primary Production Small Lots, Zone E3 Environmental Management or Zone E4 Environmental Living.
 - (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 Primary Production Small Lots, Zone E3 Environmental Management or Zone E4 Environmental Living 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 Primary Production Small Lots,
 - (d) Zone RU6 Transition.

Note. When this Plan was made it did not include Zone RU2 Rural Landscape or Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with development 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. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

2012 No 589

Clause 4.2A Armidale Dumaresq Local Environmental Plan 2012

Part 4 Principal development standards

4.2A Erection of dwelling houses or dual occupancies on land in certain rural, residential and environment protection zones

- (1) The objectives of this clause are as follows:
 - (a) to minimise unplanned rural residential development,
 - (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural and environment protection zones.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots,
 - (c) Zone R5 Large Lot Residential,
 - (d) Zone E3 Environmental Management,
 - (e) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land:
 - (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
 - (b) is a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or
 - (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (d) is an existing holding, or
 - (e) is a 2004 holding on which the erection of a dwelling house or dual occupancy was permissible immediately before this Plan commenced, or
 - (f) would have been a lot or a holding referred to in paragraph (a), (b), (c), (d) or (e) had it not been affected by:
 - (i) a minor realignment of its boundaries or a plan of consolidation that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.

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

-
- (4) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.
- (5) In this clause:
- 2004 holding** means land that:
- (a) was a holding on 1 July 2004, and
 - (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,
- whether or not there has been a change in the ownership of the holding since 1 July 2004.
- existing holding** means land that:
- (a) was a holding on 14 June 1985, and
 - (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,
- whether or not there has been a change in the ownership of the holding since 14 June 1985.
- holding** means all adjoining land, even if separated by a road or railway, held by the same person or persons.
- Note.** The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

4.2B Erection of rural workers' dwellings in certain rural and environment protection zones

- (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 Primary Production Small Lots,
 - (c) Zone E3 Environmental Management.
- (3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that:
 - (a) the development will be on the same lot as an existing lawfully erected dwelling house, and
 - (b) the development will not impair the use of the land for agricultural or rural industries, and

2012 No 589

Clause 4.3 Armidale Dumaresq Local Environmental Plan 2012

Part 4 Principal development standards

- (c) the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and
- (d) 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.

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to ensure the height of buildings complements the streetscape and character of the Armidale central business district and surrounding area,
 - (b) to minimise the adverse impact of development on heritage conservation areas and heritage items in the Armidale central business district.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

[Not adopted]

4.5 Calculation of floor space ratio and site area

[Not adopted]

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development 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) Development 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) Development 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
 - (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) Development 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 Primary Production Small Lots, 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, Zone RU6 Transition or Zone E2 Environmental Conservation.

2012 No 589

Clause 4.6 Armidale Dumaresq Local Environmental Plan 2012

Part 4 Principal development standards

- (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 development 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.

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 Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone RE1 Public Recreation and marked "Local road"	Council

- (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.

2012 No 589

Clause 5.2 Armidale Dumaresq Local Environmental Plan 2012

Part 5 Miscellaneous provisions

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.
- (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:
- (a) 100 metres from any zone boundary shared with Zone RU1 Primary Production, Zone RU3 Forestry or Zone RU4 Primary Production Small Lots, or
 - (b) 20 metres from any other zone boundary.
- (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 E4 Environmental Living, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone W1 Natural Waterways.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development 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) This clause does not prescribe a development standard that may be varied under this Plan.

2012 No 589

Clause 5.4 Armidale Dumaresq Local Environmental Plan 2012

Part 5 Miscellaneous provisions

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 4 bedrooms.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(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 100 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 60 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 gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (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) 30% of the total floor area of 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 Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW 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.

2012 No 589

Clause 5.9 Armidale Dumaresq Local Environmental Plan 2012

Part 5 Miscellaneous provisions

- (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 Fire and Rescue NSW 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, including biodiversity values, 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.
- (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:
- development consent, or
 - 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:
- that is or forms part of a heritage item or that is within a heritage conservation area, or

(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,

unless the Council is satisfied that the proposed activity:

(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and

(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or 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:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) 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 and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

Note. Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

Note. When this Plan was made it did not include Zone E2 Environmental Conservation.

2012 No 589

Clause 5.9AA Armidale Dumaresq Local Environmental Plan 2012

Part 5 Miscellaneous provisions

5.9AA Trees or vegetation not prescribed by development control plan

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Armidale Dumaresq,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) 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,
- (d) disturbing or excavating an Aboriginal place of heritage significance,

- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, 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 an Aboriginal place of 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 of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the

2012 No 589

Clause 5.10 Armidale Dumaresq Local Environmental Plan 2012

Part 5 Miscellaneous provisions

item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment**

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

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

require a heritage management document 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 heritage 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) **Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of 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 by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and

take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (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, or for any purpose on an Aboriginal place of heritage significance, 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 or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, 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 development 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

2012 No 589

Clause 5.13 Armidale Dumaresq Local Environmental Plan 2012

Part 5 Miscellaneous provisions

development consent, or that is exempt development, under *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.

5.13 Eco-tourist facilities

- (1) The objectives of this clause are as follows:
- (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
 - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
 - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
 - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
 - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
 - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
 - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and

-
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
 - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
 - (j) the development will not adversely affect the agricultural productivity of adjoining land, and
 - (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

2012 No 589

Clause 6.1 Armidale Dumaresq Local Environmental Plan 2012

Part 6 Additional local provisions

Part 6 Additional local provisions

6.1 Earthworks

- (1) The objective of this clause is 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.
- (2) Development consent is required for earthworks unless:
 - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
 - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - (b) the effect of the 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 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) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.

6.2 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,

-
- (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 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) will not 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) will not 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* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.
 - (5) In this clause **land at or below the flood planning level** means land at or below the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

6.3 Airspace operations

- (1) The objectives of this clause are as follows:
 - (a) to provide for the effective and on-going operation of the Armidale Regional Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
 - (b) to protect the community from undue risk from that operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.

2012 No 589

Clause 6.4 Armidale Dumaresq Local Environmental Plan 2012

Part 6 Additional local provisions

- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:
 - (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
 - (b) the development will not penetrate the Limitation or Operations Surface.
- (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.
- (5) In this clause:

Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Armidale Regional Airport.

relevant Commonwealth body means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Armidale Regional Airport.

6.4 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows:
 - (a) to prevent certain noise sensitive developments from being located near the Armidale Regional Airport and its flight paths,
 - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
 - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
- (2) This clause applies to development that:
 - (a) is on land that:
 - (i) is near the Armidale Regional 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.

-
- (3) 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, and
 - (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.
- (4) In this clause:
- ANEF contour* means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Armidale Regional Airport prepared by the Department of the Commonwealth responsible for airports.
- AS 2021—2000* means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

6.5 Development within a designated buffer

- (1) The objective of this clause is to maintain a safe and effective operational environment around the Armidale Regional Airport and Armidale Sewage Treatment Plant.
- (2) This clause applies to land identified as “ARA” on the Airport Buffer Map and “STP” on the Sewage Treatment Plant Buffer Map.
- (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 or other emissions associated with existing land uses would have on the proposed development,
 - (b) any proposed measures incorporated into the development that would 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 safe and effective operational environment of the Armidale Regional Airport and Armidale Sewage Treatment Plant and any existing development that forms part of those facilities.

2012 No 589

Clause 6.6 Armidale Dumaresq Local Environmental Plan 2012

Part 6 Additional local provisions

6.6 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

6.7 Location of sex services premises

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:
 - (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:
 - (i) in Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential or Zone RE1 Public Recreation, or
 - (ii) used for the purposes of a child care centre, a community facility, a school or a place of public worship,
 - (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:
 - (i) that adjoins the proposed development, or
 - (ii) that can be viewed from the proposed development, or
 - (iii) from which a person can view the proposed development.

6.8 Remediation of land at former gasworks site and adjoining land, Armidale

- (1) This clause applies to land bound by Beardy Street, Jessie Street, Allingham Street and Dumaresq Street and Dumaresq Creek, being Lots 13 and 14, DP 574307, Lots 11–13, DP 251514, Lots 2–5 and 11, DP 25398, Lot 12, DP 567720, Lots 18 and 19, DP 594665 and Lots 21–23, DP 621344 (*the former gasworks site*).

- (2) In this clause, a reference to the *remediation strategy* for the land is a reference to the remediation strategy for contaminated land at the former gasworks site and adjoining land for which development consent has been granted and that comprises construction of a containment cell over the former gasworks site and capping of the residue of the land.
- (3) Despite any other provision of this Plan, development consent is required for development that would result in penetration of the capping layer installed over Lots 13 and 14, DP 574307, Lots 11–13, DP 251514 and Lots 2–5, DP 25398 as part of the remediation strategy for the land.
- (4) Development consent must not be granted for development referred to in subclause (3) unless the consent authority has taken into consideration the impact of carrying out the development on human health and the environment resulting from the disturbance or exposure to potentially contaminated land on the site.
- (5) Despite any other provision of this Plan, development that would penetrate the containment cell erected as part of the remediation strategy on Lot 11, DP 25398, Lot 12, DP 567720, Lots 18 and 19, DP 594665 and Lots 21–23, DP 621344 is prohibited.
- (6) Development referred to in subclause (5) does not include repair, maintenance or contingency works that are part of the remediation strategy for the land.

6.9 Development on land bounded by Queen Elizabeth Drive, Golgotha Street, Niagara Street and Tancredi Street, Armidale

- (1) This clause applies to land bounded by Queen Elizabeth Drive, Golgotha Street, Niagara Street and Tancredi Street, Armidale that is in Zone B4 Mixed Use.
- (2) Development consent must not be granted for development for the purpose of bulky goods premises or a shop unless the gross floor area of the premises or shop will not exceed 1,500 square metres.

6.10 Development on land at 118 and 120 Niagara Street, Armidale

- (1) This clause applies to land at 118 and 120 Niagara Street, Armidale, being Lot 1, DP 799192 and Lot 19, DP 1076915.
- (2) Development consent must not be granted for development for the purpose of bulky goods premises or a shop unless the gross floor area of the premises or shop will not exceed 100 square metres.

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 201 Canambe Street, Armidale

- (1) This clause applies to land at 201 Canambe Street, Armidale, being Lot 9, DP 862908.
- (2) Development for the purposes of an educational establishment is permitted with development consent.

2 Use of certain land at 11087–11097 New England Highway, Armidale

- (1) This clause applies to land at 11087–11097 New England Highway, Armidale, being Lot 2, DP 1129942.
- (2) Development for the purposes of a vehicle sales or hire premises, vehicle body repair workshop, vehicle repair station and office premises is permitted with development consent, if the development is associated with a transport museum on the land and is for the display, sale or repair of veteran motor vehicles, vintage motor vehicles or classic motor vehicles only.
- (3) In this clause:
 - classic motor vehicle* refers to any motor vehicle that was manufactured at least 25 years before the commencement of this Plan.
 - veteran motor vehicle* refers to any motor vehicle built up to and including 1918.
 - vintage motor vehicle* refers to any motor vehicle built from January 1919 to December 1930.

3 Use of certain land at 2–4 Stephen Street, Armidale

- (1) This clause applies to land at 2–4 Stephen Street, Armidale, being Lot 3, DP 520645.
- (2) Development for the purposes of self-storage units is permitted with development consent.

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.

Signage—general requirements

- (1) Must be non-moving.
- (2) Must be at least 700mm from kerb or roadway edge of a public road.
- (3) Must be at least 2.6m above any public footpath.
- (4) Must relate to the lawful use of the building (except for temporary signs or tourist information or directional signs).
- (5) Must not be detrimental to the character and functioning of the building.
- (6) Must not cover mechanical ventilation inlet or outlet vents.
- (7) Must not be externally illuminated.
- (8) Must not be flashing.
- (9) Must not be internally illuminated, unless the sign is on premises in Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B7 Business Park, Zone IN1 General Industrial, or Zone IN2 Light Industrial, or on business or industrial premises in Zone RU5 Village.

Signage—signs on residential premises

- (1) Must meet the general requirements for signage.
- (2) Must be on land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R5 Large Lot Residential, Zone RE1 Public Recreation, Zone RE2 Private Recreation, Zone E1 National Parks and Nature Reserves, Zone E3 Environmental Management or Zone E4 Environmental Living.
- (3) Maximum 2 signs per premises, including existing signs.
- (4) Maximum area—1m².
- (5) Maximum height—3m.

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 2 Exempt development

- (6) Must not be located on land on which there is a building that is a heritage item unless:
 - (a) no part of the sign will cover windows or architectural projections or other decorative features of the premises, and
 - (b) the sign can be removed without altering the fabric of the heritage item, and
 - (c) the sign is not painted onto the surface of the heritage item, and
 - (d) display of the sign does not require the removal of a tree.

Signage—signs on business or industrial premises

- (1) Must be located on land in Zone RU5 Village, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B7 Business Park, Zone IN1 General Industrial or Zone IN2 Light Industrial.
- (2) Maximum 3 signs per premises, including existing signs.
- (3) Must be one of the following types of signs:
 - (a) top hamper sign with maximum area—2.5m², or
 - (b) under awning sign with maximum area—1.5m², or
 - (c) projecting wall sign with maximum area—2.5m², or
 - (d) flush wall sign that does not extend above the top of the wall to which it is attached and with maximum area—2.5m².
- (4) Must not be internally illuminated unless:
 - (a) the sign is not in continuous or intermittent motion, and
 - (b) the display is not varied at pre-set timing intervals.
- (5) Must not be displayed on land on which there is a building that is a heritage item unless:
 - (a) no part of the sign will cover windows or architectural projections or other decorative features of the premises, and
 - (b) the sign can be removed without altering the fabric of the heritage item, and
 - (c) display of the sign does not require the removal of a tree.
- (6) Must not be located on land in a heritage conservation area unless:
 - (a) maximum height—3m, and
 - (b) no part of the sign will cover windows or architectural projections or other decorative features of the premises.

Signage—real estate signs

- (1) Must meet the general requirements for signage.
- (2) Must be located within the boundaries of the premises.
- (3) Maximum area for signs on residential premises—2.5m².
- (4) Maximum height—6m.
- (5) Must be removed within 14 days after the premises or land is sold or let.
- (6) Maximum 2 signs per premises.

Signage—signs behind the glass line of a shop window

- (1) Must meet the general requirements for signage.
- (2) Must not be located in a sex services premises or restricted premises.

Signage—replacement of existing signs

- (1) Must replace a sign lawfully displayed.
- (2) Must not increase the display area or intensity of illumination.

Signage—temporary signs (special events or venues for exhibitions or demonstrations)

- (1) Must meet the general requirements for signage.
- (2) Maximum area—5m².
- (3) Maximum height—6m.
- (4) Must not be displayed earlier than 28 days before, or later than 14 days after, the event.
- (5) Must not obstruct the sight line of vehicular traffic.
- (6) Must not be located on land on which there is a building that is a heritage item, unless:
 - (a) no part of the sign will cover windows or architectural projections or other decorative features of the premises, and
 - (b) the sign can be removed without altering the fabric of the heritage item, and
 - (c) the display of the sign does not require the removal of a tree, and
 - (d) maximum area—2.5m².

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 2 Exempt development

Signage—sponsorship signs (corporate sponsorship of a community or sporting event)

- (1) Must meet the general requirements for signage.
- (2) Maximum height—6m.
- (3) Must not include commercial advertising apart from the name or logo of any event sponsors.
- (4) Must be located and oriented to be predominantly visible to spectators within the site rather than to the general public externally.
- (5) Must not obstruct the sight line of vehicular traffic.
- (6) Must not be located on land on which there is a building that is a heritage item, unless:
 - (a) no part of the sign will cover windows or architectural projections or other decorative features of the premises, and
 - (b) the sign can be removed without altering the fabric of the heritage item, and
 - (c) the display of the sign does not require the removal of a tree, and
 - (d) maximum area—2.5m².

Signage—tourist information or directional signs

- (1) Must indicate to the public tourist attractions and facilities in the locality, comprising:
 - (a) places of historical, scientific, educational or public interest, or
 - (b) picnic areas, parks or rest areas, or
 - (c) public buildings, public utilities or essential services, or
 - (d) recreational, sporting, charitable or religious facilities, or
 - (e) tourist and tourist-related facilities and undertakings, including caravan parks, camping grounds, tourist and visitor accommodation, and service stations.
- (2) Maximum area—0.3m².
- (3) Maximum height—6m.
- (4) Must not be located within a road reserve without the approval of the relevant road authority.

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. Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 4 Classification and reclassification of public land

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	

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

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

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Locality	Item	Address	Property description	Significance	Item no
Argyle	Cottage	372 Metz Road	Lot 330, DP 755834	Local	I207
Argyle	Tattersalls Hotel, brick outbuildings	372 Metz Road	Part of Lot 9, DP 1167511	Local	I001
Armidale	Pair of railway cottages	11 Ampol Street	Lot 31, DP 883524	Local	I004
Armidale	Armidale Racecourse, jockeys' rooms	1-59 Barney Street	Lot 1130, DP 39842	Local	I005
Armidale	House, "Southall"	100 Barney Street	Lot 5, DP 880142	Local	I006
Armidale	S H Smith house, including trees	100 Barney Street	Lot 5, DP 880142	Local	I007
Armidale	Houses	140-146 Barney Street	Lots 1-4, DP 241777	Local	I008
Armidale	ASCA building	166 Barney Street	Lot 2, DP 550693	Local	I009
Armidale	JT Moriarty Store	62 Beardy Street	Lot 3, DP 846893	Local	I011
Armidale	House	90 Beardy Street	Part of Lots 3 and 4, DP 533726	Local	I012
Armidale	AMP Society building	135 Beardy Street	Lot 1, DP 322377; Lot 1, DP 322378	Local	I013
Armidale	Commercial building	136 Beardy Street	Lot 21, DP 540778	Local	I014
Armidale	Westpac building	139 Beardy Street	Lot 2, DP 322378	Local	I015
Armidale	Imperial Hotel	156 Beardy Street	Lot 1, DP 900121	Local	I016

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 5 Environmental heritage

Locality	Item	Address	Property description	Significance	Item no
Armidale	Commercial building	157 Beardy Street	Lots 5 and 6, DP 1094193	Local	I017
Armidale	Armidale Post Office	158 Beardy Street	Lot 11, Section 5, DP 758032	State	I018
Armidale	Former Commonwealth Bank	164 Beardy Street	Lot 1, DP 123572	State	I019
Armidale	Tattersall's Hotel	174 Beardy Street	Lot 7, DP 564754	Local	I020
Armidale	Commonwealth Bank	176 Beardy Street	Lot B, DP 332918	Local	I021
Armidale	CBC Bank, "The Stables"	191-193 Beardy Street	Lot 1, DP 903351	Local	I022
Armidale	New England Hotel	194 Beardy Street	Lot 3, DP 597852	Local	I023
Armidale	J Richardson and Company	197 Beardy Street	Lot 673, DP 1117308	Local	I024
Armidale	Former Theatre Royal	203 Beardy Street	Lot 131, DP 610678	Local	I025
Armidale	State Bank	208 Beardy Street	Lot 16, DP 707571	Local	I026
Armidale	Timber suspension footbridge	237 Beardy Street	Lot 1, DP 1150235; Lot 4, DP 877846	Local	I210
Armidale	Victoria Cottage	261 Beardy Street	Lot 14, DP 737932	Local	I027
Armidale	House	282 Beardy Street	Lot 1, DP 38357	Local	I028
Armidale	House	307 Beardy Street	Lot 1, DP 650806	Local	I029
Armidale	Trees and garden	17 Bona Vista Road	Lot 43, DP 1054738	Local	I030
Armidale	House and grounds, "Bona Vista"	30 Bona Vista Road	Lots 669 and 670, DP 755808	Local	I031
Armidale	Cottage, former post office	800 Boorolong Road	Lot 3, DP 982353	Local	I032

Locality	Item	Address	Property description	Significance	Item no
Armidale	Armidale Railway Station	Brown Street, Main Northern Railway	Lot 33, DP 883524	State	I033
Armidale	Armidale Railway Station and yard group movable relics	Brown Street, Main Northern Railway	Lot 33, DP 883524	State	I034
Armidale	Railway turntable	Brown Street, Main Northern Railway	Lot 33, DP 883524	State	I035
Armidale	House and garden, "Trelawney"	84 Brown Street	Lot 13, Section 32, DP 758032	Local	I211
Armidale	House, "Wiluna"	89 Brown Street	Lot 7, DP 83824	Local	I212
Armidale	House, garden and hedge	93 Brown Street	Lots 1 and 2, DP 1058810	Local	I213
Armidale	Cottage	98 Brown Street	Lot 37, DP 581120	Local	I036
Armidale	House and garden, "Birida"	108 Brown Street	SP 39370	Local	I037
Armidale	House and stable	111 Brown Street	Lot 5, DP 542804	Local	I038
Armidale	House	113 Brown Street	Lot 18, DP 550823	Local	I039
Armidale	Trees along eastern boundary	125 Brown Street	SP 64758	Local	I214
Armidale	House	131 Brown Street	Lot 1, DP 1150264	Local	I040
Armidale	House	134 Brown Street	Lot 1, DP 78722; Lot 1, DP 136782	Local	I041
Armidale	House	138 Brown Street	Lot 13, Section 29, DP 758032	Local	I042
Armidale	House	166 Brown Street	Lot 1, DP 781376	Local	I043

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 5 Environmental heritage

Locality	Item	Address	Property description	Significance	Item no
Armidale	Cottages	193 and 195 Brown Street	Lots 21 and 22, DP 716198	Local	I044
Armidale	Cottage, "Arelllo"	196 Brown Street	Lot 1, DP 522220	Local	I045
Armidale	Cottage	198 Brown Street	Lot 1, DP 1066037	Local	I046
Armidale	Armidale Railway Station, station master's residence	218 Brown Street	Lot 2, DP 818123	State	I047
Armidale	Former police lock-up	247 Brown Street	Lot 16, Section 52, DP 758032	Local	I048
Armidale	House	102 Butler Street	Lot 27, DP 855958	Local	I050
Armidale	Armidale High School—original circa 1921, 2-storey building, grounds	158–182 Butler Street	Lot 1, DP 196298; Lot 704, DP 755808; Lots 1 and 2, Section 49, DP 758032; Lot 1, Section 161, DP 758032; Lot 1151, DP 821627	Local	I049
Armidale	House	163 Butler Street	Lot A, DP 157084	Local	I051
Armidale	House	206 Chapel Street	Lot 8, DP 616255	Local	I052
Armidale	Garden, "Maroombra"	90–92 Cookes Road	Lot 12, DP 777282	Local	I053
Armidale	Former Trim and Co. Store	1–3 Crescent Street	Lot 16, DP 814532	Local	I054

Locality	Item	Address	Property description	Significance	Item no
Armidale	Presbyterian Ladies' College, grounds	15–57 Crest Road (bound by Glen Innes Road, Duval Street and Crest Road)	Lots 154–156, 158–162, 227–229, 250–255, 276–292, DP 15433; Lots 1–3, DP 715484; Lot 2, DP 103685; Lot 11, DP 1165229	Local	1073
Armidale	Catholic Church—school and convent group, bishop's house, former church hall—St Mary's School, Merici House, former St Ursula's College, Ursuline Convent and grounds, St Anne's building, St Mary's School, Cathedral Hall	Bound by Dangar, Barney, Jessie and Rusden Streets	Lots 1–5, Section 7, DP 758032; Lots 7 and 8, Section 7, DP 758032; Lots 12–16, Section 7, DP 758032; Part of Lot 10, DP 856013	Local	1055
Armidale	Victorian cast iron post box	Dangar Street	Footpath, north east corner Rusden Street intersection	Local	1215
Armidale	Shopfront, "Hodgson's Chemist"	114 Dangar Street	Lot 1, DP 88590	Local	1056
Armidale	Central Park, including rotunda	125 Dangar Street	Lot 16, DP 1048143	Local	1216
Armidale	Catholic Cathedral of St Mary and St Joseph and churchyard	130–136 Dangar Street	Lots 45 and 7, Section 7, DP 758032; Lot 15, DP 1048143	State nominated	1231

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 5 Environmental heritage

Locality	Item	Address	Property description	Significance	Item no
Armidale	“Arran Cottage”	133 Dangar Street	Lot 1, DP 37407	Local	I057
Armidale	House	137 Dangar Street	Lots 1 and 2, DP 319350	Local	I058
Armidale	Himalayan cedar tree	146 Dangar Street	Lot 1, DP 782856	Local	I059
Armidale	Former Hilton School	160 Dangar Street	Lots 1 and 2, DP 996619	Local	I061
Armidale	House and garden, “Kilbucho”	161 Dangar Street	Lots 1 and 2, DP 503487	Local	I060
Armidale	House and trees	176 Dangar Street	Lot 56, DP 1064237	Local	I062
Armidale	Hedges and tree	184–188 Dangar Street	Lots 4 and 5, DP 113852; Lot 20, DP 627295	Local	I063
Armidale	House	194 Dangar Street	Lot A, DP 184339	Local	I064
Armidale	Grounds, “Terangan”	39–41 and 43–53 Dangarsleigh Road	Lots 1–3, DP 857997	Local	I065
Armidale	House, “Palmerston”, including outbuildings and grounds	345 and 347 Dangarsleigh Road	Lot 2, DP 569410; Lots 1, 192, 494, 554, 555 and 767, DP 66672	Local	I066
Armidale	House	3 Dorothy Avenue	Lots 54 and 55, DP 596242	Local	I067

Locality	Item	Address	Property description	Significance	Item no
Armidale	The Armidale School—library, dormitory and headmaster’s residence, grounds, Wakefield House	87 Douglas Street, bound by Douglas, Barney, Chapel and Mann Streets and Black Gully	Lot 1, DP 1124855; Lot 1, DP 241526; Lot 1, DP 213167; Lot 1, DP 245667; Lots 1–4, DP 1124858; Lot 12, DP 112882; Lots 1–21, Section 154, DP 758032; Lots 1–21, Section 155, DP 758032	Local	I068
Armidale	The Armidale School—original main building including classrooms, chapel	87 Douglas Street	Lots 1, 2–5 and 20, Section 155, DP 758032	State	I232
Armidale	Row of houses, “Beverley”, “Lutton”, “Stanley” and “Sutton”	98, 100, 104 and 106 Douglas Street	Lot 1, DP 784408; Lot 1, DP 999245; Lot 104, DP 1130000; Lot 1, DP 709855	Local	I069
Armidale	Armidale Sportsground—trees	38–58 Dumaresq Street	Lot 1129, DP 39842	Local	I070
Armidale	Former hotel	93 Dumaresq Street	Lot 2, DP 617526	Local	I217
Armidale	Former pool entrance building	186 Dumaresq Street	Lot 4, DP 877846	Local	I219
Armidale	House	263 Dumaresq Street	Lot 15, DP 579467	Local	I218
Armidale	House	269 Dumaresq Street	Lot 1, DP 199547	Local	I071

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 5 Environmental heritage

Locality	Item	Address	Property description	Significance	Item no
Armidale	Elm Avenue, row of trees—entrance to University of New England	Elm Avenue	Elm Avenue road reserve	Local	I072
Armidale	House and grounds, “Yarrobindi”	54 Faulkner Street	Lot 1, DP 504855	Local	I074
Armidale	House	68–70 Faulkner Street	Lot Y, DP 161586	Local	I075
Armidale	Legacy House	89 Faulkner Street	Lot 30, DP 788185	Local	I076
Armidale	Police station	96–98 Faulkner Street	Lot 6, Section 2, DP 758032	Local	I079
Armidale	Court house	100 Faulkner Street	Lot 4, Section 2, DP 758032	State nominated	I233
Armidale	Former sheriff’s cottage	100 Faulkner Street	Lot 4, Section 2, DP 758032	Local	I077
Armidale	Monument and tree	100 Faulkner Street	Lot 4, Section 2, DP 758032	Local	I010
Armidale	Lands Board Office	108 Faulkner Street	Lot 6, Section 5, DP 758032	State	I078
Armidale	Pastoral Chambers	111 Faulkner Street	Lot 1, DP 104630	Local	I080
Armidale	Commercial building	121 Faulkner Street	Lot 11, DP 791397	Local	I081
Armidale	Former Dumaresq Shire Offices	122 Faulkner Street	Lot 17, DP 837491	Local	I082
Armidale	Folk Museum	124 Faulkner Street	Lot 13, Section 5, DP 758032	Local	I083
Armidale	Lindsay House	128 Faulkner Street	Lot 1, DP 880142	Local	I084
Armidale	Cottage and garden, “Denham Cottage”	132 Faulkner Street	Lot 1, DP 974137	Local	I085

Locality	Item	Address	Property description	Significance	Item no
Armidale	Johnstone Memorial Hall	137 Faulkner Street	Lot 15, Section 9, DP 758032	Local	I086
Armidale	St Paul's Presbyterian Church, including grounds, fence, trees and hedge	137 Faulkner Street	Lot 15, Section 9, DP 758032	Local	I087
Armidale	House	139 Faulkner Street	Lot 1, DP 743281	Local	I088
Armidale	Elm trees	140 Faulkner Street	Lot 2, DP 573158	Local	I220
Armidale	Armidale City Public School grounds	142-152 Faulkner Street	Lots 1-9, Section 30, DP 758032; Lot 1146, DP 821025	Local	I221
Armidale	Masonic Hall	147 Faulkner Street	Lot 2, DP 582526	Local	I089
Armidale	House, hedge and garden	157 Faulkner Street	Lot 1, Section 18, DP 758032	Local	I090
Armidale	House	169 Faulkner Street	Lot 12, DP 234220	Local	I091
Armidale	House, hedge and trees, "Highbury"	177 Faulkner Street	Lot 4, DP 339610	Local	I092
Armidale	Garden, trees and hedge	187 Faulkner Street	Lot 1, DP 129759	Local	I093
Armidale	Hedge	189 Faulkner Street	Lot 1, DP 119181	Local	I094
Armidale	Garden	201 Faulkner Street	Lot 2, DP 324646	Local	I095
Armidale	House and garden	65 Galloway Street	Lot 23, DP 621281	Local	I096

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 5 Environmental heritage

Locality	Item	Address	Property description	Significance	Item no
Armidale	Culvert	Gara Road	Road reserve south east of intersection with Grafton Road	Local	I222
Armidale	House	69 Glen Innes Road	Lot 7, DP 232385	Local	I097
Armidale	House and garden, "Canowindra"	101 Glen Innes Road	Lot 5, DP 608284	Local	I098
Armidale	House	96 Golgotha Street	Lot 1, DP 1132822	Local	I099
Armidale	House	20 Grafton Road	Lot 2, DP 39091	Local	I100
Armidale	House	79 Jeffrey Street	Lot 1, DP 735455	Local	I101
Armidale	House	83 Jeffrey Street	Lot 1, DP 730537	Local	I102
Armidale	House	95 Jeffrey Street	Lot 1, DP 517875	Local	I103
Armidale	House	109 Jeffrey Street	Lots 1 and 2, DP 130007	Local	I104
Armidale	Ursuline Convent Chapel	135 Jessie Street	Lot 1, Section 7, DP 758032	State	I234
Armidale	House	168 Jessie Street	Lot 2, DP 153868	Local	I105
Armidale	House and garden, "Sturry"	170 Jessie Street	Lot 170, DP 1110296	Local	I106
Armidale	Garden	178 Jessie Street	Lot 1, DP 995365	Local	I108
Armidale	House	27 Kennedy Street	Lot 1, DP 712397	Local	I109
Armidale	Armidale Showground—buildings and trees	103–121 Kennedy Street	Lot 7012, DP 94241; Part of Lot 21, Section 91, DP 758032; Lot 1, DP 1133047	Local	I223

Locality	Item	Address	Property description	Significance	Item no
Armidale	Former public school buildings	116–122 Kentucky Street	Lot 1, DP 1055438	Local	I110
Armidale	Former De La Salle Brothers residence	35 Kirkwood Street	Lot 3, DP 837007	Local	I224
Armidale	O'Connor Catholic College Group—Kirkwood Street entry gates, avenue of trees, grounds, original main building, 1920s classroom building	39 Kirkwood Street (bound by Kirkwood, Kennedy, Donnelly and Canambe Streets)	Lots 1–4, DP 522525; Lot 10, DP 112882	Local	I111
Armidale	House	160 Kirkwood Street	Lot 1, DP 524851	Local	I112
Armidale	House	187 Kirkwood Street	Lot 1, DP 562034	Local	I113
Armidale	Former railway gatekeeper's cottage	29 Lambs Avenue	Lot 5, DP 805771	Local	I114
Armidale	Trees	68 Lynches Road	Lot 1, DP 242027	Local	I115
Armidale	House and grounds, "Boooloominbah"	60 Madgwick Drive	Lot 10, DP 1142199	State	I117
Armidale	House and grounds, "Trevenna"	60 Madgwick Drive	Lot 10, DP 1142199	State nominated	I235
Armidale	University of New England—the Lodge, sub-lodge, science block, shingled cottage	60 Madgwick Drive	Lot 10, DP 1142199	Local	I116
Armidale	House, garden and trees, "Opawa"	65 Mann Street	Lot 1, DP 1120265	Local	I118
Armidale	Garden	89 Mann Street	Lot 48, DP 632165	Local	I119

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 5 Environmental heritage

Locality	Item	Address	Property description	Significance	Item no
Armidale	Garden, hedge and fence	91–93 Mann Street	Lot 10, DP 557652; Lot 13, DP 559703	Local	I120
Armidale	House, garden and trees, “Comeytrowe”	105 Mann Street	Lot 23, DP 590445	Local	I121
Armidale	House, “Teringa”	108–110 Mann Street	Lot 5, DP 239922	Local	I122
Armidale	Garden hedge	112 Mann Street	Lot 1, DP 130024	Local	I123
Armidale	Cedar trees	116 Mann Street	Lot 10, DP 564560	Local	I124
Armidale	House, garden and cedar tree, “Loombra”	118 Mann Street	Lot 9, DP 564560	Local	I125
Armidale	House, garden, hedge and fence	128 Mann Street	Lots 1 and 3, DP 212280	Local	I126
Armidale	House, “Linden Hall”	146 Mann Street	Lot A, DP 410290	Local	I127
Armidale	Hedge and peppercorn tree	150 Mann Street	Lot 14, Section 36, DP 758032	Local	I128
Armidale	Garden	157 Mann Street	Lots 3 and 4, Section 28, DP 758032	Local	I129
Armidale	Garden	164 Mann Street	Lot 1, DP 555691	Local	I130
Armidale	House, “Carlisle”	200 Mann Street	Lot 14, DP 576854	Local	I131
Armidale	House	123 Markham Street	Lot 72, DP 815369	Local	I132
Armidale	House, “Owlscott”	129 Markham Street	Lot 27, DP 881189	Local	I133
Armidale	House	136 Markham Street	Lot 1, DP 196798	Local	I134
Armidale	House	208 Markham Street	Lot 18, DP 701223	Local	I135

Locality	Item	Address	Property description	Significance	Item no
Armidale	House, "Hepplegate"	236 Markham Street	Lot 5, DP 1064920	Local	I136
Armidale	House, grounds and fence, "Cotswold"	32 Marsh Street	Lot 22, DP 610117	Local	I137
Armidale	House	45 Marsh Street	Lot 1, DP 12546	Local	I138
Armidale	House	49 Marsh Street	Lot 21, DP 998907	Local	I139
Armidale	St Kilda Cellars	129 Marsh Street	Lot 2, DP 578182	Local	I140
Armidale	Two Himalayan cedar trees	139–141 Marsh Street	Lot 1, DP 1102010	Local	I141
Armidale	Hedge, fence, garden and trees	159–163 Marsh Street	Lot 1, DP 711560; Lot 117, DP 1133316	Local	I142
Armidale	House, garden, trees and hedge, "Belmore Cottage"	168 Marsh Street	Lot A, DP 155192	Local	I143
Armidale	House	175 Marsh Street	Lot Y, DP 371436	Local	I144
Armidale	House and Himalayan cypress trees	179 Marsh Street	Lot 1, DP 745132	Local	I145
Armidale	Garden	189 Marsh Street	Lot A, DP 330161	Local	I146
Armidale	House	192 Marsh Street	Lot 1, DP 334596	Local	I147
Armidale	Cottage	32 Martin Street	Lot 1, DP 194023	Local	I148

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 5 Environmental heritage

Locality	Item	Address	Property description	Significance	Item no
Armidale	Cemetery buildings and grounds	1–29 Memorial Drive	Lots 576–584, DP 755808; Lot 2, DP 1036752; Lot 7020, DP 94139; Lot 7019, DP 1073343; Lot 3, DP 1036750; Lot 1, DP 1036754; Lot 7036, DP 1073329	Local	I225
Armidale	Eucalyptus tree	Middlefarm Road	Road reserve	Local	I149
Armidale	House, “Kiola”	18 Millie Street	Lot 1, DP 709983	Local	I150
Armidale	House and chapel, “Moore Park”	63 Moore Park Lane	Lot 1, DP 881813	Local	I151
Armidale	House	113 Mossman Street	Lot B, DP 389072	Local	I152
Armidale	Garden, “Yo-Merrie”	120 Mossman Street	Lot 1, DP 327470	Local	I153
Armidale	C B Newling Centre, former teachers’ college, main building, residence, grounds	122–132 Mossman Street (bounded by Mossman, Faulkner, Kentucky and Dangar Streets)	Lot 78, DP 905545	State	I154
Armidale	House	144 Mossman Street	Lot 7, DP 14312	Local	I155
Armidale	House and garden, “The Turrets”	145 Mossman Street	Lot A, DP 370218	Local	I156
Armidale	Homestead, “Tilbuster”	11312 New England Highway	Lot 20, DP 1066162	Local	I158

Locality	Item	Address	Property description	Significance	Item no
Armidale	Homestead, "Newholme"	495 Newholme Road	Lot 1, DP 1035499; Lot 2, DP 597896; Lot 94, DP 1034700; Lot 1131, DP 1032729; Lots 2, 3, 5, 7, 11, 12, 23, 24, 27-31, 33, 34, 38-50, 58, 59, 77, 86-90, 99, 101-105, 109, 110, 112-114, 117, 118, 142, 145, 150, 152, 161-163, 165, 172, 173, 175, 176, 178, 179, 181, 194 and 195, DP 755819	Local	I159
Armidale	Johnson and Kennedy Service Station	120 Niagara Street	Lot 19, DP 1076915	Local	I160
Armidale	House	66 Ohio Street	Lot 2, DP 506901	Local	I161
Armidale	House, "Mongoola"	1-3 Reginald Avenue	Lot 1, DP 663177	Local	I162
Armidale	House and garden, "Uloola"	2A Reginald Avenue	Lot 210, DP 1130774	Local	I163
Armidale	House, "Roseneath"	36 Roseneath Lane	Lot 1, DP 526699	State	I164
Armidale	"Wood Park Cottage"	47 Rowlands Road	Lot 20, DP 871384	Local	I165
Armidale	House	69 Rusden Street	Lot 1, DP 859091	Local	I166
Armidale	Mallam House	94 Rusden Street	Lot 1, DP 815479	Local	I167
Armidale	St Kilda Hotel	102-104 Rusden Street	Lots 1 and 2, DP 567726	Local	I168

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 5 Environmental heritage

Locality	Item	Address	Property description	Significance	Item no
Armidale	Uniting Church Group—Uniting Church, church grounds, grounds of parsonage, Wesley Hall	112 Rusden Street	Lots 10–13, Section 9, DP 758032	Local	I169
Armidale	Former St Peter's Church Hall	116 Rusden Street	Lot 1, DP 605314	Local	I170
Armidale	St Peter's Anglican Church Group—St Peter's Anglican Cathedral, churchyard, deanery and garden, the Diocesan Registry	122 Rusden Street, (bound by Dangar, Tingcombe, Faulkner and Rusden Streets)	Lot 100, DP 869687	State	I171
Armidale	Town hall	127–129 Rusden Street	Part of Lot 12, Section 5, DP 758032	Local	I172
Armidale	Minto Building (former Central Hotel)	161 Rusden Street	Lot 1, DP 795233	Local	I173
Armidale	Baptist church and hall	163 Rusden Street	Lots 1–3, DP 907495	Local	I174
Armidale	Railway Hotel	222 Rusden Street	Lot 26, DP 706203	Local	I175
Armidale	Drummond School—grounds and trees	250 Rusden Street	Lots 1–5 and 10–20, Section 59, DP 758032; Lot 1153, DP 820551	Local	I176
Armidale	House	277 Rusden Street	Lot A, DP 156827	Local	I177
Armidale	St Mary's Anglican Church	286 Rusden Street	Lot 26, DP 1137118	Local	I178
Armidale	Cypress trees	291 Rusden Street	Lot 10, DP 1036607	Local	I179

Locality	Item	Address	Property description	Significance	Item no
Armidale	Homestead, "Saumarez", including outbuildings, gardens, grounds and driveway	230 Saumarez Road	Lot 5, DP 731015	State	I180
Armidale	House, "Wye Vale"	16 Short Street	Lot 4, DP 810419	Local	I181
Armidale	House, "Soudan"	3 Soudan Terrace	Lot 1, DP 253268	Local	I182
Armidale	House	7 Taylor Street	Lot 8, DP 247309	Local	I183
Armidale	House	36–36A Taylor Street	Lot 1125, DP 39933; Lot A, DP 393048	Local	I184
Armidale	House	150 Taylor Street	Lot 1, DP 745627	Local	I185
Armidale	Former C B Newling Administration Centre—grounds and playing fields	173 and 207–211 Taylor Street	Lots 1–3, DP 1046262	Local	I186
Armidale	Former St Patrick's Orphanage and grounds	20 The Boulevard	SP 49700	Local	I187
Armidale	House and grounds, former "Bishopscourt"	2 Uralla Road	SP 80828	Local	I188
Armidale	New England Girls' School, music building, Akaroa, dining room complex, chapel	13–83 Uralla Road	Lots 618–621, DP 755808; Lot 22, DP 112882	Local	I157
Armidale	St John's Junior School, New England Girls' School	13–83 Uralla Road	Lot 615, DP 755808	State nominated	I236

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 5 Environmental heritage

Locality	Item	Address	Property description	Significance	Item no
Black Mountain	Cemetery	Black Mountain Cemetery Road	Lot 7019, DP 1054926	Local	I226
Black Mountain	“Pinch Flat”	12150 New England Highway	Lot 5, DP 876537	Local	I189
Boorolong	Homestead and outbuildings, “Boorolong”	2344 Boorolong Road	Part of Lot 6, DP 608268; Lot 1, DP 40389; Lot 11, DP 254969	Local	I190
Castledoyle	Gara River Hydro-Electric Scheme	10km southeast of Armidale	Lot 179, DP 723329; Lot 16, DP 755813	State	I002
Dangarsleigh	House, outbuildings, entrance gates and grounds, “Chevy Chase”	643 Dangarsleigh Road	Lots 59 and 60, DP 4356	Local	I191
Dangarsleigh	War memorial	755 Dangarsleigh Road	Lot 1, DP 809402	Local	I192
Dumaresq	Dumaresq Railway Station, station master’s residence	530 Dumaresq Road	Lot 1, DP 792093	Local	I193
Dumaresq	Dumaresq Railway Station group	537 Dumaresq Road	Main Northern Railway	State	I194
Ebor	Homestead, “Milamba” (including original Guy Fawkes Post Office and sheep dip)	7122 Grafton Road	Lot 2, DP 829336	Local	I195
Ebor	House, “Kotupna”	7314 Grafton Road	Lot 2, DP 830823	Local	I196
Ebor	Cement weir	337 Point Lookout Road	Lot 41, DP 751462	Local	I197

Locality	Item	Address	Property description	Significance	Item no
Ebor	Yooroonah tank barrier	Waterfall Way	Lot 34, DP 751476; Lot 7306, DP 1164294	State	I198
Hillgrove	Baker's Creek Mine—chimney	Former Baker's Creek Mine	Part of Lot 7300, DP 1139642	Local	I200
Hillgrove	Baker's Creek Mine—winding engine house	Former Baker's Creek Mine	Lot 407, DP 755834; Part of Lot 7300, DP 1139642	Local	I201
Hillgrove	Baker's Creek Mine—surface buildings	Former Baker's Creek Mine	Part of Lot 7300, DP 1139642	Local	I202
Hillgrove	Eleanora Mine—chimney	Former Eleanora Mine	Lot 2, DP 597107	Local	I199
Hillgrove	Garibaldi Mine—chimney	Garibaldi Mine	Part of Lot 7300, DP 1139642	Local	I203
Hillgrove	Shearing shed, "Hillgrove Station"	2457 Grafton Road	Lot 1, DP 556558	Local	I204
Hillgrove	Cemetery	Hillgrove Cemetery Road	Lot 7304, DP 1137270	Local	I227
Jeogla	Styx River Bridge	Armidale–Kempsey Road		Local	I228
Jeogla	Kunderang East Pastoral Station	80km north-west of Oxley Wild Rivers National Park	Lot 1, DP 751444	State	I003
Kellys Plains	St John's Church of England	478 Kellys Plains Road	Lots 850 and 851, DP 755808	Local	I205
Kellys Plains	Machinery shed, "Stoneleigh"	46 Stoneleigh Road	Lots 27–30, DP 755840; Part of Lot 93, DP 5455	Local	I206
Thalgarrah	House, "Thalgarrah"	1602 Rockvale Road	Part of Lot 1, DP 706601	Local	I208

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Schedule 5 Environmental heritage

Locality	Item	Address	Property description	Significance	Item no
Thalgarrah	Thalgarrah Anglican Church	1604 Rockvale Road	Lot 1, DP 917698	Local	I229
Wollomombi	Homestead, "St Helena"	3138 Grafton Road	Lots 9, 10, 12-18, 26, 32, 42, 53, 57, 58, 73, 75, 76 and 96, DP 755828	Local	I209
Wollomombi	St John's Presbyterian Church	Wollomombi Village Road	Lot 163, DP 751442	Local	I230

Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on Heritage Map	Significance
Armidale Conservation Area	Shown with red diagonal hatching and labelled "C1"	Local
Armidale School Conservation Area	Shown with red diagonal hatching and labelled "C2"	Local
Armidale Showground Conservation Area	Shown with red diagonal hatching and labelled "C3"	Local
O'Connor Catholic College Conservation Area	Shown with red diagonal hatching and labelled "C4"	Local

Part 3 Archaeological sites

Locality	Item name	Address	Property description	Significance	Item no
Armidale	Site of Commissioner's Quarters, Macdonald Park	40A Barney Street	Lot 158, DP 1146831	Local	A001
Armidale	Site of Edward Allingham's Mill	237 Beardy Street	Lot 1, DP 781352	Local	A002
Armidale	Armidale Railway Station, former boiler for footwarmers	Brown Street	Lot 33, DP 883524	Local	A004

Locality	Item name	Address	Property description	Significance	Item no
Armidale	Armidale Railway Station turntable	Brown Street	Lot 33, DP 883524	State	A005
Armidale	Stone kerbing	Crescent Street	Road reserve	Local	A006
Armidale	Site of Trim's Store	1-3 Crescent Street	Lot 16, DP 814532	Local	A007
Armidale	Site of Simpson's Brewery	196-202 and 204 Dumaresq Street	Lot 3, DP 625057; Lot 5, DP 832288	Local	A008
Armidale	Site of Tuck's Brewery	219 Dumaresq Street	Lot 11, DP 596544	Local	A009
Armidale	Site of cordial factory and cottage	136 Markham Street	Lot 1, DP 196798	Local	A010
Armidale	Site of Robert Kirkwood's Mill	75 Marsh Street	Lot 4, Section 178, DP 758032	Local	A014
Armidale	Site of original Trim's store	82 Marsh Street	Lot 33, DP 1031471	Local	A015
Armidale	Domed beehive cistern	237 Rusden Street	Lot 24, DP 716036	Local	A012
Armidale	Site of BA Moses' Tannery	9-19 Tancredi Street	Lot 4, DP 590416	Local	A013

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.

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be 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 may (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.

Note. The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

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.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

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 a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, 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.

Note. Agricultural produce industries are a type of *rural industry*—see the definition of that term in this Dictionary.

agriculture means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

Note. Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

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 that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

Note. Airports are a type of *air transport facility*—see the definition of that term in this Dictionary.

Airport Buffer Map means the Armidale Dumaresq Local Environmental Plan 2012 Airport Buffer Map.

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. Aquaculture is a type of *agriculture*—see the definition of that term in this Dictionary.

archaeological site means a place 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, and

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

(c) none of the dwellings is located above any part of another dwelling.

Note. Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

backpackers' accommodation means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note. Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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 an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (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 for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

bee keeping means a building or place used for the keeping and breeding of bees for commercial purposes.

Note. Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

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.

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.

Note. Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) 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, hotel or motel accommodation, seniors housing or a serviced apartment.

Note. Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

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.

Note. This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

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) and 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 does not include general advertising of products, goods or services.

Note. Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

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 the principal purpose of which is the sale, 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, and
- (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,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, 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.

Note. Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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

Note. Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

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 includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

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

- (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.

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

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 a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most 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.

Note. Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

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

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

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

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

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

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

- (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.

commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

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 Armidale Dumaresq Council.

crematorium means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

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

conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are 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).

Note. Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note. Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or 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, but does not include a farm building.

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 a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

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.

Note. Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

earthworks means excavation or filling.

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

eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note. See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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.

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) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) 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, but does not include coastal protection works.

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.

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 any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Note. Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying,

2012 No 589

Armisdale Dumaresq Local Environmental Plan 2012

Dictionary

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.

Note. Extractive industries are not a type of *industry*—see the definition of that term in this Dictionary.

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 a building or place that provides temporary or short-term accommodation 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.

Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

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

Note. Feedlots are a type of *intensive livestock agriculture*—see the definition of that term in this Dictionary.

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

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

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*.

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 Armidale Dumaresq Local Environmental Plan 2012 Floor Space Ratio Map. [Not adopted. See clause 4.4.]

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub.

Note. Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

- (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 home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note. Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note. Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note. General industries are a type of **industry**—see the definition of that term in this Dictionary.

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
 - (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 permanent group home or a transitional group home.

Note. Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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.

Note. Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

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

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

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.

Note. Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note. Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

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

Note. Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

hazardous storage establishment means a building or place that is used for the storage of goods, materials or products and that would, 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 building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

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

Note. Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

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 premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note. Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

health services facility means a building or place used 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 any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

heavy industrial storage establishment means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note. Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

Height of Buildings Map means the Armidale Dumaresq Local Environmental Plan 2012 Height of Buildings Map.

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 that is 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.

Note. Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

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

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the *Heritage Act 1977* 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 or 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, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note. An inventory of heritage items is also available at the office of the Council.

Direction. Heritage items must be shown on the Heritage Map.

heritage management document means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the Armidale Dumaresq Local Environmental Plan 2012 Heritage Map.

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

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,

-
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note. High technology industries are a type of *light industry*—see the definition of that term in this Dictionary.

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) 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*,
- (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 that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and 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 signage (other than a business identification sign), 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 for a home business.

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (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,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (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 for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more 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, 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 signage (other than a business identification sign), 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, home occupation (sex services) or sex services premises.

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 signage, 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 a plant nursery, turf farming or viticulture.

Note. Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

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, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note. Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

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.

Note. Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

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

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

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

Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, 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 or rural industry is located,

but does not include a warehouse or distribution centre.

Note. See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

industry means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

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, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,

-
- (c) piggeries,
 - (d) poultry farms,

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

Note. Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

intensive plant agriculture means any of the following:

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

Note. Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

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 premises that are 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 of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

Land Application Map means the Armidale Dumaresq Local Environmental Plan 2012 Land Application Map.

Land Reservation Acquisition Map means the Armidale Dumaresq Local Environmental Plan 2012 Land Reservation Acquisition Map.

Land Zoning Map means the Armidale Dumaresq Local Environmental Plan 2012 Land Zoning Map.

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.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note. Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

light industry means a building or place used to carry out an industrial activity that does 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, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

Note. Light industries are a type of **industry**—see the definition of that term in this Dictionary.

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

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

Note. Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

livestock processing industry means a building or place used for 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 abattoirs, knackeries, tanneries, woolscours and rendering plants.

Note. Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

Lot Size Map means the Armidale Dumaresq Local Environmental Plan 2012 Lot Size Map.

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but 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.

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

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

market means an open-air area, or an existing building, that is 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.

Note. Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

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 premises that are 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. It may include the ancillary provision of other health services.

Note. Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

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.

Note. Mining is not a type of **industry**—see the definition of that term in this Dictionary.

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, but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing 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.

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, each with access at ground level, but does not include a residential flat building.

Note. Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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.

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

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.

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 premises used for the purposes of selling general merchandise 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 of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

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.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity 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 existing or likely future development on other land in the locality.

Note. Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

offensive storage establishment means a building or place that is used for the storage of goods, materials or products 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 building or place 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 existing or likely future development on other land in the locality.

Note. Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

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.

Note. Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

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.

people who are socially disadvantaged means:

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

people with a disability means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

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

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note. Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

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 receival, 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.

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 retail 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.

Note. Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

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 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.

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 theme parks, 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

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

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 means a club that holds a club licence under the *Liquor Act 2007*.

relic has the same meaning as in the *Heritage Act 1977*.

Note. The term is defined as follows:

relic means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

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, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors 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,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note. Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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, composting, 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.

Note. Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

restricted premises means 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 a pub, hotel or motel accommodation, 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 hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

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 the retail sale 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 of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

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

Note. Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note. Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note. Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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.

Note. Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

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

Note. Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

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 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 of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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

Note. Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note. Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

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

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

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

- (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 building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note. Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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 accommodation to tourists or visitors on a commercial basis and 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.

Note. Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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.

Note. Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

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.

Note. Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

Sewage Treatment Plant Buffer Map means the Armidale Dumaresq Local Environmental Plan 2012 Sewage Treatment Plant Buffer Map.

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

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

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

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note. Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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 any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign 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,

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

- (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 that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note. Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

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 industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

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 premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note. Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing 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 yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note. Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

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 business, industry, shop or passenger or freight transport undertaking.

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.

Note. Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

underground mining means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and

2012 No 589

Armisdale Dumaresq Local Environmental Plan 2012

Dictionary

- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

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 to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

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

Note. Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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 use in the commercial production of fresh or dried fruit or wine.

Note. Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

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.

Note. Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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.

Note. Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

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.

Note. Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

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.

Note. Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

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

Note. Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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.

Note. Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

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

2012 No 589

Armidale Dumaresq Local Environmental Plan 2012

Dictionary

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.

wharf or boating facilities means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (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.

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.